# CONGRESSIONAL RECORD:

CONTAINING

# THE PROCEEDINGS AND DEBATES

OF THE

# SIXTY-THIRD CONGRESS, SECOND SESSION.

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## VOLUME LI.

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1914

XUM



VOLUME LI, PART XV.

# CONGRESSIONAL RECORD,

## SIXTY-THIRD CONGRESS, SECOND SESSION.

XUM

## SENATE.

WEDNESDAY, *September 2, 1914.*

(*Legislative day of Tuesday, August 25, 1914.*)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

PROPOSED ANTITRUST LEGISLATION.

The VICE PRESIDENT. The Senate resumes the consideration of House bill 15657.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Myers | Simmons |
| Brady | Gallinger | Nelson | Smith, Md. |
| Bryan | Hollis | Norris | Smith, Mich. |
| Burton | Jones | O'Gorman | Smoot |
| Camden | Kenyon | Overman | Swanson |
| Chamberlain | Kern | Perkins | Thomas |
| Chilton | Lane | Pittman | Thompson |
| Clapp | Lea, Tenn. | Pomerene | Thornton |
| Clark, Wyo. | Lewis | Ransdell | Townsend |
| Colt | McCumber | Reed | White |
| Culberson | McLean | Shafroth | Williams |
| Cummins | Martin, Va. | Sheppard | |
| Fall | Martine, N. J. | Shively | |

Mr. CLARK of Wyoming. I desire to announce the unavoidable absence of my colleague [Mr. WARREN]. He is paired with the senior Senator from Florida [Mr. FLETCHER].

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. CUMMINS. Mr. President, I have offered a substitute for section 7. I have not the time under the rule to make an argument with regard to the subject, which is not only an important one but a difficult one. I do not intend to reiterate in detail the views that I expressed formerly with regard to the character and quality of labor as compared with commodities and their exchange among the people of the country, but I shall point out with such distinctness as I can the difference between section 7 as it appears in the bill and the substitute which I have offered for it.

First, section 7 begins in this way:

> That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purpose of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof.

It will be observed that there is no definition or interpretation of the phrase "labor organization." It will also be observed that the object or objects of such labor organizations as are to be permitted are in nowise described. I regard this as a very serious defect in the law as it is now proposed. My amendment upon that point says that—

> Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor organizations having for their objects bettering the conditions, lessening the hours, or advancing the compensation of labor.

It is a labor organization with these objects which is protected by the amendment which I have offered. Is it possible that we intend by the use of the words "labor organization," followed by the suggestion that the labor organization may carry out the legitimate objects of the association, to withdraw the hand of the law from every organization, no matter what its objects may be? What is there in the proposal now before us to indicate what the purpose of a labor organization may be? Wageworkers do not desire to be protected against anything, but the organization that has for its purpose the bettering of the conditions under which labor is performed, the lessening of the hours which labor may be employed, and the increase of the compensation to be awarded for the energy of the man who labors.

Next, I precede the amendment I have offered with the statement that ought to be in the law somewhere, for it would solve many of the problems which have vexed the courts and vexed those who have discussed the question, namely, that the labor of a human being is not a commodity or article of commerce. It is high time that we recognize the difference between the power of a man to produce something and the thing which he produces. Society has the right to regulate the sale and the transportation of the thing produced, but society has no right, according to our views of civilization, to say that a man who has the capacity to work shall work. He is free to either work or to abstain from working. He is free to persuade others to abstain from working. The thing in which he is dealing is not a commodity, and if we do not recognize the difference between the labor of a human being and the commodities that are produced by labor and capital and their transportations throughout the country we have lost the main distinction which warrants, justifies, and demands that labor organizations coming together for the purpose of bettering the conditions under which they work, of lessening the hours which they work, and of increasing the wages for which they work shall not be reckoned to be within a statute which is intended to prevent restraints of trade and monopoly.

I said all I care to say upon that subject upon a former occasion. I feel very deeply about it. Whether the section which I have proposed is adopted or not, I regard it as a high duty at this time and in this statute and in this section to declare the fundamental and vital difference between labor and the commodity which labor produces.

I have brought from section 18 those provisions which relate to the issuance of injunctions and have incorporated them in section 7. They should be in section 7. We should not deal indirectly with this important matter. We say that injunctions shall not be issued for the purpose of restraining men, whether singly or in concert, from terminating a relation of employment or from persuading others to terminate their employment. That is not the best way to reach the end we are seeking. It may be that indirectly the last clause in section 18 has the requisite effect, but we ought to say as substantive law that these things are not to be regarded as restraints of trade; and if we so declare, no court will issue an injunction to prevent a man or a group of men from doing those things which under the law they have the right to do.

In that respect my substitute is not essentially different from section 18, save in two things: First, instead of using the word "others" in describing the conditions under which there may be persuasion or inducement to withdraw patronage from one who is involved in a labor dispute I use the words "other wageworkers." It is perfectly well known that I am not a believer in what is recognized throughout the country as a secondary boycott. I think that no greater harm can be inflicted upon the cause of labor and of laboring men than to even suggest that a combination of them may select an innocent man who is in no wise connected with the labor dispute, who has no interest in the dispute other than the interest of a citizen, and say to him, "Unless all relation terminates between you and the person with whom we have the dispute we will combine to ostracize you in business." It is right that they shall be permitted to say to him, "We will not buy from you the things that you buy from the person with whom we have the dispute," but I do not think it is in harmony with the best spirit of the times to say that they can combine and declare to him, "We will not deal with you at all in anything unless you terminate all relations with the person with whom we may have the controversy."

Mr. GALLINGER. Mr. President, just one word. Is the Senator from Iowa satisfied that the provision in the pending bill does legalize what is called the secondary boycott?

Mr. CUMMINS. I am perfectly satisfied that it will be so construed, so far as the antitrust law is concerned. I fear that if we adopt the provision it will withdraw from labor organizations that mightiest weapon of all the weapons they can employ in fighting for a just cause, namely, the sympathy and the approval of the great public mind. I do not want to see that result. Therefore, my amendment limits the boycott to what I term the primary boycott; and, as I think, excludes the instance that I gave on a former occasion, and which I will not attempt now to repeat.

The amendment provides a substitute for those words stricken out by the committee, which granted the right to assemble at or near a place where men are working to carry on their campaign of peaceful, orderly persuasion. That has been stricken out of the House bill.

I am not satisfied with the language as it came from the other House; but there ought to be some provision in the bill that would make it perfectly sure that workingmen can assemble in any place where they may lawfully be to carry out lawfully their legitimate purposes. If my substitute is not adopted, I intend to offer that provision to section 18.

Mr. CULBERSON. Mr. President——



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The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I yield.

Mr. CULBERSON. I ask the Senator from Iowa if he would be satisfied with section 7 as already amended if it were further amended by inserting the words "That the labor of a human being is not a commodity or article of commerce, and"?

Mr. CUMMINS. I would not be wholly satisfied with that; but I have intended, if my substitute should not be adopted, to propose that that sentence precede section 7, so that there will be a full and complete recognition of the distinction between labor and a commodity.

The next difference between my substitute and the section is that the section relates to agricultural and horticultural associations. I think that as now worded it repeals substantially the antitrust law in important respects; and I am not in favor of doing so, and my amendment will not have that effect. I do not think it is sufficient to say that they must be organizations for mutual help and conducted without pecuniary profit to themselves. I know and every Senator here knows that there can be an association formed, involving agriculture, not for the benefit of farmers,, because farmers can not combine; but there can be an agricultural association formed that is not conducted for pecuniary profit, and yet which will forestall the market. The provision reported by the committee authorizes and legalizes an association of buyers, any association that deals with agricultural products; and if you pass this bill as it is I fear you will have legalized the very thing that the President of the United States within the last month very patriotically and energetically has been attempting to prevent, namely, an unwarrantable increase of the cost of living. I can not understand how Senators who have regard for the antitrust law are willing to do that.

My amendment inserts the word "commercial," and it is intended to cover that multitude of associations which are gathered together for mutual help and for better fellowship, and organizations of that character have just as good right to organize as have agricultural and horticultural associations; but I add in my amendment the further provision that neither one of them must be organized and carried on for the pecuniary profit of the members of the association. In that way we entirely escape any invasion of the antitrust law. I want to see the agricultural and horticultural and commercial organizations that come together to create a better atmosphere, to exchange information, to make men neighborly, to make them efficient, continue and multiply, because that is a part of the civilization of the age; but I do not want them to come together for the purpose of increasing the price or affecting the trade in the things in which the members of the association deal.

I was compelled to vote against the amendment offered by the Senator from New Hampshire because, while I believed that the words "and other organizations" should be in the section, yet he did not qualify the language by prohibiting such organizations as were brought together for the pecuniary profit of the individual members of the association. Therefore, recognizing it, as I thought, as a serious invasion of the antitrust law, I could not give it my support. But that qualification will be found in my substitute.

Recapitulating, my substitute recognizes the high quality of labor, distinguishes the power, whether mental or physical, of the human being to render service to his fellow men from the commodity which may be produced through that service. It prescribes the purposes for which the labor organizations may associate, purposes that are indissolubly connected with labor and with its well-being; it avoids what I believe we all ought to avoid, what is generally known as the secondary boycott, and deals with other organizations in the way I have just mentioned.

Mr. LEWIS. Mr. President, I desire to submit a few observations under this amendment expressing a point of view I had intended to express in the original debate on the bill; but following the very able argument made by the Senator from Arizona [Mr. ASHURST] and the Senator from Kansas [Mr. THOMPSON] I felt at the time that it was not necessary for me to submit my views, and I was perfectly conscious that I could add nothing to the exhaustive presentations of those eminent Senators. At this time, however, I desire to direct my own attention to some features of the amendment tendered by the Senator from Iowa and then to offer a suggestion that shall define, as I see it, the distinction between organizations of men designated as labor unions and organizations of men designated as farmers' associations from corporate organizations in so far as the application of the Sherman antitrust law will go.

First, it is contended in very eminent sources—and I have been in receipt of many letters and protests to that effect, as has doubtless every other Senator—that when we exempt what are known as labor associations we are granting privileges and favors to a set of men, authorizing them to violate law as a body and leaving no punishment, for that we exempt them from punishment. I wish to answer that; I wish to point out the great disadvantage against which these men contend. First, if the labor unions of this country shall individually or jointly as one labor union or many proceed to do things which in themselves would amount to violations of the Sherman Antitrust Act or of State peace laws they are subject to indictment for the violation of the law of conspiracy, both of the State and of Federal Government. They can not escape punishment. They are not only subject to the law, but nothing could exempt them. They would be liable, individually and collectively, to be so indicted and sent to the penitentiary, because the acts which they would commit would render them subject to the common law of conspiracy, and under that law they would be subject to a form of penalty to which a corporation could not be subject.

Now, sir, with a corporation under the common law, as we all recall, if it could have been penalized at all only through a fine, the members of the corporation could not be imprisoned; but under the Supreme Court of the United States, in Aikens against Wisconsin, One hundred and ninety-fifth United States, page 194, say the court:

> The most innocent and constitutionally protected of acts or omissions may be made a step in a criminal plot, and if it is a step in a plot neither its innocence nor the Constitution is sufficient to prevent the punishment of the plot by law.

Therefore we answer all of these gentlemen, wherever they are, who intimate that this exemption would allow laboring men to have freedom from punishment, that under the conspiracy law of State and Nation, if they should get together for the purpose of violating the law of peace, of commerce, or of order, they would be subject to the law of conspiracy, and, still, under the law, without regard to the amendment of the Senator from Iowa or any other amendment, or this bill, would be the subject of all punishment to a further degree than could ever be visited upon any corporation for similar offense, with or without the Sherman Antitrust Act.

Second, it is argued that when we exempt them in associations we create a different situation than if we exempt them as individuals; that as a laboring man, as a farmer, a man may have certain rights, but that when once an association is entered into, then and there the form is different and takes a different relation to the law; to which I answer: If it be true that the individual occupies such relation to human life that, with regard to his personal welfare and for the calling which he pursues, it has been the policy of the law to exempt him from those rigors or those enactments which apply to other associations, the fact that he may, with others of his kind, join an association will not rob him of that individual right that applies to him as a citizen and as a person—of his status.

The Supreme Court of the United States had this likewise to consider. Under the bankruptcy act there was incorporated a provision which exempts farmers from the law of bankruptcy. It was contended before the Supreme Court of the United States that the farmer as a farmer was one thing, but that the moment he formed an association with other farmers he became a different thing, to wit, an association. Mr. Justice Holmes, in speaking for the Supreme Court of the United States, in the case of Francis *v.* McNeal (228 U. S.), proceeded to say, in substance—I will not read the opinion, but state it—that the relation of the individual to society is the test, and that if the individual combines in an association with similar kinds of individuals he does not lose such right as the law invested in him as an individual nor such exemption as the occupation of his life and the things which he does or the nature of his existence itself should afford him.

Therefore we answer both of these objections which have been sent in to us in the form of many protests by showing that these views of the protestants are wrong; that they labor under a misapprehension as to the facts; that they have fears which are groundless when they charge the Senate or the House, the body of Congress, with an object that is in any wise within the purview, to wit, of exempting one class from the effects and consequences of lawlessness.

Now, Mr. President, having set forth those two legal positions as sustained by the law, I should like to call attention to one single line from the decision of the circuit court of appeals, fourth circuit, in the case of H. D. Still's Sons against American National Bank, reported in Two hundred and ninth Federal Reporter, page 749:

> This brings us to the contention, which pervades the entire argument of respondents, that the exclusion in section 4b of farmers and tillers of the soil is confined to the "natural persons" engaged in those occupations and therefore does not exempt a partnership of farmers, because a partnership is not a natural person. In other words, it is claimed that when two or more persons enter into partnership with

each other a new and distinct entity is created, which differs so materially from the individual entity of the several members as to be in law a separate person; that one is a natural person, the other an artificial person; and that these "persons" are so different as respects their legal status that rights and privileges expressly accorded to the former do not inure to and can not be enjoyed by the latter.

I think that states the position which has been taken by those who have objected to the position which we have assumed here, and who have attempted to base their objections upon legal definitions. The court then proceeds, after stating those premises, to the conclusions which I have announced.

Now, Mr. President, when we contemplate these associations we pause to dwell upon this thought: They produce one from the earth, the other with the hand. The ancient statutes of the common law under Anne and under Elizabeth persecuted both such associations. Those statutes have not been in their spirit continued in our institutions, though in a few of the States of our Union they have been in practice. They impaled these individuals upon the law of criminal conspiracy if either of them sought by any form of association to better their condition and to bring about a higher and just price for their commodities or their labor. We have refused to adopt that policy in this Government, because it was not consistent with the spirit of liberty and our institutions.

Now, Mr. President, our reasons for it lie simply in this: The institutions which are made the subject of the Sherman Antitrust Act are those which handle the products of another. The theory is that they are intermediate sources; they do not create; they use the creation of others and the object of preventing them from monopolizing these creations is two-fold, to prevent them from persecuting those for whom these objects are to go to serve, to wit, the public at large, and from diminishing and depressing those who create. Those who create assume another feature. They invariably—let us be frank—are not of the educated class; they have not had the opportunity for education; they are not of the learned number, for they have not had the chance to obtain learning; they are not of those who can pit their intelligence and wit against the scheming contrivances of those who control opportunity and the manipulation of chance. Consequently the law steps in out of that humanity that always applies to unfortunate individuals unfortunately situated and says as to these there is no reason in justice for applying to them the same doctrine applicable in strictness to more favored institutions. Consequently, Mr. President, those exemptions are permitted by every doctrine of justice and humanity—and to those who have the right to demand that they be placed in the category of their exemptions—as ordained by nature and Christianity. That is why Senator Sherman, on March 27, 1890, in this great Chamber, in adverting to the situation, called attention to the fact that the law was never intended to apply to any one of these associations. Said he:

> When you are speaking of providing to regulate the transactions of men who are making corners in wheat, or in iron, or in woolen or in cotton goods, speculating in them or lawfully dealing in them without speculation, you are aiming at a mere commercial transaction, the beginning and end of which is the making of money for the parties, and nothing else. That is the only relation that transaction has to the State. It is the creation or diffusion or change of ownership of the wealth of the community. But when a laborer is trying to raise his wages or is endeavoring to shorten the hours of his labor he is dealing with something that touches closely, more closely than anything else, the Government and the character of the State itself.
>
> The maintenance of a certain standard of profit in dealing in large transactions in wheat or cotton or wool is a question whether a particular merchant or a particular class of merchants shall make money or not; but the question whether the standard of the laborer's wages shall be maintained or advanced, or whether the leisure for instruction, for improvement shall be shortened or lengthened is a question which touches the very existence and character of government of the State itself. The laborer who is engaged lawfully and usefully and accomplishing his purpose in whole or in part in endeavoring to raise the standard of wages is engaged in an occupation the success of which makes republican government itself possible, and without which the Republic can not, in substance, however it may nominally do in form, continue to exist.
>
> I hold, therefore, that as legislators we may constitutionally, properly, and wisely allow laborers to make associations, combinations, contracts, agreements for the sake of maintaining and advancing their wages, in regard to which, as a rule, their contracts are to be made with large corporations who are themselves but an association or combination or aggregation of capital on the other side. When we are permitting and even encouraging that, we are permitting and encouraging what is not only lawful, wise, and profitable, but absolutely essential to the existence of the Commonwealth itself.
>
> When, on the other hand, we are dealing with one of the other classes, the combinations aimed at chiefly by this bill, we are dealing with a transaction the only purpose of which is to extort from the community, monopolize, segregate, and apply to individual use, for the purposes of individual greed, wealth which ought properly and lawfully and for the public interest to be generally diffused over the whole community.

In supporting, therefore, the amendment of the Senator from Iowa, which I hold to be nothing more than an expression of that which is expressed in the bill, I contend that we are within the law, within the specific distinctions of the law, strictly within our decisions and within the principle of liberty and justice of our American country, and that in carrying out this principle we do not do injustice to any other set of men in doing equity to that particular set of men of whom it is said in the Scriptures:

> I will be a swift witness * * * against those that oppress the hireling in his wages.

Mr. KERN. Mr. President, I agree to much that has been so well said by the Senator from Iowa—indeed, to most of it. I think the time has come when there should be a strong legislative declaration to the effect that the labor of a human being is not a commodity or an article of commerce; and I hope the committee will, as suggested, incorporate that declaration in section 7 as a committee amendment.

I do not believe it is necessary to disarrange this whole bill as suggested by the Senator from Iowa. I shall vote against his amendment if the committee will agree to the amendment I have suggested.

Mr. PITTMAN. Mr. President, I think the part of the Senator's amendment which describes labor and differentiates it from a commodity is very excellent; but I shall be unable to vote for the amendment, because I do not believe it is as broad as the committee amendment.

The Senator from Iowa [Mr. CUMMINS], in his amendment, attempts to describe these organizations of labor. He attempts to state what these organizations of labor may do, for what purposes they may be organized. When an attempt of that kind is made, under the construction generally placed on such statutes it excludes, or may possibly exclude, the power of such organizations to perform other acts or to have other powers.

The committee bill describes the power of such organizations, as follows:

> That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help.

I can not conceive that there can be any broader power given to an organization than the power of mutual help. The whole object of labor organizations, as well as agricultural organizations, is to combine their forces, to combine their power. It is for mutual benefit. It makes no difference what that benefit may be, whether it is as to wages or as to hours or as to sanitary conditions, or even as to political conditions. In fact, I believe one of the strongest powers, and a lawful power at that, of organizations of this kind is the power to discuss and advise with regard to political issues and political candidates before the people.

I am fearful that the Senator from Iowa, instead of broadening the scope and power of these organizations, is limiting them. As I have said before, when you attempt to define all of the powers of such an organization, and all of the scope of it, you are excluding all those that are not named, or at least you are subjecting the law to that construction of a court.

The Senator, by reason of his interest in the cause of these organizations, does not desire to leave too much to the discretion of the courts. The discretion of the courts has been abused time and time again in the use of their equity powers with regard to labor and labor societies. The very object of this legislation is to eliminate that discretion. The section as reported by the committee has been carefully considered by the strongest representatives of labor in this country, and I believe the friends of labor in this body would act wisely if they would content themselves to stand by what labor wants.

Let me say something else with regard to this amendment of the Senator which causes me fear, and it is this: The question of fact arises before the court, upon the issuance of an injunction against such a society or association or union, as to whether or not it is organized solely for the purposes enumerated in the act. In other words, the equity power of the court is brought into force; the injunction is issued against the union, or some of its members, and then the question arises as to whether or not that union is organized for the purpose of bettering laboring conditions, increasing wages, or shortening hours. It becomes a fact submitted to the court, upon which the court can find against the labor union. You have not gotten away from the discretion. The bill as reported by the committee intends to exclude such organizations from the purview of this statute, and I believe it does; and if I did not believe it did so, I would offer an amendment to that effect.

Here is the language:

> Nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

Now, if they can not be held or construed to be illegal combinations or conspiracies, then they are not subject to prosecution under this act, or not subject to the jurisdiction of the court

under this act. The last clause of section 7, which I have just read, carries out the very purpose of organized labor; that is to say, that this legislation has nothing to do with organized labor, that it has nothing to do with organized farmers; that any unlawful acts committed in the pursuit of the objects of their organizations shall be tried and determined by other existing laws. That is what it means.

There are ample laws to punish men who commit crime, as has been so ably presented here. There is no fear that there will be lack of punishment. It is simply a question as to whether or not labor, whether it be labor on the farm or labor in the mill or labor in the mine, should be subjected to this particular act. Labor has always contended that it should not be subjected to this particular act, because it is an act that depends largely upon the equity discretion of a single judge or a court; that it is in reality not a criminal act, but a quasi-criminal act that is punished by a court, as though it were a criminal act.

Mr. CUMMINS. Mr. President, I simply wish to suggest to the Senator from Nevada that in my view he has stated just what section 7 does not do. Section 7 still leaves every act of a labor union or any member of a labor union to be tested by the antitrust law, and its lawfulness must be determined by the provisions of the antitrust law. That is precisely what I want to avoid by my amendment.

Mr. PITTMAN. I am satisfied that the Senator believes that my construction of the committee amendment is wrong and that his construction of his amendment is right, because I know he is sincerely in earnest in this matter. It is simply a difference of opinion in regard to construction. I contend that the language of the committee section, "instituted for the purposes of mutual help," is broader than the definition given to such societies by the Senator from Iowa. I further contend that unless his amendment contains this clause which is in the committee report, namely—

> Nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws—

he does not remove them from the purview of this statute; but, on the contrary, subjects them to this statute, leaving to the court that tries the matter the determination as to whether or not the society comes within the definition laid down by the Senator.

Again, the Senator states in his amendment that nothing shall be done under this act to cause such societies to cease to exist. There are worse things against labor than the destroying even of their societies, so far as punishment is concerned. While his amendment states that these unions shall not be dissolved if they come within this section, his amendment does not clearly say that these organizations shall not be tried or the members thereof shall not be tried under this act.

There are two distinct effects of the act. One of them looks to the dissolution of the union; the other one looks to the prosecution of the union or its members under the act. The Senator's amendment seems to me only to go to the first effect, the dissolution of the union, and does not protect the union or the members thereof against action under this act; while the Senate bill, or section 7 as reported by the committee, does have that effect when it says in very plain and distinct language that such organizations or the members thereof shall not be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

I think that clause alone gives the greatest protection that the farmers and laborers of this country have under this act. I believe that clause, standing alone, would afford them the protection they are demanding. In plain language it says that those organizations and the members thereof shall not be subject to this act, and the amendment of the Senator from Iowa does not contain such a provision.

Mr. WILLIAMS. Mr. President, it seems to me this whole matter may be summed up almost in one sentence. A statute which was passed avowedly and without question to check the operation of the tyranny of the combined money power of the country as being a menace to free institutions was construed by the Federal judiciary so as to operate against the freedom and liberty of men engaged in hiring their labor. It is another instance of judge-made law. The judges amended a legislative act. The sole question before us is whether we shall perpetuate this judge-made law or whether, by broad language, we shall put an unmistakable end to it.

It seems to me that the committee amendment is broader and more unmistakable, covering the ground more completely, than the substitute proposed by the Senator from Iowa.

Mr. WHITE. Mr. President, I believe in dignifying labor. I believe in giving labor all the rights that other classes have.

I like the committee provision in section 7. It is good as far as it goes. I do not think it goes far enough. I regret to differ with the committee in that view. Section 7 as I read it operates solely in a negative way. It only restricts the effect of antitrust laws. It does not propose to confer any rights and does not confer any rights. Its only effect is to prevent the antitrust laws from depriving labor of the rights it now has. I think the amendment offered by the Senator from Iowa is broader and better, in that it confers rights on labor not now enjoyed.

The amendment offered by the Senator from Iowa does all that section 7 does, and in my opinion it does more, because in terms it confers rights itself. What are those rights? Some of its provisions are merely declaratory of rights already existing, but there are other provisions that confer substantial rights that are now denied, and one of these rights is the right of free speech.

Who in America would deny that right? Who in the Senate wants to deny the right of free speech? If there is anything that is esteemed above all other in this country, it is the right to speak as you please, to think as you dare think, and dare speak what you do think. The right to peaceably persuade your fellow men is an inherent right, an inalienable right, under the Constitution of the United States. The right to use whatever influence you can by the use of your speech backed by your brain, that is your right to give and their right to receive.

The right of laborers to persuade others not to work, in a peaceable, orderly way, at a place where they have a lawful right to be, is an inherent right, and I am in favor of preserving and securing it because I know it has been denied.

I do not believe, as we are sometimes told, that one man has not the right to personally persuade another man not to work when they are both in a place where they have a right to be, and it makes no difference whether there are only a few or whether there are many present. He has the right to use that persuasion to a thousand as well as to a less number. He has the right to confer with his fellow laborers and tell them of existing conditions—tell them that conditions are onerous, oppressive, and degrading; tell them of existing conditions, whatever they are.

This is a right every man ought to have, and a right I will not deny anyone by my vote; nor will I confine this right of free speech—the right to persuade—to one person; to so confine it narrows the right; it in effect denies it. The right should be enjoyed in the larger and more effective way, the right to speak to the multitude.

Does any Senator believe that the father who has been refused the right to work by a lockout should be denied the privilege of going to his son who is working for the same concern in another department and persuade him to desist from working for an employer who had denied the father the right to work? Does any Senator believe the father should be denied the right to ask his son to join with him in making conditions better for the family, that they might earn more bread, better wages, by uniting in their efforts? I think not.

I favor the amendment of the Senator from Iowa, because it confers and secures this right. I do not believe that section 7 does. Certainly it does not do it as well or as fully.

I favor the amendment of the Senator from Iowa, because in the exercise of the rights conferred by it the conditions of labor may be improved, better wages secured, thereby elevating and dignifying labor.

The Senator from Illinois [Mr. LEWIS] has well expressed the needs of this class, as well as their helplessness. He has well presented the view that we should care for them by legislation, because of their inability to take care of themselves, that inability resulting from want of influence or position, in many cases for want of education, which has been denied them because no opportunity was afforded them to obtain it; the denial of these opportunities resulting from conditions over which they had no control—the want of education itself having darkened their lives and increased their burdens enough. For these reasons, Mr. President, I am in favor of and will vote to adopt the amendment of the Senator from Iowa.

Mr. VARDAMAN. Mr. President, labor is the source of all wealth. I believe the largest freedom and the widest latitude should be given the toilers of this country in working out their moral and material salvation. I believe in the amendment offered by the Senator from Iowa, for the reason that it recognizes that fact and vouchsafes to every citizen that opportunity.

It is a well-known truth that the laboring people of America for the last half century have not shared fairly in the products of their own toil. Others have grown rich upon the fruits of their labors while they still eat the crust of poverty. The only hope for the amelioration of the condition of the laboring people

of this country, the only means by which they will ever secure social justice, equal opportunity, and a square deal generally, is by organization. I am in favor of the organization of labor into a compact, harmonious, and perfect body, so that it may move as one in the contest for the protection of their just rights against the exactions of the concentrated cooperative wealth of the country. This is a Government which derives all of its just powers from the consent of the governed. It is also true that all the wealth of this country is derived from the toil of the individual laborer. Walt Whitman said: "The whole theory of the universe is directed to one single individual." How much more true is that principle when applied to our Government. The whole theory of the government, therefore, is directed to one single individual. The object and purpose of every law is to protect man in the enjoyment of his life, his liberty, the pursuit of happiness, and the product of his toil; and anything that a man may do which does not trench upon the rights of somebody else looking to the improvement of his own condition is justified upon the theory, if no other, than that the whole country will profit thereby. When the laboring people shall by law be secured in the enjoyment of a fair share of the products of their own labors there will come a marked improvement in their condition—the mental horizon of the toilers will be broadened and all the nobler faculties of the soul will be released from the pinch of poverty and the degrading influences of indigence and squalor. In all legislation we must not lose sight of the man. If the man be improved, society will share the improvement and the moral sentiment will write the laws of the land.

I have not words with which to express the intensity of my interest in the welfare of "that bold peasantry, the country's pride," whose toil feeds the world in time of peace and whose strong arms fight the nations' battles in time of war.

Mr. President, the debate on this measure has been long drawn out. It ought to pass. This piece of legislation should be put behind us. I am not going to continue the discussion, but I want to say that no provision of this bill, nor has any measure been considered by the Senate of more importance, far-reaching in its good results, than that which, in my judgment, will flow from the adoption of this amendment. I feel that I am doing a service to every patriotic citizen in America when I cast my vote in favor of it.

Mr. JONES. Mr. President, I am in favor of section 7, for reasons which I stated a few days ago, and unless we can get something better, I would like to vote for that section as contained in the bill. I am heartily in favor of it and of the provisions of the bill as amended by the committee from section 15 on. They, as I have said, are legislative declarations of what is now recognized by the courts as the law and will meet with no objection from fair men when they know just what they are. I believe that the amendment proposed by the Senator from Iowa is better, broader, and more definite than section 7. I think it embodies in a concrete form practically all the just demands that labor has been making for a great many years, and I hope that the amendment will be adopted.

The Senator from Indiana [Mr. KERN] suggests that to do that would disarrange the bill. I can not agree with him in that view. We have disarranged the bill in a great many particulars. The section itself has been amended by the committee and it will have to go to conference. All the adoption of the amendment of the Senator from Iowa would do would be to put that proposition in conference, and the House conferees and Senate conferees could work it out, and I have no doubt we would secure a much better provision than the provision as it now is. It would put only one more item in conference.

The House provision, as a matter of fact, was a sort of compromise. It did not give to labor what it really wanted and what it was entitled to. In my judgment, it would be wise on the part of the Senate to adopt the amendment of the Senator from Iowa.

I am glad to have the intimation from the chairman of the committee that, even if this amendment is not adopted, the Senate committee will adopt the declaration that the labor of human beings is not a commodity or article of commerce. If that is done, if the Senator from Iowa accomplishes nothing else, he will have accomplished a great thing by the adoption of that declaration.

The Senator from Nevada [Mr. PITTMAN] thinks that the terms "bettering conditions," and so forth, are not so broad and comprehensive as the terms of section 7. I think they are, but to meet the suggestion that he made I am going to offer this amendment to the amendment of the Senator from Iowa, which I have no doubt will meet with his approval. After the word "objects," in line 4, I move to insert the words "mutual help." That is the language of section 7.

Mr. CUMMINS. I am entirely willing that those words shall be inserted. I thought the amendment was as broad as it could be made before, but to meet any possible objection I accept the suggestion of the Senator from Washington, and in order to avoid taking a vote I shall ask that my substitute be changed in that way.

The VICE PRESIDENT. It will be so modified.

Mr. ASHURST. Mr. President, I desire to propose some amendments to the amendment of the Senator from Iowa [Mr. CUMMINS].

On line 14, page 2, I move to strike out the words "or commercial" and insert the word "or" between "agricultural" and "horticultural," so that the word "commercial" will be stricken out. I do this because I fear if the word "commercial" should remain in the proposed amendment we might legalize, vitalize, and galvanize life into activities such as Col. Martin M. Mulhall conducted. I know the distinguished Senator from Iowa does not want to do that, because he was an antagonist to such activities, but I respectfully submit that with the word "commercial" in the amendment Col. Mulhall's activities might legally be resumed.

I also desire to propose an additional amendment——

The VICE PRESIDENT. The Chair will suggest that one amendment to the amendment be offered at a time.

Mr. ASHURST. After this amendment shall have been disposed of I shall then propose another.

The VICE PRESIDENT. The Senator from Arizona moves to amend the amendment of the Senator from Iowa. The amendment to the amendment will be stated.

The SECRETARY. On page 2 of the printed amendments, line 14, strike out the words "or commercial" where they occur and insert the word "or" before the word "horticultural," in the same line, so that it will read:

> Nothing contained in said antitrust laws shall be construed to forbid the existence and operation of agricultural or horticultural organizations instituted—

And so forth.

Mr. CUMMINS. Mr. President, I can not agree to the proposition of the Senator from Arizona [Mr. ASHURST], although I am just as anxious to preserve in its fullness and completeness the antitrust laws as I can possibly be. The word "commercial" I have put in my substitute for this reason: We have a great number of such organizations—organizations of retail dealers, of watchmakers, harness makers, and a great variety. Every trade, every particular calling, has its organization. I think they are not only innocent, but I think they are vastly beneficial, so long as they are not used to affect in any way the commodity with which the members of the associations deal; that is, affect them for the pecuniary profit of the members.

I do not believe that agricultural and horticultural associations should go further than that. This is not limited, as you will observe, to farmers' organizations, to gardeners' organizations, to agricultural associations, and we are only warranted, it seems to me, in using those terms when we add to them the proviso that the association must not be organized for the pecuniary profit of the individual members of the association.

Mr. VARDAMAN. I understand the Senator's purpose is that these organizations shall be permitted for the exchange of ideas on the part of the men who form the organization on the improvement of methods in the conduct of the business.

Mr. CUMMINS. That is the idea.

Mr. VARDAMAN. They are intellectual and cooperative rather than for the purpose of fixing the price of anything.

Mr. CUMMINS. Precisely; that is just what I mean. These organizations, so long as they remain associations to make each member more efficient, to give him more knowledge, do great good.

Mr. VARDAMAN. It is in the nature of a school. I think there is no doubt about that.

The VICE PRESIDENT. The question is on the amendment of the Senator from Arizona [Mr. ASHURST] to the amendment of the Senator from Iowa.

The amendment to the amendment was rejected.

Mr. ASHURST. Of course what I say in proposing my amendment is not to be construed as any criticism upon the Senator from Iowa. I simply have my own view. I think his amendment omits one of the most important and essential features in behalf of labor organizations, and I propose this amendment to the amendment and ask that it be read.

The VICE PRESIDENT. The amendment to the amendment will be read.

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The SECRETARY. Add the following at the end of the proposed amendment:

Nor shall such organizations or the members thereof be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

Mr. CUMMINS. Mr. President, while I regard the amendment now suggested by the Senator from Arizona as unnecessary because I think the amendment covers it completely and fully, yet I have no objection to it whatever. It simply reiterates a statement already contained in the amendment, and therefore I hope it will be adopted.

The VICE PRESIDENT. The amendment will be modified accordingly, then. The question is on the amendment of the Senator from Iowa as amended.

Mr. REED. Mr. President, as a member of the committee I gave a very great deal of consideration to section 7 of the bill, and I have carefully examined the provisions offered by the Senator from Iowa. I am firmly convinced that the provision reported by the committee more nearly covers the matters we desire to reach and more thoroughly protects labor than does the amendment offered by the Senator from Iowa.

I am entirely willing that the first sentence in the amendment of the Senator from Iowa, declaring that labor is not a subject of commerce, shall be added to the committee bill if the rest of the committee are in accord, but, aside from that one consideration, I believe it will be found that the committee amendment when carefully studied will more thoroughly cover the case than the amendment offered by the Senator from Iowa.

Mr. HUGHES. Mr. President, I desire to state the reasons which constrain me to support the committee amendment rather than the amendment offered by the Senator from Iowa [Mr. CUMMINS]. I must say that in the way in which the Senator presents this proposition it is attractive to me, but I have been unable to give the study and consideration to it that I have given to the committee amendment. Furthermore, I have had some associations with the committee; and so far as I am concerned, I have arrived at a determination which I have expressed to them to stand by their provision. Then, too, as I consider the committee amendment I believe it to be broader than the amendment offered by the Senator from Iowa. I have no desire to detract from what the Senator from Iowa is trying to do; I believe he is thoroughly in accord and in sympathy with those of us who are endeavoring to grant a greater measure of relief and freedom to laboring people and to labor organizations; nevertheless, in view of all the circumstances, and after calm and careful deliberation, I have come to the conclusion that, in the interest of the agricultural class, as well as the other laboring people of the country, it is my duty to vote for the committee amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOLLIS (when his name was called). I have a general pair with the junior Senator from Maine [Mr. BURLEIGH]. It does not, however, cover labor-union matters. I therefore vote. I vote "nay."

Mr. LEA of Tennessee (when his name was called). I transfer my pair with the senior Senator from South Dakota [Mr. CRAWFORD] to the junior Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence, I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. ROBINSON], which I transfer to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. FLETCHER. I have a pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. CULBERSON (after having voted in the negative). I inquire if the Senator from Delaware [Mr. DU PONT] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. CULBERSON. I transfer my pair with that Senator to the Senator from Arizona [Mr. SMITH] and will allow my vote to stand.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Senate. The Senator from Tennessee [Mr. LEA] has a general pair with the Senator from South Dakota [Mr. CRAWFORD]. By mutual agreement our pairs may be exchanged, so as to allow both the Senator from Tennessee and myself to vote. I vote "yea."

Mr. LEA of Tennessee (after having voted in the negative). Mr. President, I withdraw my statement in reference to the transfer of my general pair with the Senator from South Dakota [Mr. CRAWFORD] to the junior Senator from Arizona [Mr. SMITH], and under the arrangement announced by the Senator from Wyoming [Mr. CLARK] my pair with the senior Senator from South Dakota is transferred to the senior Senator from Missouri [Mr. STONE]. I therefore allow my vote to stand. I will ask that this announcement in regard to my pair and its transfer stand for the day.

Mr. GALLINGER. Mr. President, I desire to announce the following pairs:

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH]; and

The Senator from Kansas [Mr. BRISTOW] with the Senator from Georgia [Mr. WEST].

The result was announced—yeas 20, nays 39, as follows:

YEAS—20.

| | | | |
|---|---|---|---|
| Borah | Gallinger | Lippitt | Smoot |
| Burton | Jones | McLean | Townsend |
| Clapp | Kenyon | Martine, N. J. | Vardaman |
| Clark, Wyo. | Lee, Md. | Norris | Weeks |
| Cummins | Lewis | Perkins | White |

NAYS—39.

| | | | |
|---|---|---|---|
| Ashurst | James | Oliver | Shively |
| Bankhead | Kern | Overman | Simmons |
| Bryan | Lane | Pittman | Smith, Md. |
| Camden | Lea, Tenn. | Poindexter | Smith, Mich. |
| Chamberlain | McCumber | Pomerene | Swanson |
| Chilton | Martin, Va. | Ransdell | Thompson |
| Culberson | Myers | Reed | Thornton |
| Fletcher | Nelson | Shafroth | Walsh |
| Hollis | Newlands | Sheppard | Williams |
| Hughes | O'Gorman | Shields | |

NOT VOTING—37.

| | | | |
|---|---|---|---|
| Brady | Fall | Penrose | Stone |
| Brandegee | Goff | Robinson | Sutherland |
| Bristow | Gore | Root | Thomas |
| Burleigh | Gronna | Saulsbury | Tillman |
| Catron | Hitchcock | Sherman | Warren |
| Clarke, Ark. | Johnson | Smith, Ariz. | West |
| Colt | La Follette | Smith, Ga. | Works |
| Crawford | Lodge | Smith, S. C. | |
| Dillingham | Owen | Stephenson | |
| du Pont | Page | Sterling | |

So the amendment of Mr. CUMMINS was rejected.

Mr. CULBERSON. Mr. President, I propose an amendment on page 7, line 10, of the old print of the bill, after the word "That," to insert the words "the labor of a human being is not a commodity or article of commerce and."

Mr. CUMMINS. Mr. President, I suggest to the Senator from Texas that the word "and" should not be used, inasmuch as what follows covers horticultural and agricultural associations as well. I believe it would be more impressive and more logical if the language which the Senator suggests was made a sentence by itself, so as to read:

The labor of a human being is not a commodity or article of commerce.

Mr. CULBERSON. I modify the amendment as suggested by the Senator from Iowa. I am anxious to please everybody.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Texas [Mr. CULBERSON].

Mr. BORAH. I call for a rereading of the amendment as modified.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. It is proposed to amend section 7 so as to read:

SEC. 7. That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof—

And so forth.

Mr. BORAH. Mr. President, I wish to say just a word before I vote upon this amendment. It is a declaration upon the part of Congress that labor is not a commodity or an article of commerce. Of course, we all understand why that declaration is made, and in certain respects we all agree with it. I only want to say, however, that the time will come when Congress will have to modify its view upon that question in order to legislate upon subjects with reference to labor which we may desire to consider in the future. If labor is not a commodity nor an article of commerce in the sense in which that term is used in the Constitution, we shall be very much vexed at some time in the future when we are asked to do things for labor that we shall want to do to find the constitutional authority to do them, and we will modify our views in order to find the constitutional authority in the future. We are liable to find ourselves very much limited in our power to deal with labor questions should we finally adopt the view here expressed. Labor itself is liable to be most injured. I think such a declaration unnecessary, unwise, and wholly against the interest of labor.

The PRESIDING OFFICER (Mr. JAMES in the chair). The question is on the amendment offered by the Senator from Texas.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I move to insert, after the word "do," in line 7, page 27, following the semicolon, the words——

Mr. NORRIS. Mr. President, before the Senator offers the amendment, I inquire as to where it comes in. I am unable to find it.

Mr. CUMMINS. The amendment is proposed in the second paragraph of section 18.

Mr. CLARK of Wyoming. Of the new print.

Mr. NORRIS. I am unable to find it. I have been changing prints two or three times a day. I have here what is supposed to be the new print, but there is no such word in the line indicated by the Senator.

The PRESIDING OFFICER. The Chair will state to the Senator from Nebraska that the secretaries are using the old print altogether. It is necessary for them to use that print.

Mr. NORRIS. Then we all ought to use it.

Mr. CUMMINS. As I have stated the amendment it is in the old print.

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Iowa.

The SECRETARY. On page 27, line 7, section 18, in the second paragraph of that section, and in the fifth line of that paragraph, after the words "peaceful means so to do" and after the semicolon, it is proposed to insert "or from attending at any place where any such person or persons may lawfully be for the purpose of peacefully obtaining or communicating information."

Mr. CUMMINS. Mr. President, as the bill came from the House there was at the point I have mentioned as being the place for the amendment these words, "or from attending at or near a house or place where any person resides or works, or carries on business or happens to be, for the purpose of peacefully obtaining or communicating information."

Those words were stricken out by the committee and the recommendation of the committee was adopted by the Senate, so that we have nothing in the bill relating to that particular subject. I agreed with the committee with respect to the propriety of striking them out, and I voted with the committee when the amendment was before the Senate, but I think there ought to be a proper expression upon that phase of the matter, and I have suggested it in the words in my amendment, "or from attending at any place where any such person or persons may lawfully be for the purpose of peacefully obtaining or communicating information."

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I do.

Mr. CULBERSON. So far as I am concerned, and so far as the members of the committee with whom I have communicated are concerned, there is no objection to the amendment proposed by the Senator from Iowa.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LANE. Mr. President, I offer an amendment to come in after line 14, on page 22, of the old print.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 22, line 14, at the end of section 12, it is proposed to insert the following:

*Provided*, That the Secretary of the Treasury, and in cases affecting the War and Navy Departments, the Secretary of War and the Secretary of the Navy, are hereby, respectively, authorized in their discretion to pay, as a reward, 10 per cent of any sum which may be recovered in the nature of penalties, fines, forfeitures, or otherwise, to the person or persons who shall first furnish evidence to the Government of violations of the antitrust or interstate-commerce laws, or of the commission of any frauds against the Government, resulting in the recovery of such penalties, fines, or forfeitures by the Government.

Mr. LANE. Mr. President, I offer this amendment as a precautionary measure, to prevent fraud more than from a desire to secure the punishment of anyone at this time.

In the past such measures have been used by the Government in the Treasury Department; it has been customary to use them in the attempt to stop smuggling, and it was by the pursuit of such a course that the Government obtained knowledge concerning the frauds in the weighing of sugar and other frauds perpetrated in connection with the manufacture of armor plate for war vessels. There are at this time other frauds being perpetrated upon this Government, due to which the very safety of the Nation is being placed in peril. It is most unpatriotic and traitorous; a condition of affairs as a result of which, if this country became involved in the general conflict which is now taking place, extending to Asia, and which by some means might creep over here, through some mistake of ours or that of some well-meaning but misguided friend of ours, we might find ourselves engaged in the conflict, and also find ourselves at a great disadvantage, if we became engaged with countries who exercise closer supervision over the expenditure of the people's money for the protection and safety of its citizens.

I hope the chairman of the committee will accept this amendment; and I would like to ask him now, before I go further, if he will not do so.

Mr. CULBERSON. Mr. President, I am not authorized by the committee to accept this amendment.

Mr. LANE. I would like to ask the chairman of the committee if he sees any reason why he ought to object to it.

Mr. CULBERSON. Mr. President, something will be said with reference to this amendment when the Senator from Oregon has concluded, probably. So far as the committee is concerned, I am not authorized to accept the amendment, and so far as I am personally concerned I am opposed to it, because the effect of it will be to create a bureau of informants. I think we have gone as far as we can with reference to that matter now.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. LANE. I yield to the Senator.

Mr. MARTINE of New Jersey. I think the Senate, as a body, will recall the very wholesome results coming from the reward that was offered in the sugar-weighing controversy in New York. We proved those men, through the so-called informers, to be a most infamous band of scoundrels, and we sweated them to the tune of something like $3,000,000, and the informants received at the hand of the Government something over $100,000.

I can not see what evil there is in this thing. If there is wrong, then, God knows, we ought to speed a band of informers or a bureau of informers. There was evil in that case, and I believe that is only a tithe of the many evils that do exist.

Recall the armor-plate matter. I believe that if an investigation could be had in that direction we would demonstrate to the world a condition of affairs which would be most appalling, and I believe this would be a fit and proper incentive.

I trust the amendment may be adopted.

Mr. LANE. Mr. President, I will say for the benefit of the chairman of the committee that so eminent a citizen as Richard Olney, at the time he was Attorney General—one of the ablest men who ever occupied that office, and, in addition to that, a Democrat—gave his consent for just such an investigation as this, and the Government profited thereby. At other times, also, this means has been used. If there is anybody in the country who has information which would be of benefit to this Nation and who can be induced to divulge it because he will profit thereby, I see no reason why he should not be paid for his services in bringing that information to the notice of the Government officials.

There are many large firms which contract with the Government to produce certain articles; and if they fail to keep to the specifications, and any of their employees make complaint or offer information, they are blacklisted. They lose their positions; they lose their means of livelihood and are blacklisted throughout the country. There is no reason why they should not be properly protected with a reasonable compensation. In the case in which the distinguished Attorney General, Mr.

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Olney, gave his consent to such an investigation the Government paid as high as 25 per cent.

I will leave this matter open and consume the remainder of my time later on.

Mr. CHILTON. Mr. President, I should like to ask some Senator who probably knows whether or not my information upon this point is correct. I understand that a long time ago, after a full investigation, and a trial of this plan of dealing with infractions of the laws of the United States, the Government abandoned it. I understand that the Government found out that the frauds got more of the rewards than the rewards got of the frauds, and they abandoned the plan.

Mr. GALLINGER. The Senator is undoubtedly right on that point. This moiety system was practiced for a great many years, and it led to great scandals, and it was abandoned by the Government.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. CHILTON. I yield.

Mr. MARTINE of New Jersey. That certainly was not true in the case of the sugar scandal.

Mr. GALLINGER. The man who gave testimony in the sugar case was a volunteer.

Mr. CHILTON. Of course, this is absolutely an arbitrary matter. If this be a good thing, you could probably get more by giving 20 per cent than you could by giving 10 per cent, and then we can go on. You can get even more if you give 50 per cent, and even more if you give 75 per cent; and, as a Senator near me suggests, if you want to get the very best that is in the informers, the very best that is in that kind of a plan, give them all of it.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Oregon?

Mr. CHILTON. Just one other point. There probably are a great many reforms in the minds of all of the 96 Senators who are Members of this body. We can not put all of them on this bill. We can not deal with all of these things on a minute's notice. The committee and the Senate have been for weeks and months dealing with the matters of reform which have been embodied in this bill. Of course, any of us can jump up here and suggest things, and we have not time to consider them.

All I have to say is that I intend to vote against this amendment, because it is not fair to spring it upon us here at this time. We have not had time to investigate it. We ought to go at it carefully. My judgment is that the plan is essentially wrong. I do not believe we ought to enter upon it at this time and in this way; certainly not without a more careful investigation of what has been the experience of the Government in the past.

Mr. REED. Mr. President, my first impression with reference to this amendment was that it ought not to be made a part of the law. I had that impression because the mind naturally revolts against accepting the testimony of any man who is to be rewarded as the result of that testimony; but a further investigation has led me to believe that this amendment would be wise, and that it would bring wholesome results.

The first thing to which I desire to ask the attention of the Senate is the fact that it is merely persuasive in its nature. The clause is:

*Provided*, That the Secretary of the Treasury, and in cases affecting the War and Navy Departments, the Secretary of War and the Secretary of the Navy, are hereby authorized and directed to pay as a reward 10 per cent.

I did not know that the words "and directed" were in the amendment. It reads differently than the one I saw. I am inclined to think those words should be taken out and discretionary power alone vested in these officers. I ask the Senator who proposes the amendment if he will not strike out those words?

Mr. LANE. Very well; I accept that suggestion.

Mr. REED. With that out—and I understand the Senator withdraws the words "and directed" wherever they appear—this is simply a legislative authority conferred upon these officers to pay a reward if, in their judgment, such reward ought to be paid.

Mr. President, it is said, and I think truthfully, that a man engaged in working for any of the great concerns that are contracting with the Government, and who gives any information as to frauds being perpetrated upon the Government, loses his position and goes upon the black list with every concern engaged in dealing with the Government. If that is true, the penalty which is imposed by these corporations upon the man who works for them in case he discloses what is going on ought to be offset by a proper reward in case his testimony turns out to be true. There is not a penny to be paid out by the Government unless the Government recovers, and then only one dollar out of ten.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. I understand this principle is ordinarily applied in those actions in which the Government recovers something; but I do not recall that the bill we have before us contemplates the recovery of anything by the Government. I do not refer to the amendment, but to the bill. I can very readily understand how you might make that a provision of a customs bill, because there the Government is expected to derive a large amount of revenue.

Mr. REED. In other words, the Senator thinks this is foreign to the subject matter of this bill?

Mr. WALSH. Totally so.

Mr. REED. It is, somewhat; but I am willing that it should go in at this time.

Mr. President, I hold in my hand volume 5 of the House reports on the violation of armor-plate contracts. I find by examining it that Mr. Herbert, the Secretary of the Navy, having been informed that frauds were being perpetrated upon the Government and that inferior armor plate was being used in constructing our vessels of war, entered into a contract with an attorney in Washington, who agreed that he would produce the information and demonstrate the fact. Before entering into that contract he took the opinion of the Attorney General, Mr. Olney, and Mr. Olney said that it was a proper contract to make. It was entered into, and the contract is here set out in extenso. It provided for paying, not 10 per cent, but 25 per cent.

As a result of those investigations he found out that the most scoundrelly practices had obtained; that these "patriots" who now believe in peace were then, through their corporations, engaged in putting off upon the Government armor plate that would not withstand the tests; that deliberate frauds were being perpetrated; and a heavy penalty was exacted from them.

Mr. President, I believe we ought to offer an inducement to men to disclose these iniquities, if they exist. They are paid nothing unless the disclosure is made, and then they are not paid a penny unless a recovery is had based upon that disclosure.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Texas?

Mr. REED. Just one sentence. The subject matter may be foreign to this bill, but it is not foreign to the welfare of the United States. The same course, as has been said, was pursued with reference to the sugar frauds. I should like to make it so that every man who deals with the Government and perpetrates a fraud upon the Government will do it with full knowledge that any of his workmen may at any time disclose that fraud, and he may be the loser thereby.

I now yield to the Senator from Texas.

Mr. SHEPPARD. I wish to ask the Senator if it is not a fact that the witnesses who know of these frauds are, as a rule, men in the employment of the company committing the fraud?

Mr. REED. Undoubtedly; that would naturally be the case.

Mr. SHEPPARD. And but for some protection they might never give the information.

Mr. REED. They will not give it. A man with a family standing back of him that he must support by his daily labor can not afford to come to the Secretary of War or the Secretary of the Navy and say, "A fraud is being perpetrated upon you." Just as the Army contractor furnished rotten meat to the soldiers who were at the front during the last great war; just as the Carnegie factory furnished rotten armor plates, which were being purchased by this country at an exorbitant price for the purpose of protecting the people of this country; just as they were willing to hazard the Navy of the United States, and perhaps the very independence of the United States, in order to make a little money, so the Army contractor everywhere and so the Government contractor everywhere, not in all instances but in some instances, is willing to defraud the Government. I am willing, when he works his fraud, that he shall do it with the shadow hanging over him of a possible disclosure by one of his workmen, who may make the disclosure in the first instance, because he will make money by it, and not merely from patriotic motives.

Mr. NORRIS. Mr. President, as I heard the amendment read, I think there ought to be a slight amendment added to it. I should like to have the Secretary read it again.

The VICE PRESIDENT. The Secretary will restate the amendment.

The SECRETARY. It is proposed to add at the end of section 12 the following:

*Provided*, That the Secretary of the Treasury and, in cases affecting the War and Navy Departments, the Secretary of War and the Secretary of the Navy are hereby authorized to pay, as a reward, 10 per cent of any sum which may be recovered in the nature of penalties, fines, forfeitures, or otherwise, to the person or persons who shall first furnish evidence to the Government of violations of the antitrust or interstate-commerce laws, or of the commission of any frauds against the Government, resulting in the recovery of such penalties, fines, or forfeitures by the Government.

Mr. NORRIS. Mr. President, I wish to call the attention of the Senator from Oregon to the wording of the amendment. As the amendment is written, if it were construed technically, it would require the consent both of the Secretary of War and of the Secretary of the Navy to offer a reward in either department.

Mr. LANE. That is unintentional, if it does that.

Mr. NORRIS. I supposed it was. I would suggest that after the word "Navy" the Senator put in the word "respectively," so that it would read, "the Secretary of War and the Secretary of the Navy, respectively."

Mr. LANE. I accept that amendment.

Mr. SHEPPARD. Mr. President, I suggest that where the words "and directed" occur there should be substituted the words "in their discretion."

Mr. LANE. That is satisfactory.

Mr. SHEPPARD. I think we ought to insert those words, so as to make it read, "authorized, in their discretion."

Mr. LANE. I will accept that amendment. Both of the amendments are satisfactory to me.

Mr. NORRIS. Mr. President, it seems to me that this amendment as modified is no new departure. If we would direct these governmental officials to do what is proposed here, I can see how there might be great contention as to whether that would be the proper legislation, but where we give them the authority to offer these rewards we are doing only what is ordinarily done. I do not suppose the Secretary of the Navy would feel disposed to make an open offer, but there might be conditions arising in his department where there were some indications of fraud, where he had gained some information. It seems to me, if he thought proper and the charge was of sufficient magnitude, he ought to pay a reward for the conviction of the guilty party.

I do not suppose there is a State in the Union that does not authorize the governor of that State to offer a reward for the arrest of a criminal where a crime has been committed, and in many States the county officials are authorized to offer a reward for the arrest and conviction of men guilty of crime. It does not mean that that offer is open all the time, but it is a discretion that the proper official of the executive department, in bringing about the punishment of men guilty of crime, should have. It strikes me that it is no departure from the ordinary course that is pursued in almost all other respects concerning our Government and the State governments.

Mr. VARDAMAN. I wish to say, Mr. President, that no honest contractor dealing with the United States has anything to fear from the adoption of this amendment. As has been said by the able and earnest Senator from Nebraska [Mr. NORRIS], every State in the Republic has a similar provision in its laws. There are men who are paid to ferret out the tax dodgers, and they are paid a percentage of the amount collected. This is only to put some one on guard and to reward him for turning up the scoundrel who has robbed the Government.

There may be some objection to the amendment as being not in accord with the subject treated in the bill, but to the law and the purposes of the law and the results to be obtained I can not see how any objection can be urged. Only the dishonest grafter who has robbed the Government is to suffer by the enforcement of this law.

Mr. WHITE. Mr. President, much can be said on both sides of this subject. Like most propositions, there are two sides to it. It is said by Senators who favor the amendment that none but corrupt and wicked scoundrels ought to be afraid of its effect. When presented in that way it is somewhat attractive, but I do not think that presents the whole question. These spies are to be turned loose upon the country and are to be rewarded as informers for involving innocent men in trouble, and many innocent men may become involved.

Not only that, Mr. President, but it will have a bad effect on the men who are to engage in the business. It invites and rewards disloyalty, to begin with. It appeals to the lower and baser instincts; it instills disloyalty; it invites treachery.

Mr. JAMES. I should like to ask the Senator if it is not true that instead of inviting disloyalty it invites loyalty to the Government? It is disloyalty to the offender, but the first lesson we ought to teach in America is to obey the law, which is loyalty to our Republic.

Mr. WHITE. Certainly, Mr. President, but a man who will be disloyal to his employer, who will be disloyal in the position he holds, will likely be disloyal to the Government. He can not be relied on.

Mr. MARTINE of New Jersey. That would do very well if it could not be substantiated by other evidence, but in the instance I cited—in the sugar cases—it was well and richly substantiated. The Government gained $3,000,000 from the sugar refiners who had made the false weighing, and it gave away $100,000 to the informers I say a system that will make it possible to let the public know that they have got to walk the chalk line and be correct in their methods will be a very advantageous one to the whole community, and can not be productive of any immorality.

Mr. WHITE. That is only one instance, but what of the informers who attended Jeffreys on his circuit in England when with their help he sent 5,000 women and children away from homes into exile? And for what? For imagining the death of the King.

Mr. MARTINE of New Jersey. This is a different case, and it was not imagination. I believe that the adoption of this amendment will bring such an array of testimony and bring out such facts and results as will startle the country.

Mr. WHITE. Yes; but in the past it has sent people to exile and to death.

Mr. MARTINE of New Jersey. Oh, let the dead past bury the dead.

Mr. WHITE. Mr. President, the adoption of this amendment would startle the country. Our people are not prepared for this backward step in legislation. It invites disloyalty. The man who accepts such employment comes before the court discredited. He stands discredited not only in the eyes of the court but in the eyes of mankind.

Mr. President, that is not the worst of it. It leads to perjury. It invites and rewards perjury. Perjury to-day is too much on the increase, I am sorry to say, and that increase has been caused largely by the fact that most of the States of the Union have removed the common-law disability of interested persons testifying in their own behalf. The proposed legislation is infinitely worse than these statutes. The Government of the United States—this Senate, if this amendment is adopted, will be extending an invitation for men to be disloyal, for men to commit perjury.

Mr. President, no good will likely result from the use of the testimony of paid informers. It will not be believed. The distinguished Senator from New Jersey [Mr. MARTINE] says they may get plenty of corroboration. If we have to have this corroboration, we can get along without the perjury.

Mr. MARTINE of New Jersey. The Senator is assuming, I fear, that this is perjury.

The VICE PRESIDENT. The Chair has ruled once that no Senator can speak more than once to an amendment.

Mr. MARTINE of New Jersey. I think, with all respect to the Vice President, if that rule had been carried out we would have ceased this controversy long ago.

The VICE PRESIDENT. It is time now, at least, to enforce the rule.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. WHITE. I yield for a question. I can not yield to the Senator to make a speech, because my own time is limited.

Mr. REED. That is all I desire. Does the Senator think that more harm would be done by paying a reward to men who exposed the fact of rotten armor going into our battleships than would have been done by continuing to construct our battleships with rotten armor?

Mr. WHITE. In that particular case good may have resulted, but even there it had its disadvantage. It tended to cause inspectors of the Government to sleep on their posts. It invited indifference on the part of officers who ought to have been on their guard, and who if they had been vigilant would have discovered the fraud and there would have been no necessity for the employment of the informers of which the Senator speaks.

Mr. President, these spies not only come into the courts discredited and suspected of perjury, but other bad results may follow. The system may be used as a political scheme and its benefits may be dispensed as political patronage by the party in power, or they may be distributed by politicians as rewards among their supporters.

Mr. NORRIS. Mr. President——

XUM

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. WHITE. Certainly—for a question.

Mr. NORRIS. I wish to ask the Senator if all the objection he has urged would not apply with equal force to every case in every law where the punishment and exposure of crime is authorized?

Mr. WHITE. Not at all. The Senator a few moments ago in his address to the Senate illustrated by saying that many of the governors of States are authorized to offer rewards for the apprehension and arrest of criminals. That is a very different proposition from this. In those circumstances the rewards are paid for apprehension and conviction of persons after the crimes are known to have been committed. Rewards are not offered to induce persons to ascertain whether they have been committed, as this amendment does.

Mr. NORRIS. Will the Senator yield further?

Mr. WHITE. Certainly.

Mr. NORRIS. In that case is it not an inducement to perjury when a reward is at stake for a man to come on and testify falsely? Could not the same thing be said about it in every instance?

Mr. WHITE. No; they are simply rewarded to make the apprehension and arrest. There may be cases, of course, where the executives of the different States offer rewards in particular cases, but they are exceptional.

Mr. WILLIAMS. It is for apprehension and arrest.

Mr. WHITE. Yes; it is for the apprehension and arrest of criminals after a crime is known to have been committed. The States do not propose to divide spoils with the criminals by offering them rewards in advance.

Mr. NORRIS. The reward depends upon the apprehension.

Mr. WHITE. The mere suggestion of this Nation dividing spoils with the perjurer is revolting to me.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. WHITE. Certainly.

Mr. GALLINGER. Just a word. Some years ago we had in my State a prohibition law and this very provision was in that law. It became so scandalous that the jury would not convict any man who was tried upon the testimony furnished by these informers.

Mr. SMITH of Michigan. Professional informers.

Mr. GALLINGER. Professional informers.

Mr. WHITE. That was the last point I was going to make, and I am glad the Senator from New Hampshire reminded me of it. The system does not accomplish results, because the courts and juries will not convict upon the testimony of such witnesses.

Mr. NORRIS. Will the Senator yield again?

Mr. WHITE. Certainly.

Mr. NORRIS. I should like to call attention to the fact—I think it is a fact—that the instance given by the Senator from New Hampshire was a case where the law provided that this reward should always be given. This only authorizes it to be given if the proper officer sees fit to offer it.

Mr. WHITE. Only when he produces results, and he may not be able to produce results without disloyalty to his employer and without perjury upon his lips.

Mr. JAMES. I should like to ask the Senator from Alabama if under this amendment an employee of one of these concerns knew of violations of the law and would go to the prosecuting officer of the Government and tell him John Jones and Bill Smith and Tom Brown, reputable gentlemen, knew of such facts, and give him a line to proceed upon the case and get these men, and they came in and testified, he has committed perjury? He merely gives information, and the Senator's argument would apply to that character of information.

Mr. WHITE. Not at all. The man who will go and give that information will do it because he is a man. He does not need to be purchased.

Mr. JAMES. But he might be discharged from his employment.

Mr. WHITE. He will give such information because of his loyalty to truth and to his country. He will be actuated by a different motive from that of the man who is hired to do it, and his name need not be disclosed and would not be unless he wanted it done. He need not be discharged from his employment, if the prosecuting officer simply takes the information that he furnishes him and uses it in the prosecution.

Mr. JAMES. I should like to ask the Senator if the argument he is making now against information given by some one employed by a criminal, because he tells of the criminality, would not apply with greater force to the prosecuting officer of the Government, who, in order to convict the arch criminal, says to the smaller criminal, "You go and tell the truth." The smaller criminal comes and tells the truth to the jury, the jury weighs the evidence, they take into consideration that he is an interested party, they take into consideration that he is swearing for his own life——

Mr. WHITE. I can not yield for an argument.

Mr. JAMES. Just a moment.

Mr. WHITE. I yield only for a question.

Mr. JAMES. I am making it as a question. The jury weigh all that, and after weighing it all with the outside facts and his information make a conviction on that not only in Kentucky but in your own State. The Senator's argument sweeps that out, and he says you must not listen to him, because he is interested, and in order to convict the criminal you must show——

Mr. WHITE. My friend the Senator from Kentucky is about as much confused as to what constitutes asking a question as he is on the matter involved in the amendment before the Senate. Instead of asking me a question he made an argument against my position. But his argument is not sound and it does not cover the case. He asked if the prosecuting attorney frequently does not have to give immunity to the smaller criminals in order that he may convict the larger ones. That is true, in particular cases that may become necessary; even then, Mr. President, the prosecuting officer rarely accomplishes what he starts out to do. Usually the greater criminal gets on the stand and the one less guilty is convicted, if a conviction is secured at all, because the greater criminal is the shrewder and more far-seeing man; he takes care of himself; besides, he is more available to the prosecuting attorney because of his superior intelligence, because of his greater ability to frame up a case; on this account he will be selected rather than the less guilty man.

There may be occurrences of this kind, but in such cases, Mr. President, the solicitor of a circuit or the solicitor of a county is the person offering immunity to a defendant in order that a criminal in a particular case surrounded by peculiar difficulties may be brought to justice, and even then the culprit is not given money to induce him to testify. But this amendment proposes for the Government of the United States to offer a reward before any crime is known to have been committed as a temptation to perjury, temptation to disloyalty. If we have reached that low stage; if the Government has to descend to these methods in order to enforce its antitrust laws, then it would have been better if they had never been enacted. This Government can not afford to cover itself with this garment of shame under any circumstances. I hope the amendment will not be adopted. I shall vote against it.

Mr. CHILTON. Mr. President, I rise to a parliamentary inquiry. I understand the Chair has ruled that a question is a speech within the meaning of the unanimous-consent agreement.

The VICE PRESIDENT. No; the Chair did not rule that a question is within the unanimous-consent agreement that a Senator could speak but once on an amendment, but the Chair did rule that if a Senator rose and, instead of making an inquiry, made a speech, he had exhausted his right to speak upon the amendment.

Mr. CHILTON. So that I may not be misunderstood I will state I was not referring to the Senator from Kentucky [Mr. JAMES]; I was referring to these proceedings in general. I want to have the rule enforced, and I am going to ask the Chair to enforce it hereafter.

Mr. WILLIAMS. Mr. President, the whole history of the world proves that it is an unsafe principle either in government or in morals to pay one citizen to swear away the life or the liberty or the property of another. Some few Governments still hold on to that idea, Russia preeminently. It was a system once in England. It was a system in some States here. It is now distinctly Russian and non-English and non-American.

Speaking for myself, and I believe in speaking for myself I voice the opinion of mankind generally, I have very little confidence in the testimony of a man who has to be paid to tell the truth. That is the way it is put from his side, in excuse for the character of informers.

The consequence of the history of the world upon this subject has been such that laws like that have been abolished in most countries, because that character of testimony did not lead to conviction in free countries. The juries resented the character of the testimony. That was especially the case in Ireland, which at one time was totally covered with informers, and with some excuse in a way for the system, because all Ireland was on one side and the law was on the other side. So the English had a body of informers, and those informers became a disgraceful scandal even to the English people. Of course, now and then there might be an informer who would not otherwise open his lips even to tell the truth, but who might be induced by money

consideration to open them. If so, even if he were telling the truth, that man is not a man of very high character. He is not the sort of a man to encourage.

The Lord's Prayer has a clause in it, "Lead us not into temptation," and I have sometimes thought that it would be a pretty good idea if there was an additional clause, "Nor let us lead others into temptation."

Men have been hovering around these two Houses of Congress for months trying to get some legislation of this sort, and they are not men of too high character, either.

Mr. OVERMAN. Will the Senator yield to me?

Mr. WILLIAMS. Yes.

Mr. OVERMAN. I want to say that this is an old friend. It has been here time and time again; it has been the subject of lobbying, and the men presenting it have been lobbyists.

Mr. WILLIAMS. And the men who are hovering around these halls waiting to get it, as I was proceeding to say when interrupted, are not men of the highest character. What do they want with it? They want to hold other men up, threaten them with litigation, threaten them with prosecution, and get money out of their pockets into their own. The manner of expressing it is, "We want to tell the truth, but we want to be rewarded for telling the truth." The man who can not tell the truth without being rewarded for it is very apt to be the kind of man who will tell a lie if he is rewarded; sometimes not, but generally, yes. It seems to me we can leave legislation of this sort to Russia and other backward countries.

Mr. LANE. I wish to say to the Senator from Mississippi——

The VICE PRESIDENT. The Senator from Oregon, as the record shows, has talked twice on this amendment.

Mr. LANE. Only three minutes. I was going to propound an inquiry to the Senator from Mississippi.

Mr. WILLIAMS. My time has not expired, and I will yield to the Senator from Oregon.

The VICE PRESIDENT. The Senator may ask a question of the Senator from Mississippi, whose time has not expired.

Mr. WILLIAMS. I yield to the Senator from Oregon the time necessary to ask a question.

Mr. LANE. I was going to ask the Senator if he does not think it would be hard for me to draw an amendment to this measure which would meet the approbation of a Senator who suggests the wisdom of adding an amendment to the Lord's Prayer?

Mr. WILLIAMS. The Senator, of course, is jesting, and it may be that he may have thought I was jesting, too; but in that he was mistaken. The subject is too sacred. What I ought to have said, perhaps, was this, that when you do ask God not to lead you into temptation you do rather pledge yourself to Him not to lead other men into temptation.

This amendment would offer the spectacle of a nation holding out on its statute books a written invitation of temptation to untruthful and avaricious or weak and needy people to commit perjury and to increase litigation for a money consideration.

Mr. SMITH of Michigan. Mr. President, this bill is bad enough in its present form and should not be passed. It reeks with class legislation and petty tyranny from its first line to its last, and now, as a fitting climax to such folly, we are asked to attach to it the keyhole and spyglass proviso involved in this amendment. It is simply outrageous and a gratuitous insult to business men.

All that the Senator from Alabama [Mr. WHITE] has so eloquently and forcibly said is true, and the experience and sagacity of the Senator from Mississippi [Mr. WILLIAMS] illuminates this folly in a manner that it would be difficult to excel.

This is a spyglass and keyhole proposition. If we have come to such a desperate state in our efforts to build strait-jackets for business men and enterprising citizens, we have reached a very deplorable pass.

I said the bill reeked with class legislation and petty tyranny. It can not be that it has sprung into being from the patriotic impulses of this hour. It must be that it is in accordance with the preconceived notions of expediency entertained at a time when party exigencies demanded that some such sacrifices should be made. To add to it this nimble insult is a fit accompaniment of a program that never should have been entered upon. We have had a wholesome and a useful trade law for 20 years. The courts have construed its details. It was law enough to check wrong and punish criminality, but this bill is a voluntary contribution to the folly of our time and will do more to discourage business men from putting their savings into enterprises that employ labor than almost anything that can be done.

By and by, through the power you have recently acquired, you will reach your hands into the pockets of the well to do and force them to give up as a tribute to our Government most of their savings. If that is not done, you will haul them into court and through perjury take them from their stores and their factories and their shops and incarcerate them in jails and penitentiaries under color of law.

There is not a Senator on the other side of the Chamber who can define what is and what is not lawful under this proposed act. You must wait for experience and the ripe judgment of jurists and official tribunals, where all the facts will be made known, before you can ascertain its full import and meaning. We are attempting by our legislation to make strait-jackets for business men and to fix and define the limitations within which business men may act. In so far as this bill has progressed, the remedies it seeks to apply could with perfect propriety have been left to the courts under laws conceived in better temper and more creditable to the institutions of our country.

Oh, Mr. President, the Senator from Alabama [Mr. WHITE] has put a quietus upon this nonsense, and the Senator from Mississippi [Mr. WILLIAMS] performs a most useful function in his final note of alarm. It can not be possible that we are seriously to consider the amendment now pending. I hope that it will not receive a single vote in this Chamber, thus testifying again to the intelligent and conservative judgment of Senators charged with a solemn duty under the Constitution and the law.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oregon [Mr. LANE].

Mr. LANE. I should like to have the yeas and nays on the amendment.

Mr. FALL. Mr. President, I do not exactly agree with some of the objections made to the adoption of this amendment. It may not be necessarily a logical conclusion, the crowning arch of what was intended by this bill, but it seems to me that the doctrine of the amendment ought to follow rather logically the debate, at least, that has been had upon the bill.

I have been listening in vain to hear any Senator during this entire debate take the position that the business men of the United States were not corrupt either by birth or by virtue of their occupation. The whole theory of the debate has been, apparently, that any man who has enterprise enough, or whose services are valuable enough, for instance, for him to serve two corporations as a director, although they are not competitive in their business but are engaged in the same line of business, or, if they are engaged in competitive business, that any man whose services are valuable enough for him to serve two such corporations must necessarily be corrupt or a thief or a liar or a perjurer, or almost worthy of any other epithet of the kind which you might be able to apply to him. That has been the theory of the debate.

To-day, when the United States stands the richest country in the world, the great producing country of the world, the country to which all other portions of the world are looking for help, to which civilization itself to-day is appealing that it may not be wiped from the face of the earth, it is denounced here in the Senate practically throughout this debate, inferentially, if not directly, by those who have taken most part in the debate, as being a country whose wealth has been and is being made and accumulated by the most corrupt people who ever infested any country. That has been the general tenor of this debate.

This is a fitting arch to place over the superstructure which is being built up here for the restriction of business and for the condemnation and the persecution of the individual business man in the United States who happens to have any wealth invested in corporate enterprises or who takes any part in corporate management. It is fitting that we should now suborn perjury and offer a premium for the subornation of perjury.

I, of course, shall vote against the amendment; and I shall go further than that when it comes to a vote on the bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oregon, on which he asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOLLIS (when his name was called). I again announce my pair with the Senator from Maine [Mr. BURLEIGH].

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], and asking that that announcement as to my pair and transfer may continue during the day, I vote "nay."

The roll call was concluded.

Mr. FLETCHER. Announcing my pair with the Senator from Wyoming [Mr. WARREN], and transferring that pair to the Senator from Arizona [Mr. SMITH], I vote "nay."

XUM

Mr. TOWNSEND. I announce my pair with the Senator from Arkansas [Mr. ROBINSON] and its transfer to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. REED. My colleague [Mr. STONE] is necessarily absent from the city. In his absence he is paired with the Senator from Wyoming [Mr. CLARK]. I make this announcement to stand for the day.

The result was announced—yeas 14, nays 38, as follows:

YEAS—14.

| | | | |
|---|---|---|---|
| Ashurst | Jones | Norris | Thompson |
| Chamberlain | Kenyon | Poindexter | Vardaman |
| Clapp | Lane | Reed | |
| James | Martine, N. J. | Sheppard | |

NAYS—38.

| | | | |
|---|---|---|---|
| Bankhead | Fletcher | O'Gorman | Smoot |
| Bryan | Gallinger | Oliver | Swanson |
| Burton | Hitchcock | Overman | Thornton |
| Camden | Lea, Tenn. | Perkins | Townsend |
| Chilton | Lippitt | Randell | Walsh |
| Clark, Wyo. | McCumber | Shafroth | Weeks |
| Culberson | McLean | Shively | White |
| Dillingham | Martin, Va. | Simmons | Williams |
| du Pont | Myers | Smith, Md. | |
| Fall | Nelson | Smith, Mich. | |

NOT VOTING—44.

| | | | |
|---|---|---|---|
| Borah | Gore | Owen | Smith, Ga. |
| Brady | Gronna | Page | Smith, S. C. |
| Brandegee | Hollis | Penrose | Stephenson |
| Bristow | Hughes | Pittman | Sterling |
| Burleigh | Johnson | Pomerene | Stone |
| Catron | Kern | Robinson | Sutherland |
| Clarke, Ark. | La Follette | Root | Thomas |
| Colt | Lee, Md. | Saulsbury | Tillman |
| Crawford | Lewis | Sherman | Warren |
| Cummins | Lodge | Shields | West |
| Goff | Newlands | Smith, Ariz. | Works |

So Mr. LANE's amendment was rejected.

Mr. CHILTON. I offer the amendment which I send to the desk, to be added as a new section to the bill.

The VICE PRESIDENT. The amendment proposed by the Senator from West Virginia will be stated.

The SECRETARY. It is proposed to add to the bill as a new section the following:

SEC. 20. It shall be unlawful for any corporation engaged in commerce to do any business in any State contrary to the laws of the State under which said corporation was created or contrary to the laws of the State in which it may be doing business. The District of Columbia shall be deemed a State within the meaning of this section.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from West Virginia.

The amendment was agreed to.

Mr. NORRIS. I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. After the word "corporation," on page 21, line 9, it is proposed to insert "or against officers of a corporation by stockholders thereof."

Mr. NORRIS. Mr. President, I have submitted this amendment to the chairman of the Committee on the Judiciary.

Mr. WILLIAMS. I ask that the amendment be again read. I did not hear it.

The VICE PRESIDENT. The Secretary will restate the amendment.

The SECRETARY. On page 21, line 9, after the word "corporation," it is proposed to insert "or against officers of a corporation by stockholders thereof," so that, if amended, it will read:

That any suit, action, or proceeding under the antitrust laws against a corporation or against officers of a corporation by stockholders thereof may be brought not only in the judicial district whereof it is an inhabitant—

And so forth.

Mr. CULBERSON. Mr. President, I see no objection to the adoption of that amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska.

The amendment was agreed to.

Mr. NORRIS. Mr. President, I desire the attention of the chairman of the committee particularly to the amendment which I now intend to offer, to which I think he will have no objection. The amendment just adopted by the Senate makes it necessary, I think, to adopt an amendment similar to the one I offered the other day at the end of section 14. With the change made in this section by the amendment just adopted I should have no objection, if the chairman of the committee so desires, to reconsider the vote by which the other amendment was agreed to, and I would then withdraw it. I will, however, now offer an amendment on the same page to come in at the end of the same section, to which I direct the attention of the chairman of the committee, and which I think will fully carry out the object of section 10.

The VICE PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. It is proposed to add at the end of section 10 the following:

And where in any such suit against officers of a corporation necessary and proper defendants reside in other districts than the one in which the action is pending the court shall make an order for the summoning of such defendants, and the same may be served in any district by the marshal thereof.

Mr. CULBERSON. Mr. President, that has been substantially adopted as an amendment to section 14, on the suggestion of the Senator from Nebraska.

Mr. NORRIS. I understand that; and I want to explain to the Senator that when I offered that amendment I was under the impression that what I wanted to reach would be effected by that amendment. I will say to the Senator that I offered it without giving it full consideration as to the place in the bill where the amendment ought to come in. I find upon examination that it will not accomplish the object sought if retained at that place.

Mr. CULBERSON. Then, I have no objection to its adoption in this section, provided the action of the Senate is rescinded as to the amendment in section 14.

Mr. NORRIS. I am perfectly willing to do that, I will say to the Senator; and if the amendment I now offer is adopted, I will ask that the other one be disagreed to.

The VICE PRESIDENT. Where is the amendment now in the bill?

Mr. NORRIS. It is found now at the end of section 14.

Mr. CULBERSON. The proposition now is to amend section 10.

Mr. NORRIS. Yes.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to at the end of section 14 is reconsidered, and the amendment is rejected. The question now is on the amendment proposed by the Senator from Nebraska at the end of section 10.

Mr. NORRIS. It might be well to state, Mr. President, there are two sections 10 in the bill.

Mr. CULBERSON. That will be changed. General authority has been given to renumber the sections, and that will be adjusted.

Mr. NORRIS. The amendment I now offer should be added at the end of line 14, on page 21.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still in the Senate as in Committee of the Whole and open to further amendment.

Mr. CLAPP. Mr. President, I presume this is the proper time to make the statement that I desire to make. Before the bill is reported from the Committee of the Whole to the Senate, I desire to reserve the question upon section 2. I understand the section was stricken out, and I desire to reserve a vote on that action in the Senate, to the end that that section may be passed upon, and that, being then before the Senate, I may offer an amendment to it.

Mr. SMOOT. I desire to give notice at this time that when the bill reaches the Senate I shall move to strike out section 4 of the bill.

Mr. JONES. Mr. President, on behalf of the junior Senator from Iowa [Mr. KENYON] I desire to reserve the right to ask for a separate vote on the amendment to section 9a, and I give notice that the Senator from Iowa expects to offer an amendment to that section when it comes to the Senate.

Mr. POINDEXTER. I give notice that I will ask for a vote in the Senate on the commodities clause amendment which I submitted yesterday to section 8 of the bill.

Mr. GALLINGER. Mr. President, I reserve, in section 7, the amendment whereby the word "consumers," in line 12, was stricken from the bill.

The VICE PRESIDENT. The bill is in the Senate as in Committee of the Whole and open to further amendment.

Mr. THOMAS. Mr. President, I again wish to call the attention of the chairman of the committee before the bill passes from the Senate as in Committee of the Whole to a very important matter, in my judgment, and which involves the construction of the second paragraph of section 18. It is the subject to which I adverted the other day and since then, upon further reflection, I am more than ever convinced of the soundness of my views as then expressed.

This paragraph recites:

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment—

And so forth.

This bill defines the words "person or persons" wherever used therein to include corporations and associations. Hence the words "person or persons" used in line 4, on page 27, must necessarily and by the terms of the bill itself be construed as including corporations. That provision makes certain exemptions from the operation not only of this but of all the laws of the United States of certain acts which but for such exemptions would be within the purview of those laws, and it arms all persons, including corporations, with the power of doing with impunity the things which are specified in the paragraph, and which I need not detain the Senate by again reciting, because they have been read and reread many times during this debate.

Mr. President, this paragraph, if it is to be incorporated into the law in its present form, will, in my judgment, very seriously threaten if not wholly undermine the entire fabric of our antitrust legislation. It will exempt corporations from the consequence of acts which done by themselves or in combination with individuals or associations of individuals will virtually destroy fair competition and make practically of no effect the recent bill which passed the Senate creating a Federal trade commission, declaring all forms of unfair competition to be unlawful. If for the words "person or persons" were substituted the words "individual or individuals" that consequence would not follow, and I am so impressed with the effect upon the entire structure of our antitrust legislation of this paragraph if that change is not made that I ask the chairman seriously to consider it before the bill leaves the Committee of the Whole.

Mr. CULBERSON. Mr. President, I will ask the Senator from Colorado would it answer his purpose to insert after the word "any," in line 4, the word "natural"?

Mr. THOMAS. That might do, Mr. President; it probably would answer the purpose, although that might require a modification of the definition of the word "persons" in the first section of the bill, because there it is declared that the word "person," wherever it occurs in the bill, shall include corporations.

Mr. CULBERSON. Mr. President, I think the committee would not object to the insertion of the words "individual or individuals" for the words "person or persons," in line 4, page 27, of the old print.

Mr. CLARK of Wyoming. Mr. President, would not the word "individual" in that connection mean a single person or persons?

Mr. THOMAS. Both the words "individual" and "individuals" should be used.

Mr. CLARK of Wyoming. It seems to me the word "natural," as suggested by the chairman of the committee, would cover it, because persons are divided into natural and artificial.

Mr. THOMAS. It undoubtedly would if it were not for the definition given in section 1, and it might independent of that definition be so construed; but certainly the words "individual or individuals" would meet the situation which, it seems to me, would ensue if the present phraseology is retained.

Mr. CULBERSON. Very well; I move to strike out the words "person or persons," in line 4, and insert the words "individual or individuals."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 27, line 4, it is proposed to strike out the words "person or persons" and in lieu thereof to insert "individual or individuals."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JONES. Mr. President, I suggest to the chairman that he should make the same change, then, in lines 11 and 16, where it reads "persuading any person"—that is, any individual.

Mr. CULBERSON. I think not. It reads "persuading any person to work," and so forth, and I do not think that could be held to include corporations.

Mr. CHILTON. You can not work a corporation, and corporations do not work.

Mr. JONES. Corporations engage in work, and sometimes they have contracts to perform work. I merely make the suggestion to the chairman, because it appears to me that, in view of the change in line 4, the part to which I have called attention should be changed.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. Certain questions have been reserved for a separate vote in the Senate. The question is whether all amendments save those which have been reserved shall be concurred in in the Senate.

The amendments not reserved were concurred in.

The VICE PRESIDENT. Now the reserved questions come up.

Mr. GALLINGER. I ask for a vote on striking out the word "consumers," in section 7, and I ask for the yeas and nays on that motion.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole striking out the word "consumer." The Senator from New Hampshire demands the yeas and nays.

The yeas and nays were ordered.

Mr. CUMMINS. I should like to have the amendment stated.

Mr. SHAFROTH. Let the amendment be stated.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 7, page 7, line 12, as in Committee of the Whole, the Senate struck out the word "consumers" and the comma following.

Mr. CHILTON. What is the motion now?

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole, striking out the word "consumers." Upon that question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when Mr. PAGE'S name was called). I wish to announce the unavoidable absence from the Senate of my colleague [Mr. PAGE] on account of illness in his family. I make this announcement for the day.

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. TOWNSEND (when his name was called). I again announce my pair and its transfer and vote "nay."

The roll call was concluded.

Mr. FLETCHER. I announce my pair as before, and transfer it to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. THOMAS. I transfer my pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

The result was announced—yeas 36, nays 20, as follows:

YEAS—36.

| | | | |
|---|---|---|---|
| Ashurst | Hitchcock | O'Gorman | Simmons |
| Bankhead | Hughes | Overman | Smith, Md. |
| Bryan | James | Pittman | Swanson |
| Camden | Kern | Ransdell | Thomas |
| Chamberlain | Lane | Reed | Thompson |
| Chilton | Lea, Tenn. | Shafroth | Thornton |
| Culberson | Lee, Md. | Sheppard | Vardaman |
| Cummins | Lewis | Shields | Walsh |
| Fletcher | Martin, Va. | Shively | White |

NAYS—20.

| | | | |
|---|---|---|---|
| Burton | Jones | Nelson | Smith, Mich. |
| Clark, Wyo. | Lippitt | Norris | Smoot |
| Dillingham | McCumber | Oliver | Townsend |
| du Pont | Martine, N. J. | Perkins | Weeks |
| Gallinger | Myers | Poindexter | Williams |

NOT VOTING—40.

| | | | |
|---|---|---|---|
| Borah | Fall | Newlands | Smith, Ga. |
| Brady | Goff | Owen | Smith, S. C. |
| Brandegee | Gore | Page | Stephenson |
| Bristow | Gronna | Penrose | Sterling |
| Burleigh | Hollis | Pomerene | Stone |
| Catron | Johnson | Robinson | Sutherland |
| Clapp | Kenyon | Root | Tillman |
| Clarke, Ark. | La Follette | Saulsbury | Warren |
| Colt | Lodge | Sherman | West |
| Crawford | McLean | Smith, Ariz. | Works |

So the amendment was concurred in.

Mr. CLAPP. Mr. President, on the reservation of a separate vote on section 2 I assume that an amendment of section 2 would be in order. I offer as a substitute for section 2 the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). The amendment will be stated.

The SECRETARY. In lieu of section 2, which was stricken from the bill in Committee of the Whole, it is proposed to insert:

SEC. 2. That any person, firm, company, association, or corporation engaged in commerce between the United States and foreign nations, or among the several States, or between a State or States and places subject to the jurisdiction of the United States, or between any Territories of the United States, or in and between such Territory or Territories and any State or States and the District of Columbia or places under the jurisdiction of the United States, or between the District of Columbia and any State or States and foreign nations, or places under the jurisdiction of the United States, that shall, intentionally or otherwise, for the purpose of destroying the business of a competitor or creating a monopoly in any locality, discriminate between sections, communities, or localities by selling a commodity at a lower rate in one section, community, or locality than is charged for such commodity by said party in any other section, community, or locality, after making due allowance for the difference, if any in the actual cost of transportation from the point of production if a raw product, or from the

point of manufacture if a manufactured produce shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful.

That any person, firm, company, association, or corporation violating any of the provisions of the preceding section, and any officer, agent, or receiver of any firm, company, association, or corporation, or any member of the same, or any individual found guilty of violation thereof shall be guilty of misdemeanor and shall be punished by a fine of not more than $5,000 or by imprisonment not to exceed one year, or both, as the court may determine.

That all contracts or agreements made in violation of any provision of this act shall be void, and any money or property paid or transferred for any such commodity under any such agreement shall be paid back within 10 days after demand therefor, and on failure to so repay then the purchaser may recover back in a civil action any such money or property, together with a reasonable attorney fee to be determined by the court.

Mr. CLAPP. Mr. President, after a hearing extending over several months by the Committee on Interstate Commerce, when it was my privilege to be chairman of that committee, I became quite thoroughly convinced that the antitrust law required very little amendment or modification. I became convinced that the failure to enforce that law in the years gone by had been due largely to the conditions prevailing throughout the country with reference to the great panic of 1893 and the Spanish War of 1898.

It did appear in those hearings, however, that there were certain acts not in themselves a violation of the Sherman antitrust law, but acts which the court had referred to from time to time as evidence, in association with other evidence, tending to prove a conspiracy in restraint of trade, and had condemned such acts as reprehensible, although not in themselves prohibited by law. Among those acts was the act known as local underselling.

It occurred to me, and this was my view all the time, that, instead of building up these top-heavy commissions and these obscuring and misleading laws, if we had gone to work and where here and there a condition had been discovered which in our judgment ought in itself to be prohibited, but did not come within the broad prohibition of the Sherman antitrust law, we had taken such instances and declared them unlawful, it would have been all that was necessary, and would have made what legislation we passed plain and certain.

As I stated the other day, some years ago in Iowa a law was passed prohibiting what we broadly term local underselling with reference to petroleum products. That was followed by the same act on the part of Minnesota, subsequently by the two Dakotas, and, I think, later by Kansas, Nebraska, and Arkansas. In those States that law has proved a powerful weapon in the hands of the independents.

About three years ago I introduced a bill providing for the general application of that principle to all articles of interstate traffic, and it has lain in the committee ever since. When the House adopted section 2 I somewhat abated my activities before the committee for bringing out my bill, believing the Senate, at least, would retain section 2, if they would not, on comparison, adopt my measure.

I am not going to take the time of the Senate further to discuss this amendment. Here is one opportunity to pass one concrete law creating one concrete legal condition that has been found most effective in the States where it has been tried.

I submit to the Senate the adoption of this as an amendment to section 2, with the hope that subsequently section 2, as thus substituted, may be adopted.

Mr. CUMMINS. Mr. President, I rise rather to make a parliamentary inquiry. The Senate, as in Committee of the Whole, struck out section 2; and I assume that the question that came originally before the Senate was whether the recommendation of the Committee of the Whole should be adopted by the Senate.

The substitute offered by the Senator from Minnesota raises the question of the comparative merit of section 2 of the House bill and the substitute offered. I am very clear with regard to the comparative merits of the two proposals; but my inquiry is, if the amendment offered by the Senator from Minnesota is adopted, will the question still be open as to whether section 2 should remain in the bill?

The PRESIDING OFFICER. The Chair had supposed, when the Senator from Minnesota rose, that it was to propose the retention of section 2. He offered, however, his amendment in the nature of a substitute for section 2. The Chair is of opinion that that might first be voted upon, and, if carried, the question then would be upon the retention of section 2 as amended.

Mr. CLAPP. Yes; that is correct.

Mr. CUMMINS. I simply wanted to be clear about it.

Mr. JONES. Mr. President, I wish to ask the Senator from Minnesota whether or not he intends to make it a crime for a company in this country in competition with a foreign company, in trying to get trade in a foreign country, to reduce prices, and so on?

Mr. CLAPP. Mr. President, I do not apprehend that we could do that if we wanted to; and certainly I do not understand that this amendment would do that.

Mr. JONES. Let me call the Senator's attention to this language:

That any person, firm, company, association, or corporation engaged in commerce between the United States and foreign nations, * * * or between the District of Columbia and any State or States and foreign nations.

Mr. CLAPP. That is simply to give Congress jurisdiction over this subject.

Mr. JONES. Why, we have jurisdiction over commerce between the States. There is a very important situation involved, you know. If we prevent our people from using certain methods in competition with foreign countries and for a foreign market, they are very greatly handicapped. So I suggest to the Senator—of course, I have to do this hurriedly—that he strike out, in line 4, the words "between the United States and foreign nations, or," and leave it to read "engaged in commerce among the several States, or between a State or States," and so forth.

Mr. CLAPP. Mr. President, to avoid delay, I will ask permission to submit the proposed substitute as modified by striking out of line 4 the words "between the United States and foreign nations, or."

Mr. JONES. And then, in lines 10 and 11——

Mr. CLAPP. And then, in lines 10 and 11, the words "or States and foreign nations."

Mr. JONES. Yes.

Mr. CLAPP. In view of the fate of section 2, I think it is of the utmost importance that this substitute shall be prepared with the greatest care before it is submitted to a final vote at the hands of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota.

The amendment was rejected.

Mr. WHITE. Mr. President, I have an amendment which I desire to offer as a substitute for section 4.

The PRESIDING OFFICER. First, it will be necessary to dispose of section 2. The question is upon concurring in the amendment made as in Committee of the Whole. [Putting the question.] By the sound the ayes seem to have it.

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ASHURST. Let the amendment be stated.

The PRESIDING OFFICER. The question is on concurring in the action of the Senate, as in Committee of the Whole, in striking out section 2. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. COLT (when his name was called). I transfer my pair with the junior Senator from Delaware [Mr. SAULSBURY] to the junior Senator from Vermont [Mr. PAGE] and will vote. I vote "yea."

Mr. FLETCHER (when his name was called). Announcing my pair and its transfer as before, I vote "yea."

Mr. HOLLIS (when his name was called). I announce my pair and withhold my vote.

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. TOWNSEND (when his name was called). I again announce my pair and its transfer and vote "yea."

Mr. WILLIAMS (when his name was called). I announce my pair and its transfer and vote "yea."

The roll call having been concluded, the result was announced—yeas 40, nays 20, as follows:

YEAS—40.

| | | | |
|---|---|---|---|
| Ashurst | du Pont | Martin, Va. | Smith, Md. |
| Bankhead | Fletcher | Newlands | Smith, Mich. |
| Bryan | Gallinger | O'Gorman | Smoot |
| Burton | Hitchcock | Overman | Swanson |
| Camden | Hughes | Pittman | Thornton |
| Chamberlain | James | Pomerene | Townsend |
| Chilton | Kenyon | Ransdell | Walsh |
| Colt | Kern | Shafroth | Weeks |
| Culberson | Lea, Tenn. | Shively | White |
| Cummins | Lippitt | Simmons | Williams |

NAYS—20.

| | | | |
|---|---|---|---|
| Borah | Lane | Myers | Poindexter |
| Brady | Lee, Md. | Nelson | Reed |
| Clapp | McCumber | Norris | Sheppard |
| Clark, Wyo. | McLean | Oliver | Shields |
| Jones | Martine, N. J. | Perkins | Thompson |

NOT VOTING—36.

| | | | |
|---|---|---|---|
| Brandegee | Dillingham | Johnson | Penrose |
| Bristow | Fall | La Follette | Robinson |
| Burleigh | Goff | Lewis | Root |
| Catron | Gore | Lodge | Saulsbury |
| Clarke, Ark. | Gronna | Owen | Sherman |
| Crawford | Hollis | Page | Smith, Ariz. |

| | | | |
|---|---|---|---|
| Smith, Ga. | Sterling | Thomas | Warren |
| Smith, S. C. | Stone | Tillman | West |
| Stephenson | Sutherland | Vardaman | Works |

So the amendment was concurred in.

Mr. SMOOT. Mr. President, I reserved the privilege of moving to strike out section 4 of the bill when it was in Committee of the Whole, and I now move to strike out section 4 of the bill.

Mr. WHITE. I will say to the Senator from Utah that I have a substitute for section 4 which I should like to have considered before his motion is acted upon.

Mr. SMOOT. I think the proper thing to do would be to allow the Senate to express its opinion as to whether or not section 4 should go out of the bill entirely. I reserved that right while the bill was in Committee of the Whole.

Mr. WHITE. But, Mr. President, I will ask the Senator if the Senator has not the right to perfect the section first, before determining whether it shall go out? I think that is the rule.

Mr. SMOOT. No, Mr. President; the rule is that amendments to section 4 should have been offered in Committee of the Whole or——

Mr. WHITE. It was.

Mr. SMOOT. Or the right reserved to offer the amendment in the Senate.

Mr. WHITE. It was.

Mr. SMOOT. Did the Senator reserve that right?

Mr. WHITE. Yes; I offered it while we were considering the bill in Committee of the Whole.

Mr. SMOOT. But the Senator should have reserved the right to offer the amendment in the Senate, and that I do not think the Senator did.

Mr. WHITE. I think I did.

The PRESIDING OFFICER. The Chair is of opinion that the reservation of section 4 by the Senator from Utah reserved it for everybody, and that it will now be in order to offer an amendment to it in the nature of perfecting the section.

Mr. SMOOT. I admit that the Chair is right in that ruling. If the Senator wants to offer his amendment now for the purpose of perfecting the section, as he expresses it, I have no objection. I shall offer my amendment, if I think it is proper, after his amendment has been disposed of.

The PRESIDING OFFICER. The Secretary will read the amendment proposed by the Senator from Alabama [Mr. WHITE].

The SECRETARY. In lieu of the words stricken out insert:

SEC. 4. The purchaser, lessee, or licensee of any article or articles, or process, protected by a patent or patents, shall not as a condition to the purchase, lease, or obtaining such license be required to or prohibited from purchasing, leasing, or obtaining the right to use any other article or class of articles, whether patented or not, or any patented process, from any person whomsoever, and that any agreement embracing any such requirement or prohibition is hereby declared illegal. And any person other than the purchaser, lessee, or licensee violating the provisions of this section shall be guilty of misdemeanor, and upon conviction thereof shall be fined not exceeding $5,000 or by imprisonment not exceeding one year, or by both, in the discretion of the court.

Mr. WHITE. Mr. President, I regard section 4 as probably embodying more that will be of benefit to the country than any other section in the bill. This is the section that supplies the field the Sherman antitrust law does not cover. It is intended to cover the tying of patents together or tying of anything else to a patent and using that and creating a monopoly. Section 4 of the bill provides:

That it shall not be lawful to insert a condition in any contract relating to the sale or lease of or license to use any article or process protected by a patent or patents the effect of which will be to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any person other than the seller, lessor, or licensor, or his nominees, or the effect of which will be to require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees, any article or class of articles not protected by the patent; and any such conditions shall be null and void, as being in restraint of trade and contrary to public policy.

Then comes the penal provision of the section.

It will be observed that the purpose of this section is to prevent a person holding a patent of a small piece of machinery or appliance, before allowing that patent or patented process to be used, to obligate the purchaser to use something else in connection with it, and in that way to prevent the purchaser from going into the market and buying the other article. That is the purpose, as I understand the section.

One objection to section 4 as modified is that it carries too much verbiage; it is involved. The next proposition is—and I want to call the attention of the Senate to this—the use of the word "insert"; "that it shall not be lawful to insert a condition in any contract." What is meant by "insert"? It means to put into something. It is not punishing the person for having in a contract, or carrying in a contract, or embracing in a contract anything that is wrong, but the penalty is imposed for inserting something, for the act of inserting. The person interested and who might want to tie up these patents himself would not insert it; some other individual might insert it, some agent might insert it, and the real guilty party would go unpunished. It punishes the act of inserting something. It does not punish or make void the contract because it embraces something. My amendment does that.

Mr. WILLIAMS. If the Senator will pardon me, why does he use the language here "any person other than the purchaser, lessee, or licensee"?

Mr. WHITE. I will come to that, I will say to the Senator from Mississippi, in a moment. I can answer it right now just as well as at any time. That is in the penal provision. The Senator from Mississippi asks why I exclude from the penal provision the purchaser, lessee, or licensee. In the first place, the section is to protect the purchaser, the lessee, or the licensee, and we do not care to punish the man we are intending to protect.

Moreover, the purchaser might be forced to put it in or he could not obtain the articles entirely, and it is punishing him then for something he could not avoid, with absolutely failing to obtain what he wanted to purchase.

But the real reason is that to make that provision of the section effective we must have evidence to convict. You can not convict if all the parties to the contract are liable, are subject to be prosecuted. You have no way of making them give evidence, because you can not make them give evidence against themselves.

There is every reason, therefore, to visit the penalty upon the person whose interest it is to put it in the contract. I do not confine it to the seller, the lessor, or the licensor, because those persons might employ somebody else to do it. Therefore my amendment makes it penal for any person except the purchaser, the lessee, or the licensee, and it can be used as evidence.

The amendment under discussion provides that—

the purchaser, lessee, or licensee of any article or articles, or process, protected by a patent or patents, shall not as a condition to the purchase, lease, or obtaining of such license be required to or prohibited from purchasing, leasing, or obtaining the right to use any other article or class of articles, whether patented or not, or any patented process, from any person whomsoever.

Instead of enumerating all the names—that is, of the lessor, the purchaser or the licensor, or the nominees—the word "whomsoever" is employed and covers the whole field. It necessarily covers those covered by the original section and includes a great many others that are not included in that.

Then the other provision of the section is that any agreement embracing any such requirement or provision is declared illegal.

Then comes the penal provision to which I have already referred. It occurs to me that we accomplish by this certainly all and a great deal more than we accomplish by section 4, and we do it in a very much better way. Section 4 has entirely too much verbiage in it. It is limited too greatly by making penal and illegal only the insertion of something in a contract.

Mr. SMOOT. Mr. President, whatever objections I shall have to section 4 as the bill is reported to the Senate I could submit as against the amendment submitted by the Senator from Alabama. I agree with the Senator from Alabama this far: That his amendment will reach all the cases that the amendment has provided in the bill, and I believe it will even go further than that. After the vote is taken upon this amendment, whether it be adopted or defeated, I shall offer my amendment to strike out the section either as it now is or as it may be amended by the Senator from Alabama.

I do not care at this time, Mr. President, to give the reasons why, because the reasons will apply to either one. As soon as the Senate decides that question I shall give the reasons why I think section 4 should be eliminated from the bill.

Mr. NEWLANDS. Mr. President, I am opposed to the amendment offered by the Senator from Alabama [Mr. WHITE] and also to section 4 as it now stands in the bill, and if the opportunity offers I shall present the following substitute:

SEC. 4. That the Federal trade commission shall investigate the practice of tying contracts in trade and report its recommendations thereon to the President for transmission to Congress.

So far as this question is concerned my mind is not yet made up. I do not believe that Congress has sufficient information.

Mr. CULBERSON. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. CULBERSON. I understand the proposition now is the substitute offered by the Senator from Alabama.

The PRESIDING OFFICER. That is the question before the Senate.

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Mr. CULBERSON. The Senator from Nevada, I think, can not offer a substitute for the substitute.

Mr. NEWLANDS. I am not offering it. I said that at the proper time I would offer it.

Mr. CULBERSON. I beg the Senator's pardon; I did not understand him.

Mr. NEWLANDS. I am now proceeding to discuss the general question, including the amendment of the Senator from Alabama [Mr. WHITE].

I will say, Mr. President, that my mind is not yet made up as to the policy of permitting or of invalidating so-called tying contracts in trade, nor do I believe this matter has been sufficiently discussed either before committees or in Congress to enable Congress to form an intelligent judgment upon the subject. The Supreme Court as to patents has declared that the owner of a patent has a right in connection with the patent to make these so-called tying contracts. It is a question in my mind as to whether the owner or the producer of anything should not have the right to make tying contracts, and whether such a policy will not in the end produce the highest and the most efficient competition.

I can understand, Mr. President, how a hundred competitors in the manufacture of a product intended for the same use could reach the very highest standard of competition by permitting each to control the conditions of the product which he makes, not only the manufacture, but its repairs and its renewals. I can understand in that way how every producer would seek the highest excellence not only in the product which he originally puts out, but in maintaining it up to the highest standard of excellency. If that be so, I would not like to see prematurely a rule of law laid down that would prevent an efficient system of competition.

Mr. President, my attention has been called recently to a case where a slight change in a manufactured product produced not only a disastrous effect upon the year's sales, but inflicted a lasting injury upon the business itself. I heard only the other day of an automobile company of high reputation, a reputation obtained through years of manufacturing excellence, whose character and reputation for excellence of work was seriously injured by an attempted improvement in the engine itself. That improvement was made by the company with the aid of skilled engineers. The company thought it was putting in an improvement, but it proved not to be such; and all the machines sold had to be taken back, at a great loss to the manufacturer and lasting injury to the institution itself.

If such an injury can be inflicted upon a business by the owner of the product, by the producer of the product, can not an injury even greater than that be done by some outsider unless the manufacturer of the product has absolute control of it from beginning to end and control over its repairs and control over its renewals?

Mr. WALSH. Mr. President——

Mr. NEWLANDS. I have no fixed view upon this subject; my mind is open upon it; but I should say that this thing ought to be made the subject of an exhaustive inquiry before Congress assumes to act regarding it. I yield to the Senator from Montana.

Mr. WALSH. I wish to inquire of the Senator if he understands that this amendment undertakes to prevent the inventor from having full control over his invention?

Mr. NEWLANDS. I do not know. It does to this extent——

Mr. WALSH. It really was intended, I will say, to prevent him from having control over something that he has not at all.

Mr. NEWLANDS. Oh, yes; there is every reason for nice distinctions in the legislation that is to be adopted. I do not know whether this legislation will have the restricted operation to which the Senator alludes. I do not know how extensive it may be. As I read it, it absolutely prevents the owner, the producer, the manufacturer, of a given product from tying to that product anything. I can see how possibly the highest excellence in the individual product will be secured by giving the owner the control over his product from beginning to end, its repairs and renewals, and how the highest and best competition in securing not only cheapness but excellence can be secured by those maintaining the individual character of a product.

So as my mind is in an unsettled state with reference to this important question, and inasmuch as it only came before us recently, and that in debate, without the thorough sifting process of an investigation, I would prefer that this matter be referred to the trade commission for investigation and report, the report to be transmitted to Congress through the President.

Mr. COLT. Mr. President, my objection to section 4 and the proposed amendment to it is that they cover a multitude of normal transactions in business. The test which I would apply to these tying contracts, and which I believe will ultimately be the test with respect to everything that is forbidden by the antitrust laws, is whether they are detrimental to the public. This is the test which is incorporated in the Australian antitrust law. This test commends itself to the judicial mind, to common sense, and to the public opinion of the country. Any tying contract which leads to enhancement of price, or to crushing competition, or to any other result which is detrimental to the public should be prohibited.

To repeat, my objection to section 4 and to other similar sections of this bill is that these provisions include a multitude of normal transactions in trade and commerce which are recognized as proper and just and right by the community.

Again, when you say that every tying contract which is detrimental to the public is prohibited, you come clearly within the Sherman Act, as interpreted by the rule of reason, and this applies to all the many other similar provisions of this bill.

Mr. WALSH. Mr. President, as section 4 was incorporated in the bill upon my motion, I offer some observations on the amendment offered by the Senator from Alabama [Mr. WHITE].

He very justly says that the language of section 4 is rather extensive to express the ideas embodied in it. But upon a consideration of the amendment offered by the Senator from Alabama it will be perceived, I think, that it would be embarrassing, if not difficult, to reduce the compass. The Senator from Alabama has not done it successfully. If attention is given to it, it will be found that his amendment reads:

> The purchaser, lessee, or licensee of any article or articles, or process, protected by a patent or patents, shall not as a condition to the purchase, lease, or obtaining of such license be required to, or prohibited from, purchasing, leasing—

And so on.

The participles "purchasing, leasing, or obtaining" do not properly follow the preposition "to." It should read "to purchase, to lease, or to obtain." So likewise those verbs will not properly follow the preposition "from." It should read, "from purchasing, from leasing, or from obtaining." So in the preparation of the original draft it became necessary to use the present participle in connection with one expression and the verb in connection with the other, and the amendment is objectionable in its construction as it stands here.

In the next place, the essential difference between the amendment offered by the Senator from Alabama and the amendment as it has already been adopted by the Committee of the Whole is in this: The Senate makes the condition void. The amendment offered by the Senator from Alabama makes the contract itself void. This is the operation: The Shoe Machinery Co. leases out a patented machine at a certain royalty, accompanied by a condition to the effect that the lessee shall be required to purchase other machines and all the machines that he needs in the factory for a certain length of time from the seller of the patented article. Under the amendment as it stands he will become the owner of the machine or he may insist upon the validity of his license contract. If the condition alone falls, he holds the machine, but if you make the entire contract void then the owner of the patented machine will be able to go to his factory and take that machine out and leave him without a machine with which to do his work. It would be utterly destructive of the purpose of this amendment to make the contract void. You make the condition void, but leave the contract by which the lessee, purchaser, or licensee retains the possession of the article so that he can go on in the conduct of his business.

Mr. President, it is likewise suggested that under the amendment as it stands the purchaser, lessee, or licensee would be liable to the pains and penalties of the penal provision and that if he were he could not be compelled to testify against the lessor or licensor. Of course, if he should be liable he could not then be compelled to testify, but I am very certain that from a reading of the bill as a whole, although it says "any person violating," it will be perceived at once that it was done for the purpose of reaching not the licensee or the purchaser or the lessee, but it was done for the purpose of reaching the lessor, the licensor, the vendor, and "any person" as used here would be restricted to mean to embrace only those classes. If anybody should feel that there is danger in that, it could be easily corrected by an amendment, but it should not be, as it seems to me, in the language of the amendment offered by the Senator from Alabama, which is to the following effect:

> And any person other than the purchaser, lessee, or licensee, violating the provisions of this section, shall be guilty of misdemeanor.

Under that language you make one man who is guilty subject to a penalty and you make another man who is guilty entirely free from the penalty. I would not have that done. I would have it read, "any person, not including the vendee, lessee, or licensee, violating the provisions of this act." But I

do not think that is necessary, because I do not think the act could be given a construction such as would make the vendee, the licensee, or the lessee amenable to the penal provisions of the act. If there is any doubt about it, however, I shall be very glad to offer an amendment in substance to that effect.

There is, however, one just criticism that I think can be made upon the amendment as it stands. It is in the use of the word "insert." As the amendment begins, that "it shall not be lawful to insert a condition in any contract," it would quite clearly carry the idea of a written contract with the condition inserted in the contract; and it might leave open the question as to whether such a condition in a verbal contract would fall within the condemnation of the act. In order to obviate a possibility of that kind I move that the words "or incorporate" be inserted after the word "insert," so as to real, "that it shall not be lawful to insert or incorporate a condition."

Mr. BURTON. Will the Senator from Montana yield for a question?

Mr. WALSH. I will.

Mr. BURTON. Does the Senator interpret the section as adopted in Committee of the Whole as prohibiting a manufacturing establishment from agreeing with an agent that that agent shall handle exclusively its patented article?

Mr. WALSH. Mr. President, the committee certainly did not intend that it should, and I can not conceive that it could, receive any such construction.

Mr. BURTON. The Senator from Montana, of course, is familiar with the fact that there are establishments which are unable to maintain branches as their larger competitors do, but which wish to engage an agent who shall handle their goods exclusively. In the judgment of the Senator from Montana, is that kind of an agreement for sales in any way forbidden by this section?

Mr. WALSH. I should say not. The Senator from Ohio puts to me a case not of a sale at all, but of the creation of an agency.

Mr. BURTON. Of the creation of an agency.

Mr. WALSH. I say to the Senator from Ohio that that question was raised with reference to the original section 4, and he will find in the comments of the House committee a declaration that it never was intended that the section should apply to exclusive agencies at all; that it related simply to the sale and disposition of goods.

Mr. SMOOT. I want to suggest to the Senator that I have received a number of letters from attorneys representing different manufacturers claiming that the section, as amended, will prevent just such action as that referred to by the Senator from Ohio.

Mr. WALSH. I should be obliged to differ radically from that construction.

Mr. President, while I am on this subject, I might say a word with reference to the opposition voiced by the Senator from Nevada [Mr. NEWLANDS] to the amendment, either as adopted by the Senate as in Committee of the Whole or as proffered by the Senator from Alabama [Mr. WHITE]. The Senator from Nevada is not speaking to the amendment of the Senator from Alabama, but he is speaking against the proposition in any shape. He wants an investigation by the trade commission. That means, of course, that the Senator from Nevada does not favor this now, or at any other time, for that matter.

Mr. NEWLANDS. No——

Mr. WALSH. I would suggest that if any Senator does not like this he vote against it and try to vote it down and to vote it out of the bill, but do not put in a declaration directing the trade commission to investigate this subject. Of course everybody recognizes as a rather antiquated method of defeating a measure that a man does not want to pass the proposition to appoint a committee to investigate.

Mr. President, I feel like saying this in connection with the remarks of the Senator from Nevada. This matter was very thoroughly debated upon this floor in the consideration of the bill as in Committee of the Whole. Unfortunately at that time the Senator from Nevada was engaged with other urgent and important public duties, and he did not hear urged the very powerful considerations that addressed themselves to the Senate, inducing the adoption of the amendment. I do not myself feel at the present time like entering into a discussion of this subject from the ground up as though it were an original proposition.

Mr. NEWLANDS. Mr. President——

Mr. CHILTON. I rise to a point of order.

The VICE PRESIDENT. The Senator from Nevada has once spoken to the amendment.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. The Senator from Alabama has also spoken to the amendment.

Mr. ASHURST. Vote!

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Alabama [Mr. WHITE].

The amendment was rejected.

Mr. WALSH. Mr. President, on page 5, line 1, I move to insert the words "or incorporate" after the word "insert."

The VICE PRESIDENT. The Secretary is unable to understand at what point the Senator from Montana desires the amendment inserted; whether the Senator is referring to the old or the new print of the bill.

Mr. CULBERSON. The amendment is to come in on page 5 of the new print of the bill necessarily, because the language is not in the old print. It is an amendment adopted by the Senate as in Committee of the Whole.

The VICE PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 5, line 1, of the new print of the bill, after the word "insert," it is proposed to insert the words "or incorporate," so that if so amended it will read:

That it shall not be lawful to insert or incorporate a condition in any contract relating to the sale or lease—

And so forth.

The VICE PRESIDENT. The question is on the adoption of the amendment proposed by the Senator from Montana.

Mr. WHITE. Mr. President, that amendment improves the section somewhat, but it does not remedy the defects which I think are in the section. The Senator from Montana [Mr. WALSH] contends that it is unwise to make a contract void because of the insertion of the condition, and that it is better to make the condition itself void, and illustrates by saying that the seller or the lessor of the article could demand a return of the article from the purchaser or lessee if the contract itself was avoided by the law. I do not agree to this. While the seller might avoid the contract, he could not reclaim his property, while the purchaser or the lessee, having the same right to declare the contract void, would, after having done so, hold the property. The seller or lessor of the article would be more interested in validating the contract than would the purchaser or the lessee, because if both have been guilty of a wrong, a violation of law, and the property being in the possession of the purchaser or lessee, he could not be deprived of it, as the law would leave the parties where it found them, the seller or the lessor being without remedy to recover his property. He would not likely declare a contract void when it will leave him in the position of not being able to recover his property from the possession of the other party to the contract.

I think if you want to give life to the section you should make the contract itself void. By doing that the seller or lessor will not be inclined to insert any such provision in a contract; but he can very well afford to insert such a provision if only the condition is made void and he not lose anything by it except the advantages contained in the conditions. In other words, all the advantages are left with the seller or the lessor by making the contract void, and all the disadvantages are thrown upon the purchaser or lessee, while the contrary is true if the condition only is made void.

Mr. President, neither do I think the other difficulty is removed, as contended by the Senator, namely, that the purchaser or the lessee or licensee will be exempted from the operation of the penal provision of the section as it stands.

It provides that all persons violating the provisions of the section shall be subject to the penalty imposed. Either the section means that the act of inserting or incorporating the condition is itself the act that is penalized, or else it means that any party to a contract in which such a condition is embodied is guilty of violating the section. It seems to me there is no escape from that position.

If the section means what the Senator from Montana claims—that is, that the words "insert and incorporate" mean to embrace or embody in the contract—then the purchaser, lessee, or the licensee executing such a contract is just as much a party to it as is the seller or the lessor and would be equally guilty of violating the law if they executed the contract.

I will say, further, Mr. President, that we ought not to enact a criminal statute imposing such penalties as these resting in doubt and uncertainty. The purchaser, the lessee, or the licensee ought to be excluded from it in express terms, or it ought to be understood that they are to be punished for its violation. I do not think, Mr. President, that the Congress of the United States should enact a statute that is susceptible, at least, of that construction; as it stands, the only means of the



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purchaser, lessee, or licensee escaping from it will be by construction.

I confess that the verbiage of the amendment offered by me could be improved; the criticism of it relates merely to its verbiage. The amendment was prepared hurriedly; I did not give that feature of it particular attention. That, however, is merely a matter of correcting the verbiage of the amendment. The substance of the amendment, in my judgment, is infinitely better than the section for which it is offered as a substitute.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I now move to strike out section 4 of the bill.

Mr. CULBERSON. Would not that question more properly come up on the motion to concur in the amendment made as in Committee of the Whole?

Mr. SMOOT. I was going to speak to the motion proposing to strike out the amendment. I am not, however, particular; either way will suit me.

The VICE PRESIDENT. Section 4 is an amendment agreed to as in Committee of the Whole.

Mr. CULBERSON. Section 4 was an amendment adopted by the Senate as in Committee of the Whole.

Mr. SMOOT. I understand that that amendment was agreed to as in Committee of the Whole, but it has not been concurred in in the Senate.

The VICE PRESIDENT. If the Senate does not concur in that amendment made as in Committee of the Whole, it goes out.

Mr. SMOOT. The question, however, will come up on concurring in the amendment.

The VICE PRESIDENT. Yes.

Mr. SMOOT. Therefore, Mr. President, I yield to the Senator from Nevada, who desires to offer an amendment to perfect the amendment.

Mr. NEWLANDS. Mr. President, I offer the following substitute for section 4:

SEC. 4. That the Federal trade commission shall investigate the practice of tying contracts in trade and report its recommendations thereon to the President for transmission to Congress.

Mr. President, it was not my intention to say anything further in regard to this matter had it not been for the comment of the Senator from Montana [Mr. WALSH]. To my utter surprise he impugned my sincerity in offering this amendment, and intimated that the purpose of it was to postpone forever the consideration of this question. I thought I was so thoroughly established in the confidence of the Senator from Montana that he would not make such a charge of insincerity against me, and I had such confidence in his courtesy that I did not suppose that he would transgress one of the established rules of a dignified body, which requires that no comment should be made impugning the good faith of Senators.

Mr. President, with reference to the merits, I do not believe that this subject has received the consideration by committees and by Congress which it deserves. I believe there are two sides to this question, the two sides which I have presented—one that which inspired the framing of this section, namely, that tying contracts operate as a restraint upon trade and as an injury to the public, and the other that tying contracts may be so made as to perfect and individualize the product itself and to promote competition instead of restraining competition among producers of articles designed for the same use.

I can understand, Mr. President, how it might be very important not only to the manufacturer but to the public itself, not only to the seller but to the purchaser, that the manufacturer should have the absolute control of an individualized product, both in its original shape and in its renewals and repairs. I can understand how renewals and repairs may be made by outsiders in such a way as to seriously injure the reputation of the producer and in such a way as to work a wrong upon the consuming public.

Now, we are about to organize a Federal trade commission. That commission is expected to be composed of men of high standards, of large ability, of great experience in production and trade, all of them experts in everything relating to production and trade; and we are about to organize them not only for the purpose of action under section 5, the unfair-competition section, but for the very purpose of investigating such questions as this and for the purpose of making recommendations to Congress with a view to perfecting legislation. We will have, after the Federal trade commission bill is passed, two acts on the statute books relating to trade—one the Sherman law, which remains intact and operates upon all restraints of trade, and the other the Federal trade commission act. That commission will have jurisdiction over matters involving unfair competition, and which possibly might not come within the purview of the Sherman law.

I am inclined to think that all objectionable contracts, tying contracts, that operate either in restraint of trade—and now I am speaking of unpatented products—or operate to create unfair competition can not be made under existing law, and if they can not be, then certainly there is every reason why the whole question should be investigated by the Federal trade commission, with a view to shaping legislation that will reach the exact evil, if there be an evil, without involving in the embrace of legislation numerous practices which are beneficial, rather than prejudicial, to competition and beneficial to the consumers as well as the manufacturers.

Mr. WALSH. Mr. President, I stated what I did concerning the amendment offered by the Senator from Nevada because I understood him then, as I understand him now, to be definitely and resolutely opposed to the principle embodied in section 4, and I understood then, as I understand now, that his substitute was offered in the expectation that when the matter was investigated the Federal trade commission would report in accordance with the convictions which he has expressed.

Mr. NEWLANDS. Mr. President, there was nothing whatever in my language that would allow any such inference to be drawn. I said that I had a perfectly open mind upon the entire subject, but that there were two sides, and that I wished it considered by a body of experts before we should take action upon the subject.

Mr. WALSH. I rose simply to say, Mr. President, that if anything I said offended or had any reason to offend any of the sensibilities of the Senator from Nevada I regret it exceedingly, and I desire to withdraw anything that I did say to that effect. I am sure the Senator knows that I would not even thoughtlessly offend him or say anything to his displeasure.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll, and Mr. ASHURST voted in the negative when his name was called.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

Mr. ASHURST. I have made a response to the roll call, Mr. President.

The VICE PRESIDENT. The roll call has begun and a response has been made.

The Secretary resumed the calling of the roll.

Mr. COLT (when his name was called). I make the same announcement as to my pair and its transfer as on the previous roll calls and vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. TOWNSEND (when his name was called). I make the same announcement of my pair and its transfer as I have heretofore made to-day and vote "yea."

The roll call was concluded.

Mr. FLETCHER. I make the same transfer as to my pair and its transfer as before and vote "nay."

The result was announced—yeas 12, nays 46, as follows:

YEAS—12.

| | | | |
|---|---|---|---|
| Clark, Wyo. | du Pont | Newlands | Smoot |
| Colt | Gallinger | Oliver | Townsend |
| Dillingham | Lippitt | Smith, Mich. | Weeks |

NAYS—46.

| | | | |
|---|---|---|---|
| Ashurst | James | Nelson | Shively |
| Bankhead | Jones | Norris | Simmons |
| Bryan | Kenyon | O'Gorman | Smith, Md. |
| Camden | Kern | Overman | Swanson |
| Chamberlain | Lane | Perkins | Thompson |
| Chilton | Lea, Tenn. | Poindexter | Thornton |
| Clapp | Lee, Md. | Pomerene | Vardaman |
| Culberson | McCumber | Ransdell | Walsh |
| Cummins | McLean | Reed | White |
| Fletcher | Martin, Va. | Shafroth | Williams |
| Hitchcock | Martine, N. J. | Sheppard | |
| Hughes | Myers | Shields | |

NOT VOTING—38.

| | | | |
|---|---|---|---|
| Borah | Goff | Penrose | Sterling |
| Brady | Gore | Pittman | Stone |
| Brandegee | Gronna | Robinson | Sutherland |
| Bristow | Hollis | Root | Thomas |
| Burleigh | Johnson | Saulsbury | Tillman |
| Burton | La Follette | Sherman | Warren |
| Catron | Lewis | Smith, Ariz. | West |
| Clarke, Ark. | Lodge | Smith, Ga. | Works |
| Crawford | Owen | Smith, S. C. | |
| Fall | Page | Stephenson | |

So Mr. NEWLANDS's amendment was rejected.

The VICE PRESIDENT. The question recurs on concurring in the amendment made as in Committee of the Whole.

Mr. SMOOT. Mr. President, I sincerely trust that the Senate will not adopt this amendment. I will take but a very few minutes to give my reasons.

With the object of the amendment I have no quarrel whatever. I believe that it would do good in some cases; but, Mr. President, there will be thousands of small manufacturers in this country who, if this amendment is adopted, will be virtually put out of business. Senators well know that a manufacturer who is making printing presses, for example, to sell all the way from $150 up to $3,000, sells them generally through agents; and before he can secure an agent to handle his presses the agent is given a certain district, sometimes including a whole State or a part of a State, or two or three States, as the case may be, and when he accepts the agency he agrees with the manufacturer that he will sell no presses other than those made by that manufacturer.

Mr. President, the small manufacturer can not have an agent in every city. The large ones can, and not only can but do. The large manufacturer can sell, not through an agency, but direct, and not be compelled to make a contract with an agency; but in the case of the small man manufacturing washing machines or printing presses or a thousand other things that are sold all over this country through agencies, if this amendment is adopted the result will be that he will have to go out of business. He will not be able to sell his goods because of the fact that he can not afford, nor has he the capital, to have a selling agency in every city in the United States.

Mr. REED. Mr. President, will the Senator point us to the language in the amendment which prohibits a corporation or a man from having an exclusive agency?

Mr. SMOOT. Mr. President, the amendment covers any contract relating to the sale of any article protected by a patent. That is what the amendment covers.

Mr. REED. But it might cover that and not prohibit exclusive agencies. I should like to have the Senator point us to the exclusive-agency clause.

Mr. SMOOT. That follows. There is not a question about it, in my mind; nor is there a question about it in the minds of some of the best attorneys in the United States.

Mr. REED. The Senator is reading letters that comment on the original section, I take it.

Mr. SMOOT. No; I am not. I will call the Senator's attention to the letter I have from Mr. James E. Bennett, which I have selected out of many others that I have received. In it he says:

> On August 28 I wrote you expressing the views of my clients and myself against the restorntion of section 4, relating to exclusive trade contracts, to the so-called Clayton bill. I was misled by the newspapers in this regard, and am now informed that section 4 was stricken out, but a substitute inserted.

Then he proceeds to call attention to how many of his clients, some of them with capital of not more than $10,000, others perhaps with a capital of $100,000 or $150,000, under the construction of this amendment will have no chance whatever to sell their goods in competition with the monopolists of this country. The result of it will be, Mr. President, that they will be restricted to the very small areas around where they are manufacturing their goods, just where they can reach them by traveling men, and they will not be able to establish agencies in the different States of this country.

I know that that was not the intention of the framers of this amendment, but I feel confident that if the amendment is adopted that will be the result.

For that reason I sincerely trust the Senate will not agree to this amendment.

Mr. WALSH. Mr. President, of course I am entirely satisfied that the apprehensions of the Senator from Utah and the gentlemen who write him on behalf of clients interested in this measure are entirely unfounded.

In the respect in which he criticizes this section 4 the original section 4 was open to exactly the same criticism. The original section 4 prevented these tying-in contracts, whether the article to which the others were tied was a patented article or an unpatented article. We did not, by taking it out, intend to say that we did not disapprove of those practices, but it was believed that the matter would be regulated through the trade commission. It was found, however, that the tying-in contract was declared legal by the Supreme Court of the United States in what is known as the Dick case, and this provision was put in, so that the original section was open to exactly the same criticism that is now made against the present section 4.

Mr. SMOOT. Mr. President, if the Senator will yield, I hope he did not gather from what I said that the original section 4 was not open to the same criticism.

Mr. WALSH. Oh, certainly not.

Mr. SMOOT. It was open to the same criticism.

Mr. WALSH. That is the point I am endeavoring to impress upon the Senate.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I will state that I have had communications from some of my constituents on this point, and what they meant to say, as the correspondent the Senator from Utah has quoted meant to say, was that they understood the section had been eliminated from the bill, but afterwards found that a substitute amendment had been inserted. I think the objection of my correspondents would have been made to the original proposition just as to this.

Mr. WALSH. That being thoroughly understood, I wish to invite attention to what was said by the House committee upon that subject. You will find it upon page 6 of the report of the committee. They say:

> Section 4 of this bill has apparently been much misunderstood, and great confusion seems to have arisen in regard to its provisions. Whether designedly or from a misunderstanding of its purport, we know not, but it has been contended very earnestly that its provisions prevent exclusive or sole agencies. It not only does not prohibit or forbid exclusive agencies, but on the contrary it in no way whatever relates to agencies properly so termed.

Neither does the present amendment; and it is not susceptible of any such construction. The Senator from Utah ought to have read just a little bit further in his recital of the language of this amendment. He read thus:

> That it shall not be lawful to insert a condition in any contract relating to the sale or lease of or license to use any article or process protected by a patent or patents—

Thus far, of course, a contract of agency does relate to those things. But continue—

> the effect of which will be to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles.

The contract to which it relates is not a contract between the vendor and his agent in relation to this disposition of it. It is a contract between the vendor, the licensor, or the lessor, upon the one side, and the vendee, the licensee, or the lessee, upon the other; and the provision is that in that contract no such condition shall be inserted.

Mr. JONES. Mr. President, I have here an address by Hon. Charles Richardson, of Tacoma, whom many of the Senators know, on the trust matter. Without taking the time to read it, I ask that it may be printed in the RECORD as part of my remarks. While I do not agree with all the views expressed, there are some very pertinent suggestions made.

The VICE PRESIDENT. In the absence of objection, that order will be made.

The matter referred to is as follows:

[From the Seattle, Wash., Post Intelligencer of Sunday, June 28, 1914.]

SOME NEW PROBLEMS IN LAW AND FINANCE.

(By Charles Richardson, of Tacoma.)

Mr. President and gentlemen of the convention, while on a visit in the East this spring I received from my friend Mr. Stacy an invitation to speak before you to-day. I presume he considered that my familiarity with loans, discounts, notes, renewals, and overdrafts peculiarly fitted me to address you on this occasion. After selecting my topic I telegraphed Mr. Stacy that I would talk upon the subject of "New problems in law and finance." After some consideration my thoughts upon this theme seemed more like a biography of Methuselah than new problems in law and finance, and so I am going to ask you to forgive whatever discrepancy there may be between my subject and my remarks, remembering the words of Holy Writ, that "There is no new thing under the sun."

I desire to preface my remarks with an explanation lest you misunderstand some of the things I have to say. I am not a politician. I am a Democrat; but I have never run for office, have never held an office, hence have never been "recalled." What I say to you, therefore, is not in criticism of parties from a partisan standpoint. I am here as you are, for the sole purpose of trying to ascertain the cause of conditions which prevail in our country—it matters not whether the fault lies at the door of the Democratic Party, the Republican Party, or the Progressive Party. I trust, therefore, I will not excite your prejudice, as I might do if I were making a political speech.

TIME TO SPEAK OUT.

The time has come in this country when it behooves every man to speak out. I think it behooves him to speak even against his political prejudices, his religious prejudices, or the traditions that have surrounded and filled his life. A great writer once said that but few men permitted their enemies to tell them the truth, and that but few of their friends would do so. I believe the time has come when every man should consider his American citizenship of more importance than his party allegiance or affiliations.

Prof. Sohm said: "The greatest and most far-reaching revolutions in history are not consciously observed at the time of their occurrence." I believe the American people are to-day confronted with more important issues than have ever been determined in conventions or fought out on battle fields. This is a very startling statement. Recently I spent several weeks in Washington, New York, and various cities of the East. During this time I discussed public questions with many men holding different views—citizens, thinking men, men of all classes. Every man with whom I conversed spoke as though he was confronted by some problem in American life that he could not solve. There was a universal feeling of apprehension and unrest; so much so that out of several hundred I do not hesitate to say 90 per cent voluntarily remarked that if they could dispose of their interests, if they could cash in, they would quit the game. That feeling,

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gentlemen, upon the part of the business men of America is a most startling one. I may not be able to give you the cause of it, but I can, in part, tell you what I think may be the cause.

CHANGE IN IDEALS.

In the last seven years has there been any marked change in the ideals of the people of America? Sadfacedly we must say there has. But few of us, busied with the everyday affairs of life, realize to what extent changes have taken place in public sentiment and in legislation. We have taken dangerous steps toward paternalism, centralization, and socialism, and away from the representative form of government adopted and handed down to us by our fathers. These tendencies are evidenced by the evolution of the Sherman Act and socialistic amendments to it now under consideration; by the Interstate Commerce Commission, and the unusual powers granted to and exercised by it; by the practical confiscation of the railroads of the country under the pretense of regulation; by the proposal to appoint a trade commission with powers similar to those now exercised by the Interstate Commerce Commission; by the building of a Government railroad; by an income tax imposing unequal taxes and containing inquisitorial provisions; and by a currency act which practically places the banking interests of the country in the hands of the President and his appointees.

We have passed beyond the doctrine of regulation by commission or other administrative bodies, and the Government is fast reaching out for arbitrary control and management of both private business and public utilities. The Government can regulate, it can supervise, but it has gone further than that. It is undertaking to manage and control. Right here you have the fundamental trouble in business to-day. You can regulate public utilities where they are municipally owned. It may be possible to regulate private property and its disposition, but when you commence to control it, and manage it, you, at that very moment, deprive the owner of his property in it.

EFFECT OF SHERMAN ACT.

The Sherman Act as originally passed was simply declaratory of the common law against unlawful combinations and conspiracies in restraint of trade. Its object was not to oppose or revolutionize the business of the country but to punish violations of the law. After the death of McKinley, when egotism was substituted for statesmanship and personal ambition and a spirit of domination controlled in the administration of public affairs, this act became an instrument in the hands of political parties whereby they sought to gain and hold supremacy. Each great chieftain "pointed with pride" to the number of scalps taken from the heads of captains of industry, and these, together with the "big stick," became the emblems of successful warfare. Every act of an Attorney General that struck a fatal blow at some great industry was applauded as a triumph of Republicanism or Democracy or Progressiveism. Economy in manufacture, economy in distribution, trade agreement eliminating unnecessary expense, business big enough to compete with the world's competition were condemned in order that the masses might be made to believe that their interests were being protected. And so the business interests of the country became the plaything of demagogues and office seekers.

Do you want sufficient proof that the business of the country is thus being destroyed? I will give it to you. It is in the exemptions which legislation is now writing into this act. In order that agriculture and labor may not be given the death blow designed for business, and that they may not be paralyzed and destroyed, they are to be exempt from the operation of this law. If the law is unjust and unfair to one class of citizens, it certainly must be unjust and unfair to every class.

Do the farmers and laboring men of the Nation want this sort of "advance pardon" for their supposedly illegal acts written into the laws of their country? But the politicians answer their acts of combination and restraint of trade are not illegal. Then why brand them as illegal by providing that they shall not be punished? Can a law that exempts 80 per cent of the people from its penalties, and more than that percentage of power in commerce and productiveness, be said to be equal or just?

If the agriculturist and laborer were to take a proper view of these exemptions they would be humiliated rather than gratified. It is the boldest and most intolerable piece of class legislation ever proposed in a civilized country. Such legislation can not and will not live, for it has within itself the seeds of its own destruction—for privilege is the same to whomsoever granted or by whomsoever exercised. It invited the opposition of every right-thinking man and its destruction is only a matter of time. The farmer, the laboring man, has always had and now has the friendship and the good will of the Nation. These exemptions will in time rob him of both.

HARD TO FOLLOW VIEWS.

In trying to follow the views of the President on this important question one finds great difficulty. It is the duty, and should be the pleasure, of every American citizen to place the most favorable construction possible on every act of the Chief Magistrate of the Nation, for his responsibilities and burdens are great. On the other hand, we have the right to expect from him the utmost sincerity in dealing with public questions.

Let us consider the facts for a moment. In 1913 Congress passed a sundry civil bill making an appropriation of $300,000 for the enforcement of antitrust laws. This bill, as passed, contained a provision that no part of that money should be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions, or for any act done in furtherance thereof, etc., and that no part of this appropriation should be expended for the prosecution of producers of farm products, and associations of farmers who cooperate and organize in an effort to and for the purpose of obtaining and maintaining a fair and reasonable price for their products.

VETOED BY TAFT.

When this bill came to President Taft it was promptly vetoed. It was again passed by Congress and presented to President Wilson for his signature. As the bill was clearly class legislation, the country awaited the action of President Wilson with a great deal of solicitude. To the surprise of the Nation, the President approved the bill, at the same time issuing a statement, which reads as follows:

"I have signed this bill because I can do so without in fact limiting the opportunity or the power of the Department of Justice to prosecute violations of the law, by whomsoever committed.

"If I could have separated from the rest of the bill the item which authorized the expenditure by the Department of Justice of a special sum of $300,000 for the prosecution of violations of the antitrust law, I would have vetoed that item, because it places upon the expenditure a limitation which is, in my opinion, unjustifiable in character and principle. But I could not separate it. I do not understand that the limitation was intended as either an amendment or interpretation of the antitrust law, but merely as an expression of the opinion of Congress—a very emphatic opinion, backed by an overwhelming majority of the House of Representatives and a large majority of the Senate, but not intended to touch anything but the expenditure of a single small additional fund.

"I can assure the country that this item will neither limit nor in any way embarrass the actions of the Department of Justice. Other appropriations supply the department with abundant funds to enforce the law. The law will be interpreted, in the determination of what the department should do, by independent, and, I hope impartial, judgments as to the true and just meaning of substantive statutes of the United States."

If the President's statement had been that he believed the exemptions were just and right, and that the Sherman Act was not intended to apply to the class which was exempted, his action would have been plain and logical.

While the country may have criticized his judgment, it could not have questioned his motives. But to have signed a bill which he denounced as unjustifiable in character and in principle was a shock to the Nation. There is no escape from the logical conclusion that, having sworn to uphold and enforce the laws of his country, he signed a bill that declared that so much of those laws as were represented by $300,000 to be expended by the Department of Justice should not be enforced.

REPEATED IN CLAYTON BILL.

The country is still more startled by the statements which now emanate from Washington that the Clayton bill, containing in substance these exact exemptions, has the indorsement and approval of the President, and that he will do all in his power to bring about its passage at the present term of Congress as an amendment to the Sherman Act. If this legislation was "unjustifiable in character and principle" when attached to a sundry civil appropriation bill, can it be any the less justifiable when made an amendment to the Sherman Act? The country awaits with patience to learn in what way the President will solve this important problem.

We do not believe that it is the purpose of Congress to declare that bullets are to take the place of law and that dynamite is to be substituted for the conscience of the Nation.

With regard to the currency act, I have no disposition to attempt to destroy whatever confidence you may have in its successful operation. I would like to believe that it solves some of the great financial difficulties growing out of our banking system. The bankers of the country have acquiesced in it on account of the one controlling element contained in it, namely, that which has inspired public confidence in the banks of the country, because the Government is supposed to be back of them.

I do, however, take issue with the spirit of its enactment and such of its provisions as have a tendency to take the banking business of the country out of the hands of the banks and place it almost wholly under the political control of the Government. When the Government of the United States said to the bankers, "We require you to surrender 6 per cent of your capital and 6 per cent"—or more, I believe—"of your reserve, with which the Nation shall form a banking system, and if you do not consent you must forfeit all the rights which you have under national banking laws and liquidate your bank," it took an advanced step in dealing with private property; but when it said, in addition, having taken your capital and your reserve for the purpose of establishing a banking system, the Government will appoint the men who shall dominate, control, and dictate its use, it seems to me it came perilously near to confiscation.

They say that is all right; you are getting compensation; the Government is going to give you an elastic currency, the Government is going to mobilize your reserves, the Government is going to render aid under certain conditions. Did the Government have a right to levy upon and take one-sixth of your capital in order to guarantee the beneficence of Government protection? In vain do I look through this act to find the hopefulness which has been expressed by bankers throughout the country. I have one reason for it, and that reason is that the entire Federal Reserve Board is appointed by the President of the United States, with the Secretary of the Treasury and the Comptroller of the Currency, presidential appointees, as ex officio members.

Notwithstanding you have furnished the capital and are incurring financial risks, such as double liability on stocks, etc., in case of insolvency, yet you have not a single representative on the Federal Reserve Board. The men who constitute that board derive their powers from political sources and are in no sense representative of the men or interests that furnish the capital.

I am proud of our Government. Those who gave me birth live south of Mason's and Dixon's line, but I have lived long enough to see the sun rise over Appomattox and to be glad that it sheds its rays over a united people. [Applause.]

Yes; I love the American Government, not as it is being administered at Washington to-day, but as its Constitution and laws were given us by such men as Washington and Jefferson, who knew the experience of the centuries, and wrote that Constitution for the future guidance of mankind. [Applause.]

No Government has a right to say to the banking interests of this country that you shall surrender and furnish capital and reserve for a Federal bank, and that you shall have no representation on the board that administers its affairs. The answer to this is that you have representation, because you have the privilege of naming three directors for the Federal reserve district banks, and also of electing three business men on the directorate of such bank.

Do you think you have been given proper representation in the banking system because you elect three members of the directorate of a district bank and name three business men as members of such banks, when the Government names the chairman?

And, more than that, reserves the absolute right, without charge or trial, to remove any one of these directors named by you?

RIGHT OF REMOVAL.

The Federal Reserve Board, which derives its authority from the President, has this right of removal, and the only thing required is that they shall notify the removed director of the reason. There is no right of trial; there is no appeal. The Government simply says "Go," and he goes. The hardest test of independence, gentlemen, has always been the test that is applied to it when it faces the domination of Government officials. This has made men more slavish and servile than war has ever done. The power of the Federal officeholder is great, and men will cringe before him, because the individual can but barely lift his voice to answer whatever indictment or whatever demands are

made against him; and how many of you bankers, when the time comes and your directors are put aside, perhaps for political reasons, will raise your voice against a hostile party at Washington?

DANGEROUS POWER GIVEN.

A far-reaching and dangerous power granted the Federal Reserve Board is the right to require Federal reserve banks to rediscount the discounted paper of other Federal reserve banks at rates of interest to be fixed by the Federal Reserve Board. Such a power lodged in the hands of a board deriving its appointment from political sources might become a menace to the welfare of one section of the country when used for the benefit of another. It is not too much to say that this Federal Reserve Board holds in its hands the fate of the commerce of the Nation. The wisdom of such a law is not to be tested by the confidence we feel in the men now administering the affairs of state, but must be judged by every possibility of danger inherent in the weaknesses and ambitions of men who are intrusted with high office. The cry against the centralization of the "money power" by the politician has at last been heard, and he has succeeded in centralizing it in himself and associates.

PROBLEM OF COMPETITION.

Another of the most difficult problems presented to the business men of the country is that of competition as it is defined and sought to be enforced by the lawmaking bodies of the State and Nation. The Clayton bill has, I believe, been ordered passed by the President. It has been said that the governing powers at Washington consisted of 90 per cent lawyers; it seems now to consist of about 98 per cent professor.

Section 2 of the bill referred to is in part as follows:

"Any person engaged in commerce who shall, either directly or indirectly, discriminate in price between different purchasers of commodities in the same or different sections or communities, which commodities are sold for use, consumption, or resale within the United States, etc., * * * with the purpose or intent to thereby destroy or wrongfully injure the business of a competitor, etc., * * *, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both, in the discretion of the court, etc."

The object of this bill, it is said, was to make the Sherman Act clearer and more explicit. Under that act, if you do not compete you are subject to indictment and a similar penalty.

There is also a proposal to appoint a trades commission to regulate and control competition and at the same time to increase the pace at which you shall compete. Was the business of any country ever subjected to such illogical and impossible conditions?

Can you compete with your competitor without injuring his business? The very essence of competition is the exercise of shrewdness in getting trade, cutting prices, and defeating your adversary in the battle for trade and the acquisition of custom. Competition is the exact antithesis of control. In a certain sense it is industrial warfare, and the law that controls it is the law of the survival of the fittest.

We were taught when children that the way to catch a bird was to put salt on his tail; but this was not so impossible as the treatment now prescribed for competition in business. While the Government is taking this view of competition, so far as business is concerned, the opposite course is being taken by it and by many of the States.

For instance, railroads under the regulation of the Interstate Commerce Commission are practically prohibited from competing, as their rates, etc., are under the supervision of that commission. Insurance companies are gradually becoming exempt from competition under the statutes of various States prohibiting the cutting of rates. In this State power companies have practically the same exemption from competition; and under the exemption heretofore referred to all agricultural associations are allowed to cooperate and are exempt from competition. Labor unions, under the same laws, are to be allowed to fix prices and enforce the same against the employer. The only exception to this trend of economic thought seems to be the business men of the country.

WHERE TO DRAW THE LINE.

Another of these "wise" provisions imposed upon the business of the country is that you must compete, but if you compete to the point of monopoly then you shall go to the penitentiary. It will take a surveyor to tell just where to draw the line. I know of a case in this State where there were several different concerns engaged in the same line of business whose joint output was more than required to supply the trade. By an agreement whereby they could agree upon an equitable distribution of territory and the saving of operating expenses they could have sold their products at a saving of 25 per cent to the public had they been allowed to adopt the same plans that are now being adopted by farmers and cooperative societies. The case was submitted to a lawyer, who replied: "You can not agree either upon price, territory, or the distribution of trade. If you do, you will violate the terms of the Sherman Act."

Under the circumstances the only chance for the small man to live was to get his portion of trade by cutting prices. This, in turn, could only result in his prices being met and the eventual destruction of his business.

There are hundreds and thousands of such cases all over the country, and that is one of the reasons for the depression in business that is prevailing everywhere. I read an incident the other day which seemed to be a good illustration of the present bewilderment of the average business man. A good old farmer came to town, and starting to cross a street an automobile headed into him. Dodging it, he faced a trolley car. Escaping this, he turned to meet a motor cycle. Casting about, he spied a descending aeroplane, and, as a last resort, dropped into a manhole and was crushed by a subway train.

REFERRING TO THE GIBBET.

Is it surprising that under such laws, and with the disposition that lawmakers are manifesting toward the business of the country, that there is widespread depression and stagnation in all industries and trades? The President has said that the "gibbet" (of public opinion) awaits the man who raises the cry of "panic." The word "gibbet" should never be used by one American to another. I suppose, however, it is a contemporary of the "big stick" and the "whip." The President will in time find that he can indeed hang a man, but he can not hang the law of cause and effect. The business men of this country are not depressed simply because they enjoy it. They are neither cowards nor quitters; nor are they dishonest, brutal, and "predatory," as they are painted by the average blatant politician.

Most of them come from the rank and file of American citizenship, from the farms, the workshops, from struggle and adversity. They have succeeded because they have observed the command of the Almighty when He said, "In the sweat of thy face thou shalt eat bread."

PSYCHOLOGICAL DEPRESSION.

The President has also said that the present depression is purely psychological. So everything that we do is, in a sense, psychological—from the cradle to the grave. In the brain of every man is a king; in the conscience of every man is a ruler, placed there by Almighty God. Every act of life is psychological—every step we take. Wandering here as we do, little knowing whence we came or whither we go, we answer this dominating force of hope and fear—call it psychology if you choose. Is it due to psychology alone that so many men in America are anxious because they see our Government is passing from a representative form to that of a pure democracy?

Is it psychological that between October 1, 1913, and April 30, 1914, our exports decreased $113,012,555 in comparison with the same period the previous year; that in April, 1914, an export balance of $55,890,849 was converted to an import balance of $10,271,872, a total of $64,162,721 against us; that in March, 1914, imports increased $27,355,806 over March, 1913; that in April, 1914, imports increased $26,446,263 over April, 1913; that in April, 1914, exports fell $37,444,586 under April, 1912?

Is it psychological that the imports of this country have increased 37 per cent and the exports have decreased 31 per cent?

Is it psychological that that part of our country which borders on Canada is the dumping ground for Canadian products?

Is it psychology that compels the farmers and laboring men of America to compete with the pauper labor of the world?

Is it psychology that has taken the heart out of the business men of the country because of constant abuse and persecution?

CAREFUL IN ANSWERS.

The President should not be arbitrary in his replies to the protests of the vast commerce of this Nation. He should remember that man in his pride has more than once caused even the sea to be lashed for insubordination—but it still sinks his ships to its depths and breaks and crushes him on its rocks!

SELECTING PUBLIC OFFICIALS.

There were several other subjects about which I wished to talk to you, particularly the change in the methods of selecting public officials and in writing the will of the country into its laws. I firmly believe that the primary, initiative, referendum, and recall will some day be pointed to as an instance in American history when politicians "fooled all of the people a part of the time." I do not refer to these as new problems in the attempt to determine the proper method of deciding either judicial or economic questions. These problems are older than sun worship or the worship of idols. These impossible theories of government belong to the Dark Ages. They were tried in Greece, with the result that the Aristotles of that famous isle are now presiding over the bootblack stands of the world.

ANARCHY AND CHAOS.

The recall of judicial decisions is new only in that it is a different and more drastic way of defining anarchy and chaos. Against these "fads," which are subversive of civilized government, every man must speak who loves his country. No intelligent politician believes in them. The President did not believe in any of them during a long and logical course of instruction to the youth of the country. The change on his part is evidently due to one of his "psychological phenomena." Mr. Bryan no doubt believes in them. During the last few years demagogues have found their way to the public crib by using the "password," "Let the people rule." I have often wondered who the real people are.

Everybody knows a few of them, like Untermyer, Upton Sinclair, Lincoln Steffens, etc., but really one's acquaintance is quite limited. There is a song called "Every Little Movement Has a Meaning of Its Own." It seems to me sometimes that every little demagogue has a people of his own.

The people of this country have always ruled whenever they took the trouble to rule. If we have not had good laws and good men to administer them, the fault lies at your door and at mine. If the "bosses" controlled conventions through our neglect, a worse thing still has happened—a minority is now controlling the primaries and enacting laws through our neglect, and that without question, argument, or amendment. It is estimated that between 25 and 50 per cent of the people are ruling now. Impulse and emotion have taken the place of deliberation and conviction. Counsel, patient investigation, willingness to defer to the judgment of our fellow man, are essentials in good government and citizenship.

"While in the nature of things each generation must assume the task of adapting the working of its government to new conditions of life as they arise, it would be the folly of ignorant conceit for any generation to assume that it can lightly and easily improve upon the work of the founders in those matters which are, by their nature, of universal application to the permanent relations of men in civil society.

"Religion, the philosophy of morals, the teaching of history, the experience of every human life, point to the same conclusion—that in the practical conduct of life the most difficult and the most necessary virtue is self-restraint. It is the first lesson of childhood; it is the quality for which great monarchs are most highly praised; the man who has it not is feared and shunned; it is needed most where power is greatest; it is needed more by men acting in a mass than by individuals, because men in the mass are more irresponsible and difficult of control than individuals. The makers of our Constitution, wise and earnest students of history and of life, discerned the great truth that self-restraint is the supreme necessity and the supreme virtue of a democracy. The people of the United States have exercised that virtue by the establishment of rules of right action in what we call the limitations of the Constitution, and until this day they have rigidly observed those rules. The general judgment of students of government is that the success and permanency of the American system of government are due to the establishment and observance of such general rules of conduct. Let us change and adapt our laws as the shifting conditions of the times require, but let us never abandon or weaken this fundamental and essential characteristic of our ordered liberty."

In conclusion, I beg of you not to think me a pessimist, or, in the language of the West, a "knocker." If I am either, I do not "knock"

often, as this is the first time I have "disturbed the peace" in many years. I have all the faith of the poet who said:

"I know as my life grows older
And my eyes have a clearer light,
Somewhere * * *
There lies the root of a right.

"I know there are no errors
In the great eternal plan;
That all things work together
For the final good of man."

It is such faith as this that "sets our compass and points our course"; the faith and belief that with every turn of the great wheel of evolution and destiny the world gets better, more charitable, more just. The common sense, the sober judgment, the patriotism of the American people, will solve all the problems of which we have spoken, and solve them right.

I thank you for your very considerate attention. [Long and continued applause.]

The VICE PRESIDENT. The question is, Will the Senate concur in the amendment made as in Committee of the Whole?

The amendment was concurred in.

The VICE PRESIDENT. The question now is on section 9a.

Mr. BURTON. Mr. President, before we pass from this section I should like to ask a question of the chairman of the committee which I should have asked, perhaps, at an earlier time. Is there anything in this section in reference to co-directorships which prevents the director of a commercial bank, presumably a national bank, from acting as a director of a savings bank or trust company?

Mr. GALLINGER. That is excepted.

Mr. BURTON. That, I understand, has been thrashed out, has it not?

Mr. CULBERSON. All the provisions of the House bill relating to banks have been stricken out of section 8.

Mr. BURTON. I will call the attention of the Senator from Texas to the fact that the phraseology remaining in this section in which the term "surplus," and so forth, is used, is perhaps somewhat unfortunate.

Mr. CULBERSON. That refers to industrial corporations.

Mr. BURTON. I know, but the phraseology or terminology that is used refers to banking.

Mr. KENYON. Mr. President, section 9a was reserved, and I desire to offer an amendment to it, which I will simply say in explanation is the same amendment I offered when the bill was in Committee of the Whole, at which time the vote was a tie, so I offer it again.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, line 12, after the word "misapplies," it is proposed to insert "or intentionally or negligently permits or suffers to be misapplied."

Mr. CHILTON. Mr. President, I will ask the Senator if that is the same amendment he offered in Committee of the Whole and which was rejected?

Mr. KENYON. Exactly. As there are a number of Senators here now who were not present at that time, I think I will take just a moment to explain it, although I shall not go into the legal phases of the matter as I did at that time.

The present section 9a makes the president, directors, officers, and managers of a firm or corporation engaged in commerce as a common carrier guilty, criminally, where they embezzle, steal, abstract, or willfully misapply any of the moneys, funds, credits, securities, or property of the firm or corporation. The purpose of this amendment is simply to make the directors of the carrier liable, criminally, where they intentionally or negligently permit the funds or securities to be misapplied. In other words, what this amendment does is to make the directors of common carriers direct, and not merely neglect, the business with which they are intrusted.

The directors of many of the railroads receive very substantial sums. I know of one road where the directors are paid $3,500 a year each. They ought to be compelled to look after the property of the railroad; and if they are not willing to do that, they ought to cease to act as directors. There is not any hardship in it, and it will put some more teeth in this act.

Mr. CLAPP. Mr. President, how does the Senator come to use the word "more," indicating a relation?

Mr. KENYON. Possibly, in deference to the feelings of the Senator from Minnesota, I ought not to use that word. I will withdraw it.

Mr. CLAPP. All right.

Mr. KENYON. I know, however, that this would put one good feature in the bill, at least in my judgment. If a person obligates himself to support a child, and there is a statutory requirement, and he fails to do it, he is criminally responsible in many of the States, or if he fails to support his wife. I do not know of any statute making the wife responsible for failure to support the husband. I cited the other day instances of polluting streams where the directors knew absolutely nothing about it, but they were held, under the decisions, to be criminally responsible. That is all there is to this. It is simply to compel a director to do his duty or quit.

Mr. JONES. Mr. President, I will ask the Senator from Iowa whether this is the amendment lost on a tie vote in Committee of the Whole?

Mr. KENYON. This is the amendment lost on a tie vote. I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. SMITH of Michigan. Mr. President, let the amendment be stated.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. In section 9a, on page 17, line 12, after the word "misapplies," it is proposed to insert the words "or intentionally or negligently permits or suffers to be misapplied."

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before, I vote "nay."

Mr. FLETCHER (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

The roll call having been concluded, the result was announced—yeas 17, nays 39, as follows:

YEAS—17.

| | | | |
|---|---|---|---|
| Ashurst | Jones | Martine, N. J. | Sheppard |
| Burton | Kenyon | Nelson | Vardaman |
| Clapp | Lane | Norris | |
| Cummins | Lee, Md. | Perkins | |
| Gallinger | McLean | Poindexter | |

NAYS—39.

| | | | |
|---|---|---|---|
| Bankhead | Fletcher | Overman | Smith, Mich. |
| Bryan | Hughes | Pittman | Smoot |
| Camden | Kern | Pomerene | Swanson |
| Chamberlain | Lea, Tenn. | Ransdell | Thompson |
| Chilton | Lippett | Reed | Thornton |
| Clark, Wyo. | Martin, Va. | Shafroth | Walsh |
| Colt | Myers | Shields | Weeks |
| Culberson | Newlands | Shively | White |
| Dillingham | O'Gorman | Simmons | Williams |
| du Pont | Oliver | Smith, Md. | |

NOT VOTING—40.

| | | | |
|---|---|---|---|
| Borah | Gore | Owen | Stephenson |
| Brady | Gronna | Page | Sterling |
| Brandegee | Hitchcock | Penrose | Stone |
| Bristow | Hollis | Robinson | Sutherland |
| Burleigh | James | Root | Thomas |
| Catron | Johnson | Saulsbury | Tillman |
| Clarke, Ark. | La Follette | Sherman | Townsend |
| Crawford | Lewis | Smith, Ariz. | Warren |
| Fall | Lodge | Smith, Ga. | West |
| Goff | McCumber | Smith, S. C. | Works |

So Mr. KENYON's amendment was rejected.

Mr. REED. Mr. President, I wish to call the attention of the chairman of the committee to this section. It provides that any officer, and so forth, who embezzles, steals, abstracts, or willfully misapplies any money, and so forth, shall be punished, but it does not provide that if they willfully permit the misapplication of funds they shall be punished.

I voted against the amendment of the Senator from Iowa [Mr. KENYON] because the term "negligently" was there, and I could see how it would be abused, but I think the willful permitting of the misapplication or theft or abstraction of the funds of a corporation, when it is committed by an officer of the corporation, ought to be punished.

I therefore move to insert, after the word "misapplies," the words "or willfully permits to be misapplied."

Mr. CHILTON. Mr. President, I have no objection in the world to that, but it is clearly covered now by the law of the United States, which makes each one an accessory before or after the fact.

Mr. REED. It may or may not be. I am not sure of it, and this is in accord with the amendment.

Mr. CHILTON. I am perfectly willing to accept the amendment. It is all right.

Mr. REED. If it is so accepted, very well.

Mr. CHILTON. Yes.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 17, line 12, after the word "misapplies," it is proposed to insert "or willfully permits to be misapplied."

Mr. CHILTON. That is perfectly satisfactory to me.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. POINDEXTER. I offer the amendment which I reserved.

The VICE PRESIDENT. Has that to do with section 9a?

Mr. POINDEXTER. No; section 8.

The VICE PRESIDENT. We have not yet disposed of section 9a. The question now is, Will the Senate concur in the amendment to section 9a as made in Committee of the Whole?

The amendment was concurred in.

Mr. POINDEXTER. I offer the amendment to section 8 which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert the following at the end of section 8:

From and after September 1, 1916, no common carrier engaged in commerce shall own, hold, or acquire the whole or any part of the shares of capital stock of another corporation engaged in the business of manufacturing, mining, producing, or dealing in any article or commodity of commerce, other than corporations engaged exclusively in the production of commodities necessary and intended for the use of such common carrier in the conduct of its business as such.

Mr. POINDEXTER. Mr. President, this is the commodities clause of the Hepburn Act, or at least it is an amendment to that, in effect, and is familiar to the Senate.

The VICE PRESIDENT. Is this the same amendment which the Senator proposed in Committee of the Whole, and which was disagreed to by the Senate in Committee of the Whole?

Mr. POINDEXTER. It is the same amendment.

The VICE PRESIDENT. And the Senator discussed it in Committee of the Whole?

Mr. POINDEXTER. I discussed it then; yes.

The VICE PRESIDENT. The Chair is of the opinion that the Senator, under the unanimous-consent agreement, has exhausted his time on this amendment.

Mr. POINDEXTER. I am perfectly willing to accept the ruling of the Chair if the Chair will allow me to state that I differ with the Chair. This is a different proposition, coming up now in the Senate, from the proposition decided in Committee of the Whole. I only desired to say a few words.

The VICE PRESIDENT. The Chair understood the Senator to state that it was identically the same amendment, so it can not be a different proposition. The question is on agreeing to the amendment offered by the Senator from Washington.

Mr. POINDEXTER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLT (when his name was called). I announce my pair and its transfer and vote "nay."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. As he is absent, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 22, nays 35, as follows:

YEAS—22.

| | | | |
|---|---|---|---|
| Ashurst | Kenyon | Norris | Smith, Mich. |
| Borah | Lane | Oliver | Smoot |
| Clapp | Lee, Md. | Perkins | Vardaman |
| Cummins | McCumber | Pittman | Walsh |
| Hitchcock | Martine, N. J. | Poindexter | |
| Jones | Nelson | Sheppard | |

NAYS—35.

| | | | |
|---|---|---|---|
| Bankhead | Dillingham | Myers | Shively |
| Bryan | Fletcher | Newlands | Simmons |
| Burton | Gallinger | O'Gorman | Smith, Md. |
| Camden | Hughes | Overman | Swanson |
| Chamberlain | Kern | Pomerene | Thompson |
| Chilton | Lea, Tenn. | Ransdell | Thornton |
| Clark, Wyo. | Lewis | Reed | White |
| Colt | Lippitt | Shafroth | Williams |
| Culberson | Martin, Va. | Shields | |

NOT VOTING—39.

| | | | |
|---|---|---|---|
| Brady | Gore | Penrose | Stone |
| Brandegee | Gronna | Robinson | Sutherland |
| Bristow | Hollis | Root | Thomas |
| Burleigh | James | Saulsbury | Tillman |
| Catron | Johnson | Sherman | Townsend |
| Clarke, Ark. | La Follette | Smith, Ariz. | Warren |
| Crawford | Lodge | Smith, Ga. | Weeks |
| du Pont | McLean | Smith, S. C. | West |
| Fall | Owen | Stephenson | Works |
| Goff | Page | Sterling | |

So Mr. POINDEXTER'S amendment was rejected.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. POINDEXTER. Mr. President, I do not desire to make any extended remarks upon the passage of the bill. I expect to vote for the bill, and in connection with my remarks I ask leave to print a letter discussing the bill from Mr. C. M. Fassett, of Spokane. It is, in my opinion, a very intelligent analysis of the principles involved in the bill, although it was directed very largely to the bill as it came from the House, which has been very greatly changed in the Senate. I ask leave to print the letter as a part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The letter referred to is as follows:

CITY OF SPOKANE,
DEPARTMENT OF PUBLIC UTILITIES,
*Spokane, Wash., August 22, 1914.*

Hon. MILES POINDEXTER,
*Senate Chamber, Washington, D. C.*

MY DEAR SENATOR: On Wednesday last I attended a meeting of business men, called by the president of the chamber of commerce, at the noon hour to listen to an address by a Mr. Emery, who is the attorney for the National Manufacturers' Association, in which he discussed the antitrust legislation now pending in the Senate. Mr. Emery is an able and eloquent speaker, and at the close of his talk he was asked by the chairman of the meeting, Mr. F. W. Dewart, how those then present could aid the cause which he advocated. His reply was an earnest appeal to those present to send letters to their representatives in the Senate, strongly urging them to vote against the pending measures, particularly H. R. 15657, and to do all in their power to defeat them.

As a result of his appeal, I presume you will receive instructions from some of your constituents, evidently written by interested partisans who are fighting this legislation and signed by men who have thought little upon its fundamental principles.

I accept his recommendation down to the word "Senate." I do not believe it necessary—in fact, I believe it useless and perhaps impertinent to urge you to vote in any way on any measure other than you have determined to do after careful and thoughtful consideration of the subject matter. Hence, this letter, if devoted to such a purpose, would be a waste of time for two busy men. But I believe you will be glad to know a little of my thought on the subject of this particular legislation. If not, I apologize for bothering you. I have read most of your speeches, too.

Referring now particularly to exemptions of labor organizations from some of the restrictions of the proposed laws:

The attack on these bills is a part of the world-wide and history-long conflict between capital and labor. Thoughtful men realize that this conflict would have been unnecessary had the parties to it really understood the larger aspect of their relationship, the identity of their ultimate purposes, the community of their interests, and the road out of the battle field.

Lacking this understanding, the battle has been continuous and terrible. No barbarity of physical warfare forbidden by The Hague convention is more frightful than are some of the usages of this conflict. Both parties to the strife are guilty. Brute savagery has overcome humanity and brotherhood and has dominated the actions of the contestants; fierce passion, low cunning, and insane violence have been let loose, and the end is not yet.

While I would not excuse one single unjust or illegal act on the part of either party in this conflict, I feel that organized capital has always had the advantage. It has corrupted legislatures, city councils, peace officials, and even courts. It has used money lavishly and without conscience to accomplish its ends. It has fought the establishment of proper sanitary conditions, safety appliances, accident liability, and governmental regulation of living and working conditions. And this with the terrible power over men which organized capital can always command.

In every conflict of this character there are three interested parties—the two contestants and the public. The public is interested in every point at issue. It insists that productive industries be restrained as little as possible, for they are always a large factor in local and national prosperity; but by far its greatest interest is in seeing that the humble citizen who works with his hands has a fair show to live and work under proper conditions and in safe and wholesome surroundings, and to bring up his family in such a way that his children may become self-respecting and useful citizens. If your laboring men have to fight for these things, if there is continued pressure on the part of organized or individual capitalists to constrict and limit the opportunity for a decent living for labor, then we must come to its aid with restraining legislation, and this for the preservation of the Republic. The very same restraint should be put upon organized labor whenever and wherever its activities tend to defeat the "square deal" for which we are all striving.

We, the public, represented in Congress by you, must not only see that these combatants have fair play, but we must try to work out some scheme whereby these terrible and devastating conflicts between capital and labor may be eliminated from our business life, and the points of difference settled without such serious disturbances and loss, and on a basis of justice and equity to all three of the interested parties.

I have read House bill 15657 with much interest. I believe that the restraints therein proposed upon business are only such as are necessary to meet evil conditions which have actually happened in the past, which have worked injustice, and which we demand shall be stopped. This bill is not seeking to meet a theoretical condition which may possibly occur in the dim, distant future; it is corrective of an actual condition. If it is not just what is needed to produce the correction, with justice to business and to society, we must amend and modify it until it meets the needs. But a start must be made. In the presence of any clear-thinking court section 7 would be entirely unnecessary. To say that "labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help and not having capital stock or conducted for profit," should be held amenable to the antitrust laws would be preposterous; to attempt to keep them from "lawfully carrying out the legitimate objects thereof" would be to hopelessly throttle that spirit of cooperation which has worked for enormous benefit to society in this country and in several European countries, and which is the saving hope of the world.

A careful reading of section 18 fails to impress me with the idea that it contains anything reprehensible. It simply gives to labor the right to use the weapons which have been used by it for centuries, and without which it would be enslaved, viz, the use of the strike, the boycott, and the right to organize for mutual aid. Enlightened employers everywhere concede these weapons to labor. Informed public opinion concedes them and realizes their weakness when compared to the weapons wielded by their opponents. Their abuse seems to be thoroughly prohibited by the language of the section, and their use confined to peaceful and lawful methods.

As I have said, I hope these destructive conflicts can be stopped, and not by disarming one of the contestants or by any slavish yielding to superior force, but by the settlement of labor disputes by some disinterested and high-minded tribunal which will look beyond the immediate dollar to the ultimate good of our country, which means, to my mind, the ultimate good of every citizen of our country, high and low, rich or poor.

Give as much consideration to this letter as your own reason impels; make such use of it as you see fit. It is simply the expression of the thought of a plain citizen to his Representative in Congress on pending important legislation.

Yours, sincerely, C. M. FASSETT.

Mr. CLAPP. Mr. President, I propose to take a few moments to discuss the pending bill. The bill came over from the House based upon the principle that there were certain specific acts not amounting to a violation of the Sherman antitrust law, but reprehensible in themselves, and the bill made those acts a violation of law. Since the bill has been in the Senate I regret to say that it has been very largely emasculated. The recent vote upon the amendment of the Senator from Washington, it seems to me, should be instructive to the American people. A short five or six years ago the commodity clause was adopted upon the railroad act of 1910. At that time there was scarcely a vote against that commodity clause. Yet in this brief lapse of time there has come a change of conditions under which the amendment of the Senator from Washington received, I think, if I heard correctly the Chair announce the vote, some 23 votes. We may well ask what has become of the spirit which dominated legislation when the commodity clause was put in the railroad bill.

I regret, Mr. President, that this bill has been passed under existing conditions. I realize that the great war in Europe is attracting the attention of the American people. It is diverting their attention. I believe without that diversion the American people, with their interest and their attention riveted upon the passage of this bill, would have sent a protest from one ocean to the other that this Senate would have heeded, and instead of emasculating the House bill it would have been added to and strengthened and improved.

I believe, Mr. President, that when the attention the European war has placed upon the American people has been withdrawn and when the American people realize, as then they surely will, what has been done with this bill, there will be a protest. I do not say this from a partisan standpoint, because a study of the votes upon these measures will reveal the fact that it was necessary time and again in order to defeat some of the meritorious measures that the vote should come from those in opposition to the party in power. It has come largely to be a question of men and not a question of party.

Mr. President, I shall vote for this bill, because if my vote was to be decisive upon the bill it would defeat the House measure, and I do not believe that I have a right to fall back upon the fact that my vote will not be necessary to pass the bill. I believe that I should take my share of responsibility as though my vote were to be decisive, and if decisive, a vote against the bill would rob the American people of what little opportunity there is left in conference in bringing back into the bill the House measures that have been stricken out. So as a man often stands where he must choose between one of two horns of a dilemma, rather than to be responsible for the defeat of this measure, with the possibility of the House insisting upon its provisions and yet giving to the country some force, some vigor, and some life in the measure I shall, reserving the right to later pass up the conference report, vote in favor of the bill, in the hope, and I say in the faith, that the House will stand by its provisions and that in conference we may get back something in the bill that has been taken from it by this body.

Mr. GALLINGER. Mr. President, in view of the fact that the Senate deliberately refused to agree to the amendment I offered to the bill on yesterday, which amendment proposed to insert the word "lawful" in section 7, and in view of the further fact that the Senate also refused to retain in said section the word "consumers," I find it impossible to support the provision as it now stands. I do not believe that right-thinking laboring men and women want the privilege of doing anything that is unlawful, and hence they can not reasonably object to the propriety of having the word "lawful" inserted in section 7, as suggested by me.

Again, why should we give to farmers and horticulturists the right to form associations and deny it to the consumers of the country, who, if they should organize, would doubtless do it for the purpose of regulating or reducing the high cost of living?

Mr. President, it is contended that "the people" are demanding this legislation. That term "the people" is always invoked to bolster up a doubtful cause in this body. It is a nebulous term, but it is expected to frighten all timid souls into submission. For myself I have not heard from "the people" to any extent in advocacy of this bill. I am not unmindful of the fact that certain self-constituted censors are getting ready to destroy every one of us who does not support this measure, but notwithstanding that I propose to vote upon the bill as my judgment dictates.

Mr. President, what we need in this country to-day is more business and less laws; more conservatism and less cant; more sanity and less theory; more philosophy and less psychology.

The business of the country needs to be let alone for a while; the Congress of the United States has earned a vacation; and the President of the United States, weary and worn, as he must be, is entitled to a respite from the demands of the doctrinaires and agitators and the clamor of the office seekers. In the interests of all the people, let us stop legislating, give the country a little time to digest the laws now on the statute books, and go to our homes and ask our constituents what they think about the matter.

Mr. President, I believe that the laws now on the statute books, if faithfully enforced, are sufficient to regulate and control such business of the country as needs regulation and control. Believing that, and having a deep solicitude for the welfare of all classes of our people, I feel constrained to cast my vote against the passage of the bill.

Mr. KERN. Mr. President, in answer to some of the suggestions of the Senator from New Hampshire [Mr. GALLINGER], I ask leave to have printed in the RECORD an editorial from the Outlook of June 13, 1914, on the subject of "Trust laws and labor." It is a very well-considered and able editorial.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

TRUST LAWS AND LABOR.

A great deal of misunderstanding and confusion is likely to arise when any measures are proposed affecting labor organizations. That is partly due to the fact that the old relation of master and servant no longer exists and can no longer exist in our great industries; and yet the law regarding employer and employee is based on that old individualistic relation. Consequently labor legislation must in its nature be radical in the sense that it must go to the roots of things, for the great industrial change has been radical. At this time, when Congress has been considering two important measures affecting labor unions, there has therefore arisen a great deal of misunderstanding and confusion.

The two meaures to which we refer are two provisions in the so-called antitrust bills.

Both of these provisions have been denounced as class legislation, as attempts to give special privileges to labor unions, as efforts to placate the wage-working voters by special legislation placing them outside the reach of lawful authority. As a matter of fact, whatever defects there may be in the phraseology, both of these provisions are attempts to render the law consistent with the change in industrial conditions.

One of these provisions is designed to exempt labor unions and farmers' associations from the operation of the Sherman antitrust law. Whether it does so there seems to be some doubt. We do not wish to believe that the President or any Member of Congress acquiesced in the passage of this provision on the ground that it did not really accomplish what it purports to accomplish. The real object of the provision is justifiable in both common sense and morals, and its passage without a dissenting vote ought to, if it does not, represent the recognition of the House of Representatives, without regard to politics, of the fact that labor unions ought not to be prosecuted under the antitrust law. The effort of Congress in a former session to enact such a provision by means of a "rider" on an appropriation bill was a subterfuge that deserved condemnation. The enactment of this provision in the open as an essential part of a trust measure, after full discussion, is in comparison courageous and deserves commendation.

Why should labor unions be exempted from prosecution under the antitrust laws?

Everybody recognizes that the laws which are applicable to certain groups or classes are not applicable to other groups or classes. It is right to lay upon automobile drivers restrictions from which pedestrians are exempt; it is right to require by law from the liquor dealer what no one would think of requiring from the dealer in clothing; it is right to limit the operation of steamboats by regulations which do not apply to sailboats; it is right to exact from corporations what is not exacted from firms. Likewise it is right to apply to those who manufacture or deal in merchandise a law which is not made applicable to those who work for wages. And if a law which was devised for the regulation of those who manufacture or deal in merchandise has proved in practice to apply to wage earners, to whom it was not intended to apply, it is right to exempt the wageworkers, just as it would be right to pass a law exempting pedestrians from the operations of an automobile law which had proved to place a needless restriction upon pedestrians.

Whether there should be a distinction in law between one category or group of people and another should be determined by the nature of the difference between the two groups or categories. If the difference has no relation to the object of the law, then that difference ought not to be recognized in the law; but if that difference has a material bearing on the object of the law, then it ought to be recognized in the law.

What is the object of the antitrust law? It is, briefly, to prevent monopoly. According to Bouvier's Law Dictionary, monopoly is "the abuse of free commerce by which one or more individuals have procured the advantage of selling alone all of a particular kind of merchandise to the detriment of the public," or "any combination among merchants to raise the price of merchandise to the injury of the public."

The whole question whether labor unions should come under the operation of the antitrust law rests upon the question whether labor is merchandise or not. From the point of the slave holder, of course, labor is merchandise. The slave is as truly a valuable piece of property as a horse. From the point of view of some economists labor is regarded as a commodity which, like potatoes, or steel, or water power, is offered by the owner in the highest market and sought by the buyer in the lowest market. This is the only ground on which the application of the antitrust law to labor unions can be defended.

This view of labor as a commodity is rightly becoming obsolete. Slavery is no longer countenanced among civilized people. The idea that one man can have a property right in another man is no longer defended by reasonable people. With the abandonment of that idea must be abandoned the idea of labor as a commodity, for labor consists of human beings.

The man who wishes to buy potatoes, or steel, or water power buys a thing; a man who hires labor for a wage employs a human being. The man who sells potatoes, or steel, or water power gives that which is separate from himself, but a man who offers his labor for a wage offers himself. The purchaser of a commodity does not inquire whether the seller is thrifty or has good habits; all that he wants to know is whether his goods are all that the seller represents them to be. The man who hires labor, on the other hand, is very much concerned with the habits, the character, of the person he hires. Such a difference as this the law ought to recognize. If it does not recognize it, the law ought to be changed. The United States courts have declared, in substance, that the antitrust law does not recognize this difference between the rights that a man has in things that he happens to own and the right that he has over himself. Since the antitrust law does not recognize the difference, Congress ought to amend the law. It ought to do so openly and freely.

The avowed object of the amendment which the House of Representatives unanimously passed last week was to recognize this difference and to make it impossible hereafter for laboring men who are organized for the common protection of themselves to be treated by the courts as men who have combined for the purpose of monopolizing a commodity.

This provision applies also to farmers' organizations. It is sufficient to say that the farmer is the most individualistic of individuals, and no other danger is quite so remote as that of a farmers' monopolistic organization. Anything which can legitimately be done to encourage cooperation among farmers should be welcomed as a public benefit.

The other provision in the antitrust measures which affects labor unions is that which prohibits the issuance of injunctions in labor disputes except when necessary for preventing irreparable injury, and then only in response to a written application; prohibits the issuance of injunctions against peaceful primary boycotts and peaceful picketing; in addition, declares that such peaceful boycotts and peaceful picketing shall not be construed to be illegal.

This provision seems to us to be cautiously planned and to provide by statute nothing but what has been judged permissible by at least some of the higher courts of the land. There is no reason why the courts should attempt to enjoin men from refusing to deal or from persuading others to refuse to deal with an employer with whom they have a controversy. Nothing in this provision legalizes the attempt to enforce such a boycott by coercive or violent methods, or by attempting a secondary boycott—that is, the refusal to deal with those who decline to join the boycott. There is no reason why the court should attempt to enjoin men from peacefully attempting to persuade others not to work for an employer with whom they have a controversy. This is peaceful picketing, and it ought to be distinctly understood to be well within the law. There is nothing in this provision which legalizes the attempt to enforce the desires of strikers by coercive measures of any kind. In this provision, with regard to injunctions, there is and ought to be nothing that is not as applicable to the employer as to the employee.

The English labor law goes even further than this provision, and, as we understand it, declares that it is not unlawful for two or more to do what one may do. Inasmuch as it is lawful for an individual to refuse to deal with a former employer, it would be lawful for any number to refuse to deal with their former employer. It can be seen that the English provision is more extensive in its application than the provision in the proposed antitrust law. We believe that it is right that by some such provision labor unions should be definitely and generally secured in rights which the courts have on occasion conceded to them.

There is no question here whether labor unions should be regulated or not. Labor unions equally with any other large bodies of men should be kept subject to the sovereignty of the whole people. The question is whether labor shall be treated as a commodity, and whether men shall be allowed to do jointly what everyone is and ought to be allowed to do singly in the control of his own labor.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. CULBERSON. On the final passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLT (when his name was called). I announce my pair and the usual transfer and vote "nay."

Mr. LEWIS (when Mr. GORE's name was called). I desire to announce the absence of the Senator from Oklahoma [Mr. GORE], and I was requested by him to state that if he were here he would vote "yea" on the passage of the bill.

Mr. HOLLIS (when his name was called). I have a general pair with the junior Senator from Maine [Mr. BURLEIGH], but under the terms of the pair I am at liberty to vote on matters involving labor unions. I therefore vote "yea."

Mr. HOLLIS (when Mr. JOHNSON's name was called). I desire to announce the unavoidable absence of the Senator from Maine [Mr. JOHNSON]. He is paired with the Senator from North Dakota [Mr. GRONNA].

Mr. CLAPP (when Mr. LA FOLLETTE's name was called). I desire to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably detained from the Chamber on account of illness.

Mr. WEEKS (when Mr. LODGE's name was called). I wish to announce that my colleague [Mr. LODGE] is unavoidably absent. He has a general pair with the senior Senator from Georgia [Mr. SMITH]. If my colleague were present, he would vote "nay" on the passage of the bill.

Mr. PITTMAN (when Mr. SAULSBURY's name was called). I wish to announce the absence of the Senator from Delaware [Mr. SAULSBURY] on account of his health. He has a general pair with the junior Senator from Rhode Island [Mr. COLT]. The Senator from Delaware informed me that if present he would vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). I desire to announce the absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. If my colleague were present, he would vote "nay."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. ROBINSON] which I transfer to the Senator from Illinois [Mr. SHERMAN]. I vote "nay."

Mr. VARDAMAN (when his name was called). I have a pair with the Senator from South Dakota [Mr. STERLING]. If I were permitted to vote, I would vote "yea."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). I desire to announce the unavoidable absence of my colleague [Mr. WARREN], and to state that he has a general pair with the senior Senator from Florida [Mr. FLETCHER].

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES], who is absent. He wished me to announce that if he were present he would vote "yea." I withhold by vote, but if I were at liberty to vote I should vote "nay."

Mr. WILLIAMS (when his name was called). I again transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], and I vote "yea."

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the Senator from Wyoming [Mr. WARREN]. I transfer my pair to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. KERN. I desire to announce the unavoidable absence of the following Senators:

The Senator from Arkansas [Mr. CLARKE], who is paired with the Senator from Utah [Mr. SUTHERLAND];

The Senator from Maine [Mr. JOHNSON], who is paired with the Senator from North Dakota [Mr. GRONNA];

The Senator from Oklahoma [Mr. OWEN], who is paired with the Senator from New Mexico [Mr. CATRON];

The Senator from Arkansas [Mr. ROBINSON], who is paired with the Senator from Michigan [Mr. TOWNSEND];

The Senator from Delaware [Mr. SAULSBURY], who is paired with the Senator from Rhode Island [Mr. COLT];

The Senator from Georgia [Mr. SMITH], who is paired with the Senator from Massachusetts [Mr. LODGE];

The Senator from Missouri [Mr. STONE], who is paired with the Senator from Wyoming [Mr. CLARK];

The Senator from South Carolina [Mr. TILLMAN], who is paired with the Senator from West Virginia [Mr. GOFF];

The Senator from Georgia [Mr. WEST], who is paired with the Senator from Kansas [Mr. BRISTOW]; and

The Senator from Oklahoma [Mr. GORE], who is paired with the Senator from Wisconsin [Mr. STEPHENSON].

Mr. REED. My colleague [Mr. STONE] is paired, as was stated by the Senator from Indiana [Mr. KERN], with the Senator from Wyoming [Mr. CLARK], who arranged a transfer, so that the effect of my colleague's absence has not been to lose any vote for the bill.

Mr. GALLINGER. I desire to announce the following additional pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Kansas [Mr. BRISTOW] with the Senator from Georgia [Mr. WEST];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE];

The Senator from South Dakota [Mr. CRAWFORD] with the Senator from Missouri [Mr. STONE]; and

The Senator from Vermont [Mr. PAGE] with the Senator from Delaware [Mr. SAULSBURY].

Mr. ASHURST. My colleague [Mr. SMITH of Arizona] is unavoidably detained from the Senate. If present he would vote for the passage of the bill.

Mr. GALLINGER. I desire to announce the unavoidable absence of the senior Senator from Connecticut [Mr. BRANDEGEE].

The result was announced—yeas 46, nays 16, as follows:

YEAS—46.

| | | | |
|---|---|---|---|
| Ashurst | Hollis | Newlands | Shields |
| Bankhead | Hughes | Norris | Shively |
| Brady | Jones | O'Gorman | Simmons |
| Bryan | Kenyon | Overman | Smith, Md. |
| Camden | Kern | Perkins | Swanson |
| Chamberlain | Lane | Pittman | Thompson |
| Chilton | Lea, Tenn. | Poindexter | Thornton |
| Clapp | Lee, Md. | Pomerene | Walsh |
| Culberson | Lewis | Ransdell | White |
| Cummins | Martin, Va. | Reed | Williams |
| Fletcher | Martine, N. J. | Shafroth | |
| Hitchcock | Myers | Sheppard | |

NAYS—16.

| | | | |
|---|---|---|---|
| Borah | Dillingham | Lippitt | Oliver |
| Burton | du Pont | McCumber | Smith, Mich. |
| Clark, Wyo. | Fall | McLean | Smoot |
| Colt | Gallinger | Nelson | Townsend |

NOT VOTING—34.

| | | | |
|---|---|---|---|
| Brandegee | James | Saulsbury | Thomas |
| Bristow | Johnson | Sherman | Tillman |
| Burleigh | La Follette | Smith, Ariz. | Wardaman |
| Catron | Lodge | Smith, Ga. | Warren |
| Clarke, Ark. | Owen | Smith, S. C. | Weeks |
| Crawford | Page | Stephenson | West |
| Goff | Penrose | Sterling | Works |
| Gore | Robinson | Stone | |
| Gronna | Root | Sutherland | |

So the bill was passed.

Mr. CULBERSON. I ask for a reprint of the bill with the amendments adopted by the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none; and it is so ordered.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. Mr. President, I move that the Senate proceed to the consideration of House bill 13811, commonly known as the river and harbor bill.

Mr. KENYON. Mr. President, I assume this is the same river and harbor bill we had up a month ago?

Mr. SIMMONS. I think the motion is not subject to debate. I beg the Senator's pardon, was he asking a question?

Mr. KENYON. Has the Senator from North Carolina asked unanimous consent that the bill be taken up?

Mr. SIMMONS. No; I made a motion that the Senate proceed to its consideration.

Mr. KENYON. I should like to ask the Senator from North Carolina if he proposes to proceed with the consideration of the bill to-night? I will say that we shall offer no objection to taking the bill up by unanimous consent and letting it be the unfinished business, and then proceed with it in the morning.

Mr. SIMMONS. I prefer, Mr. President, to put it in the form of a motion. I will say to the Senator from Iowa, however, that for some time we have been taking a recess from day to day, which has cut off morning business. A number of Senators have stated to me to-day that they desired a little while this afternoon to take up what under other circumstances would be morning business. If the Senate shall decide by a vote to proceed to the consideration of the river and harbor bill, thereby making it the unfinished business, I shall ask that it be temporarily laid aside for the remainder of the day, with the understanding that on to-morrow the bill will be, if the friends of the measure can so ordain it, held before the Senate continuously until it is disposed of.

Mr. GALLINGER. Mr. President, I know that debate is not in order on the motion, but I wish to say to the Senator from North Carolina that I am very glad he is willing that the bill shall go over until the morning. There will be no obstructive tactics, so far as proceeding to its consideration is concerned.

Mr. SIMMONS. I ask that my motion be put, Mr. President.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina that the Senate proceed to the consideration of what is known as the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, that will be done.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 151) authorizing the President to accept an invitation to participate in an international exposition of sea-fishery industries.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 12665. An act to increase the limit of cost of public building at La Junta, Colo.;

H. R. 14196. An act authorizing the Tuscarora Nation of New York Indians to lease or sell the limestone deposits upon their reservation;

H. R. 15575. An act donating the old iron fence around Vance Park, Charlotte, N. C., to the Mecklenburg Declaration of Independence Chapter, to be placed around Craighead Cemetery, near Sugar Creek Church, in Mecklenburg County;

H. R. 15803. An act to amend an act entitled "An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon," approved May 13, 1910;

H. R. 15983. An act to restore homestead rights in certain cases;

H. R. 16642. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Vineland, N. J.;

H. R. 17267. An act to authorize Frank H. Gardiner to construct a bridge across the waters of Pistakee Lake and Nippersink Lake at or near their point of intersection;

H. R. 17442. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of Congress approved March 3, 1913, and June 6, 1914;

H. R. 17511. An act to authorize the Great Western Land Co., of Missouri, to construct a bridge across Black River;

H. R. 17764. An act to provide for sale of portion of post-office site in Gastonia, N. C.;

H. R. 17825. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near St. Francis, Ark.;

H. J. Res. 311. Joint resolution instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions; and

H. J. Res. 330. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved April 24, 1914.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

H. R. 12665. An act to increase the limit of cost of public building at La Junta, Colo.;

H. R. 15575. An act donating the old iron fence around Vance Park, Charlotte, N. C., to the Mecklenburg Declaration of Independence Chapter, to be placed around Craighead Cemetery, near Sugar Creek Church, in Mecklenburg County;

H. R. 16642. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Vineland, N. J.; and

H. R. 17764. An act to provide for sale of portion of post-office site in Gastonia, N. C.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 17267. An act to authorize Frank H. Gardiner to construct bridge across the waters of Pistakee Lake and Nippersink Lake at or near their point of intersection;

H. R. 17511. An act to authorize the Great Western Land Co., of Missouri, to construct a bridge across Black River;

H. R. 17825. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River, at or near St. Francis, Ark.; and

H. J. Res. 311. Joint resolution instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 14196. An act authorizing the Tuscarora Nation of New York Indians to lease or sell the limestone deposits upon their reservation; and

H. R. 15803. An act to amend an act entitled "An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon," approved May 13, 1910.

H. R. 15983. An act to restore homestead rights in certain cases, was read twice by its title and referred to the Committee on Public Lands.

H. R. 17442. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of Congress approved March 3, 1913, and June 6, 1914, was read twice by its title and referred to the Committee on the Judiciary.

H. J. Res. 330. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved April 24, 1914, was read twice by its title and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. SHIVELY presented petitions of Mrs. J. E. M. Purcell, Mrs. I. O. Price, Mrs. J. P. Hanley, and 257 other citizens, principally of Sullivan and Merom, in the State of Indiana, praying for the passage of the resolution to adjust the polar contention, which were referred to the Committee on the Library.

He also presented memorials of Charles Roth, Henry F. Bluhm, A. P. Russell, and 36 other citizens of Kendallville, Ind., remonstrating against the proposed increase in the revenue tax on cigars, which were referred to the Committee on Finance.

Mr. POINDEXTER presented petitions of Dillon Wallace and 172 other citizens of the United States, praying for the passage of the resolution for the recognition of Dr. Frederick A. Cook as the discoverer of the North Pole, which were referred to the Committee on the Library.

Mr. TOWNSEND presented memorials of sundry citizens of Grand Rapids and Jackson, in the State of Michigan, remonstrating against the proposed increase in the tax on cigars, which were referred to the Committee on Finance.

Mr. SHEPPARD presented petitions of sundry citizens of Greenville, Tex., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Huntsville, Tex., praying for Federal aid in the matter of the cotton crop, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (H. R. 10168) for the relief of Leon Greenbaum, reported it with an amendment and submitted a report (No. 774) thereon.

He also, from the same committee, to which was referred the bill (H. R. 12198) for the relief of Benjamin A. Sanders, reported it without amendment and submitted a report (No. 775) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 4651) to authorize the Secretary of the Treasury to sell certain land to the trustees of the charity fund of Star in the East Lodge of Old Town, Me., reported it without amendment and submitted a report (No. 773) thereon.

RURAL CREDIT IN GERMANY (S. DOC. NO. 571).

Mr. FLETCHER. On June 8 the Senator from Washington [Mr. JONES] presented a manuscript entitled "Rural Credit in Germany," being a copy of an address by Hon. Ralph Metcalf, of the State of Washington, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, and I ask unanimous consent for its present consideration.

The resolution (S. Res. 447) was read, as follows:

*Resolved*, That the manuscript submitted by Mr. JONES on June 8, 1914, entitled "Rural Credit in Germany," an address by Hon. Ralph Metcalf, of Washington, be printed as a Senate document.

Mr. GALLINGER. I suggest that the resolution be amended so as to read "submitted by the Senator from Washington, Mr. JONES."

The amendment was agreed to.

The resolution as amended was agreed to.

DEVELOPMENT OF WATER POWER (S. DOC. NO. 570).

Mr. FLETCHER. On the 28th ultimo the Senator from Washington [Mr. JONES] had referred to the Committee on Printing for consideration a letter from M. O. Leighton with reference to the Adamson power bill. I am directed by the Committee on Printing to report it back favorably and to ask unanimous consent that it be printed as a Senate document.

The VICE PRESIDENT. Without objection it is so ordered.

JUDICIAL DISTRICTS IN PENNSYLVANIA.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 17442) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of Congress approved March 3, 1913, and June 6, 1914.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.*, That section 103 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of Congress approved March 3, 1913, and June 6, 1914, be, and the same is hereby, amended so as to read as follows:

"SEC. 103. That the State of Pennsylvania is divided into three judicial districts, to be known as the eastern, middle, and western districts of Pennsylvania. The eastern district shall include the territory embraced on the first day of July, 1910, in the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill. Terms of the district court shall be held at Philadelphia on the second Mondays in March and June, the third Monday in September, and the second Monday in December, each term to continue until the succeeding term begins. The middle district shall include the territory embraced on the first day of July, 1910, in the counties of Adams, Bradford, Cameron, Carbon, Center, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York. Terms of the district court shall be held at Scranton on the second Monday in March and the third Monday in October; at Harrisburg on the first Mondays in May and December; at Sunbury on the second Monday in January; and at Williamsport on the first Monday in June. The clerk of the court for the middle district shall maintain an office, in charge of himself or a deputy, at Harrisburg; the civil suits instituted at that place shall be tried there, if either party resides nearest that place of holding court unless by consent of parties they are removed to another place for trial. The western district shall include the territory embraced on the first day of July, 1910, in the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland. Terms of the district court shall be held at Pittsburgh on the first Monday of May and the second Monday of November, and terms of the court shall be held at Erie on the third Monday of March and the third Monday of September. The clerk and marshal of said district shall have their principal offices at Pittsburgh, and shall maintain, by themselves or by their deputies, offices at Erie.

"The clerk shall place all cases in which the defendants reside in the counties of said district nearest Erie upon the trial list for trial at Erie, where the same shall be tried, unless the parties thereto stipulate that the same may be tried at Pittsburgh."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEBORAH R. ISHERWOOD.

Mr. SHIVELY. From the Committee on Pensions I report back favorably without amendment the joint resolution (H. J. Res. 330) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved April 24, 1914, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Whereas by error in printing the report of the House Committee on Invalid Pensions upon House bill 10138, approved April 24, 1914 (Private, No. 20), the name of one Joseph F. Barnard, late of Company C, Thirty-seventh Regiment New Jersey Volunteer Infantry, was changed to read Joseph F. Isherwood: Therefore be it

*Resolved, etc.*, That the paragraph in House bill 10138, approved April 24, 1914 (Private, No. 20, 63d Cong.), granting a pension to one Deborah R. Isherwood, be corrected and amended so as to read as follows:

"The name of Deborah R. Isherwood, former widow of Joseph F. Barnard, late of Company C, Thirty-seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

PUBLIC BUILDING AT PRESCOTT, ARIZ.

Mr. ASHURST. From the Committee on Public Buildings and Grounds I report back favorably with an amendment the bill (S. 5075) to provide for the erection of a public building at Prescott, in the State of Arizona, and I submit a report (No. 776) thereon. I am going to do that which I have never before done; that is, I am going to ask unanimous consent that the bill have immediate consideration. I first ask that it may be read—as it is a short bill—so that the Senate may determine whether or not there should be objection to its consideration.

XUM

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds, with an amendment, in line 12, after the words "the sum of," to strike out "$110,000" and insert "$100,000," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to erect on the site heretofore authorized to be acquired by the United States a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the United States post office, Federal court, and other Government offices in the city of Prescott, in the State of Arizona, the cost of said building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $100,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ASHURST. I desire to thank the Senate.

IMPROVEMENT OF FOREIGN SERVICE.

Mr. SHIVELY. Mr. President, by direction of the Committee on Foreign Relations I report with amendments the bill (S. 5614) for the improvement of the foreign service. (S. Rept. 772.)

Mr. BURTON. Mr. President, I do not understand that immediate consideration is asked for the bill.

Mr. SHIVELY. I thought of asking to have immediate consideration for the bill. The Senator understands the emergency that makes legislation desirable at this time, namely, the difficulties surrounding our embassies in Europe, in view of the heavy drafts now being made on them through taking over the business of belligerents in those capitals.

Mr. BURTON. This, however, provides for permanent regulations and is an important bill. I am inclined to favor it myself, but I do not think it ought to be passed hastily.

Mr. SHIVELY. Do I understand the Senator objects to the present consideration of the bill?

Mr. BURTON. No; I shall not object.

Mr. GALLINGER. Mr. President, I should like to have a reading of the bill, pending objection.

The VICE PRESIDENT. The Secretary will read the bill.

The SECRETARY. Senate bill 5614, a bill for the improvement of the foreign service. The committee recommends striking out all of sections 6 and 7 as printed in the bill.

Mr. GALLINGER. Let the bill be read in full.

The VICE PRESIDENT. The bill will be read at length, so the Senate may know what it contains.

The Secretary proceeded to read the bill, and read to line 12, page 2, as follows:

*Be it enacted, etc.*, That hereafter all appointments of secretaries in the Diplomatic Service and of consuls general and consuls shall be by commission to the offices of secretary of embassy or legation, consul general, or consul, and not by commission to any particular post, and that such officers shall be assigned to posts and transferred from one post to another by order of the President, as the interests of the service may require: *Provided*, That no officer may be assigned for duty in the Department of State for a period of more than three years, unless the public interest demand further service, when such assignment may be extended for a period not to exceed one year, and no longer.

SEC. 2. That secretaries in the Diplomatic Service and consuls general and consuls shall hereafter be graded and classified as follows, with the salaries of each class herein affixed thereto:

SECRETARIES.

Secretary of class 1, $3,000.
Secretary of class 2, $2,625.
Secretary of class 3, $2,000.
Secretary of class 4, $1,500.
Secretary of class 5, $1,200.

Mr. GALLINGER. Mr. President, I must object to the present consideration of the bill. It is a very important measure.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHIVELY:

A bill (S. 6406) granting an increase of pension to Balser Minges;

A bill (S. 6407) granting an increase of pension to Henry G. Dearmond;

A bill (S. 6408) granting an increase of pension to Thomas Johnson;

A bill (S. 6409) granting an increase of pension to George Cruso (with accompanying papers); and

A bill (S. 6410) granting an increase of pension to Elizabeth Reed (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 6411) granting an increase of pension to General John Harper; and

A bill (S. 6412) granting an increase of pension to Arthur G. Sawyer; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 6413) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910; to the Committee on Commerce.

By Mr. MARTIN of Virginia:

A bill (S. 6414) for the relief of W. T. Brogdon; to the Committee on Claims.

By Mr. GALLINGER:

A bill (S. 6415) granting a pension to David W. Cutting (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 6416) granting an increase of pension to Henry Quint;

A bill (S. 6417) granting an increase of pension to Sanford B. Sylvester;

A bill (S. 6418) granting an increase of pension to Arthur G. Sawyer; and

A bill (S. 6419) granting a pension to Elisee Levesque; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 6420) granting a pension to Harriett M. Tira (with accompanying paper); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 6421) granting a pension to Gertrude Cornwell (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 6422) granting an increase of pension to Eden N. Leavens; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 6423) granting an increase of pension to Archie C. Fisk; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 6424) for the relief of James L. McCulloch (with accompanying papers); to the Committee on Public Lands.

A bill (S. 6425) compensating the privates of the Capitol police force for extra services (with accompanying papers); to the Committee on Appropriations.

By Mr. WEEKS:

A bill (S. 6426) granting an increase of pension to Murray V. Livingston (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 6427) granting a pension to George J. Newman (with accompanying papers);

A bill (S. 6428) granting a pension to Catherine Donahue (with accompanying papers);

A bill (S. 6429) granting a pension to J. W. Metter (with accompanying papers); and

A bill (S. 6430) granting an increase of pension to Mary F. Wilson (with accompanying papers); to the Committee on Pensions.

A bill (S. 6431) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri (with accompanying papers); to the Committee on Claims.

By Mr. OLIVER:

A bill (S. 6432) granting an increase of pension to George A. Blose (with accompanying papers);

A bill (S. 6433) granting an increase of pension to Archibald Haddan (with accompanying papers); and

A bill (S. 6434) granting an increase of pension to Joel A. Ginter (with accompanying papers); to the Committee on Pensions.

JOHN WORSLEY AND FRED WORSLEY.

Mr. OVERMAN submitted the following resolution (S. Res. 449), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to John Worsley and Fred Worsley, only surviving children of John B. Worsley, late a laborer in the folding room of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as in lieu of funeral expenses and other allowance.

THE TIDAL BASIN.

Mr. NORRIS submitted the following resolution (S. Res. 448), which was read, considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of War be instructed to report fully to the Senate on the practicability and cost of converting the tidal basin in Potomac Park into a public bathing beach.

COTTON EXPORT TRADE.

Mr. SHEPPARD. I submit the following concurrent resolution, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the concurrent resolution submitted by the Senator from Texas.

The Secretary read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of State is hereby authorized and requested to direct our diplomatic representatives to confer with the various Governments to which they are accredited with a view to the development of all possible measures looking to the uninterrupted continuance during the present wars of our export cotton trade.

That the Secretary of State is also authorized and requested to confer with the Secretary of Commerce and with representatives of foreign Governments in Washington in order to secure their cooperation in the development of such measures and to report to Congress at the earliest practicable date the result of the efforts herein directed.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

Mr. GALLINGER. Mr. President, it seems to me that the resolution ought to go to a committee; but if not, I think the word "cotton" ought to be stricken out. There is other export trade quite as important as the cotton trade which is being interrupted. If it is made to read "export trade," I have no objection.

Mr. SHEPPARD. I accept the amendment.

The VICE PRESIDENT. The Chair will inquire of the Senator from Texas if this concurrent resolution is not now before the Committee on Foreign Relations?

Mr. SHEPPARD. Yes; but I ask for its immediate consideration. It is a matter of such evident importance that I did not think there would be any objection to it.

The VICE PRESIDENT. But has not the resolution been heretofore submitted and referred to the Committee on Foreign Relations?

Mr. SHEPPARD. It has.

The VICE PRESIDENT. How can it be again submitted?

Mr. SHEPPARD. I do not mean to again submit it, but I desire to ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Does the Senator move to discharge the Committee on Foreign Relations from the further consideration of the resolution?

Mr. SHEPPARD. I make that motion.

The VICE PRESIDENT. The Senator from Texas moves that the Committee on Foreign Relations be discharged from the further consideration of the Senate concurrent resolution No. 32.

Mr. BRYAN. I rise to a point of order. Is this a copy of the concurrent resolution which has heretofore been introduced and referred to the Committee on Foreign Relations?

The VICE PRESIDENT. It is.

Mr. BRYAN. Then the resolution which the Senator presents at this time is pending in the committee, and I make the point of order that the Senator can not reintroduce the same resolution during the same session.

The VICE PRESIDENT. The Chair has already ruled that a resolution can not be reintroduced at the same session; but the Senator from Texas has now moved to discharge the Committee on Foreign Relations from the further consideration of the resolution, which he has the right to do. The question is on that motion.

Mr. TOWNSEND. May we have the resolution read? There has been so much confusion I could not understand what the resolution was about.

The Secretary again read the concurrent resolution.

Mr. GALLINGER. At my suggestion, Mr. President, the word "cotton" was stricken from the resolution.

The VICE PRESIDENT. It is quite evident that there is a misunderstanding of the present condition of affairs. This resolution as read by the Secretary was submitted several days ago by the Senator from Texas and was referred to the Committee on Foreign Relations. He now submits it again. The point of order has been made that it having been once submitted at this session, the identical resolution can not again be submitted. This is the first time the present occupant of the chair has been called upon to rule; but the Chair now rules, and will continue to rule until overruled by the Senate, that a measure once presented to the Senate of the United States can not be in the same terms or substantially the same terms again presented to the Senate at the same session of the Senate.

The Senator from Texas acquiesced in the ruling, and thereupon moved to discharge the Committee on Foreign Relations from the consideration of the resolution. The Chair thinks, therefore, that the only question is, Shall the Committee on Foreign Relations be discharged from the further consideration of the resolution?

Mr. GALLINGER. Mr. President, the Chair is absolutely right. I wish, however, to make an observation. While I shall raise no contention to-day, yet in view of the fact that we have no rule saying that we shall not reintroduce any measure in this body, I think it ought to be taken into serious consideration. Many State legislatures have such a rule, but we have none here.

Mr. SHEPPARD. Mr. President, I desire to withdraw the motion. I meant no reflection upon the Committee on Foreign Relations, but I thought it would be impossible to get a meeting of the committee during the remainder of the session, and the matter seemed to be so plain and so clearly to require only a formal report that I thought perhaps there would be no objection to its consideration. I believe, however, that it would be better to have the resolution take the regular course in the committee. I therefore withdraw the motion.

TRADE WITH SOUTH AMERICA.

Mr. WEEKS. I ask unanimous consent for the present consideration of Senate resolution 443.

The VICE PRESIDENT. The resolution referred to by the Senator from Massachusetts will be read.

The Secretary read the resolution, which had been reported by Mr. FLETCHER, without amendment, from the Committee on Commerce on August 25, 1914, as follows:

Whereas the larger part of the foreign trade of South American countries is carried on with European nations which are now in a state of war, this trade aggregating $1,600,000,000 a year; and

Whereas it is desirable that as far as possible this trade be diverted to the United States; and

Whereas it is not only desirable but necessary that early and prompt action be taken to call to the attention of the people of South America the quality and varied character of our manufactures and products: Therefore be it

*Resolved*, That the Secretary of Commerce be, and he is hereby, directed to cause to be prepared, in detail, an estimate of the probable cost of sending at least six vessels, now in the military or naval service of the United States, or otherwise, to the principal ports of South America, such vessels to carry suitable samples of the manufactures and products of this country, together with a reasonable number of representatives of business or trade organizations, and to adopt such other means as may to him be deemed advisable, to the end that our manufacturers and producers may be forthwith put in direct contact with the markets of South America.

*Resolved further*, That the Secretary of Commerce be, and he is hereby, further directed to furnish the Senate an expression of his opinion as to the feasibility of such an undertaking, such other methods, if any, which should be adopted, and the time within which suitable vessels, samples, and representatives of trade and business organizations may be assembled for the purposes referred to.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

The preamble was agreed to.

SWAN CREEK, TOLEDO, OHIO.

Mr. BURTON. I ask unanimous consent for the present consideration of the bill (S. 6113) to authorize the closing to navigation of Swan Creek, in the city of Toledo, Ohio.

The VICE PRESIDENT. Is there objection to the request of the Senator from Ohio for the present consideration of the bill named by him?

Mr. GALLINGER. Mr. President, I will ask the Senator whether that item is included in the present river and harbor bill?

Mr. BURTON. It is not, and never was included in the river and harbor bill. This creek is only technically navigable.

Mr. GALLINGER. Has the proposition to include it in that bill ever been seriously thought of?

Mr. BURTON. I think not.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It declares Swan Creek, a stream lying within the limits of the city of Toledo, State of Ohio, to be not a navigable waterway of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waterways, and the consent of Congress is given for the filling in of the creek by the local authorities.

XUM

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President on September 2, 1914, had approved and signed the following act:

S. 6357. An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department.

RECLAMATION PROJECTS, MONTANA.

Mr. MYERS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 657) to authorize the reservation of public lands for country parks and community centers within reclamation projects in the State of Montana, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, and 4, and the amendment of the title of the bill, and agree to the same.

H. L. MYERS,
KEY PITTMAN,
REED SMOOT,
*Managers on the part of the Senate.*

SCOTT FERRIS,
EDWARD T. TAYLOR,
BURTON L. FRENCH,
*Managers on the part of the House.*

The report was agreed to.

RECESS.

Mr. GALLINGER. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m., Wednesday, September 2, 1914) the Senate took a recess until to-morrow, Thursday, September 3, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, *September 2, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty Father, whose blessings are without number, whose mercy is from everlasting to everlasting, give to us and to all men the grace to live to the principles which we know to be right. It would give justice for injustice, honesty for dishonesty, nobility of soul for selfishness, humility for arrogance, peace for war, and establish the kingdom of heaven in every heart. Hear us, we beseech Thee, in the name of the Lord Christ. Amen.

The SPEAKER. The Clerk will read the Journal.

Mr. BUTLER. Mr. Speaker, I make the point of order that there is no quorum here.

Mr. HEFLIN. Mr. Speaker, there are less than 12 Republicans in the House at this time.

The SPEAKER. The Chair will count. The Chair wishes that gentlemen coming in would sit down. They bob up and hold up their hands and the Chair can not keep the count. The Chair will count. [After counting.] One hundred and ninety-seven Members present—not a quorum.

Mr. BUTLER. Mr. Speaker, there is so nearly a quorum that I withdraw the point. [Applause.]

Mr. MANN. Yes, Mr. Speaker; but——

Mr. GARNER. The Chair has already declared that there is not a quorum present.

The SPEAKER. The gentleman is correct. That can not be done.

Mr. UNDERWOOD. Mr. Speaker, I am sure the Speaker's count is correct; but it is so nearly a quorum that if it is in order I will ask for tellers.

The SPEAKER. It is entirely in the discretion of the Chair, and the Speaker will exercise that discretion if seconded by a sufficient number. Those in favor of ordering tellers will rise and stand until they are counted. Undoubtedly a sufficient number, and the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Pennsylvania [Mr. BUTLER] will take their places as tellers.

Mr. UNDERWOOD (after the count by tellers). Mr. Speaker, 204 Members have passed between the tellers.

The SPEAKER. The tellers report 204 Members present, and if the Chair did not make any mistake, if he did not note them after they passed between the tellers, the following gentlemen were here and did not go through: Mr. BARTON of Nebraska, Mr. KENNEDY of Iowa——

Mr. KENNEDY of Iowa. Mr. Speaker, I was the fourth man through.

The SPEAKER. Mr. KENNEDY of Rhode Island, Mr. MCKENZIE——

Mr. MCKENZIE. Mr. Speaker, I voted.

The SPEAKER. Mr. J. M. C. SMITH——

Mr. J. M. C. SMITH. Mr. Speaker, I went through and was counted.

The SPEAKER. It is very hard to count, because some of these gentlemen got up and went between the tellers after the Chair noted them. Mr. ROBERTS of Massachusetts——

Mr. ROBERTS of Massachusetts. Mr. Speaker, I was the eighth man through.

The SPEAKER. All right; off the list the gentleman goes then. Mr. PAIGE of Massachusetts——

Mr. PAIGE of Massachusetts. Mr. Speaker, I voted.

The SPEAKER. Mr. DILLON of South Dakota——

Mr. DILLON. Mr. Speaker, I voted. I went through the tellers, and was one of the first.

The SPEAKER. Mr. SINNOTT of Oregon——

Mr. SINNOTT. The Speaker, that is a mistake. I went through, and I called attention——

The SPEAKER. Very well. Mr. MCLAUGHLIN of Michigan and Mr. BURKE of South Dakota. Several gentlemen have come in since. How many of you gentlemen did not go between the tellers. Please hold up your hands. One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, and the Chair makes twenty-two. There is a quorum present. The Clerk will read the Journal. [Applause on the Democratic side.]

The Journal of the proceedings of yesterday was read.

The SPEAKER. If there be no objection, the Journal as read will stand approved.

CALENDAR WEDNESDAY—CODIFICATION OF PRINTING LAWS.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is H. R. 15902, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union with the gentleman from North Carolina [Mr. PAGE] in the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15902) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The Clerk will resume the reading of the bill for amendment under the five-minute rule.

The Clerk read as follows:

SEC. 4. PAR. 5. No contract for furnishing paper shall be valid until it has been approved by the Joint Committee on Printing. The award of each contract for furnishing paper shall designate a reasonable time for its performance. The contractor shall give bond in such amount as shall be fixed by and to the approval of the Joint Committee on Printing for the faithful performance of his contract.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The language in lines 12 and 13, on page 6, reads a little awkwardly to me:

The contractor shall give bond in such amount as shall be fixed by and to the approval of the Joint Committee on Printing.

Is the word "subject" left out purposely or accidentally—"subject to the approval of the Joint Committee on Printing"?

Mr. BARNHART. I take it that that is a misprint and that it should be "subject to the approval."

Mr. MANN. The language is a little awkward the way it reads.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent that, in line 13, after the word "and," the word "subject" be inserted.

The CHAIRMAN. The gentleman from Indiana offers an amendment, on page 6, line 13, which the Clerk will report.

The Clerk read as follows:

Page 6, line 13, after the word "and," insert the word "subject."

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that this amendment be agreed to. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 4. PAR. 6. The board of inspection, as provided for in section 23 of this act, shall compare every lot of paper delivered by any contractor with the standard fixed upon and under such rules and regulations as shall be prescribed by the Joint Committee on Printing, and shall report in writing thereon to the Public Printer, who shall not accept any paper which does not conform to the standard in every particular.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, in line 16, after the word "in," strike out the words "section 23 of."

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. PAR. 7. In case of difference of opinion between the Public Printer and any contractor for paper respecting its quality, the matter of difference shall be determined by the Joint Committee on Printing, and the decision of said committee shall be final as to the United States.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not recall whether this provision that the decision of the committee shall be final as to the United States is existing law or a new proposition, and I will ask the gentleman from Indiana?

Mr. BARNHART. That is existing law.

Mr. MANN. I can not quite see the purpose of it.

Mr. STAFFORD. Mr. Chairman, will the gentleman from Illinois permit an interruption?

Mr. MANN. Yes.

Mr. STAFFORD. Is it not under existing law that these bids may also be subject to the alternative approval of the Secretary of the Interior, and you are now eliminating the approval of the Secretary of the Interior and leaving it entirely to the judgment of the Committee on Printing?

Mr. BARNHART. That is true, when the Congress is not in session.

Mr. STAFFORD. But there is no such limitation in the existing law, in respect to the Congress not being in session.

Mr. BARNHART. The bill provides for changing that method later on.

Mr. MANN. Mr. Chairman, I am not raising any question in regard to that, but this makes the decision final as to the United States and not final as to the contractor.

Mr. BARNHART. The idea has always been that this provision is necessary to prevent contractors who have failed to secure a contract or who have other grievances from tying up the Government Printing Office with injunction proceedings, and so forth.

Mr. MANN. I wondered whether it did it, not being made final as to the contractor?

Mr. BARNHART. It seems to have done so so far.

Mr. MANN. I would make it final if I had my way about it.

Mr. BARNHART. It has worked well so far, and I think it is safe to risk it.

The Clerk read as follows:

SEC. 4. PAR. 9. In case of the default of any contractor to furnish paper, as provided in this section, he and his sureties shall be responsible for any increase of cost to the Government in procuring a supply of such paper which may be consequent upon such default. The Public Printer shall report every such default, with a full statement of all the facts in the case, to the Attorney General, who shall prosecute the defaulting contractor and his sureties upon their bond in the district court of the United States in the district in which such defaulting contractors reside or such suretyship is undertaken.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I notice the committee has recommended a change in this paragraph by transferring the prosecution of these cases to the Attorney General direct, rather than to the Solicitor of the Treasury Department. It is the practice, I believe, as to carrying out the execution of contracts of the Government in this character of cases, that the Solicitor of the Treasury Department has exclusive jurisdiction. It is true that the Solicitor of the Treasury is appointed by the Attorney General. I wish to inquire if there is any other special purpose that the committee has in mind in taking this work away from the Solicitor of the Treasury Department?

Mr. BARNHART. Mr. Chairman, I would answer that by saying that matters of this sort in other branches of the Government service are directly under the jurisdiction of the Attorney General, and this change was made for the purpose of uniformity of procedure in the departments of the Government.

Mr. STAFFORD. To what characters of service does the gentleman refer that are under the jurisdiction of the Attorney General rather than the Solicitor of the Treasury? I am under the impression that the Solicitor of the Treasury has exclusive jurisdiction of this charatcer of litigation.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MANN. Has the Solicitor of the Treasury jurisdiction over any litigation except that which arises in the Treasury Department?

Mr. STAFFORD. Oh, yes; in the defaults upon contracts that arise in connection with the Treasury Department.

Mr. MANN. Only in connection with the Treasury Department, I think.

Mr. STAFFORD. But the Solicitor of the Treasury is a special officer, who gives exclusive attention to this class of work.

Mr. BARNHART. Mr. Chairman, in further explanation I would say that the bill provides that the Attorney General of the United States shall appoint one of his assistants in the legal department to take care of the legal affairs of the Printing Office, and this change was necessary to promote efficiency and convenience.

Mr. STAFFORD. I am under the impression that as the Solicitor of the Treasury has exclusive jurisdiction of this class of cases it would have been better to continue that work under that officer.

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. FINLEY. I would state that there is no necessary connection between the Government Printing Office and the Treasury Department such as would call for the Secretary of the Treasury appointing any legal officer to the Government Printing Office, but, on the contrary, the purpose of the bill which has been under consideration elsewhere and the Committee on Printing for several years is to harmonize the work of the Government Printing Office. It is an independent branch of the Government service, and the purpose of this provision is to place the legal affairs of the Government Printing Office directly under the Attorney General's office and have the connection direct, and not indirect. The practice formerly was to permit the Public Printer to appoint an attorney for the Government Printing Office.

The committee and those who prepared the bill in the last Congress, and my distinguished friends who have brought the bill here, do not think that is good policy, but think that the Attorney General's office, having direct control of the litigation which is of importance to the United States, should have control of this, and that is the only reason.

Mr. STAFFORD. Here we have a special branch connected with the Treasury Department for the prosecution of defaults in the matter of contracts with the Government, and you are providing for an extra official who will be connected with the Attorney General's office to look after some few scattered cases that may arise where there will be default in the performance of contracts with the Government Printing Office.

Mr. FINLEY. Mr. Chairman, I will call the gentleman's attention to the fact that the greater part of the business of the Government Printing Office is by contract, and to a much greater extent than any other branch of the Government service, probably. There is a special Joint Committee on Printing to look after and make such contracts, and when there is default it is the view, as expressed here by the chairman of the Committee on Printing, and it is my view, that the prosecution should be in charge of the Attorney General of the United States.

Mr. STAFFORD. Mr. Chairman, I do not question but that the work could be carried on properly and efficiently by a new official appointed by the Attorney General, but when we have an established official I do not think it is economy to depute another person for that character of work.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. METZ. Mr. Chairman, I desire to ask the gentleman from Indiana a question. Is the provision for surety here based on the lines of most provisions for surety?

Mr. BARNHART. By the Government?

Mr. METZ. By the Government.

Mr. BARNHART. Yes.

Mr. METZ. Mr. Chairman, the surety graft is the biggest graft that this Government has to contend with, and there ought to be some means found to prevent a holdup by the surety companies on these contracts.

Mr. BARNHART. That is a matter wholly outside of the province of this committee.

Mr. METZ. Yes; but we go on with these conditions year after year and no one takes up the question. We ought to ascertain from the various departments the different conditions under which they accept surety and have some committee look into it. I think that would be the best way, and be of great public benefit.

XUM

Mr. BARNHART. Mr. Chairman, I will answer that by saying this provision provides the same sureties——

Mr. METZ. I understand it is the usual provision.

Mr. BARNHART. The established sureties in the Treasury Department.

Mr. METZ. We ought to correct it. We ought to find out from all departments just what they require and how many bonds are executed by surety companies. I intend to take this up in a resolution before long.

The Clerk read as follows:

SEC. 5. The Public Printer shall prepare a schedule of the estimated quantity of all materials and supplies, other than paper, required by the Government Printing Office for the ensuing fiscal year, showing the description and quality of each article, and, under the direction of the Joint Committee on Printing, shall advertise for proposals for furnishing the same and enter into written contracts therefor with the lowest and best bidder for the interest of the Government: *Provided*, That should the Public Printer fail to receive any proposal after due advertising he may proceed to purchase such materials and supplies in the open market at the lowest and best offer received after at least three competitive proposals have been requested, but he shall not make such purchases, when the cost of any item exceeds $300, without the approval of the Joint Committee on Printing. The Public Printer shall report without delay to the Joint Committee on Printing the number of bidders, the amount of each bid, and the award in every instance.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word, for the purpose of obtaining some information from the chairman. I find running all through this bill, for instance, in section 4, paragraph 8, "The Public Printer shall report the same to the Joint Committee on Printing, which shall decide whether any such contractor is in default," and again, on page 8, "but he shall not make such purchases, when the cost of any item exceeds $300, without the approval of the Joint Committee on Printing," and the same in the paragraph following. I want to ask the chairman of the committee, how do you provide that the Public Printer shall be able to do this when Congress is not in session?

Mr. BARNHART. The bill provides that.

Mr. GOULDEN. In what way?

Mr. BARNHART. It provides that the Joint Committee on Printing shall designate one of its members or some other to act for it—not to act for it, but to act as its representative, to whom the Public Printer can refer his request——

Mr. GOULDEN. But what do you do in case Congress is not in session; in other words, when Congress has ended by the constitutional limitation?

Mr. BARNHART. I am just telling the gentleman.

Mr. GOULDEN. My point is this: On the 5th of next March who constitutes the Joint Committee on Printing?

Mr. BARNHART. The Senate members will continue, and the Speaker is directed to continue the members who are holding over.

Mr. GOULDEN. It looks like there was a hiatus there which ought to be provided for. Anyway, it would seem that there should be more than one Member of Congress to approve of emergency matters.

Mr. BARNHART. It is cleared up a little further on.

Mr. GOULDEN. I thank the gentleman.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I understand the gentleman from Indiana to say that when Congress is not in session the Joint Committee on Printing shall designate either one of its members or some other person to act for it. Is it not the purpose that the clerk of the Joint Committee on Printing shall practically attend to this matter when Congress is not in session?

Mr. BARNHART. Why, not necessarily, Mr. Chairman.

Mr. FITZGERALD. Not necessarily?

Mr. BARNHART. No.

Mr. FITZGERALD. Of course, the gentleman is not as frank as I expected he would be. The Public Printer gives a bond of $50,000 a year. This bill provides that the clerk to the Joint Committee on Printing shall give bond in the amount of $5,000 a year. Unless there be an extra session of Congress from the 4th of March until the first Monday in December, the members of the Joint Committee on Printing are not likely either to be in Washington or available to attend to these emergency matters, and the inevitable result will be that the clerk to that Joint Committee on Printing, bonded in the sum of $5,000, will practically be dictating to the Public Printer, bonded in the sum of $50,000 a year, what he shall do in the conduct of his office.

Mr. BARNHART. Mr. Chairman, that would certainly be a reflection upon the present six members of the Joint Committee on Printing, because there is not a word in the paragraph providing this in reference to the clerk of the committee. It says it shall designate one of its members——

Mr. FITZGERALD. Or some other person, did not the gentleman say?

Mr. BARNHART. No.

Mr. FITZGERALD. I understood the gentleman to say that in response to my colleague.

Mr. BARNHART. I will read the language:

The Joint Committee on Printing as constituted by this section shall exercise all the powers and duties devolving upon said committee under the law, and it may authorize one or more of its members to exercise such of its functions as necessity shall require when Congress is not in session

Mr. GOULDEN. From what page is the gentleman reading?

Mr. BARNHART. I am reading from page 2, line 9, that has already been passed.

Mr. FITZGERALD. So that when the House is not in session the purpose is that some Member of Congress or some Member of the Senate shall be compelled practically to devote his time here in Washington in the supervision of a business that amounts to about $6,000,000 a year?

Mr. BARNHART. Mr. Chairman, I am sorry the chairman of the great Committee on Appropriations takes the position that the Public Printer or the Secretary of the Interior ought to have joint committee authority during the time of the year when Congress is not in session, which might upset every possible plan of economy of the Joint Committee on Printing. The purpose of the measure is to keep within the supervision of the Joint Committee on Printing an oversight over the transactions of the Government Printing Office. The Secretary of the Interior really does not want it, because it is not in the line of his business, and the fact is, when the House has not been in session heretofore, the Public Printer, so to speak, has really been the whole works.

Mr. FITZGERALD. Mr. Chairman, it has been stated repeatedly that the Government Printing Office is maintained primarily or chiefly for the benefit of Congress. The appropriations for the Government Printing Office aggregate $5,500,000, or a little over that sum, and the amount appropriated of that sum for the printing of Congress is $1,696,900. The great bulk, nearly two-thirds, of the work of the Government Printing Office is done for other Government establishments than for Congress. Since I have been in Congress the Government Printing Office has been under the supervision of the Joint Committee on Printing, and there have been continually controversies, trouble, and discussion. The Bureau of Engraving and Printing, which does as large a volume of business as the Government Printing Office, a business of much more vital importance to the Government, because it prints all the moneys and securities of the Government, is administered by an executive department and is one of the best administered and best conducted departments of the Government. I do not reflect upon the members of the Joint Committee on Printing when I make this statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that my time be extended for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The point I am endeavoring to emphasize is that here is a purely administrative function of the Government, and it is contrary to our whole theory of Government and to our practice to have Members in either House of Congress attempting to control directly the executive work of administering a great establishment of the Government.

I do not care how proficient the Members of the House will be or how efficient the members of the joint committee will be; I know that a Member of Congress who does his work as a Member of Congress should is not in a position to give that minute attention and supervision to an establishment that does a business of $6,000,000 a year that will enable him to determine more effectively and better the manner in which the establishment should be conducted in its everyday work than a man who is placed at the head of it and is responsible. I am of the opinion that the Government Printing Office will never be satisfactorily conducted until the law is so changed that whoever is placed at the head of that office will have the authority which should be lodged in such an official and shall be held to the responsibility which should go with such authority. The division of responsibility between an appointee of the President and Members of the two Houses is bound to result in conflict and disaster. I recall that during the administration of President Roosevelt the situation became so intolerable that he wrote a letter to the Public Printer directing him to do whatever the Joint Committee on Printing said, and assume no responsibility; to let them take it all. There never has been any great satisfaction with the condition of the Government Printing Office since that time, or for a good many years before then. It is not

a criticism of the personnel of the Joint Committee on Printing to discuss this matter; it is a criticism of the system, which can not be defended or justified, in my opinion, under our theory of government.

Mr. BARNHART. Mr. Chairman, I move to strike out the last word. I want to call the attention of the membership of the House to the fact that the contention of the gentleman from New York [Mr. FITZGERALD], while consistent in a way, is very inconsistent in another way. The Director of the Bureau of Engraving and Printing is an appointee of the Secretary of the Treasury. He is subservient in every possible way to the Treasury Department, and therefore ought to be under the supervision of the Secretary of the Treasury, who is responsible for the management of the affairs of his department. The Government Printing Office was originally inaugurated, and has always continued, as a servant of the Congress, and, as such, the Congress has a perfect right, as I see it and as the committee sees it, to exercise control over the operations of that great institution. Now, the gentleman from New York says that leaving the actions of the Government Printer subject to the whim—I think that is the word he used—of the Joint Committee on Printing might create chaos in that department. I might say also that the governor of a State often appoints a board of control of a State institution, and that board of control, or the governor himself, in many instances, appoints a superintendent of that institution and makes the superintendent subservient to the board of control to the extent that he must have his acts approved by that board, and the governor holds him responsible also.

In this instance the Joint Committee on Printing does not seek to do anything except to safeguard the transactions of the Government Printer, and when you refer to what has been done in the past as a matter of choas, my friend FINLEY and ex-Congressman Charles B. Landis then took up the matter and adopted such regulations as have since, in a way, prevented this. This bill seeks to put into law what has been done heretofore by rules of the committee.

Another thing, President Roosevelt did have some trouble with the Government Printing Office; but if the gentleman from New York will think for a moment, this matter of assumed authority was the occasion of it: He ordered a phonetic, freak system of spelling in the Government Printing Office and carried it on until Congress met, when the order was immediately abolished. Now, that was a case wherein the President undertook to take direct control of the Printing Office, when, as a matter of fact, the committee insists that the Government Printing Office is the servant of Congress, and as such we ought to exercise control over it.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words.

There are a great many worthy features in this bill but that part which seeks to retain a supervisory control over the Government Printing Office by the Joint Committee on Printing is out of harmony with every well-established business principle. If it were not that in my brief service in this House I had become cognizant of some peculations and maladministration in the Postal Service, nearly 12 years ago, arising out of a condition of affairs similar to that which we are now considering, I would not at this moment rise to criticize this feature, which is so strongly approved by the Joint Committee on Printing. I do not for a minute cast the slightest reflection upon the honorable gentlemen who compose that committee to-day or who have composed it in times past. But I wish to say, with all the emphasis that I can, that I would have considered it ridiculous and unbusinesslike if the Post Office Committee at the time of the Machen-Beavers disclosures, when those two men, working in harmony with each other, were buying large supplies for the Postal Service, at extravagant prices, had proposed that in the future the committee or a subcommittee should act as the controller of the expenditures of the Postal Service. Now, what are we doing here? We are vesting in the Public Printer the privilege of purchasing $6,000,000 worth of material, and in this item here he is given the privilege ad libitum to buy in the open market whenever one item does not exceed $300, subject to the control of the Joint Committee on Printing. We know that the Members of Congress who are members of the Joint Committee on Printing are just as busy as anybody else with their usual legislative work, and for them to act as a board supervising control over these business proposals is a method that is impracticable and will breed all kinds of difficulty and even peculation in the administration of this great office.

I am not even casting any reflection or intending to cast any reflection on the present Public Printer, but we know human nature as it is, and we know an official who only gets $5,000 or $6,000 a year——

Mr. BARNHART. Will the gentleman yield?

Mr. STAFFORD. In a minute. We know that a Government official who has the expenditure of that amount of money is liable to certain influences and may give way and be entangled just like Beavers and Machen were in the old postal frauds some 12 years ago. Now, I yield to the chairman of the committee.

Mr. BARNHART. The gentleman does not intend to say that he is informed by this bill that the Government Printer expends $6,000,000 over which this committee supervises control?

Mr. STAFFORD. He has the purchasing of $6,000,000 worth of paper.

Mr. BARNHART. No; he does not. He does not expend $2,000,000 for that.

Mr. STAFFORD. Well, even if he expended only $2,000,000, that is more than is expended by the Fourth Assistant Postmaster General in the purchase of supplies for the Postal Service.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I wish to say, if the gentleman will not object to my having further time I will gladly yield.

Mr. BARNHART. Very well. Go ahead.

Mr. STAFFORD. It was deemed best, in order to meet the situation that existed in the Post Office Department when this disclosure confronted the Post Office Committee, to create a purchasing agent, independent of the control of the Fourth Assistant, directly responsible to the Postmaster General; and the way to control the purchase of this large quantity of supplies is to create an outside official, like a purchasing agent, independent of the Public Printer, appointed by the Secretary of the Interior or the Secretary of Commerce or some other department head, subject to confirmation by the Senate, who will exercise that supervisory power over the purchase of these large quantities of commodities.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. STAFFORD. What is the condition before us to-day? This joint committee is running after additional work, to become a business adjunct of the Government. Why, any man who has served here knows that Members of Congress are not giving direct attention to business affairs, even if they relate to the postal affairs or the Government Printing Office; and the way to remove all suspicion, all question as to proper supervision, is to create some agency outside, independent of the Joint Committee on Printing, whose business it would be to supervise the purchase of these commodities. That is the modern thought of all municipalities. That is the modern plan of all State governments. That is the modern idea for the National Government in the making of all its purchases in connection with the departments.

Mr. BARNHART. Mr. Chairman, will the gentleman yield there?

Mr. STAFFORD. Yes; I yield to the gentleman.

Mr. BARNHART. If the gentleman had read the bill carefully and if he were familiar with the facts, he would not make that statement. The gentleman does not pretend to say that this is a new provision in the bill?

Mr. STAFFORD. Oh, no.

Mr. BARNHART. Is it not a matter of fact that the joint committee for 60 years has exercised this control over the purchase of paper, and so forth, for the Government Printer, and that there has never been a scandal of any kind in connection therewith?

Mr. STAFFORD. Even if that control had been exercised for more than 160 years, that is not proof that the suggestion I have made is not in line with modern thought. We know that the Joint Committee on Printing has not the necessary time to give to the supervisory work of the Government Printing Office. Their work is along other lines.

Mr. FINLEY. Mr. Chairman, I desire to oppose the motion of the gentleman from Wisconsin.

The CHAIRMAN. Does the gentleman move to strike out the last three words?

Mr. FINLEY. Yes. The gentleman from Wisconsin evidently has not kept up with the history of the work of the Joint Committee on Printing. I remember something like 8 or 10 years ago a very distinguished gentleman from Indiana, Charles B. Landis, was chairman of the House Committee on Printing, and a very distinguished ex-jurist, Judge Perkins, of New York,



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was also a member, and I was a member of that committee. On information which led us to investigate, we found out that the work and the conduct of the Government Printing Office, under the management of the Public Printer at that time, was of such a character and of such extreme extravagance, to say the least of it—not to say that it was criminal—that it called for redress and retrenchment. There was an investigation, and we found that there had crept into the administration of the Government Printing Office about every abuse that could be imagined making for extravagance. We found that Mr. Stillings, as Public Printer, had adopted a system of bookkeeping down there the cost of which we could never tell. We do not know how much money he spent to install that system, and we could not tell what it would cost to carry on that system after it was installed. He seemed to think that it was absolutely necessary to create offices and positions carrying very high salaries.

I want to call the attention of the gentleman from Wisconsin [Mr. STAFFORD] to the fact that under the law to-day the Public Printer can create about any place or office or position he wishes down there, and can fix the salary. In other words, the appropriations for the Government Printing Office are largely in lump sums, and lump-sum appropriations have been found by the Congress to be extremely unwise and always extravagant. I make that statement advisedly.

Mr. CARY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Wisconsin?

Mr. FINLEY. Yes.

Mr. CARY. Does the gentleman remember who introduced that resolution to investigate the Public Printer at that time?

Mr. FINLEY. Well, I confess I do not recall just at this moment.

Mr. CARY. Well, I had the pleasure of introducing that resolution.

Mr. FINLEY. Very well. The matter was investigated.

Mr. CARY. And I also had the pleasure of going to President Roosevelt and insisting upon the suspension of the Public Printer.

Mr. FINLEY. Very well. The matter was investigated. I remember the first meeting we had, and I remember that it was agreed by the House Members that the chairman of the committee, the Hon. Charles B. Landis, should go to the President and ask that the Public Printer be suspended from office, pending that investigation.

Mr. CARY. Mr. Chairman, will the gentleman yield further?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Wisconsin?

Mr. FINLEY. Yes.

Mr. CARY. I will say this, that Mr. Landis never did go to the President of his own will, but the President sent for him while I was in the President's office.

Mr. FINLEY. I am not disputing what the gentleman said. I am merely stating history that I know of myself.

Mr. CARY. I am also stating history that I know of.

Mr. FINLEY. I do not doubt what the gentleman says. There was an investigation, and at that time the appropriations for the support of the Government Printing Office had reached to their highest point in the history of that office. In 1903 the appropriation was $7,194,500. Then the amount commenced to fall, first reaching $6,047,000 and then $6,700,000. Then it was reduced to $5,606,000 about 1907, and as has been stated here, it is now $5,602,475.

I wish to call the attention of the gentleman from Wisconsin to the fact that but for the work of the Joint Committee on Printing—and that work was largely conducted by Charles B. Landis and Judge Perkins, although, of course, we had some aid and assistance from the Senate Members, but the House Members were the active ones in that campaign—without that work that was done by the Joint Committee on Printing that situation would not have been remedied. I was a member of the committee, and I know what I am talking about. The annual appropriation for the Government Printing Office has not only been reduced by something like $2,000,000 a year, but it has been kept down; and I want to say to the gentleman from Wisconsin that if you take away all limitations and all exercise of restraining power over the Public Printer you will see matters worse than they were in 1903.

The CHAIRMAN. The time of gentleman from South Carolina has expired.

Mr. MANN. Mr. Chairman, I make the pro forma amendment.

The CHAIRMAN. The gentleman moves to strike out the last five words.

Mr. MANN. Mr. Chairman, everybody knows that a legislative body is not naturally an administrative body. Most of what the gentleman from Wisconsin [Mr. STAFFORD] has said in criticism meets with my approval, but I can not agree with him on his conclusions. We have in this body two committees which are, in the main, business committees. One is the Committee on Printing and one is the Committee on Accounts. Now, no one would think for a moment of having the President appoint some one to determine what accounts should be allowed out of the contingent fund of the House of Representatives, without any control on the part of the House. We have the Clerk of the House, who is the purchasing agent of the House, subject, however, to the control of the Committee on Accounts, and practically all of the expenditures made by the House, and especially those out of the contingent fund, are largely controlled by the Committee on Accounts. That is necessary. There is no other way of doing it. We can not permit an outside person to determine for us in regard to the ordinary running expenses for our body.

Now, the primary object of the Office of Public Printer is to take care of the work of Congress. If it were feasible to do so, we would elect a Public Printer, as was formerly done. I believe the House and the Senate each had a printer. It is not feasible for us to elect a printer, so that we provide by law that the President shall appoint the Public Printer; but we do not intend by that to permit the Public Printer to run his office without any guidance by the House or by Congress. We are intimately associated with the public printing in our daily work. We must have control of the printing of the House bills, of the House reports, of the House documents; and the same is true of the Senate. We can not turn that over to a department of the Government outside of our control. If it is to remain in our control, somebody connected with us must have supervisory power. Well, you can not devolve that power upon the Speaker. You can not devolve that power upon one of the officers of the House, because they have other work to do. Now, we have a Committee on Printing that is dealing directly all the time with the questions pertaining to printing ordered by the House or desired by the House, or required by law for the use of the House. You can not divide your responsibility and let the Joint Committee on Printing have control of printing relating to the House, and some executive department have control of the printing relating to everything else under the Government. You can not have a division of responsibility. I do not see any escape from the proposition that you must leave the control of the Printing Office in the first instance to the Public Printer, subject to the action or control of the Joint Committee on Printing, which itself is subject to control by Congress. I do not see how you can escape that. We can not say it shall be done by the Secretary of the Interior. We can not say it shall be done by the Secretary of the Treasury. We can not divest ourselves of the power which we must exercise, to control the printing for our own use.

Mr. FINLEY. Will the gentleman yield for a question?

Mr. MANN. I yield to the gentleman.

Mr. FINLEY. Is this not true, that if it were left to the Secretary of the Interior or the Secretary of the Treasury, he would designate one of his bureau chiefs to take charge of it?

Mr. MANN. Whatever he might do, we can not take away from ourselves the control. We would not give anyone else the power to control the seats in this Chamber. We would not give anyone else the power to control the Capitol Building. We have a superintendent of the Capitol, appointed by the President, but subject to our control.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FITZGERALD. Admitting all that the gentleman says, that it is necessary to protect the House in its printing, it is still true that the law must be so framed that the Public Printer in his relations to the public printing for the executive departments shall be only partially subordinate to the joint committee. Of course, we should retain such control as will insure the House protection in its printing; but although $1,600,000 is spent for printing for the two Houses of Congress, about $4,000,000 is spent for printing for other departments than the Congress. Yet the Public Printer can not make any purchases or any contracts or do anything without the approval of men in Congress, who are busy men and who can not give the necessary attention to the details of that business.

Mr. MANN. I do not think they are any busier than the rest of us. I should hate to be on the Committee on Printing, but it is like the Committee on Accounts. They are doing work for the benefit of all the Members which is primarily of no special benefit to themselves. But that often happens upon these committees. I do not see why you can differentiate and

leave to the Joint Committee on Printing control of the printing for Congress and leave to somebody else the control of the printing for the other departments. You can not have a divided responsibility in that connection. Hence you must have it so that Congress retains control; and the only way that can be done is through the control of the Joint Committee on Printing.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 6. It shall be the duty of the Public Printer to purchase all machinery and equipment which may be necessary for the proper conduct of the Government Printing Office at the lowest and best offer for the interest of the Government after at least three competitive proposals have been requested, and he shall enter into written contract for the same: *Provided*, That the Public Printer shall not make such purchases, when the cost of any item exceeds $500, without the approval of the Joint Committee on Printing. The Public Printer shall report without delay to the Joint Committee on Printing the number of bidders, the amount of each bid, and the award of the contract or purchase in every instance.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman from Indiana [Mr. BARNHART] a question. Is this paragraph substantially now the law or the rule?

Mr. BARNHART. Yes; it is. However, it reduces the amount from $1,000 to $500.

Mr. FITZGERALD. I am not interested in that feature of it. It has been customary in the appropriations for the Government Printing Office to carry authority to expend not to exceed $100,000 for machinery, of course, under the supervision of the Joint Committee on Printing.

Mr. BARNHART. Yes.

Mr. FITZGERALD. What I had in mind was whether there was any construction that could be placed on this provision that would authorize him to enter into contracts for machinery except within the sum appropriated?

Mr. BARNHART. Oh, no; I do not think such a construction could be placed upon it. The purpose of this is that if the Public Printer suddenly needs, for instance, some monkey wrenches or an additional piece of equipment or some emergent need that may be put in at an expense of two or three hundred dollars he does not have to wait to come before the Joint Committee, but in such cases only. Of course, it all comes within the appropriation fixed.

Mr. FITZGERALD. The intention is to have the present practice continued?

Mr. BARNHART. Yes; except that emergency limit is reduced from $1,000 to $500.

The Clerk read as follows:

SEC. 10. PAR. 2. The title of said office shall be Public Printer. He shall receive a salary of $6,000 per annum, and shall give bond, to be approved by the Secretary of the Treasury, in the sum of $50,000 for the faithful performance of the duties of his office.

Mr. KINKEAD of New Jersey. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 21, after the word "of," strike out "$6,000" and insert "$6,500."

Mr. FITZGERALD. Mr. Chairman, I offer a substitute to strike out "$6,000" and insert "$5,500."

Mr. CARY. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Wisconsin makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and nine Members present—a quorum. The Clerk will report the substitute offered by the gentleman from New York.

The Clerk read as follows:

Page 12, line 21, strike out "$6,000" and insert "$5,500."

Mr. KINKEAD of New Jersey. Mr. Chairman and gentlemen of the committee, the Committee on Printing, of which the gentleman from Indiana [Mr. BARNHART] is chairman, recognizing the excellent work and the faithful service that have been rendered by the Public Printer, in codifying the laws relating to the Government Printing Office recommends an increase in salary of the Public Printer from $5,500 a year to $6,000 a year. Ordinarily this would have been a fair recognition for the faithful service and honest performance, but when we realize that the man who is now in charge of the printing plant of our Government, through his own initiative effort, ably supplemented by the advice of the members of the Committee on Printing, has been able to effect a saving to our Government of $52,000 a year, notwithstanding the fact that because of the unusual length of the session during the last year, the work having increased 25 per cent, he saved for the people of this country $1,000 each week.

I submit to the membership of this House that if Mr. Ford were working for a mercantile institution instead of for the Federal Government, instead of granting him a $500 increase they would have increased it from $6,000 to $10,000 a year. Personally I believe that the salary of the Public Printer should be placed at $7,500 a year; but recognizing the fact that the Democratic Party pledged the people of the country not only to an honest and efficient administration of its affairs, but an economical administration as well, I am only asking for the modest sum of $500 per year in addition to the $500 so generously extended by the committee.

Mr. FINLEY. Will the gentleman yield?

Mr. KINKEAD of New Jersey. I will yield to the gentleman.

Mr. FINLEY. Is it not a fact that the present Public Printer gave up a position paying a much larger salary than he is now receiving?

Mr. KINKEAD of New Jersey. No; I do not think there was much difference in the salary he received then and now.

Mr. FINLEY. How much?

Mr. KINKEAD of New Jersey. I can not say. The gentleman is in error when he says it was larger; I do not think it was. Now I know that the membership of this House is prepared to do the square thing by this man who has wrought such a wonderful change in the printing plant of the Government.

Mr. HUMPHREY of Washington. Will the gentleman yield now?

Mr. KINKEAD of New Jersey. Not now; not now.

Mr. HUMPHREY of Washington. The gentleman need not get excited about it.

Mr. KINKEAD of New Jersey. I am not excited, but I was right in the midst of a nice train of thought, and the gentleman broke me all up. [Laughter.]

Mr. HUMPHREY of Washington. I apologize to the gentleman and hope the train will come back.

Mr. KINKEAD of New Jersey. Now, I want to say to the House that with a 25 per cent increase in the output of this establishment, and the reduction in the operating expenses of that institution of $1,000 a week, we all of us, whether Democrats or Republicans, realize that faithful and honest, efficient and intelligent service should be honestly and justly rewarded, and we ought with one accord to vote this slight increase to the present Public Printer.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. KINKEAD of New Jersey. Yes.

Mr. BURKE of Pennsylvania. The gentleman says that efficient, honest service should be rewarded, and he believes that $7,500 is the proper and fair salary for a man filling this position. If you put the two statements together, why does not the gentleman raise the amount in his amendment and advocate the payment of a salary of $10,500?

Mr. KINKEAD of New Jersey. As I said to my colleagues on this side, and I am sorry the gentleman from Pennsylvania did not hear me——

Mr. BURKE of Pennsylvania. I heard the gentleman.

Mr. KINKEAD of New Jersey. In addition to the pledge we made to the people of the United States when we assumed control of this Government that we would give them an efficient administration of affairs, we also pledged to administer it economically.

Mr. BURKE of Pennsylvania. Even to the extent of doing injustice?

Mr. KINKEAD of New Jersey. Oh, no; the line is so mildly drawn that I am thinking my friend from Pennsylvania is right and I am wrong, but I am not going to quarrel with the gentleman from Pennsylvania on that.

Mr. PAYNE. Will the gentleman yield?

Mr. KINKEAD of New Jersey. Yes.

Mr. PAYNE. Does not the gentleman understand that that pledge in the platform is no longer in working order?

Mr. KINKEAD of New Jersey. All our pledges are in good working order, and that one is in good, oiled condition.

Mr. MANN. But they do not work.

Mr. KINKEAD of New Jersey. Yes; they always work and are ever working.

Mr. MANN. Will the gentleman yield?

Mr. KINKEAD of New Jersey. Yes.

Mr. MANN. The gentleman from New Jersey says that there have been $52,000 saved. I do not know when that was. I would like to ask the gentleman if it is not true that so far as the ordinary appropriations for the Public Printing Office is concerned there was appropriated for the fiscal year ending June, 1913, $4,949,200; for the year ending June 30, 1914, $5,160,200; and for the current year, $5,168,900.

Mr. KINKEAD of New Jersey. From what page is the gentleman reading?

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Mr. MANN. I am reading from no page. As I say, for the fiscal year ending June 30, 1915, the appropriation is $5,168,900. There has been an increase each year from what it was the year before. Where does the saving come in?

Mr. KINKEAD of New Jersey. The saving comes in in the doing away with the vast number of sinecures that the gentleman's party had. Mr. Ford found these men occupying lucrative positions and doing no work. He abolished these positions and saved the Government by the abolition of them $52,000 a year. I have in mind one instance of a gentleman from New Jersey that I hope to see go back into the Printing Office some time later on where he will do some work. He had a job that paid him $1,600 a year, and the most substantial performance rendered by him for the Government was the signing of his pay warrant each month.

The CHAIRMAN (Mr. GARNER). The time of the gentleman from New Jersey has expired.

Mr. KINKEAD of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for one-half minute.

The CHAIRMAN. Is there objection?

Mr. GOULDEN. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from New Jersey may be permitted to proceed for five minutes. Is there objection?

Mr. JOHNSON of Washington. Mr. Chairman, reserving the right to object, I want to ask the gentleman what particular employment this New Jersey individual was engaged in?

Mr. KINKEAD of New Jersey. Oh, I said to my friend that he had no employment over there at all.

Mr. MANN. Like most of the other New Jersey men here in the House?

Mr. FITZGERALD. Mr. Chairman, I submit the gentleman from Washington can not reserve the right to object on a request of this kind indefinitely.

The CHAIRMAN. Is there objection to the request of the gentleman from New York that the gentleman from New Jersey may proceed for five minutes?

There was no objection.

Mr. KINKEAD of New Jersey. Mr. Chairman, my friend from Illinois [Mr. MANN] sometimes says things that he does not mean, and he does not mean everything that he says, because when he is talking what he means he says that the New Jersey delegation renders good, faithful service for the $7,500 a year that they get, and I am glad to say that my friend from Illinois renders $15,000 worth of service a year to the people in his district.

Mr. MANN. Oh, the gentleman ought to make that $100,000.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. KINKEAD of New Jersey. Yes.

Mr. DIES. Is it not true that the former Public Printer under the Republican administration was maintaining two passenger automobiles at public expense? And I want to ask my colleague from New Jersey if our present Public Printer has not dispensed with those useless and illegal luxuries?

Mr. KINKEAD of New Jersey. Mr. Chairman, my friend from Texas is always humorous, but I do not know whether the Public Printer has two automobiles or not, and I do not care. I hope he has. If he did not need them, he would not have them.

Mr. Chairman, the present Public Printer of the United States, when he took his oath of office, stated that so long as he remained in the Government service he would maintain in that institution over which he so ably presides honest union wages, and I want to say to my colleagues here this evening that the present Public Printer of the United States carries in his vest pocket a union-labor card, paid one year in advance.

Mr. BUTLER. Do not they give him any credit? [Laughter.]

Mr. KINKEAD of New Jersey. He does not ask for credit.

Mr. BUTLER. He pays before he gets it?

Mr. KINKEAD of New Jersey. He pays for his goods in advance, like all good, honest Jerseymen. Mr. Chairman, he has not only redeemed his promise to the country, but he has done more. He has earned from the committee in charge of this bill merited praise, and in order that they may give him a substantial proof of their commendation they have asked you this afternoon to vote him an increase of $500 a year in his salary. Coming as I do from his home, knowing him from boyhood to manhood, seeing him advance from a call boy in the Observer office in the city of Hoboken to the highest position that any printer in America can hope to obtain, I ask this House this afternoon to go one step beyond that which the committee asks it to do, and instead of giving him $500 a year increase grant him $1,000 a year increase. In other words, take one week's savings that this man has made for the Government and give it to him so that the other officials employed in the different branches of the Government may realize that when they work 8, 10, 12, 15 hours a day, when necessary, in order to bring about savings of this character, they may expect a like increase, and I hope the House will pass my amendment.

Mr. FITZGERALD. Mr. Chairman, the present Public Printer is a very efficient, genial, and attractive man. I do not know what actuated the Committee on Printing in recommending an increase in the compensation of the Public Printer, but I do not believe it was recommended because of the personality of the Public Printer. I assume it was because the Committee on Printing believed that the Public Printer should receive $6,000 and not particularly because some individual at the present time occupies the position. I have moved as a substitute for the amendment of the gentleman from New Jersey [Mr. KINKEAD] that the present salary of the Public Printer be inserted in the bill. I shall not press that amendment. I am not quite certain that the Committee on Printing is not correct, or that the man at the head of the Government Printing Office should not receive $6,000, but I do believe he should not be paid any more. I placed in the RECORD the other day a statement showing the compensation of the heads of the various bureaus in the Government service. Here are the ones that are receiving $6,000 a year:

Supervising Architect.
Comptroller of the Treasury.
Commissioner of Internal Revenue ($6,500).
Engraving and Printing.
Surgeon General, Public Health Service.
Geological Survey
Bureau of Mines.
Coast Survey.
Bureau of Fisheries.
Census Office.
Bureau of Standards.
Bureau of Foreign and Domestic Commerce.

This year the Commissioner of Internal Revenue had his salary increased to $6,500 a year because of the great burdens placed upon him by the reason of the administration of the income-tax law. Those receiving $5,000 a year or less are the following:

All bureaus of the Department of Agriculture. The salary of the Chief of the Weather Bureau was reduced for the fiscal year 1915 from $6,000 to $5,000
Commissioners of the District of Columbia.
Civil Service Commissioners.
All assistant secretaries of executive departments.
Six auditors of the Treasury for the several departments.
Register of Treasury.
Superintendent of Life-Saving Service.
Chief of Secret Service.
Director of the Mint.
All assistant treasurers of the United States.
All superintendents of mints.
Solicitors of the various departments.
Commissioner of General Land Office.
Commissioner of Indian Affairs.
Commissioner of Pensions.
Commissioner of Patents.
Commissioner of Education.
Four Assistant Postmasters General.
Director of Postal Savings.
Commissioner of Corporations.
Commissioner of Lighthouses.
Supervising Inspector General, Steamboat Inspection.
Commissioner of Navigation.
Commissioner of Labor Statistics.
Commissioner of Immigration.
Commissioner of Naturalization.
Chief of Children's Bureau.
Public Printer ($5,500).
Librarian of Congress ($6,500).

The Public Printer is receiving $5,500 a year. If he be given $6,000 a year, he will be given all that should be given to him. He receives not only his compensation, but he obtains, in addition, a status in the printing trade that could not be obtained by years of service outside. Personally, I am very fond of the Public Printer. I think he is to be congratulated upon his wonderful success in life.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. But we can not fix the compensation of public officials upon the personality of the one holding the office and do justice to the people of the country. I yield to the gentleman from Texas.

Mr. DIES. Mr. Chairman, I wanted to ask the gentleman from New York a question. It is being booted about the Chamber that the Public Printer has a couple of passenger automobiles which are not altogether in consonance with the laws of our country. I would ask the chairman of the Committee on Appropriations if that is true?

Mr. FITZGERALD. I do not think that should affect the question and the action of the House in determining what the compensation of the Public Printer should be. I would not

permit my personal friendship for a Public Printer to induce me to fix the compensation of the office in excess of what should be received, and I should hope that nobody would permit any prejudice or antipathy against an official or anything in connection with the conduct of his office to affect his judgment.

Mr. DIES. I would be very glad to know if the gentleman from New York does not feel if a public official has a couple of passenger automobiles with chauffeurs, which he can use and thereby relieve himself of a great deal of the expense which foolish humanity——

Mr. FITZGERALD. Oh, I do not think the Public Printer under the law is entitled to use any automobiles for personal use. I have no knowledge that he does. I think there is need for some conveyances in the Government Printing Office to conduct properly the business of the Government Printing Office. I believe the Joint Committee on Printing has taken up the question of the use of automobiles in the Government Printing Office, and I have no doubt they will eliminate abuse in their use if any exists.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask for just one minute.

The CHAIRMAN. The gentleman from New York asks to continue for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The fixing of the compensation of the head of a great establishment of the Government should be done without regard to personal friendship or prejudices or other inclinations, but we should be influenced as to what should be done solely by the public interest. I believe that if the amount recommended by the Joint Committee on Printing, $6,000, be fixed as the compensation of the head of the Government Printing Office, as compared with the compensation received by the heads of these other establishments, it could be justified. To raise it beyond $6.000 could not be justified, and I do not think it should be increased.

Mr. DIES. Mr. Chairman, I am afraid the gentleman from New York did not catch the drift of my interrogatory. I would not vote against this increase because the Public Printer has a couple of passenger automobiles to which he is not entitled, but what I desired to find out was if that practice is being continued in that department. That is why I interrogated the gentleman from New Jersey [Mr. KINKEAD]. In response to a letter I addressed to the Auditor for the Treasury Department, he informed me the Public Printer had two passenger automobiles. Of course they are entirely useless without the use of public gasoline, and motor power without the guiding hand of a chauffeur would be dangerous, to say the least.

Mr. FITZGERALD. Let me suggest to the gentleman these automobiles manage to get along without gasoline; they are electrics. [Laughter.]

Mr. DIES. Well, I did not know just what they were, but I know this, that I have searched the statutes of the United States carefully, and I found they were not authorized by law; that no vehicle except only for public use is authorized to the Public Printer; and when I found he was supporting two passenger automobiles I had hoped that my friend from New Jersey would be able to say that under the Democratic régime we had cast off these illegal garments and that now we transact the public business in a legal way. I had hoped that I was mistaken, and therefore I appealed in vain to the gentleman from New Jersey, who offered this amendment, to know if this illegal abstraction of public funds had not ceased under Democratic administration.

Mr. KINKEAD of New Jersey. Mr. Chairman, I will answer my friend from Texas by saying the Public Printer has done nothing illegal since he has been in office. I hope I have answered the gentleman's question.

Mr. DIES. Well, I will say to my friend from New Jersey that he is still maintaining two passenger automobiles at public expense, and that is illegal. I challenge the gentleman to find one particle of statute law in this country that justifies the Public Printer in having two passenger automobiles.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. DIES. Yes.

Mr. HUMPHREY of Washington. What does he use the automobiles for?

Mr. DIES. What could he use two passenger automobiles for except to go to theaters and entertainments.

Mr. KINKEAD of New Jersey. Now, my friend is wrong, and I know that he uses these cars in performing his duties as Public Printer.

Mr. DIES. I am a printer myself, and I know that if he wants to carry stationery about he would not want two passenger automobiles to carry it in. Now, if he has to transport heavy products, such as paper and pasteboards, he should get a truck to carry them in.

Mr. KINKEAD of New Jersey. Will the gentleman yield?

Mr. DIES. I will extend more courtesy to the gentleman by yielding than he extended to me.

Mr. KINKEAD of New Jersey. I yielded to the gentleman. I never refused to yield to the gentleman in my life.

Mr. DIES. I yield.

Mr. KINKEAD of New Jersey. I want to say, Mr. Chairman, I know that the gentleman from Texas does not want to be unfair to the Public Printer of the United States, and it is for that reason I want to say to him that the Public Printer does not use the car that is given to him for official purposes in his private capacity, but coming from the trains, going to trains, going to the different departments, coming to and fro to meet heads of committees he uses the automobile, but as for going to theaters and purposes of that kind he does not use it.

Mr. DIES. Mr. Chairman, I am awfully glad to know that the Public Printer can find public use for two passenger automobiles.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield for one observation?

Mr. DIES. I can not; I must refuse to yield. I had hoped he could use drays and trucks to greater advantage. I had supposed that the transportation of heavy stationery and printed matter could be more economically effected by the use of trucks and drays than upon the cushions of passenger automobiles with reference to which my friend speaks. I have no personal acquaintance with the Public Printer. I know that hundreds of passenger automobiles are being used in this city, according to the Auditor of the Treasury Department, in direct violation of the law.

They were being used under the Republican administration; they are now being used under the Democratic administration. What a pitiful and shameful thing it is that Senators of the United States and Representatives shaping the destiny of this Republic should walk and take their feet in their hands and trail through the departments when the heads of the departments, mere clerks, if you please, sport two or three passenger automobiles. I maintain that in deciding upon the question of raising his salary you ought to take into consideration the question that this governmental functionary probably earned only two or three thousand dollars a year before he began to suck the Washington public teat. I think you ought to know how much of the public money——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DONOVAN. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to continue for five minutes.

Mr. KINKEAD of New Jersey. Maybe he does not want to do so.

The CHAIRMAN. The gentleman from Connecticut [Mr. DONOVAN] asks unanimous consent that the gentleman from Texas be allowed to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. DIES. Mr. Chairman, so far as I know, the present Public Printer, hailing from the grand and glorious State of New Jersey, is entitled to all that he can get. But I was wondering, in the consideration of this proposition to raise his salary, if this item ought not to be taken into consideration. Having been a printer myself, having known something of print shops, I wondered what use the Public Printer could have, in the transaction of public business, with two passenger automobiles. I can understand, of course, that in paying his respects to Cabinet officers and their families and "crooking the pregnant hinges of the knee where thrift may follow fawning" he might use one, but I wondered how he could use two passenger automobiles in transacting this business of printing letterheads for Congressmen and in printing names for Congressmen on envelopes.

Certainly in all my poor and humble experience as a printer, getting out letterheads and getting out envelopes and pasteboard cards, and handing them around in wheelbarrows, I never dreamed that an humble servant in this Republic would demand, not one passenger automobile to hand them around, but two passenger automobiles.

Mr. JOHNSON of Washington and Mr. KINKEAD of New Jersey rose.

The CHAIRMAN. To whom does the gentleman from Texas yield?

Mr. DIES. To my distressed friend from New Jersey. [Laughter.]

Mr. KINKEAD of New Jersey. I want to ask my good friend from Texas how many people there are in the town from which he comes?

Mr. DIES. I do not come from any town at all. I come from the country.

XUM

Mr. KINKEAD of New Jersey. I never had much feeling against the gentleman from Texas for his utterances this afternoon, and this fact clearly explains his opposition.

Mr. DIES. Ignorance, gentlemen, pure and simple.

Mr. KINKEAD of New Jersey. Does the gentleman yield now?

Mr. DIES. I do not yield further just now. I lived where we put ink upon pasteboards, where we printed books and pamphlets. The heaviest freight that freight cars ever carried is paper made out of the wood of the spruce pine tree. I had supposed it took freight trains and oxen to draw this heavy burden, but, poor, ignorant, country fellow that I am, I find that it can be flitted over the city in automobiles and electric cars turned out for passenger purposes. How great the change has been since I was a poor printer! [Applause.]

Mr. KINKEAD of New Jersey. The gentleman and myself have been members of the same trade. In my youthful days I worked on a newspaper, and I want to say to the gentleman from Texas that I have a keen sympathy with everything he has uttered here this afternoon. But I think if he would leave the country road in Texas and occasionally get up into New York or Boston he would gain a different impression. In Boston they pay the public printer $4,000 a year. That is a little bit more than they pay the average printer in Texas. God knows that in Boston they are entitled to it. They have pleasures in Texas that men dream not of in the north country; so it is worth while to work for less wages in Texas than it is in this country. I want to say to my friend from Texas I am sure he does not want to do an injustice to the gentleman from New Jersey who is the present Public Printer.

Mr. HUGHES of West Virginia. The gentleman from New York [Mr. FITZGERALD] said that it did not make any difference, in increasing the salary of the Public Printer, whether he had two automobiles or not. I think it does make a difference, and I think the chairman of the committee should inform this House on this question. I know something of what it takes to run an automobile. Two automobiles will cost at least $250 a month to run; and if the Public Printer has two automobiles which he is using for pleasure, and the Government paying for them, I think this House ought to get some figure as to cost of same.

Mr. SAMUEL W. SMITH. Mr. Chairman, I send to the Clerk's desk an article entitled "The verdict of civilization." from the Washington Post of Tuesday, August 11, and I ask that the Clerk may read it.

The CHAIRMAN. The Clerk will read the article.

The Clerk read as follows:

"THE VERDICT OF CIVILIZATION.

"Jean Jacques: War is the foulest fiend that ever vomited forth from the mouth of hell.

"Thomas Jefferson: I abhor war, and view it as the greatest scourge of mankind.

"Benjamin Franklin: There never was a good war or a bad peace.

"William Lloyd Garrison: My country is the world; my countrymen are all mankind.

"Napoleon Bonaparte: The more I study the world the more I am convinced of the inability of force to create anything durable.

"Paul on Mars Hill: God hath made of one blood all nations of men for to dwell on all the face of the earth.

"Andrew Carnegie: We have abolished slavery from civilized countries—the owning of man by man. The next great step that the world can take is to abolish war—the killing of man by man.

"George Washington: My first wish is to see the whole world at peace and the inhabitants of it as one band of brothers, striving which should most contribute to the happiness of mankind.

"Abraham Lincoln: With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive * * * to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

"Emanuel Kant: The method by which States prosecute their rights can not under present conditions be a process of law, since no court exists having jurisdiction over them, but only war. But through war, even if it result in victory, the question of right is not decided.

"William Ellery Channing: The doctrine that violence, oppression, inhumanity is an essential element of society is so revolting that, did I believe it, I would say, Let society perish, let man and his works be swept away and the earth be abandoned to the brutes. Better that the globe should be tenanted by brutes than by brutalized men.

"Robert E. Lee: But what a cruel thing is war, to separate and destroy families and friends and mar the purest joy and happiness God has granted us in this world; to fill our hearts with hatred instead of love for our neighbors and to devastate the fair face of the beautiful world.

"Charles Dickens: There will be the full complement of backs broken in two, of arms twisted wholly off, of men impaled upon their bayonets, of legs smashed up like bits of firewood, of heads sliced open like apples, of other heads crunched into soft jelly by the iron hoofs of horses, of faces trampled out of all likeness to anything human. This is what skulks behind 'a splendid charge.' This is what follows, as a matter of course, when our fellows rode at them in style and cut them up famously.

"Baroness von Suttner: What is most astonishing, according to my way of looking at it, is that men should bring each other into such a state; that men who have seen such a sight should not sink down on their knees and swear a passionate oath to make war on war; that if they were princes they do not fling the sword away; or if they are in any position of power they do not from that moment devote their whole action in speech or writing, in thought, teaching, or business to this one end—lay down your arms.

"Victor Hugo: A day will come when the only battle field will be the market open to commerce and the mind opening to new ideas. A day will come when bullets and bombshells will be replaced by votes, by the universal suffrage of nations, by the venerable arbitration of a great sovereign senate, which will be to Europe what the Parliament is to England, what the Diet is to Germany, what the Legislative Assembly is to France. A day will come when a cannon will be exhibited in public museums, just as an instrument of torture is now, and people will be astonished how such a thing could have been. A day will come when these two immense groups, the United States of America and the United States of Europe, shall be seen placed in the presence of each other, extending the hand of fellowship across the ocean."

[Applause.]

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Has not all debate on this particular amendment been exhausted?

The CHAIRMAN. Debate has been exhausted under the rule.

Mr. HAMILL. Mr. Chairman, I ask unanimous consent to proceed for just about three minutes on this section.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for three minutes.

Mr. BARNHART. Reserving the right to object, I will not object, Mr. Chairman, if the gentleman will make it five minutes, in order that, if necessary, I may use two minutes.

Mr. HAMILL. Very well.

The CHAIRMAN. The gentleman from New Jersey modifies his request, and asks that he may proceed for five minutes, with the understanding that the gentleman from Indiana may occupy two minutes. Is there objection?

There was no objection.

Mr. HAMILL. Mr. Chairman, I came into the House just when the gentleman from Texas [Mr. DIES] was discussing section 10, on page 12, of this bill. I had not intended to say a word upon the section, but I feel it is due to the Public Printer that I make a short statement in his behalf, in view of all that has been said regarding him.

The Public Printer is a man who stands high in his trade and business, and a man whose worth was well recognized in the community in which he lived, and whose elevation to the position of Public Printer was a just recognition of his capabilities.

If he is using two automobiles, I am sure he is not doing so for any purpose other than a proper one. He is deeply interested in his work and has made a magnificent record in the position he occupies. His merit and ability is universally recognized by all those who know him.

If $6,000 is put into this bill to compensate him annually for his services, I am well satisfied that he is entitled to and is worth every single penny of it.

It is always an easy way to obtain the plaudits of those who do not stop to think to make an appeal to democracy in the sense of employing for public use either an insufficient number of vehicles or vehicles which have long since outlived their usefulness and ought to be discarded. This course, however, is not democratic, because democracy is progressive. I believe in democracy, but it must be twentieth century democracy, not the democracy of two centuries ago. If two automobiles are required by the Public Printer, I am sure that he has use

for them, and it is no answer to the justice of the demand for anyone to talk about what we did 100 years ago.

The CHAIRMAN. The time of the gentleman from New Jersey has expired. The gentleman from Indiana [Mr. BARNHART] is recognized for two minutes.

Mr. BARNHART. Mr. Chairman, there are two amendments to the section pending, one providing for an increase in the salary of the Public Printer over the $6,000 recommendation of the committee to $6,500, and the other providing a reduction to $5,500. The committee took all these matters into consideration.

There are many things that might be said as to why the salary should be fixed at $6,000. One is that the Director of the Bureau of Engraving and Printing, who has somewhat similar responsibilities, although he must employ a higher class of mechanics in his department, is paid $6,000 a year.

I need not add anything to what I have already said, Mr. Chairman, concerning the apparent proficiency of the present Public Printer. I believe that he has started on a line of economy for the Government which will be fully appreciated by all of us. I believe that the Public Printer is worth $6,000 a year, because if he is the kind of Public Printer that he ought to be, he ought to be worth at least what the heads of other departments are.

I trust, Mr. Chairman, that the amendments may be voted down, and that the judgment of the committee may stand.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to withdraw the substitute.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to withdraw his substitute. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I move to amend by striking out the last word of the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, I think very likely the Public Printer may properly be entitled to a salary of $6,000. But I notice quite a tendency on the part of this Democratic House to increase salaries of any of the pet officials, and I suspect that the Public Printer coming from New Jersey, being a very strong partisan, running his office on the principle of taking care of Democrats, giving them promotions and reducing Republicans wherever it is possible, will appeal to our Democratic friends so that he will get his $500 extra, besides his two personal automobiles.

Mr. KINKEAD of New Jersey. Mr. Chairman, I would like to say——

Mr. MANN. I do not yield to the gentleman. He interrupts everybody else, and I would like him to keep quiet for a few minutes.

Mr. KINKEAD of New Jersey. But the gentleman——

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. MANN. We had quite a discussion relating to the Public Printer's automobiles when the appropriation bill was before the House, and at that time numerous Members of the House stated that they knew from personal observation that the Public Printer was using his automobile for personal purposes—for theaters, for party calls, for parties, for dinners, and so forth. Well, if he does not do that he is very foolish. If he has a personal automobile and does not use it, that is an extravagance without any excuse whatever. If we give him an automobile and he does use it, that is a reason for not paying him an exorbitantly high salary. But to buy an automobile for a man and then not let him use it at all is silly beyond conception. He does not need this new electric machine for the purpose of doing the business of the Government Printing Office. So far as I am concerned, he has my best wishes for the use of the automobile. I think if he has one he can afford to use it.

Mr. KINKEAD of New Jersey. Now, will the gentleman yield?

Mr. MANN. Yield for what?

Mr. KINKEAD of New Jersey. For the purpose of correcting the gentleman's statement.

Mr. MANN. No. I do not yield for the gentleman to make a lot more incorrect statements.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. MANN. The gentleman from New Jersey a while ago told how the Public Printer was saving a thousand dollars a week; and yet I find from an examination of the appropriation bills that while he is saving the money he gets more to spend. My idea of a man saving money is to cut off from the amount that he spends. But every time the Public Printer says he saves money he asks for more. Like a good many other public officials in the Government, he says he saves money by cutting out a job here and a job there and then adds other jobs drawing the same pay. They say nothing about that.

Take the Public Printer: A short time ago he had a private secretary. Well, we cut it out in order to create a chief clerk, and a short time before that he had a chief clerk, and we cut that out in order to get a purchasing agent. Then when they wanted a purchasing agent they said they did not need the chief clerk. Then afterwards, when they came along and wanted the chief clerk restored, they said they did not need a private secretary. So, we gave at first a purchasing agent to take the place of the chief clerk. Afterwards we gave them a chief clerk to take the place of the private secretary, but now the present Public Printer has all three. That is economy for you! It may be economy when they cut off the chief clerk and put on a purchasing agent. It may be still further economy when they cut off a private secretary and put in a chief clerk. It is still more economy when they do away with some other office, but still they have all three. We make an appropriation for one purpose. They say they can do without the appropriation for that purpose for next year. Talk about economy! They get a lump-sum appropriation and then proceed to spend twice as much for the same purpose as before.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment.

Mr. KINKEAD of New Jersey. Mr. Chairman, I ask unanimous consent for one minute in which to make a brief statement regarding the use by the Public Printer of those automobiles.

The CHAIRMAN. The gentleman from New Jersey [Mr. KINKEAD] asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. KINKEAD of New Jersey. Mr. Chairman, I did not know, when the gentleman from Texas [Mr. DIES] asked me, to what use the Public Printer put these cars. I sent over to the chief statistician of the Public Printer, and I find that one of the electric automobiles is used exclusively for official use for delivery purposes, conveying money from the Treasury, and for ambulance purposes, and I call the attention of the gentleman from Illinois [Mr. MANN] to this fact, that the other is used by the Public Printer for official calls for himself, and for no other purpose.

The CHAIRMAN. The time of the gentleman from New Jersey has expired. The question is on agreeing to the amendment.

Mr. HOWARD. Mr. Chairman, I move to strike out the last three words, if that is in order.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] asks unanimous consent that all debate on this section and amendments thereto close in five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] is recognized.

Mr. HOWARD. Mr. Chairman, I am the author of this amendment to curtail the use of electric automobiles by the Public Printer. I did not know what effect my amendment had. It passed the House when the sundry civil appropriation bill was under consideration here, and that amendment specifically stated that the Public Printer was to use these cars for no other purposes than the delivery of printing and printed matter from that office, and in view of the expressed will of the Congress I presume he has desisted from the use of these luxurious cars. In effect the amendment was that he could not use them for personal purposes at all. Now, I did not have any objection to a gentleman who had gotten the union scale of wages in New Jersey, in the great city of Hoboken, to wit, $26 a week, coming down here and having the use of a cheap automobile; but it seems that under the Democratic economy of the Government Printing Office the present Public Printer was a little bit immodest, in that it took two automobiles to satisfy him. Since this matter was up I have investigated, and I know what these two Rauch & Lang cars cost that he has got down there. I know what they cost in upkeep to the Government, and I do not care what the Public Printer states about it, I am in a position to say that this new car is not used solely for official purposes.

New, gentlemen, here is the truth about this thing. We want to cut the wings of these little bureaucratic officers. They have too much power now.

XUM

Mr. KINKEAD of New Jersey. You will get your wings clipped.

Mr. HOWARD. The Public Printer has got too much power. As was said by the gentleman from Indiana [Mr. BARNHART] the other day, he is the only man in the country who has the power to take a sum of money and use it as he sees fit, and it is time to stop it. He is no great big "bear cat" in politics, that he should have special privileges that nobody else has. Even if he did come from the great city of Hoboken, N. Y., and if he was a union printer at $26 a week before he got this job, why should he have two automobiles?

Mr. METZ. Mr. Chairman, Hoboken is in New Jersey. We do not stand for Hoboken in New York. [Laughter.]

Mr. HOWARD. I beg the gentleman's pardon. I meant to say New Jersey.

Mr. KINKEAD of New Jersey. Now will the gentleman yield?

Mr. HOWARD. I yield to the gentleman with pleasure.

Mr. KINKEAD of New Jersey. I want to state to my good friend from New York that his State would be peculiarly and happily blessed if it had Hoboken in it, instead of some sections that it now has. [Laughter.]

Mr. HOWARD. Mr. Chairman, after my good friend from New Jersey has defended his own State, I want to add this: I do not know what this man is doing with these automobiles, and I do not care what he is doing with them; but I lay it down here as a bald-headed proposition that no officer of this character has any right to appropriate the people's money for two electric automobiles that cost over $4,000 apiece. In fairness to the Public Printer, I may add that he is not the only public official that is abusing the confidence of a Democratic Congress. The War Department is shamefully, if not wantonly and willfully, using money appropriated by the people for useful purposes to put on "society stunts" and make a show of what it is to be a commissioned officer in the Army with a swivel-chair assignment.

The CHAIRMAN. The time of the gentleman has expired, and the question is on the amendment offered by the gentleman from New Jersey.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. BUTLER. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 11, noes 47.

Mr. KINKEAD of New Jersey. Mr. Chairman, I submit that there is no quorum present.

The CHAIRMAN. The gentleman makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-two gentlemen present—a quorum.

Mr. KINKEAD of New Jersey. I ask for tellers on the amendment.

Mr. DONOVAN. Mr. Chairman, tellers are not allowable.

The CHAIRMAN. The gentleman does not ask for tellers on the count for a quorum. He asks for tellers on the amendment.

Mr. CULLOP. Mr. Chairman, I make the point of order that it is too late.

The CHAIRMAN. The Chair thinks the point of order is not well taken. The Chair overrules the point of order. Those who are in favor of taking this vote by tellers will rise and stand until they are counted. [After counting.] Eleven gentlemen, not a sufficient number, and tellers are refused. The Clerk will read.

The Clerk read as follows:

SEC. 10. PAR. 3. It shall be the duty of the Public Printer to take general charge of and manage the Government Printing Office; to take charge of all matter transmitted to the Government Printing Office for printing, binding, or any other work authorized to be done under his supervision; to keep an account thereof in the order received; to cause such work to be promptly executed and delivered to the officer authorized to receive and receipt for the same; and the Public Printer shall charge himself with, and be accountable for, all machinery, equipment, material, and supplies of the Government Printing Office, and shall make and keep up to date a complete classified inventory of all machinery, equipment, material, and supplies belonging to the Government in his charge; and he is hereby authorized to order such printing and binding done as in his discretion may be required for the proper administration of his office.

Mr. BARNHART. Mr. Chairman, I offer two amendments.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 15, after the word "as," strike out the words "in his discretion."

The amendment was agreed to.

The Clerk read as follows:

Page 13, line 16, after the word "office," insert "but the expenditures for such printing and binding shall not exceed the amount which shall be allotted annually therefor."

The amendment was agreed to.

The Clerk read as follows:

SEC. 11. There shall be a Deputy Public Printer in the Government Printing Office, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $4,000 per annum. The Deputy Public Printer shall, under the direction of the Public Printer, act as the fiscal agent for the Government Printing Office, except as otherwise provided by law, and exercise general supervision over its receipts, disbursements, accounts, inspection, stores, buildings, and equipment. He shall also perform such other duties as may be required of him by the Public Printer. The Deputy Public Printer shall give a bond in the sum of $50,000 for the faithful performance of his duties.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I should like to inquire of the chairman of the committee whether it is not a fact that the Deputy Public Printer at the present time is receiving a salary of $4,500?

Mr. BARNHART. He is.

Mr. STAFFORD. Is his work of such an unsatisfactory character that the committee thought it advisable to reduce his salary $500?

Mr. BARNHART. No; not that. He is very efficient in his place; but the committee decided that he was receiving a salary in excess of others occupying somewhat similar positions in the office, and that $4,000 would be a very fair salary. The fact of the matter is his salary has been increased rapidly in the recent past, something like $2,100. There have been two increases of the salary of the Deputy Public Printer within three years.

Mr. STAFFORD. Will the gentleman give the information, because that which I have is different from what the gentleman states as to his increase of salary.

Mr. BARNHART. In 1908 the salary was increased from $2,400 to $3,600, and the next year it was increased to $4,500. So that in two years the increase was from $2,400 to $4,500.

Mr. STAFFORD. It has remained at $4,500 since 1909?

Mr. BARNHART. Yes.

Mr. STAFFORD. As to the other salaries the gentleman refers to and which he says makes this salary disproportionate, I want to ask whether the other officials are required to furnish a bond of $50,000?

Mr. BARNHART. Some of them, if not all of them.

Mr. STAFFORD. A bond of $50,000?

Mr. BARNHART. No; not $50,000.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment and will offer another amendment, to strike out $4,000 and insert $4,500.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 20, strike out "$4,000" and insert "$4,500."

Mr. STAFFORD. Mr. Chairman, I am not acquainted with the gentleman who holds the position of Deputy Public Printer, but I am informed, and reliably informed, that he has a most excellent record in connection with the charge of that office in the printing establishment; that during all the years when there were charges, criminations, and recriminations as to peculations in the management of that office this faithful official remained true to his position, and not one scintilla of questionable dealings could be urged against him. The committee, years back, recognizing his faithful work, raised his salary from $3,600 to $4,500, and it has remained at that amount for more than five years.

In the allocation of salaries you must consider the personnel of the incumbents. If this were a new establishment and you were about to provide new officials, it might be advisable to provide $4,000 for this official. But here is the committee raising deliberately the salary of the Public Printer from $5,500 to $6,000, and yet it seeks to reduce the salary of this most efficient official from $4,500 to $4,000. I wish to point out to the committee that the Deputy Public Printer is obliged to give the same amount of bond—$50,000—as does the Public Printer, and it is not at the expense of the Government, but at his own expense. If the charge is true that has been made about the Public Printer, that he is engaged in sight-seeing on occasions with the aid of two automobiles—of which I have no knowledge, but the charge has been made by the gentleman from Georgia—then the man left in charge is the Deputy Public Printer.

This man has this excellent record—and, as I say, I am not acquainted with him, except with his work—and I think it ill becomes Congress or this committee to recommend the reduction of his salary from $4,500 to $4,000.

Mr. GOULDEN. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. GOULDEN. I want to ask the gentleman how long this Deputy Public Printer has occupied the office.

Mr. STAFFORD. Oh, he has grown up in the service, occupied it many years, and Congress, recognizing the faithful character of his work and his ability, raised the salary from $2,400 to $3,600, and in 1909 raised it to $4,500. I say it is no time to begin cheeseparing as to this worthy official.

Mr. BARNHART. Mr. Chairman, the committee after long consideration, taking into account the duties that have been performed by the various assistants to the Public Printer, has made a slight revision in the salaries of these assistants. There are two increases in salary in the bill—one of $500 to the Public Printer, and the other of $400 to the medical officer. There are three reductions, $500 from the salary of the Deputy Public Printer, $600 from the purchasing agent, and $600 from the assistant superintendent of work. That makes a total saving of $800 a year.

Now, a word in behalf of the very efficient Deputy Public Printer. I want to approve what the chairman of the appropriation committee, the gentleman from New York, Mr. FITZGERALD, said in a statement on the floor a while ago, and that is that these matters are not personal. The present Deputy Public Printer is a very efficient and capable man. He has been long in the service; he has been faithful. His salary was increased largely on account of the fact that the President was some years ago so unfortunate in securing Public Printers at one time, having four changes within one year, and they had to have somebody that they could depend upon. So they wisely depended on the deputy and increased his salary accordingly.

Mr. Chairman, the assistant to the director of the Bureau of Printing and Engraving, a very efficient man and a very high-class man, who in the very nature of things must be a first-class mechanic, has a salary of $3,500. The committee thought that $4,000 was an ample compensation for the Deputy Public Printer, for the reason that he must come up from the ranks in the office and must be under civil service. Therefore, taking a man out of the civil service in the Government Printing Office who may be earning $1,200 to $1,800 and promoting him to $4,000 the committee feels is ample, and I trust the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. STAFFORD and Mr. BUTLER) there were—11 ayes, 28 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 15. There shall be appointed by the Public Printer a disbursing clerk, who shall receive a salary of $2,500 per annum. He shall give a bond to the United States for the faithful discharge of the duties of his office in such amount as shall be directed by the Secretary of the Treasury and with sureties to the satisfaction of the Solicitor of the Treasury, and he shall from time to time renew, strengthen, or increase his official bond as the Secretary of the Treasury may direct. The disbursing clerk shall, as provided by law, be charged with the receipt, disbursement, transferring, and safekeeping of all moneys for the Government Printing Office, and shall perform such other duties as may be required of him by the Public Printer and as may be enjoined by law upon the disbursing clerks of the several executive departments.

Mr. DONOVAN. Mr. Chairman, I move to strike out the last word. Here is a measure that pertains to the Public Printing Office, something that costs the Government several million dollars, and our great State of Pennsylvania, with many, many Members of this House, only has a representation of one on the floor, the gentleman from the fifth district. I am going to make the point of no quorum and see if we can not get some of the Pennsylvanians here to attend to business.

The CHAIRMAN. The gentleman from Connecticut makes the point of no quorum, and the Chair will count. [After counting.] Sixty-five gentlemen present—not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Adair | Cantrill | Esch | Hayes |
| Aiken | Carew | Estopinal | Hensley |
| Ainey | Carlin | Fairchild | Hill |
| Ansberry | Carr | Faison | Hinds |
| Anthony | Chandler | Fess | Hoxworth |
| Aswell | Church | Finley | Hull |
| Austin | Clancy | Fowler | Johnson, Utah |
| Bartholdt | Collier | French | Jones |
| Bartlett | Covington | George | Kelley, Mich. |
| Beall, Tex. | Crisp | Gerry | Kent |
| Bell, Ga. | Crosser | Gordon | Kindel |
| Brodbeck | Decker | Graham, Ill. | Kinkaid, Nebr. |
| Brown, W. Va. | Dent | Graham, Pa. | Knowland, J. R. |
| Browne, Wis. | Dies | Griest | Korbly |
| Browning | Dixon | Guernsey | Lazaro |
| Brumbaugh | Dooling | Hardwick | L'Engle |
| Byrnes, S. C. | Eagle | Harris | Lenroot |
| Calder | Elder | Hart | Levy |
| Lewis, Pa. | O'Shaunessy | Saunders | Vare |
| Lindquist | Palmer | Shackleford | Vaughan |
| Loft | Peters | Small | Walker |
| McGillicuddy | Platt | Smith, Md. | Wallin |
| McKenzie | Porter | Smith, N. Y. | Watkins |
| Mahan | Post | Steenerson | Webb |
| Manahan | Powers | Stevens, N. H. | Whitacre |
| Martin | Ragsdale | Stout | Wilson, N. Y. |
| Merritt | Rainey | Switzer | Woodruff |
| Mott | Riordan | Treadway | |
| Murdock | Sabath | Underhill | |

The committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee finding itself without a quorum, he had directed the roll to be called; that 316 Members responded to their names, a quorum, and he handed in a list of the absentees.

The committee resumed its sitting.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for half a minute, to make a statement.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to address the committee for one-half minute. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Chairman, there have been so many inquiries from the colleagues of one of our distinguished and well-beloved Members of the House as to the outcome of a very interesting State convention that is being held in the State of Georgia, that I take great pleasure in announcing to the friends and colleagues of the Hon. THOMAS W. HARDWICK, of Georgia, that he has just been nominated to the United States Senate. [Applause.]

The Clerk read as follows:

SEC. 16. There shall be appointed by the Public Printer a chief clerk, who shall also act as appointment clerk, at $2,500 per annum; an accountant, at $2,500 per annum; a superintendent of buildings and equipment, who shall possess a practical knowledge of mechanical, civil, and electrical engineering, at $3,000 per annum; a medical and sanitary officer, at $3,000 per annum; an assistant superintendent of work and foreman of printing, who shall be a practical printer, at $2,500 per annum; an assistant superintendent of work in charge of night work, who shall be a practical printer, at $2,500 per annum; a foreman of binding, who shall be a practical bookbinder, at $2,500 per annum; a foreman of presswork, who shall be a practical pressman, at $2,500 per annum; and a storekeeper, at $2,500 per annum; all of whom shall, as provided by law, perform the duties ordinarily attached to their respective positions and such other duties as this act or the Public Printer may require of them.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I notice in this item the committee has recommended an increase in the salary of the medical and sanitary officer from $2,600 to $3,000. The salary of that particular officer was increased a couple of years ago from $2,500 to $2,600. I wish to inquire the reason for the present increase, and whether there have been any additional increases of salaries in the other items referred to in this paragraph?

Mr. BARNHART. Mr. Chairman, there are two increases of salary in this particular part of the bill, the one that we have just added to the salary of the Government Printer, of $500 a year, and this proposed $400 a year to the medical officer.

Mr. STAFFORD. Have there been any additional positions created in this item?

Mr. BARNHART. None.

Mr. STAFFORD. What was the purpose of raising the salary of this medical officer from $2,600 to $3,000?

Mr. BARNHART. Because the medical officer is really one of the most important factors in the efficiency of that great establishment. There are more than 4,000 people employed in the Public Printing Office. They have an emergency hospital there. If a man is injured, they have a competent surgeon on hand all of the time, day and night, to take charge of the injury. If anyone becomes temporarily ill, he is taken to the emergency hospital and treated, and probably is able to go back to his work in a little while, with great saving of time to the Government. The assistant surgeons in the Army that have charge of the health in other departments of the Government are receiving salaries of, I think, $3,300 a year. This man has more people under his care than they; they are very much more liable to injury than in any other department; and inasmuch as we have and here need a most efficient combined physician, surgeon, and sanitarian, he ought to be paid a salary of $3,000 a year.

Mr. STAFFORD. Mr. Chairman, I quite agree that a high-grade medical man who has to perform the work outlined by the chairman should receive a good salary, and $3,000 is none too much. I am very much pleased to learn that the Government Printing Office is equipped like modern industrial establishments are with up-to-date hospital appointments, where in case of injury to any of the employees they can be taken immediately to the adjunct hospital of the establishment and given first-class treatment. I certainly approve of the recommended increase in the salary of this medical officer.

XUM

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 17. The Public Printer shall, with the approval of the Joint Committee on Printing, appoint a CONGRESSIONAL RECORD clerk at the Capitol, who shall receive a salary of $2,500 per annum, and shall, under the direction of the Public Printer, have charge of the sale of the CONGRESSIONAL RECORD and other Government publications at the Capitol, receive orders and collect from the Vice President, Senators, Representatives, Delegates, and Resident Commissioners for printing and binding for which payment is required under the provisions of this act, and perform such other duties as may be required of him by the Public Printer.

Mr. BORLAND. Mr. Chairman, I would ask the chairman of the committee a question in respect to this item. Is this the same officer who is now employed by the Public Printer?

Mr. BARNHART. Yes.

Mr. BORLAND. The compensation is the same that he now receives?

Mr. BARNHART. Yes.

Mr. BORLAND. And there is no change in it?

Mr. BARNHART. None.

Mr. BORLAND. No change in the duties?

Mr. BARNHART. No.

Mr. BORLAND. Is it expected that he will maintain his office, as at present, in the Capitol?

Mr. BARNHART. Yes.

Mr. BORLAND. For the convenience of the Members?

Mr. BARNHART. Yes. There is nothing in the section contemplating any change. The committee, from its investigations, found this to be one of the most efficient and satisfactory features of the printing service.

Mr. BORLAND. I think so.

Mr. BARNHART. And was entirely satisfied to let him continue right along.

Mr. BORLAND. I think it has been a very efficient and convenient branch of that service.

Mr. FITZGERALD. This is the position occupied by Andy Smith; he is in the classified service to-day.

Mr. BARNHART. Yes.

Mr. FITZGERALD. Does this affect his status?

Mr. BARNHART. It does not. I will say, Mr. Chairman, we have information here from the chairman of the Civil Service Commission, who says that it does not.

Mr. FITZGERALD. The committee has no power, I understand, to affect his status?

Mr. BARNHART. None whatever. I might say that the language of the letter says:

The language used in the bill would not necessarily remove the position from the classified service, although it is recognized that such removal might be accomplished—

That is, the removal of one man—

might be accomplished, in effect, by the refusal of the joint committee to approve the selection made by the Public Printer of a person in the classified service or of a person on a register of eligibles.

Mr. FITZGERALD. That is true. There is a dual relation here. In the first place, the Public Printer is responsible for the money which this man collects, and I suppose the two Houses of Congress necessarily——

Mr. BARNHART. They are of course entitled to have an efficient and accommodating man.

Mr. FITZGERALD. I withdraw the pro forma amendment.

Mr. TEN EYCK. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do not desire to use my time in a discussion of this bill, but in reference to the river and harbor bill.

Mr. MADDEN. Mr. Chairman, reserving the right to object, we are proceeding under the five-minute rule, are we not?

The CHAIRMAN. Does the gentleman from Massachusetts insist on his point of order?

Mr. MOORE. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from New York may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TEN EYCK. Mr. Chairman, it is the desire of all Members of Congress and the people of the country to do something which will overcome the financial and commercial stagnation caused by the deplorable European war, and one of the things which we have unanimously agreed upon to accomplish is the building up of a merchant marine.

What is more essential to a merchant marine than good harbors, good docks, and inland waterway connection? England and Germany have proved it, and now it is up to us to take advantage of their experience and continue our policy of improving the harbors, docks, rivers, and canals. All of the projects in the river and harbor act now before the Senate are essential to the general scheme, some are more important than others, some are more important to one locality than to another, but as we all depend on each other, so do the various projects depend on each other and to the general prosperity of the country.

I regret to note in one of the Albany papers that the Army engineers say that there is no money available to continue the work on the Hudson River and the dam at Troy. Three hundred men have already been laid off, and I prophesy within the next two weeks the entire work will be shut down, to the detriment of nearly every citizen of these United States.

I now appeal to my colleagues to render such assistance as they can in behalf of this just measure.

As the Representative of the twenty-eighth congressional district, which constitutes the capital district of the State of New York and contains the terminals of the Barge and Lake Champlain Canals, which my State has constructed entirely at its own expense and on which it has expended approximately a hundred million of dollars not only for the benefit of the people of the State of New York but for the benefit of the people throughout the United States, I wish to bring to the attention of the House a great injustice which the Federal Government is perpetrating against the people of my State as well as the people throughout the entire country.

New York State has undertaken and practically accomplished, without aid from any outside source, the building of a canal system which includes the Barge, Oswego, and Lake Champlain Canals. When completed these canals will have a depth of 12 feet and will connect Lake Champlain, Buffalo, Oswego, Albany, and Troy with the Atlantic Ocean via the Hudson River, and will constitute a system of canals over 400 miles long, with all necessary facilities for the loading and unloading and exchange of merchandise, and will cost approximately one-half as much as the Panama Canal.

Due to the Hudson River being a navigable stream the United States Government has jurisdiction over its waters from the Atlantic Ocean to the terminal of the Barge and Lake Champlain Canals, which is located at the dam at Troy, and on account of this control of these waters it is incumbent upon the Federal Government to deepen the channel in the Hudson River to the same depth as the Barge Canal which the Government practically signified as their intention to do and agreed to do when they authorized in the rivers and harbors bill of 1910 the expenditure of five millions of money to accomplish this work in conjunction with the work that the State of New York had underway. The present river and harbor bill contains an item appropriating $750,000 to carry on the Government work now under way, which is the dredging of the channel at various points between the cities of Hudson and Troy to a 12-foot depth, and completion of the construction of the lock and dam located at Troy.

What would the people of the United States have said if Congress had refused to appropriate the necessary money to have completed the Panama Canal? What would the people of the United States have said if Congress had been dilatory in appropriating money so as to have caused the work on the Panama Canal to have been abandoned temporarily? What will the people of the United States say if we allow the great work on the Hudson River project to lapse when in so doing you will have bottled up the great canal system of New York State? You will have caused to lie idle this project which is equally as great and as important to the business of the country as the Panama Canal, when the amount we ask you to appropriate and appropriate at once does not equal a million dollars. It is less than one-half of 1 per cent of the entire amount which the State of New York will have expended when the canal system is completed.

New York State is not selfish in asking for this money. This project, in conjunction with our canal system, is of the utmost importance directly with every citizen of every State which borders on the Great Lakes, the Atlantic Ocean, the Gulf of Mexico, and the Pacific Ocean, which are as follows: Wisconsin, Michigan, Illinois, Indiana, Ohio, Pennsylvania, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, California, Oregon, Washington, and Alaska, together with the Hawaiian Islands, Philippine Islands, and our other possessions, and besides this, every State which has water communication with any branch of this system is either directly or indirectly interested; with all the other States which are connected by water transportation facilities with the Great Lakes, Atlantic Ocean, Gulf of Mexico, and the Pacific Ocean. Eighty per cent of the population of this country is directly interested in this project, and they pay 90 per cent of the revenue which runs this country.

The great producing country of the Middle West and the Northwest and the great consuming population of the East are vitally interested in this waterway, as the high cost of living is the most important issue before us at the present time, and surely lowering the transportation is the most important item in the cost of foodstuffs. Therefore, it is incumbent upon us to facilitate the completion of this work at the earliest date possible, as this not only cheapens the products which are carried by water, but also is a great factor in lowering of the railroad rates not only with the lines which parallel it, but with all other competing lines running from the harvest fields of the West to the consuming public of the East.

It has been estimated by competent authorities that over 15,000,000 tons of freight yearly will pass through the Hudson River upon the completion of the Barge Canal and the completion of the Hudson River channel to 12 feet. It is hardly necessary for me to call to your attention the fact that freight from Chicago will be shipped by water through the Great Lakes, the Barge Canal, the Atlantic Ocean, the Panama Canal, and the Pacific Ocean to San Francisco from $1 to $2 a ton cheaper than by rail across the Rocky Mountains.

We are the representatives of the people of the United States, and should make it our paramount interest to cheapen the cost of both our natural and our manufactured products to the consumer. The merchandise of the Pacific Ocean, both from the Orient, North and Central America, and the west coast of North America, should be brought into close touch with our Atlantic coast. I am going to give you a list of articles which will be shipped from the Pacific coast and South America to the capital district to be redistributed throughout the Middle West and the States which border on Lake Champlain and the Great Lakes, whereby you will cheapen the cost materially to the consuming public in these localities:

Lumber; asphaltum; coal; oil in tank boats; guano for fertilizer; railroad ties from Japan; packet cargoes, loaded at San Francisco, including freight from Alaska, British Columbia, China, Hawaii, Philippines, west coast of Mexico, and South America; intracoastal freight from Canada; and cotton, wool, and lumber from the Southern States. The boats returning will be loaded with cargoes from Canada, the northern New England States, via the Lake Champlain Canal, and from the Great Lakes and Middle West, to reload all vessels docking in the capital district with the following articles: Cotton goods and clothing, boots and shoes, iron from the Great Lakes and Champlain districts, grain and apples from the Middle West, flour from western mills, starch from Iowa, cement from the capital district, agricultural implements, electrical appliances, stoves, automobiles, locomotives, steel, and other manufactured articles from the States of New York, Ohio, Illinois, Michigan, and Wisconsin; salt, gypsum, molding sand, condensed milk, bicycles, books, steel bridges, canned goods, castings, copper ingots, drugs, chemicals, furniture, minerals from our mines, oats and hay, all classes of manufactured iron products, railway cars, and food products from the great West.

All of the articles which I have mentioned are being produced, and are now being exchanged by a number of different combinations of transportation companies, which seems to be the most expedient at the time of shipment. This freight from necessity will finally, upon the completion of the Barge Canal, cause to be built at the terminal of the Panama Canal a great city for the barter and exchange and the redistribution of the products of the East with the West. At the most northern part of your intracoastal system a new seaport town will grow up from necessity, and it will be located at the navigable head of the Hudson River, where the goods of the Orient will be exchanged for the food products of our Northern, Middle, and Western States, much to the benefit of the producing and consuming population of the East and Middle West. The same way in which the capital district thrives so will the numerous other towns, cities, and hamlets thrive which are located along the banks of the canals which form the intracoastal system.

Estimates show that there will be at least 15,000,000 tons yearly, in addition to the present traffic, when the New York State canal system is completed. If barges carry only 1,000 tons each, the commerce of the upper Hudson would require the passage of approximately 1,800 barge loads a month, 425 a week, or 60 a day. The lock which the Government has now under construction has the capacity of 216 boats of this size in a day, providing for three lockages an hour.

When one realizes what it means to the business interests of the country in putting in operation the Panama Canal, it will give you some idea of the importance of the opening of the Barge Canal and what it means to the business interests of the country when it is open for navigation. It will carry more freight, at least for the first few years, than the Panama Canal. This great system, however, has an additional advantage over the Panama Canal. It is in direct competition with the railroads, and the reduction of railway freight rates will be immeasurable, all of which will be beneficial to the consuming public. There is a corporation incorporated for the building of barges to be used between Buffalo and New York which has under contemplation the expenditure of several millions of dollars to complete a fleet and a shipyard to take care of this freight traffic; and with all this we, the representatives of the people of the country, are hesitating in relation to a small expenditure to complete a link in the chain, which link, if not complete, will retard the usefulness of this great undertaking for at least a year or more.

The engineers in charge of the work advise that the upper end of the great 450-foot lock system at Troy is not completed, and because of the construction of the cofferdam conditions are now such that the work could be rushed at a rate not previously practicable. A second cofferdam has been built and a great excavation made on the west shore of the river for the west half of the dam, and any temporary delay of the work at this time means that much of this expensive labor will be for naught unless spring freshets change their habits and fail to bring down a flood that will fill in thousands of cubic yards of this excavation. In fact, the work on the lock was curtailed and the men put to work on the west side of the river, so that if the work has to be stopped the cofferdam might be in the best possible shape to resist the spring floods.

I am told by reliable authorities that men are now being laid off on the work, that practically all the dredging has been stopped so that the work on the dam and lock might be continued for a little longer time, but that all the work will have to be stopped within the next two weeks, which will mean a loss of several hundred thousand dollars to the United States Government and an approximate loss of three or four million dollars to the State of New York, or one year's interest charges on their investment, as it will mean that the opening of the canal will have to be put off for one more year. This does not include, however, the great loss of money to the great shipping interests and to the producers and the consumers of this country, which I have no hesitancy in saying will at least amount to more than $10,000,000. This estimate is exceedingly low, for if we should average only $1 per ton on 15,000,000 tons of freight, we would have saved to the people of this country $19,000,000 yearly.

I wish you to keep in mind that the money that we are asking for is less than one-half of 1 per cent of the amount that New York State will have spent upon the completion of this work. Everyone interested in water transportation, everyone interested in the intracoastal waterway system, everyone interested in the improvement of their harbors, everyone interested in the improvement and protection against floods, should join together in one joint effort to secure the passage of a bill which contains items of so much importance to the water traffic of the Great Lakes, the Atlantic and Pacific Oceans, and their feeders.

In closing I make an appeal to all you Congressmen of the thirty-odd States which are interested in this project, who represent more than 80,000,000 people, who live adjacent to the world's greatest coastwise waterways system, to pull together on your oars with a true stroke over the course of waterway improvements so that the greatest good may come to the greatest number of people in this country of ours through the reduction of the cost of the necessities of life. [Applause.]

Now, Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

Mr. BARNHART. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 9, after the word "accordance" strike out the word "therewith" and insert the word "herewith."

The question was taken, and the amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do not understand whether this paragraph undertakes to create an assistant attorney general for the Public Printer's office in accordance with the plan in the other departments. As the Congress well knows, it is the present system that there is an Assistant Attorney General appointed by the Attorney General to each of the 10 executive departments. These Assistant Attorneys General receive $5,000 per annum. This paragraph would seem to require that the Attorney General designate an attorney in his office, possibly and probably one of the Assistant Attorneys General, to act for the Public Printer.

XUM

That would probably require the addition at least of one man in the Attorney General's office and in the long run might result in exactly the same thing as though an Assistant Attorney General were created for this department as there is created for the other departments.

If the Public Printer does not have enough legal business to engage the attention of an assistant attorney general it seems to me there is little need of this kind of a provision, but if he has enough legal business to engage the attention of an assistant attorney general that would mean the exclusive services of one man, which would displace one man in the Attorney General's office. Now, it seems to me if that is the case there is not any showing here as to the legal business that the Public Printer has or is likely to have. If that is the case it seems to me what we ought to specify that he is an assistant attorney general to that department. It does not seem to me that there can be sufficient legal business in the Government Printing Office to engage the services of a $5,000 man, the same as the Department of Agriculture or the Department of the Interior, and yet that is all we pay for the assistant attorneys general in those departments. It does not seem to me to be possible that there is sufficient legal business to engage exclusively the services of an assistant attorney general. The present Attorney General has intimated his opinion several times that this system of assistant attorneys general for the departments is a mistake. He says those men are nominally appointed by him and nominally accountable to him, but they constitute no part of his force whatever and that they ought to be removed from his jurisdiction. He made that recommendation to the Committee on Appropriations at least twice, to my knowledge. They are charged against him in the appropriations. He has specifically asked the Committee on Appropriations to take them out of his jurisdiction, and, if they were necessary to the departments in which they serve, that they be appointed like other officers of those departments, and not credited to the Attorney General's Department at all. And it does seem to me, without some sufficient showing otherwise, we could get along without this assistant attorney general in the Government Printing Office, and if one is appointed there at all he ought to be appointed as other employees are appointed in that department.

Mr. BARNHART. Mr. Chairman, the purpose of this provision is to simplify the present condition. There is but occasional need for a legal adviser in the Government Printing Office, but whenever the Public Printer now has any case arising, it makes no difference how trivial, he must go to the President for authority to get some one detailed with whom he can confer. This merely provides that the Attorney General—and it is approved by a former Attorney General that this would be the simple method of doing it—that the Attorney General shall designate some one of the assistants in that department—and there are many of them down there that are not occupied all the time—to advise the Public Printer, that he might go directly to him, without annoying the President, and also encountering delay many times incident to the present process of reaching a legal adviser. I might say that there is little probability of extensive service of a legal adviser to the Government Printing Office. I believe one or two lawsuits have been instituted there in the last 10 years. The Public Printer merely asked that this be done in this way to simplify matters. There would be no increase of salary, because it does not provide and it is not so intended that the Public Printer shall call upon the Attorney General to detail him a man, as he would have only occasional use for him. The Public Printer merely needs a legal adviser to adjust matters that may arise as to making and enforcing contracts, and so forth.

Mr. BORLAND. Will the gentleman yield?

Mr. BARNHART. Just a moment further. Our advice on this from an Attorney General says:

> I beg to say that I see no reason why such a provision should not be embodied in the law, and I believe it would tend to greater uniformity in the interpretation and administration of the law to have the legal affairs of a great Government establishment like the Printing Office correlated to the general law department of the Government in the manner in which this provision would accomplish if enacted into law.

Mr. BORLAND. Who is that from?

Mr. BARNHART. It is from former Attorney General Wickersham.

Mr. BORLAND. You are reading from the opinion of Attorney General Wickersham on this particular point?

Mr. BARNHART. Yes.

Mr. BORLAND. Is there any expression of opinion from Attorney General McReynolds or the present Attorney General, Mr. Gregory?

Mr. BARNHART. I will say that this bill was submitted to all the heads of departments, and they made no criticism of this feature of it.

Mr. BORLAND. Let me ask the gentleman, further, has he had any communication with the Attorney General or his office that this work can be done without any increase of force?

Mr. BARNHART. This feature of the bill was called to the particular attention of the Attorney General at the time it was submitted, and there was no criticism whatever from the Attorney General of this provision of the bill. We took it for granted that silence meant the approval of that feature of the bill.

Mr. BORLAND. I want to say that the last Attorney General, Mr. McReynolds, has repeatedly told the Committee on Appropriations that his force was not sufficient.

Mr. BARNHART. Now, Mr. Chairman, here is another feature of the bill——

Mr. BORLAND. And he has always objected to our failure to increase his force.

Mr. BARNHART. Here is another feature of the bill:

> The Attorney General may designate an attorney in the Department of Justice who shall, under his supervision, act as legal adviser to the Public Printer whenever requested by him to do so: *Provided*, That such attorney shall not receive any additional compensation for the services rendered the Public Printer in accordance therewith.

Mr. BORLAND. Yes; but if the gentleman's plan is carried out, will not the Attorney General complain of the shortage of force, and come to the committee and say, "You have put additional work on our department and we must have more men?"

Mr. BARNHART. Even if he did the Public Printer would have this service, and I think he should have it directly from some one who is designated for this purpose rather than to ask the President each time he must have it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. How many lawsuits has the Public Printer had in the last 10 years?

Mr. BARNHART. Not more than two, I think. I think one never came to an issue. I think two suits have been instituted, and probably one was tried.

Mr. BORLAND. Does it not strike the gentleman that every department of the Government could make the same plea, then, for a special legal adviser, and every bureau of the Government?

Mr. BARNHART. Oh, no; I do not think so. They have their detail as it is. Practically every department of the Government has its legal detail now; we are not asking for an extra man, and we specifically provide that there shall be no additional salary.

Mr. BORLAND. It seems to me that you are paving the way for an additional man.

Mr. STAFFORD. I assume the gentleman is aware of the fact that in addition to the Assistant Attorneys General assigned to the various departments the Attorney General also has assistants in his employ, and also attorneys below the salary of $5,000—drawing salaries of thirty-five hundred dollars and under. This provision does not provide for the appointment of any assistant attorneys general. It only provides that the Attorney General shall designate some attorney, some of these subordinate attorneys connected with his office, who will have charge of the special work that will be submitted by the Public Printer to the Attorney General.

Mr. BORLAND. The Attorney General has made a very strong showing before this House that a $5,000 man was too small. He could just as easily designate a $9,000 man as a twenty-five-hundred-dollar man under the gentleman's argument.

Mr. STAFFORD. We should not assume that he will do an unreasonable thing, but designate a subordinate attorney to look after these matters.

Mr. BORLAND. It looks to me as if it means another man. I move that the paragraph be stricken out.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. Mr. Chairman, the wording of this section can not be taken to mean that the Attorney General will appoint a special assistant attorney to be connected with the Government Printing Office. It merely means that the Attorney General designate some subordinate attorney that is now connected with the Attorney General's office, who is receiving a salary of $3,500 or $3,000 or under, who will take charge of the few special cases that will be assigned to him by the Government Printing Office. I can not see how the gentleman from Missouri [Mr. BORLAND] can conjure up any fears that this will mean the creation of an Assistant Attorney General.

The CHAIRMAN. Does the Chair understand the gentleman from Missouri to make a motion?

Mr. BORLAND. I move to strike out the paragraph for the purpose of having a vote on it at least.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] moves to strike out the paragraph. The question is on agreeing to that motion.

The motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 20. The Deputy Public Printer, the foreman of binding, and the inspector for the Joint Committee on Printing shall constitute a board of inspection to examine and report in writing to the Public Printer on all machinery and material, except paper, for the use of the bindery.

Mr. CLINE. Mr. Chairman, I would like to inquire of the chairman as to section 19, why he exempted binding material and binding machinery from the supervision of the committee?

Mr. BARNHART. Because section 20, which has just been read, provides for binding supervision by a different board. It is a different class of work, and it requires a different class of workmen to have supervision over it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 22. Whenever any machinery, equipment, or material in the Government Printing Office shall have been condemned, as provided for in the foregoing paragraph, the Public Printer, with the approval of the Joint Committee on Printing, may sell the same, after due advertisement, to the highest bidder for cash, and the Public Printer shall turn the proceeds into the Treasury of the United States as miscellaneous receipts; or in case it is necessary to substitute similar machinery, equipment, or material for that condemned, the Public Printer may, at the time of advertising, ask for quotations on exchanging the condemned machinery, equipment, or material for new, in which event a description of that sought to be procured should be furnished to the bidders and the proposals should state both the purchase price and the exchange offer, and the Public Printer may exchange said old machinery, equipment, or material for new, paying the difference in money, and render appropriate vouchers for such expenditures.

Mr. BARNHART. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 18, line 17, after the word "going," strike out the word "paragraph" and insert the word "section."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARNHART. Mr. Chairman, I move an amendment, in line 3 of page 19, to strike out the word "should," at the beginning and end of the line, and insert in lieu thereof the word "shall."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 3, strike out the word "should," at the beginning and end of the line, and insert in lieu thereof the word "shall."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 23. The superintendent of documents shall report to the Public Printer from time to time any accumulation of Government publications in his possession for which there is no demand or which he is unable to distribute according to law; and the Public Printer is hereby authorized to appoint two employees of the Government Printing Office, who, together with the inspector for the Joint Committee on Printing, shall constitute a board to examine said publications and submit a written report thereon to the Public Printer, who, upon the recommendation of such board, may proceed to condemn and dispose of said publications to the highest and best bidder as waste paper or make such other disposition of the same as the Joint Committee on Printing shall direct.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendments.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Page 19, line 18, after the word "board," insert the words "and the approval of the Joint Committee on Printing."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 19, line 20, after the word "same," strike out the comma and the words "as the Joint Committee" and insert the words "as the said board."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 19, line 21, strike out the words "on Printing."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. I wish to direct the attention of the Chairman to the words "waste paper," in line 19 on page 19. The sentence is that the board "may proceed to condemn and dispose of said publications to the highest and best bidder as waste paper." I call attention to the qualifying clause "as waste paper." What is the need of placing any limitation upon the advertisement? They might be sold as books, and their sale might result in getting higher prices and greater revenues for the Government from the sale of these useless publications.

Mr. BARNHART. It might. I will explain to the gentleman that there might be a condition in which the Public Printer would condemn certain public documents that would be sold to book dealers at a considerable profit, and they ought not to be sold as waste paper until they are waste paper.

Mr. STAFFORD. What provision is made here for the sale of useless documents even in the case instanced by the gentleman?

Mr. BARNHART. There is none.

Mr. STAFFORD. Then why should you not eliminate the words "waste paper," so as to permit the Public Printer to sell these useless documents as documents to some one who may need them or may want them? Here you limit the privilege of the Public Printer.

Mr. BARNHART. It is taken for granted, Mr. Chairman, that the Public Printer will not condemn any documents that are salable, because the superintendent of documents would advise him to the contrary. On the other hand, there are documents that are waste paper that can be used for nothing else.

Mr. STAFFORD. The gentleman can conceive of documents collected in the office of the superintendent of documents for which there could be no sale at the stated price, and yet they might have a salable value above that of waste paper, and should be sold for the best price.

Mr. BARNHART. To whom?

Mr. STAFFORD. To the public generally, who might make an offer for them.

Mr. BARNHART. It has never been the policy of the Government to have public documents sold in the general market. It might open the way for serious complications, to say the least. We have an authorized sales agent for Government publications; that is, the superintendent of documents. Whenever he finds that he has documents on hand that are no longer salable—because he sells them at the cost price—they become what we call "junk," and the demand for them could only be for them as "junk." Therefore we provide for their disposition as waste paper. If he sold documents according to the suggestion of the gentleman from Wisconsin he might sell documents that were of value as documents, and that might open the way for transactions that might not be creditable.

Mr. STAFFORD. Then it is not advisable under any circumstances, after certain documents are found to be unsalable by the superintendent of documents at the published price, to offer them for sale for any other purpose than waste paper?

Mr. BARNHART. That is the opinion of the committee.

Mr. STAFFORD. I think there might be many instances where the public might not wish to purchase documents at the cost price at which they are for sale, and yet there might be somebody who might be willing to buy them at a greater price than that at which they would be offered for as waste paper. Why put in the qualifying words "waste paper"?

Mr. BARNHART. Simply to protect the Government from the possibility of some superintendent of documents or some Public Printer proceeding to condemn documents that would yet be salable, and place them on the market to be hawked about in commercial circles.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. STAFFORD. The gentleman recognizes that we are safeguarding that condition by having first the approval of the superintendent of documents that they are no longer salable, and then having the Public Printer submit it to two employees appointed by him to determine that they are no longer salable as

public documents, thus safeguarding the interests of the public in that particular. Yet the gentleman does not wish to give the Government the benefit of having a higher price received for them than for waste paper.

Mr. BARNHART. If the gentleman will read to the end of the paragraph——

Mr. STAFFORD. I have read the paragraph.

Mr. BARNHART. It is finally to be disposed of by the Joint Committee on Printing as they shall direct. The Joint Committee on Printing retains full control over what shall be sold as waste paper. If a document is worth anything, it is worth the cost of its printing.

Mr. STAFFORD. That is merely an argument in favor of my proposition, because the amendment offered by the gentleman still retains the say-so of the joint committee, to determine whether these documents shall be sold. If they believe the documents should be sold, then they should be sold to the highest bidder, regardless of the use to which they are to be put.

Mr. BARNHART. Some unscrupulous book dealer, such as we heard described on the floor of the House the other day, might get hold of a lot of documents, and through some form of misrepresentation deceive the people of the country into buying these obsolete documents, and probably paying more for them than the price at which they might procure them from the superintendent of documents.

Mr. STAFFORD. If the gentleman will permit me right there, even if they are purchased as waste paper, there will be no restriction on the purchaser who may sell them afterwards. The gentleman confuses his own argument in everything he says.

Mr. BARNHART. While the gentleman from Wisconsin is usually informed, he is not informed on this. These documents are all cut into waste paper before they are sold. They are made into "junk" paper. They are not sold in the form of whole books, but cut up into waste paper.

Mr. STAFFORD. There is nothing in this bill which says they are to be cut up before they are to be offered for sale.

Mr. BARNHART. That is a regulation of the office. It is not all set forth in the law.

Mr. STAFFORD. The gentleman may be all-wise as to regulations, but there is nothing in the bill to inform us of that.

The Clerk read as follows:

SEC. 24. Moneys received from sales of condemned publications, paper shavings, imperfections, spoilage, waste gold leaf, leather and book-cloth scraps shall be deposited by the Public Printer in the Treasury of the United States to the credit of miscellaneous receipts, and a detailed statement thereof shall be included in his annual report to Congress, as provided in this act. Moneys received from all other sources shall be deposited in the Treasury of the United States to the credit of the appropriation for printing and binding, unless otherwise specifically provided.

Mr. BARNHART. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 19, line 23, after the word "publications," strike out "paper shavings" and insert "waste paper"

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FITZGERALD:
Page 20, line 4, after the words "United States," strike out down to and including the word "binding" in line 5 and insert in lieu thereof the following: "As miscellaneous receipts."

Mr. FITZGERALD. Mr. Chairman, the sentence provides that money received from all other sources shall be deposited in the Treasury of the United States to the credit of the appropriation for printing and binding unless otherwise specifically provided. The amendment which I propose provides that money received from all other sources shall be turned into the Treasury as miscellaneous receipts unless otherwise provided.

The provision in the bill makes a permanent indefinite appropriation of all receipts received by the Government Printing Office, except the moneys received from sales of condemned publications, waste paper, imperfections, spoilage, waste gold leaf, leather, and book-cloth scraps.

Nearly every governmental establishment is anxious to have some system devised by which moneys obtained by it shall be credited to its appropriation without the supervision of Congress, and in that way develop the most indefensible system of appropriations that can be had. I do not know the reason that actuated the Committee on Printing in providing for this indefinite permanent appropriation. I do know that it is a system of appropriation to prevent which efforts have been made by everyone who has made any careful study of our system of appropriations. I hope the committee will accept the amendment, as this provision in the bill is really a vicious one.

Let me illustrate what is likely to happen. Suppose in some way the Government Printing Office makes some arrangement with some department of the Government to do some printing for it other than from the departmental allotment. It may make an arrangement by which it will do printing at a profit. Under this provision the proceeds of that work are credited to the appropriation for the Government Printing Office for printing. It has, in addition to the amount appropriated for its work, whatever profit it may be able to make upon some other establishment. In addition, it makes it utterly impossible to keep any track whatever of the amount of money appropriated to do the printing in the Government Printing Office. If there be need for money to do any particular work, provision is always made for it. It is such provisions as this that are giving continual trouble and difficulty in attempting to control the expenditures of public money.

Mr. BARNHART. Mr. Chairman, the criticism of the gentleman from New York, as a general proposition, might be well founded, but if he will observe the language of the bill more carefully he will discover that this pertains only to repay work wherein the Public Printer does printing for Congress, and there can be no means by which the Committee on Appropriations can estimate at the beginning of the year how much this may be. That is to say, the appropriation given to the Government Printing Office for its different operations, as fully set out——

Mr. FITZGERALD rose.

Mr. BARNHART. Let me finish——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from New York?

Mr. BARNHART. I wish to finish this statement.

The CHAIRMAN. The gentleman declines to yield.

Mr. BARNHART. It might be that the Public Printer would do $50,000 worth of work for Members of Congress, printing speeches, embossing stationery, and so forth, and it might amount to $200,000. Then it would be charged to the labor and expense of the Public Printing Office. According to the gentleman from New York, the whole amount would be taken out of the Government Printer's annual allowance and could not be used for the operation of his office. That is to say, he would not have sufficient funds to carry out the year's work, nor would he have the allowance he was given by the Committee on Appropriations.

Mr. FITZGERALD. He does it now, does he not?

Mr. BARNHART. To the extent of a million dollars or more.

Mr. FITZGERALD. There is no provision of law now by which he gets the repay of Representatives' work credited to him. He makes an estimate, and if he does work for Members of Congress that money goes into the Treasury as miscellaneous receipts. He does not get the benefit of it. He has been endeavoring for years to get the Committee on Appropriations to give him that authority, but it has been refused. This system by which an official of the Government collects money and then under a permanent law is authorized to spend it without the authority of Congress is a vicious feature of appropriations. We have been doing everything in our power to repeal every one of such laws.

Mr. BARNHART. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BARNHART. I am surprised to hear the gentleman say that the Appropriations Committee has been trying to repeal these laws. The Government Printing Office has done $934,682.71 worth of printing for the departments of the Government last year, for which they paid him out of their allotment.

Mr. FITZGERALD. The gentleman is mistaken. Congress appropriates a certain amount of money for printing, and each department is given authority to have printing done up to a particular amount. As they order the printing, the cost of the printing is charged against their allotment, but that is a specific appropriation for each department. That is not this situation at all. For instance, suppose the Public Printer makes a contract with the Post Office Department to print postal cards. That is not carried in the appropriation for printing; it is paid out of an entirely different appropriation made by the Committee on the Post Office and Post Roads. He can enter into competition with outside business. He would take the amount appropriated for printing generally to do this work. He might make a contract with the Post Office Department where he would make a profit of $15,000 or $50,000 on a job, and under this provision he would get not only the money he expended in doing the work, but he would add to it the profit on that job

We are trying to stop that. He has not got this authority now, and it should not be given to him. These permanent indefinite appropriations are bad and should not be authorized. No one can in any way tell what it will cost to conduct any service under them. For instance, in the appropriation for printing the War Department is allowed in the neighborhood of $300,000. The appropriation is made in a lump sum. Provision is made that the War Department may have printing done up to $300,000. They order their printing, and an account is kept, and charged against the allotment that is made. The cost of the work is charged against the department. But that is an entirely different situation than proposed here. For instance, the Government Printing Office might make a contract to do the work for the Philippine Government and might make a profit upon it. It might do $100,000 worth of work and make a profit of $20,000, and to that extent the money that would be available to do the work of the Government Printing Office would be $20,000 in excess of the amount contemplated by Congress. It would be impossible to keep track of the appropriations.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, the intention of the chairman of the Committee on Appropriations is well founded, but he has a mistaken idea of the purpose of this section. For instance, the Appropriations Committee makes an appropriation for the Public Printing Office in a lump sum. Last year it was $5,228,503.46. Now, that is chargeable to the Government Printer. He must report at the end of the year what has been done with those funds. He is given the sum total, and at the beginning of the year the Appropriations Committee could have no possible means of finding out to what amount the Members of Congress would call upon the Government Printer to print their speeches. He must take out of his appropriation the money that is appropriated for something else to buy the stock and to pay for the printing of these speeches, and we pay the money back into the Government Printing Office merely to make him whole on his appropriation.

Of course, if the gentleman wanted to safeguard in some other way by providing the Government Printer should not do printing at a profit, it would be a different proposition. But I say the Government Printer must be protected and permitted to make whole the appropriation given to him wherein we have exhausted the amount by ordering our own work, which would not be businesslike. It would not be safeguarding the Public Treasury; in other words, it would be imposing on the good judgment and the good intentions of the Public Printer. He has made these estimates, and the departments have made the estimates of how much printing they will need, and the Appropriations Committee passes on it and approves of it, and then you would provide that whatever part of this appropriation is used up by Congressmen in printing their speeches, and so forth, must not be paid back to the Public Printer but go into the Government Treasury.

Mr. STAFFORD. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. STAFFORD. A few years ago the Government Printer obtained a contract for printing the postal cards. Prior to that time they had been printed by private contractors. The present Post Office bill appropriates $385,000 for that purpose. Will the money that the Public Printer receives for printing postal cards be included under this section and turned into the Treasury without any accounting being given by the Public Printer of the work performed and the amount expended? It is a system of bookkeeping upon which I think the gentleman from New York takes a good position in safeguarding the interests of the public.

Mr. BARNHART. I submit that the Government Printer must make a detailed report of all the transactions in his office at the end of the year.

Mr. STAFFORD. He must make a report; but how can the chairman of the Appropriations Committee ascertain what the cost of running that establishment is—whether there is a loss or a profit on that character of work? Why should the Public Printer be allowed to use funds indiscriminately that come from all of these various avenues of employment?

Mr. BARNHART. Mr. Chairman, the Public Printer, on the other hand, is circumscribed by every possible means of protection to the Government Treasury. He is given an appropriation in a lump sum. It is itemized, as a matter of course. It is given to the Public Printer by the gentleman from Wisconsin, by the gentleman from New York, and a committee that is composed of eminent and trustworthy business men. Before that has been done—and I am only arguing for the fairness of the proposition—before you have given him the appropriation, the Public Printer can not possibly estimate how much of this extra-pay work is going to be ordered by Members of Congress.

Suppose you, Mr. Chairman, get a million speeches from the Government Printer. He must furnish the labor and material to get out those speeches, and you pay for them. This money has been taken out of his appropriation to purchase the paper and labor to get out this printing; but you are insisting now that we shall take this amount paid for this printing out of the Public Printer's annual appropriation and turn it into the Treasury.

Mr. STAFFORD. That could be provided for by having a reserve fund for that purpose, and it could be utilized for that very purpose; but I am directing the attention of the gentleman to trying to supervise the use of hundreds of thousands of dollars that the Government Printer receives from executing these contracts with other establishments of the Government similar to the printing of the post cards for the Post Office Department.

Mr. BARNHART. Mr. Chairman, the Government Printer buys the material and does the printing, and keeps an accurate account of the printing for the Post Office and every other department; and he must, in the nature of things, keep an account with himself, because under the law he is compelled to make this report and keep a detailed account of everything that he does; but the proposition of the gentlemen of the Appropriations Committee is that you should take away from him the cost of whatever pay printing the Members of Congress may see fit to use and put that back into the Government Treasury, and at the end of the year he does not have enough to meet the needs he has set out in his yearly estimate.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FITZGERALD. Mr. Chairman, I am not attempting to take anything away from the Public Printer. I am endeavoring to prevent him being given authority that he has never had. For instance, under the law he is authorized to sell any public documents at the cost of the publication plus 10 per cent. The proceeds of all those sales go into the Treasury as miscellaneous receipts. Under this provision he would have added to his appropriation the profit of 10 per cent of every publication that he sold. What is done at the present time? A lump-sum appropriation is made of $5,168,900, for instance, for the current fiscal year, and the provision is made:

> And from the said sum printing and binding shall be done by the Public Printer to the amount following, respectively: Congress, $1,696,700; State Department, $40,000; Treasury Department, $380,000—

And so forth.

All of the years the Government Printing Office has been in existence the Public Printer has estimated, based upon his experience, about how much would be required to do work upon the orders of the Members of Congress for which the Government is repaid, and it is included in his estimate to Congress. Congress appropriates the full sum that is expended in the Government Printing Office for printing and binding. We can not tell exactly how much has been appropriated each year for printing and binding in the Government Printing Office under this proposed system, if it goes into effect. Suppose the Public Printer did $100,000 worth of work or $200,000 worth of work or $500,000 worth of work for which he was repaid. It would not be necessary for him to ask Congress for half a million dollars for this repay work. We could appropriate one-half million dollars less than he would actually expend; and yet under this provision, by which he would be credited with the proceeds of this repay work, he would be expending half a million dollars more than Congress had any direct supervision over.

The mere fact that he reports after he has spent the money does not help much to control the expenditures. We want to have a grip upon the expenditures before the money is appropriated. Suppose he took half a million dollars' worth of repay work. Suppose he had a profit of 10 per cent. Then he would have $50,000 that he could devote to the business of the Government Printing Office for which Congress had made specific appropriations, and he could expend it, and Congress would never be able to tell whether he had expended that additional money or not.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BARNHART. Has the gentleman read section 28, paragraph 1, of this bill?

Mr. FITZGERALD. I have read it all.

Mr. BARNHART. Let me read for the gentleman:

> The superintendent of documents is hereby authorized to sell for cost any Government publication in his charge the distribution of which is not otherwise directed by law.

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I also read from section 58, paragraph 4:

All moneys received by the superintendent of documents from the sale of Government publications shall be returned to the Public Printer on the 1st day of each month and by him covered into the Treasury monthly to the credit of miscellaneous receipts.

I do not see how it could be any plainer.

Mr. FITZGERALD. Mr. Chairman, I am not speaking about what is further on in the bill. Here is a document I hold in my hand printed by the Public Printer, and there is a law which provides that if, while that document is being printed, I desire any number of copies of it, I can order them, and he can furnish them to me at cost plus 10 per cent. Under this provision that profit would be credited to his appropriation.

Mr. BARNHART. That is the present law, not this bill.

Mr. FITZGERALD. But this bill is not a law as yet. I am talking about what the law is at the present time. Nobody knows whether Congress will change the law. My objection to the language of this provision is that all of the receipts of the Public Printer from whatever source, with the exception of those designated, the sale of condemned publications, waste paper, imperfections, spoilage, waste gold leaf, leather, book-cloth scraps—and I do not know whether there is a provision covering condemned machinery——

Mr. FOSTER. There is one, but it goes for buying other machinery.

Mr. FITZGERALD. It makes no difference. Here is a provision which makes a permanent indefinite appropriation of money, the amount of which nobody can estimate, and over which no one will ever have any control. It is a vicious practice and should not be permitted. Every governmental institution that renders any service and collects money wants this same authority. For instance, under the law authority is given now to establish licensed warehouses in the customs service, and in some of the Gulf and South Atlantic States a large number of those warehouses have been established. The persons at whose request they are established pay the cost of the watchman and the upkeep of those buildings. That money is paid into the Treasury as miscellaneous receipts, and the Government out of the specific appropriations for the collection of customs pays for the services. The Treasury Department wants authority to take this money and pay it out without having it appropriated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. And we would not know within $200,000 of how much this service would cost if that practice were followed. I hope this amendment will prevail.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent——

Mr. STAFFORD. Mr. Chairman——

Mr. BARNHART. How much time does the gentleman want?

Mr. STAFFORD. Four or five minutes.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that debate on this paragraph and all amendments thereto close in 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Chairman, I can not see wherein the Public Printer would be in anywise inconvenienced by having the amendment suggested by the gentleman from New York [Mr. FITZGERALD] adopted. It is well known to those who have served here for any length of time that all Government officials wish to be as free from supervision by Congress as is possible, and here is a means whereby we lose control of the purse strings by giving the Public Printer the use interchangeably of all funds that happen to come into his hands. I wish to cite to the committee a parallel case, and that is the Postal Service. Suppose the Postmaster General were permitted, out of all funds that should arise from the sale of postage stamps, to use them for the support of the Postal Service rather than be obliged each year to come to Congress for appropriations for the respective services. Congress would have no knowledge whatsoever of the items of expenditure or have any control over them. The Public Printer has, from time to time, performed more and more the work of printing for the various establishments of the Government. If this were a private establishment, of course, there would be no need of the fund being placed in a separate treasury or having separate appropriations each year for the respective services; but this is a governmental institution, where it is necessary to keep trace of the appropriations so as to make it possible for the Congress, through its various appropriating committees, to follow these various expenditures. I cited a moment ago the fact that the Government Printer is printing the postal cards for the present year at the price of $375,000. If he makes a profit out of that, he would be enabled to use that fund for anything he might see fit along the general lines of his undertaking; and yet the Congress would have no control whatsoever over such special line of work. If we are going to keep control of the various establishments, and especially those establishments which are of a private character, as the Government Printing Office is, then the only thing to do is to adopt the amendment offered by the gentleman from New York, which gives the Congress complete control of all the expenditures and of all the activities of the Government Printer.

Mr. FOSTER. Mr. Chairman, it seems to me this amendment of the gentleman from New York ought to prevail. It is a bad policy, as has been stated here on the floor of the House, to allow a department to receive money to go into a special fund that may be used as that department may see fit. Congress can not, in my judgment, keep control of expenditures unless it knows what the appropriations are for and how they are being spent. Now, this bill creates a fund for printing done by the Public Printer that must go back and be credited to the appropriations for printing and binding. I do not believe it is good policy for any department of the Government to follow. If the Public Printer finds at a certain time of the year that his appropriations for printing and binding of certain documents is low and not sufficient to carry him through to the end of the year, he can do as other departments do, and that is through the proper officer make an estimate for a deficiency and be able in that way to secure it, and not go on in this indeterminate way and permit these funds to be placed back in a fund to be used by a particular officer in charge of a department. I hope very much that this amendment will prevail. I do not like to antagonize the chairman of the Committee on Printing, who has done a great deal of work upon this bill, but I think that he is to be complimented for the many reforms that have been brought about in the bill which is now before us, because there is a wonderful waste in money spent for Government documents which are useless, which the committee has wisely pointed out, but here is an amendment which, in my opinion, ought to be placed in this bill, and I hope it will be adopted.

Mr. MOORE. Mr. Chairman, will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. MOORE. Is it the gentleman's understanding that this paragraph as it stands in the bill would mean that the money received from other sources would be deposited in the Treasury and would then be at the discretion of the Public Printer?

Mr. FOSTER. No; if the amendment prevails, it will go into the Treasury as miscellaneous receipts.

Mr. MOORE. And the Public Printer could at his will use it——

Mr. FOSTER. No; he could not. When deposited in the Treasury it is out of his control. As it is now in the bill it leaves it in his control.

Mr. MOORE. Yes; but as the bill reads it would be turned over for printing and binding——

Mr. FOSTER. In the bill?

Mr. MOORE. Specifically——

Mr. FOSTER. But if the amendment of the gentleman from New York prevails it then goes into the Treasury as miscellaneous receipts, and the Public Printer would not have the use of that money.

Mr. MOORE. That is what I desired to understand.

Mr. FOSTER. That is correct.

Mr. MOORE. And under the terms of this bill it would be reserved for the use of the Public Printer and would pass out of the control of the Congress.

Mr. FOSTER. Yes; that is correct.

Mr. BORLAND. Mr. Chairman, I want to support this amendment of the gentleman from New York. This provision giving the Public Printer the money that is paid in for these various services is unquestionably a discrimination in his favor for which there seems to be no particular justification. It is a discrimination that every department in the Government has asked for at some time or other and which most of them have been refused. The Commissioner of Patents does not have the money that is paid in for patents credited to his appropriation. It is credited to miscellaneous receipts, and he runs his office out of what appropriation Congress sees fit to give him. The Commissioner of Immigration does not have the head tax any longer. He had it at one time and had unlimited authority over it, but that was taken away from him in the wisdom of Congress. The Commissioner of Naturalization does not get the profits from naturalization. He claims that his office earns a profit, but he does not have the money that comes in from

the operation of his department. But there are among the appropriations many indefinite ones, each of which has caused untold difficulties to the Committee on Appropriations.

The appropriations in such department are made by some other committee of Congress, and then we are confronted by the fact that we have appropriated in many cases without having in mind this definite appropriation, and therefore given the department more money than they anticipated or had in mind when we made the appropriation. There is no reason why the Public Printer can not do as he has done in the past, pay the expenses of his bureau out of appropriations made by Congress, and the Congress make the appropriations in full contemplation of the work necessary to be done, including the usual supply of speeches for the Members and anything else of that kind, and then let all the receipts of his office go into the Public Treasury, where they can be reported to Congress, as is done now, and Congress, if it sees fit, can take that into consideration and make an appropriation for the department for the ensuing year. The department has been operating under that plan, apparently without objection and without any difficulty at all, and there is no reason for a change at this time, putting this department on any different basis than that of any other department.

There are numerous departments of the Government that engage in activities that bring in money. Each one of them would like that money added to the yearly appropriation, and each one has the same right to ask it as the Government Printing Office has to ask it.

Mr. BARNHART. Will the gentleman yield?

Mr. BORLAND. Yes; I yield.

Mr. BARNHART. To what departments of the Government does the gentleman refer?

Mr. BORLAND. I have just answered you. The Bureau of Immigration used to have the head tax credited to their appropriation, but that was taken away from them.

Mr. BARNHART. But they did not have to spend any of their appropriation that was given to them in order to do that?

Mr. BORLAND. Certainly their activities were the result of that. The Commissioner of Patents spends the whole appropriation we give them in earning money for the Government, and he would like to have the money he earns credited to his department. The Commissioner of Naturalization takes in hundreds of thousands of dollars, and he would like to have that credited to his department. There is scarcely a department of the Government that does not take in money from part of its activities, and would like to have it credited to its appropriation. But no such policy prevails, and this ought not to be put into law.

Mr. BARNHART. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes.

Mr. BARNHART. I will not use that much time. I have not any quarrel with the members of the Appropriations Committee for offering every possible safeguard to Government expenditures, but there is a difference between the proposition that they submit and the question of the Public Printer's appropriation, and if I can make myself plain to the members of this committee I would like to have their attention while I try to do so.

The Public Printer is given an appropriation, an allotment of Government funds, with which to conduct his office. He can not possibly estimate how much money we are going to ask him to spend for us in the matter of printing to-be-paid-for-by-us speeches, but if we ask him to spend $100,000 for us a year, and he is given two or three million dollars for his office, whatever that may be, at the end of a year, if this amendment prevails, the Government Printer would have $100,000 of his legitimate appropriation taken out, because we have taken it from him to print our speeches. And when I suggested this to the gentleman from Illinois, a member of the committee, he said, "Let him come in at the end of a year for reimbursement in the deficiency bill." Now, gentlemen, I want to submit to you, if the Appropriations Committee is going to give to the Public Printer on his estimate a certain amount of money with which to conduct his office, and then we ask him to take out a large amount of that in order to do private printing for us, we ought not to ask him to turn the proceeds into the Public Treasury and take it out of the paper appropriation and the labor appropriation that is given to him, and leave him short at the end of the year. And that would possibly occur every year.

On the other hand, it would be well, if you are going to make any change at all, to make some provision where he might give an estimate, an approximate estimate, for instance, of how much of this printing we are going to demand. Even at that, who can tell what demands are going to be made by Members of Congress? In a campaign year we use an enormous amount of the Printer's regular appropriation, and at the end of the year that much is gone, and there should be some provision by which he may be repaid the money by which his appropriation may again be made whole. That is all he is asking under this provision.

Mr. FITZGERALD. Mr. Chairman, the Public Printer does to-day include in his estimates an estimate of the amount of money that will be required to do this work, and he bases his estimate on the experience of the past, and it varies from campaign years to off years. He includes it in his estimates, and the appropriation is made in that way.

Mr. BARNHART. Then, after the appropriation is given, you propose to have him take part of it and turn it into the Government Treasury.

Mr. FITZGERALD. No. We give him this money to do the work with, and when he gets that money from the outside in addition he turns it into the Treasury. We do not want to give him the money twice.

Mr. BARNHART. I submit, Mr. Chairman, that while I always give a good deal of credit to the general intelligence and logic of the chairman of the Committee on Appropriations, yet he will have to show me that the Government Printer now estimates for these unknown requirements that are made upon him. The fact of the matter is he does not estimate for them, for he can not know what they might be.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BARNHART. A division, Mr. Chairman.

The committee divided; and there were—ayes 30, noes 28.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 25. The Public Printer shall make all appointments to positions in the Government Printing Office, and shall designate the duties and fix the compensation of all employees in his charge, except as otherwise provided, and may employ, at such rates of wages as he may deem for the interest of the Government and just to the persons employed, except as hereinafter provided, such employees as may be necessary for the execution of the orders for public printing and binding authorized by law; but he shall not at any time employ more persons than the absolute necessities of the public work may require, nor shall he fix the compensation of any employee under his jurisdiction at more than $2,250 per annum unless the same shall have been specifically appropriated for.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, line 12, after the word "employed," insert the words "within the appropriations made by Congress."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 26. The Public Printer shall hereafter pay all printers and bookbinders at the rate of 50 cents per hour for the time actually employed: *Provided*, That the compensation of job compositors, imposers, pressmen, marblers, and bookbinder-machine operators shall be 55 cents per hour, and the compensation of proof readers, makers-up, linotype operators, monotype keyboard operators, pressmen in charge, stereotypers, and electrotypers shall be 60 cents per hour: *Provided further*, That when the exigencies of the service require that work shall be performed on Sunday the Public Printer may, in his discretion, pay to employees so engaged not to exceed 50 per cent in addition to the regular rate paid for such work: *Provided further*, That all employees of the Government Printing Office engaged on night work between the hours of 5 o'clock p. m. and 8 o'clock a. m. shall be paid 20 per cent in addition to the amount paid for daywork.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Washington [Mr. JOHNSON] offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, line 24, after the word "of," strike out the word "job."

Mr. JOHNSON of Washington. Mr. Chairman, this amendment deals with the technical side of the printing trade. It should be adopted without question. I am a practical printer, and the holder of a paid-up, active union card, just the same as the Public Printer, who has been so highly praised this afternoon, and justly so, I think. It so happens, Mr. Chairman, that, although I live in the far West, there is over in the Government Printing Office the man who taught me the printing trade. That was nearly a third of a century ago. I refer to E. J. Patch, who,

working for the Government, is sometimes printer, sometimes hand compositor, sometimes job compositor, and sometimes proof reader; and, Mr. Chairman, he is a master at all. Ask him what he is, and he will say "printer." I would say "master printer," and yet in this bill you propose to draw distinctions between printers, who are all masters and who work in what is beyond shadow of doubt the greatest printing office in the world. [Applause.]

Now, then, in such an office when compositors are printers and printers are compositors, discrimination should not exist. Compositors follow the monotype machines; printers set title pages, or the other way. It is all the same. I do not think it is necessary to explain it further. It is a technical matter known to all printers. You must bear in mind that this is a metropolitan printing office.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Pennsylvania?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. MOORE. Will the gentleman explain the difference between an ordinary compositor and a job compositor?

Mr. JOHNSON of Washington. I have tried to make it clear. I assume that the word "compositor" would run on a level with the word "printer" or "job compositor." The job compositor would be the man who would set the title page on the speeches turned out on the orders of Members here, and the compositor would be the man who spaced the type on a monotype machine.

Mr. MOORE. A "compositor" is a compositor in a printing office?

Mr. JOHNSON of Washington. Yes; a compositor in a printing office—a typesetter—and it should make no difference whether he "sets" 8-point type or 48-point type.

Mr. MOORE. You are not cutting out anybody on the job?

Mr. JOHNSON of Washington. No; I am equalizing the wage scale.

Mr. BARNHART. Mr. Chairman, the difference would be that the gentleman would raise the wages of 342 printers instead of 60, as provided in the bill. As a matter of fact, skilled job printers get more money than the ordinary straight compositors. The man who sets an "ad" in the newspaper, the man who works on job work, is always paid more wages than the man who sets straight composition.

Mr. JOHNSON of Washington. Yes; I acknowledge freely that I would raise the scale. I would give the printers, so called, a fair deal. The second line of this paragraph provides for printers and bookbinders. Now we come to two further distinctions—job compositors and compositors. Of course, I am trying to raise the wages 5 cents an hour to the compositors. They are entitled to it all the United States over. I might say that in my State they sometimes receive 12 or 15 or 20 cents in excess of the pay named here.

Mr. Chairman, I wish to remind gentlemen that this is a metropolitan establishment, in competition with such great printing concerns as the Curtis concern in Philadelphia, and it is entitled to have the best men that can be engaged all the time. These men over there in the Government Printing Office work with head, heart, and hand, and there is a discrimination in this bill, that you would pay good printers 5 cents an hour less than other good printers. There is nothing more I care to say on that.

Mr. BARNHART. Mr. Chairman, I move to strike out the last word. In relation to the matter of wages for the employees of the Government Printing Office, if the committee could have seen its way to justly do so it might have increased wages all along the line; if it had felt that this would be just to the people of the country who must furnish the money to pay these printers.

I want to give the gentleman from Washington some figures. According to the report of the Department of Labor, given out July 1, 1913, the compositors in Boston receive 41.67 cents an hour. In New York they receive 47.88 cents an hour. In Philadelphia they receive 37.50 cents an hour. In Chicago they receive 46.88 cents an hour; in Cincinnati, 37.50 cents an hour; in Dallas, Tex., 45.83 cents an hour; in Baltimore, 37.50 cents an hour. In San Francisco and the Pacific coast, I think, they are paid 50 cents an hour, just what is paid in the Government Printing Office in Washington. These are all union scales that I am giving. In the city of Washington the union scale is 40 cents an hour.

In addition to the wages of 50 cents an hour that these compositors are now receiving in Washington, they are getting 30 days' leave of absence every year at full pay. If they work overtime at night they are given 20 per cent additional. If they work on Sunday, they are given 50 per cent additional. They have the most sanitary workshop in the world. They have all the facilities to elevate the trade in which they are engaged, and the Government of the United States is now paying them more than any other city in the United States except one, as I remember, and giving them all these other advantages besides.

Mr. JOHNSON of Washington. Which city is the one to which the gentleman refers?

Mr. BARNHART. San Francisco pays 50 cents an hour, and that is the only city in the United States paying so much, if I remember correctly.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BARNHART. No; I can not yield just now. I want to get on with this statement. If I were to take other cities of the size of Washington, it would be seen that the Government is paying as much as 12½ cents an hour more than they are getting in many other cities of like size, and we are giving them 30 days' leave of absence besides, which the other printers do not get. We give them every year one-twelfth of their time for recreation at full pay, and according to the report of the Bureau of Labor we are giving them the highest wage. The figures which I have given are the union wage agreed to between union labor and the employers in all these cities. There is one other city, it is suggested to me, in the United States that pays as high a wage, and that is San Francisco.

Mr. JOHNSON of Washington. And Seattle and the entire Northwest.

Mr. BARNHART. I do not know about that. They may pay 50 cents.

Mr. JOHNSON of Washington. I pay that in my own office.

Mr. BARNHART. I am here told that the 1914 report shows four cities scheduled to pay 50 cents an hour. The Government Printing Office pays 50 cents an hour and gives them 30 days' leave of absence at full pay. It gives them every holiday during the year. It provides medical and surgical attendance and a conveyance to take them home if they get sick. While I say we ought to have the best talent that we can get, and I believe we have, and while I am in favor of every man getting just as much as he can earn, I hardly believe it is fair to labor on the outside to say that we are going to pay these men, who have practically a lifetime job, higher wages than they are now receiving. They get their wages whether we have famine or feast. It makes no difference what sort of calamity overtakes the country and other printing offices, Congress and the departments of the Government demand so much printing right along that these men have permanent employment and virtually a lifetime job.

Mr. JOHNSON of Washington. The answer to the statement which has just been made is that it is true this bill offers the mean average wage, but nevertheless the estimates which fix that average take in every printer, in shops of every class. You do not know whether the town is little or big. If the town is large enough to be unionized and the proprietor allows himself a minimum wage, those wages go in to help make this minimum. So you are trying to establish a wage in the great Government Printing Office down to the minimum that may prevail in towns of 8,000, 10,000, or 20,000 population, where there are many shops where a proprietor, who is a printer, and an apprentice do the work.

Mr. BUCHANAN of Illinois. Mr. Chairman, I move to strike out the last word. I of course expected the committee to oppose any increase that we might make an effort to secure on this bill. I believe that the committee felt it its duty to do that, because committees of the House generally will not give to the working people what is their due. The committees are trying to keep down the expense of the Government, giving the reason of economy, and they think they are doing their duty in regard to these things.

I will say that in my judgment, Mr. Chairman, the Government of the United States should pay more than any private company. I do not care where it is, whether in Chicago, San Francisco, or Seattle, the Government ought to pay better wages and give better conditions than any private employer. The Government of the United States ought to take the lead in establishing fair and honest pay and giving good conditions to working people.

We hear the chairman of the committee say what we are giving the Government employees—a month's vacation, sick leave, and so forth. Are they not entitled to all these things? Has it not been established by those who have studied the question that by giving vacation for rest that it adds to the efficiency of the workman?

It is not only the duty of Congress, in my opinion, to give this consideration to the employees in the Government Printing Office, but it is a good business proposition, aside from the fact that Congress ought to take the lead and try to better the conditions of the laboring people of the country, instead of doing as has been done in the past, comparing it with the wages of pri-

vate plants that are trying to beat down, and have beaten down, the price of labor. Congress ought not to be influenced by those who are obstructing improvement of working conditions.

Mr. J. I. NOLAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. J. I. NOLAN. Mr. Chairman, I think the chairman of the committee was in error when he said that there was only one or two cities that paid as high as 50 cents an hour.

Mr. BARNHART. I used the figures of the Bureau of Labor that were given me for the year 1912. I do not know whether they have the figures for 1913 out or not; but I used those for 1912.

Mr. J. I. NOLAN. I am taking the schedule as printed in the report of the committee, and I find two unions in New York City—the German and the Hebrew—are getting 52.37 and 52.17.

Mr. BARNHART. The gentleman knows that the compositors of foreign unions are getting more than the American union.

Mr. J. I. NOLAN. I am taking the fact that there are men getting that pay in the city of New York.

Mr. BARNHART. That is not fair.

Mr. J. I. NOLAN. I also find in the list in one city the members of the English union, so called, get more than the foreign union in the same city. We have Denver, Colo. That is an English union, all English-speaking printers, and they are paid 53.13. In Portland, Oreg., they are paid 53.13; Salt Lake City, 50 cents; San Francisco, 50 cents; Seattle, 53.13. These rates are the rates paid per hour. Let us not set the standard for the Printing Office by the lowest, but let it be better than the highest outside establishments.

I want to call attention to the fact that the gentleman enumerates a number of cities in this country where they are paying from 40 to 47 cents an hour, and considering the cost of living in most of those cities as compared to Washington, I venture to say that at the end of the year the printers in those cities are just as well if not better off than the men employed in the Government Printing Office.

I am in favor of raising the pay of the pressmen, the bookbinders, and the other employees of the Printing Office to meet this condition.

I venture to say there is not any one of those large cities—there certainly is not a city on the Pacific coast—that compares to Washington when it comes to the high cost of living. Every Member of this House, I think, knows something about the rents to be paid here, whether in an apartment house, in a flat, or in a hotel, and all you have got to do is to look at your grocery and fuel bills and the bills for your household expenses for a month to know what it costs to live in the city of Washington. There should be a differential, and the Government of the United States in its mechanical departments, as well as in every other department of the Government, should show a good example in the District of Columbia to private employers in fixing a wage rate commensurate with the cost of living.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. J. I. NOLAN. Yes; I yield to my friend from Ohio.

Mr. BATHRICK. I desire to say in that connection that one year ago an investigation was made by a committee appointed by the Secretary of the Navy to inquire into the comparative cost of living in the city of Washington and other cities within a considerable range of territory. It was discovered beyond any question by this nonpartisan, impartial committee that the cost of living in Washington was very much higher than in those other cities.

Mr. J. I. NOLAN. I think a good deal will be said on this subject when the proposition of the alley bill comes up, wherein they are trying to make provision for driving the poor people of Washington out of their present locations without providing reasonable accommodations for them and force them to move into a section of the city where they can not pay the rent. Sentiment forced action on this bill; but how about the man getting a mere pittance—when you force him out of the alley where is he going to go without money? All a Member of this House has to do is to go around to the real estate agents or to the apartment houses and find out the rents that have to be paid. I am not talking about the hotels or the commodious apartments, but I am talking about the sort of quarters that a man who works in the Government Printing Office for $4 a day could afford to hire. Go to the markets here; go around and see what it costs to live.

The Government ought not to be pernicious on a matter of 5 cents an hour in the pay of probably the most skilled mechanics that you could get; it ought to be paid as an inducement to men to work in the greatest printing plant in the world. Men all over the country aim to get into the Government Printing Office. You have the highest type of mechanics in the printing trade, and we ought to be proud of that fact; and they will not be treated any too liberally by the adoption of the amendment of the gentleman from Washington [Mr. JOHNSON]. I trust that his amendment will be adopted, because I think they are certainly entitled to the small consideration that we want to show them here to-day.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. J. I. NOLAN. Certainly.

Mr. MOORE. I would like to ask the gentleman if he can make the distinction between a compositor and a printer. What is the difference?

Mr. J. I. NOLAN. Mr. Chairman, it would take a man who is skilled in the printing trade, a practical printer, to tell that. There is the man who operates the Mergenthaler machine, the machine operator, and there is the job compositor, and other compositors in connection with the office. I believe the gentleman from Washington [Mr. JOHNSON] may be able to give the gentleman a technical explanation.

Mr. MOORE. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. Mr. Chairman, I am in sympathy with the purpose intended to be effected by the amendment, but I am wondering on reading it whether it will accomplish the purpose the gentleman has in mind. He states that striking out the word "job" would include printers and compositors, so that instead of providing 55 cents an hour for job compositors we shall provide 55 cents per hour for "compositors"; and he indicates that printers who are provided for in line 22, just above this job-compositor line, would be included, and, therefore, that the rate of wage of 50 cents an hour fixed for printers and bookbinders would be raised to 55 cents if they were counted as compositors. I am not opposing that. I am in sympathy with fixing the rate at 55 cents an hour, but I am asking what will become of the printers left on line 22, and what will become of the bookbinders? Are we going to leave the bookbinders at 50 cents an hour and raise all printers and compositors to 55 cents an hour?

Mr. JOHNSON of Washington. I would be very glad to see all printers get 55 cents an hour.

Mr. MOORE. Why would not the purpose the gentleman has in mind be better served by raising the rate for printers and bookbinders to 55 cents an hour?

Mr. JOHNSON of Washington. My amendment was made for a technical reason, but I would be very glad to see the gentleman offer an amendment raising the rate to 55 cents from 50 cents in line 22. That would solve the whole difficulty.

Mr. MOORE. May I inquire how many printers and bookbinders there are, as distinguished from job compositors, imposers, pressmen, marblers, and bookbinder-machine operators? You have a 50-cent per hour class of workmen and you have a 55-cent per hour class of workmen. Which is the more numerous?

Mr. BARNHART. I did not get the gentleman's question.

Mr. MOORE. The printers and bookbinders are paid at the rate of 50 cents per hour. Job compositors, imposers, pressmen, marblers, and bookbinder-machine operators are paid at the rate of 55 cents per hour. Which are the more numerous, those paid at 50 cents per hour or those paid at 55 cents per hour?

Mr. BARNHART. Those paid at 50 cents per hour are very much more numerous.

Mr. MOORE. The gentleman, I understand, is opposing this amendment. Would the gentleman object to an amendment raising the rate for printers and bookbinders to 55 cents an hour if the amendment of the gentleman from Washington should be withdrawn?

Mr. BARNHART. Of course the committee would oppose it. If they had thought they were entitled to 55 cents an hour, considering all the other surrounding conditions, it would have fixed the rate at 55 cents an hour. The fact of the matter is—and the gentleman from Pennsylvania is always fair—that compositors living here in the city of Baltimore are paid 37½ cents an hour, just 40 miles away, in a great manufacturing city.

Mr. MOORE. That may be true, but I understand the standard now is the wage paid in the Government Printing Office.

Mr. BARNHART. That is 50 cents an hour? Oh, no.

Mr. MOORE. But you have one class—printers and bookbinders—at 50 cents per hour and you have another class of job compositors, imposers, pressmen, and so forth, at 55 cents per hour. That is the distinction that has been made.

Mr. BARNHART. If the gentleman will recall, I said in my statement, if you look at the scale of wages throughout the

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country, you will find there is a difference between the straight-matter compositor and the job compositor. The job compositor is paid more wages; that is the usual rule. There is a difference of 5 cents an hour between the job compositor and the so-called printers in many shops.

Mr. MOORE. But we are not gauged by the rate of wages paid in other cities. Take the rate of wages paid in this paragraph——

Mr. BARNHART. It is not that. I only wanted to show that the committee is trying to be fair in giving to the Government employees not only as much wage but more than the average throughout the country, and the other advantages which I have numerated, and to which I believe they are fully entitled. I believe they are entitled to those conditions, but I do not believe they are entitled to 5 to 20 cents an hour, or some 15 cents an hour, more than the average union wage scale throughout the United States.

Mr. MOORE. Mr. Chairman, will it be in order to move an amendment to the amendment offered by the gentleman from Washington?

The CHAIRMAN. It will be in order if the gentleman will send it to the Clerk's desk.

Mr. MOORE Mr. Chairman, I move to amend the amendment of the gentleman from Washington by striking out "50," in line 2, after the word "of," and inserting "55."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 22, strike out the figures "50" and insert in lieu thereof "55."

Mr. STAFFORD. Mr. Chairman, I suggest this is a separate, independent amendment and not an amendment to an amendment.

The CHAIRMAN. The Chair was just about to say to the gentleman from Pennsylvania that this does not affect the amendment offered by the gentleman from Washington at all. It is a separate and distinct amendment.

Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Washington. May I withdraw my amendment temporarily?

The CHAIRMAN. The gentleman can do so by unanimous consent only.

Mr. JOHNSON of Washington. I ask that unanimous consent.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to withdraw his amendment temporarily. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. MOORE. Mr. Chairman, I consulted the gentleman from Washington about his amendment, the effect of which, it seems to me, would be rather to confuse the situation with regard to paragraph 26. What he is endeavoring to do is to raise the rate of wages paid to printers who are also compositors, and who are rated at 50 cents an hour, to 55 cents an hour, the rate paid to job compositors. Now, what he wants to do, I believe, is to bring the printers generally into the same class as the 55-cents-an-hour men. With that I am in sympathy, but if that is done as proposed by his amendment it would leave the bookbinders only at 50 cents an hour and take the printers generally into the same grade as job compositors, pressmen, and so forth, at 55 cents an hour. Now, if we intend to make uniform the wages paid to printers, bookbinders, job compositors, imposers, and so forth, which seems to be the purpose of my colleague, we can do so by fixing the rate at 55 cents an hour, and that is the meaning and the purpose of the amendment I have offered.

Mr. COX. Will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from Indiana?

Mr. MOORE. Yes.

Mr. COX. What does this class of employees earn in the city of Philadelphia?

Mr. MOORE. You have the figures as presented there by the gentleman from Indiana [Mr. BARNHART]. I am not familiar with the exact rate.

Mr. COX. I have been informed they only get about 37½ cents an hour.

Mr. BARNHART. Thirty-seven and one-half cents an hour in Philadelphia.

Mr. MOORE. It makes no difference what is paid in Philadelphia or what is paid in Baltimore, the nearest point of competition. Our gauge of action here is the rate fixed in the Government Printing Office, and if we fix the rate at 55 cents for job compositors, and there is no difference between a compositor and a printer, then you ought not to make fish of one and fowl of the other by appropriating 50 cents an hour for a printer and 55 cents an hour for a compositor.

Mr. COX. What are they paid in Baltimore?

Mr. MOORE. What is paid elsewhere makes no difference here, except that the influence of the higher wage is good everywhere.

Mr. COX. I think it was advanced all around that on account of the increased cost of living here they ought to get a higher rate.

Mr. MOORE. The cost of living is higher here than elsewhere.

Mr. COX. They are getting even more than in Baltimore or in the gentleman's own city.

Mr. MOORE. You are still paying 55 cents an hour as it is, and you are discriminating between two classes of workmen, one of whom you pay 50 cents an hour.

Mr. JOHNSON of Washington. The Government Printing Office in the city of Washington is put up and proudly paraded as the greatest union shop in the United States. That argument is put forward and most Members of Congress believe it, and are proud of the fact. Yet we go right over to Baltimore and find a 37½-cent rate, which is now, I think, increased. These are wages in an open shop, where there is little machinery, close work, close margins, and two or three men in the shop.

Mr. BARNHART. I wish to say that these quotations are all from the union scale. Nothing has been used as to an open shop.

Mr. JOHNSON of Washington. Yes; but in some cities, particularly in the East, you find unionism permitting open shops to exist.

Mr. BARNHART. We asked for the union scale, and it was supplied by the Bureau of Labor.

Mr. JOHNSON of Washington. You find lots of the shops paying a bonus on the union scale, and the minute you go west of Chicago the rate runs up rapidly. Besides you have no better printers in the United States than here.

Mr. J. I. NOLAN. I would like to ask the gentleman if he thinks it fair that the gentleman from Indiana [Mr. BARNHART], chairman of the committee; and the other gentleman from Indiana [Mr. COX] should take two of the lowest cities in the Union that are scheduled in this list and then compare them with the Government Printing Office in Washington?

Mr. JOHNSON of Washington. The amendment of the gentleman from Pennsylvania [Mr. MOORE] clears the situation still further, and I ask for a vote.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARNHART. The inference of the gentleman from California [Mr. J. I. NOLAN] that the chairman of the committee is in any way unfair I resent. I have made this statement openly and clearly and fairly. The gentleman from Pennsylvania [Mr. MOORE] was talking about the schedule of wages when my colleague [Mr. COX] asked him what the union scale was in Philadelphia, 200 miles from Washington. Then the question of Baltimore was raised, a city which is 40 miles away. I do not know the difference in population between Baltimore and Washington, but they are only 40 miles apart. In these cities—Philadelphia and Baltimore—the union scale is 37½ cents an hour. The Government is generous with its employees, and ought to be generous with them. It pays them 50 cents an hour. There is a difference between job compositors' and printers' wage scales throughout the country—and I think every printer on the floor of the House will admit that—and also that a job compositor is considered one who does a higher class of work than a straight-matter compositor. This legislation, if the amendment of the gentleman from Pennsylvania prevails, will increase expenditures $82,000 a year, and in the face of the fact that we are now paying these printers what I believe, and what the reports of the Bureau of Labor show to be, the highest-paid wages in the United States, and giving them 30 days' leave of absence and with additional compensation for Sundays and overtime, is really more than liberal. And now that we give them this high wage and vacation at full pay, and so forth, it is argued that we shall still increase the pay, which looks to the committee like doing a little more than the fair thing.

The CHAIRMAN. The time of the gentleman from Indiana has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MOORE. Division, Mr. Chairman.

The committee divided; and there were—ayes 29, noes 30.

Mr. MOORE. Mr. Chairman, I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Indiana [Mr. BARNHART] will take their place as tellers.

Mr. STAFFORD. Mr. Chairman, I make the point of order there is no quorum present.

Mr. BARNHART. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARNHART. In the event that the committee now rises, what situation would we be left in as to next Wednesday?

The CHAIRMAN. We would be left with the amendment of the gentleman from Pennsylvania [Mr. MOORE] pending when the committee assembles on next Wednesday.

Mr. BARNHART. Mr. Chairman, I am tired and those who have worked with me are tired, and I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15902) to amend, revise, and codify the laws relating to the public printing and binding and the disposition of the Government publications, and had come to no resolution thereon.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 151. Joint resolution authorizing the President to accept an invitation to participate in an international exposition of sea fishery industries.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 327. Joint resolution to correct error in H. R. 12045.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request, which the Clerk will read.

The Clerk read as follows:

NEW YORK, *September 2, 1914.*

Hon. CHAMP CLARK,
*Speaker of the House of Representatives,*
*Washington, D. C.:*

I request House grant me leave of absence on account of ill health until I am able to travel. Regret to say physicians advise dangerous for me to return to Washington at present.

JEFFERSON M. LEVY.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

RETURN OF A BILL FROM THE SENATE.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the House request the Senate to return to the House the bill H. R. 17511. I may explain the reason for it by saying that on the 20th day of August this House passed a Senate bill which was in the exact words of a House bill pending here that had been favorably reported by a committee, and after it was passed the Speaker directed that that bill in the House be laid on the table (H. Res. 615); but it was not stricken from the Unanimous Consent Calendar, and on yesterday, by a mistake, while I happened to be out of the Hall, that bill was passed again.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent that the Senate be requested to return to the House the House bill 17511. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the war in Europe by inserting a resolution adopted by a meeting of citizens of Chicago of Danish birth. It is a very short resolution on the question of the European war.

Mr. GARRETT of Tennessee. May I ask the gentleman if in the resolutions adopted——

Mr. BUCHANAN of Illinois. It is for the purpose of trying to do something to stop the war, not taking any sides at all.

Mr. MOORE. Reserving the right to object, Mr. Speaker, I am rather surprised that the gentleman from Tennessee should not have objected to this resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, I made inquiry and understood from the gentleman from Illinois that the resolution is wholly in the interest of peace, and that no partisanship is expressed in it, and no facts stated relative to the causes of the war.

Mr. BUCHANAN of Illinois. It is for the purpose of doing something to prevent the extension of the war.

The SPEAKER. The gentleman from Tennessee did not object to the consideration of the resolution.

Mr. MADDEN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] makes the point of order that there is no quorum present, and evidently there is not.

ADJOURNMENT.

Mr. BARNHART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Thursday, September 3, 1914, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the resolution (S. J. Res. 137) to reinstate Clifford Hildebrandt Tate as a cadet at the United States Military Academy, reported the same without amendment, accompanied by a report (No. 1128), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 18643) for erecting a suitable memorial to Admiral David Glasgow Farragut; to the Committee on the Library.

By Mr. CARTER: A bill (H. R. 18644) dividing the eastern judicial district of Oklahoma into three divisions, fixing the time and place for holding court therein, and for other purposes; to the Committee on the Judiciary.

By Mr. RUPLEY: A bill (H. R. 18645) for the acquisition of additional site and improvements on Federal post office at Carlisle, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. FREAR: Resolution (H. Res. 614) directing the Committee on the Judiciary to report to the House the constitutional limitations in the purposes for which a war tax may be levied; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 18646) granting an increase of pension to Jacob F. Frey; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 18647) granting a pension to Mary A. Mood; to the Committee on Pensions.

By Mr. DRUKKER: A bill (H. R. 18648) granting a pension to William R. Claxton; to the Committee on Pensions.

By Mr. KONOP: A bill (H. R. 18649) granting a pension to Emma Ellmore; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 18650) granting a pension to John E. Dunn; to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CROSSER: Petition of 492 citizens of Ohio, favoring settlement of the polar controversy; to the Committee on Naval Affairs.

By Mr. FITZGERALD: Memorial of the executive committee of the Philippine Society of New York, urging Congress to make such changes in our navigation and commercial laws whereby an adequate number of ships of American registry may enter service on the Pacific Ocean at the earliest possible date; to the Committee on the Merchant Marine and Fisheries.

By Mr. HELGESEN: Petition of 37 citizens of Thompson, N. Dak., favoring national prohibition; to the Committee on Rules.

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Also, petitions of 55 citizens of Bisbee, Grand Forks, Hankinson, Napoleon, Park River, and Sherwood, all in the State of North Dakota, praying for the passage of the Hobson resolution providing for national prohibition; to the Committee on Rules.

By Mr. MARTIN: Petition of the Stanley County (S. Dak.) Sunday School Association, favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the Army League of the United States, favoring passage of House bill 1833, to establish a council of national defense; to the Committee on Military Affairs.

By Mr. RAKER: Petition of the San Francisco Labor Council, protesting against national prohibition; to the Committee on Rules.

By Mr. RAYBURN: Petition of sundry citizens of Greenville, Tex., favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of the American Optical Association, in favor of House bill 13305, relative to price maintenance; to the Committee on Interstate and Foreign Commerce.

## SENATE.

THURSDAY, *September 3, 1914.*

*(Legislative day of Tuesday, August 25, 1914.)*

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, before starting business this morning I think we ought to have a quorum. Therefore I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Myers | Shively |
| Bankhead | Gallinger | Nelson | Simmons |
| Brady | Jones | Norris | Smith, Ga. |
| Bryan | Kenyon | O'Gorman | Smoot |
| Burton | McCumber | Overman | Thompson |
| Chamberlain | McLean | Perkins | Thornton |
| Clarke, Ark. | Martin, Va. | Ransdell | Vardaman |
| Culberson | Martine, N. J. | Sheppard | White |

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from Colorado [Mr. SHAFROTH] on account of public business.

The VICE PRESIDENT. Thirty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. LANE, Mr. SMITH of Michigan, and Mr. WILLIAMS answered to their names when called.

Mr. CLARK of Wyoming entered the Chamber and answered to his name.

The VICE PRESIDENT. Thirty-six Senators have answered. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given and request the attendance of absent Senators.

Mr. LEA of Tennessee and Mr. DILLINGHAM entered the Chamber and answered to their names.

Mr. DILLINGHAM. I desire again to announce the absence of my colleague [Mr. PAGE] on account of illness in his family.

Mr. FALL, Mr. CHILTON, Mr. SHIELDS, Mr. THOMAS, Mr. WALSH, Mr. OWEN, Mr. REED, Mr. SHAFROTH, Mr. HOLLIS, Mr. SWANSON, and Mr. CAMDEN entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

### THE AMERICAN RED CROSS.

The VICE PRESIDENT. The Chair finds among the rules for the regulation of the Senate wing of the Capitol the following rule:

> Peddling, begging, and the solicitation of book or other subscriptions are strictly forbidden in the Senate wing of the Capitol, and no portion of said wing shall be occupied by signs or other devices for advertising any article whatsoever, excepting such signs as may be necessary to designate the entrances to the Senate restaurant.

The Chair, as far as the present occupant has been concerned, has enforced this rule strictly. The present unfortunate war in Europe is, however, calling upon the American Red Cross to make extra exertions for the purpose of obtaining money for the Red Cross, and they have been desirous that a subscription paper might be placed somewhere in the Senate wing of the Capitol so that any persons desiring might know how to send subscriptions to the American Red Cross, not with the intention of buttonholing Senators and other people and soliciting subscriptions but for the purpose of giving the necessary information.

The Chair desires to inquire of the Senate whether the Senate thinks under these extraordinary circumstances there will be anything inappropriate in permitting this appeal of the American Red Cross to be displayed somewhere in the Senate wing of the Capitol Building. If there be no objection on the part of the Senate, the Chair will instruct the Sergeant at Arms of the Senate to so display the subscription list, with the understanding——

Mr. OVERMAN. Mr. President, all those matters ought to be left to the Committee on Rules. That committee has charge of the Senate wing under the rules of the Senate, and the committee will report on the matter.

The VICE PRESIDENT. Very well. Then the matter will be referred to the Senate Committee on Rules.

Mr. WILLIAMS. Mr. President, I hope the Senator from North Carolina will withdraw his request for a reference of this matter. It does not strike me as the sort of matter to be referred to a committee and delayed at all. Here are these people going unarmed and unawed and unafraid to every battle field in Europe. I think they had better be allowed to put up their list in the Sergeant at Arms' office so as to let us see what it is.

Mr. OVERMAN. The committee can attend to it as quickly as the Senate can do it. The matter will be attended to to-day.

Mr. WILLIAMS. What is necessary, except that we merely agree that they may be allowed to place their list in the office of the Sergeant at Arms and that we may know it is there?

Mr. OVERMAN. Such matters under the rule are in the control of the committee.

Mr. SMOOT. Mr. President, I ask unanimous consent that the rule may be suspended for this particular purpose. It seems to me that will have to be done, anyhow, after the Committee on Rules has taken action, and if it is done now it would obviate any reference to the committee, and bring the question immediately to the attention of the Senate.

Mr. OVERMAN. I have no objection to doing exactly what is requested to be done. The committee would do that. All such matters have heretofore been referred to the Committee on Rules, and this ought to be so referred. I have no objection, however, to the unanimous consent being given as requested.

Mr. GALLINGER. Mr. President, I think the Senator from North Carolina ought rather to insist that the request go to the Committee on Rules. I am a member of that committee, and I think we can dispose of it in the usual way, and get it back here immediately.

Mr. WILLIAMS. I also am a member of the Committee on Rules; but I apprehend we may have some trouble in getting a quorum.

Mr. OVERMAN. A quorum is here. We can attend to the matter in 20 minutes.

The VICE PRESIDENT. The request will go to the Committee on Rules.

Mr. WILLIAMS. Very well.

### RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. Mr. President, I ask that the unfinished business may be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, being the river and harbor bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, I understand the Senator from Louisiana [Mr. RANSDELL] desires to proceed at 2 o'clock.

Mr. RANSDELL. I shall be glad to speak at that time, though I will not say definitely just now that I shall do so.

Mr. BURTON. I shall expect to occupy the time until that hour.

Mr. President, since the previous discussion on the river and harbor bill, which came to a temporary close on the 22d of July, an unexpected and startling situation has arisen, a great European war, the frightful consequences of which are likely to be beyond the wildest conjecture. It is not difficult to explain the causes of this conflict. They are somewhat complex, but nevertheless easy of explanation.

In the first place, the maintenance of enormous armaments, the expenditure by the nations of Europe of $2,000,000,000 a year on armies and navies, and compulsory military service have all stimulated the military spirit. It may have been alleged that all this was preparation for defense, but it is perfectly manifest that with so great armies, with such pride in soldierly qualities, the time would come when some cause of

irritation would bring on a war. It was not anticipated that it would be so widespread or so general as it now appears that it will be, but the most earnest advocates of peace, in pointing out these lavish expenditures for military preparation, have in the last decade foretold that there could be but one result, namely, a great clash which would involve millions of people.

To this cause may be added the overweening ambition of certain sovereigns, who have not yet come to realize that they are not the state. When this fearful contest, with all its bloodshed, is through we may safely anticipate that the people—I may say the common people—who must bear the burdens of this strife, will have the decision as to whether or not nations shall go to war. So, in the midst of the din and the constantly recurring accounts of bloodshed and woe, there is perhaps one ray of gladness. To these occasions for war there may be added racial repulsion, trade rivalries, and pent-up animosities because of grievances between nations.

I can not discern any note of encouragement in the present situation. I can not agree with those who portray benefits to the United States from a material standpoint. No doubt some forms of agricultural production will command higher prices; probably there will be a stimulus given to certain classes of manufacturing, and thus a temporary benefit may be granted to a portion of our population, but that will be more than counterbalanced by the general confusion and demoralization in the operations of trade. But it is not appropriate for us in this time of suffering, spreading over almost all of Europe, to think of any advantage to ourselves in dollars and cents. The calamity is too frightful, the prospective suffering and bloodshed is likely to assume such unprecedented proportions, that the only appropriate attitude for us is one of sorrow and regret that such a situation should have arisen.

I recognize, Mr. President, that the attention of the American people is now absorbed in this war to a degree to which it has never before been attracted by any series of events abroad or perhaps even at home. It is nevertheless our duty as Senators to guard the common weal, to make sure that no cry of urgency or emergency shall cause us to enact hasty or injudicious legislation. It is especially desirable that our appropriations should be characterized by reasonable economy.

In the pinch of the depression which is upon us many a household must experience a disadvantage. Already the great majority of our citizens are realizing the necessity of economy in their private expenditures. It is probable that in the future this will not be merely a judicious policy to pursue in the household, but the dictate of stern necessity, for if any class, agricultural or manufacturing, is benefited by higher prices there will be, on the other hand, far larger numbers who will feel the ill result of the increase of articles of necessity, and very likely there will be added to that an increase in nonemployment. So I say that when we recognize the diminished resources of the people and the necessity for economy in private affairs we should bear in mind the necessity for economy in the control of public expenditures.

Propositions are pending to raise an extra $100,000,000 by taxation. The necessity for some provision for added revenue can not, perhaps, be denied. In the month which has just passed it is stated that there has been a decrease of $11,000,000 in the duties levied upon imports into this country. There is every prospect that diminished revenue from customs will appear in still greater degree in the future. So I do not deny that the question of added revenue ought to be considered by Congress. But I can not agree with one reason given as to why Congress must levy additional taxes, namely, that it is necessary to provide funds for river and harbor appropriations on a larger scale, no doubt, and in larger amounts than ever before.

While no opponent of this bill is here to oppose a river and harbor bill which would be beneficial to the whole country, we do maintain that the bill now pending is the climax of waste and injudicious expenditure. We do demand that all of its provisions be carefully scrutinized; that the general policies upon which it is based be examined, and we do ask that no new projects be undertaken unless they have some degree of urgency or at least promise a benefit commensurate with the probable expense.

Mr. SIMMONS. Mr. President——

Mr. BURTON. I think it is possible to say that in the bill before us there are many items, old and new, which will not meet the test of careful examination from the standpoint of national importance or proper regard for the general welfare of the people of the United States.

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. I do.

Mr. SIMMONS. Mr. President, I do not desire to get into an argument with the Senator from Ohio with respect to his statement just made, to the effect that there is a proposition to impose additional taxes, and that those additional taxes are in part to be imposed for the purpose of paying the expenses of a river and harbor bill. If the Senator will permit me to take just a few moments of his time, I will make a very brief statement with respect to his two suggestions, first, that——

Mr. BURTON. Mr. President, let me say before the Senator proceeds that the statement has been given out by one of the leaders of the Democratic Party in the House—a very prominent leader, and the Senator from North Carolina may have noticed his statement—that one of the reasons for additional taxation was the appropriation for rivers and harbors.

Mr. SIMMONS. I do not know what statements have been given out by Members of the other House, but I know there is no justification for the statement that there is a necessity for raising additional revenue on account of the river and harbor bill, any more than there is a necessity for additional revenue to pay the expenses of any department of this Government. The items in the river and harbor bill have been estimated for by the department, just as the items in the legislative, executive, and judicial appropriation bills have been estimated for, just as the items in the Agricultural appropriation bill have been estimated for, and just as the items in the pension bill, in the naval bill, and in the military bill have been estimated for. The expenditures involved in river and harbor legislation are included in the general estimates, just as the appropriations necessary for these other expenditures are included in the general estimates; and the committee has not, so far as I know, in any instance exceeded the estimates. I will not say in any instance; there may be one or two instances in which they exceeded the estimates; but there are other instances in which they did not appropriate to the extent of the estimates, and the one would balance the other, so that the appropriations are not beyond the estimates.

Now, if the ordinary revenues expected from the tariff and internal-revenue impositions had been realized, or if conditions had been such that we might reasonably expect them to be realized, there would be, of course, no deficit on account of the appropriations provided in the river and harbor bill; that is, but for this condition that has been unexpectedly thrust upon the country, the revenues would have been amply sufficient to pay all the expenses of the Government, including the river and harbor bill.

The Senator makes another statement to which I wish to allude, if he will permit me, very briefly. It is to the effect that it is proposed to levy additional taxes upon the people as a result of the European war. That statement is plausible, but it does not express the facts of the situation. We are not proposing to levy additional taxes. We are not proposing to collect out of the people any more money for running the Government than we proposed under our original legislation. What is proposed is to substitute a tax which will yield revenue in present conditions for a tax which would have yielded the same revenue in normal conditions. That is the proposition.

It is estimated that by reason of the curtailment of imports brought about by the European situation there will be a falling off in the revenues from tariff taxes, in round numbers, of $100,000,000. That is to say, the people of this country, because of this falling off of importations, will pay $100,000,000 less of taxes than they would have paid if there had not been this curtailment of importations—assuming that the tariff duties are paid by the people of this country and not paid by the foreigner. That is, the Treasury will collect from the people of this country, in the form of tariff taxes, $100,000,000 less than it would have collected if these conditions in Europe had not developed.

As the result of that, the people of this country are relieved from that tax. As a result of that, the Government does not get that revenue. It is now proposed—and that is all that is proposed—to levy a tax which will be effective in securing revenue to the Government, made necessary by the fact that the tax heretofore levied is ineffective in securing revenues to the Government, because of conditions in foreign countries which we can not possibly control.

Mr. McCUMBER. Mr. President, I should like to ask the Senator from North Carolina a question right there, with the permission of the Senator from Ohio.

Mr. SIMMONS. I am simply interrupting the Senator from Ohio, and I did not desire to get into any argument about it.

Mr. BURTON. While the remarks of the Senator from North Carolina have been rather more extended than I had anticipated, I shall be glad to yield to the Senator from North Dakota.

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Mr. SIMMONS. I simply wished to make the suggestion that these were not additional taxes; that they were substitute taxes—taxes to produce revenue which we shall lose by reason of the fact that conditions elsewhere have destroyed that source of revenue, and will bring about a deficit of $100,000,000.

Mr. McCUMBER. I think I understand the position of the Senator. The Senator means simply that if the Government received $100,000,000 in duties, then the people paid $100,000,000 more in taxes by reason of that fact; and now, as the Government will not receive this $100,000,000 in duties, the people will not pay that $100,000,000 in taxes. Therefore the goods that will be purchased by the American people will be necessarily purchased for $100,000,000 less than they would have been purchased for if they had paid out that sum in duties; and we may therefore look, according to the Senator's own argument, for a reduction in the price of commodities which the American people consume to the extent, at least, of $100,000,000.

Mr. SMITH of Michigan. Mr. President, if I may interrupt the Senator from North Dakota, I should like to put his proposition in another form. If the American people had consumed $500,000,000 more of products made abroad, and their home production had been diminished accordingly, we would have had revenue to make up the deficit admitted by the Senator from North Carolina. In other words, the essential to receiving money through our customhouses is the essential of consuming European-made goods, and just to that extent depriving our labor of employment.

I think the suggestion ought to be put in that light, as well as in the form suggested by the Senator from North Dakota, because it is incontrovertible.

Mr. SIMMONS. Of course, Mr. President, if we levy a tax upon imports, and there are imports, the foreigner does not pay that tax. I do not think he does. I am quite sure he does not. The American citizen who consumes that product necessarily pays it.

Mr. SMITH of Michigan. We do not admit that.

Mr. SMOOT. Mr. President——

Mr. SIMMONS. If the Senator from Utah will pardon me a minute, if we had normal conditions in this country I am quite certain that there would be a reduction in prices, but, of course, no one can tell what will be the effect upon prices under present conditions. There are two elements outside of the tariff that will affect prices in the situation we have now. One of these elements, of course, is the trust situation that we have in this country. We have not yet succeeded in destroying the trusts; and until we do succeed in destroying the trusts, of course we will have artificial prices, and of course the trusts, like many others engaged in industry, will take advantage of the abnormal situation that has been created by the war to maintain and probably advance the prices of many products that might have been reduced under the operations of the new tariff.

That, however, involves a discussion of the whole tariff question, and I do not desire to get into a discussion of the tariff question. What I do desire to say, and all I desire to say, is this: We have levied a tariff tax—whether that tax was along lines and theories proper, in the opinion of the Senator from Michigan and the Senator from North Dakota and the Senator from Ohio or not—we have levied a tariff tax which, in normal conditions, if this war had not taken place and if the importations had continued to run in the regular channels, would have brought to the Government ample revenue to meet the expenses of the Government, as estimated by the several departments, including the river and harbor bill. Now, whatever I may think or the Senators on the other side may think with regard to the tariff duties that we imposed in order to yield this revenue, the fact must be admitted that in the present conditions those tariff duties can not bring the revenue anticipated.

Mr. GALLINGER. But, Mr. President——

Mr. SIMMONS. The Treasury will not get under present conditions the revenue these duties would have yielded.

Mr. GALLINGER. A different class of people will pay it.

Mr. SIMMONS. Let us leave out the question of the tariff, because, as I said, it was not my purpose to raise the tariff question. Leaving out that question, the situation is this: Of course we can not absolutely state what is going to be the income from a tax until the period of taxation has expired, but in all probability the Government would have received through the various channels of taxation the amount of money that it estimated would be received, and in all probability, through tariff taxation, we would have had in the Treasury of the United States $100,000,000 more at the end of the fiscal year than we will have under present conditions.

Mr. GALLINGER. Mr. President——

Mr. SIMMONS. The people having been relieved from that burden of taxation, that method of taxation having failed us, it is now proposed to levy a substitute tax to supply the loss arising from the failure of the tariff to produce the results anticipated and calculated and estimated, because of the sudden and unexpected curtailment of imports.

Mr. GALLINGER. Mr. President, will the Senator from North Carolina give us an intimation as to what line of taxation will be imposed upon the American people to make up this $100,000,000?

Mr. SIMMONS. Oh, I could not do that, Mr. President. The bill has to originate in the House. I can not tell what the House will do, and when the House acts I can not tell what the Senate will do.

Mr. GALLINGER. If the American people are saving $100,000,000 because of——

Mr. SIMMONS. But I know this, if the Senator will permit me—that we shall have to levy a tax which will supply the loss of revenue caused by the conditions that have been created by the war in Europe, and this situation suggests that it should be an internal-revenue tax instead of a customs tax.

Mr. GALLINGER. I was about to remark that if the American people are saving $100,000,000, they are purchasing American goods in place of foreign goods, so it is doing something for the American people; and it must be remembered that that $100,000,000 is composed largely of luxuries which the rich buy, while a tax such as has been suggested——

Mr. SIMMONS. Oh, Mr. President——

Mr. GALLINGER. If the Senator will allow me to finish the sentence——

Mr. SIMMONS. Oh, certainly.

Mr. GALLINGER. He has interrupted me twice.

Mr. SIMMONS. The Senator will pardon me for interrupting him.

Mr. GALLINGER. If a tax is imposed such as has been suggested in certain quarters, it will be levied largely upon the industrial people of the country and the industries of the country. I doubt not the hundred millions will have to be raised in some way; but I think the Senator is arguing from false premises when he undertakes to say that it is simply to replace the loss of money that has occurred because of the European war.

Mr. SIMMONS. The Senator is dealing in speculation when he talks about the subjects on which we propose to impose this tax. I do not know, and he does not know. I am not going to discuss the tariff question.

Mr. GALLINGER. But the Senator did discuss it. That is the difficulty.

Mr. SIMMONS. I did not.

Mr. GALLINGER. The Senator precipitated the discussion.

Mr. SIMMONS. Oh, I beg the Senator's pardon. I have not intended to do that, and if I have done that it was far from my purpose. I simply wanted to answer the argument of the Senator from Ohio that we were obliged to levy this additional tax to meet the expenditures for river and harbor improvements, and that it was an additional tax as opposed to the idea of a substitute tax.

Mr. SMOOT and Mr. KENYON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Ohio yield, and to whom?

Mr. BURTON. I yield first to the Senator from Utah.

Mr. SMOOT. Mr. President, I take issue with the Senator from North Carolina where he says we are going to fall short $100,000,000 in our customs receipts for the coming fiscal year. I do not believe that will be the case.

Mr. SIMMONS. Will the Senator pardon me? I do not know anything about that. I am simply stating what I understood the Secretary of the Treasury had stated. I do not know what amount it will fall short. I suppose that will be discussed in the other branch and probably it may be discussed by the President in his message to-morrow. I do not know anything about it.

Mr. SMOOT. I did not want the statement of the Senator to go to the country uncontradicted that the customs revenues for the present year will fall short $100,000,000. It no doubt is true, Mr. President, that the expenses of the Government will exceed the revenues of the Government under present laws $100,000,000 for this fiscal year. I do not doubt that for a minute. But that will not be due entirely to the falling off of our customs duties.

Mr. President, at the beginning of this session of Congress, in a discussion had upon the extravagant appropriations being made for this fiscal year, I made the prediction that the appropriations for this fiscal year would amount to $100,000,000 more than they amounted to under the last Republican Congress. The junior Senator from North Carolina took me to task for

the prediction, and asked me by what authority I made it. I told him I made it upon my own authority, and none other. The Senator disagreed with me, and expressed the opinion I would have to apologize to the United States Senate for that statement when the final report of appropriations was completed.

Mr. President, I now want to call attention to the fact that the appropriations for the last fiscal year under a Republican administration, that being but two years ago, amounted to $1,019,412,710. This is the appropriation the Republican Party was denounced so bitterly for in the last Democratic platform as profligate waste and oppressive taxation. The first year under the Democratic administration the appropriations amounted to $1,098,678,788, and up to the present time in this fiscal year they amounted to a little over $1,100,000,000, and the end is not yet.

Mr. KENYON. Mr. President——

Mr. BURTON. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask if this covers the amount claimed and estimated for the river and harbor bill.

Mr. SMOOT. It does not.

Mr. KENYON. Does it cover the Alaska railroads?

Mr. SMOOT. It covers the Alaska railroad appropriation, but it does not cover the over-sea insurance appropriation of $5,200,000. It does not cover the southern war claims bills that are expected to pass at this session of Congress. It does not cover the river and harbor bill, carrying $53,000,000 direct appropriation, with an additional $40,000,000 future obligations. It does not cover the appropriation of $12,600,000 expected to be made for the purchase of ships in connection with other parties to become a part of a merchant marine.

I want to say to the Senate now that before this session is over the appropriations for the fiscal year ending June 30, 1915, will amount to more than $100,000,000 over the sum appropriated in the last Republican Congress for the fiscal year ending June 30, 1913, and I think instead of my apologizing to the Senate for the statement I made in the beginning of this session an apology ought to come from the other side of the Chamber.

Mr. KENYCN. So, as I understand the Senator, the appropriations for the fiscal year ending June 30, 1915, will be close to $1,200,000,000.

Mr. SMOOT. Nearly that. Of course I can not state the amount exactly, but it will be between $1,180,000,000 and $1,200,000,000.

Mr. KENYON. That is, including the $53,000,000 in the river and harbor bill?

Mr. SMOOT. Including the river and harbor bill.

Mr. KENYON. Will the Senator, in this connection, permit me to read a plank in the Democratic platform for 1912?

Mr. BURTON. Mr. President——

Mr. KENYON. I do not want to delay the Senator from Ohio, but——

Mr. BURTON. I did not expect these interruptions to last quite so long.

Mr. KENYON. Let me put this plank in.

Mr. BURTON. I shall have to ask, however, that a limit be placed on these interruptions.

Mr. KENYON. We are awaiting an opportunity to place a limit on the appropriations. If the Senator from Utah will permit me, I want to read the plank. It would seem appropriate in connection with his remarks.

Mr. SMOOT. Certainly.

Mr. KENYON (reading):

> We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

So I judge, from the Senator's remarks, that this plank in the platform is being broken.

Mr. SMOOT. That is only one of about a dozen planks in the platform that has been repudiated and violated.

Mr. SMITH of Michigan. I think perhaps the real authors of that very wise provision of the Baltimore platform were honest and patriotic in giving an expression of their opinion, but they have had no influence in curtailing appropriations in this Chamber, although several of them were members of the convention and one or two now honor us with their presence.

Mr. KERN. I should like to ask the Senator from Michigan a question before he takes his seat. It is whether or not he is in favor of the appropriation provided for in the river and harbor bill?

Mr. SMITH of Michigan. I will answer the Senator from Indiana. If I had had any influence whatever on the course of proceedings during the past year or two in this Chamber I would not have presented the American Sugar Refining Co. with approximately $50,000,000 in remitted duties as a free gift and reimposed the amount which I had presented to them upon smaller business. I would not have repealed many of the provisions of previous laws which would have retarded the importation of foreign-made goods but would have created a home market for our domestic production, and if foreign goods were to come in they would have to come in over a wall of protection which for more than half a century has kept our people employed at good wages and made the American market place the envy of the people of other lands.

Mr. KERN. Mr. President——

Mr. SMITH of Michigan. The Senator asks me if the pending bill comes within the range of my criticism. I think he is entitled to an answer. The pending bill is the result of years of preliminary work in important river and harbor improvements throughout the country. There has not been a semblance of partisanship in it. Men upon that side of the Chamber have been as persistent as have those upon this side in obtaining appropriations for their various communities. Harbors have been made available for the larger vessels of commerce and trade. Rivers have been opened to navigation.

I have no apology whatever to make for the wise expenditures which for the last decade and a half have largely been the result of the genius and the persistence and the large experience of the distinguished Senator from Ohio who now occupies the floor.

Mr. KERN. I understand, then, that the Senator is in favor of the present river and harbor bill.

Mr. SMITH of Michigan. Yes; and I ask unanimous consent that we may vote upon it at 4 o'clock this afternoon.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. BURTON. Is that a request such as that there has to be a call of the roll?

The VICE PRESIDENT. The Chair supposes that the Senator from Michigan made the request in good faith.

Mr. SMITH of Michigan. I did make it in good faith. My hope, however, is not as great as my desire. I would not want to take advantage of the courtesy of the Senator from Ohio and take him off his feet in that way. I withdraw the request and will prefer it later in the day.

Mr. BORAH. Mr. President——

Mr. BURTON. I yielded for a question, Mr. President, and this discussion, though it has been very profitable, has taken a very wide range. I really do not want to shut off any of my colleagues, but before very long I shall have to insist on resuming the floor.

Mr. BORAH. I wish to read another plank from the Baltimore platform, which I think is very pertinent at this time. We have digressed a little from the real subject at issue, but this is the living issue, and I want to read concerning it:

> We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

Mr. SMOOT. Mr. President, I must apologize to the Senator from Ohio for taking so much of his time, but I felt that it would not be proper to allow the statement made by the Senator from North Carolina to go without some answer to it.

Mr. President, I expect there will be a shortage in the revenues for this year, as I said before. I expect that the income tax this coming fiscal year will fall short perhaps $20,000,000. I do not believe that the incomes of the people of the country are going to be as great as they have been in the past, and this will be brought about from a number of causes. I recognize the unsettled conditions not only in the rest of the world but in this country as well, brought about by the wicked and unjustifiable war existing in Europe to-day. I recognize that we have got to raise more revenue to run the Government, even if there was no war, if Congress keeps on making such extravagant and unjustifiable appropriations as it has made at this session of Congress. You have created commission after commission. You have added thousands of employees to the pay rolls of the Government, distributed in every department. This profligate waste has been called to the attention of those responsible for the appropriation bills time and time again. There are those who think there is no limit to the ability of our Government to appropriate money.

I say, Mr. President, there will come a time when even the Democratic Congress will have to figure upon what the national income is and what the national expenses will be.

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Mr. GALLINGER. In reference to those additions to the officials of the Government which number very many hundred, the Senator will remember that that is one of the things which was condemned by the economy plank of the Baltimore convention.

Mr. SMOOT. Absolutely, Mr. President; and I thought, of course, we were going to have a partial endeavor to bring about economy in the administration of the Government. I do not believe there is a living man who believes there has been even an attempt to bring it about. It has been altogether the other way—extravagance everywhere, in every department. If we do not pass a river and harbor bill, if we cut out all the appropriations that are yet to be made, we then would have greater appropriations for this fiscal year than have ever been made for a fiscal year by any Republican Congress.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. I will yield to the Senator from North Carolina. I do not like to refuse in any case, though I trust these interruptions may soon be brought to an end.

Mr. SIMMONS. I wish to say merely a word.

Mr. OVERMAN. I wish to say to my colleague before he begins that the predictions we now hear are like some of the predictions that were made about the tariff. When we make up the balance sheet we will then see whether they are true or not.

Mr. SMITH of Michigan. There will not be any balance sheet.

Mr. OVERMAN. But on the tariff we had the same predictions made.

Mr. SIMMONS. Mr. President, I am told by one of my colleagues that inadvertently in the statement I made a while ago I said that independently of the war, in order to get needed revenue, we would have had to impose additional taxes. I meant to say that, independently of the war, there would have been no necessity to raise any additional revenue or to impose any taxes in addition to those imposed in the tariff bill.

Of course, Mr. President, there will be some additional expense growing out of these extraordinary conditions that we are in. The Senator from Utah has referred to the fact that the war-risk insurance measure provides for an appropriation of $5,000,000 to pay the expense. That is true, but the Senator overlooks the fact that the Government is not going into the insurance business. As a matter of fact, it expects to charge for the insurance, and it is expected that the premiums will pay the losses and expenses.

The Senator referred to the fact that we are appropriating $10,000,000 for the stock the Government is to take in the new corporation for the purpose of buying ships. That is an operating fund. The ships are to be bought and put in the business of ocean carriers, and it is reasonable to suppose that they will pay their operating expenses, and that there will be no burden upon the Treasury.

As I said, there will be some additional expense, but I myself am satisfied that but for the war the taxes that we laid in the tariff act of 1913 would be amply sufficient to pay the appropriations that we have made and that we will make, including the river and harbor bill. It was predicted when we passed that act that there would be a deficit as the result. On the contrary, when the books, if I may use the phrase of my colleague, were cast up it was ascertained that that measure, instead of resulting in a deficit in the Treasury, has resulted in a surplus of $33,000,000 at the end of the year.

Mr. SMOOT. Not taking the canal expenditures into consideration.

Mr. SIMMONS. The canal expenses have not been considered a part of the current expenses of the Government.

Mr. SMOOT. They have in the past.

Mr. SIMMONS. By the Panama Canal act we provided for bonds to pay the expenses of the construction of the canal. When the current revenues, after meeting other expenditures, have been sufficient to meet the cost of this construction without selling bonds we have, uniformly, I think, paid these expenses out of the Treasury without selling any of these bonds, the bonds being held in the Treasury subject to sale to reimburse the Treasury for the amount so expended. We did not offer any of these bonds for sale last year because we had a surplus equal to the expenditure for constructing the canal.

Mr. President, I say again that in the general estimates—and we are working upon those estimates—the river and harbor bill was included, and there has not been a doubt on the part of those at the head of the financial department of the Government that but for the war the tariff act would have afforded ample revenue to meet all the estimated expenditures, including the river and harbor bill.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. Yes. I must say, however, if it is necessary that an answer shall be made, it will be the last time I shall consent to yield.

Mr. NORRIS. I wish to propound a question to the Senator from North Carolina, but I can do that later on in my own time.

Mr. BURTON. I do not wish to shut off the Senator. The Senator from Nebraska rose some time ago.

Mr. SIMMONS. Mr. President, I do not wish to interfere with the Senator from Ohio, but I do not think Senators ought to inject into a discussion of the river and harbor bill a partisan question.

Mr. NORRIS. I wanted to ask the Senator from North Carolina a question, and for the purpose of the question I am assuming that everything the Senator from North Carolina said is correct. I wanted to ask him when special legislation is necessary for the purpose of raising increased revenue will not the amount that must be raised by such legislation depend upon the appropriations of Congress?

Mr. SIMMONS. The Secretary of the Treasury, as I am informed, has made his estimate, and I assume that he anticipated the ordinary appropriations. He estimates that $100,000,000 will be sufficient.

Mr. NORRIS. I am not disputing that. I am assuming that that is correct.

Mr. SIMMONS. He has made his estimate, and I understand he has estimated that within the course of the year we will probably have a falling off in the revenues that will reach $100,000,000 by reason of the war conditions in Europe.

Mr. NORRIS. I am not disputing that.

Mr. SIMMONS. He is asking for taxes for the purpose of making up that loss in the revenues.

Mr. NORRIS. For the purpose of my question, I am assuming that all that is true; but is there not a relationship between the money that we must raise by the new legislation, whatever it may be, providing for additional taxation and the appropriations of Congress?

Mr. SIMMONS. I will answer the Senator, speaking generally, yes. Necessarily, every tax that is imposed, whether it is a tariff tax or an internal-revenue tax, is imposed with reference to the probable necessities of the Government.

Mr. NORRIS. Exactly.

Mr. SIMMONS. It has been recognized in this country as a principle for many years that to exact from the people more money than is reasonably necessary to pay the expenses of the Government is unjust taxation, and therefore in framing our tariff bill and in framing our internal-revenue tax scheme we always keep in mind, and it is our duty to the people to keep in mind, the probable expenditures of the Government. I answer yes.

Mr. NORRIS. Certainly. That being true, does it not follow that for every dollar of money that we appropriate for the river and harbor bill we must of necessity provide for that much increased revenue when we come to levy through the law to be enacted, whatever it may be?

Mr. SIMMONS. I have stated to the Senator that my understanding is that the river and harbor bill was estimated for and included in the probable expenditures before the European war came on.

Mr. NORRIS. All right.

Mr. SIMMONS. And it is still included among the probable expenditures.

Mr. NORRIS. Exactly; but if you would exclude it from the estimates, and if we defeat this bill, the amount of money necessary to be raised by your special levy would be reduced by just that many dollars; is not that true?

Mr. SIMMONS. Just as if we had not passed the pension bill——

Mr. NORRIS. But we have passed the pension bill.

Mr. SIMMONS. If we had refused to pass the pension bill, we would have to raise that much less money to meet the expenses.

Mr. NORRIS. Exactly; there is no doubt about that.

Mr. SIMMONS. And if we had not passed the bill providing for the expenses of the Agricultural Department we would need that much less money.

Mr. NORRIS. No doubt we should.

Mr. SIMMONS. Will the Senator let me finish? However, would the Senator from Nebraska refuse to pass the pension appropriation bill——

Mr. NORRIS. No; I would not.

Mr. SIMMONS. Would the Senator, for that reason, refuse to pass the bill to provide for the expenses of the Agricultural Department?

Mr. NORRIS. No; I would not.

Mr. SIMMONS. Then I want to say to the Senator that, in my judgment, it is just as important to the business interests of this country, and to the welfare of this country, to pass a proper river and harbor bill to carry on the great work of improving our rivers and our harbors as it is to pass the other appropriation bills to which I have referred.

Mr. NORRIS. I do not dispute that the Senator believes that, but that is all beside the question. It seems to me, although the Senator was not nearly so frank in answering my question as I was in answering his, that it can be deduced even from the Senator's own argument that if we defeat this bill now we shall by the amount of the appropriation in this bill obviate the necessity of raising that many dollars of taxation by special legislation.

Mr. BURTON. Mr. President, the interruption has been considerably longer than I anticipated it would be, and I do not propose to change the tenor of my remarks to meet the arguments and statements that have been made. All that it is necessary to consider in connection with the river and harbor bill are certain conceded facts. Every object of taxation, every dollar wrung from the people—to use a verb taken from the Democratic platform—means an additional burden, a burden that should, if possible, be avoided. There is imposed upon us a solemn duty, as representatives of the people, to scrutinize these appropriations. We have passed the Agricultural appropriation bill; we have passed the pension appropriation bill; we have passed the legislative, executive, and judicial bill; we have passed divers other bills. Is this bill in the same class with the others? While it contains many, in fact, a majority of meritorious items I maintain that it is not.

It has been said that this bill is in accordance with the policy of the people. Mr. President, I see emblazoned on that wall [indicating] the policy that has been adopted in this river and harbor bill.

A PRIMARY LESSON IN WATERWAY IMPROVEMENT.

Another point in general waterway improvement is the fact that it is not always necessary that every waterway should be utilized to its full capacity, or even to any appreciable capacity, in order to justify its existence or its construction and its maintenance.

That means you may waste tens, yes hundreds of millions of dollars on waterways; you can point out the fact that there is no traffic on them and there never will be, but that there is justification for them, because they accomplish benefits in an indirect way. With a railway commission governing all of the interstate railroads of the country and their traffic, with railroad commissions in nearly every State, with shipping associations and commercial bodies alert to complain of any unfair or excessive rates it is, nevertheless, the argument of some that you can spend tens of millions of dollars on waterways, throwing money into their all-devouring maw, in order to compel a few railroads to behave themselves. That is the policy that lies behind many of our river and harbor improvements. It is not the worst feature manifested in them, but it is one that should be given consideration.

I want to say to my good friend from Michigan [Mr. SMITH], when he says that this bill is in pursuance of policies that have been adopted for years, that about the year 1910 there was a very appreciable departure from the policies that had been pursued for 10 years before. As best I could, I entered my protest at that time against such a departure, both in the committee room and on this floor, but I found it utterly ineffective. I do not believe in the policy of appropriating in one bill but a fourth or a tenth or a twentieth of the total amount required to complete a project; I do not believe in what I have so often called this dribbling policy; and I have never been able to find any man who did; but Congress has been continuing this piecemeal method. While hundreds of millions of dollars are required to finish improvements that are now under way in pursuance of legislation in prior bills, we have been adding new projects, sometimes appropriating a thirtieth part of the whole amount required to complete them.

Mr. President, such a system is the very height of absurdity. I repeat that it is time for us to put a stop to it. I have never been able to talk with a man in this body nor with one in the other House who justified this method of appropriating a partial amount; but by some strange inertia, reenforced by the demand of communities and by Members of the other House, and, in some degree, of the Senate, we are going on, always anticipating the future, neglecting to finish what we have commenced, leaving unfinished that to which we have solemnly committed ourselves. Under a policy that will leave many projects unfinished for 10 or 20 years, here in this bill we are making appropriations that we might just as well admit merely commits the Government to some plan or scheme which, in many cases, is very doubtful.

My friend from Michigan spoke about there being no partisanship in this bill. Mr. President, an experience, not so long as that of many of those around me, but still of considerable duration, stimulates me to an alert and very careful suspicion of measures in which there is no partisanship. I am afraid it would be better if there were partisanship in this bill. What does the absence of partisanship mean? That no Member of this Senate will be refused when he asks an appropriation for river and harbor improvements, while if a Senator opposes him and labors under the delusion that there is a general interest in favor of economy and propriety in public expenditure, which stands in the way of the dredging of some creek or the canalization of some river he is an enemy. There is no partisanship about it. No; but a man who seeks to criticize it must evoke opposition of a nature that it is sometimes difficult to bear.

Again I say, Mr. President, I am not sure that it is a recommendation for this bill when we say there is no partisanship in it. There is too much in it that is personal, that is local, that will not stand the test of national importance, but which is put in here to please this or that interest in the country without that careful scrutiny and criticism which would be made if the party responsible for the conduct of affairs would establish and maintain a proper policy.

Mr. President, I think we ought to carefully examine this bill. Of the general policy I have already spoken. I think it is erroneous. We will never have a proper river and harbor bill until we have the courage to face every one of the items it contains and decide when we adopt a given project that we will provide for the whole amount which may be required for it. We will not pass good laws when we appropriate $200,000 for an improvement estimated to cost $5,860,000; there will not be enough attention given to it to determine whether or not it is meritorious.

In the face of the outcry which comes from all over the country that there are men who must be discharged because money is not appropriated to pay them, I say, Mr. President, that the opponents of this bill are not responsible for that situation. For at least four years past we have been pointing out that this method of annual piecemeal appropriations was not the way to proceed, and we have been intimating the possibility of just such a situation as this, where important public work would have to be stopped because a river and harbor bill would not pass. We have been asking, almost pleading that the method be changed, and that we go back to the plan of the bill of 1907, under which, when a great improvement or even a small one was adopted, we would make provision for the whole of it in one bill.

Now, how are you going to stop the present system? How are you going to conform to the opinion, I believe of every Member of the Senate, that the best way to deal with projects of any magnitude is to provide the total amount required for them in the beginning? Mr. President, I am afraid there is only one way, and that is to defeat a river and harbor bill.

I do not say this as any intimation that I think this bill ought to be defeated in its entirety, but it should be pruned and purged. I recognize, of course, that the measure results from an accumulation of erroneous methods and policies which have been in vogue for some four or five years past, and that you can not in one bill reform the whole system.

Talk about policies! Why, the proponents of the bill are seeking to deprive us of arguments against it when they say, "Oh, yes; it is to regulate railroad rates." How can you answer such an absurd argument as that? It means that you can spend $30,000,000, as proposed in one report, on the Tennessee River, with a diminishing traffic all the while and ultimately a very small quantity of freight, and that such an outlay is a judicious expenditure of public money.

Mr. President, the people who intelligently consider this subject, the great body of the people, are not with that pronunciamiento which hangs yonder on the wall. It means, if we adopt it, more and more waste, more and more extravagance; it sets forth an utterly false standard of determining what improvements we should make. Waterways, like railways, steam and electric, and auto trucks and wagons are all agencies of transportation, and if any one of them is unprofitable it should give place to another.

I said here a few days ago that Egypt would not be alone in great works of masonry, in its pyramids, the reason for which people could not understand. We are sure to have a multitude of them in our locks and dams, and in years to come the num-

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ber which will not be used at all will be greatly increased. Upon them there will be no such inscription as "What is all this worth?" or "What are we here for?" They will simply be a monument to the wastefulness and the folly of Congress in seeking to promote a system of transportation which, save in very exceptional instances, is obsolete and of no value to the people.

Now, Mr. President, I want to call attention to another feature which should be considered in connection with this bill, and that is the balance of river and harbor appropriations that was on hand on the 30th of June last. In a statement transmitted by the Secretary of War, August 3, and printed as Senate Document No. 560, it appears that on the 30th of June last, at the close of the fiscal year, there was an unexpended balance for river and harbor projects then pending amounting to $45,338,653. Of course, it is true that, just as in previous years, a portion of this will have to be paid out for outstanding liabilities and for uncompleted contracts.

Mr. VARDAMAN. Will the Senator kindly repeat the amount of the unexpended balance?

Mr. BURTON. The unexpended balance on the 30th of June last was $45,338,653. Now, let us compare that with the amount expended for river and harbor improvements for the two latest years for which we have figures. The figures for 1914 are not yet prepared, and I am informed by members of the Engineer Corps that they may not be ready before the 1st of October. The amount expended for the fiscal year ending June 30, 1912, was $33,096,476.02 carrying it out to cents, or, say, in round numbers, $33,000,000. In 1913 it was $38,308,679.21. That is, there was on hand June 30 last for expenditure in this fiscal year $7,000,000 more than we spent in the year 1913 and $12,000,000 more than we spent in the year 1912. Now, that is not all, because in the sundry civil act approved August 1, 1914, there was appropriated a further amount of $6,988,500, making the surplus over expenditures in the maximum year now available $14,000,000, and over the preceding year $19,000,000.

Now, what is the explanation?

Mr. TOWNSEND. Mr. President, may I ask the Senator whether that amount of money on hand can be used during the coming year, or must it be reappropriated?

Mr. BURTON. It can be used. It is subject to the warrant of the officers of the Engineer Corps.

Mr. TOWNSEND. And it does not require reappropriation?

Mr. BURTON. No reappropriation whatever. It is true there is a sum amounting, perhaps, to $4,000,000 that is tied up by conditions. That is, improvements will be made at Providence, R. I., if they comply with certain conditions. Improvements will be made at New Bedford, Mass., upon certain conditions. Compliance with these, however, is comparatively easy, and I do not see why those communities do not conform to them and thereby make this money available. The amounts so tied up are in any event less, as the Senator from Michigan may see, than the amount appropriated in the sundry civil bill, and these amounts detained for the fulfillment of conditions are liable to be available for use any day. They are, like all the rest, in the Treasury.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. I should like to get that clear in my mind. I have heard the proposition disputed which the Senator from Ohio now advances as to the use of this money without some further action by Congress. Take, for instance, the lower Mississippi. Could a portion of this money be used on the lower Mississippi?

Mr. BURTON. Oh, no; it could not be transferred from one project to another. I am coming to that.

Mr. KENYON. That is the point.

Mr. BURTON. Of course this balance is divided in a way that is unsymmetrical. In some cases there is very much more than is required. These appropriations are by projects. Let that be thoroughly understood.

Mr. KENYON. Could not that be transferred by resolution?

Mr. BURTON. It could, but it would require careful action by the committee on the subject.

Mr. SMITH of Michigan. That is, any balance that has not been expended. A large proportion of this money has been expended since the report in carrying on the work this summer.

Mr. BURTON. Well, something; yes.

Mr. RANSDELL. Mr. President, will the Senator yield to me for a moment?

Mr. BURTON. Certainly.

Mr. RANSDELL. I understood the Senator to say that this money could be transferred from one project to another by a resolution. Surely the Senator does not mean that that could be done except by act of Congress?

Mr. BURTON. Certainly; by joint resolution of Congress.

Mr. RANSDELL. It would take an act of Congress to do it, however.

Mr. BURTON. Yes.

Mr. RANSDELL. It would amount to a separate river and harbor bill, would it not?

Mr. BURTON. Well, a part of this river and harbor bill.

Mr. RANSDELL. It could be done in this river and harbor bill, but the Engineer Corps would have no power to transfer this money from one project to another.

Mr. BURTON. No.

Mr. RANSDELL. It would have to come regularly before Congress and be acted upon by Congress before it could be done, would it not?

Mr. BURTON. Yes. However, it throws a flood of light upon the inequality with which these improvements are being prosecuted and the appropriation in times past of absolutely unnecessary amounts for these improvements.

Let me say a word about such a joint resolution. It ought to provide that in the case of projects where there is an unnecessary balance—an amount sufficient to carry on the work to June 30, 1915, and also for the making of contracts such as have been authorized—there should be a deduction for these purposes and only the surplus expended.

I gave an illustration here a few days ago that shows the condition. There is $647,000 on hand to the credit of the Ambrose Channel and the general channel leading to New York. One hundred thousand dollars is all that is wanted for that purpose.

Mr. SMITH of Michigan. That is, for present needs?

Mr. BURTON. Until the 30th of June next that probably would be ample; and I could go through this list which is before the Members of the Senate and pick out a number of others.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. I do.

Mr. SIMMONS. I wish to call the Senator's attention to the fact that the same document from which he read a little while ago, giving the unexpended balance in the Treasury for river and harbor work—$45,000,000, in round figures—shows that as against it there are outstanding liabilities of $3,865,000. It appears from the same document that there is $23,000,000 of that money that is for uncompleted contracts—that is, contracts that have been authorized by Congress. The contracts have been made, and the money has not yet been paid out.

Mr. BURTON. I was coming to that.

Mr. SIMMONS. Pardon me just a moment.

Mr. BURTON. Certainly.

Mr. SIMMONS. So that it leaves an available balance in the Treasury of $22,638,000.

The Senator has referred to the unexpended balance that was in the Treasury the year before. That was a very considerable amount; not quite so great, probably, as the unexpended balance——

Mr. BURTON. I do not think I referred to the unexpended balances in prior years.

Mr. SIMMONS. I thought the Senator did.

Mr. BURTON. I referred to the amounts expended in the fiscal years.

Mr. SIMMONS. Then I will ask the Senator if it is not a fact that when we prepare these river and harbor bills nearly every item shows that there is to the credit of that item an unexpended balance, and if that unexpended balance is not to carry on the work during the balance of the fiscal year?

Mr. SMITH of Michigan. And in the Treasury.

Mr. SIMMONS. It is in the Treasury, but it is being spent every day upon the warrant of the proper officials. I think if the Senator would examine former bills he would find that at the time of their passage there was, as there was at the time of the passage of this bill by the House, a very large unexpended balance in the Treasury representing liabilities, representing uncompleted contracts, and representing balances available.

The Senator referred just a minute ago to the appropriations carried in the sundry civil bill, and the inference might be drawn from the Senator's statement that that was an appropriation of money in addition to the appropriations and authorizations in the river and harbor bill. As a matter of fact, I wish to ask the Senator if the appropriations carried in the sundry civil bill are not merely appropriations authorized under authorizations already made?

Mr. BURTON. Answering that, I will say that there are two branches to the question. Yes; they are to pay for work as it is performed during the fiscal year, the estimate being that certain amounts will be required to pay for work done by contractors up to the 30th of June, 1915, on work theretofore authorized. Answering the second branch, it is just as much an appropriation for river and harbor work as the appropriation in the river and harbor bill, because it is for pending work, for improvements which are made in rivers and harbors.

Mr. SIMMONS. But the Senator does not catch my point. When we make authorizations, as we do in this bill, to the extent of $10,000,000, we do not in the river and harbor bill appropriate any money at all to meet those authorizations.

Mr. BURTON. Certainly not.

Mr. SIMMONS. The Government makes a contract. Now, we do not provide for those payments in the next river and harbor bill. Those authorizations are paid through appropriations made in the sundry civil bill, so that the $7,000,000 appropriated in the sundry civil bill was to meet authorizations made in a former river and harbor bill.

Mr. BURTON. Exactly so.

Mr. SIMMONS. We do not initiate appropriations for rivers and harbors in the sundry civil bill. We make them in response to an authorization made in a river and harbor bill.

Mr. BURTON. Certainly; but the point is that that amount is expended for river and harbor work during this year, and the whole substance o my comparison was with expenditures in prior years—$33,000,000 in 1912, $38,000,000 in 1913, and here we have on hand $45,000,000, and the amount appropriated in the sundry civil bill of approximately $7,000,000 besides.

At the beginning of every year, then, the same condition existed that has been detailed by the Senator from North Carolina. There were balances due, there were uncompleted contracts; but when all was paid on those uncompleted contracts and on those balances due, the total amount fell short by $7,000,000 of the amount which we now have on hand.

I do not mean to say that that meets the situation, or that it dispenses with the necessity for a river and harbor bill. It does, in part; but what is more, it discloses a situation that should receive the attention of Congress—that unnecessary balances have been accumulated in so large a degree that they ought to be lopped off; that we ought not to go on here appropriating larger and larger amounts, when there is so considerable an amount in the Treasury awaiting the warrant of the officers of the Engineer Corps for its payment.

Mr. SMITH of Michigan. Mr. President, if the Senator from Ohio will permit me to call his attention to a specific case, take Toledo Harbor. The amounts heretofore spent were $3,045,000, in round numbers. The balance available on June 30, 1913, was $142,893. Has the Senator anything to show the amount to the credit of that project on June 30 of this year?

Mr. BURTON. Seventy-three thousand four hundred and forty-five dollars.

Mr. SMITH of Michigan. The amount carried by the bill is $135,000.

Mr. BURTON. Is it as much as that?

Mr. SMITH of Michigan. Yes. That, however, is only a fair proportion of all the other Ohio items.

Mr. BURTON. Well, I do not know. I think that is the largest, so far as maintenance is concerned. No; there is one that is larger. Cleveland is larger—$200,000.

Mr. SMITH of Michigan. Does the Senator think it is prudent to leave Toledo Harbor with an available appropriation of $72,000 this year?

Mr. BURTON. No; I do not. I presume they could get along. For instance, there is an appropriation for my own harbor, which is one of the 10 most important in its tonnage of any in the country.

Mr. SMITH of Michigan. Very important.

Mr. BURTON. There is a recommendation of $200,000. I have no doubt that could be diminished quite materially; perhaps not cut in two, but at any rate decreased by a quarter or more.

Mr. SMITH of Michigan. On June 30, 1913, there was an available balance of $559,000 in the Cleveland Harbor appropriation. Can the Senator tell us what the available balance was on the 30th of June, 1914?

Mr. BURTON. Four hundred and six thousand seven hundred and sixty-nine dollars.

Mr. SMITH of Michigan. The appropriation carried in the bill is $200,000.

Mr. BURTON. That is, however, for a rather different purpose than that to which it is intended to devote the $406,769.

Mr. SMITH of Michigan. Yes; but——

Mr. BURTON. Just let me finish that. A large part of that is for the completion of a breakwater improvement, while the $200,000, as I understand, is for the purpose of maintenance.

Mr. SMITH of Michigan. I am not finding any fault with either the available balance, that it is too large, or with the appropriation, because that is a very important harbor; and Toledo is important. It is important to Toledo and to that part of Ohio, but there would not have been a dollar carried in the present river and harbor bill in addition to the available appropriation on the 30th of June of this year had it not been for the recommendation of the Engineer Corps of the Army, after very careful consideration of the subject; and I think I may, with the utmost propriety, exonerate the Senator from Ohio from undertaking to influence this item in any way.

Mr. BURTON. The Senator from Michigan also can lay upon me the credit or discredit of a willingness to have those items materially diminished under the present conditions as they now exist, although they are in my own State and in my own immediate locality.

Mr. SMITH of Michigan. Yes; as they now exist, I think the Senator would be willing to allow some of these items to be cut down.

Mr. BURTON. Let me say what those conditions are. It is now the 3d of September. The season for work on a majority of rivers and harbors comes to a close with the months of the autumn, or perhaps earlier. The days are now shorter. There is probably higher water in many streams, so that work would be difficult. There were widespread rains within the last 10 days which raised the level of many rivers so as to make work embarrassing. The situation now is altogether different from what it was when these recommendations were made——

Mr. SMITH of Michigan. I appreciate that.

Mr. BURTON. Because between now and the passage of another river and harbor bill, which would have to be between now and the 4th of March next, there is only a comparatively short time in which work can be done.

Mr. SMITH of Michigan. Yes; but the Senator from Ohio knows that we must have money in the early spring to do the work that we are unable to do because of the inclemency of the weather or the season in the late fall, and that it can be done with more effect in the early spring than it can be done in the early fall.

Mr. BURTON. Certain classes of work in the way of reparation, perhaps, can, but general construction can not. For instance, there may be in the late fall or early spring a severe storm which will cause congestion at the mouth of a harbor, and dredging is required; but, especially upon rivers, the season for work is suspended, at least the greater share of it, during the winter, and there is only a comparatively short time now in which to finish the work.

Mr. SMITH of Michigan. The argument of the Senator from Ohio a few moments ago, if it was taken by other Senators as it was by myself, was that we could defeat this bill now, and out of the available balance to the credit of these various funds have a larger fund than the bill carried two or three years ago.

Mr. BURTON. The Senator from Michigan, no doubt in view of what I said, may have been justified in forming that inference. I did, however, expressly say that these balances were not a conclusive reason why a river and harbor bill—I am not sure that I used the adjective "conclusive"—should not be passed.

Mr. SMITH of Michigan. I know; but the course——

Mr. BURTON. What is the proper thing for Congress to do with fifty-two odd million dollars on hand?

Mr. SMITH of Michigan. It does not seem to be a question of what the wisdom of Congress has determined. It seems to be wholly a question as to what the Senator from Ohio and two or three other Senators think should be done. If the Senator from Ohio wanted to test the sentiment of the Congress, he would allow the Senate to vote on this bill; but if by the course which he is taking, with some method, I believe, and perhaps a worthy one—he has always moved by worthy methods—this bill is defeated, then in the two items to which I have called his attention—Toledo Harbor and Cleveland—are not left with money enough as a balance of those two funds to properly protect them against the exigencies of the coming season.

Mr. BURTON. Mr. President, I recognize the force of that argument. I think, probably, they could stand a suspension of appropriations for one year a great deal better than the civic sentiment of those cities and the State can stand this river and harbor bill.

Mr. FLETCHER. Bearing on the suggestion that the season for the work is rapidly passing away, I simply want to have it made plain that this bill came from the House to the Senate on the 28th of last March, and that it was reported

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from the Committee on Commerce of the Senate June 28. It has not been the fault of the committee or any of the friends of the bill that the bill has not been attended to and the work allowed to proceed.

Mr. BURTON. Nor has it been the fault of the opponents of this bill that a measure shorn of objectionable items was not passed six weeks ago.

Mr. KENYON. Let me suggest that some friends of the bill were away across the water, and it may be if they had been here the bill would have gone along faster. We have not particularly delayed it. There have been other important measures before the Senate. As I understand it, all that we have tried to do is to thoroughly discuss it and hold it up to the country that it may view it. We have not engaged in any filibuster upon the bill.

Mr. SMITH of Michigan. Is it the purpose of the Senator from Iowa to permit the Senate to come to a vote upon this bill?

Mr. KENYON. That question is directed to me, of course.

Mr. SMITH of Michigan. Yes; I direct it to the Senator from Iowa, because I know he will give me a frank answer.

Mr. KENYON. I will absolutely. I could not prevent the Senate from coming to a vote if I wanted to do so. I believe that this is a bad, bad bill.

Mr. SMITH of Michigan. The Senator is not very familiar with its details.

Mr. KENYON. Let me finish. The Senator, I understand, believes that every item in it is correct and proper.

Mr. SMITH of Michigan. I do not believe there is a dishonest or unworthy proposition in the bill. If I did, I would arraign the entire Engineer Corps of the Army, who have nothing in the world to gain by recommending these projects except the welfare of the country, and I am not willing to charge them with any such dereliction.

Mr. KENYON. If the Senator will permit me to answer, does he believe——

Mr. SMITH of Michigan. I beg the Senator's pardon.

Mr. KENYON. Does the Senator believe that every item in the bill as it came from the House was a proper item for the Senate to pass?

Mr. SMITH of Michigan. Now, let us see. I do not believe there has ever been, since I have been connected with the Government, a river and harbor bill that I would not have changed in many respects. I say that with reference to bills that were presented before the machinery had been created to more systematically and effectively deal with matters of this kind. I was a member of the National Waterways Commission, presided over by the distinguished Senator from Ohio, and we made, as a result of our inquiries, largely his inquiries, and very far-reaching and intelligent, certain recommendations which required participation by communities in the expense of improvements of this character.

I have never been wholly satisfied with the river and harbor bills that have been brought in either by the Committee on Rivers and Harbors of the House or the Committee on Commerce of the Senate. I have never been able to secure appropriations for improvements in my own State that I thought were commensurate with the State's necessities, and there never has been a bill since I have been here, in 20 years, that was not open to fair criticism.

Now, if I had had my own way in dealing with the present bill, I would have cut down many of the items provided for in the House bill.

Mr. KENYON. I may have misunderstood the Senator, but——

Mr. SMITH of Michigan. But I do not think there is a single item in this bill that has been put in through any method that was not highly creditable; and if there is anybody who has offended against the regulations of the Committee on Commerce, I think I have been the offender, because about the only item in this bill that the Engineer Corps have not recommended is one which I insisted should go in. It carries an appropriation of $25,000 to complete a harbor project on the east shore of Lake Michigan, which I know to be meritorious, and where the money has been and is being expended most advantageously and economically. Therefore, with this preliminary——

Mr. KENYON. With the preliminary will the Senator answer the question?

Mr. SMITH of Michigan. I do say to the Senator from Iowa that I consider this a good bill.

Mr. KENYON. That is rather evasive, I think.

Mr. SMITH of Michigan. And I think I can assume, without any compunctions of conscience whatever, the responsibility of voting to pass it.

Mr. KENYON. The Senator stated as a fact some time ago, at the beginning of summer, in substance that every item in the bill was right and should be passed and that not an item should go out of the bill.

Mr. SMITH of Michigan. Yes.

Mr. KENYON. So I suppose he still stands by that.

Mr. SMITH of Michigan. To have said otherwise would have been to impugn the work of the Engineer Corps, who have recommended it, except the one item I referred to, and I still stand by the statement.

Mr. KENYON. I understand the Senator from Michigan answers in the affirmative my question as to whether he stands for and believes in all the propositions in the bill as it came from the House.

Mr. SMITH of Michigan. No; I do not approve all of them as it came from the House, because we worked for weeks in the committee of the Senate, and we had the advice of the distinguished Senator from Ohio and other experts in this field.

Mr. BURTON. For only a part of the time.

Mr SMITH of Michigan. For a part of the time in changing the House bill. We made some changes, some desirable changes.

Mr. KENYON. The Senator believes those were desirable changes?

Mr. SMITH of Michigan. I do, and I think there might be some desirable changes made now, but I think the man who takes the responsibility upon his shoulders of arresting the river and harbor work now in progress, and which is provided for in this bill, assumes a responsibility to the commercial interests of this country which is a very great burden for him to bear. I know the Senator from Iowa——

Mr. KENYON. If the Senator will permit me to answer——

Mr. SMITH of Michigan. I know the Senator from Iowa is perfectly willing to take his share of the responsibility.

Mr. KENYON. I would enjoy taking the responsibility if I could defeat it, but I can not do it. I realize that.

Mr. SMITH of Michigan. Then it is the Senator's purpose to defeat the bill, if he can?

Mr. KENYON. The Senator asked me that question some time ago and I have tried to get an opportunity to answer it. It is not my purpose to defeat the bill. It can not be defeated, there are so many interested in the bill in the different States and in the different congressional districts. That is the very iniquity of the bill, because there are more men in this Chamber and in the House who will vote for the bill than would vote against it. I do not mean it now in any criticism; they are just as honest as I am. But they will vote for it with what they believe are bad items in the bill, because if they do not do that they can not get the items which they believe are right and proper for their States. I have had that proposition in my State. Along the Mississippi River our people are aroused about this matter, and they have criticized me severely, and say, "Pay no attention to the fact that there are, in your judgment, unjustifiable items in the bill, because we get what is right for our State." That is the iniquity the Senator from Ohio pointed out.

Mr. GALLINGER. If the Senator will permit me just one word. The Senator calls attention to the fact that there are so many diverse interests in this bill. Has the Senator taken cognizance of the fact that there is an insidious lobby at work in favor of the bill?

Mr. KENYON. All over the country.

Mr. GALLINGER. I wish the lobby committee would investigate and find out.

Mr. SMITH of Michigan. I do not know of any lobby.

Mr. GALLINGER. The Senator does not read the newspapers, then?

Mr. SMITH of Michigan. But I can not see these pilfering battalions in the newspapers. I should like to see them with my own eyes.

Mr. GALLINGER. The lobby knows that the Senator from Michigan is in favor of this bill and they are not troubling him about it, of course.

Mr. SMITH of Michigan. The lobby must have steered clear of the members of the committee. I do not believe any member of it has pursued the Senator from Ohio any more than he has pursued any other member.

Mr. BURTON. I am compelled to say they have all done what is their right.

Mr. GALLINGER. It is insidious.

Mr. BURTON. Persons of influence from my own State have come to me. I have received letters and telegrams from my own State.

Mr. SMITH of Michigan. Does the Senator mean chambers of commerce?

Mr. BURTON. Yes; business men's leagues, and all that sort of thing. It has been going on for two months.

Mr. GALLINGER. Is there not an organization in Washington in the Southern Building promoting this matter?

Mr. BURTON. I do not know. I notice there is a pretty live press bureau at work.

Mr. SMITH of Michigan. Has it come to a point that a Senator is not willing to be seen by representatives of chambers of commerce and boards of trade and common councils and organizations of business men? Has it come to that point in our affairs?

Mr. GALLINGER. It seemed to have come to that point when the tariff bill was under consideration.

Mr. SMITH of Michigan. But we deplored it, and now we are going to use that same implement to force back the advocates of this bill. It does not terrorize me at all.

Mr. GALLINGER. Of course not.

Mr. SMITH of Michigan. I said before the lobby committee, as I say in the Senate, that from the time I entered Congress until this minute I have been lobbied by everybody who cared to see me about public business, and I have never yet been approached by anybody in any manner to reflect upon my honor or my integrity as a man. I have seen everybody and listened to everybody who had any complaint to make or any petition to deliver, and when the time comes that I climb onto a pedestal, that I close my ears to the pleadings of people in any walk of life, whether they represent a community or individuals, I will go out of this Chamber, because this is no place for a man who arrogates to himself all the wisdom and all the information necessary to decide every question in the most intelligent and patriotic way.

Mr. GALLINGER. Mr. President, if the Senator from Ohio will permit me, nobody that I know of has arrogated all wisdom. I have received communications from all over the country urging me to support this bill, from men I never heard of, from organizations I never heard of. I have reason to believe that there is an organization in this city promoting this bill.

Mr. SMITH of Michigan. For whom?

Mr. GALLINGER. For whom?

Mr. SMITH of Michigan. Yes. What are private individuals going to gain by this measure?

Mr. GALLINGER. If I read the newspapers aright, it is claimed that a great many people are to be thrown out of employment if this bill does not pass.

Mr. SMITH of Michigan. Naturally.

Mr. GALLINGER. Work is to be secured for men. I would like some of it for New England. We need it. So along the line. I say there is an unusual pressure for the passage of this bill by men who, in my judgment, must have some personal interest. I do not know to what extent.

Mr. SMITH of Michigan. Is it a wholesome interest in which their community already shares or is it an individual interest by which the person himself solely profits?

Mr. GALLINGER. I have no doubt that if the streams that ought never to have been improved get a million dollars from the Congress of the United States, and it gives employment to men along the shores of that worthless stream, they have a personal interest in it; and I think I will be able to show in my own time that there are a great many such streams that are proposed to be improved in this bill.

Mr. SMITH of Michigan. Mr. President, the Senator from New Hampshire is a wise man, a well-disposed man, and an able legislator. I am going to ask him whether he would intimate or suggest that one dollar of the money appropriated by these bills and paid out upon the certificate of our engineer officers ever finds its way into the pocket of a purloiner.

Mr. GALLINGER. I never made such a suggestion.

Mr. SMITH of Michigan. If it is expended——

Mr. BURTON. Mr. President, I must decline to yield further.

Mr. SMITH of Michigan. If it is expended honestly——

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Ohio declines to yield further.

Mr. SMITH of Michigan. The question of the wisdom of the expense is something which Congress as a whole may determine and not a coterie of self-appointed critics.

Mr. BURTON. Mr. President, the Senator from Michigan has stated that he thinks this bill is as good as any that has been considered since he has been a Member of the Senate. Of course, he was not present during the discussions and deliberations. Any river and harbor bill involves an amount of detail that it is almost impossible to master all its features. But that statement impresses me with the necessity of arguing this bill thoroughly before the Senate. There are items here that are legacies from prior years. I do not claim to be free from blame for projects for which the Government of the United States had been appropriating. The House committee, when I was chairman, made mistakes. A different idea prevailed at that time as to what could be accomplished by inland waterway improvement from that which the intelligent sentiment of the country now sanctions. But I do say that this bill is the climax of injudicious appropriations.

I want to call attention to a few projects briefly and as introductory to a more elaborate consideration hereafter, and as an indication of what we are doing in this bill if it passes. In the first place, I will mention a minor item in the bill. The Red River below Fulton, Ark., to the mouth of the Atchafalaya has a length of about 475 miles. This bill came to the House with no appropriation for that stretch. It had been ridiculed somewhat in the past. I had attacked it myself on the floor of the Senate in the year 1910, and that element which acts as a sort of censor over us, the magazines of the country, had taken up this case and exploited it to some extent. But the Senate has made an appropriation of $100,000 for that stretch of the stream.

Now, let us see what that appropriation would accomplish. The total traffic for the year ended June 30, 1913, on this portion of the river was 44,967 tons. Included in this there were floated logs, which need no improvement, amounting to 42,540 tons, and lumber, 1,100 tons, which also need no improvement, leaving a balance of miscellaneous freight, made up of grain, hay, etc., of 1,227 tons. For the facilitating of the carriage of that 1,227 tons Congress is asked to appropriate $100,000.

This is an absurdity. The figures do not differ materially from what they were one, two, three, four, and five years ago. There was a time when there was traffic on this stream. Now it has practically disappeared. The floating of logs and lumber is practically all that is left on that waterway, which in the days of the Civil War and after assumed some prominence as an agency of transportation. The amount expended during the year ending June 30, 1913, was $86,938, or more than $70 a ton, and it is now proposed that we appropriate $80 for every ton of freight that would be aided by this improvement.

Mr. President, is the Senate ready to stand up against the censure and obloquy that will be incurred by including this kind of an item in this bill?

There is another part of the river that is worse than that, and that is the upper portion—290 miles—from Fulton, Ark., to Denison, Tex. There is an appropriation in this bill of $50,000 for that stretch. The amount of freight for the calendar year of 1912 was 13,832 tons, of which logs floated were 13,250 tons, leaving a balance of 582 tons of miscellaneous freight. The total value of the 13,832 tons was $45,250.

Mr. CHILTON. Mr. President——

Mr. BURTON. Then it is proposed here to appropriate——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. BURTON. In just a moment. It is proposed to appropriate $50,000 for this stretch of the stream, which is $5,000 more than the value of all the traffic that was floated upon it. The proposed appropriation reaches the magnificent, or munificent, total of some $80 or $90 a ton carried on this portion of the river. I now am glad to yield to the Senator from West Virginia.

Mr. CHILTON. I should like to ask the Senator whether he is referring to an initial improvement or an improvement which has gone forward? In other words, does the tonnage to which he refers mean a tonnage that has been developed by an appropriation already made by the Government, or has there been no improvement at all upon the river as yet?

Mr. BURTON. In the lower portion of the river $2,695,000 was expended, according to the last statement that I have in mind, to develop the traffic, and this is the result. The improvement of the lower portion began in the year 1828.

Mr. CHILTON. I want to call the attention of the Senator to the fact that his figures are bound to be misleading as to some rivers as to which I have personal knowledge. Take, for instance, an improvement with which the Senator from Ohio is familiar in my own State—the Kanawha River.

Mr. BURTON. Big or Little?

Mr. CHILTON. The Big Kanawha River. The Little Kanawha River, as the Senator knows, was improved by private capital.

Mr. BURTON. It was taken over by the Government.

Mr. CHILTON. It has been taken over, but the original improvement was by private capital. The improvement upon the Big Kanawha River is a matter as to which I would not have any public or private interest, because that has been completed by the Government. The traffic on that river is no criterion whatever of the great advantage that that expenditure by the Government has been to a great section of that State, for the reason——

Mr. BURTON. When I reach that class of cases I will dwell upon it. Here is a case, however—the lower portion—where the improvement has been under way 86 years. It is not one of the new improvements, such as those to which the Senator from West Virginia refers.

Mr. CHILTON. Is there any railroad traffic that comes in competition with it?

Mr. BURTON. Oh, yes.

Mr. CHILTON. That is the very point I want to impress upon the Senator. I know that the Kanawha River has been a leveler of railroad rates all through that part of the country.

Mr. BURTON. I do not wish to take that subject up at this time. I merely want to go over certain projects. At a later time I intend to dwell on that idea of leveler of railroad rates and see what there is in it.

Mr. RANSDELL. Will the Senator yield to me?

Mr. BURTON. Certainly.

Mr. RANSDELL. I will say in answer to the Senator from West Virginia about railroads being in competition that there are fine lines of railroad on the banks of that river. It is one of the richest valleys in the United States. There is a large population and a great deal of commerce, agricultural products and lumber. The river certainly has a wonderful effect upon the commerce there, although there is not a great deal carried at this time by the river.

Mr. BURTON. I rather think there is not a great deal carried by the river. The statistics show that.

Mr. CHILTON. If the Senator will pardon me, if that be the situation, the figures as to what the traffic on the river is will have no bearing in the world upon the subject, so far as I may be concerned, because I know——

Mr. BURTON. I recognize that the Senator from West Virginia represents one school of thought. Mr. President, I intend somewhat later to dwell on the argument which has so demoralized our river and harbor appropriations, that where there is local pressure for improving a river or building a canal, it does not matter how many millions you waste on it, providing some one can say it regulates railroad rates. When you come to analyze that question thoroughly, it does not regulate railroad rates; they are regulated in another way entirely.

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. BURTON. I really am anxious to finish my remarks by 2 o'clock, and this is anticipating a line of argument which I desire to go into at some considerable length. I do not wish to take it up now.

Mr. CHILTON. Will the Senator permit me merely to say that I do not belong to any school of thought on this subject. I am trying to ascertain what is the truth; what are the facts. I am committed to no policy; I am not committed to vote for this bill or to vote against it. I am a student of the subject; and I wish to decide the question as I think may be right and as the facts warrant. I simply interpose the thought I have stated. I do not represent any school of thought; and I would certainly resent from the Senator from Ohio or from anyone else the statement that I had been demoralized. I have not associated with the Senator nor with anyone else here long enough, I think, to be demoralized by any school of thought or by any particular idea as to these questions.

Mr. BURTON. The Senator from West Virginia stated that the fact that no traffic was carried on the river would not influence his opinion at all; in other words, he joins with those who have brought forward the propositions which have caused so much waste and absurdity in our river and harbor appropriations in the past. I shall be very glad to discuss at some future time the question of the propriety of this class of appropriations.

Let us notice a further fact in regard to these two cases. In that portion of the river below Fulton there is a balance on hand of $42,097; on the portion above Fulton there is a balance on hand of $64,547; there was expended on this upper portion in 1913, $33,664.83; in 1914 there was expended $23,652; showing that there is a balance on hand now of $7,000 more than was expended on this stretch of the stream for two years. Yet the argument is used that we need additional appropriations to provide for the rivers and harbors of the country. Although the balance on hand exceeds that which was expended for two years, the Congress of the United States is asked, in the face of this balance of $64,000, to appropriate $50,000 additional on the Red River between Fulton and Denison, Tex., to take care of 500 or 600 tons of freight valued at less than $50,000, which you are proposing to expend.

Mr. President, there is another line of appropriations here that I hardly have time to take up before 2 o'clock, but I wish to dwell upon them somewhat briefly. There has been an agitation supported by a powerful association for the construction of certain intercoastal waterways, extending all the way from Massachusetts to Florida and from Florida along the Gulf to Texas. In other words, as subsidiary to the ocean with its channels, it is proposed to construct inland waterways that are protected from the storms. It is a most ambitious project. The plan is to go ahead wherever there is enough influence anywhere in the United States and to construct links in this enormous waterway. Already there have been constructed quite a number of the smaller ones and one large one, by private capital, known as the Cape Cod Canal, about 7¾ miles in length, which very much shortens the distance between Boston and New York, and obviates the necessity of going around Cape Cod.

What is the sensible thing to do in this situation? To go ahead and construct all these waterways, to build them, hit or miss, wherever there is influence enough behind them, or to wait and give the best of those which have already been selected a trial? If there is any one defect in our whole system of river and harbor appropriations, it has been the committal of Congress to plans of improvement that were merely experimental. With object lessons before us, projects which will prove whether a certain method of improvement is desirable, pressure is brought to bear on Congress, and often successfully, to go ahead with a large number of separate experiments and finish them at one fell swoop.

Let me call attention to a few of these proposed improvements and let us see what the magnitude of them is. I will only go as far as North Carolina. First, the Boston and Narragansett Bay section. For that section the estimates vary from $17,000,000 for a canal 18 feet deep to $40,000,000 for a canal 25 feet deep. That has not yet been recommended by the Board of Engineers, but I have no doubt that if the Committee on Rivers and Harbors of the other House pass a resolution asking them to reconsider it they certainly will approve it. The engineers are not really to blame for that. They regard that committee and the Committee on Commerce of the Senate as expressing the wishes of the people as to river and harbor improvements, and projects which otherwise they would turn down unanimously receive their approval when there is a legislative demand a second time to examine them.

Next to Narragansett Bay is the Long Island Sound section, which is quite short, but there is recommended a very generous plan for that improvement to cost $12,322,000. That is the recommendation before this Congress.

Mr. SIMMONS. Mr. President, before the Senator from Ohio enters upon the discussion of the question he has now raised——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. I do.

Mr. SIMMONS. I want to ask him a question with reference to the reports of the Board of Engineers. The Senator stated that if the engineers were asked by a resolution of Congress to reexamine a project they would take that as an indication of a sentiment in Congress in favor of the project and would make a favorable report thereon. I will ask the Senator if it is not a very rare thing that the committee either of the Senate or of the House ask for such a reexamination?

Mr. BURTON. It is rare; but I will show before I get through that some of the very worst projects in this bill came before us under those circumstances, projects which have been turned down by the Board of Engineers, and then when such a resolution is passed they come in here with a favorable report on them.

Mr. SIMMONS. Now, let me say to the Senator that, as acting chairman of the Committee on Commerce, in considering this bill, I do not recall that we passed a resolution of that kind, except in one solitary instance, and that was with reference to a little project in the State of South Carolina in which the senior Senator from that State [Mr. TILLMAN] was profoundly interested. It only involved an expenditure of about $40,000 for the completion of the project. That is the only resolution of that kind that we have passed at this session; and the Board of Engineers reported against the project and in favor of the appropriation of only the amount as provided in their original report. Their original report provided for an expenditure of $14,000. The Senator from South Carolina produced evidence that seemed very convincing to many members of the committee that at least $40,000 would be necessary to make certain improvements which were urgently needed in the interests of commerce. Upon that representation we passed the resolution and asked the Board of Engineers to reexamine the project. They did reexamine it, but adhered to their original report, and turned down the suggestion of the senior Sena-

tor from South Carolina. That is the only instance I recall during this session of Congress in connection with this particular bill.

Mr. BURTON. Mr. President, before I am through, perhaps to-day, I shall give sufficient instances. For example, a report was made condemning a plan for the canalization of the upper Cumberland River; then a resolution was passed by the Committee on Rivers and Harbors asking that there be a reexamination. Forthwith came in a report recommending $4,500,000 for that improvement. It is contained in this bill, too.

Mr. SIMMONS. When was that resolution passed?

Mr. BURTON. It was passed within the last 18 months, I think.

Mr. SIMMONS. Not in connection with this bill?

Mr. BURTON. Looking forward to the pending bill, and looking forward to it so successfully that it is in the bill with an appropriation to the amount of $340,000.

Mr. SIMMONS. Certainly it was not after I assumed charge as acting chairman and while we were making up the bill.

Mr. BURTON. I think not.

Mr. SIMMONS. The Senator from Ohio says that the engineers accept the passage of such resolutions as indicating a policy on the part of the committee and through the committee of Congress.

Mr. BURTON. The trouble about that is, if the Senator will excuse me—the Senator has only given one instance, and that a comparatively trivial one——

Mr. SIMMONS. The Senator has given only one instance in this case.

Mr. BURTON. I know of others, but that one occurred to me. I can cite another in a minute. The Sacramento and Feather Rivers, the improvement of which is based upon a resolution passed by the Committee on Rivers and Harbors of the House. There is the comparatively small sum of $5,860,000 involved.

Mr. SIMMONS. Oh, I thought the Senator's intimation went to the extent of a statement that the Board of Engineers regarded the resolutions of the committee as indicating a policy, and that they were subservient to that indicated policy.

Mr. BURTON. I do not say they are subservient, but I think they will regard it as an intimation of the wish of Congress when that sort of a resolution is passed.

Mr. SIMMONS. Now, I want to ask the Senator one other question with reference to the reports of the Board of Engineers. The Senator has referred frequently to the liberalization of the views of this board in deference to a supposed policy of Congress. I want to ask the Senator if he has with him available data showing the number of surveys that have been ordered and the reports of the board turning down those surveys or approving them, so that we may get the data here as to how many of these projects on which surveys have been authorized have been unfavorably reported upon and how many have been reported upon favorably?

Mr. BURTON. I do not wish to go into that subject at this time, but I will say that there have been quite a proportion of favorable reports, much larger than formerly. I remember an instance in which they reported on 53, out of which number 51 were reported on unfavorably. Take this bill here, with Muddy Creek and Little Muddy Creek, and all the streams that you can search for on the map with a microscope and not find them, is it any wonder that they report against the larger share of them?

Mr. RANSDELL. Mr. President——

Mr. BURTON. I yield to the Senator from Louisiana.

Mr. RANSDELL. I should like to answer a part, at least, of the question asked by the Senator from North Carolina, the acting chairman of the committee.

Mr. BURTON. As to the proportion?

Mr. RANSDELL. As to recent surveys. I have a letter, which I will be glad to hand to the Senator in a moment, from Gen. Dan C. Kingman, Chief of Engineers, stating that of the last 400 surveys ordered by Congress and acted upon by his board, 260 were reported upon adversely and 140 were favorably reported. Out of the 140 he said that about two-thirds were merely modifications of existing projects where the increasing commerce rendered necessary some additional enlargement of the work. Let me repeat that of the 400, 260, or nearly two-thirds, were turned down completely, adversely reported, and 140 were favorably reported.

Mr. BURTON. Mr. President, I am not at all surprised at that. Anyone who has in his vicinity a creek or inlet, a place where ducks can not wade, and who sends a letter here about it, expects to have an item for that creek or inlet included in the bill in order that a survey may be made; and the wonder is that nine-tenths of them are not reported unfavorably. I call attention to the figures, which I recall very distinctly when I was chairman of the Committee on Rivers and Harbors soon after the organization of this board, when out of 53 cases 51 were adversely reported.

Mr. RANSDELL. Does not the Senator admit that whenever a survey is ordered it is done first on the earnest insistence of the community where the stream is located, which thinks the improvement is needed, which has confidence in it, and is willing to spend its time and money in travel and in writing letters for it? Then the Representative in Congress from that community or the Senator from the State advocates it; so that a great many people certainly must have faith in the projected improvement when they go to the trouble of asking for the survey to be made. And surely it is not reasonable to suppose that a distinguished Member of Congress would ask for a survey of a project in which a duck could not wade, unless it be in connection with some such project, for instance, as the great waterway across the State of New York on which $101,000,000 is now being expended, and in the course of which there are many places where there is no water at all for ducks to wade in and will not be until it is put in there by a real canal.

Mr. BURTON. Mr. President, I do not believe the Senator from Louisiana would altogether wish to fix as the standard of wisdom in legislation the many surveys that appear in our constantly recurring river and harbor bills. It is very evident that in many instances all that is behind them is a letter or telegram from some constituent. I have repeatedly stated that in orders for surveys is to be found the place to begin in the curtailment of unnecessary and extravagant appropriations. We should exercise some scrutiny before we include every project that comes to us in the list of those to be examined by the engineers. Oftentimes it is probable that some one gets an idea that if the creek that goes by his door could be surveyed and improved it might be made navigable to the Panama Canal, and the Representative from the district, without any particular trouble, has the item included in the bill. We ought, however, to exercise some degree of restraint in including them. I am, however, getting clear away from the subject about which I desire to talk. I wish before 2 o'clock to give some further illustrations of injudicious projects.

Mr. RANSDELL. Mr. President, the Senator can continue as long as he likes so far as I have any control of the time. I simply want to say, as he has mentioned my name, that I did not pretend to say that we must base our policy for river and harbor improvements upon the orders for surveys. I do say, however, that we must base our policy upon the action of the board of engineers on these surveys, and I do say the very instance I have stated, where, of 400 surveys, the engineers disapproved 260, or nearly two-thirds, shows that the engineers have been extremely conservative, and it seems to me that that fact gives a denial to the inference of the distinguished Senator from Ohio that the engineers will do what Congress wants them to do. Congress in this instance ordered 400 surveys; many Senators and many Representatives were deeply interested in those 400 surveys, and yet the board of engineers refused to approve 260 of them, which was an extremely conservative and perhaps wise action on their part.

Mr. BURTON. Mr. President, in the beginning of this discussion I pointed out the exceptional regard given by the board of engineers to cases in which there was a resolution passed by the Committee on Rivers and Harbors of the House for a reexamination of a project, and likewise the same deference would naturally be paid to a resolution passed by the Senate Committee on Commerce, although such resolutions passed by that committee have been very few in number.

This discussion has taken a very much wider range than I anticipated, in that reference is made to all kinds of surveys. It is perfectly evident that many creeks and inlets and ambitious plans for canals are included in the river and harbor bill, where they are barely worthy of any consideration whatever, and it is not at all surprising that two-thirds of those have been turned down in recent years, while the fact is that in earlier years, where more scrutiny was exercised in passing upon items to be included in the list, the proportion was even larger.

Now, I want to give, if I have the time, a few illustrations of proposed inland waterways to which I was referring when interrupted.

The next item to which I desire to call attention is the one for the New York Bay and Delaware River section. The estimated cost of an 18-foot waterway between Bordentown and Trenton is $45,000,000.



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The next one is the Delaware River and Chesapeake Bay section, where the estimate for a 12-foot canal is $8,000,000. Then there is the Norfolk-Beaufort Inlet section, where there is an estimate for a channel 12 feet in depth at an estimated cost of $4,901,580, with $500,000 expended for the Albemarle & Chesapeake Canal. Congress, by an act passed a couple of years ago, committed itself to the last-named project, and I wish to dwell on it for a few moments.

Now, you will note that there are here for inland waterways reaching as far as North Carolina estimates to the amount of $120,000,000. No man can tell whether one of them will prove a success. We have had reports of the engineers upon them in which, while they show that sanguine disposition that characterizes the communities and to an extent that of some of the members of the Engineer Corps, the doubt is expressed as to whether they will be fully utilized. Now, I say, Mr. President, it is time to pause until some of those already finished are tried out to see whether they will amount to anything.

It is with some reluctance that I speak of a canal through the State of the Senator from North Carolina, known as the Norfolk-Beaufort waterway, but I think, Mr. President, this deserves comment. The estimated cost of this improvement is $5,400,000. Of this there has been expended for the Albemarle & Chesapeake Canal $500,000.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. Yes.

Mr. SIMMONS. Mr. President, is the Senator opposing the item in the bill with reference to this improvement?

Mr. BURTON. I am opposing the appropriation in the bill of $600,000.

Mr. SIMMONS. I want to express to the Senator my surprise, because this is the first time I have had any intimation that he was opposed to it. I understood that he was favorable to it.

Mr. BURTON. I do not know that I have ever expressed an opinion in favor of that waterway. I certainly opposed it when I was in a position to exert some influence on the matter. Let it be analyzed; let us see what it is.

Mr. SIMMONS. The Senator is a member of the Committee on Commerce, which approved this item, I understand.

Mr. BURTON. The Senator from North Carolina is not as accurate as he usually is, in that he knows perfectly well, and other members of the committee know perfectly well, that I found after the year 1910 that my own ideas of conservatism were not going to prevail in that committee, but I never approved this specific item, and, indeed, there was a vote taken upon it on which, with several other members of the committee, I voted against it. I refer to the time when it was first adopted.

Mr. SIMMONS. I do not mean to say that possibly the Senator ever approved it, but I do mean to say that I was a member of the subcommittee considering it, and my impression was that when this item was reached the Senator from Ohio acquiesced in it, though, of course, it is for the Senator himself to say as to whether or not he did so.

Mr. BURTON. In this particular case on this particular bill the Senator from North Carolina may be right; but I want to have it distinctly understood that in the last few weeks and months I have given examination to these projects much more elaborately than for years before, and I have learned a great deal about them. It is proposed to provide a waterway to cost $5,400,000, with a channel 12 feet deep, where already waterways are in existence of 10 and 9 feet depth, a depth greater than in a majority of artificial waterways in the United States and in Europe. One of these connects with the Albemarle & Chesapeake Canal and the other with the Dismal Swamp Canal. In past years, when timber was in abundance, there was a very considerable amount of traffic there, but as the timber is cut off that traffic diminishes. What will the improvement accomplish? It will give a greater depth of channel, 3 to 2 feet, respectively, to about 80,000 people, or about $60 apiece to those who are there. What are the figures of the traffic in that locality? There was, as shown by the reports, in the year 1890 a maximum traffic of 403,111 tons. That fell in 1900 to 195,958 tons, in 1910 to 135,626 tons, and in 1912 to 90,337 tons. It is possible that with the impetus given to the work, and through the material which is brought in, there may be some slight increase in the years to come; but the points to be noted are, first, the existence there already of waterways 9 and 10 feet deep, and, second, the very small population accommodated by it.

It was said at one time that traffic would go through this waterway and thus avoid Cape Hatteras. Why, Mr. President, that is a chimera. Do you believe that the master of a sailing vessel is going to have his boat hauled 186 miles—for, I believe, that is the distance—by a tug, in a waterway that in many places is narrow, with danger of running aground almost every mile, when there is the open ocean before him? Is the proprietor of a steamer going to take his boat through that canal? The engineers even left this out of account in their recommendation. What is more, the depth of 12 feet is less than the draft of nearly all the sailing vessels—certainly I may say the steam vessels—that ply past Cape Hatteras and Cape Lookout and by the State of North Carolina.

I insist that this amount of $600,000 is not fair to other projects in the rest of the country.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. In a moment. In addition to that, there was on hand on the 30th of June last a balance of $823,766 to the credit of this improvement.

Mr. SIMMONS. Mr. President——

Mr. BURTON. I yield to the Senator from North Carolina.

Mr. SIMMONS. I assume that the Senator from Ohio desires to be fair, not only toward this project but toward the Senate, in the discussion of this and other items in the bill.

Mr. BURTON. Mr. President, if there is a brief statement or question which the Senator from North Carolina desires to submit, I shall be glad to yield; but it was my thought to go on with certain projects in the bill this afternoon, and I should very much prefer to do so. I shall recur again to this North Carolina project. If, in a sentence or two, the Senator from North Carolina can state any objection to what I have said, or ask any question, I shall be glad to respond; but I do not want to yield for an argument at this time.

Mr. SIMMONS. I am not going to discuss the matter at all; but I think the Senator, when he hears what I am going to say, will welcome the suggestion.

The Senator has referred to the small amount of commerce going through the Albemarle & Chesapeake Canal, and the fact that there is a depth of 9 feet there, or, rather, I think it is 8 instead of 9 at present; but the Senator has failed to state to the Senate that the sound system of North Carolina embraces, I think, about 3,000 square miles of territory covered by water, and that traffic going to the north from that immense volume of water, upon which there are a great many important cities, including probably one-fifth of the counties of North Carolina, must go through this canal or the other canal which connects those waters with the sound system; that is, either the Albemarle & Chesapeake Canal or the Dismal Swamp Canal. The Senator has also failed to tell the Senate that both of those canals until recently were privately owned, and that they imposed what was regarded in that country as a very heavy toll upon commerce going through them. The Senator will find that before the Government bought this canal the two canals were collecting in tolls annually from the people who live along the borders of this sound system and the rivers tributary to it somewhere, I think, in the neighborhood of $100,000 a year. Of course the tolls interfered with the full development of commerce through those canals.

The Senator has also failed to tell the Senate what is a fact, that since the Government took over this canal, since it bought it at a price of $500,000, in a dilapidated condition—the other canal was doing most of the work—there has been, to a certain extent, a suspension of traffic through that canal while the Government has been improving it, and that that traffic has been diverted to the Dismal Swamp Canal, which is a privately owned canal, and which charges tolls.

If the Senator will take the two canals together, he will find that even when they had to be used at an expense of something like $100,000 a year in tolls, there was a very good traffic through those canals. When the Government shall complete the enlargement of this canal, and it shall be fully opened to commerce, I can tell the Senator, because I live in that section of the State, that there will be an enormous tonnage through it. Of course, the committee recognizes, and everybody recognizes, that when the Government shall improve this canal which it has bought it will necessarily close up the other canal, and the whole business upon the borders of that immense body of water, covering 3,000 square miles, with all the great rivers in North Carolina except two emptying into it, will be diverted to the Government canal, so that the traffic going through there will be enormous. A large part of it is a character of traffic that would naturally seek water transportation, provided the terms were terms of freedom instead of terms of toll and tribute, such as have existed in the past.

Mr. BURTON. Mr. President, I am glad the Senator from North Carolina has made the statement he has made; but when he examines the statistics I think he must admit that some of his deductions are erroneous. He states that there is some 3,000 square miles, I believe, of water there. What is needed for traffic is not water, but land. Now, let us see what are the counties that are tributary to this very wide expanse of water:

The county of Currituck, with 7,693 population.

The county of Camden, with 5,640 population.

The county of Pasquotank, containing Elizabeth City, with 16,693 population.

The county of Dare, containing Manteo, with 5,219 population.

The county of Hyde, containing Swan Quarter, with 8,840 population.

The county of Pamlico, containing Beaufort and Washington, with 30,877 population.

There are these and other counties, the aggregate population of which is something less than 100,000; and what is more, they have not increased in population in recent decades.

This, however, is the vital point about it: With all the tolls on the canals—the Dismal Swamp Canal and the Albemarle & Chesapeake Canal—a very much larger traffic was there 20 years ago than exists now. I do not know that I object to buying out the Albemarle & Chesapeake Canal and paying $500,000 for it and making it toll free. In the days when I was a member of the Committee on Rivers and Harbors of the House the principal agitation for this inland waterway arose from those two canal companies, the Albemarle & Chesapeake and the Dismal Swamp, both of which wished to sell out to the Government. In 1890 there was, as I have already pointed out, a traffic of 400,000 tons. In 1909 the reports of the Chief of Engineers show that through one of these canals there went 400,000 tons and over—I do not remember the exact figures; that was the Dismal Swamp Canal—and through the other 300,000 tons and more. Since then, with the cutting off of the timber, the traffic that has gone through there has diminished, some commodities almost disappearing.

I do not wish, for any vindication of my own views, to see traffic falling off there, but I know of no way by which to judge of the future development of freight movement in that locality except by the past; and when they have had 9 feet and 10 feet in use for years, notwithstanding they have had the obstacle of tolls, and there has been a marked decline year by year, there is every indication that the decrease will continue in the future.

Mr. SIMMONS. Mr. President——

Mr. BURTON. I do not see what there is there, with this comparatively small population, with the timber denuded, to create traffic. There is not the source from which freight comes adjacent to this waterway. We have tried it out with waterways as deep as almost any inland waterways in the country here these 20 years, and the quantity has been diminishing all the time. Now it is proposed to increase these depths a couple of feet at an expense of $5,400,000 and abolish the tolls on one of the canals—and I want to say that the best and largest traffic has been through the other canal, that is not acquired——

Mr. SIMMONS. Mr. President——

Mr. BURTON. While we are talking about additional taxation, it is well to bear in mind that there was $800,000 on hand to the credit of this improvement on the 30th of June last—more than was on hand to the credit I think of practically all the harbors on the north shore of Lake Erie in the State of Ohio, where there is a traffic of 60,000,000 tons as against 90,000 tons here; more than there is in the city of Chicago; more than there is to the credit of the upper Mississippi from the mouth of the Missouri to St. Paul. With that amount on hand, it is asked that there shall be another appropriation here of $600,000.

Mr. RANSDELL. Mr. President, will the Senator yield to me for a moment?

Mr. BURTON. Certainly.

Mr. RANSDELL. There was a balance on hand of $823,000; but does not the same document which shows that balance on hand also show that there was an uncompleted contract there for $702,152?

Mr. BURTON. Very well.

Mr. RANSDELL. The contract had been let, leaving a very small balance.

Mr. BURTON. That contract will keep them busy for the rest of this year, no doubt. They are not going to spend that $702,000 between now and next winter. It is probably a contract which involves a very long time; or, if not a very long time, a very considerable time. I say, Mr. President, that it is out of proportion when you are appropriating $5,400,000 and expending it for an area so small as this.

Mr. SIMMONS. Mr. President, will the Senator yield to me now?

Mr. BURTON. Yes.

Mr. SIMMONS. I wish to call the Senator's attention to the fact that in enumerating the counties that lie immediately upon the borders of these sounds he left out the counties that lie upon the rivers that empty into the sounds, and which, for navigation purposes, are essentially——.

Mr. BURTON. The Neuse and the Trent and the Pamlico and the Tar?

Mr. SIMMONS. The Neuse, the Trent, the Pamlico, the Tar, the Bay, the Alligator, the Roanoke, the Chowan, and quite a number of other rivers. I will say to the Senator that outside of the Cape Fear River I think every navigable river in North Carolina empties into that sound system.

Mr. BURTON. What is the depth of the Neuse and the Trent?

Mr. SIMMONS. The depth of the Neuse and the Trent, for some distance up, up to my town—I live 40 miles——

Mr. BURTON. What is the depth?

Mr. SIMMONS. I am going to tell the Senator, if he will permit me. I live 40 miles from the mouth of the Neuse River, in the town of Newbern. That river empties into the Pamlico Sound. The depth of water up to Newbern, my home town, is 12 feet. That river is navigable for about 60 or 70 miles higher up. The town of Greenville, one of the largest in the State; the town of Washington, one of the largest in the State; the town of Kinston, quite a flourishing town, are on these rivers. One of these rivers will be navigable some day or other—it has a good depth of water now—up to the capital of my State. Practically all the waters of my State outside of the Cape Fear River empty into this sound system; and the sound system, for purposes of navigation, is as accessible to the counties along the borders of those rivers as it is to the counties immediately upon the shores of the sound.

The Senator says there has been a diminishing commerce there, served by these two private canals. Mr. President, the reason for that is not in any falling off of the commerce of that country. There has been no decline in the lumber-manufacturing industry in that section. There has been no decline in the fertilizer business of that section. There has been no decline in the cotton production of that section or in the truck production of that section. On the contrary, the lumber-manufacuring interest of that section has grown enormously in the last 10 or 15 years. In my own town, which is one of the great centers of lumber manufacturing in that State, the production has doubled, and more than doubled, in that length of time, and so all through that section of the country. We have not cut off the timber, as the Senator says, and, it being a fine reproducing section, we will not cut off the timber. It grows about as fast as you cut it down.

And so, Mr. President, with reference to the manufacture of fertilizer: The ingredient of that fertilizer comes by water. It comes now to Norfolk. It has to be taken from Norfolk either in boats, paying this toll that is charged, or it has to be taken by railroad; but there are big fertilizer factories in all of those towns that have been built up in recent years that are getting these materials coming by water into Norfolk.

The reason why there has been some decline in this traffic is twofold. In the last 10 years, or less time than that, a railroad has been built to the city of Newbern, to the city of Washington, to the city of Edenton, to the cities of Morehead City and Beaufort directly from Norfolk. When that road was built, and as long before it was built as I can recollect, there was a splendid line of steamers plying between the town in which I live and Elizabeth City, which was a distance of about 50 miles from Norfolk. They could not go directly to Norfolk, because the depth of these canals was not sufficient to permit them to go there. So they went to Newbern and from Washington to Elizabeth City, and then they took passage in a little branch railroad that ran out from Norfolk to Elizabeth City.

There was an immense traffic at that time. This line of steamers had boats on it that compared favorably with the boats that run on the Potomac River; not the largest, but the smaller of them. The railroad was built from Norfolk to my town. A few months after it was built the railroad bought out these splendid steamers that could not go to Norfolk because the depth of the water was not sufficient. They had to take passage at Elizabeth City upon this road which had been extended to Newbern, and in less than three months after they bought the boats of that line of steamers, which had been ply-

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ing there since I was a boy, those steamers suddenly disappeared and they have not been there since.

That is one of the chief reasons why there has been a decline in that traffic. Let us conform the depth of this canal to the depth of the sound, to the depth of the rivers on that sound—12 feet to Newbern, 10 feet to Washington, with an appropriation providing for 12 feet—let us conform it to that, and we will have again a magnificent line of steamers doing the business of that country in competition with the railroads and the people of that country will get the benefit of reduced rates of freight.

Mr. BURTON. Mr. President, I have many times listened to the argument, made in the utmost good faith, and often with much enthusiasm, that the decline in water-borne traffic is due to the fact that some railroad cajoled or bought off a steamer, and that "while we are getting along very poorly with our 8 or 10 feet, if you will only give us 12 feet all will be well"; but I am willing to make the assertion here, without fear of contradiction, that I never knew a prediction made on that basis or with that premise to be fulfilled.

Great tendencies in transportation are more marked and controlling than the little, trivial fact that occasionally a boat is bought off. Why, the Senator from North Carolina, in his statement of the fact that they have timber there now, and it grows as fast as they take it off, is making the most potent argument to show the futility of this waterway. Twenty-four years ago, when your channels were shallow, when your tolls were imposed, the traffic on these two routes was more than four times as much as it was in 1912. It is flying to a refuge which is not safe, it is leaning on a broken reed, to say that it is because a railroad was built there or some boats were bought off. If the traffic was shifted to the railroads, it was because that was the more convenient and economical way of carrying the freight; and no removal of tolls on canals, no enlargement from 9 or 10 feet to 12 feet in depth, no expenditure of $5,400,000, is ever going to bring back what has been lost to those channels. It is a chimera, it is a waste of public moneys, to attempt it.

I am thoroughly aware that the Neuse and the Trent and the Pamlico and the Tar and other rivers empty into these sounds, and they have emptied into them in all these past years. There has been the opportunity of sending freight from these rivers through channels in the sound deeper than most of these rivers are, deeper than all but one—the lower part of the Neuse. It is no new privilege which you are giving to the Neuse and to the Pamlico and those tributary rivers by this inland waterway. It is an opportunity which they have shared during all these years. They, with the sounds, have shared the decadence of this traffic.

Mr. McLEAN. Mr. President, will the Senator yield to me for a moment? I should like to introduce an amendment to the pending measure, and ask to have it printed.

Mr. BURTON. I have no objection, Mr. President.

Mr. GALLINGER. Mr. President, I should like to have the amendment stated.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Secretary will state the amendment.

The SECRETARY. On page 6, after line 4, the Senator from Connecticut proposes to insert:

Improving harbor at Stamford, Conn.: Completing improvement in accordance with the report submitted in House Document No. 1130, Sixty-third Congress, second session, $187,000.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I wish to make one observation.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. I do.

Mr. SIMMONS. Then I will not interrupt the Senator any more on this subject. [Laughter.]

Mr. BURTON. Does the Senator mean on North Carolina, or what? I am going to make a few more remarks about North Carolina.

Mr. SIMMONS. Upon the item the Senator is discussing.

Mr. BURTON. Well, that is all right, anyway.

Mr. SIMMONS. Mr. President, the Senator overlooks the fact in this connection that the canal which he is now talking about is not altogether a local enterprise, but that it is part of a great project that has been very much discussed in this country, for an inland waterway beginning at Boston and extending down the coast. One of the links is from Norfolk to Beaufort. That is the part of the coast where we have Cape Hatteras and Cape Lookout, two of the most dangerous capes upon the whole coast.

The Government has already built one of the canals at one end of this system of inland waters in North Carolina. This system of waters, immense, as I have stated, has been practically landlocked—except for the private canals of which I have spoken, altogether landlocked—both at the north end of the system and at the south end of the system. At the south end of the system, this being one of the sections of that inland waterway, the Government has already constructed a canal at a cost of something over $500,000, so as to connect the sounds at the south end with the ocean at Beaufort, N. C. It has already purchased one of these private canals, at an expenditure of $500,000, to connect this waterway system at the north end with Norfolk, or, rather, with the Elizabeth River.

The large sum which the Senator has mentioned is for the completion of that link of this great inland waterway system from Boston to Jacksonville, Fla. It will cost a considerable sum of money, but when it is finished we will have an inland waterway from Norfolk to Beaufort, by a direct route, with a depth of 12 feet. The distance saved by this route over the ocean route, to say nothing about the enormous dangers that navigation always incurs in passing around the Diamond Shoals and Cape Lookout, will be about 150 miles, as I remember. In other words, the distance by this inland route will be about one-half what it is by the ocean route. It will be safe, while the ocean route is regarded as the most dangerous of any point upon the Atlantic coast.

Mr. GALLINGER. I will ask the Senator from Ohio if he will yield to me?

Mr. BURTON. I desire to proceed, Mr. President. I should like to answer the statement the Senator from North Carolina has just made.

Mr. GALLINGER. I intend to occupy but a moment of time. I rise, Mr. President, to suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bryan | Jones | Overman | Smith, Mich. |
| Burton | Kern | Perkins | Smoot |
| Camden | Lane | Pomerene | Swanson |
| Chamberlain | Lea, Tenn. | Ransdell | Thomas |
| Chilton | McCumber | Reed | Thompson |
| Culberson | McLean | Sheppard | Thornton |
| Fletcher | Martin, Va. | Shively | Vardaman |
| Gallinger | Martine, N. J. | Simmons | Williams |
| Hughes | O'Gorman | Smith, Ga. | |

Mr. REED. My colleague [Mr. STONE] is necessarily absent from the city. In his absence he is paired on all matters with the Senator from Wyoming [Mr. CLARK]. I make this announcement for the day.

The PRESIDING OFFICER. Thirty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators, and Mr. BANKHEAD, Mr. FALL, Mr. POINDEXTER, Mr. SHAFROTH, and Mr. WHITE answered to their names when called.

Mr. ASHURST, Mr. SHIELDS, and Mr. BRADY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The Sergeant at Arms will carry out the order of the Senate and request the attendance of absent Senators.

Mr. LIPPITT, Mr. KENYON, Mr. LEWIS, Mr. COLT, Mr. MYERS, and Mr. OWEN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The Senator from Ohio will proceed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, requested the Senate to return to the House the bill (H. R. 17511) to authorize the Great Western Land Co. to construct a bridge across the Black River.

The message also announced that the House had passed a concurrent resolution (No. 47) authorizing the two Houses of Congress to assemble in the Hall of the House of Representatives on Friday, the 4th day of September, 1914, at 12.30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them, in which it requested the concurrence of the Senate.

## MEMORIAL.

Mr. McLEAN presented a memorial of sundry citizens of Hartford, Conn., remonstrating against an increase of the revenue tax on cigars, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 6435) granting a pension to John Carpenter, alias John Parsons (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 6436) granting a pension to Winifred Whitney;

A bill (S. 6437) granting a pension to Leather A. Crooker; and

A bill (S. 6438) granting an increase of pension to Elander R. Grant; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6439) to amend sections 9, 11, 13, and 16 of an act approved December 23, 1913, and known as the Federal reserve act, and for other purposes; to the Committee on Banking and Currency.

AMENDMENT OF FEDERAL RESERVE ACT.

Subsequently, during the delivery of Mr. BURTON'S speech,

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. I do.

Mr. SIMMONS. The Senator from Oklahoma [Mr. OWEN], who has to leave the city, as I understand, to-morrow, desires to bring before the Senate this afternoon a bill of an emergency character, proposing to make certain amendments to the Federal reserve system.

Mr. BURTON. That is, for consideration?

Mr. SIMMONS. Yes.

Mr. BURTON. How long a time will it probably take?

Mr. OWEN. I should think 30 minutes.

Mr. BURTON. That would bring us about to 6 o'clock. Is it the intention to adjourn at that time?

Mr. SIMMONS. Yes; it is the purpose to adjourn at 6 o'clock.

Mr. OWEN. It will only take a moment to dispose of the matter, because I find that there would be some objection to the present consideration of the bill. I should like to be permitted to submit the report on the bill and ask that it be printed, and that I may bring the bill up to-morrow morning.

Mr. SMOOT. Mr. President, I have no objection to that, but I should like it distinctly understood by the Senate that the Senator from Ohio in yielding for this purpose does not in any way yield the floor and is not to be charged hereafter with having concluded one speech on this bill.

Mr. BURTON. I want to be thoroughly amiable about this matter.

Mr. OWEN. I submit the bill, with the report, and ask that it be taken up to-morrow morning.

The VICE PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (S. 6439) to amend sections 9, 11, 13, and 16 of an act approved December 23, 1913, and known as the Federal reserve act, and for other purposes.

Mr. OWEN. I submit a report (No. 777) to accompany the bill.

Mr. GALLINGER. Does the Senator propose to take up the bill to-morrow morning? Is that what the Senator asked?

Mr. OWEN. I made the suggestion that I should like to be permitted to take it up to-morrow morning.

Mr. GALLINGER. I was about to say that if we are to have no opportunity to examine the bill it might be well to have it read to the Senate at this time.

Mr. OWEN. It would only take a few moments to have the bill read.

Mr. GALLINGER. I ask that the bill may be read.

The VICE PRESIDENT. The Secretary will read the bill.

Mr. SMOOT. Mr. President, I do not object to the reading of the bill, but I do not understand that the Senator from Oklahoma has asked unanimous consent to take up the bill to-morrow.

Mr. OWEN. I have not asked unanimous consent to do that.

Mr. SMOOT. But the Senator has merely given notice that he should like to be permitted to have it then taken up.

Mr. MARTIN of Virginia. Why not have the bill printed in the RECORD without being read?

Mr. GALLINGER. I have no objection to that. I should like to have an opportunity to examine it.

Mr. OWEN. I ask that the bill and report may be printed in the RECORD.

There being no objection, the bill and report were ordered to be printed in the RECORD, as follows:

A bill (S. 6439) to amend sections 9, 11, 13, and 16 of an act approved December 23, 1913, and known as the Federal reserve act, and for other purposes.

*Be it enacted, etc.*, That section 9 of the act approved December 23, 1913, known as the Federal reserve act, is hereby amended by adding at the end of the section a new paragraph, as follows:

"The Federal Reserve Board shall have the right to admit to all the rights and privileges of member banks of the Federal reserve system State banks complying with the provisions above set forth, as herein modified, where such State banks have a capital of not less than $15,000, organized in any place the population of which does not exceed 3,000 inhabitants; or where such capital is not less than $25,000, organized in any place the population of which does not exceed 6,000 inhabitants; or where such capital is not less than $100,000 in a city the population of which exceeds 50,000 persons; and on the further condition that such bank agrees to increase its capital stock, full paid and unimpaired, within 18 months to the minimum amount of capital required of national banks under section 5138 of the Revised Statutes of the United States."

That section 11 of the aforesaid Federal reserve act is hereby amended by adding an additional paragraph (m), as follows:

"(m) Upon unanimous affirmative vote of all its members, the Federal Reserve Board shall have power: First, to postpone or otherwise change the times of payment of the second and subsequent instalments of subscriptions to the capital stock of the several Federal reserve banks for a period or periods not exceeding four months in all; second, to postpone for a period or periods not exceeding four months in all as to any date when any reserve requirement prescribed for member banks in section 19 of this act shall become effective; third, to permit member banks to carry in the Federal reserve banks of their respective districts any portion of their reserves now required by section 19 of this act to be held in their own vaults; fourth, to permit member banks to count as part of their lawful reserves Federal reserve notes to an amount not exceeding 5 per cent of their net demand deposits: *Provided, however*, That on and after the expiration of 36 months from the date of the official announcement of the Secretary of the Treasury of the establishment of a Federal reserve bank no member bank shall count as part of its lawful reserve any balance kept with any other bank except the Federal reserve bank of its district."

That section 13 of the aforesaid Federal reserve act is hereby amended and reenacted to read as follows:

"SEC. 13. Any Federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks and drafts upon solvent member banks, payable upon presentation; or, solely for exchange purposes, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, or checks and drafts upon solvent member or other Federal reserve banks, payable upon presentation.

"Upon the indorsement of any of its member banks, with a waiver of demand, notice, and protest by such bank, any Federal reserve bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions; that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used or are to be used for such purposes, the Federal Reserve Board to have the right to determine or define the character of the paper thus eligible for discount within the meaning of this act. Nothing in this act contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products or other goods, wares, or merchandise, from being eligible for such discount; but such definition shall not include notes, drafts, or bills covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except bonds and notes of the Government of the United States. Notes, drafts, and bills admitted to discount under the terms of this paragraph must have a maturity at the time of discount of not more than 90 days: *Provided*, That notes, drafts, and bills drawn or issued for agricultural purposes or based on live stock and having a maturity not exceeding six months may be discounted in an amount to be limited to a percentage of the capital of the Federal reserve bank, to be ascertained and fixed by the Federal Reserve Board.

"Any Federal reserve bank may discount acceptances which have a maturity at the time of discount of not more than three months and are indorsed by at least one member bank and which are based—

"(a) Upon the importation or exportation of goods; or,

"(b) Upon the domestic sale or consignment of goods to be delivered to purchaser or consignee on or before the maturity of such acceptances.

"The aggregate of such notes and bills bearing the signature or indorsement of any one person, company, firm, or corporation rediscounted for any one bank shall at no time exceed 10 per cent of the unimpaired capital and surplus of said bank; but this restriction shall not apply to the discount of bills of exchange drawn in good faith against actually existing values.

"Any member bank may accept drafts or bills of exchange drawn upon it and growing out of transactions involving the importation or exportation of goods and having not more than six months' sight to run, or drafts or bills of exchange having not more than three months sight to run, drawn upon it and based upon the domestic sale or consignment of goods to be delivered to purchaser or consignee on or before the maturity of such acceptances, but no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half its paid up capital stock and surplus without the express permission in writing of the Federal Reserve Board."

SEC. 2. That section 5202 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 5202. No national banking association shall at any time be indebted or in any way liable to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise except on account of demands of the nature following:

"First. Notes of circulation.

"Second. Moneys deposited with or collected by the association.

"Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association, or due thereto.

"Fourth. Liabilities to the stockholders of the association for dividends and reserve profits.

"Fifth. Liabilities incurred under the provisions of the Federal reserve act.

"The rediscount by any Federal reserve bank of any bills receivable and of domestic and foreign bills of exchange, and of acceptances authorized by this act, shall be subject to such restrictions, limitations, and regulations as may be imposed by the Federal Reserve Board.

"Sixth. Liabilities on account of indorsement of foreign bills of exchange, two name commercial paper indorsed by a member bank, and such acceptances as are permitted under this act, as all these instruments may be defined and limited as to amount under regulations prescribed by the Federal Reserve Board: *Provided, however,* That all such liabilities shall be set forth in statements of condition made by such banks to the Federal reserve banks, and shall not exceed twice the unimpaired capital and surplus of the member bank."

That the first and second paragraphs of section 16 of the aforesaid Federal reserve act, relative to note issues, are amended and reenacted to read as follows:

"SEC. 16. Federal reserve notes, to be issued at the discretion of the Federal Reserve Board for the purpose of making advances to Federal reserve banks through the Federal reserve agents as hereinafter set forth and for no other purpose, are hereby authorized. The said notes shall be obligations of the United States and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs, and other public dues. They shall be redeemed in gold on demand at the Treasury Department of the United States, in the city of Washington, D. C., or in gold or lawful money at any Federal reserve bank.

"Any Federal reserve bank may make application to the local Federal reserve agent for such amount of the Federal reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal reserve agent of collateral in amount equal to the sum of the Federal reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes and bills, accepted for rediscount under the provisions of section 13 of this act, or rediscounted or purchased under section 14 of this act, and the Federal reserve agent shall each day notify the Federal Reserve Board of all issues and withdrawals of Federal reserve notes to and by the Federal reserve bank to which he is accredited. The said Federal Reserve Board may at any time call upon a Federal reserve bank for additional security to protect the Federal reserve notes issued to it."

That section 16 of the Federal reserve act is hereby further amended by adding, at the end of the section, the following paragraph:

"The Secretary of the Treasury is hereby authorized to designate Federal reserve banks as agents of the United States and of member banks in the redemption of national bank circulation, including additional circulation issued under the act of May 30, 1908, as amended, and also to devise and put in operation a system of clearances of such notes between the Treasury, Federal reserve banks, and member banks."

[Senate Report No. 777, Sixty-third Congress, second session.]

AMENDMENTS TO THE FEDERAL RESERVE ACT.

Mr. OWEN, from the Committee on Banking and Currency, submitted the following report (to accompany S. 6439):

The Committee on Banking and Currency, having had under consideration Senate bill 6439, "A bill to amend sections 9, 11, 13, and 16 of an act approved December 23, 1913, and known as the Federal reserve act, and for other purposes," respectfully report the same and recommend its immediate passage.

It is proposed by the amendment to section 9 to permit the Federal Reserve Board to admit State banks having a capital of not less than $15,000 organized in any place not exceeding 3,000 inhabitants, or where such capital is not less than $25,000 organized in any place the population of which does not exceed 6,000 inhabitants, or where such capital is not less than $100,000 in a city the population of which exceeds 50,000 persons on the condition that such banks increase their capital stock within 18 months to the minimum amount of capital required of national banks under section 5138 of the Revised Statutes.

It is proposed to add an additional paragraph to section 11 authorizing the Federal Reserve Board to postpone not to exceed four months the payment of subscriptions to the capital stock, and to postpone likewise the period within which the reserve requirements should be paid. These proposals are intended merely to obviate the possibility of friction in obtaining the gold necessary to make these payments to the Federal reserve banks. Third, to permit member banks to carry in the Federal reserve banks of their respective districts any portion of their reserves which they are now compelled by section 19 to hold in their own vaults. (This will give authority to the banks to make a larger deposit of reserves with the Federal reserve bank if they choose to do so.) Fourth, to permit member banks to count as part of their lawful reserve Federal reserve notes not exceeding 5 per cent of their net demand deposits. This latter provision would have the effect of releasing additional gold which would pass into the Federal reserve banks and become more efficient there for banking purposes.

There is a proviso, however, that this amendment to section 11 is not to be construed as extending the period of 36 months within which the transfer of reserves must be made to the reserve banks under the existing statute.

Section 13 is amended by providing that Federal reserve banks may discount domestic acceptances based upon the domestic sale or consignment of goods, and permitting national banks to make such acceptances up to one-half its capital stock and surplus, and beyond that point only by the written consent of the Federal Reserve Board.

This section is also further amended so as to permit national banks to have the extra liabilities above capital stock contemplated by such acceptances and by liabilities on account of indorsement of foreign bills of exchange and on account of two-name commercial paper indorsed by a member bank.

Section 16 is amended so as to permit bills rediscounted or purchased under section 14 to be made a basis of Federal reserve notes.

Section 16 is further amended to authorize the Secretary of the Treasury to designate the Federal reserve banks as agents of the United States and of member banks in the redemption of national-bank circulation, including the Vreeland-Aldrich notes, and to devise and put into operation a system of clearances of such notes between the Treasury, Federal reserve banks, and member banks.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. McLEAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and to be printed.

DONATION OF CONDEMNED CANNON.

Mr. COLT submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and to be printed.

JOINT MEETING OF THE TWO HOUSES—PRESIDENT'S ADDRESS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 47) of the House of Representatives, which was read:

*Resolved by the House of Representatives (the Senate concurring),* That the two houses of Congress assemble in the Hall of the House of Representatives on Friday, the 4th day of September, 1914, at 12.30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Mr. SIMMONS. In the absence of the Senator from Indiana [Mr. KERN] I ask that the Senate concur in the resolution of the House of Representatives.

The concurrent resolution was considered by unanimous consent and agreed to.

BLACK RIVER BRIDGE, MISSOURI.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives for the return of the bill (H. R. 17511) to authorize the Great Western Land Co., of Missouri, to construct a bridge across the Black River.

Mr. FLETCHER. I ask that the Committee on Commerce be discharged from the further consideration of the bill and that it be returned to the House.

The VICE PRESIDENT. Without objection, it is so ordered, and the request of the House will be complied with.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, before the interruption for the call of a quorum the Senator from North Carolina [Mr. SIMMONS] alleged that this improvement was not alone in the interest of the State of North Carolina but of the whole country. Of course that is true in a sense of every improvement that is made. But the particular reason which he gave, namely, that it was a part of a great through route along the ocean from north to south, will not, I am confident, bear analysis.

In the first place, both these involve the deepening of existing channels from 9 and 10 feet, respectively, to 12 feet. There are no through sailing boats, except, of course, pleasure craft or boats of very minor importance, or steamships that could go in a 12-foot channel. The whole tendency in our transportation is to increase the size of the units. Coal, lumber, and all other commodities are carried in increasing cargoes on larger boats. Indeed, one of the main reasons of the pressure brought to bear upon Congress for appropriations for harbors is in response to this demand for greater depth and channels in which larger boats may enter. That is one reason why it is not of a general or national importance. Another reason is one to which I have already given some attention—that it is absurd to believe that the master of a sailer would try to carry her through a channel 180 miles long in which much of the way he would be in constant danger of running aground. What a mariner desires more than anything else is abundance of sea room, and he would take advantage of the open ocean rather than go through the inland channels, which occasionally are narrow and somewhat circuitous. Of course it is perfectly evident that any sailer would require a tug to get her through.

Mr. GALLINGER. Will the Senator yield, that I may offer a proposed amendment to this bill for the purpose of having it printed?

Mr. BURTON. Yes.

Mr. GALLINGER. I offer the following proposed amendment to the bill. I ask to have it read and printed and lie on the table.

THE PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add as a new section to the bill the following:

SEC. 14. That the act entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," be amended to read as follows:

"That the Postmaster General is hereby authorized to pay for ocean mail service, under the act of March 3, 1891, in vessels of the second class on routes to South America south of the Equator, to the Philippines, to Japan, to China, and to Australasia at a rate not exceeding $4 per mile on the outward voyage by the shortest practicable routes, and in vessels of the third class on said routes at a rate not exceeding $2 per mile on the outward voyage by the shortest practicable routes: *Provided,* That subject to the foregoing provisions, every contract hereunder shall be awarded to that responsible bidder who will contract,

under penalties prescribed by the Postmaster General, for the highest running speed between the points named in the contract.

Mr. BURTON. Do I understand that is an amendment to this bill?

Mr. GALLINGER. It is a proposed amendment.

Mr. BURTON. There remains the argument that this might be of advantage for through traffic, because of the hauling of barges. This assertion also, Mr. President, will fail to receive support. Perhaps to the north, through portions of Chesapeake Bay, indeed, even to Baltimore, this might be possible; but to the south there is an exposed stretch of the ocean, and no barge could safely be navigated, say, from Georgetown, S. C., which would be the nearest port of importance in another State. In the time when I was a member of the Committee on Rivers and Harbors I took considerable pains to correspond with collectors of customs all along this route to make the inquiry as to whether there were any boats of small size that could use the canal or whether there were barges of the type that could use it, and I must say that I received almost unanimous or practically unanimous negative replies, particularly because the boats in use or barges for transportation on the ocean routes were of a greater depth than would be provided by this canal. So it is local. It benefits, as far as the abutting country is concerned, some 70,000 or 80,000 or 90,000 people, and they are already supplied with channels 9 and 10 feet in depth, deeper than the Mississippi below Cairo, deeper than the Mississippi above Cairo, as deep as is to be provided for the Ohio, as deep as the Barge Canal through New York State, already provided. But here there is a plan to spend this immense amount of money, $5,400,000, to give them 12 feet in that very limited area.

I think it may be interesting to read through the traffic statistics to see what make up the 91,000 tons. Lumber, 20,015 tons; logs, 16,000 tons; piling, 12,000 tons; wood, 2,060 tons; and guano, so much exploited for its use for fertilizer, the quantity of 1,064 tons; coal, salt, and corn each shows a little over a thousand tons, and from this it tapers off to 200 tons of shingles and 145 tons of oyster shells.

Mr. President, this is an illustration of the kind of items in our river and harbor bills for which we are appropriating millions of money.

I have already shown, I think, that that argument can not be regarded as a valid one, but I see in this bill this provision:

Improving harbor of refuge at Cape Lookout, N. C.: Continuing improvement, $300,000.

That is the form in which it came from the House, and I see added to it the following Senate committee amendment proposed:

*Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,826,600, exclusive of the amounts herein and heretofore appropriated or authorized.

Here is an unusual degree of caution. In the first place, it is asserted that this new inland waterway is necessary, at a cost of $5,400,000, to save the boats that go around Hatteras and Lookout by giving them an inside route, but to make assurance doubly sure, there is a harbor of refuge there besides, for which there is an appropriation of $2,126,000, and that in the face of the fact that the present Chief of Engineers, Gen. Kingman, several years ago reported against this harbor of refuge. The survey upon which this project was based was for a choice between Hatteras and Lookout.

Nevertheless, Mr. President, within reasonable bounds of appropriation I have not the heart, I may say, to oppose this harbor of refuge. It is difficult for me or for anyone to oppose propositions that look toward the saving of human life on a bleak coast on the sea. But it should be borne in mind that in Massachusetts there is a place where many more ships pass than pass here in the day or night. At Sandy Bay, after the improvement was under way from 1885 for nearly 30 years, we abandoned that harbor of refuge, and, as an illustration of our policy on the subject, abandoned a harbor of refuge between a third and a half completed and then took up this other.

It is to that I wish to call the attention of the Senate—the erroneous policy, or, rather, the absence of any policy, which we are pursuing in making our appropriations.

I must say in looking through the bill that North Carolina, the old North State, is provided for with extreme generosity. There are some 28 projects here for that State, 6 of which are new, and the aggregate amount, if you take the tonnage of the State into account, is more per ton, I think I am safe in saying, than for any State in the Union. Counting in rivers and harbors and everything, the tonnage handled in North Carolina is somewhat in excess of 3,000,000. Compare that, for instance, with Massachusetts, with between thirty-five and forty million tons; compare it with Pennsylvania, with its tonnage of between thirty and forty million tons; compare it with the northern portion of Ohio, and the ports fronting on Lake Erie, with some sixty millions of tons, all, I am very sure, with less appropriations than those included in this bill for the State of North Carolina.

Mr. President, it seems to me with $800,000 on hand for an improvement which should be reviewed, we can well afford to omit this $600,000 for the inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.

I desire to take up another provision in this bill in which there is a considerable difference between the House and the Senate.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. Yes.

Mr. SIMMONS. I just came in as the Senator from Ohio was commenting upon the item in the bill providing for a harbor of refuge at Cape Lookout. The Senator from Ohio speaks of projects in which North Carolina is interested. I want to say to the Senator that there is no provision in this bill of any kind that was so universally approved and indorsed and recommended by every interest that has any connection with the sea, from Boston to Jacksonville, as was this harbor of refuge. It is true it is located upon the coast of North Carolina, but North Carolina has very little interest in it compared to the general interest of those who go to sea upon the Atlantic seaboard.

I will say to the Senator that the Board of Engineers regarded this matter as of so much importance, in view of the representations that had come to them of the necessity of a harbor of refuge upon this dangerous point upon the Atlantic coast, that they went down to North Carolina; they went to the Cape; they made a personal inspection. Before going, however, they had notified all the shipowners navigating the Atlantic coast that they would have a hearing at Beaufort and asking them if they desired to be heard to send representatives. Letters were sent to all the sea captains; letters were sent to the boards of trade from Boston down to Jacksonville, Fla. When the Board of Engineers met there, after having made a personal inspection of the situation, having visited Cape Hatteras and having visited Cape Lookout, there was a veritable gathering of the representatives of the great interests that were connected with the coastwise navigation of this country on the Atlantic seaboard. All the great boards of trade sent resolutions there in favor of it; the masters of ships sent, I remember, Capt. Crawley, from Boston, Mass., to represent them. The underwriters from all the cities along the coast sent representatives there to speak for them. The board had hearings there. They were long; they were full; they were complete. As a result of those hearings, the Board of Engineers reported unanimously in favor of this harbor of refuge, not for the people of North Carolina, not to subserve a local interest, but to subserve the great interest of life and property that was in jeopardy because of the dangerous points upon that coast.

When this item was called up in the Senate Committee on Commerce this year I remember that the Senator from Ohio remarked that he had at one time felt somewhat disposed to oppose it, but on account of the enormous backing it had he was disposed to withdraw any opposition to it. I am amazed to hear the Senator here under these circumstances attacking this item.

Mr. BURTON. Mr. President, I stated, had the Senator done me the honor to listen to what I said——

Mr. SIMMONS. I did not hear all the Senator said.

Mr. BURTON. I stated that I had not opposed this item. I called attention, however, to the fact that double provision was made for safety in moving around Cape Lookout and Cape Hatteras. I called attention also to the fact that the present Chief of Engineers, Gen. Kingman, when he was district engineer, in the most explicit terms condemned this locality and said it was not suitable either for a harbor of refuge or for a harbor.

Mr. SIMMONS. He made that statement without knowing anything about it.

Mr. BURTON. I might call attention also to another fact that I think shows that the manner in which this favorable report was secured was hardly fair. This matter was not presented to the Board of Engineers as the ordinary project is, as a part of a river and harbor bill, but it was presented to them by resolution, under which they were to render their decision as to which was the more favorable location, Cape Hatteras or Cape Lookout, not on the question as to the merits of either

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locality as a harbor of refuge at all, but as an expression of preference between the two.

Again, I am perfectly familiar with the course of marine underwriters and others in asking for a harbor of refuge. I may say, with entire confidence, that while many masters of ships may have asked for this location, the number was by no means so great as those who favored the harbor of refuge at Sandy Bay, in Massachusetts. Notwithstanding that fact, I do not recall having received a letter, and I do not believe the Committee on Commerce has received a letter, in the course of the last year advocating the completion of that improvement.

I am not going to oppose this improvement, Mr. President, but I referred to it as showing how generously the State of North Carolina had been provided for; I referred to it as having been recommended under somewhat doubtful and unusual circumstances. I question whether the $1,826,000 to complete it is any more meritorious than are the appropriations for many other projects that are compelled to wait until another bill, though this amount was inserted as a Senate amendment after the bill had come from the other House with an appropriation of $300,000. I can see that probably this amount will make construction somewhat more economical; but scattered all over the country there are unfinished projects, which were commenced long before Congress committed itself to the harbor of refuge at Cape Lookout, that needs must wait until the piecemeal annual appropriations are made to finish them.

I wish in the next instance, Mr. President, to call attention to the Chesapeake & Delaware Canal. Here a canal is in existence, as its name indicates, giving means of passage from the Chesapeake to Delaware Bay or River, which has been in use for many years. There is a certain amount of traffic through this canal, amounting, perhaps, to 600,000 or 700,000 tons a year, with a toll of, I believe, 25 cents a ton. This canal saves a very great distance and is of very material advantage to the boats or their masters making use of it. The bill came from the House with an appropriation of $1,300,000 "to purchase said canal and appurtenant property at a cost not to exceed the amount herein appropriated for such purpose," namely, $1,300,000.

There were both bonds and stock of this company. The bonds have been quoted at 49 cents on the dollar, which would make $1,300,000 an ample price for its purchase; but an amendment has been reported by which the amount is increased to $2,250,000; and there are elaborate provisions for the condemnation of the property of this private company.

Mr. President, this is premature. I pass by the fact that the House of Representatives thought $1 300,000 was all that ought to be given for this canal—and they gave extended hearings and lengthy consideration to the matter. I pass by the fact that the Senate committee changed that $1,300,000 to $2,250,000, and wish to impress upon the Senate the vital point that in this exigency, when we are levying new taxes, it is no time to buy old played-out canals.

The sum of $2,250,000 is not all. The estimate of the engineers is that to change this canal and get it into shape would make the total cost $8,000,000.

Mr. RANSDELL. The provision is for a depth of 12 feet.

Mr. BURTON. With a provision for 12 feet connecting two great waterways having a depth of from 30 to 35 feet. There seems to be some difference of opinion as to the depth that already exists in this canal; but I have placed it as 12 feet, though the canal is not in the best of condition.

Mr. President, is the Senate going to vote $2,250,000 for that old canal when it is reported that the cost to secure 12 feet depth will be $8,000,000? If we are to take over the canal let us do something that has some character about it. Let us authorize and appropriate that $8,000,000 now, and not go at it in this partial, dribbling way. If we have that purchase to make, and that improvement to make, let us face it courageously. As this goes forth to the country, you would think that $2,250 000 was all the Senate regarded as necessary to acquire the canal; that all the House regarded as necessary was $1,300,000; but right in the body of the report appears the fact that $8,000,000 is necessary; $5,750,000, I think, in addition to the purchase price.

This is not a time for bargains in canals; it is a time when the individual citizen of the United States is beginning to recognize that he must economize, and he has a right to demand that the Government of this country should show something of that same disposition to avoid needless and extravagant expenses.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Yes.

Mr. KENYON. The Senator from Ohio is, of course, familiar with what is known as the Agnus report, with reference to this canal. I see the estimate in that report carries the figures up to $20,621,323.70. That is for a deeper canal, of course.

Mr. BURTON. How many feet deep—25?

Mr. RANSDELL. Twenty-five feet.

Mr. KENYON. But we are starting on a proposition of eventually having a 25-foot channel at an expenditure of $20,000,000.

Mr. RANSDELL. I do not so understand it.

Mr. KENYON. I mean we are taking the first steps now that will result in an expenditure of $20,000,000 before we are through with it.

Mr. BURTON. With this disposition on the part of Congress to yield to the claims and demands of waterway associations, with a channel on one side 35 feet deep and on the other perhaps 25 feet deep, are we likely to stop with a channel of 12 feet between them?

Mr. RANSDELL. Mr. President, I think so, beyond question. I know that I personally favor a 12-foot waterway there; I do not favor a 25-foot waterway. I took the ground when the people of the locality were talking to me about it that a 25-foot waterway was an ocean depth, and that they had the ocean right near them; they had the Chesapeake Bay and they had the Delaware Bay, both of which were more than 25 feet deep, and there was no necessity for more than 12 feet in this particular improvement; but that, as an extension of the intercoastal canal from Norfolk on down through to the North Carolina sounds, about which the Senator has just been discoursing, in my judgment the project was justifiable, and it would be wise and would be profitable to the people of the United States.

There is a private canal there now, as the Senator is aware, of a depth of between 7 and 8 feet, as I recall. I am not positive as to the depth; but it is so narrow that the boats passing through it look as if they would turn over, so tall and narrow must they be in order to get through the locks. There is considerable commerce through there on which the people pay pretty heavy tolls.

Mr. BURTON. Twenty-five cents a ton is the rate, is it not?

Mr. RANSDELL. I do not remember the exact amount.

Mr. BURTON. I think that is the amount, although the toll is graded according to the articles, as I understand.

Mr. RANSDELL. The company has been earning 5 per cent on a valuation of $2,500,000. The Agnus commission reported that that canal was worth fully $2,500,000, and that the Government could afford to pay that for it. The commission subsequently appointed from the Engineer Corps made a similar report and advocated the purchase of the canal at $2,500,000. They said it was worth that, and the testimony before the Senate Commerce Committee—we had hearings and went into it rather elaborately—convinced us that the private company was earning fully 5 per cent, and had been earning 5 per cent for many years past on $2,500,000 valuation. There was some testimony to lead us to believe that, in spite of the fact that they were earning 5 per cent on that valuation, we could probably buy it for $2,250,000, and that is why that valuation was placed upon it.

Mr. BURTON. There is a valuation of $2,500,000, but the bonds have been sold at 49 cents.

Mr. RANSDELL. There was some talk of that kind; I do not remember exactly the facts; but we came to the conclusion that the property was paying 5 per cent interest on a valuation of $2,500,000, and that it would be a vain thing to try to condemn it and acquire it for $1,300,000, the sum which was appropriated by the House. If we are going to extend the intercoastal system along to the Gulf, surely that great link between the cities of Baltimore and Philadelphia, where there is a constantly growing and very important commerce, ought not to be left unprovided for. Those were the reasons which I think influenced the committee in its action.

Mr. KENYON. May I ask the Senator from Louisiana a question?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Iowa?

Mr. RANSDELL. I will be delighted to yield to the Senator.

Mr. KENYON. Was it not developed before the committee that this canal was in a very run-down condition?

Mr. RANSDELL. I do not recall that. My recollection is that the testimony showed it was being kept up so that it could be used; but there has been considerable agitation to have the Government acquire the canal, and I do not imagine that the owners of it have been spending any more than was absolutely necessary to keep it going; but it certainly must be in fairly good condition, because boats travel through it, and there is a considerable commerce actually moving on it.

Mr. KENYON. The Senator will remember Mr. Groves, who appeared before the committee—I am not a member of the committee, and I merely have the printed testimony taken before the committee—but Mr. Groves says:

I went through that canal about five years ago with some other gentlemen, and as we were passing through he happened to notice a pile driver, and they had one of the old hand pile drivers, which they dropped down, and he said that was the first time in his life he had ever seen anything like that. Everything there is the same way.

They have no superintendent on that canal, and have not had for years. And, then, on the sides of the canal the piling is worn out. It has been covered with oak sheet piling, and it rots out, and it is in a fearful condition.

There is much testimony of that kind in the hearing, showing that the canal is in a bad condition and that it will require a large sum of money to put it in shape.

Mr. RANSDELL. It will require some money to repair it; but, as I have said, the Agnus commission, which was an honorable body of men, and which went into the examination of this matter with the greatest care—much more care than the Senate committee could possibly give to it—reported in favor of the purchase of the canal and reported in favor of the Government giving the owners $2,500,000. Then the engineers who examined it made a similar report and advocated its purchase at a valuation of $2,500,000. The engineers, as Senators know, have far better opportunity to ascertain the facts than have Members of Congress. They were on the ground; they went over it.

I presume that first it was examined by the local engineer; then by the division engineer; then it certainly had to run the gantlet of the special commission of engineers; then it ran the gantlet of the Board of Engineers; then the Chief of Engineers had to act upon it also; and all of those men reported in favor of its purchase and fixed a valuation of $2,500,000. Although undoubtedly it is somewhat run down, as has been suggested by the Senator from Iowa—and I do not deny the fact that it is run down—yet we came to the conclusion that these commissioners, knowing more about it than we did, having fixed the valuation of $2,500,000 upon it, it must be worth somewhere about that sum.

Mr. KENYON. There was some report from Maj. Tuttle to Gen. Craighill, I think, as to about 7,000 feet of that canal being quicksand.

Mr. RANSDELL. I do not recall the details. It is not located in my section of the country, as the Senator will understand, and I only remember the facts in a general way.

Mr. KENYON. I thought the Senator was so familiar with all these matters that he would know as to that.

Mr. RANSDELL. I am fairly familiar with it here and there, and I remember in a general way as to what was shown by the summary of the report of the Agnus commission and by the other commission, but I do not remember all the evidence.

Mr. KENYON. The Government itself had some stock in that canal.

Mr. RANSDELL. It did; but the stock is of no value, let me say, because of the bonded indebtedness, which, if I recall, amounts to about two and a half million dollars or $2,250,000; something of that kind. We do not expect to pay any more than the bonded indebtedness. I ask the Senator from Ohio if I am correct in stating the bonded indebtedness at about $2,250,000?

Mr. BURTON. It is either $2,250,000 or $2,500,000.

Mr. RANSDELL. It was clearly proved, however, that the stock was utterly valueless.

Mr. KENYON. The stock may be worthless now, but there were dividends paid upon it at one time, were there not?

Mr. RANSDELL. Possibly many years ago; I do not recall.

Mr. KENYON. The Government had a suit pending to recover the dividends which were due the Government, but which had been stolen by some of the officers.

Mr. RANSDELL. That may be true; I do not recall that.

Mr. KENYON. The only point I had in mind was that which the Senator from Ohio suggests, that this project as it seems to me—I may be wrong about it—is simply the unloading on the Government of a worthless proposition.

Mr. RANSDELL. I do not think so. It is a very important link in the intercoastal chain, and I think the evidence shows it is worth two and a quarter million dollars.

Mr. KENYON. Where will the intercoastal chain stop?

Mr. RANSDELL. I can not tell you where it will stop. There are some very valuable links in it which I would like to see made. This is one of them. The link in North Carolina is another. It may not be carried all the way through to the Gulf, although the aspiration of some of the advocates of the project evidently is to connect Boston and the Rio Grande. I do not pretend to say that I am in favor of that now. The time may come when I will favor it. When there has been a great increase in population and business has grown sufficiently I may do so; I may favor it all the way to the Gulf, but I do not do so at this time. I do favor, however, the construction of such great links as, for instance, the one between the cities of Philadelphia and Baltimore, where upward of 200 miles of distance could be saved by the use of the canal.

Mr. KENYON. The proposed intercoastal canal involves an expenditure of $50,000,000—or is it $100,000,000?

Mr. RANSDELL. The figures run up pretty high.

Mr. BURTON. Much more than that. I read the figures this morning.

Mr. RANSDELL. I can say that Congress has not adopted the expensive part of it.

Mr. KENYON. No; but some of these projects are sustained on the theory that they will become a part of this great intercoastal waterway system.

Mr. RANSDELL. Not necessarily.

Mr. KENYON. That is an argument that has been advanced.

Mr. RANSDELL. The Atlantic Deeper Waterways Association of course favors the whole route, but Congress is not adopting the whole route. It is simply taking up some links in the chain. There is a link in my State, between the city of New Orleans and Morgan City, which has been adopted in this bill. There are two private canals there now, and I believe that when we come to discuss that matter, if the Senators have not examined it and will allow me to explain it—I am not going to take the time now to do so—they will be convinced that that is a good link; but there are other links which I would not favor at all.

Mr. KENYON. Why should the links be established if the whole system never will be put into operation?

Mr. RANSDELL. Let me explain that point. The canal, say from Morgan City to New Orleans, connects the back section of the country with the Mississippi River, and when you get in connection with the Mississippi River you have 16,000 miles of waterways which are now navigable running right up into the section of the country where the Senator from Iowa lives, as he knows. So that if this Morgan City-New Orleans link can be acquired—and it is only 90 miles—it would connect a splendid section of Louisiana with the great Mississippi River system.

So if you make the link from the Chesapeake to the Delaware you will have a thing which is complete in itself; you will connect by an interior waterway the wonderful Chesapeake Bay, with all of its harbors and the small streams that run into it and all the little towns which border it, with the great Delaware Bay; you will be joining interiorly those two great bodies of water, and will develop a splendid commerce by a link that will be complete in itself.

Mr. KENYON. I fear, however, that we will have involved ourselves in a project which eventually, according to the engineers' reports, will cost at least $20,000,000.

Mr. RANSDELL. I will say that personally I am very much opposed to a depth for this canal of over 12 feet. I thought that 12 feet was a fair and proper depth, but anything deeper and more than that I certainly should oppose.

Mr. BURTON. Mr. President, the Senator from Louisiana does great credit to his charity and to his lenient judgment as to tendencies in the form of demands on the Federal Treasury when he says he thinks this project is going to stop with a channel 12 feet deep. Some years ago I favored two canals, one the Dismal Swamp Canal and the other the Albemarle & Chesapeake Canal, 9 and 10 feet deep. The cost of one, I believe, was about $300,000 and of the other $300,000 or $400,000. They were completed practically during the time when I was chairman of the Committee on Rivers and Harbors. It seemed to me a most ample, generous provision for that locality, but there immediately followed a demand, which has now proven successful, for a depth of 12 feet there. To show that the chance of a depth of more than 25 feet is not remote, I will read briefly from the official report, which I have before me, on the intercoastal waterway, Boston, Mass., to Beaufort, N. C.:

The law under which the board is organized and has conducted its investigations—

I am quoting from Document No. 391, Sixty-second Congress, second session—

prescribes 25 feet as the maximum depth to be considered. This depth would permit nearly all of the coastwise water-borne traffic now plying between Baltimore and ports of the northern Atlantic coast to use the canal advantageously, saving time and distance and avoiding the dangers of the exposed waters from Cape Henlopen southward to Cape Charles. A large part of the foreign commerce of Baltimore with Canadian and European ports could also use to advantage a canal of this depth. The saving from this cause is estimated as not less than $200,000 annually.

Then the report goes on to say:

A depth of 18 feet would permit few of the vessels engaged in this commerce to utilize the canal. The difference in cost of a canal 25

feet deep and one 18 feet deep is $2,400,000, if the sections are proportional; but it is believed that the minimum width regarded as permissible for the deeper canal could be reduced but little for the lesser depth and not at all if the canal were designed with a view to future deepening to 25 feet. If the canal were constructed with the smaller section and widened later, the work would involve the loss of all revetments, slopes, and slope protection along one bank and the excavation of material from an unfavorable position on the surface of the slope.

That report clearly intimates a greater depth than 12 feet. To anyone who is familiar with the pressure brought to bear for enlarging waterways I think it would be very unsafe to prognosticate that this will stop at 12 feet. Indeed, the constant argument when a costly improvement has been urged and completed is, "Oh, but it is not deep enough," and then redoubled pressure is brought to bear to gain a greater depth. It is just like the experience we have always had about locks and dams. When a dozen have been built at enormous expense in the Kentucky River, or some other river, they say: "Oh, but you have not built the thirteenth or fourteenth yet. If you will build 13 or 14, why, then, you will certainly have some traffic."

It appears that when they had 6 locks in that river the traffic was a great deal larger than it was when they had 12; but, at enormous expense, year by year we were adding lock after lock in response to the argument, "Oh, you have not locks enough; get a few more, and certainly traffic will develop." In the meantime, when this second wish was complied with, there was less traffic than there was in the beginning.

Mr. RANSDELL. Mr. President, the Senator does not mean to intimate that you could use a river system where there were a number of locks until you had completed the system, does he?

Mr. BURTON. Every river is supposed to have on its borders territory that is productive, and when you improve a river from its mouth it is supposed that you will have some traffic of some kind from each successive reach or stretch of the river. Take the case of the Kentucky River. It was recommended to us as one which would develop a great coal traffic from the upper portions of the river. As I recall, about the only coal that is carried in it is from the Ohio, upstream. I will come to that river later, though. If my recollection is imperfect as to the number of locks or anything of that kind, I will bring it up. The same is true, of course, of the Big Sandy River, where the more locks built the less coal was carried.

Mr. RANSDELL. Mr. President, the Senator would not say that about the Black Warrior. We are trying to finish that project. It has been under way for a great many years, and we appropriate $750,000 in this bill to finish the last lock. The Senator thinks it is necessary to finish that, does he not, to get the full benefit of the money we have been expending for these many years?

Mr. BURTON. In the hearings on that project 10 or 15 years ago it was always maintained that traffic in coal would be developed from the mines immediately above Tuscaloosa. Unfortunately, in carrying out the plans several gaps were left in the lower portion—Locks 2 and 3, as they are now called, in the Tombigbee River—so that the question could never be tried out. I am hopeful that coal will be carried there; but you did not need to build this last lock, No. 17, to get to the coal fields. I myself have been in a coal mine but a short distance above Tuscaloosa where there was an abundant supply of coal, and the dip toward the river was favorable for drainage. Indeed, during the present year, as I understand, the company of which Mr. Bernard is manager has shipped a large amount of coal from the stretches that are below Lock 17. However, the largest quantity of the coal, no doubt, is in the portion above Lock 17. There is a more abundant supply there than there is below.

I regard that improvement as problematical. It may prove a great success; but I would not wish to duplicate that kind of improvement in any other part of the country until that was tried out and we found whether it succeeded.

Mr. MYERS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Montana?

Mr. BURTON. I am glad to yield to the Senator from Montana.

Mr. MYERS. Does the Senator object to interruptions?

Mr. BURTON. Oh, no.

Mr. MYERS. I was not here when the Senator began his speech.

Mr. BURTON. When I commenced I intended to take up a particular line; but the time has been somewhat broken, and I shall be glad to yield to the Senator.

Mr. MYERS. I was not here, as I say, when the Senator began his speech. Did he make the customary announcement or request, or at least the one that is frequently made, that he be not interrupted by questions until he concluded his address?

Mr. BURTON. No; I did not.

Mr. MYERS. If the Senator is entirely willing to be interrupted, I shall ask him some questions after a while, when he goes on to another branch of his address. I have none to ask just now.

Mr. BURTON. Will the Senator from Montana, for my private information, give me an intimation of what that other branch of the inquiry is?

Mr. MYERS. If the Senator is in a hurry to get through, of course I will not interrupt him now or at any other time.

Mr. BURTON. Of course I desire to make progress, but I feel that I am ready to respond to inquiries at almost any time.

Mr. MYERS. I will not interrupt the Senator's argument just now. When he goes to another branch I may do so.

Mr. BURTON. I am frank to say to the Senator from Montana that my curiosity is somewhat aroused to know what that other branch is.

Mr. MYERS. I am afraid that if I gratified the Senator's curiosity it might deflect him from the thread of his argument; so I will not take sufficient time to do so now.

Mr. BURTON. Very well.

In conclusion on this item, I wish to say that we never have acquired one of those abandoned or run-down canals or public works but that the expense has been far and away beyond our computations. In the year 1896 I was a member of the Rivers and Harbors Committee, and we acquired the improvement in the Monongahela River. We paid for it the sum of $3,600,000. I know members of the committee felt a little afraid to do that; they felt they were paying a pretty large price; but there was a very large traffic on the river, and the acquisition of the Monongahela River Improvement Co. was very strenuously insisted upon. So we ordered a survey, which, as is usually the case, resulted in a very sanguine report upon it, and the bill was passed. So soon as the property was taken over by the Government it developed that the amount we paid was virtually for the franchise. If there is a lock and dam there that we have not had to rebuild since that time, I do not know what it is. We found the work that was there was almost useless. Boats could go through, but they were not up to date, and in order to have a really well-equipped or well-provided channel for navigation it was necessary to rebuild every one of the locks and dams.

Down at the mouth of the Brazos River we took over by free gift certain improvements in the harbor there, made by a private company. It was thought that certainly was a good bargain; but there has been a very considerable amount of expenditure there, and I think the transaction was an unprofitable one. We took over the Port Arthur Canal, and I question very much whether that was profitable, though it seemed desirable in view of the fact that there was a very large port at the end of the canal which was doing a large amount of business.

The Chesapeake & Delaware Canal is many years old. According to the testimony read by the Senator from Iowa, portions of it are very much run down; and it is probable that the expenditure of $8,000,000, which is put down as the probable cost, will be far from sufficient to rehabilitate it and place it in proper condition.

Mr. President, in any era when retrenchment is desired it would be hard to find an item on which the pruning knife could fall more appropriately than on this one of $2,250,000. Indeed, at any time—flush times as well as those that are lean—it seems to me the acquisition of this private property is a very bad speculation for the United States Government. Let us wait until we see whether a few more of these inland waterways, such as the canal across Cape Cod, which is in a position far more adapted to aid commerce, prove successful.

Mr. KENYON. Mr. President, does not the Senator think it will arouse the enthusiasm of the American people to have a war tax levied, in part going to pay for this broken-down canal that is being unloaded on the Government?

Mr. BURTON. I do not think it will awaken very much enthusiasm. I do not think it will awaken very much enthusiasm even right here in the Senate. I presume it will awaken a great deal of enthusiasm among the members of an association that is promoting this purchase and enormously expensive improvements. Why, the duty on numerous and important commodities would be insufficient to pay the amount required here.

Mr. KENYON. Mr. President, if the Senator will permit me——

Mr. BURTON. Certainly.

Mr. KENYON. I do not want to delay the Senator, but I was about to refer to the bulletin of the Atlantic Deeper Waterways Association.

Mr. BURTON. As it is in this connection, I have no objection, if it throws any light on the subject.

Mr. KENYON. I think it does.

Mr. SMITH of Michigan. Is that the intention—to throw light?

Mr. BURTON. Yes; I want light thrown on it.

Mr. KENYON. In this bulletin, discussing the Chesapeake & Delaware Canal valuation—I do not know whom this article is by—it says:

> The Senate committee's valuation of $2,100,000 for the property, it will be noted, is in excess of the valuation arrived at by three different methods and, furthermore, does not require the conversion of the company's contingent fund into its assets before sale of the property.
>
> Valuing these assets, together with the Senate committee's excess allowance, it results that a sum of approximately $100,000 is turned back into the company's treasury for satisfaction of its claims, or for distribution among its stockholders, if that disposition should be decided upon. The present outstanding stock issue is $1,903,238, so that it would be possible to allow about 5 per cent on the stock, and this is more than any stockholder could claim his securities to be worth, as they have received no dividends since 1876.

That is an argument that is advanced by the Atlantic Deeper Waterways Association, evidently to the stockholders, as to the good bargain they are making by turning this canal over to the Government.

Mr. BURTON. Mr. President, on a multitude of grounds I think it is best to postpone any further steps for the acquisition of this canal at this time.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Ohio a question.

Mr. BURTON. Certainly.

Mr. SMITH of Michigan. Admittedly there are a number of projects provided for in this bill that are praiseworthy and in need of immediate appropriation. Has the Senator from Ohio computed the appropriations for this class of projects, so that he is able to say to his colleagues in the Senate how much he would be willing to see appropriated for the improvement of rivers and harbors in a bill to be immediately presented for the consideration of the Senate?

Mr. BURTON. Mr. President, answering my friend the Senator from Michigan, I do not think it is quite for me to do at this time. The statement has been made by the advocates of this bill that the whole bill must be considered and passed here in the Senate.

Mr. SMITH of Michigan. Yes; but if the whole bill is not passed——

Mr. BURTON. And it is perfectly manifest that the moment you begin to criticize any item, immediately a storm of protest comes up, proving what I have repeatedly said, that in a river and harbor bill it is the objectionable items that have the strongest support, and not those that should appeal to the whole people.

Mr. SMITH of Michigan. Would the Senator from Ohio be willing to indicate specifically such items in the bill as should, in his judgment, be eliminated, and permit us to go on with the balance of the bill?

Mr. BURTON. I am pointing out some of them now. Here is a little item of $2,250,000 that I think might very profitably be stricken out.

Mr. SMITH of Michigan. Entirely?

Mr. BURTON. Yes; entirely. Then, again, the item for the inland waterway from Norfolk to Beaufort Inlet, N. C., I do not think is quite fair. It benefits only a comparatively small number of people. They already have 9 or 10 foot channels, and the proposal is to give 12 feet only, an increase of 2 or 3 feet. They have $832,000 on hand, and I do not think they ought to ask for an extra $600,000 in this bill. It does not seem to me it is quite fair.

Mr. SMITH of Michigan. That is $2,600,000. If we could pass the balance of the bill, we would make some headway, and would appropriate for worthy projects that are really meritorious and deserve immediate attention.

Mr. BURTON. Oh, but I have not gotten through yet. There are some more besides that, which I will come to one by one.

Mr. SMITH of Michigan. For instance, coming right to the point, what item in the Michigan appropriation would the Senator eliminate?

Mr. BURTON. I have not really thoroughly examined the Michigan items yet. I do not want to ask anybody to favor my contention in this matter, but I was about to say that I do not think there are objectionable items in the State of Michigan.

Mr. SMITH of Michigan. I am very glad to hear that.

Mr. BURTON. But I want to carry this out on the ground of the propriety of the bill, without making any compromise with anybody, and without going to any man and saying, "Now, your items are all right." I am not going to do that.

Mr. SMITH of Michigan. The Senator started with his own State. He said he was perfectly willing that some of the items in his own State should be cut down.

Mr. BURTON. I am.

Mr. SMITH of Michigan. The Senator starts fairly. Now, if we could make some headway we could get this bill out of the way, and avoid the necessity of a protracted session, when really Members have been here so long and so constantly, including the Senator from Ohio, that it seems almost outrageous to keep them here any longer. Can we not agree upon a common ground, and at least get that much of the bill through?

Mr. BURTON. Mr. President, propositions have come from others to pick out items; but in the first place I am somewhat reluctant to do that, and in the next place I notice that the moment I pick out an item, immediately in the House and in the Senate there is a force that bristles up and is all the stronger for the bill and the whole bill exactly as it is; so I do not quite see why that is a judicious policy. I am pointing out, however, what seems to me among the most vicious items in the bill.

Mr. SHEPPARD. Mr. President——

Mr. BURTON. I shall be glad to yield to the Senator from Texas.

Mr. SHEPPARD. Why would it not be fair to take up the bill, discuss each item on its merits, and vote on each? I will say to the Senator that if I can not demonstrate that the items in my State to which he objects are proper items, I am entirely willing to see them go out. If the Senate does not approve of them I want them to go out; but I ask him to let us vote on these items. Let us take up the items and vote on them.

Mr. BURTON. I have no doubt the Senator from Texas with the utmost good faith would favor the items in his State. I think they are so rank that they smell to heaven, some of them. I really think I could prove to a dispassionate audience that such is the case.

Mr. SHEPPARD. Mr. President, I am glad the Senator does not say they smell to the other place. I am glad the smell does not extend downward.

Mr. BURTON. I am afraid, possibly, I might have used the other expression with equal propriety.

Mr. SHEPPARD. I am thankful that the Senator did not say it; but would it not be the fair thing to take up these items and vote on them?

Mr. BURTON. Well, now, let us consider that. I am perfectly frank to say that we must all recognize this is a representative Government. The will of the majority must prevail; but in arguing with several persons who have had more or less to do with this bill, I found just this situation:

"What do you think of such-and-such an item?" "Well, I will admit that is bad." "How under the sun did it get into this bill, then?" "Oh, this is a representative Government."

The remark was made, "If this bill is as bad as it has been said to be on the floor of the Senate, it ought to be indicted by the grand jury." "Well, I expect that is about so; I expect everything that was said about it is true, but a majority wanted it."

Is it quite fair to Members of the Senate who have this pressure behind them, the demand that they shall vote for projects which their own judgment would not approve at all, to say, "We will throw the bill into the Senate and take a vote on every item"? Very likely before we are through the opponents of this bill will present a measure as a substitute for the whole bill, or they will make some proposition of that kind. That would not necessarily involve the permanent condemnation of the items left out, but it would involve the conclusion of the Senate that it had better postpone consideration of them, at least for the present; that they are not so urgent that they ought to pass now, and that perhaps we had better consider them further.

Now, I know my friend from Texas is acting entirely in good faith in thinking that the Texas items are all right. I thought so once myself of some of them, but upon a riper consideration I came to an entirely different conclusion, and I do not think the bill ought to be tolerated unless there is some change in it in regard to the Texas items.

Mr. SHEPPARD. Does not the Senator think we ought to have an opportunity to vote on the Texas items?

Mr. BURTON. I do not know; that is a hard question to answer. I think the first thing we ought to do about the two main Texas items is to wait until we know something about them. Why, the Chief of Engineers came before us and was utterly unable to state whether or not there would be water

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enough to manage your locks and dams. We are going ahead under a project calling for 37 locks and dams on the Trinity, to cost, perhaps, $170,000 apiece. They may cost three times that amount or twice that amount. There is a survey in progress now.

Mr. SHEPPARD. I am perfectly willing to leave it to a vote of the Senate.

Mr. BURTON. Ought we not to have the same rule that we have in regard to other projects—

Mr. SHEPPARD. Yes; I want to have the same rule.

Mr. BURTON (continuing). That we have a report from the Board of Engineers, made under present conditions, as to them? Your report on the Trinity would not pass muster for a moment in the House or in the Senate in these days. It was a mere reconnoissance. It was made in the old days before we had the board of review. Ought we not to wait until the report which is now in progress is finished?

Mr. SHEPPARD. Suppose we have the Senate vote on the proposition as to whether we shall wait or not. The Senator from Ohio does not even want to give us a chance to vote on the proposition which he has himself advanced.

Mr. BURTON. Oh, there will be an opportunity to vote before we get through here.

Mr. SHEPPARD. The Senator evidently wants to choke off any decision by the Senate on any individual item.

Mr. BURTON. Oh, no; but I hear so many persons in Congress say, "I do not believe in the bill; it is altogether bad, but my State or my district demands that I vote for it," that it makes me feel like making a much more elaborate exploitation of the bill than would be the case if I thought every man voted according to his own individual judgment.

Mr. SMITH of Michigan. Mr. President, if the Senator will permit me——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. BURTON. Certainly.

Mr. SMITH of Michigan. I should like to make a suggestion. I do it upon my own responsibility. I am not going to ask unanimous consent to pass the Michigan items in this bill, although I do not believe there is any objection at all to them, but any Member of this body who has given the matter any thought at all knows that we will soon be without a quorum in this Chamber. In fact, I have no hope at all that we will have a quorum in this Chamber after Monday or Tuesday. If the Senator from Ohio continues to occupy the attention of the Senate with his very elaborate and intelligent and able discussion of this bill for many days longer, we are going to be at the mercy of any single Member of the body, if we pass the bill at all.

Would the Senator from Ohio be willing that we should proceed with the bill, if we had no quorum, by unanimous consent? We can only adopt these items by unanimous consent. As far as I am concerned, I would be perfectly willing now that the Members present this afternoon should take up the bill item by item, without a quorum, and, if there is any Senator in the Chamber who objects to any single item, that we should pass on then to the consideration of the next item. I dare say that if that was done in the Committee on Commerce, where there was no cloture, where debate was unlimited, where the members of the subcommittee, and the committee itself, had ample authority to dwell upon every item in the bill as long as they chose to do so, it is equally applicable here.

If the Senator from Ohio is willing to allow us to proceed with the undisputed items, we will have a bill here of some proportions, and perhaps we will do no injustice to any deserving project, and perhaps we may eliminate some projects which for the time being we can afford to hold in abeyance.

Mr. KENYON. Does the Senator mean to consider items unobjected to?

Mr. SMITH of Michigan. I do.

Mr. KENYON. And pass them?

Mr. SMITH of Michigan. And pass them.

Mr. KENYON. Very good.

Mr. SMITH of Michigan. The Senator from Iowa says "very good." Why can we not proceed in that way? Let me ask the Senator from North Carolina [Mr. SIMMONS], who is the ranking majority Member present on the floor this afternoon, as I happen to be the ranking minority Member on this side, why we can not proceed now with the undisputed items in the bill and make some progress rather than be held here to listen to a dissertation, no matter how wise, on the bill as a whole?

Mr. SIMMONS. For the simple reason that we would make no headway by proceeding in that way.

Mr. SMITH of Michigan. We can make headway.

Mr. SIMMONS. Merely going over the bill and agreeing to items that are not disputed would not advance this legislation one particle. I think the best course for us to pursue, and the only course, is to take up the bill in the regular way, let the amendments proposed by the committee be first considered, and when that is done if any Senator wants to strike out an item of the bill let him make his motion to strike out the item and let us act upon it.

Mr. SMITH of Michigan. But suppose we have no quorum and the point is made that we have no quorum; then your entire bill is arrested.

Mr. SIMMONS. There is no more reason why the point of no quorum should be made when the bill is considered in the regular way than when it is considered in the irregular way the Senator now proposes.

Mr. SMITH of Michigan. The point has been made several times this afternoon, and it will be made several times to-morrow, and if we have a night session to-night we will not be able to get a quorum here to do the business. Why may we not take up the undisputed items and make some headway?

Mr. SIMMONS. After we have taken up the undisputed items there will be probably one-third of the bill unacted upon.

Mr. SMITH of Michigan. No; because——

Mr. SIMMONS. If the Senator does not see it, I see it. That is clear to my mind.

Mr. SMITH of Michigan. Let me suggest to the Senator from North Carolina that, sitting beside the Senator from Ohio in the committee, I do not recall his objection to 5 per cent of the items in the bill. If no other Senator objects and 5 per cent of the items are left unacted upon, we have in the river and harbor bill projects that are deserving, which are not to suffer the fate that I think awaits them.

Mr. SIMMONS. The Senator from Ohio has understood all along that if he would specify the items to which he objects he can have a vote of the Senate upon those items whenever he asks.

Mr. BURTON. Mr. President, the question must ultimately be decided by the Senate. I think I had better discuss the matter of these projects pretty thoroughly before that. I do not find myself able to ignore the fact that persons tell me they are utterly opposed to the bill but they are going to vote for it, and even going further than that, expressing the hope that the bill will be beaten; but if it comes to a vote, they will vote for it. What is my duty under those circumstances? It is certainly to discuss the bill with thoroughness and care.

I want the vote, whatever it is, to be a fair expression of the individual judgment of the Senate. Do you believe, Senators, in any such river and harbor bill as this? Do you believe in that $2,250,000 for the buying of the Chesapeake & Delaware Canal, that defunct corporation with a defunct and played-out canal, when there is to be expended upon it a further amount up to $8,000,000?

I come to another item here. Do you believe in that appropriation of $4,500,000 for the Cumberland River, for which there is only $340,000 appropriated in this bill? If this was a matter of your own personal business, would you favor anything of that kind?

I have noticed the course of this river and harbor legislation now for nearly 20 years, and I say a situation has been reached at which it requires radical treatment. It is perhaps the last chance I will have to discuss the river and harbor bill, but I am not going out of the Senate without doing what seems to be my full duty. My own State is about as badly hit as any State in the Union on lake and river, but I do not intend to allow that to influence my judgment.

There came here a fusillade of letters and telegrams. That is all very worthy of attention, but there is a principle involved. There is a question of the expenditure of public moneys that should receive the conscientious, careful judgment of every Member of the Senate.

I am perfectly aware that others who give this probably equal care come to different conclusions, but let us argue this out thoroughly. Let us have no hasty vote. We have made mistakes in the past. Are we going to make worse mistakes in this bill right here? What is the principle you are going to adopt in your river and harbor bills? Because A, B, C, and D ask anything that the engineers have reported, must it be incorporated in legislation? I say no.

One of the worst features of the whole situation is that the Engineer Corps have lost that conservatism and care which at one time possessed them and prevented them recommending projects which are not worthy of improvement. They are too likely to be attracted by plans which involve the skillful construction of forms of masonry, and their attention to a careful proportion between the expense and the results is diminished.

There is one thing I want to say about this bill which rests primarily with the other side. It is a question for the majority to decide, I think. Do you want all these new projects in this bill to go in at this time? It is a question that is in a measure nonpartisan, but if you are desiring to diminish appropriations, which, as I understand, have already reached the figure of $50,000,000 in excess of any previous year in the history of the Government, it is perfectly obvious that there is an easy way to diminish them by taking up this bill and striking out new projects which are not urgent in their nature. There are millions that could be saved in that way. Formerly, at least in the first decade, at any rate, of this century, it was not customary to take an engineer's report and appropriate in accordance with his recommendations immediately. It was thought best to provide for some older projects, to take them in the order of importance, and other things being equal, the older project would be finished before a newer one would be commenced. But in this bill the policy is adopted of taking a favorable report while it is still warm off the press, before the maps are printed, and incorporating the item in this bill. I think that is a bad policy. There is an excellent chance to save a good deal by the adoption of a different rule.

Just see what danger of mistake there is. A report would come in, say, on the 30th of April, right from the Public Printer. They would not have had time to lithograph the maps before it would come to the Committee on Commerce. On the 1st day of May the amount recommended there—it does not matter whether it be $500,000 or more—would be incorporated in the bill as an amendment. That is no proper way of doing business. There ought to be an interval for deliberation. In my judgment, many of the worst items found here are among the new projects.

I take up one now—the Cumberland River above Nashville. There are a certain number of locks and dams already above Nashville, and it is proposed to build 10 more. If I may have a pointer, I want to point to a very characteristic feature of that river. It is here [indicating]. Locks and dams are constructed from Nashville up to the town of Carthage here [indicating]. Just notice how crooked it is from there up to Carthage. There is no through traffic past Nashville. Products are gathered up in that river there and taken to Nashville and near-by points. It is proposed to expend $4,500,000.

Mr. President, if I could have the attention of the Senate while I present facts and figures, I am confident I could demonstrate that, as regards the higher grades of freight, it would be cheaper to carry every pound that can possibly be presented by autotruck rather than by a canal and pay interest on the investment. It is navigable for an average of six months each year already. One of the arguments in favor of spending the four and a half millions is that it is more profitable to the farmers if they can bring down their hogs a month or two earlier than they can bring them down on the boats in the high water. They may not be able to send them on the high water until about the 15th of December or the 1st of January, but if it was locked and dammed they could send them in October or earlier, and they would have to feed them less time and could get better prices for them. There is not a large amount of live stock there. It is one of the portions of the country where the traffic on a river, I believe, has increased somewhat.

Now, let us notice the history of that alleged improvement. Not very long ago an order was made for a survey. The district engineer distinctly and conclusively reported against it. He said it was not desirable. What happened? The Committee on Rivers and Harbors passed a resolution asking the board of review to make another survey and report upon it, and the very man who had reported against it before now made a favorable report. It is stated that Senator So-and-so and Representative So-and-so—I do not want to refer flippantly to my colleagues—appeared in force before that board of review, I think 6, 8, or 10 of them, and the result was a change from an unfavorable report to a favorable one.

Here is another very singular feature of it. A Member of the House—a prominent one—advocated this improvement, but he asked for only three locks and dams in that section. In the report of the River and Harbor Committee document it appears that such and such an association asked for three, and he concurs in that report. But what did this board of review do? They recommended ten. You will have to change that sentence in the Scriptures—

> And whosoever shall compel thee to go a mile, go with him twain—

And make it read—

> And whosoever shall compel thee to go with him such and such a distance, go with him all the way to Kentucky.

Three locks and dams were recommended in the first instance. That is all that were asked, and this report comes in here recommending ten.

The division engineer, Col. Newcomer, one of the ablest engineers in the service, recommends that the work be not done unless the States of Tennessee and Kentucky pay half the amount. There is already a chain in which I do not believe you can break a link. It is cheaper to transport all the better class freight by autotruck than to make this improvement.

Mr. LEA of Tennessee. Will the Senator yield to me for a question?

Mr. BURTON. In just a minute. The river can be used for a good share of the year without any locks and dams; the benefits especially pertain to that locality, so that one of the engineers recommended that it be not done at all and another that half be paid by the locality.

Now, then, here is a bill to expend $340,000, and that is not the worst of it. The Congress did not have the courage to face the whole proposition. It put in only $340,000, but so sure as one dollar is appropriated it means, before you are through with it, $4,500,000. I yield to the Senator from Tennessee.

Mr. LEA of Tennessee. I will say to the Senator I certainly hope Congress will eventually make the entire appropriation suggested by the report. I do not think the Senator has been quite fair to the upper Cumberland section. It is one of the most rapidly growing and developing parts of the State. It has diversified interests and products to be shipped and marketed. There are but few, if any, railroads in the greater part of that section, and the topography of the country is such that railroads can not be constructed at a cost which will be profitable nor can roads be built at a reasonable cost over which an autotruck can go.

The improvement of the upper Cumberland received one of its greatest impetuses when the Senator from Ohio was chairman of the Rivers and Harbors Committee of the House.

Mr. BURTON. The history of it is that there were a certain number constructed above Nashville and the request was made for a reexamination. I am frank to say that it was expected that the report would be unfavorable, but it came in a form in which it was favorable to the improvement, and the committee at that time adopted the recommendation, but they never thought there would be any request to go beyond those now constructed.

Mr. LEA of Tennessee. Nor do I think that the Senator has been quite fair to the engineer in charge. In effect he has charged that the engineer changed an unfavorable report to a favorable report on account of political influence. I do not know of anything in the reports or hearings which would justify such a charge.

Mr. BURTON. I do not want to say that it was on account of political influence.

Mr. LEA of Tennessee. What else does the Senator mean in suggesting that Senators and Representatives were present?

Mr. BURTON. I have no doubt but that between the time when the engineer made his first report and the time when he made his second report he maintained the most amicable relations with a considerable number of Senators and Representatives, and their names are given, I believe, in the list in the report. I am not sure that I do justice to the local engineer. Perhaps the Senators and Representatives did not call on him. I am sure that they called on the board of review.

Mr. LEA of Tennessee. The Senators and Representatives did call on the board of review in behalf of this project. I do not think the report shows anything about any kind of relation, amicable or otherwise, with the engineer or board of review during the time the report was being prepared. The fact remains that the engineer and board made a more careful and fuller examination than originally, and then realized the necessity of this section of the country having some means of transportation, and that river transportation was the only available means.

Mr. BURTON. There is another factor at Nashville—the Booster Club. I think it is very properly named. They brought all their boosters, their heavy siege guns, to bear on behalf of this improvement, and no doubt that was a considerable factor in the change of judgment.

Mr. LEA of Tennessee. Let me interrupt the Senator just a moment. That club is composed of the very best and most representative of business men and shippers of Nashville, who wanted, of course, to sell and receive products from that section of the country, and, having no other means of transportation for these commodities, the reason for their interest and activity in behalf of the development of this, the only available highway, is manifest. In so appearing before committees and before the board of review and in urging this project this organization was within its rights, and if the Senator suggests any other kind of influence I think he does this club the same injustice as he does the engineer in charge.

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Mr. BURTON. The name presents a sort of implication that they are rather active in booming the locality there and it presents an implication that they have not that very great degree of responsibility in regard to the expenditure of the public money which has characterized the model city of Nashville.

Mr. President, this comes in here for the first time, $340,000 now, and four million and a half. I can not attach quite so little importance to that change of mind. It seems to me very surprising—I have not the exact minutes before me, but at a later time I will try to give them—that the engineer should enumerate the population and the freight along a stretch of the river and report against it, and then within a year make another report in favor of it.

What confidence can we place in such reports if you can play shuttlecock and battledore with them in that way—one way one portion of the year and another way another portion of the year?

Mr. JONES. Did the local engineer report adversely on this proposition?

Mr. BURTON. Certainly.

Mr. JONES. Did the district engineer report adversely on it?

Mr. BURTON. I am not so sure that that followed. I think maybe it was dropped after the local engineer reported.

Mr. JONES. I did not know but that the district engineer would go before the Board of Engineers.

Mr. BURTON. I am not sure in regard to that; but it is likely they requested him to make a further examination.

Mr. JONES. I merely wanted to find out. I know how those things go, and I wanted to see whether it was a reversal all along the line.

Mr. BURTON. I do not think so. I think it was only a reversal as to the district engineer.

Mr. LEA of Tennessee. If the Senator will permit me a moment, I will say that I think there was a favorable report from the district engineer prior to February, 1914.

Mr. BURTON. When was the report against it?

Mr. LEA of Tennessee. My recollection is that that was two years before; I am not absolutely certain as to that. I think, however, it was a different district engineer. There have been three changes recently in the engineering force. Maj. Harts was originally in charge at Nashville; then Maj. Jadwin and now Maj. Burgess. This project has the approval of Maj. Burgess, the district engineer.

Mr. BURTON. Is he the only one who has approved it, and was his approval before the board reported on it?

Mr. LEA of Tennessee. The report of the district engineer was approved by the Board of Engineers.

Mr. BURTON. It is possible the engineer I refer to is not the same district engineer.

Mr. LEA of Tennessee. My recollection is very clear at this time that Maj. Burgess never reported unfavorably on this project.

Mr. JONES. Has this project been before the Board of Engineers once or twice?

Mr. LEA of Tennessee. I think it was before the Board of Engineers twice.

Mr. JONES. Did the Board of Engineers turn it down the first time it was before them?

Mr. LEA of Tennessee. It approved the report of the district engineer.

Mr. JONES. Then it was sent back to the district engineer and he changed his report from unfavorable to favorable?

Mr. LEA of Tennessee. I do not think so. The second report was made after a more careful investigation.

Mr. JONES. It was made by a different district engineer, but there was a favorable report. Then it came before the Board of Engineers and they approved it?

Mr. LEA of Tennessee. It approved the project and the Committee on Commerce of the Senate has approved it.

Mr. BURTON. I ask the Senator from Tennessee if he has the report to which he refers before him?

Mr. LEA of Tennessee. I have not just now, but if I can get it, I will put all the facts into the RECORD.

Mr. JONES. If that is correct, there has been a reversal all along the line.

Mr. LEA of Tennessee. The Board of Engineers followed the district engineer both times.

Mr. BURTON. I am not quite sure that that is the case, but I think we had better have the report.

Mr. LEA of Tennessee. I should like for the report to go into the RECORD.

Mr. BURTON. Mr. President, I want to say in this connection that it is practically impossible to obtain an adequate supply of these River and Harbor Committee reports. There was only a limited number printed, and after a year or so, when they become very important, while they have been exceedingly courteous over there, I find it difficult to obtain any copies at all. They are not like the reports of the Board of Engineers made to Congress, which are printed and bound as public documents.

Here is a place, Mr. President, where, while personally I do not believe that the project ought to be taken up, there is an excellent chance to save money now by omitting this appropriation of $340,000; and, query, whether it would not be better to reexamine the whole thing, for I have come to the conclusion that we must have some other kind of examination, something to supplement the methods that are now in vogue. How can you blame the engineers? They have been overruled many times in the years that have passed; when they reported against a project they were told by action, if not in words, "You had better change your minds and report in favor of it"; and their action was overruled. So they came at last to the conclusion, as Gen. Bixby, I think, said in some address, that from the very origin of the engineers they have regarded themselves as peculiar the servants of Congress.

Mr. RANSDELL. Mr. President, will the Senator yield for a question?

Mr. BURTON. I will.

Mr. RANSDELL. The Senator has stated that the engineers have been overruled so often that they have practically lost their independence. I understand that is the substance of the Senator's remarks. Will not the Senator be kind enough to tell us the cases in which they have been overruled and the number of times they have been overruled. I was a member of the Rivers and Harbors Committee of the other House with the Senator from Ohio for a great many years, and I have been on the Commerce Committee with him for the two years I have been in the Senate, and I recall very few instances where we have even asked the engineers for a reexamination of a project, and certainly very few cases in which we have overruled them.

Mr. BURTON. Let me give two cases right out of memory. On the Brazos River and the Trinity River above the fork, near Dallas, the Sabine and Neches to Beaumont and Orange, they reported distinctly against the project. They were ordered to go ahead and make another report. Indeed, in this case of Cape Lookout, the first survey was not friendly, but there was a request made that they report as to which was the better locality, Cape Lookout or Cape Hatteras.

Mr. SHEPPARD. Will the Senator allow me to correct him? As to the Beaumont project—that is, the Sabine-Neches project—the engineers who made an unfavorable report were not ordered to make another report.

Mr. BURTON. But the Engineer Corps was. There was an order made to the Engineer Corps, which we consider as an entirety.

Mr. SHEPPARD. They were not ordered to make a favorable report.

Mr. BURTON. Under the circumstances the order meant that.

Mr. SHEPPARD. The same engineers did not consider the project the second time; a special board was convened composed of different engineers, who went into the project thoroughly and made a favorable report.

Mr. BURTON. If anyone can read that series of orders and reports of Congress without coming to the conclusion that it is a direct snub to the men, virtually a censure, he is entitled to all the satisfaction that he can get from it. The engineers are not so lacking in sensitiveness that they did not see the significance of the action of Congress; and the Senate was not so lacking in the perception of the matter that it did not see what was the intention. The Senator from Texas will find a discussion of the subject, in which I myself took part some two or three years ago, that will make it clear.

Mr. RANSDELL. Will the Senator yield for a further question?

Mr. BURTON. I will.

Mr. RANSDELL. The Senator from Ohio has named four cases in which he says the engineers were practically snubbed. I do not so understand it. In the case of the Brazos improvement we did act without a specific recommendation from the Engineer Corps; but, as I recall, they gave us all the facts and allowed us to exercise our own discretion without making recommendations pro or con. But I ask the Senator, now, if we have not in this bill 137 surveys ordered, and if we have not had quite a number of surveys ordered in every river and harbor bill that has been adopted for years? There really have been thousands of surveys ordered and acted upon by the engineers in the last 10 or 15 years, and out of those thousands he

mentions four, and says we have snubbed the engineers so often that we have broken their spirit. Mr. President and Senators, the Engineer Corps is the grandest body of men in the United States; there is no more independent body of men than the engineers of the Army, the honor men of West Point, the picked men of our Army. They are absolutely independent of Congress; they do not get any political appointments through us or through anybody else; they hold their positions for life and retire on a splendid salary when they get to be 64 years of age; and yet the Senator tells us we have bulldozed and broken the spirit of these engineers because we acted adversely to them in four out of thousands of instances. He has named four. It is so ridiculous on its face that I am surprised that a man of his great ability should attempt to make the Senate believe any such thing.

Mr. BURTON. Mr. President, I recognize the desirability of the kind of argument in which the Senator from Louisiana has indulged. It is an excellent plan to praise the engineers; it is an excellent plan to speak of their independence. No one has defended them quite so frequently as I have on the floor of the Senate. I have not indulged in anything fulsome; I have the highest confidence in their integrity; but if the Senator had been a careful student of the course of legislation on this subject he would know that their attitude upon this matter has changed very materially in the last 5 or 10 years, and he would know that the main reason has been the attitude of Congress.

It is true I have only named four projects in which they have been overruled, but again and again you will find instances, I think right in this bill, where they have been ordered to make a survey and have reported adversely, and when they have been asked to report upon it again have reversed their position. As one of them remarked to me, "I have got to do what the Representatives and Senators want or I will lose my job."

Mr. RANSDELL. Mr. President, will the Senator tell us how a United States Army engineer can lose his job?

Mr. BURTON. He thought so; I do not know.

Mr. RANSDELL. I wish the Senator would explain that matter. He is a trained legislator, and he knows we have nothing to do with them; we do not appoint them; and how could an Engineer officer lose his job through the efforts of a Senator, unless he became the one single solitary scandal in the whole Engineer Corps and achieved a reputation such as that of Capt. Carter? If he did, he might lose his job, but not otherwise. It is not in the power of a Senator to secure his removal; it would take an act of Congress to put one of these men out of his position.

Mr. BURTON. It is not the fear alone of losing his position or rank of major or something of that kind, but the possibility of promotion, his standing with Congress and with the civil authorities of the Government is involved.

I think, Mr. President, hereafter I will have to speak a little more freely on this subject. I have gone far out of my way to explain the actions of the engineers in some instances. That has been due largely to the old friendships of past years; but if there is so much offense taken on that ground there are other lines affecting Congress with reference to these improvements that I can follow, and I think hereafter, since those who defend the corps are so very earnest here when I endeavor to make it easier for them, that I will leave that out and speak of the merits.

Mr. LEA of Tennessee. Mr. President, will the Senator yield to me for a moment, that I may make an observation with reference to the Cumberland River?

Mr. BURTON. Certainly.

Mr. LEA of Tennessee. I will take only a moment of the Senator's time, because I know he is in a hurry to finish his remarks.

Referring to the report of 1912, I want to read an extract from the report of Maj. Burgess:

> 36. By way of a summary, my conclusions are:
> (a) That in view of the fact that this part of the river is already in fair navigable condition for nearly six months per year, and of the great cost of completing the slack-water system, as well as for the other reasons cited above, it is advisable to defer the completion of the system until an increased use of the present facilities shows more plainly that the expense of the completion will be justified by the probable use which will be made of the improved river;
> (b) That it is not at present advisable to construct one or more locks and dams above Lock No. 7; and
> (c) That whenever provision is made for one or more locks and dams it be with a view toward the early completion of the entire system.

When the report for 1913 was made it was with a view of taking up and completing at an early date the entire project or system. I should like now to read a part of the report of the Chief of Engineers.

Mr. BURTON. I will inquire what the Senator is about to read? Is it the river and harbor document?

Mr. LEA of Tennessee. The report on the river and harbor bill, page 224:

> For reasons fully explained in its report of February 4, 1914, the board concurs with the district officer in the opinion that it is advisable for the United States to undertake the improvement of the Cumberland River from Lock 7 to Lock 21 by the construction of 10 locks and dams, at an estimated cost of $4,500,000 for the construction and about $50,000 annually for operation and maintenance: *Provided, however*, That the States, counties, or other local agencies shall bind themselves to protect the United States against any and all claims for damages due to overflow, the project to be subject to such minor modifications from time to time by the Chief of Engineers as experience with the work may indicate to be advisable. The division engineer is of opinion that the improvement should not be undertaken except on the condition that the States of Kentucky and Tennessee or the local communities shall contribute one-half of the estimated cost of construction.

And the appropriation in the pending bill is on condition that the stipulations provided for in this document are to be complied with. This shows the district engineer has not reversed himself.

Mr. BURTON. Do I understand the Senator from Tennessee to state that under the provision as it is in this bill the States of Tennessee and Kentucky or the localities must pay half of the expense?

Mr. LEA of Tennessee. My statement was only that the provision complies with the conditions set forth in the report which I have read. On page 47 of the bill you will find:

> Improving Cumberland River above Nashville, Tenn., in accordance with the recommendation of the Chief of Engineers and the Board of Engineers for Rivers and Harbors, printed in Rivers and Harbors Committee Document No. 10, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $340,000.

Mr. BURTON. What does that mean?

Mr. LEA of Tennessee. If the Senator will pardon me a moment, what I started to say was that the district engineer did not reverse himself. In 1912 he did not advocate taking up and building only one or more locks. His idea was that the whole system should be taken up, with an idea of completing at an early date the entire project. The next year he recommended that, and that is the recommendation which has had the approval, first of the division engineer and the Board of Review, and then of the Chief of Engineers; so that I think the district engineer, the division engineer, the Board of Review, and the Chief of Engineers are consistent in now advocating the project.

The piecemeal method was not advocated originally. I understand an entire system—a complete project—is what the Senator desires. He wishes these projects to be taken up as a whole, as an entirety, and not in piecemeal or a dribbling way, as he expresses it. The district engineer and the division engineer have merely met the Senator's point of view in making this recommendation with a view at an early date of taking up the entire system of development for the upper Cumberland.

Mr. BURTON. When No 1 is objectionable that does not make 1 to 10 altogether desirable.

Mr. LEA of Tennesesee. No; but, if the Senator from Ohio will pardon me, the district engineer has never said that No. 1 of itself was undesirable, but merely that the No. 1 alone, without an idea of completing the entire project, was undesirable.

Mr. BURTON. It is some time since I have read that report, Mr. President, and, of course, I have not read it with the immediate personal interest which the Senator from Tennessee has read it, but I can not agree with him that there was no reversal of opinion. The arguments and reasons against the project were all so pronounced that I think clearly there has been a reversal. There was a change.

Mr. LEA of Tennessee. May I ask the Senator one question further? There being a marked difference of opinion between himself and engineering bodies—the Engineer Board of Review and Chief of Engineers—which constitute a bulwark between Congress and the Treasury, as to the desirability of this work, does he not think that the Senate is entitled to vote upon that question and let the majority of the Senate decide who is right?

Mr. BURTON. Yes; if they vote according to their own particular views upon the subject. No; if they vote under compulsion, or because they think the State demands it.

Mr. LEA of Tennessee. Will the Senator name any Senator whom he thinks will vote for this bill under such compulsion?

Mr. BURTON. Oh, I would not want to do that.

Mr. LEA of Tennessee. I do not think the roll would be so long as to make the Senator's remarks unduly lengthy.

Mr. BURTON. I should like to ask the Senator from Tennessee a question upon that subject. Does he understand that this reservation on page 47 means that half the cost should be paid by the States of Kentucky and Tennessee?

Mr. LEA of Tennessee. No; I do not understand that. I did not intend to say anything to that effect; merely that the

damages that resulted from the overflow should be paid by these States.

Mr. BURTON. So that the recommendation of Col. Newcomer was not complied with.

Mr. LEA of Tennessee. If the Senator will pardon me, the report states on this subject as follows:

*Provided, however*, That the States, counties, or other local agencies shall bind themselves to protect the United States against any and all claims for damages due to overflow, the project to be subject to such minor modifications from time to time by the Chief of Engineers, as experience with the work may indicate to be advisable.

Now, I do not understand that the provisions of the bill necessarily make those States contribute one-half of the cost of construction. I understand that if it did the Senator from Ohio would be very much opposed to such a provision because I recall many years ago, before I ever came to Congress or dreamed of coming to Congress, reading one of his speeches in which he was very much opposed to any project, except one which was entirely a Government project. The Senator, as I recall, then compared the statistics in regard to English private development and French Government development.

Mr. BURTON. Does the Senator refer to a speech delivered in 1896 in the House of Representatives?

Mr. LEA of Tennessee. I think it was. I thought at the moment it was delivered a little earlier than that, but I believe it was a speech delivered by the Senator in 1896 in the House of Representatives.

Mr. BURTON. I recall having done that.

Mr. LEA of Tennessee. The Senator then took a very strong position against contributions by the local municipal and State authorities; so I thought if there was a condition in this appropriation requiring Kentucky and Tennessee to contribute one-half of the cost of the project, it certainly would encounter the Senator's opposition.

Mr. BURTON. I remember at that time stating the arguments pro and con. One was what the Senator states, that if there were participation injudicious improvements would be less likely to be adopted, and the other was that no improvement ought to be commenced unless it was distinctively national in its nature, and a proper object for appropriation from the National Treasury. That was the line of argument I pursued.

Mr. LEA of Tennessee. That was the line of argument; and then, further, that the National Government should have exclusive control, and if there was this local cooperation there would not be exclusive control over the work by the National Government; that local influences would be potent.

Mr. BURTON. I do not know that I quite hold to that view now.

Mr. LEA of Tennessee. Then I recall that the Senator contrasted the English and the French systems of the development of waterways very much to the advantage of the French system and to the disadvantage of the English system, and gave as the reason that one was a national project and the other was a local project.

Mr. BURTON. I remember that the speech was delivered in April, 1896.

Mr. President, I desire now to make some further examination of the Cumberland River project, as of several others of which I have spoken. I think it will appear that there was a virtual reversal of opinion on it. There is no doubt that the Senator from Tennessee, in reading that, derives from it an opinion that would be obtained from reading the final report; but I think if we read the whole of the report a different conclusion will be reached.

I come now to the Tennessee River. The provision for this has been very materially changed in the Senate. Above Chattanooga, Tenn., the House provision was for $150,000, and it was changed in the Senate to $300,000. Between Chattanooga, Tenn., and Browns Island, $150,000, changed to $250,000. Between Florence and Riverton, Ala., $130,000. Below Riverton, Ala., $120,000, changed to $250,000. In all, $930,000.

Mr. President, I hope to have time to give close attention to the Tennessee River. I think to the student of waterway transportation it has an interest little short of fascinating. By considering the different sections of the river you can gain an idea of the relative advantages and disadvantages of a river flowing through a level country and one flowing through a mountainous country, and of still another that is in itself fairly navigable but is shut off by an intermediate section which is mountainous. You can trace the course of traffic, for we have figures there going back to 1890.

There are, briefly speaking, three sections of the Tennessee River. The first is about 216 miles long from the mouth to the town of Riverton, Ala. Then there is a section 238 miles through Alabama and Tennessee to Chattanooga. Then there is a section of 118 miles, a very crooked section of the river, to Knoxville. This is, of course, the largest of the tributaries of the Ohio, and is really a very important river. There are three or four tendencies which develop here.

In the first place, the high-grade freight is diminishing on all sections of the river. In the next place, the shipment of timber, though showing alternations, is generally tending to diminish. In the next place, particularly in the two upper sections, the tendency is toward a much shorter haul. Formerly, in the upper section, 188 miles in length, there was a large quantity of grain carried. There is a considerable quantity of freight carried there now, but it is mostly marble, carried 3 or 4 miles, or iron ore, carried 15 miles, or sand and gravel, carried 6 to 10 miles. Nearly $10,000,000 has been expended on that river. The lower portion, something over 200 miles, is the most hopeful portion for improvement.

What is the status of this bill as regards appropriations for this river? In the upper section there is on hand above Chattanooga $266,000, of which outstanding liabilities amount only to $9,000. Between Chattanooga and Browns Island, which is another division made here recently, $208,000; between Florence and Riverton, $28,000, which, however, is met by outstanding liabilities. In the case of the first two items mentioned—that above Chattanooga and between Chattanooga and Browns Island—almost the total balance is available—over $200,000.

Until within two or three years past, less than those amounts were annually appropriated for those two sections. Indeed, there was not a demand for more than $100,000 for the two. We were prosecuting the open-river work in the two, and the completion of the canal and lock at the Colbert and Bee Tree shoals, improving the lower section as best we could, and not seriously contemplating any more ambitious plan for that river. The traffic then was more than it is now. Then commenced a period of larger appropriations and of ambitious projects, and a report was made, to which fuller reference should be made in the Senate, because it states the whole theory of the improvement of rivers. It shows the fallacies which exist. The engineer states, for instance, that the Government can easily borrow money at 2 per cent, and he seems to base his calculations upon that. Then he goes on:

First, there is the estimate for the improvement of the river, on which already nearly $10,000,000 have been expended. The cost above Chattanooga, including 11 locks and dams——

Why, Mr. President, there is not enough through traffic on that portion of the river to load half a train of cars; and yet the report gave an estimate for 11 locks and dams at the cost of $11,220,990.

Well, it appears that this was a little too strong a proposition; and so the local engineer—still bearing in mind, I suppose, the idea that the Government could borrow money at 2 per cent—recommends a 3-foot depth and two locks and dams, at an expense of $3,123,246, in the upper section; in the middle section, $9,060,441; and in the lower section, $972,721; in all, an expense of $13,156,408. Excepting the Muscle Shoals, where the present depth of 5 feet would be retained, the depth in the middle and lower sections, I believe, was to be 6 feet. The cost of maintenance was estimated at $150,000 per annum.

After the local engineer, along comes the division engineer, Lieut. Col. Warren, and he displays some conservatism. He disapproves the whole plan except the improvement of the lower portion and the open-river improvement of the middle and upper sections.

Then, along comes a fourth—yes; you may say a fifth—proposition; the board. They recommend open-channel improvement above Chattanooga to cost $1,125,287; Chattanooga to Riverton, except the section from Browns Island to Florence, on which further report is to be made, $3,596,353; Riverton to the mouth, $610,586; a total of $5,332,228.

There you have four estimates or reports; but that is not the last. Along comes the Chief of Engineers, and he makes a different report from any of the rest; and I must say, in looking at the bill, that I do not quite know what to make of it, as to which one of these reports is accepted. I take it for granted it is the report of the Chief of Engineers.

Mr. LEA of Tennessee. Does the Senator object to the entire project or merely to the work above Chattanooga?

Mr. BURTON. I believe now just exactly as I did in the years when I went over the whole river—that it was useless to attempt more than open-channel navigation in the upper and middle portions or in any of it; that is, the lock and dam which was put in at Hales Bar by private parties, at their expense, has improved the navigation very materially. That was a bill which I myself drew in the year 1902, I think, and that gave them permission to develop water power and build the dam and

also the locks, except the metallic equipment, the gates, and so forth.

Mr. LEA of Tennessee. I was under the impression that almost the entire work that had been done below Chattanooga until now had been done under the direction and almost with the care and encouragement of the Senator from Ohio.

Mr. BURTON. Well, it was not, though I have always believed in the lower portion.

Mr. LEA of Tennessee. Does the Senator know exactly the amount that has been expended to date upon the work below Chattanooga?

Mr. BURTON. I can not give the amount just offhand. I should be inclined to think it was about a million dollars. I do not know but that I can turn to that in a moment. That is not where the prospective expense comes in; it is in the middle and the upper sections.

Mr. LEA of Tennessee. I understand that. Certain amounts having been expended, it is the theory of the Government engineers, as I understand, that the amount which has already been expended with the Senator's approval will yield a full return only when this additional amount is expended, so as to give the greatest possible amount of traffic.

Mr. BURTON. Let us look at that for a minute.

Mr. LEA of Tennessee. Moreover, I do not think the engineer is to be ridiculed when he says the Government can borrow money at 2 per cent. If this was a case of a private corporation, and it had made this original expenditure, and by an additional expenditure of the amount estimated, obtaining money at 2 per cent, and the Senator were on the board of directors, I am sure he would vote, as I would vote, for the additional improvement or extension.

Mr. BURTON. The Government never in its history borrowed any money at 2 per cent excepting under an artificial and peculiar arrangement by which the 2 per cent bonds were held by banks as the basis for the issuance of currency. No other Government in the world has ever borrowed money at 2 per cent. Holland, which perhaps is the most favorably located of all, has borrowed perhaps at 3 per cent. The English consols, before the late trouble, drawing 2½ per cent, were selling at 73. That is more than 3 per cent. French 3 per cent consols have ranged all the way from 83 to 93.

Below Riverton the total appropriation to June 30, 1913, was $854,197. That is an open section, except at Hamburg Landing. There is no part where there is any serious obstruction. My thought always was, Improve that thoroughly first and finish that lock and canal and the Bee Tree shoals and make a certain amount of improvement in the middle of the upper section.

But let us see what the result will be. You have navigation through all except 100 days in the middle section and all except 90 days in the upper, and navigation practically all the year round in the lower. I have the figures, and I will present them to the Senate later. Bear that in mind.

In May, 1899, the Rivers and Harbors Committee went over that river from Knoxville, Tenn., down, and it was a perfectly smooth voyage. There was no trouble whatever in a good-sized boat. The only place where we had any difficulty was at drawbridges, where the men had gone on a vacation, as they said they had not come out for weeks before to open up the draw because there had been no demand for them.

This river, middle, upper, and lower, is navigable year by year for a greater number of days than the channels on the Great Lakes, though the navigable period is irregular.

Now, the Government has been going on and spending money at Muscle Shoals Canal. I instanced it so many times, Senators, that I am sorry to refer to it again. Four million six hundred thousand dollars has been expended and $40,000 to $60,000 a year for maintenance and less than 6,000 tons of freight go through. That is in the part of the river where there are the greatest obstacles and where an improvement would do the greatest amount of good. The interest and the cost of maintenance practically is as much as the value of all the freight. The commerce consists of some fertilizer, some wheat, and other commodities.

Here is another improvement right down here [indicating] where we spent $2,100,000. There, even if you compute the interest at 4 per cent and the cost of maintenance, the total would buy every particle of freight presented, except timber that would float in the river without any improvement at all, and float better without the lock.

That is not all. In the face of this the Engineer Corps have been making an estimate of the cost of 11 locks and dams in the upper section, 188 miles, and unless Congress expresses itself, unless we study this subject now, those 11 locks and dams are coming there just so sure as the communities and boards of trade and their booster clubs ask it.

Mr. KENYON. What would these locks cost?

Mr. BURTON. Eleven million two hundred and twenty thousand dollars.

Mr. LEA of Tennessee. Will the Senator allow me to inquire if this would not require another report.

Mr. BURTON. There is an estimate for them already. They are not recommended, but there is an estimate for them, and a map issued by the corps shows them as projected.

Mr. LEA of Tennessee. The Senator will agree that Congress must act further before such a recommendation could be made.

Mr. BURTON. I do not suppose they are waiting for Congress.

Mr. LEA of Tennessee. Whatever may be the influences charged, Congress must act further. Is not that the fact?

Mr. BURTON. Yes; and if the eloquent and excellent gentlemen who were so plausible to the board of review and Senators and Representatives go before it, as they did about that upper section of the Cumberland River, it is only a little way off.

Mr. LEA of Tennessee. But it requires the action of Congress before there can be another report.

Mr. BURTON. The time is coming for that locality; it is almost here.

Mr. LEA of Tennessee. I certainly trust the Senator is a prophet in that respect.

Mr. BURTON. Unless we overhaul this whole system, it is coming. We know just what the argument will be. They say, "You spent so many million dollars for the Ohio, now you must spend $30,000,000 for the Tennessee."

I want to call attention to two more things. Without saying a word about a lock and dam, without any mention of anything of that kind, but merely by reference to this document, in the acts of 1912 and 1913 appropriations were made; and what have the engineers done? I did not know it until recently. They spent $34,000 on a lock and dam at Caney Creek Shoals, in the upper portion, and $23,000 in a lock down at Browns Island, in the middle. I challenge any Member of the Senate to look through the executive document or report and then take up the bill and see upon what ground those locks and dams were commenced. There is nothing said about any lock and dam in any bill on the subject I have been able to find.

If the Senator from Tennessee, or any other Senator, will show me any reference to Caney Creek Shoals or to Browns Island—it is not Browns Island; that is the name of another island—in any river and harbor act, I will be greatly obliged to him.

The Caney Creek Lock and Dam is to cost $1,600,000, the one in the middle section $1,000,000, and I challenge any Member of the Senate to show one tithe of the promise of traffic that would come from the Muscle Shoals Canal and the Colbert Shoals Canal, where it appears that the Government can practically afford to buy every pound of freight that comes there for the interest on the money they have spent and the money for maintenance. Mr. President, it is absurd to the point of monstrosity.

But that is not all. I want to call attention to another thing. One thing can be said for the benefit of the engineers. Whenever there is a lock-and-dam proposition there is an attraction for it that is absolutely irresistible for them. They are in favor of it. More locks and dams; more locks and dams. In the Illinois River and the Hennepin Canal I pointed out what has been done: Seven or eight million dollars, and four-fifths of the freight carried through there is gravel, and so forth, for the upkeep of the canal.

The cost of commercial freight amounts to an unheard-of figure per ton. But they are going bravely on, and every time there is a chance to build a lock and dam they build it.

Mr. KENYON rose.

Mr. BURTON. Now, I want to finish just what I was saying. The engineers recommend that for this Caney Creek Shoals, 22 miles long, the flowage rights be paid for in the locality because of the peculiar local interest. It possesses a peculiar local interest. About all that is there is an iron-ore mine, where a man carries to his furnace about 140,000 tons of iron ore a year.

Just look at the absurdity of that proposition. Here is a river 188 miles long, 3 feet deep at extreme low-water depth, 4 feet deep at ordinary low-water depth. Right in the middle of it, 22 miles long, there is a proposition for a pool 25 feet deep at the lower end and 6 feet deep at the upper. Is not that wisdom?

Now, let us see just what happened.



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Mr. LEA of Tennessee. If the Senator from Ohio will yield again, the Senator has been very generous to me and I know he is anxious to complete his remarks this afternoon, so I will delay him but a moment. I understood him to say that work on the Caney Creek lock and dam and the Crow Creek lock and dam had been commenced without any warrant in law; that there is nothing in any river and harbor bill authorizing such work.

Mr. BURTON. I should like to see it.

Mr. LEA of Tennessee. I understand the Chief Engineer recommended it in his report.

Mr. BURTON. He recommended it, but where is it in the bill?

Mr. LEA of Tennessee. The bill, by reference to it, incorporated the report of the Chief of Engineers.

Mr. BURTON. In about two or three lines.

Mr. LEA of Tennessee. I will ask the Senator from Ohio has not that been usual and customary in making appropriations for such projects?

Mr. BURTON. I submit, Mr. President, that when it comes to an appropriation for a lock and dam to cost $1,600,000 and another to cost $1,000,000 there should be more than two or three lines of reference to a report of 60 or 100 pages. That is not the best way to do business.

Mr. LEA of Tennessee. Has not a great deal of river improvement work in this country been done on exactly the same basis? The appropriation authorizes the work to be done according to the report of the Chief of Engineers, and the reference in the bill to the report is the same as though the report was set out in full.

Mr. BURTON. Let us look at this a minute and see.

Mr. LEA of Tennessee. I think I can show authority for this statement.

Mr. BURTON. What I ask for is a reference in some bill.

Mr. LEA of Tennessee. The rivers and harbors bill refers to the special report of the Chief of Engineers in so many words, and says the work is to be done according to his report, and this is the same as if the report itself were incorporated in the bill.

Mr. BURTON. There are five different estimates. There is first a report on the cost of a 9-foot channel on the lower and middle sections and a 6-foot channel on the upper section. Next there is a report or recommendation of the local engineer and then the recommendation of the district engineer. Those three are widely different. Then, fourthly, the district engineer turns it down entirely. Then there is the recommendation of the board of review, and then the recommendation of the Chief of Engineers, these last two being entirely different. Now, what is the size of that report? Let us see. It is not one of your little modest billet doux of a page or two. It is a document of more than 200 pages and there are five different propositions in it. I suppose the natural inference would be that the last would be adopted. Let us see what the proposition in the last one is. Here he recommends $2,600,000 for work above Chattanooga, including this lock and dam; $3,500,000 between Chattanooga and Riverton; and $600,000 below Riverton, making in all $6,700,000.

There was $6,700,000 to be selected from. Why was that money applied in the first instance to the construction of those locks and dams? Was there not plenty of open channel work to be done? Why begin with $34,000 on one and $23,000 on another? It came out of the appropriation of perhaps a couple of hundred thousand dollars on a lock and dam, costing $1,600,000 for one and $1,000,000 for another. Now, there is one thing which I wish to notice.

Mr. LEA of Tennessee. The Senator realizes that no actual work has been done on the two locks described by him. Only the surveys have been completed, I understand. I do not think even the land for the locks and dams has been acquired by the Government.

Mr. BURTON. Unless there is some prohibition in the bill it will be, surely.

Mr. LEA of Tennessee. Has not the money for these locks and dams been appropriated in the same manner as nearly every dollar of money is appropriated in river and harbor bills each year? Take, for instance, the first item in the pending bill, as I recall it.

Mr. BURTON. That is where there is a small or clearly defined improvement.

Mr. LEA of Tennessee. It reads: "Improving Tenants Harbor, Me. Improvement in accordance with the report submitted in River and Harbors Committee Document No. 12, Sixty-third Congress, second session." There is no other question as to the character or manner of work.

Mr. BURTON. That is dredging out a single channel, a well-defined, thoroughly described project. See how different this is from that. This is a description of a river in three sections worked out at a number of places in each of those sections. It is a proposition for an open channel, a proposition for locks and dams. The whole is complicated.

I want to call the especial attention of the Senate to this: The Chief of Engineers did recommend that, in view of the very considerable local interest, it be made a condition that the flowage rights shall be paid in the locality. Of course, every Senator knows what that means; the water rises somewhat higher along the banks and there is injury. There is not a word about that in your bill. Why come here and say that you are always following the recommendation of the engineers when you left out an item of this kind? And what will it cost? One estimate of the engineers was that the flowage rights would cost $300,000. The latest estimate was $450,000. I think if the question of condemning those flowage rights was left to a jury down in that neighborhood they would take a view somewhat like this: "Well, here is the funniest and queerest proposition we ever heard of. The Government is going to spend a million dollars or two here to build a lock and dam. What is this lock and dam for? We are to have it made of fine masonry, but we do not see that it reaches anywhere. We are glad to have a monument down here in east Tennessee. Now, some of our farmer friends are going to have their land overflowed a little. If the Government could afford to do such a foolish thing as to build that lock and dam it ought to pay our farmer friends 5 or 10 times what their property is worth." I do not think it would take any special process of ratiocination or reasoning for them to come to the conclusion that they had better tuck it onto our genial Uncle Sam in a pretty vigorous way. So these same flowage rights might cost a million. The original estimate was $300,000, the intermediate estimate $450,000.

I called somebody's attention to this as a matter that ought to be rectified. Yes; but why did it come in here in the first instance with that valuable suggestion of the engineer left out making an expense to the Government of the United States of possibly $1,000,000?

I trust, Mr. President, this lock and dam will not be completed; that it will stop right here; but be that as it may, this is an oversight which shows how carefully this bill ought to be revised.

Mr. President, I come next to another specimen of extravagance in this bill that might readily be remedied, a portion of the Mississippi River to which I have several times before called the attention of the Senate—that part of the river between the mouth of the Missouri and the mouth of the Ohio. I should like to have some one take up these facts and figures and justify the appropriation of $1,000,000 for that part of the river. At the time of the World's Fair the Rivers and Harbors Committee thought there was going to be great development there, and so we made a provision in 1902, I believe it was, for $650,000 a year for four years. One year I think the traffic was fairly good, but it soon began to diminish.

So, when we came together in 1907, we concluded that $250,000 a year was enough for that stretch of the river, and that dredging was practically all the work that it was necessary to do. That amount was appropriated, and was ample to maintain an 8-foot depth in the river, ample to maintain every demand of navigation. An officer of the Army told me he went down the river twice a year and never had a complaint that the navigable capacity was insufficient. Some men were complaining that their land was not properly protected, or something of that kind, but he never heard of a complaint about the depth or width of the channel. So, now, for some 10 years that 8 feet has been maintained, but the traffic has diminished practically every year.

I want to repeat some figures that I gave here some time ago. The House bill and the Senate bill have $1,000,000 for this stretch of the river, 206 miles in length. In 1881 the estimate of the cost of obtaining a channel 8 feet in depth was $16,397,500. To June 30, 1913, the amount expended in seeking to obtain this 8-foot channel was $15,574,425, nearly all of which was expended after the estimate of 1881—that is, there was an estimate that it would require $16,000,000 or so to secure an 8-foot channel, and on that there was expended to June 30, 1913, $15,574,425. On June 30, 1913, the estimated cost of obtaining an 8-foot channel from St. Louis to Cairo was $18,570,574, or $2,000,000 more than the estimate of 1881.

What an absurdity that all is! We have spent $15,000,000 on it, and the cost of obtaining an 8-foot channel is estimated at $2,000,000 more than it was 30 years ago, and the capsheaf of

the absurdity is that you have had an 8-foot channel now for the last 10 years. I hope somebody will explain it.

The proportion of the total traffic at St. Louis in 1881 was far greater on the river than it is now, perhaps fifty times as great. The traffic handled during last year was 265,720 tons, which is about half as much as it was in the days when we were appropriating only $250,000 a year, seven years ago. Then it was valued at twice as much, and was nearly twice as much in quantity. We are now appropriating $4 for every ton of commerce, and more than half of that freight is coal brought from Pittsburgh to one single concern in St. Louis. Mr. President, while I am not absolutely familiar with the rate per ton on coal, I am satisfied that $3.25 would pay the freight on every ton of that coal by rail from the mine to the factory, 75 cents a ton less than we are paying on the average for maintaining a depth of 8 feet, when you have had 8 feet for 10 years.

Here is another feature to which I want to call attention. On June 13 last there was a balance on hand of $375,736. Why is any more money needed for that improvement? Is not that a place to economize in this time when our fellow citizens are economizing, when many fear that a pinch will be on them? Is it not well that we should abate so absurd, so extravagant, so wasteful an appropriation as the $1,000,000 that is proposed for this stretch of river?

Mr. SMITH of Michigan. Mr. President, I should like to renew my effort which was so futile a while ago.

Mr. BURTON. Mr. President, I should like to have something to say about that. Does the Senator from Michigan desire to ask a question?

Mr. SMITH of Michigan. I merely wish to interrupt the Senator for a moment, with his consent, to ask whether or not we can not come to some arrangement whereby the undisputed items in this bill, about which no special fault is being found, can be passed, and when an item is objected to, for any reason, let that item be put over? After we have finished the undisputed items in the bill, so that we may known just where we stand, then we can direct our attention to what remains; and by that process come to a better understanding, and with less delay, and prevent real damage resulting to projects which ought to have immediate attention. I think in that way we may make some real progress.

Mr. GALLINGER. How would it do to recommit the bill, and give the committee another opportunity to consider it in the light of what has developed?

Mr. SMITH of Michigan. Well, Mr. President, the committee has worked diligently on this bill.

Mr. GALLINGER. Yes; but they had not the enlightenment then that they have had since.

Mr. SMITH of Michigan. We had all the light that has been thrown on the bill through the discussion.

Mr. BURTON. Mr. President, I object to that; I do not want to have my remarks for this whole day so remorselessly crushed by a single sentence as that.

Mr. SMITH of Michigan. I mean it as a compliment to the Senator from Ohio. I mean that in the committee we were fully informed from day to day by experts.

Mr. GALLINGER. By the Senator from Ohio?

Mr. SMITH of Michigan. Yes; by the Senator from Ohio and the engineers.

Mr. BURTON. That is not quite correct. In the last two or three weeks I was not there at all.

Mr. SMITH of Michigan. When the Senator was not there we were rudderless and did nothing of importance. The bill was completed before he went away, except as to a very few items.

Mr. BURTON. Oh, the committee did business while I was away.

Mr. SMITH of Michigan. I think I got in a little item for Arcadia, amounting to $25,000, which the Senator from Ohio does not oppose; he knows that the project has merit.

Now, I speak as a member of the Committee on Commerce—and there does not happen to be any other member here except the Senator from Ohio. We will make progress with this bill if we can come to an understanding that the bill shall be read item by item, and where there is no objection that the item shall be adopted, and where there is objection that it be segregated; so that we may find out where we stand. Why should not this be done? I tell you, Senators, if past experience is worth anything at all, you are going to drift with this discussion to the point where you will not have a quorum, and you must then take up this bill by unanimous consent or you can not take it up at all.

Mr. GALLINGER. Which would not be an unmixed evil.

Mr. SMITH of Michigan. That comes with very good grace from the Senator from New Hampshire, whose projects were completed long ago, while he was a member of the Committee on Commerce.

Mr. GALLINGER. We never had any.

Mr. SMITH of Michigan. And who now speaks from a position of unusual advantage over his fellow Members from other States, who were not so fortunate as to be on that committee earlier.

Mr. SIMMONS. Mr. President, the Senator does not mean to say that as soon as the Senator from New Hampshire got all of his projects completed he resigned or retired from the committee?

Mr. SMITH of Michigan. He has been vigilant in guarding the interests of New Hampshire, and I honor him for it. If New Hampshire has appreciated his untiring efforts she will keep him where he is for the remainder of his life.

Mr. GALLINGER. That is remarkably fine.

Mr. SMITH of Michigan. Then, so long as that is unanimous, I hope the Senator will let me proceed. [Laughter.]

Mr. GALLINGER. I feel constrained to do so; but I only want to ask the Senator if he heard the observation made sotto voce by the distinguished Senator from Indiana [Mr. KERN] a moment ago?

Mr. SMITH of Michigan. If I listened to all the observations made sotto voce by the Senator from Indiana my entire time would be taken up in trying to compose the manifold displeasures of this hour.

Mr. GALLINGER. I take my seat.

Mr. SMITH of Michigan. We started with Ohio this morning——

Mr. FLETCHER. Let me suggest to the Senator from Michigan that the proposition he makes involves the idea that any single objection made to a particular item would dispose of the item; so that we would be placed entirely at the hands of any Senator who objected.

Mr. SMITH of Michigan. Oh, no; but if we drift into the position where we have not a quorum to do business, we will have to take it that way or not get it at all.

Now, I want to say one word further, and then I will subside. The Senator from Ohio started this morning very generously by saying that he would cut down any of the items in Ohio that seemed to be a little extravagant.

Mr. BURTON. No; they are not extravagant.

Mr. SMITH of Michigan. Well, unnecessary.

Mr. BURTON. Well, Mr. President, they are not unnecessary, either, because the Ohio projects affect an enormous traffic; but in a reform bill of this kind, just as charity has got to begin at home, the disposition to diminish the amount has got to begin at home also. The Ohio River, I think, can stand some decrease.

Mr. SMITH of Michigan. Now, Mr. President, we can agree on Ohio. The Senator from Ohio said publicly this morning that there was not an appropriation in this bill for any harbor or river in Michigan to which he objected.

Mr. BURTON. I might discover some.

Mr. SMITH of Michigan. But the Senator is now foreclosed from doing so.

Mr. BURTON. Not altogether.

Mr. SMITH of Michigan. Yes; the Senator from Ohio is foreclosed.

Mr. BURTON. No; there is a sober second thought. However, there is not very much up in Michigan in this line anyway.

Mr. SMITH of Michigan. We have got a good deal of water commerce up there.

Mr. BURTON. Except through channels that concern New York and Pennsylvania and Ohio on the other side of the Lakes, the Soo, and the Detroit River, and they all affect the portion above and below.

Mr. SMITH of Michigan. They are national—even international—in character.

Mr. BURTON. Yes; we certainly should be very considerate of anything in Michigan, because it really concerns us a great deal more than it does you.

Mr. SMITH of Michigan. Well, the Senator from Ohio has always been considerate of Michigan; and I want to say in this presence this afternoon that the Michigan items in the bill now being discussed would not now be there if it had not been for the Senator from Ohio, and I give him full credit for it.

Now, we have got past Ohio and Michigan; and if we were operating under an agreement to proceed with other States in the manner I have indicated we would soon find that only a very small percentage of this bill is really the subject of proper criticism, and as to that proportion we must either take the judgment of expert engineers who have given the matter careful thought and review or we must take the judgment of the

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skilled pilot of this entire scheme, the Senator from Ohio. If we should be operating here without a quorum next week, we would be in just the situation that it seems we are in now.

Mr. WILLIAMS. Mr. President, what makes the Senator from Michigan think we will be operating without a quorum next week?

Mr. SMITH of Michigan. Because I do not know of anything to keep Senators here except this bill. You are going to-morrow to have your inquisitorial tax message from the President; and if you do as you have always done with everything the President has suggested, you will swallow it to-morrow night in caucus, and then all Senators on the other side will be released from the administration's program.

Mr. WILLIAMS. I do not know about that.

Mr. SMITH of Michigan. You will all be released then from the administration's program, and there will be nothing left unfinished on the calendar except the rivers and harbors bill.

Mr. WILLIAMS. That is part of the Democratic program.

Mr. SMITH of Michigan. If you reach that situation, then Senators who are not interested in the rivers and harbors bill will depart for their homes, feeling that their absence will be more effective than their presence.

Mr. WILLIAMS. We can bring them back by the Sergeant at Arms.

Mr. SMITH of Michigan. No, Mr. President; you can not bring Senators back from their homes; it has never been done; I do not recall an instance where it has been done.

Mr. WILLIAMS. It can be done.

Mr. SMITH of Michigan. Well, it will not be done to pass a river and harbor bill.

Mr. WILLIAMS. I do not know about that.

Mr. SMITH of Michigan. Because the Senate will not send subpœnas for absent Senators for that purpose. If the administration wanted to further inflict damage upon the country, that would be a different situation.

Mr. BORAH. The Senator from Mississippi just suggested that this is an administration measure.

Mr. SMITH of Michigan. The river and harbor bill?

Mr. BORAH. Yes.

Mr. THOMAS. No; he said it was a Democratic measure.

Mr. BORAH. What is the difference between an administration measure and a Democratic measure?

Mr. THOMAS. All Democrats are not for this bill.

Mr. SMITH of Michigan. I will answer the Senator from Idaho. One is a matter of impulse and the other is a matter of necessity.

Mr. LEWIS. Mr. President, may I ask the Senator from Michigan a question?

Mr. SMITH of Michigan. Certainly.

Mr. LEWIS. May I ask the Senator from Michigan a question to ascertain if I gather his suggestion correctly? Does the Senator from Michigan suggest that the bill be read and that as we reach a debatable item that the item then be debated until it is concluded, or that we lay aside every debatable item until the uncontested items are disposed of and then take up all the debatable items as though they were one bill? Is that the theory?

Mr. SMITH of Michigan. No. I would take those items out of the bill and segregate them for the time being, and after we have passed on the undisputed items, then every Senator will know the items about which there is a controversy; and you will be surprised, Senators, to see how few in number they will be to excite such controversy. I hope that some agreement may be made.

Mr. LEWIS. Then, Mr. President, the Senator would not dispose of each debatable item as it was reached, but would have each debatable item laid aside, all the items which were not debatable disposed of, and then enter upon the consideration of the debatable and disputable ones?

Mr. SMITH of Michigan. Yes. If the Senator from Illinois will listen to me for a moment, the undisputed items can be passed here to-morrow. Saturday morning we can enter upon the disputed items. If the Senator from Ohio finds fault with the Tennessee River item, he may not wish to arrest that improvement altogether. He may say: "I am willing that a lock and dam shall be built at this point, but I am not willing that half a dozen locks and dams shall be built at another point." If the Senator from Ohio says it will cost $250,000 to build a lock and dam at this point, and is willing, we have accomplished that much, have we not? That is more than we will accomplish if this discussion runs into next week without a quorum here to do business, when all that is required is for some recalcitrant Senator to rise and announce, "Mr. President, there is no quorum present."

I want to save this bill. There is much of merit in it. Do not tell me that men like Senator BURTON, Senator NELSON, and Senator PERKINS on this side of the Chamber, and men like Senators MARTIN of Virginia, CHAMBERLAIN, CLARKE of Arkansas, SIMMONS, FLETCHER, BANKHEAD, VARDAMAN, SHEPPARD, and RANSDELL upon the other side, have perpetrated any wrong in this bill. They have not done it. The truth is that nineteen-twentieths of this bill must be enacted into law, or injustice will be done to the projects now under way and previously authorized.

Mr. BORAH. Mr. President——

Mr. SMITH of Michigan. I have enough confidence in those who oppose the bill as a whole to believe that they will meet the situation in a spirit of fairness and justice to the communities affected.

Mr. SIMMONS. Mr. President, I do not know whether the Senator means it or not, but what he has said has rather given the impression to my mind that he would be willing to pass those items that are agreed to by unanimous consent, and if necessary throw overboard those items that are objected to.

Mr. SMITH of Michigan. No.

Mr. SIMMONS. I do not know that he meant that.

Mr. SMITH of Michigan. No; I would not throw those items overboard, because I do not object to them; but the Senate may then pass upon those items in their own way, and they will know how many there are, and they will know how much they aggregate. If we do not do this, just as surely as we are sitting here this afternoon some one will come forward with an emergency bill as a substitute for the rivers and harbors bill, carrying twenty or thirty million dollars, to cover the exigencies of coming months, and you will have to meet that situation.

Mr. SIMMONS. I do not entertain the pessimistic views that the Senator expresses. I have, myself, no doubt about our ability to maintain a quorum during the consideration of this bill, and until the bill is disposed of. I think there are enough Senators here who are in favor of this legislation to stay here until we have finished our discussion, and until we are ready to vote. From conferences I have had with Senators who are opposed to various items in the bill, I do not believe there is any disposition on their part to filibuster, or certainly not to an unreasonable degree. I think it is their purpose to carry on this general debate until they have finished what they desire to say to the Senate and to the country. I do not believe there are many speeches to be made while the bill is undergoing general discussion. My information is that probably there will be about three rather extended speeches—two in addition to that of the Senator from Ohio—upon this side of the Chamber, and probably not more than two on the other side of the Chamber, and those two probably will not occupy three hours. Then we will take up the bill.

I am perfectly willing that we shall adopt the same course of procedure in dealing with this bill that we did in dealing with the tariff measure. The Senator will remember that the procedure then was this: We took up the bill item by item. If any Senator, when an item was reached, asked that that item be passed over, it was done. After we had gone through the bill, then we went back and took up for consideration the items that had been passed over.

Of course that did not mean that we passed over every item that Senators did not approve. It meant that we passed over the items that they expressly requested should be passed over. When an item was reached about which there was difference of opinion—and that was true with respect to a large majority of the items probably—we discussed it, and acted upon it after discussion. I am willing to pursue that course, and I think that is the proper course.

Mr. GALLINGER. But, Mr. President, general debate had preceded that agreement.

Mr. SIMMONS. Yes.

Mr. GALLINGER. We are right at the beginning of this general debate.

Mr. SIMMONS. We are right in the midst of the general debate. That was after the general debate had been concluded.

Mr. GALLINGER. Yes.

Mr. SIMMONS. I have just said that I thought there probably would not be more than five speeches, so far as I am advised now, which would occupy any considerable length of time in general debate. Then we will take up the bill to be disposed of item by item, and if any Senator asks that an item go over we will let it go over. That is the course we have pursued here before with reference to bills of this character, and I think we shall make the best progress by following that course.

Mr. SMITH of Michigan. Mr. President, in my own right, and assuming responsibility for my request, I am going to proffer a unanimous-consent request—that beginning to-morrow

at 11 o'clock the bill be taken up and read item by item, and that when there is no objection to an item it be passed, and that when there is an objection the item be segregated and set aside until the completion of the bill.

Mr. BURTON. Mr. President, I did not yield for parliamentary procedure. I yielded for a dialogue here, which no doubt has been more or less illuminating as to the prospect of making a disposition of this bill. I can not yield for a request of the kind proposed by the Senator from Michigan. If there is anyone who wishes to express his opinions here as to what can be done, what method can be adopted to promote an early disposition of this bill, I shall be glad to listen to it; but I do not want to be put off the floor, as would happen if this were done.

Mr. SMITH of Michigan. Oh, no.

Mr. BURTON. I think it would.

Mr. SMITH of Michigan. I did not aspire to do that, because the moment we come to a disputed item the Senator can take the floor in his own right. I have not sought to terminate the Senator's speech. He can go on, and the moment an item is objected to he can rise and discuss it.

Mr. SIMMONS. The Senator understands that if he makes his motion this evening we will have to stop and call a quorum.

Mr. BURTON. I do not think I can yield for that purpose.

Mr. SMITH of Michigan. I do not want to assume to make a request in the Senator's time if he objects, because, of course, his objection to my request would nullify it; but I am going to insist, whenever an opportunity presents itself, that we get to work on this bill and get as much of it as is objectionable out of the way.

Mr. BURTON. Mr. President, there is an appropriation here of $1,500,000 for the section of the river extending from the mouth of the Missouri to St. Paul, 658 miles in length. I put this on an entirely different basis from the portion of 206 miles between the mouth of the Missouri and the mouth of the Ohio. It is longer, the traffic is greater, and the prospect for traffic is more hopeful.

I regard this amount of $1,500,000, however, in view of the lateness of the season, as altogether more than is required for this stretch of the river. It would seem to me that this appropriation could be cut in two, and perhaps reduced even to a lower figure than that. I am not very hopeful about what will come of an improvement of that section of the river. It appears from some statistics here that the average haul in the 658 miles is only 31.6 miles. A great quantity of logs and lumber formerly floated here, and caused the maximum of the traffic in about the year 1885; but the river is too important to neglect entirely, and I think what should be appropriated here is a matter for consideration.

RECESS.

Mr. KERN. Mr. President, will the Senator from Ohio yield for a motion to take a recess?

Mr. BURTON. Do we want a recess or an adjournment?

Mr. KERN. A recess.

Mr. BURTON. Very well.

Mr. KERN. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m., Thursday, September 3, 1914) the Senate took a recess until to-morrow, Friday, September 4, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

THURSDAY, *September 3, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art ever present and abundantly able to uphold, sustain, and guide those who seek to serve Thee, help us to realize that the highest service we can render is a true and faithful service to mankind to the end that ignorance, vice, and crime, sorrow and suffering may be diminished, and intelligence, industry, honesty, sobriety, and every manly virtue increased; strengthen us, we beseech Thee, that we may thus bear one another's burdens and so fulfill the law of Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

Mr. UNDERWOOD. Mr. Speaker, the President of the United States has advised me that he desires to communicate with Congress to-morrow. I therefore offer the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 47.

*Resolved by the House of Representatives (the Senate concurring)*, That the two Houses of Congress assemble in the Hall of the House of Representatives on Friday, the 4th day of September, 1914, at 12.30 o'clock in the afternoon for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6113. An act to authorize the closing to navigation of Swan Creek, in the city of Toledo, Ohio; and

S. 5075. An act to provide for the erection of a public building at Prescott, in the State of Arizona.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 330. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved April 24, 1914.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17442. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of Congress approved March 3, 1913, and June 6, 1914.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5075. An act to provide for the erection of a public building at Prescott, in the State of Arizona; to the Committee on Public Buildings and Grounds.

S. 6113. An act to authorize the closing to navigation of Swan Creek in the city of Toledo, Ohio; to the Committee on Interstate and Foreign Commerce.

RAILWAY MAIL PAY.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that I may address the House for 15 minutes on the subject of railway mail pay and the criticisms of the Post Office Department made through the report of the commission.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for 15 minutes on the subject of railway mail pay and the criticisms of the department made by means of the report. Is there objection?

Mr. MOORE. Mr. Speaker, I wish to rise to a question of personal privilege.

The SPEAKER. After this is disposed of. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SLAYDEN. Mr. Speaker, I rise for the purpose of asking the privilege of making a speech referring to the cotton depression in the South and some proposed remedies, which I do not think will take more than six minutes of the time of the House.

The SPEAKER. When does the gentleman from Texas wish to make his speech?

Mr. SLAYDEN. Any time that I can get the time.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for 10 minutes on the subject of cotton depression at the close of the remarks of the gentleman from Missouri. Is there objection?

Mr. MANN. What is the request?

The SPEAKER. The gentleman from Texas asks not to exceed 10 minutes in which to address the House, at the conclusion of the remarks of the gentleman from Missouri, on the subject of cotton. The Chair will state that he will first recognize the gentleman from Missouri, then the gentleman from Texas, and then the gentleman from Pennsylvania on the question of personal privilege. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. LLOYD. Mr. Speaker, I wish to call the attention of the House to the report of the Joint Postal Commission on the subject of railway-mail pay, and correct, if I may, some of the impressions that have gone to the country about the action of the Post Office Department in regard to the investigations of the commission, their findings and recommendations.

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These have grown out of the statements in the report, made by the chairman of the commission, the Hon. Jonathan Bourne, jr., which reflect upon the officials of the Post Office Department.

The commission is composed of six persons, three of whom were named by the chairman of the Senate Committee on Post Offices and Post Roads, and three were named by the chairman of the House Committee on the Post Office and Post Roads. The then chairman of the Senate committee was Jonathan Bourne, jr., who retired from the Senate March 4, 1913, who appointed himself; Senator Richardson, of Delaware; and Senator BANKHEAD, of Alabama, who is now the chairman of the Post Office Committee. The members of the commission named by the House were JAMES T. LLOYD, of Missouri; WILLIAM E. TUTTLE, Jr., of New Jersey; and JOHN W. WEEKS, of Massachusetts, now Senator from that State. It will be observed that at present two members of the commission are Members of the Senate, two are Members of the House, and two are not in official position. The report of the commission is written by Jonathan Bourne, jr., and concurred in by Senator Richardson, but the four Members of Congress who are in more or less touch with the workings of the Post Office Department have all dissented from any statements in the report reflecting upon that department and have made their disapproval a part of the report of the commission.

Any statements made by Jonathan Bourne in the report or through the press, condemning the actions of Secretary Burleson or any official in his department, are his own views and not concurred in by a majority of the commission. Senator Bourne, in my judgment, has been unfair to the Post Office Department in his articles to the press and unjust to the commission in sending out his communications reflecting upon the Post Office Department as chairman of the commission and thus leading the public to believe that they were the views of the commission, when the truth is that no member of the commission indorses his criticisms of the department or its officials, unless it is Senator Richardson, who has been unable to attend but few of the hearings of the commission, and has, on that account, less familiarity with the facts than any member of the commission.

I think it is due the Post Office Department, and the commission as well, to state the situation as I see it, so far as the report of the commission is concerned. On page 19 of the report, Senator Bourne says:

> Although in our study of this problem it has been repeatedly intimated that the Post Office Department would not approve any plan that increased railway mail pay, we have not felt that the fact of increasing or decreasing railway mail pay had any bearing whatever upon the duty placed upon us by congressional action. Neither have we felt that Congress intended to appoint us as messenger boys to convey to it the wishes, directions, or threatened opposition of the Post Office Department.

This is a gratuitous statement not justified by the record. The Postmaster General, through his second assistant, has stated that the railroads, in his opinion, were receiving sufficient compensation at the present time, and made several estimates in which he expressed the view that they were probably overpaid, but nowhere in the hearings is any statement or intimation made that the Postmaster General wished to dictate to the commission, control its views, direct its findings, or frame the bill which the commission would recommend. Postmaster General Burleson stated to me that he wished the commission to make a thorough investigation of the subject of railway mail pay, and if it should develop that the railroad companies were underpaid that he wanted the rates fixed so that the railroad companies would receive sufficient compensation; that he wished to deal fairly with them and hoped that the recommendations of the commission would be such that Congress would adopt and settle the question of railway mail pay.

On page 81 of the report Senator Bourne states:

> Through the whole bill—

Meaning the Moon bill—

> permeates the desire of the Post Office Department for increased dictatorial power.

The commission fully concurs with Senator Bourne in the idea that the rates for railway mail pay should be fixed by Congress and should not be left so they may be changed by the department, and yet there is no warrant for the statement that the Post Office Department is asking additional dictatorial power. Under exising law a maximum rate is fixed, and under the Moon bill, indorsed by the department, the same words are used. The Post Office Department claims that to leave out the words "not exceeding" and make a fixed rate would be curtailing the power of the Post Office Department and would limit their authority to an extent that has never been done before. It is entirely natural that any department would rather have increased power than decreased powers, and it is unfair to reflect upon the department official simply because he objects to the limitation of a power which he has heretofore enjoyed. The commission agree, as I stated before, that in this case the power should be limited and the rate fixed, but to advocate a maximum charge, with discretion in the Post Office Department to lower the rates, ought not to be considered any reflection upon the Post Office Department nor any official connected with it.

Senator Bourne, from pages 111 to 122 of the commission's report, seriously criticizes the Post Office Department, in the first instance, because it did not furnish accurate and reliable data, when the truth is that if the Post Office Department had complete data with reference to everything affecting railway-mail pay the appointment of the commission would have been unnecessary. The purpose of the commission was to make investigation and furnish to Congress, the Post Office Department, and to the country such information as would lead to proper legislation, and the securing of accurate data with reference to the whole subject of railway-mail pay. Any reflection upon the Post Office Department for not having the data is unjust and the criticism on account of it is unwarranted. Senator Bourne is apparently unfriendly to the Postmaster General and his official who deals with the subject of railway-mail pay, and the reflection made by him on that department seems to be the result of a disposition to seek revenge, and is not warranted in any particular by the hearings in the case nor by the findings of the commission. Every member of the commission is aware of the fact that the Post Office Department, Interstate Commerce Commission, and the railroads themselves had not the information before them at the time the work of this commission began to determine by accurate statement what were the rights of the railroads and the rights of the Government, and no one could say exactly what should be the rate of railway-mail pay, because there was no definite information upon which any such statement could be based, and no one knows this fact better than Senator Bourne. The Post Office Department did from time to time during the hearings make more or less changed statements, and I am sure that every member of the commission changed his views as facts developed and as information was obtained, and that the final conclusions of the commission were not their views at the time the investigation began. The Post Office Department, as the commission gathered information, changed its views, as it had a right to do, and the data which it gave the commission from time to time was the data which they were able to give at the time the information was asked, and may not have been the same that was given at a previous time on the same subject; but this is no reflection upon the department; it is, in fact, commendatory, because the department kept up with the investigation and took advantage of every fact that was discovered and made use of every opportunity to furnish more accurate statement than theretofore. The work of the commission was a school of education, in which the department, the railroads, and the commission were all students, and the result was a knowledge on the part of all these elements that they did not possess at the time the investigation began. But it is unfair to criticize the Post Office Department because it changed its views without criticizing the representatives of the railroads or the commission for any change in their views.

The Postmaster General had at every hearing of the commission representatives of that department ready to receive information and give to the commission any knowledge it might possess. The commission is under especial obligations to the Post Office Department for the assistance rendered it by the postal officials.

Senator Bourne states on page 120 of the report that—

> Unless confronted by the record of its recommendations, we would be loath to believe that any administrative department could presume to ask such a delegation of power from an intelligent, self-respecting legislative body imbued with a fair appreciation of its own functions.

It would seem to me that it would be equally unreasonable that the chairman of the Railway Mail Pay Commission would so far wander away from the facts as developed by the hearings in this case as to enter into serious criticism and abuse of the Post Office Department, which gave more information than was obtained from any other source. It is surprising, too, that a man with the disposition of Senator Bourne would reflect upon anyone for wishing power, for it is safe to say that if he were the Postmaster General there would be as much of dictatorial power shown as has been exhibited by either of the Postmasters General which he criticizes.

I regret that Senator Bourne, in writing the report, allowed himself to discuss his own views of the character of the Post Office Department and its officials rather than to confine himself to the findings of the commission. I wish to say to his credit, however, that in writing the report upon the merits he

has done splendid service. He deserves the commendation of everyone interested in this great subject for the manner in which the investigation was conducted, the success of the commission's work, and the bill it recommends, which, in my judgment, if adopted by the Congress, will settle the question of railway mail pay for many years.

I wish to say, however, before concluding that the Moon bill as it passed the House, in so far as it changes existing law, presents, in the main, the views of the commission, and that aside from the question of discretionary power in the Postmaster General and the adoption of the space basis for pouch mail there is only a slight difference between the provisions of that bill and the views of the commission. The Moon bill and the bill suggested by the commission are similar, and there is no reason why the Post Office Department should be condemned for not accepting in full the provisions of the commission bill any more than the commission should be condemned for not agreeing to all the provisions of the Moon bill. The Moon bill is accepted by the department and supported by the House members of the commission, and is a long step toward the adoption of the complete system recommended by the commission.

I am gratified at the action of the House in accepting so much of the views of the commission as it has, and I believe the commission, the Postmaster General, and the House are to be congratulated on the splendid work that has been done in the passage of the Moon bill, and I hope that this will result in the enactment of a law which will meet the conditions and settle the question of railway mail pay fairly and justly, so that thereafter there may be no serious controversy about it. [Applause.]

COTTON DEPRESSION IN THE SOUTH.

The SPEAKER. The gentleman from Texas is recognized for 10 minutes.

Mr. SLAYDEN. Mr. Speaker, the depression in the cotton trade in the South is almost without precedent. In other times the market value of cotton has been as low at it is now, perhaps lower, but I recall no instance in which the decline in price has been so rapid and so great. In fact, at this time we have no market. Neither buyers nor sellers know what to do. Both are guessing at values, and, as is always the case when we have no sources of information like the exchanges that keep in touch with the trade of the whole world, the buyers try to guess on the safe side. They can hardly be blamed for doing so, for if they do not guess right they will soon get out of the trade through bankruptcy.

We are all desperately anxious to find a remedy for the trouble. We must find one, not merely for the South but for the whole country, for if distress comes to the South all will suffer.

Many remedies have been offered—some of them wise, some doubtful, and some fantastic and foolish. Only one offers any cure for our trouble, for the others do not go to the seat of the disease.

The serious nature of the trouble is disclosed by even the most casual examination of the figures of the cotton trade. These were partly given to the House last Monday by my colleague, Mr. BURGESS. I will add just a brief statement on that point to what he said.

For the fiscal year of 1913, according to the Statistical Abstract, we exported raw cotton to the value of $547,357,195, and, counting 500 pounds as a bale, we sent to our foreign customers 9,124,591 bales. This exportation represented more than 64 per cent of the total production. We also exported cotton manufactures to the value of $53,743,977. Thus it will be seen that in one year the South, sometimes referred to in this House as indolent, contributed more than $600,000,000 to make a favorable trade balance.

Right now we are putting on the market, or would put on the market if one existed, one of the largest cotton crops ever grown. Not to be able to sell it causes the most acute commercial distress. How to find the market we want is the problem we are trying so hard to solve. Quack remedies, absurd nostrums, like some that have been suggested, will not afford relief. Unsound financial schemes will only complicate matters and add to our troubles.

Some gentlemen have misread the symptoms of the malady and jumped to the conclusion that our trouble is one of transportation. They say that ships are not sailing, that there is no cargo room, and that if we could only get our cotton moved to England, France, Germany, and Austria our troubles would be over.

Mr. Speaker, an examination of the shipping columns of newspapers published at American ports shows that the trouble does not lie in that direction. Already fairly regular service between New York and French, English, Italian, Dutch, and Spanish ports has been reestablished. This is also true of other ports.

On Thursday, the 27th of August, four British ships cleared from Galveston with 1,076,912 bushels of wheat in their holds. That is a fairly good business for one day. The Galveston News, from which I got this information, reported that a number of ships from various English, French, Dutch, Italian, Spanish, and Scandinavian ports were on the way to Galveston and nearing that city.

In the Galveston News of the 28th of August five steamship lines advertised sailings to England and Spain, and in both of those countries much American cotton is consumed.

The New Orleans Times-Picayune of Saturday, August 29, contained this language:

By Monday, August 31, New Orleans will once more be an open port, sending thousands of tons of freight to Europe. The Southern Pacific Railway Co. is accepting freight at New Orleans and Galveston as under normal conditions.

I may say, in passing, that the Illinois Central, which has its southern terminus at New Orleans, is doing the same thing. This New Orleans paper reported 11 vessels in port getting ready to sail for Europe.

What is true of these Gulf ports is no doubt also true of those on the Atlantic.

No, Mr. Speaker; the trouble is not a lack of transportation. It is a much more serious matter. Our trouble now is a lack of buyers.

In the course of my connection with the cotton trade I have known an ordinary business depression to stop millions of spindles in Lancashire alone. Then fancy the depression in business caused by a stupendous and unholy war, which shocks us anew with each issue of the newspapers. The idle spindles in Lancashire which bad trade in China can make at any time must be multiplied again and again, not merely in England but in Russia, Germany, Austria, Belgium, and France, where war has come and workers are given over to the destruction of trade.

The President of the United States is the only person in commanding position who has proposed a real remedy for our troubles. Before we can have markets, before we can expect any important and lasting relief, we must persuade our customers to quit killing each other and go to spinning cotton. Mr. Wilson has offered to mediate between the belligerents. He wants to save the lives of these robust youths in Europe who are dying by tens of thousands in a quarrel they did not make. His thought is for humanity, not trade; but in saving the workingmen of Europe from destruction in war he will save the South from bankruptcy. He will save the whole country from commercial disaster, for no general prosperity is founded on destruction in any part of the world.

If Europe is to buy our crops her people must be employed. Peace between the warring countries of Europe offers the only solution of our problems. They can not buy our cotton until they earn the money to pay for it, and until normal conditions are reestablished we will be compelled to sell it at an unprofitable price. The battle field is not a satisfactory market place. [Applause.]

QUESTION OF PERSONAL PRIVILEGE.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] rises to a question of personal privilege, which he will state.

Mr. MOORE. Mr. Speaker, the question of privilege arises from the publication of an article in a newspaper relating to my votes as a Member of the House.

The SPEAKER. The gentleman will read the article and the Chair will determine whether it is a privileged question.

Mr. MOORE. The article refers generally to the Pennsylvania Members of Congress. It contains what I believe to be typographical errors; but they do great injustice to the Members of Congress from Pennsylvania, of whom I am one, and it seems to me that it ought to be explained to the Members of the House.

The SPEAKER. The gentleman will either read the article or send it to the desk for the Clerk to read, so that the Chair may pass upon it.

Mr. MOORE. I will send the article up to be read. Mr. Speaker, but to save the time of the House I ask unanimous consent to proceed for 10 minutes on a personal matter.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to speak for 10 minutes on a personal matter. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE. Mr. Speaker, since the passage last week of a resolution docking the Members of the House for being absent from the House there has been widespread publicity of the matter, and every "penny-a-liner" in this country has made

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the most of it. Every Member of Congress, whether subject to criticism or not, has been the victim of it. Whether that action of last week was taken in good faith or not, the result has been highly injurious to Members of the House, no matter what their politics, and has caused a good deal of harsh and unnecessary comment reflecting upon an exceedingly hard-worked body of legislators.

There has been no Congress within the memory of men living that has worked harder or more assiduously than has this present Sixty-third Congress. [Applause.] I am not approving all it has done, but I am only stating the truth when I assert there has never been a Congress in which the Members have been driven so hard as they have been in this Congress, nor when the pressure upon them by their constituents at home and by their duties here has been so great; nor has there ever been a Congress when the personal expenses of the Members have been so heavy as they have been in this Congress. We have been driven to the uttermost, many of us almost to the point of nervous prostration, and it is very cheap, indeed, for those who are sitting about in their offices, or who are laboring elsewhere, and enjoying occasional and seasonable vacations, to criticize the Members of Congress who are sweltering here in Washington through the heat of a second summer without a let-up, and who during this particular session have striven for their country as well as for their individual constituencies. [Applause.]

In the Philadelphia Public Ledger of this morning—and the Ledger is a widely read and highly reputable newspaper—the consequences of the publicity given last week by this House to its own alleged imperfections appear in an article in which is given an alleged roll call of the votes cast by the members of the Pennsylvania delegation; and while I believe that the statements contained in this article, so far as they pertain to me, are due wholly to a mixture of the types, for which neither the paper nor the editors would be responsible, still it is made to appear that I have been absent or have failed to vote during the session of Congress 136 times, as against 72 times when I have voted. To those familiar with the RECORD this statement of alleged absenteeism would scarcely seem possible, but personally I know it to be incorrect. I have not had time to have the RECORD looked up this morning, but while I am having it looked up I will state that I am absolutely sure the figures as to "Present" and "Absent" are reversed, even if the number of absent times be conceded. I most certainly deny that I have failed to vote twice for one time I have voted, and account for the publication by a mixture of the types, as indicated.

I believe the membership of this House will bear me out in the statement that I have been as loyal in my attendance here as the average Member, and have been as vigorous as the average Member, and, so far as the majority is concerned, have sometimes been as irritating and annoying as any Member. [Laughter and applause.] But in connection with this publication this morning, wherein I believe half of the Pennsylvania delegation are inaccurately reported, the number of failures to vote being placed where the number of votes should be, I want, as a personal matter, to comment very briefly upon another phase of this question, and that is the action of the House itself which provoked this sort of annoyance to Members, and which action I believe to have been a very great blunder on the part of those who brought in the resolution, reflecting, as it does, upon every individual Member of this House.

If I have been absent a few times and have failed to respond to a few roll calls it does not signify that I have been neglecting my duty. On the contrary, it implies that I am actually doing something for my constituents. My absence from a roll call, demanded for political reasons, or through pique, or to establish a quorum, or because of some mere chair warmer in the House, sitting there as a voluntary timekeeper possibly, may have been due to the fact that I was before some committee or up before some department working for my constituents and trying to live up to the duties that I was elected to perform. [Applause.] This is the experience of every busy Member of the House, and the busier he is elsewhere the more he is likely to suffer from these perfunctory and childish roll calls. I do not agree that the man who has absolutely nothing to do but to sit in this House and find fault with his fellow Members is the best Member of the House. It is evident that he has very little to do and that he is performing mighty little service for the constituency that sent him here. If all he does in this House is to say "aye" when the roll is called or to say "no," then that may be a measure of his ability for his constituents, although it is well known that some of the best Members do not figure in the proceedings at all.

Personally—and I say this to illustrate the plight of other Members with regard to these trick roll calls—I missed one roll call this week on an occasion when I was attending a conference on the Senate side, where our bells do not ring to call us to the House. I was on the business of the House and could not help myself, but for that I was marked up as absent. It is a gross injustice to chide a Member for that. I have missed roll calls several times during the past month because constituents of mine, whose relatives were in Europe and whose lives were in danger, have appealed to me to go to the departments and labor there until I could get some information concerning them or some help to them. This sort of work is constant with Members and accounts for many of the "absents" noted in the roll calls.

When those calls for help and service came to me from my constituents I did not sit in the House and say, "Mr. Speaker, I make the point of no quorum," merely for the sake of getting my name in the RECORD. [Applause.] But I did get checked up as absent from roll call, though I was on duty and in the service every minute of the time.

From a statement just made up for me by one of the clerks I find with respect to the newspaper tabulation of the Pennsylvania delegation vote that on those so-called and generally misleading roll calls I answered 136 times and failed to answer 74 times. That would indicate the newspaper types were reversed, as I previously stated, but it does not represent "absenteeism" or a neglect of duty. It signifies that on most occasions I did not respond to a meaningless roll call, because I was otherwise attending to the business of my constituents in the departments and before committees, or that I was trying to catch up with my office work, which usually runs into the night. The public ought to know that a Congressman can not be in two places at one time, and that he is the best judge of whether the interests of his constituents lie in his attending to his work outside this Hall or in running back and forth every few hours to prove that he is here. It takes a full hour to go from the House Office Building to the departments and return, and those roll calls for quorum, which are now being so grossly magnified in importance, usually waste a half hour plus another half hour running back and forth to the Office Building. If we are to sit here from 12 o'clock to 6 each day merely to keep up with roll calls, there is little or no opportunity for keeping up with the work of the day.

I shall put in the RECORD three instances hurriedly selected by my secretary indicating the injustice of judging the record of a Member by these roll-call methods:

On March 17, 1914, Mr. MOORE is recorded as "not voting and paired." The RECORD of that date, however, on page 5327, shows that Mr. HUMPHREY yielded 20 minutes to Mr. MOORE, who discussed on the floor of the House the President's message to Congress to repeal the Panama Canal tolls act.

On April 10, 1914, Mr. MOORE is recorded as "not voting." The record shows, however, on page 7042, that Mr. MOORE introduced in the House that day a resolution requesting the Secretary of Commerce to take steps to incorporate an "acknowledgment whistle" in the "Rules to Prevent Collisions at Sea."

On May 7 Mr. MOORE is recorded as "not voting and paired" on the motion to recommit the naval appropriation bill with instructions to report on the amendment for one battleship instead of two. The RECORD discloses, on pages 8549 to 8553 and 8556 to 8558 of that date, that Mr. MOORE took a very lively interest in the debate on the bill and offer several amendments which evoked much discussion.

Thus it appears that although Mr. MOORE was present and performing his duties, some accident or incident called him from the House when the roll call was made.

Now, Mr. Speaker, I mean to say this, that no greater blunder was ever made by statesmen than the passage of this resolution last week, reflecting, as it does, upon Democrat, Republican, and Progressive alike. [Applause.] It is pitiful that men who are capable of big things, who are sent here to perform legislative duties for the greatest Nation on earth, should find it necessary to dock themselves and spy upon themselves and search out each other's records in order that they may shine before the country as saviors of the finances of the Nation at a time when we are going into a deficit of $100,000,000. Members of Congress are not expected out of their own personal pockets to pay these bills, and I am sure the constituents who sent me here are not satisfied that I shall be docked, when they know that, whether I am in Philadelphia or Washington or elsewhere, I am still watching out for their interests as faithfully as I know how, and much more so than if I merely hung around the House warming the chair in which I sit and responding "yea" or "nay" when the roll is called. [Applause.] And, furthermore, Mr. Speaker, what right has the Sergeant at Arms of this House, one of the men whom I helped to elect—I am elected by the people, and he is elected by you and me to perform his duties here as a servant of this House—what right

has the Sergeant at Arms of this House, and, of course, I speak of him officially, to send you or me a notice telling us that unless we give him a certificate of honor to prove that we have faithfully performed our services, that we have not been absent from this House, no matter what our duties elsewhere, he will cut the salary we have earned and which has been fixed for us by law?

Mr. BARTHRICK. Will the gentleman yield?

Mr. MOORE. No; not now, thank you. I want to say to you gentlemen who are either terror stricken or conscience stricken over this situation that the man who signs that certificate as now handed to him by the Sergeant at Arms, with the muzzle of a revolver at your head, on pain that you will be shot before the 4th of September if you do not sign it, that the moment you do sign it, certifying that you have been absent one day in August prior to the 25th, when the resolution was passed, you sign a confession that inasmuch as you are going to give up the one day's pay or the two days' pay or the three days' pay in August which he demands you shall account for—that then, if your conscience is working as strongly after you sign it as it was before, there is not a day's absence since 1856 when the law was passed, and for which some Member has been paid, that should not also be collected. [Applause.] This should apply to the Senate as well as to the House and would involve the greatest possible hardship.

Let these older Members, some of whom have been here from a time "when the memory of man runneth not to the contrary," begin to figure up how many days they have been away since 1856. How many days were you away from this House, gentlemen, when you did not respond to roll calls, prior to the passage of the resolution of August 25 last? And do you believe every Congress has been in error about this matter since 1856? Read the address of the gentleman from South Dakota [Mr. BURKE] in to-day's CONGRESSIONAL RECORD, and I think you will find that your resolution of last week attempts to put into effect a law that has been repealed. At any rate, you are taking chances when you sign up as the Sergeant at Arms requests you to do. Under your resolution he can not help himself; but if you sign that certificate to-day, and admit in that certificate that you shall be docked for one single day in August, then you admit the whole case—that the law of 1856 is in effect and retroactive—and the Sergeant at Arms is liable upon his bond if he does not collect for absences prior to the date of your resolution, and every other Sergeant at Arms who has been in this House since 1856 is practically in default, having permitted previous Congresses to take money out of the Treasury of the United States without warrant of law. If you want to sign this certificate, which I do not yet intend to do, sign it, and you sign up for the dead past.

Personally, I expect to be paid for my services in this long Congress without any deductions whatever. I do not intend to admit I have been negligent in the performance of my duty, for I have not been. If we are to be "docked" at all, some other method than punishing the faithful should be resorted to. [Applause.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. EVANS, at the request of Mr. STOUT, for one week, on account of illness.

To Mr. MAHER, for 10 days, on account of illness in his family.

To Mr. NELSON, at the request of Mr. STAFFORD, for 5 days, on account of illness.

SALARY CERTIFICATES.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, the remarks that I feel constrained to make are induced by the closing remarks of the gentleman from Pennsylvania [Mr. MOORE], in which he criticizes the Sergeant at Arms of the House for sending out the certificate which he has sent out. It seems to me, Mr. Speaker, that it is fair to the Sergeant at Arms, who is our employee, as the gentleman says, that at least the viewpoint of myself and some of the others of us should be presented in regard to this certificate. The Sergeant at Arms, Mr. Speaker, is not responsible for the law of 1856. The Sergeant at Arms is not responsible for the passage of the resolution which was adopted a few days ago. This House is responsible for the passage of the resolution, and a past Congress is responsible for the law. The statute—and all gentlemen are familiar with its wording—directs the Sergeant at Arms to deduct salaries of Members for the days when they are absent except for illness. Mr. Gordon did not make that law, Mr. Gordon did not pass this resolution. I submit, Mr. Speaker, that it comes with bad grace from men responsible for the resolution to say that they will not respond to the request of their employee, occupying a responsible official station, that upon their honor they make certification as to their obedience to the law. Mr. Gordon is not omniscient, he is not omnipresent, he has not the force with which to keep in touch and in hourly contact with every Member of this House, even if such a thing would be permitted to be done by the membership. I submit, Mr. Speaker, in justice to the Sergeant at Arms of the House, who has been a faithful official [applause], who has been as courteous a public servant as I have ever met in my life [applause], who has again and again favored Members of this house, every time he was called upon to do it, that he ought not to be blamed.

Mr. MOORE. Mr. Speaker, will the gentleman permit a brief interruption?

Mr. GARRETT of Tennessee. Yes.

Mr. MOORE. I did not intend in any way to reflect upon the Sergeant at Arms personally. The gentleman has mentioned his name, which I did not do, so that now I am privileged to say that I thoroughly agree with the gentleman from Tennessee as to the Sergeant at Arms personally; and I think nearly every Republican Member will agree with me that we have never had a more obliging, more accommodating, or more courteous Sergeant at Arms than Bob Gordon. [Applause.] My regret is that in his official position he has been made by the Democratic leaders to do the most disagreeable thing that he has ever had to do in either his private or his official life. There is nothing that the gentleman from Tennessee can say by way of praise for the present Sergeant at Arms as a capable official and good, clean citizen that I do not heartily indorse. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, the resolution was passed—passed by an overwheming vote. My recollection is there were only 27 votes against it. I think the most of those votes were upon the Republican side of the House—possibly some on the Democratic; I do not remember—but the particular point I am making is this: That the Sergeant at Arms is not responsible for it, but he is responsible for the execution of the law. What is he to do? Is he to attempt personally to keep in hourly touch with every Member of the House? Shall he disobey the injunction placed upon him by that resolution? If so, what is to be his fate?

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. If I can have a little more time. I see my time is about out.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. I yield to the gentleman from Minnesota.

Mr. MILLER. Mr. Speaker, I wish to heartily concur in everything in commendation of the Sergeant at Arms that the gentleman has stated, but does the gentleman think that the Sergeant at Arms has the legal authority to require any Member to sign that certificate before he pays him any salary?

Mr. GARNER. He certainly has.

Mr. MILLER. I take issue with the gentleman. I would like to have the gentleman from Tennessee discuss that.

Mr. GARRETT of Tennessee. Mr. Speaker, I think he has. But I am going to submit this, and I am going to appeal to the reason and the common sense and the intelligence of the membership of this House whether, under conditions which prevail here, we should descend to technicalities in dealing with one of our officials in the discharge of a duty that we have laid upon him? How else is he to determine, except to place the matter upon the individual honor and responsibility of the Member?

Mr. MADDEN. Let him establish a clock, so that we can ring it when we come in and ring it when we go out. [Laughter.]

Mr. GARRETT of Tennessee. That is facetious.

Mr. MADDEN. Oh, no; it is not. That is the way to keep track of Members, if you are going to do it on the square; if they are working by the hour or the minute, that is what ought to be done.

Mr. GARRETT of Tennessee. Mr. Speaker, I go back to that premise from which I started. The Sergeant at Arms is not responsible for the law, and is not responsible for the resolution. I have no objection, so far as I am concerned, to signing the certificate. It does not humiliate me in the least to sign a certificate stating how many days I have been absent, for

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which deduction should be made. That is the law. It is true it has been treated as obsolete for long, long years, but it has been revived by this resolution, and I submit in justice and in fairness to the Sergeant at Arms of the House that he did not make the law. We who are responsible for the passage of the resolution ought not to raise technicalities with him, but we ought to be willing to cooperate and coordinate with him to the extent of our ability in doing that which we have instructed him to do. [Applause.]

Mr. TEMPLE. Mr. Speaker, will the gentleman from Tennessee yield before he takes his seat?

The SPEAKER. Does the gentleman yield?

Mr. GARRETT of Tennessee. I do.

Mr. TEMPLE. Recognizing the responsibility of the Sergeant at Arms for the enforcement of the law, I should like to ask whether he is responsible for its enforcement only since the 25th of August, when this resolution was passed, or should he have enforced it all the time since it has been the law? [Applause on the Republican side.]

Mr. GARRETT of Tennessee. Now, the gentleman's opinion about that is worth just as much as my own. The gentleman knows what the unbroken practice has been for 20 years and more.

Mr. TEMPLE. Yes; but when the gentleman speaks of the law, who has authority to say that the law should not have been enforced previous to the 25th of last month?

Mr. GARRETT of Tennessee. As I say, the gentleman's opinion upon that is worth as much as my own. I addressed myself to the particular matter of which the gentleman from Pennsylvania [Mr. MOORE] spoke, and that is all. I do not desire to get into an argument with the gentleman on the matter he raises.

The SPEAKER. The time of the gentleman has expired.

Mr. PROUTY. Mr. Speaker, I ask unanimous consent to address the House for five minutes upon this subject.

Mr. FERRIS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. FERRIS. Mr. Speaker, I reserve the right to object, which I do not intend to do, but I want to give notice I do intend to object after this. We do not get anywhere with this debate when one says it is and the other says it is not. That is about all there is to it.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House for how long?

Mr. PROUTY. For five minutes.

The SPEAKER. For five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PROUTY. Mr. Speaker, I have listened to this discussion with some interest, as doubtless all of the Members have. Anyone who will give it consideration will know that there is a condition existing that is intolerable. For more than half a century there has been upon the statute books of this Nation a law passed by the Congress for the conduct of its own affairs and the government of its own Members that has been a dead letter, made so by Congress itself. The very fact that we elect the Sergeant at Arms puts him in a situation where he is compelled to obey the will of the House, and the House in turn has left upon the statute books a law that compels him to withhold their pay and yet bring pressure enough to bear upon him so that he does not dare to do it. This resolution that was passed the other day every man well knows has no effect whatever upon that statute. It neither brought it into life nor made it effective. That was a statute that has been on the statute books for more than half a century. Now, all I want to say is this, there is nothing in this country that is more dangerous than allowing to remain upon the statute books laws that we expect officials to disregard. [Applause.] With what grace can we prosecute the great trusts and other organizations that see fit to try to violate the laws of Congress when we are here, every man of us, violating a law we have created for the government of ourselves and put a pressure upon our officers that will not make it possible for them to obey the law we have enacted? Now, I rose for this purpose. I have introduced in Congress, which has been referred to the Committee on the Judiciary, an amendment to this law. This law ought to be so amended that it is rational. Instead of quarreling about whether the Sergeant at Arms will obey we should make the law that we ourselves would obey and expect him to enforce. [Applause.] I just simply rose to call to the attention of this House and the Judiciary Committee that some action ought to be taken by that committee and by the Congress to remedy this objectionable situation. [Applause.]

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, several gentlemen have referred to the Sergeant at Arms as our employee. In a sense that is true, but no more than we are employees of our constituents. The Sergeant at Arms is elected as an officer of the House. He is one of the parts of the House subject to the direction of the House where it does not conflict with the law. He finds upon the statute books an act which was originally passed in 1856, afterwards incorporated in the Revised Statutes, and again passed by the Congress. It has been a dead letter ever since it was originally passed, so far as I know, with a brief exception in the Fifty-third Congress—entitled, probably, to treat it as a dead letter—but the House on last week, against my protest, passed a resolution directing the Sergeant at Arms to enforce that provision of the statute. How can he enforce it? It has put up a problem to the Sergeant at Arms which we must treat from a reasonable standpoint. He is directed to enforce the provision of the statute directing a deduction to be made from the pay of Members for absence unless that absence is on account of illness. What can he do? No Member can draw his salary until the Speaker has certified that his salary is due for the month. That is a provision of the law. The Sergeant at Arms obtains a receipt in advance from Members of the House for their salary. I have the form before me, which I have signed in blank, like all the rest of the Members of the House. What is that receipt? I dare say that few Members of the House could tell what it is. It is a certificate by the Speaker to this effect:

[December, 1914, salary.]

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
*Washington, D. C.* ——— ———.

I certify that there is due to the Hon. ——— ——— six hundred twenty-five dollars, as a Member of the House of Representatives for the Sixty-third Congress.

——— ———, *Speaker.*

$625. Received payment, ——— ———.

The date line is filled out.

Now, the Sergeant at Arms can not pay out a dollar of salary until the Speaker has certified that the salary is due the Member. That is in accordance with the law. He presents these receipts, signed by Members, filled up with the date, to the Speaker for signature. He has to account to the Speaker for the absence of Members under this resolution passed by the House and the law as it stands upon the statute books. He might have insisted that each Member should certify the number of days that he was absent and whether the absence was caused by illness of the Member or illness in his family. But, following the precedent in the Fifty-third Congress, he has issued a courteous form of certificate, leaving to the Members to certify the number of days for absence for which deduction should be made under the law. He has gone the limit to accommodate the Members and leave it to the Members to certify. [Applause.] He might have taken the roll calls and given a man credit for those days when he answered to a roll call and refused to give him credit for any other day, whether there was a roll call on that day or not. That would have been a hardship on the Members of the House. I do not think we are called upon to criticize the Sergeant at Arms. [Applause.] We have placed a hard situation before him. We have directed him to act.

Mr. MADDEN. Will my colleague yield?

Mr. MANN. Certainly.

Mr. MADDEN. Without criticizing the Sergeant at Arms—and I would not criticize him in any way, because I think he is doing his duty, and is forced to do it in a way—I do not recognize his right to require anybody to make a statement.

Mr. MANN. I beg my colleague's pardon. He has no right to require anybody to make a certificate. Any Member of the House is at perfect liberty to decline to make the certificate and await his pay until the Sergeant at Arms otherwise determines whether he is entitled to it or not.

Mr. MADDEN. I would like to ask my colleague further whether, for example, if no roll call was had in the House, the Sergeant at Arms would still have the right to say a Member was not present in the House? A Member's work is more outside of the House than it is in the House.

The SPEAKER. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended five minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that the time of the gentleman from Illinois may be extended five minutes. Is there objection?

There was no objection.

Mr. GARNER. Under the law requiring the Speaker to certify that a Member is entitled to a certain amount of money for services in Congress, would not the Speaker be justified under that law in requiring a Member to certify the number of days absent from attendance in the House?

Mr. MANN. As that matter is not before the House, I do not want to project an opinion on it.

Mr. GARNER. I wanted to call the gentleman's attention to the fact that that is necessary in order to get his salary.

Mr. PAYNE. Is there any law authorizing the Speaker in any manner to sign these certificates?

Mr. MANN. I have not looked the matter up lately; but that is my recollection, namely, that a Member can not draw any money under the law until the Speaker has certified to it. That is the case with reference to mileage and with reference to pay as well.

Mr. PAYNE. My recollection is that there is no law whatsoever justifying the Speaker or requiring him to sign any certificate whatever.

Mr. MANN. The gentleman may be correct, although I do not think he is.

Mr. PAYNE. I want to make another suggestion to the gentleman right here, and that is that I am informed by Members of the Judiciary Committee of the Senate that that committee has had that statute under consideration and have come to the unanimous conclusion that section 40 was repealed by the subsequent salary enactment of Congress and that it has no effect whatever. The committee came to that unanimous conclusion, but filed no report.

Mr. BUTLER, Mr. LLOYD, and Mr. BURKE of South Dakota rose.

The SPEAKER. To whom does the gentleman from Illinois [Mr. MANN] yield?

Mr. MANN. I decline to yield to anybody now. I think it is fair to say that there is a controversy as to whether section 40 has or has not been repealed by the subsequent legislation fixing the salary of Members of Congress and providing for monthly payments. But I do not believe that the Sergeant at Arms, after the House has passed a resolution directing him to enforce the provisions of section 40, would be warranted in refusing to pay any attention to the resolution unless it was perfectly clear that that section has been repealed. But there is a controversy about that.

Mr. BURKE of South Dakota. Mr. Speaker——

Mr. MANN. I yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. I desire to ask the gentleman from Illinois to explain, if he will, if this law is in effect and these certificates are required that the gentleman refers to, how it happens that when a Member dies his successor draws the salary from the date of the death of the deceased Member, which has been the practice in the House.

Mr. MANN. I know that is an abuse, whatever may have been the law. It is fair to say that if section 40 is now repealed it was repealed at the time the law was enforced in the Fifty-third Congress, because the salary of the Members, while it has been increased since the Fifty-third Congress, the salary had also been increased by a similar provision after the original enactment prior to the Fifty-third Congress. And as I understand, even the gentleman from New York [Mr. PAYNE], then present, who had a deduction made from his salary, and the Speaker, who had a deduction made from his salary, or anyone else who had a deduction made from his salary, brought no claim in the Court of Claims for the salary on the ground that the law was repealed and hence could not be enforced.

Mr. PAYNE. If the gentleman will allow me, in the Fifty-third Congress this subject was finally referred to the Committee on the Judiciary, and the majority of the committee reported that this statute was still in force. The minority of the committee unanimously reported that it was not in force, under the leadership of Judge Powers, of Vermont, a very good lawyer in his day.

Mr. MANN. As I say, it is a matter of controversy.

Now, I did not rise to defend the statute. I think if it is enforced it ought to be repealed. I did not rise to defend the resolution. I think the resolution—well, it is beyond me to characterize it in parliamentary language from my point of view. [Laughter on the Republican side.]

The SPEAKER. The time of the gentleman from Illinois has again expired.

Mr. MANN. I am not responsible for the resolution. I did not vote for it. But I would not take out my enmity toward the whole thing on an officer of the House who is attempting to be courteous to Members of the House and follow what he is obliged to follow under the instructions of the House. [Applause.]

Mr. BLACKMON rose.

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. BLACKMON. I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Alabama [Mr. BLACKMON] asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. BLACKMON. Mr. Speaker, I think every Member of this House is anxious to finish the public business and go home, and I think that every Member realizes that unless we stay on the job and do so we can not attain this earnest desire.

Now, regarding this matter which has consumed so much time, I have this suggestion to offer, Mr. Speaker: The gentlemen who seem to be so much aggrieved over having to certify to their attendance ought to be willing, or ought to have the courage, rather than criticize the Sergeant at Arms to make a motion or offer a resolution to rescind the order to enforce the law or offer a bill to repeal the statute. That would settle this question. [Applause.]

A MEMBER. Make the motion.

Mr. BLACKMON. I do not propose to make the motion, because I think the resolution that was passed was proper, and I know that a large majority of the fair-thinking people do not believe that a Member of Congress ought to draw the salary and not attend to the duties for which he was elected. That is what I believe. [Applause.] But I make that suggestion to the gentlemen who do not want to sign the certificate.

It would be far more becoming for these gentlemen, who are so much aggrieved because of being compelled to certify as to whether or not they have been in attendance, to offer a resolution to suspend the action of the House requiring the Sergeant at Arms to enforce the law, or offer a bill to repeal the present law which requires a Member to remain at his post of duty, unless he be relieved from such duty on account of illness of himself or some member of his family. Any criticism of the Sergeant at Arms is ill founded, because he is conscientiously enforcing his plain duty, required of him by law.

## COAL LANDS IN ALASKA.

The SPEAKER. Under the special rule the House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 14233, with the gentleman from New York [Mr. FITZGERALD] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14233, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14233, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

The CHAIRMAN. The first section of the bill as read is now open to amendment. The Clerk will read.

Mr. MONDELL and Mr. RAKER rose.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] moves to strike out the last word.

Mr. RAKER. Mr. Chairman, there is a motion pending, made by the gentleman from Wisconsin [Mr. STAFFORD], to strike out the last word. I wondered if he wants to be heard on that motion. If not, I want to be heard in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Wyoming, who moves to strike out the last word.

Mr. STAFFORD. Mr. Chairman, I withdraw my pro forma amendment that was pending.

Mr. MONDELL. Mr. Chairman, the first section of this bill down to the proviso on page 2 does not, with the exception of the authority to lease, add anything to the present law. The present law provides for surveys of lands in Alaska, and appropriations have been made from time to time for that purpose. There is an appropriation, the amount of which I do not at this moment recall, now available, so that this section down to the proviso to which I have referred is largely superfluous.

My understanding is, however, that most of the lands in the Bering and Matanuska coal fields have been surveyed by private parties under a provision of law providing for such survey by and at the expense of claimants. I assume that if these surveys are at all accurate—and I presume they are—they will to a greater or less extent be adopted by the Government. The bill seems to be intended to wipe out all of these claims. If that is done, we ought at least to reimburse these people for the ex-

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pense they have incurred in making these surveys which we may adopt.

Mr. GOULDEN. Mr. Chairman, will my friend yield to me for a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from New York?

Mr. MONDELL. I do.

Mr. GOULDEN. Has the gentleman any information by whom these surveys were made? And if so, were they made by responsible and competent engineers?

Mr. MONDELL. Under the law they must have been made by deputy surveyors, appointed by the surveyor general of Alaska and made under his direction.

Mr. GOULDEN. Therefore they are accurate?

Mr. MONDELL. I simply call attention to this situation because it seems to me we are proposing to take over a lot of surveys without saying so, and somebody ought to be reimbursed for the expense of those surveys.

Mr. GOULDEN. I wondered, Mr. Chairman, if the gentleman will yield, whether the gentleman regarded those surveys as accurate?

Mr. MONDELL. I assume that they are reasonably accurate. I do not know. The law provided for the manner of those surveys, and if they were made as they should have been made they are accurate, and, unlike other surveys made by individuals on the public domain, these surveys were, I think, made somewhat in the manner and form of the ordinary public-land surveys—with north and south and east and west lines.

Now, the last half of the section, Mr. Chairman, authorizes the Secretary of the Interior, with a view to facilitating development, to make leases without awaiting the extension of surveys where surveys have not been made. That is an important feature of the legislation, and that is the only part of the section that is really essential or important. I do not like the form of that proviso, but, while it does not follow the usual form of provisions of that sort, I have no doubt it will be understood by the department and can be worked out by the department. Under it they could clearly take advantage of such surveys as have been made.

Mr. RAKER. Mr. Chairman, before answering the gentleman as to whether or not section 1 is enforced or is practically no change from the present law, and relative to the surveys, I would like to say a few words in regard to the bill.

I am for this bill for the relief of Alaska.

There has been much contention for the last 10 years in regard to the opening up of the coal fields of Alaska and developing that country, to the end that the people living there, as well as those on the Pacific slope, and, in fact, throughout the entire country, might have the benefit of the millions upon millions of tons of coal there in the ground in Alaska. This bill has for its object and its purpose not the reserving of Alaska, not the tying up of Alaska and prohibiting it from use, but the opening up of Alaska at once for development.

In the bill, in section 2, there is provided that the Government shall reserve a certain number of acres of land in the Bering field and in the Matanuska field, and in each other field to the extent of 5,000 acres—in the first, Bering field, 5,120 acres; in the Matanuska field, 7,620 acres; and in each other coal field, 5,000 acres.

Third. It provides for a proper survey.

Fourth. The bill provides that there shall be leases made available to everyone who desires to comply with the law, to the end that that wonderful country may be opened up the best way.

Fifth. The President may operate certain territory for the purpose of developing coal for the Navy.

Sixth. The Secretary of the Navy shall block out by proper survey the entire territory, commencing first on the Bering fields, then on the Matanuska fields, then on the Nenana fields, and then generally over the Territory of Alaska; and then that territory shall be opened up for leasing, and the Secretary of the Interior shall lease the land to those who apply.

Seventh. No railroad shall hold any more territory or coal deposits than enough to run its business.

Eighth. It provides how each applicant shall give a bond to insure his good faith, to the end that he will carry out the lease and fulfill the provisions of the law.

Ninth. It provides that additional land may be obtained by the lessee when that which he holds is worked out before the expiration of the term. When that happens he may obtain a certain quantity of land, or deposits not exceeding 2,560 acres in all.

Tenth. That only one lease shall be had by one person.

Eleventh. That the directors, stockholders, and others shall not hold an interest in any other such corporation. The very object and purpose of the bill is to prevent monopoly, and we believe that has been accomplished by the bill.

Twelfth. Directors are prohibited under penalty from acquiring or holding other leases, and if anyone acquires any one of these leases by descent, devise, gift, or otherwise, he must dispose of it within a certain length of time.

Thirteenth. A royalty is fixed upon the lease, and certain rentals that the person must pay if he desires to obtain a lease.

Fourteenth. The leases must be developed. No man can take a lease of any coal land in Alaska for the purpose simply of holding it and expecting prices to advance, thereby making money out of those who actually do the work.

Fifteenth. Those living in the Territory of Alaska may have a small tract of land for their own supply without compensation, and municipalities in Alaska may obtain a coal supply.

Sixteenth. Reservations are made in all leases for roads and trails and the working and developing of other mines, so that no one particular individual after obtaining a lease can tie up or prevent the development of any of the other blocks or any of the coal fields of Alaska.

Mr. GOULDEN. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from New York.

Mr. GOULDEN. What is the gentleman's opinion of not less than 2 cents royalty upon each ton of coal?

Mr. RAKER. I think that is all right.

Mr. GOULDEN. Does the gentleman think that is high enough as a minimum?

Mr. RAKER. Oh, yes; we fix a rental, and then in addition to that there are competitive bids, and it is not solely for the Government to obtain as large a sum out of these leases as possible, or out of this land; but the great thing is that the Government shall receive a reasonable amount and that the coal may be opened up and developed, to the end that the consumer may get the benefit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask unanimous consent that my time may be extended five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time may be extended five minutes. Is there objection?

There was no objection.

Mr. RAKER. The object in view is that the consumer may have coal at a reasonable price, and, further, that there shall be no monopoly in the handling of the Alaskan coal fields.

Seventeenth. The surface of all the coal land, where unnecessary for the actual mining operations of the mine, is reserved for agricultural purposes, so that the surface, as well as the coal under the surface, may all be developed to the utmost.

Eighteenth. Permission is given the Secretary to permit the use of other lands outside of the lease for the purpose of building mills, plants, or machinery, or other things necessary to run a proper coal mine.

Nineteenth. There shall be no subletting. When a man obtains a lease, or a company obtains a lease, that settles it. They have one lease, and there can be no subletting, except in one particular instance—where it may be beneficial—and then application is made to the Secretary of the Interior.

Twentieth. Forfeiture is provided by the proper procedure in the courts where any company or private individuals fail to comply with the law as well as the rules and regulations adopted by the Secretary and the provisions in the lease.

Twenty-first. The Secretary of the Interior may require an affidavit of each person, company, or corporation as to his method of business, how he is running his lease, and what he is doing, so that we have our hand always on the throttle and know that the real development of actual work is being done in Alaska.

Twenty-second. Full rules and regulations are within the control of the Secretary of the Interior to control the entire situation.

Twenty-third. The committee spent much time upon the last section of the bill—section 14—so that there would be no question of repealing any proper law in Alaska upon the subject, and to the further end that all of those who now have claims pending in the various departments, from the local land office to the Secretary of the Interior, through the Commissioner of the Land Office, might have full opportunity to go on with their claims to final adjudication.

Therefore we can turn back and say that this committee gave months of study to this bill. Extensive hearings were had, and everybody given an opportunity, and it was a unanimous report of the committee, to the end that they believe that Alaska should be developed, and developed at once; that there should be no monopoly of the coal fields of Alaska; and when those two questions are accomplished nothing further ought to be required of any of the people of this country.

That has been the object and purpose of the committee, and the bill has had the committee's important, careful, and painstaking consideration. In regard to the suggestion of the gentleman from Wyoming that as to the first section practically everything in the section as included is new, the Secretary of the Interior is directed to survey the Territory of Alaska, and, further, he is authorized and directed to lease the lands of Alaska, change from a title in fee to a leasing system, and, third, that the first to be opened is the Bering field, and, second, the Matanuska, and then the Nenana field and then the other fields along the tributaries.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. MONDELL. I had intended to say that the words relative to leasing were new, but the balance of the section does not add anything to the law.

Mr. RAKER. It is an absolute change, a movement forward and in the right direction, to open up that wonderful Territory that has been closed for the last 12 years, and about which so much has been said. The determination is to open up the coal fields of Alaska, to be used in the Territory and upon the Pacific coast and over the United States, instead of being locked up and compelling the residents to pay ten times the price at which it could be got in that Territory under the circumstances.

The proviso on page 2 provides that such survey shall be included in the rules and regulations of the public domain. All the law there is in Alaska on the statute book is this law as to surveys. The second proviso permits the Secretary of the Interior to commence immediately the surveys, where the land can be sufficiently and definitely laid out, to lease that land and turn it over to the public use. When the gentleman from Wyoming appealed to those who have attempted surveys in Alaska, some 600 claimants who have been denied, he wants the Government to take the old surveys and adopt them and pay for them. Now, the committee considered that.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I want three minutes more, and then I am through.

The CHAIRMAN. The gentleman from California requests that his time be extended three minutes. Is there objection?

There was no objection.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. I will yield to the gentleman.

Mr. MONDELL. I wish the gentleman from California would not misrepresent what I said. I did not say anything about the Government taking over surveys. I do not care whether the Government takes them over or not, but if the Government does take them over, I said that it ought to pay for them.

Mr. RAKER. The Government does not intend to take them over, and it was so represented before the committee, because the purpose is not to act on any matter so that anyone that had made private filings, or had been denied, could claim that the Government used the surveys and ought to pay for them.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. MONDELL. If the Government does not take over the surveys, there will be no surveys completed within a year under which you could make leases.

Mr. RAKER. In the private surveys paid for by individuals, as they do now in mining claims, the Government always has a record of them and never pays for them. The Government in this instance should not under any circumstances put itself in a shape to recognize the prior claims under this bill, because the provision is in the lease that every claim and every interest and every right held under a mining claim on the coal land in Alaska is not affected by this bill, and the claimant may proceed to a final determination in the court of last resort—the Department of the Interior. Should the Government take it, it would make no difference whether it was in the Bering field or in the Matanuska field in the coal lands, whether it is tomorrow or next week, he can put them on the market by leasing under the provisions of this bill directing the Secretary of the Interior to do it, so that even this year the coal fields of Alaska may be opened and the coal may be used by the inhabitants living there who need it and can get it in their own country, without having to buy it in a foreign country. This coal is needed in Alaska and on the Pacific coast, and on the shores of Alaska it might be used there by those people if they could get it instead of shipping coal from foreign countries, as well as from the eastern border of the United States. That is one of the matters to which the committee has given full consideration.

The following letter fully shows the attitude of the people of Alaska on this bill. They want it enacted into law, and that at the earliest date possible. The letter was received by me a few days ago:

CORDOVA, ALASKA, *August 14, 1914.*

DEAR SIR: We respectfully call your attention to the necessity for immediate action in the matter of throwing open Alaska coal. We do not presume to suggest the method by which this should be done. What we do insist upon is that it is absolutely necessary to open it in some way at once, either through a leasing system, private ownership, or Government operation, to the end that the coal may be used, not only in Alaska, but on the Pacific coast as well.

In support of this proposition we submit that practically all the coal consumed in Alaska, as well as a large percentage of that used on the Pacific coast, comes from British Columbia. Should this supply be cut off through the war now raging over all Europe, our industries, few as they are, will be paralyzed and widespread desolation will follow.

If Canada herself does not see fit to prohibit the exportation of coal, there is nothing to prevent the nations at war with Great Britain from capturing English coal on the high seas or even destroying the works on the British Columbia coast.

The war has already resulted in a large increase in the price of all foodstuffs and supplies in this Northland, and with the decrease in the value of copper the indications are that these mines will shut down.

Foreign capital is being withdrawn and the mines operated and developed by this money closed down. As an example, we point to the Jualin mine at Juneau and the Mother Lode of the Copper River section, each of which has ceased work since war was declared.

To Alaska the situation is serious, and we believe it is of equal importance to the United States as a whole.

The coal for naval use on the Pacific has been brought around from the Atlantic. To bring this coal to the Pacific it was necessary to use foreign vessels. These foreign vessels are no longer available. There are no American ships for this purpose. Every vessel which flies the American flag, which can by any possibility be used for the purpose, will be needed for our over-sea trade to take the place of foreign ships that have been withdrawn from the trade. The opening of Alaska coal is therefore a national necessity. It is a necessary part in the scheme for national defense, and the last few weeks have demonstrated that we can not afford to neglect any possible measure tending to strengthen our national defense.

If it is urged that the coal in Alaska is not suited to naval use, we reply that the test made was simply a test of one vein of coal, and is therefore no proof of the field. We confidently assert that the Bering River field has large quantities of coal suitable for naval use, and refer to such eminent geologists as Drs. Brooks and Martin, of the United States Geological Survey, as our authority.

The Bering River field can be opened and coal placed on the market at Cordova in 90 days from the beginning of construction. A line of railroad, 38 miles long, branching from Mile 38, on the Copper River & Northwestern Railroad, will reach to the heart of the field.

With these conditions surrounding us, we respectfully ask: "Is it the part of good judgment to longer delay the opening of Alaska coal on some basis, either by a leasing bill of such liberal provisions that American capital will undertake it or by Government operation?"

We appeal to you, who have the power and authority to do this, to give it your earnest and conscientious consideration, believing that you will arrive at the same conclusion that we have, viz, that the opening of Alaska coal is not only an absolute necessity, but a duty that Congress should at once perform.

Very respectfully,

CORDOVA CHAMBER OF COMMERCE,
G. C. HAZELET, *President.*
H. G. STEEL, *Secretary.*

I deem it important that the report of the committee be printed in the RECORD, and make it a part of my remarks.

[House of Representatives Report No. 352, Sixty-third Congress, second session.]

LEASING OF COAL LANDS IN ALASKA.

Mr. FERRIS, from the Committee on the Public Lands, submitted the following report to accompany H. R. 14233:

The Committee on the Public Lands, to which was referred H. R. 13137, introduced by Mr. FERRIS, the same bill being later reintroduced with certain committee amendments as H. R. 14233, begs leave to report the bill (H. R. 14233) back to the House without amendment, with the recommendation that the bill do pass. The bill (H. R. 14233) is reported unanimously from the Committee on the Public Lands and is set out herewith at length, as follows:

[H. R. 14233, Sixty-third Congress, second session.]

"A bill to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

"*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to survey the lands of the United States in the Territory of Alaska known to be valuable for their deposits of coal, and to lease such lands or the deposits of coal contained therein, as hereafter provided, preference to be given first in favor of surveying lands within those areas commonly known as the Bering River, Matanuska, and Nenana coal fields and thereafter to such areas or coal fields as lie tributary to established settlements or existing or proposed rail or water transportation lines: *Provided*, That such surveys shall be executed in accordance with existing laws and rules and regulations governing the survey of the public lands: *Provided further*, That the Secretary of the Interior may, as herein provided, with a view to facilitating development and without awaiting said surveys, make such awards of leases in the coal fields in Alaska as he may deem advisable and under such regulations as he may prescribe; the locations of such leases shall be distinctly marked upon the ground under his direction, so that their boundaries can be readily traced.

"SEC. 2. That the President of the United States shall designate and reserve from use, location, sale, lease, or other disposition not exceeding 5,120 acres of coal-bearing land in the Bering River field and not exceeding 7,680 acres of coal-bearing land in the Matanuska field, and in addition the President may, in his discretion, designate and reserve from use, location, sale, lease, or other disposition not exceeding 5,120 acres of coal-bearing lands in each of the other coal fields in the Territory of Alaska: *Provided*, That the deposits in said reserved areas may be mined under the direction of the President when, in his opinion, the coal is required for Government works or in the construction and operation of Government railroads, or is required by the Navy or is necessary for national protection or for relief from oppressive conditions brought about through a monopoly of coal.

"SEC. 3. That the unreserved coal lands and coal deposits shall be divided by the Secretary of the Interior into leasing blocks or tracts

of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such blocks, but in no case exceeding 2,560 acres in any one leasing block or tract; and thereafter the Secretary of the Interior shall, from time to time upon the request of any qualified applicant or on his own motion, offer such lands or deposits of coal for leasing, and, upon a royalty fixed by him in advance, shall award leases thereof through advertisement, by competitive bidding, or, in case of lignite or low-grade coals, such other methods as he may by general regulations adopt, to any person above the age of 21 years who is a citizen of the United States or has declared his intention to become such, or to any association of such persons, or to any corporation or municipality organized under the laws of the United States or of any State or Territory thereof: *Provided*, That no railroad or other common carrier shall be permitted to take or acquire through lease or permit under this act any coal or coal lands in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder: *Provided further*, That each applicant for lease under this act shall execute and file with the application or bid a good and sufficient bond, in such reasonable sum as may be fixed in advance by the Secretary of the Interior, to insure good faith in the fulfillment of the terms and conditions of the bid, the lease, and of this act.

"The possession of any lessee of the land or coal deposits leased under this act, for all purposes involving adverse claims to the leased property, shall be deemed the possession of the United States, and for such purposes the lessee shall occupy the same relation to the property leased as if operated directly by the United States.

"SEC. 4. That a person, association, or corporation holding a lease of lands or coal deposits under this act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure a modification of his or its original lease by including additional lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate 2,560 acres.

"That upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the original lease, shall not exceed 2,560 acres, through the same procedure and under the same conditions as in case of an original lease.

"SEC. 5. That no person, association, or corporation, except as herein provided, shall be permitted to take or hold any interest as a stockholder or otherwise in more than one lease under this act; and any interest held in violation of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction: *Provided*, That any such ownership or interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for two years after its acquisition and not longer.

"SEC. 6. That no person, association, or corporation holding a lease under the provisions of this act shall hold any interest, direct or indirect, in any agency, corporate or otherwise, engaged in the resale of coal purchased from such lessee, or enter into any agreement, arrangement, or other device to enhance the price of coal; and any violation of the provisions of this section shall be ground for the forfeiture of the lease or interest held.

"That any person who shall purchase, acquire, or hold any interest in two or more such leases, except as herein provided, or who shall knowingly purchase, acquire, or hold any stock in a corporation having an interest in two or more such leases, or who shall knowingly sell or transfer to one disqualified to purchase, or except as in this act specifically provided, disqualified to acquire, any such interest, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $1,000: *Provided*, That any such ownership and interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held two years after its acquisition and not longer.

"That any director, trustee, officer, or agent of any corporation holding any interest in such a lease, who, on behalf of such corporation, shall knowingly participate in the purchase of any interest in another lease, or in the sale or transfer of any such interest in any lease held by such corporation to any corporation or individual holding any interest in any other lease under this act, except as herein provided, shall be guilty of a felony, and shall be subject to imprisonment for a term of not exceeding three years and a fine of not exceeding $1,000.

"SEC. 7. That for the privilege of mining and extracting and disposing of the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be not less than 2 cents per ton of 2,000 pounds, due and payable at the end of each month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of continued operation of the mine or mines, except when operations shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods.

"SEC. 8. That in order to provide for the supply of strictly local and domestic needs for fuel the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified to obtain a lease under section 3 of this act a limited license or permit granting the right to prospect for, mine, and dispose of coal belonging to the United States on specified tracts, not to exceed 10 acres in any one coal field, for a period of not exceeding 10 years, on such conditions not inconsistent with this act, as in his opinion will safeguard the public interest, without payment of royalty for the coal mined or for the land occupied: *Provided*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the acquisition of such tract or operation of such mine under said limited license.

"SEC. 9. That any lease, permit, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit, for joint or several use, such easements, including roads, rights of way, sites for coal washeries, coke ovens, tunnels in, over, through, or upon the lands leased, occupied, or used, as may be necessary or appropriate to the working of the same or other coal lands and treatment and shipment of the products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease, under existing law or laws hereafter enacted, in so far as said surface is not necessary for use by the lessee in extracting and removing the deposits of coal therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease.

"That the said Secretary during the life of the lease is authorized to issue such permits for easements herein provided to be reserved, and to permit the use of such other public lands in the Territory of Alaska as may be necessary for the construction and maintenance of coal washeries or other works incident to the mining or treatment of coal, which lands may be occupied and used jointly or severally by lessees or permittees, as may be determined by said Secretary.

"SEC. 10. That no lease issued under authority of this act shall be assigned or sublet except with the consent of the Secretary of the Interior. Each lease shall contain provisions for insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of waste as may be prescribed from time to time by the said Secretary shall be observed, and such other provisions as he may deem necessary for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare.

"SEC. 11. That any such lease may be forfeited and canceled by an appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any provision of this act, of the lease, or of general regulations promulgated under this act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

"SEC. 12. That all statements, representations, or reports required by the Secretary of the Interior under this act shall be upon oath unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require, and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

"SEC. 13. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

"SEC. 14. That on and after the approval of this act no lands in Alaska containing deposits of coal shall be disposed of or acquired in any manner except as provided in this act: *Provided*, That the passage of this act shall not affect any proceeding now pending in the Department of the Interior, and any such proceeding may be carried to a final determination in said department notwithstanding the passage hereof."

DRAFTING OF THE MEASURE.

The original bill (H. R. 13137) was drafted pursuant to many conferences between the Secretary of the Interior, officials of the Geological Survey and the Bureau of Mines, and the chairmen of the House and Senate Committees on the Public Lands, Territories, and Mining. The bill represents the combined judgment of the Interior Department and the chairmen of the six committees mentioned, who participated in the conferences.

SECRETARY LANE'S FORMAL REPORT.

The bill H. R. 14233 was referred by the Public Lands Committee to the Secretary of the Interior for report, which is set forth in a letter addressed to the chairman of the committee under date of March 6, 1914, it being as follows:

DEPARTMENT OF THE INTERIOR,
*Washington, D. C., March 6, 1914.*

Hon. SCOTT FERRIS,
*Chairman Committee on Public Lands,*
*House of Representatives.*

MY DEAR MR. FERRIS: I am in receipt of your letter of March 6, 1914, inclosing a copy of H. R. 14233, a bill to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes. This bill embodies the material features of H. R. 13137, upon which I submitted favorable report and in support of which I appeared before your committee on February 17, 1914, but has been improved and perfected by incorporating therein amendments and additions suggested by members of the Public Lands Committee and others at the hearings held upon H. R. 13137. Every reason which I advanced in support of the enactment of H. R. 13137 applies with equal force to H. R. 14233, which I regard as an improvement upon the original measure.

As I have heretofore stated, existing conditions in the Territory of Alaska urgently demand the enactment of this measure so that the vast coal deposits of the Territory may be made available for the use of the people. The coal is needed for domestic use by residents for local industries, including the development of low-grade ores, and immediate opening and development of the coal deposits is necessary for the construction and ultimate success of the Alaskan railroad, the construction of which is authorized by bill recently enacted. H. R. 14233 will permit of the leasing of Alaska's coals in areas of sufficient size to warrant the installation of large and modern equipment and the mining and marketing of the coal upon payment of a reasonable royalty, while at the same time small areas may be developed and mined without charge for domestic needs. The bill contains a number of provisions designed to prevent monopoly in the acquisition, holding, and sale of the coal, but these provisions and the penalties fixed are so plainly stated that there should be no confusion as to their intendment and scope.

I believe the measure, if enacted, will provide a fair and acceptable method for the development of Alaskan coal, will safeguard the interests of the public, and will result in direct and immediate benefit to the Territory. For these reasons, and particularly because of the imperative need mentioned, of the fact that this measure is supplemental to and necessary for the success of the Alaskan railroad bill just enacted, I earnestly recommend that H. R. 14233 be enacted as soon as possible.

Cordially, yours,

FRANKLIN K. LANE.

HEARINGS.

The Committee on the Public Lands held extensive hearings on the bill, which have been printed as public documents. The Secretary of the Interior and other officers of the Interior Department, including officials from the Geological Survey and the Bureau of Mines,

participated in the hearings and rendered material aid to the committee in formulating a workable measure.

SECRETARY LANE'S STATEMENT AT THE HEARINGS.

Secretary Lane's statement made during the hearings, when he personally appeared before the committee, is printed as a part of the hearings, beginning on page 4 of part 1 and concluding on page 12 thereof. His statement quite well sets forth the situation as it exists in Alaska, and it is therefore printed herewith, as follows:

Secretary LANE. I have a brief statement to make outlining the bill. In the first place, let me file with you some data collected by some of the bureaus of my department dealing with the extent of the coal fields, the coal production and consumption, and the oil consumption in Alaska.

(The matter referred to is as follows:)

LEASING ALASKA COAL LANDS.

THE COAL FIELDS.

The known areas of coal-bearing rocks of Alaska according to the Geological Survey include about 16,000 square miles (12,240,000 acres), and of this 1,210 square miles (774,400 acres) is pretty definitely known to be underlain by workable coal beds. The rest of the fields have not yet been surveyed in sufficient detail to permit of definite statement of the percentage of actual coal lands. About 12 per cent of the total known coal lands are anthracite, semianthracite, semibituminous, and bituminous coal, the balance being sub-bituminous and lignitic coals.

The most important fields are the Bering River, including about 50 square miles (32,000 acres) of coal lands, and the Matanuska, including about 100 square miles (64,000 acres) of coal lands. Both these fields contain high-grade bituminous and anthracite coals, and both include coking coals. Some of the coal beds in both fields have been crushed so as to seriously detract from their value, if not to render them worthless, but workable beds undoubtedly exist in both fields. There is some high-grade bituminous coal near Cape Lisburne, on the Arctic seaboard, but this is too inaccessible to enter into the present fuel situation.

Sub-bituminous coals have been found on the Alaska Peninsula and also in northwestern Alaska. Those on the Alaska Peninsula have value for local use, but are not high enough grade to warrant export.

Lignitic coal finds a very wide distribution in Alaska. The largest of the known areas are those of the west side of the Kenai Peninsula and the Nenana field, located on the south side of the Tanana Valley and about 50 miles from Fairbanks. This lignitic coal has value for local use, but is not of a sufficiently high grade to warrant its export.

COAL-LAND LAWS AND WITHDRAWALS AND GRANTING OF PATENTS.

The coal-land laws were extended to the Territory of Alaska by act of June 5, 1900 (31 Stat., 658), and further provision made for the disposition of those lands by the act of April 28, 1904 (38 Stat., 523), and by the act of May 28, 1908 (35 Stat., 424).

All Alaska coal lands were withdrawn from entry November 12, 1906, except those embraced in valid existing claims.

Total number of claims presented in Alaska under coal-land laws, 1,126; total number of claims canceled to date, 561; total number of claims patented, 2; number of claims now pending, 566, many of which have been held for rejection by the General Land Office. The claims patented are as follows: One known as the Wharf claim, in Kenai Peninsula and on Cook Inlet, containing about 66 acres; the other, on Admiralty Island, in southeastern Alaska, containing about 160 acres. The coal in both these claims is lignite.

COAL PRODUCTION AND CONSUMPTION.

The coal production of Alaska in 1912, according to the Geological Survey, was 355 tons. Preliminary estimates for 1913 indicate an output of about 1,200 tons. This increase is due to the systematic working of the Wharf mine, on Cook Inlet, to which patent was granted in 1912. The coal from this mine finds a ready market for local use. While the Alaska coal output has been insignificant, the annual consumption in the Territory is over 100,000 tons. This does not include the coal used by the ocean steamers running to and along the coast of Alaska. These steamers probably use 50,000 tons annually. The following table shows the annual coal consumption of Alaska since 1899. This table shows that about 60 per cent of the coal consumed in Alaska is of foreign source, and most of this comes from the Vancouver Island fields, in British Columbia. The coal output of Alaska has been chiefly lignite, which has been mined from small banks for local use. In 1907, however, under special permit, Mr. MacDonald operated a small mine on the Bering River field. This mine is located in the southwestern margin of the field, on Bering Lake, and the coal was brought down in small scows. This coal is bituminous and found a ready market in the near-by construction camps of a railway, and is reported to have given good satisfaction.

*Coal consumption of Alaska, by sources, 1899 to 1912, in short tons.*

| Year. | Imported from States, chiefly from Washington. | | Produced in Alaska, chiefly sub-bituminous and lignite.[2] | Total domestic,[2] chiefly from Washington. | Total foreign coal, chiefly bituminous, from British Columbia.[2] | Total coal consumed. |
|---|---|---|---|---|---|---|
| | Bituminous. | Anthracite. | | | | |
| 1899 | [1] 10,000 | ..... | 1,200 | 11,200 | 50,120 | 61,320 |
| 1900 | 15,048 | ..... | 1,200 | 16,248 | 56,623 | 72,871 |
| 1901 | [1] 24,000 | ..... | 1,300 | 25,300 | 77,674 | 102,974 |
| 1902 | [1] 40,000 | ..... | 2,212 | 42,212 | 68,363 | 110,575 |
| 1903 | 64,625 | 1 | 1,447 | 66,073 | 60,605 | 126,678 |
| 1904 | 36,689 | ..... | 1,694 | 38,383 | 76,815 | 115,198 |
| 1905 | 67,707 | 6 | 3,774 | 71,487 | 72,567 | 144,054 |
| 1906 | 68,960 | 533 | 5,541 | 75,034 | 47,590 | 122,624 |
| 1907 | 45,130 | 1,116 | 10,139 | 56,385 | 88,596 | 144,981 |
| 1908 | 23,402 | 491 | 3,107 | 27,000 | 72,831 | 99,831 |
| 1909 | 33,112 | ..... | 2,800 | 35,912 | 74,316 | 110,228 |
| 1910 | 32,138 | ..... | 1,000 | 33,138 | 73,904 | 107,042 |
| 1911 | 32,255 | ..... | 900 | 33,155 | 88,573 | 121,728 |
| 1912 | 27,767 | ..... | 355 | 28,122 | 59,804 | 87,926 |
| Total | 520,833 | 2,147 | 36,609 | 559,649 | 968,381 | 1,528,030 |

[1] Estimated. [2] By calendar years. [3] By fiscal years ending June 30.

While the coal consumption in Alaska has remained nearly stationary, the uses of fuel oil has very much increased. The Treadwell group of mines now uses California oil, as do many of the dredges at Nome, steamers running to Alaska, and the Yukon River boats. The Copper River Railway is now in part equipped with oil-burning locomotives, while the Alaska Northern Railroad, when operated at all, uses a gasoline car. The Tanana Valley Railroad also runs a gasoline passenger coach. The following table indicates the increased use of oil-burning and gasoline engines in Alaska:

*Shipments of petroleum products to Alaska from other parts of the United States, 1905–1911, in gallons.*

| Year. | Crude. | | Naphtha. | |
|---|---|---|---|---|
| | Quantity. | Value. | Quantity. | Value. |
| 1905 | 2,715,386 | $91,068 | 713,496 | $109,221 |
| 1906 | 2,688,100 | 38,409 | 580,978 | 100,694 |
| 1907 | 9,104,200 | 143,596 | 636,881 | 119,345 |
| 1908 | 11,891,375 | 176,483 | 939,424 | 147,104 |
| 1909 | 14,034,900 | 234,258 | 746,930 | 118,810 |
| 1910 | 15,835,670 | 477,673 | 788,154 | 136,369 |
| 1911 | 18,142,364 | 406,490 | 1,238,895 | 167,915 |

| Year. | Illuminating. | | Lubricating. | |
|---|---|---|---|---|
| | Quantity. | Value. | Quantity. | Value. |
| 1905 | 627,391 | $113,921 | 83,319 | $31,669 |
| 1906 | 568,033 | 109,964 | 83,992 | 32,854 |
| 1907 | 510,145 | 99,342 | 100,145 | 37,929 |
| 1908 | 566,598 | 102,567 | 94,542 | 36,423 |
| 1909 | 531,727 | 98,785 | 85,687 | 35,882 |
| 1910 | 626,972 | 95,489 | 104,512 | 38,625 |
| 1911 | 423,750 | 57,896 | 100,141 | 34,048 |

ALASKA COAL CLAIMS.

According to the report of the Commissioner of the General Land Office, 1,129 Alaska claims were recorded. This means 1,129 locations not exceeding 160 acres each. Of this number 561 have been canceled to date, 2 have been patented, and 566 are pending, most of the latter either having been held for cancellation for irregularity or being under investigation because of alleged illegality. The claims canceled, patented, and pending are shown by coal fields in the following table:

| | |
|---|---|
| Canceled Alaska coal claims: | |
| Bering River coal field | 224 |
| Matanuska coal field | 90 |
| Cook Inlet coal field | 118 |
| Admiralty Island coal field | 31 |
| Alaska Peninsula coal field | 38 |
| Nome coal field | 13 |
| Fairbanks coal field | 15 |
| Miscellaneous, field not shown | 31 |
| Total | 561 |
| Alaska coal claims patented: | |
| Admiralty Island coal field | 1 |
| Cook Inlet coal field | 1 |
| Total | 2 |
| Alaska coal claims pending: | |
| Bering River coal field | 287 |
| Matanuska coal field | 51 |
| Cook Inlet coal field | 172 |
| Admiralty Island coal field | 10 |
| Fairbanks coal field | 21 |
| Nome coal field | 5 |
| Miscellaneous | 20 |
| Total | 566 |

Secretary LANE. I now propose, with your permission, to take up the bill section by section so that you may have a clear understanding of it.

LANDS TO BE SURVEYED.

Section 1 directs the survey of lands in Alaska known to be valuable for deposits of coal, preference to be given to surveying lands within the Bering River and Matanuska coal fields, and thereafter to such coal fields as lie tributary to established settlements or existing or proposed transportation lines. With the exception of limited agricultural areas in some of the valleys of Alaska, the public-land surveys have not been extended over the Territory. Before the lands can be leased to applicants, in the form and for the minimum or maximum areas permitted by the bill, and before reservations for public use, as contemplated, can be made and defined, it is essential that the lands be surveyed and the boundaries clearly and definitely marked upon the ground. Preference is given first to the Bering River and Matanuska fields, because they contain deposits of anthracite and high-grade bituminous coals, some of which are believed to be adapted to use by the United States Navy, and because those fields lie within comparatively easy distance of rail and water transportation. In the other fields containing chiefly lower grade bituminous or lignite coals it was deemed advisable to first make the surveys near established settlements or existing or proposed transportation lines.

Mr. CANTOR. During what period of time were those surveys made?

Secretary LANE. It is contemplated that they will be made immediately.

Mr. CANTOR. Have any been made heretofore?

Secretary LANE. Some surveys have been made.

Mr. CANTOR. For the purpose of ascertaining these deposits?

Secretary LANE. Yes, sir; and we have some of those reports, which will be filed with you.

LANDS RESERVED FOR THE UNITED STATES.

Section 2 directs the reservation of not more than 5,120 acres of coal-bearing land in the Bering River field and not exceeding 7,680 acres in the Matanuska field. The maximum amounts were determined upon in order that the remaining areas should be assured for private development through the leasing system. The amount reserved is deemed to contain an ample supply of coal for the purposes of the reservation, which are set out in the proviso to the section to be for Government works, the construction and operation of Government railroads, use of the Navy, national protection, and for relief from oppressive conditions brought about through the monopoly of coal. Aside from the possibility of the use of these coals for direct governmental use the reservations will, it is believed, provide a very effective check on monopoly, for, under the provisions of the bill, if such monopolistic conditions come to exist as warrant such action the President may cause the coal in the reserved areas to be mined and placed upon the market.

LANDS AND COAL DEPOSITS TO BE LEASED.

With the exception of the reservations described in section 2, the remaining coal lands in Alaska, after survey, are to be divided into leasing blocks of 40 acres each, or multiples thereof, in no case exceeding 2,560 acres in any one block, and such blocks or tracts to be leased through advertisement, competitive bidding, or such other methods as may be provided by general regulation to citizens, associations, or corporations. The bill authorizes the lands to be leased in such form as will permit the most economical mining of the coal, a provision of importance because of the peculiar topography of the coal fields, particularly those which contain the better grades of coal. The minimum of 40 acres was fixed because that is the smallest subdivision of the public-lands surveys, and because it was believed that individual miners and those desiring to supply small and local markets might desire to lease and operate smaller areas than those persons and corporations who engage in the coal-mining business in a large way. The maximum of 2,560 acres was fixed, because experience in the United States has demonstrated that area, when underlaid by coal beds of approximately the thickness of those under consideration, to be an ample amount to warrant the proper equipment, opening, and operation of a large and permanent coal mine.

NEW LEASE FOR ADDITIONAL LANDS.

Section 4 provides that a lessee whose original lease did not cover the maximum area may, with the approval of the Secretary of the Interior, and under the same procedure, terms, and conditions as in the case of an original, secure a further or new lease covering additional lands contiguous to the original lease, provided the combined area of the two leases does not exceed 2,560 acres. This provision is designed to permit those who have secured a lease for a small area and have developed and mined the coal deposits therein to extend their workings and secure the coal in vacant contiguous lands.

CONSOLIDATION OF LEASES.

Section 5 permits lessees holding small blocks to consolidate their leases or holdings so as to include not exceeding 2,560 acres. It was thought that in some instances individual miners might apply for and secure leases for small blocks and thereafter find that economic mining might best be carried on through combination with the holders of adjacent small holdings.

TO PREVENT MONOPOLIZATION.

Section 6 prohibits any person, association, or corporation from acquiring or holding any interest as stockholder or otherwise in more than one lease under the act. The penalties for violation of this provision are contained in sections 6, 7, and 8, and are: (1) Forfeiture of any interest held in violation of this provision by proceedings instituted by the Attorney General in a court of competent jurisdiction; (2) punishment of any person who purchases, acquires, or holds such an interest in two or more leases, or who shall knowingly sell or transfer to a disqualified person, by imprisonment for not more than three years and by a fine not exceeding $1,000. Section 8 prescribes the same penalty for any director, trustee, officer, or agent of a corporation holding an interest in a lease who shall, on behalf of the corporation, act in the purchase of an interest in another lease or who shall knowingly act on behalf of the corporation in the sale of such an interest in any lease held by the corporation to a disqualified person.

ROYALTIES.

Section 9 requires the payment to the United States of a royalty upon coal mined of not less than 2 cents per ton, due and payable at the end of each month succeeding that of shipment of coal from mine. An annual rental of 25 cents per acre for the first year, 50 cents for the second, third, fourth, and fifth years, and $1 per acre for each year thereafter is exacted, but the rental for any year is created against the royalties for that year. Leases are for indeterminate periods, on condition of continued operation, and that at the end of each 20-year period such readjustment of terms and conditions may be made as are authorized by law. The minimum fixed is very low, and no maximum has been fixed for the reason that the situation, extent, and character of the coal deposits in Alaska are so varied and different as to necessitate the vesting of discretion in the officers charged with the leasing of the coal. The rental provision is designed to insure reasonably continuous operation of the coal mines. Lessees are unwilling to expend the money necessary for the thorough equipment of a large mine under a lease for a short period; therefore the leases are indeterminate. Conditions, however, may materially change from time to time, and for this reason provision was made for such adjustment of terms and conditions made at the end of 20-year periods as Congress might authorize. Provision is made for relieving lessees from continued operation of mines where same are interrupted by strikes, the elements, or casualties not attributable to the lessee.

FREE MINING FOR LOCAL USE PERMITTED.

Section 10 authorizes the Secretary of the Interior, under such rules as he may prescribe, to issue a limited permit for the mining of coal on not exceeding 10 acres to any person or association for not exceeding 10 years. This provision is in order to provide coal for strictly local and domestic needs for fuel, and is without payment of any rental or royalty. This will allow homestead settlers, miners, or other residents or business corporations or associations in the Territory to secure a limited amount of coal for domestic uses in the Territory.

RIGHT OF WAY RESERVED.

Section 11 provides for the reservation in all leases and permits issued of the right of the United States to grant or use such easements through or over the lands leased or occupied as may be necessary for the working of the same or for other lands by or under the authority of the Government. This provision is deemed essential in order that ingress and egress to mines may be secured to the United States or its lessees.

CONDITIONS OF LEASES.

Section 12 provides that no lease shall be assigned except with the consent of the Secretary of the Interior, and that each lease shall contain appropriate provisions for care in the operation of the property, for the safety and welfare of miners, for the prevention of waste, and such other provisions as are necessary for the protection of the interests of the United States. These provisions are such as would be placed in an ordinary private lease, and are deemed essential for the protection not only of the United States but of the employees of the mines.

FORFEITURE THROUGH COURT PROCEEDINGS.

Section 13 provides that leases may be forfeited by appropriate proceedings in a court of competent jurisdiction when the lessee fails to comply with the provisions of the lease or of general regulations promulgated under the act. It also provides for the enforcement of other appropriate remedies for breach of conditions. It is obvious that some provision should be made for forfeiture in the event of breach of conditions, but for the security and protection of the lessee it is provided that this shall be through proceedings in the courts.

COURT JURISDICTION OVER DISPUTES.

Section 14 extends the jurisdiction of the district court of Alaska over forfeiture proceedings and over any and all controversies which may arise between the United States and any lessee or other person under the act or under leases issued. The purpose of this section is to permit of the determination of all controversies and causes arising under the act in the same manner as controversies between citizens.

REPORTS.

Section 15 requires that statements or reports required by the Secretary under the act shall be under oath and in such form as may be required, and subjects any person making a false oath to punishment for perjury.

ROYALTIES TO GO INTO FUND FOR DEVELOPMENT OF ALASKA.

Section 16 provides that all moneys received from royalties and rentals shall be paid into a special fund, to be subject to such disposition as Congress has made or may make for the development of Alaska, and particularly subject to such application as may be made by Congress of moneys for the construction of railroads. The undeveloped condition of the Territory and the imperative necessity for the building of highways, railroads, and other public improvements, which will induce settlement and development of the resources, renders it important that the receipts from public lands shall be available for these internal improvements. The Alaskan railroad bill, which has passed the Senate, devotes 75 per cent of such returns to the railroad fund.

RULES AND REGULATIONS.

Section 17 authorizes the Secretary of the Interior to prescribe necessary rules and regulations to carry out the proposed act.

I have outlined this bill at somewhat wearisome length perhaps that you might have clearly in mind at the beginning of this inquiry the simple lines upon which it is drawn. It is a leasing bill with a minimum of detail and a maximum of advantage to Alaska. It lays all practicable safeguards against monopoly and yet permits of large working areas. It reserves to the United States definite tracts in the known fields, more than sufficient, it is believed, for all governmental needs, and throws open to immediate individual use the lesser coal beds under safe restrictions. I can think of nothing which could be done to make Alaska coal a world resource for which this does not provide. Its terms appeal to me as those which will make for the full opening of Alaska's coal lands with but the slightest opportunity for their monopolization. It is aimed to compel the development of coal and not to form a foundation for speculation in the value of coal lands.

The plan proposed—to lease the lands to operators—has several points of value. It is, in the first place, the normal plan. Not only is this recognized by many of our Western States in their statutes governing the disposition of State-owned coal and ore lands, but it is the method under which practically 90 per cent of the coal of this country is mined. We hear of coal operators and mine workers, but seldom of coal-land proprietors. This is because the coal of the country is not mined generally by the landowner, but by lessees. In some of our largest fields the royalty paid is more stable than the freight rate or the price of coal itself. In some of the Australian colonies where coal is produced for export to South America and this country the law permits coal lands to be bought or to be leased. Yet the sale of the land is practically unknown. The reason is apparent.

Why tie up capital in the coal itself, when such capital may be more profitably used in development? And one may reasonably ask, Why should it be the policy of our people to limit coal operations in Alaska or elsewhere to those who have money enough to allow a large investment to lie idle in a coal field? Could there be a greater temptation to monopoly or a more certain warning to men of small means that they are not to be regarded as factors in the coal industry?

I feel confident that the people of the United States are convinced not only that Alaska's coal should be made available, but that it is the wisest and safest policy to open these lands under a leasing system.

As to the need for this coal, I certainly can not add one persuasive argument with which you are not now familiar. A land where there are five months of winter, where in parts the land itself must be thawed out before it will yield its riches—could there be a country of greater need? And who can wonder that the people of Alaska have felt resentment that their long cry for help has not been heeded?

But Alaska is not to be thought of as continuing in her present industrial and economic condition. We are about, I trust, to make that country more intimately our own by building a Government railroad from the coast northward. Such road or roads will take away the terrors of isolation which have haunted those who live there. And with railroads a new Alaska will be possible—coal and iron, coal and copper, will be brought together, and where these come together, as all know, great communities arise. The coals of the Matanuska and the Bering River fields make excellent coke. We may survey the whole Pacific slope for any other body of similar or equally valuable coal. So that irrespective of what our Navy may require or of what Alaska's domestic and present industrial needs may be, the industrial development of the Pacific coast makes call upon Congress to place this fuel supply at the command of the public.

For seven years the coal of Alaska has been withdrawn from use. This has been an act of cruelty to the people of Alaska and an act of

injustice to ourselves. We know why it was done, because by fraud men sought to evade our laws and take to themselves that to which they had no right. Out of some 1,100 claims which were filed upon about one-half have been declared fraudulent, and the remainder are still unadjudicated. That discreditable episode is now a matter of history, which I am sure has fixed its lesson in the American mind. And now the opportunity has come to reopen the coal fields of Alaska under a method which will insure against private monopoly, and make Alaskan coal serve properly in Alaskan and national development.

The CHAIRMAN. We are a little pressed for time at this hearing, and I was wondering if you had time to submit to any questioning at all this morning.

Secretary LANE. I would like to do that at some later time. I must attend a Cabinet meeting at 11 o'clock.

The CHAIRMAN. Then at some later time we can have you with us.

Secretary LANE. I have here various representatives of my department. Dr. Smith, the Director of the Geological Survey; Mr. Brooks, who has been our surveyor up there for a great many years and who is thoroughly familiar with Alaska; Dr. Holmes, Director of the Bureau of Mines; and Mr. Finney, of the legal department, are present and will give you such information as you desire.

Mr. LENROOT. Is there some one present with whom we can take up the details of the bill?

Secretary LANE. Yes, sir; Mr. Finney, from our law department, is here.

The CHAIRMAN. We are very much obliged to you, Mr. Secretary.

Well, whom would you gentlemen prefer to hear next? Have you any preference among you as to who should make the next statement on the bill?

Mr. RAKER. Mr. Finney could go into the legal features of it, I understand.

The CHAIRMAN. He helped to draw the bill.

Mr. RAKER. Then I suggest that we have his explanation of the matter.

STATEMENT AND ANALYSIS OF BILL.

1. The total area of Alaska is 590,884 square miles, or one-fifth that of the United States.

2. The known areas of coal-bearing rocks of Alaska, according to the Geological Survey, include about 16,000 square miles (12,240,000 acres), and of this 1,210 square miles (774,400 acres) is pretty definitely known to be underlain by workable coal beds.

3. It is roughly estimated that the Bering and Matanuska fields each contain from one to three billion tons of coal, while it is estimated that the Nenana field contains 9,000,000,000 tons of lignite coal. The other fields do not present problems of immediate operation or consumption, and no estimate of the quantity of coal contained in those fields has been made.

4. The coal-land laws were extended to the Territory of Alaska by act of June 5, 1900 (31 Stat., 658), and further provision made for the disposition of those lands by the act of April 28, 1904 (33 Stat., 523), and by the act of May 28, 1908 (35 Stat., 424). None of these acts provided for a leasing system, but contemplated the issuance of fee patents in each case.

5. All unentered Alaskan coal lands were withdrawn from entry November 12, 1906. Since that time Alaska has been at a standstill and no development could or would go on.

6. The total number of claims presented in Alaska under coal-land laws is 1,126; the total number of claims canceled to date, 561; total number of claims patented, 2; number of claims now pending, 566, many of which have been held for rejection by the General Land Office. Some of the claims are almost ready for final determination; some are still being investigated for fraud or irregularity.

7. The bill (H. R. 14233) authorizes the Secretary of the Interior to lease in areas of 40 acres or multiples thereof upward to 2,560 acres. In the Bering and Matanuska fields, which are near the coast and are of known value, quantity, and area, small tracts will be leased. In the interior, where low-grade coal exists, larger areas can with safety and propriety be leased.

8. The Secretary of the Interior fixes the royalty, which shall not be less than 2 cents per ton, and, coupled with this, a competitive feature is added as an additional safeguard.

9. The bill contains a competitive feature pursuant to advertisement to determine priority of application; also to prevent favoritism, bringing increased revenues, etc., which is thought to be a wholesome method. It is thought this will be relief to the administration of the estate as well, for all applicants will have an equal chance.

10. The Secretary is authorized and directed to withdraw 5,120 acres of coal land for Army, Navy, and other Government use in the Bering and Matanuska coal fields of Alaska. He is also given discretionary authority to withdraw 5,120 acres in each of the remaining coal fields, but as to the latter-named coal fields back in the interior of the country the withdrawal of such areas is not mandatory, but within his discretion. This to some may seem to be a reservation larger than is necessary, when the land is to be only leased and the lease so well safeguarded, but it was the thought of the committee that the Government should have the cream of each field, and if this should prove unwise it could easily be restored.

11. No railroad is allowed to take a lease for commercial purposes, but is allowed to mine and work only for its own use.

12. Sections 5 and 6 prevent lessees from interlocking or owning an interest in other leases, providing forfeiture and penal provisions.

13. The lease period of 20 years may be renewed under new regulations, new royalties, etc., commensurate with justice and equity at that time, the annual rental to insure continued operation, with strong forfeiture provisions if continuity of operation is not afforded.

14. There is a 10-acre provision in section 8 for the purpose of aiding small miners, homesteaders, etc., in the development of Alaska free of royalty. The permit is only temporary.

15. Section 9 reserves rights to use of joint tunnels, rights of way, washeries, etc., made necessary on account of topography.

16. The Secretary of the Interior is also authorized to lease the coal deposits separately, retaining the surface area for agriculture when deemed feasible. This is thought to be highly important, so that the development and conservation of one may not retard the other. The ultimate success of Alaska demands the highest use of her every resource.

17. No assignment of all or any part of the leasehold shall be made without departmental approval. (See sec. 10.) This prevents dummy entries, consolidation, monopoly, one-man control, and a stifling of competition.

18. It is mandatory that each lease contain a provision authorizing subsequent supervision by the department, thereby insuring diligence, skill, protection of the property, prevention of waste, and such other provisions for the benefit of the United States as may be necessary; the prevention of monopoly, the safeguarding of the public welfare, etc. This is perhaps the most far-reaching provision of the bill. Its practical operation will insure justice and equity, not alone at the start but all during the life of the lease.

19. Section 13 authorizes, in addition to specific requirements, the Secretary to make such rules and regulations as he may deem necessary. This enables the Interior Department, aided by the Geological Survey and the Bureau of Mines, to use combined judgment in making the will of Congress effective, workable, and of value to Alaska.

20. Section 14 provides in substance that this act shall not add to or take from the rights of claimants under old law, but the department shall adjudicate the remaining claims. It is not within the power of Congress to take from the claimant any vested right. It was not the will of the committee to grant any new or additional rights.

It has not been an easy task for your committee to bring to the House a bill that would be workable, that would open Alaska, bring revenue to help pay off the appropriation for the new railway, and still leave sufficient teeth in the measure to prevent abuses.

Your committee has been tireless in its efforts to accomplish the above. Neither selfishness, partisanship, or pride of opinion even presented themselves in the deliberations of your committee. During my seven years' service on the committee at no time has the committee striven harder to do its full duty than in this instance. Every line of the bill was carefully scrutinized, carefully weighed, and carefully drafted.

It is the thought that this is legislation that is imperative to make the railway a success and is needed even during the construction period. It may well be termed a companion bill to the Alaskan railway bill just passed. It is needed in Alaska now. The Territory has been tied up for eight years as tight as a drum. This will open Alaska; this will dovetail in with the railway bill just passed.

We submit this report to the House as our combined judgment.

Mr. STOUT. Mr. Chairman, I ask unanimous consent that I may proceed for 20 minutes.

The CHAIRMAN. The gentleman from Montana asks unanimous consent to proceed for 20 minutes. Is there objection?

There was no objection.

Mr. STOUT. Mr. Chairman, it is not my purpose to consume all of the time so generously allowed me by the chairman of the committee. I merely desire to submit a few general observations on this and others of the so-called conservation measures which have been reported to this House by the Committee on Public Lands. I would take this occasion to bring to the attention of the House some idea of the fidelity with which that committee labored for months on these great measures, and particularly to express my profound admiration for the patient industry and the rare judgment shown throughout weeks of unremitting and arduous toil on these measures by the chairman of the Public Lands Committee, the Hon. SCOTT FERRIS. Granting that all, or even some, of these measures are enacted into law, this Congress and the Nation at large will be under a burden of obligation to the gentleman from Oklahoma for the very large part he has played and the splendid manner in which he has played that part in bringing about constructive legislation, more far-reaching in its ultimate effects upon the industrial life and prosperity of the Western States and Alaska than any other act accomplished within a generation. As one of the new members of that committee, but one who, by reason of my location in one of the greatest, aye the greatest, of Western States, I have been constantly gratified at the masterly conception shown by the chairman of our committee of the real purposes of sane conservation and at his complete knowledge of conditions which obtain in States and a Territory so far removed from his own. He has exhibited a degree of genuine statesmanship in the application of his industry and his knowledge to these problems which mark him for greater honors in his State and Nation as time runs along.

I am not altogether in accord with some of my very good friends from the far West, in so far as our views on the conservation measures now before this House are concerned. Perhaps it would be happier to say that while I agree with them as to the necessity of having the Nation's riches in those vast storehouses of the West developed, there is a divergence of opinion as to the attitude which the people of the West should assume toward the means and manner of development.

It must be confessed that the people of the West, and with very excellent reasons, did not lend enthusiastic indorsement of the so-called policy of conservation which was inaugurated some 10 or 12 years ago and reached the flower of its perfection during the régime of the tennis Cabinet. During that period we saw millions of acres of land upon which no trees were growing withdrawn from entry and incorporated in alleged forest reserves; we saw all coal lands and millions of acres under which there was not the slightest reason for assuming there was any coal withdrawn from entry, thus shutting out thousands of homeseekers who would otherwise have found homes upon those vast areas. I will not undertake to deny the possible necessity for some such action, but the ruthless manner in which this sudden passion for the conservation of our national resources

was inaugurated, the innumerable instances of injustice done to actual and prospective settlers, aroused intense resentment among all of the people of the Western States and created prejudices against an entirely meritorious movement which will be long in dying out.

It is just as well for those of us who live in the West and represent western constituencies to face the issue squarely and take our stand upon this great question. The Government has title to limitless wealth in our States. I wish we owned our coal lands and our phosphate lands and our forest lands as the people of other States own, occupy, and use the lands within the borders of their respective Commonwealths, but the hard, harsh, indisputable fact remains that we do not. Our only equity in these great properties, in addition to that which we hold in common with all of the other people of this Nation, is the rather doubtful privilege of policing them, building roads through them, and taking care of them generally while deriving no revenue or other immediate benefits from them. We may talk ourselves black in the face, we may declaim about the intangible rights of our States in and to these lands and resources, we may even cite court decisions to show that our interest is paramount to the interests of the people of other sections of the country, but opposed to us is a resistless public sentiment, based partly upon selfishness and partly upon the sincere convictions of thoughtful people, that these possessions are not ours but the Nation's. We can argue that our friends on this side of the continent are selfish in that, having exhausted their own resources or permitted them to pass into private ownership for exploitation or development, they now insist that resources of a similar character located in the Western States must be differently disposed of, but such arguments do not open up our coal mines, employ labor in the development of other mineral resources, or build dams across the streams which tumble down over the precipitous slopes of our mountain ranges.

I yield to no one in loyalty to the people of the West. They represent the best there is of our national life, those who have had the hardihood to forsake the firesides, the fields, the factories, and the stores of their eastern homes, to break the associations which bound them mightily to the haunts of their youth and turn their faces toward a new land, where expectancy is always to be joined with uncertainty. During my brief career in this body as a Representative of people of that type, pioneers, many of them, natives of far-off States, practically all of them, it has been my constant purpose to act for what I conceived to be their highest welfare. It is with that purpose in mind that I gladly yield support to the conservation measures which have been and will be brought before this House from the Committee on the Public Lands.

Mr. RAKER. Will the gentleman yield?

Mr. STOUT. I will yield to the gentleman from California.

Mr. RAKER. Does not the gentleman recognize a vast distinction under President Wilson's policy of conservation in the way of using our resources instead of reserving them and locking them up?

Mr. STOUT. I am going to touch upon that point in a few moments.

It has come to be not so much a question as to how the West shall be developed as that it shall be developed. I am convinced that the hope of many western people that the coal lands, the timberlands, the water power, the phosphate lands, the radium lands shall speedily pass into private ownership is a vain hope; that the sentiment of this Nation is overwhelmingly against permitting these resources to pass into private hands, and that such a sentiment is growing, rather than diminishing, in volume in this country, and I, for one, am willing to accept an inevitable situation rather than fruitlessly battle against it, and to exert my best endeavors toward deriving something to the advantage of my State from such a condition of affairs.

I would rather that the Government of the United States retain the title to the coal and other mineral lands in Montana and open up those lands for comprehensive development than that the question of ownership remain indefinitely a bone of contention while the minerals remain undisturbed in the bosom of the earth. I want to see the mighty waterfalls of my State harnessed and sending forth electrical energy to light the upspringing cities, to turn the wheels of great factories, to pull trains across the plains and mountain ranges, to light and heat the homes of the people of our wonderful State rather than to see them remain eternally unused. I want to see our unmeasured deposits of coal attacked by thousands of miners and brought forth to serve its purpose of usefulness to mankind rather than to have it remain forever locked up while we debate as to who owns the fuel. I desire development, not a constant stream of academic discussion as to whose right it is to do the developing. Moreover, I have such faith in the fairness of the American people, in the justice of our Central Government, that no anxiety attacks me as I contemplate the enactment of measures which give that Central Government such a tremendous stake in the industrial life of the great State which I, in part, represent on this floor. [Applause.]

I can not withhold a brief expression of the gratification which I am afforded by the knowledge that it is my party which has undertaken this great task. As practiced in the past, conservation has meant stagnation, it has meant the opposite to progress. It required no particular foresight, certainly no vast degree of statesmanship, to withdraw these vast areas of forest and mineral lands. The stroke of a pen did that. But the efforts of our predecessors practically ended with that one stroke of the pen. They had apparently neither the inclination nor the capacity to take the next logical step forward and provide ways and means for opening up those resources for the use, the benefit, and happiness of our people. That work was left for us to do, and I am proud to say that we are doing it.

When the people of the West come to cast up the accomplishments of the present administration in so far as they affect them individually and as vast communities, they must of necessity admit that we have done much, infinitely more than any previous administration has to its credit. We have provided for the necessities of that wonderful land, Alaska, with a railroad law, to which the bill now before us is a companion measure. We have lightened the burdens of the settlers on reclamation projects. We shall have made possible the development of our water power and our coal deposits. We have brought into effect a more sympathetic system of dealing with the humble homesteader. We have inaugurated, through the Department of the Interior, reforms whereby patents can be more expeditiously issued, and, through an enactment of this Congress, have added a tribunal before which controversies over public-land matters can be hastened to a more speedy conclusion.

We have heard much of adjournment during the last few weeks. There have been times during the heat of the past summer when I peered with longing eyes in the direction of the snow-capped peaks of the Montana Rockies and prayed that just one refreshing breeze from that Eden land might strike across my fevered brow. In my dreams I have gazed upon the sweep of plain and heard the rippling of the snow-cold waters as they dashed down through mountain gorge and out across the verdant valleys of the Treasure State. I have been afflicted with every variety of homesickness known to science, including the congressional sort, which becomes most acute immediately before a primary election is to be held, but have succeeded in stifling the impulse to take flight for that far-away land. [Laughter.] I am now reconciled to any fate, so far as adjournment is concerned. I would really look forward with a strong sense of satisfaction to a continuous session, if by remaining here we can consummate the work which has been begun on this conservation program. My friends write that I am needed at home, and I expect I am. An election is to be held out there in Montana in a couple of months, and a couple of Congressmen are going to be elected. While I have the utmost faith in the discriminating judgment of the intelligent voters of Montana, accidents have been known to happen in politics, and, in a moment of thoughtlessness, a lot of people might fail to vote for me if I don't get out that way pretty soon and begin to demonstrate to them just what a real, simon-pure statesman I am. That is the reason my friends think I ought to come home. However that may be, it is my judgment that we might as well stay here and finish what has been so excellently started. Let us conclude the trust program, let us put through the conservation program and two or three little bills which I have on the Unanimous Consent Calendar, and then we can quit with a feeling of security. If the unexpected should happen, if a lot of us should happen to fall by the wayside next November, the country will be reasonably well protected against the machinations of those who come in our places. I do not anticipate any such a calamity, but prudence would suggest that we safeguard our country against all possible contingencies. The enactment of these bills will be in the nature of a political war risk, which the country should be provided with, even if we have to stay here until the 4th day of next March. [Applause.]

Mr. Chairman, I desire to incorporate, as a part of my remarks, excerpts from an interview with Hon Franklin K. Lane, Secretary of the Interior, by Sam Blythe, a constituent of mine, for the Saturday Evening Post. In response to the query, "What does conservation mean?" Secretary Lane said:

"I don't know," he said earnestly. "What does any word mean? Just what you think it means. What does socialism mean, or inspiration, or personal liberty? Each means what your personal interpreta-

tion means to you; but it may mean something vastly different to another. And if your interpretation isn't in line with accepted standards or conventions it may mean a lot of things to you that you do not anticipate when interpreting." He stopped and laughed. "We're getting away from our mutton," he said. "Do you want to know what I think conservation means or what the general public thinks it means?"

I did not answer. Instead, I gave him another cigar, for I knew he was in his stride. He lighted the cigar, drew a few whiffs of smoke through it, looked to see that it was burning evenly, and began:

"I take it that conservation means this: Know where you are going. Stop, look, and listen, but don't stand at the crossing forever. It means we shall not treat land as land if land is really water, which it may be if it is a reservoir site or a dam site. Don't call it land if it really is coal or phosphate or oil. Don't say that water is water if it really is peaches or alfalfa or apples or nitrates or electricity. If you have an Old Master—a Rubens or a Titian—don't dispose of it on the theory that it is a chromo.

"If you have coal in Alaska don't keep it there to boast of, but give it to the world generously; spend freely—like a gentleman, not like a profligate. If you have water and desert, which separately will always remain just water and desert, but which when married will yield oranges, beefsteaks, and plum puddings, of course everyone should be in favor of the wedding, except the man who is grazing a few cattle on the desert and watering them at the river."

THE PRIVILEGED SONS OF MARY.

"When I was a boy, studying law in California, I wrote a series of articles protesting against the application of the doctrine of riparian rights to arid country. The standpatters of that day desired that the old English idea should obtain in conditions to which it was foreign. California would still be a country of wheat fields and cattle ranges almost exclusively if we hadn't changed the law and given the water to those who could put it to the highest beneficial use.

"Use! Use! Use! That's the word I emphasize—use! We have too much land that is not used, and too much water, and too many people who think they belong by divine right to the class Kipling describes as 'the Sons of Mary.' The world and the things therein belong to the people who use them, not to the people who want to speculate with them or to monopolize them, and to allow their own personal fortunes to be the one test as to when and how they shall be used. There is no real objection to monopoly if monopoly is the public servant and not the public dictator. The greatest wrong thing in our life to-day is the feeling of the workers that they are not really working for themselves. They get no response from their work except the pay envelope at the end of the week.

"We have too much long-range fighting. We don't see our shots hit. I went out with the fleet last year and we shot at an imaginary enemy that was nearly out of sight. It was a long time before we knew whether we had hit. That is modern warfare of all kinds. The imagination will have to expand a great deal before that kind of fighting is popular. That is the reason why monopoly, even if regulated, must be held down, because there are a whole lot of us who want to see our shots hit, who want to get some direct comeback from our work, and want to feel some of the thrill of the producer, whether artist or artisan.

"If we take from men the satisfaction of seeing their completed work and treating with it as their own—which modern industrial life does—we must expect demands for substitutes; for guaranties against poverty and sickness; for short hours of labor; for plenty of time for the expression of the individual in sports and other things. If work is to be deprived of imagination, initiative, and human interest, we must supply other fields for the play of imagination, initiative, and human interest. That's all there is to it.

"The conservation of a man's pride in his work is the best kind of conservation; and the land law or the commercial system that kills or dwarfs that pride is inimical to the best interests of the race. We are in a period of change. No one can tell with precision just what the condition of our society will be in another generation or two; but that is no reason for standing still and refusing to permit the development of water power, the reclaiming of lands, or the fullest utilization of our resources. No one can be sure he is always right. Only the adventurous succeed. I am against that conservation which ties the hands of the present because of its fear for the future. I am for that kind of conservation which means a reasonable utilization now, without putting too big a mortgage on the future.

"What I mean is expressed in the water-power bill now before Congress. The Government has saved a few good dam and reservoir sites on its public lands, though most of the readily accessible ones have gone into private hands. We wish these good sites used. We wish their waters turned into nitrates, as in Sweden, or into power, or put to other industrial uses; but, for example, electricity is still in its infancy. Indeed, it is only a-borning. No one can tell what will be the value of this water 50 or 100 years from now; but we can not wait until science and time have proved what may be its highest worth. This country won't stand for a dance that is all hesitation. So we have provided for a 50-year lease. At the end of that 50 years a new arrangement may be made if it shall appear best that the lessee shall continue to hold the property.

"It may be, however, that the States or the municipalities will want to go into the power business themselves by that time, and if so we shall be ready for them. Money that is invested must be returned. The person who is relieved of the plant at the end of 50 years should recover for the value of the works, for the investment. The land itself, which the lessees acquire for use, should be bought back at its original cost. The people must not be required to pay for the growth of the country, or should not. What will be the value of a right of way 500 miles long and 100 feet wide 50 years from now, when the country has 200,000,000 people? It might then be so valuable that it would be impossible for a municipality or a State to recapture the plant. Consider the present value of railroad terminals in the cities and their original values. We now have a law under which none but a revocable license may be granted for public lands; and under the operations of such a law money can not be raised for the establishment of these enterprises. The demand of the West is that we shall substitute a definite term and make reasonable conditions; and if we get such a law we have ample assurances that the power industry, which practically has stood still for years, will rapidly advance.

"The Government is not primarily interested in revenue from its resources or for them. What the Government is interested in is the making of homes; the giving of opportunities for farms, industries, and cities. What may be obtained for revenue is a secondary matter; but—and this is the main point—if we act wisely we can make the West develop itself, and make the resources of the West bring in large revenue to the various States. The water-power bill and the oil, coal, phosphate, and gas development bills, which are now before Congress, provide that the revenues resulting to the Government in the way of royalties shall be used first for the development of irrigation projects; and on the return of these moneys 50 per cent shall go to the States from which the revenue has come and 50 per cent shall be used in the further development of arid lands.

MAKE ONE HAND WASH THE OTHER.

"Consider this for a minute. What would California's revenue be if she had even 5 per cent of the value of the oil that is taken from her ground? She would have no need of bonding herself for good roads or other improvements; or, if she did, there would be a certainty of repaying the bonds out of a fund that would embarrass no one. It would be so with the coal in Colorado, the oil in Wyoming, the phosphates in Idaho, the water power in Washington and Oregon, the minerals in Montana. The West is by far the richest part of this country if we take stock of her resources and use them wisely, making one hand wash the other.

"Congress is the business manager of this Nation, and the duty it recognizes is to take stock of resources and put those resources into the hands of the people in such a manner as to insure their best and widest use. That's why I think it would be a good thing for all of us here in Washington to go out over the country once in a while to see its resources and sense its spirit. It might not be a bad idea to have a summer capital out on some shoulder of the Rockies, from which we could look back over this great eastern country and see also, on the other side of the range, our magnificent Pacific coast."

The Secretary walked over to the topographical map of Alaska that hangs on the wall.

"Come here," he said, "and let me show you and tell you something about Alaska. We have taken $500,000,000 out of the mines and fisheries of this empire, and all we have really done for that territory is to import 1,200 reindeer from Siberia. Let me suggest this question to you: If Alaska has yielded half a billion dollars without care or conservation or development or consideration, what will Alaska do if we develop that territory wisely and scientifically? The sum is too great for comprehension. Alaska has been locked up, and our first duty has been to open the door. The key to the door of every new country is a road. Cæsar made wagon roads. We build railroads. We are planning a trunk line now. Thirty-five million dollars have been appropriated. The surveys are being made. Behind that railroad, and because of it, there will be farms, cattle ranges, and mines, and all these should be made to work together for the upbuilding of the country. The railroad won't pay for years, of course. No railroad that went into a new territory ever did pay at first. England and France and Germany have not waited in building railroads in South Africa until they knew the freight to pay interest would be forthcoming. They drive in their lines on faith, and some of their desert roads now pay as much as 9 per cent.

"But that isn't the point. Alaska will develop Alaska if we support her for a time with our credit. I hope for the passage of a coal-leasing bill for that country. It is now before Congress. After that we should give our attention to the management of the tremendous resources of that country. We have been letting Alaska drift. What we need now is some men, with authority and skill, to do the right work up there—men who will give their lives to its development.

"Of course, we might have organized a chartered company—an East India Company, say. That is the old-fashioned way. We found a sort of substitute for this in our land grants for the western railroads. These roads were, in a sense, the trustees for the Nation. I believe this country can now take another step forward and prove democracy's ability and capacity to manage a great property for democracy through fit agents, high-grade men, well paid and constructive, who will carry out on the ground the policies that Congress, in a large way, lays down for them.

"What we need is a board of administrative control in Alaska, working for Alaska. Under such wise management the country eventually would pay back every cent of outlay for her railroads and build her own wagon roads and telegraph lines. There is no dream concerning this country that may not come true. They laughed at Cecil Rhodes when he told of his dream of a Cape to Cairo railroad, but when a few hundred miles more are built that road will be a reality. I may live to see the day when Alaska will be connected by rail with Washington. I have talked of such a plan with Premier Borden, of Canada, and Premier McBride, of British Columbia. The construction of twelve hundred miles of railroad in Canada would bring the Grand Trunk Pacific to the Alaskan border. And do not forget that Alaska is our nearest mainland point to the Orient."

He swept his hand over the map.

"There is another thing about Alaska that isn't generally understood," he said. "I believe that Alaska will be one of the great summer resorts of the world, for its scenery is unsurpassed in grandeur and its summer climate is most salubrious. Let me remind you that beauty is a material resource of large value. We are growing more rapidly in our æsthetic sense than in any other. We are already conservators of natural beauty. The first great step in conservation taken by our people was to save scenery—not water or coal or forests, but scenery. That's what we did when we led the world by setting aside our great national parks—Yellowstone, Glacier, Mount Rainier, Yosemite, and the others. These we hope to make more surely pleasure places for the people by securing roads that will stand automobile traffic. Already, within three days of New York, the tourist can find scenery that can not be approached anywhere in Europe; and when we get Alaska open the beauties of that country will be the climax to those scenic marvels already set aside."

"How far has your conservation program been worked out?"

"There are five bills now before Congress, out of committee, and indorsed by the administration. These are the water-power bill; the Alaska coal-leasing bill; the oil, gas, phosphate, and coal development bill; the irrigation bill for the extension of the time of payment on reclamation projects; and the radium bill. They all fit together, and each was drafted with the requirements of the others in view. They represent no one man's theories or ideas, but are the composite productions of the leaders in Congress and men elsewhere interested in these things and having expert knowledge of them. They are not ideal. Idealism isn't possible yet in Washington.

"I hope these bills will appeal to the reasonable mind as the longest step toward what we want to do—the best we can do at this time. That, I take it, is real statesmanship. Every one of these bills is intended to lessen the likelihood of monopoly and bring our resources into use."

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The Secretary stopped again and let his eyes range over the map of Alaska. Then he walked back to his desk.

"By George," said he, "I'd like to hold this place for 50 years and see how some of these things work out. I am trying every day, in one way or another, to help something grow where nothing has grown, or to bring some to light and to use that nature is concealing. The whole problem of civilization, as I view it, is to make nature serve us instead of allowing nature to run us."

He looked at the map of Alaska again and at the maps of some reclamation projects.

"Can we do these things under democracy?" he asked. "Can we decide wisely, select sensible men for our officers and develop in them initiative and responsibility? Can democracy—our democracy—do these things? If democracy can not, then we have no efficient Government; and democracy, having been put to the test and having failed, will go out. A government that will not do its work can not live. We are making progress. We trip over our own feet occasionally—we do a lot of blind groping, but we are going ahead even when we stumble. I am an optimist and I believe we shall win."

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I shall support this Alaska coal-leasing bill for the same reason that the people of Paris ate horse meat during the siege of 1870. They had nothing else to eat, and the people of Alaska can expect little else except this bill. I shall not delay or hinder the bill in any way. I shall be inclined to oppose with my vote any and all radical amendments which are offered to it, and I am in hopes that this bill will go over to the other side of this building and meet the bill S. 4425, reported by Senator MYERS with an amendment, and that between the two we will secure a bill which will help Alaska in the matter of coal. This bill and the Senate bill have a good feature in common; that is, a limited license without royalty, authorizing the mining of coal for strictly local or domestic purposes, and the license is limited to 10 acres and a period of 10 years. My friends, if you are going to really help Alaska, when you stop to realize that within 40 days navigation will be suspended and Alaska will be locked up again for the winter, you should hurry some measure into law permitting the mining of 10-acre tracts which lie within 10 or 12 miles of some growing city, where they have been paying $28 a ton for coal, so that the local people who live in Alaska may have the right to go out to a coal field and get a little coal to keep themselves warm. That is rational and reasonable.

Mr. CANTOR. That is applicable to the 10-acre fields.

Mr. JOHNSON of Washington. Yes; and it is most important. Now, Mr. Chairman, I can consistently support a leasing bill for Alaska and at the same time oppose the leasing bills which apply to the far Western States. The reason is this: Alaska is a Territory, and 98 per cent of its domain still belongs to the United States Government. The great Commonwealths of the West have received in their enabling acts the right to all resources within their boundaries, and have become States on the hope that the public domain would in time be homesteaded and belong to the actual governor-controlled domain of the States. Every lease that shall be granted in the States means that just that much mineral land, coal land, forest land, or water-power sites shall never revert to the States, which is an unfair discrimination against the States west of the Missouri River.

If the State of Washington should in 30 years have within its lines a population of 10,000,000 people—which is the population of New York now, and which is not at all improbable—the State would still find itself withheld from its riches and resources by the existence of 50-year leases subject to renewal. In Alaska a different situation exists. The country, bottled, throttled, and blanketed, must accept any system offered which will hold out any hope for its development.

Mr. Chairman, this bill offers opportunity to call attention to the fact that this bill is in principle somewhat similar to the public land leasing bill which has been broadly characterized by my friend from Alabama [Mr. HEFLIN] as a bill of no consequence. It has long been the belief of the people of the West that southern Members of this and previous Congresses pay no attention to measures affecting vitally our western interests; and in many of the cases they have, if in the city, come in when the bell has rung and have voted "no" if the bill means progress and have voted "yes" if it meant conservation and the locking up of our resources. I quote from the gentleman's remarks last Saturday:

> Mr. HEFLIN. The roll calls the gentleman speaks of were had, the most of them, when there was no necessity for a quorum. The House was simply marking time, and the roll calls that were had were forced by the useless filibuster conducted by the gentleman from Illinois [Mr. MANN]. [Applause on the Democratic side.]

Mr. Chairman, I want to make it clear that during the consideration of the leasing bill, which concerned the public domain of 11 great Western States, that I, not filibustering at all, three times made the point of order that there was no quorum present in the Committee of the Whole, where at least 100 Members—the number necessary to make a quorum in committee—should be on the floor trying to decide a great problem for these Western States, and which starts a violent change in our governmental operating system. Mr. Chairman, I desire to extend my remarks in the RECORD, and ask unanimous consent so to do.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. HEFLIN. Mr. Chairman, I will ask the gentleman to withhold that point for a few moments.

Mr. GOLDFOGLE. Very well; I will withhold it.

Mr. HEFLIN. Mr. Chairman, I move to strike out the last word. I have just listened to the remarks of the gentleman from Washington [Mr. JOHNSON] about the speech I made here, replying to the gentleman from Illinois [Mr. MANN], because of his useless filibuster during the summer. I repeat that there were many roll calls during that time when there was nothing of importance before this House, and to my friend from Washington, speaking about the Democrats and the southern Members, I want to say that the Democratic Party has done more for the West in the Sixty-second and Sixty-third Congresses than the Republican Party has done in 16 years, and southern Members have cheerfully supported all measures that help the great and growing West.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. JOHNSON of Washington. I want to ask my friend from Alabama if he thinks the laying down of a form of leasing in the great States of this Union, which in their enabling acts were entitled to the domain within their borders, is of benefit to the West?

Mr. HEFLIN. Mr. Chairman, I repeat—and I do not desire to consume the time of the committee longer—that when the history of this Congress is finally written the people of the West will rejoice over the fact that it has done more for the western people than the Republican party has done in 16 years of absolute control in both branches of Congress and in the White House. [Applause on the Democratic side.] This Congress is going to develop Alaska, develop that great treasure house for the benefit of the American people, and it is not, as the Republican Party was, permitting the corporate interests to gobble up all of that treasure for themselves.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. HEFLIN. I can not yield now. The Democratic Party has gone into that vast treasure house. It is going to build a railroad into the very heart of it and develop it, to the everlasting good and glory of the people of the West and of the people of the United States. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from New York [Mr. GOLDFOGLE] has made the point of no quorum.

Mr. GOLDFOGLE. Mr. Chairman, realizing that there are some Members of the House attending to public business in the departments, in response to the demands of their constituents, and recognizing the fact that there are a number of Members of the House now actively engaged in the performance of public duties, not in actual attendance upon the floor of the House, but looking up matters so that they can intelligently discuss questions before the House, I do not raise the point of no quorum, and I will withdraw it.

The CHAIRMAN. The gentleman from New York withdraws the point of no quorum.

Mr. HUMPHREY of Washington. Mr. Chairman, I would like to have five minutes.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the time for debate on this section and all amendments thereto may be limited to five minutes. There is nothing before the House except the pro forma amendment.

Mr. MANN. Except the gentleman from Alabama [Mr. HEFLIN], who made some slurring remarks about me, and I would like to be heard for five minutes.

Mr. FERRIS. Then I ask unanimous consent that debate be closed at the end of 10 minutes, 5 minutes to be controlled by the gentleman from Washington and 5 minutes by the gentleman from Illinois.

Mr. JOHNSON of Washington. Mr. Chairman, I will ask the gentleman to yield me five minutes.

Mr. FERRIS. Very well; make it at the end of 15 minutes.

Mr. HEFLIN. Mr. Chairman, I desire to have three minutes.

Mr. FERRIS. I hope the gentleman from Alabama will not ask for any more time.

Mr. HEFLIN. If the gentleman from Illinois proposes to reply to my remarks, and also the gentleman from Washington, then I want to have three minutes.

Mr. FERRIS. We do not want to carry on a joint debate. Republicans, Progressives, and Democrats have helped make this bill, and it is not partisan; partisanship should not creep in.

The CHAIRMAN. What is the request of the gentleman?

Mr. FERRIS. I ask unanimous consent that at the expiration of 15 minutes all debate close on this paragraph and amendments thereto.

Mr. HEFLIN. I will have to object to that request unless I get three minutes additional; make it 18 minutes.

Mr. RAKER. Mr. Chairman, reserving the right to object, and I hope I will not be compelled to do so, the rule adopted for the consideration of this bill requires that debate shall be confined to the bill—that was general debate.

Mr. HUMPHREY of Washington. We are aware of that fact.

Mr. MANN. Why does not that side enforce the rule, then.

Mr. RAKER. We are under the five-minute rule now. I am not going to object to the gentleman's request for time, but I trust we will not get into a political discussion upon this bill.

Mr. MANN. If that side does not desire to get into a political discussion at this time why do not you enforce the rule? That side can not enforce it against this side and not against the other.

Mr. RAKER. Reserving the right to object, I will say to the gentleman from Illinois I have not objected either to him or to any other Member of the House, and I hope I will not be compelled to try to use the limited power I may have as one Member to enforce the rule and object. I believe we can get along by being reasonable with ourselves about the bill.

Mr. MANN. On those few occasions when the gentleman from Alabama addresses the House he has usually indulged in political debate, but that is not very often, because he is not here very often.

Mr. HEFLIN. The gentleman's remark about my not being here often is not true.

Mr. MANN. Here is the gentleman's record, which I want to get in.

Mr. HEFLIN. I did not understand the gentleman's last remark.

Mr. MANN. I have got the gentleman's record.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 18 minutes, 5 minutes to be controlled by the gentleman from Washington [Mr. HUMPHREY], 5 minutes by the gentleman from Illinois [Mr. MANN], 5 minutes by the gentleman from Washington [Mr. JOHNSON], and 3 minutes by the gentleman from Alabama [Mr. HEFLIN], all debate be closed on this paragraph and all pending amendments.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of 18 minutes, 5 of which to be controlled by the gentleman from Washington [Mr. HUMPHREY], 5 by the gentleman from Illinois [Mr. MANN], 5 by the gentleman from Washington [Mr. JOHNSON], and 3 minutes by the gentleman from Alabama [Mr. HEFLIN], all debate upon this paragraph and all amendments thereto shall cease. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, in all fairness the time is not divided in an equitable way. Now, if we should give the gentleman from Alabama five minutes it would be more in keeping, for surely the minority here, consisting of only one-half of the membership, should not receive two-thirds of the time.

Mr. HEFLIN. I will accept the gentleman's amendment.

Mr. DONOVAN. I am going to suggest that five minutes be given to the gentleman from Alabama.

Mr. FERRIS. Three minutes is all the gentleman from Alabama requested.

Mr. DONOVAN. I am going to insist upon that, Mr. Chairman, or I shall object. In all fairness the gentleman ought to be given five minutes.

Mr. MANN. Mr. Chairman, I ask for the regular order.

Mr. JOHNSON of Washington. Mr. Chairman, I will yield two minutes of my time to the gentleman from Alabama.

The CHAIRMAN. Is there objection?

Mr. DONOVAN. Mr. Chairman, I move to amend the motion of the gentleman from Oklahoma by making it five minutes to the gentleman from Alabama.

The CHAIRMAN. The gentleman can not do that, because the gentleman from Oklahoma has made a unanimous request for 18 minutes. Is there objection?

Mr. DONOVAN. Mr. Chairman——

Mr. HEFLIN. The gentleman from Washington yields me two minutes.

The CHAIRMAN. Is there objection?

Mr. DONOVAN. If the gentleman from Alabama has five minutes; if not, I object.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that each of the gentlemen named may have five minutes.

The CHAIRMAN. The gentleman from Oklahoma amends his request making it 20 minutes, 5 minutes each to the various gentlemen named and 5 to the gentleman from Alabama. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Chairman, I always listen with delight to my distinguished friend from Alabama [Mr. HEFLIN], and I hope that the gentleman from Illinois [Mr. MANN] will not criticise the gentleman from Alabama for talking about what occurred when the gentleman from Alabama was not present, because those of us who have listened to the gentleman from Alabama these many years know that the less he knows about a question the better speech he can make about it. To demonstrate it, a moment ago he told us of the great things the Democratic Party had done for the West. Yes; this administration has done something for the West. In the first place, it placed the workmen of the Pacific Northwest in competition with the Chinese and Japanese. Each month since this Democratic tariff law has been in effect there have been more shingles brought from British Columbia than during any one year before. The Democratic Party has taken away $2,000,000 a month in wages——

Mr. RAKER. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. No; I do not want to be interrupted now. The Democratic Party has taken away $2,000,000 a month from the American citizens in the State of Washington and given it to Chinamen, Hindus, and Japanese across the line. Now, they are coming in here to-morrow to ask us to help them make up a deficiency in the revenues, when if they had kept the tariff upon the timber products of the West they would have received a large amount of duty that the Government has lost. Not only that, but they have taken the tariff off of farm products, and under this Democratic administration they are bringing eggs from China into the city of Seattle. Of course, those people ought to be very proud of the fact that the Democratic Party has given them the opportunity to buy Chinese eggs. Our people upon the Pacific coast are very proud of the fact that they can now buy beef brought in from Australia. They are proud of the fact that the Japanese are selling corn on the Pacific coast. This administration has done a great deal for the Pacific coast! This administration, in spite of its platform pledges, in spite of the promises of its candidates, repealed the Panama Canal act and turned the advantage of that great achievement over to British Columbia. We on the Pacific coast are very proud of the Democratic Party! We appreciate the great achievements they have made! After we have expended millions of dollars anticipating the opening of the Panama Canal the Democratic Party violated its pledges to the people, violated the promises made to us, and, at the request of the transcontinental railways and in order to buy English friendship, turned the advantages of the canal over to British Columbia. Not only that, but a few days ago you passed a shipping bill. You took care of the South and New England. You provided that they might have ships to carry their products, but you refuse to grant relief to the Pacific coast. Oh, we upon the Pacific coast ought to praise the Democratic Party! Then, following that up, here the other day you passed another shipping bill. You are not satisfied to give New England and the South ships to carry products in this great emergency, and denying to the people on the Pacific coast ships to carry their lumber, but you pass another bill to send the ships that come into Puget Sound across to Vancouver. My friend from Alabama had better look up the records. He knows as much about the Pacific Northwest and what is taking place as he knows about what was taking place on the floor of this House when he was away. And my friend from Illinois [Mr. MANN] will satisfy him and the House in a few minutes as to just how much time he has spent here.

Mr. MANN. Mr. Chairman, one charge will never be made against the gentleman from Alabama [Mr. HEFLIN]. No one will ever in the wildest flight of imagination charge him with being accurate in any kind of a statement. [Laughter.]

The gentleman from Alabama the other day returned to the House in a moment of virtuous feeling after an absence of some time and immediately made a speech in favor of the docking resolution. And as soon as he had made his speech, again he left town. But the persuasive eloquence of the docking resolution has recalled him. He has many qualities for entertainment in the House. He entertains both sides of the House at times with funny stories, which is his long suit, and often entertains both sides of the House with a

political discussion, because this side of the House smiles at his wildness, and even his own side of the House does not take him seriously on such subjects.

I have a list of the gentleman's absences, but out of regard for the Members of the House I shall not insert it in full in the RECORD. On some very important subjects, when we have had a vote, we have missed the genial presence, the influence, and the vote of our friend from Alabama. Recently the President urged Congress to pass an emergency currency bill, which was done without the aid of the gentleman from Alabama. The President was asking that Congress should come to the relief of the country on a very important proposition, but the gentleman from Alabama was not here responding to the call of duty. We had a general dam bill, in which the gentleman from Alabama was vitally interested. We all remember the noble fight that our friend from Alabama made on the Coosa Dam bill a year or two ago and how he marched up to the slaughter and was slaughtered. Here was a general dam bill vitally interesting his section of the country. We had a big contest over it here, but the gentleman from Alabama was not present. Of course we can recall some of the funny stories that he told when the old Coosa bill was up. Maybe they had just as much effect as if the gentleman from Alabama had been here. I at least congratulate the other gentleman from Alabama [Mr. UNDERWOOD] upon the accomplishment of what seemed to be almost impossible. It did look for a long time as I glanced over the record of absences of my genial friend from Alabama [Mr. HEFLIN] as though it would be impossible to secure his smiling countenance here in order to tell us a joke once in a while. But the other gentleman from Alabama [Mr. UNDERWOOD] has produced his colleague. He is here, and I do not doubt that he will stay.

Now, the gentleman from Alabama said that his absences had been because I was filibustering in the House. There have have been occasions when I have filibustered in the House. The gentleman from Alabama, unfortunately, sometimes has been here, but the gentleman from Alabama has not been absent at the time of filibustering at this session of Congress, because we have had very little filibustering. Last summer I was not filibustering. I was endeavoring to make the gentleman from Alabama [Mr. HEFLIN] come to taw and be present on the floor of the House and do the work for which he was being paid, but I was not as bright as the gentleman's colleague [Mr. UNDERWOOD]. I had not discovered section 40 and the way to put it in force. Possibly if I had brought up section 40 last summer, when most of the Democrats were absent while the House was in session, I could have persuaded the gentleman from Alabama to appear.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I did not intend to bring up all this wrangle when I quoted from the speech last Saturday of the gentleman from Alabama his statement that Congress had simply been marking time when these bills referred to by the distinguished leader of this side, the gentleman from Illinois [Mr. MANN], and others, were considered and passed. Referring to the statement of the gentleman from Alabama [Mr. HEFLIN] that the Democratic Party has done so much for the West, I want to call attention to a very serious matter recently started and now happening out in the Northwest as the direct result of the Underwood tariff bill.

Mr. Chairman, as the time for the passage of the Underwood bill approached, British Columbia, by an order, prohibited the exportation of logs into this country. The idea of the Canadians of the far West was that they would force orders for the manufactured product to the cities of British Columbia. Their idea also was that American capital would cross the line in order to manufacture. Much American capital did cross. But the lumber business has not been very good out there for a year or more on either side of the boundary line, and 10 days ago British Columbia, again by order of council, lifted the embargo which prohibited the sending of logs to this country, and then slap-bang, there came across the line 250,000,000 feet of logs, which had been lying unsold in the waters of British Columbia.

The newspapers of the British Columbia cities promptly announced that those logs had been sent across the line to sell in our markets at whatever they would bring, and that more would be dumped on us in order to keep the men in the camps of British Columbia employed and to bring money into their banks. You see, owing in part to the war, British Columbia has lost its over-seas lumber business, and they have performed what is, perhaps, the most outrageous case of dumping in recent years. What do they care if we, too, on the American side have lost a part of our foreign cargo lumber trade?

Mr. TOWNSEND. What became of those logs when they came over the line into this country? Were they not manufactured in this country and wages paid here for doing that?

Mr. JOHNSON of Washington. That is easy to answer. Before those logs came, the manufactured product of our own logs were shipped clear across the country right into the district of the gentleman from Alabama [Mr. HEFLIN], to the retail yards down there and to other South Atlantic points. We pay the freight and throw in the logs. Why, Mr. Chairman, we are actually shipping fir doors, made in the county of Chehalis, State of Washington, in the farthermost northwest corner of the United States, diagonally across the whole United States and selling them down South for a few cents less than what the southern pine-door manufacturers sell their product for. We do it simply to keep the wheels going round. The consumer is not benefited a penny.

Mr. TOWNSEND. The gentleman knows that shingles sold for 50 cents less a thousand in New York since then?

Mr. JOHNSON of Washington. British Columbia shingles, I presume; but I am not talking about shingles. I am talking about doors. Besides, I do not find that shingles have made such a drop. Yet, perhaps the "dumping" of them from Canada has begun; that is the new reciprocity.

Now, then, think of it. In Richmond, Va., and in Washington, D. C., and in Birmingham, Ala., we are sending, with the longest freight haul in the United States, diagonally across the country, carloads of fir doors, manufacturing them out there simply to keep the wheels moving around and to keep men employed, because they can not eat the logs which British Columbia dumps on us. We are manufacturing these doors simply to keep our laboring men going, and we are selling you fir doors, regardless of the cost of the lumber. If that is either good Democracy, good conservation, good Americanism, or good sense, I will have to be shown. [Applause on the Republican side.]

Mr. BRYAN. Mr. Chairman, will the gentleman yield a minute to me?

Mr. JOHNSON of Washington. I yield to the gentleman. But I wanted to make this point, though, that the dumping of these logs will close many lumber camps in my district, and by this time, I presume, has thrown 30,000 men out of work. If not, it will, sooner or later. I will yield to my colleague for a question.

Mr. BRYAN. Mr. Chairman——

The CHAIRMAN. The gentleman can not yield any part of his time under the five-minute rule.

Mr. BRYAN. The gentleman is yielding to me for a question.

The CHAIRMAN. But the gentleman can not yield.

Mr. BRYAN. But the gentleman is yielding to me under the rule.

The CHAIRMAN. He can not yield under the rule.

Mr. BRYAN. Is my colleague's time up?

The CHAIRMAN. No; he still has a minute remaining. He can yield for an interruption.

Mr. JOHNSON of Washington. Mr. Chairman, allow me to talk to this subject a moment more. Those logs which British Columbia has dumped on us should have paid a tariff tax. The income of the United States is short something like $80,000,000, and a war measure is now in process of formation for the purpose of raising $100,000,000 needed by this Government. Does anyone suppose that these gentlemen who talk about what they have done for the West will lay a war tax on the importation of saw logs? A tariff tax of $1 per thousand on the next 250,000,000 feet that come in would produce $250,000 in revenue, which might help some, and would not add a penny to any man's new house or barn. But no. Rather than tax the imported logs, I presume the special-tax bill will lay a levy on the plug tobacco that the loggers of my country will chew while they are sitting around contemplating the fact that British Columbia loggers are at work. And the owners of our logs will continue to pay constantly increasing taxes and bend every effort to keep a new and growing country alive and active.

One more word about the pending bill. I do not like its principles at all, but I desire to give Secretary Lane credit for long, hard work on this and other western measures. My only regret is that he seems to have fallen away from the western viewpoint. The chairman of this committee, too, the gentleman from Oklahoma [Mr. FERRIS], has worked long, earnestly, and hard. I really believe he and the members of his committee have put in more days and longer hours at work in their committee room this session than any other, and on the meanest problems, subject to the greatest discussion of an academic nature. Who says that Mr. FERRIS and his committeemen shall

be measured for public duty by the roll calls they have missed?

Secretary Lane, as well as the chairman of the Committee on the Public Lands [Mr. FERRIS], have in mind a bill for the consolidation of the governmental affairs of Alaska under one management—under a sort of commission to be run with the Interior Department alone at its head rather than to have Alaska run by four or five departments, with great overlapping, as well as great unnecessary overhead expense. Consolidate the management. That will be real conservation. Make it apply to the public-land States as well. If we are going to clean up Alaska and the West, let us clean it up right, and I do not care what party is in power when it happens. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HEFLIN. Mr. Chairman, the gentleman from Illinois [Mr. MANN] states that I was absent when the water-power bill and the currency bills were up for consideration. I was present both times and took part in the debates on both propositions.

The gentleman from Illinois speaks of my being inaccurate in the statements that I make, and says that I sometimes tell a story. I will tell a story now. The gentleman from Illinois reminds me of the old fellow that Senator Bob Taylor—peace to his ashes—told about down in Tennessee. This old fellow had the reputation of being a common liar, and when the neighbors saw him coming they said, "Yonder comes the liar." [Laughter.] One day they persuaded him to go to town, and then they prevailed on him to go to the theater and hear the Italian orchestra. He took a seat on the front row. One of the performers stood in front of him on the stage with a flute in his hand, and just then the leader, looking toward the man in front of the old fellow, said, "Apollo, strike the lyre." The old man recognizing his "title," threw his hands up and said, "For God's sake, don't, gentlemen." [Laughter and applause.]

Now, Mr. Chairman, I was amused to see my old friend from Washington [Mr. HUMPHREY] rise again. He used to be very noisy with his calamity howls, but he has been rather quiet here of late. He is harping now on shingles. We shall have to name him "Old Shingles." [Laughter.] The tariff has not injured the shingle industry. The European war has injuriously affected many lines of business here. [Laughter on the Republican side.]

Mr. JOHNSON of Washington. It is producing the dumping of Canadian products into the United States.

Mr. HEFLIN. The gentlemen on that side are so hard pressed for argument that they are undertaking to lay conditions created by the war on the Democratic tariff law. [Renewed laughter on the Republican side.]

Why, Mr. Chairman, the Democratic Party has done more for the western people in a few months than the Republican Party did in 16 years. [Applause on the Democratic side.]

It has appropriated $35,000,000 to build a railroad up in Alaska and to open up that Territory and develop that great property. It has passed the water-power bill for watering the public lands in the West. It has given those people an extension of time on the irrigated lands. Rather than force them to make payment now, which they could not do, the Democratic Party has extended their time and saved to them their homes. [Applause on the Democratic side.] You Republicans used to talk about reclamation and conservation. The kind that you gave the West was the kind that stifles and kills. The kind of development that you made in the West was the kind that locked up and prevented development. [Applause on the Democratic side.] That was the kind of work you did for the western people; but the Democratic Party has responded to the wishes of the people of the West. Its platform said this development should be made. Your stand-pat platform said it should be made; but the Democratic Party is the party of action; it is the party that kept its promise and made this great development in the West. [Applause on the Democratic side.]

Now, we have got the Alaskan coal bill up. We are still responding to the wishes of the people of the West. We are still giving them the legislation that they demand and that they so much need. We have passed the homestead bill for them, too; and you gentlemen, conjuring up your little campaign arguments in this House to put in your little pamphlets to send out there, do not think you can deceive the people now. They are too well informed about the work of this Democratic Congress. They know that it is a Congress that has borne fruit to them, and "by their fruits ye shall know them." [Applause on the Democratic side.]

This House has stood by a Democratic President, and when the final roll is called and this Congress is adjourned——

Mr. YOUNG of North Dakota. When? [Laughter on the Republican side.]

Mr. HEFLIN. There will be more beneficial legislation, more constructive legislation, to the credit of the Democratic Party within 15 months than has been placed to the credit of the Republican Party in 16 long years. [Applause on the Democratic side.]

The gentleman from Illinois [Mr. MANN] wants to harp on my record. I am willing for him to do that, but that will not excuse you for your devilment; not at all. [Laughter.] You will be thrashed from head to foot in the election in November. I see faces now that I will soon see on that side no more forever. [Laughter on the Democratic side.] I predict that the gentleman from Washington [Mr. HUMPHREY] will be one of that kind. His fight for predatory wealth, his fight for intrenched privilege in this House, will be enough to damn him before an intelligent constituency.

Mr. HUMPHREY of Washington. Applause! [Laughter.]

Mr. HEFLIN. Mr. Chairman, the gentleman from Illinois [Mr. MANN], with his filibustering tactics, has been obstructing the business of this country by demanding roll calls. A while back, when there was nothing doing, the majority leader tried to get him to agree to recess three days at a time, and he would not do it. There was no necessity for our being here at that time. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SAUNDERS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15657. An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 657) to authorize the reservation of public lands for country parks and community centers within reclamation projects in the State of Montana, and for other purposes.

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to return to the House, in compliance with its request, the bill (H. R. 17511) to authorize the Great Western Land Co. of Missouri to construct a bridge across Black River.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 47.

*Resolved by the House of Representatives (the Senate concurring)*, That the two houses of Congress assemble in the Hall of the House of Representatives on Friday, the 4th day of September, 1914, at 12.30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

LEASING OF COAL LANDS IN ALASKA.

The committee resumed its session.

The Clerk read as follows:

SEC. 2. That the President of the United States shall designate and reserve from use, location, sale, lease, or other disposition not exceeding 5,120 acres of coal-bearing land in the Bering River field and not exceeding 7,680 acres of coal-bearing land in the Matanuska field, and in addition the President may, in his discretion, designate and reserve from use, location, sale, lease, or other disposition not exceeding 5,120 acres of coal-bearing lands in each of the other coal fields in the Territory of Alaska: *Provided*, That the deposits in said reserved areas may be mined under the direction of the President when, in his opinion, the coal is required for Government works or in the construction and operation of Government railroads, or is required by the Navy or is necessary for national protection or for relief from oppressive conditions brought about through a monopoly of coal.

Mr. MONDELL. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, strike out all of section 2.

Mr. MONDELL. Mr. Chairman, I am willing to withhold my motion if any gentleman has an amendment to offer to perfect the section.

Mr. RAKER. It is already perfected.

Mr. MANN. Mr. Chairman, I move to strike out the proviso.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 22, beginning with the word "*Provided*," strike out the remainder of the paragraph.

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Mr. MANN. Mr. Chairman, the language which I have proposed to strike out reads:

*Provided*, That the deposits in said reserved areas may be mined under the direction of the President when, in his opinion, the coal is required for Government works or in the construction and operation of Government railroads, or is required by the Navy or is necessary for national protection or for relief from oppressive conditions brought about through a monopoly of coal.

That is a very broad power to give to the President, not for immediate exercise, but as permanent law for the future. Congress easily takes care of questions of that kind where any necessity exists, and I think it has been the invariable rule in the past not to confer such a broad power as this upon the President when there was no emergency for its use, but when it was to remain as a permanent statute. With this provision in the law, very likely not to be changed, 50 years from now the President, directly contrary to what may then be the wish of Congress, is authorized to go into the coal-mining business. I do not see any occasion for conferring this power upon the President now. If there be any occasion, the power ought to be limited and then conferred; but to give to the President, at the solicitation of nobody, the power to embark the Government in the coal-mining business, without any restrictions whatever, is to do something which Congress certainly never thought of doing before, and to deprive Congress of the legislative power which it ought to retain to itself. We at any time can grant such power when it is necessary; but in the beginning to say that we abdicate our functions and turn the power over to the President is to go further than we have ever gone before, and the Lord knows that we have often gone a great way before in granting autocratic and absolute power to the Executive. I am not in favor of abdicating the legislative functions of Congress. [Applause on the Republican side.]

Mr. BRYAN. Mr. Chairman, I certainly hope that the amendment proposed by the gentleman from Illinois [Mr. MANN] will not prevail. I believe this proviso is one of the very best in the bill. I certainly do not object because of the fact that the President may at some time enter into the operations that are mentioned in the section, but the only objection I have to it is because it does not direct him at once to enter into that kind of operations. The proposition to mine the coal that belongs to the United States Government for the railroad that we are building by the Government, instead of allowing some private concern to mine it and sell it to the Government at a profit, ought not to excite any opposition here on this floor. The fact that the Government on one of the reclamation projects is mining coal for the use of the project and for the use of the enterprises on that particular reclamation project ought not to occasion any particular objection. It ought to be a source of gratification. I think we ought to be very glad to give the President that power, and the fact that he may use it is the only good feature about it. I should like it to be so that he had to use it. When we were discussing the Alaskan railroad bill here a short time ago the gentleman from Oklahoma [Mr. FERRIS] suggested that no one would want Uncle Sam to go, pick in hand, into Alaska to mine coal; but this bill shows that it is necessary, under the conditions mentioned here, for the Government to mine coal.

Of course the last provision is a broad one, where it says that the Government may mine coal not only for national defense but to interfere with monopolistic conditions. That means that in time Uncle Sam, in one of the vessels owned by the Government, will bring a boatload of coal down to Seattle and sell it to the municipality or sell it to the people, or take it down to San Francisco and sell it, or send it through the canal and sell it over on the east coast, and see to it that a monopolistic condition in the sale of coal to the people is not permitted. I think it is a splendid provision, and I think we ought not to hesitate a moment to agree to it, and that the amendment ought to fail.

The Pacific coast, and Seattle in particular, will derive great benefit from the opening of these coal lands. Private interests may be slow about opening them, while a monopoly is maintained and the people suffer from exorbitant prices. Great manufacturing plants will develop both in Alaska and on Puget Sound. Coke will be produced and smelters will be established for smelting ores. The impetus from Alaskan development is already apparent in Seattle. New sawmills are being constructed greater than ever before, and the outlook for the export of lumber to Australia and Asia has been brightened rather than darkened by recent developments.

I want to say to the southern Members who are interested in the marketing of their cotton that Seattle has become an important port for exporting cotton; over 100,000 bales were exported through Puget Sound ports last year. Government coal properties in connection with the Alaskan railroad and the great lumber production of Puget Sound will stimulate shipping activities through the port of Seattle.

The Government is to establish great steamship lines, and surely one line will be run between Seattle and Australia and Asiatic ports. I have taken up this feature with the Treasury Department and have been assured consideration.

I do not want the impression to gain a foothold here that Seattle is now or has been facing a calamity. We are prospering out there.

Mr. RAKER. Mr. Chairman, I am opposed to the amendment to strike out the proviso. This provision was fully considered by the committee, and the unanimous vote of the committee was in favor of the principle embodied in the amendment. Now, this simply gives the President, if he so desires, the power to conduct mining operations not in the general Alaskan coal fields, but only on particular tracts, namely, in the Bering coal fields, where we reserved 5,120 acres, or the Matanuska field, where we reserved 7,680 acres, or in any other known field, 5,000 acres. The President may do this when in his opinion it is necessary for the construction and operation of the Government railroad. The sum of $35,000,000 has already been appropriated, and the bill has passed giving the President the power to construct this railroad. At the present time no coal is being used. Reservations are made in this bill for that purpose. Why should not the President, in the construction of the railroad and in connection with it, if it becomes necessary, mine the necessary coal for the proper economical building and even running of that railroad?

Second. When it is required by the Navy, when coal is being carried from five to twelve thousand miles for the use of the Navy, why should not the President be given this authority, if, in his judgment, it is to the interest of the safety of this country, to mine the coal in these reservations for this purpose?

Mr. COOPER. Will the gentleman yield for a question?

Mr. RAKER. I yield to the gentleman.

Mr. COOPER. Does not the gentleman think that in line 25, page 2, the word "and" should be "or"?

Mr. RAKER. No; it was evident that if the Government constructed, which it will, the railroad, and until it has been turned over to some one else the Government will operate the railroad, and when it does operate it, and while it operates it, the President, representing the Government, ought to mine, if it is so desired, sufficient coal to run the Government railroad. Therefore it ought to be first the construction, and when constructed the operation of the railroad.

Mr. COOPER. Suppose it is constructed, then there would be nothing but the operation; you want him to have the matter of construction or the operation.

Mr. RAKER. It means that he is to have the construction and the operation as long as it runs. That was the view of the committee on the matter.

Now, fourth, it is necessary for national protection. We have got the coal fields, we have got the railroad, we have expended our money, and why should not Congress trust the President to use his judgment as to whether for purposes of national protection he should send a force there to have coal on hand for the Navy as well as for the protection of the country? And, lastly, if a condition is brought about through monopoly that burdens the people, he should have this right.

It seems to me that this is the opportunity that the people have been praying for for years—that the Government might step in and, in times of cold weather, when railroads have prevented the delivery of coal, when thousands of tons were within 4 or 5 miles of the city, the Government might step it. I have been informed that at one time there were thousands of tons of coal within 4 miles of the city of Washington which could not be delivered; that people were paying exorbitant prices and going cold for the want of fuel. Here is an opportunity for this Congress to say, when such conditions exist, that on these lands that have been reserved the President might, under the public laws and for the benefit of the great consuming public, after we have provided for the construction and operation of the railroad, after we have provided for the Navy, after we have provided for the national defense, that we should look out for the conservation of the lives, look out for the interests, look out for the home, look out for the family, when monopoly has so squeezed out the means of the public that little children are practically frozen almost within the confines of our own capital.

Therefore I believe that this is the opportunity for this House to say we will end that condition of things. Let us leave the provision as it is and trust the President to carry out the provisions of the law.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 11 minutes debate on this amendment be closed; 5 minutes to be used by the gentleman from Illinois [Mr.

MADDEN], 5 minutes by myself, and the remainder to the gentleman from Maryland [Mr. LEWIS].

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending amendment be closed in 11 minutes. Is there objection?

There was no objection.

Mr. LEWIS of Maryland. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of bills of a more or less distinctive labor character which have passed this and preceding Congresses.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

(Labor is one of the great elements of society, the great substantial interests on which we all stand. Not feudal service, or predial toil, or the irksome drudgery by one race of mankind subjected, on account of their color, to another, but labor, intelligent, manly, independent, thinking and acting for itself, earning its own wages, accumulating those wages into capital, educating childhood, maintaining workshop, claiming the right of the elective franchise, and helping to uphold the great fabric of the State—that is American labor; and all my sympathies are with it, and my voice, till I am dumb, will be for it.—

Mr. LEWIS of Maryland. Mr. Chairman, I have been requested by Members of this House to review the bills affecting labor which have passed this House in the Sixty-second and Sixty-third Congresses. This, doubtless, because I am chairman of the Committee on Labor. I do not propose this afternoon to rehearse the customary platitudes about labor. They are as distasteful to working people as they are valueless to them. Nor do I intend to claim that the labor problem has been solved by legislation arising in this Congress. We know that at best we have merely alleviated some of its conditions. Nor, sir, do I mean to proclaim a philosophy for the adjustment of labor problems, however enticing such a discussion would be. I do mean, however, to briefly review some of the legislation which has been initiated and completed since you took that chair and restored to our institutions a real House of Representatives and to the people the right to legislate in this Hall.

Mr. Chairman, the political revolution which has given you your chair has meant much to the people generally, but it has proven especially significant to the ranks of labor. It is something more than a coincidence that the following measures could not be passed through this House, or even considered, under the rule of Cannonism, and that they have been passed almost without opposition since the party of Woodrow Wilson and of CHAMP CLARK has been entrusted with legislative power.

BILLS NOW LAWS.

First. The 8-hour bill, extending the operations of the 8-hour law to work done for the Government as well as work done by the Government.

Second. The bill providing an 8-hour day for all female employees in the District of Columbia, a jurisdiction over which Congress has complete power to act. This law is now in actual operation in the city of Washington, without any of those grave business disturbances which overfearful persons had been led to expect.

Third. The dredge workers' 8-hour bill, to remedy a decision of the Supreme Court that men engaged in dredging work in our rivers and harbors are not laborers and mechanics, but seamen, and therefore did not come within the provisions of the general 8-hour law.

An 8-hour provision included in the fortification bill to apply to civilians engaged in the manufacture of ordnance and powder for the Government.

An 8-hour provision in the Post Office appropriation bill for post-office clerks and letter carriers.

An 8-hour provision in the naval appropriation bill making the 8-hour workday apply to workmen employed under the current appropriations.

Fourth. A provision in the naval appropriation bill requiring all coal purchased for the use of the Navy to be mined on an 8-hour workday.

Of these 8-hour bills the present Secretary of Labor, Hon. William B. Wilson who is a former coal miner, who entered the coal mines at 9 years of age, an experience identical with my own, observes:

It has been said on the floor of this House that the labor measures we have passed would not give an additional sandwich to any wage-worker. This act alone will reduce the hours of labor of hundreds of thousands of workmen, directly or indirectly employed by or for the Government, giving greater opportunity for rest, recreation, and mental development to those who are affected by it. It will do more than that. While men working an 8-hour workday can naturally be more efficient per hour than when working 10 hours, it has never been contended that men can accomplish as much in 8 hours as they can in 10. The shortening of the workday, therefore, means the giving of employment to thousands of those who are now among the unemployed, giving them an opportunity of earning a livelihood which they do not now have, and that means not only a sandwich, but a full meal.

Fifth. The Children's Bureau bill to promote the welfare of children and to devise means whereby the necessities of the parents can not be used to retard the development of the children, who are the citizens of to-morrow.

Sixth. The industrial commission bill to investigate the entire subject of industrial relations, with a view of ascertaining the best methods of dealing with industrial disputes so as to protect the rights of all persons directly or indirectly interested.

Seventh. The phosphorus-match bill to protect the health of workers in the match industry.

Eighth. The trades disputes act embracing the relation of labor organizations to the antitrust laws of the country; the regulation of the issuance of injunctions and the guaranty of the right of trial by jury for alleged contempts committed out of the presence of the court.

Mr. Chairman, it is no exaggeration to say that the above law is the greatest single piece of legislation ever passed at the instance of laboring people on the American Continent. At a single stroke it adjusts all the perversions of ex parte court procedure that have arisen by the confessed misuse of the injunction so frequently occurring, grants the constitutional right of trial before an open-minded jury, and corrects the juridical mistake as to the intent of Congress in passing the Sherman law. It is not too much to say, I repeat, that by this single stroke of the legislative hand more is being done in our country to rectify the judicial status of the great toiling masses than has ever been accomplished in our history before. Nor does this mean violent or radical treatment of the relations of labor and capital.

Thus section 7 of the Clayton bill, taken with its complementary sections, places the American workman where the British workman was placed by Parliament in 1906. Their experience shows that property will be as safe, the rights of employers will be as secure, with this measure enacted into a law, which I predict will become known as the Magna Charta of American workmen.

Everybody understands that section 7 would have been written into the Sherman Act in 1890 had there been any thought of the application since made of that great act. Everybody knows that Congress at that time had no thought of legislating with regard to the relations of employers and employees. I challenge contradiction for that statement. If Congress had ever intended to legislate upon these relations and saw fit to do what the States may well do and are doing, for it is their subject matter and not a Federal subject matter—prescribing penalties for individual wrongs when committed—I challenge gentlemen of this House to say that Congress would have ever said to the toiler: "If you overstep the line and commit a tort, you shall be subject to threefold damages." That was the natural sentence to have pronounced on the trust, an outlaw organization that sought to suck up all the commercial profit and power of the Republic. That is a sentence—the sentence of outlawry—that never can be pronounced, now or in the future, on a peaceful organization of workingmen.

I know there is some misapprehension. Some honest people are inclined to think that this section of the Clayton bill may mean a species of class legislation. They commit the error of considering labor as a commodity, a natural error inspired by the circumstances under which the price of labor, unfortunately, is sometimes determined by the iron laws of the market; but there is this distinction between labor and a barrel of oil—a commodity: Labor is never in truth a commodity; labor can never under our institutions be property, either before the court or before the legislature. Under our Constitution, property in human beings has forever ceased. While a barrel of oil is not only a commodity in the market it is a commodity before the courts; it is a commodity before the legislature. The legal attribute of a commodity is property, but the legal attribute of the workingmen is citizenship. A different principle of sociology and justice apply to these two subjects matter when they are before Congress or before the courts. The rules that are rationally applicable to the commodity can seldom be justly applied to the man.

Ninth. The Department of Labor bill, creating a department with a Secretary who shall be a member of the President's Cabinet, and who shall have the power of mediation in trade disputes and the right to appoint conciliators in such cases when, in his judgment, it is wise to do so, and while his good offices may be used for the purpose of bringing the contending parties together he shall have no power to enforce his own views upon either of them.

Mr. Chairman, the Department of Labor is a real living and dynamic fact. And why? Its Secretary is a real son of labor.

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I insert his biography as taken from the Congressional Directory:

William Bauchop Wilson, of Blossburg, Pa., Secretary of Labor, was born at Blantyre, Scotland, April 2, 1862; came to this country with his parents in 1870 and settled at Arnot, Tioga County, Pa. In March, 1871, he began working in the coal mines; in November, 1873, became half members of the mine workers' union; has taken an active part in trade-union affairs from early manhood; was international secretary-treasurer of the United Mine Workers of America from 1900 to 1908, having been elected each year without opposition; is engaged in farming at Blossburg; is married and has nine children; was elected to the Sixtieth, Sixty-first, and Sixty-second Congresses from the fifteenth congressional district of Pennsylvania; chairman Committee on Labor, House of Representatives, Sixty-second Congress. Took the oath of office as Secretary of Labor March 5, 1913.

Surely in the case of the Department of Labor there was no "making the promise to the ear and breaking it to the heart." A distinguished Member of this House has said that if in argument you should grant the Secretary of Labor any of his premise defeat was certain to follow, so surely does his Scotch processes of logic plow their way through all obstructions when given a single admission. He is a credit to his race. He is a credit to the labor sentiment of the country, which has trusted and supported him, and a credit to the administration whose arduous responsibilities he so splendidly shares. Surely in William B. Wilson labor has a voice in the great councils of the Nation.

BILLS WHICH HAVE PASSED THE HOUSE.

First. The bureau of safety devices bill. This measure, the Mann-Bremner bill, after the death of Mr. Bremner ably supported by Mr. WALSH, of New Jersey, already favorably reported in the Senate, is designed to create in the Department of Labor a clearing house for devices preventive of industrial accidents. The ratio of accidents in the United States tends to run from two to four times as great as in other countries, and it is meant through this bureau to supply employers and employees with the best methods and devices in order to reduce as far as possible the frightful carnage in life and limb.

Second. The Hensley and Booher convict-labor bills. One of these is designed to prevent the importation of convict-made goods from foreign countries and the other of convict-made goods from one State to another in competition with the products of free and self-supporting American labor.

Third. The seamen's bill. This bill passed the Sixty-second Congress and was pocket vetoed by President Taft. It has since passed the Senate in the Sixty-third Congress and is now before the Committee on the Merchant Marine and Fisheries of the House, with most of its provisions agreed upon, and certain to become a law during the Sixty-third Congress. Its principal objects look to abolishing imprisonment as a penalty for desertion, and corporal punishment on board ship, Sunday work while in safe harbor reduced and regulated, establishes seaman's right to half wages upon arrival at any port, and 120 feet boat space for each seaman and apprentice; two years' service on lakes, bays, and sounds to entitle the sailor to rank of able seaman, and 12 months on the sea; regulating the number of lifeboats and saving equipment each vessel is to carry.

Fourth. A provision in the judicial revision bill allowing appeals to the Supreme Court from decisions of the State courts, nullifying State statutes on the ground of conflict with Federal law. A great many State labor laws have been invalidated by the State courts. This provision allows an appeal to the Supreme Court in such cases, and will doubtless save many State laws, as, for example, the semimonthly pay law of New York, recently sustained by the Supreme Court.

BILLS REPORTED FROM COMMITTEE.

First. The Deitrick bill regulating the use of the so-called Taylor system in Government shops.

Second. The Maher bill amending the law under which the wages of employees in the Government navy yards and arsenals are to be determined and giving the Secretary of Labor a voice in such adjustments.

Third. The Palmer child-labor bill.

Mr. Chairman, this bill calls for the most thorough discussion, but for my present purpose I can only briefly describe its provisions. Urging the precedent of the convict-labor-made goods bills which have already passed this House, it provides—

That it shall be unlawful for any producer, manufacturer, or dealer to ship or deliver for shipment in interstate commerce the products of any mine or quarry which have been produced in whole or in part by the labor of children under the age of 16 years or the products of any mill, cannery, workshop, or manufacturing establishment which have been produced in whole or in part by the labor of children under the age of 14 years, or by the labor of children between the age of 14 years and 16 years, who work more than eight hours in any one day or more than six days in any week or after the hour of 7 o'clock postmeridian or before the hour of 7 o'clock antemeridian.

I believe, sir, that the tender conscience of the people where childhood is involved and the national sense of the necessity of Federal action to protect those who can not protect themselves will justify us in passing this bill reported from the Committee on Labor.

I say it is something more than a coincidence that these measures have passed a Democratic Congress and were not even considered by the Cannon rule. What is the cause? What is the difference? The difference, sir, I submit is this: The party of Joseph G. Cannon represented only a part of the people. The party of Wilson and CLARK represents them all. One is the tory who thinks all law-made changes are dangerous and, as Wendell Phillips said, is afraid to brush down the cobwebs lest the ceiling may fall. The other is the liberal and progressive who knows that as social and economic conditions change, so must change the rules of the State which regulate the relations of human beings.

Mr. Chairman, it is not claimed for these measures that they will end the labor problem; that they will realize for labor all its rights or secure the employer from all occasional wrongs. We know that the rights of labor involve vastly more than its relations to the employer. Having secured fair wages and conditions of employment from his employer, the workman has then to meet that other problem common to all consumers, namely, how shall he be able to make his wages bring him an equitable share of the products of other men's labor? And it is here even more than with the employer that his task of rightful adjustment really lies.

A brilliant orator a generation ago, taking his inspiration from the magnificent achievements of the inventors, declared that the inventor would soon emancipate the sons of toil from their physical drudgery and painful forms of labor by the substitution of machine for pick and spade. Well, sir, what do we find? Truly, the inventor is doing his part; but how about the correlative processes of exchange and distribution? Well, that problem remains unchanged, and has now become so aggravated as to be generally conceded as the cause of our high cost of living. How shall he make his wages bring him something like an equivalent of what he gave for such wages? I think all students now agree that the labor problem has become chiefly the consumers' problem. It is something to have stated the problem clearly. I shall do no more to-day. But, sir, we do not leave this problem, momentous as it is, entirely without hope. There ought to be some way by which the inordinate tax imposed by the processes of distribution—the tax that doubles, yes, trebles, the price of the product between producer and consumer—may be greatly lightened. In the last two generations the producer and transporter have done their part in cheapening the cost of the article. Productive and transportation costs have been pulled down and down in an almost never-ending scale of reduction. Meanwhile distribution agencies, unorganized and ever multiplying, show a piling up of expenditures, ever increasing the distribution tax, from which all must suffer, for we are all consumers. Can not this problem be adjusted? Must we confess our helplessness in its presence—this ever-widening maw that is swallowing nearly all of the fruits of mechanical advancement, and threatens to swallow more? Perhaps some one of the nations now at war and soon to be under extreme stress to feed its people will discover and apply the remedy. Necessity is the mother of invention—perhaps. If so, even this monstrous crime against humanity and organized repudiation of Christianity will prove some good.

In this connection we can point to the industrial commission which has power to consider this subject and report its recommendations; and we may also point to the development of the parcel post by this administration as a promising means, when our people learn to use it, to purchase direct from the trucker and farmer as it becomes further perfected for that purpose.

Mr. Chairman, such is the record of the Democratic Party in labor legislation in the Sixty-second and Sixty-third Congresses. Valuable as it is in itself, it is yet even more significant as an earnest of the fixed determination of our party to meet the problems of a growing and changing state of society and to adjust them—to adjust them calmly and justly, but to adjust them. It can not be said that our work has been partial and one-sided and that we have confined our work to a single class. We have met in the same spirit all the problems of our day. The direct election of Senators, the parcel or postal express, the prevention of corrupt practices at primaries and elections, the national banking law, the antitrust laws, the conservation bills, the income tax, and many other useful measures in the interest of society generally. Compare this record with the almost blank pages under Cannonism for 20 years—a record of unblushing toryism and inertia.

Mr. Chairman, with the rescue of this House under your leadership and a responsible Senate through direct election of its Members, with a President the very first premier of his age, with a people loosened from the bonds of party prejudice and

inertia which has bound them, can we not look confidently into the future, assured that its patriotism and statesmanship will justly solve the other great problems that are before us?

Mr. MADDEN. Mr. Chairman, we are considering a bill to lease the coal lands of Alaska and regulate the prices at which men are to operate them. We are proposing to regulate the price at which the coal shall be sold, and we are going to add another handicap by authorizing the President of the United States to operate coal mines, to furnish coal for the operation of the railroad, and to prevent monopoly, on the theory that the Government of the United States ought to protect itself against any discriminatory action by men engaged legitimately in the coal business. I undertake to say that if the Government of the United States operates any coal mines that coal will cost $3 for every ton mined by the Government where it would cost $1 to buy it. There can be no economy in this and no sense in it. It is said that we need the coal to be mined by the Government of the United States in order that we may be able to furnish coal for the Navy. All the ships that are being built are being built to burn oil, and whether they are or not, coal in this section of the world is not fit for the Navy. That has been proved by the tests made under the direction of the Secretary of the Navy. If the Navy uses coal at all, it must have coal of a standard equal to that known as Pocahontas coal. All the tests that have been made thus far of the Alaskan coal prove that it actually has only 43 per cent of the efficiency of Pocahontas coal, and that it is not at all fit for naval use.

Oh, but they say, we have authorized the expenditure of $35,000,000 to build a railroad, and if we operate it we ought to do everything else incidental to its operation, even to the mining of coal, even though it costs $3 to mine it when it can be bought for $1.

Oh, the amount of wisdom displayed in this legislative proposition! The gentleman from California [Mr. RAKER] says that it is the unanimous opinion of the committee that reported the bill that the Government ought to have the right to mine coal and sell it in order that we may be able to prevent monopoly by private interests that are operating coal mines under regulations made by the Government. If we have any monopoly under such circumstances, the leases that are to be made by the Government to the men who are to operate the mines in Alaska will not be rigidly drawn.

The gentleman says the wisdom of the committee dictated the unanimous report. I would not give very much for the wisdom of the committee on this question, based on its experience in great business problems. I would rather have the judgment of some man who knows something about what a business problem means than the judgment of a committee who never saw a business problem except in a law book. They may be good lawyers and good politicians, and they may be able to manipulate a primary, or to successfully control an election, but when you run a business you have got not only to produce the goods, but you have got to sell them and collect your money for them before you can pay your bills. [Applause.]

It is easy enough to operate coal mines out of the Public Treasury, where you can levy an additional tax on the people of the United States to make up the losses. Oh, it is a beautiful theory. Everything is going upon the theory that the Government can do business better than anybody else.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question right there?

Mr. MADDEN. No—and that all the business men of the country are no longer considered respectable, except for the purpose of paying taxes, to carry out the theory of these wild-eyed dreamers. The time has come when this sort of thing will not be tolerated any longer by the people of the United States. We are coming to the stage of supper time on these radical questions. Breakfast time has been passed, and there will be a reckoning, and it will not be very long before it comes, and the men who are doing everything they can to embarrass business men who have devoted all of their lives and all of their efforts and all of their energy for this upbuilding and enterprise and prosperity of the Nation will be called to account, and they will have to cease from this method of levying tribute on the honest business men of the Nation. [Applause on the Republican side.] Public ownership, public operation of railroads, public operation of coal mines—of everything—competition with every man who has his money invested, with utterly no incentive for honest enterprise and activity on the part of the people. Why, you will be having the Government sneeze for the people after a while and blowing their noses for the people. You can not collect the tax from the Government, of course, and you have got to collect the taxes from the men who make the wealth, and the men who pay the taxes are going to insist on having something to say about the conduct of the affairs of this Nation, and when election day comes in November the storm of opposition created in the minds of the American people by these wild-eyed dreamers, of these men who deal only in imagination and not in facts, will wipe them off their feet, out of office, and back to their holes, where they belong, where they will no longer have anything more to say about the conduct of this Government. [Applause on the Republican side.]

Mr. FERRIS. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] has many good ideas about business. He has many good ideas about many things; but I doubt, after all, if all of the Members of this House would be willing to follow his judgment upon the proposition of conservation in the West. The gentleman is a good business man, and he can lay down rules which many of us would follow upon that proposition, but the gentleman surely does not advocate the granting of title in fee to all of those Cunningham coal claims and the fraudulent claims in Alaska?

Mr. MADDEN. Oh, I do not advocate that.

Mr. FERRIS. I am not going to misquote the gentleman. I have too much affection for him to do that, even momentarily; but let me go on. There is but one of three things to do. We must leave Alaska tied up with only two patented coal claims in the whole Territory, or we must lift the ban and let all of those fraudulent claims go through, or, third, we must pass an intelligent leasing bill, preserving the royalty from the leases for the payment of the Alaska railroad bill and in general preserve the rights of the public. Personally, I favor the latter.

Mr. MADDEN. But I am for that.

Mr. FERRIS. Incorporating painstaking and careful regulation in the bill, so that monopoly and oppression will not be visited upon these people.

Mr. MADDEN. I am for that.

Mr. FERRIS. I know the gentleman is for that. The gentleman was chastising the committee momentarily, and he does not mean all that he has said. We took it in good part.

Mr. Chairman, the Committee on the Public Lands does not know too much about coal mining. That is the truth; but this bill did not come wholly from the Committee on the Public Lands. We had at our command to aid us Dr. George Otis Smith, Director of the Geological Survey, and Dr. Holmes, the Chief of the Bureau of Mines, and we had at our elbow Secretary Lane and his corps of legal representatives.

When this bill was drafted we had before us some of the best talent of the Senate, men who knew about coal mining, including men who had mined coal in Alaska; but we did not stop there. Secretary Lane invited the leading coal operators of the United States to come and counsel with him in the drafting of a measure that would, first, do justice to the people, and, second, do justice to Alaska, and, third, develop Alaska and at the same time not let fraudulent grafting claims go through to patent.

One word as to the personnel of the committee. It is true we have upon that committee men of different views. The making of a bill and bringing it into this House is not an easy task. It is again true we have men who hold extreme views in each direction. We have men with first-hand views of what the West is. We have the Delegate from Alaska on the committee, who gave us the benefit of his views. We have men on the committee who are good lawyers, known to be good lawyers in this House, that represent the eastern view, and between the men of the East on the committee and the men of the Middle West on the committee, like the gentleman from Wisconsin [Mr. LENROOT], the gentleman from Illinois [Mr. GRAHAM], and men from the far West, like the gentlemen from California, the gentleman from Colorado, the gentlemen from Arizona, Montana, and so forth, who represent and know what the rest of us do not know; from this combination it is my belief we have brought a bill in which meets the approval pretty generally of the people who know most about the coal business. This bill should not be mutilated and torn to pieces by amendments that have had no consideration. I hold in my hands letters no older than this morning from the Bureau of Mines and Dr. Smith and from the Secretary's office, saying this bill is workable and will accomplish what it seeks to do, and will at the same time protect the Government.

Mr. MADDEN. What does the gentleman think about the advisability of the Government operating coal mines? That is what I am objecting to.

Mr. FERRIS. I will say frankly to the gentleman that I am not a Government ownership man, but conditions in Alaska are different from what they are anywhere in the United States. The gentleman from Illinois [Mr. MADDEN] and myself opposed the Alaskan railroad bill. I thought I was right and the gentleman thought he was right, but we were both rolled out flat as a pancake on our views. This bill does for the coal mines what

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that bill is intended to do for the railroads. It opens up Alaska and that surely is the wish of all of us. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Wyoming [Mr. MONDELL] to strike out the paragraph.

The Chair proceeded to put the question.

Mr. MANN. Mr. Chairman, that amendment never was reported.

The CHAIRMAN. Oh, yes; the gentleman's amendment was reported before the amendment of the gentleman from Illinois.

Mr. MANN. I beg the Chair's pardon, but the gentleman from Wyoming stated that he desired to offer an amendment to strike out the section, but that if anyone desired to perfect the section he would yield for that purpose.

The CHAIRMAN. The gentleman made that statement after the amendment had been reported.

Mr. FERRIS. Mr. Chairman, it was my understanding that this would not preclude the amendment of the gentleman from Wyoming. The gentleman from Wyoming [Mr. MONDELL] made an inquiry and asked if this would preclude him. I do not know that the Chair heard him, but I thought it would not, and so indicated to the gentleman. I ask unanimous consent——

Mr. MANN. As a matter of fact, that amendment was not reported.

The CHAIRMAN. The amendment of the gentleman from Wyoming was offered and reported. Thereafter the gentleman from Wyoming made the statement that some one had an amendment to perfect the text.

Mr. MANN. The motion was not to close debate, but simply close it upon my amendment.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. I offered my amendment, and then, with a view of expediting the business of the House, suggested that if any gentleman desired to offer an amendment before my amendment was considered I would yield. I certainly had no intention of yielding my rights on my amendment in doing that, and I am sure no one so understood it.

The CHAIRMAN. The Chair can not tell what the intention was, but the gentleman's amendment was reported at the desk, and thereafter another amendment was offered. However, the Chair understands the gentleman from Oklahoma in his request to close debate simply made it to close it only on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. FERRIS. That is true.

The CHAIRMAN. Then the question is upon the amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes on this section.

Mr. FERRIS. Mr. Chairman, reserving the right to object, is there anybody else who wants time on this proposition? I will ask that at the expiration of 17 minutes—10 minutes to be controlled by the gentleman from Wyoming, 5 minutes by the gentleman from Washington [Mr. HUMPHREY], and 2 by some member of the committee—all debate on this section and all amendments thereto be closed.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of 17 minutes—10 of which is to be in the control of the gentleman from Wyoming [Mr. MONDELL], 5 minutes to be under the control of the gentleman from Washington [Mr. HUMPHREY], and 2 minutes by some member of the Committee on the Public Lands on the majority—all debate upon the section and all amendments thereto be closed. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, the object and purpose of this bill is, or should be, to open the coal fields in Alaska in such a way as to make possible their large development, the cheap mining of coal, and its sale to the people at the lowest possible figure. Those are, or should be, our aims and ends in connection with the legislation. Any provision in the bill tending to make ineffective those ends and aims should be stricken from the bill. The section I propose to strike out from the bill provides for the reservation of considerable areas in the important coal fields, these areas to be retained permanently by the Government and to be worked by the Government if the President in his wisdom deems it proper to do so. These fields, especially the two southern fields, are comparatively small in area. They can only be cheaply and advantageously opened at this time at a few points. A well-selected location at the front of the vein will give opportunity of cheap mining in a large way. There are a number of such points in both fields. If coal is to be cheap in Alaska, to be mined in large quantities, it should be mined at the points where it can be mined the most advantageously and the most cheaply. A large portion, the greater portion of these fields, would be reserved without any provision in this bill, because there will not be at the most over two or three, possibly not over one or two, leases in each of these great fields. The bulk of the field, the great areas lying back of the frontal exposures, will be reserved, and reserved indefinitely. In fact, we in this bill reserve all of those fields. They do not pass from our control. Some portions of them are to be leased.

If we call upon the Secretary to specifically reserve or definitely reserve from use large areas in each of those two fields, it becomes the duty of the Secretary, as I see it, to reserve the portions of the field that are the more advantageously located. If he does not do that there will be no object in reserving it, there would be no object in his reserving coal lands, no matter how valuable, how thick, or how numerous the veins are at some distance from the outcropping, because they will be reserved by their position. He will be compelled and we are calling upon him, to reserve those areas that ought to be opened and ought to be first mined in the interest of the people of Alaska and the country. And yet we call upon him to reserve such areas. Why? Well, some one says we might need coal for the Army and the Navy. No man who has had anything to do with the coal business—and I had something to do with it in my youth—but knows that the Government can never mine coal as cheaply as private enterprise can mine it. And, more than that, neither the Government nor anyone else can ordinarily mine coal for one specific purpose advantageously or cheaply, because the coal as it comes from the mine varies in character and in size, and you should have a market of all sorts and kinds for the product of the mine. To mine coal for naval purposes alone would be extravagant and wasteful. The cost would be prohibitive. Furthermore, there is no place on earth where coal is mined and laid down on the cars as cheaply as it is in the United States, and there is no reason why it should not be laid down as cheaply, considering its cost, in Alaska under this bill. Otherwise the bill is not the perfect thing which its framers claim it is. If we have any question about the uses and the needs of our Army and our Navy, all that is necessary to do is to put in the bill the language that was in the bill three years ago—a provision that the President has the right to take the coal mined from these lands wherever he finds it for the use of the Army and Navy at any time and at a price to be fixed by him.

That settles the Army and Navy end of it, and it is not necessary to make reservations of the best part of the vein. It is certainly unwise to do it if what we seek is mining on a large scale and mining under conditions which will make it possible to sell the coal at the lowest possible figure. We will have plenty of these fields reserved. There need be no question about that after all the leases that anyone wants to make have been made. And those coal areas back from the front, after the front coal has been mined out, will be as accessible and as cheaply mined as the front coal is to-day, because after the workings extend back and roads are built and tunnels and drifts are in, the opportunity comes of advantageously and cheaply mining coal that lies farther from the front.

I regret that the amendment offered by the gentleman from Illinois [Mr. MANN] was not adopted. The gentleman from California said that the Government in the construction of its railroad might need some coal and might, perforce, seek to mine it. Well, if the Government proposes to do any such foolish thing as that in the expenditure of the $35,000,000 appropriated for the Alaskan Railway, we better inquire into it right now. I can not think of anything more ridiculously extravagant than for some one to proceed to open a coal mine somewhere for the purpose of supplying local needs along a line of construction, except as one might open a little pit somewhere for the use of a construction camp, and that would be done and could be done without any legislation whatever. But the idea of opening a Government coal mine on the theory that we could mine coal cheaply certainly can not occur to anyone who has had any practical experience in the coal business or in any other kind of business, for that matter. If this section is stricken from the bill, the Secretary will not be required to withdraw these best and most available areas. If it remains in the bill it will be his duty to do that and say to those who seek a lease, "We will keep all of the best lands; we will keep those that can be cheaply mined, because they are accessible; and you can go around and back of our reservations, or through them." What trouble and expense that would entail. No one would at any time be benefited. In my opinion the bill would be very much better in every way with this section left out of it.

Mr. HUMPHREY of Washington. Mr. Chairman, the gentleman from Oklahoma, the distinguished chairman of the committee, said a moment ago that it was either this bill, or leaving Alaska in the condition in which it is now, or passing the fraudulent claims, as I understood. Now, my recollection is that there are about 1,129 coal claims in Alaska, and that there has been a contest filed against each of them. The honest man and the thief have been treated exactly alike in that respect, and so far, with two exceptions, the honest man and the thief have been treated exactly the same by the Interior Department.

Now, what I would like to know is why the department does not decide these claims? If these claimants have no right to those claims, if they are fraudulent, then why does not the department so decide? I submitted a letter some days ago to the department, and asked them how many of these cases have been decided since this administration went into power. Of course, we know that under the old administration we could not get a decision on any claim. Secretary Fisher very frankly said that he would not decide a case, even when he knew the claimant was entitled to it. He so stated to me personally. But I can not understand any reason why the Government shall not decide these claims. If they are fraudulent, then decide them against the claimant. If, on the other hand, the claimant is entitled to them, then I can see only one reason why they do not decide in the claimant's favor, and that is cowardice, fearing some one will charge they are not in favor of conservation. I hope I may be able in this way to reach to the Interior Department, until they will have the courage to say that those claims of Alaska are fraudulent or that they are honest, and not continue to do as they have in the past—to do nothing but dodge.

Now, a word in regard to my distinguished friend from Illinois [Mr. MADDEN], one of the most distinguished business men in this House, and one whose opinion I value highly on anything in regard to business. The distinguished gentleman from Illinois is not a naval expert. That is, I presume he is not. He claims we can get no coal for the Navy from Alaska. In the first place, it is not fair upon the tests that have been submitted to say that there is no coal in Alaska fit for naval use. It may be true that all that has been tested so far has proven to be unfit for that purpose, but we have made but very little examination of the coal in Alaska. The probability is that we can find coal in Alaska that is fit for naval use. But my distinguished friend from Illinois overlooks this one point: That in case of war we would be compelled to use such coal as we have on the Pacific coast. Suppose we had war over there to-day, where would we get coal? We would either have to use the Pacific coast coal or run our battleships in under the guns of our forts. Is it not, then, the part of wisdom to learn how to use coal in time of peace that we must use in time of war?

Another thing that my distinguished friends forget: The Navy is using coal on the Pacific coast all the while. What is the use of having the highest grade of Pocahontas coal to run the ships up and down the Pacific coast in time of peace? They take what they call "exercises" around Puget Sound. Why should they not use cheap coal in taking those exercises? Their objection to the cheap coal is principally that the enemy can see the smoke; but the enemy is not going to see the smoke in time of peace as those naval vessels go up and down our coast. We also use a great deal of coal at the navy yards not used in navy vessels. It is used for power purposes, and one of the officers of the Bremerton Navy Yard said he objected to some of the Pacific coast coal being used for power purposes because it dirtied his shirt. I think I referred to that once before on the floor of this House. There is a great deal of coal that can be used by the Navy, even if it is as poor as they contend it is. But I once more wanted to submit this question to this House and to the country, namely, Can we excuse ourselves by using coal in time of peace upon the Pacific coast of a character that we can not use in time of war? Is it not wisdom to learn how to use this coal in time of peace? It requires different handling and different grades from our eastern coal.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FERRIS. Mr. Chairman, the gentleman from Washington moves to strike out, from beginning to end, section 2.

Mr. HUMPHREY of Washington. Oh, no.

Mr. FERRIS. I mean the gentleman from Wyoming [Mr. MONDELL] makes that motion. Now, what is section 2?

Section 2 proposes to reserve for Navy and Government use 5,120 acres of coal lands in the Bering field and 7,680 acres or so in the Matanuska field. Does anyone want to absolutely divest the Army and the Navy of all the coal the Government has there? Does anyone see any necessity for voting out the only two reserves which the Geological Survey thinks is necessary, which the Navy Department thinks is necessary, which the Bureau of Mines thinks is necessary? I do not think the gentleman from Wyoming is really serious in proposing to strike out the two reserves.

Mr. MONDELL. I will say to the gentleman that I am entirely serious.

Mr. FERRIS. Then I can only say that there can not be very many people who will agree with the gentleman on that proposition.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield to me?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Texas?

Mr. FERRIS. Yes.

Mr. STEPHENS of Texas. Is not this also the section that prevents monopoly in coal in Alaska?

Mr. FERRIS. Yes, I think so; but it more particularly authorizes two reserves to be made in the two leading fields first, and if necessary in other fields later. Surely the House does not want to eliminate that very essential and important part of the bill. Surely the House does not desire to eliminate a provision it but a moment ago agreed to retain in the bill. This amendment can not be adopted and preserve the bill. It ought to be defeated.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Wyoming to strike out section 2.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the unreserved coal lands and coal deposits shall be divided by the Secretary of the Interior into leasing blocks or tracts of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such blocks, but in no case exceeding 2,560 acres in any one leasing block or tract; and thereafter the Secretary of the Interior shall from time to time, upon the request of any qualified applicant or on his own motion, offer such lands or deposits of coal for leasing, and, upon a royalty fixed by him in advance, shall award leases thereof through advertisement, by competitive bidding, or, in case of lignite or low-grade coals, such other methods as he may by general regulations adopt, to any person above the age of 21 years who is a citizen of the United States or has declared his intention to become such, or to any association of such persons, or to any corporation or municipality organized under the laws of the United States or of any State or Territory thereof: *Provided*, That no railroad or other common carrier shall be permitted to take or acquire through lease or permit under this act any coal or coal lands in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder: *Provided further*, That each applicant for lease under this act shall execute and file with the application or bid a good and sufficient bond, in such reasonable sum as may be fixed in advance by the Secretary of the Interior, to insure good faith in the fulfillment of the terms and conditions of the bid, the lease, and of this act.

The possession of any lessee of the land or coal deposits leased under this act, for all purposes involving adverse claims to the leased property, shall be deemed the possession of the United States, and for such purposes the lessee shall occupy the same relation to the property leased as if operated directly by the United States.

Mr. THOMSON of Illinois. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 4, line 3, by changing the colon after the word "hereunder" to a period and adding after the period the following: "That such a railroad or common carrier may be permitted to take, under the foregoing provisions, not to exceed one lease upon and for each 200 miles of its line in actual operation. The term 'railroad' or 'common carrier' as used in this act shall include any company or corporation owning or operating a railroad, whether under a contract, agreement, or lease, and any company or corporation subsidiary or auxiliary thereto, whether directly or indirectly connected with such railroad or common carrier, and."

Mr. THOMSON of Illinois. Mr. Chairman, I would like to call the attention of the chairman of the committee, Mr. FERRIS, to the fact that the language I propose to insert here is the language that is contained in the general leasing bill.

Mr. FERRIS. Yes. It is also true that we agreed to accept it and put it in this bill.

Mr. THOMSON of Illinois. I understand so.

Mr. MONDELL. Mr. Chairman, I would like to ask the gentleman from Illinois [Mr. THOMSON] how he understands his amendment affects the proviso that it follows. The proviso is:

That no railroad or other common carrier shall be permitted to take or acquire through lease or permit under this act any coal or coal lands in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder.

It strikes me that the amendment that the gentleman offers, inasmuch as it allows the railroad company to secure at least a lease for every 200 miles of its road, modifies that proviso

so that the railroad securing such lease could mine the coal for any purpose.

Mr. THOMSON of Illinois. Not at all. The only effect of my amendment is that it permits the road to take out coal at not to exceed one point in every 200 miles of its length. In no case can it take out, if my amendment is adopted, more coal than it will use for its own purposes. But instead of taking it all out at one point and shipping it all along the line, it permits them to take it out at one spot in each 200 miles.

Mr. BRYAN. Mr. Chairman, will the gentleman permit an inquiry there?

Mr. THOMSON of Illinois. Yes.

Mr. BRYAN. How long is the Guggenheim railroad, and how many extra leases will this give them?

Mr. THOMSON of Illinois. I do not know how long the Guggenheim railroad is or how long any other railroad up in Alaska is. Any railroad that is going to have the privileges given in this section, however they are constituted, should have the privilege contained in my amendment. I do not care whether A owns it or Z owns it.

Mr. BRYAN. The only effect of this would be to give the Guggenheims two leases instead of one.

Mr. THOMSON of Illinois. I do not know anything about that, and I do not care, either. This provision is in the general leasing bill. It is an equitable provision. It does not in any way affect the provision that the railroad shall take out coal only for its own use, but it provides that it can take out coal at one spot in each 200 miles of its line.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Illinois. Yes.

Mr. WINGO. As I understand the gentleman's proposition, it is that they shall not have two leases nearer than 200 miles from each other?

Mr. THOMSON of Illinois. Yes.

Mr. WINGO. And they must get out of the one particular lease no more than is necessary for their own purposes?

Mr. THOMSON of Illinois. Not necessarily. For example, if the road is more than 200 and less than 400 miles long, under this proposition they would have the right to take out coal in two places. They could use the coal taken out at either of these places anywhere along the line. This amendment would give them two openings and merely facilitate the taking out of the coal and its use by the railroad in that it would allow them to distribute these places along their line instead of having but one place.

Mr. WINGO. Let us suppose there would be only one coal field in 500 miles. In that case the road would be limited to taking out from their lease in that field just enough for their use for 200 miles?

Mr. THOMSON of Illinois. Oh, no; they would be allowed under the bill to take out of that one field enough to operate the whole line.

Mr. WINGO. But in no event would they be permitted to take out more than enough for their own use?

Mr. THOMSON of Illinois. No.

Mr. JOHNSON of Washington. Is it not a fact that the only coal field that can be opened in Alaska for a long time is the Katella coal field?

Mr. THOMSON of Illinois. I do not know, but assuming that to be true, we ought not to limit the provisions of this bill to the only field that can be opened for some time to come. We ought to make provision for such fields as will be opened up ultimately.

Mr. JOHNSON of Washington. The Katella field has nothing in it which can be leased except the Cunningham claims, which were declared fraudulent, and the only concern that will be likely to lease them will be the Guggenheims, who have the only operating railroad up there. Is that not worth while to be called to the attention of the House?

Mr. THOMSON of Illinois. Possibly so. I do not think it affects the question. As I said in answer to the gentleman from Washington [Mr. BRYAN], if the railroads of Alaska, including the one that is to be built by the Government, are to have the privilege and benefit of the propositions that are contained in this section as it is now, they should have this additional privilege which was inserted in the general leasing bill.

Mr. RAKER. While the committee at first restricted the railroads to one lease, is it not a fact that the committee then reconsidered that proposition, after acting upon the general leasing bill, to the end that the railroads might have one lease for every 200 miles in operation, so that all possible expenses in dealing in coal for their own use should be avoided?

Mr. THOMSON of Illinois. Yes; with the understanding that that should not affect the proposition that, no matter how long a road might be or how many openings they might have because of their length, they should undertake no more coal operations than for their own use.

Mr. RAKER. And only supply it for their own use entirely?

Mr. THOMSON of Illinois. That is it exactly.

Mr. MONDELL. Mr. Chairman, it is very difficult, without some time to consider the matter, to determine whether the amendment offered by the gentleman from Illinois [Mr. THOMSON] is a limitation of a right or an extension of a right.

Mr. THOMSON of Illinois. It is neither, if the gentleman will allow me.

Mr. MONDELL. Then what is it?

Mr. THOMSON of Illinois. It is a distribution of a right.

Mr. MONDELL. I will add, then, that I do not think anyone can tell from the reading of the amendment what it does, whether it distributes, limits, or enlarges. My own opinion with regard to it is that it does not logically follow the provisions of the bill which precede it. Now, the general leasing act contains a provision of that sort, but the general leasing act, as I recall it—and I ask the gentleman from Illinois if I am correct—does not contain this limitation as to use by the railroad.

Mr. THOMSON of Illinois. I beg the gentleman's pardon. It does contain it to the best of my recollection, and I put this language in, the same as it is in the leasing bill.

Mr. MONDELL. My recollection of it is that it does not. Possibly it does.

Mr. THOMSON of Illinois. I am sure it does.

Mr. MONDELL. One of two things ought to be done about the lease of coal lands by the railroads—either they should be allowed to mine coal or they should not. My own personal idea is that it is not important that they be allowed to mine any coal at all. I believe railroads ought to attend to the railroad business and that coal miners ought to mine coal.

Mr. BRYAN. If the gentleman will permit, I want to call attention to one of the provisions of the proposed amendment:

That such railroad or common carrier may be permitted to take, under the foregoing provision, not to exceed one lease upon and for each 200 miles of line in actual operation.

This says a railroad may have not to exceed one lease for every 200 miles. Would not that shut out a railroad that has 100 miles from having a lease?

Mr. THOMSON of Illinois. Certainly not. Everybody knows that under this provision a railroad 100 miles long can have one lease.

Mr. BRYAN. If everybody knows that, why not say it? The bill requires actual operation of 200 miles; and if a railroad has 190 miles in operation it can not have any lease.

Mr. RAKER. Under the provisions of the bill, if it has only 10 miles in operation it would be entitled to one lease, would it not?

Mr. MONDELL. Mr. Chairman, I have no objection to the gentleman talking, but the time is mine. I will yield to the gentleman.

Mr. RAKER. I thought I was answering the gentleman from Washington, who I understood had the floor; but I will finish in a moment. The provision does not intend that the railroad may have the entire quantity of 2,640 acres in each lease. If it is along the road of, say, 1,000 miles, it would be the duty of the Secretary to limit it to possbily 100 acres for each 200 miles, and he could do it in his discretion; so that the contention that the railroad would get a large quantity of coal land is not correct. Under this bill it is intended that it shall get only enough coal land along its line of road so that it may run its line cheaply, thereby giving cheaper rates and cheaper fares and accommodating the public.

Mr. MONDELL. I think what the gentleman from California [Mr. RAKER] has said, and what the gentleman from Washington [Mr. BRYAN] said a moment ago, illustrates the fact that I was endeavoring to point out, that no one can tell just what the amendment offered by the gentleman from Illinois [Mr. THOMSON] would do to this bill, or just what the effect of it would be, whether it is a limitation, an extension, or, as he says, a distribution. In any event, I doubt if it is logical at this place in the bill, following the provision it does follow. I said a moment ago I doubted whether the provision now in the bill would be of any value to a railway company. I doubt if a railroad company could afford to mine coal exclusively for its own use. It would have to have a different kind of a coal mine from any I ever saw to mine coal economically and use it all for its own purposes. I never saw a coal mine that did not take out different grades of coal that had to be used for a variety of purposes. Every coal mine must have a considerable output to make it pay, and if the railroad business was slack it would have no market for its coal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more. The gentlemen from California and Washington took up a good portion of my time.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes the debate on this amendment close.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of five minutes debate close on this amendment. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, as I said a moment ago, I doubt the propriety of leasing coal land to railroads. My opinion is that it would be as well if the roads were not allowed to mine coal at all; if they were compelled to buy their coal as other people do. In a good many parts of the country we have seen many evils grow up out of the ownership by railroads of coal lands and the manipulation of the coal business. The committee attempted to somewhat remedy that situation by providing that the company could only mine coal for its own use. My thought is that under such a restriction they will not mine at all. If they can not mine for general use and general purposes and sell their excess when they have an excess, sell their slack, sell the better part of the lump coal, that which is peculiarly adapted for private use—for domestic use—if they can not do that, it will not pay them to operate coal mines. Then along comes this amendment offered by the gentleman from Illinois that further complicates the situation. What its effect will be I think no one can tell. I do not think we ought to adopt an amendment on the spur of the moment, as the gentleman from Oklahoma frequently says, without consideration, and the effect of which we do not fully understand.

Mr. FERRIS. Mr. Chairman, the amendment offered by the gentleman from Illinois [Mr. THOMSON] is not and has not been without consideration. Practically the same provision was incorporated in the general leasing bill with the approval of all the departments that looked into the question. It was the opinion of the committee that the amendment which the gentleman has just offered should go into the bill. It does seem to me reasonable to allow a railroad to open a mine every 200 miles and take out the coal for its own use. I am not in favor of transportation companies owning coal mines, mining coal, and entering into competition with other producers, but in this new and sparsely settled Territory, where we have authorized the building of a Government railroad and have had to release the private railroads from taxes altogether, surely it is not too much to give them an opportunity to get coal every 200 miles of their road, strictly for their own use. That is all this amendment does, and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. THOMSON].

The question was taken, and the amendment was agreed to.

Mr. DAVENPORT. Mr. Chairman, I offer the following amendment to go in on page 3.

The Clerk read as follows:

Amend the bill, on page 3, by striking out, in lines 16 and 17, the following: "or, in case of lignite or low-grade coals, such other methods as he may by general regulations adopt."

Mr. DAVENPORT. Mr. Chairman, I can see no reason why there should be any distinction in the method of leasing the coal land according to the grade of the coal. If I remember correctly, the most of the coal, as shown by the report, will be found to be lignite or low-grade coal. All of this country would then be leased on the basis of low-grade or lignite coal. Even though it should be true that some of the coal is a high-grade coal, there is no reason why every man who desires to take a lease in that country of coal land should not have an opportunity for competitive bidding for the lease.

I know how these things go, and I know how the leasing proposition operates where there are valuable properties to lease. Some man gets a tip that this particular place will be classified as low grade, and he gets a lease of good coal land. I do not believe that they should be leased according to the classification. I move to strike out the part that I think should not remain in the bill. I do not believe it will be fair for the men who might want to bid for the land. I think all the leases should stand upon the same footing, and if a man applies for a lease it ought to be advertised and put up for competitive bidding, in order that it may bring to the Government the largest royalties possible.

Mr. RAKER. Mr. Chairman, this matter of lignite coal was considered by the committee, and it was believed that better results would be had by giving the Secretary of the Interior authority so that it could be disposed of without a lot of complications of competitive bids.

Mr. DAVENPORT. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. DAVENPORT. What is the theory upon which the leasing should be on a different basis? That is what I am trying to get at.

Mr. RAKER. It was shown from the testimony that this lignite coal has no shipping value. It is a low-grade coal. The Secretary ought to be able to dispose of it there, where it can be consumed in the local territory.

Mr. DAVENPORT. Was there any testimony showing that the low-grade coal lands could not be leased as rapidly through bids?

Mr. RAKER. I think that was shown to the committee. The committee thought it would open up Alaska quicker and more rapidly to let the low-grade coal be disposed of in this way.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. BORLAND. Where is the dividing line between coal and low grade or lignite?

Mr. RAKER. Lignite is coal.

Mr. BORLAND. Has there been a classification made of this coal?

Mr. RAKER. Yes.

Mr. BORLAND. By the Geological Survey?

Mr. RAKER. Yes.

Mr. BORLAND. And some of it already set aside as lignite?

Mr. RAKER. Yes. It is all designated as lignite.

Mr. FERRIS. The Nenana field, which is 40 or 50 miles from the town of the Delegate from Alaska, is a 9,000,000-ton field, and it is all lignite. It will never pay for shipping, but it is good local coal, and there is other coal away back in the interior about which they would not want to go through the long-drawn-out matter of advertising.

Mr. BORLAND. Of course, I can realize that there might be some coal there that could be used locally, better than in any other way, and if a man can get it on proper regulations, he ought to have it.

Mr. FERRIS. That is it.

Mr. BORLAND. But the exact situation is just like that mentioned by the gentleman from Oklahoma [Mr. DAVENPORT]. It is liable to happen that some land will be stated to be low grade, and then some fellow will come along and get it and it will afterwards prove to be high-grade coal.

Mr. DAVENPORT. Why does the committee reach the conclusion that it would not yield to the Government as great a rate of royalty by competitive bidding?

Mr. RAKER. It is not a question of royalty to the Government. It is a low-grade coal and people ought to get it at less expense, so that people can have it for their homes and to build up the country; and all of the burdensome conditions in respect to bonds ought to be eliminated, so that the Secretary would protect the Government and get a reasonable revenue from it and at the same time open up this local coal for the people in Alaska.

Mr. DAVENPORT. In other words, you think that if the grade of coal is not very good the Secretary should let it on any kind of a contract that he desires?

Mr. RAKER. In his judgment and wisdom, as a sworn officer to protect the Government and to deal fairly with the applicants.

Mr. DAVENPORT. But as to a higher grade of coal, you think it ought to be let on competitive bids, and you would not want to trust the judgment of the Secretary of the Interior?

Mr. RAKER. It is not a question of trusting. It is a question of giving every man a chance who wants to invest his money and export that coal.

Mr. DAVENPORT. By the terms of the bill it is absolutely made a question of judgment.

Mr. MONDELL rose.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the time for debate on this amendment be limited to five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I rise to support the amendment offered by the gentleman from Oklahoma [Mr. DAVENPORT], and I want to call attention to this very remarkable feature of the situation: We have prescribed some elaborate conditions or provisions under which the Secretary is to lease—what? Why, the Matanuska and Bering coal fields. What part do they constitute of the coal fields of Alaska? Perhaps 1 or 2 per cent; and then, after having done all of that, we condense all of the provisions with regard to the leasing of the balance of the coal fields of Alaska into a line and a half of the bill, turning it over to the Secretary of the Interior to do with as he sees fit. Lignite coal! Why, if this language

were used in a general leasing bill it would apply, just as it does in Alaska, to nine-tenths of the coal. I am not very enamored of the plan proposed in the bill. I should like to offer an amendment providing what I believe to be a more workable plan of leasing, but if the gentlemen on the committee have any confidence at all in their plan they ought to stick to it, and they should not provide an elaborate plan, the fixing of minimum royalties by the Secretary, and the offering and the receipt of bids. They should not make that provision with regard to 1 or 2 per cent of the coal, and then say with regard to the balance, "Mr. Secretary, you may do with it as you see fit. We are not much interested in the remainder, after the Matanuska and Bering fields are disposed of." What about these great areas in the interior, which eventually probably will be more valuable in the development of Alaska than the Matanuska and Bering fields—high-grade lignite, much of it as good as much of the coal now mined in Wyoming, Colorado, and Montana? Those are the fields that will be used largely for the development of the interior, and if the provisions with regard to leases, with regard to calling for bids, are wise and just and equitable, why not apply them to all of the coal fields of Alaska and not to 2 or 3 per cent of the coal fields of Alaska only?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. GOOD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, line 9, after the word "act," insert:
"*Provided further*, That the Secretary of the Interior shall not during any calendar year lease to exceed 10 per cent of the total area of unreserved coal lands in Alaska."

Mr. FERRIS. Mr. Chairman, I think that limitation is a good one, and I have no objection to it at all.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 12, insert after the word "shall" the words "in his discretion,' and strike out in lines 14 and 15 the words "upon a royalty fixed by him in advance, shall,"

Mr. MANN. Mr. Chairman, there is not so much need of this amendment as there was before the amendment of the gentleman from Iowa was agreed to, but under the language of the bill the Secretary is required to offer any coal lands for lease upon the request of any person. Well, nobody knows. I would leave it so it is in his discretion.

Mr. FERRIS. I am in favor of that.

Mr. MANN. Another provision in the same connection in the bill proposes competitive bids and requires the royalty to be fixed in advance.

Mr. FERRIS. Will the gentleman yield there?

Mr. MANN. I will.

Mr. FERRIS. I will give the gentleman the thought of the committee on the subject. The thought of the committee on the subject was this, that the Secretary would first appraise the land—they have already had a 16-year classification—and he would first say, in his discretion, what the coal is actually worth and what royalty they should get. In addition to that he would advertise for bids for bonuses to determine priority. They would get the benefit of any bonus that was bid to determine priority. Now, the gentleman's idea is that they ought to bid the exact royalty rather than the bonus, and I am not——

Mr. MANN. My idea is to leave it so it is open and not require the royalty to be fixed in advance, because it might be much fairer to have competition on the amount of royalty than it is to pay a bonus to begin with. It takes a lot of capital to begin with, to pay the bonus, whereas if the competition was on the royalty then a man without so much capital would have an even chance with the one who had more capital. I simply did not wish to foreclose it either way, but to leave it in the control of the department.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FERRIS. I recognize the committee was almost evenly divided, as I recall it, on the proposition which way it should go, and, as I recall it, the committee deferred somewhat to me, perhaps more than it should, because in my State the Interior Department does let Indian leases precisely on that basis. They go in and block the land off and they say this ought to lease for a certain royalty. They fix it as best they can with all the information before them. Then they advertise for bonuses to A, B, C, and all prospective bidders. That is the theory upon which we were going.

Mr. MANN. Of course, if there is any real competition, why this provision of the bill would be unobjectionable. I do not know whether they will have real competition or not, but if there is real competition in any case it would be more desirable to have competition in some cases on the amount of royalty rather than to put down and limit the same to begin with. In any event, the Secretary of the Interior would have the right under the language proposed to fix the minimum royalty, if he desired to do so.

Mr. FERRIS. If the gentleman will permit me to state a specific case to the gentleman, suppose the demands for coal leases in Alaska are not very brisk, and suppose, after the Secretary had blocked out the land and got ready to lease it, as he will have to do, only one bid was made upon each tract, or suppose a corner of men should agree among themselves what they would pay, then there would not be much competition, and I am fearful we would not even get the appraisement, much less the bonus.

Mr. MANN. There would not be any.

Mr. FERRIS. Then, if you are without a provision which guards it, that coal lease might be sacrificed.

Mr. MANN. I do not cut out appraisement nor do I cut out the right of the Secretary to fix the minimum royalty in advance.

Mr. FERRIS. But would not the inference follow, if you cause them to bid upon the royalty instead of bidding upon the bonus, that you would get less?

Mr. MANN. Well, I do not think so. I think it is quite conceivable that there might be a case where we want to have competition on the royalty. In another case you might want to have competition on the bonus, and I would leave that to the Secretary. I took it that all cases that arise necessarily will not be on all fours. There will be a difference here and a difference there. Now, you leave it to the Secretary to fix the amount of royalty now and under the language I propose you still have that authority and could still fix the royalty in advance just the same.

Mr. FERRIS. Just a moment. On page 3, line 12, after the word "shall," you want to insert "in his discretion"?

Mr. MANN. Yes.

Mr. FERRIS. So far as I am personally concerned, and I think the committee is with me, I think that is very desirable. Now, in lines 14 and 15, you propose to strike out just what language? I have not the gentleman's amendment before me.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman may have two or three minutes more.

Mr. MANN. I will not use more time than is necessary.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Illinois may proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I propose to strike out "upon a royalty fixed by him in advance," so that it will read:

And thereafter the Secretary of the Interior shall from time to time, upon the request of any qualified applicant or on his own motion, offer such lands or deposits of coal for leasing and shall award leases thereof through advertisement by competitive bidding.

Mr. FERRIS. I have no objection to the gentleman's amendment.

Mr. MONDELL. Mr. Chairman, I desire to offer an amendment.

Mr. FERRIS. Mr. Chairman, let us dispose of this. I ask unanimous consent that all debate on the amendment just offered be closed.

Mr. MONDELL. Mr. Chairman, I offer the following amendment to the amendment as a substitute, and I would like to have five minutes on my substitute.

Mr. FERRIS. I ask unanimous consent that at the expiration of six minutes, five minutes to be controlled by the gentleman from Wyoming and one minute to be controlled by the committee, debate on these amendments and the paragraph be closed. We have accepted one amendment.

Mr. MONDELL. Does the gentleman say the paragraph? I have two other amendments I desire to offer.

Mr. FERRIS. The gentleman can offer them.

Mr. MONDELL. But I want a little time in which to discuss them. I do not intend to take much time.

Mr. MANN. I have an amendment I would like to have a minute or two minutes on.

Mr. FERRIS. I ask that at the expiration of six minutes debate close on this amendment.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to close debate on the pending amendment in six minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I offer as a substitute for the amendment offered by the gentleman from Illinois [Mr. MANN] the following:

Insert, on page 3, line 14, after the word "upon," the words "not less than."

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 14, after the word "upon," insert the words "not less than."

The CHAIRMAN. Does the gentleman offer that as a substitute to the pending amendment?

Mr. MONDELL. As a substitute.

Mr. Chairman, I can not entirely agree with the amendment offered by the gentleman from Illinois [Mr. MANN]. The plan proposed in this bill, as I understand it, is this: The Secretary of the Interior fixes a minimum royalty and other conditions and then asks for bids. The bidder may either offer a bonus in cash, I assume, or what he ordinarily would do would be to offer a bonus in a higher royalty. It had occurred to me that was what would be done in most cases. Now, unless the Secretary does fix a minimum royalty, the minimum is the royalty fixed in this bill. And if in any case there was no bid above the minimum royalty fixed in the bill—no bonus offered—the lease would be made, I assume, at the minimum royalty. The proposition might be worth considerably more than that. That might be too low a royalty. It seems to me that if you are going to adopt this plan of bidding—this plan of attempting to secure the highest possible royalty—it would not do to accept the amendment offered by the gentleman from Illinois. I do not entirely approve of this plan. I think it would be very unfortunate in the continental territory of the United States. If you are going to adopt it in Alaska, it is essential as the base, the very foundation of your plan, that the Secretary will say that the lessee must pay at least so much. He must under this plan at least do certain things, and the Secretary is to ask those who desire to lease to say how much more they are willing to pay, what further they are willing to do, to show their good faith, and to give them a preferential right. The Secretary must judge between bidders on the basis of what they offer and what they propose to do in the public interest. So it seems to me essential that you retain that minimum royalty; otherwise your minimum is your 2 cents a ton. Now, the amendment which I have offered simply perfects the bill as I thought the committee intended it. It makes it clear that this royalty fixed by the Secretary is a minimum, and that a bidder would be expected to bid above it if there was any competition.

Mr. FERRIS. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. FERRIS. I am almost persuaded that the gentleman is right. The committee considered whether to take it at the appraised value or to bid an actual royalty. Now, the gentleman from Illinois [Mr. MANN], whose head is generally clearer than the heads of the rest of us, thinks the best way is to have them get a royalty, and it is the simple way. We handled our school lands in the State that way. We appraised them, and asked a bonus. We have handled coal leases in that way, and we have never had complaints of any partiality, and we think it is a pretty good way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

Mr. HUGHES of West Virginia. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 9, after the word "exceeding," strike out "two" and insert "five."

Mr. HUGHES of West Virginia. Mr. Chairman, I think that this amount should be increased. The bill says that a lease shall not exceed 2,560 acres. Now, it seems to me the whole tendency of the committee is to lease coal lands in Alaska, but when you put limitations on the leases we can not get anybody to go there and open the coal mines. If you are really in earnest about leasing these coal lands in Alaska, the limitations in this bill are too small to get a modern equipment and people with capital to go there and lease these lands. Take the coal lands throughout the country, and especially in West Virginia, with quantities of undeveloped coal lands, and the people are not going from there to Alaska for coal lands when the limit is 2,560 acres. I hope the committee will adopt my amendment and increase that to 5,200 acres. It should really be 10,000 acres.

Mr. FERRIS. Mr. Chairman, the gentleman is not without considerable logic and considerable practicability, and he is backed up in his views by a good many coal men. But in the Territory of Alaska there are only 744,400 acres of known coal. Out of that we reserve 5,000 acres in the Bering field, out of that we reserve 7,000 acres in the Matanuska field, and out of that we reserve 7,000 acres in the Nenana field, and out of that we authorize the Secretary of the Interior, in his discretion, to make additional reservations for the Navy and the Army from the other fields. I doubt if we had better accept the amendment of the gentleman, which would, of course, limit the scope of operations up there and confine them to half of the number of men or concerns that can now go in and have a chance. I know that many practical coal men advocate this unit up there. I have consulted, no longer ago than this morning, the Bureau of Mines and the Geological Survey, and I have looked at the hearings and examined the testimony of Dr. Alfred H. Brooks, who for 15 or 16 years has been in Alaska examining these coals, and they say that 2,560 acres, which is four complete sections of a mile square, is the proper area to go in a lease in Alaska. For that reason I very much hope the gentleman's amendment will not be agreed to.

Mr. MADDEN. How many coal mines have these men ever operated?

Mr. FERRIS. Dr. Brooks has been up there for 16 years. He is a geologist, and his business is to look into the coal mines of the United States and Alaska. Dr. Holmes has been in Alaska and has been in nearly all of the mines in the United States.

Mr. MADDEN. How much salary do they get?

Mr. FERRIS. Not as much as we do, but they do not have to run for office every two years.

Mr. MADDEN. If they were worth more, they would be getting it.

Mr. FERRIS. You and I may be worth more than we are getting.

Mr. MADDEN. I am worth more than I get here, or I would not be here.

Mr. FERRIS. I do not get any more than I get here, I am sorry to say.

Mr. HUGHES of West Virginia. Mr. Chairman, will the gentleman permit a question?

Mr. FERRIS. I will.

Mr. HUGHES of West Virginia. I want to know if Dr. Holmes thought that these 2,560 acres would be a suitable lease for that part of the country?

Mr. FERRIS. He does, and the hearings and telegrams from him show it. He thought that would be all that we should put in the bill and all that we would be able to get through, and he thought that would be large enough. They know pretty definitely where the coal areas are. As the gentleman from West Virginia knows, those back areas will not probably be mined in the gentleman's lifetime or mine, and only those fields down in the Matanuska region and those in the Bering region will be mined, and we would not be justified in giving it only to a few men.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from West Virginia [Mr. HUGHES].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer an amendment on page 3, line 19. After the word "States," strike out the balance of the line.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Page 3, in line 19, after the word "States," strike out the remainder of the line.

Mr. MONDELL. Mr. Chairman, the words I move to strike out are "or has declared his intention to become such."

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. After conference with gentlemen who sit near me, I am informed that we did agree to the same amendment in the water-power bill, and we are willing to accept it here.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.



XUM

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 5, strike out the words "and file with the application or bid," and insert, after the word "bond," in line 6, the words "to be approved by the Secretary of the Interior"; strike out, in line 6, the words "in advance"; strike out, in line 7, the words "the Secretary of the Interior" and insert the word "him"; so that the proviso will read: "That each applicant for lease under this act shall execute a good and sufficient bond, to be approved by the Secretary of the Interior, in such reasonable sum as may be fixed by him, to insure," etc.

Mr. MANN. The language of the bill requires each applicant to file with the application a bond. I do not know just how you can do that.

Mr. FERRIS. Mr. Chairman, after conference with the members of the committee, we think the amendment suggested is good, and we will be glad to accept it.

Mr. MANN. This puts it in the proper form.

Mr. STAFFORD. It is quite customary that men bidding on public work shall be required to file a bond or a certified check as an evidence of good faith.

Mr. MANN. I will say to the gentleman that it is not necessary.

Mr. STAFFORD. In the State of Wisconsin it is customary, both with regard to municipal and State work.

Mr. MANN. It is quite customary to put up money or a bonus on the making of a contract, but it is nonsense to require a man to file a bond, which he will have to pay for and which will do him no good unless he gets the lease, and he does not know whether he will get the lease or not.

Mr. STAFFORD. I suppose the purpose of the framers of this measure was to prevent haphazard bidding by persons who were not responsible.

Mr. MANN. The Secretary has the right to require them to put up a deposit under the form of bid that he makes. A man can not furnish a bond that would be any good, anyhow.

Mr. STAFFORD. Of course he could.

Mr. MANN. I say he could not.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. And, Mr. Chairman, before I discuss that last word, I desire to ask unanimous consent to insert as a part of my remarks a coal bill which I drew some years ago and which did not pass, but which is still a much better coal bill, in my opinion, than the one pending before us.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to insert in the RECORD a coal bill. Is there objection?

There was no objection.

Mr. FERRIS. I would like to know, Mr. Chairman, if it is a receipted bill?

Mr. MONDELL. Yes; fully receipted.

Following is the bill referred to:

**A bill (H. R. 32080) to provide for the leasing of coal lands in the District of Alaska, and for other purposes.**

*Be it enacted, etc.*, That all lands in the District of Alaska containing workable deposits of coal are hereby reserved from all forms of entry, appropriation, and disposal, except under the provisions of this act: *Provided*, That nothing herein contained shall in any manner affect any claims or rights to any such coal lands heretofore asserted or established under the land laws of the United States, and all such claims and rights shall be treated, passed upon, and disposed of as though this act had not been passed.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting the holders thereof the right to prospect and explore for coal on the vacant public lands in the District of Alaska and to execute leases authorizing the lessee to mine and remove coal from such lands. No license or lease shall pertain to an area of more than 3,200 acres, and all such areas shall be in reasonably compact form and conform to the public-land surveys in all cases in which said surveys have been extended over the lands. No prospecting permit shall be issued for a longer period than three years, but upon a showing of due diligence on the part of the lessee in prospecting and exploring, the Secretary of the Interior may, in his discretion, extend the license for a period not exceeding one year. All licensees shall pay in advance a fee of 25 cents per acre for the first year covered by their license, 50 cents per acre for the second year, and $1 per acre for the third year, and at the same rate for any extension of the license. Lessees shall pay in advance a rental of 25 cents per acre for the first calendar year, or fraction thereof, 50 cents per acre for the second year, and not less than $1 and not more than $4 per acre for each succeeding year. The sums paid for rent by a lessee shall in every case be a credit upon the royalties that may be due for the same year. All lessees shall pay a royalty on each ton, of 2,000 pounds, of coal mined, as follows: From the passage of this act until the end of the calendar year 1920, not less than 3 cents nor more than 6 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 8 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 10 cents per ton; and thereafter as Congress may provide. All leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years; but all lessees who have complied with the terms of their leases shall have a preferential right to an extension of their lease for a period not to exceed 20 years upon such conditions and the payment of such rents and royalties as Congress may prescribe.

SEC. 3. That any person over the age of 21 years who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a permit to prospect for, or a lease to mine, coal in the District of Alaska, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder shall be granted a license or lease as provided herein, but no person, association, or corporation, or stockholder therein shall, during the lifetime of such permit or lease, receive or be permitted to hold, directly or indirectly, any other permit, lease, or license, or any interest therein, to coal lands in Alaska under the provisions of this act.

SEC. 4. That applications for prospecting licenses and mining leases, and all payments on same, shall be made to such officer and in such manner as the Secretary of the Interior may designate, and in all cases where more than one application shall be received for a license or lease covering the same area, in whole or in part, preference shall be given to the qualified applicant who shall show prior possession in good faith, with a view of acquiring title to coal lands or prospecting for or mining coal, and reasonable diligence in applying for such license or lease, but the holder of a prospecting license shall have a preference right, during the period of his license, to apply for and obtain a mining lease to the lands covered by his license: *Provided*, That the Secretary of the Interior may adjust the boundaries of conflicting applications in such manner as will best promote the public interest by affording opportunities for speedy development.

SEC. 5. That all applications for licenses or leases shall describe the lands applied for according to the public-land surveys or private surveys which may have been approved by the United States surveyor general, or if on unsurveyed land by description by metes and bounds and reference to natural objects or permanent monuments as will readily identify the same. No license or lease shall be issued until after publication of the application therefor at least 30 days in some newspaper of general circulation in the land district in which the land is located and an opportunity has been given for the hearing of any protests which may be made during the period of publication against the issuance of such license or lease, and no lease covering unsurveyed land shall be issued until a survey shall have been executed, at the expense of the lessee, by or under the authority of the Secretary of the Interior, permanently marking the outboundaries thereof and subdividing the same according to the rectangular system of surveys. Licenses may be canceled by the Secretary of the Interior after reasonable notice for failure to pay rent when due.

SEC. 6. That all leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence to open a coal mine or mines on the leased premises and to produce coal therefrom during the life of the lease in such quantity as the condition of the market shall justify. That he shall not monopolize, in whole or in part, the trade in coal. That he will at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks, and without discrimination in price or otherwise, as between persons or places for a like product delivered under similar terms and conditions. That the mining operations shall be carried on in a workmanlike manner, with due regard to the permanence of the mine, without undue waste, and with especial reference to the safety and welfare of the miners. That the leased premises and all mines opened thereon and all maps and records of coal production shall at all times be subject to inspection and examination by such officers as may be provided by law or designated by the Secretary of the Interior for such purpose. That the lessee shall observe, abide by, and conform to all of the provisions and limitations of this act, and that he shall pay promptly all rents and royalties when due; and the Secretary of the Interior or any person in interest may institute in the United States district court for division No. 1, District of Alaska, appropriate proceedings for the enforcement of the terms of the lease or for its cancellation for violation of the terms thereof or of the provisions of this act. Appeals from the decisions of the said court shall lie to the United States Circuit Court of Appeals for the Ninth Circuit. Said leases shall also be upon the condition that the United States shall at all times have a preference right to take, wherever found, so much of the product of any mine or mines opened upon the leased land as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President, but the owner of any coal so taken who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in the United States district court for division No. 1, District of Alaska, for the recovery of any additional sum or sums claimed to be justly due upon the coal so taken.

SEC. 7. That no lease shall be granted or issued until the applicant shall have given a bond to the United States in such sum and with such surety as the Secretary of the Interior may prescribe for the payment of all rents and royalties and for the due and faithful compliance with all the terms and conditions of the lease. The existence of such bond shall be no bar to the institution of a suit for the enforcement of the terms of the lease or for its cancellation for the violation of the terms thereof or the provisions of this act, and a judgment of forfeiture of the lease shall be no bar to the enforcement by legal proceedings of the bond given in behalf of the lease.

SEC. 8. That no license or lease shall be assigned, mortgaged, or sublet, except to a person, association, or corporation qualified to receive and hold an original license or lease under the provisions of this act, and with the written permission and approval of the Secretary of the Interior; and whosoever succeeds to the interest of the licensee or lessee by foreclosure, purchase, or assignment shall be subject to all the limitations and obligations contained in the license or lease or in this act.

SEC. 9. That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property and such reasonable provision shall have been made for the preservation of any mine or mines which may have been opened on same, as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture, the retiring lessee may, under the supervision of the

Secretary of the Interior, remove or dispose of all of the machinery, buildings, or structures upon the leased premises, except such structures as may be necessary for the preservation of the mines.

SEC. 10. That no prospecting license issued under the provisions of this act shall give the licensee the exclusive use of any of the lands covered by his license, except for the purpose of prospecting and exploring the same, but all lessees under the provisions of this act shall enjoy the exclusive use of the surface, providing that this exclusive use shall in no wise interfere with the establishment and use of all necessary roads and highways, so located as not to interfere with the mining operations, and the granting by the Secretary of the Interior of such rights of way across such lands as may be necessary for use in the production, handling, or transportation of coal or other products of the District of Alaska.

SEC. 11. That the Secretary of the Interior is hereby authorized to issue limited mining leases to applicants qualified under section 3 of this act, and to municipal corporations, a tract not exceeding 160 acres in extent, and covering a period not exceeding 10 years, for the mining of coal for use in the District of Alaska. Such limited leases shall, in addition to the above limitations, be subject to all of the conditions of the general leases issued under the provisions of this act, except that a renewal of such lease shall be discretionary with the Secretary of the Interior and that the acquisition or holding of such limited lease shall be no bar to the acquisition or holding of a general lease provided for in this act, nor shall the holding of a general lease be a bar to the acquisition or holding of a limited lease.

SEC. 12. That 75 per cent of all the moneys derived from licenses and leases granted under the provisions of this act shall be paid into and constitute a part of the "Alaska fund" in the Treasury of the United States, provided for and created by the act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, and may be expended for the purposes described in said act; and the residue of the moneys derived from such licenses and leases shall be paid into the Treasury of the United States and constitute a part of the general fund of the Treasury. That the Secretary of the Interior shall make all necessary rules and regulations for carrying out the provisions of this act.

SEC. 13. That the reservation contained in section 1 of this act shall not prevent the location and patenting of lands containing workable deposits of coal under the mining laws of the United States with a view of extracting metalliferous minerals therefrom. But licenses and leases provided for in this act may be issued without regard to the fact that the lands may be covered by mining locations, and the Secretary of the Interior shall provide by appropriate regulation for the observance by licensees, lessees, and locators of the respective rights of each: *Provided*, That all patents issued under the mineral laws to such lands shall reserve to the United States all the coal contained therein, together with the right to provide for the prospecting for and mining of the same.

SEC. 14. That the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof or supplemental thereto are hereby extended to and made operative within the District of Alaska. That the Secretary of the Interior is hereby authorized and directed to make all necessary rules and regulations in harmony with the provisions of this act needful and necessary for the administration of the same.

Mr. MONDELL. I desire, Mr. Chairman, to discuss the last paragraph of this section. This is intended to protect lessees against adverse claims. It is very unfortunate, indeed, that a provision of that kind has to be placed in this bill. It is a reflection on the Government of the United States, and a reflection on the department having to do with the determination of land titles, that it is necessary to place in a piece of legislation like this a provision intended to prevent honest claimants from having an opportunity to have their claims taken before a court and adjudged and determined.

There are many claimants to coal lands in Alaska. Some of those claims a great many people believe are perfectly good. I have very little definite information on the subject. I have no definite opinion on the matter except with regard to one or two claims with which I am somewhat acquainted—one in particular. But that situation ought to be cleared up. Somewhere in the Government there ought to be some one with courage enough to say those people either are entitled to their lands or are not entitled to them. If that declaration were made, this provision would not be necessary, because no condition would arise—no condition would exist—under which anyone would attack the right of the lessee.

This is intended to prevent those who have been knocking at the door of the Interior Department for years, asking to have their claims adjudicated, from attacking the right of the lessee, and thus having a court pass upon their claims. It is regretable that conditions exist that make that kind of a provision necessary.

Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 4. That a person, association, or corporation holding a lease of lands or coal deposits under this act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure a modification of his or its original lease by including additional lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate 2,560 acres.

That upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the original lease, shall not exceed 2,560 acres, through the same procedure and under the same conditions as in case of an original lease.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 10, before the word "conditions," insert the word "competitive."

Mr. MANN. Mr. Chairman, I think it is not clear under the bill whether the provisions of this section would refer to the competition which is provided for in the former section or not. I assume that was the purpose of the committee, but I do not think it is clear, and I offer the amendment to make it clear, if that is the purpose.

Mr. FERRIS. Mr. Chairman, will the gentleman yield for a moment?

Mr. MANN. Certainly.

Mr. FERRIS. If the provision in the previous section were right, which authorized the Secretary in isolated cases to lease without competitive bidding, for instance, inaccessible coal to miners for local use, would this amendment not be out of line with that?

Mr. MANN. I do not think so. This case is designed to cover a situation where a man has established coal-mining machinery, and maybe two or three plants in the same locality, and the field he is operating is exhausted, and he wants an extension.

Mr. FERRIS. I have no objection to the amendment if it fits; but the gentleman will recall that on page 3, in lines 16 and 17, my colleague [Mr. DAVENPORT] offered an amendment a short time ago to refuse to the Secretary the authority to lease without going through the advertisement plan in each case. The House did not agree with him about it and did not adopt his amendment. Now, I wonder if putting in competitive conditions here would not really make the legislation do the actual thing which the House said heretofore should not be done.

Mr. MANN. I do not think so. I do not think the House desired to say that the Secretary should have authority to lease 2,560 acres to somebody who has a plant there already, as a matter of favoritism.

Mr. FERRIS. But the original lease was under the conditions provided in the bill. Now, if a man takes any additional land, it will be under the same conditions, so that if it were competitive at the start it must be competitive in this instance; and if it were not competitive at the start, then it will not be competitive in this instance.

Mr. MANN. I think that was the intention, but I do not think that is the effect of this provision of the bill. That is the reason I offer this, so as to make it clear.

Mr. RAKER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. RAKER. The idea of the committee, as it appears to me, was that all the conditions surrounding the original lease should be applied to the second lease. The gentleman's amendment eliminates that and confines it to only one condition, namely, the competitive condition.

Mr. MANN. The gentleman is mistaken about that.

Mr. RAKER. If you say "on the same conditions," that includes all. If you say "competitive conditions," then none of the others apply.

Mr. MANN. I undertake to say that three men out of five who would read this language would say that the term "conditions" there referred to the conditions in the lease; that if you made a lease of 2,500 acres to-day to a man, and that was exhausted, and you proposed to give him a lease of 2,500 acres next door, it should be on the same terms.

Mr. RAKER. Through the same procedure and under the same conditions as in the case of the original lease. In other words, he will do the same thing on the second lease as he does on the first.

Mr. MANN. That is all I want, and I want to make it clear that he does.

Mr. RAKER. Then we agree on that, and it is only a question of words.

Mr. MANN. "Competitive conditions" cover it. There is no question about it.

Mr. RAKER. All right.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That no person, association, or corporation holding a lease under the provisions of this act shall hold any interest, direct or in-

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direct, in any agency, corporate or otherwise, engaged in the resale of coal purchased from such lessee, or enter into any agreement, arrangement, or other device to enhance the price of coal, and any violation of the provisions of this section shall be ground for the forfeiture of the lease or interest held.

That any person who shall purchase, acquire, or hold any interest in two or more such leases, except as herein provided, or who shall knowingly purchase, acquire, or hold any stock in a corporation having an interest in two or more such leases, or who shall knowingly sell or transfer to one disqualified to purchase, or except as in this act specifically provided, disqualified to acquire, any such interest, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $1,000: *Provided*, That any such ownership and interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held two years after its acquisition and not longer.

That any director, trustee, officer, or agent of any corporation holding any interest in such a lease, who, on behalf of such corporation, shall knowingly participate in the purchase of any interest in another lease, or in the sale or transfer of any such interest in any lease held by such corporation to any corporation or individual holding any interest in any other lease under this act, except as herein provided, shall be guilty of a felony, and shall be subject to imprisonment for a term of not exceeding three years and a fine of not exceeding $1,000.

Mr. RAKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of line 16, page 6, section 6, "and in case of minority or other disability, such time as the court may decree."

Mr. MANN. Mr. Chairman, the gentleman is endeavoring to correct what seems to be a patent defect in the bill, but I am not quite sure that he does it. The language of the bill makes it a felony for any person to hold stock in two of these corporations at the same time, with the provision that if it is acquired by will or descent he may have two years in which to dispose of it. Of course it is perfectly patent that many cases might arise where it would not be possible as a matter of time to dispose of it within the two years. The gentleman seeks to remedy that by saying:

Within such time as the court may decree.

What court may decree, and how may it decree it?

Mr. RAKER. We agree upon the principle. I am not in any wise cocky on the question.

Mr. MANN. I compliment the gentleman on having done what I have been unable to do yet—formulate any language that would cover it. Take this case, for instance: A man dies owning some of this stock, which he wills to a minor child, who already has other stock willed to him by somebody else. There is a contest over the will as to whether the will is valid or as to whether the minor child gets the property or not. It may take two years or five years before the Supreme Court of the United States determines the question of fact, which, when determined, relates back to the original probate of the will. Now, it is perfectly patent that there is no decree of court extending the time. It is perfectly patent that in fact you can not convict that minor child of a felony for doing something that it could not avoid, although you say so in the bill.

Mr. RAKER. I want to say to the gentleman that that provision created a great deal of discussion in the committee, and finally I felt that the provision was a very drastic one, and that there ought to be every provision to relieve those who receive property by descent, or will, or judgment, or decree, and that they should have two years after that time in which to dispose of it. I want to suggest to the gentleman that in the case he has stated the party would have two years after the final decree had been entered, after the right of appeal had been lost or exercised, after the Supreme Court had reversed its judgment and a new trial had been had, and another judgment entered, and again the time for appeal had expired. In other words, the decree provided for here, in the judgment of the committee, means the final, absolute, unqualified determination without the further right to be heard.

Mr. MANN. Unfortunately the court will not have before it the explanation of my good friend from California. As a matter of fact I am not so much distressed about the fear of some minor child or insane person being convicted of a felony for doing something which he could not avoid, as I am that provisions like this will keep sensible men from investing in coal mines. The proper method is not by making it a penal offense, but by making the stock subject to seizure by the Government.

Mr. RAKER. Would the gentleman from Illinois suggest any language that would cover it?

Mr. MANN. I have not the language to suggest. I shall not vote against the gentleman's amendment, although I do not think it quite covers the case.

Mr. STEPHENS of Texas. Will the gentleman allow me to make a suggestion that he add before the word "judgment" the word "final"?

Mr. MANN. That would not make any difference about this. The person who acquires property by will does not acquire it by virtue of the decree of the court in the end; he acquires it by virtue of the will.

Mr. HOUSTON. I will ask the gentleman if this would not carry out his idea—instead of the words he has offered insert these: "*Provided*, That in case any minor shall acquire such interest he shall be held not to have acquired it until he has attained his majority."

Mr. RAKER. I will ask the Clerk to again read my amendment.

The CHAIRMAN. The Clerk, without objection, will again report the amendment offered by the gentleman from California.

The Clerk again read the amendment.

Mr. RAKER. The gentleman will see that that leaves it in the shape that when the court makes the final decree and disposes of it, if it is a minor, it would give him two or three or four years to dispose of it.

Mr. HOUSTON. Is not that too indefinite unless you add a provision for the court to adjudicate it, and is it not legislation depending upon a contingency?

Mr. RAKER. It is always for the court in rendering a decree for final distribution to say when the minor shall take it. He can not take it until he is of age.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 1, after the word "price," insert the words "or to limit the output."

Mr. FERRIS. I think the amendment offered by the gentleman from Iowa is a good amendment and the committee will accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. SELDOMRIDGE. Mr. Chairman, I move to strike out the last word. I do that for the purpose of asking the chairman of the committee if it is the purpose of this section to prohibit the organization of a selling company by the lessees of the coal mines under the lease?

Mr. FERRIS. It is. I confess to the gentleman and to the House that these two sections are intended to break down and prevent monopoly, and to get the mines developed without all the noise and trouble with reference to manipulation and monopoly and previous methods that have been complained of. On page 4 of the bill is this provision:

*Provided further*, That each applicant for lease under this act shall execute and file with the application or bid a good and sufficient bond, in such reasonable sum as may be fixed in advance by the Secretary of the Interior, to insure good faith in the fulfillment of the terms and conditions of the bid, the lease, and of this act.

I think that is worth pages of these recitals of this amendment and that amendment which the department's legal force have got up and which they thought would protect the bill.

Mr. SELDOMRIDGE. Mr. Chairman, it seems to me that it is as vital for the leasing system that the holders of leases should have the opportunity to retail and dispose of their product as it is to give them an opportunity to produce it. If the bill limits the holding of stock to selling agents of one corporation only, I do not see where any objection could be raised against it. I can conceive of a case where it might be to the advantage of the lessees to organize selling companies in cities where the market might be extensive, where capital could not be secured from other sources, to embark in selling companies, and it might be necessary for the lessees to control and operate companies having for their object the selling and marketing of coal. I can see where a vital connection might be established between these two agencies that would contribute largely to the development of the market of the coal. I for one believe that the restriction provided here in section 6 will greatly hamper and retard the actual development of coal land, and that it would be most salutary and adding to the efficiency of the measure if lessees might have the privilege and permission to invest in stock in selling agencies or assist in other organizations and operations, and I submit to the committee that I believe the provision as it now stands will greatly restrict and interfere with the development of the leasing system.

The Clerk read as follows:

SEC. 7. That for the privilege of mining and extracting and disposing of the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be not less than 2 cents per ton of 2,000 pounds, due and payable at the end of each month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal

deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of continued operation of the mine or mines, except when operations shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine unless otherwise provided by law at the time of the expiration of such periods.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The gentleman from Alabama [Mr. HEFLIN], who, I regret, is not here—he seldom is—told us a moment ago——

Mr. RAKER. Mr. Chairman, would not the gentleman——

Mr. MONDELL. Oh, I am going to confine myself to the bill and this is simply preliminary—told us a few moments ago that the Democratic Party in this Congress had done more for the West than the Republican Party in 16 years. The gentleman said that with that fullness of tone with which he always utters his oracular statements with regard to matters about which he knows nothing. Between the time that utterance was made and the time when the gentleman from Illinois [Mr. MANN] called on him to make good, he did make some inquiries from the gentleman from Oklahoma as to just what the Democratic Party had done for the West, and the gentleman put it down for him on a sheet of paper, from which he later read, a few things that this Democratic Congress is alleged to have done for the West, among which was the reclamation extension bill, a very good measure. For their assistance in carrying out that pledge of the Republican platform we thank the gentlemen on the other side. But the gentleman said, "We built you a railroad or are going to build you a railroad in Alaska," and the gentleman from Alabama knows so little about the country that he thinks Alaska is a part of what we call the West.

Improvements in Alaska do my part of the country just about as much good as they do the country of the gentleman from Alabama; but we are glad to see Alaska prosper, nevertheless. This is just what we did do for Alaska, and this section of the bill illustrates it. This section of the bill provides for the leasing of the coal lands in Alaska, turns over to the Secretary of the Interior coal lands of that far northwest Territory, and provides that he shall call for bids under which the opportunity to mine goes to the man who is the highest bidder. The longest pole in the way of a bid gets this coal persimmon. They then take the proceeds of Alaskan coal fields and with those proceeds we are going to build a railroad. It is true that we have advanced enough for the survey, but all of these proceeds, all of these royalties which in Alabama go to the individual, and are taxed for the benefit of the county or the city or the State, in Alaska are to be used for building railroads. It may be a good arrangement, but it is not the wonderfully liberal arrangement the gentleman from Alabama would have us understand. While we are doing that, providing that Alaska may use the royalties from her own coal lands to build her railroads, we are appropriating thirty and forty and fifty and fifty-five million dollars a year out of the Treasury of the United States in the river and harbor bill to be used largely on rivers along the southern border, to be used largely in the district of the gentleman from Alabama, and yet they grow eloquent about the liberality of the Democratic Congress, which says to Alaska, "You may take the proceeds of the development of your own resources to build your railroads." Mr. Chairman, as to this Democratic Congress having done anything for the Northwest—for the real Northwest—I have not heard of it. They put our greatest single industry—the sheep and wool industry—on the "bum." They closed eight of our sugar factories and prevented from starting five that were built before the bill was introduced, with the expectation of starting this year, and they have not given us as yet any new land laws of importance. Those that are proposed—the water-power bill, the general-leasing bill, the stock-raising homestead bill—not one of these would, as it now stands, receive the support of any western community. If the gentleman from Alabama has reference to what this Democratic Congress has done to us, it is a plenty. What it has done for us comes near being a minus quantity.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, there is nothing pending before the committee.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Wyoming.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate on this section at the expiration of 25 minutes.

Mr. MANN. Mr. Chairman, reserving the right to object, I am perfectly willing to limit the debate to 25 minutes, but I thought we had an understanding the other day that ordinarily during the hot season we would quit at 5 o'clock. We can not get through to-night, anyway. Is the gentleman expecting to rise at 5 o'clock?

Mr. FERRIS. We are getting along so nicely I hope the gentleman will let us go on further.

Mr. MANN. Oh, well, there is no chance of getting through to-night. I am perfectly willing, so far as I am concerned, to finish this bill to-morrow. Of course, that could only be done by unanimous consent in the House. Probably it will not take a very long time. It could not be done in committee.

Mr. FERRIS. Of course, you can not get unanimous consent in the committee. Would the gentleman be content to let us run until 5.30 and get along as far as we can?

Mr. MANN. There was an understanding the other day that we should quit at 5 o'clock under ordinary conditions.

Mr. HEFLIN. Mr. Chairman, regular order.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate at the expiration of 25 minutes.

Mr. MANN. On this section?

Mr. FERRIS. On this section and all amendments thereto.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate upon the pending section and all amendments thereto close at the end of 25 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARKLEY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Wyoming striking out the last word. I do so for the purpose of asking the chairman of the committee a question. I notice in this section of the bill that it is provided that the Secretary of the Interior, in reference to these leases, shall provide for the payment of royalty not to be less than 2 cents per ton, and in addition to that provision is made for rentals by the acre at 25 cents, 50 cents, and $1 an acre, and a provision also that this acreage shall be credited against the royalty.

Mr. FERRIS. That is true.

Mr. BARKLEY. Do I understand that that means that the lessee shall be given credit upon this 2 cents per ton by the amount of rent that might be due per acre?

Mr. FERRIS. The gentleman has correctly interpreted it. The $1 and the 50 cents and the 25 cents per acre is merely to enforce development, so that there can not be any speculation in the holding of leases.

Mr. BARKLEY. Then this acre rental would only be paid to the Government in the event that there was no tonnage produced from the land?

Mr. FERRIS. That is right.

Mr. BARKLEY. Is there not a provision here that if there is no development that the lease shall be forfeited after a certain period?

Mr. FERRIS. There is; we have a forfeiture clause coming in a little later in the bill.

Mr. BARKLEY. What length of time does that provide?

Mr. FERRIS. At any time there is a breach in the conditions of the lease, the law, or the regulations in connection therewith they can come into court and ask that the lease be canceled.

Mr. BARKLEY. But there is no provision if there is no development in a certain period of years that it shall be forfeited. It is only for violation of the terms and conditions of the lease.

Mr. FERRIS. The bill provides that it must be continuous, with certain exceptions, such as market conditions preventing, and so forth.

Mr. BARKLEY. Then the acreage would not be available unless there was some violation of the lease.

Mr. FERRIS. In that event they do not produce any coal.

Mr. BARKLEY. The chances are——

Mr. FERRIS. They would be also subject to forfeiture.

Mr. BARKLEY (continuing). That they will either produce coal or quit?

Mr. FERRIS. That is true. Let me suggest to the gentleman: Suppose during the first year they did not get sufficient supplies; suppose they did not get in their machinery; they would then have to pay the rent. Suppose during the second year they did not get out coal to any extent on account of accident or climatic conditions, they would again pay the rent. We are certain to get that much for the land as long as it is held, and in addition to that the Government may step in a court of competent jurisdiction and cancel the lease if they do not develop it and comply with the law. The 2 cents per ton is only a minimum provision, which applies to the royalty only in the inaccessible lignite fields, but in the Matanuska and the

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Bering fields we not only provide an appraisement, but on top of that we provide for competitive bids to determine what the royalty really should be, so that the Government has a dual chance to get all that is coming to it, first, through appraisement, and, second, through competitive bidding.

Mr. BARKLEY. But for all practical purposes this acreage rent is merely a nominal rent?

Mr. FERRIS. Yes; they have to pay that much, even if they do not produce a pound of coal.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I see it is the purpose to invest in the Secretary of the Interior the right of fixing the rate at 50 cents per acre for the second, third, fourth, and fifth year, respectively, and $1 per acre for each and every year thereafter, and so forth. I think this language is ambiguous as to whether the stated amounts should be the fixed rental or whether they should be the minimum.

Mr. FERRIS. The gentleman called my attention to that when he was speaking the other day. If he has an amendment prepared, I will be glad if he will offer it.

Mr. STAFFORD. Mr. Chairman, I withdraw my pro forma amendment, then, and offer an amendment to insert before "50," in line 14, the words "not less than," and before "$1," in line 15, the words "not less than."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 14, after the word "thereafter" insert the words "not less than."
Page 7, line 15, before "$1" insert the words "not less than."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. THOMSON of Illinois. Mr. Chairman, I move to strike out the word "thereafter," in line 14, page 7.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 14, strike out the word "thereafter."

Mr. THOMSON of Illinois. Mr. Chairman, it is clearly a provision for a charge of 25 cents per acre for the first year, applied to the period, or one year after the date of the lease. The word "thereafter" does not mean anything. The meaning will be clear without it. I think it is superfluous, and therefore I move to strike it out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. WILLIS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 7, at the beginning of the line strike out the figure "2" and insert in lieu thereof the figure "4."

Mr. WILLIS. Mr. Chairman, I have listened to the explanation given by the chairman of the committee and to the discussions participated in by others relative to the minimum royalty that should be provided by this legislation. I have not been convinced that it is a wise or safe proposition to provide a royalty so low as is suggested here; that is, to provide a minimum so low. I admit I have no very detailed information about the coal business, but I do know enough about it to say that this royalty of 2 cents per ton seems exceedingly low. I realize that the commendable purpose of this bill is to secure the working of the coal in Alaska. We all want these great coal fields opened to use by our people. The Cordova Chamber of Commerce says:

> The Bering River field can be opened and coal placed on the market at Cordova in 90 days from the beginning of construction. A line of railroad 38 miles long, branching from Mile 38 on the Copper River & Northwestern Railroad, will reach to the heart of the field.
>
> With these conditions surrounding us we respectfully ask: Is it the part of good judgment to longer delay the opening of Alaska coal on some basis, either by a leasing bill of such liberal provisions that American capital will undertake it, or by Government operation?
>
> We appeal to you, who have the power and authority to do this, to give it your earnest and conscientious consideration, believing that you will arrive at the same conclusion that we have, viz, that the opening of Alaska coal is not only an absolute necessity, but a duty that Congress should at once perform.

Yet we ought not to forget in our eagerness to secure the development of Alaska that this coal belongs to all the people. It seems to me we ought properly to guard their interests. I do not believe, Mr. Chairman, that it is wise legislation to put into the hands of any Cabinet officer the authority to lease the coal at so low a royalty as is provided by this paragraph. And consequently the amendment which I have offered proposes a minimum royalty of 4 cents per ton of coal instead of 2 cents.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. HUMPHREY of Washington. Does not the gentleman believe that whatever royalty is charged will eventually appear in the price to the consumer? Is it not simply cutting off at one end and adding to the other?

Mr. WILLIS. I hardly think that is true. If that be true there ought not to be any royalty at all. The Government ought not to charge anything for any of its property, it ought not to charge anything for the land it is selling. I do not think that argument is good. I think it proves too much. I think that property belonging to all the people ought not to be disposed of except on a guaranty of fair compensation to the people. It does not seem to me that a minimum royalty of 4 cents a ton for coal is too large, and I do not think we ought to put into the power of any Cabinet officer the authority to lease coal at so low a royalty as is here provided.

It may be said there will be competitive bidding. Of course, there will be in form at least. But everybody knows there is the greatest opportunity in the world for collusion among bidders, and why should we put that burden upon the Secretary of the Interior? Why ought we not say that the minimum royalty in any case shall be 4 cents per ton?

Mr. GORDON. Mr. Chairman, why should we not make it higher than that? Why not make it 10 cents a ton?

Mr. WILLIS. I am not so sure that it ought not to be higher than 4 cents a ton.

Mr. PAYNE. Why make it so high that they can not possibly mine any coal? Is the royalty 10 cents a ton in Ohio?

Mr. WILLIS. I am frank to say I do not have complete information on that point.

Mr. PAYNE. The highest royalty paid in Ohio, Pennsylvania, and West Virginia is 10 cents.

Mr. WILLIS. I know of one lease where it is 12 cents per ton.

Mr. PAYNE. The usual royalty is 10 cents. Now, why put it so high for Alaska? Why not have these coal mines opened, and then if you want to increase it afterwards, increase it, but let us open the coal mines?

Mr. WILLIS. I quite agree, Mr. Chairman, that we want to open the coal mines, but we do not want to make the mistake that has been made here in years past and gone, where Congress has been so eager to open the public lands and resources of the United States that they have been practically given away. We are trustees of this great property for the use of the people of Alaska and of the whole United States. As trustees we should not pass title to others except upon assurance of adequate compensation to those for whom the property is held in trust. While we want to develop Alaska, we ought not to give away public property.

That is what I am opposing. I do not think that a royalty of 4 cents per ton for coal is in any sense prohibitive. I think it is only fair, and I think the amendment ought to be adopted.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman.

Mr. RAKER. It all depends on where the coal is, does it not?

Mr. WILLIS. Well, that is one factor.

Mr. RAKER. Then, if the coal is out so far that you could not get it to market at all, 2 cents a ton would be prohibitive, would it not?

Mr. WILLIS. Oh, if it is out so far that you could not get it to market at all, any royalty whatever would be prohibitive.

Mr. FERRIS. Mr. Chairman, I recognize that the writing of a minimum price of 2 cents a ton in the bill looks to those who have not studied conditions ridiculously low. People in the East talk about 6 cents royalty or 7 cents royalty or 10 cents royalty to the ton. That is all right for the East, where transportation is available, but it is all wrong and out of proportion for Alaska. Let me call the attention of the committee to a letter received from the Director of the Geological Survey which bears on this particular point. I may say that the view of the Director of the Geological Survey is borne out by the Director of the Bureau of Mines and by the rest of the Department of the Interior.

Much of this coal is back in the interior that will not bear mining at all, much less any royalty. Much of it will never be scratched in our lifetime. This bill ought to be passed and receive the signature of the President in such a form that it will be practical and worth something. The gentleman from New York [Mr. PAYNE] is right. We ought to sell a razor here that will shave. Anybody that thinks we can pile up the royalty sky-high and get any development up there is utterly mistaken. I would not want to be a party to the passage of a bill that

would place any maximum on the rate of royalty, because I believe the Secretary of the Interior ought to be allowed to get all he can for it, just as the gentleman from Ohio [Mr. WILLIS] believes, but I do not think you should tie the hands of the Secretary so that he would be unable to get any mining or development at all. In that event we would of course get no royalty and Alaska would still be tied up.

Mr. RAKER. Mr. Chairman, will the gentleman permit me a question right there?

Mr. FERRIS. In a moment. I read from the letter of the Director of the Geological Survey. He says:

I realize that the mining royalty provided under section 7 may seem too low to some of us who pay $7 for coal here in Washington; but it must be remembered that coal royalties in the Rocky Mountain States are as low as 7 cents for coking coal. More important to note is that coal-mining costs in Alaska are as yet unknown, and this infant industry will need to be given certain advantages; and 2 cents, under certain conditions, may prove a real burden, while in other parts of the same field a much higher royalty may well be fixed by the Secretary of the Interior without raising the market price of the coal from that mine. Again, the bill wisely gives discretionary power that enables the administrative officers to protect the public and yet not be forced to embarrass the industry.

Now, if the coal up there will stand 50 cents a ton royalty, under this bill the Secretary will have authority to get it. If it will stand 25 cents a ton, under this bill the Secretary will get that. If it will stand 4 cents a ton royalty, the Secretary will get that. But if it will stand only 2 cents a ton, with the gentleman's amendment of 4 cents, we would not get anything and Alaska would not be developed.

I hope, Mr. Chairman, that the amendment of the gentleman from Ohio will not be agreed to.

Mr. CULLOP. Mr. Chairman——

Mr. FERRIS. One moment, Mr. Chairman. The debate on this amendment has closed. I think I have the right to close the debate on this amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] is recognized.

Mr. CULLOP. Mr. Chairman, if gentlemen would figure on the amount of production in the mining of coal, at 2 cents a ton royalty, they would see that they would be selling Alaska at an enormous sum. Each acre of coal for each foot of thickness would produce 1,800 tons to the acre, and in a 5-foot vein it would produce 9,000 tons to the acre. At 2 cents a ton that would be $180 per acre royalty.

But if the price is placed high, you will find that nobody will lease the land, but, on the contrary, they will buy the land, as they are doing now in every coal-producing territory in this country. At 2 cents a ton it would produce an enormous revenue, and the coal operator could afford to give $100 an acre rather than pay 2 cents royalty and leave the owner the surface of the land.

But gentlemen must remember this, that on coal-producing land the coal may be bought for forty or fifty dollars an acre, and in many places at $30 an acre, on lands that have 6 or 7 foot veins.

If that operator was to mine the coal on a royalty basis, the royalty would be an enormous amount. Now there will not be any operator willing to go into Alaska and pay a royalty of more than $180 an acre. At 2 cents a ton, mining a 5-foot vein, the royalty would amount to $180 an acre. If it is a 6-foot vein, it will be more, and if it is a 7-foot vein, more still, and so on. That is the basis upon which the estimate of coal is made per acre in coal-producing sections. Therefore 2 cents a ton is a higher royalty than you could get in many of the coal sections of the United States to-day, because they can buy the land and mine the coal much more cheaply, and save money by it. It would seem, therefore, that 2 cents per ton royalty, as the minimum price, is reasonable, and one that will tend to develop the country and prove a source of great revenue to the Government.

Mr. MONDELL. Mr. Chairman, I am glad to see that the House is becoming educated on this subject of coal royalties. If I may be allowed to refer again to the bill which was discussed briefly here three years ago, the lowest royalty in that bill was 3 cents a ton, 50 per cent higher than the royalty provided in this bill, and we came very near having a riot over it. Why, gentlemen pranced up and down the aisles and waved their arms and shouted that 50 cents a ton was a reasonable royalty on coal. One gentleman who was exceedingly earnest, said that 50 cents a ton royalty had been offered to the Cunninghams by the Guggenheims for all the billions of tons of coal in the great Bering River field, and it was an outrage, said he, to fix so low a rate as named in the bill. The bill was anathemaed and could not be tolerated; it was so outrageous, it was said, to thus give away the property of the people. I have forgotten whether the gentleman from Indiana [Mr. CULLOP] joined in that chorus or not; but if he did not, he was not here. Had he been here he would have shouted himself red in the face and hoarse; he would have been so fearfully outraged that we were proposing to give away the property of the dear people in Alaska under a minimum royalty of 2 cents a ton. But this bill is brought in here by a Democratic committee, and the gentleman from Indiana [Mr. CULLOP] supports the committee. He would support it even if it had been 1 cent a ton, or a half a cent a ton. Gentlemen who now take the same view fairly shouted themselves hoarse in protesting against the royalties that were proposed three years ago, the lowest of which was 50 per cent higher than the minimum royalty in this bill. I am glad that the House has, in the meantime, gotten some information on this subject of royalties. This minimum is a little low. If I had been fixing the royalties, I think I should have placed the minimum at 3 cents a ton, as we did three years ago. I think that is about low enough. And yet there are some coal fields in Alaska, particularly in the interior of the country, where they will mine lignite coal, where the enterprises will perhaps not stand a larger royalty than 2 cents. In the main, we ought to secure quite a bit more than that in both the Matanuska and Bering fields, and I think we will under the provisions of the bill. I think the minimum fixed by the committee, while a little low, is a reasonably satisfactory one under the circumstances.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. WILLIS].

The question was taken; and on a division (demanded by Mr. FERRIS) there were—ayes 7, noes 50.

Accordingly the amendment was rejected.

Mr. FERRIS. Mr. Chairman, a parliamentary inquiry. How much time is there remaining on this section?

The CHAIRMAN. No time.

Mr. FERRIS. Then I move that the committee rise.

Mr. MANN. There is some time remaining on this section. We did not commence to debate until a quarter to 5—25 minutes.

Mr. BRYAN. I ask unanimous consent to extend my remarks on this bill.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, and had come to no resolution thereon.

### DISTRICT COURT AT JONESBORO, ARK.

Mr. CARAWAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 2167, an act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911," and agree to the Senate amendments.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to take from the Speaker's table the bill H. R. 2167, with Senate amendments, and agree to the same. Is there objection? [After a pause.] The Chair hears none.

The Senate amendments were read.

The Senate amendments were agreed to and the title was amended.

### BRIDGE ACROSS BLACK RIVER, MO.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 17511, to reconsider the vote by which the bill was passed, and lay the same on the table.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 17511, to reconsider the vote by which the bill was passed, and lay the same on the table.

Mr. ADAMSON. Mr. Speaker, I want to ask the gentleman if this is the Black River bridge bill?

Mr. RUSSELL. It is.

Mr. ADAMSON. It seems to me that inasmuch as this bill has once been laid on the table and was passed under a misapprehension the proper thing would be to vacate the proceeding.

Mr. MANN. We have passed the bill, and it is necessary to reconsider the vote by which the bill was passed.

XUM

Mr. RUSSELL. I move first, Mr. Speaker, to reconsider the vote by which the bill was passed.

The SPEAKER. When was the bill passed?

Mr. RUSSELL. On Tuesday last.

Mr. MANN. It was passed on the last unanimous-consent day.

Mr. RUSSELL. It was passed on Tuesday, and will be found on page 15912 of the RECORD. I think it was passed originally on the 20th day of August.

The SPEAKER. There is a certain limit to the time in which votes can be reconsidered.

Mr. MANN. But the gentleman asks unanimous consent.

The SPEAKER. The gentleman from Missouri asks unanimous consent to reconsider the vote by which this bill H. R. 17511, to authorize the Great Western Land Co. of Missouri to construct a bridge across Black River, was passed.

Mr. ADAMSON. Mr. Speaker, I had no purpose in objecting to the request, I was merely making a suggestion about the parliamentary situation.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. RUSSELL. Now, Mr. Speaker, I move to lay the bill on the table.

The motion was agreed to.

INCOME-TAX LAW.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, some time in June I brought to the attention of the House the matter of the ruling of the Treasury Department with reference to the imposition of penalties under the income-tax law. Under that ruling the minimum to be accepted was $50. A new ruling, along the lines I contended for, has now been promulgated by the department, providing for a penalty of $5 for the individual, $10 for a corporation organized for profit, and nothing for corporations not organized for profit.

These nominal amounts will satisfactorily take care of all cases where penalties had not been paid prior to the date of the ruling. Many corporations throughout the country had already complied with the demand of the collectors of internal revenue by paying the $50 minimum heretofore asked for. It appears to be the desire of the Treasury Department to make the refunds in these cases necessary in order to treat all alike and fairly. Such refunds can be made in cases where collectors of internal revenue have not covered the money into the Treasury. In many cases, however, the money has been covered into the Treasury. I know of a dozen such instances, all corporations of farmers, organized not for profit but for mutual purposes. The Comptroller of the Treasury has rendered an opinion that in such cases, where the money has gone into the Treasury, it can not be taken out by a refund without enactment of law to authorize such a course. It is self-evident that in fairness such refunds should be made, and I commend to you gentlemen consideration of the need of legislation which will make it possible. For this reason I ask unanimous consent to extend my remarks by inserting the regulations of the department and the opinion of the comptroller.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by inserting the regulations of the Treasury Department and the opinion of the Comptroller of the Treasury. Is there objection?

There was no objection.

The matter referred to is as follows:

(T. D. 2015.)

INCOME TAX.

COMPROMISES—MINIMUM AMOUNTS WHICH WILL BE ACCEPTED.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
*Washington, D. C., August 13, 1914.*

*To collectors of internal revenue:*

The fact has been developed that a great number of individuals and corporations failed to make returns of annual net income for the income tax, either through ignorance of the requirements of the law or through a misunderstanding of its requirements, and it has been determined by the Treasury Department to accept offers in compromise of the specific penalty for failure to file returns within the period prescribed by law in a minimum sum, as follows: $5 from individuals, $10 from corporations which are organized for profit.

In the cases of all corporations not organized for profit, the specific penalty will not be asserted this year, provided the required return has been or shall be filed before December 31, 1914. The United States district attorney should be requested not to institute proceedings in such cases.

The foregoing applies only to those cases where there was no intent to evade the law or escape taxation.

In all cases, however, wherein a return is not made until the liability to make a return is discovered by investigation of collectors of internal revenue or revenue agents, the above schedule will not necessarily apply, but each individual case will be decided upon its own merits and the amount of the offer in compromise which may be favorably considered will be determined accordingly.

ROBT. WILLIAMS, Jr.,
*Acting Commissioner of Internal Revenue.*

Approved:

W. G. MCADOO,
*Secretary of the Treasury.*

TREASURY DEPARTMENT,
*Washington, August 20, 1914.*

The honorable the SECRETARY OF THE TREASURY.

SIR: I have your letter of the 12th instant, as follows:

"When the question of the enforcement of the specific penalties against delinquents under the income-tax law was under consideration it was decided by the Commissioner of Internal Revenue and myself that a minimum sum of $50 should be accepted in compromise from delinquent corporations and $20 from delinquent individuals where there was no intent to violate the law or escape taxation.

"Reports to this department, through Members of Congress and collectors of internal revenue and individual correspondents, indicate that the insistence upon these penalties has created an immense amount of dissatisfaction against the law, and the question of adopting a different minimum, viz, $10 in the case of corporations and $5 in the case of individuals, is now under consideration. A large number of offers, based upon the former schedule, have been accepted, the circumstances in the cases being identical with those from which it is now proposed to accept $10 and $5.

"I therefore request your opinion as to whether the appropriation of $50,000 for refunding internal-revenue collections, which appropriation was made for the purpose of refunding offers in compromise and other amounts deposited but not accepted, would be available to refund a portion of the amounts accepted in the cases mentioned, provided that upon application by the proponents I rescind my action in approving acceptance, thus restoring the status quo ante, and then accept the amount based upon the schedule now under consideration, the balance to be refunded.

"I may add that in a few cases under the corporation excise-tax law this course was pursued where offers had been made and accepted and it was subsequently found that no violation of law had been committed, and therefore there was nothing to compromise."

The appropriation for refunding internal-revenue collections for the current fiscal year (act of Aug. 1, 1914, Public No. 161, 63d Cong., p. 14) provides as follows:

"To enable the Secretary of the Treasury to refund money covered into the Treasury as internal-revenue collections under the provisions of the act approved May 27, 1908, $50,000."

The act of May 27, 1908 (35 Stat., 325), provides that collectors of internal revenue shall pay daily into the Treasury of the United States the gross amount of all collections of whatever nature made by authority of law, and that the same shall be covered into the Treasury as internal-revenue collections. The act also made an appropriation of $30,000 "to enable the Secretary of the Treasury to refund money covered into the Treasury as internal-revenue collections which under authority of law has heretofore been refunded or returned."

This statute and appropriations made pursuant thereto authorizes the refund of such collections only as are authorized by law to be refunded or returned.

I find no law specifically authorizing the refund of moneys which have been paid in under compromise agreement and covered into the Treasury.

Section 3220, Revised Statutes, provides:

"The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized, on appeal to him made, to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected * * *."

Paragraph L of the income-tax section of the act of October 3, 1913 (38 Stat., 179), extends such existing laws relating to the refund of internal-revenue taxes as are consistent with the provisions of the section to the section and the taxes imposed therein.

In the cases under consideration the penalties for delinquency have been compromised under due authority, and the amounts under the terms of the compromises have been rightly and lawfully accepted in satisfaction of the penalties and have been duly covered into the Treasury. They are not cases of unjust assessment or excessive collection of taxes, and I find no authority for refunding the amounts paid and covered in, or any part thereof, even if you should rescind your former action in approving the acceptance.

Respectfully,

W. W. WARWICK,
*Acting Comptroller.*

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 17442. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of Congress approved March 3, 1913, and June 6, 1914; and

H. J. Res. 330. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved April 24, 1914.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Friday, September 4, 1914, at 12 o'clock noon.

## EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Public Utilities Commission of the District of Columbia, transmitting annual reports of utilities not received by February 2, 1914: Washington Interurban Railway Co., Washington & Old Dominion Railway Co., Great Falls & Old Dominion Railway Co., Metropolitan Coach Co., Baltimore & Ocean City Railway Co., Adams Express Co., American Express Co., Union Transfer Co., Auto-Livery Co., Barnett Taxicab Co., Federal Taxicab Co., Terminal Taxicab Co., Postal Telegraph-Cable Co., and Western Union Telegraph Co., was taken from the Speaker's table and referred to the Committee on the District of Columbia.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (S. 6266) to authorize the Secretary of Agriculture to license cotton warehouses, and for other purposes, reported the same with amendment, accompanied by a report (No. 1135), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the resolution (H. J. Res. 331) relating to the awards and payments thereon in what are commonly known as the Plaza cases, reported the same with amendment, accompanied by a report (No. 1136), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (S. 5970) for the relief of Isaac Bethurum, reported the same without amendment, accompanied by a report (No. 1129); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1703) for the relief of George P. Chandler, reported the same without amendment, accompanied by a report (No. 1130); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 145) for the relief of Charles Richter, reported the same without amendment, accompanied by a report (No. 1131); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1044) for the relief of Byron W. Canfield, reported the same without amendment, accompanied by a report (No. 1132); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 2882) for the relief of Charles M. Clark, reported the same without amendment, accompanied by a report (No. 1133), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 18166) to correct the military record of A. J. Henry, reported the same with amendment, accompanied by a report (No. 1134), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McKELLAR: A bill (H. R. 18651) to create a farm-credit bureau in the Department of Agriculture, to encourage agriculture and ownership of farm homes, to secure a reduction of interest on farm first mortgages, and for other purposes; to the Committee on Agriculture.

By Mr. REILLY of Wisconsin: A bill (H. R. 18652) to provide for the raising of additional revenue through a tax on gifts, inheritances, bequests, legacies, devises, and successions in certain cases; to the Committee on Ways and Means.

By Mr. MURRAY of Oklahoma: A bill (H. R. 18653) to amend H. R. 18459; to the Committee on Insular Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 18654) providing for the appointment of secretaries in the Diplomatic Service and appointments in the Consular Service; to the Committee on Foreign Affairs.

By Mr. HENRY: A bill (H. R. 18655) for the temporary relief of American farmers engaged in the production of cotton, to indemnify the United States against loss, and for other purposes; to the Committee on Banking and Currency.

By Mr. GILLETT: Joint resolution (H. J. Res. 334) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914; to the Committee on Pensions.

By Mr. GARNER: Memorial requesting Congress to set apart all abandoned military reservations in the Southwestern States as sanatoria for the care of persons suffering from consumption; to the Committee on Interstate and Foreign Commerce.

Also, memorial from the Legislature of the State of Texas, favoring amending the banking and currency laws so as to make cotton-warehouse receipts collateral for the issuance of emergency currency; to the Committee on Banking and Currency.

By Mr. STEPHENS of Texas: Memorial from the Legislature of the State of Texas, favoring amending the banking and currency laws so as to make cotton-warehouse receipts collateral for the issuance of emergency currency; to the Committee on Banking and Currency.

Also, memorial requesting Congress to set apart all abandoned military reservations in the Southwestern States as sanatoria for the care of persons suffering from consumption; to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLAYPOOL: A bill (H. R. 18656) granting an increase of pension to James R. Cowgill; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18657) granting a pension to Maria Kavanaugh; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 18658) granting an increase of pension to Nicholas McKenzie; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 18659) for the relief of the Nashville & Decatur Railroad Co.; to the Committee on Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 18660) granting an increase of pension to Mary Clinton; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CONNOLLY of Iowa: Petition of sundry citizens of West Point, Iowa, protesting against proposed war tax on cigars; to the Committee on Ways and Means.

By Mr. ESCH: Petitions of sundry citizens of Tonah, Wis., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of La Crosse, Wis., protesting against increase of tax on cigars; to the Committee on Ways and Means.

Also, petition of the Cordova (Alaska) Chamber of Commerce, relative to opening Alaska coal lands; to the Committee on the Territories.

By Mr. FITZHENRY: Petitions of R. N. Evans, Mrs. Mary L. P. Evans, Ida L. Evans, J. F. Sanders, T. T. Holton, Mrs. E. C. Holton, L. E. Worley, Fanie G. Wheeler, Mrs. A. H. Hart, William Maxwell, Julia E. Maxwell, Fletcher Brigham, Dari E. Phillips, J. C. Doutlas, Louis Pochel, George W. Nance, Leota St. Clair, A. P. Benjamin, Everett Whightsel, Mrs. Abbie Bowman, Mrs. Marie A. Ropp, Miss L. Ingram Mace, W. A. Hoover, Elizabeth Kyger, Mrs. A. E. Merritt, Ira H. Kyger, Anderson Brown, Elnora C. Brown, W. C. Frink, Mrs. W. C. Frink, Marian H. Ives, Jacob Ropp, George J. Alexander, Maggie Alexander, C. E. Garlock, Mrs. C. L. Capen, Mrs. M. B. Nelson, Mrs. F. M. Young, F. H. Wikoff, Mrs. E. W. Fedderson, E. W. Fedderson, A. F. Strange, W. A. Orendorff, J. H. Kirkpatrick, Mrs. Ida B. Gee, H. N. Pearce, May T. Pearce, M. E. Scott, T. L. Washburn, F. L. Washburn, W. S. Rodman, E. L. Ives, H. Woodworth, Mrs. G. V. Frink, Mrs. Sue A. Sanders, Josephine C. Armstrong, Ida Belle Miller, Mrs. Mary E. Kate,

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L. M. Crosthwait, J. C. McCord, F. M. Austin, Litta E. Conard, Louisa Kauffman, S. D. Havens, Mrs. S. D. Havens, L. E. Eyer, Mrs. J. A. Beck, Mrs. Mae Garrigus, Mrs. Hofmann, A. A. Hofmann, Gladys M. Collins, H. A. Baird, Mrs. L. D. Welch, O. M. Rhodes, Mrs. Anna R. Hassler, Genevieve Moyer, Mrs. C. J. Moyer, E. J. Hyndman, C. J. Moyer, W. W. Travis, Mrs. W. W. Travis, Bryan Carlock, O. E. Bishop, Mrs. O. E. Bishop, Mrs. J. F. Bolin, A. C. Lartz, John V. Hileman, Mrs. Sadie H. Hileman, Mrs. William Moulic, Mrs. J. C. Douglas, Marie Lester, Franklin H. Lutz, Nordon D. Kinne, H. M. Cox, C. A. Rosemond, A. K. Lundborg, J. I. Bergstrand, Mrs. Emma Coleman, Rebecca Himes, Hattie M. Brown, M. C. Anderson, Mrs. M. C. Anderson, Mrs. Clark Gideon, Cora Cummins, H. V. Miller, Mrs. Dora A. Miller, Mrs. D. M. Davison, Charles H. Damaske, Flora Eaton, Amos R. Eaton, G. L. Gulliford, J. D. Cook, H. R. Stone, Mrs. R. M. Jones, Mrs. Mary M. Hankey, Elizabeth M. Lewis, A. A. Wilcox, J. D. Lateer, Frank Raisbeck, F. G. Isminger, Miss Josephine Lewler, Mrs. R. R. Ausmus, Mrs. Van Dervoort, Jesse Stauffer, Mrs. I. N. Ives, Mrs. W. H. Marquarm, N. C. Ives, C. C. Wagner, H. G. Johnson, Harriett Lake-Burch, John F. Welch, Mrs. J. T. Welch, Mrs. Sard Hayes, Lee Hayes, Mrs. D. R. Guthrie, George W. Swalley, Mrs. Ora E. White, Mrs. Earl R. De Pew, Mrs. L. E. Eyer, Mrs. W. H. Land, Katherine Mantle, Mrs. John Keller, Lucy E. Detrick, Mrs. S. F. McEwen, Mrs. D. Griffin, J. E. Hawthorne, F. L. Harrison, Serena J. Eads, Eleanor Nye, I. M. Ackerman, Mrs. I. M. Ackerman, H. H. Frye, P. L. Bolinger, L. Lawton, Louise Henninger, Artrude Strange, Clarence Anderson, Bessie Miller, Romaine Braden Loar, Milton M. Bowen, Thomas Fedderson, Elis Hastings, L. H. Rathbun, Harriet White, Mary A. McColm, Anna Plumley, Catharine Mott, Loretta Gordon, Nimrod Mace, J. C. Mace, Minnie Moon, Mrs. J. C. Mace, A. T. Spath, E. C. Case, M. C. Gould, Mrs. H. M. Cox, Henrietta McCabe, W. A. Whitcomb, Agnes D. Whitcomb, A. B. Lewis, Ada Whitcomb Adams, W. Z. Roberts, Mrs. L. O. Veatch, H. H. Brown, Clara Coen, Carrie Loudon, C. P. Price, William H. Johnson, Frank Boulware, Addie M. Boulware, Sadie P. Rogers, Flora K. Johnson, Mary Wallace, Grace Bringham, W. A. Bringham, P. A. Rudosill, Constance Loar, Lucy Washburn, Mildred W. Loar, John Schlosser, Carl Johnson, W. L. Brown, Matox Warner, M. D. Meiss, G. F. Richardson, E. G. Purper, J. E. Willis, Hal Stewart, F. B. Herrin, E. D. Mehan, E. P Sloan, Charles A. Hodgson, E. E. Schultz, Mrs. E. E. Schultz, Samuel R. White, J. C. Spangler, Eda H. Goodheart, Adelaide B. Holton, Hazel B. Karr, C. A. Hendryx, M. Belle Branson, and William Branson, all of Bloomington; Hattie Allin, of McLean; Mrs. Laura M. Borst, H. L. Cochran, E. J. De Lano, L. B. Underwood, W. H. Hurley, George C. Eccles, and E. W. O'Toole, of Chicago; John L. Ayers, E. B. Landis, and W. H. Ayers, of Danvers; Edgar Packard, J. S. Reece, and Wayne S. Moore, of Normal; Eliza J. McClure, Heyworth; Lucinda Whitcomb, Downs; James F. Cooper, Canton; N. R. Ray, Carrollton; D. O. Garber and R. E. Garber, of Peoria; Lola L. Cleveland, Pekin; F. D. Pfeiffer, Kewanee; and R. W. Short, Chicago, all in the State of Illinois; also Mrs. S. F. McEwen and S. F. McEwen, of St. Joseph, Mo.; G. H. Way, Boston, Mass.; C. W. Graves, Indianapolis, Ind.; W. M. Miller, Minneapolis, Minn.; S. D. Clayton, Mexico City, Mexico; Kathryn File, Tahlequah, Okla.; and M. B. Lamm, London, England, favoring consideration of Poindexter resolution to settle the controversy as to who is the discoverer of the North Pole; to the Committee on Naval Affairs.

By Mr. FLOOD of Virginia: Petitions of sundry citizens of the State of Virginia, relative to personal rural credit system; to the Committee on Banking and Currency.

By Mr. KENNEDY of Iowa: Petition of P. G. Guenther and others, of Burlington, Iowa, protesting against levying tax on cigars; to the Committee on Ways and Means.

By Mr. LEVY: Petition of Daggett & Ramsdell, relative to placing a stamp tax on proprietary goods; to the Committee on Ways and Means.

Also, petition of the National Cloak and Suit Co., protesting against the passage of House bill 17566; to the Committee on the Post Office and Post Roads.

Also, petition of the New York State Council of Carpenters, protesting against the high cost of living; to the Committee on Agriculture.

By Mr. LIEB: Petition of Cigarmakers' Local Union No. 54, of Evansville, Ind., Ed. A. Scheurer, chairman, and Ernst Schellhase, secretary, favoring the taking over by the Government as an emergency measure of the packing plants, cold-storage warehouses, granaries, flour mills, and such other plants and industries as may be necessary to safeguard the food supply of the people of this country during the war in Europe, etc.; to the Committee on Banking and Currency.

Also, memorial of Cigarmakers' Local Union No. 54, of Evansville, Ind., Ed. A. Scheurer, president, and Ernst Schellhase, secretary, remonstrating against proposed increase in the revenue tax on cigars; to the Committee on Ways and Means.

By Mr. LONERGAN: Petition of Joseph Heck, of East Hartford, Conn., protesting against the proposed raise in revenue tax on cigars; to the Committee on Ways and Means.

Also, petition of B. Lazarus and 101 other citizens of Hartford, Conn., protesting against the proposed raise in revenue tax on cigars; to the Committee on Ways and Means.

By Mr. McLAUGHLIN: Petition of sundry citizens of Muskegon County, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of Melvil Dewey, of Lake Placid Club, New York, favoring the appointment of a national motion-picture commission; to the Committee on Education.

Also, petition of Melvil Dewey, of Lake Placid Club, New York, favoring national prohibition; to the Committee on Rules.

Also, petition of Mrs. George F. Schroder, Mrs. F. E. Kendall, Mrs. M. E. Taylor, Mrs. C. E. Stringham, Mrs. W. H. Harrington, Mrs. J. F. Liscomb, Mrs. John V. King, Mrs. Bejamin Woodruff, Mrs. Raymond Morhous, Mrs. Parker, Mrs. R. A. Hatch, Mrs. L. V. Morhous, Mrs. F. S. Podwell, Mrs. H. Pearson, Mrs. Clara M. Wilson, Mrs. Sarah L. Hughes, Howard W. Hughes, Roberta Ratcliffe, Nettie S. Ratcliffe, and Ida L. Lewis, all of Saranac Lake, N. Y., protesting against the passage of House bill 16904; to the Committee on the District of Columbia.

By Mr. J. I. NOLAN: Petitions of sundry citizens of California, favoring the Hobson prohibition resolution; to the Committee on Rules.

By Mr. SAUNDERS: Petitions of E. Parr and other citizens of the State of Virginia, relative to rural credits; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Petition of the Young People's Society of Christian Endeavor of Fullerton, N. Dak., favoring manufacture by the United States Government, instead of by private concerns, of such munitions of war as are necessary for the safety of the Nation; to the Committee on Military Affairs.

## SENATE.

### FRIDAY, *September 4, 1914.*

*(Legislative day of Tuesday, August 25, 1914.)*

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Dillingham | Nelson | Simmons |
| Bankhead | Fletcher | O'Gorman | Smith, Ga. |
| Brady | Gallinger | Overman | Smoot |
| Bryan | Jones | Owen | Swanson |
| Burton | Kenyon | Perkins | Thompson |
| Camden | Kern | Pomerene | Thornton |
| Chamberlain | Lane | Ransdell | Vardaman |
| Clapp | Lea, Tenn. | Reed | Walsh |
| Clark, Wyo. | Lee, Md. | Shafroth | Williams |
| Colt | Martin, Va. | Sheppard | |
| Culberson | Martine, N. J. | Shields | |

Mr. DILLINGHAM. I desire to announce that my colleague [Mr. PAGE] is still detained at home on account of illness in his family.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. THOMAS answered to his name when called.

Mr. CLAPP. I desire to state that both the senior Senator from Wisconsin [Mr. LA FOLLETTE] and the senior Senator from Kansas [Mr. BRISTOW] are detained from the Chamber on account of illness.

Mr. CLARK of Wyoming. I wish to announce the unavoidable absence of my colleague [Mr. WARREN] and to state that he is paired with the senior Senator from Florida [Mr. FLETCHER].

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I wish also to announce the unavoidable absence of the junior Senator from West Virginia [Mr. GOFF], who is paired with the senior Senator from South Carolina [Mr. TILLMAN]. I will let this announcement stand for the day.

Mr. POINDEXTER, Mr. HOLLIS, and Mr. MYERS entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given, and request the attendance of absent Senators.

Mr. MCCUMBER, Mr. MCLEAN, and Mr. NORRIS entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. NELSON. I ask unanimous consent to introduce a bill for reading and reference to the Committee on Commerce.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The bill (S. 6440) to authorize the Chicago, Milwaukee & St. Paul Railway Co. and the Chicago, St. Paul, Minneapolis & Omaha Railway Co. to construct a bridge across the Mississippi River at St. Paul, Minn., was read twice by its title and referred to the Committee on Commerce.

By Mr. JONES:

A bill (S. 6441) for the upbuilding of the merchant marine of the United States; to the Committee on Commerce.

By Mr. OWEN:

A bill (S. 6442) granting a pension to Mary J. Wyant (with accompanying paper); to the Committee on Pensions.

By Mr. TOWNSEND (for Mr. SHERMAN):

A bill (S. 6443) granting a pension to George W. Irvin;

A bill (S. 6444) granting an increase of pension to Hiram E. Tinker;

A bill (S. 6445) granting a pension to Clarinda Stoner; and

A bill (S. 6446) granting an increase of pension to John C. Leith; to the Committee on Pensions.

Mr. FLETCHER. I should like to introduce a joint resolution which is rather a matter of emergency and have it referred to the Committee on Fisheries, and, out of order, I should like to submit favorable reports from the Committee on Commerce and have them go to the calendar.

Mr. SMOOT. I should like to ask if this is not all out of order?

The VICE PRESIDENT. Except by unanimous consent, it is. Is there objection?

The joint resolution (S. J. Res. 184) making an appropriation for expenses necessary to carry out the provisions of the act to regulate the taking or catching of sponges, approved August 15, 1914, was read twice by its title and, with the accompanying paper, referred to the Committee on Fisheries.

REPORTS OF COMMITTEE ON COMMERCE.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (S. 2335) to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or adjacent waters and salved by American citizens and repaired in American shipyards, reported it without amendment.

He also, from the same committee, to which was referred the bill (H. R. 14377) to amend section 4472 of the Revised Statutes, reported it without amendment and submitted a report (No. 779) thereon.

INTERNATIONAL INSTITUTE OF AGRICULTURE.

Mr. FLETCHER. I report back favorably from the Committee on Commerce without amendment the joint resolution (H. J. Res. 311) instructing the American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions, and I submit a report (No. 778) thereon.

This is a joint resolution which has passed the House and it is approved unanimously by the Committee on Commerce. I believe there is no objection to it, and I ask consent that it be put upon its passage.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I object.

The VICE PRESIDENT. There is objection. The joint resolution will be placed on the calendar.

Mr. FLETCHER. I heard no objection to the request I made for the consideration of House joint resolution 311. It has been passed by the House and reported unanimously by the Committee on Commerce.

The VICE PRESIDENT. There was objection to it.

Mr. FLETCHER. I did not understand that there was objection.

The VICE PRESIDENT. There was objection.

THE MERCHANT MARINE.

Mr. GALLINGER. I ask, out of order, to present a resolution of the National Council of the Order of United American Mechanics, for reference to the Committee on Commerce. I ask that it be read, because it relates to the subject of the bill that has just been introduced by the Senator from Washington [Mr. JONES].

There being no objection, the resolution was read and referred to the Committee on Commerce, as follows:

Resolution unanimously passed by the National Council of the Order of United American Mechanics, held at Muncie, Ind., August 25, 1914:

"*Resolved*, That the National Council of the Order of United American Mechanics deeply deplores the condition of our merchant marine, which is reduced to such a position that a foreign war has resulted in the practical suspension of our foreign trade.

"*Resolved*, That we favor such national legislation as shall tend to build up an American merchant marine of American-built ships, officered by Americans, and, so far as possible, manned by Americans, whatever the expense, and that without involving this Nation in any complication arising from the transfer to American registry of vessels not so built, so officered, or so manned."

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a petition of the Business Men's Association of Blythe, Cal., praying for the enactment of legislation to provide assistance to the cotton growers of the Palo Verde Valley, Cal., in the harvesting of their cotton, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of California, remonstrating against the enactment of legislation to require civil-service examinations for assistant postmasters, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Branch No. 126, National Association of Post Office Clerks, of Santa Cruz, Cal., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. MCLEAN presented a petition of the Woman's Christian Temperance Union of East Hartford, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Central Labor Union of Hartford, Conn., praying for an investigation by the Department of Justice as to the cause of advance in prices of foodstuffs, which was referred to the Committee on the Judiciary.

Mr. CLAPP presented memorials of sundry citizens of Pine, Carlton, Hennepin, and Washington Counties, in the State of Minnesota, remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

STANDARD BOX FOR APPLES.

Mr. CLAPP. I ask unanimous consent that the House of Representatives be requested to return to the Senate the bill (S. 4517) to establish a standard box for apples, and for other purposes.

The bill has not yet been acted upon by the House.

Mr. SIMMONS. I shall not object to the request for unanimous consent, but after it is granted I shall feel impelled to insist upon the regular order.

The VICE PRESIDENT. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I will modify my statement of a little while ago, because I had said to the Senator from New Mexico [Mr. FALL] heretofore that I would not object to his submitting an amendment.

Mr. FALL. I submit an amendment to the pending river and harbor appropriation bill, proposing to appropriate $100,000 for improving the Rio Grande between Velarde and San Marcial, in New Mexico, and I ask for its reference to the Committee on Commerce.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Commerce.

FEDERAL DISPOSITION OF STATE WATERS (S. DOC. NO. 572).

Mr. SHAFROTH. I have a copy of an address before the State Bar Association of Colorado by Mr. L. Ward Bannister, a lecturer on water rights in arid States at Harvard University, and also professor of that subject for 15 years in the College of Law of the University of Denver. It is a very able address. It deals with a question that is going to come before Congress soon in relation to the rights and jurisdiction of National and State authorities over the waters within the States, and I should like to have it printed as a public document. I ask unanimous consent that that may be done.

The VICE PRESIDENT. Is there objection?

XUM

Mr. SIMMONS. I will not object to this request, but——

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. Mr. President, I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, being the river and harbor bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SIMMONS. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside, in order that the Senator from Oklahoma [Mr. OWEN] may call up the bill reported by him on yesterday, proposing to amend the Federal reserve act.

Mr. BURTON. I think I must object to that. We are doing business in a very peculiar way. We are now proceeding under the legislative day of a week or 10 days since. It would add very much to the convenience of the secretaries in making up the Journal and facilitate the transaction of business to have a morning hour. The matter to which the Senator from North Carolina refers can easily be considered by the ordinary procedure of adjournment. So, Mr. President, I object.

Mr. SIMMONS. Mr. President, I hope the Senator from Ohio——

The VICE PRESIDENT. The Senator from Ohio has a right to object.

Mr. SIMMONS. I hope the Senator will permit me to make a statement before he insists upon his objection.

The VICE PRESIDENT. Does the Senator from Ohio yield for that purpose?

Mr. BURTON. Yes.

Mr. SIMMONS. Mr. President, the Senator from Oklahoma [Mr. OWEN] on yesterday evening asked to be allowed this morning to take up an emergency measure, which he stated would take only a very short time. The Senator has to leave the city to-day. I do not think his measure will take more than half an hour. It is of extreme urgency. I will state to the Senator from Ohio that it proposes some amendments to the banking act which the Federal Reserve Board have recommended, and which, if adopted, will afford the greatest possible relief to one-third of the States of this Union.

Mr. BURTON. That is a very strong case, Mr. President. The pending bill, however, is very important, and it ought to be considered deliberately by the Senate. There is a proper way, and there was a proper and a ready way yesterday, to obtain consideration for the bill to which the Senator from North Carolina refers, and that is by adjournment rather than by taking a recess. Under the circumstances, for the present, I shall therefore object.

Mr. President, in my remarks of yesterday I referred to that portion of the Mississippi River between the mouth of the Missouri and the mouth of the Ohio, and pointed out that the pending bill proposes to appropriate $1,000,000 for that section, which is $4 per ton for every ton of freight handled thereon during the last year. I also called attention to the steady decadence of traffic on this portion of the Mississippi River, which is especially noticeable to and from the city of St. Louis, the largest city on the river. I made the statement that it would be cheaper for the Federal Government to pay the freight on every ton handled on that portion of the stream than to continue these appropriations. I called attention to figures showing that the major part of that traffic was coal, amounting in one year to 135,000 tons, which was shipped from the Pittsburgh district to an establishment in St. Louis. I did not have the figures at hand, but I estimated that it would not cost more than $3.25 per ton to carry that coal from Pittsburgh to St. Louis by rail. Since then I have received the exact figures.

The freight on coal from Pittsburgh and adjacent territory to St. Louis is $2.50 per ton. So, on the major part of this traffic, shipments could be made from the mine to the factory for $1.50 per ton less than we are now appropriating for that portion of the river. This emphasizes the fact, which I stated yesterday, that the $326,000 on hand is ample for the proper care and maintenance of that portion of the river, especially in view of the fact that for 10 years the desired depth of 8 feet has been maintained, and that at this time, when balances in the Treasury are diminishing and additional taxation is proposed, it is an inexcusable waste of public money to appropriate the $1,000,000 named in this bill. I question whether the majority of this Senate will take the responsibility of making so large an appropriation when it can be shown so easily to be both superfluous and useless.

For that portion of the Mississippi River below the mouth of the Ohio, from Cairo down, the estimate transmitted to Congress called for $6,000,000. The House of Representatives raised this to $7,000,000, and it was still further increased by the Committee on Commerce to $8,000,000. A frightful flood visited that region in the year 1912, and I must concede that provision should be made for the repair and construction of the levees along that portion of the river and in exhausting every possible means to prevent the recurrence of the calamity of two years ago. As to the exact amount, there is room for discussion and consideration. Perhaps, in view of the lateness of the season, we ought not to think of appropriating more than $6,000,000, the original estimate for this section of the river. It is true that work can be done on some portions of the river at a later season than in the Northern States, because of the more moderate temperature incident to the southern latitude.

In this connection, however, I want to say that the whole question of the improvement of the lower Mississippi River should be carefully reconsidered by Congress. It has been stated that communities adjacent to the river have taxed themselves to their full capacity; the statement has also been made, and I am inclined to think correctly, though there are no authentic statistics, that in the construction of levees more has been contributed by the adjacent territory than by the United States Government. On these points we should have accurate figures. We should first decide what is the proper proportion to be contributed respectively by the localities affected and by the United States.

The Mississippi is in a very important sense a national stream. Its drainage area includes a majority of the States of the Union. The lower portion of the valley is subject to enormous injury from frequently recurring floods. All these considerations bespeak fair and generous national appropriations; but we have before us a proposition involving the payment by the Federal Government of nine-tenths of the cost of improving this river. Mr. President, that is too large a proportion.

It is conceded that there are thousands and hundreds of thousands, yes, millions, of acres in this region which, but for this improvement, would be either valueless or of comparatively small value because of their exposure to floods. It is conceded that lands which are now practically worthless would be given a value of from $50 to $150 an acre by the improvement contemplated. In such a situation there is one rule only that is fair, namely, a proper apportionment of the expense between the States and the communities immediately affected and the Federal Government.

It must be conceded that this improvement is of a different nature from that of practically all other projects included in this bill. It is not intended principally for navigation; it is rather for reclamation. The amounts appropriated for dredging—and dredging is sufficient to maintain a channel of 9 feet—aggregate about $300,000 or $400,000 per annum. This is the only appropriation, aside from administrative purposes, which is made directly and entirely in the interests of navigation.

In addition to that there is the construction of levees, which has an indirect effect upon navigation, and the revetment of the banks, which also indirectly affects navigation; but the main purpose both of the levee and of the revetment is the preservation of private property and the protection of adjacent areas from damage by flood.

One of the first things is to ascertain with accuracy what the total costs for this work will be—the estimates are scarcely more than approximations. Just so soon as we have accurate information on this subject the Government should adopt a policy which should be characterized by liberality to that area, but which at the same time should be fair to the whole country.

Mr. KENYON. Mr. President——

Mr. BURTON. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask the Senator where the various lands are located that are to be benefited by this reclamation?

Mr. BURTON. The alluvial portion shown on the map there [indicating]. The jurisdiction of the Mississippi River Commission, by an act passed in the year 1906, extends above Cairo on the westerly side of the river to Cape Girardeau.

Mr. KENYON. I should like to ask the Senator how many thousand acres along the river are benefited by this reclamation work?

Mr. BURTON. I regret that I am not able to state that; in fact, I doubt whether there is any accurate estimate. The Senator from Louisiana [Mr. RANSDELL] has given much attention to this matter, and can answer that more correctly, I think, than any of us.

Mr. RANSDELL. Mr. President, the Mississippi River Commission estimates about 26,000 square miles in the area south

of Cape Girardeau would be overflowed if it were not for the levee system. That would, I think, amount to about 18,000,000 acres—I am not sure as to the exact acreage, but in the neighborhood of 18,000,000 acres. It should be understood, however, that the levees do not furnish absolute and complete protection at the mouths of some of the big rivers which empty into the Mississippi, such as the St. Francis, the Arkansas, the Yazoo, the Red River, and others. So, we do not get complete protection, even with the levees. The acreage, however, is about 26,000 square miles.

Mr. BURTON. That would aggregate 16,640,000 acres.

Mr. KENYON. I should like to ask the Senator from Louisiana, if the Senator from Ohio will permit me, for I realize the Senator from Louisiana knows all about this subject, what increase relatively in the value of the land along the river takes place by reason of this reclamation work; in other words, without reclamation is the land good for anything at all?

Mr. RANSDELL. Oh, yes; it is. The land is valuable for timber, and, to a certain extent, for cattle.

Mr. KENYON. But not for crops.

Mr. RANSDELL. The higher reaches along the banks of the river never overflow. When we did not have levees when the water would rise it would flow over the low spots and fill up the rear sections of the basins. The Senator will notice that the basins run back quite a number of miles from the river. The banks of the river are, however, much higher than the interior, and prior to the construction of levees when the waters rose they flowed over into those spots and filled up the interior basins, leaving a considerable stretch along the immediate front which was not subject to overflow in those days, except when there was an unprecedented flood; the ordinary flood would not hurt those lands at all; so that it is rather hard to answer the question.

Mr. KENYON. I assume that is so; but I think I must misunderstand the Senator, or my judgment must be wrong about it, that the overflows have increased by virtue of levee construction.

Mr. RANSDELL. Yes; that is true. The waters are supposed to get to that section more rapidly now than formerly, because of the superior drainage in States like Illinois, Indiana, Ohio, Missouri, Iowa, and others, where the lands have practically all been put in cultivation and a splendid system of drainage has developed. There were a number of shallow places which formed natural reservoirs in those States in times past, but many of them have been drained, as the lowlands of East St. Louis, for instance, have been drained. It was formerly true that when the rains fell they remained for quite a while in these natural, though small, reservoirs—most of them small. It was also true that for a great many years—in fact, until within the past 25 years—the St. Francis Basin, which you will notice on the upper left-hand portion of the map, was not leveed; there were no levees at all there until within about 25 years. The levee system started near the Gulf of Mexico and extended up through Louisiana, through Mississippi, and the lower portion of Arkansas, but there were not levees above.

In the St. Francis Basin there are between six and seven thousand square miles. The great floods which sweep down, especially from the Ohio and, to some extent, from the upper Mississippi and the Missouri, would pour over into the St. Francis Basin, filling it up and forming a great natural reservoir. When the levees were constructed along that point of the St. Francis Basin the waters were all retained in the main channel of the river between its levee lines, and, being retained there, the tendency was, naturally, to rise higher, and though the bed of the river—the low-water bed—has not risen, the flood plane, the surface plane, has risen considerably as a result of the levee building.

Mr. KENYON. Does the Senator's plan, which is before Congress and before the committee, as I understand, contemplate any part of the payment by the landowners?

Mr. RANSDELL. It does.

Mr. KENYON. I think the Senator explained that.

Mr. RANSDELL. I explained that fully.

Mr. KENYON. It comes back to me now. I am very much obliged to the Senator.

Mr. BURTON. Mr. President, in saying what I do about the necessity for a just and scientific adjustment of this problem of the improvement of the lower Mississippi I do not mean that we should decline at this time to make an appropriation. The floods of 1912 created an emergency, and undoubtedly a number of levees wholly or partially destroyed at that time have not yet been fully repaired. That is true, is it not?

Mr. VARDAMAN. That is true.

Mr. BURTON. An appropriation should be made in this bill; the only question is as to the amount. In connection with the ultimate settlement of this question and the proper adjustment of its cost I desire to refer briefly to the Hungarian system, probably one of the most carefully devised of any in the world.

When an improvement is made by levees on the Theiss, the river most subject to floods, the territory adjacent is divided into three classes: First, that which is so inundated by the water that it is practically worthless; second, that farther back from the river which is regularly flooded; third, that land which is occasionally overflowed, still farther away. Before the improvement is undertaken a valuation is made of these lands, that of the first class being practically worthless, that of the second class being very much less than the estimated value after protection, and that of the third class, in which there is a certain increment in value.

The improvement is then made and the cost computed. First, the Hungarian Government pays its proportion of the benefits accruing from the protection. These are quite large, because the Government owns the railways, which often run close to the rivers, and they also include the highways. Then the benefit accruing is assessed against each of the three classes which I have set forth and every parcel therein. That is paid by taxation.

In Hungary it is within the power of the Central Government to levy taxes on land—a right which the National Government does not possess in the United States. One half the increased taxation due to the higher valuation of the land is paid to the Government and the other half is applied toward paying off bonds issued for the improvement. That is, if a parcel of land was worth $1,000 before the improvement and $10,000 after the improvement the added tax on the increased value, or $9,000, is applied half toward retiring the bonds and the other half goes to the Government.

That plan would not be feasible here, because our central government has no power to levy taxes directly upon land; but it at least shows that where this subject has been most carefully considered costs are apportioned according to benefits, and in Hungary by far the largest share of the cost is met by increased taxation on the land.

This method is also suggestive, in that it demonstrates the desirability of ascertaining the value of the property affected before the improvement is made, when the land is in its natural condition, subject to overflow, and again after the improvement has been completed.

In enumerating a partial list of extravagant and injudicious projects included in this bill I have already referred to some seven different improvements. I come now to two which are much in the same class—the Trinity and Brazos Rivers in Texas.

The Trinity has been the subject of much pleasantry. It was said that in the last election in Texas the only thing that went dry was the Trinity River; and in the reports made upon this stream engineers who have examined it have expressed doubt whether, even by canalization and the construction of 37 locks and dams, there would be sufficient water to float even small-sized boats. But what has Congress done? What is it doing in this bill? It is proceeding under a survey made some 14 years ago—which it is now admitted was a mere reconnoissance, a most superficial survey—to make that improvement, without any knowledge of what it will cost and without any knowledge of whether or not it will accomplish any good.

I believe three locks and dams have been completed, but one of them has been kept out of commission because of a complication concerning sewage disposal in the city of Dallas, which made it necessary to keep the dam open all the time to allow the passage of the sewage. It was not possible to keep up the wickets of the dam long enough to determine whether there was sufficient water to float any boats; and to this day it is a problem whether there will be enough water in the river, after all this elaborate system of locks and dams is completed, to float boats from one lock to another.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. Certainly.

Mr. SHEPPARD. I have denied what the Senator says so often that it is hardly worth while to deny it again. I dispute absolutely the truth of what he says. Whenever the first lock and dam below Dallas is raised there will be sufficient water under the Commerce Street Bridge to give a depth of from 6 to 10 feet at all times.

Mr. BURTON. I have referred, however, to the whole system.

Mr. SHEPPARD. But this has special reference to the lock and dam immediately below Dallas.

XUM

Mr. BURTON. I stated that it had been necessary to keep it open so that the water might pass, in order to dispose of sewage at Dallas.

Mr. SHEPPARD. Yes.

Mr. BURTON. I understand that steps are being taken to dispose of that sewage in another way. I do not know whether the work has been completed or not, but it would be edifying to the Senate if the Senator from Texas, by reference to the report of any civil engineer, military engineer, or any other engineer, can show that there would be sufficient water in that river to operate those locks and dams.

Mr. SHEPPARD. I will do that.

Mr. BURTON. The former Chief of Engineers, Gen. Bixby, speaking upon this subject before the Committee on Commerce of the Senate a year ago last spring, said:

> Why, of course we can provide sufficient water there, even if we have to pump it up from the Gulf of Mexico.

But he did not seem to feel at all certain that there was enough water to create in the respective pools an amount sufficient for floating boats.

Mr. SHEPPARD. Mr. President——

Mr. BURTON. Further, Mr. President, the engineers are now conducting an extensive and elaborate survey of this river. I do not know why there has been so much delay in its completion. It has been in progress, I believe, for a year and a half. That survey will test and also answer these questions, will determine the sufficiency of water, will determine all the physical characteristics of this proposed canalized river. What is the sensible thing to do? Is it to appropriate $25,000 or $50,000 for locks scattered at intervals here and there? Is it to go ahead and commit ourselves to an indefinite expense, or is it to wait until we know what results will be secured?

Why, under present conditions, since the establishment of the board of review in 1902, a proposition like this would not receive the favorable attention of Congress for a minute, because there is no such examination, survey, and report as is required by law.

Mr. SHEPPARD. Mr. President, the Senator said that the wicket of the dam immediately below Dallas had never been kept up for a sufficient length of time to determine whether or not there was water enough to float boats.

Mr. BURTON. Oh, I suppose they may have been put up at some time; but, generally speaking, unless the sewage-disposal system has been completed, it has been kept down.

Mr. SHEPPARD. But it has been kept up sometimes for two or three months at a time, sometimes longer—five or six months—and it has been kept up long enough to determine that there is a sufficient water supply in that pool to give from 6 to 10 feet of water under the Commerce Street Bridge.

Mr. BURTON. Is there any official report to that effect?

Mr. SHEPPARD. I do not know that there is any official report to that effect. I do not know that it has been examined by the engineers with that particular matter in view, but I know personally that that has been done.

Mr. BURTON. They are examining it now.

Mr. SHEPPARD. They are not examining that particular section with that particular end in view.

Mr. BURTON. They are examining the whole river, including that.

Mr. SHEPPARD. Not from the standpoint of water supply.

Mr. BURTON. The Senator from Texas has rather exaggerated my reference to this first dam. The reference I made was to the whole river on the question of the supply of water. It is true that the first engineer who examined this project spoke of the possible use of artesian wells to supply water here, but I think that plan is not now favorably regarded.

Mr. SHEPPARD. Mr. President, if the Senator will allow me to say so, there never has been any question as to water supply below what was called by the examining engineer the first section of the river. The only question as to water supply was in what was known as the upper reaches of the river. There never has been a question raised by any engineer as to the sufficiency of the water supply from a point 50 or 60 miles below Dallas to the Gulf. It is only in section 1 that there seemed to be some question about it; and a special report of the engineers found that that was in good shape, after a thorough examination.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the senior Senator from Texas?

Mr. BURTON. Certainly.

Mr. CULBERSON. Will the Senator let me read from the remarks made by the Senator as a Member of the House of Representatives on January 9, 1901?

Mr. BURTON. Yes. That is a good while ago; that is 13 years ago, but I am very glad to have it read. It is really almost a source of gratification that remarks of mine made so long ago as 13 years should be called to my attention.

Mr. CULBERSON. With reference to the Trinity River project, the Senator then said:

> We have not included in this bill any new projects for locks and dams except in Trinity River, in the State of Texas, where we have appropriated or authorized $750,000, part for general improvements and part for the construction of locks and dams.
>
> I am frank to say to the committee that on first examining this project I did not think favorably of it, but I gave it a good deal of consideration. The committee called before them the engineer having the improvement in charge, and it seemed to us that an expenditure of this amount was justified. The river is easily capable of improvement. It has stable banks, and the construction of locks and dams is a comparatively easy problem. There is a great amount of traffic in prospect, both from the source to the mouth and from the mouth toward the source. In this particular it differs from many other rivers where the bulk of the traffic must necessarily be one way. Great quantities of cotton and grain will be carried toward the mouth, and from the mouth toward the source timber and building material for the large expanse of prairie tributary to Dallas toward the north.

Those are remarks made by the Senator from Ohio when he presented a favorable report on this project in the House of Representatives in January, 1901, and I commend them to the attention of the Senate at this time.

Mr. BURTON. I commend to the Senator from Texas the more accurate information which has been received since that time, and I suggest to him the desirability of examining that project and ascertaining whether or not the report of the first engineer, upon whom we relied, was correct. In those days I was more prone than I am now to accept the statements of boards of trade and others who made roseate prophesies of what would result from the construction of canals and the improvement of rivers. I have learned by most unpleasant experience that it is utterly unsafe to trust to clubs, to boards of trade, to contractors and others who have been coming here to Washington, and who are coming here now, to boom these various improvements. I have never believed in that improvement since I first saw it. My earlier information was derived from the engineer—not only from his report, which was very favorable, but from what he said when he appeared before us. In the year 1904, however, with other members of the River and Harbor Committee, I visited that locality and went down the river some 20 or 30 miles by boat. Mr. President, the stream was so narrow that the boat could hardly go 40 rods without bumping into one bank or the other. Never, since I saw the stream, have I favored any other course than making the best disposition we could of a very bad proposition.

The people of Dallas were very public spirited and liberal minded about it, and they offered to subscribe a certain amount of money, provided the Government would construct two or three more locks and dams above what I believe is called the East Fork. They stated that if these dams were constructed the river below the East Fork, when coupled with this improvement, would make navigation possible for four months of the year. So long as I was a member of the Committee on Rivers and Harbors after the year 1904 our policy and our only object was to do the best we could; not to waste the investment entirely, but, if possible, to gain something from the improvement of a river which, on more careful examination, proved exceedingly disappointing, and wherein it was shown clearly that the report of this engineer had been based upon a very partial and, at best, a most superficial examination.

Mr. CULBERSON. Mr. President——

Mr. BURTON. I am perfectly willing to say that if this river could be improved as a canal for the 511 miles from the mouth of the river to Dallas there would be a possibility of shipping to the sea cotton, grain, and other products which abound in the area around Dallas, one of the most fertile regions in the world. We were assured at that time that a considerable quantity of timber, stone, and building material could be sent up the river to Dallas, and thence by rail to Oklahoma and other points beyond. On more mature examination I am satisfied that the accounts we received in regard to the upstream traffic were both inaccurate and misleading.

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. Certainly.

Mr. CULBERSON. I wish to ask the Senator if he did not, following the favorable report he made on this project in 1901, recommend there be made an appropriation regularly as the chairman of the Committee on Rivers and Harbors of the House up to 1909?

Mr. BURTON. Not up to 1909; up to 1907. It is possible there was some appropriation in 1909. I did not prepare that bill, by the way.

Mr. CULBERSON. I will ask the Senator if he did not, on February 15, 1909, submit a report recommending the passage of a bill which carried an appropriation of $75,000 for the Trinity River?

Mr. BURTON. I did not submit that report. The Senator will find I had little to do with the bill of that year; but I have already explained the provisions in those bills. It was with a view of constructing enough locks and dams above the East Fork—I believe that is the name—to make it possible to carry navigation down to that point.

Mr. CULBERSON. If it would not——

Mr. BURTON. The Senator from Texas will not find any appropriation for any lock and dam below that point made by the House while I was chairman of the Committee on Rivers and Harbors down to and including the year 1907. A delegation of a couple of men, Mr. Cowart and another man whose name I have forgotten——

Mr. CULBERSON. Commodore Duncan.

Mr. BURTON. Duncan, appeared before the committee and gave their opinion that in the most favorable season of the year for the marketing of crops, in the later autumn, if there were two or, at the outside, three locks and dams located in the upper portion of the river it would make possible for this limited season traffic on the lower part of the river without locks and dams, and thus utilize the whole river. I wish to say in this connection that I am satisfied now that their opinions were based upon erroneous information.

Mr. CULBERSON. Will the Senator let me read from a speech of himself in the House of Representatives, March 17, 1902, on this project?

Mr. BURTON. Certainly.

Mr. CULBERSON. The Senator then said:

> Numerous rivers are now under consideration, which have been surveyed and in which an estimate of the cost has been rendered. Among them are the Tennessee, the Trinity, in Texas, and so forth. One of the questions to be decided is whether these rivers should be improved on so extensive a scale. We have pursued no plan of compromise, we have considered no plan of dividing appropriations according to States or localities or the membership of this House. We have endeavored to consider every project according to its merits, and made that the sole criterion as to whether it should be included in this bill or not.

Mr. BURTON. Certainly; I think it was the disposition of the whole committee. They joined me very cordially in seeking to ignore both party and State lines. The substance of that extract from my remarks of that time, it seems to me, might be made a platform of river and harbor improvements.

Mr. CULBERSON. What I want to invite the attention of the Senator to is that, after reporting on its merits, he reported another appropriation in 1902 and reindorsed the project on its merits.

Mr. BURTON. My disposition toward this improvement changed decidedly after I saw it myself. Prior to 1904 I relied upon the reports of the engineers and the arguments advanced by those living in that locality.

More than that, Mr. President, what importance is it if I made a mistake at that time—more than 10 years ago? Should that be binding on the country or on me in the year 1914? If I had certain opinions about waterway improvements, or about a particular river, if I accepted the opinions of others or had erroneous opinions of my own, is that any reason why the Senate and the country should go astray in 1914?

I am perfectly willing to admit that I made mistakes in those days. We used the best light we had. We relied on the engineers, and usually properly so, but that did not prevent us from adopting some projects where promises failed to materialize.

There is another important fact in this connection. Between the year 1900 and this year 1914 there has been a decadence in inland waterway traffic, which is the most striking feature in the history of transportation in this country. Many streams reached their maximum traffic, some as far back as 1890, others in 1900, others in the years immediately following 1900, but from that date to this, barring exceptional instances which are easily pointed out, the general history has been one of constant decrease. If I have time I intend to give careful attention to this subject, and I shall especially call attention to the traffic on the Mississippi River. No one can read the statistics and analyze them and deny that since the year 1900 there has been a revolution in water-borne traffic on some of our largest rivers.

Mr. KENYON. Has the Senator finished Trinity River?

Mr. BURTON. Not altogether, but very nearly.

Mr. KENYON. As the Senator from Texas [Mr. CULBERSON] read what the Senator from Ohio had said when he was a Representative about Trinity River, would the Senator have any objection to my reading into the RECORD what a Congressman from Texas said in the House just a short time ago about this proposition?

Mr. BURTON. I do not want any rivalry between Ohio and Texas, but I think it is but fair to place the two against each other.

Mr. KENYON. I read the remarks by the gentleman from Texas [Mr. CALLAWAY] in Committee of the Whole:

> Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am going to discuss only one of these propositions. I am acquainted with the Brazos River; I am acquainted with the Trinity River. * * * Mr. Chairman, when I come into this House and see men bring in a proposition to navigate the Brazos and Trinity Rivers, I am surprised, for going back and forth over the State, on horseback and in wagon, I ford these rivers and time and again I have seen them standing in holes below the points called the head of navigation. In Dallas for months they could not get enough water to supply the actual necessities of the city, and they hauled water there by rail.
>
> Mr. FREAR. Is not that a case like the Kissimmee River in Florida, where it ought to be insured against fire?
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> Mr. CALLAWAY. Yes; and if this were the only proposition, it would not be so bad. In 1902 they started on the present Trinity River project. It must be a great deal better project than the Pedee and Lumber Rivers, for they have just started on the Pedee and the Lumber Rivers; and it must be better than Matawan Creek, in New Jersey, on which they appropriate $137,000 for the purpose of deepening a canal for 2 miles, because they have just started on Matawan Creek; and it must be away yonder better than the Kissimmee Creek in Florida. I take it that the Trinity River is a very good proposition, looked at from the standpoint of the engineers. They started on this project in 1902. They estimated that the entire project would cost $4,000,000, and up to this time they have expended $2,229,142.93. The original estimate by these scientific engineers, who are supposed to make no mistakes, was that it would cost $4,000,000 to complete the project. They have worked on it since 1902—42 years—and now they say it will take 100 to 130 per cent more than that, or practically $10,000,000, to complete the project; and these scientific men say that the appropriations which have been made so far by Congress for the Trinity River "seem to indicate an intention to provide locks and dams." [Laughter.] They have expended $2,000,000 so far. This year we have $205,000 in the bill to continue that work which is going to take $8,000,000 to complete—$200,000 a year. How long will it take to complete that project? Why, it will take 41 years longer, according to the way this committee is proceeding, according to the way these engineers are proceeding; and they have already been working on it for 12 years. That makes 53 years from the time they started; and they are going to expend two and a half times as much as the original estimate. My friend from Dallas does not certainly expect to navigate the Trinity River. He may have some children who will navigate it, but, according to the showing made by these engineers, at the present rate of progress this gentleman who is now in Congress getting these appropriations, and every other Member of Congress interested in the Trinity River, will be gathered to his fathers before the first boat goes up the river. They say "no commerce can go on it until it is completely canalized."

That is from the remarks of the Congressman from Texas made in the House of Representatives during this session, and I thought proper to put it against the statement of the Senator from Texas [Mr. CULBERSON] quoting the statement of the Senator from Ohio.

Mr. BURTON. Mr. President, there is one thing about this project. It is neither pleasant nor necessary for the Senate to incur the storm of ridicule that has come from civil engineers and other persons in the country regarding such an improvement. I deserve my share of it. I made a mistake. A report was made to us that perhaps never was surpassed in its recommendation of the advantages of the improvement. We relied upon it, but in doing so we relied upon information that was inaccurate. We relied upon generalizations that were wrong. The report was filled with the usual material that you find in every argument for waterway improvement, a comparison of railway rates at points where there is competition between rail and water and those in the interior. In this case we should wait at least until we have the report now in course of preparation, and which really was long since due, before we put any more money into this project.

One of the worst features of the Trinity River project lies in scattering dams here and there. Instead of beginning at one point and finishing the improvement consecutively, in a business-like way, they have been located here, there, and elsewhere, apparently to gratify the desire of Congressmen who wished something for their respective districts. The estimate of $4,550,000 for the completion of this whole system, made in 1900, or at the time this report was made, involved 37 dams. It is perfectly evident that that is but a mere fraction of the total ultimate cost. One estimate is that it will cost 100 to 130 per cent more than the amount which was suggested at that time, which would make approximately $10,000,000 for the whole work.

Mr. President, does Congress want to appropriate $10,000,000 on any such proposition as that? Let me ask you to remember what used to be said about the Illinois and Mississippi Canal, the Hennepin Canal, and how it would revolutionize traffic. It had support far beyond this. There was no dissenting note, as there is here, until it was well advanced. I am perhaps exaggerating in saying there was no dissenting note. There were some who questioned it, but the Government went on and spent about $7,000,000; and after we had spent $7,000,000 and it required about a million to complete it, the Rivers and Harbors

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Committee of the House considered seriously whether they would not abandon the whole scheme rather than spend that extra million dollars. I say to the Senate with the utmost confidence that that project promised infinitely more than either the Trinity or the Brazos River.

Is it not time to stop, at least until the engineers can bring in their report as to the quantity of water in the stream and as to the probable expense of completion—until we can displace this report, which under present conditions would not be accepted as a basis for an appropriation of $15,000?

Mr. GALLINGER. Mr. President, will the Senator permit me? As a Member of the other House I recall very vividly the oratory that was expended in favor of the Hennepin Canal. It was very lurid and in some respects so convincing that I voted for that appropriation. There is one thing to be said about the Hennepin Canal as compared with the Trinity River: The Hennepin Canal has water, because I saw it. There is actually water there, and there was a motor boat on it. But the expenditure of $8,000,000 was a wasteful and profligate use of the public funds, as I feel sure any further appropriation for Trinity River will be equally wasteful and profligate.

I think, Mr. President, that I have some figures to show that according to the present plan the improvement of Trinity River is going to cost $15,000,000.

Mr. BURTON. Nobody knows what it will cost. It may be $20,000,000.

Mr. GALLINGER. I think I will be able to show that a little later on.

Mr. BURTON. As I say, it may cost $20,000,000. Then there is the enormous expense of maintenance when it is finished.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. Certainly.

Mr. CULBERSON. I ask the Senator from Ohio if it is not a fact that Col. Riché, the engineer officer who originally made this report in 1901, appeared last year before a subcommittee of the Committee on Commerce of the Senate, of which the Senator was a member, and reiterated his statement that his original estimate of the cost of the Trinity River improvement was the correct estimate, and he produced a letter that he wrote to the Chief of Engineers offering to do the work upon the original estimate of $4,650,000?

Mr. BURTON. That may be.

Mr. CULBERSON. Is not that a fact, and did not the Senator cross-examine him? I mention that to refresh his recollection.

Mr. BURTON. I have that hearing somewhere.

Mr. CULBERSON. I have it before me.

Mr. BURTON. He may have made the statement that he could finish it for that sum, but Col. Riché is not a contractor. It was pointed out at that hearing, as I recall it, that he had made some grave errors in his computations. This bill does not contain any provision that the work shall be done by Col. Riché or as a result of his offer to the Government. It is being prosecuted in the usual way under the control of the Engineer Corps, and with the fact staring us in the face that the expense for some locks and dams has been twice what Col. Riché estimated it would be. That is one of the side issues that can occasionally be raised; but does anyone think seriously of changing our system of prosecuting river and harbor work? Because an engineer, the inaccuracy of whose estimates is admitted, who knows that his offer will not be accepted, says that he personally can do the work for an amount clearly impossible, are we thus to change our policy or depart from a rational consideration of this matter?

I think very highly of Col. Riché; I have known him in other connections to do most excellent work; but he incurred criticism from the Chief of Engineers and from others of the Engineer Corps for his estimates and opinions on this river. If the Senator from Texas will refer to the hearing which he has in mind—I remember the substance of it—there was some friction between Col. Riché and other members of the Engineer Corps at that meeting, especially between Col. Riché and Col. Taylor.

In what position would the Senate and Congress be placed if there were doubt in regard to an improvement, whether it would cost ten or twelve million dollars, and somebody should come here and say, "I will do it for $4,550,000"? Think of the questions that would arise. They would naturally be: "What is your standard of work? Are you going to build this of cut stone or of rubble stone? Are you going to put in sand or gravel? Do you expect to live up to the specifications of the engineers? In brief, do you intend to do hasty, superficial work, or are you going to do careful and thorough work?" Such a proposition is not worthy of serious consideration. Congress would not think for a minute of adopting an improvement and then turning it over to some man who says he can complete it for a certain figure. It would be compelling the Engineer Corps to abdicate its functions; it would be creating a new and unheard-of standard in the performance of public works, and it would involve an examination into the financial stability of the persons having the work in charge.

THE PRESIDENT'S ADDRESS—EMERGENCY REVENUE LEGISLATION (H. DOC. NO. 1157).

The VICE PRESIDENT (at 12 o'clock and 25 minutes p. m.). On yesterday the Senate concurred in a resolution of the House of Representatives providing that at the hour of 12.30 o'clock on Friday, the 4th day of September, 1914, the Senate would proceed to the Hall of the House of Representatives, there to receive any communication which the President of the United States might be pleased to make to the joint Houses of Congress. The Sergeant at Arms will carry out the instructions of the Senate.

Thereupon the Senate, preceded by the Vice President and its Secretary and headed by the Sergeant at Arms, proceeded to the Hall of the House of Representatives.

The Senate returned to its Chamber at 12 o'clock and 45 minutes p. m.

The address of the President of the United States this day delivered to both Houses of Congress is as follows:

The PRESIDENT. Gentlemen of the Congress, I come to you to-day to discharge a duty which I wish with all my heart I might have been spared; but it is a duty which is very clear, and, therefore, I perform it without hesitation or apology. I come to ask very earnestly that additional revenue be provided for the Government.

During the month of August there was, as compared with the corresponding month of last year, a falling off of $10,629,538 in the revenues collected from customs. A continuation of this decrease in the same proportion throughout the current fiscal year would probably mean a loss of customs revenues of from sixty to one hundred millions. I need not tell you to what this falling off is due. It is due in chief part not to the reductions recently made in the customs duties, but to the great decrease in importations, and that is due to the extraordinary extent of the industrial area affected by the present war in Europe. Conditions have arisen which no man foresaw; they affect the whole world of commerce and economic production, and they must be faced and dealt with.

It would be very unwise to postpone dealing with them. Delay in such a matter and in the particular circumstances in which we now find ourselves as a nation might involve consequences of the most embarrassing and deplorable sort, for which I, for one, would not care to be responsible. It would be very dangerous in the present circumstances to create a moment's doubt as to the strength and sufficiency of the Treasury of the United States, its ability to assist, to steady, and sustain the financial operations of the country's business. If the Treasury is known, or even thought, to be weak, where will be our peace of mind? The whole industrial activity of the country would be chilled and demoralized. Just now the peculiarly difficult financial problems of the moment are being sucessfully dealt with, with great self-possession and good sense and very sound judgment, but they are only in process of being worked out. If the process of solution is to be completed, no one must be given reason to doubt the solidity and adequacy of the Treasury of the Government which stands behind the whole method by which our difficulties are being met and handled.

The Treasury itself could get along for a considerable period, no doubt, without immediate resort to new sources of taxation. But at what cost to the business of the community? Approximately $75,000,000, a large part of the present Treasury balance, is now on deposit with national banks distributed throughout the country. It is deposited, of course, on call. I need not point out to you what the probable consequences of inconvenience and distress and confusion would be if the diminishing income of the Treasury should make it necessary rapidly to withdraw these deposits. And yet without additional revenue that plainly might become necessary, and the time when it became necessary could not be controlled or determined by the convenience of the business of the country. It would have to be determined by the operations and necessities of the Treasury itself. Such risks are not necessary and ought not to be run. We can not too scrupulously or carefully safeguard a financial situation which is at best, while war continues in Europe, difficult and abnormal. Hesitation and delay are the worst forms of bad policy under such conditions.

And we ought not to borrow. We ought to resort to taxation, however we may regret the necessity of putting additional temporary burdens on our people. To sell bonds would be to make a most untimely and unjustifiable demand on the money market; untimely, because this is manifestly not the time to withdraw working capital from other uses to pay the Government's bills; unjustifiable, because unnecessary. The country is able to pay any just and reasonable taxes without distress. And to every other form of borrowing, whether for long periods or for short, there is the same objection. These are not the circumstances, this is at this particular moment and in this particular exigency not the market, to borrow large sums of money. What we are seeking is to ease and assist every financial transaction, not to add a single additional embarrassment to the situation. The people of this country are both intelligent and profoundly patriotic. They are ready to meet the present conditions in the right way and to support the Government with generous self-denial. They know and understand, and will be intolerant only of those who dodge responsibility or are not frank with them.

The occasion is not of our own making. We had no part in making it. But it is here. It affects us as directly and palpably almost as if we were participants in the circumstances which gave rise to it. We must accept the inevitable with calm judgment and unruffled spirits, like men accustomed to deal with the unexpected, habituated to take care of themselves, masters of their own affairs and their own fortunes. We shall pay the bill, though we did not deliberately incur it.

In order to meet every demand upon the Treasury without delay or peradventure, and in order to keep the Treasury strong, unquestionably strong, and strong throughout the present anxieties, I respectfully urge that an additional revenue of $100,000,000 be raised through internal taxes devised in your wisdom to meet the emergency. The only suggestion I take the liberty of making is that such sources of revenue be chosen as will begin to yield at once and yield with a certain and constant flow.

I can not close without expressing the confidence with which I approach a Congress, with regard to this or any other matter, which has shown so untiring a devotion to public duty, which has responded to the needs of the Nation throughout a long season despite inevitable fatigue and personal sacrifice, and so large a proportion of whose Members have devoted their whole time and energy to the business of the country.

## RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. I desire now to take up the Brazos River, another river in Texas, somewhat different from the Trinity and having a larger flow of water, but draining a country perhaps not quite so fertile. The Senate has added the capsheaf to the absurdity of the provisions for this river by appropriating $50,000 for two more locks and dams. One lock and dam was provided for in the bill of 1907. The estimated cost was $225,000. Four hundred and thirteen thousand dollars has already been expended on it and it is not yet completed. The proposition is thus to scatter these appropriations, prolong the time of completion, and accommodate as many congressional districts as possible.

There is one lock and dam which I think might find some justification. That is the one at Hidalgo Falls, for which provision was made in the year 1907. The first proposition was to improve only the upper portion of this river, a distance of about 170 miles, in the thought that the lower 240 miles in its native condition would provide a channel sufficient for navigation. To be exact, the distance from the mouth to Old Washington, the lower portion, is 245 miles; from Old Washington to Waco, 170 miles. There was no navigation in 1907 above Hidalgo Falls, which is 260 miles from the mouth and 15 miles from the beginning of the upper section. The project is based on House Document 705, Fifty-ninth Congress, first session, with a view to a depth of 4 feet for four months and 3½ feet for six months by the construction of eight locks and dams and 103 miles of open-channel work, at a total estimated cost of $2,915,000. The eight locks and dams were estimated to cost $300,000 each, or $2,400,000, and the open-channel work $515,000, or a total of $2,915,000, with an annual maintenance cost of $101,800.

I do not know how many of these locks and dams have been partially provided for. We have been scattering the appropriations along in bill after bill, and now, after more than seven years, not a single one of them is complete; and this in the face of the report of a board of engineers with reference to these eight dams which was quoted by Gen. Bixby in a hearing before the Committee on Commerce. The board was made up of Col. Lockwood, Col. Hoxie, Maj. Burr, Maj. Langfitt, and Capt. Kutz—a board of five men who stand very high in the Engineer Corps. They say:

> The board believes that the expenditure of $3,000,000 by the United States, with an annual outlay of $100,000 for maintenance to provide a navigation of such small depth—

That is, 3½ and 4 feet—

> and limited duration, and with such doubtful assurance of accomplishing the results desired, is an investment of such questionable wisdom as to make it inadvisable for the General Government to commence work upon this project, at least until the improvements of similar character now in progress on other streams and on the lower part of the Brazos shall have sufficiently advanced to demonstrate their advisability.

Gen. Bixby remarks that the district officer had reported favorably. The board of review confirmed the report of this special board. Gen Mackenzie, then chief of engineers, however, gave a partial excuse for the appropriation, and I ask special attention to this, because it is characteristic of the opinion of the Corps of Engineers. I have often called attention to the fact that they waive their views on engineering problems and upon the desirability of improvements, in order that they may conform to the wish of Congress. Gen. Mackenzie said:

> In submitting to Congress reports on preliminary examinations and surveys it is usual for the Chief of Engineers to add his view to those expressed by the officers reporting in the first instance and by the Board of Engineers for Rivers and Harbors as to the desirability of undertaking the improvement. In this case, however, since such expression of opinion by the Chief of Engineers is not distinctly called for in the law, and since the point has been made by the Members of Congress most interested in the work that the question of the advisability of the improvement has already been determined by Congress, I submit these reports without further comment.

That is, there was an adverse report by a board of five; there was an adverse report by the Board of Engineers; but the Chief of Engineers, without setting forth his opinion, said that certain Members of Congress claimed that the question had been already decided by Congress, and so he submitted the reports without comment. A consideration of the whole report shows a distinct disapproval of the project, and to those claiming there are no projects in this bill which are not approved by the Board of Engineers, I commend this one. Also, Gen. Mackenzie's language in transmitting the report is typical of the attitude of the engineers on numerous questions upon which they regard it as unnecessary or undesirable to express an opinion when the expressed wish of Congress is contrary to their judgment.

But, Mr. President, this is not the worst of this project. Col. Riché, to whom reference has been so often made because of his friendship for the Trinity River project, expressed his opinion in regard to this one. It is found on page 30 of a hearing before the Committee on Commerce held in February, 1913. He speaks of the work already done and of that for which a small amount is available. He was asked a question as to the lock at Hidalgo Falls, which it was estimated would cost $225,000, and on which, by June 30, 1913, $414,000 had been expended, and he says:

> We have all the ironwork on the bank; it is all ready to go ahead there.
>
> Senator BURTON. There are two others where appropriations of $25,000 each have been made. What will it cost to finish each of those?
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> Col. RICHÉ. That I could not say, because I expect that there will be considerable change in the plan necessary. That is one reason why I have been compelled to delay on that until I could get a man to do that work.
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> Senator BURTON. Do you regard that the selection of eight dams is sufficient for that river from Waco down to Old Washington?

That is 170 miles above the 245.

> Col. RICHÉ. Well, it is not sufficient, I should say, to completely canalize the stream.
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> Senator BURTON. How many additional dams should there have been?
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> Col. RICHÉ. About double. These are the alternate dams.
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> Senator BURTON. In regard to these no survey has been made?
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> Col. RICHÉ. Nothing except the original survey has been made.
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> Senator BURTON. What would be the average cost of those dams?
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> Col. RICHÉ. That is actually the question that I want to go into. My original estimate was $190,000 apiece.
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> Senator BURTON. Does that estimate hold now?
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> Col. RICHÉ. Maj. Jadwin estimated $300,000 apiece.

Only a trivial difference between $190,000 and $300,000. We must bear in mind on one of them $414,000 has already been expended and it is unfinished.

> Senator BURTON. You regard your present location of those dams as the result of sufficient examination to enable you to judge wisely?
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> Col. RICHÉ. You mean the precise location?
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> Senator BURTON. Yes.
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> Col. RICHÉ. No; that would require boring.
>
> Senator BURTON. In regard to the eight dams under construction, your original report would have to be changed?
>
> Col. RICHÉ. The matter was made the subject of a later report by Capt. Waldron.

Senator BURTON. Can you give the title of that? Is that a printed document?

Col. RICHÉ. Yes, sir; House Document No. 95, Sixty-second Congress, first session. He made a study of that and suggested certain locations, which he shows on his profile.

Senator BURTON. In your original report, did you report that eight dams would be sufficient for the canalization?

Col. RICHÉ. No, sir. I do not remember now how many I reported. I think it was 18 in that section of the river. I am just speaking from memory, however. I have it here somewhere.

Senator BURTON. From Old Washington down no dams are required?

Col. RICHÉ. Well, the idea was to attempt that by open-channel work first.

Senator BURTON. And locks and dams might ultimately be required there?

Col. RICHÉ. Yes, sir.

Senator BURTON. Would they probably be required?

Col. RICHÉ. For continuous navigation; yes, sir.

Senator BURTON. How many would be required in the section below Old Washington?

Col. RICHÉ. My recollection is 12, but I can verify that in a moment. [After referring to figures.] Twelve; I was correct. That makes 30.

The very engineer who made the survey and the recommendation for 8 locks and dams now says that it will require 30. Year after year the request has been made that there be a survey of this river, but the influences in favor of these dams have been so strong that it has been prevented. According to the original plan there was to be a depth of only 4½ feet, and for a part of the year even less than that. Mr. President, this country is already too amply supplied with transportation facilities to make a canalized river with only 4 or 4½ feet of any substantial benefit.

So here there are at least 30 dams that it will be necessary to complete, one of them unfinished after an expenditure of $414,000, with the probable expense in view of ten or twelve million dollars; and yet we are appropriating $25,000 for a dam here and another dam there, with no obvious purpose except to commit the Government of the United States to this improvement.

Mr. President, I insist that the course to pursue is to cease making appropriations for this project, then to make a reexamination and survey of this river, to judge of it under present conditions; ascertain whether canalization will do any good or not, and when the report is in—whether it costs $12,000,000 or $14,000,000, and it is evident that it will cost as much as $12,000,000—then is the time for us to take up and deliberately discuss the question. I have no faith that the canalization of this river will provide freight of a value equivalent to the annual cost of maintenance.

Mr. President, it is amazing that we should make appropriations in this manner, without any basis on which to proceed. The only report made here was called a reconnoissance, only a few hundred dollars being expended on it, and the engineer came before the committee and admitted that he had not fixed a definite location for these dams. He would have been compelled to admit also that he had no knowledge as to where material could be obtained, and that he was utterly without information as regards borings and foundations.

Mr. President, this item ought to be wiped out of the bill. One dam there is nearly completed. To prevent the appearance of abandoning what we have commenced and prosecuted with such care we must finish it, I suppose, although even that will be a waste. I assume my share of the blame for having commenced this one dam. It was represented that there were falls there in the midst of the river and two-thirds of the way up to Waco, the principal point, and this would make navigable, during certain seasons of the year, the whole river from Waco down to the mouth, a distance of 415 miles. I now have no confidence that such will be the case. I have no idea that there will be a single ton of freight carried from Waco to Velasco, the mouth, because of the construction of that dam. That is the fact, and I suppose it is for us to finish the locks and go through the solemn farce of maintaining lock keepers and a force of men at this locality to wait and see—"watchful waiting." The Senator from Colorado [Mr. THOMAS] suggests wakeful watching. That is a better expression, in this case.

Will the Senate pass this bill with that item in it? Senator NELSON asked a question of Col. Riché in regard to a couple of dams that had already been provided. I can turn to the exact point. It is on page 29. Congress had made one of these small appropriations of, say, $25,000 apiece for a couple of dams.

While we are here on the Brazos River case—

Asked the chairman, Senator NELSON—

While we are here on the Brazos River case, last year we appropriated $25,000 each for two new dams, did we not?

Col. RICHÉ. Yes, sir.

The CHAIRMAN. And nothing has been done under that appropriation.

Col. RICHÉ. I have been unable to reach that matter.

The CHAIRMAN. Nothing whatever has been done under this appropriation. Now, this bill provides for two additional dams, so that you will have, if this becomes a law, four dams in the air, with $25,000 appropriated for each dam. Isn't that so?

Col. RICHÉ. I do not know what the present law is. That will be true if it does pass.

The CHAIRMAN. This provides for two additional locks and dams, at the same amount as last year—$50,000 for the two.

Col. RICHÉ. Yes, sir. The location of two dams is now pending.

The CHAIRMAN. Now, there are two other dams. Last year the appropriation bill contained an additional provision for two additional dams, with an appropriation of $25,000 for each. Now, there has been nothing done under that appropriation?

Col. RICHÉ. No, sir.

The CHAIRMAN. This bill provides for another two dams at $25,000 each. If that goes through in that shape, you would have then provision for four dams, with $25,000 for each dam, and all in the air—isn't that true?

Now, then, let us examine what there is in this bill. Notice the Senate committee amendment on page 44 of the river and harbor bill, as reported to the Senate:

Improving Brazos River, TEX.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000.

Two hundred thousand dollars is passed by the House. Now, I add the additional Senate committee amendment increasing the appropriation:

And commencing the construction of two additional locks and dams, $250,000.

There were four in the air, as Senator NELSON expressed it, when the last bill passed; and now we have six, each with $25,000 appropriated for, not enough to begin the simplest portion of the construction of those locks and dams.

Mr. President, I do not believe the Senate knows of these things. I do not believe there is any realization of the utterly unbusinesslike and absurd policy that we are pursuing here. Independent of the lack of merit in the project.

I understand the Senator from Nevada [Mr. NEWLANDS] desires to present some matter. I yield for that purpose. I do not understand that he asks that the time of the Senate be taken up in disposing of it.

Mr. NEWLANDS. I desire to present a unanimous report of the conference committee on the trade commission bill.

Mr. BURTON. May I ask the Senator if he expects to take it up and dispose of it this afternoon?

Mr. NEWLANDS. No.

FEDERAL TRADE COMMISSION (S. DOC. NO. 573).

Mr. NEWLANDS. I present the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15613) to create a Federal trade commission, to define its powers and duties, and for other purposes. I ask to have the conference report printed in the RECORD, and also to have the bill printed as a document in three parallel columns, showing the bill as passed by the House, the bill as passed by the Senate, and the bill as agreed to in conference.

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). Without objection, it will be so ordered.

Mr. SMOOT. Mr. President, I recognize the fact that we pay very little attention to our rules any more. There was a Senator on the floor of the Senate speaking, and under the rules business of this kind can not be presented. I want to say that I shall not object to the reception of the report, but——

The PRESIDING OFFICER. The Chair will state to the Senator from Utah that a conference report is in order at any time, and that the Senator from Ohio yielded that the conference report might be received.

Mr. SMOOT. I was speaking of business generally. It was done all day yesterday and I suppose it will be continued here to-day. As I said, the Senator from Nevada has asked unanimous consent, and I have no objection to the report being received, as it will take no time.

The PRESIDING OFFICER. Does the Senator from Nevada desire to have the conference report read?

Mr. NEWLANDS. No; I simply desire to have it printed in the RECORD.

The PRESIDING OFFICER. It will be so ordered.

Mr. KENYON. I should like to inquire if this is a conference report on the trade commission bill?

Mr. NEWLANDS. Yes; and it is a unanimous report, I will say.

Mr. KENYON. When is it to be taken up and disposed of?

Mr. NEWLANDS. I can not say, but at the earliest moment.

Mr. BURTON. Not to-day.

The PRESIDING OFFICER. The Chair will ask the Senator from Nevada whether it is his desire to have the Senate bill and the conferees' bill as reported printed in separate columns?

Mr. NEWLANDS. Yes; in parallel columns.

The PRESIDING OFFICER. The Senator stated the House bill, but the Chair supposed that he meant the conferees' bill.

Mr. NEWLANDS. I desire a comparative print of the bill, showing the bill as passed by the House, the bill as passed by the Senate, and the bill as agreed to in conference.

The PRESIDING OFFICER. It will be so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H. R. 15613) to create an interstate-trade commission, to define its powers and duties, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"That a commission is hereby created and established, to be known as the Federal trade commission (hereinafter referred to as the commission), which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of three, four, five, six, and seven years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

"The commission shall have an official seal, which shall be judicially noticed.

"SEC. 2. That each commissioner shall receive a salary of $10,000 a year, payable in the same manner as the salaries of the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive a salary of $5,000 a year, payable in like manner, and it shall have authority to employ and fix the compensation of such attorneys, special experts, examiners, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress.

"With the exception of the secretary, a clerk to each commissioner, the attorneys, and such special experts and examiners as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

"All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

"Until otherwise provided by law, the commission may rent suitable offices for its use.

"The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the commission.

"SEC. 3. That upon the organization of the commission and election of its chairman, the Bureau of Corporations and the offices of Commissioner and Deputy Commissioner of Corporations shall cease to exist; and all pending investigations and proceedings of the Bureau of Corporations shall be continued by the commission.

"All clerks and employees of the said bureau shall be transferred to and become clerks and employees of the commission at their present grades and salaries. All records, papers, and property of the said bureau shall become records, papers, and property of the commission, and all unexpended funds and appropriations for the use and maintenance of the said bureau, including any allotment already made to it by the Secretary of Commerce from the contingent appropriation for the Department of Commerce for the fiscal year 1915, or from the departmental printing fund for the fiscal year 1915, shall become funds and appropriations available to be expended by the commission in the exercise of the powers, authority, and duties conferred on it by this act.

"The principal office of the commission shall be in the city of Washington, but it may meet and exercise all its powers at any other place. The commission may, by one or more of its members, or by such examiners as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

"SEC. 4. That the words defined in this section shall have the following meaning when found in this act, to wit:

"'Commerce' means commerce among the several States or with foreign nations, or in any Territory of the United States, or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

"'Corporation' means any company or association incorporated or unincorporated, which is organized to carry on business for profit and has shares of capital or capital stock, and any company or association, incorporated or unincorporated, without shares of capital or capital stock, except partnerships, which is organized to carry on business for its own profit or that of its members.

"'Documentary evidence' means all documents, papers, and correspondence in existence at and after the passage of this act.

"'Acts to regulate commerce' means the act entitled 'An act to regulate commerce,' approved February 14, 1887, and all acts amendatory thereof and supplementary thereto.

"'Antitrust acts' means the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890; also the sections 73 to 77, inclusive, of an act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894; and also the act entitled 'An act to amend sections 73 and 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes,"' approved February 12, 1913.

"SEC. 5. That unfair methods of competition in commerce are hereby declared unlawful.

"The commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce.

"Whenever the commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition in commerce, and if it shall appear to the commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the commission to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission. If upon such hearing the commission shall be of the opinion that the method of competition in question is prohibited by this act, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

"If such person, partnership, or corporation fails or neglects to obey such order of the commission while the same is in effect, the commission may apply to the circuit court of appeals of the United States, within any circuit where the method of competition in question was used or where such person, partnership, or corporation resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the commission. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such person, partnership, or corporation and thereupon shall have jurisdiction of

the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the commission. The findings of the commission as to the facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by testimony, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 240 of the Judicial Code.

"Any party required by such order of the commission to cease and desist from using such method of competition may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission, and thereupon the commission forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission as in the case of an application by the commission for the enforcement of its order, and the findings of the commission as to the facts, if supported by testimony, shall in like manner be conclusive.

"The jurisdiction of the circuit court of appeals of the United States to enforce, set aside, or modify orders of the commission shall be exclusive.

"Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the commission or the judgment of the court to enforce the same shall in any wise relieve or absolve any person, partnership, or corporation from any liability under the antitrust acts.

"Complaints, orders, and other processes of the commission under this section may be served by anyone duly authorized by the commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same.

"SEC. 6. That the commission shall also have power—

"(a) To gather and compile information concerning and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers subject to the act to regulate commerce, and its relation to other corporations and to individuals, associations, and partnerships.

"(b) To require, by general or special orders, corporations engaged in commerce, excepting banks, and common carriers subject to the act to regulate commerce, or any class of them, or any of them, respectively, to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commission may prescribe, and shall be filed with the commission within such reasonable period as the commission may prescribe, unless additional time be granted in any case by the commission.

"(c) Whenever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, to make investigation, upon its own initiative, of the manner in which the decree has been or is being carried out, and upon the application of the Attorney General it shall be its duty to make such investigation. It shall transmit to the Attorney General a report embodying its findings and recommendations as a result of any such investigation, and the report shall be made public in the discretion of the commission.

"(d) Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

"(e) Upon the application of the Attorney General to investigate and make recommendations for the readjustment of the business of any corporation alleged to be violating the antitrust acts in order that the corporation may thereafter maintain its organization, management, and conduct of business in accordance with law.

"(f) To make public from time to time such portions of the information obtained by it hereunder, except trade secrets and names of customers, as it shall deem expedient in the public interest; and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation; and to provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use.

"(g) From time to time to classify corporations and to make rules and regulations for the purpose of carrying out the provisions of this act.

"(h) To investigate, from time to time, trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants, or traders, or other conditions, may affect the foreign trade of the United States, and to report to Congress thereon, with such recommendations as it deems advisable.

"SEC. 7. That in any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts, the court may, upon the conclusion of the testimony therein, if it shall be then of opinion that the complainant is entitled to relief, refer said suit to the commission, as a master in chancery, to ascertain and report an appropriate form of decree therein. The commission shall proceed upon such notice to the parties and under such rules of procedure as the court may prescribe, and upon the coming in of such report such exceptions may be filed and such proceedings had in relation thereto as upon the report of a master in other equity causes, but the court may adopt or reject such report, in whole or in part, and enter such decree as the nature of the case may in its judgment require.

"SEC. 8. That the several departments and bureaus of the Government when directed by the President shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this act, and shall detail from time to time such officials and employees to the commission as he may direct.

"SEC. 9. That for the purposes of this act the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against; and the commission shall have power to require by subpœna the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. Any member of the commission may sign subpœnas, and members and examiners of the commission may administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpœna the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

"Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"Upon the application of the Attorney General of the United States, at the request of the commission, the district courts of the United States shall have jurisdiction to issue writs of man-

damus commanding any person or corporation to comply with the provisions of this act or any order of the commission made in pursuance thereof.

"The commission may order testimony to be taken by deposition in any proceeding or investigation pending under this act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

"Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"No person shall be excused from attending and testifying or from producing documentary evidence before the commission or in obedience to the subpœna of the commission on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the commission in obedience to a subpœna issued by it: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

"SEC. 10. That any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce documentary evidence, if in his power to do so, in obedience to the subpœna or lawful requirement of the commission, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $1,000 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

"Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this act, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any corporation subject to this act, or who shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of such corporation, or who shall willfully remove out of the jurisdiction of the United States, or willfully mutilate, alter, or by any other means falsify any documentary evidence of such corporation, or who shall willfully refuse to submit to the commission or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of such corporation in his possession or within his control, shall be deemed guilty of an offense against the United States, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

"If any corporation required by this act to file any annual or special report shall fail so to do within the time fixed by the commission for filing the same, and such failure shall continue for 30 days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

"Any officer or employee of the commission who shall make public any information obtained by the commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court.

"SEC. 11. Nothing contained in this act shall be construed to prevent or interfere with the enforcement of the provisions of the antitrust acts or the acts to regulate commerce, nor shall anything contained in the act be construed to alter, modify, or repeal the said antitrust acts or the acts to regulate commerce or any part or parts thereof."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

FRANCIS G. NEWLANDS,
ATLEE POMERENE,
WILLIAM SAULSBURY,
MOSES E. CLAPP,
ALBERT B. CUMMINS,
*Managers on the part of the Senate.*

W. C. ADAMSON,
THETUS W. SIMS,
J. HARRY COVINGTON,
F. C. STEVENS,
JOHN J. ESCH,
*Managers on the part of the House.*

### JOHN WORSLEY AND FRED WORSLEY.

Mr. SHAFROTH. I desire to submit a report.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. What is the request?

Mr. SHAFROTH. It is simply a report from the Committee to Audit and Control the Contingent Expenses of the Senate on a resolution allowing the funeral expenses of one of the employees of the Senate. It does not generally take any time to dispose of such a resolution.

Mr. BURTON. I do not like these constant interruptions. It seems to me we ought to have an adjournment and transact routine business in the usual way, but it is pretty difficult to object to a proposition of this kind.

Mr. SHAFROTH. These are poor people, and of course they ought to be paid.

Mr. SMOOT. I think, of course, the funeral expenses in this case ought to be paid, but the resolution should be reported in regular order, and then it ought to go on the calendar. It should be presented at a time when we have morning business and not when a Senator is speaking. It is not for a Senator to call the attention of the Chair to it. The rule states that the Chair shall enforce it without his attention being called to it.

Mr. SHAFROTH. The difficulty has been that we have not had any time to present such matters. We have been taking recesses continually, and that cuts off this order and makes it out-of-order business.

The PRESIDING OFFICER. Is there objection to receiving the report? The Chair hears none.

Mr. SHAFROTH, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 449, submitted by Mr. OVERMAN on the 2d instant, reported it favorably without amendment, and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to John Worsley and Fred Worsley, only surviving children of John B. Worsley, late a laborer in the folding room of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as in lieu of funeral expenses and other allowance.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 2167) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WEBB, Mr. CARLIN, Mr. FLOYD of Arkansas, Mr. VOLSTEAD, and Mr. NELSON managers at the conference on the part of the House.

### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

H. R. 2167. An act to fix the time for holding the term of the district court in the Jonesboro division of the eastern district of Arkansas;

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H. R. 17442. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of Congress approved March 3, 1913, and June 6, 1914;

S. J. Res. 151. Joint resolution authorizing the President to accept an invitation to participate in an international exposition of sea fishery industries; and

H. J. Res. 330. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved April 24, 1914.

PROPOSED ANTITRUST LEGISLATION.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULBERSON. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. CULBERSON, Mr. OVERMAN, Mr. CHILTON, Mr. CLARK of Wyoming, and Mr. NELSON conferees on the part of the Senate.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, I now desire to take up another project in this bill, though in my remarks I am by no means including all that seem to me objectionable.

The Members of the Senate have just listened to a most impressive message from the President of the United States, in which he has set forth the necessity for additional taxation. There was never a time in the history of this Government or any other government when taxes could be imposed without a burden on the people, and contemporaneously with our consideration of these levies, which must be paid by a new class of taxpayers and imposed upon a new class of commodities and objects, is a most appropriate season to scrutinize the appropriation.

Do you wish to economize? This bill here affords the opportunity of economizing to the extent, I believe, of $20,000,000, and involves an ultimate saving of $50,000,000 to $100,000,000 in the expenses which are involved in the appropriations in the bill. What will this Congress do? Will it pass this bill, with all its imperfections, with all these objectionable provisions, and in the same breath pass laws to impose taxes on the people? Is that to be done?

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. I yield to the Senator from Nevada.

Mr. NEWLANDS. I understood the Senator to say that about $20,000,000 could be safely stricken out of the bill. May I ask whether that $20,000,000 would involve the failure of appropriations on work already authorized?

Mr. BURTON. To some extent.

Mr. NEWLANDS. Would the Senator state how much of it in his judgment has already been authorized?

Mr. BURTON. The question is a complicated one. There are projects already authorized which should be stopped entirely; but they have very large balances on hand. I shall speak of one in a few moments. There are others upon which work might be postponed; others still that are now in this bill and not yet commenced and which should not be commenced.

Mr. NEWLANDS. Not yet inaugurated?

Mr. BURTON. Not yet inaugurated.

Mr. NEWLANDS. Can the Senator tell me how much of the $20,000,000 to which he refers is covered by projects that have not yet been inaugurated?

Mr. BURTON. I should say a fourth.

Mr. NEWLANDS. A fourth.

Mr. BURTON. I shall try, if possible, before I get through to give more exact figures.

Mr. NEWLANDS. Of the remaining $15,000,000 of projects, what proportion are under contracts for continuation?

Mr. BURTON. Of course that may be——

Mr. NEWLANDS. And for what proportion are contracts not entered into as yet?

Mr. BURTON. If they have been entered into, of course the work could not be stopped, because the Government is obligated by contract, though of course it might buy off the contractors, paying them a premium. But that would be a very unusual thing to do.

Mr. NEWLANDS. The Senator's estimates do not cover any project for which continuous work has been contracted?

Mr. BURTON. If absolute contracts are in existence, no, it does not. Indeed, I regret that that is impractical, however objectionable an improvement might be. If the contract has been made for it we are committed to it. I want to say, Mr. President, in addition, it is not so much the amount, after all, as it is the quality of some of these improvements. The expenditure of money for them, if they were known and dwelt upon, would expose any legislative body to ridicule.

This case that I have just referred to and its unbusinesslike quality is one of the very worst. While the amount saved is not so great—that is, the immediate amount in this bill is not so great—the manner in which we are conducting this particular public work of the Government is ridiculous beyond measure.

Mr. KENYON. Mr. President——

Mr. BURTON. I yield to the Senator from Iowa.

Mr. KENYON. At the time of the interruption by the Senator from Nevada [Mr. NEWLANDS] the Senator from Ohio was discussing the proposition that we should economize. I think he used that term, much understood and seldom followed. Did the Senator, in reference to the President and the measure, really mean that we had any direction to economize?

Mr. BURTON. I did not hear the message. I should have anticipated that there would have been some words of caution on that subject. I have no doubt that that is the disposition of the President.

Mr. KENYON. The President advised us as follows:

> The Treasury itself could get along for a considerable period, no doubt, without immediate resort to new sources of taxation.

And further he said:

> And we ought not to borrow. We ought to resort to taxation, however we may regret the necessity of putting additional temporary burdens on our people.

The President through oversight, which I assume it must have been, neglected to say that we must economize. So I think the Senator from Ohio is going a long way to claim now that the Senate ought to economize in view of this message of the President in which no such instructions are given. Of course the Senator from Ohio, with reference to economizing, may have had in mind the Democratic platform. While the President now advocates additional taxation, an additional burden upon the people to keep the Treasury in a sound condition, the Democratic platform, as the Senator knows, denounced the profligate waste of the money wrung from the people by an oppressive taxation.

I want to ask the Senator from Ohio if it is not a most remarkable thing which can not be accounted for merely by psychology that at a time when a bill is carrying some $53,000,000 for rivers and harbors, and where the sundry civil bill has carried about $6,000,000 and additional obligations under this bill that run it up in its obligations upon the Government close to a hundred million dollars, instead of asking Congress to economize, as they declared in their platform, the President of the United States, who is pledged to economy, merely says that we ought to resort to additional taxation?

I do not say this in any particular criticism of the President, I respect him so highly; and I have a belief and a hope that when this bill is finally passed, when the allies here are broken down by overpowering numbers, the President of the United States will veto this bill. But is it not remarkable that we are in a situation just now of levying a war tax upon the people of this country of $1 practically per head, when if this river and harbor bill was not passed we would not need it?

I did not mean to take any particular time of the Senator, but in view of the Democratic platform as to economy I expected and hoped to hear from the President that while we ought not to borrow when revenues of the Government were decreasing the thing to do is to cut down expenses, just as when personal revenues are decreasing we cut down our own personal expenses. Does it not seem to the Senator from Ohio that a serious omission has been made in this address of the President?

Mr. BURTON. I have not read the message of the President and I did not have the pleasure of listening to it. I must say I should have expected some note of admonition upon the necessity of economy, especially in view of the present situation

when it is so probable that the average earnings and incomes of individuals will fall off. Possibly something may yet be found in the message which points in that direction, and if not I am inclined to think it was an inadvertence. For the President I have the very highest respect, and I feel sure that he recognizes this situation and is a foe to unnecessary or prodigal expenditures.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. I shall be glad to yield to the Senator from Colorado.

Mr. THOMAS. I am quite as anxious to see a program of economy entered upon in the Nation's affairs as any member of this body very well can be, I believe; but I confess that, with the exception of a few Members on this side and a few Members on that side of the Chamber, the general spirit seems to be in the other direction.

The Senator from Ohio [Mr. BURTON] has just called attention to the absence from the message to which we have just listened of any recommendation or suggestion of economy. I do not believe, Mr. President, that it is necessary or that from the standpoint of our own duty here it should be even expedient to receive an address upon so important a subject. The fact of the business is that this is not an economical Congress. I do not know that we have had one for a great many years, with the exception of perhaps half a dozen men on this side of the Chamber and upon the Republican side. I do not see any greater evidence of the desire to economize than is charged to the doors of the majority of the Members of the other side. I think we ought to be fair about this matter.

There are a number of Senators, regardless of party, who recognize the existence of a general condition which would suggest, and ought to suggest, a reduction of expenses everywhere; but the difficulty seems to be that no one man wants to begin at any particular point, preferring that the retrenchment should run along other lines.

Take this bill. I think the Senator from Iowa will concede that it is receiving quite as enthusiastic support on one side as upon the other side of the Chamber.

Mr. KENYON. I freely concede that.

Mr. THOMAS. And if the Republican Party, as a party, would set us the good example of economizing, irrespective of whether or not their platform has anything to say upon the subject, it might be an example which we would follow from necessity, if not from inclination.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. THOMAS. Certainly.

Mr. KENYON. It will have to be conceded by the Senator that the Republican Party, even if it acted as a unit in this Chamber, if there could be harmony among its members, would be absolutely powerless, because they are in a minority, and the program is laid out by a caucus which is held on the other side. That is the difference.

Mr. THOMAS. Numerically, Mr. President, that is true; but there is nothing so healthy as a good, vigorous, united opposition, no matter what the program of a majority in control of the Government may be.

This bill has been lauded as a nonpartisan one; it is a nonpartisan bill; it is one which, like charity, covers a multitude of subjects; and while economy ought to be practiced, I very much question whether a majority of this body on the Republican side, any more than a majority of this body on the Democratic side, is disposed to begin with this bill.

Mr. KENYON. Mr. President, I want to make this further observation: The Senator from Colorado will note the great interest that the discussion in a bill appropriating $53,000,000 produces. There are at this time seven Democratic Senators in the Chamber and five Republicans.

Mr. THOMAS. Mr. President, I do not observe any distinction in the matter between this bill and any other bill. That seems to be the common practice of the Senate.

Mr. KENYON. Chronic.

Mr. THOMAS. I did not say that. I said it was the common practice; but I am willing to accept the amendment.

Mr. LEWIS. May I be permitted a suggestion?

Mr. THOMAS. It is the rule, and not the exception, when important matters are being discussed here for Senators either to take refuge in the cloakroom or to be absent from the floor. In saying that I claim no special virtue; I am just as guilty as any of my brethren.

Mr. LEWIS. May I be permitted to make a suggestion?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. THOMAS. The Senator from Ohio [Mr. BURTON] has the floor.

Mr. BURTON. I shall be very glad to yield.

Mr. LEWIS. If I may be pardoned this interpolation, as one upon whom it is said the responsibility rests of keeping a quorum under certain conditions, I merely desire to call attention to the fact that the position taken by the able Senator from Iowa [Mr. KENYON], referred to by the distinguished Senator from Colorado [Mr. THOMAS], may be accounted for for a material reason. It is now, by the clock, half past 1 in the noonday. Therefore it is assumed that Senators are down refreshing their physical strength that they may add stronger mentality to the discussion.

Mr. THOMAS. Well, Mr. President, I do not notice any difference between mealtime and any other time in the matter of attendance upon the floor. As I said, absence from the Chamber is a common custom and habit. The Senator from Ohio [Mr. BURTON] is giving the Senate the benefit of a very long, extended, and exhaustive examination of a very important bill. Surely his presentation of the subject is entitled to receive the earnest consideration of everyone, those who are in sympathy with as well as those who are against the position which he has taken; but the Senator is not an exception to the rule by any means. It is the case with all of us. Hence I am sure that no disrespect is intended him.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. BURTON. I yield to the Senator from Utah.

Mr. SMOOT. I simply want to add one word to what the Senator from Colorado [Mr. THOMAS] has said, and that is this: Every morning the Senate meets at 11 o'clock. It generally requires from 10 to 25 minutes to secure the presence of a quorum. There is that much time lost every day. Day after day and week after week we begin the session when there are not a half dozen Senators present. I deplore the situation. I do not know that it will do any good to scold the Senate or call attention to it.

Mr. KENYON. Will not the Senator speak so that the three Senators on this side of the Chamber can hear him?

Mr. SMOOT. I do not know that it will do any good to scold the body or to call attention to the matter. It has been done so many times in the past, and has had no effect, that I have almost given up hope, as I have in relation to the Senate abiding by the rules of the body.

Mr. LEWIS. Mr. President, may I be pardoned a rejoinder? There is a great deal to be said in complete support of these condemnations, mildly uttered by the Senator from Colorado [Mr. THOMAS] and by the Senator from Utah [Mr. SMOOT]. I realize, possibly more than any other one man on this side of the Chamber, the many difficulties that have attended the matter of the attendance of Senators. We ought to put into the RECORD a thought just now that those who read the RECORD and read these animadversions might, in justice to both sides, keep in view, first, that in the morning the work in the departments must be attended to. Senators receive much mail and many demands they can not possibly escape; that messenger-boy service which undignifies the Senator, humiliating oftentimes in its pursuit, renders it almost impossible that he could address himself to more important matters, almost unfits him for the larger affairs of statesmanship or great matters, but nevertheless he is compelled to obey its summons or otherwise be condemned by his constituency for lack of industry and attention.

Again, the war in Europe has undoubtedly called for much attention on the part of Senators respecting constituents who have been abroad and in the last two weeks, to which the able Senator from Utah adverts, that has no doubt called for many Senators visiting the departments and being absent in the morning hour.

Mr. President, having made these observations as an excuse, I would like myself to be permitted, not in a scolding sense—I would not assume such liberty—to add, that I deprecate that through the country there is now being generally circulated the truth that there are great debates in this body, from able, learned, and efficient men, who, having spent hours in pursuing the subject, become qualified to discuss it, and yet the country must observe that we have voted upon these important measures "yea" or "nay," to the advantage or the disadvantage of the Nation, without having had any evidences of the value of the discussions, without knowing what they were, without information as to the contents of the measure or its terms, and with but little information as to its effect upon the country, all because we did not take lesson or information from those schooled, able, and competent.

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I fear if this continues without some of the Senators of older service than myself and of more influence bringing it to the attention of the Senate constantly, we shall lose before the American Republic the respect which should attach to the decision of the Senate on any public question. There will go out the idea that our vote is commanded merely by party exigencies, without regard for the merits of the measure or of justice to the Nation. That is why I wish to add but my slight voice, in no sense of condemnation, but certainly in criticism of those unnecessary absences during the discussion of these important affairs in the Senate.

Mr. BURTON. If I may digress briefly from the course of my argument, I will say that I can not altogether agree with what has just been said in regard to the reason for absences from the Senate and the comparatively small number of Senators here. I remember that on coming to the Senate from the House, in the year 1909, I was very much impressed by the fact that the majority of all the Senators were here nearly all the time. It seemed to me there was a marked difference in that regard as compared with the other House. The House being a larger body, there being a larger degree of confusion, Members speaking less frequently and having less opportunity to speak, a larger proportion of its Members were absent. But a great difference has occurred in the Senate in that regard in the last five years. The average attendance is less. As one of the principal reasons for that condition we may, without any hesitancy, say that it is the long time during which Members of the Senate have been kept here, the weariness of almost constant sessions now for well on to two years, and the lengthy extra sessions beginning in 1909. It is almost impossible for a man to stay here with regularity without some degree of impairment of health after so long a strain.

I regret the scanty attendance at times, but I think it is traceable to causes that are easily understood. The immediate cause at this time, more marked than any other, is the listlessness which arises from weariness, due to a long period of labor here in this close and rather poorly ventilated Chamber.

I desire next, Mr. President, to give attention to the Missouri River, for which there is an appropriation of $2,000,000 suggested in this bill. On the 30th of June last there was a balance on hand to the credit of that improvement of $1,734,158, and after all the obligations are paid which must be met this year there will be a balance of $852,451.

I have often spoken in opposition to this project before. Time, in a way, makes all things even, and I am sure when the years have gone by the folly of this improvement will be manifest to the whole country.

I do not deny that there is a certain benefit to abutting property in controlling the stream, in preventing inundations, and in the reclamation of property, but for navigation on that river—oh, it never will come. All that a person needs to know that it never will come is to look at the map, and see how it is paralleled by railroads everywhere, also crossed by them, and in its physical contour turns at a right angle, a feature which is always unfavorable for the navigable quality of any stream. From Kansas to the north the river is crossed by railroads every few miles; there is sharp competition between the two great centers of Chicago and St. Louis, and the traffic is sure to be diverted away from this river—diverted, I say—it has already left, and you never can bring it back.

There are some physical qualities of the stream, such as its extreme destructiveness, which makes itself felt by constant changes in channels, so that at one time a tract of land is on one side of the river and the next week, perhaps, is on another side, which deserve attention. The control of this problem may evoke the careful attention of the National Government, but it is, in the first instance, a local problem. Of the $20,000,000 which it is contemplated to spend on this river, a very considerable share ought to be spent by abutting property. We shall never arrive at a just policy on that river until that course is pursued.

The traffic is made up, for the most part, of some hundreds of thousands of tons of sand, hauled a few miles, and a comparatively trivial quantity of freight put on boats, hauled from St. Louis to Kansas City.

A company was organized there some years ago by patriotic and enterprising citizens of Kansas City—and they are entitled to great credit for that—but that boat company has been used constantly as an argument why we should spend this enormous contemplated sum of $20,000,000 on this stream. If the money is expended, there will be a repetition of what has happened again and again on this river and other rivers. As soon as the money is spent, the boats will disappear and navigation cease.

Mr. KENYON. Mr. President——

Mr. BURTON. I yield to the Senator from Iowa.

Mr. KENYON. Does not the Senator believe, however, that the excerpts upon the wall from an address of Gen. William H. Bixby are sound?

Mr. BURTON. No, I do not; I answer that question right now.

Mr. KENYON. I quote Gen. Bixby:

> So long as a waterway is kept open, even with no boats moving on its surface, it is at work day and night in maintaining for the benefit of the people along its banks and connecting water routes transportation rates sometimes as low as could be secured from the waterway itself, if covered with laden boats.

So that, according to that eminent authority——

Mr. BURTON. That is an absurdity which explains much of the pork that is in this bill.

Mr. KENYON. Does the Senator feel that he should criticize a general of the Army and Chief of Engineers for his statements, when those statements are placed on the wall of the Senate?

Mr. BURTON. Yes; when he is wrong; notwithstanding the fact that I have his photograph on my mantle, and he is one of the best friends I have. It is perfectly absurd.

Mr. KENYON. So that there is a conflict between the opinion of the Senator from Ohio and that of Gen. Bixby as to boats being necessary for transportation on a river?

Mr. BURTON. There is, decidedly. A river, if valuable at all, is valuable as an agency for transportation. The railroads have to be built and the rivers improved alike at the expense of the resources of the country. Just see what kind of a policy you would carry out according to that idea. Suppose transportation facilities could be secured for $200,000,000, and that amount of the people's money were to be spent for whatever was the best transportation agency—say, railroads. According to that theory, the way to do would be to spend $200,000,000 for railroads, giving all the transportation needed, and then you would go ahead and spend another $200,000,000 to make those railroads lower their rates. That is the logic of that placard on the wall of the Senate Chamber.

Mr. KENYON. Mr. President, why not buy the railroads instead of building waterways at an expense that amounts to as much as it would cost to buy the railroads?

Mr. BURTON. Well, yes; that might be done.

Mr. KENYON. I think it would be a sounder proposition.

Mr. BURTON. To run them gratis would be better than to carry through some of the projects proposed in this bill. It would be better to build railroads and run them gratis, to put on autotrucks, to build electric lines through hilly countries—though the fact is that an electric line, when it is built and fully equipped, is not usually very much cheaper than is a steam railroad.

Mr. THOMAS. Mr. President, would it not be possible if this river were improved as this bill provides that it could be used for the purposes of navigation by hydroplanes?

Mr. BURTON. They might lay out the route for them, though if it was as crooked as those streams out there they would not naturally follow it, because the course would be too circuitous.

Mr. THOMAS. They could fly across the benches and curves and by that means save time in the transportation of goods that are perishable.

Mr. BURTON. The logic of the statement to which the Senator from Iowa has referred is that you must pay double for transportation facilities—one amount to provide and to amply equip the country with means to carry its freight, and then another equal amount to compel them to do a thing which the courts, the commissions, and the legislatures have the power to control. There is hardly a State in this Union that has not a railroad commission. A thousand eyes are looking for unfair rates; a thousand minds, many of the most alert, are ready with their arguments why the railroads should reduce their charges. If there is a rate that is unfair or excessive anywhere, there is a complaint within a week, and when the railroad has once fixed a rate it can not, under the present regulations, if engaged in interstate commerce, raise it, without the power of the Interstate Commerce Commission to prevent.

Railroads have been filling the country with complaints that rates are confiscatory; some railroads have been applying to the courts on that ground, and there is a very large body of public opinion to the effect that the rates are not high enough; indeed, the Interstate Commerce Commission advises the railroads to raise their charges in certain particulars, and now we are confronted with the proposition, "Improve the rivers, dig the holes in the ground, build monuments of folly in the shape of locks and dams, just to make the railroads charge a rate that will suit you." As President Hadley said, "It would be

a great deal better for the Government to pay four or five extra judges to control this problem than it would be to spend some $50,000,000 in improving rivers to accomplish what might be accomplished in a very much simpler way."

While I am on this subject, although I am digressing more than I had anticipated from the course of my argument, I desire to inquire, Is this whole idea of compelling the lowering of rates on railroads that compete with rivers a fair one? Not all of the people of this country live on rivers. More than half live in the interior, away from any possibility of water transportation. It may be laid down as a great economic law that capital invested in any branch of enterprise must pay a return; otherwise that branch of enterprise will be neglected or abandoned. Suppose, for instance, so heavy a tax were laid upon houses that they did not afford profit to their owners, capital would no longer be invested in houses and the people would not be properly housed. Suppose you build railroads. Those railroads must have an adequate return for the capital in them, else they will deteriorate in quality, render poor service, and, what is more, new railroads will no longer be constructed; as all capital must have its adequate return, so must railroads.

Suppose you make a rule that every railroad that competes with a river must lower its rates below the rates pertaining to the interior, what would be the result? For every dollar that you reduce the revenue on a railroad that competes with a waterway, by that same amount you must raise the rates on the railroads in the interior. So, is it quite fair to appropriate money—take it from that standpoint alone—to improve the Tennessee and the Cumberland and other rivers, and then when they are improved, although there is no traffic on the rivers, to compel the railroads to lower their rates? What have you done by that? The Government has wasted just so much money in an improvement which is not used and, in addition to that, the people along its banks have gained the benefit of lower rates, which lower rates must be counterbalanced by higher rates elsewhere and heavier burdens placed on people remote from waterways.

If anybody can stand up against that conclusion—it is as simple as A, B, C—I should like to know what the argument is.

That question has been very much thrashed out in Germany. You can look to that country for its triumphs in times of peace, notwithstanding the fearful war, because great economic and public questions have been considered there as carefully as anywhere in the world. It was proposed to spend a very considerable sum in the improvement of the navigation of the Rhine River. The stream was already navigable, but it might be made more adequately and fully navigable. Immediately opposition arose from the interior sections of Germany. It was said: "Why, you in the Rhine Valley already have the advantage over all the rest of us. The great bulk of heavy manufacturing is in your valley, but now you are proposing to tax us in Silesia and West Prussia to improve your river. What is the result of the improvement? We raise wheat; we mine coal. By every step that you take in enhancing the use of the Rhine as a navigable river you make it easier to bring in wheat from Dakota or from somewhere in America; you make it easier to bring in coal from Wales or from somewhere else, and it is not fair. Not only does it add to your present advantages, which are very great, but every dollar that is expended on your river increases your facility in importing products from abroad, to our detriment." It was found very difficult to answer this argument.

I believe I agreed to yield to the Senator from Oklahoma.

Mr. OWEN. Mr. President, I should like to ask the Senator if he will not consent to yield, without affecting his own parliamentary status.

Mr. BURTON. I want it distinctly understood that it does not, and that I will not be deprived of the floor.

Mr. OWEN. I ask the Senate to consider Senate bill 6398. It is a short bill, and I think no one will object to it.

Mr. SMOOT. I have not a copy of the bill. I do not know what it relates to.

Mr. OWEN. It simply provides for an amendment to the Vreeland-Aldrich Act, allowing the present limitation of 30 per cent to be increased to 75 per cent of commercial bills against which notes may be emitted.

Mr. SMOOT. When was the bill introduced?

Mr. OWEN. It was introduced on the 25th of August.

Mr. SMOOT. And when was it reported?

Mr. OWEN. It was reported some days ago. I was authorized to report it a week ago, but I am just reporting it now because I delayed it until the other matters were disposed of.

Mr. BURTON. Mr. President, I am frank to say that I should like to know just what is in the bill. Then, again, there is a very small attendance of Senators here at this time.

Mr. OWEN. I can explain the bill to the Senator in a moment. I do not think there is any man in the Senate who would object to this bill. The Vreeland-Aldrich bill forbids the issuance of the Vreeland-Aldrich notes against an excess of 30 per cent as to commercial bills; and it is desired to increase that so that 75 per cent of the value of commercial bills may be available.

Mr. SMOOT. I will ask the Senator from Ohio if he is going to yield for this purpose?

Mr. BURTON. I am willing to yield.

Mr. SMOOT. Then, Mr. President, I suggest the absence of a quorum, so that we may have a larger attendance of Senators.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gallinger | Martine, N. J. | Shields |
| Borah | Hughes | Myers | Simmons |
| Bryan | Jones | Newlands | Smith, Ga. |
| Burton | Kenyon | O'Gorman | Smoot |
| Camden | Kern | Overman | Swanson |
| Chamberlain | Lane | Owen | Thomas |
| Chilton | Lea, Tenn. | Perkins | Thompson |
| Clapp | Lewis | Poindexter | Thornton |
| Culberson | McCumber | Pomerene | Vardaman |
| Fall | McLean | Ransdell | White |
| Fletcher | Martin, Va. | Sheppard | Williams |

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. PITTMAN, Mr. SHAFROTH, and Mr. WALSH answered to their names when called.

Mr. BANKHEAD entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-eight Senators have responded to the roll call. A quorum is not present. The Sergeant at Arms will carry out the order of the Senate and request the attendance of absent Senators.

Mr. SMITH of Michigan and Mr. TOWNSEND entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have responded to the roll call. A quorum is present.

### AMENDMENT OF NATIONAL BANKING LAWS.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. BURTON. I yield, it being distinctly understood that it is for the purpose of enabling the Senator to get up this bill. I take it there is acquiescence in that.

Mr. OWEN. There are two of these bills, one relating to the Vreeland-Aldrich Act and one relating to the Federal reserve act. They are presented separately, because the amendments are contained in two separate bills.

Mr. SMOOT. I want it distinctly understood that I shall object to the consideration of Senate bill 6439 to-day. I have no objection to the consideration of Senate bill 6398, which has reference to the Aldrich-Vreeland Act.

Mr. OWEN. From the Committee on Banking and Currency I report back favorably, with an amendment, the bill (S. 6398) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws," and I ask for its immediate consideration. It proposes to amend the Vreeland-Aldrich Act, which, as written, contains the words:

That no national banking association shall be authorized in any event to issue circulating notes based on commercial paper in excess of 30 per cent of its unimpaired capital and surplus.

It is proposed to amend that so as to read:

That no national banking association shall be authorized in any event to issue circulating notes based on commercial paper in excess of 75 per cent of its unimpaired capital and surplus.

The committee authorized an amendment to be proposed so as to make the limitation 80 per cent. I should like to have the bill read at the desk.

The PRESIDING OFFICER. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.*, That section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws," as heretofore amended in an act approved August 4, 1914, is hereby further amended so that the words "That no national banking association shall be authorized in any event to issue circulating notes based on commercial paper in excess of 30 per cent of its unimpaired capital and surplus"

is amended to read as follows: "That no national banking association shall be authorized in any event to issue circulating notes based on commercial paper in excess of 75 per cent of its unimpaired capital and surplus."

Mr. BORAH. Mr. President, I wish the chairman of the committee would inform the Senate more in detail as to the necessity of this bill. It is a matter which certainly will strike the country as very extraordinary; and unless a reason is given for it, it will create a wrong impression as to the necessity for it. I should like to hear the chairman explain why it is necessary to make this remarkable increase as a basis of issuing notes.

Mr. OWEN. Mr. President, at present, under the law, the national banks can issue Vreeland-Aldrich notes up to 125 per cent of their capital, provided they put up bonds; but many of the country banks which are commercial banks do not carry their resources in investment securities, but carry them as commercial bills. Those commercial bills are maturing from day to day. They are usually against some commercial transaction, and they have commercial paper of that character. Many of them, in this particular stress, desire some of this emergency currency, but they can not secure it under the rule which obtains now, that only 30 per cent of the capital can be obtained against commercial bills. If it were raised to 75 or 80 per cent of the capital, then they could get a sufficient amount of these notes to satisfy their present requirements.

There is no objection to it, so far as I know. That was the unanimous vote of the committee on the matter. I have known of no objection being raised in any quarter.

Mr. SHAFROTH. And it was recommended by the Federal Reserve Board as being necessary at this time. It is entirely an emergency matter. It relates to the Aldrich-Vreeland Act.

Mr. BORAH. But what is the occasion of this emergency which seems to cover the whole universe of business and finance at this time?

Mr. SHAFROTH. In order to let persons or banks get this money by putting up this security. It is perfectly safe. The bills they have to put up are first class in every respect, and there can not be any loss in it. It is an emergency matter in a way. The notes can not be out long.

Mr. BORAH. It would seem to be the first step toward inflation.

Mr. SHAFROTH. No; because the notes have to be taken up soon. The Vreeland-Aldrich Act provides that they shall be retired.

Mr. SMITH of Michigan. Yes; but if I understand the matter correctly, the Senator from Oklahoma proposes to reduce the charge upon this class of circulation also—not in this bill, but in another bill.

Mr. OWEN. The Senator is mistaken.

Mr. SMITH of Michigan. Again, I should like to ask the Senator from Oklahoma if it is not a fact that the Treasury Department does receive other collateral security than bonds for this emergency currency?

Mr. OWEN. Yes; but only up to 30 per cent of the capital of a national bank, that being the limitation of the Vreeland-Aldrich Act.

Mr. SMITH of Michigan. I understand; but the Senator says that they only receive bonds.

Mr. OWEN. No; I did not say that they only receive bonds, but that on bonds they could get as much as 125 per cent of the capital.

Mr. SMITH of Michigan. It seems to me the widest possible latitude has been exercised by the Treasury Department in the character of securities that will be received for these circulating notes. If that is true, what is the necessity for such an arrangement as this?

Mr. OWEN. They have not the widest latitude. They are confined to 30 per cent of the capital stock of any individual bank, and that is the very thing that is constricting the banks.

Mr. SMITH of Michigan. I understand; but that was thought to be a very liberal limit.

Mr. OWEN. By whom?

Mr. SMITH of Michigan. It was thought by Congress to be a very liberal and a wise limit. If we are to go on from day to day to meet imaginary exigencies that are not even explained, I do not know just where we are drifting. This is not good management and is largely experimental.

Mr. OWEN. I do not see why the Senator says nobody undertakes to explain, because the chairman of the committee is endeavoring to explain now, and was in the midst of an explanation when he was cut off.

Mr. SMITH of Michigan. For instance, in the message of the President this morning he gives as an excuse for an extraordinary imposition of taxes, inquisitorial in their nature, the fact that Europeans have been unable to send to our country as many foreign-made goods as had been anticipated by the framers of the present Underwood tariff law. That is a very strange condition of affairs. If Congress is to be convened in joint session and a great emergency is to be emphasized because of our failure to import foreign goods in sufficient quantities to yield revenue, then, indeed, an exigency in the affairs of government has arisen. We must import more goods or give our notes or impose new taxes upon the people merely because the Europeans have been unable to send the products of their genius and their labor to America to be consumed. Can it be possible that the bars must be taken down entirely and American industry subverted to the enterprise of the European manufacturers in order to make our country prosperous and avoid extraordinary and inquisitorial taxes? No, Mr. President; our former laws gave us abundant revenue, and yet protected the employment of our people.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. SMITH of Michigan. Certainly.

Mr. SMITH of Georgia. If we do not get the taxes we expect in that way, does not the Senator think it proper to raise them in some other way?

Mr. SMITH of Michigan. No, Mr. President; emphatically not in the way proposed. You have deliberately thrown away one-quarter of your revenue from sugar importations alone. You could rehabilitate your Treasury almost instantly by the imposition of former duties upon sugar and other products now admitted free of duty. Twenty-five million dollars could soon be collected from that source; and yet, rather than acknowledge that your customs law has failed to produce what you confidently predicted it would produce, you now fly to another experiment as fallacious as the last, while the danger and the damage we have suffered is unrepaired because of your lack of wisdom in guarding the country against a domestic condition that might well have been anticipated; and I do not refer to the war in Europe, because this condition of affairs existed many months before that war began. The increased imports on the free list under your law amount to $140,000,000 more than during the same 11 months of last year.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. SMITH of Michigan. I do.

Mr. OWEN. Will not the Senator permit me to remind him that he is going far away from the bill under discussion?

Mr. SMITH of Michigan. Oh, yes, Mr. President; but it is directly connected with the very emergency you now seek to guard against. Why do you not revive your duties on the free list and save a deficit? Now, I know that the Senator from Oklahoma is patriotic in this; but he deals almost exclusively in experiments and emergencies, due largely to inexperience and unwisdom and party discipline, no matter how good his motive. The condition with which bankers are confronted can best be remedied by restoring confidence in our industrial stability.

Mr. OWEN. I will remind the Senator, if I may, that this is not a partisan question, because it affects Republican banks and Democratic banks and all banks alike.

Mr. SMITH of Michigan. Oh, I do not know that it is partisan. Of course not; but our entire tax system, which you have just revised by a new law, has been partisan. It was conceived in your convention and forced through a party caucus; it was framed behind closed doors; it was the fruit of Democratic prowess and Executive obstinacy, if I may so call it; and it has failed utterly to yield the revenue to the Government which was confidently predicted for it. Millions and millions of revenue have been sacrificed to the experimental tests of Democracy; and this is only one of the means you have employed for rebuilding the American credit, which was sadly shattered by Democratic free trade.

I think if Senators would be perfectly frank about it, they would admit that an easy way to avoid inquisitorial taxes and the possibilities of a deficit would be to restore the duties in the tariff law which you so lately repealed, and then you would not only protect your own market from an inundation of European-made goods, but you would again yield to the Treasury, perhaps not a vast surplus under present conditions, but a much greater surplus than can be realized under the present customs law.

No, Mr. President; I am sorry to see your political doctor every day apply some new remedy to a wrong diagnosis.

We told you that you could not raise money enough under your free-trade bill. We told you there would be a deficit, and a month before this war was declared in Europe our customs were showing serious depletion. The sources of our revenue

have been disappointing even to you, and the millions that you expected to get from the income tax have failed to materialize. In the western half of my State, with nearly a million and a half people, but fourteen hundred were caught by the income tax. Less than 60 people paid more than half of it. One hundred and twenty-five people paid more than three-quarters of it. Your income tax has been a failure. Senators know it. The Treasury Department admits it. The cost of management has been far in excess of what it should have been.

Mr. President, Congress will not cure the evil under which we are now passing by emergency propositions of this character. The difficulty under which we are laboring is fundamental. It necessitates the too free use by Americans of foreign-made goods, and it strikes at American labor in every form. You have not provided sufficient revenues, while appropriations continue to be made with a lavish hand.

I protest against this continual daily habit of meeting emergencies in the Government by some new experimental test. You can easily raise your money in the old way, as has always been done by the party which believes in higher duties and a larger measure of protection to our own labor and industry.

No, Mr. President; while I am very loath, indeed, to question the propriety of any proposition advocated seriously on the part of the other side to temporarily relieve the country from embarrassment, you are fast inflating the currency to a point where you will soon see its effect in the diminished value of your circulating medium and the impairment of the national credit. You propose now to make new incursions into the Vreeland-Aldrich Act, which was passed against the protests of Senators upon the other side of the Chamber—loud, long, earnest protests. I myself questioned the wisdom of incorporating in that bill a provision which would allow the Treasury to issue the emergency currency for railroad bonds. I had some hand in driving that feature out of the bill. But, notwithstanding the elimination of that clause, the Treasury accepted certain classes of railroad bonds for emergency currency, and it has accepted certain classes of commercial paper for this emergency currency. Under the wide latitude given to the Secretary of the Treasury, he now proposes to meet a situation not contemplated when that bill was passed, enlarging bank credits to the danger point, in the face of the fact that you are soon to have your much-heralded banking and currency system in practical effect.

If you would have more revenue, get it from sources that have been customary and have not failed us for 50 years. There was never an hour under the Payne-Aldrich law when we did not get money enough to run the Government and maintain its high credit among the nations. We had a surplus of money in the Treasury during every year of its operation. You have undermined the financial structure of the Government by repealing that law and putting in its place an experimental test which has utterly failed to meet the situation.

Mr. President, I do not want to quarrel with either the motives or the purposes of the Senator from Oklahoma. I respect him and the responsibility which he carries as the chairman of the Committee on Banking and Currency; but every day almost we are asked to do something extraordinary and out of the usual path in order to meet an emergency in the affairs of state. No one upon the other side of the Chamber has raised his voice in favor of curtailing the expenditures of the Government. You put twenty-five or thirty million dollars cheerfully into the building of a railroad in Alaska for the benefit of future generations. You have dissipated the revenue and spent money freely in all directions. Senators on the other side are not protesting against expenditures, but as the volume of money decreases in the Treasury and it looks less likely that you will meet the public expenses in the ordinary way, you come blandly forward with these extraordinary experimental tests and multiply the prescriptions without curing the disease.

Mr. President, I sincerely hope that before we pass this bill we may have the fullest information; that we may know the emergency that confronts us; that we may know something about what we shall be asked to do a week hence by those in charge of the Government; and after we have all that information Senators upon the other side may rely implicitly upon the patriotism and the generosity of Senators upon this side to do whatever is necessary. But as long as you continue making appropriations without restraint we may well consider whither we are drifting and who is at the wheel.

Mr. President, what I have said has been said with the kindliest feeling, with no desire to cripple or embarrass the administration now in control of the Government of our country.

Mr. OWEN. Mr. President, I had not quite completed what I wished to say in explanation of the necessity for this measure.

When the war broke out in Europe there were a great many foreigners in this country who were making every effort to get back to Europe and to transmit to Europe to their friends funds that they might require. Moreover, when a universal war breaks out there are a good many people in the country who have a tendency to hoard currency. The consequence is the banks found themselves in need of additional currency, and the only way they could get it was either directly from the Treasury, which amount was by them limited, or to get it under the terms of the Vreeland-Aldrich Act, so called. That act has the advantage of permitting the organization of national currency associations, each of which has a capital of $5,000,000 minimum, and the currency which is issued under the authority of the Government for the use of these associations is secured first by the member banks who go into the association. Their capital, their resources, are behind this currency; but in addition to that, there must be paid-up bonds and commercial bills. But in relation to bonds, while the banks might put bonds up to the amount of the capital of an individual bank that desired this currency, they could not go beyond that until we amended the law and made it 125 per cent of the actual capital. But as relates to currency which they get from commercial bills, the original limitation was 30 per cent, that being assumed at that time to be sufficient. But many of the country banks have not these bonds, and it has been their lamentation and their cry that has led to the inquiry into this matter. It has been found that it would seriously harm them if they were denied this currency, because they have not the bonds.

That is the reason for enlarging this from 30 per cent to 75 per cent of the capital for such banks. For instance, a bank with $100,000 capital may by this amendment put up commercial bills and draw against the commercial bills as much as 75 per cent of its currency, and as soon as they had commercial bills, of course, the emergency would be relieved.

Mr. BURTON. Will the Senator from Oklahoma yield to me for a question?

Mr. OWEN. Certainly.

Mr. BURTON. Are railway bonds taken as security for emergency currency under this act?

Mr. OWEN. Yes; I believe they are.

Mr. SMOOT. No; not all.

Mr. SMITH of Michigan. Not all railroad bonds, but such railroad bonds as meet the approval of the Secretary of the Treasury. Under the bill as originally framed such railroad bonds were to be available as had not defaulted their interest and had also paid a dividend on their stocks for the preceding 10 years. I strongly opposed this provision and helped force it from the bill

Mr. SMITH of Georgia. That was not the bill as it passed.

Mr. SMITH of Michigan. No; I am talking of the bill as it was originally presented to the Senate. We struck the railroad bonds out of it entirely and railroad stock, but we leave a certain broad discretionary power which the Secretary of the Treasury has exercised.

Mr. SMITH of Georgia. We broadened the term "securities" and left it to the Treasury Department to pass upon the securities.

Mr. SMITH of Michigan. Which probably would include a certain class of railway bonds.

Mr. SMITH of Georgia. That is the bill as it originally passed.

Mr. BORAH. I wish to ask the Senator from Oklahoma a question.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. Certainly.

Mr. BORAH. What is the rate of interest which the banks pay the Government for this currency issued?

Mr. OWEN. Three per cent for the first three months and 1 per cent for every month thereafter until it reaches 6 per cent.

Mr. BORAH. I will not interpose my judgment against the judgment of the Finance Committee upon this proposition, but what we are evidently hoping to do is to relieve the general business situation in the country by furnishing sufficient currency by which the banks can instantly furnish it to the business interests and industries of the country. But we ascertained here a few weeks ago, when the first currency was issued to the banks at 3 per cent, that they turned around and loaned it to the business of the country at 8 or 9 per cent. Additional currency upon that basis can not help the legitimate business of this country very much. Is there any way by which that can at all be controlled?

Mr. OWEN. It is extremely difficult to go beyond the usury laws which prevail in the States and which obtain under the Federal code. When you come to deal with this instance only,

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this currency is very valuable to the business men of the country, because it enables the banks to extend it on the same terms as a rule. It is not to extend the accommodation for speculative purposes, but we have raised the rates so as to make the demand as limited as possible with regard to the continuation of their loans.

Mr. OVERMAN. Why was a 3 per cent tax put on the emergency currency for the first three months? If it is to be an emergency currency for the benefit of the people, why impose any tax at all for the first three months? I understand the tax is to drive the money back into the Treasury after a certain time and to stop inflation. When the Vreeland-Aldrich bill was up here for discussion many of the leading financiers of the country then agitated the question of having no tax at all for the first three months.

Mr. SMOOT. A normal tax.

Mr. OVERMAN. Absolutely a normal tax. I have an amendment which I want to introduce to reduce the tax from 3 per cent to 1 per cent.

Answering the Senator from Idaho [Mr. BORAH], it costs the national banks, I understand, about 2 or 3 per cent to handle this money. If they loan it out to the people at 6 and 8 per cent interest, then if they can get it for 1 per cent for three months they can afford a lower rate of interest. This amendment proposes 1 per cent for three months, and after that the same rate as the Aldrich-Vreeland tax—one-half of 1 per cent a month. It will drive it back into the Treasury if we extend the time about three months. I think the Senator ought to agree to this amendment to strike out 3 per cent and reduce it to 1 per cent, and let the farmers get the benefit of the first three months.

Mr. BORAH. The farmers can not be benefited by three months.

Mr. OVERMAN. Not only farmers, but everybody.

Mr. BORAH. It is a great mistake to suppose that the farmers of the country or the manufacturing interests of the country will get any benefit out of a three months' loan.

But in addition to that, Mr. President, it does not appear from past practice or from past history that they will get the money for 2 or 3 per cent lower.

Mr. SMITH of Georgia. May I ask the Senator what would be the impropriety of putting a limit on the rate of interest which banks which obtain this emergency currency should charge for that amount of issue?

Mr. BORAH. I think it would be eminently wise if it could be made practicable. We do know that the first emergency currency which was issued in this country in this emergency just on hand was not of vast benefit owing to the fact that there is not very much to be gained by a man borrowing money at 8 or 9 per cent on the basis on which he is now doing business. Therefore if we are going to get people money, if we are going to benefit those we want to benefit, I think the suggestion of the Senator from Georgia ought to have consideration.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. SMOOT. I thought the Senator had concluded.

Mr. OWEN. I yield the floor to the Senator.

Mr. SMOOT. Mr. President, the causes of commercial failures never occur during hard times; they generally begin during prosperous times. When the country is prosperous business men, individuals, everybody seem to think there will never be a change. They overreach themselves. The merchant buys too liberally. Business organizations purchase goods freely. All offer credit freely, and when hard times come the crash comes.

Mr. President, there is a tendency in Congress to-day to inflate our currency, and I think that we have about reached the limit of that inflation.

While I am not going to object to the consideration of this bill, I wish to say it is only another step toward an inflated currency, with a view of granting further credits and with little thought of how they are ultimately to be met.

When the Vreeland-Aldrich bill passed Congress it was thought at that time that a 30 per cent currency issue on commercial paper was too great. But now we are going to increase it from 30 per cent to 75 per cent, and it only means, Mr. President, that we are going to have that much more currency in this country, with nothing but commercial paper back of it.

I do not believe it is for the best interests of the business institutions of this country to pass laws under any condition in an emergency of any kind that will destroy the confidence of the people in the currency of the country. We will build up here a business based upon currency back of which there is very little security, and when the time comes for settlement, when there must be a contraction or a limit of issue has been reached—there will be a time come when pay day must be met—then trouble is going to come.

Mr. SIMMONS. I wish to ask the Senator from Utah if he thinks that the legislation we have already adopted during this session for increasing the circulation of the banks has up to this time resulted in any inflation, or if there is anything up to this time that indicates that it is likely to result in inflation?

Mr. SMOOT. Mr. President, I can not answer that offhand by yes or no, because of the fact that we have not had time yet to see to what extent the inflation of our currency may take place under the legislation passed. We have not yet got the reserve banks organized; they are not in a running condition; but I do want to say to the Senator there is not a question in my mind but that there will be an inflation of our currency when in operation.

Mr. SIMMONS. But the Senator——

Mr. SMOOT. But I do not believe that it will be to such an extent that the distrust of the people will be so great that they will refuse to make use of the currency that shall be issued under the present law.

Mr. SIMMONS. The Senator has not got the point of my question. Probably I ought to preface it with a little statement. My understanding is that under the amendments we have made, if the banks would take out the full limit allowed under the Vreeland-Aldrich Act and under the currency act, there could be issued over a billion dollars of new circulation. I say under the Vreeland-Aldrich Act as amended.

Mr. SMOOT. As loans?

Mr. SIMMONS. Yes; as loans. The Vreeland-Aldrich Act is in operation. The other is not in operation. The Vreeland-Aldrich Act is in operation and has been in operation now for some time. Under that there could be issued at least a billion dollars; and up to the present time, as I am advised, there has been actually issued only about $250,000,000.

I wish to ask the Senator if he does not think the reason why the banks have not up to this time taken any more of that money is on account of the safeguard against inflation that the bill itself contains in the provision that no money can be secured under that act except by the action of the currency association, which is composed of all the national banks within a particular region, and that in order to get the money that association must approve it? There must be put behind every dollar of new money that is issued the responsibility and the liability of every member bank of that association. Does not the Senator think that that provision is a wonderful safeguard against inflation; that it is sufficient to impose upon the banks extraordinary caution in the application made by these associations for this money?

Mr. SMITH of Michigan. Before the Senator from Utah answers, I should like to say to the Senator from North Carolina that this additional volume of currency authorized by the emergency act has not seriously affected the credit of the country because there has been no currency famine. For instance, in the State that I have the honor to represent we have not asked or taken a single dollar of emergency currency; there has been no currency famine. Therefore there was no necessity for your doubling the amount available under the law unless the revenues had been sadly inadequate to meet the Government expenditures and you hesitated to draw down the Government deposits in the national banks of the country.

Mr. SIMMONS. I did not intend to go into that.

Mr. SMITH of Michigan. I know the Senator from North Carolina did not, but I did.

Mr. SIMMONS. The Senator is right in his statement that the amount of circulation to be taken out will be regulated by the demand that may exist from time to time for money. But the combined responsibility of the banks and of these currency associations through which this money has to be secured will in itself, I am saying, be a reasonable safeguard and an ample safeguard, in my opinion, against inflation through the medium of the Vreeland-Aldrich Act.

Mr. SMOOT. Mr. President, answering the Senator from North Carolina, I will state that personally I favored the Aldrich-Vreeland bill. I supported it in every way. In fact, I thought at the time, and so stated upon the floor of the Senate, that the limit of issue should be $1,000,000,000 instead of $500,000,000. It was not a question of the amount in my mind at that time. I wanted it to be sufficient for all the business interests of the United States to know that under any emergency which might happen all banks that were solvent and had resources of the character all first-class banks should carry could receive sufficient help from the Government through the issuing of emergency currency to tide them over any trouble that could come to the country in a financial way.

Mr. SMITH of Michigan. Will the Senator permit me there?

Mr. SMOOT. Certainly.

Mr. SMITH of Michigan. The result of the emergency currency law has been to avoid the issuance by the banks of clearing-house certificates. In addition it has given us an elastic national currency for circulation in place of the clearing-house certificates sometimes issued by banks. But if you now impose upon that emergency fund commercial paper to the extent proposed by the Senator from Oklahoma, and the emergency money is to carry that additional burden, no one can tell how well it may resist the demands made upon it, while it will perform a function that was never contemplated by the authors of that bill.

Mr. SMOOT. Now, Mr. President——

Mr. SIMMONS. And, if the Senator will pardon me to answer the statement of the Senator from Michigan, the Senator says that if the Treasury is allowed to take commercial paper as a basis of circulation it may lead to inflation, while, as I understand him, he does not contend that taking the bonds would lead to inflation.

The Senator probably has not considered this fact that before the application of a bank for circulation based upon commercial paper, as well as upon bonds, can even be presented under the law to the Secretary of the Treasury that application has to be submitted by the individual banks desiring circulation in commercial paper to the currency association of the State——

Mr. SMITH of Michigan. Oh, yes; I understand that——

Mr. SIMMONS. Composed of all the national banks in that State.

Mr. SMOOT. Mr. President——

Mr. SIMMONS. Just let me finish. That currency association has not only got to approve the security offered by the bank in the way of commercial paper, but that association has got to make itself responsible. Every bank in that association has got to make itself responsible for every note issued upon that commercial paper——

Mr. BORAH. Mr. President——

Mr. SIMMONS. Pardon me. And each member bank is bound for that circulation issued upon that paper. What I was saying is that because of this joint responsibility banks of the association which has to approve the security for the notes that are issued against it, the interest of the banks would be so great that they would scrutinize that commercial paper, and that no commercial paper would be passed unless it was held by that association to be ample and sufficient security for the circulation. In other words, that the interest of these associated banks would enjoin upon them the necessity, or at least the advisability, if they were to protect their own interests, of seeing that the commercial paper offered for circulation was just as good a security for the note as the bonds of a State or the bonds of a municipality or the bonds of a railroad that might be offered for it.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I yield to the Senator from Idaho.

Mr. BORAH. I want to ask a question of the Senator who has just addressed the Senate. Let us assume that the securities back of this note issue may be accepted as safe and sufficient; but I want to ask the Senator, in view of his large experience in these matters, is there any practicable way by which we can get this money into the hands of the people at a cheaper rate of interest? Must we put it out to the banks at 3 per cent and see the people pay 8 and 9 per cent? Who are we legislating for—the money lender or the money user?

Mr. SIMMONS. We might.

Mr. BORAH. If not, what is the benefit going to be to the large business interests of the country—to the farming and agricultural interests of the country—of putting more money into the hands of the banks to enable them to speculate on it at an exorbitant rate of interest? No man can pay 8 and 9 per cent under present depressed conditions and not land shortly in a bankruptcy court.

Mr. SHAFROTH. Mr. President, I should like to answer the Senator's question. If the banks have a small quantity of money, they are going to exact high rates of interest; but if they are given more money they are going to lower their rates of interest. It is a question of supply and demand which controls the situation. It may be wrong that they exact so much interest; but the rate would be a great deal higher if they did not have as much money as this bill would allow them.

Mr. BORAH. Oh, well, Mr. President, I do not believe that the Senator from Colorado upon reflection will think that that will be very much consolation to the business interests of the country, because it is not possible, unless we inflate the currency beyond all conception of what we ought to do, to put so much in the hands of the bankers that they will not see fit, apparently, to charge the highest possible rates for it in the present condition of affairs.

Mr. SHAFROTH. If it were practicable to limit the amount of interest that the banks could charge, it would be all right; everybody wants the farmer and the person who actually desires to use money to secure it for as low a rate of interest as possible; but money is just like any other commodity—when bankers have a large quantity of it they are willing to lend it, and they will lend it, at a lower rate than if they have a small quantity. That being the case, the banks could readily say to a person who is asking for a loan, "Why, we can not let you have the money; we have not sufficient money on hand; under the various acts of Congress we can not raise enough." Therefore, the banks might not let their customers have the money at all and a man would be ruined in his business; or else, if they did lend the money, they would lend it for 12 or 15 per cent. There are always conditions of that kind that will tempt persons. Consequently, if we can not control the other matter, we had better not put off this means of permitting the banks to get money, so that they can lend it to their customers.

Mr. BORAH. Mr. President, we sent millions of dollars out a few days ago to the banks and they reaped millions of dollars of benefit from the speculation. We gave it to them at 3 per cent, and they put it out at 8 and 9 per cent, according to the news reports.

Mr. SHAFROTH. They might have put it out at 12 or 15 per cent if they had not had a sufficient quantity.

Mr. BORAH. If pure inflation is desired——

Mr. SHAFROTH. It is not inflation.

Mr. BORAH. Let us build up our paper mills and begin the work.

Mr. SHAFROTH. There can not be a great war anywhere in the world but the demands for money become instantly greater. That is manifested by the fact that in the countries of Europe immediately after the war commenced banks began to close, the bankers began to hoard their gold; in fact, almost all forms of money were hoarded. That created great demand for the limited supply. Consequently there must be relief. If there is no relief then ruin stares the merchant in the face. That is the reason every Government on earth in times of war or in times of great exigency relies upon the issuance of paper money, not for the purpose of inflation, but for the purpose of letting commerce have a fair chance to live through those times.

Mr. BORAH. Why do you not organize the Federal reserve banks and get to work, so that we can do what it was stated we could do, and thus control, to some extent, the rates of exchange and interest? We are legislating here upon this question of currency; and I say to you that the benefits will not reach the masses of the people at all. We are legislating for a very few people to whom we have given the power not only to issue notes, but to issue notes for which the Government has gone security, and they turn around and loan them to the people at their own rate of interest. I think we ought, before pressing this bill, take time and see if we can not reach those whom we want to reach.

Mr. SHAFROTH. Mr. President, there are various reasons why the Federal reserve banks are not yet in operation. In the Senate itself certain confirmations were held up for a period of six weeks. There was necessary delay, but the system is going on, and they are trying to get into operation as soon as they possibly can.

The idea that the law which was passed in December last is an inflation measure is directly contradicted by the fact that before you can get money under that law you must put up a 40 per cent gold reserve. That constitutes a check against the money which can be obtained; but in times of distress, in times of war, when money is hoarded you must have more money in order to do business or else you are not only going to have stagnation, but you are going to have ruin in business enterprises. Inasmuch as this bill provides simply for an amendment to the Aldrich-Vreeland law, which makes the retirement of that currency absolutely necessary in a month, I can not see that there can be any well-founded charge that it is an inflation policy.

Mr. BORAH. Mr. President, some time ago I asked the Senator from North Carolina whether or not he thought it could be made a practicable proposition to control the rate of interest charged for this currency which we are proposing to put out?

Mr. SIMMONS. Mr. President——

Mr. SMITH of Georgia. Mr. President, before the Senator from North Carolina answers the question of the Senator from Idaho, I should like to suggest this amendment at the close of

the section to which the Senator from North Carolina [Mr. OVERMAN] offered an amendment:

*Provided further*, That the rate of interest charged by the banks issuing said notes for the loan of said notes shall not exceed 5 per cent per annum.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me for just a second, I think he should provide that the rate of interest charged by the banks shall be not to exceed a certain amount over and above what they pay to the Government, so that the rate of interest to be charged by them could vary with the length of time the money is out.

Mr. SHAFROTH. Mr. President, the amendment proposed by the Senator from Georgia would merely have the effect in my section of country that we should not get a dollar of this money, because the rate of interest there is higher than 5 per cent.

Mr. OVERMAN. Our people can not afford to pay 8 or 10 per cent interest. In order to do business profitably they have to borrow money for 5 per cent.

Mr. SHAFROTH. You will find that the money will concentrate here in the East and will not get to those communities where the rate of interest is higher than 5 per cent.

Mr. BORAH. With the banks loaning this currency at 8 and 9 per cent in New York, what benefit will the Senator's constituents and my constituents get out of this legislation?

Mr. SHAFROTH. If it does not afford any other benefit, it will supply more money that will have the effect throughout the entire country of increasing the supply, and hence lowering rates of interest. If you are going to have a limited supply of money so that you can not get money from the banks, it is going to be reflected in a high rate of interest everywhere, not only in New York but it will permeate through the entire country. Consequently, wherever you relieve that condition in any community it has an effect, not so great in many localities as in others, but it will affect the rates of interest everywhere. I doubt very much whether you can regulate the rate, but if it is practicable I should be glad to do it, because the people who use the money are the ones who ought to get the benefit of it.

Mr. SIMMONS. Mr. President, the Senator from Idaho [Mr. BORAH] asked me if I knew any practical way in which the people could get this emergency money at reasonable rates of interest. Preliminary to answering that question, I want to say that I believe that the rate of interest, or rather the tax—for it is not interest but a tax—imposed in the Vreeland-Aldrich Act on this money is too high. I am in sympathy with the proposition of my colleague [Mr. OVERMAN] to reduce that tax. I think if that tax were reduced to not more than 2 per cent for the first three months, with a slight increase for a number of months, not going at any time beyond 5 per cent, the people would get their money at reasonable rates everywhere.

I wish, however, to say to the Senator that, so far as the banks in my State are concerned—and I have had conferences with many of the bankers there—I have found no disposition on their part to charge more than 6 per cent for this money; in fact, our State laws do not permit the banks to charge more than 6 per cent. I do not mean to say that those laws are always observed, but they are generally observed by the banks in my State. The bankers in my State will not expect to be able to make any money, however, loaning out this new currency at 6 per cent, because, in the first place, they have to pay this high tax of 3 per cent; and, in the next place, the banks in my section have not in their vaults the bonds that are required as the basis of security—either Government bonds or State bonds, or county bonds. They do not deal in that class of securities; they have not sufficient money to invest in that class of securities. The bonds issued in my own State by municipalities and by counties are sold not in the State but in the North. They are not in the vaults of the banks in my State. The bankers of my State tell me that in the present condition about the only security they have to offer under the act for this money is commercial paper.

I am now reciting this in answer to the inquiry of the Senator as to the exigent character of this proposed amendment of the law presented by the Senator from Oklahoma. They say that we only have this commercial paper. It is true that the Secretary of the Treasury has indicated his purpose to hold that warehouse receipts of cotton and of other staple agricultural products are security under the bill; and being security, the banks could take out currency to the extent of, say, 25 per cent of their capital and surplus; but our cotton has not yet been harvested; it is not in the warehouses; it will not be in the warehouses for weeks and months. It has got to be picked and ginned; so that that class of securities is not at present available to them to meet the pressing obligations which are falling upon them—a part of those pressing obligations being the calls of their correspondent banks for money which they have borrowed. Now they say: "We are in this situation: We can get only 30 per cent of the amount of the notes to which we are entitled under the Vreeland-Aldrich Act upon commercial paper, so that we are in a position where we can only get at best 30 per cent of the amount we are entitled to under that act.

Mr. BORAH. Mr. President——

Mr. SIMMONS. Let me run that out. The Senator will see the situation in my State—and I think it is largely the situation in the South. Under the Vreeland-Aldrich Act the 72 national banks in my State—in my State we have inclined rather to State banks than to national banks, and we have probably three times as many State banks as national banks—all the money the 72 national banks in my State could get under the Vreeland-Aldrich Act, if they were to take out to the full limit of 125 per cent of their capital, would be about $9,000,000. If they have no security except commercial paper, all they can get is about $3,000,000. That would be the limit.

We raise in North Carolina a million bales of cotton, and at the average price of cotton it would take $50,000,000 to pay for that crop if it were to be bought and paid for in cash at current prices. In order that we may get anything like reasonable prices for our cotton, in order that it may not be thrown upon the market and sacrificed, as would be the case if there can not be withdrawn from the market 4,000,000 bales, which is a little more than a fourth of the cotton crop of the United States, it will be necessary for us in North Carolina, doing our proportionate part, to withdraw from the market at least one-fourth of the million bales produced by the State. It would take over $12,000,000 to do that, while we would only have $3,000,000 if we were to get all the money we are entitled to draw upon commercial paper—and that is all the security we have at the present time.

The Senator from Michigan [Mr. SMITH] suggested to me sotto voce a moment ago that we have the State banks to fall back upon. The State banks would not get any of this money; they can participate under the Federal reserve system, but not under the Vreeland-Aldrich Act. If they get any, they have got to get it through the national banks, and the limitation upon the national banks can not be altered for the benefit of the State banks.

The Senator has suggested, also, that the banks have money in their vaults to fall back on, but in my section of the country the vaults of the banks are about depleted. We raise various crops there; we raise tobacco, which is an expensive crop, and we raise cotton, which is an expensive crop. We have to fertilize our cotton heavily, while Texas does not have to fertilize at all, and it makes our cotton crop very much more expensive than the cotton crops of Mississippi and of Texas.

In connection with raising these crops the banks have loaned out very nearly to the limit, very nearly to the danger point, and they have not the money in their vaults. On the contrary, they are heavily indebted to their correspondent banks, and to meet the obligations of their correspondent banks they rely upon the farmers to whom they have advanced money on cotton and tobacco, and until the farmers can sell their cotton and tobacco they can not come to the rescue of the banks. That is the situation.

Mr. BORAH. Mr. President, will the Senator from Utah pardon me a word further?

Mr. SMOOT. I yield to the Senator.

Mr. SIMMONS. If the Senator will allow me, I wish to add merely a word to what I have said. The banks in my State have advised me that they would have to continue to loan at 6 per cent, and that that might possibly result in a loss at the present rate of tax, but that they were ready to assume the burden if necessary.

Mr. BORAH. Mr. President, if I understand the Senator correctly, he said that the banks of his State had already loaned to the danger line upon the cotton production and upon securities of that character.

Mr. SIMMONS. I meant to say "had approached the danger line."

Mr. BORAH. And yet such securities are to be the basis of this further issue. I think that is one of the dangers of this proposition.

Mr. SMITH of Georgia. Mr. President, I should like to add just a word at this point to what the Senator from North Carolina [Mr. SIMMONS] has said. That does not mean the danger line to the banks themselves so far as their solvency is concerned; it means this—and the same conditions exist in all the cotton States—it is the practice of the banks to furnish the money to the growers of these large annual crops, always expecting that by the 1st of September the turn of the tide

will come and that in 60 or 90 days they will have more currency than they will know what to do with.

They have loaned all that they can well afford to loan and do not expect to extend their credits any further. They have extended their credits in the shape of loans, and they have good security for them, but, compared to their capital stock and their surplus, they have let out their lines of credit as far as good banking will permit, and they can not well let out any other lines of credit unless there is some provisions by which they can more readily turn their good securities into currency.

Mr. BORAH. Mr. President, trespassing upon the time of the Senator from Utah for a moment, passing by all those matters which have been pretty well presented, including the reason for this measure as an emergency act, we get back to the question, How are we going to reach those whom we ought to reach? I do not know whether or not the Senator from Georgia is going to offer his amendment.

Mr. SMITH of Georgia. I am.

Mr. BORAH. Then, when the amendment comes up, it will be time to discuss that, and I will not trespass upon the time of the Senator from Utah further.

Mr. SHAFROTH. Mr. President, I should like to state to the Senator from Idaho that any attempt that might be made to fix the rate at which the banks shall loan the money would not, in my judgment, have the effect to reduce the rate of interest. Many of us have felt that usury statutes are good things, but I think all political economists have condemned usury statutes and say that they increase the rate of interest instead of decreasing it. I do not believe there is a single writer upon political economy who does not say that every attempt to get cheaper rates of interest by usury statutes has resulted in raising rates. The reason why usury statutes raise the rate of interest is because whenever borrowers have to have money, and, under the principle of supply and demand, you reach the point where the statute prescribes no greater rate of interest shall be charged, then, in order to overcome the risk which they take in lending money that way, the banks will impose a still higher charge to cover themselves against the forfeitures that are prescribed by the statutes. For that reason political economists have condemned usury statutes.

Mr. OVERMAN. That may be all right in theory, but it will not work out in practice.

Mr. SHAFROTH. It seems to have worked out in my State; in Colorado there is no usury law. You can charge a man 50 per cent per annum if you can get him to agree to it.

Mr. SMITH of Georgia. What are your usual rates?

Mr. SHAFROTH. Our usual rates in the banks are from 6 to 7 per cent, and that is a fair charge. Of course where the risk is more the rate is a little higher. I have been in favor, and some years ago I advocated such a proposition in a message to the legislature of Colorado, of fixing the usury rate at 12 per cent per annum. That would make it high, but it would have a tendency to curb those people who are trying to ruin other people; but whenever you make a usury rate near the actual rate then in existence, when times come when the demand for money is great the lender is going to impose a higher charge than if there was no usury law, because he takes the additional risk, of forfeiture prescribed by the statute, and he must be reimbursed for it if he takes the risk.

Mr. BORAH. Here is the situation in which we find ourselves: Regardless of the general law of political economy, or what economists say with reference to interest, we have delegated to the banks the power to issue notes which shall be treated and used as currency, and the banks may use those notes, and, in addition to that, we have some security for those banks, and there is no one, not even the power of the Government, according to the argument of the Senator from Colorado, to stand between the man who wants money and the rate which the bank sees fit to charge. It calls us back to the fundamental proposition that the Government alone should provide the money of the country and everything which performs the functions of money.

Mr. SHAFROTH. When we issue currency under the Federal reserve act we do not pretend to prescribe what rate of interest shall be charged by the banks that get that money, and you will find it will be impracticable to make such an attempt. You will find that it will not work. The rates for money will be regulated according to the principle of supply and demand, and when that principle operates you will get the cheapest rate of interest. So far as my State is concerned, we have never had any difficulty in getting low rates.

Mr. BORAH. Mr. President, I will tell you what you will find. After it has been demonstrated to the people of this country that the Federal reserve act does no more than to authorize the banks to issue their notes, the Government to guarantee those notes, and the banks to charge the people what they see fit upon the securities which the people furnish the several banks and which they in turn furnish to the reserve banks, you will find that the people of this country will insist upon a Government bank and a possibility of the people doing business direct with the Government through a Government bank. The function of supplying the currency of the country should not be delegated to private corporations, leaving the people to the mercy of the corporations. We have seen our mistake in the last three weeks—the Government sending out this currency for 3 per cent and the banks charging 8.

Mr. SHAFROTH. Mr. President, the difficulty with that situation is that no government of which I have ever heard attempts to control, with relation to its circulating medium, how much a bank shall charge the individual as interest except in the usury statutes, and they relate not only to currency but——

Mr. BORAH. But, Mr. President, a bank should have no more right to issue notes which shall circulate as currency guaranteed by the Government than it has to exercise any other function of government such as declaring war.

Mr. SHAFROTH. That is true; there is no doubt about that, unless the right is conferred; and it is conferred by the Government for the purpose of supplying an adequate circulating medium. If you have not an adequate circulating medium, the rates of interest mount high, and if you have an adequate circulating medium then rates are low. If you notice the New York money market, you will find that it fluctuates and varies. Call loans get as low as 2 per cent per annum, which is due to the fact that there is a surplus of money. The banks want to put it out; they lose all interest unless they can put it out, and, consequently, they lend it out at a low rate of interest.

Mr. SMOOT. Mr. President——

Mr. SHAFROTH. I want to say just a word more, if the Senator will allow me, and that is with relation to the paper called commercial paper. It has been demonstrated that the safest paper is commercial paper, meaning that paper which represents a transaction in commerce, which means that there has been a sale of something and a draft drawn upon and accepted by the purchaser and a bill of lading attached to the draft. That is absolutely the safest paper known to banking circles. There is not even a loss of a hundredth of 1 per cent on that kind of paper; and that being the case, it is, as a security, even safer than bond securities.

Mr. BORAH. Instead of this currency based upon cotton and upon salmon and upon commercial securities, and so forth——

Mr. SMITH of Georgia. I object to mixing salmon with cotton any further.

Mr. BORAH. Does not the Senator from Colorado think free coinage of silver would beat that?

Mr. SHAFROTH. I must say that that is a different proposition. I will admit that the time is going to come, in my judgment, and it will not be long after the European war closes, when there will be a good chance for an international agreement with respect to silver—I do not know at what ratio, but I am satisfied that bimetallism would be of great benefit to the people and would obviate the necessity for much banking legislation. Basic money is always better than credit money.

Mr. SMOOT. Mr. President, I have listened patiently to what Senators have had to say on this subject, and I am not surprised in the least, after hearing what the Senator from Colorado has said, that he heartily approves of this bill, and will be in favor of any other measure that may be presented to the Senate to inflate our currency, no matter to what extent. As I said, I am not going to object to the passage of this bill; but I believe, from what I understand, that this is only a step toward other legislation that will have for its object the inflation of our currency many times greater than this bill provides for.

Mr. President, the Senator from North Carolina, I believe, about 30 minutes ago, asked me a question, and I shall now answer him, as I would have done immediately at the close of his question, if I had had a chance.

The Senator says only about two hundred and fifty millions of this emergency currency have been issued since the passage of the law in the year 1908. I may add to that statement and say that all of that $250,000,000 has been issued within the last 30 days. The reason for it is that up until 30 days ago the rate of interest charged on the issue of emergency currency was so high that the banks of this country could not afford to use it. Some two years ago there was a great scarcity of currency to move the crops in this country. Our banks did not undertake to use emergency currency for that purpose. Under normal conditions a bank that would apply for emergency currency would at least be looked upon with suspicion.

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All who knew it would immediately ask what was the matter with the bank applying for it. The mere application would be considered as a signal of distress, and would have to be explained if conditions were normal.

I realize that conditions are not normal at present. I know that it would not be looked upon under present conditions as it would have been looked upon two years ago. I stated to the Senate, when we had under consideration the Federal reserve bank act, that I believed that it would have been better for this country if Congress had amended the Aldrich-Vreeland Act in a number of particulars than pass the bill they did. I believe so yet, Mr. President. I believe that act, amended in but a few particulars, would have met every business emergency that would ordinarily come to this country. To-day we find that the much condemned Aldrich-Vreeland Act, passed some six years ago, is the act that is assisting the business of this country in passing through the financial troubles that it has been called upon to pass through in the last 30 days. Democratic Senators who condemned it while under consideration and voted against it are now glad to speak of its virtues, and are offering amendments to it and pleading for immediate action on the ground that it is vital to the business interests of our country.

Mr. GALLINGER. Mr. President, I will ask the Senator to what extent this bill, which I have just glanced at, is likely to inflate the currency. In connection with that interrogatory I want to say that, while I pretend to no special knowledge on financial or currency questions, on yesterday I received a letter from a very conservative Democratic banker in my State—a man who perhaps stands at the top of our bankers—in which he appealed to me to do what I could to prevent any further inflation of our currency, saying that we were, as he used the word—and it has been used elsewhere—pyramiding it, and that some of these days a crash would come, and when it did come it would be a very serious matter. Now, I do not know how that is, and I should like the Senator, with his superior knowledge, to make a suggestion along that line.

Mr. SMOOT. Mr. President, I can repeat what I said before, and that is this: Every time we inflate our currency—and the bill we now have under consideration will do that very thing to the amount of hundreds of millions of dollars, if the banks take advantage of it—we are building, as the Senator says, a pyramid of credits, a house of cards, and if a limit is not put upon it the time will come when the house will begin to tumble, and no emergency currency that we can issue, nor all the credit of the United States, could prevent the destruction of business from one end of the country to the other.

The United States is not different from an individual, except in size and in power. Any Senator in this Chamber could issue his check for $100, and nobody would question it. Other Senators might issue their checks for $10,000, and nobody would question them; but if these same Senators issued their checks for $1,000,000, everybody might question them. The same principle applies to the Government of the United States. Even America has a limit to her credit. The Nation's credit must be maintained with her own people as well as with all nations. Inflate our currency beyond reason, and distrust in our monetary system will soon manifest itself in the minds of our own people, and every civilized nation will look with distrust upon our currency issues. Pyramiding of credits by issuing currency on every conceivable commodity, thus adding hundreds of millions to our uncovered and unsecured currency, can weaken the monetary system of even the United States.

Mr. President, I do not want to see the time come when we will issue currency based upon most every commodity. I have a bill before me, Senate bill 6439, and if the Senators will notice, it provides for the issuing of currency on goods of nearly every description. Mr. President, every dollar of the currency issued by the United States should be just as good anywhere in the world as a gold dollar, and, thank God, in the past it has been so. A few days ago, however, we noticed in the press of the country that foreign countries were calling attention to the fact that what we had already done, the laws we had already passed, may have a bad effect upon the credit of this country and the currency she may issue in the future.

Mr. GALLINGER. Mr. President, will the Senator enumerate just what collateral is named in the bill he has just called attention to, upon which currency can be issued?

Mr. SMOOT. Mr. President, it provides for the issuance of currency upon drafts and bills of exchange secured by agricultural products or other goods, wares, or merchandise on importations and exportations, as provided for in the present law, but the proposed measure adds, "upon the domestic sale or consignment of goods to be delivered to purchaser or consignee on or before the maturity of such acceptances."

Mr. SMITH of Michigan. Whose bill is that? Who is the author of that bill?

Mr. SMOOT. This bill was reported to the Senate last night.

Mr. SMITH of Michigan. By whom?

Mr. SMOOT. By the Senator from Oklahoma [Mr. OWEN], the chairman of the Committee on Banking and Currency.

Mr. GALLINGER. Did the Senator notice when that bill was introduced? I have been pretty watchful, and I do not remember that that bill ever was introduced in the Senate.

Mr. SMOOT. Mr. President, it was supposed to have been introduced yesterday. I was in the Senate yesterday nearly every minute, and if the bill was introduced from the floor of the Senate it was introduced when I was called into the Marble Room. I knew nor heard nothing of the bill until it was asked to be considered yesterday just before the close of the session.

Mr. GALLINGER. By unanimous consent.

Mr. SMOOT. By unanimous consent.

Mr. SMITH of Michigan. We were told that it was another emergency bill.

Mr. SMOOT. And as an emergency measure.

Now, Mr. President, I think we ought at least to conform to the rules of the Senate in introducing bills, and a measure so far-reaching as this ought to be considered by the Senate, for it has a far-reaching effect not only to-day, but in the future business life of the country.

Mr. SMITH of Georgia. What is the number of that measure?

Mr. SMOOT. Senate bill 6439, order of business 677.

Mr. GALLINGER. Is there a printed report, I will ask the Senator?

Mr. SMOOT. I understand there is a short report.

Mr. TOWNSEND. The Senator will find the report printed in the RECORD of yesterday.

Mr. SMOOT. Now, Mr. President, I do not know how much of the additional 45 per cent issue allowed on commercial paper as provided for in this bill will be issued. I am going to ask the Senator from Oklahoma if he really knows how much currency could be issued by the banks under the bill proposed, provided they took advantage of its provisions, or, in other words, what amount of currency could be issued under the increase?

Mr. OWEN. My understanding is that there have been applications already made for $250,000,000, and that about one-half of that has been actually issued.

Mr. SMOOT. On commercial paper?

Mr. OWEN. No; just under the Vreeland-Aldrich act.

Mr. SMOOT. What I wanted was the probable issue under this amendment, and only on commercial paper.

Mr. OWEN. No record has been made up of that. I will say that in the panic of 1907 the estimates made, which were quite reliable, were to the effect that the clearing-house certificates, cashiers' checks, and so forth, amounted to about $500,000,000. Under this bill the possibility would, of course, compare with the amount of the capital of the banks which would enter these associations. Only a comparatively small number of banks have entered the associations, but they have been encouraged as far as possible to enter the associations so that they might get this relief while the Federal reserve act is in abeyance.

Mr. SMOOT. Then I was well within bounds in answering the Senator from New Hampshire when I said that it would be hundreds of millions of dollars?

Mr. OWEN. Yes; undoubtedly. The amount that could be issued would run into several hundred million dollars.

Mr. SMOOT. Mr. President, I agree with the Senator from Colorado in this particular—that among the best security that could be given to the Government of the United States, or to the currency associations, which virtually stand between the Government of the United States and the member bank which borrows the money, is the commercial paper that they would offer as security. It is generally live paper. It is generally paper that is met at maturity. It is generally short-time paper; and I myself believe that it is as good a security as many of the bonds that the Government takes for security, and a great deal better security than bills of exchange on many of the commodities named under the law.

Mr. SHAFROTH. And, added to that, the guaranty of the currency association that must be formed makes it an absolutely safe currency.

Mr. SMOOT. Of course there is another question that we ought to take into consideration. Everybody seems to have been speaking for the bank—the bank that wants to borrow the money, the bank that expects to receive the emergency currency. I want to say that we ought to look further than the bank. We

ought to look to the depositor who has deposited money with the bank. I want to say also to the Senate that with the amendments that are being pressed to our currency system, with very little consideration, we are opening the door for the reckless banker, the speculator, the man who is in the banking business not to build up such an institution that his name attached to it would be a credit to him and his family as long as they lived, but the man who wants to make quick money and who will go to the very limit of the law, and sometimes step over the mark and violate the law in using the reserves that the law says he shall have and maintain in his bank.

Mr. President, every time we pass a law removing present well-known business restrictions, giving the reckless banker further power of securing currency based upon commodities and commercial paper, we are jeopardizing to a certain extent the deposits that the people have placed in his care and protection. Therefore, before we take many further steps in amending the present laws, and at a time when the mere word "emergency" seems to cover everything and bar the better judgment of Senators and Congressmen in considering measures, I say let us be a little careful.

Mr. OVERMAN. Mr. President, I will ask the Senator—he was here at the time and heard the discussion, and I remember hearing him very ably discuss that question—whether it was not then considered, even when there was no emergency on hand, that this tax of 3 per cent was too much for the first three months?

Mr. SMOOT. I take it for granted that the Senator remembers that I said that an emergency currency used by the legitimate banker ought to be provided at a nominal rate.

Mr. OVERMAN. I had a letter yesterday from one of the leading bankers in this country, and he said the Government ought not to tax these people who have good securities a cent for the first three months; that it ought to be a gradual tax, and finally drift back; but why tax them for the first three months and require the borrowers to pay the tax?

Mr. SMOOT. As I say, it ought to be a nominal rate for the first three months; and if I were going to change the present law outside of that I would add to the rate of interest charged after the first three months more than it is now, one-half of 1 per cent a month. If the rate was increased more than one-half of 1 per cent we would catch the banker who is banking for the greatest profit in the least possible time, almost immediately. That is why I say that amendments that are offered at least ought to be considered most carefully by this body before they are adopted.

Mr. SMITH of Georgia. Mr. President, I believe as strongly as the Senator from Utah in an absolutely sound currency. I am as much opposed as anyone to inflation of paper money which might in any way endanger the stability of our currency. I have listened to him with interest and I have heard him criticize measures not now before the Senate rather than the immediate measure before the Senate, and it is only fair to the proposed amendment that it should be understood that the remarks of the Senator from Utah have very little application to it.

Mr. SMOOT. I said it was only one step toward what I understood was to be the action on the part of the majority.

Mr. SMITH of Georgia. I intend to discuss the present step; and what I say is that the speech of the Senator from Utah presented no objections to the present step, and the dire calamity from an unsound currency about which he spoke is not applicable, according to his own argument, to this step. When other steps are sought to be made, we may then reflect further; but I deem it well to have it distinctly understood that none of his criticisms upon the subject of a dangerous inflation of paper money can be made applicable to the proposed step.

In 1907, Mr. President, this country suffered from the lack of elasticity in our currency. Really, it is remarkable that we have not suffered more in the past because of the utter lack of elasticity in our currency. In 1907 clearing-house associations organized all over the country and met the currency famine by issuing clearing-house certificates exceeding in quantity $500,000,000. They were subject to a 10 per cent tax.

I remember when the clearing-house association of my own city conferred with me upon the subject to know whether I thought the tax would be enforced. I replied: "No; the balance of the cities in the country will be in the same fix you are in; and just as the Senators and Congressmen from our State will demand that you be relieved, so the demand will come from all over the country; but if you should have to pay the 10 per cent, you had better pay it than to close your banks."

Our banking system is largely conducted not upon the capital of the bank but upon the depositors' money. The depositors' money is loaned to the customers of the banks. When a money squeeze came, under the system as it had been in the past, the banking institution, which ought to be able to relieve the community from the squeeze by enlarging the circulating medium, thereby being able to stop the tightness and restore normal conditions, was compelled to contract its credits, for the tightness of money caused a withdrawal of deposits and lessened bank resources. We had nothing in our system that gave banks an opportunity to use their credits and securities to obtain additional currency.

The panic of 1907 was due to the deficiency of our banking and currency system. The Vreeland-Aldrich Act, passed in 1908, was intended to meet this deficiency. I do not think the act was what it should have been, but I would have voted for it, had I been in the Senate, if I could have obtained nothing better. It was vastly better than nothing at all. One of the great objections to the Vreeland-Aldrich Act was the extreme tax it imposed from the start and which it increased so rapidly upon the currency that was to be obtained for emergency purposes through its use.

The Vreeland-Aldrich Act required currency associations to be formed. No bank can issue its own notes, or obtain the privilege of its own note issue, by bond security or any other security, under the Vreeland-Aldrich Act. It was necessary in a given territory to form an organizaiton of banks with not less than $5,000,000 of capital, and this currency association of united banks became jointly liable for every note that any one of the banks was permitted to issue.

This currency association, with its select men in charge of the securities presented by any bank to obtain the privilege of using its own notes for circulating purposes, becoming jointly liable with the bank applying to issue notes for circulation, first passed upon the securities tendered to it by the bank; and then, later on, the officers of the currency association were called upon to present the securities to the Treasury Department, and the Treasury Department was also required to approve the security before the bank notes could be used for circulation. So the notes thus issued for circulation were passed upon by men other than the bank who received them, but who loaned their credit to the bank receiving them. The Vreeland-Aldrich Act made them all equally responsible for the notes received by any one of the banks and used by any one of the banks.

The reason that act was never used before can be explained in two ways. First, we have had no currency emergency of any kind to require it since 1908. Second, the tax was so severe that no bank would ask to use it unless it threw up its hands and declared, "I am not in a position to do a legitimate banking business. I am in such dire distress that I am willing to issue my notes and start with 3 per cent and increase 1 per cent each month until I pay the rate of 10 per cent for the privilege of issuing my own obligations."

Mr. SIMMONS. Did it not start at 5 per cent?

Mr. SMOOT. No; 3 per cent.

Mr. SMITH of Georgia. No; it started at 3 per cent.

Mr. SIMMONS. I think the Senator is right.

Mr. SMITH of Georgia. I know I am right. At the end of three months it added 1 per cent a month, 1 per cent a month, 1 per cent a month, until it reached 10 per cent.

Mr. SMOOT. Yes.

Mr. SMITH of Georgia. And the bank that would admit that it was ready to pay 10 per cent for the privilege of issuing its own notes would admit that a condition confronted it that really ought to close its doors.

Mr. SMOOT. I will say to the Senator that I was thinking of the Federal reserve act, which amended the Vreeland-Aldrich Act.

Mr. SMITH of Georgia. As I wrote the amendment that was inserted in the Federal reserve act, I was naturally familiar with the provision that I was seeking to change.

Mr. President, on August 4 we amended the Vreeland-Aldrich Act and allowed banks to issue their notes, under certain circumstances, up to 125 per cent of their capital and surplus.

What is the situation that confronts us just at this time? We have passed a measure which, in my judgment, will be fruitful of more value to the business interests of this country than any law with which I am familiar that ever was passed in the history of the United States. I refer to the new currency bill, and I give credit to the Senate for having written into the bill which came from the House two-thirds of what it now contains. When the bill passed the House I felt that I could not vote for it, but I believe the bill which was finally given as an act to the country resulting from the work of the House and the Senate is the best measure of the kind that was ever given to the people and the business interests of a country.

We were delayed about the organization of our Federal reserve banks; we were delayed about the members of the reserve

board, and before we could put them into operation the war in Europe came upon us as a shock to the business interests of the country.

Now, the organization of these Federal reserve banks will involve the removal of over $500,000,000 of currency from the banks of the country into the Federal reserve banks. That of itself must create a contraction in the currency, for the banks of the country must prepare to make the transfer. Then, later on, the transfer of the reserves from the reserve centers to the Federal reserve banks must follow.

I believe that our new banking and currency act is a magnificent measure. No thoughtful man, at all familiar with banking and business, can fail to see that the process of organizing these banks and the process of transferring to them the capital which must be furnished by the present national banks of the country and the process of transferring the reserves cause every existing bank to be cautious about credits. The banks have accumulated money to make the transfer, so that really to-day we have at least $500,000,000 of our normal currency removed from active operation by reason of the fact that it is about to be transferred to the Federal reserve banks.

Now, in connection with passing our new banking and currency act, realizing that this contraction of circulation would take place, covering quite a little period of time pending the organization of the Federal reserve banks, we amended the Vreeland-Aldrich Act so as to make it possible for these bank organizations under the Vreeland-Aldrich Act to issue an increase of bank notes to supply the needs incident to the contraction which the transfer from the national banks to the Federal reserve banks would necessarily cause, and we reduced the rate from 5 to 3 per cent for the first three months, and from 1 to a half of 1 per cent increase for the next six months. This was sufficient to meet the contraction of the currency the organization of the Federal reserve banks would temporarily create; but the fact that just at the time we were about to have the transfer made from the banks to the Federal reserve banks the war in Europe came upon us, disorganized our business, disorganized our credits, and seriously affected exchange, thereby making an additional temporary increased demand for currency.

This bill provides for the privilege of issue by these currency associations up to 75 per cent of the capital stock and surplus of banks in currency associations, based on commercial paper and secured by it. On August 4 we gave the privilege of an increased issue up to 125 per cent of the capital and surplus of the banks, but the difficulty was that that increase must be predicated upon securities. The language of the act does not say "bonds," it says "securities," and the only securities that were in shape for use were bonds, and the bonds offered did not furnish the increase of currency that was necessary. The bonds available only made it possible to afford an increase of about $200,000,000. The normal condition needed an increase of over $500,000,000 incident to the mere payment in times of peace by the national banks of their stock liabilities to the Federal reserve banks. The national banks are called on to pay into the Federal reserve banks for the stock for which they are liable over $500,000,000.

We have not to-day met the contraction we created, outside of the problems brought upon us by the European war. If all the banks used to the fullest extent the increase through notes which the act would allow, it would amount to about a billion dollars, but it is apparent that a very limited number of them can put up the securities required to make the issue 125 per cent of the capital stock. This provision, which allows them to go to 75 per cent, based upon commercial paper, I have no idea can increase the issue more than three or four hundred million dollars beyond where it has gone now.

As I said before, without the war, as a mere incident to the change of our system and the organization of the Federal reserve banks, $500,000,000 of contraction would necessarily take place for a short time.

Mr. FLETCHER. Will the Senator allow me?

Mr. SMITH of Georgia. Yes.

Mr. FLETCHER. As one result of the war it is very important to bear in mind the cutting off of all mediums of exchange, bank exchange, letters of credit, and American Bankers' Association paper. None of those were receivable or passed as money at all, and we had to find some way of substituting actual funds for what had been doing the business of money.

Mr. SMITH of Georgia. Not only is that true, but the exchange from different States has been paralyzed, and to-day, instead of settling our balances from the city where I live and the city of New York by exchange, we ship currency. The demand for currency caused by the war is exceedingly large. Yet this bill as we amend it only carries the relief a short distance beyond the normal contraction incident to the organization of the Federal reserve banks.

Mr. President, let us bear in mind that the Vreeland-Aldrich Act expires July 1, 1915. This is no inflation. This is no issue of paper money drawn out with no rubber band to pull it in. It is absolutely limited to nine months by the terms of the act under which it is issued. If the Federal reserve banks are in full operation in the course of the next 60 days they should be amply able to meet the situation, and I trust it will not be necessary to extend the terms of the Vreeland-Aldrich Act, although I agree with the Senator from Utah that there are elements of great value about it. I have never read the debates which took place when the act was passed, so I do not know the reasons why Senators on this side of the Chamber opposed it, but I have not been always in entire accord with my own party on the currency question.

Mr. SMOOT. The only reason, I suppose, was because it was a Republican measure.

Mr. SMITH of Georgia. That is a sufficient reason to cause suspicion on nearly every subject except a currency bill, but I am obliged to admit on the currency question I think there have been times when I would have voted with the Republicans and not with the Democrats. Therefore in discussing this question and impressing the soundness of this bill I do so from the standpoint of an intense believer in sound currency.

I hardly think this bill will furnish the currency we need. It will after we get the reserve banks organized and they overcome the stringency caused by the change from the national banks to the reserve banks of over $500,000,000 that must be caused in connection with the organization of the reserve banks. I do not know why their organization has been delayed, but I can see a very good reason. There was already a strain in the country upon currency. We have not by the act of August 4 sufficiently relieved that strain. It may have been felt, it may be now felt, that some further relief in the line of expansion of currency is necessary before we withdraw from the banks $500,000,000 and put it in the reserve banks.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. SMITH of Georgia. Yes.

Mr. VARDAMAN. I wish to ask the Senator from Georgia if he has the data or has made an estimate of the amount of currency that could be issued under the law as proposed to be amended? What would be the additional amount?

Mr. SMITH of Georgia. Under this provision the increase is from 30 to 75 per cent. I have not worked it out accurately, but I said I thought it might carry the total issue to between $600,000,000 and $700,000,000, a little more than the amount we are going to withdraw from circulation in connection with the organization of the reserve banks.

Mr. SMOOT. In this connection I wish to say that I fully agree with the Senator that the withdrawal of this money from its natural place of deposit and putting it in other places—and they must do it under the law—is going to make a restriction in certain centers, particularly in New York and San Francisco and some of the larger money centers of the United States; but I do not believe that it is going to affect the business of the country to the amount of $500,000,000 for this reason. I know that our part of the country has already provided for the transfer of the amount that will be required under the law for them to deposit with the reserve banks, and I think that most of the small institutions of the country have already provided for that and it will be no hardship; but I do not know it is going to be a hardship on New York, it is going to be a hardship on San Francisco, and perhaps on Chicago and some of the other great centers.

Mr. SMITH of Georgia. The smaller banks that have already provided for it are restricting their credits because they have provided for it, so that we are having, as to the smaller banks which provided for it, a restriction of credits and a limitation of loans, and we will have a still further restriction in the larger cities as they do provide for it.

I really believe that this measure not only does not go to the extent of inflation, but it does not go further than the contraction incident to the organization of the Federal reserve banks is producing.

Mr. SMOOT. The Senator must also admit that the contraction is only temporary. Just as soon as the money is withdrawn from the present depositories and put into the depositories required under the law, of course it will not be very long until that money is again in circulation.

Mr. SMITH of Georgia. I agree with that, of course.

Mr. SMOOT. It is a temporary restriction.

Mr. SMITH of Georgia. I am referring to it as a temporary matter, but I should say it would be 60 or 90 days before it would be normally going out and operating. I hope the time will be less, but it will take time. It must go out again with care and thought and readjust itself.

What I wish to do, Mr. President, is to press the proposition that this is no inflation.

Now, Mr. President, I desire to address myself to the amendment offered by the Senator from North Carolina [Mr. OVERMAN], which provides that the rate of interest or the rate of tax for the first three months shall be at the rate of 1 per cent per annum. I am cordially in favor of that amendment.

I think that is wise; I think it is exceedingly desirable to lessen, so far as we can, the burden of increased rates of interest, and especially so at this time. I think the heavier rate of interest is discouraging to the man who has ample assets. We have done no overtrading in this country for the past 12 months or two years. If we had not been in splendid condition to meet the burdens of the European war, we would have had smashes all over the land. We were splendidly prepared for it.

Mr. WILLIAMS. Mr. President, will the Senator from Georgia pardon an interruption there?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. SMITH of Georgia. Yes.

Mr. WILLIAMS. I agree with the Senator from Georgia in the position he takes that the tax ought to be less than it is now; I am also of the opinion that if that were the case, business would be accelerated a little more than it is now; but would the Senator fix a different rate of interest to be paid the Government, one in the shape of the tax under this bill and the other in the shape of interest to be paid upon Government deposits in a bank? The interest paid upon Government deposits in banks for moving crops is 2 per cent; and it seems to me they ought to have the same starting point; that whatever you fix for one ought to be the starting point for the other.

Mr. SMITH of Georgia. Mr. President, I do not think so. The Government rate for a deposit of money is flat 2 per cent; it does not increase at any time; it does not require a deposit of 5 per cent of gold with the Treasury. The bank for the privilege of issuing its own notes under the Vreeland-Aldrich Act deposits and maintains 5 per cent of gold with the Treasury; and it must increase that deposit at any time when the call by the Treasury is made for it. So it can not issue really more than 95 per cent. The use of this money at the rate of 1 per cent is limited to three months. Then it increases at one-half per cent each month for six months. The issue is limited to July 1, 1915. It will take care of the situation to a considerable extent pending the change by payments from the different national banks to the Federal reserve banks. It, to a limited extent, takes care of the interference with credits and exchanges throughout our entire country as a result of the European war.

I am cordially in favor of reducing the tax to 1 per cent for the first three months. I have offered an amendment to come at the close of the second section, or at least just after the proviso.

Mr. WILLIAMS. Does the Senator make his amendment a second section of the amendment of the Senator from North Carolina?

Mr. SMITH of Georgia. No. I take the section which the Senator from North Carolina proposes to amend.

Mr. WILLIAMS. The Senator said a moment ago at the end of the second section. There is only one section of the bill.

Mr. SMITH of Georgia. That was the second section of the original bill, as I understand.

Mr. OVERMAN. That is right; the second section of the original bill.

Mr. WILLIAMS. I was referring to that.

Mr. SMITH of Georgia. The Senator from North Carolina proposes to amend the original bill by changing the tax from 3 per cent to 1 per cent. At the close of the portion of the section which he hands me in print I suggest the addition:

*And provided further*, That the rate of interest charged by the banks issuing said notes for the loan of said notes shall not exceed 5 per cent per annum.

Mr. President and Senators, I do not agree with the Senator from Colorado [Mr. SHAFROTH] about limiting rates of interest, although he comes very near supporting his position by citing the rate of interest in his own State. Our rate of interest in Georgia, fixed by statute, is 7 per cent, and the limit of interest by written contract is 8 per cent. Our banks charge 6 and 7 per cent. The Senator from Colorado states the fact that with no limitation at all as to rates of interest, the rates of interest charged by the banks in his State are about the same as those of my State.

I know that political economists insist that there should be no limit to the rate of interest fixed by statute, and yet I would vote to-morrow in my State to limit the rate of interest to 6 per cent. The Senator may be right. I may be wrong; but I am wedded to the idea of a statutory limitation of rates of interest.

Let us see what this limitation would mean. When we passed the act of August 4, we thought we had provided that the State banks as well as the national banks might have the advantage of the Vreeland-Aldrich Act, for we added a proviso that the provisions of that amendment should extend to all State banks which, within 15 days, contracted to join the Federal Reserve Association. We meant by that that the State banks should have the privilege of joining currency associations and should have the privilege of issuing their notes, for which the currency associations should be liable, for remember that none of these notes occupy the attitude of an ordinary bank note; none of them have any of the elements of uncertainty that pertain to notes issued by a single bank. They are notes issued by a single bank with the approval of an organization of banks, each bank in the organization, when it consents to that issue, passing upon the securities put up by the bank that issues the note, and becoming jointly liable with the bank for redemption of the notes.

A 5 per cent gold deposit is required for redemption with the Treasury Department, and this must be increased if called for.

Mr. SIMMONS. If the Senator will pardon me, I should like to inquire—I am not antagonizing the proposition—how he is going to enforce it? As I understand his proposition, it is that the banks receiving these notes shall not charge more than 5 per cent for a loan. How is such a provision to be enforced?

Mr. SMITH of Georgia. There would be no trouble at all in enforcing it. The comptroller would require the banks to report the loan of these notes, and they would be required to show that the rate of interest charged on such notes did not exceed 5 per cent; otherwise they would be subject before the comptroller to the penalties which he has the power to place upon them for violating any of the statutes of the United States.

Mr. JONES. If the Senator will yield, I wish to ask him a question for information, because I think if that provision could be enforced it would be a good provision. Can these notes be issued for any other purpose than for loans?

Mr. SMITH of Georgia. No.

Mr. JONES. Of course, if they can not be so issued, it seems to me that it would be very easy to enforce the provision.

Mr. SMITH of Georgia. They are not a part of the reserve of the bank. The bank can not take them and make them a part of their reserve.

Mr. JONES. Can they be used for investment purposes, or for anything of that sort?

Mr. SMITH of Georgia. Well, the national banks could buy bonds with them to the extent that they are permitted to purchase bonds.

Mr. JONES. They could buy bonds with them and loan their other money out at any rate of interest.

Mr. SMITH of Georgia. My proposed amendment says "the rate of interest charged by the banks issuing said notes for the loan," and so forth. I think I need, perhaps, the provision that shall not be used for purchase of investments.

Mr. JONES. I think so.

Mr. SMITH of Georgia. I am perfectly willing to insert such a provision. I thank the Senator from Washington for the suggestion.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. SMITH of Georgia. Yes.

Mr. CLAPP. I will say that I am heartily in sympathy with the suggestion. My banking experience, of course, has always been outside of the banks, but I will suggest that when a man goes to a bank and gets a loan he does not, as a rule, get the money. He gives his note and gets a credit for it. Of course if the man were to get a thousand dollars of these specific bills when he gave his note to the bank that could be reported, but, as I understand the great bulk of the bank transactions in the matter of loans, a man gives his note to the bank and the bank simply gives him a credit; from time to time he checks against that credit, and that check goes from bank to bank. While I am in hearty sympathy with the purpose of, and shall vote for, the Senator's amendment, it strikes me that there is going to be great difficulty in enforcing it.

Mr. SMITH of Georgia. That could be covered. We can provide that the banks issuing these notes shall carry loans equal

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to their amount upon which they shall not charge over 5 per cent.

Mr. CLAPP. I do not want to embarrass the situation, but we have got to face this matter at some time. The Senator and myself go to a bank. We will say we have a limited credit there of $1,000 apiece, and the Senator gives his note and I give my note. It so happens that there is not $1,000 of that particular currency in the bank, and one of us gets a loan at 5 per cent and the other gets one at 6, or whatever the current rate is. How would the Senator meet that situation?

Mr. SMITH of Georgia. The banks might not be able to furnish all their customers at this rate, but it would have a tremendous effect in keeping down all rates.

Mr. CLAPP. I think that is true, and that is why I have always been in favor of a law limiting the rate of interest, because such laws out in the West where I have lived have had great force and effect.

Mr. SMITH of Georgia. I am unaware of the fact that my suggestion is surrounded with difficulties and with complications; but I am so intensely desirous of bringing about the use of this additional currency at a fair rate to the people that I will support any suggestion which would accomplish such a result.

I was not aware that this subject would come up to-day for discussion. I wrote this short amendment immediately after reading the amendment of the Senator from North Carolina. I present it to the Senate simply as a basis for action. If we can perfect a plan by which we can make the banks use these notes at not over 5 per cent, let us do so.

Mr. CLAPP. Mr. President, I think the fact known to customers of the banks that the banks were getting this additional currency at this reduced rate—and I think that provision will be adopted, because from the very beginning it has been in evidence that it was a mistake to make the additional rate so high, and I introduced a bill two years ago to amend the Vreeland-Aldrich Act in that respect—the community knowing that, and knowing that this money must be loaned at 5 per cent, I believe will have a very strong, if I may use the expression, moral effect in relieving the burden of excessive interest that otherwise might result.

Mr. SMITH of Georgia. I am not willing to see the banks charge over 5 per cent for the currency which they obtain in this way. Now, I will tell you what I think may largely be the result of this provision, if we put it in. I think the additional note issue that is permitted to the national banks will largely be loaned by them to the State banks, and, going to the State banks in my section, it will come very much closer to the people most in distress than if it is retained by the national banks.

The great burden that the war has brought upon the cotton-growing States is the paralysis of the cotton market. Our big national banks are in the cities, our State banks of from $25,000 to $100,000 capital are located in the smaller cities, which are the centers of agricultural development and of agricultural enterprise. It is those State banks that have furnished the advances to the farmers to make their crops, and those State banks but for the European war would by this time have all the money they could use and in 60 days more money than they could loan.

I believe the limitation in the rate of interest on the national banks will not cause them to make discriminations between their ordinary customers, whom they are charging 6 or 7 per cent, and in some cases 8; but they will simply say to ordinary customers, "We have loaned our emergency-currency notes to smaller banks." That will be the situation in my section; they will say, "We have loaned our emergency currency to State banks throughout the State to aid them in relieving the existing stringency, and the benefit of it will come back to you, our city customers, by your beginning to get some returns on your out-of-town obligations."

Mr. SIMMONS. Suppose they do loan this currency to the State banks for not over 5 per cent, how would the Senator, under his amendment, control the price which the State banks would charge the people for it?

Mr. SMITH of Georgia. We could not control that, but it would make it possible for the State banks to let the people have it reasonably. The national banks in many instances are now saying to the State banks, "You have got to pay us 8 per cent," and it is almost impossible for the State banks to get currency at reasonable rates.

Mr. SIMMONS. The idea I am trying to bring out is that it would be almost impossible to enforce such a provision. The only way that I can conceive of whereby it could be possible of enforcement would be by requiring the bank to certify that it had not loaned any of it out for more than 5 per cent and imposing a penalty if the bank did loan it at more than 5 per cent. That would require, however, a segregation of those notes from all the other funds of the bank, so that you might have a bank loaning a part of its funds at 5 per cent and loaning another part at 6 per cent.

Mr. SMITH of Georgia. Yes.

Mr. SIMMONS. The question is, Might not that situation deter banks from taking out this money? They might say, "We can not run our banks if we should charge one of our customers one rate and another customer a different rate." I will suggest this to the Senator: Why would it not meet, not fully but in large measure, the object he has in view if he would provide, in case the amendment of my colleague is adopted, that after three months the rate shall be increased, say, a quarter of 1 per cent per month, but shall never go beyond 4 per cent or 5 per cent?

Mr. SMITH of Georgia. Which rate?

Mr. SIMMONS. I mean the tax rate, starting at first with 1 per cent for the first three months and increasing at the rate of a quarter or half per cent per month, but stopping when it reached the rate of 5 per cent; or it might be fixed at 4 per cent, if the Senator desires.

Mr. SMITH of Georgia. To which part of the legislation are you now referring—the Vreeland-Aldrich bill proper?

Mr. SIMMONS. Yes.

Mr. SMITH of Georgia. That is what it does.

Mr. SIMMONS. No; it stops at 6 now.

Mr. SMITH of Georgia. No; it will stop at 4.

Mr. SIMMONS. No; my understanding is that it starts at 3.

Mr. SMITH of Georgia. It will start at 1.

Mr. SIMMONS. No; that is the amendment of my colleague.

Mr. SMITH of Georgia. I am talking about the effect of the legislation if this amendment is adopted.

Mr. SIMMONS. So am I; but what I was saying to the Senator is that under the present act, as it is now, it starts at 3 per cent, and it can never go beyond 6 per cent; and I was suggesting to the Senator that if my colleague's amendment is adopted, starting it at 1 per cent, then he might provide that it should never exceed 4 per cent.

Mr. SMITH of Georgia. I think that is entirely wise, and I should be glad to have that amendment added.

Mr. SIMMONS. I think it would accomplish legitimately the object the Senator has and without the complication.

Mr. SMITH of Georgia. Yes.

Mr. JONES. Mr. President——

Mr. SMITH of Georgia. Yes; I think the section to which amendments are now being suggested might well be changed so that the 6 per cent should be made 4 per cent, and the increase of half a per cent a month continue only for six months. I was under the impression that under the act originally it increased half a per cent a month for six months specifically; but it is half a per cent a month until it reaches 6 per cent, and I think it ought to stop now at 4 per cent.

Mr. SIMMONS. I was suggesting that that would largely accomplish the object the Senator has in view without involving us in the complications that I can see would follow from his proposition.

Mr. OVERMAN. I think not, for this reason: The idea of this gradual increase is to drive this money finally back into the Treasury.

Mr. SMITH of Georgia. It is driven back to the Treasury by the limitation of the act.

Mr. SMOOT. Mr. President, I sincerely hope the Senator will not accept that suggestion. I would rather have it increased than decreased, as I said before. This emergency currency is supposed only to be used in a time of emergency. To see that it is not used in the regular routine business, and that it does not become a part of the credit and working capital of the Government, we have to penalize it to such an extent that it will go back into the Treasury.

My idea was this: To have the normal tax the first three months, so that the bankers will use it, and not penalize their customers or affect their business by having that normal tax the first three months; but almost any kind of disturbance is over in three months, and we want after that time to tax them more for it and continue that tax until it goes back into the Treasury.

Mr. SMITH of Georgia. I wish to ask the Senator if he hopes that the disturbance incident to the war will be largely over in three months?

Mr. SMOOT. A case like this comes once in a lifetime, and perhaps——

Mr. SMITH of Georgia. Well, this law dies, you know, very soon.

Mr. SMOOT. I do not believe this law is going to die on June 30, 1915.

Mr. SMITH of Georgia. I will say frankly to the Senator that unless it is going to die the 1st day of next July I would not be willing to see the rate of interest stop at less than 6 per cent. I would be willing to let the tax run eventually to a rate which would absolutely drive the notes in. I would not consent, myself, to vote for any kind of currency scheme that did not have just as strong an arm to pull it back as to put it out.

Mr. SMOOT. Mr. President, the Senator and I agree perfectly as to that. Why not leave the rate of one-half per cent, as proposed, for the present? Then we can come back at the next session of Congress and, if conditions are such that we feel that the rate ought to be lower, and there is an emergency actually calling for it, I would rather let it be even less than 4 per cent then; but let us not amend the bill so that the business interests of the country will think we do not want to penalize the issuance of the currency and that we want it to enter into the business life of the country. That is not what we want. We want it to be an emergency currency, to be used at a time when the circulating medium in this country must be largely increased, and increased at once.

Mr. SMITH of Georgia. The entire subject came to my attention this afternoon, and I had reflected very little upon those details of the provisions. I did not know it was to come up, and almost by accident I entered the Senate and saw the Senator from Oklahoma [Mr. OWEN] bring it to the attention of the Senate. I really have not a conviction on that subject yet.

Mr. SMOOT. I certainly hope the Senator will not accept the suggestion of lowering the rate.

Mr. POMERENE. Mr. President, I desire to ask a question of the Senator from Georgia. I note that by his proposed amendment he limits the 5 per cent to the loans of these notes. What is the reason for limiting it?

Mr. SMITH of Georgia. I do not exactly understand the Senator.

Mr. POMERENE. This amendment reads as follows:

*Provided further*, That the rate of interest charged by the bank issuing said notes, for the loan of said notes, shall not exceed 5 per cent per annum.

Mr. SMITH of Georgia. Does the Senator mean, by that question, to ask why I would not extend the limitation of 5 per cent to all the rates they charge?

Mr. POMERENE. That is part of the thought I had in my mind.

Mr. SMITH of Georgia. The reason why I would feel that we could distinguish between this currency and the ordinary money is that we are furnishing the banks this currency at a lower rate of tax, and are putting down the tax to make it practicable for them to use this currency to meet an emergency, and I would feel that we were justified in saying what rate they might charge for this currency when I would not feel justified in saying they should charge only the same rate upon ordinary money.

Mr. POMERENE. Does the Senator think anyone would borrow any gold certificates or any silver certificates or any greenbacks or any gold coin or any silver coin at 6 per cent when there was a rate of 5 per cent fixed for these notes?

Mr. SMITH of Georgia. Yes, beyond any question; for this supply would be quickly used, and then they would be left with their ordinary volume of currency.

Mr. POMERENE. Can the Senator conceive a situation where he would pay 5 per cent interest for one kind of bank notes, and 6 per cent for another kind of currency?

Mr. SMITH of Georgia. Unquestionably. If I went to my own bank and borrowed from them a portion of these notes, or gave my note and received a portion of this currency as a credit, and they simply said to me that they had used those notes up and they could not let me have any more at 5 per cent, I would expect to pay the ordinary rate of interest for the balance.

Mr. POMERENE. Mr. President, if this amendment were adopted, the effect of it would be to reduce all the interest rates to 5 per cent

Mr. SMITH of Georgia. That would be splendid.

Mr. OVERMAN. That would be a good thing.

Mr. POMERENE. Yes; in one sense of the word it would, but let us see where we would arrive. This is an emergency measure, and you can not suddenly adopt a rate of interest different from the prevailing rate without injuring the money market.

Mr. SMITH of Georgia. They have just done that. They have put up their rate.

Mr. POMERENE. I mean, to reduce it. For instance, many of the banks in Ohio are paying 4 per cent for time deposits; some of them even higher rates in the small banks. The banks could not afford to pay 4 per cent or more for time deposits if they were compelled to loan money at 5 per cent. The result would be that most of the money which now goes into the banks and is deposited for time certificates would be taken elsewhere and it would be out of circulation, and as an ultimate result you would be driving out of circulation a lot of the currency that now exists, and to that extent you would be limiting your circulating medium instead of increasing it.

Mr. THOMAS. Mr. President, if this amendment is adopted, in my judgment, the only effect will be to present the bank which receives the money with the difference between the rate of tax in the Aldrich bill and the amount fixed here. It is not going to benefit a particle the man who needs the money, in my judgment. There never yet was a rate-of-interest statute that controlled the value of money on loans. Money will command whatever interest the needs and exigencies of the times justify.

Of course you can not by legislation provide that the banks shall loan one sort of money issued to them by the Government at one rate of interest, and then that all other moneys in their possession may be loaned at such rate of interest as the banks may determine or the State statutes may fix. There has to be one bank rate of interest prevalent in the community or State at the same time, and that is regulated by the State statute or by business conditions.

It seems to me, as was suggested by the Senator from Utah a moment ago, that if it were possible for such legislation to be effected the banks could very easily use this emergency currency for their reserves, or it would be suggested to them to do so, and loan the rest of it at such rates as money would bring because of the demand.

If this money were issued directly to the people at 1 per cent, and if their commercial paper could be taken to the banks or to the Government Treasury and exchanged for emergency money at 1 per cent, they would get the benefit of it; and that is the only manner in which any scheme of Federal money issue at some fixed rate of interest can be made beneficial to the man who needs the money.

If this legislation is effected as the amendment of the Senator from North Carolina provides, the only effect, as I say, would be to relieve the banks which receive the money from the rate of tax or penalty which is now required by the provisions of the Vreeland-Aldrich emergency bill; and of course the purpose of the interest charge there is obvious. It does not need to be restated. It is simply designed to make the currency perform the function of emergency currency and nothing else, so that when the emergency passes away the money automatically returns to the source of issue, because the amount of the penalty makes it no longer profitable to keep it out.

I do not think anything whatever can be accomplished by this reduction except to raise false hopes, which are bound to be disappointed in practice.

Mr. WILLIAMS. Mr. President, I wish to offer an amendment now, to have it pending, to be considered after the committee amendments are disposed of.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. WILLIAMS. Yes.

Mr. OVERMAN. Before the Senator introduces his amendment I should like to have a vote on my amendment, as I shall not be here to-morrow.

Mr. WILLIAMS. That can not be done. The committee amendments are to be considered first.

Mr. OVERMAN. There is no committee amendment.

Mr. WILLIAMS. I was informed that there was.

Mr. OVERMAN. No.

Mr. WILLIAMS. Mr President, I wish to offer an amendment, to have it read and pending, to be considered after the committee amendments, if there are any.

The VICE PRESIDENT. There is a committee amendment pending.

Mr. SMOOT. Mr. President, if that amendment is one increasing the limitation from 75 to 80 per cent, I will state that I understood that the Senator having the bill in charge for the committee had agreed that that amendment should not be offered.

Mr. SHAFROTH. Yes; I will state that the Senator from Oklahoma [Mr. OWEN] has been compelled to leave and that he asked me to look after the bill, inasmuch as other members of the Banking and Currency Committee were not here at the time.

Mr. WILLIAMS. I understood there was a committee amendment.

Mr. SHAFROTH. There was a committee amendment, making the limitation 80 per cent instead of 75 per cent, but inasmuch as he has not insisted upon it, and I have conferred with

some of the committee with relation to it, we are not going to press that amendment.

Mr. SMOOT. I will say to the Senator that before Senator OWEN left he told me that he would not ask to have that amendment adopted; that he would withdraw the amendment.

The VICE PRESIDENT. Then it is understood that the committee amendment is withdrawn.

Mr. WILLIAMS. Mr. President, I will ask the Secretary to read the amendment I have sent to the desk. I will say that before the chairman of the Banking and Currency Committee left I submitted it to him, and he said he would have no objection to it.

I will say a few words in explanation of the amendment before it is submitted.

The law provides that no deposits for crop-moving purposes can be made in cities of less than 50,000 population. The cities of less than 50,000 population, therefore, are cut off from having their municipal bonds and county bonds considered as security for money deposited for crop-moving purposes. There are some States in the Union that have no cities of 50,000 population. It happens that my own State is one of them. I believe Nevada has none. I believe Wyoming has none. I am not certain, but probably North Carolina has none, and Idaho has none.

Now, I will ask the Secretary to read the amendment so that the Senate may hear it. It is merely to cure that difficulty.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add, as a new section, the following:

SEC. 2. That in a case where a State of the United States has no city within its borders having a population of more than 50,000 inhabitants, the Secretary of the Treasury is hereby empowered and authorized to recognize at least one city in such State, or, in his discretion, not more than three, as having a right to have its or their duly authenticated city or county bonds accepted by the Treasury Department as security for crop-moving deposits. Such cities so recognized shall be selected so as to best serve the agricultural interests of the State in which it or they may be situated, the amount of money to be deposited with such city or cities to be determined under such rules and regulations as the Secretary of the Treasury may prescribe.

Mr. WILLIAMS. Mr. President, in further explanation I will say that all in the world that does is to permit the law to operate with regard to the deposit of city and county bonds of States having no cities of over 50,000 population, as well as in other States. It is a great hardship in my State, for example, that we should have to go and get other security of various sorts in order to secure the money for crop-moving purposes. It leaves the Secretary of the Treasury the sole judge of what cities he will recognize, and it leaves their bonds or securities subject to all the safeguards of the act as it now provides.

Mr. THOMAS. Mr. President, I should like to ask the Senator from Mississippi a question.

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. WILLIAMS. I do.

Mr. SHAFROTH. Mr. President, I wish to reserve a point of order on that amendment. I want to be heard on it. I have just heard the amendment read.

Mr. OVERMAN. I understand that it goes over.

Mr. SHAFROTH. I am not very clear in reference to it, but it seems to me it is not at all germane to the bill we have here, and I want to call attention to these other amendments.

Mr. WILLIAMS. It is germane to the bill, because it is an amendment of the same act that the bill amends. Any amendment of the act which the bill amends is germane.

Mr. THOMAS. Mr. President, I understood the Senator from Mississippi to yield to me for a question only.

Mr. WILLIAMS. Yes.

Mr. THOMAS. I wanted to inquire whether, under the laws of Mississippi, a municipal corporation could issue its bonds to be used for the purpose of raising funds to move crops?

Mr. WILLIAMS. Oh, no; they are already issued, but there is a provision that they may be deposited as security for money for crop-moving purposes.

Mr. THOMAS. Can the bonds of any municipality in Mississippi be used to raise funds for crop-moving purposes?

Mr. WILLIAMS. Oh, no; they are in the hands of the banks. The banks have bought them, or individual citizens have bought them. They are not to be deposited by the State, of course.

Mr. SHAFROTH. I wish to say a few words in relation to the amendments.

Mr. SWANSON. I should like to make a suggestion to the Senator before he gets to the other amendments.

Mr. SHAFROTH. All right.

Mr. SWANSON. I should like to have the committee consider, so far as the emergency currency bill under the Vreeland-Aldrich Act is concerned, the propriety of repealing the 10 per cent tax upon the issues of State banks. In the act that we recently passed amending the act we thought it was an emergency measure and permitted the State banks to join the associations for the issue of the currency of the country, and everyone thought that the State banks would then have a chance of getting this emergency currency. I understand that after it was examined it was ascertained that it did not repeal the 10 per cent tax on State banks, and I should like to ask the Senator from Colorado as to whether his committee has considered the propriety of repealing the existing tax of 10 per cent upon the note issues of State banks so far as the emergency currency issued under this bill is concerned?

Mr. SHAFROTH. I will state that there has been no consideration given by the committee concerning that repeal. The truth of the matter is, we have always considered that if we did not have a tax on the amount circulated by the various State banks we would have complications in the currency as we had before the Civil War.

Mr. SWANSON. I should like to ask the Senator this question. I understand there was passed through Congress a bill, and the President signed it and it became a law, extending the provisions of the Vreeland-Aldrich Act to State banks that should join the currency associations within a limited time, and then when the State banks came to the Treasury Department to get the notes it was ascertained that the law prescribing a tax of 10 per cent upon the note issues of State banks was not repealed. It seems to me that we could very easily repeal that tax, so far as the issuance of currency under the Vreeland-Aldrich Act is concerned, making a conditional repeal, and that such a repeal would obviate the troubles the Senator from Georgia [Mr. SMITH] complains of.

I should like to ask the Senator why it was that the provision was put in the emergency bill that was recently passed permitting State banks to obtain this emergency currency if it was not intended to repeal the 10 per cent tax?

Mr. SHAFROTH. There was no intention to repeal that 10 per cent tax. It has never been considered by the committee.

Mr. SWANSON. Did not the committee provide for the entrance of State banks into the currency associations and to get this note issue?

Mr. SHAFROTH. But that was not in relation to repealing the 10 per cent tax. I understand the national banking act imposes a 10 per cent tax upon any State bank that issues notes for a circulating medium.

Mr. SWANSON. Under the Vreeland-Aldrich Act, which expires the 1st of July, 1915, the State banks were permitted to join the currency associations like national banks and their commercial papers were to have the same supervision for the issue of emergency currency that is extended to national banks.

Mr. SHAFROTH. It might be all right to do that, but you have a complication there, and it takes a great deal of study and a great deal of consideration to determine whether it would be wise or not.

Mr. SWANSON. It would seem to me that it would be easy to amend this proposed law by adding a provision that the tax you impose upon the issue of the notes of State banks is hereby repealed upon the notes of State banks issued under the provisions of this act. If the State banks issued notes otherwise than under this emergency measure the Secretary of the Treasury could supervise it and could see that it was good. It would seem to me that it would give the double relief that we desire, and especially in those States where the State banks exceed the national banks.

I can see no objection to repealing that tax, so far as it applies to all emergency currency issued under this measure. I should like to have the committee think of that and of the convenience it would be. I can see no serious objection why it should not be done.

Mr. SHAFROTH. Mr. President, I want to say in relation to all these amendments that they bring up great questions, and that there is need of the closest examination of them not only by the committee but by those who are in charge of our banking system.

The bill which is before this body now is simply a measure in one direction. It provides that the limit of 30 per cent of the amount of money which can be issued upon commercial paper shall be extended to 75 per cent. When you go into the domain of these other questions you are going to get into difficulties. They have not been considered; they have not been looked at, and there comes the point that we might have our laws seriously complicated.

Mr. OVERMAN. This is a simple proposition of mine. It only changes 3 per cent to 1 per cent.

Mr. SHAFROTH. I want to call attention to the fact that this bill has been considered closely by not only the Treasury Department but also by the Federal Reserve Board. They have concluded that this bill ought to be enacted, and it seems to me we ought to have their advice upon whatever else we incorporate in the bill. Their advice must at least have respectful consideration by the Senate.

Mr. WILLIAMS. Did the Senator hear the amendment which I offered?

Mr. SHAFROTH. Yes, sir.

Mr. WILLIAMS. It is so simple in its way that I think there can be no complication of any description. It was sent to your committee about the middle of August, and there was some correspondence between the chairman and me about it, and to-day I told the chairman I would offer it upon this bill, and he said he had no objection to it. It simply provides that this law, so far as the provisions about cities of 50 000 population are concerned, shall not apply to States which have no cities of that population, and that in certain States the Secretary of the Treasury may designate the city. There is no complication about that.

Take one section of the country—your own section—Idaho or Wyoming or Nevada. There is a vast territory there without a single city of 50,000 population. Here is the State of North Carolina without one; the State of Mississippi without one; and this merely enables one city in such a State as that to be designated.

Mr. POMERENE. Will the Senator from Colorado allow me?

Mr. SHAFROTH. I yield to the Senator from Ohio.

Mr. POMERENE. If the proposition of the Senator from Mississippi is a sound one, then why should it not apply to every State of the Union?

Mr. WILLIAMS. I will answer that.

Mr. POMERENE. Why do you want 48 different kinds of securities for this particular issue? If one class of securities is good in one locality it ought to be good in another.

Mr. WILLIAMS. The Senator totally misapprehends my amendment. The amendment does not affect the character of the security at all. It simply puts it within the power of the State not having a city of 50,000 population to deposit and use identically the same security which the State of Ohio can use.

Mr. SHAFROTH. Mr. President, I will try to look at the amendment offered by the Senator from Mississippi before the debate closes, but I now want to refer to the amendment offered by the Senator from North Carolina.

Mr. OVERMAN. If the Senator is going to discuss the amendment I should like to offer it and let it be read. It proposes to make only one change in the law. It strikes out the 3 per cent tax and makes it a 1 per cent tax.

Mr. SHAFROTH. Does the Senator want to have it read now?

Mr. OVERMAN. Yes.

Mr. SHAFROTH. All right.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to add a new section, as follows:

SEC. —. That the act to amend section 27 of an act approved December 23, 1913, and known as the Federal reserve act, approved August 4, 1914, be further amended by striking out, in the second paragraph of said act, line 3, the word "three" and insert in lieu thereof the word "one," so that the said paragraph shall read as follows:

"National banking associations having circulating notes secured otherwise than by bonds of the United States shall pay for the first three months a tax at the rate of 1 per cent per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax rate of one-half of 1 per cent per annum for each month until a tax of 6 per cent per annum is reached, and thereafter such tax of 6 per cent per annum upon the average amount of such notes: *Provided further*, That whenever in his judgment he may deem it desirable, the Secretary of the Treasury shall have power to suspend the limitations imposed by section 1 and section 3 of the act referred to in this section, which prescribe that such additional circulation secured otherwise than by bonds of the United States shall be issued only to national banks having circulating notes outstanding secured by the deposit of bonds of the United States to an amount not less than 40 per cent of the capital stock of such banks, and to suspend also the conditions and limitations of section 5 of said act except that no bank shall be permitted to issue circulating notes in excess of 125 per cent of its unimpaired capital and surplus. He shall require each bank and currency association to maintain on deposit in the Treasury of the United States a sum in gold sufficient in his judgment for the redemption of such notes, but in no event less than 5 per cent. He may permit national banks, during the period for which such provisions are suspended, to issue additional circulation under the terms and conditions of the act referred to as herein amended: *Provided further*, That the Secretary of the Treasury, in his discretion, is further authorized to extend the benefits of this act to all qualified State banks and trust companies which have joined the Federal reserve system or which may contract to join within 15 days after the passage of this act."

Mr. OVERMAN. It will be seen that all the change is from 3 per cent to 1 per cent. The rest of the matter read at the desk is the law now. It only strikes out the word "three" and inserts in lieu thereof the word "one," before "per centum."

Mr. SHAFROTH. I wish to say that there is involved in the amendment of the Senator from North Carolina something of a very serious nature. If you are going to reduce the rate that is to be charged from 3 per cent to 1 per cent, you would have all the national banks grabbing for currency that cost them only 1 per cent.

Mr. OVERMAN. Suppose they do. If they have the security, why should they not have it?

Mr. SHAFROTH. The Senator from Utah was picturing terrible consequences by reason of inflation, yet if he favors 1 per cent money, it is a question whether there would not be a great deal of inflation by reason of the reduction of the rate from 3 per cent to 1 per cent.

Mr. OVERMAN. That is impossible.

Mr. SHAFROTH. I think it is a good proposition to be presented to the committee for consideration.

Mr. OVERMAN. Will the Senator tell me why he proposes a tax of 3 per cent? He knows that the borrower has to pay it.

Mr. SHAFROTH. It is to prevent an overissue and retire it reasonably soon.

Mr. OVERMAN. Does the Senator expect it to come back in three months?

Mr. SHAFROTH. In many instances.

Mr. OVERMAN. Why not make the rate one-half until it reaches 12 months?

Mr. SHAFROTH. If you reduce it in the first instance to 1 per cent, there is a temptation to every bank in the United States to grab that 1 per cent money.

Mr. OVERMAN. There ought to be a temptation. Then the people can get it.

Mr. SMITH of Georgia. With this provision of 75 per cent on their capital stock for commercial paper is it not true that the total issue would about go to only $600,000,000?

Mr. SHAFROTH. I do not know. There can be an amount issued under the new law of 125 per cent of the capital stock and surplus which would make a large addition to the currency.

Mr. OVERMAN. I will ask the Senator to let a vote be taken on the amendment. I am obliged to leave the city to-night. I will be back on Monday.

Mr. SHAFROTH. I will finish in 10 or 15 minutes.

Mr. OVERMAN. If the Senator will agree to let the bill go over till Wednesday I am willing.

Mr. SHAFROTH. I want to answer the statement made. I will try to accommodate the Senator in any way I can.

Mr. OVERMAN. With the understanding that the bill will go over I will not insist.

Mr. SHAFROTH. I do not know what the emergency is, but I suppose——

Mr. OVERMAN. I insist on a vote on my amendment.

Mr. SHAFROTH. I have the floor. I should like to be heard.

Now, Mr. President, I object to this amendment. Here the committee comes in with a bill with relation to one thing only. It has been considered by the committee. We have received the advice of the Federal Reserve Board. We have received the advice of the Treasury Department. Suddenly by amendments there come up propositions that may involve an issue of hundreds of millions of dollars, which we have not considered, which may be good, but which ought to be referred to the committee. They ought to receive the consideration of the Treasury Department, and then after mature deliberation, after we have looked at all the phases that it bears to the whole system, it may be that they will be considered to be good amendments and should be passed.

I submit that where there is presented a bill with relation to one thing, in order to remedy an evil which the Federal Reserve Board recognizes, which the Treasury recognizes, it ought not to be amended in other particulars unless the amendments are so plain and clear that there can be no objection to them whatever.

Now, Mr. President, I want to call attention to the amendment offered by the Senator from Georgia [Mr. SMITH]. He proposes that there shall be a requirement that the banks shall loan this emergency currency only at the rate of 5 per cent per annum. Of course, every one of us would like to have the money given to the ultimate user at 2 per cent if it were possible; but we must legislate with relation to this matter in accordance with general fundamental principles of political economy, so as to foresee what is going to be the result by the passage of a law of that kind. We have now a law which limits the interest rate. I want to call the attention of the Senator from Georgia

to the national banking act. Here is a provision in that act which says that—

Any association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at the rate allowed by the laws of the State, Territory, or District where the bank is located—

If the Government of the United States attempts to impose upon some State that has the power to regulate rates of interest a different rate, you get a confusion between the national law and the State law. That would not be wise unless after the most careful consideration it is approved. What I am objecting to is that when a little bill comes in here which has one object in view, and which all seem to know about, there should be placed upon that bill amendments which absolutely change the character of the bill and which inject questions of fundamental policy that ought first to be considered most carefully. Then the national-bank act provides further—

and no more, except that where by the laws of any State a different rate is limited for banks of issue organized under State laws the rate so limited shall be allowed for associations organized or existing in any such State under this title. When no rate is fixed by the laws of the State, Territory, or District, the bank may take, receive, reserve, or charge a rate not exceeding 7 per cent.

Now, there is a general law. Are we going to mix our own laws? Are we going to say, with relation to some moneys, the interest shall be 5 per cent; as to other moneys, it shall be 7 per cent? That is the evil in attempting to engraft on a bill that has but one object in view various important propositions of different kinds.

As has been shown here by the Senator from Ohio, you are going to say that this emergency money shall be loaned at 5 per cent interest when the banks do not give out money at all. They give checks. Are you going to conclude that a check given to John Jones is going to pull out this emergency money and that therefore they can charge only 5 per cent for that, but the check that is given to John Doe is other money, and they can charge 7 per cent for that? It makes confusion. It is not well enough considered to be offered as an amendment.

As a proposition it is all right to consider, but before you enact it into law, before you change the laws of the United States with relation to such a far-reaching question, it seems to me that we ought to have a conference upon it by the members of the committee and a conference with the Treasury Department and the Federal Reserve Board to see the full effect of such an amendment.

From these facts it seems to me that neither of these amendments should be presented or adopted. If the Senator from North Carolina [Mr. OVERMAN] is insistent upon his motion to amend, I would prefer that it go over until Wednesday.

Mr. SMOOT. Let it go over.

Mr. OVERMAN. All right.

Mr. SMITH of Georgia. We certainly will insist upon his amendment whether he does or not.

Mr. SHAFROTH. If that is the case, I think we ought to have a consideration of this amendment by the Federal Reserve Board and by the Treasury Department, for I believe it will change the law considerably and to a degree that we do not foresee.

Mr. OVERMAN. I am perfectly willing for it to go over, but I am not going to take the opinion of any seven Reserve Board men. I am trying to legislate in behalf of the people who need the money.

Mr. SHAFROTH. You surely would give consideration to their views.

Mr. OVERMAN. Not between a 3 per cent tax and a 1 per cent tax.

Mr. SHAFROTH. The effect might be very serious, and we can always gain knowledge from the views of others.

Mr. SMITH of Georgia. I will be delighted to hear from them, and after hearing from them I shall vote for 1 per cent.

Mr. OVERMAN. Let the amendment go over, then, until Wednesday.

Mr. SHAFROTH. Can we not have an agreement to take it up Wednesday?

Mr. OVERMAN. We had better let it go over.

Mr. SHAFROTH. Let it go over, with the understanding that it will be taken up Wednesday.

### LABOR DAY.

Mr. KERN. I present an order and ask unanimous consent for its consideration. It pertains to adjournment.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read as follows:

*Resolved*, That not later than 6 o'clock p. m., Saturday, the 5th of September, the Senate will take a recess until 11 o'clock a. m. on the following Tuesday.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

Mr. JONES. Is that offered as a motion?

Mr. KERN. Yes; I move the adoption of that order.

Mr. JONES. I suppose it is not a debatable matter, but I simply want to say that I hope it will not be adopted. We have several important bills on the calendar, one of them especially, with reference to the opening of coal lands of Alaska, which is just as much an emergency measure as any of the bills which have been presented to the Senate. I think we could spend Monday much better in passing some legislation of that kind than in adjourning over. It seems to me that we have been here such a long time now that we ought to use the time we are here to try to get through necessary measures of legislation.

Mr. KERN. Labor Day is a national holiday, and there are Senators who have agreed to deliver addresses on that day.

Mr. JONES. We can not show more respect to labor, so far as that is concerned, than by doing something that will be beneficial to labor and beneficial to the country. That is what we would do by using the day for the purpose I have indicated. I dislike to see the day lost. We have another bill, reported and on the calendar, restricting immigration, and there is nothing that would please labor more than if we could pass that bill on Labor Day. Besides, there are some other bills that I should like to see taken up and passed.

Mr. VARDAMAN. Mr. President, I would like to ask the Senator the purpose of setting apart that day? Why is it done?

Mr. JONES. It is a recognition of labor.

Mr. VARDAMAN. It is not a day of rest, but it is a tribute, it is an honor, paid to labor; and this Congress can not do better and can not spend that day more profitably than by showing its respect for and deference to the people whom it is proposed to honor by making that a national holiday.

Mr. JONES. Labor would rejoice wonderfully if we would pass the immigration bill which they have been pressing for so many years, but have not been able to get through.

Mr. VARDAMAN. Why not take it up on Sunday, then?

Mr. JONES. I am here and ready to take it up.

Mr. KENYON. I should like to ask the Senator from Indiana if there is any serious objection to making that an adjournment instead of a recess?

Mr. KERN. There is.

Mr. KENYON. Well, we have had to-day practically a morning hour without having it in a parliamentary way, and I hope there will be a regular morning hour some time soon.

Mr. KERN. There will be plenty of opportunity for morning business next week, I will say to the Senator.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

The motion was agreed to.

### RIVER AND HARBOR APPROPRIATION BILL.

Mr. SIMMONS. I ask that we proceed with the consideration of the river and harbor bill.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | O'Gorman | Stone |
| Bankhead | Gallinger | Overman | Swanson |
| Brady | Jones | Poindexter | Thomas |
| Bryan | Kern | Pomerene | Thornton |
| Burton | Lane | Ransdell | Townsend |
| Chamberlain | Lea, Tenn. | Shafroth | Vardaman |
| Chilton | Lee, Md. | Sheppard | White |
| Clapp | Lewis | Simmons | Williams |
| Culberson | Martin, Va. | Smith, Ga. | |
| Fall | Martine, N. J. | Smoot | |

Mr. VARDAMAN. I wish to announce the unavoidable absence of the junior Senator from Missouri [Mr. REED]. He has been called from the Senate on urgent business.

Mr. CHILTON. I desire to announce the necessary absence of the junior Senator from Kentucky [Mr. CAMDEN]. He has been in the Senate all day, but has just been called from the Chamber on urgent business.

The VICE PRESIDENT. Thirty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr THOMPSON entered the Chamber and responded to his name when called.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given.

Mr. JONES. I move that the Senate adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. KERN. I ask the Senator to withdraw that motion. I had in view another motion of a little different character.

Mr. JONES. I will withdraw the motion.

Mr. KERN. I move that the Senate adjourn until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, September 5, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

### FRIDAY, *September 4, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, be with us in the present crisis, occasioned by the war which is shaking the centers of all Europe, that "with malice toward none and charity for all" we may hold ourselves aloof from everything that would tend to bring us into the awful conflict. Divest us, we beseech Thee, of avarice and arouse the patriotism of our people that they may encourage home industries by using home products. Holding ourselves ever ready to counsel peace among the belligerents, we thank Thee that our Red Cross association is going forth to alleviate the suffering and sorrowing in the war zone; protect them in their good offices and bring out of the war in Thine own way a betterment of conditions and a lasting peace for all the world, and eons of praise we will ever give to Thee in the spirit of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BELL of Georgia, on account of sickness.

To Mr. STOUT, for two weeks, on account of illness in his family.

To Mr. GUDGER, for three days, on account of sickness in his family.

#### ANTITRUST LEGISLATION.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. WEBB, Mr. CARLIN, Mr. FLOYD of Arkansas, Mr. VOLSTEAD, and Mr. NELSON.

#### REMARKS OF THE PRESIDENT.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the remarks made by the President on the 3d day of October of last year, when he signed the tariff bill, and on December 23 of last year, when he signed the currency bill.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] asks unanimous consent to extend his remarks in the RECORD by printing the remarks made by the President of the United States when he signed the tariff bill and the currency bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, will the gentleman yield for a question?

Mr. HARRISON. Certainly.

Mr. MANN. Have not these remarks been already inserted in the RECORD?

Mr. HARRISON. They have not. I was under the impression that they had been.

Mr. MANN. I am still under the impression that they have been; but they are not very long, and I shall not object.

Mr. HARRISON. I am informed by the gentleman from Michigan [Mr. DOREMUS], the chairman of the Democratic congressional committee, that they have not been.

Mr. MANN. He did not find them, I suppose; he was not here, probably.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### ROLL CALLS.

Mr. BARNHART rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to proceed for eight minutes on a fair presentation of the question of roll calls.

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] asks unanimous consent to proceed for not to exceed eight minutes on the subject of roll calls. Is there objection?

Mr. MANN. Does the gentleman desire to make an apology?

Mr. BARNHART. No.

Mr. MANN. The gentleman differs from most of the Members of his side of the House, for they have offered apologies.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Indiana is recognized for eight minutes.

Mr. BARNHART. Mr. Speaker, habitual neglect of duty by any public official whom the people have intrusted with their business is a crime in fact if not in law. [Applause.] This is just as true of Members of Congress as of any other public officials. But does occasional absenteeism from the House during long sessions of Congress like we have had continuously for several years necessarily constitute neglect of duty? Is the worth of a Member of Congress to be estimated by the number of times he answers roll calls, whether they be important votes or political horseplay? I think not. A Member of Congress has other duties to perform beside sitting in the House listening to long-winded speeches and political jockeying. [Applause.] If he is a working Member, he is on some important committee that has frequent meetings to give hearings on proposed legislation or to investigate alleged abuses of the public. And if his committee is in important session and some Member in the House makes a point of order that there is not a quorum present—218 Members—there is a roll call. The busy Member hears that the call is merely for a quorum and goes right on with his work, and the RECORD shows him absent. The Member with little or nothing to do answers the roll call, and thus the RECORD credits him with "present." The Member actually at more important work than answering "present" is thereby condemned by the RECORD for absenteeism, while the one with little to do but sit in the House is glorified by the RECORD showing him answering all roll calls. Therefore I submit that always answering "present" is not the royal diadem of useful statesmanship. [Applause.]

A live Congressman has an enormous amount of correspondence to read and answer in his office and a thousand and one trips to departments in behalf of the needs of his district. In this way he serves his constituents who can write him. But those who are not ready letter writers and who seldom if ever see and talk with their Congressman get no personal consideration from the man who represents them.

It may be that sitting in the benches of this House year in and year out and answering every roll call is a safe criterion by which to estimate efficient representation of a congressional district, but if that be true then anyone who can say "present" and who has the physical disposition to keep a seat warm five or six hours every day would be just as useful as the most effective and alert legislator that ever came to Congress.

Mr. Speaker, I never had such a clear conception of duty to my people as when I had time occasionally to circulate among them and hear from their own lips their ideas of the needs of public welfare. I never served the people I represent as intelligently and as fully as when I used to go home occasionally and, after advertising my coming, "keep open house" in all of the principal towns and cities of my district and thereby enable the people of all classes to confer with me. The old soldier who felt that his service to his country was not being properly appreciated, the poor mother whose son had boyishly run away and become tied up in the Navy to her distress, the farmer who had claims for better rural mail service and needs for Agricultural Department help, the business man who had suggestions of better Government service, the preacher and teacher and laborer who felt entitled to consideration of their wants by their Government, all came to see me, as did hundreds and hundreds of others. And they were profited by the information I could give them, and I was thereby given a larger conception of public needs and official duty.

It is figured out that the expense of running Congress is $12 per minute, and we see Members daily burning up money in speech making or ordering nonsensical roll calls. We hear others uproariously applaud proposed punishment of absentees, whose actual records of attention to duty are not half as faithful as those whom they publicly censure. And we see others continu-

ally talk, talk, talk for self-aggrandizement until Members are driven into God's outdoors as a matter of health and soul protection. [Applause.] They seem to count that page of the CONGRESSIONAL RECORD lost which does not contain their names.

Far be it from my purpose to apologize for habitual absenteeism from this House, for it is inexcusible and reprehensible [applause], but I tell you, Mr. Speaker, that if we did less grandstanding here and gave more attention to what is really needed and to doing business we would be vastly better off and so would our country.

Answering every roll call is a commendable record for a Congressman, but faithfully caring for the wants and needs of the people he represents is vastly better. He should not be judged by the number of hours he sits in the House listening to routine schedule and campaign vaporings, but rather let it be said of him, "He was always present at important lawmaking and voted right, and he heard and heeded and served the meritorious wants of his people." Do not measure me as a Representative by what I pretend, but by what I do; not by parade of promises, but by actual and earnest performances; and not by the limelight roll calls I answer, but by what I accomplish for my people and my country. [Applause.]

Mr. Speaker, I have now talked eight minutes, $96 worth of time. [Applause.]

EMELINE E. PHELPS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to discharge the Committee on Invalid Pensions from further consideration of joint resolution 334, to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914, and to consider the same at this time.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Invalid Pensions from the further consideration of House joint resolution 334, and consider the same at this time.

The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 334.

Whereas by clerical error in H. R. 13542, approved July 21, 1914, the military service of George M. Phelps was changed from Company I, Third Regiment Massachusetts Volunteer Heavy Artillery, to Company D, Third Regiment Massachusetts Volunteer Heavy Artillery: Therefore be it

*Resolved, etc.*, That the paragraph in H. R. 13542, approved July 21, 1914 (Private, No. 88, 63d Cong.), granting an increase of pension to one Emeline E. Phelps be corrected and amended so as to read as follows:

"The name of Emeline E. Phelps, widow of George M. Phelps, late of Company I, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

JOINT SESSION OF SENATE AND HOUSE.

At 12 o'clock and 27 minutes p. m. the Doorkeeper announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and by their Secretary and Sergeant at Arms, entered the Chamber.

The Vice President took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The SPEAKER. The Chair announces as the committee on the part of the House to wait upon the President Mr. UNDERWOOD, of Alabama; Mr. FITZGERALD, of New York; and Mr. MANN, of Illinois.

The VICE PRESIDENT announced as the committee on the part of the Senate Senators KERN of Indiana, CLARKE of Arkansas, and GALLINGER of New Hampshire.

At 12 o'clock and 32 minutes p. m. the President of the United States, attended by members of his Cabinet and escorted by the joint committee of Senators and Representatives, entered the Hall of the House, standing at the Clerk's desk, amid prolonged applause.

The SPEAKER. Gentlemen of the Sixty-third Congress, I present to you the President of the United States.

THE PRESIDENT'S ADDRESS—EMERGENCY WAR TAX (H. DOC. NO. 1157).

The PRESIDENT. Mr. Speaker, Mr. President, and gentlemen of the Congress, I come to you to-day to discharge a duty which I wish with all my heart I might have been spared; but it is a very clear duty, and therefore I perform it without hesitation or apology. I come to ask very earnestly that additional revenue be provided for the Government.

During the month of August there was, as compared with the corresponding month of last year, a falling off of $10,629,538 in the revenues collected from customs. A continuation of this decrease in the same proportion throughout the current fiscal year would probably mean a loss of customs revenues of from sixty to one hundred millions. I need not tell you to what this falling off is due. It is due, in chief part, not to the reductions recently made in the customs duties but to the great decrease in importations, and that is due to the extraordinary extent of the industrial area affected by the present war in Europe. Conditions have arisen which no man foresaw; they affect the whole world of commerce and economic production, and they must be faced and dealt with.

It would be very unwise to postpone dealing with them. Delay in such a matter and in the particular circumstances in which we now find ourselves as a Nation might involve consequences of the most embarrassing and deplorable sort, for which I, for one, would not care to be responsible. It would be very dangerous in the present circumstances to create a moment's doubt as to the strength and sufficiency of the Treasury of the United States, its ability to assist, to steady, and sustain the financial operations of the country's business. If the Treasury is known, or even thought, to be weak, where will be our peace of mind? The whole industrial activity of the country would be chilled and demoralized. Just now the peculiarly difficult financial problems of the moment are being successfully dealt with, with great self-possession and good sense and very sound judgment; but they are only in process of being worked out. If the process of solution is to be completed, no one must be given reason to doubt the solidity and adequacy of the Treasury of the Government which stands behind the whole method by which our difficulties are being met and handled.

The Treasury itself could get along for a considerable period, no doubt, without immediate resort to new sources of taxation. But at what cost to the business of the community? Approximately $75,000,000, a large part of the present Treasury balance, is now on deposit with national banks distributed throughout the country. It is deposited, of course, on call. I need not point out to you what the probable consequences of inconvenience and distress and confusion would be if the diminishing income of the Treasury should make it necessary rapidly to withdraw these deposits; and yet, without additional revenue, that plainly might become necessary, and the time when it became necessary could not be controlled or determined by the convenience of the business of the country. It would have to be determined by the operations and necessities of the Treasury itself. Such risks are not necessary and ought not to be run. We can not too scrupulously or carefully safeguard a financial situation which is at best, while war continues in Europe, difficult and abnormal. Hesitation and delay are the worst forms of bad policy under such conditions.

And we ought not to borrow. We ought to resort to taxation, however we may regret the necessity of putting additional temporary burdens on our people. To sell bonds would be to make a most untimely and unjustifiable demand on the money market; untimely, because this is manifestly not the time to withdraw working capital from other uses to pay the Government's bills; unjustifiable, because unnecessary. The country is able to pay any just and reasonable taxes without distress. And to every other form of borrowing, whether for long periods or for short, there is the same objection. These are not the circumstances, this is at this particular moment and in this particular exigency not the market, to borrow large sums of money. What we are seeking is to ease and assist every financial transaction, not to add a single additional embarrassment to the situation. The people of this country are both intelligent and profoundly patriotic. They are ready to meet the present conditions in the right way and to support the Government with generous self-denial. They know and understand, and will be intolerant only of those who dodge responsibility or are not frank with them.

The occasion is not of our own making. We had no part in making it. But it is here. It affects us as directly and palpably almost as if we were participants in the circumstances which gave rise to it. We must accept the inevitable with calm judgment and unruffled spirits, like men accustomed to deal with the unexpected, habituated to take care of themselves, masters of their own affairs and their own fortunes. We shall pay the bill, though we did not deliberately incur it.

In order to meet every demand upon the Treasury without delay or peradventure and in order to keep the Treasury strong, unquestionably strong, and strong throughout the present anxieties, I respectfully urge that an additional revenue of $100,000,000 be raised through internal taxes devised in your wisdom

to meet the emergency. The only suggestion I take the liberty of making is that such sources of revenue be chosen as will begin to yield at once and yield with a certain and constant flow.

I can not close without expressing the confidence with which I approach a Congress, with regard to this or any other matter, which has shown so untiring a devotion to public duty, which has responded to the needs of the Nation throughout a long season despite inevitable fatigue and personal sacrifice, and so large a proportion of whose Members have devoted their whole time and energy to the business of the country. [Prolonged applause.]

At 12 o'clock and 42 minutes p. m. the President and his Cabinet retired from the Hall of the House.

At 12 o'clock and 43 minutes p. m. the Vice President and Members of the Senate returned to their Chamber.

The SPEAKER. The Doorkeeper will close the doors. The address of the President is ordered printed and referred to the Committee on Ways and Means.

ORDER OF BUSINESS.

Mr. POU. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is that the House now resolve itself——

Mr. MANN. No; I think not. The regular order, if the Speaker will permit, is the disposition of two bills reported from the Committee of the Whole House on Friday with the recommendation that they do pass. One of these bills is put down on the calendar under the head of unfinished business, H. R. 8696, a bill for the relief of Nathaniel F. Chears. The other bill is not on the calendar as unfinished business. I do not recall who makes up the calendar, but it is done under the Clerk of the House; and under the head of unfinished business on the calendar, which has in it five items, there is one item omitted and two of the items named in the calendar are incorrect. I suggest it would be advisable for whoever makes up the calendar to see that it is made up correctly.

Mr. POU. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. POU. My information from the chairman of the Committee on War Claims is that there was no recommendation made in at least one case, the Chears case.

Mr. MANN. Well, I am sure the gentleman is mistaken about that. I do not think that item is incorrect; I think that is correctly stated, and it was pending in the House August 21, 1914. I think the Committee of the Whole House recommended that bill, and then we adjourned.

Mr. POU. With the gentleman's permission, I will make this statement: It was my purpose, if I can have the attention of the gentleman from Illinois for just a moment, in the event that the House decided to resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, to ask unanimous consent that the calendar be taken up in its regular order, by unanimous consent, and after going through the calendar by unanimous consent, if there are any contested matters the House wishes to consider it could be done, and that request is in the interest of every Member of the House, and I hope the gentleman will not throw any obstacle in the way of the completion of the Private Calendar. I realize perfectly well that as a practical proposition the only bills which can get through by unanimous consent will probably be acted upon. I will say to the gentleman that I now make that request.

Mr. MANN. I shall not vote for the two bills that are reported, but it seems to me that the House having spent a day in the Committee of the Whole House and reported out this bill that it should be finally disposed of in the interest of orderly procedure.

Mr. POU. Well, Mr. Speaker, I will ask unanimous consent that the House proceed to the consideration of bills on the Private Calendar by unanimous consent in the House as in the Committee of the Whole House.

The SPEAKER. The Chair would like to make a statement about it. Of course there may be an error, but the gentleman had the right to make the motion, and the Chair has been trying to find out whether any of these bills have been reported, and if so the first thing to do is to get rid of them.

Mr. MANN. Two bills were reported.

Mr. POU. Even if that is true, could not the House by unanimous consent——

The SPEAKER. Oh, the House can do anything on top of the ground by unanimous consent.

Mr. McKELLAR. Mr. Speaker, reserving the right to object, will the gentleman yield? Where will we start; at the beginning?

Mr. POU. Yes; that was the request I made.

The SPEAKER. Does the gentleman make that request to the exclusion of finishing the bill, if there is one?

Mr. POU. Mr. Speaker, I ask unanimous consent that the House proceed now to consider bills on the Private Calendar in the House as in the Committee of the Whole House.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that the House now proceed to consider bills on the Private Calendar by unanimous consent in the House as in the Committee of the Whole House. Is there objection?

Mr. PADGETT. Mr. Speaker, reserving the right to object, I notice the bill referred to as unfinished business, a bill introduced by me for the relief of Nathaniel F. Chears—I was absent that day, but I understand it was reported, and is before the House. Now, I want that disposed of it that is correct.

Mr. GREGG. It was not reported.

Mr. FOSTER. Mr. Speaker, I will say for the benefit of the gentleman from Tennessee that the RECORD of August 21 shows that the bill (H. R. 8696) to which the gentleman from Tennessee refers was reported by the Chairman of the Committee of the Whole House, that that committee had come to no resolution thereon, so it was not finished.

Mr. MANN. That report is incorrect. The chairman reported it with favorable recommendation.

Mr. FOSTER. I am just reading what the RECORD says.

Mr. MANN. The RECORD is very frequently mistaken.

Mr. FOSTER. The RECORD shows what I have said, and the gentleman from Texas says it was not reported.

Mr. GREGG. It was not reported.

Mr. PADGETT. What does the Journal show?

Mr. GREGG. We adjourned right at the end of the roll call and never reported it.

The SPEAKER. Here is the RECORD:

Mr. GREGG. Mr. Chairman, I move that the Committee do now rise.
The motion was agreed to.
Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BARNHART, Chairman of the Committee of the Whole House, reported that that committee had had under consideration bills on the Private Calendar, and particularly the bill (H. R. 8696) for the relief of Nathaniel F. Chears, and had come to no resolution thereon.

And then occurred the following:

Mr. GREGG. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the further consideration of the bill H. R. 8696, and that the debate be limited to two minutes.
Mr. MANN. Those are two separate motions. I make the point of order, Mr. Speaker, that a Member can not do that in one motion. I make the point of order that that motion as one motion is not in order.
The SPEAKER. The Chair thinks that the gentleman from Illinois is correct.
Mr. MANN. There is no doubt about that.
The SPEAKER. The gentleman from Texas [Mr. GREGG] moves in the first instance that the House resolve itself into Committee of the Whole House for the further consideration of the bill H. R. 8696, and, pending that, he moves that general debate be limited to two minutes.
Mr. MANN. I move to amend the last motion by making it two hours.
The SPEAKER. The gentleman from Illinois [Mr. MANN] moves to amend the last motion by making it two hours. The question is on agreeing to the motion to amend.
The question was taken, and the Speaker announced that the noes seemed to have it.
Mr. MANN. Mr. Speaker, I ask for a division.
The SPEAKER. A division is demanded. Those in favor of the motion of the gentleman from Illinois will rise and stand until they are counted. [After counting.] Eighteen gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Twenty-three gentlemen have risen in the negative.

Then there was a roll call on the motion to amend, and the amendment was lost.

Mr. MANN. Mr. Speaker, it is very plain that I was mistaken. I was misled by the calendar.

The SPEAKER. The calendar ought to be corrected. The gentleman from North Carolina [Mr. POU] asks unanimous consent that bills on the Private Calendar shall be considered by unanimous consent in the House as in the Committee of the Whole.

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from North Carolina whether it is his purpose to call up or have considered only such bills on the Private Calendar as are not objected to?

Mr. POU. The purpose of the request, I will say to the gentleman from New York, is to go over the calendar first by unanimous consent, beginning at the beginning.

Mr. GOLDFOGLE. That means the unobjected-to bills?

Mr. POU. Yes. My information is there are quite a number of bills to which there probably will be no objection. After finishing the calendar by unanimous consent, we will go back to the beginning and then take up the bills that are contested.

XUM

Mr. GOLDFOGLE. The difficulty, however, is this: We have gone through the performance three or four times——

Mr. POU. Only once.

Mr. GOLDFOGLE. Oh, no; several times, to my recollection, of considering the unobjected-to bills, and then it depended upon either the judgment or the caprice or the whim of some one Member of the House as to whether a bill should be considered or not. When a bill was objected to, of course, that was the end of it. There was always the promise somewhere made that after the bills unobjected to should be finished up then we would consider such bills as would not be objected to. In other words, the unobjected-to bills could then be considered as other bills are considered in the House, namely, after discussion a vote could be had thereon. Now, we have never been able up to the present time to have a single, solitary bill upon the Private Calendar, especially a claims bill, considered where there was a single objection made to the bill, however meritorious that bill may be.

Now, I ask the gentleman from North Carolina whether, in view of that situation—and I think I have stated the situation fairly and accurately—he thinks we ought to go through the same performance, only to find that a few bills will be passed through means of not being objected to by anyone, and then go away again without giving opportunity to the Members to have their unobjected-to bills considered upon their merits?

Mr. POU. I will say to the gentleman from New York that the Private Calendar has been called only once by unanimous consent. The error that the gentleman falls into is this: There have been two days on which the calendar has been considered, or probably two days and part of a third.

Mr. GOLDFOGLE. Were there not two night sessions at which the same performance was gone through?

Mr. POU. We begin at the beginning, and the following day we would begin at the point where we left off; so that the calendar has been called just once.

Mr. GOLDFOGLE. May I suggest to the gentleman from North Carolina at this point that on the second occasion when the Private Calendar was taken up for the consideration of unobjected-to bills we went back, and the same bills were taken up again and objection was again made by some individual Members and the bills passed over. Such proceeding works gross injustice to honest claimants whose claims are worthy and meritorious but who are unfortunate to be met with a single objection.

Mr. POU. That probably is true as to a small part of the calendar; but the result of dealing with the calendar in the way indicated, by unanimous consent, has been that something like 120 bills have been passed—quite a large number. Now, the gentleman knows that if we begin at the beginning of the calendar and take up these bills in the usual way we may pass one, possibly two; but in the way I suggest there will probably be quite a number of bills that will be passed by the House.

Mr. GARNER. Will the gentleman yield?

Mr. POU. I will.

Mr. GARNER. I happened not to be in the Chamber when the gentleman made his first statement. It is proposed to begin at the beginning of the calendar at this time and call them up by unanimous consent?

Mr. POU. That is the request I made. I think the request will bring about action on the greatest number of bills. Of course, I have no personal interest in the matter at all. I am trying to reduce the calendar as best we can, and it seems to me that is the best way to do so.

Mr. GOLDFOGLE. I did not understand the answer made by the gentleman from North Carolina [Mr. POU] to the gentleman from Texas [Mr. GARNER] when the gentleman from Texas interrupted him. Do I understand that it is the purpose now to take up by unanimous consent the consideration of the bills on the Private Calendar, including all the bills that were heretofore objected to?

Mr. POU. It is the purpose to begin at the beginning. That is the request I made—to start at the beginning.

The SPEAKER. Is there objection?

Mr. ALLEN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Ohio [Mr. ALLEN] objects; and the gentleman from North Carolina [Mr. POU]——

FLORINE A. ALBRIGHT.

Mr. MANN. Mr. Speaker, I ask for the regular order. There is a bill on the calendar which was reported favorably from the Committee on War Claims, namely, the Albright bill, although we lost sight of it on the calendar.

The SPEAKER. The Clerk will report the bill, whatever it is, that was reported from the committee favorably. Will the gentleman from Illinois inform the clerks and the Speaker and everybody else just what bill it is?

Mr. MANN. It is the Albright bill—H. R. 6880—No. 47 on the Private Calendar. It is still on the Private Calendar, where it does not belong. It ought to be on the Calendar for Unfinished Business.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6880) to carry out the findings of the Court of Claims in the case of Florine A. Albright.

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Florine A. Albright the sum of $14,640, in full compensation for stores and supplies taken by the United States Army during the Civil War, and reported by the Court of Claims in Senate Document No. 466, Fifty-ninth Congress, first session.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. MANN. Mr. Speaker, this is a bill which was discussed at considerable length in the Committee of the Whole. I fear that most of the Members may have forgotten the circumstances of the bill. I do not desire to detain the House except for a moment, to recall to the Members of the House what the controversy was in regard to the bill.

The Court of Claims found that the claimant's decedent was not loyal to the Government of the United States throughout the Civil War, and it was proposed by the committee practically to set aside those findings and to pay the claim, notwithstanding the fact that the claimant was not loyal, thus opening up a line of claims which involve many millions, if not hundreds of millions, of dollars.

Of course, if the majority side of the House want to say that they propose to pay claims of persons who were disloyal during the Civil War, then they have that power.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the balance of his time. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. GREGG. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Texas [Mr. GREGG] demands a division. Those in favor of the passage of the bill will rise and stand until they are counted. [After counting.] Twenty-nine gentlemen have arisen in the affirmative. Those opposed will rise. [After counting.] Forty-seven gentlemen have arisen in the negative. On this vote the ayes are 29 and the noes are 47.

Mr. GREGG. Tellers, Mr. Speaker.

The SPEAKER. The gentleman from Texas demands tellers. Those in favor of taking this vote by tellers will rise and stand until they are counted. [After counting.] Twenty-seven gentlemen have arisen—not enough.

Mr. POU. Mr. Speaker——

The SPEAKER. Tellers are refused, and the bill is lost.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was defeated was laid on the table.

PRIVATE CALENDAR.

Mr. POU. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from North Carolina [Mr. POU] moves that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Chair appoints the gentleman from Kentucky [Mr JOHNSON] as Chairman.

Thereupon the House resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the purpose of considering bills on the Private Calendar.

Mr. POU. Mr. Chairman, under the rule, as I construe it, the committee will proceed with the consideration of bills reported from the Committee on Claims, will it not? I make that as a parliamentary inquiry.

Mr. ALLEN. Mr. Chairman——

Mr. MANN. Mr. Chairman, this is one of the days set aside either for claims or war claims, alternating, and the last day devoted to the Private Calendar was used in the consideration

of war-claims bills, so that this is purely for the consideration of bills reported from the Committee on Claims.

The CHAIRMAN. The gentleman from North Carolina moved that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

Mr. MANN. That is under the rule. The rule provides for that.

Mr. POU. Under the rule claims bills have the preference.

The CHAIRMAN. Yes; under the rule claims bills have the preference.

Mr. ALLEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ALLEN. Under the rules, when will other bills on the Private Calendar probably be considered?

The CHAIRMAN. The Chair would not like to answer the question. Perhaps the present occupant of the chair will not be in the chair then.

Mr. ALLEN. I would like to make inquiry as to when the Private Calendar would be reached under the rule.

The CHAIRMAN. The Chair has no more information upon that subject than the gentleman from Ohio has.

Mr. POU. Mr. Chairman, I ask unanimous consent that the committee proceed with the call of bills reported from the Committee on Claims first by unanimous consent.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

THE SNARE & TRIEST CO.

The first business in order on the Private Calendar was the bill (S. 1369) for the relief of the Snare & Triest Co.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the claim of the Snare & Triest Co. for reimbursement for all losses to them, including damages to pier growing out of a collision by the U. S. S. *Colorado* on the night of February 9, 1905, at League Island Navy Yard, be, and the same is hereby, referred to the Court of Claims, with jurisdiction to hear and determine the same to judgment: *Provided*, That the petition is filed within six months from the date of this act.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, a few years ago we passed a private bill for the relief of the Snare & Triest Co., that bill being undoubtedly drawn by their own attorney. I think we passed it without amendment and gave them the relief that they asked for. Then they discovered that it did not cover all the claims which they had. Does my friend from North Carolina think it is desirable to permit the practice, where somebody has claims against the Government, all growing out of one transaction, of presenting a bill for the payment of a part of those claims, and then, having secured that, present another bill for the payment of the other part of the claims, and then having secured that perhaps present another bill for the payment of still further parts of the claims?

Mr. POU. I will say to the gentleman that that is, of course, an unusual procedure, and the committee would not have favored this bill but for the fact that these people claim that by a pure oversight or technical error the word "pier" was left out. If the Government is liable for the injury of these people's property, and by a pure oversight one word was left out of the bill, it seems to me that this bill ought to pass.

Mr. MANN. Of course the Government is not liable, to begin with.

Mr. POU. I mean morally. I do not mean legally.

Mr. MANN. But assuming that it is liable, if this company had employed an attorney to bring this suit in court, and he had filed his declaration, or such other paper as may be provided in the different States, and had secured a judgment upon that, they could not have gone back and amended the pleadings after the judgment was secured and the money paid. But that is what they seek to do when they come to Congress. Then everybody says that Congress is a slow paymaster. They would never have dreamed of making a second claim if they had had a suit in court.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. POU. I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

EDWARD WILLIAM BAILEY.

The next business in order on the Private Calendar was the bill (H. R. 5832) for the relief of Edward William Bailey.

The Clerk read the title of the bill.

Mr. POU. Mr. Chairman, the Senate has passed this bill, and I ask unanimous consent that the Senate bill be considered in place of the House bill.

The CHAIRMAN. If there be no objection, the Clerk will report the Senate bill.

Mr. MANN. Let us know more about it. I have no objection to the Senate bill being read, to see if there be objection.

Mr. POU. That is all I ask.

The CHAIRMAN. The Chair does not hold that the right to object has been waived. By unanimous consent, the Clerk will report the Senate bill instead of reporting the House bill, and the right to object to the consideration of it remains to any Member.

The Clerk read the bill (S. 1270) for the relief of Edward William Bailey, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the United States Treasury not otherwise appropriated, to pay to Edward William Bailey, of Portsmouth, Va., the sum of $1,500 for injuries resulting from the total loss of one eye and the serious impairment of the other eye, caused by a wound received by him at the hands of a target party of United States sailors and marines, while engaged at target practice at St. Helena, near Norfolk, Va., on or about November 7, A. D. 1890.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, this injury occurred in 1890. I objected to the bill before because it goes back so far. But it is claimed, and I believe correctly, that the claimant had a bill introduced in Congress shortly after the injury; and while it was not then the practice of Congress to pay for any of these injuries, I do not believe I shall object now, although I do not know what will become of us if we start in to pay for all the injuries which have happened at any time to persons injured through governmental agencies, it being now the policy to pay for such injuries, and five or six years ago not being the policy to pay. Here we date back 24 years. Next we may go back 54 years. It is an easy matter to say we will pay money out of the Treasury, but I apprehend that within the next month it will not be so easy a matter to determine just how we have got to pay money into the Treasury before it can be paid out; and gentlemen passing upon these claims must remember that every dollar appropriated for these bills will have to be raised by levying additional taxes upon the people of the country over and above the taxes which are now levied. In order to pay these claims you have got to put your hands into the pockets of somebody in the country and take the money away from them.

Mr. POU. Mr. Chairman, what the gentleman from Illinois [Mr. MANN] says is very true; but I want to say that the Committee on Claims has been very careful in reporting these matters; and while the House has passed at this session an unusually large number of bills, the sum total of all those bills is surprisingly small. I have not the exact figures. I am having them prepared, but the entire sum of money carried by all of these more than 100 bills which we have passed will not, I predict, very much exceed the sum of $225,000.

Mr. MANN. But $225,000 does not grow on every tree, or in everybody's pocket. I would like to say that I think the Committee on Claims have done very careful work in this Congress, and I compliment the gentleman from North Carolina [Mr. POU], the chairman of that committee, and the other members of that committee. And yet we all know that if a Member of Congress has a private bill and is active enough about it, and keeps at it, keeps interviewing the members of the committee, in time he finally gets his bill reported, it makes very little difference what the merits of it are. Of course it takes a great deal more energy sometimes to get a bad bill reported than it does to get a good bill reported.

Mr. PAYNE. I do not know about that.

Mr. MANN. I do not class this as a bad bill. I would like to ask the gentleman, of the $1,500 which it is proposed to pay to this man, how much of it will go for an attorney's fee?

Mr. POU. I am assured by the gentleman from Virginia [Mr. HOLLAND] that so far as he knows none of this money will go for an attorney's fee.

Mr. MANN. Oh, the gentleman from Virginia will certainly not give that assurance, because the claimant in this case has frequently referred to the fact that he has an attorney in the city of Washington looking after his claim. I have had communications, both from the claimant and from his attorney.

Mr. HOLLAND. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HOLLAND. Of course I would not undertake to give that assurance, but I have no objection to an amendment——

Mr. MANN. I have no amendment. I have no doubt the claimant has an arrangement with the attorney. I thought perhaps we ought to know what it was.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

XUM

By unanimous consent, the corresponding House bill (H. R. 5832) was ordered to be laid aside to be reported to the House with the recommendation that it lie on the table.

EMILY SCOTT LAND.

The next business on the Private Calendar was the bill (H. R. 1366) for the relief of Emily Scott Land.

The Clerk read the bill at length.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

MARIAN B. PATTERSON.

The next business in order on the Private Calendar was the bill (H. R. 296) for the relief of Marian B. Patterson.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Marian B. Patterson, of Shelby County, Tenn., the sum of $20,963, in full compensation for claims on account of the losses or reductions in salary and allowances for rent and clerk hire sustained by her late husband, Brig. Gen. R. F. Patterson, from January 1, 1898, to May 28, 1906, during which time he was United States consul general at Calcutta, India, through the method of settlement adopted by the United States Government in connection with the fluctuation in the value of the Indian rupee.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, if unanimous consent is given for the consideration of this bill, I suppose there will be no objection to my discussing it for about an hour. I think if I can have that time there will be nothing left of the bill, but perhaps I am mistaken.

Mr. FOSTER. Does the gentleman think it will take an hour?

Mr. MANN. I have a large number of documents, including one adverse report made by the gentleman from Missouri [Mr. SHACKLEFORD], and several adverse reports made by the Treasury Department, which I think ought to be fully presented to the House on a proposition to pay $20,000 to the claimant based on the idea that the payments were in silver and only worth 49 cents on the dollar.

Mr. CULLOP. Mr. Chairman, as I think the gentleman from Illinois has produced ample proof as to why the bill should not be passed, and relying on his statements, I shall object.

The CHAIRMAN. Objection is made by the gentleman from Indiana.

W. W. BLOOD.

The next business in order on the Private Calendar was the bill (H. R. 1515) for the relief of W. W. Blood.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to W. W. Blood, of Greenville, Plumas County, Cal., the sum of $439.09, in full payment for all work and labor done and performed by him for the Government of the United States or its official representatives at the Indian school near Greenville, Indian Valley, Plumas County, Cal., during the year 1907.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, when I read the report on the bill I had difficulty in finding any reason why if this contractor, Mr. Blood, had a meritorious claim for work performed for the Interior Department he was not paid at the time. There are letters here which state that his work was performed and that it was satisfactory. I can find no reference anywhere to any excuse given for his not having been paid by the Bureau of Indian Affairs.

Mr. POU. This claim is for extra work. The department did not have the authority to pay it. I am informed by the gentleman from California [Mr. RAKER], who has read the report more carefully than I have, that it shows it was for extra work, and for that reason the department did not have authority to pay him.

Mr. STAFFORD. There is nothing in the report that shows it was for extra work.

Mr. CULLOP. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CULLOP. Who authorized the claimant to do the extra work?

Mr. STAFFORD. There is nothing to show that it is extra work.

Mr. CULLOP. If he volunteered to do the work without any authority whatever, he ought not to come to Congress and ask to be paid for it.

Mr. STAFFORD. That is the idea I had. If it was extra work performed without authorization he ought not to receive compensation.

Mr. RAKER. Mr. Chairman, I want to call the gentleman's attention to the facts, speaking from the report. It will be noted that the contract was completed and that there was a surplus of money out of that authorized for the construction of this building near Greenville, known as the Greenville Indian School. The surplus money was returned to the Treasury. The gentleman will note that on the first part of the bill—$109.09 that was actually furnished—the work was performed and the bell was moved, which had nothing to do with the contract, at the request of those interested. They will also note that on the second section, page 3 of the report, the contract was completed.

Mr. STAFFORD. Why did he not receive the pay for it, if the contract was completed?

Mr. RAKER. They raised the dam because the superintendent wanted it, and they put in an extra pipe to connect with it, and the report shows that that was necessary. Now, I have been at this place many times, and I know the work and I know the superintendent. I am personally familiar with this man's claim. He has performed the labor and furnished the material, and the department says that it is an equitable claim and ought to be allowed. This bill passed twice in the Sixty-second Congress.

Mr. STAFFORD. Passed twice in the same Congress?

Mr. RAKER. Yes; it went through in an omnibus bill, and when it got into the Senate all claims of that character were taken off because it was attached to an omnibus bill containing war claims. Then it came back to the House and was passed the second time, but that session of Congress expired before it finally got through. Now there is a new Secretary of the Interior and a new Commissioner of Indian Affairs, and they have again investigated it and indorsed it.

Mr. STAFFORD. And yet the gentleman has stated no reason for this man not having received payment from the Bureau of Indian Affairs.

Mr. RAKER. I have stated it here, and it is plain in the report.

Mr. STAFFORD. It is not plain in the report why it was not paid.

Mr. RAKER. Of course I realize that the gentleman can object.

Mr. STAFFORD. I am not objecting; I am awaiting information.

Mr. RAKER. Let me make a statement.

Mr. STAFFORD. The gentleman has been talking five minutes, and he has not explained it yet.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Reserving the right to object, unless the chairman or some gentleman can explain why this man was not paid in the usual course I shall object.

Mr. RAKER. Let me say that on page 5 of the report, or commencing on page 4 and continuing on page 5, is this letter:

DEPARTMENT OF THE INTERIOR,
*Washington, July 31, 1913.*

Hon. EDWARD POU,
*House of Representatives.*

MY DEAR MR. POU: I am in receipt of a letter, dated May 9, 1913, from Hon. JOHN E. RAKER, inclosing a copy of H. R. 1515, being a bill for the relief of W. W. Blood, with the request that a report be made thereon to the Committee on Claims of the House of Representatives.

This claim is for work done and material furnished at the Greenville Indian School, Cal., in the year 1907, under an informal agreement between the claimant and the superintendent of the school, concerning which a controversy arose between them.

A supervisor in the Indian Service, after investigation, reported November 30, 1909, that the claimant actually furnished material and performed work to the value of $439.09, the sum proposed to be paid by this bill. A copy of this report is inclosed for your information. (See Rept. 1309, supra.)

January 28, 1910, the Indian Office wrote Mr. Blood as follows:

"The office has received a report from Harwood Hall, supervisor of Indian schools, relative to your claims of $330 and $109.09 for materials and labor furnished the Greenville school, California, during the fiscal year 1907.

"You are advised that inasmuch as the balance of the fund from which these expenditures are payable, viz, 'Indian school buildings, 1907,' has been returned to the Treasury, this office is not in a position to approve your claims. Therefore the only recourse you have in the matter is by congressional action."

Reporting upon a similar bill, H. R. 12502, this department recommended August 9, 1911, that it receive favorable consideration. (Copy inclosed.)

It appears that Mr. Blood has an equitable claim for work and material furnished, which can not be paid without authority from Congress, because the unexpended balance of the appropriation which might have been used has been covered into the Treasury under the provisions of section 3690, Revised Statutes.

Very truly, yours,

A. A. JONES, *Acting Secretary.*

Mr. STAFFORD. In all fairness to the gentleman I wish to say to him that I have read that part, and yet there is nothing in the portion which the gentleman has read which gives the

reason why this claimant was not paid before the money was turned back into the Treasury.

Mr. RAKER. His work was not done, just as in the Fort Bidwell school. Forty thousand dollars was appropriated, and they used only $10,000, but have made a contract for the balance, and they could not go on, they could not move the lumber, they could not cover the trenches, and there was $12,000 that had been converted into the Treasury fund, and we had to come back to Congress to get the balance of the money to complete the work. The same condition exists here.

Mr. STAFFORD. Mr. Chairman, if I am not mistaken, money appropriated for any certain work is available for two years after the completion of the contract.

Mr. RAKER. Not in these Indian contracts. It never has been. After a certain length of time it goes into the Treasury, after the fiscal year.

Mr. STAFFORD. I was under the impression that money when appropriated for any specific work remained available until two years after the completion of the work.

Mr. MANN. Not necessarily; but in this case somebody is a dunce—I do not know who it is—either a dunce, or he has not made a correct statement of facts. The Assistant Secretary of the Interior stated in his letter, which is in the report:

It appears that Mr. Blood has an equitable claim for work and material furnished, which can not be paid without authority from Congress, because the unexpended balance of the appropriation which might have been used has been covered into the Treasury under the provisions of section 3690, Revised Statutes.

If that is the reason that the man can not be paid, it is a silly reason. Any audited claim of the Government will be paid, notwithstanding there is no appropriation with which to pay it, or notwithstanding the appropriation has lapsed, because every year in the deficiency bill we appropriate for a great many items for years back—not infrequently as many as 10 years back—and where the claim is audited we appropriate for it in the deficiency bill, because the money originally appropriated has been covered into the Treasury. If this man had a real claim against the Government, which the department could allow, they should have allowed the claim, and the claim would have been audited by the auditor and transmitted to Congress as a deficiency appropriation, and the appropriation, as a matter of course, would have been made without contest or question.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. CULLOP. Would it not have been the duty of the department to report that as one of the claims to be paid in the deficiency appropriation bill if it was a legal and valid claim?

Mr. MANN. The Treasury Department would report that, and would undoubtedly report it, if they had a legal claim which was audited. If a man has a legal claim against the Government, the fact that there is no appropriation with which to pay it does not affect the auditing of the claim.

Mr. RAKER. But suppose even this is not done just according to the legal way——

Mr. MANN. Oh, the claimant is probably not to be blamed for that. I am not disposed to criticize the claimant, but I doubt whether the statement of the Acting Secretary, Mr. A. A. Jones, is correct.

Mr. RAKER. Mr. Chairman, I appeared at the Department of the Interior, in the Indian Office, and they advised me this is a just claim as reported here, and this is the report they made upon it, and I thought it was sufficient.

Mr. MANN. The gentleman has been in the House for some time, and is an active Member of the House. He knows that when somebody presents a claim to Congress the presumption is that he has not a legal claim against the Government, and that it is rather a long-winded process to put a claim through Congress. Why should a department ask to have a claim passed by a private bill which they can O. K. through an auditor and have it allowed and paid as a matter of course?

Mr. RAKER. I took it for granted the claim was just and equitable, knowing the parties as I do, and seeing all of the departments I could see, and taking every precaution possible, and knowing the man ought to have his money. I felt that I had done everything that could be done.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. MOORE. Is this a balance on a contract?

Mr. RAKER. No; it is for extra work done.

Mr. MOORE. In excess of the contract?

Mr. RAKER. In excess of the contract.

Mr. MOORE. And the money was refunded to the Treasury of the United States?

Mr. RAKER. Yes; and there was nothing with which to pay it.

Mr. MOORE. And the claimant alleges that the money is due him for extra work in excess of the contract, the money having been provided, but having been refunded to the Treasury?

Mr. RAKER. Yes; and there is an affidavit of the man and others familiar with the facts.

Mr. MOORE. And the department states that if there is equity here, and it feels there is an equity, then the only recourse is for the claimant to come to Congress?

Mr. RAKER. That is the statement.

Mr. MOORE. It seems to me that is what has not been brought out.

The CHAIRMAN. Is there objection?

Mr. CULLOP. Mr. Chairman, I object.

MOSES M. BANE.

The next business in order on the Private Calendar was the bill (H. R. 7553) for the relief of the estate of Moses M. Bane.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed to pay to the estate of Moses M. Bane, deceased, who was receiver of public moneys for the Territory of Utah, and paid office rent at Salt Lake City for the years 1877 and 1878 and for the first quarter of the years 1878 and 1879, the sum of $1,080, out of any money in the Treasury not otherwise appropriated, the said sum for office rent having been advanced by the officer out of his private means.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask something about this. I have objected to this bill before upon this calendar and in previous Congresses. It is a claim of a former receiver of public moneys under a former régime, when the Democratic Party had control of the House and cut down appropriations so that they could not give the receiver rent money. We passed a bill the other day very similar to this in which it appeared that in a number of these cases the Court of Claims, where the claim had been filed in the Court of Claims, had held that the receiver or the registrar, although not allowed money for the rent by the Interior Department, the Land Office was still entitled to bring a claim against the Government for the rent paid. That is my recollection of it. Does the gentleman recollect about that matter?

Mr. POU. I will say to the gentleman that I do not recollect. This report was made by the gentleman from Illinois. I know nothing about it except what appears in the report here.

Mr. CULLOP. Will the gentleman permit? The gentleman from Illinois has been quite sick for more than a week, and he is barely able now to be out and is not able to attend the sessions of the House.

Mr. MANN. That is the gentleman from Illinois [Mr. FOWLER], who introduced the bill. My colleague from Illinois [Mr. HILL] made the report. They may not have been informed in reference to that matter.

Mr. CULLOP. I wanted to say that as justification for Mr. FOWLER's absence.

Mr. MANN. I understand. My recollection is that we paid a claim the other day or very recently——

Mr. POU. We paid a similar claim in the case of Waldo M. Potter.

Mr. MANN. From the report in that case, it says that the Court of Claims have decided that in similar cases brought before the Court of Claims that the receiver or register could recover judgment against the Government for a reasonable rent paid. Now, of course, if that is the case, I have no desire to stand in the way of doing the same thing in this case. We did that a few days ago, though I suppose that 20 years from now or more, when they have a future Democratic Congress—it will probably be that long before they have one——

Mr. FOSTER. Oh, no.

Mr. MANN (continuing). They will be reporting in claims where this Congress had refused to make the appropriation and the Democratic officeholders had gone ahead and expended the money and then made a claim against the Government. That is this case.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SAMUEL HENSON.

The next business in order on the Private Calendar was the bill (S. 1171) for the relief of Samuel Henson.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Samuel Henson, out of any money in the Treasury not otherwise appropriated, the sum of

$1,000, as compensation for injuries received while employed under the Superintendent of the United States Capitol on the 19th day of September, 1911.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation?

Mr. CULLOP. Mr. Chairman, I would like to ask the chairman to give the circumstances under which the liability was created in this case. I would like to know something more about the bill.

Mr. POU. Mr. Chairman, this man, according to my information, sustained a very severe injury to his foot in one of the Senate elevators. The Senate committee investigated the matter and made a report, which was adopted by the House committee. They found that this injury occurred without negligence on the part of this claimant.

Mr. CULLOP. What did this claimant have to do with the elevator?

Mr. POU. The claimant is in the employ of the Government, and my information is that he was using it in the regular discharge of his duties.

Mr. CULLOP. Operating it or riding in it as a passenger?

Mr. POU. I do not think he was operating it; he was not an elevator operator himself.

Mr. CULLOP. What line of work was he engaged in for the Government?

Mr. POU. He is a plasterer; that is my information.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation?

Mr. CULLOP. Providing we can have this open to amendment; but so far as anything I have seen or heard here, there is nothing given as to why an appropriation should be made of $1,000 for this injury. Whether his injuries were serious or not—

Mr. STAFFORD. Maybe I can inform the gentleman——

Mr. MANN. My friend from Indiana knows this man lost part of his heel; that the skin was taken off his heel.

Mr. STAFFORD. I may be able to give the gentleman the information he seeks.

Mr. MANN. Whether it was $1,000 worth is another proposition. I do not know if it was or not.

Mr. STAFFORD. I will say to the gentleman from Indiana, as shown by the report, he was employed and had been employed for years by Mr. Elliott Woods in connection with repair work about the Capitol at a salary of $4 a day. He was in a Senate elevator when his attention was taken away momentarily——

Mr. POU. Here is part of the physician's certificate——

Mr. STAFFORD (continuing). His attention was taken away momentarily by a colaborer and he slipped and his heel just caught between the elevator and the pavement and it tore off his whole heel. He put in a claim with the Secretary of Commerce under the general law, and the Secretary of Commerce held that he did not bring himself within that law, but the committee recommended that he should have the same benefit that he would had he come under that law.

Mr. POU. The physician reports that his heel was torn off completely and he is unable to walk without crutches at the present date.

Mr. CULLOP. I shall urge no objection; I see the injury was serious, and I have obtained the information I desired.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, how long was this man kept from the performance of his duties?

Mr. CULLOP. The report of the physician, if the gentleman from Illinois will permit, says that he is unable to walk yet without crutches.

Mr. MANN. Well, he was able to work and draw his pay all the time, so far as that is concerned, and was kept away from his work from September 19 to December 7, 1911.

Mr. STAFFORD. He was confined in the hospital for something like six weeks.

Mr. POU. He was confined to his bed, so the report states, for seven weeks, and he is yet unable to walk without crutches. If the gentleman will yield, my information is that this man has been going to the hospital twice a week up to the present time.

Mr. MANN. For what?

Mr. POU. For the treatment of this injury. That is the information that the committee has.

Mr. MANN. I will not say how often he goes to the hospital. He may go every day, for all I know, but he does not need to do so. He was absent from work from September 19 for a little over two months. Nobody would think of paying him a thousand dollars for that much time. He was a Senate employee.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation?

There was no objection.

## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAGE of North Carolina having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4517) to establish a standard box for apples, and for other purposes.

The message also announced that the President had approved and signed bill of the following title:

September 2, 1914:

S. 6357. An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department.

## ELLIS P. GARTON, ADMINISTRATOR.

The committee resumed its session.

The next business in order on the Private Calendar was the bill (H. R. 9092) for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased.

The bill was read, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the Court of Claims to rehear, retry, determine, and finally adjudicate the claim of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased, No. 70075, Indian depredations, in the Court of Claims, and to award judgment therein as fully and completely as if the petition had not been dismissed. Full jurisdiction and power is hereby given to the Court of Claims to rehear and retry said claim upon all evidence that has been or may be presented upon a hearing in said case.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation?

Mr. MANN. Mr. Chairman, reserving the right to object, there are a whole lot of those Indian depredation cases. A year or so ago we had a contest here in the House over the matter of passing a general bill to practically revive all these Indian depredation cases, which would involve the payment of several million dollars. The House after debate and consideration defeated that bill. Recently, I believe, the Committee on Indian Affairs reported substantially the same bill, although I am not sure whether it has been reported or not. In the Senate, I believe, they have passed a bill authorizing these claims to be tried in the Court of Claims, where they were defeated before for want of citizenship. Under the law the claimant must prove that he was an American citizen; and a foreigner who went into the Indian country and sustained loss could make no claim. Well, there were a number of cases where people supposed that they were American citizens, some where they had been naturalized by courts which did not have the jurisdiction to naturalize them, and other reasons. Now, just what is going to be done with that bill I do not know. It involves several hundred thousand dollars. I am not sure how far we ought to go in the payment of these private claims, where they have been thrown out of court.

Mr. CULLOP. Mr. Chairman, this is a proposition to submit a case to the Court of Claims with power to hear not only the facts but to render such a judgment as the facts may warrant in the case, either for the claimant or the Government.

Now, I would like to ask the gentleman from Illinois [Mr. MANN] this question: Does he not think that it would be better if Congress would pass a law referring all claims to some court to be tried and determined instead of coming to Congress and having them passed in this way, where, as here, only one side of the case is heard? If a resort was made to the court both sides would be heard, and the Government would look up the proof in behalf of the Government and the individual would look up the proof in his own behalf, and thereby you could reach the merits of the claim. But it certainly must be patent to everyone that is disposing of claims in this way we are not always reaching the merits of the claim and having them determined according to the merits. Now, does not the gentleman from Illinois think it would be wise to have some law passed in which all claimants would have to resort to some court in order to have the claim determined before an appropriation should be made for it? Would not such a way be fair and just to all parties concerned?

Mr. MANN. We have a law.

Mr. CULLOP. We have not a law under which they could go and sue the United States.

Mr. MANN. We have a law which covers this case. Now, of course, it would be desirable, if it were possible, to appoint somebody—a commission or otherwise—that may hear all claims against the Government. I think we will do that some time. But the trouble about it up to date is that when we pass a law and they take claims before a court or other body that can act upon it and they do not have the claim allowed, then they will still come to Congress, and Congress has not the power to say that a future Congress shall not entertain a claim against the Government.

Mr. GARNER. Will the gentleman yield?
Mr. MANN. I yield.

Mr. GARNER. As to the gentleman's remarks a few moments ago in regard to the status of legislation that was defeated in the last Congress, in which an effort was made to revive certain rights of Indian depredation claimants, I recall very distinctly that bill; and I think the bill reported by the Indian Affairs Committee and now on the calendar is virtually the same bill that was defeated in the House by the gentleman from Illinois and other gentlemen, while I took the opposite view. There is a bill now pending before the Committee on Indian Affairs in which the amity is stricken out and the right of limitation and nonjoinder of defendant, and purely the question of citizenship is determined; that is to say, whether a man living in Texas or Colorado or in some other western State, believing in good faith that he was an American citizen, and who lost his property under conditions where he could otherwise have recovered, but was not permitted to do so by reason of the fact that he was not an American citizen, can recover. I want to ask the gentleman from Illinois, who opposed the other bill, if he does not believe that that bill ought to become a law?

Mr. MANN. Well, I do not think any of the bills ought to become law, so far as that is concerned; but I will say frankly I am opposed to all those claims. I think the claims which involve the question of citizenship have a much stronger case than those which do not involve the question of citizenship. And I can readily see that in many cases where people supposed they were American citizens and had reason to suppose they were American citizens, and went into the Indian country, it works an injustice. I would be perfectly willing, so far as I am concerned, to compromise the matter and pass the bill restoring the claims to the Court of Claims, where they were thrown out on the ground of citizenship, if the rest is to be abandoned.

Mr. GARNER. Will the gentleman yield.
Mr. MANN. I will.

Mr. GARNER. I can not only speak for myself as one Member of the House, but I believe I can, in addition to that, speak for the present Texas delegation. The matter has been fully discussed among us, and we are perfectly willing to compromise by legislation that will permit the very thing that the gentleman has just stated. I must say, frankly, speaking for myself, that I did believe that the nonjoinder of the Indians was a demand made by the Government that it was almost impossible for the claimants to comply with. The gentleman from Illinois will realize how difficult it is to correctly know the tribe of Indians which took a certain property, when the owner was fleeing from the Indians himself and trying to get away from them instead of ascertaining just who they were. I do hope Congress will have an opportunity to consider this particular bill, and so far as I can pledge myself and those who are interested with me, from Texas and other points, I will agree that the other matters may go over.

Mr. BURKE of South Dakota. Is the gentleman certain that the bill now pending in the Committee on Indian Affairs is limited to the question of citizenship alone?

Mr. GARNER. I am.

Mr. MANN. I know that statement was made to me by Senator SMOOT, who, I believe, is the author of the bill.

Mr. GARNER. There is not any doubt about it, and I have taken it upon myself to go over the matter thoroughly with those interested. I thought it better to take this legislation than to undertake to have something that my friend from Illinois and others did not believe to be just claims.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. MANN. After the fight we had in the House before——
Mr. GARNER. After you licked us, I was willing to do my part.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. This has been objected to twice before, I believe. This is on the Union Calendar. It is for the very purpose that has been suggested here, with one or two exceptions. We are perfectly willing to take what we can get in this bill, as suggested by my colleague, Mr. GARNER. All claimants under Indian depredations will have the right, provided they were inhabitants, to have their claims reestablished and tried before the court. That is all we are asking for.

Mr. MANN. I can only speak for myself. I am perfectly willing to compromise on that character of legislation and pass a bill of that kind if we understand that the rest of it is not to be pressed.

Mr. BURKE of South Dakota. Does not the gentleman from Illinois think that if that bill does pass it will make it very much more difficult to ever secure any further legislation?

Mr. MANN. I am not so sure about that. My observation is that whenever you pass any bill that means a payment of $25,000 or $50,000 or $75,000 to the claims attorneys in Washington it whets their appetite tremendously.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is, Shall the bill be laid aside with a favorable recommendation?

The bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the next bill.

### LIEUT. COL. ORMOND M. LISSAK.

The next business in order on the Private Calendar was the bill (H. R. 1133) for the relief of Lieut. Col. Ormond M. Lissak.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Mr. Chairman, I reserve the right to object.

Mr. FOSTER. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] objects. The Clerk will report the next bill.

### RELIEF OF CERTAIN FIRE INSURANCE COMPANIES.

The next business in order on the Private Calendar was the bill (H. R. 4480) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the year 1899 and 1900.

The bill was read, as follows:

*Be it enacted, etc.*, That the sum of $82,975 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay to the Trans-Atlantic Fire Insurance Co., $9,500; Prussian National Fire Insurance Co., $2,850; North German Fire Insurance Co., $8,000; Hamburg-Bremen Fire Insurance Co., $10,450; Royal Insurance Co., $25,100; Liverpool & London & Globe Insurance Co., $6,900; New Zealand Insurance Co., $6,025; Fireman's Fund Insurance Co., $9,250; National Fire Insurance Co., of Hartford, Conn., $4,150; and Caledonian Insurance Co., of Edinburgh, Scotland, $750, the aforesaid sums being the amounts paid by each of the said companies on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in said Territory in the years 1899 and 1900.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Chairman, I am rather surprised that this claim is still pending. Two years ago I received a personal letter from the President of the United States, written, properly enough, upon the presentations which were made to him, in which he said, "If the facts are as stated by ———, it would seem wise and proper to act before reference to The Hague tribunal."

It was represented to the then President that if Congress did not act speedily and pay these small amounts in full settlement to these various insurance companies it would be a great loss to the Government, because it was then difficult to restrain these claimants from making an appeal to The Hague tribunal. Yet time has gone on, and they seem to have abandoned making a claim in The Hague tribunal except in talk, possibly, and the claim is still pending before Congress.

In a letter which was presented to the President of the United States, and which he inclosed to me, a very distinguished gentleman, in behalf of these claimants, stated: "The ambassadors of these countries"—referring to those countries from which these claimants come—"have made representations to the State Department on the subject, and the claimants are demanding and it is the intention to have the matter pressed for reference to The Hague unless some speedy action is taken in the premises." It occurs to me it would be humiliating to this Government to have a matter of this kind referred to The Hague," and so forth.

I do not see why these people have so restrained themselves. It is a marvelous example of self-restraint that these foreign insurance companies have refrained, for fear of humiliating The United States, from presenting these claims to The Hague tribunal for more than two years after they had said they could not hold in much longer. I think possibly they could hold in two years more. Therefore I object.

The CHAIRMAN. Objection is made by the gentleman from Illinois [Mr. MANN], and the Clerk will report the next bill.

### SAMUEL M. FITCH.

The next business in order on the Private Calendar was the bill (H. R. 10122) to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treas-

ury Department with the sum of $1,500 for cigar stamps lost or stolen in transit.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Samuel M. Fitch, collector of internal revenue for the first district of Illinois, on the books of the Treasury Department with the sum of $1,500, the same being for certain cigar stamps lost or stolen in transit from the office of the Commissioner of Internal Revenue at Washington, D. C., to the office of the collector of internal revenue for the first district of Illinois, located at Chicago, on or about March 20, 1912, by unknown persons.

The CHAIRMAN. Is there objection?

Mr. ALLEN. Reserving the right to object, Mr. Chairman, I notice the gentleman from Illinois [Mr. MANN], the author of the bill, is present. Will he make some explanation for the reasons for this allowance?

Mr. MANN. I will state the facts. Fifteen hundred dollars' worth of internal-revenue stamps were claimed to be, and undoubtedly were, transmitted from Washington to the collector of internal revenue at Chicago, with other stamps. When the package was opened $1.500 worth of the stamps were not there. Nobody has ever discovered what became of them. The Treasury Department made an investigation and reported that the collector of internal revenue was not at fault and ought not to be held responsible for the loss of the stamps. Since that time Mr. Fitch has been relieved of his duties as internal-revenue collector, but I presume the account has not been settled in the office.

Mr. STEPHENS of Texas. Does the report on this bill show these facts?

Mr. MANN. The report does show the facts.

Mr. STEPHENS of Texas. Is it a unanimous report by the committee?

Mr. MANN. Yes; it is a unanimous report.

Mr. POU. It is a unanimous report by the committee, and it is recommended by Secretary McAdoo and by the Commissioner of Internal Revenue.

Mr. MANN. I made no recommendations to the committee in regard to it. I introduced the bill for Mr. Fitch, who was a constituent of mine, and asked the committee to refer the matter to the Treasury Department.

Mr. STEPHENS of Texas. I understand there are numerous precedents for this?

Mr. MANN. I believe there are no cases like this where the Government has not relieved the officer.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the next one.

JAMES T. M'KENNEY.

The next business in order on the Private Calendar was the bill (H. R. 6506) for the relief of James T. McKenney.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James T. McKenney, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, for the loss of his left leg, which was amputated at the knee joint as the result of physical injuries received by him on the 16th day of February, 1912, while he was in the employ of the Government of the United States at the navy yard at Mare Island, Cal., and in the discharge of his duties as a shipwright.

With the following committee amendment:

Amend, line 6, by striking out "$2,500" and inserting in lieu thereof "$1,427.28."

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, as I recall this case—and I can very easily refresh my recollection from the report—this man was injured while in the Government service, and has been paid all that the law allows under the compensation act, and, in addition to that, has been furnished with an artificial limb. Now, I do not think the compensation act makes sufficient compensation for a man who loses his life, or leg, or thumb-nail; but that is the general law. We shall have a report coming in here soon which will show how much has been paid since the compensation law has been in force. If, every time some man is injured and draws the amount that the general law allows him, and then presents a claim to Congress in addition, what is the use of having the general law? I should like to get an expression of opinion from my distinguished friend from North Carolina [Mr. POU] as to whether he thinks that where we have a general compensation law or a post-office law or any other general law making compensation for injuries, we should, in addition to giving the amount allowed by the general law, pay another sum by a special bill where there are no extraordinary circumstances?

Mr. POU. Mr. Chairman, I will say to the gentleman that my view is and always has been that we ought to follow, as nearly as we can, the general law with respect to the settlement of these claims against the Government.

Mr. MANN. Mind you, this man has been paid under the general law.

Mr. POU. I understand that. This man has received one year's salary.

Mr. COX. How much was that?

Mr. POU. It was $1,427.28. The committee had this case up on two different days, as I recollect, and it appeared that this man was a very useful employee of the Government; that he was a man of some education, and a man who well earned his salary of $1,427.28. In view of the fact that this man has lost his leg, the committee thought that $2,500 would not be too much. Now, it should be borne in mind that the Committee on Claims are not governed by any law with respect to the settlement of these matters. The compensation act is merely advisory.

If the compensation act were sufficient, of course, these people would not have to come to the Committee on Claims at all, and we have tried as best we could to settle all these cases upon their merits. It was found almost impossible to adopt any hard-and-fast rule of action. That is to say, we could not say that in a certain class of cases we are going to pay a certain amount of money to every person injured in a certain way, because there are different circumstances, and no two instances are exactly alike. I do not know whether the committee made a mistake in embarking upon this plan of settling these claims, but it did it. The public-service corporations were settling similar claims for accidents under similar circumstances. All I can say, on behalf of the committee, is that we take these cases and try as nearly as we can to do justice in each particular instance. It appeared that this man had lost his leg, and we thought that $2,500 was not too much, and we did not feel that we were bound by the fact that he had received one year's pay.

Mr. GOULDEN. What was this gentleman's position under the Government?

Mr. POU. He was a skilled mechanic in the Mare Island Navy Yard.

Mr. MANN. He was 72 years old. Of course, he could not do much work, as far as that is concerned. Now, the committee have more of these claims for personal injuries than they report, as I understand. Am I not correct?

Mr. POU. There are quite a number still pending, as I understand it.

Mr. MANN. And no matter how many the committee did report it would still leave a great many that it did not report, because the more are passed the more by geometrical ratio are introduced. Every bill to pay a man a second time, considered by the committee, prevents the consideration by the committee of a bill to pay a man once. There have been thousands of these claims allowed under the compensation law. If each one of them should present a claim to the committee for a second allowance, of course, necessarily the committee would be lost. That is, it could not consider the merits of all those claims. Of course, I see that the chairman of the Claims Committee is in a somewhat embarrassing position, not believing himself in what his committee has done, and still forced to defend the action of his committee. I am going to relieve him from the difficulty so far as this claim is concerned, and as far as any other claims are concerned reported from his committee while I am here, to pay an additional amount over the amount allowed by the compensation law, where the claimant enjoys the benefit of the compensation law, I shall object.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects to the present consideration of the bill, and the Clerk will report the next one.

BOLOGNESI, HARTFIELD & CO.

The next business in order on the Private Calendar was the bill (H. R. 5859) for the relief of Bolognesi, Hartfield & Co.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury and the proper accounting officers of the Treasury Department be, and they hereby are, directed to pay to Alessandro Bolognesi and William Hartfield, formerly composing the firm of Bolognesi, Hartfield & Co., of New York City, State of New York, the sum of $8,532.99, the amount heretofore paid by said Bolognesi, Hartfield & Co. to the United States of America in payment of a judgment recovered by the United States of America against said Bolognesi, Hartfield & Co. in the circuit court of the United States, southern district of New York, on account of certain money orders issued by the clerk in charge of Station 102, Brooklyn, N. Y., between January 2, 1906, and June 26, 1906, and for this purpose the said sum of $8,532.99 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The CHAIRMAN. Is there objection?

Mr. CULLOP. Reserving the right to object, I should like to ask the chairman of the committee or the author of this bill something about the merits of it. How does the Government come to owe this firm $8,532.99?

Mr. POU. I will say to my friend from Illinois that this is quite an unusual thing. This firm of Bolognesi, Hartfield & Co. purchased, as innocent holders for value, 128 post-office money orders, which aggregated $12,800. The money orders were regular in every respect. They were signed in the way that they should have been signed by the proper Government official. There was nothing on earth to show that they were not regular in every respect, and they were accepted, just as if I should take a $10 bill from my pocket it would be accepted by any gentleman on this floor. It was afterwards ascertained that these post-office money orders were forged, and I believe that the guilty man was prosecuted by the Government.

Mr. CULLOP. And now they do not want the rule of caveat emptor to apply.

Mr. POU. That is true; and the committee did not think that the rule ought to apply. My recollection is that the department takes the same view. My information is that since this thing happened the Post Office Department has taken precautions to prevent a repetition.

Mr. MADDEN. The Government got the money, as I understand it.

Mr. STAFFORD. Oh, no; the Government did not get the money.

Mr. POU. They sued and got about $8,000, as I recollect.

Mr. STAFFORD. They have recovered $6,000 on the bond of the defaulting official.

Mr. POU. That is it; I stand corrected; that is true. The point that was presented to the committee is this: If the Government allows a genuine post-office money order to go on the market in this way, and a citizen buys it as an innocent purchaser for value, and it turns out by reason of the fact that the Government has not sufficiently surrounded the issue of the money order with safeguards to put the average man on notice, ought the innocent purchaser for value to lose his money?

Mr. CULLOP. These were forged orders, were they not?

Mr. POU. They were forged in one sense, and in another they were not. They were signed by the proper official. If they had been genuine orders there would have been no difference—not an "i" dotted or a "t" crossed.

Mr. COX. Will the gentleman yield?

Mr. POU. Yes.

Mr. COX. Were these claimants brokers or bankers?

Mr. POU. I think they were brokers in New York City.

Mr. COX. Why were they investing in these money orders if there was no profit in it for them?

Mr. POU. The orders came in their regular course of business, as I understand it.

Mr. STAFFORD. I think the gentleman is mistaken; if the gentleman will permit me——

Mr. POU. Certainly.

Mr. STAFFORD. This superintendent of a postal station in Brooklyn who was the defaulter was also the agent of this firm of New York brokers in selling steamship tickets to foreigners who happened to be patrons of the branch postal station. He paid for these steamship tickets, which work he performed as a side issue, by executing money orders and turning them over to the New York firm. That practice had been indulged in for years and years, and at last such amounts of money orders were turned over by the superintendent to this company as to put the New York brokers on notice that something was irregular, even though the practice had been continued for a number of years when there was no irregularity. He was, in fact, the agent of the New York firm. If an agent defaults in some act, simply because he is also employed by the Government, that ought not to give the firm recourse to the Government for reimbursement.

Mr. CULLOP. Mr. Chairman, it seems that this superintendent of the postal station issued these orders and the whole transaction was fraudulent. There has no reason so far been presented satisfactory to me, at least, why the Government should reimburse these men in their speculation. They simply miscalculated and made a bad deal. Now, they come and ask the Government to reimburse them for a bad business venture on their part. Dealing with a rogue, they had the direct result of the dealing. They got the worst of it.

If men deliberately enter upon a business venture, such as was evidently the case here, for speculative purposes, in what smacks of a questionable transaction, to say the least of it, and sustain loss, they are in no position to come to Congress and ask for a bill to be passed granting them relief and reimbursing them for the loss. Again, here is furnished a striking example showing the necessity for the establishment of a tribunal to hear and determine the rights of parties asserting claims against the Government. This is necessary to grant relief to deserving claimants on one hand and the protection of the Government on the other. These matters now are left to Congress, which is very unsatisfactory. I hope to see such a tribunal established for such a purpose. I regard this claim without merit, and it would be an injustice to the people if it was allowed. I object.

The CHAIRMAN. The gentleman from Indiana objects.

MARY WELCH.

The next business in order on the Private Calendar was the bill (H. R. 12623) for the relief of Mary Welch.

The Clerk read the bill.

The CHAIRMAN. Is there objection.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from New York [Mr. LEVY], who introduced the bill, a few questions in regard to it.

Mr. STAFFORD. Is not the gentleman from Illinois aware that the distinguished gentleman from New York [Mr. LEVY] sent a telegram to the Speaker the other day saying that he had been suddenly taken ill?

Mr. MANN. Oh, no; the gentleman sent no such telegram as that. It said that the gentleman's physician thought that he ought not to travel to Washington, but it did not say he was ill. I thought that he had come by this time. However, if he is not here, I will ask to have it go over until he can be here. I object.

TRANQUILINO LUNA.

The next business in order on the Private Calendar was the bill (H. R. 5991) to authorize the payment of $2,000 to the widow of the late Tranquilino Luna in full for his contest expenses in the contested-election case of Manzanares against Luna.

The Clerk read the bill.

The CHAIRMAN. Is there objection?

Mr. FOSTER. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects.

BERNARD CITROEN.

The next business in order on the Private Calendar was the bill (H. R. 4310) concerning certain moneys collected from Bernard Citroen as customs duties and declared by the United States Supreme Court to have been illegally exacted.

The Clerk read the bill, as follows:

Whereas Bernard Citroen, on the 6th day of April, 1907, deposited with the collector of customs at the port of New York, under protest, the sum of $110,335 to secure a release to him of certain pearls imported by him on June 11, 1906, and on which pearls he already had paid duty to said collector at the rate of 10 per cent ad valorem under a classification made by the said collector of customs, but which classification was subsequently, on or about the 28th day of June, 1906, changed by the said collector and the duty exacted thereon increased from 10 per cent to 60 per cent ad valorem; and

Whereas the Board of General Appraisers at the port of New York did, on the 14th day of June, 1907, sustain the importer's protest and reversed the collector and classified and assessed for duty said pearls at 10 per cent ad valorem instead of 60 per cent as exacted and obtained from said importer by said collector; and

Whereas the decision of the Board of General Appraisers was, on or about the 13th day of July, 1908, reversed by the United States Circuit Court in and for the Second Circuit, but on appeal to the United States Circuit Court of Appeals in and for the Second Circuit, and on or about the 22d day of January, 1909, the decision of the said Board of General Appraisers was affirmed and the decision of the said circuit court was reversed; and

Whereas the said decision of the said Circuit Court of Appeals in and for the Second Circuit was affirmed at the October, 1911, term of the Supreme Court of the United States; and

Whereas the said Bernard Citroen had to pay interest on and lost the use of said sum of $110,335 for and during the period it was detained from him, against his protest, by the said collector from the 6th day of April, 1907, to the 6th day of April, 1912: Therefore

*Be it enacted, etc.*, That the Secretary of the Treasury pay to Bernard Citroen or his assigns, out of any money in the Treasury not otherwise appropriated, interest on said sum of $110,335 from the 6th day of April, 1907, to the 6th day of April, 1912, at the rate of 6 per cent per annum; and the payment of said interest shall be, and hereby is, declared to be in full settlement and discharge of all claims of said Bernard Citroen against the United States because of the withholding of said money.

The following committee amendment was read:

On page 2, line 1, after the word "appropriated," add the following: "the sum of $33,100.50 being the."

The CHAIRMAN. Is there objection?

Mr. PAYNE. Mr. Chairman, reserving the right to object, I do not see any majority members of the Committee on Ways and Means present. If I were one of the members, I would not let such a bill pass. It creates a new precedent which may take millions of dollars out of the Treasury of the United States.

Mr. MADDEN. Is not the chairman of the Ways and Means Committee here?

Mr. PAYNE. I do not see him.

Mr. MADDEN. I thought he was here to help make a quorum.

Mr. PAYNE. Mr. Chairman, I think I shall have to object.

Mr. GOLDFOGLE. Will the gentleman withhold his objection?

Mr. PAYNE. I will withhold it if my friend wishes to make a speech, certainly.

Mr. GOLDFOGLE. Mr. Chairman, a little while ago the gentleman from Indiana [Mr. CULLOP] took occasion to suggest that it would be well if claims generally, or a certain class of claims, were considered by some separate tribunal instead of going through the peculiar process that we go through in this House whenever the Private Calendar is up for consideration. I agree with the gentleman from Indiana. I took occasion this morning in the House to call attention to the fact that it entirely depended, whenever claim bills were up for consideration for unanimous consent, upon the judgment or whim or caprice of any single Member of the House to turn a bill down. This is another exemplification of the fact.

Here is a bill that rests upon conceded facts. There are no facts in dispute. The Government concedes every fact alleged by the claimant. One hundred and ten thousand dollars, by our Government, unlawfully and illegally exacted, and for five years withheld, from a citizen of the United States, according to a decision of the Supreme Court of the United States. One hundred and ten thousand dollars illegally exacted without the slightest warrant in law, locked up in the Treasury of the United States against the protest of one of our citizens; yet, if one single Member of the House chooses to object to the consideration of the claim, it can not be considered by the American Congress. Strange performance this, Mr. Chairman.

Mr. POST. Mr. Chairman, will the gentleman yield?

Mr. GOLDFOGLE. I can not yield to the gentleman now. I will yield to the gentleman in a few moments. If it were only the bare fact that this immense sum of money were taken from the claimant against his protest and against his will and locked up for five years in the Treasury of the United States, notwithstanding the decisions of all of the appellate courts as the case passed through the various phases of litigation, there might not be so much to be said in favor of the bill; but the fact is that at every stage of the appeals, recited in the preamble of the bill, the claimant offered to the Government security for the payment to the Government of this sum unlawfully claimed by the customs collector. The Government, for some unexplainable reason—and I mean some of the then Treasury officials when I say "the Government"—refused to accept any security. They refused to accept the best kind of security. They would not take surety bonds; they would not take bonds of real estate owners; they would take the bond of no man, though he were millionaire or multimillionaire; they wanted the cash money retained in the Treasury, and retained it was; and now I ask the membership of this House whether it is an honest performance, whether it is a decent or just performance, to tell an American citizen that he may have, as it were, the blunderbuss of the Government placed at his head, compelled to give up $110,000, which in whole or part he had to borrow, because such a large sum is not usually carried around in the pockets or bank accounts of men, or go into bankruptcy if he can not raise it and be pilloried in the United States court as attempting to evade the customs law, and then tell him that, though there was no law or jusification for the exaction, the money so taken shall be kept by the United States for five years, without getting a dollar of compensation for his loss. Why, it is absurd, Mr. Chairman. The fact that these things occur in our Government and that it is within the power of a single Member of the House to hold up a claim of this kind shows the absurdity of to-day's performance in the consideration of the Private Calendar. What are we doing here to-day? We call up claims from the calendar. The Clerk reads the bill. Somebody rises to ask for an explanation; and whether the explanation be good or bad, whether the claim be meritorious or unworthy of consideration, some one Member objects, and then no one has an opportunity to vote yea or nay upon the measure. That is a performance unworthy of the American Congress. If the citizenship generally of the United States understood that this is the method by which claims are disposed of, they would be very much afraid to trust a government that deals with them in so unjust a fashion. I can not reconcile myself to the idea that the present Congress is dealing rightfully with the citizens of our country when they refuse to permit a vote upon a measure of this character. I have sat here day after day when private bills were up and noticed some of the most meritorious measures turned down because they did not suit some one individual.

The individual objecting to the bill no doubt acted in good faith and in good conscience; but, after all, Mr. Chairman, sitting here to consider claims, are we as a body not to sit as a judicial tribunal? I believe we sit here, when we consider bills that arise upon claims made against the Government, as judges; and, sitting in a judicial capacity, I believe we ought to fairly express our judgment upon claims and vote them up or vote them down. That is the way courts would do. Unfortunately, we have no tribunals established by law for the consideration of claims of this character. True, some years ago, measures were passed under which certain kinds of claims can be sent to the Court of Claims for consideration. Under a law passed some years ago by Congress some claims can be sent for findings of fact to the Court of Claims. The bill now under consideration is upon a claim that can not, under the general law, be sent to the Court of Claims, but it is clear that it has merit. I appeal to the gentlemen of the committee present to-day whether this bill is not founded in justice and in righteousness, whether it is just that a single officer of the Government at the port of New York may exact, without warrant, without law, from the purse of a citizen one hundred and ten thousand two hundred-odd dollars, carry the case through all of the courts until it reaches the Supreme Court of the United States, every court deciding that it was unjust and unfair and unlawful to make the exaction, and that the victim of this exaction be refused that redress which every one of the membership of the House would insist upon having were he the victim himself and could go into court to establish his claim? Mr. Chairman, we are going through a farce when we call the Private Calendar only to have a few bills pass that escape objection and have all the others, whatever be their merit, turned down without a vote on the objection of a single Member.

Mr. Chairman, I wish there were more Members present in this committee. I wish I had the opportunity of addressing more of the membership of this House, so that I might awaken them, and through them their constituents, to the farce we go through time and again in the consideration of the Private Calendar. But there are not many Members here, and so, Mr. Chairman, I raise the point that there is no quorum present.

Mr. MADDEN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seven Members present—a quorum.

Mr. PAYNE. Mr. Chairman, still reserving the right to object, I want to say a brief word in reply to what the gentleman from New York [Mr. GOLDFOGLE] has said. This bill when first introduced was properly referred to the Committee on Ways and Means, and afterwards, on the application of my colleague, the Committee on Ways and Means was discharged from the consideration of it and it went to the Committee on Claims, and hence there is nothing in the report to show that these people did not sell those pearls for enough money to pay for the value and pay also the duty on them—$110,000 at that time. They afterwards got the $110,000, and now they want $33,000 interest. I object.

Mr. MANN. Mr. Chairman, will the gentleman from New York reserve his objection for a moment?

Mr. DONOVAN. Mr. Chairman, I demand the regular order. The gentleman from New York has twice objected to this.

The CHAIRMAN. The Chair is compelled to disagree with the gentleman from Connecticut. The gentleman from New York has not objected at all. He has reserved the right to object.

Mr. PAYNE. I will reserve the right to object if I can.

Mr. DONOVAN. I am going to ask for the regular order.

The CHAIRMAN. The regular order is, Is there objection?

Mr. PAYNE. Mr. Chairman, reserving the right to object——

Mr. CULLOP. I withdraw the objection, Mr. Chairman, if the gentleman from New York desires to reserve the right to object.

Mr. PAYNE. Mr. Chairman, reserving the right to object, if the gentleman from Illinois wants to speak, I will reserve it; otherwise I will object. Well, I object.

The CHAIRMAN. The gentleman from New York objects.

OSCAR FROMMEL & BRO.

The next business in order on the Private Calendar was the bill (H. R. 1625) for the relief of Oscar Frommel & Bro.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to Oscar Frommel &

Bro., of New York, N. Y., a corporation of the State of New York, the sum of $5,844.15, the same being duties paid by said corporation to the collector of customs of New York on 16 shipments of potatoes imported at the port of New York during March, April, and May, 1912, condemned by the board of health and destroyed, no notice of such condemnation by the board of health having been furnished the claimant within sufficient time to permit abandonment to the Government without the payment of duties thereon, as authorized under the provisions of subsection 22 of section 28 of the act of August 5, 1909.

The committee amendments were read, as follows:

Page 1, line 4, strike out the word "refund" and insert the word "pay."

Page 1, line 6, after the words "New York," insert the words "out of any money in the Treasury not otherwise appropriated."

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, this is a matter of refunding duties paid upon importations and this bill is to refund the duties entirely. The bill which was just objected to was a bill to pay interest on duties which had been paid and which the court subsequently held should not have been paid, and the duties there were to be refunded by the Government without specific appropriations being passed in a bill. Both of these bills, of course, come from the Committee on Claims, which is the only committee that can consider them, and both of them affect matters that are in the legislative control of the Committee on Ways and Means. Both are of great interest to the Committee on Ways and Means. In recent days we have made strenuous efforts to have the Members of the House, as far as practical, attend upon the sessions of the House. They get notice when there is a roll call, slip in and answer and slip out, and I notice on this occasion, when these two bills, carrying large sums of money, are before the House for consideration involving questions strictly under the jurisdiction of the Committee on Ways and Means, I notice that the gentleman from Texas [Mr. GARNER], a member of the committee, is present. I notice the gentleman from Missouri [Mr. DICKINSON], who, I believe, is also a member of that committee, is present, but I notice with sincere regret that the gentleman from Alabama [Mr. UNDERWOOD], the chairman of the committee, has graced us with his absence; that the gentleman from North Carolina [Mr. KITCHIN] is not here; that my colleague from Illinois [Mr. RAINEY] is elsewhere; that the gentleman from Indiana [Mr. DIXON] is away very properly on account of a death in his family——

Mr. CULLOP. Will the gentleman yield for an interruption there?

Mr. MANN. No; I have just explained that.

Mr. CULLOP. I would like to give the reason for his absence——

Mr. MANN. I have just given the reason myself. I notice that the gentleman from Minnesota [Mr. HAMMOND]—well, I do not know where he is, but he is not here. The gentleman from Pennsylvania [Mr. PALMER]—well, he is not here; he was here last week one day, maybe more. The gentleman from Ohio [Mr. ANSBERRY] is away on account of health. The gentleman from Mississippi [Mr. COLLIER] is absent. Notwithstanding our strenuous efforts——

Mr. GARNER. Will the gentleman yield?

Mr. FOSTER. The gentleman from Mississippi [Mr. COLLIER] is here; he is in the back of the Hall.

Mr. MANN. I am glad we have the presence of the gentleman from Mississippi [Mr. COLLIER], and I will say this about him, that he is usually present. [Applause on the Democratic side.]

Mr. GARNER. Will the gentleman yield?

Mr. MANN. I will.

Mr. GARNER. The gentleman has enumerated the absentees on the part of the Democratic membership of the Ways and Means Committee. Would the gentleman kindly enumerate just at this time the absentees on the part of the Republicans of the Ways and Means Committee? [Applause on the Democratic side.]

Mr. MANN. I will be glad to do so. The gentleman from Michigan [Mr. FORDNEY] is not present. The gentleman from New York [Mr. PAYNE] is present and the gentleman——

Mr. MOORE. Mr. Fordney was here a moment ago.

Mr. MANN. The gentleman from Pennsylvania [Mr. MOORE] is here. The gentleman from Massachusetts [Mr. GARDNER] is seeking to carry out the purpose of Congress, which has been delayed by the State Department, to get people back from Europe [applause on the Republican side], and he is abroad for that purpose. The gentleman from Iowa [Mr. GREEN]——

SEVERAL DEMOCRATIC MEMBERS. Who delegated him to go abroad?

Mr. MANN. The gentleman from Iowa [Mr. GREEN] is here. The gentleman from Nebraska [Mr. SLOAN] was here a moment ago. I do not know whether he is here now or not. There are more Republicans here than Democrats, and we have only 6 Republicans on the committee to 14 Democrats; and we do not have the responsibility and we did not put in the buncombe resolution about docking pay. [Applause on the Republican side.] We have got a very good record here. And because of the absence of these gentlemen a demand for the regular order—and I note that my friend from New York [Mr. GOLDFOGLE] has just made a point of order and then absented himself——

Mr. BARKLEY. The gentleman from New York is still here; the gentleman from Illinois can not see. [Laughter.]

Mr. MANN. Well, the gentleman from New York slipped down in his seat behind a bigger man physically.

I object to the bill.

HERMAN REHN.

The next business in order on the Private Calendar was the bill (H. R. 14687) to appropriate a sum of money to Herman Rehn for injuries sustained while in the employ of the naval authorities of the United States at the Naval Academy, Annapolis, Md.

The Clerk read as follows:

Whereas Herman Rehn was an employee in the electrical department of the United States Naval Academy at Annapolis, Md., and while in a battery room removing a carboy filled with sulphuric acid, for which no proper machinery for handling had been provided, said carboy fell and broke and the acid splashed into his eyes, from which he has lost his sight in both eyes without any hope of recovering, the said accident having occurred on the 9th day of January, 1905; and

Whereas the said accident would not have occurred if proper machinery facilities had been provided by the United States naval authorities; and

Whereas had the accident occurred while in the employ of a private individual or a corporation the said Herman Rehn might have maintained an action against such person or corporation and recovered damages for the injuries sustained by him; and

Whereas a private individual can not maintain an action against the United States for any injury received on account of negligence, but as an equitable consideration, it is right and proper that the United States should treat its employees in the same way as if they had been working for private individuals or corporations: Therefore

*Be it enacted, etc.*, That an appropriation of $2,500 be, and the same is hereby, made and appropriated, to pay to Herman Rehn, of Anne Arundel County, Md., for permanent injuries sustained while in the employ of the United States naval authorities at the Naval Academy, Annapolis, Md.

SEC. 2. That immediately after the passage of this act the Treasurer of the United States is hereby required to pay the said sum to the said Herman Rehn, residing at Annapolis, Md.

The committee amendments were read, as follows:

Strike out all of the preamble, and on page 2, line 4, after the word "appropriated," insert the words "out of any moneys in the Treasury not otherwise appropriated."

The CHAIRMAN. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, I am going to speak a few words that do not apply to the bill which is before the committee. We have been regaled here for two or three days on the matter of attendance in this body. To my surprise some of our great lawyers have taken what to a layman, or at least to myself, is a most peculiar position. I suppose, strictly speaking, it is technical. Now, the truth is that it is not the occasional violation of the law with which we are concerned, but it is the chronic violation, the chronic condition. When we have met here for days and days, and I might say weeks, with not half a quorum, these things become chronic. I saw myself yesterday two Members of this body for the first time in my life.

Mr. COX. Who were they?

Mr. DONOVAN. I found out the name of one of them and I asked several attachés the name of the other, and one of the attachés, who was standing at the desk, told me he would find out, but he has not found out yet. [Laughter.]

Now, Mr. Chairman, to make a point of no quorum would be the proper thing to do, but as the gentleman from Illinois, the minority leader, has stated here upon the floor, persons who live in glass houses should not throw stones, and some of these people who have been making the points of no quorum surely live in glass houses. A gentleman came in here the other day and made a point of no quorum twice in one hour, and as a Member of this body he has been absent two-thirds of the time. The gentleman from Pennsylvania, from a spirit I can not explain, as soon as we were through with the divine portion of the morning raised the point of no quorum several days in succession, but because of the verbal spanking of his associate from Pennsylvania [Mr. MOORE] he stopped. Now, that gentleman from Pennsylvania was living in a glass house, because I find here that in the first session of the Sixty-third Congress he was away, according to the roll call in the RECORD, more than two-thirds of the time.

Mr. MOORE. To whom do you refer?

Mr. DONOVAN. I refer to one of the gentlemen from Pennsylvania, not the Member who has just arisen from his seat and interrupted me in an unparliamentary and unruly way.

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Connecticut yield to the gentleman from Pennsylvania?

Mr. DONOVAN. I am delighted to yield to him when he is gentlemanly.

Mr. MOORE. I inquire courteously and in a parliamentary way of the gentleman from Connecticut to whom he referred when he speaks of "the gentleman from Pennsylvania." There are several of them.

Mr. DONOVAN. Most of them have a peculiar record here. The gentleman referred to was Mr. BUTLER, and the one who admonished him was of the name of Mr. MOORE.

Mr. MOORE. They are both distinguished Members of this House.

Mr. DONOVAN. Very distinguished Members, and one of them is noted for his duties and the other one for his absence from duty.

Mr. MOORE. Well——

Mr. DONOVAN. I decline to yield further. [Laughter.] One of them was absent in the first session of the Sixty-third Congress, according to the roll calls, as I have said, more than two-thirds of the time, and in the language of the gentleman from Illinois, the minority leader, he was living in a glass house when he was raising the question of no quorum, for he had many opportunities at that session to raise it if he had been present. Now, in this session he has done a little better. This is the second one. He has been present 64 roll calls and absent only 42.

Now, the Pennsylvania delegation as a whole has the most remarkable record here for attendance in this body—most remarkable. If there is such a thing as conscience in the heart of a Member of Congress, he would return the money to his Government that he has taken and has not earned. If there was such a thing as conscience in the heart of a Member of Congress, he would not take the money when he has never been present. The extreme case in this body, Mr. Chairman, I admit, is on our side—the very extreme case—but he only wins, as we say in the sporting world, by a neck from a Member on the other side.

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Connecticut yield to the gentleman from Pennsylvania?

Mr. DONOVAN. Delighted! [Laughter.]

Mr. MOORE. When the gentleman lays the blame for absenteeism upon one Member of the Pennsylvania delegation from his side, does he refer to the gentleman who is now absent campaigning for United States Senator in Pennsylvania?

Mr. DONOVAN. Mr. Chairman, I will not refer to him by name.

Mr. DONOHOE. Will the gentleman yield for a question? I wanted to say that the gentleman who is referred to by my colleague——

Mr. DONOVAN. I will yield, Mr. Chairman, if the gentleman from Pennsylvania [Mr. MOORE] is through with his question; or I will answer both at the same time.

Mr. MOORE. I will be very glad, indeed, to yield, if the gentleman from Connecticut will permit, to the gentleman from Pennsylvania [Mr. DONOHOE] in order that he may answer the question I put to the gentleman from Connecticut.

Mr. DONOVAN. I will answer you.

Mr. MOORE. There is some difference of opinion between Democrats in Pennsylvania, and I would like to have the opinion of an expert.

Mr. DONOVAN. The most flagrant case from the State of Pennsylvania is not a candidate at the present time in any election anywhere. Now, I do not care to mention his name. Privately I will let the gentleman from Pennsylvania look at the paper and see.

Mr. MOORE. I will be very glad to do that. [Taking paper.]

Mr. MANN. The most flagrant case of absence is not from Alabama or Pennsylvania.

Mr. MOORE. I would like to know what cases from Pennsylvania are flagrant?

Mr. DONOVAN. The gentleman from Illinois [Mr. MANN] was asking a question of me, but on account of the interruption I did not hear the gentleman.

Mr. MANN. I would like him to know there is one case where the Member was present on the opening day of the session——

Mr. DONOVAN. I will admit that.

Mr. MANN. And he answered to his name, and has not answered to any roll call since. And I believe he has drawn his mileage by sending in his certificate from home.

Mr. DONOVAN. I admit that, Mr. Chairman; but I would not want to refer to that case, Mr. Chairman, for this reason: He is not in that condition from self-will; but the gentleman who goes from here into other pursuits, looking for the filthy lucre, and returns here at the end of the month and draws his pay is the man who deserves condemnation; but the gentleman whom the gentleman from Illinois refers to is ill and is absent through no volition of his own. I hope the gentleman from Pennsylvania will return the paper. I did not intend anyone to see it except myself.

Mr. MOORE. Mr. Chairman, I wish to say that the paper handed me is so evidently spurious that I question its value at all as a document.

Mr. DONOVAN. I take it, Mr. Chairman, that if the gentleman is not more truthful the rest of the time than in speaking about that paper it will be necessary for him to resort to the doctrine of Ingersoll to enable him to escape discomforts in his future home.

Mr. MOORE. If the gentleman depends upon that paper for the accuracy of his statement, I fear he is the worst offender of them all.

Mr. HEFLIN. Mr. Chairman, I regret that my distinguished friend from Wyoming [Mr. MONDELL] is not in the Hall. He found that I was out of the Hall about five minutes yesterday and made mention of the fact to the House.

The gentleman from Wyoming, Mr. Chairman, is not always here, but he is always speaking when he is here. [Laughter.]

The gentleman by his constant speaking has long since refuted the doctrine that the mill never grinds with the water that has passed, for those of us who sit here listening to his speeches day after day, bearing the affliction as best we can [laughter], can testify that the constant murmur and ceaseless flow of this winding stream of talk is taken up and poured back over and over again on the old mill wheel from Wyoming. [Laughter.]

Speech makers may come and speech makers may go, but the gentleman's speeches flow on forever. [Laughter and applause.]

Mr. Chairman, when the time for his final departure is at hand and he passes from us forever a fitting inscription on the slab above his resting place would be like the one above the dust of Ephraim Gordon—

Here lies the body of Ephraim Gordon,
With movemented mouth and tongue accordin'.
Be careful, stranger, how you walk,
Or he'll come up in a flood of talk.

[Laughter and applause.]

And, Mr. Chairman, in the far-away time of the great hereafter, where it is said if we are good fellows here we shall be good fellows there, and the things we do here are the things we will do there, and never be tired at all, I have thought that if the gentleman from Wyoming should reach that celestial city with his disposition to talk, with tireless tongue and debate unlimited, if ever he once gets recognition for a speech, God of our fathers, be with us yet! [Laughter and applause.]

Why, Mr. Chairman, almost any Member of this House, confronted with that situation, would say to St. Peter, "Cast me back into pagan night to take my chances with Socrates for bliss rather than be a celestial in a realm like this." [Laughter and applause.] And, Mr. Chairman, I can see one of the Virginia Members as he reaches the pearly gates. St. Peter would say, "Who comes here?" And when the gates stood ajar the Virginian, recognizing that familiar voice from Wyoming, would turn to St. Peter and say: "Take me back to old Virginia." [Laughter.]

And then, Mr. Chairman, I can see the gentleman from Oklahoma [Mr. FERRIS], who has been sitting here day after day during the long, long summer with this perfect flood of useless talk poured in upon him by the gentleman from Wyoming [laughter]—I can see him arriving at the gate up yonder and as it stands ajar he leans forward and listens and says, "What is all that talk I hear within?" And St. Peter answers, "It is MONDELL, of Wyoming, United States of America, once a Member of Congress. He has been talking ever since he arrived." [Laughter.] And then I can see the gentleman from Oklahoma as he shakes his head mournfully, and says, "Hell can not be such a bad place, after all." And he, too, declines to enter. [Laughter.]

And then, Mr. Chairman, I see the Speaker of the House arrive, moving with stately tread toward the gate of St. Peter. St. Peter looks at him a moment, and then opens wide the gate. The Speaker views the gentleman from Wyoming standing on a pyramid of celestial bodies that he has talked into that long and everlasting sleep. [Laughter.] As the Speaker observes him standing there, St. Peter explains the situation. "He arrived here just 30 days ago. He has been speaking ever since he arrived. [Laughter.] There is no power that can stop him. Those bodies that he stands upon are the bodies of the

beings he has talked to death long since." [Laughter and applause.] The Speaker stands silent for a moment, and St. Peter says, "Come in, good friend; be not afraid." The Speaker says, "If he has obtained recognition for a speech, and debate is unlimited, I'll move on, for this would not be heaven to me" [laughter]; and the Speaker walks sadly away. And then I observed a dozen Members or more who had served with and suffered at the hands of the gentleman from Wyoming. [Laughter.] There they stood, and St. Peter said, "Who comes here?" And as soon as the gate was opened they heard a familiar noise, a never-ceasing noise, within, and everyone of them recognized the sound. They looked at each other, and shook their heads sorrowfully, and murmured sadly, "This can not be heaven." [Laughter.] St. Peter observed their sad looks and heard their low, sorrowful murmur, and he said, "Why this dejection and sadness among you?" One of them said, speaking for the party, "Do not compel us to enter here. We know what is going on within, and we have suffered enough in yonder world—let us depart in peace." And they, too, walked away; and the gentleman from Wyoming was still speaking. [Laughter and applause.]

Mr. MANN. Mr. Chairman, just a word, without intending to comment at length upon the speech made by the gentleman from Alabama. He always affords us a good deal of entertainment. I think he had foresight and prophecy in this—I notice the gentleman from Wyoming got into heaven, and that all the Democrats who applied there were turned away. [Laughter on the Republican side.] Of course, the excuse is given that they went away voluntarily, but the fact remains that not one of them got in. And that will be the case. [Laughter and applause.]

Mr. POU. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Is there objection?

Mr. CULLOP. I object.

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

ERSKINE R. HAYES.

The next business in order on the Private Calendar was the bill (H. R. 4535) for the relief of Erskine R. Hayes.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Erskine R. Hayes the sum of $5,000, in full compensation for injuries received on the 16th day of December, 1902, while in the performance of his duty as an employee of the Bureau of Engraving and Printing, Treasury Department, in the city of Washington, D. C. Three thousand dollars of said sum shall be payable upon the passage and approval of this bill, and the balance shall be payable in monthly installments of $100 until the full sum of $5,000 shall be paid.

With committee amendments, as follows:

Amend, page 1, line 6, by striking out "$5,000" and inserting in lieu thereof "$3,000."

Amend, page 1, by striking out line 11, and page 2, by striking out lines 1, 2, and 3.

The CHAIRMAN. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, this bill is introduced by the distinguished Member from Ohio [Mr. FESS].

Mr. MANN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut [Mr. DONOVAN] now has the floor.

Mr. MANN. No; he has not the floor. I have objected.

The CHAIRMAN. The gentleman from Illinois can not object.

Mr. MANN. Certainly I can object at any time. Any gentleman can object.

The CHAIRMAN. Not after another gentleman has been recognized and has the floor.

Mr. MANN. Certainly. The Chair asked if there was objection, and I objected. Nobody can prevent that.

The CHAIRMAN. The Chair asked if there was objection. The gentleman from Illinois started to rise, but upon seeing the gentleman from Connecticut rise the gentleman from Illinois did not rise. If, however, the gentleman from Illinois states that he did, and that he then made the objection the Chair will sustain him.

Mr. MANN. I rose to make the objection.

The CHAIRMAN. The Chair did not hear the gentleman from Illinois.

Mr. MANN. I rose to make an objection.

The CHAIRMAN. But did the gentleman make it?

Mr. MANN. I did make it.

Mr. HEFLIN. But he was not standing when he did make it.

Mr. MADDEN. Regular order, Mr. Chairman.

The CHAIRMAN. Did the gentleman from Illinois rise, address the Chair, receive recognition, and then make the objection?

Mr. MANN. It does not require recognition to make objection. The Chair asked if there was objection, and I objected.

The CHAIRMAN. The Chair is of the opinion that a gentleman on the floor is not entitled to say anything until he has been recognized.

Mr. CARTER. The gentleman from Illinois [Mr. MADDEN] has demanded the regular order, and when that is demanded, either some one must object or there is no objection.

Mr. MADDEN. I demand the regular order, Mr. Chairman.

Mr. HEFLIN. Mr. Chairman——

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. If the gentleman from Illinois [Mr. MANN] succeeds in taking the gentleman from Connecticut off his feet, this will be the parliamentary situation: The question is asked, Is there objection? A gentleman rises, receives recognition, and, reserving the right to object, proceeds to express some views to the House. He has the floor. The gentleman from Illinois [Mr. MANN], sitting in his seat, says, "I object," and takes the gentleman off his feet. The Chair did not recognize him for that purpose. He was not on his feet when he said "I object," and the gentleman from Connecticut had the floor and had the right to object. He might have made an objection at the conclusion of his explanation to the House or obtained the information that he desired.

Mr. MADDEN. Regular order, Mr. Chairman.

Mr. MANN rose.

The CHAIRMAN. Does the gentleman from Illinois make a parliamentary inquiry?

Mr. MANN. I have not made a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] demands the regular order.

Mr. MANN. I make the point of order, and ask the Chair to rule upon it. I am quite willing that the Chair shall rule that when a gentleman rises and reserves the right to object he shall have the rest of the day if he wants it, because it will come very handy to me if the Chair makes that ruling.

The CHAIRMAN. The regular order is demanded, and the Chair is of the opinion that that takes the gentleman from Connecticut off his feet.

Mr. DONOVAN. I did not hear the statement of the Chair.

The CHAIRMAN. The Chair is of the opinion that the demand for the regular order takes the gentleman from Connecticut off his feet.

Mr. DONOVAN. There is no doubt about that, Mr. Chairman. May I ask who demanded the regular order?

Mr. MADDEN. I demanded the regular order.

Mr. DONOVAN. He had done it at that time, had he?

The CHAIRMAN. The gentleman from Illinois demanded the regular order. The regular order is, Is there objection?

Mr. DONOVAN. I think that is correct.

Mr. STAFFORD. I object.

Mr. MADDEN. I object.

The CHAIRMAN. Objection is made by the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Illinois [Mr. MADDEN]. The Clerk will report the next bill.

AMANDA HONERT.

The next business in order on the Private Calendar was the bill (H. R. 1089) for the relief of Amanda Honert.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Amanda Honert, now of New Buffalo, Mich., the sum of $500, for the destruction, on February 23, 1911, of her wearing apparel and other personal property of the value of $500 by a fire which destroyed a building at the Cheyenne and Arapahoe Indian School, at Caddo Springs, Okla., then being used as a pesthouse for Indian smallpox patients, where said Amanda Honert was then employed as a nurse; and that the said sum of $500 is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated.

The CHAIRMAN. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, I wish to compliment the very able——

Mr. MADDEN. I demand the regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. Is there objection?

Mr. MADDEN. I object.

Mr. HAMILTON of Michigan. Mr. Chairman, I ask the gentleman from Illinois to withhold his objection.

Mr. GORDON. Regular order!

Mr. HAMILTON of Michigan. Mr. Chairman, the gentleman from Illinois states that he is willing to withhold his objection for a moment.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] objected. The Clerk will report the next bill.

Mr. HAMILTON of Michigan. The gentleman says that he will withhold his objection.

The CHAIRMAN. The Chair did not hear it.

Mr. HAMILTON of Michigan. The gentleman stated that he would withhold his objection before the Chair directed the Clerk to read the next bill.

The CHAIRMAN. The Chair is quite positive that the Chair had ordered the Clerk to report the next bill before the gentleman himself arose to state for the gentleman from Illinois that the gentleman from Illinois had withdrawn his objection.

Mr. POU. The gentleman from Michigan [Mr. HAMILTON] wishes to make a short explanation of the bill. I ask unanimous consent that we may return to the gentleman's bill and that the gentleman may have two minutes to make an explanation.

The CHAIRMAN. Is there objection to the request made by the gentleman from North Carolina?

Mr. DONOVAN. Reserving the right to object——

The CHAIRMAN. The gentleman from Connecticut reserves the right to object.

Mr. DONOVAN. I must compliment the gentleman from Illinois on his care of his flock. I must compliment his associates——

Mr. MADDEN. I demand the regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. Is there objection?

Mr. DONOVAN. Reserving the right to object——

The CHAIRMAN. The Chair is compelled to hold that the gentleman's second reservation of the right to object is not in order.

Mr. GARNER. It is equal to an objection, Mr. Chairman, in case he insists on reserving the right to object.

The CHAIRMAN. The gentleman from Texas will readily see that if the gentleman from Illinois continues to demand the regular order, and the gentleman from Connecticut continues to reserve the right to object indefinitely, there would be no end to it.

Mr. GARNER. What the gentleman from Texas intended to convey to the Chair was that if the gentleman from Connecticut insisted upon reserving the right to object, it was equivalent to an objection.

The CHAIRMAN. The Chair does not think so, because an insistence upon the regular order brings the question to an immediate determination. The gentleman from Illinois [Mr. MADDEN] objected——

Mr. MADDEN. I demanded the regular order——

The CHAIRMAN. And the Chair directed the Clerk to report the next bill.

Mr. HAMILTON of Michigan. That is not the status at this time.

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. HAMILTON of Michigan. I very respectfully suggest to the Chair that the Chair may be mistaken.

Mr. THOMPSON of Oklahoma. I object.

The CHAIRMAN. The Chair will hear the gentleman from Michigan. The Chair has not heard the gentleman yet in the confusion on the floor.

Mr. HAMILTON of Michigan. Am I recognized?

The CHAIRMAN. The gentleman is recognized.

Mr. HAMILTON of Michigan. The gentleman from North Carolina [Mr. POU], as I understand, asked unanimous consent to return to this particular bill, and thereupon the gentleman from Connecticut [Mr. DONOVAN] reserved the right to object.

The CHAIRMAN. If the gentleman will permit an interruption from the Chair just at this time, the Chair will say that the gentleman from Illinois [Mr. MADDEN] objected.

Mr. MADDEN. No; I demanded the regular order.

Mr. HAMILTON of Michigan. The gentleman demanded the regular order, which was the putting of the request of the gentleman from North Carolina [Mr. POU].

The CHAIRMAN. Perhaps the Chair misunderstood the gentleman. The regular order having been demanded, the question is, Is there objection to the request made by the gentleman from North Carolina that unanimous consent be given to return to the reading of the bill?

Mr. THOMPSON of Oklahoma. I object.

JOSEPH HUNTER.

The next business in order on the Private Calendar was the bill (H. R. 2344) granting a pension claim to Joseph Hunter.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph Hunter, late of Company F, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, out of any money in the Treasury not otherwise appropriated, the sum of $918.53, the same being the amount of pension due him, at the rate of $8 per month, from May 6, 1879, to January 8, 1889, he having been dropped from the pension roll on the first-named date and restored thereto on the last-named date, and not having received any pension during the said interval.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Chairman, as I understand, this bill is to pay some back pension prior to the allowance of a pension by the Pension Office. Is it the intention of the Committee on Claims, where a man gets a pension either by special bill or in the regular way, to report a bill to pay a pension on the same basis back of the time when his pension is allowed? I suppose that would take several billion dollars out of the Treasury if it was a general law.

Mr. POU. This man's name was stricken from the roll and it was afterwards restored.

Mr. MANN. It was stricken from the rolls on the ground that he was not entitled to it.

Mr. POU. It proved that a mistake had been made in the first instance in striking the name from the roll. The bill was referred to the Pension Committee and that committee was discharged from the further consideration of the bill and it was referred to the Claims Committee.

Mr. MANN. Here is a case where a man filed an application and got it allowed for a small amount. Upon reexamination the Pension Office struck his name from the roll on the ground that he was not entitled to the pension. Subsequently, as time went on and his disability increased, he filed a new application and got it allowed by a special act of Congress. Thereupon the Claims Committee—the Pension Committee has always refused to antedate a pension—the Claims Committee reports a bill to allow him a pension prior to the time that Congress gave him a special act and during the time the Pension Office had said that he was not entitled to the pension. I suppose every pensioner in the land has a claim for back pension prior to the time of the allowance of his pension, if you allow this. At any rate, I think it ought to be considered when we can have some discussion of it, which is probably not practicable at this time.

Mr. DICKINSON. Mr. Chairman, I have no desire to interrupt the gentleman from Illinois, Mr. MANN, but I would like to make some suggestions in behalf of this claimant before any objection is made to shut it out. This is a bill introduced by the gentleman from Illinois, Mr. GRAHAM, in behalf of Joseph Hunter, who was a resident of his district.

Joseph Hunter has since moved into the district which I have the honor to represent, and is a resident of my home city. I know Dr. Joseph Hunter. He is a man now nearly 80 years of age, almost blind. He has no income other than the small pension that he is now receiving. In order to make out a subsistence I recall the fact that Dr. Joseph Hunter, an old man, was temporarily employed at a railroad crossing adjacent to my law office. I used to look out in the wintertime through the window of my law office, adjacent to the railroad, and see him with a flag in his hand stopping conveyances, in order to avoid accidents as railway trains passed. This old man had my sympathy and he had the sympathy of everybody in that community.

I have in my hand letters by prominent citizens of my home city, who have written me in behalf of Dr. Hunter, urging that this claim be pressed upon Congress for allowance. It had been disclosed to them that it might make a precedent, but the letters from our circuit judge and other prominent citizens, which I will ask to incorporate with my remarks in the RECORD, have urged that there can be no objection on the part of precedent to do an absolute justice to this old man.

At one time he drew a small pension, and then the pension was wrongfully shut off. The pension was afterwards restored. The bill is in the nature of a claim to give him less than $1,000, at the rate of $8 a month, covering the period between the time his pension was stopped and the time when it was renewed.

The technical objection is that the original claim for the pension came under the general law and that his present pension came through a private pension bill. It seems to me to be purely technical. My predecessor, Judge De Armond, introduced a bill in behalf of Dr. Hunter to recover this amount. Mr. GRAHAM of Illinois, in whose district he lived, introduced a bill in his behalf. Three times favorable reports have been made in behalf of this claim for this man in different forms. The claim has absolute merit and, in my judgment, no technical objection ought to be raised against it.

Joseph Hunter lived in Medora, Ill., and enlisted as a private soldier in Company F, One hundred and twenty-sixth Volunteer Infantry. He was honorably discharged at Little Rock, Ark., while in the line of duty, and was ordered to Memphis, Tenn., to receive his pay, amounting to $425. He reported to the paymaster at Memphis, who refused to pay him on account of some technicality in his discharge papers. Four years later he was ordered to St. Louis, where he received the pay due him. Thirteen years after the close of the war he applied for and was

granted a pension at the rate of $8 a month. Two years later charges were preferred against him on the ground that he was not entitled to receive a pension. He was dropped from the rolls, and afterwards he was restored, as he was entitled to be restored, and is still drawing a small pension. During the period between the time that he was dropped from the rolls and the time when he was restored he was entitled to this pension. The objection to his being allowed money for this claim when he should have received it in my judgment is purely technical. This old man is worthy, and I want here to present the judgment and opinion of a distinguished citizen, who is a circuit judge in my town and county, with respect to this claim. The letter is written to me and is as follows:

CLINTON, MO., *July 20, 1912.*

Hon. C. C. DICKINSON,
*Washington, D. C.*

DEAR SIR: Dr. Joseph Hunter has returned to Clinton with a view to having his eyes treated. He is partially blind, and it is hoped that by proper treatment he may regain his sight. He is very much interested in his bill to restore to him the amount of pension he was deprived of by being dropped from the roll unjustly. He informs me that the bill is in the hands of a special committee, of which you are chairman. It seems that Congress when it restored him to pension roll found that he had been unjustly dropped therefrom. Such being the case, it would seem that he ought to be allowed the amount he would have received during the time he was dropped. He says that the only thing in the way is the fear of establishing a precedent. If the claim is just, and it seems that Congress so found, then such a precedent can do no harm. He suggests that if there is doubt in the minds of the committee, that it would be well to have him appear and make a statement. I have no doubt but what you will do your best to obtain justice for Dr. Hunter. He and his friends will greatly appreciate your efforts in his behalf.

Very truly, yours,
C. A. CALVIRD.

I also submit a letter of a prominent lawyer and citizen of my home city—of Clinton.

CLINTON, MO., *July 17, 1912.*

Hon. C. C. DICKINSON,
*Washington, D. C.*

MY DEAR DICKINSON: Dr. Joseph Hunter was in my office this morning to see me. He has recently come out to Missouri on account of the condition of his eyes, and he is now having them treated. My friend Dr. Hunter is, I am afraid, nearly blind, and sincerely hope he will recover his vision.

I find in talking with Dr. Hunter that he understands his claim is now in the hands of a special committee. He tells me he is advised that Speaker CLARK placed his claim in the hands of a special subcommittee consisting of yourself as chairman and two others. He did not give me the names of the other members of the committee. In the event his information is correct I hope you can take the matter up for him and secure as prompt action in the way of relief as can be done.

He tells me the regular committee is afraid of making a precedent in allowing his claim. From the history of this matter I am of the opinion Dr. Hunter's name was taken off the pension roll by reason of the fact he was an active, outspoken Democrat and not by reason of the fact he was not entitled to his pension. The former action of the House and the report of the committee when his name was restored to the pension roll show that the evidence did not justify the dropping of his name from the pension roll, and it seems with this finding of facts it follows, then, he was unjustly dropped from the roll and unjustly deprived of his pension during the time his name was dropped from the pension roll.

If he was unjustly deprived of his pension, he ought to have all that he was thus deprived of unjustly, and such precedent could never wrong anyone. It could only be used in favor of those whose names were unjustly dropped from the pension roll, and the precedent then would only result in doing justice to those concerned. Such precedent could not inure to the benefit of those whose names were properly dropped from the pension roll.

These are my individual views submitted to you for your consideration. I feel sure you will be glad to do all you can for Dr. Hunter. He gave me the name of his Congressman in his district, but for the time being I have forgotten the name. I can obtain it and write you again. As ever,

Yours,
PEYTON A. PARKS.

Congressman JAMES M. GRAHAM, of Illinois, is from the doctor's district.

This bill was reported at one time by me as chairman of a subcommittee of the general Private Claims Committee, of which Mr. POU, of North Carolina, was chairman, when I was a member of that committee. Dr. Hunter is the same man for whom Judge De Armond, my distinguished predecessor in Congress, known to many Members, introduced a bill, the same man in whose behalf Mr. GRAHAM of Illinois introduced a bill, and for whom I made a favorable report as chairman of a subcommittee of said Claims Committee.

The bill reads as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph Hunter, late of Company F, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, out of any money in the Treasury not otherwise appropriated, the sum of $918.53, the same being the amount of pension due him, at the rate of $8 per month, from May 6, 1879, to January 8, 1889, he having been dropped from the pension roll on the first-named date and restored thereto on the last-named date, and not having received any pension during the said interval.

These letters written to me evidence the sympathy of the community for him, and they can not understand why it is that this old man, nearly 80 years of age, who faithfully served his country, and who is now nearly blind, a man with nothing but a small pension, who stood there in the cold of winter, seen by these people, with a flag in his hand protecting passengers from injury along the railroad track, should not be allowed this claim, and why the claim should not receive the most careful consideration at the hands of this body. Their hearts went out in sympathy for the old man, and the judgment of all familiar with his case favored the allowance of this just claim. Distinguished Members of Congress have repeatedly introduced bills in his behalf, and three distinct reports have come from the Committee on Claims stating that this claim ought to be allowed.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield for a question.

Mr. CLINE. I just want to ask one question. Was the petitioner dropped from the rolls as the result of a special examination at the time he was dropped?

Mr. DICKINSON. There is a long history in regard to that.

Mr. CLINE. Did the Pension Department send out a special examiner to investigate the case before he was dropped from the rolls?

Mr. DICKINSON. I do not want to speak positively about that. It has a long history. It has been said that prejudice is the reason why he was dropped. He was a great partisan, though I do not believe that that ought to be brought into the matter. The fact is that he was dropped, he ought not to have been dropped, and by the action of Congress he has been restored by a special bill.

Mr. CLINE. Did he make an effort to get restored?

Mr. DICKINSON. Time and again he has come to Congress in behalf of his claim.

A part of the last committee report, as made by Mr. POU, chairman of the Committee on Claims, reads as follows:

The bill, as introduced, was passed on the above recommendation of the committee, which was to "restore" the pensioner to the rolls. The bill, as introduced, did not provide that the soldier should be allowed pay for the time he had been dropped from the rolls, but it was supposed that a restoration would carry with it the payment of the pension while he had been deprived of it. This the department has refused to do.

The soldier asks pay for the time he was suspended or dropped from the rolls, on the ground that if the department had no right to drop his name they have no right to deprive him of the nine years or more of pay which he would have drawn had the action not been taken. If, after the congressional committee made a thorough investigation and recommended his restoration to the rolls and on their recommendation he was restored as a pensioner, this statement of fact should be proof conclusive of the pensioner's claim that he should be paid for the time he was deprived of his pension. The soldier is now approaching his seventy-fifth year and is receiving a pension under the service act allowed by law, but insists that he should be paid for the time he was not permitted to draw pay under the original pension.

Now, upon the question of its being a precedent, and responding to the suggestion of the gentleman from Illinois, I want to say this: That during the time that this case was before the Committee on Claims a similar case was introduced by the gentleman from Iowa [Mr. GREEN] in behalf of the heirs of a certain deceased soldier. The gentleman from Illinois [Mr. MANN] made an objection to that bill, and then said, as I remember it, that if the man were living he would not make the objection. That claim afterwards came up on the regular call, and no objection was made and it went through the House. After that I called up in the committee the claim of Dr. Hunter, who was living, and it was favorably reported. It is not a claim in behalf of his heirs, but in his own behalf, and I thought then that under the statement made by the distinguished gentleman from Illinois there could be no reason why the claim of Dr. Hunter should not go through. I will put into the RECORD the name of that other case to which I refer, because I do not exactly recall it now. It was, as I recall, a claim in behalf of the heirs of Antonio Sousa. It seemed to me that if the other case went through the case of Dr. Hunter ought to go through. I know there is a claim about the danger of precedents, but these matters are always in the power of the House, and we are not bound by precedent unless Congress sees fit to invoke it. The justice of a claim and not mere precedent should control, and I press upon the membership of this committee that this old man, now on the very verge almost of the grave, walking through the streets of my town almost blind, with the sympathy of prominent men and of the people of that community familiar with the facts of his case, should have his claim allowed. These men can not understand why this old man who was deprived for a number of years of $8 a month, aggregating less than $1,000, should not be allowed this claim. He was entitled to it in the first instance, and if he was so entitled to it in the first instance and was dropped from the pension rolls by no fault of his own and afterwards restored, his claim for the time he was dropped from the rolls should be allowed. I do hope that no objection will be raised against it, and that this claim will be allowed.

Mr. MANN. Mr. Chairman, just a moment. The claimant in this case enlisted for three years in the war. He served for

one year only, probably for some good reason, I do not know what it was. In 1877, in April, he had a pension allowed to him on account of cancer of the stomach. I can see my friend from Illinois, Dr. FOSTER, when I make the statement that he was given a pension for cancer of the stomach in 1877 and is still doing business.

Mr. DICKINSON. I hope the gentleman will not put that smile in the RECORD.

Mr. MANN. In April, 1877, he was allowed a pension. In May, 1879, the Pension Office, for some reason, reconsidered his case, and stated that he was not entitled to a pension, and so far as the law stood he was not entitled to a pension. He did not get a pension under the law. But he secured a special act of Congress granting him a pension later. Well, now, he was like anybody else who gets a special act of Congress, absolutely no distinction between his case and another, except that for two years he had been drawing a pension to which he was not entitled. He was that much ahead of the game. We pass every year hundreds of special bills. Why, I have been appealed to, and I suppose every other northern Member of the House has been appealed to, time and time again to have a special bill relate back, and I have always said, as other Members are required to say, that it is the invariable rule of the Congress that it never passes a special pension bill and makes the pension date back of the passage of the act, because if we did, of course you would date them all back practically to the time the man came out of the Army. Now, the gentleman refers to the Iowa case. I do not remember anything whatever about it. The gentleman has the advantage of me, but I will undertake to say that I have never expressed in any way, shape, or manner any proposition in favor of allowing a back pension, either in the Iowa case or any other. But the gentleman admits that the two cases are not alike and then seeks to hang this case on the Iowa case as a precedent. Now, if he can do that, then you could not but hang all the rest of these special pension cases on this case as a precedent.

Mr. DICKINSON. Will the gentleman yield?

Mr. MANN. Certainly I will yield.

Mr. DICKINSON. Mr. Chairman, I desire to furnish the information. The claim in that case was the heirs of Antonio Sousa.

Mr. MANN. Giving the name does not help me any.

Mr. DICKINSON. I understand, but I am giving it because I want to refer to it for a moment. Objection was made in the first instance that it was on behalf of the heirs of Antonio Sousa, he being dead, but if he were living there would be no objection. It afterwards passed the House and went to the Senate——

Mr. MANN. I undertake to say without recalling anything at all about the case, that if I made such a statement it was a very different case from this one. I would be willing for the whole record to be shown. No Member of this House could defend himself for a moment for not having all of the pension bills date back 5, 10, 20, 30, or 40 years if he lets this bill pass by unanimous consent, so I can not do it.

Mr. GOULDEN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GOULDEN. What is this gentleman getting now, what is his present pension under the special bill, and when was that special bill passed?

Mr. MANN. That special bill was passed in the Fiftieth Congress.

Mr. GOULDEN. In what Congress?

Mr. MANN. In the Fiftieth.

Mr. GOULDEN. What is the amount of the pension now paid him?

Mr. DICKINSON. I will read it. The bill is granting a pension claim to Joseph Hunter in the sum of $918.53, the same being the amount of pension——

Mr. MANN. That is not what the gentleman is referring to.

Mr. GOULDEN. I desire to know what is the amount of pension paid now under the special bill passed by Congress.

Mr. DICKINSON. I think it is $8; I may be wrong about that, but it is a very small amount.

Mr. MANN. I think it was originally at $8 under the special bill, but I believe it was increased by a general act to not less than $12, $15, or $20.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to extend my remarks, and also to include in them certain portions of the report and certain letters in reference to it.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

FRED A. EMERSON.

The next business in order on the Private Calendar was the bill (H. R. 4630) for the relief of Fred A. Emerson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Fred A. Emerson, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, as compensation for the loss of his left foot through no negligence on his part while being employed in the Watertown Arsenal, at Watertown, Mass., in December, 1900.

The committee amendment was read, as follows:

Page 1, line 6, strike out "$5,000" and insert "$1,500."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT T. LEGGE.

The next business in order on the Private Calendar was the bill (H. R. 1513) for the relief of Robert T. Legge.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

P. J. CARLIN CONSTRUCTION CO.

The next business in order on the Private Calendar was the bill (H. R. 11772) for the relief of the P. J. Carlin Construction Co.

The bill was read.

Mr. POU. Mr. Chairman, I am advised that there will be objection to this claim, and I ask unanimous consent to pass it over without prejudice.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to pass this bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. POU. I also make the request of Calendar No. 256.

Mr. MANN. Wait until we reach it.

FRANK PAYNE SELBY.

The next business in order on the Private Calendar was the bill (H. R. 6879) for the relief of Frank Payne Selby.

The title of the bill was read.

Mr. POU. Mr. Chairman, I ask unanimous consent that this bill be passed over without prejudice.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

RITTENHOUSE MOORE.

The next business in order on the Private Calendar was the bill (H. R. 6196) for the relief of Rittenhouse Moore.

The bill and the committee amendments were read.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will report the next bill.

UNITED STATES DRAINAGE & IRRIGATION CO.

The next business in order on the Private Calendar was the bill (H. R. 16033) for the relief of the United States Drainage & Irrigation Co.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the United States Drainage & Irrigation Co., a corporation existing under the laws of the State of New York, out of any money in the Treasury not otherwise appropriated, the sum of $9,498.43, which sum is hereby appropriated, the same being for additional work performed by said United States Drainage & Irrigation Co., under its certain contract with the War Department, dated December 15, 1911, for jetty work at the mouth of Broadkill River, Del.

Also the following committee amendment was read:

In line 8, after the word "being," insert the words "in full."

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to have the gentleman make a statement.

Mr. BROCKSON. Mr. Chairman, this case arose from a contract to reinforce the jetty at the mouth of Broadkill River, Del. The contract price was $6,679.15. The time required or specified in the contract within which the work should be completed was three months. The mouth of this river is in the lower part of Delaware, near Lewes, in a flat country, where but very few stones are found. This jetty had lowered several feet. The contractor agreed to raise the jetty up to the required height and to reinforce this jetty by driving sheet piling at the side of the jetty. The specifications notified the contractor that there was some stone to be removed in order to drive the piling. After the work was commenced it was soon discovered that there was a very much larger quantity of stone there than was anticipated either by the contractor or by the

Government. At the side of this jetty was round piling. These piles stood about 12 inches apart. It was assumed by the bidders, and assumed by the Government, apparently, that the stone to be removed were such stone as had fallen through the small spaces in the round piling. I will now read from the statement of the company to show what difficulties were found:

We were compelled to remove approximately 600 tons of stone, some of quite large size, in order to drive the sheet piling in the manner called for, which work could only be accomplished by means of divers from day to day as the piling was driven. The use of an orange-peel bucket or other dredging or more rapid method was not allowed, as same would probably have caused the jetty to go adrift. The stone thus removed is in evidence, piled up alongside of the jetty, some of it appearing above the surface at low tide. When it is understood that a large part of it was embedded in mud and sand, in some places to a depth of 4 or 5 feet, the difficulty of removing it will be apparent. We employed for the purpose a powerful steam-forced water jet for washing a hole to the stone, but even with this the diver was often almost engulfed, particularly where sand was encountered. Several of our divers gave it up.

Mr. MANN. I am satisfied, so far as I am concerned, with the gentleman's lucid explanation.

The CHAIRMAN. Is there objection?

Mr. CULLOP. I object.

Mr. BROCKSON. Will the gentleman reserve his objection?

Mr. CULLOP. Yes; I will reserve the objection.

Mr. BROCKSON. As an indication of the opinion of another contractor regarding the quantity and practicability of removing the stone, it appears in the report that another company offered to remove all stone interfering with driving the piling for $370.

On page 17 of the report you will find that the actual expenses of this contracting company were $18,706.82. The contract price was $6,679.15. The Government deducted from that amount $1,009.39 for inspection and supervision, making the net amount received from the United States Government by this contracting company $5,669.76, leaving a total loss of $13,037.06 to this company.

In the first instance, these contractors would have been far better off if they had forfeited their contract and paid the amount of damages specified in the bond when they found these tons of stone there to be removed. But at the suggestion of some official of the Government, as appears from the report, they continued with the work, and they continued in a way that was satisfactory to the Government. They could have used powerful pile drivers with steel points and crushed a way through this stone, or they could have blasted some of the stone and then grappled the pieces up in a much quicker way, but in order that they might retain their reputation for doing good work, and work that would be satisfactory to the Government, they followed the instructions of the Government and used divers, uncovered these stones, and lifted them up one at a time. After the work had been done they took the matter up with the Government officials.

The Government had its local engineer, R. R. Raymond, major, Corps of Engineers, to go over every item carefully, and got his opinion as to how much money should be allowed to this company. You will find on page 19, of the report, that Maj. Raymond makes this statement:

15. The complicated nature of a problem of this kind makes it difficult to state exactly how much of the contractor's expense was due to any specified cause. All of his loss can not be ascribed to unforeseen conditions. Based upon the best data available, my opinion is that his claim is a just one, not for the full amount stated by the public accountant, but for a lesser amount estimated by me above as $9,498.43. This sum is actually greater than the original contract price, due to the fact that the unforeseen difficulties encountered made a very difficult job of one that was expected to be very simple and easy.

Now, following that on page 8, we find that Edward Burr, colonel, Corps of Engineers, and Acting Chief of Engineers, submitted to the Secretary of War an estimate to have this amount allowed. It reads as follows:

A deficiency estimate for $9,498.43 is submitted herewith in conformity with instructions of the Assistant Secretary of War dated December 22, 1913, with recommendation for submission to Congress.

This matter was taken up first with the local engineer, and then with the War Department. After full and careful consideration the War Department concluded that this company should be allowed this $9,498.43, the exact amount for which the bill is drawn. They prepared an estimate to be put in the urgent deficiency bill, as I have stated. Afterwards, upon looking into the law, doubt arose as to the right to have the claim paid in that way, and it was suggested to these men that they come to Congress with a special bill.

This work was done with this extraordinary obstruction and condition, at an actual expense of $18,706.82—and I will say in passing this means a great deal to this small company—and the company completed this work in a way satisfactory to the Government. The officials of the War Department upon investigation concluded that a part of that loss should be borne by this company; but the War Department further concluded that this Government should reimburse that company to the extent of $9,498.43.

I submit, gentlemen, this is a meritorious claim, and I hope there will be no objection to its passage. It would be a great hardship for these men to lose all of this money. These men acted in good faith with the Government, knowing after they had worked about a week that they were losing money, but went on and completed the work, not in a way that would be less expensive to the company, but in a way directed by the Government; if under these circumstances this Government rejects this claim, it will be another incident that shows why it is that, when the Government calls for a contract, that bidders bid so much higher than is usual elsewhere. If the Government in cases like this, where it has actually induced the contractors to go on and complete the contract at a great loss, will not make good such loss, it will be another case that will encourage or, in fact, cause bidders for other contracts to make high bids to guard against such a case as this.

The CHAIRMAN. The question is, Is there objection to the present consideration of the bill?

Mr. CULLOP. Mr. Chairman, I sympathize fully with the contractors, and certainly commend the ability with which the gentleman from Delaware [Mr. BROCKSON] has presented this claim.

When this claim was up before, I objected to it then. I desire to call attention now to provision 8 of the contract under which they did this work.

Mr. BROCKSON. On what page?

Mr. CULLOP. On page 7. I read:

No claim whatever shall at any time be made upon the United States by the contractor for or on account of any extra work or material performed or furnished, or alleged to have been performed or furnished under or by virtue of this contract, and not expressly bargained for and specifically included therein, unless such extra work or materials shall have been expressly required in writing by the contracting officer, the prices and quantities thereof having been first agreed upon by the contracting parties and approved by the Chief of Engineers.

Now, Mr. Chairman, there was an express provision in the contract which the contractors made, to the effect that they would not present any claim for extra work; and yet within a very short time after having deliberately entered into this contract, and made it in competition with other bidders, because they feel that they made it for too low a price, in the face of the express provision in the contract, they come and ask to be reimbursed. They are in this matter doing exactly what they agreed not to do.

Now, if this contract had been executed for a much less price than they calculated when they took the contract, and their profit had been enormously larger than they calculated it would be, does any man suppose that they would have returned to the Government the excess of profit which they approximated would be earned in that contract? Certainly not. It would have gone as a part of the profits of the business, and they would have considered it effrontery on the part of any individual who would assume that they made too great a profit on the contract and should for that reason remit a part of it back to the Government.

Mr. BROCKSON. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Delaware?

Mr. CULLOP. Certainly.

Mr. BROCKSON. Has the gentleman noticed that the Government admits the condition under the water was entirely different from what the Government expected or from what anybody else had reason to contemplate?

Mr. CULLOP. I notice that they have said that, and that is not any credit to the Government officer who makes that statement. If he was superintending that work, letting the contract for the Government, I should think such a confession as he has made in that statement is a very embarrassing one, indeed. It was the duty of the contractor to examine and ascertain for himself what the conditions were, and it is our duty to suppose that he did that.

Now, if there was a court to which these claimants could go with their claim, in the face of the contract that they entered into under which this work was done, they would have no standing whatever. Now, they come to Congress and say: "We could not recover in a court if there were one to which we could go and sue, but still we ask the Congress of the United States, notwithstanding our mistake in judgment in entering into this contract, to reimburse us for a matter for which we have no legal claim and no standing whatever in any court to recover." So, Mr. Chairman, I object.

XUM

Mr. BROCKSON. Will not the gentleman reserve his objection for just a moment?

Mr. CULLOP. I will reserve it if the gentleman wants to ask me a question.

Mr. BROCKSON. I was interrupted by the rising of the committee temporarily. There was one more paragraph in the report containing another statement that I desired to read, and I call the gentleman's attention to it. That is the statement of the Secretary of War.

This matter started with Maj. Raymond, in the local district. This extra work which the Government found to be necessary was done by the direction of the Government. The matter was taken up with different officers and was submitted to the Secretary of War, and here is what the Secretary of War says:

Mr. CULLOP. I want to read paragraph 3 of what he says.

Mr. BROCKSON. In sections 3 and 4 he says:

3. The work was in no proper sense extra work ordered by the contracting officer, as the contract required the contractor to furnish all plant, appliances, material, and labor, and reinforce the jetty at the rate of $9.87 per linear foot, and furnish and place filling stone at the rate of $4 per ton. The contracting officer could not have relieved the contractor of his undertaking when it was found to be more difficult than expected, nor was there any way by which the contractor could be paid except as stipulated in the contract.

4. Since, however, the work was necessary, since it would have cost much more had actual conditions been known, and since, had the contractor defaulted, such portion as he would have left undone would have been completed at increased cost, and since the contractor persisted to the completion, with no hope of obtaining relief from the large loss except as an equitable claim the claim in the amount designated in the bill is regarded as meritorious and favorable action is recommended.

Very respectfully,

LINDLEY M. GARRISON,
*Secretary of War.*

Mr. CULLOP. Yes; and after he had said that——

Mr. BROCKSON. Let me ask the gentleman one question right there. The gentleman admits that they lost this $9,000, does he not?

Mr. CULLOP. I admit that they report that it cost them that much more to do the work than the contract price.

Mr. BROCKSON. No; it cost them over $13,000 more.

Mr. CULLOP. The Secretary of War is mistaken in his conclusion. They gave a bond for the faithful performance of this work; and if the Government had gone on and done the work after they had abandoned their contract, the Government would have had a right to do it and be reimbursed, and there was no escape from it.

Mr. BROCKSON. If the gentleman will permit me to interrupt him right there, the Secretary states that it would have been an additional cost to the Government if they had defaulted.

Mr. CULLOP. In that the Secretary is mistaken, because here is the bond. If the bond was responsible, legally and financially, the Government could have gone on and done the work and collected on the bond, and there would have been no loss whatever to the Government; but the Secretary of War neglects to incorporate that proposition in his statement, and that belongs to it.

Mr. BROCKSON. It is hardly probable that the bond was more than $10,000, or double the amount of the contract, and the actual cost of this work was over $13,000.

Mr. CULLOP. There was a provision in the bond for the faithful completion of the contract, and that was the binding clause of it, and if the Government officials had done their duty there was no way by which the Government could sustain one cent of loss if they had thrown up their contract unless the bond was financially irresponsible.

Again, I may call the attention of the committee to paragraph 8 of the contract under which this work was done, which provides that if changes are made the same must be reduced to writing as a part of the contract with specifications, costs, and so on. They could, when they found they had been mistaken, have then secured an alteration of the contract, but neglected to do so. That was the time to have secured relief, and they failed to take advantage of their opportunity. I can see no reason why we should allow it now. There seems to me no excuse for such a procedure under the existing circumstances. So, Mr. Chairman, I object.

The CHAIRMAN. Objection is made by the gentleman from Indiana, and the Clerk will report the next bill.

COLONIAL REALTY CO.

The next business in order on the Private Calendar was the bill (H. R. 13569) providing for the refund to the Colonial Realty Co. certain corporation tax paid in excess.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Colonial Realty Co., of the city of Philadelphia, State of Pennsylvania, the sum of $409.03, being the amount of excess corporation tax paid by said company.

The CHAIRMAN. Is there objection?

Mr. CULLOP. Reserving the right to object, I should like to have the chairman of the committee explain what the liability in this bill is.

Mr. POU. I will ask the gentleman from Pennsylvania [Mr. EDMONDS], who reported the bill, to make a statement concerning it.

Mr. EDMONDS. Mr. Chairman, this bill is for a refund of $409.03 of a special excise tax paid by the Colonial Realty Co. in excess of what they should have paid. It appears that there was a doubt about their continuing in business, and they paid the full sum, with the agreement that the difference was to be returned to them. They asked the collector of internal revenue in Philadelphia to make an investigation and find out how much they were to be paid back, and he started the investigation, but did not finish it until after it was too late for the Government to return the money. Had this investigation been finished and the sum determined on in time, the Government would have returned the money out of current funds; but owing to the fact that the investigation was not finished until after the time limit they had to apply to Congress for the money.

Mr. CULLOP. Why did not they go to the Court of Claims in this matter?

Mr. EDMONDS. I really can not answer the gentleman, because I do not know.

Mr. CULLOP. That would have been the proper place to go.

Mr. MANN. If the gentleman will pardon me, the explanation given why they did not go to the Court of Claims is because they asked the auditors of the department to ascertain the amount. Those auditors went to work in July of one year, and then suspended operations and did not finish until February of the next year, just after it was too late to make the refund. There was no need to go to the Court of Claims if the auditors had reported in time.

Mr. CULLOP. I see in the report this statement:

The papers and facts in this case show that the Colonial Realty Co. was not remiss in filing their claim for a refund as the correspondence with the Treasury Department would indicate, and that therefore the question of laches can not be raised by the department as in most of the claims for refund that are presented to the committee for consideration.

Who, if anyone, is to blame for their not going to the Court of Claims in order to have the facts found in the case, so that it could be certified to Congress?

Mr. EDMONDS. The gentleman from Indiana must remember that there is no dispute as to the amount. The Court of Claims could only find the amount due. The Treasurer ordered a refund to these people, but the auditor refused to pay it, because the time limit had elapsed.

Mr. CULLOP. How did the mistake occur in which they paid too much tax?

Mr. EDMONDS. They were not sure as to how long a time they expected to stay in business. The building was torn down, and they retired from business.

Mr. CULLOP. They paid the tax and then voluntarily retired from business before the time expired which the tax covered. That was voluntary on their part.

Mr. EDMONDS. No; it was an agreement between them and the collector.

Mr. CULLOP. What right had the collector to make any contract or agreement of that kind? He is the man to look to for reimbursement. If he made a contract of that kind he ought to make it good. It was not within the discharge of his duties to make a contract in that way in reference to the collection of revenue.

Mr. EDMONDS. It was not a contract, it was simply an agreement.

Mr. CULLOP. I think, Mr. Chairman, that the claimant ought to go to him and make him reimburse, and I object.

GEORGE H. GRACE.

The next business in order on the Private Calendar was the bill (H. R. 1352) for the relief of George H. Grace.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of George H. Grace, postmaster at Lead, S. Dak., in the sum of $2,582.95, paid to the United States on account of money-order funds embezzled by Raymond L. Shea, late money-order clerk in the post office at Lead, S. Dak.; and the sum of $2,582.95 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the payment of this claim.

The following committee amendments were read:

Amend by striking out the figure "$2,582.95," in the fifth and ninth lines, and inserting in lieu thereof the figures "$2,718.95."

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Chairman, I notice from the letter of the present Postmaster General that he does not consider this an equitable claim. I have read his letter, but I have not read the whole of the report, which consists of many pages. I think some explanation should be given to overcome the presumption raised by the criticism of the Postmaster General that this is not a meritorious claim.

Mr. DILLON. Mr. Chairman, I will say to the gentleman that this claim may present an innovation and a unique question. Raymond L. Shea was appointed a clerk at the post office in Lead City, S. Dak. The postmaster at that time was named Walter McKay. Subsequent to that time the claimant, George H. Grace, became the postmaster. On February 5, 1912, Shea became a defaulter. He was an embezzler, was arrested, convicted, and sent to the penitentiary. A demand was made on Walter McKay for the amount that was embezzled during his term of office, and likewise a demand was made on George H. Grace for the default within his term of office. They paid the sums found due on these defaults.

The postmaster, George H. Grace, did not appoint Raymond L. Shea. The appointment was made under the civil service, and the United States Government, through the department required a bond to be given by Raymond L. Shea. He gave the bond. After the giving of the bond the inspectors investigated the office time and time again. They failed to discover any default. Raymond L. Shea was 32 years of age. Prior to his arrest he was considered the most model young man in the city of Lead. He had the confidence of the entire community. He was prominent in church and Sunday school circles, and had the confidence of the postmaster, and was regarded as an exemplary young man, possessing the confidence of everybody.

Mr. STAFFORD. Will the gentleman yield?

Mr. DILLON. Yes.

Mr. STAFFORD. In opposition to the position taken by the gentleman from South Dakota, that the inspectors failed to discover any irregularity, I wish to call attention to one statement made by the Postmaster General, which is an excerpt from a report of the inspector:

> We found the money-order records in a deplorable condition—statements delayed and not rendered consecutively, press copies illegible, erasures in press-copied statements, reports apparently deliberately falsified, especially the credit items, New York drafts issued and not charged, press copy of statement for February 28, 1911, omitted, applications faulty or missing, etc. * * *

I would like to have some explanation as to how the gentleman can support his statement.

Mr. DILLON. I will say to the gentleman that that was the final report made by the inspectors at the time of the arrest. Prior to this report and prior to the arrest and conviction of the clerk, various examinations were made, and they failed to discover any irregularities in the office. There was a change in the system some time in 1911 in reference to the keeping of the postal funds. After that there was no default in the postal-fund department. This postmaster relied upon his integrity and his honesty and had no knowledge of any defalcation.

The question is whether the Government shall lose the money or whether the postmaster shall lose it under these circumstances. The committee, after going over the matter thoroughly, concluded that under such circumstances, when the postmaster did not appoint the clerk, when he could not remove him, when he could not cancel his appointment, when he was put in by the Government and was under bond to the Government, which bond was wholly insufficient as a protection, that he ought not to stand the loss under such circumstances.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Still reserving the right to object, Mr. Chairman, the only question in my mind about this case is whether the postmaster was diligent in the performance of his work. The Postmaster General seems to think that he did not exercise that care that a postmaster should in scrutinizing the work of his subordinate.

Mr. DILLON. Will the gentleman yield at that point?

Mr. STAFFORD. Yes.

Mr. DILLON. Upon that point I would say that the inspector who had gone there on numerous occasions failed to discover any default. Mr. Grace trusted the clerk; he relied upon the inspector's reports; he was not in any manner negligent, and certainly he was not more negligent than the inspector of the Government.

Mr. BURKE of South Dakota. Mr. Chairman, my colleague has stated clearly what fully explains what the gentleman from Wisconsin mentions, that if this clerk deceived the postmaster he also deceived several inspectors, and it was after the defalcation and embezzlement had been discovered that the inspectors made an investigation and the report that the Postmaster General refers to.

Mr. STAFFORD. But at that time, according to that report, the books were in a very confused condition, which the postmaster or anybody could have detected, if there was irregularity.

Mr. BURKE of South Dakota. If that is true, as my colleague has so clearly stated, the regular inspectors did not discover it.

Mr. STAFFORD. But the inspectors made that report.

Mr. BURKE of South Dakota. But the gentleman does not distinguish between the report that was made after the shortage was discovered and the previous reports. For years before there had been frequent inspections of the office at different intervals and everything had been found to be satisfactory.

Mr. STAFFORD. But the gentleman from South Dakota does not distinguish between the condition where a clerk is performing his work satisactorily, and where the inspector makes an inspection and finds it entirely satisfactory, and the case where subsequently thereto, after a lapse of a long time, this clerk becomes a defaulter, and the books show by examination that he is a defaulter, and yet the postmaster fails to discover it by reason of his very confidence in the clerk.

Mr. BURKE of South Dakota. Mr. Chairman, I will say this to the gentleman, that in this particular case, and it is a very unusual one, the young man had been in the office for many years, a man of exceptionally high standing among the people who knew him. He had enjoyed the confidence of the postmaster as well as that of the former postmaster, and probably of the inspectors who knew of his long service in the office, and after it was discovered that he had embezzled money, special inspectors made an examination that went carefully over the books and records, and they then discovered the things to which the gentleman from Wisconsin refers. He had covered up his actions for a long period, and when it became known that he was a defaulter it was a surprise to everyone, so much so that for a long time there was a strong impression that the young man was innocent. The postmaster ought not, I submit, be held responsible under the circumstances.

Mr. STAFFORD. Mr. Chairman, I do not seek to charge up against a postmaster the malfeasance of a clerk, when the postmaster is not accountable for the clerk's defaults——

Mr. BURKE of South Dakota. Mr. Chairman, I wish the gentleman would yield a little further. I want to emphasize what my colleague suggested, that the department in this case required a bond of only $1,000. With the amount of money-order business that was transacted in this office, which was large, this clerk should have been required to give a much larger bond. The postmaster had no control over the matter whatever. The man was in the office when he went there, appointed through the civil service, and had given the bond required by the Post Office Department.

Mr. STAFFORD. Mr. Chairman, I think it is a case of misplaced confidence on the part of the postmaster in the clerk, who had been long in good standing, and I will give the benefit of the doubt to the postmaster and withdraw the objection.

Mr. GORDON. Mr. Chairman, I object.

Mr. FOSTER. Mr. Chairman, I also object.

The CHAIRMAN. The gentleman from Ohio objects.

Mr. POU. Mr. Chairman, I move that the committee do now rise and report the bills that have been laid aside with a favorable recommendation with the recommendation that they do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills on the Private Calendar, some of which had been laid aside with a favorable recommendation, some with amendment, and some without amendment, and had directed him to report the same back to the House with the recommendation that the amendments be agreed to and that the bills do pass.

### FEDERAL TRADE COMMISSION.

Mr. ADAMSON. Mr. Speaker, I desire to present on behalf of the managers on the part of the House a conference report and statement on the bill (H. R. 15613) to establish an interstate trade commission, for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

> Conference report on the bill (H. R. 15613) to create an interstate trade commission, to define its powers, and for other purposes.

The SPEAKER. Ordered printed under the rule.

Mr. ADAMSON. Mr. Speaker, I would like to ask if it is necessary to obtain consent that the report and statement shall be printed in addition to the printing in the RECORD?

The SPEAKER. No; the Chair thinks not.

Mr. ADAMSON. I would like to have it printed as a House document.

Mr. MANN. It is printed as a report.

Mr. ADAMSON. As a matter of course?

The SPEAKER. Yes; it is printed in pamphlet form.

RETURN OF SENATE BILL.

The Speaker laid before the House the following Senate resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4517) to establish a standard box for apples, and for other purposes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

BILLS PASSED.

The SPEAKER. The Clerk will report the first of the bills reported from the Committee of the Whole House.

The Clerk read as follows:

A bill (S. 1369) for the relief of the Snare & Triest Co.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (S. 1270) for the relief of Edward William Bailey.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. I understand that H. R. 5832, of similar title, is to be laid on the table.

The SPEAKER. Without objection, H. R. 5832, of similar title, will be laid on the table.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 7553) for the relief of the estate of Moses M. Bane.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (S. 1171) for the relief of Samuel Henson.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 9092) for the relief of Ellis Garton, administrator of the estate of H. T. Garton, deceased.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 10122) to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of $1,500 for cigar stamps lost or stolen in transit.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 4630) for the relief of Fred A. Emerson.

The amendment was read.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULBERSON, Mr. OVERMAN, Mr. CHILTON, Mr. CLARK of Wyoming, and Mr. NELSON as the conferees on the part of the Senate.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2167. An act to fix the time for holding the term of the district court in the Jonesboro division of the eastern district of Arkansas.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned to meet to-morrow, Saturday, September 5, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of State requesting that Congress make an emergency appropriation of $1,000,000 for the use of the Diplomatic and Consular Service (H. Doc. No. 1158) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 307) authorizing the President to extend invitations to other nations to appoint delegates or representatives to the International Engineering Congress to be held at San Francisco, Cal., September 20 to 25, inclusive, 1915, reported the same without amendment, accompanied by a report (No. 1137), which said joint resolution and report were referred to the House Calendar.

Mr. VAUGHAN, from the Committee on Foreign Affairs, to which was referred the bill (S. 4254) to enable the Secretary of War to pay the amount awarded to the Mulambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama, reported the same without amendment, accompanied by a report (No. 1140), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 18654) providing for the appointment of secretaries in the Diplomatic Service and appointments in the Consular Service, reported the same without amendment, accompanied by a report (No. 1141), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 18572) granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar, reported the same without amendment, accompanied by a report (No. 1138), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1304) authorizing the Department of State to deliver to Capt. P. H. Uberroth, United States Revenue-Cutter Service, and Gunner Carl Johannson, United States Revenue-Cutter Service, watches tendered to them by the Canadian Government, reported the same without amendment, accompanied by a report (No. 1139), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SUMNERS: A bill (H. R. 18661) authorizing and directing the Secretary of Agriculture to establish a farm-produce exchange, and for other purposes; to the Committee on Agriculture.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 18662) changing the boundaries of the Federal districts of Oklahoma; to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 18663) to authorize the Government Exhibit Board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exhibition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition; to the Committee on Industrial Arts and Expositions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18664) authorizing the Secretary of the Treasury to purchase or contract for the building of ships for carrying freight; to the Committee on the Merchant Marine and Fisheries.

By Mr. BAILEY: A bill (H. R. 18665) to provide a supertax on incomes to cover deficit in customs receipts due to European

war, and for other purposes; to the Committee on Ways and Means.

By Mr. ALEXANDER: A bill (H. R. 18666) to authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States or of a State thereof or of the District of Columbia, to purchase, construct, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 18667) granting a pension to Hannah Stoudnaur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18668) granting a pension to Carrie Russell; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 18669) granting an increase of pension to William Burnett; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18670) for the relief of Michael Houlihan; to the Committee on Military Affairs.

Also, a bill (H. R. 18671) granting an honorable discharge to James Crowley, late of the United States Navy; to the Committee on Naval Affairs.

By Mr. KINKAID of Nebraska: A bill (H. R. 18672) granting an increase of pension to Elizabeth W. Glidden; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 18673) granting an increase of pension to Zuleima B. Jackson; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 18674) granting a pension to Sarah Foster; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 18675) granting a pension to Annie Hoover; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of R. C. Frampton, of Pittsburgh, Pa., protesting against the passage of House bill 17365, relative to use of mails by insurance companies; to the Committee on the Post Office and Post Roads.

By Mr. BORCHERS: Petitions of sundry citizens of Sullivan, Ill., relative to due credit to Dr. F. A. Cook for his polar efforts; to the Committee on Naval Affairs.

Also, petition of 40 citizens of Dewey, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of the Farmers' Cooperative Association of South Dakota, favoring the passage of House joint resolution 311, "Steadying the world's price of staples"; to the Committee on Foreign Affairs.

By Mr. FLOOD of Virginia: Petition of sundry citizens of Appomattox County, Va., favoring enactment of personal rural credit bill; to the Committee on Banking and Currency.

By Mr. GREEN of Iowa: Petition of the Greater Davenport Committee, asking for a discontinuance of the present session of Congress; to the Committee on the Judiciary.

By Mr. HAMILL: Petition of the New Jersey State Federation of Labor, protesting against national prohibition; to the Committee on Rules.

Also, petition of the New Jersey State Federation of Labor, relative to Government contract for printing of corner-card envelopes; to the Committee on Printing.

By Mr. KENNEDY of Connecticut: Memorial of the Hartford (Conn.) Central Labor Union, favoring an investigation by the Department of Justice into the high cost of living; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Petition of the Cigar Manufacturers' Association of New Haven, Conn., protesting against increase of tax on cigars; to the Committee on Ways and Means.

Also, petition of the Hartford Central Labor Union, urging relief from high cost of living; to the Committee on the Judiciary.

By Mr. WATSON: Petitions of sundry citizens of Dinwiddie County, Va., favoring investigation of bill relating to personal rural credit; to the Committee on Banking and Currency.

By Mr. WILLIS: Petition of P. C. Ries and 250 other citizens of Hardin County, Ohio, in favor of House joint resolution 282, relative to polar explorations; to the Committee on Naval Affairs.

## SENATE.

SATURDAY, *September 5, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

We thank Thee, our heavenly Father, for those influences that draw our hearts to Thee. We thank Thee for those great principles which Thou hast implanted in the thought of mankind—for the consciousness of a Supreme Being, for that feeling of dependence upon this higher power, and for the longing of the soul after God. May we cherish these instincts of our nature and not pervert their divine purpose. May we be wise in our generation and seek our peace and safety and prosperity in harmony with Thy righteous laws. May our deliberations this day reflect the honor of Thy name to the credit of Thy servants and of the great country which they represent. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, August 25, 1914, when, on request of Mr. MARTINE of New Jersey and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### THE NAUTICAL ALMANAC.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to a resolution of July 17, 1914, information in regard to the Nautical Almanac. The communication is in response to a resolution introduced by the Senator from Washington. The Chair would inquire what the Senator desires to have done with the communication?

Mr. JONES. I do not know what is the rule in reference to printing such documents. I think probably it would be well to send it to the Committee on Appropriations.

Mr. SMOOT. Without printing?

Mr. JONES. Yes; without printing. It may not be necessary to print it.

The VICE PRESIDENT. The communication and accompanying papers will go to the Committee on Appropriations.

### CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, so that we may have morning business attended to and not be broken into every half hour when some one is making a speech, I suggest the absence of a quorum, and I shall state that when we do get a quorum I shall object to any further morning business being received after the morning hour has closed during the balance of the day.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Newlands | Smoot |
| Brady | Gallinger | Norris | Stone |
| Bryan | Jones | Perkins | Swanson |
| Burton | Kenyon | Pittman | Thomas |
| Chamberlain | Kern | Poindexter | Thompson |
| Chilton | Lea, Tenn. | Ransdell | Thornton |
| Clapp | McCumber | Sheppard | Townsend |
| Colt | Martin, Va. | Shields | Vardaman |
| Cummins | Martine, N. J. | Shively | Walsh |
| Dillingham | Myers | Simmons | White |
| Fall | Nelson | Smith, Ga. | Williams |

Mr. TOWNSEND. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the Senate. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

Mr. DILLINGHAM. I wish to announce that my colleague [Mr. PAGE] is still detained on account of illness in his family.

Mr. GALLINGER. I wish to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH] and also the unavoidable absence of the junior Senator from West Virginia [Mr. GOFF], who is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. STONE. I desire to state that my colleague [Mr. REED] was called from the Senate yesterday and will be absent to-day. It is on a matter of importance.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. POMERENE answered to his name when called.

Mr. BANKHEAD, Mr. HOLLIS, and Mr. LANE entered the Chamber and answered to their names.

Mr. HOLLIS. I desire to announce that the Senator from Maine [Mr. JOHNSON] is unavoidably absent. He is paired with the Senator from North Dakota [Mr. GRONNA]. I will let this announcement stand for the day.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given, and request the attendance of absent Senators.

Mr. CRAWFORD entered the Chamber and answered to his name.

Mr. CHILTON. I wish to announce the necessary absence of the Senator from Kentucky [Mr. CAMDEN].

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. C. South, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 4517) to establish a standard box for apples, and for other purposes.

The message also announced that the House had passed the following bills:

S. 1171. An act for the relief of Samuel Henson; and

S. 1270. An act for the relief of Edward William Bailey.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4630. An act for the relief of Fred A. Emerson;

H. R. 7553. An act for the relief of the estate of Moses M. Bane;

H. R. 9092. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;

H. R. 10122. An act to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of $1,500 for cigar stamps lost or stolen in transit; and

H. J. Res. 334. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914.

ROCKEFELLER FOUNDATION AND GENERAL EDUCATION BOARD.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, stating, in response to a resolution of the 5th ultimo, that the Treasury Department has no relation with the general education board of either the Rockefeller Foundation or the Carnegie Foundation, and that Dr. Charles W. Stiles, professor of zoology in the Hygienic Laboratory, Public Health Service, has been serving in an advisory capacity on the Rockefeller sanitary commission, which was ordered to lie on the table.

PUBLIC UTILITIES COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Public Utilities Commission of the District of Columbia, stating, pursuant to law, that such balance sheets as were not previously submitted to the Speaker of the House of Representatives under date of February 2, 1914, have been submitted under date of September 2, 1914, together with a letter of explanation, which was referred to the Committee on the District of Columbia.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

The cause of Henry W. Peddicord *v.* United States (S. Doc. No. 575); and

The cause of the heirs of James M. Catlett, deceased, *v.* United States (S. Doc. No. 574).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Woodhull, Ill.; Burlington, Wis.; Wichita, Kans.; Louisiana, Mo.; Wheeling, W. Va.; and Greenfield, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a letter in the form of a petition from the American Importers' Association, of New York City, expressing its appreciation of the efforts being made by the President and the Congress to facilitate the movement of the importation of European goods to this country, which was referred to the Committee on Finance.

Mr. SHEPPARD. I present a resolution adopted by the Legislature of the State of Texas, which I ask may be read and referred to the Committee on Military Affairs.

There being no objection, the resolution was read and referred to the Committee on Military Affairs, as follows:

Whereas bills are now pending before the Interstate Commerce Committee of the National House of Representatives and before the Public Health Committee of the Senate of the United States, which contemplate the conversion of military or other reservations no longer used by the Federal Government into sanatoria and hospitals for the care of some of the indigent stranger consumptives who come to the Southwest in large numbers; and

Whereas it is desired to secure an early and favorable committee report upon these bills so that they may be considered at the present session of Congress: Therefore be it

*Resolved*, That the Texas congressional delegation is hereby requested to use every effort to secure a favorable committee report upon these bills at the earliest possible moment; and be it further

*Resolved*, That the Secretary of the Senate is hereby instructed to send a copy of this resolution to all Texas Senators and Congressmen.

The above resolution was offered in the senate by Senator McGregor and passed August 27, 1914.

W. V. HOWERTON,
*Secretary of the Senate.*

Mr. DILLINGHAM presented petitions of sundry citizens of West Berkshire and Essex Junction, in the State of Vermont, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JONES presented memorials of sundry citizens of the State of Washington, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

RAILROAD SECURITIES.

Mr. CLAPP. On behalf of the junior Senator from North Dakota [Mr. GRONNA] I ask that the following letter and accompanying paper be inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MCVILLE, N. DAK., *August 20, 1914.*

Hon. A. J. GRONNA, *Washington, D. C.*

DEAR MR. GRONNA: I inclose herewith a special letter of importance which I and many others in this locality have received. Those whom I have talked with seem to think this a sort of an insult, and we suggest that you fight this proposition as far as possible. Would also be pleased to know of you making an answer to this letter.

Thrashing just commenced, but yield will be light. Everything quiet politically, business very good, and nice weather.

Thanking you for a reply at your convenience,

Respectfully, yours, C. H. SIMPSON.

[From the Bache Review. A summary of the general financial and business situation. Published every week by J. S. Bache & Co., members New York Stock Exchange. New York, August 17, 1914.]

SPECIAL LETTER—IMPORTANT.

*To the officers of banking institutions in the United States:*

The European war makes it urgently necessary to protect our security holders by an emergency measure which will benefit every citizen of the United States directly and indirectly.

The bankers of the country have the greatest influence with their Congressmen and constituents. This letter is being sent to over 32,000 bankers throughout the United States. We would like to address each one individually, but the short time before Congress adjourns makes it impossible to do this. Consequently we trust that each one will consider the letter personal, and that we may receive a prompt reply.

NEW YORK, *August 17, 1914.*

DEAR SIRS: Owing to the great European war, our financial situation is under an emergency pressure, because threatened by the unloading of railroad securities held by Europe. This was only temporarily halted by the closing of public markets.

Our securities are in disfavor because of low railroad earnings.

They should at once be made attractive to capital all over the world.

This can not be done unless our railroad securities are given a safe margin of earnings. The value of all other securities depends upon the success of the railroads.

The railroads have proved and the Interstate Commerce Commission has admitted the necessity of enlarged revenues, but the rate decision grants only a meager and insufficient pittance—not more than enough to increase earnings one-eighth of 1 per cent on the total capital of the eastern railroads which made the application.

This small advance will have no effect in restoring and establishing the confidence of the large investors here and the holders of our securities abroad.

These securities will be sent over as soon as possible to do so, to draw our gold or its equivalent, and they will not be taken up freely by our own large investors, because they have not sufficient confidence in the success of the railroads under the present scale of low freights.

Rates need to be advanced materially in order to give such a margin of earnings that railroad securities will be sought.

Further than that, the credit system of the world has been upset. We have lost Europe as our bankers. We not only can not hope to place new securities in Europe, we are compelled to take back vast quantities of existing securities which for many years Europe has been absorbing. Every year our railroad systems have to spend enormous sums to increase and extend their transportation facilities to meet the growing demands of American commerce. Where are the railroads to obtain the money with which to make the needed additions and improvements?

They can not turn to Europe. American investors are not attracted under present conditions. They will have to look to their earnings until the confidence of investors is restored. A liberal increase in earnings is absolutely necessary to keep up requirements of the transportation systems of the country.

Needed raises will start all the business of the country toward a prosperous level, because of the confident buying of railroad securities which will then take place and because of the heavy purchases which the railroads will then be able to make, but can not make now because of lack of funds and credit.

This is now a national question, and relief should be given to the railroads immediately, in view of the emergency necessity.

We therefore earnestly suggest that you bring this matter at once to the attention of your Representatives in Congress, and, if you agree with us, urging them to favor the passing of a joint and concurent resolution of the House and Senate directed to the Interstate Commerce Commission, requesting it, because of the emergency situation with reference to railroad securities, to review and revise the decision in the recent application of the eastern railroads, and in their discretion and in view of the great and extraordinary necessity for this action, to promptly grant further and adequate advances to all the railroads.

No financial move could be more beneficial now than to make our securities so attractive that the funds of the investing world would be irresistibly drawn to this country.

This would be accomplished if the railroads were given full and ample earning power. It would stimulate the whole industrial structure and enhance the values of all other securities. It would benefit every citizen of the United States by creating renewed and profitable activity.

Will you give this matter your earnest attention and will you kindly let us know if you agree and will act?

If you approve, please ask some of your larger shippers also to write or telegraph to Washington.

We are, awaiting your reply,

Very truly, yours, J. S. BACHE & Co.

For your convenience in framing letter to your Representatives in Congress we give below a condensation of some of the foregoing:

"The railroads of the country are in poverty-stricken condition and confidence in their securities is greatly weakened. These securities will be thrown upon this country's markets by European holders as soon as possible, drawing our gold away from us.

"This was temporarily halted only by the closing of the public markets.

"The decision of the Interstate Commerce Commission grants only, in effect, one-eighth of 1 per cent increase in earnings on the capital of all the eastern roads which made the application for an advance. This will do no good.

"The railroads can not now place any securities in Europe, which for years has been absorbing them. They can not place new issues here. Where are the railroads to get money—large sums needed for improvements and additions? They will have to depend upon earnings. To keep pace with future requirements, earnings will have to be increased.

"If good increases in freight rates are allowed promptly, the railroads will almost immediately become prosperous and their securities become desirable and attractive both to our own and to foreign investors.

"Railroad prosperity will stimulate business all through our section.

"Will you not use your influence to bring about the passage of 'a joint and concurrent resolution of the House and Senate because of the emergency situation with reference to railroad securities, to review and revise the decision in the recent application of the eastern railroads, and, in their discretion and in view of the great and extraordinary necessity for this action, to promptly grant further and adequate advances to all the railroads?'"

## RAILROAD FREIGHT RATES.

Mr. THOMPSON. Mr. President, I desire to call attention to the exorbitant freight rate charges on farm products and live stock at my home town, Garden City, Kans.

Garden City is one of the principal alfalfa seed and alfalfa hay shipping points in the United States. We have shipped carloads of alfalfa seed all over the country, and carloads of baled alfalfa hay to all of the neighboring States, but exorbitant railroad freight rates have unduly limited our market for hay. Recently there has been a demand for about 50 or 60 carloads of Garden City baled alfalfa hay at Roanoke, Va. Although only about 1,500 miles distant, the freight is more than the real value of the product, which makes shipments to this point absolutely prohibitive unless the Virginia farmers wish to pay $25 or $30 a ton for the hay. The Kansas farmer realizes from $6 to $10 per ton for this hay, and the freight rate alone from Garden City to Roanoke is $12.20 per ton, nearly twice the original value of the product. This situation, in my judgment, is unjustified and an unwarranted discrimination against my friends and neighbors.

I have a copy of a letter to the Interstate Commerce Commission written by Mr. George W. Finnup, one of the leading business men of Garden City, and, indeed, one of the leading citizens of Kansas, he having been mentioned as suitable Democratic material for governor of our State. This letter gives the facts more in detail, and I ask, Mr. President, that it may be made a part of the RECORD.

Mr. President, I will say in this connection if some action is not taken by the Interstate Commerce Commission in line with the suggestions of Mr. Finnup, I shall feel obliged to introduce a resolution in the Senate demanding action, as the people of my community will not stand idly by and permit discrimination of this character to continue. There is no good reason why the freight rates between the people of any of the States of the Union on farm products, and especially on the necessary food products, should amount to more than the value of the product.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GARDEN CITY, KANS., *August 20, 1914.*

INTERSTATE COMMERCE COMMISSION,
*Washington, D. C.*

GENTLEMEN: We are largely an agricultural country here, so that the transportation question is one that means a great deal to the people.

We have a chance to sell 50 or 60 carloads of baled alfalfa hay, shipping it from Garden City, Kans., to Roanoke, Va., being a distance of about 1,500 miles, but the freight charge is, in carload lots, $12.20 per ton, which is some freight, and is about twice as much as the farmer gets here for the hay after raising it, cutting it, putting it up, and hauling it to town and loading it; but the party tells me that he has made inquiry at both ends and this seems to be the best rate we can get. It looks like this was entirely too much for moving a common product, like baled alfalfa, this distance, and on which the railroads have scarcely any responsibility of loss in carrying.

Mr. Frank Reed has shipped 15 carloads of horses from here to that point since January 1, and the freight cost $240 a car. Sometimes he ships by freight from here to Topeka, which is $59 a car, and then by express from there to Roanoke, which costs $350 more, or $409 a car, if he wants to express them from here to Topeka, they only want $240 a car a distance of about 350 miles of level prairie country, because they have no competition from here to Topeka, and that would make a car cost from here to Roanoke by express $590, which eats up the value of the horses pretty fast. Now, the railroads can spend a lot of money to show why they ought to have an increase in rates, and it is your place to show where there ought to be some decreases as we go along.

I trust this and other reports of this kind receive the attention that it merits.

Yours, very truly, GEO. W. FINNUP.

## TAX ON PROPRIETARY MEDICINES.

Mr. MARTINE of New Jersey. I have received a telegram in the nature of a memorial from the Vapo Cresolene Co., an organization in my State, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHATHAM, N. J., *September 4, 1914.*

Hon. JAMES E. MARTINE,
*United States Senate, Washington, D. C.:*

We see by the press that it is the intention of the administration to put a war tax upon proprietary medicines. We earnestly protest against any such action. It is not fair to tax our people for their medicines. This is hitting a man when he is down. If proprietary medicines are to be taxed, doctors' prescriptions should also be taxed. We have already collected money twice for this Government on war tax, and it is time other branches of trade were used for this unpleasant and damaging job.

THE VAPO CRESOLENE CO.

## VOLUNTEER OFFICERS' RETIRED LIST.

Mr. KENYON. In the nature of what I take to be a petition for the volunteer officers' bill, now pending, I ask to have read and printed in the RECORD a very short article from the Washington Post. It will require but two or three minutes to read it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

WAR OFFICERS DIE FAST—FEWER THAN 8,000 WHO SERVED IN CIVIL CONFLICT NOW LIVING—FACTS HAVE CAUSED BILL TO CREATE VOLUNTEER RETIREMENT ROLL TO BE FAVORABLY CONSIDERED.

Legislation now pending in Congress which creates a volunteer officers' retirement roll is being more favorably considered, since it is discovered that the number of those now living is less than one-third of the number supposed to be beneficiaries, should Congress act.

April 1, 1910, the Pension Office officially reported 21,995 officers on the pension roll. The pension report for June 30, 1913, shows that 13,159 officers died between June 30, 1910, and June 30, 1913.

By deducting 13,159 from the number reported April 1, 1910, the number is reduced to 8,836. Many have died since June 30, 1913, by which this number will be reduced. This is further confirmed by a recent test in the Pensions Bureau. An average set of the files was taken and 3,275 cards drawn. Of these it was found that 61 had been officers. This would make about 1 officer to 54 men. There are now about 425,000 pensioners on the roll. Dividing this number by 54 makes 7,870, which is in all probability very near the exact number of living officers.

The official investigation made by Congress, by the Loyal Legion, and other soldier organizations confirms these last figures—7,870. Only a few years remain to this remnant of the great army of which they were a part. The average age of these officers is 81.27. The actuaries give four and one-half years as the possible period for these old men.

Mr. TOWNSEND. Mr. President, I am very glad the junior Senator from Iowa [Mr. KENYON] has again called the attention of the Senate to this matter. It is understood by all of the Senators that a few, at least, of the Senators have for many months endeavored to get action on this bill. There can be no bill, measured by its intrinsic worth, that is of more pressing necessity to its beneficiaries than is this bill. The friends of the measure have been led to believe—and, I think, properly so—that a majority of the Senate is in favor of the measure, and that all that would be required to insure its passage would be an opportunity to get an expression of the opinion of the Senate upon it. I sincerely hope that some

arrangement can be made whereby we can come to a vote upon the bill.

I have been encouraged by expressions from the leader of the majority that this matter would be taken into consideration in case anything like a legislative program was agreed upon. I have consented on various occasions not to press the matter for a vote because of the pending measures which were deemed of greater importance, but it seems to me we have reached a point when we can not very well be condemned if we refuse to be put off by excuses such as have maintained in the past.

I dislike very much at this time, or at any time, to move to take up a bill when other matters are being pressed for consideration, and especially when some of its friends have asked me to desist; but I repeat, Mr. President, that unless we can come to some arrangement whereby we can devote, say, a day or a night, if Senators will agree to come here and discuss this bill for some evening and then will come, I shall be content not to have it interfere with any other legislation pending in the Senate; but something ought to be done about it, and I propose, so far as within me lies, to press this matter for a vote, or at least for fair consideration.

Mr. GALLINGER. Mr. President, I suggest to the Senator from Michigan that it has been a very common thing for us to make a bill a special order for a certain day, looking into the future. I think if the Senator would ask that this bill be made a special order for some day next week it might be agreed to. It will not displace any other matter then, but will only give this bill a day in court, to which it certainly is entitled.

Mr. TOWNSEND. Mr. President, acting upon the suggestion of the Senator from New Hampshire, I ask that Senate bill 392, known as the volunteer officers' bill, be made a special order for one week from next Monday.

Mr. SIMMONS. Mr. President, I do not know that personally I have any objection to that, if it were made subject to the unfinished business. I do not wish to consent at this time to anything that would displace the unfinished business. I would be very glad if the Senator from Michigan would withhold his motion for the present. I am not prepared now to decide as to whether or not I shall consent to it.

Mr. TOWNSEND. I will modify my request and ask that the bill shall be subject to whatever unfinished business may be before the Senate at that time.

Mr. LEA of Tennessee. Will the Senator from North Carolina yield to me a moment?

Mr. SIMMONS. Yes.

Mr. LEA of Tennessee. I hope the Senator from North Carolina will not interpose an objection to the request of the Senator from Michigan. I do not know whether or not I shall vote for the bill which the Senator asks to have made a special order, but I think he is entitled to have the matter brought before the Senate and determined one way or the other. I feel that it will expedite matters if his request is granted.

Mr. SIMMONS. The Senator from Tennessee must not understand me as objecting, providing the Senator's request does not interfere with the present unfinished business or any other bill that may have been made the unfinished business.

Mr. LEA of Tennessee. I think that is reasonable; and I hope the request of the Senator from Michigan will be put in that form.

Mr. TOWNSEND. I ask unanimous consent that the bill may be made a special order for one week from next Monday.

Mr. WILLIAMS. I object, Mr. President.

Mr. LEWIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. TOWNSEND. I do.

Mr. LEWIS. If the Senator from Michigan will make a motion, I will address myself to the motion.

Mr. TOWNSEND. I presume the only way I could get the bill up would be to move its present consideration, but I am convinced that such a motion would fail at this time.

The VICE PRESIDENT. The Chair will state, for the information of the Senator from Michigan, that he can move to make the bill a special order for any day and any hour he chooses; but it will take a two-thirds vote to do so.

Mr. TOWNSEND. Well, Mr. President, I move that this bill be made a special order for one week from next Monday, immediately after the conclusion of the morning business.

Mr. LEWIS. Mr. President——

Mr. BRYAN. A parliamentary inquiry, Mr. President. If the motion of the Senator from Michigan [Mr. TOWNSEND] is agreed to, then what status will the bill have on the date and after the date when he proposes it shall be made a special order?

The VICE PRESIDENT. The bill will come up for consideration on that date, in accordance with Rule X. The rule is very plain. It provides:

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the presiding officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

It will be remembered that once at this session the Senate very reluctantly voted to sustain the Presiding Officer when the Presiding Officer held that a special order continued from day to day at the hour for which it was made a special order, unless displaced by a subsequent motion or otherwise disposed of.

Mr. BRYAN. That was the reason I propounded the inquiry, Mr. President; in other words, if the motion of the Senator from Michigan [Mr. TOWNSEND] prevails, this bill on each succeeding day at the hour for which it is made the special order will be taken up by the Senate?

Mr. GALLINGER. Unless it is displaced.

The VICE PRESIDENT. Unless it is displaced by a motion to take up some other measure.

Mr. TOWNSEND. I desire to modify my motion to fix the hour at 1 o'clock instead of using the term "after the conclusion of morning business."

Mr. BRYAN and Mr. LEWIS addressed the Chair.

The VICE PRESIDENT. The Senator from Florida.

Mr. BRYAN. Mr. President, is the motion of the Senator from Michigan in order at this time, routine morning business not having been completed?

The VICE PRESIDENT. Morning business has not been completed.

Mr. BRYAN. And the Senator's motion would require unanimous consent to be put?

The VICE PRESIDENT. If the point of order is made, and if there is a call for the regular order, the regular order must proceed.

Mr. BRYAN. I call for the regular order, Mr. President.

The VICE PRESIDENT. The motion of the Senator from Michigan, then, is not in order at the present time. If there are no further petitions or memorials, reports of committees are next in order.

## REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Finance, to which was referred the bill (H. R. 6433) to relocate the headquarters of the customs district of Florida, reported it without amendment and submitted a report (No. 780) thereon.

Mr. LEA of Tennessee, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 10763) for the relief of Dr. L. W. Culbreath, reported it without amendment and submitted a report (No. 781) thereon.

## NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC.

Mr. FLETCHER. From the Committee on Printing I report back favorably with amendments the concurrent resolution (H. Con. Res. 42) providing for printing as a House document the Journal of the Forty-eighth National Encampment of the Grand Army of the Republic. As the Grand Army of the Republic is now in session, they would probably like to know whether these proceedings will be printed by Congress; and I ask unanimous consent for the present consideration of the concurrent resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The amendments are, in line 3, after the word "thousand," to strike out "one" and insert "five"; in line 5, to strike out "$1,600" and insert "$1,700"; in line 5, after the word "cost," insert "with illustrations, 1,000 copies of which shall be for the use of the House and 500 copies for the Senate."

So as to make the concurrent resolution read:

*Resolved by the House of Representatives (the Senate concurring),* That there shall be printed as a House document 1,500 copies of the Journal of the Forty-eighth National Encampment of the Grand Army of the Republic for the year 1914, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 copies for the use of the Senate.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

## RAILWAY MAIL PAY.

Mr. FLETCHER. A week ago the Senator from Alabama [Mr. BANKHEAD] presented the report of the Joint Committee on Postage on Second-Class Mail Matter and Compensation for Transportation of Mail, and it was referred to the Committee on Printing for action. I am directed by the Committee on

Printing to report a resolution providing for the printing of the report.

The VICE PRESIDENT. The resolution will be read.

The resolution, S. Res. 450, was read, as follows:

*Resolved*, That the report of the Joint Committee on Postage on Second-Class Mail Matter and Compensation for the Transportation of Mail, entitled "Railway Mail Pay," be printed as a Senate document and that 10,000 additional copies be printed for the use of the Senate folding room.

Mr. BANKHEAD. I ask unanimous consent for the present consideration of the resolution. It is an important matter, and we are waiting on it and have been for several days.

The VICE PRESIDENT. Is there any objection?

The resolution was considered by unanimous consent and agreed to.

RURAL CREDITS IN IRELAND.

Mr. FLETCHER. From the Committee on Printing I report a resolution authorizing the printing of the manuscript entitled "Rural Credits in Ireland," by Hon. Wesley Frost, United States consul at Queenstown.

The resolution, S. Res. 451, was read, as follows:

*Resolved*, That the manuscript entitled "Rural Credits in Ireland," by Hon. Wesley Frost, United States consul at Queenstown, be printed as a Senate document.

The VICE PRESIDENT. The resolution will be placed on the calendar.

CONSUMPTION OF COTTONSEED MEAL.

Mr. SHEPPARD. From the Committee on Agriculture and Forestry I report back favorably, without amendment, the concurrent resolution (S. Con. Res. 33) to provide a wider domestic market for cottonseed meal and cake, and I ask unanimous consent for its present consideration.

Mr. SMOOT. Let the resolution be read.

The Secretary read the concurrent resolution, as follows:

Whereas about 500,000 tons of cottonseed meal and cake have heretofore been annually exported from the United States; and

Whereas by reason of war conditions this surplus is without a market abroad, the surplus equaling about one-third of the total output; and

Whereas the dumping of this surplus on existing domestic markets will depress the price of this article both as to raw material and finished product to such an extent as to cause disastrous losses to farmers producing the raw material: Therefore be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of Agriculture and the Secretary of Commerce are hereby authorized and requested immediately to investigate the possibility of wider domestic markets for these products, especially in the northwest, northern, and northeast sections of the United States, and to report to Congress at the earliest practicable date a plan for acquainting these sections with the value and availability of these products as a feed for domestic animals, and for the marketing in these sections of the surplus of these products heretofore exported.

Mr. GALLINGER. Mr. President, that strikes me as being a very extraordinary resolution. If we are going——

Mr. SHEPPARD. I will ask that the concurrent resolution go to the calendar. I did not anticipate that it would lead to any debate.

The VICE PRESIDENT. The concurrent resolution will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BANKHEAD (by request):

A bill (S. 6447) relating to special policemen in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SMOOT (for Mr. STEPHENSON):

A bill (S. 6448) for the relief of Mary Lyons; to the Committee on Claims.

A bill (S. 6449) for the relief of Joseph Vermilyea; to the Committee on Military Affairs.

A bill (S. 6450) granting a pension to Peter Peterson;

A bill (S. 6451) granting a pension to John Willard Burns (with accompanying papers);

A bill (S. 6452) granting an increase of pension to Lydia Irene Cheney (with accompanying papers); and

A bill (S. 6453) granting a pension to Mary Ann Stolcolp (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6454) to authorize the Government exhibit board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exposition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition; to the Committee on Industrial Expositions.

By Mr. NORRIS:

A bill (S. 6455) admitting to citizenship and fully naturalizing Edward D. Cohota, of Valentine, Nebr.; to the Committee on Immigration.

By Mr. McLEAN:

A bill (S. 6456) granting an increase of pension to Martha E. Messenger (with accompanying papers); to the Committee on Pensions.

By Mr. LEA of Tennessee:

A bill (S. 6457) for the relief of the city of Knoxville, Tenn.; to the Committee on Claims.

By Mr. JONES:

A bill (S. 6458) granting a pension to Catherine N. Burlingame; and

A bill (S. 6459) granting an increase of pension to Sarah M. Hicks (with accompanying papers); to the Committee on Pensions.

LOANS FOR HOME BUILDING.

Mr. JONES. I desire to introduce a short bill, which I will read, and then I wish to take about three minutes of the time of the Senate to make a statement with reference to it. This is a bill which I have intended for three or four days to introduce, but on account of the recesses of the Senate I have not had an opportunity to do so. I will read it:

*Be it enacted, etc.*, That the Federal Reserve Board provided for in the act entitled "An act to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes," be, and it is hereby, authorized and directed, in connection with the banking system provided for in said act, to organize and put in operation a loaning system under and through which loans of not exceeding $5,000 may be made to any one person at not to exceed 4 per cent interest per annum and for a period of time not to exceed 20 years. Such loans shall be made only for the purpose of acquiring farm lands or city property and improving the same for residence purposes or for improving residence property, and shall be made to such honest, industrious, temperate, economical persons as in the judgment of said board, with the property so purchased or improved as security, will reasonably insure the repayment of such loan with interest within the time fixed. The terms of payment shall be arranged as the board may deem wise and be such as will repay the loan with interest by the time set for the maturity of the same.

SEC. 2. That the said Federal Reserve Board is hereby authorized to make all rules and regulations, impose all conditions, appoint all agents, and do all things necessary to carry out the foregoing provisions and not inconsistent therewith.

SEC. 3. That for the purpose of instituting and carrying on operations under the system herein provided for the sum of $20,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to continue available until used, and said board shall submit annual reports to Congress of its operations hereunder and an estimate of the amount reasonably necessary for the ensuing year.

Mr. President, the strong and the powerful are able to present their claims to Congress for consideration in cases of emergency and to secure relief, and that is very proper. We are issuing money to banks or artificial persons on satisfactory security and permit them to loan to the people on short time and high rates of interest if satisfactory security is offered, but there are a great many of our people who are really in need of help, really in need of assistance, who are not in a position to get their claims presented to Congress. This bill is intended to furnish relief to deserving people who can not avail themselves of the provisions of the banking laws where security is required and short time given and a high rate of interest exacted, but who will be able to secure the Government from loss. This bill is not intended to take the place entirely of the rural credit bills which have been introduced, but it is intended to supplement those measures.

With the general objects and purposes of the rural credit bills which have been presented I am in hearty sympathy. They do not go to the real needs of the people, however; they help the man who has something to get more, but they do not help the man who has nothing to get something—to get a start, if you please. To get a loan you must have some property already to offer as security.

There are many men who, if they could just get a start, would soon own a home. They are honest, sober, industrious, and economical, but they can not get ahead. Most of their efforts go to support some one else in the payment of rent. The rent for the farm or city dwelling takes most of their savings. They can not buy or build a home. These are the men who really need help. Put them so that the money they pay as rent will apply upon the purchase of a farm or a home in the city without most of it going for interest, so that the product of their labor will go to them and their families, and they will soon become home owners and builders, and happier men and better citizens.

Strength, energy, industry, sobriety, honesty, and frugality are a substantial basis of credit in the business world; and the man who has these elements should be enabled to capitalize them, even if he does not own any property. With these and the property purchased with a loan as security for its repayment, the element of loss will be small.

XUM

This is the real purpose of this bill. It is to help those who now have nothing in the way of property to acquire something, to make it so that their efforts may go to their own benefit rather than to sustain some one else in idleness. It is to capitalize industry, good character, and the frugality of the renter, and assist him to become a home owner. When we do that we do a real good; we help where help is needed; we make better citizens and strengthen the Government itself. We make our citizens feel that the Government really means something of good and helpfulness to them as individuals. I would rather assist in passing a law of this kind than in enacting some great measure, so called, restraining the captains of industry from cutting each other's industrial throats, as we spend most of our time in doing.

This bill simply lays down the broad principles to be followed in accomplishing a great and definite object, and allows the details to be worked out through the great financial organization which we have provided for handling our currency system. It can work out the details much better than we can, and should be able to do it at a minimum of cost. There need be no high-salaried officials, such as are provided for in the various rural credit measures, and a comparatively small number of local agents will need to be provided. The greatest latitude is given to the most experienced of business men to carry out a purely business proposition. They will be connected with local agencies, familiar with local conditions, and they can carry on the work more safely and more economically and more wisely than any other agency.

This measure is not paternalism; it is aided individualism. It is not socialism; it is good governmentalism.

I trust the committee to which the bill may be referred, if not at this session at least at the next, will give this matter serious consideration.

I ask that the bill may be referred to the Committee on Banking and Currency.

Mr. McCUMBER. Mr. President, just a word in reference to the bill, and especially as to what committee is the appropriate committee to take charge of it.

I am really glad to have the Senator explain that the bill is not paternalism and it is not socialism, because the average reader could see nothing but paternalism and socialism all through the proposition. I really think the Senator ought to amend his bill, however. There are a great many young men and young women who would like to go into the mercantile business. They have not the means to buy stock, and present prices for money and interest are too heavy a burden for them. They will have to have their experience, and they need a little Government assistance. There are a great many people who want to go into the fruit business, others into the dairy business, and I might mention half a thousand businesses which people would like to go into, but they really have not the means to start in the business. It will be experimental with them, and they do not want to take the chance of the experimentation. They want the Government to take the chance and give them an opportunity to develop the "individualism" of which the Senator speaks.

Mr. President, we have been trying this same proposition with the American Indian. We have had it in operation for the last 50 years. We furnish them plows, we furnish them farms, we try to start them in business, and every year we have to furnish the same thing over and over again. We have been trying to develop individualism in the Indian to take care of himself, and just so long as we will do that he will allow the Government to take care of him; and almost any individual, be he white or black or yellow, will do substantially the same thing.

Inasmuch as the Senator is seeking to apply our policy with reference to the American Indian to our farmers and people generally, it seems to me this bill ought to be referred to the Committee on Indian Affairs.

Mr. JONES. Mr. President, just a word. If the Senator can not use any illustration that is more appropriate than the one he has used with reference to the Indian in opposition to a measure of this character, his opposition certainly will not amount to very much.

As to the suggestion the Senator makes with reference to amending the bill, that will be considered by the committee, and whatever amendments the committee may deem wise will have the consideration of the Senate.

I shall not take up the time of the Senate further in noticing the suggestions of the Senator from North Dakota. I do not think they will have very much weight in the consideration of this proposition, especially in view of the aid we are giving from day to day to the banks and other powerful interests.

Mr. BURTON. May I ask to what committee the bill has been referred?

Mr. JONES. I ask that it may be referred to the Committee on Banking and Currency. It brings in the Federal Reserve Board as the agency to carry out its provisions.

The bill (S. 6460) to provide loans for encouraging and assisting in home owning and home building was read twice by its title and referred to the Committee on Banking and Currency.

### DONATION OF CANNON.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

### STANDARD BOX FOR APPLES.

The VICE PRESIDENT. The Senator from Minnesota [Mr. CLAPP] requests that Senate bill 4517, returned from the House of Representatives in compliance with the request of the Senate, may lie on the table instead of going to the calendar. Is there any objection?

Mr. BURTON. What is the bill?

Mr. JONES. It is the bill (S. 4517) to establish a standard box for apples, and for other purposes, which was passed by the Senate the other day and was recalled yesterday from the House. It is desired that it shall lie on the table.

The VICE PRESIDENT. The Senator from Minnesota [Mr. CLAPP] was called from the Chamber and requested the Chair to state that he would like to have the bill lie on the table instead of going to the calendar.

Mr. BURTON. I understand the object is to secure its early consideration after certain information has been obtained.

Mr. JONES. It is to secure prompt action after certain information has been obtained. We do not want to have it go to the calendar, because there may be no objection to the passage of the bill. The Senator from Minnesota simply wants to get some information, and he is willing that the bill may lie on the table instead of going to the calendar.

The VICE PRESIDENT. If there be no objection, the bill will lie on the table.

### SALT LAKE AND OGDEN GATEWAYS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, submitted by the Senator from Colorado [Mr. THOMAS].

The Secretary read the resolution, S. Res. 446, submitted by Mr. THOMAS on the 24th ultimo, as follows:

Whereas the Union Pacific Railroad Co. is said to have issued an order closing the Salt Lake and Ogden gateways after October 1 to all passenger traffic from eastern and southern points originating on the Denver & Rio Grande Railway or other Gould railroads, so called, the effect whereof will be to inflict a very large and unjust loss upon said railroads for which there is no justification; and

Whereas the enforcement of said order will deprive the States of Colorado and Utah of a very large percentage of tourist business and divert an enormous passenger traffic from said States to their great injury; and

Whereas said order is said to have been made to deter and intimidate capital from the reorganization and equipment of the Western Pacific Railroad, a competitor of the Union Pacific road for the traffic of the Pacific coast, and thereby accomplish its undoing: Therefore be it

*Resolved*, That the Interstate Commerce Commission be, and it is hereby, directed to inquire into and investigate the reasons for making said order, the necessity, if any, for shutting the passenger traffic of the Denver & Rio Grande and other southern and southeastern railroads out of the gateways of Salt Lake and Ogden and the Union Pacific lines leading therefrom, the effect of the enforcement of said order upon tourist and other passenger traffic to and through Colorado and Utah, the effect thereof upon the Western Pacific Railroad, and report the result of its investigation to the Senate as early as may be consistent with the making thereof.

Mr. THOMAS. I ask that the resolution may go over without prejudice.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

### FEDERAL TRADE COMMISSION—CONFERENCE REPORT.

Mr. NEWLANDS. Mr. President, I move that the Senate proceed to the consideration of the conference report on the trade commission bill, H. R. 15613.

Mr. LEWIS. Will the Senator from Nevada yield to the junior Senator from Michigan [Mr. TOWNSEND] simply for a motion? It is merely to have a matter adjusted as to time. It will occupy only a moment.

Mr. SIMMONS. I hope the Senator will go on with the consideration of the conference report, so that we may take up the unfinished business as soon as possible.

Mr. NEWLANDS. I will state I assured the Senator from North Carolina that I would proceed with this matter, so as to give an opportunity to present the unfinished business.

Mr. LEWIS. Permit me just a word. Let me make perfectly plain my object.

A motion has been made by the Senator from Michigan [Mr. TOWNSEND] merely to have a time set for the consideration of

a bill having for its object some care and consideration for the volunteer officers of the late war. He only asks to have some time set for its consideration. An objection was made to unanimous consent because of other business occupying the attention of the Senate.

I am anxious, speaking for myself, that this side of the Chamber shall not appear to object to a motion which merely asks for some time to be set for the consideration of such a measure. Lest there shall hereafter arise the deliberate charge in the State I represent and that which the Senator from Ohio [Mr. POMERENE] represents and the State of the Senator from Indiana [Mr. KERN], where there is a very large body of these men, I am anxious to avoid the charge that will legitimately arise that the motion made by an eminent Republican Senator coming from Michigan was combated, or not in any wise encouraged or aided, but was opposed by the Democratic side.

For that reason I ask the Senator from Nevada if he will yield but for a second in order that the Senator from Michigan may make his motion and let it be disposed of?

Mr. NEWLANDS. Mr. President, the Senator from Michigan will doubtless have an opportunity to make the motion he has already indicated. This is a matter of preference; and I have already given assurance to the Senator from North Carolina [Mr. SIMMONS] that I would dispose of it as quickly as possible, in order that the pending river and harbor bill may be taken up.

I move that the Senate proceed to the consideration of the conference report on the trade commission bill.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. I ask for the reading of the report.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"That a commission is hereby created and established, to be known as the Federal trade commission (hereinafter referred to as the commission), which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of three, four, five, six, and seven years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

"The commission shall have an official seal, which shall be judicially noticed.

"SEC. 2. That each commissioner shall receive a salary of $10,000 a year, payable in the same manner as the salaries of the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive a salary of $5,000 a year, payable in like manner, and it shall have authority to employ and fix the compensation of such attorneys, special experts, examiners, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress.

"With the exception of the secretary, a clerk to each commissioner, the attorneys, and such special experts and examiners as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

"All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

"Until otherwise provided by law, the commission may rent suitable offices for its use.

"The Auditor for the State and other Departments shall receive and examine all accounts of expenditures of the commission.

"SEC. 3. That upon the organization of the commission and election of its chairman, the Bureau of Corporations and the offices of Commissioner and Deputy Commissioner of Corporations shall cease to exist; and all pending investigations and proceedings of the Bureau of Corporations shall be continued by the commission.

"All clerks and employees of the said bureau shall be transferred to and become clerks and employees of the commission at their present grades and salaries. All records, papers, and property of the said bureau shall become records, papers, and property of the commission, and all unexpended funds and appropriations for the use and maintenance of the said bureau, including any allotment already made to it by the Secretary of Commerce from the contingent appropriation for the Department of Commerce for the fiscal year 1915, or from the departmental printing fund for the fiscal year 1915, shall become funds and appropriations available to be expended by the commission in the exercise of the powers, authority, and duties conferred on it by this act.

"The principal office of the commission shall be in the city of Washington, but it may meet and exercise all its powers at any other place. The commission may, by one or more of its members, or by such examiners as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

"SEC. 4. That the words defined in this section shall have the following meaning when found in this act, to wit:

"'Commerce' means commerce among the several States or with foreign nations, or in any Territory of the United States, or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

"'Corporation' means any company or association, incorporated or unincorporated, which is organized to carry on business for profit and has shares of capital or capital stock, and any company or association, incorporated or unincorporated, without shares of capital or capital stock, except partnerships, which is organized to carry on business for its own profit or that of its members.

"'Documentary evidence' means all documents, papers, and correspondence in existence at and after the passage of this act.

"'Acts to regulate commerce' means the act entitled 'An act to regulate commerce,' approved February 14, 1887, and all acts amendatory thereof and supplementary thereto.

"'Antitrust acts' means the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890; also the sections 73 to 77, inclusive, of an act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894; and also the act entitled 'An act to amend sections 73 and 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes,"' approved February 12, 1913.

"SEC. 5. That unfair methods of competition in commerce are hereby declared unlawful.

"The commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce.

"Whenever the commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition in commerce, and if it shall appear to the commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the

commission to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission. If upon such hearing the commission shall be of the opinion that the method of competition in question is prohibited by this act, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

"If such person, partnership, or corporation fails or neglects to obey such order of the commission while the same is in effect, the commission may apply to the circuit court of appeals of the United States, within any circuit where the method of competition in question was used or where such person, partnership, or corporation resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the commission. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such person, partnership, or corporation and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the commission. The findings of the commission as to the facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by testimony, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 240 of the Judicial Code.

"Any party required by such order of the commission to cease and desist from using such method of competition may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission, and thereupon the commission forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission as in the case of an application by the commission for the enforcement of its order, and the findings of the commission as to the facts, if supported by testimony, shall in like manner be conclusive.

"The jurisdiction of the circuit court of appeals of the United States to enforce, set aside, or modify orders of the commission shall be exclusive.

"Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the commission or the judgment of the court to enforce the same shall in anywise relieve or absolve any person, partnership, or corporation from any liability under the antitrust acts.

"Complaints, orders, and other processes of the commission under this section may be served by anyone duly authorized by the commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same.

"SEC. 6. That the commission shall also have power—

"(a) To gather and compile information concerning and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers subject to the act to regulate commerce, and its relation to other corporations and to individuals, associations, and partnerships.

"(b) To require, by general or special orders, corporations engaged in commerce, excepting banks, and common carriers subject to the act to regulate commerce, or any class of them, or any of them, respectively, to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commission may prescribe, and shall be filed with the commission within such reasonable period as the commission may prescribe, unless additional time be granted in any case by the commission.

"(c) Wherever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, to make investigation, upon its own initiative, of the manner in which the decree has been or is being carried out, and upon the application of the Attorney General it shall be its duty to make such investigation. It shall transmit to the Attorney General a report embodying its findings and recommendations as a result of any such investigation, and the report shall be made public in the discretion of the commission.

"(d) Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

"(e) Upon the application of the Attorney General to investigate and make recommendations for the readjustment of the business of any corporation alleged to be violating the antitrust acts in order that the corporation may thereafter maintain its organization, management, and conduct of business in accordance with law.

"(f) To make public from time to time such portions of the information obtained by it hereunder, except trade secrets and names of customers, as it shall deem expedient in the public interest; and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation; and to provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use.

"(g) From time to time to classify corporations and to make rules and regulations for the purpose of carrying out the provisions of this act.

"(h) To investigate, from time to time, trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants, or traders, or other conditions, may affect the foreign trade of the United States, and to report to Congress thereon, with such recommendations as it deems advisable.

"SEC. 7. That in any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts, the court may, upon the conclusion of the testimony therein, if it shall be then of opinion that the complainant is entitled to relief, refer said suit to the commission, as a master in chancery, to ascertain and report an appropriate form of decree therein. The commission shall proceed upon such notice to the parties and under such rules of procedure as the court may prescribe, and upon the coming in of such report such exceptions may be filed and such proceedings had in relation thereto as upon the report of a master in other equity causes, but the court may adopt or reject such report, in whole or in part, and enter such decree as the nature of the case may in its judgment require.

"SEC. 8. That the several departments and bureaus of the Government, when directed by the President, shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this act, and shall detail from time to time such officials and employees to the commission as he may direct.

"SEC. 9. That for the purposes of this act the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the

right to copy any documentary evidence of any corporation being investigated or proceeded against; and the commission shall have power to require by subpœna the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. Any member of the commission may sign subpœnas, and members and examiners of the commission may administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpœna the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

"Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"Upon the application of the Attorney General of the United States, at the request of the commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this act or any order of the commission made in pursuance thereof.

"The commission may order testimony to be taken by deposition in any proceeding or investigation pending under this act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

"Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"No person shall be excused from attending and testifying or from producing documentary evidence before the commission or in obedience to the subpœna of the commission on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the commission in obedience to a subpœna issued by it: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

"SEC. 10. That any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce documentary evidence, if in his power to do so, in obedience to the subpœna or lawful requirement of the commission, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $1,000 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

"Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this act, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any corporation subject to this act, or who shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of such corporation, or who shall willfully remove out of the jurisdiction of the United States, or willfully mutilate, alter, or by any other means falsify any documentary evidence of such corporation, or who shall willfully refuse to submit to the commission or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of such corporation in his possession or within his control, shall be deemed guilty of an offense against the United States, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

"If any corporation required by this act to file any annual or special report shall fail so to do within the time fixed by the commission for filing the same, and such failure shall continue for 30 days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

"Any officer or employee of the commission who shall make public any information obtained by the commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court.

"SEC. 11. Nothing contained in this act shall be construed to prevent or interfere with the enforcement of the provisions of the antitrust acts or the acts to regulate commerce, nor shall anything contained in the act be construed to alter, modify, or repeal the said antitrust acts or the acts to regulate commerce or any part or parts thereof."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

FRANCIS G. NEWLANDS,
ATLEE POMERENE,
WILLIAM SAULSBURY,
MOSES E. CLAPP,
ALBERT B. CUMMINS,
*Managers on the part of the Senate.*

W. C. ADAMSON,
THETUS W. SIMS,
J. HARRY COVINGTON,
F. C. STEVENS,
JOHN J. ESCH,
*Managers on the part of the House.*

During the reading of the report,

Mr. THOMAS. I do not know whether it is proper to call attention to the various provisions of the conference report as the reading goes on or to wait until it has been completed.

Mr. SMOOT (to Mr. THOMAS). Wait until it has been completed.

Mr. THOMAS. On the suggestion of the Senator from Utah, I will suspend my remarks for the present.

After the reading of the report had been concluded,

Mr. SMOOT. Mr. President, it has been a physical impossibility for me and, I believe, for other Senators since receiving the conference report to examine the changes that have been made by the conferees in the bill as it passed the Senate. I admit that it has been impossible for me to consider the changes in more than one or two sections of the bill, and I really believe that the report ought to go over until Tuesday, so that we may have time to consider the changes. It is a most important measure; and from merely a casual observation any Senator can see that many sections of the bill have been changed. Some sections have been eliminated and other sections have been inserted in their places, and still other sections have been taken from and added to.

I am unable to say whether or not the conferees have made the bill better. I believe that during the days intervening between now and Tuesday next Senators who are interested in this vital legislation could at least come to some conclusion as to the advisability of adopting or rejecting the conference report.

Of course, I recognize that the conference report is a privileged question; I recognize that it is now before the Senate; but there is not a Senator who does not know that this legislation is of the most vital importance to the business interests of the country; and to adopt this conference report would, in my opinion, be nothing more nor less than reporting a bill of far-reaching effect to the Senate and asking a unanimous-consent agreement for its present consideration.

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Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. I think the Senator from Utah should add that the bill as reported by the conference committee in many respects is an entirely new bill.

Mr. SMOOT. I believe I did say that; and if I did not say it, I meant to do so

Mr. NEWLANDS. What was the observation of the Senator from Colorado?

Mr. THOMAS. I said that as reported by the conference committee the bill is in many respects an entirely new bill. In other words, the committee has constructed a measure which contains a great many subjects which, although included in the bill as originally passed by the two Houses, are treated in a different way. I think the request that the conference report may go over for a few days is not only pertinent but that it is extremely necessary that it should be agreed to if Senators are to be informed as to this proposed legislation.

Mr. CUMMINS. Mr. President, may I be permitted to say just a word at this point, because it is not probable that I shall be here on Tuesday if the report goes over?

Mr. SMOOT. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, there is a great deal of new phraseology embodied in this conference report, although there is very little, if any, that is not found in the House bill or in the Senate bill. There are just two changes of real materiality in the bill. I mean comparing the conference report with the bill as it was passed by the Senate. The first is substituting the phrase "unfair methods of competition" for the phrase "unfair competition." In my judgment, these two phrases mean exactly the same thing.

The next change is with respect to the procedure for a review of the orders of the commission. We all remember that question was debated at very great length and very carefully considered by the Senate. In the Senate bill the procedure was, first, an independent suit brought by the commission in the district court of the appropriate district for the enforcement of its orders. There was no declaration with respect to the effect of the order of the commission in the suit brought to enforce the order. Personally I believe, and still believe, that the order of the commission in such suit would have all the effect which is now given to orders of the Interstate Commerce Commission in prescribing railroad rates for observance in the future.

There was also a provision for an attack upon the order of the commission by the person or corporation against whom or which it was issued. That also contemplated an independent suit. I believed, and believe still, that in such a suit the order of the commission should be final, except that the court could review the constitutional grounds. We were at variance with regard to what those constitutional grounds were.

In the conference report this is the procedure that has been agreed upon: When the commission makes its order for the discontinuance of a practice or method of unfair competition the commission, if the order is not obeyed, may make an application, which is in substance, of course, a suit, to the circuit court of appeals in the appropriate circuit for the enforcement of its order. With the application it is to file a certified copy of the transcript, including the evidence and the orders that it has taken and made in the case. The court of appeals thereupon issues a subpœna or notice to the person or corporation against whom or which the order was issued. It thereupon tries the case, when the pleadings are made, upon the transcript furnished to it by the commission. In that trial the findings of the commission are made conclusive if supported by testimony as to the facts, leaving the law of the case wholly open to the circuit court of appeals. At the conclusion of that trial it may affirm or reverse or modify the order which the commission has made.

There is a further provision that if upon showing it appears that there ought to be other testimony admitted than that which was received by the commission the circuit court of appeals can refer the matter again to the commission to take such further testimony, which is certified in the same way, and its findings upon the further testimony have the same effect as the original findings.

Any person against whom the order is issued can within 30 days also apply to the circuit court of appeals for a suspension or an annulment of the order of the commission; and thereupon, the commission being notified, it files its transcript with its findings in the same way as though it were attempting to enforce its order, and the proceedings upon the suit so brought or the application so made are the same as though the commission had made the application in the attempt to enforce its orders.

The Supreme Court of the United States is given jurisdiction through the writ of certiorari. There is no absolute right of appeal from the judgment of the circuit court, but its judgments may be reviewed in the way in which judgments are now ordinarily reviewed, by writ of certiorari.

Those are the only real differences in the bill as it passed the Senate and the bill as it is recommended by the members of the conference committee.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Iowa yield to the Sentor from Montana?

Mr. CUMMINS. I do.

Mr. WALSH. I understood the Senator from Iowa to say that the action to review the order of the commission would have to be taken within 30 days.

Mr. CUMMINS. As I remember it, the provision is that the person or corporation against whom or which the order is issued must, if it is desired to set aside or annul the order of the commission, apply to the circuit court of appeals for that purpose within 30 days.

Mr. WALSH. I asked the question, Mr. President, because, on a hurried reading of the conference report, I found no time limit whatever therein either with respect to the suit to be brought by the commission itself to enforce its order or by the individual or corporation against whom or which the order goes to have the order reviewed or annulled. Can the Senator call our attention to the provision?

Mr. CUMMINS. I may be wrong about it. I will read the part I had in mind. It may be that the 30 days relates to another part of it.

Mr. CRAWFORD. What part of the bill is the Senator about to read?

Mr. CUMMINS. I am reading on page 9, the right-hand column.

Mr. NEWLANDS. The last paragraph.

Mr. CUMMINS. It is as follows:

> Any party required by such order of the commission to cease and desist from using such method of competition may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission, and thereupon the commission forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission as in the case of an application by the commission for the enforcement of its order, and the findings of the commission as to the facts, if supported by testimony, shall in like manner be conclusive.

The Senator from Montana is right. I had in mind the 30-day provision on page 7, which relates to the hearing before the commission.

Mr. WALSH. Is it the view of the Senator from Iowa that it would be advisable to permit the ordinary statute of limitations to operate it, or is it his view that a briefer period ought to be fixed within which the commission could institute its action or the party against whom the order goes should be obliged to take that course?

Mr. CUMMINS. I had it in mind that there had been a time fixed, and I carried that idea all the way through. I do not quite understand how I overlooked it, but I think it is not very material, because if the commission desires to enforce its order it will, I assume, be prompt in doing so and will itself bring the matter into the circuit court of appeals if the order is not complied with within a reasonable time.

Mr. WALSH. I am disposed to agree with the Senator about that and do not myself regard the matter as vital, although the bill as it passed the Senate contained a time limitation.

I desire to say to the Senator also that I am glad to be reassured by him that in his own individual opinion the expression "unfair methods of competition" in the conference report is identical in significance with the term "unfair competition" as used in the bill as it passed the Senate. I can not fail to express my regret that the expression of the Senate bill was departed from, because I think the expression has received a rather definite significance in various decisions.

Mr. CUMMINS. The Senator from Montana can not regret that more than I do. I was very earnestly in favor of retaining the Senate expression "unfair competition." I believe it is better, and yet when I came to attempt in my own mind to think of some act of unfair competition that could not be termed an "unfair method of competition" I was unable to summon up any specific instance. I thought "unfair competition" was a broader and more comprehensive term and better understood in the law.

Mr. WALSH. Let me ask the Senator from Iowa if the remainder of the conferees concurred with him in the view which he now expresses as his; that the two expressions were substantially identical?

Mr. CUMMINS. All these things, I think, occurred to me, and they were urged with a good deal of insistence, but the managers on the part of the House were very clearly of the opinion that the term "unfair methods of competition" was the best way of expressing it, and I had to yield, so far as I was individually concerned in that case, as I yielded more than once during the course of the conference.

Mr. SMOOT. Mr. President, I desire to ask the Senator having the bill in charge if he does not think that it would be best to let this matter go over until Tuesday, and will he not consent to that, so that Senators may have time to study differences between the conference report and the bill as it passed the Senate?

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. I have asked the Senator a question, and will be glad to yield for an answer.

Mr. NEWLANDS. As we are pressed for time, I deem it important that this proceeding should go on to a conclusion. It is true that the conferees have presented a new bill, but the substantial matters of difference between the House and the Senate were few, as has been shown by the Senator from Iowa. The whole matter has been thoroughly discussed. The important matters are the matters relating to the clause "unfair competition" and the powers of the commission. The differences are all clearly enumerated in the document containing the three bills printed in the parallel columns which lies before us, the House bill, the Senate bill, and the conference agreement. It is quite easy to pick out what is new and what is different.

Mr. SMOOT. If we had had a day to do that, I agree with the Senator, but we have only had about a couple of hours since the conference report was available.

Mr. NEWLANDS. I should like very much to accommodate the Senator, but I must ask that we proceed.

Mr. SMOOT. Mr. President, insisting on the consideration of the report at this time will not at all hasten the signing of the bill by the President. The conference report is not going to be acted on in the House until Tuesday, at least. The House, I understand, will adjourn early to-day to meet on Tuesday next, and the Senate will do the same. If we were the only body to act upon it, it would be an entirely different matter, but we are not; the House must act upon the conference report before it can be presented to the President. I am sure that the House will not act upon this report to-day, and therefore the Senator will lose nothing, even if he grants the request.

Mr. NEWLANDS. I will state that I am assured that if we get through with the report here this afternoon it will be taken up this afternoon in the House.

Mr. SMOOT. The Senator knows that under the rules of the House a conference report has to be presented and then lie over for a day and be printed.

Mr. NEWLANDS. But the report was presented yesterday, and the bill has been printed, and I think is in the RECORD, together with a statement of the managers as to the three bills.

Mr. SMOOT. Mr. President, I had not noticed——

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SMOOT. Certainly.

Mr. TOWNSEND. Mr. President, it seems to me that it would be in the interest of good legislation to allow this report to go over until we can read the measure, at least. Here is a new bill. Of course the committee may be so well assured of the justice of its cause, and that it is going to be adopted by the Senate without any question, as to be willing to press it; but this is certainly a very important matter. It is a very unusual thing for a committee of conference to frame a new bill and present it, although there were many intimations that that was what was expected of the conference committee in this matter. It has been printed in the RECORD this morning and read without any opportunity to digest its provisions, certainly the new ones; and now we are asked to vote on it.

It seems to me this matter will require a quorum of the Senate all the time to determine it. I feel that in a matter of this sort the Senate ought to consider it, not to delay it, but simply to consider it, and that we ought to read the bill before we vote for it.

Mr. SMOOT. I expected when the trade commission bill passed the Senate, and so stated, I believe, that it would be virtually made in conference, notwithstanding the fact that we had spent weeks and weeks in its consideration.

Mr. POMERENE. Mr. President——

Mr. SMOOT. Just a moment. I have made the request. If the Senator does not feel justified in granting it, of course he can refuse, and then it will rest entirely in the hands of the Senate; but I think it is a very just request, indeed. It will not hamper the passage of the bill in the least. It will be signed by the President just as quickly if it goes over until Tuesday as it will if it is forced through the Senate to-day. I sincerely hope the Senator will reconsider his refusal, and allow it to go over.

Mr. NEWLANDS. Mr. President, with reference to what the Senator says as to our making up a new bill, I wish to say that he will observe, upon comparing the conference report with the bill as it passed the Senate, that it varies from it in very few particulars. There is a difference of logical arrangement, but the substance of the bill is there, and almost the language of the bill. The substantial changes have been referred to by the Senator from Iowa; and there is therefore no real reason for delay based upon the assertion that a new bill has been framed. Whatever is in this bill was entirely within the range of difference between the Senate and the House, and can be found either in the one bill or in the other.

Mr. SMOOT. As far as that is concerned, conferees have taken it upon themselves to put entirely new matter in conference reports; and, as I say, it is a physical impossibility for a Senator to take up the report this morning and in an hour be prepared to call attention to the changes that have been made from the bill as it passed the Senate and as reported by the conferees.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I do.

Mr. POMERENE. I simply wish to confirm what has been said by the chairman of the committee and the Senator from Iowa [Mr. CUMMINS]. It is hardly fair to say that this is a new bill, though that expression has been used to-day. With the exception of section 5, I think there is nothing vital or substantial in any of the changes which were made by the conferees. They go rather to rearrangement and perhaps to changes in phraseology; and it is true there have been a good many of them.

Mr. SMOOT. The Senator must admit that section 5 is the vital section of the bill.

Mr. POMERENE. Undoubtedly.

Mr. SMOOT. Practically, it is the bill.

Mr. POMERENE. Undoubtedly; but as to section 5 I think the Senator from Iowa has very fairly and very fully pointed out the difference between the section as it passed the Senate and the section as it is presented here by the conferees. As the Senator knows, that section was entirely new matter in the Senate. I understand it had been considered by the Interstate Commerce Committee of the House, but they did not incorporate it in the bill.

Mr. SMOOT. I deprecate this method of legislation by conferees rather than by the two Houses of Congress.

I can not do more, and do not intend to do more, than I have already done in asking the Senator to allow the report to go over until Tuesday. If he refuses, of course I can not help it. I do not think he will gain anything by the refusal.

Mr. GALLINGER. Mr. President, I take rather a serene view of the situation, for the reason that from my viewpoint the bill was as bad as it possibly could be when it passed the Senate, and I am sure the conferees have not made it any worse. On the contrary, while I have not examined it, I felicitate myself in the hope that perhaps they have improved it. Whether it is considered to-day or next Tuesday is comparatively immaterial to me, because I assume the conference report will be agreed to whenever we come to a vote.

Of course the request that has been made is not an unusual one, and under the circumstances very likely a proper one; but on that point I do not care to say a word. The entire legislation did not commend itself to some of us who voted against the bill. We had our reasons, some of which were expressed, and some were not. I think I represent more than one Senator on this side of the Chamber in the belief that the bill, however it has been manipulated in conference—and we know bills are manipulated in conference—will do much less good than the proponents of the bill anticipate. I think that at this time, when the business interests of the country are pleading for peace and rest, it will be simply a statute that will cause uneasiness and distrust and disturbance in the business world. That is my personal opinion.

Mr. BORAH. Mr. President, I should like to ask those in charge of the report if there has been any change in the provisions with reference to the scope of the review of the action

of the trade commission? Has that been enlarged or changed in any respect from what it was as put down in the Senate?

Mr. NEWLANDS. The Senator evidently did not hear the Senator from Iowa [Mr. CUMMINS].

Mr. BORAH. No; I had the misfortune to be out just at that time.

Mr. NEWLANDS. I will state to the Senator that section 5 of the report differs from section 5 as the bill passed the Senate.

Mr. BORAH. Yes; I know section 5 differs. I saw that in the papers.

Mr. NEWLANDS. With reference to the process in the court, the findings of fact by the commission are made conclusive, if sustained by evidence. The court can review all questions of law. The proceeding is somewhat shortened by providing for an application to the court of appeals instead of to the district court. The entire transcript goes to the court of appeals. If the court of appeals comes to the conclusion that any additional evidence is required, it can remand the matter to the commission for the purpose of taking such additional evidence, and then a transcript of it is filed in the court of appeals. The court of appeals then, after trial and hearing, has the power to affirm or modify or reject or reverse the order of the commission. I will state that, of course, there is the usual process of appeal to the Supreme Court by certiorari.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. I do.

Mr. THOMAS. I will ask the Senator from Nevada if it is not true that the party against whom such order is made may petition the court for review at any time?

Mr. NEWLANDS. Yes.

Mr. THOMAS. There is no limitation either of days or of months or of years upon the right or privilege of the party against whom or against which the order goes.

Mr. BORAH. I will ask the Senator from Colorado a question. Suppose this trade commission, in a particular case, upon a particular hearing where the facts have been brought before it, should determine that a particular method or way of doing business was unfair competition, and therefore should issue an order prohibiting it, would it be within the power of Congress, for instance, to pass a joint resolution and declare that upon the state of facts it was not unfair competition? And if, technically, Congress had the power to pass such a resolution, could the Senator suppose such an extraordinary thing as Congress being asked to do it?

Mr. THOMAS. I would prefer that the Senator should ask that question of some friend of the bill or of one of the conference committee.

Mr. BORAH. Who are the friends of the bill?

Mr. THOMAS. I imagine that a decree of the commission would be on the same plane as the decree of the Interstate Commerce Commission, with reference to the power of Congress to relieve from it.

Mr. BORAH. In view of the fact that we are advised—not officially, but in ways which seem reliable—that we are about to consider the proposition of a joint resolution to instruct the Interstate Commerce Commission to raise freight rates and passenger rates, it occurred to me that possibly there ought to be some provision in this bill to avoid the necessity of that roundabout way of controlling these commissions.

Mr. THOMAS. Is the Senator addressing his remark to me?

Mr. BORAH. Yes.

Mr. THOMAS. I do not know of any roundabout or other way of controlling these commissions once they get started, and they seem to have a pretty good start just now.

Mr. CUMMINS. Mr. President, I am a friend of the bill, and I have no hesitation whatever in answering the question of the Senator from Idaho. I do not think it would be within the power of Congress to direct the commission to enter any particular order upon any given state of facts; but it is within the power of Congress to change the law whenever it sees fit to do so.

I hope the remark of the Senator from Idaho, addressed to the Senator from Colorado, is not based upon any belief upon his part that Congress is about to direct the Interstate Commerce Commission to raise railroad rates or to enter any other order with regard to railroad rates or practices that have been condemned by the commission.

Mr. BORAH. I can not say that it is my belief. I have no belief these days. I simply have intimations and intuitions, which arise out of these daily "emergencies." I have an intimation coming from different sources throughout the country, and it seems now to be centralized in Washington, that Congress is to be expected to pass a joint resolution directing the Interstate Commerce Commission, after it has investigated the matter and passed upon the facts, nevertheless to enter another order. Now, I do not know whether the railroads are entitled to have a raise in rates or not, but, aside from that question, it seemed to me rather extraordinary that Congress, which has made no investigation, should be called upon to instruct a commission which has made an investigation. The one is supposed to proceed upon investigation and from deliberation; the other would proceed without investigation and upon another hourly born "emergency."

Mr. CUMMINS. I know that I have received a great many letters from people throughout the country containing a circular letter issued by some firm or corporation in New York, in which the very phraseology of the proposed resolution is set out, and in which the correspondents of this firm in New York are asked to write letters to their Senators and their Representatives insisting upon the passage of this resolution. I have answered them about in this wise: That it was incredible to me that any good citizen would suggest such a course, for it was as shocking to me to intimate that Congress could by resolution direct the action of the Interstate Commerce Commission as it would be to suggest that Congress should direct the Supreme Court to render a particular decision in any case that might be pending before it. I am very much astonished at the feeling that possibly there are people here who intend to call upon Congress to do that. I hope the Senator from Idaho is mistaken in even his suspicion that our friends on the other side are preparing any such measure as that for our consideration.

Mr. BORAH. I thought perhaps if I suggested this to my friend from Iowa it might ameliorate his enthusiasm for these commissions.

Mr. CUMMINS. No, Mr. President; I believe in the Interstate Commerce Commission, and I believe in the Federal trade commission about to be established, and I want to put my prediction with regard to this measure, if it becomes a law, side by side with the prediction of my distinguished friend from New Hampshire [Mr. GALLINGER]. He has stated that he believes it will disturb business and that it is the forerunner of disaster. I predict that in the days to come the Federal trade commission and its enforcement of the section with regard to unfair competition will be found an anchor for honest business. I believe it will introduce a stability in business that hitherto has been unknown. I believe it will restore confidence among those who are conducting their affairs honestly and uprightly.

Mr. GALLINGER. Mr. President——

Mr. CUMMINS. I believe it will be found to be the most efficient protection to the people of the United States that Congress has ever given the people by way of a regulation of commerce, and that it will rank in future years with the antitrust law; and I was about to say that it would be found still more efficient in the creation of a code of business ethics and the establishment of the proper sentiments with regard to business morals. I am not half-hearted in my support of this measure. I believe in it thoroughly. I look forward to its enforcement with a high degree of confidence.

Mr. BORAH. I wish to ask the Senator from Iowa if he thinks that this commission will in time take as high rank as the Interstate Commerce Commission, and be treated in the same way in case its decisions run counter to an "emergency"?

Mr. CUMMINS. I am not prepared to answer that question in a direct way. I believe it is capable of taking as high a rank. It depends, of course, upon the character and the attainments of the men who are appointed to fill the commission. It can be made of the highest usefulness and it can be degraded into a mere political machine, if it be so desired. That is true of every function of the Government.

Mr. GALLINGER. Mr. President——

Mr. BORAH. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I did not know the Senator had the floor.

Mr. CUMMINS. I was speaking in the time of the Senator from Idaho.

Mr. GALLINGER. In these days, when phrases and fine words are caught up and scattered over the country as representing the views of Senators, I wish to suggest to the Senator from Iowa that in using the word "disaster" he did not accurately state what I said. I think the Senator will observe that if he turns his attention to the RECORD in the morning.

Mr. CUMMINS. I need no further assurance than the word of the Senator from New Hampshire.

Mr. GALLINGER. I do not prophesy that.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NEWLANDS. I ask that the unfinished business be temporarily laid aside whilst we are considering the conference report.

The VICE PRESIDENT. Is there objection?

Mr. TOWNSEND. I object, Mr. President.

Mr. NEWLANDS. I move, then, that the Senate proceed to the consideration of the conference report.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

Mr. TOWNSEND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bankhead | Fletcher | Martin, Va. | Shively |
| Borah | Gallinger | Martine, N. J. | Simmons |
| Brady | Hollis | Newlands | Smith, Ga. |
| Bryan | Hughes | Norris | Smoot |
| Burton | Jones | Perkins | Stone |
| Chamberlain | Kenyon | Pittman | Swanson |
| Chilton | Kern | Poindexter | Thomas |
| Clapp | Lane | Pomerene | Thompson |
| Colt | Lea, Tenn. | Ransdell | Thornton |
| Crawford | Lee, Md. | Shafroth | Walsh |
| Cummins | Lewis | Sheppard | White |
| Fall | McLean | Shields | Williams |

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of absent Senators, and Mr. MCCUMBER answered to his name when called.

Mr. ASHURST entered the Chamber and answered to his name.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. BORAH. I presume the matter before the Senate now is the conference report.

The VICE PRESIDENT. It is the motion made by the Senator from Nevada [Mr. NEWLANDS], to proceed to the consideration of the conference report.

Mr. BORAH. Excuse me.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nevada [Mr. NEWLANDS].

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I transfer the same to the junior Senator from Kentucky [Mr. CAMDEN] and vote "nay."

Mr. COLT (when his name was called). I am paired with the junior Senator from Delaware [Mr. SAULSBURY]. In his absence I withhold my vote.

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Wyoming [Mr. WARREN]. I transfer the pair to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], and in his absence from the Chamber I will withhold my vote.

Mr. MCLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN] and therefore withhold my vote.

Mr. SIMMONS. I desire to state to the Senator from California that the junior Senator from North Carolina, if present, would vote "yea," so that if the Senator from California proposes to vote that way he can vote.

Mr. PERKINS. Then I will vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I understand, however, that we are in accord upon this subject, and I therefore vote "nay."

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. LIPPITT], under the terms of which I am entitled to vote if my vote is necessary to make a quorum. I understand that the conditions are such as to entitle me to vote, and accordingly I vote "yea."

Mr. WILLIAMS (when his name was called). I announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE], and being unable to procure a transfer I must withhold my vote. If I were at liberty to vote I would vote "yea."

The roll call was concluded.

Mr. HOLLIS. I have a pair with the junior Senator from Maine [Mr. BURLEIGH], but I may vote to make a quorum when my vote is necessary. I vote "yea."

Mr. LEA of Tennessee (after having voted in the affirmative). Is the senior Senator from South Dakota [Mr. CRAWFORD] recorded as voting?

The VICE PRESIDENT. He is not.

Mr. LEA of Tennessee. Under the terms of my pair with that Senator I am at liberty to vote if my vote is necessary to make a quorum, and I will allow my vote to stand.

Mr. GALLINGER. I desire to announce the following pairs:

The Senator from Kansas [Mr. BRISTOW] with the Senator from Georgia [Mr. WEST];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE];

The Senator from South Dakota [Mr. STERLING] with the Senator from Mississippi [Mr. VARDAMAN];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

Mr. CRAWFORD entered the Chamber and voted "yea."

Mr. STONE. I wish to announce that my colleague [Mr. REED] is unavoidably absent from the city for to-day.

The result was announced—yeas 35, nays 8, as follows:

YEAS—35.

| | | | |
|---|---|---|---|
| Ashurst | Fall | Martin, Va. | Simmons |
| Bankhead | Fletcher | Newlands | Smith, Ga. |
| Borah | Hollis | Norris | Stone |
| Brady | Hughes | Perkins | Swanson |
| Bryan | Kenyon | Pittman | Thompson |
| Chilton | Kern | Ransdell | Thornton |
| Clapp | Lea, Tenn. | Shafroth | Walsh |
| Crawford | Lee, Md. | Sheppard | White |
| Cummins | Lewis | Shields | |

NAYS—8.

| | | | |
|---|---|---|---|
| Burton | Jones | McCumber | Smoot |
| Chamberlain | Lane | Poindexter | Thomas |

NOT VOTING—53.

| | | | |
|---|---|---|---|
| Brandegee | Gronna | Owen | Stephenson |
| Bristow | Hitchcock | Page | Sterling |
| Burleigh | James | Penrose | Sutherland |
| Camden | Johnson | Pomerene | Tillman |
| Catron | La Follette | Reed | Townsend |
| Clark, Wyo. | Lippitt | Robinson | Vardaman |
| Clarke, Ark. | Lodge | Root | Warren |
| Colt | McLean | Saulsbury | Weeks |
| Culberson | Martine, N. J. | Sherman | West |
| Dillingham | Myers | Shively | Williams |
| du Pont | Nelson | Smith, Ariz. | Works |
| Gallinger | O'Gorman | Smith, Md. | |
| Goff | Oliver | Smith, Mich. | |
| Gore | Overman | Smith, S. C. | |

The VICE PRESIDENT. No quorum is present.

Mr. GALLINGER. I will transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

The VICE PRESIDENT. No quorum is present, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fall | Martine, N. J. | Smith, Ga. |
| Bankhead | Fletcher | Norris | Smoot |
| Borah | Gallinger | Perkins | Swanson |
| Brady | Hollis | Pittman | Thomas |
| Bryan | Hughes | Poindexter | Thompson |
| Burton | Kenyon | Pomerene | Thornton |
| Chamberlain | Kern | Ransdell | Walsh |
| Chilton | Lea, Tenn. | Shafroth | Williams |
| Clarke, Ark. | Lee, Md. | Sheppard | |
| Crawford | Lewis | Shields | |
| Cummins | Martin, Va. | Simmons | |

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. NEWLANDS, Mr. SHIVELY, Mr. STONE, and Mr. WHITE answered to their names when called.

Mr. LANE entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given and request the attendance of absent Senators.

Mr. CLAPP, Mr. VARDAMAN, and Mr. JONES entered the Chamber and answered to their names.

Mr. NEWLANDS. I am satisfied it will be difficult to get a voting quorum this afternoon. Therefore I will withdraw my motion and I shall renew it on Tuesday.

Mr. BURTON. I did not understand the statement of the Senator from Nevada.

Mr. NEWLANDS. I said I was satisfied it would be difficult to get a voting quorum this afternoon, and therefore I withdraw my motion to continue the consideration of the conference report and shall renew it on Tuesday.

Mr. GALLINGER. A parliamentary inquiry, Mr. President. The roll call having been begun, and being uncompleted, can the Senator from Nevada withdraw his motion?

The VICE PRESIDENT. Nothing can be done until the Chair announces the result of the roll call. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. NEWLANDS. I supposed the announcement had been made. I withdraw the motion for the immediate consideration of the conference report, and I shall renew it on next Tuesday.

The VICE PRESIDENT. Is there objection? The Chair is of opinion that the Senator's motion must be withdrawn by unanimous consent, having been once voted upon and the vote being pending. Is there objection to the withdrawal of the motion?

Mr. GALLINGER. I do not make any objection, but I wanted it to be put in the form that it must be done by unanimous consent.

Mr. NORRIS. Mr. President, I object.

Mr. GALLINGER. Let the roll be called.

The VICE PRESIDENT. Then, the Secretary will have to call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). Again announcing the transfer of my pair I vote "nay."

Mr. FLETCHER (when his name was called). I make the same announcement as to my pair and its transfer as before and vote "yea."

Mr. GALLINGER (when his name was called). I announce my pair with the junior Senator from New York [Mr. O'GORMAN] and withhold my vote.

Mr. HOLLIS (when his name was called). Announcing my pair as before, I vote to make a quorum. I vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair with the Senator from North Carolina [Mr. OVERMAN].

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. STONE (when his name was called). I transfer my general pair with the Senator from Wyoming [Mr. CLARK] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. THOMAS (when his name was called). Renewing the announcement previously made, I vote "nay."

Mr. WALSH (when his name was called). Renewing the statement made on a former vote, I vote "yea."

Mr. WILLIAMS (when his name was called). Again announcing my pair, I withhold my vote.

The roll call was concluded.

Mr. COLT. I again announce my pair and withhold my vote.

The result was announced—yeas 34, nays 8, as follows:

YEAS—34

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Martine, N. J. | Stone |
| Bankhead | Hollis | Newlands | Swanson |
| Brady | Hughes | Norris | Thompson |
| Bryan | Kern | Pittman | Thornton |
| Chilton | Lea, Tenn. | Shafroth | Vardaman |
| Clapp | Lee, Md. | Sheppard | Walsh |
| Crawford | Lewis | Shields | White |
| Cummins | McLean | Simmons | |
| Fall | Martin, Va. | Smith, Ga. | |

NAYS—8.

| | | | |
|---|---|---|---|
| Burton | Jones | McCumber | Smoot |
| Chamberlain | Lane | Poindexter | Thomas |

NOT VOTING—54.

| | | | |
|---|---|---|---|
| Borah | Gore | Owen | Smith, Mich. |
| Brandegee | Gronna | Page | Smith, S. C. |
| Bristow | Hitchcock | Penrose | Stephenson |
| Burleigh | James | Perkins | Sterling |
| Camden | Johnson | Pomerene | Sutherland |
| Catron | Kenyon | Ransdell | Tillman |
| Clark, Wyo. | La Follette | Reed | Townsend |
| Clarke, Ark. | Lippitt | Robinson | Warren |
| Colt | Lodge | Root | Weeks |
| Culberson | Myers | Saulsbury | West |
| Dillingham | Nelson | Sherman | Williams |
| du Pont | O'Gorman | Shively | Works |
| Gallinger | Oliver | Smith, Ariz. | |
| Goff | Overman | Smith, Md. | |

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Cummins | Martine, N. J. | Smith, Ga. |
| Bankhead | Fletcher | Newlands | Smoot |
| Borah | Gallinger | Norris | Stone |
| Brady | Hughes | Perkins | Swanson |
| Bryan | Kern | Pittman | Thomas |
| Burton | Lane | Poindexter | Thompson |
| Chamberlain | Lea, Tenn. | Ransdell | Thornton |
| Chilton | Lee, Md. | Shafroth | Vardaman |
| Clapp | Lewis | Sheppard | White |
| Clarke, Ark. | McLean | Shields | Williams |
| Colt | Martin, Va. | Simmons | |

The VICE PRESIDENT. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. SHIVELY answered to his name when called.

Mr. FALL, Mr. WALSH, Mr. KENYON, and Mr. JONES entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. POMERENE entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The pending question is, Will the Senate proceed to the consideration of the conference report on the trade commission bill, on which the yeas and nays have been ordered? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. GALLINGER (when his name was called). I announce my pair with the junior Senator from New York [Mr. O'GORMAN] and withhold my vote.

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN] and withhold my vote.

Mr. THOMAS (when his name was called). Making the same announcement as heretofore, I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I have not been able to secure a transfer, but I have an understanding with that Senator that when it is necessary to constitute a quorum I am at liberty to vote. The roll call having failed to show a quorum upon the last two calls, I consider myself at liberty to vote now. I therefore vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. Again transferring my pair, I vote "nay."

Mr. SMITH of Georgia. I again transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea." I ask that this announcement of my pair and its transfer may stand for the remainder of the day.

The result was announced—yeas 31, nays 6, as follows:

YEAS—31.

| | | | |
|---|---|---|---|
| Ashurst | Hughes | Norris | Simmons |
| Bankhead | Kern | Pittman | Smith, Ga. |
| Bryan | Lea, Tenn. | Pomerene | Stone |
| Chilton | Lee, Md. | Ransdell | Swanson |
| Clapp | Lewis | Shafroth | Thompson |
| Cummins | Martin, Va. | Sheppard | Thornton |
| Fall | Martine, N. J. | Shields | Williams |
| Fletcher | Newlands | Shively | |

NAYS—6.

| | | | |
|---|---|---|---|
| Chamberlain | Lane | Smoot | Thomas |
| Jones | Poindexter | | |

NOT VOTING—59.

| | | | |
|---|---|---|---|
| Borah | Burleigh | Clark, Wyo. | Culberson |
| Brady | Burton | Clarke, Ark. | Dillingham |
| Brandegee | Camden | Colt | du Pont |
| Bristow | Catron | Crawford | Gallinger |

| | | | |
|---|---|---|---|
| Goff | McCumber | Reed | Sutherland |
| Gore | McLean | Robinson | Tillman |
| Gronna | Myers | Root | Townsend |
| Hitchcock | Nelson | Saulsbury | Vardaman |
| Hollis | O'Gorman | Sherman | Walsh |
| James | Oliver | Smith, Ariz. | Warren |
| Johnson | Overman | Smith, Md. | Weeks |
| Kenyon | Owen | Smith, Mich. | West |
| La Follette | Page | Smith, S. C. | White |
| Lippitt | Penrose | Stephenson | Works |
| Lodge | Perkins | Sterling | |

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bankhead | Gallinger | Pomerene | Stone |
| Chamberlain | Lane | Ransdell | Swanson |
| Chilton | Lea, Tenn. | Shafroth | Thomas |
| Clapp | Lee, Md. | Sheppard | Thornton |
| Colt | Martin, Va. | Shields | Walsh |
| Cummins | Newlands | Shively | White |
| Fall | Norris | Simmons | Williams |
| Fletcher | Perkins | Smoot | |

The VICE PRESIDENT. Thirty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. JONES, Mr. LEWIS, Mr. MARTINE of New Jersey, Mr. THOMPSON, and Mr. VARDAMAN answered to their names when called.

Mr. ASHURST, Mr. PITTMAN, Mr. BRYAN, Mr. KERN, and Mr. HUGHES entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate, heretofore given, to request the attendance of absent Senators.

Mr. CRAWFORD and Mr. BRADY entered the Chamber and answered to their names.

RECESS.

Mr. KERN. In pursuance of the order made on yesterday, I move that the Senate take a recess until 11 o'clock Tuesday morning. The order has already been made for a recess not later than 6 o'clock to-day.

The motion was agreed to; and (at 2 o'clock and 8 minutes p. m.) the Senate took a recess until Tuesday, September 8, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, *September 5, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father who art in heaven, we thank Thee that though we ofttimes forget Thee and wander far from the paths of rectitude and duty Thou art ever mindful of us and always ready to receive the penitent wanderer to Thy favor and confidence. Pour out, we beseech Thee, upon us the spirit which makes for righteousness in the soul, that we may be more faithful to Thee and ever close to duty's call; that we may be able to fulfill our mission upon the earth and pass serenely on at the appointed time to that house not made with hands, eternal in the heavens. In the name of Him who taught us faith and confidence in Thee. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 17442. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of Congress approved March 3, 1913, and June 6, 1914;

H. R. 2167. An act to fix the time for holding the term of the district court in the Jonesboro division of the eastern district of Arkansas; and

H. J. Res. 330. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved April 24, 1914.

COAL LANDS IN ALASKA.

The SPEAKER. Under the special rule the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14233, and the gentleman from New York [Mr. FITZGERALD] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14233, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14233, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That no lease issued under authority of this act shall be assigned or sublet except with the consent of the Secretary of the Interior. Each lease shall contain provisions for insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of waste as may be prescribed from time to time by the said Secretary shall be observed, and such other provisions as he may deem necessary for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare.

Mr. MONDELL and Mr. LEWIS of Maryland rose.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment which the Clerk will report.

The Clerk read as follows:

Pages 9 and 10, strike out all of section 10 after the word "Interior" in line 23 and insert in lieu of the words stricken out the following:

"All leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence to open a coal mine or mines on the leased premises and to produce coal therefrom during the life of the lease in such quantity as the condition of the market shall justify. That the lessee shall not during the lifetime of the lease receive or hold, directly or indirectly, any other lease under the provisions of this act or interest therein. That he shall not monopolize, in whole or in part, the trade in coal. That he will at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks, and without discrimination in price or otherwise, as between persons and places for a like product delivered under similar terms and conditions. That the mining operations shall be carried on in a workmanlike manner, with due regard to the permanence of the mine, without undue waste, and with a special reference to the safety and welfare of the miners.

Mr. MONDELL. Mr. Chairman, the amendment that I offer is intended to place in the lease certain conditions which are essential and necessary to continuous mining under proper conditions and for the protection of the miner and the general public. It is true there are in another section of the bill certain prohibitions against combinations in restraint of trade, but there is no provision in the bill which compels the Secretary of the Interior to make a part of the lease these necessary provisions for the permanence of the mine, the safety of the miner, and the full and complete protection of all purchasers of coal. There is a general provision in the words which are stricken out by my amendment under which the Secretary could possibly require all of these things and make them a part of the lease. But that is questionable. That is somewhat doubtful, as a matter of law, and it seems to me highly important that these necessary and essential things should be definitely made a part of the lease by provisions contained in this bill.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. STEPHENS of Texas. Is there not a general law of the United States, and also laws in the various States, protecting miners when engaged in the mining of coal and other minerals that may be carried on in any of the States?

Mr. MONDELL. There is a general law in the United States against combinations in restraint of trade, and yet it was deemed wise to put a provision in another section of this bill prohibiting such combinations in restraint of trade in coal. My proposition is this, that the Congress should definitely, and in language that can not be misunderstood, compel the placing in all leases of those provisions that we all agree are necessary for the permanence of the mine, for the protection of the miner, and for the protection of those who may purchase the coal. If we do not do that and simply say to the Secretary of the Interior that he may insert in the lease such provisions as in his opinion are necessary and proper, we give him no guide, we place him under no obligation to put in the lease any of the essential provisions. Certainly when we come to the leasing of these valuable coal lands in Alaska, over which there has been so much agitation, in regard to which there has been so much misrepresentation, we should make it clear, definite, and cer-

tain that the interests of all interested parties, the Government, the miner, and the consuming public, should be protected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MONDELL. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 32, noes 80.

So the amendment was rejected.

Mr. LEWIS of Maryland. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, line 3, insert, after the word "observed," the following: "including a restriction of not exceeding eight hours' actual labor in any one day for underground workers, except in cases of emergency; provisions securing the workmen complete freedom of purchase, requiring the payment of wages at least twice each month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner."

Mr. LEWIS of Maryland. Mr. Chairman, the amendment I have just introduced is addressed to three substantial conditions in coal-mining sociology. The first is the provision for an eight-hour day. It is enough to say to the intelligence of this House that if an eight-hour day is justified in any industrial employment it is demanded in coal mining, where, because of the atmospheric conditions which at best must often obtain in coal mines, the lungs of the miner are frequently worn out when he is but 30 or 40 years of age, and he is thrown on the scrap heap, an asthmatic victim for the rest of his life. There can be no question among those who have given this question impartial attention that an eight-hour day is not only justified but necessitated by the conditions of underground coal mining.

The second point involves mere truisms under our institutions. I trust I can say a man surely is entitled to purchase the requirements of life at his own pleasure and from such merchants as his own taste or interests may point out. No argument is necessary, surely, as to that point, and this is equally true as to his right to be paid in lawful money at least semimonthly.

The third point, Mr. Chairman, covered by the amendment is one giving the Secretary of the Interior power to make regulations to insure the just and fair weighing of the coal that may be mined. I can speak from experience in saying that no subject is productive of as much trouble between the employer and the employee as the matter of the weighing of the coal after it is mined. The miner can not be present when the coal is weighed, and the employer selects the weighmaster. That does not mean that the coal is generally unjustly weighed, but it does mean that in coal mining, as in other occupations, unfortunately the rogue will sometimes appear and cheat at the scale, although he is rare; and as the miner can not be present at the scale to determine for himself that his coal has been justly weighed, a spirit of suspicion enters into those relations that is often productive of the most serious disturbances in coal mining.

Under this amendment the mine inspector might be given the power to dismiss the weighmaster whose honesty is doubted with show of reason, and such weighmasters should, as public functionaries, be subject to his approval on the question of character and competency. With this brief explanation of the points covered by the amendment I ask the credence of the House for my statement, as that of an experienced witness, that this amendment will prove of advantage to the public, and to the employees and employers as well, in the development of the public coal lands of the country. [Applause.]

Mr. FERRIS rose.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] is recognized.

Mr. FERRIS. Mr. Chairman, the amendment offered by the gentleman from Maryland [Mr. LEWIS], the distinguished chairman of the Committee on Labor, was presented to me and to some members of the committee several days ago when this bill was up before. It was my thought then that Alaska, the country affected, was so sparsely populated and the conditions were so onerous under which coal could be mined at all that there might be some considerable doubt as to whether the gentleman from Maryland should have his amendment adopted. I took it, however, and went down to the department yesterday with it, and I had the lawyers of the department and Secretary Lane and members of our committee consider it, and on comparison we found that what the gentleman from Maryland desires to do is practically what the Western States have on their State statutes; and if the gentleman feels that it ought to be adopted, as I believe he does, so far as I know we are willing to accept it, and so far as we may be concerned we do accept it.

Mr. WICKERSHAM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alaska moves to strike out the last word.

Mr. WICKERSHAM. Ordinarily an amendment of this kind might not be needed, but the conditions here are peculiar. The lands in Alaska belong to the United States. The Congress of the United States has supreme legislative power over Alaska, for it is a Territory. The Territorial Legislature in Alaska has no power to legislate in respect to leases made under this bill, if it shall pass. It may be held to have no power or control in the management of the mines or of the men who work in the mines. Any legislation necessary in respect to the limitation of hours, the protection of the mines, and the protection of the men working in the mines must be enacted by the Congress, and, substantially, it must be enacted now, because if this bill shall pass without it and leases are made under it Congress would not then have the right to change the contract or lease entered into under this bill and impose new conditions.

I strongly favor the proposed amendment. The people of Alaska favor the eight-hour law in underground mine work, and I specially favor that provision in the amendment.

The first Legislature of Alaska, on April 24, 1913, passed an act making eight hours the limit in underground mine working in that Territory, as follows:

SEC. 2. That the period of employment of workmen in underground workings, underground mines, stamp mills, and roller mills, open-cut work, clorination processes, cyanide processes, and coke ovens shall not exceed 8 hours within any 24 hours, except on such days as change of shift is made—

And so forth.

This act of the Alaska Legislature, however, can have no force in respect to coal-mine working under this leasing law, for Congress has plenary power over the coal lands of Alaska and the sole and exclusive right to determine what the conditions of the lease shall be. The Legislature of Alaska will have no power to change this law or add any new conditions to the lease. So it is imperative that Congress shall now in this bill limit the hours of work to be performed in the Alaska coal mines, if it is done at all. It is very desirable to have it done, and I strongly favor that portion of this amendment.

The provision securing to workmen complete freedom of purchase and requiring the payment of wages at least twice a month in lawful money is also beyond the power of the local legislature, for this provision must also be a part of the conditions of the lease over which the local legislature will have no jurisdiction.

The provision about weighing stands in the same situation. Ordinarily, the local legislature has police power over all matters of this kind, but owing to the peculiar relationship of the United States as the proprietor of these coal lands in Alaska, and because Congress is the supreme lawmaking body in that Territory, and because the Legislature of Alaska is so limited in its authority, this amendment ought to be made at this time, and I earnestly hope the House will accept the amendment and make it a part of the Alaska coal-leasing bill while it has the opportunity.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last two words.

Mr. GREENE of Massachusetts. We are talking about the necessity of giving people employment in coal mines in Alaska, and I think there is a necessity for it. I am impressed very strongly in that connection by an article which I clipped from the Boston Traveler of Wednesday evening, September 2. It reads as follows:

LABOR CONDITIONS THE WORST IN SEVEN YEARS.

The month of September starts out with the demand for labor at the lowest ebb for a corresponding period since the panic year of 1907, according to the figures of the State employment bureau at Kneeland Street.

Supt. Walter L. Sears, of the bureau, very conservatively refrains from attributing this exceedingly slack demand for help (a most accurate barometer of general business conditions) to either the Pan European War, the low tariff adjustments, or to any one single thing.

"I am simply interpreting the cold facts and figures that the work of this bureau records," he says, "when I say that the labor situation as reflected by our contact with it is discouraging.

"August is always a low point, almost the lowest of the yearly cycle; but the month just passed is far below the normal, both as to demand for help and for positions filled; and, of course, this slack demand is accompanied by its inevitable complement of swelling numbers of the unemployed.

3,000 CALL IN DAY.

"Yesterday, as a typical day, we had what we term an 'attendance' of 3,000 persons looking for work. To these 3,000 we had a grand total of just 82 jobs to offer.

"The average daily demand by employers for help of all classes for the month of August this year was 52, and the average of 'stars' or positions to which we actually supplied a successful applicant was 42 per day.

"For the same month last year we were receiving calls for help from employers at the rate of 82 a day and filling about 70 of these.

"Considerable of a falling off, you see—30 less for every single day of the whole month.

DEMAND NEVER SO LOW.

"That means that we have been compelled to turn away nearly 1,000 more job seekers during the month just passed than for the same period a year ago.

"In fact, it means that the demand for labor was never so low at this time of year in the history of this bureau, with the exception of the low-water mark following the 1907 panic, which resulted in the daily average requests for help during August, 1908, of 39 and an average of positions filled of 30."

The bureau's records show that the most pronounced depression in business activities, as divined from the labor demand of the respective branches, exists in the machinists' trades, closely followed by that of firemen and engineers. The building trades are also exceedingly dull. The printing trade is about the only branch of which it may be said that the conditions are positively "good."

"The war may have made things busy for the printers," admitted Supt. Sears. "I quite believe that a good many printing presses are running overtime in the attempt to keep up with the remarkable variety, not to say diversity, of the war news.

LITTLE RELIEF IN SIGHT.

"But in spite of all the talk about how that great struggle is going to boom things for this neutral country I am afraid that I can see little hope for any relief in the labor situation that can come out of the murder fest across the Atlantic.

"Not for a considerable period, say six months at the least, and probably a year, for it will take some time to get adjusted to new markets, if we can cultivate them in the South American and other peaceful countries.

"In fact, I should say that the interruption and disruption which we know has already been reflected in many industrial branches throughout the United States would create more idleness in the labor world before it lessened it.

"Understand, I do not say that this department has as yet observed any direct evidence of an increase in unemployment that can be directly laid to the European war situation; but we have the war and we have the lowest labor demand since the panic year."

But the depression in business is not confined to Boston, Mass. I find in reading the New York Sun of to-day the following:

BALDWIN PLANT TO CLOSE.

PHILADELPHIA, *September 4.*

Lack of orders has resulted in the announcement by the Baldwin Locomotive Works that the entire plant at Eddystone will be closed for an indefinite period after to-morrow.

Some of the employees were of the opinion that they would be transferred to the works in this city and were disappointed to learn that none of their services would be required. In normal times the plant at Eddystone gives employment to several thousand men. Latterly the force has been largely reduced and put on part time.

When asked for an explanation an official said that the war has nothing to do with it.

The attempt on the part of our Democratic friends to claim that depression in business is caused solely by the war in Europe demonstrates their great desire to have the people forget that they have been in power since Woodrow Wilson took the oath of office as President of the United States on March 4, 1913.

Since that time he has been framing legislation, and since April 4, 1913, he has been submitting it to the Congress, and all the existing machinery in both branches of the Congress has been working overtime in creating laws which we were promised would reduce the cost of living and create business success and nation-wide prosperity. In the President's first address delivered to the Congress in the House of Representatives he predicted that the tariff bill would remove the burdens of the American people, and that by enlargement of our imports from abroad the wits of our American manufacturers would be sharpened by the competition to which they would be subjected in this change of our revenue system.

The Underwood tariff bill, which was approved by the President, has been a law about 11 months. No one in his sober senses has the hardihood to claim now that this Underwood tariff law has fulfilled the expectations of those who promoted it, and the people of the United States are beginning to wonder why they cast their votes in such a reckless manner in the election of 1912 and gave to the Democratic Party the power to legislate, through failure to unite in opposition to their control of the executive and legislative branches of the Government.

The President told the Congress, after the tariff bill was enacted, that the banking system should be changed in order to meet conditions which would arise from the changed conditions growing out of the changes in our tariff laws.

The new banking and currency act, prepared under Executive supervision, was enacted into law.

The Reserve Board, largely a political proposition, was considered and reconsidered, and finally, after much deliberation, created, although the law providing for it had been passed several months previously. There was a banking act, known as the Aldrich-Vreeland Act, passed by a Republican Congress and signed by President Taft, which met very bitter opposition from the Democratic Party when it was considered by the Republican Party. This was after all a very fortunate piece of legislation, for it has been found to have been so wisely constructed as to meet the financial necessities of the Wilson administration, and they have very wisely concluded to avail themselves of its very wise and far-reaching provisions until the new banking act can be launched upon its career as one of the achievements of the Democratic administration. The Congress is still legislating. The administration still believes the people want more legislation.

I am firmly of the opinion that the people desire a rest. I believe the business men want to do business, and while the Congress is continually theorizing upon the remedies which they believe will restore prosperity they are exhausting the patience of the active business men and of the thoughtful voters, and they would exhibit greater wisdom if they postponed their unfinished legislation to a more convenient season.

Certainly the efforts of the Sixty-third Congress have not at this date produced the desired and long-promised prosperity.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting another article that I have.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] asks unanimous consent to extend his remarks in the RECORD by the insertion of an article. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman——

Mr. REED. Mr. Chairman, reserving the right to object——

The CHAIRMAN. It is too late. The request was granted. The gentleman from California [Mr. RAKER] is recognized.

Mr. RAKER. Mr. Chairman, practically the same provision that is included in this bill is included also in the general leasing bill. The committee have the same provisions, or provisions similar to those that are provided for in the amendment offered by the gentleman from Maryland [Mr. LEWIS]. The committee were unanimously in sympathy with and in favor of such rules and regulations, but curtailed the language of the amendment, and the intention was that each lease shall contain a provision that such rules for the safety and welfare of miners shall be provided for, and providing also for the safeguarding of the public welfare. We are heartily in favor of this entire legislation, and we believe that the provision in the bill carries these specifications now provided for. The language of the amendment is a special statement of what the committee intended by the general provisions of the bill. For fear of doubt, the members of the committee are in hearty accord with the amendment and in favor of its adoption. I therefore ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. LEWIS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, at the end of line 7, insert:

"All leases shall be granted upon condition that the United States shall at all times have a preference right to take, wherever found, so much of the produce of any mine or mines, opened upon the leased land, as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President, but the owner of any coal so taken who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in any court of competent jurisdiction for the recovery of any additional sum or sums claimed to be justly due for the coal so taken."

Mr. MONDELL. Mr. Chairman, my amendment has two objects: First, to make it clear that in time of peace, as well as in time of war, the Government shall have the right to take any of the coal mined from these leased areas in Alaska for the use of the Army and the Navy and the Revenue-Cutter Service. It occurs to me it is an entirely proper provision and one that ought to be adopted.

The amendment has another purpose. That purpose is to establish a procedure under which it will be possible, if the administration considers it necessary, to determine what is a fair price for these Alaskan coals. Coals may be taken at the dock for the use of the Army and Navy or the Revenue-Cutter Serv-

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ice at a price which the President considers reasonable. It might be wise to do that if the parties were demanding a price for their coal that was considered unreasonable. The coal would be taken and the price fixed. If the miner or operator was dissatisfied with the price he could go into the United States court in Alaska for the purpose of establishing his claim to a higher price, and then and there there could be a judicial determination of what was a fair price for these coals under those conditions of delivery. I believe the amendment to be eminently wise and proper. I believe it would serve many useful purposes.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. I would like to ask the gentleman for his view on this state of facts: A man has contracted for the sale of his products for 12 months ahead. I would like to ask the gentleman's view as to whether the United States in time of peace should have the right to go in and take that product which another party has brought or contracted for and thus deprive him, perhaps, of the opportunity for carrying on his work?

Mr. MONDELL. I think the Government unquestionably should have the right to do that, even in time of peace, if contracts had been made that denied the Government coal which it needed. But if the Government was simply taking over coal for the purpose of having a judicial determination of what was a fair price for coal, I assume that the amount taken would not be sufficient in any case to interfere seriously with any contract. I take it for granted that the Government officials would not desire to hamper an operator, or to embarrass the purchaser of coal by taking any great quantity under those circumstances. It would not be necessary to take any great quantity. But if a contract had been made which deprived the Government of coal that it needed in time of peace, the Government should have the right to take it. On the other hand, if it was taken for the purpose of establishing a fair price, for the purpose of determining what it was, the amount taken would not be enough to interfere seriously with the demands of trade.

Mr. TAYLOR of Colorado. Mr. Chairman, section 2 of this bill covers everything that we think ought to be included on this subject, and does it much better than the language offered by the gentleman from Wyoming [Mr. MONDELL]. The President of the United States is authorized to reserve 5,000 acres in the Bering River field and 7,000 acres in the Matanuska field, and in addition to that the Government of the United States has the right to go into the business itself if it is necessary at any time.

Mr. MONDELL. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. MONDELL. Does the gentleman from Colorado think it would be better to have the Government go into the mining of coal than to take coal already mined at a fair price?

Mr. TAYLOR of Colorado. We think that if the Government of the United States has all the powers that are given to it in section 2, it has all the powers it ought to have.

Mr. MONDELL. It gives the power to mine coal, but not the right to take coal already mined.

Mr. TAYLOR of Colorado. The Government has the power to mine coal and to reserve any or all of the land for that purpose.

Mr. MONDELL. What good does it do to reserve it, if the Government does not mine it?

Mr. TAYLOR of Colorado. In case of war or other emergency the Government has the power inherently to take coal or anything that may be necessary, and I do not think it is wise to insert in this law unnecessary provisions that will bring about complications and invite lawsuits. Under your amendment the Government might get sued by everybody up there. In the first place, I think it would be a very unwise—in fact, a bad proposition—to allow every coal dealer to sue the United States. That might involve us in very expensive and interminable litigation and would become a nuisance. The committee feels that section 2 and other provisions of the bill cover this matter sufficiently, and I hope the amendment of the gentleman from Wyoming will not be adopted.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 11, noes 56.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 11. That any such lease may be forfeited and canceled by an appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any provision of this act, of the lease, or of general regulations promulgated under this act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

Mr. REILLY of Connecticut. Mr. Chairman, I move to strike out the last word. In answer to the wail let out by my distinguished friend from Massachusetts [Mr. GREENE] a few minutes ago, I should like to read from to-day's paper some more cheerful news along the same line. This is dated Boston, Mass., September 5—to-day—and is as follows:

BOSTONIANS PREDICT ERA OF PROSPERITY—GOOD BUSINESS AND LOWER PRICES FOR NECESSITIES OF LIFE FORESEEN BY EXPERTS.

BOSTON, MASS., *September 5.*

Prosperity, good business, and lower prices in the necessities of life were prophesied to-day by prominent Boston business men, manufacturers, and economic experts. Among the most hopeful opinions was that expressed by Charles C. Bancroft, president of the International Trust Co., and a leading representative of the textile interests.

"I feel quite sure business is going to be good," said Mr. Bancroft. "Soon the beneficial effects of the demand by European countries for us to supply food and other necessities is bound to be felt here. Of course there is no doubt but that the consuming power of European countries has been greatly reduced, but I think that this will be more than balanced by the increase in the demand on this country for products which Europe could formerly supply for herself."

IS ALSO OPTIMISTIC.

Maj. Henry L. Higginson, of Lee, Higginson & Co., was also an optimist. He said he based much of his hope on the increased business we shall receive from South American countries. "The European war means that the people of this country have got to work like mad," he said. "Though business is dull at present, there will be a marked improvement soon. There should come more business presently, especially in the cotton manufactories. The war will be a bad thing for the cotton growers here, but a good thing for the manufacturers."

Also in the optimists' club, though not so confident as to the future, was John S. Lawrence, of Lawrence & Co., cotton manufacturers. "Though it is impossible to prophecy as to the future, it seems certain the fabric of the country has stood up remarkably well so far," he said. "In the face of this sudden upset in the world, conditions here have remained strikingly normal, and I am glad I am an American."

[Applause.]

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last two words.

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman has addressed the committee on this very section once.

The CHAIRMAN. The gentleman from Connecticut is mistaken. The gentleman from Massachusetts moves to strike out the last two words.

Mr. DONOVAN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Debate on this bill is confined to the subject matter. Is not that true?

The CHAIRMAN. It is.

Mr. DONOVAN. I am going to make the point of order if any other subject is talked about.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last two words.

Mr. FERRIS. Inasmuch as we have had five minutes on that side and five minutes on this side, both in violation of the rule, does not the gentleman think we ought to quit?

Mr. GREENE of Massachusetts. I should like five minutes more.

Mr. FERRIS. That will call for five minutes more over here.

Mr. GREENE of Massachusetts. Mr. Chairman, the gentleman from Connecticut [Mr. REILLY], who has just taken his seat, has referred to Henry L. Higginson, of Boston, as a prominent Republican. I do not think he is. He was a prominent supporter of Woodrow Wilson, and, so far as I know, has not been prominent in any way in the Republican Party, and I think I am well informed as to who are prominent in the Republican Party of Massachusetts. But I have an article here that was taken from yesterday's Boston Advertiser, which is as late as I am able to obtain, because this paper came from Boston to-day. It reads as follows:

WAR'S EFFECT ON THE IMPORTS IS SLIGHT—FIGURES FOR FIRST MONTH SHOW NO CRYING NECESSITY FOR PROPOSED REVENUE TAX BY GOVERNMENT, SAY OFFICIALS

The foreign import figures at the port of Boston for the first month of the war show no crying necessity for the administration's proposed extraordinary internal-revenue taxes, which would put a penalty upon such comforts and relaxations as baseball and theaters, beer and temperance drinks, perfumery, and tobacco, according to local officials—

Those officials are Democratic officials—

True, there has been a considerable falling off in the customs duties collected at Boston during August as compared with August of a year ago.

The figures are $897,817, as against $1,580,290 in 1913, a shrinkage of $682,473 for the month.

But this loss of $22,015 per day which the Federal Government has been sustaining during the 31 days that the European war has been raging, while a serious proportionate loss of income, is in no way attributable to the war, as is conclusively shown by the Boston custom-house figures recording the comparative values of imports received at this port during August, 1914, and August, 1913, before the new low tariff bill was in effect.

According to these figures, the total value of all foreign imports brought into this country through the port of Boston in August, 1914, was $11,054,866, while in August, 1913, the total value of such imports was $7,271,866.

The "war month," then, has brought in $3,783,000 more of value in imports at Boston than the same period a year ago, and the discrepancy in money receipts is thus shown to be solely due to the low rate of tariffs that are now being collected under the new law from this very appreciably increased volume of incoming foreign-produced goods.

The figures of the customs department recording the number of ships arriving at Boston from foreign ports during August of this year also bear out the conclusion that there has been no such extraordinary depreciation of foreign imports, at Boston at least, as to warrant the characterization of any extraordinary internal-revenue measure which the administration may find imperative as a "war tax," the necessity for which has been precipitated by the exigencies of the European situation.

Mr. REILLY of Connecticut. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. REILLY of Connecticut. The gentleman from Massachusetts questions my designation of Henry L. Higginson as a prominent Republican?

Mr. GREENE of Massachusetts. Yes.

Mr. REILLY of Connecticut. And he bases his objection to that statement evidently upon the fact that Mr. Higginson supported Woodrow Wilson?

Mr. GREENE of Massachusetts. Yes.

Mr. REILLY of Connecticut. I wish to say that he is not the only prominent Republican who supported Woodrow Wilson and voted for him, nor is he the only one, but is one of many, who will gladly do so again. [Applause on the Democratic side.]

Mr. GREENE of Massachusetts. That is only the gentleman's opinion.

Mr. Chairman, I examined the article in the Washington Times of this morning, which was quoted in the remarks made by the gentleman from Connecticut [Mr. REILLY], and find that the gentleman only quoted the portion of the article that he desired to use. I quote the remainder of the article, as follows:

IN CHAOTIC CONDITION.

Secretary Briggs, of the Fruit and Produce Exchange, likewise insisted that he was an optimist, but not a prophet. "Things are in a chaotic condition," he said.

"Of the perishable foodstuffs handled by the members of our organization I see no reason why the prices should go any higher. I look for no trouble; yet, in view of the uncertainty of the present conditions, nothing could surprise me."

Secretary Thomas F. Anderson, of the New England Shoe and Leather Association, said he could see only months of depression ahead. "This war can bring benefit to no country," he said. "I think we are bound to have several months of depression, and even following these I do not think there can be any boom that will bring conditions up to much better than normal. I think New England shoe men expect a raise in the price of shoes, owing to the scarcity of leather."

The article which I quoted from the Boston Advertiser demonstrates very clearly that the necessity for the war tax, as it is denominated in the President's address to the Congress, does not arise from decreased importations in amount or value, for therein it is shown that the total value of all imports at the Boston customhouse for the month of August, 1913, was $7,271,866, while the value of importations at the Boston customhouse for the month of August, 1914, was $11,054,866.

I have not figures showing the total imports into the United States for the months of August for 1913 and 1914, but I call to your attention the fact that the shrinkage in revenue at the port of Boston for August, 1914, was $682,473 in comparison with the revenue received there during the month of August, 1913. The Underwood tariff, we were told, was to be a tariff for revenue, and by reason of that feature of the law it was to produce the revenue and remove the burdens resting upon the American people.

At its first real test it demonstrates its utter failure as a revenue producer.

Only yesterday President Wilson appeared before the Congress and showed plainly the utter failure of the law. I admire the frankness of his statement that more money is required to place the United States Treasury in proper condition to meet the requirements that may confront the Government at no distant date in the future.

But I respectfully call his attention and the attention of the country to the fact that the deficiency of revenue revealed in the figures showing the relative decrease of receipts at the Boston customhouse during the month of August, 1914, in comparison with the receipts of said customhouse during the month of August, 1913, and submit the question as to whether or not these facts, together with the further fact that his address shows that the deficiency of revenues in all the customhouses of the country during the month of August, 1914, was $10,629,538, as compared with the revenues of the corresponding month last year, do not demonstrate very clearly that the much-vaunted Underwood tariff law in the great essential of safety to the Treasury and benefit to the country is a colossal failure.

Mr. Chairman, the Congress will not hesitate to perform its duty in trying to produce the revenue needed in accordance with the request of the President; but is not the problem of raising this needed revenue a very troublesome one? Unless we have purely a "tariff for revenue only"—and has not that been the slogan of the Democracy for lo! these many, many years?—how will they raise the money? This new tax proposition is called a war tax. A war tax, forsooth, and yet the United States is at peace with all the world, and many an exuberant Democratic exhorter has proclaimed the fact that the European war was to confer prosperity upon the United States; and while Democracy's hopes of retaining power in the next election had been waning of late, this European war had providentially broken out, and, by reason of that distressing war, the Democratic Party would be granted a new lease of life at the hands of the American voters in the election in November, 1914.

This proposed tax is not, in fact, a war tax; it will simply be an additional burden required to be borne by the American people, because the Underwood Tariff Act failed as a revenue producer, and the further fact that the Sixty-third Congress, with the Presidency, the Senate, and the House of Representatives all in the control of the Democratic Party, has not been an economical Congress, but, on the other hand, it has been an extravagant Congress, and it now has a number of schemes in embryo which call for the expenditure of many millions more.

There is an undeveloped scheme for building up an American merchant marine by purchasing foreign-built vessels and having them maintained at the expense of the Government, and if they do not prove profitable the loss will be paid out of the United States Treasury. In other words, it is to be a scheme of Government ownership, in fact, which no one believes can be maintained except at a distinct loss, and no man at this time will attempt to foreshadow how great that loss will be. By the purchase of foreign ships it will in no sense increase the oversea carrying trade. The only redeeming feature about the scheme would be that a few American flags might be seen upon the ocean upon foreign-built ships as long as the United States Treasury contained money enough to keep them afloat.

For many years the Providence Journal, published at Providence, R. I., has been a consistent supporter of the Democratic theory of a tariff for revenue only. It strongly supported the candidacies of the late President Cleveland, and it was one of the strongest and most earnest supporters of President Wilson and the Democratic Party during the campaign of 1912. I append an editorial which appeared in the Providence Journal of September 3, 1914, entitled "As to the war taxes":

If Congress is prudent at this crisis, instead of imprudent as ordinarily, it will arrange the schedule of so-called war taxes in a way that shall keep the individual man and his wife—particularly, perhaps, the latter—from "feeling" the additional burden.

The suggestion, for example, that "soft drinks" be taxed is an unwary one. As well tax tea or coffee as the soda fountain. No Congress for a number of years has dared tax tea and coffee, although these imports would be magnificent producers. They are, indeed, logically indicated where a Congress, like the present one, is dedicated to tariff reform—taxes for revenue solely rather than for protection. The distress of the Treasury at the present time might be entirely relieved by a small duty on tea and coffee. But Congress will not dare it.

The presumption is that Congress will strive not to depart from the practice of concealing taxes as far as possible from the knowledge of the plain people. There is wide latitude for laying direct taxes, to be sure, under the constitutional amendment which has passed with the income tax chiefly in view. But Congress will scarcely venture to use its new power very liberally.

The economists in Washington must be well aware that the country is groaning under the weight of living costs, coupled with a depletion of incomes from the day's work. The man in the street is beginning to understand, moreover, as never before, that appropriations for the support of the Government come out of his pocket, indirectly if not directly, and it is being borne in upon him that the present administration is fully as extravagant with appropriations as any of its predecessors have been. He will not relish being "touched" directly by fresh taxation.

The country is not at war. It is not obligated for the support of a great army and fleet in an emergency threatening the life of the Nation. The situation is, simply, that a war 3,000 miles distant is putting the Treasury to unfamiliar embarrassment on top of some embarrassment it was already experiencing. The Government is caught unprepared for the proverbial rainy day; that is all there is to it. Roughly estimated, what the Government needs is $100,000,000 for the coming year, over and above what it expects to get from the sources now supplying it. But it is not so sure that some part of this would not have been needed if the war in Europe had not come about.

The estimate, of course, is based on the assumption that the Government must continue to be supported at the pace it was going before the new complication was encountered. The country may ask, however, Why keep up the pace? One hundred millions mean $1 on every man, woman, and child—a rather oppressive supertax. On the other hand, the sum needed is less than 10 per cent of the national budget. Is it beyond the capacity of Congress to cut expenses by so moderate a fraction as that or by part of it? With the most ingenious arrangement that can be contrived, to spare the man and his wife from realising it when

the taxgatherer makes his special "war" call, Congress will not escape having that blunt question put to it.

The Clerk read as follows:

SEC. 12. That all statements, representations, or reports required by the Secretary of the Interior under this act shall be upon oath unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require, and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

Mr. PAYNE. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Oklahoma if the object of this is to punish anybody for perjury.

Mr. FERRIS. Yes; if they make false written report under oath.

Mr. PAYNE. Why did not the committee put it into such shape that they could do so? It would be utterly impossible to convict anybody of perjury under this section, it is so loosely drawn. It says:

And any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

You can not convict a person of perjury under such language as that. The language is as worthless as though it was not there, in my judgment.

Mr. FERRIS. I do not remember just what was said about it at the time it went into the bill, but I think, and I am so informed by members of the committee, that there is ample precedent for the language; but if the gentleman from New York has anything to offer——

Mr. PAYNE. I am not going to offer any amendment, but I think the gentleman ought to see to it that proper language on this subject is put into the bill. I think they ought to be punished for perjury if they make a false statement, but it will be necessary to enlarge the language of this section; they must be guilty of perjury, and upon conviction shall be punished. I think it is going pretty far to convict a man of false representations in such loose language. Now, the gentleman from Connecticut [Mr. REILLY] just read and indorsed something that was said in the newspaper in the nature of a prophecy—that old gag that we have had for nearly two years, that we are right on the verge of prosperity. You can not convict a man for making such a representation as that, and I should hate to see my friend from Connecticut pursued under any such provision of law. There is danger that some such honest citizen as my friend from Connecticut may be pursued under this language. I do not think you could convict anybody and punish him for perjury under such loose language as there is in this section.

Mr. FERRIS. Mr. Chairman, it was the thought of the committee that the language would accomplish the end desired, and if the gentleman has no amendment to offer I think we had better let it stand. If it should be as faulty as the gentleman thinks, it can be attended to by the Senate or in conference. I am sure, and I feel sure the committee agrees with me, that if the gentleman from New York has a suggestion we always welcome it. I think the language, however, will do the business.

Mr. MONDELL. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Page 10, at the end of line 22, insert the following as a new section:

"SEC. 13. That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property and such reasonable provision shall have been made for the preservation of any mine or mines which may have been opened on same, as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all of the machinery, buildings, or structures upon the leased premises, except such structures as may be necessary for the preservation of the mines."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The Clerk proceeded with the reading of the bill, as follows:

SEC. 13. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, at the end of line 2, insert a new section, as follows:

"SEC. 14. That 50 per cent of all moneys derived from licenses and leases granted under the provisions of this act shall be paid into and constitute a part of the 'Alaska fund' in the Treasury of the United States and be used for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes, as the Legislature of Alaska may provide, and 50 per cent of the said proceeds shall be paid into the Treasury of the United States for the construction of railroads in Alaska as now provided by law."

Mr. MONDELL. Mr. Chairman, Alaska does not and will not have many sources of income for the carrying on of its government, for the construction of roads, for the building of schoolhouses and the maintenance of schools, except such funds as are obtained from her mining properties.

It is proposed to take from Alaska all of the rents and royalties collected on all of her coal lands and use these sums for the building of railroads in Alaska. I did not vote for the Alaskan railroad bill because I did not believe it was necessary for the Government to spend its money in that way, provided we opened the coal mines.

But, however that may be, while it is important that Alaska shall have railroads, it is also important that Alaska shall have wagon roads, shall have schools, shall have her insane cared for, and shall be able to maintain her government. Never before in our country has it been proposed, except under the water-power bill which we passed a few days ago, to take from communities their very largest and most profitable sources of income and dedicate them to uses of no direct advantage to the community, except as the community in the one case would be served by the reclamation law, or projects built under it, or in this case by the construction of railroads.

It is not fair to take from the people of Alaska all of their principal sources of income. I do not know whether the improvements on these mines could be taxed in Alaska or not. I do not know whether Alaska, through her legislature, could place an output tax on this coal in addition to the Federal royalty on it. My opinion is that the latter could not be done. It is questionable whether the former source of revenue would be available. That being the case, we are proposing to take from Alaska practically the only large source of her income, which is royalties on her mines and mining property. I do not think it is fair, and certainly not a very liberal procedure. It takes from the liberality of our legislation relative to railroad construction because of the fact that we are simply proposing that Alaska shall use her own resources, her own income, for the building of her railroads. Certainly she needs some of it for roads, schools, and other governmental purposes. [Applause.]

Mr. FERRIS. Mr. Chairman, I offer the following as a substitute for the amendment of the gentleman from Wyoming.

The Clerk read as follows:

Substitute for the amendment of Mr. MONDELL:

"SEC. 14. All moneys received under the provisions of this act shall be covered into the Treasury as miscellaneous receipts in accordance with section 3 of the Alaskan railway act, approved March 12, 1914."

Mr. FERRIS. Mr. Chairman, section 3, page 3, of the Alaskan railroad bill provides as follows:

SEC. 3. That all moneys derived from the lease, sale, or disposal of any of the public lands, including town sites, in Alaska, or the coal or mineral therein contained, or the timber thereon, and the earnings of said railroad or railroads, together with the earnings of the telegraph and telephone lines constructed under this act, above maintenance charges and operating expenses, shall be paid into the Treasury of the United States as other miscellaneous receipts are paid, and a separate account thereof shall be kept and annually reported to Congress.

Mr. Chairman, this resolves itself into this: On March 12, 1914, we agreed that the Alaskan receipts should go into a fund to pay for the Alaskan railroad. The gentleman from Wyoming [Mr. MONDELL], in offering such an amendment, becomes a repudiationist. To so soon after the passage of the Alaskan railway bill offer an amendment which says that the moneys derived from the sale of coal shall go into some local fund, as distinct from the railroad fund, I think is not good faith.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. No; let me proceed.

Mr. MONDELL. For just one question?

Mr. FERRIS. No; I want to go on.

Mr. MONDELL. The gentleman used the word "we." Did he vote for the Alaskan railroad bill?

Mr. FERRIS. Mr. Chairman, the gentleman talks all the time, and I have taken very little of the time of the committee. I do not know how others may feel, but surely if the gentleman from Alaska and the committee and the Alaskan people are honest enough to do what they agreed to do on March 12, 1914, the gentleman from Wyoming should not try to make repudiation out of it. There is no other alternative to this. Here is section 3 of the Alaskan railroad bill, which provides what shall be done, and the section I have just offered as a substitute for the amendment offered by the gentleman from Wyoming provides that we shall do that identical thing. Does anyone now want to take back what we have already said and refuse to do what we agreed to do on March 12, 1914? Does anyone think the coal lands of Alaska ought to be sold and the money

put into some local fund when we agreed to take that money and pay for the Government railroad appropriation? I am sure the people of Alaska will not be misled by any such amendment as that. The amendment has been offered, undoubtedly, to try to make unpopular this legislation, but the people in Alaska, I take it, are fair enough and square enough to do the thing that they agreed to do when they got the railroad bill passed; and that is all that my substitute does. It merely stands by the Alaskan railway bill provision which was agreed to by Congress.

The CHAIRMAN. The question is on the substitute of the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 80, noes 4.

So the substitute was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Wyoming as amended by the substitute of the gentleman from Oklahoma.

Mr. FERRIS. It is really a substitute.

The CHAIRMAN. But it must be adopted.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That paragraph has been passed. The gentleman offered a new section.

Mr. MONDELL. I desire to discuss this paragraph.

The CHAIRMAN. The other section has been passed. The Clerk will read.

The Clerk read as follows:

SEC. 14. That on and after the approval of this act no lands in Alaska containing deposits of coal shall be disposed of or acquired in any manner except as provided in this act: *Provided*, That the passage of this act shall not affect any proceeding now pending in the Department of the Interior, and any such proceeding may be carried to a final determination in said department notwithstanding the passage hereof.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 9, strike out the period, insert a colon, and add the following:

"*Provided further*, That whenever any of the coal lands of Alaska otherwise subject to the provisions of this act shall be claimed by any settler or locator or other claimant, the Attorney General of the United States or such settler, locator, or other claimant is hereby authorized to bring a suit in equity in the judicial district where the land is situated to quiet title thereto: *And provided further*, That the United States or the claimant so bringing said suit may appeal said cause in the manner provided by the laws relating to appeals from said courts, and if the final decree in such cause shall be in favor of the United States, and if the said claimant or locator be held to have no right to or equity in said land, and his location or entry be canceled and held for naught, then the lands embraced therein shall be forthwith subject to disposal under the provisions of this act."

Mr. FERRIS. Mr. Chairman, I make the point of order on that. It deals with every sort of land and provision and every sort of provision.

Mr. HAWLEY. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HAWLEY. Mr. Chairman, the proviso in section 14 as contained in the bill provides that proceedings now pending relative to claims initiated in Alaska shall be carried to a determination irrespective of the passage of this bill. The two additional provisos that I offer simply authorize methods of determining the claims of rival claimants by the determination of the courts. The Territory of Alaska is a long way from the seat of government. There are many conflicting claims. If these claims can be determined in a United States court, with the power of appeal to the higher courts, all interests will be safeguarded, especially those of the United States, and the claimants of small individual entries who have been unable to have action taken on their claims by the department will be able to have them decided for or against them, as the merits of their cases may justify. The people of the country have great confidence in the courts. Some citizens of Oregon, having small, individual holdings and desiring some action taken on them after so long a delay, have suggested some such amendment. If an appeal to the courts is authorized, witnesses can be summoned, a hearing given to these people on the merits of their claims—whether they are claims disputed between individual parties or claims in which the United States Government holds that the claimant has not complied with the law—and the cases determined as cases are in the usual manner in the courts.

The CHAIRMAN. The Chair is prepared to rule. The bill provides for the leasing of coal lands in the Territory of Alaska. The paragraph under consideration provides that the passage of this act shall not affect any proceedings now pending in the Department of the Interior. It reads as follows:

*Provided*, That the passage of this act shall not affect any proceeding now pending in the Department of the Interior, and any such proceeding may be carried to a final determination in said department notwithstanding the passage hereof.

The amendment of the gentleman from Oregon provides that if there be any controversy between certain locators as to any of the lands affected by the pending bill the question shall be determined in the manner provided in the amendment. Any proceedings now pending in the Interior Department, so far as the Chair is aware, may be proceedings to determine the rights of individual locators. Since the bill relates directly to such proceedings and saves them for final determination regardless of the provisions of the bill, any amendment proposing to dispose of such controversies in another manner, or providing for the settlement of other controversies that may arise regarding the lands affected by the bill, is germane and in order. The Chair overrules the point of order, and the gentleman from Oregon is recognized on his amendment.

Mr. HAWLEY. Mr. Chairman, the purpose of this amendment, as I stated a moment ago, and will repeat briefly, is to authorize those who have claims in Alaska which may be in dispute as between individual claimants, or where the Government of the United States holds they have not complied with the law, to have their cases tried out on their merits before the district court in which the claims are located, with appeal to the higher courts. This will be greatly to the convenience of the claimants and the promotion of justice. I believe we all have confidence in the honor and integrity of the courts. All the facts relating to these claims are in Alaska. All the witnesses and evidence are there, and the department can be represented there, as it will necessarily be, if it takes the proceedings into its own hands, for they will need to send men there to ascertain the facts and prepare the cases, even if they are to be decided here in Washington, 6,000 miles from the location of the claim.

Mr. RAKER. Will the gentleman yield for a question?

Mr. HAWLEY. With pleasure.

Mr. RAKER. This amendment would reinstate these 560 claims that have been decided against the claimants by the Secretary of the Interior?

Mr. HAWLEY. Not unless they are pending in the department and unsettled.

Mr. RAKER. But they are pending until disposed of.

Mr. HAWLEY. If they have been decided finally, they would not be affected.

Mr. RAKER. Let me call the gentleman's attention to the fact that the proviso says:

That whenever any coal lands in Alaska otherwise subject to the provisions of this act shall be claimed by any settler or locator or other claimant,

Those people are all still claiming, and you put in all the adjudicated cases, all those over which there has been so much trouble and dispute, and they are sent back on the ground that you give these parties a chance to readjudicate their matters. Is not that the gentleman's view of it?

Mr. MANN. I would like to ask the gentleman from Oregon a question.

The CHAIRMAN. Does the gentleman yield?

Mr. HAWLEY. As I understand the amendment, which was taken from the bill introduced by Mr. BOOHER, of Missouri, July 13, 1912, H. R. 25749, Sixty-second Congress, second session, and was prepared or approved, as I understand it, by Secretary Fisher——

Mr. FERRIS. No.

Mr. HAWLEY (continuing). To meet conditions in Alaska.

Mr. FERRIS. Mr. Chairman, I do not think that Secretary Fisher ought to be cited as having prepared the bill. I do not think he had anything to do with it.

Mr. RAKER. The gentleman's amendment says that any settler or locator or other claimant may go into court in regard to these claims.

Mr. MANN. Would the gentleman from Oregon yield for a question?

Mr. HAWLEY. Certainly.

Mr. MANN. What is the purpose of the gentleman's amendment?

Mr. HAWLEY. That in case of an unsettled claim, where two parties are disputing the right to a claim, or in case where the Government in any unsettled claim now pending holds that the party is not entitled to his claim, the United States, on the one hand, or the parties interested, on the other, can cause the matter to come before the district court of the United States

in which the claim is located for settlement according to the usual course of law, with appeal to the higher courts.

Mr. MANN. Then, as I understand, the purpose of the amendment is to take out of the control of the Interior Department the settlement of these claims and turn them over to a local court in Alaska.

Mr. HAWLEY. To the district court of the United States, with right of appeal.

Mr. MANN. Does the gentleman think that is safe?

Mr. HAWLEY. If the courts of the country can not be trusted, I do not know where trust or confidence can be placed.

Mr. MANN. There are many cases where we do not leave to local courts the determination of questions of this kind. We determine those in the department all the time. You can not go into court in any of these——

Mr. HUMPHREY of Washington. You do in these coal cases.

Mr. MANN. One gentleman has just said they do not; I do not know what the facts are, but under the law they determine them in the department. Now it is proposed we shall turn them over to a local court in Alaska, and that is a long way off, and they are very apt to be bad.

Mr. RAKER. Will the gentleman yield for a question?

Mr. FALCONER. Will the gentleman yield? I would like to ask the gentleman if it is not a fact that Alaska has something of a history as regards the district courts and their effect upon litigation, particularly on mines and mining in that Territory. Ought not that to preclude the possibility of the suggestion made by the amendment of the gentleman?

Mr. FERRIS. Mr. Chairman, I take it that the House is not ready to give up and allow to pass to patent the Cunningham coal claims and all the fraudulent claims sought to be obtained in Alaska.

I take it there is little desire in this House to furnish to fraudulent claimants a new court, a separate court, a distinct court and remedy they did not have when they first initiated the claims. I do not think the House for a moment will seriously consider doing that. This has been their sole contention; this is what they want; this is what they have always wanted.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. FERRIS. I regret I can not. To show the House, Mr. Chairman, what has been going on up there, let me give some figures. There are 1,123 coal claims filed in Alaska in the coal areas, mostly in the Bering River and the Matanuska fields. Five hundred and sixty-three of them have been tried, two have passed to patent, 561 have been denied on account of fraud. Five hundred and sixty-six of them are still pending, and the chances are that most of them will go the same route as the 561 went. Is this not sufficient proof that fraud has run rampant up there?

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FERRIS. Just let me proceed for a moment.

The CHAIRMAN. The gentleman declines to yield.

Mr. FERRIS. I can not answer a dozen speeches at once. Now let me answer the gentleman from Oregon. Now, as our bill stands, they have the same rights that they had when they initiated their claims. They have the same General Land Office; they have the same local land office; they have the same Interior Department. Of course they have not the same personnel, but they have the same machinery, and in addition to that they have a western Secretary of the Interior, a western Commissioner of the General Land Office, and they have the local officers that are appointed from the body politic up there.

Can anyone say with good conscience, with a western Commissioner of the General Land Office, with a western Secretary of the Interior, with westerners appointed as their local land officers, they will not give these people full justice? And if not, why not? No one can stand for a moment, I think, and well defend an amendment of that sort. That is precisely what these claimants have wanted for eight years. That is the precise thing that caused opposition to every bill that has been brought in here. If they can get that amendment, they do not care what else happens to Alaska. Under that they would get all the coal lands up there. All these claims I fear would find their way to patent, and this leasing bill may as well not be passed.

It was the thought of ex-Secretary Fisher, and it is the thought of Secretary Lane, to pass an intelligent leasing bill that will open and protect Alaska; and it is not the thought, I think, of any Member of this House, in either of the three parties in this House, to give those claimants a new trial, an additional trial, and a chance to get away with a claim in the local courts of Alaska. And, in addition to that, it would give them the opportunity to hold up the operation of this law, by continued litigation, until it would not amount to waste paper.

I now yield to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Unless my colleague wishes to ask a question——

Mr. JOHNSON of Washington. I understood the gentleman to say that this would give back the Cunningham claims to some one?

Mr. FERRIS. This would give them a new chance to get them to patent.

Mr. JOHNSON of Washington. Is it not really a fact that the Cunningham claims have been absolutely canceled, and that in all the Katella coal field the only claims that can possibly be leased within any reasonable length of time under this bill are the Cunningham claims? Are not the probabilities about ninety-nine to one that they will be leased by the Guggenheims? Does Congress and the public realize this?

Mr. FERRIS. I am informed that there are only 33 Cunningham claims, so if they were denied this would open them up and cause trouble. There are many others just as bad as those Cunningham claims, and if we give relief to those that are yet pending, no doubt they will immediately be in and ask for a new trial and hearing and a reopening of the cases that have already been adjudicated. This fraudulent claim business has been on the boards so long most of the House Members know what it is. This amendment simply will not do. It ought to be defeated unanimously.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

I want to emphatically deny that I am in favor of any amendment that will open up the Cunningham claims. I do not believe this amendment would do so. Those claims that have been settled I do not think anyone wants to have retried; but the purpose of this amendment, as I understand, is to give some action on those coal claims. I am decidedly in favor of an amendment to this bill that will lead to an honest determination of the coal claims. No honest man can object to any proposition that will bring about that result. Now, the gentleman spoke about 400 or 500 claims, and I wanted to ask him about them. I doubt whether any of those have been contested claims—although, perhaps, some of them have, but most of them have been voluntarily abandoned.

Mr. FERRIS. I know what the Land Office officials said about it.

Mr. HUMPHREY of Washington. How many were contested?

Mr. FERRIS. About 550.

Mr. HUMPHREY of Washington. How many of them where the claimant appeared and attempted to have his claim enforced?

Mr. FERRIS. I have not that before me.

Mr. HUMPHREY of Washington. This amendment, as I understand it, is to give those claimants somewhere a place where their claims can be settled. As I said the other day, some of these claims have been pending for seven years, and this amendment would not only help the coal claimant—help him to get justice and help the Government—but it would help the cowardly officials in the Interior Department and in every place whose duty it is to act upon these claims. For seven years we have not had an official that had the courage to stand up and do his duty and decide these coal claims. If these claims are fraudulent, let us have it so decided and end this controversy. Can any honest man object to that?

Now, the gentleman talks about a western gentleman in the Department of the Interior to-day, and he is a western man. We in that portion of the country felt very much gratified that he had taken that position. But what is he doing in these coal claims? Not what is he going to do, but what has he done? For 18 months he has been in office. Has he decided any of these contests? If not, why?

Now, I submitted a letter to the Secretary of the Interior several days ago, asking him how many of these coal claims had been decided. I have not received any answer.

Mr. FERRIS. I have the figures here from him.

Mr. HUMPHREY of Washington. How many contested cases have been decided since that time?

Mr. FERRIS. Five hundred and sixty-one have been reached and adjudicated, 2 have been patented, and 586 are still pending.

Mr. HUMPHREY of Washington. Since when? Since the 4th day of March, 1913?

Mr. FERRIS. Oh, no; since they were filed.

Mr. HUMPHREY of Washington. I do not know whether it is true or not, and I am only making it upon authority given to me, but I had a man come to me and say to me there has

not been a single contested coal claim in Alaska decided since this administration went into power.

Mr. FERRIS. Who says that?

Mr. HUMPHREY of Washington. I am not going to tell you who said it, because he is a Member of this House; and I do not propose, without his consent, to give his name at this time. The question is whether it is true or not, not who said it.

I will make another statement, and I will give the gentleman authority for that if he wants, and that is as to the claim of Mr. MacDonald. He makes the statement that his claim has been passed by every subordinate connected with the department, and it has gone up to the Secretary and been on his table for weeks, and he refuses to decide it. Why? If we can not get anyone in the Interior Department who has the courage to do his duty, if we are to forever have that office filled with men who possess no spinal column, who are afraid that somebody is going to accuse them of not being conservationists if they decide these cases, then why not put in an amendment and let these claimants go to the courts?

Mr. FERRIS. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. FERRIS. It is not partisan with the gentleman, but it is practical with the gentleman.

Mr. HUMPHREY of Washington. It is not partisan.

Mr. FERRIS. All through Secretary Fisher's administration the gentleman was railing against the department just as he is now, and all through Secretary Lane's administration, so far, the gentleman has been railing against the department, and I presume the gentleman will continue to do so. If you rail because an eastern man will not do what you want, and if Secretary Lane, who is a western man and used to run a paper in the gentleman's own State, will not do what he desires, pray tell where will we get a Secretary of the Interior that will please the gentleman from Washington?

Mr. HUMPHREY of Washington. I will not rail against a man from the East or from the West if he has the courage to do his duty, but if he is a contemptible coward I am against him. Geography makes no difference on this question.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to proceed for five minutes more.

Mr. DONOVAN. Mr. Chairman, I am going to object. We are operating under the five-minute rule.

The CHAIRMAN. Does the gentleman object?

Mr. DONOVAN. I will object.

Mr. HUMPHREY of Washington. Mr. Chairman, did the gentleman object?

Mr. DONOVAN. Yes.

Mr. RAKER rose.

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized.

Mr. RAKER. Mr. Chairman, this subject matter was fully covered by the committee. There is no need in trying to disguise the object, the purpose, and the intent of this amendment by attacking the officials of the Government.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Washington?

Mr. RAKER. Yes; I yield.

Mr. JOHNSON of Washington. Is it not a fact that Secretary Lane, in the book entitled "Red Tape in Alaska," calls attention to the necessity of doing something along those very lines on account of the delay in the mails back and forth, and the fact that some of these cases have been hung up five or six years? Take, for instance, the claim of T. P. McDonald——

Mr. RAKER. No; what he says in that statement does not apply to this bill. Secretary Lane is in favor of this bill, but is opposed to such legislation as is contemplated by the amendment. I want to explain the provision. The testimony before the committee shows that there is practically not one single claim to coal lands in Alaska, out of 560 claims that have been adjudicated against those people, that has been surrendered. The evidence shows that the claimants are still in possession, or claiming possession, of the land. They or their grantees are still claiming that land, and they are trying now to get a provision to wipe out all the laws on the statute books relating to the disposition of the public domain and to turn it over to the courts in Alaska to decide.

That is the purpose of this amendment, and the testimony of the Commissioner of the General Land Office shows the reason why the remainder of these claims have not been decided; and the reason is that they will not submit their claims to the department. There is only one——

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Washington?

Mr. RAKER. I can not yield just now. There is only one claim that has been submitted. They have not offered their final proof, and therefore there can be no decision.

Mr. FALCONER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Washington?

Mr. RAKER. Yes.

Mr. FALCONER. What was the particular claim that presented its credentials in this matter?

Mr. RAKER. I do not know. But the Commissioner of the General Land Office says:

> There is one application in my office now, which has been argued very extensively, which is such an application. The Cunningham people refused to come in under that act.
>
> Mr. RAKER. Then, really, as a matter of fact, the want of development and the want of proper application, after they have complied with the law, has been due to the acts of the individuals themselves?
>
> Mr. TALLMAN. Yes; and combined with a general blanket withdrawal and a blanket with a lot of charges against everybody who had entered the Alaska coal lands. Charges have been preferred against almost every entryman. Of course that was on the theory that there had been tremendous fraud attempted to be perpetrated.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. COOPER. From what was the gentleman reading?

Mr. RAKER. From the testimony of Mr. Tallman, on page 45 of the committee hearings.

Mr. HUMPHREY of Washington. Who is he?

Mr. RAKER. The Commissioner of the General Land Office.

Mr. HUMPHREY of Washington. What is the date of it? When was it?

Mr. RAKER. I will give the date in a moment. It was on February 23 of this year.

Mr. COOPER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from California still has the floor. His time has not expired yet.

Mr. RAKER. Let us read the provision of this amendment. It reads:

> *Provided further*, That whenever any of the coal lands of Alaska otherwise subject to the provisions of this act shall be claimed by any settler or locator or other claimant, the Attorney General of the United States or such settler, locator, or other claimant is hereby authorized to bring a suit in equity in the judicial district where the mine is situated to quiet title thereto.

It is stated now, and the record shows it, that there has been practically no surrender of the claims, no surrender of possession by the original locators and their grantees. The 560 cases that have been decided against these claimants on account of gross frauds would, under this amendment, be sent back into the Federal courts of Alaska for adjudication, and the cases of these parties would there be determined, thus wiping out and ending and disposing of the general laws in regard to the disposition of the public lands. And it would be the same way in regard to the other cases that are undisposed of. In other words, this is an innovation in which it is proposed that over half of the claims that have been determined by actual decision and final determination by the Department of the Interior to be fraudulent and illegal are to be readjudicated, and you are going to put the other 600-and-odd claimants that are now held up on account of alleged fraud and other charges of illegality and irregularity with the other class and say to these people, "Notwithstanding your fraud, notwithstanding your violation of the law, notwithstanding your violation of every principle that should have guided you in filing upon these claims and your working of them, you may still go ahead improving them and developing them, and we will give you an opportunity to do so," and also provide a new tribunal and have your cases readjudicated and all different from all other land cases. This will not do, and this attempted effort should be unanimously defeated. Had the gentleman from Oregon [Mr. HAWLEY] fully considered his amendment I am sure he would not have presented it. He should withdraw it, otherwise the committee will certainly with one voice defeat it.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask for two minutes in which to complete my statement.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for two minutes more. Is there objection?

XUM

Mr. DONOVAN. I object, Mr. Chairman.

Mr. LENROOT rose.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized.

Mr. MANN. Can we not close debate on this section very soon?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 8 minutes the debate on this section close; 2 minutes to be used by the gentleman from Wisconsin [Mr. LENROOT]. Or, Mr. Chairman, let us make it 12 minutes. The gentleman from Illinois wants to say a word.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that all debate on the pending section and amendments thereto close in 12 minutes. Is there objection?

Mr. MONDELL. Mr. Chairman, I do not understand what this request is.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair understands that the gentleman from Wisconsin has 5 minutes.

Mr. FERRIS. No, Mr. Chairman; 2 minutes.

Mr. LENROOT. Mr. Chairman, if this amendment should be adopted, it would revive the Cunningham claims, and it would revive every claim that has been passed upon by the Department of the Interior.

I sincerely regret that the gentleman from Oregon [Mr. HAWLEY] has offered this amendment, and I indulge the hope that he will withdraw it, for it ought not to be offered by any Member on this floor. Not only will it revive all of these claims, but if it should be adopted this bill might as well be defeated now, because the Matanuska and the Bering fields, covering all of the valuable coal in Alaska, are plastered over, every acre of them, with claims of this character, and if we are going to adopt this amendment and throw them all into litigation, no coal operator in the United States would think for one moment of leasing one acre of coal lands in Alaska.

And I want the gentlemen from Washington, both of them, who seem to favor this amendment, to consider seriously that in voting for it they are voting to bottle up Alaska a few years longer. [Applause.]

Mr. FALCONER. Mr. Chairman, I believe the amendment of the gentleman from Oregon [Mr. HAWLEY] should be defeated. Regarding the McDonald coal claim which has been referred to, I have given some consideration to the matter myself, and I believe he should be granted the title to the claims he filed on, for he surely has met the law requirements in full and is an honest man, who has spent his fortune in honest development; but I think the quickest way to get action on individual applications for title is to pass this bill, and I believe it is the sentiment of the people in the State of Washington, of the Territory of Alaska, and of the United States to give no consideration to the final settlement of any private application of any individual until the policy of the administration has been definitely stated to the country at large. I believe and I hope Mr. McDonald will get title to his claims in Alaska, and if there are any others in Alaska who have lived up to the law as he has done I think they should have title; but I think the first thing to do is to follow out the desires of the people who want this bill passed and the policy of the administration definitely settled. The law, of course, should not be retroactive in effect, and honest individuals who met the demands of the law up to the time of the withdrawal order of Mr. Roosevelt should get justice. The time has now come, Mr. Chairman, when the Government can no longer give away in unlimited areas and quantities the natural resources of the country. The public is thoroughly educated on natural-resource values. The people of the country claim a mutual interest, are demanding it, and will have it.

The gentleman from Oregon [Mr. HAWLEY] wishes to take from the Interior Department the right of decision in contest cases arising in Alaska, and takes occasion to say that he has confidence in the Federal courts. The gentleman is recognized as an able and conscientious Member of this House, and his judgment is rarely questioned, but I believe he has been misled in this matter. The history of Alaska does not substantiate his position that all men, even though they are clothed in the judicial robe, are absolutely honest. Mine-robbing Federal judges in years past in Alaska operated with a gusto that would make an ordinary highwayman ashamed of his moderation in wrongdoing. No; do not take jurisdiction in these controversies away from the Interior Department.

Mr. FERRIS. The gentleman thinks that the proviso on page 11, which leaves them in statu quo, is sufficient?

Mr. FALCONER. I think it is absolutely sufficient and the proper thing to do. And I want to say further, Mr. Chairman, that I believe many people in my State and in Alaska have the greatest degree of confidence in the present Secretary of the Interior. This is a very important subject, and one to which consideration has been given, and I think we will find, after this bill has been passed and the Secretary of the Interior has had time to operate, that the cases now in the department will have immediate consideration and with justice done.

This is one of the bills, Mr. Chairman, that has kept me here in Washington when I greatly desired to be in my State, and I am glad to see it so near favorable action by the House. We shall all be glad to have it pass, and the people of Alaska will rejoice.

Mr. HUMPHREY of Washington. Mr. Chairman, I want simply to reiterate what I said a while ago, that if this amendment in any way affects those who have had their cases disposed of, I am against it; and unless there is an amendment added to this amendment to take away any such possibility, I shall vote against it; but I am in favor of an amendment that will cause these claims to be decided in some way. And I want to say most emphatically that I have no sympathy with the sentiment that seems to prevail here that if these cases go to the courts they are going to be corruptly, or at least wrongfully, decided in favor of the claimants. I am glad to say that I have not yet reached the position where I believe the courts of this country will decide adversely to the Government when a claimant is not honestly entitled to his claim.

A moment ago, when I was stopped by the distinguished gentleman from Connecticut [Mr. DONOVAN], I was making this statement in regard to these claims. Since that time the gentleman from California [Mr. RAKER] has shown that this one claim, the McDonald claim, I presume, has been pending 15 or 16 months. It seems that Mr. Tallman had that claim that long ago. The protest I make is this: Why is it that they can not get somebody who has the courage to decide these claims? I do not know whether my information is correct or not, but as I said a while ago, it is my understanding that this administration has acted precisely as the other administration did. For 18 months this administration has refused to make a single decision in these cases. If that be true, then let us enact some legislation that will send these cases to the courts, where we can get some one who will decide them and relieve these distinguished gentlemen who happen to go into official positions and who are so afraid of public sentiment that they dare not perform the duties that the law places upon them.

[Mr. FOWLER addressed the committee. See Appendix.]

Mr. HAWLEY. Mr. Chairman, I offered this amendment for the purpose of expediting the settlement of claims up there, claims of small individual holders who have been unable to have their claims determined, and who think they ought to be determined for or against them speedily, and it seemed to me that to give the courts of the United States the power to deal with them, with the right of appeal to the higher courts, was a reasonable solution. I have heard the statements of the gentlemen who are opposed to the amendment. I have not had time to analyze them. If there is any danger of accomplishing the things that they mention, and as it was not my intention to accomplish any such things, I therefore ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to withdraw the amendment. Is there objection?

Mr. BRYAN. Reserving the right to object, Mr. Chairman, I am glad to hear the gentleman from Oregon make that statement, which clears his record entirely in the matter, and shows his position, but I think we ought to have a vote on this amendment.

The CHAIRMAN. Debate is not in order. Debate is exhausted. Is there objection to the request of the gentleman from Oregon?

Mr. BRYAN. I object, and I want to make a statement as to why I object.

The CHAIRMAN. Debate is not in order.

Mr. BRYAN. I want to see if there is a solitary member of the Washington delegation, all five of whom are on the floor, or any other delegation here, who will vote for that amendment.

Mr. MANN. That statement is not in order.

Mr. BRYAN. Gentlemen often reserve the right to object, and then proceed to make statements.

The CHAIRMAN. The question is, Is there objection?

Mr. BRYAN. The Chair certainly heard me object. The Chair ruled that I could not make a statement. I again object.

The CHAIRMAN. The gentleman from Washington objects. The question is on the amendment of the gentleman from Oregon.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. BRYAN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes none, noes 27.

Accordingly, the amendment was rejected.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent to change the numbering of section 14, to make it section 15, and then to offer a new section.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as a new section the following:

"SEC. 16. The Secretary of the Interior shall annually make report to Congress of all leases awarded under the provisions of this act in reasonable detail, and also of all leases then outstanding, and the amounts collected for the prior fiscal year on account of each lease."

Mr. TAYLOR of Colorado. Mr. Chairman, I may say that in consultation with various members of the committee and others it was deemed proper to offer that provision, and therefore I offer it, as you may say, as a committee amendment.

Mr. MONDELL. Mr. Chairman, I think the amendment offered by the gentleman from Colorado is possibly proper; I did not hear it very clearly. We are about to pass the Alaskan coal bill. We should have passed one three years ago, at least. This bill, I understand, is satisfactory to gentlemen who call themselves conservationists and who have criticized the bills heretofore presented.

I think it is proper that we should have a brief analysis, now that we are about to pass the bill, of what the bill proposes to do. It practically wipes out all claims now existing to Alaskan coal lands. It takes away the last hope of any claimant there. It authorizes the Secretary of the Interior to do practically as he sees fit, within certain broad limits, with all the coal lands in Alaska. With regard to all the coal lands, except the Matanuska and Bering fields—that is, as to all lignite coals—he is not required to advertise for bids. There is no limitation except the 2-cent royalty and the maximum acreage, nothing in the bill requiring him to give all applicants an opportunity. In fact, there is a provision that he need not do so in regard to 98 per cent of all the coal lands; that is, all the lands containing lignite.

The bill further fixes a 2-cent minimum royalty, and a provision in the bill that would have authorized the Secretary to fix a minimum above 2 cents was stricken out by vote of the committee.

As the bill now reads, the Secretary of the Interior, under this bill, may lease to Aleck Cunningham one-half of all the Cunningham coal claims at 2 per cent per ton royalty and 25 cents an acre lease. He may lease to the Guggenheims the balance of the Cunningham coal lands in the Bering River field at 2 cents per ton royalty. He must lease to these two men, if they are responsible bidders, and accept their offer of lease at 2 cents a ton, for he has no authority on his own motion to fix a higher royalty, if no one else offers more.

Of course, I do not say that this is going to occur. Oh, the anathemas that have been hurled in the past against legislation affecting these lands on the ground that such things might be done! How gentlemen, when it was good politics to do it, have opposed the most carefully drawn and guarded proposals touching these lands, and yet when the House comes to legislate we are, under conditions which might be established and are likely to be, giving two or three lessees control at a nominal royalty of all the most valuable coal land of southern Alaska.

This bill would allow such leases as I have suggested to be made, and the Secretary would, in my opinion, be compelled to make them under the provisions of the bill as it now stands, unless there was a higher bid of royalty.

Now, this may be conservation. It would be very much better for the Guggenheims, infinitely better for Aleck Cunningham, to make a lease under the minimum royalty of this bill than to own these lands, because no taxes that the Territory of Alaska would have placed on these lands, had they been purchased, would be so low in the running of the years as 2 cents a ton royalty would amount to. It may not occur, and yet it can occur, and this is the triumph, as I understand it, of conservation.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. FALCONER. Mr. Chairman, have not Members a general right to extend remarks in the RECORD on this bill?

The CHAIRMAN. That is true, under the rule.

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

Mr. THOMSON of Illinois. Mr. Chairman, I ask unanimous consent to return to section 8 for the purpose of offering an amendment.

Mr. HUMPHREY of Washington. Reserving the right to object, what is the amendment?

Mr. THOMSON of Illinois. The amendment is simply to change the wording in line 10 of that section.

Mr. HUMPHREY of Washington. If it is to perfect the text, I have no objection.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to section 8 for the purpose of offering an amendment.

Mr. MANN. What is the amendment?

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

Amend, page 8, line 10, by striking out the entire line and inserting in lieu thereof the following:

"A specified tract, not to exceed 10 acres."

Mr. MANN. I object.

Mr. THOMSON of Illinois. There is one other amendment.

The Clerk read as follows:

Amend, page 8, line 14, by inserting, after the word "*Provided*," the following:

"That not more than one such limited license or permit shall be issued to any single applicant hereunder: *And provided further*."

The CHAIRMAN. Is there objection to returning to section 8 for the purpose of offering the amendment?

Mr. MANN. I have no objection to returning for the purpose of offering the last amendment read.

The CHAIRMAN. The question is on the amendment last reported by the Clerk.

The question was taken, and the amendment was agreed to.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and the bill pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. UNDERWOOD having taken the chair as Speaker pro tempore, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FERRIS. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

### ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 57 minutes p. m.) the House, under the order previously agreed to, adjourned until Tuesday, September 8, 1914, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 13029) for the relief of John L. Maile, reported the same with amendment, accompanied by a report (No. 1143), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11839) granting an honorable discharge to William Ham, reported the same with amendment, accompanied by a

report (No. 1144), which said bill and report were referred to the Private Calendar

He also, from the same committee, to which was referred the bill (H. R. 13756) for the relief of Augustus Dudley Hubbell, reported the same with amendment, accompanied by a report (No. 1145), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12369) for the relief of John Healy, reported the same with amendment, accompanied by a report (No. 1146), which said bill and report were referred to the Private Calendar.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FOSTER: Joint resolution (H. J. Res. 335) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914; to the Committee on Invalid Pensions.

By Mr. HOWARD: Joint resolution (H. J. Res. 336) suspending the collection of duty on wheat imported into this country; to the Committee on Ways and Means.

### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COADY: A bill (H. R. 18676) granting an increase of pension to Harlow B. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18677) granting an increase of pension to William J. Knight; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 18678) authorizing the Secretary of the Treasury to make refund in certain cases of sums of money paid in settlement of income-tax penalties in excess of existing regulations; to the Committee on Claims.

By Mr. DOOLITTLE: A bill (H. R. 18679) granting an increase of pension to Joseph Gray; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 18680) granting an increase of pension to Catherine Platt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18681) granting an increase of pension to Mary M. Stone; to the Committee on Invalid Pensions.

### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRUCKNER: Petition of the International Union of Journeymen Horseshoers, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Stationers Association of New York, favoring the passage of the Stevens standard-price bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

By Mr. DONOVAN: Petition of 60 citizens of Danbury, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. GRIFFIN: Petitions of the New York State Council and Local Union No. 639, of Brooklyn, United Brotherhood of Carpenters and Joiners of America, protesting against the high cost of living; to the Committee on the Judiciary.

By Mr. HOLLAND: Petitions of R. T. Vaughn, George W. Gray, B. H. Delk, J. T. Knight, T. J. Chapman, R. W. Remick, F. W. Rose, and other citizens of the counties of Southampton and Isle of Wight, Va., relative to rural credits; to the Committee on Banking and Currency.

By Mr. LEWIS of Maryland: Petition of the Emory Grove Camp Meeting, of Emory Grove, Md., for the passage of the House joint resolution 168; to the Committee on Rules.

Also, petition of the W. C. P. N. of Feagaville, Md., for the passage of the House joint resolution to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. LIEB: Petitions of L. Bohry, Henry J. Wolf, August Klingemaier, August Haller, H. A. Wimberg, John Zueschel, Peter Dewes, Robert Schofield, George Toren, Henry Grimm, Carl Finnberg, Richard Miller, Henry Egli, J. A. Draheim, George Horn, J. T. Minnett, H. C. L. Krach, George Maier, Henry Grimm, John Zueschel, Louis Rohry, John Fix, J. H. Scholnbaechler, Edwin Potter, W. A. Eaty, F. Reisinger, George Hautzman, Simon Bartholome, Pete Heitman, Philip Schroch, C. F. Miller, P. H. Carroll, Charles E. Inco, Eugene Walker, J. J. Roehrig, H. Watkins, E. B. Aulderiat, W. E. Williams, J. W. Bacon, G. Jefferies, S. White, E. J. Johnson, William Fisher, W. C. Hafendorfer, John Roberson, H. J. Cullars, Adam Kiras, Jacob Wriner, Richard Peake, Walter Kern, E. H. R. Epicuv, Fred Johnson, W. M. Boner, M. Long, O. B. Foyle, Mike Cohn, W. B. Krerner, J. F. Which, B. F. Lockport, C. Ferguson, R. Dickerson, Ernest Bryant, W. Kelly, E. W. Bierld, C. H. Southgate, Eugene Kelly, A. J. Haney, E. F. Dioren, N. S. Mitchell, Len Bickel, Samuel Woosley, Dan Martin, R. E. Turie, Ray Summers, E. G. Wendholt, F. W. Higgins, J. E. Bowman, J. H. Climens, George Reeils, Kennedy & McDonald, Kirk Oldham, L. R. Collier, J. W. Pfisterer, G. H. Hoker, Gus Schafer, Joe Schmautz, Phil. Maier, John Stockley, J. J. Bryan, Oscar Hufnagel, John Jack, William Hughes, H. Rosentahl, C. Harris, L. Fash, George Fruend, H. H. Angel, J. B. Becker, T. J. Baar, William Kamm, W. F. O'Brian, E. Rouke, William Rus, William Kaiser, W. F. Holzgrafi, A. Kasper, Robert Beck, Henry H. Kratz, B. H. Diedrich, Ed. Scherrer, and Peter Egli, all of Evansville, Ind.; Felix Bettag, William Herr, A. Yelling, William Bredhold, Peter Horlander, John Brenner, Frank Stallman, Fred Bocketing, Andy Babbach, Lawrence Grindhoefer, Eugene Grundhoefer, George Horlander, George Roon, Henry Singer, Frank Piforlander, Paul Ender, J. R. Danmhaner, Adam Grundhoefer, Frank P. Dilger, M. Hollander, J. C. Harfurther, Adam Nord, John Jackson, Frank Sogel, Joseph Jellig, Frank Arnold, and J. H. Hollander, all of Mariah Hill, Ind.; and John A. Emmert and O. J. Emmert, of Haubstadt, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of the Socialist Party of Hartford, Conn., protesting against the removal of Federal troops from the strike region in Colorado prior to settlement of the strike; to the Committee on Mines and Mining.

By Mr. MURRAY of Oklahoma: Petitions of sundry citizens of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Resolutions of the Verein Eintracht, of San Francisco, Cal., favoring the passage of the Hamill bill (H. R. 5139), for the retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. WATSON: Petition of sundry citizens of Greensville County, Va., relative to a personal rural-credit system; to the Committee on Banking and Currency.

## SENATE.

### TUESDAY, *September 8, 1914.*

*(Legislative day of Saturday, September 5, 1914.)*

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

#### FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada [Mr. NEWLANDS] to proceed to the consideration of the conference report on the bill (H. R. 15613) to create a Federal trade commission, to define its powers and duties, and for other purposes. When the Senate recessed there was the absence of a quorum. The Chair orders the roll to be called.

Mr. LEWIS. May I be permitted to say I understand from the Senator from Nevada his request was to withdraw his motion to proceed to the consideration of the conference report?

The VICE PRESIDENT. The Senator is permitted to say that, but there was no quorum voting on the motion of the Senator from Nevada.

Mr. GALLINGER. I objected to the withdrawal of the motion to proceed with the report and the roll was called on the motion, and it developed that there was not a quorum present. I suppose the calling of the roll will be in order this morning.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | O'Gorman | Smoot |
| Bankhead | Gallinger | Perkins | Sterling |
| Brady | Jones | Pittman | Swanson |
| Bryan | Kenyon | Poindexter | Thomas |
| Burton | Lane | Ransdell | Thompson |
| Chamberlain | Lewis | Reed | Thornton |
| Chilton | McCumber | Robinson | Vardaman |
| Clapp | Martine, N. J. | Shafroth | Walsh |
| Crawford | Myers | Sheppard | West |
| Culberson | Newlands | Simmons | White |
| Fall | Norris | Smith, Ga. | Williams |

Mr. LEWIS. I desire to announce the absence of the Senator from Indiana [Mr. KERN], caused by illness in his family.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN] is detained from the Senate on account of sickness in

his family. He is paired with the senior Senator from Idaho [Mr. BORAH]. This announcement will stand for the day.

Mr. JONES. I desire to announce that the junior Senator from Vermont [Mr. PAGE] is absent on account of illness in his family.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. POMERENE answered to his name when called.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given to request the attendance of absent Senators.

Mr. HUGHES, Mr. NELSON, Mr. LEE of Maryland, and Mr. OLIVER entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The pending question is, Will the Senate proceed to the consideration of the conference report on what is commonly known as the trade commission bill? Upon this question the yeas and nays have been ordered. The Secretary will proceed to call the roll.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Wyoming [Mr. WARREN], which I transfer to the Senator from Indiana [Mr. KERN] and vote "yea."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. In his absence I transfer that pair to my colleague [Mr. WORKS] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Kentucky [Mr. CAMDEN]. I will let this announcement remain until the junior Senator from Kentucky is in the Chamber. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. WILLIAMS (when his name was called). I announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH]. I ask that this announcement stand for the day. I vote "yea."

The roll call was concluded.

Mr. LEWIS. I desire to reannounce the absence of the Senator from Indiana [Mr. KERN], caused by illness in his family, and to say that if he were here the Senator from Indiana would vote "yea."

Mr. CRAWFORD (after having voted in the affirmative). I have a general pair with the senior Senator from Tennessee [Mr. LEA], who, I discover, is absent and has not voted; but I am informed that if present he would vote the same as I have already done, in the affirmative. Therefore I will allow my vote to stand.

Mr. MCCUMBER. I wish to announce the unavoidable absence of my colleague [Mr. GRONNA], and, as he will not be able to return during the week, I will allow this announcement to stand for the entire week.

Mr. GALLINGER. I desire to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH], who is paired with the Senator from New Hampshire [Mr. HOLLIS]. I also announce the absence of the junior Senator from Vermont [Mr. PAGE] on account of illness.

I am requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

Mr. KENYON. I desire to announce the unavoidable absence of my colleague [Mr. CUMMINS].

Mr. CLAPP. I think, of course, that it is generally known by this time that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unable to be here on account of illness. I do not care to put that fact in the RECORD every day, but this being the first day of this week's legislative proceedings, I make the announcement in order that it may be in the RECORD for the week.

Mr. REED. Mr. President, the somewhat startling fact appears by a recapitulation of the vote that I have voted. As a matter of fact, I distinctly did not vote, though I heard some Senator answer to my name. I take it, of course, that it was an error. I am entirely willing that the vote shall stand, though I prefer to do my own voting.

The VICE PRESIDENT. Does the Senator desire that his vote shall be stricken from the roll call?

Mr. REED. I say that the vote may stand.

The VICE PRESIDENT. The Secretary is, of course, not responsible for the error when he hears a response on the call of a Senator's name.

Mr. REED. I am not criticizing the Secretary; I am not criticizing anybody. As I have stated, some Senator answered when my name was called.

The result was announced—yeas 44, nays 2, as follows:

YEAS—44.

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Norris | Simmons |
| Bankhead | Gallinger | O'Gorman | Smith, Ga. |
| Brady | Hughes | Perkins | Smoot |
| Bryan | Jones | Pittman | Sterling |
| Burton | Kenyon | Poindexter | Swanson |
| Chamberlain | Lee, Md. | Pomerene | Thompson |
| Chilton | Lewis | Ransdell | Thornton |
| Clapp | McCumber | Reed | Vardaman |
| Crawford | Martine, N. J. | Robinson | Walsh |
| Culberson | Nelson | Shafroth | White |
| Fall | Newlands | Sheppard | Williams |

NAYS—2.

| | |
|---|---|
| Lane | Oliver |

NOT VOTING—50.

| | | | |
|---|---|---|---|
| Borah | Gore | Myers | Smith, S. C. |
| Brandegee | Gronna | Overman | Stephenson |
| Bristow | Hitchcock | Owen | Stone |
| Burleigh | Hollis | Page | Sutherland |
| Camden | James | Penrose | Thomas |
| Catron | Johnson | Root | Tillman |
| Clark, Wyo. | Kern | Saulsbury | Townsend |
| Clarke, Ark. | La Follette | Sherman | Warren |
| Colt | Lea, Tenn. | Shields | Weeks |
| Cummins | Lippitt | Shively | West |
| Dillingham | Lodge | Smith, Ariz. | Works |
| du Pont | McLean | Smith, Md. | |
| Goff | Martin, Va. | Smith, Mich. | |

The VICE PRESIDENT. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gallinger | O'Gorman | Simmons |
| Bankhead | Jones | Oliver | Smith, Ga. |
| Bryan | Kenyon | Perkins | Smoot |
| Burton | Lane | Pittman | Sterling |
| Chamberlain | Lee, Md. | Poindexter | Swanson |
| Chilton | Lewis | Pomerene | Thomas |
| Clapp | McCumber | Ransdell | Thornton |
| Crawford | Martine, N. J. | Reed | Vardaman |
| Culberson | Nelson | Robinson | West |
| Fall | Newlands | Shafroth | White |
| Fletcher | Norris | Sheppard | Williams |

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. STONE and Mr. THOMPSON answered to their names when called.

Mr. HUGHES, Mr. BRADY, Mr. SHIELDS, and Mr. CLARKE of Arkansas entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The pending question is the motion of the Senator from Nevada [Mr. NEWLANDS] to proceed to the consideration of the conference report on what is commonly known as the trades commission bill. Upon this

the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN], which I transfer to my colleague [Mr. WORKS], and will vote. I vote "yea."

Mr. STONE (when his name was called). I transfer the standing pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Indiana [Mr. SHIVELY] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

The roll call was concluded.

Mr. CLARKE of Arkansas. I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. As he is absent, I withhold my vote.

Mr. FLETCHER. I announce the same pair and transfer as before and vote "yea."

The result was announced—yeas 43, nays 2, as follows:

YEAS—43.

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Perkins | Smoot |
| Bankhead | Gallinger | Pittman | Sterling |
| Brady | Jones | Poindexter | Stone |
| Bryan | Kenyon | Pomerene | Swanson |
| Burton | Lee, Md. | Ransdell | Thompson |
| Chamberlain | Lewis | Robinson | Thornton |
| Chilton | Martine, N. J. | Shafroth | Vardaman |
| Clapp | Nelson | Sheppard | West |
| Crawford | Newlands | Shields | White |
| Culberson | Norris | Simmons | Williams |
| Fall | O'Gorman | Smith, Ga. | |

NAYS—2.

| | |
|---|---|
| Lane | Oliver |

NOT VOTING—51.

| | | | |
|---|---|---|---|
| Borah | Gore | McLean | Smith, Md. |
| Brandegee | Gronna | Martin, Va. | Smith, Mich. |
| Bristow | Hitchcock | Myers | Smith, S. C. |
| Burleigh | Hollis | Overman | Stephenson |
| Camden | Hughes | Owen | Sutherland |
| Catron | James | Page | Thomas |
| Clark, Wyo. | Johnson | Penrose | Tillman |
| Clarke, Ark. | Kern | Reed | Townsend |
| Colt | La Follette | Root | Walsh |
| Cummins | Lea, Tenn. | Saulsbury | Warren |
| Dillingham | Lippitt | Sherman | Weeks |
| du Pont | Lodge | Shively | Works |
| Goff | McCumber | Smith, Ariz. | |

The VICE PRESIDENT. There is not a quorum voting. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Perkins | Smoot |
| Bankhead | Gallinger | Pittman | Sterling |
| Bryan | Jones | Poindexter | Stone |
| Burton | Lane | Pomerene | Thomas |
| Chamberlain | Lee, Md. | Ransdell | Thompson |
| Chilton | Lewis | Reed | Thornton |
| Clapp | Martine, N. J. | Robinson | Vardaman |
| Clarke, Ark. | Nelson | Shafroth | White |
| Crawford | Newlands | Sheppard | Williams |
| Culberson | Norris | Shields | |
| Fall | Oliver | Smith, Ga. | |

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. SIMMONS, Mr. SWANSON, and Mr. WEST answered to their names when called.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given and request the attendance of absent Senators.

Mr. KENYON, Mr. O'GORMAN, Mr. WALSH, and Mr. BRADY entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The pending question is the motion of the Senator from Nevada [Mr. NEWLANDS] to proceed to the consideration of what is commonly known as the trade commission bill. On this the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. FLETCHER (when his name was called). Announcing my pair and transfer as before, I vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN] and its transfer to my colleague [Mr. WORKS], I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote. I desire to be counted as present for a quorum, if necessary.

Mr. WALSH (when his name was called). I announce my pair and its transfer as on the former vote. I vote "yea."

The roll call having been concluded, it resulted—yeas 46, nays 2, as follows:

YEAS—46.

| | | | |
|---|---|---|---|
| Ashurst | Gallinger | Perkins | Smoot |
| Bankhead | Hughes | Pittman | Sterling |
| Brady | Jones | Poindexter | Swanson |
| Bryan | Kenyon | Pomerene | Thompson |
| Burton | Lee, Md. | Ransdell | Thornton |
| Chamberlain | Lewis | Reed | Vardaman |
| Chilton | McCumber | Robinson | Walsh |
| Clapp | Martine, N. J. | Shafroth | West |
| Crawford | Nelson | Sheppard | White |
| Culberson | Newlands | Shields | Williams |
| Fall | Norris | Simmons | |
| Fletcher | O'Gorman | Smith, Ga. | |

NAYS—2.

| | |
|---|---|
| Lane | Oliver |

NOT VOTING—48.

| | | | |
|---|---|---|---|
| Borah | Goff | McLean | Smith, Md. |
| Brandegee | Gore | Martin, Va. | Smith, Mich. |
| Bristow | Gronna | Myers | Smith, S. C. |
| Burleigh | Hitchcock | Overman | Stephenson |
| Camden | Hollis | Owen | Stone |
| Catron | James | Page | Sutherland |
| Clark, Wyo. | Johnson | Penrose | Thomas |
| Clarke, Ark. | Kern | Root | Tillman |
| Colt | La Follette | Saulsbury | Townsend |
| Cummins | Lea, Tenn. | Sherman | Warren |
| Dillingham | Lippitt | Shively | Weeks |
| du Pont | Lodge | Smith, Ariz. | Works |

The VICE PRESIDENT. On the motion of the Senator from Nevada the yeas are 46 and the nays 2. The Senator from Colorado [Mr. THOMAS] and the Senator from Arkansas [Mr. CLARKE] being present, a quorum is present. The Chair declares the motion carried, and lays before the Senate the conference report on the bill (H. R. 15613) to create a Federal trade commission, to define its powers and duties, and for other purposes. The question is on agreeing to the conference report.

Mr. REED. Mr. President, I notice that the language of section 5 has been changed from "unfair competition in commerce is hereby declared unlawful" to "unfair methods of competition in commerce are hereby declared unlawful." I should like to ask the chairman of the committee or some member of the conference committee why that change was made?

Mr. NEWLANDS. Mr. President, the House conferees presented an amendment in that form. They deemed that language preferable to the language employed in the bill as passed by the Senate, and the Senate conferees, being of the opinion that the language was equally as strong and would be equally as operative as the language employed in the Senate bill, assented.

Mr. REED. That is an exceedingly illuminating statement, and furnishes a most substantial reason for the change. Does the Senator mean to say that there is no difference in the meaning? Is that the idea?

Mr. NEWLANDS. There is no difference, in my judgment.

Mr. REED. It was not put in, then, in order to change the meaning of the bill?

Mr. NEWLANDS. Not according to my understanding.

Mr. REED. The Senator states that the House conferees presented it to the Senate conferees in that form. Are we to understand that the House conferees had a section 5 of their own?

Mr. NEWLANDS. In the original bill?

Mr. REED. Yes.

Mr. NEWLANDS. No.

Mr. REED. Mr. President, I wish to ask the chairman of the committee if there has been any investigation made of any kind to ascertain whether certain gentlemen who have been very industriously lobbying for this bill for some weeks are employed?

Mr. NEWLANDS. I do not understand the Senator's question. I know of no lobby on this bill.

Mr. REED. The Senator knows that a gentleman named Rublee has been here for some weeks, does he not?

Mr. CRAWFORD. Mr. President, it is impossible for us on this side of the Chamber to hear the conversation going on between the Senators. I suggest that they speak a little louder.

Mr. REED. I asked the Senator from Nevada if he did not know, and he has stated that he does not know, of any lobby or lobbying. I asked him if he does not know a man named Rublee, who has been weeks here in Washington, and has haunted the galleries and antechambers of the Senate. He has been very active in the advocacy of this bill, and I wanted to learn what the Senator knows about the activities of Mr.

Rublee and whom Mr. Rublee represented, and who, if anybody, is paying Mr. Rublee.

Mr. NEWLANDS. Mr. President, so far as Mr. Rublee is concerned, I do not know that anyone employs Mr. Rublee or pays him. I do not believe that he is either employed or paid with reference to his service in this matter. I have only recently become acquainted with Mr. Rublee, but I have a very high opinion of him, a high opinion of his character and his disinterestedness. He is, in my judgment, one of the few men who, without seeking place or reward of any kind, is desirous of dedicating himself to the public service. It is in that attitude that I have regarded him throughout.

I will say with reference to section 5 that this provision regarding unfair competition is no new thing. It was presented by me in a trade commission bill which I offered early in 1911, more than three years ago.

Mr. Rublee lives in New Hampshire. I believe he belongs to the Progressive element there. He is a great friend of Representative STEVENS of that State, who is a member of the Interstate Commerce Committee of the House, one of the majority members. Mr. STEVENS was urging there a clause regarding unfair competition, and it was contained in his bill for a trade commission. The first time, if I recollect aright, that I saw Mr. Rublee was in company with Mr. STEVENS, both of whom called upon me with reference to the insertion of this section in the trade commission bill of the Senate.

Mr. GALLINGER. Mr. President——

Mr. NEWLANDS. Of course, it required no argument or persuasion with me, because I have long ago contemplated providing for unfair competition in a trade commission bill, and I had done so in the bill that I originally introduced.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. When the Senator from Nevada is through.

Mr. GALLINGER. I simply wanted to ask the Senator from Nevada a question for information, and that is as to whether the gentleman to whom he alludes as a Member of the other House was consulted or was present during the deliberations of the committee of conference.

Mr. NEWLANDS. Not to my knowledge. I understood that Mr. Rublee had been in conference with the President on several occasions.

Mr. GALLINGER. I had reference to Mr. STEVENS, not to Mr. Rublee.

Mr. NEWLANDS. No; not to my knowledge.

Mr. GALLINGER. I think he is in New Hampshire looking after his campaign; so I concluded that he could not have been consulted by the conferees.

Mr. NEWLANDS. Mr. Rublee is a man of capacity, a lawyer by profession, interested in the Progressive movement, and he pursues such matters with a great deal of zeal and energy. I have no doubt that he was very solicitous regarding the adoption of this provision, and an attendant upon the debate, and appeared before the Committee on Interstate Commerce, and that he had conversations with Members of the House from time to time, and Members of the Senate, regarding this measure.

Mr. REED. I should like to ask the Senator, before he takes his seat, if I understood him correctly that Mr. Rublee was interested with Mr. STEVENS in the bill that Mr. STEVENS has introduced with reference to the regulations of trade and commerce?

Mr. NEWLANDS. Yes.

Mr. REED. That is a bill which proposes to give to the manufacturer of an article the right to stipulate the price at which it shall be sold at retail, is it not?

Mr. NEWLANDS. I really do not know. I know that Mr. STEVENS had a so-called trade commission bill pending in the House, and it had in it this unfair-competition clause. I do not know whether it had anything with reference to the subject to which the Senator alludes.

Mr. CLAPP. Mr. President, will the Senator allow me to say a word in regard to Mr. Rublee?

Mr. REED. Certainly.

Mr. CLAPP. Of course I have always regretted the freedom with which Members of this Chamber use the names of men who can not come upon the floor and in the same somewhat imperishable record of Congress place their answers to what may be said.

I have known Mr. Rublee for several years. I knew his father. It is a fact that there are to-day in this country men of some means, at least able to avoid the necessity of always acting upon a retainer, who are interesting themselves in trust legislation. I believe Mr. Rublee is one of those men.

Of course, if Mr. Rublee has been lobbying here in the sense in which we ordinarily use that term, no language the Senator from Missouri or myself or any other Senator could use would be a fitting reprimand, for I have no use for that class of people. But I should be very loath to believe that Mr. Rublee was in any sense or had in that sense been lobbying for this measure.

I have talked with Mr. Rublee very often and very freely. I have known him for a great many years. I have discussed these economic questions with him for years. I believe that he is actuated by the same desire that to-day actuates thousands of men outside of Congress who are interested in legislation upon this subject, and unless there was some evidence that he was in fact here in the interest of some one I should regret very much the question which left that impression.

I feel that it is only fair to Mr. Rublee to say what I have said.

Mr. NEWLANDS. I will simply add that I think Mr. Rublee impressed the members of the committee generally as a man of ability and as a man of great sincerity and desire for the public good.

Mr. REED. Referring for a moment to the topic that I had under consideration, I understand the bill Mr. STEVENS is interested in and that Mr. Rublee is interested in in the House of Representatives to be the bill (H. R. 13305) to prevent discrimination in prices and to provide for publicity of prices to dealers and to the public. I ask the Senator from Nevada if this bill is the one he has been referring to as the trade commission bill of Mr. STEVENS?

Mr. NEWLANDS. This is not the bill to which I referred. The bill to which I referred was a bill to create a trade commission.

Mr. REED. It, however, has the same author as this bill—Mr. STEVENS, of the House.

Mr. President, I have not charged that Mr. Rublee is a lobbyist. I have charged that Mr. Rublee has been here lobbying, and that he is about the most assiduous and persistent and tireless lobbyist I have seen around the Capitol at Washington. The term "lobbyist" seems to be one that is very difficult to define. It is a very elastic term. When a man is working on the same side of the question we are on, no matter how active he may be, he is, of course, a patriot, a statesman, and all other things that are good and virtuous and admirable.

If he is on the other side, he is a lobbyist, with divers and sundry adjectives attached, dependent in each case upon the vocabulary of the gentleman who is discussing him.

I believe it to be true that section 5 of the trade commission bill is the upper jaw calculated to fit the lower jaw, or this so-called Stevens trade bill now pending in the House of Representatives. Mr. STEVENS is the author of the latter bill, and, as I understood from the Senator from Nevada [Mr. NEWLANDS] this morning, Mr. STEVENS is also the author of a trade commission bill. Mr. Rublee and Mr. STEVENS seem to be closely connected. To all intents and purposes they are hunting in pairs. It seems to me entirely proper to call attention to the Stevens bill, which I have denominated the lower jaw, now in process of formation, so that I may ask the question whether or not the trusts are not getting about what they want, and whether these patriot lobbyists may not, after all, be engaged in a work that will undermine the entire fabric of our antitrust legislation.

Mr. WALSH. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. The Senator from Missouri with myself is a member of the so-called lobby committee, which has done some considerable work. The Senator has intimated, if he has not directly charged, that Mr. Rublee has been here for some weeks in the employ of some interests concerned in the passage of this bill. I desire to inquire of the Senator if he has felt the importance of this suggestion to the extent of asking for an investigation of the facts by the lobby committee?

Mr. REED. I have already asked the chairman of the lobby committee to call the lobby committee together; but I have not charged that Mr. Rublee is employed; nothing that I have said goes to that extent.

Mr. WALSH. I understood the Senator from Missouri to inquire of the Senator from Nevada if he knew by whom Mr. Rublee was employed.

Mr. REED. If by any one.

Mr. WALSH. That was what I referred to. I feared that the statement of the Senator from Missouri would be regarded by the ordinary reader of the RECORD as intimation to that effect. If the Senator from Missouri has felt that way, I think that before the charge is made, or the intimation either, some

effort ought to be made through the lobby committee to get at the actual facts.

I think it is quite generally known that Mr. Rublee has been here during the course of this debate and has evinced much interest in the passage of this legislation. It did not occur to me, I will say, that his activity called for any investigation by the lobby committee or I should myself certainly have moved in the matter, and I should feel now derelict in my duty had I not done so.

Perhaps my confidence in Mr. Rublee arose from the fact that he is the son of a man who was eminent in the public life of the State of Wisconsin when I was a boy, a man of the very highest character, universally respected, and likewise that a cousin of his was a college mate of mine, a very brilliant young man. I rather assumed that Mr. Rublee had a public-spirited interest in this legislation, but I think it due to him now, in view of the statements made by the Senator from Missouri, that the lobby committee should immediately proceed to ascertain the sources of his interest in this legislation. I should be glad to join with the Senator from Missouri in the request to the chairman of the committee to convene the committee at as early a day as possible for that purpose.

Mr. REED. Mr. President, I shall be very glad to have the lobby committee convene, and I have already spoken to the chairman of the committee [Mr. OVERMAN] with reference to it. However, I state now that if I had been allowed to proceed the matter would have been very much plainer. I have made no charge that Mr. Rublee is employed, and do not intend to make such charge, unless it is a demonstrable fact. I asked the chairman of the committee what Mr. Rublee's interest was and how it came that Mr. Rublee was here; the RECORD will show exactly what I asked; but I was about to say, regardless of any question of employment——

Mr. NEWLANDS. I will state, further, if the Senator will permit me——

Mr. REED. Just one moment, until I finish my sentence.

Regardless of any question of employment, regardless of any question of interest, I propose to call the attention of the Senate now to the fact that a movement is on foot in which, at least if I understood the Senator from Nevada correctly, Mr. Rublee is interested along with Mr. STEVENS, of the House of Representatives, and which will, if successful, result in the emasculation of the antitrust acts. I call the attention of the Senate to the fact that section 5 of this bill may possibly be a part of that plan, however completely divorced from such an object it may be in the mind of the distinguished Senator who has presented it.

Mr. NEWLANDS. Mr. President, if the Senator from Missouri will permit me, I will state, further, that Mr. Rublee and Mr. STEVENS were in communication with the President of the United States regarding this matter, and that I informed them when they saw me with reference to this legislation that I did not feel like moving on this line unless such legislation had the acquiescence of the President, although, as I have already said, I had, years ago, urged legislation upon this line. I did this simply because when the legislation was inaugurated the President had called the chairman of the Judiciary Committee of the other House and myself into consultation with him regarding trust legislation, and the general lines of tentative bills were then determined. I did not feel that I would quite be exercising good faith were I to introduce into legislation an entirely new subject matter without consulting the President. I believe that Mr. Rublee has the confidence of the President, and that very fact recommended him most highly to me.

Mr. REED. Now, Mr. President, it so frequently happens when a measure is pending in this legislative body that the intimation goes around the Chamber that the President desires its enactment or defeat, although he may never have sent a message with reference to it—which I think is the way the President will speak when he is ready to speak—that it is really refreshing to have it stated publicly on the floor that the President has been consulted. Of course, I do not know what took place in any private conversation with the President. I do know that I permit no man in this body to go further than myself in that proper respect for the President which is due to the great office and due to the great occupant of the office; but this proposition now before us is a legislative question. We are engaged in a legislative function; we represent, in the aggregate, that lawmaking body which the Constitution created, and which, under the Constitution, must speak for the people of the United States.

I shall not, even if Mr. Rublee has consulted the President and had some conversation with him, therefore cease to express what I was about to say upon this matter, because I am constrained to believe that when the President desires the enactment of legislation by Congress he will, in consonance with that high character and dignity which he possesses, make known to the Congress in proper and formal message his desires and his views.

It now appears, as I understand—and I am going back to the point where I was interrupted—that Mr. STEVENS and Mr. Rublee are two of the chief advocates of section 5 of this bill. We have discussed section 5 until I think we know what it is intended to mean. It is intended to place in a board the right to say what is fair and what is unfair in trade; to give that board the right to issue an order of prohibition against the particular practice it does not like, and if that order is not obeyed no penalty whatever follows—no fine, no imprisonment, nothing, except that a man may be called to court and that the court may then affirm or set aside the judgment or order; and then no penalty follows unless the order of the court is violated. Thus, instead of having criminal penalties, instead of having the shadow of the jail hanging over those who indulge in practices which are unjust and improper, we have a long course of delay, followed by nothing worse in the end than an order saying, "You must stop something out of which you have been making money."

Mr. President, fitting that, like the upper jaw of a wild beast fits the lower jaw, is the bill to which I am about to call attention, of which Mr. STEVENS is the distinguished author. I refer to House bill 13305, which reads:

*Be it enacted, etc.*, That in any contract for the sale of articles of commerce to any dealer, wholesale or retail, by any producer, grower, manufacturer, or owner thereof, under trade-mark or special brand, hereinafter referred to as the "vendor," it shall be lawful for such vendor, whenever the contract constitutes a transaction of commerce among the several States, or with foreign nations, or in any Territory of the United States, or in the District of Columbia, or between any such Territory and another, or between any such Territory or Territories and any States or the District of Columbia, or with a foreign nation or nations, or between the District of Columbia and any State or States or a foreign nation or nations, to prescribe the sole, uniform price at which each article covered by such contract may be resold: *Provided*, That the following conditions are complied with:

Then follow a number of conditions, one of which I will read.

Mr. GALLINGER. Mr. President——

Mr. REED. Will the Senator pardon me until I conclude the sentence?

Mr. GALLINGER. I should like to ask the Senator the number of the bill, as I have had several communications with reference to it.

Mr. REED. It is House bill 13305.

I will read first, as a sample of these conditions, part of paragraph B of the bill:

(B) Such vendor shall affix a notice to each article of commerce or to each carton, package, or other receptacle inclosing an article or articles of commerce covered by such contract of sale stating the price prescribed by the vendor at the time of the delivery of said article as the uniform price of sale of such article to the public, and the name and address of such vendor, and bearing the said trade-mark or special brand of such vendor. Such article or articles of commerce covered thereby shall not be resold except with such notice affixed thereto or to the cartons, packages, or other receptacles inclosing the same.

There are other conditions, but, boldly stated, the proposition is to give a manufacturer the right to manufacture an article, fix his brand upon it, and affix a price at which it shall be sold, and that price must follow that article from hand to hand until it reaches the ultimate consumer. In a word, it is a proposition to legitimatize the worst practice of the trusts, to make legitimate the thing for which every trust that ever was upon this earth was created, to make it absolutely lawful for the manufacturer of an article to control its price clear to the ultimate consumer. That would as completely destroy all trust legislation as it would be destroyed if we were to repeal the statutes and enact a law providing "trusts and monopolies and combinations in restraint of trade are hereby declared to be lawful." Enact that bill, and the Steel Trust can stamp upon every article it sells a condition fixing its price for all time. Upon every keg of nails, upon every spool of barbed wire or other wire used by the farmers, upon the steel rails used by railroads, upon the steel cars, upon the car wheels, upon the plows and the harrows and other agricultural implements of the farmers—upon all these the Steel Trust or some kindred trust can fix the price and keep control until the ultimate consumer is reached. What the Steel Trust can do may be done by other great combinations. In like manner the smaller manufacturers may extend their control. Thus we shall place the entire control of prices in the power of a few manufacturers.

That device and plan is on foot, and Mr. STEVENS is its author. Mr. Rublee and Mr. STEVENS, according to the statement of the Senator from Nevada, are working together. Upon section 5 of this bill they are together, and upon this bill, so far as we have information now, they are together.

The distinguished Senator who is the sponsor here for section 5 of this bill has twice stated upon the floor of the Senate in substance and effect that he does not know but that under the clause "unfair competition" the board which is to be created may set aside the decisions of the courts, may set aside rights which have been declared by the courts to exist, and, if I mistake not, on at least one occasion he expressed doubt whether the commission might not set aside a right bottomed upon a statute of the United States. If the Senator be not in error, then we have given to this commission the power to declare that legal which is to-day illegal; that proper which is to-day unlawful; that just which is to-day declared by the law to be unrighteous. If that be true, then we have turned over to this commission the authority, under the general language of section 5, to wipe out all the trust statutes, wrought out, as they were, with such toil and labor, and to which we have been accustomed to turn for relief for the people.

I can readily see why that sort of plan might be very well fathered and very well lobbied for most assiduously by any gentleman who believes in giving the manufacturers of this country or the wholesalers of this country the right to attach to an article a tag stipulating the price at which it shall be sold to the ultimate consumer, thus destroying all competition in the price of articles, thus bringing about a situation whereby the whole people of the United States shall find not only a partial restraint of trade but a complete restraint of trade exercised always, from the door of the factory to the doors of their houses.

I do not care how high-minded any man may be; I do not care whether he comes here inspired by the love of his fellow man or not; I do not care if he shall have devoted his life to the service of his country, if he entertains such opinions as that, and the result of his labors is to bring us to that condition, then it is high time, before we take his advice, that the Senate of the United States shall pause and consider.

I wish to ask the Senator who is in charge of this bill if Mr. Rublee was not before the conferees?

Mr. NEWLANDS. No; he certainly was not.

Mr. REED. Was not Mr. STEVENS there?

Mr. NEWLANDS. No.

Mr. CLAPP. Mr. President, will the Senator pardon me for interrupting?

Mr. REED. Certainly.

Mr. CLAPP. It is inconceivable, it seems to me, that either of those gentlemen, or anyone else, could have been before the conferees. They certainly were not present at any meeting of the conferees that I attended; and as highly as I regard Mr. Rublee, I certainly would have lost my estimation of him had he sought to appear before the conferees.

Mr. REED. Well, Mr. President, I did not know, but I asked the question in good faith, because I had been so informed. Of course the statement by the Senators that he was not there ends that matter, but I should like to ask if he was not there or thereabouts?

Mr. CLAPP. Mr. President, I wish to state, for one member of the conference committee, that from the time this bill went into conference, as long as I have known Mr. Rublee, and as often as he and I have discussed economic questions, there never has been, to my knowledge, a suggestion of his either being before the conferees, or thereabouts, or in any manner related to the conference. If anyone has made that statement with reference to the conference, as a whole, he certainly has made a statement which is without foundation. I can only speak for one.

Mr. REED. Mr. President, I have here an article from the pen of Mr. John M. Duncan, of San Antonio, Tex., commenting in particular upon the trust bill, but dwelling in part upon the effort which is being made through these two bills to eliminate the idea of prosecution and penalization through the pending trust legislation. I desire to read a part of it:

This is a time for plain speaking. The antitrust measure known as the Clayton bill, now pending—

This article was written before the Clayton bill had passed—

and under discussion in the United States Senate, is the most astonishing piece of legislation ever offered for the correction of a great public evil, and in fulfillment of party and platform pledges. The current Collier's Weekly remarks editorially that some one recently ventured the assertion that not half the Members of Congress understood the antitrust measures which they have passed (through the House). The assertion is easily believed, for it is inconceivable that any intelligent and upright Representative would have voted for such a measure had he understood it.

I desire to say that I do not agree with all that is in the article, but there are certain observations that I want to call the attention of the Senate to which I think merit very grave consideration.

Should the bill pass in anything like its present shape it will represent the most flagrant betrayal of the public interest, public confidence, and of party and platform pledges of any of recent times, and will be a disgrace and a reproach to the present administration and to the Democratic Party from which they can never recover.

Mr. WALSH. Mr. President, will the Senator kindly give us the name of the author?

Mr. REED. I did. The Senator was not listening. The author is Mr. John M. Duncan.

Mr. WALSH. And who is he?

Mr. REED. An attorney of San Antonio, Tex., and I am informed a lawyer of very distinguished ability.

Mr. WALSH. Is the Senator able to vouch for that himself?

Mr. REED. I do not know him personally. The——

Mr. WALSH. Can the Senator tell us what——

Mr. REED. Will the Senator let me finish my sentence?

Mr. WALSH. Excuse me.

Mr. REED. The senior Senator from Texas [Mr. CULBERSON] this morning told me that he is a man of very distinguished ability and high character.

Mr. WALSH. Has he given any consideration, so far as the Senator knows, to the subject?

Mr. REED. I think if the Senator will allow me to proceed with this article he will find out that he has given it very considerable consideration.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Texas?

Mr. REED. Certainly.

Mr. SHEPPARD. Mr. Duncan is now a member of the San Antonio bar, and is undoubtedly a lawyer of unusual ability.

Mr. REED. He is also a man of character, is he not?

Mr. SHEPPARD. He is a man of high character.

Mr. ASHURST. Are there any Standard Oil fees about him?

Mr. SHEPPARD. Oh, no.

Mr. REED. You will not find any Standard Oil argument in this argument.

As proposed, the measure not only fails to answer the demands of the people and of the party, but it is pregnant with affirmative evil, as I shall undertake to show.

Congressmen who support it will soon have to meet the charge of perfidy, to which the plea of ignorance or stupidity will not be accepted by the people as a defense.

I say again that I do not agree with these criticisms of Congress. I am reading the context in order that you may catch the argument.

It will require no argument to establish the proposition that the most vital question affecting the great body of the people of this Union is that of controlling and destroying the trusts and trade combinations. Continually rising prices of every necessity without regard to statute laws, court decisions, or the laws of supply and demand, and the steady reduction of the people toward the point of actual starvation and rags, a point already reached by thousands, constitute a sufficient argument and unerringly indicate that the supreme control of prices of all staple commodities is held practically by the same man or the same set of men; in other words, by a trust composed of trusts, and which has the power to simultaneously advance the prices of all such commodities.

This is what I want to call attention to:

The leaders of the Democratic Party have been promising the people an antitrust law "with teeth in it"—a law which shall provide, in the language of President Wilson, that "guilt is personal."

The Baltimore platform asserted that "no substantial relief can be secured for the people until import duties on the necessaries of life are materially reduced and these criminal conspiracies broken up"; that "we favor the vigorous enforcement of the criminal as well as the civil law against trust officials, and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States."

It further declared in favor of a law for the prevention of holding companies, of interlocking directories, of stock watering, of discrimination in prices, of the control by a single corporation of such a large part of any industry as to make it a menace to competitive conditions.

It further expressly condemned the Republican administration for compromising with the Standard Oil and Tobacco Trusts, and for its failure to invoke the criminal provisions of the antitrust law against the officials of these corporations, strongly deprecated the fact that the Sherman antitrust law had been, by judicial decision, deprived of much of its efficiency, and favored the enactment of legislation which would restore the strength of which it had been deprived by "judicial interpretation."

DEFECT IN CLAYTON BILL.

The principal defect in the Clayton bill as it passed the House was the inadequacy of the penalties provided for violations of the law. It carried five provisions for the punishment of violations of as many sections, but fixed the punishment at "a fine not exceeding $5,000, or imprisonment not exceeding one year, or by both, in the discretion of the court." This is precisely the same punishment provided in the Sherman law, and it is readily seen that upon a verdict of conviction—and that is as far as a jury may go in a Federal court—the judge may fix the punishment under any of these provisions at a fine of $1, or even 1 cent, without imprisonment.

Antitrust laws will never have any terrors for trust captains until there stares them in the face from the statute itself an imperative punishment by imprisonment for their violation; not only so, but a minimum imprisonment which a judge can not reduce, and which a trust official will not be willing to risk. The penalty should be not less than 2 nor more than 10 years in the penitentiary, omitting any fine. As to the trust itself, it should be forfeiture of its goods, of its right and that of its constituent companies to engage in interstate commerce, and the appointment of a receiver for its assets.

The latter clause has been substantially added to the bill.

Fining trusts or trust officials amounts to nothing more than a tax upon the people themselves. If the official is fined, the trust pays it; and in the case of either the official or the trust itself, the latter immediately levies by increased prices tribute on the people to more than restore its loss in a very brief time. The fact that it is a trust enables it to do this.

The reality of the matter in all such cases is that the people, through their Government, solemnly indict the trust and its officials, solemnly try them, solemnly convict them, solemnly assess a fine upon themselves, and as solemnly pay same—a farce which has been solemnly enacted over and over again in this country.

While I was astonished by the utter inadequacy of the punishment provided in the House bill, I hope that the Senate would substitute an imperative imprisonment penalty, and so suggested by letter to one of the Texas Senators; but I was simply astounded when the Senate committee, to whom the bill was referred, reported back amendments eliminating the criminal punishment which had been provided by the House, and referring the enforcement of the most important provisions of the law to civil process, through the Interstate Commerce Commission and to a Federal trade commission, not yet authorized by any law.

The Senate committee has recommended a number of eliminations from the House bill, and a number of amendments thereto.

ABSENCE OF CRIMINAL PENALTIES.

Two outstanding and, to my mind, fatal defects in the bill as proposed by the Senate committee, and much of which has already been adopted by the Senate, are the absence of criminal penalties for violations of important sections, and the procedure provided for the enforcement of the principal provisions of the measure.

Section 2 declares discriminations in prices between different persons to be unlawful, etc.

Section 4 makes exclusive or tying contracts for the sale of goods unlawful.

Section 8 is directed against holding companies or such as acquire and use the stock of other corporations for the creation of monopolies or restraint of trade.

Section 9 is directed to a suppression of the evil of officers and directors of common carriers dealing in their securities or furnishing them with supplies, etc., and to the prohibition of interlocking directorates of corporations other than common carriers.

Now, for every one of these sections the House bill provided a criminal penalty; but the Senate, by an amendment designated as section 9B, confers the authority to enforce the provisions of these sections on the Interstate Commerce Commission as to common carriers and on a prospective Federal trade commission as to others engaged in commerce.

CIVIL RESTRAINT ONLY.

The Senate amendment (sec. 9B) provides an elaborate procedure for the enforcement of said sections 2, 4, 8, and 9, but it all amounts to this: The Interstate Commerce Commission and the Federal trade commission are vested with jurisdiction for their enforcement. They act either upon information furnished by their employees or upon "duly verified affidavit of any interested person" that the sections are being violated. It then issues notice to the accused to show cause within 30 days why a restraining order should not issue. If, upon a hearing, it appears that any provisions of these sections have been or are being violated, the commission issues an order commanding the offender "to cease and desist from such violation" within the time prescribed in the order. Should the offender fail to obey the order the commission may apply for its enforcement to a district court of the United States, which shall take jurisdiction upon the filing in that court of all the pleadings, etc., before the commission.

That has been somewhat changed in the conference report, but the effect has not been changed.

In other words, should the offender desist, then he is subject to no penalty or process, criminal or civil, no matter how long nor how flagrantly he may have violated the law. Should he persist, he is subject to civil restraint only. There is, then, to be a rehearing of the whole matter before the court, with the introduction of additional evidence should it be desired. From the final decree of the court an appeal may be prosecuted by either party to the Supreme Court of the United States within 90 days. An appeal to the courts may be also prosecuted by any party from any final order of either of the commissions.

Disobedience to an order, decree, or process in the district court may be punished by fine not exceeding $100 a day or imprisonment not exceeding one year, or by both.

In section 13 of the bill the United States district courts are vested with jurisdiction to restrain violations of the act and district attorneys, under the direction of the Attorney General, authorized to institute proceedings in equity to restrain and prevent such violations.

Now, these constitute the remedies provided by the Senate for violations of the sections of the bill, which, together with section 3 (stricken out), constitute its very essence, and these remedies are substituted for the criminal penalties provided by the House.

YEARS OF DELAY.

It is thus clear that compliance with the law may be, as is usual where civil remedies only are provided, delayed for years, so that the people can not hope for anything in the end except a defeat of even that remedy through some technical and strained holding and reasoning of the Supreme Court, such as that in the Standard Oil case, overruling one of its own decisions and importing the "rule of reason" into the Sherman law, thus depriving it of practically all of its little virtue.

This procedure adds nothing to the remedy provided by the Sherman law. On the contrary, it is far more complex, involved and indirect in reaching the same final result.

SOUGHT TO AVOID "HARSHNESS."

What reason or excuse do you, Mr. Reader, suppose was given by the Senate committee for cutting out the criminal penalties and substituting a civil procedure? I quote you the exact language of the report of the Senate committee, otherwise I am afraid you would not believe me:

"This was done because it was thought best, especially in view of the experimental stage of this legislation, that the harshness of the criminal law should not be applied."

This is enough to make every patriot, especially every Democrat, sick with disappointment and despair.

How can this harmonize with the declarations of the Democratic Party and with the expressions of its leaders upon the subject?

I call the attention of Senators to this language:

Experimental stage of this legislation, indeed! Harshness of the criminal law, indeed! Have we not been experimenting for 24 years? It is time that something courageous, direct, and effective be done for the relief of the people. Why hunt elephants with a blowgun, even if it is the favorite weapon of many Congressmen? Harshness of the criminal law for trusts and trust managers is precisely what the people have been promised and it is this promise upon which they have been relying.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I yield to the Senator.

Mr. WALSH. I wish to inquire of the Senator from Missouri if it is not perfectly obvious from that that the gentleman is discussing this legislation as if it were a complete substitute for the present Sherman Act, and as if there would no longer be any opportunity to prosecute trusts under the Sherman Act?

Mr. REED. No; I do not think he is discussing it in that way.

Mr. WALSH. The last sentence the Senator read from him was about proceeding against trusts and trust magnates. Now, in the case of a trust or a trust magnate you will proceed against it or him under the Sherman law, and you will enforce the criminal provisions of that law against them. I ask the Senator if that is not correct?

Mr. REED. Mr. President, that is just where the Senator's mind and mine take different forks of the road. I know the Senator who has just taken his seat just as earnestly wants to destroy trusts and monopolies as I do. I know that in every word he has said and in every vote he has cast he has been absolutely sincere, but I believe that when you have a trust act upon the books which prescribes the pains and penalties of fine and imprisonment and then pass a supplementary law which you say is necessary, and you pass it in order to strengthen the main act, and when you provide that there shall be no criminal penalties attached to the supplementary act but that you shall go through a long experimentation before boards and tribunals, instead of strengthening the act you are, in effect, really weakening it.

The way to make wine stronger is not by pouring in water. The way to make a law more drastic and effective is to increase the penalties of the law, and if the law did not reach every place it should reach, to extend it, and as you extend it place in the hand of the law enforcer a whip of scorpions that will sting more sharply than did the old whip.

But now I find we have devised a method for the control of these cases such as was never before conceived in the brain of any man to stop a practice admittedly criminal. Who has ever heard of creating a commission to determine, first, whether a man has been guilty of committing burglary, then to order him to stop, then to give him a right to appeal to a court, and in the end if he be defeated to solemnly adjudge that he must now stop? Why should a man hesitate to commit burglary with such a law as that? If he succeeds in escaping with the goods, wares, and chattels of his victim and is not detected he is so much the profiter. If he is detected all he has to do is to lay down the swag and seek other windows and other doors.

Mr. LANE. I should like to ask the Senator if he thinks that the more humane burglar is being treated with such distinguished consideration by the commission?

Mr. REED. Oh, no; nobody is entitled in this world to a commission to guide his feet and to gently chide him into the right until he has organized a monopoly or been guilty of a restraint of trade, and then we put into practice the old philosophy that was so well expressed in the old verses in, I think, McGuffey's First or Second Reader:

How big was Alexander, pa,
That people called him great?

And so forth. Those of you who are old enough to have used that particular textbook will remember that the philosophic old father told his son that Alexander was not a murderer because instead of killing one man he killed tens of thousands; that hence murder had been lifted to respectability and crime had become a virtue.

As this debate has progressed more and more it has become manifest to the careful observer that we are putting into effect the doctrine that was uttered by the old king, "Deal gently with the young man Absalom for my sake." We have done much of boasting, we Democrats. There is not one of you who has not, as I have, stood upon the platform and said that the remedy in this country for the trust problem was to open the doors of the jails for the reception of those who conspire against the people. But now we devise a strange method. The chairman of the committee has stated upon the floor in substance

that in his opinion the trade commission under the authority of this may overturn the decisions of courts. He has raised a question whether it can not even set aside rights prescribed by Federal statute.

If that be true—and I sincerely hope it is not true—we have impaired, if indeed we have not repealed, the trust act. I can not, however, forget that this bill has had the active support of the gentleman who, whether he be patriot or lobbyist, is also, according to the statement made here this morning by the chairman of the committee, the active supporter of Mr. STEVENS, who is the author of the bill, H. R. 13305, which proposes to give to the trusts and the monopolies and every manufacturer and every wholesaler the right to attach to every article he sells a condition fixing its price for every man, woman, and child in the United States.

Mr. President, I did not feel that this report ought to be accepted without the attention of the Senate being called to these facts. I have not the slightest hope to change the result, but I do intend that I shall protest, and protest to the end, against any attempt to emasculate our trust procedure. I am beginning to think that patriotic lobbying may sometimes bring as evil results as the other kind of lobbying.

I shall not, however, engage in any attempt to prevent an immediate vote upon the pending measure.

Mr. BURTON. Mr. President, I look with apprehension upon the passage of this measure. It is taking a step in the dark. Let us examine, in the first place, the very material differences between the bill as it passed the Senate and is now before us, with the report of the conference committee, as compared with its original form as introduced by Mr. COVINGTON in the House of Representatives on the 13th of April last. In this original form the proposed bill was distinctly understood to have the approval of the President, and without substantial modification it was passed in the House by a very large majority. This measure as at first introduced and passed by the House provided for the appointment of but three commissioners, not more than two of whom should be of the same political party. So far as I have examined it no provision is made for the appointment of examiners or lawyers, though authority is given to employ special attorneys and experts. Nevertheless the House bill carefully confides to the civil service the appointment of all except the commissioners, a secretary, and a clerk to each commissioner. As is stated in section 5:

That, with the exception of the secretary and a clerk to each commissioner, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

Section 6 contains definitions.

Section 7 gave to the commission a very essential authority to the effect—

That the several departments and bureaus of the Government when directed by the President shall furnish the commission upon its request all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this act, and shall detail from time to time such officials and employees to the commission as he may direct.

Section 8 authorized the commission "from time to time" to "make rules and regulations and classifications of corporations for the purpose of carrying out the provisions of this act."

Then there was in section 9 a provision pertaining to the requirement for reports, which primarily restricts the operations of the commission to corporations having a capital of not less than $5,000,000. It reads as follows:

That every corporation engaged in commerce, excepting corporations subject to the acts to regulate commerce, which, by itself or with one or more other corporations owned, operated, controlled, or organized in conjunction with it so as to constitute substantially a business unit, has a capital of not less than $5,000,000, or, having a less capital, belongs to a class of corporations which the commission may designate, shall furnish to the commission annually such information, statements, and records of its organization, bondholders and stockholders, and financial condition, and also such information, statements, and records of its relation to other corporations and its business and practices while engaged in commerce as the commission shall require; and to enable it the better to carry out the purposes of this act the commission may prescribe as near as may be a uniform system of annual reports. The said annual reports shall contain all the required information and statistics for the period of 12 months ending with the fiscal year of each corporation's report, and they shall be made out under oath or otherwise, in the discretion of the commission, and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission. The commission may also require such special reports as it may deem advisable.

Section 10 provided—

That upon the direction of the President, the Attorney General, or either House of Congress the commission shall investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

And it goes on to say:

The report of the commission may include recommendations for readjustment of business in order that the corporation investigated may thereafter maintain its organization, management, and conduct of business in accordance with law. Reports made after investigation under this section may be made public in the discretion of the commission.

Section 11 provided—

That when in the course of any investigation made under this act the commission shall obtain information concerning any unfair competition or practice in commerce not necessarily constituting a violation of law by the corporation investigated, it shall make report thereof to the President, to aid him in making recommendations to Congress for legislation in relation to the regulation of commerce, and the information so obtained and the report thereof shall be made public by the commission.

In section 12 it was provided—

That in any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts, the court may, upon the conclusion of the testimony therein, if it shall be then of opinion that the complainant is entitled to relief, refer said suit to the commission to ascertain and report an appropriate form of decree therein; and upon the coming in of such report such exceptions may be filed and such proceedings had in relation thereto as upon the report of a master in other equity causes, but the court may adopt or reject such report, in whole or in part, and enter such decree as the nature of the case may in its judgment require.

The manifest object of this provision was that the commission, composed presumably of men of business experience, not only understanding the general course of industry and commerce, but also having familiarity with the law, may relieve the court of its labors and give to it the benefit of their experience; but it by no means provides that their advice shall be final.

Section 13 is an important provision:

SEC. 13. That whenever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon its own initiative or upon the application of the Attorney General, to make investigation of the manner in which the decree has been or is being carried out. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation, and the report shall be made public in the discretion of the commission.

There are further important provisions. In section 14 it was declared—

That any person who shall willfully make any false entry or statement in any report * * * shall be deemed guilty of a misdemeanor.

In section 15 there is a prohibition under which—

any officer or employee of the commission who shall make public any information obtained by the commission without its authority, or as directed by a court, shall be deemed guilty of a misdemeanor.

In regard to the powers of investigation, section 16 sought to confer upon the commission the same powers conferred upon the Interstate Commerce Commission in the act to regulate commerce with reference to the production of documentary evidence and the administration of oaths.

In section 17 it is provided—

That the commission shall, on or before the 1st day of December in each year, make a report, which shall be transmitted to Congress.

Mr. President, I had little sympathy with the hostility to this original bill which appeared in many parts of the country. In a large degree this opposition was prompted by the fear that the proposed measure was an entering wedge for further espionage and further interference with the business of the country, but this act as originally introduced in April was apparently merely supplementary to the work heretofore performed by the Bureau of Corporations, though with a considerable enlargement of powers to meet present conditions and to aid the courts as well as administrative officers and Congress. It provided larger powers in the direction of publicity; it made this commission, composed of three members, an agency in suggesting to courts forms of decrees and in ascertaining after a decree whether the order of the court was being enforced and obeyed. But how different is the bill before us!

The personnel of this commission is enlarged, it is given unlimited opportunity to engage experts and lawyers, without regard to the civil service, and is expected to enter upon the work of overhauling the business of the country. It does not stop with corporations of a capital of five millions or more, nor yet with corporations of any size, but includes partnerships and individuals as well.

One argument for this change is that we already have the Interstate Commerce Commission, which has done salutary work in regulating the railroads of the country and in fixing their rates; that the national banking act gives to the Comptroller of the Currency, under the direction of the Secretary of the Treasury, very large power over the national banks, and that a similar commission or other authority should exercise like

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authority over all the industrial and commercial operations of the country; but, Mr. President, it takes but a moment's reflection to see that these cases are by no means similar. The railroads are a natural monopoly; in fact, under a rational policy they should be allowed to occupy their respective fields exclusively—strict regulation. They can exercise certain powers, such as the condemnation of property for a right of way and the maintenance of police regulations, which are in no wise required in the ordinary forms of industrial and commercial activity.

Again, the work of the Interstate Commerce Commission has well-defined limits—the fixing of rates, the determination of such practices pertaining to transportation as are for the good of the public and will prevent discrimination among shippers or injustice to localities. Indeed, Mr. President, we must recognize at the very beginning that transportation agencies are absolutely essential for all the activities of our modern life, and they have a peculiar interet to all the people; that in the exercise of the business of transportation, in accomplishing its purposes, monopolistic powers are required by the railroads, and that those powers may create serious abuses. Hence the railroads are in a different position from the ordinary business corporations of our modern life.

The same is true in a very important sense of the banks. The failure of a bank causes dire disaster and suffering. There are financial institutions in the country, not perhaps under a national charter, which have hundreds of thousands of depositors. The failure of one of them causes widespread suffering and loss not only to the communities immediately involved but to the whole country.

Again, the operations of the banks are confined to a field which, though of supreme importance, is, or should be, limited when compared to the general business of the country. In this bill, as reported by the conferees, the commission is no longer one for investigation or securing greater publicity; no longer one to aid the courts or administrative officers by supplementing their action. It is given power to supervise the business of the country. What will be one of the first results? When two competitors are engaged in business—individuals, partnerships, or corporations—and one of them thinks, perhaps erroneously, that he is worsted in the race of competition, there must needs be an application to the trade commission to see if in that way some advantage can not be obtained. So, instead of bringing peace and fairer competition into our business and commercial life, there is the greatest danger that increasing discord will be introduced.

Every Senator here recognizes the dishonesty that has been perpetrated in American business; no one here—I can speak with confidence for the entire Senate—would put one obstacle in the way of punishing dishonesty, of preventing oppression, of prohibiting exactions. This disposition would be the more deeply seated in the mind of every Senator here because of the opportunities afforded by modern consolidation and combination to crush the weak. The only question is how to solve the problem wisely. In our business life there must be a free field for all, and along with this tendency toward operations on an enormous scale no policy should be adopted or allowed under which equality of opportunity shall be destroyed or the deserving competitor driven out of business. We will all agree upon that; but have we not been giving too much attention to forms—that is, to the size of organizations—and too little attention to bald dishonesty and fraud; too little attention to those exactions and acts of discrimination and oppression which have made the lot of the modern business man difficult and sometimes intolerable, and too much to practices which promote opportunity rather than destroy it?

Mr. President, I do not believe that any such measure as this will have a salutary effect; I can not agree that there is any such condition, either of general dishonesty or of oppressive conduct, which requires such legislation as this.

First, as pertains to dishonesty. Agitate the matter as you will; listen to the cry of those who seem to think they have struck a responsive chord when they maintain that modern business is corrupt and fraudulent to the core, yet there never was a time in this or any other country when business was conducted on a higher plane than now. Business ideals and methods have been vastly improved in recent years. True, many men whom we have placed upon a pedestal deserve to be brought down; some of the captains of industry or leaders of finance whom we have trusted and admired have been guilty of a self-seeking and dishonesty which should be condemned in the loudest tones and should be punished with severe penalties; but, Mr. President, that is not because the average individual or the typical American is worse at this time than he has been in the past.

We must go deeper to find the cause of these unwholesome tendencies and an all-pervading commercial spirit. We shall find the fundamental cause in the consuming material aspirations of the times, in the magnificent opportunity that is afforded for the development of the individual in this Republic with its vast resources. This is stimulated by the repeated accounts set forth in books for boys, in the magazines and the current literature, of the young men who began as boys in a hut and came to live in a palace. There is no stratification in our society; there is the universal desire for advancement. So there is competition, sharp and severe. In the march of a prosperous and advancing people all the occupations of life are like a great procession in which the weaker are constantly being crowded to the wall and the fitter and stronger survive.

The American people worship success. The desire for the acquisition of great wealth and for enjoying the opportunities which it affords is permeating all our modern life. At the same time we have too many persons who would reform the country, yet who are inveighing against practices in which they themselves would indulge if they but had the chance.

Mr. President, I can not believe that this form of Government regulation will remedy or assist this situation. Is the State government or is the municipal government more efficient and more honest than the commercial activities of the country? Do our municipalities compare in the care and wisdom with which they are conducted with the average business organization? Are there fewer cases of graft and of dishonesty in the management of the city than in the management of the private corporation? Mr. President, I think not. There is an intensity of interest—sometimes it is altogether too intense—in the management of private affairs which is not devoted to the political organizations of the country as exemplified in municipal, in State, or even in the National Government.

Again, we have not yet reached that plane on which the influence of partisanship, with its obliging effect, is removed from all the forms of political or official activity. The party that is out of power is so anxious to supplant those who are in, those who are in are so anxious to remain, that it is impossible to eliminate from the varied activities of government questionable efforts for the success of a political party and the desire to reward those of a friendly political faith.

I must say, Mr. President, that at least in the National Government we are coming little by little to a higher standard of fairness in governmental activity, but we can not yet claim that our political agencies and activities are on a higher plane than those of private life.

Mr. President, our courts are alert, our district attorneys are active, our Attorney General is prosecuting violations of the law. It may be conceded that it is best to have some such organization as that proposed by the House bill, so as to give greater efficiency to the work of ferreting out violations of the law, which have been numerous and which are likely to continue. The first thing in our whole business life is to throw the light of publicity on industrial and commercial operations. Step by step progress has been made along this line, and if the powers of the proposed commission were limited to that end, and to the disclosure of dishonesty and oppressive practices, it would no doubt accomplish most salutary results; but here is a tribunal which will have almost despotic authority over the business of this country, a tribunal which, in its close touch with the commerce and industry of the country, in its wide ramifications has a power to make or mar almost equal to those of an absolute government.

Mr. President, we are in the habit of saying, "Oh, it all depends upon the personnel; if we can get good men they will do good work." I do not believe in that idea. Possibly such care will be exercised, and men of such discretion and ability and high moral standards chosen that they will not go along the path which this bill suggests; but if they do not do so, it will be rather because of their forbearance and exceptional qualities than because of the terms of the act.

There is one way in which I believe we might bring about a most salutary reform. Several times an earnest effort has been made to promote a movement for national incorporation, but on every occasion a variety of interests have combined against such policy until it has been recognized that, for the present at least, it would be absolutely impracticable. On the recommendation of President Taft in 1910 a bill was introduced here having this end in view, and I wish to refer to a few of its provisions. Let it be noted in the first place that there are three general plans for Federal control—one, Federal licensing; another, voluntary Federal incorporation; and, third, compulsory Federal incorporation. In the exercise of that conservatism which is always desirable when radical changes are contemplated it would not seem desirable at the beginning to require

compulsory incorporation of those companies engaged in interstate trade, but rather to incorporate those which desire to be so incorporated.

In an ever increasing degree the business of this country is becoming interstate and national; adjacent States are in closer touch with each other than were the counties in the days of Thomas Jefferson, and, while there may be some question as to the right of the Federal Government to exercise control of a private corporation, yet in a proper case that right undoubtedly springs from the constitutional authority to control commerce. As stated by Mr. Justice Bradley in a decision:

> As regards commerce between the States, the whole Union is as one country. There exists the right to regulate, the right to control, and the right to control the agents and instrumentalities of commerce.

It may almost be said that intrastate business is rapidly becoming insignificant in comparison with that which is interstate. This condition furnishes a basis for flagrant abuses. It would be in the power of a State to make railroad rates so low within its own borders as to compel very much higher rates outside, and thus interfere with that comity which should exist between the States. Thus, the Supreme Court has intimated in a recent opinion that the interstate and intrastate traffic are so closely associated that it is within the power of Congress to regulate all rates, both within and without the State. Our business life is becoming more and more a matter of national concern; and the more prominent organizations engaged in industry and commerce no longer restrict their activities to a single Commonwealth. More than anything else, there is an inextricable confusion caused by the fact that any one of 48 jurisdictions may frame its own distinct laws for the organization of corporations within its borders. Some of the States are very lenient, allowing forms of procedure in the laws which pertain to corporation organization, which make dishonesty possible and stability and solvency very doubtful; some enable the directors and officers to assume to themselves all the benefit of the corporate organization with entire disregard of the welfare of the stockholders, and others pass laws under which the corporate organization enables the managers, for the benefit of themselves and the stockholders, absolutely to disregard the welfare of the public.

The bill introduced in 1910, to which I have referred, contains in its provisions—and I will refer to them only very briefly—the best safeguards to meet the present growth of business that have as yet been suggested by any bill presented before Congress.

Section 1 provides that any five or more persons may form a corporation to engage in commerce with foreign nations, between the States or within a State. Among the powers granted in section 5 is the right to produce or manufacture in any State, Territory, or District articles or commodities which relate to interstate or foreign commerce. Section 7 provides for cumulative voting. Each stockholder is entitled to one vote for each share, multiplied by the number of directors to be elected, and is permitted to cast all his votes for any one or more of the directors. Such a provision removes the power of those holding a mere majority of the stock to select all the directors of the corporation.

Section 8 prohibits all corporations organized pursuant to the act from purchasing, acquiring, or holding stock in any other corporation. That absolutely forbids the formation of holding companies.

Section 17 contains a provision to the effect that when property is furnished for stock subscriptions in place of cash it shall be valued in such a way as to prevent fraud. The Commissioner of Corporations may appoint one or more persons to make a valuation of such property and fix a compensation which shall be paid for it, and no stock shall have a par value in excess of the value of said property, as proved to the Commissioner of Corporations.

There is also a provision in the same section that the burden of proof, if anyone is defrauded by false statements of any director, is on the corporation, which must show that the one so deceived or misled did not rely upon such statements.

The directors of corporations are prohibited by section 23 from declaring dividends except from net profits, nor shall they withdraw any part of the capital stock of the corporations or reduce the capital stock except as authorized by law. There is also a provision in section 27 that the stockholders of corporations shall be jointly and severally liable for wages due to employees, other than directors, for services performed. Whenever any corporation shall fail to pay off written obligations or an execution shall be returned unsatisfied, the commissioner of corporations is empowered by section 31 to appoint a special agent, of whose appointment notice shall be given to the corporation, who shall proceed to ascertain whether the corporation is in unsound financial condition, and the commissioner of corporations may exercise the power of appointing a receiver to take charge of it.

These, briefly, are some of the more important provisions of the measure introduced in 1910. While they are not so comprehensive as those of the German law, yet if adopted they will go far toward eliminating the evils of corporate organization and management.

It can not be maintained, Mr. President, that such a law as that would provide every safeguard which our modern business requires. It would, however, guard against the gravest evils which have been characteristic of the last 20 or 30 years—overcapitalization, irresponsibility on the part of stockholders and directors, fraudulent subscriptions of stock, fraudulent dividends, the existence of a corporation for a considerable time while it is insolvent without public authority to compel it to liquidate. These provisions should be supplemented by the Sherman antitrust law and such other regulations as may be deemed necessary for the proper management of corporations. They would afford a means for Federal control far more simple, far more rational, than this trade commission bill, and such a law could very easily be so associated with or joined to normal methods of business that it would work without disorganization.

There is no occasion for the statement that only the big corporations would come under such a law and that they would find shelter under a plan for national incorporation. Each would find, if it attempted to do so, that it was confronted with a set of regulations severe and thoroughly adapted to prevent fraud, and that the continuance of oppressive or dishonest practices, which have been such a blemish in the past and which have characterized a considerable number of our corporations, would be made impossible.

In closing, I may say that I think the conference report improves the Senate bill. The court review is more carefully safeguarded. The vague expression "unfair competition" is succeeded by the term "unfair methods of competition." While this may signify no very considerable change, at least it points to an enumeration of the practices complained of. The enormous powers given to this commission by the Senate bill are in some degree modified, so that we may hope this bill will not be such a flaming sword to threaten the business of the country as it was when it passed the Senate.

Mr. GALLINGER. Mr. President, including the Presiding Officer, there are 9 or 10 Senators present. I think we ought not to legislate with so few of our number present, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gallinger | O'Gorman | Smith, Ga. |
| Bankhead | Kenyon | Oliver | Smoot |
| Bryan | Lane | Perkins | Stone |
| Burton | Lee, Md. | Poindexter | Swanson |
| Chamberlain | Lewis | Pomerene | Thomas |
| Chilton | Martine, N. J. | Ransdell | Vardaman |
| Clapp | Myers | Reed | White |
| Crawford | Nelson | Robinson | Williams |
| Culberson | Newlands | Sheppard | |
| Fletcher | Norris | Simmons | |

The PRESIDING OFFICER. Thirty-eight Senators have responded to their names. A quorum is not present. The Secretary will call the names of absentees.

The Secretary called the names of absent Senators, and Mr. HUGHES, Mr. PITTMAN, Mr. THOMPSON, and Mr. THORNTON answered to their names when called.

Mr. SHAFROTH, Mr. WALSH, and Mr. SHIELDS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-five Senators have responded to their names. There is not a quorum present.

Mr. WEST entered the Chamber and answered to his name.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the instructions of the Senate and bring in the absentees.

Mr. KENYON. I move that the Senate adjourn.

Mr. POMERENE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WALSH (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the senior Senator from Indiana [Mr. SHIVELY] and will vote. I vote "nay."

The roll call was concluded.

Mr. THOMAS (after having voted in the negative). I transfer my pair with the senior Senator from New York [Mr. ROOT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

Mr. FLETCHER. Announcing my pair and its transfer as before, I vote "nay."

Mr. LEWIS. I desire to announce the absence of the junior Senator from Indiana [Mr. KERN], occasioned by illness.

The result was announced—yeas 2, nays 43, as follows:

YEAS—2.

| | | | |
|---|---|---|---|
| Kenyon | | McLean | |

NAYS—43.

| | | | |
|---|---|---|---|
| Ashurst | Lewis | Poindexter | Sterling |
| Bryan | McCumber | Pomerene | Stone |
| Chamberlain | Martine, N. J. | Ransdell | Swanson |
| Chilton | Myers | Reed | Thomas |
| Crawford | Nelson | Robinson | Thompson |
| Fall | Newlands | Shafroth | Thornton |
| Fletcher | Norris | Sheppard | Vardaman |
| Gallinger | O'Gorman | Shields | Walsh |
| Hughes | Oliver | Simmons | West |
| Lane | Perkins | Smith, Ga. | White |
| Lee, Md. | Pittman | Smoot | |

NOT VOTING—51.

| | | | |
|---|---|---|---|
| Bankhead | Sherman | La Follette | Smith, Ariz. |
| Borah | Culberson | Lea, Tenn. | Smith, Md. |
| Brady | Cummins | Lippitt | Smith, Mich. |
| Brandegee | Dillingham | Lodge | Smith, S. C. |
| Bristow | du Pont | Martin, Va. | Stephenson |
| Burleigh | Goff | Overman | Sutherland |
| Burton | Gore | Owen | Tillman |
| Camden | Gronna | Page | Townsend |
| Catron | Hitchcock | Penrose | Warren |
| Clapp | Hollis | Root | Weeks |
| Clark, Wyo. | James | Saulsbury | Williams |
| Clarke, Ark. | Johnson | Jones | Works |
| Colt | Kern | Shively | |

So the Senate refused to adjourn.

Mr. NEWLANDS. I move that the Sergeant at Arms be directed to compel the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. STERLING, Mr. MCLEAN, Mr. FALL, and Mr. MCCUMBER entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have responded to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 1369) for the relief of the Snare & Triest Co.

The message also announced that the House had passed a bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (H. J. Res. 337) to provide for representation of foreign Governments growing out of existing hostilities in Europe and elsewhere, and for other purposes, in which it requested the concurrence of the Senate.

PRICES OF FOODSTUFFS.

Mr. FALL. Mr. President, out of order, by unanimous consent I ask leave to submit a Senate resolution, which I will ask to have printed in the RECORD, together with certain statistics to accompany the same.

Mr. GALLINGER. I think the resolution ought to be read. I ask that it may be read.

Mr. ROBINSON. Pending the request of the Senator from New Mexico, I should like to be informed with regard to the character of the resolution.

Mr. FALL. It is a resolution simply directing the Committee on Finance to investigate with reference to speculative prices of foodstuffs and report whether it is not possible for us to raise some additional revenue from that source. It is in respect to the speculative prices of foodstuffs. I have no desire to discuss it or anything further than to have it printed in the RECORD and referred to the committee.

The PRESIDING OFFICER. Without objection, the resolution of the Senator from New Mexico will be read.

The Secretary read the resolution (S. Res. 452), as follows:

Whereas the President of the United States has delivered to the Congress a message advising the enactment of legislation for the raising of additional revenue to that already provided for, to the amount of $100,000,000, to be available at the earliest possible date, and giving his reasons for such request; and

Whereas, as shown by the Agriculture Department and other reports, the wheat and corn crops of the United States, particularly the former, are the greatest which this country has known, the wheat crop totaling something like 900,000,000 bushels as against approximately 763,000,000 bushels last year, of which about 600,000,000 bushels will be consumed in this country, leaving 300,000,000 bushels for export; and

Whereas it is to the interest of the people of this country that the producers of foodstuffs shall receive remunerative prices for their products, and at the same time it is vitally important to all of the people of this country that the present condition of affairs in the balance of the world should not cause an unreasonable advance in the price of foodstuffs here; and

Whereas the President of the United States has called upon the Attorney General and the latter has directed the United States attorneys throughout the country to investigate and prosecute those accused of combining to raise the price of foodstuffs; and

Whereas the foreign demand for wheat during the last year reached the amount of approximately 100,000,000 bushels, to supply which demand we have in sight now at least 300,000,000 bushels; and

Whereas at the close of business on September 4, 1913, the price of wheat for December delivery in the Chicago market was 92½ cents, and of corn for December delivery was 73½ cents, and the price of wheat and corn in the same market for the same delivery on September 4, 1914, was 123⅜ cents for wheat and 76¼ cents bid for corn; Therefore be it

*Resolved*, That the Finance Committee be, and the same is hereby, requested and directed immediately to investigate and report to the Senate whether it is not feasible, practicable, and to the interest of the people of this country in raising the additional revenue demanded and requested by the President, a tax should not be levied and collected upon the sales of all foodstuffs, including wheat, flour, corn, meal, meats, etc., hereafter sold at more than the high prices for the same upon a corresponding day of last year, and particularly to investigate and report as to advisability of levying of a tax upon the sales of wheat and corn and of flour and meal (based upon the bushel price of wheat and corn) of 50 per cent of the sale price above $1 per bushel of each and every bushel of wheat sold and 50 per cent of the sale price above 75 cents per bushel of each and every bushel of corn sold, and finally to report whether or not by such taxation as herein proposed the prices to the people of foodstuffs, and particularly of flour, and of wheat and wheat products, and of corn and corn products, would not be maintained in the United States at reasonable and not at speculative or war prices, and whether or not the income derived from such taxation would not at the same time yield all or a large portion of the extra or emergency revenue which the President tells us will be required.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Finance.

Mr. FALL. I ask that the data which I send to the desk be printed in the RECORD with the resolution.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

[From the Washington Times, September 4.]

WHEAT AT CHICAGO SMASHES RECORDS.

CHICAGO, *September 4.*

Amid an excited buying movement, the wheat closed this afternoon with prices 5 to 6 cents above last night's closing figures, after smashing all previous records. Closing prices were: September, 120⅜; December, 123⅜; and May, 130¼.

News that all foreign governments are making desperate efforts to secure breadstuffs set the wheat pit in another whirl of buying excitement to-day. The Turkish Ambassador's statement from Washington did not allay the fear that Turkey will become involved in the war.

News that Chicago houses had bought half a million bushels of Nebraska wheat for immediate delivery had no effect in checking the advance.

[From the New York Evening Post, September 4.]

TO-DAY'S CHICAGO MARKETS—EXTREMELY STRONG TONE PREVAILS IN WHEAT—CORN AT HIGH RECORD.

CHICAGO, *September 4.*

Extreme strength prevailed to-day in wheat and values rushed up to new high levels on the crop on buying by the commission houses, who found offerings small until the top prices were reached. An effort to take profits by some of the early buyers found the market poorly supported, and a sharp reaction followed, but this in turn was followed by a quick rally. There is every indication that an immense export business is under way in flour, the Pillsbury people being reported to have sold 100,000 barrels to France from Minneapolis. The removal of hedges against these sales has been a prime factor in the market. The bullish theory that Europe would have to come to this country for wheat has commenced to work out, and agents of the British, French, and Greece Governments are reported to be active buyers at seaboard markets. Minneapolis also reports a big demand there for rye flour. The present market is almost without precedent, and the trade, being without balancing power, is prone to go to extremes at time. There is no quibbling over the prices paid by foreign buyers, as food products are urgently needed and the United States is the only country where they can be secured. It is the irony of fate that the world's production of all grains this year, with the exception of the United States crops, should be materially smaller than last year, and the immense American surplus is being drawn upon to the utmost. Export clearances to-day aggregated 1,806,000 bushels.

Bullish sentiment predominated in corn, although to a less extent than in other grains. Prices advanced to a new high on the crop, despite the fairly heavy profit taking by some of the leading longs. Le Count estimated the crop at 2,640,000,000 bushels, or 193,000 bushels more than last year's final returns, and this led to free selling at one time, but the continued strength in other grains and the belief that the eastern demand would put in its appearance again next week made a quick rally. Country consignment notices are limited, but 110,000 bushels of contract have been sold to go to store.

[From the Washington Post, September 6.]

FIXES PRICES OF FOOD—BRITISH GOVERNMENT SOON ENDS RAPACITY OF TRADESMEN—RISE IN AMERICA A SURPRISE—ENGLISH UNABLE TO UNDERSTAND WHY NECESSARIES SHOULD COST MORE HERE—PUBLIC HEEDS WARNING TO CONSERVE SUPPLIES, AND CURTAILS USE OF MEATS—RESTAURANTS LOWER PRICES.

LONDON, *September 5.*

With food prices here only a little above the normal, despite the fact that England is engaged in the greatest war in the country's history, astonishment is created by the reports from New York that in peaceful America the prices of edibles are soaring.

England has set an example in handling the situation which officials here feel might well be emulated in the United States. When, at the beginning of hostilities, dealers jumped the cost of domestic commodities from 20 to 50 per cent, the Government created a committee composed of wholesale foodstuff dealers, who since have met weekly to regulate the price of staple articles.

GOVERNMENT MAKES TARIFF.

At the outset the committee discovered that there existed not the slightest justification for increased prices, and issued a report stating that the desire of unscrupulous wholesalers and tradesmen to take advantage of a distressing situation was alone responsible.

Tradesmen are now compelled to exhibit in shops the weekly tariffs decreed by the governmental committee. The result of this has been an end to overcharging. Tradesmen who, for instance, charged 48 cents a pound for bacon soon after the war started are now compelled to accept 28 cents a pound.

PRICES OF NECESSARIES LOW.

Prices of many necessaries have been reduced far below what was expected would be the war-time rate. Vegetables are to be had in great quantities. The yield this year has been so abundant that prices for potatoes and other field products are really below normal.

The increase in the cost of meat has not exceeded 4 cents a pound. In view of the present crisis and the great demand for food this is not considered unusual. The Government has appealed to the people to be as sparing as possible in the consumption of foodstuffs, so that the supply will last as long as possible.

CURTAILS THE USE OF MEAT.

The result has been that the public is curtailing its appetite for meat, finding that it is possible to get along with a great deal less than formerly and enjoy life just as well.

The war has almost put an end to the purchase of luxuries. One of the most celebrated silverware dealers in England said to-day that since England declared war on Germany his firm had not sold a single article, except those for officers' kits.

Restaurants which boosted prices at the start of the war have found it necessary to go back to their old rates. Some of the larger eating places, charging what an American might describe as Broadway prices, have dropped charges below the normal in order to get patronage.

SHORTAGE OF FOOD UNLIKELY.

The big hotels where Americans go are feeling the effect of the war. The exodus of Americans has left unoccupied many suites and rooms in the medium-priced as well as expensive hotels. Some places have discharged employees to cut down expenses.

The indications are that as long as England maintains control of the sea she will not suffer from shortage of food or increased food costs. Already committees and associations are planning to reach forth to all parts of the world and supply the markets which Germany during the last 30 years has built up and which, because of the war, the Kaiser's nation is now unable to supply.

COMPARATIVE STATEMENT OF SHIPMENTS OF GRAIN ON SEPTEMBER 3–4, 1913 AND 1914.

[From Daily Trade Bulletin of Bartlett, Frasier & Co., Chicago, of September 3.]

*Daily movement of grain and produce.*

The following were the receipts and shipments of flour, grain, and produce at Chicago for the past 24 hours as compared with the same time last year:

| Articles. | Receipts. | | Shipments. | |
|---|---|---|---|---|
| | 1914 | 1913 | 1914 | 1913 |
| Flour.....barrels.. | 43,000 | 33,000 | 36,000 | 30,000 |
| Wheat.....bushels.. | 220,000 | 492,000 | 374,000 | 735,000 |
| Corn.....do.... | 427,900 | 764,000 | 212,000 | 211,000 |
| Oats.....do.... | 630,000 | 1,000,000 | 751,000 | 481,000 |
| Rye.....do.... | 12,000 | 13,000 | 14,000 | 4,000 |
| Barley.....do.... | 51,000 | 109,000 | 2,000 | 21,000 |
| T. seed.....pounds.. | 491,000 | 149,000 | 131,000 | 186,000 |
| C. seed.....do.... | ..... | 10,000 | 17,000 | 31,000 |
| O. seeds.....do.... | 280,000 | 40,000 | 56,000 | 198,000 |
| F. seed.....bushels.. | 2,000 | ..... | ..... | ..... |
| B. corn.....pounds.. | 80,000 | 46,000 | 55,000 | 202,000 |
| C. meats.....do.... | 894,000 | 275,000 | 1,431,000 | 3,531,000 |
| Canned meats.....cases.. | ..... | ..... | 4,284 | 6,876 |
| Fresh meats.....pounds.. | 1,325,000 | 1,759,000 | 1,455,000 | 5,579,000 |
| Beef.....tierces.. | ..... | ..... | 32 | 410 |
| Do.....barrels.. | ..... | ..... | 123 | 521 |
| Pork.....do.... | ..... | ..... | 337 | 1,324 |
| Lard.....pounds.. | 40,000 | 65,000 | 535,000 | 1,878,000 |
| Cheese.....do.... | 211,000 | 494,000 | 263,000 | 332,000 |
| Butter.....do.... | 639,000 | 1,147,000 | 885,000 | 1,036,000 |
| Eggs.....cases.. | 10,203 | 18,222 | 6,714 | 12,959 |
| Cottonseed oil.....pounds.. | 53,000 | ..... | 32,000 | 5,000 |
| L. hogs.....number.. | 22,518 | 23,654 | 3,659 | 6,972 |
| Cattle.....do.... | 15,373 | 20,924 | 4,998 | 6,167 |
| Sheep.....do.... | 24,035 | 43,607 | 12,659 | 12,286 |
| Hides.....pounds.. | 441,000 | 401,000 | 272,000 | 1,094,000 |
| Wool.....do.... | 75,000 | 127,000 | 541,000 | 232,000 |
| Lumber.....thousand.. | 6,381 | 9,883 | 4,228 | 5,613 |
| Shingles.....number.. | 1,732 | 1,197 | 1,045 | 1,383 |
| Salt.....barrels.. | 13,012 | 9,568 | 1,844 | 2,257 |
| Hay.....tons.. | 807 | 1,393 | 143 | ..... |
| Potatoes.....bushels.. | 41,000 | 71,000 | 8,000 | 8,000 |

*Daily movement of flour.*

The receipts and shipments of flour at the points given on the dates named were as follows:

| | Receipts. | | Shipments. | |
|---|---|---|---|---|
| | Sept. 3, 1914. | Sept. 4, 1913. | Sept. 3, 1914. | Sept. 4, 1913. |
| WESTERN POINTS. | *Barrels.* | *Barrels.* | *Barrels.* | *Barrels.* |
| Chicago | 43,000 | 33,000 | 36,000 | 30,000 |
| Milwaukee | 9,000 | 27,000 | 17,000 | 4,000 |
| Minneapolis | ..... | ..... | 73,000 | 54,000 |
| Duluth | ..... | ..... | ..... | ..... |
| St. Louis | 16,000 | 15,000 | 14,000 | 20,000 |
| Toledo | ..... | ..... | ..... | ..... |
| Detroit | 1,000 | 1,000 | 1,000 | 1,000 |
| Kansas City | ..... | ..... | 9,000 | 7,000 |
| Peoria | 9,000 | 2,000 | 8,000 | 6,000 |
| Cincinnati | 3,000 | ..... | 1,000 | ..... |
| Total | 81,000 | 78,000 | 159,000 | 122,000 |
| SEABOARD. | | | | |
| New York | 31,000 | 47,000 | 43,000 | 5,000 |
| Boston | 5,000 | 11,000 | ..... | 8,000 |
| Philadelphia | 9,000 | 6,000 | ..... | ..... |
| Baltimore | 2,000 | 9,000 | ..... | 24,000 |
| New Orleans | 39,000 | 10,000 | 1,000 | 6,000 |
| Galveston | ..... | ..... | ..... | ..... |
| Newport News | ..... | ..... | ..... | ..... |
| Total | 86,000 | 83,000 | 46,000 | 43,000 |
| Grand total | 167,000 | 161,000 | 205,000 | 165,000 |

*Daily movement of wheat.*

The receipts and shipments of wheat at the points given on the dates named were as follows:

| | Receipts. | | Shipments. | |
|---|---|---|---|---|
| | Sept. 3, 1914. | Sept. 4, 1913. | Sept. 3, 1914. | Sept. 4, 1913. |
| WESTERN POINTS. | *Bushels.* | *Bushels.* | *Bushels.* | *Bushels.* |
| Chicago | 220,000 | 492,000 | 374,000 | 735,000 |
| Milwaukee | 54,000 | 56,000 | 16,000 | 23,000 |
| Minneapolis | 478,000 | 336,000 | 154,000 | 167,000 |
| Duluth | 359,000 | 361,000 | 89,000 | 278,000 |
| St. Louis | 66,000 | 66,000 | 47,000 | 136,000 |
| Toledo | 25,000 | 5,000 | 6,000 | 11,000 |
| Detroit | 13,000 | 2,000 | 7,000 | ..... |
| Kansas City | 366,000 | 42,000 | 505,000 | 86,000 |
| Peoria | 3,000 | 2,000 | 5,000 | 1,000 |
| Omaha | 28,000 | 66,000 | 34,000 | 41,000 |
| Indianapolis | 1,000 | 5,000 | 5,000 | 5,000 |
| Cincinnati | 10,000 | ..... | 4,000 | ..... |
| Total | 1,632,000 | 1,433,000 | 1,246,000 | 1,433,000 |
| SEABOARD. | | | | |
| New York | 29,000 | 23,000 | 65,000 | 181,000 |
| Boston | ..... | 60,000 | [1]43,000 | 62,000 |
| Philadelphia | 46,000 | 11,000 | 171,000 | 32,000 |
| Baltimore | 74,000 | 89,000 | ..... | ..... |
| New Orleans | 299,000 | 65,000 | 284,000 | ..... |
| Galveston | 52,000 | 44,000 | 199,000 | ..... |
| Newport News | ..... | ..... | ..... | 115,000 |
| Total | 500,000 | 292,000 | 762,000 | 390,000 |
| Grand total | 2,123,000 | 1,725,000 | 2,008,000 | 1,873,000 |

[1]40,000 bushel bonded.

[From the New York Evening Post, September 4.]

Exports of wheat and flour as wheat, and also of corn, from the United States and Canada, both coasts, for the week ending September 3, according to Bradstreet's, are as follows, in bushels:

| | This week. | Previous week. | Same week a year ago. |
|---|---|---|---|
| Wheat | 9,737,198 | 9,397,627 | 5,061,585 |
| Corn | 79,091 | 90,174 | 43,887 |

The aggregate shipments since July 1 are:

| | 1914 | 1913 |
|---|---|---|
| Wheat | 64,797,210 | 52,479,117 |
| Corn | 493,649 | 799,144 |

[From the New York World.]

FOOD GAMBLERS.

While political economists and large operators in food supplies in their different ways pretend to explain the reasons for the sudden

rise in the cost of necessaries of life, occasional facts that come to light are more convincing evidence than all the theories offered. A Sugar Trust official testifying at the food inquiry told how a shipload of sugar had crossed the Atlantic three times in search of higher prices. In the last few weeks it was sent from New York to Liverpool, then returned to New York and finally hurried again to England to get the benefit of the war prices. There was no actual shortage here, but in the meantime local prices were being steadily hoisted.

DIPLOMATIC AND CONSULAR EXPENSES IN EUROPE.

The joint resolution (H. J. Res. 337) to provide for representation of foreign Governments growing out of existing hostilities in Europe and elsewhere, and for other purposes, was read the first time by its title.

Mr. GALLINGER. Let the joint resolution be read at length. That is a very important matter.

The joint resolution was read the second time at length and referred to the Committee on Appropriations, as follows:

*Resolved, etc.*, That to enable the United States to fulfill the obligations devolving upon it in connection with or growing out of its representation of the interests of foreign Governments and their nationals, and to extend temporary assistance to other Governments and their nationals, made necessary by hostilities in Europe and elsewhere, by transferring or advancing funds for diplomatic and consular expenses and for the care or benefit of citizens or subjects of foreign nations, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be available during the fiscal year 1915, and to be disbursed under the direction and in the discretion of the Secretary of State: *Provided*, That payments made by foreign Governments of their citizens or subjects shall be credited to this appropriation and be available for the purpose herein specified: *Provided further*, That all sums received by the United States in final reimbursement of amounts paid it out of the $1,000,000 herein appropriated shall be paid into the Treasury of the United States as "miscellaneous receipts."

The Secretary of State shall submit to Congress at the next session, or as soon thereafter as may be practicable, a report of the amount repaid to the United States, with such further information upon the subject as may be, in his judgment, consistent with the public interest.

EMELINE E. PHELPS.

The joint resolution (H. J. Res. 334) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914, was read twice by its title and referred to the Committee on Pensions.

Mr. SMOOT subsequently said: From the Committee on Pensions I report back favorably without amendment the joint resolution (H. J. Res. 334) to amend an act entitled "An act granting pensions and increase of pensions," and so forth. I will state that it is just to correct an error in a pension bill. I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that the paragraph in House bill 13542, approved July 21, 1914 (Private, No. 88, 63d Cong.), granting an increase of pension to one Emeline E. Phelps be corrected and amended so as to read as follows:

The name of Emeline E. Phelps, widow of George M. Phelps, late of Company I, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 4630. An act for the relief of Fred A. Emerson;

H. R. 7553. An act for the relief of the estate of Moses M. Bane; and

H. R. 9092. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased.

H. R. 10122. An act to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of $1,500 for cigar stamps lost or stolen in transit, was read twice by its title and referred to the Committee on Finance.

FEDERAL TRADE COMMISSION.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada [Mr. NEWLANDS] to agree to the conference report on the disagreeing votes of the two Houses upon the bill (H. R. 15613) to create a Federal trade commission, to define its powers and duties, and for other purposes.

Mr. SMOOT. The yeas and nays have been ordered.

Mr. BURTON. I understand the yeas and nays have been asked for upon the motion.

The PRESIDING OFFICER. The Chair is informed that the yeas and nays were not ordered.

Mr. SMOOT. That is what we have been voting on for quite a while.

The PRESIDING OFFICER. Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I announce the same pair and transfer as before and vote "yea."

Mr. PERKINS (when his name was called). I again announce the transfer of my pair with the junior Senator from North Carolina [Mr. OVERMAN] to my colleague [Mr. WORKS], I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote. I ask to be counted as present.

The roll call was concluded.

Mr. CRAWFORD (after having voted in the affirmative). I observe that the senior Senator from Tennessee [Mr. LEA], with whom I have a general pair, has not voted, but I am credibly informed that if he were present he would vote for the adoption of the report. I have voted in the affirmative and will allow my vote to stand.

Mr. LEWIS. May I be pardoned to state that the Senator from Indiana [Mr. KERN] is absent, as heretofore stated, and that if he were here he would vote "yea." I was requested to make this statement.

Mr. WALSH. I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the senior Senator from Indiana [Mr. SHIVELY] and vote "nay." I wish to state that the senior Senator from Indiana is unavoidably detained from the Senate to-day.

Mr. WALSH. The Senator from Missouri has transferred his pair to the Senator from Indiana [Mr. SHIVELY]. Under the terms of my pair with the Senator from Rhode Island [Mr. LIPPITT] I am entitled to vote. I will therefore allow my vote to stand.

Mr. CHILTON. I wish to announce the necessary absence of the junior Senator from Kentucky [Mr. CAMDEN].

The result was announced—yeas 39, nays, 5, as follows:

YEAS—39.

| | | | |
|---|---|---|---|
| Ashurst | Hughes | Pittman | Sterling |
| Bankhead | Kenyon | Poindexter | Stone |
| Brady | Lee, Md. | Pomerene | Swanson |
| Bryan | Lewis | Ransdell | Thompson |
| Chamberlain | Martine, N. J. | Robinson | Thornton |
| Chilton | Myers | Shafroth | Vardaman |
| Clapp | Newlands | Sheppard | Walsh |
| Crawford | Norris | Shields | White |
| Fall | O'Gorman | Simmons | Williams |
| Fletcher | Perkins | Smith, Ga. | |

NAYS—5.

| | | | |
|---|---|---|---|
| Burton | McLean | Oliver | Smoot |
| Gallinger | | | |

NOT VOTING—52.

| | | | |
|---|---|---|---|
| Borah | Goff | Lodge | Smith, Ariz. |
| Brandegee | Gore | McCumber | Smith, Md. |
| Bristow | Gronna | Martin, Va. | Smith, Mich. |
| Burleigh | Hitchcock | Nelson | Smith, S. C. |
| Camden | Hollis | Overman | Stephenson |
| Catron | James | Owen | Sutherland |
| Clark, Wyo. | Johnson | Page | Thomas |
| Clarke, Ark. | Jones | Penrose | Tillman |
| Colt | Kern | Reed | Townsend |
| Culberson | La Follette | Root | Warren |
| Cummins | Lane | Saulsbury | Weeks |
| Dillingham | Lea, Tenn. | Sherman | West |
| du Pont | Lippitt | Shively | Works |

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gallinger | Perkins | Smoot |
| Bankhead | Hughes | Pittman | Sterling |
| Brady | Kenyon | Poindexter | Swanson |
| Bryan | Lee, Md. | Pomerene | Thomas |
| Burton | Lewis | Ransdell | Thompson |
| Chamberlain | Martine, N. J. | Robinson | Thornton |
| Chilton | Myers | Shafroth | Vardaman |
| Clapp | Newlands | Sheppard | Walsh |
| Crawford | Norris | Shields | West |
| Fall | O'Gorman | Simmons | White |
| Fletcher | Oliver | Smith, Ga. | Williams |

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. LANE, Mr. REED, and Mr. STONE answered to their names when called.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. There is not a quorum present. The Sergeant at Arms will enforce the order of the Senate heretofore made to compel the attendance of absent Senators.

Mr. CHAMBERLAIN. I suppose that means compulsion by warrant or whatever process is necessary?

The PRESIDING OFFICER. Whatever process is authorized by the law and the rule of the Senate.

Mr. CHAMBERLAIN. I hope it will be enforced.

Mr. VARDAMAN. That does not include Senators who are not well?

The PRESIDING OFFICER. The Chair should judge not.

Mr. McLEAN and Mr. NELSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the conference report on the trade commission bill, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I make the same announcement as to my pair and its transfer as before and vote "yea."

Mr. PERKINS (when his name was called). I again announce the transfer of my pair with the Senator from North Carolina [Mr. OVERMAN] to my colleague [Mr. WORKS] and vote "yea."

Mr. STONE (when his name was called). Announcing the same pair and its transfer as on the last vote, I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote. I desire to be counted as present to make a quorum.

The roll call was concluded.

Mr. PITTMAN. I announce the absence of the Senator from Delaware [Mr. SAULSBURY] on account of his health. He is paired with the junior Senator from Rhode Island [Mr. COLT].

The result was announced—yeas 39, nays 4, as follows:

YEAS—39.

| | | | |
|---|---|---|---|
| Ashurst | Kenyon | Pittman | Sterling |
| Bankhead | Lee, Md. | Poindexter | Stone |
| Brady | Lewis | Pomerene | Swanson |
| Bryan | Martine, N. J. | Ransdell | Thompson |
| Chamberlain | Myers | Robinson | Thornton |
| Chilton | Nelson | Shafroth | Vardaman |
| Clapp | Newlands | Sheppard | West |
| Fall | Norris | Shields | White |
| Fletcher | O'Gorman | Simmons | Williams |
| Hughes | Perkins | Smith, Ga. | |

NAYS—4.

| | | | |
|---|---|---|---|
| Burton | Gallinger | Oliver | Smoot |

NOT VOTING—53.

| | | | |
|---|---|---|---|
| Borah | Goff | McCumber | Smith, Mich. |
| Brandegee | Gore | McLean | Smith, S. C. |
| Bristow | Gronna | Martin, Va. | Stephenson |
| Burleigh | Hitchcock | Overman | Sutherland |
| Camden | Hollis | Owen | Thomas |
| Catron | James | Page | Tillman |
| Clark, Wyo. | Johnson | Penrose | Townsend |
| Clarke, Ark. | Jones | Reed | Walsh |
| Colt | Kern | Root | Warren |
| Crawford | La Follette | Saulsbury | Weeks |
| Culberson | Lane | Sherman | Works |
| Cummins | Lea, Tenn. | Shively | |
| Dillingham | Lippitt | Smith, Ariz. | |
| du Pont | Lodge | Smith, Md. | |

The VICE PRESIDENT. No quorum is present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Kenyon | Perkins | Smoot |
| Brady | Lee, Md. | Pittman | Sterling |
| Bryan | Lewis | Poindexter | Stone |
| Burton | McLean | Pomerene | Swanson |
| Chamberlain | Martine, N. J. | Ransdell | Thomas |
| Chilton | Myers | Reed | Thornton |
| Clapp | Nelson | Robinson | Vardaman |
| Fall | Newlands | Shafroth | Walsh |
| Fletcher | Norris | Sheppard | West |
| Gallinger | O'Gorman | Simmons | White |
| Hughes | Oliver | Smith, Ga. | Williams |

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. LANE answered to his name when called.

Mr. SHIELDS, Mr. THOMPSON, Mr. BANKHEAD, and Mr. McCUMBER entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The pending question is on agreeing to the report of the committee of conference on the trade commission bill. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. PERKINS (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. STONE (when his name was called). Announcing my pair and its transfer as on the last vote, I vote "yea."

Mr. THOMAS (when his name was called). Again announcing my pair, I withhold my vote but ask to be counted present to make a quorum.

Mr. WALSH (when his name was called). In view of the likelihood that my vote will be necessary in order to make a quorum, under agreement with my pair I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. REED. If there is no quorum present, the conditions of my pair permit me to vote. I will inquire if a quorum has voted?

The VICE PRESIDENT. A quorum has not voted.

Mr. REED. Under those circumstances I vote "yea."

The result was announced—yeas 42, nays 5, as follows:

YEAS—42.

| | | | |
|---|---|---|---|
| Ashurst | Kenyon | Pittman | Stone |
| Bankhead | Lane | Poindexter | Swanson |
| Brady | Lee, Md. | Pomerene | Thompson |
| Bryan | Lewis | Ransdell | Thornton |
| Chamberlain | Martine, N. J. | Reed | Vardaman |
| Chilton | Myers | Robinson | Walsh |
| Clapp | Nelson | Shafroth | West |
| Crawford | Newlands | Sheppard | White |
| Fall | Norris | Shields | Williams |
| Fletcher | O'Gorman | Simmons | |
| Hughes | Perkins | Smith, Ga. | |

NAYS—5.

| | | | |
|---|---|---|---|
| Burton | McCumber | McLean | Smoot |
| Gallinger | | | |

NOT VOTING—49.

| | | | |
|---|---|---|---|
| Borah | Goff | Martin, Va. | Smith, S. C. |
| Brandegee | Gore | Oliver | Stephenson |
| Bristow | Gronna | Overman | Sterling |
| Burleigh | Hitchcock | Owen | Sutherland |
| Camden | Hollis | Page | Thomas |
| Catron | James | Penrose | Tillman |
| Clark, Wyo. | Johnson | Root | Townsend |
| Clarke, Ark. | Jones | Saulsbury | Warren |
| Colt | Kern | Sherman | Weeks |
| Culberson | La Follette | Shively | Works |
| Cummins | Lea, Tenn. | Smith, Ariz. | |
| Dillingham | Lippitt | Smith, Md. | |
| du Pont | Lodge | Smith, Mich. | |

The VICE PRESIDENT. There is neither a quorum voting nor a quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hughes | Perkins | Stone |
| Brady | Kenyon | Pittman | Swanson |
| Bryan | Lane | Poindexter | Thomas |
| Chamberlain | Lee, Md. | Pomerene | Thornton |
| Chilton | Lewis | Ransdell | Vardaman |
| Clapp | Martine, N. J. | Robinson | Walsh |
| Clarke, Ark. | Myers | Shafroth | West |
| Crawford | Nelson | Sheppard | White |
| Fall | Newlands | Shields | Williams |
| Fletcher | Norris | Simmons | |
| Gallinger | O'Gorman | Smoot | |

Mr. SIMMONS. I wish to announce the necessary absence of my colleague [Mr. OVERMAN] from the city. He is paired with the Senator from California [Mr. PERKINS].

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. REED and Mr. SMITH of Georgia answered to their names when called.

Mr. BANKHEAD entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will——

Mr. BURTON. Mr. President, is my name recorded?

The VICE PRESIDENT. It is not.

The Secretary called the name of Mr. BURTON, and he answered "Present."

Mr. CHAMBERLAIN. Mr. President, I suggest that under clause 3 of Rule V, compulsory process be issued to compel the attendance of the Senators who are absent.

Mr. LEWIS. It has been.

The VICE PRESIDENT. That has already been ordered. The Sergeant at Arms will carry out the instructions of the Senate to compel the attendance of absent Senators.

Mr. THOMPSON entered the Chamber and answered to his name.

Mr. STONE. Mr. President, when a Senator is absent from the city, as I am told quite a number are, I should like to ask whether it is the duty of the Sergeant at Arms, under the order now operating, to employ such number of men as may be necessary and such force as may be necessary to send for Senators and bring them to this Chamber?

The VICE PRESIDENT. The Chair assumes that the Sergeant at Arms knows what his duties are, and how to perform them, and what the precedents of the Senate are.

Mr. STONE. That may be; perhaps he does, and perhaps my question was not entirely a parliamentary or proper one to address to the Chair. I question very much, however, whether the Sergeant at Arms would go out of this city, or even go into this city, and physically arrest a Member of the Senate and bring him before the bar of the Senate, without a warrant for him.

Mr. CLARKE of Arkansas. Nobody claims that he can.

Mr. STONE. My friend from Arkansas not only confirms what I have said, but he states in very emphatic terms that it can not be done. It seems to me, if this order is to be executed——

Mr. GALLINGER. Mr. President, I rise to a question of order. In the absence of a quorum this is all out of order. The Senate can not take any action on anything in the absence of a quorum.

Mr. STONE. Can it be possible that the Senator from New Hampshire does not wish any action taken?

Mr. GALLINGER. I wish to have the rules of the Senate obeyed; that is all. The Senate can not pass any order in the absence of a quorum. The Senator from Missouri knows that.

Mr. STONE. I am inclined to think the Senate can pass an order to compel the attendance of Members to make a quorum.

Mr. SMOOT. It can do so under the rules, and that is what we are doing.

Mr. SMITH of Georgia. And under the Constitution.

Mr. STONE. I am discussing the very question of compelling the attendance of Senators and the method of doing it, and I think it is in order.

Mr. GALLINGER. I make a point of order against it, and will submit to the decision of the Chair. The rule is explicit.

Mr. STONE. That is a very positive statement; but I think, under the Constitution of the United States, a minority of the Senate has a right to compel the attendance of Senators.

Mr. CLARKE of Arkansas. Mr. President, may I be permitted to recall to the attention of my friend from Missouri the language of section 5 of Article I of the Constitution? I do not do it for the purpose of enlightening him, for he seems to be entirely familiar with its provisions:

> Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members in such manner and under such penalties as each House may provide.

I have got on so much into the habit of agreeing with the Senator from New Hampshire that it takes the provisions of the Constitution to make me disagree with him.

Mr. GALLINGER. I am always very glad to be enlightened, and the Senator from Arkansas frequently enlightens me. I had not looked at the constitutional provision. I was thinking merely of the rules of the Senate; and I think the Senator is right in calling the attention of the Senate to the provision of the Constitution.

Mr. SMOOT. Mr. President, I think the Constitution applies to the question whether or not there is a quorum present at the convening of a Congress. If there is not a quorum present then they can compel the attendance of a quorum; but we are working here under the rules of the Senate, and the rules of the Senate are very, very explicit upon this point.

Mr. STONE. We are working under the Constitution of the United States also.

Mr. SMOOT. That is true. If at the convening of a Congress there should not be present a quorum of Senators or Congressmen, under the Constitution of the United States they can be compelled to attend; but the Senate is in session and working under the rules of the body.

The VICE PRESIDENT. There is no question about the rule.

Mr. SMOOT. None whatever.

The VICE PRESIDENT. The rule says that—

> Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel, the attendance of the absent Senators, which order shall be determined without debate.

The present occupant of the chair was not in the chair at the time, but he is informed that there has been an order entered to compel the attendance of absent Senators.

Mr. CHAMBERLAIN. Mr. President, a parliamentary inquiry. I understand that before compulsory process is issued it will have to be signed by the Presiding Officer of the Senate. May I ask the Vice President whether he has signed any such compulsory process?

The VICE PRESIDENT. I have not. I will say to the Senator that I shall be very glad to do so.

Mr. CHAMBERLAIN. Then, Mr. President, I move that the Vice President be requested to sign compulsory process to compel the attendance of absent Senators.

Mr. CLARKE of Arkansas. Mr. President, I think the procedure established by custom, if not by positive technical rule, is first to direct the Sergeant at Arms to request the attendance of absent Senators. The rule itself contemplates that.

The VICE PRESIDENT. That is a standing order, and it has been done three times to-day.

Mr. CLARKE of Arkansas. I was about to suggest that a standing order about that can not be made. I thing it is one of those situations that will have to be dealt with as it arises. I do not believe a blanket regulation of that kind, applying to all sorts of conditions, can be adopted. I think the language of the Constitution of the United States, when taken in connection with our rules, contemplates that the minority shall exercise its judgment upon that matter upon every occasion when the necessity for it is apparently presented.

I know that has not been the practice, but I do not believe the other course can be lawfully followed. I think, first, before you lay the foundation for a writ of arrest you must direct the Sergeant at Arms to direct the attendance of Senators; and if that is not sufficient, after a reasonable effort in that behalf has been made, then the more drastic process of a writ would be the remedy.

Mr. SMITH of Georgia. Mr. President, the effort by request was made to-day before the order of direction was given.

The VICE PRESIDENT. It has been done once to-day. They have been requested to attend.

Mr. SMITH of Georgia. At the time the absence of a quorum was observed the fact was called to the attention of the Chair, and the suggestion of a motion to request the presence of Senators was made, when the statement was also made that there was a general rule to request the attendance of absent Senators, and the Sergeant at Arms was directed by the Chair to request their attendance.

Mr. CLARKE of Arkansas. The request comes from the Senators present:

> Whenever upon such roll call it shall be ascertained—

It must be ascertained upon a roll call—

> that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request—

It is a request that proceeds, not from the Chair, but from the majority of the Senators present.

Mr. SMOOT. I will say to the Senator from Arkansas that the Senator from Nevada [Mr. NEWLANDS] made that motion earlier in the day and a majority of the Senators present adopted it.

Mr. SMITH of Georgia. That was a request.

Mr. SMOOT. No; asking that they be compelled to attend.

Mr. CLARKE of Arkansas. That was upon a former ascertainment of the want of a quorum. The absence of a quorum has just been developed. I think each situation must be dealt with as it arises.

Mr. SMOOT. I agree with the Senator as to that, but I was simply saying that I believe every step has been taken under the rules, and taken to-day.

Mr. CLARKE of Arkansas. Of course the Chair must not understand me as raising any controversy with the Chair. I have not been present all the time.

The VICE PRESIDENT. This is what has occurred three times to-day: Three times to-day, upon a roll call and a request for the attendance of absent Senators, a quorum has developed in the Senate of the United States, and when the vote is taken the quorum straightaway disappears. Now, is the Senator from Arkansas insisting that each time there shall be a request for Senators to return when it is well known that there is a sufficient number of Senators within the city of Washington to make a quorum here?

Mr. CLARKE of Arkansas. Mr. President, I am only insisting that the rule of the Senate and the provision of the Constitution shall be observed, because if the Sergeant at Arms should arrest a Senator without due process he might subject himself to the same penalty that a former Sergeant at Arms of the House of Representatives encountered in the celebrated case of Thompson against Kilbourn.

There is not any trouble about the matter if the rule shall be observed. I think every time the absence of a quorum is ascertained the first order should be to request Senators to attend. If they do not attend within a reasonable time, then

it is competent for the Senators present to cause a writ to be issued, naming the Senators to be brought before the Senate; that writ to be signed and attested in the way that such documents usually are.

The VICE PRESIDENT. In other words, the view of the Senator from Arkansas is that we are to proceed as we have been proceeding this day to secure a quorum, vote upon the question that was ordered to be voted upon, then, if it be disclosed on the vote that there is not a quorum in the Chamber, call the roll again for a quorum, make a second request for them to attend, get in a sufficient number to constitute a quorum, and then vote on the question and have it disclosed that there is no quorum present, Senators having left the Chamber, that having been done to the certain knowledge of the Chair three times to-day?

Mr. CLARKE of Arkansas. Yes; or let it be done twenty-three times if the necessity for it arises.

The VICE PRESIDENT. That is the idea of the Senator from Arkansas?

Mr. CLARKE of Arkansas. That is the text of the Constitution and the rule of the Senate.

Mr. STONE. Mr. President, so that we may not be involved in any mistake, I suggest that the Sergeant at Arms be directed to request the attendance of absent Senators, so far as such a request is practicable, personally, by telephone, and by telegraph, and make his report to the Senate; and if a quorum is not disclosed to continue business in the Senate, that the necessary warrants be issued for the forcible bringing of Senators to the bar of the Senate, and that that order be not suspended until it has been fully executed. For the present, my suggestion is that the Sergeant at Arms carry out the order of the Senate, request Senators to appear personally, if he can find them, by telephone, if he can reach them in that way, or by telegraph, and make a report to the Senate, as soon as he has covered the ground, as to each Senator.

Mr. WILLIAMS. Does the Senator mean to wait for the report until he gets an answer from each Senator?

Mr. STONE. No; let him report what he has done.

Mr. SMITH of Georgia. Mr. President, the Senator from Arkansas, for whose knowledge of the rules and for whose opinion on questions of law we all have great respect, seriously doubts whether the order to enforce attendance can be sustained unless in each instance we first make a formal vote of direction to request. It will be very easy for us, if he is correct in that view, to pass now a formal order to request, and follow that up after a little by a direction to compel the attendance of Senators.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Georgia a question. Suppose, in consonance with the request, a majority come in and answer "present," but progress is not made. We have done that half a dozen times. Then that vacates the order.

Mr. SMITH of Georgia. I do not think so, unless the Senate vacates it.

Mr. WILLIAMS. That is just the point the Vice President is making, that it is not vacated, and therefore it has not been complied with, and therefore a second motion, to wit, to compel their attendance, is in order.

Mr. FALL. Mr. President, will the Senator yield to me for a moment?

Mr. SMITH of Georgia. Certainly.

Mr. FALL. Is it the idea of the Senator from Georgia that the Senate can make a standing order of that kind, and that the Sergeant at Arms will then arrogate to himself the privilege every morning, noon, and evening to gather in from the four corners of the earth what he considers a quorum on a vote for the balance of this session?

Mr. SMITH of Georgia. My view is that if we direct the Sergeant at Arms to proceed to compel the attendance of absent Senators, until we revoke that direction he continues his work; and that has been the practice in the Senate so far as I have observed. The usual practice has been, as soon as he reports a quorum present, to vacate the order of direction.

Mr. FALL. The very fact that we have developed a quorum three different times this afternoon, according to the statement of the Vice President, is sufficient answer, it seems to me, to the argument of the Senator from Georgia. We have developed a quorum three different times. That has answered the direction of the Sergeant at Arms; and then, upon the roll call, some Members absent themselves and do not come in, and what are you going to do about your standing order?

Mr. SMITH of Georgia. I have no doubt it is in the power of the Senate to continue to enforce the presence of Senators, even when there is a sufficient number present to constitute a quorum.

Mr. FALL. I have no doubt of that power; but I do not believe a standing order can be made by the Senate directing the Sergeant at Arms, whenever a vote develops the fact that there is not a quorum here, to go out and arrest and bring in Members. I think we must deal with the matter in each case.

Mr. WILLIAMS. Mr. President, I wish to call the attention of both Senators to the fact that the order already given by the Senate has not been vacated by a vote of the Senate during this legislative day.

Mr. FALL. If the Senator will yield for a moment, that order has been complied with and a quorum has been developed upon the order.

Mr. WILLIAMS. I beg the Senator's pardon; the order was not to produce a quorum at all. That never is the order. The order is to request, and then, later on, the second order is to compel the presence of absent Senators.

Mr. FALL. That is for the purpose of developing a quorum.

Mr. WILLIAMS. The presence of a quorum does not vacate the order. It is not vacated until the Senate, by a vote, vacates it. Of course the Senate can not make an order during this legislative day to go over into another one, but for the legislative day that order is not vacated until the Senate vacates it by a vote; and nothwithstanding the appearance of a quorum it is the duty of the Sergeant at Arms to go on requesting the presence of other absent Senators.

Mr. FALL. Mr. President, I unhesitatingly say to the Senator from Mississippi that under a general order undertaking to extend to the Sergeant at Arms the power to arrest me during the legislative day he would do exactly what I would do: He would refuse, and stand upon his constitutional rights, and require that that order be made in each instance.

Mr. WILLIAMS. That may be the Senator's view; but if I did I would stand upon my constitutional peril, in my own opinion, and not upon my constitutional rights.

Mr. FALL. This is the first time I have ever heard a suggestion of that character.

Mr. WILLIAMS. I do not think an order of the Senate is vacated until the Senate vacates it.

Mr. CLARKE of Arkansas. The Senate never made it.

Mr. WILLIAMS. The Senate did make an order to request the attendance of absent Senators.

Mr. CLARKE of Arkansas. The Senator is entirely mistaken. The order was made by the Senators present. If a majority is present, there is no occasion for the order. It is not the official action of the Senate as a Senate, but the action of a certain minority of Senators.

Mr. WILLIAMS. But the Constitution itself gives to less than a quorum the power to compel the attendance of absent Senators; so the action of less than a quorum in compelling the attendance of absent Senators is the action of the Senate under the Constitution of the United States itself.

Mr. CLAPP. Mr. President, I wish to call the attention of the Senator from Georgia to the fact that so long as we continue as we have done this afternoon we shall never reach the final issuance of a writ. There is confusion here between the request of Senators to answer to their names and the issuance of the writ, and we never can cure this situation until we are in a position where we can issue the writ. When the Sergeant at Arms is directed to request the attendance of Senators, enough come in here just to make a quorum; and upon a quorum being disclosed the Senate would not then, of course, proceed to direct the issuance of the writ.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me to interrupt him, I will call his attention to the action of the Senate in the Fifty-second Congress:

> The President pro tempore decided that it was competent for the Senate under its rules to order the attendance of absent Senators when a quorum is present——

Mr. CLAPP. Undoubtedly.

Mr. SMITH of Georgia (continuing):

> it being a right inherent in every legislative body to compel the attendance of absent members.

As I understand the view of the Senate, it is that we propose not only to compel the attendance of sufficient Members to give us a quorum, but to compel the attendance of absent Senators whom the Senate has not excused even if we have a quorum, so as really to have a working quorum here.

Mr. CLAPP. There is no question of the power to do that, but the trouble is with the practical phase of it. The moment we get a quorum here, just enough to go on with the roll call, we abandon the question of a quorum and proceed with the vote, and we do not get enough Senators here to make a substantial and working quorum. Now, I should like to join with the Senator to secure that result.

XUM

Mr. SMITH of Georgia. If the Senator will yield for a moment, what I was insisting was that our direction to compel the attendance of Senators should continue even if we had a temporary quorum, and that we should compel the attendance of sufficient Senators to do business, and keep a working, voting quorum.

Mr. CLAPP. Yes; but the trouble with that is that practically we will not do it after we get a quorum. The provision for that writ has to be made at some stage of our proceedings when we have no quorum here or we never will get to the point of a writ. Now, mark my words.

Mr. GALLINGER. Mr. President, it is rather interesting to me to hear Senators who have had their vacations argue now that we ought to take drastic action in this matter. That interests me very much.

The precedents on this point are numerous, but I will refer only to two of them.

When Mr. Manderson was President pro tempore of the Senate—and we never had a more able parliamentarian in the chair, I think—the President pro tempore, Mr. Manderson, decided that it was—

competent for the Senate under its rules to order the attendance of absent Senators when a quorum is present, it being a right inherent in every legislative body to compel the attendance of absent Senators who are not present for duty and who have not been excused.

Mr. Ferry was also a very well acknowledged parliamentarian who presided over the body at an earlier day.

Mr. Pomeroy here made a point of order, viz, that the Senate having made no provisions in its rules for compelling the attendance of absent Senators, which could be made only by a quorum of the body, it was not in the power of a minority of the Senate by adopting the proposed order to change the existing rule on the subject, and that the motion of Mr. Howe was, therefore, not in order.

Mr. Howe had submitted a motion that the Sergeant at Arms be directed to compel the attendance of Senators.

The Presiding Officer (Mr. Ferry, of Michigan, in the chair) sustained the point of order and ruled the motion of Mr. Howe not in order.

And so it goes on, Mr. President, through the precedents. I have noticed half a dozen, which I will not read.

I think the suggestion I made in the first place, that under our rules nothing was in order except to find a quorum or to adjourn, was correct. I still entertain that view, although I was somewhat disturbed by the reading from the Constitution of the provision which the Senator from Arkansas [Mr. CLARKE] read. If that applies to the legislative session after the Senate has organized, I think it would be controlling; but I am inclined to think the point made by the Senator from Utah [Mr. SMOOT], that it relates to the initial meeting of the body, has a good deal of force.

Mr. CLARKE of Arkansas. Mr. President, the phase of the question I called to the attention of Senators present was not altogether founded on tradition and what we call practice, but represents the determination of the Senate taken on the 24th day of February, 1879. It will be found on page 15 of Gilfry's Precedents:

On motion of Mr. Harris that the Sergeant at Arms be directed to compel the attendance of absent Senators, Mr. Merrimon, of North Carolina, raised a question of order, namely, that under the third rule of the Senate the motion should be preceded by a motion to request the attendance of absent Senators, the Presiding Officer submitted the question to the Senate, Should the motion to compel be preceded by a motion to request the attendance of absent Senators, and it was decided in the affirmative—yeas 24, nays 12.

That is all I have ever said about it, and that is what I think ought to be done, because the rule was written in view of the uniform habit of the Senate to discharge its duties according to its obligations. It many times happens that a number sufficient to make a quorum are casually upon official business away, like at committee meetings near the Chamber, and all that is required is to notify them that their presence in the Senate is desired in order that a quorum may appear. It would be an outrage upon their personal feelings and rights, in the first instance, to send the Sergeant at Arms there with a writ and have them brought in here and lined up in front of the Chair to receive such condemnatory treatment as somebody might think they were entitled to. Our whole proceeding here is based on the assumption that Senators will do their duty when attention is called to it, and a coercive process is a rare exception and has been very infrequently resorted to in the history of this great body.

Mr. MARTINE of New Jersey. Mr. President, I feel, in justice to one of the absentees, I should state that the Senator from Kentucky [Mr. CAMDEN] was last evening called away by a telegram to the bedside of his daughter, who is very ill, and he may be detained from the Senate for some days. In justice to that situation, I feel like making this statement, that he may be left out of any calculation as a delinquent.

Mr. SHAFROTH. Mr. President, I think the difficulty occurs very largely in not having a rule here like they have in the House of Representatives; that is, that whenever there is a vote taken which discloses the want of a quorum, absent Members as they are brought into the body answer "yea" or "nay," and whenever a quorum is obtained then the vote upon the question has been taken at the same time.

We are all apt to be impatient, but there are very few Members here who have not been absent a good deal. I believe in sending for absent Members, but I do not believe in sending clear across the continent for them, because they are not absent unless there are very urgent reasons why they should be away.

I believe we should have a rule that the doors should be closed and Senators should be kept here until after absentees come in and answer on a yea-and-nay vote upon any pending issue. Then we would not have the absence of a quorum disclosed and the roll called to obtain a quorum and the presence of a quorum announced on a separate call.

Mr. President, it seems to me that what we ought to do is to have the Sergeant at Arms use his discretion in trying to compel the attendance of absent Senators. I think if they are within 500 miles they ought to come, but I do not believe he should send clear across the continent for Members who are not present and who have matters of great affairs there, and then when they get here there may be nothing of very great importance pending at that particular time. It seems to me that would be wrong.

I believe we ought to have the attendance of a quorum, and to secure it I believe when a vote has been taken by yeas and nays and no quorum has voted the doors ought to be closed and Senators coming in afterwards should answer "yea" or "nay" or be counted as present.

Mr. GALLINGER. Mr. President, I again rise to a question of order that under the rules of the Senate debate in the absence of a quorum is not in order.

Mr. SMOOT. I believe the Senator from New Hampshire is absolutely correct. As long as other Senators were speaking I simply wanted to express my opinion of the rule and of the past practice of the Senate. If there is any objection, however, I will not proceed.

Mr. GALLINGER. Mr. President, I have made the point.

Mr. WALSH. Mr. President, I should certainly decline to accept that view unless there were some very well-settled precedents showing that that construction had been given to the Constitution of the United States. That instrument declares that a majority shall constitute a quorum, but that a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Senators. That contemplates the issuance of process by order of the minority.

Certainly, then, Mr. President, the advisability of taking that course is a proper subject for debate by a minority of the Members. At least it does seem to me quite plain, and I had always supposed that there would be no question about it until the contrary was recently announced.

Mr. SMOOT. Mr. President, I will occupy but a few moments of the Senate's time. As I stated, I have always understood the provision of the Constitution just referred to by the Senator from Montana had reference to a time when a majority of either House of Congress refused to organize, and under such a condition a minority present, either in the Senate or the House, would have a right to compel absent Members of their respective Houses to attend and make a quorum.

Mr. President, I have been in the Senate now for 11 years and over, and this is the first time during my service the Senate has had to resort to this way to compel the attendance of a quorum of the Senate.

I hope we will not lose our heads at this time and take some action we will regret hereafter. I believe that the little which has already been said to-day will result in a majority of Senators being present to-morrow, and in the future we shall have no great trouble about obtaining a quorum.

I understand there are 56 Senators in the city to-day, which is 7 more than a quorum. I do not want to say where they are. In fact, I do not know that I could say; but if the Sergeant at Arms carries out the order of the Senate, there is no question but that we can get a quorum this afternoon. I recognize Senators are tired. Some present have not been absent a day during this session. Such should have a change and a rest.

I would dislike to have the people of the United States think that the Senate of the United States has had to take drastic means to compel a majority of Senators to be here. I do not think it is necessary, and I hope we are not going to undertake it.

I believe that what has happened here to-day will be sufficient notice to absent Senators that they will be here and attend the sessions in the future.

Mr. SMITH of Georgia. Mr. President, I have no doubt that the power given in the Constitution is clear and that under it

the Senate has the right to compel the attendance and the continued attendance of Senators. I think the rule goes to the same effect. I believe that under this rule it is not really necessary for us first to request attendance, but that that is a matter of discretion with the Senate. We have a general order requesting their attendance, and we have now an order directing the Sergeant at Arms to compel attendance. That is the standing order now of the Senate, and it is the duty of the Sergeant at Arms to locate the Senators and bring them here, if necessary. When he notifies them of the order I have no doubt they will come. If we find it necessary to-morrow morning not to rescind this order, then I take it for granted Senators may call to the attention of the Senate the necessary absence of certain Senators, and we will promptly excuse those necessarily absent, but if we find it necessary to continue this peremptory order, we can continue it as to those who have not any reason for being away.

Mr. McCUMBER. Mr. President, one of the clerks informs me that my name does not appear upon the responses to the last call. There have been so many calls and they have been so continuous that I may have missed one. Therefore if my name does not appear, I will answer "present."

Mr. STONE. Mr. President, just a moment. I find that October 4 of last year the Senate found itself in somewhat the same predicament that it is in to-day. At that time the junior Senator from North Carolina [Mr. OVERMAN] made a motion in this form:

I move that the Sergeant at Arms be instructed by the Senate to telegraph Senators who are absent from the city that their presence is needed here to do the important business of the Senate; that there is urgent and important business before the Senate and their presence is desired.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will be instructed to telegraph absent Senators to return.

I have it in mind to repeat that motion at this time.

Mr. GALLINGER. Will the Senator excuse me for asking him a question? Was that motion made at a time when there was a quorum present or not? Has the Senator investigated that point?

Mr. STONE. I am so informed, but I have not taken occasion or had the time to go to the RECORD.

Mr. SMOOT. What was the date? October 4?

Mr. STONE. October 4, at least I think that is the date, for I find in the papers I hold in my hand telegrams sent by the Sergeant at Arms in pursuance of the motion on that date.

I think, Mr. President, there ought not to be very much doubt as to the right of a minority of the Senate—that is, less than a quorum—to take such action as they can take to enforce the presence of a quorum.

Mr. CLARKE of Arkansas. Just at that point, will my friend from Missouri permit me to call his attention to the section of the Constitution which covers that very matter? The minority have no power except as it may be delegated to them by the order of the House, each House acting separately. The Constitution, section 5 of Article I, says:

But a smaller number may adjourn from day to day, and may be authorized—

Not having originally the power to do so—

and may be authorized to compel the attendance of absent Members, in such manner and under such penalties as each House may provide.

The House itself must provide first that the minority may do that before less than a majority can do it. It has been done, however, and the motion that the Senator from Missouri proposes to make is entirely in line with the third subdivision of rule 5.

Mr. STONE. It certainly is not in conflict with it. This is not to compel. The motion made by the Senator from North Carolina [Mr. OVERMAN] was not to "compel" but to "direct" the Sergeant at Arms to request the presence of absent Senators.

Mr. VARDAMAN. Mr. President——

Mr. STONE. If the Senator will pardon me just a moment, I move that the Sergeant at Arms be instructed by the Senate to telegraph or phone Senators who are absent from the city that their presence is needed here to do the important business of the Senate; that there is urgent and important business before the Senate and their presence is desired; and that the Sergeant at Arms report to the Senate such action as he takes under this motion.

Mr. GALLINGER. Mr. President, I make two points of order against the motion. One is that under the rule no business can be transacted in the absence of a quorum. The other is that under the rule the motion must lie over for a day if objected to, and I object to it.

Mr. STONE. What is the second point?

Mr. GALLINGER. That it shall lie over one day under the rule.

Mr. VARDAMAN. Mr. President, will the Senator from Missouri yield for a suggestion?

Mr. STONE. Certainly.

Mr. VARDAMAN. The Senator is aware that a number of Senators probably left the city Saturday or Sunday for the purpose of speaking on yesterday, Labor Day. I am very sure that most of them will be back in the Senate to-morrow morning. In the event they are not here, it would be very well to take the action which the Senator from Missouri proposes. It is manifest to me that Senators are not in a humor to transact any business this evening.

Mr. STONE. I should like to ask my friend from Mississippi if he would consider such a motion as this, which was agreed to some months ago under like circumstances, as too drastic?

Mr. VARDAMAN. Not at all. I think we have a perfect right to make it.

Mr. STONE. It is not a question of right, but I am speaking now of it as a matter of due courtesy to absent Senators. Would there be any lack of courtesy in directing the Sergeant at Arms to inform them of the necessity of their presence?

Mr. VARDAMAN. I think there is nothing wrong in it at all, nothing improper or discourteous.

Mr. STONE. That is all there is to it.

Mr. VARDAMAN. I was just thinking that probably they will be here to-morrow and there is not a voting quorum now, I fear.

Mr. POMERENE. Paragraph 3 of Rule V, it seems to me, is broad enough to cover this situation now. The part to which the Vice President called attention a moment ago reads as follows:

And when necessary to compel the attendance of absent Senators.

That does not mean when the roll is called; it means to be in attendance. It has been disclosed that there is more than a quorum in the city of Washington now and the Sergeant at Arms has the right and the power under the direction of the Senate to compel their attendance. In most parliamentary bodies the doors are closed and members are required to stay until a quorum appears. It may be said that would not be the exercise of a proper courtesy toward Senators who absent themselves from the Chamber, but there is a little courtesy that those who are absent from the Chamber owe those who are here. In my judgment the doors should be closed and Senators compelled to stay here until a quorum is obtained.

Mr. STONE. There may be, and I am inclined to think there is, something in the suggestion made by more than one Senator that the Senate itself when a quorum is present should authorize less than a quorum to compel the attendance of absent Senators. But certainly less than a quorum can take such action as is necessary in the way of requesting the presence of absent Senators.

Mr. GALLINGER. There is no doubt of that.

Mr. STONE. This motion of mine is only to that effect, and unless the point of order made against it by the Senator from New Hampshire is well taken I shall insist upon it.

Mr. SMITH of Georgia. Will the Senator from Missouri yield to me for a moment?

Mr. STONE. Certainly.

Mr. SMITH of Georgia. The rule authorizes a minority to compel the attendance of absent Senators.

Mr. CLARKE of Arkansas. When necessary.

Mr. SMITH of Georgia. When necessary. The Senate has to-day directed the Sergeant at Arms to compel the presence of absent Senators. We have acted upon that. That is the present order of the Senate, which the Sergeant at Arms has undertaken to perform, going much beyond the suggestion of the Senator from Missouri. I understood from the Sergeant at Arms that he at once took steps to telegraph Senators who are away from the city that the Senate had directed him to compel the attendance of absent Senators, and he asked to be advised how soon they could be here. I am confident the step has already been taken and the Sergeant at Arms has acted under the order of the Senate, legally made, to compel the attendance of absent Senators.

Mr. STONE. If that action has been taken, there is no need of taking it again.

Mr. SMITH of Georgia. It has been taken. The Sergeant at Arms, I know, spoke to more than one Senator about the propriety of sending telegrams, and he said more than an hour ago he would send them.

Mr. STONE. On that assurance, I do not care to press the motion I have made.

XUM

Mr. GALLINGER. If the Senator will permit me, I think paragraph 3 of Rule V ought to go in the RECORD to-day in its entirety:

3. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators—

We have done that—

which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. President, that is all I care to say.

The VICE PRESIDENT. The Chair believes that the discussion which has been proceeding has really been upon the point of order raised by the Senator from Arkansas [Mr. CLARKE] as to the instructions which were given by the Chair, directing the Sergeant at Arms to compel the attendance of absent Senators. Not desirous of shirking any responsibility, but stating the plain fact, the order was made when the present occupant of the chair was not in the Senate. Upon a rehearing the Chair is going to make an observation or two about the rules, upon the theory that one person's opinion may be just as good as that of anybody's else if it meets with the approval of the Senate of the United States.

The Chair believes that the clause in the Constitution which authorizes a minority to compel the attendance of absent Members, in such manner and under such penalty as each House may provide, requires some rule of the Senate, in order to compel the attendance of absent Senators. The Chair also believes that clause 3 of Rule V necessitates, first, a request for the attendance of absent Senators before there can be any order entered to compel their attendance, for the rule does not read that "Senators present may direct the Sergeant at Arms to request, or, when necessary, to compel the attendance of the absent Senators," but does read, "may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators."

Therefore it seems to the Chair that the first step in the procedure is to request the attendance of absent Senators, and, if they fail to attend, then it is a question of propriety for the Senate as to whether or not it will exercise its power and compel the attendance of absent Senators.

Now to the concrete case. To the certain knowledge of the Chair three times to-day, upon a roll call, a quorum has been disclosed, and three times, upon a roll call upon the pending motion, a quorum has failed to be disclosed.

There is another rule of the Senate to which, seemingly, no attention is paid. It is:

No Senator shall absent himself from the service of the Senate without leave.

To-day three times a sufficient number of Senators have been within the Senate Chamber to transact the business of the Senate, and three times Senators, without leave of the Senate, have absented themselves from attendance upon the Senate. The Chair thinks, therefore, that it is not a question of power at the present time but is a question of propriety upon the part of the Senate as to whether or not it will now compel the attendance of such Senators as have been within the Senate Chamber this day and have absented themselves without leave of the Senate.

The Chair does not believe that there is going to be any trouble about getting a sufficient number of Senators here from now on to transact the business of the Senate.

Mr. CULBERSON entered the Chamber and answered to his name.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of sickness in his family.

The VICE PRESIDENT. Forty-nine Senators have again answered to the roll call. The pending question is, Shall the conference report on what is known as the trade-commission bill be agreed to? The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. As he is absent, I withhold my vote. I will permit this announcement to stand until another one shall supersede it.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. FLETCHER (when his name was called). Announcing my pair and its transfer as before, I vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair and its transfer and vote "yea."

Mr. REED (when his name was called). Under the conditions of my pair I am permitted to vote in order to make a quorum. I am assured that it is necessary now for me to vote for that reason. I therefore vote. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair, and withhold my vote. I ask to be recorded as present.

The roll call was concluded.

Mr. CLAPP. I am requested to say that the senior Senator from Kansas [Mr. BRISTOW] is detained from the Senate on account of illness.

Mr. STONE. I announce the same pair and transfer as on the last vote, and vote "yea."

Mr. LEWIS. I am authorized to say in behalf of the Senator from Indiana [Mr. KERN] and the Senator from Oklahoma [Mr. GORE], who are absent, that if they were present they would each vote "yea."

Mr. PITTMAN. The Senator from Delaware [Mr. SAULSBURY] is absent on account of sickness. He is paired with the junior Senator from Rhode Island [Mr. COLT]. If he were here, I am informed that the Senator from Delaware would vote "yea."

The yeas and nays resulted as follows—yeas 43, nays 5:

YEAS—43.

| | | | |
|---|---|---|---|
| Ashurst | Hughes | Perkins | Smith, Ga. |
| Bankhead | Kenyon | Pittman | Stone |
| Brady | Lane | Poindexter | Swanson |
| Bryan | Lee, Md. | Pomerene | Thompson |
| Chamberlain | Lewis | Ransdell | Thornton |
| Chilton | Martine, N. J. | Reed | Vardaman |
| Clapp | Myers | Robinson | Walsh |
| Crawford | Nelson | Shafroth | West |
| Culberson | Newlands | Sheppard | White |
| Fall | Norris | Shields | Williams |
| Fletcher | O'Gorman | Simmons | |

NAYS—5.

| | | | |
|---|---|---|---|
| Burton | McCumber | Oliver | Smoot |
| Gallinger | | | |

NOT VOTING—48.

| | | | |
|---|---|---|---|
| Borah | Goff | Lodge | Smith, Md. |
| Brandegee | Gore | McLean | Smith, Mich. |
| Bristow | Gronna | Martin, Va. | Smith, S. C. |
| Burleigh | Hitchcock | Overman | Stephenson |
| Camden | Hollis | Owen | Sterling |
| Catron | James | Page | Sutherland |
| Clark, Wyo. | Johnson | Penrose | Thomas |
| Clarke, Ark. | Jones | Root | Tillman |
| Colt | Kern | Saulsbury | Townsend |
| Cummins | La Follette | Sherman | Warren |
| Dillingham | Lea, Tenn. | Shively | Weeks |
| du Pont | Lippitt | Smith, Ariz. | Works. |

The VICE PRESIDENT. On the question of agreeing to the conference report, the yeas are 43, the nays 5. The Senator from Colorado [Mr. THOMAS] has asked to be counted as "present," and the Senator from Arkansas [Mr. CLARKE] has announced a pair. A quorum is present, and the conference report is agreed to.

## PETITIONS AND MEMORIALS.

Mr. STONE presented petitions of sundry citizens of Osgood, Mo., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of sundry citizens of Woodland, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Branch No. 269, National Association of Letter Carriers, of Santa Cruz, Cal., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Woman's Christian Temperance Union of Colusa, Cal., praying for the enactment of legislation to provide Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STONE:

A bill (S. 6461) granting a pension to E. R. Westbrook;

A bill (S. 6462) granting an increase of pension to Ellis Smith;

A bill (S. 6463) granting a pension to Mary U. Isenberg;

A bill (S. 6464) granting an increase of pension to Louisa Schenk (with accompanying papers); and

A bill (S. 6465) granting an increase of pension to William H. Howell (with accompanying papers); to the Committee on Pensions.

A bill (S. 6466) for the relief of Lloyd C. Stark; to the Committee on Naval Affairs.

## PURCHASE OF COPPER BULLION.

Mr. ASHURST. I introduce a bill authorizing the Secretary of the Treasury to purchase not to exceed 15,000,000 pounds of

copper bullion, and for other purposes, which I ask may be printed in the RECORD and referred to the Committee on Mines and Mining.

The bill (S. 6467) authorizing the Secretary of the Treasury to purchase not to exceed 15,000,000 pounds of copper bullion, and for other purposes, was read twice by its title, referred to the Committee on Mines and Mining, and ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized to purchase for the use of the United States copper bullion to an amount in the aggregate not exceeding 15,000,000 pounds, such purchases to be of the product of smelting works located within the United States, and to be made from time to time in his discretion, but limited to the period of six months from and after the passage of this act: *Provided*, That the price paid for such bullion shall not in any instance exceed the average price of copper bullion in the New York market for the six months beginning with the month of January, 1914, and ending with the month of June, 1914.

NATIONAL MARKETING COMMISSION.

Mr. FLETCHER. I introduce a joint resolution, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

The joint resolution (S. J. Res. 185) for the appointment of a national marketing commission was read twice by its title and referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Whereas it is patent that there are defects in the economic system of the United States which affect adversely the producers and are consumers of agricultural products; and

Whereas recent exigencies brought about by the European war have largely accentuated this adverse condition, and to a degree which justified the recent utterances of the President of the United States in the matter of the high cost of living; and

Whereas the Bureau of Marketing of the United States Department of Agriculture is assembling information and securing statistical facts bearing on this proposition; and

Whereas it is recognized that the organization for the distribution of farm products should begin with the actual producers and not be done through governmental agencies; and

Whereas the present abnormal conditions present an opportunity not only for the temporary solution of this problem but also for the permanent organization of the agricultural forces of the United States: Now, therefore, be it

*Resolved, etc.*, That the President be authorized and requested to appoint a national marketing commission to be composed of 29 members, 15 of whom shall be farmers and 14 of whom shall be selected with reference to their eminence in commerce, law, finance, and transportation.

*Resolved further*, That such national marketing commission shall meet in the city of Washington at a time designated by the President and organize by the election of officers and adopt a plan of action for the effective organization of the States, counties, and localities of the United States for the economic distribution of the products of the farm, with power to act in so far only as affecting individuals and organizations that shall elect to become a part of this national marketing system.

EXECUTIVE SESSION.

Mr. LEWIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

PRESIDENT'S PEACE PROCLAMATION.

Mr. SHAFROTH. I ask unanimous consent to have printed in the RECORD the peace proclamation issued to-day by the President of the United States.

The VICE PRESIDENT. Without objection, it is so ordered.

The proclamation is as follows:

PRESIDENT URGES THE NATION TO UNITE IN PEACE PRAYERS.

President Wilson to-day issued a proclamation calling for a day of prayer, Sunday, October 4, to Almighty God that He overrule the counsel of men and vouchsafe peace to the warring nations of Europe.

The proclamation, written by the President himself, the first and only one of its kind ever issued from the White House, is as follows:

By the President of the United States of America—

A PROCLAMATION.

Whereas great nations of the world have taken up arms against one another and war now draws millions of men into battle whom the counsel of statesmen have not been able to save from the terrible sacrifice; and

Whereas in this as in all things it is our privilege and duty to seek counsel and succor of Almighty God, humbling ourselves before Him, confessing our weakness and our lack of any wisdom equal to these things; and

Whereas it is the especial wish and longing of the people of the United States, in prayer and counsel and all friendliness, to serve the cause of peace: Therefore

I, Woodrow Wilson, President of the United States of America, do designate Sunday, the 4th day of October next, a day of prayer and supplication, and do request all God-fearing persons to repair on that day to their places of worship, there to unite their petitions to Almighty God that, overruling the counsel of men, setting straight the things they can not govern or alter, taking pity on the nations now in the throes of conflict, in His mercy and goodness showing a way where men can see none, He vouchsafe His children healing peace again and restore once more that concord among men and nations without which there can be neither happiness nor true friendship nor any wholesome fruit of toil or thought in the world; praying also to this end that He forgive us our sins, our ignorance of His holy will, our willfulness and many errors, and lead us in the paths of obedience to places of vision and to thoughts and counsels that purge and make wise.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 8th day of September, A. D. 1914, and of the Independence of the United States of America the One hundred and thirty-ninth.

[SEAL.] WOODROW WILSON.

By the President:

WILLIAM JENNINGS BRYAN,
*Secretary of State.*

RECESS.

Mr. SMITH of Georgia. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m., Tuesday, September 8, 1914) the Senate took a recess until to-morrow, September 9, 1914, at 11 o'clock a. m.

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## NOMINATIONS.

*Executive nominations received by the Senate September 8 (legislative day of September 5), 1914.*

SECRETARY OF PORTO RICO.

Martin Travieso, jr., of Porto Rico, to be secretary of Porto Rico, vice M. Drew Carrel, resigned.

COMMISSIONER OF THE INTERIOR OF PORTO RICO.

Manuel V. Domenech, of Porto Rico, to be commissioner of the interior of Porto Rico, vice John A. Wilson, term expired.

REAPPOINTMENT IN THE ARMY.

INSPECTOR GENERAL'S DEPARTMENT.

Brig. Gen. Ernest A. Garlington, inspector general, to be inspector general, with the rank of brigadier general, for the period of four years, beginning October 1, 1914, with rank from October 1, 1906. His present appointment will expire September 30, 1914.

PROMOTIONS IN THE NAVY.

Ensign Willis A. Lee, jr., to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1913.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

Theodore S. Wilkinson, jr., and
Harold S. Burdick.

Chaplain John B. Frazier, with rank of commander, to be a chaplain in the Navy, with rank of captain, from the 30th day of June, 1914, in conformity with an act of Congress approved on that date.

The following-named chaplains, with rank of lieutenant commander, to be chaplains in the Navy, with rank of commander, from the 30th day of June, 1914, in conformity with an act of Congress approved on that date:

George L. Bayard,
Arthur W. Stone,
Matthew C. Gleeson, and
Evan W. Scott.

The following-named ensigns to be assistant civil engineers in the Navy from the 21st day of August, 1914:

Henry F. Bruns and
Bert M. Snyder.

SURVEYOR GENERAL OF NEVADA.

John B. O'Sullivan, of Reno, Nev., to be surveyor general of Nevada, vice Matthew Kyle, resigned.

RECEIVER OF PUBLIC MONEYS.

John J. Missemer, of Limon, Colo., to be receiver of public moneys at Hugo, Colo., vice John P. Dickinson, resigned.

REGISTER OF THE LAND OFFICE.

John R. Beavers, of Clifford, Colo., to be register of the land office at Hugo, Colo., vice Peter O. Hedlund, resigned.

XUM

POSTMASTER.

ILLINOIS.

William F. Hogan to be postmaster at Dixon, Ill., in place of William L. Frye. Incumbent's commission expired December 20, 1913.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate September 8 (legislative day of September 5), 1914.*

UNITED STATES ATTORNEY.

Charles F. Clyne to be United States attorney for the northern district of Illinois.

APPOINTMENTS IN THE PUBLIC HEALTH SERVICE.

ASSISTANT SURGEONS.

Thomas E. Hughes.
Carl Michel.
Robert L. Allen.
William C. Witte.
Marion S. Lombard.
William F. Tanner.
James F. Worley.
Ora H. Cox.

POSTMASTER.

MISSOURI.

Frederick Blattner, Wellsville.

## REJECTION.

*Executive nomination rejected by the Senate September 8 (legislative day of September 5), 1914.*

POSTMASTER.

Dirk E. Seligman to be postmaster at Las Cruces, N. Mex.

# HOUSE OF REPRESENTATIVES.

## TUESDAY, *September 8, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great spirit, Father of all souls, the inspiration of every noble impulse, of every high and holy aspiration, cleanse us from everything that would place a barrier twixt us and Thee and increase our faith and confidence. "What we have seen teaches us to trust Thee for what we have not seen." Thou hast never forsaken us; may we never forsake Thee in thought, word, or deed, but with renewed confidence ever seek the higher, nobler life, that our minds may grow, our souls expand to the larger light and life which waits on the faithful. In the name of Him who taught the most sublime truths, lived the most sublime life, and died that we might thus live and attain. Amen.

The Journal of the proceedings of Saturday, September 5, 1914, was read and approved.

LETTER OF THE PRESIDENT TO MR. DOREMUS.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the letter of the President of the United States to Mr. DOREMUS, the chairman of the Democratic congressional campaign committee.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD the letter of the President to Mr. DOREMUS, the chairman of the Democratic congressional campaign committee. Is there objection?

There was no objection.

Mr. BAILEY. Mr. Speaker, this request has been made for the purpose of giving a wider circulation to a most remarkable deliverance from President Wilson—a deliverance which I feel sure has appealed to every Member of this House, no matter of what party, and to every American citizen, whatever his political affiliation or bias. The religion of "staying on the job" is one which has found too little observance. It has been held in too little respect. In far too many instances it has been wholly neglected and treated with scorn and derision.

But, happily, the man now in the White House not merely professes this religion, he practices it. He himself "stays on the job." While others may seek the comforts and the diversions of mountain or sea; while others may shut up shop and go fishing; while others may run from the blistering pavements of the Capital City to disport themselves in the surf or to recuperate in northern wilds, it has been left for Woodrow Wilson to set the country a fine example in clinging to his desk and to the discharge of those perplexing and burdensome duties which his great office imposes. Perhaps no other President has ever so sedulously held to the work in hand—certainly no other has remained more steadfastly at his post. And in this he has undoubtedly given the country an example of industry, patience, and self-sacrifice which can not be too highly commended nor too deeply appreciated. Instead of shirking and consulting his own personal comfort and convenience, he has toiled on, month after month, without a murmur, without respite, without sign of impatience. And now as a campaign in which he is vitally interested as the leader of a great party intrusted with power approaches the crucial stage he writes a letter to another party leader for the purpose of making it known that in that campaign he will take no speaking part, that instead he will "stay on the job," so that in the strange condition in which the world now finds itself as a result of a monstrous and widespread war his constant guidance may be given in the affairs of the country, both foreign and domestic.

Following is the President's letter to Chairman DOREMUS, of the Democratic congressional campaign committee:

WHITE HOUSE, *September 4, 1914.*

MY DEAR MR. DOREMUS: I have read your letter of September 1 with a keen appreciation of its importance. It appeals to me as the leader of the party now in power with peculiar force and persuasiveness. The close of a very extraordinary session of Congress is at hand which has, I venture to say, been more fruitful in important legislation of permanent usefulness to the country than any session of Congress within the memory of the active public men of our generation. A great constructive program has been carried through for which the country has long waited, and has been carried through with the approval and support of judicious men of all parties, and we have abundant reason to congratulate ourselves upon the record that has been made during the busy 17 months we have devoted to our great legislative task.

APPEAL FULLY WARRANTED.

Certainly in ordinary circumstances, if we were free to disengage ourselves for the purpose, we would be warranted in now directing our energies to a great campaign in support of an appeal to the country to give us the encouragement of its indorsement at the autumn elections. We could go to the country with a very sincere appeal in which there need be no pretense or boast of any kind, but a plain statement of things actually accomplished which ought to be, and I think would be, entirely convincing. It is a record which shows us at peace with all the world; the questions which plagued business with doubt and uncertainty and irresponsible criticism out of the way, thoughtfully settled and disposed of, the apparent antagonism between government and business cleared away and brought to an end with the plain reckoning accomplished, the path for sure-footed adjustment clear ahead of us, prosperity certain to come by means which all can approve and applaud.

OTHER GREAT PLANS AHEAD.

Moreover there is a program of another kind ahead of us to which it is inspiring to look forward—a program free from debate except as to the best means by which to accomplish what all desire.

The great questions immediately ahead of us are the building up of our merchant marine with all that that means in the development and diversification of our foreign commerce and the systematic conservation and economic use of our national resources, subjects much talked about but little acted upon. Here are other great pieces of constructive legislation waiting to be done to which we could turn without any controversy except, as I have said, as to the best ways of doing them.

I believe that ways can be found to do these things readily enough if the country will give us its generous support and trust us to do them, and it would have been a genuine pleasure to me to ask to be given again colleagues such as I have had in the two Houses of Congress during the present memorable session.

I trust that there will be many occasions upon which I may have the privilege of calling the attention of my fellow countrymen to the fine and unselfish service which has been rendered them by their present representatives, ready at all times to respond to any appeal which spoke convincingly of the public welfare.

TIME TO "STAY ON JOB."

But in view of the unlooked-for international situation our duty has taken on an unexpected aspect. Every patriotic man ought now to "stay on his job" until the crisis is passed, and ought to stay where his job can best be done. We must do whatever is necessary and forego whatever is not necessary to keep us in close and active concert in order to relieve in every possible way the stress and strain put upon our people during the continuance of the present extraordinary conditions.

My job, I now know, can be done best only if I devote my whole thought and attention to it and think of nothing but the duties of the hour. I am not at liberty and shall not be, so far as I can see, to turn away from these duties to undertake any kind of political canvass.

HE MUST KEEP AT WORK.

In the present emergency I am keenly aware of the twofold responsibility I am called upon to discharge; the responsibility which devolves upon me as President of the United States and the responsibility under which I am laid as leader of a great political party.

Of course the whole country will expect of me and my own conscience will exact of me that I think first of my duties as President, responsible for exercising so far as I have the ability, constant guidance in the affairs of the country, both domestic and foreign.

MUCH DEPENDS ON PRESIDENT.

The labors of Congress have a natural and customary limit; the work of the Houses can be and will be finished; Congress can adjourn. But the President can not, especially in times like these, turn away from his official work even for a little while. Too much depends upon his keeping all the threads of what is occurring in his hands.

I have therefore reached the conclusion that I can not in any ordinary sense take an active part in the approaching campaign; that I must remain here to attend to the serious work sure to fill the months immediately before us—months that will carry with them obligations, no doubt, of the most tremendous sort. I know that you will feel similarly about your own obligations, will feel that they must remain

to do their work of necessary and pressing service, and bring it to a successful conclusion.

SHALL LET PUBLIC KNOW.

I shall no doubt take occasion as opportunity offers to state, and perhaps restate, to the country in the clearest and most convincing terms I can command the things which the Democratic Party has attempted to do in the settlement of great questions which have for many a long year pressed for solution, and I earnestly hope they will generously open their minds to what I may have to say, but I shall not allow my eagerness to win their approval or my earnest desire to be granted by their suffrages the support of another Congress, to interfere with the daily performance of my official duties or distract my mind from them.

The record men make speaks for itself. The country can not be deceived concerning it, and will assess it justly. What it chiefly expects and demands and what it will certainly be most surely won by is the performance of duty without fear or favor and without regard to personal consequences.

COUNTRY GREATER THAN PARTIES.

And certainly this is a time when America expects every man to do his duty without thought of profit or advantage to himself. America is greater than any party. America can not properly be served by any man who for a moment measures his interest against her advantage. The time has come for great things. These are days big with destiny for the United States, as for other nations of the world. A little wisdom, a little courage, a little self-forgetful devotion may under God turn that destiny this way or that. Great hearts, great natures, will respond. Even little men will rejoice to be stimulated and guided and set an heroic example. Parties will fare well enough without nursing if the men who make them up and the men who lead them forget themselves to serve a cause and set a great people forward on the path of liberty and peace.

Cordially and sincerely yours.

WOODROW WILSON.

In this connection it seems not improper for me to say that it has been my privilege and my pleasure to "stay on the job" practically without intermission since the opening of the present session. While others were away attending to their primaries it was an agreeable duty to remain on the firing line here to do my small part in keeping the legislative wheels revolving. It had been my hope that in turn the Members who had been away would take their spell at the crank, giving me a chance to get back among my people to give some account of my stewardship. But recent developments have about dispelled that hope. Perhaps in no better way can I set forth the position in which I find myself and the view I have taken of it than in reproducing in this connection a newspaper article which was printed in my home paper, the Johnstown Democrat, under date of August 7. It follows:

CONDUCTS HIS CAMPAIGN BY REMAINING ON JOB—MEMBER FROM NINETEENTH DISTRICT SAYS PUBLIC BUSINESS DEMANDS ATTENDANCE OF NATION'S CONGRESSMEN—INTENDS STAYING IN WASHINGTON AS LONG AS HE IS NEEDED THERE.

WASHINGTON, *August 7.*

Representative BAILEY, of Johnstown, has about given up hope of being able to do any campaigning for reelection. He is altogether pessimistic about adjournment, believing that the Senate will make no greater haste in disposing of President Wilson's antitrust program than it did in adopting currency legislation last year.

"Of course it places me in a pretty bad fix," admitted the Member for the nineteenth to-day. "I am at a genuine disadvantage, for while the opposition is free to work and plan and possibly to misrepresent, traversing the district and personally interviewing the people, my duties confine me here at the Capitol. Yes, it would be easy to slip away for a day or two or a week, as some others have done or are doing. But that sort of thing doesn't exactly appeal to me. There is work to be done here and it is my business to do my share of it. Last year, when the House was marking time while the Senate was dawdling over the tariff and currency, I felt free to spend some time at home. But the situation is vastly different now. The House is as busy as a beaver. It has a lot of important matters before it. And, besides, the trouble abroad has created a situation so grave in its possibilities that administration leaders have warned all Members against the fault of absenteeism. Under all the circumstances, but chiefly because I feel that I ought to be here attending to the public business rather than back home looking after my personal political fortunes, my mind has been made up to let my personal political fortunes slide for the present.

"You may be right," he admitted to the interviewer, "when you say that self-preservation in politics is as much a law of nature as in other things, but are you sure that this law is being disregarded by me in sticking here on the job rather than rushing back into the district to do electioneering? As well as I can make out, the people did not employ me to chase around the district in my own selfish interest. They employed me to sit here in the House to vote according to my light on great and small matters affecting their welfare and involving their pocketbooks. If they vote against me merely because I am unable to whiz around over the district it would indicate an attitude of mind which would be somewhat surprising.

"To be perfectly frank," Mr. BAILEY continued, "let it be said that it appears to me of more importance just now that I should be here to work and vote for the fulfillment of Democratic promises and the redemption of President Wilson's pledges than that I should be out beating up the brush for support in November. I am willing to let November take care of itself. If the voters of the nineteenth think I have been making good here at the Capitol, they will not permit me to suffer because I have chosen to stick to my knitting. If they think I haven't made good, all the campaigning I could possibly do would not save me. That seems to me the common-sense view.

"The whole thing," he went on, "appears to resolve itself into this: Do the people of the nineteenth want to back up the Wilson administration and do their part to insure during the next two years a continuance of the splendid successes which have attended it thus far? If they do, they will not send a man down here to sit in Congress to fight President Wilson, to condemn his policies, to block his program, and to thwart his efforts to complete the work in hand. This is the whole issue in a nutshell. My record will show that from first to last I have stood loyally by the President, supporting him at all times, voting in every instance to sustain his constructive efforts and to give his policies free swing; in all emergencies rendering him such aid as lay in my humble power. There has been nothing servile in this. It has been no slavish devotion. The President has been followed joyously and with genuine enthusiasm because, in my judgment, he has held to a true course, has gone in the direction the people as a whole wished him to go, and has had in view a goal the reaching of which would mark a new epoch in human progress.

"Well, if the people of the nineteenth are satisfied with the President, if they approve his warfare on the trusts, if they sympathize with his successful efforts to keep the country out of a cruel and bloody war, if they wish to fortify him against those who would hamstring him if they could and undo what he has done, then they will see the importance of doing their part in having a Congress here at Washington actuated by friendship and sympathy rather than by enmity and hostile sentiment. Unless I sadly misjudge the people of the nineteenth, they will not turn me down merely because I am here at the post of duty and doing my very best to hold up the hands of President Wilson in his magnificent fight against plutocracy and privilege. It seems to me that they are too wise, too just, and too discriminating to make themselves responsible for returning a man from the nineteenth to the Sixty-fourth Congress who would spend the coming two years in doing his best to tie the President's hands and to undo all the President has accomplished by the aid of a sympathetic Congress."

Mr. Speaker, I was "on the job" when many others were away; I am still "on the job," now that the truants have returned; and it is my intention to "stay on the job" till the finish, believing that in doing so, even at the sacrifice of my personal interests, I am doing no more than my obligations demand. And, really, I have felt this to be no hardship. It has always been my way, whether when working for others or working for myself, to stick to the job until it was done. I have never been satisfied to leave a thing, once undertaken, until it was completed; and so I find myself in complete harmony with President Wilson in the attitude he has assumed regarding his duty.

I must remain here—

He says—

to attend to the serious work sure to fill the months immediately before us—months that will carry with them obligations, no doubt, of the most tremendous sort.

That the body of which I have the great honor to be a humble Member will feel a like obligation resting upon it, and that it, too, will "stay on the job," there can be no question. Its Members do not forget what they owe in service to their constituents and to the country. They feel as deeply as the President that "they must remain to do their work of necessary and pressing service" and to "bring it to a successful conclusion." No satisfaction has ever been greater to me than that of feeling that in some small way I have shared in the great and successful work already performed and that I am to be permitted, God willing, to "stay on the job" until it shall have been brought to that "successful conclusion" to which President Wilson so confidently looks forward.

JESSE T. BRADDY.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to discharge the Committee on Invalid Pensions from further consideration of House joint resolution 335, to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914, and consider the same at this time.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Invalid Pensions from further consideration of House joint resolution 335 and consider the same at this time. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the resolution.

The Clerk read as follows:

Whereas by clerical error in H. R. 12914, approved July 21, 1914, the given name of the soldier was changed from Jasper to Joseph: Therefore be it

*Resolved, etc.*, That the paragraph in H. R. 12914, approved July 21, 1914 (Private, No. 86, 63d Cong.), granting a pension to one Jesse T. Braddy, helpless child of Joseph Braddy, be corrected and amended so as to read as follows:

"The name of Jesse Braddy, helpless and dependent child of Jasper Braddy, late of Company K, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month."

Mr. MANN. Mr. Speaker, I notice the resolution recites that whereas by a clerical error the name was changed to read so and so. I think it is proper to state that while one might assume from that that the bill was erroneously engrossed or enrolled, that is not the case. The engrossing and enrolling clerks of the House engrossed and enrolled that bill exactly as it was considered in and passed by the House. There was no error in changing the name after the bill was introduced. The error occurred before the bill was introduced.

Mr. FOSTER. Mr. Speaker, I notice in this resolution that the name is not correct. I should be Jesse T. Braddy instead of Jesse Braddy, and I desire to amend by having the initial "T" inserted at the proper place, and I offer that amendment.

The SPEAKER. We have not yet come to that phase of the consideration of the resolution. Is there objection to the con-

sideration of the resolution? [After a pause.] The Chair hears none. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 3, after the word "Jesse," insert the initial letter "T."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The House joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the following resolution, in which the concurrence of the House of Representatives was requested:

House concurrent resolution 42.

*Resolved by the House of Representatives (the Senate concurring)*, That there shall be printed as a House document 1,100 copies of the journal of the Forty-eighth National Encampment of the Grand Army of the Republic, for the year 1914, not to exceed $1,600 in cost.

REPRESENTATION OF FOREIGN GOVERNMENTS.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report herewith House joint resolution 337, to provide for representation of foreign Governments growing out of the existing hostilities in Europe and elsewhere, and for other purposes, and I ask unanimous consent for its present consideration in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from New York reports a House joint resolution and asks unanimous consent for its present consideration in the House as in the Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, let us have the resolution reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 337 (H. Rept. 1148).

*Resolved, etc.*, That to enable the United States to fulfill the obligations devolving upon it in connection with or growing out of its representation of the interests of foreign Governments and their nationals, and to extend temporary assistance to other Governments and their nationals, made necessary by hostilities in Europe and elsewhere, by transferring or advancing funds for diplomatic and consular expenses and for the care or benefit of citizens or subjects of foreign nations, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be available during the fiscal year 1915, and to be disbursed under the direction and in the discretion of the Secretary of State: *Provided*, That payments made by foreign Governments or their citizens or subjects shall be credited to this appropriation and be available for the purpose herein specified: *Provided further*, That all sums received by the United States in final reimbursement of amounts paid by it out of the $1,000,000 herein appropriated shall be paid into the Treasury of the United States as "miscellaneous receipts."

The Secretary of State shall submit to Congress at the next session, or as soon thereafter as may be practicable, a report of the amount repaid to the United States, with such further information upon the subject as may be, in his judgment, consistent with the public interest.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, this resolution grows out of the peculiar and extraordinary situation existing at the present time. The war in Europe has made practically impossible the transfer of funds by the ordinary means of business. Appeals have been made to the Department of State on behalf of some of the foreign embassies in this country for an advance or transfer of funds in order to enable them to take care of their ordinary needs and necessities here. Other applications have been made on the part of belligerent or neutral nations that this Government advance to the nationals of such belligerent or neutral nations moneys which those Governments are willing to deposit but can not transmit to their nationals because of the conditions in the war zone. The United States has become practically a great international exchange for the Governments of the world and their nationals in the war zone in Europe. There is neither authority in the State Department to act on many of these requests nor money available for such purpose. This money is to be advanced to the department and repaid, either by advance payments or repayments, by the Governments at whose request the money shall be disbursed. The committee were unanimously of opinion that it was highly important that the Department of State should be in a position where requests of the character now being made could be honored.

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. BURNETT. Would that be intended to take care of the nationals of the belligerents who are stranded at those places where our embassies or ministers are stationed?

Mr. FITZGERALD. If one of the belligerent nations or a neutral nation should request this Nation to make payments to their nationals at some place upon the sum being deposited with the representative of this Government, either here or in the capital of the nation making a request, this resolution would enable our Government to make payment on behalf of the nation requesting it.

Mr. BURNETT. And the nation requesting it would be liable to our Government for repayment?

Mr. FITZGERALD. Oh, yes. The deposit would be made in advance.

Mr. BURNETT. This does not make us take care of stranded individuals who are from these belligerents' countries?

Mr. FITZGERALD. No; this will not enable nor is it intended that our Government shall be put to any expense in taking care of nationals of other countries who are in distress in the war zone. It is merely to enable our Government to act as the agent of other nations in making payments that could not be made unless our Government offered its good offices in the transaction.

Mr. BURNETT. Then it is expected that this fund will be refunded to our Government, and we will really be out nothing ourselves?

Mr. FITZGERALD. That is the purpose of the resolution.

Mr. MANN. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. What does the term "their nationals" mean?

Mr. FITZGERALD. That is expressly used to designate either citizens or subjects, and it is a term used in diplomatic correspondence in referring to citizens or subjects of other nations.

Mr. MANN. What is the distinction between "their nationals" and their "citizens or subjects"?

Mr. FITZGERALD. There is none.

Mr. MANN. I notice in one place the language used is "their nationals" and in other places the words "citizens or subjects."

Mr. FITZGERALD. It is just a choice of terms. Some might prefer one and others might prefer the other, and the committee used both to satisfy everybody.

Mr. MANN. The bill provides for giving assistance to their nationals and then provides for the return of the money by their citizens or subjects. If it means the same thing, why should not the same term be used?

Mr. FITZGERALD. I think I can explain that to the gentleman. The resolution as at first drawn covered only the belligerent nations. Afterwards it was pointed out that perhaps it was not sufficiently broad to take care of the nationals of neutral nations that were making requests of a character similar to those being made by the belligerent nations, and the words "their nationals" were inserted for that reason.

Mr. MANN. Of course, if the two terms were used inadvertently and mean the same thing, it is all right; but I wanted to know what the distinction was.

Mr. FITZGERALD. They were used inadvertently, but the intention was to express the same idea.

Mr. MANN. May I ask the gentleman further?

Mr. FITZGERALD. Yes.

Mr. MANN. I notice the money that is to be reimbursed by the foreign Governments is to be a continuing appropriation for the balance of the year and covered by the fund, except that the final reimbursement shall be paid into the Treasury as miscellaneous receipts. How can they determine what the final reimbursement is?

Mr. FITZGERALD. The purpose was to make it a revolving appropriation during the current fiscal year. If, for instance, at the request of a foreign Government the sum of $50,000 was advanced and deposits made to cover that amount that would still be available if it were made during the fiscal year and at the end of the fiscal year it would be construed as a final payment. The purpose sought to be accomplished was to make the fund available during the fiscal year. If necessity existed to continue it beyond the year, opportunity would exist during the next session to do so, and instead of requiring a number of resolutions appropriating different sums as long as the moneys were merely advanced or transferred, it was thought desirable to let the appropriation be a revolving one during that period.

Mr. MANN. Will the gentleman yield further?

Mr. FITZGERALD. Certainly.

Mr. MANN. Can the money in this appropriation be used by our representatives abroad for the expenses of the Diplomatic Corps made by reason of their taking care of foreign interests?

Mr. FITZGERALD. It is not intended that it shall be, unless a foreign Government shall deposit money to cover the expense

of taking care of their embassies. It would then be in this fund, and any expense incurred by our Government which will not be taken care of in addition will be paid for out of former appropriations, which specifically refer to that subject.

Mr. MANN. The money which we have already appropriated—two and three-quarter million dollars—I take it that can be used to employ additional help at our embassies abroad.

Mr. FITZGERALD. Yes; it was specifically provided it should be available for that purpose.

Mr. MANN. Does the gentleman know how much up to date has been used of the two and three-quarter million dollars?

Mr. FITZGERALD. No; I have no information as to how much has been used. The statement is made that the expense of the work is very much greater than anybody contemplated. It is believed that cable tolls alone will reach a half a million dollars. The Department of State prepared a statement and inserted it in the hearings, showing what has been done up to the present time under the authority heretofore conferred by Congress and under the appropriation of $2,750,000.

Inquiries affecting more than 30,000 American citizens have been received by the Department of State. Neither the department nor the Diplomatic Service was organized nor prepared for such a tremendous volume of business as was precipitated upon it because of the situation in Europe. The department has been selecting and organizing a force and working the very best possible under very adverse circumstances. It was stated by the Secretary of State that the volume of the work devolved upon the department under ordinary conditions would have been most difficult to handle, but with the interruption of the cable and telegraphic service and the other conditions arising out of the war it became almost impossible to handle the matters submitted to the department. The best has been done under the circumstances and as speedily as possible, relief has been extended to American citizens, and information furnished to those making inquiries.

Mr. TOWNSEND. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes; I yield.

Mr. TOWNSEND. Following the suggestion of the gentleman from Illinois [Mr. MANN], is not this a fact: That the circumstances which seem to make this extraordinary appropriation necessary will cease, in all probability, before the end of this fiscal year, because the nationals of the various belligerents and even nonbelligerent nations whom it is desired to remove will probably be removed through the process of this revolving appropriation that is spoken of within a few months?

Mr. MANN. Will the gentleman from New Jersey yield?

Mr. TOWNSEND. Yes; if it is in my power to yield.

Mr. MANN. As I understand, the necessity of this legislation grows largely out of the difficulties of obtaining exchange and of sending money from one country to another. Does the gentleman think that all of the difficulties of exchange will have ended during this fiscal year?

Mr. TOWNSEND. If the gentleman from New York [Mr. FITZGERALD] will permit, I do not think the difficulty of obtaining exchange will end, but I think that the necessities which this bill seeks to relieve will have ended by that time.

If I may be permitted to answer the suggestion a little more fully, suppose a case: There may be nationals of Germany today in Japan. We have an ambassador there who would be able, upon information received from the Secretary of State to the effect that the German ambassador here had deposited money for their relief, to care for them. It is just possible that there may be attachés of the German legation still there. In that case our ambassador there would be able to transfer the stated sums to those German nationals in Japan, and that process is not going to take very long.

Mr. MANN. Well, if the gentleman will yield, that can be done now. As I understand the purpose of this, it is to permit, under the circumstances now, our ambassador in Japan to advance money before any money has been deposited with the Department of State here.

Mr. TOWNSEND. Yes; even in such a case. But, of course, we have greater facilities at this time, in such an instance, than Germany would have in such a case.

Mr. MANN. I think it is perfectly proper that we should do that.

Mr. FITZGERALD. Mr. Speaker, a statement has just been handed to me by a Member on this side, who states that he was informed yesterday at the State Department that in the efforts to relieve American citizens abroad one of our ambassadors had personally advanced $250,000 to American citizens, and another one had advanced $200,000, while the work of getting matters adjusted was pending.

Mr. MANN. If that is the case, that is the first instance, as I recall, where it shows the value of having campaign contributors appointed as ambassadors.

Mr. FITZGERALD. It might be pertinent to suggest that it is more desirable to have ambassadors who would be willing to use their personal funds for the relief of American citizens in distress in foreign countries rather than transmit them here for the benefit of the political party that put them in power. [Applause on the Democratic side.]

Mr. MANN. I judge the present ambassadors are doing both.

Mr. FITZGERALD. I hope they are.

Mr. MANN. Otherwise they would not be ambassadors.

Mr. KINKEAD of New Jersey. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from New Jersey?

Mr. FITZGERALD. Yes; I yield to the gentleman from New Jersey.

Mr. KINKEAD of New Jersey. Mr. Speaker, this bill was considered carefully by the committee this morning, and in addition to what the chairman says, relative to the enormous work that has been transacted by the State Department, I would like to call the attention of the House to the fact that more than $2,000,000 which was left by relatives and friends of Americans abroad with the State Department has been cabled for use in the war zone.

Thirty thousand applications were made to the State Department to find the whereabouts of our Americans traveling on the other side. Of this number, between 450 and 500 came from the county that I have the honor to represent. I am pleased to say to the membership of the House that of this number over 400 have been located. Over 200 of those were school-teachers who were enjoying their vacation in Italy, parts of France, and in Switzerland. The president of the School Teachers' Association of New Jersey, Miss Elizabeth K. Allen, immediately upon her return last week from Italy—she returned on Thursday, on the *San Giovanni*, from Naples—thanked the Members of Congress from Hudson County and the State Department for the very efficient good service that was rendered to her and her fellow teachers on the other side.

This betokens the character of the consuls and the ambassadors that are representing us abroad, and it indicates that the State Department is doing everything that is possible for it to do in order to aid our Americans on the other side. Of the 30,000 to whom cablegrams have been sent, a large proportion have been heard from. I do not think the proportion maintains elsewhere as it did in Hudson County, but I am sure that every effort will continue to be made by the State Department in order to secure information and to place funds at the disposal of traveling Americans, so that they can shortly return to their homes.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Massachusetts [Mr. GILLETT] wants five minutes.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] is recognized for five minutes.

Mr. GILLETT. Mr. Speaker, I think this resolution will not ultimately cost us anything; I think it will be helpful and useful and that it will increase the influence and prestige of this Government abroad. So in committee I voted for it and am glad to support it now. And I think it may be appropriate to say in this connection—in which I am confident that I voice the feeling of the minority of the committee as well, I presume, as the minority of this House—that in such matters I shall not allow any party antagonism to affect my conduct. [Applause.] It is now almost 2,000 years since Cicero uttered his famous epigram, "Inter arma silent leges"; and if the din of arms silences the laws, it ought much more to silence partisanship. In all matters which affect the terrible conflict which is now waging, I shall endeavor to manifest toward this administration the same friendly and helpful disposition which I would manifest if it were an administration of my own party and if my opinions were ever consulted. [Applause.] And I shall endeavor to suppress any tendency to criticize or to suspect.

Now, I do not mean by that that if you should attempt to claim that conditions were due to the war which I think were due to your own conduct, or if you should undertake to affect the war conditions by legislation which I thought was wrong and harmful, I should not sharply express my dissent, but I do mean that I shall intend, in all matters affecting these belligerents, to cultivate toward this administration a genuine friendliness and loyalty, and my constant effort will be not to find fault but to find merits and excuses. This resolution which is before us gives to the President and to the Secretary of State large discretion. I am confident that discretion will be exercised honestly

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and prudently; I have no desire to abridge it, and I hope the resolution will be unanimously adopted. [Applause.]

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. EVANS, for one week, on account of the death of a member of his family.

To Mr. ELDER, indefinitely, on account of illness in his family.

To Mr. BEALL of Texas, for two weeks, on account of illness.

To Mr. FINLEY, for 10 days, on account of illness.

LEAVE TO EXTEND REMARKS.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the President of the United States to the coal miners and coal operators in Colorado.

The SPEAKER. The gentleman from Colorado [Mr. KEATING] asks unanimous consent to extend his remarks by printing a letter from the President to the coal miners and operators of Colorado. Is there objection?

There was no objection.

SCHOOL LANDS IN NATIONAL FORESTS, OREGON.

The SPEAKER. Under the special order adopted the other day this is unanimous-consent day. The Clerk will report the first bill on the Unanimous Consent Calendar.

The first business on the Calendar for Unanimous Consent was the bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest land.

The Clerk read the title of the bill.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that that bill be passed without prejudice.

The SPEAKER. The gentleman from Oregon asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

KLAMATH INDIAN RESERVATION LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10848) to amend an act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892 (27 Stat. L., 52-53).

The bill was read, as follows:

*Be it enacted, etc.*, That the last proviso of the act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892, reading: "*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians now residing on said lands and their children," be, and the same is hereby, amended to read:

"*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands, and for the construction of roads, trails, and other improvements, and for other purposes, for their benefit."

With the following committee amendment:

Page 2, line 9, after the word "improvements," strike out the words "and for other purposes."

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, I have an amendment.

The SPEAKER. We have not got that far yet. Is there objection?

Mr. MANN. Reserving the right to object, what is the amendment?

Mr. STEPHENS of Texas. The bill provides that the proceeds arising from the sale of the lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands; and the amendment provides that not to exceed $10,000 of the sum may be expended for the construction of roads, trails, and bridges on said reservation for their benefit, and provided further that the counties of Del Norte and Humboldt in the State of California shall at their expense lay out and survey said roads and trails and estimate the cost of completing the same, together with all necessary bridges thereon.

Mr. MANN. Where is the amendment to come in? What is the form of the amendment?

Mr. STEPHENS of Texas. It amends the last provision of the bill.

Mr. MANN. It is to be amended so as to read "*Provided further*," and so forth?

Mr. STEPHENS of Texas. Yes.

Mr. MANN. And then, how does it read?

Mr. STEPHENS of Texas. The amendment reads:

Page 2, at the end of line 3, strike out the proviso and add in lieu thereof the following:

"*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands; and not to exceed $10,000 of the sum may be expended for the construction of roads, trails, and bridges on said reservation for their benefit: *Provided further*, That the counties of Del Norte and Humboldt in the State of California shall at their expense lay out and survey said roads and trails, and estimate the cost of completing the same, together with all necessary bridges thereon, and said surveys and estimates shall also be approved by the Secretary of the Interior before said appropriations shall be available."

I have also a letter from the Assistant Commissioner of Indian Affairs.

Mr. MANN. The amendment proposes to make $10,000 only of the proceeds available for the construction of roads, trails, and other improvements, and then provides that those two counties shall bear certain preliminary expenses?

Mr. STEPHENS of Texas. That is correct. There is $25,000 belonging to this fund, and this proposes to use only $10,000 for this purpose.

Mr. MANN. Will the gentleman send up the amendment and have it read for information?

Mr. STEPHENS of Texas. I will send it up and have it read for information.

Mr. MANN. I see I have not all the papers here, but my recollection is that the agent suggested the expenditure of only $8,000 when he made his report. Let the amendment be read for information.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, at the end of line 3, strike out the proviso and add in lieu thereof the following:

"*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund, to be used under the direction of the Secretary of the Interior, for the maintenance and education of the Indians and their children now residing on said lands, and not to exceed $10,000 of the sum may be expended for the construction of roads, trails, and bridges on said reservation for their benefit: *Provided further*, That the counties of Del Norte and Humboldt in the State of California shall at their expense lay out and survey said roads and trails and estimate the cost of completing the same, together with all necessary bridges thereon, and said surveys and estimates shall also be approved by the Secretary of the Interior before said appropriations shall be available."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. STEPHENS of Texas. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the committee amendment.

Mr. MANN. The gentleman from Texas [Mr. STEPHENS] has offered an amendment to strike out the proviso, including the committee amendment.

Mr. STEPHENS of Texas. The committee amendment is to the provision which is proposed to be stricken out, and it is not necessary to adopt the committee amendment.

Mr. MANN. The question is on the amendment offered by the gentleman from Texas.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the last vote was laid on the table.

WAR.

Mr. BUCHANAN of Illinois. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUCHANAN of Illinois. I rise to ask unanimous consent to extend my remarks in the RECORD on the question of war. In the way of explanation, for fear that some Members may misunderstand my request, I wish to insert a resolution passed by the Danish citizens of Chicago in order to exercise their influence to prevent war. It does not take sides or in any way criticize the contending parties.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the subject of war by printing a set of resolutions passed by the Danish citizens of Chicago. Is there objection?

Mr. MOORE. Mr. Speaker, reserving the right to object, will the gentleman tell us what it is he desires to extend in the RECORD? I did not hear him.

Mr. BUCHANAN of Illinois. This resolution, as I remember it—I have not it before me—is a resolution deploring the fact that war exists, hoping that the Danish people will not become involved, and expressing a desire to have something done to settle the present war and bring about a condition where there will be no more war. It does not in any way criticize the contending parties and takes no sides of any sort. There is not a word in it that could be considered as offending anyone.

Mr. MOORE. I think the gentleman from Illinois will concede that there are thousands of societies deploring the war, and hundreds of thousands of citizens also. Does the gentleman think it would be wise to begin the publication of these opinions now?

Mr. BUCHANAN of Illinois. I think it would be wise for citizens of this country and elsewhere to express themselves against war, to exercise their influence with the great powers for peace, and to bring about a settlement of this war in Europe, and also to bring about a condition where it would be impossible for such a war to again develop. Whether or not the insertion of this resolution in the RECORD is going to have a tendency in that direction I am not prepared to say. There is no question in my mind but that if all the people should deplore this terrible war and exercise their influence to have something done to stop the terrible destruction that is going on in European countries at the present time it would be for the betterment of humanity.

Mr. MOORE. Mr. Speaker, in the interest of peace in the United States and to prevent the publication in the RECORD of divergent views that might impair it, I object.

The SPEAKER. The gentleman from Pennsylvania objects, and the Clerk will read the next bill.

PRESERVATION OF CERTAIN MINERAL SPRINGS IN NEW MEXICO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12050) reserving from entry, location, or sale lots 1 and 2, in section 33, township 13 south, range 4 west, New Mexico prime meridian, in Sierra County, N. Mex., and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That lots 1 and 2, in section 33, township 13 south, range 4 west, New Mexico prime meridian, situated in the county of Sierra, State of New Mexico, be hereby set apart from the public domain and reserved from entry, location, or sale for the purpose of preserving for the use of the public the valuable mineral springs located upon said lots.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to control the use of said lots and the waters thereon, and to make regulations for the government of the reservation, and to make such contracts, agreements, and leases as will best preserve them for the use of the public; and all moneys received from such contracts, agreements, and leases by way of remuneration, or from any other source in connection with this reservation, shall be covered into the Treasury of the United States as a special fund to be disbursed by the Secretary of the Interior for the protection, maintenance, and improvement of said reservation.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, my recollection is that the gentleman from Wyoming [Mr. MONDELL] had some objections to this bill. I see that he is temporarily absent from the Chamber.

Mr. FERGUSSON. He has just this moment entered the Chamber.

Mr. MONDELL. Mr. Speaker——

Mr. FERGUSSON. Before the gentleman from Wyoming speaks, I will say that I am willing to accept an amendment striking out the provision that the moneys shall be covered into the Treasury of the United States as a special fund to be disbursed by the Secretary of the Interior, and so forth, and to leave it so that the fund shall be turned into the General Treasury.

Mr. MANN. That would be an amendment striking out all after the word "as" in line 9, page 2, and inserting the words "miscellaneous receipts"?

Mr. FERGUSSON. Yes.

Mr. MANN. And the gentleman is willing to accept that amendment?

Mr. FERGUSSON. Yes; it is very important that we get this bill, and I will make any concession in order to induce people to lease and build on these lots.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to have the gentleman define some good reason why the State of New Mexico does not wish to undertake the control and operation of these springs; why the National Government should undertake the management and direction of the springs that are entirely local in character, especially now that you have statehood.

Mr. FERGUSSON. This bill was allowed to go over and hold its place at the last unanimous-consent day until I could find out about it. In the first place, we have no State law on the statute books in reference to taking care of property for lease or for the lease of such springs.

Mr. STEPHENS of Texas. As a matter of fact, does not your constitution prohibit it?

Mr. FERGUSSON. I am not certain of that. I will state to the gentleman from Wisconsin that I have not yet heard from the letter that I wrote for information. However, I do know that there is no machinery in our State provided now for leasing and taking care of these springs as it ought to be done. I will state that if he will permit the bill to pass now with the amendment that I have agreed to, I will be willing to have a bill introduced after the next session of the legislature providing means of that sort for the State to take over the springs if Congress is willing to give them to the State. I am afraid, and I have been so informed from another source, that perhaps Congress would not allow us to take it in that way.

Mr. STAFFORD. I think there would be less objection to a bill granting the springs to the State of New Mexico for its own development than to pass this bill, which seeks to unload on the Government the supervision and expense of the springs. I think the gentleman should ask that the bill go over without prejudice.

Mr. FERGUSSON. I will be willing, after the legislature has made provision to accept that, if it can be passed, but in the meantime I beg the gentleman to permit this bill to pass, until the legislature can provide other means. I ask it in the interest of humanity, in the interest of hundreds and thousands of people who are trying to get the benefit of these springs who are suffering and actually need it now. A lease can be made which can be transferred to the State later.

Mr. MANN. I would like to suggest to my friend from New Mexico that if he could assure the gentleman from Wisconsin that the waters of the springs would benefit hay fever, he probably would find no objection to having the Government develop them so that the hay-fever sufferers could have an opportunity to recover.

Mr. STAFFORD. I will say in reply to the gentleman from Illinois that if the springs produced perennial youth, I would object to trying to foist on the Government something that is exclusively of State concern. I hope the gentleman will ask to have it passed without prejudice.

Mr. FERRIS. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. FERGUSSON. Yes.

Mr. FERRIS. Mr. Speaker, I desire the attention of the gentleman from Wisconsin [Mr. STAFFORD]. I do not think I can add anything to what the gentleman from New Mexico has said; but this is the situation: The Federal Government has gone down into New Mexico and has withdrawn some of its own property. It is held there, stagnant, so to speak. The Federal Government has so far failed and refused to do anything with it. The Legislature of the State of New Mexico is not in session. The State can not now accept it; and, furthermore, they are paying 5 and 6 per cent taxes down there and in all probability can not carry any more. Now, if the Federal Government has seen fit to withdraw this area by reason of its special value, by reason of its mineral properties, surely it is not too much to let the gentleman pass his bill, put the property to some use, and put the money that comes from it into the Treasury. No harm can come from that. It does do the State a great harm to withdraw lands and do nothing with them. That has been the great trouble, that has been the cause of the uprising and the protest against the so-called conservation methods in the past. The Government has withdrawn property in good faith, perhaps, as it ought to be withdrawn, and then has never returned to the task and done anything more with it. The gentleman comes in and asks to do something with the property, to wit, to do the thing that it was withdrawn for and to carry out the purposes for which the property was intended to be used. To carry the bill over works a hardship upon the gentleman and upon his district and on the community, and if he agrees to the amendment insisted upon by the gentleman from Illinois [Mr. MANN] and puts the money into the Treasury, what earthly objection can the gentleman from Wisconsin

have? I hope the gentleman will not make the gentleman from New Mexico carry his bill over to another unanimous-consent day. I fear it will knock him out altogether, which I do not believe the gentleman from Wisconsin desires to do.

Mr. STAFFORD. Mr. Speaker, at least six weeks ago this bill was under consideration, under unanimous consent, and at that time the thought was expressed that it was a matter for State concern solely. The gentleman declined to follow the suggestion made by those opposing the bill.

Mr. FERGUSSON. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. And sought to have it continued from week to week. Last week it was about objected to, but it went over without prejudice; and now the gentleman places this before us in the closing days of the session for us to accept this proposition and have the National Government undertake the leasing of these springs, which are most valuable. As it appears to me, this is a matter for State concern and should be undertaken by the State.

Mr. FERGUSSON. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. FERGUSSON. My statement then was, with reference to both suggestions—one from the gentleman from Illinois [Mr. MANN]—that the money be turned into the Treasury of the United States, and that I have accepted, and I have investigated that and find that will still give us the use of the springs for the suffering people. With respect to the other point, I respectfully suggest to the gentleman that I have investigated that, and I find that there is absolutely no machinery in existence in our State for utilizing these springs. The law would have to be enacted and arrangements made to accept them and to make provision for leasing and use.

Mr. STAFFORD. Is the gentleman willing to have an amendment incorporating a provision that at the expiration of a certain time the springs shall go over to the control of the State of New Mexico?

Mr. FERGUSSON. How long a time?

Mr. STAFFORD. Oh, I am not concerned about the length of the time. The gentleman from Oklahoma [Mr. FERRIS] says that the legislature is not in session. I am opposing this being foisted upon the National Government. I do not want to deprive the citizens of New Mexico from the use of these springs. I am willing to turn the title over to the State; but I do not believe the National Government should assume to experience again that which we have had at Hot Springs, Ark.

Mr. FERGUSSON. If we should wait a certain time and then it should go to the State, does that involve not doing anything with it in the meantime?

Mr. STAFFORD. No; it does not.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MANN. Mr. Speaker, we are confronted with a very peculiar situation at present, which I think we ought to take advantage of. Probably more than a hundred million dollars a year are expended by American citizens in Europe attending the various watering places there for the benefit of their health. We have in this country just as good springs and water for all varieties of the ills of man as there are in Europe, and then some. Our people have been in the habit in the main of going abroad to drink the waters, or bathe in them, instead of making use of the opportunities here at home. I myself visit, whenever I have an opportunity, one of the springs in this country, and believe that the very good health which I usually enjoy comes largely from that fact. If we could compel everybody to go once in a while to some of our own springs and make use of the water, we would largely meet the antagonism, possibly, of those who live by the ills of men. I am not in favor of turning these springs over to the State. The Government owns these springs, and the only proposition pending before us is to permit the use of them without any expense on the part of the Government, to permit people to pay for their use, and turn the money over into the Treasury. I dare say that Hot Springs, Ark., have saved hundreds of thousands of lives in this country, and have prolonged them for many years, and that Hot Springs never would have been properly developed except under the control of the National Government. While I do not believe in the Government going rashly into such matters, I am not afraid of the Government passing bills like this, which seek, at least, to advertise to the people who have formerly spent their money abroad that they can keep their money at home and get just as good results to their health. [Applause.]

Mr. STEPHENS of Texas. Mr. Speaker, I hope the gentleman from Wisconsin will not object. I am personally acquainted with this country, with the surroundings there, and I know that these springs are of very great value. It has been known for very many years among the stockmen, the ranchmen, the farmers, and the miners of that country that these springs contain healing properties as great as the Hot Springs of Arkansas, to which the gentleman from Illinois [Mr. MANN] has just alluded. In addition to that, I desire to state that the great Elephant Butte Dam, known now as the Angle Dam, is but a few miles above these springs, and that the Government has expended in the neighborhood of seven and a half million dollars upon this vast project, one of the greatest irrigation projects in the United States, if not in the world, and the land there is becoming very valuable, and we expect to have thousands of people settle in this valley below these springs and around these springs.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I desire simply to say this touching this and similar bills: I agree with what the gentleman from Illinois [Mr. MANN] has said about there being in America springs of value equal to some of the world-famed ones abroad, and I agree with what he said as to the desirability of having them patronized by Americans, but I do not believe in the theory advanced that the Federal Government should undertake to develop these springs. I do not believe that with the Federal Government in control the hot springs of Arkansas have been of anything like the benefit they could have been and should have been under proper administration, and I think that at times it has amounted pretty closely to a scandal the way those springs have been handled instead of it being a matter upon which we ought to congratulate ourselves. Now, there is not a State in the Union that has not dozens of springs that the people living there believe to be of exceedingly great value. Most of the States that have gotten far enough away from the original Indians have begun to accept the Indians' statement as to curative properties of springs with some degree of doubt and have depended upon an investigation rather than folklore as to the value of the waters. My State has dozens of springs, some of great value. Now, I believe it would be infinitely better to let the States, if they want to maintain them as State institutions, to do so; or if they want to permit them to be maintained by private enterprise under proper regulations, to do that, but for us here to-day practically to start out on a program of making these springs a national resort and then having, as we will have, annually brought before the Committee on Appropriations items for expenditure, and to have Congressmen, who have to be responsive to the pressure that comes upon them, constantly agitate for such expenditure, is a thing in which I do not believe. We have too many parks owned by the National Government that ought to be local; we have too many sanitariums that are not entitled to the name, and I am not willing to consent under unanimous consent to the consideration of a bill that does not carry with it a worked-out plan, whether it be for State or National aid, and for that reason I feel compelled to object to the present consideration of the bill.

The SPEAKER. The gentleman from Kentucky objects, and the bill will be stricken from the calendar.

### SETTLEMENT OF CERTAIN ACCOUNTS UNDER RECLAMATION ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 124) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts under the reclamation act, and for other purposes.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that this bill be passed on the calendar without prejudice.

The SPEAKER. The gentleman from Colorado asks unanimous consent to pass this bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

### ALCATRAZ ISLAND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9017) transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor.

The bill was read.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

### ENLARGING SITE, UNITED STATES BUILDING, PLYMOUTH, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16829) for enlarging the site for the United States building at Plymouth, Mass.

The bill was read.

Mr. FITZGERALD. Mr. Speaker, I suggest that this bill be passed without prejudice.

Mr. THACHER. Mr. Speaker, I would ask the gentleman from New York to have the kind courtesy to withhold his request for a moment in order that I may make a brief statement.

The SPEAKER. The gentleman from New York asks unanimous consent to pass this bill without prejudice.

Mr. THACHER. Will the gentleman withhold his request for a moment?

Mr. FITZGERALD. I shall object eventually.

Mr. THACHER. Simply to allow me to make a brief statement in order to correct some statements which were made last week.

Mr. FITZGERALD. I will withhold for a moment.

[Mr. THACHER addressed the House. See Appendix.]

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on this subject. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York asks to pass the bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

BRANCH HYDROGRAPHIC OFFICE, LOS ANGELES, CAL.

The next business on the Calendar for Unanimous Consent was the bill (S. 494) to establish a branch hydrographic office at Los Angeles, Cal

The Clerk read the title of the bill.

Mr. STEPHENS of California. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS THE ST. LOUIS RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17762) to amend an act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota."

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota," be, and the same is hereby, amended by adding at the end of section 1 thereof the following: "That on or before July 1, 1915, said Interstate Transfer Railway Co. shall provide an approach to said bridge, connecting with a traveled public highway in the State of Minnesota, so as to make said bridge accessible from such highway at all times for wagons, vehicles, and pedestrians, and such approach and connection shall be of such width and character as to permit of street-car traffic thereon; that the authority and rights granted by this act shall cease and be null and void unless said approach and connection are completed on or before said July 1, 1915."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS ST. LOUIS RIVER BETWEEN MINNESOTA AND WISCONSIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15727) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin.

The bill was read, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the county of St. Louis, in the State of Minnesota, a municipal corporation organized and existing under and pursuant to the laws of the State of Minnesota, to build, maintain, and operate a public highway bridge across the St. Louis River, at a point suitable to the interests of navigation, between the State of Minnesota and the State of Wisconsin, commencing at or near the intersection of Cherokee Street and One hundred and thirty-fifth Avenue west, in the city of Duluth, Minn., at the suburban village known as Fond du Lac, thence crossing the St. Louis River in a line at right angles to the channel of said river to a point on the Wisconsin shore about 100 feet westerly from the mouth of Dubray Creek, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The committee amendment was read, as follows:

Page 1, line 7, strike out the words "public highway."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

Mr. COOPER. Mr. Speaker, I wanted to ask the gentleman from Georgia why the words "public highway" are stricken from the bill. This is a municipal corporation which wishes to build the bridge. What sort of a bridge is a municipal corporation to build unless it be a public highway bridge?

Mr. ADAMSON. Mr. Speaker, the general bridge act was written in order to simplify and shorten these special bills. The War Department approves the plans and permits the bridges to be constructed.

It is not our custom to put definitions of the bridge into a special bill. The general bridge act provides that when a bridge like this is built by anybody as a public highway bridge the use of it by other people may be compelled by making compensation to the people who built it. But the definitions of a bridge are not necessary in a special bridge act.

Mr. COOPER. Does the gentleman say that the general law now compels anyone authorized by law to build a bridge to make it a public highway bridge?

Mr. ADAMSON. No, sir; if a municipality builds a bridge as a public highway bridge, the general bridge act compels it to submit to the use of it by the Government for its purposes and by the railroads upon their paying for the use of the bridge. It can not be a railroad bridge unless the railroad builds it or pays for the use of it. The object of the general bridge act was to standardize the special bills, leaving the War Department under the general bridge act to regulate the construction and use of the bridge, so that we strike out all of the definitions in these bridge bills.

Mr. COOPER. I think Congress ought to keep very close watch over bridges that it permits to be constructed over navigable streams.

Mr. ADAMSON. The committee does that.

Mr. COOPER. I do not think the putting in of the words "public highway," defining the character of the bridge, would be at all objectionable. I do not understand why those words were included in the bill as introduced unless they were intended to be retained.

Mr. ADAMSON. It was just introduced by a Member who did not get the ordinary form. The ordinary form has no definitions in it. When we adopted the general bridge act I think the gentleman from Illinois [Mr. MANN] framed the form, and also the form of the act granting consent for dams, and generally Members use that form, but sometimes Members describe it, and put in sometimes a great deal more than this. When the committee considers it, it generally strikes out the surplusage and amends it.

Mr. COOPER. The bill before this was quite specific, and it was reported by the same committee, I believe.

Mr. ADAMSON. Yes.

Mr. COOPER. It requires the other bridge, in so many words, to be constructed with two through decks, one of which shall provide for the passage of wagons and vehicles and street railways.

Mr. ADAMSON. That is a railroad bridge, is it not?

Mr. COOPER. Yes.

Mr. ADAMSON. The community would not be willing for the railroad bridge to be built unless the railroad agrees to take care of the public highway travel also; but in this case that is not necessary, because the general bridge act provides that if the railroads want to use it they can do so under the terms of the general bridge act.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. I move to amend, Mr. Speaker, by inserting, after the word "bridge" in line 7, page 1, the words "and approaches thereto."

Mr. ADAMSON. That ought to be in it.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

After the word "bridge," on page 1, line 7, insert the words "and approaches thereto."

Mr. ADAMSON. That amendment is right, Mr. Speaker.

The SPEAKER. The committee amendment will be first considered. The Clerk will report it.

The Clerk read as follows:

Amend page 1, line 7, by striking out the words "public highway."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS CHIPPEWA RIVER, WIS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4976) permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis.

The bill was read, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, both railroad corporations organized and existing under the laws of the State of Wisconsin, to construct, maintain, and operate a railroad bridge and approaches thereto across the Chippewa River, at a point suitable to the interests of navigation, from a point on the northerly bank of said river in lot 4 to a point on the southerly bank of said river in lot 3, all of section 7, in township 28 north of range 8 west, in Chippewa County, Wis., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment as follows:

Amend, page 1, line 8, by striking out the word "railroad."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

The title was amended so as to read: "An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a bridge across the Chippewa River at Chippewa Falls, Wis."

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MILITIA OF THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15376) to amend section 16 of an act entitled "An act for the organization of the militia in the District of Columbia," approved February 18, 1909.

The bill was read, as follows:

*Be it enacted, etc.*, That section 16 of an act entitled "An act to provide for the organization of the militia in the District of Columbia," approved February 18, 1909, be, and the same is hereby, amended to read as follows:

"SEC. 16. That hereafter all appointments to the grade of second lieutenant shall be from the enlisted men, under regulations prescribed by the commanding general, and subject to the examination required by law: *Provided*, That when there are no available candidates among the enlisted men qualified for promotion to this grade as herein provided, the commanding general may, in his discretion, and subject to the examination prescribed by law, fill said vacancy by appointment from civil life of applicants having had previous military service equivalent to six months' service in the National Guard of the District of Columbia."

With a committee amendment, as follows:

Amend, page 2, line 8, by striking out the words "National Guard" and inserting the words "Organized Militia."

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I would be glad if the gentleman from California [Mr. KAHN] would explain the bill, and particularly the proviso.

Mr. KAHN. The proviso changes the existing law. Under the terms of the existing law no man can be appointed to the grade of second lieutenant unless he has had six months' experience as a private in the local Organized Militia. This bill allows the commanding general to appoint any man who shall have had service in the Army or in the National Guard somewhere else equivalent to six months' service in the District Organized Militia. In other words, some of the companies may not develop material that would be good or sufficient for promotion to the grade of second lieutenant. Therefore under those circumstances the department officials feel they ought to be allowed to appoint some man who has had experience either in the Regular Army or in the Organized Militia elsewhere equivalent to that six months' service. The War Department recommends it.

Mr. JOHNSON of Kentucky. I have not read this bill for several months, but according to my recollection of it the regularly enlisted members of the National Guard in the District of Columbia can, at the will of the commanding officer, be displaced and an outsider brought in and put in at the head of them.

Mr. KAHN. I do not think so.

Mr. JOHNSON of Kentucky. That is the purpose of it.

Mr. KAHN. I do not think it will have that effect. Here is the way it reads:

That hereafter all appointments to the grade of second lieutenant shall be from the enlisted men under regulations prescribed by the commanding general, and subject to the examination required by law: *Provided*, That when there are no available candidates among the enlisted men qualified for promotion to this grade as herein provided—

And so forth. It is only when there are no available candidates.

Mr. JOHNSON of Kentucky. A great deal depends upon the word "available" there. The word "unavailable" means men not competent for the place. As I read the bill, the commanding officer has sole discretion to determine whether there is in the command somebody who is "available," and he is the judge of the "availability."

In my judgment it would have a bad effect upon the local organization. I think the officers ought to come from the ranks of the local organization, and that we ought not to pass a bill which would deprive the men of being promoted from time to time on account of merit, and not because of the whim or caprice or some slight objection or desire to prefer somebody else on the part of the commanding officer. I think this is a very dangerous bill, and one that will work to the detriment of the local organization. I think these young men ought to be given the right to promotion, through competition among themselves, and that an outsider should not have the right to come in and precede them in that right of promotion.

Mr. KAHN. So far as I have been able to find out, there are no cases such as the gentleman refers to.

Mr. JOHNSON of Kentucky. Then there is no need for the bill.

Mr. KAHN. Oh, yes. There are companies in the Organized Militia of the District, as I understand it, which would like to have men who have had military experience and who have an honorable discharge from the Regular or Volunteer Army, put into positions of command, as commissioned officers in the local organization. Those men are not available at the present time. They can not be appointed unless they serve as privates for six months in the local organization. Now, a man who has been commissioned as an officer in some organization, whether the Regular Army, the Volunteer Army, or the National Guard of some other State, is not going to enlist as a private in order to get a commission in the Organized Militia of the District of Columbia; whereas, if his former commission would entitle such officer to be appointed and commissioned, there would be no objection from the men in the local National Guard, so far as I have been able to find out, and the National Guard would receive the benefit of the practical training and experience that these officers would be able to give the men.

Mr. JOHNSON of Kentucky. But, at the same time, they would be excluded more or less from the right of promotion.

Mr. KAHN. It is only when there is no available material.

Mr. JOHNSON of Kentucky. Yes; but you allow one man to decide upon the "availability" of the material, and it will work a reflection upon the National Guard of the District of Columbia, I think.

Mr. KAHN. Has the gentleman heard of any enlisted man in the District of Columbia who objects to this bill?

Mr. JOHNSON of Kentucky. I think it is a reflection upon the National Guard.

Mr. KAHN. The gentleman would keep out of the guard men who have had practical experience as officers.

Mr. JOHNSON of Kentucky. No; but if they are eligible to membership in the local National Guard, let them come in and take their regular turn with the local members of the organization.

Mr. KAHN. Does the gentleman think that if he had been commissioned as a captain in the Regular Army and was retired, and then he desired to give the local guard the benefit of his experience, he ought to be compelled to go in and enlist as a private in the local militia in order to get a commission in the National Guard?

Mr. JOHNSON of Kentucky. Yes; I think so. All members of the local organization should be stimulated by hope of promotion.

Mr. KAHN. The gentleman will find that no man who has had that training will enlist under those circumstances.

Mr. JOHNSON of Kentucky. In other words, I do not think that anybody ought to want to come into this local organization and deprive these young men, who are striving for promotion within the ranks, of their opportunities for promotion.

Mr. KAHN. So far as I have been able to find out, there is no young man who is striving for promotion who would be injured by the passage of this law.

Mr. JOHNSON of Kentucky. I will wager that every young man in the ranks here is striving for promotion. Every one of them would prefer to be an officer than continue as a private.

Mr. KAHN. I have visited the National Guard on a number of occasions, and I have never found any young man who has objected to this bill.

Mr. JOHNSON of Kentucky. If practically all of them are not striving for promotion, then the whole organization ought to be put out of business. It is not made up of the proper kind of material, if that is the case, and I believe it is made up of good and ambitious men.

Mr. KAHN. There is no question about that.

Mr. JOHNSON of Kentucky. These young men should have these promotions, and no bill should be passed which would permit outsiders to receive promotions over men in the ranks. A man ought not to be commissioned simply because he is a favorite of the commanding officer and given promotion over these young men who have been in this organization for years and years and who are unquestionably seeking promotion.

Mr. KAHN. If they are seeking promotion and they can pass the examination, then of course they must be appointed. The bill does not take away that right. But if they fail in the examination, then material must be obtained elsewhere. Every young man in order to obtain the promotion must take an examination. If he fails, and if they all fail, and there is no available material within the organization, then why should not the local organization get the benefit of the outside material that is available?

Mr. JOHNSON of Kentucky. I believe the gentleman is speaking of a condition which will never exist.

Mr. KAHN. Then the bill will do no harm.

Mr. JOHNSON of Kentucky. If there is a lack of "available" material, it is because of a lack of opportunity for promotion from the ranks.

Mr. KAHN. In the first place there must be a desire to pass the examinations. They have a right to pass them if they so desire it. They may not desire to pass. There are a great many men who have served a great many years and who never seek even a noncommissioned rank. They have no ambition for it. They are content to serve in the ranks.

Mr. JOHNSON of Kentucky. I should hate to think there is no ambition in the organization, and I do not think it.

Mr. KAHN. The gentleman puts words in my mouth that I did not use. I did not say there was no ambition. I say there are some who have no ambition to become commissioned officers. I do not say that the men are not ambitious. It is as honorable an ambition to serve faithfully in the ranks as to command.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. To ask for the regular order.

Mr. JOHNSON of Kentucky. Then, Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects. The bill will be stricken from the calendar and the Clerk will report the next bill.

### BRIDGE ACROSS THE MISSISSIPPI RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17907) granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MOORE. Reserving the right to object, I suggest to the gentleman to let this bill go over.

Mr. ADAMSON. I do not see the author of the bill here. I am willing that it should be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that the bill be passed without prejudice?

There was no objection.

### SAFETY OF TRAVELERS ON RAILROADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17893) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof shall be liable to a penalty of not less than $100 nor more than $500 for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: *Provided further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains."

SEC. 2. That nothing in this act shall be held to affect or abate any violation of the act hereby amended or any suit or action pending because of such violation at the time of the approval of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

### THE COAST GUARD.

Mr. BROWN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill S. 2327, the coast-guard bill, which was stricken from the calendar on last unanimous-consent day.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

### FUR SEALS FOR NATIONAL MUSEUM.

The next business on the Calendar for Unanimous Consent was the House joint resolution (H. J. Res. 270) authorizing the Secretary of Commerce to have taken specimens of the Pribilof Islands fur seals as specimens for the collection of the National Museum.

The Clerk read the bill, as follows:

*Resolved, etc.*, That the Secretary of Commerce be, and he is hereby, authorized to have taken for the collections of the United States National Museum a series of specimens of the Pribilof Islands fur seal, to properly illustrate the range of variation in both sexes at all ages, said collection not to exceed 30 specimens in number.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, is there any special reason for the passage of this bill at this time?

Mr. BURKE of Wisconsin. Mr. Speaker, there are special reasons.

Mr. MANN. They are not disclosed in the report. What are they?

Mr. BURKE of Wisconsin. The Secretary of the Smithsonian Institution, Dr. Walcott, writes to the Secretary of Commerce that all the specimens of Pribilof Islands fur seals that are now in the collection of the National Museum are defective, and that it is necessary that they secure a new set. The report shows the letter from the Secretary of Commerce setting forth a part of the letter from Dr. Walcott, in which it is stated:

> I find that the Pribilof Islands fur seal is very poorly represented in the collections of the United States National Museum. The specimens are practically all defective, and it is highly desirable that this important mammal should be properly represented in the national collections.
>
> In view of this, I am writing to ask if you think there will be an opportunity the coming summer to secure a series of skins and skulls prepared with the special needs of the museum in view. About 30 complete specimens selected to illustrate the range of variation in both sexes at all ages would form a series adequate for the scientific study of the species.
>
> The National Museum now has one of the largest mammal collections in the world, and it is strange that there is not a good representation of one that is so valuable and of such importance to the American people as the fur seal.

The matter was investigated by the Committee on the Merchant Marine and Fisheries, and we came to the conclusion that the request ought to be granted.

Mr. MANN. I asked the gentleman if there was any special reason for the passage of the resolution at this time. It seems somewhat strange that when we had an open killing season of the seals for many, many years, the National Museum did not avail itself of the opportunity to obtain these specimens, but waited until there was a closed season for five years, which will soon expire, after which time they will have no trouble in getting the specimens. Now they want to run in when there is a closed season. It is so remarkable that it will require a better explanation than the one given by Dr. Walcott, for whom I have the highest regard.

Mr. BURKE of Wisconsin. If the gentleman will permit, this request was made as long ago as the 23d of last May; and besides there is every reason to believe that the closed season will be continued.

Mr. MANN. What reason is there to think that it will be continued after the expiration of five years?

Mr. BURKE of Wisconsin. We can not tell.

Mr. MANN. No; you can not tell.

Mr. BURKE of Wisconsin. If the present closed season serves a good purpose, it may be continued.

Mr. MANN. If it serves a good purpose, there is no reason for its continuation; and if it does not serve a good purpose, it ought not to be continued.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

WATER SUPPLY, SALT LAKE CITY, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 4741) for the protection of the water supply of the city of Salt Lake City, Utah.

The Clerk read the bill as follows:

*Be it enacted, etc.*, That the public lands within the several townships and subdivisions thereof hereinafter enumerated, situate in the county of Salt Lake, State of Utah, are hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or nonmineral land laws of the United States, and set aside as a municipal water-supply reserve for the use and benefit of the city of Salt Lake City, a municipal corporation of the State of Utah, as follows, to wit: The south half of the south half of section 9; the south half of the southwest quarter and the southeast quarter of section 10; the south half of section 11; section 12; section 13; section 14; section 15; section 16; the northeast quarter and south half of section 17; the south half of the south half of section 18; section 19; section 20; section 21; section 22; section 23; section 24; section 25; section 26; section 27; section 28; the north half of section 29; the north half of the north half of section 33; the north half of the north half of section 34; section 35; section 36, in township 1 north, range 1 east, of Salt Lake base and meridian; all of township 1 north, range 2 east, of Salt Lake base and meridian; the south half of section 32; the south half of section 33; the south half of the south half of section 34; the south half of section 35, in township 2 north, range 2 east, of Salt Lake base and meridian; the south half of section 7; the west half of the west half of section 17; section 18; section 19; section 30; section 31, in township 1 north, range 3 east, of Salt Lake base and meridian; section 1; section 2; the northeast quarter of section 11; section 12; section 13; section 24, in township 1 south, range 1 east, of the Salt Lake base and meridian; section 1; section 2; section 3; section 4; section 5; section 6; section 7; section 8; section 9; section 10; section 11; section 12; section 13; section 14; section 15; section 16; section 17; section 18; section 19; section 20; section 21; section 22; section 23; section 24; the north half of section 25, in township 1 south, range 2 east, of Salt Lake base and meridian; the west half and the southeast quarter of section 5; section 6; section 7; section 8; the west half of the west half of section 9; the west half of the west half of section 16; section 17; section 18; section 19; section 20; the west half and the southeast quarter of section 21; the west half of section 27; section 28; section 29; section 30; the north half of section 32; the north half of section 33; the northwest quarter of section 34, in township 1 south, range 3 east, of Salt Lake base and meridian.

SEC. 2. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture at the expense of and in cooperation with the city of Salt Lake City, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands to more fully accomplish such purposes; and to that end said city shall have the right, subject to the approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved, for the storage and conveying of water and construction and maintenance thereon of all improvements for said purposes.

SEC. 3. That in addition to the authority given the Secretary of Agriculture under the act of June 4, 1897 (30 Stats., p. 35), he is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands, and any violation of this act or of regulations issued thereunder shall be punishable as is provided for in section 50 of the act entitled "An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909" (35 Stat. L., p. 1098), as amended by the act of Congress approved June 25, 1910 (36 Stat. L., p. 857).

SEC. 4. That this act shall be subject to all legal rights heretofore acquired under any law of the United States, and the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

In section 2, page 3, line 22, strike out the following: "at the expense of and," and in line 23, same section and page, after the word "with," insert the following: "and at the exclusive expense of."

Amend section 3, page 4, lines 15 and 16, by striking out all of line 15 after the word "act," and all of line 16 up to the word "shall" in said line 16.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Utah. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. LENROOT. Mr. Speaker, I do not think I was present in the committee when this bill was considered. I would like to ask the gentleman what is the purpose of striking out the language in section 3? The original bill proposed a penalty for the violations of the act and any regulations made by the Secretary in conformity therewith, but here is an amendment proposing to strike out the phrase "or the regulations issued thereunder." So if the amendment is agreed to there is no way of punishing a violation of the regulations.

Mr. JOHNSON of Utah. The thought of the committee was that the act in and of itself was sufficient to protect against any violation and that the punishment prescribed thereunder was sufficient.

Mr. LENROOT. I call attention to the fact that this very section confers on the Secretary the authority to make necessary regulations to carry out the purposes of the act. Now, what is the remedy if there is a violation of any regulation? There is no penalty.

Mr. JOHNSON of Utah. I do not think this would in any way eliminate the regulations.

Mr. MANN. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MANN. Mr. Speaker, I have no doubt that the Committee on Public Lands, which reported the bill, had in mind the ruling of the court with reference to regulations made by departments, about making the violation of them a criminal offense.

Mr. TAYLOR of Colorado. We have always been opposed to giving a mere executive officer's regulation the force and effect of a criminal law.

Mr. MANN. And yet we do that constantly, where we provide for the regulation being made within certain restrictions. The courts hold that such a regulation so made can be enforced by criminal procedure. For instance, the gentleman from Wisconsin [Mr. LENROOT] has called attention to the provisions of this section. The Secretary is authorized to make regulations—

including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands.

That is a regulation, and it is a regulation which we can authorize to be treated as a misdemeanor if it is violated, but if you strike this provision out as proposed there is no use of enforcing that regulation.

Mr. TAYLOR of Colorado. Nobody would object to reasonable regulations, but giving the unrestricted authority to make regulations that are criminal laws is going entirely too far. There should be some limitation somewhere.

Mr. MANN. We do not make any regulation a criminal law.

Mr. TAYLOR of Colorado. Yes, you would, if you leave that as it is written.

Mr. MANN. We have not the authority. It is in respect only to regulations upon the government of the property. We put that in all of the provisions. We put that in the provision the other day when we passed a bill for one of the parks, creating a park up here in Montana. The bill as originally reported from the Committee on the Public Lands authorized a commissioner out there to send a man to the penitentiary for violating a regulation.

Mr. TAYLOR of Colorado. I do not remember that our committee ever made any such report.

Mr. MANN. No; but the committee finally changed that; but it was still made a misdemeanor, and unless you leave this in this bill is not worth the paper that it is written on. You can not make a misdemeanor out of the violation of a regulation which is issued without specific authority of Congress; but where we grant specific authority, as we do constantly, in the quarantine regulations, that is a different matter. We provide there that the Secretary shall make regulations concerning quarantine, and we provide that there shall be an offense committed if those regulations are violated, and the courts have upheld those within certain restrictions.

Mr. TAYLOR of Colorado. If we could provide that the regulations would be within certain restrictions probably no one would object. But you must recollect that there are some 18,000 employees in the Interior Department, and the idea of having any one of several thousand subordinate agents or clerks making regulations, and making new ones every week, and for Congress to provide in advance that every one of those regulations shall be a law and for the violation of it send good citizens to the penitentiary or to jail is intolerable.

Mr. MANN. Yes; but the only regulation the Secretary can make under this bill is a regulation to carry out this act.

Mr. TAYLOR of Colorado. Yes; but who says what regulations are necessary to carry out this act?

Mr. MANN. The courts.

Mr. TAYLOR of Colorado. Oh, no.

Mr. MANN. Certainly.

Mr. TAYLOR of Colorado. The Secretary and his subordinates will make such regulations as they please under this authority, and there will be no one to regulate them.

Mr. MANN. Oh, no; the courts determine that.

Mr. TAYLOR of Colorado. But they will make the regulations, and the courts will not control their discretion under this express authority.

Mr. MANN. They make regulations as much as they please, but if they are not to carry out this act they are of no consequence.

Mr. TAYLOR of Colorado. So far as forbidding people from going onto the property or polluting the water is concerned, I have no objection to the Secretary making regulations on that subject, if we confine it to that.

Mr. LENROOT. Mr. Speaker, I am opposed to this amendment in section 3 striking out the words "or of regulations thereunder," and I want to call attention of the gentleman from Utah [Mr. JOHNSON], who is especially interested in the bill, to the fact that if this amendment be adopted, as the gentleman from Illinois [Mr. MANN] has said, the bill, for the purpose desired, will not be worth the paper that it is written upon. The purpose of this bill is to protect the water supply of the city of Salt Lake City, and the only way that that can be protected is by regulations providing for the use of this land or keeping people and trespassers off it when their presence would be detrimental to the water supply.

Mr. JOHNSON of Utah. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. JOHNSON of Utah. I have no especial reasons for insisting upon this amendment. I am perfectly willing that the amendment should be stricken out.

Mr. LENROOT. Mr. Speaker, a number of years ago the Supreme Court of the United States had before it a question very similar to this—in fact, exactly as this would be, if this amendment were adopted—with reference to a certain trespass upon certain lands.

In that case the court held that the Government was powerless; that the Congress having provided no penalty, there could be no punishment for the violation of the regulation. Afterwards, in the forest reserve act, a provision was made similar to that which is contained in the Senate bill, and in the case of the Government against Grimaud a criminal punishment for violation of regulations issued by the Secretary of the Interior is upheld and sustained. Of course, the regulations made by the Secretary must be authorized by the Congress, and the Secretary can make no regulations that the court would punish, unless the regulation is for the purpose of carrying out the purpose of the bill; and I repeat, Mr. Speaker, if this amendment be adopted the bill becomes absolutely valueless so far as protecting the water supply of Salt Lake City is concerned.

Mr. RAKER. Mr. Speaker, it seems to me gentlemen are mistaken as to the intent and purposes of this section. This provision of the section—let us read it and see what it says:

SEC. 3. That in addition to the authority given the Secretary of Agriculture under the act of June 4, 1897 (30 Stats., p. 35), he is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands, and any violation of this act—

Now follows the words striken out, "or of regulations issued thereunder."

And then it goes on to say:

shall be punishable as is provided for in section 50 of an act entitled 'An act to codify, revise, and amend the penal laws of the United States—

And so forth.

Now, section 50 of the Criminal Code reads as follows:

SEC. 50. Whoever shall unlawfully cut or aid in unlawfully cutting, or shall wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree, growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, shall be fined not more than $500 or imprisoned not more than one year, or both.

If you want to protect the forests, the law here is ample protection, and any destruction is a criminal offense in any way, shape, or form. Now, what more do you want for the department in the making of rules and regulations?

Mr. LENROOT. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. LENROOT. What would the gentleman say about using these lands for camping purposes and polluting the water? The only way you can reach it is by regulation. If there is no punishment for a violation of the regulations, they can pollute all the waters and there is no way of preventing it.

Mr. RAKER. Not at all. They have full authority. They can not trespass upon the Government domain when reserved for special purposes. Unlawful trespass is provided for, and why should any rule or any regulation——

Mr. LENROOT. Does the gentleman mean to say that the mere going upon the public domain, putting up a tent upon it, is a trespass within the meaning of the law?

Mr. RAKER. I do not; but I do say where there are reservations and land reserved for special purposes by the Government a man can be a willful trespasser upon that land and is subject to the criminal statutes by Congress the same as he would be a willful trespasser under the various State laws.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. RAKER. I do.

Mr. GREEN of Iowa. Is it the intention of the bill to keep the people entirely off the land? I supposed it was intended——

Mr. RAKER. The bill keeps them off, and the code keeps them off beyond a question, and the question here involved is, Why should you insert an additional one, saying that every rule and regulation, irrespective of what it should be, should be a criminal statute, and the man who violates it is guilty and may be punished by a fine of not exceeding $500 or imprisonment for not more than one year, or both, without any knowledge of what the rule is, without any publication of what the rule is, and you attempt to enact criminal laws by saying that if some regulation be violated a man becomes subject to prosecution and punishment.

Mr. GREEN of Iowa. The gentleman is aware that every forest reservation in the United States is subject to this very proposition of violation of rules and regulations and punishment if they violate them.

Mr. RAKER. Under the statute?

Mr. GREEN of Iowa. Yes.

Mr. RAKER. But under the statute, not rules or regulations which the department may make.

Mr. GREEN of Iowa. I beg the gentleman's pardon.

Mr. RAKER. There is no doubt about it, and it has been so determined.

Mr. TALCOTT of New York. Does the gentleman from California believe that some person who might be camping on public domain would lead to the pollution of water?

Mr. RAKER. I do not. When the Hetch Hetchy bill was passed it was determined you could camp, you could use the watersheds, providing you did not throw refuse and foul matters in the stream. But this is not intended to cover such a proposition as that.

Mr. TALCOTT of New York. Suppose matter of that kind did get in, would not the volume of water be sufficient to clear it from pollution?

Mr. RAKER. There would be no occasion——

The SPEAKER. The time of the gentleman has expired.

Mr. RAKER. Mr. Speaker, I ask for five minutes more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Right in the city of Washington, under your best system of supply of water in the world, as they claim, you have here a reservoir around which automobiles drive.

You can stand on the sidewalk or lounge upon the grass and no objection is made. But here in a territory 40 miles square the contention of the gentleman is that there should be rules and regulations which make it a criminal offense if you walk upon the territory of one corner, so that there may be no trickling water down into the stream, and which would make you subject to treatment as a criminal—not intentionally—without notice of what the rules are, without notice of what the rules and regulations are. In other words, this country is to be fenced in, as it were, by a secret rule, and a man who, perchance, walks across the corner becomes a criminal.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. LENROOT. If the gentleman understood me as he states he did. I am sure no other member of the House did.

Mr. RAKER. What did the gentleman say?

Mr. LENROOT. That I was in favor of making a regulation to make a man a criminal who walked on the public domain.

Mr. RAKER. If the gentleman examines the RECORD he will see.

Mr. LENROOT. I did not say anything about that.

Mr. RAKER. The question then comes up whether or not the law passed by Congress is not sufficient. What rules and regulations do you want to make to avoid that very thing, and to show that that great territory in the Yosemite Valley Park

could be used? It was placed in the law so that those who got the right could not close it up and prevent its use by campers and people of this country, and they could go at will, so long as they did not throw refuse into the stream. They could camp within 300 feet of the flowing streams and the reservoir, and the best scientific men of the land, after much investigation, as well as the War Department and others, said that that would be absolutely sanitary. The committee unanimously, when this matter was taken up, struck these words out of this bill because of prior legislation and because of the belief that the city of Salt Lake did not require and did not desire a provision of this kind, that would absolutely shut up this entire territory, but desired that it should be used for the purpose of conserving a proper watershed; and, further, that there should not be legislation by Congress that would make a regulation not even published, not even printed, save that except that it is written in the office and signed and laid away in some box, and a man thereby becomes punishable and be convicted and sent to jail for a year.

That is the object of this provision. I do not see why gentlemen desire to give this department the authority as herein contended for, when they all worked and voted for the provision in the Hetch Hetchy bill which permitted its use.

Mr. LENROOT. Mr. Chairman, will the gentleman yield there?

Mr. RAKER. I do.

Mr. LENROOT. The gentleman seems to be in favor of giving the department the authority to make this regulation?

Mr. RAKER. Why, I am in favor of enforcing the criminal law as it is enacted.

Mr. LENROOT. No. This gives the Secretary power to——

Mr. RAKER. I appreciate that.

Mr. LENROOT. Is the gentleman in favor of that?

Mr. RAKER. I am in favor of regulations that will assist in preserving this for a watershed, to the end that they may carry it out along the same line and under the same views with a like idea as was presented in the Hetch Hetchy bill, which did not make it a criminal offense.

Mr. LENROOT. Can the gentleman tell us how all these regulations will be enforced under his theory?

Mr. RAKER. By the usual methods; not by criminal methods. If he is a trespasser, you can sue him. You can put him off. Men informed of these conditions are not going willfully to go there and despoil this country.

The SPEAKER. The time of the gentleman from California has expired.

Mr. MANN. Mr. Speaker, I am reminded how differently our friend from California [Mr. RAKER] talked when we had the Hetch Hetchy bill before us. Then it was all important to preserve the forests from contamination. Now it is not important at all.

Under the provisions of this bill if the Secretary does not have authority to make regulations and enforce them as a misdemeanor—and I am not sure if he would have, even if this language were not stricken out—but if he does not have, anyone could drive a herd of sheep or cattle upon the land anywhere, along any of the reservoirs, and how would you get him off?

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

Mr. MANN. Yes.

Mr. RAKER. I have not changed my position on the Hetch Hetchy bill.

Mr. MANN. Of course the gentleman has not changed his position on the Hetch Hetchy bill.

Mr. RAKER. Certainly. I was always in favor of that. How would you get them off of the territory in the Hetch Hetchy?

Mr. MANN. I confess I do not know. I am frank to say I do not know how you would get them off there.

Mr. RAKER. Will the gentleman yield to one further question?

Mr. MANN. Yes.

Mr. RAKER. The gentleman and I are in accord on these general lines.

Mr. MANN. I think so.

Mr. RAKER. But the gentleman does not want me to hold a man criminally liable, to be put in jail for a year for, perchance, violating some rule that has not been promulgated in regard to regulations as to the particular use, does he?

Mr. MANN. Why, Mr. Speaker, the gentleman and I have been living in Washington for some time—a good deal longer than either of us wanted to stay continually—and everything we do in passing along the streets is subject to police regulations. They do not get an act of Congress for it.

The Commissioners of the District of Columbia announce the regulations and the newspapers print them, and if you do not observe them the District authorities will arrest you. Perhaps they might not arrest a Member of Congress, but they fine them. They arrest other people. That is done all over the country. It has to be done. It is not possible for Congress to define all the misdemeanors that are affected by police regulations.

Now, what is proposed here? We say that the Secretary shall prescribe and enforce such regulations as he may find necessary to carry out the purposes of this act, including the right to forbid persons, and so forth, from entering or otherwise trespassing upon these lands. How will he enforce the regulations?

Mr. RAKER. Will the gentleman yield right there?

Mr. MANN. I will yield for an answer to that question, How will he enforce the regulations?

Mr. RAKER. For instance, it is unlawful to carry your gun across the Yosemite National Park, but they do not arrest you if you do.

Mr. MANN. If it is unlawful, they do.

Mr. RAKER. No.

Mr. MANN. If it is unlawful, it is a misdemeanor.

Mr. RAKER. No; it is not.

Mr. MANN. Why, certainly it is.

Mr. RAKER. I beg the gentleman's pardon. An officer meets a man and takes his gun and takes it down.

Mr. MANN. The gentleman is occupying my time. I can not outtalk the gentleman. He talks faster than I do. We provide that in the Yosemite National Park violations of the regulations are misdemeanors, and I believe we also provided under an old law that a commissioner could send a man to the penitentiary for a violation of them, though that is unconstitutional and I apprehend nobody has tried to do it. But how will he enforce those regulations? It seems to me sensible to permit the Secretary to make regulations under which people may go on this land; and if a person violates the regulations, then he subjects himself to punishment. If the Secretary can not make regulations, he will keep everybody off the land. It is just as much a misedmeanor to violate these regulations as it is a misdemeanor to violate an ordinary regulation.

Mr. GREEN of Iowa. Mr. Speaker, I think the gentleman from California [Mr. RAKER] misunderstood the purport of my inquiry. I was simply inquiring for information. If I am incorrect the gentleman from California can inform me, or the gentleman in charge of the bill can inform me, as I understand it is not intended to keep everybody off of this reservation, but simply to prevent acts that would tend in some way to pollute the water supply. If this provision is stricken out of the bill, as the gentleman from Illinois [Mr. MANN] has well said, the only thing the Secretary of War could do would be absolutely to forbid people to go upon the watershed, which is not intended, and which, in my judgment, would not be a wise provision. The purpose of the bill, if I correctly understand it, is to permit people, under reasonable regulations, promulgated in accordance with the custom of the department, to go upon the watershed, if they do nothing that will pollute the water. But if the bill is left as it stands, the Secretary will either have to forbid people absolutely to go upon the watershed at all or it will be necessary to have police there constantly, the same as there are in the Yosemite Valley.

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion?

Mr. GREEN of Iowa. With pleasure.

Mr. TAYLOR of Colorado. It seems to me that the language that was recommended to be stricken out by the Public Lands Committee is superfluous from the gentleman's standpoint. If the gentleman will read section 3, I do not think that that language is necessary at all. The section says:

SEC. 3. That in addition to the authority given the Secretary of Agriculture under the act of June 4, 1897 (30 Stats., p. 35), he is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this act.

Now, if you stop right there, that will be enough. What is the necessity of putting in the rest of it? It seems to me that the succeeding words—

including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands, and any violation of this act or of regulations issued thereunder shall be punishable as is provided for in section 50 of the act entitled "An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909"—

are entirely superfluous. Under the language above he is authorized to prescribe and enforce such regulations as he may find necessary to carry out the provisions of this act, including the right to exclude persons from these lands. Now, if he has these rights anyhow, why has he not enough authority, without throwing in the other clause? I think the unrestricted author-

ity to "issue regulations thereunder" is not necessary for any legitimate or necessary purpose, and might be grossly abused by petty officials.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Yes.

Mr. LENROOT. The additional acts could not be punishable under the forest-reserve law unless expressly made so by this bill.

Mr. TAYLOR of Colorado. In lines 13, 14, and 15 he is—

Hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purposes of this act.

Now, why is not that enough? Why do you want to give him any more power than that? So far as I am concerned I do not care enough about it to take up the time of the House any longer. But I do think, generally speaking, it is a bad policy for us to pass laws giving any executive official the right to make criminal laws. It seems to me that the gentleman from Wisconsin [Mr. LENROOT], who is usually a strong stickler for human rights, ought not to advocate that kind of a policy anyhow.

Mr. LENROOT. Will the gentleman yield again?

Mr. TAYLOR of Colorado. Yes.

Mr. LENROOT. I stated in reply to the gentleman from California [Mr. RAKER] that this very provision was in the forest reserve act. The gentleman denied it. I have the act before me. It is here.

Mr. TAYLOR of Colorado. I did not enter into that discussion at all.

Mr. LENROOT. I simply state that in reply to the gentleman from California.

Mr. TAYLOR of Colorado. I do not propose to go on record in favor of Congress giving any executive official of the United States absolute and plenary power to make regulations that are criminal laws, with authority to change them whenever his whim changes and as often as he pleases and without notice. That is what it means, and it seems to me that we ought not to go that far. But I do not want to jeopardize the gentleman's bill. It is otherwise a good bill and ought to pass.

Mr. GREEN of Iowa. In reply to what the gentleman has said, I will state that while the act does give the Secretary the right to prescribe and enforce regulations, he has no way of enforcing them if this provision is stricken out.

Mr. TAYLOR of Colorado. Lines 13, 14, and 15 of page 4 of the bill expressly give him the right to enforce all the regulations that are necessary.

Mr. GREEN of Iowa. It gives him the right to enforce, but no power to enforce if this provision is stricken out.

The SPEAKER. The question is on the committee amendments.

Mr. MANN. There are two other committee amendments. I would like to have them considered separately.

The SPEAKER. The Clerk will report the first one.

The Clerk read as follows:

Page 3, line 24, strike out the words "at the expense of and."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 25, after the word "with," insert the words "and at the exclusive expense of."

The amendment was agreed to.

The Clerk read as follows:

Page 4, lines 18 and 19, strike out the words "or of regulations issued thereunder."

The question was taken; and on a division (demanded by Mr. RAKER) there were—ayes 10, noes 18.

So the amendment was rejected.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Utah, a motion to reconsider the vote whereby the bill was passed was laid on the table.

### MAIL CHUTES FOR PUBLIC BUILDING, CLEVELAND, OHIO.

The next business on the Calendar for Unanimous Consent was the bill (S. 4182) to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to contract for and to have installed in the public building at Cleveland, Ohio, suitable mail chutes, and a sum not exceeding $800 is hereby appropriated for said purpose out of any moneys in the Treasury of the United States not otherwise appropriated.

The following committee amendments were read:

In lines 5 and 6 strike out the words "and a sum" and insert in lieu thereof the words "at a cost."

In line 6 strike out all after "$800," and all of lines 7 and 8.

The SPEAKER pro tempore (Mr. HAY). Is there objection?

Mr. FOSTER. Reserving the right to object, I would like to inquire if it is necessary to make a special appropriation to put in these mail chutes why does it not come out of the fund for repairs, and so forth?

Mr. BULKLEY. This is not to make repairs, it is an original installation, and all the funds appropriated for the construction of the building have been exhausted.

Mr. FOSTER. I thought that these mail chutes were put in out of that fund. Does the gentleman know whether that is true?

Mr. BULKLEY. I understand not. The bill has been through the Senate and also the House committee, and that point has never been raised.

Mr. FOSTER. I was under the impression that they had the right to put them in.

Mr. MANN. What is the gentleman's remark? We can not hear over on this side.

Mr. FOSTER. I was inquiring why the fund for upkeep and repair for this building should not pay for these mail chutes without making another appropriation?

Mr. STAFFORD If the gentleman will permit, all the accessories of a Government building must be provided for in the original appropriation, otherwise it can not be included as repairs.

Mr. FOSTER. This building has just been completed, I understand.

Mr. BULKLEY. The building has been practically completed about three years, but the mail chutes have never been installed, and this is a part of the original construction.

Mr. MANN. Mail chutes have been put in all over the country under the head of "repairs."

Mr. FOSTER. That was my impression, and I could not see the necessity of making a special appropriation. I thought that they had the right to do it.

Mr. BULKLEY. This matter has been carefully considered by the Senate committee and the House committee and has been favorably reported out of both committees, and I can see no objection to appropriating this small amount for this purpose.

Mr. FOSTER. Did the House committee inquire particularly as to this point?

Mr. BULKLEY. I presume the House committee knew about it, but no one ever raised the point.

Mr. FOSTER. Did they ever take the trouble to look it up?

Mr. MANN. It will not cost any more to do it this way than it would to do it the other way.

Mr. FOSTER. That is true.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. BULKLEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out the last word. It does seem remarkable that the Treasury Department and the Superintendent of Buildings would build a Federal building costing $3,230,485 and not put in the ordinary mail chutes. It is true that sometimes we get behind the times. I have to send over to the House Office Building for my mail as often as I get it; but you would suppose that in this day they would not construct a building costing nearly three and a quarter million dollars without providing mail chutes. They undoubtedly have fancy window glass, fancy tiles, and fancy marble that are of no use to anyone except to look at, and omit the essentials. It looks like pretty near a foolish proceeding.

Mr. BULKLEY. I think there is much justice in what the gentleman says, but I call his attention to the fact that that was all done by a Republican administration.

Mr. MANN. Mr. Speaker, I hope that the gentleman is not so narrow as to assume that I was referring to partisanship. I do not think there is any partisanship—Republican or Democratic—in the office in charge of the public buildings. I am rather surprised at the gentleman.

Mr. BULKLEY. If the gentleman did not mean any partisanship——

Mr. MANN. The gentleman knew I did not.

Mr. BULKLEY. I misunderstood the gentleman.

The SPEAKER pro tempore. The question is on the committee amendments.

Mr. BULKLEY. Mr. Speaker, this bill as it passed the Senate authorized the installation of these mail chutes, and also

carried an appropriation of $800 to pay for the work. The House Committee on Public Buildings and Grounds proposed amendments striking out the appropriation solely because that committee did not wish to assume jurisdiction of appropriations. Now, if this bill could have been passed within a short time after it was reported there would have been no objection to the committee amendments, because the appropriation could have been provided in one of the regular appropriation bills. But the Unanimous Consent Calendar has been congested, consideration of this matter has been delayed, and now the appropriation bills have all been passed and disposed of. To adopt these amendments now would result in considerable and useless delay in the installation of these mail chutes. I brought this situation to the attention of the chairman and some of the other members of the Committee on Public Buildings and Grounds, and also to the attention of the chairman of the Committee on Appropriations, and all agreed that under the present circumstances it would not be wise to insist on these committee amendments. I therefore ask that the committee amendments be disagreed to.

Mr. MANN. Mr. Speaker, I quite agree with the gentleman from Ohio. The situation is changed so since the bill was reported that it would be cause for a delay of at least a year before anything could be done if the committee amendments were agreed to. They might as well be submitted at once.

The SPEAKER pro tempore. The question is on the committee amendments.

The question was considered and the committee amendments were rejected.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BULKLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

POST-OFFICE BUILDING AT HANOVER, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12464) providing for the expenditure of part of the unexpended balance of the appropriation of $10,000, made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects and the bill is stricken from the calendar.

EXPATRIATION OF CITIZENS ABROAD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1991) to amend section 3 of an act entitled "An act in reference to the expatriation of citizens and their protection abroad."

Mr. LENROOT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

POST-OFFICE BUILDING AT GRAND JUNCTION, COLO.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 16056) to increase the limit of cost of the United States post-office building at Grand Junction, Colo.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the limit of cost of the United States post-office building at Grand Junction, Colo., be, and the same hereby is, increased from the sum of $100,000 to the sum of $250,000, said increase to be employed in the enlargement and betterment of the building.

With the following committee amendment:

Line 5, strike out the figures "$250,000" and insert the figures "$175,000."

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman withhold his objection?

Mr. MADDEN. I will withhold it.

Mr. TAYLOR of Colorado. Mr. Speaker, I would like to state to the gentleman and the committee that the original appropriation for this building was obtained by me in the general bill of June 25, 1910. I then obtained an appropriation of $100,000 for a public building in Grand Junction, Colo. Since that time the Supervising Architect and the Treasury Department have been trying to obtain a bid to construct the building. They have advertised three different times and each time they have failed to get a suitable bid within that amount, and they have never yet been able to start the building.

Mr. MADDEN. Why do they not make their plans to conform to the amount of money that is provided?

Mr. TAYLOR of Colorado. I can answer that. There is not only the post office in that city, but there is the United States Reclamation Service, the Government high-line project, with a large number of Government employees to be provided for for many years to come. There is the Forest Service, the Civil Service Commission, Department of Justice, and they have the weather bureau and the drainage department and a number of Government functions, and the Treasury officials felt that there was no use of constructing a building that is not half big enough right now.

Mr. MADDEN. When the gentleman got his appropriation for $100,000, I suppose that was all he asked?

Mr. TAYLOR of Colorado. That is all the committee would give me. I think, however, that I did ask for $200,000 at that time.

Mr. MADDEN. The gentleman knew that $100,000 was all that was needed.

Mr. TAYLOR of Colorado. No; it was not all that was needed. It was all I could get at that time.

Mr. MADDEN. Let us assume that it was for the sake of the argument, and that when the $100,000 was appropriated, the Supervising Architect had notice that that was the amount of money that would be expended, and in making his plans he should not have made plans to cover a building that would cost $1,000,000.

Mr. TAYLOR of Colorado. Has the gentleman read the report of the Treasury Department or of the Supervising Architect upon this bill? They report that since that appropriation was made they have discovered that the foundation alone of this building will cost $30,000. The city is underlaid with an alkali formation that makes it very expensive to obtain a suitable foundation for a large building. At least, that is the report of the architect.

Mr. MADDEN. What is the population of the town?

Mr. TAYLOR of Colorado. About 8,000.

Mr. MADDEN. What are the receipts of the post office?

Mr. TAYLOR of Colorado. They are given here.

Mr. MADDEN. Let us have them.

Mr. TAYLOR of Colorado. The receipts for the fiscal year 1913 were $33,223.92, as against $13,219.70 for the year 1903. They have grown from thirteen thousand to thirty-three thousand in 10 years. The report on this bill is as follows:

PUBLIC BUILDING AT GRAND JUNCTION, COLO.

JUNE 12, 1914.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
*House of Representatives.*

SIR: In compliance with your request of April 28 last, I have the honor to submit the following report on H. R. 16056 (1639), which provides for an increase in the limit of cost of the post-office building at Grand Junction, Colo.

The limit of cost authorized in the act of June 25, 1910, for the construction of the building is $100,000.

The work has been advertised and proposals submitted three times, but on account of insufficiency of funds it was necessary to reject all proposals. When the third set of proposals were submitted the plans called for a one-story building only, for the accommodation of the post office exclusively, although there are several other branches which require space, viz:

| | |
|---|---|
| Reclamation Service, 1,422 square feet, annual rental | $750 |
| Forest Service, 1,140 square feet, annual rental | 300 |
| Weather Bureau, 752 square feet, annual rental | 480 |
| Civil Service Commission, 500. | |
| Department of Justice, 300. | |

The amount of rent now paid for post-office quarters is $1,000. The receipts for the fiscal year 1913 were $33,223.92, against $13,219.70 for that of 1903.

The population of the town in 1910 was 7,754, and the number of persons served from the post office is approximately 15,000.

Attention is invited to the unusual soil conditions existing in this locality and the consequent large increase in the cost of securing good foundations. The soil is highly impregnated with alkali, making it necessary to exercise every precaution for the protection of concrete, brick, and other masonry from disintegration and complete destruction.

It is estimated that in order to provide for all branches of the service a two-story and basement building with a ground area of 8,000 square feet will be required, and that the cost of such a building faced with brick with stone trimmings, and using fireproof construction, will be $200,000, or an increase of $100,000 in the present limit of cost.

It is recommended that the present legislation be amended so as to provide for the accommodation of the post office and other governmental offices.

Respectfully, W. G. MCADOO, *Secretary.*

The committee held quite a full hearing upon this bill on June 24, 1914, and again on July 15, 1914, at which last hearing Mr. Oscar Wenderoth, Supervising Architect of the Treasury Department, appeared and presented the matter very fully. From his statement and the other statements of Mr. TAYLOR, the author of the bill, and other evidence before your committee, it appears that some seven or eight years ago an appropriation was made for the purchase of a site for this building, and the site was duly acquired soon thereafter; that on June 25, 1910, in the general omnibus public buildings bill, there was an item of $100,000 authorized for the construction of a public building at Grand Junction for a post office and for the accommodation of the various other Federal offices situated in that city. Since that time the Supervising Architect has three different times advertised for bids, and has been unable to obtain a bid within the amount of the appropriation, or that would at all warrant his office in pro-

ceeding with the construction of a building under that authorization; the bids for even an inadequate one-story building for the post office alone being in excess of the authorization.

The Treasury Department desires to construct a suitable two-story building of at least 8,000 square feet floor space, which is actually necessary for the accommodation of the Government requirements of that city at this time, and while it has been strongly urged upon the committee that an increase of $100,000 is absolutely necessary—and the Treasury Department officially recommends that amount—nevertheless your committee believes that the Government can construct a brick building sufficient at least for the present time with an increase of $75,000, and has therefore recommended that amount.

One reason why the building will cost the amount shown by the statement of Mr. Wenderoth is because of the character of the foundation. The architect estimates that the foundation of the building will cost $30,000, because of the site being underlaid with alkali, which rapidly disintegrates the cement used in the concrete, and thereby requires a special scheme of construction, the experts reporting that the cement piers must be surrounded by a 6-inch casing of tar cement.

It was shown in the hearings that the city of Grand Junction is the metropolis of western Colorado and always will be the largest city in the western half of the State. The present post office serves about 15,000 people and is situated in the center of a very rich and growing agricultural and fruit district. The large high-line Government reclamation project, and also the drainage department of the Government for all western and southern Colorado, are located there, with a large force of Federal employees, and will for many years to come require a large amount of office space.

In view of the repeated efforts to construct this building with the present appropriation, and the assurance of the Treasury Department that nothing further can be done until an additional appropriation of at least $75,000 is authorized, and the fact that the matter is now and has been for more than a year at a standstill, your committee earnestly recommends this appropriation as an emergency measure.

Mr. MADDEN. It is proposed here in a town of 8,000 population, renting a post-office building now for $1,000 a year, to expend $175,000 for the construction of a building, the rent of which, at 3 per cent per annum, would be $5,250 per year, and then there would have to be a janitor employed and a lot of other incidental expenses, which are unnecessary and unjustifiable and unjustified under the circumstances.

Mr. TAYLOR of Colorado. With all due respect, the gentleman does not understand the situation at all.

Mr. MADDEN. I think I do.

Mr. TAYLOR of Colorado. We do not regulate public buildings merely on the population of a town. We construct them according to the needs of the Government at that place, do we not?

Mr. MADDEN. If I had my way——

Mr. TAYLOR of Colorado. Will the gentleman answer the question, does not Congress construct buildings according to the needs of the Government, rather than upon the population of a city?

Mr. MADDEN. If I were calculating the needs of the Government in a town like this, I would calculate a building the interest charge on the cost of which would not amount to over $1,000 dollars a year.

Mr. TAYLOR of Colorado. That kind of a building would be utterly useless. We must pay some attention to the present and future needs of the Government as shown by the Treasury Department report. The $1,000 rent is only for the post office. There is over $1,500 rent for the other Government offices there.

Mr. MADDEN. I would not pay any attention to anybody's report in a case like this, except the common-sense view of the situation.

Mr. TAYLOR of Colorado. When we have all these Government functions there and when the Supervising Architect says there is no use of constructing a building of less than two stories and 8,000 square feet floor space, what is the use of constructing a one-story building of half that size, or of compelling that city to wait several years longer? I have been held up three years upon this matter now.

Mr. MADDEN. If I had a town of 8,000 inhabitants in my district and was going to recommend the construction of a building, I would say that the building ought not to cost over $10,000 under any circumstances instead of $175,000. We are putting up post offices all over the city of Chicago the cost of which do not exceed $10,000 each, and in which there are employed from two to three hundred men doing the work that is necessary to be done in those buildings, and the revenues from which are ten times as much as the revenues would be from a building in the town in which this building is proposed to be constructed.

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion. It seems to me the gentleman certainly can not have read the report and that he ought in all fairness to at least read the report of the Treasury Department on my bill.

Mr. MADDEN. I have read the report.

Mr. TAYLOR of Colorado. The report says that this post office now serves 15,000 people, and that with the many Government functions there a much larger building is required than is ordinarily sufficient for a town of that size. The situation is unusual. Grand Junction is the metropolis of western Colorado; it is the most important town in the western half of our State. It is the general governmental center of western Colorado, and the governmental officials are trying to build a Federal building there that will hold all those Government offices, and the amount now appropriated will not construct a one-story building that will be big enough now for the post office alone. The Senate has already passed a duplicate of this bill, and they have passed it for $100,000, and I am only asking this House for an increase of $75,000.

Notwithstanding we are acting upon unanimous consent, it seems to me the gentleman from Illinois ought to be reasonable and not arbitrarily object to this bill and deprive us of a building that is necessary and suitable for our actual needs. This appropriation will have to be made some time, because the Supervising Architect says there is no use trying to advertise any more unless we can get a further appropriation sufficient to build a suitable building in that city.

Mr. MADDEN. I put up a building, if the gentleman will allow me, just a little while ago, 4 stories high, 50 feet wide, and 150 feet deep, best kind of construction, fireproof in every particular, at a cost of $42,000. There is no need for any such size building as this I have just described in the town referred to by the gentleman from Colorado. The expenditure of $175,000 for the construction of a building there would be an extravagant waste of public money, and I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. TAYLOR of Colorado. Does the gentleman object to the bill remaining on the calendar and pass it over without prejudice?

Mr. MADDEN. I am perfectly willing to let it go over without prejudice.

The SPEAKER pro tempore. Is there objection to the bill being passed without prejudice?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to make a few observations to the House if I may. I have no doubt Grand Junction, Colo., ought to have a good Federal building sooner or later and probably sooner. As far as the interests of Grand Junction are concerned we are now paying $1,000 rent at that place for the post office, but at the same time I wish to make this statement to the House.

Mr. TAYLOR of Colorado. That does not include the other Government offices. The total rent that the Government is now paying is over $2,500 a year, as I understand the report.

Mr. MANN. It seems to me just at this time, when we propose to pass a bill to impose new taxes upon the people, that our watchword ought to be economy. We have been rather free with the people's money, and so long as we collect a reasonable revenue there is no reason why we should not be entirely liberal in the way of giving expenditures and the construction of Government work, but I think just now, as long as this war lasts, as long as we are affected by the situation that exists in Europe as we are affected by it, that we ought to cut off every expenditure possible.

Mr. TAYLOR of Colorado. I feel that way myself. We ought to cut off all posible expenditures wherever we can during this war, and I think that right here in Congress is a good place to start with the utmost economy. When we are preparing to levy a war tax on the people it is no time to be making any appropriations of any kind that are not absolutely and urgently necessary.

Mr. MANN. That is what my colleague is endeavoring to do.

Mr. TAYLOR of Colorado. He has not objected to any other bill of this kind, I notice, all this time. We have been passing them right along here by unanimous consent.

Mr. MANN. Oh, if the gentleman will pardon me for a moment, the situation that has arisen has only arisen recently.

Mr. TAYLOR of Colorado. I realize that. But we passed several bill just like this, increasing the cost of buildings, last week.

Mr. MANN. We passed a number of bills increasing the cost of public buildings, I think, properly enough.

Mr. TAYLOR of Colorado. If the gentleman will permit me a suggestion. If the House will say to me that no more public building appropriations will be authorized until this war is concluded I will be mighty glad to vote for it and temporarily lay this bill aside, and I think it would be the most sensible thing this House could do. But if, regardless of the war, you are every unanimous-consent day going to pass bills of this character, I certainly am entitled to consideration when this building has been delayed and held up for three or four years.

Mr. MANN. Now, I am not discussing this particular bill. I think we have not passed very many of these bills since the war broke out. I do not say whether this bill ought to pass or not, although I do not believe it will be any great detriment to

the public service if the construction of this building were deferred for a year.

It has done very well so far, but, so far as I am concerned, no one can say they will not vote some appropriation, for no one can tell what exigency will arise. We passed an appropriation this morning of $1,000,000, not for our own benefit, but for the benefit of foreign citizens of foreign Governments, and we could not escape it; but on those things where we can economize I think we ought to economize in the expenditure of money until this emergency and exigency has passed over.

Mr. TAYLOR of Colorado. I think that ought to apply to all appropriations. I will very gladly join you in economizing on everything all down the line. I do not want the spasm of economy to begin and end on Grand Junction.

Mr. MANN. I think the gentleman from Colorado will find that——

Mr. TAYLOR of Colorado. I will be glad to vote for cutting off all appropriations of all kinds right along during this Congress, and I think we had better commence right now to object to all bills on this calendar that appropriate any money.

Mr. STEPHENS of Texas. Now, I desire to ask the gentleman from Illinois [Mr. MANN] if he does not think it advisable to let the river and harbor bill go over for 12 months?

Mr. MANN. I think it would be advisable to let the river and harbor bill go over 12 months or longer.

Mr. STEPHENS of Texas. I agree with the gentleman.

Mr. MANN. And some of the items in that bill, it would be better to have them go over for 12 years or longer or 1,200 years, possibly. [Applause.]

The SPEAKER pro tempore. Is there objection to passing this bill over without prejudice? [After a pause.] The Chair hears none.

POST-OFFICE BUILDING, HANOVER, PA.

Mr. RUPLEY. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 12464 for the purpose of asking that it go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. RUPLEY. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

RIGHT OF WAY, FORT WINGATE RESERVATION, N. MEX.

The next business on the Calendar for Unanimous Consent was the bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.*, That the Atchison, Topeka & Santa Fe Railway Co., of Kansas, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, granted a revocable license to survey, locate, construct, and maintain a railway, telegraph, and telephone line into and upon Fort Wingate Military Reservation, N. Mex., to connect with its present right of way, as may be determined and approved by the Secretary of War or the chief officer of the department under whose supervision such reservation may otherwise fall.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 200 feet in width through said Fort Wingate Reservation, with the right to use other additional ground when cuts and fills may be necessary for the construction and maintenance of said roadbed, not exceeding 100 feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill, excepting, however, from said right of way hereby granted that strip or portion thereof which would be included within the limits of the present 200-foot right of way heretofore granted to said Atchison, Topeka & Santa Fe Railway Co. and used by it as its main line right of way: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines and the use and enjoyment of the rights and privileges herein granted; and when any portion thereof shall cease to be so used such portion shall revert to the United States, from which the same shall be taken: *Provided further*, That any other person or duly organized corporation constructing a railroad along a line necessitating the crossing of said reservation may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation by the said Atchison, Topeka & Santa Fe Railway Co. upon paying just compensation; and, if the parties concerned can not agree upon the amount of such compensation, the sums or sums to be paid for said use shall be fixed by the Secretary of War: *Provided further*, That before this act shall become operative a description by metes and bounds of the lands herein authorized to be taken shall be approved by the Secretary of War: *And provided further*, That the said Atchison, Topeka & Santa Fe Railway Co., of Kansas, and other parties obtaining license from the Secretary of War as hereinbefore provided, shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War.

SEC. 3. That the powers herein granted are limited to a period of 50 years unless sooner altered, amended, or repealed by Congress.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore (Mr. HAY). Is there objection?

Mr. STAFFORD. I reserve the right to object, Mr. Speaker.

Mr. FERGUSSON. Mr. Speaker, this is in the State I have the honor to represent, and I have some knowledge of it.

Mr. STAFFORD. Mr. Speaker, this bill seeks to grant a right of way over an abandoned, as it seems, military reservation that has been turned into a national forest. There is nothing in the report to show that the proposition has been submitted to the Secretary of Agriculture for his approval. We merely have a report—and it is a very meager one—from the Secretary of War. The Secretary of War is not as much concerned with this property as is the Secretary of Agriculture, because it is now a forest reserve.

Mr. FERGUSSON. I do not understand that it has been incorporated yet as a forest reserve. It is occupied temporarily now, I will say to the gentleman from Wisconsin, by the Mexican soldiers who crossed over and were confined at Fort Bliss for safe-keeping.

Mr. STAFFORD. I will say to the gentleman that it is already incorporated as a forest reserve. I direct the gentleman's attention to the last paragraph of the Secretary of War's letter, where he says:

It may be further stated that Fort Wingate is ungarrisoned, and by Executive order dated May 31, 1911 (G. O. 80, W. D., 1911), was made a part of the Zuni National Forest, "to be protected and administered as national-forest lands, but that the same shall remain subject to the unhampered use of the War Department for military purposes, and to insure such use the land shall not be subject to any form of appropriation or disposal under the land laws of the United States."

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman permit me to make a suggestion?

Mr. FERGUSSON. That is only a nominal addition.

Mr. STEPHENS of Texas. Is it not a fact that Fort Wingate is the point where 5,000 Mexican prisoners are held by the United States Army? And is it not now considered as a military reservation, maintained at an expense of about $50,000 a month?

Mr. STAFFORD. Whether it is now used as a military prison for the confinement of Mexican relics of the late unpleasantness or not, it is still covered as a forest reserve.

Mr. FERGUSSON. It is turned over as a nominal part of the forest reserve, but it is at most but a mere nominal addition to the forest reserve, and, as the gentleman from Texas [Mr. STEPHENS] has suggested, it is actually occupied now by the military as a camp for keeping the Mexican prisoners. It is under the jurisdiction of a forest-reserve officer, but it is not used in any particular way as a forest reserve, although it is under their jurisdiction as to such matters as protection from fire and things of that kind. But that the Government reserves the right to use it at any time as a military reserve is attested by the fact that it is now in actual use for the safe-keeping of the Mexican prisoners, where they are kept under the jurisdiction of the military department.

Another thing that I would like to call to the attention of the gentleman from Wisconsin is the fact that a report of the Secretary of War has been made quite recently, long after this merely nominal addition was made to the forest reserve, and in that report he assumes the right to say there what he does say, that this request of the Atchison, Topeka & Santa Fe Railroad Co. is a fair request that will not interfere with the use of that reservation as a forest reserve.

Mr. STAFFORD. There is nothing in the report to show that it will not interfere with the use of it as a forest reserve.

Mr. FERGUSSON. It was added as a forest reserve by Executive order in 1911.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. FERGUSSON. Yes; I yield.

Mr. DENT. I just want to ask the gentleman from Wisconsin this question: Does he not suppose that when this bill was submitted to the War Department, if the Agricultural Department had had any objection the War Department would not have reported favorably on the bill? As a matter of fact, they have favorably reported on the bill. Otherwise, if they believed they had not jurisdiction, they would have submitted it to the Agricultural Department.

Mr. STAFFORD. No. We have instances in the case of other bills on the calendar where one department expresses its view upon it, and then if it pertains to the jurisdiction of another department it is submitted also to that department for its view. What length of right of way would be involved in this grant?

Mr. DENT. Mr. Speaker, I can not give the gentleman any detailed information about this bill. I have no interest in it, absolutely, and simply made the report at the request of the

chairman of the committee because I was a member of the committee. But when the War Department reported favorably upon it and this reservation was stated to be practically abandoned, and the purpose of this bill was simply to straighten the line of this railroad, the committee could not see any objection to the bill.

Mr. STAFFORD. I question whether there is anything here to indicate that the purpose of this bill is to straighten the line of the railroad. I think perhaps the gentleman from Alabama [Mr. DENT] is confusing this bill with another bill which is on this calendar, in which there is a grant of a right of way made to the same railroad.

Mr. DENT. Of course I got my information by hearsay—that it is to straighten the line of the railroad.

Mr. STAFFORD. There is another bill here, granting to the railroad a right of way over an Indian reservation for the purpose of straightening its line. I should think, Mr. Chairman, that this bill ought to go over without prejudice so as to obtain further information concerning it.

Mr. MANN. Mr. Speaker, before it goes over I would like to call the attention of the gentleman to what the bill does and what it is for, because plainly it ought not to pass in its present form.

Section 1 grants a revocable license for the construction of a railway and of telegraph and telephone lines.

In section 2 the corporation is authorized to take and use, for all purposes of railway, telegraph, and telephone lines a right of way 200 feet in width. Now, if section 1 grants a revocable license for this purpose and section 2 grants 200 feet in width directly for the purpose, how much do they get?

Then, having provided in section 1 for a revocable license, we provide in section 3 that the powers herein granted are limited to a period of 50 years, unless sooner altered, amended, or repealed by Congress. Having provided in section 1 for a revocable license, you provide in section 3 that it is a 50-year franchise unless Congress interferes. The revocable license in section 1 purports to be one governed by the Secretary of War or the chief officer of the department under whose supervision such reservation may fall. I do not know what that latter provision relates to, but I assume it relates to the Secretary of Agriculture, although the rest of the bill provides specifically that the Secretary of War and not the Secretary of Agriculture shall do certain things. I think whoever drew this bill had a nightmare when he was drawing it.

Mr. DENT. Mr. Speaker, I am not responsible for the gentleman who drew the bill.

Mr. MANN. Oh, I understand.

Mr. DENT. This is a Senate bill.

Mr. MANN. I understand that, but I do not assume that any Senator drew the bill. I assume that somewhere, at some place, a clerk in some law office gathered together scraps from various bills and threw them into this bill, but the bill contradicts itself in every section.

The SPEAKER pro tempore (Mr. HAY). Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object, unless there is——

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

### FLAG TO WILLIAM B. CUSHING CAMP, SONS OF VETERANS.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 121) authorizing the Secretary of War to furnish one United States garrison flag to William B. Cushing Camp, No. 30, Sons of Veterans.

The joint resolution was read, as follows:

*Resolved, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to furnish to the William B. Cushing Camp, No. 30, Sons of Veterans, Division of Maryland, and refurnish whenever he shall deem it necessary one United States garrison flag, for the purpose of being displayed from one of the three flagstaffs on the plaza in front of the Union Station, Washington, D. C.: *Provided*, That the raising and lowering of said flag shall be done without expense to the United States Government.

With the following committee amendment:

On page 1, line 4, after the word "to," insert the words "the Commissioners of the District of Columbia for the use of."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the bill provides for donating to the Sons of Veterans a flag to be displayed on one of the three flagstaffs on the Plaza in front of the Union Station, and it provides that the flag is to be raised and lowered whenever this camp see fit and without expense to the Government. We have all observed those three massive flagstaffs fronting the Union Station. Personally I would like to see the national flag flying not only from one but from each of them.

Mr. MANN. If the gentleman had looked yesterday he would have seen that very thing.

Mr. STAFFORD. That was the first time I ever saw the three flags flying there, Mr. Speaker, and they made a very attractive sight. I think the flying of the flag there ought not to be left to some subordinate organization, even though it is patriotic in its character, but that it should be left, as it was yesterday, to the jurisdiction of the Commissioners of the District of Columbia.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Ohio.

Mr. WILLIS. I can say to the gentleman that the purpose of this bill is to enable this patriotic society of the Sons of Veterans to keep that flag flying there all the time, as it ought to be. The idea is exactly what the gentleman has in mind—to keep the national colors flying there all the time. This would be a source of patriotic inspiration to every passenger who goes through the Union Station.

Mr. STAFFORD. Will the gentleman permit?

Mr. WILLIS. Yes.

Mr. STAFFORD. Is there anything in this bill that prevents the camp from exercising their judgment as to when they shall have the flag flying?

Mr. WILLIS. Perhaps not. There may be nothing in the bill to prevent that, but I can say to the gentleman that it is the purpose not to have the flag displayed irregularly but constantly.

Mr. STAFFORD. I supposed that the purpose was as the gentleman states.

Mr. WILLIS. In the amendment, to which the attention of the gentleman may not have been called, it is provided that the flag is to be furnished, not to Cushing Camp, Sons of Veterans, but to the Commissioners of the District of Columbia for the use of this patriotic organization. The Commissioners of the District have jurisdiction over it.

Mr. STAFFORD. I am quite familiar with the amendment. It has just been called to the attention of the gentleman himself, wherein I read it some time ago.

Mr. WILLIS. I carefully read the bill and the amendment a long time ago.

Mr. STAFFORD. As the gentleman is a very prominent candidate from a great State where these organizations are very strong and alert, I assume that he has read this or had his attention called to it a long time ago.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. STAFFORD. I shall be very glad to yield.

Mr. GREEN of Iowa. I will state for the information of the gentleman from Wisconsin that one of the officers of this organization was talking to me the other day, and said it was the purpose of the organization, if this bill passed, to put the flag up there every day unless the weather was such as would be likely to injure the flag.

Mr. STAFFORD. Does the gentleman think we ought to delegate to this association the raising of the flags on the Capitol, the Library of Congress, and the other Government buildings? Why should we single out this one flagstaff and delegate this patriotic duty to one organization?

Mr. GREEN of Iowa. Only because this organization is willing, and no other organization seemed to be willing, to assume this duty.

Mr. COOPER. Will the gentleman yield?

Mr. STAFFORD. I yield to my patriotic colleague.

Mr. COOPER. I suppose my friend is aware of the fact that William B. Cushing was a Wisconsin boy, one of the three Cushing brothers, who have been declared by historians to represent more of individual heroism in war than has been known in the lives of any other three sons of one mother. William B. Cushing, of the Navy, was the young hero of the world-famous sinking of the *Albemarle*. His brother Alonzo, only 22 years old, commanding Cushing's battery at Gettysburg, at the very point where the heroic Gen. Armistead made the high-water mark of the Confederacy, was three times terribly wounded before he fell dead. The third brother served in the Army through the Civil War, part of the time as an officer, and was afterwards killed by the Indians. His commanding officer and his associates all declared that there never lived a braver or more knightly soldier.

Inasmuch as this flag is to fly above the center of what is the very gateway of this Capital City and be the first to greet the eye of every visitor, I sincerely hope that my friend, who I know is a patriotic gentleman, will not object, but will permit

it to go to the camp of veterans which bears the glorious name of William B. Cushing. [Applause.]

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would be dead to all patriotic motives if I withstood the persuasive eloquence of my genial colleague from Wisconsin. I am most mindful of the distinguished history of the famous Cushing family of Waukesha County, a county which I had the privilege of representing before it was transferred in the reapportionment to my distinguished successor [Mr. COOPER] who has just spoken. I certainly would not wish to do anything to detract from the glory of that name. At the present time there is being erected at the place of their birth in Delafield a monument to the memory of that great family. I will not interpose an objection, although I think it is questionable that we should delegate to any patriotic camp the right of raising and lowering the flag on Government buildings and institutions.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. STAFFORD. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. STAFFORD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

### VALIDATING LOCATION OF PHOSPHATE-ROCK DEPOSIT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17906) validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States.

The Clerk read the title to the bill.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

Mr. FRENCH. Mr. Speaker, reserving the right to object, I want to know if we can not consider this bill to-day?

Mr. FOSTER. No; we can not to-day.

Mr. FRENCH. I am, of course, compelled to concede to the gentleman who has the veto power.

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Idaho a question. This is a House bill. There is on the Unanimous-Consent Calendar a Senate bill for the same purpose. What is the object in keeping both bills on the calendar?

Mr. FRENCH. The House bill was placed on the calendar in order to get a place before the other was reported. It was my purpose, if we could consider this House bill, to ask that the Senate bill be taken up in lieu of the House bill.

Mr. MANN. This bill is on the Unanimous-Consent Calendar—No. 276—and only three numbers down—279—is the Senate bill. I can not see what we gain by cumbering up the calendar by two bills on the same subject.

Mr. FRENCH. The House bill keeps the place which might permit it to pass two weeks earlier than if it was the Senate bill. Suppose we should reach the bottom of page 42, and not take up any bills on the next page.

Mr. MANN. I would not consent to pass a House bill with a similar Senate bill two numbers down on the calendar.

Mr. FOSTER. Mr. Speaker, I will withdraw my request that the bill be passed over without prejudice and object to the bill.

The SPEAKER pro tempore. The gentleman from Illinois objects.

### IMMEDIATE TRANSPORTATION OF DUTIABLE MERCHANDISE, BAY CITY, MICH.

The next business on the Unanimous-Consent Calendar was the bill (H. R. 2909) to extend the privileges of the seventh section of the immediate-transportation act to Bay City, Mich.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transporting of dutiable merchandise without appraisement, be, and they are hereby, extended to Bay City, Mich.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

### RECOGNITION OF SERVICES OF CERTAIN OFFICERS OF THE ARMY AND NAVY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the thanks of Congress are hereby extended to the following officers of the Army and Navy of the United States who, as members of the late Isthmian Canal Commission, have rendered distinguished service in constructing the Panama Canal, to wit: Col. George W. Goethals, chairman and chief engineer; Brig. Gen. William C. Gorgas, sanitary expert; Col. H. F. Hodges; Lieut. Col. William L. Sibert; and Commander H. H. Rousseau.

SEC. 2. That the President is hereby authorized, by and with the advice and consent of the Senate, to advance in rank one officer of the Corps of Engineers, United States Army, named in section 1 of this act, to the grade of major general of the line, United States Army, and one officer of the Medical Department, United States Army, named in same section, to the rank of major general in said department: *Provided*, That no officers now belonging to said corps or said department shall be deprived of or prejudiced in his regular promotion.

SEC. 3. That for the purposes of this act the number of major generals of the line, United States Army, is increased by one and the rank of the head of the Medical Department, United States Army, is made that of a major general: *Provided*, That the officer who may be advanced and appointed major general in the Medical Department, United States Army, shall thereupon become the head of such department, and the operation of so much of section 26 of the act of February 2, 1901, as limits the term of office of the head of the Medical Department, United States Army, shall be suspended during the incumbency of the head of the department who may be appointed under this act: *Provided further*, That whenever any officer advanced under the provisions of this act to the grade of major general, United States Army, shall become separated from the active list of the Army, by retirement or otherwise, the extra office or grade to which he shall have been so advanced or appointed shall cease and determine, and thereafter the rank of the head of the Medical Department, United States Army, shall be that of a brigadier general: *Provided also*, That the President, upon the retirement of the officers of the United States Army and Navy named in section 1 of this act and not advanced in rank in accordance with section 2, is hereby authorized, by and with the advice and consent of the Senate, to advance said officers one grade on the retired list.

Mr. DENT. Mr. Speaker, I am not the author of the bill. Judge ADAMSON has charge of it, and he has stepped out temporarily. It is easy enough to answer the first question propounded by the gentleman from Illinois as to what the purpose of the bill is. It is simply to reward the builders of the Panama Canal for the extraordinary services that they have rendered to this country and to the world.

Mr. MADDEN. If that is all there is to it, I have no objection.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MADDEN. Reserving the right to object, I would like to have the gentleman who has charge of the bill tell us something about what the purpose of the bill is, about what is sought to be accomplished, and how much it is going to cost.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend, on page 2, line 8, by striking out the word "officers" and inserting the word "officer."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 8, strike out the word "officers" and insert the word "officer."

Mr. MANN. The language is, "That no officers now belonging to said corps or said department shall be deprived of or prejudiced in his regular promotion."

Mr. DENT. I think that amendment is proper.

The amendment was agreed to.

Mr. MANN. Now I move to amend, on page 3, line 4, by inserting, after the word "and" where it occurs the second time, this language: "if such officer was prior to such separation head of the Medical Department."

The reason for that is that you make the proviso say:

That whenever any officer advanced under the provisions of this act to the grade of major general, United States Army, shall become separated from the active list of the Army, by retirement or otherwise, the extra office or grade to which he shall have been so advanced or appointed shall cease and determine, and thereafter the rank of the head

of the Medical Department, United States Army, shall be that of a brigadier general.

But you promote Col. Goethals to the osition of major general under this act, and also Col. Gorgas, and then you say whenever any officer so advanced is retired, thereafter the chief officer of the Medical Department shall be a brigadier general. The result of that might be that you have Col. Goethals and Col. Gorgas both made major generals. Col. Goethals might die and immediately Maj. Gen. Gorgas would be reduced to the rank of brigadier general, which, of course, is not desired. It is only when the vacancy occurs in the Medical Department that you desire to have that apply.

Mr. ADAMSON. Mr. Speaker, I think the gentleman is right about that.

Mr. DENT. Mr. Speaker, I will accept that amendment.

Mr. ADAMSON. As I understand the amendment of the gentleman from Illinois [Mr. MANN], it merely makes this specifically apply without doubt to Gen. Gorgas.

Mr. MANN. That when this separation occurs, if it is the chief officer of the medical service, thereafter it shall be a brigadier general in that office.

Mr. ADAMSON. It makes it specifically operate as to Gen. Gorgas.

Mr. MANN. Yes.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 4, after the word "and" where it occurs the second time in the line, insert the words "if such officer was prior to such separation head of the Medical Department."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I do not want to detain the House, but I desire to say that I have not offered any amendment to this bill to change the rank which has been proposed, because I take it that the gentleman from Georgia [Mr. ADAMSON], who introduced the bill, and the members of the Committee on Military Affairs, which reported it, took into consideration all of the circumstances as well as the conditions in the Army. I had hoped that Congress, recognizing feats in time of peace as well as feats in time of war, recognizing the importance of great public service in time of peace as well as in time of war, might have given to Col. Goethals, who has constructed the greatest engineering work ever undertaken by a human being, the rank of general, a rank which will be conferred upon almost innumerable officers on the other side of the Atlantic Ocean during the present war for doing things of which we will never hear. The world has heard and will always hear of the work that Col. Goethals did. I would make him a general and let him stay on the active list as long as he lives, and enforce no duty upon him except that which he voluntarily performs. [Applause.]

Mr. ADAMSON. Mr. Speaker, I oppose the motion of the gentleman from Illinois to strike out the last word. I am not opposed to the delightful sentiments expressed by the gentleman, for I yield to no man in admiration for Col. Goethals and the mighty works which he has performed, but the gentleman from Illinois has rightly stated that we had a great many matters to consider, a great many people to consult. We had to consult the War Department. We did talk with the gentlemen themselves. We had to satisfy various members of the committee. We talked with the committees in both Houses of Congress, and with a great many Members and Senators, and we decided after thorough discussion of the question that the form in which the bill stands, acceptable to the War Department, and I think to all of the gentlemen concerned, was the best that we could do. I state to the gentleman from Illinois [Mr. MANN] now that there is no honor on earth which I would object to having conferred on Col. Goethals, and whether or not by legislative enactment we attempt to confer it upon him, the honor is already upon him and will be forever so regarded and accorded by the world, and can not be enhanced or diminished by this or any other act. [Applause.]

Mr. BURNETT. Mr. Speaker, I move to strike out the last two words. I do this, Mr. Speaker, for the purpose of saying something about Col. Sibert, who is a constituent of mine, from my home town, born in the mountains of north Alabama, and about the part that Alabama has played in the construction of the Panama Canal. Col. Sibert is a man who sprang from people in middle life, but he had energy, ambition, and intellect. Those good old people, his parents, struggled to give him the best education that could be obtained in the country schools and in the University of the State of Alabama at a time when it was hard for boys in the South to acquire an education and to rise in life. It was just after the Civil War, when poverty was all over our land, and that boy was a happy one who could obtain even a rudimentary education among the hills where Col. Sibert was born and raised. But, Mr. Speaker, he had energy, he had a will, he had courage. After he had made fair progress with his studies in the country schools and the high school and had attended our State university for a while, perhaps graduating there, though I am not sure, he went to the West Point Military Academy, and acquitted himself well. After he graduated there he was assigned to some of the most important tasks in the Spanish-American War in the Philippines. I have heard several of his ranking officers, generals of that war, speak of the fidelity, the earnestness, the zeal, and the intelligence with which that young man prosecuted every branch of service that was ever assigned to him. He had charge of some of the most important river work at Pittsburgh and on the Ohio, and I have heard gentlemen along that river who watched the work of the young engineer speak most highly of him. He was not a man who undertook to laud his own work, because he wanted that work to speak for him.

When it was desired that a new commission should be appointed for this great work, I believe Gen. Marshall, who was then the Chief of Engineers, and who knew Col. Sibert's good work, asked the President to appoint him to one of those positions. He, as well as the others referred to in this bill, made good. As was said in the Scriptures, their works do follow them. The great work of the opening of the Panama Canal is now temporarily overshadowed on the front pages of the papers of the country by that titanic struggle that is drenching the continent across the ocean with the blood of the best soldiers of that land, but when the smoke of battle has arisen, when history comes to record the eighth wonder of the world, in my humble judgment the work that has been achieved by those commissioners in cutting through the dividing land between the Atlantic and the Pacific, in that way connecting the waters of two great oceans and furnishing a course for the trade of our country, which will be developed more than ever on account of conditions brought about by the present war, will write high on the annals of fame the names of Goethals, Sibert, Gorgas, and the others as the men who have achieved this great work. [Applause.]

Mr. Speaker, my country, my district, and my State are proud of the name of Sibert. Persevering and courageous, he surmounted the difficulties that beset the pathway of a southern boy whose father had fought bravely the battles of the Lost Cause and had returned to find his home devastated and poverty staring him in the face.

The example of Col. Sibert will ever be an inspiration to the boys of my district who are struggling with adversity to do something and be something in the "world's great field of battle." But, Mr. Speaker, Col. Sibert was not the only Alabaman who bore a conspicuous part in this the most stupendous achievement of the age.

Two other great men from that State have won fame in the construction of the canal. I can find no better words to do them honor than those used by my able colleague from Alabama, Mr. DENT, in the splendid report which he makes on this bill. He says:

To Col. William C. Gorgas there can not be given too large a measure of praise. It is generally agreed that the failure of the French was due primarily to disease and a large death rate, which finally demoralized the entire force. This Col. Gorgas overcame, making the Isthmus sanitary and habitable. Without this it is doubtful if the canal would have ever been constructed, and certainly not without great loss of life and additional expense. The world recognizes that Col. Gorgas has made life in the Tropics not only possible but comfortable for the inhabitants of the Temperate Zones.

Col. William L. Sibert was especially designated to superintend the construction of the dam across the Chagres River and the three locks connected therewith on the Atlantic side. Perhaps the construction of the dam over this river was the most serious part of the entire work. It is a remarkable coincidence that the late Senator John T. Morgan, of Alabama, who may very properly be called the father of the Isthmian Canal, although he did not get the route he preferred, should have given as his principal objection to the Panama route the fact that the Chagres River could not be successfully dammed, when, as a matter of fact, it was dammed under the supervision of this other Alabaman, Col. Sibert.

My colleague, Mr. DENT, has well said that Senator Morgan may properly be called the father of the Isthmian Canal. To his great ability and untiring efforts is mainly due the inspiration of the Isthmian Canal movement. When this Government does justice to the one who initiated the movement, and to those who completed it, by erecting a monument on the canal to their memories, the names of the three great Alabamans—Morgan, Sibert, and Gorgas—will stand first among them all. [Applause.]

Mr. COX. Mr. Speaker, I thoroughly agree with all that was so ably said by the gentleman from Illinois [Mr. MANN] and

the gentleman from Alabama [Mr. BURNETT] concerning Col. Gorgas, Col. Goethals, Col. Gailliard, and others. They did their duty, and they did it well, and as such deserve the praise and commendation of a grateful people, and will no doubt receive it.

The passage of this bill is but a meek and mild recognition of their greatness as well as a fitting recognition of the work performed by them for humanity, born and unborn; but it seems to me that another class of people has been overlooked in the beautiful tributes paid to these gentlemen whose names are mentioned in this bill. All the gray matter ever placed within human skulls never could have constructed the canal had not a hundred million people, recognizing the important benefits to them and future posterity, without a murmur and without a protest, meekly bowed their backs and submitted to taxation to the amount of $400,000,000 in order to construct, build, and equip it.

That Col. Goethals stands to-day the foremost engineer in all history, present or past, is undisputed. That Col. Gorgas likewise stands in the front rank along sanitary lines goes without question. That the others whose names are mentioned in this bill stand out in bold relief as great constructors of a great object is conceded by all, but none of these men, great as they are, could ever possibly have built the canal had it not been that the American people furnished the munition of war—all the money and all the means necessary to construct it.

France tried it, and in the course of a few years found itself almost bankrupt in attempting to construct it. France did not have the resources to follow up its mistakes and refinance it, with the result that after years of futile effort it had to abandon the project; but the inexhaustible financial resources of our great Nation made it possible for these men and their associates to overcome any mistake made by France or themselves, and now it is an assured fact that it is a renowned success. With an army of approximately 60,000 men engaged in the gigantic undertaking, all financed by the American people, nothing could prevent its final completion and ultimate triumph, but the project simply demonstrates the old adage that "America is but another name for opportunity"; and while I would not detract one laurel from the brow of these men, so faithful and loyal to the trust reposed in them, yet behind them is the mighty army of American men and women, the toilers of our Nation, who have added glory and renown to our country's history in patiently submitting to taxation to the end that all means necessary might be supplied for the construction and completion of this great international enterprise.

It is impossible to recount the benefit that will accrue to us as a nation and that will ultimately accrue to the people of all the civilized earth. It has shortened the route of travel around Cape Horn more than 4,000 miles; it has brought the Atlantic and Pacific in close and immediate touch; it has annihilated space and destroyed distance; it has brought the people in closer communion and, I hope, in closer fellowship and good will to men.

All honor and credit belongs to these great men who engineered this great feat, erased the Isthmus, brought the oceans in touch; but to the American men and women who financed the great scheme and undertaking credit and honor is likewise due.

Mr. SIMS. Mr. Speaker, I join in and agree with the words of commendation that have been spoken about these distinguished gentlemen who have been referred to on the floor of this House. I would like to supplement them, if I had time to do so; but there was one of these distinguished engineers who did a great work in connection with the building of the canal in severing the mountain chain by cutting through the Culebra Range. He lost his life in performing that great work. I refer to Col. Gailliard, I think of the State of South Carolina. When the committee of which I have the honor to be a member visited the canal, we were entertained at the home of Col. Gailliard in a splendid fashion by his good wife and his gallant young son. We were all impressed with the courtesy extended to the committee. We all regret that he did not live to see this hour. He lost his life in the performance of his duty and deserves as much praise and as much commendation as any one of the great men who have been so unstintedly praised; and I think it is but proper and due to those who live to mourn him, the members of his family, that he should not be forgotten at this time and on this occasion. That is the only reason why I rose to say anything. If Congress should ever take formal action at any time in recognition of these heroes of peace, I hope that Col. Gailliard and those who survive him will not be forgotten. [Applause.]

Mr. MADDEN. Mr. Speaker, I would like to say a word, if I may. It was my privilege to know all of these men well and to be associated with them more or less frequently in the work. Col. Goethals is one of the great engineers of the world. Col. Gailliard was probably one of the best men on details in engineering I ever saw. Col. Sibert is a master constructive genius in masonry work, and it was he who had charge of the construction of the Gatun Locks. Col. Gorgas is undoubtedly the best sanitary scientist the world has ever produced. [Applause.] But one man about whom no one has said a word, and perhaps no one ever will, was Engineer Williams, who had charge of the Miraflores Lock construction. No engineer connected with the work, military or civil, compared with him in my judgment. He was a great man. He did a great service; he was a master genius in his line. These men were all associated with men of brains in other capacities. Young engineers from all over the country supported them in the work they were called upon to do. They overcame every obstacle that presented itself. The American people gave freely of the money requisite to accomplish this great task.

The construction of the Panama Canal was probably one of the greatest engineering projects of all the ages, and all honor is due to every man, from the most lowly to the most influential, for what he did in the construction of that great waterway. We have given to the world a splendid example of American engineering genius; and no honor that can be paid by the Congress to Col. Goethals, to Col. Gorgas, to Col. Sibert, and to the memory of Col. Gailliard can in anywise compare with the honor that they have earned by their work. There is no honor that we can give these men that is commensurate with the work they have done in the development of civilization and the development of the commerce of the world; and the mere passage of a law giving them the right of promotion is no compensation whatever for the work they have done; but the world will honor them whether we do or not, and the honor given to them by the world will be commensurate with the work which they have done. I am glad that even this honor is to be bestowed upon these men who have given unselfishly of their time, service, and their genius to demonstrate to the world that America makes men as well as merchandise. [Applause.]

Mr. MANN. Mr. Speaker, if the House will bear with me for a moment, I wish to say that the gentleman from Georgia [Mr. ADAMSON] and myself were from the start on the committee that had jurisdiction over legislation relating to the Panama Canal and were forced to be familiar with the conditions under which construction was started and carried on there.

It was discovered in course of time that it might not be easy, if possible at all, to accomplish this great work under the leadership of people taken from private life, outside of the Army and the Navy. One of the great engineers of the country, Mr. Wallace, resigned. Another great engineer of the country, Mr. Stevens, resigned. Another great railroad man and master of construction in the country, Mr. Shonts, resigned. How much credit they ought to be entitled to I shall not undertake to say at this time. But there came a time when the President determined to draw upon the resources of the Army and the Navy, where he could command men to take charge and keep them there. The Army and the Navy never had a higher compliment bestowed upon them than was then bestowed. [Applause.] The men who were assigned responded in a way to excite the admiration of the world. They took good men.

Out of the Navy they took a man who before that was not very well known, selected through some manner for his capabilities, and no one ever responded better to the trust reposed upon him than did Lieut. Commander Rousseau.

Among others taken from the Army—not at the beginning—to exercise jurisdiction over the purchase of supplies—a place requiring both intelligence and thorough honesty—they took Col. Hodges out of the Engineer Corps of the Army; and while he had always filled the bill perfectly as one of the engineers, he has not only excited our admiration but has shown the fact that it was possible to carry on and make all of these purchases without a question of honesty or a doubt of the honor of the country. [Applause.]

They are all entitled to more than we can give them with these few passing words and our tribute in the form of the bill that will be passed. [Applause.]

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

### VALIDATING LOCATION OF PHOSPHATE-ROCK DEPOSITS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6106) validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States.

The title of the bill was read.

Mr. FOSTER. Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

USE OF NATIONAL FORESTS FOR RECREATION PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17780) providing for the use of certain portions or spaces of ground within the national forests for recreation purposes.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of Agriculture may, upon such terms as he may deem proper and for periods not exceeding 20 years, permit responsible persons or associations to use and occupy suitable spaces or portions of ground in the national forests for the construction of summer homes, hotels, stores, or other structures needed for recreation or public convenience, not exceeding 5 acres in area to any one person or association.

Mr. RAKER. Mr. Speaker, I hope the gentleman from Oregon [Mr. HAWLEY] will let this bill go over to-day.

Mr. HAWLEY. Of course the gentleman can prevent its consideration, but I hope he will not object. The bill has the approval of the Forest Service.

Mr. RAKER. This is a matter pending before the Committee on Public Lands, and much consideration has been given it and a favorable report has been received from the department. Many consultations and visitations upon this subject have been had by members of the Committee on Public Lands with the Secretary of Agriculture. This matter can come up later. There is a serious question as to jurisdiction—a question over its going to the Committee on Agriculture—and to avoid any question I hope the gentleman will permit it to be passed over without prejudice.

Mr. HAWLEY. There can be no question as to the jurisdiction of the Committee on Agriculture in dealing with forest lands, or as to that of the Secretary of Agriculture in making leases on them, with proper authorization.

The SPEAKER pro tempore. Is there objection?

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I feel that a bill of this great importance, affecting 185,000,000 acres of the public domain, ought not to be passed here on the Unanimous Consent Calendar, and I join with the gentleman from California [Mr. RAKER] in feeling that the Committee on Agriculture has nothing to do with this bill. It is a public-land matter and affects the jurisdiction of the public domain; and it seems to me that if this bill is allowed to be passed, the Forest Service or the Department of Agriculture could go and lease all of the 185,000,000 acres of the forest reserves for 30 years or for 50 years, or simply withdraw the land from entry, and it would be a public calamity in retarding the development of the West.

Mr. HAWLEY. If the gentleman will permit, this bill follows the same line of authorization that is granted to the Secretary of the Interior in making leases of lands in the national parks, and the Secretary of the Interior never has gone, and nobody now contemplates he will go, to the extent suggested by the gentleman from Colorado [Mr. TAYLOR], and no one expects the Secretary of Agriculture to do as he intimates. Spaces of ground near natural wonders and beautiful scenes or in acceptable outing places in the national forests will be leased, so that hotels and small cottages can be built there for the accommodation of travelers or so that people who wish to visit them may have the opportunity to build a little cottage for their use and that of their friends in the summertime and leave in their cottage their summer furniture for subsequent use. I favor opening to homestead entry all agricultural lands in the national forests, but this bill deals with an entirely different matter.

Mr. RAKER. In other words, Mr. Speaker, I claim that this great territory should be thrown open to homestead entry and should not be restricted to natural curiosities. I hope the gentleman will allow it to be passed over.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I do.

Mr. MANN. Do I understand that the gentleman contends that the Committee on Public Lands has jurisdiction over a bill like this?

Mr. RAKER. Unquestionably.

Mr. MANN. Of course they do not have.

Mr. RAKER. I can say with as much assurance that it does, because it disposes of the title.

Mr. HAWLEY. It does not dispose of the title. It does not even touch the question of title. It simply allows the Secretary of Agriculture to say to a man, "You can build a little cottage or a hotel on the land leased and hold it for 20 years or so long as you conform to the rules and regulations that are prescribed, and if you violate them your lease can be canceled."

Mr. TAYLOR of Colorado. That is all right so far as the public parks are concerned, but we are not willing to consider favorably the proposition that 185,000,000 acres of forest reserves should be used as public parks.

Mr. DONOVAN. Mr. Speaker, I demand the regular order.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. MANN. Then I shall object to public-land bills hereafter.

The SPEAKER pro tempore. The gentleman from California [Mr. RAKER] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Speaker, was it the understanding that we passed over without prejudice the Senate bill 6106?

The SPEAKER pro tempore. Yes.

DISTRICT COURTS, NORTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16244) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The bill was read, as follows:

*Be it enacted, etc.*, That section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 98. The State of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Chowan, Carteret, Dare Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnson, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson. Terms of the district court for the eastern district shall be held at Laurinburg on the last Mondays in March and September; at Elizabeth City on the second Mondays in April and October; at Newbern on the fourth Mondays in April and October; at Raleigh on the fourth Monday after the fourth Mondays in April and October: *Provided*, That the cities of Washington and Laurinburg shall provide and furnish at their own expense a suitable and convenient place for holding the district court at Washington and Laurinburg until a courthouse shall be constructed by the United States.

"The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City at Washington, and at Laurinburg, which shall be kept open at all times for the transaction of the business of the court."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman from North Carolina if it was the intention to abolish the western district of North Carolina?

Mr. PAGE of North Carolina. Why, no; it was not.

Mr. MANN. Is the gentleman aware that if this bill should pass in the form in which it now is it would abolish the western district of North Carolina? Pursuing the inquiry further, I should like to ask if it was the intention to abolish the holding of courts in the eastern district at Wilmington, Washington, and a few other places?

Mr. PAGE of North Carolina. Why, certainly it was not the intention to abolish either the western district of North Carolina or the holding of the courts at any place now designated by law.

Mr. MANN. This bill in its present form, if enacted into law, would abolish entirely the western district of North Carolina—that is, there would be no provision in law for it—and it would abolish the holding of court in the eastern district at Washington and Wilmington, and, I am not sure, what would happen at Laurinburg. I think it would provide for holding courts at two places by the same judge at the same time. Now, I suggest to the gentleman that he ask to have the bill go over, to give him opportunity to look this up.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection.

CHILOCCO INDIAN SCHOOL RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7025) to authorize the Atchison, Topeka &

Santa Fe Railway Co. to change its line of railroad through the Chilocco Indian Reservation, State of Oklahoma.

The bill was read, as follows:

*Be it enacted, etc.*, That the Atchison, Topeka & Santa Fe Railway Co. be, and is hereby, authorized to reconstruct its line of railroad through the Chilocco Indian Reservation in the State of Oklahoma to eliminate, where necessary, existing heavy grades and curves, and for such purpose to acquire the necessary right of way, not exceeding 250 feet in width, subject to the approval of the Secretary of the Interior, and to the payment for the land so taken and occupied by such new right of way in accordance with the provisions of section 15 of the act of Congress approved February 28, 1902, entitled "An act to grant the right of way through the Oklahoma Territory and Indian Territory to the Enid & Anadarko Railway Co., and for other purposes."

With the following committee amendment:

Strike out all after the word "way," in line 1, page 2, and insert the following: "of such an amount as may be determined by the Secretary of the Interior to be fair and adequate compensation therefor, including all damage which may be caused by the reconstruction of said line of railroad to adjoining lands, crops, and other improvements, said amount to be paid to the Secretary of the Interior for the use and benefit of the Chilocco Indian School."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. McGUIRE of Oklahoma. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I should like to ask the gentleman a question. Is this an Indian reservation?

Mr. McGUIRE of Oklahoma. It is a reservation set apart by specific act for a nonreservation Indian school, known as the Chilocco School. It is a small reservation——

Mr. MANN. That is what I thought it was. I see it refers to it here as the Chilocco Indian Reservation.

Mr. McGUIRE of Oklahoma. "Chilocco School Reservation" would be more appropriate.

Mr. MANN. I do not think it is an Indian reservation in the technical sense of that term.

Mr. McGUIRE of Oklahoma. It has been specifically set apart for an Indian school.

Mr. MANN. We provided that that land should be for the benefit of that Indian school, as I recall it.

Mr. McGUIRE of Oklahoma. The gentleman is correct.

Mr. STEPHENS of Texas. I will state to the gentleman that it is used for that purpose.

Mr. MANN. Whoever drafted this bill called it the Chilocco Indian Reservation. I suppose it would go at that, but it is not the correct title for it.

Mr. McGUIRE of Oklahoma. How would it do to amend it by inserting the word "school" before the word "reservation"?

Mr. MANN. That is all right.

Mr. McGUIRE of Oklahoma. I move that the word "school" be inserted after the word "Indian" in line 5, page 1.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 5, after the word "Indian" insert the word "school."

The amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. STEPHENS of Texas, the title was amended to conform to the text of the bill.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

WASHINGTON NAVEL ORANGE ANNIVERSARY CELEBRATION.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 302) authorizing and directing the President of the United States to invite foreign Governments to participate in the celebration of the fortieth anniversary of the founding of the Washington navel orange industry.

The joint resolution was read, as follows:

*Resolved, etc.*, That the President be, and he is hereby, authorized and requested to extend invitations to other nations to send representatives to, and otherwise participate in, the celebration of the fortieth anniversary of the founding of the Washington navel orange industry to be held in Riverside, Cal., during the month of April, 1915: *Provided*, That no appropriation shall be granted by the United States for expenses of such representatives or for other expenses incurred in connection with said invitation.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. BORLAND. Who is in charge of this bill?

Mr. KETTNER. This is my bill.

Mr. BORLAND. I should like to ask the gentleman the nature of this celebration that is going to be held. Is this a State celebration or a local celebration?

Mr. KETTNER. It is a county celebration—or, I might rather say, a State celebration.

Mr. BORLAND. I notice the report says it was introduced by the Agricultural Department 40 years ago.

Mr. KETTNER. Forty years ago.

Mr. BORLAND. I recall the fact that we had no Agricultural Department 40 years ago, and I am not sure we had even a commissioner of agriculture 40 years ago.

Mr. KETTNER. I inquired at the Agricultural Department and was informed by Mr. Taylor, of that department, that the trees were sent here from Brazil 40 years ago.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. BORLAND. Will the gentleman yield?

Mr. MANN. I yield to the gentleman.

Mr. BORLAND. This is a county celebration, is it?

Mr. KETTNER. A State celebration.

Mr. BORLAND. I understood the gentleman to say it is to be a county celebration.

Mr. KETTNER. It is to be a State celebration.

Mr. BORLAND. Will the State of California participate in it?

Mr. KETTNER. I take it for granted that it will. The legislature has not met since the arrangements for the celebration were begun.

Mr. BORLAND. The State has not done so yet?

Mr. KETTNER. Not as a State; but the different organizations of the State have passed resolutions and are taking part. For instance:

Whereas it is proposed that a celebration of the fortieth anniversary of the establishment of the Washington navel-orange industry shall be held about the middle of April, 1915, at Riverside, Cal., where the industry had its birth and where the two parent trees from which all of the others have sprung were sent from the Department of Agriculture at Washington in 1874, and still are; and

Whereas in the neighborhood of $200,000,000 are invested in this industry in this State alone, and it is of vital importance to the prosperity and happiness of our people; and

Whereas it is proposed that this celebration shall be State wide and more in its scope and participation; and

Whereas we believe that it can not fail to be of the greatest benefit to the industry and to the State of California, especially through the International Citrus Congress, proposed to be held in connection therewith: Now, therefore, be it

*Resolved*, That we, supervisors of the different counties of the State of California, being assembled in annual convention at Merced, May 19, 20, and 21, 1914, do hereby indorse the holding of said proposed celebration at Riverside at the time mentioned, and do promise to encourage the same and assist therein to the full extent of our abilities.

Mr. BORLAND. Is the National Government going to participate in it?

Mr. KETTNER. I do not know.

Mr. BORLAND. Has the National Government made any arrangements to do so?

Mr. KETTNER. Not that I know of. The scope of the celebration is shown by the following resolutions and list of committees:

RIVERSIDE CHAMBER OF COMMERCE.
*Riverside, Cal., June 11, 1914.*

Whereas the United States Department of Agriculture at Washington sent the two parent Washington navel orange trees to Riverside, Cal.; and

Whereas the great Washington navel-orange industry in California and in other parts of the United States and of the world has been founded by these two trees; and

Whereas the connection of the Government at Washington is so direct with the founding of this great industry, in which over $200,000,000 are invested in the State of California alone; and

Whereas it is proposed that there shall be held at Riverside, Cal., about the middle of April, 1915, a celebration of the fortieth anniversary of the founding of the Washington navel-orange industry; and

Whereas the importance of this industry warrants that the celebration should be international in its scope and participation; and

Whereas it is proposed that the feature of this celebration shall be an international citrus congress and that the proceedings of and papers presented at this congress shall be published in book form: Now, therefore, be it

*Resolved by the Riverside Chamber of Commerce*, That the Government of the United States be asked, through act of Congress or otherwise, to recognize said celebration and congress as international and to participate therein through its proper officials and to invite the governments of other citrus-growing countries to send representatives thereto.

RIVERSIDE CHAMBER OF COMMERCE COMMITTEES FOR THE CELEBRATION OF THE FORTIETH ANNIVERSARY OF THE FOUNDING OF THE WASHINGTON NAVEL ORANGE INDUSTRY TO BE HELD AT RIVERSIDE ABOUT THE MIDDLE OF APRIL, 1915.

General committee: Robert Lee Bettner (chairman), H. F. Grout, H. R. Greene, J. R. Gabbert, F. A. Miller, E. P. Clarke, S. C. Evans, W. G. Fraser, L. V. W. Brown, H. B. Chase, E. S. Moulton, B. K. Marvin, Fred M. Reed, G. Rouse, L. C. Waite, and L. B. Dixon.

Government cooperation: F. M. Conser, G. D. Cunningham, Harwood Hall, Hon. William Kettner, L. B. Scott, Hon. John D. Works.

State cooperation: Hon. John N. Anderson, W. A. Avey, Hon. W. H. Ellis.
County cooperation: Karl S. Carlton, Hon. F. E. Densmore, A. B. Pilch.
City cooperation: Mayor Oscar Ford, H. C. Cree, H. F. Grout.
Bank cooperation: A. A. Adair, S. H. Herrick, E. S. Moulton.
Church cooperation: Rev. M. C. Dotten, Rev. Florian Hahn, Rev. G. F. Holt, Rev. R. W. Mottern, Rev. Horace Porter.
Citrus growers' cooperation: C. C. Arnold, John L. Bishop, R. F. Burnham, E. A. Chase, W. G. Fraser, H. R. Greene, A. H. Holden, O. K. Kelsey, B. K. Marvin, J. H. Wright.
Commercial cooperation: F. A. Gardner (chairman), C. L. Reynolds, O. P. Sanders.
Legal cooperation: H. L. Carnahan, H. H. Craig, W. G. Irving, A. H. Winder.
Medical cooperation: Dr. H. A. Atwood, Dr. J. H. Holland, Dr. W. W. Roblee.
Pioneer cooperation: James Boyd, M. Estudillo, P. T. Evans, A. J. Twogood, L. C. Waite.
Realty cooperation: Joseph F. Wagner, T. F. Flaherty, F. C. Hamlin.
School cooperation: Raymond Cree, A. N. Wheelock.
Women's clubs cooperation: Mrs. L. F. Darling, Mrs. Martha Dudley, Mrs. K. D. Harger, Mrs. W. G. Irving.
Finance: L. V. W. Brown, H. A. Hammond, C. W. Hickok, C. M. Loring, F. A. Miller, J. C. Odell, John T. Redman, J. A. Simms, A. N. Sweet, Dr. C. Van Zwalenburg.
Invitation and publicity: E. P. Clarke, H. C. Cree, S. C. Evans, J. R. Gabbert, A. D. Shamel, W. W. Van Pelt.
International Congress: Fred M. Reed, A. D. Shamel, D. D. Sharp, H. J. Webber, Levi P. Chubbock.
Decoration and pageant: Mrs. R. L. Bettner, P. S. Castleman, F. M. Conser, L. B. Dixon, Mrs. P. T. Evans, W. T. Henderson, D. V. Hutchings, Mrs. C. E. Pomeroy, Charles G. Rouse, A. N. Wheelock.
Memorial: J. F. Daniels, George Frost, C. S. Pomeroy, J. H. Reed, G. Rouse, Dr. V. A. Argollo-Ferras, of Bahia, Brazil.
Exhibit committee: J. G Bayley, Adam Hewitson, H. M. May, F. A. Little, J. A. Urquhart.
Entertainment committee: D. A. Chappell, W. R. Clancy, H. L. Graham, C. L. Nye, C. L. Reynolds, Mrs. Alice Richardson, F. A. Tetley.
Transportation committee: J. H. Bauman, J. H. Burtner, J. R. Downs.

Mr. BORLAND. What reason have we to believe that any foreign Governments will take part in the celebration?

Mr. KETTNER. Because Brazil has signified her intention of taking part.

Mr. BORLAND. I have no objection to a formal invitation being extended by the President to any sort of a celebration, but it seems to me that it will involve the Government in some expense.

Mr. KETTNER. Does not the gentleman think that the Government is somewhat interested in a celebration of this kind?

Mr. BORLAND. Yes; but so is the Government interested in the first wheat planted in the Mississippi Valley, and a thousand other things, but I do not know that it needs to celebrate them.

Mr. KETTNER. That is very true. But we have had celebrations here. Only a short time ago we had a corn celebration in Kansas and a cotton celebration in Texas.

Mr. BORLAND. But they did not take on an international aspect, did they? Was it an international celebration in Kansas?

Mr. KETTNER. I think it was.

Mr. BORLAND. Is the gentleman certain that there is not going to be an appropriation involved in this?

Mr. KETTNER. There is no appropriation in this bill.

Mr. BORLAND. Is there an appropriation anywhere along the line in this proposition?

Mr. KETTNER. I have not taken any part in a proposition for an appropriation.

Mr. BORLAND. Is an appropriation contemplated for the purposes of this celebration?

Mr. KETTNER. I do not know; if the people of California should ask me to get an appropriation, I presume I should try to get one.

Mr. MANN. Will the gentleman yield for a question?

Mr. KETTNER. With pleasure.

Mr. MANN. As I understand, it is expected to have a celebration in California in respect to the development of the navel orange.

Mr. KETTNER. The gentleman is correct.

Mr. MANN. Is it the intention to get naval vessels from the various nations of the world to come there, and does the gentleman think that he would get any naval vessels except from Switzerland or Uruguay?

Mr. KETTNER. We hope to have naval vessels close to this celebration. I hope to see the naval vessels at San Diego during the Panama-California Exposition.

Mr. MANN. Considering the fact that we appropriated a million dollars this morning to loan temporarily to foreign Governments, to take care of their representatives here and elsewhere, does the gentleman think it would be seemly on the same day to extend an invitation to foreign Governments to send representatives here at their own expense?

Mr. KETTNER. Mr. Speaker, I believe this is the usual custom.

Mr. MANN. Oh, no; not the usual custom, although it has prevailed here for a few weeks. Does the gentleman think it is desirable to extend invitations to foreign Governments to send representatives to a fair or exposition here, and pay the expenses therefor, on the very day when we pass an appropriation of a million dollars to take care of these men that they now have here?

Mr. KETTNER. This invitation refers specifically to Brazil, although the committee has been given to understand that Italy would also take part.

Mr. RAKER. Will the gentleman yield for a question?

Mr. KETTNER. Certainly.

Mr. RAKER. Is it not a fact that we are making treaties with South American Republics, and that there are some 25 or 30 that we would like to have come to this exposition and others? To be sure, there is a little misunderstanding between two or three of the foreign powers, but that ought not to keep the balance of them away from an exhibition of this kind.

Mr. MANN. If the President is authorized to do this, if he extends invitations to other nations he certainly would not send one to Uruguay and miss England; he would not send one to Paraguay and miss Germany; he would not send one to Bolivia and miss France.

Mr. RAKER. The gentleman recognizes the fact that there are times when nations, like individuals, are sick, but there are only a few of the nations sick at the present time.

Mr. MANN. I never would consider it desirable if one of my neighbors had sickness in his family to invite them to come and take dinner with me and bring their own dinner. That does not seem courteous.

The SPEAKER pro tempore. Is there objection?

Mr. MOORE. Reserving the right to object, I would like to ask one gentleman from California, particularly the gentleman from California, Mr. RAKER, if he thinks the passage of this bill would serve to increase the entente between the United States and Japan?

Mr. RAKER. Japan is not interested in this particular matter, but if she wants to come it will be very nice.

Mr. MOORE. We have grown the navel orange, and we have succeeded in showing that it thrives in California. Now it is proposed to celebrate that event and have the Secretary of State send formal invitations to the nations of the earth, including Japan. Does the gentleman think it would be wise at this time, in view of his well-known views on this matter, to invite Japan?

Mr. RAKER. Answering the gentleman, I believe there are important differences between nations as well as between individuals, but every nation ought to be interested in this celebration, so that they might learn how to develop and raise navel oranges and all kinds of fruit such as grow in southern California, turning into a perfect paradise what a few years ago was a desert and cactus waste.

Mr. MOORE. Mr. Speaker, inasmuch as the Japanese Empire taught the United States silk culture, I suppose the gentleman thinks it would be proper for the United States to teach Japan how to raise navel oranges.

Mr. RAKER. Her representatives might come here and get benefit from it, and it would be right and proper. It would be eminently proper.

Mr. MOORE. Does the gentleman think that at this particular stage of the world's affairs the State Department, completely occupied in trying to bring back 30,000 Americans stranded abroad, ought to stop and engross invitations to foreign nations to come here and attend a celebration of the growth of navel oranges?

Mr. RAKER. Yes; there are only a few nations in trouble. There are 50 or 60 nations that are not in trouble. Let them come and let them get the benefit of a knowledge of what southern California has done for the advance of agriculture in this world.

Mr. MOORE. Down with war and up with agriculture and the raising of navel oranges! I want to ask the gentleman from California [Mr. KETTNER] whether he thinks this is the time for the United States to stop its great work of alleviating the suffering and distress of Americans abroad and of undertaking to reach them, through our embassies in foreign countries, and take up the question of inviting foreign nations to an exposition to celebrate the development of navel oranges in California?

Mr. KETTNER. Mr. Speaker, in answer to the gentleman from Pennsylvania [Mr. MOORE], in my opinion the bill will not pass the Senate until the next session of Congress, but I thought we could get it through the House and have it on the calendar.

Mr. MOORE. I realize the gentleman has made a great fight for it in the House.

XUM

Mr. MANN. Mr. Speaker, as we are talking about the celebration of navel oranges and other naval affairs, I see our distinguished colleague from Alabama [Mr. HOBSON], who is an authority upon all naval matters and I think he ought to give us his opinion in reference to the celebration of this navel event.

Mr. HOBSON. Mr. Speaker, I hope that the earnest consideration which the gentleman from Illinois [Mr. MANN] and others are now giving to the question of navel oranges will brighten their intellects and cause them in the future to give more earnest consideration of the question of naval affairs and permit us possibly to take some action next winter that it might have been well for us to have taken many years ago bearing on naval matters.

Mr. MANN. May I ask the gentleman from California a question? What money has been set aside and by what authorities, if any, out there, to take care of the delegates from foreign countries who might come here if this invitation should be extended?

Mr. KETTNER. Mr. Speaker, I simply understand that the committee has made full arrangements.

Mr. MANN. I will say to the gentleman from California that it seems to me where Congress asks the President to extend an invitation to foreign countries to send representatives here, we ought to be either prepared to take care of them, so far as entertainment is necessary, by appropriations out of the Federal Treasury or else know in advance that somebody else is prepared to take care of them with money raised, because we can not be placed in the position of inviting guests to this country and when they come having them look out for themselves.

Mr. KETTNER. Mr. Speaker, I would ask the gentleman from Illinois whether he has ever been in California?

Mr. MANN. I have had that honor.

Mr. KETTNER. Did they take care of the gentleman while he was there?

Mr. MANN. They did not. I took care of myself.

Mr. KETTNER. They always take care of visitors when they are specially invited guests. California is noted for its hospitality.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, under the circumstances I shall have to object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. KETTNER. Mr. Speaker, the resolution now before the House invites the nations of the world to send representatives to Riverside, Cal., during the month of April, 1915, to participate in the celebration of the fortieth anniversary of the introduction of the navel orange into California.

The unique event will form one of the most interesting features of next year's attractions on the Pacific coast, and will, indeed, in significance, interest, and appropriateness be a worthy companion to the International Exposition at San Francisco and the Panama-California Exposition at San Diego.

Some of the main features of the celebration at Riverside will consist of an international congress of citrus growers and experts, a memorial to the citrus industry, and a pageant representative of the history and development of the Washington navel orange, beginning with the desert in its natural and severe aspect, continuing on through the pioneering period, and finally culminating in the splendid and matchless industry of to-day.

Riverside is essentially the place for the holding of this celebration, not only because it marks the spot where the first navel orange trees were brought to a productive perfection in North America but also because it has enkindled an abiding interest in the romantic features of early California history, and to that end has accomplished much toward the perpetuating of the old mission type of architecture. The older members of the Public Buildings Committee may perhaps remember that Riverside wished its public building intended for the housing of the United States post office to be of this style in order to conform to the beauty plan of the city, and Mr. Taft, then President of the United States, said of this idea:

> I fully sympathize with the people of Riverside in desiring their Government building constructed on the mission plan. If we have any past of a historical character, we ought not to destroy it, and California is one of the few States that reaches back far enough into the past to have memorials to which you can make the present architecture accord.

I have discussed this matter very thoroughly with Mr. Taylor, in the Agricultural Department, and through his kindness I am able to submit the following interesting history of the navel orange:

The essential facts regarding the introduction of the navel orange to the United States from Brazil appear to be as follows:

According to the late James Hogg, of New York, a wealthy Brazilian planter, a Scotchman by birth, determined to manumit his slaves and remove with them to the United States. This he did about 1838, setting on an island in middle or southern Florida. He then returned to Brazil and secured a collection of Brazilian plants for introduction, which he consigned to the late Thomas Hogg, who then conducted a nursery at the corner of Broadway and Twenty-third Street, New York City. Among these plants were several navel orange trees. The collection was held in the greenhouse in New York for nearly a year, until the plants had recovered from the effects of the sea voyage, and was then forwarded to the owner in Florida. During the Seminole War the entire collection was destroyed by United States troops, the owner being charged with giving aid and comfort to the enemy. The owner then removed to Haiti.

While it is not positively known that these trees were of the same variety as that subsequently introduced by the department, it seems probable that this was the case. None of the trees survived long enough to come into fruit, however, and no trace of them now exists. The facts regarding this early introduction of the navel orange do not appear to have been generally known until 1888, when the above statement was published by Mr. Hogg.

During the year 1868 Mr. William Saunders, the horticulturist landscape gardener, and superintendent of gardens and grounds of the United States Department of Agriculture, learned through a correspondent then in Bahia, Brazil, that the oranges were of a superior character to any known in the United States. The department accordingly ordered a small shipment of trees. The first lot were found dead upon arrival. By sending minute directions as to budding, packing, and shipping, 12 small trees in fairly good condition were finally received by the department in 1870. These were planted in one of the greenhouses and propagated from by budding on small orange stocks. The young trees thus propagated were distributed to orange growers in Florida and California, under the name "Bahia," for testing. In 1873 two of these young trees propagated from those originally imported from Brazil were sent to Mrs. L. C. Tibbets, Riverside, Cal., upon the request of Gen. B. F. Butler, then a Member of Congress from Massachusetts. When these came into bearing the superiority of their fruit to that of the other varieties then grown in California was quickly recognized, and the trees on Mrs. Tibbets's place were largely propagated from by California nurserymen. One of these renamed the variety "Riverside Navel," and claimed to have imported the trees from Brazil himself. Later, at a conference of orange growers held in Los Angeles, Cal., the name "Washington Navel" was adopted for the variety, in recognition of the fact of its introduction by the Department of Agriculture, and it is very generally grown at present under that name. The American Pomological Society still adheres to the name "Bahia," under which Mr. Saunders introduced it, and recognizes the names "Riverside Navel" and "Washington Navel" as synonyms. It is now the most extensively grown variety in California.

The Washington Navel was widely planted in southern California, the State acquired a world-wide reputation for its citrus fruits, and a new era in orange culture began.

The two trees sent to California by the Department of Agriculture are objects of historic interest in the city of Riverside at the present time. One of the trees was transplanted by the city from the Tibbets place in 1903 and stands in a thrifty condition at the head of Magnolia Avenue; the other tree was transplanted in May, 1903, with the assistance of Mr. Roosevelt, then President, to the court of the Glenwood Mission Inn, which adds the last touch of romance to that charming place of which M. L. Elliott has written:

> A flash of genius caught the grace and charm
> Of those enchanting stories of the past,
> And wrought them in the Glenwood of to-day,
> Which stands a living picture, clear and warm,
> Of that far time, and on its walls are cast
> The splendors of an age long past away.

The citrus industry of California, in all its ramifications, represents an investment of $500,000,000; and of this magnificent amount that devoted to the growing of oranges alone, not taking into account any investment occasioned because of packing or transportation facilities, will exceed $150,000,000. Ten thousand farmers are industriously engaged in the culture of the fruit; 20,000 laborers are employed directly in the industry, and over 125,000 people are dependent upon it directly and indirectly for a livelihood. These figures refer only to California and her orange industry. If to them we add the thousands employed in other States in order that proper and adequate transportation, refrigeration, and selling agencies may be provided, the numbers given as being dependent upon the industry for a livelihood will be multiplied manyfold.

The output for the year 1912 was 34,712 carloads. About three-fourths of the oranges grown are of the Washington Navel variety, the remainder comprising the Valencia as the most important variety, with fewer of the St. Michael, Mediterranean Sweet, Thompson, Ruby, Maltese Blood, Jaffa, seedlings, and tangarines.

Under these conditions it is but proper and right that the United States should invite, not alone Brazil, where the original trees were obtained, but also the other South American countries and citrus-growing nations, that they may have a part in the appropriate celebration of the fortieth anniversary of this great industry.

LANDS CONTAINING KAOLIN, ETC., IN INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That all lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay, within such parts of Indian reservations as have heretofore been opened to settlement and entry under acts of Congress which did not authorize the disposal of such mineral lands, shall be open to exploration and purchase and be disposed of under the general provisions of the mining laws of the United States, and the proceeds arising therefrom shall be deposited in the Treasury for the same purpose for which the proceeds arising from the disposal of other lands within the reservation in which such mineral-bearing lands are located were deposited: *Provided*, That the same person, association, or corporation shall not locate or enter more than one claim, not exceeding 160 acres in area, hereunder: *Provided further*, That none of the lands or mineral deposits, the disposal of which is herein provided for, shall be disposed of at less price than that fixed by the applicable mining or coal-land laws, and in no instance at less than their appraised value for agricultural purposes.

The SPEAKER pro tempore. Is there objection?

Mr. HAWLEY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill if the suggestion of the Acting Secretary of the Interior to the chairman of the Senate Committee that the Senate bill as submitted to them should all be stricken out, and the suggestions of the Secretary be incorporated in place of it was complied with?

Mr. TAYLOR of Colorado. I think so.

Mr. BURKE of South Dakota. Yes; literally.

Mr. TAYLOR of Colorado. I have the original bill here.

Mr. HAWLEY. I would like to know certainly.

Mr. BURKE of South Dakota. Mr. Speaker, I would say that I am familiar with the bill and it is the bill suggested by the Interior Department.

Mr. HAWLEY. How much land will be affected by this bill?

Mr. BURKE of South Dakota. Very small areas, I will say to the gentleman, and it applies only to lands formerly in Indian reservations and now open to settlement.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, did the committee take into consideration the objection which the Secretary of the Interior made to the bill?

Mr. TAYLOR of Colorado. Yes. My recollection is that we did; and we reported the bill the way it came from the Senate, and I understood the Senate committee complied with all of the recommendations of the Secretary of the Interior.

Mr. MANN. Oh, that is not the case.

Mr. BURKE of South Dakota. Let me say to the gentleman from Illinois that originally there was a bill introduced applying only to the Rosebud Indian Reservation, in the State of South Dakota. Subsequently it was reintroduced making it general. That bill was referred to the department, and my understanding is that the department proposed a substitute, which was reported by the Public Lands Committee of the Senate, and it passed the Senate in the exact form that it was reported to the House.

Mr. MANN. That may be; but I quote from the letter of the Secretary, or the Acting Secretary, which is only an illustration:

> Generally speaking, I favor the opening of these mineral deposits to disposition under proper conditions, and believe that existing laws are not well adapted to certain classes of minerals, and that limitations designed to prevent monopoly should be imposed upon others. Kaolin, kaolinite, and fuller's earth are specifically mentioned in the bill, and presumably deposits of those minerals are known to exist within some of the former Indian reservations.

There is nothing of that in the bill at all.

Mr. BURKE of South Dakota. It is limited, I will say to the gentleman, so that a person, association, or corporation can acquire only 160 acres.

Mr. MANN. That may all be; but that is one person. Has the gentleman any knowledge in reference to kaolin and kaolin deposits? The gentleman knows that a deposit of kaolin, kaolinite, or fuller's earth is very valuable.

Mr. BURKE of South Dakota. I understand it is valued at from eight to ten dollars a ton. I do not think it can be considered very valuable.

Mr. MANN. Eight to ten dollars a ton, covering 160 acres, if it be very deep, is of considerable value. It comes in pockets.

Mr. BURKE of South Dakota. There are no such deposits as tracts of 160 acres containing this deposit, and I presume it only exists in pockets or very small areas.

Mr. MANN. I hoped at one time that I would find some of this on property that I have in Florida, but it happened to be upon my neighbor's land, and is very valuable. They ship it from there to New Jersey and make pottery of it and porcelain, and send it to us.

Mr. TAYLOR of Colorado. My recollection is that it was shown to the committee that there was only a very little of this kind of territory that the law would apply to—only to such parts of Indian reservations as heretofore have been opened to settlement and entry under laws which do not authorize the disposal of such minerals.

Mr. MANN. I expect there are only a few places where they will find it, but when they find it it is very valuable. Under this bill the man who finds it gets it for nothing. A pocket of it is very valuable.

Mr. TAYLOR of Colorado. He just pays the same as he would for a placer claim or a lode claim or a coal claim, as the case may be.

Mr. BURKE of South Dakota. Or for coal lands, which is more than would be paid under the placer laws.

Mr. MANN. Well, we have reserved coal lands and intend to pass a bill in reference to the leasing of them. Now, there is a bill on the calendar covering a lot of deposits in land, on the calendar where it is the next regular order as soon as we proceed with that business. Why should not this class of minerals be included in that bill?

Mr. TAYLOR of Colorado. My impression is that it was not deemed advisable to put these substances into a general bill, because they were looked upon as of not so much importance, there being a very small amount in a deposit that is of sufficient purity to make them very valuable, and therefore they can not be put on the same basis as coal or oil or gas.

Mr. MANN. But coal is not worth $9 a ton.

Mr. TAYLOR of Colorado. Oh, well, I know——

Mr. MANN. In reference to coal you have to go and dig deep in the ground to get the coal, and you sell the coal on the ground at $1 a ton, whereas you dig for this on the surface of the earth and charge from $5 to $10 a ton.

Mr. BURKE of South Dakota. Let me suggest to the gentleman from Illinois something which I do not think he appreciates. This bill is only to apply to lands that have been open to settlement formerly in Indian reservations. It does not apply to lands within Indian reservations. Every act that has been passed in recent years proposing to dispose of surplus lands in Indian reservations contains a provision that after four years, or seven years in some instances, all of the undisposed-of lands shall be sold regardless of homestead entries or regardless of any condition whatsoever, except, I believe, in some cases the area is limited to 640 acres to any one purchaser, so this bill can only apply to a very limited territory, and I will say further to the gentleman that so far as my State is concerned it would probably only apply to that portion of what was formerly a part of the Rosebud Indian Reservation, now known as Tripp County, which was open to settlement some years ago. It is thought that possibly 160 or 320 acres in that county may contain this mineral. Whatever there is I understand has been filed upon under the homestead law.

If there is any mineral there in any paying quantity, the homestead entries can not be proved up or perfected. Every acre of the land that was opened to settlement under the provision of the law that had not been filed upon about a year ago was disposed of to the highest bidder for cash, and if the land supposed to contain this mineral had not been covered by homestead entries it would have been sold also. This is the extent it applies in my State. The report of the Acting Secretary says there is some of this clay or mineral near Custer, S. Dak., but if there is, this bill would not affect it, as the land about there is not land formerly in an Indian reservation. Whether it will apply in other States, I do not know.

Mr. TAYLOR of Colorado. I will say it does not apply to my State at all. We have no Indian reservations that this bill would apply to. I merely reported the bill for the committee.

Mr. BURKE of South Dakota. This report states that there are some deposits of kaolin in Florida, Georgia, Arkansas, and Texas, and it is thought in South Dakota, near Custer, as I have already stated. There are no lands in the other States mentioned that were ever in Indian reservations; so it would not apply to those States.

Mr. MANN. Well, I do not know, of course. I have seen them get out this mineral in Florida, and a piece of land containing one of these deposits in Florida is considered of very considerable value. There are not any of these deposits now worked anywhere in the North or in the West as I recall. Now, there are supposed to be deposits in Custer, S. Dak. No one knows just what is there; it may be of very great value. Under the terms of this bill some one man will get it all. How much it is worth I do not know, probably not over $100,000.

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Mr. BURKE of South Dakota. Well, it is not doing anybody any good, I will say to the gentleman, at present.

Mr. MANN. That is true.

Mr. BURKE of South Dakota. And if land which has these deposits is public land it is subject to the placer-mining laws.

Mr. DONOVAN. Mr. Speaker, regular order!

The SPEAKER pro tempore (Mr. ADAMSON). The regular order is, Is there objection?

Mr. MANN. I object.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill remain on the calendar and be passed without prejudice.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

HOT SPRINGS, NEW MEXICO.

Mr. FERGUSSON. Mr. Speaker, I take this occasion to ask unanimous consent that the bill in reference to the hot springs in my State, H. R. 12050, may be restored to the calendar without prejudice, and I will state for the benefit of those gentlemen interested that I do that with the consent of the gentleman from Kentucky [Mr. SHERLEY] who made the final objection.

Mr. MANN. What is the bill?

Mr. FERGUSSON. It is H. R. 12050.

Mr. MANN. Does that meet with the approval of the gentleman from Kentucky?

Mr. FERGUSSON. Yes; I consulted with him, and he has consented to my making this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico? [After a pause.] The Chair hears none.

CELEBRATION OF THE FOUNDATION OF THE WASHINGTON NAVEL-ORANGE INDUSTRY.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent that House joint resolution 302 be passed without prejudice.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to pass without prejudice House joint resolution 302. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

POST-OFFICE BUILDING AT WALTHAM, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13489) increasing the limit of cost for the purchase of a site and the construction thereon of a post-office building at Waltham, Mass.

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

ORGANIZATION OF THE REGULAR ARMY.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 146, to authorize the President to raise the organization of the Regular Army on certain occasions to prescribed statutory maximum strength.

The Clerk read the joint resolution, as follows:

*Resolved, etc.*, That in time of war or when war is imminent, or on other occasions of grave national emergency requiring the use of the Regular Army of the United States, the President be authorized, in his discretion, to raise the organization of the Regular Army to the prescribed statutory maximum strength for the period of the war or until the imminence of war or other grave national emergency shall have passed, and that for this purpose the restriction of law limiting the total enlisted force of the line of the Army to 100,000 shall be suspended.

The committee amendments were read, as follows:

Page 1, lines 3, 4, and 5, strike out the words "or on other occasions of grave national emergency requiring the use of the Regular Army of the United States."

Page 1, line 7, strike out the word "organization" and insert the word "organizations."

Page 1, line 7, strike out the word "the" at the end of the line and insert the word "their."

Page 1, lines 9 and 10, strike out the words "or other grave national emergency."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I reserve the right to object, Mr. Speaker.

Mr. HAY. Does the gentleman from Illinois desire me to explain the resolution?

Mr. MANN. Of course I know what the resolution is. I suppose the resolution was put in for the purpose of meeting a possible emergency connected with events that are possibly passed. I doubt whether it is desirable to pass it now.

Mr. HAY. I think it was put in when that emergency was pending, but at the same time I think it is a good thing to pass it. The object of the resolution, of course, is this: Under the law as it is now the organizations of the Regular Army—the Infantry, the Cavalry, the Artillery, and the Engineers—can not be raised to their full strength with an authorization of only 100,000 men.

Mr. MANN. I understand.

Mr. HAY. Now, this bill would only be in operation in time of war or when war was imminent. The gentleman will observe that the House committee has amended the resolution so as to strike out the vague words "national emergencies," which do not mean anything. I think it would be well to have on the statute books at all times a provision which will authorize the President to increase the Army so that when a regiment went into a war it could go in with full strength. It will not cost anything, and it might just as well be on the statute books now, while there is no emergency.

Mr. MANN. If the gentleman will pardon me, I agree with every word that the gentleman says. I think the bill may be technically correct, although it only authorizes the increase until the war or imminence of war has passed. Of course the men are already enlisted and can not be let out any faster than their enlistments expire. The gentleman assumes that the number retired will be sufficient to reduce them?

Mr. HAY. Yes; they are retiring every day.

Mr. MANN. It may be done in a little while. But my main concern now is to keep this country out of trouble abroad. The one thing that I think we are in danger of is of getting into the squabble that is now taking place on the other side of the water. If we pass a bill now to increase the size of the Army—a bill which has no relation whatever to the situation in Europe and which was brought in for another specific purpose, and which probably ought to be on the statute books all the time—it is likely to be said all over the world, "The United States is mobilizing her Army." I do not propose that it shall be said by unanimous consent at this time.

Mr. HAY. I agree with the gentleman entirely if any such construction as that could be placed upon the action of the House in passing this bill at this time, a bill which was passed three or four months ago by the Senate. I would agree with the gentleman entirely about it in that case. And if the gentleman thinks, or anybody here thinks, that such a construction would be placed upon it I shall object to it myself.

Mr. MANN. I do not see how you can help having such a construction placed upon it. It is not a question of what the Senate did. It is a question of what Congress does now.

Mr. HAY. Then, Mr. Speaker, in view of what has been said, I object to the consideration of the bill.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. HAY] objects, and the bill will be stricken from the calendar. The Clerk will report the next one.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF GEORGIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia.

The bill was read.

The SPEAKER pro tempore [Mr. HAY]. Is there objection?

Mr. DONOVAN rose.

Mr. SISSON. Mr. Speaker, I reserve the right to object.

Mr. DONOVAN. I was going to ask, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. DONOVAN] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 334. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914.

UNCOMPAHGRE NATIONAL FOREST IN COLORADO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17263) to reserve certain lands, to incorporate the same, and make them a part of the Uncompahgre National Forest in Colorado.

The title of the bill was read.

Mr. MANN. I ask unanimous consent that the Clerk read the substitute instead of the original bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the Clerk read the substitute instead of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the following-described surveyed lands: Northwest quarter of section 6, in township 46 north, range 4 west; sections 4 to 11, inclusive, and sections 14 to 18, inclusive; northeast quarter section 19; northeast quarter section 21; sections 22, 23, 26, and 27; southwest quarter section 31; southeast quarter section 33; sections 34 to 35, inclusive; all in township 47 north, range 4 west;

"Sections 1 to 4, inclusive; east half section 8 to east half section 17, inclusive; sections 22 to 27, inclusive; sections 34 to 36, inclusive; all in township 47 north, range 5 west;

"Sections 5 to 20, inclusive; west half section 21; west half section 28; sections 29 to 32, inclusive; west half section 33; sections 17 to 20, inclusive; all in township 47 north, range 6 west;

"Sections 1 to 4, inclusive; sections 9 to 16, inclusive; sections 21 to 28, inclusive; section 33; the north halves of sections 34, 35, and 36; all in township 47 north, range 7 west;

"Sections 31 to 33, inclusive, in township 48 north, range 4 west;

"Sections 33 to 36, inclusive, in township 48 north, range 5 west;

"Sections 17 to 20, inclusive; sections 29 to 32, inclusive; all in township 48 north, range 6 west;

"And certain lands now unsurveyed, but which when surveyed will probably be the following-described lands, to wit:

"Sections 2 to 5, inclusive; northeast quarter and south half section 6; sections 7 to 11, inclusive, in township 46 north, range 4 west;

"Sections 1 to 6, inclusive, in township 46 north, range 5 west;

"Sections 1 to 5, inclusive; and sections 10 to 12, inclusive; in township 46 north, range 6 west;

"Northeast quarter and south half section 19; section 20; northwest quarter and south half section 21; sections 28, 29, 30; north half and southeast quarter section 31; section 32; north half and southwest quarter section 33; all in township 47 north, range 4 west;

"Sections 20, 21, and sections 28 to 33, inclusive; all in township 47 north, range 5 west;

"East half section 21 to east half section 28; east half section 33 to section 36, inclusive; township 47 north, range 6 west;

"The south halves of sections 34, 35, and 36, in township 47 north, range 7 west;

"Sections 3, 4, 9, 10, 13 to 16, inclusive; 21 to 28, inclusive; and 33 to 36, inclusive; in township 48 north, range 7 west;

"Sections 34 and 35 in township 49 north, range 7 west,

New Mexico meridian, in Montrose, Ouray, and Gunnison Counties, Colo., be, and the same are hereby, reserved and withdrawn from entry and made a part of and included in the Uncompahgre National Forest, subject to prior valid adverse rights."

The SPEAKER pro tempore. Is there objection?

Mr. HAWLEY. Mr. Speaker, reserving the right to object, what is the present status of the lands intended to be transferred into the national forest?

Mr. TAYLOR of Colorado. Those lands are now outside. They are open public domain. They are what are called grazing and other mountainous lands. A good deal of the land has some timber on it. I think the timber is not very valuable. If the gentleman will examine the report, he will see that it is very full.

Mr. HAWLEY. Is there any agricultural land in the body?

Mr. TAYLOR of Colorado. No. At least, very little, I understand.

Mr. HAWLEY. Are there any existing claims at all on the land?

Mr. TAYLOR of Colorado. No. If there are any, they are excepted from the provisions of the bill, anyhow. I may say that Colorado is one of the six States of the Union in which it is provided by law that the President can not add to any forest reserve. No land can now be put into a forest reserve in Colorado by Executive order. The only way it can be done is by an act of Congress. Now, the Forest Service people have examined this land very exhaustively. I took this matter up some four years ago. At that time a large number of citizens, mostly small cattlemen, had had a great deal of trouble with some nomadic herds of sheep that had come in, principally from Utah and Arizona, and they applied to me to have this land put in the forest reserve to protect their range. A number of prominent citizens and officials asked for this action.

I submitted the matter to the Forest Service, and that office had an investigation made, and they reported that a large part of the land that the people wanted put into this Uncompahgre National Forest was not forest land, and they objected to putting it in. So I reported that to the people out there, and they afterwards agreed to accept the land which the Forest Service said was proper to put into the forest reserve. This bill applies only to the land that the Forest Service itself reports as being suitable to go into the forest reserve. Here is the report of the Acting Secretary of Agriculture to that effect. Then, after that the city of Montrose joined in the request to have this land put in the forest reserve, so as to protect the sources of water supply for the city from pollution.

Mr. HAWLEY. Mr. Speaker, until I can be more certainly assured that there are no lands——

Mr. MANN. If the gentleman from Oregon will yield to me, reserving the right to object, is it the city of Montrose or the city of Gunnison that is interested in this?

Mr. TAYLOR of Colorado. The city of Montrose. Part of its water supply comes from up in Gunnison County.

Mr. MANN. I notice that the Secretary of Agriculture refers to the town of Gunnison as wanting it. I did not know whether the department knew where the land was or not.

Mr. TAYLOR of Colorado. That is a mistake. It should be the city of Montrose.

Mr. MANN. I understood the gentleman to say that there were no agricultural lands in this tract.

Mr. TAYLOR of Colorado. No; I did not intend that. The gentleman from Oregon asked me if there are any existing claims on this land. By existing claims is meant unpatented claims, and I said that whatever claims there may be are reserved and excepted from the operation of this law. I intended, by adopting the recommendation of the Secretary of the Interior, to eliminate all of the patented lands from the reserve, anyhow.

Mr. MANN. I do not think you have succeeded very well.

Mr. TAYLOR of Colorado. We have tried to do so. If the description of the Secretary of the Interior is correct, I have left out all patented land.

Mr. MANN. I have examined the descriptions as compared with the Secretary's report. Has the gentleman done so?

Mr. TAYLOR of Colorado. No; I have not. I took the Secretary's word for it. I have examined the map of the land that the Secretary furnished me.

Mr. MANN. I notice the Secretary says in reference to these lands, or a portion of them, that the lands are fine grazing or agricultural lands and that all the surveyed land is well watered by Willow, Pine, and Blue Creeks and the Cimarron River and their tributaries.

I notice that the Secretary of Agriculture says:

The other tract described in the bill as townships 47, 48, 49, and 50, etc., is not potential forest land like the areas above described; at the present time it is used for grazing purposes.

Mr. TAYLOR of Colorado. That is where the Utah sheep grazed on the city's water supply. I have not the map here, but I think that that is the land the city wants put in the forest reserve to protect their water supply from pollution.

Mr. MANN. The gentleman from Colorado for years has insisted that it was improper to cover into forest reserve land which could not ever be a forest and which was good for agriculture and which was susceptible to irrigation.

Mr. TAYLOR of Colorado. Yes; and I have not changed my opinion on that matter. But I am always anxious to assist every city and town to obtain a pure-water supply, and I have had several bills for that purpose before this. This land can not be worth much or it would have been taken many years ago.

Mr. MANN. How much will this cost the Government to cover this into the forest reserve?

Mr. TAYLOR of Colorado. According to the report of the Commissioner of the General Land Office, it will not cost anything.

Mr. MANN. That is not the way I read it. As I understand, for every acre of this land that is covered into a forest reserve the United States will have to pay to the Indians $1.25. Am I incorrect?

Mr. TAYLOR of Colorado. Yes; you are incorrect. I submitted that matter to the Interior Department and asked them to report upon it, and I have included in my report, as the gentleman will observe, the reports and the decisions of the Court of Claims—both of them—and the report of the Commissioner of the General Land Office on that proposition.

Mr. MANN. I have read the reports, and it is from those reports that I arrive at my conclusion. We passed a special act of Congress at one time covering a lot of this land into the forest reserve. Thereupon the Utes of Utah made a claim in the Court of Claims and secured it. Of course we could say that the Utes can not sue the Government; but that is idle talk, because we all know that if we take their land away from them we will give them the right to bring a suit against the Government before the Court of Claims. While this land is not theirs, we have a treaty with them under which we agree to pay $1.25 an acre for it when converted to any other use.

Mr. TAYLOR of Colorado. No; when the Government parts with the title to it to private ownership we pay $1.25 an acre. Any land that goes into private ownership we have to pay the Indians $1.25 an acre, but as long as the United States Government retains title to it we do not owe them anything. That decision was obtained by a special act of Congress authorizing it for the purpose of creating a fund the principal of which is not

to be paid to the Indians. They are paid the interest in lieu of another trust fund of a quarter of a million dollars that they had prior to that.

Mr. MANN. The gentleman has the Court of Claims judgment down so fine that he ought to give the information to the Committee on Appropriations, that has been wrestling with that matter ever since the Court of Claims entered judgment against the United States, and we are now paying a part of that principal.

Mr. TAYLOR of Colorado. They paid a little in lieu of a former trust fund. If I thought that the Government of the United States would have to pay $1.25 an acre for this land, I would not have introduced the bill.

Mr. MANN. It is so perfectly clear that it will have to pay it that it is not a matter of argument. We are paying $1.25 an acre for identically situated land which was put into a forest reserve, are we not?

Mr. TAYLOR of Colorado. No; we are giving the Indians money in lieu of a prior trust fund. That is all there is to it.

I have always thought that that judgment of the Court of Claims of May 23, 1910, was a most unfortunate, unnecessary, unwise, and unconscionable decision. I think it was an outrage upon the Government. The putting of that land into a forest reserve, where it is subject to entry under the mineral-land law and under the homestead law, is not such a sale of it as would under the treaty render the Government liable for $1.25 per acre. And even if I am in error in my judgment on the intent of that treaty, that liability would not extend to this land. This is more fully set forth in my report on this bill, which is in part as follows:

ADDITION TO UNCOMPAHGRE NATIONAL FOREST IN COLORADO.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, submitted the following report, to accompany H. R. 17263:

* * * * * * *

The committee submitted this bill to the Secretary of Agriculture and Secretary of the Interior for reports, and those reports are as follows:

DEPARTMENT OF AGRICULTURE,
*Washington, July 10, 1914.*

Hon. SCOTT FERRIS,
*Chairman Committee on the Public Lands,*
*House of Representatives.*

DEAR SIR: I wish to acknowledge receipt of a copy of the bill (H. R. 17263) introduced by Mr. TAYLOR, to reserve certain lands, to incorporate same, and make them a part of the Uncompahgre National Forest, in Colorado, with the request that your committee be sent a report thereon.

The lands proposed to be added to the Uncompahgre National Forest are in two tracts. Those in townships 46, 47, and 48 north, ranges 4, 5, 6, and 7 west, are chiefly valuable for timber production, and much of it is covered with merchantable timber. It is of a character to warrant inclusion in a national forest under the act of March 3, 1891 (26 Stat., 1095), and amendments thereto. These areas are similar to the forest lands in the Uncompahgre, to which they are contiguous. Their description was not known at the time the national forest was first created. Since the passage of the act of March 4, 1907 (34 Stat., 1256), which provides that no forest reserves shall be created nor additions made to any heretofore created in Colorado, among other States, the lands can not be added by presidential proclamation. Because these areas are chiefly valuable for timber production and are of such a character and cover as to warrant their inclusion it is believed that they should be made a part of the Uncompahgre National Forest

The other tract described in the bill, in townships 47, 48, 49, and 50 north, ranges 7 and 8 west, is not potential forest land like the areas above described. At the present time it is used for grazing purposes. The local forest officers report that during recent years there have been serious conflicts between those grazing sheep and cattle upon the lands. It is now open to unrestricted grazing, and this has brought about the conflicts. It is also stated that a part of this watershed will be needed by the town of Gunnison for municipal water supply protection and that certain officials are desirous of having the land placed under Government control so that the grazing of live stock there may be regulated and the contamination of the water supply prevented.

Several additions to the national forests have been made in other States in order to protect the waters needed by municipalities for domestic uses, and in order to prevent the pollution of the water supplies. The administration of the two areas mentioned in the bill would not add materially to the cost of administering the Uncompahgre National Forest as a whole. If, therefore, your committee decides to add both areas to the existing Uncompahgre National Forest, this department will have no objection to the passage of the bill.

Very truly, yours,

C. F. MARVIN, *Acting Secretary.*

DEPARTMENT OF THE INTERIOR,
*Washington, July 18, 1914.*

Hon. SCOTT FERRIS,
*Chairman Committee on the Public Lands,*
*House of Representatives.*

MY DEAR MR. FERRIS: In response to your request therefor, I have the honor to submit the following report on H. R. 17263:

The bill proposes to add certain therein-described lands in Colorado to the Uncompahgre National Forest.

I am advised by the Commissioner of the General Land Office that such lands adjoin the said national forest and extend northward therefrom, and have an estimated area of 110,630 acres, 65,030 acres thereof being surveyed. Such surveys were made between 1889 and 1902, and the field notes thereof show the greater portion to be mountainous or mesa land, with scattering spruce and aspen timber, dense undergrowth, and grasses; that the lands described in the bill in township 48 north, range 6 west, and in township 47 north, range 6 west, except the southeastern portion in Trident Mesa and those in the eastern portion of township 47 north, range 7 west, are fine grazing and agricultural lands, and that all the surveyed land is well watered by Willow, Pine, and Blue Creeks and the Cimarron River and their tributaries.

Twelve thousand eight hundred and forty acres of the area proposed to be reserved are included within entries and claims under the public-land laws of record, 9,280 acres thereof in entries upon which final certificate or patent has issued and 3,560 acres in unperfected entries, the location of such entries therein being indicated upon the accompanying diagram. Certain of the lands are subject to approved rights of way for reservoirs, canals, etc., under the act of March 3, 1891 (26 Stat., 1095). A tract of 520 acres in sections 9 and 16, township 47 north, range 7 west, was reserved by the act of May 9, 1914 (Public, No. 97), to be purchased by the city of Montrose at $1.25 per acre for park purposes, and 29,330 acres are under withdrawal for coal classification.

The lands described in the bill are within that portion of the former Ute Indian Reservation ceded under agreement ratified by the act of June 15, 1880 (21 Stat., 199), subject to cash entry under said act, and that of July 28, 1882 (22 Stat., 178), the proceeds of such sales to be deposited for the benefit of the Indians after deducting certain expenditures as therein provided. The act of June 13, 1902 (32 Stat., 384), extended the homestead laws over such lands and provided that any money lost to the Indian fund by virtue thereof should be made up by the Government.

Certain lands within such cession have been heretofore included within national forests. On May 23, 1910, the Court of Claims, in the case of The Confederated Bands of Ute Indians of Colorado *v.* The United States, under the jurisdiction conferred by the act of March 3, 1909 (35 Stat., 788, 789), held that the Indians should be credited with $1.25 an acre for such of said lands in forest reservations as had not been entered and paid for.

The area to be added to the Uncompahgre National Forest thereby is more extensive than its principal purpose, the protection of the water supply of Montrose, would seem to warrant, and includes agricultural lands, as hereinbefore stated, and certain areas that are heavily alienated, as shown by the accompanying diagram. No facts have been presented to me which, in my judgment, justify the creation of this proposed forest reservation and eliminating from homestead and similar uses these lands.

Should Congress deem it proper and wise to enact the proposed legislation, I would respectfully suggest the following changes in the segregation of the surveyed from the unsurveyed lands, and amendments:

* * * * * * *

A small portion of the area proposed to be reserved in township 47 north, range 7 west, is in Ouray County. "Ouray" should therefore be inserted before "Montrose," in line 17, page 3.

In order that such rights may be protected in the event the bill is enacted into law, I would suggest that the words "subject to prior valid adverse rights" be inserted after "Forest," in line 20, page 3.

A copy hereof is inclosed.

Respectfully, FRANKLIN K. LANE.

The committee has adopted all of the amendments suggested by the Secretary of the Interior, and the one amendment set forth above presents the bill in the form as it would read with the adoption of the recommendations of the Secretary.

As stated in the report of the Secretary of Agriculture, Colorado is one of the six States in which, since the act of March 4, 1907 (34 Stat., 1256), no forest reserves can be created nor additions made thereto by presidential proclamations. The only way any forest reserves can be enlarged in Colorado is by an act of Congress. This bill was introduced by Mr. TAYLOR of Colorado and reported by the committee at the earnest request of the authorities and citizens of the city of Montrose, who desire to have all of the western portion of this land incorporated in the forest reserve for the protection of the water supply of that city. They desire to guard or police the land adjacent to their city water-supply canal and reservoir, in conjunction with the Forest Service officials, at the expense of the city, for the purpose of preventing the pollution of the water.

There is no way at the present time of regulating the use of the public domain upon which the city reservoir is situated and through which its water supply canal runs for about 15 miles; and the city authorities and citizens have had so much annoyance with nomadic flocks of sheep and other indiscriminate use of that territory that they have for many years been appealing to Congress to incorporate all of that land in the forest reserve, and allow them under regulations which are now in use under the Forest Service to cooperate with them in the protection of their water supply. This bill is similar to a number of others that have been passed for the same purpose.

The eastern portion of the land sought to be incorporated in the forest reserve is more particularly for the protection of the grazing rights of the local settlers in and adjacent to that territory. There have been, in former years, very serious conflicts and strife between the sheep and cattle men for the control of that range, and the permanent citizens of that portion of the country have repeatedly petitioned Congress and the Colorado Representatives to add that territory to the Uncompahgre National Forest, and it is in compliance with those requests, as well as in conformity with the wishes and approval of the Forest Service, that the committee has included that territory in this bill.

It may be added that the Forest Service officials have made an exhaustive investigation and report upon the character of the land in that territory. This bill does not include all of the land sought by the settlers to be added to the reserve, but only such portions thereof as the Agriculture Department and the Forest Service recommend as being suitable for incorporation within the reserve.

One of the petitions, signed by a large number of citizens and presented to the committee, is as follows:

PETITION.

*"To the Congress of the United States:*

"We, the undersigned landowners and users of the range embraced within the red lines on the blue print of the Uncompahgre Forest Reserve, ask that said Uncompahgre Forest Reserve be increased to take in the lands embraced within said lines, subject to the very few filings and squatters' claims on lands within these lines. These rights are for all the lands that could possibly be used for agricultural purposes. The increase of this reserve would tend to give the city of Montrose a purer water supply, will increase the dairying industry, and place the salting of the public range on a business basis."

Also another petition, signed by a large number of citizens and county and city officials, reads as follows:

PETITION.

"*To the Congress of the United States:*

"We, the undersigned residents of Montrose County, Colo., and users of the range designated within the red lines, showing the desired increase to the present Uncompahgre National Forest, ask that the same be granted according to the lines as shown in the attached blue print. We represent that practically all the land that could be used for agricultural purposes within the area marked off is now filed on or held by squatters' rights on that part unsurveyed. We desire this addition to the original petition, subject to the rights of those having made filings or squatters' claims."

Also the following petition, addressed to the author of the bill, from citizens and county officials of Gunnison County, adjacent to this forest reserve:

PETITION.

"Hon. EDWARD T. TAYLOR,
*"Congressman at Large for Colorado:*

"We, the undersigned residents of Cimarron and Gunnison County, would respectfully ask you to push the recommendation of the Secretary of the Interior for the extension of the Uncompahgre Forest Reserve. While it does not embrace as much as we had hoped, the addition as proposed will help some."

The city of Montrose also adopted a resolution in the nature of a memorial to Congress on this subject over two years ago, which reads as follows:

RESOLUTION.

Whereas the Uncompahgre National Forest Reserve as now established and maintained by the United States Government, as shown on the blue print hereto attached and made a part hereof, protects only a portion of the watershed of the Cimarron River and the Big and Little Cimarron Creeks; and

Whereas the water supply of the city of Montrose for all uses, and especially for domestic use, is obtained from the said Cimarron River and its tributaries, and the health of the inhabitants of said city is greatly dependent upon a pure water supply; and

Whereas the said city of Montrose also has a right to use water from the Gunnison Tunnel, whose source of supply is the Gunnison River, which at present is not under the control of the Government; and

Whereas the city council of the city of Montrose believes it would greatly benefit the city and help it to secure and maintain a pure water supply for said city if the United States Government and Forest Service were in control of the watershed of the Cimarron River and Gunnison River, as shown on said blue print, and by the extension of said Uncompahgre National Forest, as shown by the red lines along the section and township lines marked on said map: Therefore be it

*Resolved by the city council of the city of Montrose*, That the plan of enlarging the Uncompahgre National Forest, as shown by the red lines on the blue print hereto attached, be heartily indorsed, and that our Senators and Representatives in Congress be urged to immediately introduce and use their best endeavors to secure the passage of whatever legislation might be necessary to accomplish the enlargement of said Uncompahgre National Forest, as shown on said blue print, and that it is the belief of said city council that if the territory as indicated on said blue print were added to said Uncompahgre National Forest it would greatly benefit the health of all of the people of the city of Montrose and be a means of preventing much unnecessary sickness; and be it further

*Resolved*, That a certified copy of this resolution be attached to said blue print and forwarded to our Representative in Congress.

STATE OF COLORADO, *County of Montrose, ss:*

I, S. V. Hobaugh, city clerk in and for the city of Montrose, State of Colorado, do hereby certify the above and foregoing to be a true, perfect, and complete copy of a resolution passed in the regular session of the city council, held at the city hall, in said city of Montrose, on Thursday evening, February 2, 1911, as the same appears on file in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of the city of Montrose, at Montrose, in said county, this 3d day of February, A. D. 1911.

[SEAL.] S. V. HOBAUGH, *City Clerk.*

In view of the importance of the protection of the water supply for the city of Montrose your committee recommend the expeditious passage of this bill.

After receipt by the committee of the opinion of July 18, 1914, of the Interior Department upon this bill as above set forth, containing a reference to the Ute Indian treaty and the decision of the Court of Claims of May 23, 1910, and the possible effect that the passage of this act might have in relation thereto, the matter was again taken up with the Department of the Interior and an exhaustive research was made and careful consideration given to the legislation pertaining to the Ute Indians and decisions of the court and treaties of the Government with those Indians. The Commissioner of the General Land Office has determined that the addition to the Uncompahgre National Forest of the land embraced within this bill, which was formerly a part of the Ute Indian Reservation, would not create any additional liability against the Government in the absence of some special legislation to that effect. In other words, that decision of the Court of Claims was authorized by an act of Congress and was for the express purpose of creating a trust fund in lieu of the former trust fund, and with the understanding that the fund itself should not be paid to the Indians but that the interest thereon at 4 per cent should be paid to them.

The decisions of the Court of Claims of May 23, 1910, and February 13, 1911, give such a complete statement of the rights of the Indians and the Government that they are herewith incorporated, together with the commissioner's letter to the author of this bill, as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
*Washington, August 4, 1914.*

Hon. EDWARD T. TAYLOR,
*House of Representatives.*

MY DEAR MR. TAYLOR: In response to your personal inquiry, I have the honor to inform you that the jurisdiction of the Court of Claims in the case of The Confederated Bands of Ute Indians of Colorado *v.* The United States had its source in a special act authorizing it to take action and, so far as this office is able to construe such decision, would probably not extend to additional forest reservations in the absence of additional legislation.

I inclose herein copy of the court's decision in said case of May 23, 1910, and modification of February 13, 1911. Under the jurisdiction conferred upon it by the act of March 3, 1909 (35 Stat., 788, 789), the Court of Claims was to determine and render final judgment on the claims and rights of such Indians under the agreement of June 15, 1880, "including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations * * * as if disposed of under the public-land laws of the United States, as provided by said agreement, and the money due therefor."

The deficiency act of March 4, 1913 (37 Stat., 934), appropriated $3,305,257 19 for paying the net amount of the judgment of the Court of Claims in said suit into the Treasury.

Section 3 of the act of June 15, 1880 (21 Stat., 199), provided that lands within the cession ratified thereby should be subject to "cash entry only in accordance with existing law," the proceeds of such sales to be deposited for the benefit of the Indians after deducting the amount necessary to reimburse the Government for all sums paid out or set apart under said act and $1.25 an acre for the lands allotted the Indians outside their reservation. The act of July 28, 1882 (22 Stat., 178), reaffirmed the provision of the act of June 15, 1880, that the ceded lands should be disposed of under cash entry only.

The act of May 17, 1900 (31 Stat., 179), known as the "free-homestead act," provided for homestead entries on lands acquired by treaty or agreement from the various Indian tribes, and relieved settlers from the conditions of payment for such lands, but provided "that all sums of money so released which if not released would belong to any Indian tribe shall be paid to such Indian tribe by the United States."

Section 2 of the special act of June 13, 1902 (32 Stat., 384), extending the provisions of the homestead laws over the lands within the former Ute Indian Reservation in Colorado, provides "that all sums of money that may be lost to the Ute Indian fund by reason of the passage of this act shall be paid into the fund by the United States."

The money received from cash entries within the cession of 1880 is turned into the Treasury to the credit of the Ute fund.

Senate amendment No. 152 to the Indian appropriation bill, H. R. 12579, page 81, provided that the Commissioner of Indian Affairs should enter into an agreement with the Confederated Bands of Ute Indians for a final adjudication and settlement of all their claims against the United States arising under the agreement of June 15, 1880, or otherwise, but I am informally advised by the Indian Office that the bill was reported out of conference and passed without such provision.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HAWLEY. In view of what has been said, Mr. Speaker, and other reasons, I object.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

THE TRADE COMMISSION.

Mr. ADAMSON. Mr. Speaker, I want to say, in reference to the trade commission bill, which has just come over from the Senate, that I will not call up the conference report to-morrow, it being Calendar Wednesday, but I will call it up on Thursday morning.

PETER LASSEN NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 52) to establish the Peter Lassen National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HAWLEY. Mr. Speaker, I want to make this statement: I intend to object to this bill. There are a number of bills pending before the Committee on Public Lands for national parks. The committee has said that they did not intend to create any more, and now they have created one, and until they can determine on a policy and deal with all of these equitably, I shall object.

Mr. JOHNSON of Washington. Will the gentleman withhold that for a moment?

Mr. HAWLEY. I will.

Mr. JOHNSON of Washington. I want to ask the author of the bill if he is willing, if the bill is considered, to accept an amendment on page 4, line 7, by adding the words "a leprosorium"? Here is a proposed park of 87,000 acres, with only a few hundred acres that are in use at all. It has salubrious climate, hot lakes, and, in my opinion, it is the ideal place in the United States for the location of a leprosorium, the location for which the Medical Department has searched all over this country.

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. The gentleman from Oregon objects.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may address the House for two minutes.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object. The gentleman can take the time on the next bill if he desires to.

NATIONAL SANITARIUMS BY FRATERNAL ORGANIZATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16029) to authorize the Secretary of the Interior to set aside certain public lands to be used as national sanitariums by fraternal organizations, and for other purposes.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, to remain on the calendar.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, would there be any objection to putting the word "leprosorium" after the word "sanitarium," in line 9 of the bill?

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I would like to answer the gentleman's question.

Mr. MADDEN. I object.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1270. An act for the relief of Edward William Bailey; and

S. 1171. An act for the relief of Samuel Henson.

ADJOURNMENT.

Mr. DONOVAN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Wednesday, September 9, 1914, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 18666) to authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States, or of a State thereof, or of the District of Columbia, to purchase, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 1149), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 13373) to remove the charge of desertion from the military record of Charles V. Wells, reported the same with amendment, accompanied by a report (No. 1147), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CONNOLLY of Iowa: A bill (H. R. 18682) to provide for the erection of a public Weather Bureau observatory at Dubuque, Iowa; to the Committee on Agriculture.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 18683) fixing the time for election of Representatives and Delegates in Congress and for the appointment of electors of President and Vice President of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. RUPLEY: A bill (H. R. 18684) increasing the efficiency of the Organized Militia of the United States; to the Committee on Military Affairs.

By Mr. ALEXANDER: A bill (H. R. 18685) to repeal penalties on foreign-built vessels owned by Americans; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 18686) to provide for provisional certificates of registry of vessels abroad, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. SAMUEL W. SMITH: A bill (H. R. 18687) regulating the pay of certain Army officers; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 18688) to suspend the law relating to annual assessment work on placer and lode mining claims in Alaska for the year 1914; to the Committee on the Public Lands.

By Mr. LINTHICUM: A bill (H. R. 18689) to amend section 29 of the act approved March 4, 1913 (Public, No. 432), making appropriations for certain public buildings and grounds; to the Committee on Military Affairs.

By Mr. FREAR: Joint resolution (H. J. Res. 338) providing for the appointment of a joint committee to investigate and report to Congress present and proposed expenditures of the Government; to the Committee on Rules.

By Mr. BROWNE of Wisconsin: Joint resolution (H. J. Res. 339) to correct an error in H. R. 12914; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: Joint resolution (H. J. Res. 340) to correct error in H. R. 12914; to the Committee on Invalid Pensions.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRANCIS: A bill (H. R. 18690) granting a pension to Elizabeth Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18691) granting a pension to Permelia A. Sturgeon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18692) granting a pension to Charles F. Coss; to the Committee on Pensions.

Also, a bill (H. R. 18693) granting an increase of pension to Samuel S. McGowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18694) granting an increase of pension to G. W. Miller; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 18695) granting a pension to Duval Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18696) granting an increase of pension to James H. Kershaw, alias James Healey; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 18697) granting a pension to Alice W. France; to the Committee on Pensions.

Also, a bill (H. R. 18698) for the relief of William L. Claberg; to the Committee on Military Affairs.

By Mr. KEY of Ohio: A bill (H. R. 18699) granting a pension to Thomas L. Sharp; to the Committee on Pensions.

By Mr. LAFFERTY: A bill (H. R. 18700) granting an increase of pension to John N. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18701) granting an increase of pension to Edward D. Hurlburt; to the Committee on Invalid Pensions.

By Mr. MacDONALD: A bill (H. R. 18702) granting a pension to William J. Carah; to the Committee on Pensions.

Also, a bill (H. R. 18703) for the relief of C. Horatio Scott; to the Committee on Claims.

By Mr. McKELLAR: A bill (H. R. 18704) granting a pension to G. F. Hudson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18705) for the relief of the estate of John H. Hammers, deceased; to the Committee on War Claims.

By Mr. REILLY of Connecticut: A bill (H. R. 18706) for the relief of George B. Kellar; to the Committee on Claims.

By Mr. RUPLEY: A bill (H. R. 18707) granting an increase of pension to Alexander Noffsinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18708) for the relief of Harrison H. Hollowell; to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petitions of citizens of Saxton, Boro, and Liberty Townships, and South York, Pa., in favor of national prohibition; to the Committee on Rules.

Also (by request), petition of C. Hornet, of Johnstown, Pa., in favor of national prohibition; to the Committee on Rules.

By Mr. BELL of California: Petition of citizens of Los Angeles, Long Beach, and Pomona, Cal., favoring national prohibition; to the Committee on Rules.

Also, petition of 210 people of Los Angeles, Cal., for national constitutional prohibition amendment; to the Committee on Rules.

By Mr. BURKE of Wisconsin: Petition of Carl Wilkowski and 51 other citizens of Watertown, Wis., protesting against an increase in the revenue tax on cigars; to the Committee on Ways and Means.

By Mr. CONNOLLY of Iowa: Petition of citizens of Burlington, Iowa, protesting against proposed raise in revenue tax on cigars; to the Committee on Ways and Means.

By Mr. DAVIS: Petition of Woman's Christian Temperance Union of Red Wing, Minn., protesting against the European war; to the Committee on Foreign Affairs.

By Mr. GRIEST: Resolution of the Philadelphia Leaf-Tobacco Board of Trade, protesting against the proposed increase in the internal-revenue tax on cigars; to the Committee on Ways and Means.

Also, petition of S. N. Mumma and other citizens of Landisville, Pa., protesting against the proposed raise in revenue tax on cigars; to the Committee on Ways and Means.

By Mr. LANGHAM: Petitions of 31 people of Manorville, Pa., and 50 of Ford City, Pa., in favor of national prohibition; to the Committee on Rules.

By Mr. McANDREWS: Resolutions of the Chicago Federation of Labor, protesting against increased cost of foodstuffs; to the Committee on Ways and Means.

By Mr. McGUIRE: Petitions of citizens of Julian, Lorton, and Unadilla, Nebr., in favor of House bill 5308; to the Committee on Ways and Means.

By Mr. McKENZIE: Petitions of citizens of Lee and Whiteside Counties, Ill., in favor of national prohibition; to the Committee on Rules.

By Mr. MURDOCK: Petition of citizens of Kansas, in favor of national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petitions from sundry citizens of the city of San Francisco, Cal., favoring the passage of the Hamill bill (H. R. 5139) providing for the retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. SAMUEL W. SMITH: Petition of Board of Commerce of Flint, Mich., for the creation of an American merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. STEPHENS of California: Petition of Torrance, Marshall & Co., of Los Angeles, Cal., in favor of bill granting relief to railroads; to the Committee on Interstate and Foreign Commerce.

Also, telegram from Los Angeles (Cal.) Retail Druggists' Association, protesting against war tax on patent medicines; to the Committee on Ways and Means.

By Mr. TAVENNER: Petition of J. E. Temple and others, of Rock Island, Ill., favoring amendment to House bill 14288; to the Committee on Public Buildings and Grounds.

## SENATE.

### WEDNESDAY, *September 9, 1914.*

*(Legislative day of Saturday, September 5, 1914.)*

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Chair calls the attention of the Senate to the following communication from the Sergeant at Arms, and in connection therewith states that unless the Senate is of a different opinion from the opinion of the Vice President, as expressed upon yesterday, no warrants will issue for the attendance of Senators outside of the city of Washington until they have been requested to attend the Senate of the United States and have explained the reasons for their absence, so that the Senate may determine whether the Senators were absent with or without a good reason. The Secretary will read the communication.

The Secretary read as follows:

SENATE OF THE UNITED STATES,
SERGEANT AT ARMS,
*September 9, 1914.*

To the PRESIDENT OF THE SENATE.

SIR: In compliance with Senate order of Tuesday, September 8, 1914, directing the Sergeant at Arms to compel the attendance of absent Senators, I beg to report that I have communicated this order by telephone, telegraph, or in person to all Senators who were absent on September 8, 1914, with the exception of one Senator, who is in Europe.

Very respectfully,

CHARLES P. HIGGINS,
*Sergeant at Arms, United States Senate.*

#### DIPLOMATIC AND CONSULAR EXPENSES IN EUROPE.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 337) to provide for representation of foreign Governments growing out of existing hostilities in Europe and elsewhere, and for other purposes, and I ask for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. BURTON. What is the resolution?

Mr. MARTIN of Virginia. I will say it is the emergency resolution that the State Department asked in aid of our foreign obligations in taking over diplomatic work.

Mr. BURTON. It is an appropriation of $1,000,000?

Mr. MARTIN of Virginia. Of $1,000,000. The joint resolution has passed the House.

The VICE PRESIDENT. The Secretary will read the joint resolution, and then the Senate will determine whether there is objection to its consideration or not.

The Secretary read the joint resolution, as follows:

*Resolved, etc.*, That to enable the United States to fulfill the obligations devolving upon it in connection with or growing out of its representation of the interests of foreign Governments and their nationals, and to extend temporary assistance to other Governments and their nationals, made necessary by hostilities in Europe and elsewhere, by transferring or advancing funds for diplomatic and consular expenses and for the care or benefit of citizens or subjects of foreign nations, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be available during the fiscal year 1915, and to be disbursed under the direction and in the discretion of the Secretary of State: *Provided*, That payments made by foreign Governments or their citizens or subjects shall be credited to this appropriation and be available for the purpose herein specified: *Provided further*, That all sums received by the United States in final reimbursement of amounts paid by it out of the $1,000,000 herein appropriated shall be paid into the Treasury of the United States as "miscellaneous receipts."

The Secretary of State shall submit to Congress at the next session, or as soon thereafter as may be practicable, a report of the amount repaid to the United States, with such further information upon the subject as may be, in his judgment, consistent with the public interest.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. BURTON. Will the Senator from Virginia tell the Senate how this amount was arrived at?

Mr. MARTIN of Virginia. It is arrived at as an estimate of the State Department. It is not possible to make an accurate statement of the amount of money that will be required, but it is believed that this is considerably more than will be necessary. Not a dollar of it will be used except to meet actual emergencies as they arise, and the State Department estimated that it would like to have $1,000,000. I will say that not one dollar of it will be lost to the Government. It is simply an advance to foreign Governments to meet the existing emergencies in the work the United States has taken over.

Mr. BURTON. That is, to our embassies?

Mr. MARTIN of Virginia. Our embassies. It goes through our embassies in the different countries.

Mr. SMOOT. I should like——

Mr. BURTON. One thing further. It seems to me this amount is large—in fact, very large—but I take it only that portion of it will be expended which is necessary, and the object is so commendable and so necessary for our standing among the nations that I certainly shall not object.

Mr. MARTIN of Virginia. Not one dollar will be paid out except as it is actually needed, and not one dollar of it will be lost to this Government. They are advances made to foreign Governments under the exigencies which now confront them.

Mr. SMOOT. Mr. President, I am in favor of the immediate consideration of the joint resolution, and I certainly do not object to the amount contained in it. I simply rose, however, to say to the Senator from Virginia that I believe the statement he made that the Government would not lose one cent is a little too broad, because there may occasions arise requiring our representatives in foreign countries to make advances under emergency cases that it will be impossible to return to the department. I understand the department understands that. I do not believe that it will be very much, however.

Mr. MARTIN of Virginia. The Secretary of State in the hearing before the House committee and personally to me expressed the opinion that not a single dollar would be lost to the United States Government. Of course, there might be a contingency when a small loss might unexpectedly be entailed, but whatever those losses may be, it is obligatory upon this Government to make the provision under the circumstances which confront us.

Mr. SMITH of Michigan. Mr. President, let me ask the Senator from Virginia does this situation grow out of advances made by our ministers and ambassadors and consuls to stranded Americans?

XUM

Mr. MARTIN of Virginia. Not at all. It is made by our ambassadors and ministers to citizens of foreign countries whose diplomatic work has been taken over by the American Government.

Mr. SMITH of Michigan. Exactly. Then the expense of administering the affairs of foreign countries, which we have engaged to do as a neutral power, is what this is intended to cover.

Mr. MARTIN of Virginia. That is exactly what is intended. It is not intended for the relief of American citizens. They have been provided for in another appropriation.

Mr. SMITH of Michigan. Do I understand the amount which has been expended and the obligations incurred for increased service are to be covered by this appropriation?

Mr. MARTIN of Virginia. Not at all. The most of the increased expense will be paid by foreign Governments. The work our embassies do for foreign Governments, those foreign Governments will be expected to pay.

Mr. SMITH of Michigan. We have been asked to take over the affairs of belligerents now in war, and of course have done so, involving a great amount of work and expense, which those Governments will repay, and this appropriation is intended to meet that emergency. I do not have any objection to the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. REED. Mr. President, I did not rise to object, but to state that upon the conclusion of the consideration of this joint resolution I shall ask the Senate to consider the bill (S. 6398) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws," which is a bill to increase the power of the banks to obtain additional currency under the Aldrich-Vreeland Act.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CALLING OF THE ROLL.

Mr. GALLINGER. Mr. President, as the Senator from Missouri [Mr. REED] has given notice that he proposes to ask for the consideration of an important measure, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hughes | O'Gorman | Smoot |
| Bankhead | James | Overman | Sterling |
| Brady | Jones | Page | Stone |
| Bryan | Kenyon | Perkins | Swanson |
| Burton | Lane | Pittman | Thomas |
| Chamberlain | Lea, Tenn. | Ransdell | Thompson |
| Chilton | McCumber | Reed | Thornton |
| Clapp | McLean | Robinson | Walsh |
| Crawford | Martin, Va. | Sheppard | West |
| Culberson | Martine, N. J. | Shively | White |
| Fall | Myers | Simmons | |
| Fletcher | Nelson | Smith, Ga. | |
| Gallinger | Norris | Smith, Mich. | |

Mr. SHEPPARD. I wish to announce the unavoidable absence of the Senator from Mississippi [Mr. VARDAMAN] on account of official business.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

### AMENDMENT OF THE NATIONAL BANKING LAWS.

Mr. REED. A while ago I announced that I intended to call up Senate bill 6398, proposing an amendment to the Aldrich-Vreeland Act, but I have been asked by a number of Senators to postpone it until 2 o'clock. I will therefore wait until that hour.

### RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

The VICE PRESIDENT. That is the unfinished business now. The Chair understands it was only temporarily laid aside, and it comes up of its own motion unless the Senate takes up something else.

Mr. SIMMONS. I was led into making the motion through inadvertence, thinking about the morning hour. We have no morning hour.

The VICE PRESIDENT. We have been having a morning hour right along, but not in the regular way.

### THE COLORADO STRIKE.

Mr. THOMAS. I ask unanimous consent to insert in the RECORD a short editorial from the Washington Post upon the Colorado strike, having reference to the letter submitted yesterday by my colleague [Mr. SHAFROTH] on that subject. It is short and is a matter of public importance.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

#### THE COLORADO STRIKE.

It will be a commentary upon their own lack of patriotism if the mine operators and employees in the coal fields of Colorado refuse to accept the President's suggestion for a three years' truce. Other interests have made many sacrifices in the general effort for national harmony at a time when the people of the country must stand together to meet the shock of the European war. The situation in Colorado, bordering on civil war, has become a national, as well as a State menace, and if the interests involved have any regard for the welfare of the country they will bring their strife to a quick end.

When it is realized that the chief obstacle, and almost the sole obstacle, to peace is the refusal of the mine operators to make a contract with the labor unions, as such, and the refusal of the employees to go to work without such a contract, the cause of the dissension appears to be almost trivial. Especially does it seem to be insignificant, and utterly unworthy of sane men, when compared to the bloodshed, poverty, and starvation that have blighted the families of the coal region.

The owners of the mines have not shown a broad spirit in dealing with the problem, and are to be blamed for refusing to arbitrate. It is all very well to say that there is nothing to arbitrate. Perhaps not. But in a crisis of this kind, even the fetich called principle might be moved back a bit to make room for the cause of humanity.

Neither side, however, need sacrifice principle under the plan submitted by the Department of Labor. They can meet upon this common ground, and thus permit the withdrawal of Federal troops and the resumption of business. The wives and children of the district, the wives and children of the union men as well as nonunion men, will breathe a sigh of relief if an end comes to their terrible travail. A blot will be removed from the integrity of the State.

### THE EUROPEAN WAR.

Mr. WILLIAMS. I ask to have inserted in the RECORD, so that the people who read the RECORD may have it before them, the very eloquent proclamation issued by the President of the United States, calling upon the people of the United States——

The VICE PRESIDENT. That went into the RECORD last night. It appears in this morning's RECORD.

Mr. WILLIAMS. Very well. Now I ask, to show what are the horrors of this war, to insert in the RECORD a clipping from the Washington Post, entitled "Two hundred and fifty million dollars daily cost of the war threatens to beggar all the world." It will show the great evil against which the prayers of the Christian people are requested.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

#### $250,000,000 DAILY COST OF THE WAR THREATENS TO BEGGAR ALL THE WORLD.

[Special to the Washington Post.]

NEW YORK, *September* 8.

Writing in the New York American, B. C. Forbes says:

"The war will cost the world not $50,000,000 a day but upward of $250,000,000.

"The $50,000,000 may cover the strictly military expenditures, but a far heavier toll is levied upon international and national trade. The heaviest toll of all, of course, is upon the manhood and parenthood of this generation and the unborn and to-be-born posterity.

"The war's burden is falling upon every country, including our own, notwithstanding that America and Americans are in a position to seize advantage of certain commercial and financial opportunities thrust upon us. There is solid ground, however, for believing that the next peace will contain elements of stability and permanence.

#### "MAD CAREER TO BANKRUPTCY.

"What pass had the armed-to-the-teeth peace of Europe come to before the inevitable upheaval occurred? The principal powers of the Old World were spending $2,000,000,000 a year on armaments. Think of it!

"This is more than the total capital that can be raised both at home and abroad for the development of the United States. It is twice America's whole outstanding national debt. It is double the national annual income. It is more than four times the total amount of gold produced throughout the world in a year.

"Europe, in a word, was careering madly toward general bankruptcy.

"That being the condition before the war, what will a prolonged holocaust entail?

#### "ALL GERMANY'S TRADE GONE.

"Every dollar's worth of German foreign trade has been annihilated, and if the war continues until the end of this year the German domestic situation from every point of view will be too cruel and shocking to contemplate.

"France, too, is already in pitiable plight, with thousands upon thousands of her people ruined and homeless, with her important foreign trade laid prostrate, with her financial machinery chaotic, and her Government in flight.

"Poor, guiltless Belgium has been laid waste and literally drenched with the blood of her sons, to say nothing of daughters and children.

"Great Britain, too, is undergoing acute financial strain and an industrial depression that all efforts to capture Germany's over-sea markets will not compensate for or relieve. As for ourselves, has not a first 'war tax' of $100,000,000 been announced already?

"CAN NOT COMPUTE TOTAL COST.

"But that does not begin to convey any idea of the total cost of the cataclysm or what it will impose upon this country.

"Leaving out of the present reckoning the destruction that can not be computed in dollars and cents—the wiping out of multiplying thousands of the flower of Europe's productive and reproductive manhood, the wrecking and ruining of unnumbered homes, the mortal blow to scientific and social progress, the wanton mutilation of irreplaceable art—leaving all these and a million collateral consequences out of account, the concrete cost, the financial cost of a long war will be appalling to every nation under the sun.

"CRUSHING EFFECT ON AMERICA.

"Every day the war is allowed to last means not only an increase in the price or rental of capital and, as an inevitable corollary, grievous depreciation in the market value of the billions of investments owned by United States insurance companies, our savings institutions, our universities and colleges, our hospitals and other charitable institutions, our banks, our trust companies, estates, and individuals, but also in all probability a substantial increase in railroad rates all over the country as the sole means of averting wholesale transportation bankruptcies."

COAL LANDS IN ALASKA.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 14233) to provide for the leasing of the coal lands in the Territory of Alaska, and for other purposes, was read twice by its title.

Mr. WALSH. Will the Senator from North Carolina yield to me for a moment? I desire to say a word in relation to this bill.

Mr. SIMMONS. I will yield a moment, but after that I shall insist on the regular order.

Mr. SMOOT. I will say to the Senator from North Carolina that I should like to hear what the Senator from Montana has to say first. It may not require any answer from me.

Mr. SIMMONS. I do not want it to lead to any debate. I can not yield for that purpose.

Mr. WALSH. I am very sure it will not. I am sure I will not antagonize the Senator from Utah.

Mr. SMITH of Georgia. I do not understand that the object is to take up the measure at this time.

Mr. WALSH. No; I desire to impress on the Senate, if I can, the urgent necessity of taking up the measure some time before the adjournment of the present session.

I desire to say in this connection, Mr. President, that the bill providing for the appropriation of coal lands in Alaska has now passed the House of Representatives. A counterpart of the bill was introduced in this body, was originally referred to the Committee on Mines and Mining, and subsequently transferred to the Committee on Public Lands, which has considered the bill very carefully and has made its report, the bill now being on the calendar.

I desire that this bill shall go likewise to the Committee on Public Lands for its consideration, and I suggest a very speedy report, if possible, from that committee.

I am going to ask the Senator from North Carolina to pardon me further until I read a brief letter from the governor of the Territory of Alaska concerning the necessity of immediate action on this measure. A short time ago I read into the RECORD a telegram from the chamber of commerce of the city of Cordova expressing the same idea. This letter was read in the House of Representatives during the consideration of the bill.

Mr. SMOOT. Will the Senator yield to me just a moment?

Mr. WALSH. I will.

Mr. SMOOT. I wish merely to say to the Senator from Montana that I do not believe there is a member of the Public Lands Committee who has not full knowledge of the importance of the bill to which he refers; that every member of that committee whom I have heard express himself intends to favor a speedy report of the bill to the Senate; and that every one, I think, hopes that some action will be taken on the bill before the adjournment of Congress.

Mr. WALSH. Mr. President, I appreciate all that the Senator from Utah says; but I was endeavoring to impress the Members of the Senate who are now present this morning with the necessity of taking this matter up whenever the committee shall make its report. The letter of the governor of Alaska is as follows:

TERRITORY OF ALASKA,
GOVERNOR'S OFFICE,
*Juneau, August 13, 1914.*

SECRETARY OF THE INTERIOR,
*Washington, D. C.*

SIR: The necessity for the opening of Alaska coal lands for commercial purposes is emphasized by the war conditions now existing in Europe, and the further fact that the people of Alaska are nearly wholly dependent upon British Columbia for their coal supply. The various commercial bodies of this Territory, and the people generally, are a unit in urging upon the Congress the speedy enactment of such legislation as will have for its object the opening of the Alaska coal fields to development on a commercial basis. No specific bill now before the Congress is urged, it being the chief desire of the people of this Territory to secure such legislation as will permit them to obtain coal, at least for domestic purposes, at home, where a great abundance of it could be mined.

The conditions now being developed because of the war in Europe, and those other conditions which will undoubtedly arise during the progress of the conflict, after its close, together with the readjustment of international affairs and conditions, that is bound to follow, all point to the urgent necessity of securing legislation that will permit the development of our coal resources for domestic and industrial purposes, as well as for the use of the Government of the United States. Should the present war be of long continuance, it is not unlikely that the coal supply which we now receive from British Columbia might be cut off and a condition would inevitably be created that would be well-nigh calamitous.

Respectfully, J. F. A. STRONG, *Governor.*

I desire to add, Mr. President, that I do not think the consideration of this measure will consume more than a day, or two days at the most, and I trust that opportunity will be found to take it up.

The VICE PRESIDENT. The bill will be referred to the Committee on Public Lands.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I call for the regular order.

The VICE PRESIDENT. The regular order being called for——

Mr. THOMPSON. Mr. President——

Mr. SIMMONS. I hope the Senator will not ask me to yield at this time.

Mr. THOMPSON. I simply wish the Senator to yield for a moment on a matter that has already been called to the attention of the Senate this morning. I will be very brief.

Mr. SIMMONS. Later during the day I will yield to the Senator, but just now the Senator from New Hampshire [Mr. GALLINGER] is ready to proceed with his speech. Notice has been given that another matter will be brought up at 2 o'clock, and I think the Senator from New Hampshire ought to have time to finish his speech before the other matter is taken up.

Mr. THOMPSON. Very well; but the measure to which I refer would only take a moment.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repairs, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. GALLINGER. Mr. President, in response to the suggestion of the Senator from North Carolina [Mr. SIMMONS], I wish to say that I shall not promise to conclude my remarks at the hour of 2 o'clock, though I trust I shall not occupy unnecessarily any time of the Senate.

Mr. President, before proceeding to discuss the pending bill, I feel that I ought to emphasize the fact that yesterday, after a struggle occupying precisely one hour, during which time 11 roll calls were had, the Senate succeeded in securing a voting quorum, and that after that 9 or 10 roll calls were necessary before the conference report was agreed to. That surely is not to the credit of the majority side of the Chamber.

I might well add the suggestion that the great reform movement which culminated in a constitutional amendment making the election of Senators subject to popular vote is at least partially responsible for the existing condition in this body. Many of the absent Senators are engaged in looking after their campaigns in their several States, of which we can find no fault, it being a duty which the situation imposes upon them, and which duty I personally ought to have heeded weeks ago, and to which I shall have to respond before long.

This leads me to say, Mr. President, that Senators who have campaigns on their hands may well be excused from attendance on the sessions of the Senate. Men who are contesting with Senators for a seat in this body are on the ground, and inasmuch as those of us who are candidates for reelection are compelled to present ourselves before the people and at least allow them to look at us, it is an arrant injustice to hold Senators here while their seats in this body are in danger of being wrested from them by others who have time to devote to the matter of campaigning.

I have been waiting, Mr. President, three days for an opportunity to address the Senate on the river and harbor bill, and as I have watched the proceedings it has been impressed upon me that Senators on the other side of the Chamber were conducting a quiet and carefully planned filibuster against the bill for the purpose of saving to the Treasury the $53,000,000 of direct appropriations in the measure so that the unpopular plan to tax the people $100,000,000 may not have to be resorted to. I trust that my suspicions on that point may become a reality.

I appreciate the fact, Mr. President, that it may appear like an ungracious act on my part to oppose a bill that is evidently

supported by a large majority of the Senate; but notwithstanding that fact I feel it my duty to call the attention of the Senate to what I conceive to be glaring imperfections in the measure which ought to be remedied. I have some knowledge of how bills of this kind are prepared, and while I have given my vote to them in the past it has been with hesitancy and in the hope that the time would come when greater care would be exercised in dealing with appropriations for the rivers and harbors of the country. Manifestly there is no present inclination to effect a reform in that direction, and I know of no better way to bring it about in the future than to criticize frankly and unreservedly the measure that is now under consideration. Indeed, I am indulging the hope that before this debate closes the proponents of the bill will see the propriety of giving it careful and thorough revision, with a view of eliminatng from it many of the items which, from my point of view, are utterly indefensible.

The Senator from Ohio [Mr. BURTON] has, with great ability and irrefutable logic, shown the enormity of the measure we are considering, and has pointed out clearly and distinctly the means that we can adopt to cure it of many of its evils. If this bill should be recommitted to the Committee on Commerce, and that committee should take it up without prejudice and with an eye single to the best interests of the people of the country, it would come back here with certainly more than one-half of the appropriations that are now in it stricken out, and then it could be passed in a single hour. Why not do it? Why should we hesitate to perform a patriotic duty in this hour of economic urgency and possible future financial distress?

On a previous occasion the senior Senator from North Carolina [Mr. SIMMONS], mild and genial as he always is, suggested that "cheap political capital" was being sought by some of us and that filibustering on this bill was being carried on. Possibly what I shall say may come under the designation "cheap political capital"; but however that may be, I beg to assure the Senator from North Carolina, in charge of the bill, that I am not engaged in filibustering against the measure. I regret to take the time of the Senate at this stage of the session to discuss anything, but feel it my duty to submit some observations on the bill now under consideration, believing it to be essentially bad in many particulars.

Of late Senators are falling into the habit of asking that no questions should be propounded until they have completed their remarks. I do not ask that; but on the contrary, as I am going to consider the bill very deliberately, I invite interruptions, with a view to having any statement that I may make fairly and fully discussed.

Tremendous pressure for the passage of this bill has been brought to bear upon all of us, one argument being that unless it is passed a large number of men will be thrown out of employment. That is probably so; but even if that happens, no greater suffering will result than is now being experienced in other lines of industry, especially in the industrial States. Probably more than a million men are now out of work in the country. If it is necessary that the Government should appropriate money for rivers and harbors, which might well be dispensed with, why not appropriate money for building roads in the various States, thus giving work to the army of unemployed?

The Philadelphia Inquirer in a recent issue called attention to the necessity for passing the river and harbor bill, but at the same time admitted that there were a great many items in the bill that were utterly indefensible. I quote the words of that great newspaper:

> Because of the delay in passing the river and harbor appropriation bill in the Senate many thousands of men are in danger of being thrown out of employment.
>
> These men are engaged in developing works of great merit and of public importance. If the bill fails, they will have to go by October 1.
>
> And this at a time when a theoretical administration has hit the industries of the country a severe blow through its near-free trade law and its general raids upon business expansion.
>
> We are no apologists for the scores of items in the bill which throw away money upon worthless streams and mud flats. The rush for the pork barrel has been as unscrupulous as it has been conspicuous. But is there neither power nor patriotism enough in the Senate to separate the wheat from the chaff?
>
> Can not the transparent theft of the public's money be stopped, the plunderers sidetracked, and the essential projects saved?
>
> It is impossible to hold up such important developments as the channel of the Delaware River without doing immense harm and without adding very much eventually to the estimated cost.
>
> Failure to carry on enterprises that have been entered into under continuing contracts would be destructive, expensive, and wasteful.

Going beyond the position taken by the Philadelphia Inquirer, the Washington Times recently put itself on record as being in favor of the outright defeat of the bill on the ground that it would doubtless lead those preparing such bills in the future to regard the interests of the country rather than to yield to the importunities of men in public life who want appropriations for their districts. The Times said:

> The program of trimming $20,000,000 off the river and harbor bill and then passing it is not creditable to any of the people backing that measure. Opponents of the pork barrel will do well to withhold approval from any such compromise.
>
> It will not save the $20,000,000; it will merely postpone the day when it must actually be scraped out of the bottom of the Treasury.
>
> What is needed now is a reform of the system. A pork barrel with only a single slice of pork in it, passed by Congress in a manner that recognizes and continues the old pork system, will be practically just as bad as a $50,000,000 mess of the fat.
>
> Kill the bill, because it represents a bad system; then reform the system.
>
> River and harbor appropriations make profits for the rings of contractors who get the work to do. They reclaim private property at public expense. They play into the hands of the Water Power Trust. They improve harbors where not a foot of public wharfage is to be found.
>
> They don't bring commerce back to the rivers; the commerce has been and still is leaving the rivers.
>
> All because the whole system has been wrong, persistently and perniciously wrong. Let the system be reorganized. To trim a river and harbor budget to-day and then forget the need of basic reform will be to sacrifice the real benefit of the airing that has been given to this system this year.

That is going further than I am prepared to go, but I believe that all new projects should be abandoned this year and that many items should be dropped from the bill and other appropriations greatly reduced in amount.

In proof of the fact that a vast army of men are now out of employment the country over, I beg to quote from a recent report of the State Employment Bureau of Massachusetts, as follows:

> Supt. Walter L. Sears, of the bureau, very conservatively refrains from attributing this exceedingly slack demand for help, a most accurate barometer of general business conditions, to either the Pan-European war, the low tariff adjustments, or to any one single thing.
>
> "I am simply interpreting the cold facts and figures that the work of this bureau records," he says, "when I say that the labor situation, as reflected by our contact with it, is discouraging.
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> * * * * * * *
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> "Yesterday, as a typical day, we had what we term an 'attendance' of 3,000 persons looking for work. To these 3,000 we had a grand total of just 82 jobs to offer.
>
> "The average daily demand by employers for help of all classes for the month of August this year was 52, and the average of 'stars,' or positions to which we actually supplied a successful applicant, was 42 per day.
>
> "For the same month last year we were receiving calls for help from employers at the rate of 82 a day and filling about 70 of these.
>
> * * * * * * *
>
> "That means that we have been compelled to turn away nearly 1,000 more job seekers during the month just passed than for the same period a year ago.
>
> "In fact, it means that the demand for labor was never so low at this time of year in the history of this bureau, with the exception of the low-water mark following the 1907 panic."
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> * * * * * *
>
> The bureau's records show that the most pronounced depression in business activities, as divined from the labor demand of the respective branches, exists in the machinists' trades, closely followed by that of firemen and engineers. The buildings trades are also exceedingly dull.
>
> * * * * * * * *
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> "But in spite of all the talk about how that great struggle is going to boom things for this neutral country," continued Supt. Sears, "I am afraid that I can see little hope for any relief in the labor situation that can come out of the murder fest across the Atlantic.
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> * * * * * * * *
>
> "In fact, I should say that the interruption and disruption, which we know has already been reflected in many industrial branches throughout the United States, would created more idleness in the labor world before it lessened it.
>
> "Understand, I do not say that this department has as yet observed any direct evidence of an increase in unemployment that can be directly laid to the European war situation, but we have the war and we have the lowest labor demand since the panic year."

Mr. President, on the 8th day of April last, during the debate in the Senate regarding the location of the Federal reserve banks, the distinguished and learned Senator from Mississippi [Mr. WILLIAMS] startled his colleagues by making this declaration:

> The poor, dear, old, foolish Democratic Party is going through the same game that she can be generally trusted to go through with soon after she gets into power. * * * That is the Democratic Party; that is its history; that is what led old Tom Reed to say in 1894 and 1895 "You can not last long because you are not accustomed to governing anybody or anything; you can not govern the country; you can not even govern yourselves; you are incompetent."

Mr. SMITH of Michigan. Mr. President, I will inquire of the Senator from New Hampshire what Republican made that statement?

Mr. GALLINGER. It was made by the Senator from Mississippi [Mr. WILLIAMS], who is anything but a Republican.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. I trust the Senator will permit me to say that I think the public and the country generally will admit that we are making a pretty try at it anyway.

Mr. GALLINGER. Well, the Senator from New Jersey must settle that with the Senator from Mississippi. The Senator from Mississippi did not seem to think so on the 8th day of April. Now, I will give the Senator a little more Democratic testimony on that point, which is nearer his own home State. Two days after that declaration of the distinguished Senator from Mississippi, the able Democratic chairman of the Committee on Appropriations of the other House, Mr. FITZGERALD, of New York, spoke as follows:

> It may seem somewhat strange, but I hope it is not out of place, to remind Members of this side of the House that the Democratic platform pledged us in favor of economy and to the abolishment of useless offices, but it did not declare, Mr. Chairman, that the party favored economy at the expense of Republicans and the abolition of useless offices in territory represented in this House by Republicans while favoring a different doctrine wherever a Democratic Representative would be affected. In a few months I shall be called upon in the discharge of my official duties to review the record that this Democratic House shall have made in its authorization of the expenditure of the public moneys. Whenever I think of the horrible mess that I shall be called upon to present to the country on behalf of the Democratic Party I am tempted to quit my place. I am looking now at Democrats who seem to take amusement in soliciting votes on the floor of this House to overturn the Committee on Appropriations in its efforts to carry out the pledges of the Democratic platform. They seem to take it to be a huge joke not to obey their platform and to make ridiculous the efforts of the Members of our party who do try to live up to the promises they made to the people. I know that some Members on this side are voting continually for appropriations because they fear the wrath of the public if they do not vote out of the Public Treasury assistance for everything anyone suggests. * * *

This distinguished leader continued:

> If I placed my political fortunes above my sworn duty under the law, I would not attempt to carry out the promises of the Democratic platform, but I should place myself at the head of this band of Treasury looters upon every occasion. * * *
>
> We charged the Republicans for 12 years of my service in the House under Republican administrations with being grossly extravagant and reckless in the expenditure of the public money. I believed that charge to be true. I believed that my party, when placed in power, would demonstrate that the charges we had made in good faith were true. We are entitled to the help and to the support of the Members on this side of the House in honest efforts to carry out the pledges of the Democratic Party and in our attempts to show that what we charged in order to get in power was true. We have not had that support. Our Democratic colleagues have not given that support to us thus far during this session of Congress. They have voted against recommendations they should not have voted against; they have unnecessarily piled up the public expenditures until the Democratic Party is becoming the laughingstock of the country.
>
> I appeal to them now, before it is too late; I appeal to them now, before we have gone beyond recall, to stop the conduct of which they have been guilty. Do not continue to vote for these improper and improvident appropriations. Those who propose to continue to do so should at least have the courage openly to assert upon the floor of this House that they believe that the professions of the Democratic Party have not been made in good faith, that they can not be carried out, and that we are not entitled to power because of these professions.

What does my friend from New Jersey say to that Democratic utterance?

Mr. MARTINE of New Jersey. I wish to say that all the members of the Democratic Party do not necessarily subscribe to everything the leader in the House may say. I think he is a man generally of infinite good judgment, but that he may err and that he has erred in some of his assertions I also insist.

Mr. GALLINGER. Does the Senator think he told the truth or not in the statement I have just read?

Mr. MARTINE of New Jersey. Well, he told the truth in part, but he has been a little wholesale in some other directions.

Mr. GALLINGER. Mr. President, again the Senator from New Jersey must square his account with the distinguished statesman from New York who has been at the head of the great Committee on Appropriations of the other House for a number of years, and whose courage, integrity, and fidelity to duty, so far as I know, never have been questioned.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I yield to the Senator.

Mr. THOMAS. The quotation from the remarks of the chairman of the Committee on Appropriations of the House seems to me to be well founded. It states a condition which I do not think we should either palliate or deny. For my part I am disappointed with the evidence of a disposition to stretch appropriations unduly, but I have noticed no attempt on the part of the minority, either in this or in the other House, to insist upon economy. On the contrary, the bill which is now under consideration, and which is the occasion of the Senator's very able speech, finds just as much support upon the Republican side as upon the Democratic side of the Chamber; and I know of pending measures which will involve the appropriation of millions the enactment of which Republicans, in common with Democrats, are very anxious to pass before we adjourn.

Let me say, too, while I am on my feet, that the people themselves are primarily to blame for these enormous appropriations. Unfortunately I am unable to perceive any desire for economy from the people of the United States. One distinguished Senator remarked to me some time ago that I was entirely in error in believing that the people wanted economy; and he attempted to justify his statement, and I think he justified it by calling attention to certain demands of my own constituency which were similar to those that come and clamor at the halls of Congress from every district in the country.

Mr. President, these extravagant appropriations are largely the outgrowth of a public demand. People all over the country are clamoring for wholesale appropriations; for example, for the construction of highways and for other methods of internal improvement. The difficulty is that all the people of the country are coming more and more to rely upon national legislation and less and less upon State legislation; to assume that the Treasury of the United States is a vast reservoir of capital from which they are all entitled to draw, and that the more that is obtained from the National Treasury the less will be taxation at home, and the less the necessity for drafts upon the local treasury.

We are getting further and further away from the good old English and American doctrine of local self-government, and more and more to rely upon the National Government for everything. That is evident at present in the numerous—I might say innumerable—petitions and requests which Senators and Representatives receive from their different constituencies, imploring the aid of the National Government to ward off, or at least to minimize, the effects of the European war upon their individual business.

So, while the Democratic Party, now in power, is primarily responsible for extravagant appropriations, it is equally true that Republicans feel the weight and influence of their constituencies, and that they are combining—and I say it, of course, without meaning the slightest disrespect—with Democrats to secure appropriations and to add to the general expenditures of the country; but what is worse, behind them are many of the people. The people primarily are responsible for these enormous appropriations; and whenever public opinion, which represents public sentiment and which speaks for the country, declares that this shall be no longer, then and not until then, in my judgment, will there be a limit to these extravagant appropriations.

I thank the Senator from New Hampshire for his courtesy.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. I do.

Mr. KENYON. I desire to ask the Senator from Colorado if this is not true, and I agree with the thought he suggests.

The people accept, in a way, party platforms, and the platforms of all political parties declare for economy. Then they do not carefully distinguish what expenditures are necessary and what are economical and what are not; but they accept the party platforms, and the party goes into power, and they do not think about it any more. They do not give any thought or consideration to how the public money is spent.

Mr. THOMAS. I think that is true; but they do give thought and consideration to appropriations that come to their localities and in which they are interested.

Mr. KENYON. Exactly.

Mr. THOMAS. Every congressional district in which there is a questionable item in this bill wants to see that particular item enacted into law, and so far as economy is concerned, the people of that district are for economy with that particular item excepted. Multiply that by 35 or 40 States, and you get the river and harbor bill. Every community in the United States that has 500 or more people wants a Federal building, and they insist that their Representatives and their Senators shall get it for them.

Mr. KENYON. And has not this sentiment grown up, which is an unfortunate sentiment—that "other States and other districts are getting certain appropriations, and consequently we should have those appropriaions for our district"?

Mr. THOMAS. Certainly. In other words, there is a feeling that the Treasury is being raided, and that every district must get its proportion; and that if the Representative of each district and the Senators from each State do not get their proportion of it, they are regarded as unfaithful to the interests of which they have charge at Washington.

Mr. KENYON. It has been stated on this floor in past river and harbor discussions, before the Senator from Colorado was a Member of this body and before I was, that "we want our share of this"; and that is the principle that unfortunately has actuated a good many people in making the appropriations.

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Mr. THOMAS. They not only want it, but many of them demand it; and hence, I say, is this extravagance in the administration of national affairs.

Mr. BURTON. Mr. President, may I interrupt the Senator from New Hampshire for a moment?

Mr. GALLINGER. I yield to the Senator from Ohio.

Mr. KENYON. The Senator invited interruptions.

Mr. GALLINGER. I have invited interruptions, and I shall be delighted to yield to any Senator on either side of the Chamber.

Mr. THOMAS. It was in consequence of that invitation that I presumed to interrupt the Senator.

Mr. BURTON. Undoubtedly a discussion of the question of economy will be wholesome at this time. The tendency is certainly toward extravagance in National, State, and municipal expenditure. In one thing I can agree with the Senator from Colorado, and that is that there is an increasing disposition to call upon the National Government for the prosecution of enterprises which belong to States and subdivisions of States.

The causes are not far to seek. Many of our municipalities, and even States, have exercised the taxing capacity to the very limit. They feel that improvements are desired; but their own resources, by taxation and otherwise, even by the issuance of bonds, have been exhausted. That disposition is reenforced by the fact that national taxation is so much less felt by the people. The burden is also inappreciable. That is particularly the case with indirect taxation, duties upon imports; and thus there is a disposition all over the country to regard whatever expenditures may be made in a locality from the Federal Treasury as just so much pure gain.

We have that to contend with at the very start. I can not, however, agree with my friend the Senator from Colorado in the rest of what he said, that the fault is so largely with the people. In the first place, it is for the Senate and Congress to lead rather than to follow in the disposition of a great question like this. If there are unwholesome tendencies, we should not yield to them; we should resist them, and I can not believe that the great body of the people are demanding extravagant expenditures.

To whom should we listen; to those who are noisiest, most insistent, and most selfish, or to the average American citizen, who still believes in frugality in the control of the public purse, and thousands of whom voted the Democratic ticket because they believed that the protestations in the Democratic platform would be observed in the policies of that party? Must we listen to the contractors, must we listen to those who are seeking for lavish appropriations, and to those who are seeking public expenditures for private benefit, or to that saner sentiment which is cherished by the people who are still ruled by patriotic impulses and a desire for the general good?

I might relate here, I may almost say by the hour, instances in which Congressmen have stood up against unreasonable demands for appropriations for the benefit of their own localities, when, instead of retribution being visited upon them, they have received approval, and have been returned by increased majorities. Indeed, Mr. President, I do not believe there is any issue that would give greater strength to a candidate than that of resisting extravagant appropriations, even for the locality or district or State he represents. The people of the United States do not expect their representatives to be holding out the hand to grab from the Treasury. They expect them to perform patriotic service for the public weal, and it is by this criterion that they will judge them, rather than by their success in obtaining largesses from the Treasury.

Mr. THOMAS. Mr. President, I do not believe the public demand extravagant appropriations upon any theory that extravagance exists. A locality which wants an appropriation, for example, for some local subject, and which, of course, is expressed in the sum necessary for that purpose, is isolated in that section of the public view from the general mass of appropriations which go to make up the aggregate. They are not extravagantly minded, Mr. President, because they demand this thing, but, of course, it is due to the point of view; and they lose sight of the fact that many other localities of the country are similarly minded and desire similar appropriations. Naturally, segregating from all other considerations that which is important to them, they feel justified in insisting that the amount shall be secured for what is, in their opinion, an absolutely indispensable public improvement or purpose which ought to be assumed by the National Treasury. Hence the extravagance of which I speak is the result of these detailed demands, which in combination come here in the shape of rivers and harbors bills and other omnibus bills representing various items.

If the Senator will pardon one other remark, I will promise not to interrupt him again.

Mr. GALLINGER. The Senator will be at liberty to interrupt me as often as he wishes.

Mr. THOMAS. I understand that, and I appreciate it.

Mr. President, there is pending before this body in one of the committees—the Committee on the Judiciary, I think—a proposed amendment to the Constitution, which was introduced by the senior Senator from Minnesota [Mr. NELSON], and which is designed to give the President of the United States the power which the executive of my State has, and which I think the executives of a majority of States have—the power of vetoing specific items in appropriation bills; a power which the President of the United States does not have, but which he should possess. To my mind, the way in which to meet this difficulty and to put an end forever to these omnibus bills containing many items which upon their merits would not even be presented for our consideration is to arm the President of the United States with the power to veto specific items in these measures. When that is done, Mr. President, various items such as are complained of in this bill as being improper or as being unnecessary, although we pass them, would not run the gantlet of presidential approval, but would, I think, be eliminated from the bill. One of the first things we should do would be to report out that proposed amendment to the Constitution of the United States and adopt it, so far as the Senate is concerned, and send it to the House for their approval. When that becomes a part of the Constitution of the United States the day of the omnibus bill, with all sorts of appropriations, will belong to the past.

Mr. BURTON. Will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I yield to the Senator from Ohio.

Mr. BURTON. I cordially agree with the Senator from Colorado that it would be very desirable to adopt this constitutional amendment and I hope that the requisite majority may be obtained in the House and Senate and that a sufficient number of States may ratify it. When the Constitution was framed it was not necessary to have such an authority vested in the President because the appropriations were comparatively simple.

Mr. THOMAS. An omnibus bill was not foreseen.

Mr. BURTON. As the Senator from Colorado suggests, such a measure as an omnibus appropriation bill was not thought of. The first appropriation bill of September 29, 1789, contained only 12½ lines. Later appropriation bills contained but a few pages, and referred to candles burnt in the Treasury Department and to firewood, as well as details which now seem to us ridiculous.

Mr. GALLINGER. Mr. President, I will ask the Senator whether or not I am correctly informed that a mirror which now hangs in the room of the Vice President, or did a while ago, costing between $40 and $50, in the early days of the Republic was made the subject of a congressional investigation on the ground that it was a wasteful expenditure of public money?

Mr. BURTON. My attention had never been called to that, but certainly it would be in accordance with the spirit of simplicity and economy of the time.

Now, with the growth of the country and the greater complications of modern life and the very greatly enlarged activity of the Government, the omnibus bill has come to be necessary. Many—I think a majority—of the States have inserted provisions in their constitutions giving the executive the right to veto specific items. But, while approving this plan, I can not omit to point out one disadvantage which would occur, and that is the lessened responsibility of the legislative branch of the Government. It would be said of many items, "Oh, let it go through; the President will veto that," and that opposition which otherwise would be strenuous and effective would be lacking.

In any event, do not let us overlook the fact that it is not best for us to pass up the question to the executive department; but the responsibility rests with ourselves, and we should face it courageously and honestly and with a full regard for considerations of economy and the general welfare.

Mr. GALLINGER. Mr. President, the interruptions, to which I have very gladly yielded, have been illuminating and helpful to me in the discussion of the question that is now before the Senate.

The able and genial Senator from Colorado [Mr. THOMAS] called attention to some points that ought not to be lost sight of. First in order is his suggestion that we ought to have the resolution proposing an amendment to the Constitution, submitted by the Senator from Minnesota [Mr. CLAPP], reported out and passed upon by the Senate. I agree to that. I think,

just as the Senator from Colorado has said, that is possibly the only weapon we will ever have in our hands to get rid of items of appropriation that are wasteful and unnecessary. I do not, however, agree with the Senator from Colorado when he says that the Republican Senators are equally responsible with the Democratic Senators, especially for this bill.

Mr. THOMAS. Mr. President, I do not think I made that statement.

Mr. GALLINGER. I so understood the Senator.

Mr. THOMAS. The thought I had in mind was not that the Republican Members of the Senate were responsible for this measure, or for any other measure, but that I had observed no evidences of an economic spirit on the other side. Certainly I would not charge the minority party with the responsibility for this or any other important measure now pending before Congress and for which a majority must be responsible.

Mr. GALLINGER. Applying the matter of economy to this particular bill, I want to express the hope that as large a number of Senators on the other side as there will be on this side of the Chamber will raise their voices in protest against this legislation; and I want to express the further hope that as large a number of Senators on the other side of the Chamber will vote against the bill as will cast such a vote on this side of the Chamber.

Mr. KENYON. Mr. President, the Senator has quoted the distinguished Senator from Mississippi [Mr. WILLIAMS], who is now in the room. I call the Senator's attention to what was said by that same distinguished Senator on the 3d of September, 1914, in the RECORD on page 14668. Referring to this river and harbor bill and the suggestion of the Senator from Michigan [Mr. SMITH], the Senator from Mississippi said:

> That is part of the Democratic program.

Referring to this bill. So, if this is a part of the Democratic program—and I suppose the Senator from Mississippi is entitled to speak as well as anyone on that subject—the responsibility can not be with the minority.

Mr. SIMMONS. Mr. President——

Mr. GALLINGER. The circle is being enlarged. I yield to the Senator from North Carolina.

Mr. SIMMONS. I simply want to call the attention of the Senator from New Hampshire to the fact that while, of course, the majority party is, in a sense, responsible for legislation, in measures of this sort, that are not strictly political measures, the responsibility rests in a very real sense upon both sides of the Chamber. In the committee which framed this bill the Republican members, with one exception, were as heartily in favor of the bill and all the items in the bill as the Democratic Senators on that committee. In other words, the bill came out of the committee without any opposition and with the approval of all the members of the committee, both Democratic and Republican, with the exception of the Senator from Ohio [Mr. BURTON], I think.

Mr. GALLINGER. Mr. President, I do not——

Mr. SIMMONS. If the Senator will pardon me a moment further——

Mr. GALLINGER. Certainly.

Mr. SIMMONS. I do not know how many Senators on the other side of the Chamber are against the bill, but I do know that a considerable number of them are as heartily in favor of the bill as anyone on this side. I do not know how many on this side are opposed to the bill, although I know there are some.

Mr. GALLINGER. Mr. President, the assurance of the Senator from North Carolina that some Democratic Senators are opposed to the bill is encouraging. I would not be willing to be understood as attempting to make this a political issue. I have no such thought in my mind, and I am not going to indulge in that line of discussion. The fact that there was one Republican Senator in the Committee on Commerce who was opposed to reporting the bill out is gratifying, because it shows that we stand a little better on this side of the Chamber in our opposition to the bill so far as the committee is concerned than do our friends on the other side. But the test will come in the debate. We will hear the voice of Senators on this side in strong and emphatic opposition to the bill. I wonder how many voices clear and distinct and unequivocal we shall hear from the other side of the Chamber arguing along the same line.

Returning, Mr. President, to the quotations that I ventured to make from a speech delivered in another body by a very distinguished Democrat, in which he called attention——

Mr. SIMMONS. If the Senator will pardon me one minute more, I wish to make this observation.

Mr. GALLINGER. Certainly.

Mr. SIMMONS. If I were going to make any political statement about this matter, I would venture this statement: If this bill is defeated, if there is no river and harbor legislation during the present session of Congress, the responsibility for the defeat of the bill and the responsibility for no river and harbor legislation, I think, will rest upon the Republican Party, and if the Republican Party can get any political capital out of preventing the passage of a river and harbor bill at this session of Congress, I for one am willing that they shall have it.

Mr. GALLINGER. Now, the Senator from North Carolina, as is his custom—and he is apparently unable to keep away from that line of discussion—is endeavoring to make this a political issue. Some of us are willing to take the responsibility of at least improving the bill, and some of us are prepared to take the responsibility, if necessary, of voting against the bill as an entirety. But that will not commit the Republican Party to the improvement of the bill or the defeat of the bill, whichever may happen, and perhaps neither will happen. So I say I think we would better avoid undertaking to make this a party issue. The vote will disclose whether or not this side of the Chamber is for economy in this particular appropriation bill or whether the other side of the Chamber outruns us in the matter of economy.

Mr. CLAPP. Mr. President——

Mr. GALLINGER. I yield to the Senator from Minnesota.

Mr. CLAPP. I am somewhat interested in the discussion at this stage. I had always supposed that in a legislative body or anywhere else where a man had a decisive voice with reference to policies if there was extravagance those who voted for the extravagant measure were responsible for it; that if there was virtue in legislation, those who voted for it were responsible; that if there was viciousness in legislation, those who voted for it were responsible. It strikes me in my fundamental way that if this bill is defeated neither the Democratic Party nor any other party would be responsible, but the Senators who defeat the bill will be responsible.

I think, Mr. President, we are suffering in this country too much from this talk all the time about party, party policies, and party programs. We are here as the Members of the Senate, without any regard to the river and harbor bill; but with reference to all legislation our first duty is as Senators. This idea that things must be put through or things must be defeated because one or two men who happen temporarily to be where they can be called the leaders of a party say so to my mind is obnoxious and obnoxious to my theory of free government.

So let us stop that phase of this discussion and recognize that the men who vote for a thing, no matter what their political affiliations may be, are responsible for that thing.

Now, if the Senator will pardon me one moment more——

Mr. GALLINGER. The Senator can take all the time he wants.

Mr. CLAPP. Of course, no Senator can relieve himself of responsibility because some one else may desire a particular legislative policy or be opposed to it. But human nature is human nature, and in free government the sooner it is recognized, from President down, that every citizen must take his share of the responsibility the better it will be for all. We have grown in this country too much to lean upon and turn to the Federal Government. Since this so-called war tax—heaven knows where they got the title "war tax" from, but that term has been employed—and since this discussion of an additional tax has come about I have received scores and scores of letters from men who say, "Do not tax me," but not one letter yet saying, "Do not tax us." There is not a suggestion, sir, of the absolute want of necessity for this additional taxation, but everyone says, "Do not tax me, whatever you do." In the letters that I receive discussing the relation of bonds or a direct tax not one single suggestion yet has come of the want of necessity for the additional tax, the necessity for which could be removed by economy. A hundred million dollars would be a bagatelle in an economic administration of the Government under the present administration or past administrations.

The idea that with the great volume of our expenditures we have got to either issue bonds or tax for the bagatelle of $100,000,000 would be considered, it seems to me, a startling proposition if the American people would only recognize that $100,000,000 could easily be saved in the administration of this great Government. There is not one suggestion, from President down, of saving $100,000,000, but on every hand the question is discussed, Is it better that we should tax our children with a burden that we leave upon them, or should we pay this additional $100,000,000 at this time?

No, Mr. President, we yield too readily to the constant suggestion of shifting the burden of responsibility over on some one else. When the American people will once wake up and recognize that every dollar that is wrung from the Federal Treasury must first in some way, direct or indirect, be wrung from the pocket of the taxpayer it will be very much easier for Representatives and Senators to stand against this wild and unjustifiable extravagance.

I thank the Senator from New Hampshire for permission for this interruption. As it has already been remarked, he has invited interruption, and it seemed to me this was a very proper place to make these remarks.

Mr. LEWIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. GALLINGER. With pleasure to my friend from Illinois.

Mr. LEWIS. Since the the genial Senator from New Hampshire finds it agreeable to have his speech mosaiced by jewels contributed here and there from senatorial lapidaries of speech I can not refrain from an introduction of a pebble——

Mr. GALLINGER. I hope the Senator will not forget to put "the rose" on the point of the spear before he gets through.

Mr. CLAPP. The rose will appear.

Mr. LEWIS. I will say to my friend in my present mood I have no desire to level a spear against him. His gentle charity and kindliness would prevent anything sharp from me this morning.

I was attracted by the observation of the Senator from Minnesota [Mr. CLAPP]; so much so that I felt that I might be pardoned if I likewise be permitted to drop a thought that busies itself in my mind.

The Senator from New Hampshire [Mr. GALLINGER], if I gather the tenor of his remarks, addressed himself to the idea that the present Democratic administration is recklessly plunging into extravagance and ruthlessly laying hands upon the treasure of the people, and indiscriminately, without wisdom and justice, applying it to private needs of different localities.

Now, there may be and doubtless is cause for some criticism as to some items of this river and harbor bill. But the same must be said of nearly every general appropriation bill.

The point I wish to suggest first is that I think it would be justice to have it pointed out that in these methods of appropriations, particularly as to the river and harbor bill, the officers of our Government—the administrative officers, the Government engineers, who are not partisans, either Democratic or Republican—first make the examination as to the availability of these projects, then as to the practicability of the proposed improvement, and on all these make recommendations to Congress concerning them.

These recommendations go to the Committee on Commerce in the Senate and the committee responds to them. Therefore I am inclined to the idea that it is but justice to the Senators and Representatives to point out the fact that if errors have been made to such an extent as able Senators say have been made for some time, it must be charged, to a very great extent, to those to whose keeping the matter of investigation has been reposed and in whose capacity and ability there has been confided the hope that they would not misguide this body.

It is an impossibility—and I ask the able Senator from New Hampshire for his views upon this later when he comes to consider it in the fullness of his address—I say it is an impossibility for Senators to be advised of all of the respective merits or demerits of these enterprises. They live far from them, they must take the recommendations of some one, and such recommendations, as I understand, come from the officers of the Government to whom has been committed that duty. That being so, I was interested in hearing the Senator from Ohio [Mr. BURTON] call attention to the fact that he had yielded upon one or two occasions to recommendations from the departments afterwards to find that their recommendations had been founded upon misinformation.

But, Mr. President, I am impressed with the thought as follows: In what way are we to be guided, if not by these agencies which have been created to guide us with their intelligence, their specific knowledge, and their particular accuracy along scientific development? From whom shall we take the direction? Then, when these directions come to us stating that certain portions of the country are in need of development for the benefit of commerce, shall we assume, without knowledge on our own part in any wise whatever, without any personal investigation from any source, to override and overrule those whose particular duties are to investigate and whose qualifications graduate them to an accuracy where we are supposed to receive advice and guidance from them? I do not know what step we could take. I am interested in the fact that if these extravagances have continued, they ought to cease; but I am at a loss to understand in what way we shall be guided unless we shall be guided by these nonpartisan officials whose particular science and capacity afford them opportunities and whose positions impose upon them the duty to truthfully and righteously instruct us.

Mr. CLAPP. Will the Senator from New Hampshire yield to me a moment?

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. I yield to the Senator.

Mr. CLAPP. At this point, I wish to say that I think we should be guided just as the directorate of a business concern should be guided. No railroad company in America could last any length of time if it permitted the head of each department to come and say how much was needed for that department, but they have a certain supposed revenue; they parcel out that revenue, so much for betterment, so much for construction, so much for this and for that. Here in Congress the trouble is there is no such system.

Some years ago, after several years of constant talk with Senator Aldrich of Rhode Island—I may as well call him by name—I finally prevailed upon him to appoint a committee that should consist of the chairman of the committees that handled appropriations, to the end that that committee might say, "We have so much to spend; so much for the Army, so much for the Navy, so much for Indian affairs, and so much for the other different purposes," so that the chairman of each committee, as the members of his committee began to overslough him with proposed appropriations, could say, "Gentlemen, I am sorry, but we are only allowed so much, and if any more is put on the appropriation it will go off on the floor." Mr. Aldrich finally consented to that plan. He appointed the committee; we had one meeting; and what was done? Instead of that committee sitting down and saying, "We have a billion dollars; we can allow so much for this and so much for that," it was immediately again divided into small committees. At that time I was chairman of the Committee on Indian Affairs. I was put on the subcommittee with two other Senators. The result was that I had nothing as a bulwark when it came to deal with appropriations.

I know the Senator's interest will lead him to pardon this interruption; but I will say I believe if there could be a committee composed of Members of both Houses, the chairmen of the various appropriations committees, and they could take up this subject—take our estimated revenue and say, "We can allow so much for this and for that"—that it would go far toward holding down the appropriations.

Mr. LEWIS. Mr. President, the continued indulgence of the able Senator from New Hampshire [Mr. GALLINGER] licenses me for a moment to reflect upon the utterances of the Senator from Minnesota [Mr. CLAPP]. I recall that the history of the proceeding to which the Senator from Minnesota alludes has recorded that Senator Aldrich upon investigation reported that $300,000,000 a year could be saved to this Government by a process of economies properly administered.

Mr. GALLINGER. The Senator will also recall the fact that former Senator Aldrich suggested that that economy could be reached, provided the business of the Government was conducted as private business is conducted, and that the men conducting it should have a free hand.

Mr. LEWIS. Mr. President, the able Senator from New Hampshire therefore suggests by his observation, timely interposed, a thought—and I am speaking in response to the intimation within me that justice be done to all concerned—the trouble about the matter is that the Democratic administration has just come into power; it has not had two years of existence; it has had but 18 months' administration. It is an impossibility, Mr. President, on the theory of conducting the public business as one does private business within that length of time to have taken all the proceedings of the past Government and revolutionized them; to have considered every instrumentality and change it, and to have taken every course under analysis and reversed it, in order that we may bring about those conditions which able Senators say we must come to if we shall save the Government from the continuing inroads upon the Treasury under the guise of appropriations. These processes which Senators condemn, and I am passing no judgment upon the virtue of the condemnation or the wisdom of it, did not begin with us, the Democratic administration; they began with years past. We are as one who is called to take a vehicle that is in progress. We can not stay its course without sudden reversion. These things having been begun, having been recommended, being a system that is already in vogue, one of two things is

apparent. We either must stop them completely, cut them off, end them as branches of the service of the Government, creating a paralysis in affairs, or we must do as the administration has been compelled to do—recognize them as going concerns; join in the system that we found until we have time to make such investigation as will enable us to change the system for the betterment of the Government. Until that is done, I am unable to see how the Democratic administration in so short a time could step into and remedy these evils which have been put upon us by previous administrations as a direct system of government inaugurated by our predecessors. I thank the Senator from New Hampshire for allowing me to interpolate this observation.

Mr. GALLINGER. Mr. President, the Senator from Minnesota [Mr. CLAPP], in his usual philosophical and able way, analyzed the situation very carefully in the observations he made during the first interruption. In my judgment, there is a remedy for this condition of things, and we are individually responsible, whether we are Democrats or Republicans. I desire to repeat what I have already stated—that in this discussion I have no disposition whatever to indulge in partisan argument. I think it is a time when we should look at this matter with great seriousness and without reference to our political views.

The Senator from Illinois [Mr. LEWIS], always fair-minded, sometimes a little severe in criticism, but never failing to entertain the Senate, suggests that this difficulty dates back of the present administration; and we all agree with him in the correctness of that statement; but there is one other view to take of it of which we ought not to lose sight, and that is the solemn promise for economy which the Democratic Party made in its national platform, which it has not kept.

Now, Mr. President, I go back to the point where I was interrupted while reading an extract from the speech of the very able Democrat who presides over the great Committee on Appropriations of another body, and in doing that I want to call attention to what the Senator from Utah [Mr. SMOOT], one of the most industrious and accurate Senators of this body, told us a few days ago. His statement has not been contradicted, although I believe a suggestion was made by a Senator on the other side that at the proper time a different story might be told to the Senate, and we are all waiting to have that information conveyed to us. The Senator from Utah said that the appropriations for the present session of Congress would be between $1,180,000,000 and $1,200,000,000, the largest in the history of the Government. That is a most startling fact, conclusively showing that the party in power has been regardless of its promise to the people to practice economy in the expenditure of the public money.

We all remember the time when the cry arose from our Democratic friends that we had a billion-dollar Congress. It was a startling cry at the time, but Speaker Reed countered on that suggestion by saying that we had a billion-dollar country. Beyond a question the growth of the country and the added demands upon Congress for money to carry on the diversified and great affairs of this Nation of ours make increased appropriations necessary, and it may be that in the year 1914 the country has so grown and the demands have been so great that there ought to be a little more money expended than there was one year or two years ago; but if it be true, as the Senator from Utah has stated it to be true—and he left out of his calculation a great many items of appropriation that are yet to be made by this Congress; I think he did not include the appropriations carried by this bill——

Mr. SMOOT. They were included.

Mr. GALLINGER. The Senator says he did include those, but he did not include two omnibus claim bills, I think, which are to be considered sooner or later by the Senate and which I suppose will pass and become laws, and many other matters that will develop as we go along, because we find more demands made upon us for legislation almost every day during these troublous times, and it goes without the saying that the maximum amount named by the Senator from Utah of $1,200,000,000 will be reached before this session of Congress terminates. In the face of that situation, Mr. President, what do we find? On Friday last the President of the United States summoned the two Houses of Congress together to tell them that $100,000,000 more of revenue must be raised to meet the current expenses of the Government, and almost before the words have ceased to sound in our ears we are continuing the consideration of a river and harbor bill which calls for an expenditure, direct and indirect, of almost an equal amount to that which the President says must be raised by putting an additional burden of taxation on the people of the country.

The President said that we are not responsible for the deficit in the revenues of the Government, which is now being piled up at the rate of over $1,000,000 a month, attributing it to conditions in Europe, but I assert without fear of contradiction that had it not been for the radical changes made in the tariff laws by the present Congress and had the economy that was promised in the Democratic platform been even partially practiced the deficit would have been almost negligible. However, the money is to be raised, the people are to be further taxed to that amount, and while the money is being gathered into the Treasury we are expected to vote out of the Treasury $53,000,000, with an added obligation of forty-odd millions more, largely for the improvement of streams which ought not to be improved and which at best can well wait until the matter is more maturely considered.

Mr. SMITH of Michigan. Mr. President——

Mr. GALLINGER. I yield to the Senator.

Mr. SMITH of Michigan. Mr. President, in connection with the President's statement that the Democratic administration is not at all responsible for the apparent deficit, a very hasty examination, but I think an accurate one, discloses the fact that in the 11 months of the Underwood tariff law the importations under the free list exceed by $140,000,000 the importations under the free list of the Payne-Aldrich bill in the last 11 months of that act; in other words, they literally threw down the barriers and invited the Europeans to poach upon our industrial market. The Europeans accepted the generous invitation of the administration, and, as I have said, $140,000,000 worth of European goods entered our ports during the last 11 months free of duty in excess of the free importations of the previous 11 months of the Republican tariff law.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, the fact is that of the importations during the period mentioned by the Senator from Michigan the importations of European manufactured goods were practically in amount and value those of the preceding period of time.

Mr. SMITH of Michigan. But the administration is lamenting in a formal statement to both Houses of Congress within the last six days that our importations have been so slight that we have not been able to collect revenue enough to run the Government. If it has come to the point where we have to throw our doors wide open, not only take the roof off but the front and rear doors of our customhouses, in order to let the handiwork of European genius enter into competition with that of our own citizens before we can have money enough to run the Government, we have come to a pretty pass.

Mr. THOMAS. Mr. President, the importations are not only slight at the present time, but they have largely ceased to exist from the countries affected by the war. So we have at present a perfect system of high protection.

Mr. SMITH of Michigan. You did not intend to have it.

Mr. THOMAS. If protection is a good thing in part, it must be a good thing as an entirety, and the country now is enjoying for the first time in its history a period of absolute protection. The wall is so high——

Mr. GALLINGER. That is surely not accurate.

Mr. THOMAS. Created by the conflict in Europe, that goods can not get over it at all.

Mr. SMITH of Michigan. Oh, Mr. President——

Mr. THOMAS. The advocates of high protection are now enjoying for the first time in the history of this country the operation of a prohibitory tariff.

Mr. SMITH of Michigan. Oh, Mr. President——

Mr. THOMAS. They ought to be satisfied and they ought to be happy. They have always declared that protection was a good thing. Well, you can not have too much of a good thing, and now you have the whole thing; why do you complain? There are no imports from the war-inflicted countries at the present time. The period of Elysian perfection in protection is at hand, and still our friends are not happy.

Mr. SMITH of Michigan. If the statement of the Senator from Colorado is correct, why are our Democratic friends pluming themselves upon the redemption of their promises from early morning until late at night? You declared in your Baltimore convention that our tariff law was not an appropriate statute for this country. You declared in your Baltimore convention that the bars must come down; and day after day you plume yourselves upon the redemption of your pledges, and still you say to us that the protective system is intact, just as you found it when you assumed control of the Government.

Mr. THOMAS. Oh, Mr. President, we plume ourselves upon legislation that we agreed to give to the people. Thank God, we have redeemed some of our pledges. We never promised

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the people free trade. The Senator knows that. We promised them a tariff system that would produce revenue, and we reduced the tariff to a revenue basis.

Mr. SMITH of Michigan. Why, I am standing beside a free trader now. The Senator from Mississippi [Mr. WILLIAMS], right here at my elbow, is a free trader. He thinks you have gone part of the distance, and he would like to have you go the balance of the way.

Mr. WILLIAMS. Mr. President——

Mr. THOMAS. Mr. President, I have been trying to make a statement, and I can not make it when I am constantly interrupted.

Mr. WILLIAMS. After this violent onslaught, I think I ought to have the floor for a moment.

Mr. THOMAS. I am not responsible for the views of my genial friend from Mississippi.

Mr. WILLIAMS. And the Senator from Colorado is not responsible for the views attributed to me by the Senator from Michigan, either.

Mr. THOMAS. Why, certainly not; neither am I responsible for the views of my genial friend the Senator from Michigan.

Mr. President, let me finish my statement. The Democratic Party has reduced the tariff upon many articles and has placed many articles upon the free list. Yet we have to-day, with the exception of Russia, and notwithstanding that fact, the highest tariff law of any civilized nation. We have been boasting—and boasting, I think, with perfect propriety—of the operation of that law, which up to this time has not had a fair trial. It could not have had in the short period of time between its enactment and the outbreak of the European war.

I do not believe even the Senator from Michigan will hold the Democratic Party responsible for the outbreak of the European war. It is barely possible that that is one of the consequences of tariff reduction, but "I am from Missouri." Mr. President, the effect of that war, as I stated, is to create, by the strong arm of conflict, prohibitory tariff for the time being, with the consequence that we are not obtaining much revenue from that source. While, of course, I would not charge my Republican friends with feeling any less degree of horror than myself over that conflict; yet it seems to me that they can enjoy, as one of the inevitable consequences of that war, the operation of an ideal system of protection, with a wall so high that nothing can get over it, and therefore we have in operation here, as one of the consequences of the greatest conflict the world ever saw the American protective system in full operation.

Mr. SMOOT. Mr. President——

Mr. GALLINGER. Mr. President, the Senator from Colorado, in his exuberance, has gone too far in saying that we have not any revenue from importations at the present time. The senior Senator from Utah [Mr. SMOOT], who is the most famous mathematician of Congress, I have no doubt has about his clothes somewhere the exact figures as to what importations are being received during this period, and the revenue that is derived from them.

If the Senator from Utah feels like entering this symposium, I will ask him to give the figures for the benefit of the Senator from Colorado, because I do not want the Senator from Colorado to go to his home during his campaign for reelection and misstate, inadvertently, the exact facts on this point.

Mr. SMOOT. Mr. President——

Mr. THOMAS. If the Senator will permit me just a word——

Mr. GALLINGER. Certainly.

Mr. THOMAS. The statement I made to the Senator from Michigan was based upon the speech of the Senator from North Carolina [Mr. SIMMONS], made a few weeks ago, and of which, of course, there is a report in the CONGRESSIONAL RECORD, his speech being based on statistics received from the Department of Commerce. One of his statements based upon those statistics was that as to imports of manufactured goods from England, and also from the Continent of Europe, the proportion was almost equal to that of the preceding year, the excess of imports being foodstuffs and materials from other countries than Europe. If I am wrong, I certainly have a recoupment against the Senator from North Carolina.

Mr. GALLINGER. Now, Mr. President, let the Senator from Utah be heard.

Mr. SMOOT. Mr. President, when the Senator from Colorado made his statement I was rather surprised to hear it, because he is generally very careful in what he says.

I have before me the receipts and disbursements affecting the general fund balance of the United States, we will say, for this month up to September 5, 1914. On September 5 we collected customs revenues of $976,251.91. That does not look as though the importations have ceased. Those goods are imported, of course, mostly from England and from other parts of the world; very few of them coming from Germany, some few from France, from Holland, and also from Norway and Sweden.

Mr. THOMAS. Can the Senator give the amount for September 5 a year ago?

Mr. SMOOT. I have not it for that particular day.

Mr. THOMAS. Well, about that time.

Mr. SMOOT. But I will say that for the first five days of September a year ago we collected revenue of $5,007,538.66 from customs receipts. This year, with a war on, for the first five days of September we have collected $3,949,210.77. There is a difference of only about a million dollars in the five days, notwithstanding the war. I wish to call the Senator's attention also to the fact that it will not be long before the transportation of goods will not be interfered with. The ocean traffic will be open, and of course the goods are going to come into this country. For the month of August there was a shortage of something like $10,000,000 in revenue.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Colorado?

Mr. SMOOT. Yes; I yield.

Mr. THOMAS. I should like to ask the Senator whether the revenue derived during the first five days of this month, to which he has referred, was revenue from goods imported prior to or since the outbreak of hostilities?

Mr. SMOOT. They were imported since the outbreak of hostilities.

Mr. THOMAS. Is it not a fact that much of those duties, a large proportion of those duties, was collected upon goods that were in bond and which came to this country preceding the outbreak of hostilities?

Mr. SMOOT. No, Mr. President; that is not so. The custom receipts are collected from goods that started for this country during the latter part of August, and they arrived here in the first five days of September.

The Senator knows that there are very few goods held in bond except at a time when a tariff bill is to be changed. Then, of course, people who expect the rates to decrease hold their goods in bond as long as it is possible for them to do so.

I do not expect to see anywhere near $100,000,000 shortage in the revenues for the fiscal year ending June 30, 1915. It can not be and it will not be anything like that amount. The $100,000,000 that is to be collected by a war tax is not for the purpose of paying the shortage in custom duties, as the country has been given to understand. It is to pay the shortage that will come through the income tax and the extravagant appropriations made by this Congress.

I have no doubt that the reduction from the income tax for the coming year, if a change of rates is not made, will be from twenty to twenty-five million dollars, caused by the unfortunate business conditions that exist in this country to-day—railroads not making much more than their running expenses, dividends being cut down from that great source of income to the people, companies which have paid dividends in the past cutting them sometimes in two and sometimes eliminating them entirely. Now, these conditions will have effect upon the income-tax receipts for the coming year, and the amount that the Government will receive from that source will be greatly reduced.

Mr. THOMAS. Mr. President, I should like to ask the Senator whether he is prepared to give an estimate of what the deficit in import revenue will be?

Mr. SMOOT. My opinion is that it will not be over fifty to sixty million dollars.

Mr. THOMAS. And how much of that will be consequent upon the war?

Mr. SMOOT. I should think most of it would be.

Mr. THOMAS. My purpose in asking the question is that some time ago the Senator made a speech here, based upon statistics from the Department of Commerce, indicating such a very serious falling off in our import revenues that he seemed to be justified in the view that it was going to be so large as to create a deficiency.

Mr. SMOOT. Oh, Mr. President, the Senator certainly misunderstood what I said if he drew that conclusion.

Mr. THOMAS. That is quite probable.

Mr. SMOOT. My whole criticism has been that the present tariff act has allowed importations to come into this country amounting to hundreds of millions of dollars more than under the previous law. I have never yet stated that the revenues from the present tariff act were as small as was estimated for, not only by the department but by both Houses of Congress, at the time the bill was being considered.

Mr. THOMAS. May I ask the Senator if the tables which he submitted did not show, on the one hand, an increase in importations and, on the other, a decrease of revenue?

Mr. SMOOT. Why, certainly, Mr. President. That was the object I had in calling it to the attention of the Senate—that the importations were immensely increased and the exportations decreased.

Mr. THOMAS. Not the exports.

Mr. SMOOT. In the month of May, as I remember, there was a loss of trade to this Government of some $63,000,000.

Mr. FLETCHER. Mr. President——

Mr. THOMAS. I think the Senator misunderstood my question. My question was whether his tables did not show an increase in the amount of imports but a decrease in the revenues of the Government upon those imports?

Mr. SMOOT. There was an increase in the value of importations, and there was a slight decrease in the revenues of the Government from customs receipts. That everybody admits; but there was not nearly the amount of decrease that was predicted when the bill passed, and that came about from the fact that there were more importations than were estimated for by hundreds of millions of dollars.

Mr. GALLINGER. Mr. President, the Senator from Florida [Mr. FLETCHER] rose a moment ago, and as I am hoping that we will hear some voices from that side of the Chamber I very graciously yield to the Senator.

Mr. FLETCHER. Mr. President, since apparently the discussion of the tariff has ceased and the Senator from New Hampshire is willing to proceed with the river and harbor bill, I decline, after thanking him most sincerely for his offer to yield, and trust that we will proceed now with the matter before the Senate.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Michigan?

Mr. GALLINGER. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. I have been so astounded by the statement of the Senator from Colorado that we were now in the very height of perfected protection that I can not resist the temptation to say that $140,000,000 of excess importations is due to the enlarged free list. There are scores of items that could have been caught at the customhouse and made to return a good revenue to this Government which would have saved you from the inquisitorial tax you are about to put upon the people of the country.

For instance, agricultural implements, plows, tooth and disk harrows, hedders, harvesters, reapers, agricultural drills and planters, mowers, horserakes, and cultivators are free by your grace—in the name of heaven, can we not make those articles here? Why should we throw down the bars and admit them without any duty and in competition with our own labor?

Mr. KENYON. I should like to inquire whether they were sold at any reduced prices?

Mr. SMITH of Michigan. No, indeed. Then, again, I notice that you let in ashes free. We can not make ashes enough over here, apparently, to please the Democratic Party. Bagging for cotton, gunny cloth, and similar fabrics come in free. Balm of Gilead is free, and we have been looking for it ever since in vain.

Mr. MARTINE of New Jersey. Mr. President——

Mr. SMITH of Michigan. Oh, yes; I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. I hope the Senator from Michigan will be generous enough to let me say——

Mr. GALLINGER. Mr. President, I must insist that the Senator shall get permission from the Chair.

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. I yield.

Mr. MARTINE of New Jersey. I think we can salve it over with balm of Gilead, if your disposition would be of a kindred character; but do not start out with a fight and then repel all thoughts of balm of Gilead.

I only wanted to say, speaking about plows and harrows and other tools of that character, and why we do not manufacture them here, that the fact is that we do manufacture them here, and we ship them abroad in countless numbers. Our machines are to-day, or were previous to the war, in the hills and valleys of Scotland and in France and in Germany reaping the grain, garnering the grain, and cultivating the crops there. We did ship them abroad. Only yesterday I was surprised to find in the newspapers, in speaking of the decimation in Belgium of the war and the destruction of the great industrial plants there, that they mentioned one concern, a rival of Krupps, and went on to give a list of the various machines that were used in this great manufactory. Among them they mentioned, from my own town, the Pond Tool Works, manufacturing lathes, planers, and sundry other things that were found there installed.

These men have grown rich. The manufactures of this country with the high protective tariff have grown rich, and yet at the same time they were shipping their goods abroad and getting the benefits of the tariff, and it was only fair and just that the tariff should be reduced and in some instances repealed.

Mr. SMITH of Michigan. The people evidently wanted free trade.

Mr. KENYON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa will state it.

Mr. KENYON. By what authority did the Senator from Florida state that the tariff discussion had ended?

Mr. SMITH of Michigan. It has practically ended as far as I am concerned——

Mr. FLETCHER. I think I spoke unguardedly.

Mr. SMITH of Michigan. We have no tax upon exports; but under protection have always sold largely abroad, leaving a good balance in our favor. The Senator from New Jersey says that the people who make these goods are rich. But the men who work in the factories where these articles are produced are obliged by necessity under this law to compete in their wages with the wages of countries that are not as good as our own.

Mr. THOMAS. May I ask the Senator a question?

Mr. SMITH of Michigan. Another thing, you admit biscuits free. Can we not make biscuits enough over here. The housewives of the country can make all the biscuits we need.

Bladders and blue vitriols come in free. I suppose our opponents need them.

Mr. LEWIS. I regret to interrupt, but let me offer one reason why the Democratic Party can not make biscuits. Not like our Republican friends, the Democratic Party has not the "dough." [Laughter.]

Mr. SMITH of Michigan. Neither have the people since the advent of Democracy.

Mr. THOMAS. May I ask the Senator from Michigan a question?

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I yield.

Mr. SMITH of Michigan. The Senator from New Hampshire turns me over to the tender mercy of the Senator from Colorado.

Mr. THOMAS. I am not going to enter into a tariff discussion. I merely want to ask the Senator from Michigan whether the greater proportion of the articles he mentions were not on the free list in the Payne-Aldrich bill. Bladders, and Balm of Gilead, and blue vitrol, and ashes were about the only things that were on the free list then.

Mr. SMITH of Michigan. In so far as our Democratic friends followed the free list which they found on the statute books I make no complaint, but $140,000,000 of products of European genius and labor have come in here free since October last in excess of the importations under the free list in the last 11 months of the Payne-Aldrich bill.

Mr. THOMAS. And for which the products of American labor were exchanged.

Mr. SMITH of Michigan. Just a moment. Eggs come in free. What is the matter with the American hen? Are you going to discriminate against every industry we have? Eggs come in free. You bring in fossils free. Are they not the architects of free trade? But fossils can not climb high walls, therefore fossils must be free. Fish skins are free; but only fresh-water fish are free. Our internal fisheries must be exposed to piracy. Glass is free, of a certain kind—enamel, white, for watch and clock dials. Why can we not make them here? When you passed your bill glass was being made in my State, as fine glass as could be produced anywhere in the world, at a cost of less than 16 cents a square foot. Our manufacturers were selling it at 15 cents a square foot, and yet you cut the tariff down and exposed that business to further competition with the European glassmakers. Wool, lumber, and sugar are ruthlessly exposed to this dangerous blight.

It is no wonder that you call for more revenue. You have not protected American labor and American industry at home by your law.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield further to the Senator from Colorado?

Mr. GALLINGER. I yield.

Mr. THOMAS. May I ask the Senator if it is not a fact that, notwithstanding the dismal and gloomy predictions which were made when we were considering the Underwood bill, he being one of its chief antagonists, the glass industry has prospered in this country since the enactment of that law, and that

some of the glass companies have paid better dividends than before?

Mr. SMITH of Michigan. So far as I know, nothing has prospered by the change, except our rivals and their well-paid agents at ports of call.

Mr. THOMAS. I read an acount some days ago of a large cash dividend paid by one of the glass companies of Maryland, and before then of dividends—I think in Pennsylvania.

Mr. SMITH of Michigan. They must have been winding up their plant, because there was nothing helpful in the law.

Mr. THOMAS. Of course, no possible prosperity which could come to an industry which has heretofore been protected will be admitted under any circumstances.

Mr. OLIVER. Mr. President——

Mr. SMITH of Michigan. Let us hear from Pennsylvania.

Mr. GALLINGER. I yield to the Senator from Pennsylvania.

Mr. OLIVER. If the Senator from New Hampshire will permit me, I should like to have the Senator from Colorado give some bill of particulars about those Pennsylvania glass concerns.

Mr. THOMAS. I make the statement from what has appeared in the papers from time to time. I have not charged my memory with nor pursued them. I have noticed on several occasions that the industry was good and dividends had been paid by some of the companies where a great many men were employed; that they were paid as good wages as ever; and that the industry had not suffered.

Mr. OLIVER. I wish to say to the Senator that I have some little acquaintance with the Pennsylvania glass business, and that I have not learned of the exceptional dividends that have been paid out of the profits of these companies since the enactment of the Simmons-Underwood law. I am inclined to look with some doubt upon the accuracy of these statements.

Mr. THOMAS. If my memory serves me aright, I recall one company, which was located at Cumberland, Md.

Mr. OLIVER. I thought the Senator said in Pennsylvania.

Mr. THOMAS. There were other companies, but I recall specifically that one.

Mr. OLIVER. I was under the impression the Senator said Pennsylvania.

Mr. THOMAS. If my memory serves me——

Mr. SMITH of Michigan. You put ice on the free list, I presume, to preserve what little prosperity we have left.

Mr. FLETCHER. Let me ask the Senator from Michigan if he wants to defeat the river and harbor bill?

Mr. SMITH of Michigan. Oh, no; Mr. President, I want to ask the Senator from Colorado a question. He says that we are in the midst of our greatest prosperity.

Mr. THOMAS. Oh, no.

Mr. SMITH of Michigan. The Senator from Colorado says that we are occupying the most blissful period of protection ever enjoyed in the history of our country.

Mr. THOMAS. I say the Republican Party are enjoying a most perfect system of protection on account of the war shutting off importations by the European war, and they ought to be happy. I made that statement.

Mr. SMITH of Michigan. You took the duty off iron ore, and our hills are literally bursting with iron ore. Why? To give the east shore of Cuba and in Norway greater freedom in our markets, a modest charge of, say, 25 cents a ton on iron would have added several million dollars to our revenue without burdening anyone. You threw that revenue away in the interest of international altruism.

Mr. GALLINGER. A new freedom.

Mr. SMITH of Michigan. Yes; but an old freedom in commerce, as the Senator from New Hampshire knows. You let in leather boards, compressed leather, leather cut into shoe uppers, vamps, and other forms suitable for conversion into boots and shoes free.

I should like to inquire if shoes are any cheaper than when you passed the law. Yet you were so keen to do it that the very moment when the President affixed his name to the act is set forth in the act. Perhaps the Senator has forgotten this. They looked up at the clock and stated the very moment that this new freedom was born, and American labor has been partially idle ever since. It was approved at 9.10 p. m. October 3, 1913, and from that very moment importations under the free list have multiplied and increased until $140,000,000 marks the excess over the last 11 months of the old law.

If you want to get added revenue, why do you not have some of those old items charged with a duty? Why not reimpose your duty on sugar and revive the American sugar industry in your country? Reimpose your duty on iron ore and make the magnates who are mining it pay into the Treasury the revenue that you so sadly need. Reimpose the duty on lumber and barley and wool, and get the revenue easily by reviving our industries.

Mr. President, there are thousands of items in this free list that you tendered as a free offering to our commercial rivals across the sea; and now, forsooth, because you have not been able to catch enough importations in your new net you come and say that the Government is in need of more money and emergencies must be met by extraordinary taxation.

I think this law a failure. The last 11 months have demonstrated it, and if the war in Europe had not challenged public attention throughout the country this law would have been condemned almost universally at the first opportunity that was offered.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I yield.

Mr. THOMAS. May I ask the Senator if he is opposed to raising this additional revenue?

Mr. SMITH of Michigan. I am opposed to raising it on the pretense that it is a war measure.

Mr. THOMAS. I ask the Senator if he is in favor of a river and harbor bill appropriating $53,000,000?

Mr. SMITH of Michigan. We must care for going projects, that is very sure. We must care for necessary work or lose more money by delay. These large-draft ships require abundant water, and if you want to let the winds of winter and the tempests of early fall and early spring spend their wrath upon unprotected rivers and harbors, you Senators must take the responsibility for it.

Mr. President, the Senator from Colorado asked me if I objected to the method of raising the $100,000,000 additional revenue, as proposed by the President. I do not think it would have been required if you had left the duty on a few articles that could have borne it easily. I do not think it would have been required if you had been a little more careful with your appropriations.

A very distinguished Alaskan told me they could have gotten along with $10,000,000 for the Alaskan railroad. You gave them $35,000,000 because you had so much money in the Treasury that you did not know what to do with it, and now under the specious plea of a European war you seek to impose an inquisitorial tax upon trades and occupations and people to make up your shortage. I can not subscribe either to the wisdom or the necessity for this course. Why not reimpose a duty on sugar and revive the industry of the Senator's own State? The sugar stock dropped from 98 cents to 18 cents under your hostile and adverse legislation. I think your whole tariff legislation has been a failure. Your income-tax scheme has been a failure.

If you had been fair and had not played politics with your plan, you would have given all American citizens the opportunity to throw their little kernel into the hopper. Then all would have felt that they were bearing their share of the Government's burden. Instead of that you put it upon a class and appealed to those whom you exempted for support. This was un-American and undemocratic.

I have said all I am going to say. I am sorry that I interrupted the Senator from New Hampshire. Only his great kindness has encouraged me to proceed, and I could go on through that misconceived statute showing thousands of items that should not be on the free list. Scores of them should have been taxed and you would have protected our domestic employments and given us revenues sufficient to run the Government.

Mr. GALLINGER. Mr. President, the only regret I have that I yielded to the Senator from Michigan [Mr. SMITH] is that he has repeated so much of what I intended to include in my remarks that I fear it will be not interesting when I recite it.

Mr. SMITH of Michigan. It will bear repetition a good many times.

Mr. GALLINGER. I have done the most I could to keep a political discussion out of the consideration of this bill, but I have not had very good success.

Now, I will add a single observation in that line. If the Democratic Party can stand on its record during this session of Congress, a record of extravagances and useless expenditure, certainly the Republican Party can politically afford to let the party in power run riot along that line. But for myself, I join most earnestly with the distinguished Senator from Ohio in the plea he has made for a radical reduction in the appropriations contained in this bill. If the Democratic Party will not save itself from the consequences of its folly, then let Republicans come to the rescue of the Treasury.

Mr. President, I assume that no one knows definitely what the proposed tax will be levied on, but it is safe to say that it

will be a burden to very many people who can ill afford to bear it. Why should not Congress—here I repeat what the Senator from Michigan [Mr. SMITH] said in substance—why should not Congress in this emergency exercise sound common sense by restoring the duty on sugar, thus saving a domestic industry from extinction and adding $30,000,000 annually to the revenue, and advancing the rates on wool and on some of the other schedules of the tariff law, when it can be clearly shown that they have been reduced below the proper protective point? In other words, why not raise at least one-half of this $100,000,000 by taking the profits from the Sugar Trust, giving the people the benefit of the difference, and imposing a higher duty on certain imported articles. It seems to me that that would be a more statesmanlike form of legislation than the one that has been proposed by the President.

How to raise this added money is a problem. It has been suggested that the income tax should be increased, but, aside from the impropriety of doing that, the revenue from that source would be of little value, as it could not be in hand for nearly a year. Manifestly what is wanted is some quickly secured funds, and I know of no better way to get the necessary revenue, provided the tariff law is not to be revised, than by imposing an internal-revenue tax on luxuries, such as beer, wine, whisky, and tobacco. I observe that a protest has gone up from the tobacco people that they are having a hard time and ought not to be further taxed. Probably the whisky men, the beer men, and the wine men will join in that cry, but I have no sympathy with that suggestion. If those sources of revenue are to be ignored, what then? It is very probable that the industrial portions of the country will be further burdened by a stamp tax on commercial paper and bank checks, which, under existing conditions, would be placing an unfair burden on a portion of the country that is already paying more than its share. As an illustration, let me show, as a matter of comparison, the proportion of the internal revenue derived from the excise tax, the corporation income tax, and the individual income tax, paid by the 12 leading States of the South and 12 States of the North, including the 6 New England States. The figures are as follows:

*Internal-revenue receipts for fiscal year ending June 30, 1914.*

| State. | Corporation excise tax. | Corporation income tax. | Individual income tax. |
|---|---|---|---|
| Alabama | $59,813.19 | $156,526.38 | $82,102.59 |
| Arkansas | 20,639.71 | 95,796.38 | 42,035.48 |
| Florida | 34,126.25 | 92,958.07 | 108,800.41 |
| Georgia | 112,070.92 | 247,774.34 | 115,874.11 |
| Kentucky | 82,065.65 | 303,990.65 | 98,244.62 |
| Louisiana | 103,488.17 | 290,560.18 | 148,261.18 |
| Mississippi | 18,631.18 | 65,746.74 | 40,507.46 |
| North Carolina | 84,410.55 | 173,267.99 | 46,566.55 |
| South Carolina | 60,356.30 | 82,282.51 | 25,811.11 |
| Tennessee | 40,202.67 | 226,143.07 | 98,274.54 |
| Texas | 161,632.80 | 551,241.45 | 360,965.21 |
| Virginia | 58,222.03 | 414,471.52 | 103,443.30 |
| Total | 833,719.60 | 2,700,762.16 | 1,250,887.88 |
| Connecticut | 155,427.13 | 551,828.72 | 409,504.53 |
| Illinois | 1,141,536.28 | 3,152,113.40 | 2,076,171.11 |
| Maine | 84,644.35 | 199,547.24 | 75,772.35 |
| Massachusetts | 550,531.62 | 1,447,648.80 | 1,505,885.72 |
| Michigan | 530,477.45 | 1,045,745.95 | 1,018,220.20 |
| Minnesota | 325,615.48 | 1,134,977.40 | 372,827.41 |
| New Hampshire | 26,516.74 | 60,135.21 | 48,732.88 |
| New York | 2,318,341.41 | 7,447,600.19 | 12,522,797.34 |
| Ohio | 545,023.32 | 1,856,007.05 | 994,508.22 |
| Pennsylvania | 1,452,511.02 | 4,643,794.19 | 3,176,026.38 |
| Rhode Island | 75,937.60 | 247,465.04 | 321,221.74 |
| Vermont | 9,660.77 | 39,114.37 | 89,356.77 |
| Total | 7,216,095.45 | 21,874,987.65 | 23,523,703.65 |

It will be observed that the 12 Northern States pay eight times as much corporation excise tax as the 12 Southern States, eight times as much corporation income tax, and twelve times as much individual income tax.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. GALLINGER. I thought I would probably hear from some of my good friends from the South. Certainly, I yield.

Mr. WHITE. I know the Senator from New Hampshire is a generous-hearted man, and he would not tax poor people, would he?

Mr. GALLINGER. Yes; we do all over the country tax poor people. I was in favor of putting the income tax at a figure where comparatively poor people would pay something toward the support of the Government, as they do in all other matters of taxation, which would more closely ally them to governmental affairs.

Mr. WHITE. I thought the Senator sympathized with us in our poverty down South.

Mr. GALLINGER. I never have thought that the South was as poor as it has been represented. I have noticed—I think I have the statistics somewhere—that the wealth down South during the last census was not startlingly low.

Mr. WHITE. Mr. President——

Mr. GALLINGER. I yield.

Mr. WHITE. I should like to say to the Senator from New Hampshire that the State of Alabama, which I in part represent, and one to which he has referred, in 1860 had an assessment roll of over $700,000,000, and that after 50 years of struggle since the war it has never quite reached that point yet.

Mr. GALLINGER. That great State is traveling very rapidly in the proper direction, and is destined to be one of the richest States of the Union before long.

Mr. WHITE. I should like to say that Alabama is probably advancing more rapidly and has advanced more in the accumulation of wealth since the close of the Civil War than any other Southern State, because of its great industrial development; but I do hope the Senator from New Hampshire will not expose our poverty further by showing how little of the income tax our poor people have to pay.

Mr. GALLINGER. If the income tax had been framed along the lines that I thought it ought to have been framed, in imposing a tax upon incomes of $1,000, or possibly a tax upon all incomes in the country, it would have been almost negligible so far as the poor people were concerned, and it would have been a more just tax, and it would also have shown less disproportion between the States that I have named in the two sections of the country. But that was not done, and now I am dealing with the figures as they exist under the present law.

Mr. President, the figures I have given speak for themselves and I cite them only to show that in framing the law that is to take a hundred million dollars more from the people of the country it ought not to be aimed at the industrial States of the Union, and I hope it will not be.

In connection with the proposition to raise an additional $100,000,000 of revenue by taxation, the Philadelphia Inquirer of recent date well says:

> It is the irony of fate that the Democratic Party, which came into power pledged to a reduction of taxes, will be obliged to levy the heaviest special tax laid since the Civil War. If the tariff had been let alone the Treasury would be in such funds that new taxes would not have been needed, at least for some time to come. Think of the millions on sugar which we threw away! Think of the wool duties we might now enjoy! In fact, the situation is desperate for our Democratic theorists, since in the face of a defensive political campaign they are compelled to levy the most unpopular taxes ever laid in times of peace.
>
> Every man who pays a war tax this fall will know that it might have been unnecessary. But for the depression of American industry by the Underwood tariff this country would face the future with complacency.

Now, Mr. President, let me address myself more specifically to the river and harbor bill.

It seems to me that the sound, fundamental considerations that underlie water transportation are being lost sight of in these days. The National Waterways Commission of five years ago, of which the senior Senator from Ohio was chairman, developed many important facts, which are a matter of record. In my investigations I have found no document which so clearly and strongly presents the case as an address delivered by S. Whinery, civil engineer, made at the permanent International Association of Navigation Congress, held at Milan, Italy, in 1905, from which I propose to make liberal extracts.

Before doing so I want to say that I had the honor of serving on the International Waterways Commission, and tried to acquaint myself with the conditions of water transportation, not only in my own country but abroad as well, and to suggest that the repetition and reiteration that we hear as to water transportation in Europe being an object lesson to the people of this country is entirely misleading. The great canals in Europe were mostly built before the era of railroad building. It was the only means of transportation the people in those old countries had. Those canals very naturally have been allowed to continue, and under the fostering care of the respective Governments have been made profitable in the carriage of heavy freight. In some of those countries the Government takes charge of the matter and looks after the railroads, which are inadequate as compared to American railways, both as to operation and equipment, as well as the waterways.

The carriage of the lighter freight is given to the railroads, and to the waterways the carrying of the heavier freight. As a result there is a reasonable return from water transportation;

but the idea that we are ever going to expend the people's money to any great extent to build canals in the United States is obviously absurd. We might as well talk about going back to the days of the Concord stagecoach, which was a famous institution of my own home city, but which has practically disappeared except in the remote sections of the world. We have progressed beyond that period, and we are not going to return to it. We have progressed beyond the period of slow transportation by water, and we are not going to return to it to any very considerable extent.

The observation I make in reference to canals is equally true as to transportation by the rivers of the United States, as I shall endeavor to show before I get through. I know it will be tedious for the Senate and for the few Senators who will honor me with their presence to hear the discussion of this question by this distinguished civil engineer, delivered before a great and learned body in the city of Milan, but it touches so distinctly the fundamental principles which we are called upon to consider in this bill that I can not refrain from copiously reading from this review. Mr. Whinery says:

The United States comprises a very large territory, throughout which domestic commerce is untrammeled by tariffs or other trade restrictions. (Some of the recent territorial acquisitions of the United States must be excepted from this general statement.) The commercial activity of its people, the great volume of its commerce, the wide range in the productions of the soil and the factory, and the comparatively great distances over which these products must be transported for market or exchange all combine to make the transportation agencies of great relative importance in the commercial and industrial development of the country.

A brief historical sketch of the rise and development of transportation agencies and methods in the United States may be appropriate as an introduction to an intelligent understanding of them. In the earlier period, when the population consisted of settlements along the Atlantic coast and the rivers flowing into it, water transportation was practically the only means of communication. Later, as centers of population were established inland, transportation by animal power and wagon had to be depended upon.

In the early part of the nineteenth century, as the vast and fertile region west of the Appalachian chain of mountains became occupied by the white man, the trade between that region and the seaboard became of such importance and volume as severely to tax the trains of loaded wagons by which alone it was conducted. The National Government lent its assistance in the construction of roads to and over the mountain chain. But the commerce rapidly outgrew this means of transportation, and the demand for more adequate facilities became increasingly urgent. As population penetrated farther westward into the valleys of the rivers flowing into the Mississippi these streams were utilized, wherever navigable, by the use of flatboats moved by the current or by human power. The application of steam to the propulsion of boats marked an era in river transportation and gave a great impetus to inland commerce. But only a comparatively small area of the great country was within reach of the navigable rivers, and they afforded no relief in crossing the mountain range. As population spread and increased in the valley of the Mississippi that great river became more and more important as a highway of commerce and an increasing quantity of foreign trade passed into and out of its mouth.

Population also expanded toward the northwest, and the settlement of southeast Canada progressed rapidly. Along the northern boundary of the United States stretches, for a distance of more than a thousand miles, a chain of Great Lakes connected with each other by short rivers and discharging by the St. Lawrence River into the Atlantic Ocean. These formed an admirable highway for the early commerce of the region, and the city of New York being then, as now, the commercial metropolis of the whole country the necessity for better means of communication between the Lakes and that city was keenly felt at an early day.

When it is stated that as late as 1817 the transportation of a ton of merchandise from the eastern end of Lake Erie to New York cost $100 and occupied 20 days, the urgent necessity for some better means of transportation can be appreciated.

The successful use of artificial waterways or canals abroad had attracted the attention of the colonists, and particularly of George Washington, and this able and farseeing statesman and patriot was the first to call attention to the advantages of a system of canals for inland transportation and to recommend its construction. As early as 1783 he had traversed the region between the head of navigation on the Hudson River and Lakes Erie and Ontario, and had observed the favorable conditions for the construction of a canal over the route. The project attracted public attention, a private corporation was organized to carry out the work, and actual construction was begun in 1796. But the undertaking was too great to be successfully financed by private enterprise, and in 1817 the State of New York determined to construct the canal. By 1819 nearly 100 miles had been completed, and in 1825 the whole length of 363 miles from Lake Erie to the Hudson River was completed and opened for traffic. In the meantime the whole country had entered upon the construction of a system of canals for internal commerce, and within a period of 15 years after the opening of the Erie Canal had pushed the projects with great energy. The Atlantic coast had been thus connected with the headwaters of the Ohio River excepting a short stretch over the mountain where portage was necessary, and Lake Erie had also been joined to the Ohio at three different points. Not less than 5,000 miles of canals had been constructed in the United States at a cost of about $150,000,000. None of these were, however, of the same relative importance as the Erie Canal.

In the meantime that giant of modern inland transportation, the railroad, was born and began to attract attention. The first railroad to be built and operated by steam power was begun at Baltimore in 1828, and the first section of it, 15 miles long, was opened for business in 1830. At the inception of this enterprise a noted statesman and patriot had taken part and had said: "I consider this among the most important acts of my life, second only to that of signing the Declaration of Independence, if even second to that." Could he have then foreseen, even dimly, the wonderful growth and development of the railroad and the dominating influence it was destined to exert upon the commerce of the continent, he would probably have omitted any clause limiting the importance of the enterprise then inaugurated.

Crude as were these first railroads, the people saw in them the promise of great things, and the energy heretofore devoted to the construction of canals was diverted to the development of this new means of transportation. The promise was not unfulfilled and the growth of the railroad system was rapid and phenomenal. The number of miles of railroad in operation at the end of each 10 years since 1830 is shown in the following table:

| | Miles. |
|---|---|
| 1830 | 23 |
| 1840 | 2,818 |
| 1850 | 9,021 |
| 1860 | 30,635 |
| 1870 | 52,914 |
| 1880 | 93,349 |
| 1890 | 163,420 |
| 1900 | 194,262 |
| 1903 | 207,784 |

In the earlier period of its history it was not expected that the railroad could rival the canals in the economical transportation of freight, and even as late as 1856 the State engineer of New York asserted in an official report that the passenger business belonged exclusively to the railroads, while freight transportation belonged to the canals. The railroads, however, did not accept this view of their limitations. The New York Central Railroad was completed between Albany and Buffalo in 1842, and the Hudson River Railroad from Albany to New York was opened in 1851, thus completing an all-rail route from New York to the Lakes, closely following the route of the canal and the Hudson River. The Erie Railroad also completed its line from New York to the Lakes in 1851.

At once these railroads began to attract and carry such a considerable part of the through business that the friends of the canal became alarmed and numerous measures were proposed to prevent the diversion from the canal of the business which was regarded as belonging legitimately to it. In 1851 the State abolished all tolls on the canal, thus making navigation free. But in spite of these efforts to maintain the supremacy of the canal the railroads not only held their own, but obtained an increasingly large share of the business. In 1852 the railroads carried less than 5 per cent of the total through freight between Lake Erie and New York. In 1898 the canal carried less than 5 per cent of the whole freight between the same points. The business of the canal has steadily declined until it is now almost a negligible factor in lake and seaboard transportation.

But if the Erie Canal was unable to hold its own against the railroads in the freight-carrying business, the other canals of the country were still less able to do so. They long ago gave up the contest, and without exception they have fallen into practical disuse and decay. Not only the canals, but the navigable rivers of the United States (except those connecting the Great Lakes and the St. Lawrence) have been unable to compete with the railroads in the carrying of freight, excepting only coal and ore.

The commerce on the Mississippi and the Ohio Rivers and their principal confluents grew very rapidly after the application of steam to navigation. There was a time within the memory of many men still living when the Ohio and the Mississippi Rivers bore on their channels a splendid commerce. They were crowded with every variety of river craft from the palatial steamboat to the clumsy flatboat without means of self-propulsion.

But the railroads have taken away from them a great part of this commerce, although it has grown to many times its former volume. So greatly has this river transportation declined that it may almost be said to have ceased to exist, except for the one item of coal. This has not been true, however, of the commerce carried by the Great Lakes. Perhaps nothing in the history of transportation in the United States is more remarkable than the wonderful growth of the commerce carried upon these Lakes. Even as recently as 1875 the total freight moved by the lake vessels from and to Buffalo amounted to but 3,259,839 tons. In the year 1898 the total tonnage amounted to 40,000,000 tons. This enormous expansion has been due to a number of causes. * * * The line of this chain of Great Lakes lies near to the zone of greatest commercial and industrial development in the United States, and along the direct route between the great grain and lumber-producing region of the Northwest, and the eastern seaboard centers of foreign commerce. Near their eastern end lie the great coal fields of the country, and about their western end are found the most wonderful deposits of iron ores yet developed on the continent. Along them lie the greatest copper-producing mines of the world. The marketing of the cereals and lumber from the Northwest and the bringing together of these coals and ores constitute the greater part of this magnificent commerce. Of the total tonnage carried, fully 90 per cent consists of grain and its products, lumber, coal, and ores.

Mr. BURTON. Will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I yield to the Senator from Ohio.

Mr. BURTON. One great objection I have to the procedure on this river and harbor bill, which is a very important question, is the very slim attendance and the apparent lack of interest. This discussion could be very much curtailed if there was a larger attendance during the speeches on this subject. In view of the small number of Senators present I suggest the absence of a quorum.

Mr. LEWIS. May I be permitted to interrupt the able Senator merely to say that he will observe by the clock it is 20 minutes of 2 o'clock. Absence of Senators on the Democratic side and also on the Republican side is doubtless caused by the fact that they have gone for refreshment, and it can not be attributed to any disrespect for the able Senator from New Hampshire or his splendid argument.

Mr. BURTON. I think that is true.

The PRESIDING OFFICER. The Senator from Ohio having suggested the absence of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gallinger | Oliver | Shively |
| Bankhead | Hughes | Overman | Simmons |
| Brady | James | Page | Smith, Ga. |
| Bryan | Jones | Perkins | Smoot |
| Burton | Kenyon | Pittman | Sterling |
| Chamberlain | Lane | Poindexter | Swanson |
| Chilton | Lea, Tenn. | Pomerene | Thomas |
| Clapp | Lee, Md. | Ransdell | Thornton |
| Clarke, Ark. | Lewis | Reed | Walsh |
| Crawford | McCumber | Robinson | West |
| Culberson | McLean | Shafroth | White |
| Fall | Martine, N. J. | Sheppard | Williams |
| Fletcher | O'Gorman | Shields | |

Mr. MARTINE of New Jersey. I was requested to announce that the Senator from Mississippi [Mr. VARDAMAN] is out of the city, engaged on public business.

Mr. CLAPP. I desire to have the telegram which I send to the desk read into the RECORD. It relates to the roll call.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *September 8, 1914.*

CHARLES P. HIGGINS,
*Sergeant at Arms, Washington, D. C.:*

I am detained from the Senate by illness.

R. M. LA FOLLETTE.

Mr. CLAPP. I desire to renew the statement made yesterday relative to the illness of the senior Senator from Kansas [Mr. BRISTOW] and his consequent inability to be present.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present. The Senator from New Hampshire.

Mr. GALLINGER. Mr. President, continuing the reading of this most interesting contribution on what the author calls "The advantages and organization of mixed transports"—that is, by railways and waterways—I am brought to this point:

> Transportation conditions in the United States to-day may be briefly summarized in a few short sentences. With the exception of the Great Lakes, inland navigation has practically disappeared as one important factor in either passenger or freight transportation. The canals and rivers have fallen into disuse. The railroads have monopolized the carrying business of the country.
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> Present discussion relates chiefly to three important topics—the causes that have brought about the present conditions; the possibility of restoring inland navigation to something like its earlier importance and the benefits to commerce that would result; and measures for properly controlling and regulating the practical monopoly now held by the railroads in the transportation business of the country.
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> A brief discussion of the causes that have led to the present conditions seems necessary to an intelligent understanding of the situation.
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> The advocates of water transportation attribute the decadence of the canals, first, to their inadequacy, as originally constructed, to serve the demands of our rapidly expanding commerce, and to the failure of their owners, whether State governments or private corporations, to enlarge and improve them so as to meet those demands; and, second, to the absence of able, intelligent, and enterprising management. Those who do not look with favor on canals go further and say that their failure is due not alone to these causes, but also to the inherent disabilities of the canal as an agent for transportation.
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> It is doubtless true that had the canals been enlarged and improved so as to keep pace with the growing volume of the business of the country they would have been able to retain a much larger share of that business and to compete more successfully with the railroads. But that they could, under any conditions, long delay the fate that came to them is not at all probable. The Erie Canal alone might have proved an exception to this general statement. That the canal could have been so developed as to have served the interests of commerce as well as have the railroads will not be claimed by its most earnest advocate, and this is worthy of some consideration in judging of its general utility.
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> It was foreseen when the Erie and some other canals were built that their capacity would not long be sufficient to accommodate the growing commerce of the country through which they were built. But their great cost limited the capacity it was then possible to provide. The average cost of the 5,000 miles of canals built in the United States seems to have been about $30,000 per mile. The sum invested in them was thus very large, and to provide it taxed severely the limited resources of the country at the time. To have subsequently enlarged and extended them in something like the same ratio as the growth of the business of the country would probably have been financially impossible. The estimated cost of the enlargement of the Erie Canal upon which the State of New York is now about to embark is $101,000,000, and being 345 miles long, the cost per mile will be approximately $290,000. This is exclusive of the floating equipment necessary for its operation. No such liberal enlargement of the other canals would have been required, but if we contemplate for a moment a system of canals throughout the United States that would have taken care of the commerce of the country something like as well as do the railroads their aggregate cost would have been a sum many times the cost of all the railroads and their equipment.
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> These reasons and others which will be referred to later seem to warrant the conclusion that no practicable extension and improvement of the canal system, which was so bravely begun before the advent of the railroads, could have prevented or very long delayed the control of inland transportation by the railroads. If this be true, the question of the effect of inefficient management of the canals becomes one of secondary importance, so far as the final result is concerned. That it had an effect in hastening their decadence can not be doubted. A number of the more important canals, including the Erie, were built, owned, and controlled by State governments. Without going into details it is sufficient to say that these public works were sadly neglected by the State legislatures, composed, as they usually were, largely of politicians lacking a broad knowledge of industrial and economic affairs, and interested more in political and personal matters than in the public works of the State. The floating equipment was owned and operated by individuals or corporations, whose solicitude for the general prosperity and success of the canals did not usually extend beyond their own petty interests. There was, therefore, an almost total absence of that unity of purpose and effort without which no important enterprise can hope to succeed. On the other hand, the railroads with which the canals were compelled to compete were each owned and controlled by private corporations, officered by men of great ability, who managed every branch of their business harmoniously, with the single object of making the property profitable.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Washington?

Mr. GALLINGER. I do.

Mr. POINDEXTER. Will the Senator state again, if he has previously stated it, the occupation and interest of the author of the article which he is reading?

Mr. GALLINGER. Mr. S. Whinery is a civil engineer and he delivered this address at the tenth congress of the Permanent International Association of Navigation Congresses in Milan in the year 1905. The fact that he was chosen for this important duty would indicate that he is an accomplished engineer and capable of discussing this subject intelligently, as I think he has.

I do not know Mr. Whinery. This document came into my hands almost by accident, but I became greatly interested in reading it, and as it deals with the fundamentals, to a large extent, of transportation by both land and water, it seemed to me that it was worthy of a permanent place in the CONGRESSIONAL RECORD.

Mr. POINDEXTER. It is undoubtedly very pertinent to the discussion of this bill. I think that it is enlightening to the Senate, and the Senator very properly selected it for reading; but it would be interesting to know whether or not the author of it is in the employ of some of the railroads, and what, if any, interest he may have in the rivalry between railroad transportation and water transportation.

Mr. BURTON. If the Senator from New Hampshire will yield to me, I think I can answer that question.

Mr. GALLINGER. I yield to the Senator.

Mr. BURTON. Mr. Whinery is not in the employ of the railroads, but in general employment. He is a man somewhat advanced in years. Some 30 years ago, or nearly as long ago as that, he was employed as an engineer upon Government river work and had to do with the improvement of the Cumberland River in Tennessee. He also took part in the discussion on the improvement of the Black Warrior River in a meeting of the American Society of Civil Engineers, which occurred some five or six years since. While other engineers dwelt upon the mechanical devices, the locks, and so forth, he expressed himself at some length with reference to the economic phases of the question.

Mr. POINDEXTER. The reason I asked the question, I will say to the Senator from New Hampshire—and I asked it in all good faith—was that the line of argument of the article seems to be in opposition fundamentally and generally to inland water transportation.

Mr. GALLINGER. Mr. President, this distinguished engineer does not go to that point. I do not think he goes beyond expressing opinions which some of the rest of us entertain. Personally I have been, after making some considerable investigation of the subject, forced to the conclusion that any expenditure that may be made on the great waterways of this country, while it doubtless will be of some benefit, and perhaps may to some extent result in controlling fares on the railroads, will never reach a point where it will to any great extent create a commerce on those waterways.

I will digress long enough to say that on a certain occasion it was my privilege as a member of a committee of this body of which the distinguished senior Senator from Minnesota [Mr. NELSON] was chairman, and of which Senator Vest, of Missouri, and Senator Berry, of Arkansas, were members, to go to the headwaters of the Mississippi River and very leisurely traverse that great waterway to the Gulf. During that investigation, to which I may later allude, we took cognizance of the condition of things in the Missouri River, and we were forced to the conclusion, as the report will show, that commerce on the Missouri River had practically disappeared, and that the commerce on the Mississippi River was almost negligible in quantity. The result of our investigations was, as I recall, that the Missouri River Commission was abolished and appropriations were discontinued; but recently they have been renewed, and an effort is now being made to make the Missouri River a navigable stream on the pretense that commerce will be greatly increased, and the results obtained will possibly be worth the expenditure.

Mr. POINDEXTER. Will the Senator pardon me just a word in that connection?

Mr. GALLINGER. Certainly.

Mr. POINDEXTER. One of the best reasons for that condition which I ever heard stated was stated on the floor of the Senate by the Senator from Ohio, that in order to meet the rates made by the boats on the Missouri River the railroads put down their rates, and consequently the boats went out of business. The Senator from Ohio at that time, however, deprecated the value to Kansas City of that result, because he said that the railroads at the same time had lowered their rates to Chicago, so that relatively Kansas City was no better off in its rivalry for trade with Chicago than it was before. It was perfectly obvious from that statement, however, that not only the people of Kansas City but those of Chicago and all interested in transportation in the two cities got the benefit of the reduction, and instead of being confined to those interested in Kansas City its benefits were enlarged and more generally distributed.

Mr. GALLINGER. Mr. President, however that may be, I am entirely persuaded in my own mind that we might as well buy out the bus company that runs up Sixteenth Street, and put it in competition with the Baltimore & Ohio Railroad or the Pennsylvania Railroad to do business between here and Baltimore, as to undertake to compete with the great railroads on each side of a navigable stream in the matter of conveying freight of any kind. I do not believe it can be done. The American people have gotten beyond that point. They will not wait to have their goods transported by water. They want them delivered quickly. While before I get through I shall show that I am not at all hidebound in this matter, and I am quite willing to make reasonable appropriations to develop the great waterways of the country, yet I will never agree to the proposition that we ever can create a great commerce on those streams. It will not come in my day or in the days of the Senator from Washington or in the days of the youngest child that lives in the United States at the present time.

I will add, Mr. President, that I am fully persuaded—and I do not particularly find fault with that—that the great appropriations we are making for the Mississippi River to-day are made palpably and unmistakably for the protection of the property lying beyond the banks. It is admitted on all hands that that is true. In that connection, further, if I had my way, and any man were wise enough to tell what amount of money it would require to build dikes along both sides of that great stream that would absolutely keep the flood water inside of the dikes, I would vote for it as a great national project; but I would not have any expectation that it would float a great many additional steamships after we had done that work.

To continue, Engineer Whinery says, in speaking of the waterways:

> The rapid multiplication of main or trunk railroads; the construction of branches radiating from points on the main lines, thus reaching the doors of commercial centers and points of production; the energetic and aggressive policy of their management, and the working arrangements between the companies enabling them to carry merchandise from point of shipment to destination without transfer, were all strong factors in their favor. Under such circumstances, even if all other conditions had been equal, the canals labored under such a disadvantage that they could not long have coped successfully with their progressive and alert competitors. This conclusion is confirmed by the fact that the natural navigable water courses have, in the contest with the railroads, fared but little better than the canals.
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> The question whether the canals and rivers labored under inherent disadvantages in competing with the railroads opens up the broad and much-controverted question of the relative efficiency and cost of water and rail transportation for inland commerce, which we may now discuss briefly.
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> The cost or the rate charged for transportation is an important though not a controlling consideration in freight carriage, though in the discussion of transportation agencies it is often so considered. High rates charged by one agency may be offset by advantages regarded by the shipper as more important than cost. The relative cost, per se, of water and rail transportation has been so thoroughly discussed everywhere that the subject need not be gone into here. There seems to be no ground for reasonable doubt that with conditions in each case relatively equal, the cost per ton-mile of moving freight by water is, and will probably continue to be, intrinsically less than by rail, and if, therefore, cost were the only consideration that governed the question, there could be little argument in favor of rail transportation. But it is not. Our common experience in the United States teaches us that very frequently, if not generally, the shipper will choose the more expensive route because he believes that the economy resulting from lower rates is more than balanced by other considerations. Some of these considerations are the following:
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> One element that affects the question of method of transportation, which, if not entirely ignored, is not accorded its true importance in the discussion of this matter, is the temperament and business habits of the people. The American people are sanguine and impulsive in temperament, and this disposition makes them energetic, aggressive, and impatient in commercial matters. When they decide to do a thing they wish to do it not only at once, but with the greatest expedition. The element of time is accorded an exaggerated value in our commercial transactions. However unreasoning and illogical such a disposition may appear to be, nevertheless exists and exerts an important influence in the choice of transportation agencies. The faster passenger trains are the most popular with the commercial class. Two trains may be equally attractive in all other respects and each may arrive at the common destination in good time for any business event. But if one is scheduled to arrive an hour earlier than the other, it will be preferred, even if an extra fare be exacted. If of two freight lines equally advantageous in other respects, the one will deliver a consignment of goods a day earlier than the other, it is given the preference, although the earlier delivery may offer no apparent commercial advantage. This element—the predisposition of the American people toward dispatch in commercial transactions—may be outside the pale of accepted economic theories, but it can not be ignored.
>
> But this national preference for rapid transportation does not rest on temperament alone. Under our high-pressure business methods in general, expedition has its material advantages. Under a fluctuating market the farmer, the dealer, and the manufacturer, after deciding to place his product on the market, naturally wishes to consummate the transaction before prices may decline, and there may be an important advantage in reaching the market ahead of his competitors. The fact that the sale may be consummated before shipment does not really alter the situation. If not the seller, then the purchaser must run the risk of a declining market while the goods are in transit. The market value of a trainload of, say, 50,000 bushels of wheat may decline several thousand dollars in a single day, and the loss may determine whether the transactions shall result in a profit or a loss. If it be argued that prices are as likely to advance as to decline, it may be answered that the seller usually disposes of his goods when he believes the market to be high, and he therefore most fears a decline, while the buyer, if he believes the market likely to advance, is anxious to have his goods in hand so as to take advantage of that advance when it occurs. Some one must, of course, stand the gain or loss due to fluctuating markets, but each is usually anxious to shift the possibility of loss upon the other.
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> The item of interest during transit, while comparatively small, is not without some importance. At 90 cents per bushel, a cargo of 50,000 bushels of wheat is worth $45,000, and the interest on this at 6 per cent per annum amounts to about $7.50 per day, a sum not to be overlooked in close commercial transactions, particularly if, as between railroad and water transportation, the difference in time may amount to several days or even a week.
>
> In the transportation of certain classes of articles, however, none of these considerations which make time an important element, is controlling, and then the question of the method of transportation becomes merely one of rates. Thus, in the case of the vast quantities of coal produced in the Pittsburgh region and marketed down the Ohio and Mississippi Rivers as far as New Orleans, a large part of it must necessarily be mined during the summer, but need not reach its destination until the winter. The interval allows ample time for transportation, the market price is stable, and the cheapest methods of carriage may be taken advantage of. In the case of all heavy or bulky articles where the cost of carriage bears a comparatively large ratio to value, and the market price of which is not usually subject to considerable or rapid fluctuation, slow and cheap transportation is permissible and advantageous. Thus while the whole of the coal and ore exchanged in the region of the Great Lakes is carried by water, more than half of the wheat and flour from the Northwest to New York is carried by all-rail, though the freight rate by rail is materially higher. Of the total receipts of grain and grain products received at New York in 1904, only about 10½ per cent was carried by the Erie Canal.
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> It must not be overlooked that the bare statement that to carry 1 ton 1 mile on an improved waterway costs materially less than the same service on a trunk-line railroad may be misleading as a measure of the actual economy of transportation by the two agencies. The numerous elements that make up the aggregate cost of moving the ton of freight from the point of production or shipment to its destination must be taken into account. If, for instance, the northwestern farmer ships his crop of wheat by the lake and canal route to market at New York, it must first be transported by wagon or rail to the nearest lake port, delivered to a grain elevator, and thence transferred to the vessel. Arriving at Buffalo, it must be transferred from the lake vessel to the canal boat. Disregarding the money value of the unavoidable delays, the cost per bushel or per ton is the aggregate cost of moving the grain from his barn to the port of New York. If his farm be near a lake port, the cost of getting his grain aboard vessel may be small. But only a small part of the wheat-growing region lies near to the Lakes, and the great bulk of the grain must be carried considerable distances to reach a point of water shipment. On the other hand, there is scarcely a small village without its railway and rail connection with the trunk lines to the East, or to any other point, and the grain can, with short wagon haul, be delivered aboard cars to proceed thence undisturbed to New York. And though the nominal freight rate may be lower by the water route, the total cost of marketing the product may be less by rail than by water.
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> Freight rates are seldom a true criterion of the actual cost of transportation, though they seem to be so regarded by many of those who discuss transportation problems. Rates are ephemeral, determined often more by the existing conditions of competition and other temporary circumstances than by the intrinsic cost of the service rendered. To ascertain the true cost we must go below such surface indications and get down to the elementary cost of the service performed. No proper consideration of this question can be attempted in this paper, but attention may be called to one item of importance which is too frequently overlooked in the popular discussion of the question of actual cost of carriage. This is interest on investment. A railroad is both owned and operated by the same corporation. If, as is usually the case, it is constructed with borrowed capital, it must pay interest on that capital, and this "fixed charge," as it is called, must be met before any returns can be made to the owners. Interest on investment must therefore be taken into account in fixing the rates to be charged for services. Canals and improved waterways, owned and operated by private corporations, are subject to the same condition, but where, as is generally the case, canals are built or rivers improved by State or National Governments, it is now usual to make them free to navigation; that is, no toll or other remuneration to cover interest on the money invested in the improvement is exacted from users, who may therefore, in fixing rates to be charged, ignore this perfectly legitimate element of cost. Thus in 1851 the Erie Canal was made free to navigation and the tolls which the owners of boats were previously required to pay, could be deducted from the rates charged. Since that date the State has received no direct return upon the $60,000,000 which the canal had cost. Interest on this sum at 5 per cent amounts to $3,000,000 annually. Taking the year of heaviest business upon the canal, 1872, when it carried over 6,500,000 tons of freight, this interest charge would have amounted to about 45 cents per ton, and if it had been collected this

sum must have been taken into account in fixing rates. The fact that the State had been already reimbursed, from the tolls previously charged, for the whole cost of the canal, does not affect the principle involved.

Mr. President, I understand the Senator from Missouri [Mr. REED] desires to ask the Senate to proceed to the consideration of another bill. If the Senator will permit me to conclude the reading of this document, which will not take much longer, I shall be glad to yield then, or I will yield now.

Mr. REED. I would not think of interfering in any way with the Senator's own wishes; but it was suggested that the Senator probably would really prefer stopping for the present. If the Senator desires to conclude the document, that will be satisfactory.

Mr. GALLINGER. I think it will probably take about 15 minutes.

In like manner the National Government has expended enormous sums of money in the improvement of rivers and harbors for the benefit of commerce, without exacting any compensation therefor from those who make use of the improved facilities. In many cases any attempt to impose even interest charges would create such a burden upon the small commerce benefited as to make the resulting cost of transportation not only unprofitable but prohibitive.

Turning now to the probably future relations between the various agencies for transportation in the United States, we can speak only of apparent present tendencies and the conditions that may possibly modify them. Progress in invention and development has been, and continues to be, so rapid and so wonderful that any attempt to forecast the possibilities of the future must be ventured upon with caution. Particularly is this true of the possibilities in the application of electricity to transportation. At the present time it is difficult to conceive that this wonderful source or medium of energy can very largely change the course of present tendencies, but we have learned by experience to be very cautious in predicting its future. Only a generation has elapsed since the prediction that passenger transportation in our cities would be exclusively conducted by electrical power, was regarded as purely visionary. What may seem to us utterly improbable, if not impossible, to-day, may become an accomplished fact before the end of another generation. Improbable as it may now seem, the possibility must be admitted that by some new application of electrical power to inland navigation, the most serious obstacle to its successful competition with the railroads—its slowness—may be largely overcome.

Chimerical as it may now seem, it is also within the possibilities that aerial navigation may in the future play an important part in the problems of domestic transportation.

It will be observed that this distinguished engineer was almost prophetic in the suggestions made in this statement as regards future development along the line of electrical and aerial possibilities.

But confining ourselves to sober probabilities, we may outline those probabilities as follows: It does not seem likely that inland navigation can ever again become a very important factor in the general freight-carrying business of the country. For the transportation of heavy or bulky merchandise of comparatively low and stable market value, conveyance by water will continue to possess such advantages over rail transportation that along the geographical lines followed by this class of commerce, artificial waterways are likely to be constructed, and existing rivers improved. This tendency will continue to be fostered by the construction or improvement of these waterways by the National and State Governments, making them free to navigation, and thus eliminating from the question of rates the element of interest upon the cost of construction.

But even under the most favorable conditions of development that now seem at all probable, it is likely that the canals that will exist in the future may be numbered upon the fingers of one hand. These few canals will doubtless be of far greater capacity than any yet constructed in the United States; they will be what are now called ship canals, with navigable channels of sufficient width and depth to carry vessels drawing at least 20 feet.

The geographical and commercial features of the country enable us to predict with a fair degree of confidence the general route and extent of these future canals. The most important one will occupy the route of the Erie Canal, connecting the Lakes and the Hudson River. The State of New York has already undertaken the construction of a canal from Buffalo to Albany, which is to have a general bottom width of 75 feet and a depth of 12 feet, designed to accommodate vessels of the barge type drawing 10 feet of water and having a load capacity of 1,000 tons each. These dimensions were decided upon after a very thorough discussion of the relative merits and cost of a canal of these dimensions and of a "ship canal" having a minimum bottom width of 115 feet and a depth of water of not less than 21 feet, designed to permit the passage of the vessels now navigating the Lakes and enabling these to ply between the Lakes and the harbor of New York. The present depth of the channels connecting the Lakes with each other is 21 feet. The estimated cost of the Barge Canal, as now projected, is about $100,000,000. In 1899 an officer of the Engineer Corps, United States Army, estimated the cost of a ship canal having a water depth of 21 feet at $150,000,000, but the cost of such work has largely increased since that time and there is good reason to believe that the cost of the 21-foot canal would now be almost double the sum he then estimated. Such an expense was deemed too large to be incurred by the State, and the National Government did not seem disposed to undertake the construction of a ship canal within the near future. The State therefore decided itself to undertake the construction of the Barge Canal, though there is very serious doubt in the minds of many able men of the wisdom of building any canal of less capacity than the 21-foot ship canal. It was even strongly urged by many able engineers and others that as the Lake channels and harbors will probably be deepened to 30 feet in the not very distant future, the canal should be constructed with that depth of water, thus providing that for a long period in the future not only Lake but ocean-going vessels could ply between the Lakes and New York as well as trans-Atlantic ports. Such a ship canal between Buffalo and the Hudson River would probably cost $350,000,000, and it is very doubtful if the commerce that may in any future time use the route would justify any such enormous expenditure. The Barge Canal, the construction of which seems now assured, will be without doubt the most interesting experiment in artificial waterway transportation in the United States, and while the results attained may not be conclusive they should supply very valuable data relating to the comparative value and economy of water and rail transportation. As its navigation will be free, it will undoubtedly be able to establish new low records in cost of freight carriage between the Lakes and the seaboard, but the element of time consumed will still be an obstacle in the way of its commercial success. The estimated average speed of vessels navigating it does not exceed 4½ miles per hour, whereas by rail an average speed of at least 20 miles per hour is entirely practicable. While it is not expected that loaded barges can make the trip from Buffalo to New York in less than 130 hours, exclusive of time to load and unload at the termini, through freight trains now cover the distance between the two points in 32 hours and this time might easily be shortened.

Now I shall be pleased to yield to the Senator from Missouri, if he desires me to do so.

Mr. SHAFROTH. The Senator from Missouri seems to have stepped out for a moment. I will send for him.

Mr. BRYAN. Mr. President, a parliamentary inquiry. What is the pending question?

The PRESIDING OFFICER. The pending question is the presence or absence of the Senator from Missouri [Mr. REED].

Mr. GALLINGER. I do not wish to yield the floor, Mr. President, and if it is necessary I will continue my observations on the river and harbor bill.

Mr. SHAFROTH. If the Senator will do so for a minute or so, the Senator from Missouri will be here. He went to the telephone. He is the senior member of the committee.

Mr. GALLINGER. I had reached chapter 2, and I thought I would prefer to take it up deliberately; but, as the Senator from Missouri is not present, I will proceed.

On the 28th day of May of the present year the junior Senator from Louisiana [Mr. RANSDELL], of whom we are all very fond, asked unanimous consent to have printed in the RECORD what he termed "a very interesting and learned article on rivers and harbors." He said:

It is entitled "The inside of the pork barrel," by Hon. BENJAMIN G. HUMPHREYS, of Mississippi, published in the Saturday Evening Post of May 23.

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. What is the request?

Mr. RANSDELL. That an article on the river and harbor bill entitled "The inside of the pork barrel," by Hon. BENJAMIN G. HUMPHREYS, of Mississippi, published in the Saturday Evening Post of May 23, may be printed in the RECORD.

Mr. GALLINGER. That is a most interesting pork barrel—the river and harbor bill. I have been looking at it, and if this throws any light on the subject I think we ought to have it printed in the RECORD.

Mr. RANSDELL. It throws a good deal of light on it, and I hope the Senator from New Hampshire will read it and that every other Senator will read it.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows.

When I heard the title of that article stated from the floor I somewhat naturally concluded that it was a criticism of the river and harbor bill; but upon reading it I find that it is a very earnest discussion of the merits of the bill by a Member of the other House, and a very distinguished Member of that body, in which Representative HUMPHREYS apparently finds nothing to criticize, or not very much to criticize. In that article the Senator from Ohio [Mr. BURTON] is rather severely taken to task, one headline reading:

Senator BURTON'S change of tune.

I think that was not in good taste; but the Senator from Ohio, in his illuminating speech, has answered for himself. I might say, in passing, that this article defends not only the present river and harbor bill but all former river and harbor bills. Mr. HUMPHREYS takes the sweep of the whole horizon, and he does not find in any river and harbor bill anything to criticize, unless it be an observation that I will quote.

At the end of the article the distinguished author says:

Every thoughtful citizen understands and confidently expects that the growing needs of this developing country will be reflected in increasing demands on the Public Treasury. What it is their right to demand and duty to require is that no project for the improvement of any waterway be undertaken by Congress that can not reasonably be expected to promote the general welfare. When such a project is adopted it is the part of statesmanship, as it is the duty of patriotism, to provide for its completion in such manner and in such reasonable time as will effect the result at the minimum cost.

And he continues:

If this rule be faithfully followed, the criticism of those who speak without knowledge and the censure of those who scold without reason may well be disregarded.

Mr. President, I suppose I am one of those who "speak without knowledge," and the Senator from Ohio is one who "scolds without reason"; but notwithstanding that we will both, under the rules of the Senate, exercise the right to criticize this bill in our own way. It is very evident, however, that if the suggestions of this enthusiastic advocate of river and harbor bills should be followed, scores of items would go out of the bill under consideration, for he says:

What it is their right to demand and duty to require is that no project for the improvement of any waterway be undertaken by Congress that can not reasonably be expected to promote the general welfare.

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I shall in my own time and in my own way call attention to innumerable projects in this bill which, I think, fail to measure up to the standard set by the distinguished Representative from Mississippi.

In addition to the help toward the passage of this bill that Mr. HUMPHREYS contributed, a little later on the distinguished Speaker of the House of Representatives, probably of his own volition, caused to be published in a magazine a very earnest and emphatic indorsement of this measure, which had already passed the House of Representatives.

Mr. REED rose.

Mr. GALLINGER. I yield to the Senator from Missouri, if he desires.

Mr. REED. With the courtesy of the Senator, I move that the Senate proceed to the consideration of Senate bill 6398.

Mr. SIMMONS. I would much prefer, if the Senator could get it, that he should ask unanimous consent to temporarily lay aside the river and harbor bill.

Mr. REED. I will yield for the purpose of making that request.

Mr. SIMMONS. In view of the urgency of the matter which the Senator from Missouri wishes to present to the Senate, I will ask unanimous consent that the river and harbor bill be temporarily laid aside.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the river and harbor bill be temporarily laid aside. Is there objection? The Chair hears none.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. REED. I renew my motion that the Senate proceed to the consideration of Senate bill 6398.

Mr. SMOOT. Let me suggest to the Senator from Missouri that he ask unanimous consent, and then if the bill is not finished to-day it will not interfere with the regular order.

Mr. REED. It does not make the slightest difference. I will ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6398) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws."

Mr. REED. I think the bill has been discussed, and unless some one has something more to say upon it——

Mr. SMITH of Georgia. The first question will arise on the amendment——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield the floor.

Mr. SMITH of Georgia. The first amendment offered to the bill is the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS]. I suppose that would be the first question for consideration.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Mississippi.

Mr. OVERMAN. I think the Senator from Mississippi ought to be here.

Mr. SHAFROTH. He should be notified in some way.

Mr. OVERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hughes | O'Gorman | Simmons |
| Bankhead | James | Overman | Smith, Ga. |
| Bryan | Jones | Page | Smith, Md. |
| Burton | Kenyon | Perkins | Smith, Mich. |
| Chamberlain | Lane | Pittman | Smoot |
| Chilton | Lea, Tenn. | Poindexter | Stone |
| Clapp | Lee, Md. | Pomerene | Swanson |
| Clarke, Ark. | Lewis | Ransdell | Thomas |
| Crawford | McCumber | Reed | Thompson |
| Culberson | McLean | Robinson | Thornton |
| Fall | Martin, Va. | Shafroth | Walsh |
| Fletcher | Nelson | Sheppard | White |
| Gallinger | Norris | Shively | Williams |

Mr. JAMES. I desire to announce that my colleague [Mr. CAMDEN] is absent on account of illness in his family. This announcement may stand for the day.

Mr. LEWIS. I desire to announce the absence of the Senator from Indiana [Mr. KERN], his absence being occasioned by sickness in his family. I ask that the announcement stand for the day.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present. The question is on the amendment offered by the Senator from Mississippi [Mr. WILLIAMS].

Mr. NELSON. I should like to have the amendment read.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to add a new section at the end of the bill, as follows:

SEC. 2. That in a case where a State of the United States has no city within its borders having a population of more than 50,000 inhabitants the Secretary of the Treasury is hereby empowered and authorized to recognize at least one city in such State, or, in his discretion, not more than three, as having a right to have its or their duly authenticated city or county bonds accepted by the Treasury Department as security for crop-moving deposits. Such cities so recognized shall be selected so as to best serve the agricultural interests of the State in which it or they may be situated, the amount of money to be deposited with such city or cities to be determined under such rules and regulations as the Secretary of the Treasury may prescribe.

DUTY OF A NEUTRAL.

Mr. STONE. Mr. President, as the Senate is taking recesses from day to day, in consequence of which the morning hour is dispensed with, I find that if I say what I wish to say about a matter that I consider of great importance I am compelled to interpose at some juncture like this. So I crave the indulgence of the Senate at this time that I may submit some observations respecting the duty of the American Government, and especially of the American people, during the terrible struggle now raging throughout Europe.

Some weeks ago the President of the United States gave out a most timely and patriotic address in which he set forth with great clearness the duty incumbent upon a neutral government and people in emergencies like that now confronting us. He appealed with great earnestness to our people to observe their obligations of neutrality with strict integrity, and warned them against the embarrassments that would arise during the progress of the war and of the evil effects that would follow thereafter if we failed to keep our pledge of neutrality with the utmost good faith. The effect of this appeal of the President became instantly manifest and was in every way most excellent. Undoubtedly that address has exercised a fine restraining influence upon the conduct, and even upon the expressions, of the great body of the people. But as this stupendous conflict progresses from week to week, growing in tragic intensity and horror, it has become the one all-absorbing subject of public thought and attention. And now, I regret to say, that we have everywhere increasing evidences that many of our people are being more and more divided into groups, and that these groups are becoming more and more sympathetic and outspoken partisans of the one or the other side of those engaged in this titanic conflict; and especially is this true of a large number of our most important and influential daily and periodical publications. Because of this, Mr. President, I feel that it would be wise and opportune at this time to add a word of admonition to the warning sounded by the Chief Magistrate.

Mr. President, the citizenship of this Republic is strikingly composite in character. The sturdy descendants of the Puritan and Cavalier—the old Revolutionary stock—are happily still numerically strong enough to exercise a controlling influence on the destinies of the Republic. At the same time we face the tremendous fact—for just now especially it is a tremendous fact—that mingled among those descended from the original American stock are millions of men and women who have immigrated from Europe, established homes in these States, and assumed the dignity and responsibility of American citizenship. They have become a permanent and essential part of our people and have entered fully into all the social, industrial, and political activities of the country. Every important country of Europe is represented in this naturalized foreign-born population or in their immediate offspring. All political divisions of Great Britain, France, Belgium, Germany, Austria-Hungary, Russia, Italy, Greece, and the Balkan States are represented in the vast aggregate of this foreign-born population. As they look upon the frightful panorama of this war, with its awful scenes of fire and flood, famine and death, it is not only natural but almost inevitable that the sympathies of these people should be poured forth in strong currents upon their respective fatherlands. It is only human that this should be so, and none, in fact, could expect less. But, Mr. President, so far as lies within my power, I wish to admonish these, my fellow citizens, and to impress upon them a renewed realization of the supreme and all-important fact that they are above all American citizens. I know that every Senator here will approve and sympathize with me when I appeal to these American citizens of every nationality to keep steadily before their minds the obligation and responsibility that they are under to first serve and promote the interests, welfare, and honor of our own Government and people. Therein lies the first duty of citizenship and the first obli-

gation of loyalty. Sympathy is an impulse of the heart and mind, and is usually beyond human control. Moreover, sympathy for our kindred in time of stress is so natural and altogether so honorable and ennobling that no man with a spark of that kindred feeling of brotherhood common to all mankind would wish to eradicate or suppress it. But, lest we forget, I would again admonish my countrymen that sympathy is one thing, while that kind of aggressive partisanship which divides us into warring factions and stirs within us the hot blood of battle is another and very different thing. Above all, we must hold fast to our own national duty and obligation, and any man who falls short of that falls below the standard of good citizenship.

Another thing to which I desire to call especial attention and emphasize is the partisan attitude being assumed by many of the great publications of this country. Knowing how potent these publications can be in creating public opinion and in fomenting factional strife, it is natural that those upon whom the responsibilities of government are cast should look upon this particular phase of partisanship with deep solicitude and apprehension. The managers of these great publications, even far more than individual citizens in more private walks, should be very mindful of the patriotic duty they owe their own country in this great emergency. It is a source of profound regret that so many influential journals and periodicals are beginning to take sides in this mighty contest, and are beginning not only to express their sympathies for the one side or the other, but to indulge in harsh criticism and sometimes in denunciations of the Governments and the armies of those with whom they are not in accord. This is not only hurtful at home in exciting animosities among our own people, but it creates bad impressions and arouses hot resentments abroad; and moreover it should be manifest to every man that this sort of thing works estrangements and makes free and cordial intercourse between this Government and the Governments of the nations at war more difficult and embarrassing. How can any patriotic and right-thinking American forget that ours is the only one of the great world powers holding the enviable but delicate position of absolute neutrality? To that policy, founded upon the love of peace and springing from an honest desire to be of service to mankind, we are pledged by the most solemn assurance, and to a strict observance of that pledge we are bound by every consideration of national interest and honor. It is amazing that great editors and publishers should so forget the supreme duty they owe to their own Government as to become callous about and thoughtless of the Nation's plighted faith, and to indulge in vituperative attacks upon the rulers or the Governments of any of the belligerent powers, or seek to arouse against any of them a hostile public sentiment in this country.

That sort of thing can not stay the hand of war nor change the issue on a single battle field, but it will provoke bitter feeling and lead to criminations and recriminations among our own people, thereby exciting feuds and endless discord that it will take years to silence; and it will excite against us a hostile spirit among those nations which may be led to believe that in sympathy and judgment we are against them, and that our profession of impartial neutrality is empty and insincere. How can any man forget that each of the great nations embroiled in this frightful war, relying upon our neutrality and believing in our profound concern for its welfare, has placed its diplomatic interests in the hands of our Government? Thus we have voluntarily assumed the delicate task of mediator between these various powers. As the representative of all, and professing impartial and equal friendship for all, this great Nation stands towering before the world with its hands extended to promote the cause of peace whenever and wherever opportunity offers. With our Government holding this position is it not almost wicked for any American to thrust himself into this tremendous struggle in such a way as to weaken our power for good? Is it not perfectly plain that our power for effective mediation will be diminished if ever any of the Governments vitally concerned becomes convinced that in our hearts we are unfriendly to it and would rejoice at any ill befalling it? And then looking beyond the end of the war, will not the spirit of resentment and universal ill will linger among the people of that nation? Remember, it is a hard thing, my countrymen, for your Government to maintain its attitude of strict neutrality and discharge the solemn duties incident to that position unless you yourselves stand by your Government and nobly uphold its hands. Why should any American at this time attack the Kaiser and the German Government and offend the German people? Whatever anyone may think of the policies and methods of the German Emperor and his Government, this is not the time to give expression to his views in offensive terms. And here let me remark that whatever else may be said of the German Kaiser, this much must be conceded: That in all Europe no man exceeds him in commanding ability, in individual force, and in devotion to his Fatherland. And whatever may be said in criticism of the German people, it must be conceded that nowhere on earth can be found a more frugal, industrious, progressive, home-loving, patriotic, and devoted people.

The masterful work they have performed in creating a mighty empire and in making it the seat of industry, of literature, of art, and of all the things that conduce to a high civilization is one of the marvels of this generation. We have millions of Germans mingled in the population of this Republic, and they furnish constant and convincing proof of the high type and character of the German people. There are ties of blood and fellowship and memories running back through our history to the Revolution that should stir within our hearts a warm attachment for the great people along the Rhine who have given the world so many evidences of their just claim to greatness. Again, why should any American go into the open to attack Great Britain or France? The great body of our original American stock sprang from the British Isles—England, Ireland, and Scotland—and the ties of blood binding Americans to the people of Great Britain should be strong enough to restrain all Americans from any act or word offensive of this wonderful and mighty nation—a nation having few parallels in great achievement throughout the history of the world. Why should any American go into the open to speak ill of France, the land of Lafayette? What thrilling chapters have the genius, the learning, and the valor of France written on the pages of history. And so, Mr. President, I might run this line of comment through all the nations involved in this terrible and ever to be lamented tragedy. We are, and we should be, a friend to all these nations and all these unhappy peoples in this day of strife, when all of them stand in such woeful need of a powerful and honest friend. Never in human history has a great nation had such a magnificent opportunity as ours to perform a glorious work for mankind and to set a noble example for the guidance of the human race. All we have to do is to keep faith with ourselves and with our friends, always waiting and watching, as we should be, for opportunities to render some service to those who are suffering from the sanguinary and destructive turbulence with which our friends and kindred abroad are so beset. To successfully accomplish this work we have to do, it is vitally necessary that not only our Government but our people should firmly maintain our position of absolute neutrality.

Mr. President, I clipped the following from a Washington paper last Sunday:

> Mr. Henry White, late ambassador to France and for 20 years a distinguished figure in American diplomacy, has reiterated from Copenhagen his advice to his countrymen to remember that this war is not of our making and none of our business. As Mr. and Mrs. White are awaiting a ship to bring them home after passing the summer with their son-in-law and only daughter—
>
> Who are subjects of the German Empire—
>
> they may be credited with the highest patriotism in urging strict neutrality for all Americans.

This timely and patriotic utterance of this eminent American diplomat voices the spirit that should animate all Americans. How profoundly I wish that his admonition might find lodgment in all our hearts and set the measure for our utterances and our conduct.

From the same paper I also clipped what I now read:

AMBASSADOR PROTESTS.

> The Turkish ambassador to-day vehemently protested against "the jokes and jibes aimed at Turkey in the American newspapers."
>
> "These attacks show a great lack of feeling and tact," the ambassador declared, "in connection with such a grave matter as events which may threaten the destiny of nations. Turkey has come in for a great deal of pleasantry, and, speaking on behalf of the Turkish Government, I must protest."
>
> The ambassador was without cable communications with his Government to-day, but he said Turkey still protested her neutrality.

Mr. President, I confess myself ashamed that there should be American publications in sufficient number pursuing a course that makes it necessary for an ambassador of a friendly nation accredited to our Government to make this public protest. I am sure that whatever has been done in this behalf was not done because of ill will or out of any desire to offend; rather it is the result of thoughtlessness, or the absence of a proper sense of responsibility.

Mr. President, it was because of just such things as this, and because of such things as I have ventured to complain about, indulged in to excess during the Russo-Japanese War, that almost cost us the friendship of Russia—a friendship that had become traditional. Since that war the relations between Russia and the United States unfortunately have not been characterized by that degree of amity which had prevailed for decades before. This causeless disturbance of our friendly relations with Russia,

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foolishly provoked by thoughtless conduct on the part of our own people, has worked seriously to our disadvantage. Particularly did we find this to be so when we came to negotiate with Russia to bring about more favorable conditions for the Jewish people in that Empire. It is hard to break through the crust of prejudice and habit and aid those who suffer when we attempt to negotiate with a nation whose Government and people regard us with suspicion and disfavor. It is always easier to deal with one who looks upon us as a friend. It behooves us therefore to so act in all things as to avoid the danger ever present in this grave emergency of arousing a deep-seated resentment and prejudice against us on the part of any of the nations embroiled in this terrible war. Let us keep true to the course we have marked out for ourselves. If only we do this, we will perform a part in this stupendous era of world-making history that will redound forever to the honor and glory of our great Republic.

In addition to what I have said, there are other reasons founded on commercial and economical considerations that should urge us to maintain the most prudent and conservative form of neutrality; but I would consider it unworthy to place this appeal to my fellow citizens upon that ground. Mere selfish considerations looking to profit and gain for ourselves for performing a duty which should be performed solely for higher and nobler reasons should not intrude themselves upon our thought when we are deliberating upon opportunities for doing something for the good of mankind and for the honor of our country. Possible commercial benefits to us raise considerations wholly apart from what I have been discussing. If, indeed, the misfortunes of war, so destructive to others, should eventuate in commercial and business advantages to our people, there is no reason why we should not in a proper spirit avail ourselves of opportunities coming in this way to the fullest extent. But aside from all that, and far above all that, we should keep absolute faith with the nations of the world and deeply and truthfully impress all of them with a positive belief in our sincerity and in our desire to grasp hands with them in a spirit of honest friendship, and to aid all of them to the utmost in every way we may find open for such a service.

Mr. GALLINGER. Mr. President, I have listened with profound interest to the remarks just delivered by the distinguished Senator from Missouri [Mr. STONE]. It seems to me they came at the right time and in the right spirit, and that we all ought to appreciate their force and the necessity of giving heed to them. I rise to ask that they may be printed as a Senate document, and that 5,000 additional copies may be printed for the use of the Senate document room. (S. Doc. No. 578.)

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PRESIDENT'S PROCLAMATION, ETC. (S. DOCS. NOS. 576, 577).

Mr. THOMPSON. Mr. President, many very able and interesting statements have been issued by President Wilson during his administration, some of which have attracted the attention of the people of the entire world, particularly his recent most patriotic utterance relative to neutrality by the American people during the terrible and most deplorable European war. This statement has already been made a public document. One of the most interesting statements was made by the President on September 4 in the form of a letter to Representative DOREMUS of Michigan concerning the political situation in this country and in explanation of his inability to actively participate in the present political campaign. Another very remarkable, profound, and timely statement was issued yesterday in the form of a proclamation urging the people of the Nation to unite in prayers for peace on Sunday, October 4, 1914. I ask, Mr. President, that this letter and proclamation, which I now present, be printed separately as public documents.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF NATIONAL BANKING LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6398) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws."

Mr. SHAFROTH. Mr. President, at the time the discussion closed on the bill which is now before the Senate there was pending an amendment, proposed by the committee, increasing the percentage of the issue of circulating notes based on commercial paper from 75 to 80. At that time having the floor, and the Chair asking whether or not the amendment would be insisted upon, I withdrew the amendment, but I feel perhaps I had no authority to do so. So I should like to have a vote on the amendment, and I should like to say a word in relation to it.

The reason 80 per cent has been designated is this: The amendment which has been made to the Aldrich-Vreeland act provides that currency may be issued to the extent of 125 per cent of the capital and surplus of the bank. Eighty per cent of 125 per cent is par—is $1; consequently it is easy calculation. When a banker knows that he can issue that percentage he can always keep it in mind that in the emergency the issue based on commercial paper may be to the amount of the capital stock and surplus of his bank, provided, of course, that the collateral security is acceptable and of the kind specified in the act.

Mr. SMOOT. Mr. President, will the Senator from Colorado yield to me at this point?

Mr. SHAFROTH. Yes, sir.

Mr. SMOOT. I think the Senator from Colorado is mistaken in his statement of the provisions of the bill. The bill simply proposes to amend the existing act by increasing the percentage from 30 to whatever per cent we may agree upon.

Mr. SHAFROTH. Oh, no. Under this amendment——

Mr. SMOOT. Just one moment.

Mr. SHAFROTH. Very well.

Mr. SMOOT. And the law as it now stands authorizes an issue by any national banking association of circulating notes based on commercial paper not in excess of 30 per cent of its unimpaired capital and surplus.

Mr. SHAFROTH. Yes.

Mr. SMOOT. All that the bill now under consideration proposes is to increase that limit from 30 per cent to 75 per cent, and the amendment proposed by the Senator from Colorado seeks to make it 80 per cent.

Mr. SHAFROTH. Yes; that is the amendment.

Mr. SMOOT. Wait until I get through, if the Senator pleases. But the amendment of which the Senator speaks authorizes an issue of 125 per cent. That is based upon bonds and has nothing whatever to do with commercial paper. The statement that the Senator makes that it is easy to figure 80 per cent of 125 per cent, which would be par, has nothing whatever to do with this bill.

Mr. SHAFROTH. Mr. President, the Senator has become confused as to what I am trying to do. We have a bill here now which provides for an increase of from 30 per cent to 75 per cent. The committee amendment to the bill is to strike out "75 per cent" and insert in lieu thereof "80 per cent," and of course the question will come up as to whether the amendment will be adopted at all which changes the 30 per cent to 80 per cent.

Mr. SMOOT. I understood that.

Mr. SHAFROTH. Inasmuch as this is a committee amendment, which is entitled to be voted on first, it necessarily follows that this amendment should be presented and be passed upon before the other question arises.

Now, as to the 125 per cent, I wish to say that that is the total amount of currency that can be issued under the Vreeland Act to any bank, and not only bonds but commercial paper to the extent of 30 per cent may now go in to make up the security for that 125 per cent. Consequently the amendment I have proposed does not involve much of an increase; it is not intended to affect that question. It does, however, make the calculation easy; it enables every banker to know instantly that he is entitled to currency, namely, to the amount of the capital and surplus of his bank, and it seems to me——

Mr. SMOOT. Mr. President, this is the first time I ever heard a Senator try to make it appear that it is necessary to change a rate virtually agreed upon in order to make the computation easy for bankers. I want to say to the Senator also that the Senator who reported the bill, the chairman of the Committee on Banking and Currency, agreed with me that he would only ask to increase the limit to 75 per cent.

Mr. SHAFROTH. I will state to the Senator that the committee examined the matter and concluded that they would report in favor of 80 per cent instead of 75 per cent; consequently, the members of the Banking and Currency Committee have taken that view, strange as it may appear to the Senator from Utah.

Inasmuch as the bill proposes to increase the limit from 30 per cent to 75 per cent, an increase from 75 per cent to 80 per cent does not constitute such a radical difference, if there are any considerations of convenience in favor of the one over the other.

Mr. SMOOT. Well, there is no consideration of convenience involved. Every banker in the country knows that if he has a hundred thousand dollars capital and surplus, 75 per cent of that amount is $75,000, and it is just as easy to figure 75 per cent, and a little easier than to figure 80 per cent. One would be three-fourths and the other four-fifths; that is all there is to it, and it seems to me the reason offered for the increase is a very poor one.

Mr. REED. Is the difference great enough to spend much time discussing it?

Mr. SMOOT. I do not think it is. All I say is that I think the inflation, call it temporary if you wish, from 30 to 75 per cent on commercial paper, is a serious step to take at one time under the plea that it is an emergency measure. Therefore, Mr. President, I sincerely hope that the committee will not insist upon increasing the limit to more than 75 per cent, because I think that is the very utmost extent to which it ought to go, and even further than it ought to go for safety.

When the Vreeland-Aldrich bill was being considered, not only in the House of Representatives but in this body, it was proposed to make the limit upon commercial paper 25 per cent, but we did reach out and increase it to 30 per cent. Many Senators and many Members of the House thought that 30 per cent was an exceedingly large amount of currency to issue on commercial paper, but now it is proposed to increase that to 75 per cent, and the Senator from Colorado asks us to further increase it to 80 per cent.

Mr. President, I do not believe there is any emergency at this time to justify any such expansion or inflation.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. SHAFROTH. In a moment I will conclude my remarks. In answer to the Senator from Utah, I will say that this feature of the bill has no relation, it seems to me, to the question of inflation, because the 125 per cent provision is what controls the quantity of the money. The other provision simply relates to the kind of security that can be utilized. For that reason, it seems to me that, whether the limit is 75 per cent or 80 per cent, it does not affect that question.

Mr. SMOOT. If the Senator's argument is good, then there is no need for this bill at all.

Mr. SHAFROTH. Oh, no; I do not think that follows.

Mr. SMOOT. The reason why this proposed legislation is being asked for is that the bankers are not able to furnish the security required to enable them to get the 125 per cent of currency of which the Senator speaks; and if what the Senator now says is to be considered by the Senate, then I will ask the Senate not to pass the bill.

Mr. SHAFROTH. Mr. President, the amount of currency issued on first-class commercial paper should go to the extent of perhaps even 125 per cent if we are going to put in force the other amendment to the Vreeland Act which we have passed.

Mr. SMOOT. And the Senator does not call that inflation?

Mr. SHAFROTH. It must be remembered that this is a temporary measure. All the currency issued under it is bound to be retired.

Mr. SMOOT. When?

Mr. SHAFROTH. Of course, in times of emergency it is necessary to issue more money than at other times. The Bank of England has issued $500,000,000 without having gold back of it, as has been its custom, because the exigencies of the case require such action, and the exigencies of the case with relation to this matter require that something shall be done. We have provided all the safeguards here in the world. The currency proposed to be issued will have to be issued upon bonds or issued upon first-class commercial paper to not more than 80 per cent, if my amendment prevails, or 75 per cent, if the bill as first reported by the committee prevails. That commercial paper, representing transactions in commerce, is regarded as the very highest class of paper known to bankers. It seems to me, in view of that, that the difference between 75 and 80 per cent is absolutely foreign to the question, except to an infinitesimal degree.

Mr. SMOOT. The Senator says that this will be only a temporary measure, and that it will be repealed. The Senator does not know that. The Senator can not say that with certainty. In fact, Mr. President, I do not believe the act is going to be repealed; and, so far as I am concerned, I want to say now that I hope it will not be repealed, because I believe that in the future the Vreeland-Aldrich Act will be the act that will be used and put into operation quickly by the business interests of this country whenever an emergency arises. I do not refer especially to the emergency of war, but such an emergency as arose in 1907. The Vreeland-Aldrich Act, had it been in operation then, would have relieved that difficult situation as easily and quickly and just as thoroughly as any law that we could pass to-day.

Therefore, Mr. President, I believe that when we amend that law by this bill it is not going to end on the 30th day of June, 1915, because I think that it will be extended beyond that date; and I want to say again that I hope it will be extended.

Mr. SHAFROTH. Mr. President, while the Senator may hope so, and while it may be that the exigencies may arise at that time which will require that it should be extended, the provision of the Federal reserve act is to the effect that the Vreeland-Aldrich Act shall expire on the 30th day of June, 1915, and that is the last expression which we have as to the intention of Congress with relation to that act. That being the case, it seems to me that it is temporary—it is an emergency matter—and therefore I ask for a vote on the question.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, the other day I offered an amendment to constitute section 2 of the pending bill—Senate bill 6398. The amendment was meant to meet a defect which I find can be met and will be met by the administration under the law and will not require the amendment. I therefore ask leave to withdraw the amendment which I send to the desk.

The VICE PRESIDENT. The bill is in the Committee of the Whole and open to amendment.

Mr. SHAFROTH. Then I ask for a vote on the committee amendment.

The VICE PRESIDENT. The Chair is not responsible for what is done on the floor of the Senate. The Senator from Colorado was in charge of this bill. On September 4 he withdrew the amendment. There is not any amendment now pending to the bill on behalf of the committee. Whether the Senator had power to do it or not is not for the Chair to say, but it was withdrawn.

Mr. SHAFROTH. Then, Mr. President, I offer the amendment now, to strike out the word "seventy-five" and to insert in lieu thereof the word "eighty."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, lines 3 and 4, it is proposed to strike out the word "seventy-five" and to insert in lieu thereof the word "eighty."

Mr. SMOOT. Mr. President, I will not say anything more in relation to the advisability of this amendment; but I wish to say to the Senate that the chairman of the Banking and Currency Committee, before leaving here on September 4, told me that he was perfectly satisfied with the 75 per cent, and that the department was satisfied with the 75 per cent, and drew the bill for 75 per cent.

I hope the Senate will stand by the 75 per cent, and vote this amendment down.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Colorado if he has any figures which will show the maximum amount of emergency currency that may be issued under this proviso if each banking association exercises its right to do so.

Mr. SHAFROTH. I will say that I have no figures upon the point suggested, but there are restrictions under the provisions of the amendment which has already been passed—namely, that an amount equal to 125 per cent of the capital and surplus of the banks may be issued under the Aldrich-Vreeland bill—and then there is the curb upon it with relation to a tax of 3 per cent per annum the first three months and an increase thereof of one-half per cent each month thereafter, and there is the requirement as to a gold reserve. It seems to me with these restrictions the money issued will be limited to a reasonable and fair amount and to the exigencies of the occasion.

Mr. SMITH of Michigan. That hardly goes far enough. Suppose the maximum which we provide here exhausts the maximum of our act, then where is the favor to be shown? I should like to know whether it will exceed the maximum provided in the law, which you have already increased from $500,000,000 to $1,000,000,000.

Mr. SMOOT. I will say to the Senator from Michigan that it will not exceed the maximum amount, but out of the billion dollars, if the banks take advantage of this with the amount of capital and surplus they have, it will be between six hundred and seven hundred million dollars on this one class of securities.

Mr. SHAFROTH. Yes; but the Senator does not refer to the change from 75 to 80 per cent.

Mr. SMOOT. Oh, no; I mean the whole amount of the 75 per cent. That is what I meant.

Mr. SMITH of Georgia. Still, in that case also the notes already issued would be deducted.

Mr. SMOOT. Oh, they would have to be under the law. Of course $250,000,000 has been issued up to date, but under the law they can not issue more than a billion dollars, and therefore the balance of the whole amount to be issued could be issued under this amendment, if it is carried at 80 per cent, nearly to the maximum amount.

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Mr. SHAFROTH. This being the best security, it seems to me that we had better have that security back of as much of it as we reasonably can.

Mr. SMITH of Michigan. Does not the Senator from Colorado think that if the entire maximum amount provided by this act is issued, as it may be, and as I have little doubt it will be, it will be such an inflation of our currency as to greatly disturb values?

Mr. SHAFROTH. I will say to the Senator that I do not believe anywhere near the maximum amount will be issued. This has been the law now since the 4th day of August, for over a month, and the crisis has been more imminent in the past month than perhaps it will be in the next; and yet, out of the amount that could have been issued, namely, over a billion dollars, only $250,000,000 has been applied for.

Mr. SMOOT. The Senator knows, however, that there are applications in that have not yet been fulfilled. In other words, I know there are applications from other parts of the country that have not as yet formed their associations as required under the law, but they have made application to the Treasury Department for permission to join some other association. For instance, I will say to the Senator frankly that within the State of Utah, we will say, they have not the capital of $5,000,000 they are required to have under the law to form a currency association. They have made application to join the San Francisco Currency Association, and the other day it was granted. Not only is that the case in the instance to which I refer, but I know of other cases of exactly the same kind.

Mr. SHAFROTH. They would not do that unless it was almost imperative that they should have money. The Senator does not want failures to occur. He does not want men to be ruined in business because they can not get money.

Mr. SMOOT. Why, Mr. President, I did not make the statement with any view of saying that they should not have it. I made the statement simply upon the statement made by the Senator that there had been only $250,000,000 applied for, and as showing that that was not all that was going to be applied for, because I know of other amounts that would be applied for.

Mr. SHAFROTH. The exigencies of this occasion are due to the fact that the country banks, the small banks that have not got bonds to comply with the terms of the act, desire to be given the opportunity to come in and get some of this currency upon giving their security, and having that security also indorsed by an association of banks, which makes the currency doubly secure.

Mr. POMERENE. Mr. President, I should like to ask the Senator from Utah a question. It was stated here the other day, and repeated again to-day, that up to perhaps the middle of last week about $250,000,000 of currency was issued under the Aldrich-Vreeland Act. Now, the Senator from Utah states that he knows of applications that have been made for additional currency, which has not yet been issued. Can he state to what amount applications have been made for currency which has not yet been issued?

Mr. SMOOT. No; I can not.

Mr. POMERENE. Is it any substantial amount?

Mr. SMOOT. I think it will be, by the time the regular routine of joining the associations shall have been accomplished.

Mr. POMERENE. Mr. President, in view of the fact that up to date only $250,000,000 of this currency has been issued, and under the Aldrich-Vreeland Act as amended $750,000,000 may yet be issued, I confess I do not see why this limit of 75 per cent of commercial paper should be increased to 80 per cent, and I for one shall vote against it. If there were any evidence at all here that the amount of currency which can be issued under the Aldrich-Vreeland Act was about to be exhausted, I might feel differently about it, but until there is some real emergency which requires this increase from 75 per cent to 80 per cent, I do not feel that I ought to vote in favor of it.

I wish to suggest further, while I am on my feet, that I am satisfied from what I have learned—and this is perhaps an impression rather than the statement of an actual fact—that the banks now, many of them, have much more currency and money in their vaults than they are required to have under the reserve act, and I know that many of them are contracting their loans rather than expanding them. Word has gone out to many of the note brokers of the country to the effect that the banks would loan no more money.

I know that that is true at least to some of the manufacturing establishments in my own State. It seems to me that if some of these banks—I am speaking of those in the Northern States—were extending the accommodations they ought to extend, there would not be this unusual cry at the present time for more money.

Mr. CRAWFORD. Mr. President, before the Senator takes his seat will he permit me to ask him a question?

Mr. POMERENE. Certainly.

Mr. CRAWFORD. I was absent for a few days, and did not meet with the Committee on Banking and Currency; and knowing the Senator to be a member of it, I wish to ask him whether or not this proposal to permit the increase to 75 per cent was the result of any urgent request on the part of the Treasury Department?

Mr. POMERENE. Mr. President, in answer to the Senator from South Dakota I may say that at the time the committee had this matter under consideration I was acting as one of the conferees on the trade-commission bill and was not able to be present. I have since learned that the Federal reserve bank directors have asked for this increase.

Mr. SMOOT. To 75 per cent.

Mr. POMERENE. From 75 to 80 per cent.

Mr. SMOOT. No; to 75 per cent.

Mr. SHAFROTH. I will say to the Senator that the department has regarded this whole bill as very important, and it did suggest the increase from 75 to 80 per cent.

Mr. CRAWFORD. Of course, I think no Senator desires to obstruct in any way any necessary legislation that the emergency existing in the country requires; but it has seemed to me that under the stress and because of the great concern that exists there is a temptation to be constantly changing this law and changing the Aldrich-Vreeland law that has become almost a habit.

Under the Aldrich-Vreeland law as it stands and as it has existed the power to issue emergency currency has not been exhausted. It has been invoked only in a moderate degree. I think we ought to be pretty cautious about passing so many of these laws, making it still more easy and still more easy to increase the currency. I am not impressed by the suggestion to go still further than the 75 per cent and authorize an increase to 80 per cent. In fact, I have some mental reservation about the wisdom of increasing at this time the amount which the Aldrich-Vreeland Act now permits. I doubt whether the necessity for it exists. I do not feel like speaking in a dogmatic way about it.

Mr. SHAFROTH. Mr. President, does the Senator understand that it is not compulsory that this shall be done? It is all within the discretion of the Federal Reserve Board.

Mr. CRAWFORD. Certainly; but enlarging the power all the time increases the temptation to use the power, and unless it is necessary it ought not to be done.

Mr. REED. Mr. President, I want to offer a mere suggestion, in the hope that we may dispose of this matter speedily; that is, as speedily as possible.

This bill is not intended to do anything except to meet the conditions until the Federal reserve banks can be organized and put thoroughly upon their feet. It is not so radical as Senators may be inclined at first blush to regard it.

To begin with, we have passed what is known as the Federal reserve act, which proposes to issue currency without limit, except the discretion of the board, and except the automatic limit of gold reserve required by the act. Every dollar of the money to be issued under that act, which is now the law, is based upon commercial paper. Why, then, should we become startled because it is proposed to allow some currency to be issued under the Aldrich-Vreeland Act upon the same class of securities we propose to put back of all the money to be issued under the Federal reserve act?

Mr. SMITH of Michigan. Mr. President, if the Senator from Missouri will permit me, it never was intended that commercial paper should be embraced within the provisions of the Aldrich-Vreeland Act at all.

Mr. REED. Oh, I understand that.

Mr. SMITH of Michigan. This is a departure, and it is evidently done to meet an exigency.

Mr. REED. But it is a departure that we have already made. Let us not get any blood in our heads. Let us see if we can not get this down to a sort of "round table" talk, and just understand it.

When Mr. Aldrich drew his bill—and it was in some respects, I think, a very great and wise bill—he had the idea of issuing money only upon bonds. That was the theory of the bill. The limit of 30 per cent on commercial paper was fixed. Since that time we took up the question of banking and currency, and we have enacted a law, and we have declared a policy by the enactment of that law. Now, what is it? Just as soon as the Federal reserve banks can be organized we propose to begin to issue currency similar to this—not identical, but very similar—and back of it we propose to put commercial paper alone. Now, if that is sound and safe——

Mr. BURTON. Mr. President——

Mr. REED. I will ask the Senator to wait until I have finished the sentence. If that is sound and safe with reference to the banking and currency bill, it is not a startling thing to embrace the same principle within this bill, which is merely temporary.

Mr. BURTON. Mr. President, will the Senator from Missouri yield to me now?

Mr. REED. I yield to the Senator from Ohio.

Mr. BURTON. Is there not this very vital difference between the Federal reserve notes and the Aldrich-Vreeland notes—that under the Federal reserve act a gold reserve of 40 per cent is required in addition to 100 per cent commercial paper, while in this case there is a reserve of 5 per cent against national-bank notes and an additional 5 per cent reserve?

Mr. REED. Oh, yes; the Senator is correct, and he will mark what I said—that it was a currency similar in its nature but not identical. It is true that under the Federal reserve act a 40 per cent gold reserve is required. It is also true that that gold reserve can be invaded under certain penalties. It is further true, however, that money can be issued upon commercial paper under the Federal reserve act on much more liberal and generous terms than in this bill, and that there is no limit on the amount which can be issued; whereas in this bill, I think, as an offset to the gold reserve, there is the limitation, first, to 125 per cent of the capital and surplus, no bank being allowed to get more than that; and, second, there is a limitation of 80 per cent on commercial paper, the rest being required to be in the character of securities now named in the Aldrich-Vreeland Act.

I do not think this is startling. I do not think it is dangerous. I think it is only temporary. This provision has been gone over very carefully by the Federal Reserve Board. I am very sure they are not inflationists.

I want to call the attention of the Senate to one other thing, in the mildest manner I can possibly assume. We are to-day confronted by wholly abnormal conditions. One can hardly imagine the coordination of so many untoward circumstances as are now before us. By that I do not mean that our country is on the verge of collapse, but the great war in Europe has completely upset many of the usual commercial conditions, and right now we are compelled in a way to meet circumstances that are totally abnormal. I hope we can pass this little measure, which places no vast power in this board and which is temporary and, I think, very necessary.

I want to submit just one further observation. Senators are inclined to think at first blush that this means that every national bank in the United States belonging to a currency association will at once come down and get this money. Mr. President, that will not be true at all.

There will be whole sections of this country, probably, that will not want any of this money. There will be sections of the country that will want it at one period of the year and at another period will not want it; but there will be other sections of the country that are just now, or in the near future may be, hard pressed for money.

They need money down South now. The banks of the South need money, not because they are not entirely solvent, but because they have to meet an unusual condition. The banks of the great Central West will soon need large sums of money, or, indeed, have had large sums of money, and I think they are almost ready to begin paying it back, because the crop has been to a large extent moved. Still, however, there remains the great corn crop.

So what will happen, or, at least, what is anticipated by those who have studied the question as likely to happen, is that there will be only a part of the banks at a time taking out this money, some sections not taking it out at all. Those who have studied the question from the inside say that the great banks of the great centers frequently have on hand bonds, so that they could take those bonds and get all they desire of the Aldrich-Vreeland currency—I will call it by that name—and all that they would be permitted to have. They carry these bonds. Many of the banks of great cities have Government bonds on hand against which they have not taken out any circulation; but nearly all of the banks in the interior having Government bonds have already taken out their circulation. The banks of the interior for the most part—and by "the interior" I mean all of the country outside of the great cities—do not carry in large sums that class of securities named in the Aldrich-Vreeland Act, but they have an abundance of good commercial paper. It is to enable those banks possessing good commercial paper, and not possessing these bonds, to secure this money, that this little, short amendment has been devised. It is to carry the money as nearly as possible to the banks that need it.

Mr. SMOOT. Mr. President, I think the Senator has correctly stated the object of the amendment; but I wish to call his attention to the fact that nearly all of the $250,000,000 of emergency currency that has been issued has been issued to the banks in the great centers. The banks to which the Senator has just referred—that is, those outside of the great centers—have under the present law the privilege of securing emergency currency up to 30 per cent on commercial paper, and they have not yet made application for that currency.

Mr. REED. Is not the Senator mistaken about that?

Mr. SMOOT. I do not think so, Mr. President. I think over $200,000,000 of it went into New York City alone; I think some of it went to San Francisco, some of it to Chicago, and some of it to St. Louis. I know of none of it that has gone to the small banks in this country, with the exception——

Mr. SWANSON. Will the Senator permit me to interrupt him?

Mr. SMOOT. Wait just a minute and I will be through—with the exception of a few of the banks in the Southern States, I think, in Georgia, and, I think, in Richmond, Va., and a few other places.

Mr. SWANSON. Not only in Richmond, but also in South Boston; they got $64,000 last week. They came in in the morning and had the paper fixed up, and left in the evening with $64,000—the tobacco market in South Boston. That happened on Tuesday.

Mr. SMOOT. Of course, out of the $250,000,000 that is a very small amount.

Mr. REED. Mr. President, I went down one morning and received the pleasant news that two and a half million dollars had gone that morning, or would go the next morning, to Kansas City.

Mr. SMOOT. Kansas City is one of the large centers of which I spoke.

Mr. REED. But I have the figures here that will tell that.

Mr. SMITH of Michigan. Mr. President, let me suggest to the Senator from Missouri, if he is willing, that the New York City bonds, which are short-time bonds and have been held largely in Europe, to the extent of $150,000,000, have just been provided for by the banks of New York City. In providing for them those banks realized, I am sure, that the bonds they are taking up are to be made available immediately for emergency currency funds; and while it has been quite a task for the New York banks to raise this $150,000,000, they have done so. I understand they did it after a conference with the Secretary of the Treasury. Those bonds certainly will be available for emergency currency, and probably the banks that are taking up these New York City bonds have already discounted their right to obtain this money.

Mr. REED. If the Senator will pardon me——

Mr. SMITH of Michigan. Just one word more. I said this morning that none of this emergency money has yet been asked for for my State. I do not think Michigan has had a dollar of it, but the time may come when she will need some of it.

Mr. REED. Yes; she has had $19,824,000.

Mr. SMITH of Michigan. If that is so, it is within the last 10 days, because I was informed 10 days ago that they had asked for none thus far. I am very hopeful, Mr. President, that we can get out of this act, if it is to pass, some elasticity and helpfulness to the smaller communities of the country, and to that end I am going to offer an amendment.

*Provided*, That such State banking associations as shall formally indicate their intention to join the Federal reserve system prior to October 15, 1914, shall be permitted all the privileges extended to national banking associations under this act.

And upon the suggestion of a Senator upon the other side who has given the matter a great deal of thought, I will add the following:

And no further tax shall be charged on notes so issued than that provided for under this act.

If you wish to strengthen your reserve system, you ought to welcome these State banks into the system also and give them the privileges the national banks enjoy under the same regulations.

Mr. SHAFROTH. Does not the Senator realize that certain conditions of the bill make that impossible? For instance, the bank has no right to come in and participate in this fund unless it has taken out circulation to an amount not less than 40 per cent of its capital stock. If it has not taken out circulation to the amount of 40 per cent of its capital stock it can not come under this provision. State banks do not issue any money at all, and consequently it is inapplicable to them.



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Mr. SMITH of Michigan. I think it can be made easily applicable.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED. I can not, Mr. President, as two of my friends have the floor now, unless one of them yields.

Mr. SMITH of Michigan. I am through, except to say that a fight was made on the floor to get the State banks within the provisions of the Vreeland-Aldrich bill when first passed. There was a very general feeling in this Chamber among Senators that the law ought to extend to those institutions.

Mr. SMITH of Georgia. That was at the time the Vreeland-Aldrich Act was passed?

Mr. SMITH of Michigan. Yes; at the time it was passed, six years ago.

Mr. SHAFROTH. Does not the Senator realize——

Mr. NELSON. Mr. President, I ask leave to correct a misstatement or mistake of the Senator from Colorado. By the act of August 4, 1914—this year—we removed the 40 per cent restriction. It was the requirement of the Aldrich law that a bank to avail itself of the currency provision of that law must have at least 40 per cent outstanding in circulation based on bonds. We removed that restriction altogether, and then we amended the law further, so that they could issue currency under the act to the extent of 125 per cent upon capital and surplus. So the restriction the Senator from Colorado referred to does not exist any longer. We repealed it by that law.

Mr. SHAFROTH. But, as I understand it, you do not repeal the requirements as to a 20 per cent surplus which must exist. There are various requirements all through the Aldrich-Vreeland Act that prevents even a national bank from getting this money unless it is up to a certain standard. The State banks have none of those——

Mr. SMITH of Michigan. We will see about that. I think the State banks will come within the provisions of this law without much difficulty if Congress will give them an opportunity to do so. I hope they will do it.

Mr. REED. Mr. President, of course I will yield for any kind of a question that I am able to answer, but I really wanted to be able to put before the Senate in a few words somewhere within the first three or four hours of time the five or six minutes of remarks that I desired to make when I started out.

The Senator from Michigan states that there are bonds enough upon which to base the Aldrich-Vreeland currency and states that in the city of New York——

Mr. SMITH of Michigan. No.

Mr. REED. They have recently taken up some bonds.

Mr. SMITH of Michigan. Not enough to take up the entire amount authorized by the act—$150,000,000.

Mr. REED. Exactly; and the banks of New York have it.

Mr. SMITH of Michigan. They will have it in a few days, and they have taken it over to the credit of New York City.

Mr. REED. That simply bears out what I was saying—that the banks of great cities have the bonds and can get the money with the bonds, but the banks of the country frequently are without the bonds. It only accentuates what I was saying.

Now, in regard to the use of this money at the present time: I have here the circular issued on the 20th. I suppose it is the latest one that has been issued by the Treasury Department. The statement here is that—

> The amount of additional currency issued or directed to be issued under the provisions of the Aldrich-Vreeland Act, as amended by the Federal reserve act and the act of August 4, 1914, from August 3, 1914, to August 19, 1914—no currency had been issued under this act prior to August 3—was $154,085,000, leaving $1,227,866,000 still issuable in the discretion of the Secretary of the Treasury.
>
> Of the amount already issued, $9,428,000 was taken by national banks in Massachusetts, including the city of Boston, and $97,964,000 in the Eastern States, including New York, New Jersey, Pennsylvania, Delaware, and the District of Columbia.
>
> The amount issued to the 13 Southern States was $8,768,000. The amount of additional currency still issuable to the national banks of the Southern States is $169,883,000."

Mr. OVERMAN. That is the amount they were entitled to have issued, and they have issued only $8,000,000.

Mr. REED. Yes; that is what I said:

> The amount issuable, in the discretion of the Secretary of the Treasury, to each of these States is shown in the following table—

Which I will print, with the permission of the Senate, as a part of my remarks.

The matter referred to is as follows:

ADDITIONAL CURRENCY ISSUED TO DATE AND AMOUNTS STILL ISSUABLE.

The amount of additional currency issued or directed to be issued under the provisions of the Aldrich-Vreeland Act, as amended by the Federal reserve act, and the act of August 4, 1914, from August 3, 1914, to August 19, 1914 (no currency had been issued under this act prior to August 3), was $154,085,000, leaving $1,287,866,000 still issuable in the discretion of the Secretary of the Treasury.

Of the amount already issued $9,428,000 was taken by national banks in Massachusetts, including the city of Boston, and $97,964,000 in the Eastern States, including New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia.

The amount issued to the 13 Southern States was $8,768,000. The amount of additional currency still issuable to the national banks of these Southern States is $169,883,000. The amount issuable in the discretion of the Secretary of the Treasury to each of these States is shown in the following table:

| | |
|---|---|
| Virginia | $16,441,000 |
| West Virginia | 11,639,000 |
| North Carolina | 6,922,000 |
| South Carolina | 6,072,000 |
| Florida | 6,933,000 |
| Georgia | 15,952,000 |
| Alabama | 9,466,000 |
| Mississippi | 3,095,000 |
| Louisiana | 8,153,000 |
| Texas | 55,079,000 |
| Arkansas | 4,628,000 |
| Kentucky | 13,847,000 |
| Tennessee | 11,656,000 |
| Total | 169,883,000 |

The amount of additional currency thus far issued to the Middle Western States is $34,445,000, including the city of Chicago. The maximum amount of additional currency still issuable, in the discretion of the Secretary of the Treasury by the national banks in these States is $301,491,000, apportioned as follows:

| | |
|---|---|
| Ohio | $63,025,000 |
| Indiana | 23,955,000 |
| Illinois | 93,639,000 |
| Michigan | 19,824,000 |
| Wisconsin | 19,223,000 |
| Minnesota | 33,893,000 |
| Iowa | 20,197,000 |
| Missouri | 27,735,000 |
| Total | 301,491,000 |

Only $180,000 additional currency has thus far been issued to the Western States composed of the Dakotas, Kansas, Nebraska, Wyoming, Montana, Colorado, New Mexico, and Oklahoma. These States could still obtain, with the approval of the Secretary of the Treasury, $70,096,000 under the terms of the act.

Thus far $3,300,000 has been issued to the Pacific States of Washington, Oregon, California, Idaho, Utah, Nevada, Alaska, and Arizona. The amount still issuable, in the discretion of the Secretary of the Treasury, to the national banks in these States is $83,870,000.

Mr. REED. The question will at once arise, Why is it that these banks in the Southern States, now hard pressed for money, have taken out only $8,768,000, whereas they might take out the additional sum of $169,883,000. I think the reason, or at least one of the reasons, is probably found in the fact that these banks do not carry and have on hand the class of bonds required by the Aldrich-Vreeland Act.

Mr. OVERMAN. Remove the heavy tax on them of 3 per cent and they will furnish the bonds and get the currency. It never was intended to put all that tax on that money originally. There was a great discussion on the subject. The Senator was not here at the time, but the best thought in the Senate and some of the best financiers in the country said there should not be any tax at all for the first three months. Now we tax them 3 per cent and there is no reason for it.

Mr. REED. I think the reason, or one of the reasons, must be found in the fact that banks of the South, like the banks of my part of the country, for we lie only on the border line of the South, do not carry a large amount of the kind of bonds named in the Aldrich-Vreeland Act. If they did have them they could go and get this money, even if there were a 3 per cent charge for it Why not? They would still be drawing the interest upon their bonds and they would draw the interest upon the money which they obtained from the Government, and the aggregate of the two would undoubtedly enable them to pay the charge.

Mr. OVERMAN. But they may not have the bonds. They have the commercial paper.

Mr. REED. What we are trying to give them the right to use by this bill is the commercial paper.

Mr. OVERMAN. I agree to that, but I want you to take off the tax.

Mr. REED. Well, one thing at a time, I think, is always the best.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Washington?

Mr. REED. Certainly.

Mr. JONES. I do not know enough about this question to know whether the Senator has given the information from the paper he has read that I want to get or not. As I understand the law now, these banks can get money issued on 30 per cent of their unimpaired capital and surplus. They can issue notes on commercial paper up to 30 per cent of their unimpaired surplus and capital.

Mr. REED. Yes.

Mr. JONES. Now, how much can be issued under that provision?

Mr. REED. It requires a calculation to go into the number of national banks that belong to these currency associations.

Mr. JONES. I supposed in view of the fact that they are asking that the 30 per cent shall be increased they would give that information to the committee. I want to follow that by the question: How much has been issued under that provision?

Mr. REED. I just gave those figures.

Mr. JONES. Will the Senator give just the total amount?

Mr. REED. The total amount that was issued up to the 20th of August was $154,085,000.

Mr. JONES. Is that all the 30 per cent of the unimpaired capital and surplus?

Mr. REED. That is the total amount of currency which had been issued. Now, back of that currency thus issued there had to be at least 70 per cent of bonds, and there might be 30 per cent of notes.

Mr. JONES. Right there lies the point I want to get at. Under the law as it is now currency can be issued on commercial paper up to 30 per cent of the unimpaired capital and surplus.

Mr. REED. Yes.

Mr. JONES. I want to know how much of such currency has been issued on commercial paper. That is the information I am trying to get, because what we are trying to do by this bill is to increase the amount that can be issued on commercial paper.

Mr. REED. So that there will be no misunderstanding, the aggregate amount which is to be issued under this amendment will be just the same as it is now; that is, the aggregate amount any bank can obtain can not exceed 125 per cent of its capital and surplus.

Mr. JONES. It says that it can not exceed 75 per cent.

Mr. REED. If the Senator will pardon me, the Senator is a lawyer, and a lawyer knows he must let a man state his case.

Mr. JONES. Certainly.

Mr. REED. The aggregate amount which can be issued to any one bank is an amount equal to 125 per cent of its capital and surplus.

Mr. JONES. That is issued on what?

Mr. REED. It is issued on anything and everything. At the present time the securities which are to be back of that money can consist of certain bonds and of negotiable paper, but the negotiable paper shall not be greater than 30 per cent, and that, of course, would require 70 per cent to be of bonds. This bill proposes to allow a bank desiring money to make up 75 per cent of the collateral out of its commercial paper and to permit it to have only 30 per cent of bonds. In other words, it makes their commercial paper available to a greater extent but it does not otherwise change the law.

Mr. JONES. That is, as the amount they can issue of commercial paper increases the amount that they can issue on bonds decreases.

Mr. REED. Yes; the aggregate is the same.

Mr. JONES. I did not understand that. I am trying to get at the situation here.

Mr. REED. That is all there is to this little amendment. It permits the banks to issue commercial paper instead of bonds. It does not increase the amount they can have a penny. I do hope we can vote upon this matter. Of course, I know Senators may have amendments to offer, but it seems to me the bill ought not to provoke a very long discussion.

Mr. JONES. I am asking these questions for information. I should like to ask the Senator how much circulating money we have now—all told.

Mr. REED. I have not the figures available. I can get them for the Senator in a little while.

Mr. SMOOT. I have the amount here, if the Senator has it not there.

Mr. REED. The circulation statement for September 1 shows that there is an estimated per capita circulation of $35.03; and the total of the general stock of money in the United States was, on September 1, $3,819,916,263.

Mr. JONES. A little over $3,800,000,000. I understand under the law now there could be emergency currency issued to the amount of about $1,000,000,000. Is that correct? I understood from the statement made awhile ago that under the law as we have it now there could be an additional emergency currency issued of about $1,000,000,000.

Mr. REED. There could have been on the statement of the 20th of September issued an additional amount, if all the banks availed themselves of this privilege, of $1,287,866,000; that is to say, if all the banks should come forward and demand all the currency they are permitted to have; but, as I stated awhile ago, it is thought by those who are better advised than myself that that will never be the case, that there will be great numbers of banks that will never ask for a penny, that there will be whole sections of the country that will not desire money at a particular time, whereas another section may at that time desire it, and then it may be retired there before it is demanded elsewhere.

Mr. JONES. I wonder if this $1,200,000,000 under those conditions would not be sufficient to take care of any possible emergency.

Mr. REED. I think so; but the Senator must understand this bill does not propose to increase the aggregate amount. The aggregate amount that can be issued is limited by the 125 per cent of the capital and surplus of the banks belonging to the currency association. This does not change that. It does permit a bank that has commercial paper and does not have bonds to utilize more of its commercial paper instead of forcing it to go out and buy the bonds or do without the currency. In other words, if the Senator had a bank with a capital of $100,000 he could obtain $125,000 of this money provided he had the right kind of security. If his bank were literally filled with the best kind of commercial paper, he could only use that to the amount of 30 per cent. If he desired the whole of his $125,000, he would have to go out in the market and buy bonds and deposit the bonds. Under this bill if you wanted $125,000 of money 75 per cent of your collateral could be notes. I ask again, Why should people be alarmed at that? It is upon that very class of security that we propose to run our Federal reserve system, though of course there are qualifications, as stated, about gold reserves, and so forth.

Mr. JONES. I understood some Senator to state a while ago that if this bill were passed it would mean a further increase of emergency currency of $600,000,000 or $700,000,000.

Mr. REED. No.

Mr. JONES. That is not correct?

Mr. REED. It does not allow an increase in the aggregate, but it makes it easy for the banks that have good commercial paper but which do not have bonds to use those securities. I do not think there is any danger in it or any trouble about it. The Federal Reserve Board are working very hard, and it is their opinion that this bill ought to be passed for the relief of the banks.

Mr. President, I call for the question.

Mr. NORRIS. Mr. President, I wish, first, to ask the Senator from Missouri [Mr. REED] or the Senator from Colorado [Mr. SHAFROTH] a question or two to secure information about this bill. Under the original so-called Vreeland-Aldrich emergency currency act the amount of currency that could be issued was fixed at a lower amount than 125 per cent of the capital and surplus of a bank, was it not?

Mr. REED. Yes.

Mr. NORRIS. What was that amount?

Mr. REED. It was 100 per cent, was it not?

Mr. SHAFROTH. It was $500,000,000; that was the gross amount; not to exceed that.

Mr. NORRIS. I understand that; but what was the amount that any bank could get?

Mr. NELSON. Mr. President, will the Senator from Nebraska allow me to make a suggestion?

Mr. NORRIS. Certainly.

Mr. NELSON. The amount could not exceed the capital and surplus of the bank.

Mr. NORRIS. That is what I understood.

Mr. NELSON. Under the Aldrich-Vreeland law the aggregate amount of currency that could be issued for the entire country was only $500,000,000.

Mr. NORRIS. We have amended that.

Mr. NELSON. Yes; the restriction as to the $500,000,000 has been removed, and the limitation as to the amount of currency which a bank may secure has been extended to 125 per cent of the capital and surplus.

I want to say further, for the information of the Senator from Nebraska [Mr. NORRIS], with the permission of the Senator from Missouri [Mr. REED], that while the Aldrich-Vreeland law provided for a tax on emergency currency of 5 per cent for the first three months and 1 per cent additional for each succeeding month, up to 10 per cent, by the act which we recently passed we have reduced the tax for the first three months to 3 per cent and for each additional month to one-half of 1 per cent, up to 6 per cent. That is the present condition of the law.

I wish also to say to the Senator from Nebraska that the difference between the currency proposed to be issued under this bill and the currency issued under the Federal reserve act is this: In the first place, the Federal reserve notes are the promises of the Federal Government, they are the obligations of the

United States, while the notes issued under the Aldrich-Vreeland law are like the national-bank notes, they are the obligations and notes of the national banks.

We further amended the Aldrich-Vreeland law by recent legislation so as to require a reserve in gold of 5 per cent; that is, the Secretary of the Treasury may require a gold reserve for currency issued of not less than 5 per cent; he may make it any amount above that.

The notes issued under the law as now modified are the obligations of the banks; and, aside from being the obligation of the issuing bank, if the bank is a member of a currency association through which the notes are issued, the currency association is liable. So we have, first, the promise of the bank; then we have the liability of the currency association; then the Secretary of the Treasury may require any amount of gold reserve he sees fit, but never less than 5 per cent.

It seems to me that this proposed currency will be safe enough. The only danger that we are likely to incur by this increase of currency is the possibility of an excessive inflation of our currency. If we go too far, by and by we may be in a position where gold will be at a premium, as we old men can well remember was the condition during the Civil War and the days immediately succeeding. That would be a great calamity.

I do not believe it is necessary to increase the limit beyond 75 per cent. However, I have faith in the Secretary of the Treasury—and I base that faith upon statements made by him before the conference committee on one of the recent measures concerning the increase of our currency—that he will exercise a restrictive force in two ways: First, he need not necessarily issue all the currency asked for; in the next place, he can exercise a restraining influence by calling for a greater gold reserve. That also will be a check. I do not apprehend that any serious results will follow except in the possibility that some banks in remote parts of the country may be disposed to issue excessive currency that will put them on an inflated basis and place them in a condition where they will be unable to redeem their currency.

Mr. REED. Mr. President, on that suggestion of the Senator——

Mr. NELSON. I am occupying the floor by the permission of the Senator from Missouri.

Mr. REED. I do not want to take the Senator off his feet, but I wish right at that point, with the Senator's permission, to make a statement. The Senator has made a suggestion as to the outside banks. I wish to call his attention to the fact that the Comptroller of the Currency on August 20 wrote a letter in which there is a clause bearing directly on what the Senator has said. It is as follows:

> This office has received a number of applications from national banks in different sections of the country for permission to issue additional currency under the provisions of section 3 of the Aldrich-Vreeland Act, which makes it possible, under certain conditions, for national banks, with the approval of the Secretary of the Treasury, to obtain such currency by depositing securities of a particular class. The Secretary of the Treasury has generally disapproved these direct applications, preferring that all banks desiring additional currency should make their applications through a national currency association, as provided in section 1 of the act referred to, rather than independently.
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> The purpose of this letter is, first, to notify you that the Secretary of the Treasury prefers that banks should not make their applications direct, but that all applications should come through a national currency association—

And so forth. Then follow directions as to how they can get into the association. I simply read that extract from the letter, in order that the Senate may understand that the officials of the Treasury Department are proceeding with considerable care.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. NORRIS. I yield.

Mr. SIMMONS. Allow me to ask the Senator from Missouri a question before I ask the question which I desire to ask of the Senator from Minnesota [Mr. NELSON]. In view of the letter which the Senator from Missouri has read, I wish to ask him this question: Is it not a fact that the Treasury Department can not under the law issue notes to any bank until the application for those notes has first been approved by the currency association to which the bank belongs?

Mr. REED. I hardly think that that restriction is in the law.

Mr. SIMMONS. I think the Senator will find that it is in the law, and I think that necessarily it must be there, because every bank in the association to which the applying bank belongs is responsible for the notes issued to that bank.

Mr. LEA of Tennessee. Mr. President, if the Senator will allow me, he is absolutely correct, for, as I understand, the proper officer of the currency association must make the application on behalf of the bank desiring to secure the emergency currency.

Mr. SIMMONS. What I think the comptroller meant to say in that letter was that the application would have to come through the currency association, and if it were made to him he would first have to transmit it to the currency association; and his suggestion is that, in the first instance, application be made to the currency association.

Mr. SMITH of Georgia. Mr. President, if the Senator will pardon me a moment, I will read from the act:

> The banks and the assets of all banks belonging to the association shall be jointly and severally liable to the United States for the redemption of such additional circulation.

Mr. SIMMONS. For that reason the act requires that the application shall be made to the currency association, so that the currency association, in view of the fact that it is to be responsible for all notes issued upon the security furnished, shall first pass upon and approve the security; and unless the currency association does approve the security, the Secretary of the Treasury has no authority, under the act, to issue the notes.

The Senator from Minnesota [Mr. NELSON] said—and I think he spoke with absolute correctness—that the fact that the currency association would be responsible for the currency issued to a member of the association would be a protection against circulation being issued upon inadequate security. Now, I wish to ask the Senator if, for the very same reason, the requirement as to approval by the banks constituting the currency association and the responsibility of all the banks in the association would not be likewise a safeguard against inflation?

Mr. NELSON. Yes; that is true; but I want to call the Senator's attention to the fact that the law contemplates that currency associations shall be formed and that national banks, through the machinery of such associations, shall obtain the additional currency; yet under section 3 of the Vreeland-Aldrich Act a national bank without being a member of a currency association can obtain currency. As a matter of fact, I take it that most of the banks that may apply for currency will probably get it through currency associations; but the Aldrich-Vreeland Act permits an individual national bank, without becoming a member of a currency association, to apply for and obtain currency.

Mr. SIMMONS. Will the Senator state the provision as to the character of security required when an individual bank applies for the currency?

Mr. NELSON. The same security is required when there is no currency association back of the bank as when there is.

Mr. BURTON. If the Senator will permit me, I do not understand that individual banks can obtain currency on the same security as can the currency associations. I think in the case of individual banks bonds are required.

Mr. NELSON. I should have stated that they can not obtain it on the same kind of security as can the banks in currency associations.

Mr. SIMMONS. That is the point I was making. My understanding is, if a single national bank applies for and is allowed to have currency under the section to which the Senator has referred, that it has to offer a different class of security from that required from a bank which is a member of a currency association.

Mr. NELSON. Their circulation must be based on bonds.

Mr. SIMMONS. That is what I supposed.

Mr. NELSON. That is correct; I overlooked that fact.

Mr. SIMMONS. They must be United States bonds, too, I think.

Mr. BURTON. No, Mr. President.

Mr. NELSON. They may be county or municipal bonds as well as United States bonds.

Mr. SIMMONS. Probably that is so; but a single national bank, not being a member of a currency association——

Mr. NELSON. Can not obtain currency on commercial paper.

Mr. SIMMONS. It can not secure circulation on commercial paper.

Mr. NELSON. That is true; but it can secure it on Federal and municipal bonds.

Mr. SIMMONS. That is true. The Senator, however, was discussing the danger of inflation because of the right or privilege to issue circulation upon commercial paper, and the point I was making was that in view of the fact that the currency association had to approve the application of the individual members of the association, and with each member bank becoming individually, so to speak, responsible for the notes issued, there was ample protection against these notes being issued upon commercial paper which did not constitute reasonably good and safe security, and that for those very same

reasons there was an equal protection against an inflation of the currency.

Mr. NELSON. The trouble with the Senator's position is that many of the banks are not equipped with the machinery to maintain a gold reserve.

Mr. SIMMONS. That is foreign to the proposition I am discussing. I do not think there is anybody in this country or any interest in this country that is quite so deeply concerned in preventing an inflation of the currency as the banks. They are the institutions which will be most seriously affected by an inflated currency, and therefore the interest of the banks to take every possible precaution and provide every possible safeguard against inflation is very great. As no circulation can be issued without their approval, and as they are responsible for the circulation when issued, it seems to me that they have it in their power, under this bill, to safeguard against an inflation of the currency.

Mr. NELSON. The trouble with the Senator is that he overlooks the lessons of history when he says that it is perfectly safe to lodge this power in the hands of the banks, and that they will properly take care of the situation in all cases. I can remember under the old State bank system when a great many bankers in remote parts of the country had no hesitancy in issuing an endless amount of paper currency which they were unable to redeem. The banks worship mammon as much as individuals do, and they are as apt to strain their resources and their credit.

Mr. SMITH of Georgia. Mr. President, that was the case where individual banks——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. NORRIS. I yield to the Senator.

Mr. SMITH of Georgia. I was just about to call the attention of the Senator from Minnesota to the fact that those were all cases of individual banks and not of associations, where the mutual check of all the banks in the association applies to the particular bank which may wish to issue currency.

Mr. NELSON. Of course they did not have currency associations, but the desire of the banks to issue currency was as great as it is now.

Mr. NORRIS. Mr. President, I desire to return my thanks to the Senate for their good attention while I have held the floor. [Laughter.] Now, since the Senators have discussed the bill, I will get back to the purpose for which I took the floor and see if I can get all the information that I started out to get.

I wish to ask the Senator from Minnesota now whether the original Vreeland emergency-currency act was amended before we amended it by the Federal reserve act?

Mr. NELSON. I am not sure about that. I would not say absolutely that it was not, but I can not think of any material amendment.

Mr. NORRIS. Does the Senator remember the particular amendment that we made in the Federal reserve act to the emergency-currency act?

Mr. NELSON. The amendment we made in that act was to extend the law for another year. It would have expired in 1914.

Mr. NORRIS. We extended, either by that act or some other act, the right of a bank to get currency up to 125 per cent of its capital and surplus.

Mr. NELSON. Oh, no; not by that act. We did that by the act of August 4, 1914.

Mr. NORRIS. Oh, yes; that is right. That is the act that is mentioned in the bill now before the Senate.

Mr. SMOOT. I will say to the Senator that the first time the Aldrich-Vreeland bill was amended was at the time of the passage of the Federal reserve act.

Mr. NORRIS. What was the amendment?

Mr. SMOOT. Just extending the time until June 30, 1915.

Mr. NORRIS. That was continuing it in force.

Mr. SMOOT. Continuing it in force.

Mr. NORRIS. The original Vreeland emergency-currency act would have expired by its own terms before that time.

Mr. SMOOT. But since then there have been three amendments to that act, referred to by the Senator.

Mr. NORRIS. One of them was to increase the amount of currency that the banks could issue——

Mr. SMOOT. From $500,000,000 to a billion dollars.

Mr. NORRIS. Yes; and another was to increase the amount that each individual bank could issue from 100 per cent to 125 per cent.

Mr. SMOOT. Yes; from the amount of their capital and surplus to 125 per cent of their capital and surplus.

Mr. NORRIS. And another one was to decrease the tax levied upon circulation——

Mr. SMOOT. From 1 per cent to one-half of 1 per cent.

Mr. NORRIS. So all of these amendments have been to liberalize the original emergency act?

Mr. SMOOT. Every one of them.

Mr. NORRIS. And they have liberalized it to a great extent. Now this bill is to liberalize it still further by permitting the utilization of the assets of the bank in the shape of commercial paper to the extent of 75 per cent, instead of 30 per cent, as provided for in the original bill.

Mr. President, I have been interested in this discussion, although I was not in the Senate the other day when the bill came up, and was not aware until this afternoon that it was up in the Senate or I would have searched further than I have been able to search in the few minutes that I have examined the debates that took place on the original bill; but I am very much interested to notice the change in sentiment in the Democratic Party that apparently has taken place since the original Vreeland-Aldrich emergency-currency act was passed.

I was in the House of Representatives when that bill passed, and I remember that I listened to the debate and read what I could get on the subject at that time, and approached the vote that I had to cast with a great deal of doubt and considerable fear. After I listened to the debate and studied it as best I could, I decided to vote for the bill, and did vote for the passage of the bill through the House of Representatives.

I remember that debate very vividly. It was participated in by some of the leading statesmen of that day, Members of the House of Representatives, some of whom are now Members of this body. I remember that it was a very partisan discussion. It was one of the most partisan debates that I ever witnessed in the House of Representatives.

After the bill was passed it was made an issue in the following campaign. I know that throughout the West the Republican Party was condemned from every hilltop and from every stump because it passed that emergency-currency measure. I know that in my own contest I was criticized more severely by my political opponents for voting for that bill than for any other official action I had ever taken while I had been a Member of the House.

One of the great Democratic dailies of the West and of my State was filled day after day with condemnation of every man who had voted for that bill. Members of the House of Representatives, Members of the Senate of the United States, in that campaign, one of whom I distinctly remember, campaigned in my State, and two-thirds of his speech was devoted to a condemnation of men like me who had voted for the Vreeland emergency-currency bill.

I confess, and did confess in the campaign, that I voted for it with some doubt, because I believed those Democrats in the House of Representatives. I thought they were in earnest. I had faith in their conscientious convictions and in what they stated to be the truth on the occasion, and I thought they were in earnest. To a great extent they had convinced me. I was in doubt as to whether the good in the bill overbalanced the bad; but after weighing it as best I could with my limited ability, I decided we had better pass it rather than not pass it, and so voted for it.

As I say, this change of sentiment is very interesting to me, after going through that experience, after being arraigned by the Democratic newspapers, particularly the leading daily newspaper of my State, owned then, as it is now, by a Member of this body, condemning men who had voted for it. We were also condemned in the Democratic campaign book and by the speeches and all the opposition papers in the State, criticizing particularly that part of the Vreeland-Aldrich currency bill that gave authority for the issue of money upon commercial paper. That was the principal argument made in that campaign against it. It was one of the arguments made on the floor of the House of Representatives against it. It was charged everywhere that it meant inflation; that it was an asset currency; that it was unsound.

I remember that in one of the campaigns my opponent, backed up with the debates of the House of Representatives, went on to tell the terrible calamity that must come to the country that issued money upon commercial paper—asset currency. It was the burden of the song all through the West in that campaign.

After I had heard it so often here, and heard it again throughout the West when I was home, I began to doubt again whether I was right. I believed these men were honest in what they were saying. I suposed they believed the doctrine they were promulgating. I did not claim to be an expert, but every Democratic politician who took part in the campaign that followed the passage of that act pretended to be a currency ex-

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pert, and was able to tell the woe and the misery and the misfortune that must befall the country that had enacted such legislation.

Mr. SMITH of Georgia. Mr. President, will the Senator permit me to ask him a question?

Mr. NORRIS. I will.

Mr. SMITH of Georgia. Was the criticism that it was too severe a bill or too liberal a bill?

Mr. NORRIS. I do not know what the Senator means by "too severe a bill."

Mr. SMITH of Georgia. That it was so difficult to make use of it.

Mr. NORRIS. Oh, no; oh, no.

Mr. SMITH of Georgia. What was the criticism?

Mr. NORRIS. The criticism was that under it we were going to get a whole lot of worthless, good-for-nothing currency; that the money of the country was going to be debauched.

Mr. SMITH of Georgia. In spite of the enormous tax that that bill provided?

Mr. NORRIS. Yes; in spite of the enormous tax.

Mr. SHAFROTH. And yet, Mr. President, there was not a dollar issued under the existing law for years and years.

Mr. NORRIS. Not a dollar. I am coming to that. That came pretty near demonstrating that the critics were wrong; did it not?

Mr. SMITH of Georgia. It would seem that they directed the criticism in the wrong direction.

Mr. NORRIS. It would seem that way. I rather believed then, and I am convinced now, that the criticism was all wrong, because the very men who were doing the criticizing have come around to liberalizing the bill in order that more currency may be issued, in order that it may be easier to get this "worthless stuff" out on the country. So I concluded that they might have been moved somewhat on account of politics, and that perhaps they were not as earnest as I had given them credit for being.

Mr. SIMMONS. Mr. President——

Mr. NORRIS. I yield to the Senator from North Carolina.

Mr. SIMMONS. I was in the Senate when the Vreeland-Aldrich bill was passed, and I took some little part in its discussion. I think the criticism was begun here in the Senate, and the criticism was not that the bill would lead to inflation—I do not think anybody thought that—but, on the other hand, on account of the excessive tax or interest charge, for that is what the tax is, the banks would not use that currency except in the most extreme condition of emergency, and then they would use only so much as was absolutely necessary. I remember that that was my line of attack upon the bill, and I think that was the reason why no money was really issued under it.

Mr. NORRIS. Does the Senator remember, if that was the ground of his opposition to the bill, offering any amendment to cut down the rate of interest?

Mr. SIMMONS. I do not recall now. I do not think I offered any amendment.

Mr. NORRIS. I do not think any such amendment will be disclosed by the CONGRESSIONAL RECORD.

Mr. SIMMONS. I do not say that any such amendment was offered; but that was the line of criticism in this body. It was understood perfectly well then that the author of the bill was all powerful in this body, and that unless he accepted the amendment there was practically no use in offering it.

Mr. NORRIS. As long as that all-powerful Senator had the support of the still powerful Senator from North Carolina for his bill there was no occasion for him to submit to an amendment.

Mr. SIMMONS. He did not have the support of the Senator from North Carolina. The Senator from Nebraska is mistaken in that statement.

Mr. NORRIS. I supposed the Senator supported the bill. He has supported it ever since the Democratic Party has been in power.

Mr. SIMMONS. No; I did not support the bill. I criticized the bill. That is what I said, and my criticism was directed to the very point the Senator now makes—that on account of the high rate of interest, the tax beginning at 5 per cent during the first three months and then increasing gradually until it reached, as I remember now, 10 per cent, it was so high—not that there would be inflation, but that the banks would not use the money; that they could not afford to use the money.

I recall instancing the conditions in my State—where we had then, as we have now, a usury law that prohibits taking more than 6 per cent for the use of money and penalizing anyone who receives more than that amount for the use of money—as showing that it could not be used by the banks in my State, because banks would not be likely to take out money that they would have to loan for less than they had to pay for it.

The argument was made that this currency would not be used; not that there would be inflation, but that it would not be used except in extreme conditions where the banks were in such a position that they were compelled to pay exorbitant rates in order to secure money to relieve an emergency situation.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield to the Senator from Utah.

Mr. SMOOT. I was a Member of the Senate when the Vreeland-Aldrich bill was passed; and the Senator certainly has surprised me by saying that the opposition to the Vreeland-Aldrich bill on the other side was on account of its severity and the amount of interest charged upon the issue of the currency.

There is not a Member of this body who does not remember and know that that bill was made a party issue. The Senator from Nebraska has well said that he was criticized for his vote, and I have been criticized within the last six months for voting with Senator Aldrich in passing the Vreeland-Aldrich bill.

Mr. President, there is not any question but that the Democratic Party denounced the bill and voted against it. I know that the Senator from Oklahoma [Mr. OWEN] made the statement upon this floor that notwithstanding the bad provisions of the bill he still thought he would vote for it. I have not looked up the RECORD to see whether the Senator voted for the bill or not, but I remember his making that statement upon the floor, and I know that he was taken to task for it, too. I know that the vote that was cast for the bill and the amendments that were offered was a party vote.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska further yield to the Senator from North Carolina?

Mr. NORRIS. I yield to the Senator from North Carolina.

Mr. SIMMONS. I have not said that it was a party vote or that it was not a party vote. I said nothing about the subject of a partisan division. I think, as a matter of fact, this side of the Chamber was generally opposed to the bill, and that side of the Chamber was generally in favor of it. I said, however, and I repeat, that the line of attack and criticism upon that measure was upon the ground that the excessive rate that was charged would make it an unusable money. I remember—and it is a matter of record, of course—that I submitted letters from bankers of my State saying that it would be impossible for them to use this money at that rate of interest.

Mr. REED. Mr. President——

Mr. NORRIS. Before I yield to the Senator from Missouri, let me say just a word.

Mr. REED. I was simply going to suggest that we might pass this bill and then settle our party record hereafter. Really, things have changed so often, and people have changed their minds so often, and men are changing their parties so rapidly, that if we undertake to follow them in all of their ramifications I fear we will get lost here, and this bill will be forgotten. I beg that we may get down and settle this question this evening and let us settle our party differences afterwards. Let us have a field day on politics. I should like to make a Democratic speech myself, just to see how it would feel.

Mr. SMOOT. I wish to say to the Senator from Missouri that we were charged on this side, when the Vreeland-Aldrich bill was under consideration, with working for the benefit of the banks. It was said that we were going to give them all the advantage in the world, and that the reason we were going to give it to the banks was because Senator Aldrich was representing the banks and wanted it, and for the further reason that we had had a panic in 1907, and this legislation was so that the banks could thereafter control the currency of the United States.

Mr. REED. If the position of the Senator's party has been vindicated by the philosophy of business, and if the Democratic Party now stands on the ground occupied by the Senator, I think he ought to be sufficiently content and not rub any salt in the wound.

Mr. SMOOT. I certainly am content; but I want them to acknowledge it; that is all.

Mr. REED. The Senator wants us to know it.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I do.

Mr. JONES. I wish to say that I was a Member of the House at the time mentioned by the Senator from Nebraska, and my recollections and my experience are almost the same as his. I

voted for the Aldrich bill with very much doubt and very largely upon the indorsement of some Members of the House in whom I had a great deal of confidence and who knew a great deal about this question. Some of them are now Members of the Senate.

I want to call the attention of the Senate to a declaration in the Democratic platform of 1908 which, to my mind, bears out the suggestion of the Senator from Nebraska, although it does not put it in just the language he puts it. Under the head of "Banking" it says in its condemnation of the Republican Party:

It has used an emergency for which it is largely responsible to force through Congress a bill changing the basis of bank currency and inviting market manipulation.

The change in the bank currency was this commercial paper as a basis for the issuance of the currency.

Mr. NORRIS. Mr. President, I remember that after the bill had passed the House and came over to the Senate I came here and listened to some of the debates. I never heard on the floor of the Senate in the debates I listened to one single Senator on the Democratic side making any objection to the bill on the ground that it was too severe and that the tax was too high. If there is anything in the RECORD that any Senator can produce to that effect, I would be glad to yield and have the statement of the Senator vindicated.

Mr. SIMMONS. I will say to the Senator that the speech I made is in the RECORD.

Mr. NORRIS. That may be.

Mr. SIMMONS. While I can not put my hands upon it, I will say that I not only made the statement, but I read letters from banks in the State, and I remember I put in the RECORD a letter from G. Brown, a leading banker in the city of Raleigh, N. C., in which he contended that at that rate of interest it would be impossible for the bankers of my State to use the money. I attacked it upon that ground, and, so far as I now recall, principally upon that ground.

Mr. NORRIS. I did not hear the Senator from North Carolina, and I have no doubt whatever that he attacked it on the ground suggested, but I say of all the debates I heard there was no such attack made, but it was attacked here and all over the country because it brought on a new currency that was to be issued on promissory notes and railroad bonds rather than upon Government bonds. The charge was made everywhere as you made it in your platform at the national convention of 1908, condemning it not on the ground that it was not liberal enough, but that it was a bank bill passed for the purpose of giving the banks an opportunity to issue a worthless currency.

Mr. President, since this debate has been going on I have gotten the CONGRESSIONAL RECORD giving the debates in the House of Representatives, and since the question has arisen as to the ground of the opposition I want to read from the CONGRESSIONAL RECORD some of the Democratic objections. There are pages of it along the same line. For instance, a Democratic Member of the House of Representatives, who was then the leader of the Democratic Party in that body, made a speech, and in it he said, on page 246 of the CONGRESSIONAL RECORD of May 14, 1908:

The Banking and Currency Committee considered a bill, and they reported the bill and recommended it to this House—

That is, the Vreeland-Aldrich currency bill—

I am opposed to it. I believe everybody, or nearly everybody, on this side is opposed to it, but there is a chance, at any rate theoretically if not practically, that it would receive serious consideration.

It seems that some one in the debate on the other side had charged him with being opposed to it simply because it was proposed by a Republican, and this same Member of the House meets that charge. He is now, by the way, an honored Member of this body, and he said—I read from the CONGRESSIONAL RECORD:

The gentleman from New York [Mr. Vreeland] says we will oppose his bill "because it is a Republican bill." Why, bless your hearts, we are not in the habit of opposing things because they have a Republican origin, and you know it.

Then it says in brackets there was "derisive laughter on the Republican side." He continues:

There is not one of you laughing that does not know it, and you know that your laugh is not sincere, but hypocritical. Upon this side for the last three years there has not been a good measure recommended by a Republican President or a Republican committee—good in our opinion, I mean, of course—that we have not advocated, and that we have not helped through.

Later on he says:

Who stands for this Vreeland bill? Nobody but the Republican machine in this House. * * * Nobody is demanding it. You, even, that Republican machine over there, are not demanding it because you want it. You are demanding it merely to be able to go before the people and say, "We passed something in the shape of an emergency-currency bill." You are passing it simply to get something into conference, and in a secret conference committee to hatch plutocratic mischief. There is not one of you that does not know that it is an abomination and a miserable makeshift. It ought to be called a bill of "authorization for clearance-house associations of national banks which have violated the law," or a "bill of indemnity for Secretaries of the Treasury who have suspended the operation of the law in behalf of the national banks and clearance-house associations."

Further on he says:

There is not one of you who does not know that at heart you are not in favor of this Vreeland bill as a remedy for existing ills. There is not one of you who will pretend that you regard it as such. You are apologizing for it every day upon the ground that it is simply an expedient—an emergency expedient—and all that.

Mr. SMOOT. Will the Senator yield to me?

Mr. NORRIS. I will yield in just a few minutes. It seems that some one had said that the other side had the responsibility, and in reply he said:

Now, take your responsibility, and in one year from now, if this bill passes, you will be visited with the penalty attached to the responsibility which you have taken. [Applause on the Democratic side.]

There arose the following question in that debate, asked by the same leader of the gentleman from Ohio [Mr. BURTON], who is now also a Member of this body:

The gentleman from Ohio spoke of safeguarding the debt of the bank in the shape of notes. Now, does the gentleman tell the House that this bill does not sacrifice the security of the depositor in order to secure the note holder?

* * * * * * *

Let me ask this, and then you can answer both afterwards: Is it not true that your bill gives a first lien for the payment of the note, and does not that necessarily decrease the security of the depositor to that extent?

I wish to read a few extracts from one other speech that was made in the House of Representatives by a Member of that body who is now a Member of the Senate. He said:

Mr. Speaker, our friend the gentleman from Indiana [Mr. Overstreet] tells us that this is a bill brought forward here for the purpose of quieting the financial storm. If I read its provisions right, instead of quieting the storm, it will be a fomenter of a storm. [Applause on the Democratic side.] The truth of it is, Mr. Speaker, of all the legislation that has been brought before Congress in the history of the Government there never has been a bill brought here that has lodged in the hands of one man so much power affecting the property and interests of the American people. You tell us that it quiets the storm. Under the provisions of this bill the storm may be beating quick and fast in every part of the Union and the Secretary of the Treasury may say all is calm with him and refuse to allow you to issue one dollar of circulation to be used in the avenues of trade and commerce in this country.

* * * * * * *

First, he may say that the locality does or does not need additional circulation; second, he can say that some securities are good and some are bad; third, he can say that he will issue the maximum amount of currency upon one class of security and the minimum amount upon another class of security. For instance, he may say that in New York, around Wall Street, there is an emergency, local in its character, and he may give them all the money they need; while down in my part of the country, in Kentucky, he may say to the banks there, "Your locality does not need any money, and therefore I will withhold it from you and deny you the right to issue it." [Applause on the Democratic side.]

Not only that, Mr. Speaker, but he may say to the banks in one part of the country where security is offered, "I will allow you 75 per cent, according to the value of the commercial paper you offer," and to the people in another part of the country, "I will allow you only 25 per cent, according to the value of the commercial paper you offer." Why is this extraordinary power lodged in the hands of the Secretary of the Treasury? Why, we all recall that during the late financial stringency the Secretary of the Treasury went to the rescue of the banks in New York frequently with millions of dollars, while in the South and the West banks were unable to obtain a dollar.

* * * * * * *

The very viciousness of this system is shown by the basis of this circulation, making it discretionary with the Secretary to place a value upon securities, and thereby to say what character of commercial paper, bonds, or other securities will be accepted for the issuance of this money. [Applause.]

* * * Back yonder in 1893 there was a great contest waged upon this issue. Many thousands of people believed, and honestly so, that the Government should issue money to the farming class of our people, under the subtreasury scheme, upon the deposit of their crops. They only asked 50 per cent advance, at a reasonable rate of interest, upon the value of their crops; but here, under the provisions of this bill, you issue to the banks 75 per cent of the value of their commercial paper, railroad stocks that are up to-morrow and down next day, mining stocks that fluctuate and fall 50 per cent overnight, commercial paper of every kind—assets which neither feed nor clothe the world. You step in, and to men who speculate in these things you say, "The Government would favor you with a loan of money"; but to the farmer who digs out of the earth those things without which the world would freeze and starve, you say, "You shall not be allowed to borrow money from the Government."

And so on with that kind of an argument, with which I might proceed almost indefinitely. By the way, the Senator from Utah wanted to interrupt me a while ago, and I yield to him.

Mr. SMOOT. If the Senator does not object, I wish simply to refer to a speech delivered March 26, 1908, by the Senator from North Carolina [Mr. SIMMONS] to show that his position as he stated it was in the main correct, but that his charge upon the other side was that it was a bill for the bankers.

Mr. NORRIS. I have no objection, of course, to the Senator reading it, but I am accepting what the Senator from North

Carolina says as to his position. I have no doubt of its correctness, and I am not questioning it in any way.

Mr. SMOOT. No; but the Senator from North Carolina led the Senate to believe that there was no charge upon the Democratic side that this was a bankers' bill.

Mr. SIMMONS. No, Mr. President; I said nothing of that sort.

Mr. SMOOT. Then probably I had better read just what the Senator did say.

Mr. SIMMONS. I made several speeches.

Mr. SMOOT. From the speech the Senator made March 26, 1908, I read the following:

> The Senator from Rhode Island [Mr. Aldrich], who is chairman of the Committee on Finance, has said several times during the course of this debate that this bill was not intended for the benefit of the banks. He has charged that the bankers were against it. I agree with the Senator that we are not here to make a bill for the bankers; we are here to make a bill for the people; but I wish to remind the Senator that not one dollar of the money provided in his bill can get into the hands of the people except through the banks—they alone are authorized to issue money under its provisions. If they do not issue this emergency currency, the people will never get it. I believe the bankers of this country are as patriotic as any class of our fellow-citizens. Some of them may be grasping and greedy, but the great bulk of them are honest, patriotic, and fair-minded citizens. But they are business men, and they are in the banking business for the purpose of making money, and I am not so innocent as to suppose that they are going to issue this money for the benefit of the people at a loss to themselves, and I repeat if they do not issue it for any reason whatever, the people can never get it.

In other words, Mr. President, the thought was carried by that side of the Chamber that Mr. Aldrich was working for the interests of the bankers of this country; that the measure was not a measure for the people, but it was a measure for the banks. Of course, now, Mr. President, under Democratic rule the whole thing is changed. The bill is not a measure for the banks, but it is a measure for the people; and the standard is to be liberalized in every particular.

Mr. SMITH of Michigan. As long as he was in public life they did not issue a dollar of that currency.

Mr. NORRIS. My own idea was at the time—and it is still my idea—that an emergency currency, if we have a law for an emergency currency at all, ought to provide for a currency that it is difficult to get. It ought to be so difficult that in normal times nobody will make application for it. I always believed that this emergency currency as it was passed was sufficiently difficult to get to make it unprofitable to get it except in the case of an emergency, and that when a bank or a banking association got the currency they would recall it just as soon as they possibly could. I believe that would have been the operation if it had been put into active practice; but after the law was enacted no one ever got a dollar of the currency until recently.

Mr. SMITH of Michigan. Until a Democratic administration.

Mr. NORRIS. Yes. I always said it seemed to me that the law was like a policeman standing on the corner. As long as he was there the store would not be robbed, but if you removed him you might be sure of a robbery. I looked upon the emergency currency in that light. It was beneficial because its tendency would be to prevent the panic that it was intended to meet by the issue of this currency. Now, we have liberalized that since.

The Democratic Party are greatly responsible for that—and I am not saying that they were wrong when they liberalized it—but they condemned it when it was enacted by somebody else, and said that it was an abomination and was unfair, and condemned everybody who voted for it; and when they came into power they passed a law to extend it and then passed several bills to make it more liberal and more easy for the banks to get the money under it and more profitably. When Republicans passed this law you Democrats condemned it and said it was one of the greatest evils of the day, and when you came into power you solemnly passed a law continuing it in force. You condemned it because you said it gave the Secretary of the Treasury too much power, and then you amended it, giving him more power. You charged that it was passed in the interest of the banks, because they could get the currency at 1 per cent; and when you had the power you lowered the rate to one-half of 1 per cent. You complained because banks could issue currency up to 100 per cent of their capital and surplus, and at the first opportunity you changed the law so they could issue currency up to 125 per cent of their capital and surplus. You condemned Republicans for permitting in this law the issuing of what you called debased currency up to the amount of $500,000,000, and when you came into power you took off the limit. Verily, that which was rejected and condemned by Democratic statesmen when they were out of power has become the chief corner stone of the Democratic financial temple when they are in power.

Mr. SMITH of Michigan. Mr. President——

Mr. NORRIS. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. If the Senator from Nebraska will permit me a moment. When Mr. McAdoo came to the Treasury and found this vast amount of $500,000,000 unused currency at his disposal he said to the country, "If no one else advances the money to move the crops, I shall advance it to the extent of $500,000,000." Our friends on the other side found it a very convenient medium to bridge their difficulties; and in justice to those who were responsible for its passage in 1908, it should be said it has served a very useful purpose, and the wisdom of its enactment I guess no longer is challenged on the floor of the Senate; at least I have heard no Senator suggest that we ought to repeal it.

Mr. SIMMONS. Mr. President——

Mr. NORRIS. I yield to the Senator from North Carolina.

Mr. SIMMONS. What the Senator from Utah has read from my speech of March 26 confirms my statement; but I stated in another part of the speech the ground of my opposition a little more specifically than in the part read by the Senator from Utah.

In connection with the same colloquy I had with Senator Aldrich I said:

> The bankers of my State, as I know from actual correspondence and personal communication with them, are almost a unit against this bill. I have had letters from 15 or 20 of them, and I say to the Senator they do not put their objection upon the ground that they want an asset currency, but upon the ground that on account of the high rate of tax prescribed it would be of but little, if any, benefit to them and the communities they represent.

Mr. NORRIS. I think that bears the Senator out in his statement. I do not want the Senator to get the idea that I was questioning for a moment his statement as to the position which he assumed at the time; I accepted that of course; but the great objection that was made to this law all over the country, both in Congress and in the political campaign that followed, was, as I have before stated, that it provided for a kind of currency that was unfair; that it would be profitable only to the banks; that it would allow the banks to issue money on security that was not good, as was stated in some of the speeches that I read, on bonds that were likely to go up and down, on commercial paper that had no known value, and all the power to be put in the hands of one man to decide whether or not he would issue the circulating notes and in what quantities and to what localities.

However, Mr. President, I have not taken the floor to call attention to these things because of any partisan consideration; in fact, that has not been the object at all, although to me it was a serious matter, and the experience that I had in the campaign that followed, in the fight that was made on the ground that I had supported that bill, has left in my mind a recollection that is vivid, and naturally would cause me somewhat to wonder when I found that the same men who had made that kind of a campaign and that kind of a fight, later, when they came into power, proposed to extend and to make more liberal the same law which they had condemned; to do the very thing that they had condemned in their opponents. It illustrates the evils of partisanship and that in political campaigns men are apt to think more of partisan advantage than of the welfare of the country, and sometimes take positions knowing at the time they do it that the position which they assume is not fair or right or equitable. It is not true of all men; of course there are some men in all parties who condemn that kind of political warfare; but here is an actual illustration of it, showing the difference between the man who is out and finding fault and the man who is in and charged with responsibility. It seems to me that to be fair we ought not to make campaigns and arguments, either in Congress or out, that we ourselves do not believe to be right.

Mr. BURTON. Mr. President, I can not conceal my fear of serious inflation which may follow from the passage of this bill. Of course, everyone knows that as paper currency comes into greater use the tendency is for gold to go out of circulation, and that at such times as this, when there is a crying demand from every European nation for all the supply of gold they can obtain, that danger is peculiarly acute.

I was a member of the Banking and Currency Committee of the other House when the so-called Aldrich-Vreeland bill was framed. With one or two others, I took an exceptional part in framing the bill as it passed the other House. What I wish to emphasize to Senators is that it was strictly and exclusively an emergency measure. The panic of 1907 was fresh in our minds; there were reports of scarcity of currency in certain financial centers; and the report had also come to us that there was a prospect of bumper crops of wheat, at least in the West. We desired to frame a law which we hoped would

not have to be utilized, but which would prevent a recurrence of the conditions of 1907 and would substitute an asset currency or a currency secured by bonds for the makeshifts resorted to in 1907.

The fact, Mr. President, that this was an emergency measure pure and simple appears in every section and almost in every line of the law. Let me call attention to some of its provisions. In the first place, it provides that there must be a national banking association made up of banks "having an unimpaired capital and a surplus of not less than 20 per cent, not less than 10 in number, having an aggregate capital and surplus of at least $5,000,000." Associations of that quality were required to begin with.

One feature which evoked considerable criticism was that there was no opportunity provided for any bank which joined one of these associations to withdraw, so that if a bank became a member its position was irrevocable—it must remain with the association for better or for worse. On consideration, it was not thought best to afford such an opportunity.

The next provision showing the emergency character of the measure is that the bank must have outstanding currency secured by Government bonds "to an amount not less than 40 per cent of its capital stock."

The fact has been referred to briefly by the Senator from North Carolina [Mr. SIMMONS] that the bank asking for circulating notes must also furnish security satisfactory to the board of the association.

Again, it is provided:

> The officers of the association may thereupon, in behalf of such bank, make application to the Comptroller of the Currency for an issue of additional circulating notes to an amount not exceeding 75 per cent of the cash value of the securities or commercial paper so deposited. The Comptroller of the Currency shall immediately transmit such application to the Secretary of the Treasury with such recommendation as he thinks proper, and if, in the judgment of the Secretary of the Treasury, business conditions in the locality demand additional circulation, and if he be satisfied with the character and value of the securities proposed and that a lien in favor of the United States on the securities so deposited and on the assets of the banks composing the association will be amply sufficient for the protection of the United States, he may direct an issue of additional circulating notes to the association, on behalf of such bank, to an amount in his discretion, not, however, exceeding 75 per cent of the cash value of the securities so deposited.

The limit for circulating notes issued on bonds was 90 per cent, but on commercial paper and other securities 75 per cent. There was the further restriction:

> That no national banking association shall be authorized in any event to issue circulating notes based on commercial paper in excess of 30 per cent of its unimpaired capital and surplus.

That, with the restriction requiring banks to issue 40 per cent of their capital in circulating notes based on Government bonds, has been removed by the recent action of the Senate. There is a severe requirement as to commercial paper:

> The term "commercial paper" shall be held to include only notes representing actual commercial transactions which, when accepted by the association, shall bear the names of at least two responsible parties and have not exceeding four months to run.

The next provision is:

> The banks and the assets of all banks belonging to the association shall be jointly and severally liable to the United States for the redemption of such additional circulation.

Still further:

> The association may, at any time, require of any of its constituent banks a deposit of additional securities or commercial paper, or an exchange of the securities already on deposit, to secure such additional circulation.

That is, if the currency association, or the banks composing it, had been allowed to issue circulating notes to the amount of 75 per cent of the commercial paper deposited, and that commercial paper was not satisfactory, they might be required to deposit a further amount.

Section 3 provides for the issuance upon request of individual banks of circulating notes to be secured by bonds not exceeding 90 per cent of the market value of such bonds, but let us notice how carefully that is safeguarded:

> The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept, as security for the additional circulating notes provided for in this section, bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of 10 years, and which for a period of 10 years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and whose net funded indebtedness does not exceed 10 per cent of the valuation of its taxable property, to be ascertained by the last preceding valuation of property for the assessment of taxes.

That is, a bank could not bring municipal, county, or township bonds and offer them as security for notes unless it were made to appear that the political division issuing the bonds had not defaulted in any of its bonded indebtedness for 10 years and, further, that the total amount of its indebtedness was not more than 10 per cent of the last preceding valuation of property for the assessment of taxes. There was a perfect panoply of provisions to prevent the hasty or injudicious issuance of currency on the request of the banks.

I do not recall that at any time in the House the objection was made that the rate of interest or premium was too high; and I may say, Mr. President, that in the committee and in the conference, which was participated in by Senator Aldrich, Senator Allison, Senator Hale, Senator Daniel, Mr. Vreeland, the Senator from Massachusetts [Mr. WEEKS], then a Member of the House, and myself, I alone suggested that the rate of interest or tax upon the notes was too high.

It was not intended to authorize the banks to issue currency according to their own sweet will. It was intended that its provisions should be so severe that only in cases of emergency and in a very exceptional situation would there be any issues of this quality of circulating medium. I do not, in view of this discussion, claim credit for advocating a lower rate of interest or tax upon the notes. I am inclined to the opinion that the others were right, and perhaps I was wrong in insisting that the 5 per cent for the first three months and an additional 1 per cent for each succeeding month until the rate was 10 per cent was too high. That, at least, is true when you consider the purpose and object of the act.

Mr. LEA of Tennessee. Mr. President, may I ask the Senator from Ohio what rate of taxation he proposed in that conference?

Mr. BURTON. I merely advocated a lower rate without specifying any specific figure. The rate provided was 5 per cent for the first month and an additional 1 per cent for each succeeding month until it reached 10 per cent. That was one of the provisions that, so far as our discussion in the conference was concerned, evoked less difference of opinion than almost any other.

Mr. LEA of Tennessee. In view of the present emergency, does the Senator think that 3 per cent for the first three months is too low?

Mr. BURTON. I should be inclined to think that 3 per cent for the first three months and an additional half per cent is sufficient, in view of the fact that this is only a temporary arrangement, and that it is expected that it will be soon superseded by the provisions for the issuance of currency under the Federal reserve act. I should not, however, make it any less than that.

Mr. WEST. Mr. President, I know little about the legislation to which the Senator refers; but, as I understand, the high rate of interest was imposed with a view of forcing the retirement of the currency as early as possible, was it not?

Mr. BURTON. It was imposed for the purpose of forcing its retirement just as soon as possible and, more than that, preventing the issuance of any of this kind of currency unless there was an urgent need for it. No doubt the provisions of the bill were exceedingly stringent, but they were intentionally so; it was not intended that the bill should afford an opportunity for the permanent circulation of this class of paper money at all.

Mr. WEST. Except in cases of extreme emergency.

Mr. BURTON. Only in such a case as that.

Mr. President, the opposition was very fierce in the discussion of the bill, but I am gratified to know that time has vindicated our action. "The stone which the builders refused is become the headstone of the corner." Apparently that is the case now, for the Vreeland-Aldrich law is the refuge on the present occasion.

Mr. President, it seems to me that the increase from 30 per cent to 75 per cent as the limit for which currency may be issued on commercial paper is going to the very extreme, and that we ought not to go any further; indeed, if the operation of the law were not to be temporary I should feel like vigorously opposing the increase to 75 per cent. I concede that just at the present time there is a special occasion to provide for the transition period from the present organization of the national banks and the existing methods for the deposit of their reserves to the new conditions to be created when the Federal reserve banks are organized; but I do not think that for that reason we ought to go too far. Nor do I think we ought to lower the rate of interest or premium below 3 per cent.

I thought, Mr. President, it was desirable to bring to the attention of the Senate a little more clearly than has appeared in this discussion what was the object and intent of the Aldrich-Vreeland Act when it was framed and the functions it was intended to perform. That much-abused measure has been vindicated, although until recently not a dollar was ever issued under it during the years since it has been on the statute books. It has stood as a safeguard against such panic conditions as

occurred in 1907, and might have recurred in some succeeding year. What the business public often need is confidence; and the assurance that a method could be resorted to for obtaining an extra volume of currency of $500,000,000 may have tided us over serious emergencies.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Colorado [Mr. SHAFROTH].

The amendment was rejected.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to further amendment.

Mr. SMITH of Georgia. Mr. President, an amendment was presented by the Senator from North Carolina [Mr. OVERMAN].

The VICE PRESIDENT. It has not been offered as yet.

Mr. OVERMAN. The amendment has been offered, has been printed, and has been read.

Mr. WEST. I should like to hear the amendment read.

Mr. OVERMAN. The amendment has been read. It simply changes one word in the amendment that was adopted here, I think, on the 4th of August. It strikes out the word "three" and inserts in lieu thereof the word "one." That is, it changes the tax on this currency from 3 per cent to 1 per cent for the first three months.

Under the law as it is, the tax is 3 per cent for the first 3 months, and a half per cent every month thereafter until it reaches 6 per cent, which would be in 9 months. This extends it, and makes the same rate of increase as the present law, of 1 per cent for the first 3 months and a half per cent for each succeeding month, until the expiration of 13 months. It only extends the time 4 months. It was 9 months under the original bill, and it is 4 months more under my amendment. It reaches 6 per cent at the end of 13 months. It reduces the tax from 3 per cent to 1 per cent, and extends it from 9 months to 13 months. That is the only change.

Mr. BURTON. Will the Senator from North Carolina yield for a question?

Mr. OVERMAN. Certainly.

Mr. BURTON. Do I understand that the Senator's amendment not only lowers the rate of premium or interest, but also extends the time for the operation of the act?

Mr. OVERMAN. Not the time for the operation of the act. It changes the tax rate from 3 per cent to 1 per cent and leaves it as it is, half a per cent increase each month. Necessarily that would carry it to 13 months. It is 9 months now, beginning with 3 per cent and increasing half a per cent a month, which makes it 6 per cent at the end of 9 months. Under my amendment it is 1 per cent for the first 3 months, with a half per cent for each additional month, which makes it 6 per cent at the end of 13 months.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. OVERMAN. I yield to the Senator.

Mr. VARDAMAN. I wish to ask the Senator from North Carolina if there is any provision made in this bill which would force the banks, if this reduction is made, to give the borrowers the benefit of it?

Mr. OVERMAN. The Senator from Georgia [Mr. SMITH] has introduced an amendment to this amendment, which he will offer at the proper time, I think, to force them to loan it at the rate of 5 or 6 per cent. This amendment does not provide for that. The Senator from Missouri referred to-day to the fact that out of $160,000,000 allotted to the banks of the entire South only $8,000,000 have been taken. It costs about 2 per cent to handle this currency. If the banks can get it at 1 per cent they could loan it, and I believe they would loan it, at 5 per cent, and certainly at not a greater rate than 6 per cent.

As it is now, the borrower gets no benefit of it. This is all in the interest of the banks. I want to give it to them at 1 per cent, so that the banks will loan it to the borrowers at not exceeding 6 per cent.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. OVERMAN. I yield to the Senator from Colorado.

Mr. THOMAS. I should like to inquire of the Senator from North Carolina how any amendment to this act can be enacted that will be effective in fixing a low rate of interest to the borrowers of this money from the banks, unless the same rate of interest is made applicable to all moneys and all loans?

Mr. OVERMAN. We know that this money has been taken by the great cities of New York, Chicago, Kansas City, and so on. The leading cities of the country have taken most of this currency upon bonds at 3 per cent. They can afford to do it.

Mr. THOMAS. Oh, I concede that they can afford to do it. I am not arguing that. What I want to know is, if the amendment offered by the Senator from Georgia becomes a part of the law, how it will be possible to compel the banks that get this currency to lend it upon that rate of interest, being free, of course, to charge whatever the money is worth as to all the rest of their money.

Mr. OVERMAN. That question is not up now.

Mr. THOMAS. It must be up.

Mr. OVERMAN. I only answered that upon an inquiry of the Senator from Mississippi [Mr. VARDAMAN]. The amendment which I propose is an amendment which was discussed here when the Vreeland-Aldrich bill was up, and at that time some of the leading Senators and the best financiers in this country said there ought not to be any tax at all for the first three months. They said: "If this is an emergency currency, if it is for the benefit of the people, why tax it at all? One per cent is enough to pay the expense to the Government of issuing the money, and it is all we ought to have. We ought not to put this tax on it, because, finally, it will come out of the borrower. The only tax that ought to be put on it is enough to pay the expense of issuing the money, and 1 per cent is sufficient for that."

Mr. THOMAS. I can understand very readily—and I have no doubt that was the reason which caused the Congress, when the bill was enacted, to fix this rate of interest—why it was required. This being emergency currency, it should be retired just as soon as the emergency which evoked its issue is over; and the best possible method of securing that result, and securing it automatically, is to place a heavy tax upon the money. Of course, when that is done, as soon as the emergency is over the money automatically flows back to the source of its issue, but without some such tax upon it it would be impossible.

Mr. OVERMAN. Mr. President, under my amendment the same tax is provided, except for the first three months, that is provided under the original Vreeland-Aldrich bill.

Mr. THOMAS. Oh, yes; a change is made only as to this particular amount; but my objection to the Senator's amendment is that it simply presents the bankers of the country who obtain this money with 2 per cent interest, and the man who borrows it does not get any benefit whatever from it. Why should we do that?

Mr. OVERMAN. I think we can trust to the bankers, if they can get this money at a lower rate of interest, to loan it to the farmers at a lower rate of interest than they are loaning it now.

Mr. THOMAS. I think we can trust to the bankers to get out of the money which they loan all that the business itself will justify. That is good banking.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. OVERMAN. I do.

Mr. WEST. I wish to ask a question of the Senator from North Carolina before he takes his seat. It is this: Lending this money at 5 per cent, as was suggested, would disturb the State rate; and how could they have two rates of interest?

Mr. OVERMAN. That question is not up now at all. The question is whether or not we will reduce the tax on this money, which, at last, comes out of the borrowers, from 3 per cent to 1 per cent, and trust to the bankers to loan the money out? That is all.

Mr. WEST. Does the Senator think the bankers would ever disturb the existing State rate?

Mr. OVERMAN. If they loaned at 6 per cent, probably.

Mr. STONE. Mr. President, I should like to ask the Senator from North Carolina and my colleague, who I believe is in charge of this bill, if it would be agreeable to have a short executive session at this time?

Mr. OVERMAN. It would be perfectly agreeable to me.

Mr. LEA of Tennessee. Mr. President, will the Senator from Missouri, before he makes that motion, yield to me to offer two amendments to the pending bill, so that they may be printed?

Mr. STONE. Yes.

The VICE PRESIDENT. The Senator from Missouri made an inquiry of his colleague which the Chair thinks is very appropriate.

Mr. REED. I had hoped that this measure would pass this evening; but in view of the fact that a number of amendments are to be offered it seems to me it will be hopeless, and, so far as I am concerned, I have no objection to an executive session.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. STONE. I have yielded to the Senator.

Mr. LEA of Tennessee. I offer two amendments to the pending bill and ask that they may be printed and lie on the table.

The VICE PRESIDENT. That action will be taken.

Mr. SMITH of Michigan. I offer an amendment to the pending bill, which I ask to have printed and lie on the table.

INTERNATIONAL CONFERENCE ON WORLD'S PRICE OF STAPLES.

Mr. FLETCHER. Mr. President, there is a matter on the calendar about which no controversy at all will arise. Mr. Lubin, the American delegate to the International Institute of Agriculture, is here, and is soon to leave the city. A joint resolution on the subject passed the House and came to the Senate and was reported unanimously by the Commerce Committee and is now on the calendar. I should like to have it taken up and disposed of. It will not take a minute.

Mr. SMOOT. Mr. President, I could not hear the Senator's request.

Mr. FLETCHER. The request is that the Senate take up, out of order, House joint resolution 311, being Order of Business 678, and dispose of it at this time. It is a joint resolution which has passed the House and has been reported unanimously by the Commerce Committee of the Senate. It could be disposed of very soon, and I should like to have it done, because Mr. Lubin, the American delegate, is soon to leave the city, and it ought to be disposed of.

Mr. SMOOT. I will say to the Senator that I have not had a chance to read the resolution, and I do not know what it is. I should like to have the Senator state what it provides.

Mr. FLETCHER. It is a joint resolution instructing Mr. Lubin, the American delegate to the International Institute of Agriculture, to present to the permanent committee of that institute certain resolutions.

Mr. SMOOT. Oh, yes. I will say to the Senator that I have read the joint resolution, and I have no objection at all to it.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. JONES. Let the joint resolution be read.

Mr. STONE. I ask that it may be read.

The VICE PRESIDENT. The Secretary will read the joint resolution, as requested.

The Secretary read the joint resolution (H. J. Res. 311), as follows:

*Resolved, etc.*, That in accordance with the authority for letter (f) of article 9 of the treaty establishing the institute, which provides that it shall "submit to the approval of the Governments, if there be need, measures for the protection of the common interests of farmer" the American delegate to the International Institute of Agriculture is hereby instructed to present (during the 1914 fall sessions) to the permanent committee the following resolutions, to the end that they may be submitted for action at the general assembly in 1915, so as to permit the proposed conference to be held in Rome during the fortnight preceding the session of the general assembly of the institute in 1917:

"RESOLUTIONS.

"The general assembly instructs the International Institute of Agriculture to invite the adhering Governments to participate in an international conference on the subject of steadying the world's price of the staples.

"This conference shall consist of members appointed by each of the Governments adhering to the institute, and is to consider the advisability of formulating a convention for the establishment of a permanent international commerce commission on merchant marine and on ocean freight rates with consultative, deliberative, and advisory powers.

"Said conference to be held in Rome during the fortnight preceding the session of the general assembly of the institute in 1917."

Mr. JONES. Mr. President, what is the necessity for the immediate passage of the resolution?

Mr. FLETCHER. I will say to the Senator that the International Institute meets very soon, and this gives authority to the American delegate to present certain resolutions to them, calling upon their members to join in this conference.

Mr. JONES. If it will lead or have a tendency to lead to the formation of another international commission, I shall object.

Mr. FLETCHER. It is a matter for the International Institue of Agriculture, among its members, to thrash out. It calls for no other commission. It calls for no other step except for the institute to take up this subject.

Mr. JONES. I understood the resolution to contemplate the formation of an international commission.

Mr. FLETCHER. That is a matter that may come after 1917, if it ever comes.

Mr. JONES. Oh, yes. I know how these things come when they get started. They come, surely.

Mr. FLETCHER. I assure the Senator that there is no contemplation here of involving this Government in another commission.

Mr. JONES. I do not think I ought to consent to the passage of the joint resolution to-day.

Mr. FLETCHER. I am very sorry the Senator takes that view.

The VICE PRESIDENT. Objection is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4182) to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor.

The message also announced that the House had passed the bill (S. 4741) for the protection of the water supply of the city of Salt Lake City, Utah, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4976) permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 121) authorizing the Secretary of War to furnish one United States garrison flag to William B. Cushing Camp, No. 30, Sons of Veterans, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 2909. An act to extend the privileges of the seventh section of immediate transportation act to Bay City, Mich.;

H. R. 7025. An act to authorize the Atchison, Topeka & Santa Fe Railway Co. to change its line of railroad through the Chilocco Indian School Reservation, State of Oklahoma;

H. R. 10848. An act to amend an act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892 (27 Stat. L., 52, 53);

H. R. 16510. An act to provide for recognizing the services of certain officers of the Army and Navy late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes;

H. R. 17893. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; and

H. J. Res. 335. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1270. An act for the relief of Edward William Bailey; and

S. 1171. An act for the relief of Samuel Henson.

PETITION AND MEMORIAL.

Mr. JONES presented a petition of the Commercial Club of Seattle, Wash., praying for the enactment of legislation to provide for the leasing of coal lands in Alaska, which was referred to the Committee on Public Lands.

He also presented the memorial of Dr. Edward Buckley, of Cincinnati, Ohio, remonstrating against the purchasing of American collateral held abroad through the medium of Treasury notes issued therefor, which was referred to the Committee on Banking and Currency.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURLEIGH:

A bill (S. 6468) granting an increase of pension to Augustus Crowell; to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATIONS.

Mr. JONES submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 7025. An act to authorize the Atchison, Topeka & Santa Fe Railway Co. to change its line of railroad through the Chilocco Indian School Reservation, State of Oklahoma; and

H. R. 10848. An act to amend an act entitled "An act to provide for the disposition and sale of lands known as the Kla-

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math River Indian Reservation," approved June 17, 1892 (27 Stat. L., pp. 52, 53).

H. R. 2909. An act to extend the privileges of the seventh section of immediate transportation act to Bay City, Mich., was read twice by its title and referred to the Committee on Finance.

H. R. 16510. An act to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 17893. An act to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, was read twice by its title and referred to the Committee on Interstate Commerce.

H. J. Res. 335. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914, was read twice by its title and referred to the Committee on Pensions.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS.

Mr. STONE. I move that the Senate take a recess until to-morrow at 12 o'clock meridian.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m., Wednesday, September 9, 1914) the Senate took a recess until to-morrow, Thursday, September 10, 1914, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate September 9 (legislative day of September 5), 1914.*

UNITED STATES ASSAYER.

James E. Russell, of Deadwood, S. Dak., to be assayer in charge of the United States assay office at Deadwood, S. Dak., in place of Llewellyn P. Jenkins, superseded.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Augustus C. Macomb, Ninth Cavalry, to be colonel from September 2, 1914.

Lieut. Col. Charles H. Grierson, Cavalry, unassigned, to be colonel from September 4, 1914, vice Col. James B. Erwin, unassigned, detailed as adjutant general.

Maj. De Rosey C. Cabell, Eleventh Cavalry, to be lieutenant colonel from September 1, 1914, vice Lieut. Col. Godfrey H. Macdonald, unassigned, retired from active service August 31, 1914.

Maj. Farrand Sayre, Seventh Cavalry, to be lieutenant colonel from September 2, 1914, vice Lieut. Col. Augustus C. Macomb, Ninth Cavalry, advanced to the grade of colonel under an act of Congress approved March 3, 1911.

Maj. Grote Hutcheson, Cavalry, unassigned, to be lieutenant colonel from September 4, 1914, vice Lieut. Col. Charles H. Grierson, unassigned, promoted.

Maj. George O. Cress, Eighth Cavalry, to be lieutenant colonel from September 4, 1914, vice Lieut. Col. George W. Read, unassigned, detailed as adjutant general.

Capt. John W. Furlong, Sixth Cavalry, to be major from September 1, 1914, vice Maj. De Rosey C. Cabell, Eleventh Cavalry, promoted.

Capt. Robert J. Fleming, Tenth Cavalry, to be major from September 1, 1914, vice Maj. Lawrence J. Fleming, Fifth Cavalry, detailed in the Quartermaster Corps.

Capt. Edwin B. Winans, Fourth Cavalry, to be major from September 2, 1914, vice Maj. Farrand Sayre, Seventh Cavalry, promoted.

Capt. William T. Johnston, Fifteenth Cavalry, to be major from September 4, 1914, vice Maj. Grote Hutcheson, unassigned, promoted.

Capt. Harold P. Howard, Fourteenth Cavalry, to be major from September 4, 1914, vice Maj. George O. Cress, Eighth Cavalry, promoted.

First Lieut. Kyle Rucker, Fourteenth Cavalry, to be captain from September 1, 1914, vice Capt. John W. Furlong, Sixth Cavalry, promoted.

First Lieut. Ralph C. Caldwell, Sixth Cavalry, to be captain from September 1, 1914, vice Capt. Robert J. Fleming, Tenth Cavalry, promoted.

First Lieut. George M. Lee, Third Cavalry, to be captain from September 2, 1914, vice Capt. Edwin B. Winans, Fourth Cavalry, promoted.

First Lieut. Eben Swift, jr., Eleventh Cavalry, to be captain from September 4, 1914, vice Capt. William T. Johnston, Fifteenth Cavalry, promoted.

First Lieut. Henry S. Terrell, Tenth Cavalry, to be captain from September 4, 1914, vice Capt. Harold P. Howard, Fourteenth Cavalry, promoted.

Second Lieut. William R. Henry, Fourteenth Cavalry, to be first lieutenant from September 1, 1914, vice First Lieut. Ralph C. Caldwell, Sixth Cavalry, promoted.

Second Lieut. George F. Patten, Thirteenth Cavalry, to be first lieutenant from September 2, 1914, vice First Lieut. George M. Lee, Third Cavalry, promoted.

Second Lieut. Robert M. Cheney, Fourth Cavalry, to be first lieutenant from September 4, 1914, vice First Lieut. Eben Swift, jr., Eleventh Cavalry, promoted.

Second Lieut. Lawrence W. McIntosh, Third Cavalry, to be first lieutenant from September 4, 1914, vice First Lieut. Henry S. Terrell, Tenth Cavalry, promoted.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate September 9 (legislative day of September 5), 1914.*

SURVEYOR GENERAL OF NEVADA.

John B. O'Sullivan to be surveyor general of Nevada.

POSTMASTERS.

CALIFORNIA.

Willard Wells, Eureka.

MINNESOTA.

Patrick McCabe, Proctor.

PENNSYLVANIA.

Clyde S. Yothers, Mount Pleasant.

WISCONSIN.

H. Meisner, Wittenberg.

# HOUSE OF REPRESENTATIVES.

## WEDNESDAY, *September 9, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Father soul, whose love is ever going out to Thy children and always responsive to their appeals for the better life in Thee, incline our hearts to do Thy will and prepare us, as a people, to respond with all our souls to our President's holy proclamation that the prayers of a Nation may bring peace to the warring peoples; that the appalling waste of life, the sorrowing and suffering which follow in its wake, may cease, and peace once more smile upon all the world.

Hail with song that glorious era
When the sword shall gather rust
And the helmet, lance, and falchion
Sleep at last in silent dust.

And everlasting praise be Thine, in Christ the Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MERCHANT VESSELS IN THE FOREIGN TRADE OF THE UNITED STATES.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent to file minority views on H. R. 18666 within five days. (H. Rept. 1149, pt. 2.)

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to file the minority views on the bill H. R. 18666 within five legislative days. Is there objection? [After a pause.] The Chair hears none.

WILLIAM ARMON.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to discharge the Committee on Invalid Pensions from the further consideration of House joint resolution 339, to correct an error, and to consider the same at this time.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

House joint resolution 339.

(To correct an error in H. R. 12914.)

Whereas by an error in printing the report of the House Committee on Invalid Pensions upon H. R. 12914, approved July 21, 1914 (Private, No. 86), the designation of the military service of one William Armon, late of Company D Fiftieth Regiment Wisconsin Volunteer Infantry, was changed to read "William Armon, Company D, Fifth Wisconsin Volunteer Infantry": Therefore be it

*Resolved, etc.*, That the paragraph in H. R. 12914, approved July 21, 1914 (Private, No. 86), granting an increase of pension to one William Armon, be corrected to read as follows:

"The name of William Armon, late of Company D, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Invalid Pensions from the further consideration of joint resolution 339 and consider the same now. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

ORDER OF BUSINESS.

Mr. HUMPHREY of Washington. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-seven Members are present, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Aiken | Fess | Knowland, J. R. | Sabath |
| Anthony | Finley | Korbly | Saunders |
| Ashbrook | FitzHenry | Langley | Scully |
| Austin | Flood | Lazaro | Shackleford |
| Barchfeld | Floyd | L'Engle | Shreve |
| Bartlett | Gallagher | Levy | Slemp |
| Beall | George | Lewis, Md. | Smith, Md. |
| Bell, Ga. | Gerry | Lewis, Pa. | Smith, N. Y. |
| Broussard | Gittins | Lindquist | Steenerson |
| Brown, N. Y. | Goldfogle | Linthicum | Stout |
| Browning | Gorman | Loft | Stringer |
| Buchanan, Tex. | Graham, Ill. | McAndrews | Sumners |
| Byrnes, S. C. | Graham, Pa. | McGillicuddy | Sutherland |
| Calder | Greene, Vt. | McGuire, Okla. | Switzer |
| Carew | Griest | Mahan | Tavenner |
| Carlin | Gudger | Maher | Thomson, Ill. |
| Carr | Guernsey | Manahan | Treadway |
| Clark, Fla. | Hamill | Martin | Underhill |
| Connolly, Iowa | Hensley | Merritt | Vare |
| Conley | Hinds | Metz | Volstead |
| Covington | Hoxworth | Morgan, La. | Walters |
| Crisp | Hughes, W. Va. | Murdock | Watkins |
| Dixon | Humphreys, Miss. | Nelson | Webb |
| Dooling | Jones | Palmer | Whaley |
| Doughton | Kahn | Parker | Wilson, N. Y. |
| Dunn | Kelley, Mich. | Patten, N. Y. | Winslow |
| Dupré | Kennedy, Conn. | Peters | Woodruff |
| Elder | Kent. | Powers | |
| Estopinal | Kindel | Rainey | |
| Faison | Kinkead, N. J. | Rupley | |

The SPEAKER. On this roll call 313 Members answered to their names, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

CALENDAR WEDNESDAY—CODIFICATION OF PRINTING LAWS.

The SPEAKER. This is Calendar Wednesday, and under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15902, and the gentleman from North Carolina [Mr. PAGE] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15902, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15902, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15902) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

The CHAIRMAN. There is an amendment pending, offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, the amendment was pending when the House adjourned on Wednesday last; but as there is a larger attendance this morning and the matter is not thoroughly understood, I ask unanimous consent that 10 minutes' debate on the amendment be allowed on each side.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that there may be 10 minutes' debate on the pending amendment on each side, 10 minutes to be controlled by himself and 10 minutes by the gentleman from Indiana [Mr. BARNHART]. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE. Mr. Chairman, those Members of the House who are interested will find the question under consideration by reference to page 20 of the bill to amend, revise, and codify the laws relating to the public printing and binding, and so forth. It was proposed by the gentleman from Washington [Mr. JOHNSON] in an amendment offered by him that the word "job" should be stricken out of line 24, thus leaving compositors relatively the same as printers and advancing printers to the classification of compositors. It was a technical amendment, involving a technical proposition, and in order to get over the technicality my amendment was offered to strike out the numerals "50," in line 22, and insert the numerals "55." The effect of this amendment would be that printers and bookbinders would be lifted to 55 cents an hour, the same as compositors, imposers, pressmen, marblers, and bookbinder machine operators, who now receive 55 cents per hour. The object was to equalize the pay in the Government Printing Office for relatively the same kind of work.

Mr. GORDON. Mr. Chairman, will the gentleman permit a question?

Mr. MOORE. A brief question.

Mr. GORDON. How does the gentleman's proposed amendment to fix the pay compare with the pay received generally for the same character of work outside?

Mr. MOORE. It is generally known that the pay in the Government Printing Office is better in some respects than it is elsewhere.

Mr. GORDON. How does it compare?

Mr. MOORE. It is higher than in some other places.

Mr. GORDON. How much?

Mr. MOORE. It varies. In one city it is so much and in another city it is so much, but in the Government Printing Office we pay 50 and 55 cents per hour. The Government Printing Office employees, however, are subject to a higher cost of living here than elsewhere, and they receive less per hour than is paid in some of the private establishments in the District of Columbia. This is in answer to the question put by the gentleman from Ohio [Mr. GORDON].

The Government Printing Office employee is necessarily put to a higher living expense in Washington than he is in his home city. In the first place, he has to move here. He has to move back. If there is sickness at home he has to pay the transportation cost. If there is a burial of a member of his family he has to carry the body home. All this adds to his expense; in addition, every item in the cost of living here—grocery bills, doctors' bills, and all that sort of thing—is higher than it would be in the city from which he came.

Mr. FARR. May I say to the gentleman that that compensation is not as great as in many of the large cities of the country?

Mr. MOORE. That is true. The information as to the wages of printers given by the gentleman from Indiana [Mr. BARNHART] the other day I find is misleading. He did not have the accurate figures in regard to the pay of printers in Philadelphia. As to the pay of printers in Baltimore, I have not had time to inquire. Now, Mr. Chairman, if we differentiate as between a printer and a compositor, as proposed in this bill, and give to one 50 cents and to the other 55 cents an hour, we really punish certain men who stand on all fours with others in the Government Printing Office by a mere matter of designation.

This is the inequality which the amendment seeks to avoid. A printer and a compositor are substantially the same, and the bookbinder, pressman, and so forth, pass the work along. To put the compositor in one class—he is a printer—and make him a "job" compositor and to fix his rate at 55 cents an hour simply gives a preference to a special class of men who, after all, do the same kind of work as the others.

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. MOORE. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. MOORE. I can not yield to the gentleman. I yield to the gentleman from Washington [Mr. JOHNSON].

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The CHAIRMAN. The gentleman from Washington [Mr. JOHNSON] is recognized for four minutes.

Mr. JOHNSON of Washington. Mr. Chairman, one week ago I went into the technical side of this question very carefully. At that time I introduced an amendment, the point of which is, I think, more fully covered by the amendment of the gentleman from Pennsylvania [Mr. MOORE], inasmuch as his amendment cares for the bookbinders as well as the printers. I desire to call attention to these two full sheets of this Book of Estimates for employees in the Government Printing Office. There are one hundred and fifty or more classifications, and there appears to be no printers whatever. I can not find them in the list. Compositors, imposers, makers-up, machinist-operators, but no printers.

Now, I have made an estimate of the cost of printing at the down-town newspaper offices in the city of Washington. The scale of pay in the city of Washington in the newspaper offices for all grades of printers, including compositors, day rate, is $4.25 for a day of seven hours, with 86 cents per hour in excess of seven hours. Just think of that for a day rate down town as compared with the rate of 50 cents an hour in the Government Printing Office! The Government printers are underpaid 25 cents a day. The night scale for all printers, including compositors, in the down-town offices in the city of Washington is $4.66 for seven hours and 90 cents an hour for all time in excess of seven hours.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. MOORE. That is to say, a job compositor, or printer, in a private office in the District of Columbia receives higher pay than the Government employees in the Government Printing Office?

Mr. JOHNSON of Washington. Yes.

Mr. GORDON. Does that include the pay of the editors and managers?

Mr. JOHNSON of Washington. Oh, no; only printers. In this case—that is, down town—they are union printers, and the Government Printing Office is an open shop, with union men predominating.

Now, note this: In the Government Printing Office, an all-around printer must be a master of all branches of the trades mentioned in the list, and he must have served a four-years' apprenticeship. Mr. Chairman, in this bill they are putting master printers at the bottom of the list, while a young man who can go to a linotype school seven or eight months and learn to operate a linotype machine can earn more money than the old-fashioned all-around printer of the Benjamin Franklin school, who does all kinds of hard work in the Government Printing Office now.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Georgia?

Mr. JOHNSON of Washington. In just a moment. On pages 70 and 72 of the committee hearings you will find this statement of the Public Printer in regard to the work of the Government Printing Office and the work outside, showing that the character of work done outside of the Government Printing Office differs greatly from what is required there. For instance, Mr. Ford says:

> The character of the work outside of the Government Printing Office differs greatly. If a first-class printer should come into the Government Printing Office it would take him quite a while to master the style of the Government Printing Office. It has a style of its own, and the character of its work is entirely different from anything done outside, and it means that none but high-class men can work in the Government Printing Office. The Government Printing Office, in my estimation, needs the high-class men. Following out that argument, I am of the opinion that they should receive a little more than is paid on the outside.

And again, he says, on page 72:

> The amount estimated that would carry those increases, if given, I believe was somewhere in the neighborhood of $90,000 per year. Capt. Chisholm has just brought to my mind the fact that the figures as printed in the statistics are taken from the prevailing union scale of cities. As Capt. Chisholm says, the printer, for instance, in the jurisdiction of the union in which I worked previous to coming to Washington, worked under a union scale of $27 per week. We had at least nine men who received beyond that scale, because of the character of the work. They have a force of 15 men on the floor. The union fixes a minimum rate. That is what these figures are. That is the minimum rate. If these figures are made up from that minimum rate it is not a fair comparison as to the general wage paid in the trade. At least I do not think so. That is the minimum.

Thus it is seen that the work in the Government Printing Office is more intricate, delicate, and hard as compared with the work in the down-town newspaper offices in this city and in other cities of the country. Also, it is clear that the general minimum scale does not offer a true comparison.

Now I yield to the gentleman from Georgia.

Mr. TRIBBLE. Granting what the gentleman from Washington has said is true, I wish to ask the gentleman to explain why it is that private printing offices in Washington, D. C., will publish speeches for Members of Congress more cheaply than the Public Printer will?

Mr. JOHNSON of Washington. Because the down-town offices are job-printing shops. I will say, Mr. Chairman, that in any private printing office the owner of the shop allows himself, under the union plan, a wage of $24 a week—a minimum wage. Also, he will cut the price very close in making a bid for such work. This great Government office over here is not a job-printing office at all. The designation "job printer" is a misnomer there, as a matter of fact.

I will say frankly that although I have not printed for 25 years or more, yet if I could get the indorsement of a few good Democratic Members of Congress I could no doubt get a position in the Government Printing Office as a job compositor at 55 cents an hour, and I could set a standard title, like that printed on all these reports and documents, and I could make good in that line of work. But if I got a job as printer and worked on the "bank" or behind a Monotype machine I would probably be dismissed inside of eight hours. That is all there is to it. The all-around, good men are the underpaid men now. All are experts; all deserve all the pay they receive.

Mr. Chairman, I yield back to the gentleman from Pennsylvania [Mr. MOORE] the balance of my time.

The CHAIRMAN. The gentleman from Washington yields back two minutes.

Mr. BARNHART. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. HOWARD].

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] is recognized for three minutes.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I am opposed to the amendment offered to this particular section. If there ever was a time in the history of our country when salaries of all officers, from United States Senators down to almost the humblest officeholder in this country, ought to be reduced, that time is now.

And if I had the power to do it, instead of passing an additional revenue measure to raise money to carry on the expenses of the operation of this Government, I would introduce a substitute to take out of the salary of every officeholder from the President of the United States down to a $1,500 officeholder 10 per cent of his salary. [Applause.] That is what I would do.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. HOWARD. I have only a little time.

Mr. LA FOLLETTE. How much would you reduce the pay of Congressmen?

Mr. HOWARD. I would reduce it 10 per cent.

Mr. LA FOLLETTE. That is not enough to reduce the pay of some of them. [Laughter.]

Mr. HOWARD. I will say to the gentleman from Washington that the Pennsylvania Railroad Co. can lay off 20,000 men if that company is in distress, but the people of the United States have to go on paying this army of officeholders in this country good salaries. The cotton farmers in my section to-day are hauling cotton to town and can not sell it, but you are talking of paying a lot of Government Printing Office fellows here 55 cents an hour when the farmers and laborers in my district would be glad to get 20 cents.

This is no time to increase salaries. They do not deserve the increase. They get better pay now than the average union printer in this country; and to say that the Government officials of this country are going to be made a dumping ground for high salaries—it is time for this Congress to stop it. There is no merit in it, in the present condition of affairs, and it ought not to pass, and I hope that every man here will vote against it.

Mr. JOHNSON of Washington. Do you think that the expert printers in the Government Printing Office ought to receive less wages than bricklayers receive?

Mr. HOWARD. I do not know whether they do any more work than a bricklayer, and they are no more expert than bricklayers. If the job does not suit them, let them get out; there are plenty of printers in my district to take their jobs. But when did you ever hear of any Government employee getting out?

Mr. JOHNSON of Washington. Many times.

Mr. HOWARD. When a Government employee gets hold of the Government teat, he sticks there until the cows come home. You never hear of one of them quitting the job. If they do not want to work for 50 cents an hour, let them get out. If you do not want to work for $7,500 a year, then quit your job. Nobody is asking you to stay on it. The people would probably be glad of it if some of us quit, from the evidences of certain things I have seen done here recently.

Mr. LA FOLLETTE. Will the gentleman yield for another question?

Mr. HOWARD. If you will be quick about it.

Mr. LA FOLLETTE. You do not mean they stick until the cows come home, but until the cow goes dry.

Mr. HOWARD. They will hold to it until another cow comes in to take the place of the one they had. You need not bother about any Government employee quitting his job. They will always hold on to them, and they will always tell you Members of Congress "If you do not raise my salary I can not live." And yet all those with whom I have come into contact are pretty healthy specimens for men who were starving to death. There is no merit in this amendment, and I hope it will be defeated. [Applause.]

Mr. MOORE. Mr. Chairman, how much time is left on each side?

The CHAIRMAN. There are two minutes remaining to the gentleman from Pennsylvania and seven minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. MOORE. Will the gentleman from Indiana use some of his time now, or will he consent to additional time? There are a number of gentlemen who are anxious to speak on this question.

Mr. BARNHART. There will be other opportunities to speak. There will probably be other amendments, and I trust the gentleman will not ask for additional time on this one. There will be only one more speech on this side. I retain the right to close the debate, of course.

The CHAIRMAN. There are two minutes remaining to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman——

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. MOORE. I can not yield.

Mr. O'SHAUNESSY. I merely want to get some information before the House.

The CHAIRMAN. The gentleman from Pennsylvania declines to yield.

Mr. MOORE. Mr. Chairman, I would like to have my full two minutes from now.

The CHAIRMAN. The gentleman has two minutes.

Mr. MOORE. Now I yield to the gentleman from Rhode Island for a question only.

Mr. O'SHAUNESSY. I want to find out how many men this affects and what the expense will be. I have not heard any statement about that.

Mr. MOORE. It will affect a little more than 500 men, but I am quite sure the gentleman from Indiana [Mr. BARNHART] is going to deal with that phase of the question. With me it is not a question of how many men it affects; the more the better. If they are not being properly paid, they ought to be properly paid, and instead of wasting the Government money on great projects into which the Government ought not to go, we had better pay the employees of the Government a sufficient wage to enable them to live decently in the city of Washington and elsewhere.

Mr. O'SHAUNESSY. I agree with the gentleman from Pennsylvania.

Mr. MOORE. I am much obliged to the gentleman. I thought he would. The men who are engaged in the Government Printing Office are high-grade workmen. What the gentleman from Georgia [Mr. HOWARD] said about them a moment ago is lamentable from the point of view of a man who wants to encourage skilled labor. It is true that bricklayers in Washington receive more wages per hour than the men in the Government Printing Office, and carpenters also. Yet we depend upon these men down there in the Government Printing Office every day in our lives to get the work done which is necessary for the proper conduct of legislation. It will be said by the gentleman from Indiana [Mr. BARNHART] that these men get 30 days' leave. That is not so. They get 26 days' leave, for the Sundays are included. It will also be said by the gentleman that they have regular work all the year. Sometimes that is not so, because occasionally some of these men are laid off. There are periods of depression even in the Government Printing Office that play havoc with "the life job" that the gentleman from Indiana spoke about. They work Sundays, too, and at night, and yet, it appears, they do not receive for that extra work what is received by employees of private publishers in the District of Columbia. I would rather—and I state this with some feeling, Mr. Chairman—I would much rather, when it comes to voting the money of this Government to vote it so that it may be expended in the United States to improve the standard of living here than to risk it on railroads in Alaska, or spend it on foreign ships for the benefit of foreign labor. The gentleman from Indiana may cite some American cities where wages paid are less than in the Government Printing Office. I wish he would cite some foreign countries where the wages paid to job compositors are as one to three or four of those paid in the United States.

I wish the gentleman from Indiana would give us more time to discuss this question. Questions of wages arise when the campaign is on, but gentlemen get weak-kneed and show little interest in the scale when party responsibility puts them up against the problem of economy or party mismanagement. [Applause on the Republican side.]

Mr. BARNHART. Mr. Chairman, I want to disagree with some of the extravagant statements made by the gentleman from Pennsylvania [Mr. MOORE], likewise with some of the extravagant statements made by the gentleman from Georgia [Mr. HOWARD]. If I can have your attention a few minutes, I would like to make a plain statement of this business proposition as it exists. The committee has taken the report of the Department of Labor as its basis of the wage scale. In my statement last Wednesday I called attention to the wages of these printers. I call attention, in answer to the interrogatory of the gentleman from Rhode Island [Mr. O'SHAUNESSY], as to the number of men who would be affected by this amendment—that it will affect 628 men, increasing their wages $82,296. This wage scale is made up from a report of the union scale of wages by the United States Department of Labor, of May 15, 1913, and the opening paragraph of this report says:

> The union scale, as the term is here used, is a definite statement of wages and hours of labor agreed to by employer and organization of union men, and under which union men actually are working.

Now, Mr. Chairman, I want to call attention of the gentleman from Pennsylvania to the fact that the finishers and compositors, whose wages it would affect by increasing them 5 cents an hour, are receiving in the city of Philadelphia, his home city, 45.08 cents an hour.

Mr. JOHNSON of Washington. What class of labor is that?

Mr. BARNHART. First-class finishers. The plain finishers get 39.58, and the fancy finishers 45.08.

Mr. JOHNSON of Washington. And the bonus.

Mr. BARNHART. The report does not show any bonus.

Mr. MOORE. From what is the gentleman reading?

Mr. BARNHART. I say that the wage scale for plain finishers in Philadelphia is 39.58 and fancy finishers—we do not have any fancy finishers in the Government Printing Office. The compositors in Philadelphia receive 37.50, or, I believe, now 39.58, per hour, as I hear it has been recently increased.

Now, the gentleman may cite larger cities, where expenses are higher and where they pay more, and yet he proposes that we increase the wages from 50 cents to 55 cents. I submit as a business proposition—while I would like to see every workman in this Nation get every dollar he can—I think it ought to be decided as a business proposition. The men in the Government Printing Office are receiving the highest rate of wages, with five exceptions, in the United States, and they are western cities. The gentleman from Washington has a city, I think, that pays more than any other city in the United States in union wage scale.

Now, as I say, these men in the Government Printing Office get the highest rate of wages and 30 days' leave of absence at full pay, or will under the provisions of this bill. They also have hospital facilities the like of which does not exist anywhere else in the United States. Besides, they have practically a lifetime job; their job is secure in storm and sunshine, in panic and whatnot. And they have the facilities that other printers do not have.

In reference to what the gentleman said about the Public Printer recommending this increase, he did. And then he urged, as a climax, the increase of his own salary.

Gentlemen, there is no disposition on the part of the committee to oppose a fair increase of wages, but these men, as the committee see it, are given more than a wage scale, based on the report of the Department of Labor, which is presided over, as everyone knows, by one of the best friends of union labor in the country.

Mr. MOORE. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. MOORE. The gentleman has been using the Department of Labor figures regarding the Philadelphia wage scale; will the gentleman permit me to state what the rate is?

Mr. BARNHART. The gentleman has made his speech, and I can not yield further. Now, the gentleman from Washington referred to the job printers. The men to whom he refers are newspaper-office printers. They are job and poster men; they set up the illustrated advertisements, and they work at handwork altogether. The job printers in the Printing Office, 60 in number, do fancy work and card printing, but the other com-

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positors that you propose to raise from 50 to 55 cents are a class of workmen who do straight work, or work on copy that is unintelligible, or in instances where the machines can not be used.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. JOHNSON of Washington. Is it not a fact that any printer in the Government Printing Office detailed to do the work under any class mentioned in the bill in any other department could not receive more than 50 cents?

Mr. BARNHART. No; I should say that is not the fact. I want now to quote from the reports of the officers of the International Typographical Union of the sixtieth session, which was held recently, for they give a table here which will be interesting to all of us. The average earnings per member of the members of the Typographical Union in the United States in 1909 was $897; in 1910 it was $953; in 1911, $974; in 1912, $992——

The CHAIRMAN. The time of the gentleman from Indiana has expired. All time has expired.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent that I may have half a minute to finish this table.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for half a minute. Is there objection?

There was no objection.

Mr. BARNHART. In 1913 the average earning per member was $1,023, and in 1914, $1,042. The average earning of a printer in the Government Printing Office is $1,248, and he gets 30 days leave of absence with full pay and all of these other advantages besides.

Mr. BUCHANAN of Illinois. Mr. Chairman, in view of the statement which the gentleman from Indiana made when the time had expired, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Chairman, I want to say that the comparison made by the gentleman from Indiana in regard to the average wages in the Government Printing Office and the average wages of all of the printers throughout the country is absolutely unfair, and if his whole argument is as unfair and as misleading as that there is nothing to the argument whatever. You may take any printing establishment in the country and find that the average annual earning of the men working in that establishment will be even higher than it is in the Government Printing Office. Therefore I wish to state that such a comparison should have no weight with anyone in voting upon this question.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE) there were—ayes 90, noes 43.

Mr. BARNHART. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. BARNHART and Mr. MOORE to act as tellers.

The committee again divided; and the tellers reported—ayes 105, noes 41.

So the amendment was agreed to.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 20, line 24, strike out the word "pressmen," and in line 2, page 21, strike out the words "in charge."

Mr. BUCHANAN of Illinois. Mr. Chairman, the effect of this amendment will be to increase the wages paid to pressmen from 55 cents to 60 cents an hour. Of course, the same arguments will be made against this that gentlemen usually make against any effort that is being made to get the compensation of the working people to where it should be, in view of the present prices in the city of Washington, especially at this time, when we have war prices to pay. It will be said that this is more than the union scale throughout the country, which no doubt is true; but I want to say that much more than the union scale provided for is usually paid. The distinction between a union scale in regard to an employer and the scale fixed in the bill for the Government to pay is that when the Government fixes the scale it makes a maximum price, but when the union agrees with an employer upon a certain scale a minimum price is fixed, and very often much more than that price is paid, and that applies especially to pressmen. The work of a pressman is very skilled. It is necessary that he understand machinery. It is admitted to be a skilled trade, and the conditions have been such that pressmen of high skill who have been working for the Government have resigned their positions in order to work for private individuals or corporations.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN of Illinois. Not at this time. To bear out my position I want to read part of a statement that is in the hearings. It is in the testimony of Mr. McFarland, who is an expert foreman in the Printing Office, and I want to read what he says about the matter. It is as follows:

Mr. GECKLER. Mr. McFarland, I wish to ask you, is it not a fact that some of the pressmen at the Government Printing Office get 60 cents an hour?

Mr. MCFARLAND. Yes; that is carried in the pay roll.

Mr. GECKLER. I want to ask you what you think about a 60-cent flat rate for the pressmen in the Government Printing Office?

Mr. MCFARLAND. It is my opinion, and I have advocated it for some years, that there should be a flat rate that would permit of greater flexibility in handling the affairs of the office, and it would be less expensive to the Government in the accounting system. I have advocated that for a long time. It enables the foreman to take a man off one machine and put him on another machine at the same price. You do not have to keep tab on it, and that tab does not have to go to the accountant and bookkeeper, and so on up. It would be better.

The CHAIRMAN. Now, Mr. McFarland just there; sometimes a man is taken off one press with which he is familiar and placed on another press with which he is not familiar. That is done sometimes, is it not?

Mr. MCFARLAND. I do it every day, and I am doing it. I hope I always will do it. I have men that do not know how to handle one machine, and it is to my advantage and to the advantage of the office and to that man that I break him in.

Mr. GECKLER. Mr. McFarland, I desire to ask you a question in regard to many good men leaving the Government Printing Office in the last few years. Have you not lost some good men?

Mr. MCFARLAND. Frequently good men resign. Our men are all good, but, like whisky, some are better.

Mr. GECKLER. They go to take better positions?

Mr. MCFARLAND. Invariably. Some go to the Curtis people over in Philadelphia. Some go to Horace Macfarland, up in Harrisburg. Some go to the New York Journal, and so on.

The fact is that the information brought out in these hearings demonstrates to me that it is of interest to the Government Printing Office and they will get more work done and better work done by increasing the pay of the pressmen. They have increased their efficiency from time to time, and they have increased their productive power from time to time, due to new methods and greater efficiency. I think it is only fair that the wages of the pressmen should be equalized and this increase be given.

Mr. GORDON. Mr. Chairman, I think this trading off of public money for votes has reached the point of almost a public scandal and disgrace. Gentlemen stand up here and advocate an increase in wages for Government employees that is away above and beyond what private concerns in the same business pay. The gentleman who just took his seat, who is a loyal union-labor man, I think—he always votes for everything that they ask for—himself admits that this scale that he proposes is higher than the union scale. We have just adopted an amendment offered by the gentleman from Pennsylvania [Mr. MOORE], who is performing here near his constituents, in the limelight, and he is forced to admit that the wages paid in Philadelphia are 37 cents an hour, although in this House he votes to pay these people 55 cents an hour.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. GORDON. I will not yield.

Now, Mr. Chairman, it is all nice enough to make presents out of the Public Treasury, but I think it has gone about far enough. I think decent men ought to stop and think before they continue to grant increases in salaries and vote out public money without regard to merit or what is just and fair. I do not believe there is a man in this House who thinks Mr. BARNHART, chairman of this committee, who is himself a practical printer and a practical newspaper man of many years' experience, would bring in a report here that was unjust to any Government employee. There is not a man here who believes any such thing as that. It is simply pandering to these different organizations for votes, to obtain their favor by voting away the public money. Now, that is my opinion about this proposition. [Applause.]

Mr. GILL. Mr. Chairman, I am actuated to rise at this time to give voice to the sentiments that I have, owing to the remark of the gentleman who has just taken his seat, in which he has offered as an argument that pressmen's wages were high enough; that he was tired of listening to men on this floor advocating an increased pay for the avowed purpose of vote baiting. I believe the union-labor people he speaks of in this country have done more to uplift the American people than any other agency in the United States. The gentleman speaks of 37½ cents an hour. Figuring up eight hours in a day, that means $3 a day. Three dollars a day in this country, with about one-third lost time, would average a wage of $2 per day. The chairman of the committee himself mentioned a while ago that the average wage as given by the figures was $2.42 a day in this country. I say to you, gentlemen, it is my honest con-

viction that a father can not maintain a family respectably on $2.50 a day with the prices that are now ruling in this country. [Applause.] Let us be fair in this matter.

Mr. DIES. Will the gentleman yield for a question?

Mr. GILL. Yes, sir.

Mr. DIES. I would like to know of the gentleman from Missouri, if that is true, how the great body of agriculturists and the great body of day laborers, those who stand at the bottom of the fabric of this Government, can maintain themselves if they can not do it on $2.50 a day?

Mr. GILL. I concede to the great agriculturists that which is due them. They are a brave and noble people, but they are no braver than those who fight the battles to give the working people of this Government a greater purchasing power in order that they may live respectably. [Applause.] The agriculturist is working under an entirely different economic base from that of the workingman in an industrial center. The farm laborer, no matter how low his wage is, is always in close contact with the three primals of human society, namely, food, clothing, and shelter, whereas the workingman in an industrial center is always in doubt and fear of having any one of the three, and rarely all of them at once.

Mr. CARAWAY. Will the gentleman yield?

Mr. GILL. I will.

Mr. CARAWAY. What does the gentleman mean by respectably? What does the gentleman mean by that term?

Mr. GILL. I mean this, that they are entitled to a home, they are entitled to own that home, they are entitled to a purchasing power that will keep that home——

Mr. CARAWAY. That does not mean respectably. What does the gentleman mean by respectably?

Mr. GILL. I mean it is to keep his family and home respectably—it is to keep them in clothing and food and to send them to school and to keep them out of the factories long enough to give them an average education—those are the things I mean, and a father can not do that with five children on $2.40 a day, in my judgment.

Mr. GORDON. Will the gentleman yield?

Mr. GILL. I will.

Mr. GORDON. The rate the gentleman is discussing is not $2.50. The lowest is 50 cents an hour.

Mr. GILL. I am taking the figures offered by the chairman of this committee.

Mr. GORDON. The gentleman is not quoting him correctly.

Mr. GILL. Yes; I am quoting the figures he gave.

Mr. BARNHART. I insist that the gentleman has gone far from the facts. Fifty cents an hour is the lowest rate quoted in this bill anywhere.

Mr. GILL. I am not speaking of the bill, I am speaking of the gentleman's statement when he quoted some figures a while ago and he gave as an average annual wage $897. I know men in this country who belong to crafts that are making $6 and $7 when they are working, but they do not always work. Now, the great trouble in this country, in my judgment, is not with the trade-unionists, it is not with the workmen of this country, but it is with those lawyers who are sitting in the legislative bodies of this Nation yielding to political importunities, constructing machines to further their own ends politically.

You take the great railroads of this country to-day, gentlemen. It is not the workman as a general thing who is complaining against his employer. The trade unionist looks upon the employer as his friend. It is not the union-labor men who are causing trouble with our railroads and other great industries. I firmly believe, as I said a while ago, it is the other fellow. This increase in the wages of these men is not so great an increase, it is only 40 cents a day, and whenever I see an opportunity to give a workman an increase in the purchasing power that will enable him to live better, I am going to vote that way. [Applause.]

In answer to the specific question of the gentleman from Texas [Mr. DIES], how the day laborers, "those who stand at the bottom of the fabric of this Government" can maintain themselves on $2.50 per day, I would reply that if he were to examine closely into the actual facts of each particular case where the wage was $2.50 per day, he would find that in case of the head of a family receiving $2.50 per day only he would be compelled to call in the assistance of other members of his family group to help him carry the burden of its maintenance and support with existing high prices. Now, as a matter of fact, the average day laborer in our industrial centers, from the reports gathered by our own congressional committees, is not $2.50 per day, and does not nearly approximate that figure—is far below it.

[Mr. DIES addressed the committee. See Appendix.]

Mr. BARNHART. Mr. Chairman, does the gentleman from Pennsylvania [Mr. MOORE] want to use some time?

Mr. MOORE. I want to speak against the motion of the gentleman from Texas [Mr. DIES].

Mr. BARNHART. Mr. Chairman, I ask unanimous consent that all debate upon this amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] asks unanimous consent that all debate on this amendment close in 10 minutes. Is there objection?

Mr. BUCHANAN of Illinois. Reserving the right to object, Mr. Chairman, do I understand the gentleman from Pennsylvania [Mr. MOORE] to say that he will speak in opposition to the amendment?

Mr. MOORE. In opposition to the amendment of the gentleman from Texas [Mr. DIES].

Mr. BARNHART. The gentleman from Texas moved to strike out the last word.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. Mr. Chairman, I think there is no more entertaining speaker in this House than the gentleman from Texas [Mr. DIES], and taking his point of view he is as strong and virile a friend of the farmer as any, and the Lord knows this House is full of "farmers' friends." Sometimes we hear of the "laborers' friend," and sometimes we are criticized for talking too much about the farmer and the laborer. I believe that the farmer and the industrialist in the city are interdependent, and that you can not decently and economically separate one from the other. One depends upon the other, because otherwise there would be stagnation in this country, each man hieing to his own vine and fig tree. There he would remain, and there would be the limit of his ability. His family might cluster round about him, but that is all; nothing more. Trade and commerce would fail.

But the gentleman from Texas [Mr. DIES], coming from a sick bed—and I am mighty glad to see him out again—in beautiful phraseology, for his language captivates, again pleads for the "downtrodden farmer." Just here it is significant that statistics indicate that the "downtrodden farmer," as he calls him, is riding in the automobile manufactured by the industrialist who lives in the city, and that the industrialist who makes the automobile is not riding in the automobile at all. But that is in passing. If the eloquent gentleman in his plaintive plea for the man who works upon the farm would sometimes cast his eye toward the city, where the working people are packed like sardines in a box, looking for work, he might change his notions a little bit about the lot of the man who toils in the mill and the factory, and who lives in the narrow streets and the back alleys. He would learn a lesson that would be truly useful to him, and in his spirit of fairness I know he would——

Mr. DIES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. MOORE. Yes; I will yield to my friend, and I will not call him "voluble," either.

Mr. DIES. Does the gentleman hope to relieve the "packed sardine" employees of his factories by taxing them and paying the employees in Washington more than they are paid at home?

Mr. MOORE. Why, I have a distinct recollection that the gentleman from Texas, only a few months ago, voted to take the "burden" off the backs of the American people "by giving them free imports," and I recall the fact that the gentleman stood for bringing in the products of the cheap labor of Europe to compete with the honest labor of the United States.

Mr. GORDON. Oh!

Mr. MOORE. Ah, the gentleman from Ohio [Mr. GORDON] may smile and sneer and ridicule the workingmen of his own district, but he will not go back there and face them on this issue.

Mr. GORDON. Why not answer the gentleman's question?

Mr. DIES. If the gentleman from Pennsylvania thinks the diminution of imports is a blessing to the country, he ought to thank God for this European war.

Mr. MOORE. The war is a godsend to the gentleman's party; I think it is also the greatest blessing to the farmer in this country. Down South they are soaking the price on cotton, and out West they are soaking the price on corn and wheat, and the people in the cities are paying higher prices——

Mr. SLAYDEN. At what have they fixed the price of cotton in the South?

Mr. MOORE. At so much per bale and no less; and then they come up here and in a dozen diverse ways attempt by legisla-

tion to keep the price up, so that they can hold it and keep the mills in Europe in operation whether they close the mills of New England or not.

Mr. SLAYDEN. The gentleman has not answered my question.

Mr. GORDON. Of course he will not answer it.

Mr. MOORE. I wish I could discuss this matter fully with my colleague from Texas [Mr. SLAYDEN], but I am obliged to observe the time. I want to say to the gentleman from Texas [Mr. DIES], resuming the thread of my argument, that if he knew more about the workers in the city, knew more of what it means not to have an adequate daily wage, he would think less of the alleged injustice that he credits up to the farmer and lodges up against the city man. I say this in all deference to the farmer's friend—for I respect the farmer as much as he does—but when the farmer's smokehouse is filled in the rigorous winter; when the snow falls and his silo is well packed with food for his cattle, the man in the city, dependent upon his daily wage, has nothing in his cellar when his work plays out. The gentleman from Texas and the gentleman from Georgia [Mr. HOWARD], who to-day inveighed against the Government printer, will be fair—and I will put the gentleman from Ohio [Mr. GORDON] in the same class, because he also arrayed himself against labor. When the mills and factories are closed, when the print shops shut down, and the workman no longer operates at a paying wage, he is not stocked up like the farmer; there is nothing in his cellar, his larder is bare, and starvation stares him in the face. The gentleman from Texas has too big a heart to continue this special line of argument. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BARNHART. Mr. Chairman, in the efforts of the committee to reach a reasonable wage scale, it has been governed, as I have stated, by official reports of organized labor. The figures I quoted are from the International Typographical Union's report of a recent national meeting. It remains for the gentleman from Missouri [Mr. GILL] to challenge my fairness in this matter, and I resent that. There is no unfairness on the part of the committee. We used the figures submitted to us by officials of labor unions and by the Department of Labor, which is presided over by a labor-union man. Those are the figures we used, and if there is any unfairness, the figures are not of our making, but of the men who arranged them, and they are all union men.

Mr. GILL. Mr. Speaker——

Mr. BARNHART. I can not yield to the gentleman.

Mr. GILL. I do not accuse the committee of unfairness, but it is unfair to use those figures.

Mr. BARNHART. If the gentleman did not mean to say we were unfair, I would be glad to have him correct that in the RECORD; but that is what he said. I want to say further, in reference to these pressmen, that there is some merit in what the gentleman from Illinois [Mr. BUCHANAN] says about the necessity of increasing the wages of these pressmen if you are going to increase the pay of the others, in order to keep them in harmony with the other wage scale. The fact of the matter is the pressmen had their wages increased, not as the gentleman from Illinois said, 12 years ago, but 2 years ago, and they had their wages increased from 50 to 55 cents. There are higher union wage scales in many cities of the United States, but that class of pressmen who receive the higher wages are the men who do the work on magazines and fancy illustrated and lithographic work and the higher class of engraving, none of which is done in the Government Printing Office. Therefore the committee decided that 55 cents an hour, being a higher wage than is paid generally throughout the United States, a higher wage by a good deal than is paid right here in the city of Washington under the union wage scale, where it is only 41.67 cents an hour, was making the scale high enough. There are 55 flat-bed presses in the Government Printing Office on which kind of presswork the average union wage is about 10 cents an hour lower than the other rate. I want to quote another wage scale, and that is in the gentleman's—Mr. MOORE'S—home city of Philadelphia. The pressmen in Philadelphia are paid 57.29 cents an hour, but that includes the Curtis Publishing Co. pressmen, I understand, and some others of the greatest magazines and illustrated publications in the world, and they do the highest class of work there that is done anywhere. The gentleman from Pennsylvania [Mr. MOORE] will agree with me upon that. Those men are paid 57.29 cents an hour, and we propose to pay the Government pressmen, who do not do as high class work as that, 55 cents an hour.

Mr. MOORE. Is it not true that the men who are employed in the Government Printing Office here are the pick of the craft?

Mr. BARNHART. I hardly think so, Mr. Chairman. A good many of the Republicans in the Government Printing Office are country newspaper men, like myself, who in years gone by were picked up by the Republican spoilsmen and brought to Washington and given jobs at about twice the wages they received at home, and they are here yet.

Mr. MOORE. The gentleman does not minimize his own skill and importance, does he?

Mr. BARNHART. Yes; somewhat.

Mr. MOORE. The gentleman would indicate that by his statement.

Mr. BARNHART. I want to keep in the ranks with the "prints."

Mr. MOORE. In all frankness, is it not true that the Government Printing Office force in Washington is made up of as fine a body of employees in their craft as are to be found in the United States?

Mr. BARNHART. If the gentleman from Philadelphia had been here when I made my opening statement, and again on last Wednesday, he would have heard me repeat it over and over again, that they are high-class gentlemen.

Mr. MOORE. The gentleman repeats it now, does he not?

Mr. BARNHART. Yes; right now.

Mr. MOORE. I think that is a sufficient answer to what the gentleman has said.

Mr. BARNHART. I think a good many of them came here under the political patronage of the Republican Party, and a Republican President spread a blanket order over them, putting them under the civil service, and they are here yet.

Mr. MOORE. They get over that very soon, as the gentleman knows.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BARNHART. I want to say just one word in conclusion, and that is that the pressmen in the Government Printing Office ought to be good men, and they are, but the men in charge are now paid 60 cents an hour. The pressmen in charge get 60 cents an hour, and the men under the pressmen in charge are the ones to whom we are giving 55 cents an hour, which, I submit to you, is vastly more than the general average paid throughout the United States.

Mr. JOHNSON of Washington. I want to ask the gentleman if it is not just as hard to do the presswork on printing of the sort done in the Government Printing Office—clean, registered bookwork—as it is in an office which prints a high-class magazine? The only difference is locating or distributing the ink on pages carrying heavy illustrations.

Mr. BARNHART. If the gentleman from Washington is a printer, he knows that it requires a different class of skilled workmen on a highly illustrated magazine than it does to do the work on farmers' bulletins and other similar work issued from the Government Printing Office.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. BARNHART. Division!

The committee divided; and there were—ayes 39, noes 33.

Mr. BARNHART. Tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed as tellers Mr. BARNHART and Mr. BUCHANAN of Illinois.

The committee again divided; and the tellers reported that there were 46 ayes and 32 noes.

Mr. HOWARD. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The gentleman from Georgia makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and two Members present—a quorum.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 27. PAR. 1. The regular employees of the Government Printing Office, whether engaged on piecework or otherwise, except those receiving annual salaries fixed by law, shall be allowed leaves of absence with pay to the extent of not exceeding 30 days, exclusive of Sundays and legal holidays, for any one fiscal year, or a pro rata portion thereof during the year in which said leave is earned, under such regulations and at such times as the Public Printer may designate, and at the day rate of pay received by them at the time said leave is granted; but this shall not apply to probationary employees until after the expiration of the probationary period, when they may be granted pro rata leave of absence for the said period of service: *Provided*, That the Public Printer be, and is hereby, authorized to pay, out of the amount appropriated for the annual leave fund for the fiscal year ending June 30, 1914, and for every fiscal year thereafter, pro rata leave to the temporary employees of the Government Printing Office who have been employed for six months or more during any fiscal year: *Provided further*, That employees receiving annual salaries fixed by law may, in the discretion of the Public Printer, be allowed leave, not to exceed 30 days in any one fiscal year, exclusive of Sundays and legal holidays, at the rate of pay received by them at the time such leave is granted, and pro rata leave at the rate of pay received by them on the date of the

termination of their services shall be allowed only when necessary to make the total allowance for leave equal to 2½ days per month for the fractional part of the year. All leave granted to employees receiving annual salaries fixed by law shall be payable from the specific appropriation for their salaries. Employees engaged on piecework shall receive the same rate of pay for annual leave as is paid to per diem employees engaged on the same or a similar class of work. Pro rata leave with pay shall be allowed regular per annum, per diem, or per hour employees of the Government Printing Office, in any fiscal year, notwithstanding the fact that leave of absence with pay may have been granted to such employees in that fiscal year on account of services rendered in the preceding fiscal year. Leaves of absence shall not be allowed to accumulate from year to year, except as herein otherwise provided.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 22, line 4, after the first word "and," strike out the word "fourteen" and insert "fifteen."

The CHAIRMAN (Mr. JOHNSON of Kentucky). The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 21, line 21, after the word "the," strike out the word "day."

Mr. JOHNSON of Washington. Mr. Chairman, this word would limit the leave of the men who work nights, and a man who has worked there for 12 years at night is a night man and entitled to leave pay.

Mr. KIESS of Pennsylvania. Mr. Chairman, just a word on this amendment. It does seem to me manifestly unfair to pay a man twice. In this case we are paying the printers 20 per cent increase for night work. I take it that 20 per cent is full compensation, and my own experience is that most of them want to get assigned to do night work. Now, this amendment proposes that after we have paid the printer 20 per cent increase for night work that we shall also pay him extra compensation during his vacation. In other words, he would be paid on the basis of $4.80 a day during vacation instead of $4 a day, if that happened to be his salary for day work, while the other men who only had day work would receive $4 when they are away on a vacation. I contend that it would be unfair to the men working at the day rate of $4 to allow these men 30 days' pay at $4.80 per day.

Mr. BARNHART. Mr. Chairman, I ask that all debate on this amendment close in three minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on this amendment close in three minutes.

Mr. JOHNSON of Washington. I would like to have two minutes.

Mr. BARNHART. I will modify my request and make it four minutes, the gentleman from Washington to have two minutes. I believe if the gentleman from Washington will permit me to make a statement in two minutes I would satisfy him and the entire House that this is a discrimination against the men who work in the daytime, that they must take less leave-of-absence pay, notwithstanding they want to do night work. I think if the gentleman from Washington understood it he would not insist on his amendment. I ask unanimous consent that all debate on this amendment now close in two minutes, the gentleman from Washington to have the two minutes.

Mr. JOHNSON of Washington. I do not want any further time.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 28. The Public Printer is hereby authorized to pay to the legal representative of any employee who may hereafter die any earned or accrued leave of absence due such employee at the time of his death, and said claims shall be paid out of any unexpended balances of appropriations for the payment of leaves of absence to the employees of the Government Printing Office for the fiscal year during which said death occurs or out of any future appropriations for leaves of absence.

Mr. BARNHART. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 23, line 16, after the word "of," strike out the words "any unexpended balances of."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 23, lines 19 and 20, after the word "occurs," strike out the words "or out of any future appropriation for leaves of absence."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The Clerk read as follows:

SEC. 29. The employees of the Government Printing Office shall be allowed the following legal holidays with pay, to wit: The 1st day of January, the 22d day of February, the 4th day of July, the 25th day of December, Inauguration Day, Memorial Day, Labor's Holiday, and such day as may be designated by the President of the United States as a day of public fast or thanksgiving, and such other days as the Government Printing Office may be closed by Executive order; and such holidays shall be allowed with pay regardless of whether said employees are on duty the day preceding or the day following the holiday: *Provided*, That employees of the Government Printing Office who are required to work on a holiday shall receive for such services double their regular rate of compensation, and no more. This provision shall not be construed as depriving employees of additional compensation for Sunday and night work as provided in this act; but in computing the compensation of employees engaged on night work, a holiday or Sunday shall be construed as continuing until 8 o'clock a. m. of the following day.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois [Mr. BUCHANAN] if Labor Day is called "Labor's Holiday"?

Mr. BUCHANAN of Illinois. I have always heard it called "Labor Day."

Mr. BARNHART. This is a reenactment of the existing law, and is the language used in the law.

Mr. MANN. I think that was the term in the beginning, when it was uncertain. I think I would use the term "Labor Day," if that is what it is usually called.

Mr. BARNHART. Mr. Chairman, I move to amend, in line 25, page 23, by changing the words "Labor's Holiday" to "Labor Day."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The Clerk read as follows:

SEC. 32. The Public Printer shall prepare and submit to the Secretary of the Treasury on or before the 15th day of October of each year detailed estimates of the sums which will be required for salaries, wages, printing, binding, engraving, lithographing, machinery, equipment, material, supplies, and all other necessary expenses for the conduct of the affairs of the Government Printing Office for the ensuing fiscal year: *Provided*, That the Public Printer shall include and specify in his estimates all clerks and other employees required in the executive or administrative work of the Government Printing Office, and no funds other than those specifically appropriated under said estimates shall be used for services in the Government Printing Office of the character specified in said estimates and appropriated for thereunder, except in cases of emergency arising after the passage of this act, and then only on the written order of the Public Printer, approved by the Joint Committee on Printing; and the salaries or other expenses thus paid in addition to those specifically appropriated for shall be reported to Congress each year in connection with the annual estimates: *Provided further*, That each executive department, independent office, and establishment of the Government shall furnish the Public Printer not later than the 1st day of October in each year, with an estimate of the amount of printing and binding required to be done at the Government Printing Office during the ensuing fiscal year, which estimates shall be submitted by the Public Printer to the Secretary of the Treasury to be included in the regular annual estimates to Congress as a part of the estimates for public printing and binding: *Provided further*, That, except the appropriation for salaries, stores, and general expenses in and for the office of the superintendent of documents, all appropriations under the public printing and binding shall be considered in apportioning the allotments for printing and binding for Congress and the several allottees.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not recall whether the language in lines 17 and 18 on page 25 is in the existing law:

And no funds other than those specifically appropriated under said estimates shall be used for services in the Government Printing Office.

The term "under said estimates" has no place in the law.

Mr. BARNHART. That is existing law, except as to the date.

Mr. MANN. I see that is the language of the existing law. It is improper language, but I do not know that I care to offer to amend it.

The Clerk read as follows:

SEC. 33. All printing offices and binderies in the executive departments, independent offices, and establishments of the Government in Washington, D. C., except the printing office necessary to the work of the Weather Bureau, shall be considered a part of the Government Printing Office and shall be under the control of the Public Printer, who shall furnish all necessary machinery, equipment, materials, and supplies for said offices from the general supplies of the Government Printing Office, and all paper and materials of every kind used in said offices shall be supplied by the Public Printer; and all persons employed in said printing offices and binderies shall be appointed by and be responsible to the Public Printer and carried on the pay rolls of the Government Printing Office, the same as employees in the main office: *Provided*, That the terms of this act shall not apply to the binding of registered bonds and written records at the Treasury Department, as now provided for: *Provided further*, That the Public Printer may, with the approval of the Joint Committee on Printing, abolish any of said printing offices and binderies whenever the economy of the public service would be thereby advanced.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is there any doubt that the Bureau of Printing and Engraving is not included in this section?

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Mr. BARNHART. Mr. Chairman, I would say in reply that it is existing law, and can not be construed as including the Bureau of Printing and Engraving.

Mr. MANN. Is the language changed here from the existing law?

Mr. BARNHART. No; only in so far as there is a provision that the joint committee may abolish any of these offices that are considered to be unnecessary and more expensive than if the work they do were done in the Government Printing Office. The Bureau of Printing and Engraving is a part of the Treasury Department and not a part of the Government Printing Office at all. It is not a printing office; it is an engraving office.

Mr. MANN. It is not a printing office; but I suppose they do some binding and probably some printing there. I know they have in the past.

Mr. BARNHART. It is not a printing office in the sense that a printing office is usually designated.

Mr. MANN. They have made an effort to abolish some of these printing offices in some of the departments, as I recall. I believe that has not been entirely successful. Is that the reason for the proviso?

Mr. BARNHART. The reason for the proviso is that it may enable the Joint Committee on Printing, when it finds that one of these branch printing offices is not necessary, when the work being done therein can be more efficiently and economically done in the Government Printing Office proper, to provide that the Government Printer, who furnishes these printers anyway, can abolish that office in its separate location and do the work in the Government Printing Office.

Mr. MANN. Does not the Government Printer have that authority now? These offices are now branches of the Government Printing Office. He has that authority now, but has not this been the practice in the past, that the Public Printer proposes to abolish a printing office in one of the departments and Congress makes an appropriation for its continuation, so that practically it is not possible to abolish them?

Mr. BARNHART. Yes; but three of them have been abolished in the last four or five years.

Mr. MANN. How many are there now?

Mr. BARNHART. There are but two—one in the Public Library and one in the State, War, and Navy Building—and this latter will most likely be continued, because of the necessary secrecy of much of the work that is done in that office. The Weather Bureau has a small plant also.

Mr. WEBB. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD. I desire to make a political speech.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 35. If the Public Printer shall, by himself or through or with others, corruptly collude or have any secret understanding with any person or persons to defraud the United States, or whereby the United States shall be made to sustain a loss, or whereby he shall receive a benefit or profit, directly or indirectly, he shall, on conviction thereof before any court of competent jurisdiction, forfeit his office and be imprisoned in the penitentiary for a term not exceeding seven years and fined in a sum not exceeding $5,000.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment to section 35.

The Clerk read as follows:

Page 28, lines 8 and 9, after the word "penitentiary," strike out the words "for a term not exceeding," and insert in lieu thereof the words "not more than."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARNHART. I also offer the following amendment.

The Clerk read as follows:

Page 28, line 9, after the word "fined," strike out "in a sum not exceeding," and insert in lieu thereof the words "not more than."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 36. Neither the Public Printer, the superintendent of documents, nor any person holding a position provided for in sections 3 and 11 to 18, inclusive, of this act, nor any assistant to such person, shall, while so employed, have any interest, direct or indirect, in the publication of any newspaper or periodical, or in any printing, binding, engraving, or lithographing of any kind, or in any contract for furnishing paper, machinery, equipment, or supplies, used in connection with the public printing and binding, lithographing, or engraving; and for every violation of this section the person offending shall, on conviction before any court of competent jurisdiction, be imprisoned in the penitentiary for a term of not less than one nor more than five years and shall be fined not exceeding $1,000.

Mr. BARNHART. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 28, line 23, after the word "not," strike out the word "exceeding" and insert the words "more than."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I think there is another amendment there that the gentleman ought to make, and that is to strike out, in line 22, the words "less than one nor," so that it would read "for a term of not more than five years." That conforms to the amendment which has already been made. We do not put in the minimum penalty any more.

Mr. BARNHART. Mr. Chairman, I offer that as an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 22, strike out the words "less than one nor."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 38. The Public Printer shall furnish such printing and binding to the President of the United States as he shall order and make requisition for.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Does the Public Printer keep a record of the expense of the President's printing?

Mr. BARNHART. I think he does, as a matter of course, because he is required to keep all expenses of the operation of his office.

Mr. MANN. What I wish to ask is whether the gentleman has any item in recent years as to what that expense was?

Mr. BARNHART. I can not say that I have, because I have not looked it up.

The Clerk read as follows:

SEC. 39. The forms and style in which the printing and binding ordered by any executive department, independent office, or establishment of the Government shall be executed and the paper, material, and size of type to be used shall be determined by the Public Printer, except as otherwise provided in this act, having proper regard for uniformity, economy, workmanship, and the purposes for which the work is needed: *Provided*, That the Public Printer shall consult the chiefs of the publications divisions, as provided for in section 81 of this act, and the printing clerks of both Houses of Congress in the preparation of rules governing the forms and style of printing and binding at the Government Printing Office, which rules shall be subject to the approval of the Joint Committee on Printing.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman whether any provision has been made in this codification for superseding the present practice of the Postmaster General in supervising the printing of the penalty envelopes for the various departments? I recall that several years ago in a codification bill of the postal laws that I had charge of my attention was called to special authority whereby the Postmaster General supervised the printing of all of the penalty envelopes for the respective departments, and I am wondering whether there had been any provision made in this bill to supersede that practice.

Mr. BARNHART. Mr. Chairman, I would answer that by saying that the bill as drawn, I think in section 85, the last section but one in the bill, makes some provision, to which the committee has some amendments which it wishes to offer. This bill was drawn in conformity with the existing law as enacted through the Post Office Committee. It has been in existence for several years. I will say to the gentleman from Wisconsin, and I recall with a great deal of regret that twice since I have been a Member of this House I have attempted to help change the law which enables the Postmaster General to order printing on the outside, and to either give it to the Government Printing Office or abolish it altogether, so that the printers throughout the country may have the privilege of doing this printing.

When this section is reached the committee will offer an amendment providing that this printing which the Post Office Department is now peddling about over the country to the cheapest bidder, without regard, it is charged, to what sort of employers they are, that it shall all be done hereafter in the Government Printing Office. I trust that is satisfactory to the gentleman, and when we come to that we can further consider it.

Mr. STAFFORD. Just one other inquiry. Does the gentleman refer to printing that the Postmaster General advertises for throughout the country, other than the embossed stamped envelopes, about which there has been a contest on the floor from time to time?

Mr. BARNHART. He awards a four-year contract under existing law.

Mr. STAFFORD. I am quite well acquainted with the practice of the department, so far as the embossed stamped envelopes are concerned, but my attention has never been called to the practice of the Postmaster General peddling contracts to private printers throughout the country for the printing of the penalty envelopes to be used by the department heads. I was directing my inquiry exclusively to the provision for printing the penalty envelopes for the use of the departments themselves.

Mr. BARNHART. The gentleman gives me some information that the committee has not heretofore had.

Mr. STAFFORD. Well, my purpose in rising was to furnish that to the committee, and I was quite surprised when it was first called to my attention some six or eight years ago to find that the Postmaster General should have some supervisory power over the printing of penalty envelopes for the respective departments. I directed my inquiry especially to that and not to embossed envelopes. Of the latter I am fully aware, and I will be glad to give the gentleman an opportunity to show the province of the Postmaster General for passing on the printing of penalty envelopes for use of the respective departments.

Mr. BARNHART. I would say to the gentleman if he has any authority of law it has been given to him in his own appropriation bill by the Appropriations Committee—no; I think the Committee on the Post Office and Post Roads. It is a new matter with me and I would be glad to take it up when the time comes and correct it if possible.

The CHAIRMAN. The time of the gentleman has expired.

Mr. J. M. C. SMITH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 19, after the word "except," insert the following: "Patented articles when the official ordering shall certify that economy, uniformity, and efficiency require the same or."

Mr. J. M. C. SMITH. Mr. Chairman, I would say that the purpose of this amendment is along the line that has already been marked out by the chairman. It is to take away the arbitrary power of the Public Printer in determining what articles shall be procured or furnished to the heads of the departments or Cabinet officers. The amendment reads "patented articles," which it might be said they could not furnish, make, or supply. Patented articles he would be obliged to secure in some other way, they being protected by the patent, but in the presentation of this bill by the learned chairman he gave an illustration of the arbitrary power that the Public Printer had and how he had abused his discretion and the authority he had under the present law. For instance, in one case, it is said, the Public Printer at one time spent $1,621,423.15 for machinery alone, without being accountable to anyone, and at another time he spent $138,110 on an auditing system in less than two years, which was thrown out; and at another time he spent $20,000 for brass-finished mahogany furniture on his own volition. Now, it occurs to me, if we pass a bill to standardize the work of the Public Printer or that done by the Printing Office that the Public Printer would not be as suitable a person to determine what should be furnished as the heads of the departments themselves. Now, for instance, we have a system of accounting in the Treasury Department, which has been in vogue a good many years. How could the Public Printer determine what sort of ledger books or what books of accounts should be supplied to that department as compared with the head of the department himself. All this amendment seeks to do is to give the various heads of the departments the right to determine what particular supplies, books, ledgers, and so forth, they will use, according to the needs of the work in their own department.

Mr. STAFFORD. Will the gentleman yield?

Mr. J. M. C. SMITH. Yes.

Mr. STAFFORD. Does not the gentleman believe he should have offered his amendment to section 37, which we have just passed, which covers the proposition which the gentleman has in mind? That section provides for the procurement for the executive departments of supplies, including blank books, and as the law originally existed it authorized them to purchase patented devices. That has been left out in the revision. This paragraph simply provides for the forms and styles of printing to be determined by the Public Printer.

Mr. J. M. C. SMITH. I would say that the provisions of both sections are included, and this being the last one it was thought proper to introduce an amendment at this place, and being the last section it would generally apply to both of them whereas if it was introduced in the first section it might not apply to the last section. The reasons for the amendment might be stated tersely by saying that the discretion for supplies now exercised by the executive departments ought not to be transferred to the Public Printer. And, second, it would avoid controversies between the departments and the Public Printer as to the department needs for patented articles.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Indiana?

Mr. J. M. C. SMITH. Certainly.

Mr. CLINE. I would like to inquire of the gentleman whether his amendment would cover the provisions of section 37?

Mr. J. M. C. SMITH. It would cover both of them. It is supposed that the last one would be the most proper, because where a provision is incorporated in or covers two sections the last would control. That was the thought.

Second, as I say, it would avoid controversies between the departments and the Public Printer as to what the departments need for their use. Third, it would permit a continuation of the uniform system of filing and loose-leaf devices in each of the several departments, in accordance with each of their peculiar requirements. Fourth, it would secure to the Government those devices which are the most conducive to efficiency, economy, and uniformity. Fifth, that the filing systems in all of the departments may not be disrupted by the fancy of one man, who is not a part of any of them and who is not as proper a person to judge of their requirements as the persons who have the systems to standardize. By the bill patented devices of this class are to be charged against the departments' allotments of the appropriation for public printing and binding, and the departments are more interested than the Public Printer in conserving the allotments, and they would therefore be less likely to make unnecessary purchases or extravagant purchases.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr BARNHART. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in eight minutes, of which the gentleman from Wisconsin [Mr. STAFFORD] will use five, and myself three.

Mr. CLINE. Reserving the right to object, I would like to have two or three minutes on this to make some inquiries. That is all.

Mr. BARNHART. Then, Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 11 minutes, 5 to be used by the gentleman from Wisconsin, 3 by the gentleman from Indiana [Mr. CLINE], and 3 by myself.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, I question whether it is good policy for the committee to take away authority from the department heads and try to provide for a uniform standardization of blank books to be furnished to all the departments and to every Government establishment throughout the country. I think instead of it leading to economy it will just have the opposite effect, so far as the establishments throughout the country are concerned, and lead to excess expenditure.

The best practice I know of prevails in certain Government establishments or branch offices located throughout the country. When they have need for stationery supplies, blank books, filing devices, and the like they advertise for those supplies. But here in section 37 you are forcing the departments to send to Washington for every conceivable kind of blank book, loose-leaf ledger, or any kind of device whatsoever. We all know that small blank books——

Mr. BARNHART. I call the gentleman's attention to the fact that blank books are not included. It is patented articles that this section refers to.

Mr. STAFFORD. I am directing my remarks to section 37, whereby you take away the authority from the department heads to purchase any supplies in the open market. So far as blank books are concerned, they have all to be manufactured into standard form in the Government Printing Office. I think the gentleman is going too far when he advocates that.

Mr. BARNHART. That is existing law. It has worked admirably for years. There is no objection on the part of the departments or anybody else, except the manufacturers of patented articles.

Mr. STAFFORD. It is not in existing law, because in existing law you provide for the purchase of patented devices upon which you file money-order papers or other official papers. You provide that everything to be used in the nature of paper and

blank books must be manufactured in the Government Printing Office, and then dispatched by the Postal Service, which is an expensive means of transportation, rather than by freight, to the various establishments and branches throughout the country. There will be delay occasioned by it. Greater supplies for a reserve stock will be necessary in the various establishments. I question whether any large business corporation which has branches throughout the country would require that these supplies should be ordered and purchased from only one central situation. On the contrary, they would vest in their subordinate heads the power to purchase by contract in the open market what supplies the branch would need. Of course, if there is some standard device or loose-leaf ledger or blank book that could be utilized by the service throughout the country, it might be advisable to have that manufactured by the Government Printing Office for use throughout the country. But for the Government Printer to exercise the autocratic determination——

Mr. BARNHART. He does not——

Mr. STAFFORD. As to the character of books to be used for the departments, I say you are going too far in the extreme in curtailing the individual initiative of the respective department heads.

Mr. CLINE. Mr. Chairman, I want to call the attention of the committee to section 37. It is alleged that this amendment covers section 37. That section gives the Public Printer absolute authority to determine—

upon the requisition of the head of any executive department, independent office, or establishment of the Government, complete manifold blanks, books, and forms required in duplicating processes; complete binding devices for filing uniform official papers; loose-leaf books of every description; index, catalogue, and file cards, and shipping tags; and other similar forms of printing and binding, which may include patented articles when the needs of the service require the same; and to charge the cost thereof to the allotment of appropriation for printing and binding of the executive department, independent office, or establishment of the Government ordering the same.

Now, I understand the theory of this bill to be to restrict and supervise the Public Printer in the use of public moneys for the printing business, and to that end the Printing Committee has seen fit to take charge of the expenditure of large sums of money that are received by the Public Printer in the course of his business. My understanding, Mr. Chairman, is that under this one section, section 37, the Public Printer has the right autocratically to select loose leafs for book purposes and patented devices for binding, and that the amount in value of these loose-leaf books and patented devices used by the several departments of the Government equals several hundred thousand dollars a year in all the departments. I would like to inquire of the chairman of the committee whether it is not the policy of the committee to retain some control and some discretion on the part of the Printing Committee over the expenditure of such a large amount of money as that?

Mr. BARNHART. Mr. Chairman, if my colleague will read section 5, he will find that the Government is absolutely safeguarded in this respect by the provision that the Public Printer can not purchase any item in excess of $300 without the approval of the Joint Committee on Printing, and that the provisions of these contracts will be the same as other contracts. These patented articles must be advertised for and the contract let at a public letting, and it must be done with the approval of the Joint Committee on Printing, and not, as it has been done in the past, by a department head buying anything and everything he wants.

Mr. CLINE. That is satisfactory to me. If the Committee on Printing actually has some hand in deciding what money shall be expended and what it shall be expended for, that is satisfactory to me. I understand that because of the fact that there have been no restrictions over the Public Printer we have been having a new Public Printer about every year in the last eight years.

Mr. HOWARD. Will the gentleman yield?

Mr. CLINE. Yes.

Mr. HOWARD. As I understand the purport of this particular section, the heads of departments heretofore have been selecting a diversity of patented articles. One department may have one and another department another. Now, there is a provision in this bill which makes it incumbent upon the Public Printer to select these articles and then submit his selections to this committee, which gives the committee absolute control, instead of the heads of the departments.

Mr. CLINE. I hope that is true. The whole machinery of the Government, so far as loose leaves and patent bindings, and so forth, are concerned, ought to tend to uniformity; and if the Government is properly safeguarded by the supervision of the Printing Committee, of course I have no objection to the text of the section.

Mr. BARNHART. Mr. Chairman, the remarks of the gentleman from Michigan [Mr. J. M. C. SMITH] are timely and to the point from his viewpoint of the case, and it may be said that there is probably some argument on that side of the question; but the argument mostly comes from outside interests. I would say on behalf of the committee that this matter was submitted to the heads of departments, and there was no protest from the head of any department to the joint committee against the proposition of the joint committee and the Public Printer exercising control over the letting of contracts for patented articles. As the law now stands agents for patented articles can go selling from department to department. They may sell to the head of one department something that the head of another department would not purchase, and in the end we would have no uniformity at all. The purpose is that henceforth the Public Printer shall advertise for bids on these patented articles, as required in section 5, and then he and the Joint Committee on Printing will arrange satisfactorily with the heads of departments. These matters will be submitted to these experts, and we will accept bids on these patented articles, and they will be bought en bloc and not piecemeal, as now, and in the end the Public Printer will not only be authorized but directed to do all the printing he possibly can. And I want to say in this connection that the suggestion of the gentleman from Wisconsin that it might lead to long shipments is really far-fetched, because the insular or territorial departments all have their established printing plants. They are independent of the Government Printing Office very largely, and this would not affect them in any way, but it would enable the Public Printer and the Joint Committee on Printing to supervise and oversee the purchase of these patented articles, so that there may be uniformity, and they will be purchased in large quantities for all the departments, which will make their requisition on the Public Printer. In that way there will be a very great saving, and it will establish uniformity in all the departments, but will not in any way interfere with any loose-leaf patents or any manufacturers of patented articles who may want to come in and compete for these contracts in large lots.

Mr. J. M. C. SMITH. Is it not true that by section 37, and again by section 39, the Public Printer has the arbitrary power to procure and supply these goods?

Mr. BARNHART. I will answer that question by referring the gentleman to the answer I gave to my colleague. The Public Printer can not make any purchases in excess of $300—and they must be emergency purchases—without advertising for the same, and he must report these purchases, and have the approval of the joint committee, in order to make them legal.

Mr. STAFFORD. Will the gentleman permit me?

Mr. BARNHART. Yes; I yield.

Mr. STAFFORD. Are you not making the Public Printer the autocrat of all the departments, so far as these supplies are concerned?

Mr. BARNHART. Oh, no.

Mr. STAFFORD. Why not?

Mr. BARNHART. In section 39, which we have not yet reached, there is a provision that—

The Public Printer shall consult the chiefs of the publications divisions, as provided for in section 81 of this act, and the printing clerks of both Houses of Congress in the preparation of rules governing the forms and style of printing and binding at the Government Printing Office, which rules shall be subject to the approval of the Joint Committee on Printing.

Mr. J. M. C. SMITH. That is only as to the rules.

Mr. STAFFORD. That is only as to the style and forms.

Mr. BARNHART. A loose-leaf binder is a form of binding.

Mr. STAFFORD. Will the gentleman yield?

Mr. BARNHART. I yield.

Mr. STAFFORD. What the gentleman has read refers solely to the style of the printing. It has nothing to do with the character of the supplies. You are making the Public Printer the autocrat of all the departments, so far as their blank books and printed supplies are concerned.

Mr. BARNHART. I want to call the gentleman's attention to the fact that in line 1, page 30, reference is made to the—

Rules governing the forms and style of printing and binding.

And these patented articles have very largely to do, or almost exclusively to do, with bound work.

Mr. STAFFORD. But if the gentleman will permit, the clause which the gentleman read says that the Public Printer shall consult the chiefs of the publications divisions. Now, in section 37 you have given absolute authority to the Public Printer to determine the character of the supplies to be used by the Government departments.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Michigan [Mr. J M. C. SMITH].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. J. M. C. SMITH. I ask for a division.

The committee divided; and there were—ayes 10, noes 24.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 41. PAR. 1. The Public Printer shall, on the first day of each regular session, submit to Congress a report covering the operations of the Government Printing Office for the preceding fiscal year, showing all available appropriations and the condition thereof, the receipts and credits from all sources, and the total charges for work executed, together with a statement of the allotments of the appropriations for the public printing and binding, transfers to the credit thereof, special appropriations, and the charges thereunder, and such other information touching matters connected with the Government Printing Office as may be required by the Joint Committee on Printing.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman of the committee as to the words in lines 20 and 21, "transfers to the credit thereof," whether that has reference to the payments on account of repay work.

Mr. BARNHART. Yes; it does.

Mr. FITZGERALD. Then they should be stricken out. Mr. Chairman, I move to strike out of lines 20 and 21, on page 30, the words "transfers to the credit thereof."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of lines 20 and 21, on page 30, the words "transfers to the credit thereof."

The amendment was agreed to.

The Clerk read as follows:

SEC. 41. PAR. 3. The report shall also contain a classified statement of purchases for maintenance, equipment, operation, material other than paper entering into the product of the office, and supplies, and a classified statement of expenditures for miscellaneous purposes, distinguishing the purchases and expenditures under annual contracts from those otherwise made; a statement of the cost of all lithographing, engraving, or other illustrations, showing in each instance whether procured by contract or otherwise; a classified statement of the disbursements on account of wages and salaries and a statement of the principal classes of officers and employees, showing the number of persons of each class employed on the last working day in September, December, March, and June, respectively. All statements of purchases or expenditures shall show the appropriation to which they are chargeable.

Mr. CLINE. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry. I understand that section 5 is to be termed a blanket section, to apply to all purchases of material and machinery and to all purchases wherever the amount to be laid out for materials of any character is in excess of $300.

Mr. BARNHART. It provides for contracts for annual supplies other than paper.

Mr. CLINE. I am referring to section 5, the general authority that the Committee on Printing vests in itself to supervise all purchases made by the Public Printer of material or anything else. That is intended to apply to all contracts in excess of $300.

Mr. BARNHART. It does apply to all contracts.

The Clerk read as follows:

SEC. 41. PAR. 4. The Public Printer shall report, by title, the number of copies, the number of pages, and the principal items of cost of each publication printed upon requisition of the head of any executive or judicial department, independent office, or establishment of the Government, or upon requisition of the superintendent of documents, and shall submit a summarized statement, classified as to standards of size, showing the total number of pages printed, the total number of volumes bound, the styles of binding, and the totals of the principal items of cost; a classified statement, arranged by executive and judicial departments, independent offices, and establishments of the Government, showing the printing and binding executed other than that of publications, including penalty envelopes, and the totals of the principal items of cost thereof. The Public Printer shall also submit a like statement of the printing and binding done for Congress, and a statement, by title and number of volumes, of the binding done for the Vice President, Senators, Representatives, Delegates, Resident Commissioners, and officers of Congress, and the total cost thereof: *Provided*, That all publications not exceeding 100 pages, or included in miscellaneous bound volumes, may, under the direction of the Joint Committee on Printing, be stated collectively in their respective classes without titles.

Mr. BARNHART. Mr. Chairman, I offer two committee amendments.

The Clerk read as follows:

Page 32, line 2, after the word "executive," strike out the words "or judicial."

The amendment was agreed to.

The Clerk read as follows:

On page 32, line 9, after the word "executive," strike out the words "and judicial."

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Indiana, why are these words stricken out?

Mr. BARNHART. I will say to the gentleman that it is considered and really provided that the judicial department comes under what is commonly known as the establishments of the Government. There is really no judicial department for this classification; it comes under what is called in the bill and generally known as establishments of the Government.

Mr. MANN. The Department of Justice?

Mr. BARNHART. The Department of Justice is an executive department. There is a difference between an executive department and a judicial department.

Mr. MANN. What is a judicial department?

Mr. BARNHART. The Supreme Court of the United States is one.

Mr. MANN. They do their own printing confidentially. The Public Printer does not have anything to do with it.

Mr. BARNHART. The Supreme Court can go to the Public Printer if it chooses. The Public Printer puts the printing in his estimate. This provision would virtually compel them to go there for their printing and have their printing done at the Government Printing Office.

Mr. MANN. What would?

Mr. BARNHART. The provisions in the bill.

Mr. MANN. I do not know whether it would or not. We usually carry a provision in the appropriation law permitting the Supreme Court to have its printing done outside.

Mr. BARNHART. If the appropriation bill should carry a provision repealing this, of course it could; but the purpose of this was to provide that the Supreme Court should go to the Public Printing Office for its printing. There is no reason why there could not be as much secrecy maintained in the Government Printing Office as in any outside office.

Mr. MANN. The Supreme Court once discovered that it could not be and have not tried it since, and we all know that it could not be.

Mr. BARNHART. Oh, they had it done in the Government Printing Office for 60 years and were perfectly satisfied with it; and then a mistake or abuse happened, and the same thing might occur on the outside at any time.

Mr. MANN. It might, but it has not. I suppose they have some one person that they rely upon. This is not intended in any way to change that status?

Mr. BARNHART. No; it makes it optional with the Supreme Court whether it will go to the Government Printer or not. This amendment does not affect that in the least.

Mr. MANN. Does the gentleman say that the Supreme Court is an establishment of the Government?

Mr. BARNHART. It is considered one of the establishments of the Government. It is not an executive department.

Mr. MANN. I do not think it is an establishment of the Government, either.

Mr. BARNHART. I will say that the chairman of the Committee on Printing is not a lawyer.

Mr. MANN. Then he ought to be able to express a clear opinion on questions of this kind. Lawyers always disagree as to the construction of a law.

Mr. BARNHART. If the chairman has not made himself distinct and clear, it is his misfortune and not his fault.

Mr. MANN. I think the gentleman has been unusually clear in the House.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I am reliably informed that one cause of the large expense at the Printing Office is the fact that many heads of departments or department officials in preparing documents for printing fail to make up the copy they really want to have printed at the time it is sent down to the Printing Office, and that as a result the additions and corrections are such as to require an almost entire resetting of the type, in some cases making the cost practically as much in resetting and altering as the first cost of composition. In that connection I would like to ask the chairman of the committee if there is any way under the provisions of this section or any other section of the bill whereby a Member of Congress could find out how much it had actually cost per page to prepare these documents?

Mr. BARNHART. That can be readily ascertained by asking the Public Printer.

Mr. GREEN of Iowa. He is not required under this section to make any report as to such matters?

Mr. BARNHART. Oh, yes; there is a general requirement that he make a report of all of his transactions. Section 81, paragraph 2, really covers this and answers the inquiry of the gentleman from Iowa. I would call the gentleman's attention to the fact that in the report of the Public Printer for 1913, on page 113, he will find an itemized statement of all expenditures of his office, printing done and the amount and cost of it, and so forth.

Mr. GREEN of Iowa. I understood that.

Mr. BARNHART. That is required by law, and the enactment of this bill will simply reenact that law.

Mr. GREEN of Iowa. Suppose it was desired to find the cost of printing some particular document, a departmental report; for example, would there be any way of finding out how much that would cost per page?

Mr. BARNHART. I think so, by inquiry of the Public Printer.

Mr. GREEN of Iowa. And that would be the only way?

Mr. MANN. The cost per page is a fixed amount as an ordinary thing.

Mr. BARNHART. I read from section 41, paragraph 4:

SEC. 41. PAR. 4. The Public Printer shall report, by title, the number of copies, the number of pages, and the principal items of cost of each publication printed upon requisition of the head of any executive or judicial department, independent office, or establishment of the Government.

Mr. GREEN of Iowa. I do not know what is meant by the "principal items of cost." Probably the gentleman, being a printer, would understand that better than I would, whether that would require such a statement as I was referring to. But the cost per page is not uniform, for the reason that some of the department heads or officials who send documents there send the copy just as they want it printed, and others revise it so as to make practically a new document before they get through with it, and hence in some cases, as I have said, it nearly doubles the cost of composition.

Mr. BARNHART. In the Public Printer's annual report he reports the number of pages, the alterations and corrections, the electrotyping and stereotyping, the presswork, the binding, the illustration; and the paper of all work done.

Mr. GREEN of Iowa. Are the alterations and the corrections specified for each document or simply in a general way?

Mr. BARNHART. They are not now, but they will be under this bill.

Mr. GREEN of Iowa. That is what I wanted to know.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. This provision in reference to a statement by title and number of volumes of binding done for the Vice President, Senators, Representatives, and so forth, and the total cost thereof means that there will be a report as to each Member?

Mr. BARNHART. Not as to each Member, and yet it can be done. It will be open to the public—that is, it will be open to the Members of Congress at least, or any one concerned—because it would be itemized.

Mr. MANN. In other parts of the bill it is endeavored to ascertain how much work is done for each Member of Congress in the way of printing envelopes and various things of that sort, and I inquired to know whether the purpose here is to know how much printing and binding is done for each Member of Congress.

Mr. BARNHART. I would say to the gentleman that under this general proviso I think the committee might require it, if it were inclined to feel that there had been abuses.

Mr. MANN. I was trying to get at whether that was the idea—to have a separate report or just a total amount?

Mr. BARNHART. The total amount, just the same as it is now, so far as that is concerned, but there will be a different provision as to the printing of envelopes.

The Clerk read as follows:

SEC. 41. PAR. 5. The Public Printer shall show in his annual report, by the principal items of cost, the expense of operating each branch printing office under his control, and the charges for work performed therein, computed upon the schedule of charges in force in the Government Printing Office; he shall also include a statement of the cost of operation and administration of the office of the superintendent of documents, and, in addition thereto, shall transmit with such report the annual report of the superintendent of documents.

Mr. STAFFORD. Mr Chairman, I move to strike out the last word. Will the chairman inform the House as to the number of branch printing establishments at the present time in existence. I recall during the past 12 years efforts have been made to discontinue these branch establishments that formerly were connected with each department.

Mr. BARNHART. There are three in reality. The State, War, and Navy Departments have a printing department, which the committee feels justified in saying ought to be continued. The Congressional Library has a printing department, and the Weather Bureau has a little printing department for immediate use.

Mr. STAFFORD. Has the printing office connected with the Agricultural Department been entirely eliminated?

Mr. BARNHART. Yes.

Mr. STAFFORD. Merged with the general Printing Office?

Mr. BARNHART Yes.

Mr. STAFFORD. What is the need of having a separate printing branch at the State, War, and Navy Building?

Mr. BARNHART. In order that the printing may be done with that secrecy which is sometimes necessary.

Mr. STAFFORD. It would be of more value connected with the State Department than with the War and Navy Departments.

Mr. BARNHART. Yes; but many times the orders of the War and Navy Departments must be issued within an hour or two, and this gives them immediate action; and the committee feels it is really important that that printing branch be continued. It is the only department that has made the request for it, and they have given ample and, we think, convincing reasons as to why it should be so.

The Clerk read as follows:

SEC. 41. PAR. 6. The Public Printer shall also include in his annual report a statement of all printing and binding for each executive and judicial department, independent office, and establishment of the Government by private contractors, as shown by the bills required to be furnished him under section 78 of this act.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 9, after the word "executive," strike out the words "and judicial."

The question was taken, and the amendment was agreed to.

Mr. CLINE. Mr. Chairman, paragraph 6 of section 41 says that the Public Printer shall also include in his annual report, among other things, any independent office and establishment of the Government by private contractors, as shown by the bills required to be furnished him, and so forth. How does the Public Printer come to be connected with the work to be done by private contractors to the General Government? Does this mean that the contract has to go through the Public Printer's hands, or how is he required to be connected with it?

Mr. BARNHART. That is where these departments have independent authorizations of law, but this is done for the purpose of providing the Public Printer with the information so that he may make report of all the printing done for the Government in a compact and comprehensible form.

Mr. CLINE. He would not have the information from which to make the report without authority to call upon the parties who secured the private printing for the United States.

Mr. BARNHART. Under the provisions of the bill it will be required that a duplicate bill be given.

Mr. STAFFORD. Will the gentleman yield at that point?

Mr. BARNHART. Certainly.

Mr. STAFFORD. What advantage is to be gained to the Government generally by having the Public Printer a generalissimo bookkeeper of all the private printing that is printed by the establishment under private contract?

Mr. BARNHART. That is the question the gentleman from Indiana [Mr. CLINE] has asked me.

Mr. STAFFORD. I would be very glad to hear an explanation.

Mr. BARNHART. I will say that the gentleman from Wisconsin in his search for knowledge, and in which he is always faithful, if he wants to hereafter know anything about the cost of printing to the Government he will go to the annual report of the Public Printer and find it out succinctly; otherwise he would have to go to the report of as many of the departments as are authorized to do their printing, and there would be great confusion, whereas in this way you get it in a compact form in a report, indexed, and thereby a great timesaver to anyone who wishes the information.

Mr. STAFFORD. But what benefit to the Government generally is it to have a bookkeeper of all the printing that is done outside of the Government Printing Office by private contractors?

Mr. BARNHART. In order that we may, if the gentleman will allow me to use the expression, keep track in a compact way of all the printing that is done for the Government and by the Government.

Mr. MADDEN. Mr. Chairman, this is one of the most important bills the House has to consider during the session, and it seems to me it is unfair to consider such a bill with only 10 or 15 Members present, and therefore I raise the question of a quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum. Evidently there is not a quorum present, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Aiken | Bartholdt | Browning | Carew |
| Allen | Bartlett | Burke, Pa. | Carr |
| Ansberry | Beall, Tex. | Byrnes, S. C. | Clancy |
| Anthony | Bell, Ga. | Calder | Clark, Fla. |
| Austin | Broussard | Campbell | Collier |
| Barchfeld | Brown, N. Y. | Cantrill | Connolly, Iowa |

| | | | |
|---|---|---|---|
| Copley | Greene, Vt. | Langham | Rainey |
| Covington | Griest | L'Engle | Roberts, Mass. |
| Crisp | Gudger | Lenroot | Sabath |
| Dixon | Guernsey | Levy | Saunders |
| Dooling | Hamill | Lewis, Md. | Scully |
| Doolittle | Hamilton, N. Y. | Lewis, Pa. | Sells |
| Doughton | Harris | Lindquist | Shreve |
| Dunn | Harrison | Linthicum | Slemp |
| Edmonds | Hay | Loft | Smith, N. Y. |
| Elder | Hayes | McAndrews | Steenerson |
| Estopinal | Heim | McGillicuddy | Stephens, Tex. |
| Evans | Hensley | McKellar | Stout |
| Fairchild | Hinds | Mahan | Stringer |
| Faison | Hobson | Maher | Sutherland |
| Fess | Hoxworth | Manahan | Switzer |
| Finley | Hughes, W. Va. | Martin | Taggart |
| Fitzgerald | Humphreys, Miss. | Merritt | Tavenner |
| Gallagher | Johnson, Utah | Metz | Thomson, Ill. |
| George | Jones | Murdock | Treadway |
| Gerry | Kahn | O'Shaunessy | Underhill |
| Gillett | Kelley, Mich. | Paige, Mass. | Vare |
| Gittins | Kennedy, Conn. | Palmer | Vollmer |
| Godwin, N. C. | Kent | Parker | Watkins |
| Goldfogle | Kindel | Patten, N. Y. | Whitacre |
| Good | Kinkead, N. J. | Payne | Wilson, N. Y. |
| Gorman | Kitchin | Peters | Winslow |
| Goulden | Knowland, J. R. | Plumley | Woodruff |
| Graham, Ill. | Korbly | Powers | Woods |
| Graham, Pa. | Kreider | Prouty | Young, Tex. |

The committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15902, and finding itself without a quorum, under the rule, he caused the roll to be called, whereupon 292 Members answered to their names, a quorum; and he presented a list of absentees to be entered in the Journal.

The SPEAKER. The committee will resume its sitting.

The Clerk read as follows:

SEC. 42. PAR. 2. The Public Printer shall furnish without cost to the Vice President, Senators, Representatives, Delegates, and Resident Commissioners manila envelopes not smaller than 6¼ by 10½ inches in size, ready for mailing the CONGRESSIONAL RECORD, or any part thereof, and other Government publications. Envelopes so furnished shall be printed in black ink only and contain in the upper left-hand corner thereof the following words, to wit: "United States Senate," or "House of Representatives, U. S.," "Part of CONGRESSIONAL RECORD," or "Government publication," "Free," with a special request for return of not called for, and in the upper right-hand corner the facsimile signature or name of the Vice President, any Senator, Representative, Delegate, or Resident Commissioner, and the letters "V. P.," "U. S. S.," or "M. C.," and in the lower right-hand corner the name of the State or Territory; and in case of an extract from the CONGRESSIONAL RECORD, in addition to the foregoing, the name of the Vice President, Senator, Representative, Delegate, or Resident Commissioner, the date, and the topic or subject matter, with quotations from the CONGRESSIONAL RECORD not exceeding 30 words. No other words shall be printed thereon, except to affix the official title of the publication.

Mr. STAFFORD. Mr. Chairman, I desire to offer the following amendment: Insert the words "city and" after the word "the," in line 2, page 35.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 2, after the word "the," insert "city and."

Mr. STAFFORD. Mr. Chairman, I hope there will be no objection to this amendment, which merely provides, on the franked envelopes, in addition to having the State or Territory printed, there may be also printed the name of a city. Such is the practice at the present time, and I can see no objection to its continuance.

Mr. BARNHART. Mr. Chairman, the committee would most earnestly object to that. It could be subjected to grave abuse, which is sought to be corrected by this bill. The matter of addressing envelopes certainly belongs to the clerical force of Members. It provides the name of the State can be in there; but if you have to change the name of the city every time they print a lot of envelopes it will make a vast increase of expense.

Mr. STAFFORD. I decline to yield further, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin declines to yield further.

Mr. STAFFORD. I wish to have the attention of the committee for just a moment. The section under consideration provides for the printing of franked envelopes. The provision in the bill merely provides for the printing on the congressional envelope of the name of the State or Territory. The amendment which I propose provides for the printing of the name of any city in addition to the State and Territory. It has been the practice for years for Members of Congress, whenever they want the name of the city printed on the congressional-frank envelope, to have it so printed without cost. The committee recommends the printing only of the State or the Territory. The chairman of the committee says he will strenuously object to the printing of the name of the city. There are many of us who represent exclusively city districts.

The chairman of the committee states that it should be done by our stenographers. There is no more expense incurred by printing the name of "New York, N. Y.," than printing the name in full of the State of New York, and it is the same way with my city, or with the city represented by the gentleman from Ohio [Mr. GORDON]. The idea that we should be put to the expense of having to typewrite that name in is something that I do not think will meet the serious approval of Congress at this time.

Mr. GORDON. Does that include municipalities that are termed cities?

Mr. STAFFORD. Yes; every city.

Mr. GORDON. Every post office in the country is included in that.

Mr. STAFFORD. Why, if the Member wants to have 1,000 or 2,000 or 10,000 franked envelopes printed for the dispatch of his speeches in any of the cities of his district he should be given that privilege. It should not be restricted only to the name of the State and compel the Member, through his stenographer, to write in the name of the city to which it is to be sent. It is a most reasonable proposition. I am surprised that the chairman of the committee is seeking to object to that proposal.

Mr. GORDON. Mr. Chairman, just one more question.

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GORDON. Suppose a man has 2,000 post offices in his district. Would you have special envelopes printed for each of those post offices?

Mr. STAFFORD. Oh, there is no Representative who has 2,000 cities or municipalities in his district.

Mr. GORDON. There may be a hundred.

Mr. STAFFORD. But there are probably one-half, certainly one-quarter, of the membership of this House whose congressional districts consist of but one city. What objection could be urged to the printing of the name of the city on the congressional franked envelope of a Member so situated?

Mr. BARNHART. Would the gentleman carry that to the extent of every post office in each Member's district?

Mr. STAFFORD. I have never heard that it was a subject of abuse, but if it were I would be willing to restrict the number to 5,000, if needed. It has never been abused so far. We only want express authorization for what is now done under the existing law.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, I tried to say to the gentleman from Wisconsin [Mr. STAFFORD], when he asked me a question in explanation of this provision, that this is one feature of the bill that will effect, and ought to effect, a very great economy, for the reason that it will stop address printing. It would be all right if each of the 435 Members lived in a great city, where they had only one post office address, but fortunately, as I think, most of us live in districts where we have, say, from 75 to 100 post offices. This proposed amendment is the same as the provision of the present law, and it is abused more or less. If each Member had on an average 100 post offices and he had his envelopes printed only once a year, you could see how many changes would have to be made. It would be 100 times 435. That is the number of changes the Government Printing Office would have to make for one set of speech envelopes, and it would produce an enormous expense. It is not fair that the man who lives in a big city should have the name of the city put on his envelopes, whereas the man representing a country district, including a large number of counties, could not in the very nature of things have 75 or 150 different addresses printed. It would involve an enormous expense, and the very purpose of the bill to effect economies in the public printing would be neutralized by the adoption of amendments like this.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. BARNHART. Yes.

Mr. MADDEN. There could not be any objection to it if it would read, "Districts wholly within a city."

Mr. BARNHART. Yes, there could; it certainly would give the city Representative a very great advantage, because it would be doing the work for him that the Representatives of other districts would have to do for themselves, and which they ought to do for themselves, because they are provided with the clerical help to do it.

Mr. MADDEN. Well, the Members from city districts do not get many advantages, I will say to the gentleman. Any ad-

vantages that come, as a rule, come to the men who represent rural districts.

Mr. BARNHART. I take it, Mr. Chairman, that the Representative of an average rural district has a larger correspondence and a greater diversity of people to whom he wishes to send public documents than the Member representing a big city. I think that is generally true.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from New Jersey?

Mr. BARNHART. Yes.

Mr. TOWNSEND. That is a very interesting statement that the gentleman makes. I will ask him if he has any evidence upon which he bases it, that the Representatives from the country have a very much larger correspondence than the Representatives from the cities?

Mr. BARNHART. I take it that they do.

Mr. TOWNSEND. I do not deny it; but I am interested in it.

Mr. BARNHART. The largest city that I have the honor to represent has 80,000 people, and I know that the proportion of my correspondence from smaller towns and the rural districts is greater than it is from the larger cities.

Mr. TOWNSEND. The gentleman has made no general canvass to enable him to speak authoritatively?

Mr. BARNHART. No. I base it on my own observation. But in any event, whatever we do, if we permit this amendment we will incur a vast amount of expense which ought to be borne by the Member himself. In the matter of addressing envelopes, each Member of Congress has a clerk provided and paid for by the Government to do this addressing of envelopes, etc., and I hope the amendment will not pass.

The CHAIRMAN. The question is on the amendment.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. STAFFORD. Division, Mr. Chairman.

The committee divided; and there were—ayes 9, noes 43.

Accordingly the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee whether he wishes to have the facsimile signatures of Members of Congress on all these envelopes, or whether a Member should be privileged to receive some of them without the imprint of the signature?

Mr. BARNHART. There is already such an authorization. They can get them without that.

Mr. STAFFORD. This is the only section that refers to the printing of the franked envelopes, and as the provision now stands it is compulsory to have the imprint of the facsimile of the Member's signature. I want to know if the gentleman has any objection to inserting, after the word "and," in line 23, page 34, the words "may contain"?

Mr. BARNHART. There is nothing in the provision that would prevent the Public Printer from furnishing envelopes without the signatures. It does provide what an envelope shall contain in order that it may be carried as a public document. Whether a Member writes his signature or whether it is printed on is a matter of no concern to the Public Printer. The envelope must have the Member's signature in order to carry it free through the mail. The purpose is that it shall contain the Government imprint, so that there can be no counterfeiting of the printing. If Members choose, they may use either their printed signatures or their written signatures. Otherwise the envelopes can not go free through the mail.

Mr. STAFFORD. No; this provision only allows the Public Printer to furnish one character of envelope to Members of the House. Every such envelope must contain the name of a Representative and the name of the State, and other requirements, including the words "House of Representatives, Government publication, free." My purpose is to make it discretionary, so as to allow a Member to obtain envelopes without the name. My suggestion is to insert the words "may contain" after the word "and," in line 23, page 34.

Mr. BARNHART. One of the purposes of the bill is to keep account of the number of envelopes printed, and it would be a difficult matter to do so without having a direct order. If any Member could order whatever envelopes he might choose, it would leave the way open for continuation of an abuse of the service which this bill seeks to check.

Mr. STAFFORD. Mr. Chairman, with that explanation I will not press the amendment.

Mr. BARNHART. What advantage would the gentleman from Wisconsin gain by having an envelope without the facsimile signature on it?

Mr. STAFFORD. We use a great number of envelopes for different purposes for which it is not necessary to have the imprint facsimile.

Mr. BARNHART. Not so far as the printing and franking privilege of a Member of Congress is concerned.

Mr. STAFFORD. Is it the purpose of the committee to have the Public Printer scrutinize the number of franked envelopes printed for each Member of Congress?

Mr. BARNHART. That he shall keep account; that is the purpose of this provision.

Mr. STAFFORD. Then I will not press this suggestion any further.

The CHAIRMAN. The gentleman withdraws the pro forma amendment.

Mr. STAFFORD. I wish to continue for five minutes further on another matter. I offer an amendment to strike out the word "without," in lines 12 and 13, page 34, and to insert the word "at."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 34, lines 12 and 13, strike out the word "without" and insert the word "at."

Mr. STAFFORD. Mr. Chairman, this paragraph provides for furnishing free of expense the congressional franked envelopes to Members of Congress. This bill provides for the charging of the expense of all printing of documents of any kind that a Member may have occasion to use to the Member at cost. Personally I can see no more reason why we should receive the envelopes free, as this provides, than why we should receive Government publications free. If we are going to be consistent in having charged up against us the cost of the publications that we distribute, I think we ought also to have charged up against us the cost of these manila envelopes. We know that in many instances there has been considerable abuse of the use of these envelopes, not only manila, but white envelopes. Some Members have obtained these white envelopes of letter size free, and used them for the purpose of sending their replies to correspondence, when those envelopes should have been paid for by the individual Members. If we are going to have a strict accounting of the cost of sending out publications, speeches, and the like for the individual Members, I think the same principle should extend to the envelopes. A few minutes ago the chairman of the committee was very solicitous, for fear that the extra cost of printing the name of a city would be so burdensome on the Government, that it should not be indulged in.

Mr. BARNHART. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BARNHART. Would the gentleman be willing to go a step further and provide that Members should pay for all the public documents they distribute?

Mr. STAFFORD. I understand that that is the very purpose of the bill, and I approve of it.

Mr. BARNHART. No; that is not the purpose of the bill.

Mr. STAFFORD. As I read the bill, Members are to receive a certain allowance and to be credited with a certain amount.

Mr. BARNHART. I get the gentleman now. I understand he proposes to put the envelopes in the allotment or valuation plan.

Mr. STAFFORD. To have the envelopes obtained by Members of Congress for use in sending out their congressional speeches and other congressional publications charged up to them. If we pay for the printing of our speeches that we send out, if we pay for our stationery and the envelopes we use in answering our correspondence, why should we not pay for the envelopes that inclose our speeches? If we pay for the printing of our speeches, why should we not pay for the envelopes in which they are contained?

Mr. BARNHART. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in three minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that debate on this amendment close in three minutes. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, as far back as the memory of man runneth, I take it, the Government of the United States has found its largest educational possibility in Government matters in the distribution of useful public documents. We are providing under this bill, as has been the provision for many years, for a free distribution of public documents, and we do by this bill seek to cure many abuses that have crept in whereby outside institutions have covertly had documents printed, probably at their own expense, but they have abused the franking privilege. We do not propose to take away any legitimate use of free Government document distribution from

any Member, but we do in the bill provide that there shall be a record kept of the amount that he sends out, so that if he should abuse it some one can find out what he is doing. There is no requirement except that the Public Printer must publish the facts annually, so that we will know how much a Member has used of the Government printing. We can not use more under the allotment plan than $1,800 for documents. The Member would have no use for any other envelopes except to send out documents. If the gentleman from Wisconsin would like to make the envelope feature a part of the allotment, I do not know that I would object.

Mr. STAFFORD. Not only are Members to have the privilege of using the envelopes for sending out publications, but for sending out speeches, for which we are obliged to pay the cost, but not anything for the envelopes. Why should not the same cost be charged to Members for the use of the envelopes?

Mr. BARNHART. The man who is sending out speeches is, of course, sending them out largely for himself.

Mr. STAFFORD. Why should not he pay for the envelopes?

Mr. BARNHART. I do not know but that he should, but it would conflict with other features of the bill. It would make it necessary and incumbent on the Public Printer to charge for them, and you would have to pay out of your own pocket for all documentary envelopes used, and if for documentary envelopes, then we should pay for the document also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

Mr. BATHRICK. Mr. Chairman, I desire to offer an amendment, line 7, page 35, to strike out the word "thirty" and insert the words "one hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 7, strike out the word "thirty" and insert the words "one hundred."

Mr. BATHRICK. Mr. Chairman, I desire to ask the chairman of the committee how he arrived at the number of 30 words in his consideration of this matter?

Mr. BARNHART. Mr. Chairman, in answer to the gentleman, all I have to say is that that is the present law. It has proven satisfactory and economical, and the committee had no request from anybody to change it, and I doubt the propriety of changing it.

Mr. BATHRICK. Mr. Chairman, I am sure that that is an arbitrary decision. A man sending out speeches in envelopes may have the commendable purpose of letting the people of this country know something about important matters in Congress. I do not agree with the general acceptation of the purpose of sending out speeches that it is wholly and absolutely for the purpose of exploiting the Member's political fortune. There are many Members of this House who have sent out many thousands of speeches for the sole purpose of educating the public on great questions, and for that purpose, upon the envelope, often has been printed some catching phrase that he desired to attract attention by, taken from that speech, with the belief that if the attention of the people could be attracted by it it would be more widely read. To say that we shall only print upon an envelope an extract from a speech, that contains 30 words, is arbitrary in the extreme. By a very small cost of setting the type for 70 more words, you could make it 100 words; and then you must take into consideration that it is an incidental privilege and is only exercised once in a while. It strikes me that there should be a little more leeway in the matter.

Mr. CLINE. Will the gentleman yield?

Mr. BATHRICK. Yes.

Mr. CLINE. I suggest to the gentleman that it is the experience of every man in this House that that rule has not been adhered to. There is not a man in the House but has had envelopes printed with extracts that have contained 200 words.

Mr. BARNHART. Will the gentleman yield?

Mr. BATHRICK. Yes.

Mr. BARNHART. It has been the custom heretofore and is the law now that you can use 12 words on the outside in a description of your topic. Here is an envelope that contains the subject matter of the speech fully displayed in 29 words. There is no description of the topic there, nothing referring to it; merely the headlines, so to speak.

The provision of the present law is to make use of 12 words of an extract from a speech. If you want more than that, the Public Printer will make an estimate and you can pay the cost. Many Members do that. By the present provision we enlarge the number of words from 12 to 30 because 30 words is ample after you have the topic itself stated. Then you have 30 words for an extract of your speech if you want to use it, and everybody is thereby treated alike and there is no favoritism.

Mr. BATHRICK. I submit that everybody would be treated alike if it was 100 words. The difference in cost of putting the quotation upon the envelope would be negligible and not worthy of consideration. Thirty words is absolutely arbitrary.

Mr. BARNHART. So would 100 words be.

Mr. BATHRICK. But the limit would be sufficient to make the extract of the speech such as the Member might desire. It must be understood that we are not here for the sole purpose of saving money. If we are of any use to the people of this country, we ought to be able to carry information to them which is important. Not all speeches are sent out for personal advantage. I say that this is an arbitrary limitation on Members who desire to perform duties of great public service. If we are to have some arbitrary rule, I think 100 words is sufficiently arbitrary and 30 is altogether too great a restriction.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent that debate on this amendment close in two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, I would like to say, in reply to my friend from Ohio [Mr. BATHRICK], who, I think, is in earnest but is unduly exercised, that if it becomes the custom to print the principal parts of our speeches on the outside of the envelopes, the men who receive them will read that much and throw the rest away. The purpose of a headline in a newspaper is to attract the attention of the reader so that he will read the story. It is put on there to attract attention. You do not put in the headline of a newspaper a whole lot of the body of the article, but you put the headline in bold, catchphrase type to attract attention, and that is the purpose of printing the outline of the speech on the envelope. Under existing conditions you can print 12 words, and most Members avail themselves of that opportunity. Some like to put on more, but they must pay for it. To say that it costs scarcely anything to add a few words on the printing of the envelope is not correct. Composition and ink and wear and tear of type and machinery cost money; and, of course, if the Members of the House decide that they want to put the principal part of their speeches on the outside of envelopes, the committee has no material objection except to say that it will cost a good deal more, and the committee believes it will be just as well to use 30 words as an extract of a speech as to use 100.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. STAFFORD. The printing on a congressional franked envelope is at the expense of the Government, and the Members do not pay for it. I understood the gentleman to say that if a Member felt like having a hundred words on an envelope he would not object to it, though he would object to one little line at the bottom which would contain the name of the city. Is the gentleman entirely consistent?

Mr. BARNHART. I am saying that this is a matter for the House to decide, and not the committee. I think this amendment ought not to prevail. The bill makes a succinct and plain presentation as it is, and treats everybody alike.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. BRYAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 35, line 2, after the word "territory," insert the following: "And the name of the post office may be printed where same may be done without increasing the expense to the Government."

Mr. BARNHART. Mr. Chairman, I make the point of order against that. That would not be possible.

Mr. BRYAN. Mr. Chairman, the gentleman says that the point of order is that it would not be possible; so, of course, that is not a point of order. He merely suggests that the amendment is unreasonable. It is in order.

Mr. BARNHART. In addition to that, I make the point of order that the sum and substance of that amendment has already been voted down by this House.

Mr. BRYAN. Mr. Chairman, that matter has not been presented at all. The gentleman is so astute and learned that if it had been voted down a while ago he would have suggested the fact a while ago that it was impossible. This is an entirely different proposition. For instance, under this amendment, where the address would be "Seattle, Wash.," or "Philadelphia, Pa.," that could be printed on the envelope without a bit more expense than the word "Pennsylvania," but when the matter came up a while ago the gentleman objected to allowing the post office to go on without restriction, because Members can put on a lot of little jerk-water post offices and create a lot of additional expense. I propose that when the post office

can be printed on the envelope without increasing the expense to the Government the Member may request the Public Printer and cause him to put on there the post office as well as the State.

The CHAIRMAN. The Chair will hear the gentleman from Indiana on the point of order.

Mr. BARNHART. Let us vote, Mr. Chairman.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment.

Mr. BRYAN. Mr. Chairman, I want the Members to understand that there are Members here from New York City and Philadelphia——

Mr. BARNHART. Oh, I shall object, if the gentleman desires to make another speech.

Mr. BRYAN. I do not yield to the gentleman.

The CHAIRMAN. The gentleman from Washington has the floor.

Mr. BARNHART. I would like to inquire how much time the gentleman wants.

Mr. BRYAN. Five minutes.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent that all debate on this close in 15 minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that debate on this amendment close in 15 minutes. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Chairman, it seems to me that the objection made a while ago to permitting a Member to request and cause the Public Printer to put the post office on the envelope where a great many post offices were involved, and an increase of expenditure was necessarily plain, was well taken, and it would be right to oppose the proposition; but where all of the documents or all of the speeches are to go to one city, as to Philadelphia, Pa., that the words "Philadelphia, Pa.," on the envelope would not incur any additional expense; and it is absolute folly to require the Member when he wants to send out, say, 40,000 speeches to Philadelphia to hire some girl to write the word "Philadelphia" 40,000 times. That is not economy or good sense. I do not think the chairman of this committee ought to object to allowing the address to be put on, with a proviso like that, that it can be done only when no increase of expenditure on the part of the Government is incurred. That is all there is to my proposition, and I believe it is reasonable.

Mr. PLATT. Mr. Chairman, I merely want to say as a practical printer that I think it is possible to print the city on the envelope without any additional expense.

Mr. BARNHART. The gentleman is a practical printer. What does he charge in his office for changing a form?

Mr. PLATT. But you would not change any form.

Mr. BARNHART. You would, if you had a hundred or a hundred and fifty post offices in your district.

Mr. PLATT. That is not what the gentleman's amendment provides. He merely wants one post office put on.

Mr. BARNHART. But he can come every day with his order until he gets his post offices supplied.

Mr. PLATT. The gentleman knows as a printer that it does not cost any more to set up "New York, N. Y.," than "New York" alone. You could not possibly estimate any increased expense there.

Mr. BARNHART. We have been all over that ground.

Mr. PLATT. It really would not cost another cent.

Mr. BRYAN. The change would cost, if you have a half dozen different changes to be made; but under this amendment you could not have that privilege.

Mr. PLATT. You must do it all one way.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. BATHRICK. Mr. Chairman, I offer the following amendment: On page 35, line 8, after the word "thereon," insert the words "at Government expense."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 35, line 8, after the word "thereon," insert the words "at Government expense."

Mr. BATHRICK. Mr. Chairman, the defeat of the amendment which I have just offered, extending the number of words that could be printed on an envelope, as an extract from a speech, from 30 to 100, leaves us in a peculiar position. It is very arbitrary, but unless this amendment prevails a Member of the House will not be permitted to print at his own expense an extract from a speech from the RECORD upon an envelope, and I submit that that is foolish. If the law stands as it is printed in this bill it simply says, "No other words shall be printed thereon except to affix the official title of the publication." Now, a Member could not take that envelope to a private printer and have anything else printed upon it, and I ask the chairman of the committee if he will not accept this amendment?

Mr. BARNHART. Mr. Chairman, if the gentleman will permit, there will be this objection to it: I think it is turning the Government Printing Office over into a job printery, and one purpose of this bill is to prevent that; and another thing is, it puts all the Members on an absolutely equal footing, and gives what the committee thought were ample facilities for printing display extracts from a speech.

Mr. BATHRICK. Just a word. Is not this putting all the Members on an equal footing, for if anybody desired to take this envelope and print extracts from a speech upon it he would be permitted to do so?

Mr. BARNHART. That would be giving one man what the other fellow may not have——

Mr. BATHRICK. No; he has the opportunity like the other fellow has. This costs the Government nothing; there is no expense attached to this amendment in any way, shape, or manner, and it is giving to a Member the privilege of taking that envelope and having printed on it an extract from his speech.

Mr. PLATT. Let me ask the chairman of the committee if he did not state a few minutes ago, as a matter of fact, the Printing Office itself does it now at the expense of the Members?

Mr. BARNHART. That is under the present law.

Mr. BATHRICK. I think the gentleman ought to accept the amendment.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I can not realize how any person can object to the reasonable amendment presented by the gentleman from Ohio, unless it is the intent and design of the chairman of this committee to strait-jacket the congressional franked envelope so that it shall be only of a certain style and a certain form. Now, I would like to have had the entire expense of the printing of these congressional franked envelopes borne by the Members rather than by the Government. But here we have the very reasonable proposition of the gentleman from Ohio that additional words, either the name of the city or the name of the village in the district to which these speeches are to be sent, may be paid for by the Member himself when he desires that. What objection can be raised to such a reasonable provision? I leave it to the sense of the committee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 42. PAR. 3. The Public Printer shall also furnish without cost to the Vice President, Senators, Representatives, Delegates, and Resident Commissioners blank franks printed on sheets and perforated, or singly, for mailing Government publications. Franks so furnished shall be printed in black ink only and contain in the upper left-hand corner thereof the following words, to wit: "Government Publication. Free," "United States Senate," or "House of Representatives, U. S.," and a special request for return if not called for, and in the upper right-hand corner the facsimile signature or name of the Vice President, any Senator, Representative, Delegate, or Resident Commissioner, and the letters "V. P.," "U. S. S.," or "M. C.," and in the lower right-hand corner the name of the State or Territory: *Provided*, That the Public Printer shall furnish to the Department of Agriculture such franks as the Secretary of Agriculture may require for sending out seed on congressional orders, the franks to have printed thereon the facsimile signature of Senators, Representatives, Delegates, or Resident Commissioners, the names of their repective States or Territories, and the words "United States Department of Agriculture, Congressional Seed Distribution," or such other printed matter as the Secretary of Agriculture may direct, the franks to be of such size and style as may be prescribed by the Secretary of Agriculture; the expense of printing the said franks to be charged to the allotment of appropriation for printing and binding for Congress.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word for the purpose of paying a brief but sincere tribute to the chairman of the committee in charge of this bill, the gentleman from Indiana [Mr. BARNHART], and to all the members of the Joint Committee on Printing. As a practical printer I know something of the laborious work that has been performed in the preparation of this bill. The bill deals with a great many technicalities, and I know that, although one or two slight changes are being made, the entire House will appreciate the work that has been done. [Applause.] The bill will help to systematize the great Government Printing Office. It will prevent the waste of valuable documents; it will help the Members of Congress, and it will result in a very great saving to the people of the United States. The gentleman from Indiana can not say so, but I know that he is glad that we have put the old all-around printer on a par with some of the specialist craftsmen in the model printing office of all the world. The chairman and his committee have placed this bill before us. They have not said, "This is our bill," but, rather, "This is your bill," and each little change for the general betterment of the whole measure has been graciously accepted.

Mr. Chairman, I feel that the Members will join me in a tribute to all printers everywhere, from the boy who to-day is beginning his trade to the masters of the "art preservative of all arts"—the men who place in type, hour by hour, and make public the story of the history of the world—a bloody, brutal story to-day, but one of peace and prayer to-morrow, we all hope.

The tribute should extend, Mr. Chairman, to the men who write the news, to the wonderful Associated Press, whose agents now are striving to break down the censorships that warring nations have created, who are bending every nerve to send corrected, unbiased information for editors, printers, and pressmen to put before a Nation made up of the blood of all nations. Oh, what a staggering task! What reporter can comprehend a battle line 250 miles long? What editor can say if the report is fair? What hours must the printers work? How can a pressman say at what hour the extra with the world's greatest war news shall spring forth?

Mr. Chairman, how many of us struck out in life's battle when we were just past the Fifth Reader by sticking a little type or by inking the forms on the old Washington hand press? How times have changed in the printing business since then! Visit, if you will, the great Government Printing Office. See that myriad of trained employees, each one doing his part with economy and efficiency; see the keen-eyed men fingering the keyboards of marvelous machines, while the type they set comes out into lines on the floor above; see those trained proof readers correcting the proofs of all of the volumes from all of the departments that tell of all the activities of a Nation of 100,000,000 people, whose greatest successes have come from the fact that a greater percentage of these United States citizens can read and write than of the people of any other country on the globe, and then stop to wonder and to think.

Our people secure nearly, if not all, their information from the types. The country printers and the country editors, together with their brothers who have graduated into city printers and metropolitan editors, give out with less bias and less prejudice more news and information than is permitted in any other country.

Mr. Chairman, every true printer loves his work. He loves the printed page. He knows that his trade is truly an art. All the printers I have known—and I am sure the gentleman from Indiana will agree with me—believe in and know the epitaph which Benjamin Franklin, printer, wrote for himself, as follows:

THE BODY
OF
BENJAMIN FRANKLIN,
PRINTER
(LIKE THE COVER OF AN OLD BOOK,
ITS CONTENTS TORN OUT,
AND STRIPT OF ITS LETTERING AND GILDING),
LIES HERE, FOOD FOR WORMS.
BUT THE WORK ITSELF SHALL NOT BE LOST,
FOR IT WILL, AS HE BELIEVED, APPEAR ONCE MORE,
IN A NEW AND MORE ELEGANT EDITION,
REVISED AND CORRECTED
BY
THE AUTHOR.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment: Page 36, lines 4 and 5, strike out the words "United States Department of Agriculture."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, lines 4 and 5, strike out the words "United States Department of Agriculture."

Mr. STAFFORD. Mr. Chairman, the amendment seeks to eliminate from the seed frank the term "United States Department of Agriculture." Every Member here is aware that when we send out seed through our districts there is an impression upon the part of a large number of our constituents that instead of coming from the Representatives they come from the Department of Agriculture. I know I have received many letters in response to the reply on the frank to make some report as to the character of those seed——

Mr. BARNHART. Will the gentleman yield?

Mr. STAFFORD. When the letter is addressed, United States Department of Agriculture, fifth district, Wisconsin. Now, to obviate the ambiguity in the minds of our constituents and to let them know from where they come and also to save the cost of printing those words I move to strike that out of the bill. I think you will all agree that there is no sense in keeping on the congressional frank the term "United States Department of Agriculture," when the Member himself is sending out the seed.

Mr. BARNHART. The difficulty about that would be that when we get an inferior quality of seed, which sometimes happens, then the responsibility would be placed on the shoulders of good men like the gentleman from Wisconsin, and the Department of Agriculture would escape blame.

Mr. STAFFORD. The responsibility is placed on my shoulders many times instead of on the Department of Agriculture by the knowing members of the district.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 42. PAR. 4. It shall be unlawful for any person entitled to franked envelopes or franked slips under the provisions of this act to furnish the same, either directly or indirectly, to any individual, committee, organization, or association for the benefit or use of such individual, committee, organization, or association: *Provided*, That the foregoing provision shall not apply to any committee composed of Members of Congress: *Provided further*, That it shall be unlawful for anyone except the Public Printer to print franked envelopes or franked slips for the mailing of Government publications, and all such franked envelopes or franked slips shall bear the imprint of the Government Printing Office: *Provided further*, That the Public Printer shall submit a report to Congress each regular session showing, by name, the number and cost of franked envelopes and franked slips printed and furnished to each Senator, Representative, Delegate, Resident Commissioner, or officer or committee of Congress during the preceding fiscal year, indicating separately those printed for the mailing of Government publications: *Provided further*, That any person who shall violate the provisions of this section shall be fined not more than $300.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent, in order to make the bill clear, that in line 2, after the word "printed," on page 37, there be inserted the word "free." This would distinguish between the free envelope and the ones that we pay for.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana [Mr. BARNHART].

The Clerk read as follows:

Page 37, line 2, after the word "printed," insert the word "free."

Mr. WILLIS. Mr. Chairman, I desire to be heard on the amendment for the purpose of asking the gentleman from Indiana a question as to the meaning of the proviso on lines 17, 18, and 19, on page 36. Does the gentleman think that language is sufficiently clear to make possible the distribution of documents by the congressional committees, as he knows the congressional committees are not composed entirely of Members of Congress?

Mr. BARNHART. Mr. Chairman, that is the present law, and the committee thought it was up to the honor of members of these committees to faithfully comply with the law; and so we left it as it was.

Mr. WILLIS. There is no doubt about that; but my question went to the matter of clearness in the expression. As a matter of fact, the committees are not made up exclusively of Members of Congress. The proviso says:

*Provided*, That the foregoing provision shall not apply to any committee composed of Members of Congress.

Mr. BARNHART. As a matter of fact, our congressional committees are made up of Members of Congress; otherwise they would not be congressional committees.

Mr. WILLIS. I think, as a matter of fact, that is not generally true. The gentleman will find on his own congressional committee, I think, some members not Members of Congress. That is generally true of the congressional committees of the several parties. They are not made up exclusively of Members of Congress. In view of that fact does the gentleman think this language is sufficiently clear?

Mr. BARNHART. You could say, "A majority of whom shall be Members of Congress." That would give an opportunity for designing people to organize with Members of Congress and still comply with the law. We thought, after a full consideration, this would be the best protection that could be afforded in the matter of the use of the frank, and to prevent its abuse.

Mr. WILLIS. My attention has been called to the fact that some States do not have representation in Congress from one or more of the political parties. Obviously the member of the congressional committee from such a State could not be a Member of Congress. I ask the question in order to ascertain if this language would be sufficiently clear.

Mr. BARNHART. Would the gentleman from Ohio be willing that we insert the words "entirely Members of Congress" as an amendment? Does the gentleman think that would better safeguard it?

Mr. WILLIS. That would make it perfectly clear that none of the congressional committees of any of the political parties could send out these documents, because none of them are composed exclusively of Members of Congress.

Mr. BARNHART. It does not say that.

Mr. WILLIS. It would if you adopted that amendment.

Mr. BARNHART. There has never been any question about this feature of the law, either by the postal authorities or anybody else.

Mr. PLATT. Mr. Chairman, will the gentleman yield there?

XUM

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from New York?

Mr. BARNHART. Yes.

Mr. PLATT. I merely want to suggest to the Chairman whether it would not be a good plan to use the same language as is used in section 42, where the words "without cost" are used instead of "free." In section 42, page 34, lines 12 and 13, the words "without cost" are used. It seems to me it would be better to use the same phrase in each place.

Mr. BARNHART. Mr. Chairman, no contingency has arisen by which we could purchase franked slips. There is a provision of law whereby we purchase our own stationery, and we are given $125 a year for that purpose. We inserted the word "free" in the other relation to indicate the difference, so that we can ascertain whether the free privilege is being abused or not. A Member has the right to buy as many Government printed envelopes as he chooses, and he can indulge himself to the limit and nobody can have any objection, because he pays for all he gets. I do not think there will be any reason for anybody purchasing frank slips, because each Member can get all he wants.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 44. PAR. 1. Either House of Congress may order any matter printed as a document, the printing of which is not already provided for by law, but only when the same shall be accompanied by an estimate, obtained from the Public Printer, of the probable cost of printing a sufficient number of copies of the complete document for distribution as provided for in sections 46, 63, and 65 of this act, which number shall be known as the "usual number," and if accompanied by illustrations the order to print shall specifically so authorize: *Provided*, That no such printing shall be ordered or undertaken until all the copy therefor has been referred to and reported upon by the respective Committee on Printing, or such committee has been discharged from its consideration: *Provided further*, That the Committee on Printing of either House in submitting a report on printing provided for in this section shall include therein an estimate of the probable cost of the proposed printing by the Public Printer, a statement from him of the estimated approximate cost of work previously ordered by Congress within the fiscal year and the amount available therefor, a description of the general character of the matter submitted for printing, and, if a reprint, the number of copies previously ordered and on hand in any form.

Every communication submitted to Congress or either House thereof by any executive department, independent office, or establishment of the Government shall have written thereon or attached to the letter of transmittal an estimate of the probable cost of printing the usual number thereof as a document, a recommendation from the officer transmitting the same as to its printing, and a statement as to whether it is accompanied by illustrations: *Provided*, That if the estimated cost of printing a communication so transmitted is less than $100, it may be ordered printed by either House without reference to its Committee on Printing as herein provided; but whenever a recommendation is submitted that a communication be not printed, it shall not be made a document by either House, until reported upon by the committee to which it may be referred, and then only as provided for in this section: *Provided further*, That nothing in this paragraph relating to estimates or reference to the Committee on Printing shall apply to printing the usual number of reports of committees of Congress; to addresses or messages of the President to Congress, when not accompanied by other papers; to communications submitted to Congress by any executive department, independent office, or establishment of the Government, the printing of which is provided for by law; to communications from the Court of Claims; to estimates of appropriations; or to matter printed for the use of either House in executive or secret session: *Provided further*, That all reports on examinations and surveys of rivers and harbors authorized by law which may be prepared during the recess of Congress shall, in the discretion of the Secretary of War, be printed by the Public Printer as documents of the following session of Congress.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] moves to strike out the last word.

Mr. STAFFORD. We are certainly by this paragraph surrendering the powers of the House to the Committee on Printing, so far as relates to all public documents that are submitted to it for consideration. No public document may be printed under the provisions of this paragraph unless it has the visé—I was about to say—of the august body known as the Committee on Printing.

Mr. BARNHART. That is not right.

Mr. STAFFORD. It changes the existing rules of the House and the existing practice, so far as printing is concerned. The paragraph says:

Either House of Congress may order any matter printed as a document the printing of which is not already provided for by law, but only when the same shall be accompanied by an estimate, obtained from the Public Printer, of the probable cost of printing a sufficient number of copies of the complete document for distribution as provided for in sections 46, 63, and 65 of this act, which number shall be known as the "usual number," and if accompanied by illustrations the order to print shall specifically so authorize: *Provided*, That no such printing shall be ordered or undertaken until all the copy therefor has been referred to and reported upon by the respective Committee on Printing, or such committee has been discharged from its consideration.

It has heretofore been the privilege of the House to order printed as documents such matters as it believed were advisable to have printed; but under this provision the House can not, except by unanimous consent, have any document printed until it has been first visèed by the Committee on Printing.

Then, again, the second paragraph of the provision provides that every communication submitted to Congress, including reports of the departments, shall be accompanied by an estimate of the cost of the printing, and that those reports can not be printed, except as to certain matters relating to estimates, until the printing of those also has been O. K.'d by the Committee on Printing.

If we are going to establish this strict censorship in the matter of the printing of communications to Congress and in the matter of the documents that are submitted to Congress for printing, why, we might as well surrender, so far as printing is concerned, all our privileges to the Joint Committee on Printing. I do not think there has been any grave abuse under the existing practice of the printing of documents by the House; but if we are going to submit everything to the Committee on Printing, as required by this provision, except in the few cases instanced in the paragraph, I think it will lead to delay.

Mr. BARNHART. We do that now.

Mr. STAFFORD. We certainly do not have anything in the existing law which says that no such printing shall be ordered or undertaken until all the copy therefor has been referred to or reported on by the Committee on Printing. And further, we have not at the present time any requirement that every report submitted to us by the departments shall be accompanied by an estimate of the cost of the printing at the time when it is submitted and that it can not be printed until it has been referred to the Committee on Printing. If the House is inclined to adopt that strict censorship over its action, I have no more to say on the subject.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, the gentleman from Wisconsin has a commendable motive, but he is mistaken. The present law provides that either House may order the printing of a document not already provided for by existing law, but only when the same shall be accompanied by an estimate from the Public Printer as to the probable cost thereof; and there is the leeway for extravagance in this privilege which this bill seeks to curtail.

I want to give you a specific instance. The House of Representatives has observed this rule very carefully, so that scarcely anything is permitted to be printed without some committee acting upon it, considering the advisability of printing it, learning whether it is a duplication, what it will cost, and so forth.

In the Sixty-first Congress the cost of the printing done by unanimous-consent orders on the floor of the House was only $5,895.42. During that same Congress the cost of similar unanimous-consent printing ordered by the Senate was $54,490. I want to call attention to a few conspicuous abuses. In a recent session of Congress, by unanimous consent obtained on the floor of this House, without any reference to the Committee on Printing, and without anybody knowing what it was going to cost, this great folio volume, which I hold here, entitled "History of the House Office Building," was ordered printed, and it cost $4,700 for 565 copies.

Mr. STAFFORD. Will the gentleman kindly describe the volumes?

Mr. BARNHART. It is entitled "History of the House Office Building, House Report No. 2291, Sixty-first Congress, third session." On the memorable occasion of the laying of the corner stone of that building a famous American, then President, delivered a sensational speech against muckraking.

Mr. STAFFORD. A speech against muckraking.

Mr. BARNHART. Yes; and not one word of that speech is included in this volume. There is nothing in it about the laying of the corner stone, but there is a very expensive illustration showing a few colored gentlemen laying the last stone of the building. Included in this volume are numerous illustrations, very expensive in their preparation, showing the different stages of the construction of the building. The book cost taxpayers $4,700. The printing was authorized by some man arising on the floor of the House and asking unanimous consent that it be published in book form, and it was done contrary to the provision of law requiring that an estimate of probable cost should accompany it.

I have a few other conspicuous instances. In the not distant past in another branch of this Congress evidence taken by the Interstate Commerce Commission in the matter of proposed advances in freight rates by carrier was submitted, and one of the Members, by unanimous consent, had this report printed in 10 volumes and in such numbers that it cost the Government $22,869.05. Additional matter submitted on April 14, 1914, filled three mail sacks of closely typewritten copy, which it was stated would require complete reindexing, with more matter to be submitted, and that it might cost $25,000 to $30,000 more.

In another memorable instance, at the time when a noisy Indianian was a Member of Congress, he made a speech on child labor, or a children's bureau, and by unanimous consent asked for publication and republication of volumes of all sorts that were already in print, and the Public Printer expended $55,000 of the money belonging to the people of the United States for that publication. I seriously doubt if there is a man in the world who will ever take the time to read all of that junk through.

Now, Mr. Chairman, I submit to you that these abuses have crept in. They are not common in the House, because we observe the law carefully. The other day an excellent gentleman rose and asked unanimous consent to publish the proceedings of the extra session of the Legislature of Porto Rico. The chairman of the Committee on Printing objected until he could investigate it. He discovered that the document had been already printed by the Bureau of Insular Affairs, and that it had the plates and the type, and all that, and the 500 copies asked for would have cost the Government about $450, while a reprint would only cost $47.50. The gentleman who submitted that request knew nothing about the cost or the cheaper way to proceed.

This law provides that any publication costing more than $100 shall be referred to the Committee on Printing. That committee is supplied with clerks whose duty it is to find out whether the printing would be a duplication or if there be a more economic method. I insist that this provision is one of the largest savings in the bill, and we ought to adopt it.

The CHAIRMAN. The time of the gentleman has expired, and the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 44. PAR. 2. Either House may by simple resolution order reprints or additional copies printed of any Government publication to the amount of $500; if the cost exceeds that sum or if it is proposed to make such publications available for congressional valuation distribution, the printing shall be ordered by concurrent resolution unless the resolution is self-appropriating, when the order shall be by joint resolution. Such resolutions when presented to either House shall be referred immediately to its Committee on Printing, which shall report thereon as provided for in this section. Whenever additional copies or a reprint of any publication shall be ordered by either House, only the number of copies provided in this act shall be printed and delivered to its respective document room, unless otherwise ordered: *Provided*, That the Joint Committee on Printing may order additional copies printed of any Government publication at a cost of not to exceed $200 for any one publication in any one Congress.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word in order to get some information. I would like to inquire of the chairman as to the need of this provision in allowing the Joint Committee on Printing to have additional copies printed of any Government publication at a cost of not to exceed $200?

Mr. BARNHART. That is the present law. It has worked admirably, and it is largely for emergency purposes. It enables Members to get a reprint of a document if in the judgment of the committee it is proper to do so; they can have a reprint of any publication made at the Government's expense at a cost not exceeding $200.

Mr. STAFFORD. Is it intended by this provision to have the committee, on its own authority, authorize additional printing up to $200 without a formal resolution being introduced in the House?

Mr. BARNHART. Only in the instance of the reprint of documents. It has been the custom for years, and I do not recall that it has ever been abused.

Mr. STAFFORD. Why should the Committee on Printing have any more authority in that matter, without a formal resolution being introduced, than any other committee of the House?

Mr. BARNHART. It takes care of the little emergency matters. There is hardly any possibility of its being abused. There could not be a second reprint; it is only one reprint that is provided for.

Mr. STAFFORD. It is not limited to any one reprint in the phraseology.

Mr. BARNHART. Yes; it says:

*Provided*, That the Joint Committee on Printing may order additional copies printed of any Government publication at a cost of not to exceed $200 for any one publication in any one Congress.

Mr. STAFFORD. I see the limit is to one Congress.

Now, I wish to direct the gentleman's attention to another part of this paragraph, beginning on line 24, page 39, where it says:

Such resolutions when presented to either House shall be referred immediately to its Committee on Printing, which shall report thereon as provided for in this section.

Is not that virtually infringing on the rules of each House? Are you not attempting by law to create a rule of the House?

Mr. BARNHART. That is existing law. There never has been any complaint of it.

Mr. STAFFORD. It is virtually a rule of each House that you are enacting into law.

Mr. BARNHART. It furnishes a protection that is needed. It refers it to a committee that is or should be careful in the consideration of it. I think the law is well grounded and it should be continued in existence.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN (Mr. BYRNS of Tennessee). The Clerk calls attention to a typographical error on page 39, line 23, where the word "joint" is misspelled. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

SEC. 44, PAR. 3. The term "Government publication," as used in this act, shall be held to mean and include all publications printed at Government expense or published or distributed by authority of Congress. No Government publication nor any portion thereof shall be copyrighted, nor shall any reprint of such publication other than by the Government Printing Office bear the imprint of that office, and hereafter every publication printed at the Government Printing Office shall bear its imprint and the name of the committee, commission, office, department, or establishment of the Government causing the same to be published. Whoever shall use the Government Printing Office imprint on any publication not printed by the office shall be fined not more than $1,000.

Mr. BARNHART. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 40, line 22, after the word "by," strike out the word "the" and insert the word "that."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. BRYAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the bill. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 46. PAR. 3. Of the House numbered documents and reports, excepting reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Senate document room, not to exceed 150 copies; to the office of the Secretary of the Senate, not to exceed 10 copies; to the House document room, not to exceed 500 copies; and to the office of the Clerk of the House of Representatives, not to exceed 20 copies: *Provided*, That, upon the order of any Senator or Member at the beginning of each session, one copy of every document for such session shall be promptly delivered to his office by the Senate or House document room, respectively, from the number provided therefor in this section.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Do I understand that out of the 500 copies of House documents each Member is to receive a copy upon his order, to be delivered to his room?

Mr. BARNHART. He may have it if he asks for it.

Mr. STAFFORD. What provision will be made for furnishing these documents to the general public if such privilege is availed of? We provide for the printing of only 500 copies of a House document. If the Members of the House and the Senate wish to exercise the privilege, they will soon be exhausted. There are over 500 Members and Senators. There would not be any document left for the general public.

Mr. BARNHART. Under the present law there are only 360 provided, and we have 440 Members of the House. The new feature of this section is to prevent the abuse that fills the terraces of this Capitol and the old car barns down at the foot of the hill and the basement of the Capitol with all sorts of moldy old junk, which is costing the Government annually nearly half a million dollars in waste printing losses, because it is printing so much stuff that nobody cares to send out. If any document is of importance, after each Member has had one, he can introduce a resolution for a reprint, and it can be had. It is a matter that will be purely in the hands of the Congress and not in the hands of the committee to issue as many of these publications at it sees fit, but this prevents the overpublication of all sorts of documents.

Mr. STAFFORD. I am quite in sympathy with the purpose. There has been an abuse under existing practice, and many

documents have been needlessly published, but under this new arrangement, permitting the Members and the Senators to have one copy of each document sent to their offices, there will be few copies available for the general public, unless, as the gentleman says, some Member sees fit to introduce a special resolution to have a reprint made.

Mr. BARNHART. There is not any provision of that kind now, and the gentleman has never been embarrassed by it.

Mr. STAFFORD. There is no provision authorizing a Member or a Senator at the present time to have one of these documents furnished to him at his office.

Mr. BARNHART. Yes; but he is entitled to it now. He can go there and take it out. This simply provides that these documents shall go to the Members' offices. Many times Members complain that they never knew that there was such and such a document in existence, and if the documents are sent to their rooms they will not be corded up all around here as waste, as they are now.

Mr. STAFFORD. I was merely fearful that there would not be any documents at all for the general public.

Mr. BARNHART. I think the gentleman need not have any fear on that score.

The Clerk read as follows:

SEC. 46. PAR. 5. Of the Senate reports on private bills and simple and concurrent resolutions, there shall be distributed, unbound, to the Senate document room, not to exceed 220 copies, and of the House reports on private bills and concurrent and simple resolutions, not to exceed 100 copies. Of the Senate and House reports on private bills, concurrent and simple resolutions, there shall be distributed, unbound, to the Executive Office, 2 copies; to the office of the Secretary of the Senate, not to exceed 10 copies; to the House document room, not to exceed 200 copies; to the Government Printing Office, for official use, 5 copies; to the office of the superintendent of documents, 2 copies; to the Library of Congress, 2 copies: *Provided*, That reports on bills for the survey of rivers and harbors shall take the distribution of private reports.

Mr. BARNHART. Mr. Chairman, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 44, line 13, after the word "and," strike out "concurrent and simple" and insert "simple and concurrent."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 44, line 15, after the word "bills," strike out the comma and the words "concurrent and simple" and insert "simple and concurrent."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 46. PAR. 6. Of the Senate and House numbered documents and reports there shall be bound and distributed to the Executive Office, 2 copies; to the Senate and the House libraries, each, not to exceed 15 copies; to the Library of Congress, for its own use and for international exchange, not to exceed 110 copies, as requested by the Librarian of Congress; and to the superintendent of documents, a sufficient number to enable him to make distribution to depository libraries: *Provided*, That only such Senate and House reports on private bills and simple and concurrent resolutions shall be included in the distribution to international exchanges and depository libraries as shall be deemed of public importance by the superintendent of documents, but 1 copy of every report shall be distributed to the library of the office of the superintendent of documents. The binding provided for by this paragraph shall be done in the manner directed by the Joint Committee on Printing, and in the binding of documents and reports the Public Printer shall bind separately every document or report which in its unbound form is 1 inch or more in thickness of printed matter, and shall bind the smaller documents and reports in suitable volumes, the titles on the backs and sides of these volumes to be supplied by the superintendent of documents, and as far as practicable shall indicate the subject matter contained therein: *Provided further*, That any depository library that may prefer to have its documents and reports in unbound form instead of the bound edition may do so by notifying the superintendent of documents to that effect prior to the convening of each Congress: *Provided further*, That the Librarian of Congress may order any of the documents and reports for international exchanges in unbound form instead of the bound edition.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word for the purpose of securing some information from the chairman of the committee. I direct his attention to the proviso at the end of paragraph 5, section 46, which reads as follows:

*Provided*, That reports on bills for the survey of rivers and harbors shall take the distribution of private reports.

What does that language mean?

Mr. BARNHART. That is existing law, and it means that there shall be the same number printed as there are of private reports. It has worked satisfactorily. There have been no complaints to the committee at any time in respect to the operation of it.

Mr. WILLIS. It is not a question as to the operation of it, but as to the real meaning of it. The language is certainly obscure.

Mr. BARNHART. It means merely to regulate the number.

Mr. WILLIS. That is, that these reports shall be distributed as private reports? Is that the meaning of the words "take the distribution of private reports"?

Mr. BARNHART. That is what it says.

Mr. MADDEN. Mr. Chairman, I notice that there are only about 28 Members in the House, and I demand that we have a quorum present.

Mr. BARNHART. Mr. Chairman, will the gentleman yield to me for a moment? This is a very long bill, and it is tedious and is in the way of some others, but the particular features of the bill that we are now considering are not of any particular concern to anyone, and I hope the gentleman will withhold his point until 5.30 o'clock, when we will reach an important part of the bill, when we ought to have a quorum present, and then adjourn until next Wednesday.

Mr. MADDEN. Mr. Chairman, the gentleman from Indiana, chairman of the Committee on Printing, has been a very arduous worker all his life. He has worked constantly and persistently on this bill and must be very tired——

Mr. BARNHART. No; he is not.

Mr. MADDEN. It is evident a very great many Members of the House are not interested in this particular part of the bill now being considered, or in any other part of it. A number of us have been here constantly, endeavoring to keep a quorum. The hour has arrived when it is evident that we will not be able to get one, and I therefore make that point.

Mr. STAFFORD. I hope the gentleman from Indiana will move to rise.

Mr. BARNHART. I do not like to quit at 5 o'clock, when I think we could get through with a little more——

Mr. STAFFORD. Will not the gentleman move to rise?

Mr. BARNHART. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15902 and had come to no resolution thereon.

### WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. BAILEY was granted leave to withdraw from the files of the House without leaving copies the papers in the case of Anne McNamara (H. R. 11764), no adverse report having been made thereon.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HELM, for one week, on account of sickness.

To Mr. TAVENNER, indefinitely, on account of illness in his immediate family.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 337. Joint resolution to provide for representation of foreign Governments growing out of existing hostilities in Europe and elsewhere, and for other purposes.

### ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles, when the Speaker signed the same:

H. J. Res. 334. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914.

H. J. Res. 337. Joint resolution to provide for representation of foreign Governments growing out of existing hostilities in Europe and elsewhere, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1369. An act for the relief of the Snare & Triest Co.

### EXTENSION OF REMARKS.

Mr. BURKE of Wisconsin. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks in the RECORD by incorporating two editorials written and published in La Follette's Magazine about a year ago upon the question of the tariff.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD by printing

certain editorials on the tariff question. Is there objection? [After a pause.] The Chair hears none.

Mr. BAILEY. Mr. Speaker, I have a letter from the president of the National Wholesale Grocers' Association in regard to the prices of foodstuffs which I would like to have placed in the RECORD as an extension of my remarks.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by having printed a letter touching the high price of living. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, is this the customary resolution which each Member of Congress receives from time to time?

Mr. BAILEY. No, sir; it is a personal letter from the president of the National Wholesale Grocers' Association.

Mr. STAFFORD. Every Member of Congress receives personal letters from various associations, and I do not think we should indulge in the practice of printing such letters which we receive in the regular course of our duties as Members. I think it is a bad practice.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER. The gentleman from Wisconsin objects.

ADJOURNMENT.

Mr. BARNHART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned to meet to-morrow, Thursday, September 10, 1914, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CURRY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 17613) authorizing the Commissioner of Navigation to cause the bark *Simla* to be registered as a vessel of the United States, reported the same without amendment, accompanied by a report (No. 1150), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MACDONALD: A bill (H. R. 18709) authorizing the Secretary of the Treasury to purchase not to exceed 15,000,000 pounds of copper bullion, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. ROTHERMEL: A bill (H. R. 18710) to provide a penalty for falsifying the CONGRESSIONAL RECORD; to the Committee on the Judiciary.

By Mr. HOBSON: Joint resolution (H. J. Res. 341) requesting the President to confer with the Governments of the world with a view to issuing a call for the third conference, to be held in San Francisco in 1915; to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Resolution (H. Res. 616) providing for the consideration of H. R. 18666; to the Committee on Rules.

By Mr. LEVER: Resolution (H. Res. 617) for the consideration of S. 6206; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 18711) granting a pension to Winnifred Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18712) granting an increase of pension to Earl W. Soper; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 18713) granting a pension to Samuel Lehman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18714) granting a pension to Sallie A. Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18715) granting a pension to Thomas Stubbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18716) granting an increase of pension to Harvey H. M. Moore; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 18717) granting a pension to Delia Anderson; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 18718) granting a pension to James Hiles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18719) granting an increase of pension to Margaret L. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 18720) granting an increase of pension to James W. Herndon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18721) granting an increase of pension to William K. White; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 18722) granting a pension to Henry Schroeder; to the Committee on Pensions.

Also, a bill (H. R. 18723) granting an increase of pension to Isabella L. Covell; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 18724) granting an increase of pension to Frederick Ernest; to the Committee on Pensions.

By Mr. LAFFERTY: A bill (H. R. 18725) granting a pension to Martha S. Becker; to the Committee on Pensions.

By Mr. MACDONALD: A bill (H. R. 18726) granting a pension to David A. Kooker; to the Committee on Pensions.

By Mr. NEELEY of Kansas: A bill (H. R. 18727) granting a pension to James P. Barber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18728) granting an increase of pension to William Rose; to the Committee on Invalid Pensions.

By Mr. RUPLEY: A bill (H. R. 18729) granting an increase of pension to Sallie E. Mullin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18730) granting an increase of pension to Susan Dovener; to the Committee on Pensions.

Also, a bill (H. R. 18731) granting an increase of pension to Josiah Fosnot; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petitions of Weisert Bros. Tobacco Co., Christian Peper Tobacco Co., and F. R. Rice Mercantile Co., all of St. Louis, Mo., protesting against the proposed increase of internal-revenue taxes on cigars and tobacco; to the Committee on Ways and Means.

By Mr. BAILEY (by request): Petition of sundry voters of Saxton, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BURKE of Wisconsin: Petition of the Young People's Socialist League, of Sheboygan, Wis., favoring taking over of food supply in this country by the President during the present war in Europe; to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT: Petition of sundry citizens of Massachusetts, favoring one month's armistice of war in Europe; to the Committee on Foreign Affairs.

Also, petition of the Central Labor Union and sundry citizens of Springfield, Mass., favoring passage of a resolution calling for an armistice in Europe; to the Committee on Foreign Affairs.

By Mr. HAMILTON of Michigan: Petition of sundry citizens of Three Rivers, Mich., against increased tax on cigars; to the Committee on Ways and Means.

By Mr. O'HAIR: Petition of sundry citizens of Kankakee, Ill., against an increased tax on cigars; to the Committee on Ways and Means.

By Mr. REILLY of Wisconsin: Petition of various druggists of Fond du Lac, Wis., against levying a tax on patent medicines; to the Committee on Ways and Means.

By Mr. SCULLY: Petition of sundry citizens of New Jersey, favoring national prohibition; to the Committee on Rules.

Also, petition of the New Jersey State Federation of Labor, against national prohibition; to the Committee on Rules.

By Mr. STAFFORD: Petition of 12,000 American citizens of German and Austro-Hungarian parentage, against unfair practices of certain American newspapers in trying to besmirch the character of Germany and Austria-Hungary; to the Committee on Foreign Affairs.

Also, petition of various Milwaukee theater managers, against levying a tax on theater tickets; to the Committee on Ways and Means.

Also, petition of Cigarmakers' Union, No. 25, of Milwaukee, Wis., against any tax on cigars on an ad valorem basis; to the Committee on Ways and Means.

By Mr. VOLLMER: Petition of the Master Sheet Metal Contractors' Association, of Moline and Rock Island, Ill., and Davenport, Iowa, for amendment to House bill 14288, relative to contracts for the erection or alteration of public buildings; to the Committee on Public Buildings and Grounds.

Also, petition of Bristol & Allen and other citizens of Iowa, in support of House bill 5308, to compel mail-order houses to contribute to the development of local communities; to the Committee on Ways and Means.



XUM

## SENATE.

THURSDAY, *September 10, 1914.*

*(Legislative day of Saturday, September 5, 1914.)*

The Senate reassembled at 12 o'clock noon, on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes consideration of Senate bill 6398, and the pending amendment is the amendment of the Senator from North Carolina [Mr. OVERMAN].

### THE COTTON CROP.

Mr. VARDAMAN. Mr. President, I ask unanimous consent to have printed in the RECORD a petition from citizens of Quitman County, Miss., with reference to the cotton situation.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The petition was referred to the Committee on Agriculture and Forestry, as follows:

*To the Congress of the United States:*

The cotton growers, merchants, and other business men of Quitman County, Miss., respectfully represent—

That by reason of the conditions brought about by European war, involving countries that consume the major part of our cotton that is exported and the certainty of the calamity that will befall the entire business interests of the South if steps are not taken to assist the farmers in carrying over a sufficient percentage of the cotton crop of 1914 until such time as the foreign manufacturers can enter the market for such cotton, we are confronted with the conditions that will practically bankrupt the entire South unless Congress now in session make some provision to assist the cotton growers, similar to the provisions made by Congress for the protection of the banks during the threatened money panic.

While we have the utmost confidence in the ability of representatives in the Senate and House, and while we know that their every energy will be exerted in our behalf, we beg leave to impress upon our Senators and Representatives the importance of prompt action, and respectfully suggest a plan similar to the one hereinafter outlined, which will insure the protection of the South against the present and impending danger; and with this in view, we suggest:

First. That cotton be stored by the growers of cotton in warehouses provided by the growers or counties or States at such places in each county in cotton-growing States as shall be designated by proper agents of the Departments of Agriculture and Markets of the Government.

Second. That all the cotton stored in such warehouses shall be in charge of an agent or agents of the Departments of Agriculture and Markets of the Government, who shall be appointed by said departments, and who shall be paid by an assessment on the cotton, as hereinafter provided.

Third. That said cotton, when so stored in such warehouses, shall be sampled and classified by such agents of the Departments of Agriculture and Markets in the same manner and on the basis provided for the standard grading and classification of cotton by said department, and said grading and sampling to be by three samples, one to be delivered to the owner, two retained by the agents in the warehouse, one of which shall be delivered to the purchaser when sold.

Fourth. That a committee of three or five members, to be appointed by the Departments of Agriculture and Markets be appointed, whose duty it shall be to pass upon and settle all of the disputes or differences that may arise over the classification or grading of cotton.

Fifth. That a valuation of 12½ cents per pound for upland middling cotton be established by said agents of said departments and a corresponding valuation on the other grades and staples be placed by said agents.

Sixth. That when such cotton is so stored in such warehouses and graded and classified and valued, the said agents of said departments in charge of said warehouses shall issue a receipt to the owner of said cotton, a duplicate of which he shall keep, stating the name of the owner, weight of the cotton, grade and value per pound, and which receipt shall give the number and mark of each bale.

Seventh. That the receipt so issued shall be considered and shall be taken by any Federal reserve, National, or State bank as collateral security for a loan of 80 per cent of the value so fixed by said agent, and which loan shall be made for a term not exceeding 6 months, with the privilege of renewal for 12 months, and which loan by said bank shall not exceed 4 per cent interest per annum.

Eighth. That the said warehouse receipt held by said bank shall be taken and considered as authority of said bank to issue certificates as now provided by law for certificates to be issued by a bank on commercial paper.

Ninth. The said agent in charge of said warehouse shall take out enough insurance to cover the cotton held in said warehouse.

Tenth. When the cotton is sold the owner shall pay such an amount for each bale thus stored by him as may be designated by the agent of the Department of Agriculture in charge of said warehouse for the purpose of paying the insurance and other necessary expenses that might have been incurred by said agent, including the salary to be fixed by said department.

Eleventh. Each owner of cotton availing himself of the privileges herein provided for shall obligate himself by written contract to reduce his acreage of cotton for 1915 to such an amount as may be designated by the Department of Agriculture, and his failure to reduce such acreage shall deprive him of the privilege of renewing his loan on the cotton at the end of six months, and shall subject him to such fine as may be designated by the Departments of Agriculture and Markets.

All cotton-growing counties in this and other States are urged by this mass meeting to take some similar action on this question.

W. T. COVINGTON, *Chairman.*
W. E. GORE, *Secretary.*

### COAL DEPOSITS IN ALASKA.

Mr. POINDEXTER. I ask unanimous consent to present by the way of a petition a resolution of the Seattle Commercial Club. It is brief, and it expresses such a real and pressing need in these unusual times that I ask unanimous consent that the Secretary may read the resolution and accompanying letter.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

SEATTLE COMMERCIAL CLUB,
*Seattle, Wash., September 4, 1914.*

Hon. MILES POINDEXTER,
*United States Senate, Washington, D. C.*

DEAR SENATOR POINDEXTER: We are inclosing you a resolution in regard to the opening of the coal fields in Alaska, which was recommended by our national affairs committee and unanimously passed by the Seattle Commercial Club in regular session last Tuesday evening.

We will, indeed, appreciate very much your kind consideration in this matter, because we have had a representative make a tour of southeastern and southwestern Alaska, and it is absolutely necessary that something be done at once to relieve the coal famine that is beginning and is sure to exist throughout Alaska.

With best wishes.

Very truly, yours,

SEATTLE COMMERCIAL CLUB,
By OTTO A. CASE, *Secretary.*

SEATTLE COMMERCIAL CLUB.

Resolution recommended by its national affairs committee and unanimously adopted by the Seattle Commercial Club in regular session September 1, 1914:

Whereas practically all the coal now consumed in Alaska, as well as a large percentage of the coal used on the Pacific coast outside of Alaska comes from British Columbia; and

Whereas should the war now raging in Europe cause this supply to be cut off, Alaska and Pacific coast industries—and especially the former—will be paralyzed and widespread desolation follow; and

Whereas the coal for naval use on the Pacific is uniformly brought around from the Atlantic States; and

Whereas vessels carrying this coal are largely foreign bottoms now no longer available owing to the war; and

Whereas in spite of incomplete and unsatisfactory tests, we confidently assert that Alaska coal is suitable for naval use, and has been so pronounced by Dr. Brooks and Dr. Martin, of the United States Geological Survey: Now, therefore, be it

*Resolved by the Seattle Commercial Club*, That the existing necessities and future probabilities warrant the immediate appropriation by Congress of a sum to provide for the development of Alaska coal deposits directly by the Government, sufficient to take care of at least the present necessities; and be it further

*Resolved*, That legislation providing for the leasing of Government-owned coal deposits should be pushed to final passage and private capital encouraged to develop the coal under Government leases; and be it further

*Resolved*, That we most urgently request departmental action which will definitely settle at the earliest possible moment the so-called coal cases now pending; and be it further

*Resolved*, That copies of this resolution be sent to the Secretary of the Interior and to the Members of the United States Senate and United States House of Representatives from the State of Washington and to the congressional Delegation from Alaska.

During the reading of the resolution,

Mr. SIMMONS. I desire to ask the Senator from Washington if he would not be content to let the resolution be printed without reading?

Mr. POINDEXTER. I should like very much to have it read. I will state that it is only one page and will take but a moment.

Mr. SIMMONS. Very well.

The VICE PRESIDENT. Permission has been heretofore given for the reading.

After the reading was concluded,

The VICE PRESIDENT. The resolution will be referred to the Committee on Public Lands.

Mr. POINDEXTER. I request to have printed in the RECORD in connection with the resolution which I just presented Senate bill 4514.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

A bill (S. 4514) to authorize the President of the United States to mine coal in Alaska, to reserve from private appropriation or lease certain lands and coal deposits in Alaska owned by the United States, and for other purposes.

*Be it enacted, etc.*, That the President is empowered, authorized, and directed to cause to be reserved from private appropriation or lease, in such tracts and locations as he shall determine, one-half of the coal lands and coal deposits in Alaska owned by the United States, including at least, as near as can be estimated, one-half of the high-grade coal (and no coal lands or coal deposits whatsoever in Alaska shall hereafter be disposed of except by lease, as hereinafter provided, and in any public lands hereafter alienated by the United States in Alaska there shall be reserved to the United States title to all coal deposits therein); and be is further authorized, empowered, and directed to cause coal mines to be opened and equipped on the public lands in Alaska so reserved, and to provide for the transportation, distribution, and sale of the products of the same to the Government railroad or railroads, to the United States Army and Navy, and other Government services, and to consumers of coal in Alaska or in the Pacific Coast States.

SEC. 2. That any coal lands not reserved as herein provided may be leased by the President to private parties for coal-mining purposes, all leases being subject to the following conditions, which shall also apply to the Government mining service, and any lease being revocable upon breach of any such condition

SEC. 3. That the minimum wage paid any class of labor employed in mining operations on lands so leased shall be not less than the average wage paid for that class of labor by other employers under equivalent conditions, to be determined by the President; the hours of labor of all persons employed shall not exceed 48 per week, save in emergencies wherein life or property is in imminent danger; no person under the age of 16 years shall be employed; the President shall

make all general rules and regulations to insure the safety of operatives employed; to provide for detailed reports upon all accidents; to provide for just and reasonable compensation in the case of any operative who may be injured or killed in the course of his work; to prevent unnecessary waste of coal in mining; to prevent any adulteration whatsoever of coal sold by any lessee or by the Government; and to provide for suitable and just fines to be imposed upon any lessee as penalties for specific breaches of rules or conditions of lease.

SEC. 4. That the coal land leased to any one lessee shall constitute a contiguous tract, having an area or coal content estimated to be sufficient to form an efficient working unit, but shall not include more than 2,560 acres; no lease shall run for more than 50 years; no coal land shall be subleased nor in any way whatsoever used for speculative purposes, and if any of the lands or deposits leased under the provisions of this act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of or in any way effect any combination or are in any wise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of 2,560 acres in the Territory of Alaska, the lease thereof shall be canceled, and said individual, partnership, association, or corporation shall forfeit the right thereafter of obtaining lands under lease under the provisions of this act.

SEC. 5. That the term "lessee" as used in this act shall refer to any person, firm, or corporation representing a single independent interest to whom coal land is leased under the provisions of this act.

SEC. 6. That all coal land leased to private parties shall be at such uniform charge per acre per annum as to be sufficient only to render unprofitable the holding of such land without production, said charge to be fixed and from time to time readjusted by the President, and an equivalent charge per acre per annum shall be collected from the Government mining service, the receipts from all such charges to be paid into the school and road fund of the Territory of Alaska, to be expended under the direction of the Legislature of Alaska.

SEC. 7. That the sum of $1,000,000 is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to enable the President to carry out the provisions of this act.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLEAN:

A bill (S. 6469) granting an increase of pension to Katie M. Penfield (with accompanying papers); and

A bill (S. 6470) granting a pension to Minna Schue (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6471) granting an increase of pension to Gordon P. Ostrander (with accompanying papers);

A bill (S. 6472) granting an increase of pension to James L. Redding;

A bill (S. 6473) granting an increase of pension to Jacob Jones;

A bill (S. 6474) granting an increase of pension to Charles J. Many;

A bill (S. 6475) granting an increase of pension to William A. Downs; and

A bill (S. 6476) granting an increase of pension to William W. Chew; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 6477) granting an increase of pension to Jennings J. Pierce; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 6478) to establish a new judicial circuit of the United States with a circuit court of appeals, hereafter to be called the tenth circuit; to the Committee on the Judiciary.

By Mr. ROBINSON:

A bill (S. 6479) granting an increase of pension to Jonathan Thuma; to the Committee on Pensions.

## AMENDMENT OF NATIONAL BANKING LAWS.

Mr. SIMMONS. I ask the unanimous consent of the Senate to temporarily lay aside the unfinished business, that the Senator from Missouri [Mr. REED] may present to the Senate the measure which was pending at the time the Senate took a recess.

Mr. SMOOT. I think that has already been granted.

The VICE PRESIDENT. This is the same legislative day as yesterday, and when the Senate took a recess the pending question was on the amendment offered by the Senator from North Carolina. That question is yet before the Senate, unless there is a motion to supplant it by something else.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6398) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws."

Mr. REED. I ask to have the pending amendment read.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. Amendment by Mr. Overman: Add a new section to the bill, to read as follows:

SEC. 2. That the act to amend section 27 of an act approved December 23, 1913, and known as the Federal reserve act, approved August 4, 1914, be further amended by striking out, in the second paragraph of said act, line 3, the word "three" and insert in lieu thereof the word "one," so that the said paragraph shall read as follows:

"National banking associations having circulating notes secured otherwise than by bonds of the United States shall pay for the first three months a tax at the rate of 1 per cent per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax rate of one-half of 1 per cent per annum for each month until a tax of 6 per cent per annum is reached, and thereafter such tax of 6 per cent per annum upon the average amount of such notes: *Provided further*, That whenever in his judgment he may deem it desirable the Secretary of the Treasury shall have power to suspend the limitations imposed by section 1 and section 3 of the act referred to in this section, which prescribe that such additional circulation secured otherwise than by bonds of the United States shall be issued only to national banks having circulating notes outstanding secured by the deposit of bonds of the United States to an amount not less than 40 per cent of the capital stock of such banks, and to suspend also the conditions and limitations of section 5 of said act, except that no bank shall be permitted to issue circulating notes in excess of 125 per cent of its unimpaired capital and surplus. He shall require each bank and currency association to maintain on deposit in the Treasury of the United States a sum in gold sufficient in his judgment for the redemption of such notes, but in no event less than 5 per cent. He may permit national banks, during the period for which such provisions are suspended, to issue additional circulation under the terms and conditions of the act referred to as herein amended: *Provided further*, That the Secretary of the Treasury, in his discretion, is further authorized to extend the benefits of this act to all qualified State banks and trust companies which have joined the Federal reserve system or which may contract to join within 15 days after the passage of this act."

Mr. SMOOT. Mr. President, I offer an amendment to the amendment by striking out "one," on page 1, line 7, and inserting "two." I will take just a short time to explain my reasons for offering the amendment.

Mr. REED. Will the Senator state the amendment again?

Mr. SMOOT. Strike out the word "one," in line 7, page 1, and insert "two," changing the present law from 3 per cent to 2 per cent.

Mr. REED. I do not see how it will come in, because line 7, as I have the print of the bill, has no word "one" in it.

Mr. SMOOT. Not the bill, I will say to the Senator, but the amendment.

Mr. REED. Is it an amendment to the Overman amendment?

Mr. SMOOT. It is an amendment to the Overman amendment.

Mr. REED. Very well.

Mr. SMOOT. Mr. President, at the time the Aldrich-Vreeland bill was passed the Government of the United States received no interest whatever on its daily balances, but since the passage of that act the Government of the United States is receiving 2 per cent per annum on the daily balances placed in the different banks of the country.

The reason why I offer the amendment to the amendment is that unless a charge of 2 per cent upon the emergency currency issued under this bill the banks of the country are not going to pay 2 per cent on the daily balances they are now paying the Government. In other words, in the bill that we now have under consideration we provide that 75 per cent of a bank's capital and surplus may be loaned upon commercial paper.

Mr. POMERENE. Mr. President, may I remind the Senator that under the Federal reserve act all the public funds will be deposited in the various regional reserve banks without any interest whatsoever, and all the earnings of those banks, after the payment of the dividends on stock and expenses, will go to the Government.

Mr. SMOOT. I am perfectly aware of that, but I am speaking not only of the national banks that are now or will be members, but, as I understand, there will be an amendment offered to this bill extending the privilege of joining these associations to State banks.

Mr. President, in considering this bill I want to call attention to what I believe will be the result in the case of any bank that really wants to avail itself of the emergency currency. The Overman amendment allows for three months the use of emergency currency at 1 per cent per annum. What will be the working of it if passed? What will the banks of the country do under this amendment?

In my opinion, it will be nothing more nor less than a three months' loan at 1 per cent per annum for this reason: The banks will have ample commercial paper. They will make use of the full amount under this law, and it will be for three months at 1 per cent. At the end of three months that emergency currency will be paid and then additional or other emergency currency taken out with new security—commercial paper—as the basis of the issue.

For that reason, Mr. President, I believe——

Mr. WEST. Mr. President——

Mr. SMOOT. In just a moment. I believe it would be very much better to provide a rate at least what the banks have been willing to pay to the Government of the United States on daily balances. I now yield to the Senator from Georgia.

Mr. WEST. Does the Senator think that they would take up this paper and go back and have new notes issued instead of the half a cent a month?

Mr. SMOOT. Additional?

Mr. WEST. Additional.

Mr. SMOOT. Of course. I certainly do.

Not only that, but what I am fearful of is that unless it is 2 per cent it will be a regular thing for the banks to take out this currency. Why not? Many of the banks in different parts of the country pay 4 per cent on savings, and with the provisions now provided for, allowing the issue upon commercial paper, they can make a regular business of it if it is only 1 per cent. That is not the object of emergency currency nor should any amendment be agreed to that will accomplish this.

I ask the Senator introducing the amendment if, taking that into consideration, he does not think it would be better to have the rate fixed at 2 per cent?

Mr. OVERMAN. After consideration and talking with my colleagues about it, in order to have it uniform, inasmuch as they are paying 2 per cent on balances to-day, and I hope the amendment which will be offered by the Senator from Georgia [Mr. SMITH] will be agreed to to bring the State banks into these reserve associations, allowing them to come in and get some of this currency, I am willing to accept that amendment. I believe, taking it into consideration, it is better to have uniformity in the deposits of the general funds in the banks with this currency, and I will accept the amendment to make it 2 per cent.

The VICE PRESIDENT. The Chair wants to call attention to the fact that the amendment proposed by the Senator from Utah and accepted by the Senator from North Carolina is only on line 7, page 1, of the amendment, and the word "one" also occurs on line 1, page 2, of the amendment.

Mr. SMOOT. That is right, Mr. President. I want the amendment to apply all through.

The VICE PRESIDENT. By the consent of the Senator from Utah and the Senator from North Carolina the Chair will state that the original amendment of the Senator from North Carolina has been modified so that on line 7 of page 1 the word "one" will read "two," and on page 2, line 1, the word "one" will read "two."

Mr. OVERMAN. That is right.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Carolina as modified.

Mr. SHAFROTH. Mr. President——

Mr. OVERMAN. One minute. To make it further conform I will strike out the proviso on page 3 of the amendment.

Mr. REED. Is the Senator from North Carolina accepting the amendment to his amendment?

Mr. OVERMAN. I accept the amendment making it 2 per cent, and strike out the proviso on page 3.

The VICE PRESIDENT. So the amendment proposed by the Senator from North Carolina will end at the word "amended," on line 3, page 3.

Mr. SHAFROTH. Mr. President, I am astonished that the Senator from Utah [Mr. SMOOT], after having made the speech he did on yesterday against inflation by reason of the 80 per cent should have offered an amendment here which has a hundredfold more of inflation in it than the provision which was offered by the committee.

Mr. SMOOT. By raising the rate of interest from 1 to 2 per cent?

Mr. SHAFROTH. Yes, sir; or cutting down the rate from 3 per cent, which is the committee bill, to 2 per cent.

Mr. SMOOT. Oh, I am offering to reduce the rate in the pending amendment from 1 to 2.

Mr. SHAFROTH. That may be, but you are offering it as an amendment to the committee bill, the effect of which is to cut it down from 3 to 2 per cent.

Now, what would be the result of that? We know that the banks all over this country are paying on any loans of a nature that is of any length more than 2 per cent. They are paying 3 per cent and 2½ per cent. They are paying 2½ per cent and 2 per cent on daily balances. What will be the result? Every one of these banks will grab for this paper and you will get the entire amount of 125 per cent out in a comparatively short time.

Mr. OVERMAN. What is this bill for?

Mr. SHAFROTH. This bill is for the purpose of getting out money where it is needed, not to supply the place of currency for ordinary transactions.

Mr. OVERMAN. You want to make it as hard as possible to get it.

Mr. SHAFROTH. No; I do not.

Mr. OVERMAN. You want to make it so that it can not be gotten at all.

Mr. SHAFROTH. No. The bill was originally at 5 per cent.

Mr. OVERMAN. I understand that.

Mr. SHAFROTH. That was too high, I believe.

Mr. OVERMAN. That is absolutely prohibitory.

Mr. SHAFROTH. No; I do not think it is absolutely prohibitory. There are other causes that entered into the fact that the Aldrich-Vreeland bill was not availed of. The crisis was not on to the extent, at least, that it is now.

Another thing: Bankers were chary of going into the currency associations when one bank would have to guarantee the paper of another bank. All those things operated against the money coming out.

Mr. OVERMAN. The Senator from Colorado says this is inflation. I ask him if the difference between 3 per cent and 2 per cent will make inflation?

Mr. SHAFROTH. It will, yes; to some extent; in fact, there is grave apprehension that the rate as fixed at 3 per cent will produce considerable inflation.

Mr. OVERMAN. Then let us wipe out the whole thing and not issue any currency at all.

Mr. LANE. Mr. President, I would suggest to the Senator from North Carolina and the Senator from Colorado that they split the difference.

Mr. SHAFROTH. Mr. President, I believe that when you offer to the national banks of this country a lower rate than they are themselves paying for deposits you are going to have money transferred from the Government to them to a greater extent than it seems to me the exigencies of the case require; in fact, it would not be considered an emergency matter; it would resolve itself into the mere matter of making money upon the part of the banks. Whenever they can make money by reason——

Mr. THOMAS. Mr. President——

Mr. SHAFROTH. Just one moment. Whenever the banks can make money by reason of getting from the Government money cheaper than they can obtain it elsewhere, then it becomes a mere matter of making money in a legitimate transaction; but when you attempt to make the rate such that the banks will be required to sacrifice something to obtain money, perhaps fixing a little higher rate than that which they are themselves paying, the money will not go out unless there is an emergency requiring it. Money is going out now at 3 per cent; $250,000,000 has been issued by the Government. There is no reason why that should not continue. That is safe and salutary.

Mr. OVERMAN and Mr. THOMAS addressed the Chair.

Mr. SHAFROTH. I yield to the Senator from Colorado.

Mr. THOMAS. Is it not a fact that the effect of this reduction of the rate will be simply to present the bankers of the country with 1 per cent interest, which they otherwise would be required to pay?

Mr. SHAFROTH. I think that would be one of the results; yes.

Mr. THOMAS. Let me ask the Senator how it can benefit the man who needs the money and wants to borrow it?

Mr. SHAFROTH. It does not, except to the extent of supplying a larger circulating medium, which always has a tendency all over the country to lower interest charges.

Mr. THOMAS. But that will be supplied, will it not, if the committee amendment is adopted?

Mr. SHAFROTH. I think that will be supplied in sufficient quantity. The questions involved in the establishment of a financial system require great study and deliberation. You can make a law which will be absolutely nonoperative or you can make a law that will go to an extreme the other way. It is not best to have extremes in any condition, especially in a financial system. Here, however, is a rate of 3 per cent fixed, and we find the banks are availing themselves of it. The Treasury Department wanted, for the benefit of the country banks that do not have bonds to put up as security for the issuance of this currency, to increase the amount of currency they could take out on commercial paper from 30 per cent to 75 per cent, so as to let the country banks avail themselves of the privilege. Most of this money is going to New York, to the great commercial centers. We want to get it out to the country banks, but the rate of 3 per cent is being availed of even in New York City, where call money often gets to 1 per cent.

Mr. OVERMAN. That is the point I make: that it is being availed of by the banks in the great centers which have bonds to deposit as security, but the country banks will never pay the high tax of 3 per cent.

Mr. SHAFROTH. The country banks, as a usual rule, charge a higher rate than 3 per cent interest, and they usually pay on deposits a higher rate than do the city banks. The New York banks pay the very lowest rate of interest of any banks in the world.

Mr. MARTINE of New Jersey. Mr. President, I want to ask the Senator from North Carolina if he does not think the banks would lend this money out again at not less than 6 per cent interest?

Mr. OVERMAN. Some banks have been loaning money to the farmers at from 8 to 10 per cent interest.

Mr. MARTINE of New Jersey. Very well; so they will get it at 1 per cent less under the Senator's amendment, and that will merely be increasing their profits.

Mr. OVERMAN. I have a better opinion than that of the bankers of my State, though I do not know much about them in New Jersey.

Mr. MARTINE of New Jersey. I have no better opinion of the bankers than I have of any other class, but I know there is something in money dealing which tends to make men avaricious, and no matter how wealthy they become the bankers are inclined to exact the last cent, the last farthing. I do not want to allow them any larger opportunities. God knows they have been fostered heretofore quite enough.

Mr. OVERMAN. Can the banks not afford to loan the money out at 1 per cent less if they get it at 1 per cent less?

Mr. MARTINE of New Jersey. They will not do so whether or not they get it at 1 per cent less. The bankers of North Carolina, the Senator will find, are just as human as are the bankers everywhere else.

Mr. SHAFROTH. Mr. President, bankers might be able to loan this money at 1 per cent less if they get it at 1 per cent less, but you will find that the price of money is going to be controlled by the law of supply and demand; the rate of interest is going to be determined by that law, and no matter at what rate the bank gets the money, if it gets it for nothing, it is going to loan it out at just as high a rate of interest as the demand will justify. Consequently, as my colleague [Mr. THOMAS] has said, it will be practically giving the bankers one more per cent out of which they can make more money.

Mr. President, when the banks lend this money out at 6 per cent or 8 per cent they can afford to pay 3 per cent for it. If they can not afford to pay 3 per cent for it, that shows that there is no emergency; that shows that this is not the time to invoke the provisions of the Aldrich-Vreeland Act.

On that account it seems to me that inasmuch as we are trying the experiment now—and these laws are all experiments—and we find that it is working at present and that the banks are taking out money at 3 per cent, which indicates, to my mind, that there is an existing emergency, what is the use of cutting the rate to 2 per cent, and, as the Senator from Utah [Mr. SMOOT] says with relation to the proposition of 1 per cent—but which I apply to the rate of 2 per cent—requiring the banks to make these absolute loans of 90 days and then require the return of the money and loan the money again, because they will not pay any more than they have to pay?

Mr. President, it seems to me that we ought to be careful. I have talked with the members of the Federal Reserve Board. They think that 3 per cent is too low a rate; that is their opinion with relation to it; but I think we had better try 3 per cent—we tried 5 per cent and it did not work; the Aldrich-Vreeland law did not operate—but when you fix a 3 per cent rate, as the law is now, we find that it will work; that the banks generally are asking for the money, and we find that the country banks also are asking for it. They say they can not get it because they have not the bonds which are required as security, but that they have commercial paper. I think that the limit of 75 per cent—I should have preferred 80 per cent—would enable the country banks to avail themselves of the privilege of securing this currency and at the same time be a wholesome measure to relieve panicky conditions.

Mr. OVERMAN. Mr. President, I do not take my orders from the Federal Reserve Board. I, too, talked with the Federal Reserve Board, but they did not satisfy me that the rate of interest ought not to be reduced.

Speaking of the inflation of the currency, the truth is that you have the cart before the horse. You provide a rate of 3 per cent for the first three months, then of one-half of 1 per cent after that for six months until the rate reaches 6 per cent. It is like the fellow who went into a barber shop and asked what they would charge him for a shave. He was told that for the first shave the charge would be 15 cents, for the next shave 10 cents, and for the third shave it would be 5 cents. Then he said, "I will take the third shave, for 5 cents." [Laughter.]

Mr. REED. Mr. President, the Senator has that wrong. The rate is an additional one-half per cent per month after the first three months.

Mr. OVERMAN. I understand that; it reaches 6 per cent; that is what I said.

Mr. REED. Then you would not gain anything by having the third shave.

Mr. OVERMAN. The third shave is only one-half per cent.

Mr. REED. The third shave is one-half per cent plus 3 per cent.

Mr. OVERMAN. What it ought to be is nothing for the first three months and 2 per cent for the fourth month.

England has issued $500,000,000 of currency lately without any tax on it at all, and made the rate of interest 5 per cent. No man can charge more than 5 per cent. When this amendment is adopted I propose to offer an amendment enacting a usury law, so far as it affects our southern country, providing that bankers shall not loan this money at a greater rate than 6 per cent. That is my purpose. If we get that amendment, it will be what we have had in North Carolina for 20 years. It was predicted that the money would go out of the State of North Carolina when we fixed the legal rate of interest at 6 per cent. It was predicted that the money would leave North Carolina and would go to South Carolina, where they charge 8 per cent, or to Texas, where they charge 10 per cent; but the result has been that in our State the farmers pay 6 per cent, except where the national banks are making it 8 per cent. I should like to write it in the national law that for the next 12 months no bank in the South should charge a greater rate of interest than 6 per cent.

Mr. POMERENE. Mr. President, if we change this rate of interest, and do it forthwith as an emergency measure, does the Senator feel that it would decrease or increase the deposits of the banks?

Mr. OVERMAN. It will increase the money for people to borrow. The cotton people in my country can not get the money from the banks to-day. They want the currency, but the banks are not taking this currency. As was shown here yesterday, this money is being taken by the great centers, such as New York, and then being loaned in the South for 4, 5, and 6 per cent. The southern people are not getting it at all in the first place. They can not get it on account of the rate of tax on it; the banks in my State can not afford to take it and handle it and loan it at the legal rate.

Mr. McLEAN. Mr. President, I should like to ask the Senator from North Carolina if the cotton growers in the South want currency or credit?

Mr. OVERMAN. They want both.

Mr. McLEAN. Do they not want credit?

Mr. OVERMAN. Yes; they want credit and currency, too. If they get the currency, they can get the credit.

Mr. McLEAN. Are we not intermingling the two in our treatment of this subject? I do not believe that there is any scarcity of cash to supply any need that the South may have.

Mr. OVERMAN. There is where the Senator is mistaken.

Mr. McLEAN. As I understand, if the Senator will pardon me, the shipments of gold abroad in June and July amounted to more than a hundred million dollars. That amount was furnished by the New York banks through the use of the gold certificates. Those certificates were brought on to Washington and the gold was shipped. Of course that has made an artificial or a temporary stringency in centers like New York and the big reserve cities. They have lost just so much cash which ordinarily they would have on hand to send to the country. It is merely to meet that temporary draft, as I understand, that this legislation is essential.

Mr. OVERMAN. Yes; but the southern people have been trying to get their discounts in New York City pending the reserve board organization, but they can not do so; the New York banks will not let them have it, and what are they going to do for money?

Mr. McLEAN. I do not believe that is a lack of cash.

Mr. OVERMAN. That is exactly what it is.

Mr. McLEAN. It is a demand for the extension of credit. It must be borne in mind that this money can not be used as bank reserves; it can not be used for the basis of new credits. The banks of New York want this money to send to the front, possibly into the country, to meet temporary demands, in order that they may use the funds which they can use as reserves.

Mr. OVERMAN. That is the trouble. They have not been sending it to us. Why should not our people get this currency as well as the New York banks?

Mr. McLEAN. Mr. President, there are nearly $4,000,000,000 in cash in this country to-day.

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Mr. OVERMAN. But the banks will not let it get out.

Mr. McLEAN. There is a surplus of cash to-day. England, with $200,000,000 of gold, did a larger business last year than we did with more than a billion dollars in gold. There is not a scarcity of cash in this country.

Mr. OVERMAN. According to the Senator's argument, we do not need any legislation at all.

Mr. McLEAN. Oh, no——

Mr. OVERMAN. We do not need any emergency currency.

Mr. McLEAN. What we want is to take care of the credits. What the South wants is a customer for its cotton; it wants a price. For instance, the railroads——

Mr. OVERMAN. The Senator knows nothing about the situation in the South. When I was at home a few days ago a man in my home county took a bale of cotton to the cotton mill to sell it. He was a poor tenant and wanted some money, but could not get any offer for it at all.

Mr. McLEAN. If the Government of the United States would peg the price of cotton at 15 cents a pound, every pound you have in the South could be sold to-morrow for 14½ cents a pound, and the cash would be forthcoming.

Mr. OVERMAN. Cotton is not selling at all.

Mr. McLEAN. That is the trouble; you have not the customers.

Mr. OVERMAN. We have that which means money and which is as good as gold, and that is cotton. If we could take that cotton and secure certificates for it, the Secretary of the Treasury, under his ruling, would issue currency on it.

Mr. McLEAN. That is the trouble; you have no purchaser.

Mr. OVERMAN. We have plenty of customers, and there are many people who want to hold cotton.

Mr. McLEAN. Mr. President, the railroads of this country to-day want $500,000,000 to finance the roads so that they can accommodate their traffic. They can not get the money. I say money, but it is not cash they want; it is credit. If the Government would guarantee $500,000,000 of railroad bonds at 4½ per cent, the credit would appear in less than 24 hours.

Mr. OVERMAN. Who pays the tax on this money?

Mr. McLEAN. That does not seem to me material.

Mr. OVERMAN. The borrower pays it, does he not?

Mr. McLEAN. I think we ought not to lose sight of the real use this currency can be put to. It can not be used as a basis for new loans. Consequently the banks call it "dead cash," because the other reserves that they have they can turn in and increase their loans five or eight times. The banks do not want this money except for temporary use, unless you let them have it under conditions so that they can make a profit by peddling out the cash, as they can do if they can get it from the Government for less than 2 per cent.

Mr. OVERMAN. If they can get it for 2 per cent, is there any reason why they should pay 3 per cent?

Mr. McLEAN. I think that the tax should be at least 3 per cent.

Mr. OVERMAN. Why?

Mr. McLEAN. Because otherwise, as the Senator from Colorado has suggested, there would be a temptation to go into the business of getting money from the Government for 2 per cent and peddling it out when they do not need it, and they will not use a dollar of the money that ought to be used, and that is the gold and the money that is suitable for reserves. I think that the matter was very carefully considered by the committee, and, in my judgment, we will make a mistake if we reduce the tax and extend this temptation.

Mr. OVERMAN. I had a letter from one of the leading financiers of this country, who is known far and wide, and he said there ought never to have been any tax on it for the first three months. He wrote me a letter and said he favored my amendment. I have resolutions passed by farmers' and manufacturers' associations asking that this tax be reduced. It looks as if the people want it done. They want the money and they want the tax reduced, because they know they will have to pay it.

Mr. McLEAN. They do not need extra cash. The trouble is that confidence—credit—has been suppressed for the time being.

Mr. OVERMAN. That is the time when you want the money.

Mr. McLEAN. You do not want cash, but you want credit. There is the trouble, and you are mixing the two. There is more than enough cash. If confidence were restored on the instant, plenty of cash would be forthcoming.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator if that is true—if we do not need this currency, then why pass this bill? Why make any provision at all to meet the situation?

Mr. McLEAN. As I have stated in colloquy with the Senator from North Carolina, owing to the great drafts upon our gold supply in June and July the central banks have had to give up their gold certificates and get gold from Washington to send to Europe. Now, the country banks at a time like this of course are frightened, and they are calling on the central reserve banks for cash. They have probably got their vaults full, as it is, but they do not want to use the money in their vaults, for that is reserve money. They want to get emergency currency; they want this currency, which can be obtained cheaper, and they want to keep their reserves.

Mr. VARDAMAN. Why, then, put a tax on the currency which you are going to give them? Will they not be able to loan it to the farmer and the merchant cheaper if they do not have to pay a tax on it?

Mr. McLEAN. No; a tax should be put upon it, so that it will be retired and gotten out of the way.

Mr. VARDAMAN. It will be retired under the terms of the Senator's amendment after three months.

Mr. McLEAN. Possibly it would be and possibly it would not be. If we make it to the advantage of the banks to keep their reserve money, and use nothing but this emergency currency, they might be tempted to go too far. There is very little danger of inflation under this bill as it was reported from the committee, because it is, as I have said, dead cash; it is not useful for the purpose of issuing new loans, and the banks will get rid of it just as quickly as they can.

Mr. VARDAMAN. Now, if the Senator will pardon me, the farmer takes to the bank warehouse receipts for 10 bales of cotton, and the bank uses that as security upon which to issue money, and the money issued upon the security is given to the farmer, with which he pays the merchant, and the merchant pays his debts, and transactions and business are facilitated in that way.

Mr. McLEAN. I will say to the Senator that, so far as the need for cash is concerned, there is cash enough in this country to-day to transact four times the business that we do. There is no scarcity of cash. Cash is hoarded at a time like this and the bankers keep the gold certificates and the reserve money, and they will reach out for a substitute. That is human nature.

Mr. VARDAMAN. Then, if I understand the Senator's argument, it leads to the inevitable conclusion that this law is not at all necessary.

Mr. McLEAN. No; I do not say that. I say that to meet this temporary stringency in the centers, the country banks calling for their reserves and holding on to every dollar they have, it is right and proper that they should be supplied with this bank-note currency, in order that they may——

Mr. VARDAMAN. I thought the Senator said that there was a plethora, an exuberance, an excess of money.

Mr. McLEAN. There will be the moment you restore confidence; and the only way you can restore confidence is to give the large centers the use of this money temporarily. The Senator does not question the fact that if there was a market for the cotton, if there was a demand, a fixed value, there would be no question about what price it would bring.

Mr. VARDAMAN. Oh, absolutely, I do not; no.

Mr. McLEAN. So I say it is a matter of credit we must provide for.

Mr. VARDAMAN. If that be the case, why pass the bill at all?

Mr. McLEAN. I tried to make it clear that temporarily it is a wise thing to do——

Mr. VARDAMAN. But the Senator is not logical, I respectfully submit.

Mr. McLEAN (continuing). For the purpose of restoring confidence and restoring credit. The minute we do that this money will go out of sight and the cash that is now being held back will come to the front.

Mr. SMITH of Georgia. Mr. President, I agree with the view of the Senator from Connecticut that there has been a need of an enlarged currency in the centers, but I think he misapprehends the condition in at least a part of the rural sections. It is not simply a lack of credit; it is a lack of currency also. The lack of the normal use of exchange, which takes the place of currency in settling obligations, has placed an increased tax upon currency in certain sections of the country.

I wish to call attention to the condition as it exists in about one-fourth of the United States, and I am glad to have the Senator from Connecticut hear it. As he is at least partially aware—it is scarcely possible for anyone to be fully aware of it who does not live in the midst of it—we raise in 12 of the States a crop worth a billion dollars a year. We spend a considerable part of its value in producing the crop. That crop comes upon the market from about the last of August to the first of December. Pending the production of that crop the banks are taxed to extend credits to the farmers who produce

it and to the merchants who supply the farmers. They use all their currency and use all their credit that they think is safe to obtain additional currency to facilitate the work of the farmer in producing his crop. Now, crop-gathering time comes. The farmer usually finds an immediate demand for the first cotton he brings to town, and the bulk of his crop is gathered by the sale of the first. There is no demand for cotton now, that is true, and he goes to his banker and wishes some additional extension of credit and some additional currency.

Mr. McLEAN. Yes.

Mr. SMITH of Georgia. It is not simply a matter of credit.

Mr. McLEAN. You had this same condition in the South last year.

Mr SMITH of Georgia. Not at all.

Mr. McLEAN. I mean, you had your crop of cotton and the same financial requirements, and you had no trouble in getting all the cash you wanted. Why?

Mr. VARDAMAN. Mr. President, will the Senator yield to me for just one moment?

Mr. SMITH of Georgia. I yield to the Senator, although I would rather go on.

Mr. VARDAMAN. I simply wish to say that at one time it looked as though we were going to have a panic, so that we could not get money to move the cotton of the South, when the Secretary of the Treasury came in and said to the bankers, "You have not a monopoly of money. If you do not let them have it, I will."

Mr. McLEAN. True; but I will ask the Senator from Georgia if he does not think that one hundred and fifty to two hundred millions of dollars is sufficient to meet all of the extraordinary demands for cash in any season? Has it not been so?

Mr. SMITH of Georgia. In a normal season, yes; but this is not a normal condition.

Mr. McLEAN. But you have the same amount of cash.

Mr. SMITH of Georgia. But we have an additional demand for it, for the cash itself.

Mr. McLEAN. On the contrary, Mr. President, there is a restricted demand for cash to-day. The pay rolls are smaller than they were last year at this time, very much smaller. The actual necessity for cash money to-day is millions of dollars less than it was a year ago.

Mr. SMITH of Georgia. Now, Mr. President, I want to go one step further. The difficulty about our present plan of an emergency currency is that it reaches only the centers upon which pressure exists, and does not reach another part of the country where pressure also exists.

Mr. McLEAN rose.

Mr. SMITH of Georgia. One moment; then I shall be glad to hear from the Senator. I shall offer an amendment providing that the terms of the Vreeland-Aldrich bill shall extend to State banks. Just as the Senator has described the need of relief in the financial centers, so an extension of the emergency currency to State banks will relieve the pressure in another part of the country.

Now, a State banker—a small banker in one sense, and yet quite a good-sized banker, considering the population of the little city in which he lives—with $50,000 capital and $250,000 surplus, indicating that he had managed it well, in one of the richest agricultural counties in the State of Georgia, with ample securities, not of the kind usually taken by national banks, finds on the 1st of September that he has extended and furnished to his farm customers all of the currency that he feels justified in furnishing. That is the period of the year when money ordinarily begins to flow back to his bank, and he had anticipated that it would flow back this year; and it would have been flowing back to him rapidly but for the European war. In 60 days he would have had more money than he needed in normal times; but his customers find that their great commodity—their commodity which brought to this country last year $610,000,000 of foreign gold, intrinsically worth as much as ever, a commodity that lasts permanently if cared for at all, that is as good to spin when 50 years old as it is when 12 months old, a commodity that certainly will be in demand to clothe the world a little later on—temporarily has its market cut off. Now, the banker is appealed to. The security is good. The farmers themselves own their farms, and are good. He is appealed to for a small amount of additional money.

Mr. McLEAN. Credit.

Mr. SMITH of Georgia. He needs money to pay the pickers and to go and buy some more provisions and carry these people over.

Mr. McLEAN. That does not buy the cotton. What you want is a purchaser.

Mr. SMITH of Georgia. We are not proposing to buy the cotton now. We are proposing to keep the cotton from being sacrificed and being gobbled up because of the temporary necessities of the people who own it. That is what we are proposing to do. Of course, they could get some money if they would give away their cotton at half the cost of producing it, and then be broken in consequence; but I shall offer an amendment extending the privileges of this bill to the State bankers. What will be the consequence?

Take this particular illustration, because we can best understand the operation of a law by applying it to a particular case. This banker will have the privilege at once of obtaining $150,000—the privilege of issuing his own notes. If he had the privilege to-day of issuing the notes of his bank for circulation, they would circulate. His credit is so good that the notes of that bank would circulate in that county, and would be used as currency, and would pay the cotton picker, and would be taken in the store; but a 10 per cent tax excludes him from that privilege. The privilege of creating a currency himself by issuing the notes of his own bank, which would meet the exigency that confronts him, is cut off by the 10 per cent tax provision. I do not know that I think it was constitutional, but I think it was wise, and I am not in favor of the promiscuous issue of paper money for currency, and I would not vote generally to repeal that statute.

Mr. McLEAN. The Senator must not understand that I am opposed to the issuing of this currency. I am heartily in favor of it. I believe it is better currency than our national-bank notes to-day, for certain purposes. My only point is that we can print it by the cartload and it will not permanently remedy the situation.

Mr. SMITH of Georgia. I agree with the Senator about that. I agree that if you printed it by the cartload you would do more harm than you would do good. I am as much opposed to an unsound currency as is the Senator from Connecticut; but what I was seeking to present, in answer to his view, was that it is not simply a question of lack of credit; it is a question in the rural sections of a lack of currency just as much as it is a lack of currency with the big banks in the big cities.

Mr. McLEAN. But a restoration of credit would produce currency. You do not have to print new money if you restore your credit; and there is only one way in which you can restore your credit.

Mr. SMITH of Georgia. Then why let the big banks in the cities have it at all? Why not help this difficulty in the country just as much as in the cities? The Senator's own argument justifies the issue of this additional currency to relieve a stringency in the large centers.

Mr. McLEAN. Yes; and I favor it; but I say that beyond a certain amount, two or three hundred million dollars, it will not do a particle of good. The country banks will keep their reserves as long as the present crisis exists. They will not loan their money for less than 7 or 8 per cent, and then they want the very best security. The amount of cash they have in their vaults amounts to nothing to a man who goes to a bank to get a loan without the requisite credit.

Mr. SMITH of Georgia. But they have the requisite credit with their local banks in our section. The local banks desire to advance to them additional currency.

Mr. McLEAN. Not currency.

Mr. SMITH of Georgia. Yes, currency; because they have to take the money out and actually pay it day by day to hire the picking of their cotton.

Mr. McLEAN. Oh, yes; but that is an infinitesimal amount——

Mr. SMITH of Georgia. The Senator is mistaken about that.

Mr. McLEAN (continuing). Compared with what we propose to do here. A billion dollars of this money is being authorized.

Mr. SMITH of Georgia. Now, this is what we wish added—I do not care so much for the 2 or 3 per cent tax; but this is the provision that I am going to offer, although I think the 2 per cent tax is enough:

That the provisions and benefits of the act approved May 30, 1908, known as the Vreeland-Aldrich Act, and the amendments thereto, are hereby extended to all State banks and trust companies having a capital stock of not less than $25,000 and a surplus of 20 per cent. Said banks and trust companies shall be required to pay upon notes so issued the tax provided for in said act and the amendments thereto, and said notes shall not be subject to the provisions of the act of Congress approved February 8, 1875, known as "An act to amend existing customs and internal-revenue laws, and for other purposes." The Secretary of the Treasury is hereby directed to make such rules and regulations as are necessary for the purpose of carrying out the foregoing provision.

Mr. BURTON. Will the Senator from Georgia yield to me for a question?

Mr. SMITH of Georgia. Yes.

Mr. BURTON. What does the proposed amendment of the Senator add to the proviso in the act approved August 4, 1914?

Mr. SMITH of Georgia. The Treasury Department held, under that amendment, that the 10 per cent tax still remained, and that if the State banks had a note issue under that provision they must pay the Vreeland-Aldrich tax and the 10 per cent tax, also. I think the opinion was unsound.

Mr. BURTON. Such a ruling as that has been made, has it?

Mr. SMITH of Georgia. So I understand; so the banks were advised.

Mr. BURTON. Otherwise there would be no occasion for this amendment.

Mr. SMITH of Georgia. Not at all. A number of banks in my State promptly joined the Federal Reserve Association for the purpose of obtaining the benefits of that act; and they were advised that that act did not suspend, as to these notes, the 10 per cent tax of the act of 1875. The only purpose of the amendment I intend to offer is so to express the provision we passed on August 4 that it shall be what I think we meant it to be.

I cordially support the view of the Senator from Connecticut that our currency should be sound, that there should be no wild inflation, that there should be no paper inflation. I am perfectly in accord with that view. I am in accord with the general line of thought he presents. The effect of this amendment, however, will be really to furnish currency where currency is needed. Where I take issue with him is that in these localities it is not credit that is wanted. The men who want currency have credit with their local banks. Their local banks are ready to give them credit. Their local banks could go off and borrow money, but they would have to pay such exorbitant prices for it that they are unwilling to do so.

Mr. McLEAN. Mr. President, does not the Senator from Georgia think the tax on this money ought to be more than 2 per cent?

Mr. SMITH of Georgia. I certainly would have it more than 2 per cent if it stayed out for any considerable length of time.

Mr. McLEAN. But if we carry it on to the State banks, does not the Senator think there would be grave danger of its remaining there?

Mr. SMITH of Georgia. If this were a permanent bill, I would say yes. This bill is limited to the 1st of next July. It dies then, and the tax increases after three months at one-half per cent a month, and the notes can not remain in circulation any considerable length of time.

The great need just at this time in the 12 cotton States to which I referred is currency for the next 60 or 90 days, for the next three months, until the cotton picking is completed, until the cotton is properly warehoused, until cotton takes its place in a warehouse where a warehouse certificate makes it the basis of general credit. To-day the farmer has no credit outside of his home. His paper would not be good in Atlanta. I am still illustrating by the place to which I referred.

But his paper is good with his home bank. There he is known. The value of his farm and its productiveness is known. The home bank will take a bill of sale for 100 bales of cotton from him and leave the cotton with him, having done business with him perhaps for 25 years, and having absolute confidence that that cotton will be forthcoming to meet that bill of sale.

Mr. McLEAN. Certainly; and no cash is used in that transaction.

Mr. SMITH of Georgia. Absolutely none, because the bank takes a bill of sale. It costs the farmer $10 a bale to harvest his crop. That is the great pressure with us. It is to carry the farmers for the next 90 days, until they get their cotton gathered and get it properly warehoused and have obtained a warehouse certificate, and then the farmer can go to Atlanta or he can go to New York and borrow on it. Of course, the further problem of a market for the cotton is most important.

Mr. SMOOT. In this connection I wish to say that if the Vreeland-Aldrich Act is extended from July 1, 1915, and the conditions are normal in this country I certainly would insist upon the rate of interest being more than 2 per cent before it is extended. I look at the rate of 2 per cent as being simply to meet the present unfortunate conditions in this country and in the world. It can not last longer, as the Senator from Georgia says, than until July 1, 1915.

Mr. SMITH of Michigan. The law might be extended after that time. It could easily be done by a joint resolution if Congress desired.

Mr. SMOOT. I think it will be extended, but I simply say that if it is extended I think if conditions are then normal in the country the interest ought to be increased from 2 per cent.

Mr. WEST. Mr. President, for the benefit of the Senator from Connecticut [Mr. McLEAN] I desire to say a few words in order to show the necessity of currency in our section of the country at this particular time.

It is well known that most of the farmers—for I am one of them—get credit for the year from the merchants. They have their guano bills to pay. The guano companies either credit them for the amount or the farmer gets the money from the bank and pays for his guano. Generally it is bought on the credit system.

As I said a few minutes ago, it takes about a third of the price of the cotton at present prices to pay for the picking of it. The cotton upon which this money is predicated, so to speak, until you get away down below the cost price of it, is as good as gold. The farmer goes there and gets the money, say 70 or 75 per cent of the market value of the product—the cotton. He relieves to a certain extent the merchant. The merchant has borrowed from the bank. He relieves to that extent the bank.

Now and then the farmer is unable to get the money, and he must have the money to pay the cotton picker. He is unable to get anything to pay his debts in the stores. Those have accumulated; and the merchants must have money to pay the banks where they have borrowed it during the year in order to carry supplies to furnish the farmers.

That is the situation in the South to-day. It takes millions of money. The bank in the ordinary way has not the third of the money to supply the farmer to get his cotton out and get something on it unless he can sell some portion of it. If the farmers must hold on to this cotton, they can not do anything. They must fail to pay the merchants, must fail to get the money from the bank in order to pick their cotton, and much of their cotton must inevitably stay in the field and rot.

Mr. McLEAN. I wish to ask the Senator if cotton in the South to-day sold for 18 cents a pound would there be any difficulty in getting all the cash in the Southern States necessary to handle it?

Mr. WEST. Absolutely; there would be no trouble, because that 18 cents would go to pay the merchant, and he in turn would pay the bank.

Mr. McLEAN. But not in cash. It is not the scarcity of cash in the country; it is the scarcity of credit and confidence. You have no customer, and that is the trouble. Of course Congress ought to do everything it can to restore confidence and to help sustain the price of the products of the country. My point is that it will not be done by printing paper promises to pay. You have plenty of it now. The trouble is that you have no credit.

Mr. WEST. The trouble the Senator does not see. We have already had the credit, and we want some money in order to put it in circulation that it may go back to the banks and that the money may go to the farmer, and in turn that it may go to the merchant.

In addition to that, the farmer needs the money in order to gather his cotton. If he can not get the money, then the cotton must stay in the field. Credit does him no good. He may be ever so able; he may have thousands of acres of unencumbered land; and yet if he can not get the money in order to pick his cotton and gather it from the field it does him no good.

Mr. LEE of Maryland. Mr. President, I should like to call the attention of the Senate to the inconsistency, if I may so describe it, of the amending tendency with respect to this bill. The Treasury Department, acting upon the unanimous recommendation of the Federal Reserve Board, requested that the limit be raised to 80 per cent. That was the unanimous request of the Reserve Board, to create a supply of emergency currency. The Senate yesterday refused to grant that limit, and fixed the limit at 75 per cent.

Philosophically, if you reduce the supply you should make every effort to reduce the demand, whereas the contrary appears from the spirit of all these amendments, because if you reduce the rate of interest or the barrier penalty, you will inevitably increase the demand, and to a certain extent you may create it, as was pointed out by the Senator from Colorado [Mr. SHAFROTH] a few minutes ago. If you give enough profit to the banks under this or any financial situation, you will create a demand for the emergency currency.

So the action of the Senate in decreasing the supply of the emergency currency, and this proposed amendment to increase the number of banks which may demand it, and to increase the amount of interest that the banks may make by demanding the currency, are absolutely inconsistent.

Mr. SMITH of Georgia. Will the Senator permit me?

Mr. LEE of Maryland. Certainly.

Mr. SMITH of Georgia. What we wish is not to increase the amount to the national banks any further, but to permit the

additional increase through admitting the State banks to the same privilege. It would be inconsistent to object to going further than the national banks as to the line of increase. What we desire is to add the State banks to the same privilege.

Mr. LEE of Maryland. I am very sympathetic with the suggestion of the Senator—extremely sympathetic—because I believe in bringing in these small banks if they can be put in upon a solvent and well-inspected basis, and thus carrying forth this fertilizing system to the root of the cotton plant, to the root of the corn, to the places where it is needed. But this is an emergency situation of great significance. The warring European countries, even the most solvent of them, have declared moratoria against the collection of debts. It is a serious situation, and it has to be genuinely recognized as an emergency.

I was rather surprised that under the circumstances most of the gentlemen on the minority side of the Chamber yesterday seemed inclined to limit the supply of this currency available to 75 per cent rather than to 80 per cent; but this having been done it does look most unphilosophic, when the Treasury Department comes in and recommends a certain amount that they can call upon and fixes that amount at 80 per cent, for the Senate to cut down the available supply and at the same time increase the possible demand by reducing the barrier interest which the present law requires.

For that reason, with all respect and sympathy for the object of the Senators——

Mr. OVERMAN. The penalty is not reduced except that the period is extended only four months. The penalty under the amendment is the same, preventing inflation. The penalty under the original law is 6 per cent and the period 9 months. The penalty under my amendment is 13 months. That is the only difference.

Mr. LEE of Maryland. If the Senator will go back to the beginning, behind the action of yesterday, and increase the supply——

Mr. OVERMAN. I am talking about this amendment. The only difference is the extension of time from nine months to thirteen months, so far as the penalty is concerned. If the penalty is sufficient to prevent inflation, and the currency comes back in nine months, what is the trouble about extending it for four months? That is the only difference.

Mr. LEE of Maryland. The demand for this currency will be based somewhat upon the profit that can possibly be made by the utilization of the currency. In any event the Senator from North Carolina will admit that it is utterly unphilosophical to reduce the amount of an available currency from 80 per cent to 75 per cent, and at the same time increase the possible demand by taking down the interest barrier.

Mr. WEST. Mr. President——

The PRESIDING OFFICER (Mr. KERN in the chair). Does the Senator from Maryland yield to the Senator from Georgia?

Mr. LEE of Maryland. I yield the floor.

Mr. WEST. I should like to ask the Senator from Maryland a question before he takes his seat. He said a few moments ago it is at the rate of 3 per cent, making 12 per cent a year.

Mr. SHAFROTH. Oh, no; it is 3 per cent per annum; that is, for the first three months; and 1 per cent a month thereafter until it reaches 6 per cent.

Mr. WEST. I thought if it was that rate then, of course, the banks would take advantage of it.

Mr. SHAFROTH. It is 3 per cent per annum.

Mr. WEST. I want to say, while I am on my feet, that I am utterly opposed to an inflated currency, and it is only in this exigency that I think there should be as much currency in the South as can be obtained without having it unduly inflated and causing gold to come to a premium. It is now absolutely needed there, but, of course, we do not wish to inflate the currency in such a way that our gold will be at a premium.

Mr. REED. Mr. President, I want to discuss for a moment the amendment now pending. I do not want to discuss the other amendments which will come up in due course. Most of the argument this morning has borne upon other amendments than the one now under consideration.

The amendment under consideration proposes to reduce the tax for the first three months from 3 per cent, as named in the bill, to 2 per cent, the 3 per cent and 2 per cent being a per annum rate of interest. As originally introduced, the amendment provided for a reduction to 1 per cent. The question we are to discuss is, Should the interest be at the rate of 3 per cent for the first 90 days or should it be 2 per cent? That is all there is in this present amendment. I affirm that if you reduce the rate of interest from 3 per cent to 2 per cent you simply present the banks with 1 per cent additional profit. That is all there is to it. I think if Senators will bear with me I can demonstrate that that is the inevitable result, and that no other result is within the limits of possibility. I want to proceed to try and do that.

Mr. OVERMAN. Mr. President——

Mr. REED. I will yield to the Senator.

Mr. OVERMAN. The Government is not in the business of levying taxes on money to make money out of it.

Mr. REED. Mr. President, I think that is entirely aside from this question. The Government is in the business just now of issuing some emergency currency, and everyone understands that the tax which has been imposed has not primarily been for the purpose of profit, but for the purpose of a check and a safeguard.

Mr. OVERMAN. To make it hard for them to get it? That is the purpose?

Mr. REED. To make it not hard for them to get it, but to remove the temptation to get it improvidently, and to compel the return of it to the Government within a reasonable time.

Mr. OVERMAN. So far as that is concerned, the penalty is the same except as to the time.

Mr. REED. No; the penalty is not the same. The Senator is not speaking with his usual accuracy.

Mr. OVERMAN. Now, Mr. President——

Mr. REED. If I can start borrowing money for the first 90 days at 2 per cent and thereafter we increase the penalty one-half per cent a month, the situation is not the same as it would be if I start at 3 per cent with an increase of a half per cent a month, because whatever period of time I keep the money out under the first plan, I will get it cheaper than I do under the latter plan.

Mr. OVERMAN. The only difference is the difference between the period of 9 months and 12 months. The penalty will be the same at the end of 12 months under my amendment.

Mr. REED. The interest will be the same at the end of 12 months, but the average rate of interest for 12 months will not be the same. There is no use to try to argue around the cold mathematical problem.

Mr. SHAFROTH. I should like to ask the Senator from North Carolina what there is in this bill that will prevent a bank, after it has borrowed money under the terms of the bill, to come in at the end of 90 days and pay it and then get another loan?

Mr. OVERMAN. That is true in anything. There is no difference between it and the original law, is there?

Mr. SHAFROTH. It is the difference between 2 per cent and 3 per cent. That is all there is to it.

Mr. REED. All there is in this amendment is the difference between 2 per cent and 3 per cent. That is all there is to it.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. I yield.

Mr. SIMMONS. If the Senator from Colorado [Mr. SHAFROTH] is right—and the Sentaor from Utah [Mr. SMOOT] has advanced the same idea—that the banks will take this money under the present bill for three months only, with interest, and at the end of three months they will come in and pay it up and borrow for two months more—if that is to be the practical working of the bill, tell me what good does the additional provision imposing half a cent a month at the end of three months do?

Mr. SHAFROTH. I can answer that, if the Senator from Missouri will permit me.

Mr. REED. I can answer that, if the Senator will permit me, since I have the floor. It is the additional penalty which compels them to come in or induces them to come in at the end of 90 days to settle; and the very purpose of that penalty is to induce them to come in and settle.

Mr. SIMMONS. At the end of 90 days.

Mr. REED. As soon as possible. As soon as they come in and settle and ask for an additional loan, then the Treasury Department can say whether or not they want to keep the money out; in other words, the Government gets the opportunity by means of retiring the money, and a bank that came in at the end of 90 days and paid up its debt would then, of course, have, the same as an ordinary customer of a bank, to take the chance of getting a renewal.

Mr. SIMMONS. The Senator thinks that in practical operation the result would be that the banks would generally come in at the end of three months and renew, so to speak, so as to get the benefit of the 3 per cent rate?

Mr. REED. I do not think so. I think that in practical operation the bank getting this money, if it found that it was necessary to go beyond the three-month period, would probably pay the additional rate for a time, because it is always contemplated that these loans are not to be permanent advance-

ments, and the probabilities are, I think, that the bank would pay the rate for the next 30 days, or it might be 60 days. I can not answer as to that any more than can the Senator from North Carolina.

Mr. SIMMONS. I agree entirely with the Senator from Missouri. I do not think that the result of the practical operation of the law would be what the Senator from Colorado and the Senator from Utah have indicated. I think at the end of three months, if the banks want this currency longer, they will pay the additional one-half per cent for the next month.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, I wish to suggest that 2 per cent per annum is one-sixth of 1 per cent per month, and when the penalty, as the other Senator from North Carolina calls it, is one-half of 1 per cent per month——

Mr. SIMMONS. There are two reasons——

Mr. WILLIAMS. There is a difference of two-sixths of 1 per cent, which, in a large transaction, is very considerable; but the statement that the Senator from Missouri has made, it seems to me, is an argument in favor of the amendment, because it is an argument tending to show that this currency, instead of being in circulation, would be paid up at the end of each three months, with the hope of getting another loan, so that the money would be withdrawn in three months. Thus the interest of the Government to prevent redundancy of the banks to make the most profit possible would run hand in hand.

Mr. REED. That was not my argument.

Mr. WILLIAMS. I say the state of expected facts proves just the opposite of what the Senator is trying to prove.

Mr. REED. Not if I made myself plain to the Senator.

Mr. WILLIAMS. If they will pay it up at the end of three months, the Government has the option whether it will then reloan the money or not.

Mr. REED. That is exactly what I said.

Mr. WILLIAMS. But when the Government has its option, and that particular loan is closed, that much money has been returned to the Treasury. The Treasury then can refuse further loan if enough currency is, in its opinion, afloat.

Mr. SIMMONS. That is exactly the opinion I expressed; and they would not return it at the end of the three months and take their chance of getting another loan, because they might not get it.

In the second place, probably the expense of closing the transaction and reopening it would be more than one-half of 1 per cent a month.

Mr. SMOOT. May I ask the Senator from North Carolina a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah for that purpose?

Mr. REED. I yield.

Mr. SMOOT. I wish to ask the Senator from North Carolina why banks could not get a renewal at the end of three months? What is there in the law that would prevent them from getting it?

Mr. SIMMONS. If the department felt that there was no longer an emergency calling for the issue of this currency, they might not extend the loan; they might exercise some indirect discretion not to continue the issue of this money.

Mr. SMOOT. There is nothing in the law giving them that power.

Mr. SIMMONS. I do not know whether or not there is anything in the law giving them that authority, though I am rather inclined to think there might be something in the law to that effect.

Mr. SMOOT. The only way in which that authority could be exercised would be that under the law, if they exceeded the limit, of course, the Secretary of the Treasury would refuse to make the loan.

Mr. SIMMONS. The Senator from Utah will admit that if a bank should settle up at the end of three months, so as to get the benefit of the lower rate of interest, if the banks of this country have reached the conclusion that there is no longer a necessity for this emergency currency, and that to continue it after the emergency has passed might result in inflation, when the application is made to the currency association to reborrow they might refuse their consent, and the application would never reach the Secretary of the Treasury.

Mr. SMOOT. Mr. President, I have nothing to say against the last proposition of the Senator; that is absolutely true; but it rests entirely with the currency association. If they do not approve the security offered by the bank asking for the loan, then, of course, the bank can not get the emergency currency; but I do not know of anything in the law that would prevent the bank from getting it.

Mr. SIMMONS. There is nothing in the law that would prevent it.

Mr. SHAFROTH. Mr. President, I can find no discretion in the act except as to the question of security, but this consideration might induce a bank to keep the currency out and pay the additional one-half of 1 per cent per month. If all of the emergency currency were issued, it might say, "If we surrender this currency, we can not get any at all." That, as a matter of fact, might have a tendency to keep the currency out, the bank paying one-half of 1 per cent a month additional as each month passes until the expiration of the time by statute.

Mr. SMOOT. That was the question I brought up in answer to what the Senator had said; and yet, Mr. President, we do know that if the whole amount of currency has been issued, and there is $500,000 returned by a bank which has borrowed it, the currency being replenished to that extent, that sum could again be borrowed.

Mr. REED. Mr. President, I wish merely to clear this matter up and then to resume at the point where I was interrupted, for I am exceedingly anxious, if possible, to get this bill to a vote. I think the debate has been quite long enough—of course there is no way to limit it—and we do not want to stay here all summer over this little bill.

There is not a dollar of this currency that any bank can demand as a matter of right; it is all within the discretion of the Secretary of the Treasury. He can issue it or he can refuse to issue it.

That is the answer to all the argument we have heard for the last 15 or 20 minutes. Here is the language of the law. Following a provision which states how the banks shall organize currency associations and how they shall make their application to the Comptroller of the Currency, there is a provision which I quote:

> The Comptroller of the Currency shall immediately transmit such application to the Secretary of the Treasury, with such recommendation as he thinks proper, and if, in the judgment of the Secretary of the Treasury, business conditions in the locality demand additional circulation, and if he is satisfied with the character and value of the securities proposed and that a lien in favor of the United States on the securities so deposited and on the assets of the banks composing the association will be amply sufficient for the protection of the United States, he may direct an issue of additional circulating notes to the association, on behalf of such bank, to an amount in his discretion, not, however, exceeding 75 per cent of the cash value of the securities so deposited.

The last clause has been modified by a subsequent amendment, but the others stand.

Now, Mr. President, winding up, if I may, this little side issue, of course a bank at the end of three months could bring to the Treasury the currency it had obtained and wind up the transaction with the Government, and then could secure a new issue of currency, and in that way escape the additional interest charge, always provided the Secretary of the Treasury saw fit to renew the issue, which he would not be very likely to do if he thought the bank was simply trying to beat the Government out of a little interest.

Mr. WEST. Could the bank obtain a new issue of currency on the same security it had deposited for the first issue?

Mr. REED. Undoubtedly. The bank could secure the currency by depositing any good securities, and if the securities it had on deposit were of the kind and character required, it could rehypothecate them.

Mr. WEST. I understand the Senator, then, to say that if the bank obtained the money at one-sixth of 1 per cent, saying it was 2 per cent per annum—that is, one-sixth of 1 per cent per month—after the expiration of three months, rather than pay the one-half per cent per month, it could pay up and use the same securities in order to get an extension of three months?

Mr. REED. The bank could do so if the Secretary of the Treasury saw fit to let it, but I think the Secretary would very promptly say, "That is not business; if you need this money, keep it and pay the additional half per cent."

Mr. President, the whole question, I state again, that is now before the Senate is whether we ought to start with a 2 per cent rate or a 3 per cent rate. I assert the proposition, and shall undertake to demonstrate it, that if we cut the rate of interest from 3 per cent to 2 per cent we shall simply present to the banks obtaining this money that 1 per cent, and that what we take off of the rate will accrue to the benefit of the banks and not for the benefit of the country. Any rate that is charged by the Government accrues to the benefit of all the people; it goes into the Treasury; while any reduction of that rate accrues to the benefit of the banks. That is the proposition I undertake to demonstrate, and I think a little thought upon that matter will lead Senators to concur in the opinion I have stated.

No bank can obtain of this currency more than 125 per cent of its capital and surplus. A bank with a capital of $100,000 can only obtain $125,000 of this currency. Of course, if it obtains the money it does so for the purpose of loaning it to its customers. Now, a bank with $100,000 of capital ordinarily would have approximately $5,000,000 of loans. If any Senator were acting as president of a bank having a capital of $100,000 and $5,000,000 of loans at 6 per cent interest——

Mr. WEST. Mr President——

Mr. REED. I hope the Senator will not interrupt me until I get through with this sentence, and then I will gladly yield. If you had $5,000,000 loaned out at 6 per cent interest and you obtained $125,000 of this currency to be loaned to your customers, could you reduce the rate on all of your $5,000,000 of loans from 6 per cent to 5 per cent in order to get $125,000 in currency?

Mr. OVERMAN. Mr. President——

Mr. REED. If the Senator will let me conclude that thought, let us see just how that would work out in figures. If a bank had $5,000,000 loaned at 6 per cent, its annual interest collection would be $300,000. If it were to obtain $200,000 of this currency—I use that figure arbitrarily—it would have $5,200,000 to loan, and if it reduced the rate to 5 per cent its total income would be $260,000, if I have figured it accurately in my head, as we say, standing here. Thus it would lose $40,000 by virtue of getting this additional money and it would be that much worse off.

The question may be asked could it not reduce the rate of interest upon the $100,000 or $200,000 that it obtains from the Government? I answer no. The moment it would give a special reduction in the rate of interest upon the $200,000 it obtains from the Government, reducing that rate to 5 per cent or 4 per cent, it would disturb the entire interest and discount market in which it was concerned. It would inevitably result in forcing a bank to make cuts to other customers if it did that. The minute it becomes apparent to a banker that if he obtains $100,000 of this currency and loans it out he must disturb the whole interest and discount market and must cut in on his own natural and legitimate profits, that banker is not going to take a single penny of the money out. He would be a very foolish man to do so. There is not any answer to that, in my judgment, and I think Senators will agree with me if they will just get the blood out of their heads and sit down coolly and think about it.

Mr. OVERMAN. Looking at this matter as a cold proposition, let me ask the Senator a question, if he will yield to me.

Mr. REED. I shall be glad to yield to the Senator, although I should yield first to the Senator from Georgia [Mr. WEST], who sought to ask me a question some time ago.

Mr. WEST. Mr. President, the Senator has stated that a bank having a capital of $100,000 might lend $5 000,000. I think the Senator's statement exceeds the limit that a bank ever loans out upon that much capital. He evidently means $500,000.

Mr. REED. No; I do not; I mean there are plenty of such banks.

Mr. WEST. I have never known of any in my section of the country.

Mr. REED. I mean there are plenty of banks in my section of the country with $100,000 of capital that have many times——

Mr. WEST. They must have an enormous surplus.

Mr. REED. Yes. I know a bank in my city of $500,000 of capital that at one time had $40,000,000 in deposits. I know of a bank in New York City that has $200,000 capital, and I would be afraid to hazard a statement as to the vast amount they have on deposit.

Mr. WEST. That must be the Chemical National Bank of New York, which has an enormous surplus, or at least it used to have.

Mr. REED. Now, Mr. President, I yield to the Senator from North Carolina.

Mr. OVERMAN. I merely want to say to the Senator that his whole argument is based upon the supposition that the banks will loan money always at a uniform rate of interest. They do not do that, as the Senator knows.

Mr. REED. Not uniform; yet there is——

Mr. OVERMAN. They loan money sometimes at 2 per cent on call, or 3 per cent, or they will make arrangements to loan money, depending upon the security, at 5 per cent to one person, 6 per cent to another, 7 per cent to another, and 8 per cent to another. The Senator will admit surely that if 1 per cent is removed from the tax the banker can loan the money at 1 per cent less.

Mr. REED. I do not admit it.

Mr. OVERMAN. Does the Senator say that the banker can not do it?

Mr. REED. I do not admit it, because of the practical difficulties. Lest I should forget it later on I want to say to the Senator that if we could take this money, limiting the amount so that there would not be a dangerous inflation, and if in this exigency we could carry it directly to the people of the United States without a penny charge and give them the benefit of it, I would be delighted at that possibility.

Mr. OVERMAN. I would not, because I do not think the people ought to be given money in that way.

Mr. REED. Well, of course, I mean where they give proper security. If it were possible, without the danger of inflation, to carry this money to the people who need it without using the banks as an instrumentality and without giving the banker the rake-off and the benefit, I should be delighted to carry the money to the cotton planter and the corn raiser and the man engaged in any pursuit making it necessary to have money; but that certainly is not practicable at this time.

Answering the Senator, it is true that banks have different rates of interest for different customers, always controlled by the facts surrounding the transaction. The man who is a large borrower, a steady customer, a heavy depositor, of undoubted credit, will, of course, get money cheaper than the man who borrows a small amount, whose credit is doubtful, and who is not a depositor in a bank. Between those two extreme cases are all varieties and conditions. Nevertheless, however, there is a basic rate of interest; and whenever you say to the banks of your State, "You can obtain additional currency from the United States to an amount equal to perhaps about one-tenth of your loans, but when you obtain it you must lower the rate of interest," the banker will say, "I prefer my present rate of interest, undisturbed, to the securing of additional money, the taking of additional risks, and a disturbance of the entire interest market." Accordingly that gentleman will not come here and get money. You can not compel him to do it. You will make it to his interest not to do it.

Mr. OVERMAN. Then that is one way to stop inflation, is it not?

Mr. REED. It not only stops inflation, but it stops everything. It stops any increase. If the Senator proposes now to get up a scheme that will keep the banks from getting any of this money at all, he has devised a beautiful scheme to do it; and it is no answer from his lips that it would stop inflation, because what he is demanding is more inflation. You can not argue both ways here. You can not be like the animal Munchausen tells about that had a set of legs on its belly and another set on its back, and when you chased it until the legs on its belly grew tired it would whirl over on its back and run on its back. You can not travel that way in the realm of logic.

Mr. OVERMAN. That is what I was complaining of the Senator for—that he was traveling in that way, in that he argued in one breath that my amendment would produce inflation and in the next breath that I was devising a scheme to keep the money out of circulation.

Mr. REED. I have not even discussed the question of inflation. The word has not come out of my mouth this morning, except as I just now replied to the Senator and used it. The Senator has me confused with somebody else.

Mr. FLETCHER. Will the Senator yield to me for a suggestion?

Mr. REED. Certainly.

Mr. FLETCHER. I simply wish to suggest that very recently, I think about the 4th or 5th of August, Mr. Lloyd-George rose in the House of Commons and said: "I want a credit of a hundred million pounds." It was voted very promptly; and then he said: "We will reduce the bank rate from 10 per cent to 6 per cent, and we will have all banks closed for three days in order to adjust themselves to these conditions." The reduction was made to 6 per cent, and then, shortly afterwards, to 5 per cent.

Mr. REED. Yes.

Mr. FLETCHER. And that while the English Army was mobilizing and troops were marching through the streets of London to the front.

Mr. REED. Why, Mr. President, the Senator is too much of a logician to put that as a parallel with the condition existing in this country. In the first place, the Parliament of Great Britain is all powerful. Great Britain has no constitution such as we have. The Parliament of Great Britain can pass any law it sees fit to pass and it is the supreme law of the land. In the second place, the credits of England are largely controlled through one great bank, the Bank of England; and the Bank of England, by raising and lowering rates, can, of course, affect the price of exchanges and the interest price all over the kingdom. The Bank of England is in close touch with the Government; and the Government did something the

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Senator did not tell us about. It became the guarantor of the Bank of England and stood back of the entire transaction, and has absolutely released the indorsers and the makers of acceptances to the amount of hundreds of millions of dollars, and has agreed to carry them for the people.

Happily, we are not to-day in a condition where that is necessary. The point I am trying to impress upon the Senate is that a reduction of the rate of tax levied by the Government on this currency will not go to the ultimate consumer, because the bank will not accept that money if, by accepting it and using it, it must cut its own profits upon all the large sums of money it already has on hand and which it loans.

There is not any answer to that, Senators. We shall have to settle this thing now upon its merits. I am not standing here merely to argue a question. I repeat, if I could carry this emergency currency directly to the people without the interposition of a bank, I should be glad to do it, but under the present circumstances we must deal through the banks.

There is another reason that ought to appeal to thoughtful Senators—and I know that every man here in this emergency wants to do the right thing—and that is that of the money the bank now has on deposit and which it has reloaned a very large percentage is interest-bearing money. It is the custom of many of the great banks of the country to pay 2 per cent, or anywhere from 1 per cent to 2½ per cent, upon checking accounts. That is especially true of State banks and trust companies, which it is proposed by one amendment which has been suggested here to bring more thoroughly into the system. In addition to that, many of the banks pay 3 per cent upon time deposits, and in some instances go beyond that figure.

Now, imagine yourself the president of a bank with $500,000 of money upon which you are paying your depositors from 2 per cent to 3 per cent and that money loaned out at a rate of interest which will compensate you for your risk and leave you a profit. Can you conceive, then, of your going to the Treasury and getting $200,000 of emergency currency and dumping that into the market to destroy the interest rate you are obtaining, not only upon your general deposits, but upon these deposits upon which you yourself must pay a rate of interest? You will not do that. You will simply say, "Well, I will go on as I am now. I will not take any of this currency. I will not bother with it. There is nothing in it but loss for me and trouble for me, and accordingly I will pursue the even tenor of my way."

When the banker does that, when banker A and banker B and banker C and banker D do that, the result is that this currency does not get into circulation and does not reach the cotton planter or the merchant who feels a necessity for it at the present time.

I appeal to Senators to think of those things.

Mr. OVERMAN. Mr. President——

Mr. REED. I yield to the Senator from North Carolina.

Mr. OVERMAN. The amount of tax now required by the Government on its deposits in national banks is 2 per cent, is it not?

Mr. REED. The amount of tax?

Mr. OVERMAN. Yes; the amount of interest required by the Government on its deposits in national banks.

Mr. REED. The Senator means that the Government requires the banks to pay 2 per cent interest to the Government?

Mr. OVERMAN. Yes.

Mr. REED. Oh, I understand; certainly.

Mr. OVERMAN. Why should there be any different rate on this than on that?

Mr. REED. I shall be glad to answer that question now if the Senator will permit me to do so.

Mr. OVERMAN. Before the Senator does I want to say this to him: The Government has been depositing—we will call it interest or tax, whichever you please—at a rate of 2 per cent what are known as its deposits, and also crop-moving funds, in the leading centers of the various States. In other words, it deposited these funds in three towns in my State. It deposited them in the large towns among the big bankers. The consequence is that the smaller bankers have never gotten any of the benefit of this at all. They have gotten no benefit of this money, and can not get it. The man that really ought to have this emergency currency is the small country banker; and you want to tax him 3 per cent, when the big banker is paying only 2 per cent on the deposits made by the Government in his bank. Is not that true?

Mr. REED. Some of the statements of fact the Senator makes are accurate; some of them would have to be qualified; and with his logic I utterly disagree. In the first place, there is absolutely no parallel between the two conditions the Senator presents.

Mr. President, I think we ought to have a reasonable attendance here, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MYERS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Kenyon | Overman | Simmons |
| Brady | Kern | Page | Smith, Ga. |
| Burton | Lane | Perkins | Smith, Md. |
| Camden | Lea, Tenn. | Pittman | Smoot |
| Chamberlain | Lee, Md. | Poindexter | Sterling |
| Chilton | Lewis | Pomerene | Stone |
| Crawford | McCumber | Ransdell | Thomas |
| Culberson | McLean | Reed | Thompson |
| Fletcher | Martine, N. J. | Robinson | Thornton |
| Gallinger | Myers | Shafroth | Vardaman |
| Hughes | Nelson | Sheppard | White |
| James | Norris | Shields | Williams |
| Jones | Oliver | Shively | |

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] and that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum of the Senate present.

Mr. GALLINGER. Mr. President, in behalf of the junior Senator from Maine [Mr. BURLEIGH], on account of personal illness as well as the serious illness of his wife, I ask unanimous consent that he be excused from further attendance upon this session of Congress.

The PRESIDING OFFICER. Is there objection to the request?

Mr. REED. I could not hear it.

The PRESIDING OFFICER. The request is that on account of personal illness and illness in his family the Senator from Maine [Mr. BURLEIGH] be excused for the rest of the session. Is there objection? The Chair hears none, and it is so ordered.

### NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

Mr. NORRIS. I ask unanimous consent for the adoption of the following order.

The PRESIDING OFFICER. It will be read.

The Secretary read the order, as follows:

*Ordered*, That leave be granted the secretary of the Interstate Commerce Commission to withdraw from the files of the Senate the manuscript of Senate Document No. 543, Sixty-third Congress, second session, "Evidence taken before the Interstate Commerce Commission relative to the financial transactions of the New York, New Haven & Hartford Railroad Co., together with the report of the commission thereon," said manuscript being original papers filed with the commission.

The PRESIDING OFFICER. Is there objection to agreeing to the order?

Mr. REED. I make no objection if it does not provoke discussion.

Mr. NORRIS. I will not insist on it if it provokes any debate. I can not see that it will do so.

The PRESIDING OFFICER. The Chair hears no objection, and the order is agreed to.

### AMENDMENT OF NATIONAL BANKING LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6398) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws."

Mr. REED. Mr. President, in closing my remarks I will repeat the statement that a reduction of the rate of interest from 3 per cent to 2 per cent will inure to the benefit of banks and nobody else, and that the banks will not take out the money at all if they must do it upon the condition of a general reduction in their rate of interest to their customers. I want now to show why 3 per cent is probably the correct figure.

First, it is not desired to induce banks to take this money indiscriminately and for the purpose of making a large profit to themselves. It is proposed to afford a situation which will enable a bank whose customers really need money to obtain that money in such a manner as, first, to reimburse the bank for the risk and expense it takes, and, second, to limit the amount which will be taken of the currency so far as it may be limited without denying the country the benefit of the system.

It is estimated that it costs a bank approximately 2 per cent to obtain this currency, to loan out the money, and to settle at the end of the transaction with the Government. I do not know upon what those figures are based, but that is the estimate I have heard made. If a bank pays 3 per cent for money and if it costs the bank 2 per cent to handle it, that is equal to 5 per cent, and if the bank loans its money at 6 per cent, which most of them do, particularly in the West and South, or at a greater rate, at 6 per cent the bank makes 1 per cent by the transaction. If it loans it at 7 per cent, it would make, of course, 2 per cent,

and if it loans at 8 per cent it would make 3 per cent; but the average bank gets about 6 per cent. One per cent profit for handling the transaction, together with the incentive to accommodate its customers, ought to be a sufficient inducement to the bank and a sufficient recompense to the bank.

I beg the Senate to bear two facts in mind. One is that it is not intended to put this money out permanently. There are two reasons for that. The first one, of course, is that a general inflation is not desirable. But the second one, which at the present time is perhaps the more powerful, is that the Federal reserve system is about to be inaugurated. The details are being rapidly worked out, and when that system is inaugurated it is certainly to be hoped that there will not be a vast amount of this particular form of emergency currency outstanding which must be taken care of by the system and which will be to some extent an annoyance, if not a disturbance.

Within 90 days' time the Federal reserve system ought to be established, and when it is established the burden of carrying the financial affairs of the United States will be immediately cast upon those reserve banks. The weight which has heretofore been taken care of by the great banks of great cities will, as soon as the system is established, be transferred to the Federal reserve banks of the country. When there is a demand for gold that demand will be made upon the Federal reserve banks, and whereas a few days ago, when there was a demand for gold, the banks of New York assembled and determined to raise something like $90,000,000 to take care of the obligations of the city of New York, when the Federal reserve bank is established in the city of New York it is my opinion that if the demand for gold should arise again it will immediately be made upon that bank. It is therefore of the highest importance that when we are about to establish this Federal reserve banking system we should be in a position to do so upon the most stable basis. Just in proportion as you scatter throughout the channels of trade and commerce an emergency currency beyond the absolute demands of the hour do you to that extent imperil this great system which we all hope will bring so much benefit to the country. And that is not a consideration to be lightly passed over and brushed aside. It is a problem now confronting the Federal Reserve Board.

Then, I call the attention of Senators to another proposition which I regard as of still greater importance, and I beg that Senators will not allow themselves to be swept from their feet by virtue of some local condition or for a single moment cease to look upon the present financial condition in its broadest possible aspect. Almost the whole civilized world is plunged in a tremendous war. Every day that war continues the productive force of those great countries is at something worse than a standstill. Consumption has been magnified by reason of the enormous expense of moving armies and munitions of war, and in addition to consumption is the mighty force of destruction which is hourly striking down values. In consequence the financial system of Europe is trembling, I fear, upon the verge of a precipice. The gold reserve of the Bank of England a few days ago—I think three days ago—according to the press reports, was down to 19½ per cent. Payments have been suspended to a greater or less extent in all the countries involved in this titanic struggle.

With the exception of perhaps one other great country, we alone are enjoying the benefits and blessings of peace. Our banking system and our currency system up to this moment are not only stable but, if we make no mistakes, impregnable. We occupy the Gibraltar of the financial world.

If we continue to maintain wise and prudent counsels we will dominate the financial world. In proportion as we maintain those counsels will we make it easy to maintain our position. What investor is there in Europe who, having securities, a part of them securities of a European country, a part of them securities of this country, and being obliged to sell the one or the other, would not prefer parting with those securities which are menaced by this great war and prefer holding those securities which are protected by a flag that at once represents power and peace and industrial and financial integrity? Accordingly, if we do not shake the confidence in our own system investors abroad will naturally prefer American securities. But shake confidence abroad in our system, adopt the policy that was suggested by a question a few moments ago of declaring a moratorium and other extreme measures, and instantly this country, now in a condition of profound peace, will have placed itself upon the financial level of countries involved in deadly war.

Senators ought not to want to introduce the slightest element of danger at this time of all times in the history of the United States, when we can best afford to move with care and caution. This is the supreme moment.

Now, what should we do? I think the plan that has been devised by this board, who have given much painful thought to the question, is a wise one. It is to permit the banks to obtain currency under the Aldrich-Vreeland Act upon the class of securities they now have. As I stated the other day, many of the banks of the great cities have the bonds which the present Vreeland-Aldrich Act specifies. Upon those bonds, which they have in their vaults, they have been able to obtain already much assistance through this emergency currency. But the banks of the country, the banks of the South and of the West, indeed of the great interior everywhere, do not ordinarily carry a large number of bonds which may be used for security. The proposition is to permit those banks that do not have the bonds or do not wish to use them to use, in lieu of the bonds, up to the amount of 75 per cent, the commercial paper they already have in their vaults. Now, that is the thing that immediately will benefit the South. The Senator from Georgia shakes his head.

Mr. SMITH of Georgia. If you extend it to the State banks, it will benefit the South.

Mr. REED. You mean it will go further if it is extended to State banks, but you do not mean that the South can not get any benefit, because the Senator is too candid a man to say that no benefit can come from it.

Mr. SMITH of Georgia. I do not say that they will not have some benefit, but they will have incomparably more when it goes to State banks.

Mr. REED. That is a question which we will discuss when we get to that question. I am now simply——

Mr. SMITH of Georgia. I am perfectly satisfied with the 3 per cent if the State banks do not have to go to the national banks to try to borrow the money. If we can get it to all who need it without having to filter it through two banks, I do not mind 3 per cent so much. That is why they are involved with each other.

Mr. REED. Of course, I do not object to the interruption, but I would prefer discussing that as a separate proposition. I do not think they are involved together at all.

This bill will enable any bank that is a member of any currency association, and, indeed, banks that are not members, to bring their promissory notes to the Secretary of the Treasury and upon those notes to obtain this money. So that will immediately benefit those banks. Yet, strangely, that proposition, which enables a bank to use its good security, was opposed upon this floor yesterday by men who now clamor for a reduction of the rate of interest.

I say again, as I have already said, by substituting the commercial paper of the bank as security for the bonds we take no radical step, because that is the class of securities we propose to use as the basis for all the money that is to be issued under the Federal reserve act, and by this means we do enlarge the opportunities of the national banks.

I come now for a moment to the statement of the Senator from Georgia [Mr. SMITH], and I want to advert to it for just a moment. The Senator states that if this bill was so drawn that the State banks could obtain the benefit of it, it would suit him better. Nevertheless there must be a benefit coming to the State of Georgia. In the first place, the State of Georgia has a large number of national banks. All her national banks can avail themselves of this bill directly. I do not know for the moment how many national banks the State of Georgia has.

Mr. POMERENE. If the Senator will permit me——

Mr. REED. I yield.

Mr. POMERENE. Under the statement which the Senator from Missouri incorporated in his remarks yesterday Georgia would be entitled to currency to the amount of $15,952,000.

Mr. REED. I remember the tabulation I put in the RECORD. The banks of Georgia have that power. The number of national banks in Georgia I do not have before me at the present time. Incidentally, I remark in passing that the national banks of North Carolina are yet entitled to $6,922,000. The Senator from North Carolina will find that on page 14858 of the RECORD. If there is a real demand for this money, it is inconceivable to me that the national banks in these two great States will not, when we have permitted them to use their ordinary commercial paper as security, come to the Treasury and get this money.

Mr. OVERMAN. Will the Senator yield to me?

Mr. REED. I yield.

Mr. OVERMAN. I think I can show the Senator from Missouri that under his statement, adopting it as true, and I think it is true, it will be impossible for the State banks of my State to get any of this money.

Mr. REED. I have not spoken of the State banks.

Mr. OVERMAN. I mean that the State banks will not reap any benefit from this legislation. That is what I mean.

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Mr. REED. I am talking about——

Mr. OVERMAN. The Senator will understand me in a moment.

Mr. REED. Yes.

Mr. OVERMAN. The Senator read a statement yesterday showing that the South was entitled to $160,000,000 of this currency. He also showed that $250,000,000 had been taken out by the great cities.

Mr. REED. Oh, no; the Senator is mistaken.

Mr. OVERMAN. A large amount. How much was it?

Mr. POMERENE. The amount is $150,000,000 altogether.

Mr. REED. The Senator has the statement before him on page 14858 of the RECORD.

Mr. OVERMAN. One hundred and fifty-four million dollars?

Mr. REED. Yes.

Mr. OVERMAN. In other words, most of this money has been taken out by the great centers.

Mr. SHAFROTH. The amount is $256,172,030. That is the total.

Mr. REED. That is to-day, but the statement I have here, so that the RECORD will be clear, was of the 20th of August, I think.

Mr. SHAFROTH. Of that New York City had $126,549,530.

Mr. OVERMAN. Showing that the great New York City alone out of $250,000,000 got $126,000,000 in round numbers.

Mr. REED. Will the Senator let me tell him why right now? It was for two reasons. First, of course, there was an unusual demand there, a pressure, but New York City banks had the bonds to put up.

Mr. OVERMAN. Exactly.

Mr. REED. Now we propose to accept a class of security that your banks have and that the banks in my town have.

Mr. OVERMAN. Only $8,000,000 have been taken out of $160,000,000 in the whole South.

Mr. SHAFROTH. Oh, no, Mr. President.

Mr. OVERMAN. That is the way I understand it.

Mr. SHAFROTH. The amount which the Southern States have taken out is $125,163,258.

Mr. OVERMAN. One hundred and twenty-five million dollars out of $256,000,000.

Mr. SHAFROTH. Yes.

Mr. OVERMAN. The point I am getting at is this: The Senator said they take 2 per cent of this money to handle it, and they then pay a tax of 3 per cent. The national banks are taxed that money upon the security the Senator from Missouri talks about. That will make 5 per cent the actual cost. Is not that right?

Mr. REED. My understanding is that that is approximately right.

Mr. OVERMAN. That is, it costs a national bank 5 per cent to get this money. The national banks get it, and the State banks now want some of this money. They can not get it under this bill at less than 6 per cent unless you adopt the amendment of the Senator from Georgia.

Mr. POMERENE. Mr. President——

Mr. REED. In the 2 per cent that I spoke of as the cost was included the cost to the bank not only of getting the money from the Government but of loaning the money and collecting the money back and handling the entire transaction.

Mr. OVERMAN. Exactly, but it costs the national banks 5 per cent to handle the money.

Mr. POMERENE. If I may be permitted, the Senator said a moment ago that it would be impossible for State banks to get any of this money.

Mr. OVERMAN. I am talking about my own State.

Mr. POMERENE. If the banks in the Senator's State are very anxious to have any of this money it is a very easy matter for them to reincorporate under the national banking act.

Mr. OVERMAN. You want to force the State banks in North Carolina to do that. There are three times as many State banks as there are national banks, and our people are proud of our State banks, and in the panic when the national banks went to the wall there was not a State bank in my State that went down. We like our State banks. We do not want to be forced by the National Government to go into national banks.

Where our State banks have $20,000,000 there are only $10,000,000 in the national banks.

Mr. POMERENE. It is a question of the State banks asking for a privilege which belongs to the national banks. The national law has provided the terms and conditions upon which they may come in. If they desire to benefit their people and if that is the only way they can be any benefit to them, the door is open for them.

Mr. OVERMAN. Yes; by becoming national banks, and they do not propose to do that.

Mr. SMITH of Georgia. If the Senator from Ohio will allow me to reply, just for a moment, I will say that I am just as proud of our national banks in my State as I am of our State banks. There are reasons why some of our big State banks, however, do not nationalize. They conduct a class of continued loans to farmers on real estate which they could not do under the provisions of the national banking law. They also extend larger credits to individual customers than the national-bank laws allow.

Mr. POMERENE. The provisions of the Federal banking act in regard to farm loans, however, are very much more liberal than they formerly were.

Mr. SMITH of Georgia. Oh, yes; we liberalized them very much under the Federal reserve act; and a number of our State banks, I know, are arranging within the next 12 months to adjust their system of loans to the new currency law. Then they expect to come into the Federal reserve system; but they can not nationalize at present on account of the character of securities which they hold and loans that they make.

Mr. REED. What was the question which the Senator from North Carolina intended to ask me?

Mr. OVERMAN. I have been trying to get at it, but I have been interrupted too frequently. My friend from Ohio [Mr. POMERENE] thinks this legislation is for the benefit of the banks and not for the benefit of the people.

Mr. POMERENE. Mr. President, I am quite sure that the proposition which is now pending before the Senate, and which is embraced within the Senator's own amendment, is wholly for the benefit of the bankers and not for the benefit of the people of his own State.

Mr. OVERMAN. The Senator says this proposed legislation is for the benefit of the banks and not for the benefit of the people. I stand for the people in this matter, but I wish now to go on and ask my question.

Mr. REED. I am waiting now to hear it.

Mr. OVERMAN. The Senator's statement was that it cost 2 per cent to handle this money, and that the tax is 3 per cent, which makes 5 per cent. The national bank gets it at 5 per cent; that is the amount it is taxed before it can use any of this currency at all. Then that leaves 1 per cent profit. If the State bank wants money from the national bank, and the national bank desires to grant the accommodation to the State bank, it will cost the national bank 2 per cent to handle it, and it will cost the State bank 1 per cent to handle it. That makes 6 per cent, and the State bank could not loan it at all, because the legal rate of interest in my State is 6 per cent, and everything is forfeited if money is loaned at a greater rate of interest than 6 per cent. So the State bank could not get any money, and, therefore, could not loan it, because it could not profitably loan it except at a higher interest rate than the legal rate. Is not that true, according to the Senator's own statement?

Mr. REED. I ask the Senator from North Carolina if that is the question?

Mr. OVERMAN. Yes; I ask if that is not true?

Mr. REED. I do not think that necessarily follows; but again I say I will join with the Senator from North Carolina now in his statement—not his argument, for his argument is all in favor of profits for the banks——

Mr. OVERMAN. Oh, not at all.

Mr. REED. In his statement that he stands with the people, and that he wants the people to have the benefit. I will get on that platform with the Senator and discuss this question from that phase.

Mr. OVERMAN. The Senator has already discussed it in the interest of the bankers.

Mr. REED. I have not discussed it that way.

Mr. OVERMAN. But the Senator did admit that if the bankers got their money at 2 per cent they could loan it at 1 per cent lower than they could if they paid 3 per cent.

Mr. REED. Mr. President, I have not made the statement which the Senator attributes to me. I have not discussed this question from the standpoint of the interest of the banker. I have not said that this was for the purpose of benefiting the banker. I said distinctly, at least a half dozen times, until I was tired of hearing myself say it, that if I could carry this currency to the people without the interposition of a banker at all I would do so.

Mr. OVERMAN. The Senator did say that; but he said further that the adoption of my amendment would be 1 per cent in the banker's pocket.

Mr. REED. I did say that as to the Senator's amendment; I say that is all there is in the Senator's amendment.

Mr. OVERMAN. The Senator said it a dozen times.

Mr. REED. I did not understand the Senator to mean that I was making that charge against him. I thought he was making it as to me.

Mr. POMERENE. Mr. President, it can hardly be said that because the Senator from Missouri is insisting on banks paying a tax of 3 per cent interest instead of 2 per cent, therefore he is favoring the banks.

Mr. OVERMAN. We had that up and down. That is what I intended to say to the Senator, and what the Senator stated a half dozen times.

Mr. REED. As the Senator now makes the statement, and as I now understand it, there is no question between him and me at all. I have said that his amendment is an amendment which will increase the profits of the banks, and, in my opinion, will not do any good to the people.

The Senator comes to the question of the State banks getting a benefit. We are not concerned in benefiting the State banks—that is my answer; we are not concerned in benefiting any bank; we are concerned in getting this money to the people; and I assert that there is not a State in this Union in which, if the national banks have plenty of money, financial conditions will not be easy. You can not, any of you, assert to the contrary.

Mr. SMITH of Georgia. They would be easier or easy?

Mr. REED. That they would be easy. We have in my State over 1,200 State banks and trust companies; we have, if I remember aright, 315 national banks. I reserve the right to amend those figures, for I am stating them from memory. I have labored assiduously to do everything within my limited power to make it easy for State banks and trust companies to join the Federal reserve system. The law—and I am now speaking of the Federal reserve act—contains provisions looking to that end, all of which I favored along with other members of the committee and the Senate.

I drew the little amendment which appears at the end of the law of August 4, permitting State banks to come into the system. The amendment was offered in the House of Representatives, but it happens that I drew it; after some conference it was taken over there, and I think it was passed as I drew it. So I am not trying to fight the State banks and trust companies; for this moment I am arguing the narrow question of whether if we carry this plan through, so that the national banks get the benefit, the people will also get the advantage of the better financial conditions.

I affirm that if all the national banks in my State have plenty of money there will be no great difficulty in getting along, and if all the national banks of Georgia or North Carolina have plenty of money there will be no great difficulty in getting along, even if the State banks and trust companies do not get any from the national banks; but I do not think that it follows at all that a national bank may not be able to accommodate a State bank, assuming the correctness of the mathematics of my friend from North Carolina in his interrogatory to myself.

You start with the proposition that the Government is to obtain 3 per cent tax and that it costs a bank 2 per cent to gather its securities together, to secure on them the emergency currency, loan that currency to its customers, collect the notes of the customers, gather up the emergency money or its equivalent, carry it to Washington, and close the transaction. We are assuming that that costs 2 per cent. As I stated when I used that term, I had heard that estimate made; I do not vouch for its accuracy, but let us assume it to be true. That is a total of 5 per cent.

It does not follow at all that a bank could not afford to loan some money to a perfectly stable and sound State bank or trust company upon that margin. Indeed, I think the difference between 5 and 6 per cent is sufficient margin, because it does not take the whole 2 per cent in that event to cover the expense. It is a very different thing for a bank to take $100,000 of money and loan it to a sister bank from what it is to loan it out to twenty or thirty or a hundred or five hundred customers and collect it.

Mr. OVERMAN. Right there, Mr. President, I wish to say the Senator is getting to the idea that I intended to convey to him; that is, that the national bank can afford to loan this money at 6 per cent. I agree to that. Now, the State bank has got to loan that money and get something for its trouble.

Mr. REED. The Senator did not understand me. I claim that the national bank, paying the Government 3 per cent, can loan the money to a State bank at less than 6 per cent. It does not in that case cost the same amount to handle that loan, and there is a 1 per cent margin in any event.

Mr. OVERMAN. Mr. President, I have heard it stated, just as the Senator has said, that it costs 2 per cent to handle this money.

Mr. SMITH of Georgia. But, Mr. President, if the Senator will allow me to interrupt him——

The PRESIDING OFFICER (Mr. WEST in the chair). Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I do.

Mr. SMITH of Georgia. If we now put into succinct law the provision that the Senator himself drew, it will not be necessary for State banks to borrow from the national banks; and I want to supplement his argument with that thought.

Mr. REED. Mr. President, I understand the nature of the Senator's suggestion, and I can not help but appreciate—I do not want to say the cunning, because I would not attribute that to the Senator—but the very shrewd way in which he puts it. When we come to that question I shall deal with the Senator and the Senate with very great frankness, but just at present we are discussing the question of the interest rate. Now, let us look at this matter frankly and fairly.

Let us assume that the State banks and trust companies in some instances might not get this money from the national banks, so much the more reason for them to join the system. They are not obliged to surrender their State charters to join, but they are obliged, if they do come in, to submit at least to an inspection and to the regulations that may be prescribed by the Federal Reserve Board.

Mr. OVERMAN. The Senator does not intend to force them into the national system; but has it not been the policy of this Government to try by every manner of means to force the State banks to come in, and was not this rate put at 3 per cent in order to exert pressure on the State banks to get them to come into the system?

Mr. REED. Nobody thought of the State banks when 3 per cent was fixed.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Colorado?

Mr. REED. I yield.

Mr. SHAFROTH. Mr. President, the original rate was 5 per cent, and it applied only to the national banks. The reduction was made to 3 per cent without modifying the law in relation to State banks at all; and consequently it applies only to national banks.

Mr. OVERMAN. Is not the opposition to the reduction of the rate based on the idea of forcing the State banks into the Federal system?

Mr. SHAFROTH. No, Mr. President; the power of this Government is such that, if it wanted to do so, it could force the State banks now to come into this system.

Mr. OVERMAN. How?

Mr. SHAFROTH. The Government could do so by laws, just as they put a 10 per cent penalty on the State bank-note issues.

Mr. OVERMAN. I do not know how they would by law force State banks to come into the reserve system.

Mr. SHAFROTH. A great many persons thought that it could be done, although it was not expedient to attempt to do it.

Mr. REED. Now, Mr. President, we have discussed everything except the question; let us discuss the question. There has been no attempt to coerce State banks and trust companies, but if there had been, it would have nothing to do with this interest rate. If the State banks and trust companies want to come into this system, they can come in to-morrow. I have voted for the proposition to allow a State bank to come in with only $15,000 in capital, and a bill which has been reported here following the bill now under consideration permits them to come in with only $15,000 of capital, provided that within 18 months they will bring their capital up to the minimum for national banks, to wit, $25,000. Instead of hardships being put upon State banks and trust companies, every effort has been made to help; but now in this hour when they are coming to the Federal Government, under whose laws they have scorned to organize, asking for help, it comes with a poor grace for them to complain that they are simply put upon the same basis as a national bank. The door is wide open, and they are invited to join the system, and I am in favor of making the system strong by bringing in all the solvent banks of the country, not by coercion but by inducement.

But, Mr. President, as has been well said by the Senator from Colorado, when the 3 per cent tax was settled upon no one dreamed of the State banks or thought of them. It was proposed to reduce the amount from 5 per cent to 3 per cent in order to make it profitable to take out this currency to a limited amount. Starting at 5 per cent, and adding the cost of getting

the money out, imposed such a burden that the banks did not avail themselves of the privilege afforded by the law. We then proceeded a step further, or are trying to proceed a step further, and propose to allow the banks to use their commercial paper instead of bonds. The only difference is that the Senator wants to take one additional step more, and I think that it is unwise to do so; I think it is unwise for all the reasons which I have offered. We ought not to let too great an amount of this currency out. I would feel more like letting it out if the benefits could go to the people; and yet everybody who has studied financial problems at all knows that you can make money so cheap that it is not worth anything.

Mr. SMITH of Georgia. Mr. President——

Mr. REED. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I merely want to say to the Senator that if we can feel any assurance that we will have the support of himself and the committee in an effort to give the State banks the opportunity of coming in, I think the sentiment would be almost unanimous in favor of sustaining the Senator's view as to the 3 per cent rate.

Mr. REED. Enable the State banks to come into the Federal system?

Mr. SMITH of Georgia. To enable them to take advantage of the Aldrich-Vreeland Act upon the lines of the amendment which the Senator himself has heretofore presented. I understand that the difficulty about it then was that the department was advised that the language was not sufficiently specific to relieve the notes of the State banks from the 10 per cent tax. The little amendment which I am going to present in a few moments follows the line of the amendment of the Senator from Missouri and specifically declares that these notes are not to be subject to that 10 per cent tax. If we could get that—and I do not see any objection to it—I would rather reduce the per cent of currency that the national banks may receive, if it is feared that there is going to be too much issued, and let the State banks share the privilege, too, because that will carry the currency, in my judgment, to the people.

I do not mean that there is not a benefit from the currency that you let the national banks have; I do not mean to say that, I did not mean to say that before; but they finance more generally very large enterprises; they finance our big oil mills, our big cotton factories, our big mercantile transactions, while the State banks are largely connected with the agricultural interests, because the State banks have unlimited power to take mortgages, and they frequently loan money on mortgages. Of course, the new currency law liberalizes that feature, and some of the largest of our State banks assure me that they are arranging their business just as soon as possible to close out the class of assets that are not recognized under our Federal reserve system and come into the Federal reserve system; but they do need this relief now, and they need it very much. It will carry the money to the people, and I hope the Senator will help us in that effort.

Mr. REED. Mr. President, does the Senator think that a perfectly solvent State bank or trust company in the city of Atlanta, desiring some money and having good security, could not go to the national bank with which it has been constantly doing business and obtain the accommodation?

Mr. SMITH of Georgia. I know that the national banks in Atlanta have been utilizing all their extra currency for the benefit of their regular correspondents and their large clients. I know that a number of our large State banks, some with capital and surplus as much as a million dollars and others with $250,000 or $300,000 capital, have not been in the habit of doing business with Atlanta national banks at all. They have never borrowed from them; they could probably get some money from them if they had plenty of it, but they would have to pay a higher rate than they ought to pay for it. I think they ought to be admitted to the issue of emergency currency on the same basis as national banks.

Mr. REED. Without coming into the system?

Mr. SMITH of Georgia. This bill does not relate to Federal reserve money at all; it relates to Aldrich-Vreeland emergency currency, to the privilege which national banks have under that act of issuing their own notes.

Mr. REED. What assurance has the Government when it issues this money to these banks that they are solvent? What does it know about them? How can it know anything about them? I want to say this in advance, that the policy has been, and the policy now is, not to issue these notes to individual banks, but to currency associations.

Mr. SMITH of Georgia. The State banks will have to join the currency association in their State; they will have to come into that currency association.

Mr. POMERENE. Mr. President, may I ask the Senator what authority would the State banks now have to join a currency association? Would not an enabling act from the State legislature be required?

Mr. SMITH of Georgia. It would not. There is not a State bank in my State covered by the amendment that could not join a currency association at once.

Mr. POMERENE. If that is true——

Mr. SMITH of Georgia. That is true.

Mr. POMERENE. There must be some special provision in your code which authorizes them to do so. Ordinarily a State bank would be acting ultra vires if it attempted to join such an association.

Mr. SMITH of Georgia. The law of the State of Georgia authorizes the State banks to comply with any national regulation applicable to the issue of currency, and generally gives them the authority to do so. So far as my State is concerned, that right exists clearly. The State banks would be compelled to come into the local currency association, the securities they put up would be subjected to scrutiny, and the whole of the currency association would become liable for every note any one of the State banks receives. The notes would be just as good as any issued to any bank in a currency association, because each bank would be liable. I personally know that the committee of the currency association of Atlanta is exceedingly careful about what kind of paper it passes, and it turns down a great deal of it.

Mr. REED. That, of course, is the next question that will confront us. My desire now is to settle one matter at a time. The two are not intermingled in any way, not related in any way. I rose to speak about 10 minutes, and I could have stated my views in that time if I had not been interrupted, but we got into a general running debate, which may or may not have done some good.

I repeat that the members of the Federal Reserve Board after due consideration think that 3 per cent is the correct rate; indeed, some of them have stated that it is possibly too low; that there is some danger of so much of this money being issued that it will embarrass us in the organization of the Federal reserve banks. I regret that we could not have passed this bill without much discussion. However, discussion is always illuminating, and we seem to have the whole summer before us.

Mr. President, if no one else desires to speak I call for the question.

Mr. BURTON. Mr. President, this question has already been debated at considerable length, and it is with some reluctance that I protract the discussion or say anything which shall be interpreted as placing me in opposition to rendering a benefit to the very important cotton industry; but it does seem to me that the Senate fails to realize the danger of a redundant currency, which is threatened by some of these pending propositions. A very simple bill was introduced here to change the law with reference to the amount of circulating notes depending upon commercial paper issued under the Aldrich-Vreeland Act. The original provision of the law was:

> That no national banking association shall be authorized in any event to issue circulating notes based on commercial paper in excess of 30 per cent of its unimpaired capital and surplus.

In the same statute there was a provision—

> That the total amount of circulating notes outstanding of any national banking association * * * shall not at any time exceed the amount of its unimpaired capital and surplus.

An amendment to the law has already been adopted by which circulating notes may be issued to the amount of 125 per cent of the capital and surplus. This amendment contemplated that the notes might still be issued upon two classes of securities, namely, commercial paper and bonds, but the quantity which could be issued against commercial paper remained at 30 per cent.

This pending bill, which was the original measure before us at the beginning of the discussion, sought to raise the limit from 30 to 75 per cent. An amendment was proposed making the percentage 80 per cent. It seems to me 80 per cent is too high. The Senate has already voted on this proposition making the proportion of capital and surplus which may be issued upon commercial paper 75 per cent, although it is evident that some legislation of that kind ought to be adopted providing for a larger quantity of commercial paper as security for notes, because otherwise the benefits of the act would accrue to the larger banks and banking institutions located in the more advanced and wealthy localities, since such banks are able to carry a large amount of bonds. Commensurate benefits would be denied to the smaller banks in the agricultural regions of the country unless they were authorized to utilize their commercial paper to a larger extent.

The pending proposition is to diminish the rate of interest or tax which banks must pay upon issues of currency from 3 per cent to 2 per cent per annum for the first three months. I think the fundamental errors of this proposition and of many of those now proposed arise from an exaggeration of the usefulness of the mere issuance of paper currency.

The quantity of paper currency which can be issued and successfully utilized must always depend upon available capital and upon the condition of credit. It goes without saying that paper notes do not add to the wealth of the world; they do not add to the facilities for business except in cases where the quantity of the instruments of exchange is reduced by hoarding or by other exceptional conditions.

The conditions which have been described in regard to the cotton trade, much as we deplore them, emphasize the fact that the crop is not now so available as it has been in other years. There is a wide difference between the utilization of a commodity as a basis for credit or indirectly for circulating notes when it can be readily disposed of, on the one hand, and on the other hand, when its sale must be long postponed no matter how great its intrinsic value may be. It is credit that is required, or the extension of credit, to tide over the cotton producer during this time of slackened sale, rather than the issue of the additional money.

I do not deny that some quantity of paper money in addition to that now available would be useful; but that, after all, is not a panacea which will remedy this situation. We must come to this fundamental principle: The issuance of paper money is a most important function. No institution ought to be allowed to issue it except under the very strictest regulations. We passed this emergency act in 1908 for a special purpose and to meet unusual conditions; but from the propositions pending now in the Senate it apparently is expected this will become part of the permanent currency policy of the country. It has been said to-day that it is expected the operation of the Aldrich-Vreeland Act will be extended after June 30 next. Mr. President, I sincerely hope that that will not be done.

Mr. SMITH of Georgia. Mr. President, will the Senator mention by whom that is claimed?

Mr. BURTON. The Senator from Utah [Mr. SMOOT] was one, and I thought one or two others.

Mr. SMITH of Georgia. Did he mention it with approval, with the idea that he desired it?

Mr. BURTON. I so understood him.

After prolonged consideration we have recently framed a Federal reserve act which provides a currency system for this country. We ought to rely upon it. If it is faulty, let us remedy it; but let us not depend for our currency supply on any mere makeshift.

I related yesterday at some length the original intention in the passage of the Aldrich-Vreeland Act. It was never intended that any money should be issued under it to meet the ordinary commercial conditions in the country. Nor was it ever intended that this currency should remain out except for a few months; but now, it seems, we are to pass by our gold currency, our silver currency, our currency under the Federal reserve act, and have still another variety, and that as a permanent part of our circulation.

Mr. President, the characteristic feature of our currency system to-day is its motley character. We have gold; we have gold certificates; we have silver dollars; we have silver certificates; we have greenbacks, aggregating about $346,000,000, but which are supported by a gold reserve of $150,000,000; we have the national-bank currency, amounting to $899,000,000, according to the last statement; we have still outstanding some of the currency certificates issued under the act of 1890, providing for the purchase of silver bullion. Of these last-mentioned notes there are outstanding only a small quantity, it is true, but they still constitute one variety of our currency. We already have out, according to some estimates, two hundred and fifty millions of currency under this emergency act. That makes eight kinds or types, and just as soon as the Federal reserve act is in operation we shall have a ninth class of currency.

Mr. President, no other country in the world has such a variegated system of money as that, and it is in every way an undesirable and disadvantageous system. I hope that when the 1st of July of next year comes these emergency notes will be superseded by other varieties of currency. If not, I am inclined to think they will be a menace to our whole financial system. They will raise prices, though they may temporarily lower rates of interest; great difficulty will be encountered in providing for their redemption; and we shall have a condition akin to that when the greenbacks were in circulation during the Civil War and later, though I trust it may not be as bad as that.

Mr. President, it has been very ably argued by the Senator from North Carolina and others that there ought to be no tax on these notes when they are first issued.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I did not say that. I said for the first three months.

Mr. BURTON. I thought I said "when they are first issued," and I believe I did so state. For the first three months, then. Now, as a broad economic principle I will concede that it is hardly logical to impose a tax or rate of interest on circulating notes. Generally speaking, if you have a permanent system under which bank notes are issued, the amount of that tax falls upon the borrower and proportionately raises rates of interest; but let us examine for a minute the difference between the general principles which have been accepted and the present problem presented by this emergency act. Let us, for instance, compare the bank notes which are to be issued under the authority of the Federal Reserve Board with the Aldrich-Vreeland notes.

Every dollar of the proposed Federal reserve notes must be represented by commercial paper, but, in addition, a gold reserve of 40 per cent must be maintained against those notes. Whenever the note of any one of the Federal reserve banks is presented, though first paid at the National Treasury or by another Federal reserve bank, it must be immediately paid for in gold by the Federal reserve bank issuing it; and so under any rational system and under any sound and stable financial system whenever a piece of paper money is issued there must be available at the bank or institution which issues it enough gold for its immediate redemption.

That is not the case with these notes. There is simply a small reserve put up against them. Primarily, the burden of their redemption is carried by the Government of the United States. Most fortunately, I think, we are seeking to supersede this long-existing custom, under which those who issue paper money do not have the responsibility of maintaining gold redemption, by one in which prompt redemption must be made. But in such a case as this, under the Aldrich-Vreeland law, it is absolutely essential that a tax be levied in order to prevent inflation. It is just to the people as well, because the institution that issues the paper money has an exceedingly valuable privilege. One question has been much discussed—who would get the benefit of this proposed lowering of the tax from 3 per cent to 2 per cent?

Mr. President, if the Aldrich-Vreeland Act were the permanent system for the issuance of paper money, if the borrowing and lending of money should be adjusted to it, it may be conceded that probably the borrower would get the benefit of the lower rate of interest; but these notes are to be issued for a few months at most and under exceptional conditions, and is it not inevitable that the banks will get the benefit of the lowering of the rate from 3 to 2 per cent? The resources of the banks would be of a varied nature. Part of them would be derived from these bills, part from deposits, part from their capital and surplus, part possibly from loans of money which they contract to be reloaned to their customers.

It is probable that the banks will select out this fraction of their resources and lend that at a lower rate than the rest or determine from it their terms to borrowers? Is it probable that the general conditions which settle the rates of interest in this whole country, with its enormous mass of discounts, will be so affected that the banks will grant lower rates because of the trivial reduction from 3 to 2 per cent on this comparatively small proportion of their resources? It is trivial, so far as affecting rates of interest is concerned, but it is by no means trivial as far as the profit of the individual bank is concerned. By making a deposit of 5 or 10 per cent as a redemption fund a bank can obtain the privilege of issuing paper money, borrowing—for that is what it is—at a rate of interest of 2 per cent for the first three months. I must insist that this is giving too great a privilege to the banking institutions of this country. The right to issue paper currency under normal rules should be attended by the maintenance of an ample supply of gold for redemption. No such responsibility is imposed by this act.

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. I do.

Mr. SHAFROTH. I take it from the remarks of the Senator that he agrees with me in the proposition that if this rate of interest is reduced from 3 per cent to 2 per cent, nearly all of the money which can be issued under the Aldrich-Vreeland Act will be issued almost immediately?

Mr. BURTON. Certainly. If the banks can borrow money at 2 per cent they certainly are not going to pay 3, 4, 5, or 6 per cent.

Mr. SHAFROTH. Yes. Now, that being the case, I want to call the attention of the Senator to another danger that exists in having all of this money out for any great length of time.

Under the Aldrich-Vreeland Act this money can not act as reserve money, and consequently it will act almost exactly in the same way as a national-bank currency. The banks, when they get it, will not put it in their reserves, because they can not use it for reserve money. If it comes to the banks, and they can not issue it to the people, they will send it here to Washington for redemption in gold; and that of necessity will make a strain upon the gold we have. Inasmuch as the Governments of Europe have now made perhaps the most severe strain on gold that the country has ever known, it is not wise to have all of this money out in circulation; and if there is a great quantity out it ought to be out as short a time as it reasonably can be, and ought to be accompanied with penalties that will bring about its retirement.

Mr. BURTON. Certainly; the fact that it is in circulation for a long time, or in circulation at all, will not only affect the gold supply of the country, but, as the cheaper money drives out the dearer, it will have the further tendency to drive our gold abroad, especially in view of the great demand now existing in Europe.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. BURTON. Certainly.

Mr. OVERMAN. Do I understand the Senator to argue that there is safety in 3 per cent and calamity in 2 per cent?

Mr. BURTON. I have already expressed myself upon that subject. I think 3 per cent is too low.

Mr. OVERMAN. The difference in degree between 3 per cent and 2 per cent—a difference of 1 per cent—will make calamity in this country? Can the Senator tell me why they fixed it at 3 per cent?

Mr. BURTON. I did not advocate 3 per cent myself. To my mind, 3 per cent was bad, but 2 per cent is very much worse, and we ought not to proceed farther along a wrong road.

Mr. OVERMAN. The Senator thinks it would be better to leave it at 5 per cent?

Mr. BURTON. I believe some one asked me a question about that yesterday. So far as providing for the situation caused by the organization of the Federal reserve banks is concerned, if it were limited to that, I think 3 per cent would be a fair and proper rate. But the trouble is that, as I understand the Senator from North Carolina and those who are with him in this contention, they are seeking to make use of this emergency-currency bill, which never was intended for anything except a severe stress in the country, to provide a means for supplying money or circulating notes for the ordinary operations of trade.

Mr. OVERMAN. I agree with the Senator that when the currency association gets in working order this bill ought to die, and it will die in 15 months; but the Senator does not appreciate—and he can not appreciate unless he should be down there in North Carolina or in Georgia and the South—our condition.

The State banks have discounted all of their paper in New York to get money to run these farmers, to furnish the supplies, to buy fertilizer, and so on, expecting, when the cotton was gathered, that they would take the cotton up and sell it and pay the bank, and the bank would pay New York, and they would have plenty of money. As it is, they can not sell the cotton for any price whatever now, and here they are. The farmer can not get any money. The bank can not get any money from New York, because its paper is already discounted up there. The basis of credit, if the ruling is adhered to, is the cotton itself—the cotton certificate, upon which the money is issued. If the farmer can get that, then he can pay his debts. He can pay his debt to the merchant. He can have the cotton picked out. They can not pick out the cotton now. It is in the fields. As the Senator from Georgia says, it is rotting in the fields because they can not get their money, and the banks can not let them have it. They are perfectly solvent. They have the land, and they could give a mortgage and get the money if it were there, but it is not there. This is an emergency that has arisen, and we want to let them have the money as cheaply as possible.

As I say, the rate in my State is 6 per cent. When you get this money back to the national bank it costs 5 per cent, and the national bank will loan it to the State bank, say, for 6 per cent. The State bank, then, will get nothing. It is too costly. You loan out the Government funds at 2 per cent. That is what you are doing all the time. Why should you make them pay 3 per cent for this?

Mr. BURTON. Mr. President, it seems to me the vital objection to the argument of the Senator from North Carolina is this: What he really advocates, that in which he seems to believe, is that whenever the operations of trade are clogged, whenever there is a deficiency of commodities or resources readily available, you can cure that situation by the issuance of paper money. But you can not do it. You must have commodities which are available to command gold or short-time credit. There is a vital difference between short-time and long-time credits.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BURTON. In just a moment. In a very important sense the condition created by this slackened demand for cotton is a change from short-time operations, from commodities readily available, to those which are not readily available, and upon which realization must be postponed for a considerable time. That is the real substance of the situation. Now, it is impossible for you to cure that by simply issuing paper money.

Mr. SMITH of Georgia. But, Mr. President, I was just going to ask the Senator if he did not think this might be true—that the putting out of additional currency to enable these people to carry themselves for a few months, so as to prevent the sacrifice of their product, might be sound, that product being one which we know the world will demand, which we know is necessary to clothe the world, and which we know must have a permanent value in excess of the cost to produce it; and whether it would not be a sound policy to facilitate the producers of this commodity in holding it temporarily, meeting their immediate wants, and avoiding financial ruin by the sale of their product at one-third less than it cost them to produce it, when that product eventually must sell on the market for more than it cost to produce it? Is not that an unusual situation?

Mr. BURTON. It is an unusual situation.

Mr. SMITH of Georgia. Is not that an unusual situation that justifies a somewhat unusual line of procedure? That is the view I have of it.

Mr. BURTON. About the last statement I am not so sure. I am willing to strain any point within reasonable limits to relieve that situation; but I do not believe the Senator from Georgia will differ from me when I make the assertion that any monetary system has broken down which has provided as the redemption fund for paper money something upon which realization is a long time postponed.

Mortgage notes have been tried. Land warrants and various commodities have been tried. Of course, the classic example is the case of the enormous quantity of land in France that was made available as the basis for the issuance of currency, the so-called assignats. It has been universally found to be true that you can not issue a sound paper currency unless there is some means for its prompt, immediate redemption. That means either gold or some commodity that can be readily turned into gold. You can not issue it on cotton, upon which there can be no realization for a year or two. You can not issue it on mortgages, although you have the soil, the fundamental type of property, as its basis, because you can not immediately sell the security or property and realize upon it.

Mr. SMITH of Georgia. I want to say to the Senator that it has not been my view that the bankers who would let this money out on the cotton would let it out on a basis beyond what it would sell for instantly. The demand really has been for a mere small advance of money—$10 or $15 a bale—for cotton which 60 days ago would have sold for $75 a bale. That is all that the bankers who are securing the money are advancing to the farmers on their cotton—just a small sum.

Mr. BURTON. But if the basis is what the cotton will sell for immediately, what need is there for additional issues of currency? How is it distinguished from the ordinary case when conditions were normal and you were able to dispose of it readily?

Mr. SMITH of Georgia. For the reason that the bankers doing this peculiar line of fall settling business are not themselves in a position to go abroad and enlarge their currency at their own banks.

Mr. BURTON. If that be true, it seems to me that the difference is a vital one from that which has ordinarily existed, and that you are seeking to base your currency, your extension of credit, on commodities which do not have a ready sale. Now, for instance, loans of money on mortgages, to which I have already referred. As the Senator from Georgia very well knows, these have been made the basis for circulating notes in

quite a number of States. Those mortgages were taken at, say, 40 or 50 per cent of the value of the land; but the land could not be sold immediately and turned into money, and hence in time of stress the banks fell like a house of cards.

Mr. SMITH of Georgia. If the Senator will pardon me, in a few months' time, when this cotton which is not sold is put in the warehouses and warehouse certificates are issued, then you will have a basis for an immediate sale, good everywhere; but while the cotton is in transit from the field to the warehouse the only man who really will extend credit is the banker who knows the complete situation, and he is ready to do it if he is permitted to use his own privilege of note issue through the Vreeland-Aldrich bill.

Mr. BURTON. If, again, there can be realization when the cotton is put into the warehouse, I do not see that it creates a different condition, or one that is abnormal or exceptional in comparison with that which usually exists. It seems to me the facts show a different state of affairs—that here is a commodity which ordinarily is sold every autumn very promptly, and for which there is an enormous foreign demand, but which is now sold in quantities very much limited, very much less than ordinary.

Mr. President, it is true the proposition we have been discussing is a very simple one, the difference between a 2 and a 3 per cent tax upon circulating notes. But there is a great deal more in these proposals than that. The whole question of the use we shall make of emergency currency is before the Senate. I should view with nothing less than alarm any proposition which would look toward the permanency of this system, established in 1908 and never resorted to until 1914—a system which was by all its advocates understood to be a safeguard against panic and emergency, rather than one providing for the ordinary operations of trade.

Mr. SHAFROTH. Mr. President, I wish to say just a word in closing the matter before a vote.

All the legislation we have had in this Congress has been in the interest of helping out the smaller bank, and especially now is it the desire to help out the banks in the cotton States. We have, as you know, authorized an increase in the amount of currency that can be issued under the Aldrich-Vreeland Act from $500,000,000 to $1,250,000,000. That is directly in the interest of getting out more currency to relieve stringent conditions. Now, as it has turned out, by reason of the fact that the small banks all over the United States have not bonds which they can hypothecate with the Treasury Department for the purpose of issuing money under the Aldrich-Vreeland Act, the committee has desired to relieve that situation, and we have introduced a bill, which is now being considered, for the purpose of permitting banks, especially the small ones, to substitute for bonds, which are required now by the Aldrich-Vreeland Act, 75 per cent of commercial paper, representing transactions in commerce. Of course that is additionally secured by the obligation of the clearing house or the currency association, as provided in the Aldrich-Vreeland Act. That is a substantial relief. There has also been during this session of Congress, in the way of helping the issuance of this money and relieving the situation, a reduction of the rate of interest for the first three months from 5 per cent to 3 per cent. There are three distinct measures that have been brought before this Congress relieving the rigidity of the requirement of issuing money under the Aldrich-Vreeland Act.

Mr. President, the 3 per cent is active. Two hundred and fifty-six million dollars have been issued in the last 30 or 60 days under the Aldrich-Vreeland Act, which relieved the situation to that extent. I will state that the money is going to the Southern States to the extent of $25,000,000, and to the Senator's own State of North Carolina to the extent of $2,035,750. To reduce the rate of interest from 3 per cent to 2 per cent, in my judgment, will not make this an emergency currency; it will make it a currency that will be used for speculative purposes, and its tendency will be to keep it all out, and thereby you will have complications occurring.

It seems to me, Mr. President, in view of the situation and in view of the liberal action which this committee and this Congress has taken with relation to the Aldrich-Vreeland Act, we ought to vote down the amendment proposing to reduce the interest from 3 per cent to 2 per cent.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Carolina [Mr. OVERMAN].

Mr. OVERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NELSON. Let the amendment be read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add to the bill a new section, as follows——

Mr. OVERMAN. Instead of reading the very long quotation from the law, I will state that the amendment simply strikes out 3 per cent and inserts 2 per cent. That is the only change it makes.

Mr. NELSON. Very well.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a pair with the junior Senator from New York [Mr. O'GORMAN], which I transfer to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I had a letter from him this morning stating that I may use my discretion in voting upon this measure. I shall therefore vote upon this amendment. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], and have been unable to obtain a transfer. Therefore I withhold my vote.

Mr. OVERMAN (when Mr. STONE's name was called). I was requested by the Senator from Missouri [Mr. STONE] to state that he has been called away on official business and is paired with the Senator from Wyoming [Mr. CLARK].

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I transfer my pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. WILLIAMS (when his name was called). I announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE] and the transfer of it to the junior Senator from South Carolina [Mr. SMITH]. I ask that this announcement may stand for the day. I vote "yea."

The roll call was concluded.

Mr. FLETCHER. I am paired with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. PAGE. I desire to announce the necessary absence of my colleague [Mr. DILLINGHAM], and to state that he is paired with the Senator from Maryland [Mr. SMITH].

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Tennessee [Mr. SHIELDS] and vote. I vote "yea."

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN] is paired with the senior Senator from Idaho [Mr. BORAH]. My colleague is detained from the Senate on account of illness in his family.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. GALLINGER. I desire to announce the following pairs:

The Senator from Idaho [Mr. BORAH] with the Senator from Virginia [Mr. MARTIN];

The Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 16, nays 31, as follows:

YEAS—16.

| | | | |
|---|---|---|---|
| Bankhead | Fletcher | Pittman | Thornton |
| Brady | James | Ransdell | West |
| Camden | Lea, Tenn. | Simmons | White |
| Chamberlain | Overman | Smith, Ga. | Williams |

NAYS—31.

| | | | |
|---|---|---|---|
| Ashurst | Chilton | Gallinger | Kern |
| Bryan | Crawford | Jones | Lane |
| Burton | Fall | Kenyon | Lee, Md. |

| | | | |
|---|---|---|---|
| McCumber | Oliver | Reed | Sterling |
| McLean | Page | Robinson | Swanson |
| Martine, N. J. | Perkins | Shafroth | Thomas |
| Nelson | Poindexter | Sheppard | Vardaman |
| Norris | Pomerene | Shively | |

NOT VOTING—40.

| | | | |
|---|---|---|---|
| Borah | Goff | Newlands | Stephenson |
| Brandegee | Gore | O'Gorman | Stone |
| Bristow | Gronna | Owen | Sutherland |
| Burleigh | Hitchcock | Penrose | Thompson |
| Catron | Hollis | Root | Tillman |
| Clapp | Hughes | Saulsbury | Townsend |
| Clark, Wyo. | Johnson | Sherman | Walsh |
| Clarke, Ark. | La Follette | Shields | Warren |
| Colt | Lewis | Smith, Ariz. | Weeks |
| Culberson | Lippitt | Smith, Md. | Works |
| Cummins | Lodge | Smith, Mich. | |
| Dillingham | Martin, Va. | Smith, S. C. | |
| du Pont | Myers | Smoot | |

The VICE PRESIDENT. There is no quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Jones | Oliver | Shively |
| Brady | Kenyon | Overman | Simmons |
| Bryan | Kern | Page | Smith, Ga. |
| Burton | Lane | Perkins | Smoot |
| Camden | Lea, Tenn. | Pittman | Sterling |
| Chamberlain | Lee, Md. | Poindexter | Swanson |
| Chilton | Lewis | Pomerene | Thomas |
| Crawford | McCumber | Ransdell | Thornton |
| Fall | McLean | Reed | Vardaman |
| Fletcher | Martine, N. J. | Robinson | West |
| Gallinger | Nelson | Shafroth | White |
| James | Norris | Sheppard | Williams |

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators.

Mr. BANKHEAD entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The Secretary will call the roll on agreeing to the amendment of the Senator from North Carolina [Mr. OVERMAN].

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I make the same announcement as to my pair and its transfer as before and vote "yea."

Mr. GALLINGER (when his name was called). Announcing the transfer of my pair as on the former vote, I vote "nay."

Mr. JAMES (when his name was called). Making the same transfer that I made on the other vote, I vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Arizona [Mr. SMITH]. I will let that transfer remain for the balance of the day. I vote "yea."

Mr. THOMAS (when his name was called). I renew the announcement of my pair and its tranfer and vote "nay."

The roll call having been concluded, the result was announced—yeas 15, nays 33, as follows:

YEAS—15.

| | | | |
|---|---|---|---|
| Bankhead | James | Ransdell | West |
| Camden | Lea, Tenn. | Simmons | White |
| Chamberlain | Overman | Smith, Ga. | Williams |
| Fletcher | Pittman | Thornton | |

NAYS—33.

| | | | |
|---|---|---|---|
| Ashurst | Kern | Oliver | Shively |
| Bryan | Lane | Page | Smoot |
| Burton | Lee, Md. | Perkins | Sterling |
| Chilton | Lewis | Poindexter | Swanson |
| Crawford | McCumber | Pomerene | Thomas |
| Fall | McLean | Reed | Vardaman |
| Gallinger | Martine, N. J. | Robinson | |
| Jones | Nelson | Shafroth | |
| Kenyon | Norris | Sheppard | |

NOT VOTING—48.

| | | | |
|---|---|---|---|
| Borah | Dillingham | Martin, Va. | Smith, Mich. |
| Brady | du Pont | Myers | Smith, S. C. |
| Brandegee | Goff | Newlands | Stephenson |
| Bristow | Gore | O'Gorman | Stone |
| Burleigh | Gronna | Owen | Sutherland |
| Catron | Hitchcock | Penrose | Thompson |
| Clapp | Hollis | Root | Tillman |
| Clark, Wyo. | Hughes | Saulsbury | Townsend |
| Clarke, Ark. | Johnson | Sherman | Walsh |
| Colt | La Follette | Shields | Warren |
| Culberson | Lippitt | Smith, Ariz. | Weeks |
| Cummins | Lodge | Smith, Md. | Works |

The VICE PRESIDENT. No quorum voting, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Burton | Crawford | James |
| Bankhead | Camden | Fall | Jones |
| Brady | Chamberlain | Fletcher | Kenyon |
| Bryan | Chilton | Gallinger | Kern |
| Lane | Oliver | Shafroth | Thomas |
| Lea, Tenn. | Overman | Sheppard | Thornton |
| Lee, Md. | Page | Shively | Vardaman |
| Lewis | Perkins | Simmons | West |
| McCumber | Pittman | Smith, Ga. | White |
| McLean | Poindexter | Smoot | Williams |
| Nelson | Pomerene | Sterling | |
| Norris | Reed | Swanson | |

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. RANSDELL answered to his name when called.

Mr. SHIELDS entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present.

Mr. LEWIS. Touching the matter of a quorum, I will state that there are Senators in the Senate Office Building who probably might not have been apprised of this call for a quorum. I respectfully request that in proper form some of the deputies of the Sergeant at Arms be requested to inform personally the Senators that there is a demand for a quorum here. To the Senator from Montana [Mr. MYERS] and the Senator from Kansas [Mr. THOMPSON] I refer particularly. They will no doubt come at once if personally so requested.

Mr. GALLINGER. I trust the Sergeant at Arms and his deputies are doing that work diligently. They ought not to be instructed each time. It is their duty to try to find absent Senators.

The VICE PRESIDENT. The Senator from Illinois did not put it in the form of a motion.

After a little delay,

Mr. LEWIS. I now move that the Sergeant at Arms be specifically instructed to make investigation at the Senate Office Building and personally request Senators there present to attend the Senate in response to the demand for a quorum.

Mr. GALLINGER. Would the Senator be willing to include the baseball park?

Mr. LEWIS. I would not hesitate to include the park, except that the distance is such I am afraid the Sergeant at Arms could not reach there and return in time.

The VICE PRESIDENT. The Chair construes the motion of the Senator from Illinois to be one to request the attendance of absent Senators. The question is on agreeing to the motion.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will request the attendance of absent Senators.

Mr. MARTINE of New Jersey entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered the roll call. There is a quorum present. The question is on the amendment of the Senator from North Carolina [Mr. OVERMAN], upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I make the same announcement as before and vote "yea."

Mr. JAMES (when his name was called). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Nevada [Mr. NEWLANDS] and vote. I vote "yea."

Mr. THOMAS (when his name was called). I renew the announcement of my pair and its transfer and vote "nay."

The roll call having been concluded, the result was announced—yeas 16, nays 34, as follows:

YEAS—16.

| | | | |
|---|---|---|---|
| Bankhead | Fletcher | Pittman | Smith, Ga. |
| Brady | James | Ransdell | Thornton |
| Camden | Lea, Tenn. | Shields | West |
| Chamberlain | Overman | Simmons | White |

NAYS—34.

| | | | |
|---|---|---|---|
| Ashurst | Kern | Norris | Sheppard |
| Bryan | Lane | Oliver | Shively |
| Burton | Lee, Md. | Page | Smoot |
| Chilton | Lewis | Perkins | Sterling |
| Crawford | McCumber | Poindexter | Swanson |
| Fall | McLean | Pomerene | Thomas |
| Gallinger | Martine, N. J. | Reed | Vardaman |
| Jones | Myers | Robinson | |
| Kenyon | Nelson | Shafroth | |

NOT VOTING—46.

| | | | |
|---|---|---|---|
| Borah | du Pont | Newlands | Stone |
| Brandegee | Goff | O'Gorman | Sutherland |
| Bristow | Gore | Owen | Thompson |
| Burleigh | Gronna | Penrose | Tillman |
| Catron | Hitchcock | Root | Townsend |
| Clapp | Hollis | Saulsbury | Walsh |
| Clark, Wyo. | Hughes | Sherman | Warren |
| Clarke, Ark. | Johnson | Smith, Ariz. | Weeks |
| Colt | La Follette | Smith, Md. | Williams |
| Culberson | Lippitt | Smith, Mich. | Works |
| Cummins | Lodge | Smith, S. C. | |
| Dillingham | Martin, Va. | Stephenson | |

So Mr. OVERMAN's amendment was rejected.

Mr. SMITH of Georgia. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to add as a new section:

SEC. —. That the provisions and benefits of the act approved May 30, 1908, known as the Vreeland-Aldrich Act, and the amendments thereto, are hereby extended to all State banks and trust companies having a capital stock of not less than $25,000 and a surplus of 20 per cent. Said banks and trust companies shall be required to pay upon notes so issued the tax provided for in said act and the amendments thereto, and said notes shall not be subject to the provisions of the act of Congress approved February 8, 1875, known as "An act to amend existing customs and internal-revenue laws, and for other purposes." The Secretary of the Treasury is hereby directed to make such rules and regulations as are necessary for the purpose of carrying out the foregoing provision.

Mr. SMITH of Georgia. Mr. President, the purpose of this amendment is to permit State banks with the capital and surplus required of national banks to avail themselves of this emergency-currency law. No State bank will be permitted to avail itself of this emergency currency unless it has the capital and surplus required for a national bank. I have drawn the amendment in this way because I became satisfied it would not pass if extended to banks with less capital. The State bank would be compelled to join the currency association of the locality in which it is situated.

Mr. GALLINGER. Mr. President, I will ask the Senator from Georgia what is the objection to the State banks joining currency associations?

Mr. SMITH of Georgia. I do not know of any. I merely offer this provision to make it legal for them to do so. At present, if they join they would still be subject to the 10 per cent tax on their note issues provided by the act of 1875. This amendment of mine provides that if they join and receive and issue this currency they will only be required to pay the tax applicable to national banks—that is, 3 per cent for three months and one-half of 1 per cent increase—and will not be subject to the 10 per cent tax under the act of 1875.

Mr. GALLINGER. But the 10 per cent tax will apply to all other transactions in which they may be concerned?

Mr. SMITH of Georgia. To all others. This amendment does not affect the 10 per cent tax levied on State bank issues at all, except as to the particular issues under the Vreeland-Aldrich law to State banks. The State banks pay the same tax as do the national banks.

Mr. GALLINGER. I understand. I thank the Senator.

Mr. SMITH of Georgia. They will be required to join the local currency association, and the securities put up will be subject to the inspection of the committee representing the local currency association just as the securities of the national banks will be so subject.

Mr. CRAWFORD. They will not be subject to inspection by a national-bank examiner and have the same degree of governmental supervision, will they?

Mr. SMITH of Georgia. We add a provision directing the Secretary of the Treasury "to make such rules and regulations as may be necessary," and I should certainly favor providing that before taking any of their notes or allowing them to have any note issue they should be inspected by a national-bank examiner. So we have covered the ground fully in the amendment.

I will say that I have conferred with a number of Senators in regard to this amendment, and we modified it so as to meet the views of other Senators as well as myself. I do hope that the committee will accept the amendment.

Mr. POMERENE. Mr. President, a little while ago the question was asked by myself of the Senator from Georgia whether or not the State banks would have the authority to join the Federal reserve system or to avail themselves of its privileges without some enabling act of the State legislature. The Senator answered that a bank in his State would have such authority. Is the Senator able to advise us as to how many of the States have empowered banks chartered by them to accept privileges of this character?

In my own State, for instance, after the Federal reserve act was passed, the Ohio Legislature, by special act, authorized State banking institutions and trust companies to join the Federal reserve system. I have not seen the act since it was passed, but at the time the bill was prepared I did not have in mind the Aldrich-Vreeland provision, and I do not know whether there is any provision even in that act to authorize the State banks to accept the privileges which the Senator from Georgia seeks to confer upon them.

Mr. SMITH of Georgia. Mr. President, of course I am not familiar with the statutes of all the States or with the plan of organization of the State banks in all the States. This amendment would give some State banks the opportunity therein contained, where their charters permitted it and where the laws of the State permitted it; that is as far as we could go in congressional legislation. If there is something in the bank charters that excluded them, of course they would not come in to take the benefit of it; but where the State laws permit it, I think it eminently just that we should give them this opportunity.

Mr. VARDAMAN. Mr. President, I want to ask the Senator from Georgia a question. How long will the operation of this law continue?

Mr. SMITH of Georgia. Until July 1 of next year.

Mr. VARDAMAN. If the advantages to the State under this proposed law shall be as great as we hope they will be, the legislatures might be called together to consider the question of amending the State laws so as to accord with the Federal statutes if it were necessary. I agree with the Senator from Georgia that no harm could come from it.

Mr. SMITH of Georgia. The necessity is so great that I am certain, if it is found on examining the law of any State that there is any difficulty about it, the legislature may be called together in order to give the authority to the banks. This would be the course in States where a real necessity for the amendment exists.

Mr. BURTON. Mr. President, will the Seantor yield for a question, which I desire to ask for information?

Mr. SMITH of Georgia. Yes.

Mr. BURTON. What will be the status of the national currency association which, on the 30th of June next or on the 1st of July, will have a large amount of notes outstanding? Is there any compulsion resting upon it to redeem its notes? Of course it can not issue any notes after the 30th of June next unless the Aldrich-Vreeland law is extended.

Mr. SMTH of Georgia. Such notes are all subject to redemption at any time on presentation; and, as I understand, it is the duty, under the law, of the Secretary of the Treasury to make assessments upon such associations from time to time to meet the redemption of their notes.

Mr. BURTON. That is hardly expressed in the law, is it? Might not a bank or currency association keep outstanding notes for a long time after that date if it paid the 6 per cent?

Mr. SMITH of Georgia. I do not think it would do so and pay the 6 per cent. As to the State banks, we add that these notes are only to be issued to them under rules and regulations fixed by the Secretary of the Treasury.

Mr. BURTON. There is, however, Mr. President, a question just how far the expression "rules and regulations" would extend; whether the Secretary of the Treasury would be willing to make regulations which would have the effect of substantive law when Congress had omitted to act.

Mr. SMITH of Georgia. That is a question which goes not so much to this particular amendment as to the entire act. It is a subject to which I have not given careful attention.

My own impression has been all along that it is contemplated that all the notes should be retired after July 1 next. It has been my view of the general policy of the act that the notes would then be retired. I think the 6 per cent would safely retire them. If it did not, we could very easily impose an additional per cent.

Mr. SMITH of Michigan. And if we did not want them retired, we could reduce the rate. The amendment affords ample latitude. Congress ought to give no more. In my judgment, Mr. President, these notes never will be retired. Even under the new system emergency currency lies in the Federal Treasury subject to a broad discretion in the Secretary of the Treasury, and I fear it will not be retired when the habit of using it is fixed. I may be wrong about that.

Mr. SHAFROTH. Does not the Senator think that the interest rate will retire it?

Mr. SMITH of Michigan. That would depend entirely upon the condition of the country.

Mr. SMITH of Georgia. In normal conditions the high interest rate would retire it. No bank could do business on the basis of paying 6 per cent.

Mr. SMITH of Michigan. In normal conditions we have not used it all. The law has been on the statute books for six years and not a dollar of emergency currency has been withdrawn from the Treasury until the present time.

Mr. SMITH of Georgia. This subject has been discussed more or less in the general debate, and I will not take the time of the Senate to discuss it unless the amendment is opposed. I do hope that it will be adopted.

Mr. SMITH of Michigan. The pending amendment, as I understand, is the amendment of the Senator from Georgia?

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Mr. SMITH of Georgia. This is my amendment, or, I should state, that it is about as much the amendment of the Senator from Michigan, and of the Senator from Utah, and of the Senator from Arkansas, and of the Senator from Louisiana, and of a number of other Senators as it is mine. I simply present it as the work of several Senators.

Mr. SMITH of Michigan. It goes further than the one I proposed.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Georgia.

Mr. SHAFROTH. Mr. President, I should like to be heard on this amendment for a few moments. The amendment which has been offered by the Senator from Georgia, in my judgment, should not prevail. In the first place, it is an effort to change a system that has already been established under a law which has been on the statute books for some years by an amendment which has not even been printed, but which has been proposed from the floor and has not been read by one out of ten Senators.

Mr. SMITH of Georgia. Oh, yes; it has.

Mr. SHAFROTH. I do not think more than nine Senators have read it.

Mr. SMITH of Georgia. More than 10 Senators saw it before it was presented.

Mr. SMITH of Michigan. It is substantially the same as the amendment presented by me on yesterday, which has been on the desks of Senators.

Mr. SHAFROTH. But, Mr. President, it has not been referred to the committee, and in its present form it has not been referred, as a matter of fact, to the Federal Reserve Board or to the Treasury Department. While we do not have to follow what the Federal Reserve Board and the Treasury Department may recommend, yet their judgment upon a matter is worth considerable, especially concerning financial legislation.

Mr. President, by this amendment it is proposed to mix two systems. The Aldrich-Vreeland bill relates only to national banks. That law sets forth the requirements as to how national banks shall organize currency associations; it is confined to national banks; and stipulates that the banks composing a currency association must have at least $5,000,000 in capital and surplus before they can apply to the Treasury for the issuance of emergency currency.

Of course, it is intended that only national banks should form such associations, because the Treasury Department knows the condition of the national banks; they have been under the control of the Comptroller of the Currency, and the Comptroller of the Currency knows whether national banks are solvent; but he can not know whether or not State banks are solvent. It may be that they are or it may be that they are not. Consequently, it seems to me unwise to attempt to engraft on a national banking act provisions granting certain privileges to State banks; it is mixing matters; it takes the Treasury Department into a domain where it has not usually exercised jurisdiction. On all these grounds, therefore, it appears to me that the amendment is subject to severe criticism.

If we are going to have a national banking system, it seems to me it ought to apply to the Federal system, and the Federal system alone. If you do not do that, you are going to have inadequate examinations, and there will arise many questions to be determined.

As to the repeal of the 10 per cent tax on the issue of State banks, it may be that the amendment is confined, as the Senator has attempted to confine it, and it might not repeal the 10 per cent tax on note issues as to private banks; but, at the same time, that 10 per cent tax on private banks has been a most wholesome check in preventing the issuance of paper money, regarded generally as wildcat paper before the war.

It seems to me that the amendment ought to be referred to the committee; it ought to have careful consideration; it ought not to be adopted merely upon a Senator rising and presenting it in typewritten form when, of course, Senators can not comprehend its full significance by a mere reading. It is difficult to understand its relation to the entire system, because while there are many provisions which it seemingly might not affect, in reality it might affect them.

Mr. President, there is another feature of the amendment to which I desire to advert. If we are going to give to the State banks the benefit of all of the legislation of the Federal system, without requiring them to come into the Federal system and without requiring them to have the capital that is required of the banks in the Federal system——

Mr. SMITH of Georgia. That is required. The amendment provides that they must have a capital of at least $25,000.

Mr. SHAFROTH. Now, Mr. President, I will read the amendment.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

Mr. SHAFROTH. Certainly.

Mr. NELSON. In view of the great importance of this subject and of the character of the amendment, I do not think it is necessary to make such excessive speed. I suggest to the Senator from Colorado that he have the bill, with this amendment, recommitted to the Committee on Banking and Currency to the end that it may be carefully examined.

Mr. SHAFROTH. Well, Mr. President, I hardly feel that we ought to do that. The pending bill is an emergency measure, and if it were recommitted to the committee it might be delayed a considerable length of time. I want to read this amendment and see what it provides. It is as follows:

SEC. —. That the provisions and benefits of the act approved May 30, 1908, known as the Vreeland-Aldrich Act, and the amendments thereto, are hereby extended to all State banks and trust companies having a capital stock of not less than $25,000 and a surplus of 20 per cent. Said banks and trust companies shall be required to pay upon notes so issued the tax provided for in said act and the amendments thereto, and said notes shall not be subject to the provisions of the act of Congress approved February 8, 1875, known as "An act to amend existing customs and internal-revenue laws, and for other purposes." The Secretary of the Treasury is hereby directed to make such rules and regulations as are necessary for the purpose of carrying out the foregoing provision.

Mr. President, there is no word there requiring an inspection of the State banks as to their solvency, nor is there any requirement as to an examination of the currency associations that must be organized by the State banks. It seems to me that the amendment is immature.

Mr. SMITH of Georgia. There is no authority for them to organize a new currency association. They will have to enter the currency association of the locality in which the banks are situated.

Mr. SHAFROTH. That can not be, Mr. President, because the present statute provides that the national banks shall organize currency associations, and not State banks.

Mr. NELSON. Will the Senator yield to me?

Mr. SHAFROTH. Yes, sir.

Mr. NELSON. I think the amendment is very vague and indefinite. There is no provision in it requiring the State banks to join and become members of currency associations. It is only by implication that it can be said that is required.

Mr. SMITH of Georgia. It does not require that.

Mr. SHAFROTH. Well, under the law as it now is, where would a State bank have the right to join a Federal currency association such as is provided for in the Vreeland-Aldrich law? The Vreeland-Aldrich law provides that the currency association contemplated shall be composed of national banks. Now, unless you change the law and amend that section of the Vreeland-Aldrich law so as to permit State banks to enter currency associations it seems to me they would be excluded, even if you were to adopt this amendment.

Mr. President, the difficulty is that the pending bill does not propose a revision of the Vreeland-Aldrich Act. It simply seeks to amend that act in one particular, and that one particular is to permit commercial paper to be hypothecated as security for the issuance of currency to the extent of 75 per cent of the value of such paper instead of 30 per cent. To engraft upon the bill something that will change its entire character does not seem to me to be wise.

Furthermore, it does not seem to me to be right that we should have a Federal system of banks into which we hope to get all the State banks and yet give the State banks the benefit of the Federal laws without requiring them to come into the system. It seems to me that if we are to extend the benefits and the privileges of the Federal laws to the State banks there ought to be an obligation upon the part of those banks to sustain the system and to sustain the Federal laws with relation to it. In other words, there is a mixing of banks that are authorized under State jurisdiction and banks that are organized under the Federal reserve act.

If this amendment is to be acted upon, it should be read and reread and compared carefully with the Aldrich-Vreeland Act and also with the Federal reserve act; it should be criticized and examined closely before it is made a part of the law.

I can not believe that it is wise to mix our Federal laws with State laws; I do not believe it is wise to have State banks come into the Federal system in this way, when there is a procedure prescribed and they can organize as national banks. If they want to do so, they can come into the system; they can secure the benefit of the Federal reserve act if they desire to do so; they can get the benefit of the Aldrich-Vreeland Act, if they

want to, simply by converting themselves into national banks; but to offer a premium to State banks to have them continue their organization as State banks, and then to give them the advantages of the Federal system, when we desire to have one uniform system, seems to me to be a grave error upon the part of Congress. I hope the amendment will be rejected.

Mr. SMITH of Georgia. Mr. President, the burden of the Senator's argument is that the State banks could nationalize and that it is unwise to mix the two. Why, Mr. President, our Federal reserve bank bill, passed last December, reported from the committee of which the Senator is an able member, permits the State banks to come into the Federal reserve system without abandoning their State charters.

Mr. SHAFROTH. Yes; but your amendment does not even propose that they shall become members of the Federal reserve system.

Mr. SMITH of Georgia. No; it proposes that they shall become members of the local currency organization in the State to get the benefit of an act applicable only to banks in that currency organization. Just exactly as you permitted the State banks to join the Federal reserve system, so this amendment allows a State bank to join your currency organization in its State. There is no more mingling of State banks and national banks by the amendment I propose than we ourselves mingled them in the Federal reserve bank act when we permitted a State bank to take stock in the Federal reserve banks without giving up its State charter and to receive all the benefits of our new banking and currency act while still remaining a State bank. So the proposition that the State bank is to have the right to come with a national bank and derive benefits from a particular piece of Federal legislation follows the very measure that we passed last December.

Mr. POMERENE. Mr. President, if the Senator will permit me, under the national banking act the Comptroller of the Currency can go into a national bank at any time and inspect it. If he finds mismanagement of such a character as would jeopardize either the interests of the depositors or the interests of the stockholders or the currency which has been issued, he can appoint a receiver and wind up the affairs of the bank. Under the proposition which is embraced in the amendment proposed by the Senator from Georgia the National Government would be entirely without any power of inspection, of investigation, or of winding up the affairs of a bank in the event there was any trouble of the character I have indicated.

Mr. SMITH of Georgia. Mr. President, the power of inspection and supervision is guarded by this amendment. The power to appoint a receiver does not exist, nor does the power to appoint a receiver exist, in the case of a State bank which joins the Federal reserve association.

Mr. POMERENE. Mr. President, under the Federal reserve act the State banks that join this system are subject to all the examinations and to all of the provisions of the Federal reserve act.

Mr. SMITH of Georgia. Not to the appointment of a receiver, as I understand.

Mr. SMOOT. Mr. President, in that connection I wish to say to the Senator that it would be impossible for the United States to lose any money. The United States holds ample security. Not only does it hold the collateral security, but it holds the credit of the currency association that initiates the loan for the bank; so it is impossible for the Government of the United States to lose anything.

Mr. SMITH of Georgia. That feature of the objection can hardly be given any serious weight. As the Senator says, the whole credit of the currency association to which the State banks will belong in order to receive this currency is behind the notes issued to the State banks, just as much as it is behind the notes issued to one of the national banks in the currency association, so that the safety of the currency and the safety of the security is the same in both instances.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. Yes.

Mr. WALSH. I should like to inquire of the Senator from Georgia whether he contemplates that the State banks shall enter associations already established by the national banks or whether they shall establish associations of their own?

Mr. SMITH of Georgia. No power is given them to establish separate organizations. They fall within the provisions of the Aldrich-Vreeland Act, which requires all of the banks in a particular locality to be members of the same currency association.

Mr. WALSH. I have the act before me. It provides that upon the application of any bank to the Secretary of the Treasury he may admit it, so that the State bank would make application to the Secretary of the Treasury for admission into that association.

Mr. SMITH of Georgia. It would apply to join that currency association.

Mr. WALSH. Yes. Now, the question arises, How does the Secretary of the Treasury get any information that will enable him to make up his judgment as to whether or not the bank is safe enough to go into it?

Mr. SMITH of Georgia. I do not think there will be any trouble about that. It will be very easy for him to gather the desired information.

Mr. WALSH. Of course, so far as the national banks are concerned, he simply calls in the comptroller and gets the information in that way.

Mr. SMITH of Georgia. Yes; he has that facility, but the standing of banks is well known.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question. Suppose the national banks should say, "No; we do not want you in our system. We are not willing to take in the State banks." What are you going to do then?

Mr. SMITH of Georgia. The Secretary of the Treasury would have the right to admit them.

Mr. SMOOT. The currency association would have that right also.

Mr. SHAFROTH. I do not know whether it would or not. We are mixing up State laws with national laws.

Mr. SMITH of Georgia. There will be very little trouble about that. The currency association itself would pass upon their securities when they were presented, and the officers of the currency association would have to pass those securities as good securities before they could go to the Secretary of the Treasury for his consideration.

So far as my own State is concerned, I am sure a large number of the banks will be welcomed by the currency association to its membership. You have, first, the safety of the Secretary of the Treasury declining to let them join if he wishes. You have, then, the safety of the officers of the currency association passing upon their securities before they go to the Secretary of the Treasury. Then the Treasury Department must approve their securities. So the security is ample.

Mr. SMOOT. In that connection, may I call attention to the wording of the law, to show how broad and how comprehensive it is? I find in the law this provision:

> The banks and the assets of all banks belonging to the association shall be jointly and severally liable to the United States for the redemption of such additional circulation; and to secure such liability the lien created by section 5230 of the Revised Statutes shall extend to and cover the assets of all banks belonging to the association.

What more security could the United States ask?

Mr. SMITH of Georgia. I first prepared an amendment, which I thought I would offer, permitting the State banks to form a separate currency association and to issue independent notes; but it seemed to me that the safer plan, the stronger plan, the better plan was not to give them any such privilege by themselves, but to let them come into the currency association of their locality, to subject them to the approval of the Secretary of the Treasury before they could join, and subject their securities to the approval of the officers of the currency associations already organized and already in full operation.

It was suggested by the Senator from Colorado that the committee had not investigated this proposition carefully. Why, the committee reported and the Senate, on August 4, adopted a provision upon this subject. In the act approved August 4, 1914, coming from the Committee on Banking and Currency, was the following proviso:

> *Provided further*, That the Secretary of the Treasury, in his discretion, is further authorized to extend the benefits of this act to all qualified State banks and trust companies which have joined the Federal reserve system or which may contract to join within 15 days after the passage of this act.

So the subject has been before the committee. The committee has considered a subject of this kind, and the committee has entertained the opinion that the State banks ought to come in.

One of the limitations placed upon the State banks was that they should join the Federal reserve association within 15 days. I know of a number of State banks in my State that contracted to join the Federal reserve association, and the Treasury Department held that this provision did not carry with sufficient clearness the exemption of the State banks from the 10 per cent tax carried by the act of 1875; and thereupon the banks abandoned any further procedure to take advantage of this provision of the act of August 4, 1914, which the committee gave us. They abandoned it because they found that their notes would be held by the Treasury Department to have a double tax—the

Vreeland-Aldrich tax and the 10 per cent tax of the act of 1875—put upon them.

So, really, in this amendment we are simply seeking to do what we have had suggested to us by the committee. We are seeking to enact what I thought at the time was a splendid suggestion that came from the committee. A number of State banks have been contemplating taking advantage of this act, and began making their arrangements to use it, some of them having actually gone to the extent of presenting applications which amounted to contracts to join the Federal reserve system.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. I do.

Mr. REED. With the Senator's permission I will suggest to him that the amendment to which he refers, contained in the act of August 4, 1914, and which was an amendment to the Federal reserve act, was in this language:

*Provided*, That the Secretary of the Treasury, in his discretion, is further authorized to extend the benefits of this act to all qualified State banks and trust companies which have joined the Federal reserve system, or which may contract to join within 15 days after the passage of this act.

It will be observed, first, that the language adopted at that time vested in the Secretary of the Treasury the discretion to admit or to reject; second, that in order to obtain the benefits of the act the State bank or trust company was obliged to join the Federal reserve system. Is it not true that the Senator's present amendment omits both of those qualifications?

Mr. SMITH of Georgia. It does.

Mr. REED. Is it not also true that under the act of August 4, to which I have just referred, vesting in the Secretary of the Treasury the discretion to permit or not to permit a State bank to have the benefit of this system, and under the further provision requiring the State banks to seek membership in the Federal reserve system, the Secretary of the Treasury was thereby empowered to examine these banks upon their application to come in, and thus was able to advise himself of their financial situation? Is not that omitted from the Senator's present proposition?

Mr. SMITH of Georgia. No; I do not think the latter provision is omitted, because we added at the close of this amendment that the banks should be admitted only under such rules and regulations as the Secretary of the Treasury might prescribe, and what we had in view was that when, under the Vreeland-Aldrich Act, they applied for admission they would apply subject to such examination as he by these rules would require, and clearly the power is given him to designate the system of examination that he would make before he admitted them.

Mr. REED. Now, let me ask the Senator another question.

Mr. SMITH of Georgia. Just one word more in answer to the Senator. I think clearly this amendment covers that part of it—the examination feature and the discretion as to the standing of a bank before it is admitted. Undoubtedly, however, the Senator is right in saying that this amendment does not require that the State banks, to obtain the benefit of this emergency law, shall at once contract to join the Federal reserve system. In that connection I will state to the Senator, as that was the first part of his question, why that was omitted.

There are a number of excellent State banks which contemplate within my knowledge eventually joining the Federal reserve system, which hold a class of securities in the shape of mortgages upon real estate in excess of 25 per cent of their capital stock, and they are taking steps to liquidate those mortgages and to put them in different shape so as to be in a position to take stock in the Federal reserve banks.

Mr. REED. Now, let me put another question to the Senator. I am coming to the practical part of this question, or, rather, to one of the practical sides, for I think it has several.

The Federal reserve system, it is contemplated, will be in operation within 90 days. How many State banks and trust companies could the Treasury Department examine and grant relief to in that period of time, particularly when the reason why these State banks and trust companies have not already become national banks is because their business has been of such a character as to bar them from becoming national banks?

Mr. SMITH of Georgia. I do not think the Secretary of the Treasury would be required to make any great examination into the entire condition of the banks. The securities they bring forward to the currency association would be scrutinized by the officers of the currency association, and as the banks represented by the officers of the currency association would become jointly liable for the obligations of the banks coming into the currency association, securities would be required amply sufficient to protect the notes, or else the notes would not go out to the State banks.

Mr. REED. I grant you that if a State bank were to come into a currency association organized by national banks, that association being a perfectly solvent one, it might well be said that the addition of a State bank or two would not make any difference; but if the State banks outnumbered the national banks by three to one as they do in the Senator's own State, if I correctly recollect the statement——

Mr. SMITH of Georgia. They do in number, and about two to one in capital; but the number that could join, limited by this requirement of $25,000 of capital and 20 per cent of surplus, is about the same in capital as the national banks.

Mr. REED. Then you would, or might, inject into this currency association enough State banks so that one-half of the capital would be represented by State banks, not one of which the Government has the slightest power to examine, not one of which has ever been examined by the Government, and all of which are doing a character of business now prohibited to the national system of banks.

Mr. SWANSON. The currency association would examine them.

Mr. REED. I heard the remark of the Senator from Virginia that the currency association would examine them. How do you know that a currency association to be composed of a majority of State banks and trust companies, and possibly dominated by that majority of State banks and trust companies, would examine with the degree of particularity which is necessary?

Mr. SMITH of Georgia. In the first place, the suggestion of the Senator implies the fear that at least a majority of the State banks themselves are not doing a careful business. That suggestion, I think, could not be sustained. The large majority of State banks in every State, I think you will find, are just as sound, and just as solvent, and just as careful as the national banks.

Mr. REED. I would not agree to that proposition. I am not at all reflecting upon the State banks, but I do not think they are, taking them as a whole.

Mr. SMITH of Georgia. Well, possibly not as a whole; but I said the large majority of them.

Mr. SMOOT. The panic of 1892-93 demonstrated that they were.

Mr. REED. Oh, I do not think that follows.

Mr. SMOOT. There is not any question about that.

Mr. SMITH of Georgia. The State banks had no larger percentage of failures than the national banks in 1893, I know.

Mr. SMOOT. That is what I had reference to.

Mr. REED. I want to follow this a little further.

Mr. SMITH of Georgia. I know the Senator is conducting an investigation and an inquiry, about which he is perfectly frank, and I answer him by saying that there will be no danger from that source. A few weak State banks might get into the currency association, but the large majority of them would be perfectly strong and sound, and would join with the best national banks in watching the collateral put up with just as much care and zeal as the best national banks would watch it.

Mr. VARDAMAN. Mr. President, may I ask the Senator a question?

Mr. SMITH of Georgia. The Senator from Missouri had not finished his question.

Mr. REED. I will give way to the Senator from Mississippi.

Mr. VARDAMAN. If the Senator and other Senators object to the amendment because they fear that a proper scrutiny would not be made of the affairs of the State banks, what would be the objection for providing for that in the amendment? Certainly nobody objects to the most careful scrutiny being given.

Mr. SHAFROTH. Mr. President, the Treasury Department could not inspect these banks in the nine months that the Aldrich-Vreeland Act lasts.

Mr. VARDAMAN. There will be no trouble about that. Now, as a matter of fact, we have in my State a law that is very rigidly enforced for examining the State banks. We have a State bank examiner. There will be no trouble about that. They could examine them in 30 days, if necessary.

Mr. REED. I wish to suggest to the Senator——

Mr. SHAFROTH. Mr. President, it sometimes takes an examiner two or three weeks to examine one bank, and if the Federal system is going to depend upon State inspection there is no security to it. Of course banks usually pay, but you have got to watch out for the critical times when they will fall down.

Mr. VARDAMAN. I hardly think every bank would have to have its affairs gone over exhaustively. It would be only those banks upon which suspicion rested. That is a matter of

detail, however, that need not vex the minds of Senators just now.

Mr. SMOOT. Mr. President, if I may make a suggestion to the Senator from Missouri, in further answer to what the Senator from Georgia has already stated in regard to the State banks entering the currency associations in such numbers that they might control the associations: First, no State bank can become a member of a currency association without first receiving the consent of the association; secondly, the currency association is compelled to refer the application to the Secretary of the Treasury before ever it can grant the privilege. So it is not very likely that the association is going to allow the State banks to run away with it; and if they even did undertake it, the Secretary of the Treasury would not allow it.

Mr. BURTON. Mr. President, I should like to ask the Senator from Utah in what provision of the law he finds the veto power of the members of the association to prevent a new bank from coming in?

Mr. REED. Mr. President, the question suggested by the Senator from Utah was in line with one to which I intended to call attention.

Mr. BURTON. It seems to me the Aldrich-Vreeland Act always was lacking in definiteness as to the admission of new members, and I am not aware that there is any provision that gives the directors of the association the right to refuse an applying bank.

Mr. SMOOT. Mr. President, I have not the provision before me, but I do know that within 10 days the question came up of some of the banks in Salt Lake City joining the San Francisco association. I was advised by the Secretary of the Treasury that they would first have to make application to the currency association, and the currency association would pass upon the application, and it would be referred to Washington and be passed upon by the Secretary of the Treasury. The Secretary told me, in order to hasten the securing of a final permit, to wire the banks in Salt Lake City that they could make their application in duplicate form, send one copy to the currency association at San Francisco and one copy to the Treasury here, and he in turn would telegraph to the currency association at San Francisco to let him know by wire whether or not the application was accepted, and he would act on that telegram.

Mr. SMITH of Georgia. Mr. President, I think I can answer the Senator from Ohio. The language is general, and the language of the act largely left it to the Treasury Department to work out the detailed plan. In practice the rule is that the Secretary of the Treasury considers the application from a bank only after it has been approved by the local currency association.

Mr. SMOOT. That is it.

Mr. SMITH of Georgia. And he admits banks to membership with the approval of the local currency association. I know that has been the practice with our association.

Mr. BURTON. But, Mr. President, suppose Congress passes a law making State banks not members of the Federal reserve association eligible for this membership; would not that create a very embarrassing situation for an existing association if it sought to refuse membership? Is there not some ground for irritation and friction on the part of banks organized under national charters when asked to associate with those organized under State charters?

Mr. SMITH of Georgia. Mr. President, a week ago last Monday I was in the city of Atlanta, and was advised that all the collateral presented by a certain bank for note issues was turned down, and the bank was courteously told that the officers did not feel disposed to encourage it to receive any notes on the character of collateral presented.

Mr. BURTON. That probably was a conservatively and well managed bank.

Mr. SMITH of Georgia. I think you will find that these currency associations, where nothing is to be gained by permitting the issue of currency to some other bank, and where absolute liability for such issue on their own banks is the consequence, are as conservatively managed and as carefully guarded as any institutions that can be found anywhere. Senators should bear in mind that the officers of these currency associations, five in number usually, who give their time to passing upon these credits, represent five of the most important banks in the territory, and they approve securities only for the benefit of the bank receiving them and the benefit of the public. When they approve them they make their own banks guarantors of those securities, and guarantors of the capacity of the bank to meet the notes it receives, with no gain to themselves and no profit to their own banks and no object in view but the public good. As this act was drawn, they guard all note issues as they guard their own credits, and, in fact, far more closely than they guard even their own loans.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Vermont?

Mr. SMITH of Georgia. Yes.

Mr. PAGE. I should like to ask the Senator a question. I have just been home, as the Senator knows, and while there I had occasion to inquire of some national-bank officials as to whether or not they would enter the national currency association.

Mr. SMITH of Georgia. State banks?

Mr. PAGE. National banks. I found quite a considerable amount of opposition to entering the currency associations, because each bank had to become jointly and severally responsible for all the other banks; and banks that were strong reasoned in this way: "Why should we go in, when we know that we shall have no occasion to want currency, and become responsible for the weaker banks?"

It occurred to me that you might break down the whole system if you insisted that the weaker State banks should be admitted to this association. I understand that under your amendment any bank with $30,000 of capital and surplus—$25,000 capital and $5,000 surplus—may enter. It seems to me there might be an objection on the part of the stronger national banks to entering this currency association. The point I would call to the attention of the Senator is this: A national bank is not only liable to the extent of its capital and surplus, but its stockholders may be assessed. That may be true as to the State banks in some of the States, although I presume there are several States which do not have that law.

Mr. SMITH of Georgia. In most of the States that is true.

Mr. PAGE. But I think there are some where there is not now this double liability, and it seems to me that if we are to take in these banks that do not——

Mr. SMITH of Georgia. I stated that in most of the States they have a double liability.

Mr. PAGE. But there are some that do not.

Mr. SMITH of Georgia. There may be.

Mr. PAGE. If we take in those banks that do not have a double liability, we tend to discourage the stronger banks from entering the association. More than this, the Senator knows that a national bank is compelled under the banking laws to have liquid assets, so that it may be able to meet any demands upon it at any time, while the State banks, especially in the South, which, I suppose, loan largely on real estate, have assets that are not liquid, and in case of any trouble they could not respond as national banks could.

I am interested in a State bank, and so far as my personal interest is concerned I would, perhaps, be with the Senator; but it seems to me that we are liable, possibly, to break down the whole system if we undertake to inject into it a lot of banks that have not the double liability, a lot of banks whose assets are such that they could not, in case they were called upon, respond under the provisions of the Senator's amendment.

Mr. SMITH of Georgia. But the Senator must bear in mind that here are officers of other banks who when they allow one of these banks to receive any currency becomes liable themselves for it, and they require that bank to put up a collateral, a security which they know so that they know they can get the money several times over before they furnish the notes.

Mr. PAGE. But while that is true its transactions are such and the assets of the bank are such that prompt liquidation would be contingent largely upon sales of cotton, lumber, and like commodities, which can not to-day, and may not in a year from to-day, be quickly realized upon so as to respond to any call.

Mr. SMITH of Georgia. No; I said that the large State banks carried a part of their loans on real estate. That at present makes them ineligible to connection with the reserve banks; but I did not mean at all that they had no other support or had no other quick assets, but beyond question that the assets which will be required by the clearing-house association will be quick assets.

Mr. PAGE. I should not doubt that the assets required would be good assets.

Mr. SMITH of Georgia. And quick assets.

Mr. PAGE. But they might be based upon cotton, and I understand that cotton to-day is not a quick asset.

Mr. SMITH of Georgia. They will be assets that the officers of the clearing-house association would be willing to take for the currency issued. You can absolutely count on that.

Mr. PAGE. But, if I may be allowed, I should like to suggest to the Senator that a strong national bank, with its assets liquid so that it can at any time respond to any call upon it,

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may have serious question as to the advisability of entering an association where the banks of the association are largely made up of little banks, many of them, perhaps, with $20,000 capital and $5,000 surplus, and with practically nothing in the way of liquid assets to enable them to respond to a call in case a call is necessary.

Mr. SMITH of Georgia. They would not extend to such a bank the privilege of issuing any notes, because they would reject its security.

Mr. PAGE. In any case those banks are not as strong as the national banks with which they are called upon to associate. They are not as strong——

Mr. SMITH of Georgia. If a bank with $25,000 capital or $30,000 total came up to obtain an issue of 75 per cent of its capital, $22,500, that bank would not get the notes and would not be allowed the privilege of issuing the notes by the officers of the currency association unless it put up for the notes good assets that could be turned certainly into cash before the notes were called.

Mr. PAGE. But, for all that, the Senator will agree that it would certainly mean a great lowering of the average strength, a great lowering of the ability to promptly meet a demand, and a great lowering in the liquidity of their assets.

Mr. SMITH of Georgia. No; I do not admit it. As to the size of the issue their assets will be as good as those of the large banks. Compared to the size of their issue they will be smaller units and much smaller issues.

Mr. SMOOT. And less liable to fail.

Mr. SMITH of Georgia. Their history has been that they are certainly no more liable to fail. The only bank we have had that failed in the past two years in my State was a national bank, so far as I can recall.

Mr. PAGE. I desire to ask the Senator a question predicated upon the information I received in the past week in discussing this question with national bankers in Vermont.

Mr. SMITH of Georgia. There are some large banks that do not need the benefit of the currency association and do not join it.

Mr. PAGE. Those currency associations must have a capital of $5,000,000.

Mr. SMITH of Georgia. That is true.

Mr. PAGE. We have in Vermont national banks with an entire capital of only seven or eight million dollars, and you could not get an association there with the required five million capital if you left out the stronger banks, which, perhaps, would not come in if they had a fear that they were going to be associated with banks not as strong in liquid assets as they were.

Mr. SMITH of Georgia. It is the stronger banks that have already joined. It would be a strong association and they are amply able to guard themselves against any weak banks.

Mr. PAGE. I confess they can do it; but let me suggest to the Senator that it might cause some of the stronger banks that ought to be in the association to keep out.

Mr. SMITH of Georgia. The stronger banks that have not already joined are not going to join. I think that is practically certain. They are in control of the stronger banks. Their officers have been selected. They are officers of the strong bank.

I say frankly, Senators, this is the only plan I can see to relieve a condition in half a dozen States that is deplorable. I believe it will relieve that condition in the States of North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana. Texas has the largest number of national banks in proportion to its banking capital by far of those in the South. I am not sure that Texas needs it as these States do, but the national banks in these States carry the heavy business, the heavy commercial business, the large wholesale houses, the large merchants. Many of the State banks with quite a large amount of capital and with excellent surplus are located more in the rural sections. They are just as solvent, their notes are just as good, not for as large a sum as the big national banks, but for the extent to which they are used they are just as good.

Mr. PAGE. Are the banks the Senator refers to now able, and would they be able in case there was a demand for the prompt liquidation of their paper, to get the money from their assets?

Mr. SMITH of Georgia. Absolutely.

Mr. PAGE. Where would it come from?

Mr. SMITH of Georgia. I will tell you. They have good notes. They have good mortgages on real estate that will sell, and sell quickly. They loan only about 25 per cent of their money, perhaps 20 per cent. Their loans are not for the purchase of real estate; their loans are for the conduct of farm business.

Mr. PAGE. I do not see where they would get quick money from in case they were called upon to liquidate.

Mr. SMITH of Georgia. The paper would sell.

Mr. PAGE. Where would they find customers for it?

Mr. SMITH of Georgia. They would find a customer, if necessary, at a discount, not at its face. They will put up 2 for 1.

Now, what will they do with this money? I will give you that. This money that these banks get will be advanced at about $10 a bale on cotton. That is about all the farmers there are asking for. The money would largely be advanced by these State banks at a small sum; that would be about 2 cents a pound.

Mr. PAGE. My experience is——

Mr. SMITH of Georgia. The advances will largely be made on security that can be sold in any market to the amount on which they make the advances.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. PAGE. Just one sentence, if the Senator will allow me. We understand that the difference between a State bank and a national bank is largely this: The national-bank system is predicated upon the idea that the assets shall be liquid. The State system is predicated upon the idea that the loans are largely made to farmers, who can not pay, who do not expect to pay, except at their convenience. I know of banks that have millions of dollars of notes due on demand secured by farms, and in case they were compelled to raise money to pay a pressing demand it would be difficult to do it. The notes would be good; there is no question about that. They are just as good as the Bank of England, and better perhaps, but they are not liquid, and you can not get quick money out of them.

Mr. SMITH of Georgia. I want to say to the Senator that, so far as these currency associations in the States in which I am especially interested are concerned, the bank that gets the privilege of an issue from them, where they themselves become liable for that issue, will put up something that can be turned into cash on short order.

Mr. SMOOT. I know the business of the world is not coming to a standstill immediately and require every note to be paid at once. If that were true no bank in existence could pay the demands made upon it.

Mr. PAGE. But you are injecting into the system, a system designed for national banks alone, banks that have no expectation of standing upon a par with national banks in regard to the liquidity of their assets.

Mr. SMITH of Georgia. As to these particular notes, they will stand upon the same basis or else they will not get them. If the banks are of the class to which the Senator refers they will not get any notes.

Mr. SMOOT. I wish to say to the Senator from Georgia, so far as the State banks in the West are concerned, if they were called upon to liquidate they could liquidate just as quickly and just as successfully as any national bank that is organized in the West.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. SMITH of Georgia. I yield to the Senator from Ohio.

Mr. POMERENE. Can the Senator give us an estimate of the amount of extra currency the State of Georgia might take out in the event that this amendment were adopted?

Mr. SMITH of Georgia. I believe it was estimated that the national banks could increase their currency $15,000,000.

Mr. POMERENE. No; they can increase it more than that.

Mr. SMITH of Georgia. In the State of Georgia?

Mr. POMERENE. In the State of Georgia. You have 115 banks. The capital stock of those banks is $15,048,500, and they have a surplus amounting to $9,454,832.58. Assuming, of course, that all these banks had the necessary surplus of 20 per cent so that they could issue 125 per cent of their capital and surplus, the national banks now could take out currency under the Aldrich-Vreeland Act to the amount of $30,629,469.

Mr. SMITH of Georgia. Less that already issued.

Mr. POMERENE. Less that already issued.

Mr. SMITH of Georgia. I understand already there is about $14,000,000 or $15,000,000 of currency taken out.

Mr. POMERENE. I do not have before me the amount which the Georgia banks have already taken out.

Mr. SMITH of Georgia. I believe most of the Georgia banks have their regular currency of 40 per cent.

Mr. POMERENE. Assuming that these banks would avail themselves of their privilege, does not the Senator think

$15,000,000 or $20,000,000 would pretty well take care of the present needs of Georgia?

Mr. SMITH of Georgia. I do not. I believe that quite a number of them would prefer that the State banks should come into the association and take it direct. I believe probably the total issue to Georgia would go as high as $25,000,000 or $30,000,000. I think that is a fair estimate. It is the only feasible way that I see of practically carrying the benefit of our emergency currency to the people in our section, where it is so much needed. That it will be absolutely safe I have no doubt. I know it will be safe.

Mr. POMERENE. I am just as anxious as the Senator can be to aid in every way possible, but I am not willing to aid any one locality, whether it is in Ohio or Georgia, in a way that might indicate serious jeopardy to our financial system. That must be preserved above everything else, in my judgment. I doubt the wisdom of extending this privilege now without some additional safeguards to the smaller State banks particularly.

Mr. SMITH of Georgia. The safeguards are thrown around it. The rules and regulations and the power of limitation of the Treasury Department guard it. I can not express myself too strongly in advocacy of this amendment, but I will not detain the Senate further.

Mr. VARDAMAN. Mr. President, I want to supplement what the Senator from Georgia [Mr. SMITH] has just said by stating that in Mississippi there are 326 State banks and only 32 national banks. Unless an amendment of the present law of this character shall be enacted by Congress it leaves the people of my State in a very deplorable condition. With the privilege of issuing currency which is afforded by this law it will enable the banks to carry Mississippi's surplus crop of cotton and greatly reduce the loss which threatens the farmers of the cotton-growing section of the Republic. It is a measure designed to give immediate and substantial help to the class of people whose toil feed and clothe the world and whose energy furnish the substratum for the entire superstructure of commerce. Without it I see no way to prevent the cotton crop of the South being sold at a sacrifice.

Now, as to the argument that currency would be rendered cheap by inflation, I want to say the terms of this proposed law provide that not one dollar of currency shall be issued without the approval of the Secretary of the Treasury; not a single bank can become a member of the association without the approval of the Secretary of the Treasury. The directors of the currency association have to pass upon it, and every possible safeguard, it occurs to me, is thrown around the issue so as to make it safe and secure. The demand is urgent and the situation is unusual.

I have no fear whatever of an inflation; I have no fear that any money or circulating medium is going to be issued but that which has behind it safe, sound, and reliable security. I hope that Senators may see the necessity for prompt action and that the amendment offered by the Senator from Georgia [Mr. SMITH] may be adopted.

Mr. REED. Mr. President, I desire to present a unanimous-consent agreement. It has, however, been suggested that we might possibly vote upon the pending amendment this evening. I do not think the amendment is in proper form, even if the principle were to be conceded. I do not think any bank ought to have the benefit of the Federal reserve system, which relates only to national banks and which was created for the national banking system, unless it shall signify its willingness to become a member of the system and unless it is specifically provided that the Secretary of the Treasury shall have the power to examine any bank before issuing the currency.

If the principle contended for by the Senator were to be conceded at all there should be a provision that the State banks and trust companies must signify their intention to become members of the Federal reserve system, because, first, this is a Federal act the benefit of which they desire. The credit of the Federal Government is, in the last analysis, involved, and no bank that is not willing to become a member of the Federal reserve system which is being created ought to have the benefit of the Aldrich-Vreeland Act, which is merely the stepping-stone which we intend to employ to pass from present conditions over to the Federal reserve system.

In the second place, there should be a specific provision authorizing the Secretary of the Treasury to cause an examination to be made of any of these banks, a power which he does not at all possess at the present time.

In the third place, if the money goes directly to any one of the State banks without passing through a currency association there should be a requirement of additional security, because there is no double liability on the part of a State bank.

With those three defects cured, it seems to me no very great harm could come, unless it is found in this fact, which I think has been overlooked in the debate: The Aldrich-Vreeland Act, it has been said, will not permit banks to become members of currency associations until and unless the Secretary of the Treasury has approved the currency association membership. If that were universally true, if it were necessary to issue all of this money through a currency association, the situation would not be especially dangerous; but I do not think that is the case. I think that after a currency association has been formed a bank desiring to become a member of the association must obtain the permission of the Secretary of the Treasury, but that in the primary organization of an association such permission is not required.

Mr. SMOOT. Mr. President——

Mr. REED. I desire to read the law upon that question.

Mr. SMOOT. I will wait until the Senator reads the law.

Mr. REED. That perhaps may settle it. I have read it hastily, and I may be in error; but let us settle it just as we should, according to the facts. The act provides:

That national banking associations, each having an unimpaired capital and a surplus of not less than 20 per cent, not less than 10 in number, having an aggregate capital and surplus of at least $5,000,000, may form voluntary associations to be designated as national currency associations. The banks uniting to form such association shall, by their presidents or vice presidents, acting under authority from the board of directors, make and file with the Secretary of the Treasury a certificate setting forth the names of the banks composing the association, the principal place of business of the association, and the name of the association, which name shall be subject to the approval of the Secretary of the Treasury—

Which name shall be subject to the approval of the Secretary of the Treasury.

Upon the filing of such certificate the associated banks therein named shall become a body corporate, and by the name so designated and approved may sue and be sued and exercise the powers of a body corporate for the purposes hereinafter mentioned: *Provided*, That not more than one such national currency association shall be formed in any city: *Provided further*, That the several members of such national currency association shall be taken, as nearly as conveniently may be, from a territory composed of a State or part of a State, or contiguous parts of one or more States: *And provided further*, That any national bank in such city or territory, having the qualifications herein prescribed for membership in such national currency association, shall, upon its application to and upon the approval of the Secretary of the Treasury, be admitted to membership in a national currency association for that city or territory, and upon such admission shall be deemed and held a part of the body corporate.

In the original formation the Secretary of the Treasury has nothing whatever to say, except as to the name. Any 10 banks possessing an aggregate capital and surplus of $5,000,000 can get together and organize, and all the Secretary of the Treasury has anything to say about it is that he can approve or disapprove the name. After they are organized, if another bank wants to become a member, it does not become a member by a vote of the banks, but it becomes a member by the permission and authority of the Secretary of the Treasury. So that if there was one of these associations now existing in the city of Atlanta, Ga., and there were 20 banks belonging to it, and a new bank wanted to join, it would have to apply to the Secretary of the Treasury; but if this amendment were adopted and 20 country banks wanted to get together and form an association, and they had an aggregate capital of $5,000,000 and had the other qualifications prescribed in the law, they could form that association, and the Secretary of the Treasury could not stop them, provided they did not invade the territory of a currency association already formed.

Mr. SMITH of Georgia. Could that be accomplished without the approval of the Secretary of the Treasury?

Mr. REED. Why, certainly; I think so.

Mr. SMOOT. Allow me to read further from the law.

Mr. SMITH of Georgia. In my own State I know it could not be accomplished.

Mr. SMOOT. Will the Senator allow me to interrupt him at this point?

Mr. REED. Yes.

Mr. SMOOT. If the Senator would continue the reading he would find this:

The affairs of the association shall be managed by a board consisting of one representative from each bank. By-laws for the government of the association shall be made by the board, subject to the approval of the Secretary of the Treasury.

So that no currency association can be formed and do business with the Secretary of the Treasury—and it would have to do business through him—until its by-laws had not only been submitted to but had been approved by the Secretary of the Treasury.

Mr. REED. Does the Senator seriously claim that the right to approve a by-law adopted by an association gives the right

to pass upon the credit and stability of the units composing that association? Surely he does not contend that.

Mr. SMOOT. I take the position that the power is in the hands of the Secretary of the Treasury, as to whether there shall be created anywhere in the United States a currency association. If an association is not created, of course no application can be made for emergency currency. If an association were attempted to be created without the approval of the Secretary of the Treasury, it would have nothing whatever to do in any way with the Treasury Department, but would be null and void, so far as the provisions of the law are concerned, and so far as the ability to secure emergency currency is concerned.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator from Missouri if he thinks that a currency association could issue any money without the approval of the Secretary of the Treasury?

Mr. REED. Oh, no. The truth about the matter is that the entire right to issue money under the original law and under all the amendments, if I correctly understand them, in the last analysis is dependent upon the approval of the Secretary of the Treasury.

Mr. VARDAMAN. Does not that imply that he has the right, then, to investigate the standing of the banks which form the currency association?

Mr. REED. It implies the right of the Secretary of the Treasury to accept or reject, but that does not carry with it the right to enter the doors of the bank, to go to its books, to count its cash, and do all the other things necessary. My own present feeling about this matter is that if the amendments which I have suggested were added to the amendment of the Senator from Georgia it might not be objectionable. I do not want absolutely to commit myself to it; but with the general thought that is in the mind of the Senator from Georgia I am in most hearty sympathy. With the method he proposes to work it out I am not entirely satisfied.

Mr. VARDAMAN. What are the amendments which the Senator has proposed to the amendment of the Senator from Georgia?

Mr. REED. That the right should be limited to those banks that agree to join the Federal system; that there should be the specific right reserved to the Secretary of the Treasury to examine the banks——

Mr. VARDAMAN. I think there is no objection to that.

Mr. REED. I do not think it ought to go beyond the banks that will come into the system.

Mr. VARDAMAN. Mr. President, I should like to suggest to the Senator from Missouri that the laws which have been passed and which it is proposed to pass are not for the benefit of the banks, but for the good of the people. We are not interested now in enlarging the Federal reserve system. If the State banks, after they have had this experience, should prefer to go back to the State law and live under that law, it would not be detrimental to the Federal reserve system. I do not see, if it were to the interests of the people that State banks should remain under the State laws, why anyone should insist upon their being members of the Federal reserve association.

Mr. REED. To explain that would involve the statement of many reasons; but I insist that since we have adopted the Federal reserve system—which means that the Government of the United States is practically back of the banking system of this country—therefore all banks receiving the benefit of it ought to be willing to come in and become a part of it.

Mr. SHAFROTH. Not only that, Mr. President, but I suggest that the State banks have certain privileges over the national banks, and if we are going to extend the Federal system to the State banks without any responsibilities or liabilities upon their part such as are imposed upon the national banks, the national banks will desert the Federal system, and seek State charters. That is what they will do, and therefore we will have no Federal system.

Mr. REED. Mr. President, I desire to propose a unanimous-consent agreement, but I wish to make a preliminary statement. It was expected that this short bill when it was introduced would be enacted into law and be put into effect at once, and that its benefits to the country would be realized at once. It has been here nearly a week, and we have been discussing it now about three days; I think that we have discussed it until everybody understands it, and I think we ought to dispose of the amendments as they come along with but short debate. I do not believe it is necessary to have great, long discussions on a proposition that is so simple as this and in so small a compass, and, while I may be taking a wrong view, I wish to suggest to the Senate the following:

It is agreed by unanimous consent that not later than 2 o'clock——

Mr. SMOOT. Mr. President, I will say to the Senator that at this time I should not like to agree to any request for unanimous consent affecting the pending bill, and if the Senator were to submit the request it would only take the time of the Senate, and I ask him not to present the proposed agreement at this time.

Mr. REED. Very well.

Mr. SMOOT. Mr. President, this may be a little bill, as stated by the Senator from Missouri, but it is only little so far as the length of it is concerned. The more it is studied the more far-reaching its provisions appear to be.

I have made a statement here several times in debate which I wish to correct. I have noticed also that it has been made by many other Senators. In order that the RECORD may be right I wish at this time to make a further statement in relation to the amount of currency that could be issued under the Vreeland-Aldrich Act as amended. It has been generally stated that the amount would be a billion dollars. Mr. President, I have made that statement offhand time and again during this discussion; but it is not correct, and I think the Senate ought to know just about what amount can be issued under the amendments that have been already adopted to the Aldrich-Vreeland Act.

The capital stock of the national banks in the country, according to the last report, was $1,058,192,235. The surplus of the national banks amounts to $723,348,286.56, or a total of capital and surplus of the national banks of $1,781,530,601.

The Senate has already adopted an amendment that they can issue of this currency an amount equal to 125 per cent of the capital and surplus of the national banks of the United States if they conform to the provisions of the law as to capital and surplus.

Mr. SIMMONS. Mr. President, does not the Senator lose sight of the other provision—"less the amount of circulation already issued"?

Mr. SMOOT. If the Senator will wait, I will cover that point.

In looking up the figures we find that there are a number of national banks that have not the required capital, and therefore are not entitled to issue emergency currency. We also find that there are a number of national banks that have not yet the required 20 per cent surplus, and unless they have surplus funds of 20 per cent they are not entitled to issue emergency currency. So, taking those two classes of banks out of the national banks' capital and surplus, as stated by me, there would be, under the provisions of the present law, if all of the national banks took advantage of the law, an issue of an amount equal to $1,287,866,000.

Mr. GALLINGER. Mr. President, has the Senator made any calculation as to the amount that might be issued under the proposed amendment provided all the State banks took advantage of it?

Mr. SMOOT. Of course, the amount of the capital and surplus of the State banks of the country is at least three times the amount of the capital and surplus of the national banks, and therefore their issue could be three times as great.

I will continue now and say this: On August 19, when these figures of capital and surplus were reported by the Treasury Department, there had been issued up to that date emergency currency to the amount of $154,085,000. That is to say, on August 19 there still could have been issued by the national banks, if they had the security and made application, $1,441,951,000.

I felt, Mr. President, on account of the statements I have made in the discussion upon several occasions, that I ought to put the correct figures in the RECORD, and not, as we have been doing, state offhand what they were.

Mr. President, I do not want the Senator or the Senate to take my word in this matter. I will take the statement directly from the Treasury Department. This is what the Treasury Department says; I will read it, so that the Senate can see that the figures are exactly as I stated they were:

> The amount of additional currency issued or directed to be issued under the provisions of the Aldrich-Vreeland Act, as amended by the Federal reserve act and the act of August 4, 1914, from August 3, 1914, to August 19, 1914 (no currency had been issued under this act prior to August 3), was $154,085,000, leaving—

Now, note what the department says—

> leaving $1,287,866,000 still issuable in the discretion of the Secretary of the Treasury.

Then in this letter the Secretary goes on and tells to what States the emergency currency has been issued and what the applications are for additional currency.

Mr. President, I sympathize greatly with the position taken by the Senator from Georgia [Mr. SMITH]. The object the Senator has is to reach the small farmer with a few bales of cotton who desires to make a loan from his local bank. If his

State is the same as my State, there are three times as many State banks in it as there are national banks, and the State banks are generally located in the sparsely settled districts of the State. The deposits of these banks are not large. Their power to loan is limited.

If the regular channels of trade were open and the buyers were there purchasing the cotton by the bale and paying for it as usual, these little banks would have more money than they would know what to do with at this time of the year. That is the case all over the United States immediately after the sale of the farmers' annual crops. To meet the present emergency is the object of the amendment of the Senator from Georgia.

Mr. President, I recognize the fact that if that amendment were adopted I could point to the fact, if I desired to oppose it, that it would inflate the currency, and if every State bank should take advantage of it the amount of the inflation would be $3,000,000,000. But are they going to do it? In my opinion they are not. Again, it is only temporary. We refused this morning to reduce the rate of interest for the first three months from 3 per cent to 2 per cent. I wish now, Mr. President, that the Senate would increase the rate of interest from one-half of 1 per cent per month to 1 per cent per month. That would drive the emergency currency out of circulation, which we all admit ought to be done as soon as the emergency ceases to exist.

If it were not for the conditions as they exist to-day, I may say the suffering that many of the farmers of this country are passing through and the utter impossibility of realizing upon what they have produced, there would be no justification for this amendment.

For the reasons stated by me, however, I favor it, with a clear knowledge and a distinct understanding that it is against the best financial thought of the country. If it were standing upon its own merits, at a time when conditions were normal in this country and in all the world, I would no more think of voting for it than I would put my arm in the fire.

I favor it simply to relieve the situation by saying to the State banks of this country: Under this emergency you shall stand upon the same footing and the same basis as the national banks. If your security is just as good, if you comply with the law, if your examination by the Treasury Department reveals the fact that you are as sound as the national banks which form the currency association to which application is made, and if found to meet these conditions the State bank shall have a right to issue emergency currency on the same basis as the national banks.

Mr. SMITH of Michigan. Mr. President, if the Senator will permit me, I do not think State banks generally will avail themselves of this privilege——

Mr. SMOOT. I am quite sure they would not.

Mr. SMITH of Michigan. Even if you should make a condition precedent that they join the Federal reserve system. Some of the most prosperous banks in the country are State banks. While the inspection is in every way as thorough as national banks, and the State laws equally exacting, I am sorry that the administration feels that it is necessary to liberalize the emergency currency law to meet present exigencies which are in no way related to this subject, but, as we must submit, let the changes be as few and as wise as possible.

Mr. SMOOT. Yes; and I will say that the inspection in my own State is just as rigid as the inspection by the Government of national banks. In fact, I think our State bank commission is a little more particular than the Treasury Department in the examinations that are made.

Mr. SMITH of Georgia. I think the examination in Georgia of the State banks is more careful.

Mr. SMOOT. The reports the State bank examiner make are more in detail than the reports of the Government. They not only make a report covering all of the requirements of the Government report, but they have quite a number of additional requirements that the Government does not have.

I wish to say, as I started to say just before I was interrupted, that if the Aldrich-Vreeland Act is extended at any time between now and July 1, 1915, the date of its expiration, or if it is attempted to be extended, I want it distinctly understood now that if I am in the Senate of the United States this amendment will not be included in the extension if I can prevent it. In order that there may be no mistake about it, no mistake about my position that I consider this an emergency matter pure and simple, I wish to make the statement now, so that my vote may be understood when I cast it against the extension of the act with this amendment in it.

I will ask the Senator from Missouri if he intends to continue further to-night the consideration of the bill?

Mr. REED. I intend to move to take a recess just as soon as I can get the floor.

Mr. SMOOT. I will yield the floor now for that purpose.

INTERNATIONAL CONFERENCE ON WORLD'S PRICE OF STAPLES.

Mr. FLETCHER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House joint resolution 311. It is Order of Business 678. The joint resolution was taken up on yesterday, but the Senator from Washington [Mr. JONES] objected at that time. I understand he does not wish to press the objection at this time.

Mr. JONES. I desire to say with reference to the joint resolution that I shall make no objection to its passage. I do not understand that it obligates the United States in any way to carry out any convention that may be arranged pursuant to it, but we will be entirely free to consider it on its merits. So I shall make no objection to the passage of the joint resolution.

The VICE PRESIDENT. Is there any objection to the present consideration of the joint resolution?

Mr. GALLINGER. Mr. President, I shall not object; but what is going on now emphasizes the fact that we might better have a morning hour rather than have a recess and then violate the rules of the Senate by admitting morning business.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which is as follows:

*Resolved, etc.*, That in accordance with the authority for letter (f) of article 9 of the treaty establishing the institute, which provides that it shall "submit to the approval of the Governments, if there be need, measures for the protection of the common interests of farmers," the American delegate to the International Institute of Agriculture is hereby instructed to present (during the 1914 fall sessions) to the permanent committee the following resolutions, to the end that they may be submitted for action at the general assembly in 1915, so as to permit the proposed conference to be held in Rome during the fortnight preceding the session of the general assembly of the institute in 1917:

RESOLUTIONS.

The general assembly instructs the International Institute of Agriculture to invite the adhering Governments to participate in an international conference on the subject of steadying the world's price of the staples.

This conference shall consist of members appointed by each of the Governments adhering to the institute, and is to consider the advisability of formulating a convention for the establishment of a permanent international commerce commission on merchant marine and on ocean freight rates with consultative, deliberative, and advisory powers.

Said conference to be held in Rome during the fortnight preceding the session of the general assembly of the institute in 1917.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHAFROTH. Mr. President, I hope the Senator from Georgia [Mr. SMITH] will have his amendment printed, so that we can all have copies of it.

Mr. SMITH of Georgia. I have sent it to the printer.

Mr. JONES. Mr. President, I will ask the Senator from Indiana whether this practice of having recesses is going to be kept up until December?

Mr. KERN. I am not authorized to speak for the Senate. Speaking for myself, my opinion is that it will not be. As I stated the other day, there will be an opportunity for a morning hour.

Mr. JONES. I hope that situation will come about before very long.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15613) to create a Federal trade commission, to define its powers and duties, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 339) to correct an error in H. R. 12914, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 1309. An act for the relief of the Snare & Triest Co.;

S. 4182. An act to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor;

H. J. Res. 334. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914; and

H. J. Res. 337. Joint resolution to provide for representation of foreign Governments growing out of existing hostilities in Europe and elsewhere, and for other purposes.

XUM

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 339. Joint resolution to correct an error in H. R. 12914 was read twice by its title and referred to the Committee on Pensions.

WILLIAM B. CUSHING CAMP.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 121) authorizing the Secretary of War to furnish one United States garrison flag to William B. Cushing Camp, No. 30, Sons of Veterans, which was, in line 4, after "to" where it occurs the second time, to insert "the Commissioners of the District of Columbia for the use of."

Mr. KENYON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

WATER SUPPLY OF SALT LAKE CITY, UTAH.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4741) for the protection of the water supply of the city of Salt Lake City, Utah, which were, on page 3, line 22, to strike out "at the expense of and," and on page 3, line 23, after "with," to insert "and at the exclusive expense of."

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

RECESS.

Mr. KERN. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock p. m., Thursday, September 10, 1914) the Senate took a recess until to-morrow, Friday, September 11, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

THURSDAY, *September 10, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Once more, Almighty God, are we permitted under Thy providence to lift up our hearts in gratitude to Thee for life and its gracious privileges, especially for the intellectual, moral, and spiritual endowments with which Thou hast blessed us; for the patriotism which gave us our Republic, and which through all the vicissitudes of the past has preserved it and made it the cradle of liberty for all the world. Help us more and more to appreciate the sacredness of American citizenship, that we may rise above all selfish considerations to supreme loyalty and devotion to our flag and all that it represents. In the spirit of our Lord and Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4182. An act to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor.

BRIDGES, WISCONSIN AND MINNESOTA.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the bill (H. R. 17762) to amend an act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota," and the bill (H. R. 15727) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin were passed last Tuesday, and that they be restored to the Unanimous Consent Calendar.

Mr. ADAMSON rose.

The SPEAKER. What are the numbers of the bills?

Mr. MILLER. H. R. 17762 and H. R. 15727.

Mr. ADAMSON. Mr. Speaker, reserving the right to object, I wish to say that those two bills were passed under a misapprehension on Tuesday and have gone to the Senate. I had risen for the purpose of asking unanimous consent that they be recalled, and that the Senate be requested to return them to the House, which I think would have to be done before they can be reconsidered.

Mr. MILLER. If the gentleman from Georgia will permit me, the enrolling clerk retained these two bills. They are not in the possession of the Senate, so that they can not be returned.

Mr. ADAMSON. I was not aware of that. I have no objection to the gentleman's request, Mr. Speaker.

Mr. MILLER. There was an agreement that they should not be considered at this time.

The SPEAKER. The gentleman from Minnesota [Mr. MILLER] asks unanimous consent that all the proceedings by which the bills H. R. 17762 and H. R. 15727 were passed be vacated, and that they be restored to the Unanimous Consent Calendar.

Mr. THOMSON of Illinois. Reserving the right to object, Mr. Speaker, may I ask what these bills are?

Mr. MILLER. Two bridge bills, for bridges across the St. Louis River, in my city.

Mr. MANN. I think these bills should be restored to the Unanimous Consent Calendar.

Mr. MILLER. That was part of my request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the bills will be restored to the Unanimous Consent Calendar.

FEDERAL TRADE COMMISSION.

Mr. ADAMSON. Mr. Speaker, I call up the conference report on the bill (H. R. 15613) to establish an interstate trade commission.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 15613. An act to create an interstate trade commission, to define its powers, and for other purposes.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the statement accompanying the report be read in lieu of the report. Is there objection?

There was no objection.

Mr. ADAMSON. Part of the statement consists of copies of bills, and it is not necessary that the Clerk should read them.

Mr. MANN. He had better read the report. The report, I think, is shorter than the statement.

Mr. COVINGTON. Not excluding the original House bill and the Senate bill, which are incorporated in the statement and not in the report.

Mr. MANN. I do not think it is necessary to omit part of them.

Mr. COVINGTON. Mr. Speaker, if I may be permitted, I think I know what the gentleman from Illinois [Mr. MANN] really seeks to cover. I would supplement the unanimous-consent request of the gentleman from Georgia [Mr. ADAMSON] by asking that the report be read, including the statement, but that there be omitted from the statement the two original bills.

Mr. MANN. It is not necessary to read the statement under the rules if the report itself is read.

The SPEAKER. The Clerk will read the report, leaving out the printed bills.

Mr. MANN. Nothing is to be left out of the report.

Mr. ADAMSON. Mr. Speaker, I wish to modify my request and have the report read and not the statement.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the report be read.

Mr. MADDEN. Mr. Speaker, this is a bill that affects all the business of the United States, and it ought to be considered fully. It is a bill that seeks to regulate every business in the United States, and I think there ought to be a quorum of the membership of the House present, so that all the elements of the business of the country will be represented on the floor while it is being enacted. I therefore suggest the absence of a quorum.

Mr. ADAMSON. I think the gentleman should have made that point before the prayer, so that the Members could have got that too. [Laughter.]

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and fifty-one gentlemen are present—not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves a call of the House. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Aiken | Finley | Kless, Pa. | Prouty |
| Ansberry | Flood, Va. | Kindel | Ragsdale |
| Anthony | Floyd, Ark. | Kinkead, N. J. | Rainey |
| Austin | Gallagher | Knowland, J. R. | Rothermel |
| Barchfeld | George | Korbly | Sabath |
| Bartlett | Gerry | Kreider | Saunders |
| Beall, Tex. | Godwin, N. C. | L'Engle | Shreve |
| Bell, Ga. | Good | Levy | Slemp |
| Brodbeck | Gorman | Lewis, Md. | Smith, Md. |
| Brown, N. Y. | Graham, Ill. | Lewis, Pa. | Smith, Minn. |
| Browning | Graham, Pa. | Lindquist | Smith, N. Y. |
| Burke, Pa. | Greene, Vt. | Loft | Steenerson |
| Byrnes, S. C. | Griest | McClellan | Stout |
| Calder | Griffin | McGillicuddy | Stringer |
| Carew | Guernsey | Mahan | Sutherland |
| Carlin | Hamill | Maher | Switzer |
| Carr | Harris | Martin | Tavenner |
| Connolly, Iowa | Helm | Merritt | Taylor, N. Y. |
| Copley | Henry | Metz | Underhill |
| Crisp | Hensley | Morgan, La. | Vare |
| Curry | Hinds | Moss, W. Va. | Volstead |
| Doughton | Hoxworth | Murdock | Watkins |
| Eagle | Hughes, W. Va. | Nelson | Webb |
| Edmonds | Humphreys, Miss | O'Hair | Whaley |
| Elder | Jones | Palmer | Wilson, N. Y. |
| Estopinal | Kahn | Patten, N. Y. | Winslow |
| Faison | Kelley, Mich. | Peters | Woodruff |
| Fess | Kent | Powers | Woods |

The SPEAKER. On this roll 319 Members have answered to their names—a quorum.

Mr. FITZGERALD. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

FEDERAL TRADE COMMISSION.

Mr. ADAMSON. Mr. Speaker, I wish to withdraw the request for the reading of the statement and to allow the conference report to be read.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1142).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

"That a commission is hereby created and established, to be known as the Federal Trade Commission (hereinafter referred to as the commission), which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of three, four, five, six, and seven years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appoined for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

"The commission shall have an official seal, which shall be judicially noticed.

"SEC. 2. That each commissioner shall receive a salary of $10,000 a year, payable in the same manner as the salaries of the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive a salary of $5,000 a year, payable in like manner, and it shall have authority to employ and fix the compensation of such attorneys, special experts, examiners, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress.

"With the exception of the secretary, a clerk to each commissioner, the attorneys, and such special experts and examiners as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

"All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

"Until otherwise provided by law, the commission may rent suitable offices for its use.

"The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the commission.

"SEC. 3. That upon the organization of the commission and election of its chairman, the Bureau of Corporations and the offices of Commissioner and Deputy Commissioner of Corporations shall cease to exist; and all pending investigations and proceedings of the Bureau of Corporations shall be continued by the commission.

"All clerks and employees of said bureau shall be transferred to and become clerks and employees of the commission at their present grades and salaries. All records, papers, and property of the said bureau shall become records, papers, and property of the commission; and all unexpended funds and appropriations for the use and maintenance of the said bureau, including any allotment already made to it by the Secretary of Commerce from the contingent appropriation for the Department of Commerce for the fiscal year 1915, or from the departmental printing fund for the fiscal year 1915, shall become funds and appropriations available to be expended by the commission in the exercise of the powers, authority, and duties conferred on it by this act.

"The principal office of the commission shall be in the city of Washington, but it may meet and exercise all its powers at any other place. The commission may, by one or more of its members, or by such examiners as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

"SEC. 4. That the words defined in this section shall have the following meaning when found in this act, to wit:

"'Commerce' means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

"'Corporation' means any company or association incorporated or unincorporated, which is organized to carry on business for profit and has shares of capital or capital stock, and any company or association, incorporated or unincorporated, without shares of capital or capital stock, except partnerships, which is organized to carry on business for its own profit or that of its members.

"'Documentary evidence' means all documents, papers, and correspondence in existence at and after the passage of this act.

"'Acts to regulate commerce' means the act entitled 'An act to regulate commerce,' approved February 14, 1887, and all acts amendatory thereof and supplementary thereto.

"'Antitrust acts' means the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890; also the sections 73 to 77, inclusive, of an act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894; and also the act entitled 'An act to amend sections 73 and 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes,"' approved February 12, 1913.

"SEC. 5. That unfair methods of competition in commerce are hereby declared unlawful.

"The commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce.

"Whenever the commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition in commerce, and if it shall appear to the commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission requiring such person,

partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the commission, to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission. If upon such hearing the commission shall be of the opinion that the method of competition in question is prohibited by this act, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

"If such person, partnership, or corporation fails or neglects to obey such order of the commission while the same is in effect, the commission may apply to the circuit court of appeals of the United States within any circuit where the method of competition in question was used or where such person, partnership, or corporation resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the commission. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such person, partnership, or corporation, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the commission. The findings of the commission as to the facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by testimony, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 240 of the Judicial Code.

"Any party required by such order of the commission to cease and desist from using such method of competition may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission, and thereupon the commission forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission as in the case of an application by the commission for the enforcement of its order, and the findings of the commission as to the facts, if supported by testimony, shall in like manner be conclusive.

"The jurisdiction of the circuit court of appeals of the United States to enforce, set aside, or modify orders of the commission shall be exclusive.

"Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the commission or judgment of the court to enforce the same shall in any wise relieve or absolve any person, partnership, or corporation from any liability under the antitrust acts.

"Complaints, orders, and other processes of the commission under this section may be served by anyone duly authorized by the commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same.

"SEC. 6. That the commission shall also have power—

"(a) To gather and compile information concerning, and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers subject to the act to regulate commerce, and its relation to other corporations and to individuals, associations, and partnerships.

"(b) To require, by general or special orders, corporations engaged in commerce, excepting banks, and common carriers subject to the act to regulate commerce, or any class of them, or any of them, respectively, to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commission may prescribe, and shall be filed with the commission within such reasonable period as the commission may prescribe, unless additional time be granted in any case by the commission.

"(c) Wherever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, to make investigation, upon its own initiative, of the manner in which the decree has been or is being carried out, and upon the application of the Attorney General it shall be its duty to make such investigation. It shall transmit to the Attorney General a report embodying its findings and recommendations as a result of any such investigation, and the report shall be made public in the discretion of the commission.

"(d) Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

"(e) Upon the application of the Attorney General to investigate and make recommendations for the readjustment of the business of any corporation alleged to be violating the antitrust acts in order that the corporation may thereafter maintain its organization, management, and conduct of business in accordance with law.

"(f) To make public from time to time such portions of the information obtained by it hereunder, except trade secrets and names of customers, as it shall deem expedient in the public interest; and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation; and to provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use.

"(g) From time to time to classify corporations and to make rules and regulations for the purpose of carrying out the provisions of this act.

"(h) To investigate, from time to time, trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants, or traders, or other conditions, may affect the foreign trade of the United States, and to report to Congress thereon, with such recommendations as it deems advisable.

"SEC. 7. That in any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts, the court may, upon the conclusion of the testimony therein, if it shall be then of opinion that the complainant is entitled to relief, refer said suit to the commission, as a master in chancery, to ascertain and report an appropriate form of decree therein. The commission shall proceed upon such notice to the parties and under such rules of procedure as the court may prescribe, and upon the coming in of such report such exceptions may be filed and such proceedings had in relation thereto as upon the report of a master in other equity causes, but the court may adopt or reject such report, in whole or in part, and enter such a decree as the nature of the case may in its judgment require.

"SEC. 8. That the several departments and bureaus of the Government when directed by the President shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this act, and shall detail from time to

time such officials and employees to the commission as he may direct.

"SEC. 9. That for the purposes of this act the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against; and the commission shall have power to require by subpœna the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. Any member of the commission may sign subpœnas, and members and examiners of the commission may administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpœna the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

"Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"Upon the application of the Attorney General of the United States, at the request of the commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this act or any order of the commission made in pursuance thereof.

"The commission may order testimony to be taken by deposition in any proceeding or investigation pending under this act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

"Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"No person shall be excused from attending and testifying or from producing documentary evidence before the commission or in obedience to the subpœna of the commission on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the commission in obedience to a subpœna issued by it: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

"SEC. 10. That any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce documentary evidence, if in his power to do so, in obedience to the subpœna or lawful requirement of the commission, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $1,000 nor more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

"Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this act, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any corporation subject to this act, or who shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of such corporation, or who shall willfully remove out of the jurisdiction of the United States, or willfully mutilate, alter, or by any other means falsify any documentary evidence of such corporation, or who shall willfully refuse to submit to the commission or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of such corporation in his possession or within his control, shall be deemed guilty of an offense against the United States, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000, or to imprisonment for a term of not more than three years, or both such fine and imprisonment.

"If any corporation required by this act to file any annual or special report shall fail so to do within the time fixed by the commission for filing the same, and such failure shall continue for 30 days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

"Any officer or employee of the commission who shall make public any information obtained by the commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court.

"SEC. 11. Nothing contained in this act shall be construed to prevent or interfere with the enforcement of the provisions of the antitrust acts or the acts to regulate commerce, nor shall anything contained in the act be construed to alter, modify, or repeal the said antitrust acts or the acts to regulate commerce or any part or parts thereof."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the said bill, and agree to the same.

W. C. ADAMSON,
THETUS W. SIMS,
J. HARRY COVINGTON,
F. C. STEVENS,
JOHN J. ESCH,
*Managers on the part of the House.*

FRANCIS G. NEWLANDS,
ATLEE POMERENE,
WILLARD SAULSBURY,
MOSES E. CLAPP,
ALBERT B. CUMMINS,
*Managers on the part of the Senate.*

The statement is as follows:

STATEMENT.

The House bill as it passed on June 5 last and went to the Senate was not considered for amendments in the Senate Committee on Interstate Commerce, but instead there was reported to the Senate an entirely new bill, which was substituted for the House bill, and which, with various amendments adopted in the Senate, passed that body on August 5 last.

The conferees have brought the original House and Senate bills into harmony by drafting a measure, within the limits of conference, the provisions of which embody the essential features of both bills. These two bills are for purposes of comparison with the conference bill here set forth:

HOUSE BILL.

An act to create an interstate trade commission, to define its powers and duties, and for other purposes.

*Be it enacted, etc.*, That a commission is hereby created and established, to be known as the interstate trade commission (hereinafter referred to as the commission) which shall be composed of three commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than two of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of two, four, and six years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment.

Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

The commission shall have an official seal, which shall be judicially noticed.

SEC. 2. That each commissioner shall receive a salary of $10,000 a year, payable in the same manner as the salaries of the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive a salary of $5,000 a year, payable in like manner, and it shall have authority to employ and fix the compensation of such other officials, clerks, and employees as it may find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress.

Until otherwise provided by law the commission may rent suitable offices for its use.

All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the commission.

SEC. 3. That upon the organization of the commission and election of its chairman all the existing powers, authority, and duties of the Bureau of Corporations and of the Commissioner of Corporations conferred upon them by the act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and all amendments thereto, and also those conferred upon them by resolutions of the United States Senate passed on March 1, 1913, on May 27, 1913, and on June 18, 1913, shall be vested in the commission.

All clerks and employees of the said bureau shall be transferred to and become clerks and employees of the commission at their present grades and salaries. All records, papers, and property of the said bureau shall become records, papers, and property of the commission, and all unexpended funds and appropriations for the use and maintenance of the said bureau shall become funds and appropriations available to be expended by the commission in the exercise of the powers, authority, and duties conferred on it by this act.

That the Bureau of Corporations and the offices of Commissioner of Corporations and Deputy Commissioner of Corporations are upon the organization of the commission and the election of its chairman, abolished, and their powers, authority, and duties shall be exercised by the commission free from the direction or control of the Secretary of Commerce.

The information obtained by the commission in the exercise of the powers, authority, and duties conferred upon it by this section may be made public, in the discretion of the commission.

SEC. 4. That the principal office of the commission shall be in the city of Washington, where its general sessions shall be held; but whenever the interest of the public may be promoted, or delay or expense prevented, the commission may hold special sessions in any part of the United States. The commission may, by one or more of its members, or by such officers as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

SEC. 5. That, with the exception of the secretary and a clerk to each commissioner, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

SEC. 6. That the words defined in this section shall have the following meaning when found in this act, to wit:

"Commerce" means such commerce as Congress has the power to regulate under the Constitution.

"Corporation" means a body incorporated under law, and also joint-stock associations and all other associations having shares of capital or capital stock or organized to carry on business with a view to profit.

"Capital" means the stocks and bonds issued and the surplus owned by a corporation.

"Antitrust acts" means the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; also the sections 73 to 77, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 27, 1894; and also the act entitled "An act to amend sections 73 and 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913.

"Acts to regulate commerce" means the act entitled "An act to regulate commerce," approved February 14, 1887, and all amendments thereto.

"Documentary evidence" means all documents, papers, and correspondence in existence at and after the passage of this act.

SEC. 7. That the several departments and bureaus of the Government when directed by the President shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this act, and shall detail from time to time such officials and employees to the commission as he may direct.

SEC. 8. That the commission may from time to time make rules and regulations and classifications of corporations for the purpose of carrying out the provisions of this act.

The commission may from time to time employ such special attorneys and experts as it may find necessary for the conduct of its work or for proper representation of the public interest in investigations made by it; and the expenses of such employment shall be paid out of the appropriation for the commission.

Any member of the commission may administer oaths and affirmations and sign subpœnas.

The commission may also order testimony to be taken by deposition in any proceeding or investigation pending under this act. Such depositions may be taken before any official authorized to take depositions by the acts to regulate commerce.

Upon the application of the Attorney General of the United States, at the request of the commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this act or any order of the commission made in pursuance thereof.

SEC. 9. That every corporation engaged in commerce, excepting corporations subject to the acts to regulate commerce, which, by itself or with one or more other corporations owned, operated, controlled, or organized in conjunction with it so as to constitute substantially a business unit, has a capital of not less than $5,000,000, or, having a less capital, belongs to a class of corporations which the commission may designate, shall furnish to the commission annually such information, statements, and records of its organization, bondholders and stockholders, and financial condition, and also such information, statements, and records of its relation to other corporations and its business and practices while engaged in commerce as the commission shall require; and to enable it the better to carry out the purposes of this act the commission may prescribe as near as may be a uniform system of annual reports. The said annual reports shall contain all the required information and statistics for the period of 12 months ending with the fiscal year of each corporation's report, and they shall be made out under oath or otherwise, in the discretion of the commission, and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission. The commission may also require such special reports as it may deem advisable.

If any corporation subject to this section of this act shall fail to make and file said annual reports within the time above specified, or within the time extended by the commission for making and filing the same, or shall fail to make and file any special report within the time fixed by the order of the commission, such corporation shall forfeit to the United States the sum of $100 for each and every day it shall continue in default in making or filing said annual or specified reports. Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of the acts to regulate commerce.

SEC. 10. That upon the direction of the President, the Attorney General, or either House of Congress the commission shall investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation. The report of the commission may include recommendations for readjustment of business in order that the corporation investigated may thereafter maintain its organization, management, and conduct of business in accordance with law. Reports made after investigation under this section may be made public in the discretion of the commission.

For the purpose of prosecuting any investigation or proceeding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against.

SEC. 11. That when in the course of any investigation made under this act the commission shall obtain information concerning any unfair competition or practice in commerce not necessarily constituting a violation of law by the corporation investigated, it shall make report thereof to the President, to aid him in making recommendations to Congress for legislation in relation to the regulation of commerce, and the information so obtained and the report thereof shall be made public by the commission.

SEC. 12. That in any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts, the court may, upon the conclusion of the testimony therein, if it shall be then of opinion that the complainant is entitled to relief, refer said suit to the commission to ascertain and report an appropriate form of decree therein; and upon the coming in of such report such exceptions may be filed and such proceedings had in relation thereto as upon the report of a master in other equity causes, but the court may adopt or reject such report, in whole or in part, and enter such decree as the nature of the case may in its judgment require.

SEC. 13. That wherever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon its own initiative or upon the application of the Attorney General, to make investigation of the manner in which the decree has been or is being carried out. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation, and the report shall be made public in the discretion of the commission.

SEC. 14. That any person who shall willfully make any false entry or statement in any report required to be made under this act shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than $5,000, or to imprisonment for not more than three years, or both fine and imprisonment.

SEC. 15. That any officer or employee of the commission who shall make public any information obtained by the commission without its authority, or as directed by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court.

SEC. 16. That for the purposes of this act, and in aid of its powers of investigation herein granted, the commission shall have and exercise the same powers conferred upon the Interstate Commerce Commission in the acts to regulate commerce to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence, and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said acts to regulate commerce and by the act in relation to testimony before the Interstate Commerce Commission, approved February 11, 1893, and the act defining immunity, approved June 30, 1906, shall apply to witnesses, testimony, and documentary evidence before the commission.

SEC. 17. That the commission shall on or before the 1st day of December in each year make a report, which shall be transmitted to Congress. This report shall contain such facts and statistics collected by the commission as may be considered of value in the determination of questions connected with the conduct of commerce by corporations, excepting corporations subject to the acts to regulate commerce, including an abstract of the annual and special reports of corporations made to the commission under section 9 of this act: *Provided*, That no trade secrets or private lists of customers shall be embraced in any such abstract. The report shall also include such recommendations as to additional legislation as the commission may deem necessary. The commission may also from time to time publish such additional reports or bulletins of facts and statistics relating to corporations engaged in commerce as may be deemed useful and do not violate the provisions of this act.

SEC. 18. That nothing contained in this act shall be construed to prevent or interfere with the Attorney General in enforcing the provisions of the antitrust acts or the acts to regulate commerce.

SENATE BILL.

An act to create an interstate trade commission, to define its powers and duties, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a commission is hereby created and established, to be known as the Federal trade commission, composed of five members, not more than three of whom shall be members of the same political party, and the said Federal trade commission is referred to hereinafter as "the commission."

The words defined in this section shall have the following meaning when found in this act, to wit:

"Commerce" means such commerce as Congress has the power to regulate under the Constitution.

The term "corporation" or "corporations" shall include joint-stock associations and all other associations having shares of capital or capital stock, organized to carry on business for profit.

"Antitrust acts" means the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; also sections 73 to 77, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," of August 27, 1894; and also the act entitled "An act to amend sections 73 and 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913.

SEC. 2. Upon the organization of the commission, the Bureau of Corporations, and the offices of Commissioner and Deputy Commissioner of Corporations shall cease to exist, and the employees of said bureau shall become employees of the commission in such capacity as it may designate. The commission shall take over all the records, furniture, and equipment of said bureau. All work and proceedings pending before the bureau may be continued by the commission free from the direction or control of the Secretary of Commerce. All appropriations heretofore made for the support and maintenance of the bureau and its work are hereby authorized to be expended by the commission for said purposes.

Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

The commissioners shall be appointed by the President, by and with the advice and consent of the Senate. The terms of office of the commissioners shall be seven years each. The terms of those first appointed by the President shall date from the taking effect of this act, and shall be as follows:

One shall be appointed for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years; and after said commissioners shall have been so first appointed all appointments, except to fill vacancies, shall be for terms of seven years each. The commission shall elect one of its members chairman for such period as it may determine. The commission shall elect a secretary and may elect an assistant secretary. Said secretary and assistant secretary shall hold their offices or connection with the commission at the pleasure of the commission. Each commissioner shall receive a salary of $10,000 per annum. The secretary of the commission shall receive a salary of $5,000 per annum. The assistant secretary shall receive a salary of $4,000 per annum. In case of a vacancy in the office of any commissioner during his term an appointment shall be made by the President, by and with the advice and consent of the Senate, to fill such vacancy, for the unexpired term. The office of the commission shall be in the city of Washington, but the commission may at its pleasure meet and exercise all its powers at any other place, and may authorize one or more of its members to prosecute any investigation, and for the purposes thereof to exercise the powers herein given the commission.

The commission shall have such attorneys, accountants, experts, examiners, special agents, and other employees as may, from time to time, be appropriated for by Congress, and shall have authority to audit their bills and fix their compensation. With the exception of the secretary and assistant secretary and one clerk to each of the commissioners, and such attorneys and experts as may be employed, all employees of the commission shall be a part of the classified civil service. The commission shall also have the power to adopt a seal, which shall be judicially noticed, and to rent suitable rooms for the conduct of its work.

All the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the commission.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the commission.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. 3. The commission shall have power among others—

(a) To investigate from time to time, and as often as the commission may deem advisable, the organization, business, financial condition, conduct, practices, and management of any corporation engaged in commerce, relating to or in any way affecting the commerce in which such corporation under inquiry is engaged.

(b) To require any corporation subject to the provisions of this act which the commission may designate to furnish to the commission from time to time information, statements, and records concerning its organization, business, financial condition, conduct, practices, management, and relation to other corporations, or to individuals, associations, or partnerships, and to require the production for examination of all books, documents, correspondence, contracts, memoranda, or other papers relating to or in any way affecting the commerce in which such corporation under inquiry is engaged, and to make copies of the same.

(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act, as the commission may designate, and to fix the time for the filing of such reports, and to require such reports, or any special report, to be made under oath, or otherwise in the discretion of the commission.

(d) To make public, in the discretion of the commission, any information obtained by it in the exercise of the powers, authority, and duties conferred upon it by this act, except so far as may be necessary to protect trade processes, names of customers, and such other matters as the commission may deem not to be of public importance, and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation.

(e) In any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts if the court finds for the complainant it may, upon its own motion or the motion of any party to such suit, refer the matter of the form of the decree to be entered to the commission as a master in chancery; whereupon the commission shall proceed in that capacity upon such notice to the parties and upon such hearing as the court may prescribe, and shall as speedily as practicable make report with its findings to the court, which report and findings having been made and filed shall be subject to the judicial procedure established for the consideration and disposition of a master's report and findings in equity cases.

(f) Wherever a restraining order or an interlocutory or final decree has heretofore been entered or shall hereafter be entered against any defendant or defendants in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon the application of the Attorney General, to make investigation of the manner in which the order or decree has been or is being carried out, and as to whether the same has been or is being violated and what, if any, further order, decree, or relief is advisable. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation, with such recommendations for further action as it may deem advisable, and the report shall be made public in the discretion of the commission.

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

For the purpose of prosecuting any investigation or proceeding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documents or writings of any corporation being investigated or proceeded against.

(h) The commission is hereby directed to investigate, as expeditiously as may be, trade conditions in foreign countries where associations, combinations, or practices of buyers, dealers, or traders may injuriously affect the export trade of the United States, and to report to Congress thereon from time to time.

SEC. 4. The powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations as hereinbefore defined engaged in or affecting commerce, except banks and common carriers.

SEC. 5. That unfair competition in commerce is hereby declared unlawful.

The commission shall have authority to prevent such unfair competition in commerce in the manner following, to wit:

Whenever it shall have reason to believe that any person, partnership, or corporation is violating the provisions of this section, it shall issue and serve upon the defendant a complaint stating its charges in that behalf and at the same time a notice of hearing upon a day and at a place therein fixed. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint.

Upon such hearing the commission shall make and file its findings, and if the commission shall find that the person, partnership, or corporation named in the complaint is practicing such unfair competition it shall thereupon enter its findings of record and issue and serve upon the offender an order requiring that within a reasonable time, to be stated in said order, that the offender shall cease and desist from such unfair competition. The commission may at any time set aside, in whole or in part, or modify its findings or order so entered or made. Any suit brought by any such person, partnership, or corporation to annul, suspend, or set aside, in whole or in part, any such order of the commission shall be brought against the commission in a district court of the United States in the judicial district of the residence of the person or of the district in which the principal office or place of business is located and the procedure set forth in the act of Congress making appropriations to supply urgent deficiencies and insufficient appropriations for the fiscal year of 1913, and for other purposes, relating to suits brought to suspend or set aside, in whole or in part, an order of the Interstate Commerce Commission shall apply.

Persons, partnerships, or corporations filing or causing to be filed complaints before the commission shall have the right to appear and be made parties to the case and be represented before the courts by counsel, under such regulations as are now permitted in similar circumstances under the rules and practice of equity courts of the United States.

If within the time so fixed in the order of the commission the person, partnership, or corporation against which the order is made shall not cease and desist from such unfair competition, and if in the meantime such order is not annulled, suspended, or set aside by a court, the commission may bring a suit in equity in a district court in any district wherein such person or persons reside or wherein such corporation has its principal office or place of business to enforce its said order, and jurisdiction is hereby conferred upon said court to hear and determine any such suit and to enforce obedience thereto according to the law and rules applicable to suits in equity. All the provisions of the law relating to appeals and advancement for speedy hearing in suits brought to suspend or set aside an order of the Interstate Commerce Commission shall apply in suits brought under this section: *Provided*, That no order or finding of the court or commission in the enforcement of this section shall be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts: *Provided further*, That neither the orders of the commission nor the judgment of the court to enforce the same shall in any wise relieve or absolve any person or corporation from any liability under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890.

SEC. 6. That if any corporation subject to this act shall fail to file any annual or special report, as provided in subdivision (b) of section 3 hereof, within the time fixed by the commission for filing the same, and such failure shall continue for 30 days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or

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in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

SEC. 7. Any person who shall willfully destroy, alter, mutilate, or remove out of the jurisdiction of the United States or authorize, assist in, or be privy to the willful destruction, alteration, mutilation, or removal out of the jurisdiction of the United States of any book, letter, paper, or document containing an entry or memorandum relating to commerce, with the intent to prevent the production thereof, or who shall willfully make any false entry relating to commerce in any book of accounts or record of any trade association, corporate combination, or corporation, subject to the provisions of this act, or who shall willfully make or furnish to said commission or to its agent any false statement, return, or record, knowing the same to be false in any material particular, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Any employee of the commission who divulges any fact or information which may come to his knowledge during the course of his employment by the commission, except in so far as it has been made public by the commission, or as he may be directed by the commission or by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 8. The commission shall have and exercise the powers possessed by the Interstate Commerce Commission to subpœna and compel the attendance and testimony of witnesses and the production of evidence, and to administer oaths. All the powers, requirements, obligations, liabilities, and immunities imposed or conferred by the act to regulate commerce, as amended in relation to testimony before the Interstate Commerce Commission, shall apply to witnesses, testimony, and evidence before the commission.

Each corporation having a capital of $5,000,000, to determine which fact the amount of its capital stock, surplus, bonded indebtedness, and undivided profits shall be combined, subject to the provisions of this act shall, within 90 days after the taking effect of this act, designate in writing an agent in the city of Washington, D. C., upon whom service of all notices, orders, and processes issued by the commission may be made for and on behalf of said corporation, and file such designation in the office of the commission, which designation may from time to time be changed by like writing similarly filed; and thereupon service of all notices, orders, or processes issued by the commission may be made upon such corporation by leaving a copy thereof with such designated agent at his or its office in the city of Washington with like effect as if made personally upon such corporation, and in default of such designation of such agent service of any notice, order, or other process may be made by posting such notice, order, or process in a conspicuous place in the office of the commission.

All notices, orders, or other process to be served upon individuals or other corporations than those having such capital shall be duly served personally on such individuals and upon the president, chief executive officer, or a director of such other corporations, respectively, unless they shall have designated, as they are hereby authorized to do, an agent as aforesaid with power and authority to accept service of such notices, orders, or other process.

SEC. 9. The district courts of the United States, upon the application of the commission alleging a failure by any corporation, or by any of its officers or employees, or by any witness, to comply with any order of the commission for the furnishing of information, shall have jurisdiction to issue such writs, orders, or other process as may be necessary to enforce any order of the commission and to punish disobedience thereof.

SEC. 10. The several departments and bureaus of the Government, when directed by the President, shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any trade association, corporate combination, or corporation, subject to any of the provisions of this act.

SEC. 11. Nothing contained in this act shall be construed to prevent or interfere with the enforcement of the provisions of the antitrust acts or the acts to regulate commerce, nor shall anything contained in the act be construed to alter, modify, or repeal the said antitrust acts or the acts to regulate commerce or any part or parts thereof.

The amended bill as agreed to in conference changes the name of the proposed trade commission from "Interstate Trade Commission" to "Federal Trade Commission." This is desirable to prevent confusion of name with the Interstate Commerce Commission. Because of certain administrative work not contemplated by the House bill, the number of commissioners has been changed from three to five. In all other respects the organization of the commission is as provided in sections 1 and 2 of the House bill.

The Bureau of Corporations is abolished, as in the House bill, and its powers are conferred on the commission. Instead of transferring them by reference to the original act creating the bureau, as in section 3 of the House bill, they are explicitly set out in section 6, paragraph (a), of the bill as agreed to by the conferees. This has been done because the bill now gives to the commission certain powers which so continuously and directly concern the business interests of the country that it is desirable to have the law show on its face its exact extent and application.

The definitions respecting "commerce," etc., remain substantially as in section 4 of the House bill.

The provision of section 9, paragraph 1, of the House bill requiring annual reports from all corporations engaged in commerce having a capital of over $5,000,000 has been changed to meet the Senate provision leaving the classes of corporations to make such reports to the discretion of the commission. In view of the large number of corporations with a capital of over $5,000,000 which are not necessarily engaged in any commerce potential for combination or monopoly this seemed a desirable change.

The commission is required to make the investigations relating to alleged violations of the antitrust acts as provided in section 10 of the House bill, except that the expression "direction of the Attorney General" is eliminated. He is the head of an executive department and the direction of the President is deemed sufficient. The reports of such investigations do not include, at the discretion of the commission, recommendations for readjustments of business, so that the corporations investigated may operate lawfully, but a new subsection is added, section 6, paragraph (e), requiring the commission to make recommendations of this character on the application of the Attorney General.

The powers conferred upon the commission in sections 12 and 13 of the House bill to assist the Department of Justice, upon direction of the courts, in solving the difficult economic problems connected with trust dissolutions under the antitrust law, and upon the initiative of the commission itself to supervise the compliance with decrees of dissolutions are retained in the conference bill in section 6, paragraph (c), and in section 7.

The conference bill contains a provision, section 6, paragraph (h), authorizing the commission to make investigations respecting practices which may affect the foreign trade of the United States. This was in the Senate bill substantially as it now appears.

The publicity of the facts which ought to be the common property of the American business man provided for practically as in the House bill, and the administrative processes for conducting investigations, summoning witnesses, and punishing violations are substantially as in the House bill.

Section 5 declares unfair methods of competition to be unlawful and empowers the commission, after hearing, to order the discontinuance of the use of such methods.

It is now generally recognized that the only effective means of establishing and maintaining monopoly, where there is no control of a natural resource as of transportation, is the use of unfair competition. The most certain way to stop monopoly at the threshold is to prevent unfair competition. This can be best accomplished through the action of an administrative body of practical men thoroughly informed in regard to business, who will be able to apply the rule enacted by Congress to particular business situations, so as to eradicate evils with the least risk of interfering with legitimate business operations.

It is impossible to frame definitions which embrace all unfair practices. There is no limit to human inventiveness in this field. Even if all known unfair practices were specifically defined and prohibited, it would be at once necessary to begin over again. If Congress were to adopt the method of definition, it would undertake an endless task. It is also practically impossible to define unfair practices so that the definition will fit business of every sort in every part of this country. Whether competition is unfair or not generally depends upon the surrounding circumstances of the particular case. What is harmful under certain circumstances may be beneficial under different circumstances.

The orders of the commission will be enforceable only through the courts. In order to obtain the speediest settlement of disputed questions, it is provided that the commission shall apply for the enforcement of its orders directly to the circuit court of appeals. The findings of the commission as to the facts are to be conclusive. The court's function is restricted to passing on questions of law. The court will determine such questions on the record in the proceeding before the commission. No new evidence may be adduced on the hearing in court except upon good cause shown; and if the court permits the introduction of additional evidence, such evidence will be taken by the commission and then filed in court with its new or modified findings based thereon. The judgment of the court of appeals will be final, subject only to review by the Supreme Court upon writ of certiorari.

This section is entirely new to the House bill, but it appeared in a somewhat similar form in the Senate bill, and the managers on the part of the House believed it wise to accept the provision in the form in which it now appears.

W. C. ADAMSON,
THETUS W. SIMS,
J. HARRY COVINGTON,
F. C. STEVENS,
JOHN J. ESCH,
*Managers on the part of the House.*

Mr. ADAMSON. Mr. Speaker, while I do not wish to indulge in any argument on this conference report, there are other gentlemen who desire to make a few remarks; and I hope I may

be pardoned a slight digression in yielding to my colleague, the distinguished gentleman from Maryland [Mr. COVINGTON], the author of the bill. [Applause.] He has been a member of our committee a long time. He was the chairman of the subcommittee which drafted this bill, and he is largely responsible for the excellencies contained in it.

It is with deep regret that the committee contemplate his early retirement from the committee and the House, but with gratification they look forward to the still more distinguished career which he is to achieve on the bench as the chief justice of the Supreme Court of the District of Columbia. [Applause.] He has been a splendid member of our committee. He has been diligent; he has been able; he has been courteous; and I have no doubt that all the Members of the House will share the regret of the committee in parting official company with him, and will with delight listen to the words of wisdom with which he will explain this conference report.

I yield to the gentleman from Maryland [Mr. COVINGTON] such part of 30 minutes as he wishes to use. [Applause.]

Mr. COVINGTON. Mr. Speaker, the conference report which has just been called up represents the final stage of legislation in that part of the President's trust program in which he recommended, in his message of January last, the creation of an interstate trade commission.

It will be recollected that the House bill passed on June 5 last and went immediately to the Senate. It was not considered for amendments in the Senate Committee on Interstate Commerce, but instead there was reported to the Senate an entirely new bill. This was substituted for the House bill by way of a single amendment, and this substituted bill, with various amendments thereto, was passed in the Senate on August 5 last. It immediately went to conference, and the managers on the part of the House have since that time been continuously laboring with the managers on the part of the Senate to bring the two bills into harmony by redrafting the provisions of the two measures, within the limits of conference, so as to embody the essential features of the original plan for the creation of an interstate trade commission as outlined in the House bill.

At the outset the conferees determined that it was wise to agree to the change of the name of the proposed trade commission from "interstate trade commission" to "Federal trade commission." This is practically a necessity in order to prevent confusion of name with the Interstate Commerce Commission. A great many of the printed reports and other documents now bear on the title-page the abbreviation "I. C. C." for Interstate Commerce Commission. To have a similar abbreviation "I. T. C." would make endless confusion. The managers on the part of the House, therefore, accepted the change of name to "Federal trade commission," as it appeared in the original Senate bill.

The number of commissioners has been increased from three to five. At the time the House bill was passed the commission did not have conferred upon it one very important administrative power which later appeared in the Senate bill, and which now is adopted in the conference report. This power is the one conferred upon the commission to deal with unfair methods of competition, which will be explained later on. It will make the work of the commission sufficiently heavy to require of necessity that there shall be five commissioners.

I am glad to be able to state to the House that in practically all of the other features of the House bill the conference report shows that there has been substantial and, in many instances, precise adherence to it. The Bureau of Corporations is abolished, as in the House bill, and its powers are conferred on the Federal trade commission. The House bill conferred these powers explicitly by reference to that part of the original act organizing the Department of Commerce and Labor which provided for the creation of the Bureau of Corporations.

With the conferring upon the commission of the power to deal with unfair competition, to which I have referred—a power which so continuously and directly concerns the business interests of the country—it is desirable to have the law show upon its face its exact extent and application, and the powers, duties, and authority of the Bureau of Corporations have accordingly been explicitly set out in section 6, paragraph (a), of the bill as agreed to by the conferees. This is, however, an express reaffirmation of the original House act. There had been an attempt in the Senate bill to limit the power of the commission to investigate within a much narrower scope than now covered by the Bureau of Corporations.

The definitions respecting commerce, corporations, documentary evidence, antitrust acts, and acts to regulate commerce remain substantially as in section 4 of the House bill.

The actual details of organization of the commission, as provided in the bill of the conferees, is precisely as provided in sections 1 and 2 of the House bill. The method of compensating the commissioners, the authorization of the selection of its employees, the provision safeguarding its force of employees within the classified civil service, the auditing of its accounts, and all other details follow the carefully worked out legislation as it originally passed this House.

The provision of section 9, paragraph 1, of the House bill, requiring annual reports from all corporations engaged in commerce having a capital of over $5,000,000, has been changed so as to leave the classes of corporations which shall be required to make such reports to the discretion of the commission. It is apprehended that with the power in the commission to deal with unfair methods of competition, the annual reports and special reports to be required from those corporations which it is desirable for the commission to have report at all will be quite comprehensive. It transpires that there are over 1,300 corporations, excepting banks and common carriers, in the United States engaged in the businesses defined as interstate commerce. A very large number of those corporations do not belong to classes which are ever likely to be cited to appear before the commission for violations of law. All information which may ever be wanted from them, in line with that rational and constitutional publicity which shall alike aid the public and industrial business, can be obtained from the occasional or special reports. The managers on the part of the House believe, therefore, that it was wise to yield in the matter of classification and not to require that all corporations of over five millions of capital shall arbitrarily be compelled to file an annual report with the Federal trade commission.

Mr. BORLAND. Would the gentleman be willing to be interrupted?

Mr. COVINGTON. Certainly.

Mr. BORLAND. The dropping out of that limit of $5,000,000 does not mean that all corporations, no matter how small, are going to be required to make reports?

Mr. COVINGTON. On the contrary, it was dropped for the purpose of limiting the number of corporations which will be required to make regular reports.

Mr. BORLAND. There have been some people who are very apprehensive that it would require all of these little business corporations to make a report. That is not the case?

Mr. COVINGTON. It is the belief of the conferees that the present language as construed by the commission will cause only a relatively small number of corporations to make the reports.

Mr. MADDEN. Will the gentleman yield?

Mr. COVINGTON. Certainly.

Mr. MADDEN. Does this give the commission power to require any corporation to make a report, whether the capital be small or great?

Mr. COVINGTON. Undoubtedly. The language of the section is such that, having regard for the ordinary good sense which the group of men composing the Federal trade commission will have, they possess the power to designate the corporations required to report.

Mr. MADDEN. There is no limit to the power of the commission to require any corporation to make a report?

Mr. COVINGTON. In the original House bill there was not, because it was necessary, from a legal viewpoint, that there should be left to the commission the power to classify corporations with less than $5,000,000 capital and to require them to make reports if necessary.

Mr. MADDEN. True, the House bill provided that a certain limit of capital would require the corporations to come under the provisions of the law, but it also gave the commission the power to go beneath the limit of capitalization of corporations.

Mr. COVINGTON. It did; and when the commission reads the two acts together, seeing what the House originally did and what the conference report finally does, there will be a clear legislative intent indicated to them, and even the courts have said that you may look to the proceedings of the legislative body to obtain the legislative intent. The commission will therefore see that it was the intention of Congress to limit the operation of the report section and not to broaden it beyond the original House bill.

Mr. MADDEN. Does the gentleman believe it is the conclusion of all of the conferees that the commission will not require reports to be made from corporations unless information comes to them to the effect that those corporations are violating the law?

Mr. COVINGTON. Not necessarily. They may belong to the classes of corporations which are peculiarly as a class engaged in business potential for monopoly or likely to be operating through unfair competition. The conferees all believe the present form of the section is less of a burden on honest corporate

business than would have been the requirements of the original section.

Mr. J. M. C. SMITH. Mr. Speaker, will the gentleman yield?

Mr. COVINGTON. Yes.

Mr. J. M. C. SMITH. Has the commission the same authority to compel a copartnership or an individual engaged in an unlawful combination or restraint of trade to make reports as it has of a corporation?

Mr. COVINGTON. It has not the same power to compel reports, because it could not constitutionally do that, I apprehend. It is only by virtue of the visitorial power of Congress over corporations enjoying certain franchise privileges but going beyond the confines of the State that the commission finds its power to compel them to make reports.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. COVINGTON. Yes.

Mr. STAFFORD. The gentleman just stated that it is the rule of the court in interpreting laws to look for the intent of Congress by referring to the reports upon bills. Is not that the rule only where the phraseology is ambiguous, and it does not apply where the language is clear and explicit, as it is in this case, to give power to a Federal commission to extend over all corporations whether large or small?

Mr. COVINGTON. Mr. Speaker, I did not mean to convey the idea that the court in construing an unambiguous section would take either the report on the bill or the legislative debates. What I meant to say to the gentleman from Illinois [Mr. MADDEN] was that the commission itself in trying to find the purpose of the change would see that purpose very clearly indicated by the course of legislative conduct in dealing with the section. That disclosed intent would impel the commission to restrict the scope of the annual report section rather than to broaden it.

Mr. STAFFORD. But there is nothing restrictive in the measure limiting their authority. If they want to exercise it they might exercise it over every corporation.

Mr. COVINGTON. Oh, certainly.

Mr. BATHRICK. Mr. Speaker, will the gentleman yield?

Mr. COVINGTON. Yes.

Mr. BATHRICK. I want to be clear upon this point. No firm or corporation is required to report except those which this commission designates?

Mr. COVINGTON. That is correct.

Mr. BATHRICK. Does the gentleman consider under this bill that the commission will have the power to require a report from a corporation doing business wholly within the State?

Mr. COVINGTON. Certainly not.

Mr. MADDEN. Mr. Speaker, will the gentleman yield again?

Mr. COVINGTON. Certainly.

Mr. MADDEN. In answer to a question that I asked the gentleman a short time ago, the gentleman from Maryland replied that the scope of the commission's authority would be confined to such corporations as were recognized to be violators of the law, or some such expression as that. I do not attempt to use his exact words. Do the conferees undertake to define what classes of corporations are law violators?

Mr. COVINGTON. I think the gentleman from Illinois [Mr. MADDEN] misunderstood me. I meant that the scope of the power in the section requiring reports was intended to be restricted rather than enlarged as the result of the final enactment of that section, and I did not mean to say that the commission's authority over the reports from corporations is to be restricted to those that may be engaged in violating the law.

Mr. MADDEN. I understood the gentleman to say that there was a well-defined class of corporations that were understood to be law violators.

Mr. COVINGTON. Oh, no; I did not say that at all. On the contrary, I think, with all due respect to a certain few people who imagine that most corporations are violators of the law, that the vast majority of them are law-abiding organizations, intending to conform their business practices to the honest methods that the law outlines or fair dealing itself dictates.

The commission is required to make the investigations relating to alleged violations of the antitrust acts as provided in section 10 of the House bill. The original Senate provision of a similar character authorized the commission to go further than to make a report on the facts to the Department of Justice. It provided for a report of the findings of the commission with respect to violations of the law. The purpose of the original House provision was to give some compulsory process whereby the Department of Justice, before bringing suit under the antitrust acts, can obtain all the information necessary to determine whether the law has been violated or not, and for the proper statement of the case of the Government in its bill of complaint if there has been a violation. On the other hand, everyone recognizes that it would be a mistake to divide the authority of enforcement of the antitrust acts between any other body and the Department of Justice. The Attorney General should be left in full control, as the chief law officer of the Government, of the disposition of cases arising under the Sherman law. He would not be thus left if there were embodied in the report of facts made by the trade commission with respect to any investigations conducted by it concerning violations of the Sherman law, findings, that is to say, conclusions of law, respecting violations. The House therefore insisted upon retaining its original language, which has been thought out after consultation with many lawyers actively concerned in the prosecution of trust cases for the Government. The expression "direction of the Attorney General" is eliminated from the section. He is in reality the head of an executive department, and the direction of the President is deemed sufficient. It is a certainty that the President will always direct the commission to make an investigation when his own Attorney General requests him so to do. And it adds something to that independence and dignity of the commission which is so desirable to have the law creating it free from any suggestion that it is so subordinate a body as to be liable to be directed to do any act by the head of a governmental department.

Mr. BUCHANAN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. COVINGTON. I yield to the gentleman.

Mr. BUCHANAN of Illinois. Does this measure give the commission power to prevent corporations from circulating watered stock?

Mr. COVINGTON. No. That subject is dealt with in another one of the trust bills. I understand—in fact, I know—that the provisions relating to common ownership of stock and interlocking directorates is one of the provisions embodied in the Clayton antitrust bill, now pending in conference.

The powers conferred upon the commission in sections 12 and 13 of the House bill to assist the Department of Justice, upon direction of the courts, in solving the difficult economic problems connected with trust dissolutions under the antitrust law, and upon the initiative of the commission itself to supervise the compliance with decrees of dissolution, are retained in the conference bill in section 6, paragraph (c), and in section 7.

The House bill provided, in section 16, that the commission should have and exercise the same powers conferred upon the Interstate Commerce Commission to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. The Senate bill also contained as its section 8 exactly the same provision. The House managers believed, however, that in line with the policy which caused the recital in full of those powers formerly exercised by the Bureau of Corporations and hereafter to be exercised by the commission, it is both wise and proper that the powers of subpœna and other compulsory process for taking testimony and producing documentary evidence, and the power of enforcing the ordinary processes of the commission with respect thereto in the courts, ought to be set out in full. It is believed that the scope of the present act is such with respect to individuals and corporations engaged in interstate commerce that it ought to contain in its body all of its provisions in full, without having reference to any other existing act to find the extent or application of the law. The Senate accepted this suggestion, and the enactment of those powers by reference to the similar powers possessed by the Interstate Commerce Commission has been abandoned.

The conference bill contains a provision, section 6, paragraph (h), authorizing the commission to investigate from time to time trade conditions in and with foreign countries where the practices of manufacturers, merchants, or traders or other conditions may affect the foreign trade of the United States, and to report to Congress thereon with such recommendations as the commission deems advisable. This section was in the Senate bill substantially in the form in which it now appears. In view of the horrible war now devastating Europe and the nation-wide belief that there is an unusual opportunity for this country to secure and hold the vast export commerce carried on by European countries with South America, there can hardly be a doubt that careful inquiries by a great administrative body, possessed of the experts necessary to make valuable trade investigations, are desirable to secure information and suggest methods by which our industrial business concerns shall rapidly be enabled to expand their export trade until they have the bulk of the great South American commerce.

Mr. SHERLEY. Will the gentleman yield?

Mr. COVINGTON. Certainly.

Mr. SHERLEY. In the bill as it passed the House the definition of commerce was, in substance, that over which Congress has jurisdiction by virtue of the Constitution of the United States. In the bill as agreed to in conference the definition of commerce would seem to exclude commerce with any possessions of the United States that were not States or Territories or the District of Columbia.

Mr. COVINGTON. That is correct.

Mr. SHERLEY. In other words, it does not embrace commerce with the Philippines, with the Canal Zone, Porto Rico, Guam, and such places.

Mr. COVINGTON. It is not intended to cover that commerce.

Mr. SHERLEY. I notice one other matter in which the House may be interested, and that is exclusive jurisdiction is given to the circuit court of appeals on the application by the commission or the party affected in reviewing the action of the commission, and then there is a subsequent provision which gives to the district courts power to issue writs of mandamus to compel enforcement of the order of the commission. Those provisions seem to be in conflict.

Mr. COVINGTON. I think the conflict is more apparent than real, and, frankly, it was an oversight in the final draft. It is a fact that there is a slight conflict there. It is one, however, the court would have no difficulty in determining, because in the section which embodies the method of dealing with processes of the commission, process for subpœna, process of enforcing ordinary orders respecting reports, process for production of documents, process for the punishment of contumacious witnesses, and all the other ordinary machinery for the actual operation of the commission investigations and hearings, there is found that provision. It might very well be held to relate entirely to the proceedings under the section to which the gentleman refers. And the exclusive jurisdiction conferred upon the circuit court of appeals is expressly related to and found in the section which deals with unfair methods of competition in business. In addition thereto, as indicated—that section 9, to which the gentleman refers, was dealing entirely with methods and processes—it provides that the jurisdiction of the district courts of the United States shall be invoked only upon the application of the Attorney General of the United States, and only at the request of the commission. Assuming all the gentleman says, it would not become a conflict of jurisdiction until the application of the Attorney General to the district court after the request of the commission had been made. The commission would never use that method to enforce its unfair-competition orders.

Mr. SHERLEY. I grant the gentleman that the jurisdiction of the district court can only be appealed to by the Attorney General of the United States on request of the commission, but assuming that it was so invoked and a writ of mandamus was sought, in resisting the issuance of that writ would not the proceeding of necessity vest the district court with jurisdiction that in another place in the bill it is stated to be exclusively with the circuit courts of appeal?

Mr. COVINGTON. If such an unusual and unlikely situation as that should develop there would undoubtedly be a conflict of jurisdiction.

Mr. SHERLEY. In other words, there is a conflict which can be avoided by the commission not taking advantage of the provision as to mandamus writs in the district court?

Mr. COVINGTON. Certainly. And, moreover, the Attorney General himself can not take advantage of that unless the commission itself desires to invoke the order and make application to him; so it is a conflict that is apparent rather than one that raises a substantial difficulty. It is also easy to correct, if it is desirable.

Mr. SHERLEY. I understand.

Mr. COVINGTON. The House managers yielded to the Senate managers with respect to the section in the Senate bill dealing with unfair methods of competition. At the time the original House bill was passed I stated, in presenting the bill to the House:

> The commission has in no sense been empowered to make terms with monopoly or in no way to assume control of business. * * * There has been no attempt to deal with the question of maintenance of fixed prices. The commission has been given no power to pass orders in any way regulating production. It has not been clothed with authority to make a declaration as to the innocuousness of any particular corporation or agreement, even if coupled with the right to revoke such order in future. All those problems are interwoven with the industrial business of the country in such a way as to be effectively legislated upon, if at all, only after the most exhaustive investigation by trained experts.

The acceptance of section 5 of the present bill, conferring upon the Federal trade commission the power to deal with unfair methods of competition, in no wise interferes with the declaration made by me respecting the way in which the powers of the commission ought to be circumscribed. There is not now found within the extent of the well-defined doctrine of the substantive law recognized by the courts as "unfair methods of competition" any attempt to make terms with monopoly or, through the instrumentality of the Federal trade commission, to regulate production or enforce by orders the maintenance of fixed prices. Neither is there lurking within the doctrine any authority to declare lawful or harmless for the future the general plan of organization or operation of any particular corporation engaged in commerce. In fact, "unfair methods of competition" is a subject simply avoided entirely at the time the House bill was passed, because in the division of jurisdiction between the House Committee on Interstate and Foreign Commerce and the House Committee on the Judiciary there was pending before the Committee on the Judiciary, and subsequently passed, a bill which, among its other provisions, contained a series of definitions against certain unfair methods of competition, and which provided arbitrarily for the punishment under all circumstances of the persons, partnerships, or corporations guilty of the practices defined and prohibited. It was only when the trade commission bill and the antitrust bill reached the Senate that it became a much-mooted and very open question what was the best and most effective way to deal with the various practices of unfair or destructive competition which, if permitted to go on unchecked and uncontrolled, become potential for restraint of trade or monopoly. When the trade commission bill came to the floor of the Senate that body, after more than a month of most informing debate, voted quite decisively for the insertion in the bill of the provision of law now embodied in section 5, and which reads:

> That unfair methods of competition in commerce are hereby declared unlawful.
>
> The commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks and common carriers subject to the act to regulate commerce, from using unfair methods of competition in commerce.

There then followed in the section a method of procedure for the enforcement in the courts of the orders of the commission, similar to the procedure now in force with respect to the orders of the Interstate Commerce Commission.

The House managers gave a good deal of consideration to this section. It was recognized that it did not appear in any form in the House bill. It embraced within its broad and elastic scope all the specific practices against which there had been prohibitions in the Clayton bill. After careful consideration, however, it seemed the wise thing to accept the section.

It is now generally recognized that the only effective means of establishing and maintaining monopoly, where there is no control of a natural resource or of transportation, is by the use of unfair competition. The most certain way to stop monopoly at the threshold is to prevent unfair competition. This can be best accomplished through the action of an administrative body of practical men thoroughly informed in regard to business who will be able to apply the rule enacted by Congress to particular business situations so as to eradicate evils with the least risk of interfering with legitimate business operations.

It is impossible to frame definitions which embrace all unfair practices. There is no limit to human inventiveness in this field. Even if all known unfair practices were specifically defined and prohibited, it would be at once necessary to begin over again. If Congress were to adopt the method of definition it would undertake an endless task. It is also practically impossible to define unfair practices so that the definition will fit business of every sort in every part of this country. Whether competition is unfair or not generally depends upon the surrounding circumstances of the particular case. What is harmful under certain circumstances may be beneficial under different circumstances.

When the trade commission bill was first reported to the Senate containing section 5, which at that time provided that "unfair competition in commerce shall be unlawful," it is quite true that it was the contention of a number of able Senators that the expression "unfair competition" was so vague as applicable to industrial business in this country that a prohibition of it would be incapable of enforcement at law. Even a casual examination of the authorities, however, shows that view to have been unsound.

"Unjustly" is a word that is often used in defining or declaring a rule of conduct, and it has been applied a great many times. Among others I find the case of McGear v. Young (44 Southwestern Reporter, 194). If "unjustly" is certain, is "the fair" less certain?

Mr. HULINGS. Will the gentleman yield?

Mr. COVINGTON. Certainly.

Mr. HULINGS. I would like to ask if two or half a dozen gentlemen have a partnership and are engaged in what might

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be termed unfair processes between the States and a half a dozen gentlemen who are incorporated in a corporation in some of the States are engaged in the same kind of business, would this act require the corporation to cease that kind of thing and permit the partnership to go on in the same business?

Mr. COVINGTON. No.

Mr. HULINGS. So it does cover a partnership?

Mr. COVINGTON. The section which deals with unfair methods of competition confers upon the commission certain administrative powers somewhat analogous to the Interstate Commerce Commission, extending to persons, partnerships, and corporations, and with respect to the great industrial activities in interstate commerce. It embraces within the scope of that section every kind of person, natural or artificial, who may be engaged in interstate commerce.

Mr. HULINGS. Where is it in the bill?

Mr. COVINGTON. It is in section 5.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. COVINGTON. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. As I understand the bill, the term "unfair competition" is nowhere defined therein, and it is left for the commission to determine in the first instance whether or not any particular act constitutes unfair competition. Am I correct?

Mr. COVINGTON. The gentleman is correct.

Mr. GREEN of Iowa. Then the commission will do, in the language of the bill, in accordance with their opinion.

Mr. COVINGTON. But the language of the bill does not say exactly that. It says that after a hearing and findings of fact the commission is of opinion.

Mr. GREEN of Iowa. I think the gentleman will find the language of the bill reads that way. I will read it.

Mr. COVINGTON. It does not say merely in accordance with their opinion. It says that if in their opinion, after the hearing, the person or corporation has violated the statute. A court also does that.

Mr. GREEN of Iowa. I accept the construction the gentleman has placed upon it, and then I will ask further if the determination of their opinion is based by any legal precedents on the subject?

Mr. COVINGTON. Surely; they are to determine. The gentleman's question is a very pertinent one. This is a new field in the law in this country with respect to interstate commerce. We are attempting to control and protect honest competition in this country, and unless a man has been a specialist in the law with respect to industrial business it is quite likely that he has not realized the extent to which there has been a growth of the substantive law with regard to what are known as "unfair methods of competition." I state quite candidly to the gentleman that at the time this measure was first mooted in the House I held to the opinion that "unfair competition" or "unfair methods of competition," as a phrase to be found in the law, was so probably vague as to be unenforceable. But after having given some months of study to the subject I am able to say that there is in existence to-day a surprisingly well-defined class of declarations by the courts in cases arising where suits for damages have been brought or where the injunctive processes of the courts have been sought to be invoked, stating unfair competition or unfair methods of competition as a legal definition. All the conferees were clear upon that.

As a matter of fact, a careful examination will show that when the Sherman Antitrust Act was passed in 1890, containing the expression that "contracts in restraint of trade are hereby declared to be unlawful," there was not one tithe of legal interpretation to tell the courts what contracts in restraint of trade are that there is to-day to tell the courts what "unfair methods of competition" means.

If the gentleman from Iowa [Mr. GREEN] will follow me, I think he will be satisfied of that fact.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. ADAMSON. Mr. Speaker, does the gentleman from Maryland wish additional time? If so, how much additional time does the gentleman desire?

Mr. COVINGTON. I think 15 minutes more would be all that I may need.

Mr. ADAMSON. Very well.

The SPEAKER. The gentleman from Maryland is recognized for 15 minutes more.

Mr. COVINGTON. During the debate in the Senate there were called to the attention of that body by Senator CUMMINS, of Iowa, two instances of very broad use in law of words similar to "unfair," for the purpose of prescribing a rule of conduct—one in a statute and one in a decree. The first instance is found in the statutes of New York in the laws of 1910, chapter 374, article 11. It reads as follows:

> Every person operating a motor vehicle on a public highway of this State shall drive the same in a careful and prudent manner, and at a rate of speed so as not to endanger the property of another or the life or limb of any person: *Provided*, That a rate of speed of 30 miles an hour for a distance of one-fourth of a mile shall be presumptive evidence of driving at a rate of speed which is not careful and prudent.

Section 290 of the laws to which I have referred prescribes a penalty for a violation of the provision I have just read. It has been sustained in the courts of New York as fixing a rule sufficiently certain to guide those who might be affected by it. It was first passed upon in People *v.* Winston (155 Appellate Division, N. Y., 907). It was again passed upon in the court of appeals in Baker *v.* Close (204 N. Y., 92), and in the latter case the court said:

> Both pedestrians and drivers of motor vehicles are required to exercise that degree of prudence and care which the conditions demand. It is impossible—

Says the court—

> to formulate any more precise definition of these relative rights and duties.

If it is sufficient to say to the people who are to be affected by a law that they must drive a motor vehicle in a careful and prudent manner, it would seem to be sufficient to prescribe for those engaged in trade that they must not practice unfair competition, in view of the many applications those words have already had and the many instances in which they have been applied, both by courts and commissions, in the general literature of commerce.

Mr. GREEN of Iowa. I wish to go a little further with my question. I hope the gentleman will convince me by the authorities he has cited as he has convinced himself, but I am not yet convinced. To go further with my question, as I understand, the gentleman thinks this act does not declare any particular act to be wrongful which has not heretofore been included within the term "unfair competition" by the courts?

Mr. ADAMSON rose.

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. ADAMSON. I wish to say that it is especially desirable that the gentleman from Maryland [Mr. COVINGTON] shall have full opportunity to answer questions and to explain this bill, and yet there are three or four other gentlemen who have asked for a little time. I therefore ask unanimous consent that my time be extended not to exceed an additional hour.

The SPEAKER. The gentleman from Georgia asks unanimous consent that his time be extended not to exceed an hour.

Mr. COVINGTON. I shall not exceed half that time.

The SPEAKER. Is there objection?

There was no objection.

Mr. COVINGTON. I want to call the attention of the gentleman from Iowa [Mr. GREEN] to the statute that has recently been passed by the State of New York and which I just referred to, and to ask him whether he thinks it places upon the courts a lighter burden or a greater burden than the expression "unfair competition"? That statute respecting automobiles in the State of New York, as I said a few moments ago, has been construed to be enforceable and punishments under it have been sustained, and it says—and this is about all it says—that "every person operating a motor vehicle on a public highway in this State shall drive the same in a careful and prudent manner." [Laughter.]

Mr. STEVENS of Minnesota. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER. Does the gentleman yield?

Mr. GREEN of Iowa. It does not answer my question at all. I hardly wish to take the gentleman's time by answering his question in return, although I will do so if he wishes. If the gentleman will kindly permit, my question was whether this act creates any new offense unknown to the courts under the term "unfair competition."

Mr. COVINGTON. It does not; but it does this, if I may be permitted to complete the answer: It gives this commission, when its official order is finally adjudicated in the courts under the constitutional authority that we could not take away from the courts, the power to expand the law in respect to "unfair competition," just as the law of negligence has been expanded, just as the law of fraud has been expanded, just as the law of restraint of trade has been developed, and to make "unfair methods of competition" a vital, elastic principle of the law, which is the only thing that makes the developing process of the common law worth having in this country. [Applause on the Democratic side.]

Mr. GREEN of Iowa. Does the gentleman contend that in respect to criminal matters the criminal law with reference to fraud and false pretenses has been changed?

Mr. COVINGTON. Yes; times without number.

Mr. STEVENS of Minnesota. Will the gentleman allow me a question?

Mr. COVINGTON. Yes; I yield to the gentleman.

Mr. STEVENS of Minnesota. Does the gentleman recall the fact that he brought to me a textbook on the subject of "unfair competition"?

Mr. COVINGTON. I do. I recall that I brought to the gentleman from Minnesota such a book, not knowing before I gave it to him that there was such a volume of law in existence—a textbook written by a gentleman whom I understand to be a fine legal specialist and one of the best lawyers in the city of New York—a book entitled "Nims on Unfair Competition," in which the author discusses exhaustively the whole subject that we start out with as a distinct and well-established principle of law.

Mr. STEVENS of Minnesota. Is the gentleman aware of the fact that that textbook contains a list of fifteen hundred cases on that subject, covering 30 solid pages, devoted to the defining and explaining of those cases?

Mr. COVINGTON. Yes; and I thank the gentleman for that question. I knew that he had examined the extent to which the author had dealt with the subject with some care, and I am glad to have him point out how extensive have been the court decisions on the subject. Those cases deal with every conceivable variety of act that appeals to the courts as "unfair methods of competition."

And, by the way, I call the attention of the gentleman from Iowa to a distinguished former colleague of his whom I regard as one of the ablest lawyers that ever sat in this House, Judge Walter I. Smith, now a judge of the district court of the United States for the State of Iowa. When he handed down his opinion, not yet printed, but of which the advance sheets have been issued, in the International Harvester case, he referred to the group of practices in the Government complaint as violative of the law because unfair methods of competition.

Mr. GREEN of Iowa. And already covered by the Sherman law.

Mr. COVINGTON. But, if the gentleman please, the Sherman law contains nothing except the statement that those acts constituting restraint of trade or monopoly shall be restrained and the perpetrators punished, but it leaves the character of the illegal acts to the definition of the courts. We are seeking here not to enter into any unknown or speculative realm of the law but to deal, as we ought to deal, with those practices of unfair trade in their incipient stages which if left untrammeled and uncontrolled become the acts which constitute in their culmination restraint of trade and monopoly and the groundwork of the trusts which have menaced us industrially. [Applause.]

Mr. Speaker, I wish the gentleman from Minnesota [Mr. STEVENS] and the gentleman from Illinois [Mr. MANN] to have some time in which to discuss this measure, and therefore I shall have to ask to be allowed to proceed without further interruption.

Now, Mr. Speaker, whatever we may think of the English colonial governments, they are controlled by very able men and their statutes are usually fine specimens of legal draftsmanship. The Australian act for the preservation of industries and the repression of monopolies, originally passed in 1906, provides:

> Any person who, either as principal or as agent, makes or enters into any contract, or is or continues to be a member of or engages in any combination in relation to trade or commerce with other countries or among the States—(a) in restraint of or with intent to restrain trade or commerce; or (b) to the destruction or injury of or with intent to destroy or injure by means of unfair competition any Australian industry, the preservation of which is advantageous to the Commonwealth, having due regard to the interests of producers, workers, and consumers, is guilty of an offense.

Farther on it says:

> For the purposes of section 4—

And what I have read is from section 4—

> and section 10 of this act, unfair competition means competition which is unfair in the circumstances.

And the validity of this act was specifically upheld by the Privy Council in 1913 in the case of Attorney General *v.* The Adelaide Steamship Co. (Ltd.) (Privy Council, 1913, App. Cases, 781).

The idea that "unfair competition" is a term so vague as to be meaningless was, in fact, soon abandoned by those in the Senate who originally held to that view.

But the opponents of remedial legislation of this sort were most persistent, and it then began to be asserted that unfair competition has a very definite meaning in the law, and one distinguished Senator made an extensive speech to show that there was a very clear line of cases defining the practices which are known as "unfair competition." The argument was advanced that the expression is a clear, definite, legal expression, but that its scope by the courts is limited to trade-mark cases, or those in which, without reference to the existence or nonexistence of a trade-mark, the "palming off" of goods was the particular offense.

I have not now the time to go into a very careful analysis of trade-mark or "palming-off" cases. However, one of the most important of them is the Coca Cola Co. *v.* Gay-Ola Co. (200 Fed. Rep., 720). It was there held that the manufacture and sale of an article in close imitation of the defendant's product, with the evident purpose of deceiving consumers, constituted unfair competition and should be enjoined. There is not a suggestion in the case that unfair competition is confined to the kind of practice described in the complaint.

It is a fact that in both trade-mark suits and in those where the complaint is that the defendant is palming off his goods for those of the complainant it has come to be the practice to apply the term "unfair competition" to cases which equity will enjoin, but there is absolutely nothing in the cases to show that the term is applied exclusively to such cases. They are merely two kinds of unfair competition.

Upon this subject I want to call the attention of the House to the statement of Senator HOLLIS, of New Hampshire, in his very able speech elucidating the subject of unfair competition, in the Senate on July 15 last:

> I have carefully examined many of the cases cited by the Senator to establish the point that the term "unfair competition" is confined in law exclusively to the practice of substituting one kind of goods for another. None of these cases supports the Senator's proposition. All of them, it is true, are cases in which the complainant sought to prevent the defendant from "palming off" his own goods in place of the complainant's. It was held in each case that such practices do legally constitute "unfair competition," but no case holds that "unfair competition" is limited to this class of trade deception. Any such declaration would be at best obiter dictum, for that point could not, from the nature of the case, be involved in the decision of the suit. It was for the court to decide in each instance whether the particular case came within the law against unfair competition, not whether some other case lay outside it.

Mr. Speaker, much as it may seem a novel proposition of law to those who have not investigated the subject, the term "unfair competition" or "unfair methods of competition" has a sufficiently definite meaning in law to be enforced when constituting the prohibition of a statute. And while most of the earlier cases related to the infringement of trade-marks, the term may be said now to embrace those unjust, dishonest, and inequitable practices by which one seeks to destroy or injure the business of a competitor.

In discussing the growth of the law of "unfair competition" the Encyclopedia of Law, volume 28, page 328, says:

> The law of unfair competition, including trade-marks and trade names, is of comparatively recent origin. The early cases fully recognized this doctrine, but as unfair competition by means of the imitation or infringement of trade-marks covered by far the most numerous class of cases presented, the courts fell into the practice of deciding all cases upon the doctrines of trade-mark law, and to a greater or less extent lost sight of the broader principles of unfair competition. * * * This law of trade-marks became specialized, and the law of unfair competition remained in abeyance, or, if recognized at all, was not recognized to its full extent or under that name, relief when afforded being "upon principles analogous to trade-marks." * * * The law of trade-marks, however, has been too thoroughly specialized and crystallized by statutes and decisions to become wholly merged in the law of unfair competition.

Nims on Unfair Business Competition, page 1, is as follows:

> In the digests one usually finds unfair-competition cases under the general head of trade-marks. This is misleading, for the law of trade-marks does not include unfair competition, but, rather, the law that governs trade-marks and infringements of them is but a part of the law regulating unfair and dishonest competition and trade.
>
> This misconception of the true meaning and scope of the doctrine of unfair competition may cause some to take issue with the writer on the correctness of including in a book bearing the title of Unfair Competition some of the classes of cases here included. It is believed, however, that the bar will be called upon more and more frequently to protect traders whose business is threatened with injury or destruction from many sorts of dishonest or unfair competition besides those arising out of trade-marks and trade names. Referring to the development of unfair-competition law, W. K. Townsend says: "Not yet fully adopted by all the courts, still to be developed in its application to particular circumstances and conditions, this broad principle of business integrity and common justice is the product and the triumph of the development of the law of trade-marks in the last half century and the bulwark which makes possible and protects the world-wide business reputations common and growing more common in this new country."
>
> Unfair competition is not confined to acts directed against the owners of trade-marks or trade names, but exists wherever unfair means are used in trade rivalry. Equity looks not at what business the parties before the court are engaged in, but at the honesty or dishonesty of their acts. It is unfair to pass off one's goods as those of another person; it is unfair to imitate a rival's trade name or label; but he who seeks to win trade by fair means or foul is not limited to these methods. He may copy and imitate the actual goods made or sold by a competitor; he may libel or slander these goods, make fraudulent use of a family name, of trade secrets, of corporate names, of signs, of threats of action; he may construct buildings which are reproductions of peculiar

buildings of a rival, thus producing confusion in the minds of purchasers, which enables him to purloin his rival's trade, and in a hundred other unfair ways secure another's trade. All acts done in business competition are either fair or fraudulent, equitable or inequitable, whether they relate to marks or not; and it is believed that the question of trade-marks will soon be lost sight of in discussing unfair competition, in the problem of securing, through the principles of equity, full protection to every merchant against unfair business methods.

And farther on in his work the same author (Nims on Unfair Business Competition, p. 385) says:

There are many ways other than by interference with contract, of harassing, interfering with, and obstructing a competitor in such a manner as to amount to unfair competition in the broadest sense of the term.

In support of that proposition cases are cited as follows:

In Sperry Hutchinson Co. *v.* Louis Weber Co. (161 Fed. Rep., 219) the complainant was held entitled to an injunction to prevent defendant from interfering with its business of issuing trading stamps by inducing the violation of contracts with it.

In Evenson *v.* Spaulding (150 Fed. Rep., 517) Spaulding manufactured buggies and wagons in Iowa and sold them, through itinerant salesmen, to farmers and others in the State of Washington. An association of hardware dealers in the State of Washington employed agents to follow Spaulding's salesmen, to interrupt their conversations with farmers and dissuade the latter by false statements and otherwise from buying Spaulding's goods, and in various ways to intimidate and interfere with the salesmen. This was held an unwarranted attempt to destroy complainant's business and an injunction was granted.

In Standard Oil Co. *v.* Doyle (118 Ky., 662) an injunction was issued against the Standard Oil Co. under these circumstances: Its agents attempted to ruin the business of Doyle by making false representations to his customers and by threats and intimidations. It also harassed his employees by following and interfering with them and offering his customers oil at a lower rate or for nothing.

In Commercial Acetylene Co. *v.* Avery Portable Lighting Co. (152 Fed. Rep., 642) the bringing of a multiplicity of suits, started not in good faith, but for the purpose of deterring the public from purchasing from a rival and of ruining his trade, was enjoined.

In the case of the Standard Oil Co. *v.* United States (221 U. S.) the Supreme Court used this language:

Without attempting to follow the elaborate averments on these subjects spread over 57 pages of the printed record, it suffices to say that such avermenets may properly be grouped under the following heads: * * * unfair practices against competing pipe lines; * * * unfair methods of competition, such as local price-cutting at the points where necessary to suppress competition.

In United States *v.* Patterson (205 Fed. Rep., 292) there was an indictment of officers of the National Cash Register Co. for violation of the Sherman Antitrust Act. The indictment set out 11 methods of unfair competition. The defendants claimed that the alleged unlawful acts were committed against infringers of patents owned by the National Cash Register Co., and were therefore lawful. The court denied this claim, holding that a patentee for the protection of his rights under the patent is limited to the pursuit of his legal remedies in the Federal courts. The court, Hollister, J., said, at page 300:

The doctrine asserted in this case for the first time, that the rights of the patentee are of such character that those operating under them may agree, in order to protect them, to engage in acts of unlawful competition such as are charted in this case, and even to burn their competitor's factory or destroy the competing—as they believe, infringing—machines by violence * * * I am unable to agree with.

Aside from that one instance, however, there has been no evidence tending to show actual violence to a competitor's cash register in the possession of one of its customers. Therefore the argument of counsel for defendants goes further, with that one exception, than the acts of unfair competition the evidence for the Government tends to prove. But the principle is the same, whether the acts of unfair competition were acts of violence upon competitor's cash registers themselves or acts falling short of actual violence.

In United States *v.* American Tobacco Co. (221 U. S., 106), in the argument for the United States, the Attorney General (Wickersham) and Mr. James C. McReynolds, we find, at page 122:

Moreover, if important, the evidence clearly establishes that the defendants' actions have been characterized by duress and unfair and oppressive methods.

In the same case in the lower court, United States *v.* American Tobacco Co. (164 Fed. Rep., 702), in opinion of Lacombe, J.:

There is an absence of persuasive evidence that by unfair competition or improper practices independent dealers have been dragooned into giving up their individual enterprises and selling out to the principal defendant.

In the very recent case of the United States against International Harvester Co., in the United States district court for Minnesota, decided August 2 last, and to which I have already referred, Judge Walter I. Smith said:

While the evidence shows some instances of attempted oppression of the American trade by the International and the American companies, such cases are sporadic, and in general their treatment of their smaller competitors has been fair and just, and if the International and American companies were not in themselves unlawful, there is nothing in the history of the expanding of the lines of manufacture, so as to make an all-the-year-around business, that could be condemned.

Judge Hook, concurring, said:

In the main the business conduct of the company toward its competitor has been honorable, clean, and fair.

Judge Sanborn, dissenting, said:

The evidence in this suit seems to me to present a new case under the antitrust law. No case has been found in the books, and none has come under my observation, in which the absence of all the evils against which that law was directed at the time the suit was brought and for seven years before was so conclusively proved as in this suit, the absence of unfair or oppressive treatment of competitors, of unjust or oppressive methods of competition, the absence of the drawing of an undue share of the business away from competitors and to the defendants, the absence of the raising of prices of the articles affected to their consumers, the absence of the limiting of the product, the absence of the deterioration of the quality, the absence of the decrease of the wages of the laborers and of the prices of materials—the absence, in short, of all the elements of undue injury to the public and undue restraint of trade, together with the presence of free competition which increased the share of the competitors in the interstate trade and decreased the share of the defendants.

But, Mr. Speaker, it is a recognized fact that there may be many controversies between competitors over the fairness or unfairness of methods of competition with which the public can have no concern. The trade practice or act may not even indirectly be to the detriment of the public. In such cases competitors properly ought to be left to their ordinary legal remedies through the courts. And this was the thought of those Senators who most carefully considered this bill in the Senate. Senator CUMMINS, of Iowa, said:

We have chosen to report a rule for the trade commission in the language which has been suggested, namely, "unfair competition." It is that competition which is resorted to for the purpose of destroying competition, of eliminating a competitor, and of introducing monopoly. That is the "unfair competition" in its broad sense which this bill endeavors to prevent. * * * The unfairness must be tinctured with unfairness to the public, not merely with unfairness to the rival or competitor. * * * We are not simply trying to protect one man against another; we are trying to protect the people of the United States, and of course there must be in the imposture or in the vicious practice or method something that has a tendency to affect the people of the country or be injurious to their welfare. (CONGRESSIONAL RECORD, June 25, 1914, pp. 12150–12151.)

And Senator HOLLIS, of New Hampshire, later on said:

One of the great issues in the last presidential campaign was whether the solution of the trust problem was to be found in the regulation of monopoly or in the regulation of competition. The Democratic Party declared itself for the abolition of monopoly and the regulation of competition. The regulation of competition means the prevention of competition that destroys for the purpose of gaining monopoly, and so is harmful to the public—the prevention, in short, of unfair competition. The Sherman Act is adequate for the abolition of monopoly; it is, however, but imperfectly adequate for the regulation of competition. The present Congress is charged with the duty of supplying the defect in the law. (CONGRESSIONAL RECORD, July 15, p. 13223.)

As the bill passed the Senate there was not, however, any limitation in section 5, relating to unfair competition, directing the trade commission to deal with cases only where a public interest is involved, so the conferees agreed to insert a provision that the commission shall act—

if it shall appear to the commission that a proceeding by it in respect thereof would be to the interest of the public.

That prevents the commission from becoming a clearing house to settle the everyday quarrels of competitors, free from detriment to the public, which should be adjusted through the ordinary processes of the courts.

Some of the few extreme opponents of section 5 have, however, declared that it is unconstitutional, because it involves a delegation of legislative power to the Federal trade commission. Happily there are not many persons left who advance that view; but in order to clear up the point once for all I give to the House a few decisions which I think absolutely settle that question.

In Butterfield *v.* Stranahan (192 U. S., 470) the act of Congress was directed against the importers of inferior tea. The language of the act was that it should be unlawful—

to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section 3 of this act, and the importation of all such merchandise is hereby prohibited.

Section 2 provides for the appointment by the Secretary of the Treasury, immediately after the passage of the act and on or before February 15 of each subsequent year, of the board of tea experts, "who shall prepare and submit to him standard samples of tea" which were not inferior in purity. The validity of the law was challenged on the ground that it was an undue

delegation of legislative power, and that it was so vague that it did not fix rational and enforceable limits, and therefore was not such a statute as a court could enforce. Chief Justice White, in rendering the opinion in that case, said:

The claim that the statute commits to the arbitrary discretion of the Secretary of the Treasury the determination of what teas may be imported, and therefore, in effect, vests that official with legislative power, is without merit. We are of opinion that the statute, when properly construed, as said by the Circuit Court of Appeals, but expresses the purpose to exclude the lowest grades of tea, whether demonstrably of inferior purity or unfit for consumption or presumably so because of their inferior quality. This, in effect, was the fixing of a primary standard, and devolved upon the Secretary of the Treasury the mere executive duty to effectuate the legislative policy declared in the statute. The case is within the principle of Field *v.* Clark (143 U. S., 649), where it was decided that the third section of the tariff act of October 1, 1890, was not repugnant to the Constitution as conferring legislative and treaty-making power on the President, because it authorized him to suspend the provisions of the act relating to the free introduction of sugar, molasses, coffee, tea, and hides. We may say of the legislation in this case, as was said of the legislation considered in Field *v.* Clark, that it does not, in any real sense, invest administrative officials with the power of legislation. Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty would, in effect, amount but to declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted.

In Union Bridge Co. *v.* United States (204 U. S., 365), section 18 of the river and harbor act of March 3, 1899, provides that whenever the Secretary of War shall have reason to believe that any bridge over any navigable waterway of the United States is an unreasonable obstruction to the free navigation of such waters, it shall be his duty, after hearing, to order alteration of the bridge so as to render navigation unobstructed, specifying changes to be made, and prescribing reasonable time in which to make them. Willful failure to obey the order is made a criminal misdemeanor.

This statute does not delegate legislative power. Harlan, J., page 385:

It would seem too clear to admit of serious doubt that the statute under which the Secretary of War proceeded is in entire harmony with the principles announced in former cases. In no substantial, just sense does it confer upon that officer as head of an executive department powers strictly legislative or judicial in their nature, or which must be exclusively exercised by Congress or by the courts. * * * As appropriate to the object to be accomplished, as a means to an end within the power of the National Government, Congress, in execution of a declared policy, committed to the Secretary of War the duty of ascertaining all the facts essential in any inquiry whether particular bridges over the waterways of the United States were unreasonably obstructions to free navigation.

Congress could have determined the fact itself, but this was impracticable because Congress has so much else to do. The court further said:

By the statute in question Congress declared in effect that navigation should be freed from unreasonable obstructions arising from bridges of insufficient height, width of span, or other defects. It stopped, however, with this declaration of a general rule and imposed upon the Secretary of War the duty of ascertaining what particular cases came within the rule prescribed by Congress, as well as the duty of enforcing the rule in such cases. In performing that duty the Secretary of War will only execute the clearly expressed will of Congress, and will not, in any true sense, exert legislative or judicial power.

In United States *v.* Grimaud (220 U. S., 506) the acts relating to forest reservations show that they were intended "to improve and protect the forest and to secure favorable conditions of water flows." It was declared that the acts should not be "construed to prohibit the egress and ingress of actual settlers" residing therein nor "to prohibit any person from entering the reservation for all proper and lawful purposes, provided that such persons comply with the rules and regulations covering such forest reservation." It was also declared that the Secretary of Agriculture "may make such rules and regulations and establish such service as will insure the objects of such reservation, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished," as provided in Senate bill 5388. (Ch. 3, p. 1044, Rev. Stats., as amended.)

This case arose on indictment for grazing sheep on reservation without having obtained permission required by the regulations adopted by the Secretary of Agriculture. Demurrer was sustained, and Government sued out writ of error to Supreme Court. Defendants in error argued (1) that the law was unconstitutional, because it did not sufficiently define or define at all what acts done or omitted to be done within the supposed purview of the said act should constitute an offense or offenses against the United States; (2) the law is unconstitutional, as it is not within the power of Congress to delegate to the Secretary of Agriculture authority or power to determine what acts shall be criminal; and the act in question is a delegation of legislative power to an executive officer to define and establish what shall constitute the essential elements of a crime against the United States.

The Supreme Court reversed the judgment of the court below (Lamar, 585):

Under these acts, therefore, any use of the reservation for grazing or other lawful purpose was required to be subject to the rules and regulations established by the Secretary of Agriculture. To pasture sheep and cattle on the reservation at will and without restraint might interfere seriously with the accomplishment of the purposes for which they were established. But a limited and regulated use for pasturage might not be inconsistent with the object sought to be attained by the statute. The determination of such questions, however, was a matter of administrative detail. What might be harmless in one forest might be harmful to another. What might be injurious at one stage of timber growth, or at one season of the year, might not be so at another. In the nature of things it was impracticable for Congress to provide general regulations for these various and varying details of management. Each reservation had its peculiar and special features; and in authorizing the Secretary of Agriculture to meet these local conditions Congress was merely conferring administrative functions upon an agent, and not delegating to him legislative power.

Page 517:

From the beginning of the Government various acts have been passed conferring upon executive officers power to make rules and regulations; not for the government of their departments, but for administering the laws which did govern. None of these statutes could confer legislative power. But when Congress had legislated and indicated its will, it could give to those who were to act under such general provisions "power to fill up the details" by the establishment of administrative rules and regulations the violation of which could be punished by fine or imprisonment fixed by Congress, or by penalties fixed by Congress, or measured by the injury done.

Thus it is unlawful to charge unreasonable rates or to discriminate between shippers; and the Interstate Commerce Commission has been given authority to make reasonable rates and to administer the law against discrimination. (Int. Com. Comn. *v.* I. C. R. R., 215 U. S., 452; Int. Com. Comn. *v.* C. R. I., etc. R. R., 218 U. S., 88.) Congress provides that after a given date only cars with drawbars of uniform height should be used in interstate commerce, and then constitutionally left to the commission the administrative duty of fixing a uniform standard. (St. L. & I. M. R. R. *v.* Taylor, 210 U. S., 281, 287; In Union Bridge Co. *v.* U. S., 204 U. S., 364; In re Kollock, 165 U. S., 526; Buttfield *v.* Stranahan, 192 U. S., 470.) It appeared from the statutes involved that Congress had either expressly or by necessary implication made it unlawful, if not criminal, to obstruct navigable streams, to sell unbranded oleomargarine, or to import unwholesome teas. With this unlawfulness as a predicate, the executive officers were authorized to make rules and regulations appropriate to the several matters covered by the various acts. A violation of these rules was then made an offense punishable as prescribed by Congress. But in making these regulations the officers did not legislate. They did not go outside of the circle of that which the act itself had affirmatively required to be done or treated as unlawful if done. But, confining themselves within the field covered by the statute, they could adopt regulations of the nature they had thus been generally authorized to make in order to administer the law and carry the statute into effect.

Mr. Speaker, the rule of law which the trade commission will administer is the rule declaring unfair competition to be unlawful. In enacting that rule Congress will clearly indicate the result it desires to bring about; and in enforcing the rule so as to bring about the result pointed out by the statute, the commission will exercise administrative and not legislative power.

With the proposition settled of dealing with unfair competition detrimental to the public and potential for restraint of trade or monopoly, by a prohibition such as this act contains, there was raised a very live question among the conferees. The original bill as reported to the Senate provided arbitrarily for the issue of the order of the commission against a corporation alleged to be using unfair competition and left to the courts the determination of the extent of their right of review.

This was so indefinite and uncertain that in the Senate various propositions were offered as amendments, setting out how the commission should conduct its hearings, how the orders of the commission should be enforced in the courts, and to what extent the questions involved in orders should be reviewed or retried by the courts. The discussion reverted to the old controversy between a "broad review" and a "narrow review," which was such a live issue at the time of the passage of the Hepburn Act amending the act to regulate commerce, in 1906, and finally the procedure analogous to that relating to the review of the orders of the Interstate Commerce Commission was adopted on the final vote in the Senate.

Assuming that such a review as is provided by the Hepburn Act is desirable, which I personally do not believe, nevertheless a careful analysis of the powers to be exercised by the trade commission shows that there is a very grave question whether a restricted review of orders, similar to that under the Hepburn Act, would not involve an unconstitutional delegation of judicial power. If this is true, it would be wiser, in the case of the Federal trade commission, not to follow the Hepburn Act, but in other ways to limit the power of the courts to review the orders of the commission just as much, but no more, than the Constitution certainly permits. There is a fundamental difference between the nature of the power exercised by the Interstate Com-

merce Commission in issuing orders under the Hepburn Act and the nature of the power which will be exercised by the Federal trade commission in issuing orders with regard to unfair competition.

The Hepburn Act empowers the Interstate Commerce Commission to prescribe the rates to be charged in future. That power is legislative in its nature. Courts can not interfere with the constitutional exercise of legislative power. That is the ground upon which the limitation of the power of the courts to review orders of the Interstate Commerce Commission issued under the Hepburn Act has been sustained. (Prentis *v.* Atlantic Coast Line, 211 U. S., 210; Interstate Commerce Commission *v.* Illinois Central R. R., 215 U. S., 452; Philadelphia, etc., Ry. Co. *v.* I. C. C., 174 Fed. Rep., 687, 688; Southern Pac. Co. *v.* I. C. C., 177 Fed. Rep., 963, 964.)

The Federal trade commission will have no power to prescribe the methods of competition to be used in future. In issuing its orders it will not be exercising power of a legislative nature. The basis, therefore, upon which the validity of the "narrow" court review provided by the Hepburn Act rests will be lacking.

The function of the Federal trade commission will be to determine whether an existing method of competition is unfair, and, if it finds it to be unfair, to order the discontinuance of its use. In doing this it will exercise power of a judicial nature. Under the Constitution power to act finally in a judicial capacity can be conferred only upon a court. (Kilbourn *v.* Thompson, 103 U. S., 168.)

For the reason stated, there is no analogy between the power of the Interstate Commerce Commission under the Hepburn Act and the power of the Federal trade commission in regard to unfair competition. There is, however, a perfect analogy between the former power of the Interstate Commerce Commission under the Cullom Act and the power of the Federal trade commission. Under the Cullom Act the Interstate Commerce Commission had the power only to determine whether an existing rate was unreasonable, and, if it so found, to order the railroad to cease and desist from charging that rate. The Federal trade commission will have precisely similar power in regard to an existing method of competition. It is instructive, therefore, to examine the decisions in cases arising under the Cullom Act, bearing in mind that the orders of the commission under that act were not final, but were subject to review by the courts.

In the Maximum Rate case (I. C. C. *v.* Cincinnati, etc., R. R. Co., 167 U. S., 477), which arose under the Cullom Act, the court, by Mr. Justice Brewer, at page 499, said:

> It is one thing to inquire whether the rates which have been charged and collected are reasonable—that is a judicial act; but an entirely different thing to prescribe rates which shall be charged in the future—that is a legislative act.

And at page 501:

> The power given is the power to execute and enforce, not to legislate. The power given is partly judicial, partly executive and administrative, but not legislative.

In Western Union Telegraph Co. *v.* Myatt (99 Fed. Rep., 335) Judge Hook said, page 342:

> The legislative prerogative is the power to make the law; to prescribe the regulation or rule of action. The jurisdiction of the courts is to construe and apply the rule or regulation after it is made. The two functions are essentially and vitally different.

And again, at page 352:

> Its [the legislature's] acts, generally speaking, are prospective in their operation, while the jurisdiction of courts is exercised upon past or existing conditions.

In an early case (Kentucky & I. Bridge Co. *v.* Louisville & Nashville Railroad Co., 37 Fed. Rep., 567) decided by Judge Jackson, afterwards a justice of the Supreme Court, a railroad company contended that the Cullom Act was unconstitutional because it delegated judicial power to the commission, which was not a court. The court decided that the contention was unfounded because the orders of the commission were not final or binding, but could be enforced only by the courts and were subject to review by the courts. Judge Jackson said (pp. 612–613):

> While the commission possesses and exercises certain powers and functions resembling those conferred upon and exercised by regular courts, it is wanting in several essential constituents of a court. Its action or conclusion upon matters of complaint brought before it for investigation, and which the act designates as the "recommendation," "report," "order," or "requirement" of the board, is neither final nor conclusive; nor is the commission invested with any authority to enforce its decision or award. Without reviewing in detail the provisions of the law we are clearly of the opinion that the commission is invested with only administrative powers of supervision and investigation, which fall far short of making the board a court or its action judicial, in the proper sense of the term. The commission hears, investigates, and reports upon complaints made before it involving alleged violations of or omission of duty under the act; but subsequent judicial proceedings are contemplated and provided for, as the remedy for the enforcement, either by itself or the party interested, of its order or report in all cases where the party complained of or against whom its decision is rendered does not yield voluntary obedience thereto.

Judge Jackson further said:

> The functions of the commission are those of referees or special commissioners appointed to make preliminary investigation of and report upon matters for subsequent judicial examination and determination. In respect to interstate-commerce matters covered by the law, the commission may be regarded as the general referee of each and every circuit court of the United States upon which the jurisdiction is conferred of enforcing the rights, duties, and obligations recognized and imposed by the act.

Manifestly if the Cullom Act had attempted to give to the orders of the Interstate Commerce Commission the binding force which the Hepburn Act gives them, the court would have held that this involved an unconstitutional delegation of judicial power.

The following quotation is taken from an article by Charles A. Prouty, formerly a member of the Interstate Commerce Commission, entitled "Court review of the orders of the Interstate Commerce Commission" (18 Yale Law Journal, 297, at p. 300):

> The wide difference between the function of the commission under the present act and its functions under the original statute must be clearly apprehended. Before the last amendment it was entirely an administrative or quasi-judicial body. It was required to find certain facts and to draw its conclusions from those facts. Its facts and conclusions were by the terms of the act itself made subject to the approval of the courts. As was said by one circuit court, speaking through a judge afterwards a member of the Supreme Bench, the commission was in essence a master in chancery to the court, and while the court would give to its findings and conclusions the respect due to those of an expert body, they were still always subject to review by the court itself. The domain of the commission and the domain of the courts were the same.
>
> To-day in the fixing of a future rate this is entirely otherwise. The commission acts not in the present, but in the future. It is not an arm of the court, but of the legislature.

In Prentis *v.* Atlantic Coast Line (211 U. S., 210) the Supreme Court analyzes the difference between judicial and legislative power and clearly indicates the test by which they are to be distinguished. In that case it appeared that the railroad commission of the State of Virginia had prescribed certain railroad rates to be charged in the future. The railroads sued in a Federal court to set aside the order of the commission. The defense of the commission was that it had acted as a court, and that under section 720 of the Revised Statutes a Federal court has no right to interfere with the action of a State court. The Supreme Court, however, held that the commission in fixing a rate for the future did not act as a court, but exercised legislative power. The court, by Mr. Justice Holmes, said, pages 226 and 227:

> But we think it equally plain that the proceedings drawn in question here are legislative in their nature, and none the less so that they have taken place with a body which at another moment, or in its principal or dominant aspect, is a court such as is meant by 720. A judicial inquiry investigates, declares, and enforces liabilities as they stand on present or past facts and under laws supposed already to exist. That is its purpose and end. Legislation, on the other hand, looks to the future and changes existing conditions by making a new rule to be applied thereafter to all or some part of those subject to its power. The establishment of a rate is the making of a rule for the future, and therefore is an act legislative, not judicial, in kind, as seems to be fully recognized by the supreme court of appeals (Commonwealth *v.* Atlantic Coast Line Ry. Co., 106 Va., 61, 64), and especially by its learned president in his pointed remarks in Winchester and Strasburg R. R. Co. and others *v.* Commonwealth (106 Va., 264, 281). See, further, Interstate Commerce Commission *v.* Cincinnati, New Orleans & Texas Pacific Ry. Co. (167 U. S., 479, 499, 500, 505); San Diego Land & Town Co. *v.* Jasper (189 U. S., 439, 440).
>
> Proceedings legislative in nature are not proceedings in a court within the meaning of Revised Statutes, section 720, no matter what may be the general or dominant character of the body in which they may take place (Southern Ry. Co. *v.* Greensboro Ice & Coal Co., 134 Fed. Rep., 82, 94, affirmed sub. nom.: McNeill *v.* Southern Ry. Co., 202 U. S., 543.) That question depends not upon the character of the body, but upon the character of the proceedings. (Ex parte Virginia, 100 U. S., 339, 348.) They are not a suit in which a writ of error would lie under Revised Statutes, section 709, and act of February 18, 1875. (Chap. 80, 18 Stat., 318.) (See Upshur County *v.* Rich, 135 U. S., 467; Wallace *v.* Adams, 204 U. S., 415, 423.) The decision upon them can not be res judicata when a suit is brought. (See Regan *v.* Farmers Loan & Trust Co., 154 U. S., 362.) And it does not matter what inquiries may have been made as a preliminary to the legislative act. Most legislation is preceded by hearings and investigations. But the effect of the inquiry and of the decision upon it is determined by the nature of the act to which the inquiry and decision lead up. A judge sitting with a jury is not competent to decide issues of fact; but matters of fact that are merely premises to a rule of law he may decide. He may find out for himself, in whatever way seems best, whether a supposed statute ever really was passed. In Pickering *v.* Barkley (Style, 132) merchants were asked by the court to state their understanding as an aid to the decision of a demurrer. The nature of the final act determines the nature of the previous inquiry. As the judge is bound to declare the law he must know or discover the facts that establish the law. So when the final act is legislative the decision which induces it can not be judicial in the practical sense, although the questions considered might be the same that would arise in the trial of a case. If a State constitution should provide for a hearing before any law should be passed, and should declare that it should be a judicial proceeding in rem and the decision binding upon all the world, it is hardly to be supposed that the simple device could make the constitutionality of the law res judicata, if it subsequently should be drawn in question before a court of the United States. And all that we have said would be equally true if an appeal had been taken to

the Supreme Court of Appeals and it had confirmed the rate. Its action in so doing would not have been judicial, although the questions debated by it might have been the same that might come before it as a court, and would have been discussed and passed upon by it in the same way that it would deal with them if they arose afterwards in a case properly so called.

In Baer Bros. *v.* Denver & Rio Grande Railroad (233 U. S., 479) the court, by Mr. Justice Lamar, said, at page 486:

> But awarding reparation for the past and fixing rates for the future involve the determination of matters essentially different. * * * One is made by the commission in its quasi judicial capacity to measure past injuries sustained by a private shipper, the other in its quasi legislative capacity to prevent future injury to the public.

It is to be remembered that the orders of the commission awarding reparation are not binding and final.

It is argued that the power of the Federal trade commission to issue final orders may be sustained upon the authority of cases which have decided that Congress may delegate to an administrative official power to determine some fact or state of things upon which the enforcement of its enactment depends. Thus, under the Chinese-exclusion act it was held that the immigration officials had power to decide finally the fact that a person seeking admission was not a citizen of the United States. (United States *v.* Ju Toy, 198 U. S., 253.) Where, however, the question of alienage or citizenship is dependent upon a matter of law and not a determination purely of fact, the matter will be reviewed by the courts. So in Gonzales *v.* Williams (192 U. S., 1), the court overruled the determination of the immigration officials and decided that a native of Porto Rico, who was an inhabitant of that island at the time of its cession to the United States, upon her arrival at a port in this country was entitled not to be treated as an alien immigrant within the meaning of the act of Congress of 1891.

It would seem clear that the determination of the question whether a method of competition is unfair is not a determination purely of fact, but necessarily involves the determination of a question of law. The Federal trade commission will, it is true, have to pass upon many complicated issues of fact, but the ultimate question for decision will be whether the facts found constitute a violation of the law against unfair competition. In deciding that ultimate question the commission will exercise power of a judicial nature. Its action will not be analogous to the act of an executive officer in determining the fact that a person is not a citizen of the United States (U. S. *v.* Ju Toy, supra), or that tea which is sought to be imported does not measure up to the standard prescribed by Congress. (Buttfield *v.* Stranahan, 192 U. S., 470.) It will be analogous, as previously shown, to the action of the Interstate Commerce Commission under the Cullom Act in determining whether an existing rate is unreasonable and in some respects to the action of the Commissioner of Patents in awarding priority of invention to an applicant and adjudging him to be entitled to a patent. In Butterworth *v.* Hoe (112 U. S., 50) the Supreme Court held that the Commissioner of Patents acts in a quasi judicial capacity, and therefore his decision is not reviewable by his superior executive officer, the Secretary of the Interior, but only by a court. The court, by Mr. Justice Matthews, said, at page 59:

> The investigation of every claim presented involves the adjudication of disputed questions of fact, upon scientific or legal principles, and is therefore essentially judicial in its character and requires the intelligent judgment of a trained body of skilled officials expert in the various branches of science and art, learned in the history of invention, and proceeding by fixed rules to systematic conclusions.

United States *v.* Duell (172 U. S., 576) is a decision to the same effect.

Mr. Speaker, I simply want to say in conclusion that the conferees from both parties in this House and from both parties in the Senate approached this great subject of the creation of a Federal trade commission realizing that it was a subject fraught with momentous consequence to the business and the people of the country. They approached it in a spirit of broad-mindedness, in a spirit of complete absence of partisanship, with a firm determination to place upon the statute book as beneficent a piece of legislation as they could, to deal with the preservation of those competitive conditions of industry and business in this country which we all recognize as essential to our well-being. The conferees believe they have produced such a piece of legislation, and they submit this bill to you with the confident hope that it will be promptly adopted. At the time the original bill passed the House I made this statement:

> If this commission shall be created, the clear vision, ripe experience, and abiding patriotism of the President can be depended upon to select for its membership men of the character and capacity to make it in its field as great a success as the Interstate Commerce Commission.

With a commission of big and broad-minded men, firm for the enforcement of the law and wise in their judgment of business, the way will be cleared for healthy competition in this country for a long time to come. [Applause.]

Mr. RAYBURN. I yield such time to the gentleman from Minnesota [Mr. STEVENS] as he may desire. [Applause.]

Mr. STEVENS of Minnesota. I should like 10 minutes.

The SPEAKER. The gentleman from Minnesota is recognized for 10 minutes.

Mr. STEVENS of Minnesota. Mr. Speaker, I am very glad to join in this conference report, because I believe it is an act of beneficent legislation which will be the commencement of very great benefits to the commerce and to the people of this country. As the gentleman from Maryland [Mr. COVINGTON] has so well stated, the members of the Committee on Interstate Commerce and the members of the conference committee of both bodies and of all parties have approached this subject from a nonpartisan standpoint and have sought only to produce a measure which shall be of real service to the country. But I will beg the indulgence of the House for a few moments in analyzing it from a different standpoint than that of the gentleman from Maryland. Briefly, before that, I wish to refer to a partisan feature of this bill, and I do it for the benefit of those on the Republican side of the House.

As the Members of the House know, some of us on the Republican side—and I rather think, from the record of this Congress, on the Democratic side also—do not altogether fall down and worship party platforms. For my part, I have been very glad to assist some of our Democratic brothers in violating, or at least in not enforcing, some planks of their platform. For the welfare of the country, I think it is a patriotic thing to do. But at this time I wish to call the attention of the Members on this side of the House to the Republican platform on this subject, and then to this legislation, which exactly complies with the declaration of the platform, because much of the criticism of this measure has come from Republicans.

The Republican platform of the last Chicago convention contains a plank which reads as follows—and I will read it exactly as it is, in toto:

> FEDERAL TRADE COMMISSION.
>
> In the enforcement and administration of Federal laws governing interstate commerce and enterprises impressed with a public use engaged therein, there is much that may be committed to a Federal trade commission—
>
> Exactly the title of this measure—
>
> thus placing in the hands of an administrative board many of the functions now necessarily exercised by the courts. This will promote promptness in the administration of the laws and avoid delays and technicalities incident to court procedure.

That was the declaration of the last Republican national platform.

This measure conforms exactly with that declaration of the platform, so that Republicans, at least, can well afford to favorably consider it. It is in terms, in scope, and in substance exactly what the Republican national platform called for and advocated, and those Republicans who care to oppose this bill should do so with a full knowledge of the pledge of their party platform. There is nothing new as to any party violating pledges or platforms. So I do not criticize any Members on this side who believe such to be their duty. But I do wish to emphasize that the basis for this legislation is good Republican doctrine which we pledged to the people, and that in the formulation and support of it we are only keeping the faith of our party. I do not think it matters if it be also advocated by a Democratic President and passed by a Democratic Congress. Indeed, it is so much the better, because it is in this way an indorsement of the wisdom, statesmanship, and patriotism of Republican leadership, and that we have confidence in the good judgment of the people to discern who does the proper and patriotic things for the general benefit of the country. The President, his administration, and the Democratic House and Senate will receive and deserve commendation for this legislation, but in the main it will be because they had the good sense to adopt our policies and declarations. I call attention to this partisan view, not because it affects the merits of the measure or dictated the action of the Republican representatives on the committee, but because the main criticism has come from Republican sources.

SUBSTANCE OF BILL.

Now, I will outline briefly what we have done: In the first place, it is implied in and through this measure and as a basis for it that whatever business in this country holds itself out to the public as doing business for or with the public, furnishing facilities to or for the public or essentially affecting the public interest or welfare, is impressed with the public use, and for that reason is included within its scope and is subject to public regulation. That is the necessary implication in and basis of a measure of this kind. Then in the enforcement of the law this

commission does perform some functions which are now performed by the courts. I will state in another way what the gentleman from Maryland [Mr. COVINGTON] has so well and accurately stated. In this measure there is not one single function of public importance which is not now performed by some public authority, either by the executive or the legislative or by the judicial branches of our Government—not one single new subject in it.

The only thing this bill does or attempts is to correlate the different functions now performed by the different public authorities into one organization and make it a practical, efficient, harmonious organization of our Federal Government to work out a concededly beneficial purpose. A commission of this broad scope must necessarily embrace within itself functions or powers belonging to the three different departments of our Government—the executive, the legislative, and the judicial. That is the very purpose of its existence, else the work could be done, as now, by the separate bureaus or courts or committees having public powers. It is because they have not succeeded that this combination of functions is made.

BILL ANALYZED.

If the committee will bear with me, I will analyze briefly the different functions of this organization as to the different governmental branches. First, the executive. The commission will have the power, as provided now in the Bureau of Corporations, of gathering and compiling information and furnishing it to the business interests of the country. That is a very valuable function, and if well done and appreciated can be made very helpful, especially if performed by a commission of ability, power, and dignity, and if the proper machinery be afforded for the work. It can cooperate with the National Chamber of Commerce, which would seem to have a great opportunity and, we hope, a great future, and together they can be extremely beneficial to the business of the country.

Mr. COVINGTON. Will the gentleman permit an interruption?

Mr. STEVENS of Minnesota. Certainly.

Mr. COVINGTON. Is it not a fact that that very power was suggested in various forms to members of the committee of the House, to members of the committee of the Senate, and to the conferees as one that ought to be exercised in the broadest way in the interest of the business men themselves? Is not that one of the things which they expressly desired should be conferred on the commission?

Mr. STEVENS of Minnesota. Yes; and I am glad to have the gentleman state so clearly what was desired. Then there is the power to compel reports and give general public information, maybe of much value to the country. Another function which is given to the commission, which the business interests of this country desired, is that an opportunity is afforded to honest business interests desiring to come within the law and to obey the law in the conduct of their affairs to find out what ought to be done and how business should be legally and properly carried on. Some of the gentlemen who appeared before the Committees on Interstate Commerce, both of the House and the Senate—and, I presume, before the Judiciary Committees both of the House and the Senate—asked that power be given to the commission to give them practically an immunity in advance for business practices approved by the commission.

Mr. MADDEN. Will the gentleman yield?

Mr. STEVENS of Minnesota. If the gentleman will wait until I have finished this statement. Your committee believed that that should not be done, but that the business organizations of this country should have every facility to be furnished with the information, to be brought into proper contact with the public officials, that opportunity should be afforded them to have consultation in a proper way, in a legal way, so that their business might be conducted in accordance with the law. When that is done in good faith, we have no doubt that it will practically operate as an immunity. Public officials are not faithless and have no desire to harass honest men or business and injure or destroy honest industries. The contrary is the case, and I strongly believe this method of legal consultation and advice is all the immunity needed for honest business concerns. Experience may show that more may be required. But it is a good plan not to go too far or fast in such an important matter. We have provided for that important power in two different particulars—first, in section 6 (e), granting to the Attorney General the authority to use the commission to arrange for readjustments of business concerns, and, secondly, as to foreign trade in section 6 (n), where the same power is given with recommendations for legislative or executive action. We think these powers are broad and can be very helpful to our country's interests in the extension of our foreign commerce. We trust they will be exercised at once, and if experience shows that there should be a change or enlargement of powers as to this very important subject, Congress can then have the proper basis for its action.

Mr. MADDEN. I wanted to ask the gentleman whether the bill gives the commission the power to define the limits within which business can be conducted?

Mr. STEVENS of Minnesota. No; and yet, in a certain way, business may be within such an indefinable scope that that could not be done, or in consultation with the Department of Justice lines may be defined. It could be the same as to foreign commerce. If cooperation be necessary, the department here has authority to use the commission to lay down the lines for such wherever it should be necessary and not illegal.

Mr. MADDEN. I am speaking of a particular business.

Mr. STEVENS of Minnesota. Well, business changes as time changes; but a general method of advice, information, and assistance is provided which should be helpful. And when the commission and the Attorney General agreed upon a certain line of conduct, the concern which falls within it is in no great danger of prosecution.

Mr. MADDEN. Suppose the gentleman himself is doing a particular business and has some doubt as to the legality of the methods employed. Is it within the power of this commission to say what a legal method would be?

Mr. STEVENS of Minnesota. Yes; a business concern can do this: Its manager can go to the Attorney General and state: "We are doing this kind of a business; we are anxious to observe the law, and if we are doing anything wrong we want to be notified." The Attorney General can notify the commission, and the commission could take the matter up with the manager, ascertain conditions, necessities, and practices, and then can indicate how the business should be readjusted—I think that is the language of the bill—to conform to the law. The Attorney General could follow such advice as he pleased, and he probably would, if the commission shall be of high ability, character, and experience. So that practically the business world will be advised as to how it should conduct its business in a proper way. The same thing can be done in reference to foreign business, only to a larger degree, as special provision was made as to that subject. We did not desire to grant specific immunity in advance; but as to all else this bill does provide exactly as was desired by the business men who appeared. So the relief they desired is here provided——

Mr. TALCOTT of New York. Will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. TALCOTT of New York. I want to suggest that that is necessary because of the changing conditions under which business is now conducted, particularly the increased volume.

Mr. STEVENS of Minnesota. Yes. The gentleman is right. We must not lay down too rigid rules at the outset, or the commission might be swamped with troubles and the business world would suffer from too much and rigid regulation.

Mr. MADDEN. Will the gentleman yield again?

Mr. STEVENS of Minnesota. Certainly.

Mr. MADDEN. Do the conferees understand, and wish to have the House understand, that this does away with the Sherman law?

Mr. STEVENS of Minnesota. Not at all; it expressly does not. It is a method of enforcing it and making it more effective and prevent its misuse. We do not change any provision or substance of the Sherman law. That should be clearly understood.

Mr. TALCOTT of New York. It takes care of the tendencies toward violation of the Sherman law—acts which the Sherman law can not treat of.

Mr. STEVENS of Minnesota. The gentleman is accurate, as he always is, and states exactly the purpose of this bill; and I will come to that when I reach section 5—the judicial part of this bill.

The SPEAKER pro tempore. The gentleman has occupied 10 minutes.

Mr. RAYBURN. I will yield the gentleman five minutes more.

Mr. STEVENS of Minnesota. The same conditions will exist in the treatment of foreign trade. It is realized that the conditions as to competition, transportation, credits, and financing foreign trade are quite different than for domestic trade, and our Nation in competing with other nations in the Orient and at South America will be obliged to conform to existing conditions there and to competition there. Now, this bill provides that this commission shall examine that situation, shall communicate with Congress and with the President, and shall have power to allow the same method of readjustment as in domestic business, not changing any law or provision of

substantive law, but to indicate by information and assistance and advice how business can be carried on within the existing law. Where the high officials of the Government know the methods and necessities of business and can easily ascertain them, and conversely the managers have a proper method of seeking information so that they can adjust themselves to the requirements, they did not believe that many occasions would arise where it would be necessary to have a hard and fast order for immunity to inspire confidence in both officials and business managers. It is well to try this plan first to see if it be successful.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. WILLIS. While I approve in general of the conference agreement and shall vote for the bill on its final passage I wish to ask the gentleman a question about the definition of commerce. The gentleman will recall in the bill as passed by the House that commerce was defined as all "such commerce as Congress has power to regulate under the Constitution." The Senate bill has the same definition; but the conference report has the following provision:

"Commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

I am wondering what the reason was that led the conferees to provide in the conference agreement that the word "commerce" should be so defined as to exclude from the operations of the act commerce with the Canal Zone, Porto Rico, Guam, and the Philippines, yet at the same time including commerce with Alaska and Hawaii. No reason has been given by anyone for this distinction.

Mr. STEVENS of Minnesota. The gentleman from Kentucky [Mr. SHERLEY] propounded that question, and the gentleman from Maryland [Mr. COVINGTON] answered it. The reason was that we did not think that the scope of the commission should be extended that far, to embrace our foreign possessions. That conditions there are so different than here that they could be handled by local authorities better than by a commission 7,000 miles away in the city of Washington. If the scope of the commission needs to be extended hereafter to any of them, it can be done, but at present we thought it would hamper rather than to help business there and here. The commission should have enough to do here in the United States.

LEGISLATIVE FUNCTION.

The legislative function of this commission is very evident. First. It has the power to investigate for the benefit of Congress. It really performs the functions of a committee of Congress in the line of investigation and compilation and recommendation. It can ascertain all of the facts, as we constitutionally have the power to do, or we can commit that power to a commission or to a committee to do that. That is what we do in this case. It is an especially valuable function, and its beneficial work will be along the line of recommendation to Congress and the President. There are three lines of recommendation and study that undoubtedly will be pursued. First, in the modification of existing laws, or the laws which may exist hereafter. The gentleman referred to the Sherman antitrust law. That is a Federal statute defining practically what can and can not be done in the business world as to combinations and contracts and agreements and monopolies in commerce. That that law and its operation and enforcement have not worked satisfactorily in this country seems to be assumed. The antitrust bill does attempt to modify this statute with respect to labor unions and farmers' organizations, and there have been strong representations made to the Judiciary Committee in the House, to the Interstate Commerce Committee in the Senate, and to our committee, after a fashion, to have further modifications of that statute.

My own judgment is that the law must be modified hereafter as the commission shall carefully study the subject. Congress has decided that it should be properly modified in the manner indicated as to labor unions and farmers' associations. It is also very strongly urged that it must be modified also as to foreign trade in some way in the future. Various important business interests in the country, such as the retail grocers and retail druggists and producers of coal and lumber, urge some modifications in the public interest. These modifications, however, ought only to be made after the most careful examination by a body especially equipped, having the confidence of the country, after great study and after prescribing the right kind of limitations. That is one thing that this commission probably must consider. It is the only public body which would have the power and facilities to perform this very important task, which may be at the foundation of our material prosperity and advancement. This question will be presented at once. What is the best method from the public standpoint, from the public interest, to control large business concerns, by rigid legal prohibition and penalties or by regulatory processes by a high-grade commission, equipped with proper authority and machinery, and with confidence and ability to regulate for the public interest? One can not decide in advance what decision shall be reached. It must be for this commission to lead in the discussion and proper consideration of it.

Second. It is possible that as the commission advances its work and pursues its studies it may find it necessary to ask for a sort of immunity to business concerns in its advice to corporations desiring to do a legitimate and legal business. That has been thoroughly discussed already, but it is one of the subjects which must be considered. It is always easy for business men to ask for public authority for their protection or advancement, but it is not always easy to appreciate the proper checks and limitations which for the public interest must surround such authority. This will be a proper work for a high-grade commission.

Third. There must be considered a method of national incorporation. There have been many suggestions in the past made to Congress by different Presidents and by public organizations that one of the best ways of controlling interstate commerce will be by national incorporation of concerns doing business within our authority. We all realize the defects of present conditions and know that remedies should be provided. This is one which must be considered. The business of this country is principally interstate and foreign. Many of the existing evils could be cured if Congress should prescribe the corporate powers and limitations and conditions of the concerns allowed to transact this business. It is the logical and natural way to cure many of them by an administrative commission like this, and I am confident that this idea will grow steadily with the work of the commission in the eradication of corporate evils.

These are three classes of subjects which will be discussed and considered in all probability, and of course there are others which will arise from time to time and require the expert aid and recommendations of this commission.

JUDICIAL FUNCTION.

One of the most important and interesting phases of this work will be the judicial work of the commission. The gentleman from Maryland [Mr. COVINGTON] discussed this very clearly and fully, so nothing more need be said on that position; but I wish to add a thought from another standpoint. This commission in having power to enforce the law against unfair methods of competition approaches no new subject. It is one which has long engaged the courts, and its rules and limits seem well defined. Other nations and States have legislated with success on this subject, so that we are only following well-trodden paths. As I called to the attention of the gentleman from Maryland and the committee, the textbooks on unfair competition contain, I think, more than fifteen hundred cases defining and elaborating and explaining that subject. The courts are also piling them upon us in quantities every year. Those cases can be roughly divided into two great classes, one, the English cases, and, I think, many of the States consider the subject primarily from the view that it is the duty of the courts to so expound and apply the law as to encourage honest trading and dealing, and that whoever violates that general rule of honest and fair dealing can be reached in the courts, and whoever suffers from such ill-doing can have remedy in the courts.

That is the doctrine of a large number and class of cases. Another class of cases does not consider the public welfare as a primary object. It considers only the private right, where one person interferes with or injures another as to his person or property. In such case the injured person can have redress and in such case the public interest is secondary. That is apparently the doctrine in many of our States and in the Federal courts, as I have read the cases.

It should be borne in mind that this doctrine of unfair competition is only a branch of the general law of fraud. There is nothing novel about its ruling or principles. Nims, on unfair business competition, section 16, states:

GROUNDS OF THE ACTION FOR UNFAIR COMPETITION.

Fraud is a basis of actions for unfair competition. That has been demonstrated beyond a doubt by many cases. It is not so clear, however, just who it is the court aims to protect from fraud. An attempt to pass off goods fraudulently is discovered to the court. Is it set in motion by its abhorence of dishonesty and double dealing or does it feel called upon to protect the interests—his property—of the complainant or does it feel that it is its duty to first preserve the purchasing public from deception, or does it act in such a case because of all these reasons? The following are the principal grounds usually given:

First, that the court acts to promote honest and fair dealing; second, that the aim of the court is to protect the purchasing public; third, that the court aims to protect not public rights but the rights of individuals.

This bill only uses the same old doctrine that has been used for hundreds of years in the general law of fraud, and applies it under this definition to a class of practices or acts or conduct in commercial transactions in interstate or foreign commerce. The remedies for the violation are those daily used in the courts of equity. So that there is nothing new or startling when we realize that. The law of fraud has been worked out on both the law side and on the equity side of our courts, but necessarily in the decisions in equity have those two classes of cases been elaborated and defined, one considering the public standpoint as primary and the private rights as secondary and the other considering personal and individual rights as primary and the public rights as merely incidental. All that this bill does is to take that great mass of jurisprudence, with its definitions and limitations and rules and principles, and make it applicable by statute to the law of fraud affecting interstate commerce, with this jurisdictional qualification carefully stated in the bill, that the commission has no authority to act unless the methods of unfair competition shall injuriously affect the public interest. That must be the basis of its action and jurisdiction. In that way the commission will be freed from private quarrels and controversies. The gentleman from Maryland, Judge COVINGTON, kindly furnished me with authorities on this point, which I here insert:

In discussing the growth of the law of "unfair competition" the Encyclopedia of Law, volume 28, page 328, says:

"The law of unfair competition, including trade-marks and trade names, is of comparatively recent origin. The early cases fully recognized this doctrine, but as unfair competition by means of the imitation or infringement of trade-marks covered by far the most numerous class of cases presented, the courts fell into the practice of deciding all cases upon the doctrines of trade-mark law, and to a greater or less extent lost sight of the broader principles of unfair competition. * * * This law of trade-marks became specialized, and the law of unfair competition remained in abeyance, or, if recognized at all, was not recognized to its full extent or under that name, relief when afforded being "upon principles analogous to trade-marks." * * * The law of trade-marks, however, has been too thoroughly specialized and crystallized by statutes and decisions to become wholly merged in the law of unfair competition."

Nims on Unfair Business Competition, page 1, is as follows:

"In the digests one usually finds unfair-competition cases under the general head of trade-marks. This is misleading, for the law of trade-marks does not include unfair competition, but, rather, the law that governs trade-marks and infringements of them is but a part of the law regulating unfair and dishonest competition and trade.

"This misconception of the true meaning and scope of the doctrine of unfair competition may cause some to take issue with the writer on the correctness of including in a book bearing the title of Unfair Competition some of the classes of cases here included. It is believed, however, that the bar will be called upon more and more frequently to protect traders whose business is threatened with injury or destruction from many sorts of dishonest or unfair competition besides those arising out of trade-marks and trade names. Referring to the development of unfair-competition law, W. K. Townsend says: 'Not yet fully adopted by all the courts, still to be developed in its application to particular circumstances and conditions, this broad principle of business integrity and common justice is the product and the triumph of the development of the law of trade-marks in the last half century and the bulwark which makes possible and protects the world-wide business reputations common and growing more common in this new country.'

"Unfair competition is not confined to acts directed against the owners of trade-marks or trade names, but exists wherever unfair means are used in trade rivalry. Equity looks not at what business the parties before the court are engaged in, but at the honesty or dishonesty of their acts. It is unfair to pass off one's goods as those of another person; it is unfair to imitate a rival's trade name or label; but he who seeks to win trade by fair means or foul is not limited to these methods. He may copy and imitate the actual goods made or sold by a competitor; he may libel or slander these goods, make fraudulent use of a family name, of trade secrets, or corporate names, of signs, of threats of action; he may construct buildings which are reproductions of peculiar buildings of a rival, thus producing confusion in the minds of purchasers, which enables him to purloin his rival's trade, and in a hundred other unfair ways secure another's trade. All acts done in business competition are either fair or fraudulent, equitable or inequitable, whether they relate to marks or not; and it is believed that the question of trade-marks will soon be lost sight of in discussing unfair competition, in the problem of securing, through the principles of equity, full protection to every merchant against unfair business methods."

And farther on in his work the same author (Nims on Unfair Business Competition, p. 385) says:

"There are many ways other than by interference with contract, of harassing, interfering with, and obstructing a competitor in such a manner as to amount to unfair competition in the broadest sense of the term."

In support of that proposition cases are cited as follows:

In Sperry & Hutchinson Co. *v.* Louis Weber Co. (161 Fed. Rep., 219) the complainant was held entitled to an injunction to prevent defendant from interfering with its business of issuing trading stamps by inducing the violation of contracts with it.

In Evenson *v.* Spaulding (150 Fed. Rep., 517) Spaulding manufactured buggies and wagons in Iowa and sold them, through itinerant salesmen, to farmers and others in the State of Washington. An association of hardware dealers in the State of Washington employed agents to follow Spaulding's salesmen, to interrupt their conversations with farmers and dissuade the latter by false statements and otherwise from buying Spaulding's goods, and in various ways to intimidate and interfere with the salesmen. This was held an unwarranted attempt to destroy complainant's business and an injunction was granted.

In Standard Oil Co. *v.* Doyle (118 Ky., 662) an injunction was issued against the Standard Oil Co. under these circumstances. Its agents attempted to ruin the business of Doyle by making false representations to his customers and by threats and intimidations. It also harassed his employees by following and interfering with them and offering his customers oil at a lower rate or for nothing.

In Commercial Acetylene Co. *v.* Avery Portable Lighting Co. (152 Fed. Rep., 642) the bringing of a multiplicity of suits, started not in good faith, but for the purpose of deterring the public from purchasing from a rival and of ruining his trade, was enjoined.

In the case of the Standard Oil Co. *v.* United States (221 U. S.) the Supreme Court used this language:

"Without attempting to follow the elaborate averments on these subjects spread over 57 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: * * * unfair practices against competing pipe lines; * * * unfair methods of competition, such as local price-cutting at the points where necessary to suppress competition."

In United States *v.* Patterson (205 Fed. Rep., 292) there was an indictment of officers of the National Cash Register Co. for violation of the Sherman Antitrust Act. The indictment set out 11 methods of unfair competition. The defendants claimed that the alleged unlawful acts were committed against infringers of patents owned by the National Cash Register Co., and were therefore lawful. The court denied this claim, holding that a patentee for the protection of his rights under the patent is limited to the pursuit of his legal remedies in the Federal courts. The court, Hollister, judge, said, at page 300:

"The doctrine asserted in this case for the first time, that the rights of the patentee are of such character that those operating under them may agree, in order to protect them, to engage in acts of unlawful competition such as are charted in this case, and even to burn their competitor's factory or destroy the competing—as they believe, infringing—machines by violence * * *. I am unable to agree with.

"Aside from that one instance, however, there has been no evidence tending to show actual violence to a competitor's cash register in the possession of one of its customers. Therefore the argument of counsel for defendants goes further, with that one exception, than the acts of unfair competition the evidence for the Government tends to prove. But the principle is the same, whether the acts of unfair competition were acts of violence upon competitor's cash registers themselves or acts falling short of actual violence."

In United States *v.* American Tobacco Co. (221 U. S., 106), in the argument for the United States, the Attorney General [Wickersham] and Mr. James C. McReynolds, we find, at page 122:

"Moreover, if important, the evidence clearly establishes that the defendants' actions have been characterized by duress and unfair and oppressive methods."

In the same case in the lower court, United States *v.* American Tobacco Co. (164 Fed. Rep., 702), in opinion of Lacombe, J.:

"There is an absence of persuasive evidence that by unfair competition or improper practices independent dealers have been dragooned into giving up their individual enterprises and selling out to the principal defendant."

In the very recent case of the United States against International Harvester Co., in the United States district court for Minnesota, decided August 2 last, and to which I have already referred, Judge Walter I. Smith said:

"While the evidence shows some instances of attempted oppression of the American trade by the International and the American companies, such cases are sporadic, and in general their treatment of their smaller competitors has been fair and just, and if the International and American companies were not in themselves unlawful, there is nothing in the history of the expanding of the lines of manufacture, so as to make an all-the-year-around business, that could be condemned."

Judge Hook, concurring, said:

"In the main the business conduct of the company toward its competitor has been honorable, clean, and fair."

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. COOPER. Does the gentleman say that there can be no such thing as unfair competition in the absence of fraud?

Mr. STEVENS of Minnesota. Yes; I think the books lay down the doctrine that fraud in some form is the basis and essence of unfair competition; and this is only one of the branches of the general doctrine of fraud. Of course, the gentleman must understand that this bill makes such apply only to the public interest and not to personal or private interests.

Mr. COOPER. Suppose a corporation worth $100,000,000 should advertise that it would sell and that it does actually sell its product to one consumer in a certain town for 50 cents, and should advertise that it would not sell and does refuse to sell to any other in that town or in that State for less than $1?

Mr. STEVENS of Minnesota. That is clearly fraud.

Mr. COOPER. In what way is it fraudulent? I do not understand there is any fraud about that. It is the public advertisement of a legitimate business which can not be rendered illegitimate or fraudulent except by statute.

Mr. STEVENS of Minnesota. I think the gentleman erred in this particular. Of course no man can have action at law on such a subject unless he can show a specific damage calculable, and unless it was founded on some statute. But such an act might have a result to greatly injure the public by interfering and destroying competition, which the public needs, and that is the purpose of such discrimination. To that extent the injury and intent and result would be a fraud upon the public, now known to the law and under the jurisdiction of this bill.

Mr. COOPER. Precisely.

Mr. STEVENS of Minnesota. I presume that is true; and that will be a sample of a class which will be presented, and such a state of facts must be met by the commission.

Mr. COVINGTON. If I may be permitted to make a suggestion to the gentleman in reference to a definition of fraud used in one of the English cases, I think. There may be a fraud on the public that does not contain any element of the law of fraud but related merely to controversies between private individuals; but in so far as this may constitute an oppression, as it were, upon the public ultimately or drive out of business that individual and one means of competition, it is in effect perpetrating a fraud upon the public.

Mr. STEVENS of Minnesota. That was the thought I was pursuing. The foundation of the power of this commission to act in this class of cases must be an act which must injuriously affect the public interests. That is the basis of its jurisdiction. Already that has been the doctrine in a large number of cases, and that doctrine was adopted in the framing of this bill and is already in use in many States and in England, and I think in France, Germany, and in the Australian courts. The ground may not be personal, may be constructive, but it consists in doing an act to accomplish a result which ought not to be allowed. It is the combination of act, intent, and result which together may make a legal ground. Thus it is that we provide that where the act or a series of acts injuriously affect the public interests, then this commission is given authority to interfere on behalf of the public, and on behalf of the public only, and that of course would cover the case cited by the gentleman. The proceeding must not concern any injured individual; he must care for himself, exactly as he now does; but on behalf of the public in cases like that the commission may order the offender to cease and desist from that sort of practice.

Mr. COOPER. My understanding always has been that fraud in a legal sense requires the element of deception.

Mr. STEVENS of Minnesota. No; I think not to the extent the gentleman seems to have in mind. But that element does exist in the case he described.

Mr. COOPER. I understand there is an element of deception in fraud. A man may be injured but not deceived or defrauded. I understand that a man can use what to-day are called legitimate business methods—methods acknowledged to be legitimate under existing law—and crush a competitor. These methods may constitute a system of cutthroat competition, but I do not know where there is fraud about them.

The SPEAKER. The time of the gentleman has again expired.

Mr. STEVENS of Minnesota. I would ask for five minutes more.

Mr. ADAMSON. Mr. Speaker, I yield the gentleman five minutes additional.

Mr. STEVENS of Minnesota. My impression is that the commission is created from this standpoint, and to meet this very situation by applying the well-known rules which will amply meet such a condition. If these acts injuriously affect public interests, then the commission can act to prevent such consummation and result. There must not be confounded the narrow view of the doctrine merely injuring an individual interest and the broad public doctrine which affects the general public. Fraud may not exist as to the individual and yet be clear as against the public. It is the public interest only which this bill affects. From that view the old rules and doctrines are entirely sufficient and the cases well apply. We here provide the machinery by executive and judicial organization to make the law protect the public interest. Now, the gentlemen defines fraud as merely an act of deception, substitution, or misrepresentation. That is the viewpoint taken by the second class of cases to which I referred, and it is the object of this legislation to have substituted for such rule an affirmative, broad power to the commission and the courts for the suppression of the particular act which may be unfair and fraudulent as against the public. So far as the courts are concerned in dealing with the public interest under this statute, the rules and definitions and limitations will apply to the purposes of this act. It is to be hoped that there will be gradually evolved a body of law and rules upon this subject which shall be comprehensive and wise and enlightening, and which, while amply protecting the general public and its interests, may at the same time encourage the struggling and worthy who seek to make a place for themselves in the commercial world, and be the basis for a higher standard and such a consistent and practical standard for our business that it shall lead the commerce of the earth.

This bill will thus help by information, encouragement, admonition, advice, and, if necessary, restraint. No power is lacking. But we believe that force should be the extreme resort. Thus this legislation will afford an opportunity to test the conflicting theories of fines, penalties, and repression under lawsuits and executive enforcement, such as this country has had for 25 years, as against the wise, experienced regulation by competent administrative body, and through the courts when necessary, provided in this bill. This procedure is simple, speedy, accessible to every citizen, and offers the opportunity to repress every evil practice.

UNFAIR METHODS.

We made a change in the definition of the Senate bill, and instead of using the words "unfair competition," which signify a general course of conduct, we prohibit all "unfair methods of competition." In this way that prohibition should attach to the particular act such as that to which the gentleman from Wisconsin alluded. That is the very reason we made this change, which has been so criticized, because we wanted to cover the specific act which would be unfair, while the course of conduct by itself might be fair. In that way we meet the public exigency in classes of cases like that we have discussed. We considered this would be far easier of understanding and enforcement, of fraud, and order for desisting.

Mr. MONTAGUE. Will the gentleman permit an interruption?

Mr. STEVENS of Minnesota. Certainly.

Mr. MONTAGUE. In the allusion just made to fraud, I would ask the gentleman if this distinction is not clear: There may be fraud where there is a fraudulent intent, in the first place. Secondly, there may be a fraud where the result is so injurious, whether intent exists or not, as to imply fraud? The jurisprudence of the country recognizes this distinction, I think.

Mr. STEVENS of Minnesota. I think in those classes of cases wherever the public interest is injuriously affected the commission has clearly the right to denounce it as a fraud, following the decisions the gentleman from Virginia has alluded to, and which I have placed in the RECORD from the gentleman from Maryland.

Mr. COOPER. Will the gentleman permit me again?

Mr. STEVENS of Minnesota. Certainly.

Mr. COOPER. Take this illustration. A corporation with a capital of $100,000,000 sells its product below cost throughout a certain county or perhaps an entire State, but does not increase the cost of the product to consumers in any other community or State. Is there any fraud about that?

Mr. STEVENS of Minnesota. Fraud must be——

Mr. COOPER. In that case the people of other States would buy it for the old price, while the people of one particular State would get it for less. There would be no fraud, no deception. The only persons injured would be the competitors doing the same kind of business.

Mr. STEVENS of Minnesota. Of course that is one of the matters that would be considered by the commission. It might be——

Mr. COOPER. Will the gentleman permit?

Mr. STEVENS of Minnesota. Let me answer that.

Mr. COOPER. To finish this. Has not the gentleman found that in the large department stores they have days in which they sell below cost and by this method practically wipe out small competitors?

Mr. SHERLEY. And, if the gentleman will permit, there is a lot of fraud there.

Mr. COOPER. The most prominent business houses in the United States do such things. I wondered whether this proposed law would meet that sort of competition in interstate traffic.

Mr. STEVENS of Minnesota. Mr. Speaker, our bill does meet the situation, in this way: Where there is a practice or a class of practices which has for its main purpose an injury to the public by eliminating competition which ought to exist in the public interest, in such cases it is a fraud on the public, both as to purpose and results. If it be for the public interest to preserve healthful competition, then it is our duty to provide the means for it. If it be merely a business incident or a practice which disposes of a class of goods which it is to the usual and customary advantage of the dealer to dispose of in order to make room for other goods, or to raise ready cash, or to avoid future loss, or what not, then it is not a fraud on the public. It has neither such a purpose nor result, and nobody can or should complain.

The essence of the practice must be ascertained by the commission. If the general purpose and the result of it will be to the detriment of the public by eliminating competition which

in the public interest ought to exist, or by injuring those who ought not to be injured, by driving out of business that which ought to be sustained and protected in the interest of the general public, then it is fraud against the public and ought to be repressed.

If the practice or sale does not accomplish those things, if it merely clears the stock of stale or unseasonable goods, to be replaced by others or to raise ready money on any such perfectly proper purposes in business, then it is not a fraud, but it is a benefit to the community and could not and should not be assailed either in the commission or the courts. This illustrates the very thing which this commission is created and given authority to do—to ascertain the facts, to find out what the motive and result of all of these practices and acts and transactions may be, to study their history and purposes and results, and then present and consider the matter in a legal way as well as in an economic way and order it to be stopped, if it be in the interest of the public to stop it and in the power of the court to relieve it. This illustrates the necessity for such a commission to protect the public by separating the sheep from the goats by means of its experience as well as its legal powers.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Illinois?

Mr. STEVENS of Minnesota. Yes; I yield to the gentleman.

Mr. MADDEN. Suppose a firm had been continuously selling its goods for a lower price in order to make room for other goods?

Mr. STEVENS of Minnesota. If it were a continuous performance, and carried on with a view to eliminating competition, to the detriment of the public, which ought to exist, of course it is a fraud. If it be merely for an ordinary business purpose, it is as innocent as any other act. The various circumstances connected with the course of conduct must determine the validity, just as they do now.

Mr. SCOTT. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Iowa?

Mr. STEVENS of Minnesota. Yes.

Mr. SCOTT. I wanted to ask the gentleman where, in his opinion, the ultimate discretion rests under this bill to determine when a given set of business acts constitutes an unfair method?

Mr. STEVENS of Minnesota. In the first place, it must be an injury to the public. Now, that is well defined. On that we have our minds well made up. Opinions differ, of course, but there are many cases and many rules of law and many statutes based upon that phrase as to what constitutes an injury to the public. But the legal meaning of that phrase is clear and well understood.

Now, having that in mind as to what must be done to the injury to the public, and then following the decisions—and I stated that there are more than 1,500 of them that have been called to my attention—the courts have defined what would constitute unfair acts and oppressive acts affecting individuals. But when those oppressive and unfair acts are brought to the attention of the commission and they are found to injuriously affect the public, that constitutes an unfair method of competition.

Mr. SCOTT. I do not think the gentleman understood my question. My question was as to a matter of jurisdiction. What body ultimately determines whether a given set of acts is unfair or not?

Mr. STEVENS of Minnesota. The United States Supreme Court, of course.

Mr. SCOTT. Then under this bill the Federal trade commission does not have so broad a discretion as the Interstate Commerce Commission has to determine whether or not a rate is unreasonable or just?

Mr. STEVENS of Minnesota. Yes; to that extent it has, because it decides whether or not an act is an unfair method of competition. But to that extent it has a similar jurisdiction to that of the Interstate Commerce Commission, but it has not one step beyond such a power which the Interstate Commerce Commission has in its authority to prescribe for future action. I do not wish to interfere with my friend, but I am very anxious to proceed.

Mr. SCOTT. It seems to me this clause of the bill relating to the review by the courts means that discretion is given to the courts to nullify and set aside and absolutely rescind the order made by the trade commission.

Mr. STEVENS of Minnesota. Oh, certainly; if the courts shall be of the opinion that the decision of the commission is wrong as a matter of law. We can not take that power away from the courts, and would not if we could.

Mr. SCOTT. And that goes to the conclusion drawn by the commission as to whether or not a given state of facts is unfair?

Mr. STEVENS of Minnesota. Yes; the gentleman is right as to that.

Mr. SCOTT. Under the interstate-commerce law the courts will not review the question as to whether or not a given state of facts constitutes an unreasonable or an unjust practice.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. STEVENS of Minnesota. I would like to be allowed about three minutes in which to answer my friend from Iowa.

Mr. ADAMSON. Mr. Speaker, I yield five minutes more to the gentleman.

The SPEAKER. The gentleman from Minnesota [Mr. STEVENS] is recognized for five minutes.

Mr. STEVENS of Minnesota. The gentleman is correct as to part of his statement but incorrect as to another part of it. The Supreme Court has held that the Interstate Commerce Commission does exercise the right of determining whether a rate in existence is unreasonable or unjust. That is a quasi-judicial act and the decision of the commission on that point is reviewable by the courts, because it is a review of a legal decision upon a given state of facts. But when the commission goes further and decides what must be a reasonable rate on practice for the future, of course that is a legislative act which must not and can not be reviewed by the courts any more than could an act of Congress be so reviewed. There is that distinction, and we have carried that distinction into this bill. Whenever the trade commission decides that a certain act is an act of unfair method of competition, the decision on that point as a question of law is, and ought to be, reviewable by the courts. The facts themselves are found by the commission. Its finding as to the facts is conclusive. Its opinion as to whether that state of facts constitutes an act violating the law is its judgment of law upon the facts, and its judgment is and ought to be reviewed, and it is so provided by this bill.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Kentucky?

Mr. STEVENS of Minnesota. I do.

Mr. SHERLEY. If the gentleman will permit, the Federal trade commission differs from the Interstate Commerce Commission in that it has no affirmative power to say what shall be done in the future?

Mr. STEVENS of Minnesota. Certainly.

Mr. SHERLEY. In other words, it exercises in no sense a legislative function such as is exercised by the Interstate Commerce Commission?

Mr. STEVENS of Minnesota. Yes. The gentleman is entirely right. We desired clearly to exclude that authority from the power of the commission. We did not know as we could grant it anyway. But the time has not arrived to consider or discuss such a question.

Mr. Speaker, this commission has a general twofold function which will be gradually worked out in the course of time. One phase will be economic and the other will be legal. In the economic field the commission should assist the business concerns of this country along the lines demanded by the American people of efficiency and fairness. By that there can be ascertained the best possible size of business unit to accomplish a necessary business result. The people will not be afraid of mere size if it knows that an able and wise and powerful and patriotic commission is guarding their interests and that such a concern of such size and power is necessary properly to perform the gigantic tasks which we all believe must fall to the lot of our people and business men to do in this world in the immediate future. Whatever is most efficient and best calculated best to accomplish the needed result must be done, and our people will depend on this commission to guard and enlighten us.

Then, while it is done, the public also wants to know that with this efficiency will equally go fairness in the distribution of the benefits of such organization and work. Of course, the commission has no direct power to allot benefits. These must be evolved by the friction and process of personal care and bargain. But it can greatly assist in bringing about a proper spirit, and information, and cooperation, and possibly admonition to accomplish the desired results. I know this may seem idealistic, but yet some part of it may be worked out through this creation.

As to the legal side. I have already stated that it is to be hoped that a body of commercial rules may be evolved which may be a safe and wise guidance on the high plane for the busi-

ness concerns of the country. They should not be technical merely, but, amplified with breadth and experience, may be safely accepted as the best expression of the business world.

This measure, for the first time in this country, attempts an administrative regulation of commerce itself. We have regulated the instrumentalities such as transportation and finance, but here we attempt to rule and help commerce. An executive alone with power of enforcement merely, or even a wise discretion, could not do it. The courts under their ruling could not wisely and liberally accomplish the needed results. The legislative branch can only prescribe rules for the future. It requires a combination of all of those powers in one organization, with the highest obtainable talent well and thoroughly to work out the difficult problems which will be met. Because it is in a sense permanent and without partisanship, and can lay down a policy which can be pursued or changed as may be wise and necessary, without the charge of personal or political advantage, must this important commission perform such work.

But before closing, without intending to throw any bouquets, I think two things should be understood by this House. One is that there has been a sort of an imputation against this House that we swallow any old ready-made and hand-me-down bill without consideration, and that this House does not consider bills as thoroughly as does the body at the other end of the Capitol. This bill, as I said when the bill was before the House originally, was framed by the Committee on Interstate and Foreign Commerce. It was not a hand-me-down product. We did it ourselves, for better or for worse. [Applause.] This measure as it is now presented to you was framed by the conferees. Whatever may be its merits or its demerits, we are responsible for it exactly as it stands, and I am rather proud of what we have done.

We have been criticized in the press because this House does not debate exhaustively the great matters which have come before Congress during this session and the previous session. That we merely pass these great bills in a perfunctory way without real consideration and enlightenment. Such a criticism is unjust and untrue when the situation is realized.

The House will remember that practically all the great measures which have passed during this Congress have originated in the House. It has been our duty to consider these measures first before the Senate could act, and we have done it as best we could, and, I think, on the whole very well. Sometimes our debates have been too much repressed and not sufficient time has been given to them, and there has often been a lack of sufficient time for real discussion of some of these great measures. But we have discussed them with some thoroughness, and our discussion has been the basis of debate elsewhere. Everyone knows that the principal work of the House is in its committees and not on the floor. There are the real debates and there are the real legislative contests. The perfected measure too often does not receive as thorough consideration on this floor as in the Senate. But that is not because it is not as well prepared or understood. We all know that it is a mighty sight easier to take a bill which somebody else has prepared, to have before you a debate and report and hearings that somebody else has already placed in the RECORD, and then amplify or change it. We have been obliged to have the laboring oar upon all these great matters, and the press of the country does not seem to realize the great service which the House has performed in this Congress in discussing these great matters before anybody else has seemed to know they were in existence. [Applause.]

Just one suggestion more: In all matters of constructive legislation necessarily some Member of the legislative body must assume the great burden of doing the principal part of the work in preparing it and presenting it to the committees and to the House. This is a great constructive legislative measure, creating a department of our Government which may be of great service to our people in the future. Perhaps it embodies no new principle, but it applies old principles to new methods and new practices in legislation upon a tremendously important field of national activity. This has required constructive legislative ability of a very high order, and in the closing days of the service of one of our associates, who is entitled to the chief credit there may be for this measure, I am glad to bear witness before this House to the industry, the great ability, the high character, the rectitude of purpose, the entire sincerity, and the splendid analytical, mental, and legal ability of my colleague, Judge COVINGTON, who now leaves us for another sphere of public usefulness. [Applause.] It must be a great source of satisfaction to him as he retires from legislative activity to know that he carries with him the sincere respect and the deep affection of those with whom he has been associated, and that this measure will be the crowning act of a splendid legislative career which we who have worked with him believe will be not only a monument to him but of great benefit in the future of our common country. [Applause.]

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that all gentlemen who address the Chair during this debate may extend and revise their remarks.

The SPEAKER. The gentleman from Georgia asks unanimous consent that all gentlemen who speak on this conference report may have five legislative days in which to extend remarks on the bill. Is there objection?

There was no objection.

Mr. ADAMSON. I yield to the gentleman from Illinois [Mr. MANN] such part of 15 minutes as he desires to use.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for 15 minutes.

Mr. MANN. Mr. Speaker, I enjoyed very much the remarks of the gentleman from Minnesota [Mr. STEVENS], and I wish to join with him in congratulations to the gentleman from Maryland, Judge COVINGTON, as well as the gentleman from Georgia [Mr. ADAMSON] and the other majority members of the Committee on Interstate and Foreign Commerce. Everyone in the House knows I have a peculiar personal affection for the Committee on Interstate and Foreign Commerce, which extends to all of its members; but in expressing these words of congratulation I do not wish Members to forget the great service in connection with this bill, as well as others, rendered by the minority members of that great committee. The gentleman from Minnesota [Mr. STEVENS], who enjoys the confidence, respect, and affection of every Member of this House [applause], has had great influence in the final development of this bill. And the gentleman from Wisconsin [Mr. ESCH], who was with him on the original subcommittee of the Committee on Interstate and Foreign Commerce and also on the conference committee, has rendered able service in this connection, as he has always rendered in the House in every direction. [Applause.]

Mr. Speaker, I think all the Members of the House will vote for this conference report. Doubtless it is not in the exact form in which other Members might have written it, but I think that, on the whole, the House has written this bill—Members on the House side have written the bill—and I believe it will prove to be one of the steps in legislative development which we have well taken. [Applause.]

Some years ago, while I was a member of the Committee on Interstate and Foreign Commerce, Col. Hepburn, then the chairman of that committee, directed me to take charge of the bill to create the Department of Commerce, or, as it was then called, Commerce and Labor.

In making a report to the House on that bill we proposed three new bureaus. One was the Bureau of Manufactures, which was created, and which, I think, unfortunately was abolished recently by transferring it to another bureau. One was the Bureau of Insurance, which, I think, ought to have been created, but which my Democratic friends in the House were opposed to at the time, and they had the support of enough Republicans to eliminate it. One was the Bureau of Corporations. That was first proposed to go into the bill by myself. I wrote the provision in regard to it just before the holidays, in 1902. It was agreed to by the committee, and I was directed to report the bill to the House. During the holidays I prepared the report on the bill, which was submitted immediately after the holidays, in January, 1903. After I had prepared the report upon this bill the President, Mr. Roosevelt, sent for me, knowing that I had charge of the bill, and said to me that he thought we ought to give to the Interstate Commerce Commission jurisdiction over the corporations of the country doing an interstate-commerce business, somewhat similar to the jurisdiction which the Interstate Commerce Commission then exercised over interstate carriers. I said to the President that I had already drawn a report upon the bill creating a Department of Commerce and Labor which carried a Bureau of Corporations and a Commissioner of Corporations, and that I myself did not believe that the Interstate Commerce Commission, with its great amount of work, was the proper body to take charge of matters relating to the other corporations of the country. In a way the present conference report justifies the expression of opinion then expressed by President Roosevelt, and I am happy to congratulate myself by saying that in a way it justifies the position which I then took.

In making a report upon the bill creating this new bureau in 1902, I said:

> The creation of this bureau will make it the duty of an officer of the Government to deal with the matter of corporation information and to acquire knowledge and report on conditions concerning the manner and extent to which corporations transacting interstate commerce shall be subjected to the influence of national legislation. Your committee believes that this is a practical step toward the legitimate control of corporations engaging in commerce among the States. Your committee has not recommended any extended or specific legislation in

regard to the character of the information to be obtained or the manner of obtaining it, but has left that matter to await further legislation.

In my judgment then, and in my judgment now, Congress was not sufficiently informed to take the step which it is proposed to take now for the control of interstate corporations. But even the present step is only one step forward; there will be others to take. We can not afford to destroy business. We can not afford not to exercise some control over business. I think the Committee on Interstate and Foreign Commerce in its pending report has acted wisely in not endeavoring to go too far or too rapidly, but has also acted wisely in going further than we have ever gone before.

"Unfair methods of competition" excite considerable contention. The Senate's suggestion was "unfair competition." I can see quite a distinction between unfair competition and unfair methods of competition, but no one can write a definition of either. If it were possible for us to define unfair competition or unfair methods of competition, we would put the definition into substantive law.

What does this proposition mean. We leave to a commission created supposedly of men of at least more than the ordinary common sense and discretion the power to direct that the corporations shall cease the practice of certain methods of competition which the commission think are unfair. The corporation is not required then to cease; it can take the matter into court. Either the commission can file a suit in court for the enforcement of its order or the corporation can file the suit in court. It will be left to the courts to lay down the lines and the law which determine what are unfair methods of competition. The finding of the commission as to the facts is to be taken as conclusive, but the conclusions of the commission must be determined in the end by the courts of the land.

It is true that a bill like this will lead to some uncertainty as to what corporations or individuals can do. That always follows any legislation. Those who desire to reach across the line between unfair and fair methods of competition or to go up to the line will sometimes find that they have crossed over too far, and they will be pulled up. But we are moving in the direction of controlling the methods of competition, endeavoring to keep upon the lines of competition so that everyone will have a fair show. [Applause.] I am satisfied that we are making quite a step.

I had wished that when the commission had acted and had found that a corporation was following a fair and not an unfair method of competition, that the corporation or individual might be allowed to proceed with his business without fear of prosecution under the Sherman antitrust law. I think when we give a commission power to say that a man is doing business fairly we ought to encourage him to do the business, without holding a threat over him that some subsequent administration may find it necessary to prosecute him for doing the thing which our commission said was proper to do. Yet I realize the political difficulties in the way of making any change in the Sherman antitrust law.

It may be making somewhat a dissent in the consideration of matters, but there is one thing I do not wish to pass entirely without notice. Just for the RECORD I want to state that in section 5 there are two places where a comma is inserted which entirely changes the meaning of the section, but I take it that it was done inadvertently and that the commission will, in scanning the law, forget that the comma is in there. There is this provision:

> The commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks—
>
> Comma—
>
> and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce.

A similar provision occurs in another place. As it reads and as it is punctuated it gives the commission power over corporations that it was intended to exclude.

There is another provision in the bill, and I am not sure whether it was referred to by the gentleman from Kentucky or not, but in one place, section 5, exclusive jurisdiction to enforce the orders of the commission is given to the court of appeals, while in section 9 jurisdiction to enforce compliance with the orders of the commission is given to the United States district courts. The two provisions are in apparent conflict. It is easy to see how it arose, and possibly that will affect the construction given it by the court. The provision giving the district courts power by a mandamus was in the bill as it passed the House. The bill did not then contain section 5, concerning unfair competition. When section 5 was written into the bill by the conferees they desired apparently to give the court of appeals rather than the district courts jurisdiction over these cases which came under the unfair-competition section. It is possible that the courts may construe it, and, on the other hand, it may require an amendment in the future. But that is easily made and does not affect the merits of the proposition, and I think is not the fault of anyone.

I again congratulate the members of the Committee on Interstate and Foreign Commerce and its distinguished chairman, with whom I served so many years, upon the successful outcome of this legislation. I would like to say to our Democratic friends that here is a bill which from the start was made devoid of partisan politics. On our side we were called into consultation, and I think the majority would say that that consultation was helpful. Of course in a way you were entitled to and will claim the political benefit throughout the country, but when it comes to the real substance of legislation along lines which are and ought to be nonpolitical we are just as anxious to do the right thing on our side of the House as you are on your side, and we do not desire to hinder you from having credit for being yourselves anxious to do the right thing. I hope and think we are doing the right thing now. [Applause.]

Mr. BURKE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. BURKE of Pennsylvania. The gentleman stated that he has a very clear and well-defined idea of the difference between unfair competition and unfair methods of competition, and for the purposes of this record I wish the gentleman would consent to give one illustration for the benefit of those who later on will be called upon to construe this law.

Mr. MANN. I think I had better not. I have very clear and well-defined notions on the subject, but it would take a longer time than I have at my disposal to go into it.

Mr. ADAMSON. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I do not want the Members of the House to think that I am going to try to go over what has been so clearly and ably said about this bill by the gentleman from Maryland [Mr. COVINGTON], and by the gentleman from Minnesota [Mr. STEVENS]. It would be utterly useless to do so; but by way of reference to what the gentleman from Illinois [Mr. MANN] has just said, respecting party benefit or injury and party responsibility, I desire to say, because it is a fact, that the Democratic members of the subcommittee—and I happen to be second upon that committee—during the entire consideration of this bill never met nor attempted to do anything without the Republican members of the subcommittee were present and participated [applause], and that the Democratic members of the conference committee never held any kind of a meeting nor discussed any measure or part of this bill unless the Republican members of both the House and the Senate were present. I am glad to confirm what the gentleman from Illinois has said, that, so far as the House Committee on Interstate and Foreign Commerce is concerned, and also the conferees who acted in this matter, we have acted wholly in reference to what we thought was for the general welfare of the country. I for one do not believe that a good idea is bad because advanced by a Republican, or that a bad idea is good because advanced by a Democrat. I hope what the gentleman from Illinois has said will take place, and that is that not a single vote will be given against the adoption of this report.

Mr. Speaker, I, like the gentleman from Minnesota [Mr. STEVENS], regret that this House is to lose the further services of the distinguished gentleman from Maryland [Mr. COVINGTON], and I know every Member who heard his speech here to-day will know that the President made no mistake when he selected so able a lawyer to be the chief justice of the Supreme Court of the District of Columbia as is the gentleman from Maryland. [Applause.] He may have made other mistakes and he may make yet others, but I am convinced that every gentleman who heard him to-day will agree with me that he made no mistake in this case.

I wish to refer to but one matter in the conference report, because it has been so well discussed and so clearly presented that it is a waste of time to repeat it; that is, with reference to that portion of the report which provides that the findings of fact by the commission shall be conclusive upon the court if supported by testimony. The Senate provision seemed to me to leave this somewhat ambiguous—not very clear—and I think that it is a bad practice, if the power exists, for a court, and especially an appellate court, to undertake to substitute its judgment for the judgment of an administrative commission, and to substitute the judgment of a court, and especially an appellate court, for that of a commission composed of men selected for their expert qualifications and special capacity on questions of fact seemed to me to be unwise, not good legislation, and

that it would fill the courts with cases and practically block and hamper the circuit court of appeals in performing the duties for which it was created. I think the conference report is a great improvement in that respect upon the bill as it passed the Senate.

I want to say something for our chairman in this connection, and I know how to feel for him. The duties of a conferee are personal; they can not be transferred to a substitute. A conferee can not pair with another conferee, but must in person perform his duties. When this bill was expected to come from the Senate any minute and have to go to conference, it developed that the gentleman from Georgia [Mr. ADAMSON], the distinguished chairman of our committee, was to have opposition for the nomination in his district. That came as a shock and surprise to the Members of this House, and especially to the members of his committee; but, great as was the temptation to leave and go home to look after his fences personally, he said no; that his duty required him to remain here; that at any moment this trade commission bill might come over from the Senate, and that he would have to be, as a matter of course, one of the conferees, and he would take his chances in remaining at the post of duty; and I am very glad to say that the people in his district in Georgia took the same view that he did—that as a Member of Congress he had duties to perform here that were higher and more important than shaking hands with his constituents and making a personal appeal for their further support and confidence. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. SIMS. Mr. Speaker, I did intend to throw another bouquet or two, but I know the time is short and will heed the fall of the Speaker's gavel and say no more.

Mr. ADAMSON. Mr. Speaker, I have several applications for time, and I do not see how I can execute my contract without 10 more minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent that his time be extended for 10 minutes. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, I was temporarily out of the Chamber when the time was yielded to the gentleman from Minnesota [Mr. STEVENS], and in granting time to him I intended to avail myself of the opportunity to say a word in recognition of the distinguished services of the members of the minority upon this committee. I wish now to say, in yielding to the gentleman from Wisconsin [Mr. ESCH], that the members of the committee sitting on the other side of the Chamber cooperated with us in full. They did their full duty. They are good and true Americans and great and good Congressmen. We have no partisanship upon that committee. We are all patriots and statesmen alike. [Applause.] I yield five minutes to the gentleman from Wisconsin [Mr. ESCH].

Mr. ESCH. Mr. Speaker, I had not contemplated making any address upon this conference report. I indorse all of the kind words uttered this afternoon with respect to the different members of the committee, save those referring to myself. I believe we have presented to the House and to the committee a great, constructive measure, one which occupies a new field, the ultimate effects of which time alone can make manifest. We feel confident, however, that as this law is administered larger and better information will be gathered to guide subsequent Congresses. If there is one thing in the bill which appeals to me more strongly than another, it is the power granted in section 5. When the bill was in the House there was some misgiving that it did not have any teeth. Section 5 gives to this commission great power in regulating great businesses in the United States. In so far as section 5 shall be carefully and wisely carried out, to that extent will the Federal trade commission be successful and meet the expectations of the people. I hope that subsequent Congresses, with the wisdom which this commission may make available, may strengthen this bill to the end that it may be beneficent. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield five minutes to the gentleman from New Hampshire [Mr. STEVENS].

Mr. STEVENS of New Hampshire. Mr. Speaker, this trade commission bill will do three things of importance and benefit to the American people. First it will gather for the use of future Congresses more accurate and complete information about the big business interests of the country. Secondly, it will give to the Department of Justice in the enforcement of the antitrust law the benefit of its investigations and its more expert knowledge of business conditions. Last, and to my mind the most important one, it will give to this commission the power of preventing in their conception and in their beginning some of these unfair processes in competition which have been the chief sources of monopoly. That part of the bill is practically new, and yet it has grown out of experience with other legislation. In the enforcement of the Sherman antitrust law it has been disclosed in practically every case which the Government has brought against the big combinations, the Standard Oil case, the Tobacco case, the Thread case, the Bathtub case, that the chief means of destroying competition by big combinations was by the use of methods which were distinctly unfair and oppressive. Those combinations can be dealt with by the Federal courts in the enforcement of the Sherman antitrust law. They can be dissolved, and in practically every recent case the Federal courts have added to the writ of dissolution specific injunctions against the use in the future of those methods which have been used in that particular business. What we wish to do and ought to do above everything else is to prevent the growth of monopoly at the beginning. Private monopoly in this country must be based upon either one of two factors: It must be based upon the possession of certain limited natural resources or it must be based upon the misuse of the power that goes with large business. Now, the Democratic Party is not, and I believe no party is, opposed to doing business in big units. The power to carry on business in large units means, to a certain extent, efficiency in cost, in selling methods, and better service and better goods for the public, but with a large organization, with the immense amount of capital which is at their disposal, with the large volume of business, there goes the power absolutely to drive out competitors by the use of unfair methods of competition. To my mind the most important part of this trade commission bill is that which grants to this commission the power, after investigation and hearing, to issue an order compelling any firm or person or corporation engaged in interstate business to cease from any unfair methods of competition.

There are only two ways by which government can regulate business. It may regulate business practices by specific prohibitions of law, leaving its enforcement to the criminal courts, or it can regulate big business corporations in the same way that the railroads are regulated—by the creation of a commission with a wide discretion and wide power in the application of the principles of the law. The chief argument against section 5 of this bill is made by those men who believe the best way to regulate business is the old-fashioned primitive way of defining certain offenses, leaving the application to the Department of Justice and the criminal courts. I think that the history of the enforcement of the Sherman antitrust law and the interstate-commerce law have proven conclusively that you can not regulate modern complicated business conditions by the criminal statutes and the criminal courts. I would remind those gentlemen who believe that that is the sole way to regulate business of this character that the Sherman antitrust law is also a criminal statute and any person who violates its provisions against restraint of trade or monopolies is guilty of a criminal offense and can be punished by fine and imprisonment. That law has been in force for 25 years. We have had during that time in the Department of Justice some of the most able and honest lawyers of this country of both parties. Suit after suit has been brought against large corporations and almost invariably the Federal Government has won the suit. Combination after combination has been declared a monopoly and in restraint of trade and yet the criminal provisions of the antitrust law have been of no avail and no use, and I know of no single malefactor of great wealth who has taken part in these combinations and in these restraints of trade who is languishing in jail to-day or lies under the liability of languishing in jail. The reason is that it is almost impossible with big complicated business conditions to fix the responsibility for any one act on any one individual in such a way as to get that man in the criminal courts and convict him.

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN of Oklahoma. Mr. Speaker, I am not a member of this important committee, and hence I appreciate the privilege of speaking on this report. I am deeply interested in this measure, and I desire to congratulate the Democratic Members of this House and the Democratic administration upon enacting this great measure into law while they are in power.

Why am I especially interested in this bill? Because I have the honor—and I regard it as an honor—of having introduced in the House the first bill to create a Federal commission to control the industrial concerns of this country.

I hold in my hand a printed copy of the bill which I introduced in this House on the 25th day of January, 1912, more than two years and seven months ago. The bill contains 17

sections and covers 14 pages of printed matter. In the preparation of this bill I gave much hard study and many months of time such as I could spare from other duties. I had in my office for a long time scores of volumes of books from the Congressional Library covering every phase of the trust problem. I secured from these books as much general information as I could. I tried to comprehend and determine in my own mind what the trust problem was and what would be a practical method of dealing with it with a view, of course, to serving the best interests of the great masses of the people of this country, with a view also of promoting the greatest prosperity in business and the expansion of our industries and with a still further desire to add to the real strength, glory, and greatness of our country.

I reached the conclusion that there should be created a Federal commission with administrative duties and with limited judicial powers to supervise, regulate, and control the great business concerns of this country engaged in interstate commerce. I made careful study of the act which created the Interstate Commerce Commission and of the various amendments and supplementary acts thereto. I concluded that so far as applicable with proper modifications and supplementary provisions that the principles embodied in the interstate commerce act should apply to the laws which should be enacted with a view to regulating the industrial corporations.

Having fixed in my mind the outlines of the bill, I began to work at its preparation. I wrote and rewrote every section and line contained in the bill. Finally the bill was prepared and introduced, as I have already stated, on the 25th day of January, 1912.

I then proceeded to prepare a speech explaining the bill and advocating its adoption, which I delivered in the House of Representatives on the 20th day of February, 1912, and the speech is printed in the CONGRESSIONAL RECORD of that date. At that time no political party in its national platform had ever declared in favor of creating such a commission. But the Republican Party was the first to declare in favor thereof. At its convention, which convened at Chicago in June, 1912, its platform contained the following declaration:

> In the enforcement and administration of Federal laws governing interstate commerce and enterprises impressed with a public use engaged therein, there is much that may be committed to a Federal trade commission, thus placing in the hands of an administrative board many of the functions now necessarily exercised by the courts. This will promote promptness in the administration of the law and avoid delays and technicalities incident to court procedure.

In August following the Progressive Party followed the lead of the Republican national convention and placed in its platform a declaration as follows:

> We therefore demand a strong national regulation of interstate corporation. * * * To that end we urge the establishment of a strong Federal administrative commission of high standing, which shall maintain permanent supervision over industrial corporations engaged in interstate commerce.

The National Democratic Party has never in any of its platforms declared in favor of the creation of a Federal commission to have supervision and jurisdiction over concerns engaged in interstate business. However, President Wilson, speaking for his party early in this session of Congress, came before a joint session of both Houses and delivered a message in which he recommended the creation of such a commission. President Wilson has led a Democratic Congress along a line directly opposed to the traditional idea of the Democratic Party as to the extension and enlargement of Federal jurisdiction and power.

Now, Mr. Speaker, I am highly gratified that this great measure upon which we are about to take a final vote and which will soon be enacted into law is in many respects along the line which I tried to blaze out as best I could. [Applause.]

I wish to make a comparison between the prominent features and principal provisions in this bill No. 15613, and upon which we are about to vote, and the provisions of the bill which I first introduced on the subject in the Sixty-second Congress, H. R. 18711.

Here is a comparison between the essential provisions of H. R. 15613, as found in the report of the committee of conference, with the provisions of H. R. 18711, introduced by myself in the Sixty-second Congress, second session, on January 25, 1912:

| The following are the essential features or provisions of H. R. 15613, as appears in the report of the conference committee: | The following are some of the essential features or provisions of H. R. 18711, introduced in the Sixty-second Congress by myself, January 25, 1912: |
|---|---|
| 1. A Federal commission is created to supervise and regulate industrial concerns engaged in interstate commerce. | 1. A Federal commission is created to supervise and regulate industrial concerns engaged in interstate commerce. |
| 2. Merges Bureau of Corporations into the Federal commission. | 2. Merges Bureau of Corporations into the Federal commission. |
| 3. Prohibits in general terms unfair competition, but does not undertake to define what is unfair competition or to prohibit specific acts or practices constituting unfair competition. | 3. Prohibits in general terms all unfair practices and methods which are unjust, unfair, or unreasonable, but does not undertake to define what are unfair practices or unfair methods in competition or to prohibit specific acts or practices which are unfair in competition. |
| 4. Gives the commission authority and jurisdiction to hold hearings, make findings, and issue orders prohibiting industrial concerns from engaging in a practice which constitutes unfair competition. | 4. Gives the commission authority and jurisdiction to hold hearings, make findings, and make orders prohibiting industrial concerns from engaging in a practice or from using methods which are unjust or unfair and which would constitute unfair competition. |
| 5. Gives the United States court authority and jurisdiction to review, modify, or overrule orders of the commission. | 5. Gives the United States court authority and jurisdiction to review, modify, or overrule orders of the commission. |
| 6. Gives the commission authority to enforce its orders through proceedings in the United States court. | 6. Gives the commission authority to enforce its orders through proceedings in the United States court. |
| 7. Gives commission access to the books of industrial concerns engaged in commerce, to make investigations, to require reports, and, in general, to enforce the provisions of the act. | 7. Gives commission access to the books of industrial concerns engaged in commerce, to make investigations, to require reports, and, in general, to enforce the provisions of the act. |
| 8. Makes findings of the commission as to the facts, if supported by testimony, conclusive. | 8. Makes findings of the commission as to the facts conclusive. |

I do not wish to be misunderstood. House bill 18711, Sixty-second Congress, contains some very important provisions not in House bill 15613. I do not, of course, intimate that anyone has copied from my bill; but I simply desire to call the attention of the House to the fact in initiating a piece of constructive legislation admitted by all to be upon a most important subject, the bill which I presented contains all the essential features of the law that is to be placed upon the statute books, only after the committees of both Houses have held extensive hearings and every provision of the bill has been thoroughly discussed in both the Senate and the House. I myself desire to compliment the Committee on Interstate and Foreign Commerce. In all the mass of matter and ideas presented, they have presented a carefully prepared bill, free from objectionable provisions, and yet comprehensive, clear, and practicable.

On the 20th of February, 1912, I stood in this House in my modesty and made a speech advocating the creation of a Federal commission to regulate industrial concerns engaged in interstate commerce. I attracted no attention, of course. But there it is in the RECORD, showing that I was the first to advocate in this House the creation of a Federal trade commission. [Applause.]

In reciting the history of my efforts in favor of the creation of a Federal commission to regulate interstate industrial commerce I wish to quote a short paragraph or two from that speech delivered in the House on the 20th day of February, 1912. I said (see CONGRESSIONAL RECORD, Feb. 20, 1912):

> Let us keep the fire of competition burning brightly and brilliantly in every industry and in every section of our country; but should the flame of competition in any industry grow dim, or should it, under stress of monopolistic power, become extinct, let us not leave the people in darkness and despair.
>
> Let us create a great interstate corporation commission, clothe it with ample power and jurisdiction, and direct it to proceed forthwith to bring our gigantic industrial corporations into subjection. To guide these great business institutions in conducting their business let us proclaim by legislative enactment that their prices must be reasonable and just; that all must be given like privileges and advantages; and that the National Government will not tolerate practices or methods in business that are unfair, unjust, or unreasonable, or that are against public policy or dangerous to the public welfare.
>
> By so doing we will have promulgated a higher law for the guidance of our gigantic industrial corporations engaged in interstate commerce; we will have set in motion the governmental machinery that will be able to cope with these great corporations; and we will have put the people and the corporations upon a highway that will lead them to reconciliation and unite them in an effort to bring to our country a reign of industrial peace, which is essential to our industrial prosperity. [Applause.]

Since the introduction of my original bill on this subject in the Sixty-second Congress I have contributed in every way I could in securing the enactment of legislation along this line. On the convening of the Sixty-third Congress I reintroduced my bill. It was referred to the Judiciary Committee. When this committee decided to hold hearings on antitrust legislation I had the honor, notwithstanding the fact that I was a member of that committee myself, to make the first argument in those hearings in behalf of the bill which I had introduced. The printed hearings comprised about 2,000 pages, and on the first page of the first volume will be found the beginning of my remarks, and it so happened that on the last page of the second

volume will be found my minority report on the Clayton anti-trust bill. Later the bills relating to a Federal trade commission were referred to the Committee on Interstate and Foreign Commerce. The committee did me the honor to listen for nearly two hours while I did the best I could to convey to the committee my ideas on proposed legislation for the regulation of our great business concerns. When the Federal trade commission bill came before the House I offered a number of amendments and advocated their adoption. While none of my amendments were adopted, I take pride in the fact that some of the ideas which I presented were incorporated in the bill as amended by the Senate and as further modified by the reports of the committee on conference as we have in the bill before the House to-day. In supporting one of the amendments which I presented I said:

The amendment is drawn on the idea that some place along the line Congress will prohibit in general terms unfair competition and unfair discrimination. Then, of course, unfair competition or unjust discrimination would be unlawful.

On examination of section 5 of the bill as presented by the conference report you will find that the language is in line with my suggestion, because the first sentence of section 5 is as follows:

That unfair methods of competition in commerce are hereby declared unlawful.

But this is not all. When the bill was under consideration before the House I offered a substitute for section 11 of the House bill. I wish to make a comparison between the amendment which I offered and part of section 5 of the bill now under consideration and which is soon to pass this House and become a part of the law of the land. The provisions of section 5 unquestionably constitutes the most important part of this bill. Here is a comparison between section 5 of H. R. 15613 as appears in report of committee of conference and the amendment offered by myself as shown on page 9842 of the CONGRESSIONAL RECORD of May 22, 1914:

Section 5 of H. R. 15613, as appears in conference report in part is as follows:

"Whenever the commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition in commerce, and if it shall appear to the commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. * * * If upon such hearing the commission shall be of the opinion that the method of competition in question is prohibited by this act, it shall make a report in writing in which it shall state its findings as to the fact, and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such methods of competition."

Substitute offered for section 11 of H. R. 15613 as shown by CONGRESSIONAL RECORD, page 9842, May 22, 1914. The RECORD in part shows as follows:

"Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

"The Clerk read as follows:

"'Mr. MORGAN of Oklahoma offers as a substitute for section 11, on page 9, the following:

"'"SEC. 11. That when in the course of any investigation or through any other reliable source the commission shall obtain information that any corporation subject to the provisions of section 9 of this act, in conducting its business, is using any unfair competition or practice, the said corporation shall be cited to appear before said commission and a hearing shall be had thereon. If the commission shall find that the said corporation is or has been engaged in unfair competition or practice, it shall make an order commanding the said corporation to cease engaging in said unfair competition or practice * * *."'"

The measure does not go so far as I think it should. The bill which I introduced goes much further; but as time goes on, as we shall develop business along this line, you will find that from time to time Congress will give this great commission additional power, not to harass, not to destroy the business of this country, but to give the business of this country real liberty and freedom and to indicate to business the lines which it shall follow and along which it can proceed.

In my judgment not in half a century has the Congress of the United States enacted a law that is of equal importance to the one we are now enacting. [Applause.]

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Oregon [Mr. LAFFERTY].

The SPEAKER. The gentleman from Oregon [Mr. LAFFERTY] is recognized.

[Mr. LAFFERTY addressed the House. See Appendix.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Iowa [Mr. TOWNER].

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] is recognized.

Mr. TOWNER. Mr. Speaker, I sincerely hope that this conference report will be unanimously adopted. The bill as it is now before the House is a better bill than at any previous stage of its passage through the House and Senate. The House bill was greatly improved, as I think, in the Senate, and I am quite sure that the bill as it left the Senate was greatly improved in conference.

I am very glad personally that some of the amendments that I urged on the floor of the House have been adopted and are now contained in the bill. Several of them of some importance have been ingrafted and are now in the bill. I shall not take the time now to refer to them, because that would be self-gratulation. I am very glad, indeed, at this time to give credit to all of those who have taken part in this great act of constructive legislation.

Mr. Speaker, there are two very significant facts that are made very strongly evident in the present status of this bill which I think the House would do well to take to heart. The first one of these is that it is best for the House, best for the country, best for the interests of any party that may be in control of the administration that there shall be in the formulation of great constructive acts of this character the full and complete concurrence and aid of all of the membership of the House. I congratulate the chairman of this committee, who was throughout active and with the utmost openness of mind, with regard to the formation of this bill. The minority not only had an opportunity to be heard, but it was also heeded in the suggestions that were made.

I am very glad to pay my tribute to the author of this bill. It is a great bill. We remember how that other great act of constructive legislation along this line is known as the Sherman antitrust law. I sincerely hope that this law, when it shall have been placed on the statute books, will be referred to throughout the years to come as the Covington trade commission bill [applause] so that the name of its distinguished author will be indissolubly linked with it throughout the years that it shall bless, as I believe it will, the country in its administration.

There is another thing we ought to learn in this regard, and that is that these things are after all a process of growth and evolution, and not of distinct creation. Take this bill in its conception and see how gradually it has been evolved. Perhaps there never has been a time when it would have been safe to pass this bill until now. And that is not the only thing that we should have in consideration. The progress of the development is also dependent upon the roots that go back of it, and that are found in the growth of public opinion, the education and development of thought along those lines. That can only come by the general enlightenment of a broad and generous discussion, such as this bill has had, not only here on the floors of the Congress, but also in the press, in the legal journals, by publicists and jurists everywhere. All these have made contributions to the present accomplishment. It was a wise statesman who said that no Government dared break utterly with its past; and if we shall seek for the roots of this legislation we shall not find them in the introduction of this bill, but in the events and discussions which preceded it. [Applause.]

Mr. ADAMSON. Mr. Speaker, I ask for a vote on the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

Mr. RATHBICK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused, 13 Members, not a sufficient number, seconding the demand.

Mr. GREENE of Massachusetts. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The question is on agreeing to the conference report. Does the gentleman from Massachusetts make the point of no quorum present?

Mr. GREENE of Massachusetts. At the request of several gentleman I withdraw the point.

The question was taken, and the conference report was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

### SIXTH INTERNATIONAL SANITARY CONFERENCE AT MONTEVIDEO, URUGUAY.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 166, authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States to be held at Montevideo, Uruguay, in December, 1914, and

making an appropriation to pay the expenses of said representatives, and for other purposes.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of Senate joint resolution 166, which the Clerk will report.

The Clerk read as follows:

*Resolved, etc.*, That the President be, and he is hereby, authorized to appoint or designate two officers of the United States connected with the Public Health Service to represent the United States in the Sixth International Sanitary Conference of American States to be held at the city of Montevideo, Uruguay, in December, 1914, and to pay the necessary expenses of said representatives in attending said conference, including the expenses of assembling the necessary data and of the preparation of a report, the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 16136, with the gentleman from New York [Mr. FITZGERALD] in the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphates, oil, gas, potassium, or sodium, with Mr. FITZGERALD in the chair.

The CHAIRMAN. General debate on this bill is limited to four hours, one-half to be controlled by the gentleman from Oklahoma [Mr. FERRIS] and one-half by the gentleman from Wisconsin [Mr. LENROOT].

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Is this one of the bills that come under the rule prohibiting debate on anything outside of the subject matter of the bill?

The CHAIRMAN. The rule provides that all debate shall be confined to the subject matter of the bill under consideration.

Mr. ADAMSON. Will the gentleman from Wisconsin [Mr. LENROOT] occupy some of his time?

Mr. LENROOT. I yield 30 minutes to the gentleman from Illinois [Mr. THOMSON].

Mr. THOMSON of Illinois. Mr. Chairman, when the appointments of Members to the various committees of the House were made it fell to my lot to be assigned to the Committee on the Public Lands. Having always lived in a big city, and having served as a member of its council or board of aldermen for five years previous to my election to Congress, I had become somewhat familiar with the problems of various kinds that confront the people of the cities. But when it came to the problems of the far West I was very much of a tenderfoot. I trust, however, that the study and attention I have tried to give these matters as they have come before our committee may have removed me from that class.

I have found that these problems of the West, and particularly those involving the public lands, though affecting the interests of the people of the Western States directly, also affect the interests of the people of the rest of the country, and while that effect is in some respects an indirect one, it is quite as vital as is the effect in which the people of Western States are interested.

The fact is the problems involving the great natural resources of our Nation are not local or sectional, and can not be considered as such. The riches of the earth, with which these problems have to do, such as coal, gas, oil, and other minerals, as well as the means of producing water power, are the properties, not of those who happen to live within the geographical unit in which these riches lie, but of the whole people of the country. Therefore such legislation as may be proposed for the development and use of these minerals and kindred things should have in view the best interests of the Nation as a whole and not merely the local community.

My attitude toward the legislation which has been proposed in connection with the problems involving our natural resources can not be stated better than by quoting the paragraph of the Progressive platform on that subject. It reads as follows:

CONSERVATION.

The natural resources of the Nation must be promptly developed and generously used to supply the people's needs, but we can not safely allow them to be wasted, exploited, monopolized, or controlled against the general good. We heartily favor the policy of conservation, and we pledge our party to protect the national forests without hindering their legitimate use for the benefit of all the people.

Agricultural lands in the national forests are, and should remain, open to the genuine settler. Conservation will not retard legitimate development. The honest settler must receive his patent promptly, without needless restrictions or delays.

We believe that the remaining forests, coal and oil lands, water powers, and other natural resources still in State or National control, except agricultural lands, are more likely to be wisely conserved and utilized for the general welfare if held in the public hands.

In order that consumers and producers, managers and workmen, now and hereafter, need not pay toll to private monopolies of power and raw material, we demand that such resources shall be retained by the State or Nation and opened to immediate use under laws which will encourage development and make to the people a moderate return for benefits conferred.

In particular we pledge our party to require reasonable compensation to the public for water-power rights hereafter granted by the public.

We pledge legislation to lease the public grazing lands under equitable provisions now pending which will increase the production of food for the people and thoroughly safeguard the rights of the actual home-maker. Natural resources, whose conservation is necessary for the national welfare, should be owned or controlled by the Nation.

Generally speaking, these conservation bills, which have been reported by our committee after weeks of very earnest consideration, conform to the lines laid down in the Progresesive platform on the subject. However, these matters are not only neither sectional nor local in character, but they are also in no sense partisan problems, and I would do or say nothing to make them such. Our committee has been refreshingly free from any partisanship in its consideration of these bills. While in some matters the views entertained by different members of the committee have been very widely apart, and while at times our genial and very able chairman, the gentleman from Oklahoma [Mr. FERRIS], has been obliged to use a firm hand in conducting the committee's business and deliberations, partisanship has never crept in or been evidenced by him in the slightest degree. As the Progressive Party member of the committee, I am very glad to give my hearty support to this legislation which the committee has reported, and I trust that all these bills, which came to the committee as administration propositions, may be passed and enacted into law by this Congress.

The first of the conservation bills which were reported to the House by our committee was the bill (H. R. 14233) providing for the leasing of coal lands in the Territory of Alaska. The actions of certain large and very powerful interests in this country some years ago, by which they attempted to grab and to fasten a perpetual monopoly on the immense coal deposits of that vast Territory, necessitated the withdrawal of practically all the remaining coal-bearing public lands of Alaska. This brought all development of these lands, proper as well as improper, to a standstill. That condition of things was, of course, not the end sought. These natural resources should and must be developed, but in a proper manner and in such way as to serve the best interests of all the people.

As declared by the Progressive platform, I have believed that the coal as well as the other natural resources of Alaska should be opened to development at once. These resources are owned by the people of the United States and are safe from monopoly, waste, or destruction only while so owned. I have believed that these coal-bearing lands of Alaska should neither be sold nor given away except under the homestead laws, and that while the lands or their deposits remain in Government ownership they should be opened to use promptly upon liberal terms requiring immediate and reasonable development.

Thus the benefit of cheap fuel will accrue to the people of Alaska and doubtless also to the people of our Pacific Coast States. The settlement of extensive agricultural lands in Alaska will be hastened, and the just and wise development of Alaskan resources will take the place of private extortion or monopoly.

This bill, providing for the leasing of the coal lands of Alaska, may be said to be a companion bill to the Alaska railroad bill recently passed by Congress. It is the corollary of that bill. Proper transportation facilities are essential to the development of the Alaskan coal fields, and the shipment of the product of these mines would seem to be necessary for the successful and profitable operation of those railroads. In providing for the construction of a railroad in Alaska by the Government we have struck from that Territory the shackles which were surely being fastened upon it by those who were acquiring a monopoly of the terminal facilities and the railroad lines.

By the withdrawal of the unentered coal lands of Alaska in 1906 the fraud by which many sought to evade the laws and take to themselves that to which they had no right was stopped. But, as Secretary Lane said when he appeared before the committee in connection with this bill, to continue that withdrawal has been an act of cruelty to the people of Alaska and an act of injustice to ourselves. This bill will open up these lands to a wise and well-regulated development through a leasing system.

There is much high-grade coal in Alaska as well as vast beds of a lower grade or lignite, which is suitable for domestic use.

While the Alaska coal output up to this time has been insignificant, the annual consumption in the Territory is over 100,000 tons. Most of this coal has been produced outside of Alaska, much of it being taken up there from the Vancouver Island fields. This bill provides for the leasing of Alaska's coal deposits in areas of sufficient size to warrant the installation of large and modern equipment and the mining and marketing of the coal upon payment of a reasonable royalty, while at the same time small areas may be developed and mined without charge for domestic needs.

The leasing periods provided for in the bill are indeterminate, so that lessees may be willing to expend the money necessary for the thorough equipment of a large mine. Provision is made in the bill, however, for such an adjustment of the terms and conditions of the leases at the end of 20-year periods as may meet materially changed conditions.

The royalties provided by the bill assure the Government an adequate return from lessees, and the rental provisions are designed to insure reasonably continuous operation of the mines.

Preference in the surveying and leasing of the various known fields is given to the Bering River and Matanuska fields, because they contain deposits of anthracite and high-grade bituminous coals, some of which are supposed to be adapted to Government uses, and because those fields lie within comparatively easy distance of rail and water transportation. In the other fields, containing chiefly lower grade bituminous or lignite coals, it has been deemed advisable to first make the surveys near established settlements or existing or proposed transportation lines.

The next bill to be considered, which has been reported to the House by the Committee on Public Lands, is the bill H. R. 16136. It has to do with continental United States. It concerns the development of our public lands containing coal, phosphate, oil, gas, potassium, or sodium, and, except as to coal, it also applies to Alaska. This bill, like the Alaska coal bill, is based on a system of leases and, in general, follows the terms of the Alaska coal-leasing bill just referred to. I trust Congress is going to approve the development of these lands through leases. It certainly should not be our policy to limit operations in coal, oil, gas, and the other things named to those who have money enough to make the huge investments that are necessary if the fields of operation must be owned in fee.

This system of leasing the public lands to those who wish to develop the natural resources is bitterly opposed by some of the Representatives of those States in which the public lands are located. The general reasons for their opposition are voiced in the minority views filed by Mr. TAYLOR of Colorado in connection with this bill.

In my judgment, these gentlemen are basing their objections on a false premise. They are assuming that the public lands and all the riches those lands contain, located within the geographical limits of their States, are the property of the people of those States. In his minority report on this bill Mr. TAYLOR refers to these lands and their resources as "the resources of the West," "the rights of the Western States," "our lands"—meaning the lands of the people of the so-called public-land States—"our resources," "the natural resources of our State," and so on.

These things can not properly be designated in any such manner. They are not the resources of the West, but, on the contrary, they are the resources of the people of the United States; they are not the rights of the West, they are the rights of the Nation; they are our lands and our resources, meaning the lands and the resources of the people of every State in the Union, no matter in which one of them the lands and the resources may lie.

These gentlemen proclaim that the first States admitted into the Union were given public lands and that the refusal of Congress to follow that practice is unwarranted discrimination against the West; that the East has no right to voice a protest, because the disposition of public lands is a local issue. They say that the former "Great American Desert" belongs to the States carved out of it, because they have developed parts of it, and that it should be turned over to the so-called public-land States to be sold for their benefit.

Those who maintain this doctrine are in the minority, and I believe they do not include the rank and file of the western people, nor is it by any means true, on the other hand, that they are all from the public-land States.

In proof of the fact that those of our friends from the West who, like the gentleman from Colorado, contend for State ownership and cry out against Federal control do not reflect the sentiments of some of their own people, I wish to call your attention to a protest made over a year ago by some of the people of the West, of Colorado itself, in fact, against this misrepresentation of the Federal conservation policy. It is, in part, in the following words:

A PROTEST AGAINST MISREPRESENTATION OF THE CONSERVATION POLICY OF THE FEDERAL GOVERNMENT.

DENVER, COLO., *February 14, 1913.*

The intemperate statements concerning the Federal policy of conservation which are being published in Denver should not be taken as representing the true sentiment of our people. However vehement the demand for State ownership of all our public lands may be, we are not going to take the advice given by one of the speakers at a recent luncheon, and "throw the Federal officials out of Colorado." Neither will we tolerate, without protest, the spirit that induced the governor to send a telegram to New York, in which he said that if President Wilson should reappoint Mr. Fisher as Secretary of the Interior it "would be a slap in the face of every Colorado citizen." The governor should not forget, in his eagerness to advance the unreasonable land policy which he advocates, that he was elected by a minority vote. There are many of his own political faith in the State who do not agree with him upon the great question of conservation. Besides, he is entirely out of harmony with the national leaders of the Democratic Party.

The charge, so often made, that our national conservation policy is retarding the development of our State is without any foundation in fact. Upon the contrary, the harm is being done by those who so heedlessly and continuously misrepresent the efforts of the Federal Government to protect the natural resources of our country for the present and future use of all our people. The argument, so frequently advanced, that, because of our forest reserves, prospective settlers are compelled to leave Colorado to secure farming lands elsewhere is childish in its weakness.

* * * * * * *

It has been shown over and over again that no legitimate settler is ever deprived of taking agricultural lands upon the forest reserves; but those who have started out to make the national policy of conservation appear bad, because they want it to be bad, refuse to be comforted.

* * * * * * *

The talk about retarding the development of our coal lands is on a par with the rest of the argument put forth in favor of State ownership of all public lands. If the Government held a few thousand acres of anthracite coal lands in the State of Pennsylvania, it might now be able to lease some of it and break the worst coal monopoly that ever existed in this or any other country. Enough coal has already gone into the hands of private ownership in Colorado to supply the demands of our people for 50 years to come, without drawing upon any other source of supply. Only a small acreage of this is being operated at the present time. But if anyone wants more coal land, he can still lease of the Government or buy it at the Government price.

But of all the special interests that are most active in this effort to break down the powers of the Federal Government in matters of conservation, the hydroelectric power companies come first. Here is the greatest prize of all, for in its future development lie the power and the heat that will ultimately turn all the wheels of industry and supply the comforts of our homes. Once in the hands of monopoly, what unearned increment might not be forced from the people?

It has been said by those who oppose Government restrictions in the use of water-power sites that such a monopoly would be impossible. Let us call your attention to the fact that such a monopoly already exists upon the Pacific coast, and that another is being rapidly formed in Colorado, which is absorbing all the developed power sites in the State. These companies care nothing for the average charge of 46 cents per horsepower per annum for the first 10 years they occupy these power sites, or for the $1 per annum that is charged for each year thereafter. That is not what worries them. It is the fact that the Government franchises under which they must operate reserve the right to regulate the rates whenever they become excessive or burdensome to those who must depend upon them for power or heat or light. They do not fear the State, and that is why they are all so earnestly supporting the right of State ownership.

Col. Bryan has well expressed the reason for this conflict between the State and the Nation in a recent speech at Kansas City upon forest reserves and water-power sites:

"My observation is that you very seldom have a conflict between the State and the Nation unless some private interest is attempting to ignore the rights of both State and Nation. Back of this controversy which we hear suggested between the State and Nation, you will find the interest of the predatory corporation, that is as much an enemy to the people of the State as to the people of the Nation."

No one knows better than these hydroelectric power companies the weakness of State government when compared with Federal control. In their ability to deceive the people as to their real purpose in this contest lies their hope of success.

President Wilson, in the February number of World's Work, sounds this note of warning:

"What is our fear about conservation? The hands that are being stretched out to monopolize our forests, to prevent the use of our great power-producing streams; the hands that are being stretched into the bowels of the earth to take possession of the great riches that lie hidden in Alaska and elsewhere in the incomparable domain of the United States, are the hands of monopoly. Are these men to continue to stand at the elbow of Government and tell us how we are to save ourselves—from themselves? You can not settle the question of conservation while monopoly is close to the ears of those who govern. And the question of conservation is a great deal bigger than the question of saving our forests and our mineral resources and our waters; it is as big as the life and happiness and strength and elasticity and hope of our people."

John Grass; Frank C. Goudy; E. P. Costigan; Joseph E. Painter; American National Live Stock Association, by T. W. Tomlinson, secretary; Colorado Live Stock Association, by John Grattan, secretary; W. A. Hover; The Colorado State Forestry Association, by W. G. M. Stone, president; A. Lincoln Fellows; J. S. Temple; Jesse F. McDonald; Allison Stocker; H. H. Eddy; A. E. de Riegles; F. M. Taylor; Delta County Live Stock Association, by J. B. Killian, president; Cattle and Horse Protective Association, district No. 9, by John E. Painter, president; George J. Kindel, Member elect of Congress.

Those who oppose Federal control of the public lands may be divided into three groups. In the first group are those who are seeking the land for its timber, minerals, water power, or other resources. It is not their desire to help the States; they seek to benefit themselves. It is their plan to first loosen Federal control, thus making it easier to get the land from the more amenable State governments. On the pay roll of this group are those who are employed to stir up sympathy for the "State rights" cause. They have been referred to by others as the "cheer leaders," who from headquarters established in Washington and other points of vantage keep the public informed, through the channels of publicity which they can control, that the public-land policy established or proposed to be established by the Federal Government is "unwise, unjust, and detrimental and must operate to retard the best interests of the people of the country and prevent the proper development of our natural resources within the borders of the States of the great arid West which have been struggling under the blighting influence and effect of the shortsighted and ruinous public-land policies of the Government."

In the second group may be placed those who have been denied free grazing and other privileges formerly permitted without restriction on the public lands or those who have had their land entries canceled because of only a colorable compliance with the law. These people have a "grouch" against the Government because it has required them to live up to the law, and they refuse to adjust themselves to new conditions and proper regulations laid down for the disposition of these resources. The settlement and civilization of that once wide-open country, followed by the enforcement of law, have imposed onerous restrictions upon these old-timers, and, like the Indian who hopes to again see buffalo graze where crops now grow, they long for a return of the good old days when the boundless West was a no-man's land.

The third group is composed of a few people who, like our friend from Colorado [Mr. TAYLOR], honestly believe that the "State rights" cause is just. They do not approve of national forests or any other permanent reservations made for future as well as for present needs, maintaining that the land and other natural resources of the Nation should be disposed of for the benefit of the present generation. I presume those who are in this class believe those who are to come after us should look after themselves. "Why should we worry about them?" they ask. Quoting one of our early statesmen, they inquire, "What has posterity ever done for us?"

It is these advocates of State control, some in one of these classes and some in another, that do not like these leasing bills.

The corner stone of the argument of these gentlemen is to be found in the following paragraph in the minority report filed by the gentleman from Colorado [Mr. TAYLOR].

Says Mr. TAYLOR:

> In my judgment the bill H. R. 16136 is in violation of the moral, legal, and constitutional rights of the Western States; in contravention of the enabling act by which they were admitted into the Union, and to that extent are unconstitutional. I look upon this bill as absolutely taking from the people of the arid West some of the most sacred property and political rights they have, not only reversing the traditions of this Government for over a hundred years, but violating the very constitutional guaranties upon which those States were admitted into this Union.

Coming from a lawyer, and one who has lived most of his life in the public-land States, and who has rendered a service extending through some years in the legislature of his adopted State and who has been one of the Representatives of that State in this House for several terms, such an argument is nothing less than amazing. It is utterly annihilated by the mere reading of the enabling act by which his own State of Colorado was admitted into the Union. If the gentleman knew as much about the contents of that enabling act as one would be led to believe he did from an examination of the minority views he has expressed on this bill, he never would have written the paragraph I have quoted, for he would know that the enabling act in question provides in section 4 that the members of the constitutional convention to be elected by the people of Colorado—

> shall declare on behalf of the people of said Territory, that they adopt the Constitution of the United States; whereupon, the said convention shall be, and it is hereby, authorized to form a constitution and State government for said Territory: *Provided*, * * * That said convention shall provide, by an ordinance, irrevocable without the consent of the United States and the people of said State: * * *
>
> Secondly, That the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States. * * *

This enabling act was passed by Congress and approved March 3, 1875, and is to be found in volume 18, United States Statutes at Large (part 3), page 474.

The constitutional convention of the State of Colorado met at the city of Denver on the 19th day of December, 1875, and I would suggest to the gentleman from Colorado that if he will examine the proceedings of that convention for the afternoon session of February 3, 1876, reported on page 233 of the official report of those proceedings, he will find the following:

> On motion of Mr. Kennedy, the ordinance as amended was adopted by the convention in the words following:
>
> ORDINANCE.
>
> "In conformity with the requirements of an act of the Congress of the United States entitled 'An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States,' approved March 3, A. D. 1875, on behalf and by the authority of the people of the Territory of Colorado, this convention, assembled in pursuance of said enabling act at the city of Denver, the capital of said Territory, on the 19th day of December, A. D. 1875, does ordain and declare: * * *
>
> "Second. That the people inhabiting the Territory of Colorado, by their representatives in said convention assembled, do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposal of the United States. * * *
>
> "Third. That this ordinance shall be irrevocable without the consent of the United States and the people of the State of Colorado."

A duly certified copy of that ordinance and of the constitution adopted by the convention was forwarded to the President of the United States, whereupon the latter official issued a proclamation in which he recited the act of Congress referred to and the action of the convention in adopting the constitution and ordinance called for by that act and declared and proclaimed—

> The fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission into the Union have been ratified and accepted, and that the admission of the said State into the Union is now complete.

Therefore if Congress elects to lease the public-land resources located in the State of Colorado, under proper terms, it certainly is wholly within its legal and constitutional rights and is not violating any right of that State or of its people, the gentleman from Colorado [Mr. TAYLOR] to the contrary notwithstanding. In so doing Congress will be exercising no right which is "in violation of the moral, legal, and constitutional rights" of his State as Mr. TAYLOR contends in his minority report filed on this bill, but a right that Congress expressly retained as a condition precedent to the admission of Colorado, and to which the people of that State have expressly and specifically agreed.

What I have said about the enabling act and the proceedings of the constitutional convention of the State of Colorado is likewise true as to every public-land State in the Union with two exceptions, and in the cases of those two States the acts of Congress admitting them into the Union expressly grant certain lands to the States and then provide that they shall not be entitled to any land within their borders other than that expressly granted to them in those acts.

These clauses in the enabling acts of the new States, to which I have referred, have been declared valid by the United States Supreme Court in a number of cases. In Coyle *v.* Oklahoma (221 U. S., 559) the court holds that Congress may embrace in an enabling act conditions relating to matters wholly within its sphere of powers, such as regulations of interstate commerce, intercourse with Indian tribes, and disposition of public lands, but not conditions relating wholly to matters under State control, such as the location and change of the seat of government of the State.

Of course Congress only possesses such rights as have been expressly granted to it by the people through the Constitution. In making such disposition of the public lands as it sees fit Congress is within its rights as thus laid down in the Constitution, section 3 of Article IV of which says:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The remaining sentence of that clause or section, which reads—

> And nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State—

does not alter the situation, as claimed by the gentleman from Colorado, for the States have no claims which are or can be prejudiced by such a construction of the Constitution as involves the leasing of the public lands.

On page 6 of his minority views Mr. TAYLOR makes the following statement:

> No matter how loudly and vigorously and repeatedly it may be proclaimed that these lands "belong to all the people," the fact remains that when those States were admitted to the Union the United States Government entered into a solemn compact with each of them that the lands within their borders should be expeditiously and in an orderly manner disposed of to the settlers and be allowed to go into private ownership to help maintain the State government, and Congress has no moral, legal, or constitutional right to repudiate or violate that agreement.

The only "solemn compact" made with these States by the United States Government "when those States were admitted to the Union" was the enabling acts passed by Congress at the time of the admission of each of them. Not only is there no such agreement, as Mr. TAYLOR claims, contained in any of those acts, but, on the contrary, the "solemn compacts" thus entered into by the United States Government and the new States provides expressly, as I have pointed out, that the people of the States shall have no right or title to these lands, but that they shall be and remain at the sole and entire disposition of the United States Government.

But probably the gentleman from Colorado bases his statement which I have quoted on the fact that there was a "solemn compact" that when new States were admitted into the Union they were to come in having equal rights with the original States, and his contention is that the new States do not have such equal rights unless all the public lands within their borders are allowed to pass into private ownership.

Let us see about that. During the period of the Revolutionary War the most important internal problem was the disposition of the unappropriated lands claimed by some of the States in the Federation. The question then was what to do with these lands in the event of the successful termination of the war. It was feared that this problem would lead to fatal differences and jealousies. The States not containing any considerable quantity of unappropriated lands contended that as the war was waged with united means, with equal sacrifice, and at common expense, these lands ought to be considered as common property and should not be exclusively appropriated for the benefit of the respective States in which they were located. The landed States, however, argued that each State was entitled to the whole of their territory, whether public land or privately owned. To check the progress of discontent and to avoid the serious consequences to which the question might lead, Congress recommended that the States make cessions of the unappropriated lands to the Federal Government, and on October 10, 1780, Congress passed a resolution providing "that the unappropriated lands that may be ceded or relinquished to the United States by any particular State pursuant to the recommendation of Congress of the 6th of September last shall be disposed of for the common benefit of the United States," and further on the same resolution provides "that the said lands shall be granted and settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled."

In conformity with the recommendation of Congress, the several original States containing unappropriated lands made cessions of them to the United States. The object of these cessions, as declared in the articles of cession, was that the ceded lands should be held for the common benefit, "and shall be faithfully held or disposed of for that purpose, and for no other purpose or use whatever."

Thus by a common agreement the original thirteen States established the first public domain by grants of lands from the States to the Federal Government. These grants aggregated 259,171,787 acres. The establishment of this public domain was the tie that bound the original States together into the Union.

This first public domain lay north and west of the Ohio River—the Northwest Territory—and south of the Ohio and east of the Mississippi—the Southwest Territory. In the States formed out of these ceded lands the public domain is now so small as to be almost negligible.

It is difficult to find any valid claim for any of our States of the West to the public lands within their boundaries when we remember that, excepting the State of Texas, all the land west of the Mississippi River was bought and paid for by the Federal Government before most of the Western States were occupied by white men. These lands cost the Government a total of nearly three-fourths of a billion dollars. Not a dollar of this money was paid by any one of the States. It came out of the Treasury of the United States, money obtained from taxation of all the people.

Thus the Federal Government acquired its vast territory, since made into the States not included in the original thirteen, by cession of a small part and direct purchase of the largest part. No one ever hears any of these "State rights" advocates, in their clamor to have the Government turn these lands over to the States, suggest that a proportionate share of the cost or the present value of these lands be paid by those States.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. THOMSON of Illinois. I yield to the gentleman for a question.

Mr. JOHNSON of Washington. Does not my friend admit that all of the country known as the Oregon Territory came into the Union through discovery by Americans, and then through occupation and defense by the American people living in that country and not through any cost to the United States?

Mr. THOMSON of Illinois. No; I will not admit that. That is not my understanding of it at all.

Mr. JOHNSON of Washington. Does not the gentleman admit that the discovery by Capt. Robert Gray and his putting into the Columbia River and into Grays Harbor laid the foundation which made that United States territory?

Mr. THOMSON of Illinois. My recollection of it is that all that territory came in through purchase.

Mr. JOHNSON of Washington. It was claimed by Great Britain for a great many years, and at one time "fifty-four forty or fight" was a campaign cry.

Mr. THOMSON of Illinois. Our recollections may differ on this question. I do not want to take the time to discuss it further.

It is interesting to note the attitude of the Government toward its public domain as new States were settled and admitted into the Union. History does not bear out the assertion that it was the policy of Congress in the early days to give all the public lands to the States. Vermont, originally a part of New York, was the first State admitted into the Union (Feb. 18, 1791), and Kentucky, the second State, had been a part of Virginia. Neither Vermont nor Kentucky had any public lands within their boundaries.

There were less than 45,000 acres of public land in Tennessee, the third State, when it was admitted on June 1, 1796. This small area was too scattered to be administered by the Federal Government and for that reason the Government gave it to the State. As a comparison it may be stated that the two States recently admitted each received grants of more than 12,000,000 acres.

Texas was a Republic—not a Territory—with a form of government for 10 years prior to annexation in 1845. The area it covered was never a part of the public domain of the United States. It embraced no lands ceded by any of the 13 original States nor was it a part of the area bought and paid for by the United States or acquired through conquest. When Texas came into the Union the State already owned all the land the Republic had wrested from Mexico.

The fourth State admitted was Ohio. This was the first State formed out of the "Northwest Territory." The act of admission reserved to the Federal Government all the public lands within the State. And every State admitted since Ohio has had similar language written into its enabling act. Moreover, the constitutions of all these States admit, in no uncertain language, the Federal Government's title to the public lands.

Therefore in inserting the clause to which I have called attention in the various enabling acts of the new States Congress has simply claimed a right to deal with and dispose of the public lands similar to that right which the original 13 States granted to their Continental Congress as to their lands of like character, and in now making such disposition of the public lands as it pleases, whether it be by conveying in fee or by leasing, and thus conveying only a qualified title, Congress is not taking from the State in which the lands are located any right ever possessed by any other State nor is it failing to accord that State equal rights with the original States and all the other States of the Union.

That these enabling acts did not contemplate that all these public lands should go into private ownership is further indicated by another clause, providing that 5 per cent of the proceeds of the sales of agricultural public lands, which shall be sold by the United States subsequent to the admission of these States into the Union, shall be paid to the States for the purpose of making internal improvements, and then the enabling acts go on to say:

*Provided*, That this section shall not apply to any lands disposed of under the homestead laws of the United States or to any lands now or hereafter reserved for public or other uses.

The issue of State or private ownership versus Federal ownership and control of these public lands and natural resources is not a new one, as I have endeavored to show. Not only was it practically coexistent with the establishment of our Government, but since then, as our country has developed westward, periodically this old slogan of "State rights" has been resurrected by those who desire State control.

This question became a national issue in the thirties, after Illinois, Ohio, and other States formed out of the public lands had been admitted into the Union. The question was the most important one before Congress for several years. Those new States clamored for the right to own and dispose of the unappropriated lands within their boundaries.

The Federal control of public lands was ably defended by such farseeing statesmen as Webster and Clay. During the

progress of Webster's celebrated reply to Hayne on the public-land question, he said in part:

The public lands are a fund for the use of all the people of the United States; and while I wish that this fund should be administered in a spirit of the utmost kindness to the actual settlers and the people of the new States, I shall consent to no traffic of it, no waste of it, no cession of it, no diversion of it in any manner from that general public use for which it was granted.

About this time a bill turning over the public lands to the States was introduced in Congress. It was referred to the Committee on Manufactures, of which Clay was then the chairman, notwithstanding the fact that he remonstrated against the reference and insisted that the bill properly belonged to the Committee on Public Lands. He was then a candidate for President, and the friends of the measure believed that he would not dare injure his prospects as a presidential candidate in the new western States by reporting adversely on the measure.

In a private letter, dated March 28, 1832, to Hon. F. T. Brooks, Clay expressed his personal opinion of the issue in unmistakable language. He said:

You will have seen the disposition made on Thursday last of my resolution respecting the tariff. On that occasion some developments were made of a scheme which I have long since suspected, that certain portions of the South were disposed to purchase support to the anti-tariff doctrines by a total sacrifice of the public lands to the States within which they are situated. It will fail in its object; but it ought to be denounced * * *.

But they who had forced on him the duty of making this report were astounded when it was given to the Senate. His report on that occasion (April 18, 1832) is considered a masterpiece of statesmanship. Clay not only objected to the cession without cost to the States, but he also objected to sales of the public lands to the States for a nominal consideration. His report, applicable in many ways to the conditions of to-day, is in part as follows:

In whatever light, therefore, this great subject is viewed, the transfer of the public lands from the whole people of the United States, for whose benefit they are now held, to the people inhabiting the new States must be regarded as the most momentous measure ever presented to the consideration of Congress. If such a measure could find any justification, it must arise out of some radical and incurable defect in the construction of the General Government properly to administer the public domain. But the existence of any such defect is contradicted by the most successful experience. No branch of the public service has evinced more system, uniformity, and wisdom or given more general satisfaction than that of the administration of the public lands.

If the proposed cession to the new States were to be made at a fair price, such as the General Government could obtain from individual purchasers under the present system, there would be no motive for it unless the new States are more competent to dispose of the public lands than the Common Government. They are now sold under one uniform plan, regulated and controlled by a single legislative authority, and the practical operation is perfectly understood. If they were transferred to the new States, the subsequent disposition would be according to laws emanating from various legislative sources. Competition would probably arise between the new States in the terms which they would offer to purchasers. Each State would be desirous of inviting the greatest number of immigrants, not only for the laudable purpose of populating rapidly its own territories, but with a view to the acquisition of funds to enable it to fulfill its engagements to the General Government. Collisions between the States would probably arise, and their injurious consequences may be imagined. A spirit of hazardous speculation would be engendered. Various schemes of the new States would be put afloat to sell or divide the public lands. Companies and combinations would be formed in this country, if not in foreign countries, presenting gigantic and tempting but delusive projects, and the history of legislation in some of the States of the Union admonishes us that a too ready ear is sometimes given by a majority in a legislative assembly to such projects.

The arguments of Clay against the passage of the bill were so strong and so convincing that the advocates of the measure refrained from asking a vote on it. Its defeat did not completely stop agitation, however. Losing the fight for the whole pie, they still worked for a division of it. So, to appease their land hunger and quiet the clamor, Congress passed an act in 1841 granting each State 500,000 acres for the construction of internal improvements.

But for fear my "State rights" friends may think that these authorities I have been citing are not up to date, I shall quote from a more recent speech delivered at Denver, the capital city of the State from which my friend Mr. TAYLOR comes. This address was delivered on October 7, 1912, and the speaker said in part:

Now, what is very much in my heart, as I face a great assemblage like this, is the question, Is there any political process which can set this great people free from the thralldom of monopoly? [Applause.] For if we can not escape monopoly, we can not set up a free government in the United States.

Mr. TAYLOR of Colorado. What is the gentleman reading from?

Mr. THOMSON of Illinois. I will tell the gentleman in just a minute.

Mr. TAYLOR of Colorado. I did not recognize anything of the kind, and I wanted to know what it was.

Mr. THOMSON of Illinois. I will tell the gentleman in just a moment, being sure that the gentleman will be even more interested in it when he finds out what I am reading from. The address continues:

I want to ask gentlemen of this great western country, who are interested in its development, to ask themselves what has stood in the way of that development? You know that one of the critical questions in which you are interested is the question of conservation. You know that you are fretful and dissatisfied because great forest areas, great water courses, great mineral resources are held back from use by the Government of the United States, and that your local development seems to be checked by the stiff policy of restriction observed by the Government at Washington.

But why does the Government at Washington preserve this policy, so stiff and rigid and unchangeable? Because there are special interests which are stretching out their hands to monopolize these great resources which the people of this region ought to enjoy and to use—

And here the reporter has recorded the fact that there was extended applause—

and the Government of the United States dares not relax its grasp for fear these special powers that have been built up by the special legislation at Washington should become the master of your development and of the Nation's development itself.

Those are the words of President Wilson, who has no more loyal supporter, I am sure, than the gentleman from Colorado.

But to return to Mr. TAYLOR's minority report. On page 11 of the report the gentleman from Colorado states that no national political party has as yet advocated the principles laid down in these leasing bills, which are designed to keep the natural resources of our country out of private ownership. He quotes certain language from the national platforms of the Republican and Democratic Parties, which, in neither case, touches upon this question definitely. Then he goes on to say:

The National Progressive Party during the last campaign adopted a plank in its platform advocating the retention and control of these resources by the Federal Government. They did not advocate or say anything about the "leasing" of them for Federal revenue or otherwise, but merely declared for the "retention" of them by the Government to prevent monopoly and encourage legitimate development.

My friend Mr. TAYLOR could not have read the Progressive platform with much care. I do not see how he could have read through even the paragraph to which he is referring, for if he had he would certainly have found that the Progressive Party advocated something beyond this "retention" of the public lands, and that following that sentence the platform goes on to say that these lands should be—

opened to immediate use under laws which will encourage development and make to the people a moderate return for benefits conferred.

How, pray, could these lands be retained by the Government and at the same time opened to immediate use under laws which will encourage development unless those laws provided for the leasing of the lands where the title remained in the Government and the development was provided for in the terms of the lease?

Mr. TAYLOR of Colorado. Will the gentleman permit another interruption?

Mr. THOMSON of Illinois. Yes.

Mr. TAYLOR of Colorado. Has any Republican or Democratic platform in the history of this Government ever up to this hour advocated the leasing system of the public domain?

Mr. THOMSON of Illinois. That is not what the gentleman's statement was. The gentleman's statement was that no party had done so.

Mr. TAYLOR of Colorado. Will the gentleman answer my question?

Mr. THOMSON of Illinois. Not that I know of.

Mr. TAYLOR of Colorado. Even the Progressive Party did not advocate the leasing of the public domain.

Mr. THOMSON of Illinois. On the contrary, they have done that very thing. Just let me proceed a few lines further. Certainly such a party policy does not contemplate the turning of all these lands and resources over into private hands, but if the gentleman from Colorado could have endured the dry reading afforded by the Progressive platform long enough to get to the next paragraph beyond the one to which he has referred, he would have found the following:

We pledge legislation to lease the public grazing lands under equitable provisions now pending, which will increase the production of food for the people and thoroughly safeguard the rights of the actual home-maker. Natural resources, whose conservation is necessary for the national welfare, should be owned or controlled by the Nation.

My friend Mr. TAYLOR tells us in his minority report that he is opposed to having the resources of the West—he should have described them as the resources of the Nation—withheld from private ownership. He says he does not like absentee landlordism.

Mr. GOOD. Will the gentleman yield?

Mr. THOMSON of Illinois. I will.

Mr. GOOD. Just what position does the minority take on this matter? What would they substitute for the position of the majority? I am unable to tell from the reading of the minority report.

Mr. THOMSON of Illinois. Far be it from me to elucidate the report or explain the position of the minority. I occupy somewhat the position of my friend from Iowa. I prefer to leave that to be explained by the minority themselves.

Mr. GOOD. The gentleman being on the committee, I thought he might be able to read between the lines. Reading the report does not give us any information as to just what position they do take.

Mr. THOMSON of Illinois. If I had the time I might try to explain it. Farther on Mr. TAYLOR tells us that he and his constituents prefer to be governed by their own people instead of by rules and regulations promulgated from the city of Washington.

The gentleman from Colorado has not forgotten the fine example of private ownership recently furnished by the Colorado Fuel & Iron Co. in his own State, but he seems to have failed to appreciate the lessons which that example teaches. According to Mr. TAYLOR'S own statement, Mr. Rockefeller owns 40 per cent of the stock of this company, which mines probably 20 per cent of the coal produced in Colorado and owns a still greater percentage. There is private ownership; and Mr. TAYLOR tells us his people like it and are crying for more! These people of the West would have none of the order produced by regulations promulgated from the seat of their Government at Washington, but we are told they want private ownership, though it be accompanied by the riots and disorder produced by regulations promulgated from New York by certain absentee landlords who never get out of Wall Street. We are told that these people out there prefer to be governed by their own people, and not by the Federal Government, at least until, judging from recent events, their own people make such a mess of it that they have to send forth a Macedonian cry for help and have the Federal Government step in and stop warfare and bloodshed by the use of Federal troops.

I am unable to account for the logic of the people of a State that are so consumed with a continual howling about their "rights" that they utterly lose sight of the fact that they are not a country unto themselves, but one of a family of States, and that other members of the family have some rights, too, or that there are mutual obligations to be considered.

But Mr. TAYLOR tells us there is nothing in this leasing bill we are proposing that would prevent the operators of mines, if they were tenants of the Federal Government, from acting exactly as the mine operators of Colorado have been in the recent disturbances there.

It can not be that Mr. TAYLOR has not even read this bill! If he has, he has forgotten some of its provisions. In the first place, if the Colorado Fuel & Iron Co. was operating under such a law as this bill proposes, its holdings would be limited to 2,560 acres, so it would not be producing 20 per cent of the coal output of Colorado, and it would therefore probably be without the arrogance which goes with too much power. In the next place, I would remind my friend from Colorado that the pending bill contains the following language:

Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by the Secretary shall be observed, and such other provisions as he—

The Secretary of the Interior—

may deem necessary for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare.

And also the following:

That any lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any of the provisions of this act, of the lease, or of the general regulations promulgated under the act and in force at the date of the lease, and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specific conditions thereof.

In his minority report the gentleman from Colorado makes much of the fact that a system of leasing certain of the public lands has been tried before in this country and, proving unsatisfactory, was abandoned. This leasing system covered certain lead deposits in localities now included in the States of Missouri and Illinois. Mr. TAYLOR tells us he is a native son of Illinois himself, so when he comes to appeal to those of us, his brethren of that State, to save Colorado and the other present public-land States from a revival of this vicious system, he waxes eloquent and quotes Shakespeare to us.

There can be no comparison between that old law and this proposed law which can lead to the conclusion which our friend from Colorado would have us make.

Even if the laws were the same or nearly so it could not be said that a plan that did not work out in this country over a century ago will not make a success to-day. But the two laws are totally different. The act of March 3, 1807, to which Mr. TAYLOR refers, merely says that—

The President of the United States shall be, and is hereby, authorized to lease any lead mine which has been or may hereafter be discovered in the Indiana Territory for a period not exceeding five years.

A mere statement of that old law shows conclusively that there can be no comparison made between it and the terms of the pending bill. Under that old law lead-mine leases were issued under the supervision of the War Department, and the United States reserved a royalty or rental of one-sixth of the lead for Government use. Most of the discontent that grew up under that law was not due to the operation of the law itself, but such an immense number of illegal entries of mineral land got through some of the land offices that such operators as had leases refused to pay further rents or royalties. The experience of the country under that law has nothing to do with the question now before us. That law is as different from the one suggested in this bill, as the conditions to be dealt with to-day are different from those obtaining a century ago, when that law was tried. And, after all, it should be pointed out that coal lands or coal deposits may still be acquired in fee even after the passage of the pending bill, for section 2 of this bill provides:

That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, may, unless an offering, an application for offering, or an application for lease is pending hereunder, be acquired in accordance with the provisions of sections 2347 to 2352, inclusive, of the United States Revised Statutes and acts amendatory thereof or supplementary thereto, or such lands or deposits may be leased as hereinafter provided.

The third bill reported by the Committee on the Public Lands in this group is H. R. 16673, known as the water-power bill. One of the great problems before our country to-day is that relating to its water power. The use of electricity and electrical power is still in its infancy. In the next 50 years it is bound to grow to tremendous proportions. It is contended by some that such questions as the currency and the tariff are relatively unimportant when compared with the question of the developing and harnessing of the water power of our country and converting it into electrical energy for use by our people. That is a strong statement, but I feel it does not go too far.

In the hearings before our Committee on the Public Lands on this bill it was pointed out that engineers have estimated that the total available horsepower in the United States has been placed as high as 200,000,000. Of that possible development we have to-day about 6,000,000 horsepower created from water powers.

The very heart of this problem is to be found in the sites along the parts of streams where there is sufficient fall in the water to create power in commercial quantities, which sites are suitable for the erection of dams.

Groups of men of wealth and power, foreseeing the tremendous possibilities in this thing, have gone about acquiring and getting control of these dam sites not for the purpose of developing all of them, but with the object of developing some and preventing the remainder from being developed by anybody else, thus limiting the supply of the product, electricity, and giving them a monopoly of it. As one of the greatest authorities on the subject, Mr. Gifford Pinchot, stated, in testifying before our committee, "the essential danger in the water-power problem is the concentration of ownership and control." The bill H. R. 16673 seeks to avoid and prevent that danger, so far as dam sites located on the public lands are concerned. It provides for the leasing of these sites for periods not longer than 50 years.

The bill contains provisions which will insure prompt development, good service, and reasonable rates to consumers, and provisions designed to prevent monopoly. It further contains provisions whereby the people can take over the property and plant of the lessee at the termination of the lease at a compensation to be determined as provided in the bill or can lease for another term to the same or a new lessee on terms then to be agreed upon.

One of the arguments made against this bill by some who appeared before our committee was that it provides for too much Government control, and that such a system hampers development. The answer to that argument is to be found in the fact that about one-third of the total developed horsepower in the United States has been developed or is under process of development in the national forests where there has been Government control of this matter for some time. During the past two years 78 permits have been issued for water-power developments in the national forests, calling for 728,300 horsepower capacity at low water, and this in spite of the fact that these are revocable permits, as required by the present law, and in this

respect extremely undesirable from the standpoint of the investor.

One of the vital provisions of this bill is contained in section 5, which provides that at the end of the term of the lease, upon due notice having been given, the Government will have the right to take over the property, upon condition that it—

shall pay * * * the actual costs of rights of way, water rights, lands and interests therein purchased and used by the lessee in the generation and distribution of electrical energy under the lease, and, second, the reasonable value of all other property taken over, including structures and fixtures acquired, erected, or placed upon the lands and included in the generation or distribution plant * * *.

The water-power interests would have the Government, in case it elects to take over the plant at the end of the term, pay the reasonable value of all lands, rights of way, and water rights, as well as of structures and improvements. But I believe that if the community is to take over one of these plants it should not be required to bear the cost of the unearned increment which it has itself created. The community—the Government—grants a lease of a dam site to a power company. That lease carries with it not only the qualified title to the land which it covers, but it also thereby furnishes the power company with the opportunity to engage in the business of transforming water power into electrical energy and disposing of it in that community. The real estate involved in the enterprise, both that leased directly from the Government and that acquired in other ways, increases materially in value by reason of the growth of the community. While that growth is enhanced or made possible by the location of the power company at that point, it must also be remembered that the opportunity to engage in business there has come to the company from the community as a privilege which necessarily goes with the lease. Therefore the increase in real-estate values incident to the communities' growth should inure to the benefit of the community and not the power company. This makes the proper basis of value to be placed on all real property and water rights taken over by the Government at the end of the period, the actual cost of that property and those rights to the company and not the then fair value.

During the hearings on this bill our chairman, the gentleman from Oklahoma [Mr. FERRIS], illustrated this point very clearly by asking the following question:

I own 160 acres of land in Oklahoma. I lease it to you for 10 years. The day I lease it to you it is worth $3,000; the day your lease expires, from your proper compliance with the terms of the lease, that land has developed into a farm worth $10,000. Do you keep the $7,000 and return the $3,000, or do I get the $10,000 farm back?

Under such a leasing system as is proposed in this bill the Government retains control of the dam sites and thus holds the key to the entire situation and prevents these tremendously valuable sites from getting into the control of those who at least might, and, if we are to judge from past experiences, probably would manipulate them for their own great financial gain to the detriment of the public generally, who are really entitled to these benefits themselves.

When we began the consideration of this bill in committee I was in great doubt as to the wisdom of permitting these leases to run for as long as 50 years. Our committee, fortunately, had the benefit of the advice and suggestions of Secretary Lane, former Secretary Fisher, and former Chief Forester Gifford Pinchot. They all stated that this, in their judgment, was not too long a term for such projects if the bill contained such safeguards as it does. I was glad to follow the judgment of men of such experience and public spirit as these men are in a matter so fully within their experience and knowledge.

I believe the terms of these conservation bills safeguard the interests of the public in the great resources with which the bills have to do and insure fair returns to those who may invest in projects of these kinds. Under such laws the development of our natural resources should be prompt and would be upon a fair and equitable basis to all concerned. I hope, therefore, that all three bills may be speedily enacted into law. [Applause.]

Mr. LENROOT. Mr. Chairman, I yield 45 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MADDEN. Mr. Chairman, in order that we may have some one here to listen to what the gentleman from Wyoming will say, I make the point of order that no quorum is present.

The CHAIRMAN (Mr. RIORDAN). The gentleman from Illinois makes the point of no quorum, and the Chair will count. [After counting.] There are 58 Members present—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, and the following-named Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Aiken | Austin | Bathrick | Broussard |
| Ainey | Barchfeld | Beall, Tex. | Brown, N. Y. |
| Anthony | Bartlett | Bell, Ga. | Browning |
| Bulkley | Gillett | Lazaro | Roberts, Mass. |
| Burke, Pa. | Goeke | L'Engle | Rucker |
| Byrnes, S. C. | Gorman | Lesher | Sabath |
| Calder | Graham, Ill. | Levy | Scully |
| Campbell | Graham, Pa. | Lewis, Md. | Sells |
| Cantrill | Greene, Vt. | Lewis, Pa. | Sherley |
| Carlin | Griest | Lindquist | Shreve |
| Carr | Griffin | Linthicum | Slemp |
| Carter | Guernsey | Loft | Smith, Md. |
| Cary | Hamill | McGillicuddy | Smith, Samuel W. |
| Clancy | Hamilton, N. Y. | Mahan | Smith, N. Y. |
| Collier | Harris | Maher | Steenerson |
| Connolly, Iowa | Harrison | Mann | Stephens, Tex. |
| Copley | Haugen | Martin | Stout |
| Covington | Helm | Merritt | Stringer |
| Crisp | Hensley | Metz | Sutherland |
| Danforth | Hinds | Miller | Switzer |
| Davenport | Houston | Morgan, La. | Taggart |
| Decker | Howard | Morin | Talbott, Md. |
| Doughton | Hoxworth | Moss, Ind. | Tavener |
| Dunn | Hughes, W. Va. | Moss, W. Va. | Taylor, Ala. |
| Dupré | Humphreys, Miss. | Mulkey | Taylor, N. Y. |
| Eagan | Johnson, S. C. | Murdock | Towner |
| Eagle | Johnson, Utah | O'Hair | Townsend |
| Edmonds | Jones | O'Leary | Treadway |
| Elder | Kahn | Palmer | Tuttle |
| Estopinal | Kelley, Mich. | Parker | Underhill |
| Evans | Kent | Patten, N. Y. | Vare |
| Fairchild | Key, Ohio | Patton, Pa. | Vollmer |
| Faison | Kiess, Pa. | Payne | Walker |
| Fess | Kindel | Peters | Wallin |
| Finley | Kinkead, N. J. | Peterson | Watkins |
| Gallagher | Kitchin | Plumley | Whitacre |
| Gardner | Knowland, J. R. | Pou | Wilson, N. Y. |
| George | Korbly | Powers | Winslow |
| Gerry | Kreider | Rainey | Woodruff |

The committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and finding itself without a quorum, he had caused the Clerk to call the roll, when 275 Members answered to their names, and he presented therewith a list of the absentees.

The committee resumed its session.

Mr. MONDELL. Mr. Chairman, the bill before the House is in some respects as important a piece of legislation as was ever considered by Congress, important for two distinct reasons. First, because it proposes what is, with the exception of some experiments along somewhat similar lines many years ago, a new and novel method of handling the public lands, and, second, because this new and novel method affecting vast areas will establish conditions likely to profoundly affect the political and industrial situation of the people of the region in which these lands lie. The gentleman from Illinois [Mr. THOMSON], who preceded me and for whom I have the most profound regard and respect, told us that he had never lived in a public-land region, that he had lived all of his life in a great city. What he said after making that announcement was interesting; considering his limited opportunity for information on the subjects involved, I am not surprised that he has failed to fully understand the attitude of most of our western people toward them. Since I was a boy of 7 years, when I lived on an Iowa homestead, I have never lived, except as my duties have kept me in Washington, anywhere except where I could almost daily see public lands, could mingle with men who were developing them, and have knowledge of the conditions under which they were being acquired and improved. I think, therefore, I have had as wide an experience with regard to the difficulties incident to the development of the public domain as most any living man.

I approach this question, therefore, from the standpoint of one who ought to know something about it. I approach it also from the standpoint of a man who represents more of the people dwelling within and more territory that will be affected by this legislation than any man in the House. I imagine that the State of Wyoming has perhaps more coal lands in proportion to her area than any region in the Union, Pennsylvania not excepted. We have nearly 100,000 square miles. Of that territory at least 20 per cent is underlaid with coal. No one knows how much of our territory will eventually produce oil, but from the northeast corner of the State, nearly 500 miles, as the crow flies, southwest to the southwest corner, you can not travel any considerable distance without finding oil indications. Oil prospecting is going on in very widely separated parts of the State. We are just beginning our development. We have been so far removed from the markets that it has hardly paid to develop in the past; but I expect that some day—and I think the men who are best informed on the subject argee with me—that we will produce more oil than any State in the Union, and that ultimately we may produce as much coal as any State in the Union, with perhaps the exception of Pennsylvania. At least 80 per cent of the lands containing these deposits are still public

lands. We are therefore profoundly interested in this legislation. It means a new economic policy, affecting our greatest industries. It means to a large extent Federal instead of local control. It means Federal ownership rather than private ownership, and he would be a brave man who would attempt to forecast the wide-reaching political effect of such a change of economic policy, carried on through the running of the years and of the generations.

WESTERN VIEW MISUNDERSTOOD.

The gentleman from Illinois [Mr. THOMSON] does not feel that we of the West have taken the proper view of our relationship to these great sources of national wealth within the boundaries of our State. The gentleman has carefully studied these questions and he has brought to the study of them a clear mind, an earnest desire to understand them. He is not to blame if he has failed, we think, somewhat to understand our attitude. A majority of the people of the West have not, I think, been in favor of State ownership of all their lands at this time, even if that could be brought about. Most of the remarks of the gentleman from Illinois were predicated upon the proposition that that was our view and doctrine. There has not been a time, in my opinion, in my State when a majority of the people would have been in favor of the State taking over all of the public lands if they had been offered to them. There are no doubt many who would like to have had that done, but there are also a large number who have felt that it would be too much of a burden to assume all at one time. As I have said, the cession of all of the lands to the States has not been the desire of the majority of the people of any Western State, so far as I know, although there have been many advocates of it. The people of the Western States have, on the contrary, been in favor of the disposition of the public lands gradually under carefully guarded laws, to the end that eventually we should have established the same system of private ownership that exists throughout the Union.

Our people have felt that was the only way we could be guaranteed that equal position in the Union which is our right. Personally I have long favored the retention by the public of the title to at least a considerable portion of our oil and coal lands, and when I say the public I mean not the Federal Government, but the people who under our form of government were intended to have control over local matters. Long since I should have been very glad to have supported a bill which would have largely extended the opportunities of our State to lease its oil and its coal lands, and so far as I have objected to Federal lease laws, my objection has been not to public ownership of title, but to Federal ownership of title. I have feared that that meant centralization, bureaucracy, control of local affairs from a great distance, and, finally, as this bill proclaims and declares, that the communities in which these great resources lie would not obtain any considerable part of the cream of the values taken from them in the way of royalty. The gentleman from Illinois somewhat misjudged our attitude when he said in substance that we resented that the representatives of the people of other States than public-land States should have something to say as to what should be done with the public lands. I do not think there has been any such feeling as that among the men from the public-land States. We realize that the public lands are the domain of the United States; that it is the duty of the Congress to provide for their disposition as the Constitution puts it, and that men from all parts of the country should contribute their energy and their ability to a solution of these problems.

What we have not liked is the assumption on the part of some that we do not know what is good for our people, an assumption upon the part of some that western Members of Congress were inclined to encourage the easy acquisition of the public domain and were not averse to its being acquired in large tracts, and in their desire to see their region develop, were not sufficiently mindful of the future. No one can be so vitally interested in having the landed property of a region owned and controlled and utilized in the general public interest as the men who live in the country where the lands lie. In a way, and in an important way, I insist that the people of these Western States are entitled to the benefits that accrue from the development of these lands; not altogether the people who are there now, but the people who may have the courage and the industry and the inclination to come there and help develop them. I do not believe that any part or parcel of them or the income from them belongs to those who see fit to remain among what are to them more satisfactory and congenial surroundings elsewhere in other regions and then expect to win something from the energy and the courage of the men who have gone forth to develop new regions.

Mr. GORDON. Mr. Chairman, will it interrupt the gentleman if I ask him a question at that point?

Mr. MONDELL. Not at all.

Mr. GORDON. The gentleman concedes that the public lands are the property of all the people of the United States——

Mr. MONDELL. Oh, as an abstract——

Mr. GORDON. As a legal proposition.

Mr. MONDELL. Oh, well; I do not care whether you call it legal or abstract, but whatever it is I shall not quarrel over the term.

Mr. GORDON. If that is true, then upon what theory does the gentleman claim that they belong to the people out in Wyoming, for example, just because they got there first or saw it first?

Mr. MONDELL. I did not say they belong to the people now there. The benefits belong to those who shall by their labor and energy make their resources available.

Mr. GORDON. Well, the people who may come to Wyoming.

Mr. MONDELL. That is it exactly.

Mr. GORDON. Where does the gentleman find any legal authority for any such contention as that?

Mr. MONDELL. I do not find any legal authority for the view some gentlemen take that they are to be allowed to remain snugly and smugly somewhere down East and benefit from governmental or other incomes from the toil, energy, and courage of men who go to the frontiers and develop their resources. I do not find any legal foundation for any such proposition as that.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. Does the gentleman think there is any legal basis for the stockholders of the Colorado Iron & Fuel Co. to draw income from lands in the State of Colorado?

Mr. MONDELL. Oh, I do not care to discuss the Colorado Iron & Fuel Co. I do not live in Colorado; and that is entirely aside from the question, and the gentleman knows that it is entirely aside from the question.

Mr. LENROOT. Mr. Chairman, will the gentleman yield again?

Mr. MONDELL. There are conditions of private ownership that are not satisfactory. Further than that, the gentleman knows that I am in favor of a proper plan of leasing, and that I have introduced bills on that subject, and that I have pressed them before committees. But that does not change the fact that while there may be evils under private ownership—and there are—there are still evils, the extent of which we can not now measure, which may lie in the absentee landlordism and bureaucracy which attends permanent Federal control. Now I yield to the gentleman.

Mr. LENROOT. The gentleman did not get the purpose of my inquiry, which is that the people of the United States, represented by this Government, have exactly the same legal right in the public lands that the stockholders of the Colorado Iron & Fuel Co. have in the lands they hold under private ownership.

Mr. MONDELL. Well, I shall not discuss the legal end of it. Wisconsin once belonged to all the Nation, according to that legal proposition. My father lived there. It was a great many years ago, before there was a homestead law.

Mr. HULINGS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. But Wisconsin eventually came to belong to the people who live in Wisconsin, and there is not anybody anywhere under the flag—any body of the public—drawing royalties from Wisconsin.

Mr. HULINGS. Will the gentleman permit an interruption?

Mr. MONDELL. Yes.

Mr. HULINGS. Was there ever any understanding that the lands in the territory included in the Louisiana Purchase, after States should be organized in that territory, should then belong to the States and should be for the benefit of the people of those States?

Mr. MONDELL. Well, it has always been the theory of our Government, and we have always proceeded on that theory, whatever the abstract fact of law may be, that eventually the Federal Government should part with this title. But I said to the gentleman that our people have not been demanding a cession of lands to the State. On the contrary, I think a majority of the people in my State have always been opposed to it, and I think that is true with respect to the people of most of the other public-land States. Our people have not claimed that the people there present to-day own all the wealth undeveloped in our lands. But we resent the notion that we are to be exploited as a foreign province for the benefit of people who live somewhere outside of our Commonwealths. That is what we object to.

XUM

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Illinois?

Mr. MONDELL. I will.

Mr. THOMSON of Illinois. The gentleman has stated several times that he is not contending that these natural resources belong to the people in those States to-day. To whom does he believe they do belong?

Mr. MONDELL. Oh, well, we have gone up and down and all around that proposition a great many times. The lands belong to the United States, and the United States, under the Constitution, has the right to make laws for the disposition of the lands. The Constitution does not say anything about holding on to them in perpetuity. Our people have finally admitted or agreed or been coerced into agreeing that disposition may mean long-continued control under lease.

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield again?

Mr. MONDELL. That is the theory of this bill.

Mr. THOMSON of Illinois. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. THOMSON of Illinois. As I understand, the gentleman believes in the Government policy of leasing these lands?

Mr. MONDELL. I do not believe unreservedly in the Government policy of leasing these lands. I believe in it simply because we can not get a better policy at this time. As an abstract proposition I do not believe that any central government anywhere on earth is or ever will be constituted so that it can wisely and continuously control a great landed estate lying 2,000 miles away from the seat of government. We accept this—I do—first, because I do believe in the public retaining the title to large portions of these lands.

If I had my way about it I would provide for the gradual transfer of these leases to the State as the Federal system develops and as the State gets into position to care for the leases. We can not do that now. It is impracticable at this time, and this is the way to reach the condition that we should ultimately arrive at.

But it is hardly worth while to discuss the abstract question as to whether the people of the country generally own these lands and own what they contain. This bill proceeds on the theory that whatever we obtain from them shall be used in that general country, because it provides that all the funds shall go into the reclamation fund for the building of reclamation works, and these reclamation works, with the exception of those in Texas, are all of them in States that have a greater or less amount of public land. It is not proposed to take the proceeds of the rental of these lands and distribute them among the people at large. So, as a matter of fact, the committee accept in the bill the view that we have always held, and what has largely been the basis of our legislation up to this time, that whatever money or benefit accrued from the disposition of the public lands should be for the use or benefit of the general communities in which the lands lay.

Mr. GORDON. Is not that plain usurpation? Do you think that is right, that they should appropriate those lands or the value of them, and turn them over to those States? Is there any legal authority for that?

Mr. MONDELL. We did that a long time ago.

Mr. GORDON. I know we did.

Mr. MONDELL. We did that in 1902. We appropriated the proceeds of the sale of public lands to reclamation purposes, and the present distinguished leader of the majority [Mr. UNDERWOOD] was a member of the Committee on Irrigation, of which I was also a member when we did that. He is a wise Democrat in some respects. He differentiates between the moneys taken from the people by taxation and the moneys which the Government receives as a fund from the disposition of the public domain.

Mr. GORDON. What differentiation does he make?

Mr. MONDELL. He makes the differentiation that one is taxes taken from the people, and it must be used, so far as we are able to judge intelligently, for purposes which are useful and beneficial to all of the people; that the public-lands fund, on the contrary, always has been a fund for the diffusion of knowledge generally——

Mr. GORDON. Generally.

Mr. MONDELL. Well, we have gone that far in some cases.

Mr. GORDON. What is the difference, then?

Mr. MONDELL. But in the main, for the building up of the region under the homestead law by grants for railroads and wagon roads, by grants to the States as they come into the Union from the Territorial condition, and then finally in the dedication, under the reclamation fund, of all the proceeds to the development of the very region where these funds are obtained. So that, after all, we do not very much differ, taking the view which the committee has crystallized into its legislation, as to who is entitled to the benefit of the proceeds of these leases of that general region. I want to discuss that a moment later, because I do not approve of the disposition the committee has made of the funds.

This Federal-leasing plan is a very big problem. Imagine, if you can, the effect on the States of Pennsylvania and Illinois to-day, those great oil and coal States, if all the oil and all the coal lands in both those Commonwealths were in Federal ownership and were occupied under lease. There are a lot of problems that would arise. The question of Federal police power is one of them, and it is going to be one of the big problems, and we have scarcely discussed it in connection with this legislation.

Mr. JOHNSON of Washington. Will the gentleman yield? Why does not the gentleman magnify the problem by adding all of the Eastern States that have coal or oil or minerals, just to show the enormity of the thing?

Mr. MONDELL. Of course that would be proper. I referred particularly to those States because of their large mineral areas and deposits, although they are also great manufacturing and great agricultural States. Take any State in the Union, like my State of Wyoming, with coal in every portion of it and oil in every part of it. How long it will take we do not know, but eventually it will be largely developed and, under this bill, largely under Federal control. If largely developed, there will be a bureaucracy big enough to fill with joy the heart of the greatest bureaucrat in any of the Government departments.

Mr. JOHNSON of Washington. It is likely to be greater than the State itself in some cases.

Mr. MONDELL. It is likely to raise and involve some questions that will more intimately affect large numbers of the people than the activities of State government itself. Of course my own opinion is that we will never reach that. I do not look upon this class of legislation as fixing a permanent condition. This is the beginning of a system of public control over certain minerals, but eventually that public control will be vested where it belongs under our form of government. The responsibility will be placed locally. There will then be no possible complications with regard to police powers, because the leases will eventually be in the hands of the States, the sovereignty which has complete police control. We can not do that now. We doubt if conditions are ripe for the States to take hold of these great areas.

Our communities have never gotten as much as they should out of the mineral wealth they produce. There is many a region in the country that has been stripped of its oil and its coal, where nothing is left behind in the way of permanent improvement to mark the passing of that great body of wealth.

It has taken our people a long time to get accustomed to the idea of Federal leases. We have had a good deal of experience with Federal agents, and my friend from Oklahoma [Mr. FERRIS] rather twitted some of us the other day of not being good citizens because things were said not altogether favorable to the increase of Federal powers, agents, and agencies. No man who ever stood on the floor of this House has so inveighed against bureaucracy as he has, and I guess with reason. [Applause.] I have heard him say, I think, that it would be difficult to conjure up a more unsatisfactory condition than they had when all of their lands and a large portion of their industries and most of their people were being controlled and cared for and their affairs looked after by Federal agents. Being a real red-blooded American, he does not like that kind of thing any better than the rest of us do.

We will have quite a bit of it under such legislation as this. Of course, we expect it will be quite different in many respects from what it is now before it becomes a law. If the majority will not allow it to be amended here, we have consolation in the fact that in another body a very much greater proportion of the membership is from States whose interests are vitally affected.

The plan of competitive coal leases with no preliminary prospecting period is seriously objectionable. The fact that the measure gives no protection to those who may have already undertaken development is another fault. The unfair disposition of the revenues is, from the standpoint of the States affected, the worst of all.

IMPORTANCE OF THE SUBJECT.

The question of the future use and disposition of the public lands containing coal and oil has been a very live one in the Western public-land States containing such lands since the first coal and oil land withdrawals and classifications, and

becomes increasingly important as the need and demand for the utilization of these lands and their products increases.

The coal-land withdrawals have been made, in the recent past at least, primarily for the purpose of fixing a price upon such lands in excess of the minimum prices of $10 and $20 per acre fixed by law. When so classified and appraised the lands have been restored to entry and sale under the coal-land law.

The classified prices have, however, been placed so high, running from the minimum to nearly $500 per acre, that these prices, together with the interpretation placed on the provisions of the law by the Interior Department, have greatly discouraged, and in many districts entirely prevented, purchases of coal lands.

In the case of oil lands the withdrawals have been absolute and so far permanent, and frankly with a view of persuading or compelling Congress to enact some law other than that now on the statute books for their disposition.

The classification of coal lands at high prices and the complete withdrawal of oil lands have therefore, through different methods, created practically the same condition with regard to both classes of lands, a condition of almost complete suspension of development so far as public coal and oil lands are concerned.

It is but stating what is well and generally known to say that the policy of withdrawal of oil lands and of classification at high prices of coal lands has been pursued with a view of furthering or compelling the adoption of a Federal leasing policy as the only available way out of the intolerable conditions which these policies produce.

WESTERN OPPOSITION TO LEASING.

The people of the public-land States have not been generally inclined to view with favor the inauguration of a Federal leasing policy for a number of reasons, which for the purposes of this discussion it is not necessary to discuss at length; I shall refer briefly to some of them. Primarily the opposition to the inauguration of such a system has been due to the fact that, with the exception of some unhappy experiences in the leasing of lead mines half a century ago, such a policy is entirely new and novel in our history, and there has been a widespread opinion that such a system would have a tendency to discourage development by lessening the incentive for individual enterprise.

Opposition to a Federal leasing system as applied to mineral lands has also arisen out of the fear that any system that might be inaugurated would lodge such wide discretionary authority with officials at Washington, to be exercised in the main through uninformed and arbitrary minor officials, as would render operations particularly by people of limited means and little influence difficult, uncertain, and expensive. There has also been a deep-rooted suspicion, amounting almost to a conviction, that the plan of Federal leasing would result in depriving western communities in which the minerals proposed to be leased were located of a considerable portion of the revenues and benefits which should be theirs in the development and use of their resources.

To state very briefly the three classes of unfavorable results which our people have most feared under a Federal leasing system they are, first, the checking of development; second, the establishment of a bureaucratic control, expensive and exasperating; and third, the loss of revenues and benefits by the communities and States affected.

Those who have given these matters most careful consideration in the regions affected have not been blind to certain advantages which accrue to States and communities under a proper system of public ownership of certain classes of mineral land. In fact, a number of Western States have profited and benefited largely through the leasing of some of their mineral land and the policy of leasing such lands rather than selling them has grown in favor. The objections which have been voiced and the fears which have been expressed have therefore been directed not so much against the idea of public ownership under a leasing system as against Federal ownership and leasing and for the reasons I have stated. The public-land States, if ultimately granted their coal and oil lands, which would be the best possible solution of the problem, would be glad to accept them under condition that the title should remain in the States.

CHANGE IN WESTERN SENTIMENT.

As time has passed it has become more and more apparent that without some decided change in public sentiment throughout the country, not, apparently, likely soon to occur, the only way of escape from the condition of classification and withdrawal which has existed for some time, and grows constantly worse, was through the adoption of a Federal leasing system. Such a system has, under these circumstances, secured some considerable support in the public-land States through the operation of a number of causes: First, through the disposition of those who desire to secure opportunities for development on oil lands which have been withdrawn or coal lands which have been priced beyond reason to accept almost any plan which promises any sort of relief; second, through the influence of those who have been impressed by the very general arguments of the advocates of Federal leasing but who themselves have given little through or effect; and, third, among the more numerous class, among whom I subscribe myself, who, having concluded that a system of retention of public coal and oil lands in public ownership as to title has much to recommend it, and who, being convinced that the inauguration of such a system through local public control is, for the present at least, impossible, have been inclined to favor a Federal leasing system for coal and oil lands, providing such a system can be secured in such form as to obviate or largely minimize the objections to such a system which I have outlined.

I have been the more inclined to favor the Federal leasing system for coal and oil lands because of the fact that I have discovered a disposition, as I have believed, on the part of some advocates of such legislation and some of those who would be charged with the administration of such legislation to give consideration to the western viewpoint and to advocate and aid legislation which promises to give us the maximum of the advantages which might accrue with a minimum of the disadvantages and difficulties inherent in an administrative system having to do with extensive and important industries and administered through bureaus at long range.

LEGISLATION PRESENTED.

In this frame of mind, and with these objects in view, I introduced some time ago House bill 11762, providing for the leasing of public coal lands, and House bill 12246, providing for the leasing of public oil lands. While I did not expect that these bills would be reported, but took it for granted that bills introduced by the chairman or some other majority member of the Public Lands Committee would be the basis of legislation, I did hope that the legislation reported would be of a character which would command my support and that of other western Members. I regret to have to say that the legislation on the subject, which has been reported, is in many respects a great disappointment to me, and will, I fear, when fully understood, be a great disappointment to many in the West, who had hoped for legislation which they could support and approve.

The Committee on the Public Lands has, after giving the matter consideration, reported House bill 16136, a bill to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium. In what I shall have to say in regard to this legislation I desire to emphasize the fact that I appreciate the difficulties under which the committee labored in drafting legislation along new lines dealing with important subjects with which the majority of the members of the committee could not, in the nature of things, be personally familiar. I fully appreciate the earnestness and the good faith with which the members of the committee approached their task, and the care they gave to the consideration of the details of the measure. I therefore sincerely regret I can not agree with them in the conclusions they reached.

WHAT THE BILL PROPOSES.

In the brief review which I propose to make of the bill I shall not refer to all of the objections to its provisions, form, and phraseology which occur to me, many of which could be cured by elimination and amendment, but shall confine myself in the main to those features of the measure which seem to me most highly important and fundamental. The bill is, in fact, four measures in one. Its first section is general. The second to eighth sections, inclusive, deal with coal; the ninth to twelfth sections with phosphates; the thirteenth to seventeenth with oil and gas; the eighteenth to twenty-first sections with potassium or sodium lands and deposits; the remaining 11 sections of the bill contain general provisions applicable to leases covering the various deposits mentioned and lands containing the same.

It seems to have been deemed advantageous from a legislative standpoint to deal with all of these subjects in one measure; the result has been that general provisions have been adopted which, while some of them may be properly applied to all of the classes of leases contemplated, and some of them may be wise and practicable as regards certain classes of the leases contemplated, a number of them are neither wise, practicable, or workable when applied to certain and important classes of the leases contemplated. If it was desired and desirable that all the legislation proposed with regard to mineral-land leasing should be embraced in one bill, each subject matter should have been completely treated separately, except for some few general

provisions which might apply to all. The conditions surrounding oil-land development, for instance, and those surrounding the mining of coal are so widely different, the various operations are of such essentially differing character, that it is impossible to frame general provisions relating to operations and leases so dissimilar that will be wise and practicable as regards all classes of leases.

While under the conditions of withdrawal which exist it is perhaps wise to legislate for the use and disposition of phosphate and potassium or sodium deposits, such legislation as compared with legislation affecting coal and oil and gas is relatively unimportant, and I shall therefore confine myself principally to the legislation as it affects these latter classes of minerals on the public lands.

WIDE AUTHORITY IN SECRETARY OF INTERIOR.

The first and most serious objection to the proposed legislation is found in the wide, exclusive, and extraordinary discretion which it lodges with the Secretary of the Interior, and in this all-embracing discretion is realized the fears which have so strongly tended to make the people of the public-land States fearful and suspicious of a Federal leasing policy.

Except for certain limitations as to acreage, certain minimum rents and royalties, and certain provisions as to the period of the lease, or of readjustment of royalties, the Secretary of the Interior is given practically unlimited authority as to the granting and the terms and conditions of leases. One will search the bill in vain to find any provision in it which insures to anyone under any circumstances the unquestioned right to make a lease. The bill contains no provisions under which anyone may know prior to the actual signing of a lease and after all preliminaries, explorations, and expenditures have been made what the rates of rents or royalties are to be, and in the case of coal the applicant or lessee may not determine the size or the form of his lease, even within the limitations fixed by the statute.

In the case of coal the Secretary of the Interior determines within the limitation of 2,560 acres the area and the form of the tract to be leased, and no preliminary period or opportunity for prospecting is granted. The Secretary fixes such minimum royalty as he chooses above the minimum of 2 cents a ton fixed in the bill, and the lessee must, if he leases, pay the royalty so fixed plus such royalty as competitive bidding may establish.

In the case of oil or gas a temporary prospecting permit may be granted for 640 acres, and 10 miles or more from producing wells a permit for as much as 2,560 acres may be granted, and the first discoverer in a new field may secure a patent for not to exceed 640 acres. Leases are limited to 640 acres, and the royalty is to be fixed by the Secretary of the Interior with such additional royalty as may be added through competitive bidding. No one person may be directly or indirectly interested in more than one lease covering the same class of mineral, unless the authority granted the Secretary in section 25 to allow subletting or assignments may be held to modify this provision.

Section 25 of the bill grants the Secretary authority to insert in the leases practically any and every provision he may see fit or deem necessary, with regard to the character of mining and drilling operations "for the protection of the interest of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare." These are all highly proper purposes to be served, but what successive Secretaries of the Interior might determine came within the purview of these general provisions no one may know or even guess.

WIDE DISCRETION NOT NECESSARY.

It is no doubt necessary to give the Secretary of the Interior considerable discretion along certain lines in leasing legislation, but one must have an exalted and optimistic opinion of the wisdom, virtue, fairness, and unlimited capacity for attention to details, of any public official to be willing to lodge with him such far-reaching discretionary powers. The present Secretary of the Interior is, I believe, a wise and well-meaning man, but there have been Secretaries and there no doubt will be others who some people will insist are not richly endowed with these virtues. In any event it is not the Secretary of the Interior but officials under him who will execute a law like this, and discretion thus lodged is in fact placed in the hands of bureau subordinates rather than in the hands of the Secretary.

It is entirely possible to have the details of leasing legislation fixed by statute. It is so fixed in every other country where public-leasing legislation has been had. This is a government of law and should not be allowed to become a government of persons and of personal policies. The rights of citizens, claimants, and applicants, their rights and obligations, undetermined in this bill, should be made clear. This should be done in the interest not only of those who may seek to operate under the law but in the interest of the general public as well.

The features of the legislation to which I have referred are those which primarily interest and affect intending operators. They are also features of great importance to the general public in the localities in which operations will be carried on under the law, by reason of their effect upon development. These features are also of wide and permanent interest to the people of the country generally, by reason of the profound effect they would have on Government methods of administration and because of the danger of unwise or venial exercise of vast authority and wide powers of discretion.

INCOME FROM LEASES.

I now propose to refer briefly to some features of the proposed legislation which are of primary interest and importance to the States and the communities in which the resources lie which it is proposed to lease. I refer to the disposition and use proposed to be made of the rents and royalties which are to be secured. Under the system for the disposition of the public lands containing these minerals which has hitherto prevailed 5 per cent of the cash receipts obtained from them has been paid to the States on the theory of partial compensation for prior loss of taxes, and the lands disposed of immediately become taxable and share in the support of local government. Formerly the remainder of the receipts from public lands went into the Federal Treasury, but since 1902 these receipts have gone into the reclamation fund for the construction of projects for the irrigation of lands in the arid and semiarid portion of our country.

The bill under discussion provides that all rents and royalties paid under its provisions shall become a part of the reclamation fund, with the proviso that—

> After use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State for the support of public schools or other educational institutions, or for the construction of public improvements, as the legislature of the State may direct.

Any Federal leasing legislation will, as a matter of course, deprive the States of the 5 per cent which they would otherwise receive from sales of lands of the character proposed to be leased, as such lands would not be sold. It would also deprive the States and communities of the opportunity to tax the lands, as they would remain in national ownership, and if the leasing system became general this would involve a loss of revenue which must be secured in some other way. I assume that under the terms of the bill improvements upon the leased lands would be locally taxable, but there is a difference of opinion on this point, and I understand that a proposed amendment offered in committee for the purpose of making that point clear was voted down. That question may therefore be said to be left undetermined. A number of the Western States have a mineral-output tax. Whether or not such a tax could be legally levied and collected on minerals owned by the Government and operated under lease is at least a debatable question.

If it should develop that either one or both of these sources of local revenue were closed, the States whose mineral wealth was being depleted under the system proposed would be greatly impoverished, and if the system were to be general in its operation they would eventually be well-nigh bankrupt under this bill which proposes to grant them no part of the income from the Federal leases except such portion of them as might some time in the future be returned to them after they had been used on reclamation projects and returned through repayments. These returns would not only be tardy, but altogether uncertain without regard to the success of the reclamation projects, as I shall endeavor to point out.

PROVISIONS BAD AT THE BEST.

In order to put the matter in the best possible light under the provisions contained in the bill let us assume for the sake of argument that taxes on improvements on the leased property and mineral-output taxes on the products of the same may be legally levied and collected. The States and communities would still be heavy losers in revenues under a leasing system from which they receive directly no share of the royalties, as compared with a system of private ownership. With lands in private ownership the States and communities directly and indirectly, in addition to improvement and mineral-output taxes where such exist, are able to, and do, reach, assess, and tax the values which are invested in or represented by the actual real property, the land and its contents. Where mineral-output taxes relieve in whole or in part from a diect tax on the land and its contents, such taxes are to that extent equivalent to a tax

on royalties, as is clearly demonstrated by the fact that where operators lease from private parties the burden of the output tax is recognized as affecting the royalty values.

As I have heretofore indicated, one of the most potent, if not the most convincing, arguments tending to incline people in the States affected by this legislation to view leasing with favor has been that under such a system they could properly hope for and expect a larger return to the communities, to aid in carrying the burdens of government and in making permanent improvements, such as roads and bridges, than they have generally received under a system of private ownership. If disappointed in this hope and expectation, then Federal leasing represents nothing to them but Federal interference and Federal exploitation.

ROYALTIES THE CREAM OF MINERAL VALUES.

Royalties represent the cream of the mineral values, the unearned increment in which under all proper rules the immediate community is entitled to share. In many portions of the country coal and oil operations are carried on to a considerable extent under private leases. The farmer or landowner in that event pays directly in taxes on the land a portion of his royalties and the remainder is largely invested in the community, still further aiding in its development and support. Where the operator owns his property in fee the community taxes his investment in lands and deposits as well as his improvements, either directly or indirectly, through an output tax, and generally in both of these ways. In other words, elsewhere in the Union the community shares in the element of value which in the case of a Federal lease is represented by the royalty. It is now coolly proposed that the Western States, over which the proposed law is to operate, shall be deprived of these benefits.

I have repeatedly stated that the West had hoped that whatever the handicaps inevitable to bureaucratic control they might be, at least partly, minimized by definite legislative declarations as to the rights and obligations of lessees and operators, and that through larger benefits to the communities in return for the mineral resources as they in the returns from royalties, they might be recompensed for less rapid development than under private ownership. This bill bitterly disappoints those hopes and expectations. The cream is skimmed off and the skim milk left the States and communities.

PROPER DISPOSITION OF ROYALTIES.

The coal and oil leasing bills which I introduced and which I have heretofore referred to, provided that all sums obtained from rents and royalties should be paid to the States in which they were collected, the use and disposition of the same to be provided for by the State legislature. A fairly equitable distribution by the legislature would be one-half to the counties for the benefit of the communities where the royalties were produced and one-half equitably distributed through the State for schools and roads.

Instead of this helpful plan, based on the equities of local and State claims, the bill under discussion gives the States and communities no portions of the rents and royalties directly or within any reasonable period, if at all.

It has been, and it will be claimed in defense of the provisions of the bill, that the States affected and interested receive all of the rents and royalties, because they are to cover into the fund which reclaims western lands. Those who seriously and in good faith make this argument as a justification for refusing to give the States and communities where the rents and royalties are gathered any portion of them directly and immediately must do so through misapprehension of the situation and of the effect of the policy they advocate.

Our western people have a lively and abiding interest in the reclamation fund. They desire to have it replenished and utilized in the construction of reclamation projects, but they can not be convinced that a large number of western communities should be deprived of necessary and essential revenues in order that some western communities may be benefited by national reclamation.

RECLAMATION FUND NOT DEPENDENT ON THESE FUNDS.

Our people realize that such a procedure is as unnecessary as it would be unwise and inequitable. The reclamation fund is supplied by the proceeds arising out of the sale and disposition of public lands, and but a small proportion of these proceeds has come from the sale of coal and oil lands. The total receipts from public lands turned in to the reclamation fund from 1901 to 1913, inclusive, has been over $80,000,000, of which sum less than fifty-seven millions came from the sale of oil and coal lands. The reclamation fund does not, therefore, depend to any considerable extent upon income from these sources, but will continue to be supplied from the sale and disposition of other classes of lands, which are estimated for the future at about $7,000,000 per annum. Furthermore, the reclamation fund will from now on be increasingly augmented through repayments into the reclamation fund.

The gross inequity of the plan of turning all rents and royalties from leasing into the reclamation fund is apparent upon the slightest consideration of the situation. To turn the proceeds of land sales above the 5 per cent which goes to the States into the reclamation fund is equitable, for the lands sold become taxable and the communities and States receive their support therefrom. On the contrary, the leasehold prevents sales and prevents the taxation of the mineral values in the property. Without the rents and royalties the communities would be deprived of that income so necessary where mineral development is going on to build and maintain schools, and large sums are needed for roads.

In view of this state of affairs it would be a gross injustice to divert all of the rents and royalties into the reclamation fund, even though the fund were to a considerable extent needing and dependent upon this source of income, which it is not. Irrigation is highly useful and valuable, the reclamation of lands under national projects is highly beneficial; but an interior county in Wyoming, for instance, deprived of the benefits they should receive from mining development in their midst to help build schools and roads and to carry on affairs of government, could scarcely be expected to be reconciled to their loss of revenue because it was being used to build an irrigation project in Texas. They could scarcely be expected to be happy, even though their revenues were being used no farther away than in Montana, or even several hundred miles away in their own State.

The point of it all is that if rents and royalties are to be collected by the Government from lands within the States, those rents and royalties should, in the main, go, first, to the immediate community and, second, to the State. Reclamation projects, beneficial as they are, affect but a very small proportion or percentage of the people of any State, and he is not a friend of the West who would tax development in the West to a burdensome extent even for this worthy purpose. It might under all the circumstances be proper to divert a portion of these rents and royalties into the reclamation fund—enough to compensate the fund in the long run for loss through discontinuance of sales. At the outside this would be less than half the amount of the rents and royalties.

RETURNS WOULD BE LONG DELAYED.

The friends of the bill in question defend it by pointing to the paragraph which I have quoted, which proposes that the royalties and rentals, after first being used in the construction of reclamation works and repaid to the fund, shall, to the extent of 50 per cent of the receipts, be returned to the State where they originated. This is a real joker, though it is our duty, I presume, to assume that it was proposed in seriousness and in good faith. This provision has already been used as an argument against the extension of reclamation payments and defended on the ground that the States in which mineral resources are located have no special claim on them and no particular cause for complaint if they never receive any part of the rents and royalties. I defy anyone to intelligently diagram the procedure through which a dollar, paid into the reclamation fund at a given time, may be so tagged and identified that it shall be known whether it goes into a $10,000,000 project in Texas, an $8,000,000 project in Idaho, or when it is repaid.

Assuming, for the sake of argument, that a system of bookkeeping could be devised which would make the plan proposed practicable, the delay before communities received any benefits would be intolerable. Several years might elapse after the money got into the reclamation fund before it was utilized or expended. Several more years might elapse before the project was opened and payments began. The period of payments should be 20 years, and will be when a bill which has passed the Senate and been reported in the House becomes a law. It might therefore be 25 years, or even more, before money received as rents and royalties from a given State and paid into the reclamation fund would be returned to the State. In the meantime the communities and the States in which development was going on, necessitating a large outlay for public purposes, would be bearing this heavy burden, while large sums obtained in the development of their mineral resources were being used for the development of communities hundreds or even thousands of miles away.

Many of the provisions of the bill in question are, in my opinion, subject to criticism and should be amended or eliminated. The plan of leaving the entire question of royalties to the Secretary of the Interior to be further increased, if possible, by bidding, is subject to the gravest abuse, and, coupled

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with a denial of all benefits to the localities affected, constitutes a system of exploitation worthy of the most grasping of absentee landlords. The bill abounds in objectionable features of detail, but the great and paramount objection to it lie in the features which, taken together, vest extraordinary and dangerous powers in a Government department and those which divert needed revenues from the communities and the States from which they are obtained. Leasing legislation should define the rights granted and fix at least the important features of the contract between the Government and the operator. It should also be of substantial benefit to the communities and the States in providing funds for schools, roads, and other essential public purposes. The bill in question should be amended to conform to these needs and requirements of the situation.

Mr. LENROOT. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. DONOVAN. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16136 and had come to no resolution thereon.

SIXTH INTERNATIONAL SANITARY CONFERENCE, MONTEVIDEO, URUGUAY.

Mr. ADAMSON. Mr. Speaker, I renew my request for unanimous consent for the present consideration of Senate joint resolution 166, authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States, to be held at Montevideo, Uruguay, in December, 1914, and making appropriations to pay the expenses of said representatives, and for other purposes.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

*Resolved, etc.*, That the President be, and he is hereby, authorized to appoint or designate two officers of the United States connected with the Public Health Service to represent the United States in the Sixth International Sanitary Conference of American States, to be held at the city of Montevideo, Uruguay, in December, 1914; and to pay the necessary expenses of said representatives in attending said conference, including the expenses of assembling the necessary data and of the preparation of a report, the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated.

The SPEAKER. Is there objection?

Mr. DONOVAN. I object.

Mr. ADAMSON. Mr. Speaker, I hope the gentleman will withhold his objection——

Mr. DONOVAN. Mr. Speaker, I am going to oppose all appropriations when we are about to pass a war measure.

The SPEAKER. Does the gentleman object?

Mr. DONOVAN. I object.

GRAND ARMY OF THE REPUBLIC.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House concurrent resolution 42, with Senate amendments thereto, and to consider the same at this time.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 42.

*Resolved by the House of Representatives (the Senate concurring)*, That there shall be printed as a House document 1,100 copies of the journal of the forty-eighth national encampment of the Grand Army of the Republic for the year 1914, not to exceed $1,600 in cost.

With the following amendments:

Line 3, strike out the word "one" and insert the word "five."

Line 6, strike out the figures "$1,600" and insert the figures "$1,700."

Line 6, after the word "cost," add the following:

"With illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire the cost that this will entail on the National Government?

Mr. BARNHART. Mr. Speaker, I will explain that this is a House resolution that went to the Senate, and it will incur an expenditure of $1,700. It is a provision for the publication of the annual report, or rather the minutes of the national encampment of the Grand Army of the Republic.

Mr. STAFFORD. I remember when it was brought in the House under unanimous consent, and I was present at that time; no objection was raised at that time, but I believe at the time no estimate was made as to the cost——

Mr. BARNHART. Yes; there was.

Mr. STAFFORD (continuing). Occasioned by the publication.

Mr. BARNHART. Yes; it was $1,600.

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, knowing my friend's well-known ideas upon chair warming, I wondered whether or not this legislation ought to be passed under the circumstances with so few in attendance.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Senate amendments were agreed to.

The question was taken, and the concurrent resolution as amended was passed.

DRESS AND WAIST INDUSTRY, NEW YORK.

Mr. BARNHART. Mr. Speaker, I send to the Clerk's desk the following privileged resolution, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 46 (H. Rept. 1151).

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 20,000 additional copies of House Document No. 939, Sixty-third Congress, Wages and Regularity of Employment in the Dress and Waist Industry in New York City, and 20,000 additional copies of House Document No. 908, Sixty-third Congress, being Conciliation, Arbitration, and Sanitation in the Dress and Waist Industry in New York City; that 15,000 copies of each of said documents be placed in the House document room for use of Members and 5,000 placed in the Senate document room for the use of Senators.

Mr. MADDEN. Mr. Speaker, it seems to me we ought to have these documents credited to Members so that we can all have them. As it is somebody will get all of these documents, as they all go to the document room and they will be taken out and sent into one district.

Mr. BARNHART. I will state to the gentleman that the committee had that fully under consideration, and will explain in a brief way that these are articles of agreement between the laboring people and the dress and waist makers of New York City by which they have maintained industrial peace for four years as it has not been done anywhere else in the United States, and it is believed it is a foundation for a plan whereby industrial peace may be promoted everywhere, and that by sending them to the document room Members can get them and send them out; but if they are sent to the folding room they will go into many districts where there are no industrial concerns.

Mr. MADDEN. I did not know there were any districts in the United States where they had no industrial concerns. I am glad to hear the gentleman give the information.

Mr. BARNHART. I mean comparatively few; there are such districts.

Mr. MADDEN. It seems to me it is not fair to put them in the document room and let some one man go and take all of them. They ought to be put at the disposition of the Members, because every Member of the House has some laboring people in his district to whom he would like to give this information, and he will not be able to get it.

Mr. BARNHART. The misfortune about it is, Mr. Speaker, that the committee's information is that in many instances of this kind Members will permit these documents to lie there and nobody will get the benefit of them, whereas if the labor unions can get some of the documents and the manufacturers some they will broadcast them all over the country, and in that way the publication will be of inestimable value.

Mr. MADDEN. My experience has been this: There have frequently been important public documents assigned to the document room, just as this bill proposes these documents shall be assigned, and I have been anxious to get some of those documents to send out to people who are interested in the subject and I have invariably found myself unable to get them. Somebody who had more influence that I had or was quicker would get to the document room before I could and they would get them all, and then I would have to go and beg one or two from those who got them, and unless this bill provides for a proper distribution of the documents I shall object to its consideration.

Mr. BARNHART. Well, Mr. Speaker, it is a privileged resolution and the gentleman could not object.

Mr. MADDEN. I can object to its consideration now; there is nobody here to pass this bill, as the gentleman knows.

The SPEAKER. Does the gentleman from Illinois [Mr. MADDEN] offer an amendment, or not?

Mr. MADDEN. I would like to suggest an amendment, but I do not want to offer one.

The SPEAKER. Does the gentleman from Indiana [Mr. BARNHART] offer an amendment?

Mr. BARNHART. No.

Mr. MADDEN. Then, Mr. Speaker, I object.

Mr. STAFFORD. Mr. Speaker, will the gentleman permit an amendment along the line suggested by the gentleman from Illinois [Mr. MADDEN]?

Mr. BARNHART. The gentleman can amend it, but I do not care to suggest an amendment here after we have very carefully considered the whole matter in committee. Here is a question of information of great importance to industrial institutions, and we thought we would have this document published and distributed in such a way that those organizations could send them out and use them.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment at the end of the resolution:

*Provided*, That 12,000 copies of each of said documents shall be for the use of the Members of the House, to be placed in the folding room, and 4,000 copies of each document shall be for the use of the Senate.

The SPEAKER. Has the gentleman got his amendment written out?

Mr. STAFFORD. No; I have not.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The Clerk read as follows:

Amend, at the end of the resolution, by adding the following:
"*Provided*, That 12,000 of each of the documents be placed in the folding room for the use of the Members of the House, and 4,000 be placed in the Senate document room for the use of the Senate."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

Mr. FITZGERALD. Mr. Speaker, the way the resolution reads now it provides that 4,000 of these documents shall be placed in the Senate folding room and 5,000 in the document room, and there are only 5,000 allowed to the Senate altogether.

The SPEAKER. That will have to be remodeled or it will vitiate the whole resolution.

Mr. BARNHART. I trust the gentleman will permit the resolution to go through as it is.

Mr. FITZGERALD. Let me say, Mr. Speaker, that this document, as I recall——

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Let me make this statement first. This document will be of peculiar value to the employees of the particular industries mentioned by the gentleman from Indiana. The conditions under which they are employed are very different from the conditions under which men and women in most other industries are employed.

There are a few sections of the country, notably around the city of New York and around the city of Chicago and one or two of the other great centers of population, where there will be perhaps a considerable demand for the documents. Outside of those particular sections I doubt if there will be any demand for them at all. I think it is that situation that the gentleman from Indiana [Mr. BARNHART] had in mind. For instance, in the city of New York the dress and waist workers are congregated in the lofts of buildings, mostly on Fifth Avenue. They are not scattered all through the city.

Mr. STAFFORD. Will not those documents be just as valuable to the textile operatives in my city and in St. Paul and Minneapolis and in other manufacturing cities as they are in the gentleman's own city?

Mr. FITZGERALD. I doubt it. It is a peculiar condition surrounding these industries. This agreement has been made, by which the employees and employers have some cooperative system. They think that the printing of this document and the circulation of it among the persons engaged in these particular industries will conduce to the preservation of peace between the operatives and the employers. A committee representing the employees and the employers and some disinterested association called upon me recently and explained the situation.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the vote whereby the amendment to the resolution was adopted be reconsidered.

The SPEAKER. Is there objection to the gentleman's request? [After a pause.] The Chair hears none. The vote is on the amendment of the gentleman from Wisconsin.

Mr. STAFFORD. I withdraw the amendment.

Mr. MADDEN. I withdraw my objection to the consideration of the bill.

The SPEAKER. The gentleman from Illinois withdraws his objection. He does not have to withdraw it, because it is not in order to object.

Mr. MADDEN. It would be in order with the number of people that are present.

The SPEAKER. Of course the gentleman could raise the point of no quorum, but this is not a matter to be considered by unanimous consent. The question is on agreeing to the resolution.

The resolution was agreed to.

### SIXTH INTERNATIONAL SANITARY CONFERENCE, MONTEVIDEO, URUGUAY.

Mr. ADAMSON. Mr. Speaker, I am authorized to renew my request for the consideration of Senate joint resolution 166, authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States, to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read the joint resolution, for text of which see above.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I want to say that I am not going to object, but I think, in face of the fact that the President of the United States was here the other day to recommend the enactment of a law to raise $100,000,000 of additional revenue to run the Government, we ought to cut out all these extraordinary, useless expenses. I understand the Democratic members of the Ways and Means Committee have decided to levy an additional 3 per cent tax on freight rates. I do not know whether that is true or not, but if it is true, with the already increased cost of living, caused by the extravagant expenditure of money as the result of a Democratic administration, this is simply going to add that much to the cost of living. Eight or ten years ago the freight rates of the United States cost each family of five people $82 a year. And then in the next five years that increased to $107. Then it increased to $127, and now it is over $150 per annum for a family. Now, when you add to that this 3 per cent as extraordinary revenue for the conduct of the Government of the United States to the already excessive cost of living you are not going to have anybody very much pleased about it. So I say in the face of this situation all these expenditures such as are provided for in this joint resolution ought to be cut out. But I am not going to object. I simply rose for the purpose of making these remarks.

Mr. FARR. How much has this increase in freight rates to the average family been in the last four years?

Mr. MADDEN. It continues to grow out of all proportion to the income of the people, and this proposed tax will undoubtedly make it reach more than $160 per family per annum.

Mr. ADAMSON. The protection of our health is one of the great reasons for raising revenue.

Mr. MADDEN. We shall not learn how to do that in Montevideo.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. ADAMSON. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Georgia offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend, on page 2, by adding, at the end of line 6, the following: "out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

Mr. FITZGERALD. Mr. Speaker, this provides for the appointment of two officers of the Public Health Service to attend the sixth annual sanitary conference. My understanding is that the Surgeon General of the Public Health Service is the president of this conference.

Mr. ADAMSON. That is true.

Mr. FITZGERALD. This resolution proposes to appropriate $2,000 to defray the expense of preparing the necessary data and the collection of the material that the United States will properly send to this conference, and to pay the expenses of the Surgeon General and one of his associates. It seems to me it is highly proper that the United States should do that much.

Mr. ADAMSON. I will add that this Congress is to convene in December. The Government of Uruguay acquiesces in it and helps support it, and all of the American Governments have contributed to it.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Senate joint resolution was agreed to.

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On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal, the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, may be considered, with the understanding that if there are any pension bills to come up they shall be first disposed of. I am informed that there is nothing on the calendar from the Pension Committees.

Mr. MADDEN. Reserving the right to object, it may be that the Committee on Claims will have something.

Mr. FERRIS. It is not claims day. To-morrow is pension day.

Mr. MADDEN. If, then, the request does not interfere with pensions, I will not object.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that, notwithstanding to-morrow is Friday, immediately after the reading of the Journal the bill H. R. 16136, which has been under consideration to-day, shall be in order, provided that pension bills, if any, may first be disposed of. Is there objection?

Mr. MADDEN. I object.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned until to-morrow, Friday, September 11, 1914, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Tug and Levisa Forks of Big Sandy River, Ky. and W. Va. (H. Doc. No. 1159); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Mokelumne River, Cal., with a view of its improvement from the Galt-New Hope Bridge to a point at or near Woodbridge (H. Doc. No. 1160); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of the Treasury, requesting the immediate passage of a joint resolution by Congress authorizing the temporary employment of and payment of compensation to such number of money counters and other employees as may be necessary in connection with the issuance and redemption of additional currency under the provisions of the act of Congress approved May 30, 1908 (35 Stat., 552), and amendments thereto (H. Doc. No. 1161); to the Committee on Appropriations and ordered to be printed.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PAGE of North Carolina: A bill (H. R. 18732) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. KITCHIN: A bill (H. R. 18733) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: A bill (H. R. 18734) to repeal section 2039 of the Revised Statutes of the United States and other laws relating to the Board of Indian Commissioners; to the Committee on Indian Affairs.

By Mr. CLANCY: A bill (H. R. 18735) authorizing the allotment in severalty of Indian lands in New York State, and for other purposes; to the Committee on Indian Affairs.

By Mr. HOBSON: Joint resolution (H. J. Res. 343) requesting the President to confer with the Governments of the world with a view to issuing a call for the Third Peace Conference to be held in regular session in San Francisco in 1915 and in extra session in Washington at the earliest practicable date; to the Committee on Foreign Affairs.

By Mr. GOODWIN of Arkansas: Joint resolution (H. J. Res. 344) for the appointment of a national marketing commission; to the Committee on Agriculture.

By Mr. BROUSSARD: Resolution (H. Res. 618) authorizing the expenditure of not exceeding $250 out of the contingent fund in the investigation of the National Training School for Boys; to the Committee on Accounts.

By Mr. HEFLIN: Resolution (H. Res. 619) providing for toilet and rest rooms for women and children in Statuary Hall; to the Committee on Accounts.

By Mr. FIELDS: Resolution (H. Res. 620) to print 16,000 copies of Educational Bulletin, No. 20, 1913, Illiteracy in the United States and an Experiment for Its Elimination; to the Committee on Printing.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COX: A bill (H. R. 18736) granting an increase of pension to Charles E. Lampheare; to the Committee on Invalid Pensions.

By Mr. HARRISON (by request): A bill (H. R. 18737) to muster out and grant an honorable discharge to John Williams; to the Committee on Military Affairs.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18738) granting an honorable discharge to Wales Porter; to the Committee on Military Affairs.

By Mr. KINKAID of Nebraska: A bill (H. R. 18739) granting an increase of pension to Charles T. Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18740) granting an increase of pension to Henry Fleming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18741) granting an increase of pension to John Pope; to the Committee on Invalid Pensions.

By Mr. PETERSON: A bill (H. R. 18742) granting an increase of pension to Ida B. Fuller; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 18743) granting an increase of pension to Thomas L. Holtt; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 18744) granting a pension to Maria Akels; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: Joint resolution (H. J. Res. 342) to correct an error in H. R. 12914; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions relative to the high cost of living, presented by the Musicians' Protective Union, Local No. 101, American Federation of Musicians, of Dayton, Ohio; to the Committee on Ways and Means.

Also (by request), petition of the United Presbyterian Presbytery of Indiana, against polygamy in the United States; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of W. H. Marshall, New York, and Merchants' Association of New York, favoring bill providing bureau of legislative reference; to the Committee on the Library.

Also, petition of R. C. Williams & Co., New York, against H. R. 9832, requiring all labels to bear the year of packing; to the Committee on Interstate and Foreign Commerce.

Also, petition of George A. Post, president Railway Business Association, favoring establishment of bureau of legislative reference; to the Committee on the Library.

Also, petition of G. L. Leach, New York, favoring H. R. 1672, to pension survivors of early Indian wars; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: Petition of H. Rutz and 52 other citizens of Watertown, Wis., against increased tax on cigars; to the Committee on Ways and Means.

By Mr. DONOVAN: Petition of citizens of Danbury, Conn., under auspices of the Socialist Party, favoring administration by the Government of food supply during war in Europe; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Petition of citizens of Illinois, favoring Senate joint resolution 144, to settle North Pole controversy; to the Committee on Naval Affairs.

By Mr. GARNER: Petition of citizens of fifteenth congressional district of Texas, favoring Henry bill to lend money to farmers on cotton; to the Committee on Banking and Currency.

By Mr. JOHNSON of Washington: Petition of citizens of Port Angeles, Wash., against national prohibition; to the Committee on Rules.

Also, petition of citizens of Washington, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of K. K. K. Medicine Co., of Keokuk, Iowa, against a tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petition of committee of wholesale liquor dealers of Rhode Island, against additional tax on rectified spirits; to the Committee on Ways and Means.

By Mr. MADDEN: Petition of citizens of Chicago, Ill., against additional tax on cigars; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of J. E. Cox, of Providence, R. I., favoring amendment to H. R. 15002; to the Committee on Printing.

By Mr. STEPHENS of Nebraska: Petition of business men of third Nebraska district, favoring H. R. 5308, to tax mail-order houses; to the Committee on Ways and Means.

## SENATE.

FRIDAY, *September 11, 1914.*

*(Legislative day of Saturday, September 5, 1914.)*

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

RECORD OF CAPT. JOHN HENRY GIBBONS.

Mr. SMITH of Michigan. Mr. President, I ask unanimous consent to have printed in the RECORD the record of Capt. John Henry Gibbons, United States Navy. It is not very elaborate, but it is very important. I am sure there will be no objection to it.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

RECORD OF JOHN HENRY GIBBONS, CAPTAIN, UNITED STATES NAVY.

Capt. John H. Gibbons was appointed to the Naval Academy as a cadet midshipman on September 18, 1875, graduating in 1879.

His first assignment to duty (1879–1881) was to the U. S. S. *Adams*, Pacific Station, where most of the cruising was spent off the coast of Peru, during the war between Peru and Chile.

In 1881 he was promoted to passed midshipman, and from this time to 1885 he was attached to the training ships *New Hampshire* and *Jamestown*, during which time the *Jamestown* made a trip around Cape Horn and other long cruises.

He was promoted to ensign (junior grade) in March, 1883, and to ensign in 1884. In 1885 he was ordered to duty at the Naval Observatory, Washington, after which, until 1888, he served as instructor of midshipmen at the Naval Academy, in the department of English, history, and law, spending the summer as instructor in navigation for midshipmen on the practice ship *Constellation*.

In 1888 he served on the U. S. S. *Mohican* and later in that year on the U. S. S. *Vandalia*, where he was commended for gallantry during the hurricane at Apia, Samoa, as shown by the following letter from the commanding officer of the *Vandalia*:

JUNE 7, 1889.

To the Hon. B. F. TRACY,
*Secretary of the Navy.*

SIR: Ensign John H. Gibbons, United States Navy, having been detached from the U. S. S. *Vandalia*, I have the honor to express to the department my appreciation of his uniformly good conduct and officer-like qualities. He was conspicuous for coolness and courage during the gale of March 15 and 16, 1889.

J. W. CARLIN,
*Commander, U. S. S. Vandalia.*

In 1890 he was transferred to the coast survey steamer *Gedney*, during which time the commanding officer addressed a letter to the Secretary of the Navy commending Lieut. Gibbons on his duty as executive and navigator of that vessel:

"Duty performed conscientiously and well. Displayed intelligence, energy, and interest in field work. Indifferent to danger, long hours, and exposure. Morals above reproach." etc.

In December, 1891, he was promoted to lieutenant (junior grade). From 1891 to 1892 he was instructor at the Naval Academy in English and law, after which, in 1892, he served as assistant inspector of ordnance at the Washington Gun Foundry, and was in charge of the manufacture of the first 5-inch rapid-fire guns and mounts built for the naval service. The report during this time, from the commandant of the Washington Navy Yard, reads:

"Very competent ordnance officer, interested in his work; ingenious."

And in a subsequent report:

"Lieut. Gibbons has been in charge of all work connected with and relating to 5-inch guns and their mounts, also work upon gunlocks, primers, and fuses. Performed his duties excellently."

And later, in 1893, from the commandant of the Washington Navy Yard:

"The duties of his position required special fitness, and this was shown by Mr. Gibbons."

In 1894 he served on the U. S. S. *Chicago* and was transferred to the U. S. S. *Raleigh* in 1895, during which time the *Raleigh* was active in suppressing filibustering off the coast of Florida and Cuba.

In February, 1896, he was promoted to lieutenant, and in 1897 was ordered as aid to the Assistant Secretary of the Navy, in which capacity he had charge of the Naval Militia, including the mobilization of the Naval Militia for service in the Spanish War and additional duties in the organization of the coast signal service. During this time the Assistant Secretary of the Navy, the honorable Theodore Roosevelt, made the following report:

"Lieut. Gibbons served in special charge of the Naval Militia during my time as Assistant Secretary of the Navy. I can not speak too highly of the excellent work that he did. His industry, courtesy, and professional capacity made him invaluable to me as an advisor, not only in relation to his particular duties, but to the general work of the office."

In 1898, at the outbreak of the Spanish War, Lieut. Gibbons was assigned to the U. S. S. *Newark*, and received the West Indian campaign medal for service on the blockade and in the bombardment of Santiago and Manzanillo. During this time Capt. Albert S. Barker, commanding the U. S. S. *Newark*, gave Lieut. Gibbons an excellent report as an officer, adding that Lieut. Gibbons was present at the bombardment of the forts at Santiago July 2, 1898, and later Capt. Goodrich, of the *Newark*, made the following report concerning Lieut. Gibbons:

"A capital officer and shipmate; has marked literary taste."

After the Spanish-American War he was transferred, in 1899, to the U. S. S. *Massachusetts;* thence, in October, 1899, to the U. S. S. *Brooklyn*, serving as navigator of the *Brooklyn* during a cruise to the Philippines. While on the *Brooklyn* he was selected to command the *General Alava* in an expedition to the Gulf of Ragay, where he rescued from the insurgents about 500 American and Spanish prisoners. For this service he received the highest commendation from the Navy Department and the commander in chief of the Asiatic Fleet upon the zeal and ability shown by him in fitting out this expedition and the excellent execution of orders. Upon returning to the *Brooklyn* he served in the Boxer campaign in China, and afterwards, for a brief period, as captain of the port in Manila. In 1901 he was ordered to the United States on the U. S. S. *Oregon*, thus completing a cruise around the world. During this time the commanding officer of the *Oregon*, Capt. Charles M. Thomas, reports that he considers Lieut. Gibbons eminently fit to be intrusted with hazardous and important independent duties.

After a brief tour of duty at Buffalo, N. Y., in charge of the branch Hydrographic Office and Recruiting Service, he was ordered, in 1901, to duty in the Office of Naval Intelligence at Washington, and received the following report from Capt. Charles D. Sigsbee, chief intelligence officer:

"Lieut. Gibbons is an excellent and very ready officer. In compiling and generalizing work he has been of great assistance to me."

In 1902 he was promoted to lieutenant commander, and in June, 1903, was assigned to the command of the U. S. S. *Dolphin*. While on this duty the *Dolphin* was awarded the trophy for excellence in naval gunnery, Lieut. Commander Gibbons receiving from the Secretary of the Navy a letter commending him on the *Dolphin* attaining the greatest rapidity of hitting and the highest final merit of any vessel of her class. The *Dolphin*, under his command, was constantly engaged in cruising along the Atlantic coast, West Indies, and Central America. During this time the Admiral of the Navy made a special report of fitness on Lieut. Commander Gibbons as being an excellent officer in every capacity, fit to be intrusted with hazardous and important independent duties. Among other important duties while under his command the *Dolphin* was detailed on special duty to convey the Japanese peace commissioners from New York to Portsmouth, N. H.

In 1905 he was detached from command of the *Dolphin* and ordered as naval attaché to London. While on this duty his reports cover every field of naval activity, and he was highly commended by the Chief Intelligence Officer, Rear Admiral R. P. Rogers, who states in his reports of fitness: "He has been a very valuable naval attaché," the remainder of his report being excellent throughout.

Among other duties performed while he was naval attaché to London were those in connection with the London naval conference and as special naval attaché to the minister of Sweden during the coronation of King Haakon, Trondjhem.

In December, 1906, he was promoted to commander, and in May, 1909, Commander Gibbons was assigned to the command of the U. S. S. *Charleston*, then on the Asiatic station, and at that time considered the most important command to which a commander was eligible. During this cruise the *Charleston* received the trophy for excellence in naval gunnery, and Commander Gibbons received a commendatory letter from the Secretary of the Navy on the efficient condition of the personnel and matériel of the U. S. S. *Charleston*, she having attained the highest final merit in elementary target practice of any vessel of her class, and Commander Gibbons was further congratulated by the commander in chief of the Pacific Fleet for excellence in gunnery at battle practice, this practice having been conducted in company with eight armored cruisers off Olongapo, P. I.

In solving a strategic problem for the Navy Department Commander Gibbons brought the *Charleston* from Yokohama by the northern route to Bremerton, Wash., in record time.

On June 9, 1910, Commander Gibbons addressed a letter to the Secretary of the Navy, as follows:

"In compliance with article 332, Navy Regulations, I respectfully request that I may be ordered to duty in command of a battleship on active service with the United States Atlantic Fleet.

"My reason for making this application is that the *Charleston* is to go out of commission in the early autumn, at which time there may possibly be vacancies in battleship commands.

"Very respectfully,

"J. H. GIBBONS,
*"Commander, United States Navy, Commanding."*

This request was not approved and Commander Gibbons, after his promotion to captain in October, 1910, was ordered to the General Board, he having previously placed the *Charleston* out of commission at Bremerton, Wash. While on duty with the General Board he received excellent reports from Admiral Dewey. In May, 1911, Capt. Gibbons was selected as Superintendent of the United States Naval Academy, and while on this duty his administration received the highest commendation from the Navy Department and the Board of Visitors. The following are extracts from the report of the Board of Visitors to the United States Naval Academy, 1911:

"Capt. John H. Gibbons, United States Navy, who assumed the office of superintendent on May 15, is splendidly equipped for this difficult and responsible position, and will undoubtedly maintain the present high standing of the academy during his term of service."

In 1912, after he had served as superintendent for one year, the following report was made by the Board of Visitors:

"The discipline and conduct of the midshipmen has been remarkably good and deserves special mention and commendation.

"The board was especially gratified to find all the officers, professors, instructors, and midshipmen working in perfect accord and harmony.

"The academy is in a prosperous and flourishing condition," etc.

And in 1913, the Board of Visitors made the following report:

"The administration of the affairs of the Academy, under the superintendence of Capt. John H. Gibbons, United States Navy, deserves more than passing commendation. It is apparent that all the departments have been brought to a high degree of efficiency, that due emphasis has been laid on the practical as contrasted with the theoretical side of instruction, and that the earnestness and fair-mindedness of the officers detailed to the academy is reflected in the spirit displayed by the midshipmen. Admirable discipline prevails, and the impression made upon the board is that the midshipmen are in good physical condition and happy in their work. It is evident that Capt. Gibbons and the officers and professors under him keep constantly in view the basic

fact that the academy is an institution for the training of officers according to the best traditions of the United States Navy, and that the service attracts the right class of boys," etc.

In addition to the high standard of efficiency maintained and the improvements made during the superintendence of Capt. Gibbons at the Naval Academy, the post-graduate class was thoroughly established along lines which will in the future add materially to the efficiency of the Navy commissioned personnel; and the war college extension course was initiated by Capt. Gibbons for the officers attached to the United States Naval Academy.

At the termination of this tour of duty Capt. Gibbons received the following commendatory letter from the Secretary of the Navy:

FEBRUARY 26, 1914.

To: Capt. J. H. Gibbons, United States Navy,
*Commanding U. S. S. Louisiana.*

Subject: Report of condition of efficiency at Naval Academy.

1. The following letter addressed by Capt. W. F. Fullam, United States Navy, to the Secretary of the Navy is quoted for your information:

"I deem it my duty to report to the department, after careful investigation, that I find an exceptional condition of efficiency in every department of this academy; and that the moral tone and the standard of duty and honor of officers, instructors, and midshipmen are most commendable in every respect, reflecting well-merited credit upon the administration of my predecessor, Capt. J. H. Gibbons, United States Navy."

2. The department is pleased to inform you that it agrees with the above-quoted opinion of Capt. Fullam.

JOSEPHUS DANIELS.

In February, 1914, Capt. Gibbons was detached from duty at the Naval Academy and ordered to command the U. S. S. *Louisiana*, then in West Indian waters. At the outbreak of the trouble in Mexico Capt. Gibbons took the *Louisiana* from New York to Vera Cruz, where he was tranferred to the command of the dreadnought *Utah*, and was sent ashore immediately in command of the first regiment of seamen, taking part in the occupation of Vera Cruz.

The following is an extract from the report of Capt. W. R. Rush, brigade commander, to Rear Admiral F. F. Fletcher, commanding naval forces on shore at Vera Cruz:

"All officers of the command distinguished themselves by zeal, devotion to duty, and intelligent action, and in accordance with R 1630, United States Navy Regulations, 1913, I specially commend to your notice the regimental commanders and the officers of my staff. The intelligence and moral cooperation of these officers made possible the successful and prompt execution of your instructions, and is deserving of special recommendation: Lieut. Commander Allen Buchanan, chief of staff; Lieut. Gerald Howze, brigade adjutant; Lieut. (Junior Grade) Francis Cogswell, aid and intelligence officer; Ensign Edward O. McDonnell, aid and brigade signal officer; Surg. James C. Pryor, brigade surgeon; Paymaster E. F. Hall, brigade quartermaster and commissary; Capt. John H. Gibbons, commanding First Regiment; Capt. A. P. Niblack, commanding Third Regiment; Capt. E. Simpson, commanding Third Regiment; Capt. E. A. Anderson, commanding Second Regiment; Col. J. A. Lejeune; Lieut. Col. W. C. Neville."

In this connection the following extract from division order of Rear Admiral F. F. Fletcher is quoted:

"HEADQUARTERS UNITED STATES NAVAL FORCES ON SHORE,
*"Vera Cruz, Mexico, April 30, 1914.*

"In withdrawing my command from Vera Cruz, I wish to extend to the officers and men who took part in the occupation my deepest appreciation of their gallant conduct and spirit. * * * The officers and men of the naval forces deserve the highest commendation for having done this work completely and having done it well."

While in command of the *Louisiana* and *Utah* the reports by Capt. Gibbons's immediate superiors were highly commendatory. The *Utah* was ordered to New York for docking and overhaul in June, 1914. The board of inspection on the *Utah* made a favorable report on her condition.

On July 1, 1914, Capt. Gibbons was detached from command of the *Utah* and placed on the retired list as the result of the recommendation of the Board of Selection for Retirement.

During a long and varied career of 35 years Capt. Gibbons never made application for any duty other than sea service, the Navy Department presumably having his special fitness and the efficiency of the service in view, selecting him for many important positions at sea and on shore, which he filled to the satisfaction of his superiors, always receiving their highest commendation.

At the time of his detachment from command of the *Utah* he had in all 18 years and 4 months sea service, and if he had been continued in command of the Utah he would have had, upon arriving at the rank of rear admiral, more sea service while a captain in command of a dreadnought than any officer who has up to the present time reached the rank of rear admiral.

The record of Capt. Gibbons from the time he was appointed as a midshipman at the Naval Academy until the date of his retirement is excellent in every particular. All duties have been performed by him in a most efficient manner, and he is to-day considered by the Navy one of its most distinguished officers.

It is generally conceded that war is the crucial test of the military efficiency of an officer in the United States Navy; and if this be the test of efficiency, Capt. Gibbons stands out preeminently as an officer who has served with distinction in the Spanish War, Philippine campaign, Boxer rebellion in China, and at Vera Cruz.

### PUBLIC BUILDING AT VINELAND, N. J.

Mr. MARTINE of New Jersey. Mr. President, may I ask out of order to introduce a little bill by unanimous consent? The bill refers to the purchase of a post-office site in Vineland, N. J. I will just state that the authorities advertised for a site suitable for a post office. They received but two bids. The statute, I believe, requires that a post-office site shall open on streets upon at least two sides. They found that one of the applicants had a site opening on streets upon two sides, but it was in a most unheard-of part of the city and not at all desirable. The other is a much larger plat and can be purchased for much less money, and it is in the center of the town. This bill simply provides that the Treasury Department may cause that site to be selected. A similar bill has passed the House unanimously.

Mr. SMOOT. Vineland, N. J., is a city with a population of more than 10,000?

Mr. MARTINE of New Jersey. I can not state just what is the population of Vineland, but I think it is more than 10,000.

Mr. SMOOT. Of course, then, that provision of the law would apply to it.

Mr. MARTINE of New Jersey. A similar bill has passed the House unanimously.

Mr. SMOOT. Does the Senator report this bill from the committee?

Mr. MARTINE of New Jersey. I introduce it.

Mr. SMOOT. It is only a bill to be referred?

Mr. MARTINE of New Jersey. That is all. I ask that it may be referred to the Committee on Public Buildings and Grounds.

The bill (S. 6480) authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Vineland, N. J., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

### CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I believe we can get to business much more quickly if we secure the presence of a quorum. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hughes | Perkins | Smith, Mich. |
| Bankhead | Jones | Poindexter | Smoot |
| Brady | Kenyon | Pomerene | Sterling |
| Bryan | Kern | Ransdell | Stone |
| Burton | Lane | Reed | Swanson |
| Camden | Lea, Tenn. | Robinson | Thornton |
| Chamberlain | Lee, Md. | Shafroth | Vardaman |
| Clapp | McLean | Sheppard | West |
| Gallinger | Martine, N. J. | Simmons | White |
| Goff | Page | Smith, Ga. | Williams |

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] and that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. MCCUMBER, Mr. NORRIS, Mr. OVERMAN, Mr. SAULSBURY, and Mr. THOMAS answered to their names when called.

Mr. CULBERSON, Mr. NELSON, Mr. CRAWFORD, and Mr. THOMPSON entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The Senate resumes the consideration of Senate bill 6398.

### AMENDMENT OF NATIONAL BANKING LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6398) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws."

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Georgia [Mr. SMITH].

Mr. SHAFROTH obtained the floor.

Mr. McLEAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. SHAFROTH. I yield.

### IMPROVEMENT OF STAMFORD HARBOR, CONN.

Mr. McLEAN. If the Senator from Colorado will yield to me for a moment, I desire to ask unanimous consent to have printed in the RECORD a communication received from the Stamford Improvement Association. It relates to a pending amendment to the river and harbor bill.

I also ask to have printed in the RECORD a letter from the Secretary of War, dated July 20, relating to this matter, and the report of the Board of Engineers for Rivers and Harbors relating to this proposed harbor improvement.

I will state that my reason for doing this is due to the fact that the report of the committee on the bill was printed June 18 and the letter from the Secretary of War and the report of the board of engineers were not issued until June 30.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

THE STAMFORD HARBOR IMPROVEMENT ASSOCIATION,
*Stamford, Conn., September 5, 1914.*

Hon. G. P. MCLEAN,
*United States Senate, Washington, D. C.*

MY DEAR SENATOR:

* * * * * * *

In regard to the deepening of the harbor, we would state the following as reasons for our desire to have the waterway deepened:

Many of the vessels of small size which have been coming to Stamford during the past 20 years have been either wrecked or gone out of commission, and the vessels which would come here are much larger, many of them drawing from 14 to 19 feet of water. These vessels can not come now to our wharves at any high tide. During the past year in our own business we have been obliged to either lighter or have shipped by rail merchandise that would come directly to our wharves if we had 12 feet of water at low tide. This lightering and reshipment of lumber from New York or, in some cases, from New London, adds to the cost about $2 per 1,000 feet. The commerce of Stamford by water under the existing conditions shows a substantial increase yearly, but the increase of receipts by rail, owing to the fact that large quantities of material are brought to New York Harbor and then shipped by rail from Harlem River to Stamford, is greater. The lumber that we have to have either lightered or shipped by rail from New York is largely southern pine, and the opening of the Panama Canal will greatly increase the amount of lumber that will have to be lightered or shipped by rail from New York.

We now have two lines of daily steamers from New York to Stamford. The present depth, being approximately 9 feet at mean low tide, is very often under certain conditions much less than 9 feet at low tide. Our daily steamers draw, when loaded, about 8 feet of water, and at certain conditions of the tide these steamers are delayed and can not get up to their wharves at low tide.

Then, again, there are large quantities of coal and other material that are shipped here by canal boats and barges. On account of the towboats drawing 9 to 12 feet of water, they are obliged to bring these barges up at high tide and often necessitate delay and increased cost of towing charges on account of the delay in waiting for tide.

We are very sorry that the report of the engineers on the survey of the Stamford Harbor was not received in time to have their recommendations added to the House river and harbor bill, and we hope that your efforts in regard to having the amendment added to the Senate bill will be successful. We can assure you that everybody in Stamford will be interested in your efforts to get this amendment through. Hoping that your appeal to the chairman of the committee will be successful, and with regards, I remain,

Very sincerely, yours,

WM. H. JUDD,
*Secretary the Stamford Harbor Improvement Association.*

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STAMFORD HARBOR, CONN.

Letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Stamford Harbor, Conn., with a view to securing increased depth and removal of obstructions to navigation.

WAR DEPARTMENT,
*Washington, July 20, 1914.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith a letter from the Chief of Engineers, United States Army, dated July 17, instant, together with copies of reports from Maj. G. B. Pillsbury, Corps of Engineers, dated May 21, 1913, April 8, 1914, and June 5, 1914, with map, upon a preliminary examination, survey, and supplemental report on survey, respectively, of Stamford Harbor, Conn., made by him in compliance with the provisions of the river and harbor act approved March 4, 1913.

Very respectfully,

HENRY BRECKINRIDGE,
*Assistant Secretary of War.*

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WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
*Washington, July 17, 1914.*

From: The Chief of Engineers, United States Army.
To: The Secretary of War.
Subject: Preliminary examination and survey of Stamford Harbor, Conn.

1. There are submitted herewith, for transmission to Congress, reports dated May 21, 1913, April 8, 1914, and June 5, 1914, with map, by Maj. G. B. Pillsbury, Corps of Engineers, on preliminary examination, survey, and supplemental report on survey, respectively, of Stamford Harbor, Conn., with a view to securing increased depth and removal of obstructions to navigation, authorized by the river and harbor act approved March 4, 1913.

2. Stamford Harbor is on the north shore of Long Island Sound, about 21 miles southwest of Bridgeport Harbor. The existing project for its improvement provides for a channel in the West Branch 7 feet deep and 150 feet wide, with a basin of the same depth to the limits of the harbor lines at the head of the channel, a channel in the East Branch 9 feet deep and 100 feet wide except near the head, where for a distance of 1,150 feet the width varies from 80 to 125 feet. The district officer states that since the existing project was adopted, in 1892, the draft of vessels employed in the local commerce of Long Island Sound has considerably increased, and the depth of this waterway is no longer sufficient for the most convenient and economic delivery of freight. To meet the needs of commerce and navigation he recommends the following improvements:

| | |
|---|---|
| East Branch, channel 12 feet deep and from 85 to 125 feet wide | $116,000 |
| West Branch, channel and basin 9 feet deep and 150 feet wide, following proposed new alignment | 52,000 |
| Entrance channel, 12 feet deep and 200 feet wide | 19,000 |
| | 187,000 |

The division engineer concurs in general with the views of the district officer, but favors a width of 200 feet through the basin at the upper end of the West Branch Channel, at an additional cost of $4,686.

3. These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report herewith, dated June 30, 1914. The board concurs with the district officer and the division engineer regarding the work proposed in the entrance channel and the East Branch, but it believes that it is advisable to provide in the West Branch a width of 100 feet in the channel and 200 feet in the basin, the total estimate of cost of the plan as thus modified being $183,000.

4. After due consideration of the above-mentioned reports, I concur with the views of the Board of Engineers for Rivers and Harbors, and therefore report that the further improvement by the United States of Stamford Harbor, Conn., is deemed advisable to the extent of providing an entrance channel 12 feet deep at mean low water and 200 feet wide, a channel in the East Branch 12 feet deep at mean low water and from 85 to 125 feet wide, and a channel in the West Branch 9 feet deep at mean low water and 100 feet wide, following the new alignment, with a basin at the head of the same depth and 200 feet wide, approximately as shown on the accompanying map, at a total estimated cost of $183,000 for first construction and $5,000 annually for maintenance; provided that no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement. The full amount of the estimate should be provided in one appropriation.

DAN C. KINGMAN,
*Chief of Engineers, United States Army.*

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[Third indorsement.]

THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
*June 30, 1914.*

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. The following is in review of the district officer's reports on preliminary examination and survey of Stamford Harbor, Conn., with a view to securing increased depth and removal of obstructions to navigation, called for by the act of March 4, 1913.

2. The existing project for Stamford Harbor, adopted in 1892, as modified in 1901 and completed in 1911, provides for a channel in the West Branch 7 feet deep and 150 feet wide, with a turning basin of the same depth at the head of the channel, and for a channel in the East Branch 9 feet deep and from 80 to 125 feet wide. The mean rise of the tide is about 7.4 feet.

3. Stamford is a prosperous manufacturing town with a population of about 25,000. The commerce in recent years has ranged from about 165,000 to 217,000 tons in the East Branch and 67,000 to 95,000 tons in the West Branch, making a total of 260,000 to 300,000 tons, having a value of about $12,000,000 to $15,000,000.

4. Since the adoption of the present project the draft of vessels employed in the local commerce on Long Island Sound has increased considerably, and the depth now available is insufficient for the convenient and economical delivery of freight. The draft of the steamers regularly running to this harbor is about 8.5 feet, and as the tide falls below the mean level frequently from 1.5 feet to 3 feet, delays are experienced through lack of depth. Coal is the principal article of commerce, and the larger coal barges are unable to berth in the East Branch, and only comparatively small barges can be used in the West Branch. Those interested desire an increase in depth to 12 feet. This is practicable in the East Branch, but in the West Branch the channel is underlaid with rock, and the greatest depth that can be economically secured there is 9 feet.

5. The estimates submitted by the district officer in his original report of survey and in a supplemental report requested by the board are as follows for the various plans of improvement indicated on the maps:

| | |
|---|---|
| East Branch, 12 feet deep and from 85 to 125 feet wide, with widening at bends | $116,000 |
| West Branch, basin at head of channel about 1,475 feet long; | |
| $A_1$, 9 feet deep and 150 feet wide | 14,762 |
| $A_2$, 9 feet deep and 200 feet wide | 19,440 |
| $A_3$, 9 feet deep and 250 feet wide | 23,485 |
| West Branch Channel, exclusive of basin: | |
| $B_1$, 9 feet deep and 100 feet wide, following present alignment | 19,333 |
| $B_2$, 9 feet deep and 100 feet wide, following new alignment | 28,222 |
| 9 feet deep and 150 feet wide, following present alignment | 24,800 |
| 9 feet deep and 150 feet wide, following new alignment | 36,821 |
| Entrance channel, 12 feet deep and 200 feet wide | 19,000 |

6. The plan of improvement proposed by the district officer provides for a channel 12 feet deep and from 85 to 125 feet wide in the East Branch, with a moderate widening at bends; a channel 9 feet deep and 150 feet wide in the West Branch, including the basin, with some straightening of alignment and widening at the bends; and an entrance channel 12 feet deep and 200 feet wide, at a total estimated cost of $187,000 for first construction and $5,000 annually for maintenance. It is expected that a considerable reduction in freight rates would result from the improvement now contemplated. The district officer is of opinion that the locality is worthy of additional improvement to the extent outlined above. The division engineer concurs in general with the district officer, but recommends an increase of width in the West Branch Basin to 200 feet, at an additional cost of $4,686. He invites attention to the fact that Stamford Harbor is one of the places where it is evident that vessels navigating the New York State Canal will have to be accommodated, and this calls for a depth of 12 feet.

7. From the information now in hand it appears that the project depth, adopted more than 20 years ago, is insufficient to meet the present needs of navigation. The desired depth of 12 feet can be provided in the East Branch at a cost that seems reasonable when compared with probable resulting benefits, but underlying rock in the West Branch limits the improvement that is economically justifiable there at this time to a depth of 9 feet. After careful consideration of the different plans of improvement estimated for the West Branch, the board is of opinion that the most advantageous one, in view of the cost and the resulting benefits, is a channel 100 feet wide, following the new alignment, and a basin 200 feet wide. The entrance channel proposed by the district officer is recommended for approval. The board therefore reports that in its opinion it is advisable for the United States to provide an entrance channel 12 feet deep and 200 feet wide; a channel in the East Branch 12 feet deep and 100 feet wide, with increased width at the turns, to a point about 1,100 feet from the head of navigation, thence of the same depth and from 85 to 125 feet wide to the head of navigation; a channel in the West Branch 9 feet deep and 100 feet wide, following the new alignment, and a basin 200 feet wide at its head, approximately as shown on the accompanying map, at a total estimated cost of $183,000 for first

construction and $5,000 annually for maintenance; provided that no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement. The entire amount of the estimate should be made available in one appropriation.

8. In compliance with law, the board reports that there are no questions of terminal facilities, water power, or other subjects so related to the project proposed that they may be coordinated therewith to lessen the cost and compensate the Government for expenditures made in the interests of navigation.

For the board:

W. M. BLACK,
*Colonel, Corps of Engineers,*
*Senior Member of the Board.*

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. SHAFROTH. For what purpose?

Mr. SHEPPARD. To present a resolution of the Texas Legislature.

Mr. SHAFROTH. All right.

Mr. SHEPPARD. I ask to have a resolution of the Texas Legislature on this same general subject printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Concurrent resolution 1, indorsing amendment of national-bank laws.
By Tillotson.

Whereas the precipitation of the great European war at this time has so restricted normal international trade movements as to seriously threaten demoralization in the price of certain commodities which ordinarily seek a market at this season; and

Whereas the State of Texas, which produces almost one-third of the cotton crop of the country, is in imminent danger of tremendous loss in the intrinsic value of its cotton crop of 1914, unless adequate financial provision is made for the surplus cotton coming on the market to be held for a reasonable time and judiciously marketed upon a basis approximating its real value; and

Whereas there are more than 248 banking institutions in Texas operating under State charters and having a capital and surplus which conform to the requirements of the Aldrich-Vreeland emergency currency act for national banks: Therefore be it

*Resolved, by the Legislature of the State of Texas (both houses concurring),* That we commend to the earnest consideration of the Federal Government and of the Congress such legal provision as will make banking institutions operating under State charters and capable of complying with the terms and conditions of national-bank laws, eligible to membership in the national currency associations now being perfected under the Aldrich-Vreeland Act by extending the time within which they may join such associations at least 60 days from August, 1914, to the end that the resources and credit of these institutions may contribute to the relief of the situation confronting the cotton-producing States.

*Resolved,* That we commend the plan advanced to make the receipts to be issued for cotton stored in the emergency warehouses proposed to be established under national supervision acceptable collateral to a reasonable and judicious amount to secure the issuance of emergency currency; and we urge upon the Congress the advisability of extending equal recognition to receipts for cotton when stored in warehouses under adequate State supervision.

*Resolved,* That in view of the fact that comparatively few banks in the Southern States carry among their securities bonds of the classes required as security for the issuance of emergency currency, practically resulting in the limitation of the issue of such emergency to the 30 per cent which the law now authorizes to be issued on commercial paper, we commend to the consideration of the Congress the urgent importance of amending the Aldrich-Vreeland Act to permit such increased issue of emergency currency on the security of commercial paper as may be deemed consistent with sound financial policy, which amount we believe could conservatively be placed at a minimum of 75 per cent of the sum to which the eligible banks are entitled under the law.

*Resolved,* That a copy of these resolutions be forwarded to the President of the United States, Hon. Woodrow Wilson; to Hon. W. G. McAdoo, Secretary of the Treasury; and to the Texas delegation in Congress.

CHARLES H. TERRELL,
*Speaker of the House.*
ROBT. L. WARREN,
*President pro tempore of the Senate.*

REPORTS OF COMMITTEES.

Mr. NORRIS. I ask unanimous consent out of order to submit a report from the Committee on Public Lands.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. NORRIS, from the Committee on Public Lands, to which was referred the joint resolution (S. J. Res. 180) to determine the rights of the State of Nebraska and its citizens to the beneficial use of waters stored in the North Platte River by the Pathfinder Dam, reported it without amendment (S. Rept. 787).

Mr. SHEPPARD. I wish to report favorably three bills from the Committee on Commerce.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SHEPPARD, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 16346. An act to amend section 4131 of the Revised Statutes of the United States of America, as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses (S. Rept. 783);

H. R. 17267. An act to authorize Frank H. Gardiner to construct a bridge across the waters of Pistakee Lake and Nippersink Lake at or near their point of intersection (S. Rept. 782); and

H. R. 17825. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near St. Francis, Ark. (S. Rept. 784).

PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. BRADY submitted an amendment intended to be proposed by him to the bill (H. R. 15402) to pension the survivors of certain Indian wars, from 1865 to January, 1891, inclusive, and for other purposes, which was referred to the Committee on Pensions and ordered to be printed.

The VICE PRESIDENT. The morning business is closed.

WAR'S EFFECT ON SILVER.

Mr. THOMAS. I ask unanimous consent to have inserted in the RECORD a short article entitled "War's effect on silver, or the probable influence of present conditions on coinage of the cheaper metal," which was published in the New York Sun on the 31st day of last August.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

WAR'S EFFECT ON SILVER—PROBABLE INFLUENCE OF PRESENT CONDITIONS ON COINAGE OF THE CHEAPER METAL.

There is little doubt that out of the present Pan-European war will grow not a few changes in banking practices and probably some of broad economic purpose. One result that is of peculiar interest to the United States as the producer of from 25 to 30 per cent of the total annual silver supply of the world may quite safely be counted upon, namely, an increased consumption of the white metal in coinage. And with this enlarged demand, coupled with the natural growth of the needs of the silversmith, may come a permanently higher level of prices for silver, which, in its train, is suggestive of even more interesting possibilities.

With the great dislocation of all exchange and other monetary operations that occurred the instant war became inevitable between nearly half a dozen of the leading nations of Europe, Great Britain became conscious of her deficiency in circulating media other than gold. The Government at once entered the market as a purchaser of silver for coinage and more or less arbitrarily fixed the price, though, it must be confessed, with a decent regard for conditions as they might have been in normal times. The French Government, which in late years has added but modestly to its silver coins, prepared to increase its coinage within a few weeks more than 60 per cent of the normal. Our own Treasury made some liberal purchases for the mint, this, however, rather with a view to assisting the mining industry, temporarily deprived of the export market, than to add to our volume of currency, as for that purpose we immediately resorted to the Vreeland-Aldrich emergency bank notes. But in the case of the United Kingdom, its large purchases of silver after the war began obviously were to swell the amount of "moneys" available for retail trade and coincidentally to lessen the demand for gold for circulation.

In modern banking the great and most efficient function of gold is to furnish bank reserves against which credits may be extended to business. A gold dollar in a man's pocket merely has the potency of buying a dollar's worth of goods. A paper or silver dollar would do as well. But a gold dollar in bank vaults is the basis for three or four dollars of credit to the producer or manufacturer or distributor in his trade fructifying operations. For months prior to the war Germany's financiers had recognized the advisability of garnering as much of the yellow metal in bank reserves as possible. The Reichsbank had begun systematically to use methods for displacing gold with silver and paper notes in the circulating media and drawing the metal of redemption to its coffers. A year ago Sir Edward Holden, one of Britain's foremost financiers, was preaching the doctrine of strengthening the gold reserves of the joint-stock banks as a second line of support to the Bank of England, and a committee of British bankers for some time has been seeking out plans by which this could be accomplished with the minimum of disturbance to the money market. These two movements may have had some reference to the possibility of such a war conflict as has now been precipitated, but a strong economic necessity inspired them, for the trade expansion of the world had been inflating note and deposit obligations at a far faster ratio than redemption money was accumulating in the sources of credit.

The larger the proportion of gold in bank as compared with the amount in the hands of the public the better the central institution of any banking system can handle any financial emergency. Under the new Federal reserve system the position of the United States will be peculiarly strong in this respect. The most complete statistics of the stocks of money in the world admittedly are those compiled by the United States Mint authorities. For broad considerations the latest data of this character are of December 31, 1912. The banks and Treasury of this country then held nearly one thousand five hundred millions in gold, while three hundred and eighty-five millions were in circulation. On the same date Russia had six hundred and forty-six millions banked, with three hundred and fifty-four millions circulating. But in Germany the amount of banked gold was only two hundred and thirteen and one-half millions, against six hundred and fifty millions in circulation. The banks of the United Kingdom held three hundred and ninety-five millions, while nearly as much (three hundred and thirty-six millions) was in constant use by the people. In the last year and a half the German Reichsbank has added about one hundred and forty-five millions to its gold holdings. Otherwise there is no reason to suppose that the proportions have materially changed since the mint figures were exhaustively compiled. Therefore a large field exists for magnetizing reserve money in Germany and Great Britain into bank vaults and supplying a substitute for circulation uses.

In connection with this phase of the subject it is suggestive to compare the silver circulation of the principal European countries. Still following the mint authorities we find that the amounts per capita for the nations whose total circulation (gold, silver, and paper) is above $15 a head, vary as follows: France, $10.38; Spain, $8.89; Belgium, $6.75; Netherlands, $4.83; Switzerland, $4.16; Germany, $4.03; Denmark, $2.92; the United Kingdom, $2.57. These figures compare with $5.61

as the per capita silver circulation in the United States. Great Britain stands at the foot of the European column of nations in the class defined. Even Austria-Hungary, whose total supply of money falls below $15 a head, has a larger silver volume to the individual than Great Britain, namely, $3.07. Difficult as it is to fix the so-called "saturation point" in silver circulation, except by actual test, it is not unsafe to assume that the figures just given leave a considerable margin for the injection of a larger amount of silver in the currency of the principal countries of Europe.

In time of peace the means used by Germany and Great Britain to carry out their purpose of strengthening banking gold reserves would have involved, it is reasonable to suppose, an increased coinage of silver for currency purposes. The experience of war's financial demoralization assuredly will stimulate the movement when peace is restored and reconstructive measures are in order. It is not necessary to assume that any other than existing gold-standard banking systems would have survived the shock of Europe's frantic leap to arms. But in any emergency or crisis the convenience of the public is certainly better facilitated where a large silver supply is outstanding than where it is otherwise. The metal has an intrinsic value which paper has not; our own dollar contains pure silver of a commercial worth of nearly one-half the nominal value of the coin. Excepting England and Russia, no such extent of gold reserve is required legally in any country; in most cases bank notes rest mainly on cash in general and assets. And as for the world's total mass of note and deposit obligations, it is a generous estimate to say that the world's banks hold only 15 per cent in gold with which to redeem them. In countries where the monetary stock is too greatly diluted with paper, both silver and gold are hidden away when hoarding begins in times of trouble. But in countries which are strictly on the gold-standard basis it is only gold that is hoarded. The exception would be when a universal currency famine was feared, but such an experience as that of the United States in 1907 would be impossible except where a banking and currency system existed as bad as ours was then. Hence, a large supply of a currency like silver, even though it is intrinsically inferior to gold, is an economic advantage in times of stress, even in a crisis of an ordinary war. If our premises are correct, therefore, we may reasonably expect to see in the future a general tendency to enlarge the world's circulation of silver.

How great will be the demand from the mints resulting from this must be a matter of conjecture.

JAMES S. H. UMSTED.

NEW YORK, *August 29.*

## AMENDMENT OF NATIONAL BANKING LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6398) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws."

Mr. SHAFROTH. Mr. President, I understand the amendment now pending is that of the Senator from Georgia [Mr. SMITH], and it proposes to add an additional section to the bill which is now before the Senate, to be numbered section 2, as follows:

SEC. 2. That the provisions and benefits of the act approved May 30, 1908, known as the Vreeland-Aldrich Act, and the amendments thereto, are hereby extended to all State banks and trust companies having a capital stock of not less than $25,000 and a surplus of 20 per cent. Said banks and trust companies shall be required to pay upon notes so issued the tax provided for in said act as amended, and said notes shall not be subject to the provisions of the act of Congress approved February 8, 1875, entitled "An act to amend existing customs and internal revenue laws, and for other purposes." The Secretary of the Treasury is hereby directed to make such rules and regulations as are necessary for the purpose of carrying out the foregoing provision.

Mr. President, the bill which is offered simply provides for one amendment to the Aldrich-Vreeland Act, and that is to increase the quantity of commercial paper that can be hypothecated upon which notes under that act may be issued, from 30 per cent to 75 per cent. This amendment relates to an entirely different subject. It goes into the proposition as to whether State banks should become parties to the provisions of the Aldrich-Vreeland Act. It is an entirely different matter, has not received the consideration of the committee, has only been printed this morning, and it seems to me that it should not be adopted.

I submit, Mr. President, that in the building up of our national banking system the most careful thought of the Secretaries of the Treasury and of the committees of both Houses of Congress has been given, and there has been consummated the most perfect banking system so far as individual banks are concerned that the world has ever known. It has been done, not hastily, but in a series of years, the perfecting going on after experimentation and after all the matters which have been presented have been tried.

Mr. President, if we open the doors to the State banks to come in under the Aldrich-Vreeland Act we will meet with many inconsistencies. The Aldrich-Vreeland Act applies only to national banks and not to State banks. The Treasury Department has complete control of the national banks. The laws have required that reports shall be made so that instantly the Secretary of the Treasury or the Comptroller of the Currency can ascertain and determine whether a bank is solvent or whether it is involved in any difficulties. Those reports give the amount of the capital stock; they give the amount of the deposits; and they classify the loans. Consequently the Treasury Department is in perfect command of the situation and able to decide whether or not a given national bank is solvent. The law also provides not only for the reports but for many other things.

In the first place there is a provision in the Federal law as to national banks that whenever it is deemed necessary to have an assessment made the department at Washington can order it. It has no such control over the State banks. It can not order an assessment to be made on the stockholders of the State banks.

Besides that, the national bank act requires a certain reserve to be kept, a large reserve, not on the capital stock or surplus of the bank, but on the amount of the deposits. In the case of country banks it was, up to the time of the adoption of the Federal reserve act, 15 per cent. Fifteen per cent of what? Of the deposits. Ordinarily a bank with $100,000 capital will have a million dollars of deposits. Consequently it has been necessary for such a bank to keep in reserve $150,000 more than its capital stock. The States have various regulations upon the subject; the regulations of no two States, probably, are alike. Consequently whether these reserves are kept intact or whether they are waived by some official or whether the bank is taking the chances of not having the State examiner check them up upon it, the Treasury Department can not determine. Consequently they are at sea as to whether or not the bank is solvent except on the question of the general reputation of the bank.

Now, as to the joining of State banks with the Federal system, there is required under the Aldrich-Vreeland Act that there shall be a currency association of national banks consisting of not less than 10 banks, having a combined capital and surplus of not less than $5,000,000. When you come to the question of State banks going into the system there will immediately be dissentions as to whether the national banks should consent to their doing so. If they do consent to it it is problematical whether or not the State banks, which in some of the States are so great and so powerful that they have more capital and more deposits than have the national banks, will not dominate the association. This shows that the systems do not fit each other. So it seems to me that they ought not to be amalgamated under the Aldrich-Vreeland Act.

A question was raised by the Senator from Ohio the other day which makes it very doubtful whether the State banks of many States can enter the system even if they wish to do so. In shaping the Federal reserve act of last December the question was raised as to whether the State banks could under the laws of the States enter the Federal reserve system. For that reason a longer time was given for them to enter the system, so that if it were necessary in their States to get through a legislative act permitting them to come into the Federal reserve system they could do so.

Every State has restrictions upon its State banks as to what they can do. It gives them a charter under the general law, but that general law is very strict as to what kinds of associations they can enter. The currency associations guarantee the paper of the member banks. I very much doubt whether many States in the Union permit the members of an association of that kind to guarantee the paper of another bank. For that reason, it seems to me, we will have great difficulty in ascertaining the fact as to whether the Aldrich-Vreeland system could be entered by a State bank.

I think these questions ought to be investigated. I do not approve of presenting an amendment of so important a character as this and in acting upon it without study and without examination. It seems to me that that is wrong.

Mr. SWANSON. Mr. President, will the Senator from Colorado permit me to make a suggestion?

Mr. SHAFROTH. Yes, sir.

Mr. SWANSON. I have great confidence in the Banking and Currency Committee, in their painstaking investigations, in their knowledge, and in their judgment of financial questions. In the act approved on the 4th of August last, which was concurred in by the members of the Banking and Currency Committee and is law to-day, there is this provision:

*Provided further*, That the Secretary of the Treasury, in his discretion, is further authorized to extend the benefits of this act to all qualified State banks and trust companies which have joined the Federal reserve system or which may contract to join within 15 days after the passage of this act.

Mr. SHAFROTH. Mr. President, in the first place, I do not want to admit the premise of the Senator from Virginia. That provision never was referred to the committee; it was an amendment which was proposed without any consideration whatever of the committee.

Mr. SWANSON. It was accepted in the other House and in the Senate; it was fully considered; it is the law to-day; and it would be operative except for one thing. It did not repeal

the 10 per cent tax upon the issue of State banks, and on account of the imposition of that 10 per cent tax upon the issue of State banks the law was inoperative.

Last Friday, when this matter was before the Senate, I suggested to the Banking and Currency Committee to examine the question and determine whether they really intended to give to the State banks the benefit of the law which has been enacted. If it is their intention to give effect to that law, why should they not remove the only impediment that has prevented them from availing themselves of it. So I introduced and had put into the RECORD, and it has been since printed, an amendment simply reaffirming the provision to which I have referred as a part of the pending bill, extending the time to 30 days and repealing the 10 per cent tax upon the issues of State banks. Under this provision the State bank can express a willingness within 30 days to join the Federal reserve system; and if they express such a willingness within 30 days and join the Federal reserve system, why should they not have the privileges of other banks in securing emergency currency?

Mr. SHAFROTH. Mr. President, I wish to say that that is not the amendment now before the Senate, and I desire to discuss the amendments as they come up. When the amendment to which the Senator from Virginia refers does arise, I will have something to say with relation to it.

Mr. SMITH of Georgia. Mr. President, will the Senator from Colorado allow me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. SMITH of Georgia. The Senator is complaining that his committee has never considered this subject and is arguing that a State bank can not, under any circumstances, unite with the Federal currency associations. Now, does not the action which we took on August 4, with the approval of his committee——

Mr. SHAFROTH. Oh, no.

Mr. SMITH of Georgia. And with the approval of the representatives of that committee on the conference committee, answer the argument he is now making?

Mr. SHAFROTH. No, Mr. President; because that amendment ingrafted on the act of August 4 was never printed or handed to the committee. The Senator from Missouri told me this morning that he wrote it out and that he conferred with the chairman of the committee, and then it went through. That is not the kind of deliberation that ought to be had upon an amendment proposing to change the financial system of the Government. I submit, Mr. President, that these matters ought to be deliberately considered. The amendment referred to by the Senator from Virginia is not properly now up for consideration. I will have some suggestions to make in regard to it at the proper time, but I desire now to discuss the pending amendment. That amendment does not provide that the State banks shall come into the Federal reserve system before they may become entitled to the privileges of the Aldrich-Vreeland Act.

Mr. President, there is one objection which applies to the statements made by the Senator from Georgia and the Senator from Virginia and to both of the amendments which have been proposed, and that is that, so far as emergency currency is concerned, it will be practically impossible to have currency issued to the State banks. I will tell you why. Every national bank in the United States has a series of plates for engraving, respectively, $100, $50, $20, $10, and $5 bills, 28,000 such plates now being in the Bureau of Engraving and Printing. The notes which are issued under the Aldrich-Vreeland Act are the same as national-bank notes, with a slight addition. Since the Aldrich-Vreeland Act has been on the statute books every national-bank note has been changed by simply inserting after the words "secured by United States bonds," the words "or other securities." Consequently, every bank note that is issued now under the old national-bank act is identical word for word with the notes issued under the Aldrich-Vreeland Act. Those notes have to be engraved. They bear upon their face the name of the bank. The work of preparing these plates and printing the currency can not be done in 20 days or 30 days or 50 days or 60 days. The Bureau of Printing and Engraving is right now overworked in preparing the Federal reserve notes which it is contemplated will be issued soon.

Furthermore, if this law were passed to-day the notes could not be issued until currency associations were formed. It is going to take 15 or 20 or probably 30 days to form such associations, even if there is not an objection on the part of the national banks to have the State banks join them.

Mr. SMOOT. To what association does the Senator refer?

Mr. SHAFROTH. I refer to the currency association under the Vreeland Act.

Mr. SMOOT. Mr. President, the associations are already formed.

Mr. SHAFROTH. But the question is whether or not the national banks will take the State banks in.

Mr. SMOOT. If the national banks do not take them in, then that settles the matter.

Mr. SHAFROTH. That may be, but negotiations will have to be entered upon. You can not go to a currency association and say, "We have a State bank which we want to enter the association," and have the association reply, "Certainly, come right in." That will not be done, because the national banks in the association will have to guarantee the notes of the State banks. Consequently, even in the event that the associations admit the State banks, it is going to take time to consider the question as to whether the association will admit a particular bank.

Then, after that occurs, time will have to be occupied in having the bank examined by the Treasury Department. What machinery have they for that purpose? The Treasury Department has some men who are authorized to examine the condition of the national banks, but those men are fully occupied by their present duties, and if you are going to take in thousands of other banks they will have to be examined under Federal supervision, and it will take time to secure the appointment of competent men to make the examinations. We know how difficult it has been to secure the appointment of the Federal Reserve Board. We were four or five months' time in getting that board organized in the face of one objection after another. So, I say that by the time competent men can be secured to examine the State banks, 60 days will elapse; indeed, that would be a very short time.

Then, after it is determined that the bank can come into the system and that the bank is a proper institution to be admitted, the notes will have to be printed. They will have to be engraved. A bank note can not be engraved in a minute; you can not take out of a plate the name of one bank and insert the name of another bank. Each bank has a separate and distinct set of plates, and, as I have said, the number of plates now in the Bureau of Engraving and Printing aggregates 28,000.

When you consider all these matters, does it not seem impracticable to secure any relief from the provision which is designed to extend the privilege of the Aldrich-Vreeland Act to State banks within the limit of time prescribed by law when that act shall cease to be of force and effect? The Aldrich-Vreeland Act will expire by limitation on the 30th of June, 1915. By the time you get all this machinery into operation, secure the appropriation for the various amounts needed, and add to that the time which will be required to examine the State banks and the time it will take the Treasury Department to pass upon their applications and to determine whether State banks applying are proper institutions to be admitted into the system, and when you add to all that the time needed for the enormous work of engraving the notes for the various banks, it will demonstrate that the proposition is impracticable. As is well known, the State banks generally have a smaller capital than the national banks, and more of them, proportionately, would come into the system, at least in that part of the Union where there is a demand for the legislation proposed.

Mr. BURTON. Mr. President, will the Senator from Colorado yield for a question?

Mr. SHAFROTH. Yes, sir.

Mr. BURTON. I am asking it for information. Do I understand that the circulating notes issued under the Aldrich-Vreeland Act carry the name of a specific national bank?

Mr. SHAFROTH. They do.

Mr. BURTON. Or merely the name of the association issuing them?

Mr. SHAFROTH. No, sir; the notes carry the name of the specific bank. They are the notes of the bank, and are issued by the Government. The name of the bank is upon every note, and the note is no different whatever from the old note that was issued for the national banks except that the words "or other securities" are added.

Mr. BURTON. Well, the expressed language of the statute provides that these notes—

shall also express upon their face the promise of the association receiving the same to pay on demand.

There is the promise of the association, is there not, upon them—the guaranty of the currency association?

Mr. SHAFROTH. I do not think that that is on the note; at least, I was so advised at the Treasury Department this morning.

Mr. NORRIS. I think the reference is to "banking association," and not "currency association."

Mr. BURTON. From a reading of the statute, it seems to me that the notes are to be issued by the respective currency associations.

Mr. NORRIS. No.

Mr. SHAFROTH. I was told at the department, Mr. President, that after the Aldrich-Vreeland Act was passed all the notes issued to the national banks which applied for circulation under the old law, under which the banks were required to put up bonds, were in the identical form which has been adopted for the currency issued under the Vreeland Act, the only difference being that there are added, so I was told at the Treasury Department, the words "or other securities." Such notes are bank notes; they are not currency association notes, and, that being the case, it requires the engraving of a separate plate for every one of the denominations that might be called for for each bank. Because of that fact, there is bound to be an enormous amount of time consumed in preparing for and completing the work.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. Certainly.

Mr. NORRIS. I should like to say in connection with what the Senator from Colorado has been saying that this change was provided for by the law. I think Congress provided for that change on the bank notes.

Mr. SHAFROTH. Yes.

Mr. NORRIS. And these notes are issued by the banks and not by the currency associations, as I understand—just the same under the Vreeland Act as they are under the general act which provides for the issue of notes.

Mr. SWANSON. Mr. President, if the Senator will permit me, here is the language of the act:

The Comptroller of the Currency shall immediately transmit such application—

That is, an application for currency—

to the Secretary of the Treasury with such recommendation as he thinks proper, and if, in the judgment of the Secretary of the Treasury, business conditions in the locality demand additional circulation, and if he be satisfied with the character and value of the securities proposed and that a lien in favor of the United States on the securities so deposited and on the assets of the banks composing the association will be amply sufficient for the protection of the United States, he may direct an issue of additional circulating notes to the association, on behalf of such bank, to an amount in his discretion, not, however, exceeding 75 per cent of the cash value of the securities so deposited.

Mr. SHAFROTH. Yes.

Mr. SWANSON. It is issued to the association on behalf of the bank.

Mr. SHAFROTH. It is delivered to the association.

Mr. SWANSON. The circulating notes are issued to the association on behalf of the bank.

Mr. SHAFROTH. No; they are delivered to the association, because they want the guaranty of the association that the notes will be paid, and they are payable at the bank.

Mr. SWANSON. The association holds the securities, as trustee for the United States Government, to guarantee the payment of the notes, as I understand. When a bank goes to the currency association and deposits with the currency association its securities and assets, there is a lien on them specifically, and they are left there. Then they approve the application. That approval for the issuance of the currency is sent to the Comptroller of the Currency. He approves it and sends it with his recommendation to the Secretary of the Treasury. He approves it, and issues the currency to the association on behalf of the individual bank.

Mr. SHAFROTH. They told me up at the Treasury Department not an hour ago that that was not the fact; that they issued these bank notes absolutely to the banks. It may be that they go through the currency association for delivery.

Mr. SMITH of Georgia. The currency association gets the notes and distributes them to the banks.

Mr. SHAFROTH. That may be.

Mr. STONE. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Missouri.

Mr. STONE. Mr. President, I should like to inquire of the Senator from Virginia, as well as of the Senator from Colorado, if the notes are issued to the association, and it appears on the face of the notes that they are the notes of the association—which I do not think is a fact—how would the association know from whom the notes were due? They are made, as I understand, as the notes of the particular bank, so that at all times the outstanding notes and obligations of that bank can be kept as a matter of record. When they are printed they are delivered to the association and by the association delivered to the bank in whose name they are issued.

Mr. SHAFROTH. That is my understanding.

Mr. STONE. Otherwise, it seems to me, it would lead to confusion, and what the Treasury is doing is the proper thing.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Virginia?

Mr. SHAFROTH. Yes, sir.

Mr. SWANSON. It seems to me that on all these notes they are compelled to put the language or the spirit of the statute under which they are issued. I have no doubt that when these emergency notes are ready they will be issued to the association, and on them will be put the words "on behalf of national bank so-and-so." I presume both are printed on them, "on behalf of such and such a bank," because unless that were done the currency association, under the securities of one national bank, could give the notes to another bank. All circulating notes issued under specific statutes have the substance of the language of the statute on them. I have not seen one of these emergency notes, but I have no doubt the emergency note says "to such and such an association, on behalf of such a bank." It ought to, anyway.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. SMOOT. The Senator from Colorado is right in his contention that the notes are engraved for each particular bank. As soon as the Vreeland-Aldrich bill passed, the Bureau of Engraving and Printing began engraving the notes. The bureau engraved notes for national banks in my State, in Nevada, in Wyoming, and all other States, and the Treasury Department has them on hand now—in one, five, ten, and twenty dollar denominations.

Mr. SHAFROTH. That is, for national banks?

Mr. SMOOT. For national banks. Now, I know that the national banks of Salt Lake City had not joined a currency association. The associations were not formed when the bureau began engraving the notes. The notes are to be issued by the bank itself; but before they are issued by the bank they are sent to the currency association that has to stand responsible for the amount of notes issued. The name of the currency association never appears upon the note, but the name of each individual bank does.

Mr. SHAFROTH. Mr. President, I am glad the Senator from Virginia [Mr. SWANSON] read the provision of the Vreeland-Aldrich Act, because it sets forth what the Secretary of the Treasury shall do as to national banks, and before the Treasury Department can admit a national bank into the system under the Aldrich-Vreeland Act there has to be an examination. If an examination is required of a national bank, which always yields obedience to the Comptroller of the Currency, what an immense quantity of work would be required to examine each one of the State banks that might want to come into the system.

As the State banks are of smaller capital, more of them would be required in order to make a large aggregate amount of currency, and consequently more examinations would be necessary. It is almost as difficult to examine a small bank as it is to examine a large bank—not exactly, but proportionately. There is the matter of going to the town, arriving there, and making arrangements for the examination; and all of that takes time.

Mr. SMOOT. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. SMOOT. In that connection, I wish to call the Senator's attention to what I believe to be a fact, that there is not a State bank in any State of the Union that is not examined many times a year. Every one in my State is so examined. Not only are they examined, but there are five calls made by the bank commissioner for published statements showing their financial condition. The State examinations are just as thorough as the examinations made of the national banks.

Mr. SHAFROTH. The trouble is that the examination is made by another man. That is the difficulty. The Treasury Department has no strings upon him. It can not remove him from office. It has no power whatever over him. Consequently, it is not going to take the statement made by a State bank examiner.

I am not so certain that the Senator is correct when he says that every State in the Union requires these examinations. I was utterly astonished, in the examination of the banking and currency question before the committee, to find that in England there is no requirement for a bank ever to make a report. The only reports that are made by the banks of England are made of their own volition, and only once a year.

I do not know whether we have the condition in every State in the Union from which reports are required. I do not know whether there are bank examiners in all of the States of the Union. I am not so certain about that; but we are legislating in the dark. That is the trouble. We have not the data. We have not had an opportunity to look into the subject, and it will take time to do it. But even if you have exactly what you claim in the way of examination in each State, the law says that the Secretary of the Treasury shall have the bank examined; he is not going to take the examination of some State examiner.

Mr. SMOOT. Then, Mr. President, if all the Senator says is true, certainly no harm could result from the passage of the amendment. If the Senator claims that all the immense time of which he speaks is to be taken in the examination, and in the formation of the associations, and in the engraving of the notes, there is no danger whatever from this amendment, and there will be no emergency currency issued. I take it, however, that the Senator is exaggerating the situation.

Mr. SHAFROTH. Does the Senator believe that a law which you can almost demonstrate will be impracticable should be placed upon the statute books?

Mr. SMOOT. No, Mr. President; but the amendment the Senator is discussing merely authorizes the State banks to enter the currency associations that are already created under the restrictions and requirements of the law as it exists to-day. I agree with the Senator that if we were going to have created, in all of the States of the United States, currency associations for the purpose of allowing State banks to enter those associations, it would take the time that the Senator is now claiming; but, Mr. President, the associations are created to-day. The law is passed. Its provisions are plain. All that this bill does is to extend those provisions to the State banks, and they will have to comply with all the requirements that the national banks are compelled to comply with to-day.

Mr. SHAFROTH. The Senator refers to the fact that the Vreeland-Aldrich Act is an established thing. Why, Mr. President, we have not had, except in the last 60 days, any currency whatever issued under it. It is an experiment of itself. Consequently to treat the currency association as if it were of the old line of national banking associations, organized under the act which was passed in 1862, is not a fair thing to do.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. SHAFROTH. I do.

Mr. PAGE. I am very much surprised to hear the statement made by the Senator from Utah as to the examinations of State banks. His statement that all the States have five examinations of their banks every year is absolutely without foundation. I believe they do not so examine them in many of the States. Certainly I know some of them that do not. I can not understand why that statement should be made.

Mr. SMOOT. Mr. President, I made the statement upon the assumption that there was no State that was doing less toward examining its banks than my own State, and perhaps none that was doing more. I will say to the Senator now that there are examinations made of the State banks in my State every year, and I will say to him now that there are five calls made for the publication of the statement showing the financial condition of every State bank in the State of Utah. Those statements have to be sworn to and signed by the majority of the members of the board of directors, and they are published in the newspapers of the city in which the bank is located.

Mr. PAGE. If it is fair to say that because the State of Utah does that every other State does it, then, of course, the inference of the Senator is warranted.

Mr. SHAFROTH. But, Mr. President, the difficulty with the situation is that this matter of reporting has been one of gradual evolution. It was found that there might be collusion in regard to when the reports should be made. It used to be asserted that a national bank had a State bank or a trust company across the hall from it, and that if the reports were called for at a certain time they would haul the money over to the national bank when the national comptroller came around, and would haul it back over to the trust company at the time the State authorities called. In our State we enacted a precautionary requirement that the date fixed by the national comptroller shall control as to the State banks, so that that process of juggling can not take place.

I do not believe, however, that is the case in many of the States. At any rate, these banking laws should be very carefully considered and very carefully enacted, and the evils that grow up under them ought to be checked up one by one. That has been done up to this time, and that is the reason why we have an almost perfect individual banking system in the United States in the shape of the national banks.

Mr. President, if these banks are to be examined, the law says, as the Senator from Virginia read, that the Comptroller of the Currency shall examine the banks—that is, through his officials. It seems to me it is absurd to think this could be done in less than six months. In the first place, the examiners have to be appointed, and it takes time to find people who are capable of examining banks. I have no doubt that it would take months to get an efficient force for that purpose. You have to inquire into the honesty of the man. You have to inquire into the ability of the man to examine and to detect frauds that might be covered up by entries in books. It seems to me that if that particular requirement alone were there, it would be useless to expect that during the remaining time that exists for the operation of the Aldrich-Vreeland Act we could hope to get any relief. Then, when you add to that the printing of these thousands and thousands of plates, the making of the most carefully prepared plates that are known in the world for the printing of money, it does seem that we can not hope, even in a year's time, to get the system into operation throughout the Union.

Mr. PAGE. Mr. President, do I understand that as the law now exists we will have the country flooded with the notes of the various State banks?

Mr. SHAFROTH. No; the bank is to have the notes issued under the Vreeland Act; but the thing that presents itself, that is absolutely inconsistent, is to have the United States Government issue money to a State bank. They have different jurisdictions.

Mr. PAGE. But would the money bear the name of the State bank to which the Government issued it?

Mr. SHAFROTH. Oh, yes; it would have to be the Atlanta State Bank, if Atlanta came in, or the Commercial Bank of Atlanta, Ga. Consequently, when you talk about engraving these plates, it takes very large numbers of them. To make each one of them takes an immense amount of work, because the fine work is done for the purpose of preventing counterfeiting, and it is engraved under pressure; that makes it very slow work, indeed.

Mr. PAGE. I should like to ask a further question. The national banks are all organized under a law which prevents the making of notes payable more than one year from date. The law presupposes that the assets of a national bank shall be kept liquid, so that they can meet demands at once on emergency calls. The assets of a State bank, on the contrary, are all based upon the assumption that they are long-time assets; that the money will not be called for. It is largely the money of depositors who put it there for a permanent investment.

If the national banks foresee the coming into these associations of a multitude of State banks which have assets that are not liquid, if they foresee that they will be likely to be called upon to respond to a demand which only they can respond to and which the State banks are not prepared to respond to, is it not going to create a doubt in the minds of the national banks as to whether they may or may not wisely or conservatively enter an association where they, with their quick assets, must bear the burden of the State banks, with their assets that are not liquid?

Mr. SHAFROTH. It seems to me that the position of the Senator is well known. There is this difference, which makes the systems inconsistent with each other: As the Senator has said, one bank takes one kind of paper and the other another. A State bank can take a mortgage upon land. It may be good security, but it is not liquid. A crisis may come and money must be paid out, and the bank can not realize upon that security. The result would be that these national banks would not want to guarantee the paper of the State bank when it is secured by long-time paper.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. SHAFROTH. Yes, sir.

Mr. CLAPP. Of course, I know nothing of banks outside of my own State, but in that State I do not think it is correct to say that the State banks as a rule loan on longer time than the national banks. They are commercial banks.

Mr. SHAFROTH. They are authorized to do it. I do not know that they all do it. They do it in some instances.

Mr. CLAPP. We have savings banks, of course. It is true that the State banks can loan on farm lands and the national banks could not. Therefore some of the national banks have been obliged to create a subordinate trust company through which they could accomplish indirectly just what the State banks accomplish openly and directly. That is the difference in my own State.

I think the statement is hardly borne out by the facts. The State banks are just as essentially commercial banks as the national banks.

Mr. SHAFROTH. Mr. President, there are some other differences between the systems that it seems to me prove that we should not put them into one organization. The fact of the reserves being different is one thing. The fact that the Federal Treasury can not exact any assessment upon the stock of a State bank would be another. The fact is that the Treasury Department must examine these banks before it permits the formation of an association and admits the State banks. In the Federal reserve act we have provided for all that. There was an examination with relation to that subject when we had the Federal reserve act under consideration, and we have provided that any State bank which wants to come into the Federal reserve system can do so.

Mr. President, it seems to me that that is all that really is necessary.

Mr. SMITH of Georgia. Will the Senator tell us when the reserve banks will be in operation?

Mr. SHAFROTH. I hope the reserve banks will be in operation by October 1. I hope so, at least.

Mr. SMITH of Georgia. I wish I were as hopeful.

Mr. SHAFROTH. There have been delays, and the very fact that delays have existed when there was a desire to have this done shows that delay was necessary, and it shows that it takes time to incorporate a new system on the national banking system. If you attempt to get money in this way you are going to have delay and delay and delay. That is necessary, and you can not avoid it. No notes could be issued, in my judgment, within the nine months that are left for the operation of the Aldrich-Vreeland Act. If you were to pass this law today the requisite time must take place for examinations, for the appointment of examiners, for passing upon the applications, for the engraving of notes, for sending them out, for the purpose of distribution, and that would take such a length of time that I do not believe a single note could be issued in nine months.

Mr. President, what is the difference between the laws regarding the State banks and the National banks in regard to the liability of stockholders? That is one of the things that you are going to mix. People who have some kind of liability are going to be mixed with others with another liability and make them guarantee the notes of each other. It would not operate. If these banks want to come in they can organize a national bank to-morrow and get into the system immediately and have all the advantages under the Aldrich-Vreeland Act. If they do not want to do that they can come in as a member of the Federal reserve bank by virtue of carrying out the requirements of the statute. Under those circumstances, being incorporated and made a part of the Federal reserve system, they could have probably the benefit of this Aldrich-Vreeland currency, if they were to enter the system in the regular way.

There are provisions in the United States law prohibiting the withdrawal of capital from a bank. The laws of the States are not alike in that particular. Some have one provision and some another.

Not only that, but it has been found necessary, in order to have a perfect system, that there should be criminal law attached to the offenses that the officers of a national bank commit. Is it possible that, when the Federal system can not invoke its judiciary and can not punish a State bank for anything that it does, it should be mixed up with banks the members of which are criminally punished under the statutes of the United States?

Mr. SMITH of Georgia. I wish to ask the Senator if they are not mixed up just in that condition under the Federal reserve banking system?

Mr. SHAFROTH. No; I think not. I think you will find that in the Federal reserve banking system any bank that comes under the system is going to be subject to the pains and penalties and limitations that are prescribed as to national banks, and that is the thing that should be required in order to make a harmonious system.

Mr. SMITH of Georgia. Just the same could be done in this instance.

Mr. SHAFROTH. I am talking about the law on that subject.

Mr. SMITH of Georgia. Will the Senator point out anything in the recent act which makes a State bank alone subject to criminal prosecution?

Mr. SHAFROTH. I can not turn to the provision in the 28 or 29 pages of the bill, but I am satisfied that you will find something there that gives such a power, and I am satisfied you will find that under the Federal reserve act as to every single member bank, and they are referred to as member banks, whether they are State banks or national banks, the requirement as to each and every act of the one applies to the other, and consequently there is liability.

Suppose the Secretary of the Treasury wants to have a report from a State bank. The State bank officer can say: "I do not recognize your jurisdiction. You have nothing to do with the State. I am answerable to my charter under the State law"; and it may be that they would not do it.

Mr. SMITH of Georgia. Then they would be suspended from membership.

Mr. SHAFROTH. It might be that way. It might be that a bank would become involved, and that a bank might be in a position where it would be perfectly willing to get out; but it is inconsistent to have a part of the membership getting United States currency subject to certain rules and laws and regulations of the Treasury Department and another not subject to such rules, laws, and regulations. If you are going to build up a system of that kind, you will get into chaos. The most careful examination, taking months and months, would exhibit instances where there could be something disclosed that would not make the system work.

Mr. President, one of the reasons the national banking system has proven so efficient and so perfect is because you have a right to go into the United States courts and prosecute criminals or those who violate the laws of the United States. You could not do that in the case of a State bank. You could not possibly interfere with their rules or their regulations. The State in its sphere is supreme, and it should be, and for that reason its institutions should not be mixed with the national institutions.

Mr. President, the other provision with relation to 125 per cent of the capital stock and surplus of banks, limiting the amount of money that can be issued by the national banks, applies to national banks only. By no reference could it be construed to apply to any system of State banks. You must take into consideration the fact that the Treasury Department must know about it. The Treasury Department does not pass upon these things without most careful consideration.

I want to say to the Senator from Georgia that we are trying to amend these various laws for the purpose of helping the people of the South and other parts of the Union who are in distress, and we have produced three bills. Two of those we have passed. One of those bills provides that under the Vreeland-Aldrich Act the rate of interest shall be reduced from 5 per cent to 3 per cent.

Mr. SMITH of Georgia. We did that last fall. I drew it and presented it to the caucus.

Mr. SHAFROTH. It is right that is was done, and it was in the Federal reserve act. In the last year we have passed at least two distinct measures. The object was relief to the banks, to assist them in getting money, and it was correct, I believe, and I think it meets generally the approval of the people.

Then, Mr. President, we come in and increase the amount that can be issued under the Vreeland-Aldrich Act from $500,000,000 to 125 per cent of the capital and surplus of the bank, which makes the amount that can be issued now $1,280,000,000. That is a relief measure. It is a relief measure to the people in order to aid and assist them in getting money in moving crops or in other crises.

Now we come in with a bill which is to the effect that we should increase from 30 per cent to 75 per cent the amount of the commercial paper that can be hypothecated for the purpose of issuing money under the Vreeland-Aldrich Act. That, Mr. President, is in response to the request of the small bankers who say that they have not the bonds that are required by the Aldrich-Vreeland Act to deposit, and for that reason they want to get commercial paper as the basis of their circulation. The committee has responded to that demand and has presented a bill here giving them an increase from 30 per cent to 75 per cent.

Mr. WEST. Mr. President——

Mr. SHAFROTH. I think other bills will be enacted to aid and give relief, but to put on this bill——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I yield to the Senator.

Mr. WEST. Do I understand that under the Aldrich-Vreeland Act as it stand now you can issue $1,280,000,000?

Mr. SHAFROTH. Yes, sir; $256,000,000 of that has already been issued. It was issued in the last 60 days, and it is proceeding satisfactorily and relief is coming gradually.

Mr. SMITH of Georgia. Very gradually.

Mr. SHAFROTH. It may be that it is coming very gradually, but $256,000,000 in 60 days is a pretty large increase in the cur-

rency. It seems to me that we ought not to issue the whole amount of $1,250,000,000 at one time, because I believe that collapses would come by reason of such a large inflation of the currency.

But, Mr. President, we are proceeding to help the little banks just as much as we can, and when we present a little measure here simply for one purpose, namely, to increase the amount of commercial paper that can be deposited as a basis for circulation from 30 per cent to 75 per cent, it ought not to have attached to it any other amendment.

For these reasons, Mr. President, I hope the amendment will be voted down.

Mr. SMITH of Georgia. Mr. President, I hardly think that the Senator from Colorado [Mr. SHAFROTH] has been as logical as usual in his argument this morning. At the opening of his argument he presented two lines of thought. One was that there was serious objection to the State banks coming into the currency associations on account of the quantity and number; and yet just a little later he undertook to point out that probably the laws of none of the States would let them come in at all. Those two positions were scarcely consistent.

Mr. SHAFROTH. I stated that I did not know whether they would come in or not, but I doubted very much whether they would, and that consequently an examination ought to be made by committees and after inquiry reports made concerning it before we put upon the statute books a permanent law.

Mr. SMITH of Georgia. I understood what the Senator said. He did have a great deal to say about examinations and committees and delays.

Mr. President, it is not a serious proposition to turn to the statutes of any State to see just what is the power of the State banks in the State. Indeed, if a State bank applied from any State for admission to the currency association of that locality, it would undoubtedly call to the attention of the Secretary of the Treasury and call to the attention of the officers of the currency association the law of the State, and it would be a matter of a few minutes to pass upon it. The terrible delay and the great difficulty I think has been rather exaggerated in the mind of my able and most esteemed colleague from Colorado, for he is able, and I do esteem him. It would be a matter of a half hour as to each State when the statutes were laid before the counsel of the Treasury Department or the counsel for a currency association to read the statutes and see what was the power of the particular State.

Mr. SHAFROTH. I should like to ask the Senator, inasmuch as he has prepared this amendment, why has he not taken the little half hour that is necessary to ascertain whether the State has the power or not? Can the Senator say now that the State banks in half a dozen States in the Union can enter this system he proposes? I do not know whether they can or not, but we are legislating in the dark, and that is the thing which we ought not to do.

Mr. SMITH of Georgia. If they can not enter it, then the trouble upon the mind of the Senator from Colorado is relieved. He does not want them to enter; he objects to having any of the State banks join a currency association, and if the statutes of the State do not allow them to join, then all of his distressed condition of mind should be removed, and there is no occasion for his being so anxious on the subject.

What I said was that if a State bank from a particular State desired to join the currency association the counsel for that bank would bring to the counsel of the currency association and to the counsel of the Treasury Department the statute of the State on the subject, and it would be the work of a few minutes to read the statute and to determine what it meant. I have read the statute of my own State. I know what it is. I have not studied the statutes of other States upon this subject. It may be that in some States it may be so important to allow the State banks to join the currency association that their legislature will be called together and the privilege will be extended. It may be that in many of the States it is entirely unnecessary, and that the State banks will not desire it; that there is no legislation which permits them to join, and it is not of sufficient importance to call a meeting of the legislature to authorize them to join. These difficulties which the Senator suggests relieve the other difficulties which he has urged.

Mr. President, there is a condition which exists in at least a number of States of the Union that requires additional legislation with reference to the currency question and the committee presents nothing to relieve that situation.

Mr. SHAFROTH. Oh, yes; we do, Mr. President.

Mr. SMITH of Georgia. I sat quietly and listened to the Senator for quite a length of time, because I did not wish to interrupt him, and I would be glad to present just a little further my views upon this subject without interruption.

The VICE PRESIDENT. The Chair will say that the floor is in charge of the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I repeat that the committee has not presented any solution of this question, and it is a most serious situation.

As a part of my argument, I desire to send to the desk of the Secretary, and let him read for me an editorial, which I read just a few moments ago, from the New York World.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the New York World, September 11, 1914.]

WHAT IS EMERGENCY CURRENCY FOR?

On the outbreak of war in Europe Congress passed with only a few dissenting votes an act modifying the Aldrich-Vreeland emergency currency law, greatly to the advantage of the banks.

It made a billion dollars of this currency instantly available in the discretion of the Secretary of the Treasury. The tax rate upon the issue is fixed at 3 per cent for the first three months, with an increase of one-half of 1 per cent a month thereafter until 6 per cent is reached, which rate shall be the maximum until the notes are withdrawn.

Unlike normal national-bank notes, which are secured by Government bonds, emergency currency may be based upon State and municipal bonds or upon approved commercial paper. The purpose of the act was to provide a sound currency in abundance at times when, as a result of business or other disturbances, there was a tendency to hoard money and deny credit. Such an occasion appeared a little more than a month ago, when hostilities across the sea prostrated commerce, credit, and exchange throughout the world.

It will hardly be maintained by anybody that this great measure of finance, described at the time by Senator NELSON as the mobilizing of the bank resources of the richest of nations, was intended for the benefit of the banks alone. It was designed to facilitate the transaction of all business; to make the wealth, energy, and credit of the people quickly available as a guaranty of the circulating medium; to overcome causeless panic; to defeat the monopolization of money and credit, and to make sure that no one, no matter how powerful, should be able by means of terror and manipulation to squeeze the life out of commerce and industry.

So far as we have observed, bankers in New York and very generally throughout the country have accepted the new currency as the largess for themselves. Bottomed on collateral amounting to about $130,000,000, New York banks have at least $105,000,000 of the new issue, the people's money, designed for the people's use. They are hoarding gold, gold and silver certificates, and greenbacks. They are exceedingly censorious of commercial paper. They are charging 7, 8, and 9 per cent for such loans as they grudgingly make, using for the purpose notes which at present cost them but 3 per cent and which never will cost them more than 6 per cent.

Thus, owing to what must be regarded as greed, if not gluttony, the emergency which emergency currency was created to meet exists without much abatement. A patriotic and generous Congress has provided hundreds of millions of good currency for the use of the people, but reasonable access to it is prevented by the timidity or the extortion of bankers. How long must American business submit to this oppression?

Mr. SMITH of Georgia. Mr. President, in the section where I live there are 12 States which produce a crop which 60 days ago was worth a billion dollars. The distress which is spreading over that section can scarcely be described. I am hardly able to read my morning mail bringing to me the story; I am hardly able to read it, because I am myself so distressed by the distress of those people and the burdens which they are to-day carrying.

What have we done to reach the trouble? Almost nothing. The sum of $150,000,000 from that crop would go to the Middle West; $400,000,000 of it would go to the East. The whole country is feeling the burden of the blow that has been struck at our greatest export crop. It has cost from 10 to 11 cents a pound, perhaps 11½ cents a pound, to raise it. It will continue to cost next year and the year after between 10 and 12 cents a pound to raise it. The world must use it in a short time; but to-day there is no demand for it, because of the foreign war; because 60 per cent of its use is suspended through the cessation of the operations largely of foreign mills. But for the $610,000,000 of gold brought by this crop from abroad last year what would have been the condition of our international balance?

As the Senator from Rhode Island [Mr. LIPPITT] has said, it was to his interest, as a manufacturer of cotton, that the price should be sustained and that this volume of foreign gold should come into our domestic commerce to give it vitality and to make it practicable for the people of this country to be in a position to purchase his goods. It is a matter of value to all the country, not simply to that part of it which produces the cotton. If these people for the lack of currency to carry them for the next few months are forced to sacrifice their crop and let the price go down to half what it cost to make it, then bankruptcy confronts the small farmers of 9 of our States, one-fifth of the population of the Union; then the markets that they have furnished to their fellow citizens of the middle section of this country is gone; then the payment of the bills to the eastern section of the country and the market we have furnished for the products of the eastern section of the country is gone; then the return from the export of this crop when

it goes abroad, the return which cares for our international balances, the return at a fair price, needed within the next few months to bring foreign gold to take care of our bonds being brought here for sale—then this resource of the entire country also is gone.

It is an international problem; it reaches far beyond the locality; but as to the locality it means ruin. I say that the Senator from Colorado has furnished nothing to relieve this situation.

Mr. SHAFROTH. Mr. President, since the Senator from Georgia appeals to me, I will state that I think we have done something to relieve the situation. I will state that there is a remedy right now that can be put into operation much quicker than you can get any remedy in operation under the Aldrich-Vreeland Act; that is, to have the State banks join the Federal reserve system and consequently get money on the same security that we are asking shall be required in this very bill.

Mr. SMITH of Georgia. Mr. President, the amendment of August 4 to the Aldrich-Vreeland law was intended to reach State banks as well as national banks. The national banks do not deal with the masses of the people in our section.

Mr. VARDAMAN. Nor anywhere else.

Mr. SMITH of Georgia. They finance the larger transactions. I do not say that the legislation of August 4 was not, in one sense, helpful. It was helpful to the manufacturer and the big merchant; it was helpful to the condition of affairs at the place of eventual payment of debts, in New York City; it is helpful to all the country to relieve the pressure from the place of eventual payment of debts. The relief of pressure from the place of eventual payment, which is largely in our commercial center, New York, enables creditors there to avoid the immediate collection of their debts, and that moves out through the whole country and is beneficial. I wish to digress to say that to that extent the legislation of August 4 is substantially beneficial; it will also be helpful by enabling factories to buy, if they are ready to go on with their business. I would be uncandid if I did not concede this much.

I believe that the provision allowing the national banks to utilize commercial paper up to 75 per cent will be helpful in the broad sense that it will contribute toward the general relief of the situation in the country; but I do not believe the national banks have used this aid with the liberality and in the spirit that caused the passage of the act of August 4; and I am afraid they will not use it under the bill which we are now proposing to pass extending the limit to which currency can be issued on commercial paper from 30 to 75 per cent.

Mr. POMERENE. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. SMITH of Georgia. Certainly.

Mr. POMERENE. The Senator has just indicated, and indicated correctly, that the national banks have not availed themselves of the opportunities afforded under the law to supply their clients the necessary cash to do their business. What reason has the Senator for believing that the State banks to any great extent would avail themselves of this opportunity if they had it?

Mr. SMITH of Georgia. I will reply to the Senator so far as my own State is concerned, because I have been appealed to by dozens of the bankers there; I have been appealed to by the chairman of their State organization, and their executive committee, who have stated that they are in immediate touch with the situation; and they state that but for the 10 per cent tax on State bank issues they could furnish a local currency that would relieve the situation.

My preference would be to suspend the 10 per cent tax on State banks for six months or nine months. If you wish to free the Treasury from any responsibility, and if there are the troubles which have been depicted connected with admitting State banks to currency associations, then give us some modification of the 10 per cent tax provision or some suspension of it for a few months in order that the State banks may meet, as they are willing to meet, the local situation which is so distressing. I do not ask for that, however; I am asking for this measure.

Mr. SMITH of Michigan. Does not the Senator from Georgia think that that would tend to destroy the uniformity of our currency, while the amendment proposed by the Senator from Georgia would tend to unify and keep it harmonious?

Mr. SMITH of Georgia. I think the Senator is right about that.

Mr. SMITH of Michigan. There is a great deal of propriety in reaching the situation in that way.

Mr. SMITH of Georgia. I think the Senator is right in his suggestion; but I was contending that the Senator from Colorado, while objecting to the amendment we have presented, does not offer us a substitute. The difficulty with our situation is the urgent need of currency, or, rather, that is one of the difficulties; there are others; I do not mean that it is the sole difficulty. If I had control of the situation, I would buy 5,000,000 bales of cotton, either through the State government or through the National Government; I would restrict next year's production to one-half the present crop; I would stop this distress and save the commerce of the section immediately affected and the commerce of the country.

Mr. WILLIAMS. Mr. President, how would the Senator restrict the crop?

Mr. SMITH of Georgia. By statute; and enforce it, just as was done in 1862. In that year a statute was enacted in Georgia which restricted cotton production.

Mr. WILLIAMS. Mr. President, the Senator surely does not contend that the Federal Government could do anything of that sort.

Mr. SMITH of Georgia. Mr. President, the Federal Government could tax out of production one-half of the cotton acreage. I mean to say that if I had control of the 12 Southern States and could dictate what should be done I would begin by purchasing with short-time bonds, given to the owners of the crops, 5,000,000 bales of cotton; then I would limit next year's production to one-half the acreage, the other half to be devoted to the production of foodstuffs.

I do not hesitate to make this declaration here, though it creates smiles from some. If I were governor of one of the Southern States to-day, I would ask for a conference of governors, and if they would join me, if it were necessary, I would have a constitutional amendment, or even a constitutional convention in my State, to care for this situation, which as it stands may bankrupt half the people of the State. I would meet it as a war measure.

When I make this statement I wish the Senate to understand how serious is the situation. Yes; I go further, shock Senators as it may; I would be glad to see 5,000,000 bales of cotton taken over with 3 per cent bonds of any kind, National or State, and such a tax levied as would restrict the production of cotton one-half next year.

I know that there will be the wails of women and children caused by the condition if not relieved, and suffering almost as serious as that caused by guns on the battle field. I know that suffering exists now, and that every day it is growing worse. I know that hundreds and hundreds of men who have labored to buy small farms for themselves and their wives and children will see them swept away. I have letters from men who have farms with large numbers of tenants who have notified their tenants that they will not undertake to carry them or enable them to make a crop next year, because they can not do so. I fear that as the situation stands there will be thousands and thousands of men and women and children without work and compelled to suffer in the 9 Southern States during the next 12 months.

Mr. VARDAMAN. Mr. President, I wish to suggest to the Senator that if this amendment were adopted as proposed it would enable the banks to relieve that pressure.

Mr. SMITH of Georgia. It will help, if the Secretary of the Treasury will meet the emergency liberally and generously.

If the Committee on Banking and Currency and the Congress would offer us the opportunity of issuing State bank currency, associations with the privilege of issuing notes for circulation for 12 months, disconnected with the National Government, could furnish a local circulation, it would not be good all over the country; it would not be as good as the currency under the Aldrich-Vreeland Act; I agree with the Senator from Michigan that it would not be as desirable; but it would, to a considerable extent, save the situation.

Mr. SMITH of Michigan. Mr. President, it would be substantially what the banks now have a right to do by means of their clearing-house certificates.

Mr. SMITH of Georgia. I do not think they could issue clearing-house certificates for circulation without being subject to the 10 per cent tax.

Mr. SMITH of Michigan. I do not think I will disagree with that conclusion, but they may issue them—and they have issued them—without that tax being imposed; but the very fact that they are issued by local banks, no matter how strong, confines the territory within which they must circulate and renders them to just that extent unequal to the emergency we now have.

Mr. SMITH of Georgia. They would not be equal. They would be entirely local; but were it not for the 10 per cent



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tax on the issue of local currency the State banks of most of these States would meet and organize local clearing-house associations and issue for local purposes only clearing-house certificates for circulation as currency. They are debarred from doing that by the Federal statute.

I grant all the criticism anybody will make against such a system of circulation. I grant its deficiencies; but even that would be vastly better than the situation which confronts us.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. I do.

Mr. REED. What reserve are the State banks of Georgia required to keep?

Mr. SMITH of Georgia. I do not remember. I think it is 12 per cent.

Mr. REED. How much money have they now actually in their vaults? What reserve have they there?

Mr. SMITH of Michigan. Probably 15 per cent.

Mr. SMITH of Georgia. It is down practically to the very bottom legally permitted, I think.

Mr. REED. Is the Senator speaking from the figures that he has ascertained or is that an impression?

Mr. SMITH of Georgia. No; from my general knowledge of the condition of their finances on the 1st of September of every year. I have had no practical connection with a State bank for a number of years. My business connections are with national banks.

Mr. REED. What are the reserves to-day, or within the last week or so, of the national banks of Georgia?

Mr. SMITH of Georgia. I have had no reports within the last week.

Mr. REED. Is it not a fact that the reserve is away above the legal requirements?

Mr. SMITH of Michigan. I do not believe that is possible anywhere.

Mr. REED. Mr. President, with all the respect in the world for the Senator from Michigan, I am not talking about Michigan. I am trying to find out about Georgia.

Mr. WEST. Mr. President, I will say that if the reserve is above the legal requirement it is because of the apprehension of the banks as to what is to come.

Mr. REED. Very well; because of the apprehension as to what is to come. I wish to ask further if it is not a fact that the Aldrich-Vreeland currency that has been issued to the national banks is, to a very large extent, still in the vaults of the banks, unused?

Mr. SMITH of Georgia. That may be true, and that is just why I was suggesting that the mere enlargement of their facilities to issue currency does not seem to carry any substantial relief.

Mr. REED. Now, let me ask another question, because we get nowhere by simply dwelling on the misfortunes of our country. The question is one of relief. One might concede all the Senator has said with regard to the desperate condition of the South, growing out of the inability to market crops. We all recognize that that misfortune would be instantly wiped out if the crops could be marketed at a fair price. Being denied the ability to market the crops, the question comes, What is the remedy?

The remedy we are now discussing is that of the issuance by the Federal Government to these banks of the Aldrich-Vreeland currency. Of course the question then at once arises, What use would the banks make of that money? Would they accept it? Would they use it? Would it stimulate credits, and would it bridge over the chasm?

If it be true that the national banks still have in their vaults, unused, a large portion of the Aldrich-Vreeland currency which has been recently issued, does it not follow that there is some reason for keeping that money in the banks? If so, the question at once arises, What is that cause? Is it because the banks fear to put it out, or is it because the inducement is not great enough?

Mr. SMITH of Georgia. I am not so accurately informed about the reason influencing the banks as I would wish to be to answer the Senator's question. I am informed about the status of the State banks with reference to this problem, and I am absolutely sure that if the State banks get the opportunity they will use the money, and use it where it will do the good that I desire to see accomplished.

Mr. REED. The State banks of the Senator's State have plenty of good commercial paper, have they not?

Mr. SMITH of Georgia. I think they have.

Mr. REED. Of course if they have not, they can not get this money.

Mr. SMITH of Georgia. I think they have ample to obtain this currency.

Mr. REED. Let us assume that they have good commercial paper; what interest does that paper generally bear?

Mr. SMITH of Georgia. Eight per cent; from 7 to 8 per cent.

Mr. REED. A national bank can come to the Federal Government with its securities and secure this currency by paying a tax of 3 per cent. That tax of 3 per cent, plus the expense of handling it, certainly does not aggregate to any national bank of Georgia anything like 8 per cent. That being true, if the State banks have plenty of good commercial paper and bring it to the national banks, and the national banks can make money by loaning to them, why is it that relief has not already reached the State banks?

Mr. SMITH of Georgia. I do not know, except I know that the national banks are not furnishing them any money at less than 8 per cent.

Mr. REED. If the desperate condition exists that he has pictured here—and he painted it in such dark colors, and with so much feeling in his manner, that I am forced to believe that the condition is a very hard one, one which appeals to all of us—if that desperate condition exists, and if the State banks have plenty of good commercial paper, then it is inconceivable that they will not bring that commercial paper to the national banks and get money and relieve the situation, unless there is some other reason that makes it impossible for them to accomplish the desired end.

Now, I think I know what that reason is. I think the reason is found in the fact that there is no market for the cotton. It is not the lack of currency; it is the lack of a market.

Cotton to-day has no market price. Cotton exchanges are closed, as I understand. Stock exchanges are closed. Cotton is not going abroad. No man can look into the future and say what cotton will be worth to-morrow, or the next day, or the next month. Accordingly, the man who wants to borrow money, being the man who holds the cotton, is a man whose credit is seriously impaired by virtue of no fault of his, but of untoward conditions abroad.

If the cotton were good security so that the maker of the note who primarily needs the money were perfectly sound, I do not see why to-day he could not take that note to his State bank, and why the State bank, being a solvent institution, could not immediately get this money through the medium of a national bank. It might cost something, it might be rather a high rate of interest, but still the desperate condition painted by the Senator would warrant the payment of rather a high rate of interest. It must be because of the lack of security and not the mere lack of money.

There is as much money in this country to-day as there ever has been, and in addition to that there is $250,000,000 of this emergency currency already out. It is not the lack of currency so much as it is the lack of a thing warranting the loaning of the currency, I am afraid.

I want to help the Senator's section of the country—not as badly as he does, because I could not feel it as keenly as he feels it, but as one living in a different part of the country which is not affected by the condition to-day so much as the Senator's section is, I want to help. The question is, however, Can you remedy a condition which owes its origin to a lack of a market by the mere issuance of credit money? Can you do it? That is rather fundamental, but I think it goes right to the merits of the question.

Mr. SMITH of Georgia. Mr. President, undoubtedly the suggestion of the Senator from Missouri has weight. Unquestionably, lying beneath our difficulty is the temporary lack of a market for cotton. I do not question the soundness of that statement; but there is still a certain value to the cotton. It is a commodity that the world must consume. The clothing of the people of the world rests upon its use. It costs over 10 cents per pound, on the average, to produce it. I refer to middling cotton. The fact that it is temporarily depressed because less than half the available supply is demanded by the mills now running is no sufficient reason for sacrificing the price of all of it, when we know that within the next two years cotton will be selling for over 12½, 13, or 14 cents a pound, with the conclusion of the war.

There will be a temporary suspension of the mills, and the clothing now in use will be worn out. With the termination of the European struggle the people of the world will require this product. Fortunately, it is a product that in no sense deteriorates with age. While the national banker and the man not familiar with the local farmer fear, perhaps, to aid him, it is because the State banker, who does his business almost entirely, still knows the value of the security, and will accommodate him and help him, that it is so important the benefits of the Aldrich-

Vreeland Act shall be extended to the State bankers. I do not claim that such an extension to them would entirely relieve the situation. It would not. As I said before, if I could write the acts myself I would go vastly further.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Georgia yield to the Senator from Alabama?

Mr. SMITH of Georgia. Yes.

Mr. WHITE. Of course, the question is a broad one, but when we consider the difficulties we must consider it broadly.

The Senator from Missouri asks why it is, with plenty of money in the national banks, that it does not find its way into the hands of the cotton producer. May not the trouble be that the influences which control the national banks have something to do with it?

Mr. SMITH of Georgia. And they want to buy the cotton at a great sacrifice. Is that the idea?

Mr. WHITE. Are not their customers the millmen, the cotton buyers, the speculators? To accommodate their own customers, the mills and the speculators, are they not withholding the money from circulation for that purpose? May there not be even a secondary grasp upon this money—not the grasp alone of the local banks, but the grasp of the gigantic influence behind it, that does not feel any interest in the local situation, or, in other words, in the price of cotton? Does not the State banker, on the contrary, want to accommodate his immediate customer, the farmer, the man who patronizes and makes him and keeps him alive? And will not the effect of this legislation, if enacted, be to put the State banks in competition with the national bank and make the national bank turn loose some of its money?

I make these suggestions along that line for the Senator's consideration.

Mr. SMITH of Georgia. I thank the Senator for the suggestions. I think they are valuable.

Mr. SHAFROTH. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. I yield.

Mr. SHAFROTH. I should like to suggest that there can not be a motive of that kind. The Senator has been and, I understand, is now connected with a national bank. Is the Senator's bank refusing upon any such ground as that? Have you had any pressure from any other part of the country not to lend on cotton? It seems to me not.

Mr. WHITE. Mr. President——

Mr. SMITH of Georgia. I must answer the Senator from Colorado, as he referred to my own bank. My answer is that, while I am nominally a director, I have not attended a directors' meeting in years, and I have been asking to retire as a director for some time; but, as I helped organize the bank, and may have seemed to desire remaining a nominal director, I am not informed about the details of the bank's business.

Mr. SHAFROTH. Is it not a fact that all the directors of your bank are citizens of the State and are directly interested in the welfare of the State?

Mr. SMITH of Georgia. Yes; I think they are.

Mr. SHAFROTH. I believe, if you examined——

Mr. SMITH of Georgia. But I want to add that I have seen no disposition by the national banks of the city of Atlanta to be liberal toward the outside State banks. Their regular customers require the currency they have to loan.

Mr. SHAFROTH. Mr. President, the difficulty of the situation is very largely as the Senator from Missouri suggests. A man goes to a national bank and says, "I want to get money. I have a thousand bales of cotton that are worth $50,000. I want some money on it." The bank will naturally say, "Well, now, how much are we sure that we can make on that? There is no market. We can not lend 8 or 9 cents a pound on it under present conditions. We can not let it go for over 4 cents." The man says, "That will not meet my obligation. I can not get along with it." That is the condition. It is because of the fact that the banker himself wants to be safe, that in order to be safe he puts the amount he will lend on the cotton at a very low price. Everyone feels sympathy for the southern people in this distressed condition. I think you have gotten the wrong basis upon which to operate. I am sure if you——

Mr. SMITH of Georgia. I am sure we have the wrong basis now unless we amend the bill.

Mr. SHAFROTH. The bill will add something to it, anyway. It may not add as much as the Senator wants.

Mr. SMITH of Georgia. The trouble is, it goes only in spots.

Mr. SHAFROTH. I want to say that people have lost confidence in the cotton without, in my judgment, understanding the great quality of cotton. I think, if the Senator will put in a concrete form what he has said here about the imperishable character of the crop and the certainty that it will come back in the long run to a good value, it would give more confidence to the banks and they would advance more money in proportion to the amount than is the case now.

Mr. WHITE. Mr. President——

Mr. VARDAMAN. Will the Senator from Georgia yield to me for a moment?

Mr. SMITH of Georgia. I will yield first to the Senator from Alabama.

Mr. VARDAMAN. Mr. President, I ask the floor for but a second.

In the State of Mississippi there are only 32 national banks. There are 326 State banks. There is not a banker in Mississippi who does not know the value of cotton and its intrinsic qualities. With all these banks, State and National, sharing in the privilege of the Vreeland-Aldrich law, does not the Senator see that it would create a great force to handle the cotton crop and the directors of the State banks whose interest is connected and associated so intimately with the farmer that they would help him carry his cotton and bridge this financial chasm. It is not going to be very long, I apprehend, before the European war is over, but now the 32 national banks in Mississippi can not supply the 326 State banks with the currency which the situation demands. I am opposed, even if the national banks were able to furnish the necessary currency, to giving them a monopoly of the business. We are now legislating for the people and not to increase the profits of the national banks.

Mr. SHAFROTH. If the Senator from Georgia will allow me a moment right there, you can get relief in one-fourth of the time if your State banks join the association of Federal reserve banks.

Mr. VARDAMAN. But if they come in under this bill they can get relief now.

Mr. SHAFROTH. They can not get relief now. That is impossible. To engrave these notes and——

Mr. VARDAMAN. I will say to the Senator that by the very enactment of this law with the amendment proposed confidence will be restored and the money that is being stored away in the banks now will be used for purposes at this time which this emergency currency is designed to meet later. The confidence that will be restored by the adoption of this amendment would be worth millions to the cotton growers of America. It will give courage and stimulate hope, which at this time would go far toward ameliorating the condition in the South.

Mr. SHAFROTH. Not if it were demonstrated that you could not have relief in the issuance of the money until the Vreeland-Aldrich Act absolutely had expired.

Mr. VARDAMAN. As a matter of fact, I apprehend that there is enough money in the South now to meet any demand. If the banks knew they would be able to get in 60 days additional currency, the relief would come at once, and the confidence which the enactment of this measure would inspire would bring relief to the entire country. Of course it is not going to restore the condition that existed prior to the European war, but it would greatly improve conditions.

Mr. SHAFROTH. But the Senator is assuming an impossibility in speaking of 60 days. Here you have to pass a law, and the Treasury Department must create a bureau, and you must have an appropriation for the bureau, and you will have to appoint innumerable examiners, and you must then have reports from them.

Mr. SMITH of Georgia. You need not examine any at all. The securities put up will be ample.

Mr. SHAFROTH. They would not take that. They have a system which applies to national banks, and surely they would require State banks to do the same thing, and it takes time. The appointment of examiners would take at least two months, and then the report of the banks and the attempt to form an association would take another period of time, and then the printing of the notes would take fully three months.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. SMITH of Georgia. I had already yielded to the Senator from Alabama, but he temporarily yielded to the Senator from Mississippi.

Mr. WHITE. The Senator from Colorado overlooks the fact that the people will anticipate the benefits to be derived from the adoption of the amendment, and by reason of this anticipation it would produce immediate benefits.

Mr. SHAFROTH. Does not the Senator realize the fact that this Federal reserve system is supposed to go into operation in less than 30 days with complete machinery, with everything

ready, and with the notes printed? That is what the Bureau of Engraving and Printing has been doing. The Government is getting ready to issue money upon the identical security that we are presenting in this very bill, namely, commercial paper. Consequently you can get the benefit in one-fourth of the time that you can by invoking the Aldrich-Vreeland Act and the necessary examinations and the formation of new associations, and things of that kind.

Mr. WHITE. The Senator still loses sight of the fact that we need immediate relief; we can not wait for the Federal reserve system to go into operation. We need the relief as soon as possible.

The Senator asked a question of the Senator from Georgia, and I want to answer it as far as I can. He asked the Senator from Georgia if there was any such motive for withholding the money from the people as was indicated by my question to the Senator from Georgia, and if he had seen evidence of any such motive. I will answer the Senator from Colorado by stating what the Secretary of the Treasury has been doing. He saw the withholding of the money of the banks in New York, and to meet and overcome that disposition he has been making crop-moving deposits, as they are called, in the South and loaning the money at 2 per cent. That was done for no other purpose than to make the banks of New York turn the money loose. It was done not to supply currency to the country, because the amount the Government advanced would not supply the amount necessary to handle the crop, but it had the effect to make the New York banks turn loose, as the Government got into competition with them, at a low rate of interest.

Mr. SHAFROTH. The Assistant Secretary of the Treasury told me this morning that the New York banks were below the law requirements as to reserves right now. If that is the case, they are not withholding it; but if they are withholding it——

Mr. WHITE. I am talking about what is occurring just at this moment. I am talking about a disposition that exists and the motive.

Mr. SHAFROTH. As a matter of fact, I can not believe that there is any motive behind any bank in withholding currency to affect a world's crop. I believe that all the banks of New York City have been fearful that there would be a drain made upon them. They have been fearful that the securities over in Europe would be dumped here, and that they must be met, and they must have money in order to do it. I do not believe it was intended to affect the price of cotton or to bear cotton.

Mr. WHITE. I do not mean to say that it is being done with an improper motive, but it is being done, nevertheless. The motive may be to keep themselves in readiness to meet the demands of their own customers. The motive may not be a bad one, but the disposition to withhold exists.

Mr. SHAFROTH. Mr. President, I feel great sympathy for the people of the South, because this depression is bound to exist down there. I believe cotton is one of the greatest staples in the world, and that it is bound to come back. I believe if the southern people do not get too much agitated over the question they will get relief. But it seems to me that the advice ought to be to the State banks down South to go into the Federal reserve system. Then they can put up their security, and then the money is already printed and ready to be advanced, and the result will be that they can get it in one-fourth of the time. That is the relief to which it seems to me they are entitled, and the relief which I hope they will get.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. I yield.

Mr. REED. I think I should in all fairness make a statement to remove possibly a wrong impression made by a question this morning. I asked the Senator from Georgia was it not a fact that the banks had been obtaining Aldrich-Vreeland currency and had not put it out. I asked that question because it was my information that that was largely true. I have just heard from the Comptroller of the Currency, who has been making an examination, and he states to me that the impression that money had not been put out was an exaggerated one. An examination shows that it had been much more generally used than had been thought to be the case. The facts are not yet obtainable, but that fact, for whatever it is worth, ought to be fairly before the Senate.

I wish to make another statement. The comptroller states to me that the national banks of Georgia are clamoring for more money, and that the disposition in the Treasury Department is to help them; but these banks, while they have plenty of commercial paper, do not have the bonds, and therefore this bill ought to be passed immediately, and that the amount ought to be raised to 80 per cent, just as they have constantly recommended; that is, that 80 per cent of the securities may be commercial paper. If that is done it would afford immediate relief to the national banks of Georgia. If the money gets into the national banks and they are not hoarding it but putting it out it certainly is going out in Georgia. If it goes out in Georgia, whether it goes to the merchant of the large city or to the manufacturer, or whoever gets it, whatever goes to him of this currency relieves the pressure upon the other money of the State to that extent.

Mr. SHAFROTH. I will state to the Senator that the amount which the Georgia national banks have drawn from the 4th day of August to the 8th day of September was $3,682,000.

Mr. REED. To how much are they still entitled?

Mr. SHAFROTH. I do not know.

Mr. REED. I gave those figures the other day. It is about $15,000,000.

Mr. SMOOT. Fifteen million two hundred thousand dollars.

Mr. REED. I assure the Senator from Georgia that I have every sympathy I can have for the people who are suffering now by reason of these untoward conditions due to the European war and to no fault of theirs. If the Federal Government pours into the national banking system of the State of Georgia a large sum of money, something like $15,000,000, I believe it will be impossible that that will not relieve the situation to a very great extent.

I will say to the Senator further that in this matter of issuing the money time is necessary to make the large number of plates and so forth. It is not an idle objection, it is a real fact, that delay for a considerable period is inevitable if you print this money for each of the State banks. The plates are being prepared.

Mr. SMITH of Georgia. I do not think it is necessary.

Mr. REED. But it is necessary, because, in the first place, that is the present law. In the next place, this money must be printed for each bank, because each bank is liable to redeem that money at demand at its own counters, and it is only allowed to redeem its own money, not the money issued by other banks. That fact can not be overlooked.

The Senator from Colorado has stated very truthfully that the Federal reserve system ought to be in operation there in a very short time, and probably it will be in operation long before this Aldrich-Vreeland money could be printed upon new plates that are yet to be made for the State banks.

I appeal to the Senator from Georgia to turn in and help pass this bill just as it is, and give the banks of his State the opportunity to employ as security 80 per cent of their commercial paper and make it so that the national banks of his State can get this $15,000,000 at once. That would relieve the situation. If there is a great pressure there it is inconceivable to me that then the State banks would not be able to go to these national banks and get money. I know in my own State they would be able and certain to take care of them as they would take care of each other. All the State banks are customers of national banks. They have their business relations. Every moment of delay in the enactment of this bill we are denying to these banks the help they are clamoring for every day. This bill should have been passed a week ago. It proposes in a direct way to carry relief. If there is not any other way by which we can carry relief to them I shall be glad to cooperate with the Senator and have it done. This bill is to be followed by another bill which is here upon the calendar, which bears particularly upon the——

Mr. SMITH of Georgia. Bank acceptances.

Mr. REED. It bears particularly upon the Federal reserve banking system. I am perfectly willing to go into consultation with the authorities of the Treasury Department, with the Senator, and with others to afford every measure of relief that can safely be worked out. I think we ought to pass this bill now, and in view of all the obstacles I am convinced the Senator will cooperate with us to do it.

I thank the Senator for the long interruption.

Mr. SMITH of Georgia. Mr. President, in the first place, this bill will not increase to the national banks their circulation $15,000,000. They would be entitled to $15,000,000 more if they obtained their full 125 per cent. But this bill only permits them to go to 75 per cent by the use of commercial paper, and the banks in that section, and most of the banks outside of the great centers, have not the bonds that are used as security to enable them to obtain the 125 per cent covered by the act approved August 4. The increase of circulation——

Mr. REED. I have no objection to raising it, if the Senate sees fit to do it, to 100 per cent.

Mr. SMITH of Georgia. The bill, however, that I am asked to help pass at once and be satisfied with, will not increase to national banks in Georgia their circulation more than eight

to ten million dollars, in my judgment, because they have already issued their 40 per cent in bond-secured circulation. I understand they are only permitted through this measure to come up to 75 per cent.

Mr. REED. The bank under this bill, as I understand it, if it is passed, is entitled to an amount of currency equal to 125 per cent of its capital and surplus. It must secure that under the present law by certain bonds, but if this bill passes it can secure——

Mr. SMITH of Georgia. Seventy-five per cent of it by commercial paper.

Mr. REED. Seventy-five per cent at once by commercial paper. I am willing and anxious to have that made 80 per cent. The Treasury Department has asked to have it made 85 per cent. So far as I am concerned, I would not object to going above that, because it makes commercial paper available, and I see no objection to commercial paper back of the Aldrich-Vreeland currency when commercial paper is to be back of the reserve-bank currency.

Mr. SMITH of Georgia. While the Senator is on his feet, I wish to call his attention to this language in the act of May 30, 1908:

> The term "commercial paper" shall be held to include only notes representing actual commercial transactions, which when accepted by the association shall bear the names of at least two responsible parties.

What does the Senator understand to be the limitation contained in the four words "representing actual commercial transactions"? Suppose for instance——

Mr. REED. As I understand it, it means paper that has been issued where goods, wares, or chattels have been actually purchased, the money obtained for the purpose of purchasing, but it is not an obligation upon which money is to be obtained for the purpose of a permanent investment. To use the illustration that was often used during the discussion, a man running a factory and borrowing money to build his factory would not be engaged in a commercial transaction; that is, the paper would not be regarded as commercial paper. If he borrows money to buy goods to use in his factory, which in turn would be put upon the market, so that the money would flow back and liquidate the debt, that would be regarded as commercial paper. There is plenty of that kind of paper in this country. A farmer borrowing money to buy cattle to feed would qualify under that provision, in my opinion. The idea is that the money is borrowed to be used for the purpose of buying something which in turn will be sold again and represents a regular commercial deal, not a permanent investment.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. I have always understood that the notes represent actual commercial transactions. The law says only such notes as are taken in the regular business of the bank. In other words, a note given a bank for the purpose of getting commercial paper would not be a note taken in an actual commercial transaction.

Mr. SMITH of Georgia. Does the Senator know whether that construction has been placed upon it by the Treasury Department?

Mr. SMOOT. I do not know whether the question has ever arisen in the department, but I am quite positive that that is the meaning of those words.

Mr. SMITH of Georgia. That construction of the meaning of the language is perfectly satisfactory.

Mr. SMOOT. I do not think there is any doubt about it.

Mr. REED. It has been construed to this extent—in issuing the money that has already gone out. I understand all they have required are good first-class promissory notes guaranteed by the banks, and that is about the limit.

Mr. SMOOT. The only thing they want to know is that the note offered for security has passed in the regular way through the books of the bank and is an actual commercial transaction.

Mr. SMITH of Georgia. The commercial transaction is between the borrower from the bank and the bank.

Mr. SMOOT. Absolutely.

Mr. SMITH of Georgia. And not between the borrower and some third party.

Mr. SMOOT. That is exactly what the meaning of the law is in my opinion.

Mr. SMITH of Georgia. That was the meaning which I felt ought to be given to it, and if there was any doubt about it I felt the language ought to be changed so as to make it carry that meaning.

Mr. SMOOT. I do not believe the language could be made more clear.

Mr. SMITH of Georgia. I believe with the Senator from Utah that is a proper construction.

Now, Mr. President, I shall detain the Senate only a short time longer, and I may be justified in saying that much of the time I have been upon the floor has been yielded to other Senators and not consumed by myself.

I want to say a word about the claim of trouble in getting this money out through the State banks. First, I think it has been shown that probably in a number of States the State banks would not wish to use it at all. I think I have shown that in a number of States the State banks are closer to the place where the emergency currency is needed than the national banks. I think I have shown that they are perfectly solvent and entirely worthy of connection with the currency association.

I think we have brought to the attention of the Senate the fact that in those States where the emergency currency is now needed more than anywhere else the State banks are the banks whose relations to the spot where the emergency currency is required will facilitate the proper use of the money or the best use of the money to a far greater extent than would the mere extension of the emergency currency to the national banks.

Now, with reference to delay, I am entirely unwilling to concede that much time must be taken up in the Bureau of Engraving and Printing. I am not sure that the original bill meant a separate note for each separate bank. I am sure that we could perfect this amendment by providing that one note should be issued to the currency association of the State. It could be in numbers, and certain of the numbers could be charged up to each bank receiving it. None of these notes are going back to the bank that issued them for redemption. No national-bank note ever goes back to the bank that issues it for redemption. The national-bank notes when redeemed are redeemed at the Treasury. They do not go back to the banks, and these notes would not go back to the banks at all for redemption. They would go throughout the entire country, and a way can be found to obviate the necessity of engraving separate notes for each bank, one note for the State banks of a State, with a number on the note, a memorandum of that number to be kept so as to show the amount received by the bank. The engraving proposition can be overcome, so far as it involves any serious delay. Of course, if there was not a desire to make the act effective, it might take until next July to get out the notes; but I am sure I could find a way to have those notes ready in 30 days, long before the Federal reserve associations organize. I am glad to hear the Senator from Colorado say that he hopes that system will be in operation by the 1st of October, but I fear it will not be in operation by the 1st of October.

Inside 30 days after this act is passed, I have no doubt that the State banks could be in the currency association of my State, and, with proper cooperation here, they could be receiving the notes for use. I think under the act as it stands the Secretary of the Treasury would be authorized to issue notes to a currency association, bearing the name of the currency association, and numbers could be put on each note in the distribution to the respective banks. The matter could be handled in that way. If you give us this act, and we can secure the cooperation of the Treasury Department, in 30 days we shall be substantially relieving the situation in the State, the conditions of which I have especially studied.

Mr. President, I believe the national banks in Georgia will draw all the currency that they can under this amended law; but I think I satisfied the Senator from Utah [Mr. SMOOT] that his estimate of $15,000,000 was much too large. It would be only $15,000,000 more if they had the securities to put up, and if they had had them as required by the law they would have been up before now; they would have had the currency now. The admission of the State banks will, I am sure, result in the issue of about $10,000,000 more. I do not believe the two will give us more than the $15,000,000 which the Senator from Utah at first thought we would get. Perhaps the issue will reach between $20,000,000 and $25,000,000. I believe we can get, in 35 days after the passage of this proposed act, from $5,000,000 to $10,000,000 more of well-secured currency in the State banks. It is hard to estimate the value of such a contribution to the currency of the State, put in the hands of State banks, that deal with the people who are suffering most; it is hard to estimate the good that may be accomplished.

Mr. President, I thank the Senate. I had no idea of detaining the Senate so long.

Mr. SWANSON. Mr. President, it seems to me that the apprehension expressed by the members of the Banking and Currency Committee in regard to the successful operation of legislation extending this privilege to State banks is entirely unnecessary.

In the first place the Committee on Banking and Currency itself has considered this proposition favorably. The amendment contained in the act of August 4, 1914, was reported, as I understand, by the Banking and Currency Committee of the House of Representatives and was then passed in the House under a suspension of the rules. It then came as an amendment to the Senate bill. When this bill came back from the House of Representatives and was presented to the Senate for its consideration the Senator from Oklahoma [Mr. OWEN], chairman of the Banking and Currency Committee of the Senate, said on August 3, 1914:

Mr. President, I am authorized by the Committee on Banking and Currency to recommend the approval of the House amendments with an amendment and to ask an immediate conference.

The only amendment made in the other House which was disagreed to by the Banking and Currency Committee of the Senate was an amendment extending the privilege of issuing emergency currency to the amount of 125 per cent of the capital and surplus of the banks, the Senate being desirous of limiting it to 100 per cent.

The amendment of August 4 provided that qualified State banks should be given the privilege of the issuance of emergency currency, provided that within 15 days they should express a willingness to enter into the Federal reserve system. What does that mean? It means that the Banking and Currency Committee of the Senate, the Banking and Currency Committee of the House of Representatives, and the President of the United States, who signed the bill, had agreed to the wisdom of extending this privilege to the State banks.

When the State banks came to apply for the privilege of having this emergency currency, it was ascertained that Congress had not repealed the 10 per cent tax upon the issue of State banks. Consequently the act was not available unless that provision was repealed in the general law. The amendment which I suggested last Friday, and which is followed by the amendment offered by the Senator from Georgia [Mr. SMITH], provides for the repeal of this 10 per cent tax upon the issue of State banks, so far as emergency currency is concerned; upon all other currency issued by the State banks the 10 per cent tax will still be imposed, but it gives such banks the privilege of this emergency currency. In view of all the circumstances, the Committee on Banking and Currency of the Senate and of the House of Representatives, and those who have been most responsible in this matter, can not say they have not considered the proposition and considered it favorably. All State banks thought they had this privilege when the act was passed until they came to the Treasury Department, when they ascertained that by an oversight this 10 per cent tax had not been repealed.

Let us see what the situation is and whether or not this privilege can be safely extended to State banks. The Senator from Georgia [Mr. SMITH] has graphically portrayed the difficulties which exist in connection with cotton. There is now raging a world-wide war; it is almost as disastrous, financially and economically, in this country as if we were ourselves engaged in war. The markets of the world—the trade currents of the world—are all changed, are all unsettled; the prices of wheat and corn and meat and other products of food have increased as a result of the war; but there are certain agricultural products in this country and a few manufacturing enterprises which have been seriously affected by the war. The market for cotton has been practically closed, so far as one-half or two-thirds of the product is concerned.

The great tobacco interests of this country, in which many States are concerned, have suffered disasters equal to those inflicted upon the cotton industry. Certain kinds of tobacco have no market. The sale of tobacco is a governmental monopoly in Austria, in Italy, in France, and in some other countries. To-day a certain character of tobacco has no bidders; there is no market for it anywhere in the world. A large part of the cotton has no market.

What is the question presented to us? It is, Shall this Government permit the cotton to be bought for one-half the cost to produce it? Shall the Government permit the tobacco to be bought for one-half of the cost of production? Shall a great disaster come to millions of our people on account of a lack of credit? If there were never again to be a market for tobacco, if there were never again to be a market for cotton in the future, there would be no occasion for the Government to intervene, because it could afford no relief. If cotton for the next four or five years should sell at 5, 6, 7, or 8 cents a pound, there would be no use for the Government to intervene, because the disaster might as well be met promptly as later; but we are satisfied that in the future there will be a market for cotton; that there will be a market for tobacco; that there will be a market for the products of the industries which are now paralyzed on account of the world-wide war. We feel that the question is presented whether the Government shall promptly, vigorously, and effectively establish a system of credit by giving all the banking institutions of this country an opportunity to avail themselves of that credit to take care of the situation until the markets shall return. That is the only problem that is presented to us for consideration.

Take cotton. I am satisfied, as soon as the first effect arising from the war is over, that in five or six months the mills of the world will open for cotton, and there will be a sale for it in the markets of the world. I am satisfied that in six months the tobacco markets of the world will be open, and that there will be a profitable demand for the tobacco now held by millions of producers in this country. The question presented to us is whether we shall allow our great cotton crops and our great tobacco crops to be bought by speculators, who have credit on account of their wealth and can get those crops for half what they are worth, and afterwards sell them at a great profit, or whether this Government will come to the front and will permit credits that it can give to the banks, State and national, to be used for the great mass of the people to enable them to hold these great products until a profitable sale for them is found in the markets of the world? That is the problem that is presented; and I, for one, stand here and say that every agency of the Government should be utilized to protect the millions of producers of cotton and of tobacco and those engaged in other industries; that we should use the devices of the Vreeland-Aldrich law and of the Federal reserve system and of all other systems to permit these great crops to be held until an available market for them can be found in the world, and thus give the benefit of this credit to the masses of the people who produce these great crops instead of to a few speculators who, because of their own wealth, can get them for one-half the cost of production. That is the issue presented to the Senate to-day, and I hope the Senate will rise equal to the emergency and boldly and manfully use the power of the Government to extend credit, so that the producers of these crops can get the benefit of their production and not a few rich speculators who, having credit, are able to get them for one-half what they are worth.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. CLAPP. I have been called out once or twice, and I desire to ask the Senator from Virginia or the Senator from Georgia whether the amendment proposed by the Senator from Georgia in itself enlarges the ultimate, final, possible issue of emergency currency?

Mr. SWANSON. I will say that the amendment offered by the Senator from Georgia and the amendment offered by me allow the State banks, equally with the national banks, to secure emergency currency.

Mr. CLAPP. But will the amendment in itself, if adopted, enlarge the ultimate amount which could be issued under the Vreeland-Aldrich law and the amendments which have been made thereto?

Mr. SWANSON. It will.

Mr. CLAPP. To what probable extent?

Mr. SWANSON. The original Vreeland-Aldrich bill limited the amount which could be issued to $500,000,000.

Mr. CLAPP. Yes.

Mr. SWANSON. The bill passed on the 4th of August, 1914, abolishes that limitation, and there is now no limitation, except that the banks are not permitted to issue emergency currency to an amount in excess of 125 per cent of their capital and surplus. If this privilege is extended to State banks according to their capital and surplus, and if they avail themselves of it to the full extent, the amount of emergency currency which could be issued under the Vreeland-Aldrich law would be more than doubled.

Mr. CLAPP. I was getting at the ultimate possible increase; that is what I was seeking.

Mr. SWANSON. If this privilege be extended to the State banks in the same way that it is extended to the national banks, then the amount of currency that could be issued under the Vreeland-Aldrich law would be more than double what it is now.

Let us see what the situation is. The carrying of this emergency currency is more of a burden than it is a benefit. The banks are not clamoring for it, except in so far as they may benefit their customers. There are dangers connected with it; it may embarrass many banks. To carry the great cotton crop and the tobacco crop and the products of other industries which

are paralyzed by the present war is a burden more than it is a benefit.

The State banks come to Congress and say, "Permit us to share with the national banks in carrying this burden to save the people of 15 or 20 States from being reduced to bankruptcy and ruin." The more a burden is distributed the more safely it can be borne. We do not know how long the war will last; we do not know the demands which will be made upon credit, upon the banks, and upon the resources of this country, and it seems to me in the present emergency it is wise to let the burden and danger be borne both by the State and national banks.

The State banks can not aid the situation; they can not extend credit; they can not help to bear the burden of taking care of the cotton crop, the tobacco crop, and the lumber and copper and other industries of this country which are paralyzed on account of the war unless this privilege is extended to them. They simply ask to have the privilege in this emergency to use their resources, to use their credits, and to come forward on the financial battle field and patriotically serve the country in the same way that the national banks can do.

I have heard of no national bank antagonizing this proposition; I have heard of no national bank interposing an objection. It seems to me that the national banks are desirous that the State banks should help to take care of the situation, and help to save the great masses of the people who are engaged in the production of crops and in the conduct of industries which are being injured.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me to interrupt him, I feel sure that in the State where I live the national banks would prefer that the State banks come in and obtain for themselves the currency which they need, rather than secure it themselves and let the State banks have it at a rate charged. They would like to have the State banks cooperate in caring for the situation.

Mr. SWANSON. Mr. President, the rule of sense, the rule of wisdom, is that when an emergency confronts you it is best to obtain all the resources possible to meet it. We have banking capital in this country sufficient for the exigency. The banking capital of America exceeds the banking capital of any nation in the world. Neither England nor Germany nor France can surpass America in the amount of its banking capital, and all that is asked at this time is that the entire banking resources of America shall be marshaled, shall be utilized to take care of a serious financial condition precipitated on account of a world-wide war.

What danger would come from extending this privilege to the State banks? I recognize that the privilege should not be extended if the danger to the Nation was greater than the benefit accruing to the interests and sections affected. I recognize that the interests of the Nation as a whole are superior to local interests; and if the great financial system of America were jeopardized, if any element of danger were involved affecting the entire Nation on account of this privilege, I stand here, representing a great tobacco and a great cotton State, to tell you that Congress should not extend the privilege; but I can not see any danger that can accrue from it.

If this privilege is extended to the State banks, what must the State banks do? First, join a currency association. What capital and surplus are required of the banks constituting such a currency association? Five million dollars. No currency association can be organized if the capital and surplus of the banks composing it are less than $5,000,000. Then the currency association is responsible for all the currency issued by that association on the application of an individual bank.

Furthermore, you have behind every note issued by the State bank the capital and surplus of the banks forming a currency association, exceeding $5,000,000, and before a State bank can be privileged to get this currency it must present to the currency association assets, notes, and bonds satisfactory to them. The currency association or its representatives must pass on the sufficiency of the security offered.

It is not necessary to determine as to the condition of the bank, as the Senator from Colorado seems to imagine. If the bank is insolvent, if the bank can not pay its debts, it will make no substantial difference, so far as the value of the currency is concerned, for it is not issued on the solvency or insolvency of the bank; it is issued on splendid, unquestioned security, which the bank presents to the currency association. The individual bank comes with its notes and bonds to the currency association. The currency association makes an investigation and satisfies itself that the security offered is ample, without question and without doubt, for $100,000, we will say.

The currency association may throw out any bonds; it may throw out any notes; it may throw out any security offered. The bank may be insolvent, but yet the notes and securities which it presents to the currency association must be sufficient to satisfy the currency association that the bonds are worth dollar for dollar and that the commercial paper is worth dollar for dollar.

If the currency association is satisfied as to that, it approves the issuance of currency to the bank, and then the application is presented to the Comptroller of the Currency. He can institute any investigation he desires. He is required to be satisfied that securities offered purporting to be worth a hundred thousand dollars are really worth $100,000. Then what does he do? He presents the application to the Secretary of the Treasury, and the Secretary of the Treasury must be satisfied that the $100,000 worth of notes and securities are worth a hundred thousand dollars, and he can institute any investigation he desires. Then what is done? When these three sources are satisfied that the notes, bonds, and securities are worth a hundred thousand dollars, the bank can get $75,000 worth of emergency currency. What danger could come from giving that privilege to the State bank? Where would the loss accrue?

First, the currency association must be satisfied, then the Comptroller of the Currency, and then the Secretary of the Treasury; and after they are satisfied that the securities are worth $100,000 the bank can only secure 75 per cent of currency upon those securities. It seems to me the security is ample, that the investigation provides proper safeguards, and that the opportunity for evil is minimized. That is the situation.

The Senator from Colorado can not deny that is the method of procedure; he can not deny that that is wise; he can not deny that the same exaction, the same investigation, the same requirements are made as to the State banks, if they enter this system, as are made as to the national banks. The question of the solvency or insolvency of a bank does not arise. The question is as to the value of the securities presented as a basis for the issuance of emergency currency, and on that question three agencies must satisfy themselves.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Oregon?

Mr. SWANSON. I yield to the Senator.

Mr. LANE. I should like to ask the Senator a question. The bonds and notes and negotiable commercial paper which are presented as a basis for securing emergency currency up to 75 per cent of their value are all interest-bearing obligations, are they not?

Mr. SWANSON. The bonds given as security, I presume, are interest-bearing obligations.

Mr. LANE. The banks receive interest on the securities deposited, and then when deposited they can secure an issue of emergency currency amounting to 75 cents on the dollar and loan that out at such rate of interest as they see fit.

Mr. SWANSON. Yes.

Mr. LANE. It looks to me as if it would be a very profitable proposition to the bankers.

Mr. SWANSON. The banks pay 3 per cent for the first three months to the Government for this currency which they obtain, and then one-half per cent for every additional month until the rate reaches 6 per cent. As the Government does not wish to take the responsibility of passing on the solvency of A, B, and C, but desires to know that every note is absolutely good, and that it would not have to bring suit to collect it, the Government says: "I will charge you 3 per cent for three months, and at the end of nine months I will charge you 6 per cent for this currency."

Mr. LANE. And the difference between 3 per cent and whatever rate the banks loan the money out to their customers at accrues to the banks?

Mr. SWANSON. It accrues to the banks, but the banks take the responsibility of guaranteeing the payment of the notes.

Mr. SMITH of Georgia. Mr. President, this money is nothing but the notes of the banks; it is not Government money; the banks are allowed to issue their own notes up to a limited extent for certain purposes, the currency associations all being liable for the payment of the tax, which runs up to 6 per cent, to the Government.

Mr. SWANSON. And the bank guarantees further that when the notes constituting emergency currency are presented at its own counter it will pay it in greenbacks or gold the day it is presented.

Mr. President, with this situation, with these conditions confronting us, it seems to me that the Senate should extend this privilege to the State banks.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Minnesota?

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Mr. SWANSON. I do.

Mr. CLAPP. I am a good deal impressed with the argument of the Senator from Virginia and the argument of the Senator from Georgia. I voted against the other measures, and, as a rule, I always vote against a so-called emergency measure, because usually it is either likely to involve a mistake, perhaps growing out of a sort of "brain storm," or a sinister influence is likely to get in its work. So I voted against them; but it does seem to me that if we are going to grant the extensions already provided for, there can be no valid argument made against extending this privilege to the State banks.

As I understand the situation, especially in the South, the banks, and largely the State banks, will be called upon to meet the condition which has arisen. The condition is local; but I concede that you can not have a widespread disaster in one section due to the shrinkage of the value of the tobacco and cotton crops, because of the impossibility of exportation, and the consequent terrific loss of credit, without affecting the whole country. I regard it as a national proposition, and can not see the justice of granting the extension we have granted and now refusing it to the very instrumentalities upon which the southern section of the country must largely rely. If the Senator will pardon me further, in proportion as the State banks avail themselves of this increasing volume of currency it will lessen the demand for the increase through other instrumentalities; and in the final round-up I should not think any more currency would be issued because the State banks are allowed this privilege than if they were not.

Mr. SWANSON. The conclusion of the Senator from Minnesota is entirely just and correct. The same amount of currency will be issued, because they will not issue the entire amount; they will issue it only so far as there is a demand. The only difference is that the burden will be distributed more generally, so as to make it safer. It will be a safer distribution of the burden of taking care of the present situation on account of the war to have the State banks and the national banks cooperating than it would be to leave it to one class of banks.

I am satisfied that the Treasury Department will exercise this power wisely.

Mr. CLAPP. Why, unquestionably, or else the whole system is radically wrong. Of course there is no question about that.

Mr. SWANSON. That is right.

Now, Mr. President, this simply gives to the Treasury Department the power to distribute the burdens incident to emergency currency over a larger sphere, with more people interested, and to diffuse both its burdens and its benefits more generally through the country. It will ultimately be left to the Secretary of the Treasury. I have a great deal of confidence in him. I believe that in the last 18 months, or since the present Secretary of the Treasury took charge of the Treasury Department, it has been administered unusually wisely and conservatively. I do not believe there has been a Secretary of the Treasury in my recollection who has measured up in a courageous, a prompt, and a splendid way to the requirements of the financial situation in a manner surpassing the present Secretary of the Treasury.

Twelve months ago, when every nation in Europe was preparing for war, when the rate of interest in Europe exceeded what it had been for years, when Germany and France and all the other nations of the world were increasing their gold reserves, when rates of interest were high, the Balkan War was raging, and the financial condition was worse than it was in 1907, when a great financial panic was precipitated in this country, I can not fail to recall that by the wise administration of the Treasury Department at that time in placing deposits all over the country to take care of business and not speculation, to take care of the enterprises of the country and not the man who wanted to buy a thing for half what it was worth and sell it for double later on, a panic was avoided. Money was not high in this country; and we passed through the crop movement of last August with less disturbance than we had ever had before, though our foreign disturbances were equal to any we have had for the last 10 or 15 years.

I am amazed at the success with which the Treasury Department is being administered at this time. With a world-wide war, with England, France, and Germany suspending the payments of gold, the banks of the United States are still making payment and our currency is at par, because the Secretary of the Treasury has been courageous, conservative, and prompt in extending relief. The business interests of this country, without partisan distinction, are extending to the Treasury Department a full meed of praise and commendation for its splendid administration, and it is rising up to meet this emergency courageously, conservatively, and successfully.

I believe in giving the Secretary of the Treasury, if occasion should arise, the power to call on the State banks of this Nation to be marshaled with their resources and with all their power to take care of the financial situation if this should be a prolonged war. I think it is wise to give the Secretary the power and the opportunity to marshal these resources and mobilize them, as was well said, if the occasion should arise.

Mr. JONES. Mr. President, will the Senator permit a question?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Washington?

Mr. SWANSON. I do.

Mr. JONES. I merely wish to know whether the Secretary's opinion on this proposition had been asked for and secured.

Mr. SWANSON. The Senator can ask the members of the Banking and Currency Committee; but whether he has asked for it or not, I am not afraid to give him the additional power, because I believe it is wise for him to have it, and I can see no trouble that can come from it, because it can not be exercised unless he wishes to do it.

I am not like some of those who believe this is going to be a short war. The chances are it will be a prolonged war, with long business disturbance. We may need the credit and the resources of all of our banks, and while this war is pending I for one think it is wise that all the banking resources of this country should be available to take care of the situation.

Mr. JONES. Will the Senator permit a further observation?

Mr. SWANSON. Yes.

Mr. JONES. I am afraid the Senator is right with reference to the war and its continuance; but it seemed to me that with the glowing tribute he has paid to the Secretary of the Treasury, which I do not dispute at all, it would be wise for Congress to get the judgment of this wise and experienced financier upon this proposition. I simply asked for information, to find out whether the committee or those who proposed the amendment had gotten any expression from the Secretary as to what he thinks of the wisdom of adopting the policy at this time.

Mr. SWANSON. The Senator may be satisfied that if the power is given—it is simply an authorization to the Secretary of the Treasury to extend to State banks the privilege that is now given to national banks—if no occasion should arise, if there should be no necessity for it, it will not be exercised. Whether he favors it or not, however, I am in favor of giving him this power, because I think it is wise to have this as a means to take care of the situation if the war is prolonged.

Mr. JONES. I take it, then, that the Secretary's judgment and opinion have not been asked with reference to it.

Mr. SWANSON. The Committee on Banking and Currency will give the Senator that information.

Mr. SHAFROTH. I will state that the introduction of this bill followed a conference between the chairman of the Banking and Currency Committee and the Treasury Department. Since that time we have talked with the Secretary—I talked with him this morning—and he is opposed to this amendment.

Mr. SWANSON. Mr. President, I am glad to see that the Senator from Colorado is here. He was out a few minutes ago, when I alluded to the fact that the amendment which I offered last Friday, and called to the attention of the Banking and Currency Committee, was simply an extension of the law which was passed on the 4th of August, 1914.

The amendment contained in the act of August 4, 1914, originated in the House of Representatives. It was considered by the Banking and Currency Committee of the House of Representatives, and it was thought wise there to extend to the State banks the privileges given to the national banks if they should express a willingness to come into the Federal reserve system. That bill passed the House of Representatives under a suspension of the rules, and I think almost without a dissenting vote. Thus the judgment, the wisdom, the experience of the House of Representatives and the Banking and Currency Committee of that body thought this was wise. It came to the Senate, and the Senator from Oklahoma [Mr. OWEN], speaking for the committee on August 3, said:

> Mr. President, I am authorized by the Committee on Banking and Currency to recommend the approval of the House amendments with an amendment and to ask an immediate conference.

As I understand, the amendment that the Senator desired to make to the House amendment was not an amendment to this provision extending the privilege to State banks, but an amendment limiting the amount of money that the national banks could get to 100 per cent of their capital and surplus, instead of 125 per cent, and also consenting to repeal the limitation of $500,000,000.

What does this mean? It means that the Banking and Currency Committee of the Senate had considered the proposition of extending this privilege to State banks, and after considering it, after weighing it, directed the chairman of that committee to express its consent to this amendment. That amendment was agreed to. The bill approved by the President; and the reason why it was not available to let them get the benefits and burdens now accuring was because it did not specifically repeal the 10 per cent tax upon the issues of State banks; and as it had been decided that the notes issued were not the notes of the currency association, but the notes of the individual banks, hence the 10 per cent tax should be imposed. All this amendment does is to carry out what the House of Representatives has directed to be done, what the Banking and Currency Committee of the House approved, what the Banking and Currency Committee of the Senate approved, and what the President approved—to make available the law so as to permit the State banks to have the same privilege that is extended to national banks, provided they express a willingness to join the Federal reserve system.

In conclusion, it seems to me this amendment is wise. It seems to me it is conservative. It seems to me the only way in which this burden can be properly broadened and extended to take care of the cotton crop and the tobacco crop is to let both the State and the national banks bear the burden and extend the credits. I, for one, think it is wise to do so, and I shall vote for this amendment extending that privilege.

Mr. CRAWFORD. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from South Dakota?

Mr. SWANSON. I do.

Mr. CRAWFORD. As I understand, if the bill which is before the Senate passes with the amendment offered by the Senator from Georgia, it, in connection with the legislation passed in August, will permit an issue of emergency currency amounting to about $1,000,000,000. Now, if we extend that provision so that all the State banks can come in and stand upon the same footing, and issue emergency currency to the extent of 125 per cent of their capital and surplus, with the conditions prevailing all over the country, does not the Senator have some apprehension that it may end in a depreciated currency, because of the enormous flood of it which may issue under pressure, and that it will be received by the public with apprehension that it will become depreciated, and, consequently, the unquestioned money of the country—the gold certificates and the other issues that have the absolute confidence of the country—may be hoarded, and the effect of this may cause an intensifying of the tendency to hoard, so that it may really in effect operate in just the opposite direction from the one the friends of this amendment expect?

My mind is open upon this question. I heard the Senator from Georgia [Mr. SMITH]. A situation like that which we are told exists in the South must appeal to everyone; but I have some apprehension that the effects of this thing, if we throw down the bars and extend these provisions to all the State banks, may depreciate this class of currency and cause the hoarding of the currency we now have—some $35 per capita. Has the Senator no fear of a consequence of that kind following?

Mr. SWANSON. If the Senator will permit me to reply to his question and suggestion, I will say that I think the worst calamity that could befall this country would be a depreciated currency at this time; and I think it is of the utmost importance that all our currency shall be kept at a parity. There is no reason why this shall not be done. If this $1,000,000,000 of currency could be issued just on the will and wish of the banks, without certain conditions being attached to its issuance, the calamity anticipated by the Senator might possibly occur.

Let us see, however, the conditions upon which this currency would be issued to State banks and to national banks. The Senator was not present when I was discussing in detail the method of issuance.

A State bank must first join a currency association. The currency association must have a capital of not less than $5,000,000. Of all the conservative men in America, the most conservative are the bankers. Ninety-nine times out of a hundred bankers are conservative, and generally more conservative than the occasion requires. It is only the exception that a banker is wild and reckless. Bankers are naturally conservative people. If a State bank asks for this issue it must first get the concurrence and approval of the currency association, composed of the most conservative men in this country, who are interested in keeping at par their national-bank notes and all other currency. When it gets the consent of the currency association it must do more than that. It must go and get the approval of the Comptroller of the Currency, who knows the situation all over the United States.

I wish to say, having known the present Comptroller of the Currency nearly all my life, that he is a man of ability, breadth, patriotism, sense, and conservatism, united with courage. The present Comptroller of the Currency understands finance practically and also theoretically. In all the conversations I have had with him he has been conservative but courageous in meeting situations and has recognized the absolute importance of keeping at par every dollar of circulating medium in this country.

When you get the approval of the Comptroller of the Currency you must do more than that. You must get the approval of the Secretary of the Treasury, first, that the local currency is needed and, second, that it is wise to issue it. Consequently, with these three vetoes on it, and the State banks naturally conservative, my judgment is that they will not issue too much currency, but that the banks will not be courageous enough to take care of the present situation and you will have more losses than you ought to have and would have if the banks were a little more courageous and a little less conservative.

Now, that is my judgment. That is the method by which this money is issued. We have all possible safeguards around it. I can not conceive of better safeguards; but we do more than that. What else must they do? They must present $100,000 worth of bonds and unquestioned securities in the way of commercial paper that this currency association must pass upon. They must pass upon its solvency and its market value under present market conditions—not what it will be worth next week, next month, or in the next six months, but what it is worth to-day—and that value must be approved by the currency association, which is responsible for these notes if the bank can not pay them and if the security is not good. Then, in addition to that, the Comptroller of the Currency must also pass on the solvency of this security, besides passing on the necessity of issuing currency, and the Secretary of the Treasury must do likewise; and when they do that the bank gets only $75,000 of currency for $100,000 of security.

I do not know any currency anywhere issued under safer conditions, with more investigation, better security, or better devised to distribute the burdens and the benefits accruing from its issuance than the conditions under which it is proposed to extend this privilege to all the great banking system of America. I think one of the blessings of our banking system is that we have a dual system—a national system and a State system; that we have savings banks and trust companies, answering various demands and carrying different kinds of burdens, that have aided in the wonderful development of this mighty Nation.

In this emergency, in this hour of trial and tribulation, it seems to me that wisdom dictates that all the resources of the country should be marshaled or mobilized. As the Senator from Minnesota [Mr. NELSON] said, while the other nations are mobilizing their armies, we will mobilize our bank resources to take care of the business and the industries of 100,000,000 people.

Mr. CLAPP. Mr. President, will the Senator pardon me?

Mr. SWANSON. I yield to the Senator from Minnesota.

Mr. CLAPP. Without suggesting any want of force in the Senator's argument, it seems to me there is one point that he failed to emphasize in answer to the inquiry of the Senator from South Dakota [Mr. CRAWFORD].

Taking the South as the point of consideration here, there will come a time when the demand for money will be so great, the rate of interest will be so high, and the relation of the security to the amount that may be borrowed so great, that money will be coming from somewhere to meet that condition. Now, so far as that money is emergency currency, it will be added to our currency. It will come at a time when credit will have suffered there, so that it will be bound to be reflected throughout the country. That being true—that under this law the money will come from some source—it seems to me it is the part of wisdom for us to equip the State banks of that locality with the instrumentality by which they can meet that condition; and in proportion as they meet it, it will lessen the probability of an increase of currency somewhere else to meet it. It will be more apt to come before widespread disaster ensues, which would be reflected upon the country at large.

So long as we have this bill, so long as we have made provision for an emergency currency, it occurs to me that there will be no more inflation if we let that be done where it should be done, where the security primarily is located, where the knowledge of that security abides in the minds of those through whose

instrumentality the currency will be issued, and where it may be issued in time to avoid widespread disaster, rather than to withhold this instrumentality, subject them to the disaster, and yet finally have the additional currency issued somewhere else.

Mr. SWANSON. The suggestion of the Senator from Minnesota is indeed wise and in accordance with sound judgment. His contention is that you had better have the expansion come naturally and from the demands of the community where the demand is known rather than artificially, and try to force money where it is not wanted.

Mr. CLAPP. Yes; that is my point exactly.

Mr. SWANSON. It is forcing money where it is not wanted that produces disaster. It is having a surplus of money that produces disaster. Under the system of extending to all banks the right to take out this emergency currency at all times, currency is issued according to a natural demand and not an artificial demand, as suggested by the Senator from Minnesota.

In conclusion, Mr. President, I hope the Senate will vote to approve the wisdom of the Banking and Currency Committee of the House, the Banking and Currency Committee of the Senate, the Senate and the House of Representatives themselves, and the President, who has signed a bill extending this privilege to State banks; and the reason why it has not been actually extended is from the simple fact that the committee forgot to repeal the 10 per cent tax upon the issues of State banks.

I hope we will all adhere to the wisdom that has been exhibited by these various bodies representing us, and that the committee itself will adhere to its wise position heretofore taken and allow the State banks of this Nation to be utilized to bear the burdens of taking care of the financial, economic, agricultural, and manufacturing interests of this Nation in this great emergency, and allow an army twice as large as the national Army to come in and help take care of the situation.

I ask to have a copy of my amendment printed as part of my remarks.

The PRESIDING OFFICER. Without objection, that may be done.

The amendment is as follows:

Amendment intended to be proposed by Mr. SWANSON to the bill (S. 6398) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws," viz: At the end thereof add the following:

The act approved August 4, 1914, entitled "An act to amend section 27 of the act approved December 23, 1914, and known as the Federal reserve act," is hereby amended by striking out the last section, beginning with the word "*Provided,*" and inserting in lieu thereof the following:

"*Provided further,* That the Secretary of the Treasury is further authorized to extend the benefits of this act to all qualified State banks and trust companies which have joined the Federal reserve system or which may contract within 30 days after the passage of this act to join.

"The provisions of sections 19, 20, and 21 of the act entitled 'An act to amend existing customs and internal revenue laws, and for other purposes,' approved February 8, 1875, shall not apply to currency issued under this section."

Mr. SHAFROTH. Mr. President, if no other Senator desires to speak, I think we had better have a vote; but I wish to say just a word before that is done.

I do not want to repeat the argument I have made, but I desire to say to the Senator from Virginia that the amendment to which he referred, the act of August 4, 1914, did not come before our committee. It was put in by the House. It was drawn by the Senator from Missouri after the bill passed the Senate and was adopted by the other House. It may be the chairman of the committee asked individual members whether it was satisfactory; it was a conference report; but I mean there was no discussion, there was no deliberation upon it, and consequently it has not the sanction of a thorough examination and investigation.

I wish to say, further, that it seems to me the banks in the South have a complete remedy and that it will be in operation and that they can get the money they want by going into the Federal reserve system. Then they can hypothecate this very character of security and get even more money than they could under the Aldrich-Vreeland Act. That does not involve any conflict of jurisdiction. It seems to me it is an absurdity for a national government to issue money for a State bank—not for a State itself, but for a State bank. It results in mixing jurisdictions, so that it is not wise to adopt it.

The other provisions I have referred to in my argument here, it seems to me, are such as to convince us that we ought not to mix these two systems.

Lastly, it seems to me that it is impracticable to appoint examiners, have them examine these banks, and in addition to that have this currency engraved and issue it and organize all these matters; that the Aldrich-Vreeland Act would expire before that could be done, and consequently the amendment would be inoperative.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia [Mr. SMITH].

Mr. SHAFROTH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Goff | Overman | Smith, Mich. |
| Bankhead | Hughes | Perkins | Smoot |
| Bryan | Jones | Pomerene | Sterling |
| Camden | Kern | Ransdell | Swanson |
| Chamberlain | Lane | Reed | Thomas |
| Chilton | Lea, Tenn. | Robinson | Thornton |
| Clapp | Lee, Md. | Saulsbury | Vardaman |
| Clarke, Ark. | McCumber | Shafroth | West |
| Crawford | McLean | Sheppard | White |
| Culberson | Martine, N. J. | Shields | Williams |
| Fall | Myers | Shively | |
| Gallinger | Norris | Smith, Ga. | |

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the list of absentees.

Mr. BRADY, Mr. PITTMAN, Mr. PAGE, Mr. FLETCHER, and Mr. NELSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators have answered. A quorum is present. The question is on the amendment of the Senator from Georgia.

Mr. REED. Mr. President, if I am not interrupted, I think I will get through in about five minutes; but I want to make a statement before we vote on this amendment.

I do not think this particular amendment ought to be adopted. It makes no provision for the examination of the State banks or trust companies. It affords no safeguards whatever, except the mere discretion of the Secretary of the Treasury who might refuse to issue the money. It repeals all the act of February 8, 1875. The act of February 8, 1875, contains many other provisions than those which relate alone to the tax upon State-bank circulation. I do not think that this particular amendment is sound, although I have some sympathy with the principles involved.

The Senator who presents it stated that the difficulty arising from the fact that these notes are redeemable at the counters of the bank that issues them could be met without having special plates prepared for each bank by adopting a system of numbering the bills. Manifestly the person holding the bill would not know by the number the bank that issued it. The Government might know. The name of the bank would not appear upon the bill.

I will make this further statement: I am advised that the national banks of Georgia and other Southern States are clamoring for money which, of course, they expect to use in their respective States, and that they have commercial securities which they can use. It is the purpose of this bill to permit them to use 75 per cent of the commercial securities, which means that upon commercial securities alone an amount nearly equal to their capital and surplus could be issued to these banks, and I shall ask that that amount be raised to 80 per cent, which is the recommendation of the Treasury Department.

There is another amendment to be presented here which removes some of the objections I have offered to the amendment proposed by the Senator from Georgia. I think this particular amendment at least ought to be defeated, regardless of what may be done with the principle involved, and which is, I think, better expressed in the amendment of the Senator from Virginia [Mr. SWANSON].

I think the real remedy coming to these banks is in permitting the use of good commercial securities instead of bonds, because the country banks, and by that I mean all the banks outside of great cities, have an abundance of commercial securities, whereas they do not have the bonds. The banks of New York City and of other large cities did have bonds and have already taken out large amounts of this currency. The real relief will come through enabling the banks to use the good securities that they have.

Now, I have just one observation to make in closing. The difficulty to-day is not so much in lack of money as it is in the destruction of the cotton market. We can not restore that market. We can make it reasonably easy to get some money to tide over the condition temporarily, but if we go too far or if we go too fast we may shake confidence in our financial system of currency, the gold will go into hiding, and the unquestioned currency of the country will go into hiding faster than all the printing presses of the Government can make new money.

So I think we ought to go along slowly and carefully and at the same time we ought to be courageous enough to do everything that can be done to remedy the existing conditions.

Mr. GALLINGER. Mr. President, I was interested in listening to the observations of the Senator from Missouri [Mr. REED]. What I do not know in reference to financial matters would make a large volume, and what I do know could easily be written on a single page. But notwithstanding that fact, I am considerably disturbed over this proposition to expand our currency to the extent that has been suggested. I remember reading about the South Sea bubble and about the exploitation of John Law in France a good many years ago, and they both came to grief. It does seem to me that if we continue to build this pyramid of credit, issuing almost unlimited quantities of currency, we are liable to share the same fate.

As I understand the matter, under the amendment to the Aldrich-Vreeland Act already something over a billion dollars has been issued of this currency, and it has been suggested by Senators who know more about this matter than I do that if this bill passes and the opportunities that it gives are taken advantage of, the currency may be still further increased to between two and three billion dollars. Likely that would not happen, but a very considerable part of it will happen.

Mr. President, I sympathize with the needs of the South in this emergency and am willing to go as far as I can by my vote to give relief, but I want to sound a note of warning—and what I know comes from my reading of history—that there is danger in our great desire to do a proper, perhaps, and a generous thing to go beyond the point of safety. As I remember it, when we were in a normal condition, not a great while ago, the entire money of the Nation that was in circulation was a little over $2,000,000,000. I think I am right about that. Now we have added another billion to it. How many more billions can we add without running the risk of the entire system toppling over and a financial disaster overtaking the country that would be most serious in its consequences?

For that reason, Mr. President, as a matter of caution, as a matter, I think, of sound action, I shall vote against this amendment, and I shall likewise vote against the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia [Mr. SMITH].

Mr. SHAFROTH. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. If he were present, I should vote "yea."

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. GOFF (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. TILLMAN], and therefore withhold my vote.

The PRESIDING OFFICER (when Mr. ROBINSON'S name was called). I have a pair with the Senator from Michigan [Mr. TOWNSEND]. I also have an arrangement with that Senator by which in the event it becomes necessary to constitute a quorum I can vote. For the present I withhold my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Kansas [Mr. THOMPSON] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote. I desire to be counted as present and not voting.

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. He being absent from the Senate I withhold my vote, unless it is necessary to make a quorum.

Mr. WILLIAMS (when his name was called). I announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE] and the transfer of that pair to the junior Senator from South Carolina [Mr. SMITH]. I ask that this announcement may stand for the day. I now vote "yea."

The roll call was concluded.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair, as stated by the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

Mr. CULBERSON. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. GALLINGER. I submit the following pairs for the RECORD:

The senior Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE];

The Senator from North Dakota [Mr. GRONNA] with the Senato from Maine [Mr. JOHNSON];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

Mr. REED. My colleague [Mr. STONE] is necessarily absent from the Chamber. I was requested by him to state that if he were present, for the reasons which have been advanced, he would vote "nay." In his absence my colleague is paired with the Senator from Wyoming [Mr. CLARK].

Mr. GOFF. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. PAGE. I wish to state that my colleague [Mr. DILLINGHAM] is necessarily absent. He is paired with the senior Senator from Maryland [Mr. SMITH].

Mr. SWANSON. My colleague [Mr. MARTIN] is paired with the senior Senator from Idaho [Mr. BORAH]. My colleague is detained from the Senate on account of sickness in his family.

Mr. FLETCHER. I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

The result was announced—yeas 32, nays 19, as follows:

YEAS—32.

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Norris | Smoot |
| Bankhead | Kenyon | Overman | Sterling |
| Brady | Kern | Ransdell | Swanson |
| Bryan | Lane | Sheppard | Thornton |
| Chamberlain | Lea, Tenn. | Shields | Vardaman |
| Chilton | Lewis | Simmons | West |
| Clapp | Myers | Smith, Ga. | White |
| Culberson | Nelson | Smith, Mich. | Williams |

NAYS—19.

| | | | |
|---|---|---|---|
| Burton | Hughes | Martine, N. J. | Pomerene |
| Camden | Jones | Oliver | Reed |
| Crawford | Lee, Md. | Page | Shafroth |
| Gallinger | McCumber | Perkins | Shively |
| Goff | McLean | Pittman | |

NOT VOTING—45.

| | | | |
|---|---|---|---|
| Borah | Gore | Owen | Sutherland |
| Brandegee | Gronna | Penrose | Thomas |
| Bristow | Hitchcock | Poindexter | Thompson |
| Burleigh | Hollis | Robinson | Tillman |
| Catron | James | Root | Townsend |
| Clark, Wyo. | Johnson | Saulsbury | Walsh |
| Clarke, Ark. | La Follette | Sherman | Warren |
| Colt | Lippitt | Smith, Ariz. | Weeks |
| Cummins | Lodge | Smith, Md. | Works |
| Dillingham | Martin, Va. | Smith, S. C. | |
| du Pont | Newlands | Stephenson | |
| Fall | O'Gorman | Stone | |

So the amendment of Mr. SMITH of Georgia was agreed to.

Mr. OVERMAN. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add a new section to the bill, after the section just agreed to, as follows:

SEC. 3. That it shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may deem necessary, to provide that the notes to be issued by the banks in the States of Texas, Arkansas, Oklahoma, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Tennessee shall be loaned by said banks as far as practical to the producers of cotton at not to exceed 6 per cent per annum.

Mr. SMOOT. Mr. President, I am not going to take much of the time of the Senate; but I do not believe that an amendment of this kind ought to be offered to this bill. I do not believe in the principle of it. I do not believe it is necessary, and I do not think it is going to help at all in the distribution of this money. If this emergency currency is going to assist the farmers in the South—and that is the only reason why it should be issued and why the former amendment was adopted by this body—it will be by the banks receiving the emergency currency and issuing it to the farmers, and, as far as the rate of interest is concerned, that will conform to the regular rate charged.

Mr. THOMAS. Mr. President——

Mr. SMOOT. I sincerely hope that the amendment will not be agreed to.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I do.

Mr. THOMAS. Does not the Senator believe that by the adoption of this amendment the result would be to enable the planters of the South to get certain kinds of money at 6 per cent and also at the same time to get all other kinds of money at such per cent as the requirement of the time may demand?

Mr. SMOOT. The amendment as offered is not even mandatory; it is only by way of a suggestion, and therefore it is not necessary. I want to say, also, if it were compulsory I would doubt very much whether any of the emergency currency would be loaned with other money held by the banks.

Mr. THOMAS. It seems to me we might just as well attempt by legislation to prevent the operation of the law of gravity.

Mr. SMOOT. Nearly so, I will admit.

Mr. SWANSON. I should like to ask the Senator a question. I understand the national-bank law provides that no national bank shall loan any of its money, including national-bank notes of issue, in excess of the legal rate of interest fixed in that State. I understand that the currency issued under the Vreeland-Aldrich Act, except so far as separated by the terms of the act, is the same as national-bank currency issued and subject to its provisions. I understand the currency issued under the Vreeland-Aldrich Act is subject entirely to the interest rate fixed by the law of each State, and this would be an effort, I understand, on the part of the Federal Government to interfere with the rate of interest fixed by the State.

Mr. SMOOT. I did not want to go into all the details, but there is not any question that that would be the effect of the amendment. I do not believe that it is a good position for the Senate to take and I do not believe it ought to take it.

Mr. MARTINE of New Jersey. Mr. President, I am surprised at the amendment proposed. I love the South, but better I love my country. I can see no reason why we here in the Senate of the United States should pass a measure making fish of one and fowl of the other. Why, pray, should it be made to apply to particular Southern States? They are pressed, as they tell us, because of the failure to sell their cotton crop. So, too, are the farmers of Illinois; so, too, are the farmers of New Jersey pressed because of the failure to sell their products. So, too, are a thousand manufacturers in the States of New Jersey, Pennsylvania, and New York. All are suffering the same distress. If this bill is to be a panacea, as has been told us by the Senator from Georgia [Mr. SMITH], for all ills and woes, then I ask why in the name of heaven and justice should the South have a special share of it?

As I have said, my identity with the South in early days was close. My love for her and her people and my sympathy for her condition in the exigencies of the times through which she is passing go out to her; but at the same time I feel that we are here for broader purposes and not simply to legislate for a few States. We are here to legislate for the whole Union, and I shall vote with all the earnestness and zest of my nature against the proposed amendment.

Mr. OVERMAN. Mr. President, I do not care to discuss the amendment. It is a proposition to make the loan under rules and regulations. The idea is to get the Secretary of the Treasury to confer with banks and see if the people who are now suffering can not get this money loaned out at 6 per cent.

Mr. MARTINE of New Jersey. They are all suffering. Paterson is suffering. I can find them suffering in Philadelphia.

Mr. SWANSON. I understand that at the end of nine months this currency bears a tax of 6 per cent?

Mr. OVERMAN. That is right.

Mr. SWANSON. And there is no time fixed for its retirement except so far as the interest rate may retire it. Then if this amendment is adopted, at the end of nine months the banks would be taxed 6 per cent and would simply get 6 per cent for the risk of loaning it?

Mr. OVERMAN. My idea in introducing the amendment the other day was to reduce the rate so that farmers could borrow. This will come back in nine months. They will not loan money for a greater time than three or four months.

Mr. SWANSON. But I understand at the end of nine months it pays a 6 per cent tax, and there is no time to retire this money. At the end of nine months, if the banks pay 6 per cent and simply loan it at 6 per cent, they will demand at that time payment.

Mr. OVERMAN. The banks can not increase the 3 per cent.

Mr. SWANSON. It is only 3 per cent for 90 days.

Mr. OVERMAN. For 90 days.

Mr. SWANSON. Mr. President, it seems to me the effect of this amendment would be that at the end of six months, if the currency were out in the country, it would force liquidation and bankruptcy throughout the entire South, and absolutely defeat the purpose which the Senator has in view.

Mr. OVERMAN. At what rate would the Senator have the money loaned out?

Mr. SWANSON. At the rate fixed by the State. I think the people of North Carolina have sense and judgment enough to know what rate of interest should be fixed in that State; and if they have not, I misconceive the judgment and wisdom of the people of the State.

Mr. OVERMAN. The people of the State of North Carolina have a rate of interest fixed at 6 per cent.

Mr. SWANSON. If they have a rate of interest fixed, they can control this matter entirely. If the emergency currency is loaned out at an excessive rate, the Legislature of North Carolina can meet and fix the rate at 5 per cent.

Mr. OVERMAN. Mr. President, the Legislature of North Carolina only meets every two years; and, as was stated here the other day, the banks have a way of getting around the law. I am going to introduce another amendment shortly providing that the banks shall not, directly or indirectly, loan money at a greater rate of interest than that fixed by law.

Mr. CLARKE of Arkansas. I ask that the amendment be again stated. I do not know whether Arkansas is included in the list.

The VICE PRESIDENT. The amendment proposed by the Senator from North Carolina will be stated.

The SECRETARY. It is proposed to add after the section just agreed to the following:

SEC. 3. That it shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may deem necessary, to provide that the notes to be issued by the banks in the States of Texas, Oklahoma, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Tennessee shall be loaned by said banks, as far as practical, to the producers of cotton at not to exceed 6 per cent per annum.

Mr. CLARKE of Arkansas. Mr. President, may I ask the Senator from North Carolina why he omitted Arkansas from the list of States enumerated in his amendment?

Mr. OVERMAN. I did not intend to leave out any cotton States. I will ask to add Arkansas, because Arkansas is one of the leading cotton States of the Union. I thought I had included all the cotton States, and its ommission was my mistake.

Mr. REED. I should like to ask a question about the amendment.

The VICE PRESIDENT. The State of Arkansas is now included in the amendment.

Mr. CLARKE of Arkansas. The Senator from North Carolina asks permission to modify his amendment, and it is entirely within his competency to do so.

The VICE PRESIDENT. The amendment has been so modified.

Mr. OVERMAN. I will answer the question of the Senator from Missouri.

Mr. REED. I wish to ask the Senator from North Carolina if he thinks it is a practical thing, in putting this money out, to segregate it from the other moneys of the bank and then segregate the customers of the bank and loan the money so that it will go only in a certain channel?

Mr. OVERMAN. This money is sui generis; it is different from any other kind of money. It is issued for a different purpose from any other money; it is issued for the purpose of helping the people. That is the purpose of the issuance of this emergency currency. It is issued in a time of distress. England has just reduced her rate of interest to 5 per cent for her people. We could reduce the rate to 6 per cent for the people of our States who are suffering.

Mr. REED. I am not talking about the rate of interest. I am talking about the direction which the Senator is putting into his amendment, and which applies not only to the money that may be issued to the State banks but to the money that is to be issued under the Aldrich-Vreeland Act to all the banks in the particular States he has named in his amendment. I want to know how he proposes to have the banks transact this business—if he proposes to have the banks set aside this particular money in one pile and loan that only to cotton producers?

Mr. OVERMAN. It is to be done under such rules and regulations as the Treasury Department may prescribe. The money from this fund is to be loaned to cotton farmers at 6 per cent; but the banks can loan their other money to anybody else at 7 or 8 or 10 per cent, if they desire to do so.

Mr. REED. I am not talking about 6 per cent; I am talking about that clause in the Senator's amendment which provides

that the money which is to be issued shall be loaned, as far as practicable, to farmers who produce cotton. How is that going to be done?

Mr. OVERMAN. By rules and regulations to be prescribed by the Secretary of the Treasury.

Mr. REED. I want to say to the Senator that, in my humble judgment, that is not only impracticable but—well, I can not, in view of the profound respect in which I hold the Senator, use the adjective I was going to use, so I will not employ it.

Mr. OVERMAN. The Senator might as well employ it.

Mr. REED. More than that, it will work exactly to the converse of what the Senator desires. What the Senator desires is to relieve the financial condition of his community, of his State, and of all other Southern States, to make as nearly as possible a substitute for a cotton market by furnishing money which will enable the carrying of cotton. Now, here comes in a farmer who wants to borrow some money and who has some cotton; here is a merchant who has bought a lot of cotton and has already put his money into it. Does the Senator from North Carolina think he will help the cotton market by saying to the merchant, who has already purchased the cotton, "You can not borrow money upon it"? I think he will hurt the cotton market.

Mr. OVERMAN. If it reduced the rate all along the line to 6 per cent——

Mr. REED. I am not talking about rates; I am talking about the direction that the money shall be loaned, not to holders of cotton, not to owners of cotton, but to the producers of cotton. That is what I am talking about.

Mr. OVERMAN. There would be plenty of money to loan to merchants and manufacturers. Banks have sufficient money for that purpose.

Mr. REED. Whenever you tie a hobble to this money and say it can only be used for one purpose, you to that extent destroy the value of the money.

Mr. OVERMAN. Does the Senator think we destroy the value of the money by making the interest rate 6 per cent?

Mr. REED. The Senator from North Carolina will go back to the provision in regard to the 6 per cent interest rate. I am not talking about 6 per cent.

Mr. OVERMAN. I can not understand the Senator; I must be very obtuse.

Mr. REED. Mr. President, on examination I find the amendment is worse than I thought it was. Let us read it and see just where we are coming out in the practical application of the amendment. I am only going to spend a moment on it. Then, if Senators from the cotton section of the country want this amendment, I shall have nothing further to say about it. I want to call attention to it; that is all. The amendment reads as follows:

> SEC. 3. That it shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may deem necessary, to provide that the notes to be issued by the banks in the States of Texas, Arkansas, Oklahoma, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Tennessee shall be loaned by said banks as far as practical to the producers of cotton at not to exceed 6 per cent per annum.

What does that mean? The Secretary of the Treasury has the duty imposed upon him to see that this money is loaned to the producers of cotton; and, further than that, that the producers of cotton shall have it at 6 per cent. All the rest of the people may be charged any rate of interest the banker desires to charge, so far as this amendment is concerned.

Mr. OVERMAN. That is not the case, if the Senator pleases; that is too broad. The bank would have to charge the rate prescribed by the State.

Mr. REED. Very well. If the rate prescribed by the State is less than 6 per cent, and is to be followed, this amendment is dead so far as that State is concerned, for it will do nothing. If it is 6 per cent, as specified here, the amendment will be innocuous, for it would not affect the situation. It is only when the ordinary rate of interest is more than 6 per cent that this amendment can have any effect. Therefore, giving it now a practical application, we will take a State where the average rate of interest is 7 per cent. Two men, we will say, come up to borrow money from the bank. The provision is that if you lend money to a cotton planter you can not charge him more than 6 per cent, but you may charge the merchant, the mechanic, the corn producer, and other people 7 per cent. Accordingly, the bank will loan to everybody except the cotton producer; that is all there is to it. The cotton producer, instead of getting a benefit, will be cut off from the benefit.

If any Senator wishes to do that, and to classify the citizens of his State, well and good. The effect will be that the cotton producer will not get the money unless the rate of interest generally is 6 per cent or less; and in that event the amendment does nothing.

Mr. CLARKE of Arkansas. Mr. President, this amendment is intended to deal with a situation which must be understood before it can be rationally criticized. In the cotton-growing region every branch of industry except that of producing cotton is normal, and the ordinary banking funds available for business of that character are ample to take care of the interests other than the cotton-growing business. An emergency has arisen which calls for the exercise for the time being of the extraordinary powers of the Government, which in this particular instance takes the form of an emergency currency.

In the South there is no possible excuse for any enlargement of the volume of the circulating medium except in connection with the cotton business. Other branches of business rely upon the normal banking organization of that section, and they do not rely in vain.

It is not only ample, but it is extended along lines as liberal as safe banking will permit. It becomes necessary to invest a certain amount of money in an oversupply of cotton in order that there may be withdrawn from an insufficient market a surplus which presently will have a market. If the ordinary funds of the community are invested in that way, it will create a shortage as to other industries. The Government of the United States steps in at this stage and says: "We have machinery by which currency can be provided for just such emergencies as this; and, if the people of the South choose, they can avail themselves of that agency for the purpose of investing the money thus supplied to them in this surplus of cotton, in order that it may be withheld from the market." We understand perfectly well that we have in our hands a remedy for an oversupply, if it shall extend beyond the present year.

Under this amendment this particular money is principally and primarily dedicated to the emergency which called it into existence, and that is in connection with the cotton business. If a cotton farmer applies at the window of a bank and says, "I do not care to sacrifice the surplus of my crop on this demoralized market, and therefore I am prepared amply to secure you for a reasonable amount of money which I will employ in the uses in which I would otherwise employ the proceeds of the sale of my cotton," the direction of this amendment is that he must be preferred to the extent that that particular bank has in its possession this particular currency, and the rate of interest is fixed at 6 per cent. It is not only feasible but it responds——

Mr. WEST. Mr. President——

Mr. CLARKE of Arkansas. I decline to yield, because I have not much more to say, and the Senator can take the floor in his own right. The scheme of the amendment is admirably well adapted to supply a condition that exists in the South to-day.

Mr. WEST. Mr. President, I merely wanted to ask the Senator from Arkansas, when I received his curt reply, a question as to whether he thought the United States could pass a law contravening the legal rate of interest in the States?

Mr. CLARKE of Arkansas. The Senator is a lawyer, and I suppose he knows that the United States Government can do anything it wants to do with its own organization; it can provide that there shall be no usury law, so far as the national banks are concerned. There is a provision in the national banking act to the effect that forfeitures——

Mr. WEST. This proposition also refers to State banks.

Mr. CLARKE of Arkansas. It refers to a national currency; and the Government can prescribe the terms upon which its bounty shall be extended to those for whose benefit it is intended.

Mr. REED. No, Mr. President, it is a bank currency, a currency of each individual bank, by a specific provision of law.

Mr. President, all I say is this: I have every sympathy for the cotton planter of the South, but I have some sympathy for the other people of the South—for the man who has bought the cotton as well as for the man who produces it, for the grocery keeper who has been carrying the cotton planter, for the dry-goods merchant who has been carrying the cotton planter, for the man who has loaned money to the cotton planter; for all those lines of business that are affected by the cotton market—for the merchant, for the corn producer, for the wheat producer, and every other kind of producer. I think the Congress is going to an absurd length when it proposes to segregate certain States of the Union and pass a law applicable to those certain States which is not generally applicable, or to select a certain class of farmers and propose to issue money to them instead of issuing money for the benefit of all the people of the United States.

Mr. CRAWFORD. Mr. President, if I understand this proposition correctly, when this emergency currency finds its way into the banks this condition of things will exist: The bank will be required to sort out and set aside from the currency of all kinds it has on hand this particular kind of currency; and if a cotton grower comes in and demands a loan this law will say to the banker in loaning that particular kind of money that he must let that grower of cotton have the preference in borrowing it, and that the rate of interest upon that particular loan shall not exceed 6 per cent; and this limitation and environment shall apply only to currency issued under this particular law.

It seems to me that is a most novel and extraordinary condition to attach to a circulating medium and expect it to remain at parity with all other circulating mediums.

Mr. OVERMAN. It is an easy matter to segregate notes in the banks. They now segregate their gold notes and their silver notes, and it is a very easy matter to segregate the money, so far as one particular kind is concerned.

Mr. CRAWFORD. If the Senator will permit me, this is saying to that banker: "You may take your gold certificates, you may take your greenbacks, you may take your other Treasury notes, and you may loan them to whomsoever comes into your bank for whatever rates of interest you can get"——

Mr. OVERMAN. Exactly.

Mr. CRAWFORD. "But here is a particular kind of money in your possession which you shall only loan to a particular class upon particular property and at a rate of interest that shall be only such an amount." If such a proposition as that can be fastened upon circulating mediums, and can be maintained in its right relation to all other circulating mediums, you have performed a miracle.

Mr. OVERMAN. Here is a particular money issued for a particular purpose, issued for a particular class of people; why should it not be segregated as a particular fund to be loaned in a particular manner?

Mr. SMITH of Michigan. Mr. President, will the Senator from North Carolina permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. OVERMAN. I am always glad to yield to my friend from Michigan.

Mr. SMITH of Michigan. Would the Senator from North Carolina be willing to accept an amendment, after the word "cotton," in the last line of the amendment, to add "and such notes shall be known as 'cotton States currency'"?

Mr. OVERMAN. I have no objection to that. Does the Senator desire that to be printed on the currency?

Mr. SMITH of Michigan. If that is done, the effect upon the value of this currency will be immediate and very harmful. It will not be generally acceptable to the people.

Mr. OVERMAN. If it would have that effect, I would not accept the amendment, of course.

Mr. SMITH of Michigan. The certificate itself will be searched to ascertain whether it is to meet a local situation in North Carolina.

I sent this morning to the Treasury Department for an emergency currency note and have just received it, and, strange to say, it is a note of a bank in North Carolina. It is the only one I have seen, and was issued by the High Point Commercial Bank, of High Point, N. C. Under the limitations of the law under which that note was issued the public who accept it are fully protected by every condition that should apply to our circulating medium; but if you are to restrict the use of this emergency money to the five or six States enumerated in the amendment of my honored friend, instantly all of the money issued under the emergency currency law will feel the effect of such limitations.

Mr. OVERMAN. Mr. President, I can not understand that. It is money issued and guaranteed by the Government and by the banks, and is as strong as any other money.

Mr. SMITH of Michigan. I know the Senator's purpose is wholesome and that he desires to relieve an acute situation. It looks to me as though the cotton States were in an unfortunate situation, and I sympathize with that condition very much, but we have gone as far as we can safely go in relieving them, and to take this step, in my judgment, means a depreciated money, which will not find circulation throughout the country. We should hesitate to take this step. I can not approve it.

Mr. CLARKE of Arkansas. That is a very extraordinary statement to be made by a Senator who is usually so accurate as is the Senator from Michigan. It will be the same identical money as is issued in the case of every other State. The rule laid down by the amendment is that the money issued under the Aldrich-Vreeland Act in the particular States named shall be specifically dedicated to the relief of a certain class of people at a certain compensation.

Mr. SMITH of Michigan. It would be local and very restrictive—largely confined to the cotton States.

Mr. CLARKE of Arkansas. And everywhere else. You can not tell it apart from any other money except that the particular currency association which operates in that State has issued that money to extend loans to the producers of cotton. Of course, when the producers get that money, it is used for the purpose of paying their debts. If they owe the groceryman, they pay him; if they owe the bank, they pay the bank. It simply enables them to keep their cotton until the conditions come about when, with a normal and stable market, they will be able to obtain a fair price for their product. That is the sum and substance of this proposition. The amendment does not attempt to draw a distinction between money issued in one particular State and that issued in any other State.

Mr. SMITH of Michigan. There ought not to be any section, crop, or product especially preferred by this law.

Mr. CLARKE of Arkansas. So far as the circulating medium is concerned, there is no attempt to give any preference to any product. We simply say that in a certain locality demoralization has come upon one of its particular industries, and that the character and the extent of that demoralization justifies the United States Government in interposing its extraordinary power to issue emergency currency.

Mr. SMITH of Michigan. I have the greatest confidence in the Senator from Arkansas and in the Senator from North Carolina; but it seems to me that the situation reflected by the Senators upon the other side from the cotton-producing States has become most acute since this debate began. We must have a national currency or none, and if we are going to have a national currency, then it ought to be in such form that it will be accepted without doubt or hesitation and without regard to State lines.

Mr. CLARKE of Arkansas. The Senator utterly misconceives the purpose of the amendment if he thinks it touches the circulating quality of the bills issued under the act. It does not touch their circulating character nor their character otherwise at all; it simply relates to their use and to the class of people who have a prior claim upon that use. There would not be any occasion for using emergency currency in the South to-day if it were not for the demoralized condition of the cotton industry; and in providing for that emergency we say that these people who are the victims of present-day conditions shall be the beneficiaries of this legislation. It is a very simple proposition.

Mr. SMITH of Michigan. I am very much afraid they will not be permanently helped by this bill.

Mr. CLARKE of Arkansas. Why not?

Mr. SMITH of Michigan. The emergency-currency note that is now in existence—for instance, the note of the bank at High Point, N. C., which the Senator from North Carolina holds in his hand—is in all respects the national-bank note always issued to the banks of the country on bonds.

Mr. CLARKE of Arkansas. We do not desire to have it different.

Mr. SMITH of Michigan. Up in the left-hand corner of this note are the words "This note is secured by bonds of the United States or other securities." Now, to be perfectly fair, a note issued under this amendment ought to be more specific.

Mr. CLARKE of Arkansas. The Senator probably has not read the amendment, or he would not make that statement.

Mr. SMITH of Michigan. I have read it carefully twice.

Mr. CLARKE of Arkansas. It has nothing to do with the basis on which the emergency notes shall be issued. It simply provides the use that shall be made of them after they are issued. When lodged in the banks of one of the States, as between two proposed borrowers, this amendment gives the cotton producers the preference, and at a rate of interest indicated. The same thing would result if the National Government were lending its own Treasury notes. The mere fact that this is emergency currency has nothing to do with the question; it does not touch it at all; it is simply an instance where it is attempted to establish the coincidence between the demoralization which exists and its relief through financial legislation. The money when loaned to farmers will be for the benefit of their creditors. Instead of paying from the proceeds of the cotton sold at a sacrifice price, they will pay with this currency which they obtain as a loan upon the security not only of their cotton but of whatever the banking rules and regulations establish as a sound basis on which loans can be made.

Mr. SMITH of Michigan. Suppose on the 1st of July of next year the cotton situation has not changed, and we find that through the States enumerated large quantities of this money

are still out. Of course, the Senator knows that to be consistent he must extend that law to cover the entire period of depression in that particular article.

Mr. CLARKE of Arkansas. That is a matter of policy to be disposed of when it arises, like every other legislative question.

Mr. SMITH of Michigan. I am afraid it is not general in its effect or national in its character.

Mr. CLARKE of Arkansas. We can not pledge the faith of Congress to anything by promises that we individually make.

Mr. GALLINGER. Mr. President, with my old-fashioned notions this entire legislation seems incongruous. The present proposition, it occurs to me, is more incongruous than what has preceded it.

I have been told that the naval-stores industry in the South, the fertilizer industry in the South, and the lumber industry in the South are all suffering very materially. The textile industry in the North is suffering to a very considerable extent. The copper industry of the West is about blotted out, I am told, and they are going to ask the Government to advance some money to keep it going along.

Suppose the industrial conditions in the North should be as they were in 1894 and 1895, when there was absolute paralysis, or nearly so, of manufacturing, and some northern Senator came in here and asked that some favor should be granted to that section of the country in the matter of currency. He would be laughed at.

For the life of me, I can not differentiate between that situation and the present situation. The cotton industry doubtless is in bad shape, but if every time an industry gets into trouble in this country we are going to pass a law to relieve it, it seems to me we are going beyond the bounds of common sense.

Mr. OVERMAN. Mr. President, will the Senator yield to me in order that I may ask him a question?

Mr. GALLINGER. Yes; I yield.

Mr. OVERMAN. Does the Senator think it would be a great injury to the country to pass a general law providing that money should command 6 per cent interest? Would it hurt the people to pass a general law saying that money should not be loaned out at a greater rate than 6 per cent?

Mr. GALLINGER. I think that would be sensible legislation. That would apply to all sections of the country.

Mr. President, we have a great automobile industry in this country. That is a wonderful industry. Suppose industrial conditions reach a stage where the automobile industry is halted, or, for that matter, practically destroyed. That is not a dream. It may happen, if things go on as they are now. Suppose the Senator from Michigan [Mr. SMITH] should come in here and ask that some favor should be granted to the manufacturers of automobiles in the State of Michigan, to take care of his friends, Mr. Joy and Mr. Ford; I wonder what we would say about it?

That is all I care to say. I was astounded that the last amendment was agreed to. I am still more astounded that certain States should be singled out and favors asked for them when we are passing what ought to be a national law.

I hope the amendment will not be agreed to.

Mr. REED. Mr. President, I beg to suggest, since we are legislating for special classes, that we ought to select the largest class possible, on the theory of "the greatest good to the greatest number." Therefore I move to amend the amendment by striking out the words "the producers of cotton" and inserting in lieu thereof "the pickers of cotton." [Laughter.]

Mr. GALLINGER. That is good.

Mr. REED. I think in that way we will reach a much larger class of people, and undoubtedly one that needs the money more.

Mr. OVERMAN. The Senator is trying to be ridiculous now and make fun of the amendment. Of course, the pickers can not borrow money, as a rule, because they have no security.

Mr. REED. I think, then, we ought to furnish them some security.

Mr. OVERMAN. Yes; of course the Senator does, I have no doubt. I have no doubt he is honest and sincere in that.

Mr. President, the money I hold in my hand is money issued by the Government. It is this special money, issued for a particular purpose, for the benefit of the people in these times of stress—emergency currency. It has a picture of Benjamin Harrison on it, and it is exactly like any other $5 bill. If any currency is issued to the Southern States, it will be money just like this. It will be money that will circulate in San Francisco as well as it will in Galveston, Tex., or Baltimore, Md.—the same kind of money, exactly like our bank notes, so it can not be a depreciated currency.

Mr. SWANSON. Mr. President, with regard to this amendment, I hope the Senator from North Carolina will not insist upon it. It seems to me money is like any other commodity. It is bought and sold in the markets of the world every day. It goes where it gets the best price. It is like any other commodity. The States have fixed rates of interest. Virginia fixes a rate of interest not exceeding 6 per cent. Nobody in Virginia can charge more than 6 per cent. In other States they charge more. It seems to me it is a wise provision that we have left the rate of interest to be fixed by the sovereignty in each State.

Take North Carolina: I do not know why the cotton producers of North Carolina should be preferred over the tobacco producers in the portion of North Carolina that adjoins Virginia. The tobacco producers are in just as distressed a condition as the cotton producers, and I do not know why they should get anything less than the cotton producers.

Mr. OVERMAN. I saw in the papers this morning the statement that the tobacco people were getting as high prices for tobacco as they ever did.

Mr. SWANSON. It is not so in my part of the country.

Mr. OVERMAN. That is the statement I saw in the papers.

Mr. SWANSON. It seems to me it is unwise for the Federal Government to try to interfere with the rate of interest fixed in each State. What is the present law? The present law is that no national-bank currency, no emergency currency, can be issued in any State at a rate of interest exceeding that fixed by the State authorities. Now, each State authority has determined what is a wise rate of interest in that State. In some places they want to attract capital, and they have a higher rate of interest than they do in the older States, to get capital to develop. In others they have less, because they have a surplus, and their welfare is promoted by a different rate of interest. It seems to me it is wise to let the State in each case fix the rate of interest that may be charged.

Mr. CLARKE of Arkansas. Mr. President, if the Senator really means that, why is the Senator from the State of Virginia attempting to fix the rate of interest in these other States?

Mr. SWANSON. I am not. I think the people of Arkansas, of North Carolina, of Louisiana, in the exercise of their State sovereignty, on the old Democratic doctrine of local self-government, under the idea of State sovereignty, have sense and judgment enough to fix their rate of interest. I think Virginia can fix the rate of interest that is most conducive to her interests. I think Arkansas can fix the rate of interest that is most conducive to her interests. I think the worst calamity that could occur in this country would be for the Federal Government to endeavor to take charge of that matter. Consequently I have enough confidence in the people of these States to think that they can meet in their legislatures and fix the rate of interest to be charged.

Mr. CLARKE of Arkansas. The Senator says he has confidence that the State of Arkansas can fix a proper rate of interest. I do not think so. They have fixed the maximum rate at 10 per cent, which is more than any honest man can afford to pay in any legitimate business.

Mr. SWANSON. I hope the Senator will go to the people of Arkansas, present the matter, and let them determine it. If the people of Arkansas can not fix interest rates, they ought to be controlled in a great many other matters by the Federal Government. I am one of those people that believe that the best control of local affairs, the best control at home, is the Democratic doctrine that they know their interests better than people 200 or 300 miles from there.

Mr. CLARKE of Arkansas. If that is true, why do not the States issue this emergency currency without coming here to bother Congress about it?

Mr. WILLIAMS. Because they have been so taxed that they could not.

Mr. SWANSON. Because when this legislation was passed it was decided that this money should be issued by the Federal Government. When the Federal Government was organized the power to issue currency to pass as money, and to be a legal tender, was given to the Federal Government.

Mr. WILLIAMS. What clause of the Constitution provides for that? I remember one about coining money.

Mr. SWANSON. It said that the Federal Government should coin money; and I do not know anybody that has a right to make currency a legal tender, to emit bills of credit, and to regulate the value thereof, but the Federal Government. So Congress has no power to make anything except its own currency legal tender. The 10 per cent tax which has been imposed on State bank issues has driven State bank issues out, and I believe we have done wisely and justly and properly in permitting State banks to come in with the privilege of issuing this currency.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New Mexico?

Mr. SWANSON. I do.

Mr. FALL. I think the Senator is mistaken about the constitutional provision. As I recall, it was an act of Congress that taxed State-bank issues at 10 per cent. Now, why can not the Senator just repeal that act of Congress and get what he wants?

Mr. SWANSON. If the Senator will permit me, the issues of State banks were never legal tender. The issues of State banks were simply the promises of a State bank to pay, like the promise of an individual. It was not money; and they taxed the promises of a State bank to pay because they were so good that they circulated as money and interfered with the issue of national banks.

Mr. FALL. Then, if I understand the Senator, he would compromise readily with the Senator from North Carolina on the proposition that this money should be issued to be used in the Southern States, but he wants power to fix the rate of interest at 2 per cent on loans for tobacco in his State and leave the Senator from North Carolina to pay 3 per cent on his cotton.

Mr. SWANSON. The Senator is entirely mistaken. If the Senator has that impression, he did not hear my remarks, or if he heard them he did not understand them. He is entirely mistaken. I said that I saw no reason why the cotton people should be preferred over the tobacco people, the lumber people, or any other people who are in a distressed condition.

A banker can determine, when this money is given him, as to who is in the most distressed condition in his local community. Consequently, knowing who is in the most distressed condition in the local community, and how the local community would be best served by loaning this money, he should be permitted to do so if he pays a tax of 3 per cent to get it issued to him.

Mr. FALL. Mr. President, I think possibly I understood the remarks of the Senator, but misunderstood his meaning. I was absolutely astounded at the Senator's reference to State rights and State sovereignties, because since I have been here—two years or more—I thought that doctrine had been absolutely abandoned.

Mr. SWANSON. I have no doubt the Senator thinks it is a dead issue since he left the Democratic Party and wandered off into strange fields.

Mr. FALL. That is one reason why I left the Democratic Party, Mr. President.

Mr. SWANSON. I have no doubt he thinks it is a dead issue. I have no doubt he can no longer understand it; but I want to carry him back to the truth and to the principles that he learned and loved in early life.

Mr. President, it seems to me this amendment would defeat the very purpose for which it is offered. If the tax on this emergency currency at the end of nine months amounted to 6 per cent and the banks were at liberty to loan it at 6 per cent, what would occur at the end of the nine months, when these loans fell due? No bank would take the responsibility of loaning this currency without profit. That is evident. At the end of nine months every bank in the South would require everybody who had this emergency currency that had been issued, to pay up their notes; and what would occur in the South? At the end of nine months they would compel a settlement for the money loaned by the banks, and widespread disaster and bankruptcy would occur.

Mr. OVERMAN. Mr. President, on yesterday the Senator voted against reducing the tax, and now he is against giving the people the money cheaper.

Mr. SWANSON. Yes; I voted against reducing the tax, because I believe the power to issue money belongs to the Government, and I believe the Government ought to get some profit from it. I do not believe in giving the entire profit to the banks. I believe the power to issue money belongs to the United States Government, and having that power to issue money, they ought to derive profit from it and not give it to the banks.

Mr. OVERMAN. The profit comes from the people, though.

Mr. SWANSON. I am sorry my colleague from North Carolina was desirous of giving the profit to the banks, and not letting it go into the Treasury of the United States.

Mr. OVERMAN. Mr. President, the Senator voted to reduce the tax from 5 per cent to 3. What did he do that for? He gave 2 per cent to the banks.

Mr. SWANSON. For the simple reason that at 5 per cent it was impossible to issue it. This matter was brought up in the Democratic caucus by the Senator from Georgia [Mr. SMITH]. I stood by him and did all I could to have the amendment made. Why? Because at 5 per cent it was impossible to issue any emergency currency. When it was reduced to 3 per cent it was possible to issue it. I thought if the Government could get 3 per cent on all the emergency currency it issued, and have no responsibility about it, and would be sure to get that tax and to be sure to have it redeemed, it was a fair price for the Government, and it rendered it available in an emergency like this.

Mr. OVERMAN. That is, the Senator favors taxing the South in their distress two millions and a half of money and putting it up here in the Treasury, when the Treasury does not need it, instead of giving them the money as emergency currency, to be used for their own benefit.

Mr. SWANSON. The Senator is mistaken about the Treasury not needing it. It will be hardly a week before a bill will be introduced here to provide revenue for our Government on account of a deficiency of revenue, and at this time the Senator wants to relieve the tax on banks and reduce the tax to them and impose it on consumption. That was the effect of the amendment the Senator introduced. There is no provision that makes these banks loan it. They can loan it at the best price they can get for it, subject to the rates of interest fixed by the States. Instead of reducing the tax on the banks and imposing it on the people, I think it right that the banks should pay the rates fixed in the law, and thus help to make up the deficiency in revenue.

Mr. OVERMAN. On yesterday, when I introduced that amendment, I gave notice that I would introduce this, in order that the banks might be able to loan the money to the people at 1 per cent less interest. The Senator now is in favor of taxing the people, who finally pay for the money, 3 per cent, and he does not want to reduce the interest to 6 per cent. The banks in Virginia to-day are loaning money at 8 and 10 per cent.

Mr. SWANSON. I do not know of any bank in Virginia that is loaning money at 8 per cent. If they do, they loan it contrary to law.

Mr. OVERMAN. Yes; that is what they do.

Mr. SWANSON. We have a law in Virginia that they can not exceed 6 per cent, and if anybody loans money in excess of that he forfeits all interest, under the Virginia law.

Mr. President, it seems to me the wise thing to do is, as the Federal Government has done in the past, to leave the rate of interest to be fixed by the States.

Mr. SMOOT. Mr. President, I think the Senate owes it to the country, at least, to consider well what action it takes in passing currency legislation. If this amendment were adopted, in my opinion the people of the United States would absolutely refuse to take the currency issued under it. Are we going wild, mad, or crazy? Think of issuing currency under this amendment. Mr. President, I think we owe an apology to the Populist Party——

Mr. GALLINGER. Of course we do.

Mr. SMOOT. And I believe that if Mr. Peffer were alive to-day he would be considered the most conservative man in the United States.

Mr. GALLINGER. Yes, Mr. President; and just think how conservative Jerry Simpson would appear at the present time!

Mr. SMOOT. Why, certainly. He would be a model of conservatism.

Mr. OVERMAN. He had some pretty good ideas, if he wanted to loan money to the people at 6 per cent, and not let the banks rob them. They have been robbing them; and I am going to introduce another amendment directly, providing that they shall not do it, but shall keep the law of the land.

Mr. SMOOT. There are a great many things we would like to regulate in the world, Mr. President, that we have not the power to do. One of those things is that we can not tell a man who holds personal property what he shall do with it and how he shall handle it. The power of regulation is with the State. The State has a right to pass laws regulating the internal affairs of the State, but I do not believe we have any right to do so.

Mr. OVERMAN. I see some regulations here in the Revised Statutes of the United States, and I will read them.

Mr. SMOOT. I should be glad if the Senator would read anything that would enlighten the Senate upon this subject, and, if possible, show us something to justify our exhibition to-day in the passage of this proposed amendment.

Mr. President, I simply want to say further relative to the form of the emergency currency that has already been issued: The $5 bill which was secured by the Senator from Michigan bears out what I said this morning in relation to the form of the emergency currency. That is, it was issued in the name of the bank, and the bank is responsible for the issuing of it after it had been delivered to it through the currency association. The only difference between this bill and a Treasury

note issued before 1913 is the addition of the words "or other securities." Since 1913 even the treasury notes have had those words on them, so there is no difference now. These emergency notes are good for the payment of every obligation of the Government that a Treasury note is good for. If we should issue emergency currency under the amendment offered by the Senator from North Carolina, it would be issued in exactly the same way, and would become a part of the circulating medium of our Government.

Mr. MARTINE of New Jersey. Mr. President, I have seen a great amount of bills flourished around on that side of the Chamber for the last half hour. I should like to inquire whether that is an evidence of tainted money or otherwise.

Mr. SMOOT. Mr. President, I will say to the Senator that if it will be any pleasure to him I shall be glad to let him have a bill, and he can keep it in his pocket for about half an hour.

Mr. MARTINE of New Jersey. No; it is not worth a cent to me to keep. I would not give anything for money to keep. [Laughter.]

Mr. SMOOT. I do not care about saying anything more about this amendment, but I do believe the Senators ought to begin to think what the people of the United States are thinking of our actions. There is a limit to the credit of this Nation, and we can make currency issued by this Government so cheap that it will not be considered good by our own people or the people of the world.

Mr. CRAWFORD. Mr. President, I think everyone recognizes the fact that psychology is a very material and vital element as it affects the people of the United States in relation to our finances. I must express my astonishment that a part of the country which has so earnestly and with considerable pathos presented here a situation affecting it so profoundly should bring forward a proposition which it seems to me, from the viewpoint of the psychological relation of the public mind to money, will tend to pull down the very house over its head.

Just now, with the situation existing as it does, on account of an unparalleled war and its effect upon our own domestic trade and industry, for the Congress of the United States to legislate in the sort of easy, happy-go-lucky, careless way in which it has seemed to deal with a question so grave as that we have discussed here this afternoon is, in my judgment, to create apprehension all over the United States in regard to whether or not we have become affected here by a panicky feeling that is tending to make us reckless and may cause a wave of apprehension to sweep over this country that will end in the very thing that the different bills which have been presented here during the last few days have had it as their object to forestall.

I am astonished that anyone should seriously contend that the adoption of such a proposition as this would not cause the public mind to draw a clear and distinct line of discrimination between this particular currency, that is to be environed and restricted in this manner, and all other currency. This will be a depreciated currency because of this very proposition, and when you have one part of the country, the money of which in the public mind is condemned in that way by reason of the limitations put upon it, you have increased a thousandfold the disposition to hoard money that is free in all of its functions and purposes.

I rose simply to emphasize the fact that by this sort of discussion of the pending proposition we may be throwing fuel upon the flame.

Mr. OVERMAN. Mr. President, I wish I had it in my power to make a law making the common rate of interest in this country 6 per cent. The country would be better off if that were done. Men can not pay 8 and 10 per cent interest.

I was not a Populist when, 20 years ago, I advocated a bill making the rate of interest in North Carolina 6 per cent. I heard the same arguments then that I hear now. Finally, after a hard fight, after two or three sessions of the legislature, we passed a law saying that the rate of interest should be not more than 6 per cent and imposing a heavy penalty upon any man who charged more than 6 per cent.

It was then asserted that all the money would go out into the State of South Carolina, where they charged 10 per cent, and Georgia, where they charged 8, and another State, where they charged 7. As a matter of fact, however, our people have been more prosperous and making more money since then, the money has not been driven out of the banks, and there is no more prosperous State in the Union than the Old North State.

Mr. CRAWFORD. Mr. President, will the Senator permit me to ask him a question?

Mr. OVERMAN. To be sure.

Mr. CRAWFORD. How does the Senator apply a general proposition to fix a legal rate of interest on all loans to a proposition to allow greenbacks, gold certificates, gold and silver and all other kinds of money to be loaned at any rate of interest that the parties may contract for, and simply specify that the rate of interest on a particular kind of money in a particular kind of transaction shall be limited to 6 per cent?

Mr. OVERMAN. As I said before, because this is a particular emergency, a particular kind of fund issued for a particular time and for a particular purpose, and because it is that kind of a particular fund for a particular purpose and issued at a particular time we are going to make a particular kind of interest for it to the people we want to help.

Mr. REED. By what authority does the Senator say that this is a particular kind of money issued for a particular purpose, by which he means to take care of cotton?

Mr. OVERMAN. Not at all. I said it was a particular fund issued for a particular purpose for a particular time.

Mr. REED. The Senator's amendment proposes to limit it to cotton in these eight or nine States.

Mr. OVERMAN. I do not propose to limit it at all to cotton. The amendment does not provide for that. The amendment provides that as far as practicable, under such rules and regulations as the Secretary of the Treasury may prescribe, this money shall be loaned to cotton producers at 6 per cent.

Mr. REED. This Aldrich-Vreeland money was never designed for cotton producers or cotton pickers, or for mule raisers or street shovelers or any other class of people. It was designed for the purpose of relief to all the people in a time of necessity and emergency. The trouble is that we have been talking so much about cotton here for the last three or four days that some people have it in their minds that this money is being issued and this law is being passed for the benefit of one class of people. Now, it is not.

Mr. OVERMAN. No, Mr. President.

Mr. REED. Of course the Senator may add this amendment limiting the use of the money in his State, but I wish the Senator would let me show him how absurd it will be to carry that out. It shall be loaned as nearly as possible to the cotton producers. What does that mean? Here is a bank, and here comes up a man who produces one bale of cotton and wants to borrow $5,000. He is a cotton producer.

Mr. OVERMAN. He would hardly want to borrow $5,000 on one bale.

Mr. REED. Not on one bale. It does not provide that it shall be loaned on one bale, but that it shall be loaned to the cotton producer.

Mr. OVERMAN. I was just correcting the Senator.

Mr. REED. A cotton producer who produced one bale of cotton might want to borrow $10,000, and he might offer better security for $10,000 than a man who produced 200 or 300 bales of cotton.

Mr. OVERMAN. No man who produces a bale of cotton should be forced to pay more than 6 per cent for any purpose at any time. I think that is as much as people can afford to pay.

Mr. REED. If the Senator had a bill providing that no national-bank currency should ever be loaned for more than 6 per cent, that would be a different proposition. That is the phase of the question that constantly speaks on the very popular side, of course, of a question. But I am talking about the proposition in the Senator's amendment that this money shall be loaned and the preference shall be given to a cotton producer. Here is a cotton producer producing a very small amount, a nominal amount, and another producing a great amount. The cotton producer who produces one bale of cotton is entitled to this money. The merchant who has bought 10,000 bales of it is not entitled to it. He is cut off from an equality.

Mr. OVERMAN. If the people can get this money, the merchant will not have to borrow any money, and the people who raise the cotton will meet their bills.

Mr. REED. The Senator is mistaken about it. There are other people in his State than cotton producers.

Mr. OVERMAN. Of course there are, and they will get the money.

Mr. REED. If they can get the money there, the cotton producers can get their share of it, and all the people will be put on an equality.

Mr. OVERMAN. The Senator shows a complete ignorance about the condition of affairs in the South.

Mr. REED. I am much obliged to the Senator for the compliment.

Mr. OVERMAN. Naturally he is ignorant about the conditions of affairs down there. I do not say that the Senator is

ignorant, and I did not intimate it. I merely say that he is ignorant of the situation in the South.

Mr. REED. Mr. President, I may be ignorant of the situation in the South, and I may be generally ignorant, but I am not ignorant enough to propose an absurd and ridiculous measure which will provide that money which is to be issued by the Federal Government shall go only to one class of people. That is all I have to say.

Mr. OVERMAN. Before I take my seat, as I know the Senator wants to get through with the bill, I will state that I said in answer to the Senator from Utah that the General Government had made regulations in regard to money issued by the national banks, and I called his attention to section 5197, in which they regulate the rate of interest, and also regulate it so as to prevent loans at a greater rate of interest, and fix the penalty.

Mr. SHAFROTH. I should like to have the attention of the Senator from North Carolina to see whether I can not convince him that fixing a rate of interest at 6 per cent is to the detriment of his people instead of being a benefit to them. Whenever you fix a usury rate by which penalties and forfeitures are imposed if a greater amount is charged, if that usury rate is high you do not come in conflict with it in lending and borrowing; but if you fix it near the rate that prevails it is an obstruction and a detriment instead of a benefit.

Let me take the Senator's own illustration. You have a usury law of 6 per cent in North Carolina, and yet you say on the floor of this House that many people lend their money at 8 per cent.

Mr. OVERMAN. I said by national banks.

Mr. SHAFROTH. Yes; by national banks.

Mr. OVERMAN. And I should like to see a penalty imposed on the transactions, because this is the way they do it: I want to borrow $10,000 from a national bank. They can not loan it at a greater rate than 6 per cent, but they will require me to deposit one-fourth of it in the bank, which is equivalent to about 8 per cent. The bank that I do business with in my town never charges over 6 per cent, and never will charge over 6 per cent interest, and the capital stock of that bank is nearly $2,000,000—$1,000,000 surplus and $1,000,000 capital.

Mr. SHAFROTH. Whenever you fix a usury rate which does not come near corresponding with supply and demand rates you encounter this objection and you encounter this disadvantage. If the rate of interest according to the supply and demand in your State were 7 per cent and your usury rate was 6 per cent, the banker would immediately say: "Well, now, I am running contrary to the usury law and taking 7 per cent, and I must have an additional amount from you for the purpose of insuring me against the taking of that risk,' and therefore I will raise it to 8 per cent." Those are the fundamental principles that have prevailed since John Stuart Mill wrote his great book on political economy.

Mr. THOMAS. I should like to ask my colleague how that situation could arise under this amendment. If I understand the amendment, the borrower goes to a bank in one of these Southern States and asks for money, and he will be asked if he wants 6 per cent money or 8 per cent money. He will be told, "We have both kinds."

Mr. OVERMAN. The cotton farmer will get it for 6 per cent.

Mr. SHAFROTH. I want to impress upon the Senator from North Carolina that if you have a rate that is near the rate created by supply and demand the usury law is an obstruction to low rates, because the risk of forfeiture which the bank takes in lending money at a usurious rate must be insured against, and they are insured against it by increasing the rate. That has been recognized.

We of Colorado have no usury rate and we have very fair rates of interest. I believe that there should be a high rate in Colorado—12 per cent—because there are some people who take advantage of the necessities of people and sometimes charge an exorbitant rate; but the ordinary transactions in commerce are going to be controlled by the principle of supply and demand, and the rate is going to be increased just a little by reason of the usury law, because that imposes a penalty which, in order to counterbalance, must be insured against by an increased rate of interest. Now, to provide that this money shall be loaned at 6 per cent seems to me to be totally impracticable.

The bank does not loan out the money. The bank pays out money on checks. You come to the bank window and get money. If you want to make a loan, they put it to your credit or give you a check. Are you going to follow the money that is issued under this act? You can not do it. The official says to the bank I want to see your books; they will say we did not lend that money at all; we paid it out on checks. The people have deposits here and presented checks at the window and we gave this money for the checks. How can you obviate that?

Then, again, suppose you could enforce it in some way; there would be some special privilege that would be given to either the president of the bank or to a particular friend of the bank, or to some person who is a stockholder of the bank. The people would not get the benefit of it.

It seems to me, Mr. President, that the principle that is incorporated in this amendment is impracticable. If it has any effect, it tends to raise the interest by reason of the increased risk that is to be taken by the lender in making a loan at a higher rate than is allowed.

Mr. WEST. Mr. President——

Mr. SHAFROTH. I will yield in just a moment. We know, as a matter of fact, in New York City the rate of interest varies from 1 per cent to 1,000 per cent. We know that in the time of the corner in the Northern Pacific Railroad some years ago money was listed and taken at 1 per cent. It was only for a few days, but it is the fact we know. In a few days it got down to 2 per cent per month. It is supply and demand that control. The trusts have never been able to absolutely control the question of money, because if they hold the money they are losing money themselves by not getting any interest.

I yield to the Senator from Georgia.

Mr. WEST. It is known that States in their independent sovereign capacity fix the rate of interest. It is known that in all new States the interest rates are higher than they are in the older States. Consequently it would be manifestly unjust for the National Government to fix the rate for all the States. In other words, in a State that is rapidly developing the rate is higher than it would be in New England States, where there is a great deal of money. So it would be manifestly unjust for the Government to undertake to regulate the rate of interest in all the States and put them upon the same basis. If this amendment passes, in my judgment, in the State of Georgia where we have a legal rate of 8 per cent if it is mentioned in the face of the paper or 7 per cent if it is not mentioned, the State of Georgia will not take advantage of it owing to the simple fact that it will disturb its legal rate of interest.

Mr. SHAFROTH. The Senator's point seems to me to be well taken, and I thank him for the suggestion.

Mr. President, I ask for a vote on the question.

Mr. GALLINGER. Mr. President, I will inquire of the Chair if a message from the President of the United States has been read to-day. I have been absent from the Chamber a good deal of the time.

The VICE PRESIDENT. It has not.

Mr. GALLINGER. I find in the evening papers the text of a message that it was said the President sent to Congress, and I apprehend that it is correct. I want to caution the friends of this bill if they want it to pass not to load it down with too many amendments. The message that the newspapers say has been prepared and sent to Congress relates to the postal funds bill which we passed a little while ago, increasing the amount of funds that could be deposited in the postal savings banks, making State banks the depository of those funds as well as national banks. I read from it as follows:

> With most of the provisions of the bill I am in hearty accord. But a portion of section 2 seeks to make a change in the Federal reserve act of last December which I venture to regard as unwise.
>
> When the Federal reserve act was passed it was thought wise to make the inducements to State banks to enter the Federal reserve system as many and as strong as possible. It was therefore provided in that act that Government funds should be deposited only in banks which were members of the Federal reserve system. The principle of such a provision is sound and indisputable.
>
> The Federal reserve system seeks to mobilize the financial resources of the country under one control. The bill which I now return repeals that provision so far as it might apply to funds accumulated in the hands of the Government under the postal savings system. It is in this provision of the bill that I find myself unable to concur.

Then the bill is returned with a veto.

What I rose to say, Mr. President, is that if the friends of this bill who want these funds to be deposited in State banks are wise, as I view the situation, they will not attach very many questionable amendments to the bill, because they will be very fortunate, indeed, if they get the approval of the bill as it now stands.

Upon further thought I recall the fact that the vetoed bill originated in the House of Representatives, and the veto has doubtless been sent to that body.

Mr. VARDAMAN. Mr. President, this bill is intended to meet an emergency. If the banks are to enjoy the extraordinary privilege secured to them by the bill I think there should be some limit to the profit they are to make thereby. We ought to

be able in the very nature of things to indulge the presumption that the banks are patriotic and will not take advantage of this emergency to make money. The fact is, it is for the good of the whole country, and I see no reason in the world why the General Government, which gives the banks this extraordinary power, should not restrain the banks in the matter of profit in the exercise of this privilege. While I do not want to cripple the very meritorious measure, which has already been greatly improved by the adoption of the amendment offered by the Senator from Georgia, by any unwise or any injudicious provisions, at the same time I see no reason why there should not be a limit fixed upon the charge of interest upon this emergency currency. I shall vote for the amendment.

Mr. CLARKE of Arkansas. Mr. President, before the vote is taken on this amendment I want to say a word very seriously about it. The amendment is entirely feasible and, in my judgment, entirely necessary. The emergency currency will be sent South, if sent at all, to relieve a situation connected with the cotton market. That situation at the present time imposes hardships upon the producers of cotton. They find themselves in the possession of a commodity which the world wants, but because of circumstances over which they have no control there is at this time no demand, and therefore there is no market for it. The surplus must be held. The question is whether it shall be held by speculators buying it at a price which represents a sacrifice of its actual value or whether the bounty of the Government which takes the form of this particular currency shall enable those who produce it to hold it until such time as they may realize a fair return upon the labor which it represents.

If that money is to be sent out to be added promiscuously to the volume of available funds there, it may turn out that in some instances it will suit those who have local control of it to divert it to the purchase of cotton instead of financing that commodity with a view to holding it until a better price shall come to hand.

It is the particular evil that is involved in that course of conduct against which the provisions of this amendment are directed. The necessities of that great industry appeal to the legislative discretion here to extend that aid. We therefore should safeguard it to the extent that it will deliver to those for whose benefit it is designed the use of this particular money. It will redound to the benefit of the entire community. The farmers who borrow the money will pay their debts with the money thus borrowed rather than sell their crops at a great sacrifice and pay with their diminished income the charges that have been fixed upon a very much more extravagant scale. It conforms exactly to the principles and policy that underlie the entire movement and brings to the hands of those and to the interests of those for whom it was designed the benefits of this legislation.

Selfishness has not left the South, nor will it leave any section. It is a duty that rests upon the Government to take care of these producers of agriculture, an industry that is entitled to all the benefits that can be rightfully extended by legislation, State or National. In every act that has been passed here we recognize that fact and exert ourselves to the utmost to do something for that great industry and for those who are now engaged in it. In this particular amendment we simply say that the Government has issued money at a rate of interest at which it can be profitably loaned to borrowers at 6 per cent. We have the test of the markets in many localities to demonstrate the fact that 6 per cent is an adequate return.

The Senator from Colorado [Mr. SHAFROTH] did not exactly state the laws governing the rate of interest in the State of New York. The rate of interest in the State of New York is 6 per cent, and to charge more than that involves a forfeiture of the principal and the interest and is a violation of the criminal laws of the State. There is an exception made in favor of transactions made on the stock exchange. They have what they term "call loans," as to which there is no rate of interest fixed. In the transactions of that great gambling institution conditions come about where as much as 1,000 per cent has been demanded of the victims of the schemes that have been concocted and carried out there. That will not do as a test by which to try out the merits of the policy projected here for the benefit of a class which appeals, and appeals strongly, not only to the sense of justice but to the sense of liberality of this Congress.

I think that the emergency currency that is sent South should first be offered to cotton raisers for the purpose of enabling them to hold their crops until such time as a better market can be found. I believe certainly that the rate of interest provided, namely, 6 per cent, is the commercial rate under ordinary times, and that that ought to be the rate exacted for this particular volume of money.

It will not do to say that this money will not be commingled with the funds of the bank. Of course it will be commingled with the funds of the bank, and it ought to be. There is no distinction in its value; there is no distinction in its receivability; it is money of the United States; but the books of the bank will show that among the funds assembled there is so much derived from the United States under the so-called Aldrich-Vreeland Act. They must deduct from that amount every loan they make to a farmer, and until it is exhausted they can not assume the attitude of denying him the right to appear there, with proper security, and on tendering the current rate of 6 per cent interest secure a loan. There is no difficulty about it at all.

Mr. VARDAMAN. Mr. President, if the Senator from Arkansas will yield to me for a suggestion just at this point, I desire to say that whenever this Congress makes the declaration embodied in the amendment offered by the Senator from North Carolina [Mr. OVERMAN] it is going to be a declaration of policy which will be very influential and almost coercive upon the bankers to do what Congress intended they should do. That which this Congress may do will create a most potential public sentiment. Not only the emergency currency would be loaned for 6 per cent interest, but the greater part of the money that they have in order to relieve the desperate situation there would be loaned at that rate.

Mr. CLARKE of Arkansas. It may have that effect, Mr. President; but I do not insist that we are attempting to bring into existence such conditions as that. This particular money has about it a certain element of bounty of the Government. The Government can attach such limitations and conditions as it may see proper to the use of that money. There is no use in overlooking the conditions as they actually exist. The condition of the cotton industry in the South is the only reason that makes those of us who represent those people stand here and insist that something shall be done for them.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. CLARKE of Arkansas. I do.

Mr. POMERENE. My feeling has been that to fix a rate of 6 per cent interest on this money would not, as I see it, encourage the bankers in the South to take the money at all, for this reason: If a banker, for instance, in the State of Arkansas has a capital stock of $50,000 and deposits amounting to $500,000—and that is not an unusual ratio between the capital stock and the deposits—and that money is being loaned out at 8 per cent, under this law the banks could get $62,500 of the emergency currency. Does the Senator from Arkansas think for a moment that such a bank is going to take $62,500 of the money which it can only loan at 6 per cent and thereby jeopardize the 8 per cent rate which it does get for all the other loans which it has made?

Mr. CLARKE of Arkansas. I do not have any idea that they will jeopardize their business; I do not expect them to do so. I am not offering any condition that will invite them to do so.

Mr. POMERENE. It would certainly have the effect of reducing the rate of interest upon all loans.

Mr. CLARKE of Arkansas. The banks there would open their eyes and look around and see upon what basis the prosperity of the community which they were serving rested; they would find that it rested upon the cotton industry, and they would say, "By a certain process we can call from Washington city $62,500 which we can loan the owners of cotton at 6 per cent, and we can leave for our other customers this other money." That would be the effect of it; that is the practical way to dispose of it, and that is the only way it will be disposed of.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Carolina.

Mr. OVERMAN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. If he were present, I should vote "yea."

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Wyoming [Mr. WARREN]. In his absence I withhold my vote.

Mr. GALLINGER (when his name was called). Announcing the same transfer of my pair as on former votes to-day, I vote "nay."

Mr. ROBINSON (when his name was called). I transfer my pair with the Senator from Michigan [Mr. TOWNSEND] to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. SAULSBURY (when his name was called). I announce my pair as heretofore and withhold my vote for the present.

Mr. SMITH of Georgia (when his name was called). I announce my pair with the senior Senator from Massachusetts [Mr. LODGE]. For the present I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], but I am informed that he is in accord with me upon this amendment. I therefore feel at liberty to vote. I vote "nay."

Mr. SMITH of Michigan (when Mr. TOWNSEND'S name was called). My colleague [Mr. TOWNSEND] is necessarily absent from the Senate. As announced by the Senator from Arkansas [Mr. ROBINSON], he is paired. If my colleague were present, he would vote "nay."

The roll call was concluded.

Mr. FALL. I inquire if the senior Senator from West Virginia [Mr. CHILTON] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. FALL. I have a general pair with that Senator, and therefore withhold my vote.

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. STONE. I transfer my standing pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. WALSH. I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the senior Senator from Arizona [Mr. SMITH] and vote. I vote "nay."

Mr. SMITH of Georgia. If it is necessary to make a quorum, I am at liberty to vote.

Mr. LEA of Tennessee (after having voted in the negative). I inquire if the Senator from South Dakota [Mr. CRAWFORD] has voted?

The VICE PRESIDENT. He has not.

Mr. LEA of Tennessee. I have a pair with that Senator, and, unless my vote is necessary to make a quorum, I withdraw it.

Mr. BRYAN. May I suggest to the Senator from Tennessee that the Senator from South Dakota made a speech against the amendment?

Mr. LEA of Tennessee. I did not hear the Senator from South Dakota make the speech to which the Senator from Florida refers; but under that statement, I feel at liberty to vote, and shall permit my vote to stand.

Mr. SMITH of Georgia. If my vote is needed to make a quorum, I vote "yea."

The yeas and nays resulted—yeas 10, nays 38, as follows:

YEAS—10.

| | | | |
|---|---|---|---|
| Bankhead | Robinson | Smith, Ga. | White |
| Overman | Sheppard | Thornton | |
| Ransdell | Simmons | Vardaman | |

NAYS—38.

| | | | |
|---|---|---|---|
| Ashurst | Jones | Norris | Smoot |
| Brady | Kenyon | Oliver | Sterling |
| Bristow | Kern | Page | Stone |
| Bryan | Lane | Perkins | Swanson |
| Burton | Lea, Tenn. | Pomerene | Thomas |
| Camden | Lee, Md. | Reed | Walsh |
| Chamberlain | McCumber | Saulsbury | West |
| Clapp | McLean | Shafroth | Williams |
| Gallinger | Martine, N. J. | Shively | |
| Hughes | Myers | Smith, Mich. | |

NOT VOTING—48.

| | | | |
|---|---|---|---|
| Borah | du Pont | Lippitt | Shields |
| Brandegee | Fall | Lodge | Smith, Ariz. |
| Burleigh | Fletcher | Martin, Va. | Smith, Md. |
| Catron | Goff | Nelson | Smith, S. C. |
| Chilton | Gore | Newlands | Stephenson |
| Clark, Wyo. | Gronna | O'Gorman | Sutherland |
| Clarke, Ark. | Hitchcock | Owen | Thompson |
| Colt | Hollis | Penrose | Tillman |
| Crawford | James | Pittman | Townsend |
| Culberson | Johnson | Poindexter | Warren |
| Cummins | La Follette | Root | Weeks |
| Dillingham | Lewis | Sherman | Works |

The VICE PRESIDENT. The yeas are 10, the nays 38. The Senator from Arkansas [Mr. CLARKE], the Senator from Florida [Mr. FLETCHER], and the Senator from New Mexico [Mr. FALL] are in the Chamber and are paired. A quorum is present, and the amendment of the Senator from North Carolina is rejected.

Mr. CRAWFORD subsequently said: Mr. President, I simply rise to a question of privilege. I regret that after having spoken against the Overman amendment I was called from the Chamber in an official way and did not hear the signal for the roll call, and lost the opportunity which I desired to have to vote against that amendment. I wish the RECORD to show that my absence was unavoidable.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to further amendment.

Mr. NORRIS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add as a new section, after the section already agreed to, the following:

SEC. 3. That every national banking association doing business in a State where there is a State law providing for the securing of deposits in State banks shall be, and is hereby, authorized, if permitted by the laws of such State, to avail itself of such State law, and to take the necessary steps under the laws of such State to guarantee its deposits.

Mr. NORRIS. Mr. President, I believe if I could have the attention of the committee there could not possibly be any objection to this amendment and that they would perhaps be willing to accept it. The amendment, as Senators will notice, does not compel national banks to enter the State systems, but it gives them the privilege of doing so if the State law provides that they may do so. As a matter of fact, in quite a number of States where they have a law guaranteeing the deposits of State banks a provision is contained in the State law authorizing national banks doing business in the State to avail themselves of the State law. Under a decision of the Comptroller of the Currency, rendered some time ago, national banks are not permitted to avail themselves of such a law.

This amendment simply gives to such banks as desire to avail themselves of the State law the opportunity of doing so, and it seems to me there can be no possible objection to it. I do not care to discuss the question unless there is objection to the amendment.

Mr. WEST. Mr. President——

Mr. NORRIS. I yield to the Senator from Georgia.

Mr. WEST. If the State law does not permit the national banks to enter their systems, the adoption of the Senator's amendment would not necessitate the convening of the legislature in order to pass a law consonant with the Senator's object, would it?

Mr. NORRIS. No; we have no jurisdiction to compel the States to pass a law admitting national banks, and unless that is done, of course the amendment has no application to the States. It only applies where the State has given permission to the national bank which is desirous of availing itself of the provisions of the State law to do so.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska.

Mr. SHAFROTH. Mr. President, it seems to me that we are going into a subject that is not germane to the bill now pending; and even if it were germane, it is such a comprehensive question that it would not be wise to legislate on the matter in connection with the pending bill, which is purely and strictly an emergency measure and which involves only one or two principles, even as amended. A proposition to ingraft upon this bill the guaranty of national bank deposits is one that, it seems to me, should not prevail. I hope the amendment will be defeated.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. SHAFROTH. Yes, sir.

Mr. NORRIS. This amendment is not to ingraft upon the national banks a law to guarantee deposits.

Mr. SHAFROTH. Oh, no; not upon the national banks. Will the Secretary state the amendment, please?

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add a new section, as follows:

SEC. 3. That every national banking association doing business in a State where there is a State law providing for the securing of deposits in State banks shall be, and is hereby, authorized, if permitted by the laws of such State, to avail itself of such State law, and to take the necessary steps under the laws of such State to guarantee its deposits.

Mr. SHAFROTH. I feel that this is not the proper place to put such an amendment, and I do not want the bill encumbered with provisions of that kind. If the Senator introduces a bill to that effect, and it is carefully considered, and the committee examines into it closely, it may be all right. I am inclined to favor State laws with relation to the guaranty of deposits; but, at the same time, I do not think this bill is the proper place for the provision.

Mr. NORRIS. Will the Senator yield again?

Mr. SHAFROTH. Yes.

Mr. NORRIS. I should like to say to the Senator that this amendment is a bill that was introduced in the Senate on the 30th day of last January. It was referred to the Committee on Banking and Currency. I asked the chairman of the committee for a hearing before the Banking and Currency Committee sev-

eral times, and wrote him in regard to it, and he finally referred it to a subcommittee, of which my colleague from Nebraska [Mr. HITCHCOCK] was the chairman.

I took it up with him on various occasions in order to get a hearing before the subcommittee; but my colleague always said that he would call the subcommittee together, and it would be considered. I have no doubt he intended to do so; but he was very busily engaged in other matters, and the subcommittee was never convened.

The chairman of the Banking and Currency Committee examined the bill, and I think the chairman of the subcommittee, my colleague, examined it. While I am not authorized by either of them to say that they would support the bill, they both talked as though they were favorable to it, and each one expressed to me the idea that he could see no possible objection to it.

Let us take a State as an illustration. I will take the State of Nebraska as an illustration. It has a State law guaranteeing deposits. That law provides that national banks can come in under that law the same as State banks. So the law is passed ready for them; but the Comptroller of the Currency has decided that there is no authority under the laws of the United States to permit national banks to come in under that law. This simply permits them to do it.

I have introduced the bill at the behest of national bankers in my own State. I have had quite a good deal of correspondence with national bankers in other States where they have similar State laws. There is nothing compulsory about it. If a national bank in a State where there is such a guarantee-of-deposits law does not desire to avail itself of the State law, it simply stays out. There is nothing in this amendment that compels them to come in. It is left entirely with them. If, however, the State law provides that they can come in, and they want to go in, it seems to me there can be no possible objection to allowing them to go in.

National banks doing business in the same locality with State banks, as a rule, I think, are anxious to go into the State system and have their deposits guaranteed under the State law. A national bank doing business in a State where they have such a law that does not desire to do so would not be required to do so if this amendment were adopted.

So it is not any snap judgment that I am trying to get by this amendment. I have done the best I could to get it considered by the committee and by the subcommittee. It has been introduced now ever since last January; and, as far as I have been able to ascertain from conversations with members of the Banking and Currency Committee, no possible objection is seen to its passage.

It is true, as the Senator says, that this amendment is offered to a bill relating to an emergency proposition, and that if this amendment were put on the bill it would become permanent law. That is true; but, under the rules of the Senate, it is in order. This is not an appropriation bill; and there is not any question but that it is proper to offer the amendment here. It simply gives to national banks the consent of the United States to avail themselves of State laws where the State law provides that they can come into the system.

In justice to the national banks that are doing business in States where there are State laws guaranteeing deposits, it seems to me we ought to grant this permission. The question as to the wisdom or unwisdom of guaranteeing deposits is not involved here, as I look at it. It would be involved if there were something compulsory about it.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. I yield to the Senator.

Mr. REED. I desire to say to the Senator from Nebraska that I am thoroughly in accord with the desire to provide a means by which bank deposits may be guaranteed. I am willing to enter upon that work at the earliest possible date; but I do hope the Senator will not insist upon attaching this amendment to the pending bill. The proposition involved in the Senator's amendment may seem to him very simple; it may be a very simple proposition as applied to his State, but it may be quite another proposition in some other State. All of those circumstances and conditions ought to be fully taken into consideration.

Mr. NORRIS. Will the Senator give an illustration of an instance where it would be a hardship?

Mr. REED. I can not, for the reason that this amendment to this bill is now sprung here, utterly ungermane to it, having nothing to do with it; and we are asked to cite instances, to quote laws, to understand situations, without the slighest opportunity to advise ourselves. That is one of my chief objections.

I assure the Senator that when it comes to the proposition of passing a proper bank-guaranty act I shall be in favor of such an act; but I call his attention to this fact:

We are engaged in amending the emergency-currency act. We are engaged in amending it because there is an emergency now present, pressing, and acute. This is no time to introduce other propositions which will involve distrust in some quarters, and disputes and doubts. This is the last time in the world when we ought to be tinkering unnecessarily with the financial situation or with banking conditions.

Let me illustrate to the Senator what I mean, and I am appealing to him as one of the fairest men I ever knew and asking him to withdraw this amendment, to the end that the bill may be passed to-night.

There are hundreds of bankers in this country who will be almost thrown into the rabies at the mere suggestion of bank guaranty. They do not believe in it. I think they are wrong, but the fact that I think they are wrong does not convince their judgment. Now, when we are engaged in floating a large amount of asset currency, when we are confronted by an emergency such as the world has never seen before, when this country, alone of all the countries in the world, seems to be upon a reasonably sound financial basis, when our confidence has not been destroyed nor disturbed, why, at this moment of all others, introduce a subject that will provoke opposition, will raise question, and will cause doubts to spring up? Why not wait for a more convenient and proper season?

The disposition in the Senate for the last two or three days seems to be to load everything onto this emergency measure. I have about come to the conclusion that some Senators, if they were engaged in the great war in Europe, and had a wagon loaded with ammunition, and it were necessary to get it to the front, would want to put in a lot of household goods with the ammunition simply because the wagon happened to be going at that time. The household goods would be all right, but this is not the time to load them on.

I want to read to the Senator a letter, which I have permission to read, which I received from the Comptroller to-day. I will read the second paragraph. The first has nothing to do with the matter I am discussing:

> I think it very desirable that the amendment to the Aldrich-Vreeland Act increasing the ratio of additional currency which may be issued by national banks on the security of commercial paper from 30 per cent of unimpaired capital and surplus to 80 per cent should be passed as promptly as possible.
>
> There are quite a number of banks suffering at this time because of this restriction. They are in need of more currency; and as their assets are principally, if not exclusively, commercial paper rather than bonds, they are shut off from the relief which they require.
>
> Very sincerely,
>
> JOHN SKELTON WILLIAMS.

My information, aside from the letter, is that the national bankers of some of the Southern States are literally imploring the Government for this money at once. This bill was introduced about 10 days ago. It was anticipated that it would be passed almost immediately, but when we brought it in here, instead of passing this little, simple bill, we have had debate lasting for days in an effort to add on a lot of other things.

My objection to adding the Senator's amendment at this time is that it will create a doubt and a disturbance in the minds of many bankers; it will involve us in a long debate; it will not be passed here in a minute. I should like to get this little bill passed to-night, if it be possible. If the Senator will just withdraw the amendment, I assure him that I will cooperate with him, not only in getting his proposition ultimately into the law, but a broader one, if possible.

Mr. NORRIS. Mr. President——

Mr. SHAFROTH. I want to make a suggestion to the Senator, because I have been in favor of a State bank-guarantee law; I can readily see that perhaps the Secretary of the Treasury would say: "I do not want our national banks to come in, because they are then subject to certain liabilities and certain assessments which might impair their capital or might seriously interfere with their operations."

Now, I perhaps do not think so; but, at the same time, it gives a field not only for the rejection of it by the other House, but also for a long debate and, perhaps, a veto by the President. I do not know his views upon this matter, but it does not come properly on an emergency measure, it seems to me.

I assure the Senator that, so far as I am concerned, I should like to give this matter careful consideration in the committee, and it may be that under some features of it, with some additions or something of that kind, a favorable report might be made; but it seems to me it is not the proper thing to take up something that is proposed here without any examination upon the part of the committee. We have the Ten Commandments

they are good and they are wise, but we would not think of putting them on a bill. If they were offered as an amendment to the bill, we would all vote against them. It is not because they are not good, however, and it is not because the Senator's amendment is not good.

Mr. MARTINE of New Jersey. We would not need to add them to a Democratic measure. That goes without saying.

Mr. SHAFROTH. Mr. President, on this emergency measure, which we have been trying to limit and confine to one thing only, it seems to me this amendment ought not to be urged by the Senator.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WALSH. I desire to inquire of the Senator from Nebraska if he has reflected upon the fact that if this amendment were adopted it would operate only until the 1st of July next?

Mr. NORRIS. No; I do not think the Senator is right on that point.

Mr. WALSH. Let me call his attention to section 20 of the original Aldrich-Vreeland Act. It reads:

> That this act shall expire by limitation on the 30th day of June, 1914.

Mr. NORRIS. Yes.

Mr. WALSH. Now, by the provisions of the act of August 4, 1914, that has been extended by the following:

> The provisions of the act of May 30, 1908, authorizing national currency associations, the issue of additional national-bank circulation, and creating a National Monetary Commission, which expires by limitation under the terms of such act on the 30th day of June, 1914, are hereby extended to June 30, 1915.

Mr. NORRIS. Yes.

Mr. WALSH. Accordingly, as this act expires at that time, the amendments, being a part of the act, will cease to have any force or effect after that date.

Mr. NORRIS. I think the Senator is entirely wrong. This amendment does not purport to be an amendment to that act.

Mr. WALSH. No.

Mr. NORRIS. It shows on its face that it is not an amendment to that act. It does not follow, because it is offered to a bill that is an amendment to a certain act, that it will become an amendment of that act. It shows plainly on its face that it will be permanent law.

Mr. WALSH. Mr. President, the pending bill reads as follows:

> That section 1 of an act approved May 30, 1908, entitled "An act to amend the banking laws," as heretofore amended—

And so forth.

Mr. NORRIS. Yes.

Mr. WALSH. And it is this bill, which is an amendment of that act, which the Senator desires now to amend.

Mr. NORRIS. This section is in no sense an amendment to that act. I do not think the Senator's contention is right at all that if this amendment is adopted and goes into law it expires with that act.

The VICE PRESIDENT. Does the Chair understand that it is a separate bill that is now being presented by the Senator?

Mr. NORRIS. It is a separate amendment. It is a new section to the bill. We can provide in one section of a bill to amend a certain section and in another section to amend another section, and in another section of the bill to amend still a different law. Some of those laws may be temporary and pass out of existence by their terms, and others may be permanent; and in the same bill we can put in another section that amends no law and becomes permanent law. There can be no possible doubt about that. For instance, the Aldrich-Vreeland emergency currency bill, as it was passed, amended certain sections of the Revised Statutes.

No man will contend, when the Aldrich-Vreeland Currency Act passes out of existence by its own terms, that the Revised Statutes amended by that act in certain independent sections will therefore pass out of existence. I do not think anyone would contend that.

Mr. WALSH. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. WALSH. I can not understand that at all. The language is that this act shall expire by limitation.

Mr. NORRIS. That is, the Aldrich-Vreeland Currency Act.

Mr. WALSH. That is the Aldrich-Vreeland Currency Act. That provision of the act is as cardinal in its effect as all other provisions in the act. It says, not one part of this act, but this act, the entire act, everything in the act, shall expire by limitation.

Mr. NORRIS. Section 11 of the Aldrich-Vreeland Currency Act amends a certain section of the Revised Statutes. It provides what shall be placed upon the national bank notes. The Senator does not contend that when the Aldrich-Vreeland Currency Act expires by limitation the form of the national bank currency note will be changed again and go to the old form?

Mr. WALSH. I can not possibly reach any other conclusion.

Mr. NORRIS. The amendment which I offer does not become a part of the Vreeland-Aldrich Act. It is a common thing in legislation to provide by one act for the amendment of several different sections, several different independent acts. We could add an amendment on this bill which would provide for a change in the immigration laws, and that would not pass out of existence because the Aldrich-Vreeland Currency Act passed out of existence.

Mr. President, I prefer not to argue it on the technical ground. I want to take up some of the objections which have been urged. The Senator from Missouri [Mr. REED] and the Senator from Colorado [Mr. SHAFROTH] are both anxious to pass the bill. I am not trying to delay its passage. When I offered this amendment I had no idea that it would meet with opposition. I did not undertake to debate it because I had no idea but that it would practically pass by unanimous consent, because from all the Senators I have talked with and all the thought I have been able to give to it it seemed so fair on its face that there could be no possible objection to it.

It is said that if I should withdraw this amendment later on we can take it up and pass a bill that will be even broader and provide for the guaranteeing of deposits. Every Senator here knows that that kind of a bill would incur debate that would make it impossible of passage at least at this session of Congress. The guaranteeing of deposits for national banks is a broad question upon which the Senate and the House and the country are divided, and it will be discussed at length. It will lead to interminable debate. But that question is not involved in this amendment. It is not raised here.

However, I want to say to Senators, particularly those of the South, and in answer to the suggestion made by the Senator from Missouri, that this bill is desired because there is a condition in the South that needs immediate remedy; there is a condition in every State where there is a State guarantee of deposit law that needs immediate remedy. There is a condition everywhere where such a law exists and where a national bank is in competition with a bank across the street doing business under a guarantee-of-deposit law, and at least many of them are anxious for the opportunity to put their bank on a parallel with the competing bank that is doing business in the same town in the same neighborhood. It is a condition which, it seems to me, ought to be remedied. All I seek to do by this amendment is to take off the objection of the Government of the United States and to say that those banks so situated shall have the privilege of the Government to go into the State system if they want to do it.

We have already adopted an amendment to the bill, section 2, I think it is, which provides that State banks shall be allowed to take advantage of the emergency-currency act. This simply gives national banks an opportunity to take advantage of a State law. It is almost on a parallel with that amendment, because that amendment gives certain privileges to State banks to take advantage of a Federal law. This amendment gives the privilege to Federal banks to take advantage of a State law.

Mr. JONES. It does not authorize any further inflation.

Mr. NORRIS. Absolutely not.

Mr. President, I have no desire to delay a vote. It does not seem to me that the amendment ought to lead to debate. If the national banks do not want to take advantage of it, they will have nothing whatever to do. If there is a national bank that does want to take advantage of it, why should we object if the State law provides that they may?

Mr. REED. I move to lay the amendment on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri to lay the amendment on the table.

Mr. BRISTOW. May I ask the Senator from Missouri to withhold his motion for a moment?

Mr. REED. I really do not want to deny to any Senator the privilege of making remarks. I will withdraw the motion, if the Senator desires.

Mr. BRISTOW. Mr. President, I merely wish to explain to the Senator from Missouri that this is not a complicated matter, nor is it far-reaching or in any way dangerous. Take the State of Kansas. We have a very fine State insurance law which insures the deposits of depositors in State banks. The national banks in our State have undertaken to come in under the provisions of this law and let their depositors have the advantages which depositors in State banks have, but the Comptroller of the Currency has held that it is not permissible

under the law. This amendment simply gives those banks an opportunity, if they so desire, to avail themselves of this law.

The national banks in Kansas have felt the necessity of organizing a private insurance company, of which national bankers alone are stockholders and members, and they insure their deposits in this way. But it is not as good nor as satisfactory to the depositor in many instances as is the State insurance law. I do hope the Senate will not deny the bankers in States like Kansas and Nebraska this opportunity when it can do no harm to any system at all.

Mr. JONES. Mr. President——

Mr. BRISTOW. I yield.

Mr. JONES. I wish to ask the Senator if the comptroller, in his decision denying the national banks the right to come in under the State law, based it on any ground that went to the merits of the proposition or showed any disadvantages that might accrue, or was it simply because the law does not permit it?

Mr. BRISTOW. No; he claimed that the present national banking law would not permit a national bank to join this association, it being a State association. It was believed by a great many lawyers that the comptroller was not right; but, of course, he had the authority to decide, and he decided it, and the banks did not pursue it any further.

I wanted to make these remarks before a vote was taken, because I believe the amendment is just, and I hope it will pass. If the Senator from Missouri renews the motion, I want to ask for the yeas and nays on the motion to lay on the table.

Mr. WILLIAMS. Mr. President, I do not believe that in the long run a State depositors' guaranty system will prove to be safe. The area over which it extends is not broad enough. The number of risks covered are not numerous enough, and especially not varied and divergent enough in character and kind.

I do believe in building up in the Treasury of the United States a depositors' mutual insurance fund for the protection of depositors in the member banks of the reserve-bank system. Such a system would be continental in scope and in diversity of support, of securities, and of risk. I advocated and proposed that in the Democratic conference called to discuss and amend the banking and currency bill, which has since become law. It was then placed upon the bill which was reported here, it passed the Senate, and it went out in conference under a pledge or promise on both sides of the Capitol that the matter would be taken up in the course of time by the committees as a separate piece of legislation and brought to the Senate and House for their consideration and action. I am very sorry that that has not been done. Plenty of time has passed for it to have been done.

But I do not believe in this amendment of the Senator from Nebraska for two reasons. First, I do not believe that the insurance-deposit system confined to a single State, unless it were perhaps some very wealthy State with a very numerous population and very varied industries and commercial interests, like New York or Pennsylvania, is for long safe. In the second place, that being the case, I would not want national banks to enter into the State system in Kansas or Nebraska or Oklahoma. I believe it would threaten the safety of the national banks there and the stability of the national banking system elsewhere interwoven in interest or credit.

Mr. NORRIS. Will the Senator yield?

Mr. WILLIAMS. Yes.

Mr. NORRIS. I should like to say to the Senator that during the last year or within about a year we have had in my State two bank failures, both national banks, and since the adoption of the State guaranty law quite a number of years ago we have never had a failure of a State bank.

Mr. WILLIAMS. Oh, yes; but, Mr. President——

Mr. NORRIS. The Senator says that the system in a State like Nebraska or Kansas is not safe, because the State is not big enough. It is a good deal safer than those institutions in Wall Street.

Mr. WILLIAMS. It takes more than one swallow and more than two swallows to constitute a spring. Insuring deposits through a State guaranty law could no more prevent the failure of a bank than insuring my life could prevent my dying. The sole thing is that if a bank did fail its depositors would be paid, and if I did die my family would be given the amount of money for which I had insured my life. But in the long run it is utterly impossible for me to conceive that either a fire insurance or a life insurance or a financial depositors' insurance company, confined to the border of one State, not very wealthy and not very populous, nor of very great diversity of pursuits and collaterals, can be a safe investment.

I would hate for Mississippi to undertake it. Of course a thing of that sort may go on for a long time without being wrecked. The South Sea bubble scheme went on a longer time than this has gone on in Nebraska, as far as that is concerned, and Law's Mississippi land scheme did, too. Both went on a long time before either was wrecked, but they had to be wrecked after a while.

You could not establish an ordinary fire or life insurance company that was confined to a small area and a small number of risks. You can constitute either successfully, doing business all over a great country like this, and you can constitute a depositor's insurance fund in the Treasury of the United States that will render every depositor in every bank in the United States under the Federal system perfectly safe as an insurance proposition, but I do not believe you can do it with regard to one State for very many years. It may be done for a few years. In fact since this system has been in vogue in these States there has been no great period of financial crisis, panic, or even prolonged trepidation. There has not been even a period of great and prolonged financial depression. There has been no opportunity to test the system, and notwithstanding the fact that there was no opportunity to test it, in at least one of the States where it existed it got into rather a dangerous situation; not in the State represented by the Senator from Nebraska [Mr. NORRIS] nor by the Senator from Kansas [Mr. BRISTOW], however.

I would dislike to see this amendment ingrafted upon the bill for the reasons that I have mentioned and for a further reason: I think it would have a tendency to procrastinate the greater measure, which I hope some time will become a part of the law of the country. Crises and panics are brought on, Mr. President, as a rule not by a fear of bank notes. Not one has ever existed in the United States of America on that account. They are brought on by panic amongst the depositors.

So I had hoped when we had this reserve-bank system up the conferees would bring out the bill with the amendment then proposed by me and which had been ingrafted upon it in the Senate in character such as I described a moment ago. It was generally referred to in newspapers as a "Government guaranty of deposits." It was not that at all. It was a tax upon deposits in the banks for the building up of a mutual depositors' protection fund for all the country, just as the present indemnity fund in the Treasury is kept up in the same way; just as there is a Soldiers' Home fund kept there and raised by levying a tax of 10 cents a month, I believe, upon each regular private soldier. It takes care of the beautiful and homelike Soldiers' Home out here north of Washington, with all the improvements, medical attendants, hospitals, and everything necessary to carry it on. What I proposed is a totally different thing from having a Government guarantee the debts of a corporation, for which I should under no circumstances vote. The deposits in a bank are merely the debts of that bank. The Government has no more right to guarantee the debts of a bank in my town than it has a right to guarantee my debts, but the Government has a right when it inaugurates a national banking system, and thereby lends standing to constituent banks, to provide a means whereby taxes shall be levied upon deposits so that depositors themselves shall be protected. It is a part of the regulation of the banking system whereby the banks are forced to protect the depositors, and not a guaranty of the debt by the Government in any sense. But I believe if this amendment were to go on now, under these circumstances, it could do no good that I see, and it might have the effect of rather delaying action and obscuring vision, as far as this great piece of legislation, that I hope some day to see upon the statute books, is concerned.

Mr. REED. Mr. President, I move to lay the amendment on the table.

Mr. NORRIS. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I again announce my pair with the Senator from Wyoming [Mr. WARREN], and I withhold my vote for the present.

Mr. GALLINGER (when his name was called). Again announcing the transfer of my pair as on the previous votes, I vote "yea."

Mr. ROBINSON (when his name was called). Again announcing my pair with the Senator from Michigan [Mr. TOWNSEND], I withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the Senator from Nevada [Mr. NEWLANDS] and vote. I vote "yea."

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY].

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Kansas [Mr. THOMPSON] and vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the senior Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. FALL. I have a general pair with the senior Senator from West Virginia [Mr. CHILTON], who is absent on official business. I therefore withhold my vote.

Mr. ROBINSON. I transfer my pair with the Senator from Michigan [Mr. TOWNSEND] to the Senator from Nevada [Mr. PITTMAN] and vote. I vote "yea."

The yeas and nays resulted—yeas 31, nays 14, as follows:

YEAS—31.

| | | | |
|---|---|---|---|
| Bankhead | Myers | Shafroth | Swanson |
| Bryan | Oliver | Sheppard | Thornton |
| Camden | Page | Shields | Vardaman |
| Chamberlain | Pomerene | Simmons | Walsh |
| Gallinger | Ransdell | Smith, Ga. | West |
| Kern | Reed | Smith, Mich. | White |
| Lea, Tenn. | Robinson | Smoot | Williams |
| McLean | Saulsbury | Stone | |

NAYS—14.

| | | | |
|---|---|---|---|
| Bristow | Hughes | Lewis | Perkins |
| Burton | Jones | McCumber | Sterling |
| Clapp | Kenyon | Martine, N. J. | |
| Crawford | Lane | Norris | |

NOT VOTING—51.

| | | | |
|---|---|---|---|
| Ashurst | du Pont | Lodge | Smith, Ariz. |
| Borah | Fall | Martin, Va. | Smith, Md. |
| Brady | Fletcher | Nelson | Smith, S. C. |
| Brandegee | Goff | Newlands | Stephenson |
| Burleigh | Gore | O'Gorman | Sutherland |
| Catron | Gronna | Overman | Thomas |
| Chilton | Hitchcock | Owen | Thompson |
| Clark, Wyo. | Hollis | Penrose | Tillman |
| Clarke, Ark. | James | Pittman | Townsend |
| Colt | Johnson | Poindexter | Warren |
| Culberson | La Follette | Root | Weeks |
| Cummins | Lee, Md. | Sherman | Works |
| Dillingham | Lippitt | Shively | |

The VICE PRESIDENT. On the motion to lay the amendment proposed by the Senator from Nebraska [Mr. NORRIS] on the table, the yeas are 31 and the nays are 14. Not a sufficient number of pairs have been announced to make a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bankhead | Kenyon | Perkins | Sterling |
| Bryan | Kern | Pomerene | Stone |
| Burton | Lane | Ransdell | Swanson |
| Camden | Lea, Tenn. | Reed | Thomas |
| Chamberlain | Lewis | Robinson | Thornton |
| Chilton | McCumber | Saulsbury | Vardaman |
| Clapp | McLean | Shafroth | Walsh |
| Crawford | Martine, N. J. | Sheppard | West |
| Fall | Myers | Shields | White |
| Fletcher | Norris | Simmons | Williams |
| Gallinger | Oliver | Smith, Ga. | |
| Hughes | Overman | Smith, Mich. | |
| Jones | Page | Smoot | |

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The pending question is on the motion of the Senator from Missouri [Mr. REED] to lay on the table the amendment proposed by the Senator from Nebraska [Mr. NORRIS].

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The Chair is unable to entertain that motion. The roll call is proceeding. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. FLETCHER (when his name was called). Announcing my pair as before, I withhold my vote; but I desire to be counted as present to constitute a quorum.

Mr. GALLINGER (when his name was called). Making the same transfer as on the former vote, I vote "yea."

Mr. ROBINSON (when his name was called). I again announce my pair with the Senator from Michigan [Mr. TOWNSEND] and for the present withhold my vote.

Mr. SAULSBURY (when his name was called). I make the same announcement of my pair and its transfer as on the previous vote and vote "yea."

Mr. STONE (when his name was called). I make the same announcement as to my pair as on the former vote and vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote. If at liberty to vote, I should vote "nay."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

The roll call was concluded.

Mr. FLETCHER. I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Maryland [Mr. LEE] and vote "yea."

The result was announced—yeas 35, nays 16, as follows:

YEAS—35.

| | | | |
|---|---|---|---|
| Bankhead | Kern | Reed | Stone |
| Bryan | Lea, Tenn. | Saulsbury | Swanson |
| Camden | McLean | Shafroth | Thornton |
| Chamberlain | Myers | Sheppard | Vardaman |
| Chilton | Oliver | Shields | Walsh |
| Culberson | Overman | Simmons | West |
| Fall | Page | Smith, Ga. | White |
| Fletcher | Pomerene | Smith, Mich. | Williams |
| Gallinger | Ransdell | Smoot | |

NAYS—16.

| | | | |
|---|---|---|---|
| Ashurst | Crawford | Lane | Nelson |
| Brady | Hughes | Lewis | Norris |
| Burton | Jones | McCumber | Perkins |
| Clapp | Kenyon | Martine, N. J. | Sterling |

NOT VOTING—45.

| | | | |
|---|---|---|---|
| Borah | Gore | O'Gorman | Stephenson |
| Brandegee | Gronna | Owen | Sutherland |
| Bristow | Hitchcock | Penrose | Thomas |
| Burleigh | Hollis | Pittman | Thompson |
| Catron | James | Poindexter | Tillman |
| Clark, Wyo. | Johnson | Robinson | Townsend |
| Clarke, Ark. | La Follette | Root | Warren |
| Colt | Lee, Md. | Sherman | Weeks |
| Cummins | Lippitt | Shively | Works |
| Dillingham | Lodge | Smith, Ariz. | |
| du Pont | Martin, Va. | Smith, Md. | |
| Goff | Newlands | Smith, S. C. | |

So Mr. NORRIS's amendment was laid on the table.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to further amendment.

Mr. LANE. Mr. President, before the bill is finally passed, I wish to say a word in connection with it.

Mr. KERN. Will the Senator yield to me a moment?

Mr. LANE. I yield to the Senator.

Mr. KERN. I move that at not later than 6 o'clock p. m. the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. LANE. Mr. President, I have been thinking from an unprejudiced standpoint of the results which would be accomplished by this bill if it becomes a law. I find that, taking a bank which has, say, a hundred thousand dollars of capital and surplus loaned out at 8 per cent, in one quarter, or three months, it would receive $2,000 in interest. Under the bill that bank, on approved commercial paper, will be allowed to issue $75,000 of emergency-currency notes, which it can loan and also receive 8 per cent interest. During that three months the bank would have to pay a tax of 3 per cent to the Government, so that there will remain net to the bank a profit of 5 per cent for three months on the $75,000, which will add $937.50 to the income of the bank.

If that is true—and I see no error in the computation—there is an increase of almost 50 per cent to the income of the bank. Its income, then, amounts to about 12 per cent upon an original capitalization of a hundred thousand dollars invested in commercial paper, notes of hand, bills of exchange, all ordinary paper that floats through, in, and out of a national bank. Such assets can be readily increased or decreased.

So we have about 12 per cent coming to the gentlemen who have invested the hundred thousand dollars. Who is going to pay it? That will come out of the people of this country; they are going to pay $937.50 more on the hundred thousand dollars than they pay now.

The Democratic Party, which has in the past criticized the Vreeland-Aldrich bill—and I am one of those who has criticized it—as being a measure which was enacted by a party which has been too closely connected, hooked up with, and tied to the big interests, is putting before the people, as a Democratic measure, enacted by the party of the people for the benefit of the people, a bill which is not in accord with sound principles of finance, is undemocratic, is going to cost the people more money, and which will not, in my opinion, relieve existing conditions.

I have no confidence in any such doctrine as that. It is an unsound financial proposition. One of the Senators said yesterday that the British Nation, in a state of war, who are raising a million men to go over and fight the Germans, at an enormous expense, had gotten down under the stress of such war conditions so that they had but 16½ per cent reserve of gold. Under this bill, and the one that is tied to it, and other measures that we have introduced here, the American people, who are not at war with anybody, who have cotton and wheat and produce of all kinds to sell, will be on a gold basis of 5 per cent, and in addition the people of the country will be up against an inflated currency, for which they will be compelled to pay 12 per cent. A Democratic measure? A Democratic doctrine?

I am going to give you a correct imitation of one Democratic Senator who will vote against this bill because he thinks it is undemocratic, and that it is special legislation in the interest of a few and against the masses of this country. I not only want to vote against it, but I am going to protest against it, and I have taken up this length of time to do so.

You can not fool the people on any such proposition as that very long; at least, I do not think you can. It may be expedient, but it is not good principle. I do not like to see it passed. We have been putting through a good deal of special legislation in the recent past, and now, when we are dealing with the very lifeblood of the people, the circulating medium, the great high power to issue, which should remain in the hands of the Government itself, we pass it over to irresponsible agents to make profit from it.

The people are responsible for these notes. They guarantee the credit of this money, and pay a profit of 12 per cent for doing so. The Government of this country should issue the money to the people direct. No one else should have that right. We have no right to delegate it to any set of gentlemen. If there is emergent need of more money, this Government can print it as fast as a bank can, and its guaranty is better. The resources of the country, with the Government behind the notes, are better security. You would not then have to check up securities in order to ascertain which had been "kited" and which were good, and which would be paid when they became due.

I am ready for a vote.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading and read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. SMITH of Michigan. On the passage of the bill I call for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

### STANDARD BOX FOR APPLES.

Mr. CLAPP. Mr. President, a few days ago the Senate recalled from the House of Representatives the bill (S. 4517) to establish a standard box for apples, and for other purposes. I presume, as a matter of parliamentary procedure, there should be a motion entered to reconsider. I desire at this time to enter a motion to reconsider the vote by which the bill was passed by the Senate.

The VICE PRESIDENT. The motion may be entered, but the Chair will have to call the attention of the Senator from Minnesota to the fact that the time has long since expired within which the motion to reconsider could be entered. The Chair suggests that for the present the RECORD will show the entry of the motion to reconsider, and the disposition of it will be taken up later.

Mr. JONES. Mr. President, I did not intend to make a point of order against the motion at all, because I know the Senator simply wants time in which to get certain information.

The VICE PRESIDENT. It is not the business of the Chair to make it, except that the Chair's attention has been called to the fact.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the concurrent resolution (H. Con. Res. 42) authorizing the printing of the journal of the national encampment of the Grand Army of the Republic.

The message also announced that the House had passed the joint resolution (S. J. Res. 166) authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States, to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution (No. 46) providing for the printing of additional copies of House Documents Nos. 939 and 908 of the Sixty-third Congress, relative to the dress and waist industry in New York City, in which it requested the concurrence of the Senate.

### ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also anounced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 4741. An act for the protection of the water supply of the city of Salt Lake City, Utah; and

S. J. Res. 121. Joint resolution authorizing the Secretary of War to furnish one United States garrison flag to William B. Cushing Camp, No. 30, Sons of Veterans.

### THE OIL INDUSTRY.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back with amendments Senate resolution 442, for the appointment of a committee to investigate and report upon the alleged monopoly of the ownership of pipe lines for the transportation of petroleum, for the fixing of the price of petroleum, and so forth.

The VICE PRESIDENT. The resolution will be placed on the calendar.

### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PAGE:

A bill (S. 6481) granting a pension to Emily L. Small (with accompanying papers); to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 6482) granting an increase of pension to Isaiah Davis (with accompanying papers); and

A bill (S. 6483) granting an increase of pension to Thomas H. Core (with accompanying papers); to the Committee on Pensions.

### DRESS AND WAIST INDUSTRY.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 46) of the House of Representatives, which was read and referred to the Committee on Printing:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 20,000 additional copies of House Document No. 939, Sixty-third Congress, Wages and Regularity of Employment in the Dress and Waist Industry in New York City, and 20,000 additional copies of House Document No. 908, Sixty-third Congress, being Conciliation, Arbitration, and Sanitation in the Dress and Waist Industry in New York City. That 15,000 copies of each of said documents be placed in the House document room for the use of Members and 5,000 placed in the Senate document room for the use of Senators.

### SIXTH INTERNATIONAL SANITARY CONFERENCE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 166) authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States, to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes, which was, on page 2, line 3, after "appropriated," to insert "out of any money in the Treasury not otherwise appropriated."

Mr. STONE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

### CHIPPEWA RIVER BRIDGE, WIS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4976) permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis., which were, on page 1, line 8, to strike out "railroad" and to amend the title so as to read: "An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a bridge across the Chippewa River at Chippewa Falls, Wis."

Mr. CLAPP. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

XUM

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m., Friday, September 11, 1914) the Senate took a recess until to-morrow, Saturday, September 12, 1914, at 11 o'clock a. m.

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## NOMINATIONS.

*Executive nominations received by the Senate September 11 (legislative day of September 5), 1914.*

UNITED STATES ATTORNEY.

Harvey A. Baker, of Providence, R. I., to be United States attorney for the district of Rhode Island, vice Walter R. Stiness, resigned.

COLLECTOR OF CUSTOMS.

James L. McGovern, of Bridgeport, Conn., to be collector of customs, for customs collection district No. 6, in place of Fred Enos, whose term of office expired by limitation February 28, 1914.

POSTMASTERS.

ARKANSAS.

Mrs. C. A. Harris to be postmaster at Junction City, Ark., in place of Charles L. Jones, removed.

Charles McBride Cox to be postmaster at Rector, Ark., in place of Joel A. Harper, removed.

CALIFORNIA.

L. E. Payne to be postmaster at Carmel, Cal., in place of Lewis S. Slevin, resigned.

GEORGIA.

T. A. Adkins to be postmaster at Vienna, Ga., in place of Robert S. Middleton, deceased.

John W. Wells to be postmaster at Adel, Ga., in place of William M. Wakeford, deceased.

ILLINOIS.

George L. Hausmann to be postmaster at Vandalia, Ill., in place of Frank C. Eckard, resigned.

Henry A. Stokoe to be postmaster at Farmington, Ill., in place of Sewell P. Wood. Incumbent's commission expired June 2, 1914.

INDIANA.

H. C. Rutledge to be postmaster at Indiana Harbor, Ind., in place of Albert G. Lundquist, removed.

IOWA.

William L. Holtz to be postmaster at Newell, Iowa, in place of Albert F. Morse, resigned.

A. A. Montgomery to be postmaster at Stuart, Iowa, in place of John R. Smull, jr. Incumbent's commission expired March 16, 1914.

James Nowak to be postmaster at Malcom, Iowa, in place of Elizabeth Winchell, name changed by marriage.

William Walter to be postmaster at Dyersville, Iowa, in place of Clarence A. Muehe, removed.

KANSAS.

Thomas C. Rodgers to be postmaster at Beloit, Kans., in place of W. C. Perdue. Incumbent's commission expired June 21, 1914.

Inez E. Smith to be postmaster at Robinson, Kans., in place of A. B. Smith, deceased.

B. F. Tatum to be postmaster at Kinsley, Kans., in place of Charles A. Mosher. Incumbent's commission expired June 21, 1914.

KENTUCKY.

Otis W. Jackson to be postmaster at Clinton, Ky., in place of James D. Via, resigned.

A. G. Patterson to be postmaster at Pineville, Ky., in place of George C. Davis, resigned.

John B. Wathen to be postmaster at Lebanon, Ky., in place of Thomas C. Jackson. Incumbent's commission expired April 29, 1914.

LOUISIANA.

Martha E. Thompson to be postmaster at Winnsboro, La., in place of Martha E. Thompson. Incumbent's commission expired January 25, 1914.

MINNESOTA.

Jacob J. Folsom to be postmaster at Hinckley, Minn., in place of W. H. Noble. Incumbent's commission expired June 2, 1914.

Joseph Haggett to be postmaster at Bird Island, Minn., in place of Joseph H. Feeter, resigned.

John Morgan to be postmaster at Thief River Falls, Minn., in place of Frank H. Kratka, removed.

MISSISSIPPI.

W. W. Robertson to be postmaster at McComb, Miss., in place of Elijah T. Butler, resigned.

MONTANA.

James Bartley to be postmaster at Fort Benton, Mont., in place of Charles Lepley, resigned.

NEBRASKA.

Francis W. Brown to be postmaster at Lincoln, Nebr., in place of Edward R. Sizer. Incumbent's commission expired April 20, 1914.

Robert E. McBride to be postmaster at Red Cloud, Nebr., in place of Theodore C. Hacker, resigned.

NEW MEXICO.

L. L. Burkhead to be postmaster at Columbus, N. Mex. Office became presidential April 1, 1914.

NEW YORK.

Leo P. Collins to be postmaster at Mineville, N. Y. Office became presidential April 1, 1914.

John J. Heneber to be postmaster at Cornwall, N. Y., in place of Henry Riley. Incumbent's commission expired March 17, 1914.

Samuel H. Hunt to be postmaster at Palmyra, N. Y., in place of Robert H. Bareham. Incumbent's commission expired May 18, 1914.

John H. Hurley to be postmaster at Rushville, N. Y. Office became presidential January 1, 1914.

John C. Jubin to be postmaster at Lake Placid Club, N. Y., in place of John C. Jubin. Incumbent's commission expired February 9, 1913.

John T. Kopp to be postmaster at Martinsville, N. Y. Office became presidential July 1, 1914.

Charles R. McCann to be postmaster at Salamanca, N. Y., in place of Edward Bolard, removed.

H. D. Sibley to be postmaster at Olean, N. Y., in place of Edward Troy. Incumbent's commission expired May 6, 1914.

Henry H. Tripp to be postmaster at Millbrook, N. Y., in place of Frank W. Hallock. Incumbent's commission expired February 21, 1914.

John Toole to be postmaster at Hudson Falls, N. Y., in place of John Dwyer. Incumbent's commission expired March 5, 1914.

Bessie M. Wyvell to be postmaster at Wellsville, N. Y., in place of Frank W. Higgins, resigned.

OHIO.

Samuel A. Kinnear to be postmaster at Columbus, Ohio, in place of Harry W. Krumm. Incumbent's commission expired April 21, 1914.

J. O. Shaw to be postmaster at Newcomerstown, Ohio (late New Comerstown), in place of John R. McElroy, to change name of office.

F. F. Taylor to be postmaster at Seville, Ohio, in place of John A. Lowrie, removed.

OKLAHOMA.

P. H. Dalby to be postmaster at Ramona, Okla., in place of E. E. Heyle, resigned.

Luke Roberts to be postmaster at Hollis, Okla., in place of Robert G. Morris, removed.

Charles L. Williams to be postmaster at Maysville, Okla., in place of Robert L. Sample, resigned.

PENNSYLVANIA.

C. C. Roseborough to be postmaster at Alexandria, Pa. Office became presidential April 1, 1914.

RHODE ISLAND.

James Mangan to be postmaster at Greystone, R. I., in place of Frederick Webley, deceased.

TEXAS.

R. G. Brown, sr., to be postmaster at Longview, Tex., in place of T. E. Durham, deceased.

VIRGINIA.

S. S. Brooks to be postmaster at Appalachia, Va., in place of W. B. Peters, resigned.

F. G. Johnson to be postmaster at Toms Creek, Va., in place of George W. Rose, resigned.

Frederick A. Lewis to be postmaster at Emporia, Va., in place of William T. Tillar, resigned.

WASHINGTON.

Leonard Talbott to be postmaster at Toppenish, Wash., in place of Charles W. Grant, removed.

WEST VIRGINIA.

W. G. Bayliss to be postmaster at Macdonald, W. Va., in place of J. W. P. St. Clair, removed.

WISCONSIN.

John F. Samson to be postmaster at Cameron, Wis., in place of Frank Samson, resigned.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate September 11 (legislative day of September 5), 1914.*

UNITED STATES MARSHAL.

Jerome J. Smiddy to be United States marshal, district of Hawaii.

RECEIVER OF PUBLIC MONEYS.

John J. Missemer to be receiver of public moneys at Hugo, Colo.

REGISTER OF THE LAND OFFICE.

John R. Beavers to be register of the land office at Hugo, Colo.

POSTMASTERS.

ILLINOIS.

William F. Hogan, Dixon.

MASSACHUSETTS.

John McGrath, Amesbury.
E. H. Moore, Holden.

NEW YORK.

Bessie M. Wyvell, Wellsville.

## WITHDRAWALS.

*Executive nominations withdrawn September 11 (legislative day of September 5), 1914.*

POSTMASTERS.

ARKANSAS.

G. R. Pendleton to be postmaster at Junction City, Ark.

NEW MEXICO.

E. R. Gesler to be postmaster at Columbus, N. Mex.

PENNSYLVANIA.

George R. Hutchison to be postmaster at Alexandria, Pa.

# HOUSE OF REPRESENTATIVES.

## FRIDAY, *September 11, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Most merciful God, our heavenly Father, whose will is good will and in whom we put our trust, impart unto us of Thy substance that we may prove our faith in the common daily duties of life by a faithful service to our fellow men in justice, equity, truth, and good will, and thus be the instruments in Thy hands for the furtherance of Thy plans; in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MITCHELL, for 2 days, on account of death in his family.

To Mr. ROTHERMEL, for 1 day, on account of sickness.

To Mr. CONRY, for 10 days, on account of illness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 311. Joint resolution instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bill and joint resolution of the following titles:

S. 4741. An act for the relief and protection of the water supply of the city of Salt Lake City, Utah; and

S. J. Res. 121. Joint resolution authorizing the Secretary of War to furnish one United States garrison flag to William B. Cushing Camp, No. 30, Sons of Veterans.

APPROPRIATIONS AT THIS SESSION OF CONGRESS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal to-morrow the gentleman from Massachusetts [Mr. GILLETT] and myself may address the House on the question of appropriations at this session of Congress for not to exceed one hour each.

The SPEAKER. The gentleman from New York asks unanimous consent that to-morrow, immediately after the reading of the Journal, the gentleman from Massachusetts [Mr. GILLETT], the ranking member of the Committee on Appropriations, and himself may address the House for not to exceed one hour each on the subject of appropriations at this session of Congress. Is there objection?

There was no objection.

REGINA F. PALMER.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to discharge the Committee on Invalid Pensions from further consideration of House joint resolution 342, to correct an error in H. R. 12914, an omnibus pension bill, and to consider the same at this time.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Invalid Pensions from further consideration of House joint resolution 342 and to consider the same at this time. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 342.

Whereas by an error in printing the report of the Committee on Invalid Pensions upon H. R. 12914, approved July 21, 1914 (Private, No. 86), the designation of the military service of one Wilson P. Palmer, late captain Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, was changed to read "late Lieut. Col. Letzinger's emergency battalion"; and

Whereas there is also an error in the soldier's name, which changed it to read "William P. Palmer": Therefore be it

*Resolved, etc.*, That the paragraph in H. R. 12914, approved July 21, 1914, granting a pension to Regina F. Palmer, as widow of William P. Palmer, Lieut. Col. Letzinger's battalion, Pennsylvania Infantry, be amended to read as follows:

"The name of Regina F Palmer, widow of Wilson P. Palmer, late captain Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving."

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, it seems to me that the gentleman from Missouri [Mr. RUSSELL] or some other member of the Committee on Invalid Pensions ought to go over that act and get all of the corrections in at once. We have passed a number of resolutions reciting as a fact what is not the fact—that through an error in printing a certain bill certain errors were made. The errors were not in printing the bill at all. We put it off on the Printing Office, as though the printers had made an error, which they did not do. We seek to shove our errors onto some one else. Some one has told me that there are about 40 errors in that law. I do not know whether there are or not. I think we have corrected about a dozen or so. Why does not the committee go through the act and discover what the errors are and bring in a resolution correcting them all at once, without telling an untruth about it?

Mr. RUSSELL. Mr. Speaker, I think, perhaps, that would be a proper thing to do; but I want to state to the gentleman from Illinois and to the House that out of about 2,000 bills that were introduced and passed at this session it is not at all surprising that there have been several mistakes, usually very minor mistakes, in a given name or in the number of the company or regiment or something of that sort. The form of this resolution was prepared by the examiner who was sent to the committee by the Pension Department.

Mr. MANN. And I suppose he made the error, and he wants to put it on somebody else.

Mr. RUSSELL. That may be true. I confess that we have not taken the time—and I think it would be a very considerable labor to do that—to go through the acts passed and compare them with the 2,000 bills that have been introduced and considered in the House by different Members to see whether any mistakes have been made.

Mr. MANN. I suppose the Pension Office knows now regarding the mistakes, because, as I understand, they do not allow these pensions because of the errors in the description of the person. I suppose they know them all. That is where the gentlemen who introduce these resolutions get their information. I do not wonder that mistakes are made, although it seems curious that so many mistakes were made in one act. What

I object to is putting our mistakes off on the Public Printer, by saying that through some error in printing the bill the mistake was made, when the printer followed copy exactly.

Mr. RUSSELL. My recollection is the resolution introduced about three days ago by the gentleman from Massachusetts [Mr. GILLETT] was objected to by the gentleman from Illinois, and we undertook to modify that form to correspond with the criticism of the gentleman from Illinois, and in that resolution stated that it was a clerical error, but I understand the gentleman from Illinois objected to that.

Mr. MANN. Oh, no; I did not object to that.

Mr. RUSSELL. My recollection is that the gentleman stated that it was not true.

Mr. MANN. I congratulated the committee on reciting the facts correctly when they said a clerical error, instead of reciting that it was through an error in printing.

Mr. RUSSELL. Since that time, I will state to the gentleman from Illinois, I have suggested to every Member who has consulted me about it that they ought to follow that form; but this resolution was this morning for the first time called to my attention by the gentleman from Oregon [Mr. LAFFERTY]. I had not seen it before, and had never heard of it, but it is proper that the correction be made, and its form was prepared by the examiner sent here by the Pension Department. I dislike very much to annoy the House with these resolutions, but they should be corrected in some way.

Mr. MANN. Oh, I think the House is under obligations to the gentleman from Missouri for his courtesy in the matter.

Mr. RUSSELL. I thank my friend from Illinois.

Mr. GOULDEN. Mr. Speaker, will the gentleman yield?

Mr. RUSSELL. Yes.

Mr. GOULDEN. These mistakes occur because they are made by the Members?

Mr. RUSSELL. Frequently by Members, but possibly sometimes by some clerk.

Mr. GOULDEN. It is not a very serious matter, anyway.

Mr. RUSSELL. I know these mistakes are sometimes made by Members themselves.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 4741. An act for the protection of the water supply of the city of Salt Lake City, Utah; and

S. J. Res. 121. Joint resolution authorizing the Secretary of War to furnish one United States garrison flag to William B. Cushing Camp, No. 30, Sons of Veterans.

ENROLLED JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolutions:

H. J. Res. 334. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914; and

H. J. Res. 337. Joint resolution to provide for representation of foreign Governments growing out of existing hostilities in Europe and elsewhere, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER. Under the agreement entered into yesterday the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill——

Mr. MANN. Mr. Speaker, there was no agreement.

The SPEAKER. Why, the gentleman from Oklahoma [Mr. FERRIS] got unanimous consent.

Mr. MADDEN. Mr. Speaker, I objected to the unanimous consent.

The SPEAKER. If the gentleman did so, that is the end of it.

Mr. FERRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. Under the rule, so long as the consideration of these conservation bills provided for under the special rule did not conflict or interfere with pension days, are not those bills in order under the rule?

Mr. MADDEN. Mr. Speaker, if I may be allowed, in making the objection which I made last night I simply made it for the purpose of preventing this bill from getting in the way of business that was entitled to be taken up to-day. I really think there is no objection to the consideration of the bill now, and I certainly would not make any, but my objection last night was for the purpose of giving the legitimate business of the day the right of way.

Mr. FERRIS. Mr. Speaker, I believe the gentleman in all fairness will allow me to state I asked that it be considered only in the event there was no pension legislation. I have not offered to take any advantage whatever. I now ask to proceed with this bill to-day.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to proceed with the consideration of the bill H. R. 16136. Is there objection?

Mr. HOWARD. Mr. Speaker, reserving the right to object, I would like to ask the Chair what would be the status of bills on the Private Calendar other than pension bills in the event the Committee on Pensions had no bills? Would the calendar be considered in the regular order under the rule?

Mr. MANN. If the Speaker will permit me to make a suggestion to the gentleman, the bills which would be in order to-day are, first, bills removing the charge of desertion. They would probably take the day.

The SPEAKER. The Chair will read the rule, beginning at the beginning:

On Friday of each week, after the disposal of such business on the Speaker's table as requires reference only, it shall be in order to entertain a motion for the House to resolve itself into the Committee of the Whole House to consider business on the Private Calendar in the following order: On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion. On every Friday except the second and fourth Fridays the House shall give preference to the consideration of bills reported from the Committee on Claims and the Committee on War Claims, alternating between the two committees.

Now, the rule says preference shall be given on the second and fourth Fridays in the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion. Now, if there are any bills of that sort they may be considered under this rule.

Mr. HOWARD. Mr. Speaker, the reason I reserved the right to object—I do not know that I intend to object finally—is this: There are many bills on the Private Calendar that have been objected to on the Unanimous Consent Calendar, and there has been absolutely no opportunity for the membership of the House to consider those bills on their merits, and if there would not be any opportunity to consider those bills to-day that come from the Committee on Military Affairs, of which I am a member—and I have reported for the committee several of those bills on the calendar—or from the Committee on Naval Affairs, I certainly will object; and I would like to ascertain, if possible, how many bills for the removal of disabilities are on the calendar, if any.

The SPEAKER. That is a thing the Speaker does not know.

Mr. HOWARD. Well, Mr. Speaker, if I am in order, I will ask unanimous consent that bills on the Private Calendar that have not received any consideration, reported from the Committee on Military Affairs and the Committee on Naval Affairs, be made the order of business to-day.

The SPEAKER. There can not be two unanimous consents pending at once. The Chair will first put the one of the gentleman from Oklahoma.

Mr. HOWARD. Can I move to substitute my motion for the motion of the gentleman from Oklahoma?

The SPEAKER. No.

Mr. HOWARD. Then, Mr. Speaker, I object to the unanimous consent.

The SPEAKER. The gentleman from Georgia objects.

Mr. HOWARD. I then ask unanimous consent that bills reported from the Committees on Naval Affairs and Military Affairs be considered to-day.

The SPEAKER. The gentleman from Georgia asks unanimous consent that bills emanating from the Committee on Military Affairs and the Committee on Naval Affairs be in order to-day. Is there objection?

Mr. ALLEN. Mr. Speaker, reserving the right to object——

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. Will it be in order to move that the House go into the Committee of the Whole House?

The SPEAKER. It is in order for the gentleman to make the motion for the House to resolve itself into the Committee of the

Whole House for the consideration of private pension claims, bills removing political disabilities, and bills removing the charge of desertion.

Mr. HOWARD. Well, Mr. Speaker, not to repeat what the Speaker has said, I move that the House resolve itself into the Committee of the Whole House for the purpose of considering bills on the Private Calendar under the rule.

Mr. FERRIS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. The point of order is this: Under the rule, so long as no member of the Committee on Military Affairs or of the Committee on Pensions is clamoring for recognition or seeking to bring up any legislation on the two days set apart for their business, I think we automatically resolve the House in Committee of the Whole for the consideration of this bill, and the gentleman's motion therefore is not in order.

Mr. HOWARD. Mr. Speaker, I am a member of the Committee on Military Affairs.

The SPEAKER. The gentleman has the right to make a motion. It is not necessary for the chairman of one of those committees to make the motion. The special order excepted private bills from the operation of that rule, anyway. The question is on agreeing to the motion of the gentleman from Georgia [Mr. HOWARD], that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar.

Mr. FERRIS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. Does the motion embody the taking up of any other bills than bills emanating from the Committee on Pensions and the Committees on Military Affairs and Naval Affairs—bills removing the charge of desertion?

The SPEAKER. The Chair assumes that, when he is appointed, the Chairman of the Committee of the Whole House will decide that matter for himself.

Mr. BUCHANAN of Illinois rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUCHANAN of Illinois. For information. I would like to ask the gentleman from Georgia [Mr. HOWARD] if there are any bills of that character on the calendar?

Mr. HOWARD. Of what character?

Mr. BUCHANAN of Illinois. Bills from the Committees on Naval Affairs or Military Affairs for removing the charge of desertion.

Mr. HOWARD. There are numerous bills, Mr. Speaker, on the calendar from the Committees on Military Affairs and Naval Affairs that will never be reached unless we get this motion agreed to.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Georgia [Mr. HOWARD], that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. FERRIS. A division, Mr. Speaker.

The SPEAKER. A division is demanded. All those in favor of agreeing to the motion that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar will rise and stand until they are counted. [After counting.] Eighty-seven gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Seventy-one gentlemen have arisen in the negative. On this question the ayes are 87 and the noes are 71, and the House——

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-two Members are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of going into Committee of the Whole House will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 176, nays 141, answered "present" 5, not voting 109, as follows:

YEAS—176.

| | | | |
|---|---|---|---|
| Abercrombie | Bathrick | Bulkley | Claypool |
| Adamson | Beall, Tex. | Burnett | Cline |
| Alexander | Blackmon | Butler | Coady |
| Allen | Britten | Byrns, Tenn. | Collier |
| Ansberry | Brockson | Candler, Miss. | Cooper |
| Ashbrook | Brodbeck | Cantrill | Covington |
| Aswell | Broussard | Caraway | Dale |
| Bailey | Brown, W. Va. | Cary | Decker |
| Baker | Bruckner | Casey | Deitrick |
| Baltz | Buchanan, Tex. | Clark, Fla. | Dent |
| Dershem | Hammond | Madden | Rucker |
| Dickinson | Hardwick | Maguire, Nebr. | Rupley |
| Dies | Hardy | Mapes | Russell |
| Difenderfer | Hart | Miller | Saunders |
| Dixon | Haugen | Mitchell | Shackleford |
| Doremus | Hawley | Mondell | Sherwood |
| Driscoll | Hay | Montague | Sims |
| Drukker | Heflin | Moon | Sluyden |
| Dupré | Henry | Morgan, La. | Smith, Idaho |
| Eagle | Holland | Morin | Smith, J. M. C. |
| Edmonds | Howard | Mott | Smith, Saml. W. |
| Edwards | Howell | Mulkey | Smith, Tex. |
| Evans | Hughes, Ga. | Neely, W. Va. | Stanley |
| Farr | Hull | Nolan, J. I. | Stedman |
| Fields | Igoe | O'Hair | Stephens, Miss. |
| Fitzgerald | Jacoway | Oldfield | Stephens, Nebr. |
| FitzHenry | Johnson, Ky. | Padgett | Stevens, Minn. |
| Flood, Va. | Johnson, S. C. | Page, N. C. | Stone |
| Foster | Kinkead, N. J. | Park | Sumners |
| Francis | Kirkpatrick | Phelan | Talcott, N. Y. |
| Frear | Kitchin | Platt | Taylor, Ala. |
| French | Kreider | Post | Taylor, Colo. |
| Gard | Lazaro | Pou | Thomas |
| Garner | Lee, Ga. | Prouty | Tribble |
| Garrett, Tenn. | Lee, Pa. | Quin | Underwood |
| Garrett, Tex. | Lesher | Ragsdale | Vaughan |
| Godwin, N. C. | Lieb | Rainey | Walker |
| Goeke | Linthicum | Raker | Watson |
| Goodwin, Ark. | Lloyd | Rauch | White |
| Gordon | Lobeck | Rayburn | Williams |
| Goulden | Lonergan | Reilly, Wis. | Willis |
| Gray | McCoy | Riordan | Wilson, Fla. |
| Gudger | McKellar | Roberts, Mass. | Wingo |
| Hamilton, Mich. | McLaughlin | Rubey | Young, Tex. |

NAYS—141.

| | | | |
|---|---|---|---|
| Adair | Davenport | Keister | Porter |
| Ainey | Davis | Kelly, Pa. | Reed |
| Anderson | Dillon | Kennedy, Conn. | Roberts, Nev. |
| Avis | Donohoe | Kennedy, Iowa | Rogers |
| Barchfeld | Donovan | Kennedy, R. I. | Rouse |
| Barkley | Dooling | Kettner | Scott |
| Barnhart | Doolittle | Kinkaid, Nebr. | Sherley |
| Barton | Dunn | Konop | Sinnott |
| Beakes | Eagan | Lafferty | Sisson |
| Bell, Cal. | Esch | La Follette | Sloan |
| Booher | Falconer | Langham | Small |
| Borchers | Fergusson | Langley | Smith, Minn. |
| Borland | Ferris | Lenroot | Stafford |
| Bowdle | Fordney | Lindbergh | Stephens, Cal. |
| Browne, Wis. | Fowler | Logue | Stephens, Tex. |
| Brumbaugh | Gallivan | McAndrews | Stevens, N. H. |
| Bryan | Gillmore | McClellan | Taggart |
| Buchanan, Ill. | Gittins | McGuire, Okla. | Talbott, Md. |
| Burke, S. Dak. | Goldfogle | McKenzie | Taylor, Ark. |
| Burke, Wis. | Good | MacDonald | Temple |
| Callaway | Gorman | Mann | Ten Eyck |
| Campbell | Green, Iowa | Moore | Thacher |
| Cantor | Greene, Mass. | Morgan, Okla. | Thompson, Okla. |
| Carew | Greene, Vt. | Morrison | Thomson, Ill. |
| Carr | Gregg | Moss, Ind. | Towner |
| Carter | Hamilton, N. Y. | Murray, Mass. | Vollmer |
| Chandler, N. Y. | Hayes | Murray, Okla. | Wallin |
| Church | Helgesen | Neeley, Kans. | Walsh |
| Clancy | Helvering | Norton | Walters |
| Connelly, Kans. | Hinebaugh | O'Brien | Weaver |
| Copley | Houston | O'Leary | Whitacre |
| Cox | Hulings | Paige, Mass. | Witherspoon |
| Cramton | Humphrey, Wash. | Parker | Young, N. Dak. |
| Crosser | Johnson, Utah | Patton, Pa. | |
| Cullop | Johnson, Wash. | Payne | |
| Danforth | Keating | Plumley | |

ANSWERED "PRESENT"—5.

| | | | |
|---|---|---|---|
| Gill | Sparkman | Underhill | Woods |
| Glass | | | |

NOT VOTING—109.

| | | | |
|---|---|---|---|
| Aiken | Gerry | Korbly | Scully |
| Anthony | Gillett | L'Engle | Seldomridge |
| Austin | Graham, Ill. | Lever | Sells |
| Bartholdt | Graham, Pa. | Levy | Shreve |
| Bartlett | Griest | Lewis, Md. | Slemp |
| Bell, Ga. | Griffin | Lewis, Pa. | Smith, Md. |
| Brown, N. Y. | Guernsey | Lindquist | Smith, N. Y. |
| Browning | Hamill | Loft | Steenerson |
| Burgess | Hamlin | McGillicuddy | Stout |
| Burke, Pa. | Harris | Mahan | Stringer |
| Byrnes, S. C. | Harrison | Maher | Sutherland |
| Calder | Hayden | Manahan | Switzer |
| Carlin | Helm | Martin | Tavenner |
| Connolly, Iowa | Hensley | Merritt | Taylor, N. Y. |
| Conry | Hill | Metz | Townsend |
| Crisp | Hinds | Moss, W. Va. | Treadway |
| Curry | Hobson | Murdock | Tuttle |
| Doughton | Hoxworth | Nelson | Vare |
| Elder | Hughes, W. Va. | Oglesby | Volstead |
| Estopinal | Humphreys, Miss. | O'Shaunessy | Watkins |
| Fairchild | Jones | Palmer | Webb |
| Faison | Kahn | Patten, N. Y. | Whaley |
| Fess | Kelley, Mich. | Peters | Wilson, N. Y. |
| Finley | Kent | Peterson | Winslow |
| Floyd, Ark. | Key, Ohio | Powers | Woodruff |
| Gallagher | Kless, Pa. | Reilly, Conn. | |
| Gardner | Kindel | Rothermel | |
| George | Knowland, J. R. | Sabath | |

So the motion of Mr. HOWARD was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. AIKEN with Mr. SELLS.

Mr. CONNOLLY of Iowa with Mr. MERRITT.

Mr. UNDERHILL with Mr. STEENERSON.

Mr. WATKINS with Mr. VARE.
Mr. BARTLETT with Mr. ANTHONY.
Mr. ELDER with Mr. WINSLOW.
Mr. BELL of Georgia with Mr. CALDER.
Mr. MCGILLICUDDY with Mr. GUERNSEY.
Mr. SABATH with Mr. SWITZER.
Mr. GRAHAM of Illinois with Mr. KAHN.
Mr. BROWN of New York with Mr. AUSTIN.
Mr. SCULLY with Mr. BROWNING.
Mr. BURGESS with Mr. BARTHOLDT.
Mr. BYRNES of South Carolina with Mr. CURRY.
Mr. CARLIN with Mr. BURKE of Pennsylvania.
Mr. CONRY with Mr. FAIRCHILD.
Mr. DOUGHTON with Mr. FESS.
Mr. ESTOPINAL with Mr. GILLETT.
Mr. FINLEY with Mr. GRAHAM of Pennsylvania.
Mr. GALLAGHER with Mr. HINDS.
Mr. GLASS with Mr. SLEMP.
Mr. HAMLIN with Mr. GRIEST.
Mr. HARRISON with Mr. KELLEY of Michigan.
Mr. HAYDEN with Mr. HUGHES of West Virginia.
Mr. HELM with Mr. KIESS of Pennsylvania.
Mr. HENSLEY with Mr. J. R. KNOWLAND.
Mr. HUMPHREYS of Mississippi with Mr. MANAHAN.
Mr. KEY of Ohio with Mr. LEWIS of Pennsylvania.
Mr. LEVER with Mr. MOSS of West Virginia.
Mr. PALMER with Mr. MARTIN.
Mr. PATTEN of New York with Mr. LINDQUIST.
Mr. REILLY of Connecticut with Mr. NELSON.
Mr. SMITH of Maryland with Mr. POWERS.
Mr. SPARKMAN with Mr. PETERS.
Mr. TAVENNER with Mr. SHREVE.
Mr. TUTTLE with Mr. SUTHERLAND.
Mr. TOWNSEND with Mr. WOODRUFF.
Mr. WEBB with Mr. VOLSTEAD.
Mr. WHALEY with Mr. TREADWAY.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

Accordingly the House resolved itself into the Committee of the Whole House, with Mr. RAINEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar reported from the Committee on Military Affairs. The Clerk will report the first bill.

CAPT. HAROLD L. JACKSON, RETIRED.

The first bill on the Private Calendar reported from the Committee on Military Affairs was the bill (H. R. 4492) to restore Capt. Harold L. Jackson, retired, to the active list of the Army.

The Clerk read the title of the bill.

Mr. MANN. Mr. Chairman, that bill is not in order under the rule. Bills to remove charges of desertion are the only bills on the calendar which are now in order, and I think the first bill of that kind is Calendar No. 385.

The CHAIRMAN. The Chair knows no way by which the Clerk can tell what bill is in order until he reads the bill. The title does not show what a bill is.

Mr. MANN. The title of this bill shows what it is. I have no objection to the bill being read.

FIRST LIEUT. THOMAS J. LEARY.

The next bill on the Private Calendar reported from the Committee on Military Affairs was the bill (H. R. 3960) to correct the lineal and relative rank of First Lieut. Thomas J. Leary, Medical Corps, United States Army.

The Clerk read the title of the bill.

The CHAIRMAN. This bill does not appear to be in order. The Clerk will report the next bill.

STEPHEN MORRIS BARLOW.

The next bill on the Private Calendar reported from the Committee on Military Affairs was the bill (H. R. 9536) for the relief of Stephen Morris Barlow.

The Clerk read the title of the bill.

The CHAIRMAN. This bill does not appear to be in order.

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. Is there no method by which the House can determine what bills are in order under the rule without going through the entire calendar? It occurs to me that it is a useless consumption of time to read all of these bills. It seems that there ought to be some method by which we can determine whether these bills are in order.

The CHAIRMAN. If the chairman of the Committee on Military Affairs knows what bills are in order, the Chair will be glad to be advised. Otherwise the Chair knows of no way to determine it until the bills are read, at least by title.

Mr. MANN. The proper method would be for the gentleman from Georgia [Mr. HOWARD], a member of the Committee on Military Affairs, performing his function, to call attention to the bills which are in order.

Mr. HOWARD. I would be glad to do so, but I did not want to arrogate to myself authority that I did not have under the rule.

The CHAIRMAN. The Chair will be glad to have the gentleman from Georgia suggest what bills are in order.

Mr. HOWARD. I can tell the Chair what bills are not in order, but I am not familiar with those that are in order.

The CHAIRMAN. Unless the gentleman from Georgia or some other gentleman will suggest to the Chair the first bill in order, the Clerk will report the next bill.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SHERLEY having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

MAJ. GEORGE A. ARMES, RETIRED.

The committee resumed its session.

The next bill on the Private Calendar reported from the Committee on Military Affairs was the bill (H. R. 15301) authorizing the appointment of Maj. George A. Armes, retired, to the rank and grade of brigadier general on the retired list of the Army without increase of pay.

The Clerk read the title of the bill.

Mr. HOWARD. Mr. Chairman, I make the point of order that that bill is not in order under the rule.

The CHAIRMAN. The point of order is sustained. The Clerk will report the next bill.

CHARLES A. MEYER.

The next business on the Private Calendar reported from the Committee on Military Affairs was the joint resolution (H. J. Res. 237) to authorize the appointment of Charles A. Meyer as a cadet in the United States Military Academy.

The Clerk read the title of the joint resolution.

Mr. HOWARD. Mr. Chairman, I make the point of order that that is not in order under the rule.

The CHAIRMAN. The point of order is sustained. The Clerk will report the next bill.

CAPT. FRANK E. EVANS.

The Clerk read the title of the bill (H. R. 16514) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps.

Mr. HOWARD. Mr. Chairman, I make the point of order that that bill is not in order under the rule.

The CHAIRMAN. The point of order is sustained. The Clerk will report the next bill.

LIEUT. COL. CONSTANTINE MARRAST PERKINS.

The Clerk read the title of the bill (S. 5148) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps.

Mr. HOWARD. I make the same point of order, Mr. Chairman.

Mr. STAFFORD. No one can tell from the title. That bill might be in order.

The CHAIRMAN. The point of order is sustained. The Clerk will report the next bill.

CAPT. ARMISTEAD RUST.

The Clerk read the title of the bill (H. R. 2319) to transfer Capt. Armistead Rust from the retired to the active list of the United States Navy.

Mr. HOWARD. I make the point of order that that bill is not in order.

The CHAIRMAN. The point of order is sustained. The Clerk will report the next bill.

CHARLES B. GASKILL.

The Clerk read the title of the bill (H. R. 13329) to place the name of Charles B. Gaskill on the unlimited retired list of the Army.

Mr. HOWARD. Mr. Chairman, I make the point of order that that bill is not in order, and I ask unanimous consent to take up for consideration the first bill on the calendar that would be in order under the rule, which is Private Calendar No. 385. That is a desertion bill.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from Georgia asks unanimous consent to take up Calendar No. 385.

Mr. MANN. How about Calendar No. 322?
Mr. HOWARD. I understand that No. 322 is not a desertion bill.
Mr. BUTLER. How about Calendar No. 321?
Mr. HOWARD. The chairman of the subcommittee having these matters in charge says that it is not a desertion bill, that Calendar No. 385 is a desertion bill, and is the first bill on the Private Calendar that is in order.
Mr. MANN. I tried to tell the gentleman that some time ago.
Mr. HOWARD. I did not hear the gentleman.
Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Georgia a question about this bill.
Mr. McKELLAR. Under the rule, Mr. Chairman, as I understand it, this bill in relation to Jacob M. Cooper is a desertion case, and I do not think it requires unanimous consent to take it up.
The CHAIRMAN. The Chair understands that the first case in order on the calendar is Calendar No. 385, and that it does not require unanimous consent. The Clerk will report the bill.
Mr. SLAYDEN. Mr. Chairman, I want to ask the gentleman from Tennessee a question about this bill.
Mr. McKELLAR. Which bill?
The CHAIRMAN. Let the Clerk first report the bill.
The Clerk read as follows:

An act (S. 754) for the relief of Jacob M. Cooper.

*Be it enacted, etc.*, That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Jacob M. Cooper, now a resident of Iowa, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company C, Twenty-second Regiment United States Infantry, July 18, 1868: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. MANN. Mr. Chairman, I reserve a point of order on the bill. It is not in order.
The CHAIRMAN. The Chair will recognize the gentleman from Georgia.
Mr. HOWARD. Mr. Chairman, the gentleman from Tennessee [Mr. McKELLAR] reported this bill.
The CHAIRMAN. The Chair will recognize the gentleman from Tennessee [Mr. McKELLAR].
Mr. McKELLAR. Mr. Chairman, it strikes me that this bill is in order. It is a Senate bill, and has been reported by the Committee on Military Affairs.
Mr. MANN. Mr. Chairman, I will withdraw the point of order.
Mr. McKELLAR. Does the gentleman from Illinois want to ask any questions?
Mr. MANN. No; I want to discuss it. The bill is not in order, as a matter of fact.
Mr. McKELLAR. Mr. Chairman, this is a bill for the relief of Jacob M. Cooper. It has been passed by the Senate, and the facts are as reported by the War Department, which I will read:

It is shown by the records that Jacob M. Cooper enlisted November 29, 1865, to serve three years, giving his age as 18 years; that he was assigned to Company H, Second Battalion, Thirteenth Infantry, which, in December, 1866, became the Twenty-second Infantry; that he joined the company December 10, 1865; that he was transferred, as a private, to the regimental band, Twenty-second Infantry, December 19, 1867, and thence to Company C, same regiment, March 25, 1868.

Mr. STAFFORD. Can not the gentleman give us a synopsis of the report?
Mr. McKELLAR. I can give it quicker in the manner I am giving it. I want to say to gentlemen that as to these facts the committee passes on a great many of these cases, and it is absolutely impossible for any man to carry all the facts and the dates as to each case in his mind. I do not propose to do it. I have carefully prepared a report upon this case, from which I am reading, and the gentleman can read it also. There are facts and dates in this report which no man can carry in his mind without a reference to the report.

It is further shown by the records that while the soldier was serving in the last-named organization his mother made an affidavit to the effect that he was born September 5, 1850; that he enlisted in the Army without her consent; and that she desired to have him discharged from the military service of the United States.

Mr. HOWARD. Mr. Chairman, if the gentleman will permit me, I make the point of order that this bill, under the rule, is not a charge of desertion, because the man was dishonorably discharged.
The CHAIRMAN. The Chair thinks the point of order made by the gentleman from Georgia comes too late.
Mr. HOWARD. Mr. Chairman, I do not think the advocate of the bill would object.
Mr. McKELLAR. Yes; I think after having gone into it we ought to pass on the bill.
Mr. HOWARD. I make the further point of order that the written rule of the House states unequivocally that a certain class of bills shall have preference. Now, as soon as it was ascertained that this was not in that class the point of order was made. The reading of the bill shows that it is not a bill which has preference under the rule.
The CHAIRMAN. The difficulty with the position of the gentleman from Georgia is that we have proceeded to debate the bill for a considerable time and the Chair thinks that the point of order comes too late.
Mr. McKELLAR. Upon an investigation of the matter, an order was issued from the War Department, dated June 10, 1868, in which directions were given that the soldier be discharged the service of the United States upon receipt of the order at the place where he was then serving, and the order recited specifically that he was entitled to be discharged only under the provisions of paragraph 1371, Revised Army Regulations of 1863, which reads as follows:

Every enlisted man discharged as a minor, or for other cause involving fraud on his part in the enlistment or discharge by the civil authorities, shall forfeit all pay and allowances due at the time of the discharge and shall not receive any final statements.

The order of June 10, 1868, was duly carried into execution, and the soldier discharged July 19, 1868, in accordance with the terms thereof.
Now, Mr. Chairman, this bill was favorably reported after it had passed the Senate. This man was not dishonorably discharged from the service. As a matter of fact, he has an honorable discharge, but the War Department has put a construction on it that it was not entitled to. The War Department has construed the situation that because the department agreed to a separation from the service after the soldier had served in the Army two years and eight months, that because he was separated in that particular manner, by his own consent and the consent of the department, he was dishonorably discharged from the service, and I do not think that is a fair construction to put upon it.
Mr. SLAYDEN. Will the gentleman yield?
Mr. McKELLAR. Certainly.
Mr. SLAYDEN. Mr. Chairman, I take a special interest in bills of this class.
Mr. McKELLAR. I know the gentleman does.
Mr. SLAYDEN. But not with the same solicitude that my friends have who seek to put unworthy men on the pension roll. I think the gentleman from Tennessee in his statement just now is in error, because this man was discharged under the law, according to the report that the gentleman himself has just read. The regulation says:

Every enlisted man discharged as a minor, or for other cause involving fraud on his part in the enlistment or discharge by the civil authorities, shall forfeit all pay and allowances due at the time of the discharge and shall not receive any final statements.

Mr. McKELLAR. The gentleman will admit that under the wording of that law this man has not been dishonorably discharged.
Mr. SLAYDEN. The gentleman from Tennessee says that he was discharged because of no fault of his own. The young man evidently swore to a falsehood when he enlisted.
Mr. McKELLAR. That is entirely true.
Mr. SLAYDEN. That was his fault.
Mr. McKELLAR. That was his fault, and the committee may be wrong to that extent. But the gentleman is wrong in the other proposition, and that is this: That under the law this man was not dishonorably discharged, and the War Department has no right, in the opinion of the committee, to dishonorably discharge him when he ought to be entitled to all benefits of an honorable discharge.
Mr. SLAYDEN. Will the gentleman permit another question?
Mr. McKELLAR. Certainly.
Mr. SLAYDEN. Is a soldier who is discharged because he entered by fraud, which fraud was the taking of a false oath, entitled to an honorable discharge?
Mr. McKELLAR. I will say this to the gentleman, that I know cases where boys have gone into the Army under a false statement as to their age, where they made just as honorable soldiers as ever fought for their country, and they ought to have an honorable discharge. Many of them have it now.
Mr. SLAYDEN. The gentleman knows that there were no extraordinary conditions at the time of this enlistment. The war was over. His service began——
Mr. McKELLAR. Just before the close of the war. The war did not officially close till 1866.
Mr. SLAYDEN. Oh, no; just after the war. His enlistment began in November, 1865, according to this statement, and my recollection is that the Confederacy collapsed in April, 1865, so that it was some months after the war was over.
Mr. McKELLAR. I do not recall the date.

Mr. SLAYDEN. He performed no specially heroic service, I fancy, for the Government; but he went into it on a false statement as to his age, and he got out because his mother entered that plea and had him discharged as a minor.

Mr. GOULDEN. How old was this soldier at the time of his enlistment?

Mr. McKELLAR. About 18 years.

Mr. GOULDEN. The gentleman knows, as do many others, that it was no uncommon thing during the Civil War for young men—boys, in fact—to volunteer and make misstatements about their age, and I think it never ought to be held against them. It was a patriotic mistake, and should be rewarded.

Mr. McKELLAR. Mr. Chairman, I will say to the gentleman that they did it on both sides of that conflict, and those gentlemen who did it, who are still living, whether Confederate or Federal, now point back to their records with the greatest pride for having done that very thing.

Mr. GREENE of Vermont. Is it not very clear in this case that this young man was not actuated by any patriotic purpose to serve his country in time of war, because the war had been over for about six months?

Mr. McKELLAR. He went into the Army of the United States for any war.

Mr. GREENE of Vermont. Oh, no. What I am getting at is this——

Mr. McKELLAR. Whenever a man enlists in the Army he enters the service of his country, and it is either for a patriotic purpose or for the purpose of getting money.

Mr. GREENE of Vermont. The gentleman would not hold that an enlistment in time of peace, if it were fraudulently made, should have thrown about it afterwards any such excusing or condoning circumstance as might be easily suggested from a patriotic spirit aroused in the excitement of war time.

Mr. McKELLAR. But the gentleman, of course, knows that the law provides what the penalty is for making that kind of enlistment. It is to forfeit his pay, and it is not to be dishonorably discharged. The law does not require that. When the War Department ruled that way, under the law of 1863, they made an error, and that is all there is to it.

Mr. GREENE of Vermont. It is practically a discharge without honor, is it not?

Mr. McKELLAR. No. They construe it to be a discharge without honor; but, as a matter of fact, it is not a discharge without honor, in my judgment, or I would not have reported this bill.

Mr. GREENE of Vermont. And they have construed it as a discharge without honor for half a century, and every soldier who enlists in the Army to-day knows that if he gets in by fraud, and then gets out, he will be discharged without honor, and if we do not hold to the law somewhere, we will be letting all such people get in and out at any time at pleasure.

Mr. McKELLAR. Mr. Chairman, I yield now to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I call the attention of the House to the following letter from Mr. C. S. Barrett, president of the National Farmers' Union:

"As national president of the farmers' union, I feel it my imperative duty, in the presence of a great crisis, to give to the public an expression, not only of my own opinion, but that of the great national convention of the farmers' union which has just adjourned its annual convention, held at Fort Worth, Tex.

"The sorrowful and destructive war in Europe has had, in a business sense, a most disastrous effect upon the producers of the United States. We are but at the beginning of that war. No living man can safely predict how long it will last, and therefore none of us can foresee just how soon this unintentional embargo upon our foreign trade will continue. Naturally the destruction in Europe will make a demand for our superfluous foodstuffs just as soon as shipping facilities can be provided for getting these foodstuffs to the hungry millions of Europe.

"With our great staple—cotton—the situation is different. Europe takes an average of 60 per cent of the cotton crop. The demand from Europe has absolutely ceased, with no immediate prospect of a renewal of that demand. It is possible that England may take a reduced amount, but it is very certain that the amount which England can use, when engaged in a life and death struggle, will be greatly reduced.

"As I see it, and this is also the opinion of my colleagues, probably 50 per cent of the cotton crop will be unsalable during the present cotton season at any price whatsoever, and this will mean that the other half will be sold at a price far below the cost of production.

"A GRAVE SITUATION.

"I have never been a pessimist—my temperament rather leading me to the opposite view—but we are confronted to-day with a situation so grave that it would be worse than criminal for me to minimize this situation or to fail in setting it forth plainly.

"Numerous voluntary efforts are being made hastily by many of our splendid citizens, who have the best of intentions and who want to relieve the situation. These efforts, however well meaning and however worthy of our regard, will of necessity fail. One and all of them, when narrowed down, means that the people of the cotton belt must, out of their own resources, invest at least $400,000,000 in cotton with the prospect of holding it one year. While there are a large number of people in the cotton belt who could buy and hold some cotton one year as an inactive investment, the mere statement of the fact, which is true, that it will require $400,000,000 proves the utter impossibility of the cotton belt, out of its own resources, putting this immense sum of money into an inactive investment.

"Since 1873 we have had several panics in this country. In each case the financial equilibrium has been chiefly restored by our exports of cotton, which established our foreign credit and brought to us immense stores of gold. It is by far the largest single item in our foreign trade. It is, indeed, our main reliance for keeping us in a healthy financial condition, and from becoming too deeply indebted to other nations. It is the rock upon which rests all the prosperity of one-third of our country and nearly one-third of our population.

"TIME FOR DEEDS—NOT WORDS.

"All men are fond of recognizing in speech the service of the farmer who clothes and feeds humanity, but the time has now come when this friendly expression must be concreted into the deed. It is absolutely true that the situation is so urgent and the sum needed so great that no other power in this country, except the Government, can get adequate action quickly enough to save the farmers, who are losing every day millions of dollars.

"In the strong interdependence which exists between all classes the farmer, when he goes to destruction, will not go alone. The merchant and the country banker, the doctor and the fertilizer man, to all of whom he owes money, will share his fortunes. The wholesaler and the manufacturer and the big banker, to whom the country merchants and the country bankers owe money, will share his fortunes. If the cataclysm must come, it is not going to be merely a farmers' cataclysm.

"If the farmer had been to blame for this situation by his neglect of sound economic principles and his determination to raise more stuff that the world needs he would deserve no sympathy. But this he has not done. For several years past the world has taken our entire supply of cotton at a fair price, and the present crop is only normal. But for the unforeseen complications brought about by the European war the farmer would have obtained his usual fair price and the country would have prospered.

"The tobacco farmer is in no better condition than the cotton farmer. Indeed, some say that his situation is worse, if that be possible. This brings us to the one practical remedy. The strength and credit of the people's Government must be utilized for the protection of one-third of the people who are facing the destruction of their material interests.

"CONGRESS MUST ACT.

"In such an emergency, if the Congress of our country is not willing to use the governmental power for the salvation of the people, there is something radically wrong with the Congress.

"Bear in mind that this cotton crop is intrinsically worth at least the 12½ cents per pound which it has averaged for the last few years, for it has no substitute on earth. All the linen, all the wool, all the silk goods on earth would not clothe one-half of the people. Cotton is the mainstay of the world when it comes to clothing. For all food products one could find a substitute. For cotten there is no substitute.

"Governmental help, therefore, would not mean that Government was giving anything to anybody, but merely that Government was tiding over these people in an emergency and would get its money back with interest. Government has helped a great many other interests, without getting its money back. It has helped the manufacturers with a protective tariff for many years. It has helped the bankers with favorable legislation for many years. It has helped the railroads by giving them untold millions of acres of land. When this war broke out and there were two or three hundred thousand Americans in Europe, without a moment's delay it found ships and gold to send to Europe and bring them back, without any regard as to whether the money was ever repaid or not. It has spent $400,000,000 to build the Panama Canal for the benefit of the world's commerce. It is about to spend $35,000,000 to build a railroad in Alaska, which has a total population of 65,000, for the development of Alaska. * * * When a good many thou-

sand Mexican soldiers, with their women, refugeed across the Rio Grande, Government interned them for many months in this country and spent a very large sum of money to keep them in comfort, which money it has not the remotest prospect of ever collecting. It has found money, apparently, for everything and everybody except the producers of the country, and the producers have heretofore asked nothing. Now they ask that their Government, which can be so liberal in every other direction, will come to their relief without risk or loss. For the first bale of cotton that our Government buys at a fair price would fix the price of the whole crop and insure our farmers safety.

"ASK NOTHING BUT JUSTICE.

"In the present situation, I and those who agree with me do not approach the Government as mendicants, but as men who have had a large share in the making of this country, whose services have been of enormous value to all the people, and we feel that we are but asking elementary justice when we ask the Government to stand by us in a crisis which is not of our making, and when we know that the Government does not risk the loss of a single penny in so doing.

"The demand is so urgent that we feel entitled to as prompt action on the part of Congress as the Congress gave when it was appropriating money and ordering out ships to bring American refugees from Europe, and these refugees, who were primarily pleasure seekers, would never have been able to take their pleasures in Europe but for the labors of the men who are now confronted with such tremendous loss.

"Representative BOB HENRY, of Texas, has introduced into the lower House of Congress a bill which will save the day. But the Congress has already plainly indicated that it will do nothing unless pressure is brought to bear upon it; and the purpose of this letter is to ask that every farmer and every true friend of the farmer who reads this will sit him down instantly and write to his Congressmen and his Senators, demanding the instant passage of this bill. If the Senators and Congressmen can be made to feel that the farmers and their friends in this country demand this action, they will get it, and until they are made to feel that way they will not move.

"I most earnestly, therefore, urge upon you the necessity of instant action if you feel, as I do, the importance of saving the business situation in this Republic.

"C. S. BARRETT,
"*National President Farmers' Union.*"

I further call the attention of the House to the following letter from Mr. W. S. Witham, together with an article from the Atlanta Constitution, to which he refers:

"ATLANTA, GA., *September 8, 1914.*

"MY DEAR SIR: Referring to the inclosed editorial from to-day's Atlanta Constitution I wish to say:

"First. None of the cotton States, or cotton States governors, so far as I know, have done anything to help the situation in their own immediate territory, except one governor, who called a meeting of the governors in Atlanta, which, however, has been called off for lack of cooperation.

"Washington has done nobly. Now, but two things remain for the United States Government to do if possible.

"First. Establish a foreign exchange, so that we can sell our cotton drafts, just as New York is now selling wheat drafts. How, I do not know. There is a way, and I hope you will find it. New York has tried and failed.

"Second. Get the ships ready to load with cotton and we will then have a limited foreign market.

"The Government money intended for the farmer travels by such a long, round-about, expensive, red-tape way that few, if any, farmers have received it.

"The State banks do not wish to issue money, but they do want to be distributors of the public money. The money leaves Washington and goes to a national bank at 3 per cent rate. Then it goes to a State bank at 6 per cent rate, and from the State bank it reaches the farmer at 8 per cent or more. Thus the farmer pays all of the accumulated charges and expenses which would be saved by removing at least one of the 'middle men.' The Government wants the indorsement of the national bank. The indorsement of the State bank is just as good. If the money went to the State bank at 3 per cent, they would deliver it to the farmer at not exceeding 4 or 5 per cent, covering express charges and other absolutely necessary expenses. I wish such a plan could be worked out, since the farmer is the 'real beneficiary.'

"Unless the United States Government, or the cotton States, through legislatures, can by law curtail the crop of 1915, then the banks do not want the money and will not become indorser for the Government, assuming all the risk without the protection of a curtailed crop.

"If raising the import duty on Egyptian and other foreign countries would do any good, put it through. Banks are not going to take the chance of an early closing of the war without a legal curtail of the crop.

"Yours, truly, "W. S. WITHAM."

"TIME FOR WASHINGTON TO ACT OR TELL PEOPLE TO LOOK ELSEWHERE.

"In the face of the temporary closing of foreign cotton markets the South is facing the greatest crisis since the Civil War.

"That is not a call to pessimism, but it equally is not an invitation to apathy or futile mouthing on part of the responsible leaders of to-day.

"Apropos—

"Since the closing of the ocean lanes to merchant marine Congress, and especially the southern contingent having to do with the cotton States, has pyramided promise upon promise to the southern farmer and the southern business man.

"We have been told there was more than $150,000,000 currency available under the Vreeland-Aldrich Act for the protection of distress cotton, for the prevention of anything approaching a collapse of the southern financial structure, which still depends so largely upon cotton as its mainstay.

"Right and left the objurgation from Congress to the farmer has been, 'Don't worry. Keep cool. We'll take care of you. Don't sacrifice your cotton. It is only a question of a few days. And plans are now being rapidly perfected.'

"That cry has become stale.

"Weeks have elapsed.

"Cotton is crowding into the buying centers.

"Buying is irregular, freakish, or nonexistent.

"Worst of all is the uncertainty.

"The southern farmer and the southern business man who is so largely dependent upon the farmer do not know what to expect from Congress.

"They have been given hypodermic after hypodermic of hope and reassurance from those who sit in the seats of the mighty.

"But, so far as anything tangible is concerned, the farmer and the business man are no better off than when European and American exchanges closed summarily and they were thrown back upon their own resources.

"This is unfair. This is bad faith. And it is bad politics for those concerned in it. The farmers and business men of the South have long memories. They are not going to forget the men who made promises in a desperate emergency and then apparently sat down and twiddled their thumbs in impotency or indifference.

"There will be a substantial margin of the incoming crop that American mills, conceding even an abnormal increase in demands upon their products, will not be able to absorb.

"That margin must in some manner be protected until matters readjust themselves.

"In the meantime, and with markets closed, cotton is stagnant.

"The innumerable factors nearly and remotely affected by cotton are marking time.

"Christmas is approaching.

"The need of the South is money, actual currency, with which to meet obligations of the more imperative kind, with which to subsist, if you want the plain truth.

"And with this shadow brooding over the entire South Congress promises and promises; caucus after caucus is held first by the Senate and then by House Democrats; honeyed and stimulating phrases are handed out by the yard and by the minute—

"All without definite action.

"There seems to be plenty of Government money available for other purposes not half so urgent as that of the Nation's leading export crop in distress.

"Southern Senators and Representatives, as shown by a Constitution correspondent, are quick enough to valorize silver.

"They are ready enough to vote huge sums to bring back refugees from Europe, to take care of interned Mexicans, to get panicky Americans out of Europe.

"But when it comes to extending vital, life-blood aid to a crop upon which millions of Americans and their business fabric depends, there is either inability or outright deception. There is no alternative between these two viewpoints.

"Either Congress is able to and intends to aid southern cotton or it is unable to do so and does not intend to make an earnest effort.

"The situation offers no other interpretation.

"Either the professions of undying devotion to their farmer constituents on part of southern Congressmen are buncombe for home consumption or the statesmanship of our day is unequal to an epochal emergency.

"To which of these counts is Congress, southern Congressmen especially, going to plead?

"The plan to evangelize individuals into valorizing cotton is well enough as far as it goes, but it can not go far enough. But it merits the help of every man who is able to buy a bale of cotton, for every little counts.

"Aid, to be effectual, must come from a central source and must be general.

"Among other soothing-syrup prescriptions, we have been told that New York and Washington will cooperate in financing cotton.

"If they will cooperate, all right.

"But in the name of heaven, let something be done.

"Let us know where we stand.

"Let us know if we are to expect a life rope or indifference while the man in the water works out his own salvation.

"If cotton is to be made collateral for loans from the banks, let us know that, and quickly, and let the currency which has been so volubly promised be forwarded to the banks.

"That is the most practical solution.

"Cotton is not a cold-storage product. Age does not affect it. Cotton stored to-day is better for spinning when a year old than now.

"The world, eventually, is going to want and demand every pound of cotton the South this year produces, and at a good price.

"But the world is now in no position to buy or spin cotton.

"Until these abnormal obstacles are removed it is incumbent upon either the statesmanship of the Nation or the resourcefulness of the southern people to rise to an emergency that is not likely to recur in world history.

"If a Government, rich and powerful, is helpless at times like these, in the name of common sense, what is that Government really for? If it runs along smooth enough when the channel is smooth, then ships water and flounders when the channel is a trifle rough, what sort of statesmanship is driving it? If it can find relief from the Treasury for a dozen sources—for all save the crop that is the dependence of a people; if it can find money for philanthropic or pork-barrel projects, and reject what is merely an emergency loan amply secured—what are its people to think of it?

"Congress must in a few days find the answer to these questions.

"Time presses!

"The situation grows worse by the hour.

"The South is entitled to know whether the promises of Congress are empty and demagogic pretext or whether they are genuine.

"The South is entitled to know whether it can depend upon the Government for temporary aid or whether it must make other arrangements.

"It comes down to this—

"Congress is on trial, not only before the South but before the Nation.

"Its opportunity for service is unique.

"If it does not grasp that opportunity, the confession of weakness will be unique in all American history.

"We have enough talk from Washington—it is now time to act."

I do not present the bill indorsed by Mr. HENRY of Texas, referred to in Mr. Barrett's letter, because it is available to any Member who desires to secure and read it. Without indorsing or discussing all the detailed statements in these various documents, I present them to the House on account of the great importance of the subject. We are not only facing a great emergency—local, personal, and national—but we are in the very jaws of irreparable disaster. Almost all other commodities in the country, in so far as they are affected by the appalling conditions abroad, are enhanced in price. The millions of producers in Europe have laid aside the instruments of production and taken up the weapons of destruction. Having ceased to produce, their sustenance makes a greater drain upon our production; and they have to be fed, though their clothing is less important. All the metal and combustible materials, being subjected to greater demand, are also increased in price. Cotton alone, which furnishes the clothing for the world and the balance of trade for our entire people, has suddenly received a stunning blow, which has in 30 days reduced its price one-half, which, unless averted by immediate heroic remedies, will destroy the debt-paying and purchasing capacity of nine-tenths of those who produce the cotton and administer a staggering blow to the financial stability of all the commercial interests which make up the superstructure of our business and social system.

The mills in France, Germany, and Russia have ceased to operate by virtue of war conditions, and the mills in England, being unable to take and use the entire 60 or 65 per cent of our cotton crop usually exported, the immediate demand has been reduced by 60 or 65 per cent. The producers being unable to hold their crops, so much of it being distress cotton demanded instantly on their debts, and those above in the commercial scale being unable to indulge them without liberal payments on their debts, there must be a corresponding loss of 60 or 65 per cent to the producers, which would not only take away all profits, but cause the net result to fall far short of paying the expense of production.

A great many remedies are suggested in this time of spasmodic, almost hysterical discussion and suggestion, the utilization of which time does not permit. They are things which I have advocated all my life, and not only advocated, but supported by practice. One is the use of cotton for every conceivable purpose which would locate the demand at home instead of abroad. Another is the production of all supplies and necessaries as a prime consideration, making cotton a surplus crop, so that the producer would be able to hold or sell at his own volition. Another is ample construction of bonded warehouses, in which the owners of cotton may hold, insure, and control their cotton until prices justify the sale. Another is local cooperation, by which those who are able could relieve those who are not able and take and hold the distress cotton. If that were universally and promptly indulged, it would go far to help the situation.

A certain and effectual remedy would be for all banks in concert in the cotton States simultaneously to announce that they would lend money on cotton baled and insured at a minimum price, and it would not matter what the price was. If all the banks would lend money at a minimum price of 10 or 12 cents per pound, there would never be another pound sold for less. But how are you going to get the banks to agree to that? They just will not do it, and there is no way to make them do it unless the Government, in providing them with funds, shall not only authorize but also require them to do it.

Another thing that would enrich the South, and thereby enrich the entire country, would be to erect enough cotton factories in this country to spin all the cotton crop. That ought to be done; but capital must be found to do that; and that can not be done in this emergency, nor would the results materialize in time to relieve this emergency. That ought to be done; and in order to encourage capital and make the projects attractive all cotton-mill machinery, dyestuffs, and everything used in the manufacture of cotton ought to be put on the free list; but that is a matter for permanent improvement and prosperity. The present crisis demands instantaneous action, and any other relief save immediate relief will be abortive.

I have examined the Henry bill. It may not be necessary for the Government to buy the cotton outright, as therein proposed. I am not a financier, I am not on the Committee on Banking and Currency. I have such a strict regard for parliamentary discipline and decorum that I never even offer amendments to bills presented by other committees. I find it impossible, with all my industry and limited ability, to take care of the affairs referred to my own committee; but I do implore the distinguished statesmen charged with the financial legislation of the Government to give further and immediate consideration to this subject. Delay will be ruinous. Thirty days at this time, the period of cotton gathering and cotton selling and cotton sacrificing, will bankrupt a large majority of all the cotton producers in the South, with consequent appalling effect upon the other interests and industries, all of which depend on cotton. Furthermore, the balance of trade in our favor will be destroyed and we will owe the balance of the world several hundred millions of dollars instead of receiving and retaining that much of their gold on our side of the balance sheet.

The crux of the situation is this: When the Government is providing money it ought to put the money where it is needed right now. To furnish the big banks with a billion dollars at 3 per cent and let them dole it out to the little banks on short time at 6 per cent and let them dole it out to the cotton producers on short time at 8 or 9 per cent is a mockery and insult and a ruinous injury to all the South and to our whole country.

I realize that the Treasury can not deal by retail separately with each of the 13,000,000 bales of the cotton crop, but means can be devised, as suggested in the Henry bill, by which there can be collocations of large quantities of cotton; means can be devised by financial experts sitting here as legislators

to enable the Treasury to furnish to the producers of cotton money at a low rate of interest, taking as security therefor cotton tickets for insured cotton, which is the best security in the world, but three or four months' time is a delusion and a snare—it is worse than a mockery; it is cruel; it is tragic. The producers of cotton ought to be furnished the money on long enough time to enable them to profit by the readjustment of conditions which will inevitably come, probably not in three or four months, but it is said nobody knows the value of a pound of cotton. Neither does anybody know the value of a dollar; it is the most uncertain thing in the world. It has no value except as measured by the value and nature of the necessaries which it may buy. Cotton is one of the products which by the inexorable trend of unlooked for events is now reduced to a low price; but if the banks, as I stated a while ago, would in concert fix a minimum price security that would arrest the further decrease in price; or if this Government will provide that it will lend money to the producers of cotton on a basis of 10 or 12 cents per pound, and continue or extend the loans until the market goes above that price, the price would never go below the amount so recognized by the Government in such loans.

Discordant and unorganized efforts of a people distracted by the near approach of certain disaster can not relieve the situation. Doubtless a great many other men will do as I am doing, take care of a cropper's half of the cotton produced; that is what I am doing. I have notified my cropper that I shall pay him for his half of the crop and shall hold his half for him if he will raise corn, peas, wheat, and pigs next year, because up to 10 cents per pound he can hold that cotton raised this year cheaper than he can raise another crop of cotton to take its place next year, but that practice will not become general and can not on short notice.

I believe the only thing to do, and in preference to everything else we ought to stop and do that, is to provide at once to prevent our greatest national asset from going for nothing at this time and ruining the people who produced it and on whom the world must rely to produce its clothing in the future. I feel sure that it will be done in no other way than by action of the Federal Government. Piling up money in the banks or offering it through the Federal Reserve Board, as proposed, will not put the money where it is needed in time to avert disaster. If instead of saying that banks may loan money on cotton tickets for three or four months the Secretary of the Treasury were authorized to require the banks to lend emergency currency, the currency furnished by the Government to prevent panics, on time long enough at rate of interest low enough, and based on a price of cotton high enough to relieve the situation and avert impending ruin to cotton growers of the South, and to the balance of trade which makes this Republic financially independent among the nations, our duty would be done and nothing short of that on our part will discharge our obligation to the people.

Mr. McKELLAR. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I desire to correct an impression at the very outset which my friend from New York [Mr. GOULDEN] seems to be laboring under, and that is that this young man enlisted during the Civil War. He enlisted on November 29, 1865, and there was just one month and one day remaining of the year 1865. The Confederacy had collapsed, as I said, in April, 1865, and as was pertinently suggested a moment ago, there can not be thrown around this enlistment any halo of heroism inspired or commanded by conditions of war. The young man enlisted under conditions that were dishonorable. He was discharged because of that fact. You may juggle with words all you please, but I do not see how that can possibly be construed into an honorable discharge; and I think that the officers in the War Department, who are familiar with the law and with the conditions surrounding enlistments such as this, who have had brought to their attention thousands of cases, are better judges of the spirit in which they should be entertained, and of the reasons which controlled the young man in getting into the Army, and certainly the reasons which are of record for his getting out.

But, Mr. Chairman, I was going to make just a few general observations on the tendency to pad the pension roll—which, God knows, is already swollen beyond all reason—by incorporating on the roll of men who did serve with honor all deserters and people of that kind.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. McKELLAR. Is not that a relative proposition? Does the gentleman mean to say that a man who comes here and sits here in his chair every day religiously and saves his $20 per day, and does not do much else, is entitled to more honor or more credit as a Member of this House than a man who comes to Washington and fights for the legislation that he believes is right, who does his duty by his constituents and by the House and by the country, but who is occasionally absent from his seat?

Now, that is about the way with many of these cases. I will say to the gentleman, and I will yield him more time, that I have the same sort of notion about padding the pension rolls that he has. I do not believe in this pension system, and think we have gone entirely too far along that line. I do not believe it ought to be done, but I do not think that where a man has served his country faithfully and honorably he should be kept out of a pension simply because of peccadilloes committed while in the service. Many of these soldiers whose records I have examined have made the best kind of soldiers; numbers of them have been wounded in the defense of their country and in their country's service, and simply because of an accident in the record—of being absent occasionally when the roll was called, as a lot of Members were wont to be prior to the recent order—I do not think under those circumstances that they ought to be kept out of the benefits that usually arise from an honorable discharge. Many of them were young boys at the time, as has been suggested, and I think they are entitled to fair and honest treatment, and I shall always give them that when I have to pass on their records. If the gentleman will permit me to say, holding, as I do, the same views as the gentleman has on the general subject of pensions, many of these men are very much more entitled to be on the pension rolls, who actually fought, than some of those who are now on the pension rolls for having warmed their seats by answering every roll call.

Mr. SLAYDEN. Mr. Chairman, if I have been able to keep the two thoughts of the gentleman clear in my mind, I think I can safely answer yes; but I do not think it has anything more to do with the question I am discussing than the flowers that bloom in the spring. This man committed an offense which—and if I know the meaning of the word "peccadillo," it means little sins—falls within the category of perjury when he enlisted, and I think that goes into the class of greater offenses. But I dare say that this man will have the doors of the Treasury thrown open to him, although his service was not distinguished. It was not during a period when men were severely tried, when there was great hardship and peril, but altogether after the war was over. I do not think he is entitled to any such consideration, but I dare say he will get it. But what I was going to say is this: That we are confronted right now with the necessity of enacting new tax laws, and the President has told us, and the figures put out daily by the Treasury Department establish the fact beyond doubt, that the revenues of the Government are wholly inadequate to meet its expenses. We have to tax the people more and we ought to begin to practice economy. I read an editorial in a New York paper this morning stating that instead of levying new taxes, Congress would do well to cut down the expenses of the Government. It could be done by wise and economic administration of the affairs of this Government, and we could get along——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, I would like to have a couple of minutes more.

Mr. McKELLAR. I yield two minutes additional to the gentleman.

Mr. SLAYDEN. By wise and careful administration of the affairs of this Government we could get along with two or three hundred million dollars less revenue than we now employ in the affairs of the Government. [Applause.] Mr. Chairman, if we are to practice economy, now is the time to begin it, and certainly we can afford to begin, even in this small way, by closing the doors of the Treasury to unworthy soldiers who were discharged without honor. If the gentleman wants the technical difference between discharge with honor and discharge without honor, he may look in the records of his committee and find numberless instances. Certainly a man who enlisted by perjuring himself is not entitled to a discharge with honor, although he may not have been given, technically and actually, a discharge without honor. Now is the time and here is the occasion for the beginning of the practice of economy, and I hope that the Committee on Military Affairs, which has charge of bills of this class, will object and not report such bills that are usually unworthy.

Mr. McKELLAR. Will the gentleman yield?

Mr. SLAYDEN. Certainly, although my time is out.

Mr. McKELLAR. I will yield the gentleman another minute to answer the question. Does the gentleman have any idea how many Union soldiers there are now on the pension rolls who perjured themselves in making statements concerning their ages when they went into the Army?

XUM

Mr. SLAYDEN. I hope not many.

Mr. McKELLAR. There are a great many.

Mr. SLAYDEN. I do not know, but I hope not many.

Mr. McKELLAR. I am informed a very large per cent of the young men who went into the Army had to take the necessary oath in order to get there, and they are now drawing pensions from the Government. It is only in a case where the point was made——

Mr. SLAYDEN. Mr. Chairman, I insist that the gentleman is unfair in classing those men who did it in the Civil War period with those who enlisted afterwards in a spirit of adventure. [Applause.]

Mr. McKELLAR. I yield the floor now, Mr. Chairman. I reserve the balance of my time.

Mr. MANN. Mr. Chairman, I shall not detain the committee very long. I have great sympathy with any boy who makes a mistake; for that matter, for any man or woman who makes a mistake. But if there ever was a time when the people ought to understand that men in the Army are under orders, and can not do as they please, it is just now, when there is a great war in progress over in Europe.

Supposing the Germans or French or British Army now in conflict went on the theory that if a man got tired of service he could just melt away. Most people would get tired just before they went into battle. They are human beings. It is not often that a man is anxious to be killed. There may be times when he is so enthusiastic that he wants to be. But you can not maintain an army without discipline. It is true, after these many years since the Civil War, that we are rather lenient about removing charges of desertion which lie against young fellows who were in the Army and who got homesick and went home, especially if they had served in the Army for a while. When I first came into the House, we used to have a frequent recital of stories about "coffee coolers" and others to whom terms of that kind were applied, which I do not now recall——

Mr. McKELLAR. Bounty jumpers, and so on.

Mr. MANN. Yes; bounty jumpers; men who were seeking to have charges of desertion removed, and we have a number of bills reported in this Congress in behalf of men who deserted from one regiment and immediately entered the service in another regiment, or went from the Army to the Navy, where they received a bounty. In some cases they deserted the second time, and still we remove the charge of desertion.

The gentleman from Tennessee [Mr. McKELLAR], coming from one of the Southern States, and the chairman of the subcommittee of the Committee on Military Affairs dealing with this class of cases, naturally desires to be somewhat lenient and generous. I have great respect for him, for his motives and for his acts, but I sometimes think he makes a mistake in respect to some of these bills.

Here is a Senate bill now before us, not growing out of the Civil War, where a young man enlisted in the Army after the war was over—enlisted for a period of three years—served most of his time, and then got his mother to put up a plea that he was a minor, and he received a discharge from the Army—not an honorable discharge, not a discharge without honor, but a plain discharge, and he forfeited his pay and allowances. This bill proposes to give him an honorable discharge and give him his pay and the allowances that would have been due him at that time.

Well, every day young men enlist in the Army now who are under age. We have had several combats in the House here about the terms upon which minors might enlist in the Army and the Navy, and the terms upon which they might be discharged.

I am opposed myself to permitting these minors to enlist in the Army or Navy unless it is certain that they have the consent of their parents or guardians. [Applause.] The law now provides for that. When one of them enlists in the Army now he takes the oath that he is of age, or else he produces a certificate from his guardian or parents; and yet, although he takes the oath that he is of age, if you show afterwards that he made a false affidavit, he will receive his discharge now. But it is a plain discharge, not an honorable discharge.

Now, those cases arise by thousands in the course of the years. Since I have been a Member of the House I have had a great many such cases brought to my attention where minors had enlisted in the Army or the Navy without the consent of their parents, making the oath that they were of age, and then the parents afterwards called attention to the fact that the statements were incorrect and that the young men were not of age, and the authorities have to discharge them. But they are discharged without receiving an honorable discharge.

This is one of those cases. There are thousands upon thousands of them where the boys have been glad to get out of the Army, and it has not been intended to pay them a pension. They knew what the situation was. Their parents knew what the situation was, that if they were discharged on account of minority they would receive a plain discharge, and not an honorable discharge, and that they would never be entitled to a pension.

This case arose after the Civil War. The boy concerned enlisted in the latter part of November, 1865, and was not discharged until more than two years thereafter. He was discharged in 1868, and he received a plain discharge and forfeited pay and allowances. Now, what excuse can be given, except it be made a pure case of charity and generosity, for saying now that he received an honorable discharge? He did not. He was not entitled to an honorable discharge. He preferred to get out of the Army. His mother waited until he had served, I think, two years and eight months before she asked to have him discharged.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes; I yield.

Mr. McKELLAR. Does he gentleman understand that this soldier gets a pension under this bill?

Mr. MANN. I do not understand that he gets a pension under this bill, but the purpose of the bill is to permit him to receive a pension.

Mr. McKELLAR. If a law should be passed allowing soldiers of that class to receive it, yes. The gentleman has mentioned the fact of the cost at this particular time, and so did the gentleman from Texas [Mr. SLAYDEN]. As I understand it, no pension goes to this ex-soldier under the terms of this bill. It is only to correct his record and give him an honorable discharge.

Mr. LANGLEY. Mr. Chairman, if the gentleman will pardon me, I wish to say that if it should be proved that he contracted disabilities in the service he would be pensionable under the general law.

Mr. MANN. Let us see. The gentleman from Tennessee [Mr. McKELLAR] says the purpose of this bill is not to give this man a pension. The bill says—

*Be it enacted, etc.*, That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Jacob M. Cooper, now a resident of Iowa, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company C, Twenty-second Regiment United States Infantry, July 18, 1868: *Provided*, That no pension shall accrue prior to the passage of this act.

Now, if the purpose is not to get a pension, what is the purpose?

Mr. McKELLAR. As I stated to the gentleman, my understanding of the law is now that this man would not be on a pensionable status even if he had an honorable discharge. But the purpose of this bill on its face—what the purpose is behind it I do not know—is to put this man on the basis of having had an honorable discharge from the Army, to which our committee thinks he is entitled. It does not give him a pension at all.

Mr. MANN. The purpose of the bill is to give him an honorable discharge, so far as the administration of the pension laws is concerned, that he shall be considered to have been honorably discharged so far as the pension laws are concerned.

Mr. McKELLAR. I will call the gentleman's attention to this further fact. We have had it up and discussed it before, and I know that the gentleman remembers it, that our committee had a form of a bill which was furnished to us by the War Department. The War Department say that even if Congress directs them to change the record, they can not do it. This is the form of the bill that was given to the committee by the department, and it has been approved by our committee, and that is why it takes this form. Now, I do not know the ultimate object of the bill.

Mr. MANN. Let us see. Here the gentleman from Tennessee [Mr. McKELLAR] now says that the purpose of the bill is not what it says it is, but something else. We did pass bills to remove charges of desertion when I first came to Congress, and the purpose of removing the charge of desertion was that the man might make an application for a pension. We removed the charge of desertion and granted an honorable discharge. The pension laws require that an applicant must have an honorable discharge from each service before he can get a pension. Afterwards the President vetoed such bills; but the purpose of the bills all the time has been to grant a pension. If that is not the purpose of this bill, what is it?

Mr. GARD. Is not the purpose of this bill to place the applicant in a pensionable status, or at least to allow him to enter a soldiers' home in time of distress or need?

Mr. MANN. The gentleman from Tennessee [Mr. McKELLAR] says that is not the purpose of the bill. I understood the gentleman from Kentucky [Mr. LANGLEY] to say that was not the purpose of the bill.

Mr. LANGLEY. How is that?

Mr. MANN. It is said that it is not the purpose to allow the man to get a pension. In fact I doubt whether he could get a pension under the law. But what is the purpose of the bill? Is it to get him back pay?

Mr. SMITH of Idaho. I think the purpose of the bill is to admit him to a soldiers' home, because he could not get a pension unless he proved that he incurred disability through his service.

Mr. HOWARD. Will the gentleman from Illinois please give his opinion as to what is the effect of this bill?

Mr. MANN. The only effect that I can see at present is that it is receiving the attention of a small number of Members of the House.

Mr. HOWARD. In the event that there were a large number here, what would be the effect of it? Would it not be to put him in a pensionable status?

Mr. MANN. If it does anything at all, it gives him a pensionable status. If it does not do anything, what is the bill for? The man is not entitled to an honorable discharge.

Mr. HAY. Can not the gentleman conceive of a case where a man has been dishonorably discharged from the Army, or discharged without receiving an honorable discharge, desiring to have his record corrected, in order that that stigma may be taken from him, without any desire to receive any pension?

Mr. MANN. I can conceive of such a case.

Mr. HAY. I do not know whether this is one of these cases, but there are such cases.

Mr. MANN. I have no doubt such cases exist.

Mr. McKELLAR. I do not recall whether this is the case that the gentleman from California [Mr. STEPHENS] is interested in or not, but he has such a case. There are so many of them that I can not keep track of them.

Mr. MANN. I think this is not the one.

Mr. McKELLAR. The gentleman from California [Mr. STEPHENS] has such a bill which has been reported, and in that case the former soldier wrote in his own handwriting that he wanted to exclude the possibility of getting a pension under the bill.

Mr. MANN. Yes; but I am discussing this bill now. I will discuss the other bill when it is reached, if I feel like it and have the opportunity.

If the purpose of this bill is to show that the man has received an honorable discharge that is not true. He did not receive an honorable discharge. Under the law, he was not entitled to an honorable discharge. Now, in some cases we get around that by saying that in the administration of the pension laws he shall be considered as having an honorable discharge. That does not give him an honorable discharge. He does not receive on the books of the War Department the status of a man who has an honorable discharge; but we have the power to pension anybody we please, and if we say that in the application of the pension laws a man shall be considered as having an honorable discharge, he can get his pension; but the charge still stands against him on the book. In this case gentlemen say it does not give him a pension, that he would not be entitled to a pension. Well, it does not change the status on the books of the War Department. There he received a discharge which was not an honorable discharge. What object have we in lying about it? Why should we say that this man has received an honorable discharge, when thousands upon thousands of young men in the country who have gotten homesick and gone home because they were minors still stand on the books as having been discharged without an honorable discharge?

Mr. BARTON. Will the gentleman yield for a question, for information?

Mr. MANN. I yield to the gentleman.

Mr. BARTON. If the Congress should direct the War Department to change their record and give a man an honorable discharge, would they be compelled to do it?

Mr. MANN. If Congress should direct the War Department to change the record, I think the War Department would change the record.

Mr. BARTON. That is what I thought.

Mr. MANN. If Congress should pass a law directing any official of the Government to falsify history, he would probably falsify it, but it would not change the historical event in the slightest degree.

Mr. McKELLAR. May I suggest to the gentleman that the President has for many years uniformly vetoed all bills that undertook to change such records?

Mr. MANN. I understand that; but the gentleman from Nebraska [Mr. BARTON] asked me what would happen if Congress should pass a law directing the War Department to change a record. Of course if the two Houses should pass such a bill, the President would probably veto it. But if Congress should pass a law, probably the War Department would make a notation to that effect.

Mr. BURKE of South Dakota. Will the gentleman from Illinois yield?

Mr. MANN. I yield to the gentleman.

Mr. BURKE of South Dakota. Suppose a boy of 16 enlisted, served two years and eight months, and was discharged as this soldier was discharged. Suppose that during that service he did sustain a very serious disability while in line of duty; would the gentleman now say that he should not be given a pensionable status at this time, 50 years afterwards?

Mr. MANN. But he has a pensionable status in that event. The law in regard to honorable discharge only refers to service pensions. Anyone who receives an injury in the war from which he afterwards suffers is entitled to a pension regardless of whether he was a deserter or not. But when we grant a service pension simply because a man served in the Army, the law provides that he must have an honorable discharge.

Mr. HAY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HAY. I think the gentleman is mistaken. Does the gentleman mean to say that if a man is wounded he is entitled to a pension whether he got an honorable discharge or not?

Mr. MANN. That is the law; that is correct.

Mr. McKELLAR. I think the gentleman is mistaken. We have before the subcommittee some 1,500 bills, and I know of my own personal knowledge from having examined them that there are over 100 where the soldier was wounded in the Army and yet has not got a pension.

Mr. MANN. We have a bill on the calendar reported by the gentleman's committee which we will reach in a few minutes, where a man is now drawing a pension for a wound received in the Army, and you propose to give him an honorable discharge so that he can draw a service pension. I do not pretend to speak with any great knowledge or precise knowledge of the pension laws, but I am confident that a man wounded in the Army so that he afterwards suffers from it is entitled to receive a pension for the actual injury regardless of how his discharge reads.

Mr. LANGLEY. I think the gentleman from Tennessee fails to distinguish between a dishonorable discharge and a desertion. If a charge of desertion stands against the soldier in his final service, he can not be pensioned because he has never been separated from the service. But if he incurs a pensionable disability in the line of duty, even if dishonorably discharged, he can get a pension under existing law.

Mr. COX. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. COX. I want to go further than the gentleman from Kentucky goes. I think the gentleman from Illinois has stated the law correctly. If a man was in the war and had a dishonorable discharge and he contracted disability while in the war while his honorable service was operating, and later there is a charge of desertion, he can, under the general law, get a pension for disability incurred by himself during his service. I know that is true, because I had one case of that kind before the Pension Bureau.

Mr. McKELLAR. I think the gentleman from Indiana is mistaken about it, because under the Sherwood pension bill there have been many cases of men who are receiving a pension——

Mr. MANN. That relates to service pensions.

Mr. McKELLAR. Many cases have arisen where they have been drawing pensions. Men who have been wounded have been drawing pensions, and the Pension Department has cut them off because of the fact that they were dishonorably discharged.

Mr. MANN. They have cut them off from receiving a service pension.

Mr. BURKE of South Dakota. If the gentleman will further yield, I understand from the gentleman's answer to the question I propounded before that if this man had sustained a disability during his service he would be entitled to a pension. Suppose we pass this bill, under what law can he draw a pension?

Mr. MANN. I do not know whether he can get a pension or not; but what is the object of the bill if that is not the object?

Mr. BURKE of South Dakota. It seems to me that the gentleman from Idaho [Mr. SMITH] stated what the object is—to make the man eligible to get into a soldiers' home.

Mr. MANN. Then why does it say "under the administration of the pension laws"?

Mr. BURKE of South Dakota. Simply because, as the gentleman from Tennessee stated, evidently they are following a form.

Mr. MANN. Oh, no; the gentleman from Tennessee did not follow the form. This bill does not follow the ordinary form that is used. There is no excuse for passing a bill of this kind unless Congress wants to be bothered with cases that arise from day to day where a young man who has enlisted asks to be discharged because of minority, or because he is under 18 years of age, and they grant that discharge. It is not an honorable discharge. If Members desire to bring upon themselves thousands of private bills of that character, very well; or if you desire to change the law so that a man can enlist in the Army and then leave it when he wants to, why, change it; but do not try to pass a bill on the theory that it occurred 60 years ago, and is only a Civil War case. It is no different from the ordinary case arising every day.

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BRUMBAUGH. If this bill passes, it will give the soldier a pensionable status?

Mr. MANN. If this bill passes, it will give to this soldier the status of an honorable discharge, so far as the pension laws are concerned.

Mr. BRUMBAUGH. That would give him a pensionable status.

Mr. MANN. I do not know whether it would give him a pensionable status or not. He was not a volunteer; he was in the Regular Army and did not enlist until after the Civil War was practically over, although I think it was some time before it was theoretically over.

Mr. BRUMBAUGH. If it developed that he received an injury in the line of duty, what would prevent him from drawing back pay?

Mr. MANN. If he received an injury in the line of duty and could get a pension, I do not know whether this would give him back pay or not. The ordinary form is in such bills that no pay, bounty, or other emolument shall accrue prior to the passage of the act. That provision is not in this bill. It says that no pension shall accrue prior to the passage of the act. I suppose whoever prepared the bill designed to give the man back pay and allowance that would have been due him if he had received an honorable discharge.

Mr. BRUMBAUGH. Does not the gentleman think we would be honorably bound to go back and do the same, and be more imperatively bound to do so, for those who served during the war rather than to correct this record for one who had no service?

Mr. MANN. I do not think you can differentiate this case from the ordinary case that arises daily. I do not know how many Members of Congress have had cases sent to them; I know they come to me where men have enlisted now. I know they have court-martialed some for making false affidavits and given them a penitentiary sentence. They threatened to do that constantly, but they have not done it often; but they have done it in recent years. We now propose to put a crown upon the man's head because he did a wrong thing.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GILL. Mr. Chairman, I would like to ask the gentleman if it is necessary for a man to have an honorable discharge to get into one of those homes?

Mr. MANN. I do not know about that.

Mr. GILL. Possibly that is the reason—his desire to get in there.

Mr. MANN. I do not think that is the reason at all. I do not think this is a case where a man wants to get into a soldiers' home, but a case where he wants to get a pension.

Mr. GILL. Would not that be equivalent to a pension?

Mr. MANN. It might be.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. BURKE of South Dakota. I was about to ask the question which the gentleman from Missouri has just propounded. It seems to me that if a man does not have to have an honorable discharge, and I do not think he has, to get into a soldiers' home, then that is not the purpose of the bill. The gentleman has very clearly stated, and others who are informed say that he is correct, that this soldier can not draw a pension under any law at the present time, if he is entitled to a pension at all, and therefore I do not see that he gains anything if this bill does become a law. I will vote for the bill, but I am wondering if it will do the man any good if it passes.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GOULDEN. As president of the board of trustees of one of our largest State homes, in New York, I will say that men are admitted on a plain, simple discharge. There would be no question as to whether it was an honorable discharge or simply a discharge. Of course, if it were a dishonorable discharge, then we would not admit him, but this is not a dishonorable discharge, but just a plain discharge without honor or dishonor. Simply a separation from the service.

Mr. MANN. Do you admit men who served in the Regular Army?

Mr. GOULDEN. No. Only those of the Volunteer service.

Mr. MANN. But this man had no Volunteer service.

Mr. GOULDEN. I know; but he might be admitted to some other home, namely, the one here in Washington for the Regular Establishment.

Mr. LANGLEY. That depends on the law establishing the home.

Mr. GOULDEN. It is a question of whether he served in the Civil War, because I think the Civil War was declared officially closed early in 1866, so that he might get into the soldiers' home on the plea that he served during the Civil War, although the Civil War was practically over.

Mr. MANN. Mr. Chairman, I am very sorry to have detained the House even for a moment, on an important bill like this, and I will reserve the balance of my time.

Mr. SMITH of Minnesota. Mr. Chairman, I have a great deal of sympathy for the young men who join the Army. Going to and from my office for a number of years I have witnessed on the sidewalk every day a man dressed in a uniform, an officer of the United States Army, standing there for the purpose of enticing young men to join the Army. We all know that such inducements are tempting. We all know that young men have a great many visionary ideas, and that when they see this officer dressed in his immaculate uniform and they have had some trouble with their mother or father and have some idea that they would like to see the world, they say to themselves here is an opportunity, and they go to the recruiting station and from their homes and start to work for Uncle Sam. I say with all these cases it is our duty as men to recognize the characteristics of the boy, to recognize the circumstances surrounding him, and to recognize the fact that Uncle Sam has been one of the inducing causes to make that young man leave home and possibly take a false oath. It is claimed that this young man had committed the heinous crime of swearing falsely as to the date of his birth. I would like to know whether or not our distinguished leader on the minority side can swear to the date of his birth, or, in other words, does he, or does any Member who is present, know of his own knowledge the date when he was born?

Mr. MANN. Mr. Chairman, if the gentleman will yield, I will state that I have frequently sworn to the date of my birth. I hope the gentleman does not think I committed perjury. I have done it a great many times. Has not the gentleman himself sworn to the date of his birth?

Mr. SMITH of Minnesota. I did it on information.

Mr. MANN. Oh, no, no. Did he put in the oath that it was upon information or did he swear to the date of his birth?

Mr. SMITH of Minnesota. When I did I made a mental reservation. [Laughter.]

Mr. MANN. I never swear to a thing unless it is true.

Mr. SMITH of Minnesota. Mr. Chairman, I will grant that our distinguished leader never swears to anything but that which he thinks is true. But I still contend that he does not know when he was born. Neither do I. We have been told, and we have been told so often and by such good authority, for whom we have great respect, that we believe it, and that is all it amounts to. If this young man has done nothing except to make an affidavit that he believes he was born on a certain date, and he happened to be mistaken in that, it is no reason now why we should refuse to give to him that which every American citizen is proud to have, namely, an honorable discharge, if he has been in the Army.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. STEPHENS of Texas. I believe most of the States have a law that a young lady to be married must be over a certain age. Suppose a young man should swear that the girl was over that age, does the gentleman not think that he should be prosecuted if she were under the age? I suppose they have that law in the gentleman's own State.

Mr. SMITH of Minnesota. We have.
Mr. STEPHENS of Texas. Would the gentleman acquit this young man?
Mr. SMITH of Minnesota. Yes.
Mr. LANGLEY. I would like to be employed to defend him.
Mr. STEPHENS of Texas. What would you do with the laws in respect to perjury?
Mr. SMITH of Minnesota. I would enforce the laws of perjury when a man was brought before me who was using that for an unworthy purpose, but when a young man has been intimate with a young girl, and the circumstances are such that it is better that he should marry her than that a fatherless child should be born, I do not think it would be humane to prosecute him if he could not legally marry her under any other circumstances.
Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?
Mr. SMITH of Minnesota. Yes.
Mr. GREENE of Vermont. I am not very much of an authority upon such cases, but I would like to ask the gentleman about this. If this boy swore to the date he thought was the date of his birth in good faith, and subsequently is to be relieved of any penalty that he may have incurred through ignorance, why did he not keep up his good faith for the full three years of his enlistment, instead of accepting that pretense or excuse to get out and shirk a portion of it?
Mr. HAY. Will the gentleman yield to me to answer that?
Mr. GREENE of Vermont. Surely.
Mr. HAY. For the very reason he did not ask to get out at all. He was gotten out upon the request of his parents.
Mr. GREENE of Vermont. I understand.
Mr. HAY. And not on his own request; he had nothing to do with getting out.
Mr. GREENE of Vermont. I understand that perfectly well, but the assumption always is and the experience in a great many of these cases is that there is always collusion between the boy who wants to get out and the mother who furnishes the evidence in order to get him out.
Mr. McKELLAR. There is no evidence of that kind in this case.
Mr. BURKE of South Dakota. Will the gentleman yield?
Mr. SMITH of Minnesota. I will.
Mr. BURKE of South Dakota. I am in sympathy with the statement the gentleman made before he was interrupted a moment ago, that in the case such as he described the soldier ought to have an honorable discharge. Does this bill give this soldier an honorable discharge?
Mr. SMITH of Minnesota. It gives him what he asked.
Mr. BURKE of South Dakota. But does it give him an honorable discharge, and if it does not give him an honorable discharge, what does it give him, and what is the benefit accruing to him from such a discharge as this bill seeks to give him?
Mr. SMITH of Minnesota. He would get a benefit to this extent: It would show an attempt on the part of the Government to rectify that which it had attempted to do at an earlier date, which possibly was wrong.
Mr. BURKE of South Dakota. But it simply provides, as I understand the terms of the bill, that in the administration of the pension laws he shall be considered to have been honorably discharged, and so forth. Now, it does not give him an honorable discharge, and I am trying to find out, if the bill passes, whether this man will receive any substantial benefit. Can he draw a pension, and if so, under what law? Is he not eligible now to admission to a soldiers' home, and if he is, the bill does him no good, and if the gentleman will describe and say just what benefit he will derive by this bill, if it is enacted into law, I would like to have it?
Mr. SMITH of Minnesota. I imagine that an application for this sort of legislation is actuated by sentimental motives. I do not know that any man gets any direct benefit from an honorable discharge. I do not know that any great harm comes to him from a dishonorable discharge, but it is a mental attitude and it might be beneficial to the individual, and it is not for us to deny that application because we can not see any material benefit accruing to him.
Mr. BURKE of South Dakota. The bill by implication clearly shows he has not an honorable discharge. It simply says in the administration of the pension laws he shall be considered as having been honorably discharged, whereas the implication would be that he was not.
Mr. SMITH of Minnesota. I did not know it says in the administration of the pension laws. Is that in the bill?
Mr. BURKE of South Dakota. It is in the bill.
Mr. SMITH of Minnesota. Very good.
Mr. GOLDFOGLE. Will the gentleman yield?
Mr. SMITH of Minnesota. Certainly.
Mr. GOLDFOGLE. I was not here when the discussion began, and I desire to ask this question for information. What was the discrepancy in the date of birth?
Mr. SMITH of Minnesota. Just a few months.
Mr. GOLDFOGLE. Only a few months; and how is that explained?
Mr. SMITH of Minnesota. Well, there is no explanation of it. I know nothing except what is in the report. I find he enlisted in the fall of 1865 and he served until the fall or summer of 1868, when his mother came to the War Department and filed an affidavit to the effect that he was not 18 years old when he enlisted.
Mr. GOLDFOGLE. During the time he served was his record good in the service?
Mr. SMITH of Minnesota. I think it was excellent, and I understand there is nothing before us to show that the mother and boy were in cahoots or in collusion when she tried to get him out of the Army.
Mr. GOLDFOGLE. So that apparently there was good faith on the part of the boy?
Mr. SMITH of Minnesota. So far as the record here shows.
Mr. GOLDFOGLE. There is nothing to negative that?
Mr. SMITH of Minnesota. No.
Mr. GREEN of Iowa. Will the gentleman yield?
Mr. SMITH of Minnesota. I will.
Mr. GREEN of Iowa. Is it not a fact that, if this bill passes, the claimant could be admitted to a national soldiers' home for the Regular Army? All that prevents his being admitted now would be this record, which would be removed for such a purpose.
Mr. SMITH of Minnesota. I understand that is the fact. I now yield to the gentleman from Iowa [Mr. TOWNER].
Mr. TOWNER. The record shows, as I understand, that the young man served about three years.
Mr. SMITH of Minnesota. Two years and eight months.
Mr. TOWNER. Nearly three years, and that so far as the record shows he has an honorable record of service?
Mr. SMITH of Minnesota. Yes.
Mr. TOWNER. And that when he first made his application for admission he was something over 16 years of age?
Mr. SMITH of Minnesota. Yes.
Mr. TOWNER. Then, really, the record as it now stands penalizes him for what appears to be a dishonorable discharge, and now all he is asking by this bill is to remove that disability or that inference?
Mr. SMITH of Minnesota. As far as we can do so.
Mr. TOWNER. As far as we can.
Mr. SMITH of Minnesota. There is some objection that the bill does not go far enough, that it does not amount to anything, and in reply to that the only thing I can say is that if this suits him and he seems to be getting anything by it, and it is the only thing we can do, why not give it to him?
Mr. TOWNER. Is it not more creditable to him to ask for an honorable discharge for sentimental reasons, as the gentleman suggests, than merely trying to get a pension and a place in a soldiers' home? [Applause.]
Mr. SMITH of Minnesota. I consider it very much more so. I will not detain the committee longer than to say that this is only one of a number of cases that are apt to be brought before the Congress and that Congress will have to consider, and in considering them I believe that we ought to be actuated by humane motives, and we should not sit here as a general in the field who is directly facing the enemy when he must have strict discipline, and if a man does not obey an order there is only one way to enforce it, and that is to have him shot; but we are exercising authority in a different atmosphere, where we can take into consideration the element of humanity, of charity, and of the welfare of the young men of this country who are induced to join the Army by Uncle Sam himself, by the fife, the drum, and the uniform. And we ought to adopt such a policy as will not deal too harshly with these young men, or a great many of them, in the period when they are sowing their wild oats. After they have been in the Army for a time they develop the better side of their nature, and then they show that they are going to become substantial, worthy citizens; and when there is no longer any need for them in the Army, and for some cause or other they leave the Army, we should not be too exacting with them.
Now, when our Army is made up in a large degree of young men who have misguided notions, by young men who are in the period of changing from boyhood to manhood, and have not absolute control of themselves, have not found themselves, so to speak, we should deal with them in a more charitable way. [Applause.] Because what good does it do you, or what good

does it do me, to crush the young man at the very threshold of his manhood? That is the time when we should lend him a helping hand; and in the case of this young man, he having served 2 years and 8 months with a creditable record when his mother saw fit to get him out of the Army, is that any reason now why we should penalize him because he did not live up to every rule that we know to be moral and worthy?

If we would enforce the statutes as we find them in the criminal codes of our respective States, as the gentleman from Texas said, there would be a great many hardships worked. The laws and the statutes are not made to work hardships. Laws and statutes are made to apprehend criminals, to punish a man who is born with sentiments and principles that you can not curb except in prison, but not for the punishment of men who make slight mistakes, who are unfortunate in some respects. There is a great difference between the two classes.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Texas?

Mr. SMITH of Minnesota. Yes.

Mr. STEPHENS of Texas. Is it not a fact that if this bill is passed it will give the young man a bounty in violation of the law?

Mr. SMITH of Minnesota. In what respect?

Mr. STEPHENS of Texas. It carries an appropriation, does it not?

Mr. SMITH of Minnesota. I understand not. I understand that the only bounty this bill gives to the young man is to pay him what the United States Government owes him, and what the United States Government took away from him as a fine or penalty at the time he was discharged.

Mr. STEPHENS of Texas. That is a wrongful act, is it not?

Mr. SMITH of Minnesota. In my opinion it was not such a wrongful act as would warrant us now in continuing that penalty imposed upon him. By his 50 years of good citizenship, by his 50 years of loyalty to this Government, by his 2 years and 8 months of service rendered to his country in the Army, he has shown that he is not such a man as ought to be penalized.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield again for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. STEPHENS of Texas. Is it not a fact that there is a provision of law—and it is carried forward now in actual practice—that a young man, under similar conditions as those, can pay a certain amount of money and be discharged from the Army? Is not that true?

Mr. SMITH of Minnesota. That is very true.

Mr. STEPHENS of Texas. Has not the gentleman had that done? I have had it done, and have procured discharges of young men in that way.

Mr. SMITH of Minnesota. Not as an honorable discharge.

Mr. MANN. Not as a matter of right. It is simply a matter of favor.

Mr. SMITH of Minnesota. It is a matter of discretion on the part of the military authorities.

Mr. MANN. He is discharged in that case by favor.

Mr. STEPHENS of Texas. Yes; but money has to be paid in order to do that.

Mr. MANN. Not in these cases.

Mr. STEPHENS of Texas. That is discharge by purchase, is it not?

Mr. SMITH of Minnesota. Yes. I can understand that. A young man may go to the Army and serve two years, and at the end of that time he may find a mother who is sick, or a father who is sick, and he may find it necessary to return home and take up his civil duties, and the Government under such circumstances says to him, "You can buy yourself out of the service," and he does it. But here is a young man who, for all we know, and for all that this record discloses, is willing to go along and serve out the balance of his term, and then he will virtually get his discharge. He was a young man who evidently prided himself on having an honorable discharge. Fifty years afterwards we find him pleading for an honorable discharge.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield for a moment?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Vermont?

Mr. SMITH of Minnesota. With pleasure.

Mr. GREENE of Vermont. Probably no man on the floor would be otherwise disposed than to agree with the gentleman from Minnesota that the law should not be vindictive in its attempt to secure justice, and that a young man who may commit indiscretions deserves reasonable consideration afterwards in order that the penalty that hung over him may not always hang over him. But the gentleman can not compare this particular instance, happening in the Army, with cases happening in civil life. The gentleman knows that a young man who is indiscreet in the years of his minority in civil life and in consequence receives a sentence committing him to a reform school can not by act of Congress or by the act of a State legislature change that record, no matter how society may afterwards very properly receive him or forgive him or condone his offense. If he went to a reform school, you can not change the record.

Mr. SMITH of Minnesota. In reply to that I wish to say that for the balance of that man's life he carries a cross, and if he is willing that the State should do something to modify that record and he is satisfied with what the State does, and believes that that which the State is doing is going to modify it in such a way as not to perpetuate that harsh and cruel record upon him and those that are dear and near to him, he ought to get it and we ought to give it to him.

Mr. GREENE of Vermont. Very well. Taking the gentleman at his word, what does the State do in similar cases, where a boy has been imprisoned in the reform school, and where society, following a very generous and proper policy, afterwards receives the man and helps him to get along? Does society, through its expression in government and the law ever remove that reform-school sentence from the books?

Mr. TOWNER. Will the gentleman from Minnesota yield for a suggestion?

Mr. SMITH of Minnesota. Yes.

Mr. TOWNER. I should like to say that they certainly do that. Does not the gentleman think that in a case of that kind a pardon is valuable to a young man?

Mr. GREENE of Vermont. But do they remove the record?

Mr. TOWNER. You can not remove the record.

Mr. GREENE of Vermont. That is just the point exactly, and that is the reason why I object to this bill, because that is what this bill proposes to do.

Mr. TOWNER. If that were the case we would never pass bills of this kind.

Mr. GREENE of Vermont. I do not think we ought to.

Mr. TOWNER. The gentleman is of that opinion, but I do not think many Members of the House will agree with the gentleman on that. Now, if I am not taking too much of the time of the gentleman from Minnesota——

Mr. SMITH of Minnesota. I yield to the gentleman.

Mr. TOWNER. Let me say that I do not care what the motive of this young man is in asking for this. It seems to me that from any possible standpoint we ought not to refuse it. He enlisted in those troublous times, before the war had really ended, for service in the Army. It is true he made a misstatement with regard to his age, but thousands and tens of thousands of young men on both sides did the same thing. Nobody now regards that as a moral wrong. In fact, with very many it is regarded as a matter to be approved rather than otherwise that these boys in order to get into the Army to serve their country stated that they were older than they really were. Why should we continue to insist on having this derogatory record hanging over this young man, because that is just what it amounts to?

Mr. GREENE of Vermont. Will the gentleman permit me right there?

Mr. TOWNER. Yes.

Mr. GREENE of Vermont. I quite agree with the gentleman that in time of war technicalities ought not to stand between an able-bodied youth and his desire to go to the front and serve his country. Under such circumstances men are willing enough to shrug their shoulders and wink at technical evasions of the law. It is true that under those circumstances many boys resorted to a subterfuge in order to get into the Army; but this boy enlisted six months after the war was over, when there was no excitement about war, when the talk was all about peace, and how happy the Nation was that it was at peace. He did not go into the Volunteer Army, but into the Regular Army.

Mr. TOWNER. I will say to the gentleman that it is quite true that this was a short time after the actual fighting had ceased; but the gentleman is not justified in saying that this occurred after the end of the war, because, technically, the war did not end until the spring of 1866. The gentleman from Vermont [Mr. GREENE] can not personally remember what the attitude of a young man was at that time, because he is not old enough. It certainly was considered an honor at that time to serve the United States Government. It certainly was considered an honor to enlist, and enlistments were required, if not to put down the rebellion, for the purposes of pacification and for

the purpose also of fighting the Indians in the West, because that warfare was then being carried on. The desire of this young man to become a soldier of the United States and to enlist was an honorable desire, and he did enlist, and did good service for almost three years. Why should we now say that he shall carry until he dies a record that to him is dishonorable?

Mr. LANGLEY. Will the gentleman yield to me for a suggestion or two?

Mr. SMITH of Minnesota. I yield to the gentleman.

Mr. LANGLEY. The gentleman from Minnesota [Mr. SMITH] is always logical and just, and I am especially impressed with his remarks on this case. I would like to make one or two observations in his time, if he will permit. The "young man," to whom the gentleman from Iowa [Mr. TOWNER] and a number of other gentlemen have been referring, is now quite gray-headed. The committee seem to have lost sight of that fact. He has children much older than I am. He is, in fact, a very old man, and for him the sun of life will soon set. I am told by the gentleman from Iowa [Mr. WOOD], in whose district he lives, that he is an exemplary citizen, a man who stands high in his community. If he were a young man, perhaps the case might strike me a little differently, although I have great sympathy for them in such circumstances; but he is an old man and has an excellent record as a soldier and a citizen, save this one indiscretion in his youth that ought not to count against him with us now. It seems to me that we ought to consider his age and character, and resolve the doubt in his favor. If my friend from Minnesota will pardon me a little longer, I will say that I am going to vote for this bill without regard to the benefit that this man may or may not derive from it. Speaking of the advantage of it to him, I think gentlemen have lost sight of the point that there ought to be considerable honor attaching to the fact that a man receives such recognition as this bill would give this old man at the hands of the Congress of the United States. I hope there is, at any rate. [Laughter.] Gentlemen lose sight also of the fact, which is a very unusual one, that this old man's case has received the consideration of the greatest legislative body in the world for fully two hours, which is longer than any similar case has occupied the attention of the House during the eight years that I have been a Member of it, and I am sure he will feel honored by that. So this bill has already done him some good; and incidentally, I might remark, that this discussion has already cost the Government of the United States, at the rate of twelve or fifteen dollars a minute, many times the amount of any pension that he could possibly get during his comparatively few remaining days of life as a result of the enactment of this legislation.

Now, if you will pardon me just one minute further I want to say that I have had a good many cases before the Committee on Military Affairs myself. I have never been able to get a favorable report from the full committee on a single one of them. I have one case in my mind where a soldier—John F. Rudd—served two years and seven months in the Civil War. He was a brave soldier. He was in that famous company of heroes who planted the national colors first on the heights of Lookout Mountain on that memorable morning. He went home on a veteran furlough, having served out his enlistment, and reenlisted as a veteran volunteer, and contracted disease of the eyes and was nearly blind for more than a year and had to be led around. In addition to that he was surrounded by Confederates, and he could not have gotten back to his command even if he had been physically able to do so. He was charged with desertion. It was not true, and that fact has been conclusively proven by a dozen witnesses. I have tried for seven years to get a favorable report on that bill. I have not been able to do so. Cases like this that are not reported are the cause of much of this criticism and dissatisfaction with some of these bills that are reported. It is certainly a much more meritorious case than this one, but I am going to vote for this one also, and so heap a few coals of fire upon the heads of the Committee on Military Affairs. [Applause.]

Mr. SMITH of Minnesota. I agree with the sentiments expressed by the gentleman from Kentucky [Mr. LANGLEY], and I can say that I likewise have had a bill before the Committee on Military Affairs during this whole session of Congress. I have appeared on two or three occasions and stated the case as best I could. The committee has not yet taken any action, because there is an adverse sentiment in the committee. I have been waiting until I could get a better sentiment before I pushed the matter. I must say that I doubt if I ever get it out. Nevertheless, I am not holding that up against the committee. That is not the committee's fault. The committee, in this case, has performed its duty by bringing out a report on this bill. It has brought the matter before us in a way that the matter should be brought. The committee has done its duty, and we should vote for or against this measure, not because the committee reports it, but because it appeals to our sense of what is right and what is wrong. We are not robbing the Government of anything, we are not taking anything of consequence out of the Treasury, but we are dealing justly with an old man who is about to shuffle off into the realms of the unknown, and he is asking us to try and make him happy in his old age, at the expense of no one, but out of pure and simple justice. [Applause.]

In conclusion, I wish to quote from that distinguished Briton and friend of America, William Pitt, in his reply to Horace Walpole in a debate which took place on March 10, 1740, in the House of Commons. Mr. Pitt replied:

> Sir, the atrocious crime of being a young man, which the honorable gentleman has with such spirit and decency charged upon me, I shall neither attempt to palliate nor deny, but content myself with wishing that I may be one of those whose follies may cease with their youth, and not of that number who are ignorant in spite of experience.
>
> Whether youth can be imputed to any man as a reproof I will not, sir, assume the province of determining; but surely age may become justly contemptible if the opportunities which it brings have passed away without improvement, and vice appears to prevail when the passions have subsided. The wretch that, after having seen the consequences of a thousand errors, continues still to blunder, and whose age has only added obstinacy to stupidity, is surely the object of either abhorrence or contempt and deserves not that his gray head should secure him against insults.

Mr. BURKE of Pennsylvania. Mr. Chairman, in connection with the suggestions made by the gentleman from Illinois [Mr. MANN], I was amazed to learn, as a number of Members on the floor were, that a man necessarily did not require an honorable discharge to receive a pension. I find upon investigation that the gentleman from Illinois, as usual, is right. The distinction lies between those not having an honorable discharge and those strictly termed "deserters." Under the act of March 3, 1873, there is no limitation whatever upon any individual who served in the military or naval branch of the United States receiving a pension, even though he was not honorably discharged from the service.

Mr. McKELLAR. Will the gentleman yield?

Mr. BURKE of Pennsylvania. Certainly.

Mr. McKELLAR. Does the gentleman mean to say that a deserter—this bill is not a bill for desertion—but does the gentleman mean to say that a man who is charged with desertion on the records, although he was wounded in the Civil War, would be entitled to a pension?

Mr. BURKE of Pennsylvania. No; I have not yet so stated. A deserter is not entitled to a pension, because there is a specific provision in two sections of the Revised Statutes against it. One is that he forfeits the rights of a citizen if he is a deserter; and another, which is more specific (the act of 1898), provides that any soldier who deserts shall, besides incurring the penalty attached to the crime of desertion, forfeit all right to a pension which he might otherwise have acquired.

Aside from that, there is no limitation upon the Commissioner of Pensions' power to grant pensions for disabilities incurred in the service by reason of the absence of an honorable discharge.

Mr. McKELLAR. The gentleman from Pennsylvania, I believe, has served on this committee for some length of time and knows of these cases coming before this particular subcommittee and which are now the subject of discussion. He knows that there are many of these bills where men who have been wounded in the Army are applying to the committee for relief in order to get pensions that they can not get now under the law.

Mr. BURKE of Pennsylvania. That is true. Mr. Chairman, I call the committee's attention to the acts covering this question:

REVISED STATUTES.

> SEC. 4692. Every person specified in the several classes enumerated in the following section who has been since the 4th day of March, 1861, or who is hereafter disabled under the conditions therein stated, shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States and be entitled to receive for a total disability or a permanent, specific disability such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent, specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provded for total disability, and such pension shall commence, as hereinafter provided, and continue during the existence of the disability.
>
> SEC. 4693. The persons entitled as beneficiaries under the preceding section are as follows:
>
> First, any officer of the Army, including Regulars, Volunteers, and Militia, or any officer in the Navy or Marine Corps, or any enlisted man, however employed, in the military or naval service of the United States, or in its Marine Corps, whether regularly mustered or not, disabled by reason of any wound or injury received, or disease contracted, while in the service of the United States and in the line of duty.

ACT OF APRIL 26, 1898 (30 STAT. L., 365, CH. 191, SEC. 6).

> That in time of war the pay proper for enlisted men shall be increased 20 per cent over and above the rates of pay as fixed by law:

*Provided*, That in war time no additional increased compensation shall be allowed to soldiers performing what is known as extra or special duty: *Provided further*, That any soldier who deserts shall, by incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.

REVISED STATUTES.

SEC. 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost marshal within 60 days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States or of exercising any rights of citizens thereof.

Mr. KREIDER. Mr. Chairman, I want to call the attention of my Democratic friends who are in favor of an economical administration that we are about to consider a bill providing for an extra revenue tax, and that they have spent two hours and forty minutes on this bill which, at the rate of $12 a minute, amounts to nearly $2,000.

Mr. HAY. And the most of the time has been occupied by the gentlemen on the other side.

Mr. McKELLAR. All of the filibustering on this bill has been on the Republican side. The bill would have been passed two hours ago had it not been for that.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. Certainly.

Mr. COOPER. Mr. Chairman, I have heard over and over again this talk about $12 a minute. Whether we are here or not the salary of the Members of the House will not stop.

Mr. McKELLAR. That is my understanding.

Mr. COOPER. And the most of the employees are annual employees. All the reporters of the House are annual employees. Where do these gentlemen who figure so glibly every time the discussion of a bill takes place, that we are increasing the expenses of the Government at the rate of $12 a minute, find facts on which to base their statement?

Mr. McKELLAR. Does the gentleman ask me this question? I will reply that I think it is merely for political effect.

Mr. LANGLEY. The gentleman means that it is psychological.

Mr. McKELLAR. Oh, no; political.

Mr. GREEN of Iowa. Mr. Chairman——

Mr. MANN. Will the gentleman from Iowa yield to me for a minute?

Mr. GREEN of Iowa. I will.

Mr. MANN. Mr. Chairman, the gentleman from Tennessee, who has taken most of the time on this bill, a few moments ago said that the filibuster came from the Republican side of the House. If there is any filibuster on the bill, it must be by the gentleman from Tennessee, and I would not charge that. So far as time is concerned, I occupied on the floor more time than anyone else, and more than half of that was occupied by the gentleman from Tennessee and other Members in interrupting me.

Mr. McKELLAR. Will the gentleman yield?

Mr. MANN. I again yield to the gentleman.

Mr. McKELLAR. Under ordinary circumstances a bill like this would be passed without discussion—a bill that has been passed by the Senate and reported by a committee of the House. I say, and I think it within the limit, and gentlemen here who have laughed about a filibuster will bear me out in the statement, that the only filibuster is a filibuster from that side of the House—the Republican side of the House.

Mr. MANN. Again, Mr. Chairman, the gentleman uses a good deal of my time. I suppose he will say that is filibustering. I have not conducted any filibuster. I took the floor to explain this bill. The gentleman from Tennessee [Mr. McKELLAR] did not know anything about the bill when it came up except what he read from the report, and I thought it was proper that the House should be told. The gentleman says "under ordinary circumstances." Mr. Chairman, under ordinary circumstances no such bill would be favorably reported to the House. It is the first time in my 18 years of service in this House that a bill of this character has been favorably reported by the committee to the House. Creating a precedent, such as it does, it ought to receive consideration, and when I took the floor I would have finished in 10 or 15 minutes except for the interruptions of the gentleman from Tennessee in seeking to obtain light from me about a bill which he has reported, and of course courteously I endeavored to give him such information about the bill which plainly he did not have when he reported the bill.

Mr. McKELLAR. Mr. Chairman, I leave it to the Members of the House and to the public to examine the remarks of the gentleman from Illinois when they appear in the RECORD tomorrow morning and to examine mine, and then determine as to who knows most about this bill. I defy them to get any information about this bill from the remarks of the gentleman from Illinois [Mr. MANN].

Mr. GREEN of Iowa. Mr. Chairman, as has been well said, the claimant in this case is a man of advanced age. At the time when he undertook to enlist he was a boy of barely 15 years of age, a child, as it would seem to a person who has reached the age that I have. At that time he spoke as a child and thought as a child. He had not the mature judgment nor experience which later years would have given him. He was entitled to the consideration which a youth of 15 would ordinarily receive from the public. He committed no fraud in the ordinary sense of the term, although he may have committed a technical fraud. He obtained no benefit for himself. He injured no one by his act. The Government was not harmed. He rendered services for which he received pay and was denied pay for some of the time and some of the service which he gave to the Government. I think the bill ought to pass.

The CHAIRMAN (Mr. FOSTER). The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Jacob M. Cooper, now a resident of Iowa, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company C, Twenty-second Regiment United States Infantry, July 18, 1868: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. MANN. Mr. Chairman, I move to amend by inserting, after the word "pension," in line 10, the words "pay, bounty, or other emolument."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, in line 10, by inserting, after the word "pension," the words "pay, bounty, or other emoluments."

Mr. McKELLAR. Mr. Chairman, I have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the next bill.

MIRICK BURGESS.

The next business in order on the Private Calendar was the bill (S. 5065) for the relief of Mirick Burgess.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Mirick Burgess, who was a private of Company I, Third Regiment New Hampshire Volunteer Infantry, and of Company H, Twelfth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named company and regiment on March 28, 1863: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

Mr. McKELLAR. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I make the point of order that that motion is not in order at this time.

The CHAIRMAN. The motion is not in order now, on the first reading of the bill.

Mr. MANN. Mr. Chairman, as the gentleman from Tennessee [Mr. McKELLAR] apparently is not familiar with the bill, I will ask, if permissible, that the Clerk read the gentleman's report in my time.

The CHAIRMAN. Without objection, the Clerk will read the report.

The Clerk read as follows:

Report to accompany S. 5065.

The Committee on Military Affairs, to whom was referred the bill (S. 5065) for the relief of Mirick Burgess, having considered the same, report thereon with a recommendation that it do pass.

We adopt the report of the Senate Committee on Military Affairs, which report is as follows:

"The Committee on Military Affairs, which has had under consideration the bill (S. 5065) to correct the military record of Mirick E. Burgess, reports the same to the Senate favorably and recommends that it be passed with the following amendments:

"Strike out all after the enacting clause and insert in lieu thereof the following:

"'That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Mirick Burgess, who was a private of Company I, Third Regiment New Hampshire Volunteer Infantry, and of Company H, Twelfth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named company and regiment on March 28, 1863: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act.'

"Amend the title so it will read: 'A bill for the relief of Mirick Burgess.'

"A bill (S. 40) for the relief of this soldier was favorably reported (S. Rept. 564) by your committee and was passed by the Senate in the Sixtieth Congress.

"In connection with this case attention is respectfully invited to copy of the record of this soldier as furnished by the Chief of the Record and Pension Office, March 20, 1896; communication to the Secretary of War from The Adjutant General, dated March 23, 1896, being a report on bill S. 2518 of the Fifty-fourth Congress; communication from the Assistant Adjutant General of March 18, 1896, to Hon. J. H. GALLINGER, United States Senator; communication from the Auditor for the War Department of April 27, 1906; and affidavits of the claimant of April 22, 1896, and April 30, 1906, hereto appended and made a part of this report.

"The above records and affidavits show that this soldier was mustered into service August 24, 1861, as a private in Company I, Third New Hampshire Infantry, to serve three years. He was reported present with his company from enrollment to April 30, 1862, and on the roll dated June 30, 1862, he was reported 'Absent; wounded in action at James Island, S. C.; sent to general hospital and Hiltonhead, S. C.'; and the subsequent rolls to February 28, 1863, reported him 'Absent in hospital at Bedloes Island, N. Y.; wounded.' The roll dated April 30, 1863, and the company muster-out roll, dated July 20, 1865, reported him discharged December 18, 1862, by reason of enlistment in the Twelfth United States Infantry. He enlisted December 18, 1862, in Company H, Second Battalion, Twelfth Infantry, at Fort Hamilton, N. Y., to serve three years, and is charged with desertion at the same post, March 28, 1863.

"The soldier in his affidavit of April 23, 1896, states that he remained at Fort Hamilton until he was paid off and discharged, when he left Fort Hamilton and went directly to Winchester, N. H., in which place, or in the vicinity of which place, he has since continuously resided.

"The affidavit of the soldier of April 30, 1906, states that he was wounded at Secessionville, S. C., June 16, 1862, and was taken to the general hospital at Port Royal, was removed to Bedloe Island, New York Harbor, remained there a few weeks, and was then transferred to the hospital at Fort Hamilton, New York Harbor. Early in December he requested that he be returned to his regiment, but was urged to join the Twelfth Infantry, United States Army. On December 18, 1862, he was transferred from the Third New Hampshire to the Twelfth Regulars. On March 28, 1863, he was informed that his discharge had come and that he could get his money at the paymaster's office. He received a draft for $112.91, which was cashed in the treasurer's office, and on that date he went home, where he remained. He reports that he supposed he was discharged from the Army, and got no intimation to the contrary; that he did not desert from the Twelfth Infantry; had no thought of deserting, and never suspected that he was considered a deserter until an application for pension was rejected on the ground of his desertion. He further states that he is now drawing a pension on account of wounds. The soldier's statement in this respect is borne out to a certain extent by the communications appended, dated March 18, 1896, March 23, 1896, and April 27, 1906, all of which show that the soldier was paid on March 23, 1863, $112.91, being arrears of pay and clothing allowance due the soldier as a private in the Third New Hampshire to December 18, 1862.

"From the above it would appear to your committee that there was no willful intention on the part of this soldier to desert the service of his country, but that he received a document which he was told was his discharge, and taking the same to the paymaster's office and receiving his pay, he believed that he was discharged from the service, and returned to his home; and in view of the long and faithful service of the soldier, the wounds that he received in such service, and his most excellent character since his return from the service, as testified to by a number of communications and petitions addressed to your committee by prominent people of his locality, your committee believes that the error of the soldier, through ignorance in mistaking the document for his final pay in the Third New Hampshire Regiment as his discharge from the service, and through illiteracy (the papers in the case showing that he was unable to read writing at the time), should not militate to his injury, but that he should be given the relief provided in the amended bill."

Mr. McKELLAR. Mr. Chairman, I think that is the end of the report, unless the gentleman wishes all of these other letters read.

Mr. MANN. Oh, I think the Clerk has not finished the report.

Mr. McKELLAR. These other papers are connected with it.

Mr. MANN. The other papers are a part of the report. The committee did not make any report except to adopt the Senate report, and, so far, nothing has been read to indicate why the bill should be passed. The important thing is the War Department report, which comes next.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CASE OF MYRICK R. BURGESS, LATE OF COMPANY F, THIRD NEW HAMPSHIRE INFANTRY VOLUNTEERS.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
*March 20, 1906.*

The SECRETARY OF WAR:

The name of Myrick R. Burgess has not been found on the rolls of Company F, Third New Hampshire Infantry Volunteers, on file in this office.

It appears, however, that Merrick (also borne as Mirrick) Burgess was enrolled August 21, 1861, and mustered into service August 24, 1861, as a private in Company I, Third New Hampshire Infantry Volunteers, to serve three years.

He is reported present on the company muster rolls from enrollment to April 30, 1862; the roll dated June 30, 1862, reports him "Absent, wounded in action at James Island, S. C., sent to general hospital at Hiltonhead, S. C."; and the subsequent rolls to February 28, 1863, report him "Absent in hospital at Bedloes Island, N. Y., wounded"; the roll dated April 30, 1863, and the company muster-out roll, dated July 20, 1865, report him discharged December 18, 1862, by reason of enlistment in the Twelfth United States Infantry.

Respectfully submitted.

F. C. AINSWORTH,
*Colonel, United States Army, Chief Record and Pension Office.*

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
*Washington, March 23, 1896.*

The records of this office show that Pvt. Mirrick Burgess, Company H, Second Battalion Twelfth Infantry, enlisted December 18, 1862, for three years, deserted at Fort Hamilton, N. Y., March 28, 1863, and that he never returned to his command.

The Auditor for the War Department, United States Treasury, has reported to this office that there is no evidence of final payment or discharge of Mirrick Burgess as of Company H, Second Battalion Twelfth Infantry, on file in his office, but that on March 23, 1863, the soldier was paid arrears of pay ($112.91) to December 18, 1862, as a private in Company I, Third New Hampshire Volunteers.

The department has no power to remove the charge of desertion, and favorable action on the proposed legislation can not be recommended.

Respectfully submitted.

GEO. D. RUGGLES, *Adjutant General.*

The SECRETARY OF WAR.

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WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
*Washington, March 18, 1896.*

SIR: In reply to your inquiry in regard to the military service of Mirrick R. Burgess, I have the honor to inform you that the records of this office show that Merrick (also borne as Mirrick) Burgess was enrolled August 21, 1861, and mustered in August 24, 1861, as private, Company I, Third New Hampshire Volunteers, and that he was discharged December 18, 1862, by reason of enlistment in the Twelfth United States Infantry; that he was enlisted December 18, 1862, as Mirrick Burgess in Company H, Second Battalion Twelfth Infantry, at Fort Hamilton, N. Y., for three years, and deserted at the same post, a private, March 28, 1863, never returning to his command.

The Auditor for the War Department reports that no evidence of final payment or discharge of this man as of Company H, Second Battalion Twelfth Infantry, is on file in his office, but that on March 23, 1863, the soldier was paid arrears of pay ($112.91) to December 18, 1862, as a private in Company I, Third New Hampshire Volunteers.

Very respectfully,

J. B. BABCOCK,
*Assistant Adjutant General.*

Hon. J. H. GALLINGER,
*United States Senate.*

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TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR WAR DEPARTMENT,
*Washington, April 27, 1906.*

SIR: Replying to yours of recent date regarding final pay as private, Company I, Third New Hampshire Volunteer Infantry, you are informed that the records show that you were paid final pay as of above service March 23, 1863, amount $112.91, being pay and clothing pay due for service as of Company I, Third New Hampshire Volunteer Infantry, from May 1, 1862, to December 18, 1862. The final statement with the voucher shows that you were discharged at Fort Hamilton, N. Y., December 18, 1862, by reason of enlistment in the Twelfth United States Infantry.

Respectfully,

B. F. HARPER, *Auditor.*
By S. E. FAUNCE,
*Chief Records Division.*

MIRICK BURGESS
(Care of F. H. Buffum, Manchester, N. H.).

—

I, Mirick Burgess, of Richmond, in the county of Cheshire and State of New Hampshire, on oath say that I enlisted in Company I, Third New Hampshire Volunteers, and I always supposed and believed that I was a member of said company and none other. I was wounded in the battle of James Island on the 16th day of June, 1862. I was sent to the hospital at Port Royal, and then I was transferred to Bedloes Island, N. Y. I then went to Fort Hamilton, some time in September. I think while there I done a little work, but only slight. I wanted to go back to my company and they refused or thought it best for me not to go back. I remained there all of the time until I was paid off and discharged. I now understood that I enlisted in the United States service, and if I did I was unaware of the fact. When I left Fort Hamilton I left as I supposed I had a right to, as I understood that I was not able to do military duty. I left Fort Hamilton and came direct to Winchester, where I have ever since lived and in its immediate vicinity. I was never a man who shirked my duty, and if I had for one moment thought that I was enlisted in the United States service I should have wanted to carry out my contract. I for a time received a pension and did not know until it was suspended that there was anything wrong in my Army record. I have circulated a petition and have procured all whom I have asked, and the names comprise all the best business men of this section. I feel that the charge is one that has come upon me by some mistake or other and should be removed. I therefore hope and pray that such action will be taken as will grant me the relief asked for.

MIRICK BURGESS.

STATE OF NEW HAMPSHIRE, *County of Cheshire, ss:*

Subscribed and sworn to this 22d day of April, A. D. 1896, before me.

[SEAL.] HOSEA W. BRIGHAM, *Notary Public.*

Mr. MANN. Mr. Chairman, I shall not insist upon having the rest of the report read, and ask that it be printed in the RECORD without being further read, in order not to detain the committee further.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to print the entire report in the RECORD. Is there objection?

There was no objection.

The remaining portion of the report is as follows:

I, Mirick R. Burgess, of Winchester, N. H., do make the following statement of my military service during the War of the Rebellion. In 1861 I was 23 years old and a resident of this town. On the 7th of August, 1861, I enlisted in Company I, Third New Hampshire Volunteers. I served in that regiment until wounded at Secessionville, S. C., June 16, 1862; was taken to the general hospital at Port Royal. Later was removed to Bedloes Island, in New York Harbor. Remaining there a few weeks, I was transferred to the hospital at Fort Hamilton, New York Harbor. Early in December I requested that I be returned to my regiment, but was urged to join the Twelfth Infantry, United States Army. On December 18, 1862, I was transferred from the Third New Hampshire to the Twelfth Regulars, Company H. On March 28, 1863,

I was informed that my discharge had come, and that I could get my money at the paymaster's over in New York City. I took the document, supposing it to be a discharge from the service of the United States. I did not read it, but went to the paymaster's office, got a draft for $112.91, which was cashed in the treasurer's office. I then, on that day, came home and remained at home. I supposed I was discharged from the Army and got no intimation to the contrary. I did not desert from the Twelfth Infantry; I had no thought of deserting and never suspected that I was considered a deserter until my application for an increase of pension was rejected on the ground of my desertion. I am now drawing a pension on account of wound. My discharge, which I now presume was a discharge from the Third New Hampshire, was lost in 1867 while I was at work in Athol, Mass.

MIRICK BURGESS.

STATE OF NEW HAMPSHIRE, *Cheshire, ss:*

Winchester, April 30, 1906, personally appeared Mirick Burgess, who subscribed and made oath to the truth of the foregoing affidavit before me.

[SEAL.] HOSEA W. BRIGHAM, *Notary Public.*

Mr. BURKE of Pennsylvania. Mr. Chairman, will the gentleman in charge of the bill yield for a question?

Mr. McKELLAR. Yes.

Mr. BURKE of Pennsylvania. In this case it appears that this man is a deserter, according to his own report, and he is at the present time drawing a pension. That is in conflict with the theory enunciated here, and the practice announced by the Pension Office, and the belief of the gentleman in charge of the bill, the chairman of the Committee on Military Affairs, and myself, and other Members.

Mr. McKELLAR. I do not know whether the man is drawing a pension or not.

Mr. BURKE of Pennsylvania. He states that he is now drawing a pension on account of wounds.

Mr. McKELLAR. I do not know how that is.

Mr. HAY. Mr. Chairman, I think I can explain that to the gentleman. He has a discharge from the New Hampshire command.

Mr. HOWARD. There were two enlistments.

Mr. HAY. He has a discharge from the New Hampshire regiment.

Mr. BURKE of Pennsylvania. But the statement of Gen. Ruggles is that the records at the War Department say that he is a deserter.

Mr. HAY. A deserter from his second enlistment, but not from the first.

Mr. HOWARD. He deserted from the enlistment at Fort Hamilton.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. McKELLAR. Yes.

Mr. WILLIS. Mr. Chairman, I call the gentleman's attention to the proviso, which is in this language:

That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

I assume the passage of this act is to enable this person to secure a pension?

Mr. McKELLAR. Yes.

Mr. WILLIS. And if that be the purpose, ought not the proviso to be in the usual form—that no pay, bounty, or other emoluments shall accrue?

Mr. McKELLAR. The usual form is that no back pay, bounty, or pension shall accrue. I will offer an amendment when we read the bill under the five-minute rule.

Mr. BURKE of Pennsylvania. What will this do by way of benefit to this individual, so far as a pension is concerned, if he is already drawing a pension on account of his first enlistment, from which he had an honorable discharge? Of what benefit will this particular bill be to this man?

Mr. McKELLAR. He will be able to get a service pension under this act.

Mr. BURKE of Pennsylvania. Will he be entitled to two pensions?

Mr. McKELLAR. Oh, no; but one is greater than the other.

Mr. Chairman, I ask that the bill be read for amendment under the five-minute rule.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Mirick Burgess, who was a private of Company I, Third Regiment New Hampshire Volunteer Infantry, and of Company H, Twelfth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named company and regiment on March 28, 1863: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

Mr. McKELLAR. Mr. Chairman, I move to amend, by inserting, on line 1, page 2, after the word "no," the word "back."

Mr. MANN. Mr. Chairman, if that is the only amendment the gentleman proposes to offer to that provision of the bill, it really does not amount to anything. There can be no pay or bounty accrue by reason of the passage of this act except back pay or bounty, and the bill provides that no pay or bounty shall accrue or become payable by reason of the passage of this act.

There can be no other except back. They used to put in the word "back," covering the question of pension—"No back pay, pension, bounty, or other emolument shall accrue," and so forth.

Mr. McKELLAR. Mr. Chairman, I do not think the amendment is necessary. I think this covers the case. I think this covers all there is.

Mr. MANN. I am inclined to agree with the gentleman.

Mr. McKELLAR. If the gentleman is willing, I will withdraw the amendment and ask that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Without objection, the amendment will be considered as withdrawn.

There was no objection.

Mr. McKELLAR. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to, and the bill was ordered to be laid aside with a favorable recommendation.

PHILIP COOK.

The next business in order on the Private Calendar was the bill (S. 1063) for the relief of Philip Cook.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of the pension laws Philip Cook, who was a private of Troop H, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said troop and regiment on the 3d day of August, 1865.

Mr. McKELLAR. Mr. Chairman, I desire to read from a statement in reference to this particular bill:

The official report of The Adjutant General shows that this soldier enlisted at the beginning of the Civil War, on the 19th day of April; reenlisted August 14, 1861; was honorably discharged in each instance; that he reenlisted again February 6, 1864, and remained in service until August 3, 1865, when he left the Army, the war being over, and returned to his home along with other comrades. From this official record it appears that the soldier actually served 4 years 2 months and 14 days, his service extending over a period that practically covered the entire conflict of the sixties. The Adjutant General's report sets forth a copy of the affidavit of the soldier, in which it is shown that he participated in every battle and skirmish in which his regiment was engaged, and that he was never off duty a day for sickness or other reason.

I reserve the balance of my time.

Mr. MANN. I would like to ask my friend from Tennessee a question.

Mr. McKELLAR. I would be delighted to answer any question of the gentleman.

Mr. MANN. Why was no report obtained from the War Department in this man's case?

Mr. McKELLAR. I can not say at the moment, but there are a number of these cases which I examined at the time to convince myself of the justice of the case and of the correctness of the report, and I can not say weeks after a bill has been reported when there are so many of them I can not keep all the facts in each case in mind. My practice ordinarily is to copy the records of the War Department in the report, because I think that is the most satisfactory way of handling these matters, but evidently that was not done in this case.

Mr. MANN. Evidently my friend from Tennessee did not have the records of the War Department before him, because in his report he says:

The committee's action is based upon the report of the Senate Committee on Military Affairs, which report is as follows.

All the Committee on Military Affairs of the House had before it was the report of the Senate Committee on Military Affairs, which contains very little information and carefully avoids giving the man's record in the Army.

Mr. McKELLAR. No; I think the gentleman is mistaken. The committee gives his record in the Army and states the number of his enlistments and that he deserted from the last one after the war was over. It shows the exact term of his service and purports to be a substantial copy of these War Department records, and I have not the slightest doubt about the accuracy of the Senate report. I examined it and had the papers before me, and I have no doubt I used it for the purpose of avoiding going into that detailed work.

Mr. MANN. I do not see how it purports to be an exact copy of anything.

Mr. McKELLAR. Did I say an exact copy? I thought I said a substantial copy.

Mr. MANN. The Senate committee's report undertakes to give information. Where they got it I do not know. They probably obtained it from statements made by this claimant. Customarily we get that information as to the official record from the War Department.

Mr. McKELLAR. I will state to the gentleman, take the case we have just passed upon where it purports to give the exact copy of the War Department's report. The gentleman can not judge from these reports which is an exact copy. I may have padded that if I saw proper or made it entirely out of the whole cloth; but, as a matter of fact, I reported the facts as near as I could.

Mr. MANN. I do not assume the gentleman pads or treats the House falsely in anything. I have not intimated anything of the kind.

Mr. McKELLAR. I am sure the gentleman would not say anything of that kind.

Mr. MANN. But here is a report of the gentleman which says his report is based upon the Senate report, and nowhere in their report is any report from the War Department where the official records are.

Mr. McKELLAR. Well——

Mr. MANN. And in this case I am going to have the report read in my time so as to find out what their report is.

Mr. LANGLEY. The mere fact that the Senate report details the exact dates and length of service shows conclusively that they had the War Department records before them.

Mr. MANN. I hope the gentleman will not take up my time by filibustering.

Mr. McKELLAR. The gentleman's last remark refers to the gentleman from Kentucky [Mr. LANGLEY] and not to me.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Illinois.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1063) for the relief of Philip Cook, having considered the same, report thereon with a recommendation that it do pass with an amendment.

Insert the following after the word "sixty-five," in line 8, page 1 of the bill:

"*Provided*, That no back pay, pension, or emolument shall accrue by reason of the passage of this act."

The committee's action is based upon the report of the Senate Committee on Military Affairs, which report is as follows:

"The Committee on Military Affairs, which has considered the bill (S. 1063) to grant an honorable discharge to Philip Cook, reports thereon favorably and recommends that the bill be passed.

"While the thoughtless conduct of this soldier as disclosed by the record led to the charge of desertion being placed against him by the War Department, investigation of the war record of the man negatives entirely the idea or charge that he belongs to that class known as deserters, camp followers, coffee coolers, or sutlers that followed in the wake of the Army in the sixties. On the contrary, the official report of The Adjutant General shows that this soldier enlisted at the beginning of the Civil War, on the 19th day of April; reenlisted August 14, 1861; was honorably discharged in each instance; that he reenlisted again February 6, 1864, and remained in service until August 3, 1865, when he left the Army, the war being over, and returned to his home along with other comrades. From this official record it appears that the soldier actually served 4 years 2 months and 14 days, his service extending over a period that practically covered the entire conflict of the sixties. The Adjutant General's report sets forth a copy of the affidavit of the soldier, in which it is shown that he participated in every battle and skirmish in which his regiment was engaged, and that he was never off duty a day for sickness or other reason. This affidavit is uncontradicted on the part of the Government and is corroborated by the sworn evidence of John Higley, a comrade who enlisted in the same company and regiment with Philip Cook and served with him until the close of the war. He says of Cook:

"'I never knew a better soldier than Philip Cook. I never knew him to be sick or in the hospital, and always found him on the line of duty.'

"It appears that the last of the three enlistments of this soldier during the Civil War was for a period of three years. The war, it later developed, was nearly over then, and his enlistment would have taken him beyond the duration of the war, or until February, 1867.

"The soldier, from his affidavit, seems to have taken the view of the matter that he had enlisted for three years, or until the war was over, and states that, without any intention of deserting, he left the regiment under the following circumstances:

"'The war was then over. Deponent had not been home for more than a year. He supposed that the regiment would be discharged, and, in company with 12 or 13 others, he left and came directly to his home in Williamsport, Pa., where he has resided ever since. He left thoughtlessly, being influenced by the action of the others who left with him, who included four or five noncommissioned officers. He has served faithfully in said regiment for about four years, never was a day off duty for sickness or any other reason, was in every battle and skirmish that his regiment participated in, and appeals to his record as a faithful soldier.'

"In the judgment of your committee, the record of this soldier throughout the Civil War does not comport with that of a deserter, and it is recommended that the relief sought in this case be granted."

Mr. McKELLAR. Does the gentleman from Illinois yield the floor?

Mr. MANN. No.

Mr. McKELLAR. I want to make a motion.

Mr. MANN. Very well.

Mr. WILLIS. Will the gentleman yield to me in order to ask a question of the gentleman from Tennessee?

Mr. MANN. I yield to the gentleman from Ohio.

Mr. WILLIS. I desire to call the attention of the gentleman again to the proviso, as I did in the previous bill, for the purpose——

Mr. MANN. Certainly my friend from Ohio can not call attention to any proviso in this bill.

Mr. WILLIS. I was just going to explain to my friend from Illinois this is a proviso that is proposed to be inserted by a committee amendment.

Mr. MANN. There is no committee amendment in the bill.

Mr. WILLIS. But there is one proposed in the report. I want to call the attention of the gentleman from Tennessee to the form of the proviso suggested as an amendment. It reads:

*Provided*, That no back pay, pension, or emolument shall accrue by the passage of this act.

Mr. McKELLAR. Yes.

Mr. WILLIS. Of course one of the purposes of the passage of this act is to make it possible for the beneficiary to secure a pension.

Mr. McKELLAR. Not a back pension.

Mr. WILLIS. Certainly not. I am directing the attention of the gentleman to the fact that as that proviso reads it might possibly be construed to apply to a back pension. Would it not be better to have it read this way? Is not this just what the gentleman ought to say: "*Provided*, That no back pay, bounty, or emolument shall accrue prior to the passage of this act"?

Mr. McKELLAR. If that is the gentleman's bill, I am willing to accept it.

Mr. WILLIS. No. Let me state that amendment again: "*Provided*, That no back pay, bounty, or emolument shall accrue prior to the passage of this act."

Mr. McKELLAR. You might put in the words "back pay and back emolument" if you wish.

Mr. MANN. The suggestion of the gentleman from Ohio [Mr. WILLIS] would permit the payment of back pay subsequent to the passage of the act, but not prior thereto.

Mr. WILLIS. If it could not accrue, there would not be such a thing as back pay and bounty.

Mr. MANN. While there might be a discussion as to whether the term "back pay, bounty, or pension" meant back pay, back bounty, or back pension, still it has been so construed by the Pension Office.

Mr. McKELLAR. I so understand.

Mr. WILLIS. Evidently the word "back" would refer to the pay.

Mr. McKELLAR. I will say to the gentleman this: The War Department has sent down a great number of forms. They do not always have the exact form which this has. But this is one of the forms submitted by the War Department. They would not submit a form in the proviso that would nullify the act, of course.

Mr. MANN. This is one of the forms that is submitted, that "no pay, bounty, pension, or other emolument shall accrue prior to the passage of this act." That is one form.

Mr. McKELLAR. Yes.

Mr. MANN. Another is that "no back pay," and so forth, "shall accrue by reason of the passage of this act."

Mr. WILLIS. That is all right if you construe the word "back" to apply to pension or emolument.

Mr. MANN. It is so construed.

Mr. McKELLAR. Mr. Chairman, let the Clerk read the bill for amendment.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws Philip Cook, who was a private of Troop H, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said troop and regiment on the 3d day of August, 1865.

Mr. McKELLAR. Mr. Chairman, I move the following amendment: "After the word 'sixty-five,' in line 8, page 1 of the bill, insert the words '*Provided*, That no back pay, bounty, or emolument shall accrue by reason of the passage of this act.'"

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. McKELLAR].

The Clerk read as follows:

Amend by adding at the end of line 8 the following: "*Provided*, That no back pay, pension, or emolument shall accrue by reason of the passage of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I move to amend the amendment by inserting, after the word "pay," the word "bounty."

Mr. McKELLAR. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by inserting, after the word "pay," the word "bounty."

XUM

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN] to the amendment of the gentleman from Tennessee [Mr. MCKELLAR].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee as amended by the amendment of the gentleman from Illinois.

The amendment as amended was agreed to.

Mr. MCKELLAR. Mr. Chairman, I move now that the bill as amended be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Tennessee [Mr. MCKELLAR] moves that the bill as amended be laid aside with a favorable recommendation.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the next bill.

CALEB T. HOLLAND.

The next business in order on the Private Calendar was the bill (H. R. 17752) for the relief of Caleb T. Holland.

The bill was read, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Caleb T. Holland who was a private of Company E, Sixteenth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 18th day of April, 1864.

Mr. MCKELLAR. Mr. Chairman, this is a bill that was reported by the gentleman from Illinois [Mr. MCKENZIE], of the Committee on Military Affairs, and I will ask him to take charge of it.

The CHAIRMAN. The gentleman from Illinois [Mr. MCKENZIE] is recognized for one hour.

Mr. MCKENZIE. This soldier evidently deserted twice. He first enlisted in the Sixtieth Illinois Regiment of Infantry in 1862, and after serving about two years he reenlisted in this same regiment, and from that organization he deserted soon after his second enlistment and joined a battery of Indiana artillery, in which organization he served until some time in 1865, or until the close of the war—that is, the actual close of the war—and at that time deserted.

It is a fact that the evidence before the committee does not disclose very clearly just what the soldier was doing during the period from the time of his desertion from the Infantry regiment until he joined the Indiana battery of artillery.

Mr. WILLIS. Mr. Chairman, will the gentleman yield there?

Mr. MCKENZIE. Yes.

Mr. WILLIS. Did the soldier receive any bounty for his second enlistment?

Mr. MCKENZIE. Well, we were unable to determine from the papers before us whether he did or did not. But the gentleman who introduced the bill, Mr. HILL, of Illinois, asserted before the committee that he did not receive any bounty. Of course, if we had been advised that he had received any bounty we would not have reported the bill to the House. But the statement made by Mr. HILL was to the effect that the soldier did not receive any bounty or other emolument for his reenlistment. He gave as the reason for his first desertion the fact that one of his commanding officers seemed to have some sort of prejudice against him, and at every opportunity took occasion to humiliate him, and had threatened him with punishment; and, believing he was going to be punished, he left the train on which his command was traveling, and deserted. The very fact that he immediately, or very soon thereafter, joined another military organization is good evidence that he was not deserting for the purpose of getting out of the military service of his Government.

The evidence tends to show that he was a good soldier; that he did his work faithfully and well; and that his final desertion after the war was over was nothing more than what was done by thousands and thousands of other young men who, believing the war to be over and no further fighting necessary to be done, left and went to their homes.

We considered the matter very carefully, and we felt, and I feel now, regarding those boys who went into the service of their country and actually fought and were good soldiers, notwithstanding the fact that they may have been guilty of some indiscretions and violation of certain military regulations, that we ought to look with a great deal of charity upon such indiscretions when no real harm came therefrom to the country.

I have no use and no respect for a man who will desert a military organization on account of cowardice, or for the purpose of obtaining bounty or emolument by reenlisting, but when a man had some just reason, as I have no doubt many of the privates had, because of the treatment of some of their officers, and deserted from one organization and thereafter enlisted in another organization, without profit, I feel that we ought not to be too critical at this time, and for that reason I joined with the other members of the Committee on Military Affairs in recommending that this man's record be corrected.

Mr. MANN. In this case the claimant deserted twice. That of itself would be a sufficient reason for examining carefully into the case. It develops that the first time he deserted because the boys had knocked in the head of a barrel of whisky, and the captain of his company undertook to prevent him from getting drunk on the whisky, and he drew his gun and bayonet and tried to bayonet the captain, and the captain ordered the boys to arrest him, and he left. That seems to be a sufficient reason for making a careful examination of the merits of the case, and I will therefore ask that the Clerk in my time read the report of the committee, so that the House may understand the evidence that is presented to overcome two desertions and one attempt to kill the captain because the captain did not want him to get drunk.

The CHAIRMAN. The Clerk will read the report in the gentleman's time.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 17752) for the relief of Caleb T. Holland, having considered the same, report thereon with a recommendation that it do pass.

The soldier, Caleb T. Holland, first enlisted in Company E, Sixtieth Illinois Volunteer Infantry, January 15, 1862, and was mustered into service February 17, 1862. He reenlisted in the same organization as a veteran volunteer February 18, 1864. He deserted from this organization April 18, 1864, near New Albany, Ind., giving as a reason for desertion that he was in great fear of his superior officer, who had treated him very unjustly without cause. After deserting the above-mentioned regiment he enlisted in Company B, First Indiana Volunteer Heavy Artillery, July 20, 1864, under the name of Charles T. Howard, to serve three years. He deserted from this organization June 24, 1865. The last charge of desertion has been removed under the law approved July 5, 1864.

The purpose of this bill is to clear up his record on the first desertion. It is evident that the soldier did not desert for the reason he did not care to serve his country, for he soon thereafter reenlisted and served to the end of the war, receiving no bounty or extra pay for such reenlistment. The time intervening from his first desertion until his reenlistment is not very fully accounted for, but we do not feel that such deficiency in the evidence is sufficient to justify the denial of the relief prayed in the bill. Hereto attached, and made a part of this report, is the letter of The Adjutant General; also, affidavit of soldier and three of his comrades.

CASE OF CALEB T. HOLLAND, ALLEGED LATE OF COMPANY B, FIRST REGIMENT INDIANA VOLUNTEER HEAVY ARTILLERY.

The name of Caleb T. Holland has not been found on the rolls, on file in this office, of Company B, First Indiana Volunteer Heavy Artillery.

It appears from the records of this office that Caleb T. Holland, Company E, Sixtieth Illinois Infantry Volunteers, subsequently served as a member of Company B, First Indiana Heavy Artillery Volunteers, under the name of Charles T. Howard.

The records show that Caleb T. Holland was enrolled January 15, 1862, and was mustered into service February 17, 1862, as a private of Company E, Sixtieth Illinois Infantry Volunteers, to serve three years. On the company muster rolls to and including the one dated April 30, 1862, he was reported present. On the company muster roll dated June 30, 1862, he was reported furloughed for 20 days from May 16, absent without leave. On the subsequent muster roll to and including the one dated December 31, 1863, he was reported present. He reenlisted February 18, 1864, as a veteran volunteer, in the same organization, and deserted April 18, 1864, near New Albany, Ind. While absent in desertion he was again enrolled July 20, 1864, under the name of Charles T. Howard, and was mustered into service August 5, 1864, as a private of Company B, First Indiana Heavy Artillery Volunteers, to serve three years, and he deserted June 24, 1865. The charge of desertion of June 24, 1865, has been removed, and he has been discharged to date June 24, 1865, under the provisions of the act of Congress approved July 5, 1884.

Applying to this department for removal of the charge of desertion and for an honorable discharge as a member of Company E, Sixtieth Illinois Infantry Volunteers, in an affidavit executed August 17, 1891, Holland, a resident of Marion, Ill., testified:

"That he served faithfully until on or about the 25th day of April, 1864, when, without any intention of deserting, he left the regiment under the following circumstances: 'Because of the intense hatred Capt. Stephen H. Fogarty had for me, together with the severe punishment he inflicted upon me. At Gosport, Ind., one of my comrades knocked in the head of a barrel of whisky and as the boys marched by would dip their canteens or coffeepots into the barrel and fill them with the liquor. The captain standing by uttered not a protest until I dipped my canteen into the barrel, when he drew his sword and remarked, 'Damn you, I have been waiting for a chance at you,' and would have struck me but for me stepping to one side and drawing my gun on him. He ran and sent a squad of men to arrest me. By this time we were on the train and as the boys informed me that I was to be arrested and court-martialed, I stepped off the train and made my way to the nearest Union troops.

Mr. HUMPHREY of Washington. Mr. Chairman, I do not know that I want to make the point of no quorum, but I want to call the attention of the House to the number of Democrats present and the number of Republicans. This is simply a forerunner of what it will be after November next.

Mr. MCKELLAR. Does the gentleman mean to say that all the Republicans left will be those who are on the floor now? [Laughter.]

The CHAIRMAN. The Clerk will proceed with the reading.

The Clerk read as follows:

"I reenlisted at Indianapolis in Battery B, First Indiana Heavy Artillery, on or about June 4, 1864, and was honorably discharged from same on or about June 28, 1865, under the name of C. T. Howard.'"

In an affidavit executed June 6, 1912, he again testified as follows:

"That he enlisted January 15, 1862, in Company E, Sixtieth Regiment Illinois Infantry Volunteers, and reenlisted as a veteran in the same company and regiment February, 1864, and continued to serve in said Company E, Sixtieth Regiment Illinois Infantry Volunteers till the 18th day of April, 1864, at which time left his command on account of the enmity of his captain against him and the ill treatment received at his hands; that he again enlisted under the name of Charles T. Howard on the 20th day of July, 1864, in Company B, First Regiment Indiana Heavy Artillery, and was discharged to date June 24, 1865, and having been absent less than four months from Company E, Sixtieth Regiment Illinois Infantry Volunteers, and having served faithfully under his second enlistment and honorably discharged therefrom; and said second enlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to under his enlistment; that he makes this application for the purpose of having the charge of desertion against him, on the rolls of Company E, Sixtieth Regiment of Illinois Infantry Volunteers, removed and receiving a discharge or certificate of honorable service under section 3, act of March 2, 1899."

Application for removal of the charge of desertion and for an honorable discharge in the case of this soldier as a member of Company E, Sixtieth Illinois Infantry Volunteers has been denied, and now stands denied, for the reason that his service under his reenlistment in the First Indiana Heavy Artillery Volunteers was not faithful, which fact precludes favorable action under the provisions of the act of Congress approved March 2, 1889 (25 Stat. L., 869), the only law in force governing the subject of removal of charges of desertion.

Respectfully submitted.

GEO. ANDREWS,
*The Adjutant General.*

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
*May 23, 1914.*

The honorable the SECRETARY OF WAR.

STATE OF ILLINOIS, *Williamson County, ss:*

Caleb T. Holland, being duly sworn, on his oath doth say that he is the identical Caleb T. Holland who enlisted as a private in Company E, Sixtieth Regiment Illinois Volunteer Infantry, in the war of 1861–1865. That he was born in Monongalia County, W. Va., July 28, 1845. That his parents were people of limited means, and had to contend with the adversities of life by manual labor. That his father engaged in making brick—the old-fashioned hand made and sun-dried sand brick, usually burned in a hand-set kiln with firewood, this being the kind of brick of which houses were built 40, 50, and 60 years ago.

Affiant says that his boyhood and youth was occupied in manual labor in assisting to support his father's family; that his educational advantages were meager, extending only to reading and spelling.

Affiant says that his father was an ardent advocate of the Union cause. Affiant says that the southern sentiment was very strong among the people of Marion; in fact, the prevailing sentiment of the citizens of Marion was with the cause of the South. These were the conditions with which affiant was surrounded. And affiant, with other young boys of the country and city, enlisted in the Union Army, in Company E, Sixtieth Illinois, as above stated, January 15, 1862, when he had turned his 17th year, being but 16 years 5 months and 7 days old.

Affiant says that he was mustered into said company and regiment at Anna, Ill., about the 17th of February, 1862; and without encumbering this statement with a history of his services and privations and hardships, would state that with the exception of about six weeks or two months in the months of March and April, 1862, he was sick with typhoid-pneumonia at Cairo, Ill., in the United States hospital, for a time, and his father came and brought him to Marion, Ill., and nursed him back to health.

He returned to his regiment in the spring of 1862, after he had recovered from said sickness.

About three-fourths of the regiment reenlisted as veterans and were granted a furlough home from Centralia, Ill., about the 6th of March, 1864.

Affiant says that unfortunately for himself and many other of his comrades they captured a man down at Hickman, Ky., by the name of Stephen Fogarty, who had been in the rebel army and had had experience as a drillmaster. He became first lieutenant and afterwards captain on account of his knowledge of "company drill" and military tactics. He was an Irishman, and was much given to drink of intoxicating liquors, and in addition to that he was abusive to his men, especially so when under the influence of intoxicating liquors, which he was most of the time. Affiant says that it impressed him, this affiant, that he became the object of the said Fogarty's malice and ill-will, and further, he had oppressed affiant with his power to the extent of punishing affiant in various ways by putting affiant on extra duty, both in the camp and on the picket, making him perform police duty in the camp, clearing up the camp, digging up stumps in the camp and on the parade ground, putting him in the guardhouse for days and nights, apparently because he had the power to do so. Affiant being young in years and experience, became frightened with dread and was living in a state of continued fear of bodily injury or punishment.

Affiant says that it was on the return to the front with the veterans in April, 1864, while going through the State of Indiana at a place on the railroad called Gosport that affiant understood that there was a barrel of "rum" on the platform and some of the soldiers had knocked the head of the barrel in, and appropriated some of the liquor. This seemed to make Capt. Fogarty very angry, and without any evidence or proof accused this affiant of the act in the most threatening manner, and in a way impressed affiant that he intended to carry out his threats, told affiant that he was going to have him court-martialed and sent to prison as soon as the regiment landed at their destination. Affiant denied the charge and offered to prove his innocence, but of no avail. He would not listen to him.

This was the condition that affiant was in when the train got to Mitchell, Ind. Affiant had no intention of deserting or quitting the service, but determined to leave the command and be relieved of the abuse and oppressiveness of Capt. Fogarty. That he did not return to his home in Illinois, but went to Indianapolis, Ind., and enlisted in Company B, First Indiana Volunteer Heavy Artillery, with which he served until the close of the war.

After the close of the war he went into the pine woods in the State of Mississippi and worked with sawmills in different capacities until April 10, 1868, when he came back to Marion, Ill., the place that he started from when he first enlisted, and has been living in Marion ever since. Affiant says that many years ago he in good faith employed a pension attorney to straighten up his military record, and he thought he had done so. Affiant, not being versed in these matters, was surprised to learn that his record as a private in Company E, Sixtieth Illinois, did not show that he had been honorably discharged. He received a discharge when he reenlisted as a veteran. Affiant says that during the time since the war he has held various positions of trust and honor in said city and county; that he has held the position of chief of police of Marion for four different terms, the position of constable for 16 years, deputy sheriff of Williamson County for 2 years, and justice of the peace for 8 years; that he has always been an advocate of law and order. He respectfully submits the foregoing to the kind consideration of the officers having charge of the records of the Union soldiers and respectfully asks that he may receive that degree of honorable recognition to which he feels that he is justly entitled.

CALEB T. HOLLAND.

Subscribed and sworn to before me by the above-named Caleb T. Holland this 26th day of April, A. D. 1913.

And I hereby certify that I have been personally and well acquainted with the affiant, Caleb T. Holland, continuously since 1868. Will further state that Caleb T. Holland is a man of good character, has a good reputation for peaceableness, honesty, and truth. I further certify that I am not related to Caleb T. Holland, either by blood or affinity, and that I have no interest whatever in his application for honorable discharge further than to give testimony as to his standing and reputation as a citizen.

[SEAL.]

GEO. W. YOUNG,
*Notary Public, Marion, Ill.*

Mr. MANN. I will ask unanimous consent that the remainder of the report may be printed in the RECORD without reading.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the remainder of the report may be printed in the RECORD without reading. Is there objection?

Mr. McKELLAR. Being very anxious to expedite the transaction of business, I shall not object.

The CHAIRMAN. Is there objection?

There was no objection.

The remainder of the report is as follows:

STATE OF ILLINOIS, *Williamson County, ss:*

Sion M. Otey, William Hendrickson, and James P. Copeland, each for himself being duly sworn, say that they were members of Company E, Sixtieth Illinois Volunteer Infantry. They were personally well acquainted with Caleb T. Holland, who was a private in said company and regiment. Said Holland made a good soldier. Affiants say they were familiar with the treatment said Holland received at the hands of Capt. Stephen Fogarty, who for a time was the captain of said company, and we know that Capt. Fogarty was ill and abusive and overbearing toward said Holland from about June, 1862, until said Holland left the command.

Capt. Fogarty was a bad man and was universally disliked by the members of Company E on account of his overbearing and tyrannical disposition; he had an ungovernable temper and was very much addicted to drinking intoxicating liquor, which at times caused him to become reckless and very unreasonable and oppressive in his conduct toward the members of the company and especially toward Comrade Holland. Of course, there was considerable talk among the men about the way Capt. Fogarty treated and abused Comrade Holland, as well as some others, upon various occasions and in different ways. It seemed like he had a pique or grudge at him, and often inflicted unnecessary and cruel punishment upon him, considering the age and experience of said Holland. And affiants further say that when Holland left the command at Mitchell, Ind., they never heard of anyone who blamed him for so doing. Affiants further say that said Holland was always ready to do his duty when called upon; he was no shirk. And after two years' service he reenlisted as a veteran, and we honestly believe that if he had received anything like considerate treatment at the hands of his captain he would have served honorably and faithfully to the end of the service.

They are not related to said Holland and they make the foregoing statements from personal knowledge and observation of the events and facts as they actually occurred at the time, and that justice may be done a good man and a good soldier.

WM. HENDRICKSON.
JAMES P. COPELAND.
SION M. OTEY.

Subscribed and sworn to before me this 26th day of April, A. D. 1913. I am not interested in this matter and I am personally and well acquainted with all the above-named witnesses, and they stand above reproach for honor, sobriety, and truthfulness.

GEO. W. YOUNG, *Notary Public.*

(Copy of original affidavit on file with the Commissioner of Pensions.)

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill.

Mr. MANN. Mr. Chairman, I move to amend by adding at the end of the bill the following proviso:

*Provided*, That no back pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding at the end of line 10 the following:

"*Provided*, That no back pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act."

The amendment was agreed to.

Mr. McKENZIE. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

HERMAN VON WERTHERN.

The Clerk read the bill (S. 2472) for the relief of Herman von Werthern, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Herman von Werthern, late captain of Company K, Second Regiment Louisiana Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as of the date of September 7, 1864, upon condition that no pay or compensation shall accrue by reason of the passage of this act.

Mr. GARD. Mr. Chairman, this is a bill which comes over from the Senate, and is for the relief of Herman von Werthern. The facts, briefly stated, are that Mr. von Werthern came to the United States in 1862 from Prussia, and immediately enlisted in the Civil War. After a service of some time he resigned because of his inability to understand the English language. He was requested to reenlist because of his knowledge of military tactics, which he did, and served until 1864, at which time there was proposed a combination of two Louisiana regiments, and, owing to some dissatisfaction concerning the reorganization, a number of the officers were impelled not to attend the conference concerning the reorganization or combination, and von Werthern was one of those officers. For this all were court-martialed and dismissed; but this disability has been long removed from all the others, so the report states, and we are now asked to remove the disability from von Werthern, whose sole crime in a military sense was that he did not attend a meeting called to effect a consolidation, the reason assigned by the officers, including von Werthern, being that they did not wish to leave a regiment of full number and lose their military identity in another regiment whose recruited strength was in doubt, and which, as a matter of fact, never was filled.

I reserve the remainder of my time.

Mr. MANN. Mr. Chairman, this man, Herman von Werthern, is reported as having been mustered into the service September 9, 1862, as a second lieutenant of Company I, One hundred and thirty-first Regiment New York Volunteer Infantry, to serve three years, and was transferred afterwards to Company D of the same regiment. He tendered his resignation in a letter dated at Alexandria, La., May 15, 1863, on the ground that his imperfect knowledge of the English language rendered it extremely difficult for him to perform the duties of an officer; and, second, that being an officer in the Prussian Army, having a furlough for two years, which would expire September 1, 1863, it became necessary that he should report to the Prussian war department on or before that date.

If he had been in the Prussian Army as an officer for two years, you would think he would have known enough to know whether he ought to enlist in the United States Army for three years and what his status would be. He was accordingly discharged from the service as second lieutenant, Company D, One hundred and thirty-first New York Volunteers, in special order No. 126, May 30, 1863, when he received his copy of the order of the discharge, and he was finally paid to include November 11, 1863.

Although he had received his discharge before completing a three-year enlistment, because he said he was required to report to the Prussian war department, he was, shortly after receiving his discharge, commissioned provisionally by Gen. Banks as first lieutenant, Company G, Second Regiment Louisiana Volunteer Cavalry, December 28, 1863, and was mustered into the service as such at New Orleans April 30, 1864, to serve three years, and is shown to have commanded a squadron of such regiment from May 20 to June 4, 1864.

While no record evidence was found of his service as captain of Company K, testimony has been submitted to the effect that he was commissioned as captain August 20, 1864, and that he performed the duties of captain until September 7, 1864, when he was dishonorably dismissed from the service. The circumstances of his dismissal are somewhat peculiar. Remember, he had first enlisted for a term of three years and had gotten a discharge on the ground that he was a Prussian officer and was required to report to the Prussian war department. Then he again enlisted for another term of three years immediately after getting his discharge, but there was trouble about the new regiment. These were Louisiana regiments. They were short of men, and at New Orleans, in August, 1864, Gen. Canby, in charge, directed a consolidation of the First and Second Louisiana Cavalry in orders which were issued.

This claimant on his second enlistment had enlisted in the Second Louisiana Cavalry. The orders were that "the First and Second Regiments of the Louisiana Cavalry will be consolidated as the First Louisiana Cavalry. To this end the enlisted men of the Second Louisiana Cavalry will at once be transferred to the First Louisiana Cavalry, and the commanding general, Nineteenth Army Corps, will convene a board of examiners before whom the officers of each regiment shall appear for examination."

This board met and proceeded to examine the officers of these regiments who presented themselves. But the officers of the second regiment, including this man who had been in the Prussian Army, who had enlisted twice in the United States Army, who served for a short period only under the first enlistment, did not like the order consolidating the two regiments. The general commanding had not asked this man whether he ought to consolidate the two regiments. It is true there were not enough men and officers in the two regiments to make more than one regiment, but the commanding officer had not consulted this officer and had not even consulted the privates in the regiment as to whether the two regiments should be consolidated. The officer disapproved of the consolidation. So, pouting and huffy, he formally declined to appear before the board of examination. He declined to appear along with some other officers of the regiment. Some of them sent this statement addressed to Gen. Davidson, the president of the board of examination:

BATON ROUGE, LA., *August 30, 1864.*

Brig. Gen. J. W. DAVIDSON,
*President Board of Examination.*

GENERAL: We, the undersigned officers of the Second Louisiana Cavalry, do most respectfully decline to appear before the board of examination, of which you are president, convened at Baton Rouge, for examination for positions in the First Louisiana Cavalry for the following reason, viz: That we do not wish positions in the First Louisiana Cavalry. We are, General, with great respect,

Your obedient servants, etc.

Not having been asked as to whether the regiments should be consolidated they wished to treasonably in time of war express their contempt for the commanding officers and did it in this way.

The result was that in special orders issued by the military headquarters of the Division of West Mississippi, dated September 7, 1864, these officers, or some of them, were—

dishonorably dismissed the service of the United States for declining to appear before a board of examiners convened for the purpose of determining the officers best qualified to be retained in the consolidation of the First and Second Louisiana Cavalry.

In paragraph 4 of the same orders all of the 19 officers who signed the paper dated August 30 (including Capt. Werthern), were also—

dishonorably dismissed the service of the United States for combining to subvert the action of a board of examination convened to determine the officers best qualified to be retained in the consolidation of the First and Second Louisiana Cavalry, and for declining to appear before the same for examination.

Here was a case where two regiments had been raised during the war in Louisiana for military reasons. For good reasons the regiments were ordered consolidated. To refuse to obey these orders was sufficient ground for being shot. Probably this man ought to have been shot. It was open contempt for his superior officer. He declined to obey the orders, and then was gotten off as lightly as could be with a dishonorable discharge.

This was no boy fresh from the country. Here was a man who had been two years in the Prussian Army as an officer, who had two enlistments in the volunteer forces of the United States. In the thick of the battle, as it were, and practically what was the enemy's country, he declined to obey orders and expressed his open contempt for military authority.

Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SAMUEL W. SMITH. Does not the gentleman think that this case is of sufficient importance to have a quorum present?

Mr. MANN. I hope the gentleman from Michigan will not make the point of no quorum. I realize the fact that on bills of this kind it is not to be expected that all the Members of Congress will give attention to them. Necessarily, there is only a comparatively small portion of the membership of the House who will take an interest in private bills.

Now, I do not think bills of this kind should pass. It is true that the committee, in reporting this bill, says:

With this record of facts before us it would be difficult to understand how the Government of the United States could refuse to grant the petition of this veteran, whose error, if it could be termed an error, consisted only in joining fellow officers in a petition for what they conceived to be justice, and which error has been condoned in the individual cases enumerated, and the subsequent elevation of those equally in error to places of honor among the officers who fought for what they conceived to be right during the War between the States.

That is the recommendation of the Senate committee giving the best excuse that it could, but the fact is that this man, old

enough to know better, an officer in two armies, deliberately decided to flaunt in the faces of his military commanders their orders and to decline to obey them, and for that he received a dishonorable discharge, which he was entitled to have.

Mr. J. I. NOLAN. Mr. Chairman, the petitioner in this case is a constituent of mine, a resident of my congressional district. I have met the old gentleman on a number of occasions and am quite familiar with the circumstances of his case. I have read a good many letters which he has written to Members of Congress in times gone by, and to the President of the United States and to committees of both Houses of Congress that at various times have considered his case. The old man at the present time is over 86 years of age, feeble, and almost blind, and if his record is corrected it would just about give him an opportunity to end the rest of his days in peace. He can not live a great many years longer. If he is given a pensionable status and should secure a pension he will not live for any length of time to enjoy it.

There are some matters in connection with the case that ought to be brought to your attention. The Senate committee thinks it is a very meritorious case, one in which justice has been long delayed. Capt. von Werthern is in San Francisco, 86 years old, feeble, and nearly blind. He enlisted September 9, 1862, and at his own request he received a discharge from that first enlistment on November 11, 1863. On his first enlistment, in the New York Volunteers, he served about 14 months. During this time he was on furlough from the Prussian Army, and while it is true his furlough was for two years when he enlisted, he had to enlist for three years, and in order to be in a position to report to his former command, he, at his own request, was given an honorable discharge from the One hundred and thirty-first New York Volunteers.

As soon as matters were arranged so that he could again reenlist he joined the Second Louisiana Cavalry Volunteers as first lieutenant December 28, 1863, and served with the regiment until he was dishonorably discharged to September 7, 1864, during which service he was promoted to captain.

It seems that Capt. von Werthern, along with 22 other officers of the Second Louisiana Cavalry, was ordered to appear before an examining board after the First and Second Louisiana Cavalries were ordered to be consolidated. The facts are as follows: There were 11 companies of the Second Louisiana Cavalry, and the twelfth company was in process of formation. The First Louisiana Cavalry had less than 300 men mustered into the service and less than 150 men at that time present fit for duty. In other words, the Second Louisiana Cavalry, of which this man was an officer, had 11 full companies formed in the service and the twelfth about in process of formation. They were ordered to appear before an examining board to determine as to whether they should be classified in the consolidation as officers of the regiment. The men, from the colonel down, thought an injustice had been done them, owing to the fact that Col. Keily, who commanded that regiment, spent one year of his time and a good deal of his money in recruiting the Second Louisiana Cavalry. The men were loyal to their commander, and all they did at that particular time was to refuse to obey the order to appear before the examining board. They thought they had that right and that it was not disobedience of orders. Col. Keily, the commanding officer of the Second Louisiana Cavalry, was subsequently court-martialed for disobedience of orders, and on that the report reads as follows:

It appears from the report of the War Department that Capt. Keily, or Col. Keily, who helped to raise, at great expense to himself, the Second Louisiana Cavalry under conditions mentioned in the petition, was tried before a general court-martial upon the charges of "exciting a sedition," "conduct unbecoming an officer and a gentleman," and "conduct to the prejudice of good order and military discipline," the specifications to the charges being to the effect that "he, while acting as colonel of said regiment, refused to appear before the examining board and urged and incited certain of his subordinate officers (the 22 before mentioned) 'to sign and present to said board of officers a certain seditious paper, with the intent to impair and set at defiance the authority of the said board and of the general officers by whose orders it was convened and to defeat the object for which the said board was called.'"

Col. Keily was acquitted of the charges, and the proceedings and findings were approved and promulgated by Gen. Canby October 13, 1864.

It also appears in the report of the War Department that several special orders were issued by Gen. Canby, dated, respectively, November 14, October 29, October 19, and November 26, 1864, revoking or purporting to revoke, so much of his order of September 7, 1864, as dishonorably dismissed Maj. Juste Fontaine, Capt. Ashburn, and Lieuts. Lester and McBeth, and dishonorably discharging them to date September 7, 1864, on their respective petitions for relief indorsed by their division commander.

It does not appear from the records whether Capt. von Werthern applied for relief or not at that time.

Col. Keily was subsequently breveted brigadier general of Volunteers. This man, who was alleged to have been one of the chief instigators of this disaffection, and who was tried by court-martial and acquitted and was afterwards breveted brigadier general of Volunteers, under date of October 17, 1864, wrote Capt. Herman von Werthern as follows:

"I deem it only my duty to bear testimony to your conduct as an honorable, high-toned officer and gentleman.

"In the field you have exhibited the true qualifications that a good officer should possess—bravery, intelligence, and fidelity. You have also had a long experience in service, and I well recollect when our first acquaintance was made in Italy, during the defense of Ancona. We fought for honor then; we could do no more.

"I very much regret that the service will lose in you a good officer and I a reliable comrade. Wishing you every success,

"I am, very truly, your sincere friend,

"D. J. KEILY,
*"Colonel Second Regiment Louisiana Cavalry."*

Mr. TALCOTT of New York. Was that after the order of dishonorable discharge?

Mr. J. I. NOLAN. That was after the order of dishonorable discharge that Col. Keily was tried for seditious conduct and acquitted. He was the colonel of the regiment who, with these other 22 men, refused to appear before the examining board, feeling that an injustice was being done them, inasmuch as their regiment constituted 11 cavalry companies, with the twelfth about formed, and the First Louisiana Cavalry, for which this consolidation was ordered, contained only 300 men all told, with 150 available for immediate duty.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. J. I. NOLAN. Certainly.

Mr. GARD. And is it not true, also, that this Col. Keily was acquitted of this charge of sedition?

Mr. J. I. NOLAN. By general court-martial; and he was afterwards brevetted brigadier general of volunteers.

This man, Capt. von Werthern, is 86 years old. He is very feeble and is almost blind. He is very much affected by and interested in the passage of this bill. A short while ago this proposition came up on the Calendar for Unanimous Consent. At that time the bill was objected to, and it went over. He happened to see that in the RECORD. I did not deem it worth while to acquaint him with the facts at the time, as I felt the bill would be reached in time on the Private Calendar. He wrote to me, and he thought that his opportunity for having his record straightened out had gone by and that he would have to try all over again in the next Congress.

I think this is an act of simple justice to this man. While it is a fact that he had been an officer in the Prussian Army, and probably should have known a great deal better, the very fact that Col. Keily was tried by court-martial and acquitted for the same offense, and afterwards had honors heaped upon him by the United States Government, makes me feel that this bill ought to be passed; and, more than that, it shows that there is great merit in the claim that an injustice was done the officers of the Second Louisiana Cavalry in the way they were deprived of their rightful command.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. J. I. NOLAN. Yes.

Mr. GOULDEN. What was the length of service of this Capt. Von Werthern?

Mr. J. I. NOLAN. His first service dated from September 9, 1862, to November 11, 1863.

Mr. GARD. December, 1863, to June, 1864.

Mr. J. I. NOLAN. Along about in 1864. You might say that his service altogether was from September 9, 1862, until the middle of the year 1864. Mr. Chairman, I trust the committee will lay the bill aside with a favorable recommendation that it do pass.

Mr. HAYES. Mr. Chairman, I know the old gentleman who is the subject of this legislation, and know all of the facts, having investigated them some years ago. The only offense that this man, with the other officers, can be charged with is perhaps a little overloyalty to his colonel. They thought the colonel was being illtreated, and they petitioned the department to prevent what they thought was going to be an injustice, and for this they were dishonorably discharged. That is all it amounts to, and all of the 22 officers have been restored; that is, they have been given an honorable discharge, excepting four, two of whom are now dead. It would be a simple act of justice, it seems to me, to give this old man an honorable discharge and let him have the satisfaction—because that is all it amounts to—of having his record cleared up, after having tried for years to have it done. I hope the House will pass the bill.

Mr. STAFFORD. Mr. Chairman, in reading the report there was one fact that struck me very forcibly, and that was the acquittal by court-martial, at the time of the occurrence, of the colonel of the regiment. Here was the colonel of this Second Regiment of Volunteer Cavalry, with these 19 officers, who protested against being merged into the First Regiment of Cavalry and having their commands superseded upon an examination, when they had a full complement of men in their own regi-

ment, and there was a very small complement of men in the First Cavalry. The colonel, who was supposed to be the instigator, supported by the various officers of the companies, of which Von Werthern was one, was court-martialed immediately as being one of the head offenders, but he was acquitted, and subsequently, within a couple of months thereafter, others under general orders were restored to the service; but these other men, without having been given the opportunity of trial by court-martial, were summarily discharged, were not given the opportunity of resigning. I join with my two colleagues from California and with the gentleman who made the report upon this bill and who made such a succinct statement of the facts in believing that this is a meritorious case, long delayed, and worthy of recognition.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Herman von Werthern, late captain of Company K, Second Regiment Louisiana Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as of the date of September 7, 1864, upon condition that no pay or compensation shall accrue by reason of the passage of this act.

Mr. MANN. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 7, noes 23.

So the motion was rejected.

Mr. GARD. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. WILLIS. Mr. Chairman, before the gentleman does that I want to ask my colleague a question. Does the gentleman think——

Mr. HAY. Mr. Chairman, this motion is not debatable.

The CHAIRMAN. The motion is not debatable.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word.

Mr. HAY. Mr. Chairman, I make the point of order the gentleman can not move to strike out the last word.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Before the Chair sustains the point of order I desire to suggest that the gentleman can not move to lay a bill aside with a favorable recommendation and cut off all amendments to the bill.

Mr. HAY. But nobody was on his feet seeking recognition.

Mr. MANN. I beg the pardon of the gentleman from Virginia, but the gentleman from Ohio [Mr. WILLIS] was on his feet seeking recognition from the Chair.

Mr. GARD. Mr. Chairman, I would be very glad to answer any question the gentleman may desire to ask.

The CHAIRMAN. If the gentleman was on his feet asking recognition——

Mr. McKELLAR. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to put his question.

Mr. GARD. I would be pleased to answer any question the gentleman desires to ask.

Mr. MANN. It is not necessary to ask unanimous consent.

Mr. WILLIS. I simply desire to ask the gentleman the question whether this language in lines 10 and 11 is sufficient to accomplish the purpose which the committee evidently had in view? This is not in the usual form at all.

Mr. GARD. I have not the bill before me.

Mr. WILLIS. It reads "no pay or compensation shall accrue by reason of the passage of this act." I am not at all opposed to the bill, but it seems to me the provision ought to be in the usual form, so it would read "no back pay, bounty, pension, or other emolument shall accrue by the passage of this act." Is not that what is in mind by the proviso?

Mr. McKELLAR. Why does not the gentleman offer the amendment? He has that right.

Mr. WILLIS. Mr. Chairman, I move to amend by inserting, after the word "no" in line 10, the word "back," so it will read "no back pay," and after the word "or" insert the words "bounty, pension, or other emolument" and strike out the word "compensation." That makes the language in the usual form.

Mr. GARD. It is intended to convey the idea that no back pay shall come to this man.

Mr. WILLIS. I take it that is the purpose of the bill.

Mr. GARD. We have no objection to the amendment of the gentleman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 10, after the word "no," insert the word "back," and after the word "pay" insert the words "bounty, pension, or other emolument," and strike out the word "compensation."

The question was taken, and the amendment was agreed to.

Mr. GARD. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

So the bill was ordered laid aside with a favorable recommendation.

Mr. GARD. May I ask that the bill immediately preceding this one be reported by the Clerk.

Mr. MANN. No; the one immediately following.

Mr. GARD. The one immediately preceding was passed over and not reported.

Mr. MANN. That is not a desertion bill.

Mr. GARD. Technically it is not a desertion bill; I am free to admit that.

The CHAIRMAN. The bill was passed over under the rule.

### AARON S. WINNER.

The next business in order on the Private Calendar was the bill (S. 725) to correct the military record of Aaron S. Winner.

The Clerk read as follows:

*Be it enacted, etc.*, That in the administration of the pension laws Aaron S. Winner, who was a private in Company H, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that company and regiment on the 25th day of July, 1865.

Mr. McKELLAR. Mr. Chairman, I ask that the bill be read for amendment.

The bill was read.

Mr. McKELLAR. Mr. Chairman, I move to amend the bill by inserting after the words "sixty-five," line 9, page 1, the following: "*Provided*, That no back pay, bounty, allowance, or other emolument shall accrue by reason of the passage of this act."

Mr. MANN. The Clerk has the exact language at the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, after the words "sixty-five" insert the following: "*Provided*, That no back pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act."

The question was taken, and the amendment was agreed to.

Mr. McKELLAR. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to; accordingly the bill was laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, it will take some little time to pass the bills in the House, and I submit that there is no quorum present.

Mr. McKELLAR. Mr. Chairman, I move that the committee do now rise and report the bills with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House, reported that that committee, having had under consideration sundry bills on the Private Calendar, some with amendments and some without, they had been ordered to be laid aside with a favorable recommendation and he had been directed to report the same to the House with the recommendation that the amendments be agreed to and that the bills as amended do pass.

### MILES A. HUGHES.

Mr. MANN. Mr. Speaker, I would like to submit possibly a parliamentary inquiry; I am not sure whether it is one or not. House bill 14711, No. 403 on the Private Calendar, for the relief of Miles A. Hughes, is a bill in which the gentleman from Kentucky [Mr. FIELDS] is interested. It is now on the Private Calendar, but according to my notes it was passed on August 1 last. I would like to inquire if the Clerk still has that bill up there as not passed?

The SPEAKER. The Chair has no information but what the Clerk says.

Mr. McKELLAR. I have no recollection of that.

Mr. MANN. I think we passed that bill.

The SPEAKER. That bill passed the House August 1.

Mr. FOSTER. It is so marked on the calendar, Mr. Speaker.

Mr. MANN. If that is correct, I would like to have it stricken from the Private Calendar.

The SPEAKER. Of course, it ought to be taken off the Private Calendar, and it will be so done.

VETO MESSAGE—POSTAL SAVINGS SYSTEM (H. DOC. NO. 1102).

The SPEAKER laid before the House the following message from the President of the United States, which was read:

*To the House of Representatives:*

I return herewith House bill No. 7967, entitled "An act to amend the act approved June 25, 1910, authorizing a postal savings system," without my approval.

With most of the provisions of the bill I am in hearty accord. They are admirably conceived, and the changes of law which they propose would undoubtedly be very beneficial to the postal savings system; but a portion of section 2 seeks to make a change in the Federal reserve act of last December which I venture to regard as unwise.

When the Federal reserve act was passed it was thought wise to make the inducements to State banks to enter the Federal reserve system as many and as strong as possible. It was therefore provided in the act that Government funds should be deposited only in banks which were members of the Federal reserve system. The principle of such a provision is sound and indisputable. The moneys under the control of the Government ought to be placed only in those banks which are most directly under the supervision and regulation of the Congress itself. It was recognized also that the scattering of Government deposits in small amounts among too large a number of banks would in time of stress be of decided disadvantage to the Federal reserve system which seeks as much as possible to mobilize the financial resources of the country under one control. The bill which I now return repeals that provision so far as it might apply to funds accumulated in the hands of the Government under the postal savings system. It is in this provision of the bill that I find myself unable to concur.

It is my clear conviction, very respectfully urged and submitted, that as a matter of principle as well as of policy we should strengthen and safeguard the new banking system very jealously with a view to the ultimate unification of the entire banking system of the country under the supervision of the Federal Reserve Board. It would, in my judgment, be a grave mistake to take away any of the benefits or advantages held out by the present law to member banks to enter the system, and take them away just as the system is about to be put into operation and the promises of the act of last December made good to the banks that have entered.

I am not insensible of the inconvenience which some banks might suffer if the postal savings funds were withdrawn at this particular time, though the law itself, of course, conveyed notice of that removal fully nine months ago. I am not sure that the Federal Reserve Board would not be justified under the terms of the law as it now stands in exercising a certain liberal discretion in determining the time and the rate at which deposits should be withdrawn from banks not within the system. But assuming that there has not been notice enough and that the withdrawal would of necessity be rapid or immediate, I venture to suggest that the otherwise admirable bill which I now return might be amended, and might, because of the financial circumstances now temporarily existing, be very advantageously amended, to extend for another 12 months the period within which banks not members of the Federal reserve system must surrender the deposits of the Government. May I take the liberty of suggesting that this be done? It would remove from this bill the only feature which seems to me incompatible with sound public policy.

WOODROW WILSON.

THE WHITE HOUSE,
*September 11, 1914.*

The SPEAKER. The veto message is ordered printed and referred to the Committee on the Post Office and Post Roads.

Mr. MANN. The Speaker has not the power to refer it.

The SPEAKER. What is the reason?

Mr. MANN. The Constitution provides that we are to vote.

The SPEAKER. The Chair knows that; but that does not mean that it must be done instantly. The gentleman from Tennessee [Mr. MOON], chairman of the Committee on the Post Office and Post Roads, may make a motion.

Mr. MOON. Mr. Speaker, I move that the message and the bill be printed and referred to the Committee on the Post Office and Post Roads.

Mr. BURKE of Pennsylvania. Mr. Speaker, under the Constitution the House is bound to consider it.

Mr. MANN. It has been repeatedly held, Mr. Speaker, that the House can refer it by motion. It is not one of those things that the Speaker has the power to refer.

The SPEAKER. The Chair has not time to hunt it up, but will take the safe course. The gentleman from Tennessee [Mr. MOON] moves that the message and bill be referred to the Committee on the Post Office and Post Roads and printed.

The motion was agreed to.

BILLS PASSED.

The SPEAKER. The Clerk will report the first bill reported from the Committee of the Whole House.

The first bill reported from the Committee of the Whole House was the bill (S. 754) for the relief of Jacob M. Cooper, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

The next bill reported from the Committee of the Whole was the bill (S. 5065) for the relief of Mirick Burgess.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

The next bill reported from the Committee of the Whole was the bill (S. 1063) for the relief of Philip Cook, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

The next bill reported from the Committee of the Whole was the bill (H. R. 17752) for the relief of Caleb T. Holland, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

The next bill reported from the Committee of the Whole was the bill (S. 2472) for the relief of Herman von Werthern, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

The next bill reported from the Committee of the Whole was the bill (S. 725) to correct the military record of Aaron S. Winner, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. MCKELLAR, a motion to reconsider the votes by which the several bills were passed was laid on the table.

ORDER OF BUSINESS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that on to-morrow, after the agreement entered into this morning has been fulfilled, Senate bill 6266 shall be taken up for consideration; that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of that bill; and that one hour's general debate shall be allowed, one half to be controlled by myself and the other half by the gentleman from Iowa [Mr. HAUGEN].

Mr. GARRETT of Tennessee. What is the bill?

Mr. LEVER. The warehouse bill.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that to-morrow, after the reading of the Journal and the carrying out of the special order which was made this morning, it shall be in order to call up the bill S. 6266; that the House resolve itself into the Committee of the Whole House on the state of the Union for its consideration; and that general debate shall be confined to one hour, half to be controlled by himself and the other half by the gentleman from Iowa [Mr. HAUGEN].

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 15613. An act to create a Federal trade commission, to define its powers and duties, and for other purposes; and

H. J. Res. 311. Joint resolution instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions.

ADJOURNMENT.

Mr. MCKELLAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until Saturday, September 12, 1914, at 12 o'clock noon.

XUM

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 18745) in relation to the location of a navigable channel of the Calumet River in Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER: A bill (H. R. 18746) to provide revenue for the Government by increasing the tax on incomes and reducing the amount of exemptions; to the Committee on Ways and Means.

By Mr. KEATING: A bill (H. R. 18747) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest; to the Committee on the Public Lands.

By Mr. BUCHANAN of Illinois: Joint resolution (H. J. Res. 345) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 18748) granting a pension to Eugene G. Burt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18749) granting an increase of pension to Fritz Voth; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 18750) granting an increase of pension to Washington A. Coon; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 18751) granting a pension to James P. Merrifield; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 18752) for the relief of Finis M. Williams; to the Committee on Military Affairs.

By Mr. PAIGE of Massachusetts: A bill (H. R. 18753) granting a pension to John K. Collins; to the Committee on Invalid Pensions.

By Mr. RUPLEY: A bill (H. R. 18754) granting an increase of pension to Samuel I. McPherron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18755) granting an increase of pension to Philip H. Sipe; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 18756) for the relief of Mollie H. Pumphrey; to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 18757) granting a pension to Nicholl L. Nelson; to the Committee on Pensions.

By Mr. WHITACRE: A bill (H. R. 18758) granting a pension to Charles H. Muncaster; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 18759) for the relief of Samuel Gorman; to the Committee on Military Affairs.

By Mr. HOUSTON: A bill (H. R. 18760) for the relief of the heirs of Granville Pierce; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY (by request): Petition of citizens of Saxton, Pa., and Liberty Township, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petition of citizens of Lockwood, Ohio, favoring national prohibition; to the Committee on Rules.

Also, petition of A. R. Champney, Elyria, Ohio, against tax on "soft drinks"; to the Committee on Ways and Means.

Also, petition of citizens of the nineteenth Ohio district, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BELL of California: Petition of Holy Cross Court, No. 1292, Catholic Order of Foresters, Los Angeles, Cal., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. BRODBECK: Petition of Federation of Trades Unions, York, Pa., against exportation of breadstuffs, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCKNER: Petition of United Hatters of North America, Local No. 8, Brooklyn, N. Y., favoring House bill 1873, the anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of F. V. Smith (Inc.), New York, and De La Vergne Machine Co., New York, against House bill 1873, the anti-injunction bill; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Local Union 132, Cigarmakers' Union of America, against further tax on cigars; to the Committee on Ways and Means.

Also, petition of G. F. Kalkhoff, New York, against H. R. 17363; to the Committee on the Post Office and Post Roads.

Also, petition of Northern Lumber Co. and Board of Trade, North Tonawanda, N. Y., favoring river and harbor bill; to the Committee on Rivers and Harbors.

Also, petition of Memorial Baptist Church, Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of D. R. K. Staatsverbund, of New York State, against national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of Liquor Dealers' Protective League of New Jersey, against further tax on whisky; to the Committee on Ways and Means.

Also, petition of National Mineral Water Co., of West New York, United Bottling Co., of Union, and Fred Helmke, of Hoboken, all in the State of New Jersey, against proposed tax on "soft drinks"; to the Committee on Ways and Means.

By Mr. LOBECK: Petition of 200 citizens of Waterloo, Nebr., favoring national prohibition; to the Committee on Rules.

Also, petition of C. Vincent, Omaha, Nebr., against exportation of foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of 45 merchants of Arlington, Benson, Papillion, Herman, Fort Calhoun, Kennard, Florence, Valley, Millard, Bennington, Blair, and Waterloo, Nebr., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. MORIN (by request): Petition of John L. Porter, Pittsburgh, Pa., against House bill 17363, relative to use of mails in effecting insurance on persons, etc.; to the Committee on the Post Office and Post Roads.

Also (by request), petition of City Council of Pittsburgh, Pa., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also (by request), petition of citizens of Pittsburgh, Pa., favoring amendment to section 85 of House bill 15902; to the Committee on Printing.

By Mr. PLUMLEY: Petition of 19 citizens of West Wardsboro, Vt., favoring national prohibition; to the Committee on Rules.

By Mr. PROUTY: Petition of citizens of Woodward, Ankeny, Huxley, Kelley, and Granger, Iowa, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. THOMAS: Petition of 400 citizens of Greenville, Ky., favoring national prohibition; to the Committee on Rules.

## SENATE.

SATURDAY, *September 12, 1914.*

*(Legislative day of Saturday, September 5, 1914.)*

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

THE PEOPLE'S BANKS IN AMERICA (S. DOC. NO. 580).

Mr. FLETCHER. I ask unanimous consent, out of order, to submit a unanimous report from the Committee on Printing, and I ask for its consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 453), which was considered by unanimous consent and agreed to:

*Resolved*, That the manuscript submitted by Mr. FLETCHER on June 26, 1914, entitled "The People's Banks in North America," by H. Mitchell, M. A., department of politic and economic science, Queen's University, Kingston, Ontario, be printed as a Senate document.

MARKETING OF FARM PRODUCTS (S. DOC. NO. 579).

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 454), which was considered by unanimous consent and agreed to:

*Resolved*, That the manuscript entitled "Marketing of Farm Products," by David Lubin, United States delegate to the International Institute of Agriculture, be printed as a Senate document.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. SIMMONS. I call for the regular order.

Mr. MARTINE of New Jersey. Will the Senator from North Carolina desist for just one moment?

Mr. SIMMONS. If it is simply the introduction of a bill I will not object.

Mr. MARTINE of New Jersey. I ask unanimous consent for the consideration of Senate bill 6454, which was introduced by the Senator from California [Mr. PERKINS], and which I report favorably from the Committee on Industrial Expositions, every member of the committee in the city agreeing to the report. It is a bill to authorize the Government Exhibit Board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exposition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition.

Mr. SMOOT. Is it a House bill?

Mr. MARTINE of New Jersey. No; it is a Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.*, That the Government Exhibit Board, created by the sundry civil act approved June 23, 1913, is hereby authorized to install, display, and maintain any part or parts of the exhibit of the United States Government at the Panama-Pacific International Exposition in the exhibit palaces provided by the Panama-Pacific International Exposition Co. or in the Government building provided for in the sundry civil act approved August 1, 1914, as the said Government Exhibit Board may determine.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEVELOPMENT OF THE WEST.

Mr. ASHURST. Mr. President, I ask the attention especially of Senators who are members of the Joint Committee on Printing. I desire to have printed as a Senate document a series of articles, rather two articles, on western topics, by Hon. FRANCIS G. NEWLANDS, United States Senator from Nevada. One is an article which appeared in the Pacific Monthly for September, 1906, entitled "National Irrigation as a Social Problem." The other appeared in the Youth's Companion in 1911 and is entitled "Dry Farming." They are very interesting, and there is a great demand for these articles. I hope the Committee on Printing will take a favorable view of it in order to print them as a public document.

Mr. SMOOT. The Senator asks that the articles be referred to the Committee on Printing?

Mr. ASHURST. Yes; let the reference be made.

The VICE PRESIDENT. Without objection, they will go to the Committee on Printing.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I call for the regular order.

The VICE PRESIDENT. The Senator from North Carolina demands the regular order, and House bill 13811, the unfinished business, is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMOOT. Mr. President, I suppose many Senators were not aware that this bill would come up at 11 o'clock. I think there ought to be a quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Goff | Perkins | Smoot |
| Bankhead | Jones | Pomerene | Stone |
| Brady | Kenyon | Ransdell | Swanson |
| Bristow | Lane | Reed | Thomas |
| Burton | Lea, Tenn. | Robinson | Thornton |
| Camden | Lee, Md. | Saulsbury | Vardaman |
| Chamberlain | McCumber | Shafroth | West |
| Clapp | Martine, N. J. | Sheppard | White |
| Fall | Myers | Simmons | |
| Fletcher | Nelson | Smith, Ga. | |
| Gallinger | Page | Smith, Mich. | |

Mr. PAGE. I desire to announce the necessary absence of my colleague [Mr. DILLINGHAM], and to state that he is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. CRAWFORD, Mr. SHIELDS, and Mr. WALSH answered to their names when called.

Mr. OVERMAN, Mr. NORRIS, Mr. CHILTON, and Mr. CULBERSON entered the Chamber and answered to their names.

Mr. KENYON. I desire to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness.

Mr. KERN entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. GALLINGER. Mr. President, when I occupied the floor a few days ago to discuss the river and harbor bill I invited interruptions, which were frequently made, and which served to make the discussion more interesting than it otherwise would have been. This morning I renew the invitation to my associates to interrupt me at any point in the discussion.

Since I yielded the floor on Wednesday last two circumstances have happened that have interested me. One was that my associates have furnished me with quite a collection of pictures, which are supposed to represent the senior Senator from New Hampshire. As I looked at the picture I was reminded of a circumstance which occurred to a Member of this body a good many years ago, the distinguished Senator from Vermont, Mr. Edmunds, who, on a certain occasion, was handed by his wife a newspaper containing an alleged picture of that distinguished man. He looked it over carefully and handed it back and said, "Wife, that is the unkindest cut of all."

The other circumstance which has happened I find chronicled in the newspapers during the last three or four days, and that is that the proponents of this bill have come to the conclusion that it ought to be treated as we treat our apple trees in New Hampshire—that is, pruned; that they should cut out, as some newspapers say, one-half of the appropriation and put the bill in such shape that there will be some reason for the Senate passing it.

I notice with some degree of interest in this connection that the proposition is to take out the appropriation for Boston Harbor, and I suppose, having taken out that large appropriation for one of the greatest harbors in the country, the mud flats and the trout streams and the catfish creeks that are now provided for in the bill will be allowed to remain, because the appropriations are not very large.

For myself, Mr. President, I want to say that I trust those who are opposed to this bill will not agree to a pruning process that does not protect the large harbors and the large rivers of the country to the exclusion of smaller appropriations for worthless streams that are scattered all through the bill. I may not be present, Mr. President, when the vote is taken on this bill, but I make that suggestion for the benefit of those who are cooperating with me in trying to make the bill one that the country will approve of.

In that connection I want to say, Mr. President, for the benefit of the friends of the measure as it stands, that if they have read the great metropolitan newspapers of the country during the last 10 days they must have had considerable enlightenment along the line of disapproval on the part of those great journals of this bill as it stands at the present moment.

When I yielded the floor on Wednesday last I was discussing the activities of certain distinguished men in public life to create sentiment in behalf of the bill that we are now considering. I called attention to the contribution that Hon. BENJAMIN G. HUMPHREYS, Representative in Congress from the State of Mississippi, had made on the subject, which the junior Senator from Louisiana [Mr. RANSDELL] had incorporated in the CONGRESSIONAL RECORD, and I also mentioned the fact that the distinguished Speaker of the House of Representatives had come to the rescue of the bill in a magazine article, which was also embalmed in the publication which records the doings of both Houses of Congress, and even the Chief of Engineers of the United States Army, Gen. Kingman, has added his voice to the propaganda which might well have been omitted. In addition to the efforts of these three distinguished men we are being bombarded by letters, telegrams, and resolutions emanating from individuals and organizations, picturing the dire disaster that will result from the failure of this bill.

I recall an instance when a similar bill was defeated by the efforts of one Senator, and, so far as I was able to ascertain, no great harm came to the interests of the country as a result. If this bill shall not be materially amended I sincerely hope that it may be defeated, but I am optimistic enough to believe that those who are advocating its passage will see the propriety of removing from it many of the objectionable features to which the Senator from Ohio has called attention, and to which some of the rest of us will advert during this discussion. The easy way out of the controversy is for the proponents of the bill to admit frankly that it is full of objectionable items, and that it ought to be, in justice to the taxpayers of the country, rewritten in many important particulars. As I said before, if this shall be done the bill can then be passed in a single hour, while if it is insisted upon in its present form it will have to run the gantlet of a long and possible acrimonious discussion.

In this connection I was interested in reading, in the Washington Post of a few mornings ago a statement that the senior Senator from North Carolina [Mr. SIMMONS] has come to the conclusion that the estimates should be revised, and that the

bill should be readjusted, and also that the President, while he has made no definite statement upon the subject, is understood to be in favor of reducing the proposed appropriations by from twenty to twenty-five millions of dollars. It is possible that the newspaper statement is not entirely accurate, but it certainly points the way to a wise solution of a very troublesome problem.

Mr. President, for many years I served on the Committee on Commerce, and while my own State did not share to an appreciable extent in the appropriations for river and harbor improvements, believing that the good in them overbalanced the bad, I voted for the bills; but the time has arrived for me to cast an adverse vote, as manifestly this bill has more bad in it than good.

I am fully aware of the fact that my vote will not defeat the bill, as we all understand the theory upon which it is framed, but I shall at least have the satisfaction of knowing that my consent has not been given to a measure which is, to my mind, full of indefensible and pernicious provisions. It is crowded to overflowing with subsidies of various kinds, a form of legislation which always shocks the consciences of certain Senators when applied to the shipping interests of the country.

Mr. President, I favor liberal appropriations, when properly applied, to the great navigable rivers of the country, and I also favor liberal appropriations for the improvement and maintenance of our harbors, notwithstanding the improvements, involving the expenditure of many millions of dollars annually, are in large part made for the benefit of the ships of foreign nations.

As I understand the matter, this bill carries, directly and indirectly, appropriations to the amount of almost $100,000,000, and it is an annual bill, so that unless the extravagance is checked we will be appropriating at least that amount of money annually in the future for this purpose. In view of the fact that the Democratic Party declared in its national platform for the strictest economy, and also in view of the fact that the other appropriation bills are being subjected to the most rigid examination, with a view to saving a few dollars here and a few dollars there, it is inconceivable to me that this bill should receive the support of the other side of the Chamber. The amount of money appropriated for rivers and harbors this year is substantially as follows:

| | |
|---|---|
| Direct appropriations in this bill | $53,683,004 |
| The sundry civil bill | 6,990,000 |
| | 60,673,004 |
| Under authorization | 5,786,829 |
| | 66,459,833 |
| Authorized in bill, but not appropriated for | 32,897,871 |
| Total | 99,357,704 |

Mr. President, I have had something to do with the preparation of some of the appropriation bills in this body, and I recall with a good deal of interest the fact that a Democratic employee of the Senate, who has been here through a long series of years and has endeared himself to every Member on both sides of the Chamber, had a little claim for restitution on the part of the Government for land which had been taken from him, as some of us thought, unjustly, amounting, as it had been revised, to $4,150; and yet we were held up in conference week after week on the ground that it was important to exercise the greatest possible care in the appropriation of the public money this year, because the revenues would probably not be sufficient to run the Government; and the conferees on the part of the Senate were compelled to yield the item, and the employee to whom I refer will not get his money. The enormous sum of $4,150 was saved as a result.

An attempt was made to save a few thousand dollars in the matter of mileage; but notwithstanding that, and notwithstanding we were told time and time again in our conference meetings on appropriation bills that it was necessary to save a dollar here and a dollar there, because the expenditures were to be greater than the receipts, we are confronted by this bill carrying approximately $100,000,000, when two-thirds of it, in my judgment, ought to be stricken out before it receives the assent of the Senate of the United States.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. I yield to the Senator from Iowa.

Mr. KENYON. I know that the Senator from New Hampshire favors economy, and if a bill of this kind is to pass, is it not essential that just such economies as those to which he has referred be made and all these other matters be cut down in order that the expenditures of this bill may be met?

Mr. GALLINGER. It is absolutely essential.

Mr. KENYON. Then why does the Senator object to those economies?

Mr. GALLINGER. I do not object to them, but I am simply calling attention to the fact that our Democratic friends are very alert and very insistent upon saving a few dollars here and a few dollars there, while, on the other hand, they are ready to squander, as I think, in this bill $30,000,000 that are not needed.

Mr. KENYON. They ought to have credit, of course, for whatever economies they practice.

Mr. GALLINGER. Oh, certainly.

Mr. KENYON. And is it not true, too, that they have practiced some economy on the waiters in the Senate restaurant?

Mr. GALLINGER. I understand that they have cut down their salaries to the starvation point; somebody has; I do not know who.

Mr. KENYON. That makes it easier to raise the money, of course, for the expenditures of the river and harbor bill.

Mr. GALLINGER. Yes; to that extent.

Mr. JONES. Mr. President——

Mr. GALLINGER. I yield to the Senator from Washington.

Mr. JONES. I ask the Senator from New Hampshire if he has noticed any very strenuous effort to cut down appropriations in the other appropriation bills?

Mr. GALLINGER. I have noticed as to certain small items that it has been warmly and persistently insisted that they were improper and ought to go out of such bills, but the large items always remain.

Mr. JONES. But the Senator would not term that a strenuous effort to hold appropriations down?

Mr. GALLINGER. No; I think not.

It will be remembered that a short time ago the senior Senator from North Carolina, who was then in charge of the bill, was so anxious to get to its consideration that he declined to permit us to consider the calendar for a single half hour. His effort resulted in saving 1 minute of the 30 minutes, which did that much toward getting this bill to the voting stage.

I do not wonder that the Senator from North Carolina is anxious to have the bill passed, for an examination of the measure shows that there are 22 items in the bill for that State alone, and 7 additional surveys have been provided for, which means that next year there will probably be some new projects entered upon.

The most casual examination of the bill reveals the fact that there are scores of appropriations in it which ought not to be allowed to remain; appropriations for little streams that, in the very nature of things, can not be regarded as of national importance or of being worthy of taking money from the people of the United States. In another body the suggestion was made, and the suggestion was made by a gentleman representing a southern congressional district, that some of these streams, in place of being improved for navigation, ought to be insured against fire, and there was a good deal of wisdom in the observation. It will be my purpose to-day to call attention to a few of the many unwise projects which are found scattered throughout the bill.

Taking up the CONGRESSIONAL RECORD, Mr. President, a little time ago, I glanced over the proceedings of the preceding day, on which I was unavoidably detained from the Senate, and I noticed that an interesting colloquy had occurred between the junior Senator from Iowa [Mr. KENYON] and the senior Senator from Michigan [Mr. SMITH] regarding Grand River, in the State of Michigan. There is no appropriation in this bill for that river, but it is interesting to see what has happened in the effort to make Grand River a navigable stream.

Grand River was reported upon by the Engineer Corps, who have been praised so loudly here, and, as a rule, so justly. An appropriation was made for it. I will not go back to the initial appropriation, but $513,000 were expended on that river. The project has been abandoned. In 1912 there were 41,984 tons of commerce upon it, valued at $91,284. Of this commerce 37,200 tons were gravel and sand and 3,600 tons were logs. The commerce decreased 7,734 tons from 1911, and in the Engineer's Report of 1913, which gave the coup de grâce to this scheme, it is said:

> The commerce involved must be stated as insignificant. There is no commerce on the 17.5 miles of improved river between Grand Rapids and Lamont, but between Lamont and Grand Haven, a distance of about 21 miles, a side-wheel steamer, with draft of 24 inches, has been in operation since July, 1911. Below Bass River three small tugs are engaged in towing gravel to Grand Haven. Two of these tugs run also to adjacent harbors on Lake Michigan. * * * The improvement has no effect on freight rates, and it is improbable that it ever will have.

The gravel mentioned above was transported in scows and the logs in rafts.

Mr. President, that scheme has been abandoned, but before it was abandoned $513,000 of the people's money was expended in an attempt to make the stream navigable.

I notice that my genial friend the senior Senator from Michigan, in his discussion with the Senator from Iowa, suggested that there was at one time a good deal of water in that stream, because he was almost drowned in it on a certain occasion. I was delighted to read the fact that the Senator had escaped, because if he had not escaped he would not have pronounced that delightful eulogium on me which he did the other day, and which I am hopeful may reelect me to the Senate.

Mr. SMITH of Michigan. Mr. President, I think the impersonal character of these remarks is such as to call for no defense of Michigan's greatest river. Since the Government ceased its appropriations for the Grand River, which was done at my request eight years ago because of the inadequate plan proposed by the engineers, the city of Grand Rapids upon this river has taxed itself and spent more than a million dollars in an effort to control the volume of that river within the limits of the bed of the stream. At times it has risen to a height of 16 feet, and when it does it threatens a large part of the lower portion of our city.

The very fact that no appropriations have been asked for it has been due to the inadequate plan finally suggested by the Board of Engineers. To say that the largest city of western Michigan and the second largest city in our State, located on the biggest river in Michigan and within 40 miles of the lake, should not have navigation, it seems to me, is trifling with a very serious and important question of internal development.

When I came to Congress 20 years ago I found the engineers' report here, and the work of improvement under way, our community thoroughly alive to the possibility of river and lake navigation, and, as a public servant, I secured the cooperation of my distinguished friend from Ohio [Mr. BURTON], who sits by my side, and the work of improvement was begun in a small way. We found that it cost about 16 cents a yard to get the material out, and so we provided an appropriation for a dredge to be built especially for that purpose, and reduced the cost to about 5 cents a yard.

The money which has been expended upon the river has not been lost. The river is still there in all its grandeur and with its possibilities unimpaired. I fancy that when our city has attained a population of half a million people, which is certain to result, it will be no farther away from the lake than it is now; the river will be as mighty as it is now, and our commerce will be many times greater than it is now, and at that time Congress will recognize the desirability of connecting this great manufacturing center with Lake Michigan, an outlet which is natural to it and to which the Senator from New Hampshire has again and again given his voluntary acquiescence.

Mr. BURTON. Mr. President, will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I yield to the Senator from Ohio.

Mr. BURTON. No one can speak too highly of Grand Rapids as an energetic and growing city. I am free to admit that the eloquent and the very excellent reasons given by the Senator from Michigan caused me at one time to think favorably of this project. Before I was chairman of the House Committee on Rivers and Harbors, in the year 1896, a delegation came from Grand Rapids favoring it, made up of a splendid class of business men, noticeable not only for their ability but for their pulchritude—a very fine-looking lot of men—and there was no answering what they said. The committee, right away after listening to them, made an appropriation for the Grand River; but it has proved utterly disappointing, not so much because those men were mistaken at that time—nor should blame attach to the Senator from Michigan, it goes without saying, nor to myself—but because of a tendency of traffic to leave these waterways and resort to other means of transportation.

Later I shall call attention to a fact that was really suprising to me until I examined the statistics a few weeks ago, in regard to shipments on the broad waters of Lake Michigan to the towns on the east shore of that lake located in the State of Michigan. I think it will surprise some Senators when I tell them the situation that exists there, where there is as good an opportunity for water traffic as anywhere in the world—the broad lake, harbors improved, sufficient depth, and all of that, ready means of access, the great market and distributing center afforded by the city of Chicago, steamboats in abundant number to ply on the waters, steamship lines of long standing plying between the city of Chicago and the ports of Muskegon, Manistee, Holland, Grand Haven, South Haven, and so forth. You would think that there, if anywhere, a healthy and growing traffic would exist. But what is the fact?

In 8 out of 13 of those cities—and I include Michigan City, in Indiana, because that is in the same category—there has been a very marked decrease in the last 10 or 12 years. I will present the figures here later. I take the prosperous town of Muskegon. The quantity of miscellaneous merchandise and high-grade freight that is handled there by water is barely a sixth of what it was in 1902. In Michigan City it has dropped almost out of sight. There are five towns in which it has increased, but the explanation is a very easy one. One of them is the favorite town of the Senator from Michigan, Arcadia.

Mr. SMITH of Michigan. I bow to the Senator from Ohio. At last neglected Arcadia is embalmed in the records of the Government as a reality.

Mr. BURTON. The Senator from Michigan has rendered a most important service in placing Arcadia on the map. But for his efforts it would have been lost entirely, and no one could have found it except by examining the indexes to the atlases. He is entitled to a bronze statue in the most prominent place in the little town of Arcadia. [Laughter.] They ought to tax themselves to the last dollar to erect that statue.

Mr. KENYON. Why not have Congress appropriate the money?

Mr. BURTON. Well, I will not oppose it.

Mr. NORRIS. Put it in this bill.

Mr. BURTON. Possibly it would not come up until I am out of Congress, but I am very generous as to appropriations when I am not here.

Mr. SMITH of Michigan. I should like to see the monument group of the distinguished supporters of Arcadia. Why not include the distinguished Senator from Ohio as well as the honored Senators from New Hampshire and the Senator from Iowa?

Mr. BURTON. I am afraid they would tear it down. [Laughter.]

Mr. SMITH of Michigan. No; it would proudly stand as long as the hills that encompass this little harbor. Stand as a perpetual guaranty against isolation or neglect.

Mr. BURTON. As I recall, the traffic there in 1902 was about 22,000 tons. It has held its own, and is now about 1,000 tons more. Grand Haven has held its own, because there is a car ferry from Milwaukee. Ludington has held its own. It is now the leading port on the east side of Lake Michigan. What is the reason there? Because there is a car ferry. Holland has held its own, I think because it is a town of very energetic population. It is largely peopled by persons of the country after which it is named, and has a very thrifty and progressive citizenship.

But here we have that object lesson, as perfect a waterway as exists anywhere in the world, boats in superabundance, established lines, growing towns; and yet, unless some exceptional reason exists which can readily be explained—the most difficult to explain is Arcadia, and the advocacy of the Senator from Michigan no doubt explains that—the traffic has fallen to a point where in some instances it is not a sixth of what it was 10 years ago.

If that is the case on so perfect a waterway, with such facilities, near to the second city in the Union, Chicago, what can you expect on a crooked river like the Tennessee or the Cumberland that you are proposing to fill with locks and dams?

Why, Mr. President, the proposition is so self-evident, and the tendency is so irresistible, that it is an absurdity to hope for the development of traffic there, when with a free waterway, on a magnificent lake, such results appear as have appeared on the east shore of Lake Michigan.

Mr. SMITH of Michigan. Mr. President, I am sure the Senator from Ohio does not regret the expenditures which have been made at Muskegon, Ludington, Michigan City, and the other points on Lake Michigan to which he has referred. I am sure he is not now criticizing himself for the interest he has taken in those harbors. This bill carries no money for them, except merely for maintenance—$5,000 for Muskegon. The project is completed.

Now, lest Senators get the impression, because the overlake commerce has not increased as rapidly as was expected, that the city of Muskegon has gone backward, I will say to the Senator from Ohio and other Senators who do me the honor to listen that Muskegon since 1902, the date named by him, has increased in population greatly. Her diversified industries have increased by leaps and bounds. It is not due to a more circumscribed commercial and industrial development, but to greater transportation facilities now enjoyed by this prospereus and growing city. It is a thriving and prosperous and beautiful city, but other facilities have divided somewhat the monopoly which hitherto existed in rail transportation, while in the

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little town of Arcadia, where this bronze statue is to be erected—was it to be bronze or gold or silver or iron or lead or copper?

Mr. KENYON. In view of some of these appropriations it might be something else. [Laughter.]

Mr. SMITH of Michigan. Well, the country will not always be Democratic; but, no matter what it was to be, Arcadia was practically abandoned by the Government; that little farming community, shut up between the high hills on the east and her inability to get to the lake upon the west, with her perishable products, it was most fortunate that nature had placed this waterway right at their doors.

Now, one word more about Arcadia, because I am afraid I am to be good-naturedly assailed by my honored friend from New Hampshire. He seems to be studying the globe with some interest, probably for the purpose of locating this "El Dorado" on the shore of Lake Michigan.

This little Arcadian community built their own harbor at a cost of $75,000. They never asked anything except that a Government dredge should come in there and keep it open for a few hundred feet from the inland lake to Lake Michigan—a very inexpensive piece of work. Does any Senator regret that this is being done for these farmers, who can get their products out in no other way? Must every farmer keep a dredge as a part of his agricultural equipment, and send it ahead of his product in order to get to Lake Michigan? Oh, no. Let the Government dredge go in there, at a small cost, and keep that natural waterway open.

The engineers said the improvement would cost $140,000 completed. Through my earnest insistence but $25,000 has been appropriated for it in the past three years, and $25,000 is carried in this bill to complete it; so that my insistence has not only saved the Government $100,000 that the engineers would have expended in completing the project, but has given to that community an outlet which they are dependent upon if they are to carry on their employments in that little rural village.

Mr. GALLINGER. Mr. President, after the tribute that my honored friend the Senator from Michigan has paid to the Grand River, I am rather impressed with the feeling that it is correctly named; and yet I was not profoundly impressed with the suggestion that the Senator made that the enterprising people of Grand Rapids were appropriating money to keep the river, when it goes on a rampage, from destroying private property. No suggestion was made that there is any commerce on the river that is worth talking about, and I apprehend that there is not.

Mr. SMITH of Michigan. I can not allow the Senator to leave the Grand River high and dry. The truth is that we have 10 or 12 feet of water from the lake half way to Grand Rapids. The balance of the distance the late Gen. Ludlow recommended we should have 10 feet of water. It was easily obtainable at a cost of probably less than $900,000. After we had engaged in the work of carrying out the Ludlow plan for the balance of the distance to Grand Rapids, and on the recommendation of the Senator from Ohio, who visited our community, the project was modified to a 6-foot channel, and the boats that had been purchased and put upon the river could not navigate upon that 6-foot channel. The public bought large boats and paid for them out of their own pockets.

The commerce is there, no one denies that, if they had an opportunity to get it out. The fact that the Government altered the plan was discouraging to our people, and for seven years we have not had a penny appropriated for it, and there is nothing in this bill; and I shall never ask the Government to spend another cent there until some engineer with the intelligence and ability that Gen. Ludlow disclosed enlarges that project. When that is done you will find me very persistent in advocating its completion.

Mr. NORRIS. Mr. President, will the Senator from New Hampshire permit me?

Mr. GALLINGER. I yield to the Senator from Nebraska.

Mr. NORRIS. I want to ask the Senator from Michigan a question in regard to the expenditure of money by the citizens of Grand Rapids. As I understood the Senator, they had expended about $1,000,000.

Mr. SMITH of Michigan. Yes.

Mr. NORRIS. I should like to know whether that was expended for the purpose of improving navigation or for the defense of property that was overflowed by the freshets?

Mr. SMITH of Michigan. It is supposed to have accomplished a double object. The engineer who came there and recommended it—I think, Prof. Cooley, one of the most distinguished engineers of the country—suggested that that water, if confined within practical limits, either by the construction of a wall or by dredging, could be made useful for both purposes.

Mr. NORRIS. What has been the result?

Mr. SMITH of Michigan. Seriously, I think the money could have been spent to much better advantage on dredge work.

Mr. NORRIS. What has been the result of that expenditure? Has it improved navigation upon the river?

Mr. SMITH of Michigan. The possibilities of navigation have been improved; but the bar is still there, and must be cut away before we can connect the deep water at the north end of our city with the deep water below Grand Rapids.

Mr. NORRIS. How many feet have you now at low water?

Mr. SMITH of Michigan. At low water? I think 4 feet, perhaps.

Mr. NORRIS. What did you have before the citizens of Grand Rapids expended this money?

Mr. SMITH of Michigan. It got very low at certain seasons and very high at other times. I have seen as high as 16 feet of water there.

Mr. NORRIS. Is 4 feet sufficient to allow any practical navigation?

Mr. SMITH of Michigan. It is not; only for small craft.

Mr. NORRIS. Then the resulting expenditure, as I understand, has not really improved navigation?

Mr. SMITH of Michigan. It probably has had a good effect in caring for the volume of water that comes down that stream, so that it is less dangerous. In that regard we find ourselves in the same situation in a small way as the Mississippi and other streams which overflow, and for which we are appropriating large sums of money, and always with my approval.

Mr. NORRIS. If the Senator from New Hampshire will permit me, I would suggest for the purpose of getting the idea of the Senator from Michigan on this proposition, if the money of the Government is expended on streams that can not within any reasonable limit be made navigable would there not be some reason for its expenditure to protect property in existence along the stream rather than to use the money for the purpose of dredging a river or a creek that in all reason never could be made navigable. In the one case there would be some return for the money, in the other there would be none.

Mr. SMITH of Michigan. I think if the stream is to be of any importance commercially we must deepen the stream for purposes of navigation and protection. The same spade will do both.

Mr. GALLINGER. Mr. President, inasmuch as the Government wasted $513,000 on this Grand River and the appropriations have been discontinued—the very thing that ought to happen to scores of items in this bill—I am quite ready to bid Grand River a long farewell.

Mr. SMITH of Michigan. I want to say to the Senator he must not bid Grand River a long farewell. Grand River will return to plague him and to call upon him frequently if he remains in public life, but it will not do it until there is some practical method of obtaining navigation from future plans devised by the engineers of the Government. It will come again and again; and I hope the Senator will be here all the time, because I know he will look with favor on it if it comes in proper form.

Mr. GALLINGER. Yes, Mr. President; Grand River, like a bad penny, will doubtless return again.

I was interested a few days ago to hear from the lips of the distinguished Senator from Michigan that there was not a single item in this bill relating to Michigan that was not fully justified, and that the only new item was that for Arcadia. I presume that is true. I am not going to criticize the items that are in this bill for the State of Michigan, but I do want to call attention to the fact that Michigan is casting an anchor to windward in regard to river and harbor appropriations, for she succeeded in getting in the bill as it passed the House six new surveys for that State. For some inscrutable reason the Senate committee struck one of those surveys out of the bill—that for Clinton River—but to make sure that Michigan should not suffer, they put in a new survey for Point Lookout, so that Michigan is to be provided with some new appropriations in the near future if the Engineer Corps think those streams are as worthy of being improved as they once thought Grand River was.

Now, as to Arcadia, the sonorousness of the name attracted my attention, and I thought I would look it up a little and see exactly what "Arcadia" stands for. I went to the Century Dictionary of Names, and I found the following:

Arcadia: In ancient geography, a region in the heart of the Peloponnesus, bounded by Achaia on the north, by Argolis on the east, by Laconia and Messenia on the south, and by Elis on the west. It is nearly surrounded and is intersected by mountains, and was proverbial for its rural simplicity. Its cities, Tegea, Mantinea, etc., formed a confederation about 370–360 B. C.

"The history of the rise of modern literature of an ideal Arcadia—the home of piping shepherds and coy shepherdesses, where rustic simplicity and plenty satisfied the ambition of untutored hearts and where ambition and its crimes were unknown—is a very curious one, and has, I think, been first traced in the chapter on Arcadia in 'Rambles and studies in Greece.' Neither Theocritus nor his early imitators laid the scene of their poems in Arcadia; this imaginary frame was first adopted by Sannazaro." (Mahaffy, Hist. Classical Greek Lit., I. 420.)

Another definition:

Arcadia: A monarchy of modern Greece. Area, 1,661 square miles. Population (1896), 167 092.

Arcadia: 1. A description of shepherd life, in prose and verse, by Sannazaro, written toward the end of the fifteenth century. Though itself not a pastoral romance, it appears to have first opened the field to that species of composition.

2. A pastoral romance by Sir Philip Sidney, published in 1590, but written in 1580–81. Its whole title is "The Countess of Pembroke's Arcadia." Although the scenes are artificial, the freshness of Sidney's style gives reality and interest to it.

3. A romance by Robert Greene, published in 1589. "It is formed on the model of Sidney's celebrated pastoral, which, though it was not printed till some years after the publication of Greene's Arcadia, had been written a considerable time before it." (Dunlop, Hist. of Prose Fiction, II. 357.)

4. A pastoral romance by Lope de Vega, modeled on Sannazaro, which, though written long before, was not printed till 1598.

5. A pastoral play by Shirley, printed 1640, having been acted some time previously. This is a dramatization of Sir Philip Sidney's romance.

Not content with that I turned to the Century Dictionary itself, and I found the following:

Arcadian: 1. Of or pertaining to Arcadia, a mountainous district in Greece in the heart of the Peloponessus, or to its inhabitants, who were a simple pastoral people, fond of music and dancing. Hence—

2. Pastoral; rustic; simple; innocent.

3. Pertaining to or characteristic of the Academy of the Arcadians, an Italian poetical (now also scientific) society, founded at Rome in 1690, the aim of the members of which was originally to imitate classic simplicity.

II 1. A native or an inhabitant of Arcadia. 2. A member of the Academy of the Arcadians.

Arcadianism: Rustic or pastoral simplicity, especially as affected in literature; specifically, in Italian literature about the end of the seventeenth century, the affectation of classic simplicity.

The reference to Arcadia would not be complete did I not quote a few lines from Longfellow's "Evangeline; A Tale of Acadie." I assume that it does not paint a true picture of the Michigan Arcadia, but it is nevertheless a contribution to the subject that ought not to be omitted:

This is the forest primeval. The murmuring pines and the hemlocks,
Bearded with moss, and in garments green, indistinct in the twilight,
Stand like Druids of old, with voices sad and prophetic,
Stand like harpers hoar, with beards that rest on their bosoms.
Loud from its rocky caverns, the deep-voiced neighboring ocean
Speaks, and in accents disconsolate, answers the wail of the forest.

This is the forest primeval; but where are the hearts that beneath it
Leaped like the roe, when he hears in the woodland the voice of the huntsman?
Where is the thatched-roofed village, the home of Acadian farmers—
Men whose lives glided on like rivers that water the woodlands, * * *

Mr. President, that tribute to Arcadia is worthy of being embalmed in the CONGRESSIONAL RECORD, and it is an added reason why the appropriation for Arcadia should be made in this bill.

Now, let me direct the attention of the Senate to some of the items making appropriations for streams in the State of North Carolina.

Mr. KENYON. Before the Senator leaves Arcadia, some of us, I think, did not understand the Senator. Was this poem read as a reason why there should be an appropriation for Arcadia, or against an appropriation?

Mr. GALLINGER. I think it perpetuates the name, and we ought to make the appropriation.

Mr. SMITH of Michigan. I am very glad the Senator from Iowa asked that question, because it will throw a flood of light upon this discussion.

Mr. GALLINGER. Mr. President, what I said was in praise of Arcadia. The original Arcadia was the home of piping shepherds and coy shepherdesses, where rustic simplicity and plenty satisfied the ambition of untutored hearts, and where ambition and its crimes were unknown. Now, I apprehend that that is practically true of Arcadia in the State of Michigan, that there are piping shepherds and coy shepherdesses there, and that they are a happy, contented, joyous people, and ought to have an appropriation.

Let me now direct attention to some of the items which provide appropriations for streams in the State of North Carolina. First let me mention the project for Northeast River. The original project has been completed according to the engineers' report for 1913, but there are certain interesting facts connected with it that are worthy of comment. The report shows that after the expenditure of $37,443.33—I am taking the figures from the report of the committee, which is always equally as liberal as the report of the engineers, and sometimes a trifle more liberal—the report shows that after the expenditure of $37,443.33 the depth of water at Kornegays Bridge, at the head of the project, is about 1 inch, and at Hallsville, 15 miles farther down the river, the depth is 6 inches:

As a result of the expenditures to date, the channel has been cleared wherever needed. Six feet of water can be carried to Bannermans Bridge and 3 feet to Crooms Bridge during all stages of the water.

From Crooms Bridge to Kornegays Bridge, the head of navigation, the river is so shallow that navigation is practicable only when the water is up. This is liable to occur at any time, but during the summer low stages usually prevail.

The minimum low-water depth to Bannermans Bridge is 6 feet; to Crooms Bridge, 3 feet; to Hallsville, 0.5 foot; to Kornegays Bridge (the head of navigation), 0.1 foot.

Mr. NORRIS. Mr. President——

Mr. GALLINGER. I yield.

Mr. NORRIS. Has the Senator investigated in regard to that river?

Mr. GALLINGER. I base my statement on the report of the committee, and also the report of the engineers, which I have on my desk.

Mr. NORRIS. I know the Senator does not want to give a superficial examination of a great project like that, and it has occurred to me since there was so little water there that it may be an investigation will show that artesian wells could be established along the river to increase the flow.

Mr. GALLINGER. That might be done.

In the report of the committee nothing unfavorable to this project or of any other similar projects can be found. It is certainly a remarkable circumstance that the Government of the United States should improve a stream up to a point where the water is one-tenth of 1 foot in depth, but such seems to have been the fact in this instance. Not content with that improvement a new project has been entered upon which provides a further appropriation of $25,375 for this river.

Mr. President, I said on a former occasion that there was not water enough at the head of navigation upon the river to wash a new-born babe. I will now say that upon further reflection I do not believe there is enough water in the stream to float a toy boat, a cake of Ivory soap, or a champagne cork; yet we are appropriating money in this bill for that stream.

I remember the former Senator from Maine, Mr. Hale, distinguished as he was, and sometimes very caustic in his criticisms, used to allude in the discussion of these questions to "a painted ship on a painted ocean." But we have not even that picture before us in reference to this famous river that has one-tenth of a foot of water at the head of navigation, and for which we propose to appropriate further money.

Now, Mr. President, let us turn to Bay River, in the State of North Carolina. This is a river that it is proposed to make a small appropriation for. The head of navigation is at Bayboro, and logging and rafting may be carried for about a mile above Bayboro. The commerce consists largely of fertilizers, and they claim that there has been a slight reduction of freight rates because of the appropriations for this river.

I will not take time to read all the committee says on this subject, but simply call attention to it as one of the streams that might well wait, so far as an appropriation is concerned.

Then there is the Shallotte River, N. C.; what about that?

Shallotte River is a small stream in Brunswick County, N. C., rising in the large swamp country between Cape Fear and Waccamaw Rivers, known as Green Swamp. The stream is about 30 miles long and flows in a southerly direction into the Atlantic Ocean at a point about 20 miles west of the mouth of the Cape Fear River. The maximum draft that can be carried from the ocean to the mouth of the river is about 6 feet at mean low water. Section under improvement, from mouth to Whites Landing, 8 miles.

Act of Congress approved March 2, 1907, appropriated $3,000 to be expended on this river. This appropriation not being based on any previous project, the project submitted to and approved by the Chief of Engineers for the expenditure of the funds available became the project.

This project was to dredge a channel 35 feet wide and 4 feet deep at low water, following the best water along the western shore, between a point 2½ miles above the inlet and a point 4 miles above the inlet.

Three thousand dollars was expended on this project, which was completed.

The present project, adopted by the river and harbor act approved March 4, 1913, provides for securing a channel of 4 feet at mean low water and a width on bottom of 36 feet, increased on curves, including the straightening of the channel by the making of six cut-offs and the construction of a turning basin at Whites Landing, at an estimated cost of $9,845 for first construction and $1,000 annually for maintenance, and that further improvement to 6 feet depth is desirable also, provided the extra first cost be provided for by local interests, and the project was adopted by Congress subject to this provision.

The river is tidal, there being a rise and fall of tide of approximately 5 feet at the mouth and 3 feet at the town of Shallotte, which is the head of schooner navigation, 9 miles above the mouth.

At mean low water a draft of 4 feet can now be carried to Old Still Landing and 2 feet about 2 miles farther up to the town of Shallotte, which is practically the head of navigation.

No commercial statistics were collected for 1912.

The effect of the proposed improvement on freight rates is not known, but the stream affords an outlet to products which have no outlet except by wagon.

That is interesting.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. GALLINGER. I yield.

Mr. NORRIS. I notice quite a large item for that particular river providing for a turning basin.

Mr. GALLINGER. Yes.

Mr. NORRIS. Will the Senator explain just what that is and the size of it, its depth?

Mr. GALLINGER. I have not looked that up, but I presume it is probably wide enough to turn in.

Mr. NORRIS. I suppose probably it is at the head of navigation.

Mr. GALLINGER. I assume that to be the case.

Mr. NORRIS. As I remember, the Senator stated the water was only 2 feet deep there.

Mr. GALLINGER. That was all.

Mr. NORRIS. Does the Senator know whether the turning basin will be deeper than 2 feet?

Mr. GALLINGER. I suppose, without having technical knowledge of the subject, that they could make a turning in any stream if they dug down far enough.

Mr. NORRIS. I suppose the stream is so narrow that you can not turn a boat around in it. Is that the object of the turning basin?

Mr. GALLINGER. Mr. President, my knowledge of navigation is not first class, but the Senator is probably right.

Mr. NORRIS. I was wondering whether it would not be cheaper to make a turning table rather than to try to dig a hole deep enough to hold the water.

Mr. GALLINGER. I think that would be cheaper and probably less expensive.

I turn next, Mr. President, to the appropriation for Fishing Creek in the State of North Carolina.

FISHING CREEK, N. C.

This stream rises in Warren County, N. C., and flows in a general southeasterly direction, forming for some distance the boundary line between Warren and Halifax Counties on the north and Franklin, Nash, and Edgecombe Counties on the south. It empties into Tar River about 8 miles above Tarboro. Its total length is about 120 miles (about 50 miles in an air line).

That is one of these snakelike streams, and they will probably have to make several turning basins there if they are to navigate it.

Section under improvement, mouth to railroad bridge, 40 miles above. The original project of 1889 was to clear the stream of logs, snags, trees, etc., up to Bellamy's mill, about 50 miles above its mouth, so as to give a minimum low-water depth of 20 inches and a minimum width of 40 feet.

Mr. NORRIS. Does the Senator mean to say that the stream is only 40 inches wide?

Mr. GALLINGER. Oh, no. It is 40 feet wide and 20 inches deep. It is a little different from the River Platte in the Senator's State, which is said to be 3 inches deep and 20 miles wide, I believe. It is a different proposition altogether.

Mr. NORRIS. We can construct a turning basin there a good deal better than in a stream that is only 40 feet wide.

Mr. GALLINGER. Undoubtedly. But I continue:

It was amended in 1896 to limit the work to that part below the Wilmington & Weldon Railroad bridge, about 40 miles above the mouth, and this amended project was completed in 1901, since which time work has been confined to maintenance below Beech Swamp, 18 miles above the mouth

Mr. KENYON. Mr. President——

Mr. GALLINGER. I yield to the Senator.

Mr. KENYON. This creek, I understand, is Fishing Creek.

Mr. GALLINGER. Yes; Fishing Creek.

Mr. KENYON. Does the report state the kind of fish that are found in that creek?

Mr. GALLINGER. I think they must be suckers. [Laughter.]

Mr. KENYON. Evidently.

Mr. GALLINGER. Mr. President, they have a river in North Carolina called New River. I do not know whether the Colonel discovered it or not.

Mr. THOMAS. Is that a different river from the Newbegun River.

Mr. GALLINGER. I will call attention to Newbegun after a little while. Newbegun is a creek, not a river.

New River lies almost wholly within Onslow County. It flows in a general southerly direction and empties into the Atlantic Ocean through New River Inlet about midway between Cape Lookout and Cape Fear. Total length, 52 miles. Section under improvement, mouth to Jacksonville, 23 miles.

Five feet is the maximum draft that can be carried from the ocean to river, by way of New River Inlet.

The original project of 1886 was to dredge a cut 4 feet deep and 100 feet wide through Wrights Island and a second cut 4 feet deep and 150 feet wide through Cedar Bush Marsh. Both were completed, but the Cedar Bush Marsh cut deteriorated at the upper end and was abandoned—

It went back on them and was abandoned—

and the project of June 18, 1894, to obtain 4 feet depth around Cedar Bush Marsh by dredging and an experimental timber training wall was adopted and successfully carried out. The additional work required is for maintenance.

The act of March 3, 1905, authorized the balance from the project of 1894 to be expended in rebuilding the dike hitherto constructed. This was done, and the dike is now permanent.

The river and harbor act of June 25, 1910, modified the project and authorized the dredging of a channel 200 feet wide and 5 feet deep at mean low water from the mouth of the river to Jacksonville, at an estimated cost of $6,700, with $800 annually for maintenance after completion.

| | |
|---|---|
| Amount expended since Civil War on previous projects | $33,807.82 |
| Amount expended on project of 1910 up to June 30, 1913, for improvement | 301.88 |
| Total | 34,109.70 |

They have received from sales, according to the report of the committee, 10 cents. I do not know what they sold. If it were Fishing Creek, I could have understood what they sold. The 10 cents doubtless was turned back into the Treasury. I have no idea that it was confiscated.

Outstanding liabilities June 30, 1913, $171.67.

Mr. NORRIS. Mr. President, I could not understand the statement which the Senator from New Hampshire has just made. What was the item to which he referred?

Mr. GALLINGER. I stated that they had received from sales 10 cents, and said that I did not know what it was; that I could understand what it was if it applied to Fishing Creek, but I do not know what it means when it applies to New River.

Mr. NORRIS. I do not suppose the Senator intended to imply that because this river was called New River there were no fish in it.

Mr. GALLINGER. Oh, no.

Mr. NORRIS. That would not follow. If there is anything in a name, it would indicate that it was a made river, one which was made by dredging; that there was no river there before it was begun. So, of course, it is proper to call it New River; but there would certainly be fish in it. I think that accounts for the 10-cent item.

Mr. GALLINGER. Perhaps so. Listen further:

The tidal range at the inlet is about 3½ feet and at the head of the marshes about 1 foot. The head of navigation for all practical purposes is Tar Landing, 8 miles above Jacksonville, 26 miles from the mouth of the river, to which a present depth of 4 feet can be carried. The depth on the bar at the mouth of the river is now 4 feet, but varies from time to time. Above Tar Landing logging and rafting can be carried on for some distance.

In its present condition this stream probably has very little effect on freight rates in general, but it affords transportation for products which would otherwise have no means of transportation except by wagon.

That is the way we carry products in New Hampshire—by wagon—but it is apparently an unpopular mode of transportation in North Carolina. The report concludes:

If the bar and channel were sufficiently improved to justify a line of steam vessels between Wilmington and Jacksonville, freight could probably be carried to the latter point much more cheaply than at present.

Then there is a waterway between New River and Swansboro, in North Carolina:

This waterway is a part of the waterway between Beaufort Harbor and New River, but in 1890 two separate appropriations were made—one for the "inland waterway between Beaufort Harbor and New River" and the other for the "waterway between New River and Swansboro," and hence separate reports are made for the two improvements, although one embraces the other.

Six feet is the maximum draft that can be carried from the ocean to the waterway at mean low water.

And so forth, and so forth.

The commerce for the year 1912 amounted to 17,474 short tons, at an approximate value of $214,413, an increase of 516 tons above that of last year. It consisted principally of timber, cotton, fish, oysters, clams, and fertilizers.

The improvement of this waterway will probably have no direct effect upon freight rates, but if it had sufficient depth it would afford means of transportation for large quantities of timber, lumber, and miscellaneous products that now have no outlet except by wagon or by the smallest-draft boats.

It is proposed to apply the additional appropriation recommended, $28,500, as a profitable expenditure in the fiscal year ending June 30, 1915, toward completion of the project and to the maintenance of the present dredged cuts.

Then there is Deep Creek in North Carolina. I am glad that it is deep. Let us see what the report says about Deep Creek. The annual commerce of this creek is estimated to be 2,000 tons—

Which commerce is at present handled by rail through Scuppernong. On account of the unfavorable situation of the inhabitants in regard to transportation and the prospect of agricultural development—

You will observe the queries which run all through these reports—and the prospect of agricultural development—

if reasonable freight rates were obtainable, the district officer recommended that a survey be made. In the report on survey he submits estimates of cost—

And so forth.

Well, Mr. President, I do not believe that Deep Creek needs any special attention on the part of Congress this year, when our Democratic friends are presumably trying to economize in accordance with the plank of their national platform.

Then, there is Newbegun Creek, in the same State. I do not know when it was begun; probably nobody knows.

This creek is a tributary of Pasquotank River, into which it empties from the west about 5 miles above the mouth of the river in Albemarle Sound. The mouth of the creek is obstructed by a bar on which the depth is about 4 feet. The district officer reports that back from the immediate banks the land is exceedingly fertile, the principal produce being truck, which requires quick transportation to market and for which rail transportation is not sufficiently near at hand. To provide suitable facilities for navigation, the district officer submits a plan covering the dredging of a channel across the bar, via the southern route, having a depth of 5 feet at the mean stage and a bottom width of 40 feet, the cost of which is estimated at $5,000. For reasons stated he expresses the opinion that this improvement is worthy of being undertaken by the United States, and in this view the division engineer concurs.

These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to the board's report herewith, dated March 10, 1913, concurring with the views of the district officer and the division engineer.

The commerce of this Newbegun Creek last year was 5,000 tons, and it is proposed to make an appropriation to improve it.

Mr. BURTON. Is there any specification of the commerce? Is it not mostly floated logs?

Mr. GALLINGER. That is true of the commerce of all these little streams; it is almost entirely of floated logs. Sometimes they have some fertilizer. In fact, there is so much fertilizer scattered through these appropriations that I have sometimes thought that it makes this bill smell to heaven, and I doubtless makes the appropriations stronger than they otherwise would be.

Mr. BURTON. I think, if the Senator from New Hampshire will allow me, that the number of tons of fertilizer carried is comparatively small, in many instances not aggregating more than a certain number of wagonloads.

Mr. GALLINGER. That may be so.

Mr. BURTON. But if any fertilizer is carried, it is included in these statistics.

Mr. GALLINGER. Undoubtedly the commerce is mostly of the nature which we used to transport from the White Mountains of New Hampshire to the ocean through the comparatively shallow rivers which we have in my State, but for which we never thought of asking an appropriation from Congress. Those logs were floated by experts, who handled them with great skill, and millions and millions of feet of lumber were so carried. At the present time I think the railroads are doing the business, because they do it more quickly.

Then there is Smiths Creek, N. C.:

A small tributary of Neuse River, rises in Pamlico County and flows into the latter stream on the north side at the town of Oriental, about 10 miles from the mouth of Neuse River and opposite the mouth of Adams Creek, the northern terminus of the waterway from Pamlico Sound to Beaufort Inlet.

It flows in a general easterly direction. It is about 5 miles long, and is navigable 2 or 3 miles above its mouth, but there is very little commerce on it, the section to be improved being limited to its mouth, the harbor of Oriental.

They are going to open the mouth of this 5-mile stream.

The present and only project for improvement, adopted in 1910, contemplates the excavation of a basin in the small bay located in the center of the town and just inside the mouth of the creek to a depth of 10 feet at mean low water and removing several lumps and projecting points in the entrance channel, at an estimated cost of $16,250, with $1,000 annually for maintenance. The plan further provides for the construction by local interests of a bulkhead of sheet piling. * * *

The commerce for the year 1912 amounted to 14,226 short tons, valued at $255,514, a decrease of 2,942 tons below last year. This decrease was due to the closing down of one lumber mill and the destruction by fire of another.

Now, Mr. President, in this year of needed economy, I really think we can safely omit this appropriation for Smiths Creek; and, if I am in the Senate when the bill is finally considered, unless the Senator from North Carolina takes Bay River, Shallotte River, Fishing Creek, New River, Deep Creek, Newbegun Creek, and Smiths Creek out of the bill I shall move to strike them out.

Mr. NORRIS. Mr. President——

Mr. GALLINGER. I yield to the Senator from Nebraska.

Mr. NORRIS. I notice that Smiths Creek is only 5 miles long.

Mr. GALLINGER. It is 5 miles long.

Mr. NORRIS. The appropriation is confined altogether to the mouth of the creek.

Mr. GALLINGER. They suggest that they could improve 2 or 3 miles of it.

Mr. NORRIS. Has the Senator any statistics there as to the depth of the water farther up the stream?

Mr. GALLINGER. I think there is some suggestion somewhere here in regard to that, but I can not turn to it offhand.

Mr. KENYON. The appropriation is to take the lumps out of its mouth, according to the report.

Mr. NORRIS. It strikes me that it is very bad policy in the case of this stream, as in most of the other streams, to deepen and open its mouth, because that would let the water all run out, and the stream might become entirely dry.

Mr. GALLINGER. The report says:

The project was about 92 per cent completed when dredging operations were suspended. Considerable shoaling has occurred in the dredged area, owing to the failure of the bulkhead to hold the dredged material, and a large portion of the cut has a depth of only 8 feet at mean low water.

There is practically no tide on the stream. Variations in water levels due to winds sometimes amount to 3 feet.

Mr. NORRIS. "Variations due to winds?"

Mr. GALLINGER. Yes; the winds sometimes blow it up to 3 feet.

Mr. NORRIS. Or blow it out. Does the report show that the loss of the bulkhead at the mouth has resulted in a decrease of the traffic on the river?

Mr. GALLINGER. It does not make any suggestion of that kind, but there was a decrease of 2,942 tons in the last year.

Mr. NORRIS. I suppose the bulkhead was put there for the purpose of keeping the water in the stream?

Mr. GALLINGER. Very likely.

Mr. NORRIS. And if the bulkhead were destroyed, the water would get out?

Mr. GALLINGER. This decrease of 2,942 tons occurred because a lumber mill was closed down, and of course the more lumber mills that close down the more urgency there will be for this appropriation to give work to the people who will be thrown out of employment. That is the natural conclusion.

Then there is Swift Creek, N. C., and I wish to read just a word or two regarding that stream. Swift Creek is—

a tributary of Neuse River, rises in Pitt County, and flows in a southeasterly direction, almost parallel to Contentnia Creek, into Craven County, to a point about 8 miles below Vanceboro, when it turns and flows southwest for about 5 miles, emptying into the Neuse River about 8 miles above Newbern. The section under improvement is from the mouth to Vanceboro, 14 miles.

Seven feet is the maximum draft that can be carried from the ocean to the mouth of the creek.

The only project for improvement, adopted by the river and harbor act of June 25, 1910, contemplated securing a clear channel between the mouth of the river and Vanceboro by the removal of snags and overhanging and leaning trees, at an estimated cost of $1,600, with $500 annually for maintenance.

The project was completed in November, 1910, but the channel has deteriorated.

A great many of these channels seem to have behaved very badly; after the Government has spent money on them, they seem to have deteriorated.

Mr. NORRIS. The water has run out.

Mr. GALLINGER. The report continues:

At the close of the present fiscal year 4 feet is the maximum draft that can be carried to Vanceboro, which is the head of navigation, 14 miles above its mouth.

The rise of water level due to floods sometimes causes considerable currents.

That is an important item; that happened in Grand River, in the State of Michigan, as Senators will remember.

The maximum flood height at Vanceboro is about 12 feet.

The commerce for the year 1912 amounted to 26,939 short tons, valued at $303,269.50, an increase of 4,481 short tons over last year. The commerce consisted principally of fertilizer, cotton, timber, lumber, and farm products.

Here is an important fact which does not apply to the other streams about which I have been reading:

The improvement has had a beneficial effect on freight rates.

The additional appropriation recommended as a profitable expenditure in the fiscal year ending June 30, 1915, will be applied to maintenance by snagging where needed.

Mr. President, there are other items in this bill——

Mr. KENYON. Is there an appropriation there for Contentnia Creek? I judge from its name possibly there would not be.

Mr. GALLINGER. I think there is in the bill an appropriation for that stream, but I have not paid attention to it.

I am going now to call attention to certain other inconsequantial streams in some of the other States which are included in the bill under consideration, and I know now I shall hear from the Senator from New Jersey [Mr. MARTINE] when I call attention to Shoal Harbor and Compton Creek, in the State of New Jersey, for which an appropriation of $56,800 is provided.

The report says, regarding Shoal Harbor and Compton Creek:

There is at present a channel about 4½ feet deep and 100 feet wide connecting the mouth of Compton Creek through Shoal Harbor with Sandy Hook Bay. This depth appeared to be sufficient for the oyster and farm produce carried on the boats. However, there has recently been erected a fertilizer factory on the creek, 500 acres of land have been secured, 300 feet of dock built, etc. This concern claims to require a channel depth of 8 feet, and the project contemplated in this bill is evidently for their sole benefit.

That is from the report—"for their sole benefit."

The fertilizer company was doubtless aware of the limitations of the channel when they secured their present location, but took chances on the fact of the Government coming to their assistance. It is a clear subsidy in a private enterprise, and apparently has no merit whatever.

Mr. NORRIS. The only dock that could be used is owned by this establishment, as I understand.

Mr. GALLINGER. Undoubtedly. Now I turn to an item in the State of Maryland—Herring Bay and Rockhole Creek—for which, on page 19, line 13 of the bill, an appropriation of $11,800 is provided.

This waterway is on Chesapeake Bay near Annapolis. The population in a 5-mile radius is 10,000. The only factory of any kind is one sawmill. The claim is made by the citizens that they need this improvement to enable them to establish oyster-packing houses and tomato canneries, so it is proposed to spend $11,800 and many thousands in the future for maintenance to make it possible for these concerns to be established.

They are not established now, but they are going to make a waterway in contemplation of the establishment of oysterhouses and tomato canneries along its banks. Here is a significant fact: It is claimed in the report that land values will immediately improve when the project is completed, which is doubtless true. The report of the division engineer on this project reads as follows:

THE DIVISION ENGINEER, EASTERN DIVISION,
*New York City, May 24, 1913.*

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

It would seem to me that the original cost of the improvement as estimated by the district ergineer officer is justified by the commerce shown plus the prospective commerce—

"Prospective commerce," mark you—

While the district engineer officer does not estimate the cost of maintenance except to state that it is believed it will not be excessive, considering the material it would seem probable that the cost of maintenance would be about $500 per year. If so, this would make the improvement rather expensive and I would regard it as not worthy of improvement by the United States.

WM. T. ROSSELL,
*Colonel, Corps of Engineers, Division Engineer.*

Mr. NORRIS. I suppose he thinks it would be cheaper for the Government of the United States to buy the tomatoes than it would be to make the improvement.

Mr. GALLINGER. I think so; but notwithstanding the division engineer, reporting to the Chief of Engineers, says that this waterway is not worthy of improvement by the United States, there is $11,800 in this bill for the purpose of improving it.

In the same State—Maryland—Breton Bay has an appropriation of $3,000. Breton Bay is a tidal estuary of the Potomac 80 miles below Washington. The project is to deepen the channel to Leonardtown. The following quotations are from the report of the preliminary survey:

It is believed that the present terminal facilities are ample for the present commerce and for that which can be predicted for the near future.

A public hearing was held at Leonardtown on September 12, 1912, to afford an opportunity to interested parties to express their views and to ascertain the improvement desired. * * * Nearly all present had something favorable to say about the improvement, and they were requested to submit statements, statistics, etc., in writing by October 1, 1912. To date only one communication has been received.

It is estimated that the maintenance of the present improvement will cost $1,000 annually, and the recent soundings (taken in September) indicate shoaling all along the channel and turning basin. It is therefore anticipated that several thousand dollars for maintenance will be required at an early date and every four or five years thereafter.

No estimate of the amount of ties, wood, etc., that would be affected by the proposed extension could be obtained, and although requested, interested parties have not supplied such estimate. In view of the relatively small amount of the total traffic of the bay, the proportion using the landings above the wharf at Leonardtown can not be large. While no estimate of cost of the improvement desired has been made, it is believed that it will be large, in comparison with the benefits that might be derived.

Since the report containing the above quotations was made a further survey was made and a smaller project recommended, which is provided for in the bill. Nevertheless, the report on this survey contains the following:

No additional data regarding the commerce of the stream or other conditions relating thereto has been obtained since the preliminary examination was submitted.

This, taken in connection with the first quotation from the original report, would seem to indicate that no improvement whatever is warranted.

Now I turn to Virginia. I do not want to be partial. I find Tangier Channel, for which $16,434 is appropriated. This appropriation is to provide a channel and turning basin for small oyster boats belonging to a community of 1,262 people located on Tangier Island, a marshy piece of land about 5 feet above water in the lower part of Chesapeake Bay.

The following is from the district engineer who made the survey of the proposed project:

From the facts and reasons above stated, I am of opinion that Chesapeake Bay, with a view to providing a suitable channel at Tangier, Va., is worthy of relief to the extent of a channel 4 feet deep at mean low water and 40 feet wide, at an estimated cost of $8,525.

The appropriation in this bill is almost twice that amount.

The anchorage basin is not recommended at this time because of the proportionally large cost of the improvement including it. It is thought that if such an anchorage be found necessary, local interests should either provide it or contribute to its construction.

However, this recommendation was overruled by the division engineer in New York, who recommended that the entire cost be borne by the United States. See how generous these engineers are. They overrule the recommendation of the district engineer that the community should either build it entirely or contribute part of the cost; but the division engineer says that the United States ought to pay it all, and so it is proposed that the United States shall pay it all. It would seem that the inhabitants of the island ought to be willing to make some contribution to the project; indeed, there seems to be no reason why they should not bear the entire cost. This is a new project, and not one that is merely to be completed, as might be supposed from the bill, which reads "Completing improvement," and so forth.

They have an Oyster Channel in Virginia, a new project, for which $11,500 is included in this bill. Under the river and harbor act of July 25, 1912, a preliminary examination was ordered, which was duly made and report submitted to the division engineer. The project did not appeal to him sufficiently to even warrant the expense of a survey, as will be seen by the following report:

It would appear from the report of the district officer that the commerce of Oyster now goes to New York and Philadelphia by rail. With the proposed improvement small boats could take the freight from Oyster and transfer it in the Thorofare to seagoing vessels bound for the above-named places. It would seem that this could be done at the present time by using gasoline boats.

As no use is made of this route at this time, it would seem to me that the General Government would not be warranted in making the proposed improvement, and hence a survey is not recommended.

WM. T. ROSSELL,
*Colonel, Corps of Engineers,*
*Division Engineer, Eastern Division.*

However, the river and harbor board ordered the survey to determine the cost, and so forth, of the project.

They overruled the division engineer. The survey was made, and the board recommended a project 100 feet wide and 6 feet deep, provided half the expense should be contributed by the residents of Oyster, Va. This was approved by the House committee, which appropriated $11,250, a like sum to be furnished by the town of Oyster. The Senate committee has amended the provision, providing for a smaller project, the entire cost to be borne by the Government, namely, $11,500.

Mr. NORRIS. Mr. President——

Mr. GALLINGER. I yield to the Senator from Nebraska.

Mr. NORRIS. There is an instance, as I understand, where the engineers have been overruled.

Mr. GALLINGER. The division engineer was overruled by the river and harbor board.

Mr. NORRIS. The division engineer is really the second in authority, is he not?

Mr. GALLINGER. Yes. There is the local engineer and the division engineer before they get to the board.

Mr. NORRIS. Did the local engineer approve it?

Mr. GALLINGER. That does not appear in my notes, but I know it was not approved until it got to the river and harbor board.

Mr. NORRIS. And they approved it only on condition that the local authorities pay half of the expense?

Mr. GALLINGER. Yes.

Mr. NORRIS. Now the Senate committee have overruled them?

Mr. GALLINGER. Yes.

Mr. NORRIS. And provided that the Government of the United States shall pay it all?

Mr. GALLINGER. Exactly. That frequently happens. The board specifically recommended against the adoption of the smaller project in these words:

It will be seen that the smaller and less effective project would be more expensive in the course of time and would probably not fully meet the increasing demands of commerce and navigation. If any improvement, therefore, is to be undertaken, it should be the larger and more efficient project.

The investigations of the board lead it to the conclusion, however, that the benefits to general commerce would not be sufficient to justify the undertaking of the project proposed by the district officer if the entire expense is to be borne by the United States. This appears to be a case in which local interests would receive special benefits, and therefore it would appear that the locality should share in the first cost of the work if the United States is to bear the subsequent expense of maintenance.

Mr. NORRIS. Where is that?

Mr. GALLINGER. This is in the State of Virginia—Oyster Channel.

The board therefore reports that in its opinion it is advisable for the United States to undertake the construction of a channel 6 feet deep and 100 feet wide, at an estimated first cost of $22,500 and $2,000 annually for subsequent maintenance, provided, however, that local interests shall contribute one-half this amount, $11,250, toward this work before it is undertaken. A like amount should be made available by the United States in one appropriation.

I can not help saying at this point: "O tempora! O mores!" To what straits have we come in our legislation for private interests? But may Senators who will vote for this appropriation never, oh never, stultify themselves by voting small additional pay to greet the flag of our country on American steamships engaged in commerce on routes to South America, the Orient, and Australasia. That would be subsidy.

Then there is a Locklies Creek in the State of Virginia for which $4,100 is appropriated. The following extracts from the report of the district engineer on the project are illuminating. There seems to be absolutely no data whatever on which to base an estimate of the cost of maintenance, yet it is admitted that maintenance costs of any degree would not warrant the construction of the channel. The whole thing is a blind trust to luck.

There has been no experience in maintenance in this vicinity under sufficiently similar conditions to form a guide for this case, and any estimate made would have but little, if any, value. On account of its sheltered location it is thought, however, that there is a probability that the maintenance costs would be small.

The commerce involved is about 3,000 tons (report on preliminary examination), with no prospect of any rapid development. This amount of commerce would warrant the first construction of the channel, but maintenance costs of any degree would make either of the channels suggested inadvisable.

On the whole, it is believed that the probability of a sufficiently small maintenance cost is sufficient to warrant the adoption of a project providing for the channel of the smaller depth, at least. If experience shows that this channel is not practically self-maintaining, the project should then be further considered with a view to modification or discontinuance.

They are going to invest the money, and then they are going to see whether it is practically self-sustaining. None of these projects ever will be self-sustaining, however, and every sane man knows it.

Then I turn to South Carolina and I find Jeremy Creek, for which $5,000 is appropriated. In the preliminary examination of the project the district engineer reported in part as follows:

It appears therefore that the deepening of Jeremy Creek would be a great benefit to the parties living along the bank, to the timber interests and to the community at large, as the resultant savings would more than compensate for the expense; but there seems to be no reason why the United States should do the work. The dredged channel now extends to Morrisons Landing, where a wharf has been built, open to all comers upon a small monthly payment; there are also other wharf sites below this where similar wharves could be established, and these would take care of all the general business of the community. To extend the channel up Jeremy Creek would involve solid dredging for a mile, and about the only benefit the general community would receive would be the better drainage. The timber could easily be handled by extending the tramroad a mile down to the present dredged channel.

That is the district engineer. Now, the division engineer is consulted, and he says:

I agree with the district officer that Jeremy Creek, S. C., is not worthy of improvement by the United States at this time.

DAN C. KINGMAN,
*Colonel, Corps of Engineers.*

Mr. NORRIS. How did that item get in this bill, with all those things against it?

Mr. GALLINGER. I will tell the Senator in a moment. Gen. Kingman has gone into print and says he does not believe that more than one-half of 1 per cent of the appropriations in this bill are bad. I assume that he includes Jeremy Creek in his calculations, as he signed the adverse report. Now, it got into the bill in this way: Two distinguished men in public life appeared before the River and Harbor Board, and they were so persuasive that a survey was considered advisable, and it was accordingly made. That is the way it got in.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. GALLINGER. Yes.

Mr. KENYON. The Senator has invited interruption.

Mr. GALLINGER. Certainly; with pleasure.

Mr. KENYON. Has not the Senator discovered in his investigation of this matter that there are a number of similar instances where the project has been disapproved, and then, when Members of Congress have gone before the board, they have changed their minds and approved the project?

Mr. GALLINGER. There are other instances besides this. This is one notable instance.

Mr. KENYON. There was no one before the board to speak for the taxpayer?

Mr. GALLINGER. No.

Mr. NORRIS. Would the Senator care to state whether those "distinguished men in public life" were Members of Congress or not?

Mr. GALLINGER. One was a Member of this body, and the other a Member of the House. The Senator must not ask me for names, because I will not give them.

Mr. KENYON. Mr. President, it is true, is it not, that the report of the Chief of Engineers on these projects shows these names?

Mr. GALLINGER. It does.

Mr. KENYON. And names the Senator and names the Congressman?

Mr. GALLINGER. That is where I found it.

Mr. KENYON. There is no particular secret about that, I understand.

Mr. GALLINGER. No; except that I do not care to give it publicity.

Then there is an appropriation here of $35,000 for a waterway from Orangeburg to Charleston, S. C. The River and Harbor Board approve of this project in the following desultory language:

While the removal of obstructions alone would not provide sufficient depth for continuous navigation, it would make it possible to operate a boat line the greater part of the year, and those in interest seem to be of opinion that any improvement would be of value and would be taken advantage of if provided.

The board estimates the cost of maintenance at $5,000 annually.

The district engineer submits the following hesitating approval:

On the whole, it appears that improvement of the present waterway to provide for navigation by light-draft boats is probably feasible.

The following extracts from the report of the district engineer on the survey of the waterway are interesting. On the probable effect of the improvement on the transportation of cotton, the principal product of the vicinity, he comments as follows:

The railroad freight rate to Charleston is $1.20 per bale, amounting to $60 for 50 bales. It is believed that the boat's expenses for the three days necessary to make the down trip and discharge would be at least $50. If there should be no return cargo, the margin of profit disappears at once. Taking into consideration the extra insurance when shipping by water, and the superiority of the terminal facilities at the railroad stations over river landings, it is believed that the quantity of cotton moved by water would be small.

As regards fertilizers, another important product, the district engineer has the following to say:

During the spring season when fertilizers are moving, there would be very little down freight. The operating expenses of the boat per round trip would be more than the $89 received from the fertilizers. Moreover, in rail shipments the car is loaded at the wharf and unloaded at the factory; whereas by water an extra handling is necessary at the river landing.

On the general proposition the district engineer comments as follows:

Experience on South Carolina rivers has shown that river navigation is a success only when it does not compete with the railroads. * * * In one instance that has come to my knowledge, the farmers have to a great extent abandoned a well-known river landing provided with a suitable warehouse, and are receiving their freight by the railroad at prices two and three times in excess of the river rates.

Now, remember, I am quoting from the district engineer. I am not expressing an opinion. I know nothing personally about this.

The freight train comes daily and the boat weekly. The boat line between Georgetown and Columbia has not been a success, and it must be remembered that the channel to Columbia is far better than can be provided to Orangeburg, and Columbia is a larger place, with more mills and industrial concerns. * * *

Orangeburg is well provided with railroads; the Southern and the Atlantic Coast Line have been there for a long time and now the Seaboard has arrived. It is only 80 miles by rail to Charleston, and Orangeburg should have as favorable railroad rates as any other interior point in the State. The channel that could be obtained in the Edisto River by any reasonable expenditure of money is so small that it is not believed that a sufficient amount of business would be done on it to justify the expenditure. Moreover, it is a question whether the channel could be formed and maintained successfully. In paragraph 12 it is assumed that two small pump boats will be sufficient.

Pump boats—I will ask the Senator from Nebraska, who is well informed on navigation on the Platte River, just what pump boats are?

Mr. NORRIS. Why, Mr. President, that is very easy. Pump boats are boats that operate in rivers that have their water supply from pumps. [Laughter.] I supposed the Senator knew

that. This must be a stream that was dry, and they built a bulkhead, like the one the Senator was talking about a while ago, and went out and pumped water in the stream until they got enough water there to navigate the boats. In a marshy country that is a very easy way to get transportation.

Mr. WALSH. Mr. President——

Mr. GALLINGER. I yield to the Senator from Montana, who represents another State that has a good deal to do with waterways.

Mr. WALSH. That is not my understanding about it. My understanding is that it is a style of boat modeled after a style of shoe that is spoken of as a pump. [Laughter.]

Mr. GALLINGER. Yes; and you might well say "shoo, fly" to this paragraph. [Laughter.]

In paragraph 12 it is assumed that two small pump boats will be sufficient, but the report says—

it may be found that the sand would flow back into the narrow cuts so rapidly that the number of dredg.s would have to be greatly increased. The improvement of the Edisto River is therefore not recommended.

There is where the trouble comes in, but the appropriation is recommended all the same.

Mr. NORRIS. That would not necessarily make any difference, as long as the Government paid the expense.

Mr. GALLINGER. Oh, no.

Mr. KENYON. Were those pump boats, or punk boats? [Laughter.]

Mr. GALLINGER. Pump boats; the Senator should be accurate.

Mr. NORRIS. They were both pump and punk.

Mr. GALLINGER. Now, listen to this: Here was a genuine attempt at navigation:

A year ago a small steamboat attempted to operate over this stretch, but was sunk by a snag.

Mr. NORRIS. By what?

Mr. GALLINGER. By a snag.

Mr. KENYON. Was that a hostile boat—the snag?

Mr. GALLINGER. Oh, no; it was an old stump that they failed to take out of the stream.

Mr. NORRIS. There was no loss of life, I hope. I suppose the stream was shallow, and they were able to get ashore?

Mr. GALLINGER. I think not; they doubtless walked ashore. There is no difficulty about that.

Mr. KENYON. Nobody was drowned?

Mr. GALLINGER. No. The division engineer reports as follows:

Although I like to see rivers of this kind improved—

How generous he is—

at least to the extent of removing snags and similar obstructions, in order that such use may be made of them as their natural condition will allow, in this case, after a careful reading of the report, I am forced to the opinion that the river is not worthy of improvement at this time.

And yet the bill appropriates $35,000 for this waterway improvement.

Mr. BURTON. Mr. President, my attention was diverted for a moment. What is the amount recommended?

Mr. GALLINGER. Thirty-five thousand dollars. They will probably buy some more pump boats.

Mr. BURTON. Did the engineers report favorably on that?

Mr. GALLINGER. No. The division engineer says:

Although I like to see rivers of this kind improved, at least to the extent of removing snags and similar obstructions, in order that such use may be made of them as their natural condition will allow, in this case, after a careful reading of the report, I am forced to the opinion that the river is not worthy of improvement at this time.

Mr. BURTON. Does the board of review sustain that position?

Mr. GALLINGER. I have not turned to the action of the board of review, but the committee of the House approved of it, the House approved of it, and the committee of the Senate approved of it.

Mr. NORRIS. And it is in the bill.

Mr. GALLINGER. Yes; it is in the bill—$35,000.

Mr. BURTON. Thirty-five thousand dollars?

Mr. GALLINGER. Yes.

I am going to turn now to one small item that is in the State of the Senator who does me the honor to sit at my right [Mr. WEST]—the State of Georgia. It is for the Altamaha, Oconee, and Ocmulgee Rivers.

Mr. WEST. It is an Indian name.

Mr. GALLINGER. I am not an expert on Indian language, and very likely I pronounced the name incorrectly. We have $75,000 appropriated for this stream. There has been appropriated up to date for this river $960,969.31.

Mr. WEST. I will say to the Senator, if he will permit me, that the Altamaha is quite a large river, two or three hundred miles long, and that it has water in it.

Mr. GALLINGER. I have no doubt of that.

Mr. WEST. I really think that the appropriation is needed, because it will affect over half a million people in the State of Georgia, I believe.

Mr. GALLINGER. I will give a few figures on it.

ALTAMAHA, OCONEE, AND OCMULGEE RIVERS, GA.

[Page 28, line 21; appropriation, $75,000.]

There has been appropriated to date for these rivers the sum of $960,969.31, which resulted in encouraging a commerce amounting in the calendar year 1912 to 31,896 short tons. This tonnage is stated to have been unusually large; but, even if it continues after the expenditure of the proposed appropriation, the cost to the Government per ton of freight carried will be over $2.

Now, does the commerce on those rivers which have water in them and which, after spending a million dollars, are asking for an appropriation that amounts to $2 per ton on the freight that shall be carried on them, justify us in making the appropriation?

Then I turn to Florida for a moment, a State that the people of the North are greatly interested in. St. Lucie Inlet, Fla., has an appropriation of $50,000. It is a Senate amendment

Mr. NORRIS. Does that reduce the amount in the bill?

Mr. GALLINGER. No; it adds that much.

Mr. NORRIS. I should like to inquire of the Senator if this is a river that has water in it?

Mr. GALLINGER. I think it has; but I am going to talk about it for just a moment.

Under the river and harbor act of March 4, 1913, this project was started with an appropriation of $100,000, none of which had been expended up to June 30, 1913. However, negotiations were under way with the Panama Canal Commission to secure one of their dredges to undertake the work. The completed project is estimated to cost $1,200,000.

St. Lucie Inlet is located on the east coast of Florida, about 260 miles below Jacksonville and about 100 miles north of Miami.

The district engineer reports adversely on the project, as follows:

Most of the east coast of Florida labors under the same difficulties as to transportation as the country in the vicinity of the St. Lucie Inlet, and deep harbors are desired at a number of other points. If such improvements would relieve the situation, the commerce to be benefited would warrant their being undertaken; but it is reasonably certain that they would not afford relief, because, in order to carry this produce by water, frequent and regular calls by ships would be necessary, as the produce is perishable and can not be allowed to accumulate, but must be shipped promptly after it is gathered; and seagoing ships would not be warranted in stopping for the small amount of freight that would thus be offered.

The needs of this coast, therefore, will be met, not by a series of deep harbors, but by a canal such as that recommended by the Intra-Coastal Canal Board, whereon speedy light-draft power boats can operate. Already a line of such boats is being built to navigate the very indifferent inland water route now existing.

I am, therefore, of the opinion that St. Lucie Inlet is not worthy of improvement.

But it is in this bill to the tune of $50,000.

Then there is the Choctawhatchee River, Fla. and Ala., $25,000.

Up to June 30, 1913, there had been appropriated for this river $235,300. Evidently this sum has been practically thrown away, judging from the following extract from the engineer's report for 1913:

The river has been partially cleared of snags and other obstructions from time to time, but has again become very much obstructed, being impassable during low water for boats of even light draft from Newton to the mouth of Holmes River, a distance of 122 miles, the available depth at low water being but 20 inches at the end of the fiscal year 1912.

Two hundred and thirty-five thousand three hundred dollars has been spent on that stream, and they are asking for $25,000 more.

The commerce on the river for the calendar year 1912 amounted to 68,184 tons, all but 20,000 tons of which were logs and timber, which could easily have been floated without any channel, and hence without any appropriation from the Federal Treasury.

Mr. KENYON. The Senator will realize that there is a good deal of advantage in a river of that character. If it is only 20 inches deep, of course, if a boat sinks there no one can be seriously affected.

Mr. NORRIS. A boat could not sink in it.

Mr. GALLINGER. It would not be a *Titanic* disaster certainly.

Mr. NORRIS. They might have wheels on the boats.

Mr. GALLINGER. I omitted when I was speaking of the State of South Carolina to call attention to Lumber River, S. C. The appropriation is small, but let us see whether it is justified or not.

Mr. KENYON. What is the name of the river?

Mr. GALLINGER. Lumber River. I imagine that it is a river probably constructed after the fashion of a corduroy road. As there is not any water in the stream, the river has probably been converted into a corduroy road, and that is the reason why it gets the name of Lumber River. Some of us know what a corduroy road is. I used to travel over one when I was a boy.

Mr. NORRIS. If it is to improve a corduroy road, I am in favor of it, because that would be a road to travel on.

Mr. GALLINGER. The district engineer, under whose direction the survey of the river was conducted, reports adversely, as follows:

The improvement is desired to enable the merchants to obtain lower railroad rates by introducing water competition. Experience has shown that unless energetic use is made of an improved river the railroads will refuse to lower their rates; that a mere threat or a poorly conducted line is not sufficient. Owing to the characteristics of the Lumber River—little depth and narrow and crooked channel—it can not be improved at reasonable expense so as to make a boat line profitable. Moreover the Little Peedee River, over which the through business would have to pass, has even less depth than the Lumber River; and until it is deepened the improvement of Lumber River would be a failure. It is consequently believed that the Lumber River is not worthy of improvement at the present time.

Mr. NORRIS. Did the Senator mention another river?

Mr. GALLINGER. The Little Peedee.

Mr. NORRIS. I thought the Senator said "P. D. Q."

Mr. GALLINGER. No; the Little Peedee. That is a more shallow river than the Lumber River, yet they are going to improve the Lumber River to make boats traverse the waterway and strike the Peedee River, which is still more shallow. The district engineer reported against it on the ground stated.

The division engineer concurs in the above recommendations in these words:

I agree with the district officer that Lumber River is not worthy of improvement by the United States at this time.

The River and Harbor Board, after considering the above reports, submits the following:

It seems clear from the description of this stream and from a study of the condition of the Little Peedee, over which commerce would have to be carried, that only a very light-draft navigation could be developed, except at very great cost, and it is not probable that if a moderate improvement were made that the river would be used to any considerable extent. Experience on other shallow streams indicates that it would not be profitable for a boat line to operate long distances on the draft of water that could be expected. In view of the foregoing, the board concurs in the opinion that it is not advisable at this time for the United States to undertake the improvement of Lumber River from its mouth to the turnpike bridge over said river.

The district engineer, the division engineer, the River and Harbor Board all reported adversely to this project, and yet those reports were overruled by the Chief Engineer in his Washington office, who recommends that $2,000 be expended on the river. Now, what good will $2,000 do toward improving that wretched, little, useless stream?

I am not going to indulge in any foolish criticism or any comment that could not properly be made, but I can not help thinking that it is a most remarkable circumstance that after the division engineer, the local engineer, the River and Harbor Board all reported adversely to it, the local engineer having personal knowledge of conditions certainly, and likely the district engineer had equal opportunities to acquaint himself with the fact, a gentleman in the city of Washington, sitting in a palatial office, should overrule the decision of those three officials and advise an appropriation which finds a place in this bill.

Mr. NORRIS. It seems to me that that is a remarkable case. I wonder if the Senator has before him the reasons given by the Chief of Engineers for overruling the finding?

Mr. GALLINGER. I have under my desk here the reports of the Chief of Engineers, but I really felt that I had neither time nor strength to go into all the details of these appropriations, so I give the simple fact.

Mr. KENYON. I should like to inquire if that was Gen. Bixby's finding?

Mr. GALLINGER. It may have been Gen. Bixby, but I am not sure.

Mr. KENYON. The Senator knows, of course, of the primary lesson in waterway improvement that hung on the wall here for some days purporting to be a speech of Gen. Bixby, in which he states in substance that we do not need boats engaged in transportation to make a waterway a real success. That being true from his viewpoint, it is not to be wondered at that he should make that recommendation.

Mr. GALLINGER. I will not say that it was Gen. Bixby. Gen. Bixby was succeeded by another engineer, and he in turn has been succeeded by Gen. Kingman. So I am not sure.

Mr. NORRIS. That is the Lumber River?

Mr. GALLINGER. Yes; that is the Lumber River in South Carolina. Then we come to a little river in Mississippi called the Pearl. I do not know whether they find pearls in it or why it got that name, but it is probably from the beautiful tint of the water, which is not often found in Mississippi rivers. It is proposed to give $16,000 for that river.

This sum is for continuing improvement of the lower part of the river from Rockport 246 miles to the mouth. Up to June 30, 1913, there had been expended $258,735.21, which had resulted in a 3-foot channel to a distance of 145 miles from the mouth, a 1½-foot channel for 10 miles farther, and no channel at all for the rest of the way.

Think of that waterway on which the Government has expended $258,735.21, and it is proposed to appropriate $16,000 more. They have a 3-foot channel for a distance of 140 miles from the mouth and a 1½-foot channel for 10 miles farther and no channel at all for the rest of the way. It requires a rise of the river of from 1 to 7 feet before boats of any draft whatever can be navigated to Rockport, the head of the project. They just wait until there is a rise in the river and then they start the boat. If the rise in the river does not come for a month, then I suppose the boat lies at the wharf during that time.

Almost half of the total expenditures—$114,291.90—has been expended for maintenance of what the other half accomplished in the way of improvement. Of the total commerce of the river for the calendar year 1912, 92 per cent of the whole was logs, timber, and crossties, most of which could be floated without any channel at all.

And yet we have had it said on this floor over and over again that there is not an indefensible item in this bill. It is solemnly proposed according to newspaper reports to strike out the appropriation for Boston Harbor, something over $1,000,000, and presumably to take care of these inconsequential and worthless streams.

Mr. SMOOT. Mr. President——

Mr. GALLINGER. I yield to the Senator from Utah.

Mr. SMOOT. I understood that the proposition was to make the cut on the rivers and harbors of the North upon the ground that in winter they could not work on them anyhow, and to allow the full amount proposed to be appropriated for the rivers of the South because they could work in wintertime as well as in summer; that whatever cut is made in the bill should be made on rivers and harbors of the North.

Mr. GALLINGER. I had noticed that observation in the newspapers, but as I have been, contrary, perhaps, to my usual custom, scrupulously endeavoring in all these debates to keep from any partisan observations, I let the remark of the Senator from Utah go into the RECORD for what it is worth. I think it is true, however.

Mr. WEST. May I interrupt the Senator?

Mr. GALLINGER. I am delighted to have interruption. I am having a good time.

Mr. WEST. I want to ask the Senator if it is not true that it has been discussed that without regard to merit a horizontal cut be made in the appropriations for this purpose.

Mr. GALLINGER. That has been suggested, and it would be just as absurd as the proposition of a late distinguished member of the other House, Mr. Morrison, when he proposed a horizontal reduction in tariff duties. There would be in it neither sense nor logic nor anything else that could commend it to the support of any man who tries to legislate along sane lines.

Mr. WEST. I do not want the Senator to understand that I am advocating it by asking the question.

Mr. GALLINGER. No; the Senator simply called attention to the fact that it had been suggested. It has been suggested—and I think it is just as incongruous and just as absurd as the other suggestion that is being made now, and which is having the support of men very high in authority—that the additional revenue of the Government should in a large part be raised by taxing transportation, taxing the men who send the products of their farms and factories to their customers. I do not know but we have to meet that. I am sorry that I may not be here when that proposition comes before the Senate, if it does, but it ought not to be agreed to under any circumstances; and I am going to diverge just long enough to say that I hope the Congress of the United States, after it considers the bill that is to come here to raise $100,000,000 additional revenue for the Government, will either see the propriety of putting the tax on luxuries such as I suggested the other day—tobacco, beer,

wines, whisky—or else by issuing bonds that the rich men of the country will take like they take hot cakes, and that thus no hardship particularly would come upon the industrial part of our community.

Mr. MARTINE of New Jersey. Mr. President——

Mr. GALLINGER. I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. It is most gratifying for me to state to the Senator that he will not be alone in that position. I regret the necessity of additional taxation.

Mr. GALLINGER. As we all do.

Mr. MARTINE of New Jersey. As we all do; but I say, if it is to be raised, let it be raised on luxuries and not on necessities.

Mr. NORRIS. Amen.

Mr. MARTINE of New Jersey. I will stand here until the end of my term before I will vote for a tithe of a tax on a bushel of wheat or a pound of flour that shall go into a hungry man's mouth. I would not do it on any consideration. A tax on transportation is a tax on food.

If there is anything in our idea of building up industries, it is controverted by the proposition to tax transportation. I ask, what would all our industries amount to if our products are to be clogged and closed within the walls of the factories? The process of taxation on transportation might be carried to such an extreme limit that it would be an absolute prohibition on transportation.

I do not believe, I can not believe, that the sober sense of the Senate of the United States will ever acquiesce in a proposition to tax transportation.

Mr. SMOOT. Mr. President——

Mr. GALLINGER. I yield to the Senator from Utah.

Mr. SMOOT. I believe the Senator could have gone still further in what he said as to taxation upon the bread the people eat. He might have gone further and said he objects to a tax that will fall upon the coal, the fuel, that keeps them warm.

Mr. MARTINE of New Jersey. I stand with the Senator in all those things. There are so-called luxuries that have been recited by the Senator from New Hampshire that could richly and well bear the burden. I am not in favor of exempting tobacco. Some gentleman on our side of the Senate said to me it would be a monstrous wrong to impose a tax upon tobacco. He argued that that was a great product of their section of the United States; that they were in a bad condition now owing to the European war; that they were prevented from exporting to Germany, which is a great consumer of our tobacco, and Russia and some other countries in Europe which are great consumers of our tobacco, and the result was that now in the war the industry is in a stagnant condition and they can find no sales for their products. I said to him, and I say to the Senate and to all the world, I do not believe tobacco is a necessity. I have expressed myself on that before. At all events, it is a luxury; and tobacco, whisky, beer, and wines, I believe, could richly bear the burden of it all and bring an adequate income to the United States in this our crisis.

Mr. GALLINGER Mr. President, the diversion that I indulged in has borne fruit, and I shall go to my home in a few days, unless the Sergeant at Arms detains me, and day by day will scan the CONGRESSIONAL RECORD to see whether the wise thoughts of the Senator from New Jersey, which correspond with my own crude thought, shall be incorporated in the bill.

Mr. LEWIS. May I be permitted to suggest an interrogatory to the Senator?

Mr. GALLINGER. I always yield with pleasure to the Senator from Illinois.

Mr. LEWIS. It is a source of gratification to have such a disposition disclosed toward me from so eminent a source.

I should like to ask my able friends representing New Hampshire, as well as New Jersey, what reason can either see, if we are to have this emergency tax, why the law of 1898, the stamp act which we passed in this body and in the House, in which I was then honored with membership, should not be duplicated in its exact form being sufficient in volume for raising the necessary tax. Why would not such be an equitable method and one that would be wholly just?

Mr. GALLINGER. That has been discussed as being among the possible sources of revenue. My objection perhaps is provincial. I put in the RECORD the other day a table showing that 12 Northern States have been taxed twenty times as much, so far as the income tax is concerned, as the 12 leading Southern States. A stamp tax, especially upon bank checks, will be a hardship to the industrial sections of the country, already heavily taxed. Even if it results in making tobacco and beer and whisky a little dearer to the consumer, and thereby possibly promoting the cause of temperance, I can not help thinking that that is a better system of taxation than a stamp tax.

Mr. NORRIS. Mr. President——

Mr. GALLINGER. I yield to the Senator.

Mr. NORRIS. I wish to suggest that probably it would make beer dearer; but it would put more foam in the beer than was in it before, and therefore it would be not only raising an increased revenue, but it would be a good thing for the consumer if he did not get quite as much beer as before.

Mr. LEWIS. Permit me to add to the subject suggested by the Senator from Nebraska, it would not only put more foam in the beer but more froth in politics.

Mr. NORRIS. It might in the Senator's section of the country. If there is any politics in a section of the country depending on froth, it might get an abundance of it.

Mr. LEWIS. I thank the Senator from New Hampshire for his response in regard to a stamp tax, and——

Mr. GALLINGER. I am delighted to be interrupted by the Senator, who is always entertaining, and if at any subsequent time in my awkward discussion of this measure the Senator feels like making a contribution so charming as he always makes in our discussions, I will be glad to take my seat.

Mr. LEWIS. I will say to the Senator from New Hampshire that I appreciate very much the suggestion he makes. I really feel the question we have to contend against is the geographical one.

I see the Senator from Utah [Mr. SMOOT] rising. Like myself he represents the West, or certainly speaks for it. It is to be said that the stamp tax will fall very heavily upon the large commercial States, and also that my own State of Illinois would have to endure a large share of it. This is the thought that I should like to suggest: Since the stamp tax is necessarily borne by those who have the largest commercial transactions, is it not, after all, a tax which will finally come from the great body of consumers?

Mr. GALLINGER. The trouble about it is that almost every citizen of the United States, of the industrial North, certainly, who has even a moderate income, has a bank account, and draws checks in payment of bills. I think it would bear quite as heavily on that class as it would on the men who do a large amount of business. That is my opinion.

The Senator from Utah rose, and I yield to him.

Mr. SMOOT. I was simply going to say that if I am to judge from the discussion I have listened to upon this subject we will have to meet in this revenue measure the same question that we met in the passage of the tariff act, and that is a sectional question, as intimated by the Senator from Illinois [Mr. LEWIS]. I was in hopes that that would not enter into the revenue measure which is intended to be passed at this session of Congress, but I am quite positive that before we get through with the consideration of it we will find that that question is at the bottom of the whole matter.

Mr. KENYON rose.

Mr. GALLINGER. I yield to the Senator from Iowa.

Mr. KENYON. My friend from Nebraska [Mr. NORRIS], when he could not get the floor, made a suggestion which seemed to me to be a good one as to this taxation proposition. The high-priced cigars now bear the same tax as the cheaper cigars. Why would it not be a good idea, as he suggested, and I understand he will offer an amendment to that effect, to have a graduated tax so that high-priced cigars will pay more than those of less value. It is not fair that on the high-priced cigars, which may cost 50 cents or a dollar apiece, there shall be paid the same tax which is paid on the cigars smoked by my friend from Nebraska [Mr. NORRIS], six for 5 cents. [Laughter.] So there is great merit in that proposition.

Mr. GALLINGER. That appeals to me very strongly, and I hope when such an amendment is offered it will be agreed to. There is no reason why the rich man, the millionaire who goes out on his yacht and smokes 50-cent cigars should pay the same tax on them that the poor man at the anvil or at the plow pays on his.

Mr. KENYON. Or in the Senate.

Mr. GALLINGER. Or as some Senators pay on the brand of cigars which they use. I am not an expert on that question, but I think there is great justice in the proposition.

Now, Mr. President, I find two rivers—"Heavenly Twins," I suppose—the Pascagoula and Leaf Rivers, in the State of Mississippi, for which it is proposed to appropriate $14,000 in this bill. I want the attention of the Senator from Nebraska particularly to this item, because the Senator is a sincere reformer and an economist and he wants just legislation. I pay him that tribute very freely, because I want to get as many Progressive votes in New Hampshire as I can muster. [Laughter.] For the Pascagoula and Leaf Rivers, in the State of Mississippi, I repeat, it is proposed to appropriate $14,000. The improvement on those rivers cost originally $26,019.04, and it has since cost to maintain them $62,476.50. The contemplated appropriation for maintenance brings the cost to nearly three

times the cost of the improvements themselves. Would not that be a great enterprise for a private citizen to engage in?

Mr. NORRIS. Mr. President, I hope the Senator from New Hampshire will compare the cost of maintenance with the value of the traffic, if he has it at hand. That would be interesting.

Mr. GALLINGER. I will turn to the report for information on that subject.

Mr. NORRIS. It is similar, probably, to an item to which the Senator from Ohio [Mr. BURTON] called the attention of the Senate several days ago, where the cost of the maintenance of a dam in a river was greater, if you excluded logs and railroad ties, than the entire value of the traffic that passed through the dam. That, it seems to me, only illustrates the point further. It is a great deal better comparison, I think, to obtain the cost of maintenance and compare it with the traffic than with the original cost. I can see where there might be instances where for some reason the original cost might be very light, while the cost of maintenance might be very heavy.

Mr. GALLINGER. I have mislaid the report to which I desired to refer.

Mr. NORRIS. I will look the matter up if the Senator will give me the names of the rivers to which he refers.

Mr. GALLINGER. The names of the rivers are the Pascagoula and the Leaf Rivers in Mississippi, and the appropriations for them are found on page 37, beginning in line 6 of the bill.

I repeat that the statistics show that the improvements on these rivers originally cost $26,019.04, and it has cost $62,476.50 to maintain them, and it is proposed to add $14,000 to that by the appropriation contained in the pending bill.

Then I come to another river in Mississippi—the Big Sunflower.

Mr. NORRIS. Is not that in Kansas?

Mr. GALLINGER. No; this river is in Mississippi.

Mr. KENYON. The Little Sunflower River is in Kansas.

Mr. GALLINGER. Yes; it is the Little Sunflower River which is in Kansas, and not the Big Sunflower.

Mr. NORRIS. That ought to be reversed. The Big Sunflower ought to be in Kansas.

Mr. GALLINGER. The existing project was adopted July 25, 1912, and contemplated the construction of a lock and dam at a cost of $300,000 and open-channel work at a cost of $50,000. Although but 2 per cent of the dam was completed on June 30, 1913, the original estimate had gone up to $500,000, and the report of the Chief of Engineers for 1913 says:

> Further study, based on data recently developed, is necessary before a definite estimate can be made.

But while that "definite estimate" is in abeyance, while this contemplated project that was to cost $300,000 has been "jacked up" to $500,000—and the Chief of Engineers says that nobody can tell how much it will cost until a new estimate is made—the Congress of the United States proposes to add $90,000 more to that improvement. It is absurd.

The Bayou Teche in Louisiana calls for an appropriation of $130,000. This appropriation is to secure a channel from 6 to 8 feet deep and 60 to 80 feet wide for 72 miles from the mouth. The total estimated cost is $315,000. There is at the present time a channel from 4 to 7 feet deep and 30 to 60 feet wide for this distance, which would seem to be adequate for the commerce that is on the stream, and I think no further development should be made, but $130,000 is to be voted from the money of the people to improve that stream.

Mr. KENYON. That would include some of the money to be raised from additional taxation.

Mr. GALLINGER. Yes; from the tax on transportation probably, because this is a transportation question.

Mr. KENYON. Does the Senator think that that will arouse the enthusiasm of the American people, who will pay the transportation tax?

Mr. GALLINGER. I should think it would arouse their indignation.

Now, I come to a much-discussed river, and I know that I shall have the attention of my genial friend, if he is in the Chamber; and if he is not in the Chamber, I wish he were—the junior Senator from Texas [Mr. SHEPPARD]. I refer to the Trinity River. All of you have heard of that river.

Mr. KENYON. I think when we approach the discussion of the Trinity River there should be a quorum here to listen to the Senator.

Mr. GALLINGER. I yield to the Senator from Iowa.

Mr. KENYON. I suggest the absence of a quorum, so that the junior Senator from Texas may reach the Chamber.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gallinger | Norris | Smoot |
| Bankhead | Gore | Overman | Sterling |
| Brady | Hughes | Page | Stone |
| Bristow | Jones | Perkins | Swanson |
| Bryan | Kenyon | Pomerene | Thomas |
| Burton | Kern | Ransdell | Thornton |
| Chamberlain | Lane | Robinson | Vardaman |
| Chilton | Lea, Tenn. | Saulsbury | Walsh |
| Clapp | Lee, Md. | Sheppard | West |
| Clarke, Ark. | Lewis | Shields | White |
| Culberson | McCumber | Simmons | Williams |
| Fall | Martine, N. J. | Smith, Ga. | |
| Fletcher | Nelson | Smith, Mich. | |

The PRESIDNG OFFICER. The junior Senator from Colorado [Mr. SHAFROTH] has been suddenly called away on account of illness in his family.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired. This announcement may stand for the day.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of sickness in his family. In his absence he is paired with the senior Senator from Idaho [Mr. BORAH].

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present.

Mr. GALLINGER. Mr. President, from my point of view, one of the most indefensible provisions in this bill is the appropriation for Trinity River. I voted against an early appropriation for that river, and I have been opposed to every additional appropriation for it since that time. It will be recalled that when the favorable report was made for this improvement by the Board of Engineers a suggestion was made that, if it became necessary, artesian wells might be sunk to get water for this stream. I understand they have not had to resort to that expedient as yet; but, as there is no navigation on the stream and can not be until some $15,000,000 is expended on it, the artesian wells are doubtless held in abeyance.

Mr. SMOOT. Mr. President——

Mr. GALLINGER. I yield to the Senator.

Mr. SMOOT. I desire to ask the Senator if he knows whether there is any truth in the report that since the attack on the Trinity River by the senior Senator from Ohio [Mr. BURTON] there has been dug in the bed of the river a hole and sufficient water secured to drown a colored boy, and that as soon as that took place headlines appeared in the papers announcing the drowning of a man in the Trinity River?

Mr. GALLINGER. Mr. President, I am inclined to think that is a canard. It has been called to my attention. It is said they dug this hole and put the colored boy in headforemost and pulled him out dead, and then circularized throughout the country the fact that there was water enough in the Trinity River to drown a boy. [Laughter.] I do not believe that happened; I can not believe it.

Mr. KENYON. Mr. President——

Mr. GALLINGER. I yield to the Senator.

Mr. KENYON. In looking over the discussions in Congress I notice that some Members of Congress went down to view one of those rivers—I am not certain whether or not it was the Trinity River—and were met at the depot by a committee who asked them whether they would prefer to go up the river in a wagon or a buckboard. Does the Senator know whether or not that was Trinity River?

Mr. GALLINGER. No; that instance has escaped my attention. I have noticed that some wag said that at the recent election in Texas, in which the prohibition question was the issue, the only thing that went dry was the Trinity River.

Mr. KENYON. There have been so many incidents in connection with Trinity River that I am not surprised the Senator does not recall it.

Mr. GALLINGER. I have been very diligent in studying this question of river transportation for the last few years. Having found that I could not get through Congress a bill to rehabilitate the American merchant marine and to give us some over-seas trade, I have turned my attention to local transportation; but that incident escaped my attention. It may be true.

Along the same line I suppose Mr. M. J. Worth, who says he is from Forth Worth, Tex., was romancing when he gave an interview to the Washington Post a little while ago. The Senator from Texas told us when it was called to the attention of the Senate, in the first place, that he had telegraphed to Texas, and no such man as Mr. M. J. Worth could be found in the locality from which he claimed to have emigrated; but what Mr. Worth said is really interesting. Among other things he



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said that an electric railroad company had endeavored to lease the bed of the river for an interurban line. I do not believe that is so; I am going to give the Trinity River the benefit of the doubt at every point. Now, let me give a résumé of what has happened since Congress was unwise enough to agree to an appropriation for the improvement of that stream.

On December 23, 1899, a report of a survey of the Trinity River was made in which a 4-foot channel from Dallas to the mouth, a distance of 511 miles, was recommended to cost as follows:

| | |
|---|---|
| For cleaning the river | $500,000 |
| For 37 locks and movable dams | 3,175,000 |
| For artificial water supply | 200,000 |
| For bank protection | 100,000 |
| For dredging | 25,000 |
| Total | 4,000,000 |

For a 5-foot channel the cost was estimated at $4,200,000 and for a 6-foot channel, $4,550,000. The appropriation of $200,000 "for artificial water supply" was to be used in storing water in the upper reaches of the river during the wet season, or, using the language of the engineers, in the "sinking of additional artesian wells."

Water for a river whose improvement, according to the original estimate, was to cost $4,000,000 was to be secured by digging artesian wells and letting the water flow into the stream. As I said a moment ago, I believe the artesian wells have not yet been dug, but doubtless they will be, if we allow this project ever to be completed.

The river and harbor act of June 13, 1902, adopted the 6-foot channel project, to cost $4,550,000. Up to and including the river and harbor act of March 4, 1913, there had been appropriated for this project $1,952,287.

Mr. WEST. Mr. President——

Mr. GALLINGER. I yield to the Senator from Georgia.

Mr. WEST. Has the Senator any figures as to the amount of freight that is transported on that river?

Mr. GALLINGER. They are not transporting any freight or anything else on it; they can not transport anything until they get the entire project completed. I will call attention to that. The money which we have expended on that river up to the present time is dead money; there is no income from it.

Mr. KENYON. Mr. President, does not the very fact the Senator has now suggested illustrate the vice of this whole system of river and harbor appropriations? We provide for 1 lock and dam or 2 or 3 locks and dams, and authorize a project calling for 10 or 12.

Mr. GALLINGER. Thirty-seven in this case.

Mr. KENYON. Thirty-seven. Then, it is said "we have gone to the expense of constructing two or three, and it would be a waste of money to stop now."

Mr. GALLINGER. Certainly.

Mr. KENYON. So we go on with this dribbling process that, in some cases, runs for some 30 years.

Mr. GALLINGER. Three of the total of 37 locks and dams have been completed; 4 others have been authorized, and 2 others have been located. An additional dam has been completed at Parsons Slough. The locks have never been used, on account of the unusable condition of the river below Lock and Dam No. 1.

The Report of the Chief of Engineers for 1913, page 2294, part 2, says:

> In connection with the consideration of the project—

That is, the project for this river—

> attention is invited to the fact that the project can not be completed within the estimate, and that its cost will be from 100 per cent to 130 per cent greater than the original estimate.

This means that under the revised estimate the cost will reach from $9,100,000 to $10,465,000. Moreover, none of this amount, if expended, will be of benefit to the public until it is all expended. I quote further from the Report of the Chief of Engineers for 1913, page 2293, part 2:

> There is little or no commerce on Trinity River above about mile 6, except the handling of timber products, which extends to about mile 30, and logging operations which extend to about mile 150. No commerce can be expected above Liberty (limit of tidal action) until the river is completely canalized. The work of the snag boat and quarter boats above Liberty is of no benefit except to prevent further deterioration of the channel and to improve the drainage.

The report of the Chief of Engineers continues:

> The appropriations which have been made so far by Congress for the Trinity River seem to indicate an intention to provide locks and dams in section 1 (miles 463–512) and at the points below, where the greatest obstructions to navigation exist, relying temporarily upon open river navigation between the pools thus created.
>
> The normal flow of the Trinity River (for eight months per year) is so small, however, that open river navigation between pools is not feasible, and until the river is completely canalized no practical navigation will obtain.
>
> Navigation, to be of value, must be either constant or of periods whose extent and occurrence can be depended upon. These conditions do not prevail on the Trinity River above tidal action (about mile 40).
>
> To consider the improvement of this river in other light than that of complete canalization is not justified by the available water data.

It is thus seen by the official report of the Chief of Engineers that until about $10,000,000 is invested in this improvement it will not yield a cent of return to anybody.

I wonder what private individual or private concern would think of tying up $10,000,000 for probably 20 years and getting no interest or dividends from the investment; and yet that is what the Government of the United States is doing in this case, and it proposes to continue that nonsense at a time when the revenues of the Government are deficient and when unusual taxation must be resorted to to meet the wants of the Treasury.

Not only is this enormous amount of money tied up without any return coming into the Treasury, but we have been spending a very considerable amount of money, hundreds of thousands of dollars, I have no doubt, covering the period that this work has been going on, in maintaining the work which has been done. In addition to this, the cost of maintenance of that part of the project already completed is large, and if the total estimate grows in the future as it has since the original survey was made, it is safe to say that $15,000,000 will be sunk in this scheme to produce a mere 6-foot channel to a city of about 95,000 people before a return of a dollar is realized.

The House of Representatives, acting upon the advice, I have no doubt, of the Board of Engineers, put in this bill $205,000 toward continuing this work, but the diligent Senators from Texas were not satisfied with that and they secured an additional appropriation of $50,000 over that allowed by the House. If they had secured five million or six million dollars to complete this project as speedily as possible and in that way possibly get some return from the investment, there would have been much more sense in it than to dribble along and appropriate a couple of hundred thousand dollars a year for a project which is going to cost, in my honest opinion, $15,000,000 before it is completed.

It occurs to me that, considering the large expenditure on this apparently worthless river, the item should be stricken from the bill and the money which has already been expended be relegated to the limbo of forgotten things. If that action should be taken Texas would not suffer greatly, as that State has 18 other projects in this bill, carrying large appropriations.

I might say, Mr. President, a great deal more about Trinity River, but it has been discussed so often in both Houses of Congress and in the newspapers of the country, and defended always with great vigor, earnestness, and eloquence by gentlemen representing that great State, as it will be defended to-day, I have no doubt, that I forbear. The figures and the facts speak for themselves; and if Congress, in its wisdom or unwisdom, thinks it wise to go on and spend $15,000,000 on the Trinity River in Texas, the taxpayers in New Hampshire probably will not find any fault when they come to pay their proportion of it, because they will never know anything about it.

One other appropriation for the State of Texas is worthy of a moment's notice, as it points a moral that ought not to be lost sight of. I wish to say, in passing, that I do not oppose this appropriation at all, but I desire to say a word along another line in connection with it. Notwithstanding the fact that three years ago, or thereabouts, I threw up my hands and made up my mind to do nothing further toward trying to get an appropriation from the Government of the United States toward restoring our flag on the oceans of the world, I have reconsidered that conclusion, and am going to take every opportunity that offers to point to the fact that this cry of "subsidy" and "shipping trust" whenever a suggestion is made that we ought to restore American ships to the oceans of the world ought not to be made, in view of what we are doing in less meritorious lines in the matter of making appropriations for other things.

It will be observed that for the improvement of waterways in the immediate vicinity of Galveston the bill carries $235,000. The House bill protected the Government to the extent of providing that no expense should be incurred by the United States for acquiring any lands required for the improvement; but in the spirit of extreme caution, and lest the State should be asked to contribute something toward this project, the Senate committee struck out that provision. In the report of the Chief of Engineers for 1913 it appears that the following appropriations have been made for Galveston Harbor and adjacent waterways:

| | |
|---|---|
| Galveston Harbor | $11,383,000.00 |
| Galveston Channel | 1,720,000.00 |
| Channel from Galveston Harbor to Texas City | 1,110,000.00 |
| Channel to Port Bolivar | 291,080.00 |
| Galveston ship channel and Buffalo Bayou | 3,449,638.90 |
| Total | 17,953,718.90 |

Mr. President, I am not ignorant of the great commerce that goes out from Galveston Harbor. I am not ignorant of the great sacrifices that the people of that city made when inundated, nor of the liberality with which they contributed money with which to protect themselves from another disaster. I do not find fault with the appropriations for this harbor any more than I find fault with the appropriations for the other great harbors of the country; but I suggested that a moral might well be drawn from these large appropriations. The moral is that the foreign commerce going out of Galveston is exclusively carried in foreign ships, with the single exception of one schooner, which carries the American flag. In view of the subsidies that are scattered throughout the appropriation bills of the present session—notably the Agricultural appropriation bill and the bill now under consideration—Senators may well ask themselves the question whether it would not be wiser to assist American shipping as foreign nations assist their shipping, so that after having expended $15,000,000 on a harbor the American flag might be seen at the masthead of some steamships transporting our products to the markets of the world.

On that point, if I should be here—which I fear I shall not—when this bill is finally considered, I would have something further to say before the debate closed; and I should also advocate an amendment which I have offered and had printed to this bill, which would do something in behalf of restoring American shipping to the great oceans of the world.

Mr. President, in traversing the ground that I have, in calling attention to the small, insignificant, and, as I think, worthless streams for which we are appropriating money, I am surprised that we have not paid some attention to the city of Washington. Before my advent into public life there was a Tiber Creek that ran along at the foot of the Capitol Park, where the Peace Monument now is, going westward, as I remember. That has been filled up and obliterated. Just think what a splendid thing it would have been if they had improved Tiber Creek so that Senators could have had house boats on it, so that the poor Senators might have enjoyed that luxury as the rich Senators are enjoying their yachts on the ocean! And why would it not have been desirable so as to furnish competition in the matter of transportation with the Capital Traction Railway? It would have been just as sensible as a great many of the other appropriations in this bill.

Then there is Rock Creek. Why not improve Rock Creek? The appropriations in this bill are made largely to haul wood and lumber. They say they will have to haul it by wagon unless we appropriate the public money for it. Why, Mr. President, there have been hundreds of cords of wood piled along the roadways of Rock Creek in the last year which were hauled to market by wagon. Why not dig out Rock Creek, and put some steamboats on it, so as to accommodate the people interested in that industry?

Mr. President, I had intended to take up the Mississippi River and the Missouri River; but I have talked longer than Senators have cared to have me, and I feel that I have perhaps fully discharged the duty that I felt incumbent upon me in the discussion of this bill. I had intended to call attention to Elk Point, to Glendive, and to the levees, as will be found on pages 53, 55, 95, 107, 115, 133, 193, and 338 of a report made by the senior Senator from Minnesota [Mr. NELSON] in behalf of a commission which was appointed to investigate the matter of transportation on the Mississippi River in the year 1898. That commission acted under the authority of a resolution two items of which read as follows:

> Whether the present system of improving the Mississippi and Missouri Rivers under which it is sought to confine the water within the banks of said rivers, by means of levees, and by such levees, together with jetties at different localities, to increase the erosive power of the current so as to protect the banks and deepen the channel, should be continued.
>
> Whether the Mississippi and Missouri River Commissions should be continued in existence, and, if continued, what amendment should be made to the statute creating such commissions and defining their duties and powers.

That commission, Mr. President, was composed of several Senators—the Senator from Minnesota [Mr. NELSON] being chairman, and Senators Elkins, Vest, McBride, Berry, and Caffery were also members of it, and I was honored with a place on the commission. Our investigations were not very favorable to the appropriations that are being made for the Mississippi and Missouri Rivers on the ground of taking care of commerce, because as a matter of fact we did not find any commerce worth talking about on either of those rivers, and the report recommended the abolition of the Missouri River Commission, which I believe was carried out; but, notwithstanding that, large appropriations are being made in this bill for that river, and I suppose they will continue to be made as long as time lasts. They are not made for the development of commerce, however, or to take care of commerce. They are made almost wholly to protect private property, which in time of flood is damaged, if not entirely destroyed.

I feel justified in saying that the conclusions reached by the members of that commission were that the commerce of those streams was a negligible matter, and it was seriously questioned whether the interests of navigation justified the continuance of large appropriations, yet this bill contains appropriations aggregating something like $11,000,000 for the Mississippi, not counting the appropriation for the Passes, and $2,500,000 for the Missouri River.

One other matter is worthy of consideration, and that is that at that time, in the year 1898, there were 18 damage suits filed against the Government on the ground that the levees constructed by the Government had thrown the water to the opposite side of the stream and damaged private property to the amount of $656,337.04. I understand that the number of those suits has been greatly increased since that time, and I apprehend that there are a million or two dollars of claims lodged in one of the departments of the Government now by the people who assert that the Government, by the construction of those levees, has damaged their property. I am not clear in my own mind that there is not some merit in the claim they make and that they ought not to be compensated. The practical workings of the system have been that the money expended by the Government has protected land on one side of the river, adding enormously to its value, while on the other side it has resulted in damaging to a large extent or destroying private property.

We have made enormous appropriations for the Mississippi River, and I am ready to vote for still further appropriations to a very large extent if any comprehensive scheme shall be devised whereby some reasonable hope is held out that we can control the waters of that mighty stream. I hold in my hand a document, No. 462, being a letter from the Secretary of the Treasury, dated April 4, 1914, in which he gives as the aggregate amount that we have appropriated for the Mississippi River $137,429,290.54; for the Missouri River, $13,056,685.19; and then there are improvements within the limits of two or more States for the Mississippi River of $95,720,206.90, with $4,000,000 supplemental. So it will be observed that the expenditures for that great river have been very large and reasonably generous.

The Senator from Nevada [Mr. NEWLANDS], who takes a large view, sometimes rather a startling view, of the duties of the Government in the matter of making appropriations for the waterways of the country, has introduced two bills, which I thought I had at hand, but which have escaped, in which, if I remember correctly, he proposes to appropriate something like $600,000,000 to levee completely both banks of the Mississippi River, and hence prevent overflow in time of flood. I would rather vote for that than to have these driblets that we are voting, even though we are giving ten or twelve millions in this bill to the Mississippi River to build levees on one side of the river to flood the other side, resulting in damage suits against the Government.

Mr. President, I had intended to analyze this bill much more thoroughly than I have, but as several other Senators are desirous of discussing the measure, I will content myself by commending to the serious attention and consideration of the Members of this body the following words from a great American newspaper, published in a State largely interested in river and harbor appropriations. The paper says:

> Mud flats, trout streams, frog ponds, and waterways down which a fairly good-sized shingle might find difficulty in floating are all comprised in the scandalous rivers and harbors appropriation bill already through the House and about to be acted on by the Senate. Thus are really great enterprises halted and denied proper attention.
>
> But it isn't with the tadpole pools that we are going to deal to-day. Extravagance does not begin and end with them by any means. For sheer and indefensible squandering of millions commend us to the Mississippi River. For instance, take that section of 206 miles that lies between the mouth of the Missouri and the mouth of the Ohio.
>
> In 1881 work on that section was begun, and the estimate was that $16,000,000 would see it finished. The amount expended up to date is $17,000,000, and the present estimate calls for an additional $17,250,000. For such an outlay something of real importance to commerce ought to result. But the freight tonnage on that section amounts to only 250,000 tons annually.
>
> No one can object to proper appropriations for the Mississippi—appropriations that will be expended for the control of the river in its lower reaches. Flood damage must be stopped, and an enlightened plan would comprise the conservation of the water, laden, like that of the Nile, with rich soil, and for its diversion for irrigating purposes. But the millions demanded by the 206 miles referred to do not regard conservation or flood prevention so much as they do channel depth. And yet there has been, according to Senator BURTON, an average depth of 8 feet of water for some years. And that is quite sufficient for all practical transportation purposes. That is as much depth as the average channel of the Rhine possesses, and yet the Rhine carries a tonnage of 40,000,000 annually as compared with the paltry 250,000 of this Mississippi section.

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There is no need whatever for a deep channel for the Mississippi. Transportation on that river, if done at all, must be carried on by the barge system that prevails on the river system of Germany. Every dollar, therefore, awarded to the Mississippi for anything save flood control and conservation is a dollar wasted.

Perhaps some time river and harbor development will follow a well-devised plan free from the appropriation-grabbing proclivities of Congressmen. Until then we can hope for nothing more than a vicious "pork barrel" to satisfy greed.

The utterance that I have just read is being echoed and re-echoed by a large proportion of the great metropolitan dailies of the country, deprecating the proposed legislation unless the bill is shorn of many of its most objectionable features.

Let us give heed to the caution conspicuously displayed at some railroad crossings, "Stop, look, listen!" before proceeding further, in the hope that the second sober thought of the American people may save the taxpayer from another similar raid on the Treasury of the United States.

How better can I close than to once more place in the RECORD the declaration of the national Democratic convention on the question of economy, which declaration has been ruthlessly disregarded, but which can be partly atoned for by saving to the taxpayers the unnecessary appropriations contained in this bill? In a long recital of what a Democratic Congress had accomplished, the platform says:

And it has passed the great supply bills which lessen waste and extravagance, and which reduce the annual expenses of the Government by many millions of dollars.

And then, under the head of "Republican extravagance," the following gem will be found:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a Democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

Mr. President, I want to appeal to my Democratic friends to live up to the promises of that platform. I am willing to help them to do it. I am willing to help them to lessen, by economy, the deficit that it is said must be provided for by war taxes at the present session of Congress. If they will do that, the controversy that is now raging in this Chamber will disappear, and a fair and equitable river and harbor bill will speedily pass this body.

Mr. President, I owe an apology to the Senate for occupying so much time; but the subject is one that has greatly interested me, and I am honestly of opinion that this discussion, however inadequate it may have been on my part, will result in having this bill redrawn, and many of the useless appropriations that are in it stricken out. That is my hope, and really it is my expectation.

Mr. FALL. Mr. President, I have no intention of discussing this bill at great length or in detail. The discussion has already proceeded for days and weeks. I wish to call attention, however, to a matter that strikes one who has not taken much part or any part in the discussion until this moment.

There has been much said about extravagance in appropriations. I have listened with interest to the Republican pot calling the Democratic kettle black; and I think, Mr. President, that our Democratic friends can well believe that they deserve what has been said, because for years they have been proclaiming to the voters throughout the country that the Republicans were extravagant in their appropriations, and that they, the Democrats, were going to bring about an era of economy. It is appropriate, now, that our Republican friends, who have been so roundly abused in the past, should call attention to the fact that our Democratic friends, when they have power thrust upon them, find themselves unable to entirely stem the progress of this country, and that the realization is brought home to them that this country is growing all the time; that it is more than a billion-dollar country; that they were wrong. They should make the admission frankly and openly that they had been wrong in the past, and, I think, promise that they will not be guilty again, at least without better cause, of accusing the Republicans of extravagance and lack of economy.

Those things are all right, Mr. President, for political campaigns, and it is perfectly proper that they should be discussed here, I suppose, in making ammunition for the campaign which is coming on.

But with reference to the appropriations for rivers and harbors I do not look upon objections to the general scheme of appropriations of this character as do some of those who are most strongly opposing the passage of this bill. The great support which those objecting to this bill are obtaining from the country is from those who are not opposing particular items in the bill as extravagant, but who are opposed to the general system of improvement of rivers and harbors. The newspaper support, the magazine support, is given to those who are here opposing the enactment of this legislation for the passage of these appropriations very largely by those who, for one reason or another, are opposed generally to the system of Government improvement.

Mr. President, we hear exactly the same objections that are urged against this bill urged against the public-buildings bill, for instance; exactly the same objection that there is "log-rolling"; that one of us gets a little post office in some unimportant town in the South or in the West by agreeing that some other Senator or Congressman shall have an appropriation for a building in his little town in the Central States or in the East, and therefore that it is all a "pork barrel," and that each man is dipping in and getting all he can of the people's money. Mr. President, I have not attempted to make the calculations, but I say without fear of successful contradiction that every dollar of money which has been invested by Republican or Democratic administrations in the public buildings in the United States would to-day pay 100 per cent upon the investment.

That in some instances possibly too much has been paid for public buildings, that in some instances public buildings have been located where they should not have been located, is doubtless true. It is perfectly legitimate to criticize, as have the Senator from New Hampshire, the Senator from Ohio, and other Senators who have spoken here, particular items in such a bill, but the strength of their support in objection to this bill comes from those who without discriminating are opposed to the general system.

Now, as to the general system itself, I believe in it. We speak of the great wealth of this country. We publish statistics and hold out to the world that we have $150,000,000,000 of wealth in the United States, that it is the wealthiest country on the globe to-day and the most prosperous country. In arriving at those figures the value of the rivers and harbors of the United States is not taken into consideration. As a matter of fact, the value of the undeveloped resources of the United States—its great coal fields which are not developed or measured, the undeveloped oil fields—is not taken into consideration. The great natural wealth of Alaska is not embraced in those figures. The development of such wealth by individual efforts, by holding out inducements to individuals to render such undeveloped wealth productive, or by rendering it productive and dividend paying, is the business of the Congress of the United States. Every item, of course, should be carefully scrutinized in such a bill as this. But to say that a business corporation owning the Mississippi River should not proceed to develop that great waterway and protect its banks by levees, to dredge and straighten its channel, and to keep it in a condition where commerce can be pursued advantageously—to say that this country as a corporation owning the river should not proceed to develop it is not economy, but it would be the very poorest kind of business.

Mr. President, what would the Mississippi River be worth to some great private corporation? Untold billions of dollars could be received for it to-day if it were offered for sale by this Nation, and the corporation purchasing it would proceed to do what the Congress of the United States has been doing in the past—develop it as a business proposition to the advantage of the people of this great Nation and consequently of the Nation itself.

These investments—because they are investments—it seems to me, should be considered from this standpoint and from the standpoint also that the navigable streams, the rivers and harbors of the United States, can not be touched by the people of the States. They belong to the Nation as a whole. Then, if it is necessary to improve them, of course it is necessary to come to Congress with a proposition for their improvement. If appropriations are necessary or are called for, we are compelled to come to the Congress of the United States to secure those appropriations.

Mr. President, each of the appropriation bills of this character for the development of the resources of this Nation should be considered upon a business basis. In private business, in great development corporations, mistakes are made. Money is put in where it does not yield an adequate return. That is true. That is unfortunately doubly true, possibly, in matters of this kind coming before the Senate of the United States, where there are 96 directors handling the business of the people of the United States.

But this matter of river and harbor improvement is the business of the United States. It is the business with which we must deal. To say that we should cut off appropriations of this character, that we should cease to make improvements, is a

ridiculous proposition to make to any business man, and it would be generally so regarded. But yet the strength of the opposition to this particular bill comes from that very source. There are writers now in the magazines and newspapers telling of the fact that traffic has not increased on the Missouri and the Mississippi and the other great streams. That is unfortunately largely true in spite of the enormous amount of money which has been expended by Congress in the improvement of those streams. It is not due, however, as some would have us believe, to the fact that Congress has improved the streams; it is due to other causes entirely, and, in my judgment, very largely to the fact that in regulating railroads, in arranging freight rates, and in regulating rates the theory of water competition has governed. So soon as we in the matter of railroads and the regulation of their rates do away with that idea of water competition, just at that time, in my judgment, you will see the commerce upon the great international and internal waterways of this country begin to increase.

At this particular time, Mr. President, we should undoubtedly hesitate to increase the appropriations even for necessary business purposes. We should scrutinize closely the items of an appropriation bill of this kind, and where evidently the appropriation is unnecessary, or where there is great doubt as to the eventual usefulness or the profitable return to be derived from the appropriation, we should possibly eliminate or lop off such appropriations. But this is not a time when the United States Government should cease its internal improvements and throw out of employment, in addition to the hundreds of thousands of unemployed to-day, 150,000 other people, making it necessary for them to find their support in some other line than that in which their efforts have been directed heretofore.

With these few observations, Mr. President, upon the general line I want to call attention specifically to one instance in which the hands of the people of at least two States are absolutely tied with reference to one of the waterways of this country. In the instance to which I shall refer the Congress of the United States has gone further than in any other of which I have knowledge, in taking over entirely not only the supervision, the management, and the control but the actual ownership of the stream and of all its tributaries, and it has by affirmative legislation and by a delegation of power precluded the people of two States at least from even utilizing to any extent whatever the waters of the tributaries of that stream.

I introduced an amendment to this bill a short time since providing for an appropriation for the Rio Grande in my State of New Mexico. That amendment was referred to the committee. I do not notice the chairman of the committee in the Chamber, but the Senator having charge of the bill is present, and I should like to call his attention to some of the facts bringing about the peculiar condition which we are in in New Mexico. I want to call the attention of Senators to this condition as emphasizing what I have said generally as to the duty of the National Government in appropriating for streams which are peculiarly and solely within its control and in its actual ownership.

Mr. President, the Rio Grande is something like 2,500 miles in length, rising in Colorado and flowing through the southern portion of that State, dividing New Mexico, and forming the boundary line of Texas and old Mexico. It is an interstate stream, an intrastate stream, and an international stream. We have had more than one treaty on the subject of the Rio Grande, and we have had more than one act of Congress upon the subject; and, Mr. President, we have legislation upon this subject which was never enacted before in the history of the Government. We have had two States brought into this great Union in contravention of the terms of the Constitution of the United States. The people of New Mexico and Arizona, under the enabling act, were forced to relinquish to the Government of the United States the control of all the waters within those great States. No other State in the Union came in under these onerous conditions. We who had been fighting for statehood for 60 years, although we became a portion of the United States under a solemn treaty, and under the terms of that treaty, under the proclamation of the President of the United States, and by the proclamation which Kearney issued, signed by the President of the United States, to the people of my State when they swore allegiance to the United States, the people of New Mexico did so under an absolute promise of immediate admission to the Union. We were denied that for 60 years. During that time we were legislated for as a province. We were governed by the departments. It has been almost impossible, although New Mexico has been a State for two years, to convince some of the clerks in the Interior and other Departments here in Washington that we are not peculiarly under their jurisdiction. Governors and other State officers were sent to us from your different congressional districts. When you happened to have some man whom you wanted to favor and get out of your jurisdiction, you sent him to New Mexico or to Arizona.

You continued to deal with New Mexico in the same way by your legislation. You brought into the United States under a pledge of citizenship, under a pledge of immediate admission to the Union, some 90,000 alien people, not speaking your language, knowing very little of your customs or your laws or your Constitution. Not one dollar has been given those people from that day to this for public-school purposes or to assist them in any way to become worthy citizens of the United States. They have so become, but it has been by individual effort, working for their own salvation, not only without help from the Congress of the United States but under the burden of adverse legislation enacted by the United States, and a government foisted upon us through the departments of the United States Government. Nothing have you done for the people of my State. You have sent hundreds and thousands of teachers to the Philippines; you have provided for public-school systems in Porto Rico at Government expense; you have expended millions of dollars for building up the American idea among those people, but not a dollar for the people of New Mexico. A Senator has asked me if we do not get the school sections 16 and 36. We do since we have entered statehood. Prior to that time we did not, until 1898.

Mr. President, I want to call attention specifically to the facts by reciting the history of an attempt to utilize the Rio Grande by the people of the State, then the Territory, of New Mexico. I ask the attention of the Senators whose onerous duty it is to remain here during the discussion of some portions of this bill to these facts, because I am insistent upon the fact that we are now entitled to some little consideration.

In 1896 the people of New Mexico undertook, through a corporation organized under the laws of that Territory, to provide to some extent for the needs of those on the lower Rio Grande in the matter of irrigation. For a great many years the waters in the Rio Grande were growing beautifully less every year. For hundreds of miles thousands of acres of land which had been in a high state of cultivation, and for the acquisition of which this Government had paid more than $10,000,000 in 1854 to Mexico, had reverted back to underbrush and sagebrush.

The Government of the United States would not help the people of New Mexico and they sought capital with which to help themselves. They were successful in obtaining this capital. At that time we had not what is now known as the reclamation system in force for the irrigation of the arid lands, but we had inaugurated the policy which led up to the final enactment of the present reclamation law. The Director of the Geological Survey caused, under the authority of Congress, to be surveyed in the West numerous reservoir sites upon which the Government was to be asked later to establish reservoirs to assist in irrigation. Congress not being at that time ready to follow out this system, it was inaugurated by corporations organized for the construction of such reservoirs. Congress enacted legislation by which individuals and corporations might acquire reservoir sites so withdrawn by the Government under the report of the Director of the Geological Survey.

One of those reservoir sites so withdrawn and by act of Congress subsequently thrown open to acquisition by private individuals was that which is now known as the Elephant Butte Reservoir, on the Rio Grande. Capital was obtained by the efforts of citizens of New Mexico for the construction of what is now known as the Elephant Butte Reservoir and a corporation was organized.

The law of Congress and the rules and regulations of the department were complied with by that company. Under those rules and regulations and the law all that was necessary was that a corporation seeking to acquire one of these sites should cause its surveys to be made, and it might avail itself of the surveys made by the Government. Then plats or maps were to be made, and those maps with the field notes filed in the local land office, and sent here to the General Land Office for approval; and upon approval the construction was allowed to proceed. Upon obtaining this title to the reservoir site and upon securing the necessary funds, work was sought to be commenced by the Rio Grande Dam & Irrigation Co. upon this reservoir. More than $150,000 was spent in inaugurating this work. The parties had done everything which the law of the United States provided they should do. They had complied with the law in every respect. The maps, plans, and field notes were approved by the Secretary of the Interior.

The War Department of this Government sought the advice of the Department of Justice to know whether these individuals could not be estopped, whether they could not be enjoined by the Department of Justice. An opinion was handed down by the Acting Attorney General to the effect that the Rio Grande was

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a navigable stream; that no permission had been obtained from the War Department, which has jurisdiction of the navigable streams, and that an injunction would lie to prevent the construction by these individuals of the reservoir in New Mexico. The injunction was sought and it was granted. Trials were had. The injunction was dissolved. The case was appealed to the Supreme Court of the Territory of New Mexico and the judgment of the lower court in dissolving the injunction was sustained. An appeal was taken by the Government to the Supreme Court of the United States, and the Supreme Court of the United States for the first time announced definitely the doctrine that this Nation has jurisdiction over any stream in any State which at any portion of its length is a navigable stream; that the Government has the power to enjoin in the State of Colorado or the Territory or State of New Mexico the construction of such a reservoir on that portion of the stream which was 1,400 to 1,800 miles from any navigable portion; that it not only had the right and the power to enjoin such construction upon the main stream itself but upon any tributary to that stream, although the tributary was entirely within the boundaries of the State.

The Supreme Court of the United States by this decision practically confiscated the property of the individuals whose rights had been obtained under the law of Congress through the Department of the Interior, and their money was of course entirely lost; the project was a failure.

Mr. President, I will not take the time to recite or to read the opinion of the Supreme Court of the United States in the case of the United States against the Rio Grande Dam & Irrigation Co., but I will simply call attention to the fact that it is reported in One hundred and seventy-fourth United States, and I should like to call attention particularly to the language used on pages 707, 708, and 709 of that opinion.

Now, remember the Rio Grande in this same decision by the Supreme Court of the United States was declared to be a nonnavigable stream above Roma, Tex., 300 miles from its mouth in the Gulf of Mexico, and that the court decided that the Supreme Court of New Mexico and the lower court of that State were justified in taking judicial cognizance of the fact that the stream was not a navigable stream within the Territory of New Mexico. The Supreme Court said that they would themselves take judicial notice of the fact that it was not a navigable stream for any general navigable purposes, but added that under the act of Congress of 1890 any structure upon any portion, upon the headsprings of a stream, which might tend to lessen or interfere with the navigable capacity of that stream at any point where it might be navigable—any such stream and the headspring of any such stream was under the jurisdiction of the United States.

Mr. NORRIS. Mr. President——

Mr. FALL. I yield to the Senator.

Mr. NORRIS. I am very much interested in the Senator's argument and in his statement of the doctrine laid down by the Supreme Court. I wanted to get his judgment on the effect of it. I know he is much more familiar with it than I am. The doctrine laid down in that case, carried out logically, would in effect place the War Department in control of practically every stream and every creek in the United States, would it not?

Mr. FALL. Undoubtedly.

Mr. NORRIS. So that it would be difficult, with a few exceptions perhaps along the Canadian border and perhaps in some other similar cases, to find a stream that did not flow into another stream that was somewhere a navigable stream.

Mr. FALL. Certainly. The Supreme Court comments upon that. The logic of the decision of the Supreme Court of the United States in this decision—and the case came to the Supreme Court the second time—is to that effect; that of course the United States will not interfere with any cases where the structure or the work, whatever it might be, might not interfere with the navigable capacity of the stream for some distance, but the jurisdiction is affirmed. In other words, if the War Department at any time chose to prohibit the building of a footbridge across the Trinity River in Texas, even before jurisdiction over that stream had been yielded to the United States in asking for appropriations to render it navigable, the War Department could have prevented it under this doctrine.

Mr. NORRIS. I take it that there would be a difference between the building of a bridge such as the Senator mentions and building a dam or some obstruction to the flow of the water.

Mr. FALL. There would be, in fact; but I am speaking now of the jurisdiction of the War Department. If the War Department could say that by building the bridge the building of it would interfere with its navigable capacity somewhere below, the court would prohibit the building of the bridge. But owing to the fact that the War Department might not make such a statement or the fact that it could not be proven that it would interfere with the navigable capacity, the suit might fail; but, nevertheless, the jurisdiction to question the right to build the bridge remains in the War Department.

Mr. NORRIS. I had not supposed that the doctrine had gone so far as that.

Mr. FALL. No one else had, Mr. President.

Mr. NORRIS. I had not supposed that it would apply to a bridge constructed across a stream at a point where it is admitted it is not navigable.

Mr. FALL. No such facts have ever been presented or decided in any case. Of course I presume the facts would be decided, then, against the contention of the War Department.

Mr. NORRIS. Of course there is a difference between doing that and constructing a dam at a certain point.

Mr. FALL. Certainly; and we realize that. The court, I think, very clearly shows the application of the doctrine which they invoke. Prior to the decision in this case the courts of California had in the Débris cases gone to the extent of prohibiting hydraulic mining on the nonnavigable streams which were at some portion navigable, on the ground that the floods washed the tailings down into the navigable portion of the stream, and although the obstruction itself was upon the nonnavigable waters, the result of the work or the obstruction there was to render the waters to a certain extent less navigable below.

That doctrine had not been laid down by the Supreme Court of the United States, but by the Circuit Court of California. By the legal fraternity generally, and particularly those who are familiar with the legislation of 1866 and subsequent legislation and the customs of our western country with reference to prior appropriations of water in irrigation, that doctrine had been very strongly questioned; it was not regarded as fixing absolutely the law; but in the case reported in One hundred and seventy-fourth United States, construing the legislation of 1890, in which the words "any structure tending to affect the navigable capacity of a stream" are used, the Supreme Court finds, as a matter of fact, that such a structure as the Elephant Butte Dam might tend to decrease the "navigable capacity of the stream."

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. FALL. I do.

Mr. BURTON. I should like to ask the Senator from New Mexico, for whose legal judgment I have the highest respect, how could Congress or the Federal Government exercise its paramount control over commerce, and, by inference, over navigation, without reserving or assuming to itself the right over nonnavigable portions of a stream and its tributaries, as laid down in the Rio Grande irrigation case? Suppose you have a stream in which it is contemplated that for purposes of navigation a certain depth and a certain volume of water is to be maintained, and the right exists in a State or in a private corporation to divert the waters of its tributaries, to exhaust them for a water supply, for example, or to use them for irrigation, how could the use for navigation be effectively maintained?

Mr. FALL. Mr. President, I was one of the general counsel for the Rio Grande Dam & Irrigation Co.; I fought this case through for some four years or more. At the time we tried that case I insisted upon the court following the unbroken line of decisions of a hundred years; that is, that the States had absolute jurisdiction and control and could destroy or use as they pleased the nonnavigable waters within their limits. I insisted upon that doctrine.

Mr. BURTON. Mr. President——

Mr. FALL. If the Senator will pardon me just one moment, I am answering his question, and I think my answer will be to his satisfaction. I insisted upon that doctrine. Upon more full consideration, however, before this decision was handed down, I became convinced that the law must be as it was finally in this case decided by the court. It was, as I have said, with great hesitancy that I brought myself to that view, but I was compelled to adopt it, and, Mr. President, in doing so I was, at the same time, led to the belief that when the United States assumed the jurisdiction, along with that jurisdiction it must assume the burden; that if it took from the people of the States the right to control their streams, it became the duty of the United States to assume the burden of assisting in developing those streams for the benefit of the people of the State or of the people of the United States.

Mr. NORRIS. Mr. President, I think the Senator's conclusion is logical, and I agree with him that his first contention was

probably illogical, although it seems to me, as a matter of public policy, it would be very much better, even if it were necessary to do so by legislation, if the theory of the Senator when he was fighting that case were made the law of the land.

I remember at the time that we had the Hetch Hetchy bill up I gave the subject very considerable attention. In looking up the various water supplies for the city of San Francisco, incidentally I ran onto the difficulty which would be encountered if it were undertaken to divert waters that eventually flowed into the Sacramento River, which was a navigable stream, and for a portion at least of its length was on the line between navigability and nonnavigability. It seemed to me, while I have no doubt the Senator has stated the law correctly, that it ought to be the other way; that the use of water for irrigation is a great deal superior to and of more benefit than its use for navigation.

Mr. FALL. Mr. President, I agree with the Senator thoroughly. Then the United States Congress to-day is confronted by the condition that where in our western country the Supreme Court of the United States and the Congress of the United States itself have recognized the law of appropriation as contradistinguished from the law of riparian rights—the law of actual user of all the water of a stream for irrigation purposes—then, irrespective of the reclamation laws, it becomes the duty of the United States to make appropriations for every necessary irrigation system in every State in the Union upon the tributary or the principal waters of any stream which in any portion of its length is navigable, or else it becomes the duty of the Congress of the United States to pass a special act allowing the citizens of such State to so utilize such water. They are precluded without it.

Mr. NORRIS. I think it would have to be admitted that the policy of Congress as to the improvement of these streams would be a matter for Congress to determine.

Mr. FALL. Exactly. Congress must act, or grant the privilege to the State

Prior to the rendition of the opinion to which I have called attention, in One hundred and seventy-fourth United States Reports, the Department of the Interior, at the request of the Department of Justice or of the Department of War or of one of the other departments of the Government, or possibly at the request of the International Boundary Commission, or of some of its members—at any rate, the Department of the Interior of the United States, following along the litigation which the Government was bringing, issued an order to the effect that no man in New Mexico or in the State of Colorado should have the right to touch a drop of water from the Rio Grande or any of its tributaries, withdrawing the right which the people, individuals and corporations, had had. The legality or illegality of that order it is not necessary for me now to discuss; it has been discussed here in the Senate by the senior Senator from Colorado [Mr. THOMAS] at some length; but, Mr. President, whether originally illegal or legal, authorized or unauthorized, the Congress of the United States later affirmed it, giving jurisdiction over the stream to the Reclamation Service under the Department of the Interior. If the department had not such jurisdiction before, in my opinion it has it now, absolutely. It will require not a decision of a court but an act of Congress to deprive the department of such jurisdiction. Therefore, now every work of every kind or character, the straightening of the channel of the Rio Grande, the building of a levee or of a dam to prevent the cutting of a new channel—in fact, the touching of the Rio Grande in any way, shape, form, or fashion in my State—is prohibited by order of the Department of the Interior. The people who have had irrigating ditches heading in this stream, the descendants of the people who were found there 340 years ago, cannot improve the dams diverting water into their ditches; they can not touch the stream.

I stated, Mr. President, that there have been more peculiar laws and rules and regulations with reference to the Rio Grande than to any other water, navigable and nonnavigable, in the United States. On May 21, 1900, the Government of the United States entered into a treaty with the Government of Mexico with reference to the waters of the Rio Grande. By that treaty the Government of the United States promised the Government of Mexico that it would construct a reservoir within the State of New Mexico on a site which they took away from private investors—the Government itself confiscated the property—and would deliver to the people of Mexico, 120 miles below this reservoir, some 60,000 acre-feet of water per annum. The treaty was ratified by the Congress of the United States. It even goes into details as to the number of acre-feet per month during each and every month of the year which this Government guarantees to deliver to the people of Mexico. There is no guaranty that it will deliver anything to the people of the State of Texas or to the people of the State of New Mexico, who are entitled to it by prior right; but, over and above their rights, without respect to the amount of water which they may need for the irrigation of their 180,000 acres, for the irrigation of 12,000 acres in the Republic of Mexico this Government agrees that it will construct a reservoir costing $11,000,000, and will deliver to those people, 120 miles below, water for over 20,000 acres of land, when, to my knowledge, they never claimed water for more than 12,000 acres.

New Mexico was a Territory under the jurisdiction of the Department of the Interior and was a football for any Member of Congress who desired to take a kick at it.

I want to call attention, Mr. President, now, following the line of this exposition, to another act of Congress. There was a little question about the jurisdiction, a little question about who had authority over these streams, a little question about the upsetting of all the decisions of the Supreme Court of the United States which have been rendered with reference to the waters of the Rio Grande and the waters of other irrigation States, but it was determined that once and for all the Rio Grande should be fixed as within the sole control and power of the Congress of the United States or of the Interior Department.

On March 4, 1907, the Congress of the United States appropriated $1,000,000, not out of the irrigation or reclamation fund, but $1,000,000 out of the Public Treasury, as I recall—at any rate, a direct appropriation was made by Congress of $1,000,000 to commence the construction of the Elephant Butte Reservoir in New Mexico, now known as the Engle or Rio Grande project. The act went on to provide that the balance of the money necessary for the completion of that project should be taken from the reclamation fund, and that the Interior Department should have jurisdiction over the construction of the reservoir under the reclamation law.

Under the reclamation law the Department of the Interior assumes, and undoubtedly has, jurisdiction where a reclamation project is inaugurated to protect that reclamation project, just exactly as the Secretary of War would have the right, the jurisdiction, and the power to protect a navigable stream at any point within his jurisdiction.

Still, there was a question as to the exact status of the Rio Grande in New Mexico; and after 60 years, Mr. President, of broken promises the Congress of the United States finally, in its charity—I will not say through a sense of justice—yielded to the appeals of the people of the Territories of New Mexico and Arizona and adopted an enabling act authorizing those two Territories to form a constitution, to present it at Washington for the approval of the President of the United States, and, upon his approval, to be admitted to the Union as sovereign States. There were, however, provisions in that enabling act that were never contained in any other act authorizing admission or admitting a State to the Union. Remember, that under the decisions, under the acts of Congress, and under the regulations of the Department of the Interior, the waters of the Rio Grande and its tributaries were absolutely withdrawn from any use by any individual or corporation—no one could touch them. We were a Territory; Congress could and did legislate directly for us. The Supreme Court had rendered its decision with reference to the waters of the Rio Grande, extending even into the State of Colorado. Congress had undoubted jurisdiction to legislate for the Territory of New Mexico; the Supreme Court had so decided; and of course that is an academic question not worthy of discussion.

In the enabling act Congress, while allowing us to come in, presumably as a sovereign State of this Union, compelled us to yield to Congress the power to control every drop of water within our boundaries. The State of Colorado and every other State in this Union, particularly those States in the West, when admitted into the Union adopted constitutions by which they reserved to themselves the absolute jurisdiction and ownership of the navigable waters within their boundaries. New Mexico was compelled to come here on her knees and to surrender that right to the United States, or to the Department of the Interior of the United States. This statement applies equally to the State of Arizona.

I quote from the enabling act for the two States passed June 20, 1910:

> Seventh. That there be and are reserved to the United States, with full acquiescence of the State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof or supplementary thereto, to the same extent as if said State had remained a Territory.

Mr. CHILTON. What act was that?

Mr. FALL. The act of June 20, 1910, admitting the States of Arizona and New Mexico to the Union upon an "equality"

with the other States of the Republic. We were forced to put that provision in our constitution; it was made mandatory that we should place in our constitution this agreement; and we are here now with that restraint upon our title, in accordance with the demands which were made upon us, with pistols, so to speak, held to our heads.

We wanted statehood; we thought that possibly if we could obtain it then we might have a hearing. We were willing to sacrifice even our honor that we might become really an integral portion of this great country. We were willing to accept our title to citizenship and to equality with you upon any terms which you might dictate, no matter how humiliating they were. This is not the only respect in which you humiliated my people and also the State of Arizona in this same act. You compelled us to put clause after clause in our constitution which was never embraced in the constitution of any other State.

This strikes at the very heart of the prosperity of New Mexico, because upon water depends our very life. Not an ear of corn, a grain of wheat, or a bale of alfalfa can be raised in the Great American Desert, which we are trying to redeem, except by the use of water for irrigation. The Congress in 1866 recognized this and decided that the law which was applicable to West Virginia and to the other riparian-right States of the Union was not applicable to the great West, and the Supreme Court of the United States decided that, as a matter of necessity, when California, Arizona, New Mexico, and Texas became a portion of the United States, we inherited in our part of the country the law of prior appropriation for a useful purpose, the measure of title being the beneficial use of water, just as you inherited in the rainfall section of the United States the old common-law doctrine of riparian rights. The Congress of the United States recognized this difference in 1866, in 1870, in 1890 in 1891, and in all of its subsequent legislation; it recognized it with reference to the desert-land legislation. You declared that the water which might be utilized for desert land should be applied for those purposes and reserved for those purposes. The Supreme Court has, as I have said, by decision after decision, recognized that as the law of the great arid West, the irrigation region of the United States; but because of subsequent legislation, thoughtlessly enacted undoubtedly, our control, recognized absolutely by the Supreme Court and by Congress theretofore, of those waters for such purposes was absolutely vested by constitutional provisions, following the terms of the enabling act, in the Government of the United States forever.

Section 7 of article 21 of the constitution of New Mexico reads as follows—I was a member of the constitutional convention of that State, and you can imagine with what shame and humiliation we were compelled to adopt this paragraph:

> There are hereby reserved to the United States, with full acquiescence of the people of this State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled—

And so forth, just as though we remained a Territory.

We are, then, in the condition in New Mexico that the people of the State are precluded, without congressional legislation of some kind or character, from handling the waters of the stream or the stream itself without permission from some official or some one in authority in the departments. We are precluded from handling the waters of the stream itself which divides New Mexico in two parts, and which is the very lifeblood of the State.

What are the physical conditions? Why are we justified in asking Congress to do something for us with reference to the stream? I wish to call attention to the fact that you are doing nothing for us in so far as concerns granting us the right to use money for the construction of this reservoir, because, with the exception of $1,000,000, all the money going to build this reservoir comes primarily out of the reclamation fund and is repaid by the landowners below under a contract by which they agreed first to pay $40 per acre for a water right, and which now is rather indefinite as to just how much more they are to pay. It is not less than $40, and how much more they do not know; but they are to pay it, so that you are doing nothing for New Mexico except allowing the Reclamation Service to advance to them, out of the sales of public lands, funds for the completion of this reservoir.

The Rio Grande flowing through New Mexico flows through canyons and over rapids for possibly 150 miles from Colorado to a point below the White Rock Canyon. Above that point it is a perennial stream, flowing at all times, and down to the Domingo Pueblo, as we call it, where some of the old aboriginal sedentary Indians still live and cultivate lands which they were cultivating when Coronado came to the country. Down to that country the Rio Grande is a perennial stream. Above the White Rock Canyon it is used for floating sawlogs and crossties and for that character of navigation. Of course, it is not really a navigable stream, but it is used for that character of navigation.

In the river and harbor appropriation bill of 1912, the Department of War having jurisdiction of the general subject matter, or no one understanding which department had entire and sole jurisdiction of our streams in New Mexico, whether the War Department or the Department of the Interior, the Congress of the United States directed that a survey should be made and a report made as to the Rio Grande from the point known as Velarde, above the White Rock Canyon, to a point below the Elephant Butte Reservoir. That report has been made, and in the report—exactly, of course, as we knew who sought the survey and the report—it is stated that it is not practicable to make the Rio Grande a navigable stream in New Mexico. So far as actual navigation is concerned, it is not practicable to make it a navigable stream further than possibly to extend the distance down which sawlogs and crossties may be floated.

Now I wish to call attention to the report made by Col. Riché, or some portions of it:

> The river changes its course constantly. * * * The general valley of the stream—

He is speaking now of the points between Velarde and the sixth parallel south—

> is divided into seven basins or irrigated valleys by cross divides, through which the river has cut canyons. Through the canyons the river is well confined by rocky banks to one regular channel from 200 to 400 feet wide, but is full of rapids and bowlders, and the current is very swift. In the valleys below Domingo—

This is the Indian settlement below the White Rock Canyon—

> the banks are so low (from nothing to 3 or 4 feet) and are composed of such easily eroded alluvium that the river cuts its banks badly and becomes very wide in places and runs in a number of shallow channels. During floods it becomes very erratic and is liable to change its course entirely on the least provocation. The general width in the valleys is 200 to 500 feet, but in places this becomes one-half or three-fourths of a mile. Above Domingo, the river banks are composed of gravel and rock, and the stream is more stable. The channel depth at ordinary stage is from 6 inches to 5 or 6 feet, with deeper holes in places. The range between low and high water is 2½ to 5 feet in the valley and 5 to 15 feet or more in the canyons. Floods occur during May and June, when the snow is melting on the mountains at the headwaters. From Velarde to the lower end of the White Rock Canyon the stream is perennial, but from this point south it is nearly or quite dry during the late summer and early fall. This is principally due to diversion of water for irrigation—

Which has been going on there for untold, unnumbered centuries.

> The discharge, from records of rating station, is from 350 to 15,600 cubic feet per second above the White Rock Canyon and from nothing to 33,000 cubic feet per second in the central part at San Marcial, with about the same variation in the lower valley. The general slope is about 3½ to 5 feet per mile below the White Rock Canyon and 10 feet per mile above that point.
>
> Obstructions to navigation are rocks, rapids, sharp bends, bridges, and dams. The bridges are all fixed spans and have very little headroom, barely enough in most cases to allow the passage of a skiff. There are five railroad bridges, one combined highway and railroad, and about eight highway bridges. One dam is in place and another is being constructed.

The construction has ceased now.

> All agriculture is by irrigation and is confined to the valleys above mentioned. Water is diverted from the river. The products are alfalfa, hay, wheat, corn, red pepper, fruits, such as apples, peaches, pears, cherries, plums, grapes, and all kinds of vegetables. Cattle, sheep, and horses are raised in the valleys and on the adjoining prairie lands, and a large amount of wool is exported. All products are shipped out and merchandise shipped in by rail. I have been able to get very few commercial statistics. In the valleys of the stretch of river examined there is said to be about 259,000 acres of irrigable land, which would be benefited by improvement of the river. Of this amount only about 142,000 is in cultivation at present.
>
> The river is paralleled more or less closely by the Atchison, Topeka & Santa Fe and the Denver & Rio Grande Railroads, and the New Mexico Central Railroad enters the valley at Albuquerque. There are cross lines and branches of the Santa Fe Railroad at various points, and its main transcontinental line crosses the river just below Albuquerque.
>
> Population of the valleys over the length examined is estimated at from 73,000 to 80,000, largely Mexican, with a good many Pueblo Indians in the upper portion. In the large towns the white element predominates and in the other parts is becoming larger as time goes on and irrigation is placed on a firmer basis.
>
> There is no navigation on the river at present, except floating of timber in the upper reaches above the White Rock Canyon. It is very doubtful if it can be made navigable by open-channel methods, even with an assured water supply. Slack-watering of the river is also impracticable on account of lack of banks to retain pools and lack of suitable foundations for locks and dams, except in the canyons. The construction of a lateral canal is impracticable for the same reason. The inhabitants of the valley show no interest whatever in navigation. Their sole interest in the river is for irrigation, and regulation is important only so far as to control the flood waters and benefit the adjacent land. The most urgent need for regulations of the river is from Velarde to San Marcial. From San Marcial to Elephant Butte the river bed will, within a year, be covered by the reservoir formed by the dam now being built at the latter place by the United States Reclamation Service.

This reservoir will be 40 miles in length. It reaches from the Elephant Butte Canyon, as we call it, back 40 miles to the town of San Marcial.

This reservoir, it is estimated, will care for two years' inflow of the Rio Grande. For this reason the spillway will seldom overflow and floods will be so thoroughly controlled in the valley below that it is expected there will be very little further need of bank protection. From Velarde to San Marcial the State, various counties, and local parties have spent a large amount of money on the construction of pile, brush, and rock spur dikes and earth levees for the control of the river at critical points, and it is said that the financial burden of this work is too heavy for them to carry unaided.

The works which the colonel found there for the protection of the Rio Grande were either those which were constructed prior to 20 years ago, or something like that, or simply the attempts to repair those portions so constructed. There has been no new work of any kind constructed. We are absolutely under the jurisdiction of whoever represents the Department of the Interior and the Reclamation Service in New Mexico. They can prevent any interference of any kind with the Rio Grande and with its tributaries, the Rio Chama, the Rio Puerco, or any others.

The Elephant Butte Dam, which is being constructed, is, or will be, an enormous structure. I think the dimensions are 1,480 feet long at the top, 265 feet high, 200 feet thick at the bottom, sloping up, covering 41,000 acres of land, with a capacity of 2,760,000 acre-feet of water, irrigating 180,000 acres of land, creating a lake about 7 miles wide at its widest point and 40 miles in length. To construct this dam it was necessary to go down through the bed of the river to a solid foundation. The reservoir will be 200 feet deep at the dam, leaving 10 feet of the dam above high water and 45 feet of the dam below the river bed—the level of the river. The significance of this I shall call your attention to in a moment.

To get to solid rock—bedrock—upon which to lay the foundation of this great superstructure it became necessary to excavate 45 feet in the bed of the Rio Grande. There they found rock in place, bedrock, and they poured concrete for a depth of from a few inches to a great many feet, and for 200 feet in thickness and across the entire width of the excavation at that point. Upon that they are laying the superstructure of rubble concrete 265 feet in height above all.

The Rio Grande is one of those streams we have in the West where, although it may be perfectly dry upon the surface at certain seasons of the year, there is always an underflow. It is one of the underground streams, one of the streams which rises and sinks; a perennial stream down from the mountains in Colorado to the White Rock Canyon above Albuquerque; and from there down, except in flood season, a stream which sinks in the sand, rising in two or three points before reaching El Paso, not all of the underflow necessarily coming to the surface. This underflow is not through any well-defined channel of its own; it is only a seepage through the gravel and sand beds, very slow, scarcely appreciable. If you dig a trench to the underflow from the surface anywhere in the Rio Grande and throw some light substance on the water at the upper side of the opening, you will notice after a few hours that it has drifted to the lower side. There is a current, but almost inappreciable.

The overflow of the Rio Grande, unchecked as it is, has been going on for years in New Mexico, where these two hundred and fifty-odd thousand acres of irrigable land are found which are spoken of by Col. Riché. The water stands close to the surface, and by the overflow of the stream, with the capillary attraction from below, the soil becomes thoroughly impregnated with water. The straightening of the channel of the Rio Grande necessarily of itself would assist in the drainage of this land, and the drainage of at least 50 per cent of it is absolutely necessary. The only feasible method by which it can be drained is by confining the Rio Grande to a certain given channel, cutting off the bends and the crooks and allowing it an opportunity to scour out the sandy bed to 1 or 2 or 3 feet deeper, as it will do if it is confined by levees. The seepage proposition, which we have always been confronted with more or less in New Mexico, is doubly accentuated now, necessarily, at least to the minds of those who are familiar with it, by the fact that this water would necessarily flow in its slow course on down the bed, escaping finally below, except for the fact that the construction of this great dam, tying it to the bedrock 45 feet below the bed of the river, going through 45 feet of sand, will necessarily check and retard the seepage of this underflow of water, bring more of it to the surface, and render that 140,000 acres of land, which we even now are able to cultivate, less and less valuable, until its value is practically destroyed.

These are the conditions; these are the fears which we have, and certainly I think we may say they are well founded. We can not provide for our own protection without an act of Congress. I will say to you frankly that as a matter of justice the State of New Mexico is entitled to something at the hands of the Congress of the United States.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. I yield.

Mr. NORRIS. So that I may understand the Senator, does he mean that the land above the dam now will become so impregnated with water?

Mr. FALL. The land above the dam. It is, to a great extent, impregnated with water now. If I may, I will go into a little history, just for a moment.

We have been trying several times, through our legislature, to provide some method of draining these lands above San Marcial, which will be at the end of this great 40-mile lake. From there up to Pueblo Domingo, above the town of Albuquerque, for a distance of approximately 100 or 150 miles, is this great body of land which is overflowed when the snows melt in the mountains and the water comes down to the extent of 33,000 cubic feet a second, flowing in different channels over these banks 2 feet high down to nothing, as the Army officer reports, flooding this entire valley with the exception of a few of the higher spots in it. That water can not get back into the river. It remains in pools and ponds and lakes upon the land. Of course it is taken up gradually by evaporation upon the one hand and by seepage into the ground upon the other, thoroughly impregnating the ground. At the same time, by reason of the underflow of water, the channel being so shallow, or practically no channel at all, it not being confined within any given channel, but flowing through possibly 20 channels at the same time in this low valley, the channels becoming choked up with sand, the sand is impregnated with water. This water rises by capillary attraction, and the value which our lands have which is not destroyed by the overflow is practically lessened to a very great extent by the seepage from the underground flow of water.

We have endeavored in our poor way two or three times to devise some method, by appropriation or otherwise, by which we could definitely confine the Rio Grande in a given channel, so that it might scour out a deeper channel and allow the drainage from under the irrigable lands on each side to be taken off in the channel of the river.

Mr. NORRIS. As I understand, the land adjacent to this large lake that will be formed will become impregnated with water in the way the Senator states?

Mr. FALL. The land to the north, we may say, to use the points of the compass. The Rio Grande runs north and south. This great lake lies below San Marcial, if the Senator will simply bear that name in mind. It lies below San Marcial, south. From San Marcial north are these great valleys of magnificent land, more productive a hundred years ago, certainly more productive when we took the country over in 1848, than they are to-day. There lie these great lands which we now ask aid to recover and protect, and which we fear will be absolutely destroyed by the stopping of the underflow of the Rio Grande by this great dam.

Mr. NORRIS. The protection of the land will necessitate some system of drainage, will it not?

Mr. FALL. I think that can be worked out simply by a system of leveeing and confining the water to its channel. If we can confine it to one channel by levees, allowing it to scour out to even a foot more of depth, and also keeping it from overflowing, we will have 1 or 2 or 3 feet more for drainage. That is what we are asking.

Mr. WEST. Mr. President, do I understand that in this river, the Rio Grande, as it is, the water flows over the bed of it as it does in the Mississippi, where the deltas are really below the water in the river? Is that the case with this low land?

Mr. FALL. Yes; in very many instances; in fact, as to one-half, I should say, 50 per cent, of this 250,000 acres. Now, 250,000 acres does not appear to you people from the rainfall region of the United States as a great area of land. You do not realize what it means under a system of irrigation. You do not realize that as a matter of fact it means, in the produce which it will yield, from three to six times as much as if it were in the ordinary rainfall region. Properly protected, with water applied when necessary, and only when necessary, giving life to the crops when they need it, and keeping the excess water from them when it would injure them, we will be enabled to produce crops regularly to the very limit of the productivity of the soil; so that 250,000 acres to us means four times that

much, we will say, as to one of you gentlemen representing one of the great agricultural States in the rainfall region.

A portion of this very valley of which I speak, as I have said, this Government had paid $10,000,000 for. I should like, as a matter of interest, to have some of the Senators here take advantage of an opportunity and go back to the old debates in this very body in 1851 to 1854, prior to the acquisition of the portion of the Mesilla Valley, which you will see referred to under what is known as the "Gadsden Purchase." This Government found that it had made a mistake, in the treaty of 1848, in not acquiring all that great valley; and by a more recent treaty, in 1854, it paid $10,000,000 for this valley.

Mr. WEST. Is that valley all in the Gadsden purchase?

Mr. FALL. A portion of what we know as the Mesilla Valley. No; the balance of it came in under the original treaty of peace of 1848; but we found that we had made a mistake, as you will see by reading the debates, where some of the Senators who were familiar with it spoke of the beautiful vineyards of the Mesilla Valley, the wonders of the climate, the productivity of the soil, and I believe one or two of them referred to the beautiful señoritas.

Mr. President, I will ask if there is any item in this bill which has been under consideration which, to the mind of any Senator here, has more justification for it than the item which I ask to have placed in the bill? That is, an appropriation following and carrying out the suggestions made by Col. Richê—the report of the man who was actually in charge of the survey, Lieut. Chamberlain or Chambers, is not published—carrying out their suggestions as to the leveeing of the Rio Grande, protecting the land now in cultivation from overflow, and assisting to restore to tillable use the land which we can not till now because of the underflow seepage, or at least can till only to a very limited extent. We can raise grasses for grazing, but we can not raise the crops which we could raise were this ground drained 1 or 2 feet deeper.

In view of the fact, which I think we may assume as a fact, that the completion of the Elephant Butte Reservoir below would simply tend to render less tillable, more water-soaked, you may call it more water-logged, necessarily, these lands above, I think we are justified in asking the Congress of the United States to assist us to some extent in protecting ourselves. I have shown you that without your action, had we the necessary funds in our treasury, we could not apply them to this necessary use. Congress must act in some way to relieve us.

I want to say frankly that, in my judgment, if Congress were to act by interfering in any way with the powers of the Department of the Interior and the Reclamation Service, complications might ensue jeopardizing in some way the completion of the Elephant Butte Dam, which is absolutely necessary to enable us to carry out our treaty provisions with Mexico and do justice to the people in the Mesilla Valley and in the State of Texas and in the State of New Mexico. I frankly say that, even if the State was able to do it, it is the duty of Congress, and should be so done as not to antagonize or conflict with the plans or ideas of those having charge of the Engle or Rio Grande Reservoir project now in course of construction.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. FALL. I do.

Mr. BURTON. I suppose it is not possible to obtain appropriations for irrigation purposes here from the funds collected under the act of 1902?

Mr. FALL. That is applicable only for the purposes directly of taking water upon land; that is, for constructing reservoirs, and for purposes of that kind.

Mr. BURTON. That is not part of the necessary work here? That is already being done?

Mr. FALL. That is being built now, at great expense, and will be a magnificent work, and will be really doing justice to a portion of the people of that great southwestern country who are entitled to it; but it leaves those above in worse condition, practically, than before.

Mr. BURTON. In what part of New Mexico is this disturbing condition?

Mr. FALL. The Senator has passed through New Mexico. I will say it is around the city of Albuquerque, in the Albuquerque Valley, clear down to San Marcial, where the Santa Fe road crosses the river on its way to El Paso.

Mr. BURTON. There is no navigation there, of course.

Mr. FALL. I will be perfectly frank with the Senator. There is no navigation except where the stream is perennial. There is navigation in the shape of floating saw logs and railroad ties.

Mr. BURTON. There is practically no navigation there.

Mr. FALL. I will be frank with the Senator. As a matter of fact we do not expect to navigate it; but we are asking an appropriation for the protection of our land on a stream which the United States has deprived us of the right to touch.

Mr. BURTON. For about what length in the river will these levees be built?

Mr. FALL. It will be a broken length. It will be a length of approximately 150 miles, but it will be a very small dam or levee, in no place, I think, more than 6 feet, simply enough to confine the waters of the river in the flood season to a given channel and enable it to scour deeper, instead of opening up a new channel every year.

Mr. BURTON. I suppose the Senator from New Mexico is aware that we have not built levees or made any kind of correction work except in places where the improvement is associated with navigation.

Mr. FALL. We are doing that every day where such work is no more closely connected with navigation than it would be here in the Rio Grande. There are some places where for a number of years the Government has been appropriating for rivers which do not afford us much water for navigation.

Mr. BURTON. I am afraid the Senator from New Mexico is right, but the request is always based on the ground that it is needed to improve navigation.

Mr. FALL. That is the theory; but what are we going to do? You can not get it out of the Reclamation Service. The river has been declared by the Supreme Court of the United States to be under the War Department. The Congress of the United States has placed it, for the purposes of the Elephant Butte Dam, under the absolute jurisdiction of the Department of the Interior. Now, what are you going to do about it?

I said, Mr. President, that this is one of the cases which illustrates the very point I was attempting to make. You should consider every item in this bill with the idea in view as to whether the expenditure of the money is justifiable, and this is one of the cases illustrating most strongly the point which I have made that the United States Government is in duty bound to expend the necessary money to improve the waters of the United States which are under its sole jurisdiction. Is not the appropriation asked certainly as justifiable as any other one item in this bill?

I have heard discussions here of items in this bill which I thought proved satisfactorily that such items should not be included. I am equally well convinced that the business policy of the Government would dictate and justify the inclusion in this appropriation bill of just such items as those to which I have called attention in my proposed amendment.

Mr. NORRIS. Before the Senator from New Mexico takes his seat—not that it bears so much on the direct question involved—but because I think it is very interesting, though the Senator has dwelt on it somewhat—I should like to ask him a question or two about this irrigation project.

Mr. FALL. I shall be glad to answer.

Mr. NORRIS. I understand this dam would be 45 feet below the surface of the ground.

Mr. FALL. Yes.

Mr. NORRIS. And 200 feet wide and made out of concrete.

Mr. FALL. It is 1,480 feet in length, 200 feet in thickness, and 255 feet in height.

Mr. NORRIS. Above the surface?

Mr. FALL. Above the bottom. It is 45 feet below the bottom of the river and 210 feet above the bottom of the river.

Mr. NORRIS. Is that of concrete?

Mr. FALL. Of concrete; rubble concrete—coarse rock and concrete.

Mr. NORRIS. How much will it cost?

Mr. FALL. The entire project, it is estimated, will cost $11,000,000.

Mr. NORRIS. How close is it to the Mexican border?

Mr. FALL. It is 120 miles, approximately.

Mr. NORRIS. It will impound water that will be used for irrigation purposes in Mexico, will it not?

Mr. FALL. It will. That is partially the purpose of it; also, to irrigate about 180,000 acres in New Mexico and Texas.

Mr. NORRIS. Will the ditches be that long?

Mr. FALL. No; the treaty itself provides that 60,000 acre-feet of water shall be delivered by the Government of the United States 120 miles below this dam at a point in the bed of the river above the head of the Mexican ditch.

Mr. NORRIS. I suppose, then, the theory is that they will let the water out of the dam and supply it to the land?

Mr. FALL. I presume that they will let the water out of the reservoir into a canal extending down the Rio Grande and irrigating land in New Mexico. At Fort Seldon—an old mili-

tory post 60 miles above the intake of the Mexican ditch—there is now a canal extending down through the Mesilla Valley.

The water will be used in this Fort Seldon canal, which is already in use by the Government, that canal system running down on both sides of the Rio Grande for the irrigation of lands yet in New Mexico, until 25 miles above El Paso on the east side it will reach the Texas system, and from one of these canals heading at Fort Seldon the water will be delivered to the Mexican canal, or will be delivered in the head of the river where the Mexicans can get it out. On the east side of the river the waters from the Seldon canal system will, I presume, run into the Franklin canal system.

Mr. NORRIS. It now irrigates the land below?

Mr. FALL. On the Texas side.

Mr. NORRIS. How many acres will be irrigated from this project in New Mexico?

Mr. FALL. There will be irrigated something like 100,000 acres.

Mr. NORRIS. How many acres in Texas?

Mr. FALL. Something in the neighborhood of 180,000 acres between the two, largely in New Mexico. The larger part of it is in New Mexico.

Mr. NORRIS. There will be about 20,000 acres in Mexico.

Mr. FALL. There will possibly be 20,000 acres. There never has been at any time more than 12,000 acres irrigated on the Mexican side, and I do not believe it will ever be possible to irrigate more than 12,000 acres.

Mr. NORRIS. What arrangement, if any, has the Reclamation Service for collecting from the lands in Mexico which are irrigated their proportionate share?

Mr. FALL. Oh, Mr. President, we only charge our own citizens. We do not charge the Mexicans anything for water.

Mr. NORRIS. Is it furnished free?

Mr. FALL. Free.

Mr. NORRIS. The million dollars appropriated directly was supposed to compensate for that?

Mr. FALL. That million dollars was appropriated not to compensate for anything. As a matter of fact, we distinctly said in the treaty we did not owe them anything.

Mr. NORRIS. We entered into a treaty by which we agreed to furnish this water free?

Mr. FALL. Let me read to the Senator article 4 of the treaty of 1906:

> The delivery of water as herein provided is not to be construed as a recognition by the United States of any claim on the part of Mexico to the said waters; and it is agreed that in consideration of such delivery of water Mexico waives any and all claims—

Now, just what this means the Senator can judge for himself; but it first says we do not admit any claim, and Mexico waives any claim—

> to the waters of the Rio Grande for any purpose whatever between the head of the present Mexican Canal and Fort Quitman, Tex., and also declares fully settled and disposed of, and hereby waives, all claims heretofore asserted or existing or that may hereafter arise or be asserted against the United States on account of any damages alleged to have been sustained by the owners of land in Mexico by reason of the diversion by citizens of the United States of waters of the Rio Grande.

Mr. NORRIS. I should like to get the reasons that have impelled us to supply this water. Were we under any obligations or otherwise induced to do that?

Mr. FALL. No, Mr. President. I might go into very interesting history in discussing that point.

Mr. NORRIS. As I understand it, Mexico does not claim anything, and we deny that we owe her anything.

Mr. FALL. Mexico made a claim several years ago. To answer as shortly as possible, before the Elephant Butte dam reservoir enterprise was initiated certain parties conceived the idea of constructing a dam at El Paso, Tex., for the joint benefit of the lands on the American side and on the Mexican side of the river. Up to that time no claim of any kind or character had been made by the Mexicans for damages from this country for the diversion of the water. No protest had ever been made of any kind or character, officially or unofficially, in so far as I know.

The parties who proposed the construction of the dam at El Paso very bitterly antagonized the people in New Mexico who were seeking to construct a reservoir within that State, and about the time that they were most bitterly antagonizing this construction, one of the parties interested, in the employ of the United States, made certain representations to the department here, which finally resulted in the bringing of the litigation which I have referred to. At the time when these parties were most aroused and agitated in opposition to the construction of this reservoir in the State of New Mexico by private capital, they sought to have the United States Government itself build the dam at El Paso. Then, for the first time, there came forward from private individuals a claim for damages done to the people of Mexico. Thereafter the claim was presented officially and passed upon by the Attorney General of the United States, and he rejected any claim for damages.

I knew of the facts at one time when they had expanded the claim to the amount of three and one-half million dollars. That was the full amount claimed in this litigation when it was first started. Later that claim expanded to the amount of $35,000,000 for losses to the people of Mexico.

I could go into details which might prove interesting to Senators in the cloakroom, but not very interesting to some of the other Senators here, possibly, as to just where these claims came from and as to parties who owned them and what was the object of their presentation. Having once learned that there was any possibility of being listened to upon the ground that we recognized any wrong as having been done to the people of Mexico contrary, as they claimed, to the treaty provisions between the United States and that Republic in 1848, having been convinced that some people here in the United States were listening to those claims, then the Mexican authorities proceeded upon every occasion to assert the claim. There was no proof of any claim, and if an investigation had been carried on by this Government I think it would have been discovered that the claims were all owned by one or two individuals under assignments costing them less than one-fiftieth of 1 per cent on the dollar. However, that, while a matter of interest, is not exactly pertinent here.

The fact is that for some good reason this Government entered into a treaty with Mexico by which we agreed that not recognizing any right with Mexico to claim damages from us or not recognizing any claim she had against us, yet we would construct this dam at a cost of $11,000,000, and would guarantee to her every year, so long as it was possible to impound the water, the delivery of 60,000 acre-feet, presumably 3 feet per acre, amounting to 20,000 acres.

Mr. WEST. Was not that practically a concession that they had a claim against us?

Mr. FALL. The Senator can place his own construction upon that. They sought to reserve in the treaty itself a statement that they did not recognize any claim. However, the treaty has been entered into, and now we are obligated I presume to carry it out, unless by a further treaty we relieve ourselves from the onerous provisions of it.

Mr. WEST. I should like to ask another question, if it is not diverting the Senator from his line of argument.

Mr. FALL. Not at all. I have practically completed.

Mr. WEST. Here is this large lake that is created.

Mr. FALL. Created annually. There is not any one permanent body of water.

Mr. WEST. It fills up in the rainy season?

Mr. FALL. And then evaporates.

Mr. WEST. I was just going to ask the Senator what is the estimated evaporation?

Mr. FALL. From 9 to 13 feet per year. In an open body of water the evaporation, I might say, is from 7 to 13 feet.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5065) for the relief of Mirick Burgess.

The message also announced that the House had passed the bill (S. 725) to correct the military record of Aaron S. Winner with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 754) for the relief of Jacob M. Cooper with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1063) for the relief of Philip Cook with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 2472) for the relief of Herman von Werthern with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17752. An act for the relief of Caleb T. Holland; and

H. J. Res. 342. Joint resolution to correct an error in H. R. 12914.

### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 4976. An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co.,

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its lessee, to construct, maintain, and operate a bridge across the Chippewa River at Chippewa Falls, Wis.;

S. J. Res. 166. Joint resolution authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States, to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes;

H. R. 15613. An act to create a Federal trade commission, to define its powers and duties, and for other purposes; and

H. J. Res. 311. Joint resolution instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions.

AARON S. WINNER.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 725) to correct the military record of Aaron S. Winner, which was, in line 9, after "sixty-five," to insert: "*: Provided*, That no back pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act."

Mr. NORRIS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

JACOB M. COOPER.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 754) for the relief of Jacob M. Cooper, which was, in line 10, after "pension," to insert ", pay, bounty, or other emoluments."

Mr. KENYON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PHILIP COOK.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill S. 1063, which was, in line 8, after "sixty-five," to insert: "*: Provided*, That no back pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act."

Mr. CHAMBERLAIN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HERMAN VON WERTHERN.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2472) for the relief of Herman von Werthern, which were in line 10, after "no," to insert "back"; in line 10, to strike out "or compensation" and insert ", bounty, pension, or other emoluments."

Mr. CHAMBERLAIN. On behalf of the Senator from Wisconsin [Mr. LA FOLLETTE], who is detained from the Senate by illness, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 17752. An act for the relief of Caleb T. Holland was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 342. Joint resolution to correct an error in H. R. 12914 was read twice by its title and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented memorials of Andrea Scarboro, H. F. Stoll, B. Arnhold & Co., the Gundlach Bundschu Wine Co., and of Arthur Lachman & Co., all of San Francisco; of the Santa Rosa Grape Protective Association, the Cloverdale Grape Growers' Protective Association, the Geyserville Grape Growers' Association, and the Windsor Grape Growers' Association, all in the State of California, remonstrating against the proposed tax on wine, which were referred to the Committee on Finance.

He also presented a petition of Holy Cross Court, No. 1292, Catholic Order of Foresters, of Los Angeles, Cal., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. McLEAN (for Mr. BRANDEGEE) presented a petition of the Connecticut State Medical Society, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also (for Mr. BRANDEGEE) presented a memorial of sundry citizens of Hartford, Conn., remonstrating against the proposed increase in the revenue tax on cigars, which was referred to the Committee on Finance.

He also (for Mr. BRANDEGEE) presented a petition of the Central Labor Union of Hartford, Conn., praying for an investigation by the Department of Justice as to the cause of advance in prices of foodstuffs, which was referred to the Committee on the Judiciary.

Mr. NORRIS presented a petition of the Woman's Christian Temperance Union, of Neligh, Nebr., praying for the enactment of legislation to provide Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. CRAWFORD presented a petition of sundry citizens of Aberdeen, S. Dak., praying for the enactment of legislation to prevent discrimination in prices, etc., which was referred to the Committee on Interstate Commerce.

BILLS INTRODUCED.

Mr. THOMAS. I ask unanimous consent to introduce a bill.

Mr. SMOOT. Mr. President, I give notice that I am going to object from now on to the introduction of routine business until some action is taken in relation to a morning hour. I shall object to the introduction of every bill that is presented and I shall object to the printing of any document or to any report being made.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 6484) to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska, which was referred to the Committee on Public Lands.

By Mr. CRAWFORD:

A bill (S. 6485) granting an increase of pension to Edward Morang (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 6486) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest; to the Committee on Public Lands.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. NORRIS. I ask unanimous consent to make a report from the Committee on Claims.

Mr. SMOOT. I will let this day pass, but I want it understood that after this week I shall object to the transaction of routine business until we can have a regular morning hour for that purpose.

Mr. NORRIS, from the Committee on Claims, to which was referred the bill (H. R. 8562) for the relief of Kinder and Nicol, reported it without amendment and submitted a report (No. 785) thereon.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (H. R. 2703) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary, reported it without amendment and submitted a report (No. 786) thereon.

ORDER FOR RECESS.

Mr. NORRIS obtained the floor.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. NORRIS. I yield to the Senator from Indiana.

Mr. KERN. I move that at not later than 5 o'clock the Senate take a recess until 11 o'clock on Monday morning.

Mr. SHEPPARD. At what hour does the Senator from Indiana suggest that a recess be taken?

Mr. KERN. At not later than 5 o'clock.

Mr. SHEPPARD. I think probably I shall be able to finish by that time, but I suggest to the Senator from Indiana to make it 5.15.

Mr. KERN. At the request of the Senator from Texas, I move that at not later than 5 o'clock and 15 minutes p. m. the Senate take a recess until 11 o'clock on Monday morning.

The motion was agreed to.

CALLING OF THE ROLL.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bankhead | Gallinger | Ransdell | Sterling |
| Bryan | Kern | Reed | Stone |
| Burton | Lane | Robinson | Swanson |
| Camden | Lea, Tenn. | Sheppard | Thomas |
| Chamberlain | Lewis | Shields | Thornton |
| Chilton | Martine, N. J. | Simmons | West |
| Crawford | Norris | Smith, Mich. | Williams |
| Fletcher | Perkins | Smoot | |

Mr. THOMAS. My colleague [Mr. SHAFROTH] is unavoidably absent on account of illness.

The VICE PRESIDENT. Thirty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. FALL, Mr. HUGHES, Mr. PAGE, and Mr. SMITH of Georgia answered to their names when called.

Mr. MYERS, Mr. BRADY, Mr. OVERMAN, and Mr. WHITE entered the Chamber and answered to their names.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. In pursuance of the order already made as to a recess, I move that the Senate take a recess until 11 o'clock on Monday morning.

Mr. SMOOT. I am not going to object, but I think the motion is out of order.

The VICE PRESIDENT. If there be no objection, by unanimous consent, the motion is agreed to.

Thereupon (at 4 o'clock and 30 minutes p. m., Saturday, September 12, 1914) the Senate took a recess until Monday, September 14, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, *September 12, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, we bless Thee for the spirit which inspired our national anthem, The Star Spangled Banner, which for a hundred years has thrilled the heart of America with profounder love for home and country; long may it be sung, and long may the Star Spangled Banner wave, the emblem of a peace-loving people, and never again be unfurled in battle array, but rather float on forever for the victories of peace, righteousness, justice, truth, mercy, love, and good will to all mankind. In the name of Him whose advent was heralded by the angelic host praising God and saying, "Glory to God in the highest, and on earth peace, good will toward men." Amen.

The Journal of the proceedings of yesterday was read and approved.

APPROPRIATIONS.

The SPEAKER. Under the unanimous-consent agreement the gentleman from New York [Mr. FITZGERALD] has not to exceed one hour and the gentleman from Massachusetts [Mr. GILLETT] not to exceed one hour to address the House. The gentleman from New York is recognized for an hour. [Applause.]

Mr. FITZGERALD. Mr. Speaker, the conservation of our national resources is no longer a partisan issue. While differences exist as to the most advisable method to be adopted to accomplish the desired result, there is practically unanimity of opinion as to the necessity for drastic action.

The resources of the country are not alone in its timber, coal, oil, and mineral resources. Not the least of them is capacity of the people to engage in remunerative production so as to bear the burdens imposed through the taxing power of the State.

We are living in a peculiar era. Heretofore States and localities have been jealous of their rights and powers, and the intrusion of the Federal Government and of Federal agents had been universally resented and vigorously resisted.

Lately, however, there seems to have been created a new and an entirely different political atmosphere. Instead of resisting the extension and enlargement of the activities of the Federal Government, they seem to be everywhere welcomed. It is rarely that anyone appears to realize that the Federal Treasury is replenished only by taxes collected from the people.

SOURCES OF REQUESTS FOR MONEY MULTIPLYING STARTLINGLY.

From every section of the country, from every business and industry, from the capitalist and the wage earner, flow incessant demands that the powers of the Federal Government be enlarged, that its activities be extended, that its agents be empowered to invade fields never contemplated by the founders of the Government; and these demands are based chiefly upon the desire to shift to the Federal Treasury burdens which properly belong elsewhere.

Unless intimately connected with the work of investigating the estimates for the support of the Federal Government, it is almost impossible for anyone to have any adequate conception of the magnitude of the work or to realize the extent of the pressure from every conceivable source for lavish grants from the Treasury.

The protection of the Treasury against the attempts to shift burdens properly belonging elsewhere is not a partisan matter. It requires the cooperation of men regardless of party, and it calls for courage and determination seldom appreciated by the public. Supplications of friends, threats of political oblivion, abuse from disappointed advocates, denunciation from unsuccessful pleaders must all be ignored and the welfare of the whole people and the true functions of the Federal Government alone considered in reaching conclusions.

THE AGGREGATE OF THIS SESSION.

The bulk of the money for the support of the Federal Government is carried in the regular appropriation acts. Additional sums are provided in certain permanent appropriations, while many miscellaneous items are found in enactments commonly designated as legislative acts.

Including the general deficiency act and 2 urgent deficiency acts, 12 appropriation acts have been enacted during the present session of Congress. The appropriations carried in those acts, together with certain permanent appropriations, amount to $1,089,408,777.26. This sum includes $23,363,586.61 appropriated in the deficiency acts on account of the fiscal years 1914 and prior years, as well as by reason of extraordinary conditions prevailing in Mexico during the last fiscal year.

During recent years the policy has been initiated of enacting annually a river and harbor act. None has been enacted during the present session. Such a bill passed the House on March 26, 1914, carrying appropriations of $39,408,004, and in addition to the appropriations authorized contracts aggregating $4,061,500. As reported to the Senate, where it has been pending since June 18 last, it appropriates $43,330,404 and authorizes additional contractual obligations to the amount of $10,352,600.

The river and harbor act approved March 4, 1913, in the last session of the Sixty-second Congress appropriated $41,073,094 and authorized contracts in addition amounting to $6,795,800. As the river and harbor bill has not yet been passed by the Senate, and as there seems to be a possibility that such a bill may not be enacted before the present session ends, the sum stated as the total appropriations by Congress at this session does not include any sum for such a bill. To make an accurate and a fair comparison of the appropriations of this session with those made during the last regular session it is necessary to eliminate from the statement of estimates and appropriations all references to estimates and appropriations which properly are covered by the river and harbor act. In the chronological history of the appropriations for the present session, therefore, I shall omit all amounts carried by the river and harbor bill now pending in the Senate, the original estimates submitted thereunder, the amount of the last river and harbor act, and the estimates upon which the appropriations therein were based.

As heretofore stated, the appropriations made during this session for the support of the Government aggregate $1,089,408,777.26.

The estimates submitted by the Executive at the beginning of the session and from time to time during the consideration of the various bills amount to $1,112,415,382.02, exceeding the amount appropriated by $23,006,604.76.

The appropriations for the support of the Government during the fiscal year 1914 and prior years made during the last regular session of the Sixty-second Congress, exclusive of the amount carried by the river and harbor act, aggregate $1,057,605,694.40, which total is $31,803,082.86 less than the appropriations at this session for the fiscal year 1915 and prior years.

XUM

As passed by the House, the annual appropriation bills were increased in the Senate to the extent of $28,700,428.61, of this sum $6,651,803.73 were eliminated in conference between the two Houses, and the sum of $4,635,000, out of the proceeds of the sale of two battleships to Greece, were added to the naval bill after it had passed both Houses.

Eliminating from consideration the $4,635,000 added to the naval bill by the concurrent action of the two Houses, the bills as finally enacted are $22,048,624.88 in excess of the sums proposed in their original passage by the House, although the apparent final increase is $26,683,624.88, and the actual reduction of the laws under the total sum proposed by the Senate is apparently only $2,016,083.73.

PERMANENT APPROPRIATIONS PRODUCTIVE OF EXTRAVAGANT ADMINISTRATION.

The permanent appropriations for the year are stated in the sum originally submitted in the estimates, namely, $131,196,407. This amount is an increase over the permanent appropriations stated for the fiscal year 1914 of $3,670,742.88. The increase includes $2,000,000 additional for the Reclamation Service and $1,000,000 for miscellaneous Indian trust funds. Included in the total permanent appropriations is the sum of $22,900,000 for interest on the public debt, and $60,717,000 to meet the estimated requirements of the sinking fund during the fiscal year 1915. The remaining $47,579,407 embrace expenses of various branches of the public service which have heretofore been maintained by permanent instead of annual appropriations.

In the interest of good administration and to enable the House to maintain that rigid control of the expenditure of public money essential to wise and economical administration all permanent appropriations other than those in the nature of trust funds should be repealed and the services for which they provide annually subjected to the Congress for consideration. Some of the permanent appropriations exist solely by the construction of laws made many years ago. If similar questions arose for determination to-day, such construction could not be adopted, as appropriations by construction rather than in specific terms are now expressly prohibited by law.

In recent years some of the permanent appropriations have been repealed. Among those repealed were some that dated almost from the beginning of the Government. Estimates for the services heretofore maintained from such appropriations are now submitted annually to the Congress and appropriations for such services are contained in the annual acts. Among the most prominent of such repealed permanent appropriations are those for the Public Health Service, the Immigration Service, the Steamboat-Inspection Service, the shipping service, and the customs service. The latter is the one most recently reformed, and the resultant economy is an annual saving of more than $700,000.

During the present session the attempt to appropriate for the construction of the railroads in Alaska by permanent appropriation was fortunately defeated. Later, the House by an emphatic majority determined that hereafter provision for the Reclamation Service should be by specific annual appropriations instead of through the then existing permanent indefinite appropriation, and such requirement is to-day incorporated in the law. Had the original reclamation act required the service to submit annual estimates and to be conducted within the sums appropriated annually by the Congress many of the follies and extravagances now apparent would unquestionably have been avoided.

THE POST OFFICE APPROPRIATION ACT—A SURPLUS IN POSTAL REVENUES.

The greatest increase in the annual appropriation acts compared with the appropriations of the last session of the Sixty-second Congress is found in the Post Office appropriation act. The appropriation for 1914 is $285,376,271; for 1915, $313,364,667; the increase is $27,988,396. At the close of the fiscal year 1913 the Postal Service for the first time in many years yielded an undisputed surplus of revenues over expenditures. The surplus amounted to $3,841,000, and this sum was covered into the general fund of the Treasury. It is believed by those most familiar with the service that, under the efficient management of the present Postmaster General, the surplus for the fiscal year 1914 will be even larger than that of 1913.

The very large increase in the cost of the service is due in great measure to the extraordinary extension of the parcel-post system, together with the usual and uniform expansion of the service. The bill as enacted into law, however, is $6,411,550 in excess of the estimates submitted by the Post Office Department. Congress provided money for certain purposes neither requested nor desired by the department. With such conflict of opinion economy in the maintenance of any service is practically impossible. A system which permits the grants from the Treasury for the support of any service to be 2 per cent in excess of the sum requested or desired by those administering the service can not be defended.

THE SUNDRY CIVIL ACT REDUCED.

Excepting the pension act, the largest reduction is made in the sundry civil act. For 1914 it carried $116,795,327.01, which was a reduction from 1913 of $4,756,142.61; for 1915 it carries $110,070,227.39. The decrease from 1914 amounts to $6,725,099.62. If there be added to the total of the sundry civil act for 1914 the sums carried in the deficiency acts of this and the extra session, for purposes for which appropriations are carried in the sundry civil act of 1915, the real reduction reaches the very considerable sum of $14,619,721.48.

PANAMA CANAL FINANCES.

In this connection it should be stated that the sundry civil act passed this session carries for the Panama Canal, exclusive of its fortifications, $20,718,000. Including a deficiency, this is an increase of $2,002,607 over the sum appropriated for that work on account of the fiscal year 1914. The total authorized cost of the construction of the Panama Canal is limited to $375,200,900. There has been appropriated on account of the Panama Canal $359,524,861.58, leaving a balance of $15,676,038.42, or so much of that amount as may be necessary to be appropriated for the completion. The amounts already expended or that may be expended, as authorized, out of appropriations for construction, toward operation and maintenance, may be restored to the construction account by appropriations in like sums and additional to the $15,676,038.42. The total appropriations for fortifications of the Panama Canal amount to $6,243,825, and contracts have been authorized additional to that sum amounting to $500,000. For all of the expenditures for the construction of the canal to the extent of its authorized total cost, $375,200,900, the Treasury may be reimbursed by the sale of bonds as provided by section 39 of the tariff act of August 5, 1909. The amount of bonds so issued to date is $134,631,980, or $224,892,881.58 less than the appropriations that have been made.

THE PENSION APPROPRIATION ACT.

The pension appropriation act is reduced from $180,300,000 to $169,150,000, a decrease of $11,150,000. This reduction is not brought about by economizing at the expense of those who have borne arms in the service of the Republic, but by diminution of the numbers through natural causes of those carried upon the pension rolls.

THE NAVAL APPROPRIATION ACT.

The naval act shows an apparent increase of $4,068,073.08. It should be remembered, however, that the new act carries $4,635,000, appropriated out of the proceeds of the recent sale of the battleships *Idaho* and *Mississippi*, toward the construction of another and more powerful ship.

AUGMENTED ARMY APPROPRIATIONS DUE TO MEXICAN CIVIL STRIFE.

The apparently large increase in the appropriations for the annual support of the military establishment from $94,266,145.51 for 1914 to $101,019,212.50 for 1915, or a total of $6,753,066.99, is attributable to the disturbed conditions on our southern border. The situation was due to civil strife in Mexico, which became acute after the passage of the Army bill by the House in February last. Had it not been for the situation in Mexico the Army bill would doubtless have become a law, carrying appropriations, as originally proposed by the House, in a sum less than the previous law. As finally enacted it makes ample provision for maintaining the Army at its maximum authorized strength of 85,000 enlisted men, an increase over last year of 7,500 men.

DEFICIENCIES DECREASED.

For deficiencies the amount appropriated this session is $23,263,586.61, against $28,074,912.31 carried in deficiency acts passed at the last session of the last Congress, a reduction of $4,711,325.70. The reduction would have reached more than $13,000,000 had not the deficiencies of this session included $8,650,679.98 appropriated because of the deplorable condition of affairs in Mexico.

MISCELLANEOUS APPROPRIATION ACTS.

The miscellaneous appropriations as stated at $6,000,000 include all sums known to have been appropriated by all acts

other than the general appropriation acts, and embrace $1,000,000 for construction of railroads in Alaska, $600,000 for the eradication of hog cholera, $480,000 for aid to agricultural colleges, $200,000 on account of the Salem disaster, $500,000 for relief and transportation of American citizens in Mexico, and $2,750,000 for relief of American citizens abroad who have been compelled to rely upon the resources of our Government to extricate them from the perils of the war now afflicting the great nations of Europe.

CONTRACTUAL OBLIGATIONS LESS—DEMOCRATS PAYING OFF REPUBLICAN INDEBTEDNESS.

In addition to the total appropriations made at the last session, amounting to $1,057,605,694.40, after deducting the amount of the last river and harbor act, contract authorizations were made to the extent of $68,505,174, so that the actual appropriations and fixed liabilities on the Treasury amounted to a total of $1,126,110,868.40. These appropriations and contract obligations were based on estimates submitted by a Republican administration.

The total contract liabilities authorized at this session, additional to the appropriations and exclusive of the $34,000,000 for which we are obligated on account of the Alaska railroads, amount to $28,060,000. Excluding the Alaska railroad future obligations, the $5,100,000 appropriated for the war-risk insurance bureau, and the $1,000,000 appropriated for the representation of foreign Governments incident to the hostilities in Europe, the total appropriations and contract authorizations at this session aggregate $1,117,468,777.26, which sum is $8,642,091.14 less than the total appropriations and contract authorizations of the last session of the Sixty-second Congress.

It should not be forgotten that many of the appropriations made at this session are unavoidable because of contract liabilities fastened upon the country under legislation and administrative acts of our Republican predecessors, who had undisputed control of every branch of the Government for 14 years and of the Executive during 16 years. To meet contract obligations thus authorized for public buildings alone $10,113,668.44 were appropriated, and for river and harbor improvements under contract the further sum of $6,988,500, the total of which, $17,102,168.44, is included in the grand total of this session's work.

POSTAL SERVICE AND MEXICAN EXPENSES ACCOUNT FOR ENTIRE INCREASE.

The amount appropriated on account of the troublous situation in Mexico, $8,650,679.98, added to the excess of $27,988,396, granted out of its revenues for the Postal Service, accounts for the whole apparent increase in the actual appropriations at this session over those of the last regular session.

RESPONSIBILITY DIFFICULT TO FIX.

It is futile to attempt to fix responsibility for lavish appropriations under existing conditions. The same complaint will be made year after year by those apparently responsible, but with very little authority.

On May 30, 1908, a distinguished predecessor in my present position, Hon. James A. Tawney, made this statement:

> In addition to the demands for increased appropriations for the established public service came the demand for the authorization and establishment of many new services and new activities upon the part of the Federal Government. Many of these were wholly without the constitutional functions of the Federal Government. Demands of this character are rapidly increasing. They are the result of, and are supported by, a general tendency throughout the country to increase the power of the Federal Government where the exercise of that increased power would relieve the States and private interests of the expense incident thereto. * * * The many bureaus and offices of the executive departments here at the seat of government are always eager to take on new services and the exercise of new powers whenever there arises among the States or the people of any section of the country a demand that they should do so.
>
> Demands of this character were greater at this session of Congress than ever before, and they may be expected to increase in the future unless the executive and legislative branches of the Government unite in resisting propositions for the exercise of these extraconstitutional powers and consequent encroachment upon the revenues of the Federal Government.
>
> Because of the nature of the demands and the sources from which these demands emanated, prominent Members of both Houses of Congress, and especially on both sides of this Chamber, whose voice and influence otherwise would have been most potential in checking these increased appropriations, sat here silent or aided those who sought their fulfillment. I am not criticizing anyone. I am only stating for the record an indisputable fact. I do not deny that some of the increases made were just, but I do say that, in view of the present and prospective condition of our revenues, these increases in pay and increased expenditures on account of newly authorized Federal services could well have been postponed, and that, too, without detriment to the public service.

I recall well the conditions that provoked that statement. The situation was not exaggerated, and the predictions have been fulfilled. Yet the conditions that existed throughout the present session would be but faintly pictured if I adopted Mr. Tawney's statement as my own. On June 24, 1913, I presented in a comprehensive manner my views as to the changes essential to make effective the supposed control of the House over the public purse. The experience of the present session has confirmed my opinion as expressed on that day.

PRESENT METHOD OF MAKING APPROPRIATIONS CONDUCIVE TO EXTRAVAGANCE.

Again, I desire to emphasize the necessity of some of the reforms advocated by me in June of last year.

The grants of public money will never be properly controlled while more than a single committee has authority to appropriate moneys.

The Committee on Appropriations has jurisdiction of the legislative, executive, and judicial appropriation bill, the District of Columbia bill, the sundry civil, the pension, the fortification, and the deficiency bills; while the Agriculture, Diplomatic, Army, Military Academy, Naval, Indian, river and harbor, and Post Office appropriations are scattered among seven other committees. The result is inevitably bad. Committees that have legislative authority should not recommend appropriations; they inevitably become biased in favor of the services over which they have legislative control.

The bills over which the Committee on Appropriations had jurisdiction as enacted for the fiscal year 1914 aggregated $376,944,662.82; for the fiscal year 1915, during the present session, $358,014,283.19, a reduction of $18,930,379.63; and $25,712,468.32 less than the estimates for 1915.

The bills from the other committees with jurisdiction over appropriation bills were increased from $552,746,770.24 for the fiscal year 1914 to $594,198,087.07 for 1915, an increase of $41,451,316.83, and an increase over the estimates submitted by the departments of $9,705,863.56. The same results are apparent during the three years the House has been under its present control.

During those three years the Committee on Appropriations, in the amounts as finally enacted in their bills, reduced the estimates $74,077,059.69, while the other committees enacted the bills over which their jurisdiction extended $9,644,654.40 in excess of the estimates submitted for the consideration of Congress.

I do not pretend that the members of the Committee on Appropriations possess any superior virtues over members of other committees. Service on committees under the present system inevitably alters the viewpoint of members.

A committee with no authority to legislate for a particular department, and compelled to assemble and weigh the claims of many services, becomes detached from all of them and easily acts in a more impartial and disinterested manner than if dealing with a single service.

While claiming no superior virtue, however, I would be most recreant if I did not acknowledge to the House the great indebtedness I am under to the members of the Committee on Appropriations, regardless of party, for their unselfish labors, their untiring devotion, their loyal cooperation, and their generous patience with me in the work of the committee.

Since early last November the committee, until a brief time since, has been engaged almost continuously in its onerous work. What has been accomplished is but feebly shown by the statement that more than 5,000 printed pages of testimony has been taken during the session in the investigations pursued. Everyone has contributed his share to lighten the labors of the position occupied by me, none more so than the efficient clerk of the committee, Mr. Courts, and his capable assistants, and to them all I am profoundly grateful.

The work of this Congress will ever be memorable in the annals of the country. It marks an era of great constructive statesmanship. The tariff has been revised downward, banking and currency reform has been effected, comprehensive measures to reform business and industrial conditions have been perfected, the opening and development of Alaska has been begun, the conservation of our natural resources has been assured, steps have been taken to expand and develop our foreign commerce, and other important beneficial legislation has been enacted; while under the patient, watchful, intelligent, and patriotic guidance of President Wilson the country has happily been kept clear of foreign entanglement and military conflict and the foundations of an era of great prosperity have been firmly established. [Prolonged applause on the Democratic side.]

XUM

*Chronological history of appropriation bills, second session of the Sixty-third Congress, estimates and appropriations for the fiscal year 1914–15, and appropriations for the fiscal year 1913–14.*

[Prepared by the clerks to the Committees on Appropriations of the Senate and House.]

| Title. | Estimates, 1915. | Reported to the House. | | Passed the House. | | Reported to the Senate. | | Passed the Senate. | | Law, 1914-15. | | Law, 1913-14. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Date. | Amount. | Date. | Amount. | Date. | Amount. | Date. | Amount. | Date. | Amount. | Amount. |
| Agriculture | $19,061,332.00 | 1914. Feb. 20 | $18,947,232.00 | 1914. Mar. 14 | $18,988,232.00 | 1914. Apr. 18 | $19,511,302.00 | 1914. May 23 | $20,089,012.00 | 1914. June 30 | $19,885,832.00 | $17,986,945.00 |
| Army | 104,947,758.65 | Feb. 16 | 94,194,277.16 | Feb. 28 | 94,190,577.16 | Mar. 21 | 101,815,583.35 | Mar. 28 | 101,730,118.50 | Apr. 27 | 101,019,212.50 | 94,266,145.51 |
| Diplomatic and Consular | 4,447,042.66 | Apr. 17 | 4,483,702.66 | May 16 | 4,455,532.66 | June 12 | 4,359,986.66 | June 16 | 4,366,086.66 | June 30 | 4,309,856.66 | 3,730,642.66 |
| District of Columbia [1] | 14,491,614.49 | 1913. Dec. 15 | 11,465,480.49 | Jan. 12 | 11,436,150.49 | Mar. 6 | 13,137,256.49 | Mar. 13 | 13,137,456.49 | July 21 | 12,172,539.49 | 11,383,739.00 |
| Fortification | 9,124,399.49 | 1914. Jan. 23 | 5,175,200.00 | Jan. 29 | 5,175,200.00 | Feb. 6 | 6,895,200.00 | Feb. 9 | 6,895,200.00 | June 27 | 5,627,700.00 | 5,218,250.00 |
| Indian | 10,208,865.06 | Jan. 28 | 8,661,737.82 | Feb. 20 | 8,661,737.82 | May 15 | 10,787,577.76 | June 24 | 10,800,763.76 | Aug. 1 | 9,771,902.76 | 9,486,819.67 |
| Legislative, etc | 39,584,709.70 | Apr. 1 | 36,449,169.70 | Apr. 17 | 36,532,109.70 | May 25 | 37,238,278.70 | June 15 | 37,841,158.70 | July 16 | 37,630,229.70 | 35,172,434.59 |
| Military Academy | 1,052,875.61 | Feb. 23 | 988,289.75 | Feb 28 | 988,289.75 | Mar. 21 | 1,009,199.54 | Mar. 28 | 1,009,099.54 | Apr. 15 | 997,899.54 | 1,099,302.87 |
| Navy | 144,417,473.53 | Feb. 28 | 139,964,333.61 | May 7 | 139,808,333.61 | May 14 | 140,990,833.61 | June 2 | 141,164,433.61 | June 30 | [2] 144,868,716.61 | 140,800,643.53 |
| Pension | 169,150,000.00 | Apr. 1 | 169,150,000.00 | May 9 | 169,150,000.00 | June 8 | 169,150,000 | June 16 | 169,150,000.00 | June 20 | 169,150,000.00 | 180,300,000.00 |
| Post Office [3] | 306,953,117.00 | Jan. 12 | 306,952,867.00 | Jan. 24 | 307,013,867.00 | Feb. 18 | 310,652,267.00 | Feb. 28 | 311,772,067.00 | Mar. 9 | 313,364,667.00 | 285,376,271.00 |
| River and harbor | [4] (34,266,395.00) | Feb. 24 | (39,221,504.00) | Mar. 26 | (39,408,004.00) | June 18 | (43,330,404.00) | | | | [5] | [6] (41,073,094.00) |
| Sundry civil | [7] 119,779,806.83 | June 4 | 107,694,609.28 | June 25 | 107,944,209.28 | July 6 | 111,411,159.06 | July 8 | 112,269,139.56 | Aug. 1 | [8] 110,070,227.39 | [9] 116,795,327.01 |
| Total | 943,218,975.02 | | 904,126,899.47 | | 904,344,559.47 | | 926,958,644.17 | | 930,224,534.82 | | 928,348,783.65 | 901,616,520.75 |
| Urgent deficiency | [10] 25,000,000.00 | Feb. 19 | 9,639,397.79 | Feb. 26 | 9,754,068.59 | Mar. 17 | 10,843,321.98 | Mar. 18 | 10,850,321.98 | Apr. 6 | 10,626,925.54 | |
| | | May 13 | 6,770,632.24 | May 21 | 6,835,632.24 | May 22 | 6,835,632.24 | May 22 | 6,835,632.24 | May 25 | 6,835,632.24 | |
| Deficiency, 1914, and prior years | | July 10 | 4,585,584.08 | July 15 | 4,594,485.08 | July 17 | 6,079,900.00 | July 18 | 6,318,184.95 | July 29 | 5,901,128.83 | 28,074,912.31 |
| Total | 968,218,975.02 | | 925,126,513.58 | | 925,523,745.38 | | 950,717,498.39 | | 954,229,173.99 | | 952,212,370.26 | 929,691,433.06 |
| Miscellaneous | [10] 13,000,000.00 | | | | | | | | | | 6,000,000.00 | 388,597.23 |
| Total, regular annual appropriations | 981,218,975.02 | | | | | | | | | | 958,212,370.26 | 930,080,030.29 |
| Permanent annual appropriations | [11] 131,196,407.00 | | | | | | | | | | [11] 131,196,407.00 | 127,525,664.13 |
| Grand total, regular and permanent annual appropriations | 1,112,415,382.02 | | | | | | | | | | [12] 1,089,408,777.26 | [13] 1,057,605,694.42 |

| | |
|---|---|
| Amount of estimated revenues for fiscal year 1915 | $723,000,000 |
| Amount of estimated postal revenues for fiscal year 1915 | 313,000,000 |
| Total of estimated revenues for fiscal year 1915 | 1,036,000,000 |

[1] One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1915 at $136,860), which are payable from the revenues of the water department.

[2] Includes $4,635,000 out of proceeds of sale of battleships *Idaho* and *Mississippi*.

[3] Includes all expenses of the Postal Service payable from postal revenues and out of the Treasury.

[4] No river and harbor act having become a law, the amount of the estimates, the dates and amounts of the bill in its several stages of consideration up to this time, and the amount of the last law are shown (in parentheses) in order to preserve their history, but none of the amounts are included in the totals stated herein

[5] No river and harbor act has become a law at this session, but the sum of $6,988,500 is appropriated in the sundry civil act to carry out contracts heretofore authorized for river and harbor improvements.

[6] The sum of $10,045,795 was appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1914.

[7] This amount includes $7,217,500 to carry out contracts authorized by law for river and harbor improvements, and $28,328,985 for construction and fortification of the Panama Canal for 1915, and is exclusive of $6,596,221 carried under "Miscellaneous."

[8] This amount includes $6,988,500 to carry out contracts authorized by law for river and harbor improvements, and $21,842,475 for construction and fortification of the Panama Canal for 1915.

[9] This amount includes $10,045,795 to carry out contracts authorized by law for river and harbor improvements, and $21,135,393 for construction and fortification of the Panama Canal for 1914.

[10] This amount is approximated.

[11] This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1915, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year. This amount includes estimated amount of $60,717,000 to meet sinking-fund obligations for 1915.

[12] In addition to this amount contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the fortification act, $830,000; by the naval act, $26,650,000; by the sundry civil act, $810,000; in all, $28,060,000.

[13] In addition to this amount contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the Army act, $150,000; by the District of Columbia act, $1,615,000; by the fortification act, $300,000; by the naval act, $21,296,524; by the river and harbor act, $6,795,300; by the public buildings act $38,347,850 (exclusive of $8,161,000 for authorizations without contracts, etc.); in all, $68,505,174.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] is recognized for one hour. [Applause.]

Mr. GILLETT. Mr. Speaker, I have listened with great interest to the gentleman from New York [Mr. FITZGERALD], and with nearly all that he has said I heartily agree. Especially do I agree with his remarks about the tendencies of the people to look upon the National Treasury as a great reservoir from which they could draw without expense to themselves for local purposes, considering it apparently as inexhaustible and to be replenished without any expense to themselves.

But I am sure you all observed that the gentleman from New York did not claim that the statement of appropriations indicated economy, nor did he attempt any justification of them. The gentleman from New York is embarrassed by the possession to an unusual degree of that rare quality mental integrity. [Applause.] He does not often deceive himself or try to deceive others. Consequently no other course would be expected from him. But there were various comparisons and deductions which the gentleman very prudently omitted and I think, in the interest of general information, ought to be made and which I shall attempt to supply.

I shall use the same figures that the gentleman from New York used, figures furnished by the clerk of the Committee on Appropriations, Mr. Courts, and his expert assistants. I want to heartily indorse what the chairman said of Mr. Courts. Although I believe he is a Democrat, no tinge of partisanship ever colors his work. [Applause.] I am sure that his head contains the greatest storehouse of information, not only about appropriations, but about legislation, that there is existing. He is of inestimable value to the committee and to the House, and I am sure his purpose and effort is always to supply the exact truth. [Applause.]

Mr. Speaker, the constitutional provision that no money shall be drawn from the Treasury but in consequence of appropriations made by law is one of the wisest provisions in that instrument. The duty it imposes upon Congress is one of the most important that body is called upon to perform. The manner of that performance is one of the things by which the Congress and the political party controlling it should be judged. Judging this Democratic Congress by that performance, there can be but one verdict—a verdict of absolute condemnation.

PROCRASTINATION IN PASSAGE OF APPROPRIATION BILLS HINDERS GOVERNMENT WORK.

The fiscal year commences July 1. If appropriation bills were not passed before then, no money could be paid out and the wheels of government would stop. So when the regular bills are not ready at that date it is necessary to pass a temporary resolution extending the last year's appropriation bills until the new ones become law. That occasions great inconvenience and expense to all the departments, it complicates the accounts, it hinders making plans in advance, and prevents allotting the funds equitably for the different seasons of the year. The earlier the bills are passed the more advantageously can the departments expend their appropriations.

For 14 years, covering the period from March 4, 1897, to March 4, 1911, the Republican Party controlled both Houses of Congress. During that time the several annual appropriation bills for the support of the Government were prepared with diligence and were invariably enacted into law before the beginning of each fiscal year. Every branch of the Government knew in advance just what measure of expenditure was allotted to it for the year, thus enabling them to perform their respective functions without intervals of uncertainty, indecision, and waste. How different have been the conditions during the past three years, when the Democratic Party has controlled this House! The first two of those years were appropriated for by this body under the dominance of a great Democratic majority and a Senate almost evenly divided between the two parties; the fiscal year 1915, now current, has been appropriated for by a Congress Democratic in both branches and an Executive chosen from the same party.

During the fiscal year 1913, the first year of Democratic ascendancy here, nine of the great appropriation bills were not passed until the second month of the fiscal year was well advanced or nearly expired. Only three of them, the diplomatic and consular, District of Columbia, and fortifications—the least important of all—got through before the year began; and one, the river and harbor, that affects no real function of government, they managed to pull through toward the end of the first month of the year.

For the fiscal year of 1914 the same House of Representatives, at its second session, and after an experience of 13 months of actual sitting, proved incapable of handling the Nation's business by permitting two of the great supply bills to die with the session—one providing for the Indian affairs and the other for sundry civil expenses. Without the latter the Government could not exist. Both bills had to be enacted at the extra session of this Congress, which would have been convened on this account alone if the President had not otherwise deemed an extra session necessary.

In this Congress the Democrats had full control of every branch of the Government, and there was an extra session lasting eight months before the regular session, and still four of the general appropriation bills were delayed in their enactment until weeks after the fiscal year had commenced. The result of this indefensible delay in providing for the necessities of the Government is demoralizing to the public service and uneconomical to the highest degree; it makes it difficult to organize, and when organized to promptly place working parties in the field for operations during the part of the year most desirable for out-of-door activities, such as surveying and the construction of many public works, as well as the procurement of annual supplies under circumstances most advantageous to the Government.

It seems to be Democratic nature to be inefficient and unbusinesslike. [Applause on the Republican side.] The record shows that during the first year of Cleveland's last administration, with his party in full control of both branches of Congress, none of the 12 general appropriation bills was passed until several days after the fiscal year had begun, and some of them not for many weeks. The last two years of that administration of Mr. Cleveland Congress was controlled by the Republicans, and, needless to state, the public business, so far as that body was concerned, was promptly dispatched; all of the appropriation bills were enacted in due season and before the beginning of either of the fiscal years for which they made provision.

And now as soon as the Democratic Party gains power again they repeat their former practice and illustrate again what we have always criticized them for—inefficiency and incapacity for business management.

This dallying, procrastinating policy doubtless accounts for the fact that the last time the Democrats controlled the Government, in 1893, Congress was obliged to sit the whole year round in order to do its work. That was not necessary again for 20 years, until last year, when for the first time again the Democrats were in control, and now again this year they can not transact the necessary business without a solid year's session. And it is significant that in the Fifty-third Congress, 20 years ago, when the Democrats last had control and had a majority of 80 in this House, despite that great majority they could not keep a quorum here without docking the Members' pay for absences. [Laughter on the Republican side.] There has been no such trouble since during the Republican Congresses, but now that the Democrats are in power again, with a majority of 141, they are obliged again to resort to that same humiliating device in order to keep their Members here. And when Democrats honored by great chairmanships in the House and Senate notoriously leave their duties for weeks at a time, you can hardly expect the rank and file not to follow their example. [Applause on the Republican side.] From the 5th of last June until their salary was threatened there had not at any time been a quorum of Democrats present at any roll call despite their enormous majority of 141.

Meanwhile the country suffers. As legislation drags its slow length along watchful waiting has become weary waiting, and before November, unless this European war distracts them, the voters will be in a mood of wrathful waiting for election day. [Applause on the Republican side.]

It took the Democratic Party eight months at the present long session without counting the extra session and nine months at the last long session to pass all of the appropriation bills. With such a record of mismanagement in handling this important phase of legislation, with what hopes can the country look forward to its passing these same bills in the less than three months which will constitute the coming short session? It is not at all unlikely that some of the appropriation bills will remain uncompleted by March 4 next, and such a condition would necessitate the calling of another extra session of Congress.

AGGREGATE APPROPRIATIONS AND ESTIMATES LARGEST IN HISTORY—RIVER AND HARBOR AND PUBLIC BUILDING PROFLIGACIES.

But damaging and expensive delay is not the only feature which calls for criticism in the appropriations of this Congress. The grand total of appropriations made thus far is $1,089,403,777.26, which sum includes no amount for a river and harbor bill. This statement dates from early in August, and does not include the five millions for insurance or anything since then. The estimates submitted for a river and harbor bill amounted to $34,260,395. On these estimates the Committee on Rivers and Harbors prepared and passed through the House on the 26th of March last a bill appropriating $39,408,004, and authorizing $4,061,500 additional in contracts, a total of $43,469,504, or an excess of $9,293,109 over the estimates submitted by President Wilson, which were so large that they exceed those submitted at either session of the last Congress by President Taft.

The Senate, a body also controlled by the same Democratic Party which for 16 years has been denouncing the Republicans for alleged extravagance in public expenditures, has exceeded the House in its record on this bill. As reported to the Senate by one of its committees after nearly three months of deliberation, the bill carries in appropriations and contract authorizations $53,683,004. What it will carry when it finally gets back to this body we can not guess. Already it exceeds any river and harbor bill passed at any time within which I have been able to extend my search. Combined with the bill passed last session, the two make a total enormously in excess of any river and harbor bill passed up to the period in recent years, when it was the established policy of Congress to enact only one such bill every two years. Its enormity is so great that it is no wonder it is being desperately attacked and criticized in the Senate. It is now the regular order of business in the Senate, and the Democratic leaders there assert that it will soon be passed, but as it has not yet become a law I do not use it in comparisons; but if we should assume that it will finally become law at an amount halfway between the $43,000,000 of the House bill and the $53,000,000 of the Senate bill, or $48,000,000, it would swell the totals of this session to the abnormal sum of $1,137,000,000.

It is probably exceeded in extravagance only by the public-buildings act which originated in the Democratic House of the

last Congress and saddled upon the Treasury a public-buildings program that will ultimately cost $42,063,850, and which provides for $50,000 buildings in towns or villages which have less than 1,000 population and postal receipts of less than $2,500—buildings, too, which will cost far more than any other public or private buildings in those communities. River and harbor and public-buildings bills have long been known as "pork" bills, and it is not accidental that Democratic extravagance runs to its greatest extremes in these two bills. [Laughter and applause on the Republican side.]

Eliminating from consideration all question of a river and harbor bill at this session, either with reference to estimates submitted, amounts passed by the House or now pending in the Senate, and also eliminating for comparison the sum carried by the river and harbor act in the appropriations made last session, it appears that the appropriations made this session exceed those made last session by $31,803,082.86. Even that enormous excess over appropriations of last session, the latter based on estimates of a Republican administration, would have been increased by $54,809,687.62 had the full estimates been appropriated that were submitted and urged upon Congress by the present Democratic administration.

The last Congress when all the branches of the Government were controlled by the Republicans was the Sixty-first, and the appropriations made in the last session of that Congress for the year 1912 were $1,026,682,881.72. These appropriations were denounced by the Democrats as profligately extravagant, and yet they are exceeded by the appropriations of this first Congress of Democratic control by $63,000,000. Leave out the river and harbor bill of that session, as I am leaving it out for this session, and the difference is about $100,000,000.

Not only do the appropriations made at this session, exclusive of a river and harbor bill, amounting to the enormous sum of $1,089,408,777.26, exceed for the first year of an incoming Democratic administration by the large sum named the extravagant appropriations of the last session, made by an overwhelmingly Democratic House, but the very estimates or recommendations submitted to this Congress by the Democratic Executive exceed those presented for the first year of Mr. Taft's administration, omitting river and harbor estimates for both periods, by more than $100,000,000, and for only one of the two following years of that Republican administration did the estimates barely reach within $100,000,000 of what seems to be required by the Democrats to conduct the Government according to their traditional, and what are now shown to be purely legendary, notions of economy.

The appropriations for this session, for which Congress is directly responsible, not only exceed those of any previous session, but the estimates or recommendations for appropriations submitted by the President and for which he is almost wholly answerable greatly exceed those ever before submitted by any President.

Appropriations were made during the extra session of this Congress, beginning in April of last year, amounting in all to $6,327,837.22, and the greater part of that sum, if not made then, would have been required to be made for the public service at this session and therefore could with propriety be added to the sum of this session's appropriations for the purpose of comparing the latter's excesses over any previous record in appropriations made at any session of Congress and would have still further swelled the total.

This prodigious increase in expenditures is not confined to some one particular line or to certain committees. It is characteristic of them all. Compare the appropriation bills of this session with the corresponding bills of the first session of the Taft administration and you will find that every single bill of this session is larger than the corresponding bill of that session, except the Military Academy bill, which is the smallest of them all, appropriating only about a million dollars. So that the increase is general and all-pervading and has but one insignificant exception. If all those Republican bills were as extravagant as the Democrats then insisted, what shall be said of their bills, which now vastly exceed them, both in the grand total and in each separate bill? I give here the total appropriations of each year since the beginning of the Taft administration, omitting from each one the river and harbor bill, because that bill for this session is still pending in the Senate. If I should leave in all the river and harbor appropriations and in this session use the amount of that bill as it now stands in the Senate, reported from the Senate committee, the comparison would be still more unfavorable for this Democratic Congress. I might suggest, moreover, that this year the appropriation for the Isthmian Canal is only $21,000,000, while it has reached as high as forty-eight millions in a single year, and while that increased the size of the appropriations for that year, it was no gauge of the economy of Congress, because in each year we appropriated whatever the engineers needed.

*Total appropriations, excluding river and harbor acts.*

| | |
|---|---|
| 1911 | $978,521,087.68 |
| 1912 | 995,799,402.72 |
| 1913 | 988,353,340.41 |
| 1914 | 1,057,695,694.40 |
| 1915 | 1,089,408,777.26 |

Excessive by all comparison as is the sum total of expenditures authorized for this first year of complete control of the Government by a Democratic Executive and a Congress Democratic in both branches, still more startling are some of the details developed by analysis of how the enormous total of nearly $1,100,000,000 has been recklessly piled up.

ARMY AND NAVY APPROPRIATIONS INCREASED.

For instance, the Army appropriation bill carries $101,019,212.50, and exceeds the last law by $6,753,066.99, and it carries the largest appropriations ever made for the support of the American Army in time of peace, with the exception of one year—1910—when it was scarcely $100,000 greater, although in that year nearly $2,500,000 more was appropriated for transportation of the Army than is appropriated by the last Army act. The last appropriations for the support of the Army made by a Republican Congress under a Republican administration were $7,644,456.53 less than the sum of this last Army appropriation act.

The naval appropriation act amounts to $144,868,716.61, exceeding the last act by $4,068,073.08, and it is not only the largest sum of appropriations, without exception, ever made for the support of the Navy, but it exceeds the appropriations made by the last Republican Congress, under recommendations of Mr. Taft's administration, by the sum of $17,590,634.84, an amount exceeding the total annual cost of maintaining our whole Naval Establishment less than a generation ago.

Even the bill making appropriations for the support of the government of the District of Columbia, an institution so much criticized—and it is thought by some maligned—by the majority side of the House, exceeds in amount the last law by $788,800.49, and is not only larger in amount than any similar act, but, with one exception, it carries more than $1,000,000 in excess of any total sum ever before appropriated in an annual District bill. It is not uninteresting to speculate as to how much the bill would have carried had this Congress been as favorably disposed toward building up the National Capital as past Republican Congresses have frankly confessed they were.

PENSION APPROPRIATIONS CUT.

One of the regular annual appropriation acts, the one providing for the payment of pensions, does show a marked reduction of $11,150,000 under the one for the previous year. It would be uncharitable to claim that there is any significance in this large decrease.

WHOLESALE INCREASE OF HIGH SALARIES AND HIGH-SALARIED OFFICERS.

Leaving these larger details of comparison, involving as they do such enormous sums of excess over the work of other sessions of Congress, and turning to smaller but no less extravagant accomplishments in the way of new offices created and salaries increased by this Congress, the record discloses, even by cursory examination, instances like the following:

The new banking law creates five new offices with salaries of $12,000 each and increases the salary of the Comptroller of the Currency from $5,000, at which sum it had remained for 50 years, to $12,000 per annum.

The new trade commission act creates five commissioners at $10,000 each and a secretary at $5,000.

A new board of appeals, consisting of three members at $4,000 each, is created in the office of the Secretary of the Interior.

For commercial attachés, to be appointed by and compensated at such salaries as the Secretary of Commerce may fix, and a clerk each, at $1,500; and for traveling expenses, the sum of $100,000 is appropriated for a year.

The salary of the private secretary to the Secretary of the Treasury is increased from $2,500 to $3,000, which means that the private secretaries to the other nine Cabinet officers must also be increased from $2,500 to $3,000.

A chief of division, created less than a year ago under the income-tax law, is increased from $2,500 to $3,500.

Six Assistant Attorneys General in the Department of Justice have their salaries increased from $5,000 to $7,500.

The salary of the assistant to the Attorney General was increased during the extra session on an urgent deficiency bill from $7,000 to $9,000.

The salaries of our diplomatic representatives to Argentina, Chile, and Spain are raised from $12,000 to $17,500 each per annum, and the three secretaries of the legations to these countries are increased from $2,625 to $3,000 each.

The mission to Paraguay and Uruguay is divided and a new minister authorized, with a new salary of $10,000.

The Democratic House of the last Congress insisted upon and did abolish three internal-revenue collectors of the Republican administration, at $4,500 each. At this session one of them is re-created, the place to be filled by a Democratic administration. If the office was not necessary to collect revenues then, how can it be needed now, except to meet some political exigency? [Applause on the Republican side.]

In the Pension Office 40 special examiners, at $1,300 each, heretofore employed to facilitate settlement of claims for pensions of old soldiers, and whose appointments were controlled by civil-service law, are abolished. In their places 5 special examiners, at $1,300 each, who are not under the civil service but are political appointments, are provided for.

DEMOCRATIC ECONOMY AS PRACTICED BY AUTHOR OF DEMOCRATIC PLATFORM.

The Secretary of State, when he appeared before the committee in January last to explain the needs of his department, said, with reference to his estimates:

I was determined that there would be one department that would be run on less than it was before, if I could bring it about, * * * and the cost is $120 less than it was last year.

[Laughter on the Republican side.]

One hundred and twenty dollars did not seem a very striking economy. It did not substantiate the unceasing charge of Republican extravagance; and yet even that lonely and only economy was lost. Notwithstanding that brave statement, the appropriation bill came back from the Senate with two $1,800 clerkships added, together with an assistant to the Secretary, at $4,500. In view of his statement, it must be assumed that an extravagant Democratic Senate sought to thrust these needless places on Mr. Bryan.

The Secretary of the Treasury, too, asked and the Senate proposed to provide him with an assistant, at $4,500, notwithstanding the law already provided for three Assistant Secretaries of the Treasury, at $5,000 each, and other assistants to the head of that great department in the nature of bureau chiefs, division heads, and others, numbering thousands.

ECONOMY OF A DEMOCRATIC SENATE.

The Senate during the first year of its transition from Republican to Democratic control has increased its permanent staff of clerks and other attachés of committees by 35 in number, with consequent annual increase in the pay roll amounting to $49,280. It was stated that these employees were already on the rolls of that body by special resolutions or orders, but no inhibition of law against that facile method of adding to the Government's pay rolls accompanied this unprecedented increase in permanent places.

CIVIL SERVICE IGNORED.

It is not without significance that in the case of every one of these new and high-salaried offices, or instances where large salaries have been greatly increased, the places are such as can be or have been conferred upon the faithful and without the embarrassment or intervention of civil-service laws and regulations.

MORE JUNIOR NAVAL OFFICERS AND INCREASED NAVAL PAY.

It is estimated that under the operation of the act of July 9, 1913, 1,130 midshipmen at $600 per annum each are authorized to be appointed additional to those that could have been appointed if this act had not passed. The annual pay of that number of midshipmen amounts to $678,000.

The same act directs that midshipmen, on graduation after four years in the academy, be commissioned ensigns at $1,700 per annum instead of serving as passed midshipmen at $1,400 per annum for two years. It also has the effect of advancing all such graduates to the grade of junior lieutenant at $2,000 per annum at the end of three years after graduation instead of at the end of five years, as previously provided.

THE RECORD OF ECONOMICAL DEMOCRACY.

What a record for this Democratic Congress and administration to contemplate.

Failure to pass the supply bills within the time required by the law establishing the fiscal year, involving loss in efficiency and economic administration.

Estimates of Government expenditures submitted by the Executive many millions of dollars in excess of any ever before presented to the Congress by any administration.

Appropriations exceeding those made last session by $31,803,082.86 and vastly greater than those ever made at any session, not excepting even the comparatively recent period of the Spanish War, and exceeding those made at the last session of the last Republican Congress by $62,725,895.54.

A host of high-salaried officials created and high salaries made higher.

The one appropriation bill showing a great and appreciable reduction is the one making provision for the payment of pensions to the veterans of the Civil War. They trimmed that to the extent of $11,150,000.

DEMOCRATIC PROMISES MADE ARE MANY—THOSE KEPT ARE FEW.

I do not maintain that all these increases of appropriations and offices are unjustifiable, but I maintain that they contradict the constant charges of extravagance against us and are violations of the pledges on which the Democratic Party won their victory. The last Democratic platform said:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of the recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic Government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

[Laughter on the Republican side.]

The platfrom of 1908 said:

The Republican Congress in the session just ended made appropriations amounting to $1,008,000,000, exceeding the total expenditures of the past fiscal year by $90,000,000, and leaving a deficit of more than $60,000,000 for the fiscal year just ended. We denounce the needless waste of the people's money, which has resulted in the appalling increase, as a shameful violation of all prudent considerations of government and as no less than a crime against the millions of working men and women, from whose earnings the great proportion of these colossal sums must be extorted through excessive tariff exactions and other indirect methods. It is not surprising that, in the face of this shocking record, the Republican platform contains no reference to economical administration or promise thereof in the future. We demand that stop be put to this frightful extravagance, and insist upon the strictest economy in every department compatible with frugal and efficient administration.

[Laughter on the Republican side.]

That but condensed the charges which have been hurled against us in this House during the 16 years of Republican control. Let me quote from the last speech made by the last Democrat who occupied the place I now hold, the ranking minority member of the Appropriations Committee, when performing the same duty I am performing now. On March 4, 1911, Mr. Livingston, of Georgia, said:

Mr. Speaker, to my mind the record of this session in appropriating $1,025,489,661.54 for the service of the Government for the fiscal year 1912 demonstrates that until the Democratic Party comes into complete control of the Government, as I believe it will two years hence, this billion-dollar mark for a session's appropriations, established four years ago at the first session of the Sixtieth Congress, can not be substantially lowered, if lowered at all. * * * The organization of the next Congress will find the control of the House of Representatives in the hands of the Democratic Party. We are for economy all along the line, but more particularly in those departments of the Government relating to the enormous expenditures for war purposes. We want to save the people of this country from the danger which threatens them because of the rampant expenditure of their money that has been going on for the past 12 years. We may not be able to control those measures beyond the influence of this House, but we will demonstrate to the people of this country that the Democratic Party keeps its word.

[Laughter on Republican side.]

Compare that prophecy by the mouthpiece of the minority party three years ago with its fulfillment by his party the past year, and you appreciate how "the Democratic Party keeps its word." Nor do I maintain that there has been no effort on the majority side to keep appropriations down and conform to their platform pledges. Here and there we have seen a solitary Democratic figure trying vainly to sten the tide of extravagance and faithlessness, but it has invariably been borne down and its voice of remonstrance has been but—

"The bubbling cry
Of some strong swimmer in his agony."

[Laughter and applause on Republican side.]

As an example, on April 10, 1914, Mr. FITZGERALD, chairman of the Appropriations Committee, said:

Mr. Chairman, it may seem somewhat strange, but I hope it is not out of place, to remind Members on this side of the House that the Democratic platform pledged us in favor of economy and to the abolishment of useless offices; but it did not declare, Mr. Chairman, that the party favored economy at the expense of the Republicans and the abolition of useless offices in territory represented in this House by Republicans while favoring a different doctrine wherever a Democratic Representative would be affected. In a few months I shall be called upon in the discharge of my official duties to review the record that this Democratic House shall have made in its authorization of the expenditure of the public money. Whenever I think of the horrible mess I shall be called upon to present to the country on behalf of the Democratic Party I am tempted to quit my place. I am looking now at Democrats who seem to take amusement in soliciting votes on the floor of this House to overturn the Committee on Appropriations in its efforts to carry out the pledges of the Democratic platform. They seem to take it to be a huge joke not to obey their platform and to make ridiculous the efforts of the members of our party who do try to live up to the promises they made to the people. * * * My colleagues upon this floor seem either to be so indifferent to a very perilous situation for our party, or else, which I do not wish to believe, have so far forsaken Democratic practices and Democratic principles as not to deserve to continue in control of this Government.

We charged the Republicans for 12 years of my service in the House under Republican administration with being grossly extravagant and reckless in the expenditure of the public money. I believed that charge to be true. I believed that my party, when placed in power, would demonstrate that the charges we had made in good faith were true. We are entitled to the help and to the support of the Members on this side of the House in honest efforts to carry out the pledges of the Democratic Party, and in our attempts to show that what we charged in order to get into power was true. We have not had that support. Our Democratic colleagues have not given that support to us thus far during this session of Congress. They have voted against recommendations they should not have voted against. They have unnecessarily piled up the public expenditures until the Democratic Party is becoming the laughingstock of the country.

I appeal to them now before it is too late; I appeal to them now before we have gone beyond recall to stop the conduct of which they have been guilty. Do not continue to vote for these improper and improvident appropriations. Those who propose to continue to do so should at least have the courage openly to assert upon the floor of this House that they believe the professions of the Democratic Party have not been made in good faith, that they can not be carried out, and that we are not entitled to power because of those professions.

How much heed the Democratic Party gave to these remonstrances is evidenced by the figures I have given. Anyone who will study them ought to agree with Mr. FITZGERALD that "the Democratic Party is becoming the laughingstock of the country."

The Democratic Party since its origin has adopted in its platforms many planks which it has afterwards abandoned, but always and without exception it has declared itself the party of economy. So often has it reiterated this belief that I think it had almost deceived itself and had come to think that we Republicans were shamefully extravagant and that their return to power was necessary to save the Treasury. The action of this Congress ought to dispel from every honest mind that illusion. They have been extravagant in gross and they have been extravagant in detail. Let me cite one or two incidents as illustrations.

Their platform declares for "reduction in the number of useless offices." I can think of no office that was more useless than was the special resident commissioner of the Lincoln Memorial Commission. It was created as a sinecure for a venerable Republican when he retired from the Senate, broken with age, supposed to be penniless, having given his best years to the public service, and obviously with but a short lease of life. The law was so phrased that the office terminated upon his death. Within less than a year he died. Was the office allowed to lapse? Was the promise to reduce the number of useless offices kept? No; this party of economy revived the law and perpetuated the sinecure, only substituting the name of a popular Democrat who had once been a Senator, had since held a very lucrative office, and who I hope may live long, as he apparently will, to draw his comfortable salary. [Applause on the Republican side.]

A celebration of the opening of the Panama Canal was to be provided. There were plenty of officials already in the service to perform all the duties involved, both practical and ornamental, but an ex-editor of the Commoner, who had been drawing a salary of $14,000 per year under this administration, was about to lose his office because by law it terminated on April 1. An appropriation was so arranged as to give him a superfluous place on the commission at the compensation of $10,000 per year. This commission was not created until May 20, but as his other office terminated April 1, President Wilson considerately made an official order that his salary should date back and begin on April 1, although it was not until May 20 that the office was created. Thus he was saved the misfortune of a hiatus in his Government salary. I believe he resigned the office to run for governor of his State, but the incident illustrates the eagerness of the President and Congress to carry out their platform and reduce useless offices.

I will cite one more instance of the sincerity of their professions of economy: The last Republican Congress increased the salary of the Secretary to the President to $7,500. That increase was fought by the Democratic Party here with a vehemence and fury quite disproportionate to the expense involved, and a casual observer would have thought that there could be no question of their intense hostility to the measure and that they really considered it an inexcusable extravagance. In the next Congress the House was Democratic and the Senate Republican, and a compromise was reached that the salary should continue at $7,500 while that administration continued, but that on the 4th of March it should again revert to its former amount of $6,000. At that time no one knew whether there would be a Republican or a Democratic President on the 4th of March, but the Democrats were loud in their professions that if they won the salary should remain at $6,000. They won; and when faced with the actual fact that they were providing for one of their own, the same Democratic House ate their words, belied their previous action, and gave their own party official the $7,500 which they had bitterly antagonized for ours. [Applause on the Republican side.]

How can the country believe their constant professions of economy? In the large totals and in the individual instances alike they prove that they are faithless. The estimates which were sent to Congress by the President were larger than ever before, the appropriations based on these estimates by the Congress were larger than ever before. The Democratic Executive which made the requests and the Democratic Legislature which granted them were equally culpable. Apparently for them a party platform is, in the language of to-day's diplomacy, but a "scrap of paper," to be violated at the first temptation.

And yet, despite these unanswerable figures, Democrats continue to claim that they are practicing economy and living up to their past professions, and I presume the country at large does not appreciate the baselessness and hypocrisy of their claims. A member of the Cabinet on the stump last week was reported as boldly declaring that the Democratic Party had kept all its pledges. A Democratic Member last week, arguing in favor of increasing a salary, avowed that they were pledged to the people of the United States to administer the Government economically and that "all our pledges are in good working order and that one is in good oiled condition." These are but instances of the claims that are being constantly made by Democrats everywhere. In view of the actual figures, one dislikes to speculate upon the peculiar reasoning and moral processes by which the promoters of these claims justify themselves.

Our opinion of a man or a party is determined not only by his conduct but by a comparison of his conduct with his professions. Conduct which we might excuse in one because justified by his beliefs we condemn in another because at variance with his declared principles. To do yourself what you denounce others for doing proves you either a weakling or a hypocrite. To seek popularity and power on a platform which you abandon as soon as successful ought to forfeit future confidence and respect. As the Democratic President and Congress have broken their party pledges on the canal tolls and on the civil service, so have they broken that most venerable, reiterated, and invariable promise of economy. [Prolonged applause on the Republican side.]

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6398. An act to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bill and joint resolution of the following titles:

S. 4976. An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a bridge across the Chippewa River at Chippewa Falls, Wis.; and

S. J. Res. 166. Joint resolution authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes.

### ENROLLED JOINT RESOLUTION AND BILL SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bill of the following titles:

S. J. Res. 166. Joint resolution authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States, to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes; and

S. 4976. An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a bridge across the Chippewa River at Chippewa Falls, Wis.

### EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the special rule the House resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16136) to authorize the exploration for coal, and so forth.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk reported the bill by title.

Mr. STAFFORD. Mr. Chairman, how much time remains in general debate?

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] had been recognized for 45 minutes and had used that time, and had been yielded 10 minutes more.

Mr. STAFFORD. Mr. Chairman, that does not answer the inquiry that I propounded. I asked how much time of general debate remained.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] has 35 minutes remaining and the gentleman from Oklahoma has an hour and 10 minutes remaining. The Chair will recognize the gentleman from Wyoming for 10 minutes.

Mr. MONDELL. Mr. Chairman, in view of the fact that there is but little time remaining in general debate and that the gentleman in charge of the time has already been generous with me, I shall not use the additional 10 minutes, except to ask leave to revise and extend my remarks in the RECORD.

The CHAIRMAN. The Chair understands that the gentleman already has that privilege.

Mr. MONDELL. Mr. Chairman, I yield back the balance of the 10 minutes.

Mr. FERRIS. Mr. Chairman, I yield such time to the gentleman from Colorado [Mr. TAYLOR] as he desires to consume, within my time.

The CHAIRMAN (Mr. MCKELLAR in the chair). The gentleman from Colorado is recognized.

Mr. TAYLOR of Colorado. Mr. Chairman, I am not going to enter into a discussion of this bill in detail. I filed a minority report as one of the members of the Public Lands Committee, giving extensively my views upon the measure, and giving what I believed to be a succinct statement of the prevailing sentiment of the Western States. I also included a set of resolutions adopted by the governors of the public-land States at their meeting in Denver last April. I also incorporated a lengthy memorial from the Colorado Legislature to the President of the United States, adopted some time ago, and I also inserted a number of resolutions of various public associations, chambers of commerce, and so forth, expressing the prevailing sentiment of the Western States, or at least of my own State. I filed that minority report, not in any way criticizing the good faith or the patriotism of my colleagues, but because that report expressed my personal views, and I felt that it was a duty that I owed to the section of this Union that I in part represent to present their sentiments upon the floor of this House.

I made this minority report somewhat applicable not only to this bill but to the water-power leasing bill and to the general system of so-called conservation that is at this time being practiced upon us people in the West and is sought to be extended and enlarged in perpetuity by these leasing bills. I may say at the outset that possibly I would not have indulged in any extended remarks at all had it not been for the very lengthy and exhaustive address of my friend from Illinois [Mr. THOMSON], largely devoted to my minority report. I think it would be a sufficient reply to the gentleman from Illinois to call attention merely to one fact. At the opening of his remarks he said that he had lived all of his life in the city of Chicago, and his horizon, so far as the West is concerned, was confined to the corporate limits of the Windy City by the Lake. It does seem to me that when the House knows, as it has been told heretofore, that I was born on the frontier, that I have spent all of my life among the pioneers of the West, that I have lived for over a third of a century in the State of Colorado, it would seem as though my judgment as to how these measures will affect our people and the development of the West is entitled to more consideration than the judgment of the gentleman from Chicago. I may say, furthermore, that the gentleman, in referring to our enabling act, does not give the act in full, as I did not expect him to do; but he does not even give the parts of it that are germane to this discussion and in which our rights are specifically set forth. If he had read a little farther and had given the House the benefit of what the people of the Western States believed they had a right to expect when they came into the Union, it might have broadened the scope of his remarks. For instance, the first section of the enabling act of the 3d day of March, 1875, by which the State of Colorado was admitted into the Union, provides:

> That the inhabitants of the Territory of Colorado, included in the boundaries thereof designated, be, and they are hereby, authorized to form for themselves out of said Territory a State government with the name of the State of Colorado, which State when formed shall be admitted in the Union upon an equal footing with the original States in all respects whatsoever.

Mr. Chairman, how in the name of common sense can any one of the Western States come into this Union on an "equal footing with the original States in all respects whatsoever" if you take from our States one-third or one-half of our territory and hold it in perpetuity in Federal ownership, never permit it to go into private ownership, and tax our people, the consumers in our States, for using that land and for using the proceeds that come from that land, depriving us of the taxes which we have a right to, to maintain our State, and putting this royalty into the Federal Treasury?

In other words, you make not a sovereign State out of any of the Western States, you make not even a Territory, but a Federal province of every one of them to be exploited for two purposes, or inevitable results—namely, one, the obtaining of revenue for the Federal Treasury at our expense, and the other, Federal jobs, bureaucratic, carpetbag control. That is what it amounts to. I want to say to my genial friends from the sunny South that during my six years of service in this House I never yet have been able to understand why the Members from the Southern States, that had such a long and serious experience in being governed by appointive officials from Washington, controlled by nonresident officers, can not only complacently vote for but work for propositions controlling our Western States the same way from Washington. I never yet have been able to understand why you gentlemen are willing and apparently anxious to do that. I am not criticizing you. I am simply calling attention to a similar situation. Most of the leading propagandists of this ultraconservation theory are honest men and are undoubtedly acting in good faith. The leaders of this conservation mania—because I look upon much of it as nothing else—honestly want to see the West conserved. They honestly want to prevent monopoly; and we of the West are just as honest and earnest as they are in our willingness to go the full limit as they are to prevent monopoly and waste and extortion. I have repeatedly stated on the floor of this House that you could not draw a bill any stronger than I would approve against prevention of monopoly of any of our resources of the West, or prevention against extortion or waste. I do not care how many sane conditions you may put upon the title. But we do insist that the property should ultimately be allowed to go into private ownership, the same as it has done in all of the Eastern and Middle States; that it should some time go onto the tax roll, and that the people that are settled upon it should eventually become permanent citizens and not Federal tenants; that they should be people who come with an interest in building up our States, and that the property should pay taxes and help support the State and county governments and the schools and roads and courts, and thus make our Western States great and prosperous and wealthy States like these other older States.

I remember one time, when I was a boy at college in the University of Michigan, running away from Ann Arbor with some other boys and going down to Detroit to hear Bob Ingersoll deliver an address. I remember him saying that it is always the people that have homes who defend the flag. He said, "I never heard of anybody going to war to defend a boarding house." Tenants at will, transient people, whose occupancy is by revocable permits, are not the ones who either make or defend a country. It is the people who have their homes and their property, the home builder, the man who buys his property and lives upon it and improves it, that we want in the West. We want people who come to stay and to build for themselves and their children. We do not want people to live in perpetual dread of being evicted by a Federal employee for some trifling transgression of some impractical rule.

We do not want our State peopled by a horde of temporary Federal tenants, who have no allegiance to our State, who have nothing in property there except a leasehold rental which they have obtained from Washington and which can be revoked for any violation of the regulations by any petty subordinate official. That is not the kind of people upon which to build up a great State, and it is for that reason that the West, as I view it, objects to this entire leasing policy. It is the whole leasing propaganda that we look upon as inimical to our development. We say the theory is not only fallacious and impractical, but wrong and unjust to the West. We say you will have the same experience with this law that the Government had from 1807 to 1847. We had 40 years' experience with this leasing policy. They can say there is some little minutia of difference, and there is some, but the principle is the same. Congress adopted a leasing policy in 1807 and inflicted it upon the States of Illinois, Missouri, and other States, and it was tried for 40 years. During all of that time those States tried to dislodge that system from their shoulders and showed that it was an incubus and an outrage. The entire delegations of Illinois, Missouri, and elsewhere worked against it and fought it heroically for 40 years before they could dislodge it and get out from under and get the property into private ownership. But they

finally succeeded, and the property that the Federal Government was formerly controlling has since been taxed by the State. What was the result of it? The result of it was that the royalties which were received from rentals of all this Government property were so infinitesimally small that they amounted to comparatively nothing. The cost of administration, the cost of the army of Federal agents to supervise that property, their salaries and expenses, was something over four times more than the entire gross receipts from royalties. Now, you gentlemen are putting on the West that same kind of an infamous proposition to-day. You intend to inflict upon us these leasing measures. Instead of preventing monopoly it appears to me more likely to perpetuate the monopoly which the present owners of coal land have by the present withdrawal and high classification policy. The fact that this bill retains the present law and allows coal land to be purchased and go into private ownership is—I will not say intentionally, but in reality—a subterfuge and a delusion; it amounts to nothing at all, because the coal lands are now classified ten times as high as they are worth, so that provision amounts to nothing. It is a fictitious sham. It simply means that there will be nothing else but a leasing policy.

At page 16 of his report for the year ending June 30, 1910, Secretary of the Interior Ballinger made a report upon the question of the proper disposition of the public coal lands, and conclusively showed the impracticability and fallacy of the Government going into the coal-leasing business, as follows:

COAL LANDS.

Respecting the disposition of coal in the public lands, I call attention to what was said on this subject in my last annual report, to the effect that new legislation was desirable and that the most advantageous method of disposal of coal deposits will be found in a measure authorizing the lease or sale thereof subject to forfeiture for failure to exercise the rights granted, with restrictions on mining operations in order to conserve the deposit as a public utility. In my annual report as Commissioner of the General Land Office in 1907 I gave the reasons which impelled me to believe that the best interests of the Government will be subserved by a sale rather than a lease of the deposits. I also set forth in an official statement some of the difficulties which I thought would be encountered by the Government in the operation of a leasing system, as follows:

"First. Under a sale of a deposit an owner would not need that supervision that a lessee would necessarily be under in the matter of protecting the mine as against wasteful and ruinous operation. In operation it will be found that a lessee will naturally have an incentive to produce as much coal, with as little expenditure in honest development, as possible, resulting in many cases of robbing the mine—that is, leaving insufficient timbering, pillars, air shafts, etc., to maintain its permanency while the coal of this or overlying seams is being removed; and the high grade or more valuable coals will often be worked out and the low grades left in the mine, resulting in a total loss thereof to the public. Furthermore, upon the termination of a lease or other abandonment, Government maintenance will be necessary in many cases which would not occur under the sale system. Government maintenance would mean retimbering and a continuance of physical improvements to prevent decay and loss of the deposits from fire, cave-ins, floodings, etc. It is true that in case of forfeiture under the sale of the deposits similar maintenance would be necessary except upon a resale; but the cases in which forfeiture would occur under the sale system would be small compared with the abandonments or forfeitures under the leasing system.

"Second. The collection of rentals, royalties, or tolls, as the case may be, under a leasing system will necessarily involve the maintenance of a numerous body of Government employees at a great expense to the Government, and add further expense for a detailed system of accounting. This increased expense involved in the leasing of coal deposits will, of necessity, increase the price of coal to the consumer and will also be a constant menace in administration as likely to produce in many instances public scandal if not corrupt practices. These objectionable features would appear to me to be practically removed under a sale of the deposits.

"Third. Regulations, under the leasing system, will be likely to trench upon the police power of the States as to mine inspection, supervision, and regulation, where under the sale system there could be little or no conflict.

"Fourth. In the operation of a coal mine under a lease from the Federal Government the lease would necessarily have to be so worded as to protect the Government against liability for negligence on the part of the operator, resulting from loss of life or destruction of property. In case the Government's agents were likewise grossly negligent in enforcing the regulations a grave question is presented, whether or not the Government is not at least morally liable."

I consider it highly important that Congress take action in giving the department an effective method of disposition of coal lands and deposits, especially in Alaska. The question of whether it should be by a sale of the deposit or through a leasing method is one to be determined by Congress. In Alaska it is possible that a leasing system could be adapted to the country with great efficiency and with less complication than in the States. Under the present coal-land laws the appraisement, as fixed by the department, is at a price estimated on the basis of a reasonable royalty, except in Alaska, where the price by law is fixed at a flat acreage rate, and in the States the administrative policy is to secure by sale what would accrue to the Government if the deposits were mined on a royalty basis.

That statement is just as true now as it was then, and everyone who knows anything about practical coal mining will, I think, realize that Secretary Ballinger's statement is not far from just what will happen when the Interior Department starts in to run the coal mines of the West. Moreover, the consumers or the Government will be burdened with the enormous expense of maintaining an army of coal-mine inspectors and arrogant and irritating agents, with no commensurate benefit whatever.

The majority report on this bill says:

Our laws are in many respects crude, irreconcilable, inefficient, without uniformity, confusing to the brain of the miner, impossible of interpretation by the layman—a jargon of inconsistencies retarding progress and development. Most of our so called mineral laws in truth and in fact are not laws at all, but are simply a jargon of executive orders, rulings, interpretations, and decisions made by different bureau chiefs and clerks in the ramifications of the various bureaus of the Interior Department.

That is a humiliating confession, if it be true, and I think there is no question but it correctly states the manner in which those laws have been administered in that department during the past few years. But the West is not to blame for it, and that condition affords no excuse for this radical and sudden change in our entire system of government toward those States.

To me these paternalistic and centralizing tendencies appear little short of national bureaucracy run mad. Conservation has become a mania. I hope I may be mistaken, but this policy looks to me like a bold trampling upon the principle which lies at the foundation of our republican form of government. It appears to me as a brazen denial of the "equal footing" upon which the Western States entered this Union. American citizens do not take kindly to absentee landlordism. We do not like the idea of perpetual bureaucratic rule. We prefer to be governed by the law and by our own people instead of by rules and regulations promulgated from the city of Washington, ofttimes by people who have no personal knowledge of our local conditions. We believe these measures forever fasten upon the people of the West and the resources within our States the bureaucratic grasp of the Federal Government. We know that bureaucracy grows on what it feeds upon. We want the laws intelligently framed in the light of the welfare of the governed as well as the governing bodies. Let us western people develop the resources in our States under whatever reasonable restrictions you may deem proper and we will soon become a storehouse of wealth to this Nation.

While it may be true, as stated in the majority report, that "the mining of coal may well be termed a rich man's business," that condition, in my judgment, has largely been brought about at the present time by the valuation of coal upon the public domain being deliberately placed at such a high price that no one but a rich corporation can afford to buy it. And while it is true that this bill retains a provision for the sale of coal land, yet that provision of the present law amounts to comparatively nothing so long as the price fixed by the classification on the 20,000,000 acres restored is approximately ten times as high as it should be and is clear beyond the reach of ordinary individuals or municipalities. I will not say that that defense of this bill is hypocritical, but I will say that it is an utter delusion. Moreover, there are 56,300,000 acres now withdrawn and not classified and never will be either restored to public entry or classified.

As a matter of fact, the Government of the United States can not practically mine coal in competition with private people who own coal mines and who understand the coal business; and when the Government attempts to go into the coal business—and that is what it is now proposing, nothing else—when the Government of the United States attempts to go into the coal-mining business in the West, it is going to find it one of the most expensive and unwise experiments that the Government has ever embarked upon, and I prophesy and warn you now that it will be a failure. How many years it will take our people out there to shake it off, to dislodge this incubus from our shoulders, I do not know. I do not believe it will take us 40 years, like it did Illinois, Missouri, and the other States. It is true that there are some people who are exceedingly anxious for a change in the present withdrawal and excessive classification policy. They say that the Government has arbitrarily been pursuing a dog-in-the-manger policy so long they want a change at any price. They insist the coal land is so high nobody can or will buy any, and there are no coal mines being opened. My recollection is there were only seven final coal entries in the entire western country in a year, and only two in my State. I believe that is correct. The result is that the coal companies that now own coal land in the West have one of the greatest monopolies that has ever been known in our country, and the Government has given it to them. This withdrawal policy has allowed them to increase their prices of coal, which the people throughout that country have to pay. The effect out there of this conservation has been to raise the price of coal to the consumer from about $2.50 and $3 to $6 and $9 per ton.

That is the practical result of conservation upon the people upon whom it is practiced. It has been worth millions and millions of dollars to the big coal companies, because it has effectually withdrawn from entry the coal lands. Now, whether or not the opening up of the coal lands on leases and maintaining them by royalties will reduce the price remains to be seen. I apprehend it will not. I can see no likelihood of anyone running a Government coal mine and paying a Government royalty and submitting to Government espionage and Government supervision all the time and still mining coal any cheaper than the private companies can, so that I do not see any relief to the consumer promised from the enactment of this bill. But my objections to the bill are based on different grounds. I think there will be some leases taken under this bill, especially after it has been greatly improved upon by the Senate. I think there are many persons and corporations who would rather get a coal mine for nothing and gut it on a royalty than to pay for it. I am not concerned about the coal companies. They can usually take care of themselves. I apprehend they will have no objections to this bill, except as it may in some localities tend to interfere with their present monopoly. My concern about this leasing scheme is as to how it will affect the welfare of the consumer, the people, and the States in which the coal lands are situated, and what the ultimate result will be to the Federal Government.

My contention is (a) that the cost of administration, the salaries, and expenses will be more than the royalties, and that it will be a losing proposition financially to the Federal Government; (b) that the law will soon create a great horde of unnecessary Government employees that can never on this earth be gotten rid of; (c) that tenants never care for or work property as economically as owners do. They pick out the best and waste and destroy the rest, and let the property go to rack and ruin; (d) this system will bring about the most profligately wasteful method of coal mining ever witnessed in this country. So that the Government stands to lose in every way.

But the States and counties in which the coal lands are leased will be by far the greatest losers. They lose the taxes which that property should pay; they lose the permanent freehold citizenship of the mining people, that is necessary under a free republic and a representative form of government. But, worse than all that, they surrender the sovereign right of American citizens to local self-government, and become permanently helpless, if not servile, tenants under petty Federal tyrants and autocratic predatory bureaucrats. That system is a menace to self-government and an outrage upon a free people.

The gentleman from New York [Mr. FITZGERALD], in his very forcible and exhaustive speech the other day upon the subject of the appropriations being made by this Congress, used the following language:

> We are living in a peculiar era. Heretofore the States and localities have been jealous of their rights and powers, and the intrusion of the Federal Government and of Federal agents has been universally resented and vigorously resisted.
>
> Lately, however, there seems to have been created a new and entirely different atmosphere. Instead of resisting the extension and enlargement of the activities of the Federal Government, they seem to be welcomed everywhere. It is rarely that anyone appears to realize that the Federal Treasury is replenished only by taxes collected from the people.

The gentleman is eminently accurate in his observations of the changes that have been going on in this country, especially during recent years. It is more noticeable than ever since the breaking out of this European war. It seems like the tendency all over the country is to look to Washington rather than their own State government. I very much deplore this tendency. But there is no shutting our eyes to the fact that it is prevailing throughout the United States at the present time.

My idea about this conservation business and about these western resources, especially the coal, is that they ought to be classified at a fair and sensible figure; that Congress ought to limit the amount that any one person or concern can own, either directly or indirectly, and then reserve and preserve in the title the right to regulate the price and the rate, either through the Interstate Commerce Commission or the public-utilities commissions of the States, or both, and prevent monopoly and extortion in that way, but to allow the title to pass ultimately into private ownership subject to those conditions, restrictions, limitations, and reservations, because then the property would go on the tax roll and the owners would be subject to the laws of the States instead of only the Federal Government, and they would be citizens of our States instead of Federal tenants of our territory. A dual form of government in a State is bad.

Now, as I said before, some of our people are so anxious to have the water powers constructed, and to have some new coal mines opened up, with the hope of getting away from the extortion of the present companies, that they are willing to accept this or almost any kind of a proposition. They are like my friend from Wyoming [Mr. MONDELL], who says that while he has always been opposed to it and is now, nevertheless he is so anxious to have some more coal land opened up that he is now favoring this scheme; and there are others who follow that line of reasoning. I believe, however, with the people of the West, who contend that the western people have an inherent right to see their territory go into private ownership, the same as that of the other States, and believe that this is a species of Federal perpetual control over our State, putting one-third or possibly one-half of the State under Federal jurisdiction and the remainder under State jurisdiction, making half or two-thirds of the State which the citizens will own ultimately support the State and county governments and the roads and schools and the courts and the public improvements on all this imperial crown land of the public domain. I can see nothing fair or right or even honest in any monarchial scheme of that kind. We feel that that policy is false to the Government itself, and is an outrage upon the people. It is not fair to the West. We feel that the Government is making an economical mistake. We feel that it is deliberately wronging our country, and we feel, furthermore, that it is a deliberate violation of the spirit and letter of the enabling act under which our States were admitted into the Union. It is a violation, as we believe, of our constitutional right of equality among the States of the Union.

Mr. BOWDLE. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. BOWDLE. The gentleman does not mean to say that the enabling act, properly construed, would require the Government to pass title to the public domain over to the State?

Mr. TAYLOR of Colorado. Oh, no; not to the States themselves, but to the settlers who want to live upon and develop those lands and resources.

Mr. BOWDLE. Does the gentleman mean to say that the general policy of conservation as exercised by the Government is a failure?

Mr. TAYLOR of Colorado. Why, it depends on what you call the general policy of conservation. In some respects some of it is beneficial. It is a success in producing Federal jobs; but it is not a success in producing revenue, and it certainly is a failure in developing the western country. I believe this leasing policy will be a deplorable failure in many ways. It will add to the pay roll of the Government of the United States 10,000 unnecessary Government employees. Now, if it is the object of the Government to create jobs, if it is the object of the Government to try to raise Federal revenue by taxing our people out there for trying to develop the country, then it will undoubtedly be a success. But if the object is to build up free and equal and great States and to allow the property in an orderly way to gradually but ultimately go into private ownership, the same as it has in other States, then I say this conservation policy is a violation of our State rights. I do not use the words "State rights" in any narrow sense, but in the sense of our inherent right as equal, coordinate Commonwealths and parts of this Union. In other words, I believe that it is a discrimination against us, and the West has always felt that way; at least the people of my State have always looked upon it that way.

I may say in passing that I noticed in this morning's papers from my State that a very distinguished gentleman who signed the memorial that was exultantly put in the RECORD by my friend from Illinois [Mr. THOMSON] in his speech day before yesterday was running for governor in our State. He is one of the most prominent men and active conservationists in the State. He is a thoroughly competent and good man, and yet he came out the lowest man in the race in the State primaries. He believes in the kind of conservation as set forth in the article that was inserted in the speech of my friend from Illinois the other day, and that vote, I think, can largely be taken as an indication of public sentiment. I think most of the vote he received was in spite of his conservation ideas, because he is a good fellow.

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Illinois?

Mr. TAYLOR of Colorado. Yes.

Mr. THOMSON of Illinois. These questions of conservation in connection with the candidacy of the gentleman to whom my friend from Colorado refers were not an issue in that contest.

Mr. TAYLOR of Colorado. Oh, yes; they were. They have always been an issue. They have been an issue with our people ever since Gifford Pinchot first commenced coming out to Colorado; ever since the forest reserves were set aside. From that

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hour until this conservation has been a live issue in every election in the State of Colorado, and will be this fall. And if my opponent for Congress this fall stands upon the Pinchot conservation progressive platform I do not believe he will get enough votes outside of his own county to know he is running. [Laughter.]

I do not say this in a boasting way at all, because I am merely presenting what many thousands of others feel. It is the sentiment of my State. Colorado feels that this policy is wrong. We feel that the Government is making a mistake. We feel that our rights are being violated. We feel that our State can never be the prosperous and wealthy State it otherwise would be and ought to be, so long as the Federal Government holds and controls all of our resources. We have about eight or nine million acres of coal lands in the State of Colorado. The Geological Survey reports that there is enough coal land in Colorado alone to supply the entire United States with coal for 300 years at the present rate of consumption.

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. THOMSON of Illinois. To whom does the coal land in the public domain in your State belong?

Mr. TAYLOR of Colorado. It belongs to the people of the United States, in trust, and in no other way.

Mr. THOMSON of Illinois. In what way?

Mr. TAYLOR of Colorado. In trust, for the use of the people.

Mr. THOMSON of Illinois. What people?

Mr. TAYLOR of Colorado. The people of Colorado or any other State who honestly want to go and take it up and pay for it at a reasonable price, and develop it, and pay taxes on it, and build up and settle up the country, reclaim the country and make homes and prosperous communities, and put it in private ownership and develop it. The land is of no earthly use or benefit to the Government or anyone else the way it stands now.

Mr. THOMSON of Illinois. Will the gentleman yield further?

Mr. TAYLOR of Colorado. I will yield for a question only.

Mr. THOMSON of Illinois. What is the basis of the gentleman's contention that the coal that is in the public lands of his State is the property of the people of the United States, in trust for anybody, or particularly for the people in the gentleman's State?

Mr. TAYLOR of Colorado. Because when the State was admitted into the Union the lands within the State were reserved by the Government, to be disposed of to settlers in exactly the same way that the Government disposed of all of its public domain within the borders of all other States after they were admitted into the Union. The Government did not admit the gentleman's State with the intention of holding the title to the public lands in Illinois in perpetuity. It admitted your State into the Union, and retained the ownership of the land in the Government, but upon the express understanding, which has always been followed out for over 100 years, that the Government would allow the land, in an orderly way and as expeditiously as it could be done commensurate with the development of the country, to go into private ownership, and to go to home seekers and settlers, at a reasonable price that would induce settlement and investment; and Colorado came into the Union under the same theory, with the understanding that as to our lands ultimately Uncle Sam would allow them to go into the hands of people who came out there to take them up and to become citizens and to develop the State.

Colorado needs and could gradually and in a very few years accommodate 400,000 home-seeking settlers. About half of them should be farmers and the rest business men, miners, and laborers.

Mr. LENROOT. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LENROOT. Does not the gentleman know that the Supreme Court of the United States has held in a number of cases that the Government holds and owns its land in exactly the same way that a private proprietor owns private land?

Mr. TAYLOR of Colorado. No. I think that statement is too broad.

Mr. LENROOT. And that it has exactly the same control over them?

Mr. TAYLOR of Colorado. I must differ with the gentleman as to what the Supreme Court has decided. The decisions of the Supreme Court on this question are cited in the recent decisions of the Supreme Court of California in the case of In re Deseret Water, Oil & Irrigation Co. against The State of California. If the gentleman will look at that case and the Kansas *v.* Colorado case (206 U. S., 46) he will find my idea of the law.

Mr. LENROOT. I will put the decision in the RECORD later, to satisfy the gentleman.

Mr. TAYLOR of Colorado. I put in the RECORD the decisions of the Supreme Court of the United States, and the Constitution and the law, as I understand it, in my speech on the water-power leasing bill on Monday, August 17, 1914, at pages 13680 to 13690 of the RECORD.

The United States has not and never had any municipal sovereignty, jurisdiction, or right of soil to any of the lands within the borders of any of the Western States, excepting a title or ownership in trust, and temporarily only, for the sole purpose and under the express agreement to convey the lands to the people to settle upon, make homes, and build States, and thereby develop this country.

As to our water rights the act of Congress of July 26, 1866, provides that—

Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage. (Rev. Stat., 2339.)

The act of 1870 also provides that—

All patents granted or preemptions or homesteads allowed shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under or recognized by the preceding section. (Rev. Stat., 2340.)

In other words, the Government of the United States has always recognized our ownership of and the right to appropriate the waters of our streams and our right to run irrigation ditches across the public domain, and recognized that it should not be interfered with either by the Government or by subsequent settlers; and when we came into the Union we submitted to the Congress and to the President of the United States a constitution which contained this clause:

*Water public property.*—The water of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided.

*Right of appropriation.*—The right to divert unappropriated waters of any natural stream for beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose, but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have the preference over those using the same for manufacturing purposes.

Now, the Supreme Court of the United States, in the case of Kansas *v.* Colorado (206 U. S., 46-118), decided:

That the Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that all powers not granted are reserved to the people. While Congress has general legislative jurisdiction over the Territories, and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream; that the full control over those waters is vested in the State.

Now, the companion bill to this says that not only shall the Government control it, but that we have got from this time on to pay a royalty for the use of those very waters for every horsepower that is generated within our Commonwealth; in effect, penalize our development under the guise of conservation.

Mr. LENROOT. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LENROOT. I know the gentleman does not wish to make an inaccurate statement.

Mr. TAYLOR of Colorado. Certainly not.

Mr. LENROOT. But the gentleman must know that that royalty is for the use of the land. It is so stated in the bill.

Mr. TAYLOR of Colorado. Let me ask the gentleman, if it is for the use of the land and not the water, why is it that if a transmission line only runs across 10 acres of Government worthless rocky land on the side of a barren mountain, land that would not be worth a cent an acre, the Government of the United States puts a royalty charge upon the output of the entire plant for the use of that infinitesimal part of Government land? What right has the Government to charge a royalty of, say, $10,000 a year for the occupation of a strip of land worth 10 cents? Why should development be retarded and the consumers be penalized under a pretext of that kind?

Mr. LENROOT. Because the gentleman is now speaking of the legal rights of the United States, and the Government has a right to make any conditions it chooses, and the legal basis is

the ownership of the land, and no claim of ownership of the water.

Mr. TAYLOR of Colorado. The gentleman is side-stepping the question. Does the gentleman mean to say that that is an answer as to why the Government charges an enormous amount of royalty on a power plant, for the use of a piece of Government land that is not worth a nickel? Is that the gentleman's idea of fair treatment of the Western States? I look upon that contention of the conservationists as a hypocritical subterfuge and as a swindle upon our people. We would gladly pay the Government for the land we use, and pay all it is worth, or many times more than it is worth; but we object to paying the Government a perpetual royalty tax for the use of the water that we absolutely own, and the Government has no interest in it whatever.

Mr. LENROOT. The gentleman is discussing a legal proposition which I suggested to him, and that is what I am discussing.

Mr. TAYLOR of Colorado. The same principle applies to the leasing of coal land that applies to grazing land. Mr. KENT, of California, has a bill pending before our committee seeking to withdraw from entry all the grazing land—in fact, practically all the public domain in the Western States—and put it into a royalty leasing proposition. That would be a magnificent scheme for the big cattle barons of the West. But the passage of such a bill would be equivalent to repealing and wiping out the homestead and desert-land laws. It would absolutely stop the settlement of the public domains.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. STEPHENS of Texas. Does the gentleman know that my State has been trying that for 25 years and found it very beneficial—the best disposition we could possibly make of the public domain of the State? I think it would be for the benefit of the United States to lease it and let the cattlemen and the sheepmen and the horsemen have certain definite boundaries in which they could keep their stock and not have the cattlemen and the sheepmen continually fighting and carrying on an eternal warfare. As I say, we have tried it for 25 years, and it has worked splendidly.

Mr. TAYLOR of Colorado. I do not want to get into an argument about the State of Texas. The conditions in his State were entirely different. The land all belonged to the State. It was all grazing land, and the State leased it in very large tracts to the cattlemen until it was wanted for settlers for homes. Then the ranges were cut up into farms and the leasing ceased. The land has since been used for better purposes and your population and wealth has increased accordingly. How much has the gentleman's State increased in population within the last 25 years?

Mr. STEPHENS of Texas. It has more than doubled, and the land has trebled in value.

Mr. TAYLOR of Colorado. Yes; your population has doubled, your wealth trebled, and the number and value of cattle have increased just in proportion as your leasing system was abandoned and your big ranges have been cut up into farms.

Mr. STEPHENS of Texas. There is not a cattleman or a farmer that would go back to the old system. It was a most wasteful and dangerous system. No man now would dare to run for office on that idea or offer a bill to repeal those laws.

Mr. HUMPHREY of Washington. I would like to ask the gentleman from Texas, Does he mean that he is in favor of leasing land that is fit for homestead settlement?

Mr. STEPHENS of Texas. We have this kind of provision, and I think it would work well for the United States: Where a man has a lease of 5 or 10 years of agricultural land and a man desires to take it in good faith as a homestead the lease expires, and then it is taken up by the actual settler for his use and benefit.

Mr. TAYLOR of Colorado. And when the land is settled upon and goes into homes and men go on it and make farms the land is worth a hundred times as much to the State as it was when it was leased as grazing land. The trouble is that a leasing system and a homestead-settlement system will not work together; that is now conceded by everyone who is honest and knows what he is talking about.

Mr. HUMPHREY of Washington. They are in favor of leasing land that is not fit for anything else.

Mr. STEPHENS of Texas. We are doing no more than the United States is now doing. You are leasing Indian reservations all over the country and forest reserves.

Mr. TAYLOR of Colorado. The advocates of the grazing-land leasing law dare not directly try to repeal the homestead law, although I think they would like to. But they are trying, indirectly, to repeal all the public-land laws by this leasing scheme. If the Government wants to lease the public land, it is necessary to, and it will practically, retain it in Federal ownership perpetually. If the Government of the United States is going to do that, it ought to pay taxes on the land to the States for the support of the State governments.

Mr. OGLESBY. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. OGLESBY. I am in a good deal of sympathy with the gentleman in his position on several matters, particularly that of the Federal Government exacting revenue for work of the coal mines. But why does the gentleman think the exemption of this public land from the payment of taxes to the State is an injustice when the State does not have to lease the land or care for it?

Mr. TAYLOR of Colorado. Yes; it does. The State maintains a State government. The counties maintain county governments. They both maintain the courts. They maintain the schools that the Federal agents and tenants send their children to. They build the roads that they travel over. They build up and maintain civilized society.

Mr. OGLESBY. What tenants—the operators of the coal mines?

Mr. TAYLOR of Colorado. The tenants on the leased property. Does not the State furnish the courts to protect all this property and the people upon it? A considerable part of the expense of our courts comes from the administration of justice on the Government lands. We have to foot the bills. The taxpayers of the State, the people who live on patented lands, are the ones who provide the funds for the development of our State. Why should we supply the Government and its agents and tenants with modern civilization on a silver platter without any expense, and, moreover, pay the Government a royalty on our own resources for the privilege of doing so? Why should the citizens of Colorado pay any more than the citizens of Illinois? Why should our people be compelled to pay the Government a royalty on the coal mined in my State when neither the people of Illinois or of any other State have ever in the history of our country paid the Government one dollar royalty for the coal mined in those States?

Mr. MANN. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. I want to ask the gentleman from Colorado a question. The gentleman spoke about paying a royalty where the Government has 10 acres and a line for the transmission of power crosses it. How much royalty does the Government exact?

Mr. TAYLOR of Colorado. Well, the gentleman remembers the bitter fight we had two years ago over the California hydroelectric power company that wanted to run across a little piece of vacant, rocky, steep, sidehill Government land less than a quarter of a mile long, while its transmission line was something like 75 or 100 miles in length over private lands; and yet the Government agents insisted that the company should be compelled to pay what amounted to a high royalty on the whole plant and all the company's receipts. It was a brazen holdup, but no more so than will be practiced all over the West under these water-power, coal, and other leasing bills if they ever become a law.

Mr. MANN. I thought the gentleman was referring to the recent dam bill that was passed.

Mr. TAYLOR of Colorado. No; I was not referring to the Adamson bill. That applies only to navigable streams and does not affect us on the public lands. We have a power company adjoining my home town of Glenwood Springs, Colo., which transmits power to the city of Denver to run street cars and for many useful purposes, and because the transmission line runs a part of the way across a forest reserve the Federal officials are suing the company for a royalty, notwithstanding the company got, by an act of Congress years ago, the express right to build that plant before this question came up. Nevertheless the Government is trying to force that company—the Central Power Co.—to pay a royalty because the transmission line runs across a part of the public domain.

Mr. MANN. How much royalty?

Mr. TAYLOR of Colorado. I do not know.

Mr. MANN. The gentleman spoke as though the Government was exacting a great sum for useless property.

Mr. TAYLOR of Colorado. The land used is utterly worthless; but it is used as an utterly unfair pretext to penalize our people. We do not like the principle of taxation upon any such outrageous pretense as that.

Mr. MANN. I do not know of anybody that likes taxation when applied to themselves.

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Mr. TAYLOR of Colorado. The Government will not and can not and ought not to develop those resources itself, and yet these bills will compel us to either allow those resources to remain idle indefinitely or force us to pay an unjust tribute to the Government for the use of our waters, which the Government does not own, or for the coal that the people should be allowed to use as cheap as possible, especially when Uncle Sam has 75,000,000 acres of it.

Mr. HUMPHREY of Washington. The main purpose of the Forestry Service is, in a question of that kind, to demonstrate their right to do it. That is what it seems to amount to. They want to establish their right more than they care for the revenue. They want to demonstrate that they have the right to hold up and tax anyone that crosses a forest reserve.

Mr. TAYLOR of Colorado. They want this law to legalize that holdup. They are more anxious to establish the power now than they are about the amount of the royalty. These royalties may be small now. The royalty may look very small just now, but there is nothing to prevent Congress from increasing it at any session. Congress can double the rate every session and we could not prevent it, and, what is much worse, the Government agents can increase it by the way they will construe their regulations. We fear that when the power is given and the principle is established the rates will soon become much more burdensome than they now look in these bills.

Mr. MANN. The gentleman will pardon me. I understand, then, that the gentleman is more afraid of what may happen than of what is happening?

Mr. TAYLOR of Colorado. We feel that these leasing bills will establish and permanently fix a burdensome and unjust principle of taxation upon us, without our consent, or without our power to prevent, and that the royalties will be determined by people living a long way off, who know nothing about our conditions and have no interest in our welfare, just like the gentleman from Illinois [Mr. THOMSON], who I suppose never saw a forest reserve in his life; and yet you people are the ones who are trying to force this law upon us.

Mr. MANN. I do not need to defend my colleague from Illinois.

Mr. TAYLOR of Colorado. I know the gentleman does not, and I am not making any attack upon him personally. He is individually a good man and one of my friends on the committee; but it is impossible for him to know what is best for our western people or how best to develop that country.

Mr. MANN. When the gentleman from Colorado says that my colleague knows nothing about it, that is a pure assumption, such as the people from the West often indulge in.

Mr. HUMPHREY of Washington. The gentleman should have heard his statement yesterday about the Northwest.

Mr. TAYLOR of Colorado. Why, he made the statement yesterday himself that he had lived all of his life in the city of Chicago.

Mr. MANN. Suppose he has; that does not deprive him of common sense.

Mr. TAYLOR of Colorado. Certainly not; but he might have a great deal of common sense, generally speaking, and still know nothing about the hardships of pioneer life on the public domain.

Mr. MANN. And he has listened to long and interesting statements by the gentleman from Colorado.

Mr. TAYLOR of Colorado. If I undertook to tell you how to run the city of Chicago——

Mr. MANN. Oh, you are doing that all the time.

Mr. TAYLOR of Colorado. No; I am not at all.

Mr. MANN. Oh, surely.

Mr. TAYLOR of Colorado. You would say that while I might have some common sense, I did not know what I was talking about.

Mr. MANN. Oh, you are passing bills all the time here to regulate business that is carried on in Chicago and not carried on in Colorado, and the gentleman has voted for every one of them.

Mr. TAYLOR of Colorado. It is not the western people who are framing those laws or urging their passage.

Mr. MANN. And that is only because they are not numerically strong enough.

Mr. TAYLOR of Colorado. If we had the power, we would compel the rest of the country to treat the Western States the same way the Government has treated your State and all the other States. That is all we would ask—simply a square deal. But now we do not have any representation on those powerful committees that determine the laws and appropriations that affect the gentleman's city. Only about 6 or 8 per cent of the membership of this House comes from the public-land States.

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. THOMSON of Illinois. I shall not take up any time to answer the gentleman's statement that I do not know anything about this question or that I have never seen a forest reserve, but will take time to answer that later on under the five-minute rule. I want to say this: The gentleman from Colorado stated that his State had to educate the children of all of these tenants who were not citizens of Colorado, and so on. Is it not a fact that every man who takes a lease or is interested in a lease there—a coal lease, or an oil lease, or a phosphate lease, or any one of the leases under this bill in the gentleman's State—will doubtless own a home somewhere in the State?

Mr. TAYLOR of Colorado. Why, no; not necessarily at all.

Mr. THOMSON of Illinois. And that his interest will not be confined to his leasehold?

Mr. TAYLOR of Colorado. No; he probably will not own any land, because the Government will retain the title to the land on which he works, and he probably can not under this proposed system.

Mr. THOMSON of Illinois. Will he live on the leasehold?

Mr. TAYLOR of Colorado. Surely. A coal camp is built at the coal mine, and it will hereafter be built on the Government land, and the entire town will be on the Government land, and he will not pay any taxes on land to the State at all.

Mr. THOMSON of Illinois. There is nothing in this bill to prevent these lessees being citizens of the gentleman's State and owning their own homes on the State property.

Mr. TAYLOR of Colorado. If they are going to mine coal, they will live where the coal is. If the Government holds the 9,000,000 acres of coal lands in Colorado and lessees settle upon it to operate a coal mine, they and their employees are not going to the city of Denver or some distant place to buy a lot to live on. They must live where their work is.

Mr. THOMSON of Illinois. Is not the gentleman making a pure assumption to fit the ideas that he has of this bill?

Mr. TAYLOR of Colorado. I am giving my ideas of what practical coal mining is, and I have lived near coal mines and have seen them operated for 35 years. I know how coal is mined in the West, and how coal camps are situated. I have them in my home county.

Mr. THOMSON of Illinois. Will the gentleman yield for one further question?

Mr. TAYLOR of Colorado. Yes; for a question, but not for a speech.

Mr. THOMSON of Illinois. I have not made any speech in the gentleman's time. If a coal lease is taken, or an oil lease, that leaves the surface of the ground available, does it not, for homesteading and other purposes?

Mr. TAYLOR of Colorado. If it is agricultural land, it does. But even if it was agricultural land, a homesteader could not take it near to or in any way that would interfere with the coal-mining operations of the Federal lessee.

Mr. THOMSON of Illinois. There is nothing in this bill that seeks to lease land that is suitable for homesteading.

Mr. TAYLOR of Colorado. Ninety-five per cent of the coal land on the public domain is not homestead land at all. If it were, it would have been taken long before this. It is usually in a rough country, in the mountainous portions of the State, and it is usually land that nobody would take, unless to graze cattle over it. It simply means that whole towns, coal-mining camps, will be built upon the public lands and occupied by tenants and employees who have little or no interest in our States or in anything else, except possibly an allegiance to the Government of the United States. That is what we fear it means—paying no taxes—and yet our State will have to support the local State and county governments and the laws that protect them. We are not only deprived of the taxes, but penalized for the use of the coal in our States.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LENROOT. The gentleman assumes that there will be no tax?

Mr. TAYLOR of Colorado. Practically none—no land tax.

Mr. LENROOT. With which to furnish roads and schools for the tenants?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. LENROOT. And there will be no tenants unless there is open-mine production.

Mr. TAYLOR of Colorado. Certainly not.

Mr. LENROOT. And the gentleman's State can tax the product of that mine on this Government land just such sum as it chooses.

Mr. TAYLOR of Colorado. And make our consumers pay that much extra for coal.

Mr. LENROOT. Will they not pay in any case, so far as taxes are concerned? Who pays the taxes?

Mr. TAYLOR of Colorado. If the land is owned by a private citizen or corporation it becomes a part of our State.

Mr. LENROOT. Who pays the taxes—the consumer of the coal?

Mr. TAYLOR of Colorado. Oh, of course, the consumer, who buys the coal, has to pay for it, but the more direct taxes and Government royalties there are the more Government agents we have to pay, and the more supervision and expenses and overhead charges there are, and the higher price the consumer will have to pay for the coal. I expect the State will be compelled to place an excise tax upon the output of these Government-leased coal mines if it has the constitutional power to do so; but my impression is that the people do not like that kind of a tax very much.

Mr. LENROOT. The gentleman's position is, if the taxes are paid to the State the consumer does not pay anything, but if it is paid to the Government the consumer does.

Mr. TAYLOR of Colorado. I am opposed to exempting land from taxation, and putting the burden on industry and personal property; that looks to me too much like taxing the poor and the thrifty, and exempting the idle rich. Now, Mr. Chairman, I am not going to take up further time. I have talked about these conservation matters for six years on the floor of this House off and on, and every Member here and everybody in my State knows how I feel upon these measures. I have, to the best of my ability, reflected the sentiment of an overwhelming majority of the people who sent me to Congress. I do not believe that anybody in Colorado can honestly gainsay that proposition; and as long as my constituents feel that way, as long as they object to this federalistic, monopolistic, centralization of power here in Washington, as long as they protest against this commission form of government, this multiplying of bureaucratic control of our western development, this treating our States not as equal to the others, I shall continue to represent their sentiment, whether or not it has any effect upon the House.

Mr. BOWDLE. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. BOWDLE. The city of Denver is within sight of coal, is it not?

Mr. TAYLOR of Colorado. Nearly so, I think. There are coal mines not very far from Denver.

Mr. BOWDLE. About 20 miles from the town of Marshall.

Mr. TAYLOR of Colorado. That is right, I think.

Mr. BOWDLE. Does the gentleman mean to say that the high price of coal in the city of Denver is due to conservation?

Mr. TAYLOR of Colorado. The price of coal in Denver is about $4 a ton. But it is higher than that every place else in the State, I think. The principal reason Denver gets a lower rate is because the Denver Post, the largest newspaper in the State, owns or controls some mines, and makes an advertisement of supplying the people with coal at a fair profit and compels the other dealers to deal fairly with the people, while the rest of the State has to pay from about $6 to $9 a ton.

My contention has been all along that the Government's withdrawal from entry of all the coal lands in my State, some 9,000,000 acres, and preventing the entry of practically any coal land during the past six or eight years, has naturally and almost necessarily permitted and invited the coal companies to raise their prices of coal. They have enjoyed the greatest monopoly that any corporation could ask for. That is the reason for the higher prices.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield in reference to another branch of this bill?

Mr. TAYLOR of Colorado. Certainly.

Mr. STEPHENS of Texas. My question is this—this relates to the waters flowing down the rivers; those waters relate very closely to placer mining; and in the West that has been a very great question for many, many years, especially in Colorado, Oregon, and California. Now, does this in any way prevent placer mining, and does it provide what shall be done with the débris that comes from the machines that are now being used so successfully and extensively in placer mines in this country? Is there any provision relating to placer mining and the use of the water for placer mining?

Mr. TAYLOR of Colorado. No; there is no reference to placer mining in this bill.

Mr. STEPHENS of Texas. Does not the gentleman think there should be?

Mr. TAYLOR of Colorado. Yes; I think there should be. They are both subjects of great importance. But it seems to me that comes in more particularly in the other bill—the water-power bill. In conclusion, I will say this, with all due respect to everybody, that I have an abiding belief and hope that when those leasing bills emerge, some time next February, from the other end of this Capitol, that they will be in very much different form from what they are now.

If a general coal, oil, gas, and so forth, leasing bill is to be adopted by this Congress along the lines indicated in this bill, there are some provisions in the bill that I earnestly hope will be retained. I have for several years, as many of you know, been vigorously trying to secure the passage of a bill allowing cities and towns to locate a piece of unoccupied Government coal land and acquire title to it without charge, so that they may open up and operate a municipal coal mine; not so much because I expect every city and town in the West to take advantage of such a law, if I could bring about its enactment, but because I believe the possibility of their being able to do so would have a very salutary and strong influence toward the prevention of monopoly and extortion in coal prices; and I know of no way anyone can better serve his constituents than by affording them cheap fuel; and while I have never been able to pass that bill, I have succeeded in inducing the department and the Public Lands Committee to incorporate a provision in this bill authorizing municipalities to lease and operate without royalty 160 acres of coal land. I believe that is a very beneficial provision, and I am very much gratified to have it in there, and I hope it will be retained.

While I thoroughly disapprove of the leasing policy, nevertheless, in view of the overwhelming sentiment against it, I have earnestly worked with the committee to make this bill as good—or I feel more like saying as harmless—as possible to the West, and to insert a number of provisions, which I did, that I believe will be beneficial; among others, the provision allowing the proceeds from these royalties to go toward the construction and completion of reclamation projects in the West, and thereafter—which will probably be 20 or 30 years hence—convert one-half of that money into the State treasury of the State in which it was collected. Those provisions are fair to the West, and I earnestly hope they will be retained in the bill.

According to the majority report, as well as the reports of the Geological Survey, there is enough known and accessible coal in this country to last us 7,000 years; and from the day that Columbus first set foot on Watlins Island down to this hour we have actually used less than 1 per cent of our available coal supply. So there is no likelihood of any famine in coal.

If there is a general demand for better laws to encourage development and prevent speculation, let us enact them. We of the West want development more than anyone else does, and we will heartily join in the enactment of any reasonable measures that will prevent speculation and monopoly, and safeguard the public interests and prevent extortion and waste. But we deny that it is necessary to adopt a permanent leasing policy, thereby putting ourselves into a perpetual Federal tenantry class, to bring about these most desirable results.

While it may be true, as stated in the majority report, that "the mining of coal may well be termed a rich man's business," that condition, in my judgment, has largely been brought about at the present time by the valuation of coal upon the public domain being deliberately placed at such a high price that no one but a rich corporation can afford to buy it. And while it is true that this bill retains a provision for the sale of coal land, yet that provision of the present law amounts to comparatively nothing so long as the price fixed by the classification on the 20,000,000 acres restored is approximately ten times as high as it should be and is clear beyond the reach of ordinary individuals or municipalities. I will not say that that defense of this bill is hypocritical, but I will say that it is an utter delusion. Moreover, there are 56,300,000 acres now withdrawn and not classified that never will be either restored to public entry or classified.

It is true that in my own State at this present moment the Federal troops are keeping the peace in the coal fields, and it is also true that we are now suffering from absentee landlordism to a certain extent. That is, Mr. Rockefeller owns 40 per cent of the stock of the Colorado Fuel & Iron Co., which company mines probably 20 per cent of the coal produced in my State. But there are some 200 coal companies operating in Colorado, and there is nothing in this bill that would prevent the very condition that now exists in Colorado. There is nothing in this proposed law that would prevent the operators of mines, if they were tenants of the Federal Government, from acting exactly as the mine operators of Colorado have been doing in the recent disturbance in my State, and I can not see where this measure will settle disputes between capital and labor or bring about any of the many conditions which everybody desires. On the contrary, it looks to me as though it would, by allowing

each one to take 2,560 acres and furnish Federal protection, permit a more gigantic coal monopoly and more arrogant coal operators than the West has ever known. If the Government has decided to own and operate our coal mines, we ought to be frank and say so, because that is what this means. This law may, as the majority report says, "do with Government property what has been done by the foremost countries of the world," and may be entirely suitable to a monarchy; but I confess I can not make myself believe that it is beneficial in our form of Government.

No one can honestly deny the statement that any general scheme for the leasing of any of the public domain practically withdraws those lands from settlement or entry by those who wish to acquire them and make them productive by individual enterprise. And any system which prevents lands or resources from going into private ownership prevents their becoming subject to State and local taxation and relieves them from their just proportion of the maintenance of the State government.

I believe all history will bear me out in the statement that it is not in the interest of the people or the welfare of the Western States to have large bodies of land and valuable resources withheld from taxation and managed and controlled at long range from the city of Washington; and every step taken by Congress in the direction of withholding from actual settlement and ownership by local citizens tends to the centralization of power and the strengthening of the bureaucratic grasp of the Federal Government upon the resources of our States.

The majority report says "the leasing system is not new; it is old." That is true; the leasing system is old, and tried, and has been found wanting, and was emphatically and indignantly thrown off by our own Government as an infamous incubus. It cost the Government more than four times as much as the entire gross receipts from royalties.

In my minority report upon this bill I set forth a statement of the history and operation of the Federal leasing policy as shown by the records of Congress, and I will incorporate at this place in my remarks that portion of my minority report, as follows:

THE NATIONAL LEAD AND COPPER MINE MONOPOLY, 1807–1847—FORTY YEARS OF FAILURE.

The consideration upon which the United States originally received from the Revolutionary States their portions of the western lands is clearly set forth in the resolution adopted by the Congress of the Confederation on October 10, 1780, as follows:

"*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress on the 6th day of September last, shall be disposed of for the common benefit of the United States, and to be settled and formed into distinct republican States, which shall become members of the Federal Union and have the same rights of sovereignty, freedom, and independence as the other States * * *."

The thirteen original States, or so many of them as held western lands, thereupon conveyed them to the Confederation for the uses suggested in that resolution, and thereafter when the United States under the Constitution assumed to dispose of the public lands they were bound as a trustee to appropriate them to that great national use.

Under the English system, with which the national legislators of the Revolutionary days were entirely familiar, the King's tenth branch of royal revenue, according to Blackstone, was the right of mines. The King's royal prerogative made him the owner of all mines of the precious minerals—gold and silver—whether found on royal or private lands. A grant of lands by the Crown did not pass gold or silver mines unless expressly granted, and this applied to grants of land in the Colonies. Hence it was that when the thirteen Colonies became independent States, they succeeded to the royal right of mines and still retain it.

The United States never acquired any rights in mines in New York or in any of the thirteen original States. When the United States therefore began to dispose of the public lands the old English idea was dominant, and Congress provided for retaining the royal right in mines in the western lands, which had been conveyed to the United States by the thirteen original States, which had received them from the Crown.

The Congress of the Confederation, on May 20, 1785, provided for surveying and selling the western lands, and the ordinance of Congress passed for that purpose provided that each deed conveying these lands should contain a clause "excepting therefrom and reserving one-third part of all gold, silver, lead, and copper mines within the same." This system generally continued in force until 1866, when Congress passed the first of our great mining statutes in aid of the development of the precious metal-bearing States of the West.

The leasing of the mines on the western lands, however, was first inaugurated on March 3, 1807, when Congress passed an act providing—

"That the several lead mines in the Indiana Territory * * * shall be reserved for the future disposal of the United States; and any grant which may hereafter be made for a tract of land containing a lead mine which had been discovered previous to the purchase of such tract from the United States shall be considered fraudulent and null, and the President of the United States shall be, and is hereby, authorized to lease any lead mine which has been or may hereafter be discovered in the Indiana Territory for a period not exceeding five years."

The lead mines in Missouri and Illinois and the Superior copper mines were included in the reserve lands and leased. The lead-mining leases were issued under the supervision of the War Department, and the United States reserved a royalty or rental of one-sixth of the lead for Government use.

In the report of the Secretary of War, transmitted to Congress by John Quincy Adams in 1825, it is shown that the leasing of United States mineral lands had gone but slowly and without satisfaction to the people of Missouri or to the Nation. Much discontent, fraud, and litigation were complained of, while the output was small and the entire business unsatisfactory.

In an address delivered before the American Institute of Mining Engineers, Abram S. Hewitt, quoting from Prof. Whitney, told of the failure, as follows:

"For a few years the rents were paid with tolerable regularity, but after 1834, in consequence of the immense number of illegal entries of mineral land at the Wisconsin land office, the smelters and miners refused to make any further payments, and the Government was entirely unable to collect them. After much trouble and expense it was, in 1847, finally concluded that the only way was to sell the mineral land and do away with all reserves of lead or any other metal, since they had only been a source of embarrassment to the department."

The States of Missouri and Illinois began to protest against these leases immediately after the system was established in active operation in 1822. As early as 1827 the contest had become flagrant in Congress, and on July 2, 1827, the Senate Committee on Public Lands, to which was referred a bill "To authorize the President of the United States to cause the reserved lead mines in Missouri to be exposed to public sale," said in its report:

"For the United States to reserve and lease all the mineral lands in Missouri would be to hold one-fourth of her area in a state of tenantry. It would require the creation of a new corps of Federal officers or agents to superintendent the mining and ultimately be of less advantage to the Union than if the mines were committed to the care and ardor of individual enterprise. Such a measure is believed by the committee to be neither the policy nor the intention of the Government of the United States."

A year later the House Committee on Public Lands reported that—

"Believing that the laws prohibiting the sale of the public lands in Missouri which contain lead mines ought to be repealed, the committee report a bill for that purpose."

The bill evidently did not pass Congress, for on January 25, 1829, Congress received a solemn memorial from the General Assembly of the State of Missouri protesting against the system and praying for the sale of all mineral lands within her borders, as follows:

A MEMORIAL.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

The General Assembly of the State of Missouri respectfully represent that they have long witnessed with solicitude the policy of the General Government in withholding from sale lands lying in this State represented as containing lead and iron ore; but experience has fully shown the incorrectness of this policy and its inefficiency in accomplishing the object contemplated to be effected, to wit, the advancement in value arising from the increase of population and the discovery of ore; for the enhancement thus arising is more than counterbalanced by the depredations made on the mineral and timber. We would further represent that large tracts of fertile lands have been returned as containing mineral upon which no mineral has ever yet been found; and we believe that the retention of those lands by the General Government will be against the interest of the Union, and a material injury to the best interest of our State in preventing large districts of our country from being settled by industrious cultivators of the soil. Your memorialists, relying upon the justice of their petition and upon your wisdom and liberality, pray that your honorable body will pass a law to authorize the sale of such lands lying in this State as have heretofore been withheld from sale on account of their containing lead and iron ore, upon the same conditions that other lands of the Government are now sold.

*Resolved*, That it be made the duty of the secretary of state to forward to each of our Senators and Representatives in Congress a copy of this memorial.

JOHN THORNTON,
*Speaker of the House of Representatives.*
DANIEL DUNKLIN,
*President of the Senate.*

Approved, December 11, 1828.

JOHN MILLER.

In answer to these demands, and on March 3, 1829, Congress passed an act conferring authority upon the President to expose for sale "the reserved lead mines and contiguous lands in the State of Missouri" upon six months' public notice.

The State of Illinois continued to resist the leasing of lead mines within her borders, and in 1830, in his message to the general assembly of that State, the governor declared the law to be unconstitutional, and recommended the people to resist it and refuse to pay the rentals. In the report of the Secretary of War, dated January 10, 1838, in answer to a resolution of the Senate calling upon him for information about the leased mines in Illinois, the Secretary quotes the report of the Army officer in charge, who said of the Illinois leased mines:

"The general and popular belief throughout the mineral region is that the law will not sustain the Government in the practice of leasing and exacting rent, contending that the act of March 3, 1807, authorizing the President to lease the mines, does not contain the necessary provisions for carrying it into effect; and, further, that any law authorizing the leasing of the public domain within the limits of a State is unconstitutional. In his public message to the Legislature of Illinois, in 1830, the governor distinctly assumes this ground and recommends to the people resistance to leasing and paying rent. However untenable this doctrine may be, emanating from so high a source, and coinciding as it does with the interests of all those engaged in digging, smelting, or in the commerce of the mines (and these may be said to constitute almost the entire population of the mineral district, for in those regions agricultural pursuits are almost entirely disregarded), it could not fail in producing the designed effect. Since 1834 diggers have refused license and smelters to pay rent or in any manner to recognize Government authority over the lands in their mineral aspect. The mineral value of the lands may be said to have already passed out of the hands of the Government. Diggers seek the metal when and where they choose, from whom, and with the like impunity, smelters receive, work and dispose of the product."

The military examiner was asked in his instructions to state his opinion upon the advisability of continuing the system of leasing, and he did so as follows:

"It is assumed that the comparatively trifling saving, if any, to the Government on the quantity of lead now or at any future period needed for the public use, by working the mines instead of purchasing in market, bears no just proportion to the injury done to the mineral region of country, first, by retarding the settlement of the country, and, secondly, by the demoralizing influence of the system. * * *

"Regarding the product of these mines as furnishing an element of national defense or public convenience, could it be supposed that it would ever be of difficult or doubtful procurement at moderate prices, there would be some plausibility in adhering to the existing policy; but such can never be the case."

The War Department approved the conclusion of the report and said:

"In conclusion, it is proper to add that this department concurs with the views exhibited in the foregoing report, and approves the recommendation therein contained respecting the indiscriminate sale of the mineral reservations."

Congress called for further reports on a plan for the disposal of the mineral lands, and the people, and even the President of the United States, continued to protest at the delay. In his first annual message on December 2, 1845, President Polk strongly urged the abandonment of the leasing system, saying:

"The present system of managing the mineral lands of the United States is believed to be radically defective. More than a million acres of public lands supposed to contain lead and other minerals have been reserved from sale, and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proved to be not only unprofitable to the Government but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the Government and the lessees. According to the official records, the amount of rents received by the Government for the years 1841, 1842, 1843, and 1844 was $6,354.74, while the expenses of the system during the same period, including salaries of the superintendents, agents, clerks, and incidental expenses, were $26,111.11, the income being less than one-fourth the expense. To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber and the careless and wasteful manner of working the mines. The system has given rise to much litigation between the United States and individual citizens, producing irritation and excitement in the mineral region and involving the Government in heavy additional expenditures. It is believed that similar losses and embarrassments will continue to occur while the present system of leasing these lands remains unchanged. These lands are now under the superintendence and care of the War Department, with the ordinary duties of which they have no proper or natural connection. I recommend the repeal of the present system and that these lands be placed under the superintendence and management of the General Land Office as other public lands, and be brought into market and sold upon such terms as Congress in their wisdom may prescribe, reserving to the Government an equable percentage of the gross amount of mineral product, and that the preemption principle be extended to resident miners and settlers upon them at the minimum price which may be established by Congress."

The President's recommendation was not acted upon immediately by Congress, and on January 12, 1846, Secretary of War Marcy made a report to the Senate showing the condition of the finances in respect to the leasing system. Among the documents attached to his report is a report from the ordnance officer having charge of the system, in which the agent concludes:

"But as a system of leasing here (southern Illinois) as practiced at the upper Mississippi mines would involve the necessity of a separate agency, and bring with it a train of expenses that would probably swallow up, as they have done there for the last two years, all the rent, if it did not even bring the department in debt; and as it, moreover, appears that before these mines can be successfully worked it will be necessary to incur the expense of analyzing the ores, it is respectfully submitted whether it would not be better to have the reservation revoked, in order that these lands be no longer withheld from market."

On January 27, 1846, Senator Breese, of Illinois, afterwards chief justice of the supreme court of that State, prepared an exhaustive and learned report to accompany S. 31, "A bill to direct the President of the United States to sell the reserved mineral lands in the State of Illinois and Territories of Wisconsin and Iowa, supposed to contain lead ore." This report is No. 87, Senate Documents, first session Twenty-ninth Congress, volume 4, 1845-46. The report says in part:

"The policy of reserving from sale land supposed or known to contain lead ore had no existence arterior to 1807. * * *

"Your committee suppose it was intended by Congress in thus reserving mineral lands from sale, not to make it the permanent policy of the country, but that time might be afforded to act understandingly in regard to them, and with a full knowledge of their value as a national possession, so that no great national interest should be sacrificed by a hasty and ill-considered sale of them. A correct idea of their extent and value was desirable, in order that the action of the Government might be so regulated as to prevent a monopoly of their ores by individuals or associated capital, by which the supply and price of an article made from them, and of great necessity, might be placed wholly within such control, to the injury not only of the Government needing heavy supplies of lead, but of the public at large. It was this fear of a monopoly and the importance of a supply of lead to the Government, the committee believe, that operated to reserve the lead mines in Louisiana. When Missouri became a State she complained to Congress of the effects of this policy upon her prosperity, an area of 2,500 square miles in the heart of that State being mineral lands, and reserved, or the greater part of it, from sale and settlement. Great exertions were made by the agent of the Government there to lease them and to render them productive, but without success.

"But a trifling amount of revenue, no accurate account of which can be had, was received—not more, however, than sufficient to defray the expenses. Many of the most productive mines had become, by grants from the Crown of France, private property, and it was found impossible for the Government to carry out profitably a system which it could not make exclusive. It was seen, too, that the extent of country abounding in these treasures was so immense that no possible danger of a monopoly was to be apprehended or a deficiency in the supply to the Government at reasonable prices of an important material of war to be expected. Congress therefore was induced, after the experience of many years, on the 3d of March, 1829, to direct the sale of the reserves in a mode similar to that contemplated by the bill now under consideration.

"The good effects resulting to Missouri from this law can not be doubted. The greater part of this vast mass of reserved land has become private property, subject to the taxing power of the State, and whilst their riches are now, under individual ownership, more fully developed, the manufacture of lead has greatly increased, and that article is now afforded in the market at a price far below that which it bore when the system of 'Government leases' was in full operation; and, for the reason stated, the demand and supply can never be exclusively controlled by any capitalist or company. The State has also been benefited by a great addition to the number of freeholders whose whole energies are devoted to the permanent improvement of their own property, they alone enjoying the avails of their labor bestowed upon it, subject to no deductions in the form of rent or other charges to the Federal Government. No one feels or thinks that the Nation has suffered a loss in thus selling the mineral lands of Missouri, from which such high expectations of revenue were once entertained, but all agree that mutual benefits have been the result.

"It becomes now a subject of inquiry, What is the true policy of the Government in relation to those mineral reserves in Illinois, Wisconsin, and Iowa; and what has been the effect of leasing them, as practiced for now more than 35 years? Is their value and importance as a national possession or interest now sufficiently known? Has the Nation gained anything by the system? Is it in accordance and in compliance with the duties and obligations the Government owes to that State and those Territories to persevere in the system? Are they injured or benefited by its operation? Is the right clear and unquestionable to reserve and lease public lands?

* * * * * * *

"Your committee believe that it is bad policy to introduce or continue in any State or Territory in which the public lands are any system the effect of which shall be to establish the relation of landlord and tenant between the Federal Government and our citizens. Much might be said against it, but it will occur at once to everyone as a dangerous relation and which may become so strong and so extensive as to give to that Government the power of controlling their elections and shaping all measures of municipal concern. An unjust and invidious distinction is made by it also between the farmer and the miner, the labor of the latter being taxed to the amount in value of the rent he pays, whilst both are occupying for beneficial purposes parts of the same section of land. There does not seem to be any necessity for the exercise of any such power, even if it be admitted the Government possess it, which is much questioned. Your committee refrain from going into a labored examination of this point. Whatever may be the power and the right of Congress under the second clause of the third section of the fourth article of the Constitution of the United States, whilst the country is but a Territory of the United States, 'to dispose of and make all needful rules and regulations respecting it,' the question, when raised by a sovereign State, by an equal member of the confederacy, becomes one for grave consideration and entitled to the most serious regard.

"Your committee will not enter upon the argument of it, and will dismiss it with the single remark that when the United States accepted the cession of the Northwestern Territory the acceptance was on the express condition and under a pledge to form it into distinct republican States, 'and to admit them as members of the Federal Union, having the same rights of freedom, sovereignty, and independence as the other States.' This pledge, your committee believe, would not be redeemed by merely dividing the surface into States and giving them names, but it includes a pledge to sell the lands, so that they may be settled and thus form States. No other mode of disposing of them can be regarded as a compliance with that pledge.

* * * * * * *

"Conceding the right exists to own the lands, the power, in view of these compacts to reserve them from sale, is seriously questioned. If a small quantity can be reserved, by the same power the whole domain may be, for where can the power be limited? If mineral lands can be reserved, may not arable lands likewise, and any governmental purpose, as connected with its various wants, be urged to justify the act, and thus the compacts be wholly defeated?

"But aside from considerations of this nature, however well calculated they may be to bring this whole system of reservations and leases into disfavor, at least with those who regard the plighted faith of the Nation as important to be preserved, your committee have diligently and carefully examined the subject as affecting the pecuniary interests of the United States supposed to be involved in it.

* * * * * * *

"* * * From the best information, however, which your committee can obtain they are satisfied that under the leases executed within the last 15 years the expenses of every description have nearly equaled the receipts, leaving entirely out of view the positive and irreparable injury done to the lands.

"Your committee believe it will not be considered irrelevant here to advert to the pecuniary loss the State of Illinois incurs by the system. By the compact referred to she is entitled to 5 per cent of the net proceeds of the sales of these lands, amounting in the two localities described by your committee to 389,120 acres. If sold, as they would be, with the timber and ore within and upon them, even at the minimum price of $1.25 per acre, 5 per cent of the net proceeds, amounting to near $24,000, would accrue to the State for roads and schools; and in the shape of taxes levied upon them as private property for the past 20 years, at the average rate of taxation by the State for that time, these lands thus reserved would have produced an additional sum of $136,636.90 to swell its general revenues. If these lands are deprived by the United States of all that makes them salable, then a total loss of those two items may be suffered by the State, for if they can not be sold by reason of their worthlessness, occasioned by the destruction of timber for fuel for smelting furnaces and by the exhaustion of the ore, no proceeds can at any time hereafter be derived from them, and thus a total loss is apparent and inevitable. And such, too, will be the condition of Wisconsin and Iowa when they become States, the only difference being in the greater extent of the loss.

"The Senate will perceive from the statements here submitted that the workings of this system for now near a quarter of a century have been of no great benefit to the United States, and no reasonable hope exists that it ever can be made useful or productive.

* * * * * * *

"Although it might be desirable for the United States to possess within itself a supply of lead, it is no less so that it should be independent in the articles of cotton, iron, hemp, all munitions of war, and provisions; yet no one would seriously propose to set apart from sale and settlement any portion of the public lands on which to raise or fabricate either or consent that this Government, erected in consummate wisdom for great national purposes, should be engaged in such subordinate and uncongenial pursuits. All experience shows, your committee thinks, that operations of this nature, including mining and the manufacture of lead, can with much greater propriety and with far more beneficial results be left to the free and unfettered energies of individuals, and of supplies of these kinds the Federal Government should be not the producer through numerous agents of doubtful creation and a dependent tenantry, but purchasers in the market in fair competition with all others. Now, no interest is felt by the tenant in the improvement of the property itself; he does not become fixed in his employment to any spot, is sparing of his outlays, erects no

permanent works, nor does he call in the aid of science and practical skill to overcome the obstacles which meet him in his enterprise. Make them private property, capital, science, and skill would be employed in erecting machinery and the deepest bowels of the earth explored with eagerness and profit for their hidden treasures. Subject them to the unimpeded action of individual energy, new and rich developments would be continually made, and the whole country benefited by the augmented supply at a cheaper rate which such investments would certainly produce.

"Your committee, believing that the policy of reserving mineral lands was not intended to be permanent and that all the interests of the United States as connected with them are now fully understood and appreciated, believe also that the time has arrived for terminating it, which can be now done with more benefit to the Government than at some more distant period.

"In view, then, of the great dissatisfaction manifested by that portion of our population most directly and injuriously affected by the system, so repeatedly expressed by them through their local legislatures and Representatives in Congress, so much irritated feeling produced among them by the manner in which it is carried out, so much injury resulting to them by reserving lands from sale, so that their proceeds can not be obtained for roads and schools, nor the taxing power for State purposes be made to operate on them, raising, as it does, an unjust and invidious distinction between its agricultural and mining population by taxing the labor and enterprise of the latter, making them the mere tenants of the Federal Government by depriving them of the privilege all others enjoy of becoming freeholders, and involving them in much harassing and expensive litigation, growing out of their peculiar relations to the Government, thereby producing irritated and hostile feelings toward it, and thus weakening that confidence and respect all should have in it, and bringing our citizens to regard the Government less as a protection than as an encroachment upon their rights and privileges and a bar to their prosperity, and withal a general retardation of the settlement of that portion of the Union, the whole accompanied by a real loss to the National Treasury of no small magnitude, your committee have agreed to recommend the passage of the bill.

"They do not concur with the Executive in the recommendation that 'an equitable percentage of the gross amount of the mineral product' be reserved to the Government as it is one of the leading objects of the sale of the lands to break up every branch of this system, of which the 'percentage' forms a prominent part, and to sever entirely the connection of the Government with the miner and manufacturer of lead. Nor do your committee think, from all the information they can obtain, that the settlers or miners desire or expect the preemption principle to be applied to them. The language of the petitions from the settlers, now before your committee, is very general, and only asks for the sale of the lands as other lands are sold.

* * * * * * *

"Your committee therefore report the bill to the Senate with an amendment to embrace the lands reserved in the State of Arkansas, and as thus amended recommend that it do pass."

The Committee on the Public Lands in the House of Representatives also prepared vigorous reports in favor of selling these mineral lands and in opposition to the leasing system. They are Nos. 269 and 591, dated, respectively, February 17 and May 4, 1846, in reports of committees, first session Twenty-ninth Congress, volumes 2 and 3, 1845–46. In the first of these the system is denounced as an "evil," and it is declared:

"The consequences resulting were serious losses to the United States, not only in payment of extravagant bills of costs with which she was taxed, but the result has finally shown that large portions of her mineral lands, to which there was no dispute and in which the most extensive and rich deposits of lead mineral were discovered, are rendered valueless by the superficial mining operations conducted on them and the denuding of the surrounding lands of timber necessary to smelting the ore; and at this day there are remaining (although subject to entry since 1836) unsold tracts which were among the most desirable and productive leases granted by the Government, for the reason that the superficial diggings have so far destroyed them for regular and systematic mining operations that no one is found willing to purchase them at the minimum price of the public lands; and it is doubtful whether, if the entire cost to the Government of its agencies, contingent expenses, and costs in numerous suits brought against lessees and individuals claiming under titles adverse to the Government were fully made up and shown, it would not be found to exceed the value of the rents received from the mineral lands in Missouri.

* * * * * * *

"A more serious question presents itself to the consideration of the committee regarding the right as well as policy of maintaining a system in one of the States of this Union by which so large a portion of its citizens are held as a tenantry to the General Government. For a series of years the State of Illinois has been prohibited from exercising the peculiar privilege of her sovereignty, the right of levying a tax on the soil for the support of her government.

* * * * * * *

"It is the generally received opinion of those best informed and familiar with the subject and believed by the committee that if the mineral lands of the United States are brought into market and made subject to entry as other lands, an amount of capital will be invested and a development be made of the vast mineral resources of the country that will make it independent of all foreign supplies, whether of lead, copper, zinc, or cobalt, and that this result has been kept back for many years by the policy of the Government withholding from sale her mineral lands and granting leases of a duration which could not justify the expenditure of capital necessary to be employed in labor and in the construction and application of machinery indispensable to the permanent and practical operation of mining."

The committee reported the bill favorably with amendments. The House Committee on the Public Lands was just then also engaged in examining the leasing system in its application to the copper mines of Lake Superior. In its report to the House, dated May 4, 1846, to accompany H. R. 409, it denounced the system in respect to the copper leases and said:

"In the settlement of the public lands a system should be pursued that will most readily give to the new and enterprising associations who remove to and establish themselves in the far West permanent, well-organized, and orderly society, where patriotism, thrift, and happy moral and social relations will give more strength and intrinsic wealth to the Government and country than any amount of dollars and cents which might be brought to her Treasury from the sale of her vast domain. It has been well said that 'Tenantry is unfavorable to freedom; it lays the foundation of separate orders in society, annihilates the love of country, and weakens the spirit of independence. The tenant has, in fact, no country, no hearth, no domestic altar, no household god. The freeholder, on the contrary, is the natural supporter of a free government, and it should be the policy of republics to multiply their freeholders, as it is the policy of monarchies to multiply tenants.'

"In the disposition of the mineral lands it seems to the committee the only consideration for the Government should be to obtain a fair and just equivalent for those valuable mineral deposits, and leave to private enterprise the development of those vast and rich productions of nature and make them subservient to the wants and necessities of this country, and perhaps produce a surplus for the use of other portions of the world."

In answer to the general demand of the country the Congress, on July 11, 1846, passed an act ordering "the reserved lead mines and contiguous lands in the States of Illinois and Arkansas and the Territories of Wisconsin and Iowa to be exposed to sale, as other public lands," upon six months' notice, and on March 1, 1847, the copper mines of Lake Superior were also ordered to be sold on the same notice.

Thus for 40 years—from 1807 to 1847—a national mineral-land leasing system retarded the development of the Mississippi Northwest; provoked disorder, litigation, and contempt for the national authority; resulted in financial loss to the Nation and to those engaged in settling that region; prevented settlement, hindered development, retarded enterprise, and established and maintained a foreign system of national landlord and tenant under the control of officers of the United States Army. Finally it failed, as all such attempts must fail, because under a government of the people, by the people, for the people, no bureaucratic system of landlordism over the public lands can long keep a vigorous, intelligent, and independent mining population upon the Government domain as mere tenants. They "own it," and will not meekly work as tenants on their own property, for they will own it in law and in fact as well as in theory.

THE FREE WESTERN MINERAL-LAND SYSTEM, 1849–1911.

The discovery of gold on the public lands of California in 1849 and the recent repeal of the mineral-land leasing laws in 1847 drew the attention of the public men of that day to the importance and necessity of establishing a permanent and satisfactory plan for the development of the mineral resources of the country. In his report, dated December 3, 1849, the Secretary of the Interior, Hon. Thomas Ewing, called the attention of Congress to the recent discovery of gold in California and said of the proposed legislation for disposing of the mines of that region:

"The right to the mines of precious metals, which, by the laws of Spain, remained in the Crown, is believed to have been also retained by Mexico while she was sovereign of the territory and to have passed by her transfer to the United States. It is a right in the sovereign of the soil as perfect as if it had been expressly reserved in the body of the grant; and it will rest with Congress to determine whether in those cases where land duly granted contain gold this right shall be asserted or relinquished. If relinquished, it will require an express law to effect the object, and if retained legislation will be necessary to provide a mode by which it shall be exercised. * * * It would be better, in my opinion, to transfer them by sale or lease, reserving a part of the gold collected as rent or seigniorage."

President Fillmore, however, had evolved clearer ideas and had utterly abandoned the leasing and royalty theory. In his annual message to Congress of December 2, 1849, he recommended:

"I also beg leave to call your attention to the propriety of extending at an early day our system of land laws, with such modifications as may be necessary, over the State of California and the Territories of Utah and New Mexico. The mineral lands of California will, of course, form an exception to any general system which may be adopted. Various methods of disposing of them have been suggested. I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the Government and to afford the best security against monopolies, but further reflection and our experience in leasing the lead mines and selling lands upon credit have brought my mind to the conclusion that there would be great difficulty in collecting the rents and that the relation of debtor and creditor between the citizens and the Government would be attended with many mischievous consequences. I therefore recommend that instead of retaining the mineral lands under the permanent control of the Government they be divided into small parcels and sold, under such restrictions as to quantity and time as will insure the best price and guard most effectually against combinations of capitalists to obtain monopolies."

It thus came about, through a process of legislative evolution and the borrowing of ideas from the Spanish system coming to us with the Mexican territories, that the "common law of the mines" was created by the miners of California. The substance thereof was written into the California practice act in 1851 by Stephen J. Field, who later, as a justice of the Supreme Court of the United States, expounded and gave life to the great mining statutes based thereon. It was not until July 26, 1866, however, that Congress gave national recognition to the system which had prevailed in California since 1849.

The first section of the act of 1866, as amended by the act of May 10, 1872, and made section 2319, United States Revised Statutes, 1878, is in the following language:

"SEC. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States."

In his valuable treatise on The American Law Relating to Mines and Mineral Lands within the Public Land States and Territories, Judge Lindley says (sec. 55, vol. 1) of section 2319:

"By the first of these provisions the Government, for the first time in its history, inaugurated a fixed and definite legislative policy with reference to its mineral lands. It forever abandoned the idea of exacting royalties on the products of the mines, and gave free license to all its citizens, and those who had declared their intention to become such, to search for the precious and economic minerals in the public domain, and, when found, gave the assurance of at least some measure of security in possession and right of enjoyment. What had theretofore been technically a trespass became thenceforward a licensed privilege, untrammeled by governmental surveillance or the exaction of burdensome conditions. Such conditions as were imposed were no more onerous than those which the miners had imposed upon themselves by their local systems. That such a declaration of governmental policy stimulated and encouraged the development of the mining industry in the West is a matter of public history."

Upon the power of the Government to conduct the business of mining upon the public lands, the author says:

"Mines in the United States are not ranked as the property of society, the working of which is to be confided to the Federal Government. Mining with us is not a 'public utility.' It is simply a private industry, to be fostered and encouraged as all other economic industries are fostered and encouraged; but the exploitation and development of mines are no more governmental functions than is the cultivation of the soil or the business of manufacturing. The United States is the paramount proprietor of the public mineral lands, holding them not as an attribute of sovereignty, but as property acquired by cession and purchase."

The Supreme Court of the United States has traced the evolution and establishment of the western system and the disappearance of the old kingly claim of royalty in a most interesting way in the case of Mining Co. v. Consolidated Mining Co. (102 U. S., 167, 172), as follows:

"Very soon after the conquest of California and its cession to the United States by Mexico it was found to be rich in the precious metals, and such was the rapid influx of immigrants from the Eastern States that the California population at the time it was organized as a State in 1850 was largely composed of mining camps and settlements engaged in mining these metals. As nearly all those mines were discovered on land the title of which was vested by the treaty in the Government of the United States, it became important to determine what course the Government would take with regard to this new source of untold wealth. The Spanish Government, to which this territory and much other rich in precious metals had once belonged, had instituted a system of laws concerning her mines by which private enterprise was invited to develop them and a revenue secured at the same time to the Crown, which made Spain for a time the richest of the civilized Governments of the world. This system Mexico had inherited and perpetuated, and there were many American statesmen who believed that with the territory we had acquired the laws which governed the production of gold from the earth. Others believed that, whether this were so or not, it would be a wise policy for the Government to secure to itself a fair proportion of the metal produced from its own ground. But, while Congress delayed and hesitated to act, the swarm of enterprising and industrious citizens filled the country, and before a State could be organized had become its dominating element, with wealth and numbers and claims which demanded consideration.

"Matters remained in this condition with slight exception until July 26, 1866, when Congress passed a law by which title to mineral land might be acquired from the Government at nominal prices, and by which the idea of a royalty upon the product of the mines was forever relinquished. (14 Stat., 251.)"

Notwithstanding the conclusion of the court that "the idea of a royalty on the product of the mines was forever relinquished" by the United States, it is now proposed in these Alaska coal-land leasing bills to reestablish it on a broader and more dangerous scale. The fact that under that false system the public domain was for 40 years, from 1807 to 1847, a menace to the prosperity and development of the West is forgotten. Congress ought to remember, however, even if it forgets the earlier national failure, that under the California system of disposing of the mineral lands in small tracts to bona fide working miners great wealth and success came to the miners and to the Nation. With the aid and encouragement given to the miners by the California system, under which each miner is an owner, urged by individual enterprise and hope, with opportunity to secure wealth for himself and his family, these workingmen of the West have extracted immense riches from the earth, built homes, established schools, colleges, churches, and a high civilization in the waste places; erected a thousand cities, and in 60 years created a score of sovereign States in the American Union. No such success has ever attended the labors of man before; no nation ever gained so much with so much honor and happiness in so short a time; and the system which enabled it to be accomplished is too sacred to destroy overnight for a mere political advantage.

THE FREE WESTERN LAND SYSTEM IN ALASKA.

The United States coal-land laws were an outgrowth of the western system and in line with the plan to sell small tracts of mineral lands to applicants who might use the same in the development of the country. The first of these statutes was passed on July 1, 1864. Prior thereto coal on the public domain had been disposed of under other general laws for the sale of public lands, even agricultural lands, without considering the presence of the coal.

The coal lands in Pennsylvania, Virginia, and the other States constituting the original 13 States never belonged to the United States, but were disposed of by the Crown prior to the Revolution or by the States thereafter. While much complaint has been heard in the United States about coal monopoly and combinations and excessive prices to the consumer, they have generally arisen from or in connection with coal combinations by or with the transportation companies in Pennsylvania and West Virginia. There has been but little complaint and but little justification for criticism against the western system of selling one small tract to each applicant, with a strict prohibition against acquiring another. There would be still less if the laws were faithfully executed.

The States of Illinois and Missouri fought valiantly for 25 years to dislodge from their shoulders this leasing burden, and now some of their Representatives, ignoring that long and severe lesson, are trying to inflict that false and repudiated policy upon us, your brothers, who have gone out into that wilderness and are striving against desperate odds to build great States. Colorado is filled with Illinoisans and Missourians. I am a native son of Illinois myself, and I feel like saying to each of my colleagues from those States, "Et tu, Brute!"

I have received a great many protests, petitions, and resolutions against these leasing bills from the business organizations, county commissioners, and citizens generally of our State. I will not give them because my statements herein voice the substance of their objections. But I will insert merely as a sample one from the Commercial Club of Rio Blanco County, as a fair illustration of the way this theoretical conservation affects and will affect the development of the 30 counties in which those resources are located.

RESOLUTIONS.

At a regular meeting of the Rio Blanco County Commercial Club held at Meeker, Rio Blanco County, Colo., on the 6th day of April, 1914, the following resolutions were adopted, to wit:

Whereas there are now pending in Congress certain bills for the leasing of the public lands; and

Whereas it appears from the CONGRESSIONAL RECORD that many able and fair-minded Representatives and Senators have very limited knowledge of western conditions:

*Resolved*, That a plain statement of facts and conditions in this county that have a bearing on the leasing question be made, and that we make earnest protest against the leasing of any class of lands whatever and in any form, the statement of facts and conditions in this county being as follows:

This country has an area of 2,067,000 acres, of which 312,000 acres are withdrawn in the White River National Forest, about 85,000 acres are withdrawn as oil lands, 200,000 acres of coal lands have been practically withdrawn by the action of the Interior Department in placing thereon values several times as great as patented coal lands adjoining can be bought for; about 40,000 acres of carnotite lands are now sought to be withdrawn by Congress, and subdivisions of lands that lie here and there along White River for a length of more than 100 miles intersecting or jutting into the patented lands have been withdrawn for power sites, these sites being useless for power sites or purposes other than to hold narrow parcels of land over which the ditch or pipe line would have to be carried, presumably so that the Government could control the building of such power plants.

The cost of maintaining our county government is great because by the shortest public roads it is 80 miles to the farthest western settlement in this county from Meeker, the county seat, and more than 100 miles from Meeker to the most easterly settlement.

To support this county we have the following patented lands: Irrigated lands, 21,359 acres; grazing lands, 91,792 acres; natural hay lands, 2,018 acres; and coal lands, 4,149 acres. Our nearest railroad is 45 miles distant.

The people of this county, including many members of this commercial club, were the real initiators of the conservation movement, having in 1889 petitioned the President through the medium of Thomas A. Carter, Commissioner of the General Land Office, who indorsed our petition, to set aside the forests of this county for a park or forest reserve. This was the first national forest created under the act of 1891, if we except a small addition to the Wyoming National Park. Our petition described the bounds of the forest, but the Interior Department, on the advice of men who were practically strangers to this county, saw fit to extend the boundaries to include more than 100,000 acres of good farm lands, about one-half of that increase being in this county, including one tract of 20,000 acres on which there was nothing but sagebrush and which to-day produces more revenue for this county than the 312,000 acres of forest-reserve lands. It took six years of struggle to get this tract eliminated. One agent sent here by the Interior Department in 1893 or 1894 informed us that it should be retained within the forest lands as a winter feeding ground for deer. The same argument was advanced by Forester Pinchot at a later time, when he sent an inspector from Washington, D. C., to report on the advisability of adding to the forest the lands south of White River from the forest to the Utah line, a distance of 70 miles, all of the land being nontimber lands. When the agent reported that it was not forest land Mr. Pinchot asked for a second report by a local officer.

We would call the attention of our Congressmen and Senators to the fact that a system of espionage has for years been maintained by the Forest Service, acting under instructions from Washington, we are informed; this espionage is kept more especially over the actions of those who have filed on land which has been eliminated from the reserve and which land is no longer under the jurisdiction of the Forest Service. One duty of the rangers in winter has been to count the horses and cattle that are pastured and fed on homesteads, even on patented land. Most homesteaders are poor men, but a poor man has little chance to secure a homestead within the reserve. Applications are usually held up for about one year before an applicant can file. He is given a permit to use the land until such time as the department acts upon his application. Even if he settles at once under the permit he gets no credit for residence that year, the Land Office requiring three years' residence from date of filing on the land before the United States land office at Glenwood Springs, Colo. The best of the forest lands are being rapidly leased to the wealthy cattlemen, and the better class of homeseekers will not try to get land inside an inclosure, even if permitted by law to do so. Ordinarily farmers can not afford to fence pastures for their small herds, so in time all the reserve or all the best portion will be controlled by the big cattle outfits.

Leasing of coal, radium, and grazing lands are more to be avoided than leases on the forest reserves, yet we call attention to wrongs suffered through having these lands controlled from Washington, where the best informed know but little of the actual situation.

All leases help the rich man and keep the poor man down.

We well remember when a convention was called to outline a lease law. All the parties invited to attend this convention from the West were members of an association of cattle barons, who formed that association for the purpose of getting the Government to lease the public range. The shibboleth of each member of the convention was, "Let the poor man have first choice." It was Hobson's choice, though. They gave him a chance to take 160 acres adjoining his home, the land along the foothills being usually worthless for grazing; but the highlands that produce luxuriant grass were left for the big cattlemen. The withdrawal of oil gives a monopoly to the oil kings of to-day. Withdraw the coal, and you add millions to the pockets of many big corporations. Lumber, in this town, has been increased in price $8 per 1,000 feet. This increase is not measured by the higher charge of the Government per 1,000 feet. For example, a millman here was instructed by the forest ranger in charge to pile all brush in a certain spot. After the brush was piled, then came a higher man from the outside and ordered all the brush to be removed to another place before burning. The people of Rio Blanco County pay for these extras.

Our greatest values lie in our coal deposits, which are immense. Without these assets we have a sorry future before us.

All forms of leasing keep out immigration to the West. The course of the Government in taking from the people their coal, their so-called grazing lands, their radium, and their oil, and in taking from the people of Colorado the water that falls on their lands, to be given to Mexicans, is making the United States a land of aristocrats and peasants.

The amount of income received by this county from 312,000 acres of forest land is not one-half so large as it receives from certain indi-

vidual taxpayers owning only a small acreage. Leasers never build up a country

One serious trouble in getting justice is that conservationists are theorists and not practicable.

All the oil lands and the radium lands of this country were discovered by prospectors. United States geologists are poor prospectors. We spent thousands of dollars in proving the oil lands of this county, but as soon as proved to be an oil territory they asked the President to withdraw the lands. Our asphaltum lands were discovered and developed by home people and United States geologists are only familiar with the size of such veins of coal as have been opened and patented by home people. If the radium deposits are left open to prospectors this county will make that element a "drug on the market."

Our people still remember the fact that multimillionaire lumbermen were charter members of the conservation league, and that they made millions by the timberland withdrawals. Our citizens were in favor of such withdrawal but never expected this Government to help build up a monopoly. We thought prices of lumber would be kept to the lowest limit.

Outside the forest every half section of land (the so-called grazing lands) remaining open to settlement contains tillable tracts aggregating 40 to 60 acres, and if not withdrawn will soon all be taken by home seekers who, by cultivation of these tracts, will raise more feed and consequently more cattle on 320 acres than will ever be raised by leasers on 2,000 acres of the same lands. Moreover, owners of such lands will make permanent improvements.

We are especially opposed to lease moneys being handled by the Reclamation Service, believing them to be more wasteful than any other branch of the Government. We are well aware that department officials do not like criticism of their rulings and that in some cases precedent and pride prevents many of them from righting a wrong. Our former protests have always been mild and formal so as not to offend. The present danger to this community is too great to do less than lay bare the facts no matter whom it burts. The people of Rio Blanco County are a unit against the withdrawal of coal, oil, and radium lands. We are nearly so as to grazing lands, the only exceptions being a few big cattlemen and a few others who already have pastures fenced.

*Resolved*, That a copy of these resolutions be sent to Hon. EDWARD T. TAYLOR and Hon. JOHN F. SHAFROTH, at Washington, D. C.

RIO BLANCO COUNTY COMMERCIAL CLUB,
By W. S. MONTGOMERY, *President*.
W. D. SIMMS, *Secretary*.

Mr. FERRIS. Mr. Chairman, I yield to the gentleman from California [Mr. RAKER] such time as he may desire within the time at my disposal.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I will withdraw the demand.

The CHAIRMAN. The point of order is withdrawn.

[Mr. RAKER addressed the committee. See Appendix.]

Mr. LENROOT. Mr. Chairman, I yield to the gentleman from Washington [Mr. JOHNSON].

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. THOMSON of Illinois. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, day before yesterday, when the gentleman from Illinois [Mr. THOMSON] was talking, he made this statement, among others:

> It is difficult to find any valid claim for any of our States of the West to the public lands within their boundaries when we remember that, excepting the State of Texas, all the land west of the Mississippi River was bought and paid for by the Federal Government before most of the Western States were occupied by white men. These lands cost the Government a total of nearly three-fourths of a billion dollars. Not a dollar of this money was paid by any one of the States. It came out of the Treasury of the United States, money obtained from taxation of all the people.

Now, I want to call the attention of the committee for a moment to that statement. That is a statement we hear here a great many times. The only trouble with that statement is that it is not correct. I want the gentleman from Illinois to know, and the gentlemen of this committee, that the Oregon country, comprising Washington, Oregon, part of Montana and Idaho, never cost this Government one penny. They came to us by right of discovery. The first settlers in that country came to Washington and besought the General Government to aid them in holding it from the aggressions of the English. The settlers of that country saved the great Oregon region and gave it to the Government and it has never cost this Nation one penny, and I wish the gentleman from Illinois would remember this fact. The Oregon country is the only part of the United States over which there never floated any flag but the Stars and Stripes. [Applause.]

We have the distinction of being the only section of this great Nation that never recognized a foreign flag. Now, just one other thought while I am on my feet. Some gentlemen to-day seem to be greatly shocked by the statement that the policy of conservation was a failure. I can not speak of the other States, but so far as the State of Washington is concerned it is an absolute failure. It has benefited no one but a few silviculturists, I believe they call them; these young college graduates who wander around over the forests annoying people and drawing their salaries. It has not benefited another human being. For every dollar's worth of timber that has been cut off the forests in my State it has cost this Nation two dollars. They have not succeeded in cutting one cent's worth of timber per acre a year off the forests in the great State of Washington, the greatest upon the face of the earth. In 16 years we have received from the Forest Service the magnificent sum of $140,000 to take the place of taxes. If we had taxed that timber in the forest reserves at the same rate we taxed private timber, we would have received between five and seven million dollars a year.

That is what it has been costing the State of Washington to have conservation in regard to the forests. We have in the States of Washington and Oregon a domain half as large as the German Empire, upon which a man is not even permitted to cut a fishing pole without first going down to Portland, Oreg., 200 miles away, to get the permit of some gentleman who has been appointed by the bureau to preside over that great domain, he having more absolute authority than did the German Kaiser over his Empire before this war commenced.

I have been trying to get the Forest Service to sell some of this timber, and they tell me that they are making progress, and they are very proud of the results that they have had during the last year. During the last year they have done better than ever before; they are making progress; and if they continue at the present rate, if they continue doing as well in the future as they have done in the last year, they will cut once over the forests of Washington in a little more than 15,000 years. [Laughter.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. LENROOT. Mr. Chairman, I shall take only a few minutes of the time remaining to this side. This is the last of the great conservation bills reported from the Committee on the Public Lands, and I believe at this time it is proper and just to say that too much credit can not be given to the chairman of the committee, the gentleman from Oklahoma [Mr. FERRIS], for the energy, the ability, and the tact which he has displayed in the handling of these bills, both in the committee and upon the floor of the House. [Applause.]

When this session of Congress opened the first great bill to be considered was one upon which the gentleman from Oklahoma and myself had very sharp differences of opinion, namely, the Alaska railway bill, which I considered a conservation measure; and in view of that fact I think that I ought to say that I believe conservation has had no better friend in this Congress upon these great measures that we have recently considered than the gentleman from Oklahoma. [Applause.]

Another matter of congratulation, Mr. Chairman, is the fact that in the consideration of these bills there has been no matter of party politics involved. Both in the committee and in the House the votes upon the bills already passed were practically unanimous, and the vote upon this bill will also be practically unanimous.

I regret to say that upon both sides of the aisle there are a few gentlemen, like my friend from Colorado [Mr. TAYLOR], on that side, and my friend from Washington [Mr. JOHNSON], on this side, who are absolutely unreconciled to any measure that will not turn over to the various States all of the public lands that are now contained in them. The gentleman from Colorado [Mr. TAYLOR] a few moments ago took the gentleman from Illinois [Mr. THOMSON] to task somewhat for assuming to discuss these measures because he had never visited a forest reserve and was not acquainted with conditions in the public-land States.

Mr. Chairman, it has been my privilege to visit the gentleman's State. It has been my privilege to ride horseback through many of the forest reserves there. It has been my privilege to visit mining towns of Colorado—mining towns where the Colorado Iron & Fuel Co. own the coal lands under private ownership, such as the gentleman would have all the remaining lands there placed under; and in those towns that I visited, Mr. Chairman, a citizen of Colorado or the United States could not buy a foot of land upon which to build a home. The Federal post office was upon the private land of the Colorado Iron & Fuel Co., and people had no right to visit the post office without trespassing upon those private lands. Would the gentleman prefer such a condition as that to the United States Government being the owner of the public lands and the Colorado Iron & Fuel Co. being a tenant, if you please, of the Government, and subject to such restrictions as the gentleman from Colorado himself would have an opportunity to participate in making?

More than that, much has been said concerning the matter of taxation and the denial to these States of taxes to which they are entitled. Again referring to the Colorado Iron & Fuel Co., they do pay some taxes, it is true, to the State

of Colorado upon their lands; but if those lands were under lease, the State of Colorado would receive under this bill one-half of the proceeds of those royalties, and in addition the State of Colorado could tax the output—every ton of coal mined by the Colorado Iron & Fuel Co.—in such sums as its legislature in its wisdom might choose to impose.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONDELL. Is the gentleman sure—quite sure—as a legal proposition that the State can tax the output of these leased mines?

Mr. LENROOT. I am absolutely certain.

Mr. MONDELL. Has the gentleman investigated that matter?

Mr. LENROOT. The gentleman has.

Mr. MONDELL. I would be glad if the gentleman would place in the RECORD any decisions which he thinks clearly demonstrate that that is the situation. It is a very important matter.

Mr. LENROOT. The gentleman can not place any decisions in the RECORD upon that subject, because it is so elementary that no lawyer would ever think of bringing an action in any court to test that question.

Mr. MONDELL. Will the gentleman yield for a further question?

Mr. LENROOT. Yes.

Mr. MONDELL. I will say that it is a matter of great interest to us, and I have inquired of a number of men who are said, at least, to be lawyers, they having practiced for many years before many of the courts, and a number of them have expressed grave doubts in the matter.

Mr. LENROOT. I will state to the gentleman the basis. When coal is separated from the public land it becomes personal property and it belongs to the lessee and is subject to taxation just the same as any other personal property.

Mr. MONDELL. I am glad to have the gentleman's opinion, and I hope the gentleman is right, because that is our only hope under this legislation.

Mr. LENROOT. Now, just one other observation, and then I shall conclude, Mr. Chairman. These gentlemen, particularly the gentleman from Colorado [Mr. TAYLOR], insist that we should give to these public-land States the absolute right to control these matters as they see fit. They say they can control them better than a bureaucracy, as they term it, away off here in Washington.

Mr. Chairman, within the last few months we have had a little demonstration of how successful Colorado has been in controlling coal lands under private ownership there. The State of Colorado has absolute power to control the situation with reference to the Colorado Iron & Fuel Co., but within the last three or four months, unable to control it, the State of Colorado called upon the United States Government to send United States troops into that State, and they were sent there.

Mr. COOPER. And they are there now.

Mr. LENROOT. And they are there to-day. They would not have been there if it had not been for the policy of putting these coal lands under private ownership. In that connection, Gov. Ammon, the governor of the gentleman's State of Colorado, testified before our committee that to-day one company in that State owns 80,000 acres of coal land. Would the gentleman give them the rest of it, and does the gentleman think that the people of Colorado or the people of the United States would be better off if they had it?

Mr. TAYLOR of Colorado. Will the gentleman permit an interruption?

Mr. LENROOT. Yes.

Mr. TAYLOR of Colorado. If the gentleman will read the testimony, he will find that nearly all of that land came from Federal grants. It did not come from State grants.

Mr. LENROOT. It came from Federal grants, yes; granting to private owners the title to coal land, which we propose to do no longer. [Applause.]

The CHAIRMAN. The Clerk will proceed with the reading of the bill under the five-minute rule.

The Clerk read as follows:

*Be it enacted, etc.*, That deposits of coal, phosphate, oil, gas, potassium, or sodium owned by the United States, including those in national forests, but excluding those in national parks, military or other reservations, wherever the purpose or usefulness of which would, in the opinion of the Secretary of the Interior, be destroyed by occupation, use, or development under the provisions of this act, shall be subject to disposition in the form and manner provided by this act to citizens of the United States, or to those who have declared their intention to become such, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, or gas, to municipalities.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment to offer at this point.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 5, after the word "forests" insert the words "and Indian reservations."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. STAFFORD. Some of us would like to discuss that amendment.

Mr. FOSTER. That is a very important amendment. We ought to have a little opportunity to discuss it.

Mr. STAFFORD. Especially with this large assemblage here, we ought to have plenty of time.

The CHAIRMAN. Does the gentleman from Texas [Mr. STEPHENS] desire to be heard on his amendment?

Mr. STEPHENS of Texas. I desire to speak on the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. STEPHENS of Texas. Mr. Chairman, there are in the United States many Indian reservations, some of which are known to contain valuable deposits of coal, phosphates, oil, gas, potassium, or sodium, and I desire that the Indian lands shall be disposed of and these valuable deposits used in the same way and under the same law and under the same administration as is provided for in this bill for the public domain.

Mr. STAFFORD. Will the gentleman yield?

Mr. STEPHENS of Texas. I will.

Mr. STAFFORD. The gentleman is recognized as an authority on matters pertaining to Indian affairs. I should like to ask the gentleman, as chairman of the Committee on Indian Affairs, whether the committee have taken any action on this proposition and have authorized him to report this amendment?

Mr. STEPHENS of Texas. A bill very similar to this passed a short time ago. I have not the bill before me. It passed the House and is now in the Senate. It is a bill relative to this same matter——

Mr. STAFFORD. Authorizing——

Mr. STEPHENS of Texas. Authorizing the Secretary of the Interior, under such rules and regulations as he may prescribe, to dispose of minerals on Indian reservations—unallotted lands.

Mr. STAFFORD. But under that bill the funds resulting from the use of those mineral lands on Indian reservations would go to the benefit of the Indians, but under the provision of this bill they would go to the benefit of the Reclamation Service and not to the benefit of the Indians.

Mr. STEPHENS of Texas. The gentleman is correct; but if the gentleman will permit me to explain further, I will read another amendment to follow this at the end of line 21 on page 23. That section provides how the royalties and rentals under this act shall be disposed of, and this amendment comes at the end of that section. That amendment is as follows:

*Provided*, That the proceeds from the lease of any lands included in an Indian reservation shall be covered into the Treasury to the credit of the tribe on whose reservation the leased land is located and the proceeds derived from the lease of lands allotted to any Indian shall be paid to such Indian under such regulations as the Secretary of the Interior may prescribe.

That amendment was drafted by the department, and is in harmony with the rest of the bill.

Mr. STAFFORD. You are adopting two different standards then for the use of the funds resulting from the exploitation of these mineral lands; one rule as to public lands in general and another rule for the Indian lands?

Mr. STEPHENS of Texas. That is correct. The gentleman understands that the Indians own those lands, and that they should have the proceeds.

Mr. STAFFORD. That is one reason why I strenuously opposed incorporating Indian reservations in the water-power bill that recently passed the House, because I regarded the water powers as belonging to the Indians and not to the general public.

Mr. STEPHENS of Texas. The gentleman is correct, and I hope there will be no objection to the amendment.

Mr. STAFFORD. There was objection to the policy.

Mr. FERRIS. Mr. Chairman, the committee has no objection to this amendment. It puts the matter into the hands of the Secretary of the Interior, to be subject to such rules and regulations as he may prescribe. The gentleman intends to offer a further amendment, giving the proceeds to the Indians, and I think no one should object to that.

Mr. MONDELL. Mr. Chairman, I desire to be heard in opposition to the amendment of the gentleman from Texas.



XUM

Mr. FERRIS. I ask unanimous consent to close debate at the end of 10 minutes.

Mr. STAFFORD. I shall have to object to that.

Mr. FERRIS. How much time does the gentleman want?

Mr. STAFFORD. I do not think it advisable to close debate now.

Mr. FERRIS. How much time does the gentleman want?

Mr. STAFFORD. There are gentlemen who will want to occupy about 25 minutes.

Mr. JOHNSON of Washington. I have the largest Indian reservation and the largest forest reserve with oil on them, and I think I ought to have a little time.

Mr. FERRIS. I ask unanimous consent that at the expiration of 30 minutes debate shall close on this amendment.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this amendment close in 30 minutes. Is there objection?

Mr. DONOVAN. Mr. Chairman, I am going to object unless you allow the other side to have all of the 30 minutes. They have been in the habit of getting all the time, and unless we give it all to them I shall object.

Mr. STAFFORD. There was no limitation as to who should use the time.

Mr. DONOVAN. There is so much partiality shown here that I am going to insist on the time being entirely given to that side. They have had three-quarters of the time on every matter that came up here. If you will examine the CONGRESSIONAL RECORD, you will see that they have had more than three-quarters of the time.

Mr. MONDELL. That is because they know something about the subject.

Mr. FERRIS. I am willing to yield to them as long as they tell us anything.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that debate on this amendment close in 10 minutes. Is there objection?

Mr. DONOVAN. Reserving the right to object, Mr. Chairman, is the other side going to have all this 30 minutes? Is the chairman willing to agree to that?

Mr. RAKER. The amendment will be adopted anyway, so what is the use?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Chairman, the Chinese gong from Connecticut having ceased its clamor, I will proceed.

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Under the rule the remarks or speech, or whatever you have a mind to call it, must be confined to the subject matter. The gentleman from Washington is out of order.

The CHAIRMAN. The gentleman from Washington will proceed in order.

Mr. DONOVAN. I do not mind if he wishes to digress if I can have the same amount of time. I will divide the time with him.

Mr. HUMPHREY of Washington. The gentleman is very kind to give us all the time and then use it up himself. Mr. Chairman, what I desired to speak about was in regard to the statement made by the gentleman from Wisconsin [Mr. LENROOT]. I thought I was going to be recognized to follow him. The gentleman took occasion to criticize the State of Colorado, and pointed to that situation as an illustration of how much better Government control would be for the western country. I am not going to defend Colorado, for that State has Representatives on the floor able to do that. I could not help but think of some things the Government has done with the public lands. I will give gentlemen an illustration in my own State. The Northern Pacific Railroad owned about 450,000 acres of barren mountain tops covered with snow and ice in my State. A Government bureau discovered that fact, and these 450,000 acres were placed in a forest reserve, and then the railroad selected, acre for acre, for these barren mountain tops 450,000 acres containing some of the best timberland in the country, worth, some of it, $200 an acre.

Mr. LEVER. Will the gentleman state when that was?

Mr. HUMPHREY of Washington. It was soon after Gifford Pinchot went into the Government service. That 450,000 acres that was practically given to the railroad for nothing was then sold, in a large part, to the Weyerhausers for the sum of something like $2.50 an acre and constituted the foundation of their great holdings in the West. You can trace it back to the Government bureau.

Then down in California there was a private company that had 65,000 acres of land which they wanted to exchange for public lands. So this same plan was gone through with. They came down here, saw a certain official, and had it placed in a forest reserve. Then the Government bureau assisted them, and Gifford Pinchot wrote a letter recommending that they be permitted to take 65,000 acres, to select it anywhere in the public domain outside of timberland, and it was done, and they got land worth $5 to $25 an acre in exchange for land that was worth 25 cents an acre.

That is the way the Government has been running the public-land business for the benefit of the people. Then down in Arizona the Santa Fe Railroad had 1,200,000 acres of land, inhabited by coyotes and horned toads, worth, according to their own estimate, 10 to 15 cents an acre. A Government bureau discovered that fact. Paul Morton at that time was influential not only in railroad but in Government circles. The Government bureau recommended that that worthless land be placed in a forest reserve. It was done, and immediately thereafter a Government bureau recommended that the railroad be permitted to select 1,200,000 acres of land anywhere in the public domain for that worthless land, and it was done; they got 52,000 acres in my State that I have been able to trace, and it is worth to-day ten times as much as the whole 1,200,000 acres of land that went into the forest reserve. On some of it the Bureau of Corporations says the timber alone is worth more than $200 an acre. That is the way the bureau conserved the public land for the benefit of the people.

Mr. LENROOT. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. LENROOT. Can the gentleman point to anything of that kind that has been done from the time Mr. Fisher entered Mr. Taft's Cabinet down to the present time?

Mr. HUMPHREY of Washington. No; because it was almost all gone at that time. However, I have been told that similar transactions did take place under Secretary Fisher; that this lieu-land selection continued and is being carried on to this day. Again I call attention to the fact that under Mr. Gifford Pinchot, after he became head of the Forestry Service, the Northern Pacific Railroad had 240,000 acres in Montana worth comparatively little, having but little timber upon it. But Mr. Pinchot recommended that that worthless land be included in certain forest reserves—the same old plan. After that Mr. Pinchot recommended that the railroad be permitted to have 240,000 acres in exchange, the best land in the West, and they got it. Mr. Pinchot recommended this exchange in spite of the protest of a very able Member of this House. If the gentleman can point out any more infamous steal of the public domain that has taken place under the control of these bureaus, he will be performing a great public duty. I want him to stand up and defend those infamous transactions. How did it happen that this gigantic steal of millions of acres took place and was never discovered by these great friends of the people? Where were they? Why did they not protest?

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MONDELL. Mr. Chairman——

Mr. TAYLOR of Colorado. Mr. Chairman, I would like to ask the gentleman from Washington whether he has kept track of the proceedings in putting all the worthless land in forest reserves in the Appalachian and White Mountain Ranges?

Mr. HUMPHREY of Washington. I want to say that I have been told by one of the chief officers in the Interior Department within the last few weeks that this exchange of railroad lands in forest reserves for better land outside is going on now. I tried to get some investigation to find out whether it was true or not, but you can not investigate anything in relation to a forest reserve in this Congress. Conservation is sacred. Any frauds committed in that holy name is good and righteous altogether.

Mr. TAYLOR of Colorado. Has the gentleman introduced one?

Mr. HUMPHREY of Washington. I have.

Mr. LEVER. I think the gentleman had a resolution passed through here investigating the very transactions that he is talking about.

Mr. HUMPHREY of Washington. No; the gentleman is mistaken. The transaction that he is talking about is the publicity bureau.

Mr. TAYLOR of Colorado. Will the gentleman yield further?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Colorado?

Mr. MONDELL. Oh, I did not understand that all of this was out of my time.

The CHAIRMAN. Oh, yes. The time of the gentleman from Washington expired some time ago.

Mr. MONDELL. Mr. Chairman, I do not believe when the chairman of this committee comes to think about it that he will want to accept this amendment. This bill was drafted with regard to the public lands, with no reference whatever to any Indian reservations. There is nothing in it that was drafted to fit the peculiar conditions surrounding Indian lands. For instance, in the matter of leases the Secretary is to advertise. He is to grant leases under advertisements. The Secretary should, in all Indian leases, take into consideration the views and desires of the Indians. This would give authority to ignore them. Further than that, there is a provision in the bill with regard to extra lands outside of the leased land. The Congress does not want to make that kind of a provision with regard to Indian reservations. There is a provision in the bill for rights of way outside and across leased lands. It is questionable whether we should give the Secretary that sort of authority over an Indian reservation.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Did not the Supreme Court decide in the Lone Wolf case two years ago that Congress had full control over these Indian matters; that they were the wards of the Government, and that the act of Congress was final?

Mr. MONDELL. I am not denying the control of Congress; but when one of the committees of Congress draws a bill of 32 sections applying to the public land, with no thought of an Indian reservation, taking into consideration the wide differences in our treaties with reference to those reservations, and after it is all done an amendment applying it to Indian reservations, without examining the effect of the other provisions of the bill upon the Indians, I do not think we are doing the wise thing to adopt it; nor is there any necessity for it.

I know of no Indian reservation where there is any necessity for leasing coal, where there is not already a legislative provision for leasing the coal at this time, and quite sufficient legislative provision. If the gentleman's committee next winter, after carefully considering the matter, concludes that it should draft a bill bringing Indian reservations under this act, and the committee reports such a bill, I am sure that I shall be very glad to follow the committee. I have in mind quite a number of provisions of this bill which would not work well, would not be practicable as applied to Indian lands, and that are entirely proper so far as the general public domain is concerned. This is a bill covering quite enough territory, and with quite enough problems in it, when you apply it to the sixty-five millions, it is estimated, of coal area of the country, without applying it to reservations.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. Does the gentleman think that under the proposed amendment of the gentleman from Texas it would apply to any Indian land at all?

Mr. MONDELL. I could not hear it. I assumed that the gentleman's amendment would have the effect that he intended.

Mr. LENROOT. I think it fails in that purpose.

Mr. MONDELL. Of course, if it would not have such effect it is entirely harmless.

Mr. NORTON. Mr. Chairman, I trust that this amendment will prevail. There is no good reason why, if the provisions of this bill for the leasing of coal, phosphate, oil, gas, potassium, and sodium lands are good for the best interest of our general population and good for the highest interests of the General Government, they are not equally good for the best interest of the Indians. To-day in my State, as well as in many of the Western States, there is a great deal of land owned by Indians containing deposits of minerals, the leasing of which is provided for in this act, and there is every good reason why there should be legislation enacted now for the leasing of these lands owned by the Indians. There is in my State, as well as in other Western States, to-day a general demand on the part of Indian citizens that a leasing system for their coal and mineral lands be provided, that they may have the revenues derived from this leasing, and that their coal and mineral lands be no longer kept from use. The objections that the gentleman from Wyoming makes to the proposed amendment, and the effect it may have upon this legislation and upon the interest of Indians in these minerals are, I believe, more suppositive and imaginary than real and should not be taken seriously.

Mr. STAFFORD. Mr. Chairman, when it was sought, in the consideration of the water-power bill, to include Indian reservations, I opposed the proposal because the bill was not intended, as recommended by the committee, to include water power on Indian reservations, nor was the bill under consideration, relating to coal and other mineral deposits on the public land, intended to cover those deposits on Indian reservations. I am one who believes that these mineral deposits and water powers on Indian reservations should be conserved for the benefit of the Indians. Those deposits are not the property of the United States. They are held in trust by the United States for the benefit of the Indian; and yet this amendment proposes to open up all those deposits, you might say, ruthlessly, certainly immediately, for the benefit of the public generally. We have been going very fast in the exploitation of Indian lands. It is natural for Members coming from States that have Indian reservations to advocate the policy of the exploitation of the deposits and water power on the Indian reservations, but I think the policy which we have pursued in the past shows us that we should go slowly in appropriating everything, certainly these valuable deposits, that belong to the Indians. They and they alone should determine what policy should be followed as to their exploitation; and the chairman of the Indian Committee admits that his committee has not taken steps toward formulating any policy of developing these deposits.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. KEATING. Does the gentleman mean to suggest when he says that the Indians and the Indians alone should determine these matters, that Uncle Sam should call the Indians into a solemn conclave and let them determine?

Mr. STAFFORD. Oh, no. My statement may have been a little too broad, but I meant that the Indians' interest and their interest alone should be considered, and that they have a right to be consulted. They are our wards——

Mr. KEATING. But who is to determine what is the interest of the Indians unless it be the Congress of the United States and the Committee on Indian Affairs?

Mr. STAFFORD. The Congress, after consultation with the Indians themselves. Our governmental policy, so far as the Indians are concerned, has been too little consideration of the welfare of the Indians and mostly the benefit of the white man.

Mr. NORTON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. NORTON. I desire to get clear the gentleman's position. When the gentleman speaks of consulting with the Indians, is it the theory of the gentleman that the United States commissioner should go and meet with the Indians on the theory that the Indians are capable of determining what they want to do with their own resources?

Mr. STAFFORD. Many of the Indians, as I have been told by their representatives, are fully capable.

Mr. NORTON. Is that the gentleman's idea?

Mr. STAFFORD. That is my idea, that they should be consulted. Then, after considering their wishes, the Indian Commissioner will determine what the policy should be. But here you are mixing up in a hodgepodge the policy of the Indians and the Indian reservations with the general policy that should pertain to the leasing of mineral deposits on the public domain.

Mr. NORTON. Will the gentleman yield further?

Mr. STAFFORD. I will.

Mr. NORTON. I quite agree with the gentleman that the interest of the Indians should be the first to be considered. That is my own view. But will the gentleman point out, if this amendment is adopted, one single case where the interest of the Indians would not be observed, conserved, and safeguarded by this legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I regret my time has expired so that I can not point that out.

Mr. FERRIS. Mr. Chairman, I have not uttered a word in general debate, but I do not want the committee to conclude that, because most all of the gentlemen here have risen in some sort of protest or other, this bill is without merit and without friends. On the contrary, I think that the bill accomplishes what ought to be done, and I believe a great majority of the House, the Congress, and the country so believe. The gentleman from Washington [Mr. HUMPHREY] makes some serious charges against the Forest Service of the past and makes some charges I think ought to be investigated. I have been a member of the Committee on Public Lands for eight years, and no such charge has even been filed with that committee, and no such charge was ever sought to be substantiated.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FERRIS. I would like to proceed for just a minute.

Mr. HUMPHREY of Washington. I wanted to say to the gentleman that I have made this statement on the floor of this House repeatedly. I have made it three or four different times, and no man so far has denied it. I filed a resolution here asking to have an investigation, which is now before the Committee

on Agriculture, and I will file one, if the gentleman can get it before his committee, immediately if he will take it up.

Mr. LEVER. If the gentleman will permit——

Mr. FERRIS. Not at this moment; I desire to proceed. While I do not pretend to be the defender in this House of any governmental service either of the present administration or the preceding Republican administration, I think in justice and in fairness Members of Congress ought to be fairly careful about uttering wholesale indictments against men who have intended and do intend to do their full duty.

If the gentleman had stated that some preceding Secretary or some preceding Chief Forester had withdrawn more land than should have been withdrawn in his State according to the taxable areas, I think the statement may have been a just one, because I know in the West, where most of the land is off the tax rolls, it is quite burdensome on the land which is taxable to carry it. To say that ex-Chief Forester Pinchot or ex-Secretary Fisher did something whereby Government property was destroyed or got nothing in return is a statement I think ought to be substantiated and ought to be borne out or proven by some one. I believe it is the simple duty of the gentleman from Washington to go before the Department of Justice and lay that case before them and see that any wrongdoers, if there be any, be prosecuted to the limit.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FERRIS. Let me proceed for just a moment. I will not misquote the gentleman nor be unfair with him. I repeat, I am not a defender of the preceding Republican administrations, and I do not so pose, but I do believe in justice here as elsewhere. I am trying to do all that I think ought to be done in getting this bill through, and I am proud that the committee and the House have been so generous toward us on the bills already passed. It makes my heart ache just a little to see any Member of Congress on either side of the aisle belonging to any political party attack a man who can not come here and defend himself. It is not the thing to do, I think. [Applause.] It is too much. There are men in this House and out of this House who do not believe there ought to be any forest reserves at all and the whole business ought to be torn up and broken up. I do not agree with those maintaining that view. I do not think the House agrees with any such course as that; I do not think the Congress agrees with such a theory as that; and I do not think the people of this country, 100,000,000 in number, would agree to any such procedure as that.

I think the gentleman from Washington, if his State has been abused by excessive withdrawals that are burdensome and heavy for his State to bear, ought to go to the administrative officer who has that in charge and say to him that all of that forest should be eliminated where there is no timber and no chance of securing timber; and I think if any such wholesale crimes as those referred to have been perpetrated upon the people out there, he ought to take them before the Department of Justice and ask the Department of Justice to prosecute, and ask a Federal grand jury to indict, and see if he can make good his charges. An investigation would prove what was done and let the chips fall where they may. Personally, I do not think ex-Secretary Fisher or Gifford Pinchot are or have been corrupt. I do not think an investigation will show it, either.

Now, one word about the amendment. The gentleman from Texas [Mr. STEPHENS] wants to put into this bill what the committee really intended to do at the start, and that is to let the Indian reserves be developed along with the public lands. You will remember that the House took decisive action on that question in the water-power bill. I think the gentleman from Minnesota [Mr. MILLER] thought he had objections to it, but it was allowed to go in. The gentleman from Texas has in his hand a letter from the department approving what he seeks to do. It ought to be done.

These idle reservations of the Indians where they have coal, where they have oil, where they have gas, where they have phosphates, and where they have sodium or potassium ought to be opened up to development, and the proceeds or the royalties ought to go to the Indians. I understand the gentleman from Texas will offer another amendment later giving the royalty to the Indians that is derived from the Indian land.

My thought is that the amendment ought to be adopted. The Indian Service costs seven or eight million dollars a year to run it, and if we can get anything out of their coal royalties, if we can get anything out of their oil royalties, or their phosphate royalties, or their sodium royalties, or potassium, which is salt, we ought to do it, and we ought to make the Indian reservations and the Indian citizens as nearly self-supporting as we can.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The gentleman from South Carolina [Mr. LEVER] is recognized.

Mr. LEVER. Mr. Chairman, I have listened from time to time to the attacks of the gentleman from Washington [Mr. HUMPHREY] upon Mr. Gifford Pinchot. I hope and believe that the gentleman's statements regarding Mr. Gifford Pinchot are unwarranted by the facts.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Washington?

Mr. LEVER. Yes.

Mr. HUMPHREY of Washington. I will ask the gentleman if he does not think I stated the truth when I said I read a letter from Mr. Gifford Pinchot urging that the transfer I referred to be made?

Mr. LEVER. I say that I hope the gentleman's statements are unwarranted by the facts. Mr. Gifford Pinchot has been appearing before our committee since I have been connected with it, for seven or eight years. He has made his statements frankly to the committee. Under his leadership he has built up a wonderful service. He has been trying, as I know and as every member of the Committee on Agriculture knows, to protect the public domain against land grabbing in the West. [Applause.] Hence he has brought down upon his head the opposition of the gentleman from Washington [Mr. HUMPHREY] and other men who think like him. I would feel myself to be unworthy of myself if I sat here and listened to the gentleman from Washington day after day attacking a man whose character I believe is above question, if I did not testify to my faith in the integrity of that man. [Applause.]

I am standing here this evening to do that. I know nothing of the facts stated by the gentleman from Washington. If he will call his resolution to my attention, I believe I can promise for my committee now, without having consulted its membership, that the committee will very promptly consider his resolution and, if we believe it to have any merit in it, will report it out, so that the facts can be known. But I am a little tired, I am a little weary of hearing men standing on the floor of this House and hitting public officials, who can not reply, as to their public and official acts. I believe Gifford Pinchot is not only an honest man, but I believe he made for this country a splendid public official, and I am glad to pay that tribute to him. [Applause.] If the statements of the gentleman from Washington are true, it is not a case for a congressional investigation, but it is a matter for a judicial inquiry, and he ought to lay his facts not in the shape of a resolution before Congress—which he has not pressed—but he ought to lay them before the Department of Justice and let the Department of Justice take such action as is warranted by the facts. [Applause.]

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] moves to strike out the last word.

Mr. HUMPHREY of Washington. Mr. Chairman, I must say that I am somewhat gratified that I have at last succeeded in getting my distinguished friend from South Carolina [Mr. LEVER] to pay some attention to these statements that I have made on the floor of the House. It also seems to be somewhat of a surprise to my distinguished friend from Oklahoma [Mr. FERRIS]. There is no question about the facts. I do not know anybody who has even attempted to investigate the matter——

Mr. FERRIS. Mr. Chairman, will the gentleman yield there?

Mr. HUMPHREY of Washington. I will yield in just a moment. I do not know anybody who has investigated the matter who does not know that the statements I have made are correct. There is no question about the steal having taken place. There is no question about the railroads now having the land. There is no question as to the value of the land exchanged. There is some question as to who is responsible. Of course everyone now denies that he is to blame.

Now I yield to the gentleman from Oklahoma.

Mr. FERRIS. I thought the gentleman was undertaking to chastise me for entertaining a momentary surprise. I want to say that I have been a member of the Committee on Public Lands for eight years, some of that time under the chairmanship of the gentleman from Wyoming [Mr. MONDELL] and a couple of years as chairman myself, and the gentleman from Washington [Mr. HUMPHREY] has never darkened the doors of our committee with his person, although Gifford Pinchot has appeared before our committee several times and so has Secretary Fisher; but the gentleman from Washington has never appeared there.

Mr. HUMPHREY of Washington. I have never appeared there because it was not my business to appear there.

Mr. FERRIS. It was the gentleman's business to appear there and attempt to right a wrong if he thought a wrong had been committed and he was acquainted with the facts.

Mr. HUMPHREY of Washington. It was not the proper committee. Of course the gentleman will understand that the Committee on the Public Lands is not the place in which to right a wrong.

Now, I have heretofore enumerated these various exchanges of land so often that I would prefer not to go over them again now, but I will do so for the benefit of the gentleman from South Carolina [Mr. LEVER] and the gentleman from Oklahoma [Mr. FERRIS] and others who may think with them that there is some question as to the matter. The first exchange was that of 450,000 acres of land in the State of Washington, certain barren mountain tops belonged to the Northern Pacific Railroad. Then a forest reserve was created, taking in most of this land. Some of it was in Mount Rainier Park. Then an exchange was made of this worthless land for timbered land outside.

Mr. LENROOT. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Wisconsin?

Mr. HUMPHREY of Washington. I will yield to the gentleman in a moment.

Mr. FOSTER. Would the gentleman mind giving us the date?

Mr. HUMPHREY of Washington. If the gentleman will wait just a minute. I have all the dates in a speech that I made here, and which I circulated, and if the gentleman desires I will give him a full statement of those transactions.

That same process took place elsewhere. The next case was that of the Santa Fe Railroad. I am only speaking in round numbers now, and I do not claim to have found all the cases. I may have missed some, but the ones I speak of are those that I have found. The next, I say, was the case of the Santa Fe Railroad. They had 1,200,000 acres of land. They gave it in for taxation as being worth from 5 to 20 cents an acre. Forest reserves were created, including these 1,200,000 acres. It was not all in one. After that area was included in forest reserves the land was exchanged, acre for acre, for public lands elsewhere in the public domain. My recollection is that there was an exception of a few thousand acres. The rest of it they could select anywhere. There was an exception made—that a part they had to select in a certain locality—but for more than a million acres of that land they were permitted to select the best of the public domain everywhere. My recollection is that they made selections in 33 different States.

Mr. SHERWOOD. What was the date of that transaction?

Mr. HUMPHREY of Washington. I will answer the gentleman's question in just a moment. The next transaction that I recall was the one that I referred to—of that water company down in the State of California. I have forgotten the name of it. If I had known this discussion was coming up, I would have had all the data here. In that case Mr. Pinchot, who was then connected with the Forest Service, visited that city—I think it was San Diego; anyway, it was a California town. After looking the land over he recommended that the exchange be made. His letter is on file. It has been printed. Anybody can see it. I put it in the RECORD once. Upon that recommendation the exchange was made.

The Commissioner of the General Land Office at that time protested against this exchange being made. He said that it was unfair to the Government, that the land was worth only 25 cents an acre, and that the exchange ought not to take place, or that if it did it ought to be on the basis of value. But the exchange did take place after Mr. Pinchot had made his visit. The Commissioner of the General Land Office protested against these exchanges in regard to the Santa Fe Railroad. There is no mystery about it. It is all a matter of public record, and you will see that the Commissioner of the General Land Office protested. He called attention to the fact that it would be a fraud upon the Government, and that this worthless land ought not to be exchanged for more valuable land, and the thing hung fire for some time, but finally it was consummated.

Then the next one was the one that occurred in Montana, to which I have referred, of 240,000 acres to the Northern Pacific Railroad. I am not able to give the exact dates of these transactions from memory, but I do know that they all occurred between 1898, the time when Mr. Pinchot went into office, and the time when he went out. He went into office on the 21st of June, 1898, and in 1905 the bureau was transferred to the Agricultural Department, and he became the head of it, and he remained there until he was removed by President Taft.

All these exchanges, giving the railroads more than 2,000,000 acres of land for practically nothing, this greatest looting of the public domain in our history, all took place while Mr. Pinchot was in the public service, and when he was either Chief of the Division of Forestry in the Agricultural Department—he was appointed to that position June 21, 1898—or when he was Chief Forester of the Forestry Bureau, this bureau being created in 1905. So, when all these transactions took place, it was his special duty to save the public domain for the people, and he was so watchful of their interest that up to date the railroads are known to have stolen only a little over 2,000,000 acres, without a word of protest from this faithful guardian of the public. What was he doing when these transactions took place? Will some of his friends please inform the public? I have reason to believe that Mr. Pinchot was present at the conferences and protests in regard to those transactions—that he knew all about them and approved them all. I do not believe that President Roosevelt would have signed the necessary proclamation placing this land in forest reserves for this purpose of exchange if Mr. Pinchot had not recommended it. I do not believe that the American people will believe that President Roosevelt would have consented to these transactions without Mr. Pinchot's approval.

It is no answer for gentlemen to arise on the floor and say they think Mr. Pinchot is honest. That is no answer. I never said he was dishonest, but would certainly say it if I thought so. But I [illegible] President Wilson, that the most dangerous man in the world to the public is the honest but mistaken fanatic that believes he has a mission to reform something. Mr. Pinchot admits that these transactions took place; that he knew about them he does not deny; that he protested against them the record does not show. On the part of Mr. Pinchot I think it was ignorance; on the part of the railroads a deliberate steal.

But the point is, why should we be forever told that we must follow the teaching of the man, that while preaching conservation of the forests, while it was his special duty to protect them, either ignorantly or worse, permitted a looting of the public domain by the railroads of more than 2,000,000 acres of the best timbered land in the Republic, at least without one word of protest, and probably with his active assistance? To shout that Mr. Pinchot is honest does not lessen the steal by a single acre nor return to the robbed people a single tree.

Mr. DONOVAN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut objects. The question is on the amendment of the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Chairman, I desire to send up another amendment in lieu of the one I offered.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to offer an amendment in lieu of the one he offered first. Is there objection?

Mr. MANN. Reserving the right to object, as debate is closed, we should like to know what the amendment is first.

The CHAIRMAN. The Clerk will report the amendment.

Mr. STEPHENS of Texas. I simply put in the word "unallotted."

Mr. MANN. If it is substantially the same amendment, I do not care.

Mr. STEPHENS of Texas. It is to perfect the amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, in view of the attitude of my friend from Connecticut [Mr. DONOVAN], I am going to make the point of no quorum present. If we have come to the place where no man can have five minutes without asking the consent of the gentleman from Connecticut, let us have a quorum present.

Mr. FERRIS. I hope the gentleman will not insist upon that.

Mr. HUMPHREY of Washington. If it will inconvenience the gentleman, I will withdraw it; but I think it is very inconsiderate of the gentleman from Connecticut.

Mr. FERRIS. The gentleman will have his opportunity to get in a little later.

Mr. MADDEN. Mr. Chairman, I renew the point of no quorum present.

The CHAIRMAN. The gentleman from Illinois renews the point of no quorum. The Chair will count.

Mr. FERRIS. If the gentleman will withdraw his point, let us run 30 minutes and then adjourn.

Mr. MADDEN. Mr. Chairman, the gentleman from Oklahoma says he is willing to adjourn in half an hour, so I withdraw the point of no quorum.

XUM

The CHAIRMAN. The gentleman from Illinois withdraws the point of no quorum. The Clerk will read the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Page 1, line 5, after the word "forests," insert the words "and unallotted lands in Indian reservations."

The CHAIRMAN. Is there objection to substituting this amendment for the one originally offered?

There was no objection.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAKER:
Page 1, line 11, strike out the words "or to those who have declared their intention to become such," and the comma after "such," line 1, page 2.

Mr. RAKER. Mr. Chairman, this is simply to make the bill conform to the water power bill and the Alaskan coal bill, and it has been taken up with the members of the committee. I think there will be no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to amend, page 1, by striking out on line 6 all after the word "reservation," all of lines 7, 8, and 9 down to the word "act."

The CHAIRMAN. The gentleman from Wyoming offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, strike out the following language:
"Wherever the purpose or usefulness of which would, in the opinion of the Secretary of the Interior, be destroyed by occupation, use, or development under the provisions of this act."

Mr. MONDELL. Mr. Chairman, the act as it now stands, with this language in it, excludes national parks, military and other reservations wherever the leasing provided for shall be held, in the opinion of the Secretary of the Interior, to be harmful. That is it in effect. In other words, it excludes and then includes. It leaves it to the Secretary of the Interior to say whether coal shall be mined on a military reservation, within a national park, or elsewhere. If my amendment is adopted, the bill will apply to the public lands of the United States and the national forests and not to the national parks or to any other reservations.

This bill certainly ought not to apply to the national parks under any circumstances. It ought not to apply to military reservations. It ought not to apply to any of the special reservations which have been made. And if it were to apply to such, the application should not be within the judgment of the Secretary of the Interior. The Secretary of the Interior is not the man to say whether a coal mine or a phosphate mine should be opened on a military reservation. If anyone is qualified to determine that, it is the Secretary of War.

So that the language, even if it remains in the bill, should be modified. But, in my opinion, this bill should apply only to the public domain and to the national forests. There should be no power anywhere on the part of the Secretary of War or any other person to apply it to the Yellowstone Park or the Yosemite Park or any other national parks or national monument or other special reservations.

Mr. FERRIS. Mr. Chairman, I do not think the amendment of the gentleman from Wyoming ought to be adopted. It is true the House, when the water-power bill and the Alaskan coal bill were up, did strike out the words "other reservations," fearful that it might include something that ought not to be included. But it seems to me that the gentleman wants to strike out the sole protection there is in the proposition, so that they would have to lease——

Mr. MONDELL. Oh, no; if my amendment is agreed to there will be an absolute prohibition as regard the national parks and other reservations.

Mr. MANN. The gentleman from Oklahoma will see that this is precisely what we did in the water-power bill.

Mr. FERRIS. I did not follow the amendment very closely. Is the gentleman from Illinois correct about that?

Mr. MANN. Yes. We struck out the military reservations and then struck out other reservations, and then we struck out the national parks.

Mr. JOHNSON of Washington. But we included two national monuments.

Mr. MANN. We did, but we cut out this language, and even in that case it provided that it should not be occupied except by the consent of the head of the department. This would leave the Secretary of the Interior to determine whether you could enter a military reservation, and while he would not probably determine that without the consent of the War Department, I think we are going far enough in the bill without putting these reserves under the leasing system at present.

Mr. FERRIS. I confess I think the discretion as to whether a reservation should be used should be left to the particular officer in charge of it, and we did that in the water-power bill. A moment ago we accepted an amendment offered by the gentleman from Texas [Mr. STEPHENS].

Mr. MANN. This would not interfere with that.

Mr. FERRIS. Where does the amendment offered by the gentleman from Texas go in?

Mr. MANN. Right after the words "other reservations."

Mr. FERRIS. Mr. Chairman, I think I have no objection to it.

Mr. LENROOT. Mr. Chairman, I want a little information. In the Middle West considerable areas were reserved for reservoir purposes. I want to inquire if there were any such reservations in the Middle West, if they would come under the term "other reservations"?

Mr. FERRIS. Yes. I think what brought about the debate on that in the other bill was that the gentleman from North Carolina [Mr. PAGE] offered an amendment eliminating national monuments, and after considerable debate his amendment was agreed to. I opposed it because in the West they withdraw large tracts of land, more often withdrawn because it has a spring or some big tree on some corner of it. I thought it would be erroneous to allow such tracts to lie in idleness and not be used for the coal and oil they might contain. Personally I feel so now, but I am not insistent about it. I did think that national parks should be excluded. I did not think national monuments should be. It was called to the attention of the House that this might include military reservations, lighthouse reservations, and so forth, that no one would want included, and rather than take the chance of doing something that no one intended to do, the House did adopt an amendment striking out the words "all other reservations." So, in effect, the two preceding bills covered only the public land of 300,000,000 acres, and all the forest reserves of 165,000,000 acres, and the Indian reservations. The gentleman from Texas has just offered an amendment which adds Indian reservations to this bill. So my second thought is that the gentleman from Wyoming and the gentleman from Illinois are right, and that this language should go out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, just for the purpose of offering an amendment, I ask unanimous consent that the amendment just agreed to be again read.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

The Clerk again reported the amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I would ask the chairman of the committee if these amendments will require the exemption of these two large national monuments?

Mr. FERRIS. I will state to the gentleman that they will exclude them.

Mr. JOHNSON of Washington. They exclude them without further amendment?

Mr. FERRIS. Yes.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word of the paragraph.

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman has already spoken twice on this amendment, and under the rule he can not speak further.

The CHAIRMAN. The Chair thinks the gentleman from Washington is entitled to speak to his pro forma amendment.

Mr. DONOVAN. I think the Chair will find that after he has spoken once he can not extend his remarks by making a pro forma amendment under section 851 of the Manual.

Mr. MANN. Mr. Chairman, the gentleman from Connecticut is mistaken. A Member who has the floor under a pro forma amendment can not continue on the floor by making another pro forma amendment when he has exhausted his five minutes on the first amendment.

The CHAIRMAN. The Chair does not recall the particular rule referred to.

Mr. DONOVAN. Mr. Chairman, if it were proper to make this motion and address this assembly, there would be no limit to the talk. The purpose of the five-minute rule is to limit debate. There can be only two speeches upon one amendment—one for and one against.

The CHAIRMAN. The gentleman from Washington has not yet addressed the Chair on the pro forma amendment.

Mr. DONOVAN. He has talked on this particular section twice, and we have voted to limit debate to 30 minutes.

The CHAIRMAN. The Chair has a distinct recollection that the gentleman from Washington was discussing an amendment offered by the gentleman from Texas [Mr. STEPHENS], under the rule for 30 minutes of debate, and, so far as the Chair remembers, the gentleman from Washington has not moved to strike out the last word, nor made any other pro forma amendment.

Mr. DONOVAN. Mr. Chairman, I quote from the Manual:

The pro forma amendment to "strike out the last word" has long been used for the purpose of debate or explanation where an actual amendment is not contemplated; but a Member who has occupied five minutes on a pro forma amendment may not lengthen his time by making another pro forma amendment.

The gentleman has used 10 minutes and not a single thing in the 10 minutes has he spoken on the subject matter. He has violated the rules, to say nothing about the point of order. Now we will settle it, Mr. Chairman. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that there is no quorum present. The Chair will count. [After counting.] Thirty-eight Members present—not a quorum.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16136 and had come to no resolution thereon.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROTHERMEL, for two days, on account of sickness.

To Mr. FRENCH, at the request of Mr. SMITH of Idaho, for one day, on account of illness.

To Mr. FERGUSSON, for three days, on account of illness.

### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6398. An act to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws"; to the Committee on Banking and Currency.

### LICENSED WAREHOUSES.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that, immediately after the reading of the Journal on Monday next, the bill (S. 6266) to license warehouses, and for other purposes, shall be taken up for consideration; that one hour shall be allowed for general debate, one half of the time to be controlled by myself and the other half by the gentleman from Iowa [Mr. HAUGEN]; and that the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill under the five-minute rule.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that on Monday next, immediately after the reading of the Journal and clearing the Speaker's table, the bill S. 6266, regulating licensed warehouses, shall be taken up, that one hour shall be devoted to general debate, one-half to be controlled by himself and one-half by the gentleman from Iowa [Mr. HAUGEN], and that the House shall resolve itself into the Committee of the Whole House on the state of the Union to consider the bill. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

### PROPOSED EMERGENCY TAX ON FREIGHT.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by reproducing an editorial in the New York World of to-day against the proposed tax on freight.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I think it would be well to wait until the bill is reported before we discuss the question of this tax.

Mr. GORDON. This is a very strong editorial.

Mr. GARNER. Mr. Speaker, I object.

### ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 23 minutes p. m.) the House adjourned until Monday, September 14, 1914, at 12 o'clock noon.

### EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Labor, transmitting list of papers and material which are not needed or useful in the transaction of business of the department and have no permanent value or historical interest (H. Doc. No. 1163), was taken from the Speaker's table, referred to the Joint Select Committee on Disposition of Useless Papers, and ordered to be printed.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FLOYD of Arkansas, from the Committee on the Judiciary, to which was referred the bill (H. R. 18732) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1152), which said bill and report were referred to the House Calendar.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUPLEY: A bill (H. R. 18761) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War Volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes; to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 18762) for the erection of a public building at Franklin, Simpson County, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. BARTON: A bill (H. R. 18763) to amend section 7 of the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. ANTHONY: A bill (H. R. 18764) amending the interstate commerce act of February 4, 1887, and all acts amendatory thereto, and making natural and artificial gas transmitted from one State to another subject to the laws and regulations of the said State in which it is consumed; to the Committee on Interstate and Foreign Commerce.

By Mr. FERRIS: A bill (H. R. 18765) relating to the drainage of Indian Lands; to the Committee on Indian Affairs.

By Mr. RAKER: A bill (H. R. 18766) providing for the suspension of the requirement of assessment work on mining claims for the year 1914; to the Committee on the Public Lands.

By Mr. TRIBBLE: A bill (H. R. 18767) to amend section 1 of an act approved May 30, 1908, entitled "An act to amend the national banking laws" and to amend section 27 of an act approved December 23, 1913, and known as the Federal reserve act, approved August 4, 1914, by striking out in second paragraph of said act, line 3, the word "three" and inserting the word "one"; to the Committee on Banking and Currency.

### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 18768) granting an increase of pension to John R. Shrewsbury; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 18769) granting a pension to Mary J. Cobler; to the Committee on Pensions.

Also, a bill (H. R. 18770) granting a pension to Carrie Russell; to the Committee on Pensions.

Also, a bill (H. R. 18771) granting a pension to Hannah Stoudnour; to the Committee on Invalid Pensions.

By Mr. GARRETT of Tennessee: A bill (H. R. 18772) granting an increase of pension to Rudolphus W. Gunter; to the Committee on Invalid Pensions.

By Mr. NEELEY of Kansas: A bill (H. R. 18773) granting an increase of pension to William F. Thelen; to the Committee on Pensions.

Also, a bill (H. R. 18774) for the relief of Peter Carroll and others, lately laborers employed by the United States military authorities in and about Fort Leavenworth, Kans.; to the Committee on Claims.

XUM

By Mr. NELSON: A bill (H. R. 18775) granting a pension to the widow of William J. Mills; to the Committee on Invalid Pensions.

By Mr. SHERWOOD (by request): A bill (H. R. 18776) granting an increase of pension to David Kinzer; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 18777) granting a pension to Dudley C. Griswold; to the Committee on Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 18778) granting a pension to Robert Leigh Morris; to the Committee on Invalid Pensions.

By Mr. WHITACRE: A bill (H. R. 18779) granting a pension to Allen Leed; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY (by request): Petition of sundry citizens of Bedford County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. CARY: Petition of Biersach & Niedermeyer Co., of Milwaukee, Wis., relative to contracts for Government buildings; to the Committee on Public Buildings and Grounds.

Also, petition of the German-Austrian Aid Society of Milwaukee, Wis., relative to neutrality of the United States in European war; to the Committee on Foreign Affairs.

By Mr. DONOVAN: Petition of sundry citizens of Norwalk, Conn., against increased tax on cigars; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of the Boston (Mass.) Central Labor Union, favoring Government ownership of coal mines; to the Committee on the Judiciary.

By Mr. GILMORE: Petition of the Boston (Mass.) Central Labor Union, favoring Government ownership of coal mines; to the Committee on the Judiciary.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 18695, granting a pension to Duval Johnson; to the Committee on Invalid Pensions.

By Mr. GRAY: Petition of 43 citizens of Fairland, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HELGESEN: Petition of the mothers of Crystal, N. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of 42 citizens of Park City, Utah, favoring national prohibition; to the Committee on Rules.

Also, petition of C. W. Collins, of Salt Lake City, Utah, against any function or agency of Government advancing the interest of any special school or systems of medicine; to the Committee on Education.

By Mr. O'SHAUNESSY: Petition of Musicians' Protective Union, Local 198, of Providence, R. I., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Providence, R. I., against tax on rectified spirits; to the Committee on Ways and Means.

By Mr. POU: Petition of 36 citizens of North Carolina favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. RAINEY: Petition of 170 merchants of the twentieth Illinois district favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of 51 citizens of Jacksonville, Ill., against further tax on cigars; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Resolutions of Rosecrans Camp, Sons of Veterans, of Los Angeles, Cal., 81 members, favoring civil-service pensions; to the Committee on Reform in the Civil Service.

Also, petition of Los Angeles Tent, No. 2, Maccabees of the World, 1,535 members, favoring the Hamill bill for civil-service pensions; to the Committee on Reform in the Civil Service.

Also, petition of Holy Cross Court, C. O. F., of Los Angeles, Cal., favoring the Hamill bill for civil-service pensions; to the Committee on Reform in the Civil Service.

Also, letter of John T. Donnell, Los Angeles, Cal., favoring the purchase of foreign ships; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Royal Arcanum, Los Angeles, Cal., 400 members, favoring the Hamill bill for civil-service pensions; to the Committee on Reform in the Civil Service.

By Mr. WATSON: Petition of sundry citizens of Amelia County, Va., favoring investigation of the Milliken bill relative to the establishment of a personal rural credit system; to the Committee on Banking and Currency.

## SENATE.

### MONDAY, *September 14, 1914.*

*(Legislative day of Saturday, September 5, 1914.)*

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The Vice President being absent, the President pro tempore took the chair.

Mr. SMOOT. Mr. President, when we took a recess Saturday evening it was impossible to get a quorum. Notwithstanding that, we did recess. Therefore, I suggest the absence of a quorum now, in order that we may proceed to business.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Kenyon | Perkins | Smoot |
| Brady | Kern | Pomerene | Stone |
| Brandegee | Lane | Ransdell | Swanson |
| Bryan | Lea, Tenn. | Reed | Thomas |
| Burton | Lee, Md. | Robinson | Thornton |
| Chamberlain | McCumber | Saulsbury | Vardaman |
| Chilton | Martin, Va. | Shafroth | Walsh |
| Clapp | Martine, N. J. | Sheppard | West |
| Clarke, Ark. | Myers | Simmons | White |
| Culberson | Nelson | Smith, Ga. | Williams |
| Gallinger | Overman | Smith, Mich. | |
| Hughes | Page | Smith, S. C. | |

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I was requested to state that the junior Senator from Kentucky [Mr. CAMDEN] was obliged to return to his home, owing to illness in his family.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

Mr. PAGE. I desire to announce the unavoidable absence of my colleague [Mr. DILLINGHAM]. He has a general pair with the senior Senator from Maryland [Mr. SMITH]. I will allow this announcement to stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired. This announcement may stand for the day.

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. NORRIS responded to his name when called.

Mr. BORAH and Mr. HITCHCOCK entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present. The Senate will proceed with House bill 13811, the unfinished business.

### RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. RANSDELL obtained the floor.

Mr. SWANSON. I hope the Senator from Louisiana will allow me to submit a report from the Committee on Naval Affairs.

Mr. SMOOT. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. RANSDELL. There has been a great deal of prejudice and misconception, Mr. President and Senators, in regard to the pending river and harbor bill, and in my judgment most of it grew out of ignorance. Many people are misinformed in regard to this bill. They do not understand how river and harbor legislation is initiated and how it is carried out.

Mr. THORNTON. Mr. President, I ask for better order.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. RANSDELL. I hope Senators will give me their attention. I wish to try to explain some of the intricacies of river and harbor legislation, and I should like to have Senators do me the courtesy to listen. Many Senators have been attempting to destroy this river and harbor bill and the system on which it is based. It is very easy to destroy and very hard to build up. Anyone can inflict a wound, but it requires a skilled surgeon to cure it, and it takes a long time. A little child 5 years

old armed with a sharp hatchet can destroy a masterpiece of Michelangelo in five minutes. He ruins that priceless painting, but what can he do to replace it? No money could buy it; no artist living to-day or who has lived since the time of that great master could replace it, and yet this 5-year-old infant can completely destroy it in a few minutes. Senators have sought to destroy the system of river and harbor appropriations under which we have been proceeding for many years, and not one of them during the long debate we have had on this bill has ventured to offer one single, solitary suggestion leading to a better system leading to something that would produce more beneficial results.

Everyone admits that we must improve the rivers and harbors of this country. Everyone admits that water transportation is very much cheaper than transportation by rail. If that be true, then it is surely wise to improve our harbors in order that great ships may come into them—larger and better vessels than before, carrying greater cargoes at much lower prices, with the benefits accruing therefrom to all the citizens of this country, the producers and consumers.

No one will deny that proposition. No one will deny the assertion that the whole people of America are wonderfully benefited by the improvements on the Great Lakes, where during the last year a colossal commerce of nearly 80,000,000 tons was carried at rates about one-eleventh of the average railroad rate. That commerce, composed very largely of iron ore from the Duluth section, was carried 800 or 900 miles to the harbors of Conneaut, Fairport, Ashtabula, Cleveland, and Buffalo. Much of it was conveyed from those harbors by rail to the great factories at Pittsburgh, in the heart of the Pennsylvania coal fields, where it was converted into the iron and steel so necessary in our modern civilization. Suppose that valuable product—iron ore—had been conveyed at railroad rates, then the American people would have been obliged to pay on the Lake commerce alone more than $400,000,000 in addition to the rates they have been paying.

I repeat, everyone admits the vast benefits of water improvements. One of the masters of transportation and shipping in the city of Boston recently stated that at that important seaport as the result of improvements made by deepening the harbor from a depth of about 22 feet 20 years ago to a depth now of 35 feet transportation charges had been reduced fully 50 per cent. Think of that, Senators! Transportation charges into the port of Boston were reduced fully 50 per cent as the result of the improvements made in that harbor at a cost of about $8,000,000.

Are the people of the West, the grain growers, interested in that proposition? Aye, surely, because they ship their grain cheaper. The price of grain, as the price of all products, is made in the best market, and when as the result of that improvement there is a saving of 3 cents to 4 cents per bushel in the transportation of grain from this country to Europe, it is very beneficial to the grain grower, as well as to the consumer. Are the cotton growers of my own section interested? Beyond question, for the reduction of the seagoing freight of 50 per cent amounts to more than a dollar and a half per bale, and a dollar and a half per bale frequently spells the difference between profit and loss. All the Nation is interested in the improvement of Boston Harbor, and I mention it simply as an illustration of many others of like kind.

Are the people of this Nation interested in the improvement of the Ohio River? Undoubtedly, for down that river is carried, even in its present unimproved condition, freight amounting to more than 12,000,000 tons a year. The people of New Orleans consume coal mined in the Monongahela and Allegheny section of Pennsylvania, and that coal is carried to them at rates about one-eleventh of the average railroad rate. My authority for that statement is Col. William L. Sibert, recently a member of the Panama Canal Commission. If the people of New Orleans get coal and other products from the Pittsburgh region at one-eleventh of the railroad rate, surely the people of the great States of Ohio, Kentucky, Indiana, Illinois, Missouri, Iowa, Minnesota—all get their coal and other products out of the Ohio Valley at relatively the same reduction.

The Nation is at last improving the Ohio River on a businesslike plan. We began the improvement of that river in 1876, adopting at that time a project to give a 6-foot depth of water at all stages between Pittsburgh and Cairo. For years and years the work went along in a spasmodic manner, but finally, in 1910, after the principal opponent of this bill had ceased to be chairman of the Rivers and Harbors Committee, the work on the Ohio was put upon a business basis, not a piecemeal one, like that upon which the Senator from Ohio had allowed it to remain during the 10 years while he was chairman. The engineers said the Ohio River could be improved properly to a depth of 9 feet from Pittsburgh to Cairo at a cost of $63,000,000, and that they could wisely expend on it about $5,000,000 a year.

In 1910, when Mr. Alexander, of New York, was chairman of the Rivers and Harbors Committee, we adopted that project definitely, with the understanding, explicitly stated in the bill, that the work was to be carried on so as to finish it in 12 years, which meant an annual appropriation of about $5,000,000. Since then we have been writing in every rivers and harbors bill an appropriation of $5,000,000 a year for that project. We are at last trying to do the work in a businesslike way. Senators, if a set of business men had treated a great business project as the Congress of the United States has treated the Ohio River between 1876 and 1910, in my judgment they would have been fit subjects for an insane asylum, and I am not speaking hastily; I have thought over carefully what I say; I measure my words. I say that prior to 1910 we were not proceeding on businesslike lines with regard to that Ohio canalization project, that wonderful river which is a rival of railroads, that great waterway system which will be a colossal carrier of actual freight in competition with railroads. Now we are going on with it in a wise way, and we have been doing so since the river and harbor act of 1910, framed when Mr. Alexander, of New York, was chairman. We did not do so prior to that time, but now it is on the highroad to completion.

It was the same way, substantially, with the Black Warrior and Tombigbee Rivers. We proceeded with that great system in a most unbusinesslike manner. Now we are rapidly completing the work. The pending bill carries $750,000 to complete the last important lock on the Black Warrior. When that is finished, coal can be carried from the Alabama coal fields to the seaboard cheaper than at any other place on earth of which I know. Coal for the ships that pass through the Panama Canal, coal for our warships whenever they are in the vicinity of the Gulf coast, coal for the ships of commerce of the world, will be carried through that improved river system which has cost about $8,000,000, cheaper than anywhere else on earth.

Is that coal soon to be exhausted? Geologists tell us that the coal fields of Alabama, if there were not a pound of coal mined anywhere else on earth, would supply the whole world for 50 years. The river to carry that commerce is one of the waterways which we have been improving and which we are now about to finish. I repeat, there are $750,000 carried in this bill for it.

Ah, Senators, it is easy to criticize, but it is hard to build up. Let me explain to you briefly how we originate a river and harbor improvement. Suppose a Senator should desire to have a stream in his State improved, what process would he adopt for that purpose? He would go before the Commerce Committee of the Senate and ask that the Engineer Corps be authorized to make a survey and report upon the proposed improvement, that report to show everything in regard to it, to show what sort of improvement should be made, what amount of commerce would be likely to be carried by the project when improved, what would be the cost, what advantages would come to the Nation and to the communities interested in it, and, indeed, every fact connected with it. If it were an improvement where any water-power development could be made, that must be shown; if it were one where it was wise and necessary for the local communities to build terminals, that fact must be brought out; everything in regard to it must be reported on. An order for the survey would then be made by the Commerce Committee. That order then becomes part of the river and harbor bill; the local engineer whose office is nearest to the project would be instructed by the Chief of Engineers to go over the ground and make a preliminary reconnoissance to find out all he could in that way and report thereon to his division officer. The local engineer would not make an actual survey, but would go over the project very carefully, inspecting it in person, and visiting the various communities interested, and would then make his preliminary report to his division officer, a man usually with the rank of colonel.

The division officer would examine this report, make any independent investigation he saw fit, and would then refer the preliminary report, with his approval or disapproval, to the Board of Engineers for Rivers and Harbors. This board, which is located in the city of Washington and composed of seven Engineer officers, all of high rank, would in turn carefully examine the project, and, if they desired, would get additional information in regard to it. They would then approve or disapprove the project based on this preliminary survey.

Finally it would reach the Chief of Engineers, and, if he approved the project, if he thought that on the preliminary showing it was worthy of being taken up by Congress, he would then order an actual survey. When that order was received the local engineer would send into the field his surveying party.

If it were a stream which needed locks and dams, the most elaborate measurements would be taken, borings would be made at places where the proposed dams were to be constructed, and a careful, detailed survey, consuming in many instances months and months and in other instances years, would be made. Some of these surveys are elaborate in the extreme and cost a great deal of money.

When the local engineer finishes this final field survey he makes a detailed report upon it to his division engineer. That report goes through exactly the same processes as the proceedings on the preliminary survey. The division engineer frequently goes over the field himself and makes an independent examination and then sends the report, with his approval or disapproval, to the Board of Engineers for Rivers and Harbors, which, as I have said, is composed of seven distinguished officers of the Engineer Corps, usually with the rank of colonel, though sometimes there is a major on the board. That board of engineers goes into the project with the greatest care. Sometimes, especially in the case of expensive projects, they send some of their own members to go over the field, to look into the situation entirely independent of the local engineer and the division engineer. Usually they have hearings in regard to the project, allowing any of those in favor of it or against it to appear before them and express their views. In substance the members of this board sit as a court of justice, ascertaining everything they possibly can in regard to the proposed waterway improvement, and then make their report, which goes to the Chief of Engineers for final consideration.

If the Board of Engineers for Rivers and Harbors and the Chief of Engineers report unfavorably upon a waterway project, in ninety-nine cases out of a hundred that settles it; the project is not thought to have a legislative status until it has first run the gauntlet of the preliminary examination and final survey, which preliminary examination, let me repeat, passes through the hands of 10 men—has to get by 10 officials—before the final survey can be ordered. Then the final survey passes through the hands of these 10 men, and must have the approval of the Board of Engineers for Rivers and Harbors or the Chief of Engineers in order to have legislative status and be ready for action by Congress.

The intimation has been made here that Senators and Representatives overpersuade the Engineer Corps. Let us see if there is any force in that. It is said the Engineer Corps practically yield their independence to the Members of the House of Representatives and of the Senate. I hold in my hand a letter from Gen. Kingman, Chief of Engineers, showing that of the last 400 examinations or surveys ordered by Congress 260 were reported unfavorably and 140, or about one-third, were reported favorably. Of the 140 reported favorably about two-thirds were mere modifications or changes in existing projects, which changes were thought to be necessary because of the increased needs of commerce. Does that look as if the engineers had yielded to pressure?

Bear in mind, Senators, that back of every one of these 400 projects there was a Senator or Representative. The House Committee on Rivers and Harbors and the Senate Committee on Commerce never make an order for a survey unless it is urged upon them by the Representative from the district or the Senator from the State. Bear in mind that the local people——

Mr. KENYON. Mr. President——

Mr. RANSDELL. I will yield in a moment—that the local people were back of those 400 projects; they were urging those 400 projects upon their Senators and Representatives; and yet, when those 400 projects went before the Engineer Corps of the Army, 260 of them were thrown out and only 140 were reported upon favorably, and of the 140 reported favorably, as I have said, two-thirds were mere modifications of already existing projects. I now yield to the Senator from Iowa.

Mr. KENYON. Mr. President, I desire to secure information from the Senator. He says that back of every project is a Senator or Representative, and that these projects must be worked out through a Senator or Representative.

Mr. RANSDELL. The Senator misunderstood me; I did not say that. I said they must be worked out through the Engineer Corps, but the Senator or Representative must urge that an order be made for the survey.

Mr. KENYON. That is as I understood the Senator, although, perhaps, I did not state the matter correctly. Now, suppose that the majority of a community thought a given project was worthy, but the Senator or Representative thought that it was not a worthy project, if such a thing could be imagined, is there any way whereby that project could be brought before the Board of Engineers or before the district engineers? In other words, must the project be initiated in every case by the Senator or Representative? I want to know about that.

Mr. RANSDELL. In every case it must be authorized by an act of Congress; it must be embodied in the river and harbor bill; there is no other way to get it before the Engineers. They have no jurisdiction unless we embody it in an act of Congress.

Mr. KENYON. If the majority of a community, or 10 people of a community, feel that a project in which they are interested is worthy, can they not appeal to the Engineer as to that project, or must they go to their Senator or Representative? I understood the Senator—I may be in error—to say that they must go to their Senator or Representative. Is that correct?

Mr. RANSDELL. I did not intend to convey any such idea. I said that these projects were placed upon the bill at the solicitation of the Members of the House or of the Senate. In the case stated by the Senator from Iowa there is nothing in the world to keep those people from appearing before the Rivers and Harbors Committee of the House independently of their Representative, or before the Commerce Committee of the Senate independently of their Senators, and impressing their views upon the Rivers and Harbors Committee of the House or the Commerce Committee of the Senate.

Mr. KENYON. That answers my question.

Mr. RANSDELL. I will say as a practical proposition that I have not found very much legislation passed by Congress during my 16 years' membership of the two Houses that was opposed by the Representative and the Senator from the community interested. So, practically, I think it comes to the point that these orders for surveys originate with a Senator or Representative.

Mr. KENYON. A project that was not backed by a Senator or Representative, I assume, would have but small chance of success.

Mr. RANSDELL. I do not think it would have a very great show before either the House or Senate committee.

Mr. KENYON. I agree with the Senator on that.

Mr. RANSDELL. Now, I think I have shown pretty clearly that in order to start a river and harbor project we must get the support or approval of the Engineer Corps. After we get that support or approval, do we follow it? Do we run off independently? Do we take strange medicines? Do we act like some people who, when they send for a doctor and get his advice, say, "Oh, you know nothing about the case. I will doctor myself. I will take my own medicine"? Oh, no. We say to them, "Gentlemen of the Engineer Corps, you are the doctors in this case. We have constituted you our agents to find out the facts, to study all the many details connected with these varied and sundry items which we are unable to study and work out in the multiplicity of our engagements. We will do what you say. We will follow your advice. We have constituted you a court of original jurisdiction through the local engineer; of appellate jurisdiction through the division engineer; of final jurisdiction through the Board of Engineers for Rivers and Harbors and the Chief of Engineers. When your great court system, composed of 10 men of high rank and honorable position, have acted upon this case we will follow what you say; or, at least, if we do not adopt all the projects which you approve, we will adopt none which you disapprove."

That is, in substance, what we say. How was it in this bill? It carries 331 projects, and of the 331 all but two—329—have the approval of the Engineer Corps. On 303 of the 331 projects we did not dot an "i" or cross a "t" on the recommendations made by the Engineer Corps. We followed them blindly as to 303 out of the 331 projects. On all of the others but two we made some slight amendments, in some instances giving more than they asked, in others less than was asked. Six of these were new projects which they had recommended and we approved.

What are the two projects in regard to which we followed our own advice? One of them is that of the Senator from Michigan [Mr. SMITH], the little harbor of Arcadia, about which you heard so much eloquence on Saturday last. It is a little rural community, a small town on the banks of Lake Michigan, where the people for years have had a considerable commerce in proportion to their numbers, and where, it seemed to us, on the independent investigations which we made, they should have the sum of $25,000 needed to finish their improvement.

If we have sinned, Senators, in adopting that project, even though the engineers did not approve it, it is not a very big sin—$25,000 in a bill carrying $53,000,000. However, we made a careful independent investigation. We had people from the community to come before us and testify, and we thought we

had sufficient facts to warrant us in making that appropriation even though it did not have the approval of the very conservative Board of Engineers.

What is the other project? On the Missouri River, near the town of St. Joseph, is a place called Lake Contrary. Three or four years ago we made an appropriation of $75,000 for the improvement of the river at that point, conditioned upon the local community contributing a like sum of $75,000, the engineers having said that it would cost $150,000 to improve the river at that point. It turned out afterwards that the local people were very poor; they could not raise the money; and at this session of Congress, after a very strong showing made to us that this work was needed, that not to make the improvement jeopardized the general regimen of the river at that point in the opinion of some very able men, and that the local people were entirely unable to contribute anything toward the expense of the project, we removed the requirement of local contribution and authorized the engineers to go ahead and expend the $75,000.

Those are the two exceptions from the approvals of the Engineer Corps. We followed them in every other particular.

Who are the Engineer Corps of the Army? How do they get their rank? Who appoints them? Why, they are appointed by the Senators I see around me. They are appointed to our great Military Academy at West Point by the Representatives and the Senators, and a portion of them by the President.

Mr. BURTON. Mr. President——

Mr. RANSDELL. Let me make the statement and then I will yield to the Senator. Only the honor men—I understand it to be the 10 honor men—of West Point are eligible to entrance into the Engineer Corps. For years, in fact, from our earliest history, our river and harbor work has been in charge of the Engineer Corps of the Army. They have expended $791,843,740 on river and harbor work. Did any of it stick to their hands? None, so far as I know, except possibly in the one case of Capt. Carter at Savannah. Can any branch of our Government show a more honorable record than that of the Engineer Corps of the Army, who, during the long years of our national life have expended on these great works nearly $800,000,000 with but one single solitary scandal in their ranks? Can even our judiciary show such a record as that? Have we not had a great many impeachments among our judges? Have we not had scandals in every branch of our national life? Have we not occasionally been compelled to expel men from the Senate and the House? Beyond question, yes; and these faithful, able public servants—the Engineer Corps of our Army—have expended nearly $800,000,000 on river and harbor works with but one single, solitary scandal!

In a moment I will yield to the Senator from Ohio. Some of the best names in our history belong to the Engineer Corps. Meade and Lee, who fought at Gettysburg against each other, were members of the Engineer Corps. They were the leaders of 40 members of that corps who attained commanding rank in the War between the States. Some of the greatest generals on both sides were Engineer officers. I might mention Joe Johnson, McPherson, Beauregard, and Wright, and many others whose names are emblazoned on the pages of our Nation's history. Coming nearer to the present time, where did Goethals, the builder of the Panama Canal, and his able lieutenants—Sibert, Gaillard, and Hodges—get the training and experience which enabled them successfully to construct the greatest engineering feat of all the ages? They got it, Mr. President and Senators, in the river and harbor works with which they were associated before being assigned to duty on the Panama Canal. They were on these river and harbor works, scattered all over this country, and there they got the wonderful training, the great experience, the marvelous executive ability necessary to make a success of this great project.

Would any American intimate for an instant that Goethals would have favored a project in which there was "graft" and "pork"? I should like to see the man who would make that suggestion about Goethals or Sibert, or Gaillard, or Hodges. Yet these men were connected with various and sundry river and harbor projects. These men, let me repeat, learned how to build the Panama Canal on river and harbor works. The supposition that these canal builders or a majority of the 10 engineers of the corps who act on each project would yield to improper influence is preposterous. They have done the best they could. They have followed out the system laid down for them. I believe it is a good system, and I will show in a few moments that it has the approval of the Senator from Ohio [Mr. BURTON], to whom I now yield.

Mr. BURTON. Mr. President, I had not intended to interrupt the Senator from Louisiana; but there has been a good deal of misapprehension about the Lake Contrary improvement, below St. Joseph, Mo., and so I wish to read from the last report of the Engineer Corps upon it. I could find no justification whatever for the appropriation of $75,000 or any amount. There have been three or four reports, but let me read from the last. This is Document No. 14, Sixty-third Congress, first session. I will read first from the report of the Board of Engineers for Rivers and Harbors, on page 3:

> While the bank in front of the lake—
>
> That is, Lake Contrary—
>
> is being gradually eroded and will probably within a few years be breached, so far as the river channel is concerned, no perceptible ill effect will follow, and the event in such respect will be a mere incident in the wandering back and forth of the unrestrained river.

Later, the board said:

> There is no commerce on the Missouri River which would be at all directly benefited or affected by the prevention of the river entering Lake Contrary, and the board reports, therefore, concurring with the views of the special board, that it is not advisable for the United States to undertake this work in the interests of commerce and navigation.

Still stronger is the language of Gen. Bixby, Chief of Engineers. Speaking of the report, he says:

> This report has been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to the board's accompanying report, dated February 3, 1913, concurring with the views of the special board.

That is the one which I have read. Repeatedly requests have been made here for examinations, and Congress has granted those requests whenever made. There has been a degree of persistency almost unequaled in this case.

The general goes on to say:

> A consideration of these reports shows a unanimity of opinion that there is no special danger of the river resuming its former route through Lake Contrary. Should it commence to do so at any time, such action could be readily stopped by the construction of an inexpensive traverse or cut-off dike at some point between the upper and lower lake combined with a moderate amount of spur dike or revetment work at critical points of the main river bank, such as can be built under the regular appropriations for this part of the river whenever found actually necessary.
>
> After due consideration of the above-mentioned reports, I concur in general with the views of the special board and the Board of Engineers for Rivers and Harbors, and therefore in carrying out the instructions of Congress, I report that the improvement by the United States of Missouri River at St. Joseph, Mo., with a view to preventing a diversion of the river through Lake Contrary and contiguous lakes in the manner apparently desired by the interests concerned, as described in the reports herewith, is not deemed advisable at the present time in the interest of navigation.
>
> W. H. BIXBY,
> *Chief of Engineers, United States Army.*

This bill contained, when reported to the Senate, a provision under which $75,000 might be expended at this point, when the Chief of Engineers says that a moderate amount of spur dike and revetment work, combined with the construction of an inexpensive traverse or cut-off dike, would meet the situation.

That is all I desire to say.

Mr. RANSDELL. Mr. President, I am glad to see that the Senator from Ohio is sufficiently well satisfied with the Board of Engineers and the Chief of Engineers to quote them on his side of the subject. It reminds me of what is often said of the chief of the satanic kingdom, who quotes the Bible occasionally when it suits his own purposes. I do not intend to be taken from my speech by the discussion of Lake Contrary. It is, in the slang used sometimes in Louisiana, "small potatoes and few in a hill," when we are considering a bill carrying $53,000,000—a bill of the greatest importance to the American people. It carries only $75,000. I have already stated that it was one of the exceptions. I stated that the engineers did not approve it. I stated that upon investigation we had decided to put it in the bill, and that this great Engineer Corps, in spite of the power and influence of the chairman of the Senate Committee on Foreign Relations and the other very able Senator from Missouri and all the Congressmen from that section, who to my certain knowledge have been hammering on it for years, has stood up against them.

So much for that project.

Senators, I want your attention now for a moment while I exhibit to you three big volumes which contain the annual reports of the Engineer Corps. This is for one year. When the Commerce Committee gathers around its table it has before it every year, in the preparation of the bill, three big volumes like these, containing for 1913 some 4,421 pages.

Is that all we had in the Commerce Committee this year? Oh, no; we had quite a number of special reports, which I hold in my arms—several thousand pages of special reports.

Would Senators who talk about "pork barrels" and graft like to go through these reports? They contain probably 5,000 pages, in addition to the 4,421 pages in the regular annual reports. Would you like to read the evidence in each one of these cases? We have the actual evidence in a great many of them. It was submitted and we examined it. We do not go into this

business hastily. We do not apportion this money out. There is no such thing as a division of the spoils, as some people, by innuendo and otherwise, would have you believe. We work in accordance with a well-developed system, which has grown up, let me say, from the earliest days of this Republic, bringing it right on down through the preliminary survey to the final survey, then the reports of the engineers, and finally the hearings pro and con on the respective projects when they are up for consideration before the House and Senate committees. How would it be possible, let me ask, for any "pork" or graft to get in a bill with all those safeguards thrown around it?

In my judgment, Mr. President, the system of making river and harbor improvements is a better arrangement of checks and balances than exists in any other of the great appropriation bills of our Government. We are obliged in matters of practical legislation to act upon the advice of some one. Granting these improvements, it is impossible for the Members of the House and the Senate to go out in person and inspect the various waterways. Take the mouth of the Columbia River, for which the bill, when it was reported to the Senate on the 16th of June, carried $5,100,000. That river is thousands of miles away from here. It would be out of the question for Members of the House and the Senate to go there and examine it. Suppose we went there, what would we know about it? After an examination what could we say? It is just as necessary to have skilled experts to examine and report on these great technical projects as it is for a physician to examine and treat you when you are sick. The system, with all the checks and balances resulting from the careful examination of the local engineer, the division engineer, the Board of Engineers for Rivers and Harbors, and the Chief of Engineers, constitutes, in my judgment, a better safeguard than is thrown around any other class of appropriations. Is there a better system; and if so, who has suggested it? Have the opponents of this bill suggested a better one in the last two or three months when they have been fighting this measure? In the speech of the Senator from Ohio, during which he has consumed more or less time, if I mistake not, on 12 or 13 days, is there a single suggestion of a better system? He does not deny that we must improve our rivers and harbors. He has been attempting to destroy the system, like the little boy who might cut to pieces the masterpiece of Michelangelo, but he has suggested nothing in lieu thereof.

Now, what does he say about this system? In 1909 the National Waterways Commission was created by act of Congress, and the Senator from Ohio was its chairman, and it was a great commission. Let me read you the names of its members:

Senators: Theodore E. Burton, of Ohio, chairman; Jacob H. Gallinger, of New Hampshire, vice chairman; Samuel H. Piles, of Washington; William Alden Smith, of Michigan; F. M. Simmons, of North Carolina; James P. Clarke, of Arkansas; and William Lorimer, of Illinois.

These are the Members of the House of Representatives: D. S. Alexander, of New York; Frederick C. Stevens, of Minnesota; Irving P. Wanger, of Pennsylvania; Stephen M. Sparkman, of Florida; and John A. Moon, of Tennessee.

In January, 1910, this waterways commission, after going over most of the Continent of Europe, studying the waterways of that country very thoroughly and examining a number of waterways in America, submitted to Congress a preliminary report, in which they said:

The duty imposed upon it—

The commission—

by statute was to investigate questions pertaining to water transportation and the improvement of waterways, and to make recommendations to Congress.

Senators, I think I may be permitted to say, without the slightest reflection upon the other members of the National Waterways Commission, that this report was very largely the work of the chairman. I served on the Rivers and Harbors Committee with him for eight years, and I know when he was chairman of any committee or commission he did the bulk of the work and got his ideas in very well. I want you to listen and hear what he says about the waterway system under which we are working.

Mr. VARDAMAN. Who was the chairman? I did not catch the name.

Mr. RANSDELL. Senator BURTON, of Ohio, was chairman of the commission. I read from page 77 of the final report:

The commission regards the present law, providing for preliminary steps before the adoption of projects for improvement, as well adapted to secure the best results.

Under existing statutes it is required that when the improvement of a river or harbor is advocated, before any plan is adopted there should be legislation by Congress in the form of a concurrent resolution or other measure which shall direct that an investigation of the improvement be made. This investigation contemplates two successive steps—first, a preliminary examination; second, a detailed survey—both of which are made by the Engineer Corps of the United States Army, and are reviewed by an organization known as a "Board of Review," created by the river and harbor act of 1902, with the object of securing uniformity in recommendations before projects are adopted, and with the thought of bringing to bear upon the proposed improvements under investigation a more elaborate and careful consideration. If on the first or preliminary examination the report is unfavorable, no further action is taken without the further order of Congress. The law on this subject is contained in the river and harbor act of March 3, 1909.

The law on this subject is contained in the river and harbor act of March 3, 1909. It is as follows:

In all cases a preliminary examination of the river, harbor, or other proposed improvement mentioned shall first be made, and a report as to the advisability of its improvement shall be submitted, unless a survey or estimate is herein expressly directed. If upon such preliminary examination the proposed improvement is not deemed advisable, no further action shall be taken thereon without the further direction of Congress; but in case the report shall be favorable to such proposed improvement, or that a survey and estimate should be made to determine the advisability of improvement, the Secretary of War is hereby authorized, in his discretion, to cause surveys to be made, and the cost and advisability to be reported to Congress. Such examinations and surveys shall be reviewed by the Board of Engineers for Rivers and Harbors, as provided in section 3 of the river and harbor act of March 2, 1907: *Provided*, That every report submitted to Congress in pursuance of this section, in addition to full information regarding the present and prospective commercial importance of the project covered by the report, and the benefit to commerce likely to result from any proposed plan of improvement, shall contain also such data as it may be practicable to secure regarding (first) the establishment of terminal and transfer facilities, (second) the development and utilization of water power for industrial and commercial purposes, and (third) such other subjects as may be properly connected with such project: *Provided further*, That in the investigation and study of these questions consideration shall be given only to their bearing upon the improvement of navigation and to the possibility and desirability of their being coordinated in a logical and proper manner with improvements for navigation to lessen the cost of such improvements and to compensate the Government for expenditures made in the interest of navigation: *And provided further*, That the investigation and study of these questions as provided herein may, upon review by the Board of Engineers for Rivers and Harbors when called for as now provided by law, be extended to any work of improvement now under way and to any locality the examination and survey of which has heretofore been or may hereafter be authorized by Congress.

The commission goes on to state that—

Under the foregoing plan, if the final report is favorable, it is considered that a basis exists for the making of an appropriation for the proposed improvements. The recommendations of the engineer officers are not necessarily final—

As I have explained to you—

though since the passage of the law the rule has been adhered to as a fixed policy that no project should be undertaken by the Government or appropriated for which does not have the recommendations of the board of review and the Chief of Engineers.

Let me emphasize this:

"The rule has been adhered to as a fixed policy that no project shall be undertaken by the Government or appropriated for which does not have the recommendation of the Board of Review and the Chief of Engineers." Are you Senators, some of you who in your minds at least fear that away down in the bowels of this bill there is a big lot of pork or graft, willing to say that the Board of Engineers or the Board of Review and the Chief of Engineers are participants in that pork? If you have so little confidence in the Members of your own body; if you are willing to utter severe libels, which the charges made on this floor amount to, on the members of the Rivers and Harbors Committee of the House of Representatives and upon the Commerce Committee of this body, are you willing, I repeat, to say that not only have your own colleagues been guilty of willful, malicious, wrong deeds; not only have the members of the House Committee on Rivers and Harbors been addicted to corrupt pork barrel graft methods, but that the Engineer Corps of the Army, which has not a scintilla of interest in the items of the bill, has also been guilty of corruption in the very important part they played in framing this measure?

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Louisiana yield to the Senator from Minnesota?

Mr. RANSDELL. In one minute. Granting that I, a Senator from Louisiana, would so far forget my honor as a man, my dignity as a Senator and a representative of my people, as to try to induce the Senate to make improper, unworthy, and corrupt appropriations for projects within my own State in which I might have a special, local, personal interest, or in which my people might be interested, is it not inconceivable that the engineers who must first pass upon these projects, who have no local interest, and are stationed there for only a few years at a time, coming from some far distant part of the country, whose salary is for life when once they enter that corps, should be governed by the same bad influences that have induced me to do wrong? Such a proposition as that is absolutely preposterous.

I now yield to the Senator from Minnesota.

Mr. CLAPP. What I wanted to say is that I am very much interested in the Senator's remarks, and that some years ago the late venerable Senator Hoar, of Massachusetts, deprecated, and very feelingly, too, the use of the term "pork barrel" and the reference to logrolling with regard to the river and harbor bill. That is very suggestive in view of the Senator's masterly analysis of the genesis of the bill, and I thought I would make that contribution to the Senator's remarks.

Mr. RANSDELL. I thank the Senator very much. Anything which Senator Hoar said is worthy of being introduced in any debate in this body, to which he was so long an honor and of which he was an ornament.

It has been suggested to me by the Senator from Alabama [Mr. BANKHEAD] that the Senator from Ohio who now criticizes this bill so severely was the author of the statute creating the Board of Engineers for Rivers and Harbors, this board of review which gave additional security and safeguard to the system, though before that time it was substantially the same system; now, however, doubly safeguarded by requiring all these projects to run the gantlet of the Board of Engineers for Rivers and Harbors before they have legislative status in our body.

I wish to continue what I was reading, because this is very interesting material in view of what we have heard on this floor:

At the time of the creation of the board—

That is, the Board of Engineers for Rivers and Harbors—

in 1902, projects of an aggregate cost of $400,000,000 or more, recommended as worthy of improvement, either had not been commenced or were in a partly finished condition, and necessarily the work of Congress was one of selection, under which the most pressing projects alone were sure of attention.

The commission would advise—

That is, the National Waterways Commission, speaking through the Senator from Ohio [Mr. BURTON]—

The commission would advise that without a careful and unbiased examination of proposed improvements of the nature now required by statute no project should be adopted by Congress.

Are we following that advice? I have just shown that we followed it literally in 329 out of 331 projects. Did we follow it last year in passing the river and harbor bill? There were 313 projects in that bill, and in every one of them except one we had the approval of the Engineer Corps. We are literally following the advice of this National Waterways Commission. To continue:

Numerous propositions have been made for the creation of a board of public works, or other body, which shall decide upon the feasibility and desirability of propositions for expenditures on rivers and harbors.

Listen to that! "Numerous other propositions have been made." What does the commission say about it?

The commission is unwilling to recommend a change of this kind, and points to the fact that the past recommendations of the Engineer Corps have been carefully prepared—

Oh, yes; the past recommendations "carefully prepared," but, according to the Senator from Ohio, by some strange feat of legerdemain since he ceased to be the chairman of the Committee on Rivers and Harbors of the House, the Engineer Corps has gotten under control of the House and the Senate. To continue—

the past recommendations of the Engineer Corps have been carefully prepared and with a degree of expert knowledge and comprehension of the commercial needs of the country which could not well be supplied by any other body or organization. The advantages which attach to the Engineer Corps are obvious. The members—

Please give your careful attention to this now—

The members are in the permanent service of the Government, and are free from those influences which would inevitably be brought to bear upon men in civil life. Those engineers now engaged in the work are carefully trained in the planning and execution of these improvements, and have special qualifications for judging the feasibility and the cost of proposed river and harbor projects. They also have a good general knowledge of the probable commercial results which would accrue, though on this point their opinions have not been regarded as conclusive. In this connection the commission would call attention to the necessity for an increase in the membership of the Engineer Corps.

The continuing contract system was first tried in the year 1899. Under this plan the whole or any part of an estimated expenditure is, whenever desirable, authorized at one time, and the amounts needed as the work progresses are provided from year to year by appropriations carried in the sundry civil act. This system, to some extent and with beneficial results, has been used in each subsequent river and harbor act, except in 1894, and its continued use is recommended. In the case of small streams or harbors, however, it is not essential. Nor is the authorization of a contract for completion desirable as a rule in the case of very large projects, where the amount necessary for completion is indefinite or a very long time is required.

I ask Senators to listen carefully to this proposition, in view of the criticisms of this bill, because we did not put everything under the continuing contract system. The report says:

In the case of small streams or harbors, however, it—

The continuing contract system—

is not essential. Nor is the authorization of a contract for completion desirable as a rule in the case of very large projects, where the amount necessary for completion is indefinite or a very long time is required. In many instances the work extends over a long period, because the necessary plant or equipment must be collected gradually, and the work, if hastened too rapidly, becomes unnecessarily expensive. In these cases, as well as in others, a large discretion as to time of completion is necessarily left to the executive department, which can carefully consider all phases of the situation and secure such prosecution of the work as will be most beneficial to all concerned.

Listen to this: The method of prosecuting the work can, in the opinion of this National Waterways Commission, be safely left to the executive department—that is, the Engineer Corps; they are a part of the executive department—who will "carefully consider all phases of the situation and secure such prosecution of the work as will be most beneficial to all concerned."

Mr. President and Senators, I invite the careful perusal of every Senator of this report of the National Waterways Commission—a great commission, composed of some of our very ablest public men, with every facility for studying this subject both in America and abroad—who in the most deliberate and careful manner have indorsed in unqualified language the present system of making river and harbor improvements, the system which has been in vogue since the beginning of our Government, and which we have followed almost to the letter, for in preparing this bill we took the advice of the Engineer Corps, the advice of the executive department. We realized the necessary limitations upon us, and we followed the advice of the doctors who told us what to do.

I again wish to suggest that so far, at least, the criticisms we are now receiving so strenuously, not only in regard to the items of the bill, but in regard to the system itself, come from the two men who were chairman and vice chairman of the National Waterways Commission, which no longer than two years ago, on March 25, 1912, filed its final report, making a part thereof the preliminary report, which was published in January, 1910. This preliminary report could not have praised the present system more strongly than it does. If the members of the commission had been advocates especially paid to praise this system, they could not have indorsed it more unqualifiedly.

Mr. President and Senators, there is not one item that I have been able to find in the report of hundreds of pages that suggests another system. Certain changes, immaterial in many respects, have been suggested and have been followed by Congress and by the engineers, but the system itself was not attacked. It was praised. And it is that system on which we stand now and upon which our bill is based.

Mr. President, it is very disagreeable to read in some of the newspapers of the country and to hear intimations on this floor that there is "pork" and graft in this bill. In a speech made by me recently I called upon those papers and upon the Senators who have intimated that there was graft to be fair enough to show the projects in which it existed; to show where there was any corruption; to show where there was anything vicious. So far they have not done so; they have failed to meet that very fair proposition of mine; they have failed to explain away the favorable report of the engineers supporting all but two of these projects; they have failed to do for me as one individual Senator greatly interested in this bill, because my people will suffer, and suffer greatly if it does not pass—so far, I say, they have failed to treat me as well as a common criminal would be treated, because, if indicted, he would have a copy of the indictment served upon him. That indictment would contain a bill of particulars giving the time, place, and circumstances of the crime of which he was accused. If there is any "pork" in the Louisiana items, I am entitled to know it and entitled to be shown the time, the place, the circumstances; and so is every other Senator who is a member of the Commerce Committee entitled to be shown the "pork" and the corruption in the items of his State.

It is wrong, it is unfair to make these general accusations. In my judgment, as I said a moment ago, accusations of this character constitute a very severe libel upon the members of the House Committee on Rivers and Harbors, upon the Senate Committee on Commerce, and upon the Members of the Senate and the House who have urged the adoption of many of the projects in this bill, and, finally, upon the members of the Engineer Corps of the United States Army.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Kansas?

Mr. RANSDELL. I am very glad to yield.

Mr. THOMPSON. Am I to understand that there has not been any objection whatever raised to a single item in this bill by anyone?

XUM

Mr. RANSDELL. Some criticisms have been made to some of the items, but not a single criticism, let me say, which goes to the point of showing that a particular item is a corrupt item, a bad item, or a "pork-barrel" item.

Mr. SHEPPARD. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Texas?

Mr. RANSDELL. I will be delighted to yield to the Senator.

Mr. SHEPPARD. Nor has it been shown by anybody that any item was put in this bill with a view to gaining the support of any Representative or any Senator for the bill.

Mr. RANSDELL. That is absolutely correct.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Florida?

Mr. RANSDELL. I will be delighted to do so.

Mr. FLETCHER. Possibly some explanation of the attacks on the bill and the very unjust observations which have been made and published may be found in the heading of an article in the Times of yesterday which reads, "G. O. P. to continue war on pork barrel." The question is, Is not this bill sought to be made a political football?

Mr. KENYON. Mr. President——

Mr. RANSDELL. Mr. President, I know nothing about that; I only know we have some mighty good friends of the bill on the other side of the Chamber. I hope they are not going to bring politics into it. I wish to say in passing that when I was a member of the House Committee on Rivers and Harbors I was firmly convinced that we did not have any politics in the river and harbor bill; it was one bill as to which we always said that the terms "politics" and "partisanship" were never allowed to come past the door leading into the River and Harbor Committee room. In those days Democrats and Republicans alike joined hands in passing these bills, after they had run the gauntlet of the Engineer Corps, of the River and Harbor Committee of the House, and of the Senate Commerce Committee; but it seems that now, when the Democrats are in power, a filibuster is being conducted to kill this bill.

Mr. President, I heartily respect a man who opposes items in a bill in which he does not believe. The Senator from Iowa [Mr. KENYON], whom I now see standing by his seat, told me that he was going to fight this bill hard. I said, "Senator, I glory in your spirit; fight it hard, strike out everything that you do not believe in; if there is anything in the bill in which you do not believe, go after it strong; that is manly; that is proper; that is right; but when you have done that stop, and let us pass the bill." I understood from his statement that that was as far as his opposition to the bill went. That is right, sir.

If there are items in this bill which any Senator does not approve, let him make his fight upon them in detail when we take the bill up for consideration paragraph by paragraph, and if there be any attempt to have an omnibus vote, any attempt to prevent a separate vote on any independent paragraph, then I promise the Senator from Iowa now that I will join with him in seeing that he and every other Senator has a chance to vote separately and independently on the items to which they object; but, in heaven's name, sir, do not try to destroy as a whole this bill, which carries so much good for the country, which, if it fails to become a law before the 1st day of October, will throw out of employment 29,000 operatives, according to a report furnished me by the Chief of Engineers. If this bill fails to become a law, not only will these 29,000 men be thrown out of employment directly, but considerably more than 29,000 others, who now furnish material of every kind and sort for the work, such as sand, cement, steel, iron, lumber, willows, stone, and so forth, will lose their means of support. Mr. President, more than 300,000 human mouths are dependent for food upon the money paid out for the public works carried in this bill; and they are likely to go hungry, sir, for I tell you that prices of foods and the cost of living are increasing very materially because of the European war.

Mr. SMOOT. Mr. President——

Mr. RANSDELL. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I desire to ask the Senator if he does not believe that if a vote had been taken upon each item in the bill before any endeavor to defeat the bill had been made there would not have been a single item in the bill rejected; they would all have been voted for? Is not that true?

Mr. RANSDELL. I can not say whether or not any of them would have been defeated, but I will say that if every Member of the Senate stayed as close to his seat as does the Senator from Utah and listened to the debates on the respective items, if any one of them is the vicious "pork-barrel" item which some Senators would have us believe, then the majority of the Senate would have stricken it out, or else I misunderstand the Senate very badly. I believe it is a high-class, honorable body of men. I do not believe, even if the members of the Commerce Committee are tempted by selfish interests to stray from the paths of rectitude, that the remainder of the Senate is, and when the bad items were pointed out they would have been stricken from the bill.

Mr. SMOOT. Mr. President, I do not care even to intimate any wrong upon the part of any Senator, but I believe there are a number of Senators, like myself, who in the past have voted for river and harbor bills, although there never was a cent carried by any of them which went into the State of Utah. However, in my capacity as a Senator I do not have regard merely for the items which affect beneficially the State which I in part represent in this body. I have paid no particular attention to many of the items, or, I may say, to any of the items in the bill in the past, but during this discussion I have come to the conclusion that there are items in the pending bill which are indefensible, and I would feel that I was not doing my duty as a Senator of the United States if I voted for them. If the discussion had not taken place, and if they had not been called to my attention, not being a member of the committee, I no doubt would have voted exactly as I have in years past.

I think the Senator from Ohio [Mr. BURTON] has done a splendid piece of work in calling to the attention of the country the fact that there are indefensible projects in this bill, as perhaps there have been—I have no doubt there have been—such items in past river and harbor bills, but I do believe that we ought at least to begin now, and that whatever money we do appropriate—and I do not object to spending money for the proper improvement of rivers and harbors—ought to be spent upon projects that are not merely of local benefit or for the benefit of any individual company which may be located upon some river and which thinks it could secure a lower rate of freight if the Government would improve the river. There are items of that kind in this bill.

Mr. RANSDELL. I deny that there is a single item in the bill for the benefit of some local company.

Mr. SMOOT. Then the reports of the Army engineers are not accurate, nor the statement made by Senators in this discussion.

Mr. RANSDELL. I ask the Senator to show those reports. He can not do it.

Mr. SMOOT. They have been referred to, and there is no need of my taking the time of the Senate now to call attention to them again. The reports that have been read before the Senate clearly show that the only advantage that ever would come from the improvement of certain rivers would come to a few concerns located upon the river, so that they could get a little cheaper rate of freight to get to a market.

I do not believe that is the fundamental principle of river and harbor improvements. Wherever there is a river or harbor the improvement of which is a national question or necessity and which the Government ought to undertake to improve, such as the great Mississippi River, I am as liberal as any other Senator possibly can be in making appropriations for it; but where there are rivers with no water in them half the year round, which are not over 12 or 14 inches deep, and where the cost of maintenance is actually more than the value of all the stuff that is transported on the river, I think it is very poor policy and a profligate waste of Government money to improve such streams.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. RANSDELL. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President, the Senator has spoken of the possibility of opposition to this bill being for political purposes. I can hardly believe that that is the cause of the opposition on the part of Senators. Did the Senator from Louisiana ever stop to think that opposition, at least from some portions of the press, grows out of the provisions of section 11 of the Panama Canal act? I do not mean to say that any such consideration influences any Senator in this Chamber, but I suggest the possibility that the opposition of some of the newspapers results from the provisions of section 11 of that act.

Let me illustrate what I mean. There was a time when the railroad companies of the country favored the improvement of the rivers and harbors.

Mr. RANSDELL. Especially the harbors——

Mr. CHAMBERLAIN. Especially the harbors.

Mr. RANSDELL. Which are railroad terminals.

Mr. CHAMBERLAIN. And I may say to the Senator that they did not oppose the improvement of the rivers. I remember that not a great many years ago one distinguished presi-

dent of a railroad company appeared before a rivers and harbors congress and advocated these appropriations. Since the passage of the act of 1912, however, that support has failed, and we do not find railroad companies advocating the improvement of rivers and harbors.

The railroads paralleling a river, for instance, upon which there was an independent line of steamers, usually put on a line of steamers themselves in opposition to the independent line, putting the rates down to such a low figure that the independent line was driven off the water. I know it was so in my section of the country. On the Columbia River, and between the points on the Columbia River and San Francisco, the railroad companies put on lines of steamers, and no independent company could do business in opposition to those lines.

The act of 1912 has placed those competing railway steamers under the jurisdiction of the Interstate Commerce Commission, so that they can not change their rates at will and put an independent line out of business.

I merely make this suggestion to the Senator, and I ask to have printed in the RECORD, in connection with it, section 11 of that act.

The PRESIDING OFFICER. Without objection, permission will be granted.

The matter referred to is as follows:

SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever—by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner—in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, may be considered and granted thereafter.

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies"; or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes"; or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, commonly known as the Sherman Antitrust Act, and amendments thereto; or said sections of the act of August 27, 1894. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between the interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the act to regulate commerce, as amended June 18, 1910, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

Mr. RANSDELL. I will ask the Senator if he has found any opposition from the press to harbors which are railroad terminals? Harbors are points where big ships run alongside railroads and unload their cargoes into the freight cars, and in turn the railroads unload their freight into the ships. Has the Senator found any opposition, either on this floor or in the press of the country, to harbor improvement?

Mr. CHAMBERLAIN. I think that is correct, so far as I have been able to observe; and the Senator knows, living as he does on the Mississippi River, that there was a time when railroad companies were operating lines of steamers in competition with their own railway lines, forcing independent river lines out of business.

Mr. RANSDELL. That is true.

Mr. CHAMBERLAIN. And it was impossible for an independent line to operate its steamers in opposition to the railroad companies, with the result that the independent lines were forced out of existence, and then the railroads fixed the rates by rail to suit themselves and tied up their own steamers on the Mississippi River.

Mr. JONES and Mr. KENYON addressed the Chair.

Mr. RANSDELL. I yield first to the Senator from Washington.

Mr. JONES. The Senator made a suggestion a moment ago from which it might be inferred that there is some rule of the Senate or some custom of the Senate under which a separate vote on any item in the bill could be prevented. I know that the Senator did not intend to convey any such idea as that, because I think the Senator will bear me out in the statement that under the rules of the Senate there is no way by which any Senator can be prevented from having a separate vote on any item of this bill.

Mr. RANSDELL. The Senator's statement is absolutely correct, as I understand the rules.

I now yield to the Senator from Iowa.

Mr. SMOOT. Mr. President, perhaps the Senator had reference to what I said.

Mr. JONES. No; I referred to a remark the Senator from Louisiana made.

Mr. RANSDELL. No; the Senator from Utah said nothing with reference to that. I will answer his questions in a moment. I yield now to the Senator from Iowa.

Mr. KENYON. The Senator from Louisiana has twice now, I think, said that there was no opposition here to appropriations for harbors. I think the Senator can hardly mean that. We have voiced our opposition to many of these appropriations for harbors, and, so far as I am concerned, I shall contend——

Mr. RANSDELL. Will the Senator kindly specify what ones have been objected to?

Mr. KENYON. Boston Harbor, and others. I do not know that they have been objected to, but they will be.

Mr. RANSDELL. Perhaps they are to come, but they have not come so far; and I was going by the past, rather than the future, as I am not a prophet.

Mr. KENYON. I am not finding fault with the Senator there; but the Senator from Ohio did object to a number of the harbors, and asked that the appropriations as to harbors in his own State should be cut down. I shall contend that the appropriation to harbors where the railroads own the terminals and there are no public docks is in the nature of a subsidy, and ought not to be; and if the Senator has not heard any opposition to harbor appropriations he will hear it before this discussion is over.

Mr. RANSDELL. I have not heard any, but if there be objections I do hope they will be made—not that I am opposed to harbors, because I believe in them firmly, just as I do in rivers, as great adjuncts of the cheapening of the transportation agencies of this country; but it does seem strange to me, and I have been thinking about it, not only now but for 16 years—ever since I entered Congress—that harbors could get all the money they needed while rivers had to struggle along and could get very little. I hope the Senator from Iowa will bring out the criticisms of these harbors when he makes his speech, because I have not heard them, either in this discussion or at any time during my 16 years of service.

In regard to the terminals, I wish to say that I am heartily in favor of requiring the various communities to provide terminals free, or at least to be used on equal terms by all comers. I think it is outrageous for Congress to improve the harbor at some great port when all the terminals in that port are controlled by one or at best by two railroads. For years I have been advocating the acquisition of terminals by State and municipalities, and in some instances have urged that no appropriation be made except upon the condition that suitable terminals be provided. Indeed, that provision has been inserted in many of the items of the river and harbor bills we have passed during the last two or three years.

Mr. SMITH of Michigan. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Michigan?

Mr. RANSDELL. I shall be delighted to yield.

Mr. SMITH of Michigan. The National Waterways Commission——

Mr. RANSDELL. Which I quoted from extensively while the Senator was out.

Mr. SMITH of Michigan. Yes. The National Waterways Commission, of which the Senator from Ohio [Mr. BURTON] was chairman, and of which I had the honor to be a member, recommended the very thing that the Senator from Louisiana emphasized a moment ago. We all felt that as a prerequisite to the improvement of harbors the municipality ought always provide adequate terminal facilities and easy access to public docks; and if that is done the public will be assured of economical and efficient service.

Mr. RANSDELL. It is undoubtedly an admirable principle. I have before me the report of the National Waterways Commission, of which the Senator from Michigan was such a distinguished member; and with the permission of the Senate I should like to incorporate in my remarks at this point a page and a quarter bearing on that subject. It is the very best kind of doctrine, and conveys the ideas which have been brought out here by the Senator from Iowa, the Senator from Michigan, and myself.

The PRESIDING OFFICER. Without objection, that may be done.

The matter referred to is as follows:

Undoubtedly the most essential requirement for the preservation and advancement of water transportation is the establishment of adequate terminals properly controlled. Under present conditions the advantage of cheaper transportation which the waterways afford is largely nullified by the lack of such terminals.

According to the report of the Commissioner of Corporations on water terminals, private interests control nearly all the available water front in this country, not only at the various seaports but also along the Great Lakes and the principal rivers. Only two ports in the United States—New Orleans and San Francisco—have established a public control of terminals at all comparable with the municipal supervision existing at most European ports.

The above-mentioned report on water terminals also shows that a large proportion of the most available water frontage is owned or controlled by railway corporations. Through this ownership or control they practically dominate the terminal situation at most of our ports, and they have generally exercised their control in a manner adverse to water traffic. In many cases they hold large tracts of undeveloped frontage which they refuse to sell or lease, and which are needed for the construction of public docks. This railway control of terminals is one of the most serious obstacles to the development of water transportation, for the control of the terminal means practically the control of the route. An independent boat line has small chance of success where it is denied the use of docks and terminal facilities or is required to pay unreasonable charges for their use. The high terminal charges at many of our ports make it impossible for small boat lines to enter at all.

The commission believes that the proper solution of this terminal question is most vital to the future of water transportation. It is, however, more a local or State than a Federal problem. As pointed out in the preliminary report of the commission, there should be a proper division between the functions of the Federal Government and local communities in the improvement of waterways. The Federal Government should improve channels, while the municipalities should cooperate to the extent of providing adequate docks and terminals. It is absolutely essential for the growth of water transportation that every port, whether located on the seacoast or on some inland waterway, should have adequate public terminals, at which all boat lines can find accommodations at reasonable rates. Inasmuch as the indifference of communities to their responsibilities in this matter largely nullifies the benefits of expenditures by the Federal Government for channel improvements, the commission emphasizes the recommendation made in its preliminary report that further improvements in rivers and harbors be not made unless sufficient assurance is given that proper wharves, terminals, and other necessary adjuncts to navigation shall be furnished by municipal or private enterprise, and that the charges for their use shall be reasonable. It can not be too strongly urged that in many cases it is not the condition of channels so much as it is the lack of terminals that is retarding the development of water transportation.

Where water frontage necessary for the establishment of public terminals is held undeveloped by railway or other private interests, a special act of the legislature should be passed, empowering State or municipal officials to condemn such property for public use. This plan has already been followed in a few cases and should be more widely adopted. The proposal has sometimes been made that the Federal Government should condemn private property and establish public terminals along the rivers and in the harbors which it is improving in order that the benefits of such expenditures may not be nullified. The commission, however, would not recommend the adoption of such a policy unless it shall be found after a fair trial that the States and localities can not adequately solve the problem.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Iowa?

Mr. RANSDELL. Certainly.

Mr. KENYON. The Senator has intimated that the opposition to this bill on the part of the newspapers—I do not know that he has said that as to the floor of the Senate—was inspired in some way by the railroads; and the Senator from Oregon has spoken along the same lines. Now, of course it is an easy matter to make charges of that kind. I want to ask the Senator from Louisiana, who is generally fair about matters, if it is not true that the same criticism has been leveled against the bill which he fathers here, known as the Ransdell-Humphreys bill? I think that is the title of it. Is it not true, whether that b an unjust accusation or not, that papers in his own State—the New Orleans Item, for instance, of October 21, 1913—charged that railroad influences had been for that bill, and gave a list of subscriptions from different railroads, a photograph of which I hold in my hand, charging that the railroads have subscribed these funds to further a campaign of education?

Now, the Senator knows it is very easy to make these charges. I think a charge here that anyone is fighting this river and harbor bill for the purpose of helping any railroads is as unjust as it is ridiculous, and probably this article in the New Orleans Item may be just as unfounded.

Mr. RANSDELL. Mr. President, in response to the Senator from Iowa I beg to say that the railroads of the Mississippi Valley have aided materially in a propaganda for the protection of the land of that valley from overflow. That valley constitutes one of the richest diadems in the American crown, and at very frequent intervals terrible overflows sweep down, destroying millions and millions of dollars' worth of property and many human lives. I do not intend to go into a discussion of the Mississippi River problem at this time. Later, I hope to take it up and discuss it fully; but every Senator knows that millions of people live in that valley, that colossal wealth exists there, that it is subjected to the flood water which falls on nearly two-thirds of this continent. Thirty-one States pour their waters down on that valley. The local people can not protect themselves from it; and among the other very valuable property badly injured by those overflows is that of the railroads. In the congressional district in Mississippi represented by Mr. HUMPHREYS there are upward of 1,000 miles of railroad belonging to one system, the Illinois Central. In the State of Arkansas there are, I do not know how many, but certainly several hundred miles in the overflowed section, and considerably over a thousand miles in the State of Louisiana. When an overflow occurs, the roads are put out of business. Not only is there no freight for them to carry, but the waters sweep over their tracks, completely destroying them, and for months and months they can not do business. An organization known as the Mississippi River Levee Association was started several years ago to try to arouse sentiment in favor of the systematic improvement of that valley and the protection of its lands from overflow on a plan requiring a fair percentage of local contribution, the great desire being to have the Government take it up and finish it promptly.

In order to educate the people of the United States about the needs of the valley and the benefits to be derived from its proper protection, this organization has sent out a great deal of literature, has published articles in the papers, and has written to Senators and Representatives. I dare say all the Senators within the sound of my voice have received many communications from them. It costs money to carry on that kind of a campaign of education—a legitimate, honorable, businesslike campaign—showing the people of the United States the facts, and the railroads, being as great sufferers as any persons or corporations in the valley, have contributed, in proportion to their property interests, to carry on that educational propaganda.

I do not know that the statements made in the New Orleans Item are incorrect. I believe the railroads have contributed to this campaign, but they have done it honorably and openly and aboveboard. There was no secrecy about it. Their contributions were published in all the papers of the valley. Everybody knew of it.

That was entirely legitimate and proper. I do not know that the railroads are participating in the fight against this bill. I hope they are not; they are greatly interested in the item for the lower Mississippi; but I said, and I repeat, that it has seemed strange to me that liberal appropriations could be secured for harbors which are cooperators with and adjuncts to railroads, without which our coastwise and over-seas commerce could not exist, with no opposition to them, and great opposition to appropriations for rivers which compete with railroads as carriers.

Mr. KENYON. Mr. President, may I ask the Senator one more question?

Mr. RANSDELL. Certainly.

Mr. KENYON. Is it true or is it not true that the appropriation for Boston Harbor has been, at least tentatively, eliminated by the committee?

Mr. RANSDELL. I understand that it will be eliminated, and an explanation of it will be given which I think will be entirely satisfactory. I prefer not to interlard it in my speech at this time. It will be thoroughly satisfactory, I think, to the Senator.

Mr. KENYON. But that is one harbor, then, where the appropriation has been reduced or cut out entirely.

Mr. SMITH of Michigan. The same is true of Los Angeles Harbor. The sum of $400,000 has been eliminated there.

Mr. KENYON. There must have been several objections to these harbors or the committee would not have eliminated them, I assume.

Mr. RANSDELL. They have in Boston Harbor a depth of 35 feet, and certainly that is all that is needed for the present. This project is simply delayed in view of a large part of the working season being behind us, on account of the opposition to the bill. This bill might have been passed seven weeks ago but for this opposition. Now, much of the working season has elapsed, and we are going to have another river and harbor bill between this time and the 4th of March.

Mr. KENYON. I should like to ask the Senator, if we are going to have another bill, how much it is to be.

Mr. RANSDELL. I can not say. I do not know. I hope it will be a liberal one and that it will carry whatever is needed according to the report of the Engineer Corps. They have not made their report yet, and we do not know what they are going to recommend.

Mr. KENYON. I am not criticizing the committee for cutting out Boston Harbor; they did a good job; but it shows there was opposition to the appropriations for the harbor there, and that is the point I was making.

Mr. RANSDELL. There has been no opposition to the appropriation for the harbor.

Mr. KENYON. The committee, I assume, would not cut out the entire appropriation if there was not some objection to it.

Mr. RANSDELL. There was no objection on the part of any member of the committee. We were attempting to scale this bill down, because nearly one-half of the working fiscal year had elapsed, and in making the changes it was found by the engineers, whose advice we followed—not our own—that we could get along very well without this particular appropriation for Boston Harbor until the next bill. We are making a considerable appropriation for that harbor yet, and we have already given it 35 feet of water. It has as much water as any harbor in this country to-day except New York.

Mr. SMITH of Michigan. Mr. President——

Mr. RANSDELL. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, with reference to Boston Harbor and also Los Angeles Harbor, I think a mistake has been made in reducing the appropriations. It is unwise and false economy. It can not be justified in either instance except on the theory that the Treasury has no money with which to do this necessary work. If that is admitted, of course work on these harbors must be delayed; but the money that was provided for in this bill for Los Angeles Harbor was actually necessary to meet the demands of that great city. The same is true of Boston Harbor and the work on the Mississippi, Ohio, and the Columbia River. For the Government not to provide the necessary revenue to complete these improvements is much to be regretted, and discloses a woeful disregard for the public interest and an entire misconception of the importance of this work to the country. If the Government is out of money, it is due to mismanagement.

Mr. RANSDELL. Mr. President, I wish to reply somewhat now to the question of the Senator from Utah [Mr. SMOOT]. I have no objection in the world to any criticism of this bill. We invite criticism. We do not claim infallibility. We may have made mistakes in preparing this bill; doubtless we have; but if they are pointed out to us I, for one, am willing to correct them.

What I object to is the filibuster which has been carried on against this measure, and the Senator from Utah knows there has been a filibuster. Proper and legitimate criticism of every item of the bill is all right; I invite it now and hereafter. Some of the Senators on the other side—I do not say all—have been filibustering. Indeed, many of the strongest friends of the bill are on the opposite side of the aisle. We invite everyone who is opposed to any item of the measure to make his opposition known, to show the arguments against the item, and that will enable every Senator to vote properly when it comes up. Of course we will have another debate on these items when they are to be finally voted upon. It is entirely proper, however, in advance, to have them pointed out, as was so eloquently done by the Senator from New Hampshire [Mr. GALLINGER] on Wednesday and Saturday last. No one objects to that kind of a speech. No one objects to the efforts made in the past and to be made, if we understand him correctly, by the Senator from Iowa [Mr. KENYON]. He is going to point out, so he tells us, the bad features of the bill, and he is going to do it in a speech which will, perhaps, take four or five hours. That is all right, but when a Senator gets up on the floor and reads page after page of reports solely to kill time, to prevent action on a great piece of legislation, which even if it has some bad features is good in the main, which no one objects to as a whole, I say it is not right. I appeal to the fair-minded Members of the Senate to decry that kind of thing and let us get to a vote after a fair discussion and criticism of the various items of the bill.

Mr. SMOOT. Mr. President, I hope the Senator will not try to make it appear that Members on this side of the Chamber have tried to filibuster against the passage of this bill.

Mr. RANSDELL. Not all of them, but certainly some.

Mr. SMOOT. I have not taken 20 minutes on the whole bill from the time it was first presented to the Senate to the present time. The Senator from Iowa [Mr. KENYON] has been waiting here, I know, for five weeks to speak on the bill, and he has not had a chance to do it.

Mr. RANSDELL. How long has the Senator from Ohio talked? He talked at least 12 days.

Mr. SMOOT. No, Mr. President.

Mr. RANSDELL. He talked on at least 12 days.

Mr. SMOOT. But the Senator from Ohio has been interrupted time and time again. This bill, it seems to me, has been made a football by Members on the other side. Whenever a bill came up that it was desired to have considered the river and harbor bill has been laid aside. The Senate considered the bill amending the Vreeland-Aldrich Act. It was taken up Tuesday last and some thought it would be passed in a few minutes, but it took the balance of the week with the exception of Saturday. The Senator from New Hampshire [Mr. GALLINGER] has never filibustered upon this bill. He spoke the other day and delivered what he had to say in a masterly way. It was no filibuster upon his part.

I do not believe the Senator from Louisiana ought to say that there is a filibuster until the set speeches have been delivered upon the bill, and I gave notice here Saturday that I should object to the introduction of anything into the consideration of this bill; that I would object to the introduction of bills, to the presentation of reports, and to requests for unanimous consent, which have been so freely asked in the last two or three weeks. What I wanted was the consideration of this bill. I do not believe the Senator ought to charge that there has been any filibuster on the river and harbor bill.

Mr. RANSDELL. I did not intimate that there had been any general filibuster on the river and harbor bill by the Senators on the other side of the Chamber. I am convinced that the majority of the Senators over there are friendly to it. I believe the Senator from Utah has in good faith tried to secure the passage of this bill and has tried to finish the legislation pending before Congress in order that we might adjourn. I am sure that has been his disposition, but I do not think that has been the disposition of some others on that side. I do not think the debate has been confined to legitimate criticism. I hope in the future it will be, and that we will get down to a consideration of the bill item by item.

Mr. President, the pending river and harbor bill is framed along exactly the same lines as other measures of this character enacted during the past 16 or 18 years. Ever since my entry into Congress 16 years ago, I have been deeply interested in waterway legislation, and I do not know of any material particular in which this bill differs, so far as the system of preparing it is concerned, from the other bills framed during that time, except as to its annual feature.

When I entered Congress it was customary to have river and harbor bills every two or three years, generally every three years. An attempt was made in each bill to provide for future needs to the extent of three years. All the great appropriation measures of the Government except the river and harbor bill and the public building bill were passed annually. The bill for public buildings came as a sporadic one, but the others, such as the naval appropriation bill, the Army appropriation bill, the pension appropriation bill, the Post Office appropriation bill, the legislative, executive, and judicial appropriation bill, all those great measures were passed annually.

It was found, at least in the opinion of a great many, that it would be wise to change from the triennial to an annual river and harbor bill, and that was finally started in 1910. The last big triennial bill was that of 1907. There was a small emergency bill in 1909, a regular general river and harbor bill in 1910, another in 1911, another in 1912, another in 1913, and now we are seeking to pass this, the bill of 1914, the fifth annual bill.

Let me repeat that outside of the annual feature of this bill it is exactly the same in character as the former bills and any criticism which attaches to it would apply with like force to all the measures which were enacted when Senator BURTON was chairman of the Rivers and Harbors Committee. Indeed, in my judgment, this is as wise and good a river and harbor bill as any ever presented to Congress—and just as free from defects.

It would be a great calamity for this river and harbor bill to fail. I have shown that it would throw out of employment a large number of people—upwards of 20,000 employees, according to the report of the engineers, and certainly more than an equal number who furnish materials of every kind. If I calculate correctly, that would mean about 300,000 human beings who directly and indirectly get their support from the money appropriated in the bill. What would that mean just now? All kinds of food products are high, higher than usual, resulting from the European war. The cost of living in this country has constantly increased. Instead of throwing people out of employment at this time, we should provide it for them. It seems to me that it would be entirely legitimate in communities which because of this war are going to suffer—and I will point out in a few minutes that they will suffer—if we could provide public works of various kinds, if the counties and municipalities, the States, and the Government could provide additional public works, it would be far better than to diminish them.

Of all times in the history of our Government this is the worst moment to stop the expenditure of public money. It would be very, very disastrous. Surely I do not have to prove that the cost of living is higher. The price of nearly all foodstuffs has gone up because of the colossal war in Europe, and the wages of our people have not increased. Most of our laboring men are obliged to support their families on exactly the same wages as formerly, though the prices of food are higher. They are going to suffer more or less.

Now, as to the great southern section of the country. When the war broke out cotton, the principal product of the South, was worth 12 to 13 cents a pound. The annual crop of the South is 15,000,000 bales. What is cotton worth to-day? No man can tell. The cotton exchanges all over the country are closed. I got a letter this morning from a man in Louisiana saying that the people were hauling the cotton in, and no man would bid on it; that they did not know what it was worth, whether 5 or 6 or 7 or 8 cents; that nobody would buy it; that there is absolutely no market. Those people are going to suffer. They are going to be in distress. He said he was sorry for the colored people who were beginning to sell their cattle and hogs to get something to live on. Those colored people, and the white ones, too, raised cotton expecting to get 12 or 13 cents a pound for it. Now they can not sell it at all. Is the Nation interested in that problem? Yes, beyond question. If the cotton crop of the South falls from 12 cents a pound to 6 cents, it means a decline in value of $30 per bale, and a drop of $30 per bale means a loss on the 15,000,000 bales of $450,000,000—a colossal national asset swept from us by the war in Europe.

Some of the money in the pending rivers and harbors bill—a fair proportion of it—is to be expended in the South on the rivers and harbors of that section. The citizens there are suffering now and will suffer more. The Government ought to go on and expend the money and let just as many of those people as possible get the benefit of the wise expenditures that can be made under this bill.

Mr. BURTON. Will the Senator from Louisiana yield to me that I may ask him a question?

Mr. RANSDELL. I shall be glad to yield.

Mr. BURTON. I am asking for information merely. What were the prices of cotton per pound last year, not perhaps at the plantation but at the centers at which cotton is collected, such as New Orleans, Galveston, Memphis, and Savannah?

Mr. RANSDELL. As well as I recall, the prices were about the same as they were this fall. They ranged from 10 to 13 or 14 cents.

Mr. BURTON. According to quality?

Mr. RANSDELL. According to quality.

Mr. BURTON. About what is the freight, say, from the locality in which the Senator lives, Lake Providence, to New Orleans?

Mr. RANSDELL. It is sometimes a dollar and sometimes a dollar and a quarter. I have known it to be as low as 50 cents, but in recent years it has been a dollar and a dollar and a quarter.

Mr. BURTON. Are there not some sales in that country of cotton now?

Mr. RANSDELL. No, sir. My friend who wrote me this morning said that there were absolutely no sales. I had a letter dated the 2d day of this month from Mr. W. E. Glassell, who is one of the largest wholesale merchants in the city of Shreveport, which is the greatest cotton center in the State of Louisiana, in which he told me that the buyers were offering 6½ cents, but they did not care to buy even at that price. He did not say whether any sales were being made, but that the buyers were offering 6½ cents for the very best cotton. I have not heard directly from Shreveport since receiving that letter, which was dated the 2d. The letter which I first alluded to was from Mr. E. J. Hamley, of Lake Providence. I received it this morning, and it was dated Saturday, the 12th.

Mr. BURTON. Were any sales made before the time of the outbreak of the European war?

Mr. RANSDELL. I imagine not, because in my section we do not begin to ship any cotton at all until the middle or the latter part of August, though in Texas they do begin to ship earlier than that, and I noticed in the papers that a few bales had been sold. The sale of the first bale, of which an account was given, occurred prior to the war. The general market quotations on the cotton exchanges in New York and New Orleans indicated that middling cotton was worth, as I recall it, 12½ to 13 cents just prior to the breaking out of the war.

Mr. BURTON. The prospect was that the price would be quite as high as last year.

Mr. RANSDELL. That is true, though, as the Senator knows, the price fluctuates somewhat, according to the yield. We were anticipating, first, a yield of about 14,000,000 bales, which was the estimate of the Agricultural Department; but later on, shortly after the war broke out, the crop seemed to show up better, and the indication was that it might run to 15,000,000 bales. That would put the price down a little, but not very materially.

Mr. BURTON. Was there a prospect of a larger crop than last year?

Mr. RANSDELL. Slightly larger than last year, but the anticipation was that we would get about 12 cents for our cotton. That was the general expectation.

Mr. BURTON. It is generally said that 40 per cent of the crop is consumed in this country. Is the demand for cotton utterly shut off, or are the mills waiting to see what will develop?

Mr. RANSDELL. We understood in the conferences that have been held that the American mills had in the neighborhood of a 60-day supply, that they had enough on hand to last them about 60 days. Millers with whom I have talked indicated that they were going to pursue a hand-to-mouth policy

of buying; that is, buying only what was absolutely necessary to carry on their business until there was some stability not only in the market of raw but also of manufactured cotton.

Mr. BURTON. I do not want to take the Senator's time, but this is an important matter.

Mr. RANSDELL. I am entirely willing to yield.

Mr. BURTON. Are there a number of contracts made in the spring for deliveries in the autumn, so that the mills may know upon what to make their calculations? Were there not contracts made last spring?

Mr. RANSDELL. I imagine so, but I do not think those contracts ran longer than the beginning of the present cotton season. I am not familiar with the milling business. I raise cotton, and I know something about that; but I do not know the details of the business of the millers.

Mr. BURTON. I had supposed that along in the spring they made contracts for the delivery of the autumn crop, and that the prices were fixed then.

Mr. RANSDELL. Sometimes that is done, but I do not think to a very great extent.

Mr. WEST. I think that is rarely the case, though occasionally it occurs.

Mr. RANSDELL. Mr. President, I will take very little more time of the Senate. I wish to show some of the value of waterway improvements, some of the economic advantages which are derived from water transportation. Let me call attention to some rates on the Mississippi and Ohio Rivers. A striking instance is found in a study of rates on railroads leading out of St. Louis. Havana, Ill., is 159 miles from St. Louis, and Poplar Bluff, Mo., 169 miles, but Havana is on the Illinois River and has a first-class rate of 36.1 cents per hundred pounds, while Poplar Bluff is an inland town and has to pay 52 cents. The distance to Poplar Bluff is only 10 miles greater. The rate is more than 44 per cent higher.

Springfield, Mo., is 239 miles from St. Louis, while the distance to St. Paul is 593 miles. Springfield, Mo., being inland, pays 62 cents, while St. Paul, being on the Mississippi River, pays only 1 cent more—63 cents—for the greater distance. If the rate to Springfield, Mo., were the same per mile as the rate from St. Paul, Springfield would pay only 25 cents per hundred pounds instead of 62 cents. Vice versa, if the rate per mile to St. Paul were the same as to Springfield, Mo., the rate would be $1.54 instead of 63 cents.

Mexico, Mo., is 116 miles from St. Louis. Cincinnati, Ohio, is 339 miles. Cincinnati is on the Ohio River, and boats can ply between St. Louis and that city. So the railroad rate on commodities of the first class to Cincinnati is 41 cents, while that to Mexico, Mo., is 43 cents. Cincinnati is almost three times as far away and has a rate of 2 cents per hundred pounds less than the town to which steamboats can not run.

Mr. BURTON. I have not sought to interrupt the Senator from Louisiana. I concede that there are discriminations between terminal points on railroads; they are lower where there is water competition; but is it not true that in order to thoroughly study that subject other factors must be taken into account? A very large share, indeed a majority, of the prosperous centers which have considerable shipments of freight are located on rivers. In pursuance of that fact the shipments from St. Louis to Cincinnati would be many, many times as great as to Mexico, Mo. The trains would run more frequently, there would be a greater abundance of freight, and while some of these figures for first-class and other varieties of freight are arbitrary, are based in some measure upon water competition, would not there naturally be a very great difference between the rates per mile between St. Louis and Mexico and between St. Louis and Cincinnati?

Take the other illustration, from St. Louis, I believe, to Springfield, Mo., and compare it with the rate from St. Louis to St. Paul. Not only is the quantity of freight shipped very much larger, but the grades naturally are easier, because the railway line to St. Paul is parallel to the Mississippi River; not only is there a very much greater quantity of freight, but the expense of hauling is proportionately less to St. Paul. I merely would ask the opinion of the Senator on that point.

Mr. RANSDELL. Mr. President, there is possibly something in the fact that there is a greater amount of freight between cities like St. Louis and Cincinnati than between St. Louis and Mexico; but, because of that fact, there certainly ought not to be anything like the tremendous difference which exists between the actual freight charges to those two points, the distance to Mexico being one-third of that to Cincinnati, and Cincinnati actually getting the lower rate. Beyond question, in my judgment, if Cincinnati were not on a navigable waterway it would not get the benefit of the lower rate. The same is true in the case of Springfield and St. Paul. To proceed: These rates were compiled by the Interstate Commerce Commission from the railway tariffs on file, and the distances were taken from the Official Railway Guide. The rate on salt by the carload from Portland, Oreg., to The Dalles on the Columbia River, the head of navigation, a distance of 88 miles, was $1.50 per ton after the locks were open on the river between these two points, while to Umatilla, 100 miles behind, the rate was $10 per ton. A dollar and a half per ton for 88 miles with water competition; $8.70 per ton without competition.

The general manager of the principal foreign steamship line entering Boston recently stated that freight rates caused by the largest steamships being used as a result of the deeper channel are about 50 per cent less than they were some 15 or 20 years ago when very much smaller steamers were engaged in the trade. This saving of one-half of the cost of ocean transportation at a great port like Boston, resulting from the deepening of the channel to a depth of 35 feet at a cost of about $6,000,000, is of vital importance to the entire Nation. It benefits the wheat grower of the Middle West, the cotton planter of the South, and everyone who imports or exports articles of commerce.

ENORMOUS SAVING BY SOO CANAL.

The total freight through the Soo Canal for 1913 was 79,718,344 tons, carried an average haul of 820 miles, at a cost of $44,380,865, the average rate of transportation per ton per mile being 0.68 mill.

According to the report of the Interstate Commerce Commission on statistics of United States railways for the year ending June 30, 1911, the latest year for which complete figures are available, the average rate per ton per mile received by the railways was 7.57 mills, or eleven times the water rate through the Soo. Preliminary statements for the year ending June 30, 1912, indicate that there was no material change in the ton-mile rate. This exceeds the Soo Canal rate by 6.89 mills, and if the freight which was carried through the Soo had been carried an equal distance by rail at the average railway rate for the years 1911 and 1912, it would have cost $455,128,688.70 more than was actually paid for its transportation by water.

I hope Senators will consider these figures carefully. We have expended large sums, probably a hundred million dollars, to make the connecting links between the Great Lakes, to deepen the harbors so as to make them navigable by boats of 20 feet draft. As a result of that expenditure the saving to shippers in this country in 1913 was $455,000,000.

It has been objected that this is not a proper comparison for the reason that a larger proportion of the freight handled by water consists of iron ore, coal, lumber, and other raw material than does freight carried by rail. There is some truth in this contention.

The Virginian Railway, starting from a point near Charleston, in the coal-mining regions of West Virginia, and running thence to Norfolk, was built at an enormous expense, with heavy cuts and fills and many tunnels in order to secure low grades and easy curves and consequent economy of operation. Its freight consists very largely of coal. In fact, it is probable that the proportion of low-grade freight on the Virginian Railway is greater than it is at the Soo, and its rate, which was 3.61 mills per ton per mile for the year ending June 30, 1911, is the lowest in the United States. Even if carried at this rate, which is more than five times the Soo rate, the freight of Lake Superior would have cost $191,419,000 more than was paid for its carriage by water.

There is a very large commerce of about 12,000,000 tons on the Ohio, which is now being canalized so as to give it a minimum depth of 9 feet throughout its entire length. When this improvement is completed coal on the Ohio and Mississippi south of Cairo can be conveyed at a cost of 0.4 mills per ton per mile, or 5 per cent of the average railroad rate, or 11 per cent of the lowest railroad rate. All heavy commodities will move at about the same rate. My authority for this statement is Col. William L. Sibert, member of the Panama Canal Commission and one of the most accomplished engineers on earth.

It appears from the foregoing, therefore, that the public derives incalculable benefit from the cheaper commerce carried by our improved waterways.

Mr. President, in conclusion let me say that I sincerely hope and expect the pending river and harbor bill will become a law in the very near future. I can not believe that there will be a continuation of what has seemed to me to be a filibuster, an effort to prevent a final vote upon the bill. The members of the Senate Commerce Committee do not claim infallibility; they may have made mistakes; but, if so, they were honest ones. Let those mistakes be pointed out when we discuss the bill in detail, and let them be eliminated if any have occurred. No one has suggested here more than a very small percentage of

mistakes in the bill. Of the 331 projects in this measure, I have heard criticism of only a very few, perhaps 10 or 15 at the outside, certainly nothing like 10 per cent of the total.

If the bill be good in nine-tenths of its items, it surely should not be held up indefinitely when so many people are looking anxiously for its passage, when so much good is to be accomplished by it, because of a few items which, in the opinion of some Senators, are unworthy.

Bear in mind, as I said in the beginning, that all of the items of this bill except two have the approval of the Engineer Corps. Let me beg of the Senators who are opposing the measure to make their arguments against it in logical, consecutive order, and conclude them in a reasonable time. Then let us take up the bill item by item and finish it.

Mr. ASHURST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arizona suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hughes | Page | Smoot |
| Borah | Jones | Perkins | Stone |
| Brady | Kenyon | Ransdell | Swanson |
| Brandegee | Lane | Reed | Thomas |
| Bryan | Lea, Tenn. | Robinson | Thompson |
| Burton | Lewis | Shafroth | Thornton |
| Chamberlain | McCumber | Sheppard | Walsh |
| Colt | Martin, Va. | Shields | Weeks |
| Fletcher | Martine, N. J. | Simmons | West |
| Hitchcock | Overman | Smith, S. C. | White |

The PRESIDING OFFICER. Forty Senators have answered to their names. No quorum is present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. GALLINGER, Mr. KERN, Mr. NELSON, Mr. POINDEXTER, Mr. SAULSBURY, and Mr. WILLIAMS answered to their names when called.

Mr. BANKHEAD, Mr. CLAPP, Mr. GORE, Mr. FALL, Mr. LEE of Maryland, Mr. TOWNSEND, and Mr. CHILTON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

Mr. SHEPPARD obtained the floor.

Mr. SIMMONS. Mr. President——

Mr. SHEPPARD. I yield to the Senator from North Carolina.

Mr. SIMMONS. On behalf of the Committee on Commerce I offer a substitute for section 1 of House bill 13811.

The PRESIDING OFFICER. The Senator from North Carolina offers a substitute for section 1 of the bill named by him.

Mr. BURTON. It is not an amendment, as I understand, but it is in the form as if it had been reported originally by the committee?

Mr. SIMMONS. Yes.

Mr. BURTON. It is not an amendment, but it is to take the place of the section heretofore reported.

Mr. SIMMONS. It is to take the place of section 1 of the House bill.

Mr. BURTON. As if it had been originally filed?

Mr. SIMMONS. As if it had been originally filed by the committee. I do not ask for the reading of the substitute now, but I ask that it may be printed and lie on the table.

The PRESIDING OFFICER. Without objection, the substitute for section 1 reported by the Senator from North Caroline will be printed.

### NATIONAL STAR-SPANGLED BANNER CENTENNIAL.

Mr. THOMPSON. Mr. President, it was my pleasure on last Saturday, as a delegate representing the State of Kansas, to attend the celebration of the one hundredth anniversary of the writing of the Star-Spangled Banner, and to hear on that occasion at Fort McHenry one of the most eloquent and patriotic speeches ever made, delivered by the distinguished Secretary of State, Mr. Bryan, who was the personal representative of the President.

To fully appreciate that address one must have witnessed the surroundings, the most interesting feature of which was a human flag, composed of about 6,000 school children dressed in red, white, and blue, and so arranged as to form a perfect American flag with its field of blue dotted with stars and stripes of red and white. The children were so thoroughly trained that at the proper motion of their director they moved in such manner that the flag apparently waved as if by the breeze. The singing of patriotic songs by this beautiful, breathing, living American flag could not fail to stir the patriotism in the heart of every human being.

It convinced me more than ever before that the flag stands for living things, and is not to be regarded as a mere cold, lifeless emblem, but that all its parts mean something real. The red stripes represent the patriotic blood which was shed that we might live; the white stripes suggest the purity of Americanism, and enjoin upon us a duty to ever keep them unstained from the tears and blood of suffering humanity; the beautiful stars in the field of blue appear like the brilliant stars of the Milky Way in the blue canopy of heaven, encircling the entire globe, furnishing light to all mankind in the darkness of night, and giving hope for the dawn of a new day of peace, liberty, and freedom everywhere.

'Tis the Star-Spangled Banner, oh long may it wave,
O'er the land of the free and the home of the brave!

I ask, Mr. President, that this patriotic address and eloquent eulogy of the flag be made a part of the RECORD.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to insert in the RECORD the address to which he has referred. Is there objection? The Chair hears none, and it is so ordered.

The address referred to is as follows:

#### THE FLAG.

"Peace hath her victories no less renowned than war."

[An address delivered at Baltimore, Md., September 12, 1914, by Hon. William Jennings Bryan, Secretary of State, at the celebration of the one hundredth anniversary of the writing of "The Star-Spangled Banner" by Francis Scott Key.]

"Mr. Chairman, Distinguished Guests, Ladies, and Gentlemen: I share the profound regret which you all feel that the President could not participate in these exercises and I appreciate the honor of acting as his representative on this historic occasion. He bids me convey to you his greetings and good will. I am sure that if he were here he would carry to the end of life, as we shall, the impression made by the living flag in which 6,000 of your school children are taking part.

"You do well to commemorate the one hundredth anniversary of the writing of the national anthem by Maryland's illustrious son, Francis Scott Key. The Star-Spangled Banner stands out conspicuously among the tributes to the Nation's flag. While the genius of the author finds expression in the brilliancy of its phraseology, the fervent spirit which pervades it is the product of the circumstances which brought it forth. The agonizing suspense and the anxious longing of the captive were molded into stirring sentences that can not fail to call forth a response from every loyal heart.

"I shall find my text for to-day in the line with which the poet closed each stanza—the line which makes immortal the poem in which both his mind and his heart are mirrored. Our starry banner, representing an indissoluble union of indestructible States, beautiful as it is to the eye—and there is none more beautiful—derives its real splendor from the fact that it floats 'O'er the land of the free and the home of the brave.' The words describe a political condition and the virtues of a people. We know for what the flag stood when it was first unfurled and with what courage it has been defended. We might, without exhausting our theme, occupy this hour in thanksgiving for all that has been achieved under the Red, White, and Blue, and in praise of those who have won for it love at home and respect abroad. But, gratifying as that would be, more advantage can be gained from contemplation of the part which we must play to-day and to-morrow in determining what that flag shall symbolize. What kind of freedom shall it represent to the world? And for what sort of bravery shall it stand?

"The world has longed for freedom throughout the ages—the world, made up not of the privileged few but of the countless multitude. Some of the people have at all times had freedom, often more than they have wisely used. A few in every age have not only had undisputed control of themselves and of their resources but have profited by the limitations which they have imposed upon those who were unable to successfully resist them. This 'freedom of the few,' being a selfish enjoyment, usually hardened the hearts of those who possessed it and made them blind to the injustice which they wrought and deaf to the protests which their cruelties aroused. Having a monopoly of political rights, they added to it a monopoly of physical happiness and intellectual progress. They even fettered the conscience of man and prescribed the forms through which he might satisfy the universal longing for communion with the Infinite. This freedom, resting not upon respect for human rights but upon the power of might, degraded those who exercised it, while it wronged those to whom it was denied.

"And bravery was not lacking then—the bravery of the conqueror who risked his life to secure the authority that he coveted. But the freedom of the despot and the bravery of the

tyrant are not the virtues of which Key sang. It required a higher form of both freedom and bravery to thrill the heart of the poet and to suggest to him the word pictures which he wove into his lines. The masses have gradually won their way to a freer air and to a larger liberty, but every inch of ground has been contested. At times the light seemed to break and the heart of man beat faster at the prospect of achieving the freedom which he sought, and many a noble life was yielded up in part payment for the liberty which we now possess. Long before Columbus turned the prows of his adventurous ships toward the west substantial progress had been made, but it was reserved for our forefathers to lay upon the soil of a new continent the foundation of institutions dedicated to the doctrine that all men are created equal; that they are endowed by their Creator with unalienable rights; that governments are instituted among men to secure these rights and derive their just powers from the consent of the people. It was a bold—it seemed even almost a rash—undertaking, but the enterprise has succeeded beyond the dreams of the pioneers. Here in the Western Hemisphere, unhampered by traditions and unrestrained by custom and conventionality, the early settlers of America formulated a system of government which has become the model of the world. In the fullness of time they achieved their independence, and, following their example, other colonies assumed control of their political destiny. Our Constitution has become the pattern, copied by other nations, and the success of our experiment in self-government has answered all the arguments formerly advanced in behalf of arbitrary power. The triumphant democracy of the new world has stimulated the friends of liberty in the older countries to continued advances until we see everywhere increasing limitations placed upon monarchical authority, everywhere the waning of hereditary power.

"Accompanying the development of freedom has come a change in the type of courage which man has manifested. There has been a constant growth in the spirit of fraternity—an increasing tendency among men to unite their efforts in defense of common rights and in the advancement of the common good. It is in this period that our people have lived, since our Nation, born in the Revolutionary struggle, entered upon its superb career. During these years Old Glory has been 'gallantly streaming,' sometimes in 'the rockets' red glare,' and son has imitated sire in willingness to die, if necessary, to maintain the authority for which it stands. But the war era has ended in the United States and is drawing toward its close in foreign lands; the convulsions through which Europe is now passing are but the death throes of militarism.

"The awful cost of this war in life and treasure, and its distressing aftermath of sorrow and regret, will teach the folly of wasting the people's substance in preparation for wars that should never come, and it ought also to hasten the day when all the nations will agree among themselves that there shall be no resort to arms until time has been given for passions to subside and for an investigation of the questions in dispute.

"We are entering an age in which freedom will be given new interpretations and bravery find new forms of expression. The doctrine of the divine right of kings has been discarded, but it has been discarded to no purpose if the divine right of man does not lead to man's elevation. Man has become his own master, not that he may be brutish or brutal, but that he may be free to develop the best that is in him and to aspire to all the heights that the Heavenly Father has put within his reach. And no matter how high he rises or upon how lofty a plane he plans his life, the flag will still wave above him, for the Stars and Stripes stand for the triumphs of peace as well as for victories upon the battle field.

"The theoretical anarchist deludes himself with the belief than man will have no need of government when he becomes a 'law unto himself,' but he comprehends but a part of the problem. The coercive part of government will diminish as civilization advances; even now a large proportion of the people have no need of the 'thou shalt nots' of the criminal law. But while the restraints of the statutes may be expected to fall into disuse because unnecessary, the cooperative part of government is ever increasing. The people find it economical to do together, through the instrumentalities of organized government, what they could not do so cheaply, if at all, by individual effort. A thousand men can do more than a thousand times as much as one man; they can do what no one of the thousand, working by himself, would ever think of undertaking. Take, for instance, the canal just completed across the Isthmus of Panama. If the entire population of the globe had walked single file across the Isthmus it would never have occurred to any one of them to undertake alone the construction of the canal, but when 40,000 laborers unite their efforts under the guidance of competent engineers the task is completed and the nations behold the oceans joined. This union of effort is impossible without mutual confidence, and confidence is impossible without breadth of sympathy. The freedom of the future will bring the substantial satisfaction that comes from voluntary acts of helpfulness—the joy that is to be found in the willing bearing of the joint burdens.

"Let no one think that the texture of our manhood will be of a lower quality when its strength is no longer tested by the stress of war. We could not worship God as we do if we were convinced that each generation must be exercised in bloodletting in order to prevent stagnation. There is as much inspiration in a noble life as in an heroic death. With peaceful progress the avenues of usefulness are being multiplied; instead of seeking to extend our territory by the sword, we are enlarging it by intelligent cultivation of the soil; instead of measuring our merit by the numbers we can overcome, we estimate greatness by the service rendered.

"It is some 3,000 years since Solomon declared that 'he that is slow to anger is better than the mighty, and he that ruleth his spirit than he that taketh a city,' and yet the world is just now coming to understand this truth. In the day that is dawning the bravery of self-restraint will take the place of that bravery which tramples upon the rights of others; man will dare to forgive and leave vengeance to the Lord.

"Society needs to-day, and will ever need, the moral courage that he must have who proves the right by standing for it, come what may, until his example has emboldened weaker spirits to share the risk with him. There are wrongs to be righted and abuses to be remedied, not by violence but by the inherent power of truth to propagate itself. Brave men are needed in every community throughout the land, and brave women, too, for man has made progress in proportion as he has recognized woman's right to share with him responsibility for the shaping of the conditions under which both shall live. They have been linked together by indissoluble ties and made coteanants of the home—earth's only paradise.

"Let us address ourselves, then, to the unfinished work which preceding generations have bequeathed to us, determined to be worthy of the inheritance which we enjoy. Freely we have received, freely must we give. Our Nation is the heir of the ages; all the garnered riches of past experience are ours; we will be false to every obligation if we falter or fall short in the performance of the duties that descend to us.

"Hail! Flag of the free and the brave—priceless legacy from the fathers, baptized in their precious blood! Thy commingled hues speak to us of their sacrifices, the purity of their purpose, and their constancy. May the sacred memories invoked by thy presence compel us to thoughts and words and deeds in harmony with theirs.

"Be our country's ensign still—and more. As the world is drawn closer together in the bonds of an universal brotherhood, may thy colors stimulate the struggling, hoping hosts of man to the impulses that are noblest, to the service that is largest, and to the achievements that are most enduring as in friendly rivalry they advance through each generation to higher ground."

### ENROLLED BILL SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 5065) for the relief of Mirick Burgess.

### RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SHEPPARD. Mr. President, the Senator from Ohio [Mr. BURTON] has made such constant and such severe attacks during his service in this body on the Red, the Trinity, and the Brazos Rivers that I deem it necessary to make specific reply to his various charges. Two of these rivers, the Trinity and the Brazos, are located wholly within my State, the State of Texas, while the Red traverses not only my State, but the States of Oklahoma, Arkansas, and Louisiana.

As to upper Red River, the section between Fulton, Ark., and the mouth of the Washita, a few miles above Denison, Tex., a section 292 miles in length, no criticism of the result of its improvement can be justified because the primary plant recommended by the Government engineers has not yet been established. The river and harbor act of March 2, 1907, authorized an examination of upper Red River by a special board of engineers. This examination was provided, if I remember correctly, at the especial suggestion of Mr. BURTON, who was then a Member of the House of Representatives, and chairman

of the House Committee on Rivers and Harbors, of which committee he was undoubtedly the dominating figure. The special board was composed of Col. Clinton B. Sears, Capt. George M. Hoffman, and Capt. William P. Wooten. The result of its investigation of upper Red River is embodied in the following excerpts from its report on the subject, which was made on March 27, 1909:

While the radical improvement of the river by locks and dams is not recommended, the board believes that the advantages to be secured by the maintenance of a competing water route are such as to justify the continuance and extension of the improvement as now carried on, with the addition of a small amount of annual dredging at those bars which during any one season offer the worst obstructions to navigation, and the closure of certain chutes by light pile and brush dams. It is recognized that improvement by this method is not permanent and that its chief effect will be to facilitate navigation at medium and high stages, though it is believed that it will also improve to some extent low-water navigation and diminish the length of time that navigation will be suspended by low water. * * * The board therefore believes it both feasible and desirable to improve the Red River between Fulton, Ark., and the mouth of the Washita River by the removing of snags, logs, and drift and the felling of timber which threatens to cave into the river, substantially in accord with the present project, with the addition of a small amount of annual dredging on those bars which offer the worst obstructions to navigation and the closure of certain chutes behind islands. For the better prosecution of this work the board recommends increasing the present plant by the addition of one small combined dredging and snag boat and one pile driver

In making this report the board adopted the suggestion of Capt. A. E. Waldron, United States Corps of Engineers, who made the survey of the upper river in 1908, which the board considered desirable as a basis for its examination. In reporting the results of the survey to the board Capt. Waldron said:

Although the fall of the river is 1 foot per mile, which would give a rather rapid current, I believe that with jetty work and by cutting through the bars a channel could be maintained which would provide a sufficient depth for open-river navigation the greater part of the year—at least for as long a time as warranted by the conditions of the lower river. Snagging operations alone, while improving the river, do not extend the time during which it is navigable as long as some would be led to believe. The character of the bottom is such that numerous sand bars are formed which seriously interfere with navigation during the lower stages of the river. To extend the time during which the river could be used would require the removal of these bars. This can best be done by a hydraulic dredge, which would cut a small channel through the bars depositing the material in the river a sufficient distance from the cut to avoid its being redeposited in the new channel before the next flood appeared. These channels in certain places could be maintained through several floods by the aid of well placed brush and pile jetties or usual contraction work. I believe that the survey indicates that such an improvement is feasible and desirable. I can see no other measure which would accomplish as desirable results for the amount of money expended. As stated in my preliminary report, I believe a plant consisting of a combination dredge and snag boat, a snag boat, a pile driver, and the usual complement of quarter boats would be all that is required to make the improvement.

On June 21, 1909, the report of the special board on upper Red River was approved by the Chief of Engineers and transmitted a few days later, through the Secretary of War, to Congress. And yet those of us interested in Red River, although we appealed to the proper committees of Congress with all the earnestness at our command, were not able to obtain an appropriation for a snag and dredge boat until 1912, nor an authorization for a pile-driver boat until the Senate committee embodied in the present bill an amendment providing the necessary funds, to wit, $25,000. I will say that this amendment has recently been stricken out as a part of the $18,000,000 reduction made by the Committee on Commerce in the present rivers and harbors bill, but that it will be presented again when another bill is prepared by Congress during the coming winter. Such is the congestion of work in the office of the Chief of Engineers that the plans for the snag and dredge boat were not completed until this year. Bids for the construction of this boat have recently been advertised for, and it should be in commission in 1915. Thus we have the highest official authority for the claim that the completion and operation of this plant will give us navigation on the upper Red River for the greater part of each year, and the highest official authority for the contention that the results will justify the expenditure. Is it not the duty of Congress to give us this plant? Is it fair to criticize this project before it has had a trial? At present snagging operations alone are being conducted under the project adopted by Congress in 1905, but snagging operations alone, as is demonstrated by the report and survey of the special board authorized in 1907, are insufficient. All that is asked by this Senate amendment is that Congress enable us to complete the plant which the Government engineers, after careful examination, have officially reported to be essential to a proper and justifiable development of the upper Red River. Certain it is that without the dredge and jetty work called for by the report of the special board this section will continue to show but little commerce, and can not perform the function of a competing avenue of transportation.

As to the lower Red River, the section between Fulton, Ark., and the mouth of the Red River in the Mississippi, a distance of 475 miles, most of which is in Louisiana, let me say that this part of the stream had an official project authorized for its improvement by the Federal Government in 1872 and amplified in the river and harbor act of 1892. That this project is still the official, existing project for the lower Red River is shown by the following quotation from a report by Chief of Engineers, Gen. W. H. Bixby, on this section, dated June 15, 1913:

The existing general project for improvement, adopted in 1872 and amplified by the river and harbor act of June 13, 1892, contemplates the systematic clearing of the banks, snagging, dredging towheads and shoals, constructing a substantial system of levees, either alone or in cooperation with riparian States to fix the course of the river, closing outlets, protecting caving banks, and preventing cut-offs or outlets by revetments.

This report of the Chief of Engineers was in response to a survey of Red River from its mouth to Fulton, required by the river and harbor act of 1909. It reaffirmed and further amplified the project of 1872, recommending a system of bank and bed improvement involving a cost to the Government of $2,275,000 and cooperation of local interests in the completion of the levee system to the extent of $3,448,000. Gen. Bixby says, further, in this report:

I am decidedly of the opinion that while the river is at present only partially utilized for purposes of navigation, yet it exercises a great and valuable control over the transportation interests of its entire drainage area, and that, as the river conditions shall be improved, its actual use will increase and its control of transportation interests will be better at the same time that the country next the river will become better developed.

I now direct attention to the fact that although we had this official report, holding that lower Red River was worthy of an expenditure of millions in its permanent improvement, although we had the specific statement of the Chief of Engineers in his last annual report that the improvement of the river had effected a reduction in freight rates in its vast tributary territory, a reduction that would necessarily amount to millions of dollars despite the fact that very few boats had in recent years appeared on that part of the lower Red River above the mouth of the Black River, a condition absolutely refuting the arguments of Mr. BURTON and others who have placed this river in a false light and made it a by-word on the lips of men, we asked in this bill for only $100,000 for the lower Red, a sum barely sufficient to keep the present plant in operation. The present plant consists of two snag boats, a dredge boat, and a complement of smaller craft. Is there anything unreasonable in this request? Is there anything in it suggesting greed or imposition? Does it justify the fulminations of BURTON and his imitators who would make the Red River an object of ridicule? It is true that the present rivers and harbors bill as it left the House contained no appropriation for lower Red River, although the Chief of Engineers has estimated that $100,000 was necessary for the prosecution of existing plans. The Senate Committee on Commerce, after studying conditions carefully, decided to include in the bill an amendment offered by Senator THORNTON, of Louisiana, providing $100,000 for the continuance of operations on the lower Red. The committee had before it the following letter from the district officer, showing the necessity for at least maintaining the present plant:

UNITED STATES ENGINEER OFFICE,
VICKSBURG DISTRICT,
*Vicksburg, Miss., March 5, 1913.*

From: The district engineer officer, Vicksburg district, Vicksburg, Miss.
To: The Chief of Engineers, United States Army, Washington, D. C.
Subject: Appropriation for Red River, La. and Ark.

A copy of the pending river and harbor bill as reported to the House of Representatives has just been received, and it is noted that no provision is made in this bill for maintenance of improvement of Red River, La. and Ark., between Fulton, Ark., and the mouth of Atchafalaya.

The section of Red River above referred to has been under improvement for many years, and a considerable amount of floating plant is annually operated on it. This plant consists of two quarter boats, two snag boats, and one dredge.

If the snag boats are not operated as usual, undoubtedly complaints will be numerous. In the event of appropriations not being made, all the boats will have to be laid up and will undoubtedly deteriorate greatly.

If the Office of the Chief of Engineers has any information concerning the intentions of Congress in this matter, it would greatly aid this office to have that information. As funds are now becoming low, plans will have to be made to care for the boats that will have to be laid up if no maintenance appropriation is made.

ERNEST GRAVES,
*Captain, Corps of Engineers.*

It is true, sir, that the tonnage above the mouth of the Black on the lower Red dropped to 36,288 tons, valued at $198,240, in 1908; to 69,885 tons, valued at $154,789, in 1909; to 59,940 tons, valued at $185,788, in 1910; to 48,702 tons, valued at $152,587, in 1911; to 51,763 tons, valued at $371,090, in 1912; and to 44,967 tons, valued at $354,715, in 1913. Between the mouth of the Black River and the mouth of the Red, however, a distance

of some 30 miles, there was on this part of the lower Red an annual average tonnage of the value of $5,401,648 for the 23 years ending June 30, 1913. It represented the commerce of the Ouachita, which entered Red River at the mouth of Black River and proceeded on the Red until it reached the Mississippi. The Chief of Engineers says in his annual report for 1913 that Red River should be credited with this tonnage. In his minority report on the present river and harbor bill Mr. BURTON says in reference to the fiscal year ending June 30, 1913:

On the Red River below Fulton, covering a distance of 475.4 miles, there was in the year 1912 a total tonnage of 44,967 tons.

He ignored the extensive commerce on the Red River below the mouth of the Black, a commerce whose safe transportation demands at least the employment of the present plant for a large portion of the year. Let us eliminate, however, that portion of the lower Red River below the mouth of the Black and confine ourselves to that portion above the mouth of the Black in order to meet Mr. BURTON on his own terms. In his minority report he says that the amount appropriated to date for the lower Red is $2,768,377. He then calculates that 4 per cent interest on this sum, plus the $100,000 carried in the pending bill, should be rated as the cost to the Government of the 44,967 tons transported on the Red above the mouth of the Black during the last fiscal year, thus figuring the cost per ton as $4.68, or, with that part of last year's tonnage reported as saw logs excluded, as $00.56 per ton. He takes no account of the reduction in carriage rates on all commodities transported to, through, and from the fertile and populous valley of the lower Red. Fortunately, I have at hand a concrete instance of this saving. In 1909, while the last examination of the lower Red was in progress, Mr. M. L. Alexander, secretary of the Progressive League, of Alexandria, La., an important Red River city, wrote Assistant Engineer H. M. Marshall as follows:

SIR: In answer to your request for information in reference to the commerce of Red River, and as to what effect, if any, the river competition has on freight rates, I beg to advise as follows: Take for comparison the rate on flour from St. Louis to Alexandria: it is 25 cents per hundred pounds; from St. Louis to Pollock, a station on the St. Louis & Iron Mountain Railroad, 16 miles north of Alexandria, the rate is 32½ cents; or the rate to Lecompte on flour, a local interior station of the Texas & Pacific, Southern Pacific, and Rock Island Railroads, 15 miles south of Alexandria, is also 32½ cents. For further comparison the first-class rate from St. Louis to Alexandria is $1.25, while to interior towns or stations, as mentioned above, it is $1.43. This comparative difference will hold on all classes and commodities of freight in the surrounding territory tributary to Alexandria to such points as are not affected by river competition.

Multiply these instances by hundreds and by thousands and you will have some conception, Mr. President, of the permanent benefit the lower Red has conferred on its great valley. I shall now return to Mr. BURTON'S statements as to the tonnage last year on the lower Red. This section of the river has been under improvement since 1828, and I submit that the tonnage of one year or even a few years is not a fair indication of the commerce the river bears. From 1828 to 1852 the expenditures on the lower Red were mainly for the purpose of keeping open a channel through an enormous natural raft some 90 miles long that had formed above Shreveport, the total amount for these years being $533,157.50. From 1852 to 1872 appropriations ceased and the raft again formed. Boats were forced to pass around the raft through a chain of channels and bayous. The river was extensively navigated in the decades preceding 1872 and no one could be heard to say that the money expended for its improvement was in any sense misdirected. In 1872 appropriations were renewed under a project providing for a second removal of the raft and closing Tones Bayou by a dam, a project which was afterwards extended to include snagging, dredging, leveeing, revetting, and so forth, as before described.

Now, what was the condition after 1872? From 1878 there is a continuous yearly estimate in the official reports of the Chief of Engineers of the value of the commerce on this section of Red River, and the figures I now give are exclusive of the commerce below the mouth of the Black. From 1878 to 1913 the annual average value of this commerce was in round numbers $4,200,000.

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|---|---|
| Value of total tonnage— | |
| 1878–1889 | $72,044,215 |
| 1890–1907 | 78,478,200 |
| 1908–1913 | 1,417,200 |
| | 151,939,624 |
| Average for 36 years, 1878–1913 | 4,220,000 |

Add the average annual value of the commerce on the lower Red below the mouth of the Black and this amount would be doubled. Counting the value of the tonnage on the lower Red above the mouth of the Black since 1878 against all the money expended on Red River below Fulton by the Government since 1828 and for every dollar expended by the Government you will have a tonnage value of $56. This, however, would not be fair to the river. It is safe to assume that the average tonnage prior to 1878 was at least as great as that since 1878. The modesty of this assumption will be apparent when we recall that during most of the years prior to 1878 railroads had not developed and the river was the principal avenue of transportation for the entire Red River Valley. On the basis of the averages above referred to we may reasonably estimate that from 1828 to 1878 the value of the total tonnage on the lower Red above the Black had a value of $200,000,000 while the figures for the entire period from 1828 to 1913 would be $350,000,000. Dividing the total amount appropriated by the Government—$2,700,000—with this sum and you will see, Senators, that for every dollar expended by the Government you will have a commodity value of $129 that has been actually transported on the river above the Black. Add the value of the tonnage on lower Red below the mouth of the Black, add the immense saving effected by the river on freight rates in general since the railroad era began, and you will readily agree that compared with BURTON'S statements regarding Red River Munchausen's wildest tales are marvels of conservatism.

Mr. President, considering Red River as a whole, I assert in all confidence that with proper improvement it will become in time one of the great rivers of the earth. It is 1,200 miles long. It is 400 miles longer than the Rhine. It is 300 miles longer than the Ohio. It is twice as long as the Seine or the Thames. It has a basin of almost 100,000 square miles and a tributary territory of equal size. This area of 200,000 square miles is nowhere surpassed for productiveness or diversity. It is nearly as large as France, and will produce a wider range of commodities than that wonderful country. It is able to grow the present cotton and corn crops of the globe. It produces every plant known to the Temperate Zone. Atkinson, the noted statistician, once said that on one-twentieth of the area might be produced all the wheat that Great Britain purchases from the United States. It has unlimited amounts of oil, gas, coal, and iron ore. It produces nearly 2,000,000 bales of cotton and has a population of a million and a half. Six Texas counties bordering on the river—Bowie, Red River, Lamar, Fannin, Grayson, and Cook—comprising 6,000 square miles and being by no means entirely developed, have an annual farm tonnage valued at nearly $40,000,000, an amount exceeded by few similar sections in the world. The Red River Basin has a rainfall of only 5 per cent less than that of the entire Mississippi Basin and the basins of all its other tributaries combined.

The only phase of the question remaining to be considered is the nature of the river itself. It may be said that it is changeable and treacherous, breaking at times its soft, alluvial banks, forming numerous bars, altering its course and bed, creating tortuous bends, and literally crawling like a drunken serpent to the Mississippi. And yet these are common characteristics of many important rivers, and many of them, when left unguarded by the vigilance of man, will show the same wildness and irregularity. The geological attributes of most rivers are strikingly similar. Rivers are divided by geologists into three parts: The mountain track, comprising the elevations among which they find their sources, and from which they leap like savage children engaged in savage play; the valley track, comprising lower undulations, gorges, cataracts, and gentler hills; and the plain track, comprising the alluvial plains, which are partly their own creation, and through which they wind in bewildering curves, undermining trees and leaving them, with other obstructions, in the channel, attacking weak places in their banks, and changing their courses with comparative frequency, depositing new bars, around which they sometimes divide, and passing, amid low stretches of sand and mud, into the sea. Such are almost all rivers, including the Rhine, the Rhone, the Danube, the Indus, the Seine, the Mississippi, in their primitive state; and such is largely the condition of the greater portion of Red River now, rising in the Llano Estacado, 2,500 feet above the level of the ocean, hurling its turbulent volume through romantic canyons and receding declivities until it reaches at the "cross timbers" the rich and yielding alluvium, through which it journeys to the Mississippi. The removal of the snags which have accumulated for decades in its channel, the clearing of timber from its banks, the erection of training walls at proper intervals, and such other measures as the genius of the engineers may suggest will concentrate its truant waters in a single and consistent stream, and it will take its just place among the great rivers of the earth.

It has been urged that the waters of Red River are heavily charged with sediment. Nor in this respect does the Red River differ materially from other rivers. The mineral matter carried in solution by rivers from the rocks at their sources and in their beds, omitting sands and clay and softer materials, is amazing. A celebrated authority figures that over 8,000,000

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tons of solids in solution are carried from rocks by running waters in England and Wales every year; that the annual discharge of solids in solution by the Rhine is equivalent to 92 tons per square mile; by the Rhone at Avignon to 232 tons per square mile; by the Danube, to 72 tons per square mile. Adding sands and softer substances to the solids held in solution by important rivers, the facts become more astounding. At their mouths the rivers, meeting the check of the sea, drop this detritus and sediment, and long, low stretches, known as deltas, rise. The great plains composing the Low Countries are the gift of the Rhine, the Meuse, the Sambre, and the Scheldt. The Tuscan rivers deposit 12,000,000 cubic yards of sediment every year in the marshes of the Maremma. The Tiber has added so rapidly to the coast line at its mouth that the ancient harbor of Ostia, where lay the shipping of the world, is now more than 3 miles inland. In the Black Sea the mouth of the Danube is characterized by wonderful accumulations, its northern outlet extending deposits seaward at the rate of 300 and 400 feet per annum. The seaward border of the delta of the Nile is 180 miles long, the distance thence to the apex being 90 miles. It has been authoritatively estimated that the Mississippi annually carries to the Gulf such a quantity of sediment and solid matter that if gathered together it would form a prism 268 feet high with a base of 1 square mile. The bends and cut-offs of the Mississippi are perhaps more pronounced and numerous than those of Red River.

Compare Red River with certain uncanalized rivers of France and Germany, rivers under improvement by open-channel work, as is Red River, and not by locks and dams.

One of the principal rivers of this class in France is the Rhone.

On the Rhone, from Le Parc, near the Swiss boundary, to Lyons, a section 95 miles long, the navigable draft is 1.3 feet. The traffic on this section in 1905, the year of the investigation by the British waterways commission, was 160,000 tons.

On the Rhone, from Lyons to Arles, a distance of 178 miles, the navigable draft is 3.3 feet. Boats of this draft on the Rhone carry 400 to 500 tons and are from 400 to 430 feet long. The traffic on this section amounted in 1905 to 750,000 tons.

France expended on the Rhone, between Lyons and the sea, a distance of 208 miles, from 1846 to 1900, a period of 54 years, $13,445,000, or $64,000 a mile.

On the Red River, from Fulton to the mouth, a distance of 475 miles, the United States Government has expended, from 1828 to 1913, a period of 83 years, the sum of $2,800,000, or $5,800 a mile. The average tonnage on Red River, from Fulton to the mouth, has been 309,000 for the last 18 years (Annual Report, Chief of Engineers United States Army, 1913, p. 841). While the cost per mile of the Rhone from Lyons to the sea has been eleven times that of the Red River, the tonnage of the former, taking 1905 as a basis, has been less than three times that of the Red River.

It is evident that France, one of the shrewdest nations on earth in financial and commercial matters, has had other causes for improving the Rhone than the tonnage it actually carries. It is certain that Red River secures economic benefits outside of the tonnage actually transported. The Chief of Engineers United States Army says of Red River, in his annual report for 1913, page 841: "The project has effected a reduction on all commodities."

In Germany the Oder has six divisions: (a) Junction with Neisse to Breslau, 46 miles, depth, mean low water, 2.6 to 3 feet; (b) Breslau to Fürstenburg, 185 miles, depth, mean low water, 3 feet; (c) Fürstenburg to Küstrin, 38 miles, depth, mean low water, 3.3 feet; (d) Küstrin to junction with Finow Canal, 31 miles, depth, mean low water, 4.2 feet; (e) Finow Canal to Stettin, 49 miles, depth, mean low water, 5 to 8.7 feet; (f) Stettin to sea, estuary, 20 miles; total, 349 miles. This river has been improved from 1816 to 1906, 90 years, at a total cost of $6,148,000, or $17,600 per mile. Cost of maintenance in 1905 was $489,750, or $3,200 per mile. The traffic on this river in 1905 was 4,200,000 tons. Of this amount 1,107,000 tons were received and dispatched at Breslau, while the tonnage in transit by Breslau was 1,028,000. Thus there were over 2,000,000 tons shipped that year on a stretch of the river 231 miles long with a navigable depth of from 2.6 to 3 feet. The minimum boat draft for the entire length of Red River below Fulton is from 2 to 3 feet. The Chief of Engineers United States Army states in his annual report, page 841, for 1913, that where dredging has been done on the Lower Red the depth has been increased from 2½ to 6 feet. This shows what may be accomplished by dredge boats, both on the Lower and Upper Red.

The Vistula, in Germany, has four divisions: (a) Russian frontier to Neuenberg, 84 miles, depth, mean low water, 3.3 to 3.6 feet; (b) Neuenberg to Pieckel, 23 miles, depth, mean low water, 4 to 5 feet; (c) Pieckel to Dirschau, 12 miles, depth, mean low water, 4 to 5 feet; (d) Dirschau to Danzig and Neufahrwasser, 34 miles, depth, mean low water, 5 to 23 feet. The traffic on this stream in 1905 was 1,240,000 tons. There have been expended on this river from 1831 to 1906, a period of 75 years, $24,729,000, or $161,000 per mile. Cost of maintenance in 1905 was $753,350, nearly $5,000 per mile.

The cost of maintenance on Red River has ranged from $200 to $300 per mile, as against $3,200 per mile on the Oder and $5,000 per mile on the Vistula. As has been seen, the difference in volume of traffic is far smaller than the difference in cost of maintenance between the lower Red and the two German rivers under consideration.

The citizens of the entire Red River area in Arkansas, Louisiana, Oklahoma, and Texas are uniting for the promotion of this enterprise. No nobler project could occupy the energies or engage the prayers of men. Red River must be tamed. For ages it has wandered an outcast from its kind. Both the Government and the people have neglected to confine and utilize it. I pause, sir, to express the hope that the Government and the people will now resolve to make this project for the reclamation of one of nature's most beneficent agencies, this dream of wealth and peaceful empire, one of the prominent facts in the economic history of the next decade.

I now turn to the Brazos River, another river that has encountered vigorous opposition in late years from Mr. BURTON. This stream is divided for purposes of improvement by the Government into three sections, (1) the section comprising the mouth, where a commodious harbor gives it immediate entrance to the Gulf of Mexico; (2) the section between the mouth and Old Washington, a stretch of 254 miles under improvement by open-channel work in accordance with a project defined by the Chief of Engineers in 1901; (3) the section between Old Washington and Waco, a distance of 170 miles, under improvement by a proposed system of locks and dams.

The river and harbor act of 1905 called for an examination of the section between Old Washington and Waco, with a view to determining whether four or six months' navigation could be secured by any method other than by locks and dams, and, if not, the least number of locks and dams that would furnish such navigation, and provided further that if it should be found feasible to obtain four or six months' navigation by open-channel work or by not to exceed nine locks and dams $75,000 should be expended for the improvement of this section. The original survey and examination under the law above cited were made by Capt. C. S. Riché and the final district report by Capt. Edgar Jadwin, who had succeeded Riché. Capt. Jadwin's report was made July 11, 1905, and was based principally on the data that had been developed by Riché. Let me say here that Jadwin and Riché are universally recognized as among the very ablest and most painstaking officers in the entire United States Corps of Engineers.

In his report Capt. Jadwin stated that below Old Washington it was possible to secure by the work in progress a draft of 2½ feet at ordinary low water or about 4 feet for eight months in the year. His conclusion was that 4-foot navigation from Old Washington to Waco for four or six months in the year could not be obtained by open-channel work on account of the steepness of the average slope. He also concluded that eight locks and dams, costing $2,915,000, would give navigation of 3½ feet for six months or 4 feet for four months. On the question of reasonableness of cost he referred to Riché's statement that the river was worthy of improvement even if the cost should go to $6,000,000, and to the fact that the division engineer, Col. Robert, had concurred in this opinion. He referred to the fact that Texas, the largest State in the Union, had so far derived little benefit from interior water transportation; that the Brazos had a total length of 900 miles, with a drainage area of 36,000 square miles. He cited the estimate of Hon. L. L. Foster, one of the most careful statisticians in Texas, to the effect that the improvement would cause a reduction in freight charges on cotton alone of $2,000,000 a year and of $3,000,000 on small commodities. Without agreeing to this estimate, Capt. Jadwin said that a casual study made it plain that a benefit far greater than the interest on the investment and the annual cost of maintenance would result. He referred to the fact that the railroad rate on cotton per bale from Waco to Galveston was $2.75, a distance of 236 miles by rail or 475 miles by water, while the water rate per bale from Memphis to New Orleans, a

distance of 600 miles, was 75 cents by water, the railways meeting this charge. He then gave the project under investigation his unqualified indorsement in the following language:

Having in mind the existing development of the valley, the fact that it lies in the center of the State, is traversed by three railroads, produces about one-third of the cotton crop of the State, and probably half the crop of the State passes through it now by rail, that Texas is the principal cotton State, producing an average of about 2,500,000 bales, worth about $50 per bale—

I will say that was about eight years ago. The average cotton production is now between four and five million bales per annum in Texas—

that there is no water transportation in the section from Washington to Waco; that this improvement will put the section in water communication with the largest cotton port in the United States; the results obtained elsewhere where water competition has been afforded, the possibility of an extension of the improvement further inland above Waco, if required, and the relatively low cost and the quickness with which the result can, with adequate appropriations, be obtained to Waco, it is evident that the proposed improvement is especially meritorious, and that the basic conditions show it to be a project worthy to be undertaken by the United States.

The Board of Engineers for Rivers and Harbors did not concur in this report, and the Chief of Engineers transmitted Jadwin's report and the board's report to Congress without himself expressing an opinion. It was held, however, by the Judge Advocate General and the Secretary of War that the examination having shown navigation to be feasible by less than nine locks and dams, it was the duty of the department under the terms of the act of 1905 to expend the $75,000 conditionally provided therein. Accordingly work was begun on Lock and Dam No. 1 near Hidalgo Falls, 260 miles above the mouth of the river. The river and harbor act of 1907 appropriated $75,000 more for this lock and dam and subsequent acts carried appropriations for it until it was completed.

This and subsequent appropriations were made when Mr. BURTON was chairman of the Committee on Rivers and Harbors in the House of Representatives. The river and harbor act of 1909 provided a survey for the "selection of sites for the additional locks and dams between Old Washington and Waco." This survey was made, and the river and harbor act of 1910 made an initial appropriation of $75,000 for Lock and Dam No. 8, about 7 miles below Waco. The act of 1912 authorized the construction of two additional locks and dams. Thus the Jadwin plan was unqualifiedly adopted by Congress. The people of Waco and the great Brazos Valley are asking for a sufficient sum to maintain the work in progress and for an authorization of two more locks and dams.

The authorization of two more locks and dams was included in the bill when it reached the Senate, but on account of the fact that several months have elapsed since the beginning of the fiscal year it has been thought advisable to postpone the provision for these two locks until the next river and harbor bill. The people of the Brazos Valley are anxious to have this project completed at the earliest possible date. It is the statement of the engineers that no benefits will be derived either as to reduced freight rates or navigation until the entire project has been completed. To show the interest of the people of Waco and the Brazos Valley in this project let me quote the following telegram which I received a few weeks ago from Waco:

WACO, TEX., *June 18, 1914.*

The commerce to be accommodated by Brazos when improved, according to Document No. 283, Fifty-sixth Congress, second session, showed saving on freight for year 1901 would be: Cotton exported, $1,000,000; other freight exported $1,000,000; incoming tonnage (18,000,000 hundredweight), $1,080,000; total saving, $3,080,000 annually. In the last 13 years since above report the development in the Brazos Valley between Waco and the mouth of the river has been phenomenal. Without exact data can safely say amount freight would be as follows: One million five hundred thousand bales of cotton exported at a saving of $1,500,000 ($1 per bale saving). Other outgoing freight at a saving of $1,250,000; incoming freight (40,000,000 hundredweight) at a saving of $2,400,000, making annual freight saving by improvement of Brazos from Waco to mouth $5,150,000. The entire cost of improving the river is estimated at $3,000,000, which would be more than saved by one year's savings in freight rates.

From above it would be great saving to citizens of Brazos Valley to make appropriation and finish river at once. The territory whose freight rates will be affected by making the Brazos navigable to Waco embraces counties on the stream and those adjoining same. These counties embrace a territory 31,084 square miles, which is nearly as large as Indiana, larger than South Carolina or West Virginia and within 1,000 square miles of being the size of Massachusetts, Rhode Island, Connecticut, New Jersey, and Maryland combined. While section affected is less than one-eighth of Texas as to area, it has more than one-third of her population and produces one and one-half million bales of cotton, which is more than one-third of the cotton crop of Texas and more than one-tenth of the cotton crop of the entire world.

Mr. WEST. May I ask the Senator a question right there?

Mr. SHEPPARD. Certainly.

Mr. WEST. Would this river be navigable the year around after these improvements?

Mr. SHEPPARD. Probably not the year round, but we would be sure of a navigable depth of 3½ to 4 feet for at least half of each year.

Mr. WEST. At what time of the year is there the best navigation?

Mr. SHEPPARD. It varies. I will say to the Senator from Georgia that navigation on the Great Lakes, a waterway the greatest in the country, is closed nearly five months every year on account of ice.

Mr. WEST. I beg pardon. I thought when I asked the question that perhaps in Texas, like in Florida, you have a rainy and a dry season.

Mr. SHEPPARD. Floods on the Brazos usually come in June and September, although there is no invariable rule. The rainy and dry seasons have hardly any fixed periods. Let me continue with my telegram:

All of this territory has been greatly developed since Col. Riché's and Col. Edgar Jadwin's report in 1901. The Brazos River is the largest river west of the Mississippi, and was used for navigable purposes for a number of years previous to 1870 for a distance of 250 miles from its mouth, without any improvements except an occasional snagging by the State government of Texas. This was occasioned by the fact that Texas had only 50 miles of railway at that time. Some parts of the river are now being utilized, but the Government engineers report that much navigation can not be expected until locks and dams are completed to Waco. One million dollars has been appropriated and two locks already completed on Brazos, same being Lock No. 1, 166 miles from Waco, and Lock No. 8, 7 miles from Waco. When Lock No. 8 was begun, some 24 months ago, Waco had a population of 27,000. Latest city directory shows population of 40,000. Statement of assured navigation of Brazos and building of Lock No. 8 near city limits gave wonderful impetus to Waco and the following are some results:

Building permits for 1912, $1,150,000; for 1913, $2,562,000. Some buildings recently completed: Amicable Life Building, a modern fireproof building, 22 stories high, one of the finest in the United States; Prætorian Building, modern fireproof, and 7 stories high; Peerless Building, 6 stories, modern and thoroughly remodeled and equipped; Neale, 5-story office building; two immense wholesale drug houses, 4 stories high; Waco Sash & Door Factory, largest in the entire Southwest, covering 360,000 square feet; McLendon Wholesale Hardware Co., modern office building, covering 158,000 square feet; Riggins Hotel, modern fireproof building, 10 stories high, 215 rooms; also five other modern hotels.

Under process of construction: Watt Hotel, 7 stories, 165 by 200 feet, modern in every respect and equipped with an artesian well, excellent hot-water flow, 107° F., struck this afternoon; $1,000,000 power plant, to distribute electricity within radius of 100 miles; and many other expensive homes and business houses, making our building permits larger than any other Texas city, population considered.

Waco has seven railroad trunk lines, with Cotton Belt Railway extended west. Within past few months interurban completed from Red River section and Dallas. Survey made and right of way secured for completion south to Austin and San Antonio and Houston. Building pipe line for natural gas from Mexia field, 40 miles distant, largest field in Texas, with excellent gas rates for factories, to be completed November, 1914. Waco does $70,000,000 wholesale business annually, Rotan Grocery Co. alone doing some $6,000,000, being largest grocery in the South. Waco district last month voted for good roads $1,075,000. Waco center of most thoroughly populated section of Texas; commercial secretaries' report showing it to be within 5 miles from center of State population and the largest inland cotton market in the world. Statistics show Waco's growth during past two years greater than that of previous 18. We respectfully urge appropriations for completion of Brazos improvement at once, which will insure continual improvement and development in Waco and entire section of the Brazos Valley, the largest and most wonderful cotton-producing section of the world.

H. M. BAINE,
*Chairman Waco Chamber of Commerce Committee.*
JOHN F. WRIGHT,
*Chairman Young Men's Business League.*
J. M. PENLAND,
*Chairman Waco Rotary Club.*

Backed by the authority and the indorsement of the examining engineers, believing most earnestly in the value and the practicability of this project, we feel that we are justified in asking that it be pushed to the quickest possible conclusion. We resent and we condemn the efforts that have been made in various quarters to throw ridicule on this beneficent proposition. If 3½ or 4 feet seem to be an unusually shallow depth for a great improvement, let me call attention to the following excerpt from the last annual report of the Chief of Engineers where he describes the result of dredging operations on the Ohio River:

This dredging has resulted in improvement of the channel, making a depth of from 2 to 6 feet below low water at Wheeling Creek bar; New Martinville, W. Va.; mouth of Muskingum River; Dam No. 18; Buffington Island; Jenny Lind bar; Middleport, Ohio; Eight-Mile Island; Richmond bar; Lawrenceburg, Ind.; Rising Sun bar; Flint Island; Chenauds Reach, Millstone Creek bar; Fulton bar; Lewisport, Ky.; Henderson Island; Tradewater bar; Walkers bar; Sisters Island; and Old Maids crossing.

And yet over $7,000,000 have been expended on the Ohio where there is an average low-water depth at so many points of only 4 feet, and the entire project calls, I think, for $60,000,000 more.

In this connection let it be remembered that the Main-Danube Canal in Germany, 110 miles long, with 100 locks and dams, has a navigable depth of only 4.2 feet; that the Saale and Unstrut, connecting rivers, from Halle to Bretleben, a distance of 85 miles, with 21 locks and dams, have a mean low-water depth of only 4 feet; that the river Saale from Elbe to Halle, a distance of 66 miles, with 7 locks and dams, has a mean low-water depth of from 3 to 4.3 feet. Many of the boats on all German

waterways have a draft of less than 2 feet. Of the 22,238 boats on German waterways in 1905, 10,443 were boats carrying from 10 to 150 tons. John H. Bernhard, one of the foremost shallow-water experts in this country, has devised a self-propelling barge, with a draft of 18 inches, that will carry 180 tons. In view of these instances does it seem extravagant to ask for eight locks and dams on the Brazos in order to secure a navigable depth of 3½ feet for six months and 4 feet for four months in every year for a distance of 475 miles? This is one lock and dam for every 59 miles.

The nine principal canalized rivers of Germany—viz, the Saar, the Main from the Rhine to Offenbach, the Main and Regnitz, the Fulda, the Saale, the Saale and Unstrut, the Oder from mouth of Neisse to Kosel, the lower Netze from Drago to Nakel, and the upper Netze from Bromberg Canal to Russian frontier—have a combined length of 425.2 miles, with 78 locks and dams—one lock and dam to nearly every 5½ miles—an average depth of about 4½ feet. With eight locks and dams we will obtain on the Brazos a navigable channel 50 miles longer than all the canalized rivers of Germany combined.

One of the largest fuel-oil concerns in the world is establishing extensive warehouses at the mouth of the Brazos and has indicated its intention of barging its oil to Waco as soon as the river is improved and of building there a storage plant with a capacity of 600,000 barrels. The people of the Brazos Valley are entitled to this improvement, Mr. President, and Congress would be doing a just, and imperative, and a splendid thing in allowing the two additional locks and dams at this time. There are no people more energetic, more progressive, more alive to modern needs and modern conditions than these. There can be no question but that they will utilize the Brazos to the utmost when its improvement shall have been completed; already they have capitalized the probability of the project with the most remarkable results. Such a people and such a section, Senators, merit your highest consideration.

I now come to the Trinity, Mr. BURTON'S pet aversion. The first survey of the Trinity River by the General Government was authorized by Congress on August 30, 1852. The survey was made by Lieut. of Engineers William H. C. Whiting, who reported the result of his investigation on January 23, 1853. Concerning the Trinity he said:

> For the purpose of navigation this stream is practicable during time of high water for about 600 miles; during low water, at present, for 100—passing through very rich cotton, wheat, corn, and sugar lands. The season of high water is generally from about the first of January to the last of June. The river, however, has been known to remain up for 18 months. The transition from high to low water is not, as in most of Texas rivers, sudden. The great length and depth of the stream retain the waters for a long time. The chief obstacles are the overhanging timber, the snags, which occur at various intervals, and the bar at its mouth. Transportation up and down its course can be improved very materially at no very great expense. Its importance to this growing country will be considerable.

After making an estimate of cost for necessary work on the Trinity, he concluded as follows:

> I remark, again, the improvement of the upper river is entirely secondary to that of the bar, and this is best shown by the fact that there are at this time seven steamboats engaged upon the river in spite of the difficulties; three of them are now on their return from a point 650 miles from the mouth. The Trinity is the deepest and least obstructed river in the State of Texas. Its size, length, and depth and the section of country through which it flows entitle it to consideration.

Mr. WEST. About how far up Trinity River would that go from its mouth?

Mr. SHEPPARD. That would take it 150 miles beyond Dallas. The present project contemplates an improvement from the mouth to Dallas, 511 miles by river.

Certainly no attack on the Trinity as lacking sufficient water or possessing any other physical defect inconsistent with navigation and improvement could find any basis in this report.

In 1891 Maj. Charles J. Allen made a preliminary examination of the river from its mouth to Dallas, in compliance with the river and harbor act of September 19, 1890. His report was unfavorable, on the ground that in his opinion present and prospective commerce would not justify the expense of improvement, and this report was approved by the Chief of Engineers. It was stated in this report, however, that the Trinity was one of the most important avenues of commerce in the State until the building of railroads. Let me add that shippers preferred using the railroads to waiting for favorable stages of the river to make shipment by boat. These stages were and are of irregular occurrence, and it will require a system of locks and dams to bring about a certain period of navigation each year, thereby restoring to a vast section the benefits of river competition.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Ohio?

Mr. SHEPPARD. Certainly.

Mr. POMERENE. If this improvement is completed as now planned, is it believed that the river would be navigable the entire year?

Mr. SHEPPARD. No. The object of this project is to provide for at least six months in each year a 6-foot navigation. It will be navigable for lower draft vessels almost all the year round.

While this report by Maj. Allen was unfavorable from the standpoint of possible commerce, it was a complete refutation of the statements so widely circulated to the effect that navigation on this river is impracticable.

Let me give here a list of 100 or more steamboats that operated on every section of the Trinity, from its mouth to Dallas, before the advent of the railroads.

They are as follows: *Vesta, Belle of Texas, Josiah H. Bell, Texas, Silver Cloud, Black Cloud, Col. Stelle, Lucy Gwinn, Justice, Ida Reese, Pearl, Eva, Early Bird, C. B. Lee, Jack Hayes, Magnolia, Gov. Pease, Nora, Como, Col. D. L. Cage, Republic, John J. Carr, John S. Sellers, Henry A. Jones, Correro, Trinity No. 1, 1839, Trinity No. 2, Star State, Grapeshot, Yellow Stone, Warsaw, Laura, Constitution, Lafayette, Galveston, Emblem, Sabine, Delrenott, Sparta, Albert Gallatin, Friend, Rufus, Palmetta, Sam Houston, Rodney, Dayton, City of Houston, Putnam, Mary Leonard, Eclipse, J. B. Sydnor, Ogden, Matamoros, Thomas N. McKinney, Orleans, Bay State, Frank T. Archer, Belle, Neptune No. 1, Neptune No. 2, Rob Ray, Buffalo, Reliance, Billow, Gen. Harvey, Alice Swan, Cuero, Experiment, Lone Star, Belle Sulphur, Job, Mary Hill, A. S. Ruthven, Patrick Henry, Tennessee, Farmer, Bettie Powell, San Antonio, Crockett, Dr. J. C. Massie, W. R. Smith, Welshman, Brazos, Nick Hill, Shreveport, Lucy, Indian No. 1, Indian No. 2, John Jenkins, J. D. Hindes, Harris, Fort Henry, Mollie Hambleton, Camargo, Uncle Ben, Cleona, Sunflower, Diana,* and *Comanche.*

The people of the Trinity Valley were not satisfied with Maj. Allen's report, and a few years later they appealed to Congress for another survey and examination.

The result was that the river and harbor act of March 3, 1899, provided for a preliminary survey of the Trinity from its mouth to Dallas, with separate estimates of the cost of procuring a navigable depth at low water of 4 feet, 5 feet, and 6 feet, respectively, by locks and dams or otherwise, said report to include the best method for improving the river, to divide it into separate sections, with a statement as to the advisability of such improvement.

The survey thus authorized was made by Capt. (now Col.) C. S. Riché, one of the ablest members of the United States Corps of Engineers. He made the report to Brig. Gen. John M. Wilson, Chief of Engineers, on December 23, 1899. In this report Capt. Riché stated that the length of the river from Dallas to its mouth was 511 miles by water; that its watershed had an area of 16,500 square miles, an area practically equal to the combined territory of Massachusetts, Connecticut, Rhode Island, and Delaware; that it traversed a fertile section capable of great development. He stated that by cleaning the channel and banks of snags and overhanging trees an intermittent navigation by light-draft steamers for the entire distance in time of high water would be made possible; that locks and dams would give a longer period of navigation; and that an artificial water supply in the upper reaches of the river by storage or artesian wells, or both such methods, would make navigation continuous at all seasons, except for short periods in times of excessive drought. He said that locks and dams could be erected without excessive cost, because the river was narrow, the banks high and firm, offering good foundations for necessary structures. He divided the river into five sections of varying length, and estimated that a 4-foot navigation would require 37 locks and dams, for which he recommended provisional locations, and would cost $4,000,000. Of this amount he allotted $200,000 for an artificial water supply. The extent of the five sections into which Capt. Riché divided the river, with the number of locks and dams assigned to each, was as follows: First section, Dallas to East Fork, 49 miles, with 5 locks and dams; second section, East Fork to Magnolia, 158 miles, with 19 locks and dams; third section, Magnolia to end of Rock Shoals, 137 miles, with 5 locks and dams; fourth section, end of Rock Shoals to tidewater, about 6 miles above Liberty, 121 miles, with 8 locks and dams; fifth section, tidewater to mouth, 46 miles, with no locks and dams. Capt. Riché's estimate contemplated locks and other permanent works large enough for 6-foot navigation. He estimated that with these permanent works 5-foot navigation could be secured at an additional outlay of $200,000, 6-foot navigation at an added expense of $550,000. He estimated the annual cost of maintenance at $280,000. He said that it was clear to him that the local traffic which the improvement would

develop in the rich bottom lands of the river and adjacent territory would itself justify the improvement, but that the local traffic was only a small part of the benefit to be derived, the chief benefit being the lowering and control of freight rates. He said that navigation for 8 or 10 months would radically reduce freight rates in the territory tributary to the river, and referred to the calculation by the Commercial Club of Dallas that this improvement would save annually to the people $9,830,000, saying that if the saving should be but one-tenth of that amount the improvement would be eminently advisable. He concluded by saying that he considered 4-foot navigation of the Trinity from Dallas to the mouth to be not only advisable but urgently necessary, and that it would accomplish much good for many people.

The assistant engineer, Mr. F. Oppikofer, who helped to make the survey, stated in his report that there were approximately 10,000,000 acres of timber along the Trinity, comprising oak, ash, cottonwood, cedar, elm, bois de'arc, walnut, pecan, hickory, pine, and cypress, whose value would be at a low estimate $50,000,000 whenever river transportation should be established. He said that there were also extensive deposits of coal, iron, and clays along the river or within easy reach, as well as building materials, such as stone, sand, gravel, and so forth. He estimated that the increased value of the land along the river would be at least $5,000,000.

Accompanying Capt. Riché's report was a statement from the Dallas Commercial Club advocating the improvement and presenting an overwhelming array of facts in support of its contention. The statement quoted official Weather Bureau reports to show that the Trinity territory had a rainfall about the same as Massachusetts, New York, New Jersey, Connecticut, Missouri, Wisconsin, Michigan, and Ohio. It showed that the 15 counties bordering the river on either side, namely, Dallas, Kaufman, Ellis, Henderson, Navarro, Anderson, Freestone, Leon, Houston, Madison, Trinity, Walker, San Jacinto, Polk, and Liberty, had an area of 8,813,440 acres, of which over 1,200,000 were cultivated in 1900, with a population in 1900 of about half a million; that at least 75 per cent of these lands was capable of a high state of cultivation, and when afforded transportation facilities at least 50 per cent would in a short while be in cultivation, producing 1,500,000 bales of cotton, 750,000 tons of cotton seed, 70,000,000 bushels of corn, 10,000,000 bushels of oats, 3,000,000 bushels of wheat, and other products in proportion. It showed that when the project was completed it could reasonably be expected that 660,000 tons of produce and merchandise would be transported on the river within a few years. The club presented elaborate figures to show that the annual saving effected by the improvement would be $9,830,000. The club presented figures showing the commercial importance of Dallas, the head of the proposed navigation on the Trinity, the estimated population being 65,000, the volume of wholesale trade being $30,000,000 in value. Let me say that to-day the estimated population of Dallas is 130,000, its volume of trade $211,000,000 in value; that 1,500,000 bales of spot cotton are handled in Dallas market; that it has 9 railways and 5 interurbans radiating in 18 different directions, with 85 passenger trains and 10 gas-electric motors in and out daily, with 156 daily interurban trains carrying 4,000,000 passengers annually.

The division engineer, Col. Henry M. Robert, through whom Capt. Riché's report on the Trinity was transmitted to the Chief of Engineers, made an official indorsement on January 31, 1900, to the effect that in his opinion the Trinity was worthy of improvement by the General Government to the extent of providing a 6-foot navigation from its mouth to Dallas.

The Chief of Engineers, Brig. Gen. John M. Wilson, on February 7, 1900, transmitted these reports to the Secretary of War, Hon. ELIHU ROOT, briefly summarizing them, and making no recommendation himself one way or the other. The reports were presented to Congress in House Document No. 409, Fifty-sixth Congress, first session.

With these facts in evidence, on January 4, 1901, the Rivers and Harbors Committee of the House, of which Mr. BURTON—now Senator—was chairman, reported a general rivers and harbors bill in which provision was made for the improvement of the Trinity by locks and dams from its mouth to Dallas, in accordance with the reports above described.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from North Carolina?

Mr. SHEPPARD. Certainly.

Mr. SIMMONS. Is it the initial appropriation that the Senator is speaking of?

Mr. SHEPPARD. Certainly.

Mr. SIMMONS. The bill was reported by the Senator from Ohio?

Mr. SHEPPARD. Yes, sir. I am about to quote now what the Senator from Ohio said in reporting that bill.

Mr. SIMMONS. How much did it recommend?

Mr. SHEPPARD. I will get to that in a minute.

Mr. WEST. The Senator from New Mexico, a few days ago in discussing the great dam constructed across the Rio Grande, said that there were 45 feet of sand and pebble. Is the character of the bed of the Trinity River the same as that?

Mr. SHEPPARD. Not at all. It is well known that both banks and bed are admirably adapted to the construction of locks and dams.

In opening general debate on this bill in the House on January 9, 1901, Mr. BURTON said:

Mr. Chairman, the Committee on Rivers and Harbors present this bill with the confidence that no measure before Congress confers greater benefit upon the country.

Later in this speech he alluded to the Trinity River as follows:

We have not included in the bill any new projects for locks and dams except the Trinity River, in the State of Texas, where we have appropriated or authorized $750,000, part for general improvements and part for the construction of locks and dams. I am frank to say to the committee that on first examining this project I did not think favorably of it, but I gave it a good deal of consideration. The committee called before them the engineers having the improvement in charge, and it seemed to us that an expenditure of this amount was justified. The river is easily capable of improvement. It has stable banks, and the construction of locks and dams is a comparatively easy problem. There is a great amount of traffic in prospect both from the source to the mouth and from the mouth toward the source. In this particular it differs from many other rivers, where the bulk of the traffic must necessarily be one way. Great quantities of cotton and grain will be carried toward the mouth, and from the mouth toward the source timber and building material for the large expanse of prairie tributary to Dallas toward the north.

I notice that a conversation is going on among the two or three main opponents of this proposition, and I am especially anxious that they hear the facts.

The PRESIDING OFFICER. Senators will cease conversation in the Chamber.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Louisiana?

Mr. SHEPPARD. I yield to the Senator from Louisiana.

Mr. RANSDELL. Is the Senator from Texas now quoting from a report made by the Senator from Ohio [Mr. BURTON].

Mr. SHEPPARD. I am quoting from a speech made by the Senator from Ohio in the House of Representatives.

Mr. RANSDELL. I hope the Senator from Ohio will listen to it.

Mr. SHEPPARD. Sir, it would require a more fluent tongue than mine to tell the Senate what enthusiasm, what exultation, BURTON'S tribute to the Trinity produced throughout the valley of that slandered stream.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Iowa?

Mr. SHEPPARD. I yield.

Mr. KENYON. Will not the Senator from Texas tell us where the quotation marks cease?

Mr. SHEPPARD. They have already ceased.

Mr. KENYON. Like the Trinity River.

Mr. SHEPPARD. No; the Trinity will never cease. I think it is clear to the Senator where the quotation marks began and where they end. The invectives of the Trinity's critics had disheartened us. Ridicule from certain quarters had dismayed us. Even among ourselves voices of condemnation began to rise. We were beginning to see in our river a River of Doubt 12 years before Roosevelt invaded the remote silences of Brazil. But these reassuring, these soothing sentences of BURTON, the master navigator, the scholar statesman, swept every fear away. They aroused sensations akin to those the defenders of Lucknow must have felt when they heard in the distance the bagpipes of the Scottish regiments that were marching to their relief.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Colorado?

Mr. SHEPPARD. I do.

Mr. THOMAS. Is the Senator from Texas still quoting from the speech of the Senator from Ohio?

Mr. SHEPPARD. No; I am commenting upon the speech now, and endeavoring to give some impression of what it meant to us in Texas.

To the last hour of its existence the world will repeat the story of how a garrison of 1,720 men held out for 87 days, nearly half their number dying, many of the remainder being sick or wounded; how they preserved their fragile defenses and guarded 1,280 noncombatants, many of whom were women and children, against 6,000 soldiers and a countless rabble who poured a steady fire from a distance of only 50 yards into en-

trenchments which any military authority would have pronounced untenable; how despair gave way to ecstasy when the expedition of rescue finally came.

Oh, they listened, looked, and waited
Till their hope became despair,
And the sobs of low bewailing
Filled the pauses of their prayer.
Then up spoke a Scottish maiden,
With her ear unto the ground,
"Dinna ye hear it? Dinna ye hear it?
The pipes o' Havelock sound!"

Prompted by the same emotions, sir, the patient and weary watchers on the Trinity, struggling against the severest opposition any enterprise ever faced, exclaimed when the news of BURTON's deliverance in our behalf reached Texas, "Don't you hear it? Don't you hear it? BURTON's pleading our cause."

Oh, they listened, dumb and breathless,
And they caught the sound at last.
Faint and far beyond the Goomtee
Rose and fell the piper's blast.
Then a burst of wild thanksgiving
Mingled woman's voice with man's,
"God be praised! The march of Havelock!
The piping of the clans!"

Sir, such joy and such thanksgiving surged throughout the section tributary to the Trinity as BURTON thundered in its favor. At first it was hard to realize that the foremost waterway expert of the age had singled out the Trinity as an especial object of laudation. But the significance of BURTON's speech soon penetrated every soul from Dallas to the Gulf, and the very air was vocal with the hosannas of a grateful population. The waters of that despised, that hated, that assaulted river seemed to laugh defiance to all calumny. The herds and flocks that fed upon the fields it fertilized contributed to the torrents of applause. Even the hogs that had forsaken the prosaic farmyards along its banks for the savage liberty of the wilderness grunted their unqualified approval. [Laughter.] Every breeze that stirred the forests in the basin of the Trinity or stooped to kiss its mirrored images of the stars seemed laden with the shouts of victory. Every mermaid that ascended from its depths at nightfall to shake her tresses at the enamored moon sang "BURTON, BURTON, BURTON." [Laughter.] The Democrats forgot that his first name was Theodore and joined the general acclamation. [Laughter.] Our people can not believe that Senator BURTON is now opposing the Trinity. They prefer to think of him as he was at the pinnacle of his glory, when as chairman of the House Committee on Rivers and Harbors he became the Trinity's most conspicuous champion.

The rivers and harbors bill thus presented by Mr. BURTON in the House referred in terms to the project for the Trinity, recommended in the report of Capt. Riché and Col. Robert, which I have already described, the paragraph relating to the Trinity reading as follows:

Improving Trinity River, Tex., in accordance with the report submitted in House Document No. 409, Fifty-sixth Congress, first session, $150,000: *Provided*, That the Secretary of War may enter into a contract or contracts for materials and work to construct locks or locks and dams upon section 1 and elsewhere upon the river where the most serious obstructions exist, procure and operate snag boats, and clean the river with the purpose of permitting through navigation between Dallas and the mouth of the river each year for as long a period as possible; or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $600,000, exclusive of the amounts herein and heretofore appropriated.

This river and harbor bill appropriated and authorized an expenditure of nearly $60,000,000 on various projects throughout the country. It did not come up in the Senate for final action until shortly before adjournment on March 4, 1901, and was defeated by the fact that Senator Carter, of Montana, held the floor and prevented action until the time of adjournment sine die for that Congress arrived. In his speech Senator Carter ridiculed the entire measure, singling out the Trinity and other rivers as special objects of derision.

The next river and harbor bill was reported in the House of Representatives by Chairman BURTON on March 10, 1902, and became a law June 13, 1902. Like the bill of 1901, this act authorized the improvement of the Trinity in accordance with the reports in House Document No. 409, already referred to, making the following provision:

Improving Trinity River, Tex., in accordance with the report submitted in House Document No. 409, Fifty-sixth Congress, first session, $125,000: *Provided*, That the Secretary of War may enter into a contract or contracts for materials and work to prosecute the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $275,000, exclusive of the amount herein appropriated: *Provided further*, That $350,000 of the amounts herein appropriated and authorized shall be expended to construct locks and dams upon the river between the mouth and section 1, in those places where the most serious obstructions exist, and to procure and operate snagboats and clear the river with the purpose of permitting through navigation over the portion above described; and the sum of $50,000 of the amount herein appropriated shall be expended for the purpose of securing open-channel navigation in section 1 of said river, and a board of engineers shall be designated by the Secretary of War to examine section 1 of said river, as described in said House document, and report upon the feasibility and advisability of expending the further sum of $350,000 with a view to securing not less than eight months' navigation annually upon said section 1 to Dallas.

On December 8, 1903, Brig. Gen. Gillespie, Chief of Engineers, submitted with his concurrence the report of the board of engineers authorized by act of June 13, 1902, to examine into the advisability of attempting to secure eight months' navigation on section 1 with an expenditure of $350,000. The board held that navigation of from six to seven months' duration could be obtained on section 1 with six locks and dams, at an expense of $918,000, and that in some years of unusual rainfall this might give eight months' navigation.

It will be noted that the board of engineers made no reference to the need of an artificial water supply for section 1. After careful study and investigation, this board of Government experts held that six locks and dams on the first section would give navigation for six or seven months in each year and sometimes longer. After the report by this board no further attention was given by those in authority to the idea of an artificial water supply for section 1, and the suggestion of artesian wells has since been confined to the utterances of those who would discredit the entire project. There had never been any question as to a sufficient water supply below section 1, because the river is joined by an important tributary at the end of that section. The special board of engineers examined throughout the course of an entire year the question of navigation on section 1, the section immediately below Dallas, the only section of the river as to which there was ever any question as to a water supply. Gauge readings were had, and an assistant civil engineer was delegated to make a special investigation. The result was that the board held section 1 to be entirely worthy and capable of improvement, without making any mention of an artificial supply of water.

Under the project thus defined and approved by the Government engineers, appropriations for the Trinity have been made in every subsequent river and harbor bill. Three locks and dams, numbered 1, 4 and 6, and a dam stopping an outlet in Parson Slough have been completed in section 1, and another lock and dam, numbered 2, is now in process of construction on section 1, having been begun in 1911. Three other locks and dams, one called No. 7 and the other two being located at White Rock Shoals and Hurricane Shoals and named from their locations, were begun on the river in 1911 and are now being constructed. These three locks and dams are below section 1 and are situated at points 45 miles, 243 miles, and 334 miles by river below Dallas, respectively.

There can not be a more unjust charge than that these locks and dams have been scattered along the Trinity with the purpose of appeasing the demands of various Congressmen for appropriations. Of the nine locks and dams already authorized, seven are located within 50 miles of Dallas, showing a consecutive and scientific plan in progress for the improvement of the river. Yet Senators on the other side have been so reckless as to charge that they have been scattered along the river without any proper or scientific plan in view.

Locks and dams numbered 1, 2, 4, and 6, all in section 1, are 13, 23, 30, and 42 miles below Dallas, respectively. A board of engineers selected the location for the Hurricane Shoals Lock and Dam and provided it with a lift large enough to do away with the necessity for the lock and dam originally planned to be erected next above it.

Locks and dams numbered 3 and 5 were authorized for section 1 in the river and harbor bill of last year, and in the bill now pending the House appropriated $25,000 for beginning work on each of these. The Senate amendment added $25,000 for each, because the district engineer stated that $50,000 could be more economically expended on them during the coming year. On account of a general reduction recently made in the bill we have decided not to ask for this $50,000 increase at present, but to wait until the bill of the coming winter.

I here append a letter on this subject from the district officer, Maj. T. H. Jackson:

UNITED STATES ENGINEER OFFICE,
*Dallas, Tex., March 4, 1914.*

From: The district engineer officer, Dallas, Tex.
To: The Chief of Engineers, United States Army.
Subject: Locks and Dams Nos. 3 and 5, Trinity River, Tex.

The river and harbor bill (H. R. 13811) now pending in Congress contains, on page 35, an item:

"Improving Trinity River, Tex.: * * * For the construction of locks and dams numbered 3 and 5, $50,000. * * *"

In the last annual report of the district officer the amount estimated as a profitable expenditure for the fiscal year 1915 included (p. 2294 of annual report)—

| | |
|---|---|
| Lock and Dam No. 3 | $50,000 |
| Lock and Dam No. 5 | 50,000 |

Under ordinary circumstances an original appropriation of $25,000 for a new lock and dam is ample, since it takes from 8 to 12 months to make surveys, locate the lock site and the land required for the Government reservation, and to obtain the necessary deeds. Such an appropriation was made in the case of Lock and Dam No. 7 and the lock and dam at White Rock Shoals. In the case of Nos. 3 and 5, however, the act of March 4, 1913, made provision for locating of the locks and dams. Surveys were made and the sites selected, the same being approved in the case of Lock and Dam No. 5 on December 18, 1913, and in the case of Lock and Dam No. 3 on January 10, 1914. Local interests have taken up the question of purchasing the necessary land. The abstracts have been prepared, and it is expected the deeds will be signed and payments made by the end of the present month. This will leave three months in the fiscal year 1914 for the action of the Attorney General's office on the sufficiency of the titles.

This office has planned the work on this river so that the field work should begin at Nos. 3 and 5 some time in July, 1914, and the concrete work about February, 1915. This will permit the transporting of large quantities of concreting materials during the season when the roads are in the most favorable condition and to have this material on hand for the work during the winter months, when road conditions are most unfavorable. The materials for No. 3 will be hauled by team, using the same teams that work on the excavation; i. e., when the roads are in good condition materials will be hauled, and when the roads are in bad condition excavating will be carried on. This promises the most economical results.

If but $25,000 is appropriated for each lock and dam no work will be done in the field until about January, 1915, as beginning work at an earlier date will simply mean suspension some time later on account of exhaustion of funds. Further, I might state that the beginning of work on these locks and dams, as contemplated, about July, 1914, will assist this office in keeping together its present field force.

For the above-given reasons it is thought that work will be constructed much more economically if the original appropriation is not less than $50,000 for each lock and dam.

T. H. JACKSON,
*Major, Corps of Engineers.*

The construction of Locks and Dams Nos. 3 and 5 will complete the improvement of section 1, the most difficult stretch of the river. Are the people of the Trinity Valley to be condemned for urging the completion of this great work as rapidly as possible?

The Chief of Engineers, in his report for 1907, made the following reference to the Trinity and the project adopted for its improvement by the rivers and harbors act of 1902:

This project contemplated improvement to provide a 6-foot navigation from Dallas to the mouth, a distance of 511 miles, by open channel work and locks and dams.

Also he said:

Owing to the fact that the river is not yet navigable to Dallas, the only place at which it can come in active competition with the railroads, no effect on freight rates has been produced. Inasmuch as the leading trunk lines of this section are crossed by the river at Dallas, there can be no doubt that when the river is made navigable to tals point it will result in a considerable reduction and an immense saving not only in local but also in interstate freight rates in this section.

This statement covers the situation exactly. Three locks and dams have been completed, four are being built, and two more have been authorized. The entire project must be finished before substantial benefit may be derived. It is not the fault of Texans interested in the Trinity that the work has not progressed more rapidly. The people of Dallas contributed $66,000 in 1905 toward the construction of the first lock and dam, this contribution having been exacted by the rivers and harbors act of that year. The following telegram will show the interest of Dallas in this project:

While all north Texas and the headwaters of the Trinity River suffered the greatest drouth known to the history of the country from June, 1908, to September, 1913, sufficient water flowed down the Trinity River to supply the locks and dams from Dallas down for at least 20 to 30 lockages a day during that whole period. We can furnish in a few days data showing this fact, which Army engineers will not controvert. It will take us two or three days to furnish all this data, which can be amply ratified by the reports of both the Agricultural Department and the Engineer Department. All we ask is to be able to have such slack-water structures as will hold this water in pools by the locks and dams as has been planned by the engineers to give us daily and hourly transportation for boats drawing 6 feet of water. Since the drouth, which ended in September last, the floods have held the work back to such an extent that the engineers have been unable to complete that which was so necessary to be done. Our boat that Dallas purchased will be here in a few days, and its going up and down the river will convince the most skeptical of the feasibility of the project.

CHAMBER OF COMMERCE,
J. R. BABCOCK, *Secretary,*
*Dallas, Tex.*

Also, the following letter will show the earnestness and the good faith of the Dallas people in connection with this project:

THE CHAMBER OF COMMERCE,
*Dallas, Tex., June 25, 1914.*

Hon. MORRIS SHEPPARD,
*United States Senate, Washington, D. C.*

DEAR SIR: We are sending you to-day by special delivery a separate package containing data with reference to the Trinity River gauge readings. Take those with the explanations and the first 18 pages of Duncan & Cowart's argument, and it will enable you to substantiate all that is stated therein.

We desire, however, if necessary, to have you impress upon the Senate and the conference committee that the people of Dallas, in their anxiety to improve the river so that they may have navigation, have not hesitated to open their pocketbooks and aid in the great enterprise. By public subscription they first paid $66,000 to the Government, which was expended by direction of the Government's engineers on Lock and Dam No. 2 and on Parsons Slough. They have also paid for the sites for nine locks and dams more than $20,000—in round numbers about $90,000. The people of Dallas and Dallas County have spent by bond issues more than $800,000 for the purpose of building two high bridges or viaducts and constructing four steel turn bridges, so that boats can readily pass up and down the river without obstruction or delay. They have secured about 30 acres of land on the river front in the city of Dallas for wharves, etc., the value of which is some $60,000 or $70,000. They have also voted an indebtedness of some $700,000 for diverting the sewage from the river, so that sewage disposal will not interfere with any kind of river navigation. Work is already commenced on the same and will be completed within the next two years. The people have also subscribed a fund of $50,000 for the purchase of boats and barges; one boat has already been bought and another will be secured as soon as possible. So it will be seen that the people of Dallas, in their eagerness and enthusiasm to secure the navigation of the Trinity, have already spent and are spending $1,800,000, which is more than the appropriations that have been made by Congress for the improvement of the river. We believe the amount appropriated by Congress to date is about $1,700,000.

That there will be a great commerce on the river can not for a moment be denied. Since the Government began work, in 1902, this city has increased in population from about 45,000 to its present number of about 130,000. The wholesale trade of Dallas has increased from $40,550,000 in 1900 to $211,458,000 in 1913. The number of loaded cars of freight handled in Dallas are more than 220,000 annually, or more than 600 every day. Boats would have been running up and down the river before this time and at the present were it not for the fact that the engineers have as yet been unable to remove the obstructions in the river, such as drifts, overhanging timber, and snags. We understand that most of these obstructions will soon be removed, and then we will have navigation from Dallas to the Gulf for a considerable period in each year. When the entire project shall have been completed the benefits will be beyond measure.

Yours, very truly,

DALLAS CHAMBER OF COMMERCE,
By J. R. BABCOCK, *Secretary.*

Mr. President, with the canalization of the Trinity by means of 36 locks and dams, a waterway 511 miles in length, possessing a navigable depth of 6 feet for at least half of each year and traversing one of the richest portions of Texas, will have been secured. Even if the final cost should be twice or thrice the original estimate, the improvement would be justified. One of the locks and dams now being constructed has a lift twice as large as originally planned, doing away with the need for the lock and dam intended to be erected next above it and reducing the total number of locks and dams to 36. Similar reductions may occur when other locks and dams are begun. The locks and dams are located only after the most careful survey and inspection of all available sites by engineers.

With 36 locks and dams there will be one for every 14 miles from Dallas to the Gulf. It is true that 12 years have elapsed since the project was born, since it received the blessings of its godfather, Mr. BURTON, who now disowns it, and that only 9 locks and dams have been completed or authorized. It is true that some method should be devised for hastening the project. It is true that the first 9 locks and dams will cost twice the original estimate. It is nevertheless true that if the present rate of construction were not increased at all, if the cost should double or treble the first figure, $4,500,000, the Trinity would not suffer by comparison with the rivers and canals of France and Germany.

The River Saone, in France, has been improved for a distance of 232 miles from its mouth with 30 locks and dams, a lock and dam for every 7 miles, at a cost of $8,765,000, including certain quays and wharves—over $33,000 per mile. According to official estimate, the cost of the Trinity would be about $8,800 per mile. The average navigable depth of the Saone is 5.9 feet. It is divided into the following sections: (a) Corre to Gray, 61.5 miles, 13 locks and dams; (b) Gray to Verdun, 67 miles, 9 locks and dams; (c) Verdun to Lyons, 103.5 miles, 6 locks and dams. It took 68 years to complete this improvement, or from 1823 to 1891. Surely if France could pay over eight and three-fourths millions of dollars to improve 232 miles of river with 30 locks and dams and a navigable depth of 5.9 feet we can afford to improve 511 miles with 36 locks and dams and a minimum depth of 6 feet at a cost far cheaper, even if our official estimates should be exceeded by two or three times the original figure.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Florida?

Mr. SHEPPARD. Certainly.

Mr. FLETCHER. Mr. President, I desire to ask the Senator about the current in the Trinity River. I know the river of which he speaks in France has a very rapid and strong current, and I was wondering whether there was any such current in the Trinity?

Mr. SHEPPARD. I will state to the Senator that the fact that a lock and dam for every 7 miles is required on the Saone and for every 14 miles on the Trinity shows that the fall on the Saone is twice as great as the fall on the Trinity. That is one of the points I was endeavoring to illustrate.

XUM

The tonnage on the Saone in 1905, the last year for which I have an official statement, was 2,049,000 tons. The country immediately adjoining the Trinity will alone furnish a larger traffic than this.

The River Seine, in France, has been improved for a distance of 255.5 miles from its mouth with 34 locks and dams, a lock and dam for every 7 miles, at a cost of $22,455,000, or about $88,000 per mile. The average navigable depth of the improved portion is 8 feet, one section 42 miles in length being less than 5 feet in navigable depth, another section 67 miles long having less than 6 feet. It took 63 years to complete the improvement of this river, or from 1837 to 1900. With far less expenditure we will have in the Trinity a canalized river twice as long, with only two more locks and dams, and a navigable depth only a fourth less.

The River Yonne, in France, has been improved for a distance of 67 miles from its mouth with 26 locks and dams, a lock and dam for every 2 miles, at a cost of $5,590,000—over $83,000 per mile. Its average navigable depth is 5.9 feet. It took 62 years to complete this improvement, or from 1830 to 1900.

The River Marne, in France, has been improved for a distance of 113.5 miles from its mouth with 19 locks and dams, a lock and dam for every 5 miles, at a cost of $5,235,000—over $46,000 per mile. Its average navigable depth is 5.9 feet. It required 78 years to finish this project, or from 1822 to 1900.

The 12 more important canalized rivers of France, namely, Saone, Seine, Yonne, Marne, Oise, Aisne, Aa, Lys, Scarpe, Escaut, Sambre, and Moselle, have a total improved mileage of 970.1 miles, with 185 locks and dams—a lock and dam for every 5 miles. Excluding the Seine, the average navigable depth is less than 6 feet; including the Seine, 6 feet. Thus we see that the Trinity and the Brazos, with 44 locks and dams, will give us a larger mileage of improved waterway than the 12 important canalized rivers of France combined, with 185 locks and dams.

The 23 more important canals of France have a total mileage of 1,776.7 miles, with 1,123 locks and dams—about 1 lock and dam to every mile and a half. The average navigable depth of these canals is less than 6 feet. Among these the latéral à la Loire, 121.5 miles long, with 37 locks and dams, was in course of construction and improvement from 1823 to 1900, 77 years, and cost $10,855,000, over $81,000 per mile; the de l'Oise à l'Aisne, 30 miles long, with 13 locks and dams, was in course of construction and improvement from 1878 to 1912, 24 years, and cost $6,965,000, over $232,000 per mile; the latéral à la Marne, 41.5 miles long, with 15 locks and dams, was in course of construction and improvement from 1837 to 1900, 63 years, and cost $2,675,000, over $65,000 per mile; the de la Marne au Rhin, 128 miles long, with 113 locks and dams, was under construction and improvement from 1874 to 1900, 26 years, and cost during this period $10,000,000, over $82,000 per mile. The original works on this canal covered a length of 195 miles and were under construction from 1838 to 1870, 32 years, costing over $15,000,000. There have been expended altogether in developing the canal nearly $28,000,000 during a period of 58 years. Many of these canals obtain a portion of their water supply from reservoirs and pumping stations.

The Rhine, in Germany, is divided into the following sections: (a) Strassburg to Mannheim, 84 miles, depth mean low water, 4 feet; (b) Mannheim to St. Goar, 79 miles, depth mean low water, 6.6 feet; (c) St. Goar to Cologne, 82 miles, depth mean low water, 8.2 feet; (d) Cologne to Dutch frontier, 110 miles, depth mean low water, 10 feet. Improvements consist of training works, concentration of current in main channel, general open-river work. Prussia has expended on 214 miles of this river from 1816 to 1906, 90 years, the sum of $13,180,000, over $37,000 per mile.

The Main, in Germany, has three divisions, as follows: (a) Bischberg to Schweinfurt, 33 miles, depth mean low water, 2.6 feet; (b) Schweinfurt to Offenbach, 184 miles, depth mean low water, 2.6 to 3 feet; (c) Offenbach to the Rhine, 26.5 miles, 6 locks and dams, depth mean low water, 7.5 feet. The cost of section (c) was $2,120,000, over $81,000 per mile.

The cost per mile of improving the Elbe was $40,650.

The Dortmund-Ems Canal has a length of 155 miles, 16 locks and dams, and cost $85,000 per mile.

We have already seen that the Rhone has cost $64,000 per mile, the Oder $17,600 per mile, the Vistula over $140,000 per mile.

It is stated on page 71, volume 6, of the report of the British Royal Commission on Canals and Waterways that the average cost of the uncanalized rivers of Germany has been $30,300 per mile, far in excess of the cost of canalizing the Brazos and Trinity. And this would hold true if the estimates of the examining engineers as to these two streams should have to be doubled or trebled. The canalized rivers and canals of Germany have cost on an average of $42,250 per mile, a figure still further in excess of the cost of the Brazos and the Trinity (p. 72, British commission, vol. 6).

Mr. President, such sacrifice, such energy, such progressiveness as have been displayed by Texas people in this matter ought to bring hearty and appreciative response from the American Congress. The erection of an enormous plant, at an expense of $700,000, for the disposal of sewage in order that the river might no longer be utilized for this purpose, and that navigation might be relieved of all possible disadvantage is only one of the evidences of the indomitable spirit with which the people are pressing an enterprise that means so much for all Texas, for all the Southwest.

One of the fundamental needs of Texas is a water basis for inland transportation rates. With an area of 265,000 square miles, an area nearly a fourth larger than France or the German Empire, its rivers have not yet been improved to such an extent as to secure the priceless benefit of waterway development. The remarkable progress the State has made despite this handicap is an indication of the phenomenal development that would ensue with its removal. Cotton is shipped from Memphis to New Orleans for 80 cents a bale, and this is due to water transportation. The rate from Dallas to Galveston, a distance of 500 miles by water, about 300 by shortest rail route, is $2.75 per bale in the absence of water competition. The improvement of the Trinity and the Brazos will affect transportation rates in a territory producing three or four million bales of cotton, perhaps more, and the saving on cotton alone will more than justify the expense to the Government. When reductions on other commodities are considered, the cost of improvement becomes insignificant in comparison. With only one-sixth of Texas lands at present under cultivation the future holds endless possibilities for that State if its facilities for development are properly utilized. And nothing will contribute more directly and more effectively to the advancement of that proud Commonwealth than the improvement of its rivers, its harbors, and its canals.

Certainly, sir, no State is worthier of the cooperation of the Federal Government by every means within the proper sphere of Federal action than the State of Texas.

Although its growth has hardly begun, it already leads the Nation in the production of cotton, cotton seed, cattle, mules, pecans, mohair, seed oats, watermelons, butter on farms, early strawberries, winter vegetables, cotton-gin machinery, goats, bees, turkeys, and big-league ball players. [Laughter.] It leads the Nation in railway mileage, in the number of farms and farm home owners, in the number of cottonseed oil mills, the number of cotton compresses, the number of cotton gins. It has the world's largest cotton seaport, the world's largest inland-port cotton market, the world's largest State farmers' organization, the world's largest saddle-factory center, the world's largest cotton-gin machinery manufacturing center, one of the world's largest agricultural-implement retail centers, the world's largest cattle-feeding plant, the world's largest reinforced-concrete viaduct, the world's largest cottonseed oil mills, the world's leading crude-oil exporting port, the world's largest farm and ranch, the world's largest Bermuda-onion gardens. I will say that this last item may be one of the strongest arguments for this proposition. [Laughter.] It is second among American States in the number of newspapers, the production and manufacture of rice, in the production of quicksilver and asphalt, in home building, and in length of coast line. It has the Nation's second largest port of export. It is the third State in the number of horses; seventh in hog and timber production.

The annual production of its farms is valued at $662,598,000, placing it among the very first States in this respect, while the annual production of its factories is rated at $272,896,000, ranking seventh among the States in this regard. It produces every crop known to the temperate and semitropical regions of the earth and has practically every mineral. Its annual production of corn is 160,000,000 bushels; of wool, 10,000,000 pounds; of oats, 12,000,000 bushels. It has 10,000 square miles of workable coal deposits, being the only State that contains so many principal kinds of coal in such large quantities. Its available coal supply is estimated at 31,000,000,000 tons by the United States Geological Survey and valued at $10,000,000,000. It is the sixth State in the production of petroleum, its oil wells yielding 31,000 barrels of petroleum per day, its known petroleum area covering 400 square miles. It is the fourth State in the output of medicinal waters. Its sulphur deposits are among the largest in the world. It has a billion tons of iron ore that are still to be developed. It led the Union in the construction of in-

terurban lines in 1913. It has 150,000 miles of public highways, which would reach around the world four times. It has 2,000 miles of inland waterways, capable of navigation through proper improvement, and 400 miles of gulf coast. It has one of the few free ports of the world. It has 400,000 miles of telephone and telegraph lines and the longest telephone line in the Nation—the line between Brownsville and Dalhart. It is the tenth State in the number of automobiles owned by its people. It has one of the 12 regional banks of the new currency system. Its church property is valued at $30,000,000. It spends $7,000,000 annually on public schools, and builds a new schoolhouse every day. Its population is at present approximately 4,500,000. If all the people in the United States should move to Texas its population per square mile would not exceed that of Massachusetts. It has 127,000 widows—117,000 natural, 10,000 grass [laughter], half a million bachelors, and 20,000 old maids. [Laughter.] We invite the world to come to Texas, that superb expanse of prairie, forest, and plateau, consecrated by a people's blood, a people's valor, a people's toil to liberty, to progress, to righteousness in government, to justice in law.

I ask permission to insert as an appendix to my speech two letters, dealing with the Sabine-Neches Canal and the Houston Ship Channel, two of our greatest Texas projects.

The PRESIDING OFFICER. If there be no objection, the matter referred to will be printed. The Chair hears no objection.

The matter referred to is as follows:

BEAUMONT, TEX., *August 19, 1914.*

Hon. MORRIS SHEPPARD,
*United States Senate, Washington, D. C.*

DEAR SENATOR: The people of this city and section view with extreme regret the vigorous attacks made upon the policy of our Government to improve and encourage the utilization of inland waterways which offer the cheapest transportation at once available for public use and protection against high railroad rates. To those who are striving to secure recognition of deserving waterway projects the cry of "pork barrel" sounds fanciful and far-fetched, so far as the rivers and harbors bill is concerned.

We have only to review the history of railroad transportation and rate making to realize that great good has already come to the masses through the improvement of waterways. Whenever and wherever railroads encounter water competition, whether actual in point of utilization or merely potential in traffic possibilities, rates are reduced.

Orange, Beaumont, and Houston, being located on navigable streams, each with a ship channel to the open Gulf, are placed in a separate group by tariff committees because of such water advantages. To illustrate: The rate on iron and steel articles from the Pittsburgh district to the Houston-Beaumont-Orange group is 41 cents per hundredweight, while the rate to points not enjoying water competition is 62 cents per hundredweight. Thus it will be seen that a water competing group enjoys an advantage in freight rates of over 50 per cent. The rate on farm machinery from Chicago territory to this group is 73 cents per hundredweight; the rate to other Texas points, 93 cents. The merchandise generally moves all rail, but the rate is based on water competition. The same proportional advantage as illustrated on iron articles applies to all classes and commodities moving into this group.

The rate on most of the miscellaneous tonnage moving to and from ship side between Beaumont and Galveston is 8 cents per hundredweight. If there were no navigable stream connecting Beaumont with the Gulf and with Galveston, the lowest rate we could get would probably be 22 cents.

The rate on most miscellaneous tonnage moving to and from ship side and between Beaumont and Port Arthur is 5 cents per hundredweight. If there were no navigable river between Beaumont and Port Arthur, the lowest rate would be 10 cents.

But for the existence of the Sabine and Neches Rivers and the recognition given them by the Government, Beaumont and Orange would probably pay a hundred per cent more on the vast tonnage they move to and from ship side and 50 per cent more on tonnage to and from water-competition territories; and, since these cities are trade centers and basing points, proportional benefits extend to a large population embraced in southeast Texas and southwest Louisiana.

The Neches River pays large dividends. If its annual earnings could be made tangible and definitely disbursed, its value would be better understood.

Beaumont shippers pay the railroads annually at least $1,500,000 for freight charges. If we had no Neches River and governmental recognition of it, and if the traffic volume were as large, the cost would probably be $2,000,000 or more; so the Neches River now is worth to this city and the people it serves $500,000 per year. The Sabine serves Orange similarly, and the benefits are proportional to the traffic. Every community and every individual in southeast Texas and southwest Louisiana are proportionately benefited, so the $500,000 which is saved to Beaumont shippers every year represents only a small part of the economic benefits of the Sabine-Neches project.

The annual saving to all the people served is greater than the combined expenditures of the Government and the communities on the two rivers and the canal since the improvement was begun. The future promises much greater benefits.

Among those who have for years urged recognition and adequate appropriations for the Sabine and Neches Rivers and for Sabine Pass are some who were engaged in the navigation of the streams in early days when vast cargoes were carried. Then they served well in time of peace and in time of war. They were important arteries—nature's highways—until practically paralleled by railroads which brought so many benefits and conveniences that the people soon came to depend entirely upon them. As the use of the waterways diminished, obstructions formed and they became more or less impassable for boats of modern construction and capable of competing with railroads. Thoughtful people then realized that a grave mistake had been made in allowing the waterways to fall into disuse, but it was found that the business could not be taken up where it was left. Times had changed. Transportation methods had changed, but still the waterways were needed and especially to handle a vast tonnage which railroads had said they can not handle with profit.

Moreover, the railroads belong to corporations—comparatively small groups of individual citizens, and are privately controlled, while the inland waterways belong to all the people and are available all the time. Independent transportation facilities are within the reach of almost every citizen. Large capital is required to build and operate great ocean-going vessels and great railroad systems, and while both are needed the people are dependent upon them and the rates they make. Cheap craft can be safely used on inland waterways and many may engage in transportation privately or for public service. Improved waterways give the masses independence in matters of transportation.

The argument has been offered that Beaumont and Orange are located too far inland to serve as ports. Such argument might have been forcefully made against the ambitious efforts of Arthur W. Stillwell, who some years ago decided to establish a port in a cow pasture 17 miles inland from the Gulf, but he built around the outside of Lake Sabine, the Port Arthur ship channel, which the Government later acquired. That was 16 years ago, and to-day Port Arthur the "cow-pasture port," is the second port on the Texas coast and ranks among the most important on the Gulf of Mexico. During the last fiscal year 546 foreign vessels entered and cleared. The foreign and domestic commerce amounted to $81,290,751. We have no accurate record of the coastwise vessels, but the number will exceed the foreign vessels.

Tonnage naturally seeks the first water outlet, and Beaumont will be the nearest port for a large and heavy tonnage-producing territory. All the tonnage that now goes to Port Arthur, all that goes to Port Bolivar, and 28 per cent of the tonnage going to Galveston passes through Beaumont to ship side, but that does not necessarily mean it all will stop at Beaumont. The ports of Beaumont and Orange will only serve to attract more commerce and more ships to the Texas coast. None will be hurt; all will be helped. We feel confident that Beaumont will become a great inland port. The tonnage is here and the ships will come for it. Moreover we have every reason to expect that we will enjoy port to port rates, which will vastly increase the benefits.

The distance from the outer bar, beyond the jetties at Sabine Pass, to the Pearl Street wharf, near the business center of Beaumont, is only 49.7 miles. The distance to Orange is only 42.3 miles. Our information is that few inland ports are located so close to the open sea and at the same time furnishing fresh water, landlocked harbors away from the danger of coastal storms. It should be borne in mind that the greatest ports of the world are inland ports—Liverpool, on the Mersey; Glasgow, on the Clyde; London, on the Thames; Bristol, on the Avon; Hamburg, on the Elbe; Paris, on the Seine; New York, on the Hudson; New Orleans, on the Mississippi; Manchester, on the Manchester Canal. Why not Beaumont on the Neches and Orange on the Sabine?

Such is the sentiment of our people.

Yours, very truly,

BEAUMONT CHAMBER OF COMMERCE,
By T. W. LARKIN, *Secretary.*

Approved.

E. J. EMERSON,
WM. SAENGER,
H. A. PERLSTEIN,
P. B. DOTY,
*Executive Committee.*

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CHAMBER OF COMMERCE,
*Houston, Tex., July 16, 1914.*

Hon. MORRIS SHEPPARD,
*United States Senator, Washington, D. C.*

DEAR SIR: Complying with your telegraphic request for data regarding Houston and the Houston Ship Channel, we have compiled from various authoritive sources, notably the Yearbook of the Department of Agriculture for 1912, some figures tending to show the prospective or possible tonnage which should seek the sea through the Houston Ship Channel.

Production in bushels and value of six of the principal grain crops of the United States for the year 1912:

| | Bushels. | Value. |
|---|---|---|
| Corn | 3,124,746,000 | $1,520,454,000 |
| Wheat | 730,267,000 | 555,280,000 |
| Oats | 1,418,337,000 | 452,469,000 |
| Barley | 223,824,000 | 112,957,000 |
| Rye | 35,664,000 | 23,636,000 |
| Rice | 25,054,000 | 23,423,000 |
| Total | 5,557,892,000 | 2,688,219,000 |

There was produced in the 15 States which may be justly regarded as tributary to the Houston Ship Channel by reason of its proximity to these States, approximately 50 per cent of the entire corn crop of the country; 60 per cent of the wheat crop; 60 per cent of the oat crop; 68 per cent of the barley; 45 per cent of the rye; 50 per cent of the rice. The actual production in these States, namely, Wisconsin, Iowa, North Dakota, Oklahoma, Wyoming, Minnesota, Missouri, South Dakota, Arkansas, Colorado, Kansas, Nebraska, Texas, Montana, New Mexico, being as follows for the year 1912:

| | Bushels. | Value. |
|---|---|---|
| Corn | 1,571,777,000 | $671,318,000 |
| Wheat | 516,377,000 | 374,208,000 |
| Oats | 824,565,000 | 240,681,000 |
| Barley | 151,594,000 | 65,992,000 |
| Rye | 16,557,000 | 9,328,000 |
| Rice | 12,834,000 | 12,064,000 |
| Total | 3,093,704,000 | 1,373,651,000 |

There was exported through the various ports of the United States during 1912:

| | Bushels. | Value. |
|---|---|---|
| Corn and corn meal | 41,707,291 | $25,830,625 |
| Wheat and flour | 79,689,401 | 69,648,539 |
| Oats | 2,677,749 | 1,204,987 |
| Barley | 1,585,212 | 1,378,575 |
| Rye | 31,384 | 26,111 |
| Rice and rice products | [1] 39,446,571 | 1,151,616 |
| Total | 126,641,070 | 99,240,453 |

[1] Pounds.

Assuming that the same percentage of these crops that were raised in the territory above mentioned, which is tributary to the Houston Ship Channel, may be properly applied to the exports, the following figures represent the exports for the year 1912 from this section:

| | Bushels. | Value. |
|---|---|---|
| Corn | 20,898,645 | $12,915,312 |
| Wheat | 47,811,643 | 41,789,123 |
| Oats | 1,606,650 | 722,992 |
| Barley | 1,077,965 | 936,431 |
| Rye | 1,423 | 1,175 |
| Rice | [1] 19,223,285 | 575,858 |
| Total | 71,826,326 | 56,940,891 |

[1] Pounds.

The cotton crop of the entire United States for 1911 (we have not the figures at hand for 1912), as shown by the Agricultural Department, was 15,692,701 bales, valued at $732,420,000; of this Texas produced 4,256,42[illegible] bales, Arkansas 939,302 bales, Missouri 96,808 bales, Oklahoma 1,022,092 bales, a total of 6,314,629 bales, valued at $292,968,000, produced in the four cotton-growing States tributary to Houston.

There was exported from various parts of the United States during 1911 8,919,524 bales, valued at $419,217,628; and in 1912 10,675,445 bales, valued at $565,849,271, of which the four States above mentioned contributed approximately 40 per cent; or 3,568,096 bales in 1911, valued at $167,687,051, and 4,270,178 bales in 1912, valued at $226,339,708.

Adding the grain and cotton production for the year 1911 of the States tributary to Houston, we have a total of 65,516,688 tons on these leading commodities which will naturally seek outlet through this port. To this add the tonnage from cottonseed products, packing-house products, turpentine and rosin, lumber, zinc, live stock, and innumerable other commodities the data covering which it is impossible to obtain but the tonnage of which would be large.

The following table shows the comparative distances from principal western points to New York and Houston:

| From— | To New York. | To Houston. |
|---|---|---|
| Guthrie, Okla | 1,675 | 524 |
| El Reno, Okla | 1,733 | 465 |
| Oklahoma City, Okla | 1,706 | 493 |
| Arkansas City, Kans | 1,686 | 613 |
| Wichita, Kans | 1,549 | 665 |
| Dodge City, Kans | 1,701 | 860 |
| Hutchinson, Kans | 1,570 | 726 |
| Topeka, Kans | 1,415 | 760 |
| Parsons, Kans | 1,412 | 612 |
| Pittsburg, Kans | 1,441 | 699 |
| Kansas City, Mo | 1,348 | 743 |
| St. Louis, Mo | 1,065 | 820 |
| Hannibal, Mo | 1,169 | 916 |
| St. Joseph, Mo | 1,373 | 842 |
| Quincy, Ill | 1,175 | 1,001 |
| Des Moines, Iowa | 1,270 | 970 |
| Sioux City, Iowa | 1,422 | 1,049 |
| Omaha, Nebr | 1,415 | 941 |
| Lincoln, Nebr | 1,474 | 943 |
| Kearney, Nebr | 1,614 | 1,079 |
| Superior, Nebr | 1,565 | 901 |
| Cheyenne, Wyo | 1,944 | 1,248 |
| Santa Fe, N. Mex | 2,199 | 1,092 |
| Salt Lake City, Utah | 2,486 | 1,400 |
| Denver, Colo | 1,951 | 1,098 |
| Pueblo, Colo | 1,970 | 973 |

The Agricultural Department Yearbook for 1912, page 704, is authority for the statement that the mean proportional export freight rate in 1912 from Kansas City to New York or Boston was 24 cents on corn and 25 cents on wheat, as compared with 17½ cents on corn and 18¼ cents on wheat from Kansas City to Galveston, which is 6¼ cents per 100 pounds less than the rail rate to Atlantic ports.

The same authority shows the average rate from New York to Liverpool for 1912 to be 7.7 cents per 100 pounds on grain and for same period 10.4 cents per 100 pounds from Gulf ports to Liverpool; therefore from Kansas City to Liverpool through New York or Boston the transportation cost is 31.7 cents per 100 pounds, as compared with 27.9 cents per 100 pounds via Gulf ports, a saving of 3.8 cents per 100 pounds on grain handled via Gulf ports. This would mean a saving on this western grain tonnage exported (4,210,000,000 pounds), assuming that Kansas City represents the average, if handled via direct steamers through the Houston Ship Channel, of $1,599,800, based upon actual existing rates; but if rates from points in these western grain-producing States to Houston are made on the same basis per ton-mile as the rates in effect from those points to New York for export, the saving would be immensely greater; for instance, the distance from Kansas City to New York is 1,348 miles, as compared with 740 miles Kansas City to Houston, while the mean proportional export rate on wheat Kansas City to New York (1912 Yearbook, p. 704) is 25 cents, as compared to 18¼ cents Kansas City to Galveston or New Orleans. If the same mileage basis were used to establish the export rate on wheat, Kansas City to Houston, as from Kansas City to New York, the rate would be 13½ cents instead of 18¼ cents, a further saving of 5 cents per 100 pounds. The distance Omaha to New York is 1,415 miles, as compared with 943 miles Omaha to Houston; the same mileage basis as from Omaha to New York would give a rate of 16¾ cents per 100 pounds, as compared with 19¼ cents, saving 2½ cents per 100 pounds additional.

Assuming that the average saving from these two points is fairly representative of the benefit which would accrue to the 15 grain-producing States above mentioned, those States would annually receive, on basis of their exports for 1911, $1,446,000 increased returns from their export grain if but one-half of their shipments were made via Houston, in addition to the saving of $1,599,800 mentioned above.

If history repeats itself, the ships of the world will seek cargo at the port which is the farthest inland, and with the splendid advantages which Houston possesses in the 17 lines of railroads which converge at this point, affording unsurpassed facilities for the assembling here of the grain, cotton, rosin, turpentine, lumber, and other products of the farms and forests of the West and Southwest and for the quick and economical distribution to these interior points of the products and manufactures of the world, we confidently anticipate the ultimate growth of Houston into a seaport of the first rank.

The following table shows tonnage handled through the uncompleted Houston Ship Channel since 1909:

| Year. | Tons. | Value. |
|---|---|---|
| 1909 | 1,149,310 | $35,049,800 |
| 1910 | 1,295,660 | 37,439,120 |
| 1911 | 1,354,897 | 34,721,530 |
| 1912 | 1,365,060 | 35,938,800 |
| 1913 | 1,386,600 | 36,852,500 |
| 1914, first 6 months | 642,400 | 16,333,300 |

These figures are furnished by the city wharfmaster, Mr. Maurice Murphy, who also supplies the following details regarding the commodities making up the tonnage for 1913:

| | Tons. | Value. | Miles hauled. |
|---|---|---|---|
| Cotton | 96,000 | $23,040,000 | 72 |
| Lumber and shingles | 200,000 | 4,000,000 | 52 |
| Hardware and machinery | 25,000 | 2,500,000 | 50 |
| Groceries and provisions | 35,000 | 1,800,000 | 52 |
| Rice | 40,000 | 1,600,000 | 58 |
| Fuel oil | 87,000 | 609,000 | 60 |
| Sand | 480,000 | 480,000 | 30 |
| Shell | 325,000 | 487,500 | 48 |
| Oil and gasoline | 14,000 | 740,000 | 55 |
| Grain and feed | 37,000 | 740,000 | 55 |
| Fruit and vegetables | 5,000 | 150,000 | 60 |
| Fish and oysters | 4,800 | 144,000 | 60 |
| Brick and tiling | 18,000 | 90,000 | 52 |
| Miscellaneous | 18,800 | 465,000 | 60 |
| Total | 1,386,600 | 36,852,500 | |

Houston, until the final completion of the Houston Ship Channel, with adequate terminal facilities, is an inland city, but is the largest inland cotton market in the United States, as the following figures prove:

| Season. | Gross receipts. | Net receipts. | Ship channel shipments. |
|---|---|---|---|
| | *Bales.* | *Bales.* | *Bales.* |
| 1910-11 | 2,464,107 | 757,258 | 328,582 |
| 1911-12 | 3,257,174 | 950,714 | 274,124 |
| 1912-13 | 3,324,150 | 901,750 | 286,766 |
| 309 days this season | 2,755,909 | 798,794 | 254,413 |

The Houston Clearing House Association reports bank clearings for the year 1913 at $486,882,306, and for the first six months of 1914, $227,028,049.

Figures for previous years are not furnished, because at that time they were not compiled in accordance with the methods of the American Bankers' Association.

Yours, very truly, ADOLPH BOLDT, *Secretary.*

Mr. WHITE. I will suggest to the Senator from Texas that he mentions a great many good things possessed by his State, but fails to mention about the best thing Texas has—her two United States Senators; and that Alabama furnished them to her.

Mr. SHEPPARD. Texas is grateful to Alabama for giving us our senior Senator, the princely and gifted CULBERSON. My father was an Alabamian, but I am myself a native of Texas. I thank the Senator for his compliment but he honors me more than I deserve.

Mr. KENYON. Mr. President, if the felicitations so justly extended to the Senator from Texas are over, I will say that I approach the discussion of this matter with a feeling of great embarrassment. Texas certainly is a wonderful State. I can

understand now why some of our people have been misled into going there; but in all the splendid things the Senator has mentioned as coming from Texas he has omitted the most important. Texas has a right to feel proud of her Bermuda onions, and that very strong argument is one that, perhaps, will remain long with us. She has a right to feel proud over her great area and over her possibilities, but, to my mind, the State of Texas ought to feel prouder of one thing than of any other, and that is the junior Senator from that State. I say that from the depth of a heart that appreciates his service to the people of this country, and he is a type of the clean statesman who is not afraid to stand up for what he thinks is right. If anything ever could convince me that the Trinity River flowed it would be the argument of the Senator from Texas. [Laughter.]

There are two amazing things that have happened within the last few years in this country—one of them the discovery of the North Pole by Dr. Cook and the other the discovery of water in the Trinity River by the Senator from Texas. [Laughter.] I am prepared now to brand as libelous the assertion of the Senator from Utah—I think it was Saturday—that in order to drown a colored man in the Trinity River somebody had to hold him under the water.

Mr. SMOOT. The Senator must admit that I simply asked whether or not that report was true. I did not state it as a fact.

Mr. KENYON. But the Senator asked it with rather a smile upon his face that indicated that he believed it; so that an apology is due to the Senator from Texas.

Mr. SHEPPARD. Mr. President, may I ask a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. KENYON. Certainly.

Mr. SHEPPARD. Is the Senator as sure of the discovery of the North Pole by Dr. Cook as he is of the discovery of water in the Trinity by myself?

Mr. KENYON. I think there is just about the same likelihood of the discovery of the North Pole by Dr. Cook as there is of the discovery of water in the Trinity River. Still, Congress is now asked to pass a resolution that Dr. Cook discovered the North Pole, and perhaps he did; and I suggest to the Senator from Texas that it would settle all dispute about the Trinity River if he would have a joint resolution passed saying that there is water in the Trinity River above Dallas.

Mr. SHEPPARD. The Senator, then, does not echo the sentiments of the Senator from Ohio [Mr. BURTON] when he delivered his noble eulogy on the Trinity?

Mr. KENYON. The Senator from Ohio delivered the eulogy on the Trinity, I am informed—which, as the Senator said, made the mermaids sing with joy and the hogs grunt their approval—before he had seen the Trinity River; but the Senator from Ohio is a very wise man. Wise men sometimes change their minds; and after seeing the Trinity River I understand the Senator came to the conclusion that he was mistaken.

Mr. SHEPPARD. Why, Mr. President, appropriations for the Trinity continued after the Senator from Ohio saw the river and while he was still chairman of the Rivers and Harbors Committee of the House. If he was so outraged over the Trinity after seeing it, why did he not tell the House so when he came back?

Mr. KENYON. The eulogy to which the Senator has called attention was delivered, as I understand, before the Senator from Ohio saw the river; but the Senator from Ohio can take care of himself, even as against the mermaids to which the Senator refers—which he has succeeded in doing so far—or the arguments.

Mr. President, I am glad this river and harbor discussion calls out such a large attendance of the Senate. I have observed times when there were very few Senators in the Senate, but I observe with a good deal of enthusiasm now that the seats are all crowded. [Laughter.] There have been times here when there were not over seven or eight Senators in the Chamber and arguments have had to be made simply to the desks, which were screwed to the floor and could not get out. [Laughter.] At this time, however, with this somewhat large attendance, evidencing an interest in the proposition of voting some $53,000,000 and some large sums of authorizations of contracts, especially when we have been accused of filibustering, it is pleasant to note the very large attendance on both sides of the Chamber.

I think the man who rises in this Chamber and suggests, during a speech, that there are only seven or eight Senators present is a public enemy.

As I have so much to say about this subject, I am going to proceed very leisurely, and those Senators who desire to absent themselves from the Chamber may do so with perfect assurance that the floor will be held till the hour for closing the session arrives to-night.

The distinguished Senator from Louisiana [Mr. RANSDELL] seems a little irritated, contrary to his usual genial manner. He says there is a filibuster against this bill. I do not know just what a filibuster is. I do believe that a filibuster against this bill would be a public service; but, as far as I am concerned, I know of no filibuster against this bill.

This is a representative Government. Men are sent here, patriotic, honest, interested in the welfare of the whole Nation, interested, perhaps to a great extent, in their own States, which is natural, just as in the other House; but they are here representing the people. Now, the only way the people can speak is through their representatives, and these representatives have a right to vote on propositions in a bill. I do not believe a filibuster is justifiable unless on some great question that goes to the very fundamentals of the Government. If the representatives of the people assembled here want to pass a bill such as this river and harbor bill is, and as it has been shown to be, and as we will keep on trying to show it to be, then the responsibility is with the people, and the representative is answerable to the people.

The Senator from Louisiana stated my position exactly when he related a conversation we had. I propose, so far as able, to assist in fighting this measure as long as it has in it certain items which I believe are absolutely unjustifiable. I propose to fight it just as hard as I can fight it. Then, so far as I am concerned, I am done. While there may not be much interest in this bill in this Chamber, there is interest in it throughout the country; and I propose to read, not in any spirit of criticism and not for any purpose of delay, articles from leading papers in this country showing how the public feel about this bill.

It is all right to sit here in comfortable chairs and think that everything revolves around what Congress is doing, and that the people are not paying any attention to it; but that is a mistake, and a very grave one. Men have said to me in this Chamber, "Why, your notions are altogether wrong. The people do not want any economy; they want their money spent. It brings prosperity to spread it around." I do not know whether that is so or not. Sometimes I think it may be. This question of expenditure is no party question, however.

The Senator from Florida [Mr. FLETCHER] suggested that the filibuster, as he termed it, was carried on by the Republican Party. I do not think there are party lines in any raid on the Treasury. The Republican Party has been just as bad as the Democratic Party, and vice versa; but the Republican Party as a party is not opposing this bill. I wish it were.

Here is the genial Senator from the shades of Arcadia or thereabouts [Mr. SMITH of Michigan]. He is a member of the Commerce Committee. Is he a Republican? I think he is a Republican. Right or wrong, he is a Republican, and no one ever yet has suggested that there was the slightest wavering on his part from the Republican Party. He is a lovable citizen. That is the only trouble with him. He is too much of a partisan, if he has any faults at all, and he stands up here and practically says that every item in this bill should be passed. I do not think he limited that to Michigan, because, of course, he need not have said that if only Michigan were involved, because every item in every State, to the particular representatives thereof, is always right, and can be presumed to be right in their judgment. He is for this bill. Is there a Republican filibuster which does not include him?

Here is this splendid character from Minnesota on the Commerce Committee [Mr. NELSON], a sturdy man, a splendid citizen, a good Republican. I think he is for this bill. I have not heard him say anything, but I have been expecting him to get up and denounce us every once in a while for opposing it.

Here is the Senator from South Dakota [Mr. CRAWFORD], on the Commerce Committee. Here is the Senator from Pennsylvania [Mr. OLIVER]. The only Republican on that committee, as I understand, who is opposing this bill is the Senator from Ohio [Mr. BURTON].

So it is rather far-fetched to charge that the Republicans are trying to defeat this bill. There are some of them just as eager, just as hungry, for these projects as anybody on the other side of the Chamber. I have not observed, when you come to the question of economizing a little, that it makes a particle of difference what a man's politics are. The old flag and an appropriation get away with nearly any politics, and State rights seem to be absolutely lost sight of when you attach them to an appropriation.

As bearing on this question of a filibuster, I observed in the Chamber on Friday, September 4, that at 11.45 there were 12



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Democrats in the Chamber and 7 Republicans. At 12 o'clock there were 14 Democrats and 5 Republicans. At 1 o'clock there were 11 Democrats and 6 Republicans. At 1.30 there were 7 Democrats and 5 Republicans. At 1.45 there were 9 Democrats and 4 Republicans. At 5 o'clock on Tuesday, September 8, there were 12 Democrats and 4 Republicans; at 2 o'clock, 6 Democrats and 4 Republicans; and at 3 o'clock, the day the banking bill was up, there were 13 Democrats and 8 Republicans. Yet if the opponents of this bill were conducting a filibuster they would have been calling for a quorum during that time, and they did not do it. Anybody knows that if the men opposed to this bill desired to filibuster they could have done so through all these days. They could do so now, and they could defeat this measure.

But it is not true that because the distinguished Senator from Ohio has spoken, as has been charged to-day, 12 days—but that statement as it stood is not correct, because he has spoken parts of 12 days, sometimes only possibly an hour a day—it is not true that because he has done that he is filibustering against the bill. The Senator from Ohio knows more about rivers and harbors in this country and other countries than probably any other person in the world. He knows more about the rivers and harbors of each individual State, I believe, than the representatives of the States themselves know. He is a great compendium of information about rivers and harbors. He was holding up to the country the iniquity of this bill, projects where it was costing more to put the freight through locks and dams than the freight was worth. That was not filibustering, and the country has appreciated it, even if some Members of the Senate may not have done so.

I realize, Mr. President, that the term "pork barrel" is a very distasteful term. Of course there are different kinds of pork barrels. Some are very useful and very necessary and very desirable, especially when one is hungry. I have not used, nor I think has anyone else in this discussion used, the term "pork barrel." It is true that a good many newspapers have used that term; I do not, in reading what certain newspapers have said, want to do so in any offensive way. I have the greatest respect for every member of that committee. We may differ about things. I know they are honest. We need not talk about that. Everybody knows it. The people know down in their hearts, whatever they may say, that Congress is honest. It may be popular sometimes to say that it is not, but we who associate here day by day with each other know that Congress is honest.

There has grown up a system of appropriations in this country that we might term unfortunate; we can not term it dishonest. The people are largely responsible for it, because they ask their Senators and Representatives that they secure certain appropriations. They sometimes glory in the fact that their Congressman has secured an appropriation. We tend too much toward the local, not toward the national, in view of the public welfare. So the term "pork barrel" has grown up.

Now, it is a well-understood term. As I have said before, I do not use it in an offensive sense; but having that well-understood meaning I think it is not any breach of courtesy to read articles where it is referred to. But I want to read a definition of it first, which certainly can not offend the sensibilities of any reasonable person. This definition is by George Fitch. He says:

> The "pork barrel" is a name given to the rivers and harbors bill in Congress by those who haven't gotten an appropriation for their own district.
>
> The rivers and harbors bill is very important. It provides money for the digging of harbors and canals and for the improvement of rivers. If it were not for this bill, only small-sized steamships would be able to enter New York Harbor and only large-sized statesmen would be able to stay in Congress.
>
> After a Congressman has begun his career his first duty is to get an appropriation in the rivers and harbors bill. Every district is entitled to this. We are a free and equal country, and if New York can have a million spent on its harbor, Wahoo, Nebr., has a perfect right to a harbor, too.
>
> This makes it very difficult for the Government engineers, because they must find a stream in each congressional district upon which a million dollars can be spent. Nothing is more pathetic—

I do not join in the criticism that is made, for instance, of these Army engineers. Some of them are wonderful discoverers, of course. The primary lesson in water improvement by one of them is to the effect that boats are not necessary for navigation, but we may in time understand that. There are many mysteries connected with this matter which we can not as yet understand.

> Nothing is more pathetic than the sight of a Government engineer supporting his throbbing head with one hand while he tries to figure some way of making a ship canal out of McGoorty's Creek, which rises in Hennessey's chicken yard, flows 10 miles through a marvelously fertile country, with an average depth of 6 inches, and empties into a duck pond 709 miles from the nearest ship.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. Of course I will yield.

Mr. BORAH. May I ask from what the Senator is reading?

Mr. KENYON. I am reading from a description, or, rather, a definition relating to the pork barrel. There has been some criticism here of the use of the term, and I am trying to study out as to the origin of the term. I have not myself used it.

Mr. BORAH. Is the article the Senator is reading an original production or from some one else?

Mr. KENYON. This is from George Fitch, a gentleman who claims to know the derivation of various terms in the English language. If the Senator objects to it, I will not want to read it.

Mr. BORAH. No; I just came in, and, unfortunately, I did not hear the beginning.

Mr. KENYON (reading):

> When a Congressman can not find even a creek in his district to be improved he is allowed to take three nibbles at the public-building bill, which is an auxiliary pork barrel. The United States is now densely freckled with magnificent Government buildings, erected for the purpose of reelecting Congressmen. If the Post Office Department did not have to spend so much money living up to the post-office buildings, we might be enjoying 1-cent postage in the near future.
>
> The pork barrel teaches us that no American is too ignorant or mean to go to Congress and work on the Appropriations Committee. This is sad, but not as sad as the fact that if the Appropriations Committee didn't do this sort of thing we couldn't reelect its members.

Now, a number of papers in this country in the last few weeks, not all Republican papers, either—I am glad now to see the seats on the Democratic side are all filled—have become interested in the proposition of levying a war tax upon the people of this country, made necessary, as I contend, by the passage of this bill. If you think, my Democratic friends over there in such abundance, too abundantly, in fact, that the people of this country are not going to understand the proposition of $100,000,000 of tax to pay for this river and harbor appropriation, you are simply fooling yourselves, and I am sorry to see you, Democrats, fool yourselves.

Mr. BORAH. Will the Senator allow me to state——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. I agree with all that statement except the last sentence.

Mr. KENYON. What criticism does the Senator find of my last sentence?

Mr. BORAH. Where the Senator says that they fool themselves.

Mr. KENYON. Oh, yes; I hate to see good people make mistakes. Possibly the Senator disagrees with the proposition that they fool themselves.

Now, we have learned another thing to-day, and that is that this bill is merely preliminary, with its $93,000,000 of cash and authorizations included in the sundry civil appropriation bill, and we are going to have another river and harbor bill before the 1st of March. What is going to happen to us when the Senator from Ohio leaves this Chamber? I am sure if the people of Ohio had known we were going to have another river and harbor bill, and then another, and another, and another, they would not have permitted him to have left the public service. It is a great loss to this country when he does.

Mr. THORNTON and Mr. GALLINGER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Louisiana?

Mr. KENYON. I yield.

Mr. THORNTON. In the absence of the Senator from Louisiana [Mr. RANSDELL]——

Mr. RANSDELL. He is present.

Mr. KENYON. He is present.

Mr. THORNTON. I did not know that. I have nothing to say.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. KENYON. Yes.

Mr. GALLINGER. I was not in when the observation was made that we will have another river and harbor bill before the 4th of March, but I want to remind the Senator from Iowa that the Senator from Ohio will be here fortunately until the 4th day of March. So we will not lose his valuable help in connection with the next river and harbor bill, if one is forced upon us in the near future.

Mr. KENYON. I know; and that is very gratifying. I do not feel convinced that the Senator from Ohio will conclude his preliminary observations on this bill before the 4th of March.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. Will the Senator yield to me for the purpose of having read an editorial?

Mr. KENYON. I would be very glad to yield.

Mr. BORAH. I ask the Secretary to read the editorial I send to the desk. It is very pertinent to the proposition which the Senator is now discussing. It is in to-day's New York Sun, under date of September 14, 1914.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

POSTPONING THE DISTRIBUTION OF LOOT.

The Democrats in the Senate now propose to take about $18,000,000 of appropriations out of the river and harbor bill, pass it, and promise the constituencies whose pork has been withheld from them that in March of next year their doles from the National Treasury will be forthcoming.

Having accomplished this postponement of a wretched extravagance, these same Democrats will turn their hands to the enactment of a new tax law to replenish a depleted Treasury. They will direct attention to President Wilson's skillful advocacy of new imposts to protect themselves in the fall elections, and from their lips we may expect the most fervid appeals to our patriotism and devotion to sustain the administration in the difficult days through which the Nation is passing.

Citizens throughout the United States will be asked to return to the House of Representatives the partisans of an organization which in 1912 denounced its opponents for extravagance and pledged itself to economy; which in 1914 threw to the winds its pretense that it desired to relieve the taxpayers of their burden; which found the Nation unexpectedly involved in a financial entanglement necessitating the levy of new taxes at a time when commerce and industry were severely shaken in their operations; and which in the face of every material and ethical consideration persisted in its extravagances, apologized for the moderation of its wastefulness, and bound itself to complete in half a year the job of looting only half accomplished when election day dawns.

It is the declared belief of many Democrats that had there been no European war their candidates for the House would have fared badly this fall, but that the turmoil across the ocean has diverted attention to a degree which renders their success certain. Is this opinion founded on a correct analysis of public sentiment? Or will the American electors refuse to be blinded to the actual situation to which their Congress has come to-day?

Mr. KENYON. Perhaps I ought to say to the Senator from Idaho that it has been stated on the floor in this discussion to-day that the magazines and newspapers opposing this bill are the same magazines and newspapers that always assist the railroads, and the implication was that the opposition to this bill was from the railroads.

Mr. BORAH. In view of that statement——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. This may be a railroad paper that I am quoting from. I am not informed as to which are railroad papers and which are not.

Mr. KENYON. As practically all the newspapers and magazines of the country are opposing this bill, and as it is stated they are controlled by railroads, it is practically fair to assume that this article is from a railroad paper.

Mr. BORAH. But certainly no one will contend that the paper from which I now ask to have read is an unfriendly paper to this administration. It is one of the most influential supporters of the administration, and one of the ablest. I ask, in view of that statement, to have an article read from the New York Times, under date of September 3, 1914.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Secretary read as requested.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I want to say this: That while that matter is injected into my remarks, I think it is rather a severe arraignment. I do not indorse the language of that article, and I think it ought to be blue-penciled a little.

Mr. FLETCHER. I ask——

Mr. BORAH. If the Senator from Iowa objects to its going into his remarks, I will put it in when I speak. I ask leave to withdraw it.

Mr. FLETCHER. I was going to ask about the date. That is why I rose. There was no date mentioned.

Mr. BORAH. Yes; I gave the date.

The PRESIDING OFFICER. The article is withdrawn, if there is no objection.

Mr. KENYON. I want to read a short article from the Sioux City Tribune—and I shall try to blue-pencil any of these articles that I insert in the RECORD, because I do not want them to be offensive to Senators.

Mr. BORAH. Well, Mr. President, may I say a word there with reference to articles being blue-penciled? I do not understand that the article just read referred to individual Senators or Representatives; but there are some items in this bill that can not be defended upon any rule compatible with the public interest. We had just as well understand that.

Mr. KENYON. Well, the Senator, of course, just coming from making some political speeches, is more in touch with the way the people feel with regard to this bill than are we who are here. This is entitled "Postpone 'Improving' the Missouri."

[From the Sioux City Tribune.]

The Tribune acknowledges the receipt of an urgent appeal from the lobby that is working for the passage of the river and harbor bill, with its millions of "pork." The letter announces that unless "pressure of public opinion" is exerted at once the "pork barrel" is doomed to defeat this session.

The letter states this would work untold hardships upon contractors, upon supply companies that furnish steel, iron, lumber, cement, wood, and other material used in improving rivers and harbors. Worse than all, states the letter, is the paralysis of water transportation lines which will not be able to operate because the channels are not completed.

As an especial inducement to the Tribune the letter contains a supplement which shows the share of "pork" which is apportioned to the upper reaches of the Mississippi and Missouri Rivers aggregates $13,420,000.

It certainly would be disastrous if the river traffic on the Missouri River from its mouth to Fort Benton is paralyzed. The Tribune realizes the consternation, approaching panic, that will seize the shippers of this vicinity when they learn they can no longer send their products by river boats or get their supplies via the same route, because Congress has adjourned without voting $13,000,000 to a lot of contractors and supply men to "improve" the Missouri River Channel from its mouth to Fort Benton.

But at a time when a world-wide war is making such demands upon the world's supply of wealth that this great country has had to issue emergency currency, underwrite bonded warehouse receipts, prepare to pass a special revenue bill that will create special taxes of at least $100,000,000 with which to run the Government, when good securities are selling far below par, and strong corporations are passing dividends in order to conserve their finances—at such a time the Tribune believes it is a good thing to save the $13,000,000 that would go into "improving" the Missouri channel and the other $40,000,000 of equally unnecessary "pork" that is in the river and harbor bill.

The farmers and shippers of this section will try to worry along another year without the competition that would be afforded by the water transportation lines that would ply the "improved" Missouri after the contractors spent the $13,000,000.

Mr. President, there is a great deal of patriotism in that. The editor of this paper has not been moved by the argument of local advantage, and is willing in these troubled times from his standpoint that the appropriation for the Missouri River, which is right at his town, in my State, shall be curtailed.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. Certainly.

Mr. STERLING. I should like to inquire of the Senator from Iowa if he knows anything about the conditions in regard to the banks of the Missouri River at or near Sioux City; and as to whether or not farm lands adjacent to Sioux City are being destroyed by being swept into the river?

Mr. KENYON. Of course the Senator knows the Missouri River as I know the Missouri River. A man may have a farm to-day on the east side of the Missouri River and wake up to-morrow morning and find it on the other side of the river. That has gone on for years and probably for ages. There is necessity of some action, of course, being taken for protection from the inundations of the Missouri River. That is undoubtedly a worthy matter to which the Government can very properly give attention.

Mr. STERLING. Mr. President, my impression is that at Sioux City now and vicinity no such protection from the river as that is needed. The farms in the vicinity of Sioux City are not being swept into the Missouri River by the water. If such conditions existed there as do exist elsewhere along the river, and within 50 miles of Sioux City, too, there might have been a different coloring to the editorial which the Senator from Iowa has just read.

Mr. KENYON. To what part of the river does the Senator from South Dakota refer?

Mr. STERLING. I refer to conditions within 50 miles west of Sioux City along the Missouri River. Recently there has been a great deal of work done along the Nebraska shore, and just opposite Sioux City; quite recently, I think, considerable money has been expended in improving the river at or near Sioux City and on the Iowa side of the river. The appropriation was made as the result of an urgent request. It was necessary that bank revetment work be done which would protect the banks of the river. Men were here from Sioux City, I understand, within the last 18 months, and as a result of their endeavors an appropriation was procured for that purpose.

Mr. KENYON. I know they came here and took the matter up with the War Department at the time the river was break-

ing in on the city, but I think it was a longer time ago than the Senator has stated, though he may be correct about it.

Mr. STERLING. I think the request could not have been made longer ago than that. I am quite sure work has been done within that time, however, but will not absolutely say as to the time of the request.

Mr. KENYON. That may be true. I would not dispute the Senator if he said that was the fact.

Mr. STERLING. I am not positive as to when the request was made, but I think work has been done within that time.

Mr. KENYON. The Chicago Tribune of September 10 has an editorial——

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. Before the Senator leaves the particular subject to which the Senator from South Dakota [Mr. STERLING] referred, I think it ought to be stated that the kind of work of which the Senator speaks is perhaps part of the work that could be legitimately done, I believe, by the use of public money; but though such a condition as he describes exists, and it is necessary to save a city or keep a stream within its bed and keep it from destroying a vast amount of property—and that might be a very good thing to take into consideration in the passage of a bill—it would not be a sufficient excuse, in my judgment, for putting into the bill a whole lot of provisions which could not possibly do anybody any good except, perhaps, the contractors.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. Not only that, but the more money that is put into a bill for bad projects the less there is going to be for good projects.

Mr. NORRIS. Exactly.

Mr. BORAH. No one that I know of is objecting to the passage of the bill with the indefensible or doubtful projects eliminated. Everybody recognizes the necessity of a river and harbor bill; everybody recognizes the necessity of improving streams; and if it were possible, as a practical proposition, to eliminate the projects which seem to be without any valid defense, there would be no objection to good projects, and the less you appropriate for bad projects the more you will have for the completion of the good projects.

Mr. STERLING. Mr. President, just a word further, if the Senator will allow me.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. I do.

Mr. STERLING. If the Senator will excuse me, however other projects may appeal to Senators as specified in this river and harbor bill, the conditions I have just mentioned appeal to me as being those that call for protection. They are not for the promotion of a particular local enterprise. It is relief we seek from the ravages of this great navigable river, which extends through several States and for nearly 150 miles forms the boundary line between my State and the State of Nebraska.

Mr. KENYON. It is not, then, for the purpose of securing navigation?

Mr. STERLING. I am frank to confess, Mr. President, not primarily for the purpose of navigation, but for the purpose of protection.

Mr. KENYON. The Senator from South Dakota is frank about it, as he always is, and if others were more frank about some of these projects we would see that the purpose of many of them is to save land and not for the purpose of navigation. I think we ought to provide for protecting lands in some plan of cooperation between the States and the Government and the landowners who may be distinctly benefited by the improvement, but the whole theory of this bill is navigation. I should like to ask the Senator if the project covered by this bill for his State is of the nature he describes?

Mr. STERLING. Exactly, Mr. President, of the nature which I have described.

Mr. KENYON. And how much is appropriated by this bill?

Mr. STERLING. This bill appropriates $200,000 for improvement of the Missouri River from Sioux City to Fort Benton, a distance of nearly 1,500 miles.

Mr. KENYON. Is there not some special appropriation in the bill, amounting to some $7,000, for some project in South Dakota which is not connected with that general purpose of saving land?

Mr. STERLING. Not that I know of; although, if the Senator will permit me, the general appropriation of $200,000 involves something more than an expenditure for the saving of the land; it probably involves the repair of Government boats used in improving the river, the repair of wharves at Williston, in North Dakota, and at places beyond that in North Dakota and Montana, and perhaps Le Beau, in South Dakota, and other improvements of that kind, including dredging and the removal of rocks. Such improvements as these it is supposed will be made out of the general appropriation of $200,000.

Mr. KENYON. That is the same proposition, Mr. President, as confronts the people on the lower Mississippi. It would be most unfortunate, I think, if there were no appropriation to take care of that situation. The waters from the north are hurled down that great river; it is a demon of destruction; and it is not fair that the people of that section of the country should have to handle that problem by themselves. I am in favor of some plan, if it can be worked out, to take care of that feature of the river work; but, so far as making the Missouri River a navigable stream and a regulator of freight rates from Sioux City to Fort Benton, I do not believe the Senator from South Dakota will claim that within any reasonable bounds it is possible to do that.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I do.

Mr. THOMAS. Mr. President, if the expenditure contemplated by many of these items is designed to regulate freight rates, and is necessary notwithstanding the control given by law to the Interstate Commerce Commission upon that subject, which control has been very frequently and beneficially exercised, does not that fact constitute a reason, if not a very good argument, for Government ownership of railway lines of transportation, and is it not, as a matter of national policy, more desirable in view of the failure of the commission regulators properly to regulate to end expenditures of this kind by providing, as soon as the valuation now going on shall have been completed, for the taking over of the lines of transportation all over the country and operating them as a general public agency for the common welfare?

Mr. KENYON. Mr. President, we have spent enough money on the Mississippi River from its source to its mouth to build a railroad on each side of the river. So, if we are doing this work to control railroad rates, we are engaging in the most expensive way possible of doing it. To say that we must expend these enormous sums of money to control railroad rates when this Government is committed to a policy of regulation by a commission is to confess the weakness of the power in the commission and the weakness of the Government in the exercise of its control. That is an exploded argument, but millions have been secured from the Public Treasury by preaching the doctrine that waterway improvements are necessary to control railroad rates.

Mr. BORAH. Mr. President, when the Senator says that is an exploded argument, he has reference to the fact that by this system we do not control rates.

Mr. KENYON. We do not control rates.

Mr. BORAH. I want to ask the Senator from Colorado a question. Am I to understand from the argument of the Senator from Colorado that he favors the ownership at least of the transcontinental lines of this country?

Mr. THOMAS. Why, Mr. President, I have for some time been approaching the conviction that the public ownership of our lines of transportation is the only method of solving the various intricate and injurious problems which have been confronting the people of the country for many, many years. I do not believe that it is an ideal method of procedure, but I am coming rapidly to the belief that is the only alternative.

Mr. BORAH. Do I understand, then, that the Senator is fearful of the success of the Interstate Commerce Commission as a regulating force to control freight and passenger rates?

Mr. THOMAS. Quite the contrary. Some days ago I read into the RECORD comments of Charles Francis Adams, made in 1869, as the chairman of the Massachusetts Railway Commission, upon the impossibility of enforcing regulations against institutions and companies which were in full control of the machinery sought to be regulated.

He took the position there that with a railroad in full operation and under the proper control of the Government the interests of the management might conflict with the regulation provided for by the commission, and by that system of unfriendly operation, which is very easy to set in motion, not only would the regulation be a failure, but the regulating authority would be made unpopular, because of the consequent claim of the association or company that the regulation was in opera-

tion instead of its being given full opportunity for practical experiment.

There is a good deal of that in the situation now. Of course, the Interstate Commerce Commission has much more authority than the advisory commission of Massachusetts had away back in 1869–70. Nevertheless it is a fact that with this commission in full operation for a number of years the discriminations between localities and different business organizations, the discriminations between different sections of the country, seem to be just as aggravated and just as noticeable as they were before this commission was created.

Mr. BORAH. Is it not also true that we are approaching what would appear to be the breakdown of the regulative power of the Government through commissions in the fact that we have had supposedly a very thorough examination upon the part of the commission for the last several years, running over a period of some four years, with reference to the question of raising freight rates and passenger rates, and after the commission have delivered an opinion the railroads claim they can not continue in existence under the rule which was made; that they will be forced into receivership; that their bonds have defaulted, I believe, to the extent of $583,000,000; and that as a practical proposition they can not operate their railroads under the decision which the commission has made?

I do not mean by that to say that the commission's judgment was wrong, because I am inclined to think it was right; but evidently the railroads have made a strong argument to the effect that another body must take hold of this proposition and deal with it, and that the Interstate Commerce Commission has not been adequate to do justice between the shipper and the transportation interests.

Mr. THOMAS. Mr. President, I think the Senator knows that from the good hour of the announcement of that decision the railroad companies have been hard at work to secure its reversal in some way. Fortunately for them, the European war, with its train of evils, gives them the opportunity to appeal for relief through an increase of freight rates and to declare that in the absence of increased revenues these defalcations will occur. I am just as well satisfied as I am that I am speaking in this Chamber that the same request would have been made, the same influences would have been exerted, had there been no European war.

Mr. BORAH. Yes, exactly; but I read a statement in the newspapers which gave an account of the interview of the President with the heads of these railroads, and they stated that there was a default in railroad notes and securities upon the 1st day of August, 1914, I think, of $583,000,000 or $508,000,000. Of course, that occurred before the war; and if it was true that that default took place by reason of the incapacity of the railroads to realize sufficient freight and passenger charges, then we must concede that something will have to be done.

Mr. THOMAS. Yes; but the Senator knows that that is not the reason.

Mr. BORAH. What I am anxious to have is the Senator's view as to whether this argument which the railroads have put up is justified, thereby impeaching the capacity of the Interstate Commerce Commission, or whether it is unjustified.

Mr. THOMAS. I think it is doubtless true that the railroads, or some of them, are embarrassed at present, and fear they can not meet their obligations.

Mr. BORAH. Pretty nearly everybody is.

Mr. THOMAS. But it is equally true that in times of prosperity these obligations have been swollen out of all proportion to the needs of these concerns, and that millions upon millions of these securities never should have been issued at all.

Take, for example, the Rock Island Railroad. It has three sets of securities—one directly against the operating company, another against the holding company, and still another against the holding company of the holding company. Having, through a long period of financial extravagance, courted disaster and destruction, these gentlemen now have the hardihood to appeal to the President of the United States, and through him possibly to Congress, to enable them to tax the producing energies of the people by increasing freight rates by millions upon millions of dollars to save them from the consequences of their own profligate mismanagement.

I do not lay to the door of the commission the issuance of these extraordinary quantities of stocks and bonds by railroads, because I do not understand that the commission has any authority to regulate the issue of securities by the railroad companies; but it is a noticeable fact that this great commission was unable to entertain the application, hear the evidence, and pass upon the application for increased freight rate for a shorter period, as I remember now, than about eight or nine months; all of which indicates that it is so burdened with business that it has become unwieldy, and that in the case of many of the applications made to it for relief the exigency passes before the relief can be considered and granted.

Mr. BORAH. Mr. President, if the Interstate Commerce Commission, dealing with 2,200 corporations, is so overworked that it is impossible for it to discharge its duties, we can imagine what a gala day the trade commission will have in dealing with 163,000 corporations.

Mr. THOMAS. I so stated during the discussion of that measure. I am afraid it will find itself in that position before it is fairly started upon its career, which I hope will be a successful one.

Mr. BORAH. I hope so, too. Coming back, however, to a suggestion which the Senator made, he says, and says very truly, that many of these bonds, securities, and so forth, have been issued without any real value; that they are fraudulent issues, many of them; but they are now in the hands of innocent holders, are they not?

Mr. THOMAS. Yes, Mr. President.

Mr. BORAH. Not innocent holders in a technical sense as a purely legal proposition, perhaps, but innocent holders in the sense that the people are wholly disconnected from any fraud or wholly disconnected from intention to defraud. They purchased them and paid for them; and the question is, Is it within the power of the Government to escape authorizing the payment of a reasonable compensation to the railroads under those conditions?

Mr. THOMAS. Why, Mr. President, a great many of the issues of bonds and commercial paper by private individuals are in the hands of innocent holders for value. There are a great many securities issued by private corporations that are in the hands of innocent holders for value, and these private corporations at present are doubtless embarrassed, as are the transportation companies, because of the immediate consequences to us of a general conflagration of war in Europe.

If the Government can come to the rescue of the innocent holders of the securities of transportation companies, why should it not come to the rescue of the innocent holders of the Claflin paper and of similar securities, which may or may not weather the storm, which may or may not find a harbor of refuge during these perilous times? And if the Government can come to the relief of people under these conditions, why can it not come to the relief of the Senator and of myself and of all others who, because of their maturing obligations, find it impossible to meet them? Why is not the same argument just as good—to wit, that our paper is in the hands of innocent holders?

Mr. BORAH. But we are up against the proposition that the railroad company is a public utility, and goods must be transported; railroads must run. Otherwise the stagnated and paralyzed condition of the country would be such that we could not endure it. Either the Government has to permit the railroads to receive sufficient compensation to enable them to do business and to carry passengers and freight or else it has to take them over and run them itself, just as the Senator said a few moments ago. Now, what I want to get at is, Does the Senator think the regulation of the railroads by the Interstate Commerce Commission has been a success or a failure?

Mr. THOMAS. Mr. President, I will not say that it has been a failure; but in my judgment up to this time it has not been a success, except that, to my mind at least, it has demonstrated that all regulation probably will be a failure and that sooner or later the Government must be confronted with the problem of Government ownership or the abandonment of these methods of relief.

Mr. BORAH. Of course it is understood that we are discussing this matter upon the theory that if regulation could have been made a success our Interstate Commerce Commission would have done so. Nobody questions the ability or the capacity of the commission. The question is whether regulation and control themselves have proved a failure or a success in regard to this problem.

Mr. THOMAS. I do not believe the regulation of a great system of transportation like that of this country is possible unless there be complete harmony of policy between the owners and operators of the system and the commission. Of course, we know that there is no such unity of action, and never has been, between the railroad companies and the commission.

Mr. KENYON. Mr. President, I hope the trade commission bill is not to be argued in my time, as I fear we could not pass the river and harbor bill at this session if we got into that subject.

Mr. NORRIS. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. Certainly.

Mr. NORRIS. Mr. President, I can not help making a suggestion here. After listening to the very enlightening discussion which has taken place between the Senator from Idaho and the Senator from Colorado, I would not like to see the occasion pass by with silence on my part or without my saying just a word that it seems to me ought to be said in defense of the commission and its management since it has had authority from Congress to control the railroads of the country.

In my judgment, the commission would have been a much greater success than it has been if it had had more power. I think the failure, if there has been a failure, has been because the commission was not able to regulate the issuing of stocks and bonds. As the Senator from Idaho has said, the railroads must run. This country would be paralyzed if they did not; and yet I do not believe we ought to go so far, in the first place, as to permit the railroads to issue all the stock and all the bonds they wish without regard to receiving value, and then turn around to the shipping public and the consuming public and say: "You must permit the railroads now to charge a rate that is sufficiently high to bring in a return on all these bonds and on all this stock."

The commission, it seems to me, in rendering a decision as to whether a certain rate was too low or too high, or whether an application to increase rates ought to be granted, would not be confined to the fact that there were so many dollars' worth of bonds issued and so much stock issued, and that a certain rate would have to be charged in order to pay a return on the stocks and bonds. It seems to me the question is, in all fairness, giving fair value and fair consideration to the honest operation of the railroad, What would be a rate that in ordinarily fair times would bring a return that would be a compensation for the investment, even if it might result in innocent parties being injured? The public certainly can not be asked to permit a rate to be charged upon fictitious securities that will be sufficiently high to pay a return, even though innocent holders may honestly own the stocks and bonds.

Mr. BORAH. Mr. President, suppose the railroad company does not pay any dividends. Suppose its rate is such that it can not pay anything to its stockholders or its bondholders; that it can not pay dividends or interest. Necessarily the railroad company must quit business.

Mr. NORRIS. Not necessarily. If the railroad company has been grossly extravagant, as in the case mentioned by the Senator from Colorado, the Rock Island case—where, in the first place, the railroad issued bonds, then a holding company got possession of it and capitalized themselves and issued some more bonds, and then another holding company got possession of the whole thing in connection with other things and issued some more bonds—you might carry that on to such an extreme that the rates would have to be so high to pay an income on that kind of investment that nobody could stand for it; that it would kill commerce.

If they have gone to that extreme, then they have gone beyond all reason. They can not expect the public to pay a return on that kind of financiering, even though innocent parties must suffer. If that should be the case, the remedy would be a receiver.

It seems to me that in the proposition which the Senator laid down, giving two propositions, he ought to include a third. If such a case as I have outlined should exist, then the right way would be the appointment of a receiver for the property, the curtailment of the debt, and the allowance of such rates as under fair and honest operation would yield a return upon the money invested.

Mr. MARTINE of New Jersey. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. KENYON. I do. Of course I want to suggest, however, that it is too bad to take up the time discussing railroad ownership while the Scuppernong and Deep Creek and Bennetts Creek are crying for appropriations and may dry up if the discussion goes on too long.

Mr. NORRIS. In that event you can start the pumps going.

Mr. MARTINE of New Jersey. The creeks that have been mentioned in New Jersey are not likely to dry up.

Mr. KENYON. Does not the Senator take a narrow view of this subject?

Mr. MARTINE of New Jersey. No; an exceedingly broad one; but since the discussion has touched on the railroad proposition I wish to say that I am one of those who do not believe the railroads are in the dire, panicky condition that they would have the public believe. I think much of the evil has come from overwatering and a myriad of schemes of raising capital on their stock and scrip. But this came to my mind, which I cut out last Friday. It seems utterly fitting and apropos at this time. I ask the indulgence of the Senate to read it:

> The railroads undoubtedly need larger net incomes, and President Wilson in his letter of yesterday concedes the point with some emphasis. But the railroads are in no such state of desperation as to warrant the panicky talk they are giving out, and the President recognizes the fact when he disclaims for himself any "deep anxiety" for this industry save as affected by the war disturbances.
>
> We need not work ourselves into a panic even on this account, and the proof is at hand. It is shown by the railroads themselves that during the month of August, and during the month of largest disturbance from the war, their idle freight cars were reduced in number by over 33,000 as compared with a reduction of just 139 cars in the same time last year.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. NORRIS. Will the Senator allow me?

Mr. THOMAS. I should like a moment, with the permission of the Senator from Iowa.

Mr. KENYON. I yield.

Mr. THOMAS. In line with this statement I wish to call attention to the fact that at the very time the representatives of these railroads, claiming to be in such dire straits, were down here beseeching the President of the United States to come to their rescue and permit them to increase the burden of the transportation tax upon the people, the New York Central Railroad, in defiance of a decision of the Supreme Court of the United States in the Union Pacific merger case, were consolidating and carrying out that identical merger in its form as well as substance by incorporating the Michigan Central with the Lake Shore and the Michigan Southern and the Big Four Railroads.

Mr. MARTINE of New Jersey. They are unquestionably far greater than the Government itself, and it all conspires to the one argument, and my hope and daily prayer, of Government ownership of every line of them.

Mr. BORAH. Is that an article from the New York World?

Mr. MARTINE of New Jersey. This is from the New York World. Let me finish it—

> It is true that the amount of idle equipment was larger than a year ago. But it is also shown to be true that railroad traffic in the midst of the vast disturbances caused by war is improving faster than last year without these disturbances. It is shown that if the movement of grain is larger this year than last, there can not have been any great decline in other traffic as a result of the blockade on imports and exports. It is shown, again, that what the railroads may be losing for the moment on cotton traffic they must be largely making up in other ways.
>
> It is no time to talk panic or ruin either for the railroads or anything else. The facts are against it. The situation calls for a closer application of sanity and truth. The worst that can be done for it is an explosion of hysterics.

I feel that that really is largely the situation. I do not want the railroads to run for nothing, and Heaven knows they never have done it. If you will read of the dividends that have been piled up with the monstrous fortunes that have been made through the uncanny and unjust methods of stock watering and floating bond schemes, no one will think they have run them for nothing.

Mr. BORAH. May I ask the Senator, is it not true, however, that the President, after he talked with the presidents of these railroads who were in a position to know the real situation, came to a different conclusion?

Mr. MARTINE of New Jersey. I am not talking for the President. I am only talking for myself. I do not believe all the thoughts that have been advanced in the President's ear by the representatives of the railroads and by the other interested parties. I do not know but I have heard that the President was deeply in sympathy with them.

We are all more or less sympathetic. I can imagine men coming with a sympathetic plea and the tears rolling down their cheeks and mopping their faces in very sad disaster, and then I have seen these same fellows go and crowd some poor mortal to the door and he has been living on bare poles ever since.

Mr. NORRIS. If the Senator will yield further, I am reminded again by the Senator from Colorado——

Mr. BORAH. Mr. President, I should like to have order in the Senate Chamber while the discussion is going on.

Mr. NORRIS. While these applications were being made for increased rates to the President the New York Central, contrary to law, as the Senator from Colorado very well and truly says, was carrying on a scheme of greater consolidation, one that had been condemned by the Supreme Court of the United States, by which it was taking over the Nickel Plate, the Michi-

gan Central, and a whole lot of other smaller railroad corporations. I wanted to call the attention of the Senator from Colorado and of the Senate to the fact that when this was going on a resolution asking the Attorney General to take some action in the matter and asking him whether he had investigated it or whether he had considered the action of the New York Central was referred by the Senate, on a vote by yeas and nays, to the Committee on Interstate Commerce, in whose pigeonholes it has been slumbering the sleep of eternity ever since, and the consolidation has been going on all the time.

Mr. President, I wanted to make that suggestion and it was with that object that I rose.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I yield.

Mr. THOMAS. I desire to ask the Senator from Nebraska whether it is not true that the consolidation to which he is now referring and which is now going on is not, like all its predecessors, attained by an increase in the stock of the merged companies concerned as well as an increase in the issue and the amount of bonds?

Mr. NORRIS. Yes, sir; I think it is ranker than any that has ever taken place before; when it took place a decision of the Supreme Court absolutely condemned and held it to be illegal.

Mr. BORAH. Perhaps in view of the fact that after the decision of the Supreme Court and the decree in the Tobacco case and the Standard Oil case the stocks and bonds of those companies went up, the railroad company was desirous of having a dissolution under the Sherman law so as to get out of its present embarrassment.

Mr. NORRIS. While that is very true, it has not been true of railroad corporations that have been dissolved by the Supreme Court when it has been held that the combination was illegal under the Sherman Antitrust Act.

I wish to suggest, in regard to the railroad-rate question which has gotten into this debate, that it seems to me the railroads of the country have always found a course in issuing stocks and bonds, particularly bonds, as evidences of indebtedness that has never been followed by any good business institution anywhere in the civilized world. I never could see why the principal object of the high-priced officials of the railroad companies was apparently to see how many bonds they could float. The object has always been to increase the indebtedness—not to pay it off. With very few exceptions, you never hear of a railroad paying its bonds except by the issuing of new bonds, and then, as a rule, something in addition to the old bonds.

Mr. THOMAS. I should like to ask the Senator if he can recall an instance in which a transportation company has paid any of its bonded indebtedness in any other way than by the issuance of another series of bonds substituted for them?

Mr. NORRIS. I do not think I have any in mind now, but I presume there may be such.

Mr. THOMAS. There may be, but I never heard of it.

Mr. NORRIS. It seems to me that any business man or any business institution that followed a course of that kind would sooner or later land on the rock of bankruptcy. No business institution carries on its business in that way; but it is the object of all business men to get out of debt, if they are in debt, as quickly as they can. The man who has all the debt possible piled up against him that he can get comes to a point where it is drawing such an amount of interest that he is not able to withstand a storm of adversity. So a business man, who knows that when depression comes upon the country he would be immediately facing the probability of a bankruptcy proceeding, tries to get out of debt and avoid that kind of a condition. These depressions always come in all business lines; hard times come occasionally that are beyond the foresight of the wisest, but the man who has prepared for it by conducting his business along business lines is able for a time to withstand it.

Mr. THOMAS. Mr. President——

Mr. NORRIS. In just a moment. We can not expect every day in every year and every hour of every day that any institution will at all times be making money, and railroads are no exception to that rule. When they are overloaded with indebtedness, drawing interest, and a few days of depression come, which might come by some catastrophe of nature or from any other cause, they are immediately liable to become bankrupts. So the railroads in that condition, brought there by their own management, when they find hard times, turn to the public and say, "We want to charge higher rates for carrying freight in order that we can meet this emergency which is now upon us." The same rule applied would give an increased salary to every official. It would give an excuse for the increase in price of everything used by the people in the various avenues of life.

Mr. THOMAS. I merely wish to say in connection with what the Senator from Nebraska has just said, that his assertion is well sustained by the condition of the Delaware, Lackawanna & Western Railroad. That is an old-fashioned conservative institution. Its road was builded in the good old-fashioned way of our fathers. Its stock was sold for cash and the proceeds were used for the construction of the road. I do not think it has much of a bonded indebtedness, if it has any. Its improvements, its equipment, have been provided for out of its earnings. It is not down here clamoring for additional compensation in the way of increased rates. Let me give the quotation at the time of the closure of the stock exchange of New York, and, by the way, I think it has been demonstrated as one of the lessons of the European war that we can really get along in this country with the doors of that institution closed. The last quotation of the stock of the Delaware, Lackawanna & Western on the 31st day of July, when the stock exchange closed, was $390, showing the difference between the operation of a road in a proper way, avoiding this extravagance, a large burden upon its indebtedness, and a road like the New York, New Haven & Hartford, the last quotation of its stock being, as I remember, 51 at the same time, and which has, as we know, the largest relative bonded indebtedness, perhaps, of any of the roads now in existence.

Mr. BORAH. I wish to ask the Senator from Nebraska a question. The Senator from Nebraska is under the impression apparently that the railroads are not justified in their claims that they are in a financially embarrassed condition such as would warrant the raising of freight rates, and so forth.

Mr. NORRIS. No; I do not think that they are in that condition. I presume they are in an embarrassed financial condition. I am not satisfied, however, that that necessarily implies that they should have a right to increase the rates. I am inclined to follow the Interstate Commerce Commission. I have great faith in them. They heard the case and know more about it than I do, and I take their judgment as being correct.

Mr. BORAH. We have got either to follow the Interstate Commerce Commission or concede that the regulating proposition is a failure.

Mr. NORRIS. I think so.

Mr. BORAH. But the point that worries me about this situation is that if these securities are out there is no way I know of under the law to eliminate them now and get the valid securities separated from the invalid securities, like that of separating wool and goat hair, and so forth, in the tariff bill. We have not the capacity to discriminate in that way.

Mr. NORRIS. Probably not.

Mr. BORAH. That being true, how are the railroads going to operate unless they continue to pay dividends or unless they can take care of their interest, because those holding securities and their notes will put them in the hands of the receiver?

Mr. NORRIS. That may be. If their management has been so bad, that may be a legitimate result of their own conduct; but the commission are not to blame for that. If the commission had had the power at any time, they probably would have prevented them from issuing a great many of the securities that are now held by innocent people.

Mr. BORAH. Does not the Senator think there may be something in this proposition, that railroad companies are playing a game of politics for the purpose of embarrassing the political situation, and that the Secretary of Commerce ought to make an investigation with a view of prosecuting them, just as he is said to be looking askance at some of our industrial failures?

Mr. NORRIS. That may be. I have no knowledge on the subject.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Alabama?

Mr. KENYON. I yield to the Senator from Alabama.

Mr. WHITE. In further yielding the Senator from Iowa is very obliging. The suggestion of the Senator from Idaho is that the railroads must be operated for the benefit of the public. I agree that this is true, but does it necessarily follow, because they have to be operated, that the country has to take care of all their fictitious securities by requiring the public to pay a freight rate which will furnish dividends and interest on these watered securities? Does it follow, because they have to be operated, that we must take care of these securities any more than we would have to take care of the innocent purchaser who bought real estate and failed to get a good title and lost it?

Mr. BORAH. But does not the Senator from Alabama recognize that the railroad company that is a real railroad must operate; that it must continue to carry freight; that it must

continue to do business; that it can not close up without affecting the whole country? It is not like a private enterprise, which may close down and go through the hands of a receiver and be sold. Just the moment railroads cease to carry freight the Government has either got to take charge of them and carry them on or else the country will become paralyzed in an industrial way.

Unless the Senator is prepared to say that he would advocate putting these railroads into the hands of a receiver from one end of the country to the other, must we not take the other alternative—that the freight rates and passenger rates must be such as to enable them to continue to operate?

Mr. WHITE. I will answer that by saying that I am not in favor of forcing the railroads into the hands of receivers, but I do not think I am called upon to keep them out of the hands of receivers when by their conduct they have put themselves in a condition where they may have to go into the hands of receivers. I will ask if it is not true and has not experience taught us that they may go into the hands of receivers and still discharge their public duties or quasi public duties while they are in the hands of receivers?

Mr. BORAH. I think the proposition which is presented by the railroad situation of this country at this time is a tremendously serious one. I do not know that the railroads of the country are entitled to any increase in freight rates or in passenger fares, and I do not presume to say that they are. I have not studied the matter sufficiently to pass judgment. It may be that they are simply suffering, as all other industries and enterprises are, to some extent from an unsettled condition of affairs, and that there is a certain amount of embarrassment which they must share with the rest of the community; and it may be that they have wholly exaggerated their condition. I am like the Senator from Nebraska—I am going to rely upon the judgment of the Interstate Commerce Commission, so long as it is in existence, to remit to them the right to pass upon these questions; and I am utterly opposed to any suggestion to take the matter out of the hands of the Interstate Commerce Commission and undertake to control it by a joint resolution instructing them to do so and so.

That would be the end of the work and value of the Interstate Commerce Commission in the matter of regulating rates and railroad matters generally. After that we never could induce the people to have any confidence in the Interstate Commerce Commission. It would become a political question, and the railroads would know that the moment they were dissatisfied with the Interstate Commerce Commission's decision they could appeal to another body and by working up public sentiment and dealing with the matter from that standpoint they could get relief. If that condition ever comes in this country, the question of the regulation and control of railroads is broken down. But while all this is true, I do not mean to say that the Interstate Commerce Commission should not, in a proper way, reinvestigate the matter. We must deal fairly with the railroads, but we should not destroy the worth of the commission by overriding its judgments.

We have got to rely on the Interstate Commerce Commission or a tribunal of that kind if we are going to regulate the question of rates and fares; but the Senator from Alabama will understand the very fact that the Interstate Commerce Commission has passed upon this question, and the very fact that that commission's judgment does not seem to be satisfactory and that there are movements in high places for the purpose of again dealing with this question presents the most serious proposition that has ever been presented to the country in connection with the question of the regulation of rates. Does not the Senator from Alabama agree with me in that?

Mr. WHITE. I quite agree with the Senator from Idaho that the Interstate Commerce Commission should continue to regulate railroads and should not be deprived of the exercise of its functions by any other body. To do so would be, in effect, to repeal the law by which that commission was created.

Mr. BORAH. What would be the objection to the Interstate Commerce Commission reconsidering this matter? It is not res adjudicata. They could again take up the question of rates and reconsider it in view of conditions now existing. That it has not done so must indicate that the Interstate Commerce Commission is satisfied with its judgment; it must be that it is unmoved by this appeal.

Mr. WHITE. I think so, and I think the country is satisfied as well.

Mr. BORAH. Yes. That being true, ought we not to cease the discussion of the matter or re-present it to the same tribunal?

Mr. WHITE. I entirely agree with the Senator from Idaho that the subject has been discussed enough.

Mr. BORAH. I wanted to ask the Senator one question further.

Mr. WHITE. Very well.

Mr. BORAH. The Senator from Alabama I know is an experienced lawyer. Does the Senator conceive of any way by which to deal with the question of the issuance of fraudulent bonds and stock or watered bonds and stock, and how we are to eliminate them from the industrial world so that they may no longer be an item or a matter of consideration in the fixing of rates in dealing with the railroad question? Is there any possible way of which the Senator knows by which we can bring such bondholders and stockholders into court and have an action in rem or a judgment in rem to determine whether or not a particular set of stocks are valid?

Mr. WHITE. Yes; by letting these companies go into the hands of receivers. Of course that is a very severe remedy; but is not that the remedy, and the only remedy—and is not that the remedy that applies to every other industry or business that fails?

Mr. BORAH. Of course; but the misfortune of that is that it punishes the innocent man.

Mr. WHITE. That is true; but the innocent purchaser is punished who buys any kind of property to which he does not get a good title.

Mr. BORAH. But at the time they were issued there was no question on the part of the Government about these railroad stocks and bonds. We sat silently by.

Mr. WHITE. I do not concede that. There may have been good reason to question the title; and persons who were buying the securities ought to have known, and in law they were charged with knowing, what they were doing—namely, that such securities were not valid, but were fictitious.

Mr. KENYON. Mr. President, a parliamentary inquiry. Do I understand the Chair to hold that I have lost the floor?

The PRESIDING OFFICER. During the absence of the Senator from Iowa the Senator from Idaho was recognized. Does the Senator from Iowa wish to resume his remarks?

Mr. KENYON. I want to know whether the Senator from Idaho is speaking in my time or has the floor on his own account?

The PRESIDING OFFICER. The Senator from Idaho was recognized by the Chair in his own right.

Mr. KENYON. I should like to inquire, Mr. President, how I lost the floor.

The PRESIDING OFFICER. By retiring from the Chamber and the Senator from Idaho rising and addressing the Chair. If the Senator from Idaho has concluded, the Senator from Iowa may, of course, resume.

Mr. KENYON. Of course, it is merely a penalty, then, for extending the usual courtesy to Senators on both sides of the Chamber to ask questions. The discussion was going on, and I never thought I had lost the floor.

The PRESIDING OFFICER. The Chair will say to the Senator from Iowa that there is no controversy about the matter. The Senator from Iowa was absent from the Chamber and the Senator from Idaho addressed the Chair. The Chair thought it was proper that the Senate should proceed with its business.

Mr. BORAH. It is true that the Senator from Idaho had risen and at the same time had addressed the Chair and had gotten the consent of the Senator from Iowa to speak. It is also true that while the discussion was going on the Senator from Iowa stepped outside of the Chamber, as I understand; but——

The PRESIDING OFFICER. If the Senator from Idaho has concluded, the Senator from Iowa may resume his remarks.

Mr. NORRIS. Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska that the Senate adjourn.

Mr. CHAMBERLAIN. If I may interrupt the Senator a moment, I think that it was contemplated that the Senate would take a recess at half past 5 o'clock until 11 o'clock to-morrow morning, and then resume the consideration of the pending bill. I think if the Senator from Nebraska will move that the Senate take a recess until to-morrow at 11 o'clock, instead of moving to adjourn, that there will be no objection to his motion.

Mr. SIMMONS. I hope the Senator will put his motion in the form of a motion for a recess until 11 o'clock to-morrow instead of an adjournment.

Mr. NORRIS. Mr. President, I believe I should like to have a vote on my motion to adjourn.

Mr. CHAMBERLAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oregon suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bankhead | Gore | Martine, N. J. | Smoot |
| Brandegee | Hitchcock | Nelson | Swanson |
| Burton | Jones | Norris | Thomas |
| Chamberlain | Kenyon | Overman | Thornton |
| Chilton | Kern | Page | Vardaman |
| Clapp | Lane | Pomerene | Walsh |
| Fall | Lea, Tenn. | Robinson | West |
| Fletcher | Lewis | Sheppard | White |
| Gallinger | Martin, Va. | Simmons | Williams |

The PRESIDING OFFICER. Thirty-six Senators have answered to their names. A quorum is not present. The Secretary will call the names of absent Senators.

Mr. NORRIS. I rise to a parliamentary inquiry. Is not the motion to adjourn still in order, and are we not entitled to a vote on that motion?

The PRESIDING OFFICER. The motion to adjourn is in order. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. SHAFROTH, Mr. SHIELDS, Mr. SMITH of South Carolina, Mr. STERLING, and Mr. STONE answered to their names when called.

Mr. POINDEXTER and Mr. BRADY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present.

Mr. JONES. Is a motion to adjourn pending, or has it been withdrawn? If there is no motion to adjourn pending, I move that the Senate take a recess until 11 o'clock to-morrow.

Mr. GALLINGER. I will inquire if the motion to adjourn is not pending?

The PRESIDING OFFICER. The Chair did not understand that a motion to adjourn was made. The Senator from Nebraska indicated a purpose to make the motion, but, as the Chair understood him, he did not make it.

Mr. NORRIS. I did make it; but I have had an understanding with the Senator from Indiana——

Mr. KERN. I think by unanimous consent we may agree to a recess until 11 o'clock to-morrow——

Mr. NORRIS. I am willing to agree to that——

Mr. KERN. With the understanding that there is to be a morning hour on Wednesday.

Mr. NORRIS. With the understanding that to-morrow we will adjourn, and have a morning hour on Wednesday. With that understanding, I am willing to agree to the motion for a recess.

Mr. SMOOT. Mr. President, I think, under the rules, that can not be done; but inasmuch as unanimous consent is asked for that purpose, I shall not object. However, I desire this statement to go in the RECORD.

Mr. JONES. I withdraw my motion, then, so that the Senator from Indiana may submit his motion.

The PRESIDING OFFICER. There being no objection, the order of the Senate will be to stand in recess until 11 o'clock to-morrow. The Chair hears none.

Thereupon (at 5 o'clock and 40 minutes p. m., Monday, September 14, 1914) the Senate took a recess until to-morrow, Tuesday, September 15, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

### MONDAY, *September 14, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Jehovah, "Life-giving, life-sustaining potentate," our Father in heaven, let Thy spirit come mightily upon us to illumine our minds and hearten us for every task, that we may act wisely in all the complicated problems which have come to us as a people in these troublesome days. Keep us free from entanglements, that we may be ready as a peacemaker should the opportunity present itself, giving succor, aid, and comfort to the distressed and sorrowing, and so fulfill the law of Christ. Amen.

The Journal of the proceedings of Saturday, September 12, 1914, was read and approved.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order there is no quorum present; evidently there is not.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Aiken | Elder | Knowland, J. R. | Patten, N. Y. |
| Anthony | Fairchild | Korbly | Payne |
| Austin | Faison | Kreider | Peters |
| Baker | Farr | Lafferty | Platt |
| Barchfeld | Finley | L'Engle | Porter |
| Bartholdt | Fitzgerald | Lesher | Pou |
| Bartlett | Floyd | Levy | Powers |
| Blackmon | Gardner | Lewis, Md. | Riordan |
| Brodbeck | George | Lewis, Pa. | Rothermel |
| Brown, N. Y. | Gerry | Lindquist | Rouse |
| Browning | Godwin, N. C. | Loft | Rupley |
| Burke, Pa. | Goldfogle | McClellan | Sabath |
| Byrnes, S. C. | Graham, Pa. | McGillicuddy | Scully |
| Calder | Griest | Mahan | Slemp |
| Cantor | Griffin | Maher | Smith, Idaho |
| Carew | Guernsey | Manahan | Smith, N. Y. |
| Carlin | Hamill | Martin | Sparkman |
| Casey | Harris | Merritt | Steenerson |
| Chandler, N. Y. | Hart | Mitchell | Stout |
| Connolly, Iowa | Hensley | Montague | Stringer |
| Conry | Hinds | Moore | Sutherland |
| Covington | Hobson | Morin | Tavenner |
| Crisp | Hoxworth | Mott | Taylor, N. Y. |
| Dershem | Hulings | Mulkey | Vare |
| Dickinson | Humphreys, Miss. | Murdock | Watkins |
| Dies | Jones | O'Brien | Webb |
| Dooling | Kennedy, Conn. | Oglesby | White |
| Doolittle | Kent | O'Leary | Wilson, N. Y. |
| Driscoll | Key, Ohio | O'Shaunessy | Winslow |
| Drukker | Kiess, Pa. | Palmer | Woodruff |
| Fagan | Kindel | Park | Woods |
| Eagle | Kinkead, N. J. | Parker | |

The SPEAKER. On this roll call 305 Members—a quorum—have answered to their names.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6454. An act to authorize the Government exhibit board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exposition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 754. An act for the relief of Jacob M. Cooper;

S. 725. An act to correct the military record of Aaron S. Winner;

S. 1063. An act for the relief of Philip Cook; and

S. 2472. An act for the relief of Herman Von Werthern.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6454. An act to authorize the Government exhibit board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exposition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition; to the Committee on Industrial Arts and Expositions.

#### ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5065. An act for the relief of Mirick Burgess.

#### DISTRICT DAY—ALLEY DWELLINGS IN DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering the bill H. R. 13219, and after that is concluded any other bill or resolution which may have been reported from the Committee on the District of Columbia which may be called up by that committee.

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of District of Columbia business.

Mr. JOHNSON of Kentucky. And pending that motion, Mr. Speaker, I would be glad to arrive at an agreement, if possible, at some time when general debate shall close on this bill.

The SPEAKER. Which bill?

Mr. JOHNSON of Kentucky. H. R. 13219.

Mr. BORLAND. Mr. Speaker, at the time the committee rose, on last District day, as I recall it, I had the floor and had yielded some portion of one hour's time. I think I had yielded about 20 minutes on this particular bill. I had an hour's time, and I think I had yielded about 20 minutes.

Mr. JOHNSON of Kentucky. Ten minutes.

Mr. BORLAND. About 10 minutes, the chairman says; so I think I have about 47 minutes remaining of my hour.

The SPEAKER. The gentleman from Kentucky is seeking to get an agreement——

Mr. MANN. How much time does the gentleman want?

Mr. BORLAND. I want about 40 minutes.

The SPEAKER. What suggestion has the gentleman from Kentucky to make?

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that all general debate be closed upon this bill in two hours, one half of the time to be controlled by myself and the other half by the gentleman from Illinois [Mr. MANN]; and out of my time I yield 40 minutes to the gentleman from Missouri [Mr. BORLAND].

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union the gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent that all the time for general debate be limited to two hours on the bill H. R. 13219, one hour to be controlled by himself and the other hour by the gentleman from Illinois [Mr. MANN]; and out of the hour the gentleman from Kentucky yields 40 minutes to the gentleman from Missouri [Mr. BORLAND]. Is there objection?

Mr. MANN. Mr. Speaker, I shall not object, although I doubt whether the full time will be used——

Mr. JOHNSON of Kentucky. I hope it will not be.

Mr. MANN (continuing). For the benefit of the Members of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. I made the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for a specific purpose. The Speaker put the motion somewhat differently from the way I had made the motion, and I desire to know whether or not we are adopting the motion made by me.

The SPEAKER. The proper motion is the way the Chair put it.

Mr. JOHNSON of Kentucky. My motion, Mr. Speaker, was that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering House bill 13219, and next after that any other bill or resolution which has been reported from the Committee on the District of Columbia and which may be called up by the committee.

The SPEAKER. The gentleman called up that bill and then made his motion to go into Committee of the Whole House on the state of the Union to consider that bill; but it seems to the Chair that the House can not instruct the committee as to its program for the day. That is a matter for the Chairman of the Committee of the Whole House on the state of the Union to pass upon. But evidently the House proposes to take up House bill 12219.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13219) to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia, with Mr. WINGO in the chair.

The CHAIRMAN. When the committee last rose it had under consideration the bill H. R. 13219, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13219) to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 40 minutes to the gentleman from Missouri [Mr. BORLAND].

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] is recognized for 40 minutes.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me for a minute before he starts?

Mr. BORLAND. I will yield to the gentleman half a minute.

Mr. MADDEN. I want to make a very brief statement. I will not take a half minute. The gentleman need not state the limit.

Mr. BORLAND. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, in the consideration of the Clayton antitrust bill the Senate has written into it two new sections which I think will be very injurious to the business interests of the country if they are adopted into law, and I desire to ask unanimous consent to extend my remarks on the bill, as it is pending in conference now.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. DONOVAN. On what subject, Mr. Chairman?

Mr. MADDEN. On the Clayton antitrust bill. I have just been permitted to speak.

The CHAIRMAN. On the subject of the Clayton antitrust bill. Is there objection to the gentleman's request?

There was no objection.

Mr. BORLAND. Mr. Chairman, the bill under consideration is the so-called alley bill, or the bill to eliminate the inhabited alleys of the District of Columbia, which has attracted a good deal of attention among Members of the House, and has aroused the interest of good people all over the country. In my judgment, no more important bill in the interest of the District has been proposed in the six years I have served in Congress. These alley slums are a menace to the health, safety, and morals of the people. They are breeding places of crime and disease. They contribute largely to the expense of the District government for police and sanitation. They are the direct cause of an increased death rate here, especially among babies under 1 year of age. They surround the houses of the average citizen and the respectable toilers; they lurk behind the palaces of the wealthy, and they flourish under the very shadow of the Dome of the Capitol. They are a menace not only to the citizens of Washington, but to all the sojourners here, to all the temporary residents who are brought here for the purpose of conducting the Federal Government. The National Capital ought to be free from such a menace as these inhabited alleys have been. They are wholly out of place in a national capital. For 40 years they have been a constantly increasing source of danger, moral and physical. In that 40 years Congress has spent money with a lavish hand in beautifying Washington, in building a system of parks, boulevards, squares, and circles, and in erecting monuments and stately public buildings, and yet if we had spent one tithe of the money that we have spent upon monuments and circles in improving the healthful and moral conditions of the District these alleys would have disappeared long ago.

The time has come when the inhabited alleys of the District of Columbia must go, for the condition has been getting steadily worse. These alleys are centers of disease. They radiate out insanitary influences. They are the homes of the servant class, who enter into every apartment house and every home in the District. They are the homes of the washerwoman class, the furnace man, the waiter, and the bell boy, who all dwell in these inhabited alleys. They contain the laundries of scores of families. The clothing of ladies and children are washed in these inhabited alleys and amid these insanitary surroundings.

The death rate of the District of Columbia, which is much larger than it ought to be in a national capital, is due almost entirely to the unhealthful condition of these alleys. Here is a report of 1912, comparatively recent, by one of the investigators of these alleys, which shows that the death rate per thousand of all ages in the alleys is 30.09, while in the streets it is 17.56. In other words, the death rate in the alleys is almost double the death rate of those who live on the streets.

Now, let us see where that unusual death rate is. For children under 1 year the death rate in the alleys is 373 to the thousand, and on the streets it is 158 to the thousand. Babies under 1 year die at the rate of 373 to the thousand in the alleys, and the alleys are one reason, in my judgment, for the death of 178 to the thousand on the streets, so that none of the babies escape this contagion. Here are some of the causes of death: Pneumonia, tuberculosis, whooping cough, diarrhea, and so forth, with the statistics given.

The campaign for a cleaner, better city for our National Capital, for moral and healthful surroundings for the humble dwellers of the District, was taken up this summer with great vigor by some noble Christian women—Mrs. Hopkins, Mrs. Wood, Mrs. Bicknell, and scores of others. At their head, lending them every aid and encouragement that was possible from her high position and great character, stood that splendid Christian woman, who for all too brief a time was mistress of the White House—Mrs. Woodrow Wilson. Mrs. Wilson, whose splendid Christian character has glorified for all time the Executive Mansion of our Nation, took an active interest in this movement for the redemption of the slums. Her interest,

like that of the other ladies, was not passive or formal only, but active, vigorous, and effective. She threw her whole soul into the work. Each day some one or more of these ladies took certain Senators and Congressmen personally on tours of inspection through the alleys. These tours enabled many of us to see with our own eyes the shocking conditions in the byways and dark corners of our great Capital. Mrs. Wilson's interest never flagged. Her heart had gone out to the dying babies, to the children growing up in ignorance, filth, and vice, to the voiceless victims of greed and neglect. In the last conscious moments of her life the misery of the alleys; the helplessness of age, sickness, poverty; the awful blight that man's greed had placed upon the humble still weighed upon her heart. She, who in her fatal illness was surrounded by all the tender ministrations of a great and tender husband and a devoted family, whose bedside was watched by the prayers of a nation, to whose aid every resource of science was summoned, could still, forgetful of self, reach out her sympathies to the humblest of her countrymen. She told those at her bedside that she felt she could go in greater peace if she knew that legislation would be passed to heal the plague spots of the alley slums. When that wish was telephoned to the committees of the Senate and the House this bill was passed hastily by the Senate and agreed to by the House committee. Thus the first step was taken to complete the work so nobly begun.

I am going to vote for this present bill, although I am sorry that it does not go far enough to constitute what I believe to be a workable and practicable scheme for the elimination of these alleys. But it does amount to a very distinct declaration of policy on the part of Congress that the inhabited alley in the District of Columbia must go; that it is a menace to health, a menace to morals, and a menace to the public interests of the people of this community.

I say the bill does not go far enough. In my judgment, it ought to provide not only for the elimination of the alleys but also for some workable scheme articulating with the present law in the District of Columbia, by which some of the alleys can be eliminated each year and by which something of a useful nature can take their places. In other words, the alleys ought to be either converted into minor streets or applied to business purposes, and then the rehousing of the alley population ought to accompany the elimination of the alleys. Those two features ought to be embraced in any legislation by Congress to eliminate the alleys. But we have made a fight for the elimination of these alleys, and we have gotten this far, and, in my judgment, every friend of the elimination of the alleys and the reform in the District ought to set a stake down as far as we have gotten, and then let the forces of reform go on still farther.

The commissioners tell me that they aided in the preparation of a bill, which I would very much prefer, the so-called commissioners' bill. It provided for the elimination of certain alleys annually, and for an excess condemnation of the land in the interior of the blocks, so that the alleys might be transformed. Proper machinery would, of course, be provided to accomplish that under the general code of the District. But when the clash came between the friends of reform and those in the District, and possibly elsewhere, who are opposed to the elimination of alleys, largely, I think, on selfish grounds, the friends of reform seemed to have met an insurmountable obstacle. In other words, I think the reactionary element in the District have fought the friends of reform to a standstill. The alley committee have succeeded in getting this bill, and they say this is all they can get. That word comes from the so called committee of 50, which is the alley committee of the citizens of the District. They feel that they can get nothing more at this time than this bill.

If they feel that that is true, then I am going to help them see that they get this bill. I think they could have gotten a good deal more, at least with the sanction of this House, and could have provided adequate legal machinery for the permanent elimination of alleys.

I want to call attention to the fact that this alley fight that culminated this summer is no new thing. It arose from the fact that the situation has been getting worse.

Here is a report by Mr. Thomas Jesse Jones, dated October, 1912, in which he uses some very significant language:

> Objectionable and dangerous as these alleys have been since the Civil War, the history of the effort for legislative treatment of the condition is a story of 40 years of struggle which has borne but comparatively little fruit. On almost every occasion the forces of selfishness have succeeded in overthrowing any appeal to Congress for a systematic treatment of all the blocks infected with these byways. It was in 1872 that the first act providing for the condemnation of insanitary dwellings became effective. This act was in force until 1880, when greed succeeded in having the act omitted from the health regulations of the District. After 26 years of inaction, the condemnation power was reenacted and vested in the board for the condemnation of insanitary buildings (May, 1906). The work of this board in regard to alley houses from 1907 to the present year is summarized below:

| Year. | Number of alley houses— | | |
|---|---|---|---|
| | Examined. | Repaired. | Demolished. |
| 1907 | 175 | 33 | 89 |
| 1908 | 156 | 64 | 124 |
| 1909 | 79 | 50 | 52 |
| 1910 | 94 | 97 | 68 |
| 1911 | 78 | 71 | 42 |
| Total | 582 | 315 | 375 |

> According to this table an average of 75 alley houses have been destroyed annually during the last five years. At this rate it will be at least 40 years before Washington is rid of the 3,337 houses now forming these 275 dangerous centers of contagion. Other than the reenactment of the condemnation law, only one act affecting the general alley situation has been passed since the Civil War. This was the law of 1892 forbidding the construction of dwellings in alleys less than 30 feet in width.

So to-day, after more than 40 years' agitation, we are almost at the same point that we have been all the time. In other words, we passed a law providing for the elimination of alleys, but provided no machinery by which it can be done within a reasonable time.

The District Commissioners have had this matter investigated, and the statistics have been prepared at the request of this alley committee. I was surprised to find the very modest amount of money that could be involved in this proposition under any aspect of the case. I have here a statement prepared for the District Commissioners of every inhabited alley in the District, with the exact number of houses in each; an estimate of the number of alleys that can be turned into minor streets, and an estimate of the number of alleys that can not be turned into minor streets.

Mr. BATHRICK. What are the totals?

Mr. BORLAND. There are 273 inhabited alleys in the District of Columbia, containing a total of over 3,330 inhabited houses.

Mr. RUCKER. What is the number of inhabitants in those houses?

Mr. BORLAND. The number of inhabitants in those houses is nearly 12,000. There are over 3,300 houses, containing a population of over 12,000 people, in 273 inhabited alleys. Of these 273 inhabited alleys 204 ought to be depopulated entirely. If this bill reached all of those 204 it would accomplish the main purpose that we have in view. Sixty-nine of the 273 alleys should be converted into minor streets. Of those that ought to be depopulated 27 should be converted to business uses, 173 should be used only for alley purposes; that is, to give rear entrance to other property, and 4 should be converted into playgrounds.

Mr. COADY. I want to ask the gentleman how the number of alleys in this city compares with the number of alleys in other cities of like size? Does the gentleman know that?

Mr. BORLAND. I think the inhabited alley is largely a Washington problem. There are some cities that have a large number of inhabited alleys, but in most cities they are not the evil that they are here. The conditions here have been explained, showing how this evil has grown up in Washington because of the large interior portions of the big blocks into which the city is laid out.

Mr. COADY. What is the average width of these alleys?

Mr. BORLAND. The average width of these alleys is about 18 or 20 feet. The statement which I am going to put into the RECORD shows the width of every one of these alleys:

> EXECUTIVE OFFICE,
> COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
> *Washington, August 27, 1914.*
>
> MY DEAR MR. BORLAND: I am sending you a letter which I promised to write explaining my estimate of the cost of the alley project.
>
> I had prepared an estimate of the number of squares in which a minor street would be opened by condemnation and also an estimate of the number of squares which would be treated by the other method, the mere prohibition of the use of buildings for residence purposes.
>
> I estimate that 69 of the 273 squares would have minor streets run through them. We assumed that the value of the property acquired for the actual street in those 69 squares would be $1,450,000. I find by adding up the number of houses in those 69 squares that they total 1,629.
>
> I am also inclosing the table prepared by Mrs. Bicknell and Miss Brown making an estimate of treatment of the various alley squares; also the estimate of the assessor as to costs. At the time Mr. Richards made the estimate he explained to me in detail the two paragraphs referring to the cost of elimination of alley houses, which you will notice in his letter, but those details have slipped my mind and Mr. Richards is on his vacation and won't be back for two or three days. I am therefore sending his letter to you with the suggestion that you see him as soon as he returns and get him to explain the figures.

I am going away this afternoon for my vacation, but I have left a note with Mr. Richards asking him to see you on this subject as soon as he comes back.

I would also suggest that you confer with Mrs. Bicknell, who helped compile the attached memorandum, and I have written her a note asking her to confer with you.

As I explained to you in our talk the other day, no estimate has been made or could be made of the cost of the excess condemnation, Mr. Richards's estimates covering only the value of the property actually to be used as a street. I feel, however, as if the cost for excess condemnation should not give concern, in view of the fact that the District will own the property, the value of which will be increased by the creation of the minor street, and the cost of which will be more than returned by either the lease or sale of the resubdivided excess property.

I have also left with Mr. Siddons a memorandum to get in touch with you on this alley matter immediately, and also Mr. Syme as soon as he returns from his vacation, so that you will be prepared by September 14.

I would not take my vacation at this time, but would stay and help you in this matter, were it not for the fact that my brother is seriously ill and I feel as if I should be in Des Moines, and must go now or not at all.

Wishing you success and with best personal regards, I am,

Very truly, yours,

O. P. NEWMAN.

*To the members of the executive committee of the committee of fifty:*

In compliance with your instructions the subcommittee appointed to investigate the inhabited alleys of Washington for the purpose of indicating which of them should be converted into minor streets and which eliminated for residence uses herewith submits its report. It will be understood that the recommendations included in this report must be tentative in the absence of complete information. The members of the committee have carefully gone over the official plat book of the alleys in connection with the alley directory. Mr. Butts, of the health office, who is thoroughly familiar with the alleys, gave the committee invaluable assistance. The members of the committee themselves are also familiar with many of the larger alleys.

The work has been performed with the idea in mind that wherever it is possible to make a minor street this should be done in order to provide homes for working people at reasonable rentals. In some instances, where the number of houses is rather large, elimination has been suggested, because the alley occupies the corner of a block or because for some other reason it seems impracticable to cut a street directly through.

The whole number of inhabited alleys in the city are 273.

| | |
|---|---|
| Alleys with over 50 houses | 3 |
| Alleys from 40 to 50 houses | 9 |
| Alleys from 30 to 40 houses | 10 |
| Alleys from 20 to 30 houses | 35 |
| Alleys from 15 to 20 houses | 24 |
| Alleys from 10 to 15 houses | 33 |
| Alleys with 10 houses | 159 |

NORTHWEST (20 HOUSES AND OVER).

| | |
|---|---|
| Dingman Place | 22 |
| Fenton Place | 62 |
| Logan Court | 32 |
| Hanover Alley | 33 |
| Baltimore Court | 20 |
| Brooks Court | 20 |
| Cooksey Place | 66 |
| Balls Court | 23 |
| Jackson Hall Alley | 33 |
| Naylors Alley | 24 |
| Hollidge Court | 22 |
| Richardson Alley | 20 |
| Essex Court | 21 |
| Goat Alley | 46 |
| Freemans Place | 24 |
| Glick Alley | 42 |
| Le Droit Court | 20 |
| Bladgens Alley | 46 |
| Covington Street | 24 |
| Temperance Avenue | 34 |
| Cedar Court | 31 |
| Chester Court | 49 |
| Union Court | 22 |
| Sumner Alley | 20 |
| Hays Court | 20 |
| Lingers Court | 30 |
| O'Briens Court | 39 |
| Alexander Court | 23 |
| Government Alley | 27 |
| Stevens Court | 24 |
| Peach Alley | 23 |
| Snows Court | 47 |
| Phillips Court | 21 |
| Hughes Court | 25 |
| Cecil (Cissel) Alley | 25 |

SOUTHWEST (20 HOUSES AND OVER).

| | |
|---|---|
| Nolans Court | 41 |
| Pierce Court | 25 |
| B and Half Street Alley | 22 |
| Armory Place | 22 |
| Dixons Court | 44 |
| Van Alley | 28 |
| Cullinanes Alley | 24 |
| Huntoon Court | 28 |
| Clark Alley | 44 |

NORTHEAST (20 HOUSES AND OVER).

| | |
|---|---|
| Jackson Street | 39 |
| Schotts Alley | 44 |
| Gordon Avenue | 39 |
| Third-and-a-half Street | 20 |
| Brewers Court | 39 |
| Linden Court | 22 |
| Wylies Court | 20 |

SOUTHEAST (20 HOUSES AND OVER).

| | |
|---|---|
| Francis Place | 23 |
| Browns Court | 25 |
| Marks Court | 22 |
| Navy Place | 80 |
| Hope Avenue | 23 |
| Cooksey Alley | 21 |

Dingman Place (North Capitol and First, E and F): Houses should be taken down and land used for garages unless taken by the Government for public park between station and the Capitol.

Fenton Place (North Capitol and First, K and L): A simple minor street proposition, except for public school facing on street.

Logan Court (North Capitol and First, L and Pierce Streets): If made into a minor street, the houses on the north side should be eliminated in order to abolish the interior alley between Pierce Street and Logan Court.

Hanover Alley (North Capitol and First, N and O): Is now 60 feet wide from North Capitol Street to alley running north and south, but should be given an equal width on First Street.

Baltimore Court (First and Third, N and O): If Second Street NW. were widened from N to O, it would correct the evils in Baltimore Court.

Brooks Court (First and Third, O and P): Is back of Armstrong Manual Training School. Could be made quite simply into a minor street by cutting through and widening from First Street to Third.

Cooksey Place (First and Third, Q and R): Cooksey Court and Reeves Place are all in the same block with Cooksey Place. It would not be an expensive proposition to cut minor streets from north to south and east to west, thereby eliminating all unpleasant conditions in the three places.

Balls Court (Second and Third, G and Massachusetts Avenue): Could be made into minor street, but is in a business district. It could therefore be used for garages and stables.

Jackson Hall Alley (Third and Four-and-a-half, C and Pennsylvania Avenue): Would be difficult to make into a minor street. It is in an excellent business section and could be used advantageously for warehouses and laundries.

Naylor's Alley (Fourth and Fifth, K and L): Impossible to cut into a minor street on account of Convention Hall. Would be good location for business if cleared out.

Hollidge Court (Fourth and Fifth, O and P): A simple minor street.

Richardson Place (Fourth and Fifth, R and Rhode Island Avenue): If cut through to New Jersey Avenue is wide enough for a minor street as it stands. About three houses would have to be taken out.

Essex Court (Sixth and Seventh, H and I): Thirty feet wide now. Is splendid business location. If desired to make into a minor street, could be cut simply to Sixth Street, and expensively to Seventh.

Goat Alley (Sixth and Seventh, L and M): Might be made into a playground by elimination of alley houses and buying straight through to M and L, leaving People's Congregational Church on M Street and building municipal washhouse on L Street. Openings would then be large enough to prevent evils of interior park or playground.

Freeman's Place (Sixth and Seventh, N and O): Should be taken for business purposes, since half of it is already so taken.

Glick Alley (Sixth and Seventh, S and Rhode Island Avenue): Is not adaptable to minor street. Land would be in demand for business purposes.

Le Droit Court (Sixth and Seventh, S and T): Houses should be eliminated and turned over to business, since more than half of the alley is already used for business.

Blagden's Alley (Ninth and Tenth, M and N): Difficult to make into minor street. Probably should be a playground or made suitable for business purposes. One minor street could be run through from M to N, houses eliminated, and ground resold for business purposes.

Covington Street (Ninth and Tenth, R and Rhode Island Avenue): Could be made into a minor street by eliminating houses on one side and buying three houses and lots fronting on Rhode Island Avenue.

Temperance Avenue (Twelfth and Thirteenth, T and U): Now 25 feet wide. Could be made into a minor street by buying through to T and to U street, eliminating houses on one side.

Cedar Court (Thirteenth and Fourteenth, S and T): Minor street running east and west. Four houses in rear of proposed minor street should be eliminated.

Chester Court (Thirteenth and Fourteenth, S and T): Fine business location. Entirely eliminated.

Union Court (Fifteenth and Sixteenth, L and M): Should be eliminated. Excellent place for warehouses.

Sumner Alley (Sixteenth and Seventeenth, L and M): De Sales Street might be cut through from Sixteenth and Seventeenth to advantage. Sumner Alley houses should all be eliminated. Excellent business location.

Hays Court (Seventeenth and Eighteenth, D and E): To open as minor street from east to west. Simple proposition.

Lingers Court (Nineteenth and Twentieth, L and M): Simple minor street proposition.

O'Brien's Court (Twentieth and Twenty-first, E and F) and Columbia Terrace: Minor street suggested. Elimination of all houses and replatted.

Alexander Court (Twentieth and Twenty-first, K and L): Elimination suggested for business purposes.

Government Alley (Twentieth and Twenty-first, L and M): Only about 12 brick and 9 frame houses. Elimination suggested. Good location for garages.

Stevens Court (Twenty-first and Twenty-second, K and L): Minor street might be cut from north to south if location is desired for houses, otherwise elimination is suggested.

Peach Alley (Twenty-first and Twenty-second, M and N): Ward Place, 49.74 feet wide, practically a minor street, is in same square as Peach Alley. Another minor street could be cut from M to N along what is now called Wards Court, and houses on pockets adjoining that should be eliminated.

Snows Court (Twenty-fourth and Twenty-fifth, I and K): Should be made into a playground by buying (or condemning) all property within and facing Twenty-fourth and Twenty-fifth abutting the alley.

Phillips Court (Twenty-fourth and Twenty-fifth, M and N): Could be made into two minor streets.

Hughes Court (between Twenty-fifth and Twenty-sixth, I and K): Simple minor street proposition.

Cecil (Cissel) Court (Wisconsin Avenue and Potomac Street, Water and Grace): Minor street from Grace to Water Streets suggested.

Grace Street should be widened, being only 20 feet wide. Houses in pocket should be eliminated.

SOUTHWEST ALLEYS.

Nolans Court (Half and First, M and N): If widened, would make a good minor street; only 30 feet wide now. Houses all frame.

Pierce Court (Half and First, N and O): All frame houses. Minor street might be cut through if needed. Not a congested district. Elimination suggested.

B and Half Street Alley (Second and Third, C and Canal): Simple minor street proposition. Houses on one side of alley could be saved.

Armory Place (Third and Four-and-a-half, Maine and Maryland Avenues): Elimination suggested. May be accomplished through condemnation of land by Congress.

Dixons Court (Third and Four-and-a-half, H and I): Minor street could be cut through from Third to Four-and-a-half, saving most of the houses on one side of the alley.

Van Alley (Third and Four-and-a-half, M and N): Simple minor street proposition.

Collinanes Alley (Four-and-a-half and Sixth, H and I): Simple minor street proposition.

Huntoon Court (Four-and-a-half and Sixth, N and O): Minor street proposition, with elimination of houses on one side of alley and eight more houses on a transverse alley.

Clark Alley (Four-and-a-half and Sixth, M and N): A simple minor street proposition.

NORTHEAST ALLEYS.

Jackson Street Alley (North Capitol and First, G and H): Simple minor street proposition.

Schotts Alley (First and Second, B and C): Might be recommended for two minor streets, with elimination of houses on side alleys.

Gordon Avenue (Second and Third, F and G): Minor street proposition.

Third-and-a-half Street (Third and Fourth, F and G): Minor street; simple proposition.

Brewers Court (Sixth and Seventh, G and H): Minor street proposition, with elemination of houses on branch alleys.

Linden Court (Thirteenth and Fourteenth, G and H): Would make a good residence street from north to south, but would not cut to good advantage from east to west.

Wylies Court (Thirteenth and Fourteenth, H and I): Good minor street from Thirteenth to Fourteenth.

SOUTHEAST ALLEYS.

Francis Place (First and Second, N and O): Is 40 feet wide within. Entrances of equal width should be bought to the street.

Browns Court (Sixth and Seventh, A and B): Simple minor street proposition.

Marks Court (Sixth and Seventh, F and G): Elimination suggested. Business location.

Navy Place (Sixth and Seventh, G and I): Two minor streets could be put through this square.

Hope Avenue (Twelfth and Thirteenth, D and E): Simple minor street proposition.

Cooksey Alley (Twelfth and Thirteenth, G and I): Should be opened north and south from G to I.

NORTHWEST ALLEYS (10 TO 20 HOUSES).

| | |
|---|---|
| McCullough Street | 12 |
| Jackson Alley | 16 |
| Half Street Court | 12 |
| Purdys Court | 13 |
| Union Alley | 16 |
| Chews Alley | 15 |
| Madison Alley | 18 |
| Hahns Court | 11 |
| Rovers Court | 19 |
| Pierce Street Court | 19 |
| Burdens Court | 10 |
| Blands Court (part of) | 10 |
| Herberts Alley | 10 |
| Prathers Alley | 19 |
| Kings Court | 19 |
| Blands Court | 15 |
| Madison Alley | 17 |
| Shepherd Alley | 10 |
| Nailors Alley | 11 |
| Union Court | 10 |
| Nine-and-a-half Street Alley | 11 |
| Quaker Alley | 12 |
| Valley Street | 13 |
| Greens Court | 17 |
| Liberty Street | 17 |
| Vermont Court | 11 |
| Queens Alley | 16 |
| Johnsons Court | 17 |
| Reeds Court | 13 |
| Ricketts Court | 11 |
| Greens Court | 12 |
| Kings Court | 14 |
| Rock Court | 14 |
| Poplar Alley | 12 |
| Bells Court | 10 |
| Hills Court | 12 |

SOUTHWEST ALLEYS (10 TO 20 HOUSES).

| | |
|---|---|
| Capitol Court | 14 |
| Temple Court | 14 |
| Browns Court | 14 |
| Limerick Court | 16 |
| O'Neils Court | 15 |
| Clarks Court | 19 |
| Clarks Alley | 10 |
| Broad Alley | 17 |
| Pleasant Alley | 19 |
| Allen Court | 16 |
| Locust Court | 13 |
| Burkes Alley | 15 |
| Pig Alley | 17 |
| K Street Alley | 11 |
| Desmond Alley | 13 |

NORTHEAST ALLEYS (10 TO 20 HOUSES).

| | |
|---|---|
| Douglas Court | 11 |

SOUTHEAST ALLEYS (10 TO 20 HOUSES).

| | |
|---|---|
| Rumsey Court | 12 |
| Mechanics Place | 18 |
| Gessford Place | 11 |
| London Court | 12 |
| Harrison Avenue | 16 |

NORTHWEST ALLEYS (10 TO 20 HOUSES).

McCullough Street, considered with Dingman Place: Eliminated.

Jackson Alley (North Capitol and First, G and H): Probably will be absorbed by Government Printing Office. Houses on branch alley should be eliminated.

Half Street Court (Pierce and M, North Capitol and First): Good houses, but no way to open minor street. Elimination for business suggested.

Purdys Court (B and Pennsylvania Avenue, First and Second): Elimination.

Union Alley (D and E, First and Second): Elimination for business purposes suggested.

Chews Alley (E and F, First and Second) and Madison Alley are in same square. Elimination suggested.

Madison Alley: Elimination.

Hahns Court (F and G, First and Second): Seven houses only; 11 reported in directory. Elimination for business.

Rovers Court (K and L, First and New Jersey Avenue): Minor street between First and New Jersey Avenue.

Pierce Street Court (L and Pierce, First and New Jersey Avenue): Minor street from First to New Jersey Avenue.

Burdens Court (Pierce and M, First and New Jersey Avenue): Would make a good playground for M Street High School and Simmons School.

Blands Court (part of): Elimination.

Blands Court (V and W, Third and Fourth): Inexpensive minor street. Could be widened easily from Second to Fifth.

Herberts Alley (between Trumbull and Bryant, Third and Fourth): Elimination.

Prathers Alley (between K and I, Fourth and Fifth): Elimination for business purposes.

Kings Court (N and O, Fourth and Fifth): Elimination.

Madison Alley (M and N, Sixth and Seventh): Elimination for business.

Shepherd Alley (L and M, Ninth and Tenth): Elimination for business.

Nailors Alley (N and O, Ninth and Tenth): Elimination for business.

Union Court (V and W, Ninth and Tenth): Minor street from V to W.

Nine-and-a-half Street Alley (between T and U, Tenth and Eleventh): Minor street from U to T.

Quaker Alley (R and S, Twelfth and Thirteenth): Elimination.

Valley Street (S and T, Twelfth and Thirteenth): Minor street from S to T.

Greens Court (L and Massachusetts Avenue, Thirteenth and Fourteenth): Could be made into minor street or used for business. Fine business district.

Liberty Street (W and Florida Avenue, Thirteenth and Fourteenth): Minor street from Florida Avenue to W Street.

Vermont Court (L and M, Fourteenth and Fifteenth): Elimination for business.

Queens Alley (L and M, Eighteenth and Nineteenth): Minor street from L to M. Houses on side street eliminated.

Johnsons Court (E and F, Twenty-first and Twenty-second): Minor street from E to F.

Reeds Court (L and M, Twenty-second and Twenty-third): Minor street from L to M.

Ricketts Court (E and F, Twenty-third and Twenty-fourth): Minor street from E to F.

Greens Court (I and K, Twenty-sixth and Twenty-seventh): Elimination.

Kings Court (K and L, Twenty-sixth and Twenty-seventh): Minor street from K to L.

Rock Court (N and Olive, Twenty-seventh and Twenty-eighth): Would not be adaptable to minor street. Good playground for Phillips School.

Poplar Alley (O and P, Twenty-seventh and Twenty-eighth): Minor street suggested from Twenty-seventh to Twenty-eighth.

Bells Court (P and Volta Place, Thirty-third and Thirty-fourth): Elimination.

Hills Court or Champlain Place (Champlain and Ontario Road): Elimination all are frame houses.

SOUTHWEST ALLEYS (10 TO 20 HOUSES).

Capitol Court (between Delaware Avenue and First, B and C): Elimination suggested.

Temple Court (Delaware Avenue and First, D and E): Elimination. Probable use for business.

Browns Court (First and Second, F and G): Could make a minor street from east to west.

Limerick Court (Second and Third, D and Virginia Avenue): Simple minor-street proposition.

O'Neil Court (Second and Third, F and G): Simple minor street.

Clarks Alley (Third and Four-and-a-half, D and Virginia Avenue): Simple minor-street proposition.

Clarks Court (Third and Four-and-a-half, C and D): Simple minor street.

Five below all minor streets:

Broad Alley (Third and Four-and-a-half, F and G).

Pleasant Alley (Third and Four-and-a-half, G and H).

Allen Court (Third and Four-and-a-half, L and M).

Locust Court (Four-and-a-half and Sixth, L and M).

Burkes Alley (Sixth and Seventh, G and H).

Pig Alley (Sixth and Seventh, H and I): Minor street from Sixth to Seventh, with elimination of houses on branch alley.

K Street Alley (Sixth and Seventh, I and K): Elimination.

Desmond Alley (Ninth and Tenth, E and F): Now 24 feet wide and open through. Needs widening.

NORTHEAST ALLEYS (10 TO 20 HOUSES).

Douglas Court (between Third and Fourth, A and B): Minor street from A to B.

SOUTHEAST (10 TO 20 HOUSES).

Rumsey Court (First and Second, C and D): Minor street from First to Second.

Mechanics Place (Third and Fourth, M and N): Minor street.
Gessford Place (Eleventh and Twelfth, B and C): Minor street from B to C.
Loudon Court (Twelfth and Thirteenth, K and L): Minor street from Twelfth to Thirteenth.
Harrison Avenue (Thirteenth and Fourteenth, C and D): Minor street from C to D.

SUGGESTED DISPOSITION OF ALLEYS.

| | |
|---|---|
| To be depopulated | 204 |
| To be converted into minor streets | 69 |
| Total | 273 |

Of those alleys which it is proposed to depopulate, it seems probable that the ultimate disposition may be substantially as follows:

| | |
|---|---|
| To be converted to business uses because of central location | 27 |
| To be abandoned, save for such purposes as they were originally intended to serve, including 150 alleys containing under 10 dwellings each | 173 |
| Recommended for conversion into playgrounds | 4 |

FOR CONVERSION INTO MINOR STREETS.

Fenton Place, Logan Court, Hanover Alley, Baltimore Court, Brooks Court, Cooksey Place, Hollidge Court, Richardson Place, Covington Street, Temperance Avenue, Cedar Court, Hays Court, Lingers Court, O'Briens Court, Stevens Court (or business), Peach Alley, Phillips Court, Hughes Court, Cecil Court (Cissel), Nolans Court, B-and-half Street Alley, Dixons Court, Van Alley, Collinanes Alley, Huntoon Court, Clark Alley, Jackson Street Alley, Schotts Alley, Gordon Avenue, Third-and-a-half Street, Brewer's Court, Linden Court, Wylies Court, Francis Place, Browns Court, Navy Place, Hope Avenue, Cooksey Alley, Rovers Court, Pierce Street Court, Blands Court, Union Court (V and W, Ninth and Tenth), Nine-and-a-half Street Alley, Valley Street, Liberty Street, Queens Alley, Johnsons Court, Reeds Court, Ricketts Court, Kings Court, Poplar Court, Browns Court, Limerick Court, O'Neil Court, Clarks Alley, Clarks Court, Broad Alley, Pleasant Alley, Allen Court, Locust Court, Burkes Alley, Pig Alley, Desmond Alley, Douglas Court, Rumsey Court, Gessford Place, Loudon Court, Harrison Avenue.

FOR CONVERSION INTO PLAYGROUNDS.

Goat Alley, Snows Court, Burdens Court (as addition to school playground), Rock Court (as addition to school playground).

PROBABLY SUITABLE FOR BUSINESS PURPOSES.

Dingman Place, Balls Court, Jackson Hall Alley Naylors Alley, Essex Court, Freemans Place, Glick Alley, LeDroit Court, Blagdens Alley, Chester Court, Union Court, Sumner Alley, Alexander Court, Government Alley, Marks Court, McCullough Street, Jackson Alley, Half Street Court, Union Alley, Hahns Court, Prathers Alley, Madison Alley (M and N, Sixth and Seventh Streets), Shepherd Alley, Nailors Alley, Greens Court (L Street and Massachusetts Avenue), Vermont Court, Temple Court.

GRACE V. BICKNELL,
ESTHER F. BROWN.

Mr. BORLAND. The alleys that are 30 feet wide and over are now classed as minor streets, so that they can be used. They are not included in this statement. This only includes those which are under 30 feet in width.

Of the 69 alleys that can be converted into minor streets the cost of the acquisition of the land purely for the purpose of widening to 30 feet and converting them into minor streets is estimated to be only $1,454,000. Of all those that need to be converted in any form the total estimated cost of the land is only $2,240,000. We have spent on one alley—Willow Tree Alley—as I recall, more than the total cost estimated for the elimination of all the alleys, and yet we have accomplished nothing with Willow Tree Alley except to turn the population out to seek the same kind of slum quarters on the street. In other words, a man who was paying $6 or $8 a month for an alley house is sent out on the street, and he finds that he can get for $15 a month a tumble-down frame building that is vacant and has been vacant for years, because nobody wants it. He and one or two more families take it at $15 a month. That is what has become of the occupants of Willow Tree Alley. We could take the cost of one circle or of one great monument in the city of Washington and redeem the whole alley situation for all time to come. And yet we have sat here in the last six years and voted 11 marble monuments to the beautification of Washington which has cost millions and millions of the people's money and have not spent one dollar toward the protection of the health and morals of the common, ordinary citizen of the District of Columbia. We have spent enough for the beautification of the parks of Washington, and the time has come when we should spend something upon the average wage earner, the laborer, who must make his home and raise his family here.

I want to call attention to another thing. The estimate that I have given is based upon the assumption that we regard the whole proposition as a dead loss—in other words, that we open minor streets, and after the elimination of the property we get nothing back. That will cost us in the neighborhood of two and a quarter million dollars. But the commissioners' bill, which is not the bill before the House, but which the bill before the House was a substitute for, provided for a system known as excess condemnation. That, I believe, is the only final answer to the question of expense. It provides that the commissioners can condemn the whole of the interior of the block, or so much as is necessary, and after the minor street has been established the remaining land acquired can be replatted or subdivided; that land fronting on the new minor street can be sold or leased under proper restrictions for further residential use. That is what is known as the excess-condemnation idea.

In some States the State constitution provides that private property can be taken only for public uses. It has been the custom in my State, compelled by the constitutional provision, not to condemn a foot more than is actually needed for public purposes. If only 60 feet are needed for a street, only 60 feet are condemned; but a system has grown up abroad by which the abutting property on both sides of a proposed improvement can be condemned. That is in actual operation in Pennsylvania, as I understand, and I think has been sustained by the Pennsylvania courts. I think it was also in operation in France and other European countries. I believe that such a system can be put into force in the District of Columbia if it is constitutional anywhere in the United States, because we have no constitution except the Constitution of the United States.

Mr. REED. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. REED. Under the provisions of the bill under consideration it is not intended to pay for the land taken by the District of Columbia or the United States Government?

Mr. BORLAND. The pending bill makes no provision for payment to the owners. It seems to class the alley buildings as a nuisance, and provides that they shall not be allowed to continue to exist, and that no permit shall be issued for their reconstruction or repair.

Mr. REED. In the opinion of the gentleman from Missouri, is not that a rank injustice? There are cases here where comparatively poor people have invested their money in alley property, and if the enactment of this law compels its confiscation without compensation the poor people will suffer.

Mr. BORLAND. I do not think the injustice here is as great as the gentleman intimates. I do not think it is unjust to eliminate as a nuisance a piece of property that is, in fact, a nuisance. But I do not think that a sweeping declaration, by legislative enactment, that certain classes of property are a nuisance can destroy private property. If it is, in fact, a nuisance, it ought to be eliminated. But I do not think this bill will reach any inhabited houses that are not, in fact, nuisances.

Mr. REED. The accusation is sweeping in character; it condemns all alley property.

Mr. BORLAND. It says that; but to that extent it might not be enforced.

Mr. REED. Then the bill fails in its purpose.

Mr. BORLAND. To some extent. But I think it will reach nuisances which are, in fact, nuisances. I do not think you can condemn here, without compensation, property that is not a nuisance. But I think it can go further and say that that property shall not be repaired and that no reconstruction shall be made. That does not do injustice to anybody.

Mr. REED. I want to say that I am as much in favor of doing away with the alley nuisances as is the gentleman from Missouri. But I believe that it is a rank injustice to confiscate property without making a proper return in dollars and cents to those people who have invested in that property and paid for it and actually own it. I believe that that provision in this bill ought to be carried, but that the owners should be reimbursed for property condemned.

Mr. BORLAND. In my judgment the only alley houses to be eliminated are those that are actual nuisances.

Mr. REED. If there is a discrimination to be made, why is it not made in the text of the bill?

Mr. BORLAND. Well, I would like to have the bill more particular. I think that before we get very far along with the bill we will have to add the proper working machinery to it. I am for it, as I said in the beginning, as a declaration of policy, as a starting point. I am for it because it prevents the further creation of alley houses and reconstruction of alley houses. I think we have got a little way along on the proposition. If I thought it was absolutely reactionary I would oppose it and take the risk of being denounced as not being a friend of alley elimination. I think this is a step in advance and the commissioners think so. They think it is the only step in advance that can be taken. I am sorry that that is true.

Mr. KENNEDY of Connecticut. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. KENNEDY of Connecticut. How does the gentleman arrive at the cost of elimination of these alleys?

Mr. BORLAND. These figures were made up by the assessor. They are made up in the way that we would arrive at the approximate cost of condemning any property.

Mr. KENNEDY of Connecticut. Without taking into consideration the payment for the houses?

Mr. BORLAND. Yes; this proposition takes into account the property, land and houses, such as you would destroy in the process of widening any street. I was surprised, as I say, how small the total amount was.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. DECKER. I do not quite understand what the gentleman's theory of the cost is. Does he mean that it costs that much to buy this land and tear down these buildings and do away with the houses in the alleys? Is that what the gentleman means by the cost?

Mr. BORLAND. No; the cost spoken of here is the cost of widening an alley that is perhaps only 18 feet wide to a street 30 feet wide, and if that destroys any houses they are paid for, as the gentleman well understands.

Mr. DECKER. Then when the gentleman talks about eliminating houses in the alleys, what does he mean by it?

Mr. BORLAND. I mean preventing the use of alleys as a place of residence.

Mr. DECKER. Then let us say that a man has a house in an alley for $8 a month, we will say, and that that house is torn down. What becomes of him?

Mr. BORLAND. That is exactly the point that I was beginning to discuss. That is the weak point in this whole proposition.

Mr. DECKER. If the gentleman can fix some way to take care of that fellow, I would like to know it.

Mr. BORLAND. If we had the power, as the gentleman from New Hampshire [Mr. REED] suggested, to absolutely destroy for residential purposes every particle of alley property in the District of Columbia, what will become of those who are using it as a residence property? In the case of Willow Tree Alley, which I had the assessor look up for me and follow out, he found people had gone out on the street, and they had found a certain number of tumble-down houses, where the owners would not put them in condition. These houses had been better in other times, but had become vacant and undesirable. It is said that there are fifteen hundred vacant houses in the city of Washington to-day, mostly of that undesirable class. Two or more families would take one of those houses, which has only the sanitary arrangements and private entrance and convenience for one family. There would be one front door, one set of sanitary arrangements, one set of plumbing for three or four families. That is what has happened with the residents of Willow Tree Alley, and that is going to produce as bad a condition in the end, if not worse, than the present inhabited alleys. I say that the housing proposition is vital to the elimination of the inhabited alley. We must have a double team on this proposition. We shall have to drive our elimination and our housing together or we shall not haul our load.

Mr. COADY. Does the gentleman mean that the District of Columbia should go into the business of buying property and renting it?

Mr. BORLAND. I will tell the gentleman what I mean in about two minutes if he will wait.

Mr. COADY. The gentleman recalls that he appeared before our committee with a proposition of that kind, which I thought at the time was visionary.

Mr. BORLAND. I did, and I am not so sure that the gentleman now thinks it is visionary. I want to say this, as to what becomes of this family, before I come to the remedy. I want to say that I made a little investigation myself as to what becomes of these people. If any of you are interested in the matter, you can go over here on Rhode Island Avenue, between Sixth and Seventh Streets, and you can find an apartment house there built for colored people who came out of these alleys. That house is constructed on a piece of land 18 feet wide, fronting on Rhode Island Avenue, and extending back in a straight line 250 feet. The building is 250 feet long and 18 feet across the front. The front is fairly ornamental. The front apartment is rented by a colored doctor, an intelligent looking man. There is an elbow in the hall, and the hallway proceeds back to the far end of the building. It is perfectly dark—as dark as Egypt. The hallway opens on single rooms. These single rooms occupy the space that could be used after you have taken the hallway off an 18-foot building. I can stand in that hallway and put my hands this way [indicating] on both walls. There is no light in that hallway unless some one has one of the doors open. Two-thirds of the room doors are open practically all of the time. Those rooms are rented separately to families at $8 a month. They have running water in the building. There is a joint sanitary arrangement at the end of the hall and a water pipe and faucet in each room. The rooms are renting for $8 a month just now. They are clean, kalsomined, fresh, and wholesome, and seem to have attracted the best tenants of that kind.

Mr. REED. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. REED. Is that $8 for one room?

Mr. BORLAND. Eight dollars for one room, and there are 40 rooms in that 250-foot building; and the tenants all use the same common entrance, and they all use the two sanitary arrangements. Now, the gentleman can guess what will be the condition of that building five years from now. I say to the gentleman that if he goes through that building on a hot night or a hot day, he will find all of those hallway doors open, and no more privacy in that building than there is in a Turkish bath.

Mr. CARY. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. CARY. How old is this building to which you refer?

Mr. BORLAND. It is brand new, and it is very attractive in its present condition. It is the best example I ever saw of attractiveness for its present condition.

Mr. CARY. And still the gentleman claims that it is insanitary?

Mr. BORLAND. I claim that it can not continue in its present sanitary condition for five years.

Mr. CARY. The health department, I believe, has the power to take charge of such cases.

Mr. BORLAND. Of course; and nobody else could condemn that building as insanitary. If you were to undertake to destroy the residential purpose of that property by condemning it as a nuisance, you would fail in the courts, because it is not a nuisance at the present time, but it is a menace at the present time.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. COOPER. Why has not the District Committee brought in a bill to prohibit the construction of buildings of that kind and the leasing of them to tenants?

Mr. BORLAND. The District Committee would never have guessed the extreme adroitness and skill with which this property owner has used his property. Nobody who had not seen it could have guessed it.

Mr. COOPER. The tenement problem in New York, Chicago, and other large cities has been a pressing problem for many years, and the putting up of such buildings as this new one on Rhode Island Avenue has been prohibited generally throughout the country. I am astonished to hear that, notwithstanding all this country-wide agitation, such a building has just been erected in the city of Washington, and permitted to be used for tenement purposes, resulting, according to the statement of the gentleman from Missouri, in conditions that are a disgrace—human beings herded in one room with no opportunity for ventilation or light, or for the ordinary decencies. Some one is to blame for granting a permit for the construction of that sort of a building in Washington. I am astonished that the District Committee has not before now brought in a bill to prohibit the erection of such a tenement in the Capital City of this Republic.

Mr. JOHNSON of Kentucky. Will the gentleman yield to me right there?

Mr. REED. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman yield?

Mr. BORLAND. I yield to the chairman of the District Committee.

Mr. JOHNSON of Kentucky. I desire to say to the gentleman from Wisconsin he seems not to be acquainted with the law passed in 1892 which forbids the erection, and also forbids the improvement, of a dwelling in an alley which has deteriorated to the extent of 50 per cent. I suppose that covers the situation to which the gentleman from Wisconsin refers.

Mr. BRYAN. That prohibits the erection of any new building in an alley and repairs of any old building——

Mr. JOHNSON of Kentucky. Any old building which has deteriorated to the extent of 50 per cent.

Mr. BRYAN. That ought to do away with the argument of the gentleman from Wisconsin to a great extent.

Mr. BORLAND. Yes. I want to say this building I am describing is not an alley building, because it fronts on Rhode Island Avenue.

Mr. COOPER. And a portion of Rhode Island Avenue is one of the most popular residential streets.

Mr. BORLAND. I want to say, further, to the gentleman from Wisconsin that I have never seen a question that had a moral side to it that did not stir him to the depths. He is always on that side of every question. He is on the moral side of this question, as he always is, and he is in favor of the elimination of alleys. I want to say I served six years ago on the District Committee, but at that time it was impossible for

us to get any general legislation through. We have two branches of this legislative body. The only legislation that ever got through at that time were bills to open some streets and improve somebody's real estate addition that was going to be put on the market in the city of Washington. All we could do on this District Committee, on the minority side, was occasionally to stop a very bad proposition, but there was no possibility of affirmative legislation. Now, for the last two years we have had a District Committee which has actually presented general legislation. For the first time in a good many years that has been the case, and if the District Committee has not yet solved all the problems, it is not to be wondered at. It is the first opportunity this House has had to really take part in the government of the District of Columbia. That committee is ready to do its part and to govern the District of Columbia. It is necessary that we shall do so, and it is our duty to do so. We are here to maintain the National Capital and to see that homes are made sanitary for the humblest worker who happens to live here—not only to make it beautiful for the rich but sanitary and clean for any man who has to bring his family here. [Applause.] That is our first duty to the National Capital.

Mr. COADY. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. COADY. I would like to ask whether or not the gentleman has brought the instance involving Rhode Island Avenue to the attention of the District authorities, and whether or not there are not sufficient laws on the statute books to cover such a situation as that, if it is as bad as that described by the gentleman?

Mr. BORLAND. That building was pointed out to me by the assessor of the District. He said, "It will surprise you, Mr. BORLAND, to find out how much has been made out of a very little property." I asked him whether the building complied with the laws and the building code at the time, and he assured me it did, and that the commissioners had no opportunity to reject this man's plan. We passed a building code in regard to business buildings, restricting the height, and with regulations with reference to fire protection, and we had an awful hard fight with it. At one time the gentleman from Kentucky [Mr. JOHNSON] and myself stayed up all night and took turns going to sleep a little, relieving each other on duty to prevent the passage of a bill to repeal the fire-escape law of the District of Columbia. That fight lasted three days and nights at the close of the Sixty-first Congress. We took turns at getting something to eat and a chance to sleep. But we prevented the repeal of the laws regulating business buildings and apartment houses, and have made them safe in the District of Columbia to-day. Now we want to reach the home of the humble wage earner, the man of small means, and we believe the present District Committee is prepared to bring in such a bill whenever the proper bill can be prepared. I think we all will favor such a bill, and I hope it will be put through the House.

Mr. COOPER. How many stories high is that building on Rhode Island Avenue?

Mr. BORLAND. Two.

Mr. COADY. Does the gentleman mean seriously to say there is no way of preventing the conditions that exist in that building at the present time as pictured by him?

Mr. BORLAND. I say that very thing. I am so informed.

Mr. COADY. It seems to be shockingly immoral, as pictured by the gentleman. It surely violates some laws.

Mr. BORLAND. I say the same thing. I refer the gentleman to the authorities of the District, and he can go and inspect the condition for himself.

Mr. COADY. This bill would not prevent it?

Mr. BORLAND. Certainly not; but I am advocating something that would prevent it.

Mr. DECKER. Mr. Chairman, will my colleague yield?

Mr. BORLAND. Yes

Mr. DECKER. Are there not a lot of these big apartments in town where, if you want to get any ventilation, you have got to leave your door open into the hall?

Mr. BORLAND. I suppose that is true.

Mr. DECKER. In other words, how far could the law go—how far could we go in passing a bill that would require them to have at least two windows in each room? Could we go that far?

Mr. BORLAND. Yes.

Mr. DECKER. That would put a lot of these big apartment houses out of business.

Mr. BORLAND. My colleague from Missouri comes from one of the busiest and most rapidly growing towns in the United States, the town of Joplin, that raises a crop 52 times a year—a crop of zinc every week. It is one of the most progressive towns in the country. It is rapidly growing into a great city, and it will soon face these great city problems.

I say such a city can have a housing code, providing exactly the amount of air and light space that shall be given. There is no reason why it can not be done.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. COOPER. That is already the law in many of the States as to fresh air in school buildings, is it not?

Mr. BORLAND. There is no question about it; but that does not solve the problem we have before us now.

Mr. IGOE. Have not the Commissioners of the District of Columbia the right now to make such rules and regulations as those that the gentleman refers to?

Mr. BORLAND. I think not.

Mr. IGOE. We in the Congress have not enacted laws as to the construction of buildings with reference to provision for light and air?

Mr. BORLAND. I think we have that right, but we have not enacted that legislation. We ought to have a housing code for the District that would apply to all buildings used for dwelling purposes.

Mr. BUCHANAN of Illinois. I think the gentleman is mistaken. I think the commissioners now have the right to promulgate regulations as to the construction of buildings. They have the power.

Mr. BORLAND. Oh, that refers to sanitary arrangements and making the buildings fireproof. That does not refer to the light and air space.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, will the gentleman from Illinois [Mr. MANN] yield me 10 minutes?

Mr. MANN. Yes.

The CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes more.

Mr. BORLAND. I think the easiest way to eliminate these alley houses would be to follow that plan that was laid down in the original commissioners' bill, for which this present bill has been substituted. If we run a 30-foot street through the territory occupied by these alleys and simply turn these alleys into streets we do not solve the problem. We simply drive the alley inhabitants somewhere else to find homes, and we do not provide for the proper use of the property along the minor streets. I have seen minor streets in the District that have been created under the present minor-street law. If a minor street is run through those localities, it will leave a lot of stub ends of property there that are of no use to anybody. What ought to be done is to rebuild that interior of the block. If it is to be turned into a minor street, then the abutting property should be replatted and redivided, the property that has not been used for the street but which has been acquired under the excess condemnation should be either sold or leased, under proper restrictions, for such purposes as it may be suitable for. If it is suitable for business purposes, let it be so used. If it should be confined to alley purposes, that can be done. But it should be leased or sold for the erection only of such buildings as are proper for the places.

If we examine a tumble-down house that poor people can rent at the price they can afford to pay, we find that it is usually a house that at one time was more pretentious, and was intended to house a family of four or five people in comfortable circumstances. But the neighborhood, perhaps, has deteriorated or the property itself has deteriorated and it is not in demand, and it is then rented out room by room to families, or two or three rooms to a family. That is not the class of property that the alley residents ought to go into, and that fact constitutes the menace of the elimination of these alleys without the accompaniment of some sort of a housing bill. If we should take the land in the interior of the block and allow buildings to be erected on it, the owners could be compelled to put up sanitary modern tenements, two or three room tenements each, with separate entrances, and each with separate plumbing and sanitary arrangements, which will be decent even for a poor man. A poor man has as much right to a separate entrance to his home and separate sanitary arrangements as any other man, because that is the demand of decency. If a man has only two rooms, those arrangements ought to accompany the two-room suite; and if he has a three-room suite, those arrangements ought to accompany that three-room suite. But at present that does not occur in the ordinary slum property. It should not be permitted to adapt property that was originally built for a fine class of tenants to a humbler class, but property should be built for the humble class in the first instance, and thus we must solve this housing problem. Sooner or later we will be

met with that problem or we will not eliminate the alley slums at all.

I am going to put in my remarks an article on housing for the working classes as practiced abroad. This article shows that nearly every country in the world has laws for the housing of the working classes except the United States. It is by Richard B. Watrous, secretary of the American Civic Association. The Central Labor Union of this District, representing organized labor, indorsed the proposition that I made to them more than a year ago, looking to the creation of sanitary dwellings for moderate-class tenants, and they are on record with a resolution indorsing it. I think every labor union in this country has given more intelligent thought to this subject than those who are not among the class of organized labor.

One would be surprised to see how much actual progress has been made by the thinkers and speakers of organized labor toward solving these great social problems. This Congress can well listen to that voice. It can well listen to the voice of the philanthropists, of the Christian people, and of the sanitary experts. When we pass a housing bill and a building code for the District of Columbia, as I think we shall, we ought to, make it the most advanced statute on the subject to be found in the country. We ought to make the Capital of the Nation clean and pure and sweet and wholesome for the most humble wage earner in the country to live in and to bring up his family. The very reverse is the condition to-day. Every city in the country is grasping this problem and trying to solve it with its own taxing resources. Here in the District, which has the strong arm of Uncle Sam always to help it, we can hardly get the most ordinary and conservative bills through to eliminate these great evils. It is a crying shame. There is ample power in the District of Columbia to eliminate every plague spot in the District. There is ample taxing power here. While this Congress claims to govern the District of Columbia, yet it does not use that taxing power for the benefit of the humble. It uses it frequently for the benefit of the pretentious, but never for the benefit of the humble. I think this bill is a step in the right direction. I hope it will go through. I wish we could amend and strengthen it. I wish we could put in the whole commissioners' bill. If I thought that was a practical proposition at this stage of the session I would make a fight for the original commissioners' bill. But after canvassing the matter with the friends of reform who live here in the District and who have done so much for the advancement of this project, I think we had better pass this bill, and then I think the District Committee had better bring in a housing bill and a building code bill that will forever solve the problem in the District of Columbia.

Mr. COADY. Will the gentleman yield?

Mr. BORLAND. I have concluded my remarks, but I will yield to the gentleman.

Mr. COADY. I understand the gentleman is in favor of the bill suggested by the District Commissioners.

Mr. BORLAND. Yes; I am in favor of the original District Commissioners' bill, and if it were offered here on the floor as a substitute I would vote for it; but after consultation with all the members of the committee, as I say, I think the practical thing to do is to vote for the substitute. I would vote for the original bill, not with the idea that we could pass it at this time, but simply because I think it is right; and then I would vote for the substitute, and I would put that through because I think it is a good thing to do, and I think this Congress is going a long way toward redeeming its pledge to the humble and toward helping the ordinary wage earner in the District when it passes this alley-elimination bill. [Applause.]

[From the Journal of the American Institute of Architects.]

PERSONAL OBSERVATIONS OF SOME DEVELOPMENTS IN HOUSING IN EUROPE.

(By Richard B. Watrous, secretary American Civic Association, Washington, D. C.)

"Sir William Lever, the distinguished English manufacturer, who has given to the world a lasting monument in housing by the creation of Port Sunlight on the outskirts of Liverpool, said of town planning in a very recent letter:

"Town planning is not merely a question of levels and gradients, straight or crooked streets, and wide or narrow thoroughfares; it is also, and to a still greater degree, a question bearing directly on the very basis of the public health and well-being. It would be impossible to build up an imperial, virile race in an ill-planned, congested town, or section of a town. Humanity demands air and light even more than do plants and flowers. Humanity demands, also, social intercourse for proper development of brain and character; therefore, facilities for transit in towns and cities, so that people can freely meet together and join in social gatherings with the greatest ease and comfort, are essential. All these can only be secured in a well-planned city.

"English town planning has been more specifically a development in improved housing than in almost any other country. None of the large cities of Great Britain give evidence of definite planning, either ancient or modern, with reference to esthetic and practical results, as do the cities of Germany, both ancient and modern, and the newer cities of the United States. London, except for a few partially executed plans of Sir Christopher Wren, is a city that proclaims, almost, a lack of planning. But while there has been a lack of the kind of planning that is usually more easily perceived and appreciated in America, English people have, during the past two decades, done wonderful things in housing, both in the large cities and in the outskirts, where its modern town planning was originated and where it has been carried out with the object of solving difficult housing problems that had existed in the great and congested urban centers.

"Of the garden cities an entire chapter might be written of those that have been developed during recent years in Great Britain alone. To leave them out of consideration in a discussion of European housing would be to omit a most important factor, for to the garden cities are being transported hundreds and thousands of families from the great and thickly populated cities of London, Liverpool, Birmingham, and even smaller industrial centers.

"The garden cities of England are naturally grouped under three principal classes: First. The original garden city, of which Letchworth is the notable example, and which is in truth a newly born city in every sense of the word, though still of not large population. It is located some 34 miles from London. The original tract set aside for Letchworth in 1902 comprised 6 square miles of fine undulating farm lands partially wooded. Only the section necessary for the building of a small city was originally planned and designed for that purpose, the remaining area, nearly two-thirds of the total, being held in reserve for a rural agricultural development. The scheme of Letchworth has been not only to attract to a new residential section families from the great cities, but to attract also the necessary manufacturing and industrial plants in order to give the heads of those families employment almost at their doors; and the Letchworth plan has up to the present time succeeded in bringing together a population of some 8,000 people, all of whom are dependent upon the operation of the industrial plants that have been located there.

"Second. The garden suburb of which Hampstead, in the outskirts of London, is a distinct type, and which, like Letchworth, has been a pronounced success, having been developed from an original area of 240 acres to a present total of 662 acres, but differing from Letchworth in that it is a purely residential garden city, and planned so that with superior transportation facilities its dwellers go from their homes to the shops in London and return conveniently and at very reasonable prices to their rural residences. The leading spirit in the development of Hampstead has been the Hon. Henry Vivian, who as a member of Parliament was able to do a very large service for all of Great Britain in helping to secure the passage of what is now known as the town-planning act, which made possible an extension and official recognition of the cooperative plan by which the garden cities of England have sprung into fine realities. By the cooperative plan the householder is a continuous lessee of the house he occupies, though he is asked, and in some cases required, to own stock in the holding company of the garden city of which he is a member. Eventually he may own as much stock as would be represented by the purchase of his house. He does not, however, at any time become possessed of a deed to his property.

"Hampstead is like Letchworth in another respect, in that it was laid out with very great care by one of Great Britain's distinguished landscape architects, Raymond Unwin. There have been combined in a delightful manner the art of the landscape artist and of the architect, for the homes are of substantial construction and, at the same time, of interesting design. In conversation with Mr. Vivian as to the permanency of the construction, he stated that the houses are built with a view to an occupation of at least 60 years, and the financing of the copartnership company—the Copartnership Tenants (Ltd.)—is on that basis, namely, contemplating the creation of a reserve fund which, at the end of that time, may be used for rebuilding if necessary.

"Third. The industrial garden city, contiguous to a manufacturing center, but also immediately adjacent to the plants giving employment to the operatives, eliminating the factor of transportation to and from work, and best illustrated by Port Sunlight on the outskirts of Liverpool. That these industrial garden cities are filling a long-felt want is best demonstrated by a recent report to the Liverpool education committee, containing a comparison between the physique of children attending city

schools and schools in Port Sunlight. I quote from an address by Mr. Vivian.

"Dr. Arkle's report to the Liverpool education committee contained a comparison between the physique of children attending different classes of schools in the city and the schools at the industrial village of Port Sunlight. Selecting from the figures he presented, those relating to the children attending Class B schools in Liverpool, this being the class most nearly comparable with Port Sunlight, the position is as follows:

| | Boys aged 7. | | Boys aged 11. | | Boys aged 14. | |
|---|---|---|---|---|---|---|
| | Height. | Weight. | Height. | Weight. | Height. | Weight. |
| | *Inches.* | *Pounds.* | *Inches.* | *Pounds.* | *Inches.* | *Pounds.* |
| Liverpool schools (B) | 44.3 | 43.0 | 51.8 | 39.0 | 56.2 | 73.8 |
| Port Sunlight schools | 47.0 | 50.5 | 57.0 | 79.5 | 62.2 | 108.0 |
| Difference | 2.7 | 7.5 | 5.2 | 20.5 | 6.0 | 33.8 |

"It is also found that the infantile death rate at the Bournville industrial village is 80.2 per 1,000 as compared with 100.2 for the rural district of Bournville and 131.4 in Birmingham itself.

"Departing from the garden city, which, it must be understood, is not distinctly a housing development, but a combination of town planning and housing, one finds in London many excellent developments of housing as such. For years the British Parliament has given much attention to the question of housing for the working classes in London. Prior to 1851, although the overcrowded, filthy, and unsanitary conditions of many districts in the county of London were known to philanthropic societies and workers and to Parliament itself, no effective steps were taken to improve conditions by legislation until that time, when the late Earl of Shaftsbury called attention to the disgraceful state of affairs then existing not only in London but in the great majority of large towns throughout the Kingdom. Owing to his endeavors, two acts were passed, commonly known as the common lodging-houses act of 1851 and the laboring classes lodging act of 1851. They were but initial steps in the legislation necessary to make possible the removal of many of the ugliest spots in London, and were followed by such later acts as the nuisances removal and sanitary acts of 1855, the Torrens Act of 1856, and many others, including the general-housing and town-planning act of 1909. An act of 1903 provided for the acquirement of land by counties, either compulsorily or by agreement, and made possible the erection, by county and city funds, of houses to be rented direct by the local government. Other acts provided for the demolition of old houses and the provision in suitable dwellings of accommodations for the persons of the working classes so displaced. Under the act of 1890, relating to London, the council may (a) lease land for the erection thereon of workmen's dwellings; (b) itself undertake the erection of dwellings or the improvement or reconstruction of existing dwellings; (c) fit up, furnish, and maintain lodging houses for the working classes; (d) make any necessary by-laws and regulations for the management and use of the lodging houses; (e) sell dwellings or lodging houses established for seven years or upward under part 3 of the act whenever such dwellings or lodging houses are deemed by the council and the local government to be unnecessary or too expensive to keep up.

"The council is also empowered to promote the formation or extension of societies on a cooperative basis, which have for their object the erection or improvement of dwellings for the working classes, and may also assist any such society by grants or by guaranteeing advances made to the society.

"A personal observation of only one of several housing operations conducted by the London County Council under these enabling acts was convincing proof that a definite advance has been made, and that, so far as it goes, London is setting a fine example for the housing of certain classes of its operatives; operatives, it should be said, however, who are really of the skilled class, all of them earning fair wages, and able to assume the rental of small residential properties. It still remains a matter for very serious consideration as to how hundreds of thousands of families lower down in the field of labor shall be provided for. Such great foundations as the Peabody Foundation have done wonders in very thickly congested parts of London. The recent developments of the London County Council have been toward the outskirts of London. One such that came under my personal observation is known as the White Hart Lane estate, at Tottenham. The property is about 6½ miles from Charing Cross Station, in London, and consists of two sections a quarter of a mile apart, one containing 49 acres and the other 177 acres, bought at a total cost of £90,000, or about $450,000. Only one of the districts has been developed. The estate is situated where a working-class population already largely predominates. The council concluded that it would be impolitic to cover the whole of such an extensive area with cheap rented dwellings, and that it would be to the general advantage of the neighborhood if a substantial proportion of better-class property could be erected, although the council has no power under the housing acts to provide dwellings other than for the working classes. Careful attention has been given to the laying out of streets, without, however, such artistic application to those details as in the garden cities. The cottages, two stories in height, are of brick and stone construction, and intended to endure for at least 60 years. All the necessary equipment of sewers, water and gas mains, and street lighting have been provided, and a majority of the cottages are fitted with baths. At the White Hart Lane estate there are administrative buildings and a small meeting hall for tenants. The only philanthropic feature of this estate is an area of 3.1 acres, acquired as a gift, for a play and recreation center for adults and children. As shown by the accompanying pictures, the houses are really attractive types of residential buildings. One does not get an impression of crowding, although each house is small, ranging from the 3-room cottages with scullery, which rent at from $1.50 to $2 a week, to 4 and 5 room cottages, renting at from $2 to $2.50 and $3.50 a week. Up to July, 1913, 835 cottages, with an accommodation for 6,835, had been built, and many others were in course of construction. Many quite new and modern conveniences are introduced into these houses. One that was interesting in connection with the use of gas for fuel purposes was the introduction of what is known as the penny meter, by which provision is made for the flow of a certain amount of gas upon depositing in a slot an English penny, which provides for the payment for the gas as it is used, and which evidently, by its general use, is appreciated as a convenience.

"As illustrating the character of tenants, it was interesting to note that in most of these houses there were, stored in closets or ready for immediate and frequent use, the bicycle, which is still such an important adjunct of English life in making possible tours to the country. In one cottage of only four rooms, with a family of probably father, mother, and two children, there were three such bicycles. These facts are mentioned to show that this housing is of a type that is accommodating the skilled operative rather than those of whom one usually thinks in connection with housing designed particularly to meet the needs of greatly congested districts. The White Hart Lane estate is but one of a number, including the Totterdown-Fields estate, which already accommodates 9,000 people, and the Norbury estate, accommodating 3,400.

"While the London county officials admit that the development in this direction may not be having a very material effect in eliminating the particularly ugly and crowded districts of London, they are, nevertheless, opening the way for their ultimate elimination, because each new development of this better character opens the way for the vacation of an equal number of houses lower down the scale, the process being continued until the worst are finally permanently vacated.

"The housing conducted by the London county council is cited in connection with housing in England as one example of the custom that is growing in many parts of Europe, of the actual ownership, control, and management of housings by municipalities. In London the county council is the landlord, and the tenant pays his rent to the county officers.

"A similar and probably larger development of the idea has grown up in other European countries, notably in Germany, where, in a large number of cities, the municipalities have, during the past 20 years, been permitted to spend millions of dollars in the acquisition of lands and in the erection of structures for the housing of the operative classes. Berlin is hardly to be included in that class of cities, at least so far as my observation extended. Consulting one German official deeply interested in housing, as to where there might be found some examples of 'model housing' in Berlin, he frankly said there were none, at least none that he would recommend as worthy of comparison with that being carried on in other German cities. The Berlin populace lives for the most part in large apartment houses of from three to four stories in height, according to the section of the city in which the structures are erected; for Germany maintains strict rules as to the height of buildings and the area each building may cover, varying from the down-town districts, where it is permissible to build on 75 per cent of the area and to a height of four stories, to the more remote districts where only 50 per cent may be covered and to a height of three stories. Many new areas on the outskirts of Berlin proper are growing up, and all of the apartment type.

"It is in such smaller cities as Frankfort, Munich, Dresden, Hamburg, Cologne, and Dusseldorf that the greatest advances have been made. Frankfort stands out prominently as one of

the cities that by legislation has made possible the acquisition of large areas for such development. Up to the present time buildings have been erected through the agency of building vereins and other organizations, which are helped financially by the municipality and act as landlords for the property in the place of the city. It is said to be only a question of a short time, however, when Frankfort will engage directly in the ownership and renting of its housing. The structures in these other cities, like those in most other German cities, are of the apartment type, with such variations, however, as permit the reserving of inner courts and small garden plots. Munich furnishes many delightful examples of such development, the buildings being four stories in height, of brick-and-concrete construction, interesting in their design, of fireproof and very substantial construction, including marble door and window sills, hardwood floors, and concrete stairs. The apartments are of the three and four room class and rent at prices about the same as those in London. There are in the basements of many of these apartments arrangements for community laundry rooms and baths. In the rear of these apartments provision is made for small garden plots, not sufficient in number to be distributed to all the tenants, but enough to make possible gardening at one's own door by those sufficiently interested to carry on gardening and to pay a small additional fee for the privilege.

"Dusseldorf is another of those cities which, in respect to its housing, as in respect to all of its municipal activities, stands probably foremost among German cities for modern advanced methods; and Dusseldorf has become in very recent years the owner of hundreds of fine apartment houses erected and designed to accommodate operatives drawing meager wages. Every provision has been made for substantial buildings, with all the necessary features of good ventilation, good light, and safety that contribute to the health and happiness of its tenants. Dusseldorf is also developing on a somewhat smaller scale the erection in certain of its residential zones of small houses in rows, similar to such development as is found in so many American cities. So far as I was able to observe, Dusseldorf afforded almost the only example of this kind in Germany that was not of a distinctly garden city class.

"Germany has, however, caught, to a degree, the garden-city spirit. On the outskirts of Dresden there is the small garden city of Hellerau, which is tastefully laid out in delightful surroundings, and distinguished for the erection of pretty little detached, semidetached, and rows of houses designed to accommodate single families or many families, as the case may be. The Hellerau garden city is a particular type of artistic development, although it was apparent that the Germans have not yet taken to living in the suburbs to the extent that is characteristic of Great Britain. The dividing lines between the city limits and the open farming country are, in most cases, sharply drawn.

"One of the most perfect of the German garden-city developments is that known as Margarethenhohe on the outskirts of the great manufacturing city of Essen, the Pittsburgh of Germany, so called because of the great iron and steel plants located there, notably those of the Krupp Iron Works, and, as a consequence, distinguished for the prevalence of a smoky atmosphere. The manufacturers of Essen have been alert in their efforts to provide suitable places of residence for their operatives out in the outskirts, removed from the dirt and grime of the city. The latest and finest development is Margarethenhohe, given and developed by one of the Krupps in honor of his daughter. The town section consists of 50 hectares of land for the houses—enough to accommodate 16,000 people—and in addition there are 50 hectares of land given to be reserved for planting forests to entirely surround the town. A generous appropriation of $250,000 was given for the erection of the buildings, the designs for which, as well as for the town itself, were intrusted to the well-known architect, Prof. Georg Metzendorf. The houses are all of brick or stone, unusually attractive in their design and colors.

"Other German cities have made small beginnings of the same kind, but sufficiently successful to indicate that the movement is gaining fair headway, and will, in the course of a few years, produce many thrifty garden cities, and that there will be an exodus from even the great apartments of Berlin to its suburban sections in the course of time.

"What is true of England and Germany will be true of other countries. It is quite safe to say that the next few years will undoubtedly record a great advance in improved housing in all European countries. There was organized last fall in London the International Garden-City and Town-Planning Association, with representatives from most of the European countries, as well as a representative of the American Civic Association of the United States. This association holds annual meetings and aims primarily to extend the garden-city idea, but to encourage and promote all efforts toward the right kind of housing. European countries are giving unusual attention to studying housing in all parts of the world, and many of the cities are sending out investigators to other countries, including the United States, for personal observation and report on the most acceptable types of housing adequate to meet the needs of the operative classes in cities of compact population."

[From the New York Evening Post, August 27, 1914.]

MASSACHUSETTS HOMESTEADS.

"Governmental study of the housing problem in America has by no means kept pace with the urban congestion of the population, so that many States are inertly facing a situation which authorities abroad have long since made extensive efforts to meet. One phase of building development—city planning—is, indeed, beginning to take strides. Thirty-eight cities, in size from New York and Chicago to Dover, N. J., and San Diego, Cal., have prepared city plans; about 50 cities have planning commissions still at work, and 3 States—New Jersey, Massachusetts, and New York—have authorized and encouraged local planning boards. But these plans look to general and salient features—highways, civic centers, recreational spaces, public services—and do not attack specifically the great question of better housing. Toward city planning of the English sort, looking primarily to the homes, Massachusetts has led the way. Her 24 city and 21 town planning boards have in many cases closely examined the housing conditions of working classes, with a view to local improvement; and now the State Homestead Commission, a unique body, has made its first report recommending a state-wide policy and definite legislation. So applicable is it to other sections, that Congress has voted its publication as a Government document.

"The principal recommendations are three. The first, inferential but clear, is that the State must give direct or indirect aid to workingmen's homes, such as nearly every civilized country except America has extended; the second looks to the stimulation of cooperative housing companies, and particularly of communal organizations like the English garden cities; and the third, to public education on the advantages of suburban life, even at the cost of providing small houses and plots for temporary instruction. These conclusions may appear startling to those who would depend on private initiative and the laws of supply and demand; but they derive their sincerity from conditions that can not be palliated. 'Large numbers of families,' says the commission, 'are rearing children in the thickly settled parts of cities, to the detriment of the children and the injury of the Commonwealth. Many would be glad to escape * * * and give their children the benefits of air, light, and room to play. Such a movement would be of vast value to the State, promoting the general health, improving the quality of the citizenship, reducing unemployment, congestion, and criminality.' It is impossible while the State trusts to individual initiative. The Lawrence strike and the Salem fire directed attention to the tenements of two cities, no worse than others. Figures on the rise of population in cities of over 50,000, from 13.8 per cent of the whole in 1850 to 50.7 per cent in 1910, could be duplicated in many States. But other investigations are on novel lines. Thus it is shown that the number of cows in the same period had decreased from 294 per 2,000 population to 94.

"The gist of the report being that Massachusetts must go in for participation in building, general interest will center on its attitude to the most advanced step—direct aid. No legislation is now proposed, there being constitutional obstacles; but the commission wisely leans to limited schemes involving only temporary investments. Australia's 1899 plan for interest-bearing loans to small applicants on the model of the French Crédit Foncier, under which more than $8,000,000 has been issued for maximum terms of 31 years, is praised. In France the Government is empowered to advance money through real estate credit companies to private persons at 2 per cent to the amount of $20,000,000; in Holland similar advances are made through the municipalities and through the building societies for workmen's buildings, these intermediaries guaranteeing repayment. Austria, with notable success, has guaranteed the second mortgage on workmen's houses, making possible a low-interest first mortgage. German activity has been chiefly confined to the cities, which have bought land and loaned money; but the Imperial Government has devoted $105,000,000 to aid through these agencies. It is the English scheme, however, which the commission evidently thinks Massachusetts may best study. By it aid has been through the public works loan commissioners to local authorites at low interest, on the security of the rates, and with provision for repayment in 40 years. Over $70,000,000

has thus been expended for better housing, while the spending of huge sums on their own initiative by local units has been stimulated.

"Of immediate recommendations, that for practical instruction in suburban living seems visionary, and a law embodying it has been defeated. A like reserve is proper toward the tax exemption of improvements. The importance of assistance to building associations, however, can be minimized neither in Massachusetts nor elsewhere. Outlines for collective organizations on a large scale have been prepared, and legislation to facilitate their financing could easily be devised. The familiar mutual loan association is a sound agency, but the commission says more for such copartnerships as have built Letchworth and Hampstead, in England. Property there remains in collective ownership; the raising of money is easier; and the communal spirit does much for social improvement. A recent article in the Atlantic has urged the conversion of the old associations into such bodies. Between housing companies of some nature and State action the Massachusetts report indicates that the future must largely lie. It is scarcely possible to disagree with its conclusion that 'in no country has the problem of sufficient healthful homes been solved by private capital alone.'"

Mr. JOHNSON of Kentucky. Will the gentleman from Illinois [Mr. MANN] yield some of his time?

Mr. MANN. The gentleman from Wisconsin [Mr. CARY] controls the time on this side.

Mr. CARY. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, I agree with the statement made by the gentleman from Missouri [Mr. BORLAND] that this substitute is not all that the friends of this legislation would like to have enacted. But at this stage of the session of the Congress it is doubtful whether we could secure favorable action on the more comprehensive bill. I believe, therefore, that the bill ought to be passed. It is a decided step in the right direction.

The great capitals of the world have recognized the importance of cleaning up their alleys. A few years ago I visited the city of London, and was taken to sections of the city that 10 or 15 years before that were not safe to be visited without a police guard. The slums housed the worst criminals and undesirable characters in the municipality. They were the hotbeds of vice and crime. That great city has spent large sums of money in eradicating those evils. They have met with a great measure of success in their efforts. The city of Berlin, the capital of Germany, has no slums whatever. There are no slums in that great capital. New York, the great metropolis of this country, has also spent large sums in the amelioration of slum conditions in that city. Yet here in the city of Washington, the Capital of this splendid Republic, there are alleyways and slums which would be a disgrace to a fifteenth-rate city in this country.

About a year or a year and a half ago there was a decided movement organized in this city to better the housing conditions of the poor. It was a fortunate thing that the late Mrs. Wilson, who from her first entry into the city of Washington took a deep interest in the social welfare of the poorer classes, joined with the good men and women of Washington who for some years had been striving to better these conditions. It was my good fortune to visit with her and with Mrs. Hopkins, Mrs. Bicknell, and some of the other ladies some of these alleys. As was stated by the gentleman from Missouri [Mr. BORLAND], some of these alley houses were occupied by two or three families, when they did not have proper accommodations for one family. In many of the houses there were no water pipes. There was little or no sanitary sewerage. Great masses of dirt and rubbish had been allowed to accumulate in the areaways and in the yards. It became evident to the most casual observer that these unclean and insanitary conditions were sources of disease, if nothing worse.

The keen interest taken by Mrs. Wilson in that work challenged the attention of all of the Members of this House who visited these alley properties with her. The kindly interest she took in the inhabitants, the words of cheer offered by her to them, the interesting questions she asked them regarding their method of earning their livelihood, and the manifest interest she displayed in all the little details which go to make up their lives, evinced gentleness and kindness of heart for the unfortunate poor that might well be emulated by many of the well to do here in the city of Washington.

A bill was prepared by a committee of citizens, embodying the views of the men and women who had this subject close at heart. It will probably not be possible to take up that bill in detail during this session of Congress, and so this substitute is now offered. Some doubt has been expressed on the floor as to the effect of the legislation. The first part of the bill is only a restatement of the existing law. It is a fact that since 1892 one could not construct a new building in any alley in the District of Columbia that was less than 30 feet wide. Let me read the law. It was approved July 22, 1892. It reads:

*Be it enacted, etc.*, That from and after the passage of this act it shall be unlawful to erect or place a dwelling house on or along any alley in the District of Columbia where such alley is less than 30 feet wide and is not supplied with sewerage, water mains, and light: *Provided*, That no dwelling house hereafter erected or placed in any alley shall in any case be located less than 20 feet back clear of the center line of such alley, so as to give at least a 30-foot roadway and 5 feet on each side of such roadway clear for a walk or footway, and that it shall be unlawful to erect or place a dwelling house on or along any alley which does not run straight to and open at right angles upon one of the public streets bordering the square in which such alley is located, with at least one exit 15 feet in the clear.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

So that the suggestion made the other day by the gentleman from Illinois [Mr. MANN] about the use of alleys less than 30 feet wide which are to be utilized for building purposes will practically result in the confiscation of the property does not seem to have worked any hardship in the District of Columbia, because that has been the law here ever since 1892.

The pending bill, of course, enlarges that law very considerably. It enables new construction to be entered upon under certain conditions named in the bill; but it does one thing which is all important—it definitely allows the officials of the District to condemn buildings which are not habitable and that should not be inhabited. In that regard this bill is a great step forward in the right direction.

Mr. STAFFORD. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. STAFFORD. The gentleman from California has always taken a deep interest in local District affairs. Can he inform the committee as to the extent of the alleys to which this bill will apply?

Mr. KAHN. I think the gentleman from Missouri [Mr. BORLAND] has a complete list of all the alleys, which he will insert in the RECORD as a part of his remarks. I am under the impression that he said there were probably 30 or 40 alleys that were absolutely less than 30 feet in width.

Mr. STAFFORD. And one block in length?

Mr. KAHN. Some are one block in length and some do not run through to the street on the other side. Some extend in one direction probably half a block and then turn at right angles down into the other part of the block. They are irregular in shape. The idea of the people who have been connected with this movement and improvement is to open up all the alleys to adjoining streets. At the present time it sometimes happens that a crime is committed in one of these blind alleys. By reason of the fact that the alley does not extend through to the other street, the police official running in to make an arrest gets no opportunity to get a view of the offender.

Mr. STAFFORD. I should think in a closed alley the offender would be pocketed so that the police would be better able to capture him rather than have him escape.

Mr. KAHN. Oh, he gets away through the houses, and usually when questioned nobody knows anything about him and nobody has seen him.

Mr. STAFFORD. When I interrupted the gentleman he was laying emphasis on what he deemed the most commendable feature of the bill—

Mr. KAHN. One of the most.

Mr. STAFFORD. That which permitted the District officials to condemn these rookeries. The bill under consideration provides that if the property has depreciated 50 per cent or more then it should be condemned. Is the gentleman acquainted with the rate of depreciation that goes on each year in dwellings as determined by appraisers? If the gentleman will permit me, it does not take a dwelling to be very old to be depreciated 50 per cent.

Mr. KAHN. The appraisement——

Mr. STAFFORD. Not the appraisement. The gentleman is well acquainted with the appraisal companies throughout the country that place a value on all kinds of property, real and personal, and that they have a certain scale of depreciation; machinery wears out generally in 10 years——

Mr. KAHN. Twenty years. They write off, I believe, about 5 per cent a year for depreciation.

Mr. STAFFORD. The percentage depends on the usage to which the machinery is put. As far as factory buildings and dwellings are concerned, there is a greater percentage of depreciation as the building becomes older than when it is new.

Mr. KAHN. Yes.

Mr. STAFFORD. Can the gentleman tell us what is the usual age of a dwelling when it becomes 50 per cent depreciated?

Mr. KAHN. No; I can not. But I have seen some of these dwellings in these alleys, and some are 40 years old, and some are even older than that. I should judge, from casual observation, that many are more than 50 per cent depreciated now.

Mr. STAFFORD. There is no question but that these rookeries, as they are called, are more than 50 per cent depreciated, and should be condemned; but I can imagine a building that might be depreciated 50 per cent and yet be habitable.

Mr. KAHN. There have been no new buildings constructed in the alleys less than 30 feet wide for residential purposes in practically 20 years. In other words, since the passage of that act which I read a while ago there has been little or no construction in most of the alleys in the city of Washington. So that all the buildings in the alleys are all older than that, and many of them more than twice as old.

Mr. STAFFORD. It is not a question of age so much as the habitable character of the building.

Mr. KAHN. I am satisfied that the commissioners will exercise judgment in enforcing the law.

Mr. STAFFORD. There is no discretion left to the commissioners by this bill. If there is more than 50 per cent depreciation, they are forced to condemn it.

Mr. KAHN. It is a matter of discretion as to what is the 50 per cent depreciation.

Mr. STAFFORD. Oh, no; that is a fact. That would be determined by the appraisers, and they will have to follow the appraisement.

Mr. KAHN. Of course, if the appraisers find that it has depreciated to that extent, I am satisfied that they will follow the opinion of the appraisers.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. BUTLER. I am somewhat interested in this, because I would like to see this great improvement made. Will the gentleman tell me how you are going to ascertain the extent of the depreciation and the value? There is no machinery offered or provided for in this bill.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CARY. Mr. Chairman, I yield 10 minutes more to the gentleman from California.

Mr. BUTLER. Has the gentleman a suggestion to make in respect to that?

Mr. KAHN. Mr. Chairman, I am satisfied that in arriving at a percentage of depreciation the Commissioners of the District will probably——

Mr. BUTLER. I know; but they might or might not. Is it not the right thing to put into this bill some method by which that depreciation can be ascertained, some manner pointed out? And let me call attention to another provision. I refer now to the condemnation of this property without providing any compensation whatever.

Mr. KAHN. As I stated, that provision is already existing law.

Mr. BUTLER. I know that it is existing law; but this provides for the condemnation as provided by law, for the removal of dangerous or unsafe buildings.

Mr. KAHN. There is existing law, which was passed in 1892, and of which I spoke at the outset when I began to address the committee, which does not permit new construction in alleys less than 30 feet wide, and there has been no new construction since that time. And yet that property has been practically idle, much of it, and it has not been looked upon as confiscation. This bill, in my judgment, will open up a great deal of that property and will allow the owners of that property to again get some benefit out of it by following the provisions in this law.

Mr. BUTLER. I am not asking these questions merely for the sake of asking them or for getting into the RECORD.

Mr. KAHN. Oh, the gentleman is not in the habit of doing anything of that kind.

Mr. BUTLER. For instance, the gentleman and I might not agree upon the value of the property on an alley. The gentleman might insist that it had depreciated one-half and I might insist that it had not. Where is the method by which it can be legally ascertained what the value of that property is, so that the property might be condemned as provided for in this act?

Mr. KAHN. I should say that while the statute itself is silent on that matter, the Commissioners of the District could easily call on the assessors of the District for an opinion.

Mr. BUTLER. But the property owner might not agree to it.

Mr. KAHN. Then the property owner could probably go into court and get an injunction and try to prevent the condemnation of his property.

Mr. BUTLER. Will not the gentleman agree with me that the bill has absent from it the provisions that it should have in it?

Mr. KAHN. Let me call attention to a condition that existed in my home city along similar lines. When San Francisco was having a very large influx of Chinese immigrants they found homes in a congested section of the city. There were some alleys in that section. The houses after a while became an absolute nuisance. The board of supervisors of the city of San Francisco passed ordinances declaring how many cubic feet of air there should be for every individual who inhabited any room. It also gave the board of health power to condemn property. It did not go into all of these details that the gentleman has suggested, and yet under the legislation that was enacted by our local board in the shape of ordinances it was enabled largely to eradicate all of the nuisances that existed in that section of San Francisco.

Mr. BUTLER. I want to ask the gentleman one more question. Of course under the Constitution this property can not be taken away from the property owner without making just compensation for it.

Mr. KAHN. That is true.

Mr. BUTLER. That is all right, but where is the method of procedure? None seems to be provided in the bill. Ought it not to be pointed out, the same as in the statutes of our various States where property is condemned? The method by which the property owner recovers compensation is all written in the statute, and his remedy is complete, all pointed out.

Mr. KAHN. Mr. Chairman, if I were writing this substitute I probably would have written it somewhat differently from the way in which it has been written.

Mr. BUTLER. I would like to vote for the measure, but at the same time I would like to see the property owner somewhat protected.

Mr. KAHN. I want to say to my friend that I have no fear that the commissioners, seeking the advice and obtaining the advice of the assessors who are familiar with property owners in the District, will be able to arrive at a just conclusion regarding the value of the property. The property owner will not be deprived of his land if the commissioners undertake to condemn it. He has his rights. He can get out an injunction and prevent any infringement of these rights.

Mr. BUTLER. I know; but he ought not to be put to that expense.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. STAFFORD. Will he be permitted to allow that building still to remain standing and have it used for other purposes than a dwelling? Not under the provisions of this bill. He could not use it for a warehouse or a garage. He could not use it for any lawful purpose. The building would have to be razed.

Mr. KAHN. If the building is in such bad shape that it should be condemned, he ought not to be allowed to use it for a warehouse or a garage or anything else. He ought to be compelled to pull down a building that is clearly a nuisance.

Mr. STAFFORD. The building may be unsuitable for habitation purposes and yet be perfectly suitable for warehouse purposes.

Mr. KAHN. I doubt whether they would condemn a building that is absolutely unsuited for dwelling purposes and prevent the owner from using it as a warehouse.

I imagine that the commissioners will use their discretion and their judgment in enforcing the law and will not attempt to compel the tearing down of a building that is serviceable for any purpose whatever.

Mr. MADDEN. Is there no power whatever within the health commissioner now to say what building is sanitary and what is insanitary, and has he no power to regulate?

Mr. KAHN. I am not quite positive about it, but I think he has the right to eradicate a nuisance. But I do not know positively whether he has the right to compel the tearing down of a building, and that is a right that I think is given in practically every large city in this country.

Mr. MADDEN. I think the health commissioner, having the power to regulate sanitation, would also have the power to say that a building should not be allowed to stand if that were one of the prerequisites of sanitation.

Mr. KAHN. Under this law I am satisfied he will have that right; I do not think he has that right at the present time. That is one of the reasons why we want the law passed. Now, every Member of the House and every citizen of the Republic is interested in having this Capital built up so that it will be a

credit to our Nation. Some of the alley conditions that have existed here within a stone's throw of this Capitol have been an absolute disgrace to the Nation. Some of the worst ones are being cleaned up. They are being converted into parks. Right here in the southwest section of the city, only a short distance from the Capitol Grounds, Willow Tree Alley is being cleaned up and made into a park. It is a great improvement. And if a number of these unsightly alleys could be treated in the same way, if they could be eliminated entirely, or even in some instances converted into playgrounds, it would be a blessing to the people in the neighborhood where they exist, and it would also be a material improvement for the city.

Mr. MADDEN. Does the gentleman think it would be wise to do away with alleys altogether?

Mr. KAHN. I do not; not all of them.

Mr. MADDEN. Does this bill provide for that?

Mr. KAHN. Oh, no.

Mr. MADDEN. Does not it provide that the alleys can be condemned for alley purposes?

Mr. KAHN. I do not think the substitute does; the bill itself does, but the substitute, which we are considering, does not.

Mr. MADDEN. I hope there will be some legislation doing away with alleys——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CARY. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. RUPLEY].

Mr. RUPLEY. Mr. Chairman, I desire to say to the committee that this proposed legislation meets with my approval and will receive my support. I also desire to ask unanimous consent to extend my remarks in the RECORD on the principles, candidacies, and platforms of the Progressive Party in the State of Pennsylvania and the Nation, and to review the measures passed by this Congress and the platform pledges that have not been fulfilled.

The CHAIRMAN. Is there objection to the gentleman extending his remarks in the RECORD in the manner indicated? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Does the gentleman from Wisconsin desire to use any more time?

Mr. CARY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Twenty-three minutes.

Mr. JOHNSON of Kentucky. I will say to the gentleman that in so far as I can see now there will be no time used on this side.

Mr. CARY. I do not think there is any further time desired on this side except that I would simply like to ask permission to extend my remarks in the RECORD.

I wish to say, Mr. Chairman, that I do not care to waste the 23 minutes which I have left, as the House is virtually unanimous on this bill, so why use up any more time, at an expense to the taxpayer of $12 a minute, which, it has been figured out, is the actual cost while Congress is in session? This will make a saving of $276 and at the same time will hasten the passage of the bill.

At this time, when the waves of political activity are surging with all sorts of campaign literature, and the people of the country seem to be ill advised as to the vast difference and degree of importance which exists between a roll call and a call of the House, I believe it is due time that they be set aright as to the proper definition and relative importance of each, so that they be not falsely informed by many overzealous aspirants to Congress, who would have them believe that the missing of a roll call is sufficient evidence to warrant a Congressman's defeat at the polls.

Ever since I have been in Congress I have tried to show the people of my district that a call of the House is a call of the Members to get a quorum; that the Members simply answer present; that it is not a vote on anything and is of very little value to the people; while, on the other hand, a roll call on bills vital to the people is an entirely different proposition; yet both are called roll calls.

If we could be here in Congress all day, at an expense of $12 a minute, and at the same time be present at this or that department, why, all this talk about roll calls missed would cease, but since the dual man is a creation of fiction and not a reality, we can only be present at one place at a time.

How in common sense can a Congressman be at the Pension Department; at the State Department, trying to locate lost people in Europe; at the Immigration Department; at the Patent Office; at the War and Navy Departments; at the Interior Department; attending committee meetings, where most of the work of Congress is done; answering his mail; be entertaining his friends from the district which he represents, and be in Congress at the same time listening to long-drawn-out speeches?

Only yesterday I missed one of these calls of the House while I was at the State Department endeavoring to locate Mr. Nordberg, president of the Nordberg Manufacturing Co., of Milwaukee, Wis., who is lost in Germany. This happens quite often.

I can recall one day when one of my constituents was here in Washington on a business matter with the Internal Revenue Department. While I was with him doing my best to help him on the case I missed eight of these calls of the House, which were nothing more than a filibuster, pure and simple—done, no doubt, for political purposes or to delay some bill. Congress has been in session continuously for 18 months, and why?

I wish to congratulate the chairman of the Committee on Printing, Mr. BARNHART, for the very true, but hard to be believed, remarks of his on September 4, and which, I think, are well deserving to be reprinted.

REMARKS OF MR. BARNHART.

"Mr. BARNHART. Mr. Speaker, habitual neglect of duty by any public official whom the people have intrusted with their business is a crime in fact if not in law. [Applause.] This is just as true of Members of Congress as of any other public officials. But does occasional absenteeism from the House during long sessions of Congress like we have had continuously for several years necessarily constitute neglect of duty? Is the worth of a Member of Congress to be estimated by the number of times he answers roll calls, whether they be important votes or political horseplay? I think not. A Member of Congress has other duties to perform beside sitting in the House listening to long-winded speeches and political jockeying. [Applause.] If he is a working Member, he is on some important committee that has frequent meetings to give hearings on proposed legislation or to investigate alleged abuses of the public. And if his committee is in important session and some Member in the House makes a point of order that there is not a quorum present—218 Members—there is a roll call. The busy Member hears that the call is merely for a quorum and goes right on with his work, and the RECORD shows him absent. The Member with little or nothing to do answers the roll call, and thus the RECORD credits him with "present." The Member actually at more important work than answering "present" is thereby condemned by the RECORD for absenteeism, while the one with little to do but sit in the House is glorified by the RECORD showing him answering all roll calls. Therefore I submit that always answering "present" is not the royal diadem of useful statesmanship. [Applause.]

"A live Congressman has an enormous amount of correspondence to read and answer in his office and a thousand and one trips to departments in behalf of the needs of his district. In this way he serves his constituents who can write him. But those who are not ready letter writers and who seldom ever see and talk with their Congressman get no personal consideration from the man who represents them.

"It may be that sitting in the benches of this House year in and year out and answering every roll call is a safe criterion by which to estimate efficient representation of a congressional district, but if that be true then anyone who can say 'present' and who has the physical disposition to keep a seat warm five or six hours every day would be just as useful as the most effective and alert legislator that ever came to Congress.

"Mr. Speaker, I never had such a clear conception of duty to my people as when I had time occasionally to circulate among them and hear from their own lips their ideas of the needs of public welfare. I never served the people I represent as intelligently and as fully as when I used to go home occasionally and, after advertising my coming, 'keep open house' in all of the principal towns and cities of my district and thereby enable the people of all classes to confer with me. The old soldier who felt that his service to his country was not being properly appreciated, the poor mother whose son had boyishly run away and become tied up in the Navy to her distress, the farmer who had claims for better rural mail service and needs for Agricultural Department help, the business man who had suggestions of better Government service, the preacher and teacher and laborer who felt entitled to consideration of their wants by their Government, all came to see me, as did hundreds and hundreds of others. And they were profited by the information I could give them, and I was thereby given a larger conception of public needs and official duty.

"It is figured out that the expense of running Congress is $12 per minute, and we see Members daily burning up money in speech making or ordering nonsensical roll calls. We hear others uproariously applaud proposed punishment of absentees, whose actual records of attention to duty are not half as faithful as those whom they publicly censure. And we see others con-

tinually talk, talk, talk for self-aggrandizement until Members are driven into God's outdoors as a matter of health and soul protection. [Applause.] They seem to count that page of the CONGRESSIONAL RECORD lost which does not contain their names.

"Far be it from my purpose to apologize for habitual absenteeism from this House, for it is inexcusable and reprehensible [applause]; but I tell you, Mr. Speaker, that if we did less grandstanding here and gave more attention to what is really needed and to doing business we would be vastly better off and so would our country.

"Answering every roll call is a commendable record for a Congressman, but faithfully caring for the wants and needs of the people he represents is vastly better. He should not be judged by the number of hours he sits in the House listening to routine schedule and campaign vaporings, but rather let it be said of him, 'He was always present at important lawmaking and voted right, and he heard and heeded and served the meritorious wants of his people.' Do not measure me as a Representative by what I pretend, but by what I do; not by parade of promises, but by actual and earnest performances; and not by the limelight roll calls I answer, but by what I accomplish for my people and my country. [Applause.]

"Mr. Speaker, I have now talked eight minutes—$96 worth of time. [Applause.]"

Oh, for the days when political campaigns did not savor of falsity and personal attacks, when candidates for election did not resort to mud slinging and the publishing of lies. Turn back to the days of McKinley, Reed, Crisp, Clark, and other distinguished statesmen who were unanimously elected to Congress. Did it ever happen to these gentlemen that their record was attacked on account of roll calls missed? No; and the fact of the matter was that men in those days played politics on the square and stood on their merits.

Something must be done in order that the people of this country should not be humbugged by office seekers, and now is the opportune time to at least check the false statements and attacks that are being spread broadcast, in an endeavor to elect men to Congress.

I never in any of my campaigns resorted to mud slinging or to personal attacks on my opponent. I have always stood on my record and let the voter decide. It behooves all of us, and especially the newcomer, that we have at least a sprinkling of charity in our campaigns, and in connection with this I might refer to a clipping from the Washington Star of Saturday, September 12, and say that if more of us would do unto our political opponent as we would have him do unto us, campaigns would not reek with the foul stench of personal attacks, and the slogan of most of us would be "Let the dead past bury its dead."

REPRESENTATIVE CARY'S REASONS.

As the body needs health, strength, and nourishment, so also does the soul. And where will we seek this spiritual nutriment? Principally in church. We can find a kind of soul refreshment in the reading of religious books, in hours spent in meditation, and in the practicing of acts of charity and self-denial; but if we desire real soul sustenance we must seek it in church, where a holy influence becomes inoculated in us, giving us added vigor to live righteously, fortifying our bulwark against temptation and enabling us to live, paying homage to God and doing unto our neighbor as we would have done unto us.

WM. J. CARY,
*Representative in Congress from Wisconsin.*

I sincerely hope that I have made myself clear and that my remarks may be some enlightenment to the people.

Mr. JOHNSON of Kentucky. Mr. Chairman, the attitude of the committee seems to be that some desire a vote upon the substitute, and if it be rejected, then upon the House bill. I therefore ask unanimous consent that the reading of the bill section by section for amendment be waived so that we may come to a direct vote first upon the substitute.

The CHAIRMAN. The Chair did not understand the gentleman's request.

Mr. JOHNSON of Kentucky. I withdraw the request. I will ask the Clerk to read the substitute.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the substitute be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

That from and after the passage of this act it shall be unlawful to the District of Columbia to erect, place, or construct any dwelling on any lot or parcel of ground fronting on an alley where such alley is less than 30 feet wide throughout its entire length and which does not run straight to and open on two of the streets bordering the square, and is not supplied with sewer, water mains, and gas or electric light; and in this act the term "alley" shall include any and all courts, passages, and thoroughfares, whether public or private, and any ground intended for or used as a highway other than the public streets or avenues; and any dwelling house now fronting an alley less than 30 feet wide and not extending straight to the streets and provided with sewer, water main, and light, as aforesaid, which has depreciated or been damaged more than one-half its original value, shall not be repaired or reconstructed as a dwelling or for use as such, and no permit shall be issued for the alteration, repair, or reconstruction of such a building, when the plans indicate any provision for dwelling purposes: *Provided*, That rooms for grooms or stablemen to be employed in the building to be erected, repaired, or reconstructed may be allowed over stables, when the means of exit and safeguards against fire are sufficient, in the opinion of the inspector of buildings, subject to the approval of the Commissioners of the District of Columbia; and no building now or hereafter erected fronting on an alley or on any parcel of ground fronting on an alley less than 30 feet wide and not otherwise in accordance with this act shall be altered or converted to the uses of a dwelling. Any such alley house depreciated or damaged more than one-half of its original value shall be condemned as provided by law for the removal of dangerous or unsafe buildings and parts thereof, and for other purposes. No dwelling house hereafter erected or placed along any alley and fronting or facing thereon shall in any case be located less than 20 feet back clear of the center line of such alley, so as to give at least a 30-foot roadway and 5 feet on each side of such roadway clear for a walk or footway, and any stable or other building hereafter placed, located, altered, or erected on or along such an alley upon which a dwelling faces or fronts shall be set back clear of the walk or footway the same as the dwelling or dwellings, but the fact that dwellings are located in such alleys shall not affect the location of stables or other buildings otherwise.

The use or occupation of any building or other structure erected or placed on or along any such alley as a dwelling or residence or place of abode by any person or persons is hereby declared injurious to life, to public health, morals, safety, and welfare of said District; and such use or occupation of any such building or other structure on, from, and after the 1st day of July, 1918, shall be unlawful.

Mr. IGOE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 7, after the word "July" strike out "1913" and insert in lieu thereof "1924."

Mr. IGOE. I do not desire to discuss the amendment except to say that the original House bill provided that these dwellings should be abolished after 10 years. It also contained, I believe, a provision for compensation in taking over certain property. This substitute contains no provision for compensation and fixes the time limit at four years. The substitute is the Senate bill, and as this substitute if adopted leaves practically nothing to a conference, I think this question ought to be settled now. It seems to me these people ought to have more than four years after the passage of this bill.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman. I fully sympathize with the effort that is being made to rid the District of slum conditions in our alleys and courts. If those slum conditions exist in such a deplorable manner as has been recited by those who are acquainted with them, then they should be remedied immediately and not continued for such a long space as 10 years. Four years, as provided in the substitute, I think, is ample in which to give the local District authorities time to search and eliminate the pest spots in those infested districts. The substitute that has been offered has not been well considered. There are some features of it that I think are open to serious objection. The mere fact that a dwelling happens to be located in a thoroughfare less than 40 feet——

Mr. COADY. Thirty feet.

Mr. STAFFORD. Well, it is 30 feet—and then there is required in addition 5 feet on either side for a walk, making 40 feet—does not mean that it will be in an insanitary condition. This bill when it seeks to rid the District of its sore spots should provide for authority in the District Commissioners to rid the District of all pest houses whether they are located in courts or alleys less than 30 feet, or less than 40 feet, or even if they are located on a street 40 feet or over. No such provision——

Mr. BORLAND. What does the gentleman mean by pest houses?

Mr. STAFFORD. Oh, where the buildings are breeders of disease; where contagious diseases arise because of poor sanitary arrangements.

Mr. BORLAND. Does not the gentleman understand that they have a health board in the District which is supposed to do that very thing?

Mr. STAFFORD. The gentleman from California [Mr. KAHN], who just took his seat, when asked that question was in doubt whether there was such a provision. I was surprised to think that there would not be in a well-regulated city.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I will be glad to yield.

Mr. KAHN. I have just found out that in 1906 a law was passed which gives the health board the power to condemn and tear down property which is not fit for habitation.

Mr. STAFFORD. When?

Mr. KAHN. In 1906.

Mr. STAFFORD. If that law is on the statute books to-day, what is to prevent their going ahead and exercising that authority at present without the enactment of this law? If these

buildings to-day are uninhabitable and unfit for even the most lowly or the most high, then they should be eliminated.

Mr. COOPER. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BORLAND. If the gentleman will yield to me, I will tell him why.

Mr. STAFFORD. I will yield first to my colleague.

Mr. COOPER. I would like to ask my colleague what use there is in having a health board, with authority to condemn structures of that kind, if at the same time we have a building inspector's department which permits the putting up of new structures of exactly the same kind—for example, the building described by the distinguished gentleman from Missouri [Mr. BORLAND]—a new tenement building 250 feet long and only 18 feet wide, on Rhode Island Avenue, with a narrow, dark hall, and without windows or light, running its entire length, and the remainder of the building divided into single rooms rented at $8 a month. What is the use of having any official body with authority to condemn a building like that if some other such body is to continue to authorize the erecting of new buildings just like it?

Mr. STAFFORD. The citation of my colleague only emphasizes the need of amendments to this measure. It does not meet the situation at all as it stands.

Mr. COOPER. Mr. Chairman, one of the things that ought to be done is to condemn the official or the officials who issued the permit for the putting up of that structure on Rhode Island Avenue. If we will direct somebody to find and report what official person or persons gave that permit and then proceed to remove his official head, or their official heads, we shall have reached pretty nearly to the source of this evil.

Mr. STAFFORD. My colleague's statement emphasizes the need of some better provision than that which we have here.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. TOWNSEND rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. STAFFORD. I will yield first to my friend from Missouri [Mr. BORLAND].

Mr. BORLAND. I just wanted to suggest to the gentleman that there is a law now in the District of Columbia permitting the health board, on sanitary complaints being made, to investigate them and require the conditions to be made sanitary; and the experience in these alley structures is that sometimes there will be 80 or 90 sanitary complaints from a single alley in a single year, and the health board will go there——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin [Mr. STAFFORD] may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BORLAND. The health board will go there, I say, and find that the sanitary complaint is well founded and that the conditions ought to be changed, and it will make certain requirements on the owner of the property, who will comply just to the extent necessary to get past a prosecution for a criminal act, and then he will stop, and in a few weeks or a few months a new sanitary complaint is lodged, practically against the same building or the same conditions. That is the operation of the health law. The purpose of the alley-elimination law is to eliminate the conditions out of which those things grow; not to take the place of the board of health, but to take the enormous burden off the board of health that the existence of inhabited alleys places upon it. Does the gentleman see the idea?

Mr. STAFFORD. Yes; but they are not curing the pest spots. You are protecting them, as in the case instanced by my colleague, of the apartment house on Rhode Island Avenue.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes; I yield to the gentleman from New Jersey.

Mr. TOWNSEND. I wanted to ask the gentleman from Wisconsin if he did not understand that the inherent or implied police power exercised by the board of health in every city in which he is acquainted could be used not only to cure most of the evils he complains of, but to prevent the evil that his colleague [Mr. COOPER] speaks of? Have they not already every specific power necessary, whether granted by statute or not, to prevent such a performance? Is there any necessity for any statutory power to be given?

Mr. STAFFORD. There is no implied general power, as I understand, and there is need of an express statutory authorization. These municipal officers have only such authority as is delegated to them by statute.

Mr. TOWNSEND. Is it not implied in the police power that they have?

Mr. STAFFORD. Not to the extent suggested by the gentleman from New Jersey. There must be authority especially delegated to the officials—authority to confiscate the property or to regulate it before they would be authorized to act in the premises.

Mr. TOWNSEND. I desire to say to the gentleman that in connection with the revision of the tenement laws in New York I was very much interested in the subject in New York at that time, and, although the building department could not regulate the building of tenements, as to the size of the hall and the amount of light and all that, yet at the same time the board of health did cure a great many evils of this kind without any specific statutory power being vested in it.

Mr. STAFFORD. I think the board of health must have had some delegated authority to do that work.

Mr. COOPER. Under the existing law, the person who desired to erect that monstrosity of a tenement building now on Rhode Island Avenue had first to submit the plans for it to the building department in this city and secure permission to put it up. Some District official or officials looked over those plans, learned exactly what they were, and then gave the permit for the erection of the building; and the man or the men who did that ought to be removed from office without one moment of unnecessary delay. It was gross, inexcusable disregard of duty for any official in this day and generation to give a permit to put up a thing like that for men, women, and children to live in, I care not how humble their station in life.

Mr. BUTLER. A sort of old-fashioned cornerib.

Mr. COOPER. You would not let even a pig live in any place not well supplied with light and pure air.

Mr. STAFFORD. The instance cited by my colleague [Mr. COOPER] only emphasizes the lack of interest on the part of the governing officials here in Washington to supervise the conditions prevailing throughout the District. It is a criticism of the existing system of government in this District, because there is nobody sufficiently or directly interested to supervise and scrutinize the actions of the subordinate officials.

The CHAIRMAN. The gentleman's time has expired. The question is on the amendment offered by the gentleman from Missouri [Mr. IGOE].

The question being taken, on a division (demanded by Mr. IGOE] there were—ayes 5, noes 18.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 2. That any person or persons, whether as principal, agent, or employee, violating any of the provisions of this act or any amendment thereof for the violation of which no other penalty is prescribed shall, on conviction thereof in the police court, be punished by a fine of not less than $10 nor more than $100 for each such violation, and a like fine for each day during which such violation has continued or may continue, to be recovered as other fines and penalties are recovered.

Mr. LOGUE. Mr. Chairman, I move to strike out the last word. Relative to the conditions referred to by the gentleman from Wisconsin [Mr. COOPER], the question that presents itself to me is whether any officer would have the power to refuse a permit unless there were statutory regulations giving him such power. We have in force in the city of Philadelphia acts of assembly which forbid the erection of dwelling houses except under the conditions therein prescribed, and forbidding as well the use of a building for dwelling purposes unless it comes up to certain requirements. I do not consider that, unless provided for by statute, any executive officer would have the discretion to refuse a permit for a building such as has been described. Therefore, as has been suggested, it is necessary that we should have the requisite legislation to regulate and control the erection of buildings in the future, so that no such buildings shall be erected hereafter. The present substitute does not go far enough. There are two things to be provided: One is the abolition of dwelling houses in alleys of less than a certain width. Their construction is forbidden in the future. As regards those at present existing, their abolition depends on whether they shall have depreciated 50 per cent in value or not. It may be that the value of them will be the same four or five years from now as it is to-day, and therefore the question should not be predicated upon the value.

To my mind the two important thoughts are: First, no building to be erected except upon a street of a certain width; therefore no permit to go out for the erection of such a building. Under those conditions none could be erected. If it is hoped to do away with the present conditions of buildings used for dwelling purposes which are insanitary, but subject to repair, say, for instance, in the plumbing, and still

at the same time dwellings upon dark back alleys, which are therefore unhealthful and undesirable, we are led to the consideration of the second condition, and that is the abolition of all such places. If we undertake that, it is to be done for two purposes: First, for the improvement of the particular neighborhood, but secondly, and more broadly and beyond that, it is done for the benefit of the general improvement, and it is therefore in the nature of a general improvement, to which the individual must submit, and thereby suffer, and there should be associated with it the power to condemn and take for general use property without regard to its depreciation of value and to provide the proper method of compensation when such property is taken. I would therefore leave it discretionary to acquire alleys and neighborhoods for general public use, without regard to such an uncertain thing as the depreciation in value, but when general surroundings and general conditions warrant I would have the property so condemned. Mere improvement in value will not tend to make them healthful.

Mr. BORLAND. I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized in opposition to the pending pro forma amendment.

Mr. BORLAND. Mr. Chairman, it has been said that this original bill, known as the commissioners' bill, for which a substitute has been reported by the committee, is not perfect or satisfactory in all of its details to those interested in alley elimination. It has been said that the alley committee and other people interested are not wholly satisfied with the provisions of that bill, and I suppose that is true. But this present substitute, as I understand it, is word for word the bill which passed the body at the other end of the Capitol. Therefore if we pass this substitute we are practically completing the law at this stage. You will notice that in the closing section, section 3 of the substitute, is a clause repealing the present alley law. That is a pretty sweeping thing to repeal the present law when we have not any more to take its place than we have in this substitute. Those of us who are interested in actual reform and in some advance in this proposition are pretty much inclined to vote down this substitute and to leave the original bill as the commissioners drew it, and pass it even though we may not be wholly satisfied with its provisions. That will enable this body and another body having joint legislative powers with it to arrive in conference at a bill with which the commissioners and law officers of the District will, perhaps, be satisfied. So it is a very good thing at this stage of the session to vote down the substitute and then adopt the original bill, and then allow such changes to be made in conference as will perfect it. That is the suggestion I want to make at this time.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I had intended to call the attention of the chairman of the committee to the misspelling of the word "dwelling," in line 22, page 23, in the prior paragraph. It has but one "l" instead of two.

Mr. JOHNSON of Kentucky. I suppose that will be corrected in the enrollment without amendment.

Mr. STAFFORD. Oh, no; it will have to be corrected here.

Mr. JOHNSON of Kentucky. I ask unanimous consent to correct the spelling of the word "dwelling" in the place indicated by the gentleman.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the spelling of the word "dwelling," in line 22, page 23, be corrected. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 3. That the act of Congress approved July 22, 1892, entitled "An act regulating the construction of buildings along alleyways in the District of Columbia," and all laws or parts of laws inconsistent with the provisions hereof, are hereby repealed.

The CHAIRMAN. The question is on the adoption of the substitute.

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry. If this committee amendment be voted down, the question will then recur on the original bill, will it not?

The CHAIRMAN. The original bill will then be subject to a motion to report it to the House with a favorable recommendation. The question at this time is upon the substitute.

Mr. BORLAND. The way to get the original bill before the House is to vote down the committee substitute?

The CHAIRMAN. Yes. The question is on the substitute reported by the committee.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. STAFFORD. What is the motion before the House?

The CHAIRMAN. The question is on the substitute reported by the committee.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 23, noes 8.

Mr. COADY. Mr. Chairman, I demand tellers.

The CHAIRMAN. Thirteen Members rising—not a sufficient number—and tellers are refused.

So the amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

### PLAZA AWARDS.

Mr. JOHNSON of Kentucky. Mr. Chairman, there is another very important bill on the calendar which I am extremely anxious to see disposed of, and that is what is known as the "Plaza awards bill." There are but few Members here, and I will be frank and say that if the bill as it comes from the District of Columbia Committee is defeated in the Committee of the Whole I shall make the point of no quorum. I do not know whether such a point will be made by those in opposition or not.

Mr. BUTLER. The point of no quorum is not hard to make. I have had a little experience in making it.

Mr. JOHNSON of Kentucky. As I was saying, I will be perfectly frank and say that if the bill as it comes from the District Committee should be defeated by the small number of Members now present, I shall make the point of no quorum. I apprehend that the opposition to the bill would do the same thing, and if that is to be done I do not see any use of going into it. I would prefer to take up other bills to which I think there would be no objection. The gentleman from Pennsylvania [Mr. LOGUE] has appeared heretofore in opposition to the bill.

Mr. STAFFORD. I understand that there are still 40 minutes of general debate on the Plaza bill. I suggest that we consume that time and then take the bill up for consideration under the five-minute rule; and if the exigency arises that the gentleman refers to, then any gentleman is privileged to make a point of no quorum. But we will make headway by taking the bill up now. The session is drawing to a close and there will not be many District days after this.

Mr. JOHNSON of Kentucky. I believe the bill should be debated from my standpoint of it, at least, when there are more Members present.

Mr. LOGUE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Pennsylvania?

Mr. JOHNSON of Kentucky. I do.

Mr. LOGUE. In reference to the Plaza resolution, the Committee on Public Buildings and Grounds have a substitute, and we discussed it at some length a few weeks ago. I would certainly feel it my duty to avail myself of the privilege to which the gentleman from Kentucky refers, and as he said he would, and that is to raise the question of no quorum. I would not undertake to do so at this time, and would not do it in the interest of pure delay. I am satisfied that this matter is of great importance, and I feel that it should be discussed with a larger attendance than is present in the House, and also a larger attendance than is generally brought in by raising the point of no quorum. I do not think we would get very far. There are 40 minutes of general debate. Perhaps we could utilize that.

Mr. JOHNSON of Kentucky. That would be thrown away as to those not here and those who are being called in to vote on the passage of the bill.

Mr. LOGUE. I am satisfied to accept the suggestion of my friend from Kentucky.

The CHAIRMAN. Under the rule, Senate joint resolution 129, the Plaza award resolution, is in order as unfinished business.

Mr. JOHNSON of Kentucky. Mr. Chairman, I am anxious to take the Plaza bill up and dispose of it; but if, as I said, the bill as it comes from the District of Columbia Committee is defeated on a preliminary vote, I shall make the point of no quorum. The gentleman from Pennsylvania [Mr. LOGUE] has indicated that he will do the same thing unless his contention is carried, and I therefore see no reason to go into it.

Mr. STAFFORD. Mr. Chairman, it is only half past 2, and everybody recognizes the pressing character of this bill and that some legislation should be passed before the adjournment of Congress. Property has been taken, and the claimants are being deprived of their money. I am not going to direct the policy of the committee, but I suggest to the gentlemen that they go ahead, and if the gentlemen think that a quorum should be present, make the point and bring them in.

Mr. BUTLER. It is perfectly easy to get Members here. I have done it several times. All you have to do is to have a

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little nerve and make them come in and receive their $20.45 a a day.

Mr. JOHNSON of Kentucky. I will say to the gentleman from Pennsylvania that I am apprehensive that a quorum can be gotten this afternoon.

Mr. BUTLER. Then the gentleman's reason for not raising the point of no quorum is a very good one. I thought that Members were staying here and trying to earn their salary.

Mr. STAFFORD. I did not think that the gentleman from Kentucky would admit that the war resolution of the gentleman from Alabama had lost its vitality so soon.

Mr. GARRETT of Texas. Mr. Chairman. I have been here 18 months myself, and I will see if there is not a quorum in town, and I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] Fifty-six Members present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Aiken | Finley | Korbly | Reilly, Conn. |
| Alexander | Fitzgerald | Kreider | Riordan |
| Austin | Frear | Langham | Rothermel |
| Bailey | French | Langley | Rubey |
| Barchfeld | Gallivan | L'Engle | Sabath |
| Bartholdt | Gard | Levy | Scully |
| Bartlett | Gardner | Lewis, Pa. | Seldomridge |
| Bell, Ga. | George | Lindquist | Sells |
| Brown, N. Y. | Gerry | Lloyd | Shreve |
| Browning | Gillett | Loft | Sinnott |
| Bruckner | Godwin, N. C. | McClellan | Smith, Md. |
| Burgess | Goeke | McCoy | Smith, N. Y. |
| Burke, Pa. | Goldfogle | McGillicuddy | Stanley |
| Burke, Wis. | Graham, Pa. | McGuire, Okla. | Steenerson |
| Byrnes, S. C. | Greene, Vt. | Mahan | Stevens, N. H. |
| Calder | Griest | Maher | Stout |
| Cantor | Griffin | Manahan | Stringer |
| Cantrill | Guernsey | Mann | Sumners |
| Carew | Hamill | Martin | Sutherland |
| Carlin | Hamilton, N. Y. | Merritt | Talcott, N. Y. |
| Carr | Harris | Mitchell | Tavenner |
| Carter | Harrison | Morin | Taylor, Colo. |
| Casey | Hayes | Mott | Taylor, N. Y. |
| Chandler, N. Y. | Hensley | Mulkey | Townsend |
| Church | Hinds | Murdock | Treadway |
| Clancy | Hobson | Murray, Mass. | Vare |
| Connelly, Kans. | Hoxworth | Nolan, J. I. | Vollmer |
| Connolly, Iowa | Hughes, W. Va. | O'Brien | Volstead |
| Conry | Humphreys, Miss. | O'Leary | Wallin |
| Covington | Johnson, S. C. | O'Shaunessy | Walters |
| Cramton | Johnson, Utah | Palmer | Watkins |
| Crisp | Johnson, Wash. | Parker | Watson |
| Dale | Jones | Patten, N. Y. | Whitacre |
| Dooling | Keister | Patton, Pa. | Wilson, Fla. |
| Driscoll | Kent | Payne | Wilson, N. Y. |
| Dunn | Kettner | Peters | Winslow |
| Elder | Kiess, Pa. | Platt | Woodruff |
| Estopinal | Kindel | Porter | Woods |
| Fairchild | Kinkead, N. J. | Pou | |
| Faison | Kitchin | Powers | |
| Farr | Knowland, J. R. | Prouty | |

The committee rose; and the Speaker having resumed the chair, Mr. WINGO, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration bills affecting the District of Columbia, and, finding itself without a quorum, he had directed the roll to be called and that 272 Members had answered to their names—a quorum—and he had handed in a list of the absentees.

The committee resumed its sitting.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee now take up for consideration House joint resolution 331, relating to the awards and payments thereon in what are commonly known as the Plaza cases.

The motion was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to reconsider the vote by which the committee agreed to take up for consideration House joint resolution 331, and to lay that motion on the table.

The motion was agreed to.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Mr. Chairman, I understand when this matter was last under consideration an agreement was entered into by which there were to be 40 minutes of general debate—20 minutes on each side.

The CHAIRMAN. The Chair will state to the gentleman that the resolution which is now under consideration has not heretofore been under consideration.

Mr. STAFFORD. As I understand it, Senate joint resolution 129, relating to the Plaza awards, is the unfinished business.

The CHAIRMAN. It was until the last meeting of the committee, when another bill was substituted for it, and the Committee of the Whole a moment ago by unanimous vote decided to take up House joint resolution 331, so that Senate resolution 129 is not now before the committee.

Mr. STAFFORD. So that there is no agreement as to general debate whatsoever as to this resolution?

The CHAIRMAN. There has been none. This is the first time the present resolution has been called up for consideration in the Committee of the Whole. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

House joint resolution 331, relating to the awards and payments thereon in what are commonly known as the Plaza cases.

Whereas awards for the payment for property taken in the condemnation proceedings for what are commonly known as the Plaza cases were made some time ago and have been subject to examination by the Department of Justice to be approved by it and other authority; and

Whereas the President has found it impracticable to separate the payments which are not in controversy from those which are, leaving those property owners whose claims are not attacked so that payments can not be made to them, involving great consequent hardship: Now, therefore, be it

*Resolved, etc.*, That the President of the United States shall appoint a commission of three men to complete the acquisition by the United States of so much of the real estate in squares 632, 680, 681, 682, 683, 684, 721, 722, 723, and also that part of square 633 lying east of Arthur Place, in the District of Columbia, as, in the opinion of the President, is desirable for the extension of the Capitol Grounds. The said commission shall have power to purchase any of said real estate at such a price as the said commission may deem to be the fair market value thereof, not exceeding, however, as to any lot or parcel, the amount of the award made therefor in the condemnation proceeding, District court action No. 1046, recently pending in the Supreme Court of the District of Columbia: *Provided, however*, That the purchase price to be paid hereunder for any of said real estate which was owned by either the Baltimore & Ohio Railroad Co. or the Real Estate & Improvement Co. of Baltimore City at the time when said action No. 1046 was instituted shall not exceed the bona fide, actual, original cost thereof to either of said companies plus 6 per cent interest thereon from the date of purchase by either of said companies until the date upon which the court confirmed the awards made in the aforesaid District court action No. 1046.

No purchase herein provided for by said commission shall be deemed to be complete until such purchase shall have been approved by the President of the United States. When the President has so approved, and the Attorney General of the United States has certified that all necessary deeds conveying to the United States the unencumbered, fee simple title to the real estate so purchased have been delivered, the President shall cause payment of the agreed purchase price to be made to the person or persons entitled thereto. All such payments shall be made out of the appropriations heretofore made for the acquisition of said real estate.

Each of the purchases made in pursuance of the provisions of this resolution shall be deemed to be a separate transaction from any other purchase made hereunder.

No person who has, within the last five years, served on any commission or on any jury in any proceeding to condemn real estate in the District of Columbia shall be eligible to be a member of the commission herein provided for; neither shall any ex-Member of Congress or any Member of Congress be a member of said commission.

Each of the commissioners herein provided for shall, before entering upon the duties of the position, state under oath (or affirmation) that neither he nor any member of his family owns or has a lien upon any real estate, or has any financial interest whatever in any real estate within the zone herein set out; and, further, that neither he nor any member of his family has, since the institution of the court proceedings hereinbefore referred to, owned any stock in or bond of any corporation which owns land in said zone; and, further, that neither he nor any member of his family is the creditor of anyone who owns land in said zone; and, further, that neither he nor any member of his family is an officer of or has any stock in or bond of any bank, trust company, or other corporation which is the creditor of any person who owns real estate within said zone; and, further, that he is not financially indebted to any person, firm, or corporation which owns real estate in said zone, or who has any loan to any person who owns real estate in said zone; and, further, that he is not indebted to or employed by any person, firm, or corporation which owns or has a lien on real estate in said zone; and, further, that neither he nor any member of his family has, since the institution of the court proceeding hereinbefore referred to, accepted or used any pass or other form of free transportation upon any railroad or subsidiary thereof which owns, directly or indirectly, any real estate within said zone.

The members of said commission shall be paid, out of said appropriations and upon requisition of the President, a reasonable compensation for their services, which shall be determined by agreement between the President and the members of said commission before they enter upon the discharge of their duties.

The said commission may employ a clerk and a stenographer to assist in performing the work herein provided, if they deem such assistance necessary; but the compensation of neither the clerk nor the stenographer shall exceed $5 a day while actually engaged in said work.

The improvement and upkeep of the land which may be acquired in the zone herein described and set out shall be paid, one half by the United States and the other half shall be paid out of revenues of the District of Columbia derived from taxation.

All laws to the extent they are in conflict herewith are hereby repealed.

With the following committee amendment:

Page 5, strike out lines 12, 13, 14, 15, and 16 as follows: "The improvement and upkeep of the land which may be acquired in the zone herein described and set out shall be paid, one half by the United States and the other half shall be paid out of revenues of the District of Columbia derived from taxation."

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that general debate on this House joint resolution close in 1 hour—30 minutes to be controlled by myself and 30 minutes by the gentleman from Pennsylvania [Mr. LOGUE].

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that general debate on the joint resolution conclude in one hour—one half to be controlled by himself and one half by the gentleman from Pennsylvania [Mr. LOGUE]. Is there objection?

Mr. STAFFORD. Mr. Chairman, for the time being I object.

The CHAIRMAN. The gentleman from Wisconsin objects, and the gentleman from Kentucky is recognized for one hour.

Mr. JOHNSON of Kentucky. Mr. Chairman, in my opinion this is one of the most important bills that has been before Congress for many a day. It is important in more respects than one, and possibly more important just now than it has ever been.

Several weeks ago, when a resolution almost exactly like this was up for consideration, I burdened the House with a speech of more than an hour in length, explaining the matter fully, I believe. Many of you who are here to-day were not here at that time. Consequently that explanation of the resolution may, to a certain extent, have been lost. Therefore, to-day I desire to invite the attention of Members present to the provisions of this resolution.

Some time back the Federal Government undertook to acquire the property which lies between the Capitol and the Union Station as an addition to the Capitol Grounds. As I stated in the speech which I made upon this subject a few weeks ago, the law provided plainly that that property should be acquired at not to exceed $500,000 worth a year. Notwithstanding the plain letter of the statute, the commission composed of ex-Speaker Cannon, ex-Vice President Sherman, and Mr. Elliott Woods, Superintendent of Capitol Grounds, authorized the institution of an action to condemn property valued at over $3,000,000, without making the slightest effort to keep within the limit of the law. What I am saying now is a résumé of what I said on a former occasion; and I hope to make it somewhat shorter. As I said then, and repeat now, the Baltimore & Ohio Railroad Co., the owner of much property in this zone, authorized Mr. Tawney, who was then chairman of the Committee on Appropriations, to state to the House that it, the Baltimore & Ohio Railroad Co., would take for its property original cost, plus 6 per cent interest. Otherwise, Mr. Tawney would not have said it. My contention now brings the matter down to one simple question: Is the Federal Government willing to pay the Baltimore & Ohio Railroad Co. nearly $600,000 more for its property than it has asked? That, in my judgment, is practically the only question which you now have to solve.

In the speech to which I have referred, which I made upon a former occasion, I read from the CONGRESSIONAL RECORD the statement made by Mr. Tawney upon this floor, which statement, in my judgment, induced Congress to pass the bill. At that time I also read a letter from Mr. George E. Hamilton, the chief attorney in the District of Columbia for the Baltimore & Ohio Railroad Co., in which letter Mr. Hamilton stated that the Baltimore & Ohio Railroad Co. was willing to take the original cost, plus 6 per cent interest, for the land. Through an accountant it has been ascertained beyond question that under the awards which the President of the United States has rejected that company was to receive about $595,000 more than it had asked for the property. In the bill which passed Congress the President had the right to reject the awards. There were about 175 of those awards, which affected many individuals. Many humble people owned property in that territory, and own it now; but, as I said before and as I wish to repeat now, that litigation was so conducted that when the awards were made they so united in one proceeding that they were held by the President and the Attorney General to be inseparable. In other words, the President found himself in the position, when the matter came to him for his acceptance or rejection, that he must accept the awards as a whole or reject them as a whole. Before the Baltimore & Ohio Railroad Co. was arrayed these people as a bulwark, as it thought, against the President's rejection. But the President, in his courage, as badly as it hurt him, refused to pay these humble people the money represented by the awards, and by his act, rather than by word, said, "While I hate to deprive these people of their money any longer, I can not be the instrument of extracting from the Treasury nearly $600,000 for the Baltimore & Ohio Railroad Co. more than it asked for the property when Congress was induced to pass the act of 1910."

This resolution is now before you, because a separation of the awards is desired.

Mr. COOPER. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. COOPER. That is a very important statement—that the railroad company offered this property at one time at $600,000 less than this award. Will the gentleman just state when that was, so as to get that point clear?

Mr. JOHNSON of Kentucky. If the gentleman had been here on the occasion of my former speech, he would have gotten that.

Mr. COOPER. Then, how did they come to get $600,000 more in this award than they were willing to accept?

Mr. JOHNSON of Kentucky. I will say to the gentleman I have not the CONGRESSIONAL RECORD before me containing my speech upon the former occasion, and, as I have just said, I read from the old CONGRESSIONAL RECORD, giving page and date of the speech of Mr. Tawney, saying that they were willing to take original cost plus 6 per cent interest. I read upon that occasion a letter from Mr. George E. Hamilton, chief attorney for the Baltimore & Ohio Railroad in the District of Columbia, saying that they were willing to take that price.

Mr. FERRIS. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Wait a minute. The commission was originally composed of ex-Vice President Sherman, ex-Speaker Cannon, and the Superintendent of the Capitol Building and Grounds, Mr. Elliott Woods. In the meantime Mr. Sherman had died. Mr. Cannon had gone out of Congress, and, while he remained a member of the commission, it resulted in its being practically a one-man commission, made up of Mr. Elliott Woods. The commission, with the authority to either purchase or condemn, did not purchase the property at the price which the Baltimore & Ohio Railroad agreed to accept, but subjected it to condemnation.

The condemnation commissioners allowed the Baltimore & Ohio Railroad about $595,000 more than it had originally asked for it.

Now I yield to the gentleman from Ohio.

Mr. POST. The gentleman has placed in the RECORD a letter from the attorney of the Baltimore & Ohio Railroad Co., in which he claims that the Baltimore & Ohio Railroad Co. offered to take for all of this ground its original cost plus 6 per cent interest. I will ask the gentleman if he is not absolutely mistaken in that respect; that at the time the Baltimore & Ohio Railroad Co. made that offer it related simply to ground to be included in streets that would be projected on account of the removal of the Baltimore & Ohio station to its present location from its old location, and that offer was made in 1901 and the project of extending the Capitol Grounds was never considered until 1908 and long after the depot had been established at its present location?

Mr. JOHNSON of Kentucky. The Baltimore & Ohio Railroad stated through its attorney, George E. Hamilton, to the Commissioners of the District of Columbia that it was willing to take original cost, plus 6 per cent interest, for that land; and then, about 1908, Congress took up a proposition to purchase it. Later Mr. James E. Tawney stood upon this floor and made the statement that it was still willing to take original cost, plus 6 per cent interest, for it.

Mr. STAFFORD. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. STAFFORD. I take it the gentleman is very solicitous about having these small property owners paid for the land which the Government has taken?

Mr. JOHNSON of Kentucky. I have said so.

Mr. STAFFORD. Will the gentleman explain now what his purpose is in having brought before the committee a House joint resolution in substitution for the Senate joint resolution, which is identical in phraseology, which, if the Senate joint resolution passes the House, it puts the bill in conference, whereas if the House joint resolution is passed it means it has to go through the Senate before it can go to conference?

Mr. JOHNSON of Kentucky. The gentleman is mistaken that the Senate joint resolution is the same as that which I propose.

Mr. STAFFORD. Will the gentleman yield further?

Mr. JOHNSON of Kentucky. Yes.

Mr. STAFFORD. I followed the reading of the resolution now under consideration—House joint resolution 308—with Senate joint resolution, with the amendment reported by the committee, which, I wish to say, is identical in phraseology with the joint resolution we are now considering.

Mr. JOHNSON of Kentucky. The Senate joint resolution which came over to the Committee on the District of Columbia did not contain more than four or five lines. The District Committee reported an amendment to that. Afterwards I introduced a separate resolution, providing that half of the cost should be paid by the United States and half by the District of Columbia. The Committee on the District of Columbia amended it by striking out that provision.

Mr. STAFFORD. But the gentleman has not explained why he would not have been further advanced by considering the amendment submitted by his committee to Senate joint resolu-

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tion 129, which is identical in phraseology with the resolution now being considered by the House.

Mr. JOHNSON of Kentucky. I will say very frankly to the gentleman that I did so in order to gain a parliamentary advantage, for the purpose of preventing, so far as lay in my power, the Baltimore & Ohio from getting more for its land than it had asked for it. Further answering the question of the gentleman from Wisconsin [Mr. COOPER], I will say—having been interrupted, I do not now recall whether I stated it or not; but I think I did; if I did not I will repeat—that while this property was offered by the Baltimore & Ohio Railroad to the Government at about $595,000 less than the awards there was no effort, as far as I am advised, to buy it at the original cost plus 6 per cent interest.

In a speech which I made on July 13 here I went into details and gave squares and lots, stating the purchase price that the Baltimore & Ohio Railroad Co. paid for them. I then added the 6 per cent interest. That amount is what I say should be paid for this property, if taken at all.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman yield there?

Mr. JOHNSON of Kentucky. Yes.

Mr. J. M. C. SMITH. Has the gentleman computed the amount, and can he give us a statement of what the difference should be?

Mr. JOHNSON of Kentucky. I have ascertained the original cost of the land, and it is all contained in my speech of July 13 last. You will find that 6 per cent interest from the time of the original purchase has been added to the original cost. Now, take that sum and subtract it from the amount which the condemnation commission allowed for that property, and there is a difference of about $595,000 against the Federal Treasury.

Now, gentlemen, let me call your attention to what I think is the situation that comes up here regarding this measure. The gentleman from Ohio [Mr. POST] has been taking a great interest in a former constituent of his; I am not sure of his name. Was it McDonald?

Mr. POST. McDowell.

Mr. JOHNSON of Kentucky. Yes. The gentleman has been taking a great interest in Mr. McDowell. The gentleman from Ohio [Mr. POST] offered a resolution seeking to have his former constituent and the other owners paid their money. So far as this related to the individual owners I have not heard a voice lifted against that proposition. We are in the attitude to-day—put there largely by the gentleman from Ohio [Mr. POST]—where he is not willing for his ex-constituent to secure the money awarded to him unless, at the same time, the way be opened for the Baltimore & Ohio Railroad to be paid about $600,000 more for its property than it had asked for it.

Mr. POST. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Ohio?

Mr. JOHNSON of Kentucky. I do.

Mr. POST. I certainly deny that assertion. But the difficulty with the gentleman's resolution is this——

Mr. JOHNSON of Kentucky. I prefer that the gentleman should not make a speech in my time.

Mr. POST. The gentleman has made an assertion which I absolutely deny.

Mr. JOHNSON of Kentucky. The conflicting resolutions speak for themselves.

Mr. POST. I wanted to propound a question to the gentleman. How do you propose to procure the property that is owned by the Baltimore & Ohio Railroad Co. under your resolution?

Mr. JOHNSON of Kentucky. I will answer the gentleman in one second. Not only is the gentleman from Ohio unwilling to take the money for his former constituent unless the way is opened for the Baltimore & Ohio Railroad to be paid $600,000 more for its property than it has asked, but the gentleman is also in the position of not being willing for his former constitutent to take his money unless it comes through the hands of Mr. Elliott Woods. He has stood here for weeks demanding that Mr. Elliott Woods, above all others, shall be upon this commission. Pray tell me why any man should demand that he should be upon this commission? He was the chief commissioner when this excessive award to the Baltimore & Ohio Railroad was made. He approved it, and the President disapproved it.

Now, if you demand that he continue upon this commission, have you not just as much right to demand that the former condemnation commission can come in and condemn again? [Applause.] You demand, Mr. POST, that Mr. Elliott Woods shall be upon this commission. You demand that the way be opened for the Baltimore & Ohio Railroad to be paid $600,000 more for its property than it asked for it. But you say you seek nothing beyond the payment of the award to your ex-constitutent and to the other individuals who happen to live in the zone.

Pass the resolution which I have introduced, and which has been reported favorably out of the committee, and which we are now considering, and then what do you do? You authorize the President of the United States to appoint a commission of three men, and it does not say, like the other resolution, that the former commissioner, Mr. Elliott Woods, shall be one of them.

Now, Mr. POST, "the gentleman from Ohio," I desire to answer your last question right here. The resolution which I introduced provides for the acquisition of this property by purchase, and the commissioners who make the purchase, representing the United States Government, can not pay more than the condemnation awards. There is fixed in my resolution that maximum limit as to the price to be paid to individual owners. They can not pay more than that. Then the gentleman from Ohio [Mr. POST] asks how we are going to acquire the property of the Baltimore & Ohio Railroad if they will not take the amount of the award. My resolution provides that the Baltimore & Ohio Railroad property shall not be acquired by this commission at an amount exceeding the original cost plus 6 per cent interest; and the commission to be appointed by the President has the right to ascertain these figures and compute the interest at 6 per cent, just as I have done.

The gentleman from Ohio [Mr. POST] says, "Suppose the Baltimore & Ohio Railroad does not take that price for it, then what are you going to do about it?" The President of the United States asked me the same question. My answer to him was this: "Mr. President, this is the first time in the history of our Nation when the President of the United States has risen up to smite as a wrong and as a fraud one of these condemnations made by these professional condemnation juries in the District of Columbia." [Applause.] I further said to him that in my judgment he should not acquire it at all, but leave it standing there as a lasting monument to his honesty and his courage in refusing to allow the Public Treasury to be robbed. [Applause.] I said to him, further, that every stranger who comes into the Union Station and alights from a train will see that unimproved place standing there and will ask why it is. The answer will be from everybody that the courageous and brave Woodrow Wilson stood in the way of the proposition and prevented the plunder of the Public Treasury, and that unimproved area is left there as a silent monument to his honesty and to his courage. [Applause.]

The resolution which I advocate has been assailed for these many weeks, principally by the gentleman from Ohio [Mr. POST] and the gentleman from Pennsylvania [Mr. LOUDE]. What is there in it that anybody should object to, unless he wants some particular commissioner named or unless he wants to put in the property of the Baltimore & Ohio Railroad at more than it is worth and more than that company has agreed to take for it? They object to my resolution, and during the time of their objection those people who ought to have their money are kept without it. They ought to have their money to-day, and this resolution of mine ought to pass to-day, and it ought to pass without a dissenting vote.

But there are things in my resolution that are opposed. Here is one:

*Provided, however,* That the purchase price to be paid hereunder for any of said real estate which was owned by either the Baltimore & Ohio Railroad Co. or the Real Estate & Improvement Co. of Baltimore City at the time when said action No. 1046 was instituted shall not exceed the bona fide, actual, original cost thereof to either of said companies, plus 6 per cent interest thereon from the date of purchase by either of said companies until the date upon which the court confirmed the awards made in the aforesaid district court action No. 1046.

Who, I ask, can object to that? It is but an acceptance of the proposition made by the Baltimore & Ohio Railroad. Yet we find objection to paying them exactly what they offered to take. We find objection to paying them the amount which Mr. Tawney stated they would take for it, and which statement I have no doubt induced Congress to pass this bill.

Another part of the proviso is:

No purchase herein provided for by said commission shall be deemed to be complete until such purchase shall have been approved by the President of the United States. When the President has so approved and the Attorney General of the United States has certified that all necessary deeds conveying to the United States the unencumbered, fee simple title to the real estate so purchased have been delivered, the President shall cause payment of the agreed purchase price to be made to the person or persons entitled thereto. All such payments shall be made out of the appropriations heretofore made for the acquisition of said real estate.

Each of the purchases made in pursuance of the provisions of this resolution shall be deemed to be a separate transaction from any other purchase made hereunder.

My proposition makes these awards separable. The President can accept any one or more of them, and he will again be at liberty to reject the extortionate demands made by the Baltimore & Ohio Railroad.

The proviso goes still further:

No person who has within the last five years served on any commission or on any jury in any proceeding to condemn real estate in the District of Columbia shall be eligible to be a member of the commission herein provided for; neither shall any ex-Member of Congress or any Member of Congress be a member of said commission.

Who should object to that? Yet there is objection to it. I have insisted for more than two months that that provision should go in the resolution. But the other resolution offered as a substitute for this does not contain that provision. In my speech—made, I believe, on the 13th of July—I stated, and I now repeat, that I developed under oath before the Committee on the District of Columbia, that out of about 141 condemnation juries in the District of Columbia during the last five years only about 152 men had made them up. Where else upon earth can that condition be found? It has been reported to me—I have not run it down—that one of the attorneys in the District of Columbia for the Baltimore & Ohio Railroad Co. sought the appointment of one of the principal men, one of the dominant men upon the condemnation commission. I feel quite sure that I can substantiate that if called upon, because I believe my information comes from a reliable source.

Another one of the provisions which my resolution contains is that "neither shall any ex-Member of Congress nor any Member of Congress be a member of said commission." That, too, has been opposed upon the floor of this House. Speeches have been made here in opposition to that clause. But do we not find it difficult now to keep Members here upon the floor of this Chamber? Why burden them with the duties of real estate experts or take them away from their duties upon the floor of this House? I say that no Member of Congress should be made a member of a commission to carry out the provisions of a bill which he himself helps to pass. Neither should a Member of Congress go upon a commission when his action as one of the members of that commission is apt to come back to the body of which he is a Member for approval or rejection.

My resolution further provides:

Each of the commissioners herein provided for shall, before entering upon the duties of the position, state under oath (or affirmation) that neither he nor any member of his family owns or has a lien upon any real estate or has any financial interest whatever in any real estate within the zone herein set out.

That is embodied in my resolution, but it is in no other that has been offered to you.

If a man owns real estate within that zone, or if a member of his family owns real estate in that zone, will some one please tell me why he should not be excluded from being a member of that commission?

My resolution further states—

And, further, that neither he nor any member of his family has, since the institution of the court proceedings hereinbefore referred to, owned any stock in or bond of any corporation which owns land in said zone; and, further, that neither he nor any member of his family is the creditor of anyone who owns land in said zone.

My resolution provides that that man shall not be upon the commission. No other resolution which has been offered to you contains that provision. Who of you is ready to say that that provision is not a good and wholesome one? Are you going to let that commission be made up of men who own property in that zone, or some member of whose family owns property in that zone? I hope not.

My resolution further provides—

And that neither he nor any member of his family is the creditor of anyone who owns land in said zone.

It is the custom in the District of Columbia to lend 80 or 90 per cent of its value upon real estate. The provision which I have in this resolution is objected to. Why should this provision be objected to? If any man or any member of his family has 80 or 90 per cent loaned upon the value of any property in that zone, should he not be excluded from that commission to purchase it? Yet the former resolutions which have been brought here, debated, and insisted upon have not contained that provision.

My resolution further provides—

And, further, that neither he nor any member of his family is an officer of or has any stock in or bond of any bank, trust company, or other corporation which is the creditor of any person who owns real estate within said zone.

This resolution, I say, contains that exclusion as to the personnel of the commission. No resolution which has been offered to you contains that. Do you tell me that the director or officer of a trust company which has large sums of money loaned on property in that zone should be on that commission in order to make sure the United States shall pay enough for that depreciating property in order to see that the institution of which he is an officer gets its money and interest? He could not represent both his financial institution and the Federal Government. He could not faithfully serve two masters in this matter; and when he is driven to make a choice he will take the one nearest to him, he will give the benefit of the doubt to his corporation.

Why need anybody object to this provision in this resolution? And yet objection is made to the extent that for months people who should have had their money have not received it. Objection comes to-day to still further keep the people out of their money until it shall be made possible for the Government to pay to the Baltimore & Ohio Railroad $595,000 more than it has said it would take for its property. Why keep these good people out? Why permit the Baltimore & Ohio Railroad to longer hide behind the skirts of these women who were sent to Congress and to the President to petition? If these awards had been separable, as they should have been, and as I ask that they shall be, then these individuals would get their money and the Baltimore & Ohio Railroad would either take the price that it has said it would take or it would be permitted to let its property stand there, as I have just said, a silent but lasting monument to the courage of Woodrow Wilson.

Mr. COX. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. COX. The gentleman touched on a point that I have never quite understood. Why were not the awards originally made separable; was it through any law that provided for the condemnation proceedings, or was it the fault of somebody else?

Mr. JOHNSON of Kentucky. Let me tell the gentleman something. Insistence is made here to-day that Mr. Elliott Woods be made one of the next commissioners. He, as a commissioner in the condemnation proceedings, had an attorney to represent the commission who—this attorney—after the awards were made, and after 30 days' time had been given in which any owner might file exceptions to his award, went into court 4 days before the expiration of the 30 days and, upon his motion, these awards were confirmed.

Mr. COX. Then was it the fault of the attorney or Mr. Woods?

Mr. JOHNSON of Kentucky. The attorney prepared the petition so that the awards could not be made separately—so that they would have to pay to the Baltimore & Ohio Railroad Co. its excessive $600,000 or pay nobody, or create the situation we now have before us.

Mr. COX. Will the gentleman yield for another question?

Mr. JOHNSON of Kentucky. Certainly.

Mr. COX. Under the law under which the condemnation proceedings were had, could there have been separate suits brought so that separate judgments and awards could have been made upon them?

Mr. JOHNSON of Kentucky. That was the only way in which it should have been done.

Mr. COX. Could it have been done under the law?

Mr. JOHNSON of Kentucky. Yes; and if the Federal Government had had a square deal, it would have been done.

Mr. BURNETT. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BURNETT. Upon that point I wish to say that I had a conference with the Attorney General in regard to that matter, and his opinion was that under the law there could not be separable awards rendered. He said that he should have advised the President not to accept it, because this was one compact proposition, and his judgment was that it should not be accepted unless all were accepted. That is, as I understand, the opinion of the President, that he could not pay these judgments in severalty.

Mr. JOHNSON of Kentucky. Notwithstanding that statement, and with all due deference to the place it comes from, let me state this fact: The law provided that not more than $500,000 worth of property should be acquired in any one year. Yet by the last proceeding about three and a quarter millions of dollars of alleged worth of property was condemned, when every man, woman, and child in the District of Columbia who cared to know knows that it was contrary to law.

Mr. LOGUE. Will the gentleman yield right there?

Mr. JOHNSON of Kentucky. Yes.

Mr. LOGUE. When the separate proceedings were instituted under the $500,000 appropriation, were they instituted as two particular appropriations or a particular tract?

Mr. JOHNSON of Kentucky. I have not investigated to see; but the Baltimore & Ohio Railroad has had its hand at the throat of the District of Columbia ever since 1828, and if there is anything they did not get from Congress it is due to the sim-

ple reason that they did not ask for it. If the Baltimore & Ohio Railroad asked that a condemnation proceeding should be against more than one owner at a time, then I say it was done.

Mr. COX. Will the gentleman again yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. COX. Did I understand the gentleman to say that there have been three separate condemnation suits?

Mr. JOHNSON of Kentucky. The present appropriation of nearly $3,000,000 makes four appropriations which have been made. There were three former appropriations of $500,000 each. The first appropriation of $500,000 was not used when it could have been used. It was allowed to remain unused until the second $500,000 appropriation had been made, and then they condemned the two squares immediately in front of the Senate Office Building.

Let me say here that I have no doubt that there are gentlemen here who believe that the houses which have already been torn down have not been paid for. That is a great mistake. Some of the papers in the District of Columbia have led people to believe that those torn-down houses have not been paid for. Every one of them has been paid for. They were paid for out of the first two $500,000 appropriations plus about $100,000 out of the third appropriation.

Mr. COX. I think the gentleman's statement is a complete answer to the statement made by the gentleman from Alabama [Mr. BURNETT] that it was intended that all proceedings be conducted at the same time.

Mr. JOHNSON of Kentucky. Mr. Chairman, every man who has ever seen within the covers of a law book knows if there is a right given, without express limitation to that effect, to condemn the property of A, B, C, and D, that A may be sued in one action, that B may be sued in another action, that C may be sued in another action, and that D may be sued in another action, and in a case of this kind they should be. Those awards could have been made in separate actions. Here the law plainly provided that not more than $500,000 worth of property should be condemned in any year. As I said before, the several owners were given 30 days' time within which to file exceptions to the awards, but before the 30 days had expired—4 days before the 30 days had expired—the attorney representing the United States Government stepped in and, upon his motion, the awards were affirmed, and I can tell you why.

Mr. COX. Let us hear it.

Mr. JOHNSON of Kentucky. At that time the Sixty-second Congress was expiring. Do not you remember, Mr. Cox—does not each of you who was in the Sixty-second Congress remember—that the appropriation bill which carried the nearly $3,000,000 provision contained a clause which said, in substance, that no part of any money appropriated by that act should be used against labor organizations or to interfere with farmers' combinations? President Taft vetoed that bill because that clause was in it; and if that clause had not been in it he would have approved it. The hurry up of the four days would have enabled President Taft to approve the awards before he went out of office. As I said, he vetoed the bill because of the clause to which I have just referred. The 4th day of March came and Mr. Taft went out and the Sixty-second Congress expired. Then this $3,000,000 appropriation was included in the appropriation bill which Mr. Taft had vetoed. Woodrow Wilson had become President. He signed the appropriation bill which Mr. Taft had vetoed, but he disapproved the awards, the payment of which had been provided for in the appropriation bill.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. STAFFORD. Does the gentleman mean to convey the idea that President Taft owned any of this property in these Plaza awards?

Mr. JOHNSON of Kentucky. Oh, no; I have not the slightest information that he did.

Mr. POST. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. POST. Can the gentleman give us the page in the RECORD in which he claims Mr. Tawney made the statement that the Baltimore & Ohio was satisfied to take the original cost of the property plus the interest?

Mr. JOHNSON of Kentucky. I will give the gentleman my copy of the CONGRESSIONAL RECORD here, and he can find it for himself. I do not want him to stop me in the middle of my remarks to hunt it up for him.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER. The gentleman made one statement that struck me as most extraordinary, and that is that the attorney for the condemnation commissioners himself went into court 4 days before the 30 days allowed for filing objections to the award——

Mr. JOHNSON of Kentucky. That is my statement.

Mr. COOPER. Four days before the 30 days had expired, and himself disregarded that limitation and asked for the approval of the award by the court.

Mr. JOHNSON of Kentucky. That is my unequivocal statement—no "if's" or "and's" about it.

Mr. COOPER. Will the gentleman tell what court that was?

Mr. JOHNSON of Kentucky. It was in a court presided over by Judge Gould, I think, but I am not sure.

Mr. COOPER. Judge Gould?

Mr. JOHNSON of Kentucky. Yes; I think so; but I repeat that I am not certain on this point.

Mr. COX. Who was that attorney?

Mr. JOHNSON of Kentucky. I have his name in my office, and I will get it and insert it in the RECORD.

Mr. COOPER. So that, if one of these people had felt that he had been unjustly dealt with in the matter of the award, and therefore desired to take advantage of the original order of the court, allowing 30 days within which to file objections, he would have been absolutely deprived of any such opportunity during the last 4 days?

Mr. JOHNSON of Kentucky. Yes. It is my opinion, however, and it is my unqualified opinion, that nobody has suffered by the awards which have been made.

Mr. COOPER. I know, but that sort of irregularity can not be condoned.

Mr. JOHNSON of Kentucky. That is a thing which should not be condoned.

Mr. COOPER. Exactly.

Mr. JOHNSON of Kentucky. And because I thought it should not be condoned I have spoken of it.

Mr. COX. Has the gentleman ever obtained any word from that attorney, directly or indirectly, as to why he pursued that destructive course?

Mr. JOHNSON of Kentucky. No.

Mr. COX. Does the gentleman know whether there is any connection between this attorney and the Baltimore & Ohio Railroad?

Mr. JOHNSON of Kentucky. I do not.

Mr. COX. Or between this attorney and Elliott Woods?

Mr. JOHNSON of Kentucky. I do not.

Mr. FERRIS. Is he still in the service?

Mr. JOHNSON of Kentucky. I understand he is not.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. SMITH of Minnesota. I understood the gentleman to say that gentlemen representing the Government prepared the decree and had it signed by the courts four days before——

Mr. JOHNSON of Kentucky. I did not say who prepared the decree. The awards were confirmed by the court 4 days before the expiration of the 30 days which had been given within which to file exceptions.

Mr. COOPER. By the same court?

Mr. JOHNSON of Kentucky. Yes.

Mr. SMITH of Minnesota. Is there any reason why that decree could not have been set aside?

Mr. JOHNSON of Kentucky. I am not prepared to answer.

Mr. LOGUE. Will the gentleman yield for a question for information?

Mr. JOHNSON of Kentucky. Yes.

Mr. LOGUE. Was the decree of court made under an agreement of counsel on both sides or ex parte?

Mr. JOHNSON of Kentucky. I have not the records before me, and at the time I was investigating the record I did not look to ascertain that point.

Mr. LOGUE. Does it not seem strange that any court would undertake to confirm a report before the expiration of the time for filing exceptions, unless counsel had agreed?

Mr. JOHNSON of Kentucky. So remarkably strange that I have commented upon it at length, and I will answer the gentleman a little bit further and I will say to him that, as my recollection serves me—I am speaking from recollection only—but if my recollection serves me correctly, there was no agreement.

Mr. LOGUE. It was such a startling thing I thought proper to ask the question.

Mr. JOHNSON of Kentucky. It struck me as a most startling thing when I came across it in the record.

Mr. LOGUE. Will the gentleman yield again?

Mr. JOHNSON of Kentucky. I do.

Mr. LOGUE. Can the gentleman refer me to the act of Congress under which these condemnation proceedings were had?

Mr. JOHNSON of Kentucky. The act of June 25, 1910.

This attorney, when he filed the petition, the first petition to acquire the two squares in front of the Senate Office Building, made an allegation in his petition that he had two appropriations of $500,000 each, and the effect of the allegation was that he was seeking to condemn within the provisions of the act of 1910, which required him to keep within $500,000 a year. Yet when he filed this petition to acquire, according to the awards, more than $3,000,000 worth of property he left that allegation out of the petition. Now, if he did not know better, why did he leave it out? If he entertained the opinion that there was law for acquiring three and a quarter million dollars of property in only one year, then he would have made an allegation in the second petition which showed the authority for the action. The petitions show for themselves upon this point.

Mr. FERRIS. At that point will the gentleman yield for an elementary question?

Mr. JOHNSON of Kentucky. Yes.

Mr. FERRIS. I almost hate to ask the gentleman about it; but I know very little about it, and some of the rest of us are in the same position, and we desire to have the information upon which we can properly vote. What is the exact method of drawing these condemnation juries here? In what manner was it started?

Mr. JOHNSON of Kentucky. There is an act back in 1890, when they sought to acquire a site for the Printing Office, and they set out in that act how it should be acquired. That provided that the court should appoint three men to make the awards. That worked so admirably for the property owners that many times the code of law for the District of Columbia, wherein condemnation proceedings were provided, was ignored entirely, and this old act, which proved such a smooth-running piece of machinery to get more than the property was worth, was invoked and it was made part of the act of June 25, 1910.

Mr. FERRIS. Did three commissioners make the awards for all of this property?

Mr. JOHNSON of Kentucky. Yes; three.

Mr. FERRIS. Appointed by the court?

Mr. JOHNSON of Kentucky. Yes.

Mr. FERRIS. And there is no restraint anywhere in the law that they shall be parties not of interest and not within the zone affected by the condemnation?

Mr. JOHNSON of Kentucky. I have not the statute before me now.

Mr. BURNETT. If the gentleman will permit, the commissioners, as I understand them, were the Speaker, the Vice President——

Mr. JOHNSON of Kentucky. The gentleman from Oklahoma [Mr. FERRIS] is speaking of the condemnation commission.

Mr. BURNETT. That is the jury.

Mr. JOHNSON of Kentucky. No; that is not the jury at all. The gentleman makes the same mistake in one of his resolutions.

Mr. FERRIS. The number of these commissioners is limited to three on this property?

Mr. JOHNSON of Kentucky. They are limited to three, while the code itself, which is on the table before the gentleman, provides that condemnation juries shall be not less than five.

Mr. COX. I desire to develop one more question that brings out another thought to me. I understand that all this land was condemned by a commission of three?

Mr. JOHNSON of Kentucky. Yes.

Mr. COX. The gentleman made a statement a moment ago, while he did not state it as a positive fact, but he believed it to be true, that this attorney——

Mr. JOHNSON of Kentucky. One of the attorneys of the Baltimore & Ohio Railroad——

Mr. COX (continuing). Sought to get one of the commissioners appointed.

Mr. JOHNSON of Kentucky. He had sought, as I have been told, through the business men of the town to have one particular gentleman of the three appointed.

Mr. COX. Who was that man he sought to have appointed?

Mr. JOHNSON of Kentucky. I prefer not to say until I have the consent of the one from whom I got the information. If I get his consent, I will put the name in the RECORD.

Mr. COX. All right.

Mr. JOHNSON of Kentucky. But, further than that, this same man, whose name I do not now wish to disclose without permission so to do, was but recently a candidate for marshal of the District of Columbia.

Mr. COX. He did not get it, did he?

Mr. JOHNSON of Kentucky. No. [Laughter.] And he did not know he was a candidate for marshal of the District of Columbia until one of the counsel for the Baltimore & Ohio Railroad told him so. [Laughter.] He sought indorsements, saying that it had been suggested to him to become a candidate for United States marshal for the District of Columbia by one of the attorneys for the Baltimore & Ohio Railroad. The marshal of the District of Columbia summons all the other condemnation juries.

Reference has been made here to the letter of Mr. George E. Hamilton, stating what they would take for their property in this zone. Let me tell you something about that. The Union Station is practically a gift to the Terminal Co., and the Terminal Co. is the property of the Baltimore & Ohio Railroad and the Pennsylvania Railroad——

The CHAIRMAN (Mr. BARKLEY). The time of the gentleman from Kentucky has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to conclude his remarks. The House ought to know about this, if it should know anything.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the gentleman from Kentucky [Mr. JOHNSON] be allowed to conclude his remarks. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Chairman, I do not think the gentleman wants such a liberal amount of time. Let him put some limit on it.

Mr. JOHNSON of Kentucky. Say, 10 minutes.

Mr. FERRIS. I ask unanimous consent, Mr. Chairman, that the gentleman from Kentucky may proceed for 30 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Kentucky may proceed for 30 minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. As I was saying, Mr. Chairman, the Union Station is practically a gift from the Federal Government to the two railroads. The Federal Government, in the way of giving land, streets, and money, has given, in round figures, $8,000,000 to that corporation. In 1901 or 1903—I forget now which it was—the Baltimore & Ohio Railroad came to Congress and asked, not to be permitted to sell these lands which are now in controversy to the Federal Government, so that the money gotten from the sale would go toward building the Union Station—they did not come here and offer to exchange that land for other land which the Federal Government gave them—but they came here and asked for a gift, pure and simple, of a million and a half dollars. Congress gave it in February, 1901 or 1903.

Just one year thereafter a subsidiary of the Pennsylvania Railroad came to Congress and asked that it, too, be given a million and a half dollars. Congress gave it. They did not come here and say to the Federal Government, "We are going to build a magnificent station down here; we have got old lands, depreciating in value, left upon our hands, and we ask you to take that land in exchange for stock in our company." They did not ask Congress to take $3,000,000 worth of stock in their corporation by paying money for it, but they asked it as a gift, and they got it.

They are back here now, as they have been accustomed to come since the good year 1828, for the purpose of asking and receiving this bountiful gift of $600,000, in round figures, at a time when the President of the United States is calling upon Congress to levy and collect a war tax from the already tax-ridden people of this country. Why give them $600,000 more for their property than they ask and in the same breath vote an additional tax upon the people of this country?

Yet the Baltimore & Ohio Railroad finds its defenders here. The Baltimore & Ohio Railroad has never been without its defenders here. As was recently said to me by a prominent Republican upon the floor of this House—and he is now present—"Away back yonder, down toward the Mall, the Government of the United States put at the disposal of the Baltimore & Ohio Railroad about 14½ acres of property, and gave them the free use of it until they did not want it any longer and until they came and got the $8,000,000 which the Federal Government has put into that Union Station." This same gentleman said to me—and I quoted him once before—"In the District of Columbia they have gotten everything they have ever asked for," and he was apprehensive that they would ask and get the Congressional Library as a roundhouse. [Laughter.]

Mr. CARY. Mr. Chairman, does the gentleman mean the Baltimore & Ohio Railroad or the Pennsylvania Railroad down there?

Mr. JOHNSON of Kentucky. As I recall, it was the Baltimore & Ohio Railroad.

Mr. SIMS. If it was the station down here on Pennsylvania Avenue at Sixth Street it was the Pennsylvania Railroad; but it makes no difference, so far as the merits of the case go. They had occupied that Government property time out of mind and had not even paid taxes on it.

Mr. JOHNSON of Kentucky. Now, you have the same proposition as to the Baltimore & Ohio Railroad over here right now.

XUM

The Baltimore & Ohio Railroad has the use and occupancy of some streets as a right of way, and to-day it is refusing to pay taxes on it, notwithstanding it has the exclusive use of them. That condition exists right now while I stand here.

Mr. Chairman, when interrupted and diverted from the thread of what I was saying, I was reading some provisions which I had in this resolution of mine as to what the commissioners appointed by the President should not be. You have already heard a number of them. Another of them is—

And, further, that he is not financially indebted to any person, firm, or corporation which owns real estate in said zone, or who has any loan to any person who owns real estate in said zone; and, further, that he is not indebted to or employed by any person, firm, or corporation which owns or has a lien on real estate in said zone.

Now, under this provision no man can be one of the commissioners if he be indebted to or employed by any person, firm, or corporation which owns or has a lien on real estate in said zone. In other words, he must be left free and untrammeled by anyone. The lender of money on property in that zone should not be able to say to one of these commissioners, "I am interested in property in that zone, and you owe me borrowed money. Unless this property is taken care of by you, then I will foreclose the mortgage which I have on your property."

I say that provision ought to be in this resolution; but no resolution except this has been offered heretofore which contained it. Why should anybody object to that clause being in it? Yet objection is made.

Another proviso in my resolution is as follows:

And, further, that neither he nor any member of his family has, since the institution of the court proceeding hereinbefore referred to, accepted or used any pass or other form of free transportation upon any railroad or subsidiary thereof which owns, directly or indirectly, any real estate within said zone.

Some people may argue that the giving of a railroad pass or free transportation would not corrupt a man who might be selected by Congress or by anybody else to be upon this commission. I do not know but that I agree fully with that. But there is another phase of which you can not, if you try, rid yourselves, and that is that passes in these days are not given out indiscriminately, and when they are given out they are given to officials and to particular friends. This provision should remain in this bill, because if the commissioner or the man who seeks to be a commissioner or the man who is suggested to be commissioner has for himself or his family accepted or used a railroad pass from any of these people, then he now must be either an employee of theirs or a particular friend of theirs, and if he be either he should not serve upon this commission.

Mr. POST. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. POST. Under this resolution how would you obtain any property the owners of which were under any disability, either insane persons or minors?

Mr. JOHNSON of Kentucky. My dear friend, you have on the table, within 8 feet of you, a copy of the Code of Laws for the District of Columbia, and in that Code of Laws, on page 129, I think, you will find the full and entire method of procedure for getting title from anyone who is under disability.

Mr. POST. How is the Government to take advantage of that method of procedure?

Mr. JOHNSON of Kentucky. I see what the gentleman is driving at. He is after the proposition that I in my resolution have provided for no condemnation. I have purposely provided for no condemnation. If the property of the Baltimore & Ohio Railroad is to be acquired at all, it should be acquired within the price they have made to Congress; and if they are not now willing to take that price, then that property ought to stand there forever, as I said a while ago, as a monument to remind every incomer to the District of Columbia that at last there was somebody here to stand between the Baltimore & Ohio Railroad and the Federal Treasury. Just a few days ago the gentleman from Illinois [Mr. MANN], in answer to some one upon the Democratic side, said, "Millions for defense, but not a penny for tribute." I will agree to spend money in payment for the property of these poorer classes in that section, but I stand for the proposition that we should not pay a cent in tribute to the Baltimore & Ohio Railroad.

Mr. POST. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. POST. As a business man do you think it would be good business for Congress to take part of this property and not take it all?

Mr. JOHNSON of Kentucky. Yes; a thousand times over, rather than be held up.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BUCHANAN of Illinois. Is there no law under which those who have committed this holdup can be prosecuted?

Mr. JOHNSON of Kentucky. Oh, I have not looked into that. I think not, because it is left to the opinions of men, and opinions have a wide range.

Now, Mr. Chairman, when I took the floor I contemplated addressing myself to the committee for not exceeding 15 minutes. Question after question has been asked until I have unwillingly continued the discussion of this subject for more than an hour. Notwithstanding that I spoke on this same subject on a former occasion and that I have now spoken for more than an hour, the whole story is not yet told. [Applause.]

Mr. LOGUE. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania is recognized for one hour.

Mr. LOGUE. Before addressing the House I would like to see if we can at this time reach an agreement as to the time for debate. What is the suggestion of the gentleman from Kentucky [Mr. JOHNSON]?

Mr. JOHNSON of Kentucky. I am anxious to hurry through two propositions—one that the humble people down there may get their money, and the other that the Baltimore & Ohio Railroad may not get this $600,000.

Mr. LOGUE. Suppose we say an hour and a half for our side and 15 minutes in conclusion for your side?

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve the remainder of my time. How much is it?

The CHAIRMAN. The balance of what the gentleman was given by unanimous consent.

Mr. JOHNSON of Kentucky. Yes; I was given 30 minutes in addition to my hour.

The CHAIRMAN. The gentleman used 15 minutes of the 30.

Mr. LOGUE. Mr. Chairman, I ask unanimous consent that general debate be limited to one hour and three quarters, 15 minutes thereof to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and one hour and a half to be controlled by myself on behalf of those in opposition to his resolution.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that general debate be limited to one hour and three quarters, 15 minutes to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and the remainder by himself. Is there objection?

Mr. SIMS. Mr. Chairman, reserving the right to object, I would like to inquire if this debate is to proceed this afternoon?

Mr. LOGUE. Partly.

Mr. SIMS. There will not be any vote on the merits of the bill this afternoon?

Mr. LOGUE. No.

Mr. SISSON. Mr. Chairman, can this be done in Committee of the Whole?

Mr. STAFFORD. Yes; by unanimous consent.

The CHAIRMAN. The Chair thinks it can be done by unanimous consent. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. COOPER. Mr. Chairman, I would like to ask the gentleman from Pennsylvania one question.

Mr. LOGUE. I will yield to the gentleman.

Mr. COOPER. Suppose the reduction of $595,000 is made to the railroad, on the basis of the original Baltimore & Ohio proposition that they would take the original cost plus 6 per cent, what would be the award now for the payment to the Baltimore & Ohio Railroad?

Mr. LOGUE. I will refer that to the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. The last appropriation made for this was two million eight hundred thousand and some odd dollars, with an unexpended balance of something like $400,000 from the third $500,000 appropriation. In other words, the unexpended appropriation was about three and one-quarter million dollars. If you subtract about $600,000 from that, you will have the amount that would be paid under the proposition contained in the bill.

Mr. COOPER. That is to all of the owners. What would be paid to the Baltimore & Ohio Railroad Co.?

Mr. JOHNSON of Kentucky. My recollection is that the awards made to the Baltimore & Ohio Railroad Co. and its holding company amounted to something over $1,700,000. I have not the figures before me, but, instead of getting $1,700,000, they would get something like $1,100,000 if my resolution should be adopted.

Mr. LOGUE. Mr. Chairman, acting and speaking for and on behalf of the Committee on Public Buildings and Grounds that has had under careful consideration the propositions of the Plaza award for some time, I purpose to address myself to the

condition that now confronts us without regard to any of the ills, errors, and mistakes of the past; and not seeking to approve in the slightest degree of any act taken for and on behalf of any corporation, but just meeting the condition that confronts us at this time.

None of the committee holds any brief for the Baltimore & Ohio Railroad or any corporation. They were first moved to action in this by reason of the complaint that emanated from a number of property owners that there was a cloud placed on their title that the Government, if not actually, had practically taken their property so that it was not good as a matter of conveyance and not good as a security for loans. Loans had become due, and demand was being made for the payment, and the title was so clouded that there was no opportunity for the renewal of the old loan or the placing of a new one.

We found the condition to be that the President of the United States, having before him the report of the jury—which out of habit I will style the jury of view, or a condemnation jury—and having by the acts of Congress the right to either approve or disapprove of the awards made, approved of some and disapproved of others. He disapproved of the Baltimore & Ohio award, and he approved of many of the individual awards. The legal question then arose, the proceedings being proceedings of an entirety and not separable, that therefore he could not approve a part and disapprove of a part, and the whole proceedings fell following his disapproval. The result, therefore, was that the people owning small property found themselves unable to receive payment from the Government.

We took two views of this matter, and one is that this is a great public improvement—what is commonly known as our plaza improvement—that seeks to make an improved approach to the Capitol and a vast improvement around this portion of the city of Washington. That is the undertaking. I sought information of the gentleman from Kentucky regarding that part of the act of Congress that provided for the condemnation proceedings. That is the first. Congress has in the past thought well to provide for the condemnation of the particular pieces of ground embraced in the report that is the subject of discussion. As was said, and I feel I am free to quote the statement, when the members of the Committee on Public Buildings and Grounds called on the President he said to us that whether the taking of the entire tract was a good thing or whether we would do it to-day was of no consequence; it had been ordered, and there was nothing else to do but to clean the matter up as best could be done, with justice to the individuals as well as to the Government.

Mr. Chairman, if we are building monuments we have the opportunity in this case, under the substitute offered by the Committee on Public Buildings and Grounds, to make just as fine a monument as that referred to by the gentleman from Kentucky [Mr. JOHNSON]. He suggests unimproved tracts of land to greet the visitor coming into the great Capital City as a reminder of the sterling worth of our President, who stood against corporate greed. No one can excel me in admiration for the man with whom this country has been blessed in having as the Executive of our great Nation at this time; but I will carry the picture that he has drawn further and say that it would unfortunately depict that, in the opinion of the Congress of the United States, there is no man or set of men honest enough in the city of Washington to be put on a jury of view to fix the value that is to be paid for property taken in condemnation proceedings.

I would not have the visitor entering our Capital City perhaps in future years have pointed out to him unimproved, neglected, waste tracts of land, and have it presented to him as a monument erected to the fact that the great Congress of the United States did not consider there were six men in the District of Columbia of simple worth and merit who were to be intrusted to pass on matters between the Government and others as to the value of things.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LOGUE. Certainly.

Mr. JOHNSON of Kentucky. Would the gentleman be willing to have inscribed upon the monument to which he has just referred the fact that out of about 140 condemnation juries in the District of Columbia in five years last past they were made up of only about 152 men?

Mr. LOGUE. I would have that monument bear the inscription that it was entitled to bear. It would speak for the act of to-day and not for those things that have passed away. It would speak for the administration of justice in the District of Columbia and the drawing of a jury by the United States marshal, who happens to be a Democrat, and will know how to perform his duty, and will give us six sterling, well-tried, honest men, who are not subject to the influence of any corporation.

Mr. JOHNSON of Kentucky. Will the gentleman yield further?

Mr. LOGUE. Yes.

Mr. JOHNSON of Kentucky. If the gentleman is willing to criticize the past and praise the future, wash his hands of the past and accept the future, why does he insist upon former Commissioner Elliott Woods still remaining on this commission?

Mr. LOGUE. Mr. Chairman, I know not the personality of any person in connection with this. The first suggestion made to the Public Buildings and Grounds Committee was the Speaker of the House, the Vice President of the United States, and a third party. Those gentlemen were too busy. The subsequent suggestion was the chairman of the Committee of Public Buildings and Grounds of the House, the Chairman of the Committee on Public Buildings and Grounds of the Senate, and a third party. Those men found themselves too much occupied. I am not considering the personality of any individual, because there is in the substitute offered by the Committee on Public Buildings and Grounds every safeguard to which the gentleman has paid a great tribute. You have the veto power of the President of the United States on the question of the purchase, and you have the veto power of the President of the United States on the question of any approval of any condemnation measure. Do not let us get away from the plain, simple thing that is before us. We have here a resolution coming from the Public Buildings and Grounds Committee that pays tribute to no interest, that does not seek to benefit any interest. This resolution seeks to clean up a thing that has been hanging for years, and provides, first, that the commission which will be appointed shall have the right to purchase from the people willing to sell—and at what price? At such price as to them shall seem proper, but not exceeding the award heretofore made by the jury of view. And, secondarily, but primarily, because it is of greatest importance, there is the check that you must have the approval of the President of the United States to any such proposition. We have thrown about that all of the safeguards imaginable. We have thrown about that every precaution that we could.

Mr. GORDON. Then why does the gentleman object to the additional precaution that these commissioners shall consist of disinterested men?

Mr. LOGUE. One minute; I will answer the gentleman's question. The question the gentleman puts to me is predicated upon the fact that the statements of the gentleman from Kentucky are to be accepted as stated conditions.

Mr. GORDON. Yes.

Mr. LOGUE. Let me just give the gentleman a little order of things. Let me advise the gentleman that the Committee on Public Buildings and Grounds were the ones to first act on this case and to bring in a report upon the Senate resolution which was referred to them providing for the proper selection of a jury of disinterested men, not related to any property owner, not a member of any corporation; and the statement of the gentleman from Kentucky that we oppose his resolution is met by the fact that the resolution that he is advocating to-day has only been presented to this House to-day, and that our resolution, with all safeguards around it, was presented more than two months ago and discussed more than two months ago, and that his statement is entirely voluntary in throwing upon us the responsibility and the odium of opposing safeguards.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. LOGUE. Yes, sir.

Mr. JOHNSON of Kentucky. Does not the gentleman know that the resolution I introduced was introduced on the 1st day of September and it has been on the calendar for nearly two weeks?

Mr. LOGUE. Yes, sir; I am aware of it.

Mr. JOHNSON of Kentucky. One more question, please. The gentleman has just made a statement relative to the limitations upon the commissioners placed in what I may call his resolution. May I not ask the gentleman if those limitations were not placed in there since I made a speech upon this floor on July 13?

Mr. LOGUE. I believe not.

Mr. JOHNSON of Kentucky. I would like for the gentleman to get the bill and answer.

Mr. LOGUE. I do not think there is any difference at all.

Mr. JOHNSON of Kentucky. I would rather the gentleman would get that proposition that was before us at that time and say yes or no to it.

Mr. LOGUE. I will look it up and answer the gentleman before I am through. We are not therefore to be put in a



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position of being obstructionists of something that has come in here because in the discussion in July there was no question at all with reference to the protection and safety to be thrown around the drawing of a jury. I believe it was a gentleman upon the other side [Mr. BARTON] who at that time stated we throw over to the United States marshal the question of a selection of a jury and that the people should not be interested directly or indirectly, gave to us all the safety that we should have. I am not one who is a believer in viewing everything that is big as being corrupt. I am not one who thinks human kind is corrupt and as being the subject of scrutiny if you shake hands with a president of a railroad company, or know a member of the family, or being connected with a board of directors many years ago when there was an offer made as to transportation. Why, I take it as being a broad proposition that men can be properly selected. The gentleman refers to the fact of the number of men who have served on juries in the District of Columbia. I can call attention to the custom in many other parts of the country. I can say that in the city of Philadelphia where we have proceedings day in and day out that the jurors appointed for the purpose of viewing and condemning property could be safely limited in a city of a million and a half population to about 60 or 70 people, so that our legislature in its wisdom thought well in the year 1911 to pass an act constituting a permanent jury of view and all the property in the great State of Pennsylvania that is to-day sought to be condemned for public use, whether by a corporation under the right of eminent domain or whether by the city in the opening of streets or the laying of sewers, and so forth, comes down to the same men.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. LOGUE. Yes, sir.

Mr. JOHNSON of Kentucky. I have before me the original resolution which the gentleman has been advocating, and on page 11 I find this language:

That after the return of the marshal and the filing of the proof of service of the notice provided for herein, the court shall cause a jury of six experienced, judicious, disinterested men, who shall be residents of and freeholders within the District of Columbia, not related to any person interested in the proceeding and not in the service or employment of the District of Columbia or of the United States, or otherwise interested in such proceedings, to be summoned by said marshal, to which jury, etc.

In a question put to him, I asked him if he would be willing, if a monument were erected upon the Plaza, to have inscribed thereon the statement that there had been during the last five years about 130 condemnation juries, made up of about 150 men; to which the gentleman gave a somewhat evasive answer. But I find in the language that I have just read that his provision provides that these jurymen shall be "experienced." Now, please tell me why you want "experienced" jurymen on this condemnation case of the Baltimore & Ohio Railroad?

Mr. LOGUE. Yes, sir; yes, sir. We want experienced men, because men of experience are the best able to handle conditions.

Mr. JOHNSON of Kentucky. No; what I read means "experienced jurymen."

Mr. LOGUE. Oh, no.

Mr. JOHNSON of Kentucky. Oh, I beg the gentleman's pardon; it clearly does.

Mr. LOGUE. If it does, it is clearly an error, and the gentleman's criticism is captious.

Mr. JOHNSON of Kentucky. It is a worthy parallel to other errors.

Mr. LOGUE. No; it is simply an incidental result of the fine-toothed-comb methods adopted by the gentleman from Kentucky, who has gone ahead and made various statements here regarding corruption, and when you pin him down to the facts you find he does not know them to be facts. If the term "experienced jurymen" is used there, of course it is a mistake. There is no such thing as an experienced juryman.

Mr. JOHNSON of Kentucky. You mean elsewhere than in the District of Columbia?

Mr. LOGUE. I do not care where it is. "Experienced jurymen" is a meaningless phrase, and the error there was clearly manifest, if that phrase is there. I have not looked at it, and I do not know what the exact wording is; but if the gentleman assures me that it is there, I will take his statement for it.

Mr. BURNETT. Mr. Chairman, if the gentleman will permit, the language used there is, "a jury of six experienced, judicious, disinterested men." The whole phrase is:

The court shall cause a jury of six experienced, judicious, disinterested men, who shall be residents of and freeholders within the District of Columbia, not related to any person interested in the proceeding and not in the service or employment of the District of Columbia or of the United States, or otherwise interested in such proceedings, to be summoned by said marshal, to which jury the court shall have administered an oath or affirmation that they are not interested in any manner in the lands or lots to be condemned and are not related to any of the parties interested, and that they will, without favor or partiality, and to the best of their judgment, ascertain the damages to which each owner of land to be taken is entitled at its true market value.

Mr. LOGUE. Yes.

Mr. JOHNSON of Kentucky. Experienced in what branch?

Mr. LOGUE. Experienced in common sense.

Mr. JOHNSON of Kentucky. May not a man have common sense and not be experienced as a juryman?

Mr. LOGUE. I claim that the greatest knowledge acquired in this world is that which has been acquired by experience, and the men who are acquainted with things and know the condition of things are the men who may perhaps live in the back streets and in the courts, and they can be experienced men, aye, more highly experienced than the man of wealth. The man who lives in the back street or in a court may have gone into the very buildings that have been torn down and depleted. He may have gone into the property that has been destroyed. He may be a mechanic who knows what it costs to put up buildings. He may have had the plans and specifications of these buildings submitted to him by the builder. That is the man of experience, and I am not confining it to any narrow line such as is intended to be brought about by the gentleman from Kentucky. You need experienced men, and you want men who, when statements are made to them to the effect that the cost of a particular building is so and so, have had some practical experience in connection with that matter which will lead them to know how outlandish the statements of witnesses may be; men who can bring their practical experience into play, and who do not have to blindly accept the statements of people under oath who are not acquainted with the subject.

I have found by my experience at the bar that the men who have the best experience are the men who mix with their fellowmen in everyday life, and in drawing jurors in a case I would rather have them on a jury than I would the subsidiary experience of men such as those to whom my friend from Kentucky wants to limit and circumscribe that application. So, thanking the gentleman from Alabama [Mr. BURNETT] for calling to the attention of the House the fact of the exact wording of that measure——

Mr. JOHNSON of Kentucky. I will ask the gentleman if I did not read it?

Mr. LOGUE. I do not know.

Mr. JOHNSON of Kentucky. You do not doubt it?

Mr. LOGUE. I have said publicly, and I would repeat publicly, that if the gentleman said any particular thing existed in a paper that he read I would not bother about looking at it afterwards. I would accept his statement. But I find, as well, that the gentleman from Alabama [Mr. BURNETT], when it comes to the descriptive character of the jurymen, has given us an illuminating effect and not the narrow condition that would have been given by the gentleman from Kentucky. So that, taking this up as the proposition, the committee provides for what? The committee provides for the purchase of properties where the price is considered satisfactory to the commission and where the President of the United States approves of that price. Can we have any greater safeguard than that? [Applause.]

I think up to that point the gentleman from Kentucky and our committee absolutely agree.

There can be nothing at all to be complained of on one side or the other regarding that proposition—that where people are willing to accept payment and make deeds to the United States, conveying a good and marketable title, clear of any encumbrance, and the price is satisfactory to the commissioners, and that price meets the approval of the President of the United States, then the purchase shall be made. What is the effect? The effect means the immediate payment to the people where the price is satisfactory all the way round.

Now, we both agree on that. Then we come to the point where we think differently. The gentleman from Kentucky [Mr. JOHNSON] stops there. There is no further provision made by him for this great improvement excepting by indirection, and that is that there shall be no purchase of any property owned by the Baltimore & Ohio Railroad—and, mark you, he then goes further—or the Baltimore & Ohio Railroad's holding company, or any property acquired from the Baltimore & Ohio Railroad or the Baltimore & Ohio Railroad's holding company, the effect of which would be, not to be technical, that the person who in good faith years ago bought property from the Baltimore & Ohio Railroad or its holding company would be able to have paid only in the amount which the Baltimore & Ohio Railroad or its holding company may have paid for the

property 10 or 15 or 20 years in advance of that sale. That is number one. But we will say that is trivial. I will take it under the broad proposition that every piece of land would be a piece of land either held by the Baltimore & Ohio Railroad or a holding company for the Baltimore & Ohio, and that there has been no such thing as a transfer over to any third party who would be so caught or affected.

But the gentleman from Kentucky then limits it and says that in dealing with this proposition you shall pay only the cost price plus 6 per cent interest, and bases that as an attempt on the part of this House arbitrarily to fix that which in due process of law can be ascertained and fixed. All claimants look alike to me. And if to-day you must insert the proposition that A's property and B's property can be bought for only such a sum, you are thereby stepping over the line when you are providing for an ascertainment of value by general proceedings. Were we dealing with the question of the condemnation of a single piece of ground and making an appropriation for that piece of ground, for the erection of a building, it might be very proper to limit the cost. But we have this condition and need an answer to the question: Suppose the Baltimore & Ohio or its holding company will not sell, then what will you do? Will you take the rest of the land, have a crazy-quilt condition over there on the Plaza, and then have a few guides or instructors to tell the visitor who comes in and looks around and says, "What means this condition of a great public improvement?" "Why, we are keeping those lots, with grass growing wild upon them and weeds all over them, as a monument to the act of a gentleman who refused to approve the report of a jury rendered some years ago." I do not believe we want that kind of monuments. The sterling worth of men will be better preserved than by evidences of neglect. Great public improvements will mark the progress and the honesty and the sincerity of men; but the monument that is sought here by the gentleman on the other side would be a disgrace to the administration of justice in the United States and would be a confession that we do not believe our citizenship is pure and clean enough to be trusted under oath with the consideration of the disputes of men, but that we have to gag the courts of justice in advance by putting a limit on the sum that a jury may award them for damages that have been done. We want no such monument as that erected in this great land of ours. [Applause on the Republican side.]

Therefore we come to consider the second phase of the proposition that we have to deal with; that is, the completion of a great public improvement. And how do we provide for it? We do not provide for it in this House in advance by virtue of a letter written by some person. I will grant him full plenipotentiary power to write letters and to bind the company in any way. We do not want laws suggested and disputes settled in any such way as that, done in advance.

Our committee does what? Our committee says that if the price is not agreed upon as no more than the award of a jury, and has not been approved by the President of the United States, there shall then be selected by the marshal of the Supreme Court of the District of Columbia six disinterested persons. On July 13 the gentleman from Kentucky [Mr. JOHNSON] pointed out that we did not do this and we did not do that, and since then we have added the statement, in a further resolution reported by the committee, after passing over the question of interest by family relationship, ownership, or anything else, that no juror shall be the agent, servant, officer, stockholder, or bondholder of any company interested in any of the plots of land that are to be taken; and that that jury shall sit and hear the evidence and determine the value and file its report subject to the exceptions and rejections that are incident to formal court proceedings of that character. But even after the overruling of objections and the approval by the court of the findings of the jury, no payment shall be made of any award unless the President of the United States still approves of it. What more can you have?

Mr. OGLESBY. Would it disturb the gentleman if I asked him a question?

Mr. LOGUE. Not at all.

Mr. OGLESBY. I see that this bill says that the sum paid shall not exceed the amount of the award made in the condemnation proceeding. Have these proceedings that were heretofore instituted been finally disposed of—that is, have they been discontinued?

Mr. LOGUE. There is an open question on that. I thank the gentleman for asking the question. The proceedings, as stated by the gentleman from Kentucky [Mr. JOHNSON], were approved, and therefore, as regards the court proceedings, they were a finality. But before the payment was to be made there was yet necessary the approval of the President of the United States. He approved in part and disapproved in part. The Attorney General then held that that partial approval and partial disapproval was a total disapproval, and therefore the awards had fallen, and he went into court and formally discontinued the proceedings on the record, from which the Baltimore & Ohio Railroad, I believe, or somebody, has appealed, saying that he had no right to discontinue them.

Mr. OGLESBY. In the formal order of discontinuance, was there any provision made for the payment of the expenses of the different property owners who had been forced into court against their will?

Mr. LOGUE. No. The entry of the discontinuance by the Attorney General of the United States was entirely an ex parte proceeding. He went in and marked the cases "discontinued," and from that an appeal to a higher court has been taken.

Mr. BURNETT. The appeal is only by the Baltimore & Ohio Railroad?

Mr. LOGUE. It is an appeal only by the Baltimore & Ohio Railroad.

Mr. PETERSON. Did the court approve of the act of the Attorney General?

Mr. LOGUE. It did not depend on the approval of the court. It was purely an ex parte proceeding. He went in as I would, as an attorney for a plaintiff, and marked "Discontinued," or "These proceedings are discontinued." Exceptions were taken to the discontinuance, and the question that will come up under that is decidedly a fine legal question which may lead to testing the validity of the proviso that brought the President of the United States, in his approval or disapproval, into a judicial proceeding.

Mr. HARDY. Will the gentleman yield?

Mr. LOGUE. Yes.

Mr. HARDY. Can not this whole matter as to the Baltimore & Ohio Railroad be settled by a joint resolution authorizing the payment of the claims which the President had approved and leave those that he disapproved for the future action of Congress?

Mr. LOGUE. We took up that proposition and we were met with the opinion of a high law official of the Government that it was doubtful whether there could be such a corrective resolution passed that would be effective, inasmuch as he would consider that it would come within the definition of an ex post facto law.

Mr. HARDY. A law passed authorizing the purchase from these parties whose claims have been approved by the President would be legal? It would be a voluntary conveyance.

Mr. LOGUE. We do that in this very resolution.

Mr. HARDY. But your trouble is whether we should pay the Baltimore & Ohio Railroad?

Mr. LOGUE. There is no question of trouble as to what we will do with the Baltimore & Ohio Railroad, but as the President has already disapproved of the Baltimore & Ohio Railroad award, it follows, naturally, that he would disapprove any attempt to pay the Baltimore & Ohio Railroad an excessive sum.

Mr. HARDY. Granting that, suppose that is thrown out, can not we pass a law specifying the awards to these poor people and leaving the rest for future settlement? Why should we tie these poor people up to the Baltimore & Ohio Railroad?

Mr. LOGUE. We do not tie up anybody; we clean up the entire thing.

Mr. HARDY. If Congress is willing to satisfy these poorer people, why not separate them and let the others go?

Mr. LOGUE. I suppose that our committee were to a great degree influenced in its conclusion by the plain, practical talk we had with the President. We spoke to him about the very thing, and told him that we would take it up as an entire proposition.

Mr. HARDY. I want to say to the gentleman that I would be mighty glad to take it up as a separate proposition and satisfy these poor people whose claims have been approved and relieve them from their situation.

Mr. OGLESBY. Will the gentleman from Pennsylvania yield for me to ask the gentleman from Texas a question?

Mr. LOGUE. Yes.

Mr. OGLESBY. I would like to ask the gentleman from Texas a question. I understood the gentleman from Kentucky to state that some of these parcels owned by the railroad were intermixed, as it were, with property owned by individuals, so that the title of a lot here and a lot there in the same block would be owned by the railroad and others between owned by individuals, so that if we only took the property of individuals and not that of the railroad we would have property that was practically of no use to us.

Mr. HARDY. I do not understand the situation at all.

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Mr. BURNETT. Mr. Chairman, I desire to state to the gentleman that the bill reported by the Committee on Public Buildings and Grounds does just what the gentleman from Texas [Mr. HARDY] suggests. It authorizes the President either by purchase or by condemnation to acquire any of these tracts that he may desire. The bill reported by our committee provides that in case there can be no agreed purchase made, then a commission can condemn. As a matter of fact, I understand that nearly all the smaller property holders are willing to accept the original award. In the bill we report we authorize the payment by purchase from all of these smaller property holders at a price not exceeding the amount of the award. Then if they will not agree to that, if any one of the smaller property holders is unwilling to accept the amount of the award, or if the President does not desire to settle with the Baltimore & Ohio, the commissioners can proceed with condemnation if they desire to do so.

Mr. JOHNSON of Kentucky. Will the gentleman yield to me for a moment there?

Mr. LOGUE. Certainly.

Mr. JOHNSON of Kentucky. If that were done and the Baltimore & Ohio Railroad denied the validity of the dismissal of the former condemnation matter, might not the Baltimore & Ohio Railroad have two condemnation awards at the same time, taking chances in the meanwhile that the last award would be greater than the first?

Mr. BURNETT. I imagine that that commission would never proceed to a second condemnation until the courts had finally decided the validity of the first.

Mr. JOHNSON of Kentucky. I do not see why the gentleman should draw on his imagination at all.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. LOGUE. Certainly.

Mr. GOULDEN. About what is the amount of the claims that the President has approved?

Mr. LOGUE. I could not state.

Mr. GOULDEN. Approximately.

Mr. BURNETT. My understanding is that the President perhaps has not disapproved any of the smaller claims. As to what is the aggregate amount, I do not know.

Mr. LOGUE. I think I can reach that.

Mr. JOHNSON of Kentucky. I will answer that the Baltimore & Ohio and its holding company have about 55 per cent of this money.

Mr. GOULDEN. Then 45 per cent rests with the smaller property owners?

Mr. JOHNSON of Kentucky. It applies to people other than the Baltimore & Ohio.

Mr. GOULDEN. That the President has approved of, and should be paid?

Mr. LOGUE. Yes. The award to the Baltimore & Ohio was a certain amount, and we could deduct that from the whole amount to find the remainder.

Mr. Chairman, how much time have I used?

The CHAIRMAN. Forty-one minutes.

Mr. STAFFORD. Mr. Chairman, I would like to inquire of the chairman of the committee what his purpose is in respect to rising?

Mr. JOHNSON of Kentucky. Mr. Chairman, my purpose is, when the gentleman from Pennsylvania has concluded, to move to rise.

Mr. LOGUE. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has used 41 minutes.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WINGO, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration bills affecting the District of Columbia; that it had directed him to report back the bill (H. R. 13219) to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia, with an amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass; and that it had also had under consideration House joint resolution 331, relating to the awards and payments thereon in what are commonly known as the Plaza cases, and had come to no resolution thereon.

The SPEAKER. The question is on agreeing to the amendment to the bill H. R. 13219.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

### LABOR.

Mr. FRANCIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of labor.

The SPEAKER. Is there objection?

There was no objection.

### RIVER AND HARBOR APPROPRIATIONS.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short report of a shipping disaster on the Atlantic coast yesterday, showing the necessity for the early passage of the river and harbor appropriation bill to open up the channels of this country to commerce and trade.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD by printing a short report on the subject of a marine disaster on the eastern coast of the United States which occurred yesterday. Is there objection? [After a pause.] The Chair hears none.

### ADJOURNMENT.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, September 15, 1914, at 12 o'clock noon.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 17570) granting a pension to Gustav J. Tichy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill H. R. 14880) granting a pension to Frank Bachmeyer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14881) granting a pension to John Gibbert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16388) granting a pension to Florence B. Eckert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLARK of Florida: A bill (H. R. 18780) to equalize transportation rates on vegetables, citrus fruits, and other fruits transported from one State to another State of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNING: A bill (H. R. 18781) authorizing the Secretary of War to make sales of horses to the various States for military purposes without expense to the Government; to the Committee on Military Affairs.

Also, a bill (H. R. 18782) appropriating $39,770 for the improvement of Raccoon Creek, N. J.; to the Committee on Rivers and Harbors.

By Mr. SPARKMAN: A bill (H. R. 18783) to increase the limit of cost of the United States post-office building and site at St. Petersburg, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: A bill (H. R. 18784) to amend section 2324 of the Revised Statutes of the United States relating to mining claims; to the Committee on Mines and Mining.

By Mr. BRYAN: A bill (H. R. 18785) to authorize the President of the United States to locate, construct, and operate a railroad from Marysvale, Utah, to the Kaibab National Forest, Ariz.; to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 18786) granting an increase of pension to Charles Hoff; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 18787) granting a pension to Elizabeth Emmell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18788) granting an increase of pension to Anna W. Hawk; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 18789) granting an increase of pension to Silas N. Whitted; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 18790) granting an increase of pension to William E. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18791) granting a pension to Harriet Trout; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 18792) granting a pension to Johanna McL. Budge; to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 18793) granting an increase of pension to Levi T. E. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18794) granting an increase of pension to Charles McCurdy; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 18795) granting a pension to Anne Kennedy; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 18796) for the relief of Catharine McCue; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 18797) granting an increase of pension to Lewis Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18798) granting an increase of pension to Virginia Smith; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 18799) for the relief of the heirs of David Ballenger; to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 18800) granting an increase of pension to Lucinious A. Layton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18801) granting an increase of pension to Charles G. Walker; to the Committee on Invalid Pensions.

Mr. THOMPSON of Oklahoma: A bill (H. R. 18802) granting a pension to Thomas W. Boggs; to the Committee on Pensions.

Also, a bill (H. R. 18803) granting a pension to Joshua D. Ditto; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18804) granting a pension to John L. Barr; to the Committee on Invalid Pensions.

By Mr. WICKERSHAM: A bill (H. R. 18805) granting an increase of pension to Harvey M. Wilson; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 18806) granting a pension to Emma E. Shellenbarger; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petition of Rev. J. H. Dickerson and others, of Towanda, Pa., favoring national constitutional prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of sundry citizens of Bedford County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BARCHFELD: Petition of the Cigar and Stogie Manufacturers' Association of the city of Pittsburgh, Pa., against any increase of revenue tax upon cigars; to the Committee on Ways and Means.

By Mr. CARY: Petition of P. K. Jensen, paymaster's clerk, United States Navy, relative to status of paymasters' clerks in the United States Navy; to the Committee on Naval Affairs.

Also, petition of John Graf Co., of Milwaukee, Wis., and the Wisconsin State Bottlers' Association, against additional tax on "soft" drinks; to the Committee on Ways and Means.

Also, petition of the Consolidated Sheet Metal Works and the Biersach & Niedermeyer Co., of Milwaukee, Wis., favoring amending House bill 14288 so as to place sheet-metal work on an equality with plumbing, heating, and electrical work; to the Committee on Public Buildings and Grounds.

By Mr. GOOD: Petition of sundry citizens of the fifth congressional district of Iowa, favoring House bill 5308 to tax mail-order houses; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petition of five citizens of Rhode Island, favoring national prohibition; to the Committee on Rules.

Also, petition of the Rumford Chemical Works, of Providence, R. I., relative to proposed tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. STAFFORD: Petition of various motion-picture employees of Milwaukee, Wis., protesting against any excise tax on theater tickets; to the Committee on Ways and Means.

By Mr. TREADWAY: Petition of the Central Labor Union of Boston, Mass., relative to strike situation in Colorado; to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union and the Equal Suffrage Leagues of Berkshire County, Mass., favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of Branch No. 237, National Association of Civil Service Employees, of Pittsfield, Mass., favoring the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. VOLLMER: Petition of Mrs. George Anderson and others, against Senate bill 5687 and House bill 16904, which would bring railroad tracks directly opposite Sibley Hospital and Rust Hall in Washington, D. C.; to the Committee on the District of Columbia.

## SENATE.

### TUESDAY, *September 15, 1914.*

*(Legislative day of Saturday, September 5, 1914.)*

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

### NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
*Washington, September 15, 1914.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. J. T. ROBINSON, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
*President pro tempore.*

Mr. ROBINSON thereupon took the chair as Presiding Officer, and said:

The Senate resumes consideration of the unfinished business.

### RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON. Mr. President, at the time of the discussion yesterday of the governmental ownership of railroads, when I was railroaded off the floor, I was trying to read some of the comments of various papers in the country that seem to have taken more of interest in the river and harbor bill than the Senate. I want to proceed with that rather leisurely, because I have a great deal to say on this subject. I am anxious that this debate should proceed in a friendly spirit and without acrimony.

Criticisms of this bill, I think, ought not to arouse the feelings of any of the gentlemen who are upon the committee. They say they invite criticism, but not a filibuster. If we can not criticize the bill, of course there is but little use in discussing it. If any criticism of the bill is considered to be a criticism of the committee, then, of course, we can not discuss the bill without criticism of the committee. If any discussion of the bill is a criticism of the Army engineers, then we are precluded from discussing the bill, if we are to offend the feelings of the Army officers by doing so.

I have no desire, Mr. President, to offend anybody in this discussion. It has proceeded in a very pleasant way. There have been many pleasantries exchanged. The Senator from Texas [Mr. SHEPPARD] gave a most delightful presentation of the cause of Trinity River, and I did not intend in the reference to Dr. Cook to cast any reflection upon the Senator from Texas. I was merely paraphrasing what seemed to me a very pat simile in this Chamber some years ago made by my predecessor, Senator Dolliver, in relation to the tariff bill. So I hope that in the reading of these extracts, although reference is made therein to the term "pork barrel," it will give no offense to any Senator. If it offends the Army engineers, I shall be sorry, but if they are so easily offended they will have to be offended.

The Senator from Louisiana [Mr. RANSDELL] stated, substantially, that the opposition of the newspapers was a railroad opposition, although conceding that the very project that bears his name, known as the Ransdell-Humphreys bill, has been given publicity through contributions by the railroads. I am going to read from a number of these railroad papers, as he terms them. I do not want to interrupt any of the conversation, Mr. President.

XUM

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. KENYON. I do.

Mr. REED. Mr. President, I desire to suggest the absence of a quorum.

Mr. KENYON. I hope the Senator will withdraw that request. The Senator knows that when a quorum is called the Senators come in and immediately go out, and it is of no avail.

Mr. REED. I am perfectly willing to withdraw it, if the Senator does not want to have me raise the point.

Mr. KENYON. We do not want to delay the consideration of this bill. I appreciate the kindness of the Senator from Missouri.

If it be true that all the papers and magazines opposing the river and harbor bill are doing it because of railroad influence, it indicates that the majority of the papers and magazines of this country are under that influence. It will amaze Pearson's Magazine, I know, to find out that they are influenced by the railroads in their opposition. It may amaze Harper's Weekly, Collier's, all the papers of New York City; nearly all, I think, of the papers of Chicago; some Baltimore papers; some Michigan papers; and, last of all, that great railroad magazine known as La Follette's. It will be the first time, I think, that it has been charged with being influenced by the railroads, and yet on the front page of La Follette's of September 12, over the signature of Senator LA FOLLETTE, there is a scathing arraignment of this bill. Senator LA FOLLETTE is not given to speaking carelessly. He is not subjected to any improper influences. He has fought a battle in this country that is an inspiration to any man in public life who is trying to fight for the right thing, and is worn out and sick after having almost given his life to the people of this country. Some day they are going to appreciate it more than they do now. I shall wind up these clippings with what he has to say about this vicious bill. If there be offensive things in these articles, I want to cut them out. I have tried to blue-pencil them. The Baltimore Sun of September 14 says:

[From the Sun, Monday, September 14, 1914.]

POSTPONING THE DISTRIBUTION OF LOOT.

The Democrats in the Senate now purpose to take about $18,000,000 of appropriations out of the river and harbor bill, pass it, and promise the constituencies whose pork has been withheld from them that in March of next year their doles from the National Treasury will be forthcoming.

Having accomplished this postponement of a wretched extravagance, these same Democrats will turn their hands to the enactment of a new tax law to replenish a depleted Treasury. They will direct attention to President Wilson's skillful advocacy of new imposts to protect themselves in the fall elections, and from their lips we may expect the most fervid appeals to our patriotism and devotion to sustain the administration in the difficult days through which the Nation is passing.

Citizens throughout the United States will be asked to return to the House of Representatives the partisans of an organization which, in 1912, denounced its opponents for extravagance and pledged itself to economy; which in 1914 threw to the winds its pretense that it desired to relieve the taxpayers of their burden; which found the Nation unexpectedly involved in a financial entanglement necessitating the levy of new taxes at a time when commerce and industry were severely shaken in their operations; and which, in the face of every material and ethical consideration, persisted in its extravagances, apologized for the moderation of its wastefulness, and bound itself to complete, in half a year, the job of looting only half accomplished when election day dawns.

It is the declared belief of many Democrats that had there been no European war their candidates for the House would have fared badly this fall, but that the turmoil across the ocean has diverted attention to a degree which renders their success certain. Is this opinion founded on a correct analysis of public sentiment? Or will the American electors refuse to be blinded to the actual situation to which their Congress has come to-day?

The Philadelphia Inquirer of September 14 seems to be somewhat excited about the Pennsylvania appropriations and has an editorial entitled "Save the Delaware appropriation."

In the interest of economy the Democrats of the Senate have agreed to cut down the rivers and harbors bill by some $18,000,000. This looks well on its face until the items are examined, when it appears that practically all this saving represents really necessary work which commerce requires, while the remaining $25,000,000 is almost exclusively "pork."

Of course this paper is not correct in that statement, because, as we have always said, the bill is full of good propositions as well as bad propositions, and the cuts the committee have made have been beneficial and have assisted in making it a better bill. Indeed, it could not help it.

Gooseneck Creek, in New Jersey, which is 6 feet deep at high tide and 6 inches of mud at low tide, is saved. Minnow streams in North Carolina go untouched.

That is not correct, as the committee, I think, has taken out one creek in North Carolina.

Texas rivers 100 miles from their mouth are to be dredged, but the Delaware River is to be sacrificed.

There seems to be a little uncertainty as to the reports which have come from the dark chamber of the Senate committee, but apparently the work on the Delaware is to be stopped entirely, although Congressman MOORE hopes that $1,000,000 can be saved for continuing present dredging.

Mr. BURTON. Mr. President, I must ask for order. It seems to me there is an unusual amount of conversation in the Chamber this morning and it is so audible that it makes it almost impossible for a Senator to be heard.

Mr. KENYON. I realize that in a large attendance there must, of course, be some disorder. I am trying to bear it with fortitude.

The PRESIDING OFFICER. The Chair will enforce the rule hereafter.

Mr. KENYON (reading)—

The Chesapeake & Delaware Canal appropriation is thrown overboard once more, and with it goes the chance for a deep channel from this city to Baltimore and the first important link in the inland waterways. If there is no appropriation, the whole work will stop, with serious consequences. Not only will many be thrown out of employment, but to suspend operations now will simply mean doing a lot of work over again.

I should like to ask the Senator from Louisiana [Mr. RANSDELL] if it is true that the provision for Delaware River was cut by the committee?

Mr. RANSDELL. The direct appropriation was cut out, coupled with a provision that the Engineer Corps should attempt to contract for the purchase of the canal.

Mr. KENYON. I am referring to the Delaware River, not the canal.

Mr. RANSDELL. I beg pardon; I was reading, and I did not catch the point.

The Delaware River appropriation was $1,000,000 in cash, and it authorized contracts to the extent of $1,000,000. The contract portion was eliminated under the advice of the engineer, who said that $1,000,000 would be all that could be expended prior to the 1st of next March.

Mr. KENYON. What was the appropriation in the bill as originally reported to the Senate for Delaware River?

Mr. RANSDELL. One million dollars in cash, and it authorized contracts for $1,000,000. The $1,000,000 in cash remains and the authorized contract provision is eliminated.

Mr. KENYON. The proposition of a canal the Senator started to speak of, was that eliminated?

Mr. RANSDELL. In part. The direct appropriation of $2,250,000 was eliminated, with the proviso that the Engineer Corps should contract for the purchase of the Chesapeake & Delaware Canal, and failing to make a satisfactory contract for its purchase, that condemnation proceedings should be conducted; and provision was made for the carrying on of condemnation proceedings. Both the contract for purchase, in event of a satisfactory purchase, and the award in the condemnation proceedings, in case that be necessary, will be submitted to Congress for its ratification and an appropriation.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I do.

Mr. BURTON. It seems to me the provision contained here on pages 15 and 16 of the substitute for section 1 is a committal to this project. It is first stated on page 15:

Improving inland waterway from Delaware River to Chesapeake Bay, Del. and Md., in accordance with the project recommended by the Chief of Engineers in paragraph 3 of his report, dated August 9, 1913, as published in House Document No. 196, Sixty-third Congress, first session.

That means something. The bill contains a provision for improving that inland waterway.

Mr. RANSDELL. But no appropriation is made.

Mr. BURTON. Well, now, let us see what follows:

The Secretary of War is hereby authorized to enter into negotiations for the purchase of the existing Chesapeake & Delaware Canal, and all the property, rights of property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto, and he is further authorized, if in his judgment the price is reasonable and satisfactory, to make a contract for the purchase of the same subject to future ratification and appropriation by the Congress.

The words "subject to future ratification and appropriation by the Congress" would seem to carry a certain amount of weight, and everyone knows if that kind of a contract, a solemn contract by a Cabinet officer, the Secretary of War, is entered into, Congress would be under not merely an implied obligation but under an actual obligation to ratify his action.

Mr. KENYON. Does not the Senator from Ohio observe the language which follows, "In the event of the inability"——

Mr. BURTON. I am going to read that.

Mr. KENYON. Condemnation proceedings are provided for.

Mr. BURTON. So that making it subject to the future action of Congress, when you start out with a provision for improving that waterway will be no check upon the expenditure

that would be made necessary by the contract. Still later there follows this language:

In the event of the inability of the Secretary of War to make a satisfactory contract for the voluntary purchase of said canal and its appurtenances, he is hereby authorized and directed—

Authorized and directed—

through the Attorney General to institute and carry to completion—

"And carry to completion"—note those words—

proceedings for the condemnation of said canal and its appurtenances, the acceptance of the award in said proceedings to be subject to the future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to, the District Court of the United States for the District of Delaware substantially as provided in "An act to authorize condemnation of land for sites for public buildings and for other purposes," approved August 1, 1888, and the sum of $5,000 is hereby appropriated to pay the necessary costs thereof and expenses in connection therewith.

Suppose the Secretary of War does not make a satisfactory contract, he then proceeds with action marked by decisiveness and solemnity in the form of condemnation proceedings. What would be the position of the United States Government if it haled this canal company into the courts in a lawsuit, and in that lawsuit there was a valuation placed upon the property? Why, indeed, Mr. President, in condemnation proceedings, in order to obtain jurisdiction, it is necessary to make the statement that the property is needed, and that the condemnor, the Government of the United States, is unable to agree with the parties. You must make those asseverations; and then the case proceeds to a valuation. It would be a violation of its obligations to its citizens if the Government of the United States should institute and, in the language of the proposed statute, "carry to completion" proceedings for condemnation if the Congress should not complete the work.

Another thing. I am not positive as to the statutes of the State of Delaware, but the statutes of most of the States contain a provision that if condemnation proceedings are instituted, and the condemnor fails to take the property at the valuation fixed, the expenses, the legal fees, of the owner of the land in the condemnation suit must be paid by the one instituting the condemnation proceedings. In a case like this, the expense would be not less than 5 per cent of two million and a half dollars, or $125,000. Even if you proceed on the theory that it is not binding, a large amount of costs would be thrown upon the Government. Whether or not there is such a statute as that in Delaware, it would be utterly unjust to compel the owners of the property to come into court, meet a proceeding that looks to the acquisition of the property, and not pay them their expenses.

Just see what a farce this provision is! Here is an improvement which, according to the estimate of the engineers, would cost $8,000,000, and the paltry sum of $5,000 is hereby appropriated. Mr. President, that is typical of very much of our river and harbor legislation in the past few years. A project so extensive and so costly as to be an important factor in requiring additional revenue legislation is undertaken by the United States Government; by solemn legislation the Government commits itself to it; and yet it is proposed to appropriate but a trivial fraction of the whole amount.

What is the businesslike policy? If we are going to take that canal, let us face the question courageously; let us provide the whole amount of $8,000,000 right here and now, instead of providing $5,000. I have again and again spoken to the Senate in regard to the objections to this plan of appropriating a small fraction, and this item here emphasizes the viciousness of the proposed appropriation as clearly and as emphatically as any item that has been brought before Congress.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I yield to the Senator from Utah.

Mr. SMOOT. I merely desire to ask the Senator from Ohio if there is anything in the present appropriation of $5,000 which indicates what additional amount will be required to complete the project?

Mr. BURTON. No; there is nothing in this bill, so far as the paragraphs contained in it are concerned, which gives the least intimation as to what the ultimate cost will be. You can go outside, to executive documents, and there learn that it contemplates an expenditure of $8,000,000 for a channel of 12 feet depth. Everyone knows that no one will be satisfied with the depth of 12 feet there; that will be but a beginning for a deeper and much more expensive channel.

Mr. KENYON. And this is one of the——

Mr. BURTON. Now, if the Senator from Iowa will excuse me a moment, I do not myself believe that a connecting link at that point between the Delaware and Chesapeake Bay, with their deep channels, with a channel of only 12 feet would be of any especial benefit. It would be seeking to perpetuate shallow-draft navigation between Baltimore and Philadelphia in a place where for the whole distance, except the length of this canal, there is a possibility of deep-draft navigation.

Mr. KENYON. It would eventually mean a 25-foot channel, would it not?

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Dose the Senator from Iowa yield to the Senator from Louisiana?

Mr. KENYON. I do.

Mr. RANSDELL. I should like to say just a few words, Mr. President, about this proposition. The Senator from Ohio [Mr. BURTON] seems inclined to criticize it very severely. I will say that, as I understand this provision, it does not commit Congress absolutely to the project; but I, for one, would like to see it so committed. I believe it is a good project. It certainly comes to us very highly recommended. It was recommended by the Agnus Commission, which was appointed several years ago and made an elaborate examination. That commission thought there should be a 25-foot depth between the Delaware and Chesapeake Bays; that the colossal commerce between those two bays warranted a greater depth than 12 feet, and strongly urged upon Congress the purchase of this private canal, which they said was worth $2,514,000.

Later, an engineering commission was created which, after a most elaborate examination, reported in favor of a 12-foot depth, and suggested that Congress could well afford to pay $2,514,000 for the purchase of the Chesapeake and Delaware Canal. This engineering commission thought that a 12-foot waterway would be highly satisfactory. We are now constructing an inland waterway with a depth of 12 feet along the coasts of Virginia and North Carolina which will probably be extended farther down the coast, and many vessels from that region would doubtless pass up to the Chesapeake Bay and through the Chesapeake and Delaware Canal on to Philadelphia. There is certainly a large commerce that would not need any more than 12 feet. It is known also that a 12-foot depth would be very satisfactory to a large portion of the commerce of this country.

The State of New York is building a 12-foot canal now from Troy on the Hudson to Buffalo, at a very great cost. It proposes to expend something like $137,000,000 for the canal across the State of New York and the connecting canals to Lake Ontario and Lake Champlain—an enormous sum for a 12-foot waterway. Beyond question, a waterway of 12 feet from the Chesapeake to the Delaware would be very valuable.

A 12-foot Chesapeake and Delaware Canal would save 318 miles of distance between Baltimore and Philadelphia, and while a waterway of that kind would be good, I do not consider that the provision in the pending bill commits the Government to the project absolutely. It says, after authorizing the Secretary of War to make a contract, that that contract is to be made "subject to future ratification and appropriation by the Congress." If that means anything at all, it means that if Congress hereafter shall find that the contract is not a proper one or that the project itself is not a proper one, it can refuse to ratify that contract. The bill then provides for condemnation in the same way, "subject to the future ratification and appropriation by Congress." Those words surely mean something. If they mean anything at all, they mean that we have the right in the future to approve or disapprove the action taken by the Secretary of War in regard to that proposition.

Mr. BURTON. Mr. President, will the Senator from Louisiana yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I will yield, but I do not care to lose the floor again.

Mr. BURTON. If it is desirable to ascertain the amount for which this waterway or the rights of the existing company in the waterway can be acquired, is there not an exceedingly simple way to do it, namely, for the Secretary of War to enter into negotiations with the company and find out for what it can be acquired? If the provision is incorporated in the bill merely in order to enable Congress to decide whether or not it wants the canal, why is it necessary to provide for the making of a contract and, what is far more to the point, to provide for condemnation proceedings? Under this provision, if the Secretary of War and the company owning the canal can not agree as to the price, he is distinctly requested and directed to institute condemnation proceedings. What does that mean? There is only one meaning; it is a committal to the project.

Mr. RANSDELL. Mr. President, I will ask the Senator from Delaware [Mr. SAULSBURY], who is much more familiar with

the reasons for the provision in regard to condemnation proceedings than myself, to answer that part of the question; but before yielding to him I wish to say that we have a well-established precedent for our proposed action in this matter in the case of the Chesapeake & Albemarle Canal. In the act of 1910 provision was made in almost exactly the same words as the provision now being discussed, authorizing the Secretary of War to contract for the purchase of that canal, subject to the future ratification and appropriation by Congress.

Mr. KENYON. And Congress appropriated for the canal.

Mr. RANSDELL. Congress made the appropriation.

Mr. KENYON. Just as it would in this case, of course.

Mr. RANSDELL. I will say to the Senator, in all sincerity, that I hope we will make a future appropriation for the Chesapeake & Delaware Canal, which I have studied as carefully as I have ever studied anything; and I believe it is one of the very best projects in this bill.

Mr. KENYON. Then why not settle the matter now?

Mr. RANSDELL. I will ask the Senator from Delaware to reply to that portion of the remarks of the Senator from Ohio relative to the condemnation proceedings.

Mr. BURTON. Mr. President, if the Senator from Iowa will yield to me just a moment, I want to give credit to the Senator from Louisiana for being a great deal more frank than this proposition in the bill is.

Mr. RANSDELL. I do not understand that I am any more frank. I helped frame that provision.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. KENYON. I do.

Mr. SAULSBURY. Mr. President, it does not seem to me that there is any question of frankness about this proposition. Having agreed to this provision as drawn, I can assume my share of the responsibility for it, in lieu of the provision contained in the bill as originally reported and in lieu of the provision of the House bill, which made an appropriation of $1,300,000 for the purchase of this canal. Notwithstanding the continued and strong assurances we have had of the overwhelming knowledge of the Senator from Ohio regarding all the waterways of this country and the rest of the world, I must say that in referring—I did not happen to be in the Chamber at the time his remarks were made—to the traffic upon the Delaware and Chesapeake Canal, and I presume with regard to many of the other characteristics of the enterprise, he was somewhere near 60 per cent right and from 30 to 40 per cent wrong. I recall—although I have not his speech made some two weeks ago before me, not anticipating that this matter would come up this morning, but I have read it in the RECORD—that he stated, I think, that the traffic on that canal as it now exists was about 600,000 tons a year. As a matter of fact, it is between 900,000 and a million tons a year. It has been increasing for some time, and the longer the Government postpones taking over this canal, in my judgment, the greater price it will pay for it, because the traffic has been continually increasing for the last 10 years, although between the eighties and up to about 10 years ago it had decreased.

I want to say that notwithstanding a number of muck-raking articles in various magazines—and I was rather hoping that the Senator from Iowa would read one to which I intended to refer when we came to that matter in order to show how absolutely unreliable these articles are—notwithstanding these articles and the statement of the Senator from Iowa that this property was worth 49 cents on the dollar on its bonds, or somewhere about $1,300,000, the company which owns the canal made net last year $118,000, which it distributed partially to its bondholders at 4 per cent on their bonds. All these facts are just as open to the Senator from Ohio and to the magazine writers and to the newspaper writers who have attempted to deal with this subject as they are to me or to anyone else or to the Committee on Commerce.

Here is a great public work, in my judgment, and I want to say that the people of my State have very little interest in this canal. It goes through the State, but so far as I know there are no holders of the securities of this canal company in my State. If there are, I have not been informed of it. There is, however, a great commerce on the Chesapeake Bay and the Delaware Bay, amounting to 50,000,000 tons of registered tonnage, and it is estimated that the unregistered tonnage added to this 50,000,000 tons would bring it pretty nearly to 100,000,000 tons, which can be exchanged through this canal if the canal is properly opened and operated.

To my mind this is one of the most important matters for this Government to consider. It is being demonstrated every day by what has happened in Europe that we can do no better in this country than to provide the means for the concentration of our ships of war and our fleets at any point on the coast which might be attacked in case we were so unfortunate as to get into war. The result of this completed project, if it is completed, as I hope it will be, to a deep enough channel through the 14 miles intervening between these two great bays, would be to concentrate all the vessels of our war fleet which might be in both these great bays at any point we desired with absolutely no knowledge on the part of any enemy which might attack us, thereby protecting hundreds of miles of coast.

Mr. BURTON. Mr. President——

Mr. KENYON. You could not do that with a 12-foot channel.

Mr. BURTON. I was about to ask how many of our warships could go through a 12-foot channel?

Mr. SAULSBURY. It is manifest that they could not do that. I refer, as I say, to the completed project when it comes. If the Senator will bear with me for a few minutes, I think I shall be able to answer the suggestions he makes.

That is the sort of channel which is recommended for military and naval purposes. I want to say to the learned Senators who have taken so much interest in opposing this project that if this provision shall be adopted in this bill I propose to ask that a resolution be passed by the Senate requesting the opinions of the chiefs of staff and the naval and military boards as to the military, naval, and strategic value of this canal. I propose to ask those men in the Navy Department, those men who have been in the naval service and are now in the naval service, what in their opinion will be the value of this canal to the Government of the United States in comparison with that great canal which is now practically the means by which Germany is protecting its fleet, by which it is keeping the whole English fleet distracted as to where that fleet will appear—the Kiel Canal.

I believe that a canal of this character between these two great bays, if it proves its value—as I think it will—will be supplemented by another canal between deep water on the Delaware and deep water in New York Bay. In such an event as that the whole American fleet, for the defense of our eastern seaboard, could be assembled and concentrated practically at any point from Narragansett Bay to the Virginia Capes without any enemy knowing where the fleet was or where any ship was.

I believe provisions of this kind are very greatly needed, and I think their cost is comparatively little. I think opposition to a provision of this kind, which I am going to try to explain now, is most unfortunate. I think that if a provision of this kind is not passed, with the additional information which can be obtained from all the heads of the strategic boards and our chiefs of staff, and what not, it may mean a very great misfortune to this country.

Now, regarding this provision, the statute read into this bill by reference regarding the condemnation provisions is practically one which applies the local condemnation laws to the acquisition of property needed by the Government. I may say to the Senator from Ohio that our custom regarding condemnations is this, and this is our law, speaking in a general way: We have a great many special acts regarding condemnations; but the general law of the State of Delaware regarding condemnations, for example, for railroad purposes and similar purposes, is that the condemnor or the petitioner for condemnation makes this application to the court for the appointment of a commission of five to go upon the premises and estimate the fair value of the land or property sought to be taken. That is done, and an estimate made to the court by those five commissioners, who, of course, are sworn, and all the formalities complied with. That may be accepted or may not be accepted by the persons petitioning for condemnation, the company desiring it, or the public, in such a case as this. If they are dissatisfied with the amount awarded by these five commissioners, they then ask for what we term a sheriff's jury, 12 men summoned by the sheriff in his bailiwick—in this case it would be the marshal in his district—and those 12 men determine the value of the property; but the petitioner does not take the property if he is unwilling to pay the price of it. His power of condemnation simply fails. It is exhausted by its exercise.

Mr. KENYON. I should like to ask the Senator who pays the cost of the proceedings?

Mr. SAULSBURY. That was one of the most absurd and ridiculous suggestions I have ever heard, if I am not using——

Mr. BURTON. In that connection I may say that whether it is absurd and ridiculous or not, it is a very general provision in the laws of the States pertaining to the condemnation of property. I should like to ask the Senator from Delaware whether he believes that the owner of property ought to be haled into court, carried through expensive litigation, in which

he must engage lawyers, and then the condemnor may trifle with him by dropping it and not paying him a dollar for his expenses or his attorneys' fees? Is that such a course as a beneficent Government ought to pursue toward its citizens? Is it just or fair, when such a burden is imposed upon a citizen of the State of Delaware or of any State, to say that the Government may play fast and loose with him after a price has been fixed, drop the proceedings, fail to take the property, and not pay him a nickel for his expenses?

Mr. SAULSBURY. The adjectives used in connection with the remarks of the Senator from Ohio, I think, are characteristic of most of the remarks made in connection with a number of these propositions, and particularly with respect to this proposition. I do not consider it trifling to have men disagree in regard to the price which they will pay, or at which they will sell property. I do not consider it trifling or such a great hardship, upon their being unable to agree—as I shall show they will be unable to agree in this particular case—that there should be 5 men or 12 men subsequently asked to fix a price. Men have to pay their lawyers many, many times in defending cases when they come into court. This is the usual, ordinary, and while not every day, every week, or every month proceeding which we have in our State.

Mr. KENYON. Is there not an attorney's fee provided, under the Senator's statute, for the owner of the land?

Mr. SAULSBURY. There is not; no. The owner of the land defends his title at his own expense.

Mr. KENYON. Who pays the jury, and who pays the sheriff?

Mr. SAULSBURY. The cost of the jury is $2 a day per man and 6 cents mileage. The court costs probably would be somewhere about $25 or $50.

Mr. KENYON. Are those taxed to either of the parties?

Mr. SAULSBURY. They are taxed to and paid by the petitioner for condemnation.

Mr. KENYON. If the petitioner for condemnation does not accept the ward, and lets the matter go, he has to pay the costs?

Mr. SAULSBURY. He has to pay the costs.

Mr. KENYON. That would be the Government?

Mr. SAULSBURY. That would be the Government paying the costs.

Mr. KENYON. So that the Government would have to pay the costs?

Mr. SAULSBURY. I want to say that in this particular case I urged the Committee on Commerce to put a sum of not less than $10,000 in the bill for the cost of this condemnation proceeding.

Mr. KENYON. Five thousand dollars would not be sufficient?

Mr. SAULSBURY. My impression is that $5,000 would be sufficient; that is my impression. But I have thought that there should be a substantial sum appropriated by this bill for these proceedings; and I am perfectly willing, if the Senator from Ohio sees fit, in carrying out his object of having absolute justice for the owners of this canal, that he may provide that their attorneys' fees shall be paid.

Mr. KENYON. That they shall be paid by the Government?

Mr. SAULSBURY. By the Government. I think it would not be unfair in that case, although it is the rarest thing in the world under our practice to provide that a defendant shall do so.

Mr. KENYON. Probably there will be no difficulty in having that provision in a bill of this kind if the project should be carried through.

Mr. SAULSBURY. None whatever. I have not asked for it, however. The price obtained for the canal by the owners of the canal would doubtless enable them to pay their attorneys' fees in such a case as that.

I think I have shown that we are simply following the usual course here. Now, I desire to suggest that there could be no fairer or better way of advising the Congress as to the exact price it would have to pay for this canal than the one here determined upon. In the first place, the Secretary of War is authorized to negotiate for a conditional contract, subject to ratification by the Congress hereafter. If he fails—and he will fail in that—then he may ascertain the price at which this canal may be obtained by reference to commissioners in condemnation or to a jury to assess the damages.

I will try to show now why negotiations will necessarily fail in this case. I hesitate to take up the time of the Senate in rehearsing what I stated in a speech on this subject which I made as long ago as last May.

Mr. KENYON. I am very glad to have the Senator go ahead. I was going to say that undoubtedly in the further progress of what I have to say we would reach this item, and I had expected to take it up and offer a few suggestions about it. It is just as the Senator pleases, however. We can go ahead with the more extended discussion now if he desires.

Mr. SAULSBURY. If I may, I will not extend my remarks further than to describe why these negotiations will necessarily fail, and that possibly will be of interest hereafter.

This canal was built in 1829, and it is described in the various public reports, beginning in 1872, made to the Government regarding the advisability of obtaining this canal for the Government as being worth at replacement value something like $3,700,000 or $3,000,000. The Government reports from along in the seventies until now have practically advised the purchase of this canal at $2,500,000. I think the canal can be had by the Government at less cost than that. I believe it can be purchased or condemned for the price fixed in this bill originally, $2,250,000; and, of course, I want to save the Government every cent possible in connection with any purchase or condemnation. The canal works and property are bonded to the extent of two million six hundred and odd thousand dollars. Every bondholder of the canal—and they are now receiving 4 per cent on the money invested—demands, as stated to a committee of investigation, composed of the Senator from California [Mr. WORKS], the Senator from South Dakota [Mr. STERLING], and myself, 100 cents on the dollar for his bonds.

The State of Pennsylvania, through its insurance department, permits its insurance companies to hold those bonds, I think, at 64 cents on the dollar, showing that through the best investigation that can be made in the State of Pennsylvania—which uses this canal, through the city of Philadelphia, more than any other State in the country—this canal is worth, we will say, $1,800,000.

No contract for the purchase of this canal can be made which does not allow something for the stockholders as well as the bondholders; and if anything is allowed the stockholders, you will have to pay the bonds in full; so that, in addition to the two million six hundred thousand and odd dollars of bonds you will have to give the stockholders something, or they simply will not make the agreement, because they would lose nothing if they did not make the agreement. In such an event as that you must have some estimate as to the physical value of the canal and the actual value of it to this Government; and for that reason this provision in regard to condemnation, which will advise Congress as to the last cent which it will be necessary to pay for this canal, is included in this bill; and any bill which did not provide for it would be absolutely useless.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I do.

Mr. SIMMONS. I wish the Senator would permit me to ask the Senator from Delaware a question. I understood the Senator to say that the bonds of this company were 4 per cent bonds, and that there were $2,400,000 of those bonds outstanding.

Mr. SAULSBURY. Two million six hundred and odd thousand dollars. The bonds were 5 per cent bonds, but, by consent of the bondholders, the interest charge on them was reduced to 4 per cent.

Mr. SIMMONS. Will the Senator state to the Senate whether he has personal information or knowledge whether there ever has been any default in the payment of this 4 per cent interest?

Mr. SAULSBURY. There was a defalcation by some dishonest officials of this company along in the eighties, when the treasurer and assistant treasurer, I think, stole about $600,000. They were both caught and put in jail, and at that time this company was in very great difficulties. That led to the reduction of the interest charge of 5 per cent on the canal bonds to 4 per cent, because that embezzlement had to be paid by the company.

Mr. SIMMONS. Since that time they have been paying regularly 4 per cent?

Mr. SAULSBURY. Regularly; and there is a surplus of earnings. To state it from recollection, and not claiming to be exactly accurate, I think the interest charge at 4 per cent on the bonds of this canal is something like $104,000, but the canal has earned $118,000 net, leaving a surplus of about $14,000 over the interest on the bonds.

Mr. KENYON. The United States owns some stock in that canal, does it not?

Mr. SAULSBURY. The United States and the States of Pennsylvania, Delaware, and Maryland all contributed toward building the canal, and the United States has a very substantial holding of stock.

Mr. KENYON. Has the United States ever received any dividends on the stock?

Mr. SAULSBURY. I want to say to the Senator that he will obtain the figures and the facts accurately regarding the matters about which he inquires if he will examine the report made by the Committee on Coast and Insular Survey, of which I am chairman, which was made to the Senate pursuant to a reso-

lution adopted authorizing an investigation. To answer his question briefly, I will state that report shows that up to some time in the eighties the Government had received dividends, in some instances, I think, only stock dividends on its own stock, and that some $25,000 or $50,000 of the dividends due to the Government were embezzled by the same dishonest officials who were then in charge of the canal in the eighties, and that a suit is now pending, I understand, by the Government against the canal company to recover that amount of dividends. I do not know that it will be successful.

Mr. KENYON. I have the official report here of the case in Two hundred and sixth Federal Reporter, but I was unable to gather from that case whether any dividend had ever been paid or not.

Mr. SAULSBURY. Yes; before then; and then they were stolen by those dishonest officials. Before that time the Government had received dividends.

Mr. KENYON. The bill of particulars sets forth that—

To sums of money due and owing to the United States of America as the owner and holder of 14,625 shares of the capital stock of said Chesapeake & Delaware Canal Co., being its pro rata share of dividends declared by said Chesapeake & Delaware Canal Co., and also the interest due and owing to the United States of America on said sums of money.

Sum of money due said United States, being its share of dividend declared June 30, 1873, $21,937.50.

Interest on said sum of $21,937.50 from and after June 30, 1873.

Sum of money due said United States, being its share of dividend declared June 30, 1875, $14,625.

Interest on said sum of $14,625 from and after June 30, 1875.

Sum of money due said United States, being its share of dividend declared June 30, 1876, $14,625.

Interest on said sum of $14,625 from and after June 30, 1876.

It amounts possibly to $52,000 now.

Mr. SAULSBURY. I think $54,000.

Mr. KENYON. The amount due the United States. To that suit I observe, as a matter of passing interest, that the canal company pled the statute of limitations. The Government demurred. I remember that its demurrer was sustained on the theory that statutes of limitation do not run against the Government. I should like to ask the Senator if the canal company is still contesting this suit.

Mr. SAULSBURY. I can say to the Senator that I have been in communication with the district attorney in Wilmington regarding this very matter, and also I have seen the counsel for the canal company in order to obtain what information I could. I tried to exhaust all sources of information in getting the facts about this enterprise. That suit, I understand, is still pending and is likely to be tried at any time. The difference practically, as I understand it, between the Government and the defendant is regarding the interest. The Government claims interest on those overdue dividends which would bring the sum up to something like $150,000. The strong contention was made in regard to that. I do not know how the canal company would pay the $150,000 even if there should be a judgment against it. It might result in a receivership and a sale.

Mr. KENYON. Would it be the Senator's idea that in some provision for taking over this canal this indebtedness of the canal company to the Government ought to be deducted?

Mr. SAULSBURY. That was my original suggestion; but upon mature consideration I came to the conclusion that if the Government should condemn the property and works of this canal the condemnation money, whatever it might be, would be paid into the treasury of the canal company, and that suit would take care of itself. I know of no way by which in condemnation proceedings you could give consideration to the question of the claim of the Government against the owner of the property condemned.

Mr. KENYON. Of course I have great respect for the Senator's judgment on that question as a lawyer, but it does seem to me, if we are going to do anything in relation to the matter, we ought to make some provision to guard the right of the Government.

Mr. SAULSBURY. In a matter of purchase by contract that could be done, of course, but——

Mr. KENYON. I do not at this time see how it could be taken care of.

Mr. SAULSBURY. I fail to see how it could. In the case of a contract, I presume, backed by the Secretary of War, it could be taken care of.

Mr. KENYON. It would seem to me that the canal company in its dealings with the Government——

Mr. SIMMONS. Mr. President——

Mr. KENYON. In just a moment—out of which this case arises, was not candid or was not fair in pleading the statute of limitations against the Government where there was no statute of the Government limiting the time in which the recovery should be sought. I yield to the Senator from North Carolina.

Mr. SIMMONS. I desire to ask the Senator from Delaware a question, as he seems to be thoroughly familiar with the facts in this case, in view of his recent valuable information. I understood the Senator to say in an earlier stage of his remarks that the commerce upon this canal at the present time was between 900,000 and 1,000,000 tons.

Mr. SAULSBURY. The Senator is quite correct in that statement.

Mr. SIMMONS. What is the present depth of that canal?

Mr. SAULSBURY. The present depth of the canal is nominally 10 feet, but my information is that a boat drawing more than 9 feet of water can not use the canal.

Mr. SIMMONS. So, on a 9-foot basis, with a heavy toll charge, there are now going through the canal about 900,000 or 1,000,000 tons. What effect does the Senator think the deepening of the canal to 12 feet and the making of it a free waterway would have upon the amount of commerce which would likely pass through it?

Mr. SAULSBURY. I think I can answer that question better by the figures which are given in a number of official reports made by various boards of the War Department reporting upon this particular project.

The gross earnings of the canal, as I recall it from memory, are between $180,000 and $190,000 a year. The operating expenses of the canal amount to about $65,000. The boards which have reported so fully on this matter from time to time have settled, apparently in a fashion which is conclusive, the amount which this canal will save, if properly deepened and operated, to the commerce of the country. They say the saving to the commerce of the country through the canal will be at least—I think I quote the amount almost exactly—one million four hundred and odd thousand dollars.

Mr. SIMMONS. A year?

Mr. SAULSBURY. A year. In other words, the saving to the commerce will be one million four hundred and odd thousand dollars a year as that sum bears to the proportion, say, of $180,000 to $190,000.

Mr. BURTON. What are the tolls upon the canal?

Mr. SAULSBURY. I am speaking only from recollection, but I think I can approximately answer by saying that the rate is about 21 cents a ton.

Mr. BURTON. What is the tonnage which goes through there?

Mr. SAULSBURY. Somewhere between 900,000 and 1,000,000 tons.

Mr. BURTON. Suppose it is 1,000,000 tons. There is $210,000. Does it not appear that it is absolutely wild to say that the acquisition of a canal by the Government would save one million four hundred and odd thousand dollars in the face of such figures as those?

I am very familiar with the computations that are made so inaccurately by booster clubs and those who come here advocating improvements, but it does seem to me the idea that we would save $1,400,000 in such a case as that comes very near to the limit.

Mr. SAULSBURY. It seems to me the Senator from Ohio does not use the same reasoning faculties which he usually possesses. He seems to be possessed with the idea that nothing is worth while to separate regarding some of these projects. I did not know that he was particularly opposed to this, but he seems to be.

I can see a very good reason, and if the Senator would consider the reports made on this canal he would find there a good reason. This canal is so shallow, the locks are so small, the time consumed so great in going through the canal in comparison with what it would be with a sea-level canal, with only one lock and at one level, that you can not profitably carry the freight in larger sized boats, but you have to transship in many cases.

If this canal can be properly used by seagoing barges capable of going to sea, it saves 184 miles between Baltimore and New York, for example. There used to be when this canal was well operated quite a large commerce between New York and Baltimore, and particularly was that so before the railroads got hold of the canal from the upper waters of the Delaware and New York Bay and practically closed it out most of the year.

Mr. KENYON. This canal is in a rather dilapidated condition, is it not?

Mr. SAULSBURY. The testimony regarding that is very conflicting. The canal company try to show that it is in a very good condition. The users of the canal say it is in a dilapidated condition.

Mr. KENYON. Is the canal company anxious to dispose of the canal?

Mr. SAULSBURY. They have never shown any anxiety in that. They have not been willing to even give to me a figure. I have for years, acting in an absolutely impartial way, tried to obtain a figure from them.

Mr. KENYON. I do not know very much as to this canal project, and have not been able to make up my mind fully. I do not think it ought to be considered now, but we ought to have some more information. Is it the proposition to have an open canal, a free canal, any more than the Panama Canal?

Mr. SAULSBURY. I can say to the Senator I think if the Government would furnish the money to the owners of this canal and a reasonable percentage to deepen and improve the canal it would be a very great public benefit.

Mr. KENYON. And let them charge tolls?

Mr. SAULSBURY. Yes; in order to pay the interest on the money loaned.

Mr. KENYON. And that would be no advantage, the Senator thinks, to the consumers in any way? It would simply benefit the coastwise traffic? That is the identical question we had up in the Panama Canal tolls case, outside of the military question.

Mr. SAULSBURY. My impression is that anything which hastens the delivery of freight, which improves the transportation facilities for freight, is bound to benefit the consumer ultimately; and certainly if we find that the consumer is being unjustly dealt with by transportation companies, we can provide as to the rates that may be charged, because all the traffic going through the canal is practically interstate trade.

Mr. KENYON. I think the Senator voted as I did on the Panama Canal tolls bill. I voted on the theory that granting the freedom of that canal to the coastwise trade was nothing more nor less than a subsidy. I can not see the difference. Now, we give a subsidy to these boats if we buy this canal and make it free. Of course, the military situation the Senator presents is a very strong argument, but outside of that there is no advantage, unless it is going to be a regulator of railroad rates.

Mr. SAULSBURY. Just at this point let me call the Senator's attention as to how it does regulate railroad rates, even in the present poor capacity. You can load freight at Philadelphia on a regular line of steamers which goes through this canal every day from 5 o'clock in the afternoon and deliver it in Baltimore at 7 o'clock the next morning.

Mr. KENYON. Are these boats owned by the railroads?

Mr. SAULSBURY. These boats are not.

Mr. KENYON. The Senator offered a suggestion a little while ago as to some portion of the canal or bay line boats being controlled by the railroads.

Mr. SAULSBURY. No; the Senator is probably recalling some talk I had with him regarding the railroad-owned boats on Chesapeake Bay. None of those boats go through this canal. It is very fortunate, I may say to the Senator, that this canal company was never given by the States which incorporated it the right to transport freight itself. That has saved it from railroad ownership and has maintained it as a going concern to this time from 1829. This company can only charge tolls upon tonnage passing through the canal and can not itself own boats for transporting freight. In my judgment, and in the judgment of several witnesses we called before the committee when we were making this investigation, that has saved this canal from railroad ownership and enabled it still, in a small way, to furnish competition in freight between those two great cities—Philadelphia and Baltimore.

Mr. KENYON. I am glad to know that this canal has not been taken over by the railroads. The report of the Agnus Commission, which, of course, I take it, was what the Senator from Delaware thinks eventually should be brought about, is that the cost of a 25-foot channel, which seems to be necessary, would be $20,621,323.70. So in fact we are embarking upon this enterprise—it is an enterprise—that will cost the Government before it is completed $20,000,000.

Mr. SAULSBURY. Will the Senator permit me to interrupt him and call his attention to other reports of engineers made subsequently to that report?

Mr. KENYON. Yes.

Mr. SAULSBURY. I have here a volume which is probably 3 inches thick, containing all the reports of the various boards of engineers made from time to time on this canal. I had them brought together in this volume for my own convenience in connection with this matter.

Mr. KENYON. Are they Government reports or State reports?

Mr. SAULSBURY. These are all Government reports. The last estimate was approved by the Chief of Engineers, United States Army, in 1913, made July 22, 1912, by the Board of Engineers on Rivers and Harbors. The report then was made that this 25-foot channel at tidewater with a width of 125 feet would cost $12,424,500 and not $20,000,000.

Mr. KENYON. For a 25-foot channel?

Mr. SAULSBURY. For a depth of 25 feet and 125 feet width. I will say to the Senator if he will refer to the RECORD of May 8 he will probably find brought together, certainly as well as I am able to do it, the data regarding the reports made at various times on this canal. I have not included them all; I have included the important ones, and I shall be glad to furnish the Senator with this volume which I hold in my hand and to which I have just referred. It will give him, I think, all the official information on the subject.

Mr. KENYON. Has the Senator Report No. 2725 of the Fifty-eighth Congress?

Mr. SAULSBURY. I undoubtedly have.

Mr. KENYON. I think he will find in that report that——

Mr. SAULSBURY. May I ask the Senator the name of the report? Is that the Agnus report?

Mr. KENYON. No; the report I refer to is previous to the Agnus report. The Agnus report is in the following language:

> The commerce of the Delaware & Chesapeake, registered and otherwise, has been estimated all the way from 50,000,000 to 90,000,000 tons annually. This is much larger than the tonnage of the entire annual foreign commerce of the United States. The Isthmian Canal Commission estimated that the Panama Canal, now to be built at a cost approximating $200,000,000, would have carried a tonnage in 1899 of but 4,574,852 tons.

The estimate of $12,000,000 the Senator speaks of is not, I hope, in the same proportion of error as the estimate here of the Panama Canal. It is an error of only a couple of hundred millions. We are starting on a project which will involve the Government in $20,000,000. Now, it may be all right and it may not be. The point I am making is simply this: I do not believe we have the information here to intelligently pass upon this matter. The Senator from Delaware has, of course, and if he could secure an audience of Senators and explain this matter, and if Senators would stay here and listen, it might be that he could convince us that this is a worthy project.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I do.

Mr. SIMMONS. I wish to inquire whether the project the Senator is now referring to has been reported favorably by the engineers or whether they have simply made an estimate of what the 25-foot depth would cost?

Mr. KENYON. The Senator had better ask the Senator from Delaware. He knows much more about it.

Mr. SIMMONS. I will ask the Senator from Delaware the question. I understand that the engineers have made a report and that that report contemplates a canal of 12-foot depth. That is the only estimate that the engineers have made up to this time?

Mr. SAULSBURY. The Senator from North Carolina is quite correct. The only recommendation the engineers have made up to this time is for a 12-foot depth in this canal, and they have recommended that further public works be held to await the finished result and the certainty as to the value of that canal with a 12-foot depth.

Mr. SIMMONS. I will ask the Senator—I have not read the report, and I am asking the question for information—if it is or is not a fact that in the speculations that were made with reference to a 25-foot depth for the canal the engineers did not have in view the ultimate use of this canal for military purposes, and if the suggestion for a 25-foot depth, as a mere suggestion, was not based upon the idea that at some time it might become necessary to deepen the canal to that extent for the purpose of accommodating the military needs of the Government?

Mr. SAULSBURY. That was one of the great objects aimed at. This recommendation was made as long ago as 1812, or just subsequent to the War of 1812, for that purpose, because at that time they could not get troops down to Washington to protect the Capitol Building.

Now, I desire to say just one word more in reference to the point the Senator suggested about the additional cost. The soil of that whole peninsula below the Christiania River is alluvial. There is no question of unknown rock work; there is no question of very expensive or unusually expensive excavations. I want to say to the Senator that the Government in one portion of the peninsula is now getting sand and dirt removed of the same character that they will have here to remove for 8 cents a cubic yard, where it was estimated that it would cost 16 cents. In other words, the cost of the removal of the dirt in the digging of the canal in another portion of the State is just half that which it was expected to be when the

work was started. Of course, I know nothing of the engineering features of this work more than is contained in the reports.

Mr. KENYON. I think, Mr. President, I will place in the RECORD for future reference just an observation or two about this matter in an attempt to condense it, at least for my own use. If I make any erroneous statements, I should be very thankful to the Senator to correct them.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. KENYON. I do.

Mr. CLAPP. I desire to make a request. Some time before it occurred to me that there would be any difficulty in maintaining a quorum in the Senate, I made an engagement for this afternoon, and I should like to be excused from attendance this afternoon.

Mr. KENYON. Will the Senator state the nature of his engagement?

The PRESIDING OFFICER. The Senator from Minnesota asks to be excused from attendance in the Senate this afternoon. If there be no objection, leave will be granted. The Chair hears no objection.

Mr. KENYON. I should like to inquire how long the Senator from Minnesota will be away?

Mr. CLAPP. Inasmuch as the request has been granted, I question, perhaps, the relevancy of the inquiry. I will say, however, I expect to be away this afternoon to deliver a brief address at the dedication of an arch that has been erected to the memory of Abraham Lincoln by one of the schools of this city.

Mr. KENYON. I enter no objection at all to the request.

With reference to the Chesapeake & Delaware Canal, which is a slight digression from the argument I was pursuing, the bill as passed by the House carried $1,300,000; the Senate committee raised that sum to $2,250,000; the committee report shows the amount of bonds to be $2,602,950 and the stock outstanding as $1,885,625. Of this, the United States owns 14,625 shares and the State of Maryland owns 1,625 shares. I do not feel entirely certain of this statement, but I make it as I understand it, that the States of Pennsylvania, Maryland, and Delaware invested $175,000 in this enterprise, and that was considered by some a donation, but really was a purchase of stock. Those stocks are worthless.

A number of commissions, as has been suggested by the Senator from Delaware [Mr. SAULSBURY], have at various times investigated this project. The Casey Commission was organized under the authority of the river and harbor act of 1894. That was a board of which the late Gen. Casey was chairman, and it was to consider not only the route which would give the greatest facility to commerce, but which would be best adapted to national defense. The report of the Casey Commission was submitted to Congress on December 11, 1894. In that report was quoted fully the testimony of Capt. Turtle, with which I suppose the Senator from Delaware is familiar——

Mr. SAULSBURY. I have the report.

Mr. KENYON. Including the findings with relation to what was termed bottomless quicksand. After that nothing was done in the matter for about 10 years.

Along in 1904 the project received some consideration from the boards of trade of Wilmington and of other cities that might be favorably affected. Meetings were held in various places by the citizens who desired the acquisition of this canal by the Government. Different conditions and organizations have been helping in the work. That resulted, in 1906, in the appointment of what is known as the Agnus Commission, to which I have referred and from whose report I have read.

I have been led to believe in my study of this canal—and I would not be presumptuous enough to say that I understood anything like so much about it as do the committee or does the distinguished Senator from Delaware—but my mind has reached the conclusion that this was a defunct institution, a canal out of repair, upon which the Government must spend large sums of money, and that there had been a persistent attempt to unload it on the Government. Capt. Turtle's conclusions in his report were that "there were unmistakable proofs of a very great and extensive reservoir of supply of quicksand which was of unknown depth."

Capt. Turtle in 1882 and Col. Flagerty in 1907 state that there existed a deposit of quicksand nearly 2 miles in length and to which no bottom had been found. That was controverted.

Mr. SAULSBURY. May I interject just there, if the Senator please?

Mr. KENYON. I yield.

Mr. SAULSBURY. I think that it was entirely disproved that there was any serious trouble to be expected from any quicksands there, because, as one of the engineers, as I now remember it, explained, any sliding of dirt there was due to insufficient drainage from the upper level of this canal which would disappear when you established a tidewater canal. That is my recollection.

Mr. KENYON. Has it been demonstrated to the Senator's satisfaction that, notwithstanding the quicksand, it would be possible to dig a 25-foot channel?

Mr. SAULSBURY. The Senator from Iowa is asking me some engineering questions. I have no doubt in these days of engineering, and in view of feats such as we have witnessed at Panama and elsewhere in the world, that anything is possible, provided you spend money enough for it. I know that country as well as I know the land between here and Chevy Chase, and my own belief is that it is just as possible to dig a canal through that section of the country—and that it would be much less expensive to do so—as it would be to dig a ditch from here to Chevy Chase.

Mr. KENYON. I think it has been conceded by engineers now that to have constructed the Panama Canal at sea level would have been practically impossible.

Perhaps that is stating it too strongly; but anyone who has seen that great work, and especially the Culebra Cut, must realize that to have gone 85 feet deeper at that point would have been practically an impossibility. The fact that we have reports as to this canal that quicksand exists, showing the difficulty and almost impossibility of going any deeper in that canal, is simply cited by me as an argument that we ought to know more about it before we commit ourselves to it.

Mr. BURTON. What did the Senator from Delaware say about digging a canal from here to Chevy Chase?

Mr. SAULSBURY. I said that it was just as possible, in my judgment, to complete the Delaware & Chesapeake Canal as it would be to dig a ditch from here to Chevy Chase.

Mr. KENYON. A sea-level canal to Chevy Chase?

Mr. SAULSBURY. I said "a ditch."

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. I want to ask the Senator whose report it was from which he quoted with reference to the quicksand?

Mr. KENYON. I am quoting from what is known as the Agnus Commission report. That commission was appointed by Congress, and a report was made to the Secretary of War in 1907.

Mr. BORAH. What engineer made the report as to quicksand?

Mr. KENYON. Capt. Thomas Turtle.

Mr. BORAH. And he says there are two miles and a half of quicksand?

Mr. KENYON. That quotation was from this report, and I will read a further portion of it:

NOTE.—As stated in a following paragraph of the report, from borings made in 1882 and 1906, the commission has been led to fear the existence of treacherous material for an approximate distance of 7,000 feet along the route of the Chesapeake & Delaware Canal which will require special and costly treatment, by revetment or otherwise, to insure stable conditions. The commission has not sufficient data on which to base a proper design, nor has it the time to secure such data. However, in a comparison of routes a sum of money must be estimated to cover this feature, and $500,000 has been inserted in the above estimate for that purpose.

* * * * * * *

In its investigations by means of borings the commission has confirmed the very unfavorable conditions noted by Capt. Thomas Turtle, Corps of Engineers, United States Army, in his report of March 1, 1883, to Lieut. Col. William P. Craighill, Corps of Engineers, United States Army. (See Appendix G.)

I think right here I will put in this:

Although Capt. Turtle seems to have recognized the serious bearing of this condition upon the fate of the route for a ship canal, there is no mention of it in either of the final reports made since Capt. Turtle's. There is every indication of a large reservoir of supply of very fine sand which is water bearing and flows with water. In the opinion of the commission—

That is, the Agnus Commission—

the sand might require at intervals extensive works on both sides of the canal over an approximate length of 7,000 feet to confine it. On account of the great depth of the sand stratum the works would be very expensive. Additional investigations of greater magnitude than heretofore attempted are required before a detailed design is made. The commission with data available can not make even a probable estimate as to the cost of such works, but feels that a certain sum should be quoted therefor, and has stated this estimate above as $500,000.

I will say to the Senator—he was not here at the time this matter was previously discussed—that this commission estimated the cost of a 25-foot channel, which is probably the minimum depth the channel must have if it is to serve the military purposes which the Senator from Delaware suggests,

at $20,000,000; but, as the Senator from Ohio suggests, even a 25-foot channel would not be sufficient to enable battleships to pass through. So, we are starting on this uncertain proposition of buying what is now apparently a broken-down canal that is going to involve millions upon millions of dollars of expense. It may be a good thing; I do not know. I doubt it very much.

Mr. SAULSBURY. Mr. President, may I interrupt the Senator to ask whether that Agnus Commission and other subsequent river and harbor boards and boards to which the reports were referred and the Chief of Engineers of the Army, in charge of this work, have not recommended the purchase of this canal?

Mr. KENYON. Yes; I understand they have.

Mr. SAULSBURY. Then, we certainly have the best technical opinion regarding this canal that we can have, and they are all favorable, as I understand.

I want to call the Senator's attention to the fact that the project which is now suggested is only a commercial canal, a 12-foot waterway, which will be used as a test of its value, and may thereafter be deepened for the military purposes of the Government or for larger vessels, if they should desire to use it.

Mr. KENYON. That is true; but, of course, the Senator has made a very powerful argument on the military necessities of this canal.

Mr. SAULSBURY. I think that is a powerful argument.

Mr. KENYON. I know the Senator thinks so, and it is a powerful argument. Of course, the conditions which are now prevailing abroad, and which we hope may never come to this country, add emphasis to that argument. The Senator will, I think, concede, however, as he is frank about everything, that for military purposes a channel will be required of 25 feet or even more.

Mr. SAULSBURY. I think so, of course.

Mr. KENYON. Is the Senator prepared to say that the Army engineers who have investigated the proposition agree that a 25-foot channel or a channel of greater depth can be secured there in view of the quicksand?

Mr. SAULSBURY. I will say to the Senator, in reply to the question, that I have in my hand the numerous reports, covering possibly eight hundred to a thousand pages, which I have brought together. Of course, one can not say from memory what they contain, but the impression made upon my mind by reading all the material parts of these reports is that the Army engineers have no doubt of the entire feasibility of the construction and of the reasonable economy of the construction of that canal.

Mr. KENYON. Mr. President, I desire to add one thing more. There was a printed document filed before the house of delegates of the General Assembly of Maryland in 1906—I have not been able to secure the document, but I have seen extracts from it—by William T. Maulsby, of Frederick County, Md., in which it was stated:

> The canal company is insolvent, hopelessly and without remedy insolvent, taking a mortgage far beyond its capacity to earn and pay interest on its debts. It must be reorganized or it must fall into the hands of the Government of the United States.

The point I am trying to make is this: If we are going to take over this canal—and I am not prepared to say that we should not do so—let us get the information and then go ahead and acquire it.

The provision in this bill, as the Senator from Ohio suggests, commits us to take that canal; I do not see how there can be any other construction of it.

Mr. SAULSBURY. Will the Senator allow me to interrupt him?

Mr. KENYON. I yield.

Mr. SAULSBURY. Of course the Senator knows that I hold no brief for the owners of this canal.

Mr. KENYON. I know that; I know the Senator's interest is only that of the public.

Mr. SAULSBURY. I want to get this canal at just as cheap a price as possible, but I do want the Government to take this canal, because I think it would be a great public work. There have been all kinds of statements made about the financial condition of the company owning the canal, and I think that is bad enough; there have been all kinds of statements made regarding the physical condition of the canal, and I think that is bad enough and ought to be better; but I want to say to the Senator that, in a large measure, these statements have originated with and been caused by the promoters of some old routes for canals across the lower peninsula which in no wise compare in desirability with this canal.

Mr. KENYON. I think there is much truth in that.

Mr. SAULSBURY. Since this matter has been under discussion in the Senate I have received statements and letters and what not from people who are interested in an old projected canal from which, so far as I know, not a spadeful of dirt has been taken anywhere, and who are trying to sell that project to the Government for a million dollars, and blackening as far as possible all the prospects of this canal. I simply pay no attention to those things, because I do not think they are worthy of attention. I go by the reports of the engineers in forming the conclusion which I have tried to express.

Mr. KENYON. There has been considerable rivalry between canal projects there as to which should turn a canal over to the Government.

Mr. BURTON. Mr. President, will the Senator from Iowa yield to me?

Mr. KENYON. I will.

Mr. BURTON. I should like to ask the Senator from Delaware a question. He has stated that there are different opinions as to the condition in which this canal now is. Does he think there is any official report which states clearly and accurately its present condition?

Mr. SAULSBURY. Mr. President, there has been no official report that I can now recall made on this canal for a number of years. The conditions of dilapidation which are referred to, as I recall, in the testimony taken by the Committee on Coast and Insular Survey referred very largely to the planking on the sides of the canal and such conditions as that, which would naturally change very greatly in the course of two or three years.

Mr. BURTON. There is one set of statements before Congress to the effect that this canal is in a run-down, dilapidated condition. That is true, is it not?

Mr. SAULSBURY. I know of no such statements, except of individual witnesses here and there.

Mr. BURTON. Well, those statements are before Congress, nevertheless?

Mr. SAULSBURY. They are included in this report; yes.

Mr. BURTON. Then there are other statements to the effect that, if not in first-class condition, it is in good, workable condition.

Mr. SAULSBURY. I do not think it is in the best condition.

Mr. BURTON. Ought we not, before we do anything about so important a project as this—one of which the ultimate expense will certainly run into the tens of millions—to know by thoroughly accurate information just what it is that we are proposing to buy?

Mr. SAULSBURY. I may say, in reply to that question, not necessarily, and for a very good reason.

Mr. BURTON. Well——

Mr. SAULSBURY. If the Senator will permit me, I will try to state my reason for that, because it seems like a peculiar statement to make.

This project is for a sea-level canal—a tide-level canal. This is not in the condition of some of the streams that the Senator so eloquently described, where water has to be pumped in. This is a going canal; and nearly a million tons of freight go through it every year. There is one higher level on the canal—I think it is either 10 feet or 16 feet, but I do not recall just at this moment—and the planking on the sides of that 10 or 16 foot level will be absolutely worthless, anyway. What will it amount to? If the Government acquires this canal and makes it a tide-level canal, what difference does it make to the Government whether the planking on the sides of the upper level of the canal is in good condition or not? It would be better that it should be in bad condition, because in such case it can be removed by mud machines. If it is in first-class condition, it probably would have to be torn up. So the planking could be taken out by a dredge in one case, if in bad condition, and in the other case it would require a certain amount of labor and work to remove the planking before the work could be begun.

Mr. BURTON. Is any such expensive reconstruction as that contemplated, or is it intended that this canal shall be used in practically its present form?

Mr. SAULSBURY. The report of every Board of Engineers in favor of the acquisition of the canal—and every one has reported in favor of its acquisition—has included in it a recommendation that this canal shall be made a tide-level canal, and the upper level of 10 or 16 feet above tide level abandoned.

Mr. BURTON. Then, in other words, we would be practically paying merely for the franchise and right of way of the canal?

Mr. SAULSBURY. The Senator again is mistaken, because the boards which have investigated the cost of this canal say that the cost of duplicating this canal and its works would be nearly $4,000,000—between $3,700,000 and $3,900,000, I do not remember which—but the Senator will probably remember that this canal was originally built by ordinary shovels and by

ordinary carts. The Senator will find those tables going through all the reports made by the official boards in regard to this canal.

Mr. KENYON. Mr. President, I desire to put in the RECORD just one or two matters from the hearings on this subject, and I believe I shall not return to this canal later in my argument, as we have discussed it so much now.

In the testimony of Mr. James J. McNally, which is to be found on page 41 of the House hearings, he says:

I am a barge owner, owning nine barges operating on this canal. From 1908 up to 1913, inclusive, I have paid $50,468.53 to the Chesapeake & Delaware Canal, and to the Lake Drummond Canal, which divides into Virginia and North Carolina, $12,010.27.

He was before the committee urging that the canal be taken over by the Government, and quite naturally, so he would escape tolls.

Mr. Groves, manager of the Philadelphia Steamship Co., says:

Mr. GROVES. The stock of the Chesapeake & Delaware Canal, as far as my experience goes, is owned largely by the estates of the original owners. I do not think very much of it has changed hands. It is the same with the bonds. The stock of the canal is practically worth nothing. There is a bond issue of about $2,600,000, which pays 4 per cent. The real value of that canal is problematical. I do not think it is a very easy thing to calculate. It seems to me the way to get the value of that canal would be to capitalize it on its net earning capacity at 6 per cent.

The CHAIRMAN. That would hardly be a safe way to value it.

Mr. GROVES. You understand the canal is in a very bad condition.

There is reference then to ships farther down:

Mr. GROVES. Well, there is competition with what they call the tramp lines.

Mr. HUMPHREY. I mean regular steamship lines.

Mr. GROVES. No; they are practically all controlled by the railroads. There is no inducement for capital to-day in coastwise American ships. They have not any protection whatever. The railroads practically own the steamship lines through their sources of capital, and they can eliminate most any steamboat line that you start.

Then he goes on to discuss the 12-foot canal and the 25-foot canal.

Before the committee of the Senate a number of witnesses testified, some of them as to the physical condition of the canal. Mr. Eugene W. Fry, treasurer of the Southern Transportation Co., testified as follows:

The CHAIRMAN. How much tonnage passes through the canal in connection with the interests with which you are associated?

Mr. FRY. I do not know how much tonnage we carry through in connection with our interests, as a great deal of it is carried by the thousand feet or the cord of wood—some of it as tonnage and some is carried otherwise.

The CHAIRMAN. Yes.

Mr. FRY. But our canal tolls—that is, the canal tolls that our transportation company has paid during the last year—are between $50,000 and $60,000.

The CHAIRMAN. Are you familiar with the physical condition of the canal?

Mr. FRY. To some extent.

The CHAIRMAN. Well, what is the physical condition of the canal as it now exists?

Mr. FRY. I do not think the canal is in as good condition as it was a few years ago. We started in the transportation business about 10 years ago, and we could carry larger cargoes through the canal then than we can at the present time.

The CHAIRMAN. Explain that, will you?

Mr. FRY. That is brought about, no doubt, by reason of the canal not receiving proper dredging and proper maintenance. I have always understood that the canal company has not had sufficient revenue to give the proper attention to maintenance. At any rate, the canal seems to be gradually filling up.

The CHAIRMAN. There was some statement made by the previous witness that they had recently been making great improvements to the canal; as I recall it, very extensive improvements; almost betterments. What do you know about that?

Mr. FRY. I do not know of any extensive improvements, other than the ordinary repairs or maintenance. They have been renewing some lock gates which had worn out. They do that almost every season.

I want to put in a part of Mr. Groves's testimony before this committee:

The CHAIRMAN. I do not know that you answered as to the present condition of the canal, Mr. Groves.

Mr. GROVES. I am very glad you asked me that. That is the very important proposition of the whole thing. That canal is in a bad condition, a very bad condition. These locks are in bad shape, and they have always been kept in bad shape. They never do anything but what they have to. We had an experience there one season, which has been about five years ago. About five years ago we had an experience at the St. Georges Lock. We came through there on the 4th day of July, on one of our day boats, an excursion boat. We had five or six hundred people on, and as we entered the lock and they went to close it the gate fell out. They could not work it. There we were stuck. We got in there, and there we were in the canal with all those people on. When we came to investigate the matter we found out that that gate had been condemned some 25 years ago by a former superintendent, and they had built a new gate, and this new gate had laid up there on the bank up to that time and they did not want to go to the expense of putting it in. And when this gate fell out, when they went to get this new gate, it was just as rotten as the gate that fell out; and so the whole business was detained for 10 days until they built a new gate and put in that lock; and we transferred our people and freight from one lock to another, the boats coming up on each side during all the time they were repairing it.

That is one instance of it. Then he goes ahead to describe other instances, showing that this canal, if this testimony is correct, is in a very dilapidated condition. He testifies:

On the sides of the canal the piling is worn out. It has been covered with oak sheet piling, and it rots out, and it is in a fearful condition.

The CHAIRMAN. Take the matter of replacing with oak sheet piling and stones, is that work sufficiently kept up?

Mr. GROVES. No; it is not.

I think that possibly will be enough of the quotations, except that on page 138 of the report he says:

They do not keep it up. That canal really has been an obstruction there to commerce, absolutely an obstruction; it always has been. They drive trade away from it. They drove all of our boats, except the Ericsson Line boats, away, and they drove most of them away except the passenger boats.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. KENYON. I am very glad to yield.

Mr. SAULSBURY. I only desire to ask the Senator from Iowa if he would permit me here to inject four lines of my remarks on the results of that testimony?

Mr. KENYON. I shall be very glad to have the Senator do so.

Mr. SAULSBURY. Because it shows that I was endeavoring, as chairman of that committee, to obtain the actual conditions on that canal, and to state to the Senate my conclusions regarding them, which do not differ very much from those of the Senator.

I said, in commenting on that testimony on May 8 last, in speaking of this canal:

Existing as it now does, it may be said to be almost an obstruction to commerce rather than a benefit, for if it did not exist at all the short barrier to the interchange of the great commerce of the two bays and their tributaries would not be allowed long to exist.

Mr. KENYON. I wish to add to this a short statement from the report of the Senate Committee on Coast and Insular Survey:

So far as said committee can ascertain, the stock of said canal company has no present value. The bonds and obligations of said canal company, however, have a value which may be variously estimated at from 64 to 80 per cent of their par value. Sales of the company's obligations are so infrequent in the open market and only in such small amounts that no real market value can be fairly stated.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I do.

Mr. SIMMONS. I wish to ask the Senator if he does not think, if the canal is in the bad condition that these witnesses describe, and notwithstanding that bad condition a million tons of freight continue to go through the canal, that situation presents a very persuasive argument in favor of the proposition that if that canal were put in good condition it would be used as a means of accommodating a very great commerce?

Mr. KENYON. It certainly presents a very persuasive argument for a full investigation of the merits of the plan. I agree with the Senator as to that.

Mr. SIMMONS. I do not understand this testimony about the condition of the canal, in view of the fact that it is so extensively used even now, when it has a very inadequate depth, and when it is very narrow. It would seem to me that the fact that it is used under these circumstances shows the value of that as a route of commerce. It shows its possibilities if it is properly improved.

Then I do not understand it in view of some information that has come to my ears. I have been informed that there is a regular line of passenger and freight steamers running boats in each direction during the whole year, and during certain seasons of the year running a larger number of boats in both directions. I understand, also, that this one line pays an annual toll charge of $60,000 a year. I understand that there is another regularly established line of freight vessels that runs all during the year, and that this line pays an annual charge of something like $50,000.

Mr. KENYON. Would not the Senator favor their paying that toll if the Government acquired the canal?

Mr. SIMMONS. No; I have not favored the payment of toll upon any of the inland waterways of the United States.

Mr. KENYON. I know the Senator favored it as to the Panama Canal, and I do not see the difference myself.

Mr. SIMMONS. Oh, I differentiated that to my satisfaction. Now, this canal, even in its present condition—its dilapidated condition, the Senator says—a shallow canal, a narrow canal, not sufficiently deep nor sufficiently wide to accommodate the commerce that would probably under different conditions pass

through it, seems to be earning 6 per cent upon about $1,800,000.

Mr. KENYON. Why does the Senator think they are desirous of disposing of the canal, then? If it is a good property, why not keep it?

Mr. SIMMONS. I have no evidence that they are desirous of disposing of the canal. I do not know how that may be. The proposition here is simply to permit the Government to make an investigation to see, first, at what figure this canal can be secured by private contract; and if it can not be secured through negotiation with the owners at what is regarded by the Secretary of War as a reasonable price, a fair price, then he shall resort to condemnation proceedings for the purpose of ascertaining at what price it can be secured.

The Senator said a little while ago if we have made up our minds that this is a good project, we might go ahead with it. In determining whether a project is a good project you always want to know what is going to be the cost of the project, and in this connection it is very important to find what is going to be the cost to the Government of acquiring this canal. Until we have ascertained what, either through the medium of private contract or by condemnation proceedings, the Government will have to pay for the present plant and property we are not in any proper condition to go ahead with it. One of the first things to be done is to ascertain for what amount we can get this canal.

Mr. KENYON. I would go that far with the Senator, but we are going further.

Mr. SIMMONS. That is exactly what is proposed.

Mr. KENYON. No; I must differ with the Senator.

Mr. SIMMONS. It proposes, first, to see whether we can get it at a reasonable price by mutual agreement between the Government and the owner.

Mr. KENYON. Congress has nothing to say.

Mr. SIMMONS. But Congress has everything to say, because——

Mr. KENYON (reading)—

The Secretary of War is hereby authorized to enter into negotiations for the purchase of the existing Chesapeake & Delaware Canal, and all the property, rights of property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto, and he is further authorized—

Now, if it would stop there it would be better—

if in his judgment the price is reasonable and satisfactory, to make a contract—

That is what I am objecting to—

for the purchase of the same subject to future ratification and appropriation by the Congress.

Why will not the Senator simply go to the extent we will all agree to—making an investigation and making a report as to the property acquired?

Mr. SIMMONS. The Senator does not state the whole amendment. It means that the Secretary of War may go and get an option, and that is all it means. It says to him, "Go and get an option upon that property, and when you have got your condition contract, then you come back to Congress and Congress will say whether it will ratify that contract and appropriate for the payment of the money."

Mr. KENYON. Of course; but he makes the contract. He does not simply find out what he can buy it for and report to Congress. He comes here with a contract, and of course the Senator knows that that would be, in a way, binding on Congress.

Mr. SIMMONS. But does not the Senator in that statement overlook the fact that the owners of this canal will know when they enter into the contract with the Secretary of War that the Secretary of War has no power to make a binding contract, and that whatever contract they make with the Secretary will be subject to the future action of Congress?

Mr. KENYON. Then, if they want to do that and are as anxious to dispose of this property as it seems they are, all they have to do is to make no contract. Then we have authorized the Secretary of War to go ahead and condemn this property, have we not?

Mr. SIMMONS. Yes.

Mr. KENYON. His acceptance of the award to be subject to the future ratification and appropriation by Congress. So we have taken out of our hands the power to do another single thing.

Mr. SIMMONS. In other words, Congress says by the amendment, before we proceed upon this undertaking we want to ascertain for what amount this property can be purchased.

Mr. KENYON. Exactly.

Mr. SIMMONS. We therefore direct the Secretary of War to go and see if he can make a contract by mutual consent. If he can not do that in furtherance of the desire of the Government, he is to ascertain what it will have to pay. Before the Government acts it says if he can not make a mutual contract he shall proceed to condemn it, and whether you enter into a contract or whether you ascertain if the property can be secured by condemnation proceedings, then the Congress will determine, upon a consideration of the price by private contract or upon a consideration of the value fixed by the award, whether it desires to purchase the property at that price. If you take the whole amendment together, it is merely an effort on the part of the Government to ascertain in one way, and if you can not ascertain in that way to ascertain in another way at what they can buy this property preliminary to determining the question whether it will go on with the undertaking or not.

Mr. KENYON. It seems to me the flaw in the Senator's argument is perfectly apparent. It is true that under this provision the contract is subject to ratification by Congress, but in the event no contract is made and can not be made, then Congress has no information at all as to what this property can be secured for, and Congress goes ahead and authorizes the Secretary of War to condemn this property. There is no provision here that Congress need not take the property after it is condemned if it is not satisfied with the value that has been put on it; and, however much we may argue about this matter and draw technical distinctions, it does seem to me that any person looking at it with no bias must be satisfied that we are committing ourselves to the proposition of taking the canal, and we are merely postponing the day of payment.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I yield.

Mr. NORRIS. I wish to submit to the Senator from Iowa a legal proposition that I believe is involved in this amendment in regard to the condemnation part of it. If the Secretary under the provisions of the bill should undertake to condemn this property he would have to go into court, I take it, to do so.

Mr. KENYON. Certainly.

Mr. NORRIS. In order to make a case even on paper would he not have to allege that the object of the condemnation was to take the property over by the Government?

Mr. KENYON. Of course.

Mr. NORRIS. And if the authorization did not go far enough to permit that, a demurrer to his petition would be made, as I take it.

Mr. KENYON. Certainly.

Mr. NORRIS. In other words, if he can go into court and make a case for condemnation proceedings we are bound to take it at the price of the condemnation.

Mr. KENYON. In other words, he has determined that it is a public necessity.

Mr. NORRIS. Exactly.

Mr. KENYON. And we are taking the private property for a public necessity.

Mr. NORRIS. He either states no case or he will be thrown out of court or we are bound to take the property at the price.

Mr. KENYON. In other words, he can not go into court and plead that he was merely engaged in a fishing expedition to find out what the property was worth.

Mr. NORRIS. Exactly. If he did that the petition would show on its face that it was not good.

Mr. THOMAS. Will the Senator from Iowa yield to me?

Mr. KENYON. I yield.

Mr. THOMAS. I think there is another legal complication in such a proceeding, and it has been suggested to my mind by the one which has just been mentioned by the Senator from Nebraska. Under nearly all the laws of the States condemnation must be preceded by negotiations for a physical transfer without the necessity of resorting to courts, and the absence of such a preliminary is fatal to the suit. I presume that by analogy the same principle would apply to a condemnation proceeding brought in the name of the National Government, although perhaps it has no statute on the subject. I believe that it is a common-law method of procedure.

Mr. BURTON. There is a statute which makes the proceeding conform to the proceeding in the State in which the condemnation is instituted. That is my recollection.

Mr. THOMAS. But this is a project in two States, is it not?

Mr. KENYON. Yes.

Mr. THOMAS. Then it would have to conform to the procedure in each State, I suppose, to the extent the property is there.

Mr. BURTON. Would it not conform to the procedure in the State in which the suit was instituted?

Mr. THOMAS. That may of itself prove to be a very formidable obstacle to procedure under this statute.

XUM

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. KENYON. I do.

Mr. SAULSBURY. I only want to say that in the discussion we had a few minutes before the Senator had come into the Chamber and taken part in the argument I enlightened the Senate on the subject of this condemnation. Of course any lawyer may be wrong in an opinion, but I have had a great deal of experience in condemning property for various public purposes in Delaware. There is no obligation, as I stated in reply to the Senator from Iowa, on the person seeking condemnation of the property to take the property at a price which he is unable or unwilling to pay, unless there is a special provision in the act. In our State we specially require him to do so.

I wish to suggest to the Senator from Nebraska [Mr. NORRIS] that the only allegation which would be necessary in a petition for the condemnation of this canal would be that the Government desired to acquire the canal for public use and request the condemnation of that canal through the appropriate proceedings. That would be the only allegation of necessity. It would not be that the canal was necessary for a public use, but that the Government desired to acquire it for public use and condemnation proceedings were necessary. I think that would fill all the circumstances of the case.

Mr. BURTON. Will the Senator from Iowa yield to me?

Mr. KENYON. Certainly.

Mr. BURTON. The point the Senator from Nebraska makes opens up a field rather broader than that. Of course there is the regulation in probably every State that when condemnation proceedings have been instituted and a valuation fixed the condemner may abandon the claim for the property.

Mr. SAULSBURY. And his right of condemnation is exhausted by the exercise of it.

Mr. BURTON. It is as far as that property is concerned. Suppose a railway company were building a railroad and they endeavor to follow one route and after condemnation proceedings find it expensive, they can abandon that route and choose another.

Mr. SAULSBURY. But in my State they can not in some cases, because I have tried those cases.

Mr. BURTON. That is not the universal rule in States, either. But must not the condemner in his condemnation proceedings show two things—first, a committal to the enterprise, to the public work or use for a public purpose that is outlined; and, second, that he is unable to agree with the owner? If the Government by the action of Congress had definitely and fully committed itself to the construction of a canal between the Chesapeake and Delaware there would be a basis for condemnation, but under this provision it is all made conditional. As the Senator from Iowa states it, it is merely made a fishing expedition to find out what it is going to cost.

With an act of Congress of this nature could not the owner of the property come into court and say, "We decline to be subjected to the hardship of going through condemnation proceedings merely for the purpose of fixing a tentative valuation? When you have decided that you intend to build a canal, then the Government can call us into court and compel us to defend our rights in this litigation, but not until then."

Mr. SAULSBURY. With the consent of the Senator from Iowa, I may say that there are two answers to the suggestion of the Senator from Ohio. One is that if the owner could come into court and make a statement like that it would be practically a demurrer to the petition for condemnation. Then none of the horrors that the Senator from Ohio anticipates arising from this amendment to the bill would occur, because the Government would be out of court.

But I want to say to the Senator that I do not know of any absolute committal to any public enterprise. Within my personal experience, and I have had some experience in my State regarding these particular matters of condemnation, the committal to the enterprise is always based upon the financial ability of the enterprise to be carried through if a condemnation award was not to be made. That, I think, is practically a complete answer. If the financial ability of the projectors or promoters of the enterprise is not sufficient to pay the award, then they do not get the property. That is the universal custom under condemnation in our State.

I want to say one word further, because there are many objections which can be answered, and we are getting into such an intricate discussion regarding condemnation proceedings. I do not know that I can recall them all, but the suggestion was made that this proposition is in two States. This very amendment particularly confers jurisdiction upon the district court of the State in which the property chiefly exists, for the very purpose of avoiding that condition. If the Senators who are interested in that phase will read the amendment they will see that that is provided for.

Now, just one word more to the Senator from Iowa. He suggests that we should have further investigation. May I ask the Senator to explain what he means by further investigation? The report which he held in his hand and read from will show, and the testimony in the report of the committee will show, that every bondholder of this canal wants his 100 cents on the dollar for his bonds. I do not believe the Government need pay any such amount as that. It shows also that the stockholders want something for their interest in this property. I believe the stock of the company is absolutely worthless, and that they should not get a cent.

I think the suggestion that the value of this property was based on the earning capacity is about right, but I think probably 5 per cent is a fairer estimate than 6 per cent, because the earnings of the canal are increasing; that is, as far as the value is concerned. So far as the investigation of the public board constituted by the Government as to the advisability of it, here is a whole book full of it, brought together from 1872 to date, and at a much higher price than was proposed in the bill originally and a much higher price than I think it will be necessary to pay for it.

So far as investigating the conditions is concerned, the reports to which I have referred show, and reports of the committee have been made, and I think an examination will show, that they have been made just as fair and are just as clear as it is possible to be conceived, and showing that the effort was made to put the value of the canal down to the lowest possible figure.

Mr. KENYON. Was anything figured or considered at all for franchise value, good will?

Mr. SAULSBURY. The earning capacity will include the value of the franchise, because the franchise if it is not going to earn anything will not be worth anything. The physical valuation of the property was placed by the Agnus commission on this canal, as I have said, at something over three million seven hundred and odd thousand dollars, but that commission proposed to purchase the property at two and a half million dollars, I think, approximately. The amount carried for the acquisition of this canal in the first Senate committee amendment, which has now been changed for the present amendment, was $2,250,000, and I believe that the canal can be acquired for that sum. But this canal company will be fighting as hard as it can to get a hundred cents on the dollar for the bonds and something for the stock. There is no doubt about that.

Mr. KENYON. I wish to add just a couple of matters to this, and then we will leave it. In the Bulletin of the Atlantic Deep Waterways Association of May 9, 1914, there is an article on the Chesapeake & Delaware Canal valuation. I should like to have it inserted as a part of my remarks without reading it.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

CHESAPEAKE & DELAWARE CANAL VALUATION.

Valuation of this property may be approached from three standpoints—capitalization of its earnings; market valuation of its bonds, taking into account the proportion in which they are in default; and the amount required for reinvestment so as to afford individual bondholders the same amount of income after reinvestment which they now receive.

Capitalizing the present 4 per cent interest payments and assuming them to be average income, produces $2,083,600. It may be objected that actual income in recent years has been in excess of the 4 per cent interest payment; but, on the other hand, it is clearly shown that the property has not been maintained in the best going condition, and that a large expenditure will be necessary before many years elapse unless it is to be allowed to deteriorate very materially. Therefore accumulated excess above the 4 per cent interest payment should more wisely be carried into a betterment fund.

The outstanding bond issue totals $2,602,950. Issued in 1856 at 6 per cent, extended in 1886 at 5 per cent, they were scaled in 1893 to 4 per cent, and have been in default since that time. They come up for reissue in 1916, and there is no evidence to show that they can be extended at a higher rate than the present 4 per cent. Even assuming that the property has been maintained in good condition and that a betterment fund should not have been set aside, the bonds could not be valued under the circumstances higher than 80. The last sales reported were at 68, but all sales were for small amounts and can not be taken as absolutely determining the total valuation of the bonds. Increasing income in recent years justifies the upward tendency in these bonds, and it is fair to anticipate that they will rise to 80 or thereabouts, which seems, all things considered, reasonable, and at 80 the total issue would be worth $2,082,360.

On the basis of reinvestment, it is assumed that the bondholder would expect to receive an equal amount after reinvestment of the principal. An investment netting 4.8 per cent in order to yield the same total interest payment now made by the canal company would require a principal of $2,069,125; and this also appears to be a reasonable rate, especially when it is considered that of the present outstanding bonds of the canal company, amounting to $2,602,950, $609,200, or practically 23½ per cent of the entire issue, are absolutely fraudulent. While the courts held that the company was liable for these bonds and must assume their interest charges, the liability must be carried to some

capital investment, and there was nowhere to carry it except to the remainder of the bond issue; and having this in mind, the problem of conversion of their investment at the present time from a 5 per cent bond in default, scaled to 4 per cent, and carrying 23½ per cent of fraud, to a 4.8 per cent rate clean and clear does not seem to be an unfair requirement.

The Senate committee's valuation of $2,100,000 for the property, it will be noted, is in excess of the valuation arrived at by three different methods, and, furthermore, does not require the conversion of the company's contingent fund into its assets before sale of the property.

Valuing these assets, together with the Senate committee's excess allowance, it results that a sum of approximately $100,000 is turned back into the company's treasury for satisfaction of its claims or for distribution among its stockholders, if that disposition should be decided upon. The present outstanding stock issue is $1,903,238, so that it would be possible to allow about 5 per cent on the stock, and this is more than any stockholder could claim his securities to be worth, as they have received no dividends since 1876.

SUMMARY.

| | |
|---|---|
| Bond issue, at 80 | $2,082,360 |
| Capitalization of interest payments at 5 per cent | 2,083,600 |
| Amount required to convert present interest payments on basis of 4.8 per cent reinvestment | 2,069,125 |

Mr. KENYON. I also want to put into the RECORD as bearing on the relationship of the Government to this canal the syllabus in the case of The United States against The Chesapeake & Delaware Canal Co. It is found in Two hundred and sixth Federal Reporter, page 964.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent to insert in the RECORD the syllabus in the case to which he has referred. Is there objection? The Chair hears none.

The matter referred to is as follows:

UNITED STATES v. CHESAPEAKE & DELAWARE CANAL CO.

(District court, district of Delaware. March 18, 1913.)

No. 1, March term, 1912.

1. Pleading—Demurrer—Admissions by demurrer.
In an action by the United States to recover dividends on corporate stock owned by it, a demurrer by the United States to a plea setting up the statute of limitations operates as an admission that the Government owned the stock and was entitled to the dividends at the time mentioned in the bill of particulars, made part of the declaration.

2. Limitation of actions—Actions by United States—State statute.
In the absence of a Federal statute limiting the time for the bringing of a suit by the United States in its sovereign capacity for the recovery of money to be paid into the National Treasury, no State statute of limitations can bar the remedy.

3. United States actions—Presumption.
In an action by the United States to recover dividends on corporate stock owned by it, it will be presumed, in the absence of allegations to the contrary, that the money to be recovered will be paid into the National Treasury as public money.

4. Limitation of actions—Action by United States.
An action of assumpsit brought by the United States to recover dividends on corporate stock owned by it to be paid into the National Treasury is a suit in its sovereign capacity, which is not barred by a State statute of limitations.

5. Limitation of actions—Action by United States.
The rule that the United States when it becomes a stockholder in a corporation does not thereby impart to the corporation its rights and privileges as a sovereign, and that it has only the rights of a stockholder with respect to the corporate transaction and affairs, does not prevent the application of the rule that a State statute of limitations will not bar an action by the Government in its sovereign capacity to recover dividends on corporate stock owned by the Government.

6. Limitation of actions—Nature of statutory limitations.
A statute of limitations bars the remedy, but does not affect the right, and it may be waived.

7. Limitation of actions—Actions by United States—Agreement as to time.
There is an essential distinction between a pure statute of limitations, on the one hand, and, on the other, time stipulations entering into and forming part of a contract on which the United States as one of the contracting parties brings suit, or a time limitation for an appeal, or the filing of pleadings, or the taking of other steps necessary to the due and orderly prosecution of legal or equitable remedies, or a requirement of notice to be given within a certain time as a condition precedent to the fixing of the liability of a party, in all of which latter cases the United States will be bound by a time limitation as would a private individual.

Mr. KENYON. I will say in reference to this case that the defendant in the suit by the Government to recover the amount due the Government as its share of dividends and interest pleaded the statute of limitations, and to that plea the Government demurred, which demurrer was sustained.

I had rather, as far as I am concerned, see the original proposition stand than to see this amendment adopted, because this is one of the items concerning which the statement has gone to the country that the bill is reduced. This is two millions and a half of the reduction, and in the analysis which we have had here now, and the discussion, which I think has been profitable, and we have not wasted time on it, it is made clear that this is merely postponing the expenditure of this money and that, in fact, the Government in this bill is committing itself to the purchase of this canal.

I now return to the line of argument from which I was diverted a couple of hours ago.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. There are only 8 or 10 Senators here, and it seems to me that we ought to have a quorum present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bankhead | Hughes | Perkins | Smoot |
| Brady | Jones | Pomerene | Sterling |
| Brandegee | Kenyon | Ransdell | Stone |
| Bryan | Kern | Reed | Thompson |
| Burton | Lane | Robinson | Thornton |
| Camden | Lea, Tenn. | Saulsbury | Townsend |
| Chamberlain | McCumber | Shafroth | Vardaman |
| Chilton | Martin, Va. | Sheppard | Walsh |
| Fletcher | Martine, N. J. | Shields | Weeks |
| Gallinger | Norris | Simmons | West |
| Gore | Overman | Smith, Ga. | White |
| Hitchcock | Page | Smith, S. C. | Williams |

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement stand for the day.

Mr. PAGE. I desire to announce the necessary absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired. This announcement may stand for the day.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. PITTMAN answered to his name when called.

The PRESIDING OFFICER. Forty-nine Senators have answered to the roll call. A quorum is present. The Senator from Iowa will proceed.

Mr. KENYON. Mr. President, I want to read now from the Richmond Journal an article entitled "A serious situation":

A SERIOUS SITUATION.

On general principles we should like to see Congress defeat the pending bill for river and harbor improvement. The millions of dollars carried by it should be kept in the Treasury if possible, it would seem, in these times when the reduction of imports as a result of the war has caused such a tremendous falling off in customs receipts.

But the war also has brought about another condition which the Government should do all possible to alleviate. The war has caused a very pronounced slowing up of business in the United States and slackening in many lines of industry. The number of unemployed in this country is greater as a result than it has been at any period in 20 years.

There will be an enormous increase in this number should the river and harbor bill fail of passage this year. About 30,000 people employed by the Government on river and harbor work would be thrown into idleness the 1st of October should the bill fail of passage. In the present state of trade and industry there would be little prospect of any considerable portion of those formerly employed by the Government being able to secure other employment. To add this large number of idle workingmen to the number already out of work would be to affect very seriously a situation already serious.

The opposition to the pending bill is based upon the alleged amount of "pork" which it contains. Undoubtedly there is ground for such objection. But Army engineers who have examined the various items of the bill say that it is less objectionable in this regard than any similar measure which has been reported in many years. Of course, the ideal measure for the improvement of rivers and harbors would be one drafted by engineers of the Army and shipping men, who know the absolute needs of every waterway, but we have not that system now and are in no immediate prospect of getting it. The best we can do is to make the best possible use of the system which we have. The experts of the Engineer Corps of the Army say this has been done.

If this were a time of profound peace, if the business of the country, already unsettled by legislation, which, however much it may better business conditions eventually, has not had time to accomplish its purpose, were not further slackened and embarrassed by a foreign war of unexampled magnitude, we should not be so urgent for the passage of the pending bill for waterway improvement. But the very conditions which cause a group of Senators to oppose the bill cause more farseeing and broad-minded men to urge its enactment into law.

We are glad to know that the Virginia Senators are supporting the bill. Failure to pass it will be fraught with serious results.

I read that in order that I may not be accused of making partial observations on this question. The Chicago Tribune of September 10—and the Chicago Tribune may be interested, of course, in knowing the allegations of the distinguished Sen-

ator from Louisiana [Mr. RANSDELL] as to railroad control of newspapers and magazines—contains this editorial:

WASTE AND WAR TAXES.

A little good in the barrel is not leaven that leaveneth the whole mass. If the rivers and harbors appropriations were 50 per cent pure or 75 per cent pure, they would be opposed by uncompromising Congressmen determined that filching should not have recognized place in the process of government.

Until the questions of internal improvement can be taken up honestly by Congress these bills ought to be opposed. A western defender of the barrel method says that less than one-half of 1 per cent of the bill can be criticized. He has a childlike faith in congressional methods. Such appropriations might be called frankly "funds for making the Members of Congress solid in their districts or States." Their political exceeds their engineering value in Congress.

It is the misfortune of worthy projects that they are forced to carry the fraudulent as a burden, and men who have genuine internal improvement in mind would be the first to demand a change in method.

If Congress succeeds in appropriating all the money asked for, it will have made provision for a fund approximately one-third as large as that needed to build the Panama Canal, the fund available and the funds to set aside for immediate and future work being considered.

In the year of a war tax there can be no defense of this. The Government must assess the people because there is not enough revenue, but no regard is paid to ordinary economy.

If the rivers and harbors bill contained only items for enterprises of indisputable value, Congress would reduce the amount. If there were no political advantage sought or to be obtained, Congress, without any urgence from outside, would carry over to other years such improvements as might be deferred.

If Congress were legislating for the country and not for itself, it would be as economical as Mr. Barkis. Zeal for good works never would carry it into extraordinary expenditures.

Again I read from the same paper, as follows:

WAR TAXES.

President Wilson, in his message to Congress advising that honorable body of the necessity existing for the imposition of a war tax, was not at liberty to urge economy.

That, Mr. President, has been one of the great mysteries in the President's message. He uttered not a single word for economy, and everybody knows, cloak it behind any guise you please, that if this Congress would practice a little economy, and a very little, no war tax would be necessary. If this Congress does not know that fact, the country is coming to understand it mighty fast. This article continues:

* * * * * * *

Whatever the reason, Mr. Wilson did not ask Congress to watch carefully its expenditures in a year of diminished revenues, but merely requested that extraordinary means be found to meet extraordinary needs.

We are not inclined to criticize the President. He has done much with a reluctant Congress and may feel that there are natural limits to Executive coercion.

It is interesting, of course, if we have reached that point.

Mr. GALLINGER. Mr. President, does the Senator from Iowa observe any symptoms which are encouraging in that direction?

Mr. KENYON. Except as to economy.

Mr. GALLINGER. I read in the morning Post, I think it was, that the gentlemen who are framing a tax bill openly avow that they have stopped work until the President can be consulted and his views carried out. That does not look as though the President had abdicated the function of dictating matters.

Mr. KENYON. I think the Senator from New Hampshire believes that it was very wise to suspend the work of formulating this tax measure. In view of the fact that we were informed by the newspapers that a tax was to be placed on transportation, it would be well to delay that matter for consultation with the head of the party.

Mr. GALLINGER. I do not assert at all that what the newspapers say is correct; but, in connection with that, it has been asserted that the President had approved of that tax before the suggestion was made to the public.

Mr. KENYON. I am sure I do not know as to that. It seems difficult to believe that he did. This article continues:

He may feel that Congress must work out its own destiny, although how he may avoid the responsibility if wasteful appropriation bills come to him for his approval or how he may avoid blame if they receive it we do not see.

The Democratic Party was a rhetorical and blatant critic of "Republican extravagance." Its national platform contained the solemn utterances of economical and indignant Jeffersonians, stern men of simple lives. We do not seriously commit the sophomoric folly of asking an administration to give one thought to the platform its party offered as a pledge, because Americans know that rhetoricians write the pledges and practical men later find ways of forgetting them.

Nevertheless we had extraordinary noise about extravagance, and we have had subsequently extraordinary effort to outspend the Republicans and to spend more wastefully than entered into the cautious plans of the Republicans.

It is not contended that the rivers and harbors bill represents a total waste. Some meritorious projects are included in its provisions. They suffer because they are in a barrel of rotten apples. The whole scheme of internal improvement must suffer when upon it are hung unconscionable frauds intended merely to strengthen a Congressman with his unthinking home folk, or, worse yet, to bring private advantage to powerful interests.

This Congress reasons that, in spite of the necessity for a war tax, appropriation shall be made for the indefensible projects as well as the legitimate.

President Wilson asks the national legislators to levy war taxes. They do not consider retrenchment. They are spending as inconsiderately as if revenues were coming in beyond the ability of a wasteful Congress to expend.

Appetite is running away with judgment. Unfortunately for the country, many Republicans prefer that the Democrats should condemn themselves by their own record. Instead of strengthening the opposition to this scandalous waste, they stand aside and give the Democrats the rope with which to hang themselves. This may be good politics, but it is poor patriotism.

Again, says the same paper—which seems to take a good deal of interest in this proposition—in a very interesting editorial entitled "Our ignored creeks," with some references to the Senators from Illinois, which, though not disparaging, I have excluded from the article:

OUR IGNORED CREEKS.

The temptation is to cry "Fie!" upon the Senators of the United States from the Commonwealth of Illinois. Has this State of Lincoln, Douglas, and "our tears" no creeks and considerable mudholes? Has it no swimming holes and duck ponds? Has it no rivers navigable to a canoe, no purling brooks, no rock-studded streams?

It has. Indubitably it has. They abound, and the murmurs of their flowing waters fill the prairies with music when the night is given over to the katydids and the harvest fly.

I commend that to the distinguished Senator from Texas [Mr. SHEPPARD].

Why, then, do we get no Federal appropriations for their sustenance and joy? Is Spoon River a less considerable highway of international commerce than Kissimmee Creek, Fla.?

That should be river—

Is Rock River a less pleasing product of nature than the Coosa River, Ga.? Is the yellow and turbulent Sangamon, on the broad bosom of which Abraham Lincoln lost a barge in trying to surmount a shag-bark hickory snag, of less importance to the world's marts than Newbegun Creek, N. C.?

We think not. We'll back the streams and waterways of Illinois against the streams and waterways of any proud Southern State. We'll back them from the modest Desplaines to the carp-filled Illinois as competent to carry a Nation's navies and a Nation's crops.

All they need, for instance, is a few stones picked out of the Rock River, a few riffles taken out of the Fox, a few snags taken out of the Sangamon, a little mud taken out of the Illinois, a little sand out of the Desplaines. This done and we may invite the Government to send the superdreadnought *Florida* on a summer cruise in our waters.

How, then, we ask, can a liberal Government, when it is spending $137,000,000 on river and harbor improvements, justly ignore, overlook, avoid, and contemptuously forget our streams and brooks?

Is it proposed that we of Illinois shall be exempt from the war tax necessary to replenish the money to be spent so freely on Southern waters? Shall our telegrams escape the tax? Shall our commodities be exempt from the impost? We think not. The Government will take from each citizen of this great and glorious commonwealth his penny.

And not a catfish in the Sangamon nor a bass in the Illinois will be the happier or the more comfortable. Are our catfish of no importance and our bass ignoble that they should be slighted by a national legislature bent upon casting pork upon the waters? Shall our snags rot where they stick in the mud and our sand bars check the movements of an ambitious maritime State?

But let us be content. We shall be permitted to pay the war tax. That blessing shall not be taken from us. We shall be allowed to act thus as citizens of the United States and replenish the Treasury after the Congressmen have had their way.

Nevertheless, we think our creeks ought to have had something. And it is with a sense of injury that we rebuke Congress for its discrimination in favor of other mud holes than our own.

From the Christian Science Monitor, which I suppose is another paper controlled by a railroad—I dislike to take the time to read all these editorials, but I think they are very interesting, and I notice the large attendance justifies my doing so—I quote the following editorial:

REFORMATION RATHER THAN OBSTRUCTION.

It is not to be reasonably expected, because the methods usually followed in the framing and passing of the rivers and harbors appropriation bill are objectionable, that therefore Federal aid should be withheld from river and harbor improvements. This would be going to another and an absurd extreme. The Government can not afford to neglect its navigable waters. It seemed necessary to check the tendencies toward recklessness, extravagance, and certain forms of corruption in the preparation and passage of this great omnibus supply measure, and for this reason the original bill in the present session was rejected, while consideration of a revised measure was put close to the end of the program. Manifestly, Congress must make proper financial provision for the carrying on of public works of this character but, on the other hand, there is, we are sure, no good reason why even necessity and urgency should compel those seeking reformation of methods to recede from their position.

Assuming that a rivers and harbors bill should, or must, be passed before adjournment of the present session, it does not follow that any emergency should be taken to justify a continuance of the old and thoroughly disreputable way of making the appropriations. It is to be devoutly hoped that the opponents of the pork-barrel method shall determinedly oppose it. The present understanding is that no compromise measure will be accepted by them that does not promise substantial progress toward reformation of the whole system. It is not a mere question of reducing the total by $10,000,000 or by $15,000,000; it is a question of eliminating from the measure all unnecessary or illegitimate appropriations.

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Mr. GALLINGER. Mr. President, will the Senator yield to me?

Mr. KENYON. I yield to the Senator.

Mr. GALLINGER. In the few observations which I made on Wednesday and Saturday of last week I discussed the river and harbor bill as it had been reported from the committee. Coming into the Chamber this morning, I find on my desk 65 pages in italic type, which it is stated is an "amendment in the nature of a substitute, reported by Mr. SIMMONS, from the Committee on Commerce, to the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors," and so forth. I will ask the Senator from Iowa whether he has made an examination of the proposed substitute to see in what particulars it differs from the bill which some of us have heretofore discussed and criticized?

Mr. KENYON. I have not made an examination of the proposed substitute, but I think I know in a general way the changes which have been made in the bill. The reduction in cash appropriations is about $10,000,000. The reduction in the authorization of contracts is about $8,500,000, making total reductions of $18,500,000.

Mr. GALLINGER. I will ask the Senator if those reductions have been made largely from appropriations for harbors and for the great rivers of the country, or have they stricken from the bill the inconsequential creeks and so-called rivers which are scattered through it and to which we have paid some attention?

Mr. KENYON. I think very few of those items have been stricken from the bill, although some have been. I think the item for Deep Creek, N. C., has been stricken from the bill. I think the item for the Sabine River in Texas has been stricken from the bill. The item for Boston Harbor has likewise been stricken from the bill. A considerable reduction has been made in connection with appropriations for the Ohio River; some reductions made in connection with appropriations for the Mississippi River, some affecting the Missouri River, and the increase made by the Senate Committee on Commerce for the Trinity River has been eliminated, as I remember. The item for Lookout Harbor has been reduced very substantially, and there are a number of other reductions in the bill; I can not give the Senator an accurate résumé of it all.

Mr. GALLINGER. It is interesting, I will say to the Senator, to note that the item for Deep Creek in North Carolina has been stricken from the bill; and yet it occurs to me that, unless the name is a misnomer, it ought to have been left in the bill and Shallote River and various other rivers and creeks in that State should have been removed from the bill.

Mr. NORRIS. Mr. President, if the Senator will permit me, it seems to me that it is very appropriate to take Deep Creek out. I suppose it has been taken out on account of its name, because it is deep enough. The other rivers which are only 4 or 5 inches deep, of course, are left in, because it is necessary that some work on them be done before they can float anything. Was Deep Creek the one which had a turntable in it?

Mr. GALLINGER. No; I think that was New River.

Mr. NORRIS. I think Deep Creek is all right as it is and as its name indicates.

Mr. GALLINGER. So that I suppose the appropriation for Boston Harbor, for which there is a crying need, has been stricken from the bill, and it has been evened up by taking Deep Creek from the 22 items of appropriation for North Carolina.

Mr. KENYON. I do not think it is claimed that Deep Creek has the same depth as Boston Harbor. Is the Senator claiming that?

Mr. GALLINGER. Oh, no; not at all. I have been simply suggesting that it seems to be of sufficient importance to offset the removal of the appropriation for Boston Harbor.

Mr. KENYON. I am inclined to think the taking out of the appropriation for Boston Harbor was a righteous thing to do.

I return now to the train of thought from which I was diverted. I read another editorial from the Christain Science Monitor, as follows:

TIME TO DEFEND THE UNITED STATES TREASURY.

The river and harbor bill which Congress seems tempted to adopt, has, we believe, more wasteful and indefensible appropriations in it than have found their way into most recent bills of the kind. So long as a log-rolling, parochial system of framing measures is operative, and so long as legislators abound who have local rather than national horizons, the United States will find it difficult to alter conditions such as this year's river and harbor bill represents.

* * * * * * *

There are times, however, when prudence comes to the aid of right and when, for reasons of thrift, free spenders of other persons' money will listen to the plea of economy and honor. Facing present need of the Government for income and the likelihood that new forms of taxation of the people will soon be tried, it would seem as if a body of lawmakers would go slowly in voting for any bill with new items involving such cost. Much of the work already under way, of course, must go on, on grounds of necessity and of economy as well. But at a time like the present any such total expenditure as the bill now calls for would, we are convinced, be wanton extravagance, calling for a presidential veto were the bill to pass.

Any sensible solution of such a problem as this presents would, it seems to us, include the presidential right to discriminate as between items of an appropriation bill. As it is now, in order to stop the Treasury-raiding items, the Executive has to hold up works which both national necessity and national ambition justify, and for which money should be spent generously and promptly. The President, if faced with this dilemma, can do much in ways that he well knows how to use to focus public opinion in a pressing way upon an admitted defect in our way of ordering public business and using national revenue.

That leads me to observe, Mr. President, that the proposed constitutional amendment giving the President the right to veto individual items in appropriation bills is one of great merit. The present system, whereby the President is compelled to sign a bill, with every item that may be contained therein, or to veto the bill in its entirety, is a system that we should get away from, if possible. Such an amendment is now sleeping in one of the committees, and it is to be hoped that it may soon awaken, because the lack of such authority in the President leads to the very troubles which now vex us in connection with the river and harbor bill. There are items in this bill, despite what the Senator from Louisiana says, which any President of the United States, if he had the power of vetoing separate items, would not hesitate a moment to veto. It leads to carrying the bad projects upon the back of the good projects, just as this system of legislation compels men to vote for the bad things in order to get the good, and it puts the President in that unfortunate situation.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. Do I understand that the Senator conceives the virtue of this proposed constitutional amendment to be that the President is more likely than the Congress of the United States to protect the Public Treasury?

Mr. KENYON. Unhesitatingly, yes.

Mr. BORAH. Without discussing the present incumbent, which I have no desire to do, but speaking of Executives generally, has that been the history of the Executives of this country?

Mr. KENYON. The Executives of this country have vetoed three river and harbor bills that have been passed by Congress, and another Executive has called attention to the fact that he really believed he ought to veto one of these bills, but there were such a number of vital propositions in it that he thought he should not do so.

Mr. BORAH. But taking the expenses of the executive departments at the present time and under the previous administration and comparing them with the expenses which may be immediately credited to Congress, does the Senator see any evidences of economy in the executive departments of the Government?

Mr. KENYON. Well, I do not know. I think the President himself must be something of an economist. He is a Presbyterian, and Presbyterians generally are pretty economical. [Laughter.]

Mr. BORAH. That might be true as to the present President——

Mr. KENYON. That is the one we were talking about.

Mr. BORAH. But, to my way of thinking, seriously, the most extravagant feature of this Government is our departments.

Mr. KENYON. Every part of this Government is becoming extravagant. Our appropriations are growing beyond all bounds. This Congress itself, as I expect to point out presently, for the year ending June 30, 1915, will appropriate $100,000,000 more than ever has been appropriated in the history of this country. We are getting more and more reckless. You can hardly go along the streets without being run over by a Government automobile in which is riding the wife of somebody, at Government expense, to make some calls.

Mr. BORAH. I have not come in contact with the automobiles——

Mr. KENYON. I hope the Senator will not, because it is a bad thing to come in contact with one.

Mr. BORAH. But I have been giving some attention to the sources of extravagance in this country, and the sources of extravagance are the inordinate demands of the departments for more and more appropriations.

Mr. KENYON. That is true.

Mr. BORAH. The departments are now running at an average of $3,000,000 a month in excess of what it cost to run those same departments in 1913. These appropriation bills are made up, and the Congress passes them, largely in obedience to the demands from the departments. It is a notorious fact that

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when departments ascertain that they are about to approach the end of the year without having exhausted their funds, for fear that it will have the effect of reducing the amount of the appropriation for the next year, they literally waste their funds.

Now, I do not know that I am opposed to the proposed amendment giving the President power to veto specific items in a bill, because perhaps it will put two checks upon extravagance instead of one. It does seem to me, however, that it is a pretty serious thing when we say that the Congress of the United States, elected now directly by the people in both branches of it, and responsible to the people, are not to be trusted; that the pork-barrel system can not be stopped by the immediate representatives of the people; but that we have to depend upon an officer who is one degree removed from the direct vote of the people—because he is elected by the electors—and depend upon those who are further removed from the direct vote than those who are closer to the people by direct vote. I doubt if we will get anything out of it.

Mr. KENYON. Does the Senator believe that the people pay very much attention to the question of appropriations by Congress? I think that is one of the unfortunate things we have to face—that they accept the party platforms promising economy, they listen to the campaign orators, as the Senator well knows from his experience, and they believe what they say; and then, when the party comes into power, they assume that the party is going to carry out its platform, and they pay no more attention to it.

Mr. BORAH. I suppose the Senator now has reference to the Baltimore platform.

Mr. KENYON. I am going to refer to that in a few moments.

Mr. BORAH. When the Senator gets to that I shall have something further to say.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. I yield to the Senator from Washington.

Mr. JONES. Referring to this suggestion as to economy, in view of some suggestions that were made a moment ago, I think it but fair to call the attention of the Senator to the fact, as to which I think he will agree with me, that the last President of the United States was more urgent and took more active steps to bring about economy than any President we have had in a great many years. Notwithstanding the promises in the Democratic platform, I have not found in any of the addresses of the present President, whether delivered in Congress or anywhere else, any urgent insistence upon economy on the part of Congress or any suggestions as to the necessity of Congress being economical.

I should like to know whether or not the Senator knows of any special attempts made by the present administration to bring about economy, either in the departments or in the legislation by Congress?

Mr. KENYON. I have tried to find in some of the President's utterances some suggestions of economy. Mr. Bryan, when he was a candidate for President, made some speeches along that line, urging economy. It is hard to tell just what economy is in government. We are getting to be such a great country, the lines are so much broken down between State and Nation in relation to appropriations, our development is so vast, there are so many things that Government is now laying its hands on and trying to do, and many of them, of course, righteous things, just as proper river and harbor appropriations are, the development of agriculture, the development of public health, that eye has not seen or mind conceived what in a few years our Government is going to be and how this question of appropriations is to be taken care of.

I do think we ought to have some kind of a budget system. At present we have different committees passing upon different appropriations. There is no coordination between these committees. There is no budget to which we are working. If the Senator from Washington had a great business, I imagine, such as a railroad business, he would see what his income would probably be; he would figure out expenditures; he would allot a certain amount to maintenance of track, a certain amount to equipment and overhead charges; and then he would make, as nearly as he could, those who were under him conform to this regulation and try to bring the matter within the budget.

Mr. JONES. Mr. President, I heartily agree with the Senator in this suggestion, and I wish to call his attention to the fact that that was one matter that was very strongly urged by President Taft. As I said a moment ago, he was very insistent all through his administration in trying to bring about economical methods in the administration of the Government.

Of course that does not mean that appropriations would be stopped at all. As the Senator says, this is becoming a very great country, and we are taking up very diverse activities upon the part of the Government. This requires large expenditures of money. Those large expenditures may be very wise and very economical. In fact, I think in a great many cases they are. Nevertheless, that does not and should not excuse us from trying to devise economical means of taking care of these various problems, and that would seem to be one of the things that the former President insisted upon very strenuously.

In view of the platform declarations of our Democratic friends, I really have been surprised at the lack of any apparent effort on their part to devise and bring about economical methods in the administration of the Government and in taking care of the vast and complicated problems to which the Senator has referred.

Mr. KENYON. Well, of course our Democratic friends have had a good deal on their hands since they came into office, and perhaps they should be excused for not showing more diligence. It is true, as the Senator suggests, that President Taft made an earnest effort, by an economy commission, to reduce the expenses of the Government; but I am not satisfied that very much was accomplished. I do not know whether the Senator has an opinion on that subject or not; but while of course it is our business, the Senator knows that there is not anything in this world quite so unpopular as trying to fight any kind of an appropriation bill. There are good appropriations, of course, but if you fight any kind of an appropriation bill it is said: "Why, did not you get an appropriation for this and that and the other thing?" regardless of whether it is good or bad. If you try to fight any kind of an appropriation, and honestly think you are trying to save some money to the people of this country, you are held up and ridiculed as a reformer and an uplifter, and it is intimated that you are pretending to be better than your fellow men. That is what we have drifted into.

Now, the allurements of public life are of such little importance to me anyhow that I do not care; I am not going to vote for appropriations that possibly my State ought to have if by doing that I have to vote for propositions that are absolutely bad. I will not do it. I would rather get out of here and go home to my farm.

Mr. JONES. Mr. President, I certainly have not made any suggestion that the Senator could construe as an intimation——

Mr. KENYON. Oh, it is always an inspiration to look into the Senator's face on these matters, and I did not mean that he had suggested that at all.

Mr. JONES. Of course, I agree with very much of what the Senator has said. The only difference is that he might regard as wasteful an item which I might regard as good.

Mr. KENYON. Exactly; and I freely concede that, of course. Everybody has different opinions about the matter, and one person's opinion is just as honest as another's.

Mr. JONES. Yes.

Mr. KENYON. But have we not developed a system in this country where the people at home sometimes say: "Get us this public building; get us this appropriation. This State has had this appropriation; this Congressman has secured this. You get it for us"?

Mr. JONES. There is no question about that.

Mr. KENYON. And then, when you get it and come home, there is a hack at the depot to meet you, with some horses with white plumes, and you are taken up to a banquet for what you have done for the community, when possibly and probably that building is not needed at all. Is not that the cold fact, if you and I should sit down on a dry-goods box and talk it over? Perhaps we have been guilty ourselves.

Mr. JONES. We do not need to sit down on a dry-goods box and talk it over.

Mr. KENYON. That would be more comfortable than standing up all day.

Mr. JONES. We can talk it over right here in the Senate. There is no question but that there is a condition just like that prevalent throughout the country.

Mr. KENYON. We can talk it over here in almost a private way.

Mr. JONES. Yes; very nearly in a private way, without disturbing anybody very much. I agree, and it is very unfortunate that that condition of things exists in the country, and I do not know how it can be remedied. Possibly, however, by the discussion of measures like this in the way it has been discussed this matter will be brought home to the people, and they will begin to realize as a matter of fact that Senators and Representatives are very largely responsive to and representative of the sentiment back home, and if they want to cor-

rect a great many of these things there must be a different sentiment there.

Mr. KENYON. I will say to the Senator that that is one of the reasons why I have taken the time, and shall take the time, to read these editorials. I think they show that while this river and harbor bill attracts no attention in the Senate the discussion has brought home to the people the very thing the Senator has suggested.

I now resume this very interesting reading.

Mr. LANE. Mr. President, I suggest to the Senator that the evil of the condition is principally due to the fact that all Senators and Representatives are loyally inclined to do as much as they can for the communities in which they reside. They are sent here, each one representing a different State, and turned loose, as you might say, to grab for appropriations I do not think it will be remedied until a certain proportion of the Members of both Houses are elected at large. Cities have found that where members of the council were elected from wards, each member of a ward was trying to loot the treasury of the city, not from any motive of robbery at all, but to secure a particular advantage and benefit to the ward in which he lived. He was expected by the people who elected him from that ward, and whom he represented, to do so.

Now, Members of the Congress coming here are to a certain extent governed by that same principle. They are compelled to pay attention to it. The Senator would know that if he came from a country which has harbors on the seacoast. I do not think we will ever get rid of these fraudulent or exaggerated appropriations until the Government recognizes the fact, which many cities have recognized, that it will be necessary to send here a certain proportion at least of the representatives who have been elected at large to look out for the general welfare of the entire community, regardless of local pressure—men who are placed above it and free from it, who do not have to depend upon it. Until you do that there always will be this contest of skill and wits.

There are Members of the Senate here as to whom I was told, when I first came here, that if there were 10 more like them in the United States Senate there would not be a dollar left in the National Treasury. [Laughter.] They have been so successful in securing appropriations for their States to the extent of millions upon millions and millions of dollars for the construction of post offices costing from, say, fifty to one hundred thousand dollars and more in towns of 500 inhabitants, that they were like Atilla of old, who marched down through Europe and became justly called "the scourge of God"—a scourge of God visited upon the Treasury of the people of the United States. Until we become relieved of present conditions in this respect, and there is a broader principle recognized, and men are sent here to legislate for the general good without any restraints upon them, many elected as Members at large. I do not look for much improvement in these river and harbor bills.

I know that in the country where I come from the man who secures the largest appropriations, and the most of them for the people who are trying to secure an outlet to the sea, is the most popular candidate; and yet, in the main, I think you will find that the appropriations for rivers and harbors for the State which I, in part, represent are free from any suspicion of graft. In many cases in our State the people themselves put up dollar for dollar for every appropriation that the Government makes, thus showing their faith in the projects—that they are willing to put up dollar for dollar with the Government. A community which will do that is playing fair. In one instance a certain community has assessed itself—every man, woman, and child—to the sum of $16 apiece, and without having had a cent from the Government, to open up their harbor to the sea.

Mr. NORRIS. That would be 16 to 1.

Mr. LANE. Yes; 16 to nothing [laughter]; still more. That would outdo Mr. Bryan's silver theory.

Now, I think you may talk here until your tongue gets sore, and scold all you wish about the present bill, and I have not a doubt but that it contains items that are utterly unworthy of consideration; yet I see no chance in the long run for the people to escape, or of the unfortunate victims of misguided judgment who, by their skill, have inflicted themselves upon the people of this country as Members of the Senate [laughter], escaping censure at the hands of the people whom they represent and the States which they represent, if they do not secure large and fat appropriations until the day comes when the people recognize that it is a bad investment and elect a certain proportion of them at large. The people of this country under present conditions would be hundreds upon hundreds of millions of dollars ahead if they paid half the Members of the Senate a million dollars a year to get to hades out of the country and go and travel in Europe until the war is over [laughter] or until the time came when they were elected to represent all of the people at large, without prejudice either for or against the interests of the community in which they reside.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. I do.

Mr. VARDAMAN. I wish to suggest to the Senator from Oregon that I think the American people are more desirous that the Senate should finish the work before it than anything else. They are looking and hoping and praying for that more than anything else just now. I should like to see this bill, which has in it, I admit, a good many things that ought to be eliminated, come to a vote and let the Senate settle it. Let Senators vote, guided by their own sense of duty. I have not a corner on all the political morality, wisdom, and patriotism; nor has any other Senator. I believe that when the bill comes to a vote Senators are going to do their duty and eliminate the objectionable features and items. The thing the country is tired of just now is delay.

The Senators are responsible only to themselves and their immediate constituents; but if we could get to a vote on this measure I feel very sure that some of the items in the bill which are the subjects of such long-drawn-out discussion here might be cut out. I hope they will be, and then the work of the Senate will be finished and Senators can return to their homes and do something else. I have faith in the ability of the American people to govern themselves. If Senators are not faithful to their duties here, they will have to settle with them later. We can not effect reform by simply killing time, and I for one am exceedingly anxious that we shall get down to business and get to a vote on this measure. It is of vital importance to the people of my State.

Mr. LANE and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. KENYON. I yield to the Senator from Oregon.

Mr. LANE. Not in answer to the Senator from Mississippi, but just by way of comment, I will say that there are certain features and appropriations in this bill which, if I am correctly informed, bring discredit upon the appropriations which we would be glad to see passed. It is unfortunate that in order to secure some of these appropriations which are necessary, and which the people want—and the same is true as to many items of legislation that have passed this body, and which we have been passing at all times since I have been a Member of it—they are compelled to take into their systems and pay for a lot of other appropriations which are utterly to the bad. The Senate should be brave enough and big enough to throw those items out and pass an appropriation upon its merits, purely and simply. Let us pass the good appropriations for improvements which are needed and which the people are suffering for on both coasts.

Mr. VARDAMAN. I agree heartily with the Senator that bad items should be eliminated. You can not eliminate them, however, unless you will give us an opportunity to vote them out. I will vote with the Senator from Oregon to cut out these objectionable items. We all understand that all legislation is the result of compromise. There is a diversity of interests to be considered. The empire of America stretches from the Arctic to the Tropics, and from the Atlantic across the Pacific Ocean, and the interests that are here to be conserved are varied and multitudinous. What I want to do, in the name of truth, in all that is good and holy, is to get down to the point where we can do something and not drag the matter out here to an interminable extent.

Mr. KENYON. Mr. President, I have such great affection for the Senator from Mississippi that I feel very much hurt if he is under the impression that I am inclined to drag this out.

Mr. VARDAMAN. Pardon me.

Mr. KENYON. I thought I was making a very interesting speech.

Mr. VARDAMAN. I hope the Senator will understand that I am not criticizing his method of discussion. He is always logical and candid, and the affluence of his eloquence is charming; but the Senator will remember that for the last week or ten days we have discussed everything from a pebble to the stars, except the things that are contained in this bill; and the necessity for the enactment of some legislation looking to river and harbor improvement is so imperative, so necessary, that it seems to me Senators should confine themselves to a discussion of the question before the Senate, to the end that something may be done that would give relief to the people whose interests are to be protected by the appropriations carried in this bill. If Senators would only realize how far-reaching and important

this measure is to the people living on the banks of the lower Mississippi River, they would understand the source of my solicitude and anxiety and the reason for my apparent impatience at delay. Large property interests and the lives of these people are involved.

Mr. KENYON. I think the Senator will concede that a large part of my time has been taken up with interruptions and discussions not suggested by myself. As I stated to the chairman of the committee, I wanted four or five hours to discuss this bill, and I could have completed what I had to say in four or five hours if not interrupted. I did not feel like——

Mr. VARDAMAN. I will agree not to interrupt the Senator any further.

Mr. KENYON. I like to have the Senator interrupt me.

Mr. VARDAMAN. The Senator is always courteous and generous, but I want him to finish. He is making an illuminating speech and contributing very substantially to the proper settlement of the question at issue.

Mr. KENYON. The Senator from Mississippi is always entertaining and oftentimes fully as entertaining when away from his subject as when he confines himself to it.

Mr. VARDAMAN. I should like very much to entertain my friend from Iowa, but I can not afford to sacrifice the public interest to even so delightful a purpose as entertaining my good friend the Senator from Iowa.

Mr. KENYON. I would join with the Senator from Mississippi, however, in the very great desire to adjourn, and I would be glad to yield the floor for a concurrent resolution to adjourn Congress, because if there is anything the people of the country would like to see, it would be to have Congress adjourn. I agree with the Senator from Mississippi about that.

Mr. VARDAMAN. I want to say to the Senator that the people I have the honor to represent here would be very much disappointed if the Congress should adjourn without making some appropriation to protect the people in the lower Mississippi Valley from the ravages of the floods. Such a neglect of a serious public duty I hope the Senate is incapable of contemplating.

Mr. KENYON. I do not think Congress should adjourn until it does. I am with the Senator on that proposition.

Mr. VARDAMAN. I thank the Senator from Iowa.

Mr. KENYON. I am sorry to see the Senator from Mississippi leaving the room, as he would have enjoyed the articles I am now about to read.

The New Orleans Item of September 3, a southern paper, says:

> The most forceful mouthpieces of public opinion in the United States are united in denunciation of the pending rivers and harbors bill as "scandalous" when proposed in coincidence with the admitted need for "war taxes" that must raise an equal sum.
>
> These same organs of publicity are likewise as one in urging in the stead of the "pork barrel" rivers and harbors bill a systematized treatment by the Federal Government of the rivers and harbors, the problems of floods and of navigation.
>
> So it comes about that Congress is the scene of hot debate about the pending measure; the President has not admitted that he has read it and it is conceded by its advocates to be in grave danger.
>
> Meantime we in the lower valley must suffer certainty of disaster if this same "pork barrel" bill fails to pass and we have floods in 1915, for the measure carries with it many aimless and useless proposals, the emergency expenditures required for levees and revetments below Cape Girardeau.
>
> Now has intervened Mexico, the tolls dispute, and presently war in Europe.
>
> And now in all its brazen, shiftless, aimless, reckless, ineffectiveness the ancient "pork-barrel" methods are exposed by the logic of the times—and the needy as well as the greedy must suffer.

That is from a paper that is honestly in favor of what is known as the Broussard bill.

The Senator from Michigan [Mr. SMITH] has talked so earnestly about this bill that I want to read one editorial from his State. The Detroit News says:

JUST PORK.

> The News has received letters from its readers asking about the Washington "pork barrel," what it is, what it means, and how it will affect them as citizens of the United States.
>
> To make it plain to readers who are not familiar with the political vernacular, we must first analyze the meaning of the word "pork." Pork is composed of two principal ingredients—the lean and the fat. By far the greater of these two is the fat.
>
> The proposed $92,000,000 rivers and harbors bill is the pork barrel of Washington. The pork contained therein is theoretically composed of two substances—the lean and the fat. By far the greater of these two components is the fat.
>
> The lean in this pork barrel is such necessary improvement as must be made in inland navigable waters and harbors. The fat is the part that your Senator and Congressman dwell upon when they want you to return them to Washington on their previous record.
>
> If you have a creek, a lake, or a body of water in your congressional district deep enough to come under the jurisdiction of the Government, and it's full of twigs and sediment, or if the river is crooked and doesn't know where it's going; or of you can imagine that your boat landing should be a harbor for trans-Atlantic and lake traffic, and the Government pays—or, rather, you are permitted to pay—to have these things remedied, that's the fat in this pork. Of course it's nice to have all these things done as a reward for your good judgment in selecting congressional Representatives and securing senatorial influence, but wouldn't you rather let the old fish pond remain as you knew it in your boyhood days and the river follow its natural picturesque course until this expensive trouble in Europe is settled?
>
> Perhaps when you come to think that on top of the pork barrel you will be called upon to pay your share of a $100,000,000 war tax to make up the deficit in the Internal-Revenue Department, due to the European war, the old mill pond will look better to you as it is. And maybe you will like your Congressman and Senator all the more if he saves your share of that $100,000,000. The News believes that is the sentiment of most of its readers.
>
> Pork is nothing new in American politics. It is a part of the American propensity for extravagance. And, under normal conditions, a lot of good has been accomplished even with the excessive fat. But now, in the face of the war, in the face of subsequent unsettled conditions, in the face of opportunities to develop and extend our foreign trade, in the face of contingencies that will require the strictest economy on the part of the individual as well as on the part of the Government, it is no time, brethren, to talk pork.
>
> And have you thought of this? At no time in history have the economic results of a great war been confined solely to the belligerent nations. Everybody suffers and has suffered from the results and consequences of war. Loans, war taxes, and additional assessments are levied by peaceful and warring countries alike. It's an ill wind that blows nobody good.
>
> What would reflect greater credit on our country, now as well as in history, than to have it go through this struggle without imposing additional burdens on its citizens? It would show primarily that we are an economic business people. It would strengthen our national credit and give us money to spend rather than to return in payment of debts over which we had no original control. Such a course would be more in keeping not only with good business, but with the late record of the party in power.
>
> If that money must be spent, the example set by England and its convenient navy would warrant us in spending it on a few more first-class battleships. But even that is for the moment out of the question. What we must do now is to save—not spend. One beauty about having money is that you can always spend it; and it would seem to any thinking person that we can get more for our money by saving now rather than spending it.

The Milwaukee Free Press of September 7, in an article entitled "A Lost Opportunity," says:

> President Wilson, had he been so minded, could have rendered his fellow citizens a great double service last Friday.
>
> In placing the Government's fiscal situation before Congress he could have compelled the defeat of the pending infamous "pork-barrel" measure in the interest of economy and thus have made a special tax practically unnecessary.
>
> According to the President, the falling off in the customs receipts promises to total between $60,000,000 and $100,000,000 by the end of the current financial year. But the "pork-barrel" bill calls for $93,000,000, the largest raid of the kind in the history of the country.
>
> Now, suppose the President had followed the precedent of Mr. Taft and frankly pointed out the evils of our rivers and harbors policy; suppose he had quoted from a multitude of expert opinion to show the utter uselessness and waste of the major part of the appropriations, their recognized character as indirect congressional "graft"; suppose he had emphasized the fact that next to the Army and Navy the Nation is spending more money in this unjustified manner than in any other; suppose he had reminded Congress that $52,000,000 have already been provided for river and harbor improvements during the period.
>
> Suppose he had done this and then emphasized the duty of Congress in the present condition of the Treasury to make an end of its contemplated raid, to defeat the bill or to cut it down to the marrow of necessity, and does anyone believe the President's appeal would have been without effect?
>
> But President Wilson did nothing of the sort. Instead he asked Congress to impose an additional, an extraordinary burden on an already overtaxed people. And, be it remembered, that the European war is not the immediate cause; it is but an accentuation of other causes that are responsible for the depleted Treasury. Those causes are the reduction of the tariff below an adequate revenue-producing point and the failure of the income tax to yield the revenue predicted by the tariff doctors.
>
> President Wilson prefers direct taxation of the people to a bond issue, because he claims "this is manifestly not the time to withdraw working capital from other uses to pay the Government's bills." Evidently the President is still psychologically convinced that capital is working overtime in spite of appearances. The fact is, as indicated in the financial press, that the times are extraordinarily favorable for just such a loan by the Government.
>
> For that matter, had the President urged the smashing of the "pork barrel," with a resultant saving of $50,000,000 to $60,000,000 in the Treasury, the bond issue required would have been so slight as to be negligible.
>
> The President having failed to grasp a great opportunity, we can only hope that enough pressure can be brought to bear upon Congress to save the people in these already overburdened times from another tax on industry and individual living.

Mr. RANSDELL. Will the Senator from Iowa yield?

Mr. KENYON. Certainly.

Mr. RANSDELL. I understood the Senator to say that this bill carried $93,000,000.

Mr. KENYON. I am reading from an editorial which so states.

Mr. RANSDELL. Are you vouching for the correctness of the editorial?

Mr. KENYON. I do not think there is any question about what this bill does.

Mr. RANSDELL. Will you mind stating, then, what the bill does carry? It carries only $53,000,000, including continuing contracts.

Mr. KENYON. Does not the Senator include in this bill the $32,000,000 that must be appropriated in the future?

Mr. RANSDELL. Not at all.

Mr. KENYON. It certainly does provide for that, though it does not appropriate for it.

Mr. RANSDELL. I wish the Senator would show how it provides for it.

Mr. KENYON. It provides for the cash and the authorized contracts for the future.

Mr. RANSDELL. It provides for about $43,000,000 cash and about $10,000,000 of continuing contracts.

Mr. KENYON. I will read on that what will make it as clear as anything can be made.

Mr. RANSDELL. I think, in all fairness, if the Senator is going to stand for the proposition that the bill carries $93,000,000, he should state how it carries $93,000,000.

Mr. KENYON. I will state that——

Mr. RANSDELL. I state emphatically that the bill carries but $53,000,000 as introduced last June, and it has been scaled down about $19,000,000. It now carries about $34,000,000 in cash and contracts.

Mr. KENYON. But there are projects carried which it will require, to complete, $36,000,000 more.

Mr. RANSDELL. There are projects, if we eventually allow them.

Mr. KENYON. You are providing for them here.

Mr. RANSDELL. There are projects that I presume will cost a good deal more than $36,000,000 additional. There is a project on the Ohio River alone which will cost a great deal of money. There is a project on the Missouri River which will require considerable money to complete ultimately. There is a project on the upper Mississippi which it will require considerable money to complete. There is a project on the lower Mississippi and there are a number of projects on which work is being carried on. If you are going to count the bill in that way, of course it will carry a great deal more than $93,000,000, but that is not the way to compute the bill.

Mr. KENYON. The Senator and I do not disagree about the cash it carries.

Mr. RANSDELL. And the contracts.

Mr. KENYON. We may disagree about that.

Mr. RANSDELL. It is plainly stated in the bill what the contracts are.

Mr. KENYON. Those are future obligations, but they are obligations nevertheless which will require future appropriations. So this bill is committing the Government, as I figure it, to something like $83,000,000.

Mr. RANSDELL. Then, I will ask the Senator to put in the RECORD the specific items, for I deny that it commits the Government to one dollar more than I stated, in round numbers, $10,000,000 of continuing contracts and $43,000,000 cash.

Mr. BURTON. Will the Senator from Iowa, as well as the Senator from Louisiana, yield to me for a question?

Mr. RANSDELL. I will yield, if I have any right to do so.

Mr. KENYON. I yield to the Senator from Ohio.

Mr. BURTON. Let me take one or two illustrations: There is an appropriation in this bill of $200,000 for the Sacramento and Feather Rivers in accordance with such and such a report. That report details an improvement to cost $5,860,000.

Mr. RANSDELL. I think that is correct.

Mr. BURTON. Does the Senator from Louisiana deny that this appropriation of $200,000, small, comparatively, as it is, commits the Government to an expenditure of $5,860,000?

Mr. RANSDELL. I do not deny it.

Mr. BURTON. There is an appropriation of $340,000 for a project contemplating 10 locks and dams in the upper Cumberland River. No mention is made in the paragraph whatever of its total expense, but there is a reference to an executive document or report, which definitely describes the project and shows that it will cost $4,500,000. Now, does the Senator deny that that appropriation of $340,000 commits the Government to the expenditure of $4,500,000?

Mr. RANSDELL. It commits the Government in a way, if it is going to carry on the work. I presume it does commit it. I should like to ask the Senator from Ohio if he denies that the appropriation of $5,000,000 made for the Ohio River, in accordance with the plan that we have been working on, does not thoroughly commit the Government to the balance of the sixty-three millions which the project will cost?

Mr. BURTON. I take it it is under a provision contained in the act of 1910.

Mr. RANSDELL. Does the appropriation for the Delaware River, may I ask the Senator, commit the Government to finish that project?

Mr. BURTON. It does.

Mr. RANSDELL. Does not the appropriation for the upper Mississippi practically commit the Government to finish that project? If you are going to say that this amount is $93,000,000, in Heaven's name why not figure out all these things?

Mr. BURTON. In the consideration of this bill we take into account the ultimate expense of all the projects that are in the bill, and that is the reason, and the main reason, of the existence of projects costing certainly $300,000,000 or $400,000,000 that are under way, many of which are being very slowly prosecuted, some of which it will require 30, 40, or even 50 years to complete. That I say is the most potent reason possible why we should be very slow about taking up any new projects.

Mr. RANSDELL. I ask the Senator from Ohio if in making up the amount carried in this bill, the $93,000,000 which the Senator from Iowa is talking about, he computed the amount necessary to finish the Ohio River improvement from Pittsburgh to Cairo, and if he did not compute it, why not?

Mr. BURTON. The amounts for the completion of the Ohio River are not computed, because they are carried, as far as any committal of the Government is concerned, in prior bills.

Mr. RANSDELL. We are carrying $5,000,000 in this bill.

Mr. BURTON. Not according to the amendment here. According to the amendment we are carrying only $2,000,000.

Mr. RANSDELL. I am speaking of the original bill.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. I wish to ask the Senator from Louisiana a question. How much does this bill carry in the way of appropriations for new projects entirely?

Mr. RANSDELL. I have not the figures right at hand. I will look it up and inform the Senator.

Mr. KENYON. About $32,000,000.

Mr. RANSDELL. I can not give the figure offhand. I will be glad to look it up and give the Senator the figures.

Mr. BORAH. I knew the Senator——

Mr. RANSDELL. There are in round numbers 94 new projects in the bill, and we provide for completing 62 of them.

Mr. BURTON. While we are on that subject, I will give the statement as contained in the House report, on page 8 of the report on the river and harbor bill for the Senate Committee on Commerce:

> In addition to the items for the old, or existing, projects, we have added 76 new projects, requiring in all to complete $38,684,700, while only $5,786,829 have been appropriated and authorized in the bill.

That shows the theory under which this bill is gotten up—a committal to new projects costing $38,000,000, but only $5,786,829 has been appropriated or authorized in the bill. I have not at hand the new projects. I think they are not segregated in the Senate bill.

Mr. KENYON. I should like to give the Senator that information as it came to us from the Senator in charge of the bill. I presume that we can rely on his speech at the time the bill was reported. He said:

> The bill as it came from the House carried appropriations in cash of $39,408,904 and authorizations of $4,000,000; a total of cash appropriations and authorizations of $43,408,904. The Senate committee adopted all the House authorizations. There were only two of these: First, the Delaware River, for which there was an authorization of $1,000,000; secondly, the Ohio River, for which there was an authorization of $3,000,000.
>
> The bill as reported to the Senate strikes out items in the House bill aggregating $2,024,000 and adds new items, for which appropriations are made, aggregating $5,946,400, making a net increase over the House cash appropriations of $3,922,400. The bill as reported to the Senate adds to the authorizations in the House bill authorizations for three additional projects—the mouth of the Columbia River, $4,100,000; harbor of refuge at Cape Lookout, $1,826,000; and Los Angeles Harbor, $426,000.
>
> The bill as reported to the Senate therefore carries appropriations and authorizations amounting in cash to $43,408,904, and authorizations of $10,275,000, or a total of $53,683,904.
>
> The House committee added 76 new projects, requiring in all to complete $38,864,700, and appropriated for these 76 new projects $5,786,829, leaving $33,077,871 to be appropriated for in future bills.

I answer the Senator from Louisiana that the cash as coming over from the House, when it was finally amended by the Senate committee, with the authorization, amounted to $43,289,400, the future obligations being $32,899,871. Then I added to that, in making up my figures as to river and harbor improvements, the amount of cash carried in the sundry civil appropriation bill for rivers and harbors, which is $6,990,000, and the Senate committee increase of about $10,000,000. So we get up to about $93,000,000.

Mr. BORAH. Let us get this straightened out, if we can. I understand that 76 new projects were put on in the House.

Mr. KENYON. Yes.

Mr. BORAH. And the contract amount appropriated for those new projects was how much?

Mr. KENYON. It requires to complete these projects $38,864,700.

Mr. BORAH. And the actual amount appropriated was about $5,000,000, leaving about $33,000,000 to be appropriated hereafter?

Mr. KENYON. Yes; exactly. We appropriate $5,786,829, leaving $33,077,871 to be appropriated for in the future.

Mr. BORAH. We have in effect obligated ourselves to the entire amount by beginning the new projects.

Mr. KENYON. Exactly.

Mr. RANSDELL. The point I was trying to make—and I hope the Senators will give it careful consideration—is that we have committed ourselves for a number of important projects in this bill, such as the Ohio River, the Norfolk-Beaufort Canal, the upper Mississippi, the Mississippi between the mouth of the Missouri and Cairo, the Missouri, the lower Mississippi, the Columbia, the Delaware, East River, Hell Gate, the fourth lock on the St. Marys River, and others. We have committed ourselves to much larger amounts than the Senator has just stated, and if he is going to speak about what we are committed to he ought to figure the whole thing out, in order that the country may be posted, and not try to make a bugaboo of what we are committed to in the way of new projects. He should state the whole thing.

Mr. KENYON. My "bugaboo" comes from the speech of the acting chairman of the committee having this measure in charge. I took what he said in his speech, and that is what I have used. If the Senator figures that up, he will find it comes very close to $93,000,000, counting new projects.

Mr. RANSDELL. I will say we have never made estimates on river and harbor bills in that way. We make an appropriation for the current year in cash and in projects, and that is what we charge up to the bill. That is the system worked out when the Senator from Ohio was chairman of the committee, whenever we undertook a work which was to cost a very large sum, such, for instance, as the great work on the Ohio.

Let me refer to it again. They are pushing this Ohio improvement at the rate of about $5,000,000 a year. It will cost ultimately $63,000,000. It certainly would not be fair to charge the total cost of the Ohio River up to any one bill. That is not a fair way of stating river and harbor appropriations. The fair way, the legitimate way, is to state the actual cash carried in the bill plus the contracts which we authorize.

We went on for years with the Ohio on a 6-foot project and then changed it. Some of the projects which we are prosecuting now under the plans recommended by the engineers may be changed subsequently. They may become less expensive or more expensive.

Mr. KENYON. Everything that ever has happened in the past that seems to be wrong about river and harbor matters is suggested here as arising when the Senator from Ohio was chairman of the committee. He has good broad shoulders——

Mr. BURTON. If the Senator from Iowa will yield to me a moment I wish to call attention to that which I have repeatedly called attention to, that in the act of 1907, with few exceptions, such as the indeterminate nature of the work, no new project was taken up but what the provision was made for its completion. I most emphatically assert that is the only way in which to conduct a policy for river and harbor improvements. There were two or three that are apparently exceptions to that rule, but the general policy was adopted, and I most deeply regret that it has not been followed ever since, of courageously meeting the expense, however large it might be, and, in making an appropriation of $340,000, not having it appear in the bill that that was the total amount when the final expense must be for a million and a half; not including in the bill $200,000 when it meant $5,860,000, but setting it forth so that the country might know and that Congress might know what would be required to finish it. We decided that if we undertook any public work we would prosecute it to completion without any let or hindrance or reliance upon any later bill.

Mr. KENYON. So much has been said about the projects while the Senator was chairman of the committee of the House that I am going to diverge from a very interesting reading of those articles to a statement made in the House by a Congressman from my State, Col. Hepburn, relative to the work of the Senator from Ohio on that committee. I have so many ties of friendship with the Senator from Ohio that it grieves me to hear continually the flings that are made at him. Congressman Hepburn years ago was fighting the river and harbor bill in the House. I used to hear about it when I was a boy, and I admired the fight that he was making. He did not seem to have the same opinion of the chairman of the committee or of his work that some gentlemen on the other side of the Chamber now have. In the House, January 10, 1901, he said this, and I divert long enough to place it in the RECORD:

Mr. Chairman, I once said that I expected to live long enough to see a river and harbor bill carry $100,000,000. That was only a few years ago. We have got up to 60 per cent of my expectation. I expect to live—you go on as you are going, if the gentleman from Ohio [Mr. BURTON] can not assert himself, if we do not see a change in our rules, so the Committee on Rivers and Harbors may consist of one person, and that the gentleman from Ohio—I expect to see the time when we will have more than a hundred million dollars appropriated and authorized.

Right here let me suggest to you this method of authorization is subtle and perilous. Would the gentleman from Ohio, would he have permitted this bill to bear his name if the appropriation was for $60,000,000 direct and the $8,000,000 that will be borne by the sundry civil bill—$68,000,000? I take it he would not, and I take it that he would have been able to go further in the direction that he did go.

I do not suppose that I am telling any secrets—in fact it did not come to me as a secret—but that he did compel cutting off of $20,000,000 from this bill as it was originally drafted. The country should thank him for that. I say seriously, if we could put the responsibility on that gentleman I would be perfectly content to do it. We would have a river and harbor bill then that did not contain fads; we would have a river and harbor bill that was not filled with experiments; we would have a river and harbor bill that did not minister to the greed of localities and of individuals. It would be national in its character and would represent only those works that were of national character and that did give equality of blessings to all who contribute to the expense.

So that 13 years ago the old veteran, Col. Hepburn, who had fought this bill all the years he was in Congress, or nearly so, paid this great tribute to the Senator from Ohio.

If he saved $20,000,000 then, he has succeeded in saving nearly that much now; and whatever Senators in this Chamber may say, and whatever slurs may be cast upon him for past work on river and harbor bills, the country has confidence in the Senator from Ohio, and more so than ever since he has made this fight. If he were not in the Chamber, I would say some nice things about him. The Washington Herald says:

ECONOMY IN ORDER IN GOVERNMENT.

On motion of Mr. UNDERWOOD the National House has resolved to enforce the rule stopping the pay of Members absent without leave. The saving to the Treasury is estimated at $3,700 a day.

Well, every little helps, especially when we are threatened with new taxes because of the dwindling of customs revenue. However, Congress should save at the bung as well as at the spigot.

There's that $55,000,000 river and harbor bill, most of which is admitted to be sheer "pork." That waste should be stopped where it is. If the Democratic majority in Congress lacks the nerve to stop it, the President should veto it. The whole country would applaud.

Through a war none of their making the American people have been forced to all kinds of personal economies. The effects are felt in every household. There is no use wailing about it. We should instead try to increase income and reduce outgo.

The masses can not directly and immediately increase income, though they have just hopes of more work and wages if industrial and financial leadership rises to the emergency and grasps this gorgeous opportunity of enlarging the volume of national business. For the present the masses must reduce outgo.

The American voter has a right to expect that his own enforced economies will be assisted by every possible economy in government, State and city as well as national. And notable savings are possible in all of them.

Unless the temper of the American people is wholly misunderstood, the candidates who stand up quickly and efficiently for real economy in public expenditures are going to be the candidates who win in November.

The Washington Times of August 24, says:

WAR TAXES FOR PORK.

It is said on high authority among Democratic leaders that war-revenue measures are to be framed and passed which will not only provide for the deficit in national revenues due to the extraordinary financial conditions, but in addition will make a sufficient total to take care of the river and harbor pork barrel of this year.

Seemingly there is a strange determination to get this measure passed.

The present administration is not to be blamed, in fairness, for the insufficiency of revenues. No fiscal system on earth could have been suited to the conditions of peace and yet capable of readjusting itself to to-day's world-wide cataclysm. None has served that purpose. Every country confronts the same general problem that this country faces.

There must be extraordinary measures to meet extraordinary conditions. Nobody will find fault with that. But when extraordinary conditions are met with a proposal to impose special taxes in order to raise money for the pork barrel there will surely be protest, loud and insistent.

Let the leaders in Congress take account of to-day's public sentiment toward river and harbor appropriations; let them realize that the country is less patient about the pork's distribution than it ever was before. Let them understand that more is known and suspected about the real inwardness of these gratuities than in other years.

Even before the European war laid a wholly unexpected stress on the financial structure of this country, the notion of the pork barrel was getting repugnant. A real opposition had developed at both ends of the Capitol. Editorial opinion had been aroused to a striking and unprecedented extent in opposition to what was suddenly recognized as a good deal worse than a parliamentary joke.

It is no joke to have $50,000,000 or more chucked into a rat hole at any time; it is a mighty grave affair when national finances are as to-day. The administration can not afford to hitch on some extra taxes in order to meet such demands, and if it does so it will have to meet justified criticism at a time when it ought to have, because it ought to deserve the united support of the country.

The Denver News says:

RIVER AND HARBOR IMPROVEMENTS.

The publicity bureau of the National Rivers and Harbors Congress, with headquarters in Washington, D. C., is very active at this time in an effort to manufacture public sentiment in favor of the speedy pas-

sage of the pending rivers and harbors bill, which has been tied up more or less effectively in the Senate because of vigorous protest against certain "pork-barrel" features.

In most of its copy submitted for publication the writers for the bureau make a plea that times are beginning to grow hard in this country because of the European war, and that they will grow much harder if the rivers and harbors bill is not passed speedily. They cite various authorities to show that thousands of men employed on river and harbor work will be laid off soon if new appropriations are not speedily available.

A long list of river and harbor improvements for which additional appropriations are provided in the pending bill is then cited. There can be no doubt that most of these improvements are needed and that funds should be provided for them.

But why should millions of dollars be spent to "improve" rivers that will never be navigable for boats that draw more than a foot of water, in order that other millions may be spent for needed improvements of rivers that are already navigable? Why should the people of the entire United States be asked to contribute large sums of money every year in the form of alleged "river improvements," but in reality for no practical purpose than to improve the chances of reelection for the Congressmen where the alleged rivers are located?

The people of the country are not opposed to legitimate appropriations for the improvement of rivers and harbors that are of actual use to the commerce of the country. But they are vigorously opposed to appropriations for rivers that can never be navigated except by small skiffs and "John-boats."

The Rivers and Harbors Congress has done much good work for the improvement of the waterways of the country. But it will lose its influence unless it faces openly and honestly this campaign against "pork-barrel" methods in rivers and harbors appropriations.

The Washington Times of September 2 says:

"TRIMMING" NOT ENOUGH.

The program of trimming $20,000,000 off the river and harbor bill and then passing it is not creditable to any of the people backing that measure. Opponents of the pork barrel will do well to withhold approval from any such compromise.

It will not save the $20,000,000; it will merely postpone the day when it must actually be scraped out of the bottom of the Treasury.

What is needed now is a reform of the system. A pork barrel with only a single slice of pork in it, passed by Congress in a manner that recognizes and continues the old pork system, will be just as bad as a $50,000,000 mess of the fat.

Kill the bill because it represents a bad system; then reform the system.

I should think that would be true, if it were not that some of the projects here are absolutely essential, as it seems to me, to the people in the southern part of the country, on the Mississippi River. If it were not for that, I would be engaged in a filibuster against this bill from now until the next session; but I do feel that that is the one proposition down in Mississippi and New Orleans and in Louisiana that ought to be taken care of, and whatever others may think about it on this side of the Chamber, I shall help to provide for it.

River and harbor appropriations make profits for the rings of contractors who get the work to do. They reclaim private property at public expense. They play into the hands of the Water Power Trust. They improve harbors where not a foot of public wharfage is to be found, but where the shipping combinations dominate.

They don't bring commerce back to the rivers; the commerce has been and still is leaving the rivers.

All because the whole system has been wrong—persistently and perniciously wrong. Let the system be reorganized. To trim a river and harbor budget to-day and then forget the need of basic reform will be to sacrifice the real benefit of the airing that has been given to this system this year.

I have only a few more of these editorials, Mr. President. I wish now to read one from a paper published in the home of the distinguished Senator from Oregon [Mr. LANE], who spoke a few moments ago and, as he always does, dropped some nuggets of wisdom. If every man in public life had the courage and the independence and the sense of the Senator from Oregon, we should not have many troubles. While he is a Democrat, I hope he will stay in the Senate the remainder of his days. If I lived in Oregon I should always vote for him, as, if I were in New Jersey, I should always vote for the senior Senator from that State [Mr. MARTINE]. They are the kind of statesmen the country needs. Strength to them.

Mr. MARTINE of New Jersey. Mr. President, the Senator from Iowa is exceedingly complimentary and gracious, and I assure him that we appreciate it.

Mr. KENYON. The paper to which I refer, the Portland Oregonian, said on August 30, 1914:

HOPE NOT YET LOST.

Senator CHAMBERLAIN and Senator LANE are reported in a current news dispatch from Washington as "believing that the river and harbor bill will pass the Senate after the lopping off of some of the items, but that the retention of the Oregon projects is probable."

The New York Sun, one of the important eastern newspapers that vigorously opposed the bill in its present form, issues an appeal to President Wilson, Senator SIMMONS, and Representative UNDERWOOD to protect the Treasury by various economical measures. "The first action," says the Sun, "will be the amendment of the pending river and harbor bill by the exclusion from it of every appropriation except those for maintenance payments of projects now under contract, and for works recommended for military reasons."

President Wilson has pointedly declined to recommend to Congress that it pass the pending bill. He does not appear to be persuaded of its merit as a whole. Hasn't he heard from Portland?

But it appears now to be obvious that sentiment of the country will support a reasonable measure, excluding the pork. The amendment of the current bill is practicable.

If Senator LANE and Senator CHAMBERLAIN will shift their support of a bill, tainted with pork, that can not pass, to a modified measure that ought to pass, they will be commended at home.

The Detroit Tribune, in its issue of September 6, 1914, said:

There is some indication in Washington dispatches that the allies defending the wasteful rivers and harbors appropriation bill are being beaten back by the phalanx of economists in the Senate. Their line may be broken and the essential items in the bill be dispersed to find place in other appropriation measures. The extravagant and wasteful items, if the attack succeeds, will be numbered in the casualty lists as "killed or missing." There can be no doubt as to which side in this battle the taxpaying spectator on the side lines favors with his sympathy.

I commend that to the distinguished Senator from Michigan [Mr. SMITH], who has declared that there is not an item in this bill that should not pass.

The Boston Evening Transcript of September 8, 1914, has an article entitled "Senator BURTON's filibuster." That, I think, is a very unkind thing to say. The article reads as follows:

One must go back seven years to find a parallel for the notable filibuster which Senator THEODORE E. BURTON, of Ohio, is conducting against the thoroughly vicious Democratic rivers and harbors appropriation bill. Not since the late Senator Edward W. Carmack, of Tennessee, defeated the mail-subsidy shipping bill, in the closing hours of the Fifty-ninth Congress, has there been witnessed so notable a one-man fight against a bill in the United States Senate.

In the commencement of the discussion of this subject, the Senator from North Carolina [Mr. SIMMONS] declared that the Senator from Ohio [Mr. BURTON] was not conducting a filibuster, but said he was very suspicious of other Members on this side of the Chamber. In view of this article, I hope he will confine the accusation to the one Senator, if he is going to make it at all:

Carmack's fight, unlike that which BURTON is conducting, was against a measure which carried the indorsements and hopes of millions of Americans. If he had failed, the deplorable situation which to-day confronts the country, in a lack of a merchant marine, would have been avoided, for the shipping bill, designed to put the American flag back on the high seas, had passed the House of Representatives and had a clear majority in the Senate. There was only one way to beat it, and Carmack, one of the most brilliant debaters and speakers the upper House has ever known, chose that way. He talked it to death on March 3, 1907, and thus paved the way for Government-owned ships in 1914, a contingency which this Jeffersonian Democrat did not foresee, else would he not have taken his seat as preferring subsidy to paternalism? In the present instance the filibuster undoubtedly has the approval of the vast majority of the American people, for the $53,000,000 raid on the Treasury which Senator BURTON is trying to stop means a personal loss to every taxpayer in the country. The rules of the Senate, under which unlimited debate is permitted, which allow one man to hold up the business of the country just as long as he has the physical strength to keep the floor and continue speaking, are therefore a two-edged sword, cutting both ways. In one case they brought defeat to a patriotic program of commercial development, in the other they are enabling a wise and courageous man to hold up a shameful "pork barrel."

It is reported from Washington—

I do not know how much of truth there is in this—

that the Democratic leaders secretly hope to see the pending bill fail, in view of the prospective deficit in the Treasury, but that they prefer for political reasons to have the "odium" of the defeat rest upon the Republican Party. If this correctly states the attitude of the administration, it is but further evidence of how completely out of touch with public sentiment the Democratic leaders in Washington really are. This bill for river and harbor improvement is being condemned from Maine to California. The people believe it to be a piece of reckless extravagance at a time when the revenues of the Nation are at low ebb and additional taxation has been recommended by the President.

The latter part of this declaration is so eulogistic of the Senator from Ohio that I am sure he would desire to have it go out; so I will not read it.

Mr. BORAH. Mr. President, we have so much of our news censored lately, and we get so little of the real facts in regard to the war and everything else, that I wish the Senator would not censor the articles he is reading quite so much.

Mr. KENYON. I will say to the Senator that this proposes the Senator from Ohio as the candidate of the Republican Party for President, and possibly the Senator from Idaho would desire to have that censored. [Laughter.]

Mr. BORAH. I have read the article.

Mr. KENYON. As I desire to abbreviate my remarks, I ask to insert, without reading, several articles from various papers throughout the country.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent to insert in the RECORD, without reading, certain articles from various papers. Is there objection? The Chair hears none, and it is so ordered.

The articles referred to are as follows:

[From the Cincinnati Commercial Tribune, September 6, 1914.]

PORK AND POWER.

The potential pork barrel will act as an important factor in securing the renomination of President Wilson and be even more potential in contributing to his certain defeat. The country was promised all sorts of economies and a business administration. The failure is notorious and lamentable.

In every direction, in almost every household, men and women are practicing rigid economy in efforts, which may be in vain, to make the

ends meet. Those in charge of the General Government have thrown money to the four winds of the earth. They will be held responsible, though President Wilson personally may not be the leading feature in the year of spendthriftism.

Talk is heard of war taxes in some form or other to meet unforeseen expenditures, and at the same time millions—millions on millions, it may be said—are being appropriated for the improvement of creeks without water and for post offices in villages where the voters can be numbered by the minutes on the face of the clock.

From the President down to Congressmen whose names have never been in the RECORD, not one is blameless. They have aimed at a continuation of power and have formed a circuit which will act just as effectually as it does in the chair of electrocution. They are doomed.

—

[From the Milwaukee Sentinel, September 4, 1914.]

CUT IT OUT.

"By cutting the 'pork' out of the rivers and harbors bill Congress will save many millions of dollars in appropriations and still pass a measure designed to meet the real needs of the country. It is not a task that calls for extraordinary knowledge. A little common honesty will suffice."—Democratic paper.

While discussing a "war tax" to be imposed on this country, which is not at war and has no prospect of going to war, Congress still proposes a "pork" bill for expending some $137,000,000 for alleged improvements in congressional districts.

Of course not all of those appropriations for local purposes can fairly be called "pork." But undoubtedly a great deal of them positively come under that designation.

The thing to do is to find out how much.

Therefore the resolution of Congressman FREAR, of Wisconsin, calling for an investigation under that head fits the emergency exactly.

This "pork" bill was denounced as a scandal in extravagance, even by some Democratic Congressmen, before this situation creating the possible need of a "war tax" arose.

The country is prepared for the extra tax to meet the customs situation, if necessary, and the burden, if fairly and equitably distributed, say, in the form of a small stamp tax, would be little felt.

But economy first.

That is what this Democratic administration and Congress is specifically pledged to give us.

One of the first things this Congress did give us, after its revenue-killing tariff performance and its disappointing national income-tax recourse, was this "pork" bill, which a Democratic Member had the honesty to condemn as a piece of extravagance that "cast completely in the shade" any similar performance by any Republican Congress.

This is not a year for loading the country up with an outrageous bill that is largely "pork" for Congressmen seeking to ingratiate themselves in "pork" fed constituencies.

So investigate the bill and cut out the "pork" with a strong and ruthless hand.

Let the Democrats try a little of that economy they are so glib about in their platforms. Then the country will be in a more receptive mood toward their "war-tax" arguments.

A Congress that proposes to throw away public money with one hand and reaches for the public pocket with the other does not appeal to us.

—

[From the Pittsburgh Dispatch, September 3, 1914.]

THE RIVERS BILL.

The rivers and harbors bill, as it was passed by the House, carried an aggregate appropriation of about $40,000,000. Some $13,000,000 more has been added in the Senate. Senator Burton and some others charge that about $12,000,000 of the total is "pork" and threaten to talk the bill to death rather than permit this raid on the Treasury to get through. Most of this amount, it is said, represents appropriations for creeks and streams in the South, which is not surprising. The southern Democrats, being in the saddle, are anxious to take advantage of their power to "do something" for their home districts as some northern and western Members have been in other years. But, with the administration confronted with the necessity of levying additional "war" taxes to the amount probably of $100,000,000 to make up the deficit in customs receipts, this is a poor time to distribute "pork." One-tenth of that deficit could be avoided by cutting out these purely political appropriations in the rivers and harbors bill. And it is a question whether the folks back home would not rather forego their slice of "pork" than be obliged to pay additional war taxes. The "improvement" of the local creek is a sentimental or deferred benefit, whereas the going down into one's pocket for increased prices on drinks, smokes, etc., strikes right home.

But one thing is certain, the rivers and harbors bill as a whole should not be killed. The provisions for the improvement of the Ohio, to which the Government is committed and which is the backbone of whatever system of river improvement the country is to have, and other items of similar recognized and undisputed importance should not be postponed. That would be like burning the house to get rid of the mice. Congress should have statesmanship enough and patriotism enough in this time of emergency to cut out the unnecessary and extravagant items and pass the bill reduced to the really essential items.

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[From the Chicago Herald, September 6, 1914.]

WAR TAXES OR ECONOMY.

Owing to the decrease of imports and the consequent decrease of duties therefrom there has been much talk of "war taxes." The imposition of such taxes appears to be repugnant to the American press, which, almost unitedly, takes the stand that they will not be required if a program of strict economy governs our national expenditures.

Thus the Philadelphia Record says that "instead of new taxes, which could not fail to be unpopular, Congress should seek to make up any probable small deficit by economy in appropriations"; the Milwaukee Free Press advises that Congress "look to the pork barrel"; the Washington Times, agreeing with this, says, "this is no auspicious season for wasting a huge appropriation"; and the Cleveland Plain Dealer praises Senator BURTON for his work in pruning the river and harbor appropriation bill.

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[From the Philadelphia Press, September 3, 1914.]

CUT OUT THE PORK IN RIVERS AND HARBORS BILL.

Hope is now entertained in Washington that a compromise may be effected whereby the rivers and harbors bill, pruned of its most objectionable items, may become a law by October 1. Senator BURTON and those of his colleagues who have conducted a filibuster against the bill as it passed the House are fighting only the "pork barrel" features of the measure.

No filibuster, indeed no argument, should have been necessary to cause the voluntary elimination of moneys appropriated for the alleged development of creeks and streams in the South which can make no pretensions to ever becoming navigable rivers. In one instance, in fact, it is gravely proposed to sink artesian wells for the purpose of providing water for the so-called "river."

In the face of enormously reduced revenues from customs and the projected war taxes to be imposed by the Federal Government, the Democratic leaders in Congress ought to have acted on their own initiative to withdraw the rivers and harbors bill and revise it so as to include only the appropriations required to continue the work which experience shows to be absolutely necessary.

Philadelphia has been forging ahead as an Atlantic seaport. Ocean commerce prior to the war was coming here as fast as docking accommodations could be provided for the ships. The deepening of the Delaware channel and keeping it clear was the duty of the Federal Government, and the results in growing customs receipts at this port have proved the wisdom of this well-directed expenditure. But since the rivers and harbors bill, with its objectionable features, has been held up in the Senate the appropriation has run out and the work of dredging has been suspended.

This jeopardizes much that has been done, as constant vigilance is necessary to prevent the gathering of the silt in the bed of the channel from which it has been removed. This example is the one that comes home to us in showing the evils that have resulted from insistence on the "pork barrel." No other community has better reason to hope that the plans for a compromise on the rivers and harbors bill will be quickly carried into effect.

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[From the Indianapolis News September 4, 1914.]

PASSING ROUND THE PORK.

In a desperate effort to arouse sympathy supporters of the rivers and harbors bill—the pork barrel—are calling attention to the disasters which are certain to visit many communities should the $93,000,000 measure be defeated. In case continuing appropriations are not approved, it is said that on October 1, 29,000 men will lose their employment, that altogether 145,000 persons will be affected. Calamity will be direst along the Mississippi River, which has annually received thousands of dollars, and is not yet "improved." The idea is to work up local indignation, to inspire telegrams and letters, public resolutions, and petitions in favor of the bill. This scheme has worked before and will work again unless Congress is alert.

But in spite of this twilight rally it is said that the rivers and harbors bill will not be rushed through. It were well before it is passed, even in less extravagant form, to consider a resolution which Representative FREAR has introduced. MR. FREAR knows more about the rivers and harbors graft than any other man in Congress, excepting, possibly, Senator BURTON. Mr. FREAR's idea is to have the Judiciary Committee scrutinize the present rivers and harbors bill and call into consultation certain Army engineers and others who are familiar with public "improvement" work now under way. One Government engineer is reported to have said that only one-half of 1 per cent of the present appropriation was "pork." But even so, this means a waste of $260,000. It is the opinion of Mr. FREAR and others that the "pork" is larger in bulk, as $260,000 would not go far when passed around among the hungry congressional districts.

Were it not for the greed of cities and States the pork barrel never would have grown to such bloated proportions. Primarily, the communities are responsible. If the "pork" Congressman is acting as a bribe giver, his constituents are simply bribe takers. Nor does the appropriation need to be a bald raid in order to be "pork." Appropriation bills may be extravagant without being actual steals. Useless or hasty improvements which call for the expenditure of government money without public return are as much "pork" as absolute gifts. For 40 years the Government has had no system in its river and harbor improvement work. It is time economy and regularity were introduced.

—

[From the Baltimore Sun, September 6, 1914.]

CUT OUT THE EXTRAVAGANCE.

One of two things should be done with the rivers and harbors bill—it should be entirely recast or it should be so amended as to strike out the extravagant and unwarranted items. It is a matter of common knowledge that there are many of these, and, so far as we know, nothing that can be considered a defense has been offered for them. Senator BURTON'S indictment of the bill in these particulars has never been answered, for the reason that it can not be answered. The thing that amazes the masses of the people at home is the stubborn determination to stick to appropriations that are clearly a misuse of the public money. This is all the more astonishing and disappointing because the Democratic majority in the Senate, as in the House, has done so well and has shown itself so strong and courageous with regard to nearly every other subject that has come before it.

Senator SIMMONS, of North Carolina, who is in charge of the bill, is quoted as follows in its defense:

"This measure has been framed along lines similar to those of other years. There is no more reason, therefore, for holding up this bill than there was for holding up any of the other big appropriation bills."

With due deference to the public knowledge and public services of the Senator, he does not touch the heart of the matter. If it be true that this bill is framed just as similar bills have been framed in the past, that is precisely the reason it should be held up until it is revised or amended. It has been a crying scandal for many years that rivers and harbors bills have been used as a cover and vehicle for political graft; that millions of the people's money have been appropriated in them for absolutely useless and wasteful purposes, and that the Public Treasury has been systematically raided to build up political fences and to strengthen Congressmen in their home districts. This has come to be known as pork-barrel legislation because of its hoggishness and greed. But it is not only hoggish; it is absolutely dishonest. And because Republicans have been in the habit of doing it, that is no reason why Democrats should follow their example. Senator SIMMONS'S defense, it appears to us, amounts to a confession, and unless he can answer convincingly Senator BURTON'S "bill of particulars" it is his duty and the duty of all other Democrats to cooperate in cutting out the objectionable and unjustifiable items.

[From the Portland Morning Oregonian, September 2, 1914.]

NOW PUT IT THROUGH.

The Oregonian modestly disclaims the immense influence with Congress and President Wilson the newspaper and other agitators for the pork barrel, hired and hopeful of being hired, would have the public think. The reason Congress has not passed the rivers and harbors bill, it seems, is that the Oregonian will not permit it.

Well, the Oregonian gives its sovereign consent. Now, let Congress and the President do the rest.

Yet it appears also that something will have to be done with Senator BURTON, Senator BORAH, Senator KENYON, and their colleagues who are determined that the proposed measure shall not pass. It does not help the situation to call Senator BORAH a "demagogue," nor to sneer at Senator BURTON and impugn his motives. That is something no Senator has done in the discussion of the pending bill, and we doubt if it has ever been done. Senator BORAH is not a demagogue, and calling him one is a bold and indecent performance. The public may be sure that Senator BORAH is moved in all his actions by a sense of duty, and he will not be bludgeoned by coarse newspaper or forensic criticism into any other position.

Meanwhile it is up to Congress to pass the rivers and harbors bill or a substitute that will protect the Columbia River and other Oregon projects. If Congress fails, Congress alone is to blame.

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[From the New York Sun September 3, 1914.]

WHAT ANSWER?

Representative UNDERWOOD, the leader of the Democratic majority in the House, told his colleagues on Monday that they would probably be called on to consider emergency revenue measures within a fortnight, and that final adjournment of Congress might be looked for by the end of this month.

While Mr. UNDERWOOD was conveying this message to the Representatives, Senator SIMMONS announced that immediately on the passage of the Clayton bill he would call up the rivers and harbors appropriation bill, which, since it reached the Senate, has been delayed by a skillful filibuster led by Senator BURTON. It is freely predicted that this naked and shameless pork measure will be passed in practically the form in which it left the House.

This Nation therefore will have presented to it the spectacle of the Democratic majority in Congress enacting in one Chamber new tax laws for the purpose of raising money to overcome a deficit created by an existing international condition, while in the other it approves a wasteful and extravagant appropriation bill, loaded with pork, and concededly passable only on the ground that among its numerous indefensible paragraphs provision is made for a few essential projects. And these contradictory actions are to be taken by a political party which in 1912 declared:

"We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil.

"We demand a return to that simplicity and economy which befits a Democratic Government and a reduction in the number of useless offices, the salaries of which drain the substance of the people."

Elected to office on that comprehensive pledge to practice economy, the Democratic Party to-day designs an increase in taxes to cure a situation of which it has full knowledge, and at the same moment it purposes to put on the statute book a law which has already been pitilessly exposed as an example of the very "profligate waste" that two years was so bitterly denounced.

What will any Democratic candidate for Congress say in answer to a citizen who, in his campaign, reads to him those two sentences from the platform of 1912 and demands from him how that pledge has been observed?

—

[From the New York World, September 2, 1914.]

CUT OUT THE PORK.

By cutting the "pork" out of the rivers and harbors bill Congress will save many millions of dollars in appropriations and still pass a measure designed to meet the real needs of the country. It is not a task that calls for extraordinary knowledge. A little common honesty will suffice.

All that is needed is to separate the good from the bad items, to discriminate between the schemes of petty politicians to raid the National Treasury and improvements absolutely necessary at this time in carrying out the national policy of aiding navigation. Under the pretense of economy, to kill the bill outright would be to sacrifice in many cases millions of dollars already expended. If Congress decides that it has no choice except to pass a bad bill or none, it will prove unequal to the task that it faces.

In the circumstances the interests of this city are seriously affected. On the fate of one small item providing for the removal of the Coenties Reef depends the progress of the work on the new subway system. One of the new East River tunnels can not be built until the obstruction is removed, for if the tunnel were now put through the blasting of the East River reef later would involve the destruction of the tunnel. Even the rural statesman who wants his favorite creek bed deepened by the Federal Government must admit the unreasonableness of compelling New York City to suffer by making the completion of its costly subway system conditional upon his having his own way.

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[From the New York Sun, September 1, 1914.]

HEADED THE RIGHT WAY.

That obese and impudent product of porcine enterprise, the river and harbor bill, is to suffer curtailment to the extent of $20,000,000 at the senatorial conference to-morrow, if the plans now under consideration at Washington are carried out. How powerful the opposition will be to the attack on the ancient privilege of graft is not revealed. It may be expected to show a terrifying front; among the possibilities is retaliation in the form of obstruction to the revised bill. Should this reach the point of defeating it, the essential appropriations might be made in another measure, which, under the circumstances, would meet the needs of the Nation and protect the pocketbooks of the taxpayers.

Better than the trimming of this particular bill, the contemplated action of the Democrats serves notice that they recognize the inadvisability of wasteful expenditures at this time. If they have been converted to economy and by the force of harsh circumstances compelled to make good in legislation their platform pledges of retrenchment, the country will be well served in an unexpected and welcome manner.

[From the Cleveland Plain Dealer, September 5, 1914.]

"PORK" AND THE NEED OF REVENUE.

President Wilson appeared before Congress yesterday and made a dignified, thoughtful appeal for legislation which shall supply additional revenue of $100,000,000 a year. The machinery of the House will immediately be set in motion to carry out the recommendation of the Chief Executive. The problem presented has no partisan angles; it is to be expected that minority will work with majority in perfecting the needful laws.

Meanwhile, Democratic Members of the Senate are working "under pressure and at high speed" to put through a river and harbor bill, which leaders of both parties know reeks with "pork" and violates every principle of sound appropriation.

Even if there had been excuse for the framing of a pork-barrel river bill earlier in the session, none now remains for its enactment. As a matter of fact, there was none in the first instance. The measure smelled of grab from the moment of its introduction in the House. Every step in its consideration has proved anew its iniquity.

Since then American imports, the backbone of the revenue system, have been crippled by foreign war. The need for economy in Government expenditure existing six months ago is magnified a hundredfold by incidents occurring since.

Were there any way the sober sense of the American people could be polled on this question at the present moment, we believe it would overwhelm senatorial backers of this "pork" measure. The fate of the bill ought not to be in doubt, even without such a direct test of sentiment.

The strength and good will of the Nation is behind the President in his request for more revenue. With equal certainty the public sense of decency would be outraged were this pending river bill to become a law.

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[From the La Follette's Weekly, Madison, Wis., September 12, 1914.]

"PORK."

There has grown up in Congress a system of political graft known as the "pork barrel." Appropriation bills are framed up and passed providing for river and harbor and other "improvements." These appropriations, huge in the aggregate, are in effect raids on the National Treasury, with a view to strengthening the hold of favored Congressmen and Senators upon their constituencies.

To the wise and necessary appropriations are added millions of dollars of "pap." Public improvements are used as a cover under which, to use the expression of one politician, representatives "bring home the bacon." And this does not mean securing benefits for the people, but trading for special advantages primarily for prominent and powerful corporations and real estate concerns "back home." It is a vicious and corrupting manifestation of "pay-as-you-enter" politics.

There is pending in the Senate to-day a river and harbor appropriation bill that proposes one of the most colossal and appalling raids on the Nation's money chest ever perpetrated.

This bill has been passed in the House. Efforts were made to remove the obnoxious provisions. Congressman FREAR, from Wisconsin, made a splendid fight against this orgy of spoils, but without avail. His telling exposure of the iniquity of this bill met only with cheap and ribald witticisms from the majority organization. The barrel was made big and filled full by the spoils-hungry and railroaded through with laughter and sallies.

It is now the unfinished business of the Senate. The caucus leaders have served notice that no other legislation will be permitted to come before that Chamber until the "pork-barrel" bill is put through.

This bill provides $53,000,000 in cash appropriations for the projects already authorized. New projects costing $40,000,000 more are approved.

Millions upon millions of this enormous sum are sheer waste. They are to be poured in a golden stream into remote dry creeks to the possible benefit of certain factories, fertilizer plants, and real estate projects, but of no possible value to the general public. Unanswerable objections to such items have been made, but to no effect.

President Wilson appeared before Congress last week and asked, reluctantly, that a $100,000,000 war tax be levied. Immediately it was pointed out that if all the "pork" in the river and harbor appropriation bill were stricken out there would be no necessity of levying such a heavy war tax upon the country.

Will this monstrous "pork barrel" go through in the face of the Baltimore platform pledging economy? Will the Senate pile this great burden on top of the $100,000,000 war tax? Perhaps that will be done, even before this reaches its readers. But will the President approve it? If he does not, he may make this an occasion for dealing a staggering blow at political "pork" and "pork-barrel" methods in Congress.

There is no defense, either in business or in morals, for this $93,000,000 appropriation.

ROBERT M. LA FOLLETTE.

Mr. KENYON. I only want to say in conclusion of this branch of the subject, that I have cited these articles only to show the sentiment of the country concerning this measure. The last one which I shall place in the RECORD is the article I referred to from the Senator from Wisconsin [Mr. LA FOLLETTE], who unfortunately is not here to lend the weight of his presence and argument to the fight against this bill; but I feel authorized to say that if his condition was such that he could be here on the firing line he would be here.

Mr. President, I want to turn to another branch of this matter. The Senator from Louisiana [Mr. RANSDELL] said that certain Senators wanted to destroy the river and harbor bill. I think we have answered that as well as we can. We do not want to destroy it; but we do want to change it. We are engaged in an effort to try to stop what appears to be wasteful extravagance and inexcusable expenditures. I have heard one Senator remark that we might as well "lay down" on this proposition because the bill will pass anyway. Perhaps, that is so. The Senator from Texas [Mr. SHEPPARD] has pictured most beautifully the siege of Lucknow and compared the people upon the Trinity River with the unfortunate people who were victims of that memorable seige, and how they were delighted——

Mr. BRYAN. Mr. President——

XUM

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. Certainly.

Mr. BRYAN. Before the Senator goes to the Trinity River——

Mr. KENYON. I am not going to the Trinity River, I will say to the Senator.

Mr. BRYAN. Before the Senator travels in that direction——

Mr. KENYON. I have had all the travel in that direction that I want.

Mr. BRYAN. Well, before the Senator travels anywhere, then, since he has finished reading from the newspapers and magazines of the country upon the river and harbor bill——

Mr. KENYON. I have not read from any magazines.

Mr. BRYAN. The Senator some few weeks ago read from magazines. I desire to read to the Senator, so that he may comment upon it, a letter from the Second Assistant Postmaster General as to what it costs the country to transport through the mails newspapers and periodicals:

SEPTEMBER 3, 1914.

Hon. NATHAN P. BRYAN,
*United States Senate.*

MY DEAR SENATOR: Replying to your oral request, I have to say that the testimony submitted by the department to the Hughes Commission in 1911 was to the effect that the loss on transporting and handling matter of the second class for the year 1908—the year for which the estimate was originally made—was $57,165,532. We have not made an estimate in the same manner since. Below I give the weight of paid and free-in-county second-class matter for the several years:

| | Pounds. |
|---|---|
| 1908 | 746,405,427 |
| 1909 | 774,801,370 |
| 1910 | 873,412,077 |
| 1911 | 951,001,609 |
| 1912 | 997,937,986 |
| 1913 | 1,057,607,512 |

Since 1908 the department has in some respects changed its method of transporting and handling and therefore effected economies. It is probable that the cost per unit has decreased, but as the weights have increased so largely it is not probable that the aggregate loss has decreased but has probably increased some.

Sincerely, yours,

JOSEPH STEWART,
*Second Assistant Postmaster General.*

Mr. BORAH. Mr. President——

Mr. BRYAN. Just a word. The Hughes Commission of 1911 estimated that the cost of handling second-class mail matter was $0.0839 a pound, the charge being 1 cent a pound, except in the county of issue, where newspapers are delivered free. In 1913 in his report the Postmaster General estimates the cost of handling second-class matter at 6 cents per pound. Deducting from that the charge of 1 cent per pound we have therefore a net loss to the Government of 5 cents per pound upon second-class mail matter. Taking the year 1913, when, according to the Second Assistant Postmaster General, 1,057,607,512 pounds of second-class mail were transported, the loss to the Government was $52,880,375.60.

If this bill may be denounced as "pork barrel," what has the Senator from Iowa to say as to the privilege enjoyed by the newspapers who have criticized this bill and who are supported out of the taxes of the people to an amount equal to the amount carried by the bill as it was reported by the committee before being amended?

Mr. BORAH. Mr. President, I should like to ask the Senator from Florida a question.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. As I understand, the Senator from Florida has presented figures which show that the Government of the United States is paying very much more for the transportation of second-class mail than it is realizing from the payment of postage on such matter.

Mr. BRYAN. It is paying more than it is spending on rivers and harbors.

Mr. BORAH. How much more will it cost this year, according to the Senator's estimate, to the Government over and above the amount which it realizes from the newspapers; in other words, how much are the newspapers making out of the second-class mail privilege?

Mr. BRYAN. They made in 1908, according to the Hughes commission, $57,165,532, or the Government lost that amount. The department says that the loss has probably increased some since that time, because the Senator will notice that there were only three-fourths of a billion pounds transported in 1908, while in 1913 there were over a billion pounds transported.

Mr. BORAH. Is the Senator in favor of remedying that by increasing the rate which the Government charges for carrying second-class matter?

Mr. BRYAN. I am; yes, sir.

Mr. BORAH. Has the Postmaster General recommended that change?

Mr. BRYAN. President Taft in 1911 recommended the doubling of the rate upon second-class mail matter. I may call the attention of the Senator from Iowa to the fact that some of the papers which are denouncing this bill appeared before the Hughes commission, by their attorneys and otherwise, to oppose an increase in the rates on second-class mail matter.

Mr. BORAH. Well, that, of course, is characteristic of everyone who deals with the Government.

Mr. BRYAN. Of course.

Mr. BORAH. But does the Senator think that the fact that this mail is being carried by the Government for less than it should be carried would in any wise justify a question as to whether or not those papers are actually reflecting opinions of their different constituencies?

Mr. BRYAN. No; I do not, Mr. President. Let me ask the Senator from Idaho if he expects to see in any editorial column of any newspaper or magazine an attack upon Congress for not raising the rates on second-class mail matter?

Mr. BORAH. No; not right away.

Mr. BRYAN. Or does he expect mention to be made of the fact that the taxpayers of this country are paying for the privilege of allowing second-class mail matter to be distributed as much as or more than they are paying for the improvement of our rivers and harbors?

Mr. BORAH. Well, Mr. President, I might agree with the Senator entirely as to the conclusions which he draws with reference to the undercharge upon the part of the Government; but, really, would the Senator contend that because we are losing there that we should also lose with reference to the river and harbor improvements?

Mr. BRYAN. Mr. President, I must be very dull if I can not make the Senator from Idaho understand that I have made no such complaint. I thought it was proper, inasmuch as these newspapers and magazines have criticized as indefensible, as "pork barrel," and have denounced in the severest terms the river and harbor bill because it carries an appropriation of $50,000,000, which they say must come out of the pockets of the people by a special tax levy, to call attention to the fact that they are withholding from the same people the fact that this year, and for many years in the past, they have been mulcted an equal amount for the benefit of the very papers making this charge.

Mr. BORAH. Well, the Senator will recall that some of the Senators who are now opposing the river and harbor bill were in favor of the proposition which Mr. Taft recommended to the Congress.

Mr. BRYAN. There was very little support lent to that movement, however, by the press of the country, was there not?

Mr. BORAH. Yes; the matter was dropped pretty quickly because of the fact that the public press was opposed to it.

Mr. BRYAN. The matter has been up for consideration since I have been a member of the Committee on Post Offices and Post Roads, and the argument has been made with great fervor that business has adjusted itself to these rates; that the people get the benefit of them; and that the educational value of the newspapers and periodicals is very great, notwithstanding the fact that one-half of the weight of some of the magazines is taken up by pure advertising matter. I thought it would be well to let the Senator from Iowa, while he was commenting on the waste of public money, have an opportunity to refer to this matter.

Mr. BORAH. I agree with the Senator from Florida that it is well to call attention to the fact of these enormous wastes wherever they occur. It is encouraging to those who are trying to stop it to persist more earnestly in stopping it in some places.

Mr. BRYAN. With that statement from the Senator from Idaho, I believe he would be rendering a greater service to his country to turn his guns upon a pure loss of money, because I apprehend even the Senator from Idaho will not claim that no benefit is derived from the improvement of the rivers and harbors of the country.

Mr. BORAH. No. On the other hand, I am thoroughly in favor of river and harbor improvement. I believe in it. I believe in it so much that I would have had free tolls through the Panama Canal, in order to keep alive all possible competition. I believe in keeping alive water competition as against railroad competition, but I maintain that we are starving the really good projects by loading down the bills with projects which never will be of any benefit to the people, which never will be of any value to them. We are postponing the day when the good projects will be completed and the people will realize anything from them; and for that reason, as a mere practical proposition, I would be in favor of trimming this bill.

I am not in favor of defeating this bill as a whole. I am naturally in favor of the proposition; but neither the Senator nor his posterity will live to see the time when some of these good projects are completed, by reason of the fact that they are being starved by the bad projects.

Mr. BURTON. Mr. President, will the Senator from Iowa yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I do. Of course, I want an opportunity to answer the question of the Senator from Florida.

Mr. BURTON. It seems to me the argument made by the Senator from Florida is not characterized by the care and ability that he usually displays in his statements. Indeed, it seems to me singularly illogical. It is virtually to the effect that there is an excuse for extravagance and waste in a river and harbor bill because the newspapers and magazines of the country are obtaining from the Post Office Department a rate which is too low.

Let us see where that would lead us. It would lead us to the conclusion that because there was special privilege granted by the Government to any one branch of enterprise, or because there was extravagant expenditure in any direction, we should adopt it in all. It is a virtual statement that this river and harbor bill is all wrong, but those who criticize it are also wrong.

Mr. BRYAN. Mr. President——

Mr. BURTON. I want to repeat, it is a virtual admission that the pending bill is altogether wrong, but the proprietors of the newspapers who criticize it also are receiving rates from the Government that are unprofitable to the Post Office Department; and hence, with all its imperfections, this river and harbor bill is excusable.

Mr. BRYAN. Mr. President, can the Senator point to anything I said that would justify that statement on his part?

Mr. BURTON. Let us notice what was transpiring. There was a discussion of this river and harbor bill——

Mr. BRYAN. And the Senator from Iowa had read by the hour editorials from newspapers pointing out that these projects were indefensible and wrong, were a tax upon the people of the country without due return in value. Does the Senator think it was an admission that the river and harbor bill is indefensible for me to ask the Senator from Iowa, while he was showing how much the river and harbor bill cost, to show how much it cost the people of this country to carry the second-class mail matter—the newspapers and magazines—that are making the attack?

Mr. BURTON. If the argument had any force, it was to show that extravagance was common; that not only were there losses from the carrying of the mails, but that extravagance in another direction, namely, in rivers and harbors, was excusable on that account.

Let us notice what was transpiring, as I commenced to say a few minutes ago.

There was a discussion of this river and harbor bill. Its defects were forcibly pointed out by the Senator from Iowa; and without contradicting his statements, without questioning anything he said, without pointing out any error in any statement made by any newspaper, the Senator from Florida rose, and, under the plan of "the pot calling the kettle black," began to belabor the newspapers of the country. I should like to ask the Senator from Florida whether he has introduced any bill, or amendment to any bill, raising the rates paid by the newspapers on second-class matter?

Mr. BRYAN. No; I have not, Mr. President; and it is not at all necessary to do that. Each year the Post Office appropriation bill is before Congress, and the matter can be attended to there. I said, although, perhaps, the Senator from Ohio did not hear me, that an effort had been made since I had been on the committee and had failed. The Senator from Ohio has a bill pending to reduce the postage on first-class mail matter to 1 cent.

Mr. BURTON. Yes.

Mr. BRYAN. These gentlemen found their argument that first-class mail matter makes a return of 50 per cent profit, whereas there is a $57,000,000 loss in the handling of second-class mail matter, upon the statement that there would be no profit in the handling of first-class matter if it were not for the second-class matter, which gives rise to a great many letters.

Mr. BURTON. I am familiar with all those arguments. It is a question for discussion, deliberately and carefully, here in the Senate.

Mr. BRYAN. Let me ask the Senator whether he believes any good would be done or any result accomplished by introducing a bill doubling the rates on second-class matter?

Mr. BURTON. Of course, the policy of this Government is determined by the majority; and if the majority on that side favor it, it certainly would prevail.

Mr. BRYAN. The Senator's party was in the majority in 1912, when President Taft sent his communication to Congress submitting the report of the Hughes Commission.

Mr. BURTON. It was only in the majority in one branch of Congress. There was a discussion on the subject at one time on a Post Office appropriation bill. I have forgotten the year.

Mr. BRYAN. The President of the United States in 1912 submitted the report, urging upon Congress the increase of the rates. This was the final report of the Hughes Commission. They made their investigation extending back prior to 1911. Now, when the Senator's party was in power, did he succeed in having the rates on second-class matter raised?

Mr. BURTON. There was a discussion here at one time, and much difference of opinion, as I recall. The conclusion was to have a commission made up of men of marked ability, and men who were universally trusted, to make a report upon it. The Members of the Senate did not feel ready to pass upon that question.

Mr. BRYAN. What was known as the Hughes Commission, because Associate Justice Hughes of the United States Supreme Court was at the head of it, reported a loss of 7.39 cents a pound, on the average; and the Senator knows it was impossible then to secure a raise in the rates, as it is now. The Senator knows that it was because of the power of the newspapers and the magazines.

Mr. BURTON. Mr. President, I am not sure that such is the fact.

Mr. BRYAN. Well, what is the reason?

Mr. BURTON. Why, I suppose the reason is that the Post Office Committee brings before us no proposition looking to that end, and the matter has not come before the Senate for discussion. The initiative for a measure of that kind naturally would come from the Post Office Committee. I should like to ask the Senator from Florida if the Postmaster General has made any recommendation that the rate on second-class matter should be increased?

Mr. BRYAN. I will read the Senator what he says.

Mr. BURTON. If so, how recently?

Mr. BRYAN. In 1913; the last time he reported.

Mr. BURTON. December, 1913?

Mr. BRYAN. December 1, 1913:

> The commission created in 1911, under a joint resolution of Congress, to investigate the subject, found the cost of handling and transporting second-class matter, exclusive of certain expenditures regarding which exact information was not at hand, to be approximately 6 cents a pound.

Then he proceeds, on page 29 of the report, to ask for an increase in the rates upon second-class matter.

Mr. BURTON. Does he recommend a specific increase?

Mr. BRYAN. He recommends that the present rate be doubled.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. I should like to suggest—I may be in error, but if I am the Senator from Florida can correct me—that we have a commission now investigating the subject that has not reported. I think the same commission that recently made a report on the carrying of mail by the railroads is authorized to investigate and report on the second-class mail matter proposition. Is not that right?

Mr. BRYAN. The Senator is correct.

Mr. NORRIS. So, as a matter of fact, this commission, composed in part of ex-Members of the Senate and of the House and of members of the Post Office Committee of the Senate and of the House, are investigating it, and I presume will report on the subject as soon as they have completed the investigation. They have been working on it now for some time.

Mr. BRYAN. The fact still remains that there is that loss of over $57,000,000 a year, and I imagine not a paper which the Senator from Iowa has read has ever even referred to the subject.

Mr. NORRIS. I presume that it is necessary not only for the commission to find that the law is wrong, or that the rate is too low, but to go into the subject sufficiently deep and thorough to determine what would be a proper remedy for whatever evil exists.

XUM

Mr. KENYON. Mr. President, I am very glad to have the opportunity of answering the Senator's question. His question, however, reminds me of the story of the little boy who was commissioned to take the stranger to church on Sunday morning. When the collection box came around the stranger dropped something in it, and the little boy put his hand over in the collection box. When they came out the little fellow said to the stranger: "I got a quarter out of it. How much did you get out of it?" [Laughter.]

Mr. BRYAN. The Senator from Iowa is always serious in his humor, and always humorous when he attempts to be serious.

Mr. KENYON. I think perhaps that is a very just criticism, though I never claimed to be humorous, and the Senator from Florida sometimes is. If what the Senator from Florida says is true, however—and I suppose it is; I have never made a study of the question—I shall be glad to vote with him for a measure that will correct the evil. There is not any reason why the people of this country should be taxed to carry mail matter for less than it costs the Government to carry it. The Senator is a member of the Post Office Committee. He is one of the most faithful Members of this body, and a man who——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. Just wait until I get through with this eulogy on the Senator from Florida, because I am very much in earnest about it. I have often heard it remarked, concerning the committee of which he is chairman, that if a claim gets by the Senator from Florida we can understand that it is all right, and I have never hesitated to vote for any claim that came through that committee. He is one of the real economists of the Senate, and I will vote to help remedy that situation in any way I can.

I now yield to the Senator from Idaho.

Mr. BORAH. Does not the Senator think there is a question that enters into this newspaper proposition with reference to the education of the citizen that does not enter into the question of river and harbor bills?

Mr. KENYON. Oh, I think so. A river and harbor bill is a good deal dryer subject.

Mr. BORAH. But, truly, one of the strong arguments in favor of the Government's generosity toward the magazines and newspapers is one of educating the citizen.

Mr. KENYON. I suppose so, but I do not believe it is the object of the magazines and newspapers entirely to educate the citizen.

Mr. BORAH. No; not entirely. But the magazines and the newspapers of this country in several instances have done a vast public service in the way of carrying information to the country and educating the people. There is scarcely a home in the country which these magazines, when they are very cheap, do not go into.

Mr. KENYON. That is true, of course. That is the other side of the argument, and that is strong, I suppose; but it is not strong enough to convince me that this condition should not be remedied.

Mr. BRYAN. Let us see what the Senator's President says about it.

Mr. BORAH. Whose President?

Mr. BRYAN. President Taft.

Mr. BORAH. Oh.

Mr. BRYAN (reading)—

> That newspapers and magazines have been potent agencies for the dissemination of public intelligence and have consequently borne a worthy part in the development of the country all must admit, but it is likewise true that the original purpose of Congress, in providing for them a subvention by way of nominal postal charges in consideration of their value as mediums of public information, ought not to prevent an increase, because they are now not only educational, but highly profitable.

Mr. BORAH. I do not understand that that——

Mr. BRYAN. There is profit in it. They are making money.

Mr. BORAH. Well, a school-teacher makes money, or else he would have to go out of business.

Mr. KENYON. Not very much of it.

Mr. BRYAN. And they make more than $57,000,000. Does the Senator from Idaho really believe they ought to be given that amount of money?

Mr. BORAH. No; I do not know that I do; but the mere statement of $57,000,000 does not itself seem conclusive to me, because if the returns are sufficient——

Mr. BRYAN. Oh, no; that is the loss.

Mr. BORAH. If the returns are sufficient in the way of disseminating knowledge among the people, that is very well expended.

Mr. BRYAN. That is the argument, Mr. President, that has made it impossible since I have been here to enforce either by a separate bill or on the regular appropriation bill a proposition to raise the amount. It was argued that on the ground of its educational value and the good influence among the people they can afford to pay fifty or sixty millions or whatever it costs.

Mr. BORAH. Is there any conceivable educational force or instrumentality which excels in worth and value the magazines and the newspapers of this country?

Mr. BRYAN. No; I presume not. I presume that is true.

Mr. BORAH. It is a part of the system of public education; and if it really has the effect of educating the citizens, a republic can not spend too much money in the education of the citizen and informing him as to public questions and matters of public concern.

Mr. KENYON. Does the Senator believe there would be any less circulation of the magazines if there were a higher rate?

Mr. BORAH. Oh, yes; I have no doubt about it; because we know that within the last two or three years some of our most valuable magazines have gone into insolvency, and have passed into the hands of those who could afford to expend their money, whether they were making money upon them or not, for an educational purpose. The Senator must bear in mind that there is an influence in this country which can send its magazines to the people whether it pays or not. It can afford to do so, because its magazines are serving a propaganda for certain issues and certain policies and certain teachings. There are newspapers and there are magazines which are devoted exclusively to educating the people along certain lines, along which I am unalterably opposed to seeing the people go. If the time ever comes—and in my judgment it is one of the serious questions presented in connection with this proposition—when it is necessary for the Government to make a donation in order that the magazines may go to the people carrying a propaganda different from that, the Government can expend money in no better way than in following out that propaganda.

Mr. KENYON. I agree with the Senator on that proposition.

Mr. BORAH. There are millions of dollars being expended now for sending out to the people of this country the doctrine the we have reached the time in the commercial industry of this country when monopolies must be permitted to exist and go on their way practically undisturbed. Those men can afford to put their money into the propaganda, and they are doing it. If I were going to take $57,000,000 out of the Treasury of the United States and use it for any purpose at all in the way of a loss, I would count it well expended to teach the doctrine that a monopoly is a continuing menace to republican institutions, and that you can no more regulate it than you can nurse and regulate a cancer in the human system.

Mr. BRYAN. But how about the papers that did not agree with the Senator's view? Would the Senator make the papers or magazines that did not agree with his view pay a rate that would be self-sustaining and let the others pay the present rate?

Mr. BORAH. Of course you must have a uniform rate. Of course you can not discriminate between magazines because they teach one doctrine or because they teach another; but I do know, if I am correctly informed, that a number of magazines which were what the people of the country have come to speak of as "uplift" magazines have passed out of the hands of those who were advocating such policies and into the hands of those who were advocating the opposite policies.

Mr. KENYON. Then what good has the reduced rate done them?

Mr. BORAH. It has enabled them to maintain themselves for a time; and, so far as I am concerned, I would put $57,000,000 more into the proposition if it were necessary to get the real facts to the people.

Mr. KENYON. We had better do something, then, to keep afloat the magazines which have not been able to live with the present rates.

Mr. BORAH. Whenever a dollar actually goes to the citizen, to his welfare and to his benefit, educationally or otherwise, I am not at all parsimonious about its leaving the Treasury of the United States; and if I can be shown that this money in the river and harbor bill is going to the public welfare, the mere fact that the bill carries $83,000,000 does not disturb me a particle.

Mr. KENYON. The Senator's colleague in the Senate some years ago, Mr. Heyburn, I think advocated sending the CONGRESSIONAL RECORD to every citizen free. He thought that would be a good way to enlighten them.

Mr. BORAH. I know that my former colleague advocated that proposition; and my former colleague advocated a great many things which it would have been very well for the coun-

try to have adopted. I do not know that the people of the United States would read the CONGRESSIONAL RECORD sufficiently to justify our sending it to them. My observation is that they do not read it very much, and perhaps they are justified in not reading it.

Mr. KENYON. Perhaps they have read it for a while, and then ceased.

Mr. BORAH. If the people felt an interest in it, if they really read it when it went to them, I would be in favor of sending it to them. I wish they could have the Senator's speech upon this question. I wish particularly every man and every woman in the United States could read the speech of the Senator from Ohio [Mr. BURTON] upon this question. Then we would have an intelligent public opinion as to this river and harbor bill. The people do not know anything about it. How are they going to get the information? You will only get this information to them by sending it out either in magazines or by means of the public record, one of the two. It is not a question of expending the money; the question is, What is the effect of the expenditure?

I know that the Senator from Iowa would not hesitate to vote for this bill if it were all for the public interest. It is not a question of $83,000,000.

Mr. KENYON. No; it is just a question of my belief about what is for the public interest.

Mr. BORAH. Yes; exactly. The Senator believes that there are a number of these projects that will never benefit anybody.

Mr. KENYON. Absolutely.

Mr. BORAH. And for that reason he is opposed to them; and that is the only reason why anybody upon this floor is opposed to them. Nobody is opposed to the river and harbor bill when properly made up.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I yield.

Mr. FLETCHER. Under those circumstances, in view of the observation just made by the Senator from Idaho, would it not be fair to ask those who are opposing this legislation, preventing a vote on the bill, and standing in the way of its coming to any conclusion, to specify the items in the bill to which they object, so that the discussion may be somewhat narrowed down, not as against the bill itself but against the items which they, in their judgment, feel are improper and ought to be stricken out? Is it asking too much to ask that that line of discussion shall be followed as nearly as practicable?

Mr. KENYON. Not at all; and if the Senator had graced us with his presence he would have heard these things discussed. Is it asking too much of the Senator to ask him to stay here when we do discuss them? I have not observed him here before.

Mr. FLETCHER. I think the Senator's criticism is rather unfair. I have been here most of the time. There have been times when I have been absent on committee work and other work to which I have been obliged to attend.

Mr. KENYON. We have discussed a great many of these items and will discuss more, so I think at that time the Senator must have been out of the Chamber. I think he was the only Democrat who was away, however, during that discussion. [Laughter.]

Mr. FLETCHER. I am very much interested, I assure the Senator; and of course I expect to indulge in the luxury of reading the CONGRESSIONAL RECORD as soon as the Senator concludes, so that I can ascertain more definitely and precisely what he has been presenting.

I think my suggestion, broadly, is justified, however, by the discussion which has taken place heretofore. It has been rather general and against the whole bill—at least that is the impression that has gone out to the public—and the country seems to have been stirred, as it were, against the whole bill, as if the whole thing were a mistake and a wanton waste of public funds.

Mr. KENYON. I am very glad there is one person who will read the CONGRESSIONAL RECORD upon this subject.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. It seems to me the suggestion of the Senator from Florida brings to mind an argument that ought to be convincing against the passage of a bill containing so many inexcusable items.

He says the country has the impression that the entire bill is wrong. Now, to a great extent that may be true. Of course, it is an erroneous impression, if they have it. As has been said so often, no one is opposed to the entire bill. Most of those who are opposing the bill as it stands are supporters of river and harbor legislation; but because of this system, by which so much bad has been put in with what is good, the impression goes out that it is all bad and an erroneous impression is received by a great many honest citizens. So it illustrates that, even if it is a good provision, it has the reputation of being bad because of its association in a bill that does have so much that is bad.

Mr. BORAH. It is like the story of Old Dog Tray.

Mr. NORRIS. Yes; it is like the story of Old Dog Tray.

Mr. KENYON. Now, Mr. President, if I may be permitted, I will go ahead with my observations. I think when this unfortunate interruption occurred I was discussing the siege of Lucknow; but that has gone out of my head at this time. The Senator from Texas [Mr. SHEPPARD] pictured in a very graphic style that scene, but I think if he had put the Treasury of the United States as a typical Lucknow the metaphor or simile, or whatever it is, would seem a little more felicitous. The Treasury of the United States needs to hear some kind of a slogan. While the unfortunate people of Lucknow were asking among themselves, "Dinna ye hear the slogan?"—and they did finally—so the Treasury of the United States is going to hear a slogan. That slogan is coming from the people who propose to rescue it, and that slogan is going to be that "A public dollar must be spent in this country with the same fidelity as a private dollar." When that does come, then we will have a relief of the Treasury that is fully equal to the relief of Lucknow.

I wish to take up now the case of economy. Mr. President, the Presidents of the United States have viewed with horror and amazement, as shown by their estimates and vetoes, river and harbor bills that carried $20,000,000; but they have grown and grown until we soon shall have yearly bills that will carry $100,000,000; and all the miserable system has been built up by logrolling, by getting appropriations for districts many times when they were not needed, with no cooperation or coordination between the States and the Government and the private interests that might be benefited.

If any business on the face of this earth had been carried on as the river and harbor appropriations have been carried on, that business would have been bankrupted in 30 days. Now, this country is presented with the proposition of levying taxes to make up a deficit in the Treasury. I am not very much of a partisan, and I do not want to say any harsh things about my Democratic friends. But the responsibility of this matter is with the Democratic Party. The Republicans have not been economical, nobody can claim that, but the Democrats—I hate to say anything about the Democrats when the Senator from New Jersey [Mr. MARTINE] is here; I wish he would go out in the cloakroom——

Mr. MARTINE of New Jersey. No; we are broad enough and big enough and strong enough——

The PRESIDING OFFICER rapped with his gavel.

Mr. MARTINE of New Jersey. I beg the pardon of the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. KENYON. Always.

Mr. MARTINE of New Jersey. We are broad enough and big enough and strong enough to stand all the shafts that may be hurled against us. We are inured to it. We have been a number of years, as you know, the butt, the ridicule of—I will not refer to the Senator from Iowa, for he is so big and broad-minded that I could hardly class him as a partisan, but by the Republicans generally. We can stand it. We know our strength, and we know, too, our weaknesses.

Mr. KENYON. If I had any sword for the Senator from New Jersey, as the Senator from Illinois [Mr. LEWIS] suggested to the Senator from New Hampshire [Mr. GALLINGER], it would be tipped with a rose.

Mr. CHAMBERLAIN. May I interrupt the Senator from Iowa?

Mr. KENYON. Certainly.

Mr. CHAMBERLAIN. The Senator made one statement that I think was a little broader than the facts entirely warrant, and that is that there is no cooperation between any State and the Nation with reference to these expenditures.

Mr. KENYON. I think I should have excepted the Senator's State.

Mr. CHAMBERLAIN. I want to say that my city alone, and its tributary territory, has contributed over $5,000,000 to the improvement of the Columbia, and on the west coast one of the little municipalities has taxed itself to the extent of $40 per capita for the improvement of its harbor.

Mr. KENYON. I am glad to be corrected.

XUM

Mr. BURTON. If the Senator from Iowa will permit me, I will state that my own city of Cleveland cooperated to the extent of over $3,000,000 in maintaining the inner harbor, where most of the traffic is.

Mr. KENYON. These are exceptions to the general rule.

Mr. JONES. I wish to suggest that some time ago I called the attention of the Senator to the contribution made at Seattle connected with the project he was inquiring about. I also wish to say that nearly all the ports in the State of Washington where they desire improvements have organized what is termed a "port commission," which provides a method of assessing the community; and they have been contributing large sums of money toward the improvements which they desire. They are perfectly willing to contribute their part to assist the United States in making those improvements.

Mr. BURTON. If the Senator from Iowa will yield——

Mr. KENYON. Certainly.

Mr. BURTON. In justice to other localities I will state that the State of Massachusetts, in different portions, has contributed a considerable amount, and there have been scattering contributions in other portions of the country. The danger always is that Congress, attracted by an offer of a local contribution, will adopt an improvement which does not size up to the highest standard of merit

Mr. KENYON. Of course the few exceptions prove the rule. I think no one will deny that there is no organized system of cooperation and coordination in this country.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I yield.

Mr. NORRIS. I wish to inquire for information whether the cases mentioned by the Senators from Oregon, Washington, and Ohio, where cooperation took place in harbor improvements, were provided for by a law of Congress. How did it happen that the cooperation took place?

Mr. JONES. I will say with reference to Washington that in several cases Congress made appropriations conditioned upon certain things being done by the locality.

Mr. NORRIS. Did that apply to Seattle, for instance?

Mr. JONES. It applied to Seattle.

Mr. KENYON. And to Portland, Oreg.?

Mr. JONES. I can speak of my own State, at least. It applies to Seattle and also to Takoma. An appropriation was made on that condition at South Bend and at several different places. I think probably the action that I referred to on the part of different localities led to the passage of a State law for the formation of port commission districts.

Mr. NORRIS. I wondered whether that might not be a solution of the difficulty with which we are confronted. If the law provided that the State or the locality had to contribute something to the improvement and it applied to all instances, there would be a good many little creeks that are mentioned in this bill which never would be improved. It would be a guaranty that there would be no money expended in such cases, because the people of the community certainly would not invest anything in what they had no faith.

Mr. CHAMBERLAIN. May I interrupt the Senator from Iowa?

Mr. KENYON. Certainly.

Mr. CHAMBERLAIN. I may state that in my own State under legislative enactment they have created a district at the port of Coos Bay, for instance, at the port of Bandon, the port of Portland, the port of Tillamook, and each one of those is a separate taxing district, and each of those districts levies an annual tax. Our people contribute to these appropriations, and in many instances the Congress of the United States has imposed a condition that the Government shall appropriate so much money, provided these ports will contribute an equal amount. As I said a while ago, one of those districts has taxed itself to the extent of $40 per capita in order to assist in these improvements.

I make this statement merely to show that, so far as my State is concerned, it is not a pork-barrel proposition at all. The people have shown their faith by going down in their own pockets annually and levying a tax to assist the Government in this way.

Mr. NORRIS. If the Senator from Iowa will yield further, I wish to say to the Senator from Oregon that I have never heard any of the items in this bill relative to the State of Oregon criticized so far by any of those who are opposed to the bill. I think it is conceded that they are worthy provisions, but I want to get a little further information from the Senator. Has the condition the Senator mentions, a stipulation in the river and harbor bill passed by Congress which provides that a certain portion of the money must be raised by the local people, applied to all the harbors in Oregon?

Mr. CHAMBERLAIN. It has only been done in recent years. I think probably the suggestion came from the people themselves. Take Portland, Oreg., for instance. They appropriated $500,000 during this year to assist in the work at the mouth of the Columbia River. So the port of Tillamook contributed $207,000 for the improvement there and the Government contributed a like amount. But this movement has been only of recent growth. The port of Portland inaugurated it first in the State. It has been in existence I think for a good many years there, and they are contributing annually.

Mr. NORRIS. It certainly speaks very well for the enterprise of the people. I should like to ask the Senator whether in his State in those localities where they are compelled to contribute as he says there has been any complaint that such a condition was attached to the appropriation? Has there been any criticism of it?

Mr. CHAMBERLAIN. There has not been so far as my knowledge extends, but it is sometimes contended that inasmuch as the improvement is more than a local one, that it is not only national but international, the Government sometimes exacts more than it ought to impose upon a small community.

Mr. NORRIS. Of course that question would always arise as to just what proportion the Government ought to pay, and there might be cause for honest difference of opinion, but it does seem to me that it is not unfair to ask the State, or whatever may be selected as the proper geographical locality, to contribute a just proportion of the amount which might be determined upon. I am not an expert and I do not know about that; but they get the most of the benefit. It seems to me it is not unfair that they should contribute something and if that policy were followed in all these projects it would eliminate the unworthy ones automatically.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. I do.

Mr. JONES. I will suggest to the Senator from Nebraska that in most cases in our State where contributions have been required there have been in addition to the improvements to navigation some special benefit that would come to a special locality or a special interest, and in such cases the contribution was made with the intention, to a certain extent, to balance or offset the special benefits that would come and for which it would not naturally be within the province of Congress to make appropriation. The pure design of navigation for purposes of commerce has been considered to be properly within the jurisdiction and the power of Congress, and where the result to a certain extent would be of special private benefit it was deemed very proper to impose some condition of that kind.

I will say to the Senator, and I think it is to the credit of the Senator from Ohio, that I know for a great number of years he has advocated the proposition of local contributions, and it was because of his view with reference to that matter that the proposition did come from some of the localities in the Pacific Coast States, especially in my State. Some of those conditions were placed upon bills of which the Senator from Ohio had charge.

Mr. NORRIS. I should like to ask the Senator from Washington if the people in the localities where these improvements have been made criticized that kind of a law?

Mr. JONES. They have not.

Mr. NORRIS. They have been satisfied with it?

Mr. JONES. They have been satisfied with it, and I think have been glad to avail themselves of it.

Mr. NORRIS. I should like to ask the Senator if the people of Seattle must contribute something toward the improvement of the harbor there, would it not follow for the same reason that the people of San Francisco should contribute something toward the improvement of the harbor there?

Mr. JONES. I think under similar conditions certainly.

Mr. NORRIS. Are the conditions not similar?

Mr. JONES. No. For instance, in Seattle there was a canal that was to be constructed connecting the harbor proper with a fresh-water lake, and great private benefit would result from it.

Mr. NORRIS. Private benefits will result in San Francisco, New York Philadelphia, or any other place.

Mr. JONES. But the Seattle improvement is on a little different basis from the general private benefits that come. The situation at Seattle, I confess, would be a little different from the improvement of the harbor of San Francisco, because at Seattle there was the construction of a canal to connect the harbor proper with a fresh-water lake, and that would result

very greatly to the improvement and increase in value of private property and be an advantage to special interests. I think it was very proper to impose the conditions that were imposed there. I will say that that locality has contributed about a million and a half toward this improvement.

Mr. NORRIS. And what did the Government contribute?

Mr. JONES. The Government has contributed nearly $3,000,000.

Mr. NORRIS. Taking the bill before us now, is it not a fact that, in almost all the items, when an appropriation is made it will increase the value of the property in that locality?

Mr. JONES. Certainly; I do not contend that it will not.

Mr. NORRIS. There will always be private gain.

Mr. JONES. Yes; there is no question about that. I think the policy of local contributions is a very wise one

Mr. NORRIS. I can easily see how in some cases the contribution ought to be larger than in others. I am not saying that there are not cases where there ought not to be contributions. I should like to adopt a broad national policy with regard to it. It seems to me we would almost be justified in attaching—at least, to all the appropriations about which there could be any question as to their not being national—a requirement that something should be contributed by the locality.

Mr. JONES. I think we could lay down some rule that would be pretty general in its application as a guide to engineers in submitting their reports, to submit along with their reports recommendations as to what contributions should be made in the localities. In fact, I rather think now that the engineers are required to make a report of that character. In my State when they report upon harbors I think they always submit a proposition for a local contribution if they think the locality should make it.

I do not think there is any general provision of law laying out a standard by which they should be governed. I think we could well do that.

Mr. NORRIS. Unless we had some standard, of course there would always be a contest in Congress as to whether anything should be contributed by the locality.

Mr. JONES. That is true.

Mr. NORRIS. I am speaking from memory; I will not name the particular item—I do not recall it just now—but I remember there is an appropriation in this bill where at least it was charged—I have no personal knowledge of it myself—that one particular improvement would benefit only one fertilizer company; that there was only a place for one dock, and it was owned by that fertilizer company, and they would get all the benefit. Conceding that it is desirable to give the fertilizer company the advantage of having connection with deep water, at the same time it seems to me that in justice we ought to require those who get practically the direct benefit to contribute something toward the development of the improvement.

Mr. JONES. I do not think there is any question about that. I will say we have an example in our State at Willapa Harbor, where the Government has already made an improvement, but before that improvement was begun the municipality was required to give a guaranty that certain bulkheads would be constructed at its expense and that provision should be made for the disposition of dredged material. That was done, that project was completed, and a new project was inaugurated. The engineers have made their examination and have made their report, and they have recommended a project which will cost, I think, about $300,000 or $400,000; but that must be on condition that the local interests will do certain work and contribute certain sums, which will amount to something like $143,000, in order for the work to go on, and the appropriation is made upon that express condition.

Mr. BURTON. Mr. President, if the Senator from Iowa [Mr. KENYON] will yield to me, the question about which there has been some discussion in the last 10 minutes is so important and interesting that, with his kind indulgence, I should like to express, briefly, some opinions upon the subject. It is one to which I have, perhaps, given more attention than to any other matter related to river and harbor improvements.

So long ago as the year 1896 there was a discussion in the House of Representatives in regard to requiring a contribution as a condition to the making of appropriations for river and harbor improvements. At that time the arguments pro and con were stated. The argument against contribution was that any river and harbor improvement should be distinctively national in its character and ought not to be undertaken at all unless a proper charge upon the National Treasury; that the result of a system of contribution would be that the wealthier and more advanced localities, or perhaps localities where a larger degree of personal or local benefit would accrue, would come forward and proffer a share, a half or whatever it might be, of the total cost, while other communities interested in improvements more helpful from the general standpoint would not be able to make such contributions. The Rivers and Harbors Committee of the House, however, from 1899 to 1907 did insist in quite a number of instances that improvements should not be appropriated for unless the communities contributed.

Following that policy laid down in those bills, the engineers have in many instances made reports that an improvement was not desirable unless there should be a certain contribution by the State or city or those in the locality. As stated, however, by the Senator from Washington [Mr. JONES], in many of those cases the improvement is partly of a public and partly of a private or local nature. I think there is a dividing line which should be made and insisted upon in all cases, that the Government should confine its work to a general channel, and that dredging or improving near to wharves should be undertaken by the owners of the abutting real estate or by the city interested in the improvement.

There is a very excellent illustration on the Great Lakes. The harbors of nearly all those cities are created by creeks or rivers running into the lakes. On those creeks or rivers wharves are constructed, many of them being provided with the finest loading or unloading machinery in the world, the best facilities for transfer from boat to rail and from rail to boat that can be found anywhere; also, furnaces and factories are located upon those streams. The General Government provides a channel from deep water to the mouth of the stream which empties into the lake; it usually erects two piers, or jetties, as they are sometimes called, from the mouth of the river out to deep water in the lake. Then, if it is necessary, the General Government constructs breakwaters in the lake near to the shore to provide an inclosed space or to facilitate the entrance of ships in times of storm. The municipality or private parties improve the river or creek, dredging it and widening it, and, of course, constructing the wharves upon its banks. That creates a dividing line.

In the city of Buffalo, Buffalo Creek, which constitutes the larger part of the inner harbor, is improved entirely by the city; in fact, the city of Buffalo was caring for the dredging between the piers that reach out to the lake until it was discovered by the River and Harbor Committee some 8 or 10 years ago, and, in fairness, I called attention to that fact and stated that I thought the Government ought to relieve the city of that burden, because it was an unusual one. At Ashtabula, Conneaut, Fairport, Cleveland, and Lorain, all important harbors, the major part of the traffic is handled on the river or creek which empties into the lake, and the improvements are made by the city.

On the other hand, the cities of Erie and Sandusky have natural harbors. Those are the only two towns on Lake Erie which have a natural harbor which is made up of an inclosed portion of the lake. In Chicago the Government does dredge the Chicago River, and at Duluth, on Lake Superior, dredges some interior channels; but those two cases are exceptional and are explained by reason of the fact that no sufficient harbor has been created in the lake outside.

The fact is, Mr. President, it is impossible to lay down any general rule; but I think this comes the nearest to an equitable regulation, that in those portions where the traffic is actually conducted upon an interior stream it is desirable that the city or local interest should take care of it. That rule, however, has been disregarded in so many cases that it seems hardly fair to enforce it.

I want to give another illustration. When a city is located at the head of a navigable stream, the proper division should be for the General Government to bring the channel to the limits of that city, and then let the city take care of it. The city of Richmond, in Virginia, is one of the best illustrations of that. It is an historical fact that those who were sent out by the Virginia Co. were instructed to go up the James River as far as they could go with a 60-ton boat and there found a city; that determined the location of the city. The rapid above was the very plain limit of the navigation of the river. For many years the Federal Government appropriated for the river, depending upon the city of Richmond or upon private parties to take care of the channel inside the city limits. I regret that that rule, which I regard as a salutary one, was departed from some years ago.

To recur to the cases where there has been a contribution the Senator from Washington named one in his own State, although by no means have the cases in which contribution has occurred been confined to those where the improvement was in the promotion of private interests—public spirit has

been shown in the State of Washington and in the State of Oregon in the way of contributing.

Another reason for these contributions has been that the locality was in a hurry to have the improvement completed. That occurred once at Philadelphia, where, I think, the city or the State contributed $500,000 to the promotion of the improvement in the Delaware. There is a partial list of these contributions in the reports of the Committee on Commerce on the river and harbor bill on pages 4 and 5. This list, however, does not seem to be by any means complete.

There is still another case a little along the line of the instance mentioned by the Senator from Washington, where there is an exceptional degree of local benefit. There is an item in this bill—and I shall call attention to it later—for the Cumberland River above Nashville.

Mr. KENYON. I assume this is a question the Senator is asking.

Mr. BURTON. To speak frankly, it is not a question, but as the other Senators have spoken on this subject, and it is one of extreme importance in the discussion of river and harbor legislation, I have taken the liberty to go on. I will not speak but a moment or two longer.

Mr. NORRIS. I think the Senator is answering a question. I asked the question myself, and the Senate is getting very valuable information in answer to it.

Mr. KENYON. I do not want any filibuster against the conclusion of my speech.

Mr. BURTON. I will not take much more time upon it. I will only mention one or two exceptional cases. In the case of the Cumberland River, in the first place, the local engineer reported against it. Then the district engineer in one of the reports recommended that it be undertaken by the Government, provided the States of Kentucky and Tennessee should pay half. I think that was fair. It is distinctly a local improvement. Let me take another——

Mr. NORRIS. I should like to ask the Senator a question before he leaves that matter.

Mr. BURTON. Kindly let me go on with this illustration. At an expenditure, I believe, of $3,600,000 the Federal Government along about 1896 acquired the locks and dams in the canalized Monongahela River. What was the result? First of all, tolls were removed. Second, the Government proceeded to rebuild practically every lock and dam. That made the navigation of the river much easier; made it possible of navigation for larger boats. What did that accomplish, Mr. President? Of course every improvement of that kind has a certain national phase and a national benefit; but, aside from that, this national expenditure raised the value of every acre of land anywhere near the Monongahela River. I do not believe there has been a more rapid accretion in real-estate values anywhere than in the coal lands on that river above Pittsburgh. They may have been worth from $50 to $150, but they rose in a few years, and much of this land came to be worth from $500 to $1,000 an acre. It was easier for the boats and barges to carry through coal, but I am advised it did not reduce the price of coal so much as a nickle.

Is it quite fair that in such a case as that, where all the lands in surrounding territory are increased in value and every coal-mine owner can raise his price, to put the whole burden of the improvement on the Federal Government? I do not think it is. It is perhaps invidious to select this illustration, but it is the one which first occurred to me. There are a great many more like it. I am convinced, Mr. President, that the outcome of this system of river and harbor improvement will be more and more toward contribution. That will secure good faith. The people who are coming here now and multiplying by 10 or 20 the probable traffic upon the rivers whose improvement they advocate, who are telling what enormous benefits will accrue to the Nation, how the Panama Canal will be filled with products of their sections if only the river in which they are interested is canalized, if you put to them the question, "Will you pay half the expense?" will lose their interest. Again, the benefits are in many cases so local that it is hardly fair for the Federal Government to pay the total expense.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. I wanted to ask the Senator a while ago in regard to the Tennessee and Cumberland Rivers if the improvement made on those rivers was coupled with a condition of this kind?

Mr. BURTON. Not at all. There was no such condition.

Mr. NORRIS. I thought the Senator said something to that effect when the original project was undertaken.

Mr. BURTON. On the Tennessee River there were certain locks and dams which belonged to the State of Alabama at Muscle Shoals which were turned over to the Federal Government.

Mr. NORRIS. And the Federal Government paid for them?

Mr. BURTON. The Federal Government had granted land to the State of Alabama, the proceeds of which were probably sufficient to pay for the improvement, but as I understand it was originally a State improvement.

Mr. NORRIS. And there was no contribution?

Mr. BURTON. There was no contribution in the sense in which we are now speaking of that term.

Mr. KENYON. Mr. President, I am glad to be permitted to proceed now with the subject at the point where I was diverted. I wanted to take up and discuss for a little while the subject of economy with relation to this bill. It is interesting to observe that when in business or domestic life income is decreasing the general method of meeting that decrease is to cut down the outgo. The best way to economize is to cut down expenses.

Serious conditions have arisen in the world growing out of the great European war. We must feel the effect of those conditions, and we do. The talk of prosperity because of this war is not well based, because there can not be the loss of a million lives and the destruction of billions of dollars' worth of property without the effect being felt on this side of the water. Our Government is put to a strain; but the pocketbook of Uncle Sam must be kept full, or at least in good condition.

Our Democratic friends in their platforms have said much about economy. Of course economy is a good deal of a myth, but the psychology of the present situation is peculiar. I propose to prove, to my own satisfaction at least, that if it were not for the river and harbor bill and if from the money now available for river and harbor improvements the amount necessary to carry on continuing contracts were taken and the balance turned back to the Treasury of the United States—there was $45,000,000, in round numbers, available for river and harbor improvements on the 30th day of June, 1914—there would be no necessity of any war tax upon the people of this country, or at least only a very small one.

Very interesting speeches on this subject were made in the House on September 12 by Congressman FITZGERALD, of New York, chairman of the Appropriations Committee, and Congressman GILLETT, of Massachusetts, on the Republican side. As the figures are not disputed by anyone in the House, I accept them as correct.

According to Congressman GILLETT, the last Congress when all branches of the Government were controlled by the Republicans was the Sixty-first Congress. The appropriations made in the last session of that Congress for the year 1912 were $1,026,682,881.72. That was the "billion-dollar Congress." That Congress was denounced on the stump, it is denounced in the Democratic platform, it is denounced in the Democratic textbook, with some merit to the denunciation. During the present Congress, so far, the appropriations made at this session, exclusive of the river and harbor bill, amount to the sum of $1,089,408,777.26. If the river and harbor bill shall pass in the sum of $34,000,000—and I assume there must be some appropriation for the trade commission, with its numerous offices, which I assume must be a million dollars to carry on its work, and other appropriations which I do not figure, but which will be forthcoming——

Mr. SMITH of Michigan. The Colombian and Nicaraguan treaties.

Mr. KENYON. Yes; as my friend from Michigan suggests, the Colombian and Nicaraguan treaties, carrying how much?

Mr. SMITH of Michigan. Twenty-eight million dollars.

Mr. KENYON. Twenty-eight million dollars for the two?

Mr. SMITH of Michigan. Twenty-five million dollars for Colombia, to assuage her wounded feelings, and $3,000,000 to Nicaragua, for which this Government gets nothing.

Mr. KENYON. Neither of those bills has passed as yet.

Mr. SMITH of Michigan. No; but they are on the program, and if they can put them through they are going to do it.

Mr. KENYON. I assume that as long as the strength of voice of the Senator from Michigan lasts they will not go through.

Mr. SMITH of Michigan. If I am favored by Providence with as much strength as the Senator from Iowa discloses, I think they will have some trouble.

Mr. KENYON. I shall unite my supplications to Providence that the Senator's strength may hold out.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. KENYON. I am delighted to do so.

Mr. LEWIS. May I be permitted to ask the Senator from Michigan to whom he referred in his observation that "they would put them through"? Referring to the treaties with Nicaragua and Colombia, the able Senator from Michigan said that unless something happened "they would put them through," with their $28,000,000 appropriations. To whom did the Senator from Michigan refer as "they" in responding to the Senator from Iowa?

Mr. SMITH of Michigan. I referred to the administration in charge of the Government of the United States, the President of which has sent both those treaties to the Senate. The Secretary of State, representing the President, has urged their ratification. The only thing, thus far, that has prevented the ratification of these two treaties, or their favorable report to the Senate at least, is the absence of a quorum in the Committee on Foreign Relations. Providentially, there are not enough members here of the Foreign Relations Committee to inflict that wrong upon the country.

Mr. LEWIS. The Senator referred, then, to the entire administration and not to the Committee on Foreign Relations by the word "they"?

Mr. SMITH of Michigan. No; I referred to the administration, from President Wilson down.

Mr. LEWIS. Did the Senator comprehend, in that observation of his, that there might be upon this side approval of the treaty and yet not approval of the appropriation?

Mr. SMITH of Michigan. The Senator from Michigan is hopeful, but not confident.

Mr. KENYON. But the Senator from Illinois will observe that the Senator from Michigan calls Providence in to assist in this matter.

Mr. LEWIS. Conscious, as I am, of the great ability of the Senator from Michigan, I do not see why He should engage in such a superfluous task.

Mr. SMITH of Michigan. I do not think I have yet addressed myself to Providence, although I am relying somewhat on His valuable assistance. It is about the only thing that I can now conceive of that would interpose a serious objection to the program planned by the administration.

Mr. LEWIS. Of course I will admit that it is only the intervention of Providence that can save the party of our honorable friend from the desolation to which he referred, but I hope it will not interfere personally with him. He may rest assured of that.

I rose, however, in a more serious vein, really to ask my able friend from Michigan, when he put in the RECORD, as his remarks go forth with all the weight of his eminent position, the statement that "they" were carrying $28,000,000 for some treaty, to whom he referred. I now desire to say that I am sure there are many Senators on this side who, while they may favor the treaty, and may favor the purposes of the treaty, have individual opinions as to the question of making the appropriation; and that there is nothing on record, so far as I am aware, which would authorize the Senator from Iowa to accept it as a fixed fact that this side of the Chamber has pledged itself to pay $28,000,000 to the fund to which the able Senator from Michigan now refers.

Mr. KENYON. Mr. President, I will say to the Senator from Illinois that in my estimate of expenditures I am not including the amount suggested by the Senator from Michigan as being carried by those treaties.

Mr. SMITH of Michigan. No; but if the Senator from Iowa will permit me, the amount carried by both of those treaties has been taken into account in figuring the probable deficit in the Treasury and the necessity of an extraordinary personal tax upon the people in order to repair the Treasury.

Mr. LEWIS. Such would follow, I will say, if we did make the appropriation. A tax would have to follow in order to effect the appropriation.

Mr. SMITH of Michigan. But I am interested in the Senator's statement; and I should like to know if my friend from Illinois, whose position upon the other side of the Chamber is recognized as very important, is willing to say to the opponents of those two measures now struggling with a problem that looks very difficult of solution from our point of view that we can have his support in our opposition to those two treaties?

Mr. LEWIS. My answer is this: The treaties have not been submitted, so far as I am aware, to the Democratic side of the Chamber. I have not seen them, and I will not assume that I would be in favor of an appropriation the merits of which have not yet even been discussed. I will say very freely to the Senator that there is no presumption, from the mere fact that some administrative officer may recommend a proposal, that without regard to the merits of the recommendation this side would give its approval to it. The action of this side turns purely upon the question of justice and patriotism of a thing rather than a mere recommendation from any official source.

Mr. SMITH of Michigan. If it were simply the recommendation, I should feel that it would not get very far; but when it becomes part of the pronounced policy of the administration and their intention to force these two treaties before the Senate, it will become necessary for this side of the Chamber to rely upon the independent patriots upon the other side to help stay this wrong. Having known the Senator from Illinois for many years, having served with him in the other branch of Congress, and knowing his independence and fearlessness in the discharge of every public duty, I shall count upon him, when the time comes, to augment our scattering ranks with his powerful support.

Mr. LEWIS. Mr. President, while I appreciate the very flattering allusion of the able Senator from Michigan, I fear he is indulging in rather a gloomy view, and is taking to himself the unction of Shakespeare's observation, put in the mouth of Cassius, that—

> Since the affairs of men rest still uncertain,
> Let's reason with the worst that may befall.

On this side of the Chamber, as on the other, we reason for the best, and hope that virtue shall ever prevail.

Mr. SMITH of Michigan. The trouble is that Shakespeare has been disregarded as a basis of ministerial action, and "The New Freedom" is now the basis of our hopes and expectations.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. I do.

Mr. JONES. I understood the Senator from Illinois to suggest, a moment ago, that even though we might perchance ratify these treaties we should not infer from that that the money would be appropriated.

Mr. LEWIS. No, Mr. President; the observation was that there may be on this side those who may favor the treaties in justice, but who may not be in favor of the appropriation referred to by the Senator from Michigan.

Mr. JONES. And yet, if we ratify the treaties, of course we must make the appropriations.

Mr. LEWIS. No doubt the Senator from Michigan means to intimate the very clear and logical fact that a treaty is an entirety or nothing; that we can not take part of the treaty and reject the rest; that the whole treaty carries with it the appropriation; and if we accept it in one respect we must accept it in all. That is the suggestion, is it not?

Mr. JONES. As I understand, this $25,000,000 in one instance and $3,000,000 in the other is a part of the treaty.

Mr. LEWIS. Yes.

Mr. JONES. Therefore its ratification would be followed by the appropriation as a matter of course—as a matter of national faith and contract.

Mr. LEWIS. Yes, Mr. President. I merely rose to say to the Senator from Michigan that in his assumption, which he had a right to indulge in view of what he knows has transpired before some committee of which he is a member, that we had already bound ourselves for $28,000,000, and in giving that item to the Senator from Iowa, upon which he may likewise make a calculation as to the future expenditures, the able Senator from Michigan mortgaged this side of the Chamber to a thing it had not yet considered.

Mr. SMITH of Michigan. No, Mr. President; I hope the Senator from Illinois will not charge me with attempting to mortgage that side of the Chamber. That side of the Chamber has mortgaged the country pretty heavily, but I have not attempted to mortgage that side of the Chamber. I do not know whether this money is to be paid out or not. I only know that the people who have been here all summer expecting to get it have already spent it, and if it should happen that a check were called to their plans it would be a very serious disarrangement of hopes and expectations on the part of our neighbors to the south which they have been encouraged by the administration to indulge.

Mr. LEWIS. Mr. President, I may say, without further interrupting the Senator from Iowa, that I have no knowledge of any of those facts; and if the facts were as the Senator seems to be impressed, that some private individual rests in anxious expectation of enjoying the funds of the Treasury, that would not move me nor any of my colleagues in the Senate, I am sure, to vote for the bounty.

Mr. SMITH of Michigan. Oh, certainly not; but I hope the Senator from Illinois, even in his present desperation, will not lend that construction to my compliments. I am talking about the expectations of foreigners who live beyond the borders of

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our own country and who have remained in this Capital during the entire summer on the theory that their presence was necessary to carry away this $28,000,000 or more if it should be paid over by the Government. They are going to be seriously disappointed if they can not get it immediately. Now, my honored friend from Illinois will view this matter with his usual care, I know, when the time comes; and I am confidently hoping, as are other Senators upon this side, some of whom sit near me now, that our ranks may be reenforced from Illinois and other great States. If that course is taken, I feel very sure that the public sentiment now existing in those States will be answered in the attitude of the Senator from Illinois.

I am not an authority on the public sentiment in the State of Illinois, but I do not believe there is any great sentiment in favor of the ratification of either one of these treaties. I have been hopeful that the anesthetic which was handed out to them a few months ago would lull them into that rest from which there would be no awakening, at least until the Treasury of this country is more plethoric than it is at the present time.

Mr. LEWIS. I will say, Mr. President, speaking for myself, that I am not aware that the question has been brought before the public of Illinois; consequently I am unable to speak for the sentiment of Illinois upon these treaties. The only sentiment of Illinois I can speak concerning is the general sentiment that, ever alive to justice and to fairness, it will order its representatives to do that only which would be justified in this body or any other as a just and fair means before the Senate and the world.

Mr. KENYON. Mr. President, I think such an important matter as the river and harbor bill ought not to be delayed by such an inconsequential matter as the Senator advances here; and I will proceed with this more important subject.

I am not going to take into calculation the money that may be problematically spent on these treaties; but, leaving that out, we will have fairly $1,124,408,777.26, and unquestionably it will be more. That is nearly $100,000,000 more than was appropriated by the last Republican Congress, in 1912, for the year ending June 30, 1913.

Mr. JONES. Does the amount appropriated during the Republican administration include the river and harbor bill of that period?

Mr. KENYON. That includes the river and harbor bill—the $1,026,000,000. The total appropriations, excluding river and harbor acts, for the years 1911, 1912, 1913, 1914, and 1915 I wish to put in the RECORD; I exclude the river and harbor act because it makes a fair comparison: In 1911, $978,521,087.68; in 1912, $995,709,462.72; in 1913, $988,353,340.41; in 1914, $1,057,605,694.40; in 1915, $1,089,408,777.26.

During this year, as I understand the appropriation bills, there has been only one, exclusive of the pension bill which I will refer to, which has carried less appropriations than formerly, and that is the bill for the Military Academy at West Point. The pension expenses have decreased about $11,000,000 owing to the increasing death rate.

The chairman of the Appropriations Committee of the House said, with reference to this matter in his very able address of September 12, 1914:

> We are living in a peculiar era. Heretofore States and localities have been jealous of their rights and powers, and the intrusion of the Federal Government and of Federal agents had been universally resented and vigorously resisted.
>
> Lately, however, there seems to have been created a new and an entirely different political atmosphere. Instead of resisting the extension and enlargement of the activities of the Federal Government, they seem to be everywhere welcomed. It is rarely that anyone appears to realize that the Federal Treasury is replenished only by taxes collected from the people.
>
> SOURCES OF REQUESTS FOR MONEY MULTIPLYING STARTLINGLY.
>
> From every section of the country, from every business and industry, from the capitalist and the wage earner, flow incessant demands that the powers of the Federal Government be enlarged, that its activities be extended, that its agents be empowered to invade fields never contemplated by the founders of the Government; and these demands are based chiefly upon the desire to shift to the Federal Treasury burdens which properly belong elsewhere.
>
> Unless intimately connected with the work of investigating the estimates for the support of the Federal Government, it is almost impossible for anyone to have any adequate conception of the magnitude of the work or to realize the extent of the pressure from every conceivable source for lavish grants from the Treasury.
>
> The protection of the Treasury against the attempts to shift burdens properly belonging elsewhere is not a partisan matter. It requires the cooperation of men regardless of party, and it calls for courage and determination seldom appreciated by the public. Supplications of friends, threats of political oblivion, abuse from disappointed advocates, denunciation from unsuccessful pleaders must all be ignored and the welfare of the whole people and the true functions of the Federal Government alone considered in reaching conclusions.

In another speech by this same gentleman on the 10th day of April, 1914, he said:

> Mr. Chairman, it may seem somewhat strange, but I hope it is not out of place, to remind Members on this side of the House that the Democratic platform pledged us in favor of economy and to the abolishment of useless offices; but it did not declare, Mr. Chairman, that the party favored economy at the expense of the Republicans and the abolition of useless offices in territory represented in this House by Republicans while favoring a different doctrine wherever a Democratic Representatives would be affected. In a few months I shall be called upon in the discharge of my official duties to review the record that this Democratic House shall have made in its authorization of the expenditure of the public money. Whenever I think of the horrible mess I shall be called upon to present to the country on behalf of the Democratic Party I am tempted to quit my place. I am looking now at Democrats who seem to take amusement in soliciting votes on the floor of this House to overturn the Committee on Appropriations in its efforts to carry out the pledges of the Democratic platform. They seem to take it to be a huge joke not to obey their platform and to make ridiculous the efforts of the members of our party who do try to live up to the promises they made to the people. * * * My colleagues upon this floor seem either to be so indifferent to a very perilous situation for our party, or else, which I do not wish to believe, have so far forsaken Democratic practices and Democratic principles as not to deserve to continue in control of this Government.
>
> We charged the Republicans for 12 years of my service in the House under Republican administration with being grossly extravagant and reckless in the expenditure of the public money. I believed that charge to be true. I believed that my party, when placed in power, would demonstrate that the charges we had made in good faith were true. We are entitled to the help and to the support of the Members on this side of the House in honest efforts to carry out the pledges of the Democratic Party, and in our attempts to show that what we charged in order to get into power was true. We have not had that support. Our Democratic colleagues have not given that support to us thus far during this session of Congress. They have voted against recommendations they should not have voted against. They have unnecessarily piled up the public expenditures until the Democratic Party is becoming the laughingstock of the country.
>
> I appeal to them now before it is too late; I appeal to them now before we have gone beyond recall to stop the conduct of what they have been guilty. Do not continue to vote for these improper and improvident appropriations. Those who propose to continue to do so should at least have the courage openly to assert upon the floor of this House that they believe the professions of the Democratic Party have not been made in good faith, that they can not be carried out, and that we are not entitled to power because of those professions.

On the 3d day of September, 1914, when the river and harbor bill was being discussed before the Senate, the distinguished Senator from Mississippi [Mr. WILLIAMS] and the Senator from Michigan [Mr. SMITH] had this colloquy:

> Mr. SMITH of Michigan. You will all be released then from the administration's program, and there will be nothing left unfinished on the calendar except the rivers and harbors bill.
>
> Mr. WILLIAMS. That is part of the Democratic program.

Mr. President, here are these protestations of economy. Here is an opportunity to economize. The amount that was available in the Treasury of the United States on June 30 for river and harbor improvements is adequate; and more, I believe, than was expended last year. There was a balance unexpended on the 30th day of June of $45,338,653; there were outstanding liabilities of $3,865,754; there were uncompleted contracts or $23,007,119; leaving a balance available—if anyone here pays any attention to that; if no one here pays any attention to that, I hope the country will—of $22,638,411.

Now, how much is necessary to carry on these works so men would not be thrown out of employment? We have that information, too, from the War Department. A resolution was passed by the Senate asking from the Secretary of War the following information:

> 1. The aggregate amount required for the proper maintenance of existing river and harbor projects—after making allowance for balances on hand—for the fiscal year ending June 30, 1915.
>
> 2. The amount required for the operation of Government dredges, plants, and other equipment, for further improvements on river and harbor work heretofore adopted by Congress—after making allowance for balances on hand—for the fiscal year ending June 30, 1915.

The reply was:

> (1) That the aggregate amount required for the proper maintenance of existing river and harbor improvements for the remainder of the fiscal year ending June 30, 1915—after making allowances for balances now on hand—is $2,750,000; and
>
> (2) That the additional amount required for the operation of Government dredges, plants, and other equipment for the remainder of the fiscal year ending June 30, 1915, for further improvements on rivers and harbors heretofore adopted by Congress—after making allowances for balances now on hand—is $10,000,000; making a total for both purposes of $12,750,000.

The Senate and the House passed the sundry civil appropriation bill, which carried for river and harbor work $6,988,500, making, with the balance unexpended in June, $52,327,153. So if Congress should only provide, and I assume it can be done in a joint resolution, that this available balance of some $22,000,000 can be used on these projects, and possibly an appropriation to bring the $6,988,000 of the sundry civil bill up to the estimate of the Secretary of War of $12,750,000, this work will go on, and nobody need be thrown out of employment; and another river and harbor bill is to be passed, we are told, at the next session of Congress.

Mr. President, why is Congress not ready to do this? Why persist when this fund is available, amply sufficient under the document sent here by the Secretary of War to carry on this work? With the additional appropriation of $12,750,000, I can

not understand why men will not give the matter consideration. They will not. They will not listen to it, and they will not study it. In these times of emergency, when we have to pay a war tax if we do not stop it, you will not give it one bit of consideration. It is only a few months before Congress meets again, and the war will probably be over, and this money stringency and trouble that we are in will have passed. Then we can take up a river and harbor bill in a better condition for consideration.

Now, those are the facts. If you had a private business and had this balance on hand available in the Public Treasury, $22,000,000, outside of uncompleted contracts and outstanding liabilities, and your income was going down, do you not think you would try to piece out with that? That is what I mean; and I believe I have demonstrated that this war tax would not be necessary if we would do that thing. But you will not do it. You have your head set and the Senator from Michigan [Mr. SMITH] has his head set, too—not very hard, he tells me from the cloakroom—to put this bill through, which will mean taxes paid by the people of this country of nearly a dollar a head before you get through with it.

Mr. President, are we all mistaken now about economy? Are political parties mistaken about it? Are we all hypocritical about it? If we are, let us say so, and quit talking about economy and holding it up to the American people.

We have spent on rivers and harbors in this country outside of the Panama Canal $705,019,693.65. We spend more on rivers and harbors each year than it cost per year to run the Government up to 1850. In 1911 we spent $49,380,540; in 1912, $40,559,620; in 1913, 51,115,889; in 1914, $43,345,034; or in those last four years $184,401,083. And what have we for it? If that has been done only for the purpose of regulating freight rates, then it has been a very expensive regulation. If we have to spend money in digging canals and rivers to regulate railroads, it would be a good deal better for the Government to take the railroads and pay this money for the railroads.

There has been a decrease of traffic on these streams. The Mississippi has gone down 80 per cent in its traffic; the Ohio, 35 per cent. We have developed a dribbling policy as to our rivers and harbors, that has resulted in nothing but waste. I ought not to say "nothing but waste"; it has probably done some good, but a very large part of it has been waste.

Mr. President, I want to refer to some platforms in which our Democratic friends have preached the doctrine of economy. I want to refer to speeches briefly in which they have preached the doctrine of economy. In order to justify a plea for economy as to this bill, I shall first refer to two projects, intending at a later time to refer to many others.

Of course if these are all necessary projects for the public welfare, if they can not wait, then we ought not to spend much time thinking about the economy of the situation. Whatever is for the public welfare is for the best interests of all. I am going to take only these two items. One of them is in the State of the distinguished friend from Florida. It is a small appropriation for the Crystal River, Fla. I want to refer to the report of the Board of Engineers, the preliminary survey, and other matters suggested in the engineers' report. This project is considered in Document No. 4, first session of the Sixty-third Congress. Gen. Bixby, the Chief of Engineers, reports, in part, as follows—I shall not take the time to read the entire report, but only the material part:

> The town of Crystal River is about 100 miles north of Tampa City and Harbor, and about 8 miles from the mouth of Crystal River itself, this mouth being about 3 miles from the 6 and 10 foot depth anchorages in the Gulf. At the time of the former investigation a channel 6 feet deep and 60 feet wide had been completed from Crystal River to the Gulf under the existing approved project; and the report published in the document above referred to was unfavorable for enlarging this channel to a depth of 8 feet and width of 100 feet. This 6-foot depth channel has somewhat deteriorated, and, moreover, there is no good basin for assemblage of boats near the town of Crystal River. A channel 8 feet deep and 60 feet wide, with an anchorage basin at the river mouth, is now desired by the interests concerned, who have submitted a proposition for cooperation in the work.

And further:

> It is the opinion of the board, after giving careful consideration to the subject, that there is not sufficient commerce at present or in prospect to justify the General Government in increasing the depth of the channel to 8 feet, as desired by local interests, even on the basis of cooperation proposed by the community, and it therefore expresses the opinion that it is not advisable for the United States to undertake such work at the present time. I concur in the opinion of the board as to the 8-foot project, but I am of the opinion that the present adopted project is worthy of continuance and extension so as to provide for a thorough redredging to 6 feet depth and 60 feet width from the Gulf to the town of Crystal River and to provide for an anchorage and turning basin opposite the town, at a total cost of $10,000, in the manner covered by the report of the district engineer officer dated February 15, 1913, provided that the town of Crystal River or other local parties interested shall expend an equal amount in public wharf and other public terminal developments opposite the proposed turning basin, the $10,000 to be appropriated in a single sum.
>
> Very respectfully,
>
> W. H. BIXBY,
> *Chief of Engineers, United States Army.*

The Board of Engineers has this to say:

> Crystal River has a population of about 800. But little development has taken place in the country adjacent, and aside from the installation of a stone crushing plant which is turning out about 50 tons per day, most of which moves by rail, there has been no material change in conditions since the report now under review was submitted. There is still very little commerce by water and not a great deal by rail. The district officer states that he knows of no boats or barges that could be safely used in carrying rock between Crystal River and Tampa or other Gulf ports even if depths of 6, 8, or 12 feet were available.
>
> It appears that the Joseph Dixon Crucible Co. has a modern mill for the manufacture of cedar into material for pencils, but this mill is not now in operation, and so far as information was obtained, there is no immediate prospect of resumption. A crate mill, which represents the principal active business of the place, has shipped about 500 to 600 tons of crate materials to the Manatee and Caloosahatchee Rivers. These shipments are now made by rail to Tampa and thence by water. The district officer states that if it were possible to place this material on boats and carry it without rehandling to its destination, a considerable saving could be effected, but vessels which would be suitable for the Gulf could not reach the points at which the freight is delivered. He does not believe that even if the Dixon Co.'s cedar mill resumes operation it will ship by water. He states that the agitation of those interested in the further improvement of the river is not based on any crying need of navigation, but is rather in the hope that if deep water were provided some material development would take place. He does not consider the locality worthy of further improvement, and in this view the division engineer concurs.

They further say:

> Moreover, there is not sufficient business to justify the use of special boats, and the occasional call by a coastwise vessel would not tend to create any substantial business.
>
> It is the opinion of the board, after giving careful consideration to the subject, that there is not sufficient commerce at present or in prospect to justify the United States in undertaking this improvement at an estimated cost of $30,000, even on the basis of cooperation proposed by the community. It therefore reports that in its opinion it is not advisable for the United States to undertake the work.

The district engineer makes report as follows:

> In his preliminary report on an examination of this stream, Maj. Shunk, Corps of Engineers, reported the commerce for the year 1900 to be 8,291 tons, valued at $429,170.84. The annual reports of the Chief of Engineers give the commerce for years after 1906 as follows: 1907, 7,888 tons; 1908, 48,742 tons.

Quite a substantial increase—

> valued at $1,250,000; 1909, 33,860 tons, valued at $870,185—

A decrease.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. Mr. President, if the Senator from Iowa will permit, I should like to make an inquiry of the Senator from Indiana [Mr. KERN]. The Senator from Iowa [Mr. KENYON] has been on his feet now ever since 11 o'clock, and I ask the Senator from Indiana if he does not think it would be proper at this time, it being half past 5 o'clock, to move an executive session, if he contemplates doing so?

Mr. KERN. It is the intention to have a short executive session in a few moments; but if the Senator from Iowa will yield to me a moment, I now desire to make a motion with reference to adjournment.

Mr. KENYON. I shall be glad to yield to the Senator from Indiana for that purpose.

Mr. KERN. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. KERN. I shall move an executive session in a little while—at a quarter to 6 o'clock.

Mr. KENYON. Mr. President, in the report of George R. Spalding, as embodied in this general document——

Mr. BURTON. Mr. President will the Senator from Iowa permit an interruption?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I do.

Mr. BURTON. I note that in the last report—that for 1913—this statement is made in regard to traffic on the river:

> Only a few fishing boats and occasionally a raft of cedar logs navigate this river. There is no regular use made of the river for commercial purposes.

Mr. BRYAN. Mr. President, from what is the Senator from Ohio reading?

Mr. BURTON. I am reading from the Report of the Chief of Engineers for 1913—the last report, part 1, page 618. There is another singular feature about this project, that when the last report was filed there was a balance on hand unexpended of $4,000. It seems an appropriation was made by the river and harbor act of 1912 of $2,000, and another appropriation by the act of 1913 of $2,000, an equal amount, and the

balance unexpended July 1, 1913, was $4,000. I do not recall what is said in the report recently filed as to the balance on hand.

Mr. BRYAN. Mr. President, the memorandum furnished by the committee shows there was $4,000 on hand.

Mr. BURTON. Then there was $2,000 appropriated in each of those two bills, and the balance on hand June 30, 1913, was $4,000, and on June 30, 1914, it was $4,000; so that for something more than two years not a dollar was spent on this stream. It seems to me that it is rather unusual to have retained for so considerable a time a balance which would certainly be sufficient to do the necessary dredging, and then bring in a proposition here for an appropriation of $10,000, even if a turning basin or something of that kind were to be included.

Mr. KENYON. Mr. President, as the Senator from Ohio has referred to volume 1 of the report of the Chief of Engineers, I want also to refer to volume 2, page 2086, Report of the Chief of Engineers, United States Army, 1913, where it is stated that Congress has appropriated for this stream, on which there is no commerce, on June 13, 1902, $10,000; March 3, 1905, $15,000; March 3, 1909, $3,000; June 25, 1910, $2,000; July 25, 1912, $2,000; March 4, 1913, $2,000, or a total of $34,000.

In the same volume and on page 2086 of the report of the Chief of Engineers there occurs this:

> It was impossible to obtain detailed statistics of the commerce for the year 1912. Only a few fishing boats and occasional rafts of cedar logs now use this waterway. There is no regular commerce on the stream.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I do.

Mr. BRYAN. That seems to be almost a literal repetition of what is contained in volume 1.

Mr. KENYON. I will say to the Senator, it seems to be.

Mr. BRYAN. The Senator will notice that the survey was made on a proposition submitted by the town of Crystal River that it would raise $30,000 to provide wharves if the Government would appropriate $30,000 in order to obtain a channel 8 feet deep. The Board of Engineers and the district engineer reported against maintaining a depth of 8 feet, and also reported against maintaining a depth of 6 feet. The Chief of Engineers is of the opinion that there ought to be at least $10,000 spent, upon condition that the local interests spend an equal amount, not for the purpose of increasing the depth, but $10,000 is to be spent for redredging and getting it back to the depth originally maintained.

Now, I call the Senator's attention to the fact that this is an appropriation of $10,000 for redredging a channel that has filled up, upon condition that the local interests will contribute an equal amount. I call the Senator's attention also to the fact that before the channel had filled up there was a commerce there of $1,250,000.

Mr. KENYON. That is the value of the products shipped?

Mr. BRYAN. The value of the commerce in 1908 was $1,250,000. Now, can not the Senator see that it is easily within the range of the probabilities that the commerce and the mills which were there when this commerce was being maintained left because the channel was allowed to fill up? They had to go elsewhere because they could not get their products out.

Mr. BURTON. Mr. President, if the Senator from Florida will excuse me, how does he explain the fact that the $2,000 appropriated in 1912 and again in 1913 remain unutilized? There is another fact about it, which seems to me——

Mr. BRYAN. I, of course, do not know why they did not utilize it. I suppose, however, that $4,000 would not be enough to redredge the channel. That would be my supposition.

Mr. BURTON. If a situation of that kind exists——

Mr. BRYAN. Before the Senator proceeds, I want to say that it is true, as read by the Senator from Iowa, that in the report of the Chief of Engineers the statement is made that only a few fishing boats and a few rafts of cedar logs use the waterway, and that there is no commerce, which is contradicted by his report in Document No. 4, in which he shows that in 1908 the commerce was valued at $1,250,000, and even now, with the channel filled up, the commerce for 1913 was $253,700.

Mr. BURTON. Where are those figures obtained? They are not in the report.

Mr. BRYAN. They are contained in the report of the committee, memorandum, and index, which is on the desk of each Senator.

Mr. BURTON. It seems to me that that must be an error; it is not in the report of the Chief of Engineers.

Mr. BRYAN. Mr. President, I should like to continue my statement. The report of the committee shows that the total appropriations, as the Senator from Iowa gave them, amount to $34,000, and that there was an available balance on June 30, 1914, of $4,000. For that year 5,192 tons of commerce passed through the river, of the value of $253,700. So it can not be true that there is no commerce on the Crystal River, and the Chief of Engineers made a mistake one time or the other. I presume this report was made by him, or, perhaps, by some one for him, and he may have formally signed it; but certainly if the Chief of Engineers felt that way about it he would not have overruled the district engineer and Board of Engineers and consented that the channel ought to be redredged, so as to have 6 feet of water, and, in all probability, bring back the commerce that was lost because of the filling up of the channel.

Mr. KENYON. Mr. President, the Senator will remember the primary lesson in waterway transportation we had hung on the wall of the Senate Chamber for several weeks, but which is now gone. The same Chief of Engineers had delivered a speech, in which he practically stated that boats were not necessary for transportation on rivers. He may have had that in mind in the statement here.

Mr. BRYAN. I am discussing this particular case in Document No. 4, to which the Senator has referred, and I say that, with a commerce valued at $250,000, if the community would put up one-half of $20,000 to restore the channel, it is not unreasonable to suppose that commerce would come back. The commerce left because the channel filled up on account of the fact that the Government did not keep it open.

Mr. BURTON. I should like to ask the Senator from Iowa what is the date of that report, Document No. 4?

Mr. KENYON. July 21, 1913.

Mr. BURTON. I wish to call the attention of the Senator from Florida to the fact that the report for 1913, which was prepared after the close of the fiscal year and not published until the autumn, has this to say about this project, on page 618. I again refer to it.

Mr. BRYAN. The Senator has read that once.

Mr. BURTON. I have omitted some portions of it that are quite important. I did not read the whole of it.

> The project adopted June 13, 1902, which is the existing project, contemplates a channel 60 feet wide and 6 feet deep at mean low water of the gulf from the Gulf of Mexico to the town of Crystal River. * * * The amount expended on the work of the existing project up to the close of the fiscal year ending June 30, 1913, was $30,431.72. * * * The project is completed.

Now, this is the significant portion. This is transmitted to Congress later than this document, later than the report of the Chief of Engineers, and in the annual report——

Mr. BRYAN. What does the Senator——

Mr. BURTON. If the Senator will excuse me a minute, I will come to the main point.

Mr. BRYAN. I want to understand the Senator as he gets to it. What does the Senator mean when he says "document"? Does he refer to Document No. 4?

Mr. BURTON. Document No. 4.

Mr. KENYON. Document No. 4 of the Sixty-third Congress.

Mr. BURTON. This was transmitted to the Committee on Rivers and Harbors on the 21st day of July, 1913, in pursuance of a report, which seems to have been made November 3, 1910. This is one of those river and harbor documents which are somewhat exceptional in their nature. I will now read to the Senator the statement in this report, which should be the latest utterance of the Chief of Engineers and the Engineering Corps on the subject:

> The maximum draft that could be carried June 30, 1913, over the shoalest part of the locality under improvement was 6 feet at mean low water.
>
> The river is navigable, in fact, from the entrance to the town of Crystal River, a distance of 9 miles.

Apparently, at that time, the project was in proper shape.

## PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on September 10, 1914, approved and signed the following joint resolution:

S. J. Res. 151. Joint resolution authorizing the President to accept an invitation to participate in an international exposition of sea-fishery industries.

## PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented a memorial of sundry cigar manufacturers and dealers of Three Rivers, Mich., remonstrating against the proposed increase in the tax on cigars, which was referred to the Committee on Finance.

Mr. PERKINS presented memorials of sundry wine growers of San Francisco, Elk Grove, St. Helena, San Jose, Los Angeles, and Rutherford, all in the State of California, remonstrating against the proposed tax on wines, which were referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the enactment of legislation to prohibit the use of the mails in procuring business for insurance companies in States in which they are not licensed, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 14, Knights of Maccabees, of Pomona, Cal., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of the local branches of the National Association of Letter Carriers of San Jose and Santa Barbara, in the State of California, remonstrating against the enactment of legislation providing for the appointment of assistant postmasters under civil-service rules, which were referred to the Committee on Post Offices and Post Roads.

Mr. POINDEXTER presented a petition of sundry citizens of North Yakima, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of West Burke, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 6487) granting an increase of pension to Minerva M. Walsh; and

A bill (S. 6488) granting an increase of pension to John M. Miller; to the Committee on Pensions.

EXECUTIVE SESSION.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. KENYON. I yield to the Senator from Missouri.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m., Tuesday, September 15, 1914) the Senate adjourned until to-morrow, Wednesday, September 16, 1914, at 11 o'clock a. m.

## NOMINATIONS.

*Executive nominations received by the Senate September 15 (legislative day of September 5), 1914.*

CONSUL GENERALS.

Carl Bailey Hurst, of the District of Columbia, now consul general at Barcelona, to be consul general of the United States of America at Antwerp, Belgium, vice Henry W. Diederich, nominated to be consul general at Barcelona.

Henry W. Diederich, of the District of Columbia, now consul general at Antwerp, to be consul general of the United States of America at Barcelona, Spain, vice Carl Bailey Hurst, nominated to be consul general at Antwerp.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate September 15 (legislative day of September 5), 1914.*

UNITED STATES ATTORNEY.

Harvey A. Baker to be United States attorney for the district of Rhode Island.

ASSAYER IN CHARGE.

James E. Russell to be assayer in charge of the United States assay office at Deadwood, S. Dak.

REAPPOINTMENT IN THE ARMY.

INSPECTOR GENERAL'S DEPARTMENT.

Brig. Gen. Ernest A. Garlington to be inspector general, with the rank of brigadier general.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Augustus C. Macomb to be colonel.
Lieut. Col. Charles H. Grierson to be colonel.
Maj. De Rosey C. Cabell to be lieutenant colonel.
Maj. Farrand Sayre to be lieutenant colonel.
Maj. Grote Hutcheson to be lieutenant colonel.
Maj. George O. Cress to be lieutenant colonel.
Capt. John W. Furlong to be major.
Capt. Robert J. Fleming to be major.
Capt. Edwin B. Winans to be major.
Capt. William T. Johnston to be major.
Capt. Harold P. Howard to be major.
First Lieut. Kyle Rucker to be captain.
First Lieut. Ralph C. Caldwell to be captain.
First Lieut. George M. Lee to be captain.
First Lieut. Eben Swift, jr., to be captain.
First Lieut. Henry S. Terrell to be captain.
Second Lieut. William R. Henry to be first lieutenant.
Second Lieut. George F. Patten to be first lieutenant.
Second Lieut. Robert M. Cheney to be first lieutenant.
Second Lieut. Lawrence W. McIntosh to be first lieutenant.

POSTMASTERS.

KENTUCKY.

John B. Wathen, Lebanon.

OHIO.

Samuel A. Kinnear, Columbus.

## REJECTION.

*Executive nomination rejected by the Senate September 15 (legislative day of September 5), 1914.*

Robert E. McBride to be postmaster at Red Cloud, Nebr.

## HOUSE OF REPRESENTATIVES.

TUESDAY, *September 15, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, on earth, and in the hearts of men, as the world moves with unerring precision in its appointed course, giving to us day and night, seedtime and harvest, so may we as individuals and as a people press forward to larger achievements in all legitimate fields of endeavor and to greater attainments in wisdom, knowledge, and purity, inspired by that wisdom from above, which is first pure, then peaceable, gentle, and easy to be entreated, full of mercy and good fruits, without partiality, and without hypocrisy. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request:

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
WASHINGTON, D. C., *September 15, 1914.*

Hon. CHAMP CLARK,
*Speaker, House of Representatives.*

DEAR SIR: I would respectfully ask permission for leave of absence for 10 days, on account of illness.

Yours, respectfully, THOMAS C. THACHER.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

EXTENSION OF REMARKS.

Mr. MANN. Mr. Speaker, I ask leave to extend my remarks in the RECORD by inserting some matters relative to the representation in future Republican national conventions.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks leave to extend his remarks by inserting some matters touching representation in Republican national conventions. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of labor legislation.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] asks unanimous consent to extend his remarks in the RECORD on the subject of labor legislation. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of socialism and the Industrial Workers of the World.

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] asks leave to extend his remarks on the subject of socialism and the Industrial Workers of the World. Is there objection?

There was no objection.

BANKING AND CURRENCY LEGISLATION.

Mr. TRIBBLE. Mr. Speaker, I ask unanimous consent to take up Senate bill 6398 for passage immediately after the reading of the Journal on Thursday of this week—next Thursday. This bill is an act passed by the Senate last Friday amending the national-bank laws, increasing the circulating notes based on commercial paper from 30 per cent to 75 per cent. The bill is now on the Speaker's desk.

The SPEAKER. Has not that bill been referred to the committee?

Mr. TRIBBLE. The bill has been referred to the Committee on Banking and Currency of the House, Mr. Speaker.

The SPEAKER. It is not on the Speaker's table, then.

Mr. TRIBBLE. It is here from the Senate. It has been passed by the Senate.

The SPEAKER. The Chair knows; but when it has been referred to the committee——

Mr. TRIBBLE. I will modify my request and ask unanimous consent, Mr. Speaker, that the Committee on Banking and Currency be discharged from further consideration of the bill, and that it be taken up for action on Thursday, immediately after the reading of the Journal.

The SPEAKER. What is the number of that bill?

Mr. TRIBBLE. S. 6398.

The SPEAKER. The gentleman from Georgia [Mr. TRIBBLE] asks unanimous consent to discharge the Committee on Banking and Currency from the consideration of Senate bill 6398, and to consider the same next Thursday, immediately after the reading of the Journal. Is there objection?

Mr. HENRY. Reserving the right to object, Mr. Speaker, I would like to have an explanation. I did not hear the gentleman's full statement.

Mr. TRIBBLE. Well, Mr. Speaker, the full explanation is this: Three months ago cotton in the South was bringing 14 cents a pound. There was not a man in the South nor anywhere else in the United States expecting this European war. It had cost the people of the South, the men who had produced that cotton, not less than 10 cents a pound to produce it. To-day there is absolutely no sale whatever for cotton anywhere in the United States. There is no price for it. And if this Congress is going to pass legislation seeking to relieve the depressed condition of the price on cotton, the time is at hand; the crisis is on us; and we should take action on this proposed legislation, and do so at once.

Mr. HENRY. Mr. Speaker, was this the amendment that was passed recently by the Senate, known as the Hoke Smith amendment?

Mr. TRIBBLE. Yes; that amendment is in the bill.

Mr. HENRY. Well, Mr. Speaker, this question involves a great many important interests of the South, and I think the amendment involves a great step in the direction of solving the difficulties, requiring careful consideration. Therefore I object.

Mr. TRIBBLE. Will the gentleman withhold his objection for a moment?

Mr. HENRY. I will reserve it for a moment.

Mr. TRIBBLE. The gentleman certainly will not object to taking a step that will help the South in regard to its crop of cotton?

Mr. HENRY. This is so important that the Committee on Banking and Currency ought to consider it very deliberately, and, therefore, I shall object.

Mr. TRIBBLE. Mr. Speaker, this is no time to wait on committees. So far as I know, the committee has not even considered this bill. It was considered several days ago by the Senate, and we can consider it right here on the floor of this House. The motion I make will leave the bill open to free discussion, and gentlemen will have full opportunity to amend it. If gentlemen think there is little merit in the bill, I know of no better way to get a good bill than to get one before the House and give the membership an opportunity to discuss this question and perfect the bill in the interest of the cotton farmers. I fail to see the wisdom of standing in the door and keeping the bill on the outside for an indefinite time. I will say to-day what I said last night in a cotton conference, and that is this, Mr. Chairman: It is time to let the cotton-growing States know what Congress is going to do. It is a great injustice to the farmer and the people of the Southern States to hold them in suspense. If Congress can not pass special legislation on this question, it is time to let our suffering people know the facts. I am pursuing the same course, in asking to consider this bill by unanimous consent, that was adopted when emergency bills were passed appropriating money for the relief of American citizens in Mexico and Europe. Mr. Chairman, the South confronts a real emergency. It is an emergency that appeals to me and it appeals to you for help. Are we powerless to give national assistance? If the majority of the Members of this House think no special legislation should be enacted, then, in the name of justice, let the people have this information. I have but one desire in this matter, and that is to help relieve the suffering that confronts us in the South. There are many kinds of bills and all kinds of theories. I am for anything that will help relieve the situation, and I make this motion for the purpose of bringing about action on the cotton question and to hasten the passage of this bill. I have pending a bill before the Currency Committee, and I will have an opportunity of getting that bill before this House by amendment, if this Senate bill is considered, and others will have the same privilege of amendment. I desire to reduce the rate of tax on circulating notes provided for this emergency to 1 per cent, and also to require the banks loaning same not to charge over 4 per cent. The section reads as follows:

SEC. 4. That it shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may deem necessary, to provide that the notes to be issued by the banks shall be loaned by said banks as far as practical to the producers of cotton and agricultural products at a rate of interest not to exceed 4 per cent per annum, and preference shall be given those desiring to hold agricultural products for better prices during the depression of prices caused by the European war.

Mr. Speaker, I think I have sufficiently explained my reasons for urging consideration of this bill by unanimous consent.

The SPEAKER. The gentleman from Texas [Mr. HENRY] objects.

Mr. TRIBBLE. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD.

The SPEAKER. On this subject?

Mr. TRIBBLE. Yes; on this subject.

The SPEAKER. Is there objection?

There was no objection.

COTTON-WAREHOUSE LICENSES.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that on Thursday next Senate bill 6266, to authorize the Secretary of Agriculture to license cotton warehouses, and for other purposes, as amended by the Committee on Agriculture, shall be taken up for consideration and considered in Committee of the Whole House on the state of the Union, and that two hours' general debate shall be allowed for its discussion.

Mr. LINTHICUM. Mr. Speaker, I object.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] objects.

EXTENSION OF REMARKS.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD a statement from Congressman WARREN WORTH BAILEY on the subject of universal peace.

The SPEAKER. The gentleman from Ohio [Mr. CROSSER] asks unanimous consent to extend his remarks in the RECORD by the insertion of the statement named.

Mr. MANN. Mr. Speaker, we could not hear what they were.

The SPEAKER. The gentleman will please state it again, and lift his voice up.

Mr. CROSSER. It is an article by the Hon. WARREN WORTH BAILEY on the shortest road to universal peace. I think it is a very valuable article.

Mr. BORLAND. Reserving the right to object, Mr. Speaker, is that the Mr. BAILEY who is the present Member of the House?

Mr. CROSSER. Yes.

The SPEAKER. The gentleman from Ohio [Mr. CROSSER] asks unanimous consent to extend his remarks in the RECORD by printing an article by WARREN WORTH BAILEY, a Member of the House, entitled "The shortest road to peace." Is there objection?

Mr. MANN. If we can find it, we will take it. [Laughter.]

There was no objection.

THE DUTY OF AMERICA.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to address the House for seven minutes.

The SPEAKER. The gentleman from Texas [Mr. BURGESS] asks unanimous consent to address the House for seven minutes. Is there objection?

There was no objection.

"AMERICA'S MISSION."

Mr. BURGESS. Mr. Speaker, I am first a Texan, second an American, and third a Democrat. I am a Democrat because I believe the fundamental principles of Democracy conduce to make me a better American and a better Texan. I do not intend to discuss my Democracy or the glories of the State that gave me birth, but I wish for a brief time to discuss America. I am proud that I am an American. I believe profoundly that it was not an accident that Christopher Columbus discovered

America. I believe he was guided by Omnipotence, who saw that conditions in the Old World demanded the opening of a new breeding ground, to which might come the best from all the countries of the Old World and found here a new country, dedicated to liberty in its widest sense and sustained by a vigorous race of people produced under environments peculiarly susceptible to the production of the best race of people the world has ever known. I believe profoundly that step by step the hand of God has guided in this thing, and that here a people has arisen capable of influencing and that has influenced the course of liberty all over the world. That here a Government has been founded dedicated to that widest principle of liberty—the consent of the governed—and that, in the words of the immortal Lincoln, "It shall not perish from the earth." [Applause.]

If I speak of Japan, instantly there comes to mind the marvelous progress in recent years of this remarkable people, their adaptibility to the best everywhere; but at last one must think of a language and a blood that make the Japanese. If I say England, at once there rises to mind the wonderful history of this wonderful people. One must think of their laws, their literature, and of their religion, that have so much enriched us; but at last I think of a language and a blood that make the Englishman. If I say France, in my mind's eye I review their wonderful history, and the shadow of the great Napoleon falls across the channel of one's thoughts, and I think of their thrift, of the Code Napoleon, of the Bank of France; but at last one must think of a language and a blood that make the Frenchman. If I say Germany, there comes to my mind the valley of the Rhine, the music of the masters, the science, industry, and progress that has characterized this great people; but at last we must think of a language and a blood that make the German. If I say Russia, there comes rushing into one's mind the great extent of this country, the slow progress that it has made, and the mighty struggle for freedom that is going on there among the people, but at last I think of a language and a blood that make the Russian; and so on through the category of nations. In most of these cases there also comes to mind the evils of kings and emperors and the tyrannies of State religions, and the objections to classes in society. But when I say America, all this changes in a moment. Our language is but an incident of our development, and our blood is the most commingled in the world. Here we know neither kings nor emperors. We know no State religion, nor does this Government recognize any classes in society. It is founded upon the individual unit of society—the man.

Now, I have said all this briefly for the purpose of calling attention to the deplorable state of war which exists in Europe, and to the duty of the citizenship of America to maintain their proud position. It is but natural that one should sympathize with this or that country from which they came, and to which many ties bind them. This is but the call of the blood. I find myself vacillating continually between sympathy for England and sympathy for Germany. It is with me the call of the blood, for my ancestors came from both countries. But I would have every American to understand that this is America, "the land of the free and the home of the brave," the favored Nation of God, and I believe destined for all time to keep burning brightly the lamp of liberty.

I appeal to all the great newspapers of the country, as well as to writers and speakers, that they ought to be extremely careful in this European situation to utter no word, and, if possible, think no thought, which is contrary to or imperils this mission of America. [Applause.]

### EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the special rule the House resolves itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 16136, to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, with the gentleman from New York [Mr. FITZGERALD] in the chair. The gentleman from Tennessee [Mr. GARRETT] will take the chair until the gentleman from New York arrives.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. JOHNSON of Washington. Mr. Chairman, before we leave the first section I would like to offer an amendment.

The CHAIRMAN. The first section has been passed.

Mr. JOHNSON of Washington. I ask unanimous consent to return to the first section.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to the first section for the purpose of offering an amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington:

"Page 1, line 5, after the word 'forests,' insert the words 'the Grand Canyon national monument, the Mount Olympus national monument.'"

Mr. JOHNSON of Washington. Mr. Chairman, this amendment makes this paragraph read in uniformity with the water-power bill passed recently. At that time statements were made fully covering the situation. I think it is unnecessary to say anything more.

Mr. FERRIS. Mr. Chairman, I think the committee will be glad to accept this amendment, which merely makes this bill conform to the water-power bill, and I know of no objection to it.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. STAFFORD. When the amendment was adopted incorporating the Grand Canyon of the Colorado in the water-power bill there were some Members who thought it went pretty far in including that wonderland of beauty. I can understand why you might want to make an exception as to water power, but when you come to include coal, phosphate, oil, gas, potassium, and sodium, I think there should be some hesitancy in adopting the amendment. Is there any good reason why we should open up these great national monuments, these national parks, to the invasion of the prospector for oil, coal, and other minerals?

Mr. FERRIS. I shall be glad to reply to the gentleman unless the gentleman from Washington [Mr. JOHNSON] wishes to do so.

Mr. JOHNSON of Washington. I am not especially informed as to the Grand Canyon. I am told that there is no likelihood of any of these particular minerals being found in the Grand Canyon. The Olympic monument, however, abounds in minerals, and probably contains coal and gas in quantities. In order to make the two leasing bills uniform and to prevent two very large areas from being left out of possible development, either by leasing or otherwise, both monuments are specifically referred to in the amendment.

Mr. STAFFORD. The gentleman from Arizona [Mr. HAYDEN] strongly emphasized the need of including the Grand Canyon in the water-power bill, because that was the only available water-power supply for Arizona.

Mr. FERRIS. That is the only water power it has.

Mr. STAFFORD. But that argument does not apply, so far as minerals are concerned, and I think we should go slowly in opening up the minerals of the Grand Canyon to exploitation by private parties.

Mr. HAYDEN. The gentleman does not realize how large the Grand Canyon national monument is. It contains about 800,000 acres. An oil well located in the Grand Canyon would be invisible from the brink. Any mining that took place there would in no sense mar the beauty or impair the grandeur of the canyon. As I have stated to the gentleman from Washington, I have no personal knowledge that any of these minerals exist in the Grand Canyon national monument. For that reason it may be immaterial whether it is included under the terms of this bill or not, but I can see no possible harm in adopting this amendment.

Mr. STAFFORD. I think the committee should not include the Grand Canyon of the Colorado within the purview of the bill. We should not open it up to prospectors.

Mr. HAYDEN. Has the gentleman ever seen the Grand Canyon?

Mr. STAFFORD. I have not been favored in seeing the Grand Canyon of the Colorado, but I have been fortunate enough to see the Yellowstone. I imagine it is more immense than the Yellowstone. It is a monument dedicated to all the people of this country, and why should we open it up to exploitation by private parties? The gentleman says there are no minerals there to his knowledge. Why should we include it? Why should we open it to development?

Mr. HAYDEN. Any mineral development in the Grand Canyon could not possibly interfere with its scenic beauty. The canyon is a mile deep and 14 miles wide. It extends along the Colorado River for 150 miles in that part of Arizona where this national monument is located. If the gentleman can suggest any way in which the adoption of this amendment would inter-

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fere with the enjoyment by the public of the grandeur of the canyon, I will agree with him.

Mr. STAFFORD. Even though I have not had the good fortune to visit the Grand Canyon, nevertheless I would not care to see oil wells and pipe lines scattered over that scenic spot.

Mr. HAYDEN. If the gentleman had ever visited the Grand Canyon, he would not make that argument.

Mr. STAFFORD. I make the argument because I have been in similar places, like the Yellowstone, and I think we should not open up these natural monuments to such exploitation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. JOHNSON].

The amendment was agreed to.

The Clerk read as follows:

COAL.

SEC. 2. That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, may, unless an offering, an application for offering, or an application for lease is pending hereunder, be acquired in accordance with the provisions of sections 2347 to 2352, inclusive, of the United States Revised Statutes, and acts amendatory thereof or supplemental thereto, or such lands or deposits may be leased, as hereinafter provided.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 9, after the word "hereunder," insert the words "at the time application to purchase as herein provided is made."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

Mr. TAYLOR of Colorado. Mr. Chairman, I should like to have the amendment reported again. We do not understand where it comes in.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The Clerk read the amendment again.

Mr. MONDELL. Mr. Chairman, this section of the bill retains in operation the present coal-land law. It provides that purchases may be made under it except in case where an offering, an application for offering, or an application for lease is pending. My amendment is simply to perfect the text by inserting words which will make this provision apply providing an application or offering or an application for lease is not pending at the time the application to purchase is made. Without this amendment I think it would be very easy to defeat any application to purchase by making an application for an offering or making an application for a lease any time before the application to purchase was perfected. I assume it is the intention to allow the purchase providing the application to purchase is made before any of these other steps are taken.

But unless we make that clear it would be very easy, after application to purchase had been made and had been pending some time, but before it was acted upon, for some one to come in with an application to have the land offered or to lease in good faith, or not in good faith, and defeat the right to purchase.

Mr. FERRIS. Mr. Chairman, as I heard the amendment read I could not see any great harm in it, although I do not think it does any good, and I do not think it adds anything to the section. Certainly if the application for the land to be leased under this bill is pending no one under another law should be allowed to come in and buy the land from under the applicant.

Mr. MONDELL. Will the gentleman allow me?

Mr. FERRIS. Yes.

Mr. MONDELL. The gentleman knows that under the statutes we are retaining in force an application may be made to purchase, and the applicant has a limited time within which to make his purchase. Unless you definitely fix the date when his rights attach they do not attach until he completes his purchase. Unless that is made definite his right to purchase can be defeated any time prior to confirmation simply by making an application to lease or offering to lease.

Mr. FERRIS. Mr. Chairman, the gentleman's statement notwithstanding, I do not believe we can with safety accept this amendment. I will say that this section has been submitted to the careful consideration of the Bureau of Mines, to the careful consideration of the Geological Survey, to the careful consideration of the Secretary of the Interior, and in each case they think it does precisely what it intends to do—leave the two laws in operation without interference. The Public Lands Committee spent several weeks in hearings, which took 800 or 1,000 pages of testimony, and they also think that it will do what it intends to do. I will read the language:

That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, may, unless an offering, an application for offering, or an application for lease is pending hereunder, be acquired in accordance with the provisions of sections 2347 to 2352, inclusive, of the United States Revised Statutes and acts amendatory thereof or supplemental thereto or such lands or deposits may be leased, as hereinafter provided.

My second thought is, and I think it is better than the first one, that if the applicant's lease for the tract is still pending no one should be allowed to slide in under him and purchase.

Mr. MONDELL. My amendment would not allow that.

Mr. FERRIS. To adopt the gentleman's amendment would be to adopt one of limitation to the extent of nonworkability. I hope it will be rejected. It is quite dangerous to add far-reaching amendments that have not been considered either by the committee or the department.

Mr. MANN. Mr. Chairman, I would like to get a little information or explanation in regard to section 2. I notice that the report of the committee makes this statement:

Under the law of 1873 little effort was made to protect the public interest or the rights of the public, and through lack of classification immense areas of coal lands were acquired by individuals and corporations through more or less fraudulent means.

As I read section 2 it permits anyone to make an application under the law of 1873 for these lands.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. I do not think the gentleman has the correct version of that. We have regulations in conjunction by which it shall be appraised and sold.

Mr. MANN. It makes no difference what the later land laws are. The law of 1873 is the one carried in the Revised Statutes, and section 2 of this bill eliminates all recent laws and expressly provides that coal lands or deposits of coal, and so forth, may be acquired in accordance with the provisions of section 2347 to 2352, inclusive, of the Revised Statutes. That is the law of 1873. All of these recent laws on the subject will not operate, because you expressly provide in section 2 of the bill that anyone may acquire these coal lands under the old provisions of the Revised Statutes.

Mr. FERRIS. Will the gentleman yield again?

Mr. MANN. I will.

Mr. FERRIS. Prior to 1873 coal and oil and water power was homesteaded and passed into private ownership as agricultural lands did. Under the act of 1873 and acts amendatory thereto they sell it pursuant to appraisal in tracts of 160 acres, and so forth. Now, the necessity of buying lands in tracts of 160 or 640 acres would not induce men with large means to invest, but the committee thought, in the interest of municipalities and cities, it was necessary to allow smaller areas to be sold, and it was on that idea that we left the two laws together to operate, and we think there will be no conflict under them, and the department thought so.

Mr. MANN. Departments are sometimes in error. I do not claim they are in error here, for I do not know. The Government has withdrawn large areas of coal lands from entry. This bill proposes to turn these all back for entry under the provisions of the Revised Statutes. Is not that correct?

Mr. FERRIS. No; it is not correct. The land that is now subject to sale at $10 an acre within the 15-mile limit of the railroads and $20 an acre outside of the 15-mile limit will still go on as it is.

Mr. MANN. I still do not comprehend the situation. This section expressly provides that all coal lands of the United States, exclusive of Alaska, are subject to entry under the provisions of these old sections of the Revised Statutes.

Mr. LENROOT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. LENROOT. Under the present law the gentleman speaks of, as rapidly as classified, although withdrawn, they are subject to this law of 1873?

Mr. MANN. Yes; but this does not make them subject to any classification of recent law. It does not even provide reference to these sections as amended.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. TAYLOR of Colorado. The gentleman does not contend, does he, that the power of classification is taken away by this bill?

Mr. MANN. Well, I do not know anything about that.

Mr. TAYLOR of Colorado. We have no idea that the power or authority of the Interior Department to classify this land is taken away in this bill, and it does not apply to nor take away the power of the President to withdraw and keep it withdrawn. Our thought is that it only applies to land that is restored and is classified, and the land that is classified, as we complain in the West, at such a high figure that nobody will buy it.

Mr. MANN. The provisions of the Revised Statutes authorize the taking of this land at $10 an acre in certain cases, or at not less than $10 an acre, and in certain cases at not less than $20 an acre.

Mr. TAYLOR of Colorado. It is subject to classification.

Mr. MANN. If this is enacted into law, it will override any action of the President in regard to withdrawal. This section expressly provides that all of these coal lands may be acquired in accordance with the provisions of these sections of the Revised Statutes. How are you going to get around it?

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. The regulations issued under the act of 1873, the coal-land law, provide, in addition to the minimum price fixed in the statute, that there shall be classification and appraisement, and that that appraisement and that classification only comes as fast as the lands are restored. The $10 an acre price within the 15-mile limit, and the $20 an acre outside of the 15-mile limit, a regulation issued in addition thereto, brings the appraisement at their actual value, and the gentleman from Colorado [Mr. TAYLOR], and many others in the West, say they have soared the price so high that they can not even buy it. I do not know what the facts are. I am not familiar with that. That is their contention, but in any event, under the old law they can ask for the land as much as they think it is worth. The prescribed price of $10 or $20 per acre is only a minimum price.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Of course, Mr. Chairman, I expect to take the judgment of the committee, who know more about this matter than I do, but it seemed to me that it was not properly guarded. There can be no question that it gives to the individual seeking the land the choice of which method he will take.

Mr. FERRIS. That is true.

Mr. MANN. Of course the individual will take the method which he thinks is most profitable to him. The Government has no control over it at all.

Mr. FERRIS. They have control over the classification and appraisement when the sale occurs, and they have control over the offering in the lease plan, so the Government is safeguarded in each instance.

Mr. MANN. If the Government offers all of these coal lands at once, then of course there would be no choice. A man could not take it under the provisions of the Revised Statutes, and if the Government does not offer all of these lands at once, the individual seeking the land, or the corporation seeking the deposits, will make the application according to which they think will be for their interests, and not for the interest of the Government.

Mr. FERRIS. That is true, but that is as it should be. The Government will protect the public interest.

Mr. MANN. It seems to me we ought to give the Government some protection in the matter. You throw all of the land open to entry under the existing law, or under the old Revised Statutes, and give those seeking the coal lands the choice whether they will take the land and pay for it directly or whether they will bid and pay a royalty. I do not see how the western gentlemen can complain about that.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. TAYLOR of Colorado. My thought is that the land is classified so high that nobody will buy it, and the companies that will open the land will always take a lease, and therefore the land does not go into private ownership, and does not go on the tax roll, and does not become a part of the assets of the county.

Mr. MANN. The theory of my friend from Colorado is that the Government has made such an improper classification that this provision is of no benefit.

Mr. TAYLOR of Colorado. That is what I say.

Mr. MANN. I understand, but we are not disposed to think, at least I am not, that the Government in classifying this property has put an exorbitant price upon it.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. SELDOMRIDGE. Will not the fact that the records of the Land Office show a decrease in purchases of coal lands in the section sought to be reserved demonstrate that the price has been fixed too high?

Mr. MANN. Well, I do not think so. There is more coal being mined out there now than there was ever before, or rather there was more coal being mined out there while we had prosperity in the country than ever before; it may be a little short just now. I do not see why we should give the choice under this old law. We have been endeavoring to protect. Now, I would like to ask the gentleman, have these sections of the Revised Statutes been amended?

Mr. FERRIS. I do not think they have been except by regulation. They have been made applicable to Alaska and some other acts of that sort, but I do not think they have been amended except by the issuance of new regulations. Mr. Chairman, the committee is always glad to have suggestions from the gentleman from Illinois [Mr. MANN], and I confess at first blush it would look as if the two laws should not be left traveling along the same route, but we had that in mind and I called the attention of the committee to the three departments that were presumed to know about these matters, to ascertain what they think about them, and I think the committee would be glad to hear what the departments say about it under a memorandum which was sent me last Saurday. It is in point; it is in reference to section 2:

> One reason why the bill provides that existing coal-land laws shall continue in force is that there are many hundreds of coal claims already initiated under the old laws by opening of mines upon the land, or by filing of declaratory statements. Under the law coal land which has not been surveyed can not be entered until surveyed, but a citizen may go upon such lands, open a mine of coal, and obtain a preference right to enter within 90 days after survey. Another reason for continuing the laws in force is that it will give an opportunity of choice to the citizen, who can either buy or lease, at his option. It is generally believed that coal operators will prefer to lease, but it was thought that those who prefer to obtain a smaller area under existing laws of purchase should be accorded an opportunity so to do. There will be absolutely no conflict, because the lands will be subject to either sale or lease to the first applicant until same shall have been specifically offered for lease or covered by a pending application; after that time they will not be subject to purchase. The records of the land offices will show the status of the same, and if anyone tries to enter after the lands have been offered or actually leased the subsequent applicant will be rejected, as is the case under existing law for conflict with the prior claim. In other words, it will be simply a question of priority, a rule entirely familiar to all public-land claimants.

Now, the Geological Survey, in a letter I have here, which I will not take the time to read, coincides with the view of the Secretary's office. In a letter which I have from the Bureau of Mines, signed by Acting Director George Ashley, Dr. Holmes being away, the writer coincides with that view, and it was the thought of the committee, after the widest sort of examination and after the most extensive hearings, to leave the two laws, and I actually believe it will be workable, and that there will not be any conflict, and that it will accomplish what the committee and the House desire to accomplish in the development of the coal lands in the West.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 2, line 6, after the word "that," insert the word "unreserved."

Mr. MONDELL. Mr. Chairman, the gentleman from Illinois is entirely correct. If this section is adopted in the form in which it is the bill, and any applicant can ever get into the courts, he can unquestionably set aside a classification of coal lands and enter at the minimum price. Let me call the attention of the committee to this important fact. There has been no coal-land legislation since the acts of 1870, which are here reenacted. The matter of classification is a matter of departmental regulation. The department has assumed that the words "not less than" should be interpreted to mean "as much more as the Secretary of the Interior may in his judgment and wisdom fix." Now, I have never quarreled with that interpretation; in fact, I was rather favorable and was one of those who suggested to the department the propriety of coal-land classification. But there is no very clear authority in law for that classification, and when we put a new statute relative to coal on the statute books, which we do in effect by the reenactment of the old sections, the query is, What effect does that have on intervening laws relative to withdrawals and classifications? We have had legislation on withdrawals. We have had none on classification except as is used in the withdrawal act. Now, what is intended by this section is this, if the gentleman from Oklahoma will give me his attention, that unreserved coal lands may be purchased under these sections of the Revised Statutes. You never intended that reserved coal lands, reserved for classification and still unclassified, should——

XUM

Mr. FERRIS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. Let me give the gentleman the facts, and here they are: There have been 53,000,000 acres of withdrawals, and there have been 20,000,000 classified. Suppose the department of the Government drags along and does not classify; supose it is not even surveyed; this lease law was intended to and properly should apply to all coal land whether classified or not. The bill provides that you can go ahead and lease it and go ahead and utilize it and use it. I can not think the gentleman wants to do what he is talking about at all.

Mr. MONDELL. Oh, I have another amendment. The gentleman is always jumping at conclusions. You must follow this with an amendment to the part of the bill referring to leasing that should apply to lands that are withdrawn and lands that are reserved and unreserved, but certainly you do not want to apply your purchase law to reserved lands; and if the gentleman from Oklahoma will just listen to me for a moment, I think he will agree with me. Reserved coal lands are coal lands that are reserved for the purpose of classifying them. Before they are reserved they can be entered at $10 or $20 an acre without regard to what their value may be. They are reserved in great areas for the purpose of classification, and as rapidly as the bureau can get around to it to classify them they classify them and fix the price above the minimum as high as $500 an acre. Then they restore them to entry at the classified price.

Now, your sale law should only apply to the unreserved lands. That means lands that have never been reserved as coal lands and lands that have been reserved and classified and restored—those are the only lands you should apply your sale law to. Otherwise you are liable to have some one go on to reserved coal lands, which you intend to classify at anywhere up to $200 an acre or more, for the minimum price of $10 and buy them. Now, that would be a very objectionable thing.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. FERRIS. Reserving the right to object, Mr. Chairman, I ask unanimous consent that the debate on this paragraph close at the expiration of 10 minutes, 5 to be occupied by the gentleman from Wyoming [Mr. MONDELL] and 5 by some member of the committee who may desire to reply to him.

Mr. LENROOT. I hope the gentleman will not object to the extension of time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. With reference to the meaning of the term "reserved," we all understand the meaning of it technically. But I want to ask the gentleman this question: Does the term "reserved" in the law apply to lands withdrawn for purposes of classification only?

Mr. MONDELL. "Reserved," as I understand it, applies to lands withdrawn for any purpose under the law. There is another class of lands, and that is another matter that I want to refer to, because I do not think we want to apply the law of 1870 to forest reserves.

The law of 1870 never has applied to forest reserves, and I can understand how a man might go into a forest reserve on land worth $100 an acre for timber and find enough coal to form the basis of a coal application and buy it at $10 an acre. You do not want to permit that, but that is just what could be done unless you adopt my amendment.

I assume that the only lands that you want to sell, and the only ones that it is proper to sell, are unreserved or classified lands. The classified price is in some instances above $400 per acre. The same class of coal land you can buy in Kentucky, Indiana, and other States at half the price. The only lands that can now be bought under the act of 1870 are the unreserved lands; that is, the lands outside of the forest reserves, the lands that never have been reserved, or the lands that may have been reserved, classified, and then restored. Those are the lands that your committee unquestionably intended to have this statute apply to.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Kentucky?

Mr. MONDELL. Yes.

Mr. SHERLEY. It may be an ignorant question, because I am not very well advised about the land laws. Would the effect of the gentleman's amendment be, if an entry was made upon lands that were not classified and valued, to prohibit the department from classifying them and giving them a value beyond the minimum if it were discovered that those lands were of value?

Mr. MONDELL. Well, the department has, I think, finally held that where a valid application is made under the law they can not thereafter raise the price.

Mr. SHERLEY. What I am anxious to see written into this law—and I have listened with interest to what the gentleman from Illinois [Mr. MANN] said—is that the classification that may now exist or that may be made hereafter under regulations of the department shall not by implication be repealed in the law that we are now passing.

Mr. MONDELL. My amendment is intended to remove any danger of that.

Mr. SHERLEY. Well, I understand that was the purpose of it——

Mr. MONDELL. And I have another amendment following which I shall offer to perfect the matter.

Mr. SHERLEY. If the gentleman will permit, what I was impressed with was the question whether in trying to cure one thing you did not open up a danger elsewhere; and I was struck with the gentleman's statement that land which was not classified could be entered upon and sold at what would be the minimum price.

Mr. MONDELL. Oh, you can not very well avoid that. But I will say to the gentleman that, as a matter of fact, if there is any coal land anywhere that has not either been classified or examined or withdrawn, it is coal land of mighty little value.

Mr. SHERLEY. I doubt that exceedingly.

Mr. MONDELL. Because the department has in every case given the Government the benefit of the doubt and reserved everything in sight.

Mr. SHERLEY. Yes; where it knew. But it does not always know.

Mr. MONDELL. Well, I think in a hundred million acres somebody might some time find a 40-acre tract that is worth a dollar or two more than the minimum price; but where that occurs in one case, a hundred men will pay an enormous classified price.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. FERRIS. Mr. Chairman——

Mr. MONDELL. Mr. Chairman, just a minute. I want to explain to the gentleman from Oklahoma.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MONDELL. I have another amendment following this. I realize that a leasing bill must apply to reserved and unreserved lands, and so, if this amendment is adopted, I shall offer at the end of line 13 an amendment to insert the words "reserved or unreserved," so that the leasing law shall apply to all of these lands, but the purchase law shall appy only to unreserved lands and lands not on a forest reserve.

Mr. FERRIS. Mr. Chairman, if section 2 added one word or removed one word from the old law, I should not be in favor of it, but it does not. We leave the old law intact, just exactly as it is, nothing more and nothing less.

Mr. MANN. Will the gentleman yield for a question?

Mr. FERRIS. I will.

Mr. MANN. If it neither adds to nor subtracts from the old law, what is the object of it?

Mr. FERRIS. Simply because we pass a new law which operates in full conjunction with it. I mean, so far as reference is made to the coal-land law of 1873, sections 2347 to 2352, we do nothing whatever to it, but leave it in force. If I may proceed for a moment I think I can answer what the gentleman from Kentucky [Mr. SHERLEY] has inquired about. The gentleman from Kentucky [Mr. SHERLEY] suggested to me a moment ago privately that he thought we ought perhaps to keep intact the regulations now in force and which will hereafter be put into force by reason of the law, and I think he made some such suggestion as that publicly to the gentleman from Wyoming [Mr. MONDELL]. Section 2351 of the Revised Statutes, which is a part of the coal-land act, provides "that the Commissioner of the General Land Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections." My thought is—and I think I am right about it—that the Secretary of the Interior and the Commissioner of the General Land Office have already inaugurated rules and regulations

which are not only securing the prescribed $10 an acre for the coal land within the 15-mile limit, and the prescribed $20 an acre for the coal land outside of the 15-mile limit, but they are getting as much as the coal will bear, and in some cases as much as $500 and $600 an acre for some of the land. If we leave the law intact and do not repeal a line of it, surely that part of it which authorizes them to issue and promulgate new rules and regulations is still in full force and effect, and would need no additional legislation to accomplish it. The gentleman from Wyoming [Mr. MONDELL] comes in with an amendment and asks to limit the operation of this lease law to the reserved area only. I do not think that ought to be done.

Mr. MANN. That is not the case.

Mr. LENROOT. He opens that wide open, reserved and unreserved.

Mr. FERRIS. I thought his amendment on page 2, section 2, was to put in only unreserved lands.

Mr. LENROOT. That only applies to purchases.

Mr. MANN. That relates only to purchases.

Mr. LENROOT. And then he makes the lease law apply to all.

Mr. FERRIS. I do not think we do more than that now, as the language stands. If we adopted both of his suggestions we would be exactly where we are now.

Mr. MANN. It seems to me you do a good deal more than that.

Mr. LENROOT. I think so.

Mr. MANN. All the land is made subject to sale, whether it is subject to sale now or not.

Mr. FERRIS. Not at all.

Mr. MANN. If you take the gentleman's amendment, then the land subject to sale is only the unreserved land, while if you take his other amendment, then the land subject to lease is both reserved and unreserved.

Mr. FERRIS. I think the apparent confusion arises from the fact that gentlemen have not recently read the existing coal-land law. It provides that such rules and regulations may be inaugurated as are necessary to vitalize the law.

Mr. MANN. I may be in error as to what it means, but it is not an error caused by failure to read the coal-land law, because I took the trouble to read it in connection with this section, and it made my doubts greater than ever.

Mr. FERRIS. I have not intended to criticize anyone for not reading all the sections; but I have the law, and it provides that they can promulgate any rules or regulations they desire to put the law into effect. Now, under the coal-land act of 1910 they withdrew all the coal lands that they knew about, amounting to 53,000,000 acres. As fast as the Geological Survey can get the money to classify the lands they classify them, so that up to this time 20,000,000 acres have been classified. Now, we are passing a leasing law to lease the coal lands of this country, with provisions for royalties to the Government, and so forth.

Mr. MANN. If the gentleman will permit me, what I am afraid of—and I think possibly some other gentlemen are afraid of—is that the insertion of this provision will give them the right to make entry for land which has been withdrawn for classification but which has not been classified and will give them the right to insist upon a patent for the land on the basis of $10 or $20 an acre.

Mr. FERRIS. The answer to that is that the land is withdrawn, and is not even subject to sale until it is, first, classified, and, second, offered for sale.

Mr. MANN. Yes; but here is a provision that makes it subject to sale.

Mr. FERRIS. Not at all, unless it was already subject.

Mr. MANN. What is the use of putting in a provision which the gentleman and the committee do not intend for a joker, but which may turn out to be a very serious joker? What is the use of doing that when you can guard against it?

Mr. FERRIS. I think the gentleman is mistaken about it. Of course no one wants to do that. I do not want to change the original law at all. I want to let it go exactly as it is. I want the department to have the same right to promulgate rules and regulations that it now has. I neither want to add to nor take from the existing law a solitary word.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. FERRIS. The only thing this section does is to provide that the land shall not be subject to lease if anyone is proceeding under the old law——

Mr. MANN. Oh, no; that is not all it does.

Mr. FERRIS. I think it is.

Mr. MANN. It says these lands may be acquired under the old law.

Mr. FERRIS. They are not even subject to entry or to an application for entry. They are not subject to purchase or anything else until the department classifies them. Prior to that they all stand withdrawn.

Mr. MANN. But Congress has the authority to override all the rules of the department.

Mr. FERRIS. Precisely.

Mr. MANN. And if we make them subject to be acquired, any rule that stands in the way is abrogated.

Mr. FERRIS. I can not think the gentleman is right in his contention about this, but I do not want to be obstinate about it.

Mr. LENROOT. Mr. Chairman, I think the whole matter grows out of a misunderstanding. I think the gentleman from Oklahoma is in part correct and the gentlemen from Illinois and Wyoming are also correct in the position they take. It is clear that there was no intention on the part of the committee to modify or change the existing coal-land laws in regard to purchase in any way, but the law of 1873 does confine the right to purchase to unappropriated and unreserved lands, while the language that we have in the bill, as these gentlemen have stated, would confer the right to purchase any lands, whether withdrawn or not, upon which there may be coal. That clearly was not the intention of the committee.

Mr. TAYLOR of Colorado. We do not want that if it is true.

Mr. FERRIS. It is a question of construction, of course. How can gentlemen read that interpretation into the statute when we expressly mention the sections——

Mr. LENROOT. Coal lands and deposits of coal belonging to the United States may be acquired under the provisions of these sections. We are only referring there to the manner of acquiring that kind of land.

Mr. SHERLEY. We are doing more than that; we are providing as if it read "all coal lands may be acquired"; in other words, it is affirmative.

Mr. LENROOT. That is what I said; we are extending the provisions of the law of 1873 to all lands in the United States which may contain coal, which the law of 1873 does not do.

Mr. FERRIS. But this is in accordance with specific sections.

Mr. LENROOT. That only goes to the method of acquiring it and does not relate in any way to the land affected. Now, if the amendment of the gentleman from Wyoming is adopted it will clear that up, and the other amendment that he will later propose for leasing will leave it just as it was intended.

Mr. SHERLEY. If I understand the amendment of the gentleman from Wyoming it is that all lands not reserved——

Mr. LENROOT. Unreserved lands shall be subject to purchase under the provisions of the bill.

Mr. SHERLEY. I want to put the same inquiry to the gentleman from Wisconsin that I put to the gentleman from Wyoming. It seems to me that there ought to be a right—whether it is in the existing law now or not, there ought to be a right in the Government when application is made for unreserved lands that were not supposed to be of special value but are found to be of special value, to put a valuation on them other than that fixed of $10 or $20, as the case may be. In other words, I do not think the discovery and entry gives a man a right to the land at the minimum price without regard to value. I do not agree with the gentleman from Wyoming that the Government has gone crazy on the valuation of lands. I think the time is coming when its action will be looked upon as conservative.

Mr. LENROOT. In regard to that, the power exercised by the department in reference to the valuation is under the act of 1873, under rules and regulations promulgated, and they will have that right here.

Mr. SHERLEY. The point I am getting at is further than what their right is now—what their right should be. As I understand, the law now is that if classification and valuation has not been made, and a man makes an entry before it is made, he has the right to the land at the minimum price. Now, I do not think that ought to be the law.

Mr. LENROOT. If it has once been appraised, he has the right to enter at the appraised value. In no case is he entitled to enter at the minimum price of $10 or $20 an acre unless it has been so appraised.

Mr. SHERLEY. Do I understand that he can not enter it unless it has been appraised?

Mr. FERRIS. That is true, and there are 33,000,000 acres that he could not get at all.

XUM

Mr. MONDELL. Will the gentleman from Kentucky yield?

Mr. SHERLEY. Certainly; I am after information.

Mr. MONDELL. If the land itself contains coal, it can be entered if it has not been withdrawn and has not been appraised.

Mr. SHERLEY. That is the point; should not there be a right when entry is made for the Government to appraise the land?

Mr. TAYLOR of Colorado. There is no such land.

Mr. SHERLEY. There may not be any such land to-day, but to-morrow there may be. Ought there not to be some provision in the law whereby the Government should have the right, even after the entry is made, to put an additional price on the land?

Mr. LENROOT. My contention is that we have the right now. There is no law on the statute books that gives him the right to enter at any fixed price. It is merely a minimum price that is fixed. Although the land has not been appraised, if application is made to enter it the department may fix such price as it chooses.

Mr. MANN. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MANN. Do I understand that under existing law where land has not been withdrawn a man may make application or entry for the land, and if it is coal land the department before it grants the patent appraises the land, he could only, in fact, obtain it on the payment of the appraised price?

Mr. SHERLEY. That may or may not be the fact. The gentleman from Wyoming says one thing and the gentleman from Wisconsin another.

Mr. MANN. The gentleman from Wyoming said that he could make entry, but he did not say upon what terms he could obtain the patent. The gentleman from Oklahoma said it was subject to appraisement after application was made.

Mr. FERRIS. I do not think I said that.

Mr. MANN. Some gentleman said it.

Mr. MONDELL. Mr. Chairman, I understand that if land has been appraised, classified, and restored to entry the price can not be raised after an application is made.

Mr. FERRIS. That is right.

Mr. MONDELL. There is no question about that. That has been decided time out of mind. Now, as to the other question, supposing there were some fragment somewhere that had not been considered coal land, and an entryman made application for it, would the department hold it had the right to price that land above the minimum price? I believe the department has heretofore held that it could not.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. I did not quite catch what the gentleman from Wyoming said.

Mr. MONDELL. In such a case as I last referred to, where an entryman had made an application for land that had not been reserved or classified, and discovered coal in the land, and made offering at the minimum price—ten or twenty dollars an acre, as the case may be—the department, I think, has held—I know it has sometimes—that in that case he is entitled to the land at the minimum price; and on this theory, if the gentleman will allow me, that the law being in effect as regards those lands, his right attaches when he makes the application. But I want to assure the gentleman from Kentucky that if there is anything valuable left that has not been withdrawn for classification, nobody knows where it is.

Mr. SHERLEY. Oh, that does not concern me at all, because every day we are discovering things that we did not know yesterday in respect to the mineral wealth of America.

Mr. MANN. The gentleman remembers that my State is rich in coal and oil, but nobody knew it when we took the land.

Mr. SHERLEY. Whether it is in the law now or not, we should write into this bill, if necessary, a provision giving the Government the right to classify and value the land at its true value.

Mr. FERRIS. Does the gentleman mean agricultural entry?

Mr. SHERLEY. I mean that in any entry that is made of land, that is found to be mineral land, before the man gets his title the Government ought to have the right to ask him a fair price instead of an absurdly low price. That is just common sense and common honesty.

Mr. FERRIS. They do that now.

Mr. SHERLEY. That is just the point that we are trying to determine—whether they do or not.

Mr. FERRIS. The trouble with the situation is this: The gentleman from Wyoming [Mr. MONDELL] is talking about coal lands and the gentleman from Kentucky [Mr. SHERLEY] is trying to have it apply to general agricultural lands.

Mr. LENROOT. Mr. Chairman, with reference to the suggestion of the gentleman from Wyoming [Mr. MONDELL], that entryman, when the land has not been classified and appraised, are entitled to receive the land at the minimum price, I would say that that used to be the ruling. It was once ruled, and for a great many years ruled, that language such as this entitled the entryman always to get the land at the minimum price fixed. That was changed a number of years ago by regulation, with reference to the timber and stone act and with reference to the coal-land act, and has been changed, so far as any act that I know of is concerned, where the law itself seeks only in terms to fix the minimum price.

Mr. MONDELL. Mr. Chairman, I think we should not deceive ourselves, whether the situation is as it ought to be or not. The gentleman may be entirely right, but I do not know of any case, although there may be such cases, where the department has held that they could advance the price after the application had been made.

Mr. LENROOT. Where there had been an appraisal.

Mr. MONDELL. Where there had not been an appraisal, where the land was subject to entry and the land lay there subject to entry, and it had not been withdrawn, and application was made. The General Land Office for a time was inclined to hold that there could then be an appraisal, but I think the decisions have lately been to the contrary and to the effect that the right attaches, and there having been no appraisement the minimum price was the price. I do not think there is any serious danger in that situation at the present time.

Mr. SHERLEY. I do.

Mr. MONDELL. Of course it does not affect my amendment in any case. My amendment ought to be adopted.

Mr. SHERLEY. I recall a time when the Land Office did the most absurd and criminal thing ever done. It declared that the minimum price was the maximum price, in plain contravention of common sense and common English. I do not want to take a chance on anything of that kind recurring.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. MANN. Would it not cover the situation to insert in the proper place as a definition of the coal lands or deposits the words "which have been appraised"?

Mr. FERRIS. Does the gentleman mean for the purpose of a lease law?

Mr. MANN. No; for the purpose of sale.

Mr. FERRIS. That is all that can be done now, the gentleman from Wyoming to the contrary notwithstanding.

Mr. MANN. We do not agree with the gentleman on that, and what is the use of taking chances? Is there any harm in that? Is it intended to throw any of this coal land open to sale except that which has been appraised?

Mr. FERRIS. Not at all.

Mr. MANN. Then why not say so?

Mr. FERRIS. I am quite willing.

Mr. MANN. Why would it not do to insert, after the word "Alaska," the words "which have been appraised," so that it would read:

That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, which have been appraised, may, unless an offering—

And so forth?

Mr. TAYLOR of Colorado. Which have heretofore or may hereafter be appraised.

Mr. MANN. It means the same thing.

Mr. MONDELL. I prepared two amendments in case this amendment was not adopted. If this amendment is not the proper form, the word to use, I should think, would be the word "classified" as universally used by the department; and if you say "classified" lands, it is not necessary to say hereafter or heretofore classified at the time.

Mr. MANN. Classified coal lands or deposits.

Mr. FERRIS. That is what the committee wants to do.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to withdraw my amendment and insert in lieu of the word "unreserved" the word "classified."

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to modify his amendment in the manner indicated.

Mr. TAYLOR of Colorado. Let the Clerk read it.

The Clerk read as follows:

Page 2, line 6, after the word "that," insert the word "classified."

The CHAIRMAN. Is there objection to the modification of the amendment? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I am not quite clear in my mind as to the necessity of amending the section on the last line, in view of the fact we have amended the first section, though I am inclined to think that an amendment is necessary, in view of the fact that line 13 refers to "such lands or deposits," and it would probably be said that such lands and deposits refer to classified lands.

Mr. TAYLOR of Colorado. I think we had better put that in.

Mr. MONDELL. If it does, we could meet the situation by simply using the words "classified or unclassified" at the proper place.

Mr. MANN. Of course, this section is not the section which defines lands which may be taken under lease. It is immaterial whether you put it in or leave it out, so far as the meaning is concerned.

Mr. FERRIS. I rather think the intent ought to be clear; and inasmuch as we put it in at one place we ought to put it in at the other.

Mr. MANN. This only says those lands can be subject to lease. The next section defines the lands which are subject to lease; so it does not make any difference one way or the other.

Mr. FERRIS. I think I would rather have it go in, as long as the first one has been adopted.

Mr. MONDELL. Mr. Chairman, I offer an amendment. After the word "deposits," at the end of line 13, insert a comma and the words "classified or unclassified" and a comma.

The CHAIRMAN. The gentleman from Wyoming withdraws the pro forma amendment and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 13, after the word "deposits," insert a comma and the words "classified or unclassified" and a comma.

Mr. MANN. Mr. Chairman, I do not know that it can do any harm, but it is certainly very poor rhetoric, because such lands are only classified lands.

Mr. TAYLOR of Colorado. Why not place it after the word "such" instead of after the word "deposits"?

Mr. MANN. That is the same thing. The only lands that you refer to in the language of this section are classified lands. It is not necessary to put in either one. It is only classified lands. Now, classified lands you can buy, and this section does not define lands which are leased; but the next section says:

Any of the deposits of coal owned by the United States outside of the Territory of Alaska, into leasing blocks or tracts of 40 acres each—

And so forth.

Mr. MONDELL. Will the gentleman from Illinois allow me? This law will be construed after consideration of all of its sections, and if in one section you say only classified lands may be leased and in another section that all lands may be leased, without referring to whether you include classified and unclassified, you at least leave out——

Mr. SHERLEY. It is easy to get at that by leaving out the word "such." I suggest it could be provided by striking out the words "or such lands may be leased," and put it, in substance, in this form: "*Provided, however,* That such provision shall not prevent the leasing"——

Mr. MONDELL. If I may be allowed——

Mr. SHERLEY. If the gentleman will just let me finish my sentence—I do not like to leave a sentence in the air, like Mahomet's coffin—"*Provided, however,* That such provision shall not prevent the leasing of classified lands with others, as provided in the following section." Language of that kind would clearly reach the trouble, but you can not turn in and qualify the word "such" without rendering the language topsy-turvy.

Mr. MONDELL. What I was going to suggest was, in lieu of what I have offered, that the word "such," in line 13, be stricken out and the word "coal" inserted, which would relieve the situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman's time be extended three minutes.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. MONDELL. In line 13 strike out the word "such" and insert "coal."

Mr. FERRIS. "Coal lands, classified or unclassified." I think that ought to go in.

Mr. MANN. That any coal lands or deposits, classified or unclassified, may be leased?

Mr. FERRIS. Will the gentleman from Wyoming modify his amendment to the extent of striking out the word "such," in line 13, page 2, and insert in lieu thereof "coal lands or deposits, classified or unclassified," so it will read——

Mr. LENROOT. Will the gentleman yield?

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. LENROOT. May I make this suggestion? The only purpose of section 2 is to make it optional in reference to certain specific lands. Now, if there is any addition to the language of section 2 to govern section 3, why not wait until we get to section 3, and then insert the words "classified or unclassified"?

Mr. MONDELL. If the gentleman from Illinois [Mr. MANN] will allow me, my intention in modifying my amendment was not to continue the words "classified and unclassified," but simply to insert in lieu of the word "such" the word "coal," so that it would read "coal lands or deposits may be leased," then the following section defines what coal lands and deposits. Striking out the word "such," then, does not lead in the section reference back to the word "classified."

Mr. TAYLOR of Colorado. If there is any question about it, why not put it in?

Mr. FERRIS. Let the gentleman modify his amendment.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent, if I have the consent of the gentleman from Illinois [Mr. MANN], who controls the time, to modify my amendment as follows: Line 13, strike out the word "such" and insert the word "coal." At the end of line 13 insert the amendment I have already sent to the desk.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to modify his amendment already offered. The Clerk will report the proposed amendment.

The Clerk read as follows:

Page 2, line 13, strike out the word "such" and insert the word "coal," and after the word "deposits," at the end of the line, insert a comma and the words "classified or unclassified."

The CHAIRMAN. Is there objection to the modification? [After a pause.] The Chair hears none.

Mr. TALCOTT of New York. Mr. Chairman, I move to amend the amendment by inserting after the word "deposits" the words "of coal."

Mr. MANN. You would not say "coal lands or deposits of coal"?

Mr. TALCOTT of New York. Yes. That is the language used in line 6.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 13, after the word "deposits," insert the words "of coal."

Mr. FERRIS. Mr. Chairman, I do not think that would be necessary.

Mr. TALCOTT of New York. That is the language used in line 6.

The CHAIRMAN. That is not an amendment to the amendment.

Mr. MANN. That is to insert in a part of the amendment of the gentleman from Wyoming the words "of coal."

Mr. TAYLOR of Colorado. There is no objection to that.

Mr. LENROOT. That has not been adopted.

Mr. SHERLEY. I understand; but I think we can have one amendment to simplify the whole business. I suggest that the word "or" should be changed to the word "but," and the reason for that suggestion is this, that the trouble you are having with your English in the sale provision is that there you are dealing only with classified lands, whereas in your leasing provision you want to provide for all of them. Therefore the word "or" is not a suitable word, because it does not connect things that are the same. The word "but" is the proper word.

Mr. MANN. Why not use the word "and"?

Mr. SHERLEY. That is all right, but the word "or" is not the proper word. The word "or" is to balance equal phrases.

The CHAIRMAN. The question is on agreeing to the pending amendment.

Mr. MONDELL. Mr. Chairman, has my amendment been adopted?

Mr. SHERLEY. No; it has not.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that we first dispose of the amendment offered by the gentleman from Wyoming as amended by the gentleman from New York [Mr. TALCOTT]. The suggestion of the gentleman from Kentucky [Mr. SHERLEY] strikes at another amendment.

Mr. SHERLEY. None of them is pending yet, because unanimous consent was not given for the modification.

The CHAIRMAN. Unanimous consent was given to the gentleman's modified amendment. The gentleman from New York [Mr. TALCOTT] offered an amendment to that amendment.

Mr. SHERLEY. I do not care to press the point, but I did not give unanimous consent to it.

XUM

The CHAIRMAN. The Chair put the question, and there was no objection.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to again modify my amendment so as to include the suggestion of the gentleman from Kentucky.

The CHAIRMAN. The Clerk will report it.

Mr. MONDELL. My suggestion is, in line 13, to strike out the words "or such" and insert the words "and coal," and at the end of line 13 to insert the words "of coal, classified or unclassified."

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to substitute in lieu of the pending amendment the amendment which the Clerk will report.

The Clerk read as follows:

Page 2, line 13, after the word "thereto," strike out the words "or such" and insert the words "and coal," and after the word "deposits," at the end of the line, insert the words "of coal, classified or unclassified."

The CHAIRMAN. Is there objection?

Mr. BRYAN. Reserving the right to object, Mr. Chairman, would it not be necessary to add also the words "exclusive of those in Alaska"? Because if you put here a new sentence providing for the leasing of coal lands you abandon the exclusion in the seventh line of page 2, which limits the leasing by the terms "exclusive of those in Alaska." Now, if you are going to make a new leasing provision here you have got to carry in those words also as well as the words added from time to time.

Mr. FERRIS. Mr. Chairman, I call for the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. FERRIS. The gentleman can insert that afterwards.

Mr. MANN. You can not do that after you agree to this amendment. After the word "coal," offered by the gentleman from Wyoming, insert the words "exclusive of those in Alaska."

Mr. FERRIS. I do not object to that, but we already have five or six amendments, and no one can tell what it means. We started out with a change of one word, as suggested by the gentleman from Wyoming. Now we have five or six other matters relating to that concerning verbiage. We can not tell where we will get to by this method.

Mr. MANN. I think we can tell easily enough. Let us see how it would read: "And coal lands and deposits of coal, classified and unclassified, exclusive of those in Alaska, may be leased as hereinafter provided." That is perfectly plain, is it not?

Mr. TAYLOR of Colorado. Mr. Chairman, we accept it all. Let us go ahead.

Mr. MANN. Insert, after the word "unclassified," the words "exclusive of those in Alaska."

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "unclassified," proposed to be inserted at the end of line 13, page 2, the words "exclusive of those in Alaska," so that the lines, as they are intended to be amended, will read as follows: "and amendatory thereof and supplemental thereto, and coal lands or deposits of coal, classified or unclassified, exclusive of those in Alaska, may be leased as hereinafter provided."

Mr. McKENZIE. Mr. Chairman, I want to make one suggestion to the chairman of the committee which, it seems to me, will straighten out this whole tangle; that is, to have the first line written in these words:

That lands containing deposits of coal.

Mr. FERRIS. That would not do, because we allow surface entries of coal in the West, and it must be both the deposits and the lands. In some instances we want to lease both the land and the coal and in other instances only the deposits of coal. That is a well-recognized practice and necessary in the West, because they are doing it constantly. So I take it the gentleman would not want to insist on that.

Mr. LENROOT. Mr. Chairman, this matter has got into such shape now that I feel all these amendments should be defeated and the language remain as it now is in the section, otherwise you will get this into a form that is involved and ungrammatical and you will accomplish absolutely nothing. If this language remains as it is, it will merely permit the classified lands to be either leased or purchased. If there is any question of construction, then if in section 3, after the word "coal" in line 17, we insert the words "classified or unclassified," the entire matter is as clear as day. It is not good workmanship to encumber this section with such an amendment as is now proposed.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to the amendment of the gentleman from Wyoming.

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MONDELL. Division, Mr. Chairman.

Mr. TAYLOR of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAYLOR of Colorado. Did the gentleman from Wisconsin [Mr. LENROOT] offer an amendment to strike out everything beginning with the word "or," in line 13, to the end of the section, and to let this section apply only to what it ought to apply to?

The CHAIRMAN. The gentleman did not offer any such amendment. No such amendment is pending. The gentleman from Wyoming demands a division, and the question is on the amendment of the gentleman from Wyoming.

The question being taken, on a division there were—ayes 17, noes 18.

Mr. MONDELL. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Wyoming makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-two Members—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Adamson | George | L'Engle | Sabath |
| Austin | Gerry | Lewis, Pa. | Saunders |
| Barchfeld | Gittins | Lindquist | Sells |
| Bartlett | Godwin, N. C. | Loft | Sinnott |
| Brown, N. Y. | Goldfogle | McClellan | Slemp |
| Browning | Graham, Pa. | McGillicuddy | Small |
| Burke, Pa. | Griest | Mahan | Smith, Md. |
| Burnett | Guernsey | Maher | Smith, N. Y. |
| Calder | Hamill | Manahan | Stafford |
| Cantor | Harris | Martin | Steenerson |
| Clancy | Heasley | Merritt | Stevens, N. H. |
| Connolly, Iowa | Hinds | Metz | Stout |
| Conry | Hobson | Moore | Stringer |
| Covington | Hoxworth | Morin | Sutherland |
| Crisp | Humphreys, Miss. | Moss, Ind. | Taggart |
| Dies | Igoe | Murdock | Talbott, Md. |
| Driscoll | Johnson, S. C. | Norton | Tavenner |
| Dupré | Jones | O'Leary | Thacher |
| Elder | Kent | O'Shaunessy | Townsend |
| Fairchild | Kettner | Palmer | Watkins |
| Faison | Kiess, Pa. | Parker | Whitacre |
| Finley | Kindel | Peters | Wilson, N. Y. |
| Fitzhenry | Kinkead, N. J. | Powers | Winslow |
| Frear | Knowland, J. R. | Riordan | Woodruff |
| Gardner | Korbly | Rothermel | Woods |

The committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, finding itself without a quorum, he caused the roll to be called, when 333 Members—a quorum—answered to their names, and he reported the names of the absentees to be entered in the Journal and RECORD.

The SPEAKER. A quorum is present. The committee will resume its session.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to have the amendment reported again.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 13, after the word "thereto," strike out the words "or such" and insert the words "and coal"; and after the word "deposits," at the end of the line, insert the words "of coal, classified or unclassified."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior is authorized to, and upon the petition of any applicant qualified under this act shall, divide any of the deposits of coal owned by the United States outside of the Territory of Alaska into leasing blocks or tracts of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such blocks, but in no case exceeding 2,560 acres in any one leasing block or tract; and thereafter the Secretary of the Interior shall from time to time, upon the request of any applicant qualified under this act or on his own motion, offer such lands or deposits of coal for leasing, and, upon a royalty fixed by him in advance, shall award leases thereof through advertisement, by competitive bidding, or, in case of lignite or low-grade coals, such other methods as he may by general regulations adopt, to any person above the age of 21 years who is a citizen of the United States or has declared his intention to become such, or to any association of such persons, or to any cor-

poration or municipality organized under the laws of the United States or of any State or Territory thereof: *Provided*, That no railroad or other common carrier shall be permitted to take or acquire through lease or permit under this act any coal lands or deposits of coal in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder. That such a railroad or common carrier may be permitted to take under the foregoing provisions not to exceed one lease hereunder upon and for each 200 miles of its line in actual operation. The term "railroad" or "common carrier" as used in this act shall include any company or corporation owning or operating a railroad, whether under a contract, agreement, or lease, and any company or corporation subsidiary or auxiliary thereto, whether directly or indirectly connected with such railroad or common carrier.

Mr. LEVY. Mr. Chairman, I desire to offer an amendment.

Mr. RAKER. I have an amendment to offer.

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized.

Mr. LENROOT. Will the gentleman from California yield to me to offer an amendment to finish up the same thing we were discussing in section 2?

Mr. RAKER. I yield to the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from California withdraws his amendment. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 17, after the word "coal," insert the words "classified or unclassified."

Mr. LENROOT. Mr. Chairman, this is only for the purpose of clearing up the controversy relative to section 2, and I think it clarifies the meaning.

Mr. MANN. Should it not be "classified and unclassified"?

Mr. FERRIS. They generally refer to them in the alternative—"classified or unclassified."

Mr. MANN. It depends on what you mean. You want to provide for both classified and unclassified, not "or."

Mr. LENROOT. Mr. Chairman, I ask to modify the amendment by striking out the word "or" and inserting the word "and."

The CHAIRMAN. Without objection, the amendment will be so modified. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 17, after the words "any of the," insert the words "coal lands or."

Mr. RAKER. That is simply to correct a misprint.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Now, Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In lines 7 and 8, after the words "United States," strike out the words "or has declared his intentions to become such."

Mr. RAKER. Mr. Chairman, this is simply to make this provision conform to the rest of the bill.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. THOMSON of Illinois. Mr. Chairman, I move to strike out the last word. In the remarks I made on this bill under general debate I made this statement:

It is difficult to find any valid claim for any of our States of the West to the public lands within their boundaries when we remember that, excepting the State of TEXAS, all the land west of the Mississippi River was bought and paid for by the Federal Government before most of the Western States were occupied by white men. These lands cost the Government a total of nearly three-fourths of a billion dollars. Not a dollar of this money was paid by any one of the States. It came out of the Treasury of the United States, money obtained from taxation of all the people.

At that time Mr. JOHNSON of Washington questioned my assertion and alleged that the Oregon Territory was acquired without any cost to the United States.

On Saturday last, when the bill was under consideration under the five-minute rule, the gentleman from Washington [Mr. HUMPHREY] referred to that statement of mine made under general debate, and he proceeded as follows:

That is a statement that we hear a great many times. The only trouble with the statement is that it is not correct. I want the gentleman from Illinois to know, and other gentlemen of the committee, that the Oregon country, comprising Washington, Oregon, a part of Montana, and Idaho, never cost the Government one penny.

Mr. Chairman, I wish to call the attention of the gentlemen from Washington [Mr. JOHNSON and Mr. HUMPHREY] to some statements contained in a book on The Public Domain, by Donaldson, which I think all will recognize as an authority on the subject. Donaldson states in this work, with reference to the Louisiana Purchase, that the boundaries of the Province of Louisiana, as ceded by Napoleon to the United States, were indefinite. The treaty itself, according to Chief Justice Marshall, has been couched in terms of "studied ambiguity." However, the boundaries of this Province were sufficiently definite to make it certain that the Oregon country was included within it. In this book Donaldson gives the cost and area of the Louisiana Purchase, and included in this data given by Donaldson is the following:

State of Oregon, 95,274 square miles; Territory of Washington, 69,994 square miles; Territory of Montana, 143,776 square miles; Territory of Idaho, 86,294 square miles.

In this volume is a map of the United States, which map contains the boundaries of the Louisiana Purchase, and included within those boundaries is the land now comprised in the States of Washington, Oregon, Montana, and Idaho.

Now, it is claimed by the gentlemen from Washington [Mr. HUMPHREY and Mr. JOHNSON] that the Oregon Territory, which was made up of parts of these States, never cost the United States anything, and that the sole right of the United States to that Territory was based on discovery, and that the title of the United States to the Territory was based on the treaty of 1846 with Great Britain.

There was a treaty involving the Oregon Territory in 1846, but I call attention of the gentlemen from Washington to the fact that in the negotiations which the United States had with Great Britain, which led up to the treaty, the United States based its claim of title to that Territory on the Louisiana Purchase. The United States also called the attention of Great Britain to the fact that they had a claim to that Territory, independent of the Louisiana Purchase, due to the discovery of the mouth of the Columbia River by a man named Gray.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. THOMSON of Illinois. Yes.

Mr. JOHNSON of Washington. Is it not a fact that the claim which the United States had to the so-called Oregon country based on the Louisiana Purchase territory was in such words of "studied ambiguity," in fact, so shadowy, that the backing up of it by right of the claims of discovery by Capt. Robert Gray and subsequent occupation gave the United States really its rights to the Oregon country?

Mr. THOMSON of Illinois. Both of those claims were made, but the foundation of the claim of the United States to the Oregon Territory was the Louisiana Purchase.

Mr. Chairman, I wish to call attention to the following quotations from the publication on The Public Domain, by Donaldson:

After the purchase of Louisiana by the United States, in 1803, the Government opened negotiations with Great Britain for fixing the northern boundary line of the Province of Louisiana. In 1807 an agreement was reached by the two nations, but not signed. The War of 1812 between them prevented its consummation.

The question was not opened again until the treaty of October 20, 1818, and then only to the Rocky Mountains. Spain, by the treaty at Washington February 22, 1819, waived this claim and ceded to the United States her claims to Oregon Territory.

The French, prior to their sale of the Province of Louisiana and possessions to the United States, claimed the country south of the British possessions and west of the Mississippi River to the Pacific Ocean by reason of discovery and exploration of the Mississippi River. This claim the United States, being the successor of France, also urged and stood upon.

The United States held an independent claim to that portion of the Louisiana Purchase known as Oregon, based upon the discovery of the mouth of the Columbia River in May, 1791, by Capt. Gray, of Boston, in the ship *Columbia*, naming the river from his ship.

The convention between the United States and Great Britain of October 20, 1818, kept the line indefinite, and in the third article provided for joint occupancy and use of the territory claimed by both, by the people of the two countries on the northwest coast of America westward of the Stony (Rocky) Mountains, without prejudice to any claim of either of the contracting parties to any part of said country. This was to hold for 10 years, from the 20th day of October, 1818.

This still left this northwestern boundary line undefined.

The convention between the United States and Great Britain of date August 6, 1827, by Albert Gallatin on behalf of the United States and Charles Grant and Henry Unwin Addington, by the first article indefinitely extended this provision, with the right of either party after October 20, 1828, on 12 months' notice of the intention to annul and abrogate the same.

Article 3 again reserved the claim of either party to the territory west of the Stony or Rocky Mountains.

THE NORTHWESTERN BOUNDARY QUESTION.

The northwestern boundary question was a source of constant irritation and serious trouble between the United States and Great Britain and their citizens.

* * * * * * * *

In 1846, after great political heat and discussion and occupation of disputed territory by armed forces of both nations, by a treaty at Washington concluded between Great Britain and the United States, by Richard Pakenham and James Buchanan in behalf of their respective countries, June 15, 1846, it was agreed by article 1 that the northern boundary line should be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouvers Island, and thence southerly through

the middle of the said channel and of Fuca Straits to the Pacific Ocean, and thus the boundary line was extended from the Rocky Mountains to the Pacific Ocean along the forty-ninth parallel of north latitude.

* * * * * * *

The western boundary line of the United States from latitude 49° north, going south, the Pacific Ocean, was determined by discovery (Capt. Gray's, 1791), and the purchase from France of the Province of Louisiana, under treaty at Paris, France, April 30, 1803, by the United States, concluded by Robert R. Livingston and James Monroe on behalf of the United States, and Barbé Marbois on the part of France, and by the purchase from Spain of the Floridas, February 22, 1819, from latitude 49° north (confirmed by various treaties set out in description above of northern boundary lines), along the Pacific Ocean to about latitude 42° north.

Now, Mr. Chairman, I think it must be conceded that I have established the correctness of my original statement, my friends from Washington to the contrary notwithstanding.

The contention of these gentlemen that the Oregon Territory, comprising the present States of Washington, Oregon, and parts of Montana and Idaho, did not cost the United States one penny is not borne out by the facts. All this area was included in the Louisiana Purchase. True some claim was made to this Oregon Territory by Great Britain, which was relinquished by them under the treaty of 1846, but the title of the United States to this territory did not originate with the treaty of 1846. The treaty of 1846 merely removed a cloud from the title, to use a legal term, which title originated through the purchase of this land from the French in connection with the Louisiana Purchase.

The fact that the United States supplemented their claim that they held the Oregon Territory through the Louisiana Purchase by calling attention to the discovery of the mouth of the Columbia River by Capt. Gray, in connection with their negotiations with Great Britain preceding the execution of the treaty of 1846, does not change the fact that the $15,000,000 the United States paid France for the Province of Louisiana included the area comprised within what was later known as the Oregon Territory.

When Great Britain later made some claim to the Oregon Territory, the United States removed all such claim through the treaty referred to. But the fact remains, our Government did purchase the title to all this area in making what we know as the Louisiana Purchase.

Mr. LEVY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, on page 3, line 15, the words "used solely for its own use," and insert the words "sell coal not exceeding 50 tons to any one purchaser at one time."

Mr. LEVY. Mr. Chairman, it is a well-known fact that ever since the Hepburn law was passed coal has been sold at an excessive price in all the cities of the Union. In the city of New York it was $4.50 a ton previous to the enactment of the Hepburn law, and to-day it is between $7 and $7.50 a ton. In the city of Seattle when the Hepburn law was passed coal advanced to $17 and $18 a ton on account of the Northern Pacific Railroad withdrawing its coal. That winter there was quite a famine in coal in that section of the country. It is a very serious proposition to the cities of the United States as to what price they shall pay for coal. There is no reason why we should restrict the railroads from selling coal to the people of Alaska. In fact, I believe the only way that you can obtain capital for the mining of coal in these territories is through corporations to a great extent, and it will do no harm to allow railroads, when they are established, there or in any other section of the country, to retail coal to the people of the localities, and in that way the people may obtain coal at a reasonable price. At the present time, as I say, the price is excessive in all of the cities of the Union. In New York City it is costing from $7 to $7.50 a ton for anthracite coal, and I think if you will adopt this amendment it will be of great benefit to the citizens of the locality in which the coal mines are situated, especially in Alaska, and will give an opportunity to many people to store their coal up for the winter, and also to buy small amounts of coal, and in that way the people will obtain coal at a reasonable rate. [Applause.]

Mr. RAKER. Mr. Chairman, this provision as it is now in this bill is practically the same as was put in the Alaska coal bill. The provision was put in here for the purpose of allowing the railroad companies running through any public land where there is coal to mine a certain amount for their own individual use, for the purpose of running the railroads, to the end that they should not be put to any extra expense. But to permit them to enter into the business of transporting coal other than to run the railroad is just what the trouble has been in the East, where railroads have been permitted to be both transporters and shippers and handlers of coal. It would be an unfortunate thing if such an amendment as this should prevail.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. FOSTER. As I understand, the condition of which the gentleman from New York [Mr LEVY] complains is that the railroads do own the anthracite coal, and what he is complaining about is that the people are compelled now to pay excessive prices for it.

Mr. LEVY. Has it not been disastrous to the people of the country since the Hepburn law was passed, in respect to the price of coal? Does the gentleman not believe that to-day that law ought to be repealed in that respect? The people of this country are paying an excessive price for the coal, and why? Because they are obliged to have a half dozen companies through which to distribute it, and the result is that the price is so excessive that the people will not stand for it very much longer.

Mr. RAKER. That does not apply to public lands.

Mr. LEVY. And that is the reason I want to make an exception.

Mr. RAKER. We have the proviso that they can not handle the coal for the purpose of shipping—in other words, being producers of coal and at the same time having a monopoly upon the transportation——

Mr. LEVY. That is the reason I put in the small amount—not exceeding 50 tons at any one time—so that the public in the particular locality, as in Alaska, would have the opportunity of buying 50 tons of coal and storing it for the winter. I doubt very much if you are going to secure capital for the development of the coal lands.

Mr. RAKER. Oh, yes; there will be plenty of capital. We do not want to treat the railroads unfairly, and we provide that they may have the right to obtain public land through which the railroad runs for the purpose of having sufficient amount of coal to run their business legitimately and no more. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LEVY) there were—ayes 3, noes 13.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to insert after the word "shall," on page 2, line 25, the words "in his discretion."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 25, after the word "shall," insert the words "in his discretion."

Mr. MANN. Mr. Chairman, I take it that there is no objection to that. I shall not offer any amendment in reference to the matter of bidding, although it seems to me that it would be desirable to permit bidders to bid upon royalties after fixing a minimum royalty instead of requiring them to bid upon a cash bonus. One can readily imagine that a small corporation might be in a better position to bid an increased royalty, which was to be paid from time to time as the coal was mined, rather than to pay a fixed amount to begin with.

Then I would like to call the attention of the gentleman from Oklahoma to the provision in regard to railroads. Under the terms of the proviso in section 3 no coal company can build a railroad to reach its own mine. There are a good many cases where it may be necessary for the coal company itself to build a short branch line from some railroad in the neighborhood to its own mine as has frequently been the case in West Virginia and probably in other parts of the country. We passed a law requiring a railroad company to make the connection between those short lines and the main line, and that is carried in the amendment to the act to regulate commerce.

Mr. FERRIS. Where does the gentleman find the limitation to which he refers, that a railroad can not build a spur to its own mine for its own use?

Mr. MANN. There is a limitation against a railroad acquiring any coal lands or anything of that sort.

Mr. FERRIS. The railroad can acquire them for its own use, or lease them, every 200 miles.

Mr. MANN. A railroad can acquire coal for its own use, yes; but a railroad is defined to mean a coal company. The definition of "railroad" is as follows:

The term "railroad" or "common carrier" as used in this act shall include any company or corporation owning or operating a railroad.

Therefore a coal company, as I read it, becomes a railroad company under the definition that I have just read, and hence can not handle any coal except for its own use. Perhaps I am mistaken in that, but I hardly think so. The purpose of a coal company is to handle coal to sell to other people. The purpose in mind in drafting this provision is to prevent a railroad com-

pany from selling coal to other people, but the definition of a railroad includes a coal company itself.

Mr. MADDEN. It must have a railroad.

Mr. MANN. Because you say in the definition that the term "railroad" shall include any company or corporation owning or operating a railroad. Therefore, if a coal company bids a royalty and operates the mine for its own use, it is a railroad, and, under the terms of the act, is forbidden to sell coal.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. MADDEN. Would it be a railroad company if it was not organized under the laws of a State?

Mr. MANN. It would, so far as this law is concerned, because of the definition. We can say that the term "railroad" shall include an aeroplane company, if we want to, for the purpose of the bill. Of course we do not change what the railroad is, but we define what the term "railroad" in the bill means. And under the terms of the bill there would be that trouble. I suggest that to the gentleman, so that he may think it over and possibly correct it.

Mr. STEPHENS of Texas. Will the gentleman from Illinois yield for a moment?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. I desire to ask the gentleman from Illinois if he does not think that the word "shall," in line 25, be stricken out and the word "may" be substituted, so that it will read "the Secretary of the Interior may, in his discretion, from time to time"?

Mr. MANN. Well, I have no objection to that; it probably means the same thing.

Mr. RAKER. Why not leave it "shall"? You are giving enough discretion now.

Mr. MANN. I think it means precisely the same thing whether you put it "may" or "shall." There is no difference in the meaning.

Mr. STEPHENS of Texas. I think "may" would be the better language.

Mr. RAKER. I believe this bill is intended to be workable, so that if anybody wants to get coal lands they ought to get them. Is not that right?

Mr. MANN. Certainly; but it ought not to be fixed so somebody can take offerings and prevent somebody else getting coal lands. I think they mean precisely the same thing in that place.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer an amendment, and I offer it to the proviso at the end of section 3, page 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 3, line 2, page 4, add the following:
"That nothing herein contained shall be held to prohibit a lessee from building and operating necessary branch, stub, or tap lines or connections."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

Mr. FOSTER. Mr. Chairman, just a moment.

The CHAIRMAN. Does the gentleman from Illinois desire recognition on the amendment?

Mr. FOSTER. Yes. Does that permit the building of a railroad, no matter how far it may be from the coal mines?

Mr. MONDELL. I think not. I think I should not offer it if it would have that effect. I am not personally favorable to the provision in the bill which allows railroads to mine coal for themselves. I doubt the propriety of it, but I do not propose to offer an amendment striking it out. The committee in their wisdom adopted it. I rather think the railroad companies ought to confine their operations to carrying freight, but that language was in the bill, and I think there is a question, as the gentleman from Illinois suggested, whether that might not be construed to prohibit a lessee building a branch connection of a railroad or stub line or tap line, and, of course, that is intended to prevent it.

Mr. FOSTER. What I was thinking about was this: That there are some places in the West where they have to go possibly 10 or 12 miles with a tap-line railroad, and they are organized as a railroad.

Mr. MONDELL. Sometimes as a tap line, as is the phrase.

Mr. FOSTER. And they issue bonds for that railroad and have a capital stock.

Mr. MONDELL. Where such a railroad is organized as a railroad as a common carrier, then it would clearly come under the classification of the bill; but the lines that I had in my mind, that are necessary, are the ordinary loading and connecting lines which are ordinarily not common carriers.

Mr. FOSTER. Well, I think that they share the profits of carrying coal over that particular line.

Mr. MONDELL. They do by a provision of law.

Mr. FOSTER. Now, I think what ought to be permitted is this: To put in tracks if necessary to get out their own coal; but whether they are to be permitted to organize a railroad and run that in connection with their mines is the question.

Mr. MONDELL. Well, it is certainly necessary, if a lessee leases a coal mine some distance from the main line, for him to have some facilities to get his coal to the main line, and quite frequently he has to build that himself, 1, 2, 3, 4, 5, 7, or possibly 8 miles. Those are stub or tap lines, as they are generally referred to, and I do not think they ought to prohibit the building of that sort of a line that may be absolutely essential.

Mr. FOSTER. I do not believe under this bill that they would be prohibited.

Mr. MONDELL. I am inclined to think they would. I had intended first to offer an amendment striking out that entire railroad provision, "that the term 'railroad' or 'common carrier' as used in this act shall include any company or corporation owning or operating a railroad, whether under a contract, agreement, or lease."

Mr. FOSTER. The gentleman does not think that will affect a little spur railroad that might be built to a coal mine? It seems to me that is part of the coal company, and not embraced in the term "railroad" or "common carrier."

Mr. NORTON. Will the gentleman yield for a question?

Mr. MONDELL. I do.

Mr. NORTON. Would not the objection that is made to the present form of the proposed law be met by an amendment providing that the railroad if operated might not give the company a right to sale of the coal for public use? After the word "operating," in line 23, page 3, add the words "for public use," so that the sentence would read, "the term 'railroad,' or 'common carrier,' as used in this act shall include any railroad or corporation owning or operating for public use a railroad, whether under a contract, agreement, or lease."

Mr. FERRIS. Does not the gentleman think the words "common carrier" embodies that and more? Does not the gentleman think that so long as there is a distinct definition of common carrier that any words you put in might be words of limitation and really do more harm than good? We were very anxious to have every railroad made a common carrier.

Mr. NORTON. What you want to do in this case is to limit the character of the railroad or common carrier that may operate.

Mr. FERRIS. If they are a common carrier they have to carry.

Mr. FOSTER. It does seem to me that it limits it to the common carrier for public use, and the amendment of the gentleman from Wyoming [Mr. MONDELL] is unnecessary.

Mr. LENROOT. Mr. Chairman, I am afraid that, conceding the desirability of an amendment, the amendment of the gentleman from Wyoming [Mr. MONDELL] will hardly reach it, because the language of his amendment is to save the lessees from the prohibition of the act against building certain railroads, whereas there is nothing in the section now to prohibit the building of railroads.

Now, as the gentleman from North Dakota [Mr. NORTON] has suggested, if there is any question, it can easily be cleared up by inserting as an amendment, in line 23, after the word "railroad," the words "as a common carrier," which was clearly the intention of the committee; and so far as the first part of the proviso is concerned, reading that "no railroad or other common carrier shall be permitted," and so forth, that clearly limits the term "railroad" to the common carrier. And if we should also, later on, insert the words "as a common carrier," the question raised by the gentleman from Illinois [Mr. MANN] will, I think, be fully met.

Mr. FOSTER. If the gentleman will permit——

Mr. LENROOT. Yes——

Mr. FOSTER. Here is a railroad that, say, is 10 miles long, running into a coal mine, carrying out the coal of that mining company, and possibly there are other coal companies there that it may go by on its way to the mine that owns the railroad. Do not you think in that case that if they are denominated "common carriers" here they ought to carry the coal from those other mines? Otherwise they would shut them out. If they are a railroad company, they ought to be limited only to the carrying of their own coal and nothing more.

Mr. LENROOT. What is it that the gentleman suggests?

Mr. FOSTER. Whether they should be defined here as a "common carrier" or limited to carrying only their own coal, so that they could be made to do it?

XUM

Mr. LENROOT. If the gentleman could suggest any language that would limit it as he desires, I would be glad; but when you open the door once and say this shall not apply to common carriers, then you have exactly the situation that exists in Pennsylvania, and you open the door wide.

Mr. FOSTER. I think the language is all right.

Mr. NORTON. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. LENROOT. It seems to me that if there is any point raised by the gentleman from Illinois, that construction of it will hardly bear out his contention, because it can be fully cured by an amendment such as I have suggested.

Mr. BORLAND. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] moves to strike out the last two words.

Mr. BORLAND. Mr. Chairman, it does not seem to me that this amendment of the gentleman from Wyoming [Mr. MONDELL] is necessary at all. There are two kinds of tap lines, or two kinds of railroads that are ordinarily classed as tap lines. One is the tap line proper that is connected with a coal mine or a sawmill or a steel works or some other industrial enterprise. It is necessary for them either to reach their source of supply or to get their goods out to some trunk-line railroad.

Now, if it were a tap line, pure and simple, connected with a coal-mining company, it would not be a common carrier. The fact that the coal mine owned such a tap line would not militate, as I understand, against its right to take a lease. But if they had done what the gentleman from Wyoming says—that is, have organized a railroad under a separate corporate name and issued stock and bonds upon it and had undertaken to carry not only their own goods but the goods of other people, then they ought not to be engaged also in the mining of coal.

That is what this language undertakes to forbid. If they want to run a railroad, let them get out of the coal business. If they are running a coal mine with a tap line pure and simple connected with it, they are not forbidden by the language of this bill to do so. If you add any language to this bill at all, you will confuse that clear-cut difference between what is a tap line and a common carrier. If it is a separate corporation, then what the gentleman from Illinois has pointed out is exactly the case. Another coal mine on the line of that road ought to have the right to use it on equal terms, and it should not be allowed to engage in the mining of coal in competition with its customers.

That is the clear distinction. Here we get clearly the distinction between a tap line, properly so called, and a common carrier holding itself out to transport the goods of all concerned. If you add any language to this, you will confuse that issue.

Mr. LENROOT. Mr. Chairman, the gentleman from Illinois [Mr. MANN] makes the point that the word "railroad" would include a tap line, although it was not a common carrier.

Mr. BORLAND. I do not agree with him on that. I heard his argument on that point, but I do not think that is the case. There is a clear distinction between a company mining coal and a company running a railroad, and it says the railroad company shall not be engaged in mining coal.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 12 minutes——

Mr. MONDELL. I would like to have two minutes.

Mr. STAFFORD. I would like to have five minutes.

Mr. FERRIS. I ask unanimous consent that at the expiration of 12 minutes, 2 minutes of which shall be occupied by the gentleman from Wyoming [Mr. MONDELL] and 5 minutes by the gentleman from Wisconsin [Mr. STAFFORD] and the remainder to be used by the committee, the debate on this amendment shall close.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of 12 minutes the debate on this amendment shall close. Is there objection?

There was no objection.

Mr. STAFFORD rose.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, I quite agree with the point made by the gentleman from Illinois [Mr. MANN], that the existing phraseology might prevent a coal company proper from building a spur line to get the coal from its mine out to the main line of a railroad, and I think the amendment suggested by my colleague [Mr. LENROOT] would meet that condition.

But I rise more to make an inquiry of the gentleman from Oklahoma [Mr. FERRIS] on a kindred subject. This limitation in the proviso on page 3 restricts the railroads from obtaining any of these coal lands except in the limited quantities acquired by lease, but I do not find in the bill any limitation upon these railroads acquiring title to coal lands other than by lease; that is, by purchase.

Mr. FERRIS. Our thought was not to modify the old law one way or the other.

Mr. LENROOT. Under the general law railroads can not acquire it at all.

Mr. FERRIS. That is true, and we did not modify it.

Mr. STAFFORD. They can acquire it to a certain extent for their own use.

Mr. FERRIS. They buy it from the coal companies.

Mr. STAFFORD. I was thinking that perhaps it would be advisable to have phraseology similar to that which was incorporated in the Alaskan railroad bill, which specifically prevented their holding more than a limited amount of coal lands.

Mr. LEVY. Will my colleague allow me?

Mr. STAFFORD. I am very glad to yield to the gentleman.

Mr. LEVY. Would it not be cheaper and more beneficial to the people to allow the railroads to mine coal and to sell it direct?

Mr. STAFFORD. Oh, it is generally accepted that the policy of the country should be to separate the railroads as common carriers from any other activity. That has been the accepted policy of the Committee on Interstate and Foreign Commerce in this House, in all the legislation that it has reported, and the committee here is trying to carry out that idea.

Mr. LEVY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will say to the gentleman from New York that debate has been limited.

Mr. NORTON. I think the objection made to the phraseology of the last sentence on page 3 is well taken. The definition given of the word "railroad" or "common carrier" in that sentence is that it shall be, as used in this act, "any corporation or company owning or operating a railroad." That definition might include a small stub railroad operated by a coal company for private use, and if the coal company owned or operated under lease such a spur or stub railroad, the proviso in this section would bar the coal company from engaging in the sale of coal. I believe the amendment I suggested, after the word "operating," in line 23, to add the words "for public use," would be improved by the suggestion made by the gentleman from Wisconsin that after the word "railroad" the words "as a common carrier" should be added. That certainly defines the kind of a railroad intended and makes it clear that the inhibition shall not work where the railroad is operated by the coal company for private use. Mr. Chairman, I offer as a substitute for the amendment offered by the gentleman from Wyoming [Mr. MONDELL] the following: That after the word "railroad," in line 23, the words "as a common carrier" be added.

The CHAIRMAN. The gentleman from North Dakota [Mr. NORTON] offers an amendment to the amendment of the gentleman from Wyoming. The Clerk will report it.

The Clerk read as follows:

Page 3, line 23, after the word "railroad," insert the words "as a common carrier."

Mr. FERRIS. Mr. Chairman, I do not want to go beyond the time limited. I think under the arrangement the gentleman from Wyoming [Mr. MONDELL] was to have two minutes and I was to have three minutes, and if the gentleman will proceed I will wait.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, I am not certain but that the substitute which has been offered would serve the purpose of the amendment which I have proposed. As I ran through the bill some time ago it occurred to me that as this proviso occurs in the bill there was some question as to whether it might not interfere with the building of tap lines. I certainly do not want to offer any amendment which would extend the rights or opportunities of railroads in the mining of coal. I would be inclined to strike out the provision that is already in the bill rather than do that. But clearly we must not prevent coal miners or mining companies building the necessary tap and branch lines for the carrying of their products.

Mr. STEPHENS of Texas. Will the gentleman point out anything in this section limiting the right of anyone?

Mr. MONDELL. It has been pointed out a half dozen times.

Mr. STEPHENS of Texas. There is nothing said about building railroads.

Mr. MONDELL. If the gentleman will be good enough to read lines 21 to 23, and particularly line 23, where the word "railroad" is used, he will find that the committee have defined what constitutes a railroad, and under that definition, unless it is modified as suggested by the gentleman from North Dakota,

any sort of road for the carrying of coal would be a railroad, and the owners or proprietors of a railroad can not secure a lease to mine coal except for railroad purposes. If a lessee were therefore to build a branch or tap railroad he might forfeit or limit his lease.

Mr. FERRIS. Mr. Chairman, I do not look with any hostility either on the amendment of the gentleman from Wyoming or of the gentleman from North Dakota; but, as the House well knows, we are trying to do two well-defined things, and do them as well as we can. First, we are trying to divorce transportation from production, and I think everybody agrees that that ought to be done. Second, we are trying to make every railroad out there hauling coal a common carrier, so that they will haul for Mr. A., Mr. B., and Mr. C. with equal facility and at equal rates. I think everybody will agree that those things are necessary. Now, this section was not thrown together quite as hurriedly as some gentlemen may think. One member of the committee took this down to the Department of Justice and went over it with them, and took it next to the Interstate Commerce Commission, and afterwards Secretary Lane gave his personal attention to it. While I do not want to go hurriedly by the suggestions of any gentleman here, I am afraid that if we add words of limitation, provisos, and what not, we may do something that we do not want to do; and without having any feeling about it one way or the other, I really hope the Committee of the Whole will leave the language intact. If it should develop that we were mistaken about it—which I do not think it will—we will have ample chance to catch it before we get through with this legislation, either in the Senate, in conference, or somewhere. As the House well knows, the gentleman from Illinois [Mr. MANN] is so careful in his scrutiny of all these things that if he had felt very keenly about this he would have offered an amendment himself. He did make a suggestion, but he did not offer an amendment and did not press his suggestion. So it seems to have been a passing fancy of his. This section has been gone over so much and worked out so carefully that I really hope the committee will keep it intact.

Mr. NORTON. What is the gentleman's interpretation of the word "railroad," in line 23? Is it his interpretation that, as it stands, it means a railroad used as a common carrier?

Mr. FERRIS. Our thought was that every railroad company that came under this law at all should be a common carrier; and we wanted to impose that provision so that they might not haul their own coal and oppress other people by claiming that it was a stub line or a tap line or a branch line, and that they hauled for no one but themselves.

Mr. BORLAND. I do not think the gentleman quite means that. If a coal company is a common carrier, then, under that proviso, it could not mine coal at all, except for its own use as a common carrier.

Mr. FERRIS. Precisely; and it should not do so.

Mr. BORLAND. The gentleman did not mean a coal company, he meant a railroad company. He said "coal company," but that was clearly a mistake.

Mr. FERRIS. I thank the gentleman for correcting me. That was a mistake.

Mr. NORTON. A great many of us are not of the opinion that all railroads are necessarily common carriers. A road may be a private railroad, as differentiated from a railroad that is a common carrier.

Mr. FERRIS. Does not the gentleman think that any railroad that hauls coal from Government-leased land ought to be a common carrier? Does not the gentleman think that, where the people have suffered as much as they have in the anthracite region, we ought to insist on every railroad being a common carrier?

Mr. NORTON. That would be an argument in favor of the qualifying words.

Mr. FERRIS. I can not follow that argument. Mr. Chairman, I will leave it to the House, and I ask for a vote.

The CHAIRMAN. The time of the gentleman has expired, and all time has expired. The question is on the substitute offered by the gentleman from North Dakota to the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 16 ayes and 23 noes.

So the substitute was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 15, after the numeral 2, insert:

"That the Secretary of the Interior is authorized to issue to any applicant authorized under this act an exclusive license to prospect and explore the coal lands or deposits of the United States subject to lease under this act. No such license shall pertain to an area of more than 3,200 acres or shall be issued for a longer period than two years. All licensees shall pay yearly in advance a license fee of 10 cents per acre for the first year and 25 cents per acre for the second year covered by the license."

Mr. MONDELL. Mr. Chairman, I intend to offer a substitute to this section modifying the plan of lease proposed. I do not expect, of course, that the committee will accept that substitute without further consideration than they can now give it, but I want it in the RECORD in the hope that elsewhere some such modification will be had. But whether or not we modify this plan of lease, it is absolutely essential that we shall make some provision in this law for preliminary prospecting. We have done that in the case of oil lands and in the case of other lands, and it is even more important in the case of coal than it is in the case of oil lands. I realize that it is a little bit difficult to ingraft on this section in its present form a provision for a preliminary exclusive prospecting permit, because the question would at once arise, If the prospector at the end of the period is to meet all comers in competition, what does he gain by his labor and his investment during the prospecting period?

I have had some experience, which I have referred to here in the matter of prospecting for coal. I went into a field many years ago where no coal was known to exist. I accidentally found a very small cropping, a vein not over 8 inches in thickness, of a coal that could not possibly be advantageously mined unless it were 4½ or 5 feet in thickness. It took two years and a half of the hardest kind of prospecting to develop that field. We drove over 200 test drifts from 10 to 300 feet before we finally located a body of coal large and good enough to pay to open a mine. But a great mine was eventually developed there, and it has been producing coal ever since. That was a somewhat unusual case. And yet conditions all over the public domain are such that you will scarcely find a case where a new operation will not require a preliminary period of prospecting. It is true that mines already located, knowing the thickness and quality and dip of their veins, can lease adjacent land without preliminary work.

The preliminary work has been done. Let us remember that this applies to millions of acres of land far away from present lines of communication, where there is no development and no one can open a mine in a region of that kind without a very good period of prospecting.

Let me give you the experience of one coal company. They went in and built a model coal camp; they expended half a million dollars. They did not take great care in the prospecting of their property, although they had an exposure along the entire face of the property. Within a year and a half that mine began to show signs of giving out; in three years it was practically worthless, and that great investment in the way of a mining camp, town, schools, churches, library, was practically worthless property. They had not prospected sufficiently. The vein thinned out at one point and its character changed at another, and the property was practically worthless.

A great deal of the coal land of the United States can only be reached by shafts. No one will lease coal lands and pay a fair leasing price unless they know how the coal lies, how thick and of what quality it is, whether it is specially or peculiarly distributed. Even though there be a cropping of the vein, there must be a careful prospecting of that cropping to ascertain whether or not the coal runs about the same in quality along the cropping, whether or not partings increase or decrease, whether the coal thins or thickens as it follows the cropping or extends under cover. All these things must be developed.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

Mr. FERRIS. Mr. Chairman, I ask at the expiration of seven minutes that all debate on this amendment be closed.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this amendment close in seven minutes. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. Mr. Chairman, it may be that the committee will feel that inasmuch as a preliminary prospecting permit does not attach very well to a plan of competitive bidding, they can not accept my amendment; but nothing can be clearer to

those who are familiar with this situation, and it affects our whole western country, than that some provision must be made for an opportunity to prospect in advance of lease. We want to see development under the law, and therefore we want the law workable. I have thought that perhaps there is a line or two in the section giving special powers to the Secretary, under which the Secretary might himself work out a prospecting period, but he could not make it exclusive, I feel confident, without assuming authority which the bill does not justify.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BORLAND. Suppose the gentleman's amendment were adopted, what rights would the licensee acquire in case he discovered a vein of coal?

Mr. MONDELL. He would acquire none as the bill now stands. If the bill becomes a law, which I hope it never will, under this plan of competitive leasing, the preliminary prospecting would give no special advantage to any particular person. Nevertheless there remains the need of such a provision.

Mr. BORLAND. Is not the gentleman's plan at war with the whole idea of competitive leasing? Is not the gentleman starting on the idea of a preemptive right?

Mr. MONDELL. My own view is at war with this proposition of competitive leasing, because I do not think it will work; but there can be a preliminary prospecting period, as you have in this bill in the matter of oil, for instance, and still retain the provision with regard to competitive bidding. Of course, in that case the prospector would simply have to take his chances with others. But I will say to the gentleman, with some experience and some knowledge of the way coal has been developed in that western country in the past, that I am confident it will be practically impossible for anyone to start a new operation anywhere without an opportunity for preliminary prospecting. It is true anyone can go on the public domain anywhere now and prospect and dig and probably not be interfered with, but there is always a liability of interference if one digs to a considerable depth on a coal vein.

The difficulty with the whole plan of the bill is that it puts the whole question of royalties and question of rights up to auction. The result of that, in my opinion, will be that only very wealthy coal companies will be able to or will make leases under this law, where there is any competition whatever. The bill does not even give an opportunity for the bidder to increase the royalty, but is evidently based on the theory that he shall bid a bonus, and that the largest bonus shall take the lease. If that means anything at all, it means that unless a man has more cash in hand at the time he makes his bid than anyone else, he can not hope to get a contract or a lease under this bill.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Is there anything in this bill that would prevent a man giving up his lease at the expiration of the lease term unless he found something of value, and would he not do that?

Mr. MONDELL. There is nothing to prevent a man giving up the land at the end of the lease term, but that question, if the gentleman from Texas will allow me to say it, without intending to reflect upon him, is ridiculous. The right to give up a lease does not help a man. Of course he could surrender it, but no one is so foolish as to do that sort of thing—to take a lease without knowing what he is getting. Before anyone will make a lease he must know the thickness of the vein, its quality, its dip, its location, and have some knowledge of where a mining plant can be advantageously established, and it is only through the possession of that knowledge that anyone can afford to bid or pay or promise to pay a good royalty. Otherwise they are taking a pig in a poke—a chance in the dark.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming seeks to inject into this section of the bill a long preliminary permit provision which has no place here. It would throw the bill all out of joint, would not be workable, would raise the area from 2,560 acres to 3,200 acres, and has no place in the bill at all. There are 53,000,000 acres of coal land withdrawn. Twenty million acres of that has been classified and offered for sale. So the areas of coal are known. It is not like oil and other unknown minerals. No preliminary permit is here necessary, and I hope that the amendment will not be adopted.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MONDELL. The gentleman understands that in making my permit area larger than the lease area, the idea is to give the lessee an opportunity to select within the permit area the smaller area that he would later lease.

Mr. FERRIS. Oh, I know; but the coal areas are all known. Such an amendment has no place here. It sounded like it consisted of an entire bill, which would not fit here at all. No one can, from the very nature of things, grasp such a long amendment. It was never presented to the committee; we would not know what we were adopting if we adopted it; it should not go in.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. SELDOMRIDGE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of section 3, top of page 4, after the word "carrier," in line 2, add the following:

"*Provided further*, That upon relinquishment or surrender to the United States within six months from the date of this act by any locator of his or their claim to any unpatented coal lands included in an order of withdrawal upon which coal had been discovered the Secretary of the Interior may, in his discretion, grant, on such reasonable terms and conditions as he may prescribe, to such locator a preferred permit to occupy the said lands so relinquished and to extract the coal therefrom, not exceeding, however, the maximum area of 2,560 acres to any one person, association, or corporation, said permit to be conditioned upon the payment by the permittee of a royalty provided for by the terms of this act upon coal produced from said premises of each permit; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as he may deem necessary and proper for the purpose of carrying the terms of this proviso into full force and effect; and all permits or assignments thereof shall be subject to such rules and regulations, and the failure of any permittee or of his successors to comply with the terms and conditions of the permit shall work a forfeiture of the same, to be declared by a court of competent jurisdiction."

Mr. SELDOMRIDGE. Mr. Chairman, the purpose of this amendment is to give preferential leasing rights to certain individuals in the West who made coal entries during the years 1906 to 1910, inclusive, a period in which many withdrawals of coal lands were made and upon which many entries had been filed. In the State which I have in part the honor to represent I know that many of these entries were made and were suspended by the Interior Department on account of these withdrawals. It may be urged that such entries were made in full knowledge of the orders of withdrawal, but, Mr. Chairman, I believe that a large number of them were made in ignorance of the orders or else were made in the belief that they were not authorized by law, and that the administrative officer issuing said orders had exceeded his authority.

Mr. LENROOT. Will the gentleman yield?

Mr. SELDOMRIDGE. Presently I will. The land office today has upon its records a large number of these entries which are in a certain sense suspended and upon which no definite action has been taken. I believe, Mr. Chairman, under the law as we have it that these entries are not valid, and that these individuals who have expended labor and money in the prospecting and development of coal lands can not receive title. I do not think that, after having prospected the land, having given value to it, having attempted to develop coal mining, where they are willing to surrender to the Government whatever title they may believe themselves to be possessed of, the Secretary of the Interior, under certain rules and regulations which he may prescribe, may give to these individuals a preferential lease. In other words, that they should have a preferential right in the granting of a lease on the land upon which they have already filed. Now I will yield to the gentleman.

Mr. LENROOT. Were these entries made under the coal-land laws or provisions?

Mr. SELDOMRIDCE. I think that they were made in accordance with the laws of the United States, and that they would have been valid entries except for the withdrawal orders.

Mr. LENROOT. But does the gentleman think if an entry is made under the agricultural land laws on coal lands, that those men should have a preferential right?

Mr. SELDOMRIDGE. No, sir. I do not think any validity should be given to any entry made on agricultural land for the purpose of developing coal; but I think where they have been made under the coal-land laws that they should be recognized in this way.

Mr. LENROOT. If the entries were made under the coal-land laws, when the coal lands are classified they can secure their land by paying the price.

Mr. SELDOMRIDGE. They can secure title, but the price which has been fixed upon the land by the Department of the Interior is so high that it would not justify its purchase.

Mr. LENROOT. Does the gentleman think that that fact gives them an equitable right in the premises against other men——

Mr. SELDOMRIDGE. I think they have a right when they have demonstrated the existence of coal and have labored energetically and industrially in the development of the country to that extent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SELDOMRIDGE. Mr. Chairman, I ask that I may have three minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to continue for three minutes. Is there objection?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of eight minutes all debate on this amendment shall conclude.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of eight minutes the debate on this amendment shall conclude, three minutes of that time to go to the gentleman from Colorado. Is there objection? [After a pause.] The Chair hears none.

Mr. SELDOMRIDGE. The chairman of the committee stated upon the floor to-day that there were some 53,000,000 acres of coal lands in the United States, of which 20,000,000 have been classified, leaving 33,000,000 acres unclassified. The department advises me that, up to June 30, 1907, according to the report of the Commissioner of the General Land Office, the law of 1873 had brought about the purchase of only 500,000 acres of coal lands. The Commissioner of the Land Office in the same report further states, as showing the futility of the law, that less than 500,000 acres of coal land had been patented under it. The patents issued under the present law from 1906 to 1913 number 1,104. In other words, the law of 1873, which we are now seeking to reenact, is not in its terms adapted to the development of coal mining in the United States. The provisions of the act are so burdensome that individuals and associations will not purchase coal land in any quantity. I think this conclusion is fully justified by the Land Office reports. I believe that the amendment which I have proposed is in line with equity and fairness and that individuals who have honestly and industriously attempted to develop the coal areas of the West should have some preference given to them in the granting of leases if they so desire. The amendment provides all proper safeguards and gives to the Secretary of the Interior full power to protect the rights of the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to corroborate what my colleague, Mr. SELDOMRIDGE, says. There were a number of Colorado citizens who, in perfect good faith, located coal claims of 160 acres each under the law and under the rules of the department that gave them specific right to do so, and afterwards those rules were repudiated or withdrawn by the Department of the Interior, and those parties have never been able to obtain title. I introduced a bill for their relief authorizing them to perfect title to the land, and while I have never been able to get a favorable report from the department on the bill, the department was not in favor of letting them perfect their title to the land, nevertheless I see no reason why they should not be given the preferential right to lease that land. It seems to me that would be a fair and equitable proposition, and I think this amendment or something similar ought to be adopted to protect the equitable rights of a number of bona fide coal entrymen.

Mr. FERRIS. Mr. Chairman, I shall not try to debate the merits or demerits of the amendment proposed by the gentleman from Colorado. I do not know all it contains or all that it does not. The gentleman from Colorado [Mr. SELDOMRIDGE], I assume, is trying to render assistance and service in a situation to which he calls attention. However, his amendment is so long and the provisions of it are so long I doubt if the committee ought to accept it, and I doubt whether it ought to accept an amendment which goes so far. The gentleman has been conferring with the department about it, and, as I understand, they have not yet reached a conclusion sufficient to make a report on it.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. SELDOMRIDGE. Would the gentleman be willing to allow this amendment to remain pending for two or three days and then be taken up by unanimous consent later?

Mr. FERRIS. I hardly think that would be feasible. But at the end of the bill, under the five-minute rule, if the gentleman can get unanimous consent, he can ask to return to it in the bill. Otherwise, Mr. Chairman, we might open up a Pandora's box of twisted conditions that ought to be avoided. A measure similar to this was offered as an amendment to the Alaskan coal-leasing bill, and it was voted down unanimously. I take it that the gentleman's amendment is well intended; but in any event an amendment as important as this is and which seeks to operate as this does ought to be very carefully considered and should be considered in fact as an independent bill.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

Mr. FERRIS. Yes.

Mr. STEPHENS of Texas. I desire to call the attention of the gentleman from Colorado [Mr. SELDOMRIDGE] to the fact that the wording of section 2 of the bill, on line 6 of page 2, is:

That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, may, unless an offering, an application for offering, or an application for lease is pending hereunder, be acquired in accordance with the provisions of sections 2347 to 2352, inclusive, of the United States Revised Statutes, and acts amendatory thereof or supplemental thereto, or such lands or deposits may be leased, as hereinafter provided.

That seems to be exempted from the operation of this bill. Why is this language in the bill unless it covers such cases as the gentleman from Colorado refers to?

Mr. FERRIS. If the gentleman will pardon me, I would say that what the gentleman from Colorado [Mr. SELDOMRIDGE] desires to do is to relinquish lands under the old law and take up the same lands under the new law. There would be the questions whether they have made the required payments and have complied with the old law, and have exercised due diligence with reference to the mining of coal, and all those and other similar questions would come in to such an extent that I hope that the amendment will not be agreed to at this time.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado [Mr. SELDOMRIDGE].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I move to strike out all of section 3, after line 13.

Mr. FERRIS. Does the gentleman desire to be heard on that?

Mr. MONDELL. Very briefly.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the end of five minutes the debate on this amendment close.

The CHAIRMAN The gentleman from Oklahoma is not in order. The gentleman from Wyoming will again cite his amendment.

Mr. MONDELL. My amendment is to strike out all of section 3, page 3, after line 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 3, on page 3, after line 13.

Mr. MONDELL. Mr. Chairman, the bill, as it is reported, prohibits railroad companies from securing leases except for the purpose of mining coal for their own use. My amendment would make the prohibition absolute and would prevent a railroad company from securing a coal lease.

I realize that there are some arguments in favor of allowing railroad companies to mine coal for their own use. I doubt, however, whether in many instances railroad companies could afford to lease these coal lands and mine coal solely for their own use. What I would expect if this bill becomes a law in this form is that after the leases were made that Congress would pass a law relieving the railroad companies from this limitation of use. Then we shall have a condition that will not be satisfactory.

There is not any great necessity for a railroad company to operate a coal mine even for its own use any more than to go into other lines of business to supply itself with material. We have in the commodity clause of the Hepburn Act a prohibition against railroad companies carrying commodities which they produce or manufacture. I believe that provision has been somewhat modified by a Supreme Court decision, has it not? I will ask my friend from Wisconsin.

Mr. LENROOT. They are permitted to carry their own products.

Mr. MONDELL. I understand. Our experience in this country in connection with the ownership of coal mines by railroad companies has not been altogether a happy one. I do not believe that in the main it has been in the interest of the carriers themselves. I know of no reason why a railroad can not buy its coal as it buys its ties and rails and other materials; and I believe, while no harm, perhaps, would come from the provision contained in the bill, if that provision is always to be strictly enforced and interpreted there is great danger that after you open the doors, after you have given the opportunity to lease, it will be made so clear and manifest to every reasoning and reasonable man that it is practically impossible to operate a coal mine or most coal mines for the purpose of supplying coal for one particular use that some Congress, anxious to do justice, not realizing the injurious effect, would finally wipe out

this limitation, this restriction, and that eventually we shall go back to the system we have been trying to get away from, where railroads compete with private parties in the production of commodities.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

Mr. TALCOTT of New York. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York [Mr. TALCOTT] moves to strike out the last word.

Mr. TALCOTT of New York. On line 20, of page 3, is the expression "200 miles of its line in actual operation." Does that refer to a single-track line or a double-track line, or are they all put on the same basis?

Mr. FERRIS. I think they are. It means linear miles.

Mr. TALCOTT of New York. Does it place a road of one track on the same basis as a road of two or three or four tracks?

Mr. FERRIS. My answer was only a hasty answer.

Mr. TALCOTT of New York. It seems to me that it would be unfair to impose the same limitation on a double-track road that you would impose on a single-track road. The necessity for coal would be greater on the former than on the latter.

Mr. FERRIS. It was thought that they should have the right to have only one mine on 200 miles of line, and one mine only. If you gave them more than that they would dabble into every other field and become competitors with other concerns, and it was a question as to whether or not they should have even this much. The committee did all for them that the department would agree to.

Mr. TALCOTT of New York. This relates to cheapness of transportation, not for this year alone, or for the next 10 years, but for a long time to come. Here is an opportunity to provide an inexhaustible supply of fuel for transportation purposes on terms that will protect the interests of the public.

Mr. FERRIS. I will say to the gentleman from New York that if there is anything burdensome about it, the railroads will make their wants known. I think we have done all we can for them.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words.

Mr. FERRIS. How much time does the gentleman desire?

Mr. JOHNSON of Washington. Five minutes.

Mr. FERRIS. I ask unanimous consent, Mr. Chairman, to close debate on this section and amendments thereto in five minutes.

Mr. MONDELL. I hope the gentleman will modify that. I want some time.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that all debate on this section and amendments thereto close in five minutes. Is there objection?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to modify the request, so that debate shall close at the end of 10 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending amendment be closed in 10 minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. My good friend the gentleman from Illinois [Mr. THOMSON] insists that my colleague [Mr. HUMPHREY] and myself must learn some new history concerning the discovery and occupation of the Oregon country, comprising in these days the States of Washington, Idaho, and Oregon. The gentleman from Illinois proclaims that the far Northwest, beyond the Rocky Mountains and north of California, was a part of the Louisiana Purchase. He admits, however, that such a claim was based on a treaty of ambiguous construction.

To sustain his contention that our great Oregon country was bought and paid for the gentleman from Illinois [Mr. THOMSON] read from the Public Domain, a Government document written in 1880 and published in 1884 by Thomas Donaldson, the then authority on the public lands.

In that bulky volume Mr. Donaldson devoted a few lines to the Oregon country, in which he stated that all of the Northwest came into the Union under the purchase of Louisiana by Jefferson for $15,000,000.

Now, then, Mr. Chairman, in that same volume, written nearly 35 years ago, Mr. Donaldson, who in 10 lines settled the history of the Northwest, made a remarkable prophecy. After stating that the immigration of 1879 and 1880 was more than 450,000 persons, he solemnly declared:

> The quantity of land taken in the arable region in the year ending June 30, 1880, was about 7,000,000 acres. At the same rate of absorption the arable land so situated in the United States will all be taken within five years, or by June, 1885.

Thirty-four years have gone by, immigration has increased to more than a million a year, the Government has locked up half of its best remaining lands, and still we find the House this afternoon in Committee of the Whole House, with about 30 Members present, wrestling with the intricate problems propounded in the third of the so-called leasing bills, by which it is proposed to turn our Western States into provinces; that is, great areas—nearly half a State in several cases—may never come under control of a governor and a legislature, but shall go on and on, from one 50-year period of Federal leasing to another 50-year period, and always under the control of some Federal bureau.

But that is another story. Mr. Donaldson was neither a historian nor a prophet. His statement that the arable public land would be all gone by June, 1885, stamps him as the first of the "dream book" authors who have written so much of misstatement and misinformation concerning the West. In view of his very bad prophecy, I can not give much credence to his statement that the United States purchased Washington and Oregon as a part of the Louisiana Territory. No historian supports that statement. I can find no school history or any other history which sustains that theory in full.

Mr. Chairman, inasmuch as it took Great Britain and the United States 50 years to settle the Oregon dispute, I doubt if the gentleman from Illinois and myself can come to an agreement in the few minutes time granted to us. Therefore I shall, under permission granted, extend my remarks by quoting from the opening chapter of The History of Washington, by Clinton A. Snowden, of Tacoma, which deals most interestingly with the rise and progress of a great American State.

Mr. Chairman, the history of Washington is a part of and essentially the same as the history of Oregon during its earlier years. Mr. Snowden says:

"THE OREGON COUNTRY.

"The Washington of to-day was originally a part of that vaster Oregon which extended from California, then a part of Mexico, on the south, to an undefined boundary—by many claimed to be the line of 54° 40′ north, or the southern boundary of Alaska, but finally fixed by the treaty of 1846 at the forty-ninth parallel—and from the Pacific Ocean to the summit of the Rocky Mountains. Until California was acquired, at the close of the Mexican War in 1848, Oregon was the only Territory owned or claimed by the United States bordering on the Pacific, and its possession has made desirable, if indeed it has not made necessary, the possession of all that has since been acquired there, including Alaska and the Hawaiian Islands.

"The value of this vast region was for many years but lightly regarded either by our Government or its people. It was the first Territory to be acquired by a new government not yet ambitious to become a world power nor anticipating the vast destiny which was, within a hundred years, to give it a preponderating influence in the affairs of mankind. * * *

"For many years the Rocky Mountains were regarded as our Nation's natural western boundary. Few even among those who most staunchly and persistently defended our title to the Columbia River Country, as it was called for many years after Gray's discovery, did so in the expectation that it would ever become a part of the United States. Their utmost hope was that it would be inhabited by a kindred people, with institutions and a government similar to our own. This was the whole expectation and hope of Jefferson, of Jackson, and for many years of Benton, and many others, in regard to it.

"DISCOVERY, EXPLORATION, AND SETTLEMENT.

"It is the only territory the United States has ever acquired by discovery, exploration, and settlement; the only territory that cost us nothing in cash by way of purchase or by the use of military or naval force. It was in the diplomatic correspondence in regard to it that what we now know as the Monroe doctrine was first declared by John Quincy Adams, who was then Secretary of State in Mr. Monroe's Cabinet.

"This territory was temporarily lost to the United States during the War of 1812, but England was compelled to restore it in 1818, agreeable to the provisions of the treaty of Ghent. We then permitted a British monopoly to occupy and control it for a period of more than 20 years, during which our ships were practically driven from its waters and our traders were unable to do business within its borders, although guaranteed equal privileges in it with the subjects of Great Britain, by the faith of both nations solemnly pledged. The only law enforced or respected in it was British law, and the only constituted authorities were British authorities.

"A condition so anomalous probably never before prevailed for so long a time in any country in the world, and it might have much longer continued but for the courage, the patriotism, and the moderation of the early pioneers, who heroically forced their way through 2,000 miles of wilderness, inhabited only by savages and wild beasts, founded a government of their own, and completed the national title to the country by a claim that could no longer be disputed or resisted.

DESTINED TO DENSE POPULATION.

"The magnificent empire, whose early history was so varied and interesting, originally comprised all that is now included within the boundaries of Oregon, Washington, and Idaho, and a considerable part of Montana and Wyoming. Its area, according to the limits finally fixed by the treaty of 1846, was something more than 288,000 square miles. It was larger than Texas and more than four times larger than the six New England States, which now support a population of more than five and one-half millions.

"It is possibly capable of supporting a population as dense as that of the German Empire, which now amounts to more than 60,000,000 people. It is altogether within the bounds of expectation that it will at no very distant day be one of the most densely populated parts of the United States. Its maritime and manufacturing possibilities are very great, and while there is some waste land along the tops of its mountain ranges and a few strips here and there of sandy deserts, its fertile valleys and great interior plains of volcanic ash and rich alluvial deposits are especially adapted to a high state of cultivation and will in the near future give support and profitable employment to a vast army of people."

FAMOUS PIONEERS.

Mr. Chairman, I wish that I felt at liberty to quote further from this most excellent history of the Evergreen State. I would like, also, to quote from Prof. Edward S. Meany's history and tell you of Capt. Robert Gray's discovery in 1792 of the Columbia River and of Grays Harbor, my home.

I would like to tell the story of John Jacob Astor, of Capt. B. L. E. Bonneville, of Dr. John McLoughlin and the Hudson Bay Co. on the Columbia, of Dr. Marcus Whitman's ride, of Gov. Isaac I. Stevens, and of all the others who contributed to make the "discovery, exploration, and settlement" of that country stand out strong in the history of the United States.

"FIFTY-FOUR-FORTY OR FIGHT."

The story of "Fifty-four-forty or fight," too, is most interesting. The Americans and British had been living in the country under a joint occupancy. President Polk, on April 28, 1846, gave notice to Great Britain that the United States would abrogate the joint occupancy treaty at the end of one year. A new treaty was proposed, and President Polk sought the advice of the Senate. This caused Daniel Webster, at a banquet given in his honor in Philadelphia on December 2, 1846, to declare sarcastically:

> Now, gentlemen, the remarkable characteristic of the settlement of this Oregon question is this: In the general operation of government treaties are negotiated by the President and ratified by the Senate; but here is the reverse; here is a treaty negotiated by the Senate and ratified by the President.

DEBATE AND DIPLOMACY.

Concerning this treaty Prof. Edward S. Meany, in his "History of Washington," says, in a paragraph which I call to the attention of those who think we bought the Oregon country:

> The battle of debate and diplomacy was ended. American sovereignty in Oregon was actually established. If we accept the dictum of the civilized world that sovereignty over a new land may be acquired by the three fundamentals of discovery, exploration, and occupation, the magnitude of the triumph of 1846 will at once become apparent. Narrowing the contest down to that between the United States and Great Britain, it is seen that the first claims of the United States were based on the discoveries of Gray in 1792, the explorations by Lewis and Clark in 1803–1806, the occupation of Astoria in 1811. The British had discoveries by Cook in 1778, Vancouver in 1792, and many others more than the Americans, explorations by Mackenzie in 1793, occupations below 54° from 1806 on. When the presidential campaign of 1844 was fought the treaty of joint occupancy was still in force, the Americans had no settlement north of the Columbia River, while the British had many. In all fairness it must be admitted that the British had a clear advantage north of the Columbia River, and even some claims south of the river under the treaty in force. That is why the treaty of 1846 was a diplomatic triumph. Viewed historically, the cry of "Fifty-four-forty or fight!" must be acknowledged a piece of pure Yankee bluster.

ODD BITS OF EARLY HISTORY.

Mr. Chairman, it would be a great pleasure to run over the early history of settlement in the Northwest. Every American who lived in that country from 1803 down to the making of the new treaty was named by the Indians "Boston man," and every Britisher was called a "King George man." I would like to recite how our Puget Sound Indians were given Chinook jargon, and how their children received their names. It might surprise you to learn that "Jeff Davis" and "Abe Lincoln" are still living out there, side by side. I received a petition not long ago signed by both of them. A character made famous by that delightful descriptive writer, Theodore Winthrop, and recently revived, republished, and illustrated by our new historical writer, John H. Williams, also of Tacoma, was the "Duke of York," who died not so long ago. Williams's edition of Winthrop's "Canoe and Saddle," "Meany's History," and "Snowden's History" must be read by all who would know the history of Washington, while, if one would go into the storied history of the whole Oregon country, the works of Mrs. Dye will be found both entertaining and valuable. The bibliography of that new country is quite extensive, and not a line of it is monotonous.

No, Mr. Chairman; the Oregon country was not purchased by the United States. Jefferson himself once thought a new nation would be made out there beyond the mountains. If there is any shadowy thought of purchase, it must have been when an old Indian chief on April 22, 1789, insisted on trading with Capt. Gray, the "skookum Boston-man," $8,000 worth of otter furs for an old iron chisel. The Indian did not want to cheat the Yankee, and may have thrown Washington, Oregon, and Idaho in with the furs. At any rate, Capt. Gray ran up the Stars and Stripes, which was 14 years before Jefferson sent Madison to Paris to negotiate with Napoleon for the purchase of an island in the mouth of the Mississippi, and which resulted in the purchase of the Louisiana Territory.

Jefferson did not obtain the States of Washington, Oregon, and Idaho in the $15,000,000 buy that Madison made. The treaty was so shadowy and ambiguous that without Capt. Gray's claim of discovery the United States would never have thought of putting forth the contention that the purchased territory went beyond the Rocky Mountains.

Lewis and Clark, when they crossed the Rocky Mountains, entered into a country where our flag was already flying and a country which had already been claimed by right of discovery, exploration, and settlement, which the British finally agreed to when they gave up their Hudson Bay Co.'s trading posts at Vancouver, Nisqually, Cowlitz Prairie, and other points in the district which I have the honor to represent.

Mr. Chairman, nothing would please me more than to see in Statuary Hall, as the gift of the State of Washington, a statue of that daring explorer, historian, and trader, Capt. Robert Gray, who made possible the retention by the United States of all that wonderful country out there in the Northwest—the most wonderful, the most picturesque, the most resourceful, and the most charming of all the vast domain of the United States of America.

Mr. THOMSON of Illinois. Mr. Chairman, I assume that my friend from Washington does not mean to infer, from the fact that Mr. Donaldson's predictions as to the future have not proven entirely accurate, that his statements as to the history of the past were not accurate. I have no doubt that Mr. Donaldson, who compiled this volume of data, and others of his day had certain ideas about the future of the public lands, how long they would last, and so on, which, as time has come and gone, have proven not to be accurate. But I was not using this authority to substantiate any predictions he might have made at that time as to the then future, but merely on the question of past history, involving the title of the United States to the so-called Oregon Territory, and I am glad to know that even my friend from Washington does not dispute that part of this authority. My statement in the general debate on this bill was simply to the effect that that part of the country, together with all the rest of the country west of the Mississippi, came to the United States through purchase. That statement was questioned, and it was alleged that it came to us, so far as the Oregon Territory was concerned, by right of discovery. I think I have shown by this authority that the territory now covered by the States of Washington and Oregon was a part of the Louisiana Purchase. True, Great Britain made some claim to the then Oregon Territory after that purchase, and in the treaty of 1846 the title to that region was confirmed in the United States; but that treaty was consummated as the result of the contention and claim of the United States that it had title to that land by virtue of the Louisiana Purchase.

Mr. MONDELL. Will the gentleman yield?

Mr. THOMSON of Illinois. Yes.

Mr. MONDELL. Has the gentleman seen an official United States Land Office map recently?

Mr. THOMSON of Illinois. Yes.

Mr. MONDELL. Showing the classifications?

Mr. THOMSON of Illinois. Yes; and that map is not contrary to my contention. That map shows that the uncertain-

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ties about the title to the Oregon Territory were finally settled by the treaty of 1846, but that treaty does not indicate that the title originated through it. The title to the Oregon Territory was confirmed in the United States by that treaty. The treaty confirmed the claim of the United States that it had title to that land by virtue of the Louisiana Purchase, and I challenge anybody to find any statement by any authority on history to the contrary. I have found statements by authorities, among them Donaldson, who confirm that proposition.

Mr. FERRIS. Mr. Chairman, let us have a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

The amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment in lieu of section 3.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 3 and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting the holders thereof the exclusive right to prospect and explore for coal on the vacant public lands and on the forest reserves of the United States and on lands located, selected, entered, purchased, or patented with a reservation to the United States of the coal contained therein, and to execute leases authorizing the lessee to mine and remove coal from such lands. No license shall pertain to an area of more than 3,200 acres, and no lease shall pertain to an area of more than 2,560 acres, and all such areas shall be in reasonably compact form and conform to the public-land surveys in all cases in which said surveys have been extended over the lands. No prospecting permit shall be issued for a longer period than two years. All licensees shall pay yearly in advance a fee or rental of 10 cents per acre for the first year covered by their license and 25 cents per acre for the second year. Lessees shall pay in advance a rental of 25 cents per acre for the first calendar year or fraction thereof, 50 cents per acre for the second year, and not less than $1 and not more than $4 per acre for each succeeding year. The sums paid for rent by a lessee shall in every case be a credit upon the royalties that may be due for the same year. All lessees shall pay a royalty on each ton of 2,000 pounds of coal mined, as follows: For the first 10 years of the lease, not less than 3 cents nor more than 6 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 8 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 10 cents per ton; and thereafter as Congress may provide. All leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years; but all lessees who have complied with the terms of their leases shall have a preferential right to an extension of their lease for a period not to exceed 20 years upon such conditions and the payment of such rents and royalties as Congress may prescribe.

"That any person over the age of 21 years who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a permit to prospect for, or a lease to mine, coal on the lands herein described, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder shall be granted a license or lease as provided herein."

Mr. MONDELL. Mr. Chairman, the amendment which I have offered proposes a leasing system quite different from that provided in the section and, in my opinion, a leasing system which will work very much better, and which in the long run will be very much more in the public interest. The section we have just been considering assumes that there shall be a great force organized in the Interior Department, whose duty it shall be to go out on the public domain and prospect and divide up all of these vast areas, extending miles and miles, in some places 100 miles without a break, and divide them up into leasing blocks, guessing how much some one may want to lease, guessing how much coal there may be under the land, and guessing what the royalty ought to be. After this has been done, and this long, expensive process has gone on for a time, applications may be made to lease, not the area which an intelligent lessee or operator may think he could advantageously work, but such a tract as one of these Federal agents may have blocked out. Bids are to be had. There is to be a minimum fixed by the Secretary, above the sum named as the minimum in the bill, provided the Secretary sees fit to do so. Unlike the Alaskan bill on that particular point, the bill evidently does not contemplate that the bidders shall bid a higher royalty than that fixed by the Secretary, for if you will turn to section 7 you will find that the royalty which is to be named in the lease is to be the royalty fixed by the Secretary; so that it is not contemplated, as I supposed it was in the Alaskan bill, that the bidders shall bid against each other on the basis of royalty. That being the case, I assume that it is intended—and in fact I can not understand how anything else can be intended—that bidders shall offer a bonus for the privilege of leasing. I understand that is what is done in Oklahoma, where this plan has been used somewhat and where it originated and whence it came into this bill.

The system of laying a heavy burden on the Federal Government to search out and develop coal areas, which the individual ought to do, this proposition of calling for bids for bonuses—all these things, in my opinion, would make the law unworkable, or at least unsatisfactory, and I doubt if many leases would be secured under it; and if they were, it seems to me that they would necessarily go only to people having large sums of ready cash. They will entirely exclude that class of people that we have hoped to give opportunity to through the leasing privilege—the man who has not a great sum to tie up in a land investment.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes all debate on this section and amendments thereto be closed.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the end of five minutes all debate on the section and amendments thereto be closed. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. Mr. Chairman, one of the arguments for leasing legislation, one of the advantages of leasing legislation, is that it does not require so large an investment as does the purchase of land at a high price. Since our lands have been classified at very high prices, it has become practically impossible for anyone except wealthy corporations to open new mines on the public domain, and few or none have been opened since the classification, as far as I know.

Now, if that opportunity and benefit which it was expected leasing would give to a man of somewhat limited means are to be taken from him through the medium of bonuses, the leasing system has no advantage in that respect over the system of sale.

My amendment proposes to provide for a prospecting lease, extending not over two years, during which period the lessee pays for the exclusive privilege of prospecting, for the privilege of retaining the land from entry and lease. At the end of that time he has a right to lease on a royalty fixed by the Secretary of the Interior within certain limits of maximum and minimum royalties, a maximum and minimum for the first 10 years, a somewhat higher one for two succeeding 10-year periods, and then a provision for preference right for 20 years on such terms as Congress may provide. That is the leasing system as it is in operation in New Zealand and other parts of the world, as I understand it. It is simple, and it makes it clear what the applicant may expect.

We must leave some discretion with the Secretary of the Interior, but I do not think we ought to leave him the wide discretion that is left by this bill. There is no maximum; he can put the royalty so high that no one can afford to bid. The minimum is too low, lower than in other bills that have been introduced, lower than in the amendment I have offered. There is an opportunity for favoritism. I do not say that there will be favoritism, but there is a possibility of it. Then you have this system of bidding, under which the lease goes to the man with the largest amount of ready money, and we are getting right back to the conditions that we were trying to get away from, to the condition where the longest pole gets the persimmon and the biggest bank roll gets the lease. The man that is an operator and knows how to mine coal, but has not a large amount of money to put up as a bonus, has no chance against the rich capitalist.

I do not think it is a good system. It will not work, in my opinion. There must be, in the first place, a permit for a prospecting period, and after that is over you must give to the Secretary of the Interior some discretion as to the amount of the royalty. Both sections do that—my amendment and in the bill as it now stands. The difference is that there is no bidding for bonuses in my amendment, and there is a chance for all comers, under the conditions specified, to secure an opportunity to obtain a lease. I think when this bill becomes a law it will become a law under some such plan as that, and I offer this amendment, realizing that the committee will not now adopt it, but confident that it contains the general plan on which these lands will be eventually leased.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. DONOVAN) there were—ayes 2, noes 12.

So the amendment was rejected.

Mr. MADDEN. Mr. Chairman, it seems to me that 14 Members are not enough——

The CHAIRMAN. Debate is not in order.

Mr. MADDEN. I make the point of order that no quorum is present. Only 14 Members voted on this amendment.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum, and the Chair will count. [After counting.] Fifty-four Members present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Anderson | Finley | Kitchin | Pou |
| Austin | Gard | Knowland, J. R. | Powers |
| Bartholdt | Gardner | Korbly | Prouty |
| Bartlett | George | Kreider | Rauch |
| Bathrick | Gill | Lafferty | Rucker |
| Booher | Gillett | Lee, Ga. | Sabath |
| Brown, N. Y. | Gittins | L'Engle | Scully |
| Browne, Wis. | Godwin, N. C. | Lever | Sells |
| Browning | Goeke | Lewis, Pa. | Slemp |
| Brumbaugh | Goldfogle | Lindquist | Smith, Md. |
| Burke, Pa. | Graham, Pa. | Loft | Smith, Saml. W. |
| Calder | Griest | McClellan | Smith, N. Y. |
| Campbell | Guernsey | McGillicuddy | Sparkman |
| Candler, Miss. | Hamill | McGuire, Okla. | Stanley |
| Cantor | Hamilton, N. Y. | McLaughlin | Steenerson |
| Cantrill | Harris | Mahan | Stout |
| Carlin | Hay | Maher | Stringer |
| Carter | Hayden | Manahan | Sutherland |
| Cary | Helgesen | Martin | Talbott, Md. |
| Collier | Hensley | Merritt | Tavenner |
| Connelly, Kans. | Hinds | Miller | Thacher |
| Connolly, Iowa | Hobson | Morin | Treadway |
| Conry | Howard | Moss, W. Va. | Vollmer |
| Covington | Hoxworth | Murdock | Walker |
| Crisp | Hulings | Neely, W. Va. | Wallin |
| Danforth | Humphreys, Miss. | Nelson | Walsh |
| Driscoll | Johnson, S. C. | O'Shaunessy | Watkins |
| Drukker | Jones | Palmer | Webb |
| Dunn | Kelley, Mich. | Parker | Whitacre |
| Edmonds | Kent | Patten, N. Y. | White |
| Elder | Key, Ohio | Payne | Wilson, N. Y. |
| Fairchild | Kiess, Pa. | Peters | Winslow |
| Faison | Kindel | Peterson | Woodruff |
| Fergusson | Kinkead, N. J. | Porter | Woods |

The committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and, finding itself without a quorum, he had directed the roll to be called; that 296 Members had answered to their names—a quorum; and he handed in a list of the absentees.

The committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That any person, association, or corporation holding a lease of coal lands or coal deposits under this act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure a modification of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate 2,560 acres.

That upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the original lease, shall not exceed 2,560 acres, through the same procedure and under the same conditions as in case of an original lease.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. A moment ago a kind friend on the other side asked for a division on an amendment which I had offered. Whether it was for the purpose of indicating how few there were here or how few voted for my amendment, I do not know. I assume it was for the purpose of disclosing the fact that there were not a great many who voted for the amendment. The gentleman who did that must have a curious idea of the motives that prompt one here in connection with their legislative duties. It is not material to me whether anyone votes for an amendment which I offer or not. If I think the amendment should be adopted, I shall offer it, and I shall defend it, and I shall not be disturbed because a great number of people do not vote for it, nor do I intend to be disturbed or disuaded by reason of the fact that an amendment I may offer is not adopted, because I realize that most of the amendments which I have offered and most of the changes I have suggested will eventually be a part of the bill when it becomes a law. Therefore I am entirely content. I realize that quite a number of western Members are so disgusted and out of sympathy with the provisions of the bill and so satisfied of the impossibility of amending it in any important respect that they pay little attention to the discussion and do not vote on amendments. I feel it my duty to discuss the bill and point out its defects as I see them, even though no very important amendment I offer is adopted. I am quite content to do my duty and leave the outcome with Providence—and the Senate.

But I rose, Mr. Chairman, for the purpose of calling the attention of the gentleman from Oklahoma [Mr. FERRIS] to some language in the bill. On line 19, page 4, the expression "coal area" is used. I assume it is intended to designate the coal area unworked or the coal area that has not been worked out. I do not intend to offer an amendment, although I think the language is not entirely clear and there might be some question as to what was meant. The intent of the committee is plain enough to me, but I do not believe the language used fully indicates the intent of the committee.

Mr. FERRIS. Mr. Chairman, I think the gentleman is right about that. Does the gentleman not think that the word "unmined" inserted before that phrase would remedy it?

Mr. MONDELL. I think that would be the word to use—"including the unmined coal area," and so forth.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. If there is a tract of 640 acres and all of it is mined except 100 acres and it was coal, that would be the coal area. It is just the use of words.

Mr. MONDELL. I am not insisting on it, although I do not think the words "coal area" are ordinarily interpreted to mean coal land that has not been worked out. If it is interpreted to mean that, well and good.

Mr. RAKER. Well, I am satisfied the department, after the gentleman's statement and mine that it does mean that, would have no trouble in its interpretation.

Mr. MONDELL. Now, let me call attention to another matter. The last two lines are to this effect: "Through the same procedure and under the same conditions as in case of an original lease." That refers to the additional area leased. I think the gentleman from Oklahoma will realize that it would hardly be possible to lease this additional area under exactly the same conditions that the original area was leased. It seems to me that before we get through with the bill it might be well to consider some modification of that language. I doubt if you could work out the intent of the committee under the language which you have used.

Mr. GRAHAM of Illinois. Would the gentleman substitute "similar" for the same?

Mr. MONDELL. Well, yes; or approximately similar. I have not thought enough about it to suggest the language, but it seems to me it would be necessary. The gentleman realizes you could not use exactly the same procedure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate at the end of five minutes, the five minutes to be yielded to the gentleman from Wisconsin.

The CHAIRMAN. This is an amendment to strike out the last word. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. Mr. Chairman, I rise to inquire of the Chairman whether the committee has given consideration as to the three-year period when coal might be exhausted. It struck me on reading the bill that where the coal mining company finds it is coming to a shortness of supply which will be exhausted in three years, that in order to retain their customers it ought to have a longer period to get an additional quantity of land than three years. In private business—for instance, in leasing quarters—business concerns look around for new quarters much in advance of three years in order to be prepared in case of emergency. It is more needful in the case of a coal mining company which has a large number of customers, where it would be necessary for them to have a certain supply of coal with which to supply them.

Mr. FERRIS. Will the gentleman yield at that point?

Mr. STAFFORD. I will.

Mr. FERRIS. As the bill was originally drafted, pursuant to a conference between Senators, House Members, and the Interior Department, I think we had the time fixed at one year, and the Bureau of Mines made this very suggestion or amendment. I have a letter here in which they say they think this is sufficient, and that this is as it should be. If the gentleman cares for me to do so, I can present it.

Mr. STAFFORD. The gentleman realizes it is purely a business proposition. Here is a coal-mining company engaged in mining coal on a limited tract. The coal is about to be exhausted. They see it will be exhausted in three years or say that the coal in the land will be exhausted in five years, they ought to be put in condition in advance to get additional land so as to be certain to keep their trade and supply their customers with coal. I merely make this suggestion for the gen-

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tleman's consideration that the limit of three years is too limited a period for any business concern.

There is another inquiry I would like to make, and that is as to the first paragraph. There the gentleman permits a modification of the lease by granting to the Secretary of the Interior the right to include additional lands wherever he sees it is to the advantage of the Government and the lessee. There is no provision in this section as to terms on which that modified lease is granted. Perhaps the provision in section 7 might extend; but so far as the paragraph itself is concerned it does not state upon what terms a new lease or a modified lease should be made.

Mr. FERRIS. Does the gentleman yield?

Mr. STAFFORD. I do.

Mr. FERRIS. I call the gentleman's attention to the fact that later in the act there is a general section which authorizes the Secretary of the Interior to incorporate in the lease any regulation or provision that seems to him necessary to vitalize the different sections of the bill.

Mr. STAFFORD. I have read section 8, which the gentleman refers to, but I do not think that it gave authority to cover this exact instance.

Mr. FERRIS. There is another section later on, under a general provision.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to his colleague?

Mr. STAFFORD. I do.

Mr. LENROOT. I suggest to the gentleman that the only modification authorized goes to the area, and the lease would apply to the enlarged area.

Mr. STAFFORD. Of course that is implied; and that is, supposing that the original lease continues. It is for additional land, and it would be a modification of the lease, and that is upon the assumption that the same terms, even though there might be a higher quality of coal, would apply. I think it would be better to leave it to the judgment of the Secretary of the Interior as to the terms and conditions.

Mr. FERRIS. If the gentleman will yield, I wish to say that additional areas can only be taken with the consent of the Secretary of the Interior, so that the Secretary has the right to prevent them from taking any additional area if he so desires.

Mr. STAFFORD. But suppose it is to the advantage of the Government and of the lessee to take additional land. Assume this additional land has a better quality of coal. Under those circumstances why should not the Secretary be allowed to exact a higher rate of payment? I say it should rest in the discretion of the Secretary to fix the terms.

Mr. FERRIS. Why, it is in the discretion of the Secretary to determine whether or not he would have any additional territory at all.

Mr. STAFFORD. You do not make any provision at all as to the terms on which this additional land should be leased.

Mr. FERRIS. The regulations would determine that.

Mr. STAFFORD. Oh, the gentleman falls back on his omnibus clause of regulation. I do not think it applies.

Mr. FERRIS. I will read to the gentleman what the Bureau of Mines says about it. The Director of the Bureau of Mines has the following to say on the subject mentioned by the gentleman:

> It is impossible for fraud to be perpetrated upon the United States under this section for the reason that a modification of the original lease can only be secured with the approval of the Secretary, and after a positive finding that it will be for the actual advantage of the lessor and lessee to include additional lands. The maximum area in the modified lease is fixed at 2,560 acres, which is only the amount which might originally have been had. The provision, instead of promoting fraud, is really in the interests of the United States, since it will make possible the mining of small blocks of coal land which could only be mined in conjunction with already developed properties because of the small tonnage and the expense involved in extraction in any other manner.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield there?

Mr. FERRIS. Yes.

Mr. STAFFORD. I am not questioning that phase of it, that there would be fraud in extending the contracts, but I want to find out upon what terms the additional tracts could be let.

Mr. FERRIS. The Secretary can refuse to let him have them on any terms at all.

Mr. STAFFORD. My colleague says it would be let on the original terms, and you say it would be let on any terms the Secretary might see fit.

Mr. FERRIS. Allow me to conclude. What the gentleman says refers to the other section.

Mr. STAFFORD. The second paragraph provides for another case upon new terms entirely.

Mr. FERRIS. Let me read. The Director of the Bureau of Mines says further:

> Without such provision the Government would be absolutely unable to secure the mining of detached pieces of coal lands, as the existence of one lease would be a bar to any further lease. In the opinion of the bureau, this is one of the most valuable provisions in this bill and should be retained by all means.

They even draw a plat here which shows how necessary it is to have this provision in the bill.

Mr. STAFFORD. There is no question but that it should be on such terms as the Secretary shall determine.

Mr. FERRIS. The general provision takes care of that.

Mr. STAFFORD. That is where we differ.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 5. That if, in the judgment of the Secretary of the Interior, the public interest will be subserved thereby, lessees holding under lease blocks or areas not exceeding the maximum permitted under this act may consolidate their leases or holdings through the surrender of the original leases or holdings and the inclusion of such areas in a new lease of not to exceed 2,560 acres of continguous lands.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, I am in sympathy with the view taken by the gentleman from Wisconsin [Mr. STAFFORD] with regard to section 4, and the same criticism applies to section 5. I have not offered any amendments and do not propose to offer any amendments to these sections, because I have felt confident that elsewhere these sections would be very greatly modified.

The gentleman from Oklahoma [Mr. FERRIS] quoted the Chief of the Bureau of Mines a few moments ago to this effect, that nothing would ever occur under this section detrimental to the public interest, because the whole matter is under the Secretary of the Interior. Why, I want to remind my good friend from Oklahoma that all the land frauds that we have ever had, all the land frauds that have ever occurred, all the unfortunate acquisitions of lands in enormous areas have been entirely under the supervision of Secretaries of the Interior. When the gentleman has no better defense for a thing than the fact that the Secretary may prevent fraud and scandal, why, it is not much of a defense.

The section preceding these two sections outlines a rule under which I think fraud would be very largely prevented, although there might be much favoritism; and under these two sections all sorts and kinds of things might be done. I assume we will never have a Secretary of the Interior who will intentionally allow people to acquire leases contrary to the public interest; but Secretaries are not omnipotent nor omnipresent. They are served by a multitude of agents and agencies. They must depend on others, and I think the committee have made a mistake in both of these sections in not placing a sufficient limitation on the discretion of the Secretary. I am inclined to think that the Secretary, under the section which we are now considering, could lease very valuable coal lands at the minimum royalty of 2 cents a ton. I have no doubt that he could.

Mr. RAKER. What would the gentleman suggest, so as to put in the bill ironclad language that would prevent the Secretary or anybody else doing anything of that kind?

Mr. MONDELL. I would lay down sufficiently definite limitations to his authority. I think it is better to write the provisions into the law. But answering the gentleman's inquiry as to what I would do with regard to these two sections, if I had the power to do so I would strike them from the bill, because they are entirely unnecessary at this time. They relate to matters that are not likely to occur for years to come. There are going to be Congresses here after this Congress, and those Congresses are going to be quite as wise as we are, I think. They can legislate in regard to these matters. We do very well if we provide for the original leases. It is not necessary for us to provide for what may need to be done after leases are worked out, and after lessees have gotten together, and gentlemen conclude they want to consolidate them. Those are all matters for the future. I would be perfectly content to leave those questions for future Congresses to pass upon.

Mr. RAKER. The gentleman wants to provide a bill that is workable. Say a man has only 640 acres of coal lands at the present time. Ought we not to provide in the bill that after he works out that claim he may have additional territory?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. LENROOT. Mr. Chairman, with reference to the construction of these two sections, I feel I ought to say that I do not agree with the construction given by the gentleman from

Oklahoma [Mr. FERRIS]. I do not believe that under the power given to the Secretary in section 4, to make rules and regulations, he is authorized to change the terms of an existing lease. This section provides for only one modification of the lease. And what is that modification? It is an inclusion of a larger area than is contained in the original lease, and therefore all the terms of the original lease, both as to royalty and otherwise, in my opinion, will apply to the modified lease, and the Secretary of the Interior will not have the right to change the terms and conditions, either as to royalty or otherwise, of that modified lease, and I do not think he ought to have the right. I think the language is well guarded in the provision as it stands.

Mr. STAFFORD. Will my colleague yield there?

Mr. LENROOT. Yes.

Mr. STAFFORD. Supposing that on the additional tract to which the lease is extended the coal is either of a higher or of a lower grade. Does not my colleague believe that the terms should be different than those contained in the original lease?

Mr. LENROOT. I assume that if it is of higher grade, the Secretary of the Interior would not permit the inclusion of it. If it was desirable that those two be worked together, the original lessee could surrender his original lease and take out a new one under the general procedure of the bill.

Mr. STAFFORD. But it might not be feasible for him to surrender the original lease. He might wish to continue the working of one and begin the working of the other, so as to develop the larger tract. That is the very purpose of the provision. I can conceive of cases where different terms ought to apply.

Mr. LENROOT. Does the gentleman think the Secretary of the Interior should have the right to make new terms and conditions, possibly including a less royalty than the original lease, which had been awarded upon a competition, because of the inclusion of the additional area?

Mr. STAFFORD. I do, but it would be limited to the restricted tract.

Mr. LENROOT. Yes; but under that situation there might be a royalty bid of 45 cents per ton. If the gentleman's idea prevailed, the Secretary of the Interior would have a right to make a new lease of the large area at 10 cents a ton.

Mr. STAFFORD. No; it would only pertain to the restricted area.

Mr. LENROOT. No; it is a modified lease as to the extent of all the area.

Mr. STAFFORD. The new area, and only that.

Mr. LENROOT. We now permit conditions which I say ought not to prevail unless the situation is such that the same terms and conditions will imply an enlarged area, and the Secretary of the Interior ought not to permit this inclusion at all, and I do not believe he would do so.

In section 5 a different situation prevails. It is true that that permits a consolidation of a new lease to be granted by the Secretary of the Interior, but nothing is said as to the terms and conditions. I know that in committee it was carefully considered, and we had a practical difficulty in framing any language that would properly cover it and save the equities of the original lessee, and so it was left in that way, the committee feeling that it was a matter that must be left to the discretion of the Secretary of the Interior.

Mr. RAKER. Mr. Chairman, I move to strike out the last three words. It seems to me that the question presented is covered in the last two lines of the section, lines 21 and 22, "through the same procedure and under the same conditions as in case of an original lease." That does not mean as the original lease was provided for, under the same conditions as in the case of an original lease.

Mr. LENROOT. That applies only to the second paragraph.

Mr. RAKER. I want to call the committee's attention to the fact that that would apply to the new lease on the same conditions. My recollection is that it was the idea of the gentleman from Wisconsin and other members of the committee that if additional territory were desired the same procedure should be followed as in the application for the original lease. In other words, the Secretary of the Interior should fix the terms and conditions, and the party should abide by it the same as if he had no lease at all. Otherwise it would be treating other miners in the community unfairly.

The Clerk proceeded with the reading of the bill, as follows:

SEC. 6. That where coal lands aggregating 2,560 acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease sections or parts of sections which corner upon one another.

Mr. MONDELL. Mr. Chairman, I move to strike out, on page 5, at the beginning of line 6, after the word "lands," all down to and including the word "and," in line 7. The language I move to strike out is "aggregating 2,560 acres."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 6, by striking out all after the word "lands," down to and including the word "and," in line 7.

Mr. MONDELL. Mr. Chairman, the words stricken out are the words "aggregating 2,560 acres." The section provides:

That where coal lands aggregating 2,560 acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease sections or parts of sections which corner upon one another.

It is highly important that the leasing of noncontiguous lands be allowed not only where there is a less area than makes a maximum leasing area, but where there are any noncontiguous coal lands that a lessee may desire. For instance, in the Union Pacific land-grant region in my State, the Union Pacific now holds alternate sections, having retained the coal land.

There might be a vast area of lands lying in the region which would be subject to leasing. There is no reason why this right to lease lands cornering on each other should be confined to conditions where the maximum area could not be acquired except by doing so.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. If the gentleman strikes out the language proposed, it makes it impossible to do what he desires to do, because with the language stricken out if there are any lands that are contiguous the corner leasing would not apply, while under the language there must be contiguous land to the extent of 2,560 acres.

Mr. MONDELL. The gentleman does not interpret the language as I do. If the language is stricken out, it will read:

That where coal lands subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease sections or parts of sections which corner upon one another.

The applicant might ask for 40, the cornering section to another 40 cornering it, and, where the Government does not own the contiguous land, that would be a case of where there were not contiguous lands at the point where he made his application.

Mr. LENROOT. Suppose the Govrenment did own one 40-acre tract that is contiguous, with this language stricken out, then the gentleman could not lease anything in the cornering sections.

Mr. MONDELL. Oh, yes; a man could lease the lands that were contiguous, and the balance of his lease might be of noncontiguous lands.

Mr. LENROOT. But he would be compelled first to lease all of the contiguous lands.

Mr. MONDELL. I do not think the gentleman correctly interprets the language of the section as I propose to amend it. It is highly important that the Secretary be given the right to lease noncontiguous tracts, particularly in those localities where lands are within land-grant limits; and here it can not possibly be done if there is anywhere in the region a contiguous maximum tract.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. RAKER. Is it not a fact that this is the only provision in all of the land laws up to date where a man may file on land that is not contiguous, and this is done for the purpose of utilizing all of the coal land in one body, to the end of getting cheaper coal and getting better results?

Mr. MONDELL. It is not the first time that it has been suggested. The same provision is contained in half a dozen bills that have been introduced.

Mr. RAKER. I mean the first one that has been reported.

Mr. MONDELL. I do not happen to recall any measure that has been reported. What the committee intended was that, where the Government has no contiguous lands, and an applicant or lessee desired lands that are noncontiguous, they may lease noncontiguous lands. I think that is what the committee intended.

Mr. RAKER. For instance, there are two railroad sections cornering and on the opposite sides two sections belonging to the Government. The intention of the committee was that you could cross the corner and——

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of one minute debate on the pending section and all amendments thereto shall close.

The CHAIRMAN. Is there objection?

There was no objection.

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Mr. NORTON. Mr. Chairman, it occurs to me that the purpose of the gentleman from Wyoming [Mr. MONDELL] would be more clearly reached if, in line 6, on page 5, there were also stricken out the words "that where coal lands," and in line 7 the words "and subject to lease," and in line 8 the words "hereunder do not exist as contiguous areas," leaving the section then as amended to read:

The Secretary of the Interior is authorized, if in his opinion the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease sections or parts of sections which corner upon one another.

In the interpretation of the law there would be considerable doubt if any of the first part of the section is allowed to remain as to whether, in case there was in any coal area any coal lands whatever subject to lease existing as contiguous areas, sections, or parts of sections cornering upon one another could then be embraced in the same lease.

The CHAIRMAN. The time of the gentleman from North Dakota has expired. The question is on the amendment offered by the gentleman from Wyoming.

The amendment was rejected.

The Clerk read as follows:

SEC. 7. That for the privilege of mining or extracting the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall be not less than 2 cents per ton of 2,000 pounds, due and payable at the end of each month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. Before that motion is put, I understood that section 7 is still subject to amendment?

Mr. FERRIS. Oh, certainly.

The CHAIRMAN. The question is on the motion of the gentleman from Oklahoma that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16136, and had come to no resolution thereon.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SELLS, indefinitely, on account of sickness.

### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 754. An act for the relief of Jacob M. Cooper;

S. 725. An act to correct the military record of Aaron S. Winner;

S. 1063. An act for the relief of Philip Cook; and

S. 2472. An act for the relief of Herman von Werthern.

### ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolution:

H. J. Res. 311. Joint resolution instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions; and

H. R. 15613. An act to create a Federal trade commission, to define its powers and duties, and for other purposes.

### ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Wednesday, September 16, 1914, at 12 o'clock noon.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MORGAN of Louisiana: A bill (H. R. 18807) to provide for the erection of a national leprosarium; to the Committee on Appropriations.

By Mr. GREENE of Massachusetts: Resolution (H. Res. 621) authorizing an investigation of the conditions existing in the textile industry in the city of Atlanta, Ga.; to the Committee on Rules.

By Mr. KAHN: Joint resolution (H. J. Res. 346) ceding to the State of California temporary jurisdiction over certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations; to the Committee on Military Affairs.

By Mr. GARRETT of Texas: Memorial of the Legislature of the State of Texas favoring the "Buy a bale" idea of relieving the cotton market; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY: A bill (H. R. 18808) granting a pension to Emaline Catherine Lindner; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 18809) granting a pension to John P. Pierce; to the Committee on Pensions.

By Mr. GARD: A bill (H. R. 18810) granting a pension to George W. Krug, alias King; to the Committee on Pensions.

Also, a bill (H. R. 18811) granting an increase of pension to Philip Yoe; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 18812) granting an increase of pension to Henry Nausley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18813) granting an increase of pension to John A. Abbott; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 18814) granting a pension to Charles J. Mobley; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 18815) granting an increase of pension to Isaac Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18816) granting an increase of pension to William H. Vance; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18817) granting an increase of pension to Abraham Leedy; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 18818) granting a pension to Joseph W. Abbott; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 18819) granting a pension to Albert Elsaesser; to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CANDLER of Mississippi: Petition of 500 citizens of Iuka, Miss., favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of George R. Longbrake, of La Crosse, Wis., favoring a bill to protect the United States flag; to the Committee on Military Affairs.

Also, petition of sundry citizens of Victory, Wis., favoring rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. FESS: Petition of sundry citizens of New Richmond, Ohio, favoring rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. GARNER: Petition of the Cotton Growers' Association of Texas, relative to regulation of cotton exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Iowa: Petition of 73 citizens of Fontanelle, Iowa, favoring the national constitutional prohibition amendment; to the Committee on Rules.

By Mr. HILL: Papers to accompany a bill for increase of pension to John A. Abbott; to the Committee on Pensions.

By Mr. LIEB: Petition of Danish-American Typographia No. 15, through Henry Schnuetgen, secretary, of Evansville, Ind., urging the passage of amendment of section 85 of House bill 15902; to the Committee on Printing.

Also, petition of H. Fendrich, cigar manufacturer, of Evansville, Ind., against any increase of revenue tax upon cigars; to the Committee on Ways and Means.

Also, petition of Charles Leich & Co., of Evansville, Ind., against any increase of revenue tax on spirits; to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Petition of various business men of Murdock, Elmwood, Eagle, and Hickman, all in the State of Nebraska, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. J. I. NOLAN: Resolutions of the Socialist Party of San Francisco, Cal., demanding that the United States maintain strict neutrality in the present European war, and suggesting a method of bringing about peace; to the Committee on Foreign Affairs.

By Mr. O'LEARY: Petition of Edward Flaherty, of Long Island City, N. Y., against tax on soda water; to the Committee on Ways and Means.

Also, petition of H. Planten & Son, of Brooklyn, N. Y., against tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. PAIGE of Massachusetts: Papers to accompany House bill 18753, for relief of John K. Collins; to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of sundry citizens of Illinois, asking modification of Federal game laws; to the Committee on Agriculture.

Also, petition of various churches and citizens of the twentieth district of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. STAFFORD: Petition of the Wisconsin State Bottlers' Association, against additional tax on wine, beer, or "soft" drinks; to the Committee on Ways and Means.

By Mr. WILLIS: Papers to accompany House bill 18806, granting a pension to Emma E. Shellenbarger; to the Committee on Invalid Pensions.

## SENATE.

WEDNESDAY, *September 16, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, lay Thy hand upon the storm-tossed world. Bring peace, order, and good will among all people. Especially do Thou look with Thy favor upon Thy servants in this Senate, that with that wisdom which cometh from above they may be enabled to discharge the duties of their sacred and important office. See that all the ministry of this Chamber may be found to be in accord with God's great program for us as a Nation. Give us a voice and an influence among the nations of the earth; and may the voice and the influence of this Nation be that of peace and good will among men. For Christ's sake. Amen.

### NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
*Washington, September 16, 1914.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. J. T. ROBINSON, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
*President pro tempore.*

Mr. ROBINSON thereupon took the chair as Presiding Officer, and said:

The Secretary will read the Journal of the proceedings of the last legislative day.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bryan | Kenyon | Overman | Smith, Ga. |
| Burton | Kern | Page | Smith, S. C. |
| Chamberlain | Lane | Perkins | Sterling |
| Culberson | Lea, Tenn. | Pittman | Thomas |
| Fletcher | Lewis | Ransdell | Thornton |
| Gallinger | Martin, Va. | Robinson | |
| Hughes | Myers | Sheppard | |
| Jones | Norris | Simmons | |

Mr. PAGE. I wish to announce the unavoidable absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I will allow this announcement to stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired. This announcement may stand for the day.

The PRESIDING OFFICER. Twenty-nine Senators have answered. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. BRADY, Mr. CAMDEN, Mr. THOMPSON, Mr. VARDAMAN, Mr. WEST, and Mr. WHITE answered to their names when called.

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement stand for the day.

Mr. CHILTON entered the Chamber and answered to his name.

The PRESIDING OFFICER. Thirty-six Senators have answered. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to request the attendance of absent Senators.

After a little delay,

Mr. LEWIS. Mr. President, might I inquire if the Senator from Indiana made the usual motion respecting the instruction to the Sergeant at Arms to bring in absentees?

The PRESIDING OFFICER. The motion was made and passed, and the Sergeant at Arms is executing the order of the Senate.

Mr. HITCHCOCK, Mr. MCCUMBER, Mr. SMITH of Michigan, and Mr. STONE entered the Chamber and answered to their names.

After a little further delay Mr. SWANSON and Mr. MARTINE of New Jersey entered the Chamber and answered to their names.

Mr. KENYON. Mr. President, I should like to inquire the number of Senators who have answered to their names.

The PRESIDING OFFICER. The Chair is informed that 42 Senators have responded, not a quorum.

Mr. KENYON. As it seems impossible to get a quorum, I move that the Senate adjourn.

Mr. LEWIS. Of course, the Senator from Iowa means that humorously, and it will be so accepted.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa, that the Senate adjourn.

The motion was rejected.

Mr. SIMMONS. Mr. President, I wish to inquire if the Sergeant at Arms has been directed to take measures toward securing the presence of a quorum?

The PRESIDING OFFICER. The Sergeant at Arms has been directed to request the attendance of absent Senators.

Mr. JAMES, Mr. ASHURST, Mr. SHAFROTH, Mr. REED, and Mr. NELSON entered the Chamber and answered to their names.

Mr. REED. Mr. President, I think I ought to say the members of the Banking and Currency Committee have been in session, and that is the reason for the absence of most of the members of that committee, all of whom will be here in a few moments.

Mr. LEE of Maryland, Mr. CRAWFORD, and Mr. WEEKS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present. The Secretary will read the Journal of the proceedings of the last legislative day.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Saturday, September 5, 1914, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### ENROLLED BILL SIGNED.

The PRESIDING OFFICER announced his signature to the enrolled bill (S. 5065) for the relief of Mirick Burgess, which had previously been signed by the Speaker of the House.

### DISPOSITION OF USELESS PAPERS.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Secretary of Labor, transmitting, pursuant to law, a statement of papers and material which are not needed nor useful in the transaction of the current business of the Department of Labor, and which have no permanent value or historical interest. The communication and accompanying paper will be referred to the Joint Committee on the Disposition of Useless Papers in the Executive Departments,

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and the Chair appoints the Senator from Vermont [Mr. PAGE] and the Senator from Oregon [Mr. LANE] members of the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

FINDINGS OF THE COURT OF CLAIMS (S. DOC. NO. 581).

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Richard Burnett, executor of Isaac Burnett, deceased, against The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented petitions of sundry citizens of Olathe, Topeka, and Garrison, in the State of Kansas; of Detroit, Mich.; of Williamsport, Pa.; of Viola, Ill.; of Somerville, Ind.; and of Forsythe, Mont., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN. I present a resolution adopted at a meeting of the commissioned officers of the Civil War, held in Detroit, Mich., and ask that it may be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

VOLUNTEER OFFICERS' RETIRED LIST.

DETROIT, MICH., *September 2, 1914.*

The following resolutions were unanimously adopted at a meeting of commissioned officers of the Civil War held at the Grand Army Memorial Hall in Detroit, September 2, 1914, which was attended by representatives from 20 States:

*Resolved by the Volunteer Officers of the Union Army of the Civil War assembled in Detroit, Mich., at a meeting duly called for that purpose, representing all the officers in every State where such officers reside,* That we approve and earnestly urge the passage of Senate bill 392, called the "Townsend bill," shorn of its amendments thereto;

That in view of the ample reasons and conclusive arguments heretofore submitted to the committee of Congress for the passage of the said bill we do not deem it necessary to repeat them;

That we most earnestly urge upon Congress the justice and right of passing such bill at once, as the same herein indorsed and approved.

CHARLES R. E. KOCH, *Chairman.*
Capt. HARTWELL OSBORN, *Secretary.*

Mr. JONES. Mr. President, I have received a great many telegrams in the nature of memorials remonstrating against the proposed tax on freight. I simply ask that the telegram from the chairman of the Public Service Commission of Washington may be read, and that the signatures to the other telegrams may be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Washington asks unanimous consent for the reading of a telegram. The Chair hers no objection.

The Secretary proceeded to read the telegram.

Mr. REED. Will it not suffice to have one of the telegrams read?

Mr. JONES. That is all I have asked.

The PRESIDING OFFICER. The Chair will state that the request of the Senator from Washington was to have one telegram read, and it has been granted.

Mr. REED. They are similar, I presume, to telegrams which have been received by all Senators.

Mr. JONES. I am merely asking that one of the telegrams may be read.

The Secretary resumed and concluded the reading of the telegram, which is asfollows:

OLYMPIA, WASH., *September 15, 1914.*

W. L. JONES, *Washington, D. C.:*

On behalf of the Washington shippers and consumers, we protest against the proposed percentage tax on freight receipts. The markets on the Pacific coast are necessarily at long distance and freight rates are relatively and of themselves the highest in the country. A flat percentage tax places an undue burden on a section already handicapped by distance from its market; the effect will be entirely disproportionate to the revenue derived, as many industries must now operate so closely to cost that an advanced rate will shut them out of the market and close them. Our people will patriotically bear any necessary and just tax, but this is not a just tax. If this appears a necessary method taxation, we suggest a tax based upon weight of shipment as more equitable.

THE PUBLIC SERVICE COMMISSION OF WASHINGTON,
C. A. REYNOLDS, *Chairman.*

Mr. JONES. I ask that the signatures to the remaining telegrams may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The signatures are as follows:

Telegrams from Charles H. Frye, of Seattle; the Aberdeen Chamber of Commerce, of Aberdeen; the Grays Harbor Manufacturers' Association, of Aberdeen; the Commercial Club of Hoquiam; the Commercial Club of Raymond; the Willipa Lumber Co., the Siler Mill Co., the Quinalt Lumber Co., the Cram Lumber Co., the Case Shingle & Lumber Co., the Southwest Manufacturing Co., the Raymond Lumber Co., the Coates Shingle Mill, the Columbia Box & Lumber Co., the Kleeb Lumber Co., the South Bend Mills & Lumber Co., the Nema Improvement Co., and the McGee Shingle Co., all of Raymond; and of W. C. Mills, of Tacoma, all in the State of Washington, and from the Northwestern Fruit Exchange, of Portland, Oreg.

Mr. WEEKS presented memorials of sundry citizens of Boston, Mass., remonstrating against the mining conditions in Colorado, which were referred to the Committee on Education and Labor.

He also presented sundry affidavits in support of the bill (S. 2436) granting a pension to Fritz Hedlund, which were referred to the Committee on Pensions.

Mr. PERKINS presented memorials of sundry wine growers of Calistoga, St. Helena, and Yountville, all in the State of California, remonstrating against the proposed tax on wines, which were referred to the Committee on Finance.

Mr. KENYON presented a petition of the congregation of the Methodist Episcopal Church of Rose Hill, Iowa, and a petition of sundry citizens of Lansing, Iowa, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented the petition of J. G. Brundage, of Missouri Valley, Iowa, praying for strict neutrality by the United States during the present war in Europe, which was referred to the Committee on Foreign Relations.

Mr. POMERENE. I present resolutions in the nature of a petition, adopted at a public meeting in the city of Cincinnati, Ohio, in the interest of peace in the European countries. I ask that it may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolutions adopted at a public meeting held at the Chamber of Commerce, Cincinnati, Ohio, Sunday, September 6, 1914.

In view of the sudden outbreak among the great nations of Europe of what threatens to be the most disastrous war of modern history, it behooves the lovers of humanity everywhere to unite in the support of every facility for an early adjustment of the differences which have brought about these unfortunate conditions, and upon a basis which will, if possible, avert future calamities of this character.

We, therefore, representing one of the largest cities in the United States, in public assembly hereby formally adopt the following resolutions:

*Resolved,* That we hereby express our profound appreciation of the action of the President of the United States in tendering the good offices of this Government to the nations of Europe now at war under the provision of The Hague Convention for the Pacific Settlement of International Disputes, with the further condition that the proffer of mediation shall remain in force during the term of hostilities; be it further

*Resolved,* That we respectfully suggest the consideration of a further appropriate service toward the reestablishment of peaceful relations in Europe on a basis which shall prevent in future the mistaken national policies and the enormous armaments which have lead to the present conflict through extending an invitation to all the nations signatory to The Hague convention not involved in the present war and especially to the neutral nations of Europe, to unite with the United States in making, on the first favorable occasion, a joint offer of mediation in the interest of humanity, civilization, and lasting peace in which all nations of the world are equally concerned; be it further

*Resolved,* That an official copy of these resolutions, signed by the chairman and secretary of this meeting, be forwarded to the President of the United States, Senators from Ohio, and the Members of the Congress from this county.

R. A. COLTIER, *Chairman.*
GEO. W. DUBOIS, *Secretary.*

CINCINNATI, OHIO, *September 6, 1914.*

Mr. KENYON. I have received 45 telegrams, in the nature of protests, from Sioux City, Iowa, remonstrating against the proposed tax on beer. I ask that one of them may be read.

There being no objection, the telegram was read and referred to the Committee on Finance, as follows:

[Telegram.]

SIOUX CITY, IOWA.

Senator W. S. KENYON,
*United States Senate, Washington, D. C.:*

I wish to protest against any increase in the spirituous liquors and any excessive increase in tax on beer. I want to especially protest against an increase in tax on beer of $1 per barrel.

FRITZ RENTSCHLER.

Mr. KERN. From what State does that telegram come?

The PRESIDING OFFICER. The Chair will inform the Senator from Indiana that the telegram was presented by the Senator from Iowa [Mr. KENYON].

REPORTS OF COMMITTEES.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which was referred the bill (S. 6384) to authorize the acceptance of certain lands by the United States for a military park reservation, and for other purposes, reported it without amendment and submitted a report (No. 788) thereon.

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (S. 3000) for the relief of Ten

Eyck De Witt Veeder, commodore on the retired list of the United States Navy, reported it without amendment and submitted a report (No. 789) thereon.

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (S. 6309) to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes, reported it with amendments and submitted a report (No. 792) thereon.

Mr. REED. On behalf of the Committee on Banking and Currency I report a bill providing for an amendment of the Federal reserve act. The bill is, in fact, reported in lieu of a bill now on the calendar which has been heretofore considered by the committee. Upon a further consideration of that bill the committee directed the bill which I now send to the desk to be reported.

The bill (S. 6505) to amend sections 11 and 16 of an act to provide for the establishment of Federal reserve banks, etc., approved December 23, 1913, and commonly known as the Federal reserve act, was read twice by its title.

Mr. REED. The bill has been considered by the Committee on Banking and Currency, and I ask that it may go to the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

THE SPONGE INDUSTRY.

Mr. THORNTON. From the Committee on Fisheries I desire to report back favorably the joint resolution (S. J. Res. 184) making an appropriation for expenses necessary to carry out the provisions of the act to regulate the taking or catching of sponges, approved August 15, 1914, and I wish to call the attention of the Senator from Florida [Mr. FLETCHER] to the report.

Mr. FLETCHER. I should like to have unanimous consent for the present consideration of the joint resolution.

Mr. GALLINGER. Let it be read first.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

*Resolved, etc.*, That the sum of $3,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for expenses in protecting the sponge fisheries, including employment of inspectors, watchmen, and temporary assistants, hire of boats, rental of office and storage, care of seized sponges and other property, travel, and all other expenses necessary to carry out the provisions of the act of August 15, 1914, to regulate the taking or catching of sponges, $3,500.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. GALLINGER. Mr. President, I think the Senator from Florida ought to explain in a few words the necessity for this joint resolution. I will say to him that I am not familiar with the original act.

Mr. FLETCHER. I shall be very glad to do so.

This joint resolution does not call for any new or additional appropriation. The sundry civil bill as passed carried a similar item in it, but it made the appropriation applicable to the act of 1913. Subsequently the act of 1913 was repealed by the act of 1914. This joint resolution is simply intended to make an appropriation to carry out the provisions of the act of August 15, 1914.

Mr. GALLINGER. There surely can be no objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEASING OF COAL LANDS IN ALASKA.

Mr. PITTMAN. I submit a favorable report from the Committee on Public Lands on House bill 14233, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, and I submit a report (No. 790) thereon. I ask unanimous consent for the present consideration of the bill.

I realize that if it is going to give rise to any debate the request will not be granted; but I desire to say this:

The House has already passed this bill. The Committee on Public Lands reported to the Senate a Senate bill on the same subject, but quite different in its provisions. The Committee on Public Lands now directs me to report favorably the House bill, with an amendment in the nature of a substitute.

It is apparent that this bill will have to go to conference and that it will require a long time and much work to adjust the differences and agree on a bill. Any fight that may be made on this bill, if the committees succeed in agreeing on the bill at this session, can be made on the conference report as well as on the bill in the Senate.

For that reason, asking the particular attention of Senators who are opposed to a leasing system, I ask them if they will not waive their objections to the consideration of the bill, with the understanding that they will not be committed to it, but may make their fight against it on the report of the conference committee.

The PRESIDING OFFICER. The Senator from Nevada submits a report from the Committee on Public Lands and asks unanimous consent for its present consideration. Is there objection?

Mr. SHAFROTH. Mr. President, I am perfectly willing to consider the bill and even to hold a night session for that purpose if it is necessary, but I have been opposed to this bill all the time, and I want an opportunity to be heard upon it. That is all.

Mr. PITTMAN. Would not the Senator have just the same opportunity on the report of the conference committee?

Mr. SHAFROTH. Why, no. The reports of conference committees are considered as a whole without opportunity of amendment or anything of the kind. I have very serious objection to a leasing system. I think it is wrong. I think it is not right. I think it is not expedient, and I do not think it is practicable. I want to express my views on it. I am not going to take such a great while, but I want an opportunity to be heard. This is a great measure, and it seems to me that a proposition to put it through by unanimous consent can not be seriously made.

The PRESIDING OFFICER. The Senator from Colorado objects. The bill will go to the calendar.

WASHINGTON RAILWAY & ELECTRIC CO.

Mr. KERN. From the Committee on the District of Columbia I report back favorably with amendments the bill (S. 4274) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes, and I submit a report (No. 791) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. KERN. As to the purpose of the bill and the reasons for its passage, I desire to quote from the report of the committee as follows:

The bill proposes to extend the tracks of the Washington Railway & Electric Co. from Nichols Avenue to Fourth Street, a distance of about 6,000 feet. The object of the bill is to provide a means of egress and ingress to the plant of the Washington Steel & Ordnance Co. This company employs in the neighborhood of 600 hands, who are without practical means of getting to and from their work. Their present method is by means of a ferry, which runs from Seventh and N Streets SW. to Giesboro Point, which is operated solely for the accommodation of the men and at a loss to the company. This method is utterly useless in the winter when the river is frozen over and ice blocks navigation. For example, this past winter the ferry was out of commission for practically one week continuously in January, and at other times as well. The route of the proposed extension will pass through an undeveloped section of the District of Columbia. It will enable the men employed at the plant of the Washington Steel & Ordnance Co. to ride to and from their work from any part of the District of Columbia along the tracks of the Washington Railway & Electric Co. for one fare. Under the present arrangement the men are compelled to pay a 5-cent ferry fare in addition to their regular car fares. In case they should want to walk from Congress Heights to the steel plant at present the distance is about 1¼ miles over a private right of way. There is no public road leading to the steel plant, although said company pays about $10,000 in taxes annually.

I will state that the committee report two amendments, one of which provides for the installation of an automatic safety device where the track of the street railway company crosses a spur of the Baltimore & Ohio Railroad. The bill seems to be well guarded to protect the city; it is favored by the District Commissioners, and, as I have stated, has the approval of the Committee on the District of Columbia, which has examined it very carefully.

The PRESIDING OFFICER. The amendments proposed by the Committee on the District of Columbia will be stated.

The first amendment was, in line 10, page 1, after the word "system," to strike out the period and add "and may cross the tracks of the Baltimore & Ohio Railroad on grade, on condition only that before any of the cars of the said Washington Railway & Electric Co. shall cross such tracks said last-named company shall, at its own expense, install at such crossing an automatic safety device of such style and pattern as will make travel over said crossing safe, and which before being operated

shall be inspected and approved by the Commissioners of the District of Columbia," so as to read:

That the Washington Railway & Electric Co., of the District of Columbia be, and it is hereby, authorized and required to construct an electric railway, beginning where its present tracks on Nichols Avenue intersect Portland Street SE., thence along Portland Street in a westerly direction to Fourth Street SW.: *Provided*, That said railway shall be constructed and operated by overhead electric system and may cross the tracks of the Baltimore & Ohio Railroad on grade, on condition only that before any of the cars of the said Washington Railway & Electric Co. shall cross such tracks said last-named company shall, at its own expense, install at such crossing an automatic safety device of such style and pattern as will make travel over said crossing safe, and which before being operated shall be inspected and approved by the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 2, after the word "authorized," to insert the words "and directed," so as to read:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia, within 30 days after the passage of this act, in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Laws for the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the opening of Portland Street as laid down on the permanent system of highways of the District of Columbia contained in an act of Congress approved March 2, 1893, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND A JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 6489) to suspend the law relating to annual assessment work on placer and lode mining claims in Alaska for the year 1914; to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 6490) relating to the Philippine Scouts; to the Committee on Military Affairs.

By Mr. WHITE:

A bill (S. 6491) to establish a fish hatchery and biological station in the first congressional district of the State of Alabama, at or near Mobile, in the county of Mobile, Ala.; to the Committee on Fisheries.

A bill (S. 6492) granting a pension to Jesse G. Lott; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 6493) to provide for the appointment of an additional judge in the fifth judicial circuit of the United States; to the Committee on the Judiciary.

By Mr. KENYON:

A bill (S. 6494) granting an increase of pension to James F. Brown; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 6495) granting a pension to Green Brock (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 6496) for the relief of Thomas H. Jett; to the Committee on Claims.

By Mr. STONE:

A bill (S. 6497) for the relief of Lloyd C. Stark; to the Committee on Naval Affairs.

By Mr. THOMPSON:

A bill (S. 6498) granting an increase of pension to Samuel Coleman (with accompanying papers);

A bill (S. 6499) granting an increase of pension to Henry Miller (with accompanying papers); and

A bill (S. 6500) granting an increase of pension to William H. Fountain (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6501) granting an increase of pension to Albert E. Magoffin (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 6502) for the relief of the heirs of the estate of Hugh L. Brinkley and Annie Brinkley Snowden; and

A bill (S. 6503) for the relief of the legal representatives of Reuben S. Jones and William N. Brown, deceased; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 6504) to authorize the President of the United States to appoint certain officers to the Medical Corps of the Army (with accompanying paper); to the Committee on Military Affairs.

By Mr. SHAFROTH:

Joint resolution (S. J. Res. 186) to suspend the requirement of $100 worth of labor upon each mining claim bearing carnotite ores for the year 1914; to the Committee on Mines and Mining.

DONATION OF CANNON.

Mr. WEEKS (for Mr. SHERMAN) submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

HEARINGS BEFORE THE COMMITTEE ON AGRICULTURE.

Mr. GORE submitted the following resolution (S. Res. 456), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Agriculture and Forestry, or any subcommittee thereof, be authorized during the Sixty-third Congress to employ a stenographer at a price not to exceed $1 per printed page to report such hearings as may be had in connection with any subject which may be pending before the said committee; and the expense thereof shall be paid out of the contingent fund of the Senate.

LAND IN PENSACOLA, FLA.

Mr. FLETCHER. Mr. President, an abstract of title was filed with the papers accompanying a bill with reference to some property in Pensacola, Fla. the bill was subsequently passed, and the parties desire to have the abstract of title returned. I ask to have entered the order which I send to the desk.

The PRESIDING OFFICER. The order will be read.

The order was read and agreed to, as follows:

*Ordered*, That leave be granted to withdraw from the files of the Senate the abstract of title filed with the papers accompanying the bill (S. 8736) providing for the releasing of the claim of the United States Government to arpent lot No. 44, in the old city of Pensacola, Fla. (61st Cong., 3d sess.), there having been no adverse report thereon.

WATERS OF THE NORTH PLATTE RIVER, NEBR.

Mr. NORRIS. I desire to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. On the 11th of September I reported from the Committee on Public Lands Senate joint resolution 180, to determine the rights of the State of Nebraska or its citizens to commence an action against the Secretary of the Interior in relation to the beneficial use of certain waters stored by the Reclamation Service. The joint resolution was reported by me and is now on the calendar, but the report (S. Rept. 787) accompanying it has as yet not been printed.

The PRESIDING OFFICER. As the Chair understands, the joint resolution is now on the calendar, and has not passed the Senate.

Mr. NORRIS. The joint resolution has not been passed. I reported it just as other bills and joint resolutions are reported.

The PRESIDING OFFICER. The Chair will inform the Senator from Nebraska that the joint resolution has not yet been passed.

Mr. NORRIS. Mr. President, the joint resolution has nothing to do with the printing of the report.

The PRESIDING OFFICER. Does the Senator from Nebraska mean that the resolution itself has not been printed?

Mr. NORRIS. The report accompanying the joint resolution has not been printed. The joint resolution was placed on the calendar on September 11.

The PRESIDING OFFICER. The Chair will ask the Secretary to investigate the matter, and the request of the Senator from Nebraska to have the report printed will be complied with.

THE COTTON SITUATION.

Mr. LEA of Tennessee. I ask unanimous consent to have printed in the RECORD a letter from S. M. Neely, of Memphis, Tenn., in regard to the cotton situation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The letter referred to is as follows:

MEMPHIS, TENN., *September 4, 1914.*

Hon. LUKE LEA, *Washington, D. C.*

MY DEAR SENATOR: I am sure that you will appreciate the spirit which prompts this letter as well as my taking the liberty of advancing a suggestion or two regarding the efforts of our Government to aid the cotton situation in the South. I am not acquainted with Mr. McAdoo or Mr. Williams, and make these suggestions to you with the idea of you using them if, in your judgment, they are of sufficient merit to warrant consideration. I am sure that you will appreciate that the conditions in this section are without a parallel, in that there could be no speculation as to the ultimate results, for we have no precedent to guide us.

Permit me to say preliminarily that I am the president of a local savings bank which does not handle cotton paper nor does it make ad-

vancements on this commodity. I am also a large producer of cotton and am looking at the situation in this section largely from the viewpoint of a grower of cotton.

You will understand that the financial modus operandi of cultivating and marketing cotton is through a system of advancements made by a factor or merchant along these lines:

The farmer borrows from the factor a certain sum of money before the planting season opens. He receives an agreement to advance so much in money or supplies as is needed until the crop is marketed. This is the system used throughout the South, except in a very few instances where the farmer has independent resources and is able to borrow directly from the bank or from other financial institutions.

Now, the factor's capital is limited in every instance, in that he advances every year far in excess of his own capital and therefore borrows heavily from the banks, usually at a low rate of interest, and then relends the money to the farmer, often at an increased rate, but the chief consideration being the right to actually sell the farmer's cotton for a profitable commission. The factor's interest in the farmer's production is wrapped up in the cotton and nothing else, in so far as the crop itself is concerned.

You will understand that the cotton crop is raised on credit and is supposed to be sold for cash. The cotton is sold usually at the will of the factor when marketed, and always where there is any doubt in the mind of the factor that the price of the particular cotton carries only a small margin between what is owing to him and what the cotton will bring on the market.

You will please bear in mind that the factor's obligations to the banks mature in the fall of the year and invariably before the first of the year. The amount of money and supplies advanced by the factor to the farmer varies with crop conditions and the price of cotton throughout the late spring and early summer months. A fair average per bale under conditions existing prior to August 1 can conservatively be placed at from 5 to 6 cents per pound, or $25 or $30 per bale. The factor's interest is eliminated when this price is secured. These figures do not include the rent paid by the farmer, and at least 80 per cent of our farmers are tenants. It will be seen that there will of necessity be an immense amount of cotton on hand in the beginning of the season, and if forced to be sold at once the price will naturally fall much below the cost of production and the producer will be the ultimate loser, as his land, if the owner, or his stock and implements, if a tenant, are mortgaged to the factor as well as his crop.

Now, in order to secure money on the cotton after it is warehoused, the farmer must borrow from the factor, who, in turn, borrows from the banker. Will the factor borrow if he is protected? Will not his inclination be to take the cotton and get his money, or most of it, and look to the other security for the balance due to him? Will he, in a spirit of philanthropy, carry the cotton for the farmer practically at his own risk and cost and give the farmer the benefit should the price of cotton advance beyond an amount sufficient to pay off the factor? It will be borne in mind that every dollar advanced to the farmer is secured in one way or another and by no means does the factor rely on the crop to get a return of his money.

There is still another angle to the plan tendered by the Government in lending financial assistance in handling this crop, and it is just this:

The banker is not going to exercise much speed in lending money secured from the Government on cotton alone, and certainly will lend very sparingly of his own reserve or hoarded funds, for, contrary to the general idea, the southern banker is endowed with a degree of imagination, especially under conditions as they now exist. He will figure—and is now figuring out in his mind and by his own methods, as the writer personally knows—the problem of getting his money back in time to repay what he has borrowed. In the event the cotton is still on hand when the bank paper matures, he is asking himself where will he get the money, for cotton is not money where it can not be sold, or at least, is still in the warehouse. Generally speaking, many of our bankers have no intention of lending money on warehouse receipts, except where it is morally certain that the loans will be met before the bank's own paper matures out of resources of the borrower, independent of whether the cotton secured by the receipt is sold or not.

The banker's first allegiance is to his bank, and a most natural one, and under present distressing conditions it can be assumed with certainty that he will not encroach upon the funds of his bank to pay his obligations if it can possibly be avoided, in the event there is no market for his cotton or an insufficient price offered for it.

Please permit me to impress upon your mind the fact that the banker is going to insist upon liquid securities in addition to cotton before he will undertake to advance the Government money on warehouse receipts. This, of course, is largely a matter of opinion, as the writer is not acquainted with all the bankers of the South, but he is satisfied that the majority of the bankers are going to handle the Government money in the manner I have indicated.

In a nutshell, the plan to aid in financing the cotton crop appeals to the banker and in a way to the factor, but certainly gives no relief to the producer, except indirectly, and even then with a decided element of uncertainty. It puts the producer entirely at the mercy of the factor, provided the banker will lend the factor, which he will do only where he can be shown that his money will be forthcoming when it is due, independent of whether the cotton is sold or not.

The writer realizes that it is a most difficult problem for the Government to advance money directly to the farmer, and perhaps not an easy matter to lend to the factor on warehouse receipts, but certainly some other plan should be devised to force the banker to lend the money he secures from the Government on warehouse receipts alone (considering also the moral risk), and not permit him to demand other security. If the banker is permitted to demand additional security, the vast majority of applicants for loans will be eliminated from the beginning and the very purpose of the Government will fail.

The writer is aware that the banker and the factor have presented the situation to our Treasury Department, but from this distance it looks that the producer—that is, the farmer—has been ignored, and he is the one of all others that needs the protecting arm of the Government.

This letter is written because many producers have complained to me and have requested that I should write such a letter to our Representatives, setting forth the producer's viewpoint of the situation. I do not know whether these suggestions will be of any value, but I submit them to you for what they are worth, with the hope that the Government, through you and other Representatives of the South, will look at this problem a little closer.

Yours, very truly,

S. M. NEELY.

## NATIONAL STAR-SPANGLED BANNER CENTENNIAL.

Mr. LEE of Maryland. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered on the 14th instant in Frederick, Md., by a Member of this body, the junior Senator from Nevada [Mr. PITTMAN]. The address is full of interest, because it gives historical details, the situation, and the environment of the author of the Star-Spangled Banner. It was delivered by the Senator from Nevada, a kinsman of Key, before a very large audience of the people of that county, in the county where the author was born and at the place where he was buried—Frederick County, which is one of the most beautiful and one of the richest agricultural counties in the United States—and the environment of that locality must have been an inspiration to the Senator from Nevada in the delivery of his interesting address. I only regret that the duty of being present here to assist in maintaining a quorum of this body deprived me of the privilege of hearing the speech.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent that the address indicated by him be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The address referred to is as follows:

### FRANCIS SCOTT KEY.

[An address delivered at Frederick, Md., September 14, 1914, by Hon. KEY PITTMAN, United States Senator from Nevada, at the celebration of the one hundredth anniversary of the writing of The Star-Spangled Banner by Francis Scott Key.]

"Mr. Chairman, citizens of Frederick, and fellow countrymen: We enjoy a peculiar privilege in being present at the grave of the great American whose sympathetic soul, 100 years ago to-day, caught the patriotic vibrations of all our people and translated them into living expression. It is most fitting that the celebration of the one hundredth anniversary of the writing of our national anthem should be held here at the birthplace and the tomb of the immortal author. It is a great honor to you of Frederick, and you do great honor to the memory of the dead by these most patriotic and beautiful ceremonies. If it be granted to the dead to hear the pure, sweet voices of these thousands of children, singing the great song his genius gave birth to, what pride and happiness will be his. You to whom the credit is given for this beautiful monument to Key are entitled to the grateful commendation of all our people.

"The writing of the Star-Spangled Banner was due to a combination of events and conditions that rarely coincide in the history of nations. Incentives to great deeds frequently arise, but it is of rare occurrence that one qualified to receive and act upon such incentives is subjected to those influences.

"Francis Scott Key's life was most ideal from the very day of his birth here in Frederick County on August 9, 1780, until his death at Baltimore, Md., on the 11th day of January, 1843. His father, John Ross Key, was a man of education and culture, possessed of independent means, and prominent in the affairs of his State. His mother, Ann Charlton, was a brilliant and charming woman, a sister of the colonial governor of Maryland. All of Key's ancestors were patriotic Marylanders and descended from Philip Key, who came from England in 1726 and settled on the banks of the Potomac. The boyhood days of Key were spent in these beautiful mountains and valleys, in an atmosphere of patriotism and culture. After his preliminary education had been obtained he went to live with his relatives at Annapolis, then especially the seat of learning and refinement. There he entered and was graduated from St. John's College. Soon after leaving college he studied law under Jeremiah Townley Chase, at that time one of the judges of the General Court of Maryland. Upon being admitted to the bar he commenced the practice of his profession here in Frederick. His abilities soon demanded a wider field and he removed to the city of Washington, where he rapidly forged to the front of his profession. He early acquired a large practice before the Supreme Court of the United States, enjoying the privilege of being associated with such eminent lawyers as Calhoun, Webster, Clay, Choate, William Pinckney, Luther Martin, and William Wirt. In 1833 President Andrew Jackson appointed him United States district attorney for the District of Columbia, in which office he served with marked distinction for three successive terms. He was an intimate friend of President Jackson and was intrusted by the President with many diplomatic missions, notably among which was the negotiation and settlement of the Alabama dispute.

"On the 24th day of August, 1814, Key, who was then in the city of Washington, was compelled to witness the destruction of the Capitol by British soldiers from Admiral Cockburn's fleet, then lying in the Potomac River, and to be the helpless observer of the outrages perpetrated upon a defenseless people. During this disorder Dr. Beane, a prominent citizen of Upper

Marlboro, Md., was arrested on fictitious charges and carried a prisoner to the British fleet. Dr. Beane's friends realized that only prompt and powerful efforts would avail to save his life. The President intrusted Key with the mission to go to the British fleet and intercede for the prisoner. On the 3d day of September, aboard the American ship *Minden*, Key reached the British fleet on Chesapeake Bay at the mouth of the Potomac River. The personality of Key and his wonderful powers of persuasion finally won the consent of Admiral Cockburn to the release of Dr. Beane. The British fleet at this time had arrived off Fort McHenry, just below Baltimore. The British admiral announced his intention of attacking the fort and of entering the city. Key and Dr. Beane were then transferred to the *Minden* under guard of 3ritish soldiers and the bombardment of Fort McHenry commenced. From early morning of the 13th the British ships, lying out of reach of the smaller guns of the fort, hurled shells against the breastworks of Fort McHenry. As night came on the vessels drew nearer to the fort and the fight continued to grow fiercer. It appeared that the British were attempting to make a landing under cover of their guns and carry the breastworks by assault. Just before daylight the firing ceased. Key, pacing the deck of the *Minden*, where he had remained throughout the whole long night, was tormented with uncertainty and with fear lest the gallant fort had been carried and Baltimore was at the mercy of the devastating foe. He had seen the destruction of Washington; he knew the merciless character of the enemy, and his mind pictured such scenes in Baltimore as he had witnessed in Washington. It might mean more than the destruction of Baltimore. It might mean the end of resistance, the subjugation of America, and the loss of that liberty that had cost the lives of so many patriots.

"Can you not picture that scene? Do you not see that sympathetic, sensitive, patriotic man, standing in the black silence of that night, suffering the tortures that none can suffer but a patriot, waiting the interminable time for the light of day to end this agonizing suspense?

"Gradually the dawn came. He could see the fort, but there was not sufficient light to see the flag, and his heart sank and his imagination called up the horrors he had suffered during the long night. Then the bright light of day swept across the horizon and he saw on the ramparts of the fort, still waving defiantly, the beloved flag of his country. In that moment the inspiration came, and without premeditation he dashed down on the back of an old envelope with a lead pencil the Star-Spangled Banner, the national anthem of America.

"Francis Scott Key by birth, environment, education, and nature was the ideal instrument to receive the inspiration and give voice to it on behalf of a nation. Born in your beautiful county of Frederick; reared by refined and patriotic parents amid scenes and associations that fostered the highest development of body, mind, and soul; educated at St. John's College, Annapolis, the seat of learning, culture, and nationalism; preeminent at the Nation's bar; holding the intimate confidence of the President of the United States, and associated with the administration in the development of the ideals and policies of our Government, he seemed prepared by Providence for his task. Of strong intellect, mature education, and literary training, possessed of a burning patriotism and of a sympathetic and sensitive nature, as he stood on the deck of his prison ship, surrounded by a foreign foe, on that fateful night 100 years ago, racked with uncertainty, oppressed with awful fear that the liberty and happiness his people had so dearly won was about to be destroyed, the glorious sight of the Star-Spangled Banner waving victoriously in the morning light opened his soul and quickened his mind to receive and give expression to the patriotic thoughts of a nation.

"But let me give you a description of the events and emotions that impelled the writing of our national anthem in the eloquent words of that great author. It is like a voice from yonder tomb. It reminds us that, though his body be dead, he shall live on forever in the hearts and memory of his fellow countrymen. At a banquet held in this very city and in sight of his last resting place he described the writing of the Star-Spangled Banner in the following incomparable language:

"You have recalled to my recollection the circumstances under which I was impelled to this effort. I had seen the flag of my country waving over a city, the strength and pride of my native State, a city devoted to plunder and desolation by its assailants. I witnessed the preparation for its assault and saw the array of its enemies as they advanced to the attack. I heard the sound of battle. The noise of the conflict fell upon my listening ear and told me that 'the brave' and 'the free' had met the invaders. Then did I remember that Maryland had called her sons to the defense of that flag, and that they were the sons of sires who had left their crimson footprints on the snows of the North and poured out the blood of their patriots like water on the sands of the South. Then did I remember that there were gathered around that banner among its defenders men who had heard and answered the call of their country, from whose mountainsides, from this beautiful valley and this fair city of my native country, and though I walked on a deck surrounded by a hostile fleet, detained as a prisoner, yet was my step firm and my heart strong as those recollections came upon me. Through the clouds of war the stars of that banner still shone in view, and I saw the discomfited hosts of its assailants driven back in ignominy to their ships. Then in that hour of deliverance and joyful triumph the heart spoke. 'And does not such a country and such defenders of their country deserve a song?' was its question. With it came an inspiration not to be resisted, and if it had been a hanging to make a song, I must have made it. Let the praise, then, if any be due, be given not to me but the inspirers of the song.

"Under an inspiration that seems to be granted to but one of a people he received and gave to us our national anthem—not a poem or song only, but our national anthem. Our Nation has been honored by many poets, and our literature is rich in verse of beauty and strength, but there was only one Key, and there will never be but one American national anthem. Parties may rise and fall, creeds may flourish and decay, laws may be repealed and constitutions set aside, but the national anthem will live on unchanged forever.

"Every country and every people has its national anthem. Even the uncivilized Indian tribes, ignorant of the arts of letters and limited in power of expression, chanted their tribal anthems in victory and in torture.

"What distinguishes a national anthem from other beautiful or patriotic songs? What does it mean to a people? My imagination sometimes seems to feel the meaning, but my poor powers of expression stagger for a definition. It may be our symbol of patriotism; it may be the expression of our desires, our hopes, our pride, or love with regard to our country. I can not analyze the cause, but we all know the effect. We all know that when we hear the inspiring strains of the Star-Spangled Banner our hearts swell with love and pride, our minds quicken, our nerves tingle with exhilaration, our enthusiasm is unrestrained, and we are possessed of a patriotism that knows no fear of suffering or death. It is the call of patriotism; it is the voice of our heroes whose great deeds in peace and in war challenge our emulation and sustain us in the face of adversity and death; it is the creed of our Nation that holds us to our duty. It has nerved the timid youth to wrench the fallen flag from the grasp of the dying veteran and lead a fleeing army back to the charge over the fields covered with dead and dying, through the smoke of battle, in a hail of shot and shell, without fear or pause, until defeat was turned into victory and over the field proudly waved the emblem of the free and the brave.

"Whilst the national anthem sustains us in battle, it is not alone a battle song or a symbol of war. When used in war, it is but the expression of the determination of our people to maintain our Government and to protect our citizens and our national honor. We are not a warlike people. We fear and oppose militarism. The destruction and suffering and death incident to war do not appeal with any pleasure to our imagination, but, on the contrary, cause us the deepest grief. We believe that war is a relic of barbarism and only occurs through the ignorance, selfishness, or the inhumanity of man. We believe that disputes between nations can and should be settled as are disputes between individuals. The trial by battle is a crude, cruel, and expensive method for the adjustment of national rights, and, unfortunately, is not always decided in favor of the just cause. Until such time as the civilized nations of the world are ready to cooperate with us unequivocally in the peaceable settlement of disputes and protection of national rights, we must be prepared with force of arms to protect our rights and our national honor.

"In these times of our Nation's peace the Star-Spangled Banner strikes just as responsive a chord. It does not now express any warlike attitude; it expresses our confidence and our pride in our Nation. Now its strains are the voice of our people in happy acclaim that we are at peace with the world. Yes, fellow countrymen, we are even more proud of our country for its accomplishments in peace than in war. But a few months ago our sister country to the south was involved in internal war, and most complex and delicate situations arose, which gravely threatened to involve this country in a long and bloody war. The statesmanship and humanity of our country won a great victory. Peace was established in Mexico; American citizens were protected; good feeling toward the United States was created throughout South America; the confidence of the world in our good intentions toward all mankind established; and a war that would have stopped the wheels of progress, burdened our people, and taken toll of life from many a now happy family was with honor averted. And now the Star-

Spangled Banner is the embodiment of our people's just pride in this last great act of a great Nation.

"Our mission of peace and civilization is not at an end. No; the great power of the Nation throughout the world for peace and prosperity has just commenced to be realized and appreciated. All the great powers of Europe are rent with a devastating and death-dealing war. It is impossible for me to picture those horrors. Even the meager accounts in the press and the indirect effect on our people most vividly portrays to our imagination the indescribable suffering. Yet, in the midst of all this chaos, devastation, and murder, the American flag has protected the American citizen. Yet; it has protected not only the American citizen, but it has protected the noncombatant citizens and subjects of even the belligerent nations. All of the belligerents have naturally turned to the United States as the great peace power of the world to protect their citizens in the countries with which they are at war, and over every foreign embassy of the country of its foe waves the protecting folds of the Star-Spangled Banner. In London, where the mobilizing army was being reviewed, after the English band had played God Save the King, it struck up the Star-Spangled Banner, amid the mighty applause of a friendly people. Nor were the Germans less appreciative, for the mad enthusiasm aroused by Die Wacht am Rhein had hardly waned when there was wafted through the streets of Berlin the inspiring strains of the Star-Spangled Banner. In Paris the Marseillaise and the Star-Spangled Banner were heard everywhere, and our national anthem seemed to reach the heart of every Frenchman.

"When peace comes—and peace must come—it will be the mission of our great country to assuage the anger of the victor, lend sympathy to the distressed, and give our statesmanship to the reestablishment of civilization and prosperity.

"And yet our Nation is only 138 years old. In that short time we have built the most powerful and prosperous country on earth; we have made a haven for the downtrodden of every land; we have earned the respect of every people; we have proved that the people can be trusted to govern; and, above and beyond all that, we have everlastingly established that this country is and always shall be 'the land of the free and the home of the brave.'

"These are the things that cherish our love of country, and of such things our national anthem speaks in a universal language. Let us cherish that glorious anthem. Let us teach it to our children, with all of its meaning and all the beautiful sentiment that surrounds it. Let it be heard throughout the world, until every people shall know it and understand the great message it carries, of the 'land of the free and the home of the brave.'"

### SALT LAKE AND OGDEN GATEWAYS.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution submitted by the Senator from Colorado [Mr. THOMAS], coming over from a previous day, which will be stated.

The SECRETARY. A resolution (S. Res. 446) directing the Interstate Commerce Commission to inquire into the alleged closing of the Salt Lake and Ogden gateways on the Denver & Rio Grande Railway and other Gould lines.

Mr. SHAFROTH. Mr. President, my colleague is not on the floor at this time, and I suggest that the resolution be passed over for a few moments.

The PRESIDING OFFICER. The resolution will go over without prejudice, if there be no objection. The Chair hears none. Morning business is closed.

Mr. THOMAS subsequently said: Mr. President, I am informed by my colleague [Mr. SHAFROTH] that during my absence from the Chamber the resolution which I submitted concerning the recent order of the Union Pacific Railroad was laid before the Senate. I ask to have the resolution go over without prejudice.

The PRESIDING OFFICER. The Chair will inform the Senator from Colorado that the resolution has gone over without prejudice.

### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on September 15, 1914, approved and signed the following acts and joint resolutions:

S. 1171. An act for the relief of Samuel Henson;

S. 1270. An act for the relief of Edward William Bailey;

S. 1369. An act for the relief of the Snare & Triest Co.;

S. 4182. An act to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor; and

S. J. Res. 121. Joint resolution authorizing the Secretary of War to furnish one United States garrison flag to William B. Cushing Camp, No. 30, Sons of Veterans.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 13219) to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia, in which it requested the concurrence of the Senate.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Presiding Officer:

S. 725. An act to correct the military record of Aaron S. Wimer;

S. 754. An act for the relief of Jacob M. Cooper;

S. 1063. An act for the relief of Philip Cook; and

S. 2472. An act for the relief of Herman von Werthern.

### EXPENSES OF SENATORIAL CANDIDATES.

Mr. NORRIS. I submit a resolution, and ask that it may be referred to the Committee on Privileges and Elections.

The PRESIDING OFFICER. The resolution will be read.

The Secretary proceeded to read the resolution.

Mr. NORRIS. I am not asking for the present consideration of the resolution. The title is on the back.

Mr. KENYON. I should like to have it read.

Mr. NORRIS. I have no objection.

The PRESIDING OFFICER. The Secretary will read the resolution.

The resolution (S. Res. 455) was read, as follows:

*Resolved*, That the Committee on Privileges and Elections of the Senate be, and hereby is, authorized, empowered, and directed to make an investigation for the purpose of ascertaining the expenditure of money made by candidates and other persons, committees, organizations, corporations, and associations in the nomination of candidates for the United States Senate at the primary elections recently held in the States of Pennsylvania and Illinois. Said committee shall endeavor to ascertain by such investigation the total amount of money expended in behalf of the various candidates for nomination for the office of United States Senator in said primaries and the method by which the money was collected and expended. In addition to the money spent by the various candidates in said primary elections, said committee shall ascertain the amount collected or expended, if any, by other persons, committees, corporations, or organizations, specifically determining how such money was collected and how the same was expended, and whether any persons, corporations, committees, or organizations collected or expended money without making any report of the same to the proper legal authorities, and whether such collection of money and the expenditure thereof, if made, was illegal and contrary to the laws of the State wherein the same was made or of the laws of the United States.

Said committee shall also ascertain whether the collection or expenditure of money if made by any person, committee, corporation, or organization was made with the knowledge, consent, or connivance, either directly or indirectly, of the candidate for whom the same was collected or expended.

Said committee shall report its findings, together with the evidence taken and its recommendations thereon, to the Senate, specifically stating in its report whether, in the judgment of said committee, the collection or expenditure of any of such funds was illegal, and whether in the judgment of the committee the nomination of any of said candidates in whose behalf such money, if any, has been collected or expended is legal, and whether such candidates, if elected to the Senate, should be admitted therein.

If the committee finds that money has been collected or expended by any persons, committees, corporations, or organizations, and that there is no existing law that requires such persons, committees, corporations, or organizations to make report of the collection and expenditure of such funds, then it shall recommend to the Senate what legislation is necessary for the correction of such evils.

The committee is further directed to make the same investigation and recommendations in regard to the collection and the expenditure of funds in behalf of the election of the candidates who were nominated at said primaries as are herein directed to be made regarding the collection and expenditure of money for the purpose of nominating candidates for the United States Senate in said primaries.

Said committee is hereby authorized to act through any subcommittee or subcommittee of its members duly appointed by the chairman of said committee, and said committee or any subcommittee appointed to act in its behalf is hereby authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress; to hold sessions at such place or places as shall be deemed most convenient for the purposes of this investigation; to employ stenographers, counsel, accountants, and such other assistants as said committee or any subcommittee thereof may deem necessary; to send for persons, books, records, and papers; to administer oaths; and to provide for the printing of the testimony taken.

The expenses of the investigation shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of said committee.

Said committee is hereby further directed to report its findings and recommendations, including the testimony taken by it, to the Senate as soon as practicable after the general election to be held November 3, 1914.

Mr. LEWIS. Mr. President, a parliamentary inquiry, and one for information.

The PRESIDING OFFICER. The Senator from Illinois will state the parliamentary inquiry.

Mr. LEWIS. I should like to ask the Senator from Nebraska, for information, as to where is the law or what is the law which authorizes the Senate to enter upon the investigation of a mere candidate until, previously, the certificate of such person is presented here for reception or rejection? Does the Senator have such a law in mind?

Mr. NORRIS. I take it the Senate can make any investigation it deems proper in regard to the election or the nomination of any person to the Senate. The primary election laws are provided for by the State and are also recognized by the statutes of the United States.

Mr. GALLINGER. Mr. President, this resolution, I assume, will go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. NORRIS. I have asked that it be referred to the Committee on Privileges and Elections.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Privileges and Elections.

Mr. STONE subsequently said: Mr. President, I wish to say, if I may, that when the resolution presented by the Senator from Nebraska [Mr. NORRIS] to make some investigation with reference to the nomination and candidacy of Mr. Sullivan, of Illinois, for the Senate was presented my attention was taken up for the moment in examining some papers at my desk, and I heard only the latter part of the resolution, which has been referred to the Committee on Privileges and Elections. I sought the floor before any other business intervened, but the Chair very properly recognized the Senator from Washington [Mr. JONES], who had already addressed the Chair, and he brought up another matter. I wish to say in all fairness to Mr. Sullivan——

Mr. CHAMBERLAIN (to Mr. STONE). Pennsylvania is also included in the resolution.

Mr. STONE. The Senator from Oregon tells me that it also concerns some nominations in Pennsylvania. As I said, I did not hear the preamble to the resolution.

I want to say that it seems to me this is not an opportune time nor is it a very fair thing to do, in my opinion, to offer a resolution of this character at this time. Even though it has been referred to a standing committee of the Senate, and even though that committee may not have an opportunity—and it certainly will not have before the election in November—to make any investigation into the matters covered by the resolution, nevertheless it will be pending before one of the standing committees of the Senate and will be the subject of public comment in the press and otherwise. It certainly is an unusual and, I think, unprecedented performance.

But, Mr. President, it may be that I am mistaken about the resolution having a personal reference to any particular candidate. If it does not, then I have nothing to say. I was under the impression that it did refer to Mr. Sullivan and Mr. PENROSE, but if that is not true, and it is general in its character, then I have nothing to say.

Mr. NORRIS. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. STONE. I do.

Mr. NORRIS. As I introduced the resolution, I should like to say that I have no desire to be unfair to anyone. There is no person's name mentioned in the resolution. It is perfectly general, and while I do not know whether it is contrary to the precedents of the Senate, it seems to me to be perfectly proper if the Senate sees fit to investigate primaries at which nominations are made which are recognized by the Federal statutes and by the laws of both the States in which primaries were held. This resolution refers to the primaries and the candidates without mentioning anyone's name, and on its face it does not have any more reference to one candidate than another. It has no reference to any person or individual. It was my idea if the committee reported favorably on the resolution, and it was adopted, the committee would proceed at once to investigate the primaries, and as to the investigation and the publicity of it, if it developed that nothing wrong was done, it certainly would hurt no candidate.

Mr. STONE. Since the matter is in the form stated by the Senator and is general in its character I do not care to proceed in my remarks.

Mr. VARDAMAN. Mr. President——

Mr. STONE. I do not wish to precipitate an unnecessary debate.

Mr. SIMMONS. I desire to make a suggestion to the Senator.

Mr. VARDAMAN. The Chair recognized me.

The PRESIDING OFFICER. The Senator from Mississippi first addressed the Chair. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. STONE. I do.

Mr. VARDAMAN. I confess to a probable dereliction of duty. I do not want to delay the discussion of this matter, but I should like to have the resolution read. There are other Senators here who want to know its contents. If the Senator will permit it to be read, we would like to hear it.

The PRESIDING OFFICER. The Chair will state to the Senator from Mississippi that the resolution is not before the Senate. It has been referred to the Committee on Privileges and Elections.

Mr. STONE. Yes; it has been referred.

The PRESIDING OFFICER. It has been read once and referred to the committee, and is now pending before the Committee on Privileges and Elections.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. The Chair will state for the information of Senators that there is nothing before the Senate.

Mr. STONE. There is nothing before the Senate?

The PRESIDING OFFICER. Absolutely nothing.

Mr. VARDAMAN. I call for the regular order.

The PRESIDING OFFICER. Debate on the resolution is out of order.

### DRENZY A. JONES AND JOHN G. HOPPER.

Mr. JONES. On behalf of the junior Senator from California [Mr. WORKS] I ask for the present consideration of the bill (H. R. 2703) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary. It is a House bill, a claims bill; it passed the House, and was favorably reported by the Senator from Florida [Mr. BRYAN] from the Committee on Claims.

Mr. NELSON. Let the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That there be paid to Drenzy A. Jones and John G. Hopper, joint contractors, out of any money in the Treasury not otherwise appropriated, the sum of $2,649.48, for the survey and resurveys of the Yosemite Park boundary under contract 184, California, the boundaries of the park having been changed, rendering the survey unnecessary, which sum shall be accepted by said persons as full settlement of all claims against the United States growing out of said contract or surveys or on account of the arrest of said persons or either of them by any officials of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BURTON. I do not object, but I think the bill ought to be explained.

Mr. JONES. I have the report of the committee here, showing that these people had a contract with the Government to resurvey the boundary line of the Yosemite National Park. They did the work, but there was some controversy with reference to adjusting the matter, and finally it was found that, through the action of the Federal Government, the line as surveyed would be of no practical benefit. However, they did the work before this was ascertained.

Mr. BURTON. Who engaged them to do the work?

Mr. JONES. The Government. It was a regular Government contract that they entered into.

Mr. BURTON. The Interior Department?

Mr. JONES. Yes; the Interior Department. The bill was carefully examined by the House committee and favorably reported by it. It passed the House and was referred to the Senate Committee on Claims, and it was favorably reported by the Senator from Florida [Mr. BRYAN]. There is a quotation in the report from the department. The department states that—

> In view of the fact that the survey would now be of little, if any, value to the Government because of the change in boundary by act of Congress, the department will not oppose payment of the said sum of $2,649.37 on the contract, notwithstanding the unsatisfactory condition of the survey.

The people did the work, which was rendered unsatisfactory by an act of Congress, and it is nothing but fair and just that these men who did the work and rendered the service should get their pay, even though Congress nullified the benefits coming from the work. The Committee on Claims therefore recommended the payment of $2,649.48.

Mr. BURTON. In the first place, why could not the Interior Department pay this bill for services rendered without action by Congress if the work was actually done?

Mr. JONES. I have not examined it, but I think the contract was made in 1902, and the money has lapsed back into the Treasury, and the department has no fund on hand from which to pay it.

Mr. BURTON. Was there a specific appropriation made for this survey or was it a part of the general fund?

Mr. JONES. It was under the general fund for surveys.

Mr. BURTON. Why has it lapsed back into the Treasury?

Mr. JONES. Under our law.

Mr. BURTON. Under the two-year limitation?

Mr. JONES. Yes, sir.

Mr. BURTON. Was the work delayed in its performance?

Mr. JONES. There was considerable delay. They had trouble of various kinds. Officials of the Government arrested some of the surveyors, they claimed, while they were going on with their work. Some officers of the Government claimed that they did not have the right to go on with the work. There was some trouble because the soldiers interfered with them. They did not know they were actual surveyors.

I remember when I was a member of the Committee on Claims the bill was before the committee, and the matter was gone into and the committee reported favorably upon it at that time. We found that there were different controversies, and the contractors were not at all responsible that they were delayed; that the soldiers in the park did not know that they were surveyors and disputed their right; that they did not know they were acting under a contract and interfered with them and arrested them. They acted very arbitrarily in the matter, but it was found afterwards that they were wrong.

Mr. BURTON. I do not know of any reason why they should not be paid; but it seems to me it shows a singular carelessness on the part of Government officials that the survey should be ordered, the lines run, and the survey made before knowing just what was wanted.

Mr. JONES. The carelessness was really on the part of Congress. Congress passed a law under which they changed the boundary there in some way which actually nullified the survey. But this was a contract which the Government had entered into.

Mr. BURTON. Was it an enlargement of the boundaries of the park?

Mr. JONES. I think so, although I do not know the details. I think that was the case.

Mr. WALSH. Mr. President, I have not been able to understand by anything said by the Senator from Washington why if these people were employed and had a contract with the Government for doing the work, and they did the work, they should not be paid in the ordinary way. I am utterly unable to understand why a special act should be passed. If there is any controversy about it, it seems to me the most Congress ought to do is to give them an opportunity to litigate the case before the Court of Claims. I see no reason under any circumstances why this should be treated as an emergency matter at this time, and I am going to object to the consideration of the bill.

Mr. JONES. Probably the Senator from Florida [Mr. BRYAN] can explain the measure more fully. I do not know the details of it.

Mr. BRYAN. As I understand the matter, the claimants here were given a contract to do certain work, and after they had done it Congress changed the boundaries, so that the surveying that they had done became of little value. The only value of their work was the reestablishment of the lines of the public-land surveys.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Montana?

Mr. BRYAN. I will say that the department, as shown in the House report, has recommended the payment of the money. The department investigated it, and there is quite a long letter from the department in the report.

Mr. JONES. I understand that the Senate has twice passed a similar bill.

Mr. BRYAN. Yes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WALSH. I desire to inquire of the Senator from Florida what is the difference if the boundaries were changed? If they did the work according to contract, they are entitled to pay even though the boundaries were afterwards changed. That is no reason why we should pass a special act.

Mr. BRYAN. Of course they are entitled to the money. How could they get their pay unless by an act of Congress?

Mr. WALSH. They would get their pay in the ordinary way. The Treasury Department would audit their claim the same as in the case of any other survey.

Mr. BRYAN. But the Interior Department had extra work done.

Mr. WALSH. I assume if they had extra work done they must have done it under a contract. I think I shall object to the bill.

The PRESIDING OFFICER. The Senator from Montana objects to the present consideration of the bill.

### HEADQUARTERS CUSTOMS DISTRICT OF FLORIDA.

Mr. FLETCHER. I ask unanimous consent for the consideration of the bill (H. R. 6433) to relocate the headquarters of the customs district of Florida.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That hereafter the headquarters of the customs district of Florida shall be at Tampa, in said State.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BURTON. Some time ago we had a bill, I believe, establishing the headquarters of a new district at Tampa. Do I understand that this changes the headquarters from Jacksonville to Tampa? Is that the purport of the bill?

Mr. FLETCHER. That is the purport of the bill.

Mr. BURTON. The headquarters at Jacksonville will be abandoned?

Mr. FLETCHER. Yes. There is only one district now for the entire State and a part of Georgia. The headquarters are at Jacksonville, and the bill changes the headquarters to Tampa. The bill passed the House and has been favorably reported from the Committee on Finance.

Mr. BURTON. It does not in any way increase the number of the districts?

Mr. FLETCHER. It does not increase the number. Unquestionably there ought to be two districts in Florida. All the circumstances and conditions warrant that; but the bill does not make any change in the number of districts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### POSTAL SAVINGS SYSTEM.

Mr. VARDAMAN. I ask unanimous consent to call up the bill (H. R. 9318) to amend the act approved June 25, 1910, entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BURTON. What is the object of the bill?

Mr. VARDAMAN. The purpose of the bill is to repeal the law requiring a distinctive stamp for the transmission of mail pertaining to the postal savings banks. It is an unnecessary expense. The department has recommended the repeal. It involves the keeping of accounts which are not necessary, in the opinion of the department. The bill has the indorsement of the Committee on Post Offices and Post Roads.

Mr. BURTON. It has the unanimous indorsement of that committee?

Mr. VARDAMAN. Yes, sir.

Mr. BURTON. It does not change the amount that may be deposited or the rate of interest?

Mr. VARDAMAN. Not at all; it does nothing except to abolish the stamp. The other official mails are carried without a stamp. The law requires a stamp and it involves the keeping of accounts, and it is considered by the department to be wholly unnecessary.

Mr. BURTON. The object, then, was to enable them to make some computation of expenditures?

Mr. VARDAMAN. Yes; but they have found that it really does not help them in any way to ascertain these facts, and after years of experience with this system they have determined that it is useless.

Mr. BURTON. The bill has not yet been read, I understand.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend sections 2 and 13 of the act approved June 25, 1910, entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes," to read as follows:

SEC. 2. That provisions of section 3 of the act of July 5, 1884, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1885, and for other purposes," are hereby extended and made applicable to all official mail matter pertaining to the business of the postal savings system; and hereafter the board of trustees for the control, supervision, and administration of the postal savings depository system shall not be required to show in the annual report prescribed by section 1 of the act of June 25, 1910, establishing such system, the amount of work done for that system by the Post Office Department and postal service in the transportation of free mail.

SEC. 13. Postmasters, assistant postmasters, clerks, or other employees at post offices of the presidential grade, and postmasters at post offices of the fourth class, shall not be allowed or paid any additional compensation for the transaction of postal savings depository business.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. Mr. President, I ask unanimous consent that the Senate resume the consideration of the river and harbor bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON. Mr. President, at the close of the proceedings last evening we were engaged in discussing the proposition of an appropriation for the Crystal River in Florida, which is one of the worst and most indefensible items in the bill. I had referred to the opinion of the Chief of Engineers, which is found in Document No. 4, first session Sixty-third Congress, and also, I think, to some of the considerations moving the Board of Engineers. There were some interruptions at that time, so that I do not remember exactly the point at which my discussion stopped; but I will commence this morning by referring to the report of Capt. J. R. Slattery, Corps of Engineers, United States Army, with reference to this subject.

I wish to put into the RECORD a number of matters which may not be of any particular interest to those who care nothing about this bill, but, inasmuch as I have the material before me, I think it best to collate it and have it at least for future reference. On page 8 of this report Capt. Slattery sets forth the cost of the work, and says this:

It is extremely doubtful if such a channel would be of any material benefit to the town of Crystal River; but little use would be made of it if it were dredged. The commerce to be benefited by the improvement would scarcely warrant even the expenditure necessary to secure the channel considered herein, and certainly would not warrant any more extensive improvement.

Again, in his communication of February 15, appearing in the same document, commencing on page 9, he says:

There is attached hereto copy of a letter from the Board of Trade of Crystal River to Hon. S. M. SPARKMAN, presenting certain arguments in favor of further improvement of Crystal River by the United States, and calling attention to a certain rock quarry recently opened which it is estimated would produce 300 tons per day, and to certain other signs of progress.

It seems, then, that a visit was made by Capt. Slattery before this report was made by him to this stone quarry. He sets forth the result of that visit, and says:

After visiting the stone quarry the cedar mill of Joseph Dixon Crucible Co. was next visited. This appears to be a very complete and up-to-date plant, but is not in operation, and no information was obtainable as to the probable date when operations would be resumed. This mill would turn out cedar slats to be converted into pencils. The slats would be shipped to the pencil mills of the Dixon Co. in New Jersey. It does not seem likely that cedar slats would move by water out of Crystal River, no matter how much water was available.

I am reading these extracts to show the utter ridiculousness of a proposition of this character. It is strange that it can be given serious consideration.

The crate mill of Baum & Van Roy was next visited. This mill is very modern and up to date and was the only thoroughly busy place seen in the vicinity of Crystal River.

* * * * * * *

Local merchants believe they could obtain their merchandise from Tampa and ship it to Crystal River by water if deeper water were available, thus effecting some saving in freight rates.

Crystal River has a population of 800 persons. But little development has taken place in the country about it. To enable freight to be delivered to it or taken from it by water would require very much greater depths than 6 or 8 feet, and even if such greater depths were provided it is very doubtful if vessels could be persuaded to stop for such business as the town could offer. The expense of handling freight by barges to the Gulf, then transferring to passing steamers bound for Tampa, and transferring again at Tampa to smaller streams, would probably be greater than present rail rates.

Again he says:

I do not consider Crystal River worthy of further improvement by the United States even to the extent of maintaining work previously accomplished.

Mr. President, there are those in this Chamber, I assume, who will vote for this appropriation of money for Crystal River notwithstanding that statement of Capt. Slattery.

Mr. JONES. What does the Board of Engineers——

The PRESIDING OFFICER (Mr. THORNTON in the chair). Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. I do.

Mr. JONES. What does the Board of Engineers say with reference to the matter?

Mr. KENYON. I read from that on yesterday.

Mr. JONES. What the Senator has just been reading from was the report of the local officer?

Mr. KENYON. The report of the local officer; yes. I will refer back, if the Senator from Washington desires, to the report of the Board of Engineers, which will be found on pages 2 and 3.

Mr. JONES. I was merely wondering how they met that statement of the local officer.

Mr. KENYON. They do not meet it. They say:

But little development has taken place in the country adjacent, and aside from the installation of a stone-crushing plant which is turning out about 50 tons per day, most of which moves by rail, there has been no material change in conditions since the report now under review was submitted. There is still very little commerce by water and not a great deal by rail. The district officer states that he knows of no boats or barges that could be safely used in carrying rock between Crystal River and Tampa or other Gulf ports even if depths of 6, 8, or 12 feet were available.

* * * * * * *

It is the opinion of the board, after giving careful consideration to the subject, that there is not sufficient commerce at present or in prospect to justify the United States in undertaking this improvement at an estimated cost of $30,000—

Which was the original estimate—

even on the basis of cooperation proposed by the community. It therefore reports that in its opinion it is not advisable for the United States to undertake the work.

But the Chief of Engineers advised redredging to a depth of 6 feet.

Mr. JONES. Does the Chief of Engineers give any reason why he makes a different recommendation from that of the board and the local officer?

Mr. KENYON. No; I do not find any.

Mr. JONES. So that the action of the committee is contrary to the recommendation of the board and contrary to the recommendation of the local officer, but simply in accordance with the suggestion of the Chief of Engineers?

Mr. KENYON. It is in accordance with the recommendation of the Chief of Engineers. I think it is contrary to the recommendations of the board, and I am certain it is contrary to the recommendations of the local engineer.

Mr. FLETCHER. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I do.

Mr. FLETCHER. I do not mean to interrupt the Senator in his presentation of the matter.

Mr. KENYON. I am very glad to have the Senator throw any light on it.

Mr. FLETCHER. I simply desire to endeavor to correct any wrong impression that might be made upon the minds of others as we go along.

With reference to this item, the proposition to provide a channel 8 feet deep and 60 feet wide was disapproved. Even that proposition contemplated cooperation on the part of local interests to the amount of $30,000, the Government only putting up $30,000 to complete that improvement. The Chief of Engineers, however, very emphatically recommends a channel 6 feet deep and 60 feet wide, the cost to the Government being $10,000 and the locality itself furnishing $10,000.

That is the tremendous project which is involved in this item—the expenditure of $10,000 by the Government, provided local parties spend $10,000 of their own money, to produce a channel 6 feet in depth and 60 feet wide; and that is recommended by the Chief of Engineers.

Mr. BURTON. Mr. President, will the Senator from Iowa and the Senator from Florida yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I yield to the Senator from Ohio.

Mr. BURTON. I think this proposition for cooperation is rather unique. It is not for participation in the expense of the improvement for navigation, or in such improvement as the Federal Government should undertake, as clearly shown on page 2 of this river and harbor document in the report of the Chief of Engineers. I shall have to read the whole paragraph in order to make this clear:

I concur in the opinion of the board as to the 8-foot project, but I am of the opinion that the present adopted project is worthy of continuance and extension so as to provide for a thorough redredging to 6 feet depth and 60 feet width from the Gulf to the town of Crystal River and to provide for an anchorage and turning basin opposite the town, at a total cost of $10,000, in the manner covered by the report of the district engineer officer dated February 15, 1913, provided that the town of Crystal River or other local parties interested shall expend an equal amount in public wharf and other public terminal developments opposite the proposed turning basin.

So it is for a public wharf and terminal developments, and not for the improvement of navigation at all. That class of

improvements is naturally left to the community in any event. So, stripped of this feature, it is just like any other appropriation. The public cooperation is merely to give the assurance that they will do what private enterprise is expected to do in the ordinary case.

Mr. FLETCHER. There is nothing unusual in that. I believe the Senator will admit there is nothing unusual in that. That is precisely in line with the precedents and the policies which have been approved by the engineers, that these terminal developments must be made in order to insure the use of the waterway when it is improved. The basin is a part of the waterway, and the terminal development takes place on the basin at the docks in addition to the docks.

Mr. BURTON. I concede that it is well when any river or harbor improvement is made by the Federal Government to have the assurance that the localities interested will take advantage of it by the construction of wharves. Another important phase of this question is the obtaining of assurance that these docks and wharves will be under no monopolistic control; that they will be open to the public generally; but it is almost beyond belief that any improvement should be made by the Federal Government in the way of dredging a channel or deepening a waterway where the community will not take advantage of it. Here it seems to be found necessary to get this assurance. The making of the improvement is doubtful, and they make a condition that wharves shall be built—wharves which private enterprise naturally would have furnished already and naturally would furnish in any event.

What I object to especially is to maintain that this is participation in the sense in which the term is properly used. It is not participation in the cost of the improvement at all. All the engineers seem to have been very doubtful whether the improvement would do any good, and this rather unusual provision is put on that they shall construct wharves, a thing which almost every community either has done already or is sure to do, without attaching a condition to that effect.

Mr. BRYAN. Mr. President——

Mr. KENYON. I yield to the Senator from Florida.

Mr. BRYAN. I wish to refer the Senator from Ohio to the report of the district engineer.

Mr. BURTON. I read from the report of the Chief of Engineers, on page 2.

Mr. BRYAN. The Senator says it is something unusual to require of a community that municipal docks or public docks shall be provided. On the contrary, I think that is the uniform custom of the department at this time. I do not believe they leave it open to the voluntary action of people as to whether they will construct a municipal dock.

Mr. BURTON. I do not think the Senator from Florida quite understood me. The substance of what I said was that it was unusual that this should have to be required and also termed a form of participation.

Mr. BRYAN. I am saying that it is not at all unusual. It is being done now. They required of my own town an expenditure of a million and a half dollars, which is now being made. They required of another city an expenditure of half a million dollars. They required of Tampa an expenditure of a considerable amount of money and the building up of wharves and docks. I think it is a proper requirement, and I understood the Senator from Ohio to say that, also. The reason for making this requirement of Crystal River is that, according to the report of the engineer, the only two docks there are docks owned by the two railroads that go there, so that they are private docks; and I suppose the Chief of Engineers was of the opinion that there ought to be a requirement for a public dock.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. I do.

Mr. JONES. What I want to ask of the Senator from Florida is this: What basis is there for the Chief of Engineers to recommend any appropriation, in view of the statement of the Board of Engineers that they do not think any appropriation should be made, even if cooperation were to be proposed, as I remember what was read by the Senator from Iowa?

Mr. BRYAN. Let me read to the Senator from Washington from the report of 1910 of Capt. Spalding, in which he says that the commerce in 1899 was something over half a million dollars, and it was then estimated that a 6-foot channel would increase the value of the commerce to the amount of a million and three-quarters a year. In paragraph 4 he proceeds to state that in 1906 the commerce was valued at $429,000, and in 1908 it was valued at a million and a quarter dollars. Since that time, in 1909, it was valued at $870,000. The report made by the committee shows that for the year for which it was made it was over a quarter of a million dollars, which seems strange in view of the fact that some of the reports claim there is no commerce. It seems strange in view of the statement by the Chief of Engineers, overruling the district engineer and the Board of Engineers, who reported unfavorably even for the maintenance of the 6-foot channel 60 feet wide. He did that on July 21; and yet the Senator from Ohio has read from a report submitted by him to the Secretary of War, dated August 11, that there is no commerce.

It appears in the report that there is a rock quarry which ships 300 tons a day. The pencil people, the Joseph Dixon Crucible Co., have had and, I think, still have a cedar plant there with sawmills. According to this report, about 300 tons of rock—for road purposes, I rather suspect—could go out of that channel. The Chief of Engineers does say in his report to the War Department that there is now a 6-foot channel; and yet in the report known as Document No. 4 he asks for $10,000 in order to be able to redredge the channel and have it 6 feet deep. Now, it is possible that there is a channel 6 feet deep; but we must remember that he not only wants it 6 feet deep but he wants it 60 feet wide, and perhaps that explains the apparent discrepancy.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I yield.

Mr. FLETCHER. I should like to make a suggestion to the Senator from Washington. I see what is in his mind. The Board of Engineers disapproved of the project for an 8-foot channel. The Chief of Engineers agrees to that, but says the 6-foot channel is practical, and is the one that it is advisable to make. So the Chief of Engineers has not turned down the Board of Engineers and the district engineer completely, because the attention of the Board of Engineers was directed to an 8-foot channel, and that they disapproved; but the Chief of Engineers recommends a 6-foot channel.

I call the attention of the Senator further to the fact that this is the identical project which was adopted by Congress in 1902. Is it not a little late now to be raising for the first time the question of the advisability and desirability of this improvement, 12 years after it was adopted?

Mr. JONES. Did the board or any of the district officers or the local officer suggest any 6-foot project, or did they pass on that proposition at all?

Mr. FLETCHER. They had before them the question of a survey for an 8-foot channel 60 feet wide.

Mr. JONES. Under what authority have they had under consideration——

Mr. FLETCHER. Under an act of Congress.

Mr. JONES. What authority did the Chief of Engineers have to pass upon any other than an 8-foot proposition? That was the only one submitted.

Mr. FLETCHER. He had general authority, as Chief of Engineers, to approve or——

Mr. JONES. I do not understand that he has any authority to go beyond what Congress submits to the department, any more than the Board of Engineers has authority to go beyond it.

Mr. BRYAN. That is true, I should think; but I suppose the Chief of Engineers said that because the district engineer gave it as his opinion that the channel ought not to be maintained at 6 feet.

Mr. JONES. Mr. President, I hope the Senator from Iowa will pardon this interruption, but I thought as he was considering this particular item it might be well to get all the information we could with reference to it.

I simply wish to say that I am in favor of action upon this bill, but I hold myself perfectly free to vote as my judgment may dictate and according to the information I can get with reference to any particular item that comes up. As to these items that the Senator from Iowa is criticizing severely, I should like to get both sides of the matter and get all the facts in connection with them.

Mr. KENYON. Mr. President, of course the suggestion of the Senator from Florida that this is an untimely moment to criticize this appropriation is apropos. There never is a proper time to criticize extravagant appropriations. It is always out of order. If the Senate will look over this document——

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I do.

Mr. SIMMONS. Mr. President, I think the Senator must have misunderstood the Senator from Florida, and I think he must have misunderstood a conversation of a private character that I had with him this morning.

XUM

The Senator is making a speech against the bill, and is pointing out his objections to various items, giving the grounds of his objections. Of course that is absolutely and entirely legitimate; but I suggest to the Senator from Iowa, and I suggest to other Senators, that in the interest of time, and in view of the fact that it is certain that when we begin to vote upon the items in this bill there will be motions made to amend or strike out the items that are objected to, it might be well to let the Senator from Iowa proceed with his argument and reserve the debate upon these special items until they are reached and the motion is made to strike them out. I think we would conserve time, and the Senator would be able to finish his argument much earlier if that course were pursued. I am not criticizing anybody. I am simply making a suggestion in the interest of saving time.

Mr. KENYON. I am not desirous at all of wasting any time.

Mr. SIMMONS. The Senator does not understand me as saying that he is doing so?

Mr. KENYON. Not at all.

Mr. SIMMONS. I assume we will have some discussion upon these items when they are reached, and I thought the debate might be deferred until they are reached.

Mr. KENYON. I imagine that is true. I am simply calling attention to these two items as typical of the bill as a foundation to what I desire to say about practicing some economy in this Congress. I think this Crystal River item is a typical item of very many in the bill, but I think it is discouraging——

Mr. BURTON. If the Senator will yield to me, it is typical in another respect. Is it not true that this is a report made in pursuance of a resolution of the Rivers and Harbors Committee? This report is not in pursuance of any action by Congress.

Mr. KENYON. No; but a resolution of the committee.

Mr. BURTON. Some days ago I called attention to the fact that some of the very worst projects in this bill were adopted in pursuance of a report made by the Corps of Engineers on the request of the Rivers and Harbors Committee. I called attention to the fact that after the Corps of Engineers had turned down proposed improvements these resolutions were passed by the Committee on Rivers and Harbors, and then the Corps of Engineers reversed their judgment, showing that they feel it is in the nature of a command to them when such a resolution passes that committee to bring in a favorable report, however unfavorable their opinion may have been theretofore. I was attacked somewhat on the floor here, and was told there was no unfavorable tendency by reason of the custom of passing these resolutions; but I did not know of the instance to which the Senator from Iowa has referred, which is really one of the very worst. It is one in which the local engineer said:

> I do not consider Crystal River worthy of further improvement by the United States even to the extent of maintaining work previously accomplished.

It is a case where they had $4,000 on hand. It is a case where the report virtually says, does say actually, that the project is completed and there is a navigable depth for the whole length of it. The Board of Engineers turned down this proposed improvement, but after all, as if with a desire to conform to a request from the Rivers and Harbors Committee, the Chief of Engineers, departing from the recommendation of his subordinates, both the local engineer and the Board of Engineers—two reports by the local engineer who is in touch with the situation—seeks to bring in a compromise provision so as to do something for Crystal River.

Mr. KENYON. And the senior Senator from Florida asks, "Is it not a small matter, only $10,000?" That is the same old argument we have heard all through this discussion. The Senator from Louisiana [Mr. RANSDELL], referring to Arcadia and the appropriation of $25,000, said that was a small matter. The same Senator with reference to Lake Contrary, the appropriation of $75,000, and the adverse report of the engineers thereon, said that we could apply to that the term which was used in Louisiana of "small potatoes." This is a small item, and that is its only defense. Here we have three of these small items already that aggregate $110,000.

The engineers' report as to this river says, after setting forth that we have already spent $34,000 on it:

> It was impossible to obtain detailed statistics for the year 1912. Only a few fishing boats and an occasional raft of cedar logs now use this waterway. There is no regular commerce on this stream.

Is it not perfectly ridiculous to appropriate money for streams of that kind? Here is the most remarkable letter attached to this public document——

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I do.

Mr. BRYAN. Who did the Senator say made the statement?

Mr. KENYON. This is the Report of the Chief of Engineers of the United States Army for 1913, part 2, page 24.

Mr. BRYAN. It is the report of the Chief of Engineers. The Senator unintentionally said it was the report of the Board of Engineers.

Mr. KENYON. If I did, I erred. I think the Senator is mistaken.

This letter, which is made a part of this record and ought to be read by everybody in the United States, is from the secretary of the Board of Trade of Crystal River, Fla. It illustrates the vice in the way river and harbor bills are constructed and how the people regard it as a great gratuity from the Government, that Uncle Sam is some great Santa Claus who has a great fund of money coming from some unknown source, and that it is the business of a Congressman to get hold of some of it for his district. I do not mean that as any reflection on this particular Congressman. This letter is addressed to a certain Congressman. The letter is made a part of this public document, and is as follows:

> BOARD OF TRADE,
> *Crystal River, Fla., December 27, 1911.*
>
> MY DEAR SIR: Your several communications of the 16th and 17th, together with copy of letter of date December 14, from Capt. Slattery, Corps of Engineers, of the War Department, at Jacksonville, addressed to some of the men at this place, interested in the improvement of our river and harbor, were referred to our board of trade for consideration and action.
>
> The board was pleased to note from these letters evidence of your unceasing interest in their behalf; and its members collectively and individually were profuse in their expressions of appreciation of your untiring efforts to secure for us practical navigation facilities.
>
> Nothing daunted—
>
> No, no—
>
> by the tenor of Capt. Slattery's letter—
>
> Which, I suppose, was that Crystal River was not worthy of any future improvement even to the extent of maintaining work previously accomplished—
>
> but determined to persist in their endeavors to obtain river and harbor improvements, the board of trade means to petition the authorities until success is attained at the price of relief from annoyance.
>
> The population of Crystal River, by the way, at the last census was 800.
>
> The board appointed a committee composed of N. Barco, Frederick Van Roy, L. A. Logan, and J. N. Eldredge to confer with you and Capt. Slattery, to the end that our project may be reconsidered, and, if possible, have it approved. The undersigned was designated to communicate the results, which are embraced in this writing.
>
> At the outset the committee wish to correct an erroneous impression, naturally gained by Capt. Slattery from a chain of unfortunate circumstances, caused by three recent disastrous fires, entailing an aggregate loss of more than a quarter of a million dollars. Capt. Slattery says that our commerce appears to be on the decrease. Our strong recuperative vitality is shown by the fact that all the destroyed property has been replaced by more substantial buildings.
>
> * * * * * * *
>
> Since furnishing statistics a hard-rock quarry is being developed within 4½ miles of this place.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I do.

Mr. BRYAN. I hope the Senator will read the two preceding sentences.

Mr. KENYON. I will. I thought I would abbreviate a little, but I will read it all:

> As an instance, the cedar mill plant of the Joseph Dixon Crucible Co., as recently rebuilt and equipped at a cost of $50,000, is as modern in every way as is possible of erection. This plant alone, when in operation, creates a commerce of more than $200,000 annually.
>
> Since furnishing statistics a hard-rock quarry is being developed within 4½ miles of this place. The railroad is being constructed to bring the entire output through Crystal River for shipment to destination, the contracts for which up to this time having been placed with water towns. The daily capacity will be 300 tons. The bulk of this rock could go by water had we an outlet to the Gulf.
>
> Steps are actually being taken to throw open to home seekers 100,000 acres of fertile land.
>
> More than 100,000 acres of pine timber is now being turpentined, and this must be cut into lumber shortly after the sap is extracted, and our best market is Cuba, by way of our water course.
>
> Farming and stock raising in this territory are assuming better proportions.

This is certainly a booster letter.

> A community, pursuant to the inexorable laws of change, must go forward or backward; it can not long remain stationary. Five years ago there was not a foot of hard road nor a bank in our entire county. To-day we have three banks in the county, and Crystal River has one of these banks, and not a handsomer nor a more prosperous bank is to be found in any town of twice its population in Florida. We have constructed in the five years more than 75 miles of hard-surface roads, and are continually building. We have several miles of hard streets in Crystal River, and a sewerage system and concrete sidewalks. Two large business houses have recently been erected, and our local post office, a reliable barometer of commerce, indicates a steady increase. The organization of our board of trade is of itself an evidence that our town is

not on the retreat. Our town is also preparing to have commercial electric lights. The board of trade and town council are cooperating at this time to acquire for the public our entire water front, of more than 2 miles, within the corporate limits, to be used as public docks, drives, and parks.

We insist that these signs do not point to retrogression, nor even to stagnation.

And now:

Our people are alive to their interests, and mean to forge onward. They mean to have deep water. If 100 by 6 feet will not answer the purpose, they propose to have sufficient dimensions.

You will recall that Capt. Spalding, on his visit here with you, without reserve favored the project. We feel that when Capt. Slattery goes over the route with you, as he indicates his willingness to do, he will also favor the scheme. We will at least try to not let him regret having come among us.

Kind Providence has endowed us with almost inexhaustible beds of phosphate, timber, valuable hard rock, sea food, fertile lands, beautiful waters, and landscape scenery—every natural advantage except a sufficient channel. We can not get on the pension list nor profit by the public-buildings appropriation—

I do not think the Senators from Florida are doing their duty in not securing a public building for Crystal River.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. Certainly.

Mr. BRYAN. I suppose they would not get any benefit from the $11,000,000 pension bill the Senator from Iowa now has in charge.

Mr. KENYON. How many million?

Mr. BRYAN. Eleven million.

Mr. KENYON. Oh, no.

Mr. BRYAN. That is what the department says. Of course, it is always stated to be less here, and it always turns out to be more than anybody was led to suppose.

Mr. KENYON. You could take a few of these useless appropriations for creeks to the extent of three or four million dollars and pay that pension bill. But I have not any notion that that pension bill is going to find very easy passage through this Congress.

But our only crumb of comfort must fall from the bounty of the rivers and harbors appropriation—

"The bounty of the rivers and harbors appropriation"—

We can not approximate Jacksonville nor Tampa in commerce, but our pro rata share would be welcome to us, and no doubt benefit us proportionally as much as larger towns by larger gifts. We feel that when the Congress talks in millions till our heads become dizzy a few paltry thousand would not be an unbearable additional burden, even though the desired result of its application is possible of failure.

That is the most amazing presentation frankly of what is in the mind of many of the booster organizations of this country. If the Senator from Florida can justify that because of some reference to a bill for the volunteer officers of the Civil War he is welcome to any comfort he may get out of it.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I do.

Mr. BRYAN. I, of course, do not approve of everything in the letter, but I think the gentleman who wrote it has the impression people generally entertain of Members of Congress. The more money a Member of Congress brings home as a rule the more popular he is. In that respect it is different with the members of a State legislature. They come home on their record of economy. It seems to me that the people expect a record of extravagance from their representatives in the Federal Congress.

Mr. KENYON. How does the Senator explain that? The Senator is a good deal of a philosopher.

Mr. BRYAN. I think it is because of indirect taxation. The people do not realize who pay the money. The Senator will criticize a number of Florida projects I have no doubt, and I will not interrupt him again, but I went over the bill very carefully, and I went over the projects as a whole, and I found that the expenditures for my State were a little over $13,000,000. In 1913 there was a commerce of nearly $300,000,000. I undertake to say that for a like expenditure it would be difficult for the Senator from Iowa, I think, to point out a State that makes a better showing than that. It is perfectly natural that this gentleman should get the idea. It is an idea abroad in the land, and the Senator knows it.

Mr. KENYON. I agree with the Senator.

Mr. BRYAN. I do not know that this gentleman is altogether to blame for having that idea with reference to the subject. They are not getting a public building built, and none of those people are on the pension list. The Government is giving pensions to other people and erecting public buildings for other people, and in the expenditure of public moneys they feel that they have a right to be considered. A desideratum in order to build up a city on a river is to have the channel deepened. It is not an unnatural position to take.

Mr. KENYON. I think the Senator has stated a very patent fact. A member of a legislature goes home and boasts of his economy. Members of Congress go home and are rewarded for what they have secured. I do not understand it, unless it be that the appropriations in a State come home more directly, the taxes are paid there directly, and these things become an absolute issue. There is in my State now an issue in our politics over the appropriation for the capitol extension, because some of the people think it has cost them a little more than it should. If in any Government expenditure we had some direct method of taxation, so that everybody walked up to the Treasurer's office and paid out the money, instead of an indirect method of taxation—I do not know that it is possible—the people would look into these matters and they would have different ideas from what this gentleman in Florida has, who I doubt not is a most estimable gentleman. He may possibly in his views of public buildings have read the passage by the Senate some years ago of a public building——

Mr. BRYAN. He may have read the speech of the Senator from Iowa.

Mr. KENYON. I hope he did, and I hope he will read this one.

Mr. BRYAN. He seems to be a pretty wide-awake man.

Mr. KENYON. He does; and he may have read the passage of the bill for a public building at Sundance, with 281 people, costing $75,000. It illustrates the vice that gets into these bills. I do not know how we are going to stop it, unless we vote out items like this; but the discouraging thing about such an item is for a good man like the Senator from Florida—and there is not a better man in the world, more conscientious and honest—to get up and defend it and honestly believe that it is all right. That is the discouraging thing about it.

Mr. BRYAN. So far as I am concerned I want to keep the Senator straight on the record. I have not made any speech.

Mr. KENYON. I do not believe the Senator will make a very hard fight to retain that item in this bill.

The other item that I want to refer to at this time is the Sabine River in Texas. The committee has added $30,000 in the way of an amendment, for the Sabine River. Let us calmly and without any flustration examine a little in relation to the Sabine River. The report of the Chief of Engineers recites that—

The existing project for improvement of Sabine River contemplates securing a channel 25 feet deep and 150 feet wide up to the town of Orange, which is situated 13 miles above the mouth. Logansport, the upper limit of the present examination, is about 292 miles above the mouth.

I will not read the report in full, but I will take extracts from it.

The district officer states that above mile 100 practical all-year navigation can be secured only by locks and dams. Open-channel improvement below about mile 130 is probably practicable to give a navigable channel for boats of about 3 feet draft from about December to July, inclusive, and improvement below mile 70 is probably practicable to give a navigable channel for draft of 3 feet for the entire year. The district officer is of opinion that the cost of improvement by any suitable method would be excessive, and he expresses the opinion that this river is not worthy of further improvement at this time. In this opinion the division engineer concurs.

This report has been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its accompanying report, dated December 16, 1913. The board states that this river is very greatly obstructed by logs, snags, etc., the removal of which would undoubtedly be expensive and out of reasonable proportion to the resulting benefits if the cost were entirely borne by the United States. If, however, the United States can be reimbursed by the sale of logs removed from the bed of the stream in the progress of the improvement, it believes that the cost might come within reasonable limits. The board recommends "that Congress enact such legislation as may be necessary to provide that all sunken logs and timber taken by the United States, after due notice, from any river bed in the process of clearing it for navigation shall become the property of the United States, subject to sale, and that the proceeds of sale shall go to the credit of the improvement."

What a magnificent financial scheme that is—to improve the river and secure the $30,000 by the sale of the logs now in the bed of the river which make it impossible to navigate it!

While estimates of cost are not ordinarily presented in reports on preliminary examinations, the estimate given by the board is entirely for plant and its operation, no survey or other investigation being required to determine the probable expenditure required.

After due consideration of the above-mentioned reports, I concur with the views of the Board of Engineers for Rivers and Harbors, and therefore report that, subject to the enactment of legislation as recommended by the board, the improvement by the United States of Sabine River is deemed advisable to the extent of constructing a suitable snag boat and operating it for a period of one year, at an estimated cost of $30,000, and continuing the work thereafter so long as sufficient revenue is derived from the sale of logs to pay for the operation of the plant. The full amount of the above estimate should be provided in one appropriation.

The Board of Engineers have this to say about the Sabine River, in part, quoting from page 3 of Document No. 668:

The river is subject to sudden and extreme fluctuations, due to rains, which may occur at any season of the year. The channel is greatly obstructed by drift, snags, etc., the principal source of supply being saw logs, which become water-logged and sink. Caving banks, however, add drift and trees to the obstructions. The channel is a series of pools and shoals, the latter varying from a few inches in depth to a few feet.

What a ridiculous proposition to be appropriating money for!

The principal commerce has for a number of years been derived from the forests, which are extensive on both banks. The country adjacent is gradually being cleared and converted into farms, cotton being the principal product. There is no record of any commerce on the river above about mile 40, the amount reported on the lower section being 322,102 tons, of which 182,900 tons are saw logs, the balance being crude petroleum.

The district officer states that if the river were cleared of obstructions there would be a practicable channel to Logansport for boats drawing 3 feet at stages in the river corresponding to a gauge reading of not less than 9 feet. Such stage, however, averages only about four months per year, and there will probably be seasons when this navigable period will not exceed one to two months.

The district officer expresses the opinion that no improvement of the river with a view to open-river navigation will ever be advisable above mile 100, and that practical navigation on that section can only be secured by means of locks and dams. He states that the river may be susceptible of improvement below mile 130 for boats drawing 3 feet for about seven months and below mile 70 for the entire year. The information obtained in connection with the preliminary examination indicates that a complete removal of obstructions would be quite expensive, and the district officer expresses the opinion, in which the division engineer concurs, that the river is not worthy of further improvement at this time.

Will not some Senator in this crowded Chamber get up and defend that proposition?

Mr. MARTINE of New Jersey. I should like to inquire of my friend, if I may, in what State is this river?

Mr. KENYON. It is not in New Jersey.

Mr. MARTINE of New Jersey. I know it is not.

Mr. KENYON. It is in Texas.

Mr. MARTINE of New Jersey. I refer to the river in which the Senator said the proposition was made to get compensation for the work by the sale of the logs.

Mr. KENYON. That is the same river.

Mr. MARTINE of New Jersey. It is in Texas?

Mr. KENYON. It is in Texas.

Mr. MARTINE of New Jersey. It strikes me that we might possibly reach a solution by logarithms.

Mr. KENYON. There is enough logrolling, and we might have some logarithms.

Interested parties were advised of the unfavorable report of the district officer and given an opportunity of submitting their views to the board, and on December 2, 1913, a hearing was given at the office of the board, which was attended by Hons. MORRIS SHEPPARD, United States Senator; JOHN T. WATKINS, Member of Congress; LADISLAS LAZARO, Member of Congress; JAMES B. ASWELL, Member of Congress; MARTIN DIES, Member of Congress; and Mr. Leon Locke, the last mentioned being the personal representative of the community.

Then he goes on to state the arguments that were advanced.

Those present laid considerable stress upon the importance of improving this stream so as to make it available for light-draft navigation as a feeder to the intracoastal waterway—

Oh, this intracoastal waterway, starting at New York and running down the coast and across the country and, I suppose, to the City of Mexico, and eventually to the Panama Canal. Intracoastal waterway, what appropriations are secured in thy name—

claiming it would also be of local value to the adjacent territory, which is susceptible of material development. It was stated that continuous navigation was not expected or desired at the present time, but it was urged that the obstructions be removed so as to permit such navigation as would be possible with the river in its natural condition, free of the obstructions. It was stated with apparent confidence that if navigation were made possible there would be a material development in the adjacent territory and that a commerce of considerable magnitude would at once be brought into existence.

Those arguments were persuasive. I have not any criticism of Senators nor of Congressmen——

Mr. THOMAS. What river is the Senator talking about?

Mr. KENYON. I am talking about the Sabine River.

Mr. THOMAS. In Texas?

Mr. KENYON. In Texas, and possibly Louisiana; somewhere down there. I know it is in Texas, and I think some of it may get into Louisiana.

Mr. THOMAS. I am reminded by some of the Senator's statements about that river of a remark Mark Twain once made about the South Platte in my part of the country. That river spreads out very considerably. It has a very sandy bed and sometimes has a good deal of water in it and sometimes not a great deal, but what it has is largely visible. Mark Twain once stated that that stream was a river like some newspapers of the country, with large circulation but small influence. [Laughter.]

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. While I remember the Senator from Iowa and several others have charged that this bill was a logrolling affair, is this the river on which they expect to pay a part of the expense by rolling logs out of the stream and selling them?

Mr. KENYON. Yes; I think they have that plan.

Mr. NORRIS. Is not that a very appropriate provision to put in this bill? It seems to me it is a very appropriate system.

Mr. KENYON. If it did not require any money from the Government it might be a very appropriate thing, or if we had cut everything else out of the bill except this possibly but little objection could be found to it.

To show the further ridiculousness of the matter as to the idea of the Army engineers, at least Maj. Jackson, before these arguments were presented by distinguished Members of Congress, I want to read from what he said, quoting from page 5 of Document No. 668:

The tortuous channel is at present badly obstructed by drift, snags, etc. The principal source of the drift and snags in the lumbering section is water-logged saw logs. The banks of the river cave badly in places, however, and much drift caves in as the result of the undermining of the timber growing along such banks. There are numerous sand bars, and in the upper stretch many rock shoals, which completely obstruct navigation at the low-water stages. The channel is a continuous series of pools and shoals, the depth varying constantly at low water from 6 to 10 feet to a few inches.

The river flows through rich bottom lands from 2 to 5 miles in width. These bottom lands, which are subject to overflow in periods of high water, are covered with a heavy growth of hardwood timber, except for an occasional clearing. Back of these bottom lands the country, which is high and rolling, was originally covered with pine forests. On the Louisiana side the country is still covered with forests, and lumbering is the principal occupation. On the Texas side there has been considerable development agriculturally up to within from 1 to 3 miles of the river. The soil of the bottom lands is very rich, but the land back of the bottoms, as is the case of all pine forest country, is generally sandy, and the development agriculturally will be slow.

* * * * * * *

There are no records of the commerce on this river above about mile 40, although it is known that there is considerable handling of timber products at several other points. The principal use made of this river is for the floating of logs, ties, etc. As a result of these operations the river is full of sunken logs, which at places practically block the stream.

And there have been many appropriations heretofore made for this stream.

It is considered that, provided the river were free from snags, drift, overhanging trees, and other accidental obstructions, so far as may be necessary to enable the stream to be used at low water and also at ordinary water stages by boats of as great a draft as permitted by the natural conditions of the stream when free of the above-named obstructions, navigation to Logansport would be practicable for boats drawing 3 feet at stages of the river corresponding to a gauge reading of not less than 9 feet at Logansport, and provided that reading had existed for a sufficient period to fill the channel throughout the portion to be navigated.

* * * * * * *

Open-river navigation therefore appears to be practicable only for an average period of about four months, and that such period will be in general during the period January to June, inclusive. It must be expected also that there will be seasons when this navigable period will be limited to from one to two months, with possibly less than one month of continuous navigation.

As there are no farm products to be moved during the high-water period, January to June, inclusive, the only industries to be benefited at present by improvement are those in the lumber business.

There can be no doubt that at the present there is no need of any improvement of this river, and it is certain that the cost of the removal of snags, drift, overhanging trees, and other accidental obstructions, so far as may be necessary to enable the stream to be used at low water and also at ordinary water stages by boats of as great a draft as permitted by the natural conditions of the stream when free of the above-named obstructions, is too great to justify the expenditure.

Taking into account the character of the river channel, the irregular flow of the river, and the fact that to be commercially practicable navigation must exist when the crops are moving, it is evident that only slack-water navigation in at least the section above about mile 100 can be considered as any solution whatever of the navigation problem of this river.

* * * * * * *

The possibilities of developing water power in this stream are so limited as to be unworthy of consideration.

Terminal facilities: There are no wharves at any point on the Sabine River, except at Orange, which is discussed separately.

* * * * * * *

The important problem of this river, and one which will be of greater importance as the country develops, and possibly in time completely overshadow the question of navigation, is the question of flood control, and the complete reclamation of the overflow lands. There will be no connection between this problem and that of navigation, unless the river should be improved for slack-water navigation.

In the report of Mr. Henry, on page 11 of this same report, it is stated that the trip from Logansport to Orange was made in two small rowboats, and that 21 days were consumed on the way. The river was at mean low stage.

Mr. THOMAS. How many miles were made in the 21 days?

Mr. KENYON. Orange is given as mile 13. I am not confident whether Logansport is taken as mile No. 1. If the Senator from Texas [Mr. SHEPPARD], who was here a moment ago, were present, he could probably inform the Senator. I would not want to venture a guess at figuring out this table on that proposition; but it must have been a very uncomfortable trip, consuming, as stated, 21 days, in rowboats. It shows——

Mr. NORRIS. Well, they are not dangerous.

Mr. KENYON. Of course the water was probably high at that time, so that they could not go up the stream in a buckboard, and it took 21 days for rowboats to make the trip. All through this report is a showing of the remarks and comments of the engineers as to the depth, width, and conditions of the various stretches of the river. I will put in just a few.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. How did the item for that river, after all those adverse reports, happen to get in the bill? Was it on account of the influence of Congressmen who appeared before the board?

Mr. KENYON. I do not want to say that. If a board makes a report one day against a project and a number of distinguished Representatives and Senators go before the board or before the engineer within the next few days, and then a few days thereafter the engineer makes a different report, the Senator can judge whether or not the arguments were persuasive.

Mr. NORRIS. I wish the Senator would read what the board said when they decided that it was proper to spend the Government's funds on the improvement of this river. What reason did they give for overruling themselves?

Mr. KENYON. This appropriation, it should be said, is made, as I understand—it is very hard to dig these things out of these reports—on the assumption that the logs are to pay for the improvement. I think that is the theory on which they are operating; but the whole project was discarded as not worthy of any improvement at all. Then the argument of the distinguished gentleman was directed along the lines of doing something, and the statement was made that the logs might pay for the appropriation.

Mr. NORRIS. I am inclined to think the Senator from Iowa is mistaken about that.

Mr. KENYON. I am mistaken about a good many things.

Mr. NORRIS. I do not think there is anything in the bill which provides for the sale of logs.

Mr. KENYON. No.

Mr. NORRIS. I am curious to find out how the board reversed itself on that proposition.

Mr. KENYON. The Senator from Nebraska will note that the appropriation is in accordance with the report submitted in House Document No. 668, Sixty-third Congress—that is the document from which I have been reading—in which the engineers report that this improvement should be undertaken "subject to the enactment of legislation as recommended by the board"; that is, that the logs from the stream shall be utilized to help pay for the work.

Mr. NORRIS. That recommendation was in a report that was adverse. I take it that the bill indicates that some report was favorable.

Mr. KENYON. I do not want the Senator from Nebraska to get an erroneous notion about it; I do not want to be anything but perfectly fair about it. The Chief of Engineers says this:

> After due consideration of the above-mentioned reports, I concur with the views of the Board of Engineers for Rivers and Harbors, and therefore report that, subject to the enactment of legislation as recommended by the board, the improvement by the United States of Sabine River is deemed advisable to the extent of constructing a suitable snag boat and operating it for a period of one year, at an estimated cost of $30,000, and continuing the work thereafter so long as sufficient revenue is derived from the sale of logs to pay for the operation of the plant.

As I view it, it is an appropriation of $30,000 to buy a snag boat, and then go ahead with the further improvement of the work, so long as the logs taken out will pay for the work, and it involves the Government in an expenditure of $30,000, but nothing thereafter.

Mr. NORRIS. Not in this bill; but I presume other appropriations will follow to continue the work.

Mr. KENYON. The one that is coming along, as we have been informed, and is traveling toward the Senate will undoubtedly take care of the matter. The Senator is advised, is he not, for so we were told, that there will be another river and harbor appropriation bill at the next session? I do not know whether it will be necessary to levy additional taxes at that time on that account, but at least I hope it will not. I was starting to set out some of the remarks of the engineers that are set forth in this public document:

| Miles. | Place. | Depth. | Width. | Remarks. |
|---|---|---|---|---|
| | | *Feet.* | *Feet.* | |
| 37 | | 3 | 100 | Few snags and logs; steady current. |
| 38½ | | | | Passage almost blocked by fallen trees |
| 38 | | | | and drift. |
| 39 | | | | Drift and fallen trees. |
| 39½ | | | | Steady current; snags and logs scattered along the way. |

The engineers seem to be very accurate and particular.

| Miles. | Place. | Depth. | Width. | Remarks. |
|---|---|---|---|---|
| | | *Feet.* | *Feet.* | |
| 39½ | | | 125 | Few snags, steady current; sharp bends; 6 to 8 foot banks, thickly wooded. |
| 39¾ | | 4 | 100 | Fallen trees and logs along the way; drift in stream. |
| 40 | | | 150 | Fairly open channel. |
| 40½ | Head of the Narrows. | 6 | 150 | Much drift and snags; steady current; 8-foot banks. |
| 41 | | | 250 | Very little current. |
| 42 | Kansas City Southern R. R. | | 250 | Drawbridge, 17 feet above low water; little current; low banks. |
| 42½ | | 3 | 250 | Little current. |
| 71½ | Nixs Ferry | 1½–2 | 175 | Strong current; sand bar almost across stream; snags and logs; no boat. |

I do not know what that means. That is the first I have seen of that expression here, boats are so unusual on these streams.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I yield.

Mr. NORRIS. I think that means that a boat is not necessary there to cross the stream.

Mr. KENYON. I thank the Senator from Nebraska for the suggestion. Boats are so unusual on a stream of this character that it would attract attention when one sees the word.

| Miles. | Place. | Depth. | Width. | Remarks. |
|---|---|---|---|---|
| | | *Feet.* | *Feet.* | |
| 88½ | | | | Drift of logs below sand bar. |
| 88¾ | Sand shoal | 2 | 200 | Strong current; 10 to 12 foot sand banks. |
| 88½ | | | | Drift of logs. |
| 89 | | | 175 | Little current; logs and snags. From here to Belgrade stream is fairly open. |
| 89½ | | | | Good river, but many scattered logs. |
| 90 | | | 175 | Little current; few logs scattered. |
| 90½ | | | | Drift of sunken logs blocks passage 1,000 feet long; above and below is open stream. |
| 91 | | | 200 | Little current; 12-foot sandy banks. |
| 92 | Whitmans Ferry | | 200 | Red sandy bluff on left 20 feet high. Soft sandstone outcropping at water's edge. |
| 92½ | | | 200 | Little current and few drifts. |
| 92¾ | Sand shoal | 1–2 | | Strong current; many snags. |
| 93 | | | | Little current; open channel. |
| 93½ | | | | Do. |
| 93½ | | | | Much drift. |
| 93¾ | | | 175 | Steady current. |
| 93¾ | Sand shoal | 1–2 | 175 | Few drifts; strong current; 10 to 12 foot banks. |
| 94 | | | 175 | Steady current; many logs. |
| 94½ | | | 200 | Few drifts; little current. |
| 95 | Sand shoal | 2–3 | 200 | Few logs; steady current. |
| 95½ | | 2–4 | 175 | Do. |
| 96 | | | 125 | Little current; sandy banks 8 to 10 feet high; clear of drifts. |
| 96½ | Pine Bluff | | | On right 20 feet high. |
| 96½ | Bend | | 200 | Strong current; clogged with logs. |
| 96¾ | | | 200 | Little current. |
| 97 | Belgrade | | | Sandy bluff on right 20 feet high. Sandy bank on left 8 feet high; no houses. |
| 100½ | | | | Rapid current over logs and drifts. Stream almost clogged with sand and drift; 10-foot sandy banks; tortuous changing channels. |

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. The Senator from Colorado has a very stern look on his face, but I think I will yield.

Mr. THOMAS. Does not the Senator think that if a stream like that could in some way be stood on edge it could be made navigable and improved?

Mr. KENYON. That question has a tendency to put the people of Texas on edge, I am afraid, who might be interested in this stream.

| Miles. | Place. | Depth. | Width. | Remarks. |
|---|---|---|---|---|
| | | *Feet.* | *Feet.* | |
| 104¾ | Sand shoal | 1–2 | 250 | Swift current; 12 to 15 foot banks; logs. |
| 107 | | | 175 | Do. |
| 107½ | | | | Stream choked with logs and sand; swift current. |
| 107⅞ | | | | Do. |
| 108 | | 3 | 175 | Do. |
| 108½ | | | | Steady current; not so much drift. |
| 109 | | | 150 | Steady current and many drifts. |
| 109½ | | | | From here to Santa Fe R. R. swift current and clogged with logs. |

So it goes on page after page, and the Government is even put to the expense of printing such a nonsensical affair as that.

Mr. President, I suppose that is another little matter; that is another of the "small potatoes" which we have heard about here; but whether or not we are justified in fighting this measure in the view of the Senate I am willing to take my chances as to the verdict of justification upon the men who are fighting this bill before the people of the country when they understand how their money is being spent by the American Congress.

These seats may be vacant to a large extent, and it may be all a waste of time, and it may be all a farce to call attention to such items as that for the Crystal River and the one for the Sabine River, but at some time the people of this country are going to demand of their public servants that they do not spend their time on great matters entirely, but that they give some attention to details and some attention to holding down the expenses of the Government. I have taken these two illustrations to lead up to the question of economy, which I desire to discuss.

The responsibility for this bill ought not to be placed entirely upon the Democratic Party. Perhaps they are glad to accept that responsibility. It has been stated on the floor that this bill is on the Democratic program. I do not believe it. One Democrat at least has stood upon the floor and said that the Democrats are not all in favor of this bill. I refer to the distinguished Senator from Colorado [Mr. THOMAS], who has tried in every way in this body to bring about a little economy in public expenditures. He must be discouraged about it, as every other man who has made such an effort must also be discouraged. I only want to "put up" to you good Democrats now—and I do it in a spirit of affection; I should like to help save you, if it is possible to do so, and some of the elections recently look as if it might be possible; I should like to help save you from yourselves in these extravagances, because I think I have a good deal more interest in the public welfare than in any party welfare.

You are going to spend, as I pointed out yesterday, for the year ending June 30, 1915, $100,000,000 more than was spent by the last Republican Congress, which you condemned from one end of this country to the other, and you had a right to do so. The Republican Party has not been any saint in the matter of public expenditures. I appreciate, of course, that it is hard to get at what is right in expenditures. I do not claim any particular virtue about it at all. I may be entirely wrong in my opinion about it, but you have got to answer to the country; and if you pass this river and harbor bill, what are you going to say to the taxpayer when you are making speeches in the campaign about economy and he propounds the simple little question to you, "Have you not spent a hundred million dollars more than the Republican Congress which you have condemned?" I hope he will "put up" to you Crystal River and Sabine River and Deep Creek and New Begun Creek and Jeremy Creek and Bennett Creek and Locklies Creek and Fishing Creek and all the other creeks which are taken care of in this bill. If any of you come out to my State and speak in the campaign, I am going to be sure that this question will be "put up" to you, because there are some people in Iowa who read the CONGRESSIONAL RECORD and who "want to know." We live near Missouri, and we "want to be shown."

Away back in 1840 you declared in your convention at Baltimore which nominated Martin Van Buren:

*Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

Again, in 1848, you said:

*Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual and certain extinction of the debt created by the prosecution of a just and necessary war.

In 1852, when you nominated Franklin Pierce for President, you resolved:

That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual but certain extinction of the public debt.

In 1856, when you nominated James Buchanan, you said:

That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual but certain extinction of the public debt.

In 1868, when you nominated Horatio Seymour, you demanded:

Economy in the administration of the Government; the reduction of the standing Army and Navy—

And the abolition of useless offices.

Again, in 1876, when you nominated Tilden, you said:

We demand a judicious system of preparation by public economies, by official retrenchments, and by wise finance.

* * * * * * *

*Resolved*, That this convention, representing the Democratic Party of the United States, do cordially indorse the action of the present House of Representatives in reducing and curtailing the expenses of the Federal Government, in cutting down salaries, extravagant appropriations, and in abolishing useless offices and places not required by the public necessities; and we shall trust to the firmness of the Democratic Members of the House that no committee of conference and no misinterpretation of the rules will be allowed to defeat these wholesome measures of economy demanded by the country.

Again, in 1880, when you nominated that splendid old soldier, Winfield S. Hancock, you said:

We congratulate the country upon the honesty and thrift of a Democratic Congress which has reduced the public expenditures $40,000,000 a year.

In 1884, in your platform, you said:

The Democracy pledges itself to purify the administration from corruption, to restore economy, to revive respect for law, and to reduce taxation to the lowest limit consistent with due regard to the preservation of the faith of the Nation to its creditors and pensioners.

Further, you said in that platform:

We demand that Federal taxation shall be exclusively for public purposes, and shall not exceed the needs of the Government, economically administered.

And I affirm now and always shall that an economical administration of the Government at the present time would make unnecessary any war taxes, and a commission of Senators and Representatives, limited in number, could in two days cut down useless expenditures, so that the people of this country would not have to stand the proposed war tax.

I do not believe anybody will deny that proposition, and the amazing thing to me is that we will not do it. We will simply go on and put on more taxes. I wonder how the people are going to like it. I have submitted this morning one telegram, and I have 44 more from Sioux City, in my State, protesting against the proposed tax on beer. So you are hearing from that already, though I had supposed, as was suggested by the Senator from Nebraska [Mr. NORRIS] a few days ago, that a tax on beer could be easily met by holding the mug a little farther away from the spigot, thus creating more foam and absorbing the war tax; but these people out there, I will say to the Senator from Nebraska, along the boundary of his State, do not seem to have thoroughly comprehended and appreciated that argument.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. The peculiar thing about the protest that the Senator has spoken of is that the protest comes from Iowa.

Mr. KENYON. That is very near Nebraska.

Mr. NORRIS. Iowa ought not to be interested in the tax that we fellows across the river have to pay. I can not quite understand just why Iowa should protest against a tax on beer.

Mr. KENYON. Of course this is one of our cities that is very close to the Nebraska line.

Mr. NORRIS. That speaks well for it in that respect; but that will probably counteract the fact that they drink beer in Sioux City.

Mr. KENYON. There may be something to that. The Senator also had some suggestions as to taxes on cigars. I see by the paper this morning that tobacco is to be taxed. I had thought the Senator's suggestion of a higher tax on higher-priced cigars was a good suggestion, instead of paying the same tax on cigars such as he smokes; but after having one of those

cigars I am not certain but that they ought to be taxed out of existence.

Mr. NORRIS. I am anxious that the Senator should pay his share of the tax.

Mr. KENYON. I am perfectly willing to do so.

Mr. NORRIS. When he smokes a 25-cent cigar he ought to pay a little more tax than I do when I smoke a stogie. Under present conditions he does not pay a bit more.

Mr. KENYON. As I do not smoke any cigars, I am deprived of even participating in that part of the tax.

Mr. NORRIS. Then, how does the Senator make the criticism he has just made—that after having one of those cigars he has changed his mind about the tax they ought to pay?

Mr. KENYON. I was, of course, led into that by the gentleman to whom I presented the cigar which the Senator gave to me. He suggested that it ought to be taxed out of existence.

I did not mean to digress to that extent, however.

In the election of 1888 you said:

Every Democratic rule of governmental action is violated when, through unnecessary taxation, a vast sum of money, far beyond the needs of an economical administration, is drawn from the people and the channels of trade and accumulated as a demoralizing surplus in the National Treasury. * * * Denauched by this immense temptation, the remedy of the Republican Party is to meet and exhaust, by extravagant appropriations and expenses, whether constitutional or not, the accumulation of extravagant taxation. The Democratic policy is to enforce frugality in public expense and to abolish unnecessary taxation.

Again, in 1892:

We pledge the Democratic Party, if it be intrusted with power, not only to the defeat of the force bill, but also to relentless opposition to the Republican policy of profligate expenditure.

Again, in 1896:

We denounce the profligate waste of the money wrung from the people by oppressive taxation and the lavish appropriations of recent Republican Congresses, which have kept taxes high, while the labor that pays them is unemployed, and the products of the people's toil are depressed in price till they no longer repay the cost of production. We demand a return to that simplicity and economy which befits a democratic government, and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

In 1900:

We favor the reduction and speedy repeal of the war taxes and a return to the time-honored Democratic policy of strict economy in governmental expenditures.

In 1904:

Large reductions can easily be made in the annual expenditures of the Government without impairing the efficiency of any branch of the public service, and we shall insist upon the strictest economy and frugality compatible with vigorous and efficient civil, military, and naval administration as a right of the people too clear to be denied or withheld.

Before referring to the platform of 1908, I wish to take up rather an interesting little thing. This economy proposition is a Democratic child, not recognizable now, probably. Back in the days of Presidents Grant and Hayes, in the campaign textbook of 1880, the Democrats were very much given to economy, in promise; and in this campaign textbook is this very interesting thing:

The simple habits and straightforward honesty of Democratic Presidents made the White House the pride of every citizen. From the humblest to the highest all were welcomed there with a cordial and unaffected hospitality. The inmates of the Executive Mansion in the good old Democratic days treated all visitors alike, whether they were the laboring poor clad in homespun or fortune's favorites done up in broadcloth or in satin and silk. In those days the President of the United States was proud to acknowledge himself the servant of the people and not their master.

Mr. BORAH. Mr. President, what days were they referring to there?

Mr. KENYON. The days of Presidents Grant and Hayes. I am reading from the Democratic textbook of that time.

But all this has changed. Under Republican rule official snobbery at the White House has made that home of the Presidents offensive to plain and honest people. Democratic simplicity has been superseded by a code of mannerism about as little understood by the multitude as were the mysteries of the Holy Vehm by Continental rustics in the Middle Ages.

Then, speaking of the White House in the days of Grant:

None but the elect were permitted to visit the official dog kennels or the official stables, built by Babcock at a cost to the people of $10,000. The display of blooded animals, poultry, ponies, coupés, splendid carriages, sulkies, drags, and other costly things was amazing. And it must not be forgotten that all of this expensive stud, including the dogs and their keepers, were maintained by the taxpayers of the country.

Then they sent out receipts for some of the expenses. But here is the part I want to come to: Our good Democratic friends who are now appropriating for the year of grace ending June 30, 1915, a hundred million dollars more than was appropriated by the Republican Congress which they so vehemently denounced in their platform said this about the poor, innocent game of croquet. If there ever was anything, of course, that the Democrats were consistent about, it is this matter of economy:

Mr. Hayes soon discovered a taste for innocent sports, for works of art, and refined luxury. The taste of his household ran in the same direction. Having a salary of only $50,000 a year, he could not think of gratifying his taste at his own expense. So he decided to make a raid on the Federal Treasury. This was shortly after his inauguration. The healthful and innocent game of croquet was in fashion. He could have bought a set for $10, but it was agreed that nothing but boxwood balls would answer for the White House, and they would cost $6 more, a drain that his private fortune could never bear. The following voucher will show how he obtained them at the expense of the taxpayers.

And now for Crystal River and Sabine River and Lumber Creek and Mud Creek and all these other creeks this economical party is going to get things in such shape that we will have to pay a war tax all over this country.

I am glad to see so many Democrats following this discussion with interest.

Mr. BORAH. They may be pursuing it with interest outside.

Mr. KENYON. They may.

Mr. LANE. Mr. President, I will call the speaker's attention to the fact that we have only two more Republicans here than we have Democrats.

Mr. KENYON. If the Senator does not state how many Democrats there are, it will not be offensive to my constituents in the RECORD.

Mr. LANE. There are five Democrats here, Mr. President, and seven Republicans.

Mr. KENYON. That is a very large attendance for the Senate in the discussion of this $53,000,000 appropriation bill. I do not take it to myself at all that there is this large attendance. [Laughter.]

In the platform of 1908 the Democratic Party said:

The Republican Congress in the session just ended made appropriations amounting to $1,008,000,000, exceeding the total expenditures of the past fiscal year by $90,000,000 and leaving a deficit of more than $60,000,000 for the fiscal year just ended. We denounce the needless waste of the people's money, which has resulted in the appalling increase, as a shameful violation of all prudent considerations of government and as no less than a crime against the millions of working men and women, from whose earnings the great proportion of these colossal sums must be extorted through excessive tariff exactions and other indirect methods. It is not surprising that in the face of this shocking record the Republican platform contains no reference to economical administration or promise thereof in the future. We demand that a stop be put to this frightful extravagance and insist upon the strictest economy in every department compatible with frugal and efficient administration.

How that was used on every platform in this country, and rightfully so. What are you going to say now about frugality when you go out on the platform? What are you going to say about the expenditures in this bill when you go out upon the platform?

In this very interesting campaign book you gathered together "in a nutshell," as you termed it, the different little particular nuts that you thought were hard for the Republicans to crack. You say:

The Republican platform silent—

On many things.

Shall we have billion dollar sessions of Congress and a vast array of officeholders dictating presidential nominations?

The Democratic platform condemns.

Republican platform necessarily silent.

And you find fault in that book with the plank of the Republican platform condemning a filibuster in this body. You also condemn, which is not apropos to a river and harbor bill, some efforts of Kuhn, Loeb & Co. with reference to certain matters of government. That was before the Federal Reserve Board had been created and a member of Kuhn, Loeb & Co. appointed to that board.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. I do.

Mr. JONES. What is it that the Senator is reading from?

Mr. KENYON. I am reading, here and there, from the Democratic campaign book of 1908.

Mr. JONES. I thought the Senator was really mistaken in giving the title of the book.

Mr. KENYON. In the references to Kuhn, Loeb & Co.?

Mr. JONES. Yes. That is from the Democratic campaign textbook?

Mr. KENYON. Yes; yes—the Democratic campaign textbook.

Then, a little further in this very interesting book:

One billion dollars! This is now the cost of the National Government for one year. It looks big to the ordinary taxpayer, but it probably seems quite moderate to the men who have been permitted to issue and dispose of about a billion dollars' worth of watered stocks a year for the past 10 years.

Then there are whole pages of things to be remembered.

Mr. BORAH. There are several pages of things there to be forgotten, too, are there not?

Mr. KENYON. There are a good many that have been forgotten. I think I must read this:

REPUBLICAN EXTRAVAGANCE V. DEMOCRATIC ECONOMY.

The Democratic Party is in favor of economy in the public service, while the Republican Party has been an organization of extravagance. The general policies of the two parties as to the tariff naturally lead to this result. The more money that is needed to meet the expenses of the Government, the greater tax must be imposed to produce the revenue and the better excuse there is for a high tariff. The Republican Party has been interested in the protection of special interests and has encouraged expenditures until it has led to wastefulness. The Democratic Party, on the other hand, insists that no more taxes shall be levied than are necessary to meet the demands of the Government economically administered. It insists that any greater tax than this is not warranted either in law or morals.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. KENYON. I do.

Mr. NORRIS. I suggest the absence of a quorum.

Mr. SIMMONS. Mr. President, I desire to inquire if there has been any business transacted since the last roll call?

Mr. KENYON. All the morning business.

Mr. NORRIS. There have been a number of bills introduced.

Mr. SIMMONS. Was there not a roll call after the morning business?

Mr. NORRIS. I think not.

Mr. KENYON. There was not.

Mr. NORRIS. There has been no suggestion of the absence of a quorum since the transaction of the morning business.

Mr. KENYON. I am very sorry the Senator from North Carolina was not in the Chamber all the time or he would have known there was not.

Mr. SIMMONS. I have given the Senator a good part of my time for the last few days, and I think he ought to be satisfied.

Mr. KENYON. I am perfectly satisfied.

The PRESIDING OFFICER. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Culberson | Lewis | Smith, Ga. |
| Bankhead | du Pont | Martin, Va. | Smith, Md. |
| Borah | Fletcher | Martine, N. J. | Sterling |
| Brady | Gallinger | Norris | Stone |
| Bryan | James | Overman | Thomas |
| Burton | Jones | Page | Thompson |
| Camden | Kenyon | Perkins | Townsend |
| Chamberlain | Kern | Robinson | West |
| Chilton | Lane | Sheppard | White |
| Crawford | Lea, Tenn. | Simmons | Williams |

The PRESIDING OFFICER. Forty Senators have answered to their names. A quorum is not present. The Secretary will call the names of absentees.

The Secretary called the names of absent Senators, and Mr. GORE, Mr. NELSON, Mr. POMERENE, Mr. REED, Mr. SHAFROTH, and Mr. THORNTON answered to their names when called.

Mr. RANSDELL and Mr. WEEKS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-eight Senators have answered to the roll call. A quorum is not present. The Sergeant at Arms has been directed to request the attendance of absent Senators.

Mr. VARDAMAN entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The Senator from Iowa will proceed.

Mr. KENYON. I think possibly there has been time now for the Senators to withdraw, and I will go ahead.

This very interesting book refers back to the inaugural address of Thomas Jefferson, in which he enumerated as one of the essential principles of our Government economy in the public expense, "that labor may be lightly burdened."

Again, in this very interesting book from which I have been reading, I find the following:

With all the extravagance of the Republican Party, and its reckless expenditure of the people's money from time to time, nothing has ever been done that has shown so deliberate and premeditated an attempt to deplete the Treasury as in the Congress which has recently adjourned, and in no period of four years in the Government's history have appropriations been so lavishly made as in the last four years of Mr. Roosevelt's administration. The expenses for the fiscal year of 1906 were $736,717,882; for 1907, $762,488,752; appropriations for the fiscal year 1908, $920,708,143; for the fiscal year 1909, $1,008,884,884. These stupendous sums—

Still quoting—

These stupendous sums make an aggregate of $34,000,000 more than has been expended during the four years of the Civil War, and by far surpasses any expenditure ever made at any other period.

Not many years ago—

Says this book—

Not many years ago a single Congress made appropriations in two years aggregating $1,000,000,000, and when this was called to the attention of the country it rebuked the party responsible by the election of a Democratic House of Representatives. But now we have reached a period where the extraordinary recklessness of the Republican Party has made the appropriations for a single session amount to more than a billion dollars, and this in face of the fact that there was a constantly growing deficit at the time the appropriations were made. The expenditures in the last fiscal year exceeded the receipts by about $60,000,000 and according to the estimate made by the Secretary of the Treasury. How is this deficit to be overcome?

The same question is presented to the people now.

When and how will this debt be paid? Shall money be borrowed to meet it? No man can succeed in business who finds at the end of each year that he has expended more than he has received, and no Government can stand if there is a continual balance against it at the end of each year. In a time of profound peace, with abundant crops on every hand, what excuse can be given for so wild an expenditure of the people's money?

I may say that on page 87 is set out a portion of a speech by a distinguished Senator in this body, the Senator from Texas [Mr. CULBERSON], on the subject of new offices created and of the expenses. Again they say:

Patriotic Germans used to complain of the fact that imperialism compelled every man who labored to carry a soldier on his shoulders. The tremendous increase in public expenses in the United States imposes a burden upon the taxpayers of America that has sharply called public attention to the new era of extravagance which the Republican administration has inaugurated.

It was $100,000,000 less than has been inaugurated by the present administration.

After this frightful waste of the people's money—

The book says—

and abuse of legislative power the Republican Party comes back to the people, with neither apology nor excuse, and in effect says: "It is done. What are you going to do about it? Help yourselves, if you can."

While the Democratic Party levies a tax.

The Democratic Party demands that this wanton waste shall cease; that there shall be frugality in the fiscal affairs of the Republic; that business methods shall be applied; that economic principles shall be observed—

What a farce, in view of this river and harbor bill—

that there shall be a strict scrutiny of the accounts in the various branches of the Government; and that the appropriations shall be limited to the needs of the Government, and it pledges itself to follow this course, if intrusted with power.

And yet with $45,000,000 on the 30th day of June last available for rivers and harbors and with $6,900,000 appropriated in the sundry civil appropriation bill for this purpose, what a farce to talk about limiting appropriations.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. I did not understand the figures exactly. Does the Senator say that there is $45,000,000 available for river and harbor purposes at the present time from appropriations which have already been made?

Mr. KENYON. There was on June 30, 1914. Some of it has been spent since that time. The document which I hold in my hand, in answer to a resolution of the Senate, shows the exact figures, and I will give them to the Senator: Balance unexpended from past appropriations, $45,338,653; outstanding liabilities, $3,865,754; uncompleted contracts, $23,700,119; balance available, $22,638,411.

Mr. BORAH. How much did the sundry civil appropriation bill appropriate?

Mr. KENYON. Six million nine hundred and odd thousand dollars.

Mr. BORAH. That made, in round numbers, about $30,000,000?

Mr. KENYON. Yes; approximately that.

Mr. BORAH. Do I understand that in addition to that we are about to appropriate $53,000,000?

Mr. KENYON. Yes; and in addition to that, we are informed that we are to have another river and harbor bill at the next session, which is only a few months away.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. I do.

Mr. STERLING. I would like to ask the Senator from Iowa if he can state for what projects the unexpended balance is available?

Mr. KENYON. They are all set out in this document.

Mr. STERLING. Will the Senator give the number?

Mr. KENYON. The Senator does not want me to go through this whole document?

Mr. STERLING. No; but just give the number.

Mr. KENYON. It is Document No. 560. It sets forth all the balance unexpended and the outstanding liabilities of the various projects.

Mr. BORAH. Does Crystal River get in on that?

Mr. KENYON. The Sentor remembers, does he not, that there is $4,000 unexpended for Crystal River, as stated by the Senator from Ohio [Mr. BURTON]. I can find the figures here, I think, to substantiate that. Yes; "Crystal River, balance unexpended, $4,000; balance available, $4,000." Of course the Senator understands that it might require a resolution to transfer some of these funds to other projects. For instance, I think the Mississippi River appropriation is nearly exhausted, but Crystal River might possibly get along until the next session, and probably the money available for that project could be turned over to the Mississippi River. Is it not, I ask the Senator from Idaho, an amazing proposition that we are called upon to vote away $53,000,000 here, and practically encumber the Government with $32,000,000 more of obligations, when there is $45,000,000 available, and we have already voted nearly $7,000,000 in the sundry civil appropriation bill?

If the Senator will figure that up I believe he will agree with me as to the statement I made in the commencement, and I purpose to demonstrate it, that a war tax upon the people of this country is not necessary and that we have to practice only a very little economy.

Mr. BORAH. I think the Senator can demonstrate that.

Mr. KENYON. I thank the Senator. That is the first cheerful indication I have had to-day. But I think the people of the country are going to understand it, too, and they are going to find out whether these little, miserable, good-for-nothing creeks are going to be responsible for war taxes.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I am always glad to yield to the Senator from Idaho.

Mr. BORAH. I am not very much encouraged by what the Senator says about the people understanding it. My trouble has been to satisfy my people that I should not vote for this bill.

Mr. KENYON. Yes; I have a paper from my State to-day that I am going to use before I finish my brief remarks on the bill in which is published a letter from the secretary of the River and Harbor Congress, an institution which seems to be very busy in manufacturing sentiment in this country for this bill, finding great fault with certain Senators who are opposing the bill and urging the people who are interested—and some of my people are interested in it, but they are more interested in the general public welfare—to write their Senators to help keep a quorum here in order that the Senate may be able to pass this bill. The Senator may have trouble in explaining it to his people, but his people believe what the Senator says to them, and they have a right to do it. This book is so full of good things——

Mr. BORAH. That book, I understand, is a kind of book of reminiscences.

Mr. KENYON. It is a book of reminiscences—a book of forgotten promises.

Mr. BORAH. You have not reached the present period.

Mr. KENYON. I have not. The Senator realizes the Democrats did not win on this platform in 1908; and the Senator from Oregon [Mr. LANE] informs me—and I think he does not object to my saying it—that they have never won on any platform which declared for economy.

Mr. LANE. I will say, in addition to that, that the Republicans always won by promises; that they would say nothing about economy, but they promised that they would fill the dinner pail full by grabbing off from wherever they could get it.

Mr. KENYON. I think the platforms of any party have not been very sacred.

In the Denver platform—that is the last one I will refer to, as I want to pass to a speech by Mr. Bryan on economy—it is said:

> The Republican Congress, in the session just ended, has made appropriations amounting to $1,008,000,000, exceeding the total expenditures of the past fiscal year by $90,000,000, and leaving a deficit of more than $60,000,000 for the fiscal year. We denounce the heedless waste of the people's money which has resulted in this appalling increase as a shameful violation of all prudent conditions of government and as no less than a crime against the millions of working women and men from whose earnings the great proportion of these colossal sums must be extorted through excessive tariff exactions and other indirect methods. It is not surprising that in the face of this shocking record the Republican platform contains no reference to economical administration or promise thereof in the future. We demand that a stop be put to this frightful extravagance and insist upon the strictest economy in every department compatible with frugal and efficient administration.

My distinguished friend from Indiana [Mr. KERN] was nominated for Vice President on that ticket. I always thought the ticket ought to have been reversed. In his acceptance speech he said:

> The average voter understands that the tariff really is a tax to be paid by the consumer of the article taxed. He knows that taxes in excess of the needs of government are unjust and oppressive, and that extravagance in government administration indulged in for the mere purpose of creating a necessity for additional taxation is profligacy.

I know the Senator from Indiana never says a thing which he does not believe. Mr. Bryan, who was the candidate of the Democratic Party at that time, in a speech at the Minnesota State Fair enunciated some sound views on economy which ought to be read in Congress now every day after the morning prayer. He was then the candidate for President. It certainly can not be considered as any criticism by reading what is in this book. I indorse every word of it and I commend it to my distinguished brethren. Mr. Bryan said:

> The Democratic platform makes Republican extravagance one of the issues of the present campaign. The Republican platform is silent on the subject, and naturally so; to have promised economy would have been a mockery, and to have defended the appropriations made by the last Congress would have been impossible.

Can not the eye picture that vast throng of farmers at the Minnesota State Fair aroused to tremendous enthusiasm by this plea for economy? Mr. Bryan proceeded:

> The Fifty-first Congress was commonly called the billion-dollar Congress. The appropriations made by that Congress covered two years and amounted for the first time to a billion dollars, or $500,000,000 a year. The extravagance of that Congress contributed to the overwhelming victory won by the Democrats in the campaign of 1890. The last Congress, however, has made a new record in extravagance.

That can be put in your next platform.

> In spite of a deficit of more than sixty millions in the last fiscal year, the appropriations made during the last session amount to more than a billion dollars, or twice as much as the appropriations of a single session of the Fifty-first Congress. The increase over the year before was $90,000,000, showing a growth in expenditures far in excess of the growth of the population.
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> * * * * * * * *
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> While every element of our population suffers to a greater or less extent because of the unnecessary expenditures of the Government, the farmers have special reason—

This was a farmers' fair—

> for complaint, because they pay more than their share of the taxes collected and receive less than their share of the benefits which flow from the expenditure of the corporation. Nearly all of our Federal revenues excepting postal receipts are collected from internal-revenue taxes and import duties, and these are taxes upon consumption. Taxes upon consumption always overburden those of moderate means and underburden the rich. If the Federal taxes could be separated from the price of the article in which they are concealed, and each person's per capita tax be shown, it would be found that the Federal tax now collected would be, in effect, a graduated income tax, the largest per cent being collected upon the small incomes and the least per cent upon the large incomes. And to aggravate the case still more the appropriations which unfairly oppress the farmers are spent in cities, so that the farmer enjoys few direct benefits from the appropriations and scarcely any indirect benefits.
>
> Why is it that the Republican Party is so much more extravagant than the Democratic Party in the expenditure of public money? There are two reasons: First, because the Republican leaders are more intimately associated with the tax eaters than with the taxpayers. They hear the hungry clamor of the men who spend money more than they do the protests of the masses who contribute revenues.
>
> But there is a second reason. The Republican leaders have taught the doctrine that taxation is an unalloyed good. They have tried to cultivate a public opinion to support the idea that tariff taxes, even when not needed for revenue, are a direct advantage to the protected interests and an indirect advantage to the whole country. It is not strange that people who consider taxation a blessing would be inclined to make the blessing as large as possible.
>
> The Democratic Party is in a position to bring reform in the matter of expenditures. It believes that a tax is defensible only when necessary, and that it should be reduced to the lowest limits consistent with good government. Our party is pledged to reduction in appropriations, and to economy in every department of Government, and our position ought to appeal with special force to those of our population who are engaged in agriculture.

What about Crystal River, and Deep Creek, and New Begun Creek, and Jeremya Creek, and Toms Creek, and all the other creeks and rivers that are taken care of in this bill?

I have already placed in the RECORD all the platforms, I think, from 1840 down, except the 1912 platform, and that is always a platform, too, which it requires much courage to suggest in this Chamber, but I think I will risk placing the econ-

omy plank of that platform in the RECORD. I realize, of course, that the planks of that platform are not binding by custom:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of the recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people. We demand a return to that simplicity and economy which befits a democratic Government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

I want to refer very briefly on this question to one or two speeches delivered by distinguished Members of this body on the subject of economy. The distinguished Senator from Texas [Mr. CULBERSON], from the State where the Trinity sometimes flows, delivered in 1908 in this body a most severe arraignment of the extravagance of the Republican Party, especially in increasing the number of officers, and he used one phrase which, if I can find, I wish to place in the RECORD. It is found in the CONGRESSIONAL RECORD of May 29, 1908. He said, after reviewing the tremendous expenditures of that administration:

Mr. President, this record of extravagance under the administration of President Roosevelt is astonishing. It should arrest public attention, whether it does or not, and it should provoke immediate and thorough reformation in our governmental expenditures, for it is a menace to the Treasury.

My distinguished friend the Senator from Mississippi [Mr. WILLIAMS], whom we always delight to hear, uttered a few observations with relation to economy in this body on April 11, 1912, which were most interesting. He said:

Mr. President, the Senator from Wyoming evidently has not accurately taken the spirit in which I am making these remarks. I am not attacking the Senator nor the Republican Party nor anybody else. I am arraigning the method of administration of this Government, and I am as well aware as is the Senator from Wyoming of the fact that most of these expenditures grow out of the disposition of the individual Members of Congress in both Houses to get everything out of the National Treasury they can for their States or "districts," for the purpose of making themselves strong at home. I am well aware of the fact that part of it grows out of this, too, that the Federal Government has no budget of any description; it does not attempt to adapt its expenditures to its revenue in any way; it divides responsibility in each House amongst members of committees, who are instructed by the rules of the Houses themselves to keep their proceedings secret—so much so that it is against the rule of both Houses to mention anything upon the floor that happens in a committee. I am arraigning the system whereby this sort of things grows up, and in order to reach the arraignment I am furnishing you with a picture of the thing. * * *

Now, I want to carry on the painting of the picture, and I leave that question for future discussion, merely with this remark, that, so far as I am concerned, I do not think that committee ought to have been dropped.

"The per capita expenditure has increased from $1.34"—

That is the part he suggests ought not to have been dropped—

Per head now, this is—

"in the period from 1791 to 1796 to $8.91 in 1907."

And it is more to-day.

If you count a family as consisting of five persons, that means that the Federal Government is taking from each family in the United States more than $44.55 per annum, and yet we boast that we are comparatively not tax ridden. I state that there is not a civilized Government on the surface of the earth any more heavily tax ridden, especially when you add to the $44.55 per annum which the Federal Government expends the municipal, the State, and the county taxes in this country.

Again, on page 4579, he says:

Mr. President, I have drawn the picture. What is the lesson from it? That we ought to strain our nerves to try to circumscribe and limit the expenditures of this Government. There is no sense in having expenditures increase 400 per cent while population increases only 84 per cent.

In the House of Representatives a distinguished citizen who was subsequently, I think, governor of Missouri, and who occupies a very prominent part in the present administration, speaking on the same general subject, and especially as to the river and harbor bill there, said what I shall read. He was granted five extra minutes May 22, 1896, and Mr. Dockery said:

Why, Mr. Speaker, there was not a King of France who ever laid the heavy hand of the taxgatherer upon the people who did not claim to do it in the interest of the people.

Mr. HOPKINS. Oh, no!

Mr. DOCKERY. And there is not a single item in this bill that does not come here challenging our approval in the name of the people. [Applause.] And I say further that you know, and I know—because I have not the time to analyze the items of this bill in the limited time accorded me—you know that while the bill has many meritorious features, yet it is honeycombed with local projects for private purposes.

Then he was requested to point them out, but he did not have time to do so.

I have to indulge, perhaps, in generalities—

Says Mr. Dockery—

because the time is so limited.

I know, Mr. Speaker, that my protest will be unheeded. I know that my voice will fall on dull ears; I know the claim will be made here and throughout the country that the enormous total of this bill, covering as it does about eighty millions of liabilities, is for the public weal. But I desire to say——

Mr. HOOKER. Will the gentleman yield for a question?

Mr. DOCKERY (continuing). But I appeal from this tribunal to the great body of the American people. [Laughter on the Republican side.]

This was one of the Democrats of the House fighting the river and harbor bill on the ground of economy, and the Republicans laughed. Of course, it is funny for anybody to fight an appropriation bill. Mr. Dockery continues:

I appeal from the Representatives here who intend to support this bill to the farmers of the country, to men who follow the plow and toil for their daily subsistence; I appeal to the men who work in the fields and in the factories and in the mines, and to the men who are engaged in the various business avocations of the country——

Mr. HOPKINS. And they will all repudiate you. [Laughter.]

Mr. DOCKERY (continuing). I appeal to the vast army of men who earn their bread by their daily toil. I appeal, Mr. Speaker, to them to condemn this riotous, this enormous, this unjustifiable, this profligate appropriation of public money. [Applause.]

Then he is asked to yield for a question, which he does not seem inclined to do. So even in those days, away back yonder when our Democratic friends were pleading for economy in the House and against the items in river and harbor bills, they were met with loud laughter on the Republican side. So it seems to me that the party that is in power will go ahead with its appropriation bills and the minority can accomplish but little.

I wish to put in the RECORD a quotation from a good old Democratic Representative from Ohio, Representative SHERWOOD, if correctly given, as I assume it is, published in the papers a few days ago. He said:

This is an occasion for Congress to economize in public expenditures, retrench all along the line, instead of adding to the burdens of the people, for no man can foretell how much these burdens will be increased in consequence of the war in Europe. Therefore it should be the earnest aim of every public servant to direct his intelligence to methods of diminishing the public burdens rather than increasing them.

Mr. President, in order to meet what is agreed to be a serious situation in the Government, which some claim arises from the unfortunate European war conditions, and others from the lack of imports coming into this country even before the war started, we shall be called upon within the course of the next few weeks to pass a bill imposing additional taxes upon the American people. I presume it has not as yet been determined just what form those taxes will assume. The newspapers this morning stated that there would be an additional tax on beer and on tobacco, and that a stamp tax would be imposed on checks. The proposed tax on freight transportation has been abandoned. The country will not stand for such taxation, which would be taxation, practically, upon commerce. I do not know whether it will stand for the tax of 2 cents a gallon on gasoline. In view of the large number of automobilists in this country, there is apt to be a "blowup" on that before it gets very far. If we have got to have a tax, it might be a good idea to levy a tax of 50 per cent upon the receipts at Chautauquas addressed by Members of Congress while Congress is in session. I think possibly we could raise considerable money in that way without burden at all upon the people, also by lowering the limit of the income tax. In any event, whatever is done, the tax is passed on to the consumer; and when the additional revenue is provided for and the Democratic Party again meet in national convention, I hope they will not adopt any economy planks in their platform such as those to which I have called attention. I want to recommend this plank to them in 1916:

*Resolved*, That we denounce the Republican Party for its failure to appropriate larger sums of money to carry on works of internal improvement. We pledge the people that if continued in power we shall exceed even the efforts of the last Congress to waste the money of the people by profligate expenditures in the improvement of rivers and creeks which will result in helping to reelect Members of Congress and as earnest thereof we point to our record in the Sixty-third Congress.

We denounce all economies in Government; we realize that the people do not desire economy, that they desire to procure appropriations for their respective congressional districts and we favor a law providing at public expense a banquet to every Congressman and to every Senator who shall have secured as much for their respective district or State in the way of appropriations as any other Congressman or Senator, such banquet to take place at such point as may be selected by the said Congressman or Senator.

We pledge ourselves to see that no surplus remains in the Treasury of the United States from the taxes wrung from the toiling masses, as long as any objects can be found for which said surplus may be appropriated.

It is our proud boast that for the year ending June 30, 1915, we appropriated only $1,200,000,000 of the money wrung from the people and if reelected we will make the next Congress a one and one-half billion dollar one.

Let us be honest about this matter, and if there is to be no economy, if it is all a farce and snare and a delusion, let us say so.

We have had Presidents of the United States who felt that there was great extravagance in river and harbor bills, and who vetoed some of them; and we have had others who threatened to veto them. I want to call attention to some of these vetoes, because I want to have them in the CONGRESSIOAL RECORD, at

least for my own future reference. The first one is a veto by Andrew Jackson. Some of the language he used is as follows:

After the extinction of the public debt it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of the debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided.

There is no trouble now as to the disposition of the surplus.

Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has by many of our fellow citizens been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

He vetoed the bill, of course, on the theory that it was an invasion of State rights. There are other very interesting observations in this veto message of which I ask that I may insert portions in the RECORD without reading. If there is objection, of course I will read them, though I should prefer not to do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none.

The matter referred to is as follows:

The bill before me does not call for a more definite opinion upon the particular circumstances which will warrant appropriations of money by Congress to aid works of internal improvement, for although the extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated has, as we have seen, been long claimed and exercised by the Federal Government, yet such grants have always been professedly under the control of the general principle that the works which might be thus aided should be "of a general, not local; national, not State" character. A disregard of this distinction would of necessity lead to the subversion of the Federal system. That even this is an unsafe one, arbitrary in its nature, and liable consequently to great abuses is too obvious to require the confirmation of experience. It is, however, sufficiently definite and imperative to my mind to forbid my approbation of any bill having the character of the one under consideration. I have given to its provisions all the reflection demanded by a just regard for the interests of those of our fellow citizens who have desired its passage and by the respect which is due to a coordinate branch of the Government, but I am not able to view it in any other light than as a measure of purely local character; or, if it can be considered national, that no further distinction between the appropriate duties of the General and State Governments need be attempted, for there can be no local interest that may not with equal propriety be denominated national. It has no connection with any established system of improvements, is exclusively within the limits of a State, starting at a point on the Ohio River and running out 60 miles to an interior town, and even, as far as the State is interested, conferring partial instead of general advantages.

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From the official communication submitted to you it appears that, if no adverse and unforeseen contingency happens in our foreign relation and no unusual diversion be made of the funds set apart for the payment of the national debt, we may look with confidence to its entire extinguishment in the short period of four years. The extent to which this pleasing anticipation is dependent upon the policy which may be pursued in relation to measures of the character of the one now under consideration must be obvious to all, and equally so that the events of the present session are well calculated to awaken public solicitude upon the subject. By the statement from the Treasury Department and those from the clerks of the Senate and House of Representatives herewith submitted it appears that the bills which have passed into laws and those which in all probability will pass before the adjournment of Congress anticipate appropriations which, with the ordinary expenditures for the support of the Government, will exceed considerably the amount in the Treasury for the year 1830. Thus, whilst we are diminishing the revenue by a reduction of the duties on tea, coffee, and cocoa the appropriations for internal improvement are increasing beyond the available means of the Treasury. And if to this calculation be added the amounts contained in bills which are pending before the two Houses, it may be safely affirmed that $10,000,000 would not make up the excess over the Treasury receipts unless the payment of the national debt be postponed and the means now pledged to that object applied to those enumerated in these bills. Without a well-regulated system of internal improvement this exhausting mode of appropriation is not likely to be avoided, and the plain consequence must be either a continuance of the national debt or a resort to additional taxes.

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Through the favor of an overruling and indulgent Providence our country is blessed with general prosperity and our citizens exempted from the pressure of taxation, which other less-favored portions of the human family are obliged to bear; yet it is true that many of the taxes collected from our citizens through the medium of imposts have for a considerable period been onerous. In many particulars these taxes have borne severely upon the laboring and less prosperous classes of the community, being imposed on the necessaries of life, and this, too, in cases where the burden was not relieved by the consciousness that it would ultimately contribute to make us independent of foreign nations for articles of prime necessity by the encouragement of their growth and manufacture at home. They have been cheerfully borne because they were thought to be necessary to the support of government and the payment of the debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence when it is known that the necessity for their continuance would cease were it not for irregular, improvident, and unequal appropriations of the public funds? Will not the people demand, as they have a right to do, such a prudent system of expenditure as will pay the debts of the Union and authorize the reduction of every tax to as low a point as the wise observance of the necessity to protect that portion of our manufactures and labor whose prosperity is essential to our national safety and independence will allow?

* * * * * * * *

What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free government throughout the world! Would we not ourselves find in its effect an additional guaranty that our political institutions will be transmitted to the most remote posterity without decay? A course of policy destined to witness events like these can not be benefited by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement and whose good effects must of necessity be very limited. In the best view of these appropriations, the abuses to which they lend far exceed the good which they are capable of promoting. They may be resorted to as artful expedients to shift upon the Government the losses of unsuccessful private speculation, and thus by ministering to personal ambition and self-aggrandizement, tend to sap the foundations of public virtue and taint the administration of the Government with a demoralizing influence.

* * * * * * * *

I will not detain you with professions of zeal in the cause of internal improvements. If to be their friend is a virtue which deserves commendation, our country is blessed with an abundance of it, for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But though all are their friends, but few, I trust, are unmindful of the means by which they should be promoted; none certainly are so degenerate as to desire their success at the cost of that sacred instrument with the preservation of which is indissolubly bound our country's hopes.

Mr. KENYON. The second veto message is that of President Cleveland. The bill vetoed by President Cleveland appropriated for immediate expenditure practically $14,000,000, while another bill covered $3,000,000.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. Were the bills to which the Senator refers river and harbor bills?

Mr. KENYON. They were river and harbor bills.

Mr. BORAH. Was the amount mentioned by the Senator the sum total of the river and harbor appropriations at that time?

Mr. KENYON. They were, outside of authorizations; those were the cash appropriations, amounting to $17,000,000. But, in fairness, I call the Senator's attention to what follows:

A more startling feature of this bill is its authorization of contracts for river and harbor work amounting to more than $62,000,000—

Which, of course, was an exceedingly large sum—

Though the payments on these contracts are, in most cases, so distributed that they are to be met by future appropriations, more than $3,000,000 on their account are included in the direct appropriations above mentioned—

The same principle as we have here of appropriating $4,000,000 or $5,000,000 and practically obligating the Government to $33,000,000 or $34,000,000 more—

Of the remainder, nearly $20,000,000 will fall due during the fiscal year ending June 30, 1898, and amounts somewhat less in the years immediately succeeding. A few contracts of a like character authorized under previous statutes are still outstanding, and to meet payments on these more than $4,000,000 must be appropriated in the immediate future.

If, therefore, this bill becomes a law, the obligations which will be imposed on the Government, together with the appropriations made for immediate expenditure on account of rivers and harbors, will amount to about $80,000,000. Nor is this all. The bill directs numerous surveys and examinations which contemplate new work and further contracts, and which portend largely increased expenditures and obligations.

There is no ground to hope that in the face of persistent and growing demands the aggregate of appropriations for the smaller schemes not covered by contracts will be reduced, or even remain stationary. For the fiscal year ending June 30, 1898, such appropriations, together with the installments on contracts which will fall due in that year, can hardly be less than $30,000,000; and it may reasonably be apprehended that the prevalent tendency toward increased expenditures of this sort and the concealment which postponed payments afford for extravagance will increase the burdens chargeable to this account in succeeding years.

President Cleveland used pretty strong language as to the concealment of postponed payments. When it was suggested here yesterday, with reference to the Chesapeake & Delaware Canal, that there was a lack of frankness in the way the matter was made to appear to the public, in that while it had been held out as a reduction of two and a half million dollars the Government was committed to the proposition, though the bill only carried $5,000, great objection was found to that statement. Says President Cleveland:

In view of the obligations imposed upon me by the Constitution, it seems to me quite clear that I only discharge a duty to our people when I interpose my disapproval of the legislation proposed.

Many of the objects for which it appropriates public money are not related to the public welfare, and many of them are palpably for the benefit of limited localities or in aid of individual interests.

On the face of the bill it appears that not a few of these alleged improvements have been so improvidently planned and prosecuted that after an unwise expenditure of millions of dollars new experiments for their accomplishment have been entered upon.

While those intrusted with the management of public funds in the interest of all the people can hardly justify questionable expenditures for public work by pleading the opinions of engineers or others as to the practicability of such work—

Which is a veto of the proposition we have heard so often here that we can not question what the engineers say—

it appears that some of the projects for which appropriations are proposed in this bill have been entered upon without the approval or against the objections of the examining engineers.

I learn from official sources that there are appropriations contained in the bill to pay for work which private parties have actually agreed with the Government to do in consideration of their occupancy of public property.

Whatever items of doubtful propriety may have escaped observation or may have been tolerated in previous Executive approvals of similar bills I am convinced that the bill now under consideration opens the way to insidious and increasing abuses, and is in itself so extravagant as to be especially unsuited to these times of depressed business and resulting disappointment in Government revenue.

How apropos that message is to the present fight, even when that bill was carrying only $17,000,000 and this bill is up in the neighborhood of $50,000,000.

This consideration is emphasized by the prospect that the public Treasury will be confronted with other appropriations made at the present session of Congress amounting to more than $500,000,000.

Individual economy and careful expenditure are sterling virtues which lead to thrift and comfort. Economy and the exaction of clear justification for the appropriation of public moneys by the servants of the people are not only virtues, but solemn obligations.

To the extent that the appropriations contained in this bill are instigated by private interests and promote local or individual projects their allowance can not fail to stimulate a vicious paternalism and encourage a sentiment among our people, already too prevalent, that their attachment to our Government may properly rest upon the hope and expectation of direct and especial favors, and that the extent to which they are realized may furnish an estimate of the value of governmental care.

I believe no greater danger confronts us as a Nation than the unhappy decadence among our people of genuine and trustworthy love and affection for our Government as the embodiment of the highest and best aspirations of humanity, and not as the giver of gifts, and because its mission is the enforcement of exact justice and equality, and not the allowance of unfair favoritism.

I hope I may be permitted to suggest, at a time when the issue of Government bonds to maintain the credit and financial standing of the country is a subject of criticism, that the contracts provided for in this bill would create obligations of the United States amounting to $62,000,000 no less binding than its bonds for that sum.

That is a parallel case to present conditions, when the Government is about to levy taxes to maintain its credit and financial standing. I hope—or I would hope, if it were not for the southern Mississippi proposition—that the President would veto this bill. That is the difficulty which confronts us in making a fight on this bill, and that shows the iniquity of present methods. There is the southern Mississippi River, which ought to be taken care of, and here are all these miserable projects loaded onto that, because it is felt that men in this Chamber are not willing to defeat that project.

The next veto message in a river and harbor bill to which I desire to call attention is that of President Arthur, in the year 1882. This veto message is so short and so in point that I will ask the Secretary to read it, if there is no objection.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

EXECUTIVE MANSION, *August 1, 1882.*

*To the House of Representatives:*

Having watched with much interest the progress of House bill No. 6242, entitled "An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," and having since it was received carefully examined it, after mature consideration, I am constrained to return it herewith to the House of Representatives, in which it originated, without my signature and with my objections to its passage.

Many of the appropriations in the bill are clearly for the general welfare and most beneficent in their character. Two of the objects for which provision is made were by me considered so important that I felt it my duty to direct to them the attention of Congress. In my annual message in December last I urged the vital importance of legislation for the reclamation of the marshes and for the establishment of the harbor lines along the Potomac front. In April last, by special message, I recommended an appropriation for the improvement of the Mississippi River. It is not necessary that I say that when my signature would make the bill appropriating for these and other valuable national objects a law it is with great reluctance and only under a sense of duty that I withhold it.

My principal objection to the bill is that it contains appropriations for purposes not for the common defense or general welfare and which do not promote commerce among the States. These provisions, on the contrary, are entirely for the benefit of the particular localities in which it is proposed to make the improvements. I regard such appropriation of the public money as beyond the powers given by the Constitution to Congress and the President.

I feel the more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tend to an increase in number and in amount. As the citizens of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood. Thus as the bill becomes more objectionable it secures more support. This result is invariable and necessarily follows a neglect to observe the constitutional limitations imposed upon the lawmaking power.

The appropriations for river and harbor improvements have, under the influences to which I have alluded, increased year by year out of proportion to the progress of the country, great as that has been. In 1870 the aggregate appropriation was $3,975,900; in 1875, $6,648,517.50; in 1880, $8,976,500; and in 1881, $11,451,000; while by the present act there is appropriated $18,743,875.

While feeling every disposition to leave to the legislature the responsibility of determining what amount should be appropriated for the purposes of the bill, so long as the appropriations are confined to objects indicated by the grant of power, I can not escape the conclusion that, as a part of the lawmaking power of the Government, the duty devolves upon me to withhold my signature from a bill containing appropriations which, in my opinion, greatly exceed in amount the needs of the country for the present fiscal year. It being the usage to provide money for these purposes by annual appropriation bills, the President is, in effect, directed to expend so large an amount of money within so brief a period that the expenditure can not be made economically and advantageously.

The extravagant expenditure of public money is an evil not to be measured by the value of that money to the people who are taxed for it. They sustain a greater injury in the demoralizing effect produced upon those who are intrusted with official duty through all the ramifications of government

These objections could be removed and every constitutional purpose readily attained should Congress enact that one-half only of the aggregate amount provided for in the bill be appropriated for expenditure during the fiscal year, and that the sum so appropriated be expended only for such objects named in the bill as the Secretary of War, under the direction of the President, shall determine; provided, that in no case shall the expenditure for any one purpose exceed the sum now designated by the bill for that purpose.

I feel authorized to make this suggestion because of the duty imposed upon the President by the Constitution "to recommend to the consideration of Congress such measures as he shall judge necessary and expedient," and because it is my earnest desire that the public works which are in progress shall suffer no injury. Congress will also convene again in four months, when this whole subject will be open for their consideration.

CHESTER A. ARTHUR.

Mr. KENYON. Mr. President, I desire to have in the RECORD the statement issued by President Taft on signing the river and harbor bill of 1910. I will not read it in full, but only some parts of it. He said:

The chief defect in the bill is the large number of projects appropriated for and the uneconomical method of carrying on these projects by the appropriation of sums small in comparison to the amounts required to effect completion.

The figures convincingly establish the fact that this bill makes inadequate provision for too many projects.

Exactly the question which was discussed by the Senator from Ohio in opening this debate—

The total of the bill, $52,000,000, is not unduly large, but the policy of small appropriations with a great many different enterprises without provision for their completion is unwise. It tends to waste, because thus constructed the projects are likely to cost more than if they were left to contractors who were authorized to complete the whole work within a reasonably short time. The appropriation of a small sum lessens the sense of responsibility of those who are to adopt the project and who do not therefore give to their decision the care that they would give if the appropriation or contract involved the full amount needed for completion. Moreover, the appropriation of a comparatively small sum for a doubtful enterprise is thereafter used by its advocates to force further provision for it from Congress on the ground that the investment made is a conclusive recognition of the wisdom of the project, and its continuance becomes a necessity to save the money already spent. This has been called a "piecemeal" policy. It is proposed to remedy this defect by an annual river and harbor bill, but that hardly avoids the objections above cited, for such yearly appropriations are apt to be affected by the state of the Treasury and political exigency.

If enterprises are to be useful as encouraging means of transportation they ought to be finished within a reasonable time. The delays in completing them postpone their usefulness and increase their cost. The proper policy, it seems to me, is to determine from the many projects proposed and recommended what are the most important, and then to proceed to complete them with due dispatch, and then to take up others and do the same thing with them.

It is now three years since a river and harbor bill was passed. The projects under way are in urgent need of further appropriation for maintenance and continuance, and there is great and justified pressure for many of the new projects provided for by the bill. It has been made clear to me that the failure of the bill thus late in the session would seriously embarrass the constructing engineers. I do not think, therefore, the defects of the bill which I have pointed out will justify the postponement of all this important work; but I do think that in the preparation of the proposed future yearly bills Congress should adopt the reforms above suggested, and that a failure to do so would justify withholding Executive approval, even though a river and harbor bill fail.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I yield.

Mr. BURTON. I should like to ask the Senator from Iowa if it is not true that the pending bill of 1914 contains in even greater degree the defects which were pointed out by President Taft in that memorandum?

Mr. KENYON. Unquestionably.

Mr. BURTON. And, Mr. President, I want to say that, while the bill of 1911 was not, perhaps, as bad as that of 1910, and

the bills for 1912 and 1913 were about the same, this bill is the worst of all. It contains appropriations as low as one twenty-fifth part of the whole amount that is required for the completion of a project. It contains appropriations for old projects where, at the rate of appropriation contained in the bill, it will require 30 years and even more for completion.

Mr. TOWNSEND. Does the Senator mean they could not be used before that time?

Mr. BURTON. Not in every case; but in some cases it would be that long before they could be used. I have in mind one, where large expenditures have been suspended, to provide a breakwater on the coast of Massachusetts—and I do not know that I should favor the resumption of the appropriations—but at the rate at which we were expending money there it would take 50 or 60 years to complete it. It was intended as a harbor of refuge, and until completed the use for which it was intended could not be made effective.

I think the message of President Taft states as forcefully the objections to the piecemeal policy as they have ever been stated. It is an open secret that at one time he made up his mind to veto that bill just on that account—I refer to the bill of 1910—but that the considerations mentioned in the latter part of his memorandum alone deterred him from doing so. In that case, however, there had been no general river and harbor bill for a little more than three years, and that fact had great weight with him. His fear that deserving projects would suffer led him, very reluctantly, to attach his signature to the bill. He does, however, state in the most unequivocal language that similar defects in another bill would justify the interposition of an Executive veto.

Now, I never could understand why that custom has been continued. No one justifies it. The objections are so perfectly obvious that it would be a mere work of repetition, and I should fear that I would weary the Senate by giving again the objections to the present method. What is the use of stating and restating the arguments in favor of a more judicious policy of prosecuting public works, when everyone agrees that it is best to provide for the whole improvement at the beginning, and you can not find anyone of an opposite opinion? Yet, in the face of all that, the House and Senate are going on year by year, and this is becoming worse and worse.

Everybody knows what the reason is. There are new Members coming into Congress in the House of Representatives, and new projects are being pressed, and as a result there must be this multitude of new schemes in every bill; and in the meantime the older projects, many of them of the greatest merit, must remain unfinished and insufficiently provided for.

I have sometimes thought the only way in which to cure this palpable defect—a defect that everyone agrees upon, a method that everyone agrees is wrong—is to defeat the river and harbor bill at some time, however serious the consequences might be.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I do.

Mr. SIMMONS. I have not interfered by way of interruption lately; but since the Senator has had something to say about the veto of President Taft, I wish to say a word. That was the bill of 1910?

Mr. BURTON. Yes.

Mr. SIMMONS. And that was the first bill passed after the Senator from Ohio ceased to be chairman of the Rivers and Harbors Committee of the House?

Mr. BURTON. Yes.

Mr. SIMMONS. Still, the Senator was a member of the Commerce Committee of the Senate when that bill was agreed to?

Mr. BURTON. Yes.

Mr. SIMMONS. The Senator criticized that bill, as he has criticized every bill that has been reported from the Commerce Committee since he has been in the Senate. The President approved the bill, but he attached a memorandum in which he made certain criticisms. I do not know what the facts are, and I am not asking the Senator with reference to the facts; but I know that at the time it was thought that the Senator from Ohio was very much in favor of a presidential veto, and that he was using his influence to that end, and that the memorandum which the President made and attached to that bill reflected very largely the views of the Senator from Ohio, which had been communicated to the President in his efforts to secure the veto. I know nothing about that. I am simply saying that that was a matter of general rumor about the Capitol at that time.

Mr. BURTON. I am perfectly willing to state, if the Senator from North Carolina is through, just what my action was with reference to that bill.

In regard to this and several other measures that had been pending before Congress—notably the seamen's bill, which was presented to President Taft barely an hour before the expiration of his term—I have refused to take the responsibility of insisting upon any course to be pursued or even of advising. In both those instances I have stated the arguments pro and con, and, while this is a communication with the Executive, I am perfectly willing to say here and now what I said to President Taft.

I said there were three courses for him to pursue: One, to sign it without saying a word; another, to sign it and file a memorandum. I did suggest, however, that if he did that probably the reasons he would give would be so decisive that it would seem inconsistent on his part if he did not veto it. The third course that I said was open to him was to veto the bill. I placed before him my own report on the river and harbor bill of 1907, which he did me the honor to study with some considerable care, and some other memoranda on the subject, but I at no time urged him to veto that bill. It was a matter for him to decide.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. The work in which we are engaged now can not be disassociated from the task we are about to take up in a short time hereafter; that is, the question of raising more revenue by taxes. Neither can it be said that the river and harbor bill is wholly unjustified. I do not think it could be said that it ought to be defeated as an entirety, but in view of the situation that we are now confronting, a question of a deficit, and the question of the raising of $100,000,000 by extraordinary taxation, it may be said that it is inconceivable that under such circumstances the Congress of the United States would pass this bill as it is written.

That is not a political question nor wholly a partisan question. There is a larger question involved in the proposition. We know—and regardless of what brings it about—that business affairs are not satisfactory in this country. We know that the railroads are pleading at this time for an increase in freight rates. In this morning's paper they state that the revenues of the railroads decreased $44,700,000 during the last year. We are just getting ready, apparently, to impose an extra burden upon the shippers of the country and upon the ultimate consumers of the country in the way of a tremendous increase of freight rates and passenger rates. In addition to that we know that according to the report of R. G. Dun & Co. the failures for August, 1914, were $43,000,000, as against $20,000,000 in 1913. I saw an estimate the other day by a prominent labor leader that there were two and a half million laboring men, at least, out of employment at the present time.

Regardless of what has brought this about, whether it is unfortunate and ill-advised legislation on the subject of the tariff or what, or whether it is the war, it is a condition which confronts us and not a theory, and instead of imposing extra burdens it ought to be the business of Congress to pare these bills wherever they can be pared. Economy ought to be the plea and not extraordinary taxation.

I ask my Democratic friends, in view of the fact that when a Republican Congress appropriated a billion dollars for a session, that of itself was denounced as extravagant and indefensible, how will you justify the fact that in view of the present business conditions you have already appropriated $100,000,000 in excess of the amount which you denounced as extravagant, which does not include the amounts we are now considering at all? Will not the figures themselves——

Mr. SIMMONS. Mr. President, I do not wish to engage in any debate with the Senator about this matter, but I think he has made a mistake about one statement of fact; either he has, or, as the paper reported Mr. FITZGERALD, he made a mistake about it. My understanding is that Mr. FITZGERALD stated—I do not know the facts—that the figures he gave in his statement in the House included the appropriations made by the river and harbor bill which passed the House.

Mr. BORAH. I will assume, for the sake of argument, that that is true.

Mr. TOWNSEND. I think the Senator is mistaken.

Mr. SIMMONS. I have not read the speech of Mr. FITZGERALD.

Mr. KENYON. I have; and I am sure the Senator will find that that bill is not included.

Mr. SIMMONS. The newspapers stated that that was included.

Mr. KENYON. He made some comparisons, leaving out the river and harbor appropriations; but he did state that the

amount of one billion and about eighty-nine million dollars did not include the river and harbor appropriations.

Mr. BORAH. The exact figures which he gave, according to my data, are $1,117,468,777, not including the river and harbor bill; but we will not quarrel here over fifty or a hundred million dollars in discussing this proposition. [Laughter.]

We are facing that condition of affairs, however, and it is very much larger than the Democratic Party or the Republican Party just at this time. In view of the fact that in all probability, if this condition of affairs has been brought on by reason of the unfortunate conflict in Europe, it is going to continue for a great length of time, how can the representatives of the people justify any other course than that of economy and paring all bills instead of levying extraordinary taxes?

As I was saying when interrupted by the Senator from North Carolina, the Democrats went into the campaign with a billion-dollar Congress behind them, which they denounced as extravagant. It was certainly a sufficient appropriation. Now, in view of the fact that without this bill and without a number of other measures which are to come to the Senate, we have already reached close around $100,000,000 exceeding that which was denounced as extravagant on the part of the Republicans, it seems to me that the injunction to us is to pare instead of to levy extraordinary taxes.

Let me read a statement from Mr. FITZGERALD, whom I regard as being as sincere an advocate of economy as we have. I think he has used every effort, as I have observed his conduct in the House, to curtail these expenditures; and I wish to call attention to what he said on the 8th day of April, long before this exaggerated and accentuated form of extravagance had presented itself.

He says:

> In a few months I shall be called upon, in the discharge of my official duties, to review the record that this Democratic House shall have made in its authorization of the expenditure of the public moneys. Whenever I think of the horrible mess that I shall be called upon to present to the country on behalf of the Democratic Party I am tempted to quit my place. I am looking now at Democrats who seem to take amusement in soliciting votes on the floor of this House to overturn the Committee on Appropriations in its efforts to carry out the pledges of the Democratic platform. They seem to take it to be a huge joke not to obey their platform.

That was before this feature of the appropriations was presented, at a time when Mr. FITZGERALD saw the high point to which the expenditures and appropriations were rising; and we can not gainsay his words. He is familiar with the facts. He is a thorough master of the subject. He has been at the head of that committee since his party has been in power, and a most active and able member of it long before his party came into power. Upon the 8th day of April he presented the figures, which he said he was unable to justify. Since that time the figures have mounted until they are $1,117,000,000.

During the month of August, 1914, the expenditures of the different departments of the Government exceeded the expenditures of 1913 for the same month by $3,000,000.

It does seem to me that we can avoid levying a war tax if we will begin right here upon this bill in good faith to cut out the projects which can wait, even yielding upon the proposition that they ought not to be appropriated for at all.

As I view it, there are some of the projects which never ought to be appropriated for, which are not in the public interest, which are not for the public welfare, and which can not be justified under the Constitution of the United States because they have no relevancy to commerce, and have no relevancy to the powers which we have the right to exercise as a Congress under the Constitution of the United States. They are purely local matters and of local benefit only, if of any benefit to anybody. But, assuming and passing by the proposition that some time, perhaps, they ought to be appropriated for, is it not a reasonable thing to do, and a just and an equitable thing for the taxpaying public of the country, to relieve them of $100,000,000 of taxation by paring these expenditures, which, in my judgment, we can very easily do?

The Senator from Iowa [Mr. KENYON] said a few moments ago, and very justly said, that whatever party was in power it seemed to take the reins off and throw them upon the neck and ride roughshod over all principles of economy, and get to the Public Treasury just as often and just as actively as possible. But now, Mr. President, I want to say to the Democratic Members of this body that there are enough on this side of the Chamber to help pare this bill, and join we will in the effort to do so. We can cut $25,000,000 out of this bill and never impair the public improvement one particle, and it seems to me we ought to do so.

It does not make any difference what you levy the special tax upon, it is going to reach the man who is already embarrassed. You can not find anybody in this country who is anxious to pay any more taxes, or who is prepared to pay any more taxes; and if there ever was a time for an injunction of economy, it is the present time.

I do not desire to interrupt the Senator longer, but I wish to call attention to one feature of President Taft's memorandum to show how utterly impossible it is to protect the Treasury of the United States by kindly admonition; to show how utterly impossible it is to enforce the principles of economy through mere statement of fundamental principles or well-accepted homilies as to public expenditures. President Taft undoubtedly felt that the river and harbor bill before him ought to be vetoed; and, without criticizing the distinguished ex-President, I have not any doubt but that if he had vetoed it the atmosphere would be very much more clarified at this time with reference to this bill. If he had vetoed that bill, and the matter had fallen by reason of the fact that there were unjust and indefensible appropriations in it, this bill in all probability would not be here at all. But after a great President was made to know that the bill was so bad that it must be condemned, though not vetoed, it was apparently an encouragement to add to the bill thereafter rather than to curtail; and, as said by the Senator from Ohio—and no one knows better—this bill is worse in the respects in which President Taft criticized the bill before him than the bill which he criticized.

> The chief defect in the bill is the large number of projects appropriated for and the uneconomical method of carrying on these projects by the appropriation of sums small in comparison to the amounts required to effect completion.

They make a small appropriation and connect it up with a future obligation. The very fact that they make the small appropriation is an assurance and a guaranty that they propose to go ahead with it, or else it must be considered as that much lost. We can not blind ourselves to the fact that all these small obligations mean large obligations; and while the figures are stated in small numbers in the bill, as a matter of fact, so far as the taxpayer is concerned and the obligation of the Government is concerned, they had just as well be stated in this bill in their fullness, because the obligations are incurred.

> The figures convincingly establish the fact that this bill makes inadequate provision for too many projects. The total of the bill, $52,000,000, is not unduly large, but the policy of small appropriations with a great many different enterprises without provision for their completion is unwise. It tends to waste, because thus constructed the projects are likely to cost more than if they were left to contractors who were authorized to complete the whole work within a reasonably short time. The appropriation of a small sum lessens the sense of responsibility of those who are to adopt the project and who do not therefore give to their decision the care that they would give if the appropriation or contract involved the full amount needed for completion. Moreover, the appropriation of a comparatively small sum for a doubtful enterprise is thereafter used by its advocates to force further provision for it from Congress on the ground that the investment made is a conclusive recognition of the wisdom of the project, and its continuance becomes a necessity to save the money already spent. This has been called a "piecemeal" policy. It is proposed to remedy this defect by an annual river and harbor bill, but that hardly avoids the objections above cited, for such yearly appropriations are apt to be affected by the state of the Treasury and political exigency.
>
> If enterprises are to be useful as encouraging means of transportation, they ought to be finished within a reasonable time. The delays in completing them postpone their usefulness and increase their cost. The proper policy, it seems to me, is to determine from the many projects proposed and recommended what are the most important, and then to proceed to complete them with due dispatch, and then to take up others and do the same thing with them.
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> It is now three years since a river and harbor bill was passed. The projects under way are in urgent need of further appropriation for maintenance and continuance, and there is great and justified pressure for many of the new projects provided for by the bill. It has been made clear to me that the failure of the bill thus late in the session would seriously embarrass the constructing engineers. I do not think, therefore, the defects of the bill which I have pointed out will justify the postponement of all this important work; but I do think that in the preparation of the proposed future yearly bills Congress should adopt the reforms above suggested, and that a failure to do so would justify witholding Executive approval, even though a river and harbor bill fail.

Postponement and procrastination in the protection of the Treasury of the United States simply means an additional assault upon the Treasury of the United States. Let me say again that I am quite in favor of some of the projects in this bill, and some of which are farthest removed from my region of country. Everybody recognizes that there are some of them that must be taken care of; but I am not at all sure but that in the end it would be infinitely better for the people of the United States to defeat the measure as a whole, in view of the long future years in which these expenditures are to be imposed upon the people, than to yield as the great President did when he simply filed his memorandum and permitted that bill to become a law.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I yield.

Mr. THOMAS. I share very largely the views expressed by the Senator from Idaho, and particularly at a time like this, when, owing to conditions over which we have no control and for which we are not responsible, it becomes necessary to resort to unusual methods for obtaining revenue. It seems to me, however, that the drift toward extravagant appropriations in this country has been constant for many years, and that no political party is entirely responsible for them.

The expenditures of the Government have increased legitimately in some directions and without any warrant in many others, and have been promoted very largely by the introduction of what is popularly known as the omnibus bill or the log-rolling bill, which comprises many items of merit and many which upon their own merits would never receive a hearing upon the floor of either House.

The Senator will probably remember that during the first administration of President Cleveland a great many individual pension bills were passed and vetoed, the reasons given for such vetoes having at the time excited a great deal of both favorable and adverse criticism, and being the subject of a good deal of partisan discussion in Congress. That method of legislation has given way to a combination bill, so to speak, not only as to rivers and harbors, but as to public buildings and claims. They have been powerfully promoted and are enacted because of the specific interest which is behind each item; and they go through, I suppose, upon the general principle that "you pat my back and I will pat yours."

So long as that method of financial legislation is legitimate and customary, I very much question whether there is going to be any great amount of economy in congressional financial legislation, whether this bill is enacted into law or not. Of course it is a perfectly common thing for all of us to secure appropriations in the interest and for the benefit of our constituencies by uniting in that practice. I am not criticizing anybody; I am merely making a statement, but it is for the purpose of calling attention to a proposed amendment to the Constitution which is now pending and which was offered by the Senator from Minnesota [Mr. CLAPP]. I want to commend that amendment to the serious consideration of the Senator and of Congress as well.

It is designed by that amendment to endow the President with power to veto specific items in all appropriation bills, a provision which is doubtless in the constitution of Idaho, as it is in the constitution of my own and, perhaps, a majority of the States of the Union. If we arm the Executive with that power and that authority it will go very far toward putting an end to this system of omnibus legislation, because it will lodge somewhere, and in the proper hands, I think, the power to go over and discriminate between that which is good and that which is bad, between that which is necessary and that which may be merely expedient. If we had such authority and such power at present lodged in the Executive by the Constitution of the United States, and this measure would go to the President, it would be very easy, as it would be desirable, for him to single out those items of appropriation which were not at present absolutely necessary.

I think if the Senator and Senators upon that side of the Chamber who believe in economical administration, and some of them do, and Senators upon this side of the Chamber who believe in economical administration, and some of them do, will get behind that amendment and see that it is reported out of committee, and present it here, and consider it during the short session of Congress, and pass it, and send it to the House of Representatives, it will be one of the best starts that we can make toward a permanent system of economical financial legislation.

Mr. BURTON. Will the Senator from Iowa yield to me for a moment?

Mr. KENYON. I yield to the Senator from Ohio.

Mr. BURTON. I want to call the attention of the Senator from Colorado and of the Senate to a suggestion made by President Arthur, in his veto message of 1882, under which this object might be attained without a constitutional amendment; that is, as far as river and harbor bills are concerned. I am frank to say it would involve a very strong, I may say an arbitrary, exercise of Executive power, but I read it for what it is worth:

> These objections—

That is, speaking of the objections to a river and harbor bill—

> These objections could be removed and every constitutional purpose readily attained should Congress enact that one-half only of the aggregate amount provided for in the bill be appropriated for expenditure during the fiscal year—

His thought was that when the bill was passed at intervals of two years there was a tendency to expend the whole amount hastily. I take it that is the subject to which he refers in that portion of his message. What I am now to read is along the line of what the Senator from Colorado suggests—

> and that the sum so appropriated be expended only for such objects named in the bill as the Secretary of War, under the direction of the President, shall determine; provided that in no case shall the expenditure for any one purpose exceed the sum now designated by the bill for that purpose.

I may say that in river and harbor legislation Congress has carried out that idea of leaving it discretionary with the executive department as to the amount which shall be expended. There was, I think, first in the act of 1900 an appropriation of $250,000 for emergency purposes, so-called, the expenditure of which was carefully guarded. It could only be made upon a project theretofore approved by Congress.

Second. For a purpose the necessity for which had arisen since the passage of the last river and harbor bill.

Third. On the recommendation of the local engineer.

Fourth. With the approval of the Chief of Engineers.

Fifth. With the approval of the Secretary of War.

Sixth. In no case was the amount of the expenditure to be more than $10,000.

As the Senator from Colorado will note, there was a case in which the expenditures were left to the discretion of the executive department. Indeed, Congress went still further in the act of 1909 in appropriating a lump sum for the general maintenance of public works, and left to the executive department the apportionment of that sum.

Mr. THOMAS. I think that, of course, is commendable; but that does not reach the root of the evil which the Senator from Idaho is discussing. That might be made applicable to a river and harbor bill, but the river and harbor bill is only one of a number of bills carrying appropriations many items of which might well be eliminated and which could be eliminated by such a process as this.

As far as I am individually concerned, I want to vote for and to secure all needed appropriations for the protection of the people of the Mississippi Valley from the terrible floods, resulting in the destruction of life and property, to which they are constantly subjected. I want to see every harbor that is a harbor cared for and improved and every river that is not only navigable but navigated continued in a state of high efficiency, so that it can be utilized as an artery of commerce. I have no doubt the people will not only justify but applaud all such appropriations. The difficulty lies in attaching to them so many projects, irrespective of their merit or demerit, which may not address themselves to the approbation of all Members of the House or of the Senate.

With such an addition to the constitutional authority of the President of the United States it would be perfectly easy to carry on the system of appropriations without reference to the vicious nature of certain items; and I use the term with no personal reflection upon anybody, because no particular party or individual or administration is responsible for that sort of legislation. It is simply the outgrowth of existing conditions. With such a power lodged with the President, who is directly responsible to the people, whom the people regard and constantly regard more and more as their representative, as the protector of their interests, as contradistinguished from Members of Congress, who, of course, represent only States and districts in States, much of this unnecessary financial legislation, I think, would disappear from all bills that are introduced.

Mr. BORAH. Mr. President, if I may——

The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from Idaho?

Mr. KENYON. I yield further.

Mr. BORAH. I wish to say just a word with reference to the suggestion of the Senator from Colorado. I think that I shall vote for such a constitutional amendment as the Senator from Colorado has been discussing. I feel that way at present, anyway. It has worked ordinarily with good results in our State, although there are some evils connected with it. It has a tendency to leave the legislative body to shift the responsibility to the executive and to put in even more bad projects, a portion of which will possibly slip through. But all in all, in my judgment, it would be, as I view it now, one step in the direction of another check upon bad appropriations and I should support it.

But I think the Senator from Colorado will agree with me that such an amendment is rather a sad commentary upon the Congress, conceding, as it does, that they are unable to protect the Treasury itself. Conceding that it is unable to purge these bills upon its own part it transfers the power and responsibility

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in the hope that the man who is President will have more courage than the men who are in the Senate and the House. I say it is rather a sad commentary that we have to concede that such a step is necessary.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. KENYON. I do.

Mr. LANE. Does not the Senator believe that it goes further than that and is a confession upon the part of Congress that it is unfit to properly represent the people?

Mr. BORAH. No; I am still drawing my salary, and I do not propose to admit that so long as I am.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. KENYON. I yield.

Mr. LEWIS. If the Senator from Iowa has not yielded the floor I do not wish to interrupt him until he has concluded. I should like at the conclusion of the Senator from Idaho to be allowed by the Senator from Iowa to make an observation.

Mr. KENYON. I will be very glad to yield, if there is no objection.

Mr. BORAH. I will yield in just a moment to the Senator from Illinois.

Mr. LEWIS. I trust the Senator from Idaho will not hasten as a convenience to me. I have no such desire.

Mr. BORAH. I will take just a moment to make a further suggestion.

The Senator from Colorado said that in all probability we were not responsible for the conditions which now confront us with reference to the necessity of apparently raising more revenue. I am not going to discuss the proposition to what extent the war has brought about this condition of affairs, but, Mr. President, we are responsible for and we have complete control over the questions of appropriations from this time on, and while we might not have been able to foresee and forestall and to prevent conditions coming as they have come, they are here and we are now in a position, instead of levying taxes, to save the situation by reducing expenses. That is a matter which is purely under our control. Whether there would ever be any necessity for calling for these extra funds or not had not certain conditions in foreign countries arisen is another question, but the situation is here, the promised deficit seems to be approaching, and we can avoid the question of taxation by the proposition of cutting down appropriations. That is within our control.

Mr. KENYON. I will yield to the Senator from Illinois in just a moment. Before the Senator from Idaho sits down, if the papers are correct in their report of a meeting last evening of the National American Association of Public Accountants at the New Willard Hotel, the Secretary of Commerce is quoted as saying what I shall read. This is my only authority for it, and it is so contrary to what the Senator says that I think possibly it might persuade him otherwise. The Secretary of Commerce is quoted as saying:

> I am amused greatly by the discussions in the public prints and otherwise of the extravagance of political parties. I want to say that it is not so much the amount that is spent as the way it is spent. I do not think that the American people care whether the expenses of running the Government are many millions more one year than they were in the preceding year. But I do think they care how the money is spent. Either party or Congress may have spent more money economically than its predecessor. There is meat for calmness and clearness.

Then the president of the association said in reply:

> The business men are in touch with affairs. They read the newspapers, the proceedings of Congress, the debates on the floors of both Houses and in the committees, and they know pretty well where an additional $50,000,000 a year goes. They know whether it goes into a pork barrel or whether it represents wise expenditures. We read of what Congress does and how it spends money. You can't make the business men see why there should be a bill to raise an extra $100,000,000 tax while the pork-barrel bill is still under discussion.

What I particularly wish to suggest to the Senator is the thought, if the Secretary of Commerce is correctly quoted, that the American people do not care what the expense of running the Government is, that they are only concerned that the money be wisely expended. Does the Senator believe that is a new political philosophy or is it founded on the experience of times gone by?

Mr. BORAH. I am rather inclined to believe that the Secretary of Commerce is correct in his proposition that the people do not care so much about the amount of the expenditure; at least, our people have been very tolerant in regard to those things; but it is simply a question largely as to how th. money is expended. But, after all, it comes back to the proposition that the vice of this bill is that the money is not expended in behalf of the public interest and for the public welfare. I doubt if there would be any considerable fight in this Chamber on the mere fact that it carries a very large sum if Senators did not feel that there are projects here which can not be justified.

Mr. KENYON. I apprehend that would be true if there were no special financial emergencies and necessities for the postponement of large projects and for economy in the line of public funds. I am inclined to think that there is a good deal of philosophy in what he says. The American people are concerned in how the money is spent a great deal more than they are concerned with the amount of the money that is spent.

Mr. BORAH. But a complete answer to that proposition is stated by the other gentleman from whom the Senator read in that same paper.

Mr. KENYON. I think so.

Mr. LEWIS. Mr. President, I am not quite sure that the observations which I expect to express should really be introduced in the speech of the able Senator from Iowa [Mr. KENYON] while he is presenting so copiously his objections to the river and harbor bill. But the Senator from Idaho [Mr. BORAH], with alert watchfulness of any opportunity that would serve his party, has written in the RECORD what must go out as a fact, which when reproduced in the usual party paper will form the text for many a flaming oration upon the public stump through the country against the wild and profligate extravagance of this utterly irredeemable Democratic Party.

The Senator from Idaho whose observations I did not hear in completeness, the latter part of which I did, the whole of which I readily divine, has for his purpose, commendable in the object from a party viewpoint, indicting the Democracy from what is clear from his viewpoint a remission, or, rather, remissness of duties. If the position of the Senator from Idaho is maintained by the facts and figures as given by him, there must appear in the RECORD to-morrow morning, to be copied by every paper in the country, the charge sustained that the Democracy has added to the appropriations of the last Congress in very large sums, and apparently in face of the platform declaration, proclaiming economy as one of its issues and promises upon which it secured the confidence of the American public.

Mr. President, I am sure that there is no Senator on the floor who is less inclined to leave a record incomplete than the Senator from Idaho, and none would present the Democracy before the country unfairly with deliberate purpose, and certainly the Senator would not; but it appears to me that since the able Senator has written in the record from the splendid altitude of eminence he occupies the indictment he presents, there should be to that, from some source, that legitimate response which the record justifies and of which the facts give proof.

It may be, and doubtless is, true that the records of this present Congress, so far as the mere legislation discloses, would develop a sum total of proposed appropriations which might exceed in their amount that which was either proposed or carried in the preceding session of Congress. But the public ought now to know that the mere fact that the Democracy in the Union has chosen a majority of its representatives to serve in this body and in the other House was not a license to them wholly to undo everything that had been effected, accomplished, and disposed of by their opponents who preceded them; and if it be true, as the records I think fairly disclose, that the preceding Congress entered into contracts and obligations which entailed upon the honor of this Congress the payment of those debts, we could not, merely because we were a Democratic Congress, repudiate the debts incurred by our predecessors, violate our obligations, dishonor our credit, merely because we were the Democracy and our predecessors were the Republicans. If the appropriations, therefore, have gone afoot and apace in this session with the previous legislation passed by a preceding Congress, which involved the obligations, we were merely paying debts—debts we did not incur, but for which we were jointly responsible, and which in honor we could not ignore and, from every sense of sacred obligation, never repudiate.

If $3,000,000 has been added, as doubtless the Senator from Idaho well states, another fact must be brought, in justice, to the mind of our countrymen. Nearly $4,000,000 essentially was involved in the unfortunate but necessary expedition to accomplish peace in Mexico, in the unfortunate conflicts upon our border, and the difficulties which arose there. The policy which our Government inaugurated, with the theme of peace with honor, which we now have finally not only inaugurated but accomplished, was in a great measure responsible for that increase. The able Senator from Idaho will see, I am sure, upon investigation, that from the War Department comes much of this increase; and, since it is from the War Department, he will also gather that it was made necessary by these new conditions which have arisen, which could not be charged, as an original creation, to the present Congress.

If I am not in error in that, I am sure the Senator will agree with me, then, that it is only fair to state that much of the expenditures to which he alludes—and which, in justice, I think, he condemns—were not created by us, but in honor must be paid by us. They were created by preceding administrations, not with a desire to be unduly extravagant, not that they sought to be unjustly oppressive, but because they honestly felt the obligations of the country and its necessities required that indebtedness.

I feel that if such be the fact the country ought really to understand that these excessive appropriations do not go toward new adventures and new undertakings, wholly originated in this administration, but to an extent are the payment of debts incurred through obligations of previous administrations to carry on enterprises which in the honor of those administrations they believed to be just and proper. I think that fact ought to be made manifest to the public, that we may do justice. We can think of no finer sentence than Richelieu's observation:

For justice all seasons are summer, all places a temple.

While it is proper at this particular time, according to party warfare, just upon the eve of an election, to write into the record that which may be used for partisan purposes upon the public stump, I am sure that all will admit that the truth of the record is completest justice and is the fairest right of both parties. I mention these facts that the able Senator from Idaho may join with me in the sentiment of Lady Constance, that—

we will put this over to the parent who rightfully fathers it.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. Mr. President, I have had the pleasure of being acquainted with the junior Senator from Illinois [Mr. LEWIS] for some 10 or 15 years, an acquaintance and friendship which I have always enjoyed and greatly appreciated. I have known something of his remarkable skill and ability in defending bad causes. He is most successful when he has a bad cause to defend. He is not really at his best in a good cause. I was not conscious of the fact that I was discussing this question from a partisan standpoint; I did not intend it in that way, although I realize that just at this time whatever is said must be in the mind of many of our friends attributed to a partisan view or actuated by partisan motives.

I agree with the Senator from Illinois that all the facts ought to be stated; it is not my intention to leave out anything which would leave the picture incomplete. I simply called attention to the fact that we were confronted by an extraordinary situation; that the business of the country was not entirely satisfactory. I did not assume to say why it was not so. I said that labor in the country was not in as good condition as we should like to see it. Neither did I assume to say why that was true. I recounted the fact that the railroads informed us this morning that the revenues of the railroads fell off last year $44,700,000. We were advised a few days ago by the railroads that they had defaulted on the 1st day of August, 1914, before the European war came, upon their securities and notes representing a value of $583,000,000. We were advised by a report a few days ago that the bank clearings for the first six months of the year were $800,000,000 behind the bank clearings of the last six months of last year. The R. G. Dun Co. advises us that the failures for August, 1914, amounted to $43,000,000 as compared with $20,000,000 in August, 1913. I do not assume to say why this is true, but I believe it is true. Those facts and figures come to me from such a source that I am not permitted to impeach them; and I said, in view of that situation, it is our duty to pare these bills, and to cut down appropriations, rather than to resort to extraordinary means of taxation. Does not the Senator from Illinois agree with me in the principle that instead of resorting to extraordinary means of taxation we should see if we can not curtail expenditures here?

Now, I wish to call the Senator's attention, seeing that he was not in when I read this statement—because it is from a Democratic source, and a source which can not be impeached—to what Mr. FITZGERALD said upon the 8th of April, long before the present condition of affairs growing out of the European war confronted us. He spoke as follows:

In a few months I shall be called upon in the discharge of my official duties to review the record that this Democratic House shall have made in its authorization of the expenditures of the public money. Whenever I think of the horrible mess that I shall be called upon to present to the country on behalf of the Democratic Party I am tempted to quit my place.

He said that the Democratic Representatives seemed "to take it to be a huge joke not to obey their platform."

Had I made such a statement upon my own volition I could have been charged with partisanship; but it is not a question of partisanship. The question involved is immensely bigger than the Democratic Party and immensely bigger than the Republican Party; it is whether or not there is any power anywhere to stop the extravagance which all people not benefited by a particular expenditure concede to exist. I do not think that I should be charged with mere partisanship in calling attention to the actual figures and to the interpretation of those figures by the most able leaders of the Democratic House as a justification for paring and cutting down all appropriations.

Mr. FITZGERALD said at a former time in another Congress:

Controlling both Houses by substantial majorities, the responsibility for the appropriations belongs to the Republicans. Try as they may, they can not be other than "wasteful, extravagant, inefficient." * * * There can be no hope for any reductions from the Republican Party. The best interests of the country and the people demand a Democratic House. In no other way can expenditures be brought back to their normal level, taxes levied and collected for the sole purpose of defraying the legitimate expenses of the Government economically administered.

Mr. NORRIS. When was that?

Mr. BORAH. That statement was made in June, 1910.

Now, I want to submit to my learned friend from Illinois whether or not this is a fair statement of the facts: The Congress of the United States, according to Mr. FITZGERALD'S own figures, appropriated about $100,000,000 less in the last Congress than we have appropriated up to this time in the present Congress. The Congress which appropriated $100,000,000 less was denounced by the Democratic platform and repeatedly in the campaign and by no one more eloquently and effectively than by the Senator from Illinois, as extravagant in the extreme.

Mr. KENYON. The Senator means, I presume, the Congress preceding the last one?

Mr. BORAH. Well, the last Republican Congress. That being true, when the present Democratic Congress has exceeded already by a hundred million dollars the amount appropriated by the last Republican Congress, is it not time for us to join hands in trying to stop the extravagance on both sides of the Chamber and leave out entirely the question of partisanship for the time being?

Again, what did you say in your platform adopted at Baltimore in 1912?

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

Mr. President, I assert, without fear of successful contradiction, that this Congress has created more offices and provided for more salaries than have been created in any five years in the history of this Government. I assert, without fear of successful contradiction, that it has created more offices and provided for more salaries by half than any single Congress in the history of the Republican Party. If you look at the figures which I have here in reference to the departments you will see that that statement is substantiated and supported by the expenditures of the different departments. Now, let us go over some of those figures. During the month of August, 1914, the appropriations for the legislative department were $647,786; for the Executive Office, $23,481; for the State Department, $176,110. The amounts provided for the same month in the year 1915 are: Legislative department, $686,325; Executive Office, $72,600; State Department, $383,930. The sum total of the expenses of the different departments per month exceeds by $3,000,000 the amount appropriated for the same departments last year.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. KENYON. I do.

Mr. GALLINGER. I will ask the Senator from Idaho if, in his investigation, he has undertaken to determine how many new offices have been created by legislation, the appointments to which have been made outside of the civil service?

Mr. BORAH. I do not know how many of them are outside of the civil service. I have undertaken to estimate the number of new offices which have been created, but I have not undertaken to find out how many of them are outside of the civil service.

Mr. GALLINGER. The Senator, of course, has observed that in almost every appropriation bill we have passed there has been provision for the appointment of a large number of employees without reference to the civil-service law. I introduced

a resolution some time ago asking the Committee on Civil Service and Retrenchment to furnish that information; but it has not yet been furnished, and I thought perhaps the Senator might have investigated the question.

Mr. LANE. Mr. President, I should like to ask the Senator from Idaho if he dares to make the assertion here on this floor that there have been enough new offices created to go around? [Laughter.]

Mr. BORAH. No; but if the Senator from Oregon will make that statement, I will agree to it.

Mr. President, so far as the suggestion of the Senator from Illinois as to the extra expense of bringing about peace in Mexico and compelling Huerta to salute the flag is concerned, I understand that there have been bonds issued to cover that. I do not know as to that; but the Senator from Illinois will correct me if I am in error.

Mr. LEWIS. I will not interrupt the Senator from Idaho now in the course of his remarks; but when he shall have concluded I will take the liberty of adding an observation, if the Senator from Iowa does not feel that I am further intruding upon him.

Mr. KENYON. Of course I am anxious to get along, but I will yield to the Senator for that purpose.

Mr. LEWIS. I realize that the Senator from Iowa suffers inwardly to have a part of his time taken with extraneous matters while he is conducting a warfare which he knows can only be successful by having it as elongated as possible.

Mr. KENYON. I am glad to have the Senator from Illinois assist in elongating it.

Mr. LEWIS. Mr. President, I appreciate the courtesy of the Senator from Iowa for permitting his discussion on the river and harbor bill to be interrupted by observations which may appear to be foreign to the subject, but which, after all, are very pertinent.

First, recurring to some observations of the Senator from Idaho, I have heard the speech of the chairman of the Committee on Appropriations of the other House [Mr. FITZGERALD] frequently adverted to. Yesterday the Senator from Iowa incorporated it in his remarks, and I heard the Senator from Idaho, when I came into the Chamber, likewise repeating it. I have no doubt it will serve in many places and offstations as most agreeable campaign matter for our Republican opponents wherever the statement will be acceptable. The first statement was made in April. It might not be foreign to refer to some of the then-transpiring history.

There was a contest upon the matter of free tolls on the Panama Canal. The very able chairman of the Committee on Appropriations represents a political organization that was not then in harmony, and is not now altogether in harmony, with the President, or what is called the administration. He was, likely, at that time in a temper to present the administration in such an attitude that it might not wholly win the favor of those cohorts at New York for whom he is an eminent spokesman; and that this might have entered to some degree as a consideration for that particular arraignment at that particular time, when feeling ran more or less high, might without any particular violence be conceded. But without passing on the motive I now in turn ask my able friend from Idaho—to whom I return my appreciation for his felicitous compliments, and exchange them to him very gladly, as I recognize his merit much beyond my capacity to describe—would he urge for a moment that the obligations which had really been created by previous Congresses, for which the subsequent Congress must in honor appropriate, should be repudiated, and that we should decline to make the appropriations?

He would certainly say "no." Therefore, as I have sought to point out, the appropriations made were made for obligations that were not wholly those of this Congress, but which this Congress has no right to condemn, for they may have been necessary to a growing, expanding, bountiful, and prosperous country. Now, that they may have increased by virtue of the fact that more became due under this administration is very likely; and it may be that we have gone further in paying off these obligations than possibly we should have gone had we considered the principle of economy to the full extent of the platform declaration. It must be conceded that a strict constructionist would readily admit that the platform declaration goes far enough to repudiate the obligation upon which these expenditures had been previously based. But, differing as much as I do with my honorable opponents, and doubtless amenable to the accusation of my learned friend from Idaho as being one of those who condemn my opponents on the platform and on the stump as being guilty of unjust and excessive extravagance, nevertheless, after they had incurred the obligation, I for one could not be induced, merely to serve party objects or party necessities or party conveniences, to violate the obligation of my country, to repudiate her honor, to refuse to pay her debts, merely because they were incurred by an administration of adverse political complexion to that for which I speak.

Therefore I point out now to the able Senator that my inquiry, as expressed, is not whether the amounts have been appropriated; but whether all of the projects have been created by this administration, whether in justice any man could charge them all to us, and whether we should pay the penalty of being the originators of the extravagance? I must answer that justice says "no," truth says "no," and the record says "no."

That there are some which have been created by us and for which we must in justice be held responsible, no man can deny. We will pause to consider some of them.

The able Senator read from the statement of August. The Senator will not overlook the fact that August is but a month later than the month that ends the fiscal year. The obligations to the Philippine Islands, to the Panama Canal, to the matters in Mexico, and the general indebtedness of our Government, came due; and, as he is well advised with his long experience, their payment could not have been avoided.

The able Senator says that we condemned the creation of useless offices. I join in that condemnation. He says that we have not abrogated or repealed those offices, and he may be right. The Senator says that, to the contrary, we have created offices, and in that he may be right; but this he omits: We have created many offices that they may substitute many other offices, that so soon as the new officers are installed the old ones may be dismissed, and thus by the new supplant the old; and from our theory of economy and service to the public when taking the place of the old we will, in the final analysis, disclose the economy to which our platform pledged us,

It is impossible, however, to do all of these things suddenly. The machinery of the Government can not be viciously reversed. It can not be seized with madness, hurled topsy-turvy, by which all persons in it may be confused and many wounded and injured, figuratively speaking. We must accept the machinery as we find it. We must move slowly, and as we make changes they must be installed with conservative slowness, in order that the business of the country, to which the Senator alludes with proper caution and with proper regard, may not itself be wounded by the suddenness of our action and things so seriously disturbed by the madness of reversal. It needs a little time; and in scarcely more than 18 months' time an administration can hardly be assumed by a sensible public to be able to reverse what has been practically an 18 years' proceeding, certainly a 12 years' unbroken proceeding.

Therefore the able Senator will see that if in any respects these things have not been wholly complied with, the answer is: The time has not yet been sufficient; but the work is going on very satisfactorily as far as the public is concerned. He has lately returned from the State of Maine, where his very eloquent and able voice contributed in these same condemnations to the people of that State against the Democratic Party. It had a Republican governor when he went, and after he had finished the fulmination of his accusations it ended with a Democratic governor in turn. [Laughter.] I am inclined to feel that my very eminent friend, able and competent as he is, must look upon those proofs as some evidence that the public give their approval, so far as they can now ascertain, to what really is transpiring in the Government, and if our hopes shall be justified they will continue so to do.

I join with my able friend to say that he is right in the policy of economy. It is better to pare down useless expenditure; it is well to call in those obligations whose enforcement is not absolutely essential at this time; but so far as they have been made by our predecessors as continuous obligations which we in honor should carry out, we are powerless to set them aside without violating the obligation of contract and the honor of the national credit.

That is the position I wish to bring to the attention of the able Senator, and ask him if he does not agree with me in that?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I should like to inquire about how long this "Alphonse and Gaston" performance is going to continue? [Laughter.]

Mr. BORAH. I have only a suggestion to make

Mr. KENYON. Then I will yield for that purpose.

Mr. BORAH. Mr. President, I do not feel entirely crushed by the reference to the Maine campaign. I shall always feel that if I can approach the successes of my friend from Illinois I am exceedingly successful; and when I remember the aggres-

sive campaign of the Senator from Illinois against Roger Sullivan for the nomination of Senator and the result I am justified, I think, in assuming that I have had equal success in Maine with the Senator from Illinois. [Laughter.]

Mr. LEWIS. In the latter event I was not able to lift my voice. In Maine the Senator lifted his voice with splendid ability.

Mr. BORAH. If it is a question of voice, of course I would not compete with my friend the Senator from Illinois.

Mr. President, I rose to say that I think an injustice has been done Mr. FITZGERALD, unintentionally, by the Senator from Illinois. As I understand the Senator, the assumption is that he was perhaps interested at that time in making a statement of so-called facts which were not facts, in misrepresenting them.

Mr. LEWIS. No; pardon me. I trust the able Senator will not put that observation in my mouth. It was that the distinguished chairman did not finish and add what I feel the Senator from Idaho will add: That those expenditures which he condemned were made necessary by obligations which we did not incur, but which nevertheless we had to pay, and which he could well have stated in honor we had to pay, though it was not this administration which had incurred them.

Mr. BORAH. Well, that was not the view this distinguished leader from New York took of the matter. He says:

> In a few months I shall be called upon in the discharge of my official duties to review the record that this Democratic House shall have made in its authorization of the expenditure of the public moneys. Whenever I think of the horrible mess that I shall be called upon to present to the country on behalf of the Democratic Party I am tempted to quit my place.

He also said that the Democratic House of Representatives seemed to take it to be a huge joke not to obey its platform. Of course the Representative from New York did not at that time think of the obligations coming over from the Republican administration; and I have no doubt that the extraordinarily successful explanation made by the Senator from Illinois will be adopted as the real explanation, and that Mr. FITZGERALD'S view will be relegated to the rear.

I do not know that I care to carry the discussion further. I rose to insist upon the curtailing of some of the expenditures of this bill. I understand that the Senator from Illinois is not in favor of curtailing any of the expenditures of this bill. If that be true, there is a reason why we should differ as to what constitutes economy and what does not. I say that there are expenditures in this bill amounting to some twenty-odd million dollars which it is unjust to impose upon the country at this time. I believe that they would be unjust at any time, but certainly under the conditions which confront us now they are indefensible; and I desire that my remarks shall be construed as an assailment of the river and harbor bill rather than as an assailment of the party of which the distinguished Senator from Illinois is a most distinguished leader.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. Does the Senator rise to make some suggestions as to the river and harbor bill, or to pass some felicitations upon some other Member of the Senate?

Mr. JONES. I desire to add some views, briefly, to the suggestions of the Senator from Illinois.

Mr. KENYON. I yield for that purpose.

Mr. JONES. I will say to the Senator that I shall not attempt to emulate the happy and justly deserved felicitations that have passed between the eloquent and learned Senators from Illinois and from Idaho. I could not do it if I tried. If I thought I could, I would attempt it, because I think they deserve all that can be said about them, and more, too.

The Senator from Illinois suggested that the appropriations we have made are in pursuance of obligations that have come over from preceding Congresses. While he did not intend it so, the reader of his remarks would draw the conclusion that this Congress is imposing no obligation upon future Congresses. While it is true that a past Congress has imposed some obligations upon this Congress, I wish to call attention to the fact that in addition to the appropriations that have been pointed out this Congress is also imposing upon a future Congress obligations that it will have to meet.

In the statement submitted by the chairman of the Appropriations Committee of the House, he says that the amount we have appropriated already in this Congress does not include an amount authorized, which must be appropriated hereafter, of $28,060,000, and that sum does not include any of the authorizations contemplated in the river and harbor bill. So by the time this Congress is through it will have added many millions to the obligations of future Congresses over and above those that have come over from past Congresses to this Congress.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I presume the Senator from North Carolina wants to make some observations on the river and harbor bill, so I will yield.

Mr. SIMMONS. Yes; I do.

Mr. KENYON. I wish we might get back to that bill.

Mr. SIMMONS. Very briefly, however, and only for the purpose of giving some facts.

Mr. President, it is a well-known fact that the expenses of our Government have been increasing, and increasing rapidly, during the last 15 or 20 years. This increase has been due in part—and, I think, in large part both under the Republican administrations and under the Democratic administration—to the fact that the Federal Government during the last two decades, especially during the last decade, has been constantly and rapidly increasing and enlarging the field of its activities. The jurisdiction of the Federal Government to-day, under the liberal interpretation of our constitutional functions, is far greater than it ever was before, and it has been growing with great rapidity under that same construction of the Constitution and of the functions of the Government.

I desire to call attention to this rapid increase in the amounts appropriated and expended for government during the ascendancy of the Republican Party. I do not wish to go far back, but I should like to put in the RECORD the expenditures under that party beginning in 1906, with a view to showing how rapidly these expenditures have increased under that party.

In 1906 the Republican Party was in full control, and the entire expenditures for that year amounted to $765,000,000.

I should be glad, Mr. President, to have the attention of the Senator from Iowa.

Mr. KENYON. I beg the Senator's pardon.

Mr. SIMMONS. The Senator has been discussing the question of extravagance in appropriations; and he, like the Senator from Idaho [Mr. BORAH], has used the fact that there has been some increase in the appropriations of the Democratic Party this year over the appropriations of last year and the year before that, and the year before that, as an evidence that the Democratic Party is committed to a career of extravagance.

Beginning with 1906, I repeat—now that I have the attention of the Senator from Iowa—the expenditures for the year 1906, under the Republican Party, in round figures, were $765,000,000.

Mr. KENYON. May I simply inquire from what the Senator is reading?

Mr. SIMMONS. I am reading the appropriations for the fiscal years 1906 to 1912, inclusive. This was prepared, I think, by the Appropriations Committee of the Senate. It was handed to me by the clerk of that committee.

The expenditures under the Republican Party in 1906 were $765,000,000; in 1907, $871,000,000 in round numbers; in 1908, $918,000,000; in 1909, $986,000,000; and in 1910 they had risen to $1,028,000,000, so that we have an increase of the expenditures of the Government in four years under the Republican Party of $250,000,000 per annum.

In 1914, the first year under the Democratic Party, the expenditures were $1,098,000,000. That is an increase of $70,000,000. In 1915, leaving out the river and harbor bill, according to the calculations of Mr. FITZGERALD, the appropriations have been up to this time $1,089,000,000.

In four years, therefore, under the Republican Party, beginning in 1906 and ending in 1910, the expenses of the Government increased about $250,000,000. Since that time, in the next four years, taking in the year 1914 under the Democratic Party though we can not yet tell what will be the entire appropriation for 1915—in the same length of time the increase was $70,000,000. So we have the fact that under the Republican Party in four years before 1910 the expenditures of the Government increased $250,000,000, while during the next four years, a part of the time when the Democratic Party was in power, the increase was only $70,000,000.

I am not disposed, Mr. President, to go into the question of extravagance this afternoon. I would rather say that this increase in expenditures is largely the result of the expansion of the jurisdiction and the activities of the Federal Government. Just as the expenditures of our Government have increased in the past under both parties they will continue to increase as long as this Nation grows, especially as long as it keeps year in and year out widening the scope of its activities and its work.

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Mr. President, it has been said by the Senator from Idaho that we have created a great many new offices since we came into power. It is true we have created some, but it is also true that we have put into operation during that time legislation that was previously passed of a new character, broad and comprehensive in its scope, calling for the employment of a large number of men and officials to enforce it. We passed a few years ago an act providing for the physical valuation of railroads. That has required, and of necessity, the employment of a large number of people. We have not yet gotten fully into that work, but we have taken preliminary steps, and the Interstate Commerce Commission is at work upon it.

In 1913 we passed one of the greatest measures ever put upon the statute books for the relief of the people of this country from excessive taxation, a measure that for years they had been demanding, a measure that we once before put upon the statute books in response to that demand, but which the Supreme Court of the United States held to be unconstitutional in its income-tax provisions. So great was the demand for this new legislation that we amended our Constitution to give Congress the authority which the Supreme Court in its decision said it did not possess. We passed an income-tax law. It was estimated that it would require, in order to enforce that act, a large number of employees. If we were going to enforce it at all, we required men to enforce it. I do not now recall how many were necessary to enforce it, but my recollection is that, according to the estimates of the department, it required about 150 new officials in order to enforce that law. No Republican, either in the committee or upon the floor of the Senate, when we were asking for an appropriation to pay this large number of new officials made necessary by the fact that the Federal Government had embarked on a new plan of taxation, made any objection to it.

Mr. President, we have passed recently a new system of currency that, as every Senator here knows, has its branches in every part of the country and will call for the appointment of a great many new officials. In fact, it has already called for the appointment of a good many, for the organization committee having charge of the system have a very large work to perform, and when the reserve banks get into full operation they must, of course, have a good many more.

Mr. President, so far as the bill that is before us is concerned, it is not different from other river and harbor bills. The most of the items in this bill are items that have been carried in river and harbor bills for years past. Some of the items that are being criticized by Senators on the other side have been carried regularly in the river and harbor bills for 5, 8, and 10 years. Many of the appropriations that they are now objecting to are appropriations to complete works inaugurated under the Republican Party.

Mr. President, it may be that we have undertaken some work in this bill that might have been deferred, but wherever it has been shown to us by the engineers that without crippling the great work of internal improvement upon which the Government is engaged, and which, in my judgment, has the hearty approval of the people of this country, and which is essential to the welfare of the country, as much so as any other great work in which we have ever engaged—wherever it has been suggested to us that any of those schemes could be cut out without crippling the service, we have struck them out. When it was suggested on account of the lapse of time before the bill shall pass the working period would be reduced nearly four months and some of the best working months in the year in certain sections of the country were lost, we might cut the bill down, we proceeded to cut it down, always leaving enough in the bill to enable the department to carry on these great works during the balance of the year. In that way we have cut the bill down, in round numbers, eighteen and a half million dollars.

Mr. President, I want to say that this bill, carrying $35,000,000, is not more than is necessary in order to carry on this work. There is nothing in the conditions of this country to-day to require the Government of the United States to abandon any great work in which the material interest of the country is involved.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from North Carolina yield to the Senator from Ohio?

Mr. BURTON. Will the Senator from North Carolina yield for a question?

Mr. SIMMONS. If the Senator will let me finish this part of my argument, I will then be glad to yield.

It is true that the war in Europe has somewhat unsettled our finances and has somewhat unsettled our business conditions, but we are no poorer to-day than we were before.

It is not proposed to add one dollar, by reason of this war-tax measure that has been referred to here so many times, to the amount that the Government will ask of the people in order to support the Government. According to the Secretary of the Treasury, we are going to lose $100,000,000 expected to be raised by tariff taxes paid by the people as the result of the curtailment of the imports following the conditions which exist in Europe. We are simply going to raise by another method of taxation $100,000,000 to take the place of that $100,000,000 lost to the Government. If the calculations of the department are correct, the amount that will be realized by the Government by reason of these war taxes will merely take the place of the amount that will be lost by reason of the curtailment of imports, and no greater sum will go into the Treasury.

I say that the people of the United States are amply able to meet this expense. The war has not so enfeebled them, it has not so impoverished them, that we are called upon to abandon these great necessary works that have been undertaken with the approval of the people and which are accomplishing so much good for the country.

I agree that there may be extravagance and that increase in appropriations may give expression to that extravagance; but I say that an increase in the appropriations, if made for the purpose of accomplishing something in which the people of the country are interested—of accomplishing something which makes for the welfare of the people—is not extravagance; it is wise economy, although it may call for a large expenditure of money.

If my friend from Iowa will permit me to refer to it, he, upon looking over the bill after the committee had pruned it down $18,000,000, handed me a list. If my friend objects at all to my referring to it, I will not do so.

Mr. KENYON. That is a list of the further items I desired to have stricken from the bill?

Mr. SIMMONS. Yes.

Mr. KENYON. I have no objection to the Senator using it.

Mr. SIMMONS. The Senator from Iowa handed me a list——

Mr. KENYON. Just a moment. I merely jotted those down at the moment as items that it seemed to me ought to come out of the bill, but I think there may be others. It was a hasty matter, and I just handed it to the Senator, as he requested me to do.

Mr. SIMMONS. My friend has held this bill up as an outrageous measure, as reeking with improper items and transcending all bonds in extravagance, as a bill that ought not to receive the sanction of Congress, for the reason that it is extravagant. The Senator handed me first 10 items which he said ought to go out of the bill altogether. He handed me a list of 10 more items which he said ought to be cut down, with the statement that if those 10 items went out and if those 10 additional items were further cut down, the Senator's objection to the bill would be removed and that he would be enabled, as I understood him, to give it his support.

Mr. President, I want to call attention to the items that the Senator from Iowa wanted cut out. They were Shoal Harbor, Murderkill River, Locklies Creek, Pembroke Creek, Fishing Creek, Cape Fear River, Newbegun Creek, Oklawaha, Kissimmee, and Crystal Rivers.

I have taken the pains to examine the bill and see how much money is appropriated for these 10 items that the Senator wants to have cut out, and I find that the entire amount carried in this bill for the 10 items is only $271,275, a little over a quarter of a million of dollars.

Mr. KENYON. The Kissimmee or the Oklawaha carries $733,000.

Mr. SIMMONS. No; the Senator is mistaken.

Mr. KENYON. I am not mistaken.

Mr. SIMMONS. I have the amount which the clerk has given me.

Mr. KENYON. The clerk is wrong. Either the Kissimmee or the Oklawaha carries $733,000, and the representative of the engineers, who is on the floor, can substantiate it.

Mr. SIMMONS. The amount in the substitute bill is $100,000. So I am told by the clerk.

Mr. KENYON. I gave that list to the Senator from the main bill. I have not seen the substitute bill.

Mr. SIMMONS. The Senator gave me this list after the substitute had been printed.

Mr. KENYON. The other bill, I understand, was not printed and on our desks until to-day.

Mr. SIMMONS. The original bill called for $175,000, while the substitute bill calls for $100,000.

Mr. KENYON. One of those rivers calls for over $700,000.

Mr. SIMMONS. Which one?

Mr. KENYON. Either the Oklawaha or the Kissimmee. The Senator can consult the representative of the Engineer Corps, who is sitting on his side of the Chamber, as to the fact.

Mr. SIMMONS. The Senator has his figures confused. The full estimate was $700,000. The amount carried in the original bill was $170,000 and the amount carried in the substitute is $100,000.

Mr. BURTON. There can be no difference of opinion about it. The project in the bill for Oklawaha is $100,000. The expense of completing the project is $733,000.

Mr. SIMMONS. I was talking about the amount appropriated in the substitute.

Mr. KENYON. I am speaking about getting rid of the whole project.

Mr. SIMMONS. The Senator does not get rid of the whole project by cutting out this appropriation. The Senator only gets rid of the amount appropriated in the bill. If we cut it out, any future Congress can appropriate the full amount or any part of the amount it wants. The Senator does not mean to say that Congress could now, in this river and harbor bill, pass an act cutting it out that would foreclose Congress from hereafter appropriating $700,000.

Mr. KENYON. If the Senator has the paper which I gave him——

Mr. SIMMONS. I have the very paper the Senator gave me.

Mr. KENYON. I assume he wants to state it fairly.

Mr. SIMMONS. Surely.

Mr. KENYON. The Senator will see the word "out" at the top of that paper.

Mr. SIMMONS. That is exactly what I say.

Mr. KENYON. Those are projects to go out.

Mr. SIMMONS. The Senator means out of the bill. We have no jurisdiction to do more than take them out of the bill.

Mr. KENYON. I mean to strike out the project, and when it goes out $733,000 goes with it.

Mr. SIMMONS. Does the Senator mean to say that he thought we could do anything more than take the project out of the bill?

Mr. KENYON. I thought that that would end the project and that it would require further legislation then to reenact the project.

Mr. SIMMONS. That is a wrong construction. I presume what the Senator means, and all he properly could mean, in my opinion, is that our action in reference to this particular legislation would be to cut it out of the bill. The Senator can make his own statements if he wants. What I am saying is in regard to cutting out the items enumerated in the Senator's list, and they only cut the bill down $271,275.

The first item the Senator suggests that we cut is the Altamaha River. We did cut that. The appropriation for that river was $75,000 in the original bill and we cut it to $40,000. For Coosa River the appropriation was $81,000 in the original bill, and we have cut it to $30,000; for Bayou Teche it was $130,000 in the original bill and we have cut it to $80,000; for the Brazos, locks and dams, it was $250,000 in the original bill and we cut it to $200,000; for Ouachita, locks and dams, it was $664,000 and we cut it to $300,000; for the Arkansas it was $164,070 and we cut it to $110,000. The appropriation for the Cumberland was not reduced at all. The total reduction already made is $640,700; but, Mr. President, the new bill carries, under the head of the items which the Senator wants cut—leaving out two of the items, the last two, to which I shall refer a little later—the bill only carries now for those items, to say nothing about the cuts, $1,140,000.

An additional item which is not included in that estimate is Michigan harbors. The Senator wishes the appropriation for Michigan harbors cut. I do not know what he refers to under the general term of "Michigan harbors," but taking all the items in the bill in reference to Michigan harbors, directly or indirectly, they figure up—and there are quite a number of them—only $454,000, and that is practically all for maintenance. Cut that out entirely and add it to the other reductions and you have about $1,600,000.

Then the Senator desires a million dollars cut off the Ohio River. Well, cut it off, and add it to the others and the reductions would amount to $2,600,000. Add it to the items that the Senator wants to cut out altogether, and the total amount would be less than $3,000,000.

So, if you were to eliminate all of the items which the Senator wants eliminated—not reduce, but eliminate the items he mentions altogether, except the Ohio, and reduce that the amount he suggests, $1,000,000—you would reduce this bill only about $3,000,000. So notwithstanding the outcry which the Senator is making against this bill as an extravagant measure, so grossly extravagant that it horrifies the sense of decency and honesty of the American people, the Senator only suggests that it may be reduced to the extent of $3,000,000. If instead of a $35,000,000 bill it would be a $32,000,000 bill, the Senator would support it; the Senator would not in that case see in the bill any degree of extravagance sufficient to justify the Government discontinuing this great work of internal improvement.

Mr. KENYON and Mr. BURTON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I will not yield to the Senator from Ohio until I answer the statement of the Senator from North Carolina. The Senator from North Carolina is generally a pretty fair man.

Mr. SIMMONS. I hope to be so in this matter; and if I am wrong I hope the Senator will correct me.

Mr. KENYON. Then, I am rather surprised that as a lawyer, and as a good lawyer as he is, when matters have been the subject of conversation looking to a compromise on a bill he should discuss them on the floor any more than he would argue and discuss a matter if it had been in a law suit where the question of compromise had been talked over.

Mr. SIMMONS. Mr. President, will the Senator just let me inject one word there?

Mr. KENYON. I should like to finish what I started to say.

Mr. SIMMONS. I appeal to the Senator to be fair himself. Did I not say to the Senator that I would not refer to the paper he had handed me unless I had his consent to do so?

Mr. KENYON. I gave my consent, of course, just as if the Senator had been before a jury and had referred to something of the kind I would give my consent. The Senator knows that I felt as to this bill that there was one item in it which to defeat, in my judgment, would be a calamity; and I have always said that. It was not the creeks of North Carolina, with their appropriations, that it would be a national calamity to defeat, but it was the appropriation for the great Mississippi River in the South. I have not claimed that it would be a national calamity, although it would be very inconvenient to the people of my State, if the appropriation should be defeated for the improvement of the river along the borders of my State; but that would be nothing in comparison to the great misery that would result to the people of Mississippi and Louisiana and other Southern States if we defeated the item for the improvement of the lower Mississippi. So I said that I would not enter into a filibuster against this bill because of the lower Mississippi proposition; and I have been anxious to see some kind of a compromise on the bill because of that proposition.

I am not going into conversations which have been held or into attempts that have been made to bring about a compromise on this measure. I think it was commendable on the part of the Senator from North Carolina to try to work out a compromise; I think we are not to be blamed for trying to do the same thing; and I see no reason for any particular show of anger or excitement about it.

The Senator from North Carolina had a proposition from the Senator from Ohio as to certain items in the bill that the Senator from Ohio insisted should go out. They amounted to a large sum. I did not include in the statement I gave the Senator those items at all, because they had already been submitted by the Senator from Ohio. I think the Senator well understands that the items included in my statement were in addition to those which the Senator from Ohio had suggested in conversation, and I particularly had in mind not matters involving large sums of money, but rather to show the iniquity of these little propositions. The Senator from North Carolina, however, apparently was ready or willing to surrender but one creek in North Carolina in order to compromise on this measure; and it was not a fair thing to cut out these appropriations in the North—though a lot of them should be cut out—and still hang with that grim determination to those other items.

What I submitted to the Senator from North Carolina was in the hope that out of that and out of what the Senator from Ohio submitted we could work out a compromise, and I wish we could bring about such a result. I would cease my opposition to this bill if any kind of a fair proposition could then be worked out that would eliminate at least a portion of the absolutely indefensible propositions; and, in my judgment, while the cuts that have been made by the committee are commendable, there should be more. Those cuts do not fairly present the matter to the people. I do not criticize the committee as to that, but the people, in reading the interview as to how this bill has been cut, do not understand such a situation as that developed on the floor yesterday.

XUM

One of the items eliminated from this bill, involving an appropriation of two and a half million dollars, is that for the Delaware & Chesapeake Canal. The statement goes to the country that that has been eliminated; but what do we find? We find that while the amended measure carries a very small appropriation, it practically binds this Government to take over that canal in the future, so that that is no reduction at all.

Furthermore, the action in striking out the remainder of the $10,000,000 or $11,000,000 of appropriations, including the two and a half million dollar appropriation for the Chesapeake & Delaware Canal, as I understand, merely postpones the carrying out of certain projects. That ought to be done; that is a very wise thing, of course, under the present circumstances, and, as a matter of fact, more projects ought to be postponed; but that is not particularly cutting down the bill in the way of saving money.

So, while the Senator criticizes me for not insisting upon more items being cut out of this bill, and inasmuch as I am denouncing it as a bad measure, possibly his criticisms may be justified. What I have been trying to work out, and what I want to see worked out, in a compromise, on this measure as nearly as we can get to it that will save the situation for the people along the lower Mississippi River, many of whom will lose their lives and their property if something is not done. I would not be willing to defeat the item intended to relieve them, but if it were not for that I would be willing to filibuster against this bill to the end of the session.

I do not think the Senator from North Carolina believes in his heart, when he cools off from the little irritation which he has manifested, and which I hope is not lasting, that I have any purpose or intention of filibustering as to this bill. I have prepared a good deal of matter which I was anxious to put into the RECORD. My time has been taken, as the Senator knows, by interruptions and speeches by other Senators, and by one speech even by the Senator from North Carolina himself. I want to go ahead in a spirit of fairness. I believe it is a bad bill; I wish it could be improved in some way. My judgment may be absolutely wrong; I do not claim to know anything more about the matters connected with the bill than do other Senators, nor do I pretend to more virtue or honesty than any other Senators in this Chamber, but the instances which the Senator from New Hampshire [Mr. GALLINGER] has cited, the instances which I have cited to-day, and the instances which I shall continue to cite, justify me in all reasonable opposition to this bill. I beg of the Senator, however, not to lose his temper.

Mr. SIMMONS. The Senator has made that suggestion several times. I assure the Senator that I have not lost my temper; I have not even been irritated. If I was a little emphatic, I was not aware that I was more so than I usually am. There certainly was no occusion for me to lose my temper, and I do not think I have ever lost my temper in the United States Senate.

Mr. KENYON. I never have noticed it before.

Mr. SIMMONS. And my colleague from Florida [Mr. BRYAN] says, "Or anywhere else."

Mr. KENYON. Possibly it was due to the time of the day, or possibly I have misjudged the Senator.

Mr. SIMMONS. If the Senator will permit me, I desire to say that he knows perfectly well that he will have abundant opportunity, and nobody will undertake in any way to interfere with his rights, and nobody wishes to do so, when we begin to consider the bill paragraph by paragraph to move to strike out any item which is objectionable to him, and if a majority of Senators are in favor of striking out a particular item, I assume that it will be stricken out. This is a Government by the majority; none of us can have his own way about things, and I hope the Senator is willing to submit these questions to the arbitrament of this Chamber and of the other House.

Mr. KENYON. I certainly am. I have said before that this is a Government of the people; that it is a representative Government, and the representatives are entitled to vote upon these measures; but does the Senator object to my discussion of the bill in the way I have been discussing it?

Mr. SIMMONS. The Senator knows I do not object; but I hope that, in the interest of time, the Senator will sometime in the near future reach a conclusion. The Senator has had the floor now for about three days.

Mr. KENYON. I do not believe the Senator from North Carolina will accuse me of taking up a great deal of time of the Senate since I have been a Member of the body. I have tried to be very modest and quiet.

Mr. SIMMONS. I think the Senator has taken up more time in the discussion of this bill than he has otherwise altogether during his service.

Mr. KENYON. I think that is probably true.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. KENYON. I do.

Mr. CHAMBERLAIN. I wondered if the Senator would yield to me for a moment that I might ask unanimous consent for the present consideration of a resolution providing for the appointments on the Board of Managers of the Home for Disabled Volunteer Soldiers?

Mr. BURTON. Mr. President, I must say I will have to object to that. I had a conversation a few days since with the president of the board, Mr. Wadsworth, who stated that they were arranging to start upon their annual inspection. I think, on the 18th, and that this would be a very unfortunate time to change the membership of the board.

Mr. CHAMBERLAIN. May I suggest to the Senator that I understood that both the Senators from Ohio and the Senators from Indiana would be satisfied to have the resolution passed with a proposed change?

Mr. BURTON. I could not consent to that at this time.

Mr. CHAMBERLAIN. Then, I will not ask that the matter be taken up.

Mr. BURTON. Mr. President, with the permission of the Senator from Iowa, I should like to ask the Senator from North Carolina if it is not true that the items involving eighteen and a half million dollars which he alleges it is proposed to eliminate from the bill are mere postponements of appropriations? Is it not true that the reason given for those reductions by the Engineer Corps was that because of the advanced season and the fact that work under the bill could not be commenced much before the 1st of November, leaving only four months to the 1st of March, it was possible to make these reductions?

Mr. SIMMONS. In the main that is true, although it is not altogether true. There were some items, the Senator will recall, which have been stricken out altogether.

Mr. BURTON. Do those amount to more than two or three hundred thousand dollars?

Mr. SIMMONS. Yes; more than that; but I do not recall the exact amount.

Mr. BURTON. Could the Senator from North Carolina give an enumeration showing a reduction of more than two or three hundred thousand dollars?

Mr. SIMMONS. Well, I do not have in my mind the items which we struck out. I recall one large item, the one with reference to Boston Harbor, amounting to $400,000. I think there were quite a number of such items eliminated. I can not say what the total amount is, but I think it runs up to $800,000 in all. In reference to the remainder of them the Senator is correct. The Chief of Engineers advises us that the amount retained would be about all he could reasonably expend during the time between now and the passage of another river and harbor bill.

Mr. BURTON. So, Mr. President, it appears that this alleged reduction, although very considerable, does not remove the objectionable features from the bill. I will say, in regard to the proposed reductions, that the list given by the Senator from Iowa was evidently in contemplation of another list which had been prepared; and I may read right here those that I enumerated in some remarks two weeks ago that the opponents of the bill felt should be eliminated from it. They are the following: The lower Red River, where there is a balance on hand of $42,097 and where the traffic last year was 1,227 tons.

Mr. SIMMONS. Will the Senator permit me, before he reads those figures, to say that if that was the purpose of the Senator from Iowa I did not so understand it? I do not know what his purpose was, but I certainly did not so understand it.

Mr. BURTON. There is a traffic on the lower Red River of 1,227 tons, aside from floatable material, and the expenditures last year were at the rate of $70 or $80 a ton.

The upper Red River, where there is a balance on hand of $64,547 and where the traffic last year, aside from that which is floatable, was 582 tons, having a total value of $42,250. It was proposed in this bill to appropriate $50,000, which is $7,750 more than the total value of all the traffic on the stream last year.

The inland waterway from Norfolk to Beaufort, where there is a balance on hand of $823,000.

The Chesapeake & Delaware Canal, where there is—or was—a proposition in the bill to spend $2,250,000. We submit that this is no time to take up a project of that kind, for two reasons: First, because the ultimate cost will be at least $8,000,000, and we ought to provide the whole amount now if we are going on with it; and, second, a season when war taxes are to be levied is no time to take up a project of that kind.

Then, the upper Cumberland, with its 10 locks and dams. The appropriation in the bill is $340,000, and there is involved an ultimate cost of $4,500,000. I think it can be readily shown that the first-class traffic can be more conveniently and, at any rate, more economically, handled by autotruck than by the means of transportation afforded by this proposed improvement.

The Tennessee River, where there are estimates varying from $6,700,000 to over $30,000,000. In my own time I shall present a letter which I have received from a leading master of boats on that river in which he absolutely condemns the present plan for the building of two locks and dams—one to cost $1,600,000 at Caney Creek Shoals, and the other in the middle section—and he has presented a petition which, as it is alleged, is signed by every owner of boats on the Tennessee River against this proposed plan favoring open-river navigation, or, at any rate, lower locks and dams. He also presented a petition which was received by me just a day or two ago, signed by practically every one in the neighborhood of the proposed Caney Creek lock and dam, protesting against it.

The Mississippi River, between the mouth of the Missouri and the mouth of the Ohio, where the freight rate on coal from Pittsburgh is $2.50 a ton, and where every dollar of freight which is carried there costs $4 a ton, where it would be cheaper to pay the railroad freight on every pound that is carried there than it would be to maintain this expensive improvement, and where there is also over $300,000 on hand.

The appropriation for the Mississippi River above the mouth of the Missouri could be cut in half. I desire to give the committee credit for the fact that they have done exactly what I suggested a week ago last Friday, namely, cut that appropriation from a million and a half dollars to $750,000.

The Trinity and Brazos Rivers.

The Missouri River. There is a balance of much more than a million dollars—I think $1,300,000—on hand, and yet it was proposed in the first bill to appropriate $2,000,000, and in the later bill $1,000,000.

Then the Sacramento and the Feather Rivers, where it is proposed to appropriate $200,000, with an ultimate expense of $5,800,000.

Those are projects to which objections have been made by opponents of this bill. They are in the RECORD. In addition to that, there are other projects, of which the Senator from North Carolina has a list. When I next take the floor I think I shall take the liberty of reading them to the Senate.

I thank the Senator from Iowa for his courtesy.

Mr. KENYON. Mr. President, I have heretofore set forth in the RECORD some of the remarks of the Senator from Nevada [Mr. NEWLANDS] as to river and harbor bills, which I may refer to at some later time. I would not use as my own the language which has been applied to river and harbor bills in the past on the floor of the Senate, but I have before me the language of a distinguished Senator from South Carolina, in which he said on the 2d day of March, 1901:

The Mississippi itself has quit having any steamboats on it, almost, and the whole scheme of river improvement is a humbug and a steal; but if you are going to steal, let us divide it out, and do not go to complaining.

That was the Senator from South Carolina [Mr. TILLMAN].

He interrupted again, in the same speech, to say, referring to locks and dams all through Pennsylvania, on the Allegheny, and around there, as follows:

Mr. CARTER. These were erected in the time of George Washington, or shortly after.

Mr. TILLMAN. In those days the South stood back and did not claim anything for public improvements, on the ground that it was unconstitutional, and our friends up North got all the swag. We have come to think that we are entitled to our share.

That is all the Senator was complaining of.

Sunset Cox some years ago in the House said, regarding the river and harbor bill, that a great many of the rivers that were appropriated for would be most economically improved by macadamizing them. [Laughter.]

I now desire to take up some of the suggestions made in the House in reference to this particular bill.

I will ask the Senator from Indiana if he has any objection to taking a recess at this point? I am taking up a new phase of my argument.

Mr. SIMMONS. Let us go on until 6 o'clock.

Mr. KENYON. The Senator from North Carolina seems to be insistent upon going on until 6 o'clock. I am ready to go on.

Mr. KERN. That is only 10 minutes. I suggest that the Senator read something, or have something sent up to the desk.

Mr. BURTON. Do I understand that the desire is to take a recess or to adjourn?

Mr. KERN. To take a recess until to-morrow morning.

Mr. TOWNSEND. And the next morning we can have an adjournment?

Mr. KERN. Yes.

Mr. BURTON. That is, an adjournment to-morrow night?

Mr. KERN. Some time to-morrow night.

Mr. KENYON. Some time to-morrow night. Gov. Glynn, in an address before the National Rivers and Harbors Congress at Washington, December 4, 1913, said:

In the Shoals Canal, on the Tennessee River near Chattanooga, the United States Government made an expenditure for improvements representing a cost of $11.91 for every ton of freight carried through the canal.

I think I will wait until the conversation ceases, Mr. President.

The PRESIDING OFFICER rapped for order.

Mr. KENYON. The chairman of the committee desires me to proceed, so I shall be glad if he will not interrupt me with conversation.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENYON. Further, the governor said:

For every ton of freight carried through the lock of the Wabash River at Grand Rapids, Mich., the Federal Government has laid out an expenditure of $56.

Again—and I assume the governor had figured out these matters to his own satisfaction—

The Federal Government has spent $20 a ton for every ton of freight carried on the Big Sandy River and its forks.

Again, in the same address:

In 1908 the United States Government spent, in interest and in maintenance, the incredible sum of $183 for each ton of freight carried on the Red River between its mouth and Fulton, Ark.

Mr. KERN. Mr. President, if the Senator will suspend at this point, I desire to make a motion for a recess.

Mr. KENYON. I should like to read just one more sentence:

This same ratio of expenditure upon the Hudson would have meant that in the last hundred years Uncle Sam should have spent $7,000,000,000, instead of $500,000,000 upon the Hudson River.

I now yield to the Senator from Indiana.

RECESS.

Mr. KERN. I move that the Senate take a recess until 11 o'clock to-morrow forenoon.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m., Wednesday, September 16, 1914) the Senate took a recess until to-morrow, Thursday, September 17, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

### WEDNESDAY, *September 16, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou eternal and ever-blessed God, we thank Thee that amid all the sorrows, trials, temptations, and perplexing problems of life we may look up through the blessed faith of our religion and call Thee Father. Hasten the day, we beseech Thee, when through its broad catholicity all men of every clime shall be united into one great family, marching onward and upward, singing in their heart of hearts:

There's a wideness in God's mercy,
Like the wideness of the sea;
There's a kindness in his justice,
Which is more than liberty.

For the love of God is broader
Than the measure of man's mind;
And the heart of the Eternal
Is most wonderfully kind.

This we ask in the name of Him who lived and died that we might thus know Thee. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. MOORE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE. To make a request for unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman will make it.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the river and harbor bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the river and harbor bill. Is there objection? [After a pause.] The Chair hears none.

XUM

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following resignation from a committee:

Hon. CHAMP CLARK,
*Speaker House of Representatives.*

DEAR SIR: I hereby tender my resignation as a member of the Judiciary Committee.

JOHN J. MITCHELL.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION TO A COMMITTEE.

Mr. UNDERWOOD. Mr. Speaker, by direction of the Democratic caucus I nominate the Hon. J. J. MITCHELL, of Massachusetts, to be a member of the Ways and Means Committee, to take the place that is made vacant by the resignation of Mr. Peters.

The SPEAKER. The gentleman from Alabama, by authority of the Democratic caucus, nominates Mr. MITCHELL, of Massachusetts, to be a member of the Committee on Ways and Means, in place of Mr. Peters, resigned. Are there any other nominations? If not, the question will be taken on this one.

The question was taken, and the nomination was agreed to. [Applause.]

CALENDAR WEDNESDAY—REVISION OF PRINTING LAWS.

The SPEAKER. To-day is Calendar Wednesday, and the unfinished business is the bill H. R. 15902, and, automatically, the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of that bill, and the gentleman from North Carolina [Mr. PAGE] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15902, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15902, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15902) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 47. PAR. 1. There shall be printed of each Senate and House bill and resolution the number of copies for the following distribution: Of all public bills and joint resolutions, there shall be distributed to the Senate document room not to exceed 300 copies; to the office of the Secretary of the Senate, not to exceed 15 copies; to the House document room, not to exceed 500 copies; to the Governor General of the Philippines, at Manila, 3 copies; to the Governor of Porto Rico, at San Juan, 3 copies. Of Senate and House private bills and concurrent and simple resolutions there shall be distributed to the Senate document room not to exceed 100 copies, to the House document room not to exceed 200 copies, to the office of the Secretary of the Senate not to exceed 15 copies: *Provided*, That bills for the survey of rivers and harbors shall take the distribution of private bills: *Provided further*, That private pension bills introduced in either House shall not be printed unless reported by a committee thereof: *Provided further*, That when an amendment intended to be proposed to any appropriation bill, or any bill or resolution pending before either House or any committee thereof, is ordered printed by either House, it shall be distributed the same as the bill or resolution it proposes to amend.

Mr. MANN. Mr. Chairman, I move to strike out the last word. If we give copies of these bills and resolutions to the Secretary of the Senate, why should not we do the same thing with the Clerk of the House?

Mr. BARNHART. Mr. Chairman, the Clerk of the House does not get these documents now. We had the Clerk of both the House and Senate before us, and the Clerk of the Senate said that he had use for them and needed them, but the Clerk of the House said they did not furnish them to him now and he had never had any call for them, and therefore we left the law in that respect just as it is. It is the purpose of the committee not to do anything in the way of expenditure that is not required for the good of the service, and in this instance the Clerk of the House said he had no use for such documents.

Mr. MANN. Well, I suppose the Clerk of the House never has had any use of them, for if he did not get them he could not use them. What does the Secretary of the Senate do with them?

Mr. BARNHART. He uses one for his files, I presume, and distributes the others or sends them down to the terrace to drift into the paper junk pile. He said he needed them.

Mr. MANN. I notice the bill also provides that pension bills shall not be printed. Does the gentleman think that would be a very satisfactory thing for the House?

Mr. BARNHART. Well, they shall be printed after they are reported.

Mr. MANN. I know; but private pension bills are never reported except in omnibus pension bills.

Mr. BARNHART. Oh, yes; they are reported. About 1 pension bill out of 5 is reported since the enactment of the Sherwood law was acted upon. I would like to explain to the gentleman——

Mr. MANN. The gentleman is mistaken; there has not been a private pension reported to the House except in an omnibus bill for years.

Mr. BARNHART. They are reported in the omnibus bills.

Mr. MANN. I know the bill that is introduced is not reported. The bill which is introduced is not reported, and hence no private pension bill, except the omnibus bill, would ever be printed. Does the gentleman think that would be satisfactory to the membership of the House?

Mr. BARNHART. Mr. Chairman, I agree with the gentleman from Illinois in most that he says, but I want to say for the information of the House that under the provisions of existing law 100 copies of each bill that is introduced in Congress is printed——

Mr. MANN. Each private bill.

Mr. BARNHART. More than that. Out of some 400 printed there are about 100 printed to the credit of the Member who introduces the private pension bill. Let me explain. When you introduce a private pension bill you probably make it out on a printed blank something like this I hold in my hand. That goes to the Pensions Committee. They docket it and order the bill printed, whether it is ever reported or not, or whether it will ever be called up or not. But the printing of these extra bills that were introduced in the Sixty-first Congress cost approximately $172,554—$127,655 for the House and $44,899 for the Senate.

Now, I believe it is a safe proposition to say that everyone who introduces a private pension bill uses one or two copies for his office file, sends one to the man for whom he introduces the bill, and the remainder goes to the junk heap. By this method, that we hope to have adopted and which I hope the gentleman from Illinois will favor, when these bills are introduced the Clerk will take the bill, docket it, and send you a card embodying the name of the beneficiary, the number and the amount carried by the bill, and you can send that to the man in whose interest the bill is introduced. You will have a record of the bill itself, and you will save to the Government each year $80,000 and give practically the same service that you are giving now, and the same satisfaction.

Mr. MANN. How much does it cost to print a private pension bill—a short, one-page bill?

Mr. BARNHART. About $7 or $8 for the regular output.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana [Mr. BARNHART] may have five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the gentleman from Indiana [Mr. BARNHART] may proceed for five minutes more. Is there objection?

There was no objection.

Mr. FOSTER. I want to ask the gentleman from Indiana a question. Do I understand that after a bill has been reported to the House—a private bill like this—it shall be then printed?

Mr. BARNHART. Yes.

Mr. MANN. Oh, not at all; not under the terms of this bill.

Mr. BARNHART. If reported separately, yes; but if it goes into an omnibus bill, no.

Mr. MANN. They are never reported separately and they never would be printed.

Mr. ADAIR. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Indiana yield to his colleague?

Mr. BARNHART. Yes.

Mr. ADAIR. These bills, as they are introduced, would they come to the Committee on Invalid Pensions as they are introduced? Would an original bill come to us?

Mr. BARNHART. Yes.

Mr. ADAIR. Then, the office to which they would first go would have no record of them except the record made when the bill was first introduced?

Mr. BARNHART. Why would they need any?

Mr. ADAIR. I am just asking the question for information. Suppose the bill were lost by the Committee on Invalid Pen-

sions or by the Committee on Pensions, would it make any difference?

Mr. MANN. If the bill were lost, that would be the end of it.

Mr. BARNHART. Oh, no. The officer of the House would be just as responsible for that as for any other document. And the clerk of the committee is responsible for it. If it should, perchance, be lost——

Mr. ADAIR. Another bill would have to be introduced?

Mr. BARNHART. Yes.

Mr. MANN. Sometimes the bills are lost, and in those cases we have to ask the Senate for another copy; but they have data upon which the copy can be furnished.

Mr. BARNHART. The clerk of the committee is just as responsible for the safety of a bill as he is for the safety of any other document intrusted to him.

Mr. MANN. There would be no index in the document room. I do not know how they would manage to keep an index in the Clerk's office with only one copy of a bill.

Mr. BARNHART. They docket every bill in the Pension Committee.

Mr. MANN. The Clerk keeps a docket as well, and they keep an index in the document room.

Mr. BARNHART. What does the document room need it for. I will ask the gentleman?

Mr. MANN. Well, frequently we wish to refer to bills introduced in a prior Congress.

Mr. BARNHART. You could get the same result by referring to the committee.

Mr. MANN. The committee turns over its papers at the end of a Congress and the papers all go into the file room; and the Lord only knows where any one particular document would be found if you attempted to search for it.

Mr. BARNHART. That is what the record is for, respecting a bill and the introduction of it.

Mr. ADAIR. Suppose some person in another district writes me and makes inquiry about a bill introduced by the gentleman from Illinois [Mr. MANN]. Where could I go to get the information needed?

Mr. BARNHART. If it were a private pension bill, you would probably go right to the committee, where you go now. There is a record of it there, including the date of introduction and the amount it would carry and all. It would simplify matters very much and save what the committee has been led to believe would amount to $80,000 a year.

Mr. MANN. The gentleman says "$80,000 a year." At $8 apiece, that would take 10,000 bills.

Mr. BARNHART. Yes.

Mr. MANN. If there are 10,000 private pension bills introduced in the House by Members, certainly it is important enough to keep track of them properly, so that the Members themselves may have copies of the bills.

Mr. BARNHART. The gentleman from Illinois is always frank, and if he will keep his eye on the opening of a session of Congress—and I say this with all due respect—he will find that in one instance, as I recall, one Member introduced 600 pension bills in one day, and when we looked them up we found that a lot of beneficiaries named had passed away. The Member had simply taken the record of a prior Congress and introduced the entire batch of bills in the new Congress.

Mr. MANN. That may have been true, but it was negligence on his part.

Mr. BARNHART. It was extravagance.

Mr. MANN. At all events, there is no reason why Members of the House should be punished because one or two Members have introduced an excessive number of pension bills. I do not see how it is practicable for Members of Congress to keep track of their own business and of their own work without getting copies of the bills which they introduce.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from New York?

Mr. BARNHART. Yes.

Mr. GOULDEN. I am in hearty sympathy with the desire of the chairman and of the committee to economize, but I heard the gentleman from Indiana make a statement that it cost $8 to print each bill, on the average. I should like to have some explanation of that. Printing must be very costly down at the Government Printing Office if that is correct.

Mr. BARNHART. Eight dollars, not for one copy, but for each publication of some 400 copies of a bill.

Mr. GOULDEN. For 100 copies?

Mr. BARNHART. For 400 copies.

Mr. GOULDEN. Why not limit the number to five copies?

Mr. BARNHART. Well, that would help; but the composition is the great element in the cost. The composition and making ready is the most of the cost. You can print 100 copies of a bill nearly as cheaply as you can print 1. The gentleman understands that. A Member who introduced a bill can very easily make a carbon copy of the bill when it is first written out, and then he has a record of the bill, just as he has it in print now. There might be Members of this House who would file copies of every private pension bill that was introduced, but I doubt it.

Mr. GOULDEN. What I could not understand, I will say, was the cost of $8. The gentleman is a printer, and I myself have had some experience in that line, and it seems to me that if that is the case we ought to investigate the public printing.

Mr. BARNHART. Oh, no. If the gentleman has any knowledge of printing cost here——

Mr. GOULDEN. I have.

Mr. BARNHART. He will know that, taking the general run of bills, $8 per bill edition is about what they cost.

Mr. MANN. The gentleman says it costs $8 a bill. These bills are all practically printed on a form. I suppose the Printing Office keeps those forms set up. All you have to do is to change the name of the individual, the company, the regiment, and the amount. Now, how can it cost $8?

Mr. BARNHART. That is about what it does cost.

Mr. MANN. The gentleman's Committee on Printing ought to investigate the cost of the Printing Office before they cut off the rights of Members on these things.

Mr. GOULDEN. If the gentleman had said that it cost $2 a bill, I would have agreed with him, but $8 is entirely too heavy.

Mr. BARNHART. It is true that these bills are short, but for a bill of two pages there are two forms to make up and get ready and run off, and it costs.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BARNHART] has again expired.

Mr. MANN. Mr. Chairman, I move to strike out, on page 46, beginning with line 22, the language—

*Provided further,* That private pension bills introduced in either House shall not be printed unless reported by a committee thereof.

The CHAIRMAN. The gentleman from Illinois proposes an amendment which the Clerk will report.

The Clerk read as follows:

Page 46, strike out in line 22, after the word "bills," the words "*Provided further,* That private pension bills introduced in either House shall not be printed unless reported by a committee thereof."

Mr. ADAIR. Mr. Chairman, I want to suggest that I am in hearty sympathy with the chairman of this committee [Mr. BARNHART] in his efforts to cut out all of the expense that it is possible to cut out without interfering with the service of the House or with the efficiency of our work, but it occurs to me that if a bill is of sufficient importance to be introduced it is of sufficient importance to be printed. I believe also that it would cause a very great amount of confusion, not only in the work of the Committee on Pensions and Invalid Pensions of the House, but I believe it would cause all kinds of confusion in the work of the clerical force of the House.

Mr. BARNHART. If my colleague will yield right there, this is done on the recommendation of the clerical force of the House also. They say it is about the worst abuse of the printing privilege that there is, this matter of dumping these private pension bills on them in each instance.

Mr. ADAIR. I can not understand the position of the clerical force in that respect. They must make a record of these bills, whether printed or not, and it does not make any difference to them whether they make a record from the bill prepared by the Member or from the bill after it is printed. I would be in favor of reducing the number of each bill printed. I think it is absolutely unnecessary to print as many as 400 copies of a private bill when it is introduced. One hundred would be sufficient, and, as I understand it, 50 would be plenty, but 100 would cost very little more than 50. I believe the number should be reduced, so that the expense may also be reduced, but I do believe it would be a mistake to discontinue the printing of any bill on any subject introduced by any Member of this House.

Mr. GARRETT of Tennessee rose, was recognized, and said: I yield to the gentleman from Iowa [Mr. KIRKPATRICK], who wishes to ask a question.

Mr. KIRKPATRICK. Do I understand that when a Member of the House presents a private pension bill he is furnished with 400 copies of that particular bill?

Mr. BARNHART. No; that is the print of the bill for the document room, for use the day the bill comes up. But now

under the omnibus provision you get it in the omnibus bill. You look at the omnibus bill and the report upon it to learn all about your bill. There is a report on each bill, but it is made up in the omnibus form.

Mr. KIRKPATRICK. I got the impression that each Member was allotted 400 copies of his particular bill.

Mr. BARNHART. No.

Mr. KIRKPATRICK. I want to say that I have never seen more than 20 copies, and I think 20 are about 14 too many. I agree with the gentleman from Indiana [Mr. ADAIR].

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] is recognized for five minutes.

Mr. GARRETT of Tennessee. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Illinois. Perhaps I have not given to this printing matter the close study that I ought to have given, but I accept the statement of the gentleman from Indiana [Mr. BARNHART] as accurate, that the expense of printing these private pension bills amounts to something like $80,000 a year. If it is even half that, I submit to the gentleman from Illinois that, after all, it is a useless expense under the present practice of the House and under the practice which will doubtless continue to prevail.

Mr. Chairman, when I first became a Member of the House, in the Fifty-ninth Congress, it was the practice to consider each private pension bill separately. In the Sixtieth Congress, because of what was referred to as filibuster, the Committee on Rules devised a rule temporarily applicable for the consideration of private pension bills by an omnibus bill, and that practice, thus instituted by the Committee on Rules at that session, has been followed since under the pressure of necessity and has proven to be a very satisfactory practice. Now, there is no necessity for the printing of 400 copies of each of these bills as it is presented.

Mr. SHERWOOD. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Ohio.

Mr. SHERWOOD. I agree with the position of the gentleman from Tennessee [Mr. GARRETT] on this question. In the last Congress we had referred to our Committee on Invalid Pensions 15,000 private pension bills, and in less than half of them was any evidence whatever presented to accompany the bill, so that the printing was surplusage and of no value. In this Congress we have had up to date a trifle over 8,000 private pension bills, and I think this is a measure of real economy proposed by this committee.

Mr. GARRETT of Tennessee. Will the gentleman from Ohio yield?

Mr. SHERWOOD. Yes.

Mr. GARRETT of Tennessee. Those bills all follow the same form, do they not?

Mr. SHERWOOD. They are nearly all in the same form.

Mr. GARRETT of Tennessee. The usual form. For instance, I hold in my hand a pension bill which I introduced a few days ago, and it follows this form:

— CONGRESS,
— SESSION.

H. R. ——.

IN THE HOUSE OF REPRESENTATIVES.

Mr. ——— introduced the following bill; which was referred to the Committee on Invalid Pensions and ordered to be printed.

A BILL

Granting an increase of pension to ——— ———.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of ——— ———, late of Company ——, ——— Regiment ——— Volunteer ———, and pay him a pension at the rate of ——— per month in lieu of that he is now receiving.

That is the form I have always used in introducing these bills, and that is the conventional form.

Mr. SHERWOOD. Yes; it is.

Mr. GARRETT of Tennessee. And that is the form followed by everybody who gives any attention to the matter.

Mr. SHERWOOD. Nearly everybody.

Mr. GARRETT of Tennessee. What possible reason can there be for printing these bills, unless they are to be mailed out to somebody, on the supposition that you are going to make the impression on them that you are trying to do something for them, in order to make a vote?

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. GREENE of Vermont. Of course the gentleman understands that before the bill is reported out of the committee there is a great deal of correspondence in getting together the evidence, and that it is customary, as a matter of convenience, to submit copies of the bill in each instance for reference.

Mr. GARRETT of Tennessee. I will say to the gentleman that, so far as I am concerned, I never introduce a bill until I get the evidence and go over it carefully and ascertain that it is in conformity with the rules of the committee.

Mr. GREENE of Vermont. I am not speaking about the action taken by the introducer of the bill; I am speaking of the action of the committee when they are considering the bill and determining whether they will report the bill or not. In that stage, if you provide that the bill shall not be printed at all, there would be an interim before the bill was reported out when they were trying to get evidence in which they would have no copy of the bill.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BURKE of South Dakota. Do I understand that the gentleman would have the committee consider a bill that was not printed and before the members of the committee so that each member of the committee could have one?

Mr. GARRETT of Tennessee. In theory the bill which is considered by the committee is the original bill introduced by a Member.

Mr. BURKE of South Dakota. Certainly, but how are the members of the committee going to know what is in the bill unless they see it?

Mr. GARRETT of Tennessee. I would not apply that to a general bill. I am speaking now with reference to pension bills that follow the conventional form. This is the conventional form.

Mr. BURKE of South Dakota. If you are a member of the committee, how do you know that the bill before the committee is in the conventional form unless you see the bill?

Mr. GARRETT of Tennessee. The clerk can read it just the same as the Clerk reads bills here from the desk.

Mr. BURKE of South Dakota. And then the members of the committee would have to take it from hearsay.

Mr. GARRETT of Tennessee. There would be nothing against that if your hearing was good. The gentleman knows that the practice is not to recommend individual bills, but to make up an omnibus bill that disregards the forms of all the bills introduced and makes up a new bill in accordance with the omnibus form.

Mr. BURKE of South Dakota. If that applies to private pension bills, why should it not apply to public building bills? Ultimately they are reported in an omnibus bill.

Mr. GARRETT of Tennessee. I do not know but that that would be a good idea, although the public building bills under the rules of the House are public bills and not private bills.

The CHAIRMAN. The time of the gentleman has expired, and debate on the amendment is exhausted.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am just as much in favor of reducing the expenses of printing as anyone, but after all the House in prosecuting its business must be at a certain expense for its own convenience. The gentleman from Tennessee [Mr. GARRETT] thinks there is no excuse for printing the private pension bills. Well, if the House determines not to print private pension bills, what excuse can anyone offer for printing private claims bills? Gentlemen from the South introduce a great many private claims bills and war claims bills. They are very seldom passed. They are as a rule put in omnibus war claims bills when acted upon.

Gentlemen from the North introduce more private pension bills and they introduce very few war-claims bills. The private pension bills when acted upon are put in omnibus pension bills. What is the distinction between the two that the committee has drawn? There is no more reason for printing a private war claim bill than there is for printing private pension bills. The convenience of Members, in my judgment, demands the printing of both. A Member ought to have a copy of the private pension bill to send the beneficiary; he ought to have a copy that he can send to those who write him concerning the bill; he ought to have a copy on file in his office. The clerk of the committee ought to have a copy and the document room ought to have copies. The same is true of war claims bills. It is a matter of convenience for the membership of the House.

Under the proposition in the bill, when the Committee on Invalid Pensions or Pensions consider a pension bill the members will not have a bill that they can examine. There is only one original copy, which may be in the committee room or it may be over in the Pension Office. It is a matter of convenience for Members of the House. The cost is not great. If it costs $8 to print one of these pension bills, then I suggest that the cost might very well be reduced.

Mr. RUSSELL. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. RUSSELL. To print a speech in pamphlet form as long as one of these pension bills costs only $2.50 a thousand, and I do not understand why 400 of these bills should cost $8.

Mr. MANN. I do not either. Mr. Chairman, if this amendment I have offered prevails, so that we shall continue to print private pension bills, I shall offer a further amendment that Senate private pension bills shall be printed for the document room of the Senate and the House private pension bills shall be printed for the House document room and not to send any to the Senate document room. The present law provides that we shall print 100 copies for the use of the Senate and 200 for the use of the House document room. We do not examine Senate private bills and the Senate does not examine House private bills, but we can afford to print bills introduced into the House for the membership of the House and bills introduced into the Senate for the use of the Senate, to go to the respective document rooms. I do not think we ought to start in on a project that would result in confusion by having bills introduced without any opportunity to have them printed and without having the light of day put upon them.

Mr. GOULDEN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GOULDEN. Is it not possible to limit the number of bills to be printed?

Mr. MANN. If this amendment prevails, I shall offer an amendment to have 100 copies of the Senate private bills printed for the use of the Senate document room and 100 copies of House private bills printed for the use of the House document room, and cut out the sending of them to the other document rooms, respectively.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, I want to ask the gentleman from Indiana if it is not the practice of the Printing Office with bills like this, where only one form is printed, to keep the form standing and merely change the name? It would cost very little if they did that.

Mr. BARNHART. If the gentleman is a printer he will understand that you can not justify the lines, and ordinarily they have to throw down the main part of the bill, remelt it, and set it up, because there are different descriptions as to the company, regiment, and so forth, and names, dates, and numbers are all different.

Mr. PLATT. That would amount to three or four lines, but I think they would justify, usually.

Mr. GREENE of Vermont. Of course, the caption and the title of the bill and the justification all stand, so it is only a matter of going over three or four lines with a linotype in the body of the bill. The justification is all made and you have simply to slug out three lines.

Mr. BARNHART. That depends on whether the bill is of one or two pages.

Mr. GREENE of Vermont. But all of these private pension bills are usually one page.

Mr. BARNHART. No; invariably two pages, but the committee is not responsible for the cost of this work. We got the figures from the Public Printer.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield for a question?

Mr. BARNHART. I can not, unless the gentleman will get me more time.

Mr. CRAMTON. But I did not ask for the limitation of time.

Mr. GOLDFOGLE. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Indiana be extended for five minutes.

The CHAIRMAN. By unanimous consent the time for debate has already been fixed.

Mr. GOLDFOGLE. I ask that the order be modified.

Mr. BARNHART. Mr. Chairman, I can not yield any further.

The CHAIRMAN. The gentleman declines to yield.

Mr. CRAMTON. I suggest that the gentleman himself limited the time.

Mr. BARNHART. Mr. Chairman, I want especialy to call the attention of the membership on this side of the House to a few things. The gentleman from Illinois [Mr. MANN] is usually fair, but he is the leader of the minority. The campaign is on, and the special effort of the Republican Party, as I understand it, is to try to show that the Democratic Party is not practicing economy. In this provision the same service can be rendered, and while possibly it would not be so easy for a Member to keep a carbon copy of a bill when he introduces it, yet he has all of the facilities for making a carbon copy and keeping it in his files. The Pensions Committee will gladly acknowledge to a Member the receipt of a bill that he has introduced, and that receipt can be sent to the claimant. The chairman of the Committee on Pensions, the gentleman from Ohio [Mr. SHERWOOD]—and he ought to know—says that this practice of printing so many bills is a nuisance, and the clerks of the Senate and of the House say it is a nuisance.

The same convenience, practically, can be afforded Members by abolishing this method, and abolishing this unnecessary waste of $80,000 a year of the people's money. I know that some Members of the House introduce a uselessly large number of bills, and while I do not want to offer any criticism of any one, yet the Member who introduced 600 private pension bills in this House knew when he did it that he would not get a hundredth part of them through. He did it for campaign advantage. This is what it is done for, and the people pay the freight.

I want to submit also that with the years of experience of the clerks of the House and of the Senate, it is fair to presume that when they agree that a matter of this kind is an abuse of the free printing privilege there must be some foundation in fact. These 600 bills, to which some Member referred as having been introduced by one Member in one day, cost the Government a little over $4,000, and the probability is that the Member has never asked for the report on more than two or three of them, because he knows what the rule is. We may as well be frank about these things. We are spending too much money, and I trust that the membership on this side of the House will see to it that the public printing extravagance, which costs the Government a million dollars unnecessarily, shall be abolished by commencing now. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. BARNHART) there were—ayes 57, noes 59.

Mr. MANN. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed Mr. MANN and Mr. BARNHART to act as tellers.

The committee again divided; and the tellers reported—ayes 68, noes 72.

So the amendment was rejected.

Mr. MANN. Mr Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 46, line 2, after the word "bills," insert the words "and private claim bills."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CRAMTON. Mr. Chairman, I want to call the attention of the chairman of the committee reporting this bill to the fact that when he states that it costs the Government Printing Office $8 to prepare 400 copies of the bill which I hold in my hand, if it is true, and it does cost that much, he knows as a printer, and every man in the House who has had any experience with the printing business knows, that it is absolutely absurd to think of its costing $8 to print 400 copies of that little bill. If he will take the bill which I have in my hand into any printing office in this city owned by private parties and ask them to quote him a price on that one job, he will find that they will quote him a price below $8, and if he will go to that printing office and ask them to quote him a price on 10,000 different jobs during the course of the year, all to be almost identical except for the change of a few names, they will quote him a price that certainly would not exceed two or three dollars for each such job. If it is true that it costs the Government $8 for each such job, having 10,000 jobs of that kind done in the course of a year, then the Government is suffering a tremendous waste in the Government Printing Office. The gentleman himself is seeking in this bill to have greater authority given to his committee, but he ought to utilize the authority his committee has now and stop that waste, instead of crying for economy likely to hamper the business of this House.

Mr. GARRETT of Tennessee. Mr. Chairman, if I understand correctly the amendment proposed by the gentleman from Illinois, it places private claim bills in the same attitude as regards printing that private pension bills have been placed in by a provision of the bill just agreed to. If so, I wish to say I am in favor of the amendment proposed by the gentleman from Illinois, because it is a correct amendment. The same reasoning which applies to a private pension bill applies to a private

claims bill, at least to private war claims bills. I do not know what the cost may be, as I said some time ago, for printing these individual bills, but it does not matter what the cost is. Any cost is unnecessary in the printing of these bills. Private claims bills, especially war claims bills, follow a conventional form just as does the private pension bills, and it is perfectly proper that the amendment proposed by the gentleman from Illinois should prevail; and I am for it, although he is not.

Mr. COOPER. Will the gentleman yield for a question?

Mr. GARRETT of Tennessee. Yes; I yield to the gentleman from Wisconsin.

Mr. COOPER. One of the reasons assigned, I believe, by the gentleman from Tennessee for favoring this amendment is that private claims bills, like private pension bills, are passed in an omnibus bill. Is that it?

Mr. GARRETT of Tennessee. Oh, no; I beg the gentleman's pardon.

Mr. COOPER. I take that from the statement the gentleman made a moment ago.

Mr. GARRETT of Tennessee. Not passed in an omnibus bill, because I did not so say. Private claims bills are not passed in an omnibus bill.

Mr. MANN. Yes; war claims bills.

Mr. GARRETT of Tennessee. The appropriations for the payment of war claims that have been favorably passed upon by the Court of Claims are always included in an omnibus bill; but resolutions referring war-claim cases to the Court of Claims are not always included in an omnibus bill or resolution. As to the individual bill or resolution, however, in both cases there is a conventional form.

Mr. COOPER. It is my understanding and recollection—and I am confirmed by the gentleman from Illinois, leader of the minority [Mr. MANN], that omnibus war claims are passed in that way.

Mr. GARRETT of Tennessee. The appropriations to pay those war claims that have been passed upon by the Court of Claims are almost without exception—there may be a few exceptions—included in an omnibus bill.

Mr. COOPER. Exactly. Then I understood the gentleman a little while ago, talking to the first amendment, to say that there is no necessity for printing private pension bills, because such pension bills were not passed, but are all included in an omnibus bill.

Mr. GARRETT of Tennessee. Yes.

Mr. COOPER. Does not the gentleman think that practice leads more and more to what is called "logrolling" legislation and that bills are passed in that way which ought not to be passed? And does he not think that instead of prohibiting the printing and consequent publicity of those bills, we ought to print them so that every man in the House and everybody in the country shall know them in all their details and——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask that my time be extended for one minute to answer the question.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. I do not agree with the gentleman from Wisconsin in that. I think the result of it will be that it will cause Members of the House more carefully to scrutinize a case before they introduce the bill. That is my judgment about it, and I think it will result in a reform in that respect; but it is not upon that ground alone that I am supporting the amendment. I voted against the other amendment offered by the gentleman from Illinois, and shall vote for this one offered by him, but it is not upon that ground; it is upon the ground that such printing is not necessary as a matter of business procedure.

Mr. COOPER. Yes; but the gentleman did specifically allude to the fact that these were not passed separately, but were passed in an omnibus bill, and he suggested that, therefore, the printing was not necessary. Now, I understand that statement to mean that the gentleman gives his cordial approval to a system of omnibus legislation which is the curse of legislation in the House of Representatives. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. SIMS. Mr. Chairman——

The CHAIRMAN. Debate on this amendment has been exhausted.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Chairman, in reference to war claims, a bill is introduced in the form of an appropriation bill directing that the Secretary of the Treasury be authorized and directed to pay a certain amount to the person or persons set out for supplies furnished the Federal Army during the Civil War, and so forth; and in that form it is taken up by the committee, and before the Bowman Act was repealed, if it came within the provisions of the Bowman Act, the committee referred the bill directly to the Court of Claims without action by the House, but by action of the committee only. After the repeal of the Bowman Act all such bills had to come under the Tucker Act, and a separate resolution is reported by the committee in regular form referring the claim to the Court of Claims. That resolution has to be acted on in the House, and it has got to be customary that these resolutions, after being acted on singly by the committee upon separate bills, are combined into an omnibus resolution, because they are all exactly alike, all for the same purpose, and passed by the House in that way; but a separate bill is always introduced, always considered separately, must be printed separately, and have separate committee action on each.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Georgia?

Mr. SIMS. Yes.

Mr. HOWARD. The gentleman has asked a question, and I wanted to get him to clarify his statement. All these claims bills, of course, are introduced separately, and the omnibus bill is made up from the conglomeration of separate bills?

Mr. SIMS. What is usually called an "omnibus bill" is a bill to pay the amounts of separate claims determined by the Court of Claims in each case to be due the claimant. I wanted to make this statement so that this side of the House might understand it.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I have not been recognized yet?

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] has the floor.

Mr. SIMS. I am through, Mr. Chairman.

Mr. GARRETT of Tennessee. Will the gentleman from Illinois [Mr. MANN] accept an amendment to his amendment, so as to insert the word "war" after the word "private," so as to make it read "private war claims bills"?

Mr. MANN. I think that probably would be a wise thing to do.

Mr. GARRETT of Tennessee. Then, Mr. Chairman, I offer that amendment, to insert the word "war" after the word "private" in the amendment offered by the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Modify the amendment by inserting, after the word "private," the word "war."

Mr. HOWARD. Mr. Chairman, did I understand the chairman to say that all debate had been exhausted on this amendment?

The CHAIRMAN. The debate is exhausted on the original amendment.

Mr. HOWARD. Mr. Chairman, I would like to be recognized on the amendment offered by the gentleman from Tennessee [Mr. GARRETT]. Would I be in order?

The CHAIRMAN. The gentleman is in order. The gentleman is recognized.

Mr. HOWARD. Mr. Chairman, I hope that the amendment offered by the gentleman from Tennessee [Mr. GARRETT] to the amendment offered by the gentleman from Illinois [Mr. MANN] will be adopted.

I am aware of the fact that a great deal of the printing done at the Government Printing Office is a useless expenditure of the Government's money. The only purpose that the introduction of these private pension bills, and in a great many instances these war claims bills, serves is that a Member of Congress can, with some degree of substantiation of his effort, inclose one of these bills to his constituents who asked the introduction of it and say, "I am inclosing you herewith a copy of the bill which I have introduced for your relief, which I hope will be very speedily considered by the committee to which it was referred." In a great many cases that is about all that a Congressman can do with a particular pension claim or war claim.

Now, in reply to the gentleman from Michigan [Mr. CRAMTON] I wish to say just one word. Everything that he said about these private bills is true. It does look preposterous that it should cost $8 to have printed 450 copies of one of these bills, like the one that the gentleman held in his hand when he was making his statement. Now, I will tell you why. You can have that particular job of work done down here at a private printing establishment at 33⅓ per cent less than you can have it done in the Government establishment. The other day, in the face of the cool consideration given by the chairman of the committee to the preparation of this bill, when he sought to save to the Government a large amount of money in the printing expenses by leaving the wages of the printers as they were agreed upon by the committee, an amendment was introduced to increase the wages of the printers about 30 per cent more than printers receive in any private institutions in the country, or above union wages. If my recollection serves me correctly, the gentleman from Michigan [Mr. CRAMTON] voted for that amendment.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. CRAMTON. I took pleasure in supporting the gentleman from Indiana [Mr. BARNHART] in his effort to keep that scale down the other day.

Mr. HOWARD. Then I beg the gentleman's pardon. But I was under that impression.

Mr. CRAMTON. Now that I have removed that impression from the gentleman's mind, may I take the opportunity to remove another? That notwithstanding what the wages may be, the amount of composition involved in the printing of a pension bill, even in the Government Printing Office, ought not to cost over 50 cents, and the paper over 25 or 30 cents, and a dollar would be a very liberal allowance for make-up, make-ready, and presswork, and all the rest must be credited to the Democratic economies of this administration.

Mr. HOWARD. Mr. Chairman, some one somewhere has demonstrated in this House, as I have noticed myself, that every day a certain number of men on this side of the House on every occasion when anything touching the management of the Government Printing Office or the curtailment of any power vested in the Public Printer comes up, stand up here on this side, although they are pledged to the Democratic economies that we were presumed to put into operation, and vote solidly with the gentlemen on that side and assist them in their effort to play politics by embarrassing any chairman of a committee here by increasing his appropriations and making it appear that we on this side can not hold within a certain limit in appropriations.

Now, it is a wonder to me, considering the way in which the Government Printing Office is conducted—and not only that office, but a great many other offices in the executive branch of this Government—that it does not cost $20 instead of $8 to print 450 copies of a pension bill or a private claim bill. That is what these folks are for—to make it cost the people all it can. What do they care for the people? What do certain men who ruthlessly go through the tellers here and vote to increase salaries over the amount of salaries paid to men in their own districts in the same lines of work care about the people? They do not care a snap of a finger about spending the people's money that is gathered from them through heavy taxation, if it redounds to their political aggrandizement. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I do not want to take up any time in criticizing my fellow Members here, but I would like to say something in connection with this bill, particularly concerning the last two propositions of amendment, and that is this: If you stop to think a moment, you will realize that if you decide to pass this amendment you will have decided that in two very important factors of appropriation coming before this Congress you have resolved to put away from your hands, or the hands of your colleagues who may want to consult and deliberate on these items, any tangible evidence that a proposition to pay a claim is before Congress until the committee having jurisdiction of it has decided to pay it. You will not print a bill until after the committee has decided to report it favorably. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. GARRETT] to the amendment of the gentleman from Illinois [Mr. MANN].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois as amended.

The amendment as amended was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out, on page 46, line 16, the words "and House."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 46, line 16, by striking out the words "and House."

Mr. MANN. Mr. Chairman, I would like to have the attention of the gentleman from Indiana [Mr. BARNHART]. It seems, if the amendment prevails, that would provide for the printing of Senate private bills which are to be printed—100 copies for the use of the Senate document room. Then I propose to offer another amendment, if this prevails, which will provide for printing 100 copies of private House bills for the use of the House document room, so that we shall not have Senate private bills in the House document room and House private bills in the Senate document room.

And then I propose to offer a further amendment—to strike out the provision for the turning over of any copies of these private bills to the Secretary of the Senate. Let him get his copies from the Senate document room.

Mr. BARNHART. I think that is a very good suggestion, and I thank the gentleman from Illinois [Mr. MANN] for it.

Mr. BUCHANAN of Illinois. Mr. Chairman, I take the floor because of statements made by the gentleman from Georgia [Mr. HOWARD] in reference to a few of us who are particularly active in representing the interests of labor, who the gentleman says are obstructing the efforts of the chairman of a Democratic committee in trying to secure a condition of economy. If the gentleman from Georgia thinks he can make any politics out of such statements, I assure him he is mistaken, unless he has a different constituency than I have.

I want to say first that I have been a supporter of the amendments which provided for the equalization of the pay of the workmen in the Printing Office, and also of an increase for the pressmen. I feel perfectly justified in the positions I have taken, and I am always willing to leave to my constituency, on my record, the question whether or not I am worthy of their support in the positions I have taken on questions of that kind, as well as other questions upon which I vote in Congress or in any other representative position.

It seems to me to be the cheapest sort of politics for men to be continually getting up here, probably because they have some grievance against some individual, and attacking a department which is probably being run as efficiently as any department, either private or public, throughout the country. I want to say that the present Public Printer is a union-labor man. He is as much interested in protecting the people of the country from paying unnecessary charges as is the gentleman from Georgia [Mr. HOWARD] or any other Member of this House, and, in my judgment, he will exercise his efforts as sincerely to economize in the public printing as would any Member of this House.

Mr. HOWARD. Will the gentleman from Illinois yield for a question?

Mr. BUCHANAN of Illinois. No; I do not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BUCHANAN of Illinois. I repeat, that to me it seems to be the cheapest sort of politics to be howling here on this floor about members of the Republican Party or members of other parties taking these positions for political purposes; and I want to warn the gentleman from Georgia and all Members on this side of the House that they will find, if they put these matters up to an issue in their districts, they will not have accomplished anything after they are through. When the gentleman from Georgia made the statement he did, he had applause from the gentleman from Indiana [Mr. COX], a lone Member of the House, applauding his statement in regard to these matters. I am ready to make the issue at any time, anywhere in this country, on any position I take in regard to labor or any other matter, and if gentlemen think they can continue harping on these matters with any good results, either for the Democratic Party or themselves, well and good; let them continue, and let them see what the final result will be.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word. I would not have said anything in reply to the gentleman from Illinois if he had yielded to me for a question; but the gentleman seems to have taken this thing very much to heart, so that if anybody says anything about extravagance in certain lines, he must really get in such a frame of mind that he can not give a colleague a civil answer when he asks him to yield. He says "No" in a very loud tone of voice and gets very mad about it. Now, there is no occasion to get mad. There is no occasion to be put out. I am going to stay with these fellows as long as I can who are trying to give a Government employee a great percentage of advantage over the man in commercial life.

The gentleman from Illinois is trying to put something in the RECORD that will make it appear that I am antagonistic to

labor. I say this, and he knows that it is true, that upon general principles of legislation in favor of organized labor in this House I have been as consistent in my vote, in an effort to promote the welfare of the laboring men of this country, as he or any of the other 16 Members on the floor of this House on either side who carry union-labor cards in their pockets; but when any gentleman gets up here and puts the Government of the United States in the ridiculous position of having to pay $8 for the printing of 450 copies of a private bill when it can be done in any private printing establishment for $1.25, I say it is time for gentlemen to defend their action when they ruthlessly get up here and seek to run over the chairman of the committee and the whole committee in giving wages to men in the Government Printing Office that they know are above the union scale fixed by the typographical unions throughout this country. You know it is true, and I say it is unfair to union labor, because all of the union printers and pressmen can not get jobs in the Government Printing Office. Why should an exception be made in the Government Printing Office to give men who belong to certain unions better wages than their fellow craftsmen in private life receive, and on top of this one month's leave on full pay. I say I am against it, because it is legislation of a character that is unfair and it has no good effect. I do not begrudge these men in the Government Printing Office a fair wage scale, predicated upon what their fellow craftsmen receive in private life. I would be glad to see all men get good wages, but there is a limit to it, and it is wrong to discriminate between a Government employee and a commercial employee.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. HOWARD. I will be more courteous than the gentleman from Illinois was, and will yield to him with the most profound pleasure.

Mr. BUCHANAN of Illinois. It is unnecessary to put on the soft pedal in yielding.

Mr. HOWARD. Well, I will do it.

Mr. BUCHANAN of Illinois. I want to say that when the gentleman says I know that the Government Printing Office is paying more wages than are paid elsewhere he says something that I do not know. I know pressmen, for example, in Chicago who are getting $35 a week.

Mr. HOWARD. One?

Mr. BUCHANAN of Illinois. Yes; and more.

Mr. HOWARD. I am talking about these men as a class.

Mr. BUCHANAN of Illinois. If the gentleman will permit, I am compiling information which will show that the information that has been given on this floor in regard to the wages of printers and pressmen throughout the country has been very misleading.

Mr. HOWARD. I heard the distinguished gentleman from Indiana [Mr. BARNHART], the chairman of the committee, make the statement that the figures he used in his speech, relative to the union wage scale in commercial houses throughout the country, came from the Department of Labor. Am I correct in that statement?

Mr. BARNHART. The figures are published to the world.

Mr. HOWARD. They are published to the world as being the union scale of wages, and I say when you increase those wages over that amount you do an injustice to those men by seeking to give Government employees in the Government Printing Office 25 to 30 per cent more per hour than is paid to the men in commercial establishments.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 46, line 18, after the word "copies," insert the words "of House private bills and concurrent and simple resolutions there shall be distributed."

The amendment was agreed to.

Mr. MANN. I move to strike out, in line 19, the word "two" and insert the word "one."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 46, line 19, strike out the word "two" before the word "hundred" and insert the word "one."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out, on page 46, all of line 20 and the word "copies" in line 21.

The CHAIRMAN (Mr. SHERLEY). The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 46, strike out all of line 20 and the word "copies" in line 21.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 47. PAR. 2. Of all bills and resolutions there shall be distributed to the Executive Office, 2 copies; to the office of the superintendent of documents, 2 copies; to each executive department, independent office, and establishment of the Government, 5 copies, excepting the State Department, to which there shall be distributed 10 copies; and all of these copies shall be supplied as soon as printed. Whenever the head of an executive department, independent office, or establishment of the Government desires a greater number of any class of bills or resolutions, for official use, they shall be furnished by the Public Printer upon requisition promptly made.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In paragraph 2, section 47, where it reads "of all bills and resolutions there shall be distributed," and so forth, ought it not to read "of all bills and resolutions which are printed there shall be distributed," and so forth?

Mr. BARNHART. I think there should be an amendment, considering the change.

Mr. MANN. But before the change the bill did not provide for printing private pension bills, and it is not intended to distribute any of those to the executive office. I think to save all question it should be amended.

Mr. BARNHART. I think so.

Mr. MANN. I ask to insert, after the word "resolutions"——

Mr. BARNHART. Would it not be better to put after the word "all" the word "printed," so that it will read "of all printed bills and resolutions"?

Mr. MANN. Yes. Mr. Chairman, I ask unanimous consent to insert, after the word "all," in line 5, page 47, the word "printed."

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read as follows:

SEC. 47. PAR. 4. All bills and resolutions shall be printed in bill form, as prescribed by the Joint Committee on Printing, and, unless specially ordered by either House, shall be printed only when referred to a committee of the House in which they originate, when reported and placed upon the calendar in either House, and after their passage by either House.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 48, line 1, after the word "unless," insert the words "otherwise provided by law all."

Mr. MANN. That is intended to cover the case of bills not printed?

Mr. BARNHART. Yes.

Mr. MANN. I think that amendment should go in at the beginning. It says "all bills and resolutions shall be printed in bill form." Why not insert there "unless otherwise provided by law"?

Mr. BARNHART. But it says just after that "unless specially ordered by either House."

Mr. MANN. You have in the first part of the section the word "all bills and resolutions shall be printed in bill form." You do not mean that. That is the place to make the exception.

Mr. BARNHART. But there is an exception right after it.

Mr. MANN. That only prescribes the form.

Mr. BARNHART. Mr. Chairman, I have no objection to the suggestion made by the gentleman from Illinois. I only want it put in where it makes the best sense possible.

The CHAIRMAN. Does the gentleman from Indiana modify his amendment?

Mr. BARNHART. I do.

Mr. MANN. If you insert after the word "resolutions" the words "unless otherwise provided by law," that covers the case.

Mr. BARNHART. I will accept that, Mr. Chairman.

The Clerk read as follows:

Amend, line 24, page 47, by inserting after the word "resolutions" "unless otherwise provided by law."

Mr. BARNHART. I withdraw my former amendment and offer that as a substitute.

Mr. BATHRICK. Mr. Chairman, do I understand that in order to get a supply of bills we will have to get a resolution passed by the House directing the Public Printer to print the bills?

Mr. MANN. Not at all. If this provision goes in, all bills, unless they are private pension bills or private war claims bills, will be printed when referred to a committee.

Mr. BARNHART. The same rule as prevails now.

Mr. MANN. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana as modified.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 48. The Public Printer shall print and bind five complete sets of Senate and House bills and resolutions of each Congress, the volumes when bound to be kept and preserved for reference, as follows: One in the Library of Congress and one each in the document room and the library of each House.

Mr. MANN. Mr. Chairman, I move to amend, in line 9, by striking out the word "one" and inserting the word "two."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 9, strike out the word "one" and insert the word "two."

Mr. BARNHART. Mr. Chairman, I would like to say to the gentleman from Illinois that while I appreciate his interest in the Library, the librarian only asked for one copy.

Mr. MANN. I understand that. This is a bound volume of bills and resolutions. We require two copies of all copyrighted books to be put in the Library, and there have been occasions when it has been impossible to obtain a bound volume of bills for a time. There is no expense to speak of, and there ought to be beyond all question two copies to safeguard it.

Mr. BARNHART. Well, Mr. Chairman, the cost is so inconsequential that I will not object. I will accept it, although the librarian does not want two copies.

Mr. MANN. I do not know that that is so.

Mr. BARNHART. He has not asked for them, and he did not appear before the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. BARNHART. Mr. Chairman, at the end of line 6, page 48, the word "five" will have to be changed to "six," to conform to the amendment just agreed to.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

SEC. 49. PAR. 1. The Secretary of the Senate and the Clerk of the House of Representatives may, when the supply shall have been exhausted, order reprinted, upon requisition, not to exceed 1,000 copies, in all, of any pending bill or resolution, or of any report from any committee on pending legislation not accompanied by testimony, exhibits, or other appendices; or of any public law or compilation of laws, not exceeding 50 pages: *Provided*, That if the Secretary of the Senate or the Clerk of the House desires an additional reprint, authority therefor must be secured from the Committee on Printing of the Senate or the House, respectively, when Congress is in session, or from the Joint Committee on Printing when Congress is not in session.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not recall whether this is a copy of existing law or a change in the law in reference to the reprint of the reports of committees not accompanied by testimony, exhibits, or other appendices.

Mr. BARNHART. Mr. Chairman, it is a change of existing law in this, that the existing law is construed to mean that they can print a thousand copies to-day and a thousand copies to-morrow and a thousand copies the next day, and in that way the privilege at many times is grossly abused, but the present law will provide that after the first thousand have been ordered then it will be necessary to get the approval of the Joint Committee on Printing or, rather, the Committee on Printing of the respective House to recommend.

Mr. MANN. Take the tariff bill the last time it was passed. The report of the committee covered more than 50 pages and was accompanied by appendices. It was rather important to have. Of course the House by simple resolution could order it printed, but under this there could have been no reprint of that.

Mr. BARNHART. By resolution the House could do anything.

Mr. MANN. Oh, the House can not do everything by resolution. We have it tied up here now so that the House can not do much of anything except through the Committee on Printing. Is it desirable to fix it so that the Joint Committee on Printing can not order a reprint of an important report and make a report upon the tariff bill?

Mr. BARNHART. It is such a simple process for the chairman of a committee that has important matter for printing to rise and make an explanation and give the estimated cost of the printing, it is such a brief performance, that the committee decided it would be safeguarding the public printing in possible extravagance to limit it so that some form must be adopted whereby this matter of printing of all the copies asked for by individual Members of the Clerk of the House or the Senate will not be granted without reference to a committee.

Mr. MANN. What I am referring to now is that you do not permit a report to be reprinted at all which is accompanied by testimony, exhibits, or other appendices, and that is always the case with the tariff report.

Mr. BARNHART. I am sure the gentleman from Illinois does not undertake to say that the House could not have it done.

Mr. MANN. Oh, I would not undertake to say that Congress could not change the law, but I undertake to say that under this there can be no reprint until the House has acted affirmatively.

Mr. BARNHART. Mr. Chairman, this feature of the law to which the gentleman refers has been existing law for many years, and it has worked satisfactorily.

Mr. MANN. That is what I am asking, whether it was a change of law.

Mr. BARNHART. The only limitation placed in the matter is that when an additional thousand is required the House or Senate shall order it instead of the Clerk without reference to anyone. The purpose of this bill, Mr. Chairman, is to try and safeguard the public printing and binding against imposition, not that I would say that it is done intentionally, but in many instances large quantities of printing have been done that never would have been done if some authority had jurisdiction over it, but an order comes from Members from day to day to the Superintendent of Documents to get an additional thousand of a particular document, and as he is authorized by law there is no end to it. I have in mind a specific instance in which I hear one Member of Congress went day after day and procured 1,250,000 copies of a bill which he had introduced.

Mr. MANN. And I suppose that related to a reform, a prohibition reform, I imagine. I do not see how that particular Member could have gone day after day, because I am sure that he was not here himself. He might have sent his secretary.

Mr. BARNHART. The chairman of the committee is mentioning no names.

Mr. MANN. No; but without mentioning names I know who is meant. Of course, if this is in the existing law, and is considered a dead letter by the Printing Office, I suppose there is no objection. The trouble with all of these printing bills is that we put certain restrictions in them and there is no public official who will enforce the law, because it is a rather delicate matter to refuse to pay attention to an order of one of the Houses of Congress or a resolution of the House.

Mr. BARNHART. Mr. Chairman, I want to beg the gentleman's pardon, but I can cite a specific instance where that can not be done. Under a previous organization of the House the Joint Committee on Printing discovered, by investigation, that some Members had exceeded their binding allotments, some of them to the extent of $6,500 in one year. I think probably most of the Members of the House were violating the law not of their own intention, but because the Clerk of the House, who was a big-hearted gentleman, permitted it. But under the present Clerk of the House that is not done, because he observes the law.

Mr. MANN. It is when the House acts or a House official acts. If the Clerk of the House sends a requisition over there they are not very apt to pay much attention to the law, and they have not in this case. Here is a provision that there shall be no print of the last report on the tariff bill, and there was a reprint of it, I think.

Mr. BARNHART. The gentleman understands that the Committee on Printing can not be responsible for violations of the law.

Mr. MANN. I am not accusing the Committee on Printing nor am I criticizing the Public Printer.

Mr. BARNHART. I think on the report on the tariff bill the House did order the additional copies under the provisions of the existing law, which has only been merely strengthened and clarified.

Mr. MANN. Oh, I think they did order printed copies.

Mr. BARNHART. I think the gentleman from Illinois will agree with me that is really the systematic and businesslike way to do it.

Mr. MANN. We did not follow the law when we ordered a reprint of this. The law provides it can only be ordered upon a report of the Committee on Printing, and there was no report.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 49. PAR. 3. Nothing in this section shall prevent the purchase by the officers of the Senate and the House of Representatives of such stationery and blank books as may be necessary for sale to Senators,

Representatives, Delegates, and Resident Commissioners in the stationery rooms of the two Houses: *Provided*, That upon requisition of the Secretary of the Senate or the Clerk of the House, the Public Printer shall furnish printed letterheads and envelopes and blank paper to the stationery room of either House for sale to Members for official use at cost of paper and envelopes prepaid, and the Secretary of the Senate and the Clerk of the House, respectively, shall reimburse the Public Printer for such paper and envelopes from the stationery appropriation credited to the Member ordering the same or from moneys received from him for such purpose as said Member may elect: *Provided*, That any Member, officer, committee, or commission of Congress desiring embossed instead of printed letterheads and envelopes may order the same by prepaying, as herein provided, the cost thereof in excess of the amount that ordinary printing would cost the Government.

Mr. MANN. Mr. Chairman, I move to insert, in line 17, after the word "paper," the word "printing."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, line 17, after the word "paper," insert the word "printing."

Mr. BARNHART. The committee will accept that.

Mr. MANN. That would make Members pay the cost of printing their letterheads.

Mr. BARNHART. Yes.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 49. PAR. 5 There shall be a printing clerk in the office and under the direction of the Secretary of the Senate and the Clerk of the House of Representatives, respectively. It shall be the duty of the printing clerk of the Senate and the House, respectively, to transmit to and receive from the Public Printer all matter for printing and binding originating in or ordered by, the Senate, its officers and committees, and congressional commissions and joint committees, and by the House of Representatives, its officers and committees; to require that copy is properly prepared and proof correctly marked; and to keep a record of all such work: *Provided*, That this paragraph shall not apply to bills, resolutions, or committee reports, except reprints, or to matter printed for the use of either House in secret session and from which the injunction of secrecy has not been removed.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I rather agree with the committee that we ought to have a printing clerk in the House. Since the Democrats in the last House abolished the printing clerk what is the modus operandi now? Who does the work?

Mr. BARNHART. Mr. Chairman, some designated appointee under the Chief Clerk handles this work.

Mr. MANN. Do you have anybody from the Government Printing Office to help?

Mr. BARNHART. Well, I am not advised as to that. The bill seeks to change and make that clear.

Mr. MANN. I think we ought to have a printing clerk. I do not know what authority——

Mr. BARNHART. It is done under the direction of the Chief Clerk. I am satisfied that the Chief Clerk is a very conscientious, careful, and scrutinizing official in that respect, but the bill seeks to put the responsibility on somebody who will have nothing to do but that.

Mr. MANN. Is it under the Chief Clerk or the bill and resolution clerk? Who does have charge of it?

Mr. BARNHART. It is under the Chief Clerk.

Mr. MANN. Where does he get his jurisdiction? I am not sure—I suppose it will be observed how far Congress can change the rules of the House of Representatives——

Mr. BARNHART. Well, I have not any reply to make except that I was in no wise responsible for the previous change. I believe in a responsible position like that there ought to be some responsible individual who feels it is up to him to be careful.

Mr. MANN. I agree with the gentleman that there ought to be a printing clerk. I think most of the places which were abolished in the last House by the majority, new to the business, were foolishly abolished. In one way or the other most of them have been restored and ought to have been restored because they are needed.

The Clerk read as follows:

SEC. 50. PAR. 2. Whenever any committee or commission of Congress shall have printed hearings or other matter relating to their official business, not confidential in character, there shall be printed, in addition to the number authorized for the use of the committee or commission, sufficient copies to meet the following distribution: To the House document room, 1 copy to be delivered to each Member, Delegate, and Resident Commissioner, and not to exceed 50 copies in addition thereto; to the Senate document room, 1 copy to be delivered to each Senator, and not to exceed 25 copies in addition thereto; to the Senate and the House Libraries, each 2 copies; to each executive department, independent office, and establishment of the Government, 1 copy; to the Government Printing Office for official use, 2 copies; and distribution shall also be made as provided for in section 65 of this act: *Provided*, That if any of the hearings or other matter printed for the use of committees or commissions of Congress are designated as "confidential," no additional copies shall be printed for the foregoing distribution; but if any committee or commission shall direct that the distribution of its hearings or publications be withheld until such time as it authorizes them to be made public, the Public Printer shall print and hold such copies in confidence until directed to distribute them: *Provided further*, That hearings and other publications of committees or commissions of Congress shall be numbered consecutively throughout a Congress for each committee or commission thereof.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 51, line 19, after the word "to," strike out "their" and insert "its."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I hope that the gentleman is prepared to have this section amended. It is the most grossly extravagant proposition that has been before the House relating to its own matters in years. There is no occasion for sending every hearing printed by every committee and delivering it to every Member of Congress. There is no occasion for printing that number, and it is simply a waste of time, labor, and printing matter to do it. When we have a tariff hearing, with long hearings, Members of Congress who desire to get those hearings have no trouble in getting them; but we have a large number of committees who during the winter months have hearings nearly all the time. The Committee on Appropriations at this session, as stated by the gentleman from New York [Mr. FITZGERALD] the other day, printed, I think, over 6,000 pages of hearings. The Committee on Naval Affairs prints a large number of pages of hearings. The Committee on Interstate and Foreign Commerce has a great many hearings during a Congress—public hearings. Now, under the provisions of this section every one of those hearings is to be delivered to every Member of Congress.

Mr. BUTLER. What do they do with them when they are delivered?

Mr. MANN. The gentleman from Pennsylvania asks, What do they do with them when they are delivered? Well, Members who have not much else to occupy table room might pile them up on the table for a time. Of course, after awhile they will go in the wastebasket. Most Members after a time will have their secretaries probably throw them in the wastebasket when they come in. Then if they want to get one afterwards they will have difficulty in getting them, because there are only 50 extra copies printed. Well, you can get all you want now from the committees. If a committee has a great demand for hearings it can come to the House and ask for a reprint. I suppose the number of pages that are printed by the different committees—well, I do not know how many, but thousands upon thousands of pages are printed in the House and by the Senate. This section says:

Whenever any committee or commission of Congress shall have printed hearings or other matter relating to their official business, not confidential in character, there shall be printed, in addition to the number authorized for the use of the committee or commission, sufficient copies to meet the following distribution: To the House document room, 1 copy to be delivered to each Member, Delegate, and Resident Commissioner, and not to exceed 50 copies in addition thereto; to the Senate document room, 1 copy to be delivered to each Senator, and not to exceed 25 copies in addition thereto.

It says every committee or commission of Congress. It means engaging a large number of stenographers, and if these are printed and delivered to Members of the two Houses it will take a dray or a number of drays to make the delivery, and the quantity of matter that will come from the Printing Office will be enormous. Certainly the committee does not want that. Talk about printing private bills! The House just determined to save the printing of private bills. Why, the printing of all the hearings in sufficient quantities to be delivered to each Member will make the private bill printing look like 1 cent instead of 30 cents. I ask the gentleman—I have not prepared an amendment; I do not know—if he does not believe we ought to eliminate the provision requiring a copy of every hearing before every committee in both Houses of Congress and before every commission to be delivered to every Member of both the House and the Senate?

Mr. BARNHART. I will answer that in my own time.

Mr. MANN. I have asked a respectful question.

Mr. BARNHART. Mr. Chairman, I ask that all debate on this paragraph close in five minutes.

Mr. MANN. Well, I will not consent to that. The gentleman can move it, but I am going to try to strike this out, and I protest against this gross extravagance. I am willing to let the gentleman fix it up.

Mr. BARNHART. I trust I can correct the gentleman's mistaken opinion.

Mr. MANN. Well, you had better wait until you do it before you try to close debate by unanimous consent.

Mr. BARNHART. Mr. Chairman, the gentleman is not considering this question of economy and efficiency any more carefully or any more thoroughly than the committees of both the House and Senate and the joint committee considered it. It

is a serious question as to just how to proceed in this matter to avoid the possibility of abuses.

Now, if gentlemen will give me their attention for a moment I will call your attention to some things that have occurred under the existing circumstances. Chairmen of committees and others who want to use these hearings—and I am going to speak frankly about this matter, because I believe I ought to—Members who want to use these hearings for campaign purposes come on the floor of the House from time to time and ask that reprints be ordered, saying that there is a great demand for the hearings.

I want to give you one instance, and I discovered it by the merest chance. One day I happened to be on the first floor of the House Office Building. It was two years ago, I think, and I saw ricked up there enough mail sacks filled with printing to virtually clog the passageway. I counted the number of mail sacks, and there were 107 of them. I looked at them and saw that they were all addressed under one Member's frank, and that they were all to be sent to the same State. I found that it was a report of a hearing. It was an important hearing, and the chairman of the committee that had conducted it had asked for reprint after reprint, until that particular member of the committee had secured enough of these copies to send not only 107 mail sacks full of them to his home State, where he was conducting a campaign, but the employee in charge, with whom I talked, told me that he had sent 72 sacks out the week before.

Mr. BUTLER. Great goodness!

Mr. BARNHART. Now, Mr. Chairman, the committee felt this obligation: There are many important hearings, and many times Members are interested in them, although many times they are not. But if a copy of a hearing comes to a Member's desk day after day, I have not any doubt but that it will be thrown away, but still it will provide Members of Congress who want to know with facilities for finding out what the hearings are about and what is in them.

I have here a letter from the Department of the Interior, from Mr. A. A. Jones, who is the Acting Secretary, under date of September 8, 1914, in which he says:

> It is recommended that all hearings before committees of Congress be printed as documents or in a special series, entitled "Hearings." The hearings before the committees are historically the most important publications issued by the Government and they are the most difficult to obtain. Theoretically, they are printed for the confidential use of the members of the committee. As a matter of fact, they are generally subject to free distribution to anyone who applies to the clerk of the committee. When a new committee clerk is appointed, the supply of hearings is generally discarded, and it is often extremely difficult to obtain copies. It is urgently recommended that hearings be sent regularly to the executive departments and the principal libraries.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to his colleague?

Mr. BARNHART. Yes; I yield to my colleague.

Mr. CLINE. I just wanted to ask if the chairman of the Committee on Printing had in mind any other report than the report on the steel investigation?

Mr. BARNHART. "The chairman of the committee" did not mention any particular report.

Mr. CLINE. It is current knowledge to everyone, and that probably is the report he referred to.

Mr. BARNHART. The abuse is illustrated in many instances.

Mr. MANN. Mr. Chairman——

Mr. BARNHART. I do not want to offer any questionable criticism, for it has been considered proper, and some Members even yet consider the method of public document campaigning to be entirely proper, but the committee does not believe that that is a proper method for a Member of Congress to pursue.

Mr. BUTLER. Why not put a stop to it? After 18 years' experience in this House I have never had a constituent ask me for one of these hearings. And I want to say to my friend from Indiana that he is not going to put these copies on me if I am in the next Congress, for I will lock the door against the messenger who brings them. [Laughter.]

Mr. BARNHART. It was done so that the Members of Congress could not rise in their places and say, "You are denying us the privilege of seeing these hearings." I know that the gentleman from Pennsylvania would not use them.

Mr. BUTLER. No; I surely would not use them. Let us take our chances on that complaint being made.

Mr. BARNHART. If the House wants to strike out that privilege, we shall be delighted to have it done.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Ohio?

Mr. BARNHART. Yes.

Mr. BATHRICK. Is it not patent that a great many hearings conducted by these investigating committees contain valuable information and should be preserved?

Mr. BARNHART. Certainly.

Mr. BATHRICK. And that it is necessary?

Mr. BARNHART. Yes.

Mr. BATHRICK. Men who are studying these questions in Congress frequently have occasion to peruse them?

Mr. BARNHART. Yes.

Mr. BUTLER. Can not a constituent obtain these copies? Does the gentleman want to have his office piled full of these hearings?

Mr. BATHRICK. That is not the question. If this paragraph is to be changed, I would not want to see it stricken out entirely.

Mr. BARNHART. Oh, no.

Mr. BATHRICK. But some arrangement ought to be made whereby a Member of the House or of the Senate may have easy access to copies of these hearings.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request.

There was no objection.

Mr. BARNHART. I will say to the gentleman from Ohio [Mr. BATHRICK] that that provision is already carried in the bill. The proposition of the gentleman from Pennsylvania [Mr. BUTLER] was merely to strike out the provision requiring that a copy of all hearings be sent to each Member.

Mr. BATHRICK. Will the gentleman explain where one can get access to them if that portion is stricken out?

Mr. BARNHART. They can get them from the committees.

Mr. BATHRICK. A committee usually has only one copy. Has the Member of Congress always access to the committee room?

Mr. BARNHART. Probably not; but it is up to the House to do as it chooses.

Mr. BATHRICK. What I contend for is that a sufficient number of copies should be preserved in the committee room, and that Members should have access to them.

Mr. BARNHART. The question of maintaining libraries in committee rooms was one that the committee considered did not come within its jurisdiction.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. BATHRICK. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana may have five minutes more.

The CHAIRMAN. The gentleman from Ohio [Mr. BATHRICK] asks unanimous consent that the gentleman from Indiana [Mr. BARNHART] may proceed for five minutes more. Is there objection?

There was no objection.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. CLINE. I want to inquire of the gentleman if there is any provision at all in that comprehensive printing bill that would give the Printing Committee authority to regulate the use of printing in such a manner as to prevent the practice that was illustrated in the reference which the gentleman made?

Mr. BARNHART. There is none except in the general provision of the law delegating the regulation of such authorizations to the Congress.

Mr. CLINE. That is what I am trying to find out.

Mr. BARNHART. While such things were abuses, I never felt that they were done by Members of Congress because they meant to violate the law or because they meant to impose upon the rights and privileges that were accorded to them, but some of them evidently have been cases of grossly mistaken identity.

Mr. CLINE. Suppose a Member wanted to get 100,000 copies of the steel report printed now. Is there any method by which that could be prevented?

Mr. BARNHART. Under the provisions of the bill he would have to get the authority from the House. The Printing Committee could not authorize it. It might come through recommendation of the Printing Committee or it might be done directly on the floor.

Mr. MANN. In the case referred to he got his authority from the House, did he not?

Mr. BARNHART. I do not know for sure.

Mr. MANN. The gentleman knows it must have been so.

Mr. BARNHART. I speak only of what I saw.

XUM

Mr. MANN. I called the attention of the House to it when you were paying the bill. You voted to pay the bills. That was under the special resolution.

Mr. BUTLER. How much was the printing bill?

Mr. MANN. They did not differentiate between the printing and other expenses of that committee. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the section. The gentleman is recognized for five minutes.

Mr. MANN. Mr. Chairman, the illustration given by the gentleman from Indiana [Mr. BARNHART] was a very lame illustration, so far as the facts are concerned. The printing done by the steel investigation committee was not done under the usual provisions of law, but that committee were authorized to have printing done, and were given a fund of money to expend in any way they chose. They chose to expend a large sum of money in printing their hearings, and there was said to be a great demand for those hearings. The chairman of that committee gave an explanation to the House at the time when I called the attention of the House to the fact that great quantities of mail bags, filled with the steel report and hearings—many carloads—were over in the House Office Building ready to be mailed; and upon the explanation given by the gentleman, the Democratic side of the House voted additional money with which to pay the bills. I am not disposed to criticize that; but that has nothing to do with the ordinary provisions of law. Now here is a proposition under which all of these reports have to be furnished to the Members of the House. The Assistant Secretary of the Interior, Mr. Jones, who knows very little about congressional work, and not any too much about the Interior Department, undertakes to say that hearings are now printed as confidential matters for committees. That is not the case at all. Hearings might be printed as confidential, but that is not the practice. The ordinary hearings of a committee are given to anybody who comes after them, and are sent to anybody who writes for them. They are furnished to Members of the House as a matter of right, not as a matter of favor. When Members want the hearings they get them without difficulty. But to say that we are going to print 50,000 pages of hearings which nobody wants, and furnish them to each Member of the House who does not want them, is an extravagant proposition which ought not to meet with favor by anybody. Now, I keep as close track of the hearings before committees in the House, I think, as does any Member. I never have any trouble in getting a hearing that I want, but God forbid that I should endeavor ever to read all the hearings before all the committees of the House, much less the hearings before the Senate committees.

Mr. BARNHART. Will the gentleman yield?

Mr. MANN. I yield to the gentleman.

Mr. BARNHART. I was going to ask the gentleman if he would not amend his proposition by striking out lines 23, 24, and 25, on page 51, and lines 1 and 2 on page 52? The other features of that paragraph are important.

Mr. MANN. Now, let me get that. That is what I tried to get out of the gentleman a while ago, and he said he would explain it when he took the floor, but he did not.

Mr. BARNHART. I said to the gentleman from Pennsylvania [Mr. BUTLER] that if the House wanted to strike out that feature the committee would be delighted to have it done.

Mr. BUTLER. After the word "distribution"?

Mr. MANN. Down to what?

Mr. BARNHART. Strike out all of lines 23, 24, and 25 on page 51, and lines 1 and 2 on page 52.

Mr. BUTLER. Down to and including the word "thereto"?

Mr. BARNHART. No; the entire line. If the gentleman will look back at the end of line 22, he will see that it reads all right.

Mr. BATHRICK. In that event the gentleman would strike out the one copy for the House document room and the one copy for the Senate document room. Does the gentleman desire to do that?

Mr. MANN. They do not have any trouble in getting copies. They get the copies when they want them from the committee.

Mr. BATHRICK. They might not get them if the law did not provide for it.

Mr. MANN. There is never any trouble. If there is any demand for hearings, the Joint Committee on Printing can authorize the printing of additional copies.

Mr. BARNHART. Will the gentleman from Illinois [Mr. MANN] withdraw his amendment and substitute the one I suggest, or permit me to make the motion? I think that will make the matter entirely satisfactory.

Mr. MANN. I will withdraw the motion and let the gentleman offer his motion.

Mr. BARNHART. Then I move to strike out lines 23, 24, and 25 on page 51, and lines 1 and 2 on page 52.

The CHAIRMAN. The gentleman from Illinois withdraws his motion, and the gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of lines 23, 24, and 25 on page 51, and lines 1 and 2 on page 52.

Mr. BATHRICK. Mr. Chairman, I offer a substitute for that amendment.

The CHAIRMAN. The gentleman from Ohio offers a substitute which the Clerk will report.

The Clerk read as follows:

Amend section 50, paragraph 2, to read as follows:

"SEC. 50. PAR. 2. Whenever any committee or commission of Congress shall have printed hearings or other matter relating to their official business, not confidential in character, there shall be printed for the House document room one copy, the Senate document room one copy, for the Senate and the House Libraries each two copies."

Mr. BATHRICK. The rest of the paragraph reads the same as printed.

Mr. MANN. That is not a substitute for the amendment offered by the gentleman from Indiana.

Mr. BATHRICK. I offer it as an amendment to the amendment.

Mr. MANN. It is not an amendment to the amendment.

Mr. BATHRICK. I think it is, in that it provides distinctly for one copy for the House document room and one copy for the Senate document room.

Mr. MANN. The gentleman's amendment will be in order after the other is voted on.

Mr. BARNHART. I do not believe, Mr. Chairman, that his amendment will accomplish what the gentleman from Ohio has in mind.

The CHAIRMAN. If the gentleman from Illinois makes the point of order that the amendment offered by the gentleman from Ohio is not a substitute, the Chair will sustain it.

Mr. MANN. I make the point of order.

The CHAIRMAN. The Chair sustains it, and the question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Does the gentleman from Ohio desire recognition to offer his amendment?

Mr. BATHRICK. I do not.

The Clerk read as follows:

SEC. 50. PAR. 3. The Joint Committee on Printing is authorized and directed to publish, during the sessions of Congress, a daily bulletin of public hearings to be held by all committees and subcommittees of Congress, or congressional commissions, in such form and under such regulations as said joint committee shall prescribe. In addition to information concerning said hearings, the bulletin shall contain such other announcements relating to Congress, or either House thereof, or to the committees or commissions thereof, as the Joint Committee on Printing shall deem appropriate to publish therein. All committees, subcommittees, and officers of Congress, and all congressional commissions are directed to assist in the preparation of said bulletin by furnishing promptly to the Joint Committee on Printing such information as it shall require relating to public hearings held or to be held by said committees or commissions, or to announcements which said joint committee shall deem appropriate to publish in such bulletin. Said bulletin shall be printed and distributed by the Public Printer to the number and in such manner as shall be determined by the Joint Committee on Printing: *Provided*, That the Joint Committee on Printing shall designate to the Public Printer a competent person to compile, edit, and index said bulletin, and shall fix and regulate the compensation to be paid by the Public Printer for the said work from the allotment for printing and binding for Congress.

Mr. MANN. Mr. Chairman, I do not know that I shall make any objection to the new plan proposed which is intended to revolutionize the earth and all of its contents and which authorizes the Joint Committee on Printing to print an unlimited issue of the bulletin and distribute it as it pleases. Does not my friend think that there ought to be some limit fixed in the bill as to the number of copies of these bulletins which may be issued gratuitously? The pressure may be very strong, and while the gentleman from Indiana might be able to stand up against the pressure, who knows who may be chairman of the Joint Committee on Printing some time in the future? There might be 172 sacks of mail matter containing these bulletins addressed to every man and woman—assuming that children do not vote—not only in the gentleman's district, but in the State, and if the State happened to be New York or even Kentucky, it would take a good many copies. Ought we not to put some limitation on the free distribution of this bulletin?

Mr. BARNHART. Mr. Chairman, this undertaking is somewhat of an experiment, as the committee fully realizes. The intention of the committee is to put the daily bulletin either on the first or last page of the CONGRESSIONAL RECORD, and it is estimated that if attached to the RECORD it will cost about

$16,000 a year. As far as the gentleman's theory goes that it will be a good public document, although he is usually very clear, he certainly is mistaken in that regard. The bulletin issued this morning of what committees are going to do to-day would be about as interesting to the average reader to-morrow as a last year's bird's nest. Except people in Washington who may want to attend the committee hearings, Members themselves are solely interested. It is merely a convenience that many Members have asked for. To illustrate, we take up the RECORD, and on one page is a bulletin of what is to transpire during the day. If certain committees meet in the House or in the Senate, Members would like to be present, perhaps. The idea is to present that information to Members, and the committee is of the opinion that it is a commendable proposition. Just how to get this matter out was a matter that the committee felt was not patent at that time, and so it decided to leave it in the hands of the committee as to whether we could get it out at all or in what form or method it should be presented. In any event, I can not see how the privilege could be abused, because of all the things that might be published it seems to me that a report of what committees were going to do yesterday would to-day be as stale reading as a man could send out to his constituents. I hardly see how it would be possible for a Member to abuse the bulletin feature.

Mr. STAFFORD. What has the committee in contemplation when it refers to "other announcements relating to Congress"?

Mr. BARNHART. There might occur a caucus announcement, or it might carry an announcement that the President of the United States was coming to deliver a message to Congress, or it might call attention to the fact that there was to be an important vote in the House on that day. It would be a bulletin and it would be edited in accordance with suggestions of the leaders of the House or members of the committees. It would be the duty of the compiler to get in touch with all the information, as a newspaper reporter would, as to what Congress was going to do for that day.

Mr. STAFFORD. Does the gentleman think it is necessary at the present time to inform Members as to what legislation is coming up in the House on succeeding days?

Mr. BARNHART. No; I would not say on "succeeding days." I said on "the succeeding day."

Mr. STAFFORD. I meant on the succeeding day.

Mr. BARNHART. There are certain instances in which it might, and that would be at the discretion of the floor leaders. I presume the joint committee would instruct the editor or compiler to get in communication with the leaders, both the leader of the majority and the minority, and so forth.

Mr. STAFFORD. That might be of some value to those who are absent from the Chamber a considerable portion of the time, but I can not see how it is going to be of any present value to those who are in attendance.

Mr. BUTLER. It will be of no use to the active Members, but it will be of use to the inactive Members.

Mr. BARNHART. I do not think it is possible for Members who are as active even as the gentleman from Illinois to have secretaries telephone to all the committees and get what is coming up for the day. If he has a bulletin lying on his desk, as they do in Chicago and other cities in the procedure of courts, it would be better. In large cities they issue a daily bulletin, which briefly enumerates what is going to happen in the courts for that day. I will ask the gentleman from Illinois if that is not true of his city of Chicago?

Mr. MANN. We have a daily law bulletin.

Mr. BARNHART. I know that when I go to the office with lawyers in the morning they quit talking to me as soon as they get inside the office and begin to read the daily law bulletin to see what is coming up in the courts for that day. This would be a convenient way of furnishing information to Members of Congress. Many times it would not only be for their convenience, but the helpfulness of their constituents. I have occasionally missed important hearings because I did not know when the consideration of the matter was coming up before the committee.

Mr. STAFFORD. If I am not mistaken, I believe the Wisconsin State Legislature has mimeograph bulletins of hearings to be held before its various committees. It may be that the gentleman can inform us authoritatively whether that is done in the State legislatures.

Mr. BARNHART. Does the gentleman mean whether it is done in State legislatures?

Mr. STAFFORD. I just stated that I am under the impression that in our State legislature we have mimeographed the bulletins of the hearings before the various committees for the information of members of the legislature and the public generally.

Mr. MANN. That is not hard in Wisconsin, because the legislature there can not do anything until it has been approved by the intelligence bureau of the State.

Mr. STAFFORD. Oh, the gentleman shows a lamentable ignorance of affairs in the State of Wisconsin, although he lives very near to it.

Mr. MANN. I am telling the truth about that, all right.

Mr. STAFFORD. Oh, the gentleman is very far removed from the truth.

Mr. BARNHART. Mr. Chairman, I hold in my hand a copy of a very elaborate bulletin issued by the Legislature of the State of Massachusetts. I might say in this connection that this has proven so very popular with the people of the State of Massachusetts that a gentleman from Massachusetts who was at the time a Member of Congress from that State, Mr. Peters, and who is now the Assistant Secretary of the Treasury, was sponsor for the bulletin idea and is still insisting that not only the Congress but the public would find this a most convenient means of finding out what is about to happen; and I know well enough from experience of six or seven years in this business that a whole lot of things happen day after day that I would like to have known about in advance. I am sure every Member on the floor of the House has had a like experience, because it is utterly impossible to gather the information from the great variety of committees, and if we had opportunity we could gain information of what is about to happen by five minutes' scanning of the bulletin issued in the CONGRESSIONAL RECORD or in some other way that might be more economically printed.

Mr. MANN. Mr. Chairman, this proposition was first made by a member of the Press Gallery, I think, based upon what is done in Massachusetts and possibly in some other State. It was mainly for the convenience of the correspondents, and hence will not meet much opposition from anyone, because they usually have their way about anything of that sort.

Members of Congress would like to know what is going to take place in Congress in the future. I would like to know what is going to happen to-morrow, not merely in Congress, but elsewhere. I would like to know what is going to happen next year, but no one can ever find out. The man does not live who can be sure of what is going to take place to-morrow in this House, and he can not be very certain of what is going to take place the rest of the afternoon. Of course, we know that now we have a certain matter under consideration. I have watched as closely as anyone in the House has what is likely to come up in the House. No one can tell. The Speaker does not know. A whole lot of men are each striving to get his particular matter up, and no one can tell who is going to win out. Of course, we are running along now without trying to do very much except to kill time.

Mr. BUTLER. And get our salaries.

Mr. MANN. Mr. Chairman, I was the chairman of a committee for a number of years. We published that we had committee meetings on Tuesdays and Fridays. Those were Cabinet days, and a good many committees have Tuesdays and Fridays for meetings, because on those days they can not call Cabinet officers before them. [Laughter.] However, regardless of the meeting days, that were published, the committee would have a hearing every day, possibly several hearings a day. Once in a while we would get out a calendar fixing the dates when we would consider certain bills. My recollection is that we never followed the calendar. I think rarely, if ever, we had the hearings that were scheduled in advance, because it was not convenient to do so. What will happen under this? You will send a man around every day to a committee to ascertain what hearings that committee is going to have. The Committee on Appropriations will have the sundry civil bill up under consideration. It will be up for weeks or months at a long session, and they will say that they are going to have a hearing on the sundry civil appropriation bill. That will not give anybody any information. The Committee on Military Affairs will say, "Yes; we are going to have a hearing on the military appropriation bill," and that will not give anybody any information. The Committee on Naval Affairs will do the same thing. I suppose it will relieve the boy from the Press Gallery who now every morning goes to the important committees when they are doing business and asks if there is a committee hearing or meeting that day, and then report to the Press Gallery. Whether you will be able to have these real hearings that are needed I do not know.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, I want to talk of three things. First, I want to say, Mr. Chairman, that I forgot

politics and everything else when I say that of all the men that I have met in the Congress of the United States I believe that the gentleman from Illinois [Mr. MANN] knows more about what is going on all of the time and has a broader knowledge of legislation in all of its phases than any man that I have ever met in the public service. [Applause.] More than that; I want to say that in general, aside from his political notions at times, I believe he is one of the frankest and squarest and fairest business men it has been my pleasure to associate with here. A good many times he is right, and I like to agree with him when he is right, regardless of what his purpose may be, but sometimes he is mistaken, like myself. His ideas at times might not be as practicable as the ideas of some of the other Members present, and in this instance I believe he is mistaken.

I want to say, further than that, if there are any men in the United States to whom the Congress should give the fullest, most succinct, and frankest information it is to that press gallery bunch, that the people of the United States may know what is going on in the Congress. I say they ought to have the facilities for getting this information without tramping their legs off day after day and pumping men to find out what is being done or going to be done. We owe it to the country, we owe it to the people of the country, to let the brightest possible light of publicity shine upon all of our acts here.

In the publication of this bulletin I know it will be a matter of very great convenience, and I am sure it will be a matter of great profit to a good many Members of Congress and to their constituents. In the hearings in which I have sat since my membership in Congress we often found it necessary not to make a calendar, as the gentleman from Illinois suggests, in advance, but to do a good deal of that work by telegraph, where we had to have important witnesses or we had to have individuals before the committee to elicit information. But if I knew, for instance, that a committee to which the gentleman from Illinois belonged was considering an important question in which my district was concerned, I would then by reference to that, and a very convenient reference, in the morning know what the program of the committee would probably be, and while I might not care for any other item in there, and there may be day after day in which I might not be concerned in any of the items of the bulletin, yet there might come a day on which a very important hearing might be held, in which hearing my constituents would be concerned, and I might not learn of it until after the day had passed. I apprehend it will be of great convenience to newspaper men, and I believe that they ought to have all of those conveniences. It is not going to be an item of very much expense, and I will say to the gentleman what I do believe, Mr. Chairman, that if the publication of this bulletin will enable one Member of Congress to fulfill his obligations to his people by calling to his attention where otherwise he might overlook an important question that is up for consideration before a committee, it might be worth in one single instance ten times more than it may cost. As I said in the beginning, it is an experiment, but we believe it is going to be a popular one when we get it in working order, and I trust Congress will give the joint committee control, because if it proves to be unavailing we can abolish it. The Joint Committee on Printing will have the privilege of printing it or not printing it.

Mr. CRAMTON. Mr. Chairman, I move to amend the section by striking out the proviso beginning in line 15.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reads as follows:

Page 53, line 15, strike out the following:

"*Provided*, That the Joint Committee on Printing shall designate to the Public Printer a competent person to compile, edit, and index said bulletin, and shall fix and regulate the compensation to be paid by the Public Printer for the said work from the allotment for printing and binding for Congress."

Mr. CRAMTON. Mr. Chairman, the advice of the committee as to the scope of this bulletin seems to be indefinite and vague beyond the idea that it shall present each day a schedule of hearings to be held by the various committees, and the section provides that notice of such meetings shall in each case be furnished by the secretary of the committee. Now, if that be all that is contemplated, and certainly that is what the paragraph means, and what seems to be the most important, then the idea of providing a new official at an indefinite salary to perform these very vague and nebulous services appeals to me as simply the creation of a new sinecure. It is a position with very limited duties. On the whole the bill is one which I am willing to support. I am generally in favor of this measure, looking to it generally as a matter of economy. This proviso, however, is certainly not in that direction. There certainly are persons connected with the editing and publishing of the CONGRESSIONAL RECORD who could edit and prepare this limited amount of copy, at least in the beginning. If after the establishment, and the gentleman says the committee may not even establish such a bulletin, and the bill then says that the committee "shall" designate such person who shall receive the salary, but if it does establish it and it works well and demonstrates its usefulness, and it then appears that the work of editing it is sufficient to justify the creation of a new office at a salary only limited in the discretion of the committee, it seems to me——

Mr. BARNHART. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. BARNHART. The gentleman does not want to misrepresent the situation.

Mr. CRAMTON. Certainly not, if I can help it.

Mr. BARNHART. If the gentleman will read the section carefully he will see the payment of this official is to come out of the annual appropriation for the Government Printing Office.

Mr. CRAMTON. Appropriation for Congress.

Mr. BARNHART. For Congress. Well, it is an appropriation which is made by the Committee on Appropriations. Everybody will have knowledge and can vote on the particular item each year as to how much shall be paid to that individual. That will be for the Congress to fix, not the committee.

Mr. CRAMTON. But that does not meet the objection that the position is simply a sinecure. If you want to establish thus the duties of a position and a bulletin, after the membership of the House has some opportunity to judge what the position amounts to, then they may be able to vote intelligently as to the salary; but you propose that the position be created with a full-grown salary even before the duties have themselves been fixed. I submit, it seems to be the creation possibly of a new sinecure.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 51. In the printing and binding of reports and other publications emanating from the Executive Office, executive departments, independent offices, and establishments of the Government, the cost of illustrations, composition, stereotyping, electrotyping, and other work involved in the actual preparation for printing, except the creation of manuscript, shall be charged to the appropriation or allotment of appropriation for printing and binding for the Executive Office, executive department, independent office, or establishment of the Government in which such reports or other papers originate, and the balance of cost shall be charged to the allotment of appropriation for printing and binding for Congress and to the appropriation or allotment of appropriation for printing and binding for the Executive Office, executive department, independent office, or establishment of the Government, in proportion to the number delivered to each: *Provided*, That the total cost of all publications printed elsewhere than at the Government Printing Office shall be charged against the appropriation for the executive or judicial departments, independent office, establishment, or officer of the Government ordering the same: *Provided further*, That the cost of composition and plates for the addresses and messages of the President, without accompanying papers, the original print of which is ordered by Congress, the Revised Statutes and supplements thereto, Statutes at Large, session laws, slip laws, and the Official Register of the United States shall be chargeable to the allotment for printing and binding for Congress: *Provided further*, That copies of all Government publications printed at the Government Printing Office for congressional valuation distribution, for distribution as provided in sections 63 and 65 of this act, and for distribution authorized to be made to foreign embassies and legations to the United States through the Secretary of State, shall be charged to the allotment of appropriation for printing and binding for Congress: *Provided further*, That for the purpose of this section all reports and papers not otherwise required by law, which are printed in response to calls of Congress, or either House thereof, on the Executive Office, executive departments, independent offices, and establishments of the Government for information, shall be construed to emanate from Congress: *Provided further*, That the cost of the printing of any document or report hereafter printed by order of Congress, or either House thereof, which can not under the provisions of this section be properly charged to any other appropriation or allotment of appropriation already made shall, upon order of the Joint Committee on Printing, be charged to the allotment of appropriation for printing and binding for Congress.

Mr. BARNHART. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 25, and page 55, line 1, strike out the words "for distribution as provided for in sections 63 and 65 of this act."

Mr. MANN. Let us see what the proposition is. What is the effect of that provision?

Mr. BARNHART. Mr. Chairman, did the Clerk read the amendment to line 21, page 53? Is that the amendment the Clerk read?

The CHAIRMAN. The Clerk will read the amendment to line 21, page 53. Does the amendment of the gentleman from Indiana apply to line 21, page 53, or page 54?

Mr. BARNHART. Page 53; I have two of them there.

The CHAIRMAN. The Clerk will report the amendment to line 21, page 53.

The Clerk read as follows:

Page 53, line 21, strike out all of the section down to and including the word "same," in line 16, page 54, and insert in lieu thereof the following:

"SEC. 51. In the printing and binding of reports and other publications emanating from Congress, the Executive Office, the judiciary, and the various executive departments, independent offices, and establishments of the Government, the cost of illustrations, composition, stereotyping, electrotyping, and other work involved in the actual preparation for printing, except the creation of manuscript, shall be charged to the respective appropriation or allotment of appropriation for printing and binding for the branch of the Government service in which such reports or other papers originate, and the balance of cost shall be charged to the respective appropriation or allotment of appropriation for printing and binding in proportion to the number of copies delivered to each branch of the Government service: *Provided*, That the total cost of all publications authorized by law to be printed elsewhere than at the Government Printing Office shall be charged against the respective appropriation for the branch of the Government service ordering the same."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARNHART. Mr. Chairman, I have another amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Page 54, line 25, and page 55, line 1, after the word "distribution," on page 54, line 25, strike out "for distribution as provided for in sections 63 and 65 of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. BATHRICK. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 54, line 23, after the word "Congress," insert "*Provided further*, That the binding of reports and other publications of the executive departments, independent offices, and Government establishments shall be in cloth."

Mr. BATHRICK. Mr. Chairman, I have no desire to be captious. I am an economist, but I do not believe that economy consists in pulling down the shutters and going out of business. There are many occasions, however, on which many of us rebel against unnecessary waste of Government money. I have in my office now—and I think many of the other Members have noted it also—reports of little or no consequence except a record of routine things in some of the departments which are bound in Russian leather, hand-tooled, silk lined, and otherwise decorated, and for the purpose of assisting the worthy chairman of the committee in his very sincere desire to accomplish economies in our printing department I offer this amendment. I believe it should be carried.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. BATHRICK].

Mr. BARNHART. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. BARNHART. I do so just to explain that on page 119 the very provision is in the bill that the gentleman from Ohio so wisely suggests. It is a good provision.

Mr. BATHRICK. Then, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. BATHRICK] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] moves to strike out the last word.

Mr. STAFFORD. I wish to inquire as to whether the Official Register, referred to in line 21, page 54, is the compilation of patents issued through the Patent Office?

Mr. BARNHART. I did not get the gentleman's question.

Mr. STAFFORD. My query is directed to the printing of the Official Register, mentioned on page 54.

Mr. BARNHART. The Official Register, I will say to the gentleman, is a publication known as the "Bluebook," covering the names and salaries of the Government officials and employees. That is the Official Register.

Mr. STAFFORD. I believe that has recently been reduced in size, and they no longer continue the publication of the second part, which contains the names.

Mr. BARNHART. That has been done, but this simply makes it a part of the law, chargeable to Congress to-day.

Mr. STAFFORD. I thought it might refer to the patent register.

Mr. BARNHART. No.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 52. PAR. 1. The Secretary of State shall furnish the Public Printer with a correct copy of every act and joint resolution as soon as possible after its approval by the President of the United States, or after it shall have become a law in accordance with the Constitution without such approval; and also of every treaty between the United States and any foreign Government after it shall have been duly ratified and proclaimed by the President; and of every postal convention made between the Postmaster General, by and with the advice and consent of the President, on the part of the United States, and equivalent officers of foreign Governments on the part of their respective countries. Public and private laws and joint resolutions shall be numbered by the Secretary of State consecutively, in their respective series, throughout an entire Congress.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 56, line 8, after the word "Congress," insert the words "and public acts and joint resolutions shall be numbered as one series."

Mr. MANN. Mr. Chairman, public acts are now numbered as one series. As to private acts, I think they all bear the same number. Joint resolutions are numbered as another series. There is no practical distinction between a public law and a joint resolution except the formal words. They mean precisely the same thing. We pass a joint resolution to amend an act of Congress, and do it frequently. They are sent to the President for approval. It does not make so much difference about the numbering of the slip laws, but when they are printed in the Supplement to the Statutes at Large or in session laws public acts are inserted in consecutive order, and after they have finished the public acts they insert the joint resolutions in consecutive order. Of course that would also be consecutive according to the date of approval. It is a very common experience to a man who studies the Revised Statutes to look under the date of approval for a law. It is often very little satisfaction to look at the index. If you have the date of a law, you look—at least I do more frequently—for the law under that date. You have a reference to the law, and you naturally look under the date where the public acts are, and if it is a joint resolution you will not find it there.

There was a case here in the House not long ago—and such cases are not infrequent—where a Member of the House had a reference to a law of a certain date. Well, he looked for the law and did not find it in the index. That is a common occurrence. It did not happen to strike the mind of the indexer, and he looked under the public laws. He was certain that there was such a public law. It was a joint resolution, and it was printed in a different place.

There is no reason why we should make the distinction. They mean precisely the same thing. The only purpose is to have the public acts and joint resolutions follow along as though they were both public acts.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. BARNHART. The gentleman does recognize the difference between public acts and concurrent resolutions?

Mr. MANN. This does not affect concurrent resolutions.

Mr. BARNHART. Well, then, joint resolutions.

Mr. MANN. There is no distinction whatever, except in the form.

Mr. BARNHART. The one requires the concurrence of the other House. That is the distinction.

Mr. MANN. Well, the gentleman does not get what I am "at." A joint resolution is read three times when it is passed, just as a public act is. A concurrent resolution is not, and only requires the concurrence of the other House. That is not signed by the President. I am not seeking to affect concurrent resolutions at all. But there is no distinction between the effect of a public law and that of a public joint resolution.

One begins:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.

And the other begins:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled.

The effect is precisely the same, and the man who draws a joint resolution to-day draws a bill to-morrow which, when enacted, becomes an act, and both mean the same thing. It will be a convenience in handling the statutes to make this change in the numbering.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed joint reso-

lution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 184. Joint resolution making an appropriation for expenses necessary to carry out the provision of the act to regulate the taking or catching of sponges, approved August 15, 1914.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9318. An act to amend the act approved June 25, 1910, entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes; and

H. R. 6433. An act to relocate the headquarters of the customs district of Florida.

The message also announced that the Presiding Officer of the Senate had appointed Mr. PAGE and Mr. LANE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

REVISION OF PRINTING LAWS.

The committee resumed its session.

The CHAIRMAN (Mr. PAGE of North Carolina). The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The Clerk read as follows:

SEC. 52. PAR. 3. The Public Printer on receiving from the Secretary of State a copy of any act, joint resolution, treaty, or postal convention, shall immediately cause an accurate printed copy thereof to be executed and sent in duplicate to the Secretary of State for revision, but the printed copy of every postal convention shall be revised by the Postmaster General. On the return of one of the revised duplicates, the Public Printer shall at once have the marked corrections made, and there shall be printed in slip form a sufficient number of copies for the following distribution: To the House document room, not to exceed 1,000 copies of public laws and joint resolutions and not to exceed 100 copies of private laws, treaties, and postal conventions; to the Senate document room, not to exceed 550 copies of public laws and joint resolutions and not to exceed 100 copies of private laws, treaties, and postal conventions; to the Department of State, not to exceed 500 copies; to the Department of Justice, not to exceed 600 copies; and to the Department of the Treasury, not to exceed 60 copies of public and private laws, joint resolutions, treaties, and postal conventions; and to the Postmaster General, not to exceed 500 copies of postal conventions.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is there a provision here that authorizes the joint committee to permit more than 1,000 copies of a public law to be printed without coming back to Congress for authorization?

Mr. BARNHART. Only the general provision that enables the joint committee to authorize the publication to the amount of $200 or less. It has that authority to issue additional copies, but it can only do that once in each Congress, so that it is limited virtually to $200 worth in addition to what are provided for any bill.

Mr. MANN. Does the gentleman know what has been the fact in regard to the printing of these slip laws? I think everyone will concede that when we pass a law there ought to be a sufficient number of copies printed to meet any proper public demand. Now, what has been the practice?

Mr. BARNHART. I have not my record available, and the present chairman of this committee has been acting in that capacity only a year and two months. My recollection is that during that time the currency act and the tariff act were so reprinted.

Mr. MANN. We provided for extra copies of both those acts by resolution.

Mr. BARNHART. We have reprinted only those two acts, as I remember.

Mr. MANN. We did that by special resolution.

Mr. BARNHART. But in addition to what the House had printed the committee authorized the printing of $200 worth in each case, and that number was found to be insufficient and the House authorized the printing of more.

Mr. MANN. It would not be likely to occur very often.

Mr. BARNHART. Not very often.

The Clerk read as follows:

SEC. 53. Documents, reports, bills, resolutions, or any other publications emanating from Congress, or either House thereof, and laws, treaties, or postal conventions, may be printed in two or more editions, according to such regulations as the Joint Committee on Printing may from time to time prescribe. Government publications and reports printed upon requisitions from executive departments, independent offices, and establishments of the Government may be ordered in two or more editions by the head thereof. The total number of copies comprised in all such editions shall not exceed the full number authorized to be printed.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word, in connection with the query propounded by the gentleman from Illinois [Mr. MANN]. We find here the authorization given to the Joint Committee on Printing to print two or more editions of documents, reports, bills, and resolutions. What does that refer to? Under that authority, if you can print subsequent editions, there might be any number of these bills and documents printed, if the printing was approved by the Joint Committee on Printing.

Mr. BARNHART. That is the present law, and it has worked very satisfactorily in this, that in a good many instances the Joint Committee on Printing does not authorize the printing of 1,000 copies in the first edition. It may authorize only three or four hundred copies, or whatever the exigencies of the case seem to demand. It is in the discretion of the committee to keep the expense as low as possible consistent with the best interests of the public.

Mr. STAFFORD. Then I understand that in the interpretation of this provision the $200 limit just referred to still applies?

Mr. BARNHART. Oh, yes.

The Clerk read as follows:

SEC. 54. There shall be printed and bound of the Journals of the Senate and House of Representatives the number of copies of each necessary to meet the following distribution: To the Secretary of the Senate, not to exceed 10 copies; to the Senate library, not to exceed 10 copies; to the Clerk of the House of Representatives, not to exceed 10 copies; to the library of the House of Representatives, not to exceed 10 copies; to the Department of State, 4 copies; to the Court of Claims, 2 copies; to each State and Territorial library making application therefor, 1 copy; and 1 bound copy of the Journal of each House shall be furnished to the Vice President and each Senator, Representative, Delegate, and Resident Commissioner. The usual number of copies of the Journals of the Senate and House of Representatives shall not be printed except as provided for in section 65 of this act, and no distribution of the Journals shall be made to depository libraries.

Mr. MANN. I move to strike out the last word. Is this the present provision of the law about the printing of the Journal?

Mr. BARNHART. As to the printing of the Journal it is, but for the distribution there is one change.

Mr. MANN. I mean the distribution of the Journal.

Mr. BARNHART. Instead of sending it to three depository libraries in each State, as the provision now is, we send it to one. We reached that conclusion after consultation with the library boards. On inquiry the committee ascertained that there is really no demand for copies of the Journal. They take up a good deal of room, and it was the consensus of opinion that one copy for each State, at the State capital, would be ample.

Mr. MANN. The Journal is not very large, and it does not take up much room. The importance of the Journal is as a historical document. Under the provisions of this bill no depository library is required to take the Journal unless it wants it. The libraries indicate whether they want the Journal or not.

Mr. BARNHART. The depository libraries do not get them now. There are three designated libraries in each State which get them under the existing law.

Mr. MANN. That is what I wanted to know—what the situation is.

Mr. BARNHART. That is it.

Mr. MANN. The Journals are not referred to very often, because people ordinarily refer to the CONGRESSIONAL RECORD, which gives the same information; but, after all, the Journals of the two Houses are the authentic record of what takes place. They are of more historical value than anything else. It seems to me that we ought to have copies enough so that people 100 years from now will not be short of Journals. We have reprinted Journals of the Continental Congress at great expense to ourselves, and read them with interest, although they are not half as important as the Journals now. There is no occasion for printing an excessive number. Of course the Journals that go to the Members of the House in the main are thrown away. I dare say that there are not 10 Members in the House who know where to lay their hands on the Journal of either the House or the Senate now in their office. Unless you have a good deal of library space you are not going to keep them. But for historical purposes they ought to be maintained in a sufficient number of libraries. I do not see where you provide for any except a few to the library of the House, the Department of State, the Court of Claims, and so forth.

Mr. BARNHART. If the gentleman will read lines 4 and 5, he will discover that there is one for the library of each State and Territory making application therefor.

Mr. MANN. Yes.

Mr. BARNHART. If the gentleman will yield further, I would like to impress on the committee that in our efforts to obtain information, in the preparation of this bill, of the superfluity of public documents, this was one instance in which we

found there was really demand for reform. We have made ample provision here for sending many to officials and departments and one to each State and Territorial library, so that it would be impossible for the document to become obsolete.

Mr. MANN. It may be that they will find one copy after awhile.

Mr. BARNHART. If the committee had seen fit, we might have put one in every library in the country, but when the committee made its investigation it found that most of the libraries did not want them.

Mr. MANN. I dare say there is not a man on the Printing Committee that ever examined the Journal of the House or of the Senate.

Mr. BARNHART. That may be true.

Mr. MANN. What do they know about it?

Mr. BARNHART. It was not the members of the committee that passed on this, it was the librarians.

Mr. MANN. Under the provisions of your bill if they do not want them they do not get them, but you do not give them to those who do want them.

Mr. BARNHART. We give one to the library of each State.

Mr. MANN. I do not know what a State library is. I suppose they have a library in the capitol of the State, and those libraries may not want them, but the large libraries in the State or Territory might want them. We keep a Journal clerk here and an assistant Journal clerk to make up the Journal. We go through the performance every day of reading the Journal of the House. It looks like an idle performance. We approve the Journal every day. You might say that that was an idle performance. Both legislative bodies do this. Why? Because of the importance of it; it is the historical, correct information of what Congress does. Now, you print 600 copies that are worthless, but you refuse to print 50 copies more that are valuable, that will be historical. Those that you furnish to the Members of the House and the Senate will go in the wastebasket, but in the course of time the large libraries ought to have them if they want them. There is no expense involved in it. You shut them out entirely and prevent them from having copies.

Mr. BARNHART. Mr. Chairman, I move to strike out the last word. The committee wants to make itself clear as to its proceedings in the preparation of this bill. It has labored earnestly and long, and every step that has been taken has been taken after careful investigation. I hold in my hand a copy of a letter sent to 144 libraries throughout the United States, designated libraries, with a return postal card inclosed in the letters. Out of the 144 letters that we sent the libraries but 44 replied that they wanted these documents. If a librarian or library board says that it would not care to preserve a public document in its archives, if it were sent to it—that it does not want it and would throw it away—I do not think it is wisdom to say they must take them, because I think they will destroy them if they get them. I believe that the provision in the bill is well founded.

Mr. MANN. If 44 libraries want them, why should not we give them to them? I know as much about the Journal as all the librarians put together all over the United States. I examine the Journal, and I know what it is. I have studied the Journals of the House and the Senate, and then the gentleman tells me that some librarian says that it is not worth having. What does he know about it? It is the historical information concerning what we do. It is a matter that you have to produce to show what Congress has done. And yet you propose to preserve no such information. We print the Journals of the Continental Congress for preservation in order that people may have it and we refuse to furnish a Journal of the existing Congress. God knows I am not so anxious to preserve the Journal of this Congress, for it has done a lot of rotten work, but we will have future Congresses where the Journal ought to be preserved. [Laughter on the Republican side.]

Mr. FITZGERALD. The work of this good Congress will live so long that it will not be necessary to preserve a history of it. [Laughter on the Democratic side.]

Mr. BARNHART. Mr. Chairman, the committee has no doubt that the leader of the minority has an abundance of knowledge and probably knows more about the Journals of Congress than the librarians of the country; but, notwithstanding that, this information was before us and it prompted the change we offer. Here are some postal cards that were sent out with the letters which have been returned. I will read one from the Los Angeles Public Library:

Are the Journals of the United States Senate and House of Representatives of any service in your library? No.
Do you retain all these Journals in the permanent files of your library? No.
Do you desire to continue receiving the Journals of Congress? No.

That is one card. Here is another from the Montana Agricultural College:

Are the Journals of the United States Senate and House of Representatives of any service to your library? Very little, if any.
Do you retain all these Journals in the permanent files of your library? We do not.
Do you desire to continue receiving the Journals of Congress? We do not.

Mr. Chairman, if after these Journals have been received they are not keeping them, why should the Government continue to force them into their hands?

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. MANN. Do not the other terms of the bill provide that only those documents shall be sent to public depositories which they ask for? Those who do not want them under the terms of the bill will not get these Journals. I am not seeking to force the Journals upon somebody who will throw them away, but you do not permit them to be sent, as I understand, to those who do want them, like some of the large libraries of the country.

Mr. BARNHART. But we permit one to each State.

Mr. MANN. No; you permit the State library to ask for one. The State library in our State, if we have one, is at Springfield, but the large libraries are in the city of Chicago.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. GORDON. It seems to me that the importance of the Journal of the House and the Senate can hardly be overestimated. It is the only legal evidence of the proceedings of Congress. I do not agree with the last proposition of the gentleman from Illinois as to this particular Congress, but I do agree with him as to the importance of preserving the Journals of the House and of the Senate.

Mr. BARNHART. I will ask the gentleman if he has read section 54, which we are now discussing?

Mr. GORDON. I have not.

Mr. BARNHART. That makes provision for a very great number of those and where they shall go—to the Library of Congress and to these departments, and they are placed in the libraries there no doubt for preservation.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I believe through an inadvertence on the part of the committee, especially since the chairman has just stated that it was the intention to furnish copies of the Journal to the Library of Congress, and, while that is the existing law, no provision is carried in the paragraph under consideration for furnishing copies of the Journals to the Library of Congress. I believe that it is an oversight on the part of the committee. While I fully agree with what my colleague the gentleman from Illinois has stated about the need of metropolitan libraries, and the keeping of the Journals of Congress for reference in their archives, I can see great need for several bound copies to be kept in the Library of Congress.

Mr. BARNHART. Mr. Chairman, I want to beg the gentleman's indulgence for a moment to say that a good many of the interrogatories which he propounds are without due consideration. The gentleman must realize that the Library of Congress is furnished with bound volumes of every Government publication. That is provided for in a general act.

Mr. STAFFORD. Mr. Chairman, I think the reply of the gentleman is unfair, for the reason that in the copy of the bill which I now have before me the existing law is quoted which shows that authorization for copies of the Journal is not by general law, but that it is by a special provision. I prefaced my remarks by saying that I thought it was an inadvertence of the committee in leaving it out, and in reply to the gentleman from Ohio [Mr. GORDON] the gentleman from Indiana said that there was authorization in this paragraph for the Library of Congress.

Mr. BARNHART. I did not say there was provision for the Library of Congress in this paragraph. I said there was provision for the Library of Congress, and there is ample provision for it.

Mr. MANN. Mr. Chairman, I move to strike out, in lines 11 and 12, the language—

and no distribution of the Journals shall be made to depository libraries.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 58, by striking out the rest of the paragraph after the word "act," in line 11.

Mr. MANN. Mr. Chairman, I would not myself be in favor of this amendment if it were not for the other provisions in the bill, but under the other provisions of the bill documents will

not be sent to the public depositories, of which there is one in each congressional district, unless the public depository asks for it. Some of the libraries will be willing to take the Journals. The Journals are important. We provide here, of course, to give 10 to the Clerk of the House. They will be lost. We provide to give 10 to the Library of the House of Representatives. There will be one in the Library, and the rest of them in the main will be lost in the course of time. We provide to give one to each Member of Congress. They will all be lost in the course of time. But there ought to be some Journals preserved, and if the large libraries will accept them, I can see no reason why we should not let them have them. I would not force them on the libraries, but under the other provisions the libraries will not take them who do not desire them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 10, noes 17.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, if the Members of the House who were here voted me down, I would not raise any question, but when men come out of the catacombs of the House and undertake to dispose of what is under consideration, but will not sit in the House and do not know what is going on, and only pretend to be Members of Congress, then I feel that I ought to have enough intelligent men here to pass upon questions without considering these gentlemen to whom I refer. I therefore make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count.

Mr. MANN (during the count). Mr. Chairman, in order that we may expedite business, I will withdraw the point.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order of no quorum, and the Clerk will read.

The Clerk read as follows:

SEC. 55. PAR. 1. There shall be one document room of the Senate and one document room of the House of Representatives, to be designated, respectively, the "Senate document room" and the "House document room." Each shall be in charge of a superintendent appointed by and under the direction of the Secretary of the Senate and the Clerk of the House of Representatives, respectively, who shall also appoint the necessary number of assistants. The superintendent of each document room shall have delivered to the superintendent of documents at the Government Printing Office at the close of every session of Congress all publications in his respective document room that are not required for further use by Congress, and such publications shall be disposed of by the superintendent of documents as authorized by law.

Mr. HAY. Mr. Chairman, I move to amend, line 18, page 58, by striking out the word "Clerk" and inserting the word "Doorkeeper."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 58, line 18 by striking out the word "Clerk" and inserting the word "Doorkeeper."

Mr. HAY. Mr. Chairman, I desire to state that this service has been under the Doorkeeper ever since there has been a document room, and, so far as I know, there is no reason for the change. It is not pretended that it is going to reduce the number of employees, and it seems to me it would be an aspersion upon the present Doorkeeper to take this service from him and give it to somebody else when he has ably and faithfully discharged all the duties of his office. I understand from the chairman of the Committee on Printing that the reason that actuated the Committee on Printing in making this change was that the Clerk of the House has to do with the printing of the House, and therefore all printing employees should be under the Clerk. The Doorkeeper, at least the superintendent of the document room, has nothing to do with the printing of any document, except to ask for an additional number of bills if they are needed. If any bills are needed in addition to those which are printed by law, he has the right to ask for an additional number to be printed, and that requisition is made on the Public Printer through the Clerk of the House, and if the superintendent of the document room was under the Clerk of the House, he would have to make the same requisition that is now made. The reports on these bills and all the other matters pertaining to the bills and reports of committees are fixed by law, so far as the number which shall be printed is concerned. The Doorkeeper has charge of all the people who furnish Members of the House with those bills. When the calendar is called, for instance, it is the duty of the Doorkeeper to see that every bill on the calendar shall be placed at a convenient place where every Member who wants to get those bills or reports can do so, and the present Doorkeeper has managed that business excellently well, and I can conceive of no reason why this change should be made, and therefore I hope that the gentleman from Indiana will agree that this amendment be agreed to.

Mr. BARNHART. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana is recognized in opposition to the amendment.

Mr. BARNHART. Mr. Chairman, the matter of the personnel of the Doorkeeper of the House and the Clerk of the House was in no way considered in this matter. So far as that is concerned, I take it the membership of the committee regard both the Doorkeeper and the Clerk as being efficient and accommodating officials. As far as I am concerned, they have uniformly treated me with the utmost courtesy and good will. I have never asked either of them for the appointment of any man. I have not a piece of patronage under either one of them, and I do not know that I ever shall have.

Mr. MANN. Where is the gentleman's patronage?

Mr. BARNHART. I have not any; but the fact of the matter is it has long been true—and it is patent to the membership of the House now—that the Clerk of the House has to do with the clerical force of the House. He is really in charge of the document room, because requests made now on the superintendent of documents must be made to the Clerk, and the Clerk transmits them over to the Doorkeeper of the House. Now, in order to expedite matters and to make it more convenient the committee thought that this function should be placed under the charge of the Clerk of the House, who has to do with all things clerical in the House. He has the clerical business and, we think, ought to have charge of this printing. The duties of the Doorkeeper of the House are entirely foreign, and have no relation to printing. He is the order keeper about the House, and, by the way, a most excellent one. But the matter is purely one of expediency, which was taken under due consideration in relation to efficiency of the service and making it the most convenient possible. For instance, when we elect a Clerk of the House, when the House does what it ought to do, it will elect a man who is gifted, at least, or has had some experience in clerical and printing matters, because that is his business. When we select a Doorkeeper——

Mr. MADDEN. Will the gentleman yield for a question?

Mr. BARNHART. Yes.

Mr. MADDEN. I was wondering whether if a Member wanted a bill or a report when such a matter was under consideration, if he gets the Clerk to get some messenger to go to the Doorkeeper and ask him to get it?

Mr. BARNHART. The Doorkeeper still has his force, and we have a messenger force under the Doorkeeper, who will go and get them.

Mr. MADDEN. I was wondering whether the Clerk of the House or the assistants in the document room would feel under any obligation to obey the mandate of the Doorkeeper of the House when a Member of the House wanted something.

Mr. BARNHART. They are subservient to the House.

Mr. MADDEN. No; they are not; they are under the Doorkeeper.

Mr. BARNHART. They are just the same as the Doorkeeper, they——

Mr. MADDEN. If the Clerk is to have jurisdiction over these, he ought to have men on the floor to whom we can give a message.

Mr. BARNHART. They have to relay to him, anyhow.

Mr. MADDEN. Oh, no.

Mr. BARNHART. Yes; they do.

Mr. FITZGERALD. I notice in the next paragraph the folding room is under the Doorkeeper. Why should not both the document room and the folding room be under the same officer, either the Clerk or the Doorkeeper?

Mr. BARNHART. Because the folding room is different, it has no relation to the clerical business of the House.

Mr. FITZGERALD. The document room has nothing to do with printing except that it handles printed matter the same as the folding room. It seems to me they both ought to be under the same officer.

Mr. HAY. Mr. Chairman, if the gentleman will permit me, I asked the superintendent of the document room what he had to do with printing, and he told me that the only thing he had to do with it, the only thing that possibly came under him, was when an edition of a bill had been exhausted and he wanted an additional number of copies of that bill that he would ask the Clerk to make the requisition on the Public Printer for it, and that it happened very rarely.

Mr. BARNHART. Mr. Chairman, for many, many years the Clerk of the House maintained a separate document room. I do not know why it was, but it was done, so the reports indicate.

Mr. MANN. Does not the gentleman know why it was done?

Mr. BARNHART. I do not.

Mr. MANN. It was a binding room. It was a document room for binding.

Mr. BARNHART. Oh, no. He had a document room for the distribution of documents.

Mr. MANN. Oh, not at all. He did not have any documents except those that he bound. The Clerk's document room was right opposite the restaurant.

Mr. BARNHART. That is purely a matter of conflicting information between the gentleman from Illinois and myself.

Mr. MANN. "The gentleman from Illinois" happens to know what he is talking about, but the gentleman from Indiana does not.

Mr. BARNHART. The Clerk's document room was maintained as a folding room, not as a binding room.

Mr. FITZGERALD. The Clerk's document room was a room that had charge of documents that were to be bound for Members of the House.

Mr. MANN. The only documents they had for distribution there were two or three copies of the Manual for each Member, which were to be furnished to the Members of the House.

Mr. BARNHART. The Democratic House abolished the Clerk's document room.

Mr. FITZGERALD. That was the room where a Mr. Scott was in charge.

Mr. MANN. It is now occupied as a part of the restaurant.

Mr. FITZGERALD. When the Members of the House wanted certain documents bound they went there and signed for them. That was the purpose of the Clerk's document room.

Mr. BARNHART. Mr. Chairman, it seems to me this is not a question that ought to generate any particular heat among Members. We have tried to the best of our judgment to arrange this matter with a view to the convenience and economy of the House. If we have erred in judgment and the House decides to let it remain as it is, there is no gain nor loss, except as the committee believes it is a gain in convenience to have the superintendent of documents under the Clerk, instead of under the Doorkeeper.

Mr. CLINE. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman from Indiana yield to his colleague?

Mr. BARNHART. Yes.

Mr. CLINE. I see along toward the close of this section it says:

> The superintendent of each document room shall have delivered to the superintendent of documents at the Government Printing Office at the close of every session of Congress all publications in his respective document room that are not required for further use by Congress, and such publications shall be disposed of by the superintendent of documents as authorized by law.

I wanted to inquire what the scope of that provision is. Does that remove all the documents that have been deposited there during a session, and make a complete renovation of each document room?

Mr. BARNHART. That is to prevent the accumulation of them. They have not the necessary room up here, I will say to my colleague, for keeping them. They put the documents out here on the terraces, and the roof leaks, and that is not a good place for them; so the purpose is to send them back to the superintendent of documents, where he may provide for them and keep them safely.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BARNHART] has expired.

Mr. CLINE. Mr. Chairman, I ask unanimous consent that my colleague may have one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CLINE. There is another provision here, providing that after these documents are removed the superintendent of documents may have them disposed of as authorized by law. They are not removed, as I understand, for the benefit of Members, but the removal is made for the purpose of disposing of them according to the provisions of this law.

Mr. GOLDFOGLE. What point in the paragraph is the gentleman reading from?

Mr. CLINE. I refer to lines 24, 25, and 26 on page 58.

Mr. BARNHART. Yes; you will see in lines 24 and 25 the words "publications in his respective document room that are not required for further use by Congress." That is provided for elsewhere in the bill. When there is an accumulation of these documents the only way to get rid of them is to take the matter up with the joint committee and propose the condemnation of them and the sale of them for junk. Unless we have that provision in here, the accumulation of documents is going to increase, if there be no way to dump them.

Mr. CLINE. This section makes the superintendent of documents the judge as to whether they are to be destroyed or disposed of according to another section.

Mr. BARNHART. The superintendent of documents is not authorized to destroy anything without the consent of the Joint Committee on Printing.

Mr. CLINE. The point I wanted to make is that there are a large number of documents that are interesting to Members after the close of a session, and they ought to know where they can get them.

Mr. BARNHART. A great many of them are found to be in imperfect condition, because of lack of facilities in this building where they are now stored.

Mr. SAUNDERS. Mr. Chairman, a change in existing law and existing machinery, should be founded upon some valid and sufficient reason. If the operations of the document room would be rendered more efficient, more expeditious, more economical, and more satisfactory in every way to the Members of this House by reason of this suggested change, then of course the change should be made. But we have listened in vain to hear any sufficient argument, or valid, reason afforded to justify the committee in believing that such a result would be secured by adopting the change proposed.

The document room is a distributing center, a clearing house, so to say, and the Members of the House who have had experience with the service in that room are in a position to know whether that service is satisfactory and efficient, or not. This room has always been under the jurisdiction of the Doorkeeper, and I agree with my colleague from Virginia [Mr. HAY], that to take its administration from him, and turn it over to another official, does carry with it a measure of reflection upon his service, and his efficiency.

A knowledge of printing on the part of the head of the document room, would not in itself serve to aid that head in the discharge of his administrative duties. It has been pointed out that occasionally, the Doorkeeper of the House has to call on the Clerk to make requisition for an additional supply of some document. It is not needful for the Doorkeeper to have any knowledge of printing to submit this request, nor would the fact that the Clerk is required to have printing done in various directions, aid him in the executive administration of the duties of the document room.

It seems to me that in this instance the committee has suggested a change in existing law for which they have furnished no adequate reason, and I hope the committee will support the amendment offered by the gentleman from Virginia [Mr. HAY].

Mr. MANN. Mr. Chairman, I think I can understand the reasons which actuated the committee in proposing the change. The committee very naturally looked at it from the standpoint of the Printing Office and the printing, and I imagine it would be a trifle more convenient in ordering the printing and keeping track of the printing, if the document room were under the direct control of the Clerk, who will also have supervision of the printing clerk of the House. I imagine that is what caused the committee to make the recommendation. But, after all, that only affects the Joint Committee on Printing and the Printing Office. We are more interested in our own convenience, and the Joint Committee on Printing would not desire to inconvenience the Members of the House in order to make it a little more convenient for themselves, even if it did that. Now, where is the document room? The document room is located right close to the Chamber of the House. Why is it so located? Because every day and every hour and every few minutes a messenger runs with hastening steps from the House to the document room and asks for a document or a bill to bring back to some Member for actual use on the floor of the House. A Member sits here and pushes a button which rings a bell. That brings a page to his side. He gives an order to the page and the page runs to the document room. That is all a matter of necessary convenience. The pages are under the Doorkeeper. The document room is now under the Doorkeeper, and if a page goes to the document room and does not meet with prompt service, it is the Doorkeeper who is responsible, and he fixes the responsibility between the page and the document room. Somebody has to answer for it. But if the page under the Doorkeeper goes to the document room under the Clerk and does not meet with immediate response, they will quarrel until doomsday as to which one was responsible, and you will never fix the responsibility. The two classes of employees ought both to be under the same supervision, and if we keep the pages whom we send to the document room under the Doorkeeper we ought to keep the document room under him.

Now, I have the highest regard for the Clerk of the House. I think the Democrats made a wise and happy selection when they selected Mr. Trimble for Clerk of the House and Mr. South for Chief Clerk; and I will say likewise that I think the present Doorkeeper of the House is the best Doorkeeper we have had since I have served in the House. Either one is efficient, but the management of the office for the convenience of the Members of the House demands that it should be retained under the Doorkeeper.

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia [Mr. HAY].

The amendment was agreed to.

Mr. HAY. Mr. Chairman, in order to perfect the bill, I move to strike out the word "respectively," in line 19, page 58.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 58, line 19, strike out the word "respectively."

Mr. MANN. We do not want to strike that out.

Mr. FITZGERALD. That is all right as it is.

Mr. HAY. That is true, Mr. Chairman. I withdraw the amendment.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 68, line 20, after the word "assistants," insert "as may be authorized in the appropriations made therefor by Congress."

Mr. FITZGERALD. Mr. Chairman, I believe this amendment sets out what the committee intended. But no authority should be given to appoint employees unless they are provided for in the appropriations. If authority be given to these persons to appoint such employees as they deem necessary, they may appoint employees and create deficits. The whole policy in connection with such places has been to appoint the persons authorized by Congress, and if additional places are necessary, they are provided under orders adopted either by the Senate or the House. I suppose that is what the committee really intended.

Mr. BARNHART. Yes. The committee members are anxious to have the bill as clear as possible, but this is simply a reenactment of existing law, and the committee had no evidence before it that there had been at any time any abuse under this provision, and so the law was left in its present form, as in many instances where it had worked satisfactorily.

Mr. FITZGERALD. Is this the law as it is to-day?

Mr. BARNHART. This is the present law.

Mr. FITZGERALD. I do not suppose any of these officials of the House would appoint employees and create deficiencies, but they have the authority under that provision.

Mr. GOLDFOGLE. The amendment makes it clear.

Mr. FITZGERALD. There ought not to be any misunderstanding about it. We provide in the appropriations for certain employees, and then as others are desired the House provides for them by resolution, and provides for their payment out of the contingent fund until otherwise provided by law.

Mr. BARNHART. The gentleman from New York [Mr. FITZGERALD] will understand that the committee considered that no employee of the Government will work unless he gets pay and that he can not get pay without the legal authorization of it.

Mr. FITZGERALD. Oh, if he can get an appointment, he can get his money. I know of employees of the Government now who have been appointed, and who are working and have been working for nearly a month, without any authority of law, and there is a request before the House to provide the authority to pay them, and to pay them from the time they were put to work.

Mr. MANN. The gentleman knows that that is in violation of law.

Mr. FITZGERALD. Of course it is, but that does not prevent such things happening. I do not think there should be any question about it. We should not put officials in a position where they can be urged to do any such thing.

Mr. BARNHART. The shortest cut to it would be for the gentleman to propose an amendment to existing law. The committee has no knowledge that the present law has ever been abused in any way. We have had no reports of any kind about it, no complaints from any source, that the present law is not working well, and in such instances we left the law as it was.

Mr. FITZGERALD. I understand the purposes of the committee. We are not at cross purposes.

Mr. BARNHART. I understand that.

Mr. FITZGERALD. It is not intended to authorize appointments unless Congress has provided for them.

Mr. BARNHART. That is correct.

Mr. FITZGERALD. With that explanation, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 55. PAR. 2. There shall be one folding room of the Senate and one folding room of the House of Representatives. They shall be in charge of superintendents, appointed, respectively, by the Sergeant at Arms of the Senate and Doorkeeper of the House, who shall also appoint the necessary assistants. All speeches and Government publications, except as provided for in section 68 of this act, to be distributed on the order of Senators, Representatives, Delegates, and Resident Commissioners, shall be folded and distributed from their respective folding rooms and each Member shall be notified in writing at least once every 60 days of the number and character of publications remaining to his credit therein: *Provided*, That addressed franked slips or envelopes shall be furnished to the folding room by the Member ordering the distribution of publications therein to which he may be entitled: *Provided further*, That all publications allotted to a Member in his respective folding room shall be taken by him within two years from the date of their delivery to such folding room and prior to the expiration of his term of office, or the same shall revert to the superintendent of documents, to be sold or distributed by him as provided for by law: *Provided further*, That either House may abolish its folding room or consolidate the same with its document room at any time it shall so order, in which event the publications remaining therein shall be disposed of as such House shall direct.

Mr. BARNHART. Mr. Chairman, I offer two amendments, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Page 59, lines 2 and 3, strike out the words "they shall be in charge of superintendents appointed, respectively," and insert in lieu thereof the following: "Each folding room shall be in charge of the superintendent appointed."

Mr. MANN. If that amendment was adopted, it would leave the superintendent of the House folding room to get his appointment from the Sergeant at Arms of the Senate.

Mr. BARNHART. I offer two amendments, and the other amendment fixes that.

Mr. MANN. Having no knowledge of the other amendment, it not being before the House, the gentleman could not expect us to support an amendment that is apparently foolish.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Page 59, line 5, after the comma following the word "House," insert the word "respectively."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana first reported by the Clerk.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the second amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the proviso beginning on line 16, page 59, down to the word "law," in line 21, and I ask to have the language proposed to be stricken out read by the Clerk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 59 strike out the proviso reading as follows:
"*Provided further*, That all publications allotted to a Member in his respective folding room shall be taken by him within two years from the date of their delivery to such folding room, and prior to the expiration of his term of office, or the same shall revert to the superintendent of documents, to be sold or distributed by him as provided for by law."

Mr. MANN. Mr. Chairman, I do not know exactly what this means, although it is perfectly patent what it says. It says that if the gentleman from Indiana does not take out all of his documents from the folding room before March 3 next, although he may be reelected, his documents will be sent to the superintendent to be sold or destroyed. Even if it were only intended to cover Members of Congress not reelected it is unfair. We have a provision in the law that the Member of Congress who is defeated has the franking privilege until the 1st of December after his term expires. He has the franking privilege, but under this provision the documents which he has to his credit in the folding room will not go to his successor, because he has not come in, but will be taken away from him and destroyed or sent to the superintendent of documents for sale.

I am in favor of economy, but I like sometimes to have the economy affect somebody else. I do not want to save the one hundred millions which it is proposed to be raised out of my portion of the expenditures of the public money.

What excuse can be given for not permitting a Member of Congress to keep documents in the folding room where he wants to keep a set for somebody? I helped to put through the House a few years ago a resolution to dispose of a lot of documents in the folding room. Somebody ought to go through the folding room every year with that matter in view. There are a large number of documents which ought to be disposed of, sold for waste paper and junk, that Members in some portions of the country do not want. But when you propose to take away documents that a man has, unless he has distributed all of them, before the 3d of March every alternate year, I think you are going some. You have already proposed to restrict him to what he can get. There is a proposition in this bill to give him the credit of so much—which is less, by the way, than you give to a Senator—and then when he gets them, after they have been taken out of his credit, if he has not taken them out of the document room before his term of office expires he loses them.

A MEMBER. He does not lose them.

Mr. MANN. This says that he loses them, if I can read the English language, and I think I can.

*Provided further*, That all publications allotted to a Member in his respective folding room shall be taken by him within two years from the date of their delivery to such folding room, and prior to the expiration of his term of office, or the same shall revert to the superintendent of documents, to be sold or distributed by him as provided for by law.

That is plain enough. It does not require a Philadelphia lawyer to interpret it, and even the man who is not a lawyer, even a layman can not make anything out of it except what it says. If that provision stays in the bill, you will have documents piled up in the offices of Members, because they will have to take out all such documents from the folding room. You will not have any folding room left and the convenience of the folding room will have entirely disappeared.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. It seems to me that every time a committee reports a new reform of any kind they fall over themselves to see how they can embarrass the Members of the House. If this is not an attempt to embarrass Members of the House, I do not know what is. Of course I am sure that my genial friend, the chairman of the committee, had no such intention when he reported this provision of the bill. But if this provision in the bill should be enacted into law, within two years after documents are placed to the credit of Members, if perchance the Member should not have sent them out, they are confiscated. The Member has no longer any jurisdiction over them. One committee will report against mileage, another committee will report against pay for 10 minutes time off, and the next committee will report against the right of a Member to send a document to a constituent, when the constituent is begging for it, and finally they will get so that they will have a lot of wooden Indians here as Members of Congress, who will only move when somebody pulls the string. The people of the United States are interested in these documents more than are the Members of Congress, and I take it that the reason why the documents are placed to the credit of Members is that when the people of the country ask for the information which they contain the Member may be able to send the document to these people. But if this bill is passed as it reads in that portion of that paragraph, there is no longer any Member of the House who will have the power to do the things that his constituents want him to do, in so far as communicating information contained in the documents is concerned.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SLAYDEN. I take it for granted that the purpose of the committee was to try to get rid of the nuisance of having an accumulation of undesirable documents. There is a vast number of publications issued regularly, a constant flow of them, that are not desirable. The gentleman may want them in his district but I may not want them in mine, or the reverse. Now, how to accomplish that reform without interfering with the rights of Members in an unreasonable way is a difficult problem.

Mr. MADDEN. I presume it is a difficult problem, but it would be very much better not to dispose of these documents in the way proposed than to curtail the ability of Members to communicate information to the people of the country. I do not think that this feature of the bill should be enacted into law.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. GOLDFOGLE. Does not the gentleman from Illinois think that the purposes suggested by the chairman of the Committee on Printing might be met if we provide that Members should certify to the folding room what documents he wishes retained; and if he fails to so certify, then the document shall pass to the superintendent to be sold or destroyed, so that it would place the discretion in the Members?

Mr. MADDEN. I think that is a very wise suggestion, and very opportune. I think that all privileges should not be taken away from the Members, and it ought not to be within the jurisdiction of the Committee on Printing to say just what will be done and when it will be done, but Members of the House who have documents placed to their credit should be given the opportunity of saying whether or not these documents are wanted by them or whether they intend to send them to their people.

Mr. BARNHART. Mr. Chairman, with all courtesy to those who have spoken, I believe a word of explanation from the chairman of the committee as to the position which the committee takes will clear this situation. This provision is done in connection with the valuation plan the bill further provides. The provision of that will be to change distribution. This provision is put in here for the sole purpose of getting this accumulation of documents out of the way. A document that is lying in a room for two years, the committee thought, had probably lost a good deal of its value, and yet the Member who wants it can have it retained, and I would propose that in line 19, on page 58, the matter can be easily solved so that a Member can have the use of these documents as long as he remains in Congress, by striking out after the words "folding room" all the balance of the line. That will give any Member of Congress who remains in Congress the right to take these already allotted documents out within two years.

Replying to the gentleman from Illinois, I can hardly agree with him that it is proper that an outgoing Member of Congress should have the privilege of taking whatever documents he sees fit, and I want to explain why I believe as I do. I want to be frank and yet fair about this. I recall one instance where a Member of Congress, who had been defeated and who was not feeling particularly kindly toward the Member who had defeated him, made a transfer for every single document he had to a Member of Congress from another State.

The documents, as the committee firmly believes, are published not for the Members of Congress but for the use of the people of the different districts. The documents are, or should be, apportioned to the districts and not to the Members of Congress. I know Members of this Congress who have not had a horse book since they came into the Congress, because their predecessors sent them all out. The purpose of this is to prevent that; to protect the new Member and to safeguard the old Member; and I believe if the gentleman from Illinois [Mr. MADDEN] will take this paragraph in conjunction with that providing for the valuation plan he will find that it will work a great economy, that it will give Members of Congress all they have now, except that when a Member goes out of Congress he can not take his documents and give them away to somebody else, which I believe he ought not to be permitted to do.

Mr. MANN. Why should he not transfer them as he does now?

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. GARRETT of Tennessee. Unless I misinterpret the language, it seems to me that the question of when a Member goes out does not necessarily have anything to do with it. For instance, at the expiration of a Member's term——

Mr. BARNHART. That is the part that I propose to strike out. I am proposing to strike out all after the words "folding room."

Mr. GOLDFOGLE. That does not reach the objection.

Mr. BARNHART. I think it does.

Mr. GARRETT of Tennessee. I doubt whether that does reach the objection. I want to suggest a concrete case to the gentleman. We can get at these things better by concrete cases perhaps than in any other way. I do not remember when the last horse book to which the gentleman just referred was issued, but it was prior to my present term, and I think prior to the last term.

Mr. BARKLEY. It was in 1911.

Mr. GARRETT of Tennessee. Then it was during my last term.

Now, I do not send out that horse book indiscriminately. I only send that book upon request or to a person whom I know to be interested in it, so at the end of the last term there were a number of books left to my credit, a large number, probably the bulk of those allotted to me. Now, if I had given out those under this provision of law those books would have lapsed and been sold to somebody, and my successor could not have gotten them and I could not have used them again. Is not that true?

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Mr. BARNHART. Not taken in connection with the valuation section. This is only providing for the disposition of documents now allotted to Members regardless of whether they wanted them or not. Taken in conjunction with another paragraph, 68, the gentleman from Tennessee will find that this paragraph merely seeks to provide a step leading up to section 68, which is the provision of the bill which will fix not allotments but valuations for Members of Congress by which they may take any document they want and not those they do not desire to take, as is now the custom or law.

Mr. CLINE. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Indiana.

The CHAIRMAN. The time of the gentleman from Indiana has expired. The gentleman from Tennessee is recognized.

Mr. GARRETT of Tennessee. I yield to the gentleman from Indiana.

Mr. CLINE. There is another important problem that has not been taken into consideration. The language here covers all publications. Suppose you are required to take all the horse and cattle books out, you have to keep them for several years to distribute as they are called for. I venture to say there is not a man in this House who keeps track of that kind of literature on hand and that kind of documents he sends out. What are you going to do with them when you take them out?

Mr. GARRETT of Tennessee. I will say this to the gentleman from Indiana: A few years ago there was a resolution which passed the House, to which the gentleman from Illinois [Mr. MANN] has made reference and of which he was the author. It was a very proper resolution and passed the House—to clear the folding room. Now, I will tell you what occurred in my own individual instance in that case. I took those books I thought I would need and which I thought would be valuable in the future and they were carried to my office, the only place in the world I had to store anything in, and I still have some on hand taking up room in my office.

Mr. CLINE. Permit me to suggest, I think this Congress ought to be able to provide for every Member of Congress a place where he can store and keep these valuable documents that he wants without carting them to his office and keeping them there. Every man knows he has little enough office room now and just what a hardship it would be upon Members of Congress to force them every two years to take a two years' stock of important documents and store them. There should be provided a place so that a Member would not have to keep them in his office or some other place.

Mr. GARRETT of Tennessee. If the gentleman will permit me, in my own case—and I take that as an illustration; I do not know if it is typical or not—my district is an agricultural district, and in the main the publications in which my people are interested are agricultural publications. Now, we get so many Yearbooks a year—I believe about 800 or 850, or something like that—under the law as it has been heretofore. Now, I send those out as soon as they are issued, in so far as I can place them properly. I send them out, and scarcely a day passes that I do not have calls for others. I have many calls this year for the 1912 book and for the 1911 book. I would like to be in a position to save them as long as I have them to my credit, and I can not put them in my office and keep them there. If a fair interpretation of this language is that at the end of two years, at the expiration of a Member's term, he has to take out books that are to his credit, whether under allotment or not, I will be forced to distribute those documents and can not distribute them as intelligently as I might possibly later be able to do.

Mr. BARNHART. The idea of the gentleman from Tennessee is exactly right, as a general proposition, but this will apply only to accumulated documents under existing law, and as soon as this proposed law is passed we will have a valuation system of document distribution, and you will draw against it as soon as the law takes effect. Now, this provision is simply to cover the documents that are now on hand, and it requires that you shall take them out at the expiration of your term or let them go back to the superintendent of documents, so your successor may take the valuation allotment and distribute them to the people of your district. And thereby you could not do as has happened to many Members, where their predecessors have sent out every horse book and cattle book and every other document they could get and the succeeding Member would have practically nothing for three or four years in the way of valuable documents.

Mr. FITZGERALD. If a Member of Congress sends out the documents into the district, his successor can not complain.

Mr. BARNHART. I am not so sure of that, because he may broadcast them. But that refers to the present accumulation.

Mr. GARRETT of Tennessee. Well, now, the present term expires the 3d of next March. I may be my own successor; I hope so; but, at any rate, I shall have a successor, whether myself or some one else, and under this bill all of these documents would go out then, whether I am my own successor or somebody else succeeds me. I would have to take them out from there by the 3d of next March and pile them up, God knows where. I have no place in which to put them, and they are not my private property, but belong to the public.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. FITZGERALD. I can illustrate the situation by reference to two documents. A document issued by the Geological Survey, of which, I think, we got only a few copies, was entitled "The Underground Waters of Long Island." That is a document of extraordinary value and of immense importance to certain interests on Long Island and to people in the city of Brooklyn. It is a highly technical document. It is not a document that would be distributed at random. At the time of the clearing-up resolution there were a number of those documents to the credit of various Members, and I put in an application and received a number of them. I have some still to my credit. From time to time some engineer or some person who is making a study of available water supply for Brooklyn or some of the towns out on the island desires a copy of this document, and I have them, but I have them in my office.

Some years ago there was issued a document known as "Charters and Constitutions," a compilation of organic laws, and Members were each given, I think, eight copies. That is a document of very great value in a great many respects. I had to my credit until recently—because I have sent them only to one or two very distinguished lawyers and judges who desired them—a few copies. We are about to hold a constitutional convention in the State of New York, and this document becomes of very great value in the work of that convention. If this law had then been in force and I had been obliged to have drawn those documents within two years after they had been issued, they would now be gone, and at that time they would not have been of so much value.

Mr. BARNHART. Mr. Chairman, will not the gentleman yield right there?

Mr. FITZGERALD. In just a moment. I have supplied recently to men who will be engaged in very important work in connection with that convention several copies of this document. I do not believe that I should be compelled to draw them out and either store them myself or distribute them without that care that should be taken with highly valuable documents within two years after they are placed to my credit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Tennessee be extended five minutes. We have all been using it.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the time of the gentleman from Tennessee [Mr. GARRETT] be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. I do not believe that Members should be forced to distribute such documents in haste.

I have been in the House 15 years, and during that time a number of important and valuable documents have been placed to my credit, and from time to time I receive requests for copies of documents that were issued five or six years ago.

Mr. BARNHART. Mr. Chairman, will the gentleman yield to me here?

Mr. FITZGERALD. Let me finish this statement.

Mr. BARNHART. If the gentleman would let me make a statement he would understand.

Mr. FITZGERALD. If the gentleman will allow me to finish the statement he can make any explanation he desires. From time to time I have received a request for documents of such a character, and, as I have carefully hoarded the documents, they now go to some one to whom they are of some value. If such a provision as this had been in existence during my service, I would have been compelled to keep track of the time expiration of every document that had been placed to my credit.

Mr. BARNHART. Oh, the gentleman is wrong entirely.

Mr. FITZGERALD. I am not wrong. I can read the English language, and I am enough of a lawyer to understand what a sentence means.

Mr. BARNHART. Mr. Chairman, will the gentleman yield now?

Mr. FITZGERALD. Yes; I yield to the gentleman.

Mr. BARNHART. The difficulty with the gentleman from New York—and I appreciate his knowledge, and all that—is that he is not taking this in the sense in which it is meant, for this reason, that this only applies to the accumulation of documents that will be to the credit of Members when the new valuation system takes place.

Mr. FITZGERALD. But it does not say so.

Mr. BARNHART. It says so in section 68.

Mr. FITZGERALD. It does not refer to it right here. This is the paragraph with which we are dealing.

Mr. BARNHART. It will be of no effect in the direction the gentleman supposes.

Mr. FITZGERALD. It will be of effect because, if the gentleman will permit me, as soon as this law is approved and goes into effect it will affect documents that will be to my credit. If it is intended to take effect hereafter, and will be applied to documents that will be placed to my credit hereafter under some new system, it would be very easy to say so in this paragraph, but that is not stated here. I do not believe the committee would desire to do what this provision proposes. I certainly do not wish to see it done.

Mr. GARRETT of Tennessee. Mr. Chairman, if the gentleman will permit me to make the statement, I have a case on all fours with that first suggested by the gentleman from New York [Mr. FITZGERALD] in the case of "The Survey of Underground Waters."

Some months ago there was placed to the credit of each Member in the folding room a bulletin on the New Madrid earthquake. That is a matter of local interest only in a certain sense, although it is of interest to scientists everywhere in the world. A few days ago I sent out to my colleagues a circular letter, to which I have had a very generous response, asking for that particular document, because it is primarily of local interest.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. In a moment. Each Member has had four copies to his credit. I have had a great many responses. Perhaps I shall have four or five hundred copies of this document to my credit.

Now, it is not my purpose or desire to send those documents out indiscriminately. I desire to send them out only to people, even locally, who are particularly interested in the study, the technical study, if you please, of that question. It would not be convenient to me at all to have those documents all removed from the document room after the 3d of March. I do not expect to dispose of them all by that time.

Now I yield to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman, I desire to give some further illustrations in support of what has been already said. Perhaps the most valuable publications to our credit in the folding room are the horse books, the cattle books, Hinds' Precedents, and Moore's Digest of International Law. I have some of those to my credit that have been there from four to six years, and every one of them would therefore fall within the operation of the proposed amendment. Should the same ever become operative all of these publications now to my credit would revert to the Government. For the same reasons that have been given by other Members, these publications have not been fully distributed on my part. From time to time I have been sending out these books in accordance with requests from my district, and to such persons as I thought would value them, but quite a number remain undistributed. These publications are important, and some of them are very bulky. I still have one or two sets of Hinds' Precedents, and a number of horse and cattle books. My room, like every other Member's room, is already overrun with publications, and it would be a great hardship on me to be required to withdraw all of the different publications to my credit in the folding room and add them to the present accumulation in my office.

Mr. BARNHART. Mr. Chairman, I move to strike out the last word. I appreciate the good intentions and the concern of the membership in this provision, but I should like to have your attention for a few minutes now. I appreciate that I was not able to make any intelligent impression by the reference made by the gentleman from Virginia to me a while ago, but I am going to try to be clear and to make myself understood, if I can. If this bill becomes a law it will provide for the gentleman from New York exactly what he wants and what he can not now have. That is, if he had a call for this particular document that he speaks of, and if the gentleman from Tennessee [Mr. GARRETT] had a call for the document of which he speaks, instead of writing letters to all of his colleagues, he could go to the document room under the valuation plan and get all of these that he wants, and he would not have to take a whole lot of other documents that he does not need and never does send out. This simply provides for taking care of the documents that are on hand and that will be due after the valuation plan becomes a law, if it does.

Mr. GARRETT of Tennessee. The gentleman will permit me to say that my writing to my colleagues for this document was not unusual.

Mr. BARNHART. Oh, no; it is customary, and I very cheerfully gave all of mine to the gentleman from Tennessee. But I want to say that I think the whole objection to this can be eliminated when you understand that this applies to documents now credited to Members, but who will not have sent them out at the beginning of the period when this valuation plan takes effect. If it does not take effect, then there will be no use for this provision of the bill at all, because we will have to go on as now. The two were prepared in conjunction with each other. Now, I want to offer this amendment——

Mr. MANN. Will the gentleman yield for one question?

Mr. BARNHART. I yield to the gentleman from Illinois.

Mr. MANN. Under the valuation plan which is in the bill, is the House folding room to be abolished when the law takes effect?

Mr. BARNHART. It will be continued for the folding of speeches and for the convenience of Members who want to transact personal business with it. Anyhow, it will be continued as it is until such time as the Congress may see that there is no further use for it.

Mr. MANN. Under the valuation plan in the bill, the documents which are to be sent out are not to be sent out from the House folding room, but through the superintendent of documents in the Government Printing Office.

Mr. BARNHART. Yes; but you could make your requisition on this official here, if it was more convenient.

Mr. MANN. You might get them through the superintendent of documents in the course of time.

Mr. BARNHART. It was first the provision of the bill that the folding room in the Capitol be abolished, but after a good deal of inquiry of Members who are familiar with it and of the officials it was thought best to continue it as it is now until we saw how the new valuation plan worked out. Then if it became apparent to the House and the Senate that they wanted to abolish these folding rooms—except as they will be maintained for folding speeches and other immediate needs of the Members—they could be abolished. Now I yield to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Suppose your bill passes the House with this valuation plan included; suppose that in the Senate the valuation plan be stricken out, and yet there remain in the bill the provision to which we have here objected so much; do you not realize the situation in which we will then be? We will either have difficulty to get rid of the Senate amendment, or when the conference's report comes in we will not have the opportunity to discuss it as we discuss it here. It may be that the provision which the gentleman now urges, and to which we object, will be retained, while the valuation plan may go out, and we will be up a tree.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BARNHART] has expired.

Mr. BARNHART. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 59, after the word "room" in line 19, strike out the words "and prior to the expiration of his term of office" and insert "or prior to his retirement from Congress."

Mr. GOLDFOGLE. Mr. Chairman, I do not think the amendment now offered by the gentleman from Indiana obviates the objections urged to the provision in the bill. It has been the experience of every man who has served two or more terms in this House that documents have been applied for by constituents and others from the city or town from which the Member comes that were printed and issued more than two years before the request is received. We have had instances cited on the floor to-day, some by my colleague from New York [Mr. FITZGERALD] and some by the gentleman from Tennessee [Mr. GARRETT]. If I had the time I could personally cite a hundred instances in which similar applications have come to me for documents to serve useful purposes, and printed many years ago. Were I compelled to draw documents within two years after their issuance, I would either have to convert my office room into a storeroom piled up with books, and even then not have sufficient room for them, or else have to distribute the documents where perhaps they would not be useful or serviceable. The result would be that I should be compelled to deny these publications to constituents who would greatly desire

them and have real need for them. Now, the gentleman from Indiana [Mr. BARNHART] suggested an amendment to obviate the objections, but the amendment does not reach them.

He suggests that before the retirement of a Member he shall call for the documents or else they shall be forfeited to the superintendent of documents, to be sold or destroyed. That is not fair; it is not fair to the district represented by the Member. After all, these documents are not the individual property of the Member. They are intended for the use of the people of the district represented by the Member. If I see fit to leave my documents in the folding room for two years and then retire from the House, my district should be entitled, through its then Representative, to the documents. I think the chairman of the committee does not mean to deprive the district of them, yet the effect of his amendment is to deprive the district of the documents. That is really the effect of his amendment.

For instance, if the amendment of the gentleman from Indiana were adopted now and the bill became a law, a Member serving two years would be compelled to take the documents out of the folding room or they would be forfeited and the district thus deprived of them. The new man would not be able to obtain them. Surely that can not be the purpose the gentleman from Indiana has in mind.

Mr. MANN. Will the gentleman yield?

Mr. GOLDFOGLE. With great pleasure.

Mr. MANN. Does the gentleman from New York understand that with the amendment proposed by the gentleman from Indiana, if the bill should pass and become a law to-day, all the documents that the gentleman has by way of horse books and cattle books would be taken away from him?

Mr. GOLDFOGLE. Surely.

Mr. MANN. And that he would not have time to take them out, no matter how fast he hustled? They were delivered more than two years ago, and the instant this becomes a law they are gone from him.

Mr. GOLDFOGLE. I appreciate the gentleman's suggestion. He is correct in his statement.

Mr. SAUNDERS. But that has been corrected by striking out the word "and" and putting in the word "or."

Mr. GOLDFOGLE. That does not cover the proposition that I have just made that the publications are for the use of the district. This limitation should not be in the bill, because the Representative should, notwithstanding that two years may have run, continue the documents in the folding room for the use of the people in his locality.

Mr. SAUNDERS. He could not do that now.

Mr GOLDFOGLE. Yes; he can.

Mr. SAUNDERS. The difficulty now is that he can be anticipated by the retiring Member.

Mr. BARKLEY. Mr. Chairman, under the provisions of this bill, suppose the 2d day of March a Member who is going out of office should get notice from the superintendent of the folding room that he had 850 yearbooks to his credit. Under this provision, or under the amendment the gentleman has offered, he would be required to take out 850 yearbooks on the next day, or if they lapsed over after his term expired on the 4th of March the superintendent would have the right to destroy or distribute them, and neither the Member going out nor his successor, nor any of the people of the district represented by them, would have the right to receive the yearbooks. How would the people in the district get the benefit of those books?

Mr. BARNHART. The people of the district would get it under the valuation system that would govern when the gentleman goes out of Congress.

Mr. BARKLEY. I may succeed myself. If I am entitled to 850 yearbooks, and they are not used by me during the time in which they are allotted to me, I can not get the benefit at the next term, but I must take them on my $1,800 allowance.

Mr BARNHART. Not under the provisions of my amendment; you do not have to take them until your term of office expires.

Mr. BARKLEY. The term of office expires every two years.

Mr. BARNHART. Well, then, to be explicit, prior to your retirement from Congress.

Mr. BARKLEY. Let me ask this question. I have a lot of yearbooks and other books to my credit that have been issued three or four years. If this law is enacted and goes into effect, in order for me to get the benefit of them and keep them I have to wait until the new law goes into effect and charge them up against the allowance you make in the new bill.

Mr. BARNHART. No; you have to take them and distribute them.

Mr. BARKLEY. But suppose I am not ready to distribute them; that I have had no requests?

Mr. BARNHART. This is an attempt to get rid of the old stuff which should be sent to the superintendent of documents for distribution before obsolete. There are lots of old documents from year to year that have been stacked up in the terraces until water soiled and moldy, and it is the purpose of this bill to try and get rid of that waste, or rather to prevent it.

Mr. GOLDFOGLE. Could it not be reached by a resolution such as the Perkins resolution? That provided for the withdrawal from the folding room of certain documents named in the resolution, and thus we cleared out the document room some years ago of an immense amount of stuff that was either not wanted by Members or had become absolutely useless.

Mr. BARKLEY. Why would not the gentleman suggest an amendment to this effect? He says that this applies only to the accumulation of books on hand now.

Mr. BARNHART. Yes.

Mr. BARKLEY. Why does not the gentleman offer an amendment clearing that up? This is a part of the permanent law, and it might be construed hereafter as applying not only to books at the time this law passes, but that it continues in effect.

Mr. BARNHART. Mr. Chairman, if the gentleman will yield, I would like to make a request for unanimous consent, and that is to pass over this section until we have considered and adopted or rejected section 68, and then to return to this present section and consider it, because considering this section in connection with the other will clear the matter up. I therefore ask unanimous consent that we pass this section temporarily until we have considered section 68.

Mr. MADDEN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Fifty-one Members present, not a quorum.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to make a brief statement. I want to say to the membership of the House who are present that the Printing Committee has worked for four or five years upon this bill. We have given careful and studious efforts to it, and to adjourn now at 4.30 o'clock in the afternoon is hardly fair to the committee, after it has done so much hard work. I submit it is not fair to the committee to force an adjournment of the House at 4.30 o'clock in the evening. I made a perfectly fair proposition in the matter of passing over this section until we can take it up in conjunction with the other section, and to adjourn now when we might read several pages I think is hardly fair to the committee, and thus keep the bill delayed from week to week.

Mr. MANN. Oh, there is a band concert this afternoon.

Mr. BARKLEY. Mr. Chairman, I would like to have the RECORD show that the gentleman from Illinois wants to adjourn in order to attend a band concert.

Mr. MANN. Oh, I did not say that. As a matter of fact, I can not tell one tune from another, but I thought it a good chance for the gentleman from Kentucky to get some music in his soul.

The CHAIRMAN. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Adamson | Finley | Lindquist | Rothermel |
| Aiken | FitzHenry | Linthicum | Rupley |
| Anderson | Flood, Va. | Loft | Scully |
| Anthony | French | Lonergan | Sells |
| Austin | Gardner | McClellan | Shreve |
| Barchfeld | George | McGillicuddy | Slemp |
| Bartholdt | Gill | McGuire, Okla. | Smith, Md. |
| Bartlett | Gillett | Mahan | Smith, Samuel W. |
| Borland | Gittins | Maher | Smith, N. Y. |
| Brodbeck | Godwin, N. C. | Manahan | Stanley |
| Brown, N. Y. | Goeke | Martin | Steenerson |
| Browning | Goulden | Merritt | Stevens, N. H. |
| Brumbaugh | Graham, Pa. | Metz | Stout |
| Bryan | Griest | Miller | Stringer |
| Burgess | Guernsey | Moore | Sutherland |
| Burke, Pa. | Hamill | Morin | Talbott, Md. |
| Calder | Harris | Murdock | Tavenner |
| Campbell | Hensley | Neeley, Kans. | Taylor, N. Y. |
| Cantrill | Hobson | Nelson | Thacher |
| Carter | Howard | Nolan, J. I. | Tuttle |
| Church | Howell | O'Shaunessy | Vare |
| Clancy | Hoxworth | Palmer | Volimer |
| Connolly, Iowa | Humphrey, Wash. | Parker | Wallin |
| Conry | Humphreys, Miss. | Peters | Walsh |
| Crisp | Jones | Peterson | Watkins |
| Dies | Kent | Platt | Webb |
| Donovan | Key, Ohio | Porter | Whitacre |
| Driscoll | Kindel | Post | Wilson, N. Y. |
| Dupré | Kinkead, N. J. | Pou | Woodruff |
| Edmonds | Knowland, J. R. | Powers | Woods |
| Elder | Kreider | Rainey | Young, Tex. |
| Estopinal | La Follette | Reilly, Conn. | |
| Fairchild | L'Engle | Roberts, Mass. | |
| Faison | Lewis, Pa. | Roberts, Nev. | |

The committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15902, and finding itself without a quorum, under the rule had caused the roll to be called, whereupon 297 Members responded to their names—a quorum—and he reported the list of absentees to be entered upon the Journal.

The SPEAKER. The committee will resume its sitting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

Mr. BARNHART. Mr. Chairman, pending that amendment I had asked unanimous consent that we pass over paragraph 2 of section 55 and consider it in connection with section 68.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to pass over the paragraph now under consideration and consider it later on with another paragraph. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I do not quite understand how this proposition has anything to do with paragraph 68 or to do with the valuation plan. If the valuation plan goes into effect, I think this ought to be stricken out; if the valuation plan does not go into effect, I am sure this ought to be stricken out.

Mr. BARNHART. If the gentleman objects, I shall make the motion, because I am quite sure in the meantime I can have a conference with the gentleman and arrive at some conclusion, so that they may be considered together.

Mr. MANN. I thought the gentleman would agree to my amendment to strike out.

Mr. BARNHART. I may be able to do so.

Mr. MANN. I think we ought to dispose of this. I do not think it ought to go over to paragraph 68; this is apart from paragraph 68.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

Mr. BARNHART. Mr. Chairman, I move that the consideration of paragraph 2, section 55, be passed over and taken up in conjunction with paragraph 68.

Mr. MANN. Mr. Chairman, I make the point of order that the motion is not in order.

The CHAIRMAN. The point of order is sustained. The question is on the amendment offered by the gentleman from Indiana.

Mr. MANN. Mr. Chairman, a good many Members of the House have just come in who did not hear the discussion, which was almost unanimous against the position taken by the gentleman from Indiana. The printing bill now before the House contains this provision:

*Provided further*, That all publications allotted to a Member in his respective folding room shall be taken by him within two years from the date of their delivery to such folding room, and prior to the expiration of his term of office, or the same shall revert to the superintendent of documents, to be sold or distributed by him as provided for by law.

Under the terms of the bill it is admitted that documents, after they have been in the folding room two years, are taken away from the Member to whose credit they stand; that the documents are taken away from a Member at the end of his term of office, no matter if he may have been reelected. The gentleman from Indiana has offered an amendment which makes less onerous the provisions of the bill, but in the end the Members will lose their documents or their districts will lose their documents if they are not sent out before the term of the Member expires. Now, I have to my credit in the folding room Yearbooks clear back to 1884.

Mr. LEVER. Will the gentleman give me a set of them?

Mr. MANN. I give a set every once in a while to some man who is interested in agriculture. I give a set every once in a while to some Member of Congress who is interested in the subject. I have to my credit in the folding room Smithsonian reports dating back to 1884 and National Museum reports dating away back. I have reports of tariff hearings in the old Congresses, and I have given some of them to Members of this Congress. I have a good many of those documents which are valuable because of their age. I do not see any occasion for requiring me to take them out and store them in my room. In this Congress and the last Congress I gave to a number of new Members horse books and cow books. They did not have them to their credit at all. We had just received a quota of those books. I still have horse and cow books to my credit, but under the provisions of this bill, after I have had them two years I lose them. They are sent to the superintendent of documents. Now, we do not print a quota of horse books and cow books every two years; but under the provisions of the bill, if you do not use them all up at once, send them out to people who do not want them, you lose them. I send mine to the people who do want them. I have conserved my public documents, not by sending them out to Tom, Dick, and Harry, who did not want them, but by sending them to the people who are interested in the subjects and who did want them. That is the proper method by which to do it. It does not cost the Government anything at all.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. LEVER. The gentleman's proposition, as I understand it, is that these documents do not belong to the individual Member, but that they belong to the district?

Mr. MANN. Yes; to the district; and they ought to remain to the credit of the district.

Now, I think there ought to be a clearing house for documents in the folding room. There are many of them that are valueless. We ought to have somebody who can help bring about exchanges, and if nobody wants the documents, throw them away. But the proposition to take the good documents which we have, and which we want, and which we ought to have to our credit, and rob us of them has in it neither sense nor reason. [Applause.]

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. MANN. Yes.

Mr. BARKLEY. I do not know whether the gentleman would want to digress or not, but he spoke about the horse book and the cattle book. What is the system by which those books are allotted?

Mr. MANN. Every two years or every three years, since I have been a Member of the House, Congress has ordered a quota of horse books and cattle books, 100,000 or so in an edition, to be printed. They are sent to the folding room and they are allotted to the Members.

Mr. BARKLEY. Are they allotted to the Members at the time the order is made for their printing, or are they distributed subsequently as the Members come in?

Mr. MANN. They are only allotted to the Members who are Members when the allotment is made. Members who come in subsequently do not get any. At the beginning of the last Congress we had just ordered some horse books printed, in 1911, and some cow books, if I recollect correctly, in 1912. Some of the old Members had transferred their books, so that the new Members did not have any. Some of the new Members on the Democratic side, who succeeded Republicans, did not have any horse books or cow books. I gave some of them from my quota, so that they would have some to send out when requested by their constituents.

Mr. BARKLEY. I have received no allotment since I have been here, and I have gone to the Agricultural Department and they have told me that they have none there.

Mr. MANN. They have not any. They belong to the Members of Congress. I will give 10 of each to the gentleman.

Mr. BARKLEY. I thank the gentleman.

SEVERAL MEMBERS. Give us some! [Laughter.]

Mr. MANN. I take good care of them, and I have some to my credit. I like to be good to my friends, and I want to be able to continue to be good to them, and not to have this provision in here to prevent it. [Applause.]

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. BARNHART. Mr. Chairman, and Members of the House who have come into the Hall since this question came up, I want to explain to you briefly that at the beginning of this roll call I asked unanimous consent that this section be passed over and be considered next Wednesday in conjunction with section 68, to which it applies.

There is no purpose on the part of the committee to deprive the Members of their documents. There is not anything of that kind contained in this proposition that we are aware of, and if there is anything of the kind in it the committee is perfectly willing to correct it. But to say that this matter shall be considered and disposed of now is hardly fair to the committee, because you can not consider it in conjunction with section 68, which is important. If section 68 is defeated, then this whole provision ought to go out; but if section 68 is adopted, which is the valuation plan, then I submit that when a Member goes out

of Congress he ought to take his documents out of these archives about here, because he can not use them. They ought to be cleared out of the document room, and that is the simple proposition contained in this provision.

And I trust, Mr. Chairman, that under these conditions my motion will prevail, and that this may go over until next Wednesday, when we can consider the two sections together.

Mr. GOLDFOGLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. I want to know the parliamentary status of this motion.

The CHAIRMAN. The parliamentary status is that we are now proceeding by unanimous consent. Debate on this amendment has been exhausted.

Mr. GOLDFOGLE. I understood that the proposition was to pass over this section until we reach section 68, and I wanted to know the parliamentary status of that request.

The CHAIRMAN. A point of order was made against it.

Mr. LEVER. Will the gentleman yield?

Mr. BARNHART. I yield to the gentleman from South Carolina.

Mr. LEVER. I was about to ask the chairman of the committee if he regarded these documents that go through the folding room as belonging to the Member who happens to be representing the district or to the district itself?

Mr. BARNHART. To the district itself, always.

Mr. LEVER. Exactly; and the Member should either send them out during his term or he should leave them in the folding room to the credit of the district.

Mr. BARNHART. Under the valuation plan that will be taken care of. The gentleman from South Carolina has not been here this afternoon. If he had heard the whole of the debate, he would have understood it better. If he will vote with the committee to defer this matter until next Wednesday, when we consider it in conjunction with the valuation plan, he will have an opportunity to get a full explanation of it.

Mr. THOMSON of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMSON of Illinois. What became of the motion of the gentleman from Indiana [Mr. BARNHART]?

The CHAIRMAN. The motion of the gentleman from Indiana [Mr. BARNHART] to postpone the matter was met with a point of order, raised by the gentleman Illinois, and the point of order was sustained.

Mr. MADDEN. And the question before the House is the motion of the gentleman from Indiana?

The CHAIRMAN. The question before the House is the amendment of the gentleman from Indiana [Mr. BARNHART].

Mr. MADDEN. What is that amendment?

The CHAIRMAN. The amendment of the gentleman from Indiana is to strike out, in line 19, page 59, the words "and prior to the expiration of his term of office."

Mr. TOWNSEND. And to substitute certain other words.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I believe that the gentleman from Indiana [Mr. BARNHART] is mistaken in the application of this particular provision. Section 55, paragraph 2, provides for a folding room in the Senate and one in the House for the distribution of documents. Then it provides:

> That all publications allotted to a Member in his respective folding room shall be taken by him within two years from the date of their delivery to such folding room, and prior to the expiration of his term of office, or the same shall revert to the superintendent of documents, to be sold or distributed by him as provided for by law.

The gentleman from Illinois has moved to strike out those words. The gentleman from Indiana [Mr. BARNHART] says that action should be deferred until section 68, the valuation provision in the bill, is reached. But this provision has nothing at all to do with the valuation provision. It affects the House and Senate folding rooms. Section 68, which provides for the valuation scheme, does not provide that any documents under that scheme shall go to the House folding room or to the Senate folding room. It provides that Members shall make requisition upon the Superintendent of Documents, who is under the Public Printer, for documents up to a certain value allotted under the law. The provision in that section is that the unused balance of every valuation account shall lapse on the 3d day of March, and then it provides for distribution and disposition of other accumulations; but the provision under consideration now refers to the documents in the House and Senate folding rooms, and the only documents that can be affected by that section are the documents that Members retain to their credit under the present law.

Mr. LEVER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LEVER. Does not the proposition under consideration, as retained in the bill and as read by the gentleman, make it absolutely necessary that the individual Member to whom these documents are credited shall either send the documents out to his district or lose the documents to his district?

Mr. MADDEN. Certainly.

Mr. LEVER. Is not that so?

Mr. TOWNSEND. He can take them out.

Mr. FITZGERALD. It provides that he must take them out of the folding room within two years after they have been placed to his credit.

Mr. LEVER. That is true; but if he does not take them out, and if he happens to be defeated, they lapse.

Mr. FITZGERALD. That is a different situation. The gentleman from South Carolina and myself have been in Congress for more than two years.

Mr. LEVER. Certainly.

Mr. FITZGERALD. We both have documents to our credit more than two years old, and we keep them in the folding room because we know that they are valuable and that some one who desires very much to obtain them will sometime make a request for them. We wish to be in a position to supply such requests. Under this provision we can not keep them to our credit, but must send them out within two years from the time they are placed to our credit, or we must take them out of the House folding room and store them ourselves.

Mr. LEVER. In other words, this system will work out so that the individual will have control of the documents and not the district he represents?

Mr. FITZGERALD. I do not think it works out that way, but that is not the important thing. The gentleman from Indiana [Mr. BARNHART] insists that this provision is dependent on a new system that is proposed to be placed in effect, by which Members are to be given credit of $1,800 worth of documents, to make requisition upon the superintendent of public documents, under the Public Printer, up to that amount. But that can not affect these documents, because the documents in the folding room of the House are not under the control of the superintendent of public documents, under the Public Printer. Under the valuation scheme no such documents will be put in the folding room. If this provision remains in the bill, every document to our credit in the folding room when this bill becomes a law, every document to our credit over two years old, will cease to belong to us, and they will be sent to the superintendent of documents to be sold and disposed of by him. I think the provision should go out of the bill. [Applause.]

Mr. BARNHART. Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana may proceed for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Indiana may proceed for five minutes. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, as I have stated before and as I want to repeat, the difficulty about this matter is that we have talked about it this afternoon when there were very few Members in the House. I asked unanimous consent to pass over it until next Wednesday, until we could take it up in conjunction with the valuation system. Notwithstanding what the gentleman from New York [Mr. FITZGERALD] says, there is a relation between the two provisions. If the valuation provision does not prevail, then this provision ought to go out and leave the law as it is. If the valuation provision does prevail, then, at the expiration of a Member's term of office, there ought to be some way provided for getting rid of the accumulation of documents. This law will provide that the documents shall go to the superintendent of documents to be placed in the valuation system. A Member will begin his term of office with $1,800 to his credit, and the next year he will have another $1,800 of public-document credit due him. At the expiration of his term he will not have any due him, because he will go out of office and his successor will at once have a credit, as he ought to have.

Under this system which prevails now a man comes here representing a district and finds that all the documents placed to the credit of his predecessor have been transferred to some one else, and that is an injustice to the people of his district.

I insist, and I believe, that if the gentleman from New York and the gentleman from Illinois would have permitted the motion to prevail which I desired—to defer this until next Wednesday—that this would have been cleared up in conjunction with the other provision so that it would have been perfectly satisfactory and we could have saved a vast amount of time.

Mr. FITZGERALD. I have made no objection to the gentleman's request. He ought not to charge me with the responsibility for it.

Mr. BARNHART. Then I will eliminate the name of the gentleman from New York.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. FITZGERALD. Will the gentleman point out what there is in section 68, which is the valuation provision, that places any document to the credit of a Member in the House folding room? Section 55 refers to the House and Senate folding rooms. Everything that I have been able to find in section 68 provides for putting to the credit of Members with the superintendent of documents, under the Public Printer, credit to a certain amount for documents, but they will not be in the House folding room.

Mr. BARNHART. The difficulty about that is that the gentleman from New York does not seem to understand; he does not see that this applies only to the accumulation of documents that will be on hand for Members. If section 68 in the bill is passed, it will have no reference to anything else. It is a provision that will enable a Member to retain his documents in the folding room until his official term expires, and then he must get them out from where they are stored so the public can have them.

Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. BARNHART) there were—ayes 64, noes 12.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15902) to revise and codify the laws relating to printing, binding, and so forth, and had come to no resolution thereon.

### WITHDRAWAL OF PAPERS—LYDA BEAL.

By unanimous consent leave was granted to Mr. HAMLIN to withdraw from the files of the House the bill (H. R. 14677) granting a pension to Lyda Beal, no adverse report having been made thereon.

### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 1624. An act to regulate the construction of buildings along alleyways in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

### LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request, which the Clerk will report.

The Clerk read as follows:

Mr. STRINGER requests leave of absence, indefinitely, on account of illness.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, my colleague [Mr. STRINGER] has been absent a long time, and I suppose with good reasons. If he were here, I would say that it is no wonder he feels sick.

The SPEAKER. Is there objection?

There was no objection.

### COMMODORE BARRY.

Mr. EAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by my colleague from New Jersey [Mr. HAMILL] at the ceremonies attending the unveiling of the statue to Commodore Barry in Washington last May.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, if my recollection is correct, we have already had this matter up once before and given that permission.

Mr. EAGAN. I did not ask it.

Mr. MANN. The gentleman may not have asked it; but has not this already been printed?

Mr. EAGAN. I do not think so, because I got the address from Mr. HAMILL's office to-day.

Mr. FITZGERALD. The gentleman desires to circulate his speech.

Mr. MANN. I have no objection to printing the speech, but I do not see any occasion for printing it several times.

Mr. TOWNSEND. I do not think the request was made in behalf of Mr. HAMILL. There was a request made to print a speech upon the same subject.

Mr. MANN. By whom?

Mr. TOWNSEND. By some Member of the House, I think.

Mr. MANN. I am quite sure there was a request made in behalf of Mr. HAMILL. It may have been objected to. I shall not object.

The SPEAKER. Is there objection.

There was no objection.

### ADJOURNMENT.

Mr. BARNHART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Thursday, September 17, 1914, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 18550) empowering and directing the Secretary of the Treasury to convey by quit-claim deed certain lands in the city of Akron, State of Ohio, reported the same without amendment, accompanied by a report (No. 1153), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVENPORT: A bill (H. R. 18820) to provide for the terms and places of holding the District Court of the United States in the Eastern District of Oklahoma, and for other purposes; to the Committee on the Judiciary.

By Mr. GOEKE: Resolution (H. Res. 622) for the consideration of H. R. 17894; to the Committee on Rules.

By Mr. BURGESS: Concurrent resolution (H. Con. Res. 48) calling attention to the necessity for precaution and conscientiousness on the part of citizens and the press concerning neutrality; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of West Virginia: A bill (H. R. 18821) granting an increase of pension to Daniel W. Thurston; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 18822) granting an increase of pension to Emma St. Ange; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 18823) to pay W. J. Patterson for overtime work in the United States quartermaster depot at Jeffersonville, Ind.; to the Committee on Claims.

Also, a bill (H. R. 18824) to pay W. J. Wredman for overtime work in the United States quartermaster depot at Jeffersonville, Ind.; to the Committee on Claims.

Also, a bill (H. R. 18825) to pay W. J. French for overtime work in the United States quartermaster depot at Jeffersonville, Ind.; to the Committee on Claims.

Also, a bill (H. R. 18826) to pay J. H. Reed for overtime work in the United States quartermaster depot at Jeffersonville, Ind.; to the Committee on Claims.

Also, a bill (H. R. 18827) to pay Matt Sauer for overtime work in the United States quartermaster depot at Jeffersonville, Ind.; to the Committee on Claims.

Also, a bill (H. R. 18828) to pay J. W. Bloom for overtime work in the United States quartermaster depot at Jeffersonville, Ind.; to the Committee on Claims.

Also, a bill (H. R. 18829) for the relief of John A. Trowbridge; to the Committee on War Claims.

By Mr. FIELDS: A bill (H. R. 18830) for the relief of the legal representatives and heirs of Isaac Ingram, deceased; to the Committee on War Claims.

By Mr. GREEN of Iowa: A bill (H. R. 18831) to remove the charge of desertion and grant an honorable discharge to George W. Noyes; to the Committee on Military Affairs.

By Mr. HELM: A bill (H. R. 18832) for the relief of the trustees of the Mount Moriah Christian Church; to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 18833) granting a pension to Clarinda H. Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18834) granting an increase of pension to Louisa J. Kimball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18835) granting an increase of pension to Wesley Penny; to the Committee on Invalid Pensions.

XUM

Also, a bill (H. R. 18836) to correct the military record of John Daly; to the Committee on Military Affairs.

By Mr. RIORDAN: A bill (H. R. 18837) granting an increase of pension to Charles H. B. Shepherd; to the Committee on Invalid Pensions.

By Mr SHACKLEFORD: A bill (H. R. 18838) granting an increase of pension to Henry Gouge; to the Committee on Invalid Pensions.

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PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Petition of sundry citizens of several towns in South Carolina, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. BAILEY (by request): Petition of sundry citizens of South Fork, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of H. Berner, of Union Hill, N. J., against tax on "soft drinks"; to the Committee on Ways and Means.

By Mr. FINLEY: Petition of John J. McEachern, president, and Farmers' Union, Local No. 539, of Longtown, S. C., favoring Federal warehouses for cotton; to the Committee on Agriculture.

By Mr. FLOOD of Virginia: Petition of sundry citizens of Buckingham County, Va., favoring Milliken personal rural credits bill; to the Committee on Banking and Currency.

By Mr. GREENE of Vermont: Petition of F. W. Barrett and members of the Sunday school of the Methodist Episcopal Church of Poultney, Vt., favoring the adoption of national constitutional prohibition amendment; to the Committee on Rules.

By Mr. HOWELL: Petition of the Chamber of Commerce of Salt Lake City, Utah, favoring exemption of the assessment work on mining claims for 1914; to the Committee on Mines and Mining.

By Mr. LEE of Pennsylvania: Petition of the Philadelphia Maritime Exchange, against House bill 18666, providing for Government ownership of vessels in the foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. LIEB: Petition of J. C. Mendenhall, of Evansville, Ind., protesting against a revenue tax on proprietary medicines; to the Committee on Ways and Means.

Also, petition of C. D. Ross, of Evansville, Ind., in support of proposed amendment to section 85 of House bill 15902; to the Committee on Printing.

Also petitions of Rev. W. B. Farmer, Rob Ruston, George Lant, jr., W. M. Wheeler, W. J. Nance, C. W. Habbe, Jacob Gallman, P. E. Tichenor, F. M. Martyn, N. A. Talbott, C. A. McGrew, G. W. Sansom, J. L. Iglehart, W. B. Miller, J. W. Johnson, Samuel Hardin, J. C. Hutchinson, J. G. Ruston, Richard Pengilly, H. A. Mann, William H. Lant, Thomas E. Reed, D. C. Williams, E. S. Prine, O. P. Ruston, L. T. Stricklin, E. A. Lowe, W. S. Rothschild, W. H. Axton, and George Ingle, members of the Trinity Methodist Church, of Evansville, Ind., in favor of national prohibition; to the Committee on Rules.

Also, petitions of Dr. F. C. Hawkins, Irene J. Eribacher, and others, of Evansville, and Luella C. Embree, Mary C. Vandeveer, and others, of Princeton, all in the State of Indiana, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. MORIN (by request): Petition of the Individual Drinking Cup Co., of New York City, relative to section 2 of House bill 15657, "An act to supplement existing laws against unlawful restraints and monopolies"; to the Committee on the Judiciary.

By Mr. J. I. NOLAN: Resolutions of Golden West Tent, No. 58, Knights of the Maccabees, of San Francisco, Cal., favoring the passage of the Hamill bill (H. R. 5139) providing pensions for superannuated Federal civil-service employees; to the Committee on Reform in the Civil Service.

Also, protest of the Coffin-Redington Co., wholesale druggists, of San Francisco, Cal., against any special tax being placed on proprietary medicines; to the Committee on Ways and Means.

By Mr. RAKER: Petition of the Board of Trade of San Francisco, Cal., opposing proposed bills prohibiting use of the mails for transacting business within States prohibiting insurance; to the Committee on the Post Office and Post Roads.

Also, petition of the Golden West Tent, No. 58, Knights of the Maccabees, favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the executive committee of the Association of Pacific Fisheries, relative to planting of fish in Pacific waters; to the Committee on the Merchant Marine and Fisheries.

## SENATE.

THURSDAY, *September 17, 1914.*

*(Legislative day of Wednesday, September 16, 1914.)*

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The PRESIDING OFFICER (Mr. ROBINSON). The Senate resumes consideration of House bill 13811, the river and harbor bill.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON. Mr. President——

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

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|---|---|---|---|
| Ashurst | Gallinger | Nelson | Smith, S. C. |
| Bankhead | James | Overman | Smoot |
| Brady | Johnson | Page | Sterling |
| Brandegee | Jones | Perkins | Thomas |
| Bryan | Kenyon | Poindexter | Thornton |
| Burton | Kern | Ransdell | Townsend |
| Camden | Lea, Tenn. | Reed | Vardaman |
| Chamberlain | Lee, Md. | Robinson | Walsh |
| Chilton | McCumber | Sheppard | Weeks |
| Clapp | Martin, Va. | Simmons | White |
| Culberson | Martine, N. J. | Smith, Ga. | |

Mr. PAGE. I desire to announce the unavoidable absence of my colleague [Mr. DILLINGHAM] and to state that he is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired. I make the announcement for the day.

Mr. SMOOT. I wish to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

I wish also to state that the junior Senator from West Virginia [Mr. GOFF] is necessarily absent and that he is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. CLAPP. I wish to state that the Senator from Kansas [Mr. BRISTOW] is necessarily absent on account of sickness.

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement stand for the day.

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum of the Senate present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. STONE and Mr. WILLIAMS answered to their names when called.

Mr. THOMPSON entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is not present. Under the order of the Senate, the Sergeant at Arms will be directed to request the attendance of absent Senators.

Mr. SHIELDS, Mr. SHAFROTH, and Mr. FLETCHER entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The Senator from Iowa will proceed.

Mr. RANSDELL. I ask the Senator from Iowa if he will yield to me just a moment. I wish to have a telegram from the New Orleans Association of Commerce read from the desk. It is in regard to a ship which is going from that city bearing the United States flag, the first one that has gone to Panama from a Gulf port. It is very brief, and I ask to have it read.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent to have a telegram read. Is there objection?

Mr. SMOOT. There is no morning hour, and if there is no particular reason why it should be read this morning I would prefer to have it go over.

Mr. RANSDELL. I will ask the Senator from Utah not to object. It is the first ship that has gone from a southern port to the Panama Canal carrying the United States flag.

Mr. KENYON. I do not yield to the Senator from Utah to object in this matter. I think the telegram ought to go in the RECORD.

Mr. SMOOT. Of course, if the Senator——

The PRESIDING OFFICER. Is there objection?

Mr. KENYON. I make the point of order that the Senator from Utah has not been recognized by the Chair, and I have the floor and do not yield.

The PRESIDING OFFICER. The Chair stated the request for unanimous consent, and any Senator may object, of course.

Mr. SMOOT. That is what I was going to say, and also I thought I could call the attention of the Chair to the rule that this is clearly out of order.

The PRESIDING OFFICER. The Chair thinks that the request is out of order. Is there objection?

Mr. SMOOT. I wish to say in this connection if the Senator from Louisiana still thinks it is absolutely necessary that the telegram should be read at this particular minute, I am not going to object to its reading now, although it is a violation of the rule.

Mr. STONE. Mr. President, I desire to say that we have lost a great deal of time in roll calls. I think it could be contended that the reading of the telegram was business, and it would authorize another roll call. I object to its reading.

The PRESIDING OFFICER. The Senator from Missouri objects. The Senator from Iowa will proceed.

Mr. KENYON. If it is of such sentimental importance, at least, I will read it as a part of my remarks, if the Senator from Louisiana does not object.

Mr. RANSDELL. I would be very glad if the Senator would read it.

Mr. KENYON (reading):

[Telegram.]

NEW ORLEANS, LA., *September 16, 1914.*

Hon. J. E. RANSDELL,
*United States Senate, Washington, D. C.:*

We have to-day sent a telegram to the President of the United States, and request its insertion in the CONGRESSIONAL RECORD, as follows:

"We have the honor to notify you that the American flag was to-day raised at New Orleans over the first ship sailing out of a southern port of the United States, being the steamship *Cartago*, of the United Fruit Co., operating between New Orleans and the Panama Canal. We desire to felicitate the American people upon the action of yourself and Congress in so liberalizing American navigation laws that we have to-day a manifestation of a practical revival of the American merchant marine."

I am sorry the Senator from New Hampshire [Mr. GALLINGER] is out of the Chamber.

"New Orleans, a port which has consistently fought for this accomplishment, realizes her responsibility as the nearest great American seaport to the Panama Canal, serving as the ocean gateway for the great industrial exporting region of the Mississippi, Ohio, and Missouri Valleys, and Central West. With her extensive municipally owned wharf and belt railroad system and strategic position at the juncture of the Mississippi River and the Gulf of Mexico, New Orleans is in position to act as the warehouse of the Western Hemisphere and afford those port facilities needed to place the middle section of the United States in command of the suddenly developed South American trade opportunities made possible by the European war situation. A definite conjunction between New Orleans and the Middle West is now being effected with this end in view, adding to the prestige of American commerce abroad and to the glory of the American flag on the high seas."

NEW ORLEANS ASSOCIATION OF COMMERCE,
M. B. TREZEVANT, *General Manager.*

Mr. RANSDELL. On behalf of the New Orleans Association of Commerce, the city of New Orleans, and the State of Louisiana, I thank the Senator from Iowa for reading the telegram.

Mr. KENYON. I am sorry that anyone should object to reading it.

Mr. JONES. I am very much gratified to hear of some ship bearing the American flag, but I would be more gratified if the Senator could tell me that it is an American-built ship. I should like to know whether it is an American-built ship or a foreign-built ship.

Mr. KENYON. Possibly the Senator from Louisiana can inform the Senator.

Mr. RANSDELL. I am sorry to say that I do not know absolutely, but I have understood that the ships of the United Fruit Co. were built abroad, and the *Cartago* is one of the ships of that company.

Mr. JONES. That takes away very much of my gratification.

Mr. KENYON. Anyway, let us be glad that it carried the American flag. The Senator from Washington, I assume, does not object to that.

Mr. JONES. No; under the circumstances I am glad to have it carry the American flag; but I should like to see ships built in America which carry that flag.

Mr. KENYON. Mr. President, I wish to resume at the point, approximately, where I left off last evening. There are a great many matters I am anxious to get in the RECORD, not that I think Congress will pay any attention to them, but that I hope at some time the people may. But at the same time I do not want to consume the entire day in what I have to say, because there are others who are desirous of speaking on this bill who are becoming a little restless at the time I am taking, and I do not want to deprive them in any way of the opportunity to be heard. So I shall in the course of two or three hours complete what I have to say on the branch of the case up to the study of the projects and then I shall surrender the floor to other gentlemen who desire to speak, perhaps more extendedly than I am doing.

We were discussing yesterday, in a mild and amiable way, the reasons for the growth of river and harbor bills and some of the influences which have been at work for river and harbor bills in the past, which influences seem to have been potent in producing large appropriations.

There is always the question of the local interest and the tendency to judge a Representative or a Senator by what he may be able to get out of the Public Treasury. I saw the program a short time ago of a banquet which had been given to a Member of Congress in which were set forth the different appropriations that he had secured for his district, one of them being a few thousand dollars for a fish hatchery. That was cited at the banquet as one of the great accomplishments of this Member of Congress. Public-building bills, of which we have had none this session—and if we had, it would have greatly increased the deficit—are framed along the same lines. Some day I believe it will be true that the people will not banquet Representatives or Senators who secure appropriations where they are not needed, and the public conscience will be such that instead of commendation for these things there will be condemnation.

Another consideration entering into the trouble is that many of these appropriations in the past have been made for reclamation, not for navigation, many appropriations being made for the saving of lands from erosion, and possibly that is a proper governmental work; but where that is done we should be very candid about it and not try to bring it in under the guise of assisting navigation.

Another influence making for such appropriations is the concern of contractors and dredgers to take advantage of the opportunity for profitable contract work. That may not be apparent at all times, but I expect to read before I am through some extracts with relation to the unfortunate condition that has arisen among the contractors and the dredgers by virtue of the abolition of their annual banquet which they tendered to influential people.

Then, there is the real question that is at the basis of proper appropriations for rivers and harbors, and that is the desire to benefit water transportation. There is another influence that makes it difficult to secure any calm consideration of a river and harbor bill or of a public-building bill, and that is the influence of friendship and courtesy in the Senate and in the other House. It is related that one year when the House was considering a river and harbor bill and striking out certain items one Member rushed wildly in and said, "Hold on; that is my river you are striking out." Here in the Senate a short time ago—I do not know that the item remained in the bill—we saw a large sum voted for a monument, it seemed to me, solely because of the great affection that every Senator in the Senate felt for a certain Senator.

Of course those are human considerations, and we can not help their influence. It is always embarrassing to vote against any project which some Senator claims is his particular project and which he believes has very great merit attached to it. I have mentioned those things as some of the influences at work, unconsciously possibly, but which nevertheless have made it not only possible, but usual for bills of a character such as the one now before us to be constructed and their passage urged.

I referred last night to some remarks of Gov. Glynn with reference to the tremendous cost to the Government in certain canals of transporting produce. Indeed it has been shown by the Senator from Ohio [Mr. BURTON] in the early part of his remarks, which probably by this time have been forgotten, as they were delivered some months ago, that it cost more for the Government to operate certain canals in this country and to send the produce through those canals than the produce was worth. That is justified, I assume, on the theory, if at all, that they are regulators of railroad rates, but somewhere and at some time the appropriations in enormous sums merely for the purpose of regulating railroad rates have got to reach some limit if that economic theory is in any event sound.

Gentlemen in the House of Representatives of both parties have called attention to this matter and have urged that there

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be some restraint. I want to place in the RECORD one or two observations of that character. The Republican leader of the House [Mr. MANN], in a speech there, said——

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. KENYON. I do.

Mr. REED. I desire to make an inquiry of the Senator, but I want to make a short preliminary statement, so that he may understand me. The Federal Reserve Board, in organizing the new banking system, finds that there are certain little things that they desire to have done altogether of an administrative nature. There was a bill introduced some time ago by the chairman of the committee embracing some rather radical changes in the law, but after further consultation with the Federal Reserve Board and the committee on yesterday it was agreed to ask for but two short amendments, which are both administrative and, I think, can be passed without debate; that is, without any longer debate than the mere debate necessary to understand the proposition. As the board is engaged now in creating this system—these amendments partake something of an emergency character—I want to ask the Senator from Iowa if he will be willing to yield in order that I may make a request for unanimous consent at this time, with the consent of the chairman of the committee having the river and harbor bill in charge, to lay aside that bill temporarily and to take up the bill to which I refer? I am speaking with the understanding that if a debate upon the bill is projected I shall not ask for its further consideration.

Mr. KENYON. Mr. President, I will be very glad to do that, if the Senator from North Carolina is willing, provided I do not lose my right to the floor. We have had a legislative day which has been running quite long, and I do not know whether or not I have made one speech yet. I think the limit is two.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. SMOOT. I will say to the Senator from Missouri that I notice in the RECORD this morning that on yesterday he reported the bill to which he has just referred. I was opposed to the bill originally reported some time ago, and intended to do everything I could to amend it. I ask the Senator not to request unanimous consent for its consideration at this time, because I have not yet had time to examine the bill which he reported yesterday from the committee; but I will do so to-day, and then, perhaps, after an examination, I may have no objection to it at all.

Mr. REED. I will say, then, that we will endeavor to-morrow morning to gain consent for the consideration of this bill. I think there will be a morning hour to-morrow.

Mr. SIMMONS. Mr. President, I think it is understood that there will be a morning hour to-morrow.

Mr. REED. If the Senator from Iowa will permit the interruption, I will call the attention of the few Senators who are present to this bill. It is very short and very simple, and, as I have said, the changes proposed in the law are purely administrative. The first amendment provides that—

> The Federal Reserve Board shall have power to permit member banks to carry in the Federal reserve banks of their respective districts any portion of their reserves now required by section 19 of this act to be held in their own vaults.

Of course, this money in the vaults of the Federal reserve banks is just as safe to depositors and just as safe to the Government as it is in the vaults of the individual banks, and it will be a matter of great convenience to many bankers to be able to keep their reserves in the Federal reserve banks. Furthermore, it will have the effect to that much greater extent of concentrating the reserves, and will, in a measure, bring about the condition at once which the Federal reserve law contemplates will be brought about at the end of three years, when all of the reserves and all of the capital has been paid in. It seems to me that it is a matter to which no one could object.

The other provision simply relates to the matter of facilitating the method of redemption of national-bank notes. At the present time such notes have to be sent by each bank to the Federal Treasury to be there redeemed. At the same time the bank sending in the notes of another bank for redemption may have its own obligations out in the hands of the other bank, and the bank may be sending in those notes for redemption. Purely as a matter of simplifying that, the Federal Reserve Board have asked that this clause be adopted:

> The Secretary of the Treasury is hereby authorized to devise and put into operation a system of clearances of national-bank notes between the Treasury, the Federal reserve banks, and the member banks, and for that purpose to designate Federal reserve banks as agents of the United States.

The object being that if a bank, to use an illustration, has a million dollars of the bank notes of other banks which it desires to have redeemed, and certain of these other banks have its notes and the notes of other banks, they could send them to the reserve bank, and there the notes of one could be offset against the notes of the other, and simply the balance, whatever it is, adjusted; thus, to some extent at least, putting a stop to the endless chain of redemption and issue and saving a great amount of work.

Those are two little matters; and yet they are important, and I trust Senators will think about them, and that we may get this little bill through to-morrow morning.

Mr. KENYON. Mr. President, my remarks seem to be interrupted a great deal, and I trust I may proceed now without undue interruption. I was about to refer to some language of the Republican leader of the House, found in the RECORD of March 20, where he is quoted as saying:

> The biennial river and harbor appropriation bills a few years ago were considered very large if they got up to thirty or forty millions of dollars, even when they carried items for the city of Chicago. Now they are considered very small when they carry an amount of over $40,000,000 a year in the House, which will mean $50,000,000 or more in the law, without Chicago items in it.

The chairman of the River and Harbor Committee of the House, on March 17, calling something of a halt to these extravagant appropriations, spoke as follows:

> But what of the cost? That is another pertinent question. Of course it is difficult, Mr. Chairman, for us to determine now or for anyone to say just what the future cost will be, and yet I believe that unless we are to embark upon some wild scheme of waterway improvement not connected—or, if connected at all, very remotely—with legitimate river and harbor work—I say unless we are to embark upon some such wild scheme I believe it is possible to approximate within reasonable bounds the cost of river and harbor improvement in this country within the next 25 years. Of course, if we enter upon other works having no direct or necessary relation to navigation, there is no telling where we will land. Why, there are propositions advanced, some of them now before Congress, advocated and supported by men of national repute, the adoption and the carrying out of which, it is said by competent engineers, would cost billions of dollars. But assuming we are to pursue a safe and sane policy such as we have been pursuing for the past several decades, then I believe it is easy, or at least it is not very difficult, to approximate within reasonable bounds as to what the Government will be called upon to expend in the near future, by which I mean in the next quarter of a century.

I think I will also read what follows, because it is very interesting:

> We have on the books to-day, including those taken on in this bill, about $300,000,000 of projects. One hundred and fifty million dollars in round figures, or half of it, being for four rivers—the Mississippi, the Ohio, the Missouri, and the East River in New York, the last named, however, only requiring about $13,000,000 to complete. The work on these four streams, if the plans laid down by the engineers are followed, is to extend over a period ranging from 8 to 25 years; perhaps a little beyond that. The other $150,000,000 will likely be required during the next 8 years; that is, if the plans of the engineers are carried out. Of course there will be other projects. There were before our committee about $50,000,000 of projects submitted within the past two years besides the $38,000,000 we have adopted in this bill. I do not know that all of those will meet with favorable consideration in the future; the chances are they will not; but if they should all be adopted, the amount, including those adopted and those recommended in this bill, will reach $350,000,000.

Anyone must appreciate the very difficult position that the chairman of the River and Harbor Committee has in the House, or the chairman of the Committee on Commerce in the Senate, in trying to hold down these appropriations; but I believe every thinking man has become convinced that there must be some new method of river and harbor work. I understand that an amendment has been offered here by the Senator from Nevada [Mr. NEWLANDS], which he has urged for many years, and which, if adopted on this bill, will be of great benefit in working out some new and better plan.

I think there has been no reflection in this discussion, further than possibly the statement of facts, which might of themselves be considered a reflection, upon the Army engineers. They are undoubtedly men of great ability and splendid character; but I do think there is just criticism in the plan of Members of Congress going before this Board of Army Engineers, when they have made their reports, and arguing a case to them as a lawyer would argue a case to a jury. They have a certain pride, naturally, a commendable one, in their work, in great structures that are triumphs of engineering skill and that will be monuments to them in the future. It is not such a difficult proposition to erect a splendid monument of that character when somebody else is paying for it; and they do not, I believe, look closely enough into the question whether these splendid mechanical engineering projects are justifiable from the standpoint of those who must pay for them.

In this connection I wish to refer to what has been termed the dribbling policy of river and harbor improvements. I will say that as to a discussion now of these different propositions

I am very much inclined to accept the suggestion of the chairman of the committee that time would be saved by discussing those matters when they are reached. I have here some 30 propositions that I had intended to discuss. I felt in good faith that I could cover this whole subject in five hours. I am not a long-distance talker, and if not interrupted I might have done so; but I have been so constantly interrupted, and the interruptions have suggested other things to such an extent that for me now to complete an analysis of those propositions and to carry out the different lines of thought that have been suggested by the interruptions would take too much time. So I am going to leave those projects for discussion at the time they are reached for a vote, and in the remaining time I only want to cover a few matters that I had planned to cover leading up to that.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. KENYON. I do.

Mr. SMITH of Michigan. I think yesterday, by an accident, the Senator from Iowa connected the Wabash River with Grand Rapids, Mich.

Mr. KENYON. I think the Senator is mistaken about the person who made that connection. It was not the Senator from Iowa.

Mr. SMITH of Michigan. The Senator from Iowa did not connect Grand Rapids with the Wabash River; I admit that.

Mr. KENYON. There would not be enough water.

Mr. SMITH of Michigan. That would be an impossibility, inasmuch as they are about 200 miles apart.

Mr. KENYON. Is there an appropriation here for that connection?

Mr. SMITH of Michigan. The Senator from Iowa, quoting from the governor of North Carolina——

Mr. KENYON. No; New York. The Senator has confused with this matter what the governor of North Carolina is reported to have said to the governor of South Carolina. [Laughter.]

Mr. SMITH of Michigan. The governors of North Carolina and New York would harmonize much more easily than the Wabash and Grand Rapids, Mich.

Mr. KENYON. It would not be harmony over water, possibly.

Mr. SMITH of Michigan. No. It would be harmony, however.

Mr. KENYON. What does the Senator refer to?

Mr. SMITH of Michigan. I do not want to interrupt the Senator.

Mr. KENYON. No; if there is a mistake, I shall be glad to have it corrected.

Mr. SMITH of Michigan. I simply want to ask the Senator if he will not kindly correct the disparity in that statement. I do not know that it is chargeable to him; but I want it to appear that Grand Rapids is not on the Wabash River, and consequently that it does not cost the amount referred to in that quotation to ship a ton of freight from Grand Rapids via the Wabash River. Am I not right about that?

Mr. KENYON. I was quoting from certain remarks of the governor of New York, purporting to be made at the National Rivers and Harbors Congress in this city in 1913. I took the quotation from the CONGRESSIONAL RECORD, from the speech of Mr. CALLAWAY. It is given in the present RECORD exactly as it is there, which evidently must be a mistake.

Mr. SMITH of Michigan. The Senator from Iowa is so uniformly correct that I thought this error, which probably was a quotation not attributable to him, might be shown to be an error.

Mr. KENYON. I suppose that should be the Grand River?

Mr. SMITH of Michigan. Well, it might cost a little more than $56 a ton to ship freight by the Grand River from Grand Rapids now, because we would have to remove a bar at an expense of about $300,000.

Mr. BURTON. Mr. President, if the Senator from Iowa will yield to me, I can easily explain how that misunderstanding arose.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. Well, I will yield; but I must insist after a while upon being allowed to proceed without interruption.

Mr. BURTON. There is a town of Grand Rapids on the Wabash River.

Mr. SMITH of Michigan. But it is not in Michigan.

Mr. BURTON. Of course the Senator claims that whenever Grand Rapids is mentioned, Michigan is meant.

Mr. SMITH of Michigan. Whenever Grand Rapids is mentioned the world recognizes it as Grand Rapids, Mich.

Mr. BURTON. I fancy that is so; but the Senator from Michigan must not overlook the fact that Grand Rapids is quite a common name, and that there is a town—or I suppose they would call it a city—of Grand Rapids on the Wabash River, and there is a lock and dam there.

Mr. SMITH of Michigan. Yes; but the word "Michigan" ought not to be after "Grand Rapids" if it is an Indiana town. That is all right, however. I simply wanted to have it known that Grand Rapids, Mich., is not on the Wabash, and that it is on the Grand River.

Mr. KENYON. The Senator has placed it on the map.

Mr. SMITH of Michigan. I thank the Senator from Iowa.

Mr. KENYON. I will make that correction.

The policy of dribbling improvements, and spreading out over a great period of years and over a great area of country certain sums of money, has also led to an abuse which perhaps can not be prevented if that policy is to continue. In the minority report the Senator from Ohio [Mr. BURTON] sets forth some illustrations of this piecemeal policy in the pending bill. Without reading, I am going to ask to insert as a part of my remarks the table which he has used on the third page of that report.

The PRESIDING OFFICER. There being no objection, that may be done. The Chair hears no objection, and it is so ordered.

The matter referred to is as follows:

The following are illustrations of this piecemeal policy in the pending bill:

| | Appropriation in this bill. | Cost for completion. |
|---|---|---|
| East River and Hell Gate, N. Y | $500,000 | $13,400,000 |
| Improving Harlem River, N. Y | 100,000 | 1,628,000 |
| Delaware River, Pa., N. J., and Del., cash and continuing contract | 2,000,000 | 6,809,200 |
| Chesapeake & Delaware Canal | 2,250,000 | 3,000,000 |
| Harbor at Norfolk, Va | 270,000 | 1,114,000 |
| Inland waterway, Norfolk, Va., to Beaufort Inlet, N. C | 600,000 | 4,000,000 |
| Cape Fear River above Wilmington | 91,000 | [1] 416,000 |
| St. Johns River, Fla., to the ocean | 300,000 | 777,000 |
| Channel from Pensacola Bay to Mobile Bay | 50,000 | 432,425 |
| Channel, Mobile Bay to Mississippi River | 23,000 | 312,015 or 484,170 |
| Waterway, Mississippi River to Bayou Teche, La | 100,000 | 1,655,500 or 2,062,900 |
| Galveston Channel, Tex., by the construction of a sea wall | 100,000 | 1,185,000 |
| Brazos River, Tex., locks and dams | 250,000 | Indefinite. |
| Trinity River, Tex., locks and dams | 240,000 | Indefinite. |
| Cumberland River below Nashville | 250,000 | 2,201,882 |
| Cumberland River above Nashville | 340,000 | 4,500,000 |
| Ohio River | 5,000,000 | 51,057,000 |
| Mississippi River between Ohio and Missouri Rivers | 1,000,000 | 17,250,000 |
| Mississippi River between Missouri River and St. Paul | 1,500,000 | 13,500,000 |
| Fourth lock, St. Marys River, Mich | 250,000 | 2,475,000 |
| Missouri River Kansas City to the mouth | 2,000,000 | 15,600,000 |
| Sacramento and Feather Rivers, Cal | 200,000 | 5,360,000 |

[1] Increase in estimate. [2] $3,877,000 in sundry civil bill.

Mr. KENYON. Now, just an illustration of that, which I desire to place in the RECORD.

The James River, Va., is a project which is set forth in the minority report as having been commenced in 1884. That project has been in progress for 30 years, and is now only 42¾ per cent completed. This bill, as the distinguished Senator shows in the minority report, provides an appropriation of $200,000, while the estimated cost will be over $3,000,000; and it will require 15 years to complete it. That does not seem to me a good business proposition.

Sandy Bay harbor of refuge, Massachusetts, to which the Senator from Ohio also referred in his address, where the estimated cost of completing the project is approximately $5,000,000, and work on that matter has been in progress for some 29 years, and there has been expended approximately $1,800,000. I am inclined to think that work has been practically abandoned, as this bill seems to carry no appropriation for it; and it is a reasonable presumption that anything that is not appropriated for in this bill has been abandoned.

The Columbia and lower Willamette Rivers below Portland, Oreg. On those rivers the work was commenced as far back as 1877, and the total amount expended has been nearly $3,000,000—$2,709,000—and it will require some two and a half million dollars more to complete the work. Now, would it not be better to have some plan whereby the appropriations shall be made to take care of the entire work and finish up a few good projects instead of dabbling over a large number of projects?

Over 20 years ago a breakwater was commenced at Bar Harbor, Me. A large amount of money has been spent on that, but it will require many years yet to complete it.

The breakwater at New Haven, Conn., I think, is not yet completed, and it will require many more years to complete.

The appropriation for the Harlem River, which, of course, must be taken care of, as it is a great channel of commerce; the canal system which has been referred to along the Tennessee River; the Trinity River, with its numerous canal projects that will take many, many years and a large amount of money. All these illustrate the wasteful manner in which river and harbor improvements are carried out.

Those who object to this lavish expenditure of money for river and harbor improvements are met with the argument, as it has been stated on this floor, that water transportation is a regulator of railroad rates. We have discussed that matter here so often that there is no use of adding to the discussion anything further, I think. It has been shown, for instance, as to the Mississippi, where we have spent $140,000,000, that it would be a sufficient amount to build a railroad on each side of the river from its mouth to its source.

River appropriations, generally, for the purpose of regulating freight rates, have not proven a success. This Government has adopted a policy of regulation. We have a commission for the purpose. It is a satisfactory policy. We do not have to invest money to employ competitors for railroads. That is too expensive a method. If we are to admit that our commission and the courts can not control railroad rates, then we must admit that the particular method we have adopted as a national policy is a failure.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. I do.

Mr. POINDEXTER. Does the Senator from Iowa deny that water transportation is cheaper than railroad transportation?

Mr. KENYON. Certainly not.

Mr. POINDEXTER. If it is cheaper, is it not desirable?

Mr. KENYON. It is; but if the Government, in order to make it cheaper for certain people who may use it, is compelled to pay out unwarranted sums of money which, if they should be taken into account, would show that the rate on the water far exceeded what it appears to be in any rate that the steamboat companies may have, I should want to consider that proposition before agreeing that it was in every case desirable.

Mr. POINDEXTER. Of course, if the Senator will pardon me a word, whether or not that is the case depends upon the matter of operation and the influences which control it. But the Senator admits that in general and with equally favorable administration it is cheaper, and I can not see how he can escape from the conclusion that it will tend to reduce railroad rates.

I will add, if the Senator will pardon me, that amounts of expenditures, places of expenditure, and the methods of construction ought to be the subject of the highest possible efficiency that we can obtain. That matter ought not to be loosely dealt with; but conceding that we have attained the highest efficiency and the best methods, the Senator seems to agree with those of us who favor the improvement of our internal waterways.

Mr. KENYON. I do not think there would be very much dispute between the Senator and myself. The difficulty has been that the railroads have gobbled up the transportation on the water or they have made rates which have absolutely put the water transportation out of business. If we could have the power given the Interstate Commerce Commission, which they do not now have, of making a minimum rate as well as a maximum rate, then that particular objection and that particular destructive faculty as to water rates might be eliminated.

I introduced at the first session I was here an amendment to the interstate-commerce act giving the commission power to fix a minimum rate. I think they ought to have that power, or power to make a differential in the water transportation, and provide, as I think France does, that between competing points of water and railroad transportation the railroads must charge a differential 20 per cent higher. I do not know whether that is feasible or not in this country; but I do know, or think I know, that the minimum rate proposition would be a feasible proposition and would help.

Now, there is the other fundamental proposition, and I am interested in discussing this with the Senator, because I do not think we differ about it. If the railroads can be prohibited from owning water-carrier boats, as we prohibit these boats going through the Panama Canal, that might be some help. But we had the discussion here on the floor, and one of the ablest arguments that was presented on that question was by the Senator from Washington [Mr. POINDEXTER] on the Panama Canal tolls bill. The Senator made an argument there along the line that free tolls through the canal would reduce transcontinental railroad rates, and it was a very powerful argument. Probably that is so. I voted contrary to the Senator on that bill because I felt that it was a subsidy. But suppose you do reduce, as in that case, your transcontinental rates, it benefits a great many people, but it works an injustice on other people, because the railroad is entitled to earn reasonable returns on its investment, and if it makes a rate less than is fair and reasonable for certain people because of the water competition, it is putting an additional burden on somebody else. That is the question which has always troubled me.

Take some of these streams where appropriations are made to regulate rates. There are a few people living along the stream who get a benefit out of it; but the number would not be one out of ten of those who get no benefit out of it and who are compelled not only to pay their part of improving this waterway to reduce the freight rates, but are possibly compelled to pay more freight rates because of that very fact.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. KENYON. Certainly.

Mr. POINDEXTER. That is a very frank statement of the Senator from Iowa. It does credit to his sincerity of argument and purpose in this matter. It amounts, it seems to me, to a statement that the country is not justified in public improvements of this kind. Take the Panama Canal, for instance. We are not justified in constructing and operating a great free waterway as a national public utility, because, the Senator says, if we do that we will reduce railroad rates to transcontinental points and compel other points, which have not the benefit of that competition, to pay the difference. In other words, the Senator, it seems to me, says in his argument that we are not justified in getting the cheapest transportation wherever we can get it.

Mr. KENYON. No; what——

Mr. POINDEXTER. I think we are. This question of internal improvements and of transportation has been fought out a long time ago, and I assumed it was almost universally the accepted policy of the country.

Mr. KENYON. I do not want the Senator to understand that I am opposed to these works of internal improvement, if some system can be worked out, possibly some cooperation under governmental control, as in some of the European countries, between the water transportation and the railroad transportation so that all the people may share the benefit of it.

Now, the ultimate inquiry in the Senator's mind, as in my own and of every other person, is, What is the ultimate public good, the good for the greatest number? I do not believe that it is a fair proposition for the people of this country to spend $400,000,000 on the Panama Canal just to give people in certain parts of this country a cheaper freight rate, and I do not believe if that proposition had been advanced as the reason for the Panama Canal that it ever would have been constructed. It was a great military purpose, with an incidental benefit to commerce.

Mr. POINDEXTER. I do not want to be drawn into a general interruption of the Senator's speech and argument in this matter, especially when it leads to a reargument of the Panama Canal question.

Mr. KENYON. I am very glad to have the Senator interrupt me.

Mr. POINDEXTER. I just want to say this: The Senator neglected to state that complementary to that part of my argument in regard to the Panama Canal I called attention to the fact of its connection with the great river ways of the country—the Mississippi and Missouri and all the great rivers emptying into the Atlantic and Pacific—so that it was not simply the people at Atlantic and Pacific terminals who would get the benefit of that canal. I do not think that there is any public improvement of any kind possible to be pointed out that is more general in its benefits than a transcontinental waterway, and that is practically what the Panama Canal is.

If the Senator adheres to the point which he just made—that we are not justified in a public improvement unless its benefit is universal throughout the country—then he will strike out every item in this bill, because there is not one of them which affects everybody in the country.

Mr. KENYON. No; I do not agree with the Senator at all about that. There are some items in this bill which are peculiarly of a local nature and for local interests. There are other improvements that from the viewpoint of the average man would be considered as works of great internal improvement that are beneficial to the entire country.

I do not agree with the improvement of the Ohio River to the extent that has been projected, to the extent the engineers have recommended, and to the extent that Congress has committed itself. I am not satisfied that it is justifiable as a work of internal improvement, beneficial to the whole country. There are $63,000,000 to be spent, and there is a commerce constantly decreasing. Now, query: Is there any great public benefit coming out of a tremendous appropriation of that kind? And when we look at these benefits we ought also to consider where the money comes from. We never stop to do that, but say this may give cheaper freight rates.

I do not believe that the people of the Senator's State ought to pay increased freight rates to give the people of my State cheaper freight rates, and I do not believe the people of my State ought to pay higher freight rates to give the people of his State cheaper freight rates, unless in some way you can figure out that that is going to be for the general public benefit. Of course, that is a difficult proposition.

I want to read along that line, because I want it in the RECORD, from the final report of the National Waterways Commission, under the title "Desirable legislation for the protection of water transportation and for establishing greater cooperation between railways and waterways." I only go this far; I do not want the Senator to misunderstand me, that I think we have not settled by what has taken place in this country the proper system for cooperation.

I do not want to say it is not a good thing. I am not convinced in my own mind of any way to handle the subject, but I want to commend to the Senator this report:

The commission in its preliminary report called attention to the fact that the decline of water transportation in the United States was due largely to the competition of railways, and pointed out that railways had certain natural advantages which caused them to be preferred by shippers as a means of transportation. Some of these advantages are the greater accessibility to all points, the readier exchange of traffic from one road to another on through rates and through bills of lading, which has been possible since the adoption of a standard gauge for all the railroads of the United States, the superior terminal facilities, and in most instances the greater speed and reliability of service.

It was also pointed out in the preliminary report of the commission that the railways had secured a further advantage by rate cutting and other discriminatory practices which were not prohibited by law. Since the filing of this report with Congress this latter advantage has been to some extent removed by the amendments to the interstate commerce act made by the Mann-Elkins law of 1910. Section 4 of the act of 1887 has been strengthened so that railways can not charge less for a longer than for a shorter haul, except with the consent of the Interstate Commerce Commission, although the extent of the commission's power in this respect is still somewhat uncertain, owing to the reversal of its decision in the Intermountain Rate cases by the Commerce Court. A provision has also been added, following the suggestion of the National Waterways Commission, which prohibits—

And this is a very important proviso, which was drawn by the distinguished Senator from Ohio—

which prohibits railways that have lowered their rates in competition with waterways from raising them again, unless after hearing by the Interstate Commerce Commission it is shown that the proposed increase rests upon changed conditions other than the elimination of water transportation. This new legislation will, it is hoped, give greater confidence to capital in investing in the business of water transportation. But, as pointed out in the preliminary report, the rehabilitation of water-borne traffic will not be complete unless there is greater cooperation between railways and waterways, so that they will exchange traffic, just as the railways now do with one another on joint rates and through bills of lading. Unless this exchange of traffic can be accomplished the business of the waterways must necessarily be confined to their banks. After careful consideration the commission believes that the best means of establishing greater cooperation between the two agencies of transportation is to increase the power of the Interstate Commerce Commission over water carriers.

Power of commission over water carriers.—When the act to regulate interstate commerce was passed in 1887, boat lines were intentionally exempted from the scope of the law, because it was thought that if they were free from any governmental restraint they would be better able to compete with railways and would be more effective as regulators of railway rates.

The only power the Interstate Commerce Commission has over water lines is derived in the first instance from section 1 of the amended act of 1887.

And that is then set out.

There is great need of increasing the power of the Interstate Commerce Commission over joint rates and through routes between rail and water lines, so that it may form such routes and compel such joint rates wherever, in its opinion, it is for the public interest. The commission should also be given power to compel physical connection between railways and waterways wherever possible and necessary for the formation of through routes. Unless this power is granted, the cost and inconvenience of transferring freight by truck from one terminal to the other will offer a serious obstacle to the development of exchange traffic. It is also desirable that the commission should have power to compel railways to charge less than the local rates to all lake, river, and sea ports on through traffic to be exchanged with boat lines engaged in domestic trade, unless prorating arrangements already exist. Such reduced rates are now voluntarily granted in some cases, especially along the Great Lakes. Where reductions are not granted, the high local rate charged by a railroad on transfer traffic so largely offsets the lower water rate that there is no advantage in shipping by the combination rail and water route.

The commission believes that the protection afforded the waterways by section 4 of the act to regulate interstate commerce as amended in 1910 is not sufficient for the preservation and the growth of water transportation. The lack of adequate regulations makes it possible for the railways to effectually control or to crush out water competition through their ownership and control of boat lines. It is a well-known fact that the trunk-line railways, through their control over terminals at Buffalo and their ownership of steamship companies on the Great Lakes, have been able to dominate the lake and rail package-freight business between New York and Chicago, and also to a considerable extent the grain traffic. On the business thus controlled the water rates have risen, while on the coal, iron, and grain traffic not controlled by the railways the water rates have steadily declined. In like manner the New York, New Haven & Hartford Railroad practically dominates water transportation on Long Island Sound by reason of its ownership of the New England Navigation Co.

Then the recommendations of the commission, I think, are interesting, because this commission gave great study to this subject, and it was composed of very distinguished Members of this body, in part.

The commission believes that the simplest and most effective means of securing these desired regulations is to give the Interstate Commerce Commission greater control over water lines, and accordingly recommends that every water carrier engaged in interstate commerce which is owned or controlled by a railroad, or in which a railroad is in any way interested, and also every independent water carrier which operates over a specified route with regular schedules, be placed under the control of the Interstate Commerce Commission and be made subject to the same rules and regulations now imposed upon railway corporations, in so far as they are applicable. The commission should, however, be given broad discretionary power in enforcing the requirements of the law, particularly those relating to the filing and changing of rates, so that no unnecessary burdens will be imposed upon water transportation. The commission also recommends that the Interstate Commerce Commission be empowered to establish physical connection between the terminals of railways and boat lines where possible and desirable, and also to compel the charging of lower than the regular rates to river, lake, or sea ports when the traffic is to be exchanged with water carriers.

So that commission had many recommendations to make, which do not seem to have brought about any practical results.

As the question of canals and waterways has been suggested, I wish to take that up in a few moments and to show that in the great harbors of the country the terminals are owned and controlled by railroads. I think it is a pretty serious proposition whether or not we should vote away great sums of money to harbors where the landings are inaccessible to the public and they must secure the right from a railroad company. We heard a good deal about subsidy in the Panama Canal tolls debate. How this is distinguished from a subsidy I have not been able to understand.

As to canals, we find that in England the canals commenced to fall into the hands of the railroad companies. The French Government has spent great sums of money in the development of canals and the improvement and maintenance of its waterways, amounting to some $450,000,000. I do not know what Germany has spent, but the amount has been very large. In many of the cities of Europe, as in the unfortunate city of Brussels, there have been tremendous sums spent on inland harbors.

We have had different periods of development of inland water transportation, starting away back in the sixteenth century and coming down to the advent of general railway building. The canal, primitive in its construction, and the waterway were the principal means of transportation. Then came the period of great competition on the part of the railroads. Then came what was practically the third period, when, commencing in France and Germany, along about 1870, there was a revival of water transportation. It has been a success in Germany, I think, and in France, where there has been cooperation between water transportation and rail transportation. We have not made a success of it in this country. I have tried to give in a crude way some of the reasons we have not done so, and there are probably a good many others. We now have ourselves looking squarely at the proposition of canals that have been abandoned, at least that is true of many State canals. The Commissioner of Corporations, in his report, in referring to this matter, in volume 1, page 1, of the report on "General conditions of transportation by water," says:

About 4,500 miles of canals have been constructed in the United States. Of these, 2,444 miles, costing in all about $80,000,000, have been abandoned. * * * State canals are maintained in New York, Ohio, Illinois, and Louisiana, with a total mileage of nearly 1,360 miles. * * * There are 16 private canals in operation in the United States of more than local importance, with an aggregate mileage of 632 miles.

In the letter of transmittal, speaking of these inland waterway improvements, the commissioner says:

Since 1870 a general policy of Federal waterway improvement has been followed. The total Federal appropriations for inland river improvements up to 1907 have been over $250,000,000. There has been very little cooperation between the central and local authorities. This has resulted in inevitable lack of uniformity and of comprehensive plan and in the lack of any proportionate contribution from the localities peculiarly benefited.

There are some provisions in the pending bill, though not many, providing that the localities must contribute something

for the work. It seems to me those are most commendable provisions.

European countries have in many cases distributed the costs of waterway improvements upon localities in some ratio with the special benefits received. Such cooperation is worthy of careful consideration in any comprehensive plan of waterway improvement.

The Commissioner of Corporations makes some other observations as to canals, which will be found on page 4.

The height of interest in canal building came about 1827 and 1837, after the success of the Erie Canal. The crisis of 1837 stopped canal building for the time. The introduction of the railroad about this time was also an important factor in this decline. Since then the use of canals has been as a whole steadily decreasing, both in absolute amount and still more markedly in proportion to the total traffic of the country. This is due in part to improvident original location of the canals, in part to mismanagement and to adverse control of strategic connections and terminals, but, above all else, to the fundamental inability of the ordinary type of towpath canal to meet modern conditions of transportation. They are thus unable to compete with railroads to any considerable extent.

Again, in reference to cooperation in improvement, on page 8, the commissioner says:

While it is true that the entire country is to some extent interested in a good waterway system in each part thereof, nevertheless it must be remembered, as pointed out above, that any complete unification of that system is, for the present at least, physically impossible, and that therefore the traffic on such waterways will remain for a time confined to certain large sections of the country, and the direct benefit thereof will also to a considerable degree be local. European countries have in many cases met a similar condition by a distribution of costs of improvements apportioned upon localities in some ratio to special benefits received.

The extent—

Says the commissioner—

to which State and private canals have been abandoned is strikingly shown by the census reports of 1880 and 1890.

I gave the figures a few moments ago as to the exact amount.

Government appropriations for waterway improvements have been used for works of various kinds. Harbors have been deepened and enlarged or reconstructed by building breakwaters; lake channels have been deepened; rivers have been made more navigable by the removal of obstructions, by dredging, and by establishing stretches of navigable slack water through the construction of locks and dams; and a number of canals have been constructed, mainly as links in more extended lake or river systems of navigation.

Mr. President, I want to place this in the RECORD, which is found on page 158 of this report:

There has been a notable increase in the extent of corporate ownership from 1889 to 1906. In 1889 corporations owned but 28.1 per cent of the steam and sail vessels on the Atlantic and Gulf coasts; in 1906 this had increased to 63.5 per cent; of steam vessels, 73.6 per cent were owned by corporations in the former year, and this had increased to 85.3 per cent; but the increased proportion of steam to sail tonnage made this of itself an important factor in the total increase of corporate ownership. * * *

On the Great Lakes 85.5 per cent of the total vessel tonnage was owned by corporations in 1906, and on the Mississippi River and tributaries not less than 96 per cent of the total tonnage reported was so owned.

Then further, along the line I have been suggesting as to the ownership by railroads, the commissioner has this to say on page 160:

Control by railroads and other combinations: Even after corporations had become the more usual form of organization for steamboat and steamship companies these were often controlled by a few individuals, and in many cases by members of the same family. Navigation companies were also in most cases conservatively capitalized, and their stock was not offered on the open market or listed on the exchanges. In recent years, however, there have been notable changes in these respects. Small companies operating a single vessel or a local line of steamers have, by expansion or consolidation, developed into great corporations with large fleets of vessels and many lines operating over a wide extent of territory. The most notable instance of consolidation has been that brought about by the organization of the Consolidated Steamship Lines, commonly known as the Morse combination, including half a dozen important Atlantic coast lines, controlling a large share of the regular packet-line business in this important district; but there are also other instances on both ocean and river routes.

I quote now from page 161:

On the Atlantic and Gulf coasts practically all the important packet coastwise lines are consolidated or controlled by railroads, and the bulk traffic in coal in the same territory is also to a large extent under railroad control. On the Pacific coast railroads control most of the regular coastwise and river packet lines. On the Great Lakes railroads control most of the packet lines and a large share of the grain movement; the iron-ore movement is to a large degree under the control of a company subsidiary to the United States Steel Corporation. On the Ohio and Mississippi Rivers the Monongahela River Consolidated Coal & Coke Co. controls a very large proportion of the coal traffic, the largest movement of freight on these rivers.

The Government has been compelled to bring action to dissolve the combination of the great towing lines on the Lakes.

Then, there is the Erie Canal, about which we hear a great deal as a successful enterprise. That canal was built by the State of New York for the purpose of giving water transportation across the State and by that means to keep down the railroad rates. That canal, on which New York is expending something like $128,000,000, seems to be absolutely under the control of the railroads. In this connection, I desire to quote from Commissioner Luther Conant in the letter of transmittal accompanying part 4 of his report:

Moreover, on the Erie Canal, the most important artificial inland waterway of the country, the westbound business has virtually passed under the control of the railroads, while eastbound traffic has been largely diverted from the canal by repeated reductions in railroad rates, rate arrangements, and railway control of terminal facilities. These reductions of rail rates are, however, to a considerable extent attributable to canal competition. At the present time the State of New York is making very expensive improvements in the canal, in the hope of restoring a large volume of traffic.

Railroad control of westbound traffic on the canal has been followed by marked advances in canal and lake class rates in the face of an unchanged all-rail rate.

At the time of the opening of the Erie Canal there was a great impetus given to the development of the country. It was possibly one of the greatest influences we have had in quickening our commercial life; and following that, great numbers of canals were constructed throughout the country; but, as I have shown by the report of the commissioner, many of them have been abandoned. The Erie Canal reached its highest degree of efficiency along about the year 1850. In the year 1850 the canals of New York carried 88.1 per cent of the total traffic handled in the State; in 1873 this percentage had fallen to 34.9, and in 1908 it had fallen to 3.9 per cent.

The canal system of Ohio was commenced in 1825 and reached, some time in the forties, its highest degree of efficiency, but the commerce has been falling away since.

There is contained in this bill—and I only refer to it because I am on the general subject of canals—after all the unfortunate experience with canals we have had in this country and will continue to have until we establish some system of regulation in the competition of the railroads and the canals or some system of cooperation to develop the traffic mutually between the railroads and the canals, there are contained in this bill scattering appropriations for the great project known as the intercoastal canal. The Chesapeake & Delaware Canal is one link in that great chain, and I understand that the Norfolk & Beaufort Canal project is another.

The Atlantic Intercoastal Waterway Publication furnishes some definite figures as to this project in its entirety, which I desire to have in the RECORD as showing that, notwithstanding our unfortunate experience in this country with canals and the fact that we have done practically nothing to remedy the troubles and defects as pointed out in the report of the Commissioner of Corporations, to which I have referred, we are still running riot on the canal proposition. Boards of trade and commercial clubs and booster organizations see some merit in these propositions; Representatives and Senators unite to assist, and so Congress is bombarded with the proposition now for a canal along the coast practically from New York City on down to some place in Texas. The cost of that canal at the mildest estimate will run up into figures which are perfectly astounding; but we are starting on it, and I suppose that it must come, unless there is some protest on the part of the people, who eventually must pay for it.

As set forth in this publication, The Atlantic Intercoastal Waterway Publication, the following are the sections of the Atlantic intercoastal waterway route as now recommended by the engineers, and these are the estimates:

St. Johns River, Fla., to Fernandina, Fla., 7 feet depth, $251,726.75; work under way.

Fernandina, Fla., to Savannah River, Ga., 7 feet depth, work under way, $195,000.

Savannah River, Ga., to Charleston Harbor, S. C., 7 feet depth, $427,400; work partly under way.

Charleston Harbor, S. C., to Winyah Bay, S. C., 7 feet depth, construction recommended, $1,227,800.

Winyah Bay to Little River, S. C., 7 feet depth, $5,677,800; construction recommended.

Little River, S. C., to Cape Fear., N. C., 7 feet depth, $3,724,219; construction recommended.

Cape Fear, N. C., to Beaufort, N. C., 7 feet depth, construction recommended, $2,872,111.

Total, southern section, Atlantic intercoastal waterway, St. Johns River, Fla., to Beaufort Inlet, N. C., in round numbers, $14,400,000.

Beaufort Inlet, N. C., to Norfolk, Va., 12 feet depth, $5,400,000. Project approved by Congress. Work partly completed. Chesapeake & Albemarle Canal purchased. Much of the route lies in Pamlico and Albemarle Sounds, natural waterways, requiring no improvement.

Norfolk, Va., to head of Chesapeake Bay, Md., $10,514,290. Recommended for immediate action, including purchase or condemnation of existing Chesapeake & Delaware Canal. That is the project that was in this bill.

Delaware City to Bordentown, N. J. Route follows channel of the Delaware River, for which present depth is sufficient

over entire distance, assuming a 12-foot project, $20,000,000; which also includes, I think, Bordentown, N. J., to South Amboy, N. J., 12 feet depth, immediate construction recommended.

South Amboy, N. J., to New York Bay, and thence to Hudson River and Long Island Sound, natural waterway, requiring no improvement for a 12-foot project.

Total, northern section, Atlantic intercoastal waterway, Beaufort Inlet, N. C., to New York Bay, in round numbers, $36,000,000.

Total cost, as recommended by the Army engineers, $50,400,000.

Then the pamphlet goes on to set out the postponed projects.

The following sections of the intercoastal waterway route have been surveyed by the Army engineers; and, while not adversely reported, consideration is postponed until more progress has been made on the foregoing sections:

Key West, Fla., to Indian River, Fla., 7 feet depth, $2,127,950.

Indian River, Fla., to St. Johns River, Fla., 7 feet depth, $2,491,056.03.

Fishers Island Sound, Conn., to Narragansett Bay, R. I., 18 feet depth, $12,322,000.

Narragansett Bay, R. I., to Boston Harbor, Mass., 18 feet depth, $29,590,000.

Or a total for projects named of $96,931,006.03.

That is what has been recommended, if this publication is correct, by our Army Engineer Bureau; and, of course, if these estimates should turn out in reality as the Panama Canal estimates turned out, it would be double that amount before we got through with it.

We are going ahead now on portions of this canal. I assume, of course, that there is some commerce in these different canals that connect the open waterways, and that it is not necessary that the entire intercoastal canal shall be completed before it will be of any service. It does seem to me, however—perhaps I am all wrong about it—that before $100,000,000 is to be spent on this kind of a proposition we had better have some system, some plan that will make it of permanent and lasting value.

We have had some other experiences with canals that ought to cause us to pause before making very heavy appropriations. When I was a boy I used to hear about the Hennepin Canal. Some of the people of my State thought in those early days that the Hennepin Canal would be one of the greatest blessings that could ever come to the State of Iowa. I think it is not discourteous to the memory of the man who was then Congressman from the second district in our State, Mr. Murphy, to say that he was elected to Congress time and time again because of the rosy picture which he painted to the voters of the great blessings of the Hennepin Canal. Some of our State officers thought it would be a great blessing. It was claimed by these enthusiasts, who had worked themselves up to believe that this was a splendid scheme, as well as by those whose advocacy of it helped them politically, that it would lower freight rates in our State. It was said that it would save as much as $20,000,000 per annum to the people of Iowa in freight rates.

I was at Princeton, Ill., last year, and while I had heard a great deal all my life about the Hennepin Canal I never had seen it; and learning that it flowed near the town of Princeton I went down to see it. I found the locks and dams there, and a little stream, not in very good repair. The lock keeper informed me that they practically had no commerce whatever along there. This great work has cost this Government up to June 30, 1913, $8,743,347.95; and for the year 1913 the total tonnage of Government freight and commercial freight was 41,342 tons. The commercial freight was 11,962 tons and the Government freight was 29,280 tons. Taking the commercial tonnage for the year 1913, 11,962 tons, and the number of ton-miles, 473,448, it makes the cost to the Government of the United States for the conveyance of freight on this canal $46.33 per ton. It has not reduced railroad rates one penny, and the fact that it shows a carriage of 11,962 tons of commercial freight is evidence that that canal has not been much of a success. In fact, it has been a dismal failure; and I understand the canal it connects with in the State of Illinois has now become in such condition that it is almost impossible to transport anything thereon.

Some observations on the Hennepin Canal are contained in an article in the World's Work of May to October, of 1910, as bound, which are very interesting. There was not any more need of that canal than there was need of a cat having two tails. It was filled with water and opened to navigation October 24, 1907, with great ceremonies, and the distinguished Congressmen who had secured an expenditure of some $7,000,000 on the part of the Government were royally entertained at different banquets along the canal. It was filled with water to start with; it is far from that now. During the calendar year 1908, a total of 8,512 lockages were made at the 30 locks and emergency gates. Over 3,000 of these were for the United States and 5,000 for commercial boats. Seven hundred and twenty of the lockages were made for commercial steamboats and 689 for barges. The remainder were for house boats, gasoline launches, and rowboats. And now, every once in a while, in the moonlight along the canal can be found a rowboat or a launch gliding quietly along, and that is about all there is to it. Of course it is done and gone, and the Government is paying out for cost of operation and maintenance over $200,000 a year.

Another canal to which I wish to refer is the Muscle Shoals Canal. We have from the Secretary of War a statement, in response to a resolution of the Senator from Oregon in the Panama tolls debate, showing the cost of operating locks and dams for the fiscal year ending June 30, 1913, and the total tonnage passing through in each year. Turning to that official document, I find the cost of operation for the fiscal year 1913 of the Muscle Shoals Canal to be $46,393.14, and the tonnage passing through 5,520 tons; and yet we are asked in this bill to go on with further plans of canalization in that river. It costs the Government, excluding capitalization or any reference thereto, for the mere cost of operation, $9 a ton for every ton that goes through there. Are we going to keep on appropriating for that kind of a project?

Trinity River has been referred to. There are three locks, and I think another in process of operation. The cost of operation for the fiscal year 1913 of Lock No. 1 was $1,937.24. Tonnage passing through, nothing.

Lock No. 4: Cost of operation, fiscal year 1913, $355.97, and the same amount of tonnage.

This is the record of the War Department.

Lock No. 6: Cost of operation, fiscal year 1913, $4,190.87. Tonnage, nothing.

It is impossible to figure on the Trinity River how much it costs a ton to put freight through the canal, because there are no tons to figure on. Yet we are seriously asked to go on with a scheme of 37 locks and dams along that river.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I do.

Mr. POMERENE. Do the engineers' reports or any other authority which may be available give any estimate as to what would be the increase of tonnage or shipping which might be expected in the event these contemplated improvements were in fact made?

Mr. KENYON. I think not. Of course, that question suggests the thought that some of these canalization schemes or plans can perhaps not be thoroughly judged until they are entirely completed. There may be situations where one or two locks or dams are constructed and there may be no traffic, while if the entire plan is carried out there may be traffic and there may not be.

Mr. POMERENE. Of course, it occurs to all of us that a given river may be in such a condition as that it would be impossible of navigation, and therefore could not be used at all, and if proper improvements were made it might be made a very available means of transportation.

Mr. KENYON. That is entirely true, and that illustrates the point I have been arguing earlier in the day—that there ought to be some plan to complete these works if they are to be done. We build one year one and one the next, and it will take 37 years to complete the Trinity River, and by the time the last lock is built the first one will be good for nothing. So it is just a merry-go-round of expenditure. That Trinity River canalization is going to cost the Government $10,000,000 before the Government gets through with it.

The Coosa River canalization will cost $5,106,428, it is estimated.

The Lake Erie & Ohio River Canal is another one to which I desire to refer briefly. By section 4 of the river and harbor act of February 27, 1911, the National Waterways Commission was authorized to investigate and report upon the advisability and feasibility of a canal connecting the Ohio River at a point near Pittsburgh with Lake Erie.

In April, 1911, several members of the commission visited Pittsburgh, held hearings, and inspected the route of the proposed canal. At the request of the commission a report was prepared by Lieut. Col. H. C. Newcomer, of the Corps of Engineers, containing much valuable information relative to this project.

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The surveys made in 1905 fixed the total cost at $53,000,000. It is generally conceded now that this figure is somewhat too low—that $60,000,000 would be a more correct estimate.

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It must be conceded that there is not in the whole United States a region offering greater traffic possibilities, especially in coarse, bulky freights such as would naturally go by water. In the territory between the Great Lakes and the Ohio River which this canal will traverse there is moved annually more than 50,000,000 tons of iron ore, coal, and coke, the iron ore being transported from the Lake Erie ports to the Mahoning Valley and Pittsburgh districts and the coal and coke being carried in the opposite direction.

The Lake Erie & Lake Michigan Canal is another project to which we are turning our eyes. Under the act of February 27, 1911, the commission was authorized to investigate and report to Congress concerning a canal by way of the Maumee River to Fort Wayne or other direct and feasible route from the southerly end of Lake Michigan.

So everywhere over the country is coming the demand for canals, absolutely reckless of what the expense may be, notwithstanding the experience that this country has had with reference to the construction and building of canals.

If these enormous expenses are going to keep on, and this Government by systems of canalization is going to be compelled in many instances to pay out more for putting the produce through the canal, as we have shown here is the situation on the Tennessee River, there is going to be another canal that will need enlargement, and that will be the Salt Creek Canal, to carry the political barges that are going up there when the people thoroughly understand this proposition.

I have referred in passing to a feature of this matter that I now want to take up. It has been said here twice, I think, by the Senator from Louisiana [Mr. RANSDELL], in tones that almost melted my heart, that it was very strange that the opponents of this measure objected to nothing but rivers. It is probable that there has been more objection to rivers, as to these river and harbor bills, than there has been as to harbors. Harbors have generally been carried on in their improvements upon a more scientific plan.

I do not know that this point I am about to make amounts to anything, but it seems to me that where the shore line of the harbors in the country in the instance I shall call attention to is controlled entirely by the railroads, then where money is appropriated for these harbors there ought to be some proviso that a portion of it should be paid by the railroads.

It may be that is not sound economic philosophy, but unless you base it on the great necessity and on the great good and the fact that we must have this commerce I can not understand why it should not be done. Coastwise boats, it has been charged here in the Panama Canal debate, were in a trust—I do not know whether it is true or not—and in many instances they are owned by the railroads. Where these railroads have this monopoly of terminal facilities, where the public can not land except with the permission of the railroads, and you grant these large sums of money, you are doing nothing but granting a subsidy to the railroads.

This question is covered to some extent by the report of the Commissioner of Corporations. Where a water front and harbor have been entirely taken over by private interests, as they have in many cases which I will hereafter refer to, many of them absolutely controlled by the railroads, is not an appropriation to improve the same in fact the granting of a subsidy to railroads and to private interests?

In this bill the first instance of this kind is the harbor at Portland, Me., continuing improvement, $105,000. The second instance is Burlington, Vt.; also Beverly Harbor, Boston Harbor, Providence Harbor, New London, New Haven, Bridgeport, somewhat in New York Harbor, Philadelphia, and other harbors to which I will refer. But before referring specifically to these harbors I want to refer to some speeches of distinguished Senators on this floor on this subsidy question. The distinguished Senator from Oklahoma [Mr. OWEN] who, I regret to note, is absent from the Chamber, said, in his speech:

> If the doctrine of giving a subsidy is recognized by the people of the United States as wise and economically just, it would be better for our foreign relations to give the subsidy directly out of our Treasury on the theory of encouraging shipping.
>
> * * * * * * *
>
> We can not wisely attempt to give a subsidy to a few American citizens at the expense of the citizens of every other nation.
>
> * * * * * * *
>
> It is not the amount involved which is most important—

I am reading here and there from his speech—

> for it will only involve six or eight hundred thousand per annum to American citizens, but it is the false principle of a subsidy to private interests at public expense which is so objectionable.
>
> I am opposed to subsidies, either direct or indirect, and I am opposed to this toll exemption to ships owned by American citizens, because it means a special privilege and indirect subsidy. It means taxing the many for the benefit of the few. It is economically wrong.

I propose in this bill to offer amendments that where the water front of these harbors is controlled by the railroads they shall contribute some part of the money necessary to improve those harbors, and I can not see why they should not do it. I think the Senator from Florida [Mr. BRYAN] said that the municipality at Jacksonville contributed some part of the money for that improvement. Is that correct?

Mr. BRYAN. The whole of it.

Mr. KENYON. The whole of it. I was going to ask the Senator if he saw any reason why, when the railroads did control the whole water front and had the power to keep everybody away from it unless they made contracts with them, when we are appropriating these great sums of money for these harbors, we should not safeguard it and compel them in some way to give the right to everybody free from any expense or else to contribute some part.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Louisiana?

Mr. KENYON. I shall be very glad to yield.

Mr. BRYAN. Mr. President, I raise a point of order.

The PRESIDING OFFICER. The Senator from Florida will state his point of order.

Mr. BRYAN. The Senator from Iowa has been frequently interrupted, and I think if he had been allowed to proceed he would have finished before this time. I raise the point of order that the Senator from Iowa can not yield for an interruption except by unanimous consent, and I object to an interruption of the Senator from Iowa.

Mr. KENYON. I think that question rests with me. I have been interrupted too frequently in the past to decline now. I am very glad to be interrupted, not for a speech but for a question.

Mr. BRYAN. It does not rest with the Senator from Iowa. If it did rest with the Senator from Iowa or with any single Senator, he could obtain the floor and by yielding farm it out for a whole session.

This question arose in the discussion upon what is known as the force bill, in 1891, when it was attempted by Senators opposing that bill to relieve each other. One Senator would get the floor and yield to another Senator, as has been done so often in this debate. Senator Hoar raised the point. He objected to an interruption by Senator Butler, of South Carolina, of Senator George, of Mississippi. Senator Butler made the same response that the Senator from Iowa now makes. He said:

> Mr. BUTLER. The Senator has no right to object. I have the floor.
> Mr. HOAR. I have a right to object, and I rise to a question of order.
> Mr. BUTLER. I have the floor by the permission of the Senator from Mississippi.
> Mr. HOAR. I rise to a question of order, Mr. President.
> Mr. BUTLER. I call the Senator from Massachusetts to order.
> Mr. HOAR. I will state my question of order.
> The VICE PRESIDENT—

Who was Vice President Morton—

> The Senator from Massachusetts will state his point of order.
> Mr. HOAR. My point of order is that under the usages of the Senate one Senator has not a right to hold the floor and yield it to another, except by unanimous consent, and I object. Otherwise a Senator might hold the floor for a session, and it has been settled again and again.

Mr KENYON. Does the Senator claim I am yielding the floor to anyone? The Senator from Louisiana got up to ask me a question, I assume, and——

Mr. RANSDELL. I rose to ask the Senator a question.

Mr. BRYAN. The rule provides that only one Senator can speak at one time.

Mr. KENYON. We were not both speaking at once.

The PRESIDING OFFICER. The Senator from Florida makes a point of order, and the Chair is ready to rule upon it.

Mr. BRYAN. I should like to state, further, that the Vice President sustained the point of order. It was not appealed from, and the decision of the Chair seemed to meet the approval of Senators upon both sides of the Chamber.

Mr. SMOOT. Mr. President, just a word. I know that the point of order is not debatable, but I do believe that the question is of such importance that we ought to have an understanding as to what it involves.

Mr. POINDEXTER. Mr. President, I rise to a point of order. The point of order is not debatable, and I ask for the regular order.

The PRESIDING OFFICER. If the Senator from Washington persists in his point of order, the Chair will have to sustain it.

Mr. SMOOT. Then I rise to a point of order. The Senator from Iowa did not yield for the purpose of another Senator making a speech. That would be truly out of order, but there is no rule and no decision in this body, that I know of, where a Senator can not yield for a question, and that does not require

unanimous consent, but it does require the consent of the Senator who has the floor.

The PRESIDING OFFICER. The Chair is ready to rule upon the question.

Under the precedent which has been cited by the Senator from Florida a Senator having the floor can not yield it to another Senator upon objection. Neither the Chair nor the Senate, of course, in proceedings of this character, can take knowledge of the length of time a Senator to whom one having the floor may yield may occupy the floor, and the Chair thinks that the point of order made by the Senator from Florida is well taken. If the rule were otherwise, a Senator having the floor could yield to another Senator, and to other Senators of his own choosing, and the Senate itself would lose control of its proceedings. The right to occupy the floor of the Senate in debate is personal to the Senator having that right, and he can not parcel it out to other Senators.

The Chair has knowledge of the custom which prevails in the Senate upon this subject, but thinks that when the rule is invoked it is made the plain duty of the Chair to enforce it. The Chair therefore sustains the point of order.

Mr. SMOOT. From that decision I appeal to the Senate, for I think it is an unfortunate case that this ruling is made upon, and not justifiable.

Mr. BRYAN. I move to lay the appeal on the table.

Mr. SMOOT. Upon that motion I ask for the yeas and nays.

Mr. SIMMONS. I wish to inquire of the Chair the exact point he has ruled upon. I do not know that I understand it. It is my understanding that the Chair has ruled that a Senator occupying the floor can not yield it to another Senator who wishes to interrupt him if an objection is made.

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. SIMMONS. The Chair does not hold that if no objection is made a Senator can not yield.

The PRESIDING OFFICER. Certainly not. The case upon which the ruling arose was this: The Senator from Iowa having the floor, was addressed by the Senator from Louisiana, who wished to interrupt him. The Senator from Florida objected, and made the point of order that the Senator from Iowa could not yield to the Senator from Louisiana except by unanimous consent; that if objection was made, he could not yield. The Senator from Florida objected to the Senator from Iowa yielding, and the Chair sustained the point of order. From that ruling of the Chair the Senator from Utah appeals, and the Senator from Florida moves to lay the appeal on the table. On that question the Senator from Utah demands the yeas and nays. Is the call for the yeas and nays sustained?

The yeas and nays were ordered.

Mr. BRYAN. Perhaps in that event it would be better to secure a quorum, in order that Members coming in may understand what the question is. For that reason I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Florida suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Brady | Hughes | Nelson | Smith, S. C. |
| Bryan | James | Norris | Smoot |
| Burton | Johnson | Overman | Stone |
| Camden | Jones | Page | Swanson |
| Chamberlain | Kenyon | Perkins | Thomas |
| Chilton | Kern | Pittman | Thornton |
| Clapp | Lane | Poindexter | Vardaman |
| Crawford | Lea, Tenn. | Pomerene | Walsh |
| Culberson | Lee, Md. | Ransdell | West |
| du Pont | Lewis | Robinson | White |
| Fletcher | Martin, Va. | Sheppard | Williams |
| Gore | Martine, N. J. | Simmons | |

Mr. STONE. I desire to state that I have a general pair with the Senator from Wyoming [Mr. CLARK], who, I understand, is absent from the city.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. MCCUMBER and Mr. STERLING answered to their names when called.

Mr. BANKHEAD entered the Chamber and answered to his name.

The PRESIDING OFFICER. Fifty Senators have answered to the roll call. A quorum is present. The question is on the motion of the Senator from Florida [Mr. BRYAN] to lay the appeal from the decision of the Chair on the table.

Mr. SMOOT. Is that the way the Chair will put the question, or will the Chair put it, Shall the decision of the Chair be sustained?

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida to lay the appeal on the table.

Mr. WEST. Was there not an appeal from the decision of the Chair?

The PRESIDING OFFICER. There was. If there is no objection, the Chair will state the question to the Senate. The Chair hears none.

The Senator from Iowa [Mr. KENYON] was occupying the floor in debate. The Senator from Louisiana [Mr. RANSDELL] asked to interrupt the Senator from Iowa. The Senator from Florida [Mr. BRYAN] objected, and made the point of order that the interruption could not be made without unanimous consent. The Chair sustained the point of order on the basis of a precedent in the Fifty-first Congress, second session, which is analogous to the case at issue.

In that instance a Senator occupying the floor in debate was interrupted by another Senator, and the Senator from Massachusetts, Mr. Hoar, made the point of order that that could not be done except by unanimous consent, and he objected.

The Vice President, Mr. Morton, after considerable discussion of the subject, sustained the point of order, on the theory that the right of a Senator to occupy the floor in debate is personal; that he can not parcel out his time or that right to other Senators of his own choosing; and that the Senate, if any other precedent were established, would lose the right to control its own proceedings.

Upon the basis of the precedent established by Vice President Morton in the Fifty-first Congress, the present Presiding Officer sustained the point of order made by the Senator from Florida. From that ruling the Senator from Utah [Mr. SMOOT] appealed. Thereupon the Senator from Florida moved to lay the appeal on the table. The question is, therefore, on the motion of the Senator from Florida to lay the appeal on the table, on which the yeas and nays have been ordered. Those in favor of laying the appeal on the table will vote "yea"; those opposed will vote "nay."

Mr. REED. Mr. President, a matter of parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED. I presume the motion to lay on the table cuts off debate?

The PRESIDING OFFICER. It does.

Mr. REED. That is its purpose. Of course the question is not debatable——

The PRESIDING OFFICER. It is not debatable.

Mr. REED. But I shall certainly vote against the inauguration of any new system of gag rule.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. In his absence I refrain from voting.

Mr. WILLIAMS (when his name was called). I announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from Arizona [Mr. SMITH] and vote "yea." I ask that this announcement concerning my pair and its transfer stand for the day.

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I transfer the general pair which I have with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Nebraska [Mr. HITCHCOCK] and let my vote stand.

Mr. JOHNSON. I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I will transfer that pair to the senior Senator from Indiana [Mr. SHIVELY] and vote. I vote "yea."

Mr. GORE. I desire to announce my pair with the junior Senator from Wisconsin [Mr. STEPHENSON] and therefore withhold my vote. If at liberty to vote, I should vote "yea." I desire, however, to be counted as present.

Mr. GALLINGER (after voting in the negative). I have voted, but I now observe that the junior Senator from New York [Mr. O'GORMAN], with whom I have a pair, is absent. I transfer my pair to the Senator from Illinois [Mr. SHERMAN] and will allow my vote to stand.

I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

Mr. JAMES (after having voted in the affirmative). I desire to inquire if the junior Senator from Massachusetts [Mr. WEEKS] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. JAMES. I have a pair with that Senator, and, therefore, withdraw my vote.

Mr. CHILTON (after having voted in the affirmative). I neglected to announce that I have a general pair with the Senator from New Mexico [Mr. FALL], but under the terms of the pair I have a right to vote and I will let my vote stand.

The Secretary recapitulated the vote.

Mr. KENYON. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Iowa will state it.

Mr. KENYON. My point of order is that the Chair has no right to vote to sustain his own ruling.

The PRESIDING OFFICER. The Chair voted inadvertently. The Chair would not wish to vote to sustain his own ruling, anyway. The Chair asks leave to withdraw his vote. The Chair hears no objection.

Mr. JAMES. I transfer the pair which I have with the Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote. I vote "yea."

The result was announced—yeas 28, nays 24, as follows:

YEAS—28.

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | Lewis | Simmons |
| Bankhead | Hughes | Martin, Va. | Smith, S. C. |
| Bryan | James | Martine, N. J. | Swanson |
| Camden | Johnson | Pittman | Thompson |
| Chamberlain | Kern | Ransdell | Thornton |
| Chilton | Lea, Tenn. | Sheppard | White |
| Culberson | Lee, Md. | Shields | Williams |

NAYS—24.

| | | | |
|---|---|---|---|
| Brady | Jones | Overman | Shafroth |
| Burton | Kenyon | Page | Smith, Mich. |
| Clapp | Lane | Perkins | Smoot |
| Crawford | McCumber | Poindexter | Sterling |
| du Pont | Nelson | Pomerene | Townsend |
| Gallinger | Norris | Reed | West |

NOT VOTING—44.

| | | | |
|---|---|---|---|
| Borah | Goff | O'Gorman | Smith, Md. |
| Brandegee | Gore | Oliver | Stephenson |
| Bristow | Gronna | Owen | Stone |
| Burleigh | Hitchcock | Penrose | Sutherland |
| Catron | Hollis | Robinson | Thomas |
| Clark, Wyo. | La Follette | Root | Tillman |
| Clarke, Ark. | Lippitt | Saulsbury | Vardaman |
| Colt | Lodge | Sherman | Walsh |
| Cummins | McLean | Shively | Warren |
| Dillingham | Myers | Smith, Ariz. | Weeks |
| Fall | Newlands | Smith, Ga. | Works |

So Mr. BRYAN's motion to lay on the table the appeal from the decision of the Chair was agreed to.

Mr. GALLINGER. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GALLINGER. I was absent from the Chamber when the ruling was made, and I beg to request the Chair to state precisely what the question was.

The PRESIDING OFFICER. If there is no objection, the Chair will comply with the request of the Senator from New Hampshire. No objection is made.

The Senator from Iowa [Mr. KENYON] was occupying the floor in debate. The Senator from Louisiana [Mr. RANSDELL] asked leave to interrupt him. Objection was made by the Senator from Florida [Mr. BRYAN], who made the point of order that the Senator having the floor could not yield to another Senator except by unanimous consent, and that, if objection were made, he could not yield.

The Chair, upon the basis of a precedent—and there seems to be no precedent to the contrary—established by Mr. Vice President Morton, January 20, 1891, during the Fifty-first Congress, second session——

Mr. GALLINGER. During the debate on the force bill.

The PRESIDING OFFICER. During the debate on the force bill. The presiding officer, I repeat, sustained the point of order. From that ruling the Senator from Utah [Mr. SMOOT] appealed, and the Senator from Florida [Mr. BRYAN] moved to lay the appeal on the table. The Senate took the vote upon the motion of the Senator from Florida to lay the appeal on the table, and, as the Chair has just stated, the appeal was laid on the table.

Mr. GALLINGER. Mr. President, I ask unanimous consent to make a single observation.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. KENYON. I desire to inquire——

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. KENYON. I desire to inquire whether, in view of the proceedings which have taken place, I have lost the floor?

The PRESIDING OFFICER. The Senator from Iowa has the floor. The Senator from New Hampshire asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. GALLINGER. Mr. President, the observation I desire to make is that my recollection——

Mr. BRYAN. Mr. President——

Mr. GALLINGER. I have obtained unanimous consent, and I propose now to proceed.

Mr. BRYAN. I do not propose to object; I desire to make one suggestion to the Chair.

Mr. REED. I raise the point of order that that can not be done without unanimous consent.

The PRESIDING OFFICER. The Senator from New Hampshire, having refused to be interrupted, will proceed.

Mr. GALLINGER. The observation, Mr. President, I was about to make—and I shall avail myself of that privilege, having secured unanimous consent to do so—is that, as I recall the precedent that was invoked by the Presiding Officer, the point made was that a Senator could not yield to another Senator to make a speech or to parcel out the time of the session to other Senators. A careful examination of that precedent, which I quote from memory, will develop that fact. I also call attention to Rule XIX, clause 2, which says:

No Senator shall interrupt another Senator without his consent, and to obtain such consent he shall first address the Chair.

Mr. President, here is the formula laid down in the Book of Precedents governing interruptions in debate:

7. Interruptions in Debate.

A SENATOR. Mr. President, may I interrupt the Senator to ask a question?

The PRESIDING OFFICER. Does the Senator from ——— yield for a question, or consent to be interrupted for a question?

The SENATOR. I have no objection.

Another form:

A SENATOR. Mr. President, I desire the consent of the Senator from ——— to make a statement, or to ask a question.

The PRESIDING OFFICER. Does the Senator from ——— yield to the Senator from ———?

The SENATOR. I do.

Mr. President, that is the formula which has been followed here for 23 years, to my recollection, and I think no unusual progress will be made in the consideration of this bill if revolutionary rulings are to be made.

The PRESIDING OFFICER. The Chair thinks that it is not improper to ask the indulgence of the Senate to reply briefly to the statement just made by the Senator from New Hampshire.

Mr. REED. Mr. President, I think the Chair will have to obtain unanimous consent, under the ruling of the Chair.

The PRESIDING OFFICER. Very well, the Chair will not ask unanimous consent. The Senator from Iowa will proceed.

Mr. KENYON. Mr. President, I am very glad that I have at least retained the floor. It is a most amazing thing that for the first time, as the Senator from New Hampshire [Mr. GALLINGER] states, in 23 years a gag rule is to be applied to the Senate to pass a "pork-barrel" bill. If the Senators who have so nicely arranged this drama think that they will gain anything by that kind of performance, they will be very much mistaken. I was not delaying the Senate. I represent a constituency here that is just as much entitled to speak on the floor of the Senate as is the constituency interested in the creeks and rivers of North Carolina, Florida, and other States.

When the Senator from Louisiana arose and in a gentlemanly way asked me a question I little dreamed of the stage setting; I little dreamed that the Senator from Florida was prepared with his precedents to make the point. As soon as the point was made I observed that, with but little argument, there were plenty of authorities on the desk of the Presiding Officer.

I simply state the facts and let them go to the country. We have gone along here without adjournment, recesses having been taken from day to day. Let the country know why that has been done. Senators who expect to jam through this measure, in view of the fact that under the rules no man could speak more than twice on one day, thought they could, by a system of recesses, thereby continuing the legislative day until the end of the session, stop a Senator from making more than two speeches, and in that way expedite the passage of the pending measure.

When the absence of a quorum was suggested on yesterday and on the day before the Senator having charge of this bill objected to the calling of the roll, because he said no business had been transacted since the last roll call, although in both instances he was wrong. Let the country know that that is another part of the plan. Talking, of course, is not business, and so some of you think—not all, thank the Lord—that by that kind of a proceeding you can stop us from discussing this bill. I was going to finish my remarks, as I said, in a very few moments, but I will take my time now.

So we have a new precedent now established in the Senate in order to get out of the way a bill to appropriate $43,000,000 before a bill taxing the American people shall come over to the Senate, in order that the Senator who has charge of this bill on the floor and who will have charge of that may not be compelled to perform the legislative legerdemain of having to keep both of these bills going at the same time, one to tax the people and the other to take the money out of the Treasury of this country.

I am not going to object to this kind of a proposition. The country has become aroused over the river and harbor bill; the people do not propose that the money that is wrung from them by taxation shall go into dry creeks and waterless rivers without a protest on their part. The gentlemen who have arranged so beautifully this performance are hearing from the country, and they will hear more, and that is why they are so anxious to stop the discussion of this bill.

Mr. President, I have said before—I would be justified in changing my statement now, although I am not going to do so—that I would not filibuster against this bill, but I say to those who are interested in the item for the lower Mississippi River that if they are going to unite in efforts to prevent fair discussion of this bill, and it eventually fails, their constituency can charge it not up to us but to the unfair methods and unfair tactics resorted to on behalf of waterless creeks which have stood in the way of the Mississippi River appropriations.

Mr. President, with those few observations I shall pass to where I was before this drama was enacted. I hope the country will simply look this drama over, and ask themselves why, when the habit has existed among the gentlemen of the Senate, bound by a high sense of honor, that one Senator could ask another a question, for 24 years no such rule has ever been invoked as has been invoked to-day.

I was discussing the question of a subsidy, that the voting of large sums to improve rivers and harbors where the railroads owned the entire water front was nothing more nor less than a subsidy to the railroads. I had quoted on this subject the distinguished Senator from Oklahoma [Mr. OWEN]. I desire now to quote the distinguished Senator from Kentucky [Mr. JAMES]. These debates were at the time of the Panama Canal tolls discussion. He is always interesting in debate, and he says:

> If I were in favor of a subsidy of any character, I should give it to that ship and to those engaged in the merchant marine that operate in competition with the world, extend our trade, and find a market for our labor, instead of giving it to a monopoly that did neither, and that was absolutely, by reason of the law, protected against competition.

He says:

> Mr. President, what was the rock upon which we built our hope and our faith in the battle of 1912? For almost 20 years we had been out of power. Our Republican brethren had controlled both branches of Congress and the Presidency. For the first time in that length of time we had been trusted by the American people with control of the great House of Representatives, and we built our hopes for success upon the rock of accomplishment and the acts of the House of Representatives in that Congress.

After a little he says:

> Three of the best-known tenets of my party which I have been taught are a tariff for revenue only, taxation of the fortunes of the rich, and opposition to subsidy.

The eminent gentleman from Kentucky says:

> I am not wandering upon strange ground when I declare that my party has always opposed a subsidy. I have a record of its platforms in the past. The very shibboleth of it, "Equal rights to all and special privileges to none," is enough, if no more.
>
> * * * * * * *
>
> Let us see, however, what the party has said before.
> In our platform of 1900 what did we say? Here it is:
>
> "We denounce the lavish appropriations of recent Republican Congresses, which have kept taxes high and which threatened the perpetuation of the oppressive war levies. We oppose the accumulation of a surplus to be squandered in such barefaced frauds upon the taxpayers as the shipping subsidy."

Again, the distinguished Senator says:

> The Democratic platform of 1904 uses this language:
> "We denounce the ship-subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes, and a wasteful, illogical, and useless attempt to overcome by subsidy the obstructions raised by Republican legislation to the growth and development of American commerce on the sea."
>
> * * * * * * *
>
> In 1908, in the Democratic platform, we used this language:
> "We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury."
> So our party in 1900, in 1904, and in 1908 has declared against subsidies of every character.

And yet in this bill, which there is such an urgency to pass, you are voting millions of dollars that are nothing but subsidies.

But—

He says—

> it is the old cry over again. When they first came to the United States Congress and asked us to give them the right of subsidy, to take the people's money, the taxpayers' money from their Treasury and give it to a favored few, generally, as in this case, a monopoly, they called it then a subsidy.
>
> * * * * * * *
>
> Why, Senators, if it were proposed that we should give to every laborer in this country who did not make as much as $2 per day a subsidy that would make up the additional amount required in order to meet the $2 wage, Senators would call that socialism, and they would be right; but you are doing the very same thing.
>
> * * * * * * *
>
> Oh, but some of our friends tell me that the reason they are in favor of this exemption is because it will lower transportation rates.

And this is applicable on another branch of the case which I wish to present fully to the gentlemen who have voted for the gag rule and have now left the Chamber.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

Mr. SHEPPARD. Mr. President, I make the point of order that the point is out of order, no business having been transacted since the last roll call.

Mr. KENYON. I suggest to the Chair that there has been a vote.

Mr. SHEPPARD. I withdraw the point. I did not realize that.

Mr. KENYON. Does the Senator make the point of order that the Senator from Michigan had no right to call for a quorum?

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Chair was about to observe that there had been a vote.

Mr. SHEPPARD. I withdraw the point. I was under the impression that a quorum had been called for since then.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | James | Pomerene | Swanson |
| Bankhead | Johnson | Ransdell | Thomas |
| Bryan | Kenyon | Reed | Thompson |
| Burton | Kern | Robinson | Thornton |
| Camden | Lea, Tenn. | Shafroth | Vardaman |
| Chamberlain | Lee, Md. | Sheppard | Walsh |
| Culberson | Martine, N. J. | Shields | West |
| du Pont | Myers | Simmons | White |
| Fletcher | Overman | Smith, Md. | Williams |
| Gallinger | Page | Smith, S. C. | |
| Gore | Perkins | Smoot | |
| Hughes | Pittman | Sterling | |

The PRESIDING OFFICER. Forty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of absent Senators.

Mr. MARTIN of Virginia, Mr. BRANDEGEE, Mr. BRADY, and Mr. LANE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The Senator from Iowa will proceed.

Mr. KENYON. At the time of the interruption I was calling attention to the remarks of the Senator from Kentucky [Mr. JAMES] on the subject of subsidies, and had nearly concluded—that is, I had nearly concluded reference to his remarks. This is apropos also on the question of the continuous cry that the opposition to river and harbor improvement is led by the railroads. He said:

> Some of our friends tell me that the reason they are in favor of this exemption is because it will lower transportation rates. Yes! I never did see an advocate of a subsidy come up and meet the issue fairly and squarely. They always have some deceptive cry. It is always not for themselves—oh no—but for the dear people. "Just let us ram our

hands into the Public Treasury and take the money out, and then we will give it back to the people in an indirect way."

That is the proposition, just as a distinguished Senator, who rushed in here long enough to vote for the gag rule, remarked some days ago:

You might as well lay down. We are going to get it anyhow.

He said:

As the people already have the money, I would rather rely upon keeping it by holding it in the Treasury, rather than to hand it to them upon the theory that they will give it back to us again by a reduction of freight rates. One thing of which we can be certain, the monopoly in any event will not give us more back than they took from us, so we in any event have nothing to gain.

As to the beneficent Shipping Trust, that controls the shipping along the coast, and for which you are voting great sums of money through the harbors, hurrying up to vote it before the bill gets over here to tax the American people for it, he uses some language that might be profitably considered by you. He says:

Yes; this beneficent Shipping Trust that is so patriotic now, clad in the habiliments of Uncle Sam and waving his red, white, and blue colors, whenever it gets the subsidy—

A most entertaining sound, delightful to contemplate.

The distinguished Senator from West Virginia [Mr. CHILTON] said what I am about to read in reference to this subsidy—and if this is not a subsidy, I should like to have him explain what it is. When we undertake to improve a harbor, where the people have not a right to step a single foot on the land without the consent of some railroad that owns it all, would it not be common, ordinary horse sense to say that the railroad ought to pay some part of it? And if Senators do not require the railroad to pay some part of it, they are voting a subsidy to the railroad. That is the point I am trying to make, and that that subsidy is against Democratic platforms and Democratic speeches and against the notions of a good many of us who are not Democrats.

In its platforms—

He says (Senator CHILTON)—

from the stump, and in the votes of its members in both branches of Congress the party has adopted the policy of opposition to subsidies. Those who have discussed this position from a standpoint antagonistic to mine have taken some trouble to define the meaning of the word "subsidy." I find that Webster's Dictionary describes a "subsidy" to mean—

"A grant from the Government or from a municipal corporation, or the like, to assist and promote an enterprise deemed advantageous to the public; a subvention."

I find that a "subdivision" means "a Government aid or bounty."

That is exactly what this is.

The most prominent illustration from which the meaning of the Democratic Party's hostility to subsidies may be obtained is, strange to say, what is known as ship subsidies, the very subject with which we are dealing at this time. The principle upon which the Democratic Party opposes subsidies is that it is the taking of the money of all the people and giving it to a few; that the shipping business is, after all, but the business of a common carrier. * * * But I have been unable to see why a grant of land or money to a railroad is not the same thing as a grant of money to ships.

* * * * * * *

If the principle of subsidy is right—that is, if it be best for this Government to pay money out of its Treasury belonging to all the people for the purpose of encouraging a coastwise trade—then it is also a good thing to pay money out of the Treasury to encourage the seagoing trade. If we mean to be for subsidies, we ought to do it directly and in the open.

And so, in this bill, there ought to be an amendment to every harbor appropriation section where it appears that that harbor is controlled entirely by the railroads.

I want to refer to one more Senator on this subject. That is the other distinguished Senator from Oklahoma [Mr. GORE]. He referred very briefly to this subject in the same debate, as follows:

Mr. President, that the remission of tolls is equivalent to a subsidy has not, indeed, been controverted. To ask that question is to answer it. No one would deny that if the Government should first collect tolls and then return them to the shipowners that would constitute a subsidy. The character of the transaction is not changed by the circumstance that the shipowners are allowed to retain the tolls in the first instance. The effect upon the General Treasury is the same. The effect upon the private treasury of the shipping concerns is the same. In both instances the shipowners receive and enjoy the money, and the people are taxed to supply the deficiency thus occasioned. That, sir, involves every element of subsidy.

I shall take up the report of the Commissioner of Corporations on transportation by water covering this question. The New Orleans Item, published in the State of the distinguished Senator who tried to ask me a question about this matter and could not do so without unanimous consent—and objection was made for the first time in 24 years—says on this question of subsidy—and the editor of this paper is one of the most able editors in this country and one of the most fearless men in this country. I have enjoyed a personal acquaintance with him for, lo, these many years. He has a very interesting suggestion as to subsidy, and while it is written with reference to free tolls, it bears somewhat upon the bill in question.

Wild is the clamor of those who, seeking a peg whereon to hang their conversational defense of vole face to the side of "free-tolls repeal," denounce the horrific quality of the "subsidy" to the coastwise shipping contained in a "free tolls" provision.

"Each ton of shipping," they solemnly aver, "should pay its just share of maintenance, cost of construction, and general supervision."

"Furthermore," they clamor, "the beneficiaries of this damnable subsidy will be the owners of ships, and these shipowners are monopolists, or, if they are not monopolists, are probably kin to a railroad stockholder."

Then they froth at the mouth.

Let us stop and consider a moment.

We have in Louisiana a river termed "the Red." Upon the aforesaid Red Uncle Samuel has spent much money. Frankly, the purpose of spending the money is to enable steamboats to continue to use the river in competition with the railroads. In other words, a purpose just like that which led to cutting the Panama Canal.

The Federal Government has spent on the Red River in comparatively recent years the neat sum of $3,000,000; and in 1911 or 1912—we have forgotten which—the Red River bore the magnificent commerce of 68 tons.

I should think in appropriations for that river you would want to invoke a gag rule.

This tonnage paid no tolls. If it had paid tolls, to meet it each ton's proportionate part of the interest charge alone on the money spent on the Red—

The money there was put on the Red—

each ton must have borne a charge of $2,000.

That is a paper from the State of the distinguished Senator who wanted to ask a question and was not permitted to do so. The question may have been about the Red River.

Yet the Panama Canal is just as much a part of the domestic waterway system of the United States as is the Red River.

The money spent on the Red River is justified, because the mere existence of the river as a waterway has held down freight charges in the Red River Valley to a sum well worth the expenditure of $3,000,000 to win.

Yet, according to the philosophy of the opponents of "free tolls," the carriers of the 68 tons of freight on the Red River got a "subsidy" of $2,000 per ton—

Which figures, I think, are too small, but, in any event, the tonnage would be less than 1,000 tons, except floating logs. But, according to this editor, as he had figured it out—

the people were mulcted of $120,000 interest charges, without return—

And was a subsidy of a couple thousand dollars a ton. That is too much. But will not the American people who have witnessed the performance of the afternoon look into the Red River a little and the appropriations that Congress is making for it? which exampie—

He says—

properly reduces to absurdity the "subsidy" plea, for if that plea is to be ground for establishment of the rule that all waterway improvement must be paid for by the tonnage resultant, then must waterway improvement by the United States be abandoned on every river and every canal in the United States, for on none does tonnage pay tolls, and on none could tonnage pay tolls.

Recompense has come to the American people by lowered freight rates by rail as well as by the actual use of the waterways.

Mr. President, I desire to peruse what I had not intended to take up at this time, but under the circumstances I think I will do so. There does not seem to be much else occupying the attention of the Senate. It is the report of the Commissioner of Corporations on transportation by water in the United States, showing the very important fact that these great harbors are controlled as to landings and terminals by the railroad companies. I read it for the purpose of substantiating the point I have been trying to make that this bill—I hardly believe my friend from Ohio agrees with me on the point of subsidy I am making, but, of course, in his own time—and I will be glad to hear him—I hope he will elucidate somewhat on the proposition.

In the letter of transmission by the Commissioner of Corporations to the Department of Commerce and Labor, submitting part 3 of the report on "Transportation by water in the United States," many interesting things are said. Says Mr. Herbert Knox Smith:

Our harbor organization, as a rule, is faulty. A harbor has two prime features—"commercial" and "industrial." The commercial function deals chiefly with "through" freight, with the transshipment between rail and water lines, or between water lines, of freight not destined to or originating at the harbor itself. The industrial function, on the other hand, deals with local freight. It affords rail-water connection and wharf storage for local industries and distributing houses. It affects local interests far more deeply than the mere passage of through traffic. The commercial use of our water front often interferes seriously with its industrial use. Great railroad terminals, largely used for through freight, extend along our most active frontage, crowding out its use by the local industries. In general good harbor organization would place the through-freight terminals at relatively outlying parts of the harbor, leaving the central portion more free for local business. Many harbors could do this with much local benefit, especially the important lake ports, with their inner—river—harbors and their outer lake frontage protected by breakwaters, an almost ideal conformation.

I observe there are now nine Senators in the Chamber—the Senator from Missouri [Mr. REED], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Ohio [Mr. BURTON], the Senator from Vermont [Mr. PAGE], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Texas [Mr. SHEPPARD], the Senator from Colorado [Mr. THOMAS], and the Senator from Ohio [Mr. POMERENE], who is in the chair. Of course I do not care anything about that myself at all. The gentlemen who have gone out, I suppose, are under the impression that by the vote they have cast they have gagged us, to some extent, in this discussion, and what I have to say here I am not saying to the few Senators who are in the Chamber, though since that time the Senator from Montana [Mr. WALSH] has come in, and the Senator from Maryland [Mr. LEE] and the Senator from Tennessee [Mr. LEA]. We are presenting our case now to a jury of the American people, who believe in fair play. I am glad to see that the old commoner from Minnesota [Mr. CLAPP] has come in. He is seldom absent.

Private interests control nearly all of our active water frontage. Public control exists in considerable degree only at New Orleans, San Francisco, Baltimore, and New York, and is greatly modified at New York by exclusive private leases for long terms. Out of 50 of our foremost ports, only 2—New Orleans and San Francisco—have practically complete public ownership and control of their active water frontage; 8 have a small degree of control, and 40 none at all. Out of 37 ports for which data are available, excluding New Orleans and San Francisco, only 14 have any publicly owned wharves—about 260 such wharves in all, many privately controlled under long leases. Out of 25 ports with available data, excluding New Orleans and San Francisco, only 10 have wharves "open" to general traffic, with a total of only 49 such wharves, the majority insignificant and antiquated. Out of 46 such ports, excluding the same two cities, a majority of the active frontage is privately owned in 40 and in 6 a small amount is so owned. Out of the 50 foremost ports above mentioned, there are 21 in which railroad ownership and occupancy covers over 50 per cent of the active frontage, and 12 more between 25 and 50 per cent. It is our theory that the waterways are public highways. In fact, their essential terminals are largely under private control.

He says further:

At 4 of the most important lake ports there is a total front of about 12 miles protected by breakwaters. On this entire 12 miles there are only about 10 active wharves, nearly all under railroad control. Of this frontage, railroads own about 7 miles, other private parties about 3, and the cities about 2.

Omitting a large part of this letter of transmittal, I am anxious to place in the RECORD one or two further suggestions which are made:

Terminal charges are a considerable factor in water traffic, especially "dockage," a charge on the vessel, and "wharfage," a charge on the freight passing over the wharf. Particularly on the Mississippi system excessive landing charges have hindered traffic.

Such high landing charges, together with the absence of adequate terminals, show forcibly the extreme lack of cooperation between the localities and the Federal Government. The Government's enormous expenditures on channels are in many cases largely neutralized by the action or nonaction of the local authorities on terminals. There has been, indeed, some excellent local cooperation in channel work, as at Portland, Oreg., Seattle, Cleveland, and Buffalo, but the far greater need is for local cooperation in terminals. Localities should, as a rule, be required to furnish and keep open adequate terminals as a condition precedent to channel improvement by the Federal Government. It is their fair share of the work, and they alone can do it effectively.

In this bill there are some provisions—not many of them—providing that the local community shall contribute some part of the expense or shall provide public docks for the benefit of all the people. That is a reform that ought to be brought about in river and harbor legislation. So he concludes by saying:

There are thus five salient facts: First, that terminals are as important as channels; second, that our harbors have not fully developed their terminal frontage, nor are they properly organized or controlled; third, that railroads largely control water terminals, often to the disadvantage of general water traffic; fourth, that there is almost no linking up of the rail and general water systems at the water's edge, but, rather, the opposite tendency; fifth, that there is little cooperation by localities with the Federal Government, which improves their channels.

That is one of the things, Mr. President, that I have been insisting upon as to the bill I have prepared, and I shall introduce amendments with relation to this bill so that the great bounty of the Government as to harbors shall not become a mere subsidy to the railroad companies.

Probably no one besides the distinguished Senator from Ohio has given more thought to that subject than the former Commissioner of Corporations, Mr. Herbert Knox Smith. So it is not a waste to listen in the spirit of patience which the Senate manifests in listening to what he has to say. He says our public highways and the terminals ought to be just as much public—or at least there ought to be some opportunity for the public to have some rights as to a terminal without asking the railroad company.

For example—

He says—

this part shows that a surprisingly large proportion of the most available water frontage and terminals is controlled by railroads. It is only proper to add, however, that in order to serve the proper needs of transportation railroads must have the continued use of a certain amount of water terminals; also, that much of the railroad-owned water frontage is merely rights of way, and not in any sense active terminal property.

And that is undoubtedly true.

In the city of New York this question has been met to some extent by the city acquiring important docks of its water front, particularly on Manhattan Island.

In 1905 the city owned some 207 piers in New York. That made it possible to have a proper relationship between railroad transportation and water transportation. So there can not be on the question I am raising as to subsidy fairly included the harbor of New York.

Boston Harbor, as the bill originally came here, had an appropriation of $400,000, but being far from North Carolina, that appropriation seems to have vanished in the revision of the bill.

Of course the appropriations for the North, as the Delaware River and Boston Harbor, naturally might be cut, because this work, we have been informed, can not be done in the wintertime in any event, while on certain creeks work can be done all the year round.

Speaking of Boston Harbor, Mr. Herbert Knox Smith says in this report:

While there is some rail and water coordination, it is by no means complete. It merely connects the trunk rail lines with each other and with their water terminals, and serves very slightly the local industries. It is represented mainly by the so-called Union Freight Railroad, controlled by the New York, New Haven & Hartford Railroad Co., connecting also with all the other railroad systems there, but running along only a small fraction of the water front.

* * * * * * *

The ownership of the Boston water front is chiefly private, consisting of a large area of railroad holdings, about eight important wharf companies, and much industrial frontage. The city owns a few scattered and unimportant wharves, but most of its frontage is used for park, municipal, and ferry purposes. The State has an undeveloped tract, known as the "Commonwealth Flats," with large possibilities for terminal use. Most of the trans-Atlantic lines use railroad piers. Coastwise steamships usually lease their piers.

The situation at Philadelphia—and I do not know just how much this bill carries in that regard—I think the appropriation was cut down for Delaware River——

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. KENYON. We have now a rule——

Mr. SHEPPARD. I object.

Mr. CLAPP. I should like to inquire the date of that report.

The PRESIDING OFFICER. The Senator from Texas objects. The Senator from Minnesota has inquired as to the date of the report.

Mr. CLAPP. Then I ask unanimous consent. The Senator from Iowa is reading a report, and it is a very important matter. I think I could have added something——

Mr. SHEPPARD. I object to any interruption.

Mr. GALLINGER. Mr. President, I rise to a question of order. Rule XIX, clause 1, provides that:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer.

If we are to overthrow that rule, where will we end?

Mr. POINDEXTER. Mr. President, I should like to make a further point of order.

The PRESIDING OFFICER. The present occupant of the chair indicated by his vote on this question what is his view upon it. A ruling was made by the Senate which is contrary to the practice which has prevailed here ever since the present occupant was a Member of this body. Under the circumstances the Chair feels disposed to submit this question to the Senate for its decision.

Mr. GALLINGER. Mr. President, I suppose that is reasonably debatable.

The PRESIDING OFFICER. It is debatable.

Mr. SIMMONS. What is the question?

Mr. GALLINGER. I desire to occupy the attention of the Senate just a moment. Rule XIX, clause 1, as I have already quoted, says in explicit terms:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer.

Mr. SMITH of Michigan. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SIMMONS. Mr. President, I rise to a point of order.

Mr. KENYON. The roll call has started and can not be interrupted.

XUM

The PRESIDING OFFICER. The Secretary will proceed with the calling of the roll.

The Secretary resumed the calling of the roll.

Mr. SIMMONS. I certainly can state my point of order.

Mr. SMITH of Michigan. Not now.

Mr. SIMMONS. I ask for a ruling of the Chair. I have a right to state my point of order. I ask permission to state my point of order.

Mr. SMITH of Michigan. Regular order!

The PRESIDING OFFICER. The Secretary will proceed with the calling of the roll.

The Secretary resumed and concluded the calling of the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gallinger | Nelson | Simmons |
| Brady | Gore | Overman | Smith, Mich. |
| Brandegee | Hughes | Page | Stone |
| Bryan | James | Perkins | Thomas |
| Burton | Kenyon | Pittman | Thompson |
| Camden | Kern | Poindexter | Thornton |
| Chamberlain | Lane | Pomerene | Vardaman |
| Chilton | Lea, Tenn. | Ransdell | Walsh |
| Clapp | Lee, Md. | Reed | West |
| Culberson | Lewis | Shafroth | White |
| du Pont | Martin, Va. | Sheppard | Williams |
| Fletcher | Myers | Shields | |

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is not present. The Secretary will call the names of absentees.

The Secretary called the names of absent Senators, and Mr. MARTINE of New Jersey and Mr. ROBINSON responded to their names when called.

Mr. BANKHEAD entered the Chamber and answered to his name.

Mr. CLAPP. I think it already appears in the RECORD, but I desire to renew the announcement that the senior Senator from Kansas [Mr. BRISTOW] is detained from the Senate by illness. I will let this statement stand for the day.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. GALLINGER. Mr. President, I was unavoidably absent from the Chamber when this question arose in the first place, and on my return was astounded to learn that the ruling which has been more or less discussed had been made. I have been here 23 years and over and the rule invoked to-day has never been suggested during that time. It would have been a matter of the utmost surprise to every Member of this body, whether he is here now or not, had such an effort been made.

We have been proceeding under the rules of the Senate, Mr. President, and Rule XIX, clause 1, which is taken from Jefferson's Manual, has been recognized as a binding rule upon this body. I have already quoted the rule, which is couched in these words:

No Senator shall interrupt another Senator in debate without his consent—

"Without his consent," Mr. President; not the consent of the Senate—

and to obtain such consent he shall first address the presiding officer.

Mr. President, it has been attempted this morning, by a ruling which I regard as revolutionary and unjust, to change that rule of the Senate, and I submit that that rule can not be changed except by a notice being filed with the Senate that a Senator proposes to offer an amendment to the rule, which shall lie over for one day.

A moment ago I called attention to the formula under which we have been operating in this body. A Senator rises and asks—

Mr. President, may I interrupt the Senator to ask a question?

The PRESIDING OFFICER. Does the Senator from ——— yield for a question or consent to be interrupted for a question?

The SENATOR. I have no objection.

Again—

A SENATOR. Mr. President, I desire the consent of the Senator from ——— to make a statement or to ask a question.

The PRESIDING OFFICER. Does the Senator from ——— yield to the Senator from ———?

The SENATOR. I do.

Or, negatively—

I do not.

That has been the formula, Mr. President, ever since I have been a Member of this body, and I presume antedating that period.

As I understand the matter, the ruling of the Presiding Officer to-day was based upon a decision of the then Vice President of the United States, in the year 1891, when the force bill was under consideration. It will be remembered that the controversy that raged over that bill was fierce—it was before my advent in this body—and it would not be remarkable if some rather arbitrary rulings had been made during that discussion; but, Mr. President, an examination of the RECORD does not sustain the contention that the Chair on that occasion ruled that a Senator could not be interrupted. A Senator held the floor during that memorable debate and proposed to parcel out the time of the Senate to other Senators; something that we all agree can not be done and ought not to be done, and it has been decided over and over again that it could not be done. A point of order was made that the Senator could not do that. A lengthy debate occurred, which I shall not take the time of the Senate to read, but I will read from the decision of the Chair, which clearly does not sustain the ruling which has been made to-day:

The Vice President said:

The Chair is of the opinion that a Senator entitled to the floor can not transfer that right indefinitely to any other Senator.

Mark the word "indefinitely." That means that he could not yield to let other Senators make speeches and then resume the floor. The Vice President went on to say, further—

He might transfer it for a question—

That is, the Senator holding the floor—

He might transfer it for a question or by courtesy of the Senate or by unanimous consent—

Three alternatives—for a question, by courtesy of the Senate, or by unanimous consent—

but otherwise a Senator on the floor might parcel out the entire time of the session in that way to one Senator after another.

Mr. President, that was the decision that was rendered during those heated times, when it was sought to curtail the debate as much as possible, but the Vice President did not go beyond the fact of saying that a Senator had the right to yield the floor in his own right or by courtesy of the Senate for a question, but that he could not parcel out the time to other Senators who might occupy the entire session, or, for that matter, occupy the entire time of the Senate until adjournment. On that memorable occasion the Democratic side of the Chamber contended against the proposition that a Senator could not be interrupted, while to-day they take the opposite view.

Mr. President, it is regrettable to me that this controversy has arisen. We have got along pretty well heretofore; we shall get along well in the future if we observe our rules and do not undertake to force the final consideration of measures by a construction of the rules that is not warranted either by the terms of the rules themselves or by any precedent that can be found in the history of this legislative body.

I think I shall again read the rule, because, after all, that is what should govern:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer.

Mr. President, I base my contention against the soundness of the decision made by the Chair, in good faith no doubt, upon that rule, upon the formula of the Senate which I have read, and also upon the decision also made more than a quarter of a century ago, which, as I understand, was cited to sustain the ruling that was made by the then occupant of the chair. That ruling ought not to be allowed to stand.

Mr. BRYAN. Mr. President, the circumstances under which I raised the point of order, which was ruled on by the Chair—and upon appeal the ruling was sustained by the Senate—and which it seems strange should again be submitted to the Senate within a few short minutes after the Senate has registered its decision, arose while the Senator from Iowa [Mr. KENYON] had the floor. I think it is well to state the circumstances under which the ruling was made.

The Senator from Iowa, who has occupied the floor for perhaps three days and is now in his fourth day, was discussing the question of whether it would be proper for railroad companies to assist in the improvement of harbors. He directed an invitation to the Senator from Louisiana [Mr. RANSDELL] who sat near him. The Senator from Louisiana, as if yielding to an invitation to relieve the Senator from Iowa, arose and asked if the Senator from Iowa would yield. The Senator from Iowa said he would yield. Then I made an objection to his yielding and raised the point of order upon that objection that a Senator could not yield the floor without the consent of the Senate and without the consent of any individual Senator if objection were made, and I made the objection at the same time I raised the point of order. The Chair sustained the point of order, upon the authority of a ruling made by Vice President Morton in 1891 during a filibuster on the so-called force bill. Rule XIX says:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer.

But, Mr. President, I do not interpret that language to mean that a Senator who gets the floor can control it indefinitely. If so, what rights, then, has the Senator addressing the Senate over other Senators? Unquestionably he has the right to decline to yield. He alone determines that; no other Senator can determine whether he should yield; not even all the Senate, except himself, can force him to yield.

Now, the converse of that proposition is sought to be sustained by a curious method of reasoning; that is, that a Senator who has the floor may occupy it himself or may parcel it out to any other Senator whom he selects——

Mr. GALLINGER. Mr. President, I distinctly stated that we all agreed that that could not be done.

Mr. BRYAN. I understood the Senator to say that, but the Senator can not point to anything in the rules forbidding that from being done any more than he can point to anything in the rules permitting a Senator to yield the floor indefinitely.

Mr. President, what rights has the Senator occupying the floor? He has a right to address the Senate, and when he has finished with his remarks to take his seat and let some other Senator have the same right or let the Senate proceed to act upon the question pending. He has no right superior to the right of any other Senator. The rule of the Senate which gives him the right to obtain the recognition of the Chair gives it to him for a purpose. That purpose is to address the Senate, and the Senator may not be interrupted except by his consent; he may hold the floor until he has finished whatever he may have to say, but if, on the contrary, he may select the Senators whom he will allow to interrupt him he may have one side of a question only presented to the Senate for days and weeks and months, nay, even for a whole congressional session, and under a simple rule that permits him to get the floor by reason of the fact that he first addressed the Chair.

I undertake to say that that is not a fair interpretation of this rule. It is not meant by anything in the rules of the Senate or in Jefferson's Manual, which has the force of the rules of the Senate, to allow a Senator, either singly or in combination with other Senators, to have any such power over the deliberations of this body.

The Senator from New Hampshire says that manifestly if a Senator should yield for some other Senator to make a speech, that would be out of order and any Senator could stop him. Under what rule? How does the Senator arrive at that conclusion? If you say that a Senator who gets the floor may keep it indefinitely, then you must yield to him the right to decide what he will do with the time of the Senate.

No, Mr. President, the rule does not say that. But if we bear in mind that the only purpose for which a Senator can legitimately obtain the floor is to address the Senate, then we are upon safe ground and can easily arrive at the conclusion that the discretion does not rest with him to select from a number of Senators those whom he will allow the privilege of addressing the Senate.

What has been the situation here since Monday, when the Senator from Iowa took the floor? It has been the usual situation that exists when a filibuster is on. The Senator from Iowa a number of times has said—he said it just immediately before I raised the point of order—that if he had been allowed to proceed he would have finished his remarks in five hours and during the day upon which he first addressed the Senate. Yet, Mr. President, we are in the fourth day, and the end is not yet in sight. The Senator from Iowa attributed that to interruptions, and I thought I was conferring a favor upon the Senator from Iowa, when I realized he was getting tired, as he must necessarily be——

Mr. KENYON. The Senator is mistaken about that. I was not tired.

Mr. BRYAN. Perhaps the Senator was not——

Mr. CHILTON. Perhaps the Senate was.

Mr. BRYAN. I will not undertake to discuss the condition of the Senate, but the Senator had made that statement repeatedly. An examination of the CONGRESSIONAL RECORD for the last three days will show a condition that can not exist under the rules of the Senate if the Senate lives up to its rules. That condition is this, that while the Senator from Iowa was occupying the floor more than half of the RECORD is taken up by the speeches of other Senators, and—we might just as well be frank about it—it was for the purpose of resting the Senator from Iowa.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. I yield.

Mr. KENYON. Over half an hour yesterday was taken up by the chairman of the committee, and certainly he did not consume that time to rest the Senator from Iowa.

Mr. WILLIAMS. It had that effect.

Mr. KENYON. The Senator from Florida, I think, is mistaken in his statement.

Mr. BRYAN. Well, I know the Senator from North Carolina interrupted the Senator from Iowa and I interrupted him myself; it is a habit we have fallen into here; it is a bad habit, and it is a habit that any Senator, under the rules, can check at any time he sees fit to do so.

Of course the Senate is made up of reasonable men. The right of a Senator to stop a filibuster, to stop constant interruptions, will not be exercised except when the necessity exists. In the ordinary procedure of the Senate and for the purposes of information, for legitimate purposes, the Senator having the floor may yield to another Senator, and no Senator here would invoke the rule which he has a right to invoke; but I am of the opinion that it is important to the Senate to enforce the rules it has, and, under the rules of the Senate now, if understood by Senators, respected by Senators, and enforced by Senators, there would be less talk of a cloture rule.

A Senator can speak twice upon the same subject on the same day. A Senator may not take the floor under the rules and farm it out and punish other Senators by making them remain here; but as surely as we live, unless we hark back to the rules and enforce them, men are not going to stand the sort of punishment which has been inflicted upon the Members of this body in recent years and months. It will be inevitable that you will overthrow these rules, and then what? Then you will have a majority of one party or the other, whichever happens to be in power, parceling out the time that a Senator may have in his own right. A Senator of a sovereign State will have to go through the humiliation of appealing to the Vice President or the presiding officer for time enough to present matters of grave concern to him and to his people.

Sir, I stand for the rules of the Senate as they have been written. There is in the hands of Senators now when a situation like this arises, when it is attempted by one Senator to get the floor and hold it for four days or longer, to farm it out to other Senators in sympathy with him in a filibuster on a great measure, to bring the rules of the Senate into contempt, to force upon this body a change of the rule. There is no necessity for a change; the demand is for the enforcement of the rules. And, if enforced, what does this rule, as construed, mean? It means that the Senator from Iowa will not have the opportunity to yield to the Senator from Ohio and go out and rest for an hour, while the Senator from Ohio, under that yielding, proceeds to address the Senate in the time of the Senator from Iowa. It means that he can not get upon the floor to deliver a five-hour speech and occupy the floor for four days.

Why, Mr. President, I noticed in the RECORD a day or two ago—the RECORD will show it—that after the Senator from Iowa had yielded to a Senator the Senator to whom he had yielded desired to call his attention to some matter or to ask him some question, and looking around found the Senator from Iowa was not in the Chamber; he had gone out. Under the contention raised now, upon which the Senate is asked to vote, we are asked to say that a Senator may address the Senate, turn the floor over to any other Senator he chooses, walk out, and stay an hour or two hours or however long the Senator to whom he yields may be physically able to address the Senate, and then walk back into the Chamber and take charge.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. I do.

Mr. KENYON. I think the Senator ought to say, in fairness, that the Senator from Iowa lost the floor, although he only stepped into the anteroom for a short time.

Mr. BRYAN. Did not the Senator protest against the ruling which held that he lost the floor?

Mr. KENYON. I did.

Mr. BRYAN. Under the Senator's construction of this rule, he would not have lost the floor.

Mr. KENYON. I was out of the Chamber only for about two minutes.

Mr. BRYAN. The Senator under his construction would not have lost the floor. If he should turn it over now to the Senator from Ohio and absent himself from the Chamber for three hours, he could return and claim it again, and under a ruling contended for by some he would get it again.

Mr. KENYON. The Senator has the right to state his own conclusions, but he has no right to state mine. I lost the floor on that occasion, and I am satisfied now that the ruling was proper. If a Senator leaves the Chamber, as sometimes Senators have to do, he loses the floor. I am not contending that the Senator is not right in that respect, nor am I contending that a Senator can farm out the floor, but in the instance to

XUM

which the Senator from Florida has referred the Senator who interrupted me merely arose to ask a question. That is the distinction.

Mr. BRYAN. I realize that; but the Senator knows, and the RECORD shows, that four or five or six Senators have relieved him; otherwise even the Senator from Iowa, with all his strength, could not have occupied the floor for seven hours a day for four days.

Mr. President, the Senate a few minutes ago voted that such a privilege was not contemplated or authorized by the rules. Now, what is the situation? The Senator from Minnesota [Mr. CLAPP] rises to ask the Senator from Iowa a question. The Senator from Texas [Mr. SHEPPARD] asks for the enforcement of the rule to which the Senate a few minutes ago had given its sanction. The proposition is submitted to the Presiding Officer; and, with all due respect to the Presiding Officer, simply because he voted against the construction of the rule the Presiding Officer refuses to carry out the rule as construed by the Senate, and has it resubmitted to the Senate.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Missouri?

Mr. BRYAN. I do.

Mr. REED. The question now before the Senate arose simply upon an objection to the right of a Senator to ask a question. Is not that correct?

Mr. BRYAN. That is my understanding.

Mr. REED. Does the Senator claim that the ruling which was made this afternoon by a vote of the Senate was upon the same kind of a proposition, or does he say that when the question was first raised there was an attempt to farm out time?

Mr. BRYAN. Mr. President, I am not clear, because I was unable to hear exactly what was said by the Senator from Louisiana and by the Senator from Iowa at the time the interruption occurred. My understanding of it is that the Senator from Iowa appealed to the judgment of the Senator from Louisiana on a question he was discussing, and rather invited his opinion upon it; whereupon the Senator from Louisiana asked him if he would yield for a statement. Then I raised the point of order. I understand that this question comes up on the Senator from Minnesota [Mr. CLAPP] asking permission to propound a question to the Senator from Iowa. The Senator from Iowa yielded, and the Senator from Texas objected.

Mr. KENYON. Mr. President, may I not——

Mr. BRYAN. I undertake to say that it does not make any difference whether the Senator having the floor wants to yield for a question or for a speech or for a statement. There could not be much value to a rule if that were the distinction, because there are Senators here who can ask hypothetical questions all day and never get through with them.

Mr. REED. Mr. President, will the Senator yield to me for a moment?

Mr. BRYAN. Just a moment. I apprehend that that would not be giving due consideration to the rights of other Senators; and yet, under the construction now sought to be placed upon this rule and upon the usages of the Senate, that would be permitted, whereas the Senator from New Hampshire says, without citing any authority for it, that if a statement is sought to be made any Senator can stop it. The rule is the same in both cases, and it is this, as stated by section 1 of Rule XIX:

A Senator gets the floor by rising and addressing the Chair. He can not be interrupted except by his consent. The rule does not say that any other Senator can, by withholding his consent, prevent the yielding. That is true. It is also true, however, that the rules of the Senate are not, in and of themselves, complete upon parliamentary law. It is well known, I take it, that Jefferson's Manual forms as much a part of the rules of the Senate as the rules themselves. It was written by Vice President Jefferson because, as he said, there were only a few rules of the Senate, and the government of the body was left outside of those rules to the presiding officer, and, while he did not object to the responsibility, he proposed to put in permanent form the rules which governed him. So they have come down to us, as written by him, as a part of the rules of the Senate, a part of the parliamentary law. They are a part of the rules which govern this body, and the usages of the Senate under those rules are as binding as the rules of the Senate.

Mr. KENYON. Mr. President, will not the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. I do.

Mr. KENYON. It is just simply to clear up the facts. We can not reach any correct conclusion if we are not correct about the facts.

I directed an inquiry to the Senator from Florida. Does he remember that?

Mr. BRYAN. I remember that, and that I did not reply to the suggestion or the invitation of the Senator.

Mr. KENYON. I am not confident at this time whether or not I asked any question of the Senator from Louisiana. My impression is that I did not and that he rose. Now, I think it would be the proper thing, as long as we are unsettled about this, and I am not certain, that the Reporter should read those proceedings just as this time, in order to show the exact facts.

Mr. BRYAN. Well, Mr. President, that is immaterial. I do not care to stop for that right now. I do not think the Senator from Iowa was particular which Senator——

Mr. KENYON. Oh, that is true enough.

Mr. BRYAN (continuing). As to which Senator relieved him from his remarks.

Mr. KENYON. But I think my inquiry was directed to the Senator from Florida.

Mr. RANSDELL. Mr. President, will the Senator from Florida yield to me?

Mr. BRYAN. I yield.

Mr. RANSDELL. I did not understand that I was asked a question by the Senator from Iowa. He was discussing a matter in which I felt a very deep interest. I have made speeches on the terminal question a number of times, and I rose to ask him a question about the terminal situation. That was what was in my mind.

Mr. KENYON. I did not ask the Senator a question.

Mr. RANSDELL. I did not understand that the Senator was asking me a question.

Mr. BRYAN. I understand the RECORD shows that the Senator from Louisiana asked the Senator from Iowa to yield to him for a statement.

Mr. RANSDELL. Yes.

Mr. BRYAN. But I say, Mr. President, that it does not make any difference whether he was yielding for a statement or for a question.

Senators may refer to the point of order raised by Senator Hoar in the debate on the force bill in 1891. I think it is generally known that Senator Hoar was a great parliamentarian; that he helped to make a good many of the rules of this body; and in one sentence he stated the whole of this case. He said:

My point of order is that under the usages of the Senate one Senator has not a right to hold the floor and yield it to another except by unanimous consent.

Mr. LANE. Mr. President, I should like to ask the Senator if he has not violated the rule himself by allowing the Senator from Louisiana [Mr. RANSDELL] to interrupt him?

Mr. BRYAN. I do not yield to the Senator.

The PRESIDING OFFICER. The Senator from Florida declines to yield.

Mr. BRYAN. I do not think I have violated any rule. Any Senator can yield by common consent.

Otherwise—

Mr. Hoar says—

a Senator might hold the floor for a session, and it has been settled again and again.

It is true that a reading of the RECORD will disclose that Senator George, of Mississippi, had the floor; that he yielded to Senator Butler, of South Carolina, who wanted to read from the election laws; that Senator Butler asked the Secretary to read the election laws; that then Senator Morgan, of Alabama, began to inquire if they had finished, so that he could take the floor and proceed, when it developed by a statement from the Chair that the Chair had promised to recognize Senator Aldrich next. Senator Morgan complained of that, and said he thought whoever got the floor first was entitled to it. Then the Vice President said:

The Senator from Mississippi will proceed.

The Senator from Mississippi said:

I will yield to the Senator from South Carolina.

So that he could read some more from these law books.

Then Mr. Butler, the Senator from South Carolina, said:

In order that the Senator from Alabama may not have the trouble of looking up this chapter, as I have it before me, I will read it.

Then Senator Hoar said:

I object to the Senator from Mississippi yielding to the Senator from South Carolina.

It is clear, from that, that he was to yield for him to read a statute, which, perhaps, would not have been as long as a question. So I say it does not make any difference whether a Senator yields for a statement or a question, because I have never yet, in my short experience in the Senate, known a Senator to

ask a question until first he had made a long statement. Generally when Senators yield they yield for both purposes.

Upon Senator Hoar saying that he objected to that, Mr. Butler, of South Carolina, did exactly what the Senator from Iowa undertook to do when I raised the point of order, and almost in the same language. Mr. Butler said:

> The Senator has no right to object. I have the floor.

Mr. WILLIAMS. Senator George said that.

Mr. BRYAN. No; Senator Butler said that. He said, "I have the floor," acting under the impression that the floor belonged to him.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Missouri?

Mr. BRYAN. Yes.

Mr. REED. I wish to ask the Senator to go back just a little further in the RECORD than the point at which he started, and just to read the RECORD through to the Senate, because if I have read it correctly the Senator is in error in regard to the facts. He is quoting only a part, of course in the best of faith; but since he is discussing it, and since I handed him the book, I should like to ask him if he will not read it all.

Mr. BRYAN. The Senator says he handed me the book. I sent for it early this morning, at the beginning of the session, and I think the Senator must have gotten it off my desk. I have no objection to reading it. I can not see the relevancy of it, however. I have stated what occurred—that there was a filibuster on over the force bill, and Senator George was tired out, and Senator Butler wanted to relieve him by reading some statutes. He proceeded to have the Secretary read them. Senator Hoar stood and watched that proceeding for a while. Senator Aldrich wanted the floor. Senator Morgan was inquiring if they had not finished, so that he could take the floor, and there was a wrangle as to whether the Vice President ought to recognize Mr. Aldrich or recognize the man who rose first; and Senator Hoar undertook to put a stop to the whole business by calling attention to the rule of the Senate.

Mr. SHAFROTH and Mr. VARDAMAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield, and to whom?

Mr. BRYAN. I yield to the Senator from Colorado.

Mr. SHAFROTH. I will ask the Senator if it is not fair to state the facts in this case—that the Senator from Louisiana [Mr. RANSDELL] was in no manner aiding or assisting the filibuster, and that he did not want to rest the Senator from Iowa in his speech?

Mr. BRYAN. Oh, Mr. President, I do not suppose any Senator, without the statement, would have the remotest idea that the Senator from Louisiana was filibustering against the river and harbor bill. I did not think it was necessary to make that statement.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. BRYAN. I yield to the Senator.

Mr. VARDAMAN. I am asking for information. What opinion did Senator George, of Mississippi, and the other Democratic Senators entertain as to that ruling?

Mr. BRYAN. I am going to tell the Senator in a minute, but I want first to get into the RECORD the position Senator Hoar took.

Mr. Butler said:

> The Senator has no right to object. I have the floor.

He seemed to think he had a proprietary interest in the floor. He seemed to think, as the filibusters of this day think, that when they get the floor they have a right to do with it as they please.

Senator Hoar said:

> I have a right to object, and I rise to a question of order.

His question of order was that a Senator could not farm out the floor; he could not yield the floor unless every Senator gave his consent. Why is not that reasonable?

Mr. SMOOT. Mr. President——

Mr. BRYAN. Has the Senator who has the floor any more right to allow another Senator to get up and use it than any other Senator has?

Suppose the Senator from Utah has the floor, holding it, and I want to get in a speech. I get up, and the Senator from Utah says, "Well, I will yield to you." I get up and say what I want to say. Thereupon the Senator from Alabama rises. "No; I will not yield to you. I do not believe I care to let you interrupt me at all."

Mr. President, the rules are fixed so that the Senator who has the floor can hold it until he gets through with the occasion which gave rise to his taking it, and when he has done that he ought to sit down.

They tried to make Senator Hoar take his seat. Mr. Butler said:

> I have the floor by the permission of the Senator from Mississippi.

Senator Hoar said:

> I rise to a question of order, Mr. President.
> Mr. BUTLER. I call the Senator from Massachusetts to order.

They had it in mind that the Senator who had the floor could use it as he pleased; and that is the proposition here to-day—to allow a Senator to have it, to yield to one Senator to ask him a question or to make a statement, to decline to yield to another Senator to ask him a question or to make a statement.

Why, what a monstrous proposition it would be if the Senator from Iowa could be so unfair—and I know he could not—in his criticisms upon the items composing this bill, when he criticized one, as to yield to a Senator who sought to defend it and allow him to do so, and then, when he reached another item and another Senator interested in that item wanted to interrupt and ask him a question about it, to decline to do so! What is the remedy of the other Senator? It is, "If you will not let me interrupt you, if you do not act fairly in the interruptions that take place in the Senate, I will not allow you to be interrupted." That is a right each Senator has, and it is a valuable right.

Mr. President, I did not raise this point of order to speed the passage of the river and harbor bill. I am anxious that an early vote may be taken upon it. But, sir, I have heard Republicans and Democrats in this body claim from day to day that the rules of the Senate are of no value and that we can not transact business under them until—and Senators on both sides of the Chamber will bear me out in this statement—certain Senators have a contempt for the rules, and sometimes even go so far as to say they will violate them. I do not believe it is right or just or fair to subscribe to the doctrine that a Senator can obtain the floor, and as long as he may remain about the Chamber, and has friends who will come to his assistance to relieve him, he may keep it.

The Senator from New Hampshire says that, of course, he can not do that; that if he undertook to allow others to relieve him in that manner, undoubtedly any Senator could call him to order. Now, how? How could he do it? Where could he do it? Under what rule could he do it? He can call him to order; he can insist upon his going on by himself to make a speech.

Senators seem to have an idea that the ruling of the Senate, made awhile ago, will operate to the disadvantage of the Senate.

Mr. SMOOT. Mr. President——

Mr. BRYAN. I yield to the Senator from Utah.

Mr. SMOOT. If the Senator will pardon me just a minute before he leaves the question he is just discussing. The Senator knows that it has been ruled time and time again in this body, and nobody has ever objected to it since I have been a Member of it, that a Senator could not farm out his time; but that is not this case.

Mr. BRYAN. Why can he not farm it out?

Mr. SMOOT. He can not farm it out for the simple reason that he has no right to say who shall be recognized for a speech.

Mr. BRYAN. Why has he not the right?

Mr. SMOOT. Because he is not the presiding officer, for one thing, and the Senator was not recognized for that purpose for another, and the usage of the Senate has always been against it. I do not know of a presiding officer since I have been here but that has held that he could not farm out the time; or, in other words, that I could not get recognition in the morning and say to the Senator from Missouri, "You can speak for 20 minutes in my time," and to the Senator from North Carolina, "You can speak for an hour." There is no rule that would justify it; there is no usage of the Senate that would justify it. Nobody has ever claimed that there was. On the other hand, I claim not a case can be cited where there has been a ruling made by any presiding officer over this body that a Senator can not be interrupted with his consent. He has a right to be asked by the Chair whether he will yield, and I do not see how language could be plainer than Rule XIX, which says:

> No Senator shall interrupt another Senator in debate without his consent—

Not the consent of the Senate; not the consent of anyone else; it is his consent—

> and to obtain such consent he shall first address the presiding officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

In other words, this very concluding paragraph goes to show that the man holding the floor upon any legislative day can not speak more than twice; and certainly if he can not speak more than twice in his own right, he can not farm out the floor to somebody else. The ruling to-day was based upon a question for information, as the rule has always been, and not for a speech. I do not believe there is anybody in the Chamber who would think for a minute that Mr. George, if he were in the Senate to-day, could ask to interrupt the Senator from Iowa and then simply commence to speak and let the Senator from Iowa leave the Chamber, or go and eat dinner, or go and sleep, or take a rest, and he take the floor for an hour. No one would say that that was proper. No one would say that the rules justified it. No one would sustain any such procedure.

Mr. BRYAN. Mr. President, the Senator from Utah has raised two questions, and I want his attention to my reply to them.

The Senator says, in the first place, that a Senator can not take the floor, and, after having spoken for an hour, say: "I yield 20 minutes of my time to one Senator," and then, "I yield 20 minutes to another Senator." I agree with him on that point. But if he can not do that, can he take the floor without announcing it, but with an understanding with another Senator to relieve him when he gets tired, and then let the other Senator occupy 20 minutes or 30 minutes or an hour?

Mr. SMOOT. No; Mr. President, he can not do that.

Mr. BRYAN. Well, that has been done in this debate this week; and the Senator from Iowa has yielded that long and still has the floor.

Mr. SMOOT. Mr. President——

Mr. KENYON. Mr. President, if the Senator says that has been done under any arrangement, he is mistaken.

Mr. BRYAN. I did not say "under any arrangement."

Mr. KENYON. I think the Senator did.

Mr. BRYAN. No.

Mr. SMOOT. The Senator said "agreement."

Mr. BRYAN. I did not say the Senator from Iowa had any agreement.

Mr. KENYON. I have yielded to anyone on either side of the Chamber who wanted to ask any question of me. The questions have run into extended discussions, which I was sorry for, as I wanted to get through.

Mr. BRYAN. I have not said that the Senator had an agreement.

Mr. KENYON. I think the Senator did say that.

Mr. BRYAN. I have not said that. I did not intend to say it.

Mr. KENYON. If the Senator will read his remarks, he will find that he said that very thing.

Mr. BRYAN. Oh, well, I will not let any such statement as that stand. I did not mean to say it.

Mr. KENYON. I did not think the Senator did.

Mr. BRYAN. I think the Senator misunderstood me. Nevertheless, that very thing has happened. The Senator from Ohio [Mr. BURTON] has sat in front of the Senator from Iowa during these four days and has frequently gotten up and taken the floor. Now, I do not say that was done for the purpose of relieving the Senator from Iowa. Perhaps it was done because of the extreme anxiety of the Senator from Ohio to prevent the passage of this bill and because of his interest in it.

The other proposition the Senator from Utah raises is based on the language of the first section of Rule XIX, which says:

> No Senator shall interrupt another Senator in debate without his consent.

Mr. President, that is for the protection of the Senator who has the floor. It is personal to him. When he has the floor he need not submit to interruptions unless he wants to; but it does not say that a Senator can interrupt him if another Senator objects. That is this proposition.

One word more, Mr. President. The Senator from Utah says he has never heard of any such construction. The Senator from New Hampshire says that in the 23 years he has been here he has never heard of it. My attention was called to this matter by the late Senator Bacon, conceded to be exceedingly well versed in the rules of the Senate, whom I heard discussing it in the cloakroom when Senators were talking of changing the rules of the Senate so as to provide for a cloture, and calling attention to the fact that a Senator could get the floor and keep it indefinitely. I remember so well his saying that any Senator at any time could stop that, and saying furthermore that if Senators would busy themselves to understand the rules of this body there would not be such a great clamor for amendment of the rules.

It has been suggested that the ruling of Vice President Morton came about at a time when there was great excitement, and feeling ran high here in the Senate over the force bill. Mr. President, that is true; but the point of order was raised by Senator Hoar, and in a few minutes, after a running discussion of four or five minutes, apparently, judging from the RECORD, after the ruling of the Vice President, there was not any question by any Senator, Democratic or Republican, against the rule. They acquiesced in it. They gave it at least their implied approval.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. BRYAN. Yes.

Mr. GALLINGER. Will the Senator read the decision of the Vice President?

Mr. BRYAN. Yes.

Mr. GALLINGER. There are two paragraphs.

Mr. BRYAN (reading):

> The Chair is of opinion that the point of order made by the Senator from Ohio is well taken, and that the Senator from South Carolina should resume his seat until the point of order is decided by the Chair.
>
> Mr. BUTLER. Very well, sir; I want that settled.
>
> The VICE PRESIDENT. The Chair is of the opinion that a Senator entitled to the floor can not transfer that right indefinitely to any other Senator.
>
> Mr. BUTLER. That is not the point of order.

And he was right. It was not.

> The VICE PRESIDENT. He might transfer it for a question, or by courtesy of the Senate, or by unanimous consent—

The point raised by Senator Hoar was that it took unanimous consent, no matter what it was. I will finish the reading:

> But otherwise a Senator on the floor might parcel out the entire time of the session in that way to one Senator after another. The Senator from Mississippi is entitled to the floor.

Mr. President, as I was about to say in conclusion, we all know what a bitter fight was made then. If the great men on both sides engaged in that fight had supposed that the Vice President was wrong, nay, if they had not been convinced beyond a reasonable doubt that he was correct in his ruling, that it was founded upon good common sense and was founded upon a rule without which every Senator except the Senator on the floor was without any rights which he could enforce in this body, they would not have acquiesced in the ruling. Senator George was a great Senator. He acquiesced in the ruling. There was not a question made about it, and it has stood from then until now, and it never has been held yet that the Senate——

### EXECUTIVE SESSION.

The PRESIDING OFFICER (Mr. ROBINSON). The Senator from Florida will suspend. The hour of 4 o'clock having arrived, under the order heretofore entered, the Senate now proceeds to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The galleries having been cleared and the doors closed, the Senate proceeded to the consideration of executive business. After 2 hours and 35 minutes spent in executive session the doors were reopened.

Mr. KERN. I move that the Senate adjourn until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m., Thursday, September 17, 1914) the Senate adjourned until to-morrow, Friday, September 18, 1914, at 11 o'clock a. m.

## NOMINATIONS.

*Executive nominations received by the Senate September 17 (legislative day of September 16), 1914.*

### PROMOTIONS IN THE ARMY.

#### INFANTRY ARM.

Lieut. Col. Henry C. Hodges, jr., Infantry, unassigned, to be colonel from September 13, 1914.

Lieut. Col. John F. Morrison, Infantry, unassigned, to be colonel from September 15, 1914.

Lieut. Col. William H. Allaire, Eighth Infantry, to be colonel from September 13, 1914, vice Col. Alfred C. Sharpe, Infantry, unassigned, retired from active service September 12, 1914.

Maj. James H. McRae, Infantry, unassigned, to be lieutenant colonel from September 13, 1914, vice Lieut. Col. William H. Allaire, Eighth Infantry, promoted.

Maj. Walter H. Gordon, Third Infantry, to be lieutenant colonel from September 13, 1914, vice Lieut. Col. Henry C. Hodges, jr., advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Maj. Armand I. Lasseigne, Fifth Infantry, to be lieutenant colonel from September 15, 1914, vice Lieut. Col. John F. Morrison, unassigned, advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Capt. Hansford L. Threlkeld, Thirtieth Infantry, to be major from September 13, 1914, vice Maj. John S. Switzer, Fourth Infantry, detailed as adjutant general.

Capt. Peter W. Davison, Thirteenth Infantry, to be major from September 15, 1914, vice Maj. Armand I. Lasseigne, Fifth Infantry, promoted.

First Lieut. John Randolph, Twenty-third Infantry, to be captain from September 11, 1914, vice Capt. Joseph H. Griffiths, unassigned, dismissed September 10, 1914.

First Lieut. Harry Graham, Twenty-second Infantry, to be captain from September 13, 1914, vice Capt. Hansford L. Threlkeld, Thirtieth Infantry, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

*To be first lieutenants with rank from September 15, 1914.*

Charles Edgar Athey, of Ohio.
George Busby Campbell, of New York.
Carey Pratt McCord, of Michigan.
Charles Joseph McDevitt, of Ohio.
Samuel Archer Munford, of New York.
David Daniel Scannel, of Massachusetts.
Francis Eppes Shine, of Arizona.
John William Turner, of Missouri.
Merlon Ardeen Webber, of Maine.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander David W. Todd to be a commander in the Navy from the 1st day of July, 1914.

Lieut. William W. Galbraith to be a lieutenant commander in the Navy from the 1st day of July, 1914.

Lieut. John V. Babcock to be a lieutenant commander in the Navy from the 1st day of July, 1914.

Lieut. (Junior Grade) Damon E. Cummings to be a lieutenant in the Navy from the 1st day of July, 1914.

Lieut. (Junior Grade) Warren G. Child to be a lieutenant in the Navy from the 1st day of July, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

Ward W. Waddell,
Jesse D. Oldendorf, and
James B. Rutter.

Midshipman William E. Malloy to be an ensign in the Navy from the 6th day of June, 1914.

Charles W. Depping, a citizen of Massachusetts, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 2d day of September, 1914.

Lieut. Joseph L. Hileman to be a lieutenant commander in the Navy from the 1st day of July, 1914.

Lieut. (Junior Grade) John W. W. Cumming to be a lieutenant in the Navy from the 3d day of April, 1914.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1914:

Augustin T. Beauregard, and
Herbert S. Babbitt.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

Lee P. Johnson,
Robert G. Coman,
Robert H. Bennett,
Vance D. Chapline, and
Joseph A. Murphy.

Ervin L. Matthews, a citizen of Arkansas, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 11th day of September, 1914.

Robert L. Nattkemper, a citizen of Indiana, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 11th day of September, 1914.

Machinist John W. Merget to be a chief machinist in the Navy from the 23d day of December, 1913.

Arthur Freeman, a citizen of Kentucky, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 11th day of September, 1914.

Fredric L. Conklin, a citizen of Michigan, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 11th day of September, 1914.

A. Contee Thompson, a citizen of Colorado, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 11th day of September, 1914.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate September 17 (legislative day of September 16), 1914.*

COMMISSIONER OF INTERIOR OF PORTO RICO.

Manuel V. Domenech to be commissioner of interior of Porto Rico.

SECRETARY OF PORTO RICO.

Martin Travieso, jr., to be secretary of Porto Rico.

REGISTER OF LAND OFFICE.

A. P. Tone Wilson, jr., to be register of the land office at Topeka, Kans.

COLLECTOR OF CUSTOMS.

James L. McGovern to be collector of customs for district No. 6.

PROMOTIONS IN THE NAVY.

Chaplain John B. Frazier to be captain.
Chaplain George L. Bayard to be commander.
Chaplain Arthur W. Stone to be commander.
Chaplain Matthew C. Gleeson to be commander.
Chaplain Evan W. Scott to be commander.
Ensign Henry F. Bruns to be assistant civil engineer.
Ensign Bert M. Snyder to be assistant civil engineer.
Ensign Willis A. Lee, jr., to be lieutenant (junior grade).
Ensign Theodore S. Wilkinson, jr., to be lieutenant (junior grade).
Ensign Harold S. Burdick to be lieutenant (junior grade).

POSTMASTERS.

ARKANSAS.

Charles McBride Cox, Rector.
Mrs. C. A. Harris, Junction City.

CALIFORNIA.

L. E. Payne, Carmel.

ILLINOIS.

George L. Hausmann, Vandalia.

INDIANA.

H. C. Rutledge, Indiana Harbor.

KENTUCKY.

Otis W. Jackson, Clinton.
A. G. Patterson, Pineville.

LOUISIANA.

Martha E. Thompson, Winnsboro.

MISSISSIPPI.

W. W. Robertson, McComb.

MONTANA.

James Bartley, Fort Benton.

NEW MEXICO.

L. L. Burkhead, Columbus.

OHIO.

J. O. Shaw, Newcomerstown (late New Comerstown).

OKLAHOMA.

P. H. Dalby, Ramona.
Charles L. Williams, Maysville.

TEXAS.

R. G. Brown, sr., Longview.

VIRGINIA.

S. S. Brooks, Appalachia.
F. G. Johnson, Toms Creek.
Frederick A. Lewis, Emporia.

WASHINGTON.

Leonard Talbott, Toppenish.

WEST VIRGINIA.

W. G. Bayliss, Macdonald.

# HOUSE OF REPRESENTATIVES.

THURSDAY, *September 17, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

In the simplicity of faith and confidence, O God our Father, we lift up our hearts in gratitude to Thee for all the blessings of life. "Thou satisfieth the longing soul and filleth the hungry soul with goodness." May we ever be susceptible to the heavenly influences and go forward to all the duties and responsibilities of life as seemeth best in Thy sight, through Jesus Christ our Lord. Amen.

The journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following request:

Mr. SPEAKER: My colleague, Mr. GREGG, asks an indefinite leave of absence, on account of sickness in his family.

Respectfully, JAMES L. SLAYDEN.

The SPEAKER. Without objection, it is so ordered.
There was no objection.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below.

S. J. Res. 184. Joint resolution making an appropriation for expenses necessary to carry out the provisions of the act to regulate the taking or catching of sponges, approved August 15, 1914; to the Committee on Appropriations.

EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16136, and the gentleman from New York [Mr. FITZGERALD] will take the chair. The gentleman from Indiana [Mr. ADAIR] will take the chair in the temporary absence of the gentleman from New York.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16136, with Mr. ADAIR in the chair:

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16136) to authorize the exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That in order to provide for the supply of strictly local and domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified to obtain a lease under section 3 of this act, a limited license or permit granting the right to prospect for, mine, and dispose of coal belonging to the United States on specified tracts, not to exceed 10 acres in any one coal field, for a period of not exceeding 10 years, on such conditions, not inconsistent with this act, as in his opinion will safeguard the public interest, without payment of royalty for the coal mined or for the land occupied: *Provided*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed 160 acres, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the acquisition of such tract or operation of such mine under said limited license.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. It was the understanding that we were to have the privilege of offering amendments to section 7, and the Clerk hastily began with the reading of section 8. I wish to direct the Chairman's attention to a formal amendment similar to that which was agreed to in the Alaska coal bill. The same phraseology obtains in this bill as in that where you provide for a rental of not less than 25 cents per acre the first year, but the language is rather ambiguous whether it is to be less for the second and succeeding years or whether it is a fixed amount.

Mr. FERRIS. Would the gentleman be willing to let that go to the end of the bill and then return to it? I am in favor of the gentleman's amendment and will ask unanimous consent to do that if the gentleman does not object.

Mr. STAFFORD. Of course the matter is entirely satisfactory to me.

Mr. FERRIS. I shall be glad to make that request if that will be satisfactory to the gentleman.

Mr. STAFFORD. It will be entirely satisfactory to me.

I wish to make a further inquiry as to the pending section. Here you are permitting, as I understand it, an authorization for a period of not exceeding 10 years to any local community which wishes to use coal for their own special purposes. I wish to inquire why was it that the committee limited that to 10 years? Why should it not be for a longer period of time if the Secretary of the Interior really believes it is needed for local purposes?

Mr. FERRIS. The thought of the committee was—and it is likewise the thought of the Bureau of Mines and the Geological Survey—that in sparsely settled communities in some instances there are coal banks where a farmer can go with a wagon and dig coal out and use it for domestic uses; and in neighborhoods in Utah, and in some of those States where they have a nonresident homestead, where people live in communities, they can go and open a coal bank and use the coal for domestic uses; and it was the thought of the department, and I have in my hand a letter from the Bureau of Mines and the Geological Survey, both of which say they think this is a very good provision, and will help communities which are struggling for an opportunity to open up the West. They did not see where there was any chance for fraud in opening up the coal banks for domestic use.

Mr. STAFFORD. I wish to direct the attention of the committee to a further provision granting the right to a municipal corporation to mine on an area not to exceed 160 acres under proper conditions, such as the Secretary may impose, and one of those conditions is that it should not be for profit. I certainly approve of that condition. I certainly believe a municipal corporation when the coal fields are contiguous to the municipality should have the privilege of mining coal without paying any rentals or royalty, provided they will give the inhabitants of the municipality the privilege of the coal without any profit to it.

Mr. FERRIS. If the gentleman will yield—really the author of that provision is the gentleman from Colorado [Mr. TAYLOR], and his views are fortified and backed up both by the Bureau of Mines and the Geological Survey. Let me read to the gentleman what the Geological Survey says about that particular proviso. If the gentleman will pardon me, I just wish to read him a word or two.

This proviso can not possibly result in driving away commercial development. The acreage is limited to 160 acres, which can not under any circumstances permit of large-scale operations. It merely permits communities to relieve their fuel necessities by means of their own action in the absence of a reasonable or satisfactory source of supply. It is anticipated that both under this proviso and the main portion of the section that the operations will only be in advance of the development on a large scale by coal companies. That is the only reason for the inclusion of such provisions. Otherwise unreasonable and unnecessary hardship might result.

Let me call the attention of the gentleman that in some instances a coal company owns the only mines that are open near a city, and they charge exorbitant prices to the city, which is compelled to have coal. This is a club in their hands to exact justice. This will help a community get justice.

We have a right to let the city lease the 160-acre tract for municipal purposes without royalty and without charge when a city can not force the coal companies to sell them coal at a decent price. May I add a word more——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. I ask unanimous consent, Mr. Chairman, that the gentleman from Wisconsin [Mr. STAFFORD] have five minutes more. I used all his time myself.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Wisconsin have five minutes more. Is there objection?

There was no objection.

Mr. FERRIS. It says further:

The operation of a small mine on 160 acres would not scare away any commercial development at a time when increasing density of population and industrial development would justify the expenditures involved in opening up a lease on 2,560 acres.

I have here practically the same data, though stated in different words, from the Geological Survey, and they call attention to the fact that it is a very salutary provision.

Mr. STAFFORD. As I understand the explanation, it is not for the purpose of granting to a municipality a small rate in order that they may operate in case the private companies are holding up the consumers in that municipality at an exorbitant price? It is not intended that this is for the municipality to go into the coal-mining business as such?

Mr. FERRIS. It is really thought they never will, but they could if necessity demanded.

Mr. STAFFORD. And it is on the principle that the Government should have some municipal plants of their own to see what the cost of operation is and keep down the profits in case the private contractor is exacting too large a profit for supplies to the Government?

Mr. FERRIS. That was the thought of both the department and the committee.

Mr. MADDEN. Will the gentleman yield?

Mr. FERRIS. I gladly yield to the gentleman.

Mr. MADDEN. Do I understand the committee to report in favor of all the municipalities in the neighborhood where coal mines can be developed going into the coal business in competition with legitimate enterprise?

Mr. FERRIS. They only go into competition to this extent, and that is that they can mine and furnish the community coal without any profit to themselves or the municipality.

Mr. MADDEN. If there is any other way that the committee could devise to prevent men who have money invested in business from getting anything for their labor and investment I would like to have them make it known, because they have been very assiduous in their efforts to put the Government in competition with every legitimate enterprise, and are now proposing to put the States and towns and cities into business and discourage private enterprise everywhere. It looks to me as if we might just as well abandon this conservation legislation altogether as to try to get men with money to invest in Government-

owned mineral lands with the Government in competition with them. There is no surer way of getting that result than by opening up the field of business to every city and every community where mineral lands lie. The next thing we know we will have no means of getting revenue with which to run the Government. Everything will be owned and operated by the municipalities, by the Government itself, and the citizenship of the country will have no place in the country except to be used to pay the taxes for the tax eaters that will be on the Government pay rolls.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. STAFFORD] has expired.

Mr. MADDEN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. In Alaska the committee recommended, and the House adopted, the scheme by which the Secretary of the Interior has the right to fix the price at which coal can be had under lease or royalty. Then they proposed to fix the price at which a man who pays the royalty could sell the coal to the consumer, and thus make it sure that he can not operate his business profitably.

Mr. FERRIS. We did not adopt that.

Mr. MADDEN. You did not adopt it, but you recommended it.

Mr. FERRIS. We did not have that in the bill.

Mr. MADDEN. But the gentleman was in favor of that kind of a law, and others who were associated with him were in favor of it, and it just so happened that the good sense of the House overruled the judgment of the committee, and on top of all that the bill authorized the Government of the United States to operate coal mines and sell coal to the public in competition with the men who are to pay the royalty to the Government and who are paying taxes to maintain the Government. What are we coming to? Have we any consideration for the man engaged in private enterprise in this country any more? Have they any place in the citizenship of the country any longer or are we just trying to see how we can drive them off the face of the earth?

The time is coming when all these vagaries will be sat down upon, and that time is not far distant. The people of the United States will not continue to submit to this kind of nonsense. They have a right to expect, when they select men to speak for them here, that such men will speak for them along reasonable and conservative lines. They expect their representatives here to protect their rights, to conserve their interests, to protect their investments, not destroy them, nor to use them merely as instrumentalities to fill the Treasury of the United States for the purpose of feeding a lot of job holders. They expect to have something to say about this Government. They are the Government; they have the power; and when any man on this floor says that the people of the United States are not a conservative people and will not insist upon having something to say about the conduct of the Government, and will not resent the Government itself going into competition with them on any and every pretext, he is greatly mistaken.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. MADDEN. Yes; I yield.

Mr. JOHNSON of Washington. I want to know if the gentleman has seen the latest invitation for bids in the Forestry Service for several million feet of timber in the Kiabab Reservation in Arizona, where it is suggested that the Government, in order to handle that timber, should be gainer if it builds a $3,000,000 railroad?

Mr. MADDEN. We have entered upon the practice of building railroads. We have authorized the expenditure of $35,000,000 for the construction of a railroad up into the ice fields of Alaska. We have authorized the development of agriculture up there among the glaciers. We seem to have no conception of what the public needs are. We are running the gamut of wild waste in the expenditure of public money. We have already appropriated $1,117,000,000. There are two bills still pending calling for the appropriation of $83,000,000 more—the river and harbor bill amounting to $53,000,000 and the ship-purchase bill, amounting to $30,000,000, which, if enacted, will make the total appropriations $1,200,000,000, or $192,000,000 more than the largest sum ever appropriated by a Republican Congress.

And we are now about to levy a new tax of $100,000,000 on the people to pay these extravagant and useless expenditures. I warn the House, and particularly the Democratic side, that the time is coming when this reckless waste of public money will not be tolerated by the American people. I advise you to go slow, to take heed, to stop and think. The people of the United States have had their incomes reduced, and are compelled by reason of that reduction in their income to cut down their expenses, and they will not long submit to the continuation of a policy which increases the amount of their taxation and at the same time reduces their power to earn an income; to your increasing the expenses of the Government, while they are compelled, as a result of your policy, to economize and in many instances to even deny themselves the ordinary comforts of life. [Applause on the Republican side.]

Mr. GORDON. Mr. Chairman, will the gentleman yield to me?

Mr. MADDEN. Oh, no; I am through.

Mr. FERRIS. Mr. Chairman, I want to ask unanimous consent that at the expiration of how much time——

Mr. MONDELL. I was out about a minute while section 7 was under consideration, and understanding that there were several amendments to be offered to that section I supposed it would not be disposed of promptly. When I returned, the Clerk began to read section 8.

Mr. FERRIS. Of course, the gentleman is correct about that. Section 7 was open for amendment. The gentleman is again correct when he says he was away for a moment, and he is again correct when he says that the Clerk began to read. But if there is anything important that the gentleman wants to talk about in section 7 we can return to it later. How much time does the gentleman desire on this section?

Mr. MONDELL. Five minutes.

Mr. FERRIS. Then, Mr. Chairman, at the expiration of 15 minutes I ask unanimous consent that the debate on this section close; 5 minutes to be controlled by the gentleman from Wyoming [Mr. MONDELL], 5 by the gentleman from Illinois [Mr. MANN], and 5 by myself.

Mr. TAYLOR of Colorado. I shall want about 5 minutes.

Mr. OGLESBY. I shall want 3 minutes.

Mr. LENROOT. I wish the gentleman would add 2 minutes to that. I may not use it.

Mr. FERRIS. Then, Mr. Chairman, I make it 20 minutes.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that debate on this section close in 20 minutes—5 to be controlled by the gentleman from Illinois [Mr. MANN], 5 by the gentleman from Wyoming [Mr. MONDELL], 3 by the gentleman from New York [Mr. OGLESBY], 2 by the gentleman from Wisconsin [Mr. LENROOT], and 5 by himself.

Mr. THOMSON of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMSON of Illinois. Does the gentleman's request contemplate closing debate on this section?

Mr. FERRIS. Yes. Make it 25 minutes, Mr. Chairman, in order to give the gentleman from Illinois [Mr. THOMSON] 5 minutes.

The CHAIRMAN. Is there objection?

Mr. DONOVAN. I would like to ask the Chair if he understands that all debate shall be confined to the subject matter of the bill? The rule required that, but the Chair has not presided over this committee before.

The CHAIRMAN. The Chair will state to the gentleman from Connecticut that if a point of order is made, the Chair will rule thereon.

Mr. DONOVAN. Mr. Chairman, reserving the right to object, I shall object if we are obliged to listen to any more tirades such as that we have just listened to from the gentleman who last had the floor.

Mr. FERRIS. I ask unanimous consent, Mr. Chairman, that debate on this section be limited to 30 minutes.

The CHAIRMAN. The gentleman from Oklahoma modifies his request and asks that all debate on this section be limited to 30 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I believe the provision made in section 8 for the opening of small mines without charge would perhaps be useful and helpful in some few cases. I have in mind conditions under which such a provision would be valuable.

What I fear, however, is that this section, without modification, may be used for the purpose of preventing the opening of large coal mines. I can readily understand how an operator now controlling and owning a mine in certain fields might influence some one to take advantage of section 8 in such a way as to prevent the opening of a competing mine. I think that in many cases that is what would be done under this section.

We have never had any provision of this kind, and we have never especially suffered for the lack of it. There are cases, it is true, where it would be helpful and useful for a small local mine to be owned—I had such a provision in the bill I introduced—but ordinarily those desiring to open such a mine can lease a small tract or purchase it. The danger is you are presenting an opportunity here to block development wherever

it is in the interest of an operator already in the field to block such development. I have in mind a number of coal fields where there are few places where it would be possible at any reasonable expense to now open a mine until the frontal areas have been worked out; and one of these 10-acre mines placed just at the proper point would effectually block the opening of another mine.

Therefore I believe, if it is to remain in the bill—and I should like to have it remain in the bill, if it can be retained without doing harm—there should be added a proviso to the effect that an operation of this kind should not be a bar to the leasing of the land under royalty. I think that anyone who wants to go in and get a 10-acre mine without any charge or cost ought to be willing to give way when the Government is in a position to actually have the property developed in a large way. I would pay him for his improvements.

Now, such a condition would not work injury in any case that one can conceive of a bona fide opening under this section, for such opening would ordinarily be far from railway communication, in the midst of small settlements, where there would be no demand for a large mine. What I fear is that advantage will be taken of this section to block the very development that you want—the development that we must have in order to give us competition with people already in the coal business.

Mr. LENROOT. Mr. Chairman, will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. LENROOT. How does the gentleman think development could be blocked?

Mr. MONDELL. If, for instance, at a given point in a field there was only one canyon cutting into the coal field through which a railroad or tap line could be built, only one place where you could advantageously attack the vein until a large amount of development had taken place—and those conditions occur frequently—some operator in the territory desirous of preventing anyone else starting in competition could have one of these 10-acre mines opened at such a point.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent that I may have two minutes more.

Mr. FERRIS. The time is all parceled out.

Mr. MONDELL. I only wanted to answer the gentleman in a minute or two.

Mr. FERRIS. I yield to the gentleman one minute of my time.

Mr. MONDELL. One of these 10-acre mines could be opened at that point, and unless you have some provision to cover such a contingency it might not be practicable to open a large working.

Mr. LENROOT. The gentleman may not be aware that further on in the bill there is a section which reserves rights of way over all leased lands.

Mr. MONDELL. I know of that provision. I am not speaking of a right of way; I am speaking of a place where there is only one present opportunity in a considerable territory to open a big mine advantageously, and the location of a 10-acre mine right at the point where it would be necessary to open the larger mine might block the opening of that larger mine. It would not be a question of right of way.

Mr. LENROOT. You could cross it.

Mr. MONDELL. If the only point for making the mine opening was on this 10-acre tract, what could be done? I have in mind numerous places where that might be the situation. In attempting to help small communities you have here a section which may lead to all kinds of scandal if it is not guarded. If I have the opportunity I shall offer an amendment that, I think, will cover the point.

Mr. LENROOT. Section 24 of this bill reserves to the Secretary of the Interior the right—

> to permit for joint or several use such easements or rights of way upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act—

which effectually bars any man holding a permit from preventing another lessee obtaining access to his coal deposit. Section 24 is a complete answer to the objection that the gentleman from Wyoming now makes.

Mr. MANN. I do not think the gentleman from Wisconsin caught the point made by the gentleman from Wyoming [Mr. MONDELL].

Mr. LENROOT. I think I did.

Mr. THOMSON of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Insert after the word "*Provided,*" at the beginning of line 8, on page 7, the following: "That not more than one such limited license or permit shall be issued to any single applicant hereunder: *And provided further,*"

Mr. TAYLOR of Colorado. I think that will be accepted by the committee. I think it is eminently proper.

Mr. THOMSON of Illinois. It is the same amendment that I offered to the Alaska bill, which was accepted.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. THOMSON].

Mr. OGLESBY. Mr. Chairman, in my opinion this section 8 is the sanest provision in the bill.

Mr. THOMSON of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMSON of Illinois. Was my amendment adopted?

The CHAIRMAN. It has not been voted on. The gentleman from New York [Mr. OGLESBY] is recognized for three minutes.

Mr. THOMSON of Illinois. I understood that I was recognized, and I offered an amendment.

The CHAIRMAN. The gentleman did, and then surrendered the floor.

Mr. THOMSON of Illinois. I did not understand that I had surrendered the floor.

The CHAIRMAN. The gentleman did. The gentleman took his seat. The gentleman from New York [Mr. OGLESBY] is recognized.

Mr. OGLESBY. Mr. Chairman, in my judgment section 8 is the sanest provision of this bill. I do not understand the use of conservation if it is not for the purpose of preserving from waste and monopoly, in order to give the people of the whole country the benefit of the particular product that is conserved. Certainly it can not be for the purpose of getting revenue for the National Government, and the provisions for the leasing of these coal lands to the man who will pay the highest royalty does not, to my mind, accomplish the purpose for which the coal lands have been set aside and placed in such a position that they can not be used by private individuals who may attempt to get them in the way we all get our property—by purchase from the legal holder of the title. It is inevitable that the man who gets a lease of a coal mine for the purpose of operating it will add to the cost of production whatever he has to pay in the way of royalty, and no limitation whatever is placed upon the price at which he shall sell the coal to the public, except the price he is compelled to make by reason of the competition to which he is subjected.

One reason I favored the building of the railroad in Alaska was because it would enable us to get out those large deposits of coal; not that I believed any of that coal would be sold in the East, but because if the western country could be supplied from those large coal mines in Alaska it would remove the pressure from our mines in the East, and then we would not be met by our coal dealers, when we asked for a decent supply of coal, with the objection that because their mines are supplying such large quantities of coal to the West it is impossible for them to give us any more than is necessary to meet our needs from day to day. Not only are we limited to a starvation allowance, but they use that argument in order to scare us into paying practically any price that they want to charge; and I say that this particular provision, which affords an opportunity to a man who is going to operate locally or to any municipality to take its coal out without the payment of royalty, is a sane provision, because it offers an opportunity for the production and sale of this coal to the consumer at the lowest price at which it could be had under a bill of this character.

The CHAIRMAN. The question is on the amendment of the gentlemen from Illinois [Mr. THOMSON].

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. I think the gentleman from Wisconsin [Mr. LENROOT] was mistaken in thinking that section 24 obviates the objection raised by the gentleman from Wyoming [Mr. MONDELL]. I do not know myself what the possibilities may be, but I can readily imagine that in many mountainous places there is only one available and cheap place for opening a mine which would cover quite an extent of coal territory. It is possible that the Secretary, through regulations, may be able to control that; but, on the other hand, it is quite possible

that where a company contemplated leasing a tract authorized in the bill somebody who wanted to shut them out might make application for 10 acres at the very point where the only profitable mine opening could be made.

I suppose we will have to take our chances on that. I doubt the desirability of permitting municipal corporations to take 160 acres of coal land to operate without profit. I imagine that they will operate without profit, although I know of no way of determining in advance whether that will be the case or not. You say you grant a lease upon the condition that the city or other municipality operating the mine shall handle the coal without profit. They will not know whether it is with or without profit until the end of some stated time. To say that we authorize a coal company to operate without profit, how on earth would they know whether they were operating without profit or with profit until the end of some stated period? Then they could not pay it back to the purchasers of the coal; that is not practicable.

Here is a proposition to lease coal lands and charge a royalty to the private owner, and at the same time your proposition is to give to the city authority, without royalty, to operate a competing coal mine on the condition that they shall do it without profit. You know that the private people will not endeavor to operate without profit. Profit is what they go into business for. How can you expect people to take leases of coal lands with the expectation of making a profit and paying a royalty when their competitors are required to operate without profit and pay no royalty?

Mr. FERRIS. May I make a suggestion?

Mr. MANN. Certainly.

Mr. FERRIS. Of course the gentleman knows, and I know, that this is not the most important provision of the bill, that it is not the axis upon which the legislation will turn.

Mr. MANN. I am not sure about that.

Mr. FERRIS. In the little cities where only a small per cent of the coal mined is consumed, and 90 or more per cent sold abroad, does not the gentleman think it would be a good sized club and a feasible club to hand to the city to see to it that when the coal mines were being operated right under the eaves of the town, that they could have coal for what it was worth instead of paying $15 or $20 a ton, if the coal company sought to oppress them by charging high prices; does not the gentleman think it would be a humanitarian act to allow them to dig their own coal?

Mr. MANN. As a business proposition it is not fair to say that the private owners shall pay a royalty while a public municipal corporation shall pay no royalty in competition with each other. That is not a fair proposition. The whole theory of legislation in that respect, and too much of other legislation that we have, seems to be that you expect private people to operate business for amusement. People go into business to make money, and they are foolish if they do otherwise. The business incentive to men everywhere to engage in business is the possibility of profit. When you want people to engage in business you ought not to say to them "Your competitor shall have better terms." We do not anywhere endeavor to provide that one man shall have better terms than another. We pass railway legislation for the purpose of putting all on an even plane. But here you propose to say that a public corporation shall pay no royalty in competition with a private corporation that is required to pay a heavy royalty.

Mr. FERRIS. Mr. Chairman, if the private coal company had as its sole market the local municipality, every word that the gentleman from Illinois says would appeal to every Member here. But the fact is the little local community is but a small parcel of their market. A coal company that goes into the West and leases four sections of land and sets up a coal-mining plant that costs a half million dollars is not doing that for the purpose of selling solely and alone to some little town of 1,500 inhabitants.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MANN. This provision is not confined to little towns of 1,500 inhabitants.

Mr. FERRIS. I know it is not; but the gentleman and I both know that this entire bill only applies to the West, and that in the main is the class of towns you will find out there. Eastern cities will, of course, never use it.

Mr. MANN. Any city in the country can go there and lease a mine.

Mr. FERRIS. Yes; but this only has application to States that have public land.

Mr. MANN. Any city can go out and get 160 acres of land and open a coal mine.

Mr. FERRIS. Yes; but no city is going to do that.

Mr. GORDON. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. GORDON. Is not there a provision in the trade commission bill that prohibits such discrimination as you seek to avoid?

Mr. FERRIS. I think there is, although I am not sure.

Mr. GORDON. If the coal-mining company discriminates against the local municipality in favor of nonresidents, they would violate the provision of the interstate trade commission act.

Mr. FERRIS. Probably they would, but I am not familiar enough with the trade commission bill to answer the gentleman's question categorically. I hope it will bring all that it is expected to. Here the Federal Government is leasing some of its own land and leasing its coal deposits. A good many people in the West think we ought not to lease the coal deposits at all. They think that we ought to give them to them and give it to them in fee simple. We have tried to make the fight along the line of saving something to the public, and we have had a heavy load to carry to prevent the West from going into private ownership, where it would in all probability mean extortion. The task has not been a light one.

Mr. SHERLEY. Are we to understand that this is a concession to those people who believe that the public lands should be ceded to the State where they are situated?

Mr. FERRIS. Not quite that. But it is an opportunity that enables a local city or community that is being oppressed more than it can stand to lease some of the Government coal land without paying a royalty to the Federal Government so long as it makes no profit from it. I ask, What more wholesome provision, what more wholesome act, could this Congress permit than to place in competition with the coal-mine company a city in its entirety when the coal company is charging $18 or $20 a ton for its coal, which is mined right at the doors of the city? A moment ago, in private conversation with the gentleman from New Hampshire [Mr. REED], he told me that while he was mayor of Manchester a coal company charged the people of Manchester $20 and $22 a ton for coal when the coal was mined nearby. Does anyone want to enable coal companies to oppress any community or city more than that community or city can stand, and does anyone know of any more wholesome and better provision than allowing the city to mine coal for its own use without profit, free of royalty to the Federal Government?

Mr. SHERLEY. If the gentleman's theory is right, why should we not restrict all leases to municipalities without cost and let them mine the coal?

Mr. FERRIS. Oh, the gentleman shoots wide of the mark.

Mr. SHERLEY. That is not answering the proposition.

Mr. FERRIS. There is only a small amount of coal used by these little cities on the frontier in the West. What happens? A coal mine is opened by a big coal company that spends half a million dollars to open the coal mine. They sell 2 or 3 or probably 5 per cent of the coal to the local community and ship 95 per cent away. It pays no taxes and bears no burdens of the local community. Does the gentleman think that this legislation should pass without handing the local community some weapon to protect itself?

Mr. SHERLEY. I do not think this is the proper weapon. I do not think the gentleman's statement is accurate either as to taxes or conditions.

Mr. FERRIS. Let me proceed. I know that we do not want to make this bill so socialistic that it will drive capital away. I was attracted somewhat by the argument of the gentleman from Illinois, Mr. MADDEN. He is a solid, level-headed business man. I was likewise attracted somewhat by the argument of the gentleman from Illinois, Mr. MANN. We do not want to put any provision in the law that will drive away capital, but the Bureau of Mines and the Geological Survey have sent me a long memorandum, and in both instances they say they believe the provision is salutary; they think it is what it ought to be, and they do not think that it will drive away capital. They think that it will accomplish good out in the West. Again, I repeat that this is not the main provision of this bill, but it is important to the destiny of this bill. It will help the administrative officers to carry out the intent of this bill and will help popularize and help the bill in the West. I want to call the attention of the House to the fact that if you make this legislation so unpopular that the western people will refuse to accept it, you will make it hard for your administrative officers to carry it out; and we ought to grant something in the bill to these local communities where it is very much needed, where

we can do it, when we are accomplishing so much good, as I believe we are.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. FERRIS. Mr. Chairman, but the gentleman from Wyoming has already occupied his time, and he is not a member of the committee.

The CHAIRMAN. The Chair understands that debate on this section was limited to 30 minutes.

Mr. FERRIS. The gentleman from Colorado [Mr. TAYLOR] is entitled to the time, if any more time is to be used, for he is a member of the committee.

The CHAIRMAN. Five minutes of the time remains yet unconsumed, and the Chair will recognize the gentleman from Wyoming for four minutes.

Mr. MONDELL. I do not care to be recognized.

Mr. TAYLOR of Colorado. Mr. Chairman, the remainder of that time belongs to me, but I thought if we were going to read the bill that I would not consume the time.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Chair is informed that there was no such agreement giving to the gentleman from Colorado the balance of any unused time of other gentlemen. He was to have, if anything, five minutes. Four minutes were surrendered by other speakers. The gentleman from Wyoming addressed the Chair, and the Chair will recognize him for the four minutes unoccupied, in addition to the five minutes yet remaining unused.

Mr. DONOVAN. Mr. Chairman, the gentleman from Wyoming has already had five minutes.

The CHAIRMAN. It is immaterial. The gentleman from Wyoming is recognized for four minutes.

Mr. MONDELL. Mr. Chairman, I rise not for the purpose of using the four minutes in discussion, but for the purpose of propounding a question to the gentleman from Oklahoma [Mr. FERRIS]. Section 7 is reserved for amendment. The section we have just completed is the last of the coal sections. Would it not be well to go back to section 7 and complete that now?

Mr. FERRIS. No; and I hope the gentleman will not do that. Let us get along with the bill.

Mr. MONDELL. We do not want to discuss phosphates and oil and other things with coal still unfinished.

Mr. FERRIS. The gentleman can not go back to that now.

Mr. STAFFORD. Let us limit the time for debate in going back to it, so that we can close debate upon it.

Mr. MONDELL. There are some things that I desire to present.

Mr. DONOVAN. Mr. Chairman, a point of order. There is a colloquy going on over on the other side of the aisle between two or three gentlemen, and only one can have the floor.

The CHAIRMAN. The gentleman from Wyoming has the floor.

Mr. DONOVAN. But he is not the one who is using the floor.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. Would it be agreeable to the gentleman to ask unanimous consent to revert to section 7, and that the time be limited to 10 minutes, 5 minutes to be consumed by the gentleman from Wyoming and 5 minutes by us?

Mr. MONDELL. I have two amendments, and I want 5 minutes on each.

Mr. FERRIS. Then, Mr. Chairman, I ask unanimous consent that after we dispose of section 8, which is now under consideration, we revert to section 7, so that the gentleman from Wyoming may offer two amendments, and that at the expiration of 25 minutes' debate on those amendments, 8 minutes of which time is to be controlled by the committee and 17 minutes by the gentleman from Wyoming and the gentleman from Illinois [Mr. MANN] and the gentleman from Wisconsin [Mr. STAFFORD], all debate shall close on the paragraph.

Mr. MANN. I suggest that the gentleman do not limit it to two amendments. I understand the gentleman from Wisconsin has two amendments he desires to offer.

Mr. FERRIS. Then we will just limit the time for debate.

Mr. MANN. Limit the time for debate to 25 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the conclusion of debate on section 8 the committee return to section 7 for the purpose of offering amendments, and that at the expiration of 25 minutes on these amendments debate on the paragraph and amendments thereto shall be closed. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, does the Chair hold that this requires unanimous consent?

The CHAIRMAN. The gentleman from Oklahoma is asking unanimous consent.

Mr. DONOVAN. Then, Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Connecticut objects. Does the gentleman from Colorado desire to use any time on section 8?

Mr. TAYLOR of Colorado. Mr. Chairman, I will avail myself of the privilege of extending my remarks on that section.

The CHAIRMAN. The gentleman has that right under the rule.

Mr. SHERLEY. Mr. Chairman, before the Clerk reads I desire to offer an amendment to section 8. I move to strike out all in line 7 on page 7 after the word "occupied" down to and including line 16.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 7, after the word "occupied," strike out the following: "*Provided*, That not more than one such limited license or permit shall be issued to any single applicant hereunder: *And provided further*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed 160 acres, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the acquisition of such tract or operation of such mine under said limited license."

Mr. MANN. Mr. Chairman, I think the amendment is not reported the way the gentleman from Kentucky intended it, because the Clerk reported part of it, striking out the amendment of the gentleman from Illinois, which was inserted.

Mr. SHERLEY. I only desired that my amendment should begin with the proviso, "*Provided*, That in the case of municipal corporations," and so forth.

The CHAIRMAN. The committee has already adopted an amendment offered by the gentleman from Illinois——

Mr. STAFFORD. After the amendment of the gentleman from Illinois strike out the balance of the paragraph.

Mr. SHERLEY. I desire to modify my amendment, therefore, in accordance with the amendment adopted.

The CHAIRMAN. The gentleman from Kentucky offers an amendment to strike out the paragraph commencing with the words "that in the case of municipal corporations," and so forth, line 8, page 7.

Mr. FERRIS. Mr. Chairman, I make the point of order that debate is closed on this section. Debate was parceled out by unanimous consent and the parties were named who were to have it, and the gentleman from Colorado yielded his time so that the Clerk could continue with the reading of the bill, and hence no other amendment is now in order, nor is anyone entitled to debate.

The CHAIRMAN. The Chair is not informed that the arrangement was such as the gentleman submits.

Mr. FERRIS. But the Chair is informed; we so inform the Chair.

The CHAIRMAN. The Chair stated that he is not so informed.

Mr. FERRIS. I can——

The CHAIRMAN. If the gentleman will permit the Chair to make a statement it will expedite the business of the committee. Certain gentlemen who were recognized to occupy five minutes surrendered a portion of their time, and there is still a part of the 30 minutes allotted for debate unconsumed, and after those who were to be recognized are recognized and consume some time there is time left over and the Chair recognizes those seeking recognition. The gentleman from Kentucky is recognized.

Mr. DONOVAN. Mr. Chairman, this action——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DONOVAN. To call attention to the fact that this action was taken when another gentleman was in the chair.

The CHAIRMAN. The Chair so stated, and stated the situation according to the information furnished at the desk. The gentleman from Kentucky is recognized.

Mr. SHERLEY. Mr. Chairman, I do not desire to unduly delay the committee, but I do want to put myself on record as opposed to the proviso that I moved to strike out. I do not believe that it is consistent with sound governmental policy to undertake to provide for a lease on coal lands on the payment of royalty and then to provide practically, as the gentleman from Oklahoma has said, as a concession to the western idea that I repudiate, that the public domain belongs to the Western States in which it happens to be situated; that a local community may lease without payment of royalty. Now, what we are trying to do here is to violate a policy that has been adopted touching conservation, that the public domain is to be

used for the benefit of all the people and not for a class of people, and we are proposing that in these western communities we shall permit those people to mine their coal without cost on the assumption that the property that is to be leased by the Government will be so handled as to be an extortion upon the public, an assumption which I am not willing to believe. If I believed the leasing of these coal lands by the Government for a royalty was to be made the medium of oppression and monopoly upon the people, then I would oppose the whole bill; and I do not see how gentlemen can come in here asking us to vote for a leasing bill and then in the next breath say that under the lease that is to be given there will be such oppression that in order to prevent it we must let a local municipality have the right without paying any royalty to mine coal so as to prevent the consumers being charged extravagant prices. The two things do not fit. It is not true in point of fact, in my judgment, and you are starting on a program of socialism that if you want to go on with you should go the whole way. [Applause.] You should provide that all coal lands that the Government owns shall be leased both to municipalities and corporations over the country at large without charging anything, so as to assure the general public obtaining coal at a cheap price without adding to it the cost of royalties. You have to take one horn of the dilemma or the other. The gentleman's statement begs the question. He tells you in substance—and I agree that he has fought hard and diligently to have a policy enacted to protect the public domain in the interest of the public at large—that he has been so pressed he has had to make concessions. Now, I do not blame him for that, but we are prepared to come to his rescue and prevent a concession being made that is not wise in principle and is not needed in point of fact. [Applause.]

The CHAIRMAN. The gentleman from Colorado is recognized.

MUNICIPAL COAL MINES.

Mr. TAYLOR of Colorado. Mr. Chairman, as the chairman of the Public Lands Committee, the gentleman from Oklahoma [Mr. FERRIS] has said this provision, which the gentleman from Kentucky [Mr. SHERLEY] moves to strike out, is a provision that I inserted in this bill myself. I also assisted in adding the fore part of the section, concerning which there is also a motion to strike out. So that I can not permit this attack upon these provisions to pass without making a brief reply. The language which it is sought to strike out is as follows:

SEC. 8. That in order to provide for the supply of strictly local and domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified to obtain a lease under section 3 of this act, a limited license or permit granting the right to prospect for, mine, and dispose of coal belonging to the United States on specified tracts, not to exceed 10 acres in any one coal field, for a period of not exceeding 10 years, on such conditions, not inconsistent with this act, as in his opinion will safeguard the public interest, without payment of royalty for the coal mined or for the land occupied: *Provided*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed 160 acres, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit.

I therefore heartily coincide with the statement of the gentleman from New York [Mr. OGLESBY], that this is the sanest provision in this entire bill. The gentleman from Illinois [Mr. MADDEN] calls it socialistic. There is nothing more socialistic about this provision than there is in allowing a city to own its own water plant or electric-light plant or any other municipal utility. Throughout the Western States, notwithstanding there are millions of acres of coal lands, there are some large coal companies that compel small cities and towns to pay an exorbitant price for coal. This provision is put in the bill for the sole purpose of being a check and guard against monopoly and extortion. It will have a tendency to compel the coal operators to treat the people fairly, and I can not understand how anyone can oppose this measure, unless he is knowingly or unwittingly shielding the big coal companies that have charged and will charge the people unjust and exorbitant prices.

I think it would be an outrage on the West to let this bill go through without some safeguard against the big coal combinations. Of course, every big coal corporation is opposed to this. Every big outrageous monopoly is against it. They will all enthusiastically agree with the sentiment of the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Illinois [Mr. MADDEN]. But the people of the West who have been paying extortionate prices want a provision of this kind in this bill.

Mr. SHERLEY. Will the gentleman tell me why they have a better claim to this land than the rest of the people of the country?

Mr. TAYLOR of Colorado. The people of the municipalities and all the people of those States have a right to ask this Congress to protect them against extortion.

Mr. Chairman, this provision gives cities and towns the right to obtain a lease of 160 acres of coal land from the Secretary of the Interior and to mine coal for their inhabitants without paying any royalty. It is the most genuine example of honest conservation that has ever been presented to this House. There can be no more wise or better legislation than a provision of this kind that will absolutely make monopoly impossible and protect the people of all of those Western States forever against any extortion by coal combines. No law can be more humane or capable of more benefit to mankind than by furnishing cheap fuel. This is a measure that I have been diligently working upon ever since I have been in Congress. I live within 3 or 4 miles of one of the largest coal veins in the United States, from which coal is mined at from 60 to 90 cents a ton, and yet the inhabitants of my home town, Glenwood Springs, Colo., have to pay from $5.50 to $6.50 per ton for it. I introduced a general coal bill—H. R. 26200—in the Sixty-second Congress, and on the first day of this Congress, April 7, 1913, I introduced H. R. 1632, granting cities and incorporated towns coal lands free for municipal purposes—640 acres for cities and 160 acres for towns. Three years ago I submitted this measure to the Interior Department, and after many conferences obtained a very favorable report from the former Secretary of the Interior, Hon. Walter L. Fisher; and the Public Lands Committee favorably reported my bill on this subject. The report which I prepared for the committee upon that bill includes the report of the former Secretary, and is as follows:

COAL LANDS FOR MUNICIPAL PURPOSES.

For a number of years past it has been the policy of the administration to withdraw from entry practically all of the coal lands upon the public domain. The Government has been gradually examining and reclassifying the coal land, so that at the present time a large portion of the coal lands have been classified and a purchase price placed thereon. But upon practically all of the coal land thus far classified the price has been fixed so extremely high that it is practically prohibitive. In some States there has been scarcely a single entry initiated and completed during the past three years. The natural and actual result of this policy has been and is to permit the coal companies that own a large part of the coal lands heretofore patented and that are operating most of the mines thereon in the various States to combine together—especially in conjunction with the railroads—and unduly raise the price of coal to the consumers. The increase in prices has in many cases been as much as 200 per cent during the past three years. This condition is imposing a very great burden and an unwarranted hardship upon the people throughout the West, and especially the poor people in cities and towns. Moreover, where in former years the farmers and many people of the towns were almost universally permitted to go with their wagons to the coal mines and get coal for a dollar a ton and haul it home themselves, that practice has been entirely discontinued and prohibited at nearly all coal mines, and all those people are now compelled to pay from $4.50 to $6.50 a ton generally, and in many places even higher than that. For many years the price of coal was from $2.25 to $3.25 per ton. In other words, the Government's laudable intention of conservation against waste and monopoly is now being used to create one of the greatest monopolies and outrages that has ever been inflicted upon or known throughout the West.

For the purpose of trying to relieve this situation, and at the same time desiring to recognize the good intention of the administration and the public generally to prevent monopoly or waste of the public coal lands, H. R. 1264 was introduced on the 4th of April, 1911. The bill was duly referred by your committee to the Secretary of the Interior for his report thereon. The object of the bill was to allow cities and incorporated towns to obtain from the Government at a nominal price a reasonable amount of coal land on the public domain upon which to open a coal mine for municipal purposes, and for the supplying of the inhabitants of the city or town. The intention was to authorize the city or town authorities to conduct a mine and sell the coal to its citizens at actual cost, and thereby protect its citizens from the prevailing extortion. After numerous consultations with the officials of the Interior Department the Secretary made the following report thereon:

DEPARTMENT OF THE INTERIOR,
*Washington, D. C., August 5, 1912.*

Hon. JOE T. ROBINSON,
*Chairman Committee on Public Lands, House of Representatives.*

SIR: With reference to your requests for a report on H. R. 1264, to authorize cities and incorporated towns to purchase coal lands:

This matter has been discussed at length with Representative TAYLOR of Colorado, who introduced the bill. The aim of the Federal conservation policy with respect to Government-owned coal lands is to insure for the public an abundant supply at prices which will yield a fair return and no more upon the capital invested in mining and handling the coal. This is impossible when a fee simple patent is granted to private persons or corporations for the commercial exploitation of the coal deposits. When title passes from the Government its control ceases, and the patentee is placed in such a position that he can exact from consumers the highest price for the coal mined from the lands that their necessities may compel them to pay. The patentee or subsequent fee simple owner of any particular tract containing rich deposits easily workable at small expense and supplying a market in which coal mined under less favorable conditions does or may compete will fix his price no lower than is necessary to command the market against such competition. That level will be determined by the relatively high cost of production of the coal mined under less favorable conditions. The difference between this relatively high cost and the relatively low cost of mining and marketing coal from the tract so patented can not, under conditions of commercial competition, be transferred to the consumers. It must remain in the hands of the coal operator unless paid to the public in the form of rental or royalty. For this reason the leasing system is the only method for the private exploitation of Government-owned coal lands which can protect the public. By retaining the title in its own hands and properly conditioning the lease it will be possible to protect the public from extortion.

Municipal corporations which desire to mine coal to supply municipal needs and the needs of their citizens are in a different position from commercial corporations. It may be presumed that a city entering upon such an enterprise would sell the coal at cost to its citizens and not attempt to make profit therefrom. Even if a profit were made it would increase the general revenue of the city and thereby accrue to the benefit of the citizens. Although I am of the opinion that a long-time lease for a nominal consideration would be better for this purpose than an outright grant, because it would admit of greater flexibility in dealing with each city according to local circumstances and conditions, I recognize that it is possible to embody in a patent to a city the most essential conditions necessary to effect the purpose of the Federal conservation policy as above stated. It is desirable to retain in the hands of the Federal Government a certain amount of supervision to make sure that the city will actually develop the coal without waste and with due regard to the health and safety of the miners; also that all the transactions of the city be given the fullest publicity to prevent any opportunity for corruption and abuse and to keep the Federal Government and the general public fully informed as to just how legislation of this character is operating in actual practice.

I submit herewith a proposed substitute for H. R. 1264, which has been drafted in the department to embody the views above set forth. You will note that this draft differs from the bill introduced by Mr. TAYLOR in that it provides for the issue of a patent to cities and towns as a gift and not as a sale. This is consistent with the conservation policy as above explained.

Very respectfully,

WALTER L. FISHER,
*Secretary.*

DEPARTMENT OF THE INTERIOR,
*Washington, February 4, 1913.*

Hon. SCOTT FERRIS,
*House of Representatives.*

SIR: Complying with your request of January 31, there is inclosed herewith copy of departmental report on H. R. 1264, dated August 5, 1912. Your particular attention is called to the last paragraph of the report as to the submission of a proposed substitute for the bill. This substitute was introduced by Mr. TAYLOR of Colorado on August 9, 1912, as H. R. 26200, copy whereof may undoubtedly be found in your files.

Very respectfully,

LEWIS C. LAYLIN,
*Assistant Secretary.*

The proposed substitute therein referred to was introduced on August 9, 1912, and is the bill (H. R. 26200) now in question, without any alterations or change whatever.

It is believed by your committee that the restrictions in the bill and the supervision retained by the Secretary of the Interior upon the working of the coal mine will be amply sufficient to protect the rights of the Government, and at the same time give the municipalities sufficient title and right to the property to warrant their making the large investment necessary in opening, developing, and practically operating a coal mine. It may be asserted that if all cities and towns in the public-land States that are entitled to the provisions of this measure (estimated at 1,650) should take advantage of it, their aggregate appropriation would not amount to more than a half million acres, or less than 2 per cent of the remaining coal lands now belonging to the Government. But, even so, it is believed by your committee that that amount of coal land could not be used for a higher, better, or more humane purpose.

However, it is certain that only a small per cent of the cities or towns will ever be required to take advantage of the provisions of this act. It is believed that in most cases the mere fact of their having the legal authority to do so will have the salutary effect of compelling the coal companies to desist from the present extortionate prices and monopoly and compel them to mine and sell coal to the people at a fair and reasonable price.

The committee is also of the opinion that this measure can not and will not interfere with any legitimate operation of coal mining by coal companies that are operated in a practical way and are willing to dispose of their product at a fair price, for the reason that a coal company with its experience, skilled operators, and appliances can usually mine and sell coal at a good profit for less than a municipality can mine and deliver it—at least for a considerable time after the opening of a mine. Moreover, no city or town will be disposed to incur the probable indebtedness and expense of anywhere from $5,000 to $50,000 in the opening up of a coal mine and putting in the necessary machinery, side tracks, etc., if fair and permanent arrangements can be made with private coal companies to supply the inhabitants thereof with coal at a reasonable price. Many cities are now adopting the commission form of government and own their electric-light plants, pumping stations, and other municipal works, and have many uses for coal other than for the ordinary municipal buildings; and the possibility of direct competition with the coal companies, it is confidently believed, will generally have the effect of reducing the price of coal to the people, and thereby bring about the very great and lasting benefits above referred to.

Of course, in States where the constitution and laws or city ordinances are such that their municipalities can not lawfully expend the public money toward purchasing and maintaining a coal mine outside of their corporate limits, this act will not be available until such time as their constitution, statutes, or ordinances are modified to grant them that authority.

On August 11, 1912, the administration, through the Secretary of the Interior, issued what appeared to be an official statement to the public, which was published in the Washington Post and the press generally throughout the country in the Sunday's edition of that date, heartily approving this measure. That statement is so comprehensive that it is herewith inserted with the belief or hope that, in view of the position of the administration and the Interior Department upon this policy, there can be no real objection to the enactment of this measure as expeditiously as it can be considered by Congress:

"COAL MINES TO CITIES—SECRETARY FISHER BEGINS PLAN TO SOLVE FUEL PROBLEM—GRAND JUNCTION, COLO., FIRST—ORDERS LANDS WITHDRAWN FROM ENTRY FOR USE OF TOWN—FAVORS ALLOTMENTS FOR MUNICIPAL AS WELL AS CITIZENS' NEEDS—ADVOCATES LEASES INSTEAD OF GRANTS—PUTS MATTER UP TO CONGRESS.

"Secretary Fisher has a plan to allot Government coal lands to cities, which, in turn, may operate them, under certain regulations, to supply municipal needs as well as those of citizens.

"As a first step in the plan, Secretary Fisher has recommended that Congress pass a bill granting 640 acres of coal land to the city of Grand Junction, Colo., and meanwhile the Interior Department has withdrawn from entry the land the city desires.

"Cities in Colorado, Wyoming, Utah, Montana, Idaho, and other public-land States west of the Missouri River would be most vitally affected by Secretary Fisher's plan.

"The general bill he offers would authorize the Secretary of the Interior, in his discretion, to patent 640 acres of Government coal land for each city and 160 acres for each town, under conditions providing for prompt and continuous development of the coal, the prevention of any assignment or transfer of the land, the safeguarding of the health and safety of laborers mining or handling the coal, the prevention of undue waste of mineral resources, and other restrictions.

"FAVORS LEASES OVER GRANTS.

"Secretary Fisher maintains that the aim of the Federal conservative policy, with respect to Government-owned coal lands, is to insure for the public an abundant supply at prices which will yield a fair return and no more upon the capital invested in mining and handling the coal.

"Although Secretary Fisher believes that a long-time lease for a nominal consideration would be better for some purposes than an outright grant, because it would admit of greater flexibility in dealing with each city according to local circumstances and conditions, he asserts it is possible to embody in a patent to a city the most essential conditions necessary to effect the purpose of the Federal conservation policy.

"ORDERS THE LAND WITHDRAWN.

"It is desirable, he says, to retain in the hands of the Federal Government a certain amount of supervision to make sure that the city will actually develop the coal without waste and with due regard to the health and safety of the miners; also that all the transactions of the city be given the fullest publicity to prevent any opportunity for corruption and abuse.

"Upon the request of Representative TAYLOR of Colorado, Secretary Fisher has directed that the coal lands desired by Grand Junction be held withdrawn from entry. The right of the Secretary to make withdrawals by executive order in the absence of express authority previously conferred by statute has been a subject of controversy, especially in Colorado, but Secretary Fisher has no doubt of his executive authority in this matter."

I also introduced a bill giving a specific tract of 640 acres to the city of Grand Junction, Colo., and that bill has been twice favorably reported to this House by the Public Lands Committee, and it is on the Union Calendar now (H. R. 1633, Rept. 339). That bill allows the city to sell coal to the inhabitants of the county.

The present Secretary of the Interior made a very favorable report upon this provision, which the gentleman from Oklahoma [Mr. FERRIS] has just inserted in the RECORD. The first portion of the section pertaining to 10 acres is for the benefit of farmers and ranchmen in isolated communities, as well as associations of farmers. In a country where there is an abundance of coal, it seems to me it would be infamous for us to compel those people to either compete with large coal companies or to purchase from them at whatever price they see fit to charge. This provision is put in the bill for the protection of those people.

Upon this subject the Director of the Bureau of Mines recently made the following official report:

DOMESTIC LOCATIONS.

This section is one of the most salutary provisions in the bill, as it takes care of the interests of sparsely populated sections in advance of the commercial development of the coal mines. By reason of the inaccessibility of many of the coal lands which are subject to lease under this bill, it will unquestionably be years hence before such lands are leased for commercial purposes. In the meantime the scattered inhabitants of such sections will be compelled to depend upon mines located long distances away for their small supplies of coal, with the consequent necessity of being compelled to pay high and perhaps extortionate prices, when deposits of coal are located in their immediate neighborhood, and which are unproductive as commercial propositions because of the limited market in the immediate neighborhood thereof. By means of this provision it will be possible for these isolated communities to obtain the small quantities of coal required for their uses. The limitation to 10 acres and for a period of 10 years amply restricts the privilege and provides the necessary assurance against fraud or monopolistic control. The mining operations will necessarily be conducted upon such a small scale that the cost of mining will be much greater than would be the cost in large-scale mining operations. As a result, the payment of a royalty would in many such instances make the cost of such mining prohibitive. If relief is to be offered to these isolated communities, it should be whole-hearted relief. It would be an anomolous condition if communities having coal in their immediate neighborhood should be unable to avail themselves of the resources at hand and be forced to depend upon sources of supply hundreds of miles distant, with meager and perhaps no transportation facilities. The provision can only be of incalculably more benefit than harm, even if it be admitted that it might in some instances lead to fraud or imposition, although it is not perceived how the opportunity for the latter would occur.

In relation to my measure for municipal coal mines, the Bureau of Mines has recently reported upon that provision of this bill as follows:

This proviso can not possibly result in driving away commercial development. The acreage is limited to 160 acres, which can not under any circumstances permit of large-scale operations. It merely permits communities to relieve their fuel necessities by means of their own action in the absence of a reasonable or satisfactory source of supply. It is anticipated that both under this proviso and the main portion of the section that the operations will only be in advance of the development on a large scale by coal companies. That is the only reason for the inclusion of such provisions. Otherwise, unreasonable and unnecessary hardship might result. The operation of a small mine on 160 acres would not scare away any commercial development at a time when increasing density of population and industrial development would justify the expenditures involved in opening up a lease on 2,560 acres.

On this section, which it is now sought to strike out, the Geological Survey, in a recent report, made the following statement:

(a) This section provides for free coal for strictly local and domestic needs ("country" or "neighborhood" banks) of not to exceed 10 acres in any one coal field. I think it is the idea in this case that such a tract is open for anybody to come and dig coal for themselves as they desire. Under those conditions the collection of royalty would be difficult, if not impossible. The number of acres so designated would be governed by the thickness of the coal and other conditions of the locality selected.

(b) As stated under section 3b, where competition is lacking prices actually charged for coal are often far above cost. If municipalities are legally free to lease coal lands and operate them for the benefit of their own citizens, they may pass the highest labor cost and still supply themselves with coal much below the prevailing market price.

Mr. Chairman, in view of these official reports, the self-evident common sense and undisputable fairness and justice of those provisions, I can not believe that this House will go on record against this section, and I trust the motion to strike it out will be defeated.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Kentucky [Mr. SHERLEY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. SHERLEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes 41.

So the amendment was rejected.

Mr. RUCKER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and four Members are present—a quorum. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. MANN. Mr. Chairman, it was agreed a while ago to return to section 7 for amendment when section 8 was read.

Mr. FERRIS. Objection was made.

Mr. MANN. Objection was made to returning then.

Mr. FERRIS. There was no unanimous consent given to return. I stated to the gentleman from Illinois [Mr. MANN] that I would endeavor to get back to the section.

Mr. STAFFORD. You did state to me that you would certainly return to the section.

Mr. MANN. There was a question made then whether we did not have a right to amend section 7.

Mr. FERRIS. I stated to the gentleman that later on I would ask unanimous consent. I asked unanimous consent, and I will try again.

Mr. MADDEN. It seems to me it would be desirable and orderly to dispose of section 7 before we go on to anything else, because section 7 closes up the coal proposition which the gentleman from Connecticut presented. But the gentleman from Connecticut objected, but possibly he did not understand. I do not think the gentleman from Connecticut was objecting to closing debate.

Mr. FERRIS. Mr. Chairman, I am perfectly willing to submit the request again if the gentlemen on the other side think it advisable.

Mr. MANN. I think it would be more orderly.

Mr. FERRIS. I ask unanimous consent to recur to section 7 and that it be open for amendment, but that the time for general debate be limited to 25 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to section 7 for the purpose of amendment, and that debate on all amendments be limited to 25 minutes. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, may I have five minutes of that time?

Mr. MANN. Extend the time five minutes.

Mr. DONOVAN. There ought to be some time allowed on this side. Four-fifths of the time is consumed on the other side.

The CHAIRMAN. The gentleman modifies his amendment to 30 minutes.

Mr. DONOVAN. May I have five minutes?

The CHAIRMAN. The Chair hears no objection to the motion to limit the debate to 30 minutes.

Mr. MONDELL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, strike out all of lines 13, 14, 15, 16, and 17, down to and including the word "pounds," and insert the following: "All lessees shall pay a royalty on each ton of 2,000 pounds of coal mined, as follows: For the first 10 years of the period covered by the lease, not less than 3 cents nor more than 6 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 8 cents per ton; for the succeeding 15 years, not less than 5 cents nor more than 10 cents per ton; and thereafter as Congress may provide."

Mr. MONDELL. Mr. Chairman, the amendment I now offer is in line with an amendment I offered to a preceding section, and intended to modify the form of bidding and leasing. The bill now provides for a minimum of 2 cents a ton, and such higher royalty as may be fixed by the Secretary, and a bonus to be secured under a bidding arrangement. My proposition is to have the royalty fixed by Congress and to definitely determine the important provisions of the lease. I hardly expect the committee to adopt a revolutionary modification of their plan, and yet I believe this is the only plan that will be workable, and I hope it is the plan that will ultimately be adopted. With such a plan there goes a provision for preliminary prospecting, which is absolutely essential for development in the West.

Mr. STAFFORD. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. STAFFORD. What is the basis on which the gentleman determines the royalty that he provides for the various years?

Mr. MONDELL. If the gentleman will notice, the royalties are advanced as the time passes.

Mr. STAFFORD. Why should they be advanced? Why should they not be the same throughout the entire period of lease?

Mr. MONDELL. Well, because a coal operation generally has pretty hard sledding at the beginning of the enterprise. It must find its market; it must pay the initial cost of installation, of driving of entries, and all that sort of thing. Its market is limited; and if the enterprise is well installed and pays, it can afford to pay a larger royalty after a term of years than it can afford to pay at the beginning.

Mr. STAFFORD. But suppose it makes only a normal profit in the first few years; why should it be penalized by a higher royalty in the next few years when it is shown that it can not make an additional profit?

Mr. MONDELL. It is not penalized at all. I am surprised to hear the gentleman from Wisconsin discuss an amendment of mine as though I were attempting to make it hard for the operators in my country.

Mr. STAFFORD. I did not know whether the gentleman was friendly to this bill or not.

Mr. MONDELL. I am not friendly to the form of the bill. The gentleman will recall that I proposed leasing legislation long before it was had, so that the gentleman can scarcely say that I am unfavorable to the proposition. I did not approve the committee's plan, that is all.

I think that the plan of gradually increasing the royalties is a better one than the plan for fixing the royalties for the entire period. I think it is the only plan that can be made to work.

Now, Mr. Chairman, just a moment with regard to section 8. There has been a good deal of discussion about section 8, particularly the portion relating to municipalities. I do not think anyone need be disturbed over the provision in one way or another. I doubt if any municipality will ever take advantage of that section. It will be an extraordinary situation, indeed, when a municipal government will imagine that it can go into the coal-mining business and secure coal cheaper than it can buy it from mining companies.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 13, noes 26.

So the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment: Insert, on page 5, line 25, after the word "thereafter," the words "not less than," and on page 6, line 1, after the second word "and," insert the same words, "not less than."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 25, after the word "thereafter," insert the words "not less than," and on page 6, line 1, after the word "and," where it occurs the second time in the line, insert the words "not less than."

Mr. FERRIS. Mr. Chairman, the committee thinks that makes the language clear, and we are glad to accept it.

Mr. STAFFORD. Question, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The CHAIRMAN. If no other gentleman desires to use the time allotted, the Clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out on page 6 the proviso beginning on line 13.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk reads as follows:

Page 6, line 13, after the word "period," strike out the following: "*Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for."

Mr. MONDELL. Mr. Chairman, I can not understand why the committee inserted a provision of that kind in their bill. It can have no effect other than to afford opportunity for tying up coal operations. I can not imagine how anyone would ever take advantage of it except to put an operation in cold storage.

Now, this is the situation under the bill: There is a royalty and a rent. The rent must be paid without regard to operation. If there is operation, the royalty consumes the rent, or the rent is credited on the royalty. But if the output falls below the rent, the rent must be paid in any event.

Now, here is a provision under which the Secretary of the Interior can relieve the operator of the necessity of continuing operation even when there is a market. All that we can require the operator to do at any time or anywhere is to operate as market conditions allow and as he can find a market, and no one should have authority to say to an operator, "You can close your mine; you can keep it closed indefinitely, without regard to the conditions of the market, provided you pay the land rent." Why, you have to pay that under the bill anyway, so that this is simply giving the operator an opportunity to close down his property.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. Does the gentleman realize that so far as rent is concerned, although the mine might not be operated for five years, the rent would be paid, but in the sixth year they would be credited the amount of the rent they had paid during the preceding five years?

Mr. MONDELL. They ought not to be, and would not be in any properly drawn coal bill.

Mr. LENROOT. Then why did not the gentleman offer an amendment to change that?

Mr. MONDELL. I intended to offer an amendment to that provision, but there are so many faults in this bill that one can not get an opportunity to offer amendments to all of them. There should not be any provision in any of these bills allowing the rent to be absorbed by the royalty except the rent for the current year. To allow an operator to have credit for rents that have been running for a series of years is simply to encourage him to shut down his property and run his mine with the smallest possible output, if it is to his advantage to do it. Now, that ought not to be allowed.

No public interest is served by this proviso. If it were of any advantage at all to anybody, it would be to an operator who had a market that he did not want to supply for some reason or other. Otherwise he would never think of taking advantage of it. I am not sure that the bill is as clear on that point as it ought to be, but it ought to be clear that he must operate whenever there is a market for his product. That provision would adjust the matter of operation. There should not be any opportunity on the part of the operator to shut down his mine when there is a real demand for coal, putting it in cold storage and depriving the public of the coal.

Mr. GRAHAM of Illinois. Mr. Chairman, while I can not approve of the judgment of the gentleman from Wyoming [Mr. MONDELL], I can very well understand that having given a good deal of attention to a bill on this subject he is not in favor of provisions in this bill which are in conflict with the child of his own brain. As my neighbor, Mr. TAYLOR of Colorado, suggested a moment ago, he is still "harping on my daughter." His mind will reflect back to the creature of his own brain, his bill. It seems to me that in his remarks he reflects in advance rather seriously on some gentleman who will be Secretary of the Interior in the future. He says that when it suits his purpose the operator may shut down the mine; but in saying that the gentleman overlooks the very first line of the proviso—

The Secretary of the Interior may, if in his judgment the public interest shall be subserved thereby.

The operator can not shut down the mine at his own pleasure. He must consult the Secretary of the Interior and have his approval before he can shut down.

Mr. MONDELL. Will the gentleman yield?

Mr. GRAHAM of Illinois. Certainly.

Mr. MONDELL. Does not the gentleman from Illinois think it is a little dangerous to give all this authority to the Secretary, particularly when it is difficult to point out where it is necessary to exercise the authority in the public interest?

Mr. GRAHAM of Illinois. I agree with the gentleman from Wyoming in that regard, and I am not in favor, as a rule, of giving executive officers undue discretionary power; but there are many cases where it is necessary to do it. In legislating you have to choose between difficulties all the time, and if you were to make the provisions absolutely rigid, you would run into greater difficulties than if you gave the officer discretionary power here and there. The work of coal mining is of such an uncertain character, there are so many contingencies and possibilities, that human wisdom can not provide in advance for all those contingencies, and the best way to meet them is to leave it to the wise discretionary power in an officer of such standing as the Secretary of the Interior undoubtedly would be. The Bureau of Mines considers this provision particularly valuable. They write concerning it as follows:

This is one of the practical clauses in the bill, designed to make the same workable in operation. Without said proviso, under the terms of section 7, making the lease continuous, any emergency or exceptional market conditions would compel the forfeiture of the lease if mining operations were not continuous. There may well be periods of industrial stagnation when the demand for the product of the mine will be practically destroyed, or when, because of temporary financial embarrassment or some similar cause, continued operation for a time is impracticable, when the interests of the Government would be amply conserved and at the same time the investment of the lessee would be amply protected by having some such saving provision in the bill. It is only fair to the lessee under such conditions that he should be permitted to hold under the lease upon payment of the advance royalties prescribed by the Secretary, provided the Secretary is satisfied of his good faith in the premises. The leeway given the lessee under the direction of the Secretary by means of this proviso is as much for the Government's advantage as for the lessee's, as it obviates the dismantling of the mining plant. The Secretary can be relied upon to so circumscribe the temporary relief afforded the lessee that the public interests will not suffer.

I think those are wise words, and that the provision is absolutely necessary, because it is beyond the limits of human wisdom to fix provisions now to cover all the cases that might arise in the future.

Mr. TOWNSEND. Mr. Chairman, I want to get from the gentleman in charge of the bill some information that will clear up some doubt in my mind as to the meaning of the language in the beginning of section 7, beginning with line 13:

That for the privilege of mining or extracting the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same.

Offering "the same" what?

Mr. GRAHAM of Illinois. The offering of the leasehold for lease; that is, it shall be uniform. It shall be fixed in advance, so that the personality of the proposed lessee shall not in any way interfere; that all applicants shall have the same opportunity.

Mr. TOWNSEND. It says:

Which shall be fixed in advance of offering the same.

"The same" refers to what?

Mr. GRAHAM of Illinois. The lease.

Mr. TOWNSEND. Does not that assume that the Secretary of the Interior shall have knowledge in advance of all existing coal lands? Does it not ignore the fact that there are just as good geologists prospecting in the West as are occupying positions in the Geological Survey? I think, perhaps, the gentleman will admit that fact. Now, supposing a prospector should discover upon the public lands a deposit of coal unknown to the Secretary of the Interior, how is the Secretary of the Interior to determine what the lease of that shall be, it being an unknown deposit of coal?

Mr. GRAHAM of Illinois. By a careful investigation for the purpose of classifying it.

Mr. TOWNSEND. Then the prospector who discovers it will have to wait until the survey has been made.

Mr. GRAHAM of Illinois. And the classification; yes.

Mr. TOWNSEND. Possibly a year or two?

Mr. GRAHAM of Illinois. Some waiting would be necessary; I can not say how long. There are already 53,000,000 acres withdrawn, and of those 20,000,000 acres have already been classified.

Mr. TOWNSEND. I have read the report with a great deal of interest, and the gentleman who wrote it so skillfully even suggested the question that I put, that there may be in the public lands much coal that has not yet been classified or discovered by the Geological Survey.

Mr. GRAHAM of Illinois. Quite true.

Mr. TOWNSEND. Assuming, then, that some geologist or prospector should find a new bed of coal as a reward for his labor and expenditure of time and money, he is to sit still for a

year, until it is classified, before his rights to a lease can be determined?

Mr. GRAHAM of Illinois. It would be very difficult to frame a bill to which some possible objection might not be urged.

Mr. TOWNSEND. I am not captious about this. I have a great deal of knowledge of the prospector, his life and unhappy attempts to procure a livelihood, and it has occurred to me that some provision might possibly be made in his behalf.

Mr. GRAHAM of Illinois. I was going to add that the law in relation to the discovery of precious metals has no application to the coal lands. Under the law the geologist or prospector who finds such a bed of coal would have no right such as he would have in relation to precious metals.

Mr. TOWNSEND. How would that coal be put into the market?

Mr. GRAHAM of Illinois. It would have to be withdrawn and come under the provisions of this bill.

Mr. TOWNSEND. Consequently there is no inducement whatever for these prospectors or geologists to discover for the Government new coal beds, because they would get no reward.

Mr. GRAHAM of Illinois. No; and that has never been the case. No prospector would spend his time hunting for coal beds.

Mr. TOWNSEND. But they have done so for many years heretofore.

Mr. GRAHAM of Illinois. They have discovered them accidentally, perhaps.

Mr. TOWNSEND. No; they have prospected for them diligently over the lands in California before the discovery of oil.

Mr. GRAHAM of Illinois. On the public lands?

Mr. TOWNSEND. Yes; before the discovery of oil.

Mr. GRAHAM of Illinois. Oil is entirely different from coal. The discoverer of oil has his reward.

Mr. TOWNSEND. I am aware of that fact. The gentleman from Illinois, with a smile at my ignorance, assures me that no one would prospect for coal. I assure him that people have prospected diligently with labor and capital for coal in California. That was in a search for fuel so much needed in that State before the oil discovery.

Mr. GRAHAM of Illinois. The gentleman knows his good friend too well to presume on the gentleman's ignorance, and he is too courteous to smile at it.

Mr. TOWNSEND. I suppose the gentleman from Illinois did not know that I know a great deal about this subject, and that he smiled in a genial way.

Mr. GRAHAM of Illinois. The gentleman from Illinois meant no offense by smiling, and he certainly would not offer any to his friend from New Jersey.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were 3 ayes and 18 noes.

So the amendment was rejected.

The Clerk read as follows:

PHOSPHATES.

SEC. 9. That the Secretary of the Interior is hereby authorized to lease to any person qualified under this act any deposits of phosphates or phosphate rock belonging to the United States, under such regulations and upon such terms as are herein specified, through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulations adopt.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The provisions of this bill with regard to mining of phosphate, in regard to the working of the Government phosphate lands, provides for a system of royalties to be fixed under lease. The bill evidently contemplates that these royalties shall be bid upon by those desiring to operate the mines. In that respect it differs from the coal provisions that we have just read, which evidently contemplates a bonus rather than an increase of royalties. If this bidding system is wise at all, this form is better than the form contemplated under the coal provisions of the bill. I simply mention that, as the committee may go over the matter later, and they may consider the propriety of changing the provisions relative to coal.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MANN. What is the distinction the gentleman makes between the two?

Mr. MONDELL. If the gentleman from Illinois will refer to the coal provisions, he will find that the first provision in regard to royalty taken in connection with the provision in section 7 would prevent a bidder bidding an increased royalty, because section 7 says that the royalties shall be such as have been fixed in advance of the offer.

Mr. MANN. That is the case here, too.

Mr. MONDELL. In this case the provision is that the royalties may be such as are specified in the lease, which shall not be less than 2 per cent. That is practically the provision in the Alaskan law, and is not followed, as in the coal law, by a provision actually fixing the royalty fixed by the Secretary as the royalty to be paid. So I have assumed that under this language the bidder could bid on royalties, but I may be mistaken.

Mr. MANN. I think the gentleman's position is right. I think there ought to be a chance to bid on royalties. That is the way it was fixed in the Alaskan bill. This provides that the royalties shall be fixed in advance.

Mr. MONDELL. My interpretation of the language was that it refers to a royalty fixed in advance by the Secretary, but that it did not fix that royalty as necessarily the royalty to be paid, but that the royalty could be raised by the bidder. In the case of the coal bill there is a second provision following later on which says that the royalty that shall be paid shall be the royalty fixed in the lease, which is the royalty which the Secretary shall fix in advance.

Mr. MANN. But this section says the royalty specified in the lease shall be fixed in advance. There is no escape from it.

Mr. MONDELL. It is possible that this language really reaches the same situation that the language in the coal bill does. If it does, I think both should be modified, for if these leases are to be let to the highest bidder the bidder, it seems to me, should bid on increased royalties rather than on bonuses; otherwise the man with the biggest bank roll wins. The bonus plan gives the advantage to the man who has cash in hand as against the operator who might be willing to pay a larger royalty, but who would not be in a position to make an investment at the time he opened his mine, and if I am mistaken in my view of the provisions of this section, as the gentleman from Illinois [Mr. MANN] seems to think I am, then I think it requires modification, just as the coal provision does. I do not believe in the bidding plan, but if that is to be the plan adopted it should be with a view of increasing the royalties as fixed by the Secretary.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MANN. Mr. Chairman, I have already expressed the opinion on the coal provisions of the bill that there ought to be a chance in bidding to bid either on royalty or on rental. The bill gives no such opportunity. It requires, if there is to be any bidding, that there shall be a cash bonus, as I read the bill. The royalty is fixed in advance, and the rental is fixed in advance, upon the supposition, which undoubtedly the department entertained, that it can tell as between different coal deposits exactly what a man can afford to pay for the mining of the coal. I do not think they have that omnipotence myself, and, of course, where you require a cash bonus and a bid as to how much people will pay as a cash bonus, you give the preference entirely to large corporations. But I notice in this section now under consideration a provision in regard to bidding, that it shall be through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulations adopt. That throws it open in the widest way for personal favoritism. It cuts off public advertising. It permits public advertising, but it does not require it.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. The gentleman will recall that in the Alaska coal bill, where the lignite had value only for local use, and probably never would have sufficient value to warrant paying the shipping expenses, we allowed the Secretary to dispose of it other than by competitive bids, as the committee thought that would be less expensive than the competition plan would stand. The gentleman is well aware that in neither the department nor in Congress is there anyone to be found who knows all about phosphates. We all hope that the phosphates are much more bulky than we now know about, and neither does anybody know all and everything about handling phosphates in the West. The freight rates have been prohibitive. What little phosphates have been handled have been in Tennessee and Florida, were the soil is beginning to play out; but out in the West the thought of the department was that we better express strong preference for competitive bidding, but also that we better give the Secretary considerable latitude to work out a plan, to at least get something going on in the matter of phosphates, where the bulkiness and the weight and the heaviness of it would in most cases be prohibitive, anyway. In the dry soil of the West, where they have little rain to drain and soak the land, they do not need as much phosphate on the ground as they do in the more humid areas, and for that reason we have to get the phosphate proposition down to a shipping basis to amount to anything. It was thought for that reason that we better leave a little latitude in the Secretary. The committee, however, is not wedded to any certain

plan, and would be very glad to consider any suggestion or amendment the gentleman might make.

Mr. MANN. Mr. Chairman, I would strike out that part which says "or such other methods as the Secretary of the Interior may by general regulations adopt."

I think that is leaving a dangerous power in the hands of the Secretary of the Interior. I do not raise any question but that the Secretary himself would do what is proper, but everywhere in the departments of the Government there are men who get inside information and sometimes want to make use of it. The gentleman speaks of phosphates. I do not know as to the relative needs as between humid and dry lands. On the farm in which I have some interest in Illinois we have purchased phosphates by the carload, coming from Tennessee—phosphate rock which is sometimes ground up and sometimes is not ground up.

Mr. FERRIS. The gentleman understood me to say that it was more needed in the humid areas than in the West.

Mr. MANN. Yes; but I did not suppose the gentleman knew, and I did not take him seriously. In the West they have not yet discovered that they need to take care of the land. They are exhausting the land. We have discovered farther east that you can not keep on forever taking crops off land without putting back some of the natural elements which go to make up crops.

Mr. GRAHAM of Illinois. Mr. Chairman, the difficulty that confronted the committee, so far as public lands which have phosphate in them are concerned, was that the committee had not any specific information, and the committee feared that if it attempted to fix the details they might be such as to prevent the development of phosphate beds altogether.

Mr. MANN. Yes; but the committee does attempt to fix details. What it does is to say that a man must pay a rental of so much an acre, and then he must pay 2 per cent of the value of the phosphate in the mine in the months following its taking out, although it may not yet be sold. I would not do that. It is desirable to let the farmers have the phosphates upon the cheapest possible basis, but if you are going to let people take the phosphate why should it not be on competitive bidding?

Mr. GRAHAM of Illinois. It was the committee's notion that the Secretary of the Interior at the time would have a much better opportunity to know the environment and meet all the conditions than we could even by an arrangement for competitive bidding.

Mr. MANN. But the Secretary of the Interior under this has to do this by general regulations. I think the Secretary of the Interior should have the power where phosphate land is made use of to take out the phosphate to keep the price down to a reasonable basis. Here is a phosphate deposit, we will say. I suppose none of the phosphate deposits are of very great value, because there is a good deal of phosphate rock in the country, and yet they are of some value. The desirable thing to-day is to have that phosphate taken out and, if it is rock, ground up or broken up, whatever method is used, so that it may be furnished to the farmer as cheaply as possible. I do not think we ought to permit the owner of that land to charge an exorbitant price to the farmer, but the Government does not want to make any profit out of that as against furnishing it to the farmer.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Give me two more minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. The phosphate that goes on farming land is not consumed by the farmer——

Mr. GRAHAM of Illinois. That is the idea of the committee.

Mr. MANN. It goes to the benefit of the whole country. It produces larger crops. It cheapens the cost of the food which we eat, and while not taking away from the profit of the farmer who raises it it makes it cost less to the consumer. Now, I think this is an entirely different proposition from that.

Mr. FERRIS. Will the gentleman yield at that point?

Mr. MANN. I do.

Mr. FERRIS. I quite agree with the gentleman and coincide with everything that he says, but let me submit this: If you put it on a cold competitive basis in every case, might not you do the thing which the gentleman's argument says we should not do?

Mr. MANN. Well, there is danger of that unless the Secretary has some power to control the cost at which the article is sold to the consumer.

Mr. FERRIS. The gentleman knows that is a pretty difficult question to get at.

Mr. MANN. I understand that it is rather a difficult question, but everybody ought to be on the same footing in the matter. What I object to in governmental legislation is giving a preference to one man who has a pull over another man who does not have a pull, and I have heard of times where people were supposed to get favors or rights, or whatever you might call them, from different departments of the Government by political pull or any kind of pull.

Mr. LENROOT. Mr. Chairman, it is my recollection that the committee, in considering this matter, had in mind this, that phosphate rock is used in two forms—one, which is quite expensive, is in the reduction of the rock to the phosphates themselves; another method of use is merely the grinding of the phosphate rock and putting it upon the land in the raw state—and it was thought by the representatives of the department who appeared before the committee that there were areas in the United States where the localities might use them, would use them, in the raw state, and therefore there should be a discretion upon the part of the Secretary of the Interior, having that particular thing in mind. It is only where the phosphate rock is reduced, where it involves large expense, that the necessity for competitive bidding would arise; that in other cases it would be the same as in the case of the low lignite coals in Alaska. Another word, Mr. Chairman, in reference to this question of royalty. I am greatly in sympathy with what the gentleman from Illinois [Mr. MANN] said as to whether there should be a bidding upon the royalty or upon the bonus only. I desire to call attention to the fact that in the Alaska coal railroad bill an amendment was made that cut out the provision requiring the Secretary to fix royalties in advance, and as a result, unless it shall be changed, if it shall remain the law as amended by the House, it will permit monopoly in Alaska to the utmost extent, because as the bill now stands, if the bill should be amended cutting out the fixing of royalty in advance, the Secretary of the Interior, if he offers a lease at all, he must offer it upon the minimum royalty, and if anyone bids the amount of the minimum royalty or in excess of it, the Secretary of the Interior would be compelled to accept that bid.

Mr. MANN. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MANN. As I read that bill, it does not require the Secretary of the Interior to offer upon the minimum royalty at all. The Secretary of the Interior can not offer an Alaska coal lease for less than the minimum royalty, but he can add as much more as he pleases.

Mr. LENROOT. I differ with the gentleman, because the bill in itself fixes the minimum royalty, and there is no word in the bill that authorizes the Secretary of the Interior to fix a higher minimum.

Mr. MANN. Oh, I think the gentleman is entirely mistaken.

Mr. LENROOT. I have examined the bill most carefully.

Mr. MANN. The fact that the gentleman thinks so, of course, shows doubt about it. I examined it most carefully before I offered the amendment which I did upon the floor, and I say the Secretary of the Interior clearly has the power under the Alaska bill in offering coal lands to fix a royalty of 8 cents a ton, if he wants to, or 3 cents a ton, if he wants to; anything which is not less than 2 cents a ton, which is the minimum royalty permitted, but he can fix as much more as he pleases.

Mr. LENROOT. I shall be greatly interested and relieved if the gentleman will show me where that power is vested in the Secretary.

Mr. MANN. I have no question about it.

Mr. LENROOT. I will say to the gentleman I have had occasion to consider that with the departmental officials since it came to my attention, and they give it the same construction I do, and I only say that, Mr. Chairman, for the purpose of calling attention to the danger of amending this bill, which involves the same provision in an important particular as this, unless it shall be followed with other amendments clearly authorizing the Secretary of the Interior to fix the minimum royalty.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words.

Mr. FERRIS. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes all debate shall close on this paragraph.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of five minutes all debate on this paragraph and amendments thereto be closed. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Chairman, before we get entirely away from the coal clauses in this mineral-leasing bill, I want to call attention to what may be considered the first gun in bureaucratic agitation for Government-owned and Government-built railroads. I refer to the prospectus that has been put out in order to solicit bids for the timber in the Kaibab Forest Reserve, which lies in New Mexico, just below Utah, and which runs down to the Grand Canyon of the Colorado. The most likely route to this great forest reserve is from Salt Lake.

On the way down to the Kaibab Forest Reserve are four gigantic Utah counties, within the boundaries of which lie a great coal field. In the argument put forth by a department of this Government for the necessity of a $3,000,000 railroad in order to get the timber out of the Kaibab Forest Reserve, which consists of 1,000,000 acres, and up to Salt Lake, which is about the only route, your governmental officers argue that the opening of this coal field will be to the profit of the railroad. The coal field would be directly tapped by a railroad to the Kaibab Forest.

Now, we who have been listening to debate on this bill have found that in the leasing of coal areas on the public domain particular arrangement has been made in this bill so that a railroad shall not participate in the opening of any coal mine. So you are going to find in the course of time the Government cutting down the price of stumpage in this forest reserve to induce private capital to build that $3,000,000 railroad; or, if the Government builds that railroad, we will find that we have debarred the Government from the use of that coal. This official prospectus says that if some one will only put $2,750,000 in this Kaibab Forest proposition down there, the investor can, by counting up what he can make by freighting logs, hogs, cattle, and hay—a logging road, mind you—make further money by carrying passengers. The investor's chances are good for making $164,000 annually, or $264,000 if figured in connection with milling. This is all put down here—the cost of milling and logging operations and operations of all kinds—looking very good, indeed. No taxes, no employers' liability. Where, oh where, is the man with $3,000,000?

This is a most remarkable document—an invitation to bidders to come on and try to get that timber in a locality where the people have offered for years past every kind of bonus and inducement that could be offered to induce capital to build such a railroad. Now is the time for those who are advocating these leasing systems to pay some attention to what must ultimately follow. The building of railroads by the Government is urged, if we are to develop the forest reserves and adjacent country, including great coal and other tracts that under these bills are bound to be laid aside, except where they exist near dense population, where all the conditions are alluring.

I feel sure that the Representatives from Utah and New Mexico would advocate the building of this particular railroad to the Kaibab. I would like to see railroads into the three reserves in the district I have the honor to represent. And so it will go until the clamor will be irresistible, backed up, as it will be, by departments, bureaus, experts, and agents.

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. JOHNSON of Kentucky having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4274. An act to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

The message also announced that the President had approved and signed joint resolution of the following title:

S. J. Res. 121. Joint resolution authorizing the President to accept an invitation to participate in an International Exposition of Sea Fishery Industries.

### EXPLORATION FOR COAL, ETC.

The committee resumed its session.

The CHAIRMAN (Mr. HAY). The Clerk will read:

The Clerk read as follows:

SEC. 11. That for the privilege of mining or extracting the phosphates or phosphate rock covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed by the Secretary of the Interior in advance of offering the same, which shall not be less than 2 per cent of the gross value of the output of phosphates or phosphate rock at the mine, due and payable at the end of each month succeeding that of the extraction of the phosphates or phosphate rock from the mine, and an annual rental payable at the date of such lease and annually thereafter on the area covered by such lease at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of a minimum annual production, except when operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior shall determine unless otherwise provided by law at the time of the expiration of such periods.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

I spoke a moment ago about this system of bidding, royalties, bonuses, and so forth. At that time I was inclined to think that under this section it would be possible for the intending lessee in making his bid to bid a royalty and a rent above that fixed by the Secretary, and that the letting of the lease would be determined largely by the amount so bid. The gentleman from Illinois [Mr. MANN] did not agree with my view of it, and I understand that the gentleman from Wisconsin does not. After reading the section again, I am not sure that I was right. If these gentlemen are right, then this section has the same faults that the coal sections have, to which I have referred. It is proposed to leave to the Secretary of the Interior the entire question of royalties, and all the bidder can do is to bid a bonus. Clearly that gives advantage to the man with a large bank account or who can secure large sums in cash. It further has this fault, that there unquestionably will be cases where the Secretary will find it very difficult to determine in advance what would be a fair royalty, and still he must accept a royalty; that he fixes in advance.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. GREEN of Iowa. Can not the gentleman go even further and say it would put it absolutely out of the power of the man with small capital to bid on these areas, for the reason that he would not have the money to advance, and that it puts a monopoly of it in the hands of large capital?

Mr. LENROOT. Will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. LENROOT. All the gentlemen assume in their discussion that this must be a cash bonus paid down. I ask where the gentlemen get any such construction or idea? Is there anything to prevent a bidder from bidding certain sums to pay in annually, if they choose, during the life of a lease, in addition to the royalty?

Mr. MONDELL. I admit I do not know what curious propositions might be advanced by a bidder. My understanding is that this plan was imported from Oklahoma, and that in Oklahoma they bid a cash bonus. Am I correct about that?

Mr. FERRIS. I did not follow the gentleman.

Mr. MONDELL. I have said that my understanding is that this plan was adopted from a plan that has been in use in Oklahoma, this plan of bidding, and that down there the bidders have all cash bonuses.

Mr. FERRIS. If the gentleman will yield just a moment I will state to him just what the situation is.

In my State the land leased is Indian lands, and, as the gentleman knows, coal deposits and oil and gas deposits on the unallotted lands are held by the Federal Government for the Indian, who is a ward of the Government. And they have pursued that policy with the oil and coal lands and with other reserved land. While I suppose there are objections there, and frailties, as elsewhere, it has proven a very good plan and great development is going on. I will state to the gentleman that our State, as far as I know, is the only State where they lease practically all of the deposits. I have a schedule here of all the land in each State that is being mined at all for coal, oil, or gas, and, probably to the gentleman's amazement, in my State practically all of it is being leased. And while, as I say, we have frailties and troubles there, as well as elsewhere, it appears to be the best way to handle it for the Indian.

If the land had not been leased for coal and oil and gas, it would have been lying there and the cattlemen would have been paying about 3 cents an acre for grazing purposes, whereas the royalties from coal and the royalties from oil the Government is collecting for them and putting in the Indian funds amounts to a large sum that will go to the use of the Indian in the future rather than force the Federal Government to support them from Federal Government funds. The plan is not a new one. It is employed right along by most all of the Western States that own State lands.

Mr. MONDELL. The gentleman did not understand my question exactly.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

XUM

Mr. MONDELL. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. The gentleman has eloquently stated the benefits of leasing in his State. There is no controversy, I guess, among the most of us as to the propriety of leasing some of these lands one way or another. The question is as to the form and plan.

My understanding is, as I said a moment ago, that this plan of fixing a royalty in advance and the rent in advance and then calling for bids for bonuses is a plan that we inherit from Oklahoma, and it may be all right where the land belongs to the Indians and we are trying to get the very largest sum for the Indians without much regard to the other factors of the situation, and where the coal is mostly mined by a few great coal companies, principally the railroads, and where there is largely a monopoly of coal mining. I do not know that it is a harmful one, but it is largely controlled by a few great companies. Now, we are not proposing any such plan as this here. We are endeavoring to divide up these mines. The plan of the bill is that no one person shall be interested in more than one lease. I do not think that is practicable, when you take into consideration the vast areas over which coal is mined in the United States. But, at any rate, that is the plan of the bill.

Now, I do not approve of the bidding plan at all. I do not think it is wise. I do not think it is workable. But if we are to have a bidding plan, the bidder should be allowed to bid on royalties and rent, just as the gentleman from Illinois has suggested. Even that hardly gives everyone an equal opportunity, because even in that case the man with the largest bank roll can probably pay the largest rent and the largest royalties. At any rate, it does practically keep out the man who does not happen to have a large amount of cash on hand, so that the plan is not only faulty as a whole, as I see it, but it is also peculiarly faulty in detail, in that it invites bids for bonuses, which only men with considerable capital can afford to give.

We should lease these phosphate lands under conditions which will make the production of phosphate as cheap as possible. We should surround them with no conditions that will enhance the price of phosphate. It is an exceedingly necessary article. We do not mine phosphate out in the West, in the territory that will be affected by this bill, as cheaply as it is mined in the South and Southeast or as cheaply as it is mined abroad. Labor is high, and the rock has to be mined under heavy cover and taken out as coal would be. It can not be quarried as it is in many other places, and it costs a good deal to bring it to the surface. It is a long distance to most of the territory where a large market is found. The result is that the rock must be produced very cheaply if it is to be mined out there in any considerable quantity.

The gentleman from Illinois has objected to the portion of the section which, after reciting the methods under which the Secretary may lease, gives him authority to lease in any way he sees fit. In other words, having laid down some rather loose and not altogether adequate rules, we say that, after all, the Secretary need not regard any of these rules if he does not want to.

That is not good legislation. The rule should be the same with regard to all of these enterprises. There should not be an opportunity for favoritism, as there will be under provisions of that sort. There is a provision of that sort in the Alaskan coal bill. There is a provision of that sort in the coal section that we have just passed over, and all of these provisions will afford opportunity for favoritism, and will, in my opinion, unquestionably lead to scandal.

Mr. GREEN of Iowa rose.

Mr. FERRIS. Mr. Chairman, I ask that the debate close on this paragraph at the expiration of five minutes.

Mr. GREEN of Iowa. Three minutes is all I want, so far as I am concerned.

Mr. FERRIS. Make it three minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that debate on this paragraph close in three minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I do not think the suggestion offered by the distinguished gentleman from Wisconsin [Mr. LENROOT] answered the objection which I made to this provision. The man with small means can be more afford to take the risk of being absolutely obliged to pay a certain sum because it is distributed over a number of years than he could if it were fixed for him to pay at a particular time. In order that he should make any bids and undertake to mine these rocks he must know that he will have something out of his mining operations with which to make his payments, and the royalty system is the only plan by which he can have that knowledge. It is the only system under which he would not be obliged to pay unless he got something out of which he could make his payments.

If the royalty system is enforced and put into operation by the bill, then the small operator would need but little means, possibly none at all, in order to make his bids, because as soon as he got his rock out of the mine and it was found that he was subject to the payment of royalty he would have value which anybody could see upon which to raise money to pay the royalty.

That is all there is in this situation. I object to the provision, because it cuts out the man with small means, and because it does not give to everyone an equal opportunity.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OIL AND GAS.

SEC. 13. That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to grant to any applicant qualified under this act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed 640 acres of lands wherein such deposits belong to the United States and are located within 10 miles from any producing oil or gas well, and upon not to exceed 2,560 acres of land wherein such deposits belong to the United States and are situated over 10 miles from any producing oil or gas well, upon condition that the permittee shall begin mining operations within four months from the date of the permit, and shall, within one year from and after the date of permit, drill an oil or gas well to a depth of not less than 500 feet, and shall, within two years from the date of the permit, drill oil or gas wells aggregating in depth not less than 2,000 feet. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a square or rectangular tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought a monument not less than 4 feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within 30 days after date of said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will identify the land, stating the amount thereof in acres, he shall, during the period of 30 days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within 90 days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with permanent monuments, so that the boundaries can be readily traced, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby: *Provided*, That in the Territory of Alaska prospecting permits may be granted for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than 500 feet within three years from date of the permit and to an aggregate depth of not less than 2,000 feet within four years from date of permit: *And provided further*, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with permanent monuments within one year after receiving such permit.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out section 13 and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting to holders thereof the exclusive right to prospect for oil and gas on the vacant public lands of the United States and on lands located, selected, entered, purchased, or patented with a reservation to the United States of the oil and gas contained therein, and to execute leases authorizing the lessee to produce and remove oil and gas from such lands. No license shall pertain to an area of more than 2,560 acres, and no lease shall pertain to an area of more than 640 acres, and all such areas shall be in reasonably compact form, and not more than 3 miles in extreme length in the case of a prospecting license and not more than 1½ miles in the case of a lease, and conform to the public-land surveys in all cases in which said surveys have been extended over the lands. No prospecting license shall be issued for a longer period than three years. All licensees shall pay yearly in advance a fee or rental of 5 cents per acre for the land covered by their license. Lessees shall pay in advance a rental of 10 cents per acre for the first calendar year or fraction thereof, 25 cents per acre for the second year, and not less than $1 and not more than $4 per acre for each succeeding year. The sums paid for rent by a lessee shall in every case be a credit upon the royalties that may be due for the same year. All lessees shall pay a royalty of one-tenth of the value, at the well, of all oil and gas produced. All leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years; but all lessees who have complied with the terms of their leases shall have a preferential right to an extension of their lease for a period not to exceed 20 years, upon such conditions and the payment of such rents and royalties as Congress may prescribe.

"SEC. 2. That any person over the age of 21 years who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a license to prospect for, or a lease to

produce and remove oil and gas from the lands herein described, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder shall be granted a license or lease as provided herein."

Mr. MONDELL. Mr. Chairman, the amendment that I have offered provides for a prospecting permit, as the section which is under consideration does, and it provides for leases at a fixed royalty for such portions of the land covered by the prospecting permit as the lessee may desire within certain limits of area, the limits of the lease being the same as those prescribed in this section.

My amendment does not contemplate, as this section does, the patenting of oil lands. I realize that there is a good deal of sentiment in the western country in favor of the provision contained in this bill for the issuance of a fee title to a certain portion of land. The trouble about that is that it greatly complicates the situation, and in the majority of cases it would be more to the advantage of the operator and more to the public interest if the entire plan were confined to leases of sufficient size to make drilling and operating attractive.

My own view is that if we are going into the leasing business we should not have that plan in any way involved or complicated by a system of patents or individual rights in fee. There is another objection to that provision. In order to give the permittee under this section the right which he is given in another section to secure a title in fee to a certain part of his land and harmonize with the other sections of the bill his rights are very greatly limited; so greatly limited that I doubt if it will be possible to secure any considerable amount of development in a new field, where so-called wildcatting must be carried on, where the driller goes in with just a shadow of hope that he may secure oil, and where the chances are always largely against him. It is proposed to give the prospector in a new field, the wildcatter, the title to 160 acres of land and to give him no preference in the matter of leasing the remainder of the lands embraced within his permit.

First there is the question as to whether we should give him a fee simple title to any of the land. If we do it, we should give him enough under the bill to warrant his undertaking, particularly if the drilling is deep and expensive. Of course 1 man in 10,000 will strike a spouter. The average driller, however, must enter upon this work with the understanding that the chances are against him, and he must have some considerable incentive held out to him, or else he will not take an expensive rig into a new territory and go to the very great expense—all the way from $10,000 to $100,000—of bringing in the first well in a new field, with the possibility—in fact the more than even chance—that he will get nothing. It seems to me the plan is faulty in two respects; first, in complicating the leasing plan by adding to it a plan of ownership in fee, and, second, in not giving the driller in a new field sufficient incentive to warrant his undertaking. Let us have a leasing plan liberal enough to aid development, or if we are to have a leasing and ownership plan let us make that liberal enough to encourage development.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

Mr. COOPER. Mr. Chairman, I should like to have some member of the committee explain why they put in a provision which permits the patenting of oil lands in fee.

Mr. FERRIS. I am glad to answer the gentleman. I might, if I had the time, answer him more eloquently by reading what the department says. The thought is this: In the West no one can tell where oil can be found. It is an expensive, heavy proposition to discover it, to drill for it, to develop it. The Secretary of the Interior thought that if he could offer the inducement of one-fourth the area developed as a bait, as an inducement, as an encouragement for men with oil-drilling rigs to go out and find the oil, reserving three-fourths to the Government, it would be well worth their while. There are men who make it a business, year in and year out, of going from place to place with derrick and drill, and these men are constantly pounding away trying to find oil.

Mr. COOPER. Why would not that same idea apply to any other sort of prospector?

Mr. FERRIS. It does apply to the prospector for precious metals. As the gentleman knows, the prospector for precious metals gets the entire area. But it is not true as to the coal. We know pretty definitely where the coal is. We know pretty definitely where the phosphates are and where the potassium and sodium are, but no living soul knows where oil will be found. No one supposed that oil would be found in Oklahoma, and years ago even the Indians would not go there until compelled to do so. White men likewise hesitated to go there to make their homes. Yet to-day oil is being found all over that State. Years ago no one thought Illinois had oil. Years ago no one thought Indiana had oil. Years ago no one thought California had oil; still to-day she is second only to Oklahoma in the production of oil. Yet California is still a public-land State. My thought is that if you can get men to devote their experience and their money to going out and developing oil fields, the Government will get three-fourths of the oil land discovered every time that the oil prospector gets one-fourth. In California they have to go down 2,000 feet to strike oil. It costs from $5,000 to $10,000 to drill a single well. Sometimes they will lose a drill at the bottom of a well 1,500 feet deep. Then they have got to buy a new drill and put up a new derrick and begin all over again, because they can not drill through the steel-point drill that is in the bottom of the well.

The department, in two very able dissertations on the subject, thought that if we could reserve three-fourths to the Government and give the prospector one-fourth we would do all we could hope to do and get development. That was the idea of the committee. That plan has been well thought out. There should be reward where reward is due. The man that finds oil is entitled to at least one-fourth of the find. But for his energy, probably the land would pass to private ownership as a part of some homestead and the Government would get nothing.

Mr. BATHRICK. Will the gentleman allow me to interrupt him?

Mr. FERRIS. I yield to the gentleman from Ohio.

Mr. BATHRICK. What is it expected to do with the other three-fourths? Does this bill provide that the Government shall retain them?

Mr. FERRIS. For leasing, yes; on a royalty basis. As the gentleman knows, the Navy has practically abandoned the use of coal. The Navy uses oil nearly altogether.

Mr. BATHRICK. Is there any purpose of the Government to try to get oil for the Navy? That is a subject in which I am interested.

Mr. FERRIS. Oh, undoubtedly, if there is undiscovered oil in the West and the Government can induce men with oil drills and experience to go out and find it, and it only has to surrender one-fourth of the land, it is an inducement.

Mr. BATHRICK. Let me make myself clear. Is it the intention of the Government to produce oil on its own behalf?

Mr. FERRIS. I do not think so, unless there be an emergency. Of course, the thought is to lease three-fourths of the land to private oil drillers, who will go ahead and produce the oil and pay a royalty to the Government.

Mr. BATHRICK. Then the Government will not be materially benefited in the matter of the production of oil for the use of the Navy, except as heretofore, by buying it and paying for it.

Mr. FERRIS. Why not? The Government receives a royalty from every barrel of oil produced from the leased area under this bill.

Mr. BATHRICK. That is very true; but the Government has oil lands, and the Government might produce the oil and save an immense amount of money if it chose to do so. The mere payment of a royalty by a private lessee will not help the situation any.

Mr. FERRIS. As the gentleman knows, the way the Government will produce the oil will be to hire some man with an oil drill to produce it.

Mr. BATHRICK. Here are 160 acres on which oil has been proved to be located. Why have not you provided that the Government may go on the section which is thus proven to have oil and get oil for itself? That is no risk.

Mr. FERRIS. Congress has the right to do it, and we provide how they may lease it and reserve the royalty for the Government. We do not now launch the Government in actual oil drilling.

Mr. BATHRICK. One other question. In the bill you provide that the lessee is obliged to drill 500 feet and 2,500 feet. What is the use of that if the oil or gas is procured at a lesser depth?

Mr. FERRIS. We thought if they should drill more wells it would make the field more valuable and certain.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BATHRICK. Mr. Chairman, I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BATHRICK. Now, the gentleman knows that after a well is drilled, the geological formation will indicate practically whether there is any oil to a very considerable depth below the point where they get the oil in paying quantities.

Mr. FERRIS. Let me suggest that my experience does not quite coincide with that of the gentleman. In California in the Coalinga and San Joaquin field there is an oil pool 125 miles in length and 2 or 3 miles wide. If you drill 3 miles on either side you strike a dry well, or what is called in oil parlance a "duster," and in a duster you get nothing. You can not lay down any fixed rule in regard to oil wells.

Mr. BATHRICK. Will not the gentleman concede that you can lay down this rule, that if they procure oil and gas at less than 500 or 2,500 feet, the Government ought not to make them drill any deeper?

Mr. FERRIS. It does not. The gentleman from Ohio, Mr. WHITE, and the gentleman from Ohio, Mr. BATHRICK, have both suggested that the language might be misinterpreted; that the provision might mean that after they had drilled and struck oil they must drill still farther. There is no such purpose intended here; it is merely that there should be drilling during the first year of 500 feet, and in two years they should drill to the extent of 2,000 feet; but if they strike it at 1,000 feet, drilling then in two wells, they will fulfill the requirement and not have to drill any farther. The oil people that appeared at the hearing agreed to that. They appeared before the committee.

Mr. BATHRICK. Your construction is that they should drill wells aggregating in depth 2,500 feet?

Mr. FERRIS. Yes; I think the gentleman's colleague, Mr. WHITE, has an amendment that makes that clear.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. FOSTER. Mr. Chairman, I think the gentleman from Oklahoma is possibly mistaken. This says "oil and gas wells shall be drilled to a depth of not less than 500 feet." That means 500 feet in one well.

Mr. FERRIS. That was the suggestion of the gentlemen from Ohio [Mr. WHITE and Mr. BATHRICK]. That was not our intention. It was our intention to require the drilling of 500 linear feet the first year and a total of 2,000 linear feet during the second years in one or a dozen wells, as they might elect.

Mr. FOSTER. I do not think the language is clear.

Mr. FERRIS. The gentleman from Ohio [Mr. WHITE] has an amendment that will perhaps make it clearer.

Mr. COOPER. Will the gentleman yield? When the patentee has secured his patent to the land, then he drills. He pays no royalty on that oil, does he?

Mr. FERRIS. Not on the one-quarter that is patented to him; but he surrenders the three-quarters contained in his preliminary permit back to the Government, which is then upon surrender proven territory and which the Government can lease or drill as it pleases.

Mr. COOPER. What objection would there be to requiring the man who gets that quarter in fee to get it on the condition that he shall pay a royalty on the oil?

Mr. FERRIS. I think the gentleman from Wisconsin will recognize that this is the stimulus that causes the oil man to go out and hunt for oil. The gentleman from Wisconsin must realize that thousands and thousands of dollars are spent by men who never find oil. This is a salutary provision, and will accomplish great good for the Government.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DONOVAN. I want to interrupt, if I may be allowed to make an observation, if the gentleman from Wisconsin will allow it.

Mr. COOPER. With pleasure.

Mr. DONOVAN. I want to suggest to the gentleman and the chairman that they are very discourteous to the gentleman from Wyoming. They are not considering the amendment of the gentleman from Wyoming, but are considering a section of the bill. It is very discourteous to the gentleman from Wyoming to treat his amendment as of no concern.

Mr. MANN. Mr. Chairman, the gentleman from Connecticut is in error, as he frequently is. The amendment of the gentleman from Wyoming is to strike out a provision in the bill, so that we are considering the original proposition in the bill.

Now, I would like to ask the gentleman from Oklahoma, suppose there is a field where no oil is known; somebody gets the right to prospect upon it and sinks a well and discovers oil; what, then, are the rights of the people and the Government concerning the adjoining territory?

Mr. FERRIS. It is all withdrawn; and when offered by the Secretary for lease after it is blocked out, the man who makes the discovery under the preliminary permit, which holds good for two years, could upon discovery go in and take out one quarter of the area covered by the permit, and say "I want a patent to that."

Mr. MANN. I have heard that stated several times. That is not the point I want to get at.

Mr. FERRIS. I was going to come to it.

Mr. LENROOT. I think the gentleman is inaccurate when he says that it is all withdrawn; it is the area in the prospecting permit.

Mr. MANN. A man discovers oil, and how much does he get, 640 acres?

Mr. FERRIS. Outside of the 10-mile limit.

Mr. MANN. And the Government has reserved three other sections under this.

Mr. FERRIS. That is right.

Mr. MANN. The section that a man takes may be on the outside edge. It has to be somewhere on the outer edge of those four sections.

Mr. FERRIS. It may be by legal subdivision, anyway he wants it.

Mr. MANN. What becomes of the next property to his? There is oil there and it is known that there is oil there.

Mr. FERRIS. The Government will lease it without the preliminary permit and without any patent.

Mr. MANN. Why can not anyone get a right to prospect upon it?

Mr. FERRIS. Because the department has the right to withhold the issuance of a prospector's permit to anyone who seeks to get it if it is known as oil territory.

Mr. MANN. Where is that provision?

Mr. FERRIS. That is in the bill, as I recall. We put it in.

Mr. MANN. Where is it? There is the provision "under such rules and regulations as he may prescribe," but those rules and regulations are made before the oil is discovered, and they give anyone the right to go on and prospect for the oil. I do not see where the Government has any protection at all.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. LENROOT. The rules and regulations can not authorize anyone to go on the land and prospect. He must first have a permit.

Mr. MANN. He gets his permit under rules and regulations, which are fixed in advance. Here is a territory where there is no oil. You sink a well and discover oil. You know that all the oil is not going to come out through that one well. When you find an oil field it is a considerable field. You know that the moment you sink one well and discover oil. Under this bill it is possible for other people, knowing there is oil there, to go ahead and get a permit for prospecting on 640 acres, sink a well which they know will strike oil, and then get 160 acres free.

Mr. FERRIS. Of course, the gentleman is talking about a matter that is of keen importance, because, of course, when A, who is a permittee, strikes oil, naturally, the excitement begins and, naturally, the clamor to get leases will begin. But in the last analysis and in the first line of the section, and later by an entire paragraph, the Secretary is authorized to issue rules and regulations to carry this into effect; and, in addition to this, on page 10, lines 2, 3, 4, and 5, in that part of the paragraph, after an oil well is struck, then a permit will not issue within 10 miles of that, anyway.

Mr. MANN. But that is just the mistake the gentleman makes. It expressly provides for the issuance of a permit within 10 miles but gives only 160 acres, but, as far as I read the bill, it makes a present of 160 acres of oil land to anyone who chooses to sink a well in the territory where oil has already been discovered.

Mr. FERRIS. There is no one on the committee and no one in the department who thinks that in a known oil territory there ought to be a prospector's permit issued. While I can not turn to that provision just for the moment, I think it is in. Anyway it is in the regulations, and the authority is vested in the Secretary to take care of that.

Mr. MANN. The gentleman can not turn to it because it is not in the bill.

Mr. FERRIS. It will be in the regulations, then, and if the gentleman thinks that it ought to go into the bill I am very willing to have it go in.

Mr. MANN. The regulations are fixed in advance, and they contemplate the granting of a prospector's permit within 10 miles of a known oil field.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Of course, I understand the desire of the committee. I think what they endeavored to do is eminently correct. They want to encourage prospectors to find unknown oil fields, and if they find an unknown oil field they want to reward them by giving them a patent for one-quarter of 640 acres, or one-quarter of four sections.

Mr. FERRIS. Yes.

Mr. MANN. But where you have a known oil field and you expressly provide for giving a permit within 10 miles of a producing oil or gas well, that will be an unknown field, and a man goes ahead and seeks his permit and gets it and sinks a well which he knows will strike oil, and he gets a patent for 160 acres.

Mr. FERRIS. Mr. Chairman, agreeing fully with what the gentleman says about the advisability of not allowing any permit or patent at all to a known oil area, and I do not think there should be, yet can the gentleman conceive of a Secretary who would issue a preliminary permit to anyone where the field was known to be an oil field or proven territory, and would not the Secretary, with the Geological Survey and other various representatives of the Government, know the facts as soon as anyone else?

Mr. MANN. Take my State, for instance. I can remember when they were boring for oil and gas at one time in or near Champaign, Ill. I subscribed to some stock for an oil or a gas well at that place. It was just above the line where they find it now. Nobody seriously thought that there was any oil in that part of the country, but they hoped to find it. Right south, in the district represented by my colleague, Dr. FOSTER, they have discovered great oil fields. If you find a field here on one section, you know there is oil in that general locality. I do not see anything to prevent anyone getting land under this bill. The regulations are made in advance. However, I desire to know what the effect of this is on the disputed oil lands in California?

Mr. FERRIS. As the bill stands, it does not affect them one way or the other. The gentleman from California [Mr. CHURCH] is hopeful of having something added that will convert those now clamoring for patents into lessees.

Mr. MANN. Why does not it cover them?

Mr. FERRIS. Because that land is segregated by application for a patent.

Mr. MANN. Oh, I know; but this covers everything; this bill covers——

Mr. FERRIS. It does not cover land that is segregated, of course. No more does it apply to segregated land than to deeded land. I feel sure I am correct about that.

Mr. MANN. It covers land that has been withdrawn; it covers everything that the Government has.

Mr. LENROOT. Will the gentleman yield?

Mr. MANN. Yes.

Mr. LENROOT. It would cover these lands, except that the Secretary of the Interior in his discretion would not issue these permits.

Mr. FERRIS. I think it will cover them when finally adjudicated and wound up, because an application for patent or entry would not then be segregated and the land would be taken out of the operation of the law. I do not think it would touch the other until finally adjudicated.

Mr. MANN. Is not the Secretary required to make a lease under this bill if anybody applies for it?

Mr. FERRIS. I do not think so.

Mr. MANN. Well, the language in the bill in one case says, "may be leased."

Mr. FERRIS. The committee did not intend to force the Secretary to make a permit or a lease in every instance——

Mr. MANN. I am not so sure it does not. The committee in the Alaska bill, as it did in the coal provision of this bill, required the Secretary to make a lease; as the bill was reported to the House as prepared by the department the Secretary had no discretion about that at all. He must make the lease if anyone applies for it.

Mr. FERRIS. The bill was amended so as to put it within the discretion of the Secretary.

Mr. MANN. Is it the intention to amend this provision?

Mr. LENROOT. The language is not the same.

Mr. MANN. I know it is not. It says, "may lease."

Mr. FERRIS. I think it ought to be within his discretion.

Mr. LENROOT. The language of the other two bills was mandatory upon the Secretary to lease.

Mr. MANN. Yes.

Mr. LENROOT. This is discretional.

Mr. MANN. He may lease; that is the only way it is discretional.

Mr. FERRIS. We might put in the words if there is doubt about it.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. TALCOTT of New York. Mr. Chairman, will the gentleman from Oklahoma yield for a question?

Mr. FERRIS. I will.

Mr. TALCOTT of New York. Does this bill apply to oil in Alaska?

Mr. FERRIS. Yes, sir.

Mr. TALCOTT of New York. And phosphates in Alaska?

Mr. FERRIS. It does.

Mr. TALCOTT of New York. Will the gentleman explain why the committee thought it better to incorporate this provision in reference to Alaska in this bill rather than in the Alaskan coal bill?

Mr. FERRIS. In reply to that I desire to say that the situation in Alaska has been more pressing than any other situation in the country. She has had so much trouble and so much litigation has arisen there concerning claims, we thought that that coal bill ought to be a bill separate and distinct; and it was likewise the view of the department and the view of the committee that the conditions as to oil, if there is any—they have not discovered any yet—and as to phosphate, sodium, and potassium should be included in this bill, and we thought it well it should be incorporated in one bill. We thought coal existed to such a large extent, over which there had been so much trouble and litigation in Alaska, that that should be in a separate bill.

Mr. TALCOTT of New York. It is not known now whether there is gas or oil in Alaska.

Mr. FERRIS. They have not discovered any at all, but we hope they will, and we thought that the general law should apply, because in former times we made all mineral laws apply up there.

Mr. MONDELL. Mr. Chairman, I move to strike out the word "ten," page 10, line 5, and insert the word "five."

The CHAIRMAN. The gentleman can not offer an amendment when he has an amendment pending. The gentleman has moved to strike out the paragraph.

Mr. MONDELL. Mr. Chairman, I thought my amendment had been carried. I thought it had been voted on.

The CHAIRMAN. Not yet. The question is upon the amendment offered by the gentleman from Wyoming, to strike out the paragraph.

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. DONOVAN. Division, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut demands a division.

The committee divided; and there were—ayes 14, noes 30.

So the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I move to strike out the word "ten," page 10, line 5, and insert the word "five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 5, strike out the word "ten" and insert the word "five."

Mr. MONDELL. Mr. Chairman, I would like to ask the gentleman from Oklahoma if it is the intention of the committee to repeal the present oil law? As the author of that law, I am anxious to know what he proposes to do with regard to it. I assume he intended to repeal it, but I do not think he does; and if he intends to repeal it, it will be necessary somewhere in this bill to add language to that effect.

Mr. FERRIS. Section 32, I think, will answer the gentleman's question.

Mr. MONDELL. No; section 32 does not answer the question at all, as I will prove to the gentleman's satisfaction if he will listen to me for a moment. Section 32 provides that all laws inconsistent with this law shall be repealed. Well, another law in operation alongside of this law is not necessarily inconsistent with it. This law itself provides for the patenting of lands in fee, and another law providing for the patenting of lands in fee is not inconsistent with this law. If the gentleman will allow me, if he will turn to the first section of his bill he will see it is not an exclusive law. It provides that the deposits of coal, phosphates, oil, gas, and so forth, shall be subject to disposition in the form and manner provided by this act; but it does not provide that the lands shall not be disposed of otherwise.

Mr. FERRIS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. If there is any doubt about section 32 repealing the placer-mining law so far as it applies to oil, I hope every gentleman in the House will be willing to repeal it,

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because most all the trouble that has come from the oil development on the public domain has come from the placer-mining law. It never should have been applied to oil in any case and has no application there now.

Mr. MONDELL. Now, that is entirely gratuitous, Mr. Chairman. There has been a great deal of very valuable development of oil under the oil-placer act, and there has been no scandal under it that the law is responsible for of which I know. Certain gentlemen have not been able to get all the land they want under it, and that is one reason why we are enacting this law for their benefit. The men who have most been clamoring for the leasing act are men who do not want the placer act because it does not enable them to hold their land without working it. Some one may come along and find an oil well and take it away from them. So they want a law under which they have a cinch, and you propose to give them one.

Having called the attention of the gentleman to the fact that he has not repealed that very excellent law of mine, I want to call his attention to my amendment. The gentleman from Illinois criticized the provisions of this section which the gentleman from Oklahoma did not seem to understand very well, because he said it would give a man an opportunity to go into a developed field and get 160 acres of oil land free. The word "free" should be used with a reservation, because I never saw a man get anything free in that way. This section is all right in a way. It provides that within a certain distance of a developed well, of a well that is producing oil, the area of a prospecting permit shall be a section, and that beyond 10 miles it shall be a larger area.

We must allow a prospecting permit whenever men develop oil, from the fact that if you find oil on a quarter section or on a 40-acre tract, it does not follow that you will find it on another or adjacent 40 acres. Frequently they get a dry well a few hundred feet from a well that produces a considerable amount of oil. So that the provisions referred to are necessary. The fault is in the section which follows. The better plan would be to lease the permittee the land covered by his permit, or a reasonable portion of it, rather than to deed him in fee any part of it and give him no preference in the remainder. But the distance dividing two classes of areas is, in my opinion, too great. Oil fields are generally limited. There are exceptions, but within 2 or 3 or 4 miles of a well producing a great deal of oil there may be absolutely virgin territory. Such territory may be on or outside of the synclinal or anticlinal on which the well is drilled and in altogether different geological horizon. It seems there must be some rule of distance. But ordinarily if you get 4 or 5 miles from a private well you are altogether in a different geological horizon. You are drilling under changed and differing conditions. You are in the majority of cases in a new field—a virgin field. If you are not "wildcatting," you are at least prospecting and taking very large chances. And therefore I think the change which I suggest should be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I do not believe the gentleman is seriously in earnest when he wants to cut this from 10 to 5 miles.

Mr. MONDELL. I assure my friend I am serious and in earnest.

Mr. RAKER. The way the matter was originally reported was 50 miles to 25 miles. After hearing those who were interested in it and who have had much experience, the committee put it at 10 and 20 miles; and it seemed to me to be satisfactory to all the men who have had any experience in the oil business—that if you got wells within 10 miles, you have got 160 acres, and if you went out beyond the 20 miles then you got 640 acres, provided you had the larger tract.

Mr. MONDELL. All the oil men who appeared before your committee were California oil men. They talked about conditions in California. You had none before you, as the committee knows, from Utah, Colorado, and Wyoming, and no one familiar with conditions in the central mountain belt.

Mr. RAKER. They were all given an opportunity to be heard, and, as a matter of fact, where there is any difference——

Mr. MONDELL. That is not the entire difference.

Mr. RAKER. In the East and West, in Illinois and Oklahoma, where you have territory, generally they think 5 or 15 miles is all right; but where you get in the California and western fields, 10 miles, it is in a new country and it is reasonable that we give them that limit. Twenty miles beyond any known well or belt is sufficiently far, and we ought to give them that distance to develop. It is fair enough, but we ought not to cut it down more than is reasonable.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. RAKER. I will.

Mr. COOPER. As I understand the bill, it proposes that the successful prospector may, on application, be granted a fee, the Government reserving to itself the land adjacent?

Mr. RAKER. In this 10-mile limit, which is 160 acres.

Mr. COOPER. The Government will reserve lands contiguous to the 160 acres?

Mr. RAKER. The bill says so. Yes; the gentleman is correct.

Mr. COOPER. Thus the man gets the 160 acres of land and is to be allowed to produce oil on it without paying royalty, while anybody who shall produce oil on the land reserved by the Government will be obliged to pay a royalty. It is therefore very clear that the man who is producing oil on the Government land and paying a royalty will to that extent be discriminated against. And in the future that fact will certainly bring down on Congress delegations of oil producers saying, "These men compete with us, but do not pay a royalty. Our wells are located within a few miles of theirs, but we can not meet their competition because we are obliged to pay a royalty." Under such pressure, what will become of your leasing system?

Mr. RAKER. If the gentleman's argument is carried out in all circumstances and it applied to all fields, and you must not forget that the man who goes out on this tract is sure to put in there $10,000 to half a million dollars, and therefore he has got his money in, and he ought to have some consideration for that.

Now, if your theory is correct, that you are sure of oil in the other 360-acre tracts, all you have to do is to go and stick a hole there, and your oil is ready to produce, which, of course, is not the condition prevailing all the time. A man has got to bore a well. He may miss oil. But when he strikes it he pays a reasonable lease fee to the Government for the oil that he produces. It is absolutely fair.

You ought to give something to the man who is willing to risk his all in an unknown field that he might discover something. The gentleman forgets that practically every dollar's worth of oil that has been produced in California has been matched by another dollar that has gone into improvements. The money has not only come from the State of California, but it has come from the whole civilized globe and has been invested in oil wells. The man who is the pioneer should have some fair compensation for his money and time, and should have something for the risks he has taken.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate on this amendment at this time.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that debate on the pending amendment be closed. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. DONOVAN. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut demands a division.

The committee divided; and there were—ayes 9, noes 17.

So the amendment was rejected.

Mr. ANTHONY. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph, after line 3, page 12, "That from and after the passage of this act"——

Mr. FERRIS. Mr. Chairman, we have not passed the paragraph yet, have we?

The CHAIRMAN. The gentleman wishes to offer an amendment to the pending paragraph?

Mr. FERRIS. He offers a new section.

The CHAIRMAN. It is not in order if anybody wants to offer an amendment.

Mr. WHITE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. WHITE].

The Clerk read as follows:

Page 10, line 12, after the word "drill," strike out lines 12, 13, 14, and 15 to the period, and insert in lieu thereof the following: "for oil or gas to an aggregate depth of not less than 500 feet, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than 2,000 feet."

Mr. WHITE. Mr. Chairman, the purpose of my amendment is to make practical the bill. It has been already covered in

the discussion. If the oil is found at a depth of less than 500 feet, it would be a contradiction to force a man to drill deeper than 500 feet, because he might find a flow of water and possibly spoil his well. The same argument applies to the provision in the bill to drill wells to a depth of 2,000 feet. A man might drill one well at 2,000 feet, which would be adequate to fulfill the purpose of the bill.

Mr. FERRIS. Mr. Chairman, we accept the amendment. We think it makes the bill better, and therefore we are willing to accept it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. WHITE].

The amendment was agreed to.

Mr. MONDELL rose.

The CHAIRMAN. Does the gentleman from Wyoming wish to offer an amendment to the pending paragraph?

Mr. MONDELL. I do.

The CHAIRMAN. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Chairman, I move to strike out the word "mining," in line 10, page 10, and insert in lieu thereof the word "drilling."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amend, page 10, line 10, by striking out the word "mining" and inserting the word "drilling."

Mr. FERRIS. Mr. Chairman, we accept the amendment. I think it should be "drilling."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out, on page 10, line 18, the words "square or rectangular" and insert in lieu thereof the words "reasonably compact."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amend, page 10, line 18, by striking out the words "square or rectangular" and inserting the words "reasonably compact."

Mr. FERRIS. Will the gentleman yield to me just a moment?

Mr. MONDELL. Yes.

Mr. FERRIS. The gentleman still intends to leave in the bill the "two and one-half times" part of it?

Mr. MONDELL. Yes.

Mr. FERRIS. I have a letter Mr. Chairman, from the department, a letter which I have not in my hand, but which is among my papers in my office, which calls attention to the fact that to retain the language we have here might make the bill unworkable and might cut subdivisions in two, and if the gentleman leaves in the bill the "two and one-half times" width, which prevents a man taking the entire string of oil deposits, I think his amendment is good.

Mr. MONDELL. I think that ought to be "two" instead of "two and one-half," but I do not propose to amend at all.

Mr. FERRIS. If the gentleman will pardon me a moment more, I will say that we have plenty of justification here for the language as it stands from the Bureau of Mines and the Geological Survey; but the Interior Department, on the day before yesterday, I think it was, after a conference with some oil men here in Washington, called me up and later wrote me a letter and explained to me that to make it exactly rectangular in form would split up 40-acre tracts and legal subdivisions, and they thought it would not be workable practically. I think the gentleman's amendment is all right.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Wisconsin?

Mr. MONDELL. Yes.

Mr. LENROOT. The only difficulty I see in the amendment would be the difficulty in description afterwards. In the case of rectangular tracts, where the land is surveyed, you can use Government subdivisions. By this amendment it would be impossible.

Mr. MONDELL. This is the language used in many of the statutes, "reasonably compact." That is, the lands in the forties must be contiguous to each other; but in many cases it would be impracticable to get absolutely square or rectangular tracts. The words "reasonably compact" are used in many of the statutes, in the enlarged homestead law, for instance, and they have been interpreted many times by the department. Of course the department determines finally what is a reasonably compact tract.

Mr. TAYLOR of Colorado. If the gentleman's amendment is adopted, will it be necessary to add a provision that the lease must be taken according to the legal subdivisions if it is on surveyed land?

Mr. MONDELL. I think that is the necessary interpretation of the statute. I do not think there is any getting away from it.

Mr. TAYLOR of Colorado. If you describe it by metes and bounds and confine it to reasonable compactness?

Mr. MONDELL. Even so, by metes and bounds it would have to follow the plan of legal subdivisions. Most of our lands are surveyed now, and such lands must be taken by legal subdivisions.

Mr. LENROOT. I think that is implied in the language that the gentleman seeks to strike out, but if you strike it out there is nothing left.

Mr. MONDELL. Not at all. One could go out on the unsurveyed land and survey out a rectangle or a square.

Mr. LENROOT. I understand, but I am speaking of surveyed land.

Mr. MONDELL. As to surveyed lands a term frequently used in public-land law is "reasonably compact area." In the case of a desert entry or a homestead entry the area must be reasonably compact; that is, the forties must be contiguous, and the tract must be as compact as the entryman can reasonably secure in the locality. The term as applied to unsurveyed lands is as apt and understandable.

Mr. RAKER. As applied to the homestead and the desert-land claim, it means the legal subdivision as surveyed by the Government.

Mr. MONDELL. Exactly so. This law does certainly require the surveyed lands to be taken by legal subdivisions. There is no other way in which you can take surveyed lands. But if that were not true with regard to the unsurveyed lands you would not want to require a permittee on unsurveyed lands to survey his allotted land in squares or absolute rectangles.

Mr. RAKER. You ought, as nearly as you could, to require him to extend the line, where it could be done, so as to apply to the general survey.

Mr. MONDELL. Certainly; but to compel a man to run a line up into a mountain, or run off into territory that clearly would be of no value to him, would not be giving him a fair shake.

Mr. RAKER. Mr. Chairman, just a minute. The gentleman's argument in regard to reasonably compact areas, when applied to the enlarged homestead and desert-land claims, and to homestead claims, means that a man can not take 320 acres of desert land and run it in 40-acre tracts right up a stream or otherwise, nor can he take 320 acres anywhere and do the same thing with it. It must be compact, and as nearly as may be according to the legal subdivisions of the 40-acre tracts. Now, undoubtedly on surveyed lands this would apply to the squares or rectangles all right, but on the unsurveyed lands the gentleman's amendment would permit a man to go into a field that is unsurveyed and run a circle around a tract of land by marking the exterior boundaries as provided here in the bill with monuments or posts, therefore not complying with the general idea of the future extension of the survey, which it ought to be. There ought to be a provision for taking up all the unsurveyed land in as nearly the form of surveyed lands as it can be done, and if a man takes up 160 acres or 640 acres he ought to take the land in as nearly a square or a rectangle as he can, the length being not more than two and one-half times the width.

Mr. LA FOLLETTE. I want to suggest to the gentleman from California that the amendment of the gentleman from Wyoming simply makes the language in this section conform to the language in section 14 on page 12. That language, beginning in line 4, is as follows:

That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a patent for one-fourth of the land embraced in the prospecting permit, such area to be selected by the permittee in compact form and according to the legal subdivisions of the public land surveys, if the land be surveyed, or to be surveyed at his expense in accordance with the laws, rules, and regulations governing the survey of placer-mining claims if located upon unsurveyed lands.

Mr. RAKER. That is not the gentleman's proposition. That is what I have been arguing for. He must take it according to the legal subdivisions, and in a compact form, and not in strings of forties.

Mr. LA FOLLETTE. As I understand, that is what the amendment does.

Mr. RAKER. No; this amendment strikes out "square or rectangular" and adds the words "reasonably compact." Under that on the unsurveyed public land you could have it in any shape, and just run a line around a particular tract, without reference to the corners, when, as a matter of fact, a man ought to take his land in a compact form, in rectangular or square shape as nearly as he can according to the Government survey when extended.

XUM

Mr. MONDELL. The gentleman knows perfectly well that there never was a round survey made in the United States under the placer act.

Mr. RAKER. Oh, yes.

Mr. MONDELL. Still the gentleman talks about round surveys, something never heard of in our land surveys.

Mr. RAKER. Oh, yes.

Mr. MONDELL. This bill provides for surveys under the placer act. There never was any such thing, and never would be, as a circular tract.

Mr. RAKER. Take up one of the mining plats and you will find the lines running in every direction and toward every point of the compass.

Mr. MONDELL. You will not find any circles.

Mr. RAKER. The man who locates the claim runs his lines according to where he wants to place them. We ought not to provide for a new system of surveys in the public-land States.

Mr. MONDELL. Nobody is suggesting that it shall be done. We are simply suggesting that we shall follow our legislation of the past, and not compel a man to do an impossible thing. The gentleman from Oklahoma [Mr. FERRIS] has just called attention to what the department people think of it. If my amendment is adopted, the tract must be reasonably compact. The Secretary of the Interior will decide in each case whether the tract comes within that definition. On surveyed land it will be, of course, according to surveys on unsurveyed land in reasonably compact areas, and the Secretary would in all probability provide for surveys on north and south lines and as near as possible to conform with the surveys when extended.

Mr. TAYLOR of Colorado. Does not the gentleman from Wyoming think that we had better make the amendment conform to language on page 12?

Mr. MONDELL. I have no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, I move, as a substitute for the gentleman's amendment, that it be made to conform to lines 10 and 11 of the language on page 12.

Mr. LENROOT. I do not think the gentleman wants to do that, because this applies to surveyed land as well as unsurveyed land.

Mr. TAYLOR of Colorado. We will see where it does apply. Mr. Chairman, I move to substitute for the amendment of the gentleman from Wyoming the following: Strike out of line 18, page 10, the words "square or rectangular" and insert in lieu thereof the words "reasonably compact form and according to the legal subdivisions of the public-land surveys, if the land be surveyed, and, if the land be unsurveyed, in an approximately square or rectangular."

Mr. STAFFORD. Will the gentleman state how it will be when it is on unsurveyed land?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Substitute for Mr MONDELL's amendment:
Strike out of page 10, line 18, the words "square or rectangular" and insert the words "reasonably compact form and according to the legal subdivision of the public land surveyed if it be surveyed."

The CHAIRMAN. The gentleman should reduce his amendment to writing.

Mr. RAKER. Will the gentleman yield for a question?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto be closed in 15 minutes—5 minutes to be used by the gentleman from Wisconsin [Mr. LENROOT], 5 by the gentleman from Wyoming [Mr. MONDELL], and 5 for some member of the committee.

Mr. STAFFORD. The gentleman from Kansas [Mr. ANTHONY] has a new section or paragraph.

Mr. FERRIS. This will not interfere with that.

Mr. STAFFORD. This would bar the gentleman out.

Mr. FERRIS. No; he wants to offer a new section, and this would not cut him out. Mr. Chairman, I ask unanimous consent that at the expiration of 15 minutes all debate on the section and amendments thereto be closed, 5 to be used by the gentleman from Wyoming [Mr. MONDELL], 5 by the gentleman from Wisconsin [Mr. LENROOT], and 5 by the committee.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of 15 minutes all debate on the pending section and amendments thereto be closed. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Colorado as a substitute for the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Substitute for the amendment of Mr MONDELL:
Page 10, line 18, strike out the words "square or rectangular" and insert the words "reasonably compact form and according to the legal subdivision of the public-land survey if the land be surveyed."

Mr. TAYLOR of Colorado. And to that should be added, "if the land be unsurveyed in a reasonably square or rectangular tract."

Mr. RAKER. Mr. Chairman, I offer the following as an amendment to the amendment of the gentleman from Colorado.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Add to the amendment of the gentleman from Colorado the words, "or to be surveyed at his expense in accordance with the laws, rules, and regulations governing the survey of placer-mining claims if located upon unsurveyed lands"

Mr. TAYLOR of Colorado. Mr. Chairman, I make the point of order that that amendment has nothing to do with my amendment.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to withdraw that amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Colorado.

Mr. STAFFORD. Mr. Chairman, can we have the amendment again reported?

The Clerk read as follows:

Page 10, line 18, strike out the words "square or rectangular" and insert the words "reasonably compact form and according to the legal subdivisions of the public land surveyed if the land be surveyed, and in a reasonably square or rectangular tract, and in a reasonably square or rectangular tract if the land be unsurveyed."

Mr. LENROOT. Mr. Chairman, I would like to ask the gentleman from Colorado if he uses the term "easonably square"?

Mr. TAYLOR of Colorado. Well, perhaps you might say "approximately." Public land is surveyed in lots, and not in squares; and probably they are not rectangular; they are smaller at one end than the other, and there are some diagonal tracts. You might say "approximately square or rectangular," and probably that would be the better word.

Mr. LENROOT. I suggest that the gentleman use the word "approximately."

Mr. TAYLOR of Colorado. Mr. Chairman, I will ask unanimous consent to modify my amendment by substituting the word "approximately" for "reasonably."

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. If the gentleman from Wisconsin will yield, I want to call the attention of the committee to the amendment, line 18, page 10. That applies to his permit. In section 14 we provide, after he has used the permit, how it shall be done. Now, we change the law in the permit and when he gets his final survey he must leave a part of it out; that is, if the amendment is carried.

Mr. LENROOT. He must do what?

Mr. RAKER. Under section 14 it provides "or to be surveyed at his expense in accordance with the laws, rules, and regulations governing the survey of placer mining claims if located upon unsurveyed lands." If the bill stands as reported he will be in shape to carry out the survey under the next section.

Mr. LENROOT. Mr. Chairman, if the amendment is adopted, when it comes to getting his fourth he will have to find his fourth, if it is unsurveyed, by surveying at his own expense, under such rules and regulations as the Secretary may adopt.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado to the amendment of the gentleman from Wyoming.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Wyoming, as amended.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I have several amendments that I had intended to offer to this section, but inasmuch as the gentleman from Oklahoma [Mr. FERRIS] is anxious to get along I will simply refer to them. If the committee does not accept them now, I hope it will later. I think that, on page 10, line 10, the word "four" should be stricken out and the word "six" should be inserted in lieu thereof. I do not think that four months is sufficient time to give the permittee to begin his drilling operations.

I think, on page 11, line 8, the word "ninety" might be changed to "sixty." I do not think the applicant need have that length of time within which to do this marking. I really believe that he could do it in 30 days; the longer time you give him the longer the lands are held from others that may want to develop them.

In regard to the amendment that was just adopted, offered by the gentleman from Colorado [Mr. TAYLOR], I have no es-

pecial objection to it, although I think it rather confuses than helps the situation. I want to call the attention of the committee to this fact, that several places in this bill and in the amendment offered by the gentleman from Colorado there is provision that unsurveyed lands are to be surveyed in accordance with the law relative to the survey of placer lands or lands taken under the placer act. I suppose what is meant is the laws relating to the survey of lode claims, which is made applicable to the survey of placer claims. It seems to me that it would be much clearer, if you want to invoke the mining surveys, to refer to them as the surveys and the rules relating to surveys of lode claims, because that is what they specifically apply to and cover.

I hope the gentleman from Oklahoma is willing to accept these amendments. I think both of them are very desirable.

Mr. FERRIS. Mr. Chairman, with reference to the suggestion of the gentleman from Wyoming, that, on page 10, line 10, the word "four" be changed to "six," let me call attention to the fact that the oil people appeared before us at the hearings, and, as I recall it, they agreed that four months would be enough, and the committee was solicited not to let them take too much time or more time than was necessary.

Mr. MONDELL. I think most of the oil men who appeared before the gentleman's committee were men from territory in California that you can reach within an hour or two by automobiles over good roads, if not by railroad. In my State practically all of the undeveloped oil lands that the men are now trying to develop are anywhere from 25 to 150 miles from a railroad, and it takes quite a bit of time for a man to get around to begin his drilling operations. We should give him more time to begin his drilling operations, but I do not think he needs so much time to monument his claim. In our country the driller would have a very trying time of it to get on the land in many cases and begin his drilling operations within four months. He probably could not get his rigs shipped to the nearest railroad point and out over the roads in that time. He ought not to have an unnecessary time, but he needs more than the bill gives him.

Mr. TAYLOR of Colorado. We have changed the word "mining" to "drilling."

Mr. MONDELL. Yes.

Mr. TAYLOR of Colorado. That makes it a good deal more arduous. Mining might be preparing for the work and that is the reason the word "mining" was used. As a matter of fact, if it has got to be drilled, the gentleman is largely right. They have to build a road to get in there.

Mr. MONDELL. The gentleman knows that if we had left that word "mining" in there, they could have done almost anything, any unnecessary, inconsequential thing, and have held the claim.

Mr. TAYLOR of Colorado. Oh, no; they could not.

Mr. MONDELL. In any event, it is changed now; but I think that he ought to get to drilling, and that he ought to be allowed a reasonable time in which to do it.

Mr. TAYLOR of Colorado. I realize that he has to have time in whicl to build the roads and get in his machinery.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. STAFFORD. Mr. Chairman, I offer to amend, in page 10, line 10, by striking out the word "four" and inserting the word "six."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk reads as follows:

Page 10, line 10, strike out the word "four" and insert the word "six."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert as a new paragraph, after line 3, on page 12, the following:

"That from and after the passage of this act natural gas transmitted from one State or Territory, or the District of Columbia, to another State or Territory, or to the District of Columbia for illuminating or heating purposes shall, upon entering the place where such gas is designed for consumption, be subject to the laws and regulations of the public utility commissions of the State, Territory, or the District of Columbia into which such gas is transmitted for use as aforesaid, and this provision shall apply to gas produced and transmitted from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia from any lands over which the Government of the United States exercises jurisdiction, and the Secretary of the Interior shall make rules and regulations and renewals of leases and leases with respect to the production and use of gas in conformity with the provisions of this section."

Mr. FERRIS. Mr. Chairman, on that I make the point of order.

Mr. ANTHONY. Mr. Chairman, I will ask the gentleman to withhold his point of order until I can make a statement.

Mr. FERRIS. Mr. Chairman, I reserve the point of order.

The amendment has not been submitted to the committee. I have never seen it. I can not grasp what it is from hearing it read. I do not think it germane to this bill, as it seems to be a matter for the Committee on Interstate and Foreign Commerce.

It seems to relate to gas transportation by pipe line between States. If that is what it is it does not properly belong here. I will confer with members of my committee and also the Oklahoma delegation and see how they feel about it. I think a bill is now pending on the same subject in Judge ADAMSON'S committee. It should not go on here with no consideration. There is not even a report from the department on it. If it is a matter entitled to go through, we can reach it by an independent bill, or we could offer it later to this bill, as we will be on this several more days. It is too important to accept it this way. It might work an injustice to this bill. It might work an injustice to my State. I simply do not know what it is or what it does. The gentleman should have presented it to our committee so it could have been gone into carefully.

Mr. ANTHONY. Mr. Chairman, in the State of Kansas there are fully 150,000 families who are now using natural gas for domestic purposes. That gas comes from the State of Oklahoma, from the Osage Nation. It is piped from Oklahoma to Kansas by the Kansas Natural Gas Co., a great corporation, which is allied to other big gas and oil interests. That pipe line is affiliated with the gas companies of the various cities in the State and distributed to these thousands of families in the State. A few years ago the Kansas Natural Gas Co. made contracts with these people at a reasonable price for this gas. In the last year or two they have attempted to increase the price at which gas shall be sold over 100 per cent. The people of the State, through their municipalities, appealed to the State board of public utilities to protect them in a reasonable price. The Gas Trust promptly went to the Federal court for protection to evade being held to a just accountability by the utilities commission, and it so happens that under present conditions there is absolutely no remedy that the people may have to assure themselves a reasonable price for this natural gas, which mostly comes from Indian reservations or other land controlled by the Government.

I think the gentleman from Oklahoma, in the preparation of this bill, could well afford to give relief to the natural-gas consumers of Kansas, Oklahoma, and Missouri. I am sure it is a situation with which he is perfectly familiar, and I think that he should allow this amendment to go into the bill.

Mr. BORLAND. Will the gentleman yield?

Mr. ANTHONY. Gladly.

Mr. BORLAND. The purpose of the gentleman's amendment is simply to give the State public-utilities commission control over this natural gas when it comes within the State.

Mr. ANTHONY. Absolutely, that is all. As it is now, the case where a State has attempted to control the price the company, through a questionable receivership through the United States courts, has evaded the attempt to regulate them.

Mr. BORLAND. There is no question but what, when natural gas or any other product which is subject to a public-utilities commission comes within a State, it ought to be controlled by the State commission.

Mr. ANTHONY. There should be some power, I contend, to control the distribution of these immense supplies of natural gas, oil, and all the other minerals enumerated in this bill, and my contention especially applies to natural gas because it is largely distributed by the public-service corporations.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANTHONY. I would like to ask the Chairman upon what ground he sustains the point of order.

The CHAIRMAN. On the ground that the amendment is not germane to the bill.

Mr. ANTHONY. Will the Chair state why it is not germane, for my information?

The CHAIRMAN. Of course, the Chair is not required to state his reasons. This bill is to authorize explorations for and disposition of coal, phosphates, oil, gas, potassium, or sodium upon the public lands in the United States. The gentleman's proposed amendment provides that natural oil or gas transmitted from one State or Territory to another——

Mr. ANTHONY. Gas; I beg the Chair's pardon.



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The CHAIRMAN (continuing). Shall be subject to the control and regulation of the public utilities commission in the localities to which it is transmitted, and it has clearly nothing to do with the fundamental proposition in this bill. It is not germane to it. The Chair again sustains the point of order.

Mr. BORLAND. Mr. Chairman, will the Chair hear me on the point of order?

The CHAIRMAN. The Chair has ruled, and the point of order is sustained.

Mr. BATHRICK. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 12, after line 3, insert a new section, as follows:
"The Secretary of the Interior shall retain portions of proven oil territory, which, in his discretion, appears most liable to provide fuel oil suitable to be used on Government ships, and shall drill wells and produce oil for Government use. For the purpose of carrying out the provisions of this section there is hereby appropriated, from any unexpended balance in the Treasury, the sum of $500,000 or such part thereof as may be required."

Mr. FERRIS. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BATHRICK. Mr. Chairman, I am sorry to have the chairman of this committee reserve a point of order on this amendment, because I think its enactment into law is very essential for the interest of this country, particularly for the interest of the Navy in the matter of economy and efficiency. We buy now for the Navy of the United States nearly half a million dollars worth of oil per year. Let us see what this amounts to as a business proposition. We pay for the oil approximately $1.60 to $1.70 per barrel. Fuel oil at the present time and as it runs on the average throughout the year can be bought at the wells at from 50 to 70 cents a barrel. It costs to transport oil by the pipe lines from the Pennsylvania section to the eastern seaboard about 6 cents per barrel. It is very easy to see how somebody is making a good deal of money out of the Government of the United States. We are proposing a measure here which gives to oil prospectors some very liberal and extraordinary privileges not quite in accord with the same business opportunities granted to private people in the oil fields, and, in fact, far more liberal. We have many millions of acres of Government domain, from which to-day are being taken the natural resources of this country, and very little in return is given back to the people. Why talk about your royalties upon these oil wells? In no case would they probably exceed 10 to 12 cents per barrel. That is the average royalty in private transactions. They will amount to very little.

Mr. DONOVAN. Will the gentleman permit an observation?

Mr. BATHRICK. Not until I finish my statement, if the gentleman pleases and will excuse me. I presume the gentleman, the chairman of this committee, is making his point of order on the appropriation feature, but the appropriation feature provides that it lies within the discretion of the Secretary of the Interior to use all of this sum or any portion thereof that may be required to carry out the provisions of this amendment, and it amounts, in principle, to no more than other costs to carry out the other provision. We are using now, as I have said, only a half a million dollars' worth of oil, but all of our ships are being changed from coal burners to oil burners, and in less than five years we will be using five to ten million barrels of oil, with the result that the initial cost to the Government of boring wells and producing oil will eventually accomplish a magnificent saving. There is very little risk involved. After the prospectors have discovered oil upon any of this territory and put in their claim for one-quarter of a section of land and the oil has proven itself profitable, private capital would not think it a serious risk to bore on contiguous territory, and the gentleman from Ohio, who is well versed in this question, knows it would be very easy to secure capital to drill oil wells within a very short distance from some location where oil has been discovered in profitable quantities.

Mr. RAKER. Will the gentleman yield?

Mr. BATHRICK. I do.

Mr. RAKER. How does it come that there are millions of acres of land lying in California that might have some prospect of oil—in fact, every prospect—if the private individual has the courage to go in and——

Mr. BATHRICK. That is purely wildcatting.

Mr. RAKER. No; it is not.

Mr. BATHRICK. I live in a State that produces oil and I have owned oil leases and have been in the business, and I know that if you go into a profitable oil field and secure a lease you have to pay a large bonus to secure it before any drilling is done. Private capital is not afraid to invest in such cases. It is no trouble to get private capital to drill next door to paying, operating wells.

We are assuming in this bill that private persons will go 10 miles away from other oil wells and put down a hole from 500 to 2,000 feet deep. That is what I call wildcatting, but when a well is discovered it is a pretty good business risk to drill another well in the next 40 acres. It is assumed that some of the people will wildcat, but that it would be a fearful risk if all of the people spent, proportionately, the very small sum to follow up a discovery where the risk is very light. The wealthiest business concern in this country has made its profit from oil, and is constantly doing what some think is a big risk for the Government to do. This concern is collecting in profits from this Government every year enough to pay for most of the wells we would need. I would like to see this Government risk one year's such profit, at least, now mainly given to the Standard Oil Co.

Mr. RAKER. This bill applies to the public domain.

Mr. BATHRICK. Very true; but at the same time the Government proposes to lease it as in a private capacity, and there is no reason why this Government should not reserve some portion of this proven oil territory and use it for the advantage of all the people.

Mr. RAKER. In other words, after a man has legitimately discovered an oil well, you want to beat him out of it?

Mr. BATHRICK. You misunderstand the amendment entirely. It is proposed, if the Government has retained that portion of the oil territory in the vicinity of these proven fields and not leased it, that it would go into the business itself and produce this oil and save several millions of dollars to the Government. It would take nothing away from lessees.

Mr. RAKER. And then you want the Government to "wildcat" for oil?

Mr. BATHRICK. There is no need of wildcatting, and, in oil parlance, to drill a well in the vicinity of a proven field is not "wildcatting."

Mr. FERRIS. Mr. Chairman, I make the point of order that it deals with jurisdiction belonging to other committees and is not germane.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 14. That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a patent for one-fourth of the land embraced in the prospecting permit, such area to be selected by the permittee in compact form and according to the legal subdivisions of the public-land surveys, if the land be surveyed, or to be surveyed at his expense in accordance with the laws, rules, and regulations governing the survey of placer-mining claims if located upon unsurveyed lands: *Provided*, That all merchantable timber upon land patented hereunder shall be reserved to the United States to be cared for, used, or disposed of in accordance with applicable laws and regulations, and such reservation shall be expressed in each patent issued hereunder: *Provided further*, That each permittee who desires to secure a patent under the terms of this section shall, within 90 days from and after discovery of valuable deposits of oil or gas in the land embraced in his permit, file in the land office of the district in which the land is located his application for patent for the tract selected, in default of which he shall be required to thereafter pay royalty for the oil or gas produced therefrom during the remainder of the term covered by his permit, as may be fixed by the Secretary of the Interior, and the tract and deposits of oil or gas therein shall thereafter be subject to lease as prescribed in section 16 hereof.

Mr. MONDELL and Mr. MOSS of West Virginia rose.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, I move to strike out, on page 12, line 8, the word "one-fourth" and insert the word "one-half."

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 8, strike out "one-fourth" and insert "one-half."

Mr. MONDELL. Mr. Chairman, I said a few moments ago that I doubted if it were wise to provide in this leasing legislation for the patenting of land in fee. I do not entirely approve the provision contained in the bill, but if it is to remain in the bill it should remain in the bill in a form that will be workable. I do not believe that under the conditions which exist in the intermountain fields of Colorado, Utah, or Wyoming it will be possible to get men to go into the undeveloped regions or on the borders of regions already partly developed, with no greater hope of reward for their prospecting, their drilling, and their expenditure than a patent for one-quarter section within 10 miles of a producing well or 640 acres elsewhere.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. LENROOT. How much can they get now under the present law?

Mr. MONDELL. Under the placer act they can get a great deal if they are diligent enough.

Mr. LENROOT. It takes eight of them to get 160 acres.

Mr. MONDELL. Well, one group of eight can get 160 acres, another 160 acres, and another 160 acres, ad infinitum, but ordinarily it requires so much work and expenditure that very large areas are not acquired under the placer act. If this amendment be not adopted, my purpose is to offer an amendment giving the permittee a preference right to lease all the land under his permit, when he discovers oil. I think if we are to enter upon a leasing system we ought to leave behind us the system of ownership in fee and proceed to lease. I think that it should not be complicated with patent provisions. But if that is to be done, I do not believe it will be possible in many fields to secure development when the only hope that the driller has is that he may secure a patent, in the majority of cases, to the small area of 160 acres. One hundred and sixty acres, if it were a bonanza field, would be all right. There is not an oil field in one thousand that is a bonanza. It requires a good deal of money for an operation; it requires more than 160 acres for an oil operation that anyone wants to undertake anywhere except in a bonanza field. We can not draft our legislation on the theory that we are legislating for bonanza fields. In the main we are legislating for fields where the wells produce only a limited amount of oil, where a considerable area of land is necessary in order to make drilling profitable. Rather than say to a man, "You are confined to 160 acres; you never can have any hope of securing more than that except as you may enter into competitive bidding with those who have taken advantage of your discovery and expenditure," I think it would be very much better to give a lease to the entire tract in the first place. But the committee will not agree to that; so if the proposition is to patent to the discoverer, then he should have an area sufficiently large to make it worth his while. I would give him half rather than one-fourth of the land covered by his permit.

Mr. MOSS of West Virginia. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from West Virginia makes the point of order there is no quorum present. The Chair will count. [After counting.] Seventy-five gentlemen are present—not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Ansberry | Gallagher | Lever | Rainey |
| Anthony | Gardner | Levy | Reilly, Conn. |
| Austin | George | Lewis, Pa. | Riordan |
| Bartholdt | Gittins | Lindquist | Roberts, Mass. |
| Bartlett | Goeke | Linthicum | Rothermel |
| Beall, Tex. | Goldfogle | Loft | Rupley |
| Brodbeck | Graham, Pa. | McClellan | Saunders |
| Broussard | Gregg | McGuire, Okla. | Scully |
| Brown, N. Y. | Griest | MacDonald | Sells |
| Browning | Guernsey | Maguire, Nebr. | Shreve |
| Brumbaugh | Hamill | Mahan | Slemp |
| Burke, Pa. | Hamilton, Mich. | Maher | Smith, Md. |
| Burnett | Hamilton, N. Y. | Manahan | Smith, N. Y. |
| Calder | Harris | Martin | Stanley |
| Carter | Henry | Merritt | Steenerson |
| Clancy | Hensley | Metz | Stevens, N. H. |
| Coady | Hoxworth | Montague | Stout |
| Connolly, Iowa | Hughes, W. Va. | Morin | Stringer |
| Conry | Humphreys, Miss | Murdock | Talbott, Md. |
| Covington | Kelley, Mich. | Nelson | Tavenner |
| Cramton | Kennedy, Conn. | Oglesby | Thacher |
| Crisp | Kent | O'Hair | Vare |
| Dale | Key, Ohio | O'Shaunessy | Walker |
| Dies | Kiess, Pa. | Page, N. C. | Watkins |
| Doremus | Kindel | Paige, Mass. | Webb |
| Driscoll | Kinkead, N. J. | Palmer | Whitacre |
| Elder | Knowland, J. R. | Parker | Wilson, Fla. |
| Estopinal | Korbly | Peters | Wilson, N. Y. |
| Evans | Kreider | Porter | Woodruff |
| Fairchild | Langham | Post | |
| Faison | L'Engle | Powers | |
| Finley | Lesher | Ragsdale | |

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and finding itself without a quorum, he had caused the roll to be called, whereupon 306 Members, a quorum, had answered to their names; and he submitted a list of absentees for printing in the RECORD and the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee having under consideration the bill H. R. 16136, and finding itself without a quorum, he had caused the roll to be called, and 306 Members, a quorum, had answered to their names; and he submits a list of names of absentees for publication in the RECORD and the Journal. The committee will resume its session.

The committee resumed its session.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate on this section and all amendments thereto in 20 minutes, 5 of which shall be controlled by the gentleman from Washington [Mr. LA FOLLETTE] and 15 by the gentleman from California [Mr. CHURCH], members of the committee.

Mr. MANN. What is the request—to close debate on the section?

Mr. FERRIS. Yes. The prolongation of this debate is getting intolerable.

Mr. MANN. Do I understand the gentleman proposes to say now that he is going to use the gag on us?

Mr. FERRIS. Oh, not that; but the gentleman from Illinois knows that the conditions that have prevailed in this debate have become intolerable. Ten or twelve amendments are offered to a single section of the bill, and none of them is adopted, and continuous debate makes it hard for the committee and hard for the Members. I hope the gentleman will cooperate with us.

Mr. MANN. I certainly will not cooperate in stifling debate on an important bill like this, where the debate has been proper and fair.

Mr. FERRIS. I have not kept account of it; but we have debated this section fully 25 minutes on an amendment merely as to whether we shall give one-half of the land to the oil operator, or one-fourth.

Mr. MANN. As a matter of fact, we have debated that question for only five minutes, and the gentleman is mistaken by four-fifths of his assertion.

Mr. FERRIS. I do not think the gentleman is right about that.

Mr. MANN. I know that I am right about it.

Mr. FERRIS. The gentleman will learn.

Mr. MANN. I know I am right.

Mr. FERRIS. Mr. Chairman, I move that debate on this section and all amendments thereto be closed in 20 minutes.

Mr. MANN. I notify the gentleman that there will be no business transacted without a quorum, either in the committee or in the House.

Mr. FERRIS. We can get a quorum.

Mr. MANN. No; you can not. You have not had a quorum for more than 20 minutes in the past 2 days.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] moves that the debate on this section and all amendments thereto close in 20 minutes. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MANN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 105, noes 63.

Mr. MANN. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Illinois asks for tellers.

Mr. MANN. There will be no more business done in the House at any time without a quorum. The gentleman can be assured of that.

Mr. DONOVAN. Mr. Chairman, the gentleman from Illinois is out of order.

Mr. MANN. I may be out of order now, but I know that the gentleman from Connecticut is always out of order. [Laughter.]

Tellers were ordered, and the Chairman appointed Mr. FERRIS and Mr. MANN.

The committee again divided; and the tellers reported—ayes 92, noes 51.

So the motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois asks for a division.

The committee divided; and there were—ayes 49, noes 86.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. FERRIS and Mr. MONDELL.

The committee again divided; and the tellers reported—ayes 1, noes 116.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, I take it that the man who has acted as teller is entitled to time enough to return to his seat before the Clerk proceeds with the reading.

The CHAIRMAN. The Chair had no notion that the gentleman from Wyoming [Mr. MONDELL] desired to offer an amendment. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Chairman, I move to amend section 14, line 7, by inserting after the word "permit" the words "and the payment of the price per acre fixed by the placer-mining act."

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 7, after the word "permit," insert the words "and the payment of the price per acre fixed by the placer-mining act."

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

Mr. FERRIS. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. FERRIS and Mr. MONDELL.

The committee divided; and the tellers reported—ayes 34, noes 70.

Accordingly the amendment was rejected.

Mr. MONDELL. Mr. Chairman, at the end of section 14 I offer the following amendment: To add the words—

And the permittee shall have a preference right to lease the land covered by his permit.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of section 14, on page 13, insert the following:
"And the permittee shall have a preference right to lease the land covered by his permit."

Mr. MONDELL. Mr. Chairman, the bill provides that a permittee shall have a permit covering an area the size of which depends upon its distance from a producing oil well, and that if he discovers oil he may, if he desires to do so, secure a patent in fee to one-quarter of the land covered by his permit. I do not believe that in the new fields this would be sufficient to induce prospecting and development. I have said a number of times that I am not altogether in favor of the plan granting fee titles under the act. I would very much prefer a provision under which the permittee, if he discovers oil, may have a preference right to lease the entire tract covered by his permit, or the major portion of it; but if that can not be done, then the permittee should have some sort of a preference over all comers with regard to the land covered by his permit other than that which he can secure by patent. Ordinarily the permittee will have spent a large amount of money in prospecting and development work. He will probably have sunk a number of dry wells, and after it is all over he secures a tract of land which, under ordinary conditions of oil development, is not sufficient for a successful operation. My amendment proposes to give the permittee, after he has discovered oil in paying quantities, a preference right under the conditions contained in the bill to a lease of all the lands covered by his permit.

Mr. LA FOLLETTE. Mr. Chairman, I can not think that the provision of the bill allowing one-fourth of the area on which oil is discovered to be given in fee simple to the discoverer is a wise provision. I listened with interest to the explanation given by the chairman of the committee this afternoon, in which he stated that the purpose of it was to pay the man for the hazard and risk that he had taken. I will grant that on the face of it that looks fair, and if the price of oil was up all the time and booming, and the man who had the advantage of owning part of this tract in fee simple would hold the price up to that of his neighbors' oil and simply take the royalty per barrel as an additional profit, that idea might be tenable. But the prices do not always keep up, and things do not always boom, and it might be that there would be a time of depression in the oil fields. When that time would come and when it was hard to dispose of the oil, the man whom we had legislated into a monopoly, who did not have to pay a royalty, could immediately put down the price of his product 5 or 3 cents, or whatever the royalty was, a barrel and undersell his unfortunate neighbor who had to pay a royalty under his lease. At times it would almost succeed in preventing the sale of his product and compel the lessee to keep his oil on hand. I think to give oil discoverers the right to lease the maximum amount of land allowed under their permits would be eminently fair, and that would not be legislating special privilege in the oil fields.

Mr. JOHNSON of Washington. Mr. Chairman, I want to ask the chairman of the committee a question in regard to the oil leasing. The bill provides for giving the prospector title to one-quarter of the land. I want to ask how will that work where the oil lands to be prospected adjoin an Indian reservation—in the case of allotted lands, where the leases as now granted cover but a small amount of land?

Mr. FERRIS. The gentleman knows that the land can be blocked off in 40-acre lots, or any multiple of 40 acres.

Mr. JOHNSON of Washington. In a new country where the leased land adjoins an Indian reservation, would not this clause result in nothing being done on the Indian land?

Mr. FERRIS. What clause does the gentleman refer to?

Mr. JOHNSON of Washington. I refer to the clause where it provides that one-quarter of the land may be embraced in the prospect permit.

Mr. FERRIS. We do not issue any prospect permits on Indian land.

Mr. JOHNSON of Washington. Does not the fact that you do not operate against the Indians?

Mr. FERRIS. It might.

Mr. LENROOT. Mr. Chairman, I would like to call the attention of the committee to the fact that the gentleman from Texas had an amendment applying it to Indian lands, and unless a further amendment is offered——

Mr. STEPHENS of Texas. I want to say to the gentleman from Washington [Mr. JOHNSON] that I propose at the end of the bill to offer an amendment, suggested by the department, that will correct that deficiency.

Mr. MANN. Mr. Chairman, as I understand, the Indian lands have been included in this bill by amendment. I do not think I am in error about that.

Mr. LENROOT. In form.

Mr. MANN. Why not in fact?

Mr. LENROOT. Because each mineral in the bill is complete in itself.

Mr. MANN. The first section provides generally in reference to the matter, and that governs, as I understand, the balance of the section. I do not know whether the amendment that was agreed to in reference to Indian lands was silly and amounts to nothing, but if it amounts to anything and it was the intention to carry it in the bill, it ought to be carried here.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MANN. Not at present. Mr. Chairman, we have been considering this bill in committee under the five-minute rule for amendment a couple of days. There have been more than a dozen amendments agreed to in the first 12 pages of the bill. It is perfectly evident that this section ought to be amended if it is intended to permit the discovery of gas and oil on Indian land, because it certainly is not the intention for the Government to issue a patent of discovery for 160 acres of Indian lands without anything being paid for it. And if that were done, the Government would have to pay the Indians for this land taken. Under the treaties with the Indians if the Government gives away land, the Government has to pay for it. Any revenue that would come in would go to the Indians. The Government would hold the bag, but would have nothing to show for its interest.

Now, Mr. Chairman, we were getting along very well in considering this bill, and both sides of the House were in good humor. I was endeavoring as far as lay in my power to cooperate with the gentleman from Oklahoma in expediting the consideration of the bill and preserving its main features, with proper amendments to correct its form. There has been before this House no more important bill affecting the country and the property of the country than this one, which revolutionizes the past policy of the Government and proposes to lease its deposits on the public lands which belong to the United States. I am in sympathy with the revolution, but the bill ought to be properly perfected.

All at once the gentleman from Oklahoma, upon a very important section of the bill, which ought to be amended, cuts off discussion because he has the power of a great majority behind him. Well, majorities can rule, but in parliamentary bodies they can only rule under the rules; and I say to the gentleman from Oklahoma that when he endeavors to enforce the power of the majority in a case like this he will have to continue to do it, because there will be nothing done in this House for some time to come by unanimous consent.

Mr. FERRIS. Mr. Chairman, the gentleman from Oklahoma and the Committee on Public Lands have been the recipients of much help and aid from the gentleman from Illinois [Mr. MANN], all of which has been appreciated, and we cherish the hope that in the future he may continue to give it, and we regret that at this time he should fly into a tantrum and serve notice that he will not only raise all of the Cain he can on this

bill, but on every other. If protestations and charges and threats of that sort are the part of a great leader of a great party, let him make the best of it. I have stood here for four or five days, with such earnestness and with such poor ability as I have, and tried to expedite the passage of this bill. The Members of the House on both sides of the aisle are careworn, with more work than their backs can bear up under in their offices, and they have needed their time in their offices. Therefore we have submitted to filibustering amendments and delays that should not have been submitted to. I desire to state that on this side of the House we have not consumed, in my judgment, one fiftieth part of the time that has been used in debate on this bill under the five-minute rule. I undertake to say that that is a fair estimate of the case. The rest of the time has been used by Members on the other side. Unlimited courtesy, boundless liberality has been the treatment accorded the other side; and what happens? After a question has been debated here time and time again and every conceivable amendment that could be thought of has been offered, with whole bills offered as substitutes for a single section, some gentleman on that side of the House rises in the majesty of the moment and raises the point of no quorum. I think it was the gentleman from West Virginia [Mr. Moss] who so honored us on this occasion. [Applause and laughter on the Democratic side.]

Of course that is a very intellectual thing for a Member to do. It requires great wisdom and learning to make the point of no quorum. Then, in a moment of irritability and in a moment of stress, in a moment of being worn out, I asked unanimous consent to close debate in 20 minutes, thinking that we ought to accomplish something, and that the House would properly require us to do something. The gentleman from Illinois [Mr. MANN], with all of his ingenuity as a parliamentarian and as a filibusterer, gathers on his armor and swings around and serves notice that he will object to every bill next Monday, which he usually does anyway and which he delights to do. That is a day of his particular choosing, of his keenest delight. On no day is he so much in his element as he is on unanimous-consent Monday. He can then rise in his place and object to some poor fellow trying to get some little local bill through. That is a terribly courageous thing to do—to rise and object and send some Member home with some little local bill unpassed that will humiliate him and disgrace him with his constituents. That is a wonderful achievement. That is the gentleman on unanimous-consent Monday as others see him.

But I shall not dwell longer on that. I repeat, the gentleman from Illinois has helped us many times, and I hope he will again help us. I hope that instead of threatening us and browbeating us he will join hands with us and help to put through a bill that does not mean one bit more to my State than it does to his. My services on this bill are as unselfish as are his. There is not a foot of public land in my State. I am trying to do a service for the country, and not for his part, or my party, not for his State or mine. [Applause on the Democratic side.]

The CHAIRMAN (Mr. GARRETT of Tennessee). All time has expired. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken.

Mr. MANN. Mr. Chairman, I demand a division.

Mr. FERRIS Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. MONDELL and Mr. FERRIS to act as tellers.

The committee divided; and the tellers reported—ayes 28, noes 67.

So the amendment was rejected.

The Clerk read as follows:

SEC. 15. That all permits, leases, and patents of lands containing or supposed to contain oil or gas, made or issued under the provisions of this act, shall be subject to the condition that no wells shall be drilled within 200 feet of any of the outer boundaries of the lands embraced within any permit, lease, or patent, unless the adjoining lands have theretofore been patented or the title thereto otherwise vested in private owners, or unless the lessees or patentees of such adjoining lands shall, with the approval of the Secretary of the Interior, agree to the drilling of wells and removal of the oil or gas from the 200 foot tracts or reservations herein created, and to the further condition that the permittee, lessee, entryman, or patentee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit, lease, or patent, to be enforced through appropriate proceedings in courts of competent jurisdiction.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. It was said a moment ago that these bills were for the good of the West. I desire to call the attention of the House to the fact that the distinguished Delegate from Alaska who was here until quite recently, and is now in Seattle, Wash., on his way to the far north, where he has not been for years, declared at a meeting there that Alaska coal-leasing bill provisions are in the interests of monopoly. The heading in the newspaper says, "Alaska coal bill called dangerous—Delegate WICKERSHAM declares provisions favor monopoly." I shall not take the time of the House to read this statement, but I desire to call the attention of Members to the fact that during the limited debate that we had under the five-minute rule on that bill a number of gentlemen on this side of the House called attention to the monopolistic provisions of the bill. I think Judge WICKERSHAM so stated and gave his reasons. His view with regard to the Alaska coal-leasing bill, I am inclined to believe, is the view the western people will have in regard to the several provisions of this leasing bill as soon as they have become familiar with it.

The Clerk read as follows:

SEC. 16. That all deposits of oil or gas and the unentered lands containing the same and classified as oil or gas lands, or proven to contain such deposits, except, however, those embraced in any prospecting permit during the life of the same, those patented or for which application for patent by the permittee is pending under the provisions hereof, may be leased by the Secretary of the Interior through competitive bidding under general regulations in areas not exceeding 640 acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, which royalty on demand of the Secretary of the Interior shall be paid in oil or gas, and the payment in advance of a rental of $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of 20 years, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word merely for a brief inquiry. Do I understand that the royalty that is to be paid is to be paid in kind—in oil?

Mr. FERRIS. If the Secretary of the Interior so decrees. The thought of the committee was that there might come a time when they might need the royalty in the actual oil, and then the Secretary might decree it should be paid in oil for use by the Navy. The Navy Department was quite interested in having it that way, and the Secretary of the Interior concurred in that view, also the Bureau of Mines and the Geological Survey, and the committee was unanimous.

Mr. STAFFORD. It is merely a reservation in case such an emergency might arise, otherwise it would be paid in money?

Mr. FERRIS. Yes.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FERRIS. I do.

Mr. MADDEN. Is the oil to be taken at a stipulated price, or market price?

Mr. FERRIS. There was nothing said about that. They take an eighth or a sixth of the total output after taking the royalty on the oil, and, of course, the producing company would deliver to the Government in oil instead of paying the market rate in cash. That is the only difference.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers the following amendment, and the pro forma amendment is withdrawn. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 25, after the word "period," change the period into a colon and insert the following:

"*Provided further*, That upon relinquishment or surrender to the United States, within six months from the date of this act, by any locator or his successors in interest of his or their claim to any unpatented oil or gas lands included in an order of withdrawal, upon which oil or gas has been discovered, was being produced, or upon which drilling operations were in actual progress January 1, 1914, and the claim to which land was initiated prior to July 3, 1910, the Secretary of the Interior shall lease to such locator or his successors in interest the said lands so relinquished, not exceeding, however, the maximum area of 2,560 acres to any one person, association, or corporation, said leases to be conditioned upon the payment by the lessee of a royalty of not exceeding one-eighth of the oil or gas extracted or produced from the leased premises or the proceeds thereof, each lease to be for a period of 20 years, with the preferential right in the lessee to renew the same for succeeding periods of 10 years, upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior."

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MONDELL. Mr. Chairman, I desire to say that in the momentary absence of the gentleman from California [Mr. CHURCH], who has been called out for a moment, I offered this amendment. I am very much in favor of it, but the amendment is a copy of one that was to be offered by the gentleman from California [Mr. CHURCH]. It does not, however, contain a naval-reserve provision as his amendment does.

Mr. FOSTER. I beg to state to the gentleman from Wyoming that I had no thought or intent of that kind, but this is

a long amendment; it is late in the evening, and we ought to be given a chance——

Mr. MONDELL. I simply made the statement I did in justice to the gentleman from California [Mr. CHURCH], who was out for the moment.

Mr. RAKER. Mr. Chairman, I want to call attention to the fact that I hold the same amendment in my hand, but I understood it was not going on to-night. This is an amendment of Mr. CHURCH's, to which he has given months of earnest work, in which I have collaborated, and I want to say to the committee——

Mr. MONDELL. I was generous enough to acknowledge the gentleman from California intended to offer it. We are all of us greatly interested in it—those of us from western oil districts. I did not intend to allow the opportunity to have the amendment offered get by.

Mr. RAKER. I hold it in my hand, and I have had it all day; but I understood it was to go over until the next meeting of the House, and then offer it at the end of the next section, if Mr. CHURCH was temporarily absent, and that is why——

The CHAIRMAN. The Chair overrules the point of order.

Mr. MANN. The point of order was only reserved. Perhaps the Chairman would hear me on the point of order.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. FOSTER. Mr. Chairman, I reserved the point of order because I did not hear the amendment clearly, and I wanted to go over it for that reason. If the Chair overrules the point of order—as I gather from the amendment, it is a proposition to fix the status of certain oil claims.

Mr. MOORE. Will the gentleman from Illinois yield for a moment?

Mr. FOSTER. Certainly.

Mr. MOORE. The gentleman said a moment ago it was getting late in the evening, and rather indicated that we might soon rise. Is there any such intent?

Mr. FOSTER. I do not know and I could not say.

Mr. MOORE. Well, the chairman of the committee indicated that he was quite tired, quite fatigued, a little while ago. Does not the gentleman think it is time to rise?

Mr. FOSTER. I will say that I do not know anything about that. I could not speak for the chairman.

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOSTER] insist on the point of order?

Mr. FOSTER. Why, as the Chair seems to be against me, I think it may be just as well to withdraw the point of order.

Mr. MANN. Mr. Chairman, I renew the point of order.

The CHAIRMAN. Does the gentleman wish to be heard on it?

Mr. MANN. I do, before it is determined. The amendment the Chair has provides that upon the relinquishment or surrender to the United States within six months from the date, and so forth, by a locator of any claim to any unpatented oil or gas lands included in an order of withdrawal on which oil or gas has been discovered and was being produced, or upon which drilling operations were in actual progress January 1, 1914, and the claim to which land was initiated prior to July 3, 1910, the Secretary of the Interior may in his discretion lease, on such reasonable terms and conditions as he may prescribe, land to the locator, the said leases to be conditioned upon the payment by the lessee of a royalty of not exceeding one-eighth of the oil or gas extracted or produced from the leased premises or the proceeds thereof, the preferential right to be in the lessee to renew the lease, and money which may accrue to the United States shall be covered into the Treasury to the credit of a fund to be known as the "naval petroleum fund."

This amendment is for the purpose of compromising certain claims against the United States on certain oil lands. It is a pure case of compromising claims, and admitted to be such. The bill is in reference to the leasing of lands where the Government of the United States owns the land or owns the deposits. These people claim they own this land. There is no requirement in this amendment that this land shall be owned by the Government. They have their rights upon the land, or claim them. While, of course, it is a proper matter for legislation, it does not relate to anything in the bill.

Mr. MONDELL. Mr. Chairman, this bill proposes a new method of disposing of the lands of the United States containing oil. There is a law now in force—the placer act—under which claims are initiated for this same class of lands.

Mr. MANN. Mr. Chairman, I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the question is on agreeing to the amendment.

Mr. CHURCH. Mr. Chairman, I offer the following as a substitute.

The CHAIRMAN. The gentleman from California offers a substitute to the amendment offered by the gentleman from Wyoming [Mr. MONDELL], which the Clerk will report.

The Clerk read as follows:

Page 14, line 25, after the word "periods," change the period into a colon and insert the following:

"*Provided further*, That upon relinquishment or surrender to the United States, within six months from the date of this act, by any locator or his successors in interest of his or their claim to any unpatented oil or gas lands included in an order of withdrawal upon which oil or gas had been discovered, was being produced, or upon which drilling operations were in actual progress January 1, 1914, and the claim to which land was initiated prior to July 3, 1910, the Secretary of the Interior may in his discretion lease, on such reasonable terms and conditions as he may prescribe, to such locator or his successors in interest the said lands so relinquished, not exceeding, however, the maximum area of 640 acres to any one person, association, or corporation, said leases to be conditioned upon the payment by the lessee of a royalty of not exceeding one-eighth of the oil or gas extracted or produced from the leased premises or the proceeds thereof, each lease to be for a period of 20 years, with the preferential right in the lessee to renew the same for succeeding periods of 10 years, upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior: *And it is further provided*, Any money which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of a fund to be known as the Navy petroleum fund, which fund shall be applied to the needs of the Navy as Congress may from time to time direct, by appropriation or otherwise."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment of the gentleman from California [Mr. CHURCH].

The CHAIRMAN. The gentleman from Illinois makes a point of order.

Mr. FERRIS. Mr. Chairman, the amendment offered by the gentleman from California, as I understand it, is identical with the amendment of the gentleman from Wyoming, save and except it has attached to it a proviso that the money shall go into the Treasury as a fund for the Navy as Congress may see fit to appropriate.

Mr. MANN. I think that is a correct statement.

Mr. FERRIS. I think that is it.

Mr. MANN. This merely makes the amendment in harmony with the bill we passed by unanimous consent.

The CHAIRMAN. The Chair sustains the point of order. It is clearly devoted to matters not germane to the bill.

Mr. LENROOT. Will the gentleman hear me on the point?

The CHAIRMAN. The Chair will hear the gentleman, but has already decided the question.

Mr. LENROOT. If the Chair will examine later provisions of the bill, he will find that this bill does provide for the disposition of the proceeds of the leases of these public lands. It provides later on that all the proceeds shall go into the reclamation fund, and all this amendment does is to provide a different manner of disposition of proceeds of a portion of these leased lands than the disposition provided in the bill for the lands generally.

Mr. MANN. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. Under the provision that provides the proceeds shall go into the reclamation fund would the gentleman think it germane to offer an amendment to build a battleship out of the proceeds?

Mr. LENROOT. No.

Mr. MANN. Does he think it germane to order it placed in the naval fund?

Mr. LENROOT. Certainly.

Mr. MANN. If so, it is germane to provide how it shall be expended.

Mr. LENROOT. The proceeds accruing through this bill must be provided for somewhere. It must either go into the Treasury under the head of miscellaneous receipts or in the reclamation fund as provided in the bill.

The bill itself provides that half of the proceeds shall afterwards be paid to the States, and it is entirely competent in this bill; and I submit that it is germane to the bill to make such provision for the placing of the proceeds of these leases as the committee may desire to make. So far as a battleship is concerned, there is no attempt to control the proceeds of these funds after the fund is made.

Mr. MANN. Oh, yes; there is, certainly.

Mr. LENROOT. It is expressly left in the hands of Congress.

Mr. MANN. Oh, no; it is not. Half of the proceeds go to the State. The provision expressly provides where the funds shall go, and if the gentleman is correct as a parliamentary proposition, we can change that and provide that all the money shall go into a good-roads fund, for example, and we can provide how it shall be expended. It would not be germane.

Mr. LENROOT. Section 30 of the bill is the one that provides for the disposition of these funds; and, having treated of that subject, and having undertaken to provide for a certain disposition of the funds, it is entirely germane to provide for any other disposition of the funds that the committee sees fit to make.

The CHAIRMAN. Notwithstanding the argument of the gentleman from Wisconsin [Mr. LENROOT] as to section 30, the Chair is still of the opinion that this amendment is not germane to the bill at this point, and the Chair sustains the point of order.

Mr. CHURCH. Mr. Chairman, I desire to say a few words in regard to the amendment offered by the gentleman from Wyoming [Mr. MONDELL]. I am very glad, indeed, that the gentleman offered this amendment at the time that he did, as I was temporarily out, and I considered it as nothing more nor less than an act of kindness on his part to introduce it at this time.

Owing to the fact that the Government has not provided the oil prospector with a general law applicable to the location of oil, in the interests of justice it is absolutely necessary that this amendment shall prevail. Men engaged in the oil business, finding themselves without a suitable law under which to operate, have been obliged to use their own judgment and adopt a law which is best calculated to serve them. In doing this the placer-mining law has been chosen almost by unanimous consent.

When President Taft, in September, 1909, issued an order withdrawing certain public lands from entry a great hardship was worked upon certain people who were at that time located on some of the land withdrawn.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Ohio?

Mr. CHURCH. I have not much time, and I have yet much to say.

Mr. GORDON. I wanted to ask the gentleman what business they had on this land? Were they on that land without right or permission?

Mr. CHURCH. It would take 20 minutes to explain it.

Mr. GORDON. Had they any right to be on it at all?

Mr. CHURCH. If the gentleman were familiar with the conditions on the public lands he would understand that situation. I will undertake, however, to answer the gentleman, and my answer is this:

Under this placer-mining law, applying to gold mining as it does, first a discovery is necessary, then posting of a notice, and finally the filing of a copy of the same in the county recorder's office. Placer gold is generally found at the grass roots, can be discovered frequently by the aid of a pick or shovel, and often requires but a few moments' time, while oil is located from 1,500 to 4,500 feet below the surface of the earth, requires an expenditure of from $20,000 to $150,000 to bore a well, and from 6 to 18 months to complete the work; yet until a special law was passed the prospector had no rights which others were bound to respect until he actually made the discovery. When President Taft withdrew from entry large tracts of public land in California he made no provision for the man already on the ground spending his time and money in the pursuit of oil.

At the date of the withdrawal many men in the very best of faith were located on the withdrawn land, doing everything possible to make a discovery of oil. Some were building roads to their claims, others establishing derricks and drilling outfits, while still others were engaged in drilling, in some instances having expended, to my knowledge, as high as $50,000 in the effort. Of course, when the withdrawal was made it spread consternation in the oil fields, and had the order not been modified millions of dollars of property would have been virtually confiscated by the Government; but a committee of oil men came on to Washington, and, after remaining here for a long time pressing their cause, were finally rewarded on the 25th of June, 1910, by seeing the Pickett bill passed and approved, which provided that the terms of the withdrawals should not apply to any person who at the date of the withdrawal was located on public land diligently in pursuit of oil, and who continued thereafter until discovery was made. Thus the Government by the passage of this law pulled this certain class of operators from the hole in which it had placed them by not providing a general law applicable to their work.

Not long after this the Interior Department made a ruling that an application for a patent would be denied unless the applicant was the original locator of the oil land, or unless he had purchased the land from his grantor after the discovery of oil. This ruling again spread consternation in the oil fields, for hundreds of men in the best of faith had located on Government land, established their derricks and pumping plants at great expense, and had continued the operation of boring until they were forced to stop by reason of the fact that their funds were entirely depleted. Such found it necessary to sell their holdings, which they did in many instances, and the purchaser continued the work, finally making a discovery which justified him in asking for a patent from the Government. This he could not receive under the ruling of the Interior Department, which in hundreds of instances spelled ruin and meant again the confiscation of millions of dollars' worth of property by the Government. Again the committee came on to Washington, and were rewarded after a time by seeing the Smith bill passed and approved, which provided that no application for a patent should be denied on the grounds that the applicant was not the original locator of the land in question or that he purchased the land prior to the discovery of oil. So the Government pulled this class of oil operators out of the mire into which it had driven them by not providing for their use a general and suitable law.

A few months ago the Government brought several suits against claimants of oil wells on the ground that they were illegally in possession of the same. In these suits all who had purchased oil taken from the wells in question were made codefendants. This act on the part of the Government operated as a permanent injunction against the further sale of oil taken from lands, a grant to which had not been made to private parties. The prospective purchaser refused to buy oil taken from such lands, not knowing but that the Government might in the future question the title of the holder, and, as it had done in the past, make codefendants of all parties who had purchased oil from such wells. Again the committee came to Washington, and after many weeks of hard work were finally rewarded, on August 25 of this year, by seeing a bill which I had filed for their relief enacted into law. This bill authorized the Secretary of the Interior to make arrangements with all parties occupying unpatented land, so that they could sell their oil during the pendency of the application for a patent, the Government retaining a royalty sufficient to guarantee it against loss, provided the patent application was denied. And thus again, by special act, the Government assisted another class that were dreadfully embarrassed by reason of the fact that no general law was applicable to their oil operations.

The placer-mining law, which the oil operators were compelled to follow, provided that eight persons jointly could take up eight claims, consisting of 20 acres each, and hold as a company 160 acres of land. This plan was followed in the oil regions, and for years was recognized by the Interior Department, but some time ago the department discovered that in some instances all of the original eight locators were not really interested in the property upon which they had filed. For instance, in some cases a husband had placed on the location notice the name of his wife, or a father the name of his son, or the name of some other relative or friend had been used for the same purpose; that in these cases parties really interested had prosecuted their work to a final discovery, and in many instances had sold to innocent purchasers who knew nothing about the fraud perpetrated upon the Government and could not know, owing to the fact that the records in such cases appeared regular and proper in every respect. On account of this latter discovery on the part of the Interior Department it has almost ceased to grant patents at all, but is waiting until this general leasing bill shall become the law, and until this amendment which I have just introduced shall become an operative law. As stated before, the Interior Department has recommended the amendment in question and is anxious to see it adopted. When this is done innocent purchasers of these questionable claims can go before the Secretary of the Interior, renounce their claim to a patent, and in its stead secure a lease for the land which their money and energy have converted into an oil-paying property. If this relief is not afforded it simply means the confiscation of property which has been developed to its present state of usefulness by the expenditure of millions of dollars. It also means the driving from the oil fields of California many worthy people who have innocently and conscientiously invested their money and strength in the development of the public domain.

Mr. FERRIS. Mr. Chairman, I move that at the expiration of 10 minutes debate on this section and all amendments thereto be closed.

Mr. RAKER. I want five minutes of that.

Mr. LENROOT. I hope the gentleman will not make that request yet. It is too soon.

Mr. FERRIS. I have no desire to cut off gentlemen who wish to speak. I withdraw the request.

XUM

Mr. FOSTER. Mr. Chairman, I only want a moment's time; I do not think I want five minutes. As I understand it, this amendment is intended to relieve a condition that exists in California in reference to the oil lands, but it goes much further than that. As I understand, there are certain lands in that State which are reserved for procuring oil for the Navy. If this amendment is adopted as it stands now, all the proceeds of the oil that comes from the leasing of these lands will not go into a fund for the Navy, but will go into the reclamation fund, and the Navy will get no benefit whatever from it nor any oil to be used by the Navy.

Mr. LENROOT. There will be an amendment offered to section 30 to cover that.

Mr. FOSTER. But if this amendment is adopted and the other is not, or if it is held out of order, then this money will go, not to the naval fund, for the benefit of which these lands have been set aside, but to the reclamation fund, where the Navy Department will get no benefit.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. MANN. Does the Navy or the United States own the land?

Mr. FOSTER. It has been set apart for the use of the Navy.

Mr. MANN. But the Government owns the land; we make the appropriation.

Mr. FOSTER. Yes; it belongs to the United States.

Mr. MANN. Why should we start in to set apart for the Navy a special fund, and for the Army a special fund, and for Tom, Dick, and Harry a special fund?

Mr. FOSTER. I judge that it was done because the Navy needs a great deal of oil for fuel purposes.

Mr. MANN. We appropriate the money to buy the oil. They do not get the oil out of this. If this amendment is not agreed to, they may get the oil. Under this amendment they will not get the oil, but they get the money we appropriate. It will not cost any more to take it out of one pocket than out of the other.

Mr. FOSTER. These lands were set apart for that particular purpose.

Mr. LENROOT. It is only a small portion of the land.

Mr. FOSTER. Under this amendment the Navy will not get the benefit of it. I agree that it all comes out of the Government; it is like taking it out of one pocket and putting it into another. But if we sell the oil for 50 cents a barrel and buy oil for $1.50, it will not be a good business for the Government.

Mr. MANN. If the Navy was to have the oil, very well.

Mr. FOSTER. The Navy has no use for the land, except to get the oil.

Mr. MANN. The Navy could not use the money unless we appropriated it. We will provide sufficient fuel for the Navy.

Mr. FOSTER. I think the Navy has been very particular in wanting to maintain their rights under this bill as far as their getting the proceeds or the oil.

Mr. MANN. I thought it was quite proper in the temporary bill to provide that, but this is another proposition. Here is a permanent disposition of the land. The Navy is not interested in it, and ought not to be; they will get money for all the fuel they need.

Mr. FOSTER. They might get it cheaper if they could get the royalties from their own property.

Mr. MANN. Not at all; this money would have to be paid into the Treasury and appropriations made by Congress just the same.

Mr. FOSTER. They might get the oil, which would be more valuable.

Mr. MANN. If this amendment is adopted they will not. Mr. Chairman, I move to amend the amendment by striking out in the seventh line from the bottom the word "exceeding" and inserting in lieu thereof the words "less than."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In the seventh line from the bottom of the Mondell amendment, strike out the word "exceeding" and insert the words "less than."

Mr. MANN. Mr. Chairman, the amendment provides for the adjustment between the Government and the persons claiming the right upon the property, so that the Government would permit these locators to go ahead with the oil, the Government exacting a royalty of not exceeding one-eighth. Nobody could tell what that would be. My proposition is to make it not less than one-eighth, so that we know that it will be at least one-eighth.

Mr. FERRIS. Mr. Chairman, I am heartily in favor of the amendment, and I am informed by the two gentlemen from California that they are.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment to the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I want to take but a minute of the committee's time. As has been stated, the House reported the bill and the Senate has passed it. The Committee on the Public Lands took up the Senate bill, which is substantially the same as the House bill, and directed the chairman to move to take it from the Speaker's table and put it before the House for passage. The Secretary of the Interior, in his report on the bill, uses the following language:

DEPARTMENT OF THE INTERIOR,
*Washington, April 17, 1914.*

Hon. SCOTT FERRIS,
*Chairman Committee on Public Lands,*
*House of Representatives.*

MY DEAR MR. FERRIS: I am in receipt of your request for report on H. R. 15661, a bill to authorize the Secretary of the Interior to lease certain unpatented public lands on which oil or gas has been discovered. The measure is peculiarly applicable to conditions existing in the oil fields in the State of California, but may apply to a lesser extent to similar claims in the State of Wyoming and other portions of the public domain.

On July 3, 1910, there were promulgated various orders of withdrawal made by the President, under the authority of the act of June 25, 1910 (36 Stat., 847), withdrawing from location and entry areas of public land believed to contain valuable deposits of oil and gas pending classification and the consideration by Congress of the advisability of enacting legislation better adapted to the production and disposition of these minerals than the present general mining laws.

Prior to the withdrawal and the act of Congress mentioned, many claims had been initiated or attempted to be initiated under the provisions of the general mining laws to lands within the areas subsequently withdrawn. With respect thereto Congress provided in section 2 of the act of June 25, 1910, supra—

"That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas-bearing lands, and who at such date is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work: *And provided further*, That this act shall not be construed as a recognition, abridgement, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to the passage of this act."

The latter clause had reference to certain withdrawals theretofore made by the Secretary of the Interior.

In the case of H. H. Yard (38 L. D., 59) the department ruled that a placer location for 160 acres made by eight persons, and before discovery of mineral thereon transferred to a single individual or corporation, was invalid because not preceded by a discovery of mineral and could not, under the law, be perfected by the transferee upon a subsequent discovery. Many existing claims for deposits of oil and gas being for this reason invalid, Congress passed the remedial act of March 2, 1911 (36 Stat., 1015).

It now transpires that numerous locations upon lands containing oil and gas deposits were made by associations of individuals for and on behalf of corporations or other individuals and not in the interest of the locators, and covered a larger area than could have been embraced in single locations by their principals. Such locations have been held illegal by various decisions of the Department of the Interior and the courts. It appears, however, that many such locations have finally passed by transfer, lease, or contract into the hands of oil operators who in good faith and without actual notice of any defect in title have, at large expense, drilled and developed producing wells upon the tracts, and that the cancellation or denial of the claims under existing law will result in depriving these operators of their labor and expense. The condition is recognized and temporary relief proposed in H. R. 15469, recommended by this department and favorably reported by your committee, which bill proposes to authorize the Secretary of the Interior to enter into temporary arrangements with the operators for the disposition of the oil or gas and the proceeds thereof pending final determination of title. However, as stated in my said report of April 10, 1914, H. R. 15469 will give temporary relief only, and does not provide a method for disposition of the lands or the deposits after final adjudication of the cases, if the claims of the applicants be finally denied. H. R. 15661 proposes to provide for this condition by authorizing the locators or their successors in interest in cases where oil or gas has been discovered, was being produced, or upon which drilling operations were in actual progress January 1, 1914, upon lands the claims to which was initiated prior to July 3, 1910, by authorizing the Secretary of the Interior, upon surrender to the United States by the claimant of his interest in the defective location, to lease to him the lands so occupied, improved, and developed, not exceeding in any case 2,560 acres, upon payment by such lessee of a royalty of not exceeding one-eighth of the oil or gas extracted or produced. This measure will, in my opinion, not only afford relief to operators who, as stated, have in good faith made large expenditures in the development of oil or gas from such lands, but will operate to relieve the land department from a large amount of expense and work in investigating and adjudicating claims to such lands presented under the general mining laws.

It is in line with the general policy of the bill for the future leasing of oil, gas, and other minerals now before your committee and before the Senate, but, because of its being designed to meet and cure an existing condition, properly forms the subject of a separate and remedial measure.

I recommend the enactment of H. R. 15661.

Very truly, yours,

FRANKLIN K. LANE.

Now, Mr. Chairman, this bill H. R. 15661 is the amendment which has been presented to the committee. I hope the amendment will be adopted.

Mr. MONDELL. Mr. Chairman, I hope the amendment will be adopted. I regret somewhat the adoption of the amendment

ofiered by the gentleman from Illinois, but I hope that under that amendment the Secretary of the Interior will take as the maximum the minimum we have fixed by that amendment. There are, as the gentleman from California [Mr. CHURCH] has stated, quite a number of claimants to oil lands who had a great deal of difficulty in securing patents. There have been a number of reasons for that, due somewhat to changing decisions under the placer acts, under which oil lands are taken, and due somewhat to withdrawals of oil lands. Questions have arisen in regard to what constituted a proper and legal location, questions as to so-called dummy entries, questions as to when drilling operations were undertaken, as to whether they were in progress at the time of withdrawal. These various questions have prevented the patenting of some oil lands in California and Wyoming. The probability is that these questions will not be decided as to some of these claims for a considerable time in the future. They are more or less involved. Some of the questions are now before the Supreme Court. In that state of affairs, it seems entirely proper—in fact, as regards the claims that I have in mind, certain claims in California and in the Oil Creek field in Wyoming and elsewhere, it would be very much in the public interest—if some such plan as this were adopted, whereby those lands can be developed. Some of them are now having the oil drawn from them by the owners and proprietors of surrounding lands. In the case of the Salt Creek field in Wyoming there is a demand for more oil; as to some of these lands that are in controversy the owners have hesitated to develop until there was more certainty as to title, and development would be in the public interest. It ought to go on, and I think it would go on under the plan proposed, but claimants can hardly be expected to continue their development under the uncertainty now existing.

Mr. MADDEN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-three Members present—not a quorum.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16136) to authorize explorations for and disposition of coal, phosphate, and so forth, and had come to no resolution thereon.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not a quorum present.

### ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Friday, September 18, 1914, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4012) to increase the limit of cost of the United States public building at Grand Junction, Colo., reported the same with amendment, accompanied by a report (No. 1154), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (S. 1624) to regulate the construction of buildings along alleyways in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 1155), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18607) to authorize the Chicago, Milwaukee & St. Paul Railway Co. and the Chicago, St. Paul, Minneapolis & Omaha Railway Co. to construct a bridge across the Mississippi River at St. Paul, Minn., reported the same without amendment, accompanied by a report (No. 1156), which said bill and report were referred to the House Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KIRKPATRICK: A bill (H. R. 18839) to provide for the issue of bonds to be known as the popular government loan; to the Committee on Ways and Means.

By Mr. SISSON: A bill (H. R. 18840) to repeal the act of February 8, 1875, levying a tax of 10 per cent per annum on every person, firm, association other than national-bank associations, and every corporation, State bank, or State banking association, on the amount of their own notes used for circulation and paid out by them; to the Committee on Ways and Means.

Also, a bill (H. R. 18841) to suspend for a period of two years the act of February 8, 1875, levying a tax of 10 per cent per annum on every person, firm, association other than national-bank associations, and every corporation, State bank, or State banking association, on the amount of their own notes used for circulation and paid out by them; to the Committee on Ways and Means.

By Mr. MOON: A bill (H. R. 18842) to amend the act approved June 25, 1910, authorizing a postal savings system; to the Committee on the Post Office and Post Roads.

By Mr. GLASS: A bill (H. R. 18843) to amend sections 11 and 16 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. FRENCH: Joint resolution (H. J. Res. 347) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. FREAR: Concurrent resolution (H. Con. Res. 49) directing the Attorney General to ascertain if questionable and improper methods have been used in connection with the passage of the rivers and harbors appropriation bill; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWDLE: A bill (H. R. 18844) granting an increase of pension to Charlotte Reagin; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 18845) for the relief of the heirs of Eliza A. Carradine; to the Committee on War Claims.

By Mr. GOEKE: A bill (H. R. 18846) granting an increase of pension to William H. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18847) granting an increase of pension to John Pierstock; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 18848) granting an increase of pension to William M. Steen; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 18849) granting an increase of pension to Mary Koons; to the Committee on Pensions.

By Mr. RUPLEY: A bill (H. R. 18850) granting an increase of pension to Elizabeth J. Kendig; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BALTZ: Protest of Carpenters' Local Union No. 377, of Alton; Local Union No. 474, United Mine Workers of America, of Edgemont Station, East St. Louis; Local Union No. 1802, United Mine Workers of America, of Maryville; Local Union No. 21, Brewery Workers, of Belleville; Trades Council, Collinsville; Local Union 99, United Mine Workers of America, of Belleville; Local Union 2514, United Mine Workers of America, of Belleville; Local Union 703, United Mine Workers of America, of O'Fallon; Local Union 2708, United Mine Workers of America, of Edgemont Station, East St. Louis; Local Union No. 1090, United Mine Workers of America, of New Athens; Local Union 10943, Tin, Steel, and Granite Ware Workers, of Granite City; and Horseshoers' Union No. 119, of East St. Louis, all in the State of Illinois, against letting of Government contract by Post Office Department to private printing company not employing union labor for printing of commercial corner cards on stamped envelopes; to the Committee on Printing.

By Mr. BRITTEN: Petition of the United Master Butchers of Chicago, Ill., urging certain lines of action for conserving the

ment supply of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. DEITRICK: Petition of the Volunteer Officers of the Union Army in the Civil War, favoring Senate bill 392, the Volunteer officers' retired list; to the Committee on Invalid Pensions.

By Mr. DONOVAN: Petition of the Connecticut Deeper Waterways Association, favoring rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. FESS: Petition of sundry citizens of Greenfield, Ohio, favoring House joint resolution 282, relative to North Pole controversy; to the Committee on Naval Affairs.

By Mr. GARD: Petition of the Volunteer Officers of Union Army of the Civil War, assembled in Detroit, Mich., favoring Townsend bill (S. 392), the Volunteer officers' retired list; to the Committee on Invalid Pensions.

By Mr. GORDON: Petition of W. D. Smith, of Isle St. George, Ohio, relative to tax on wine; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the Philadelphia Maritime Exchange, against House bill 18666, for Government ownership of vessels in the foreign trade of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. KAHN: Petition of the Volunteer Officers of the Union Army in the Civil War, favoring Senate bill 392, the Volunteer officers' retired list; to the Committee on Military Affairs.

By Mr. KENNEDY of Connecticut: Petition of the International Typographical Union, of Indianapolis, Ind., favoring amendment to section 85 of House bill 15902; to the Committee on Printing.

By Mr. LONERGAN: Petition of the Arthur Chemical Co., of New Haven, Conn., protesting against taxing perfumes and toilet articles; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of John T. Maguire, of Providence, R. I., favoring amendment to section 85 of House bill 15902; to the Committee on Printing.

By Mr. STEPHENS of California: Petition of Golden West Tent, No. 58, Knights of the Maccabees, of San Francisco, Cal., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the Coffin Redington Co., of San Francisco, Cal., relative to tax on proprietary medicines; to the Committee on Ways and Means.

Also, petition of the Retail Druggists' Association of Los Angeles, Cal., favoring taxation of publishers for war revenue; to the Committee on Ways and Means.

Also, petition of the Densmore Stabler Refining Co. and T. W. Okey, of Los Angeles, Cal., relative to proposed tax on gasoline; to the Committee on Ways and Means.

Also, petition of the Board of Trade of San Francisco, Cal., relative to use of mails by insurance companies; to the Committee on the Post Office and Post Roads.

## SENATE.

### FRIDAY, *September 18, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, at the threshold of the great responsibilities of this day we wait this moment before Thee to lift our hearts and minds to the center and source of all truth, of all righteousness, of all greatness and power. May we draw from Thee the equipment for the day's work and when the evening hour shall come may we look back upon the day spent under the inspiration of the Divine presence and expressive of the Divine thought in us as individuals and as a Nation. Equip us not only with wisdom and power but with character, for we know that in the great last assize character is that which counts with God and eternity. For Christ's sake. Amen.

#### NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
*Washington, September 18, 1914.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. J. T. ROBINSON, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
*President pro tempore.*

Mr. ROBINSON thereupon took the chair as Presiding Officer, and directed the Secretary to read the Journal of the proceedings of the last legislative day.

The Journal of the proceedings of the legislative day of Wednesday, September 16, 1914, was read.

Mr. KENYON. I desire to ask the Secretary to read the part of the Journal which refers to the Senator from Iowa yielding to the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, the Secretary will read the part indicated.

The Secretary read as follows:

Mr. KENYON being on the floor, and having yielded to Mr. RANSDELL at his request, Mr. BRYAN made the point of order that a Senator having possession of the floor could not yield unless by unanimous consent; and—

Mr. KENYON. That is the part I wanted to have read. I wish to suggest that that is not in accordance with the RECORD, and I refer to page 15258, where I say:

I have been interrupted too frequently in the past to decline now. I am very glad to be interrupted, not for a speech, but for a question.

The Journal now reads as though I had surrendered the floor. I merely offer that suggestion.

Mr. CLAPP. I take it, of course, the Journal would not be a record of all that was said on the floor. The RECORD contains that. I do not think that there is any discrepancy between the Journal and the RECORD. One is a generalization of what occurred and the other details all that was said.

Mr. KENYON. Of course, I did not yield the floor to the Senator from Louisiana.

Mr. CLAPP. The RECORD shows that.

Mr. JONES. I wish to suggest——

The PRESIDING OFFICER. The Chair will state to the Senator from Iowa that the Journal does not disclose that he yielded the floor. It merely discloses that he yielded, which is according to the usual custom in such cases.

Mr. JONES. It seems to me that the Journal should show that the yielding was for a question, and for no other purpose.

The PRESIDING OFFICER. The RECORD shows that the Senator from Louisiana merely asked the Senator from Iowa to yield, and thereupon the Chair directed to the Senator from Iowa the question as to whether or not he would yield to the Senator from Louisiana, and the Senator from Iowa announced his purpose of yielding. As to the purpose of the Senator from Louisiana in asking the Senator from Iowa to yield, the RECORD shows that to have appeared later in the debate. It was not disclosed upon the first request. Without objection, the Journal will be approved. The Chair hears no objection.

#### LEAVE OF ABSENCE.

Mr. THOMAS. Mr. President, being obliged to go away, I respectfully ask the Senate to grant me a leave of absence not to exceed two weeks.

The PRESIDING OFFICER. The Senator from Colorado asks for a leave of absence not to exceed two weeks. Is there objection? The Chair hears no objection.

#### PETITIONS AND MEMORIALS.

Mr. JONES. I have received a telegram, in the nature of a petition, from the secretary of the Columbia and Snake River Waterways Association, urging the passage of the pending river and harbor bill. I ask that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SPOKANE, WASH., *September 17, 1914.*

Senator WESLEY L. JONES,
*Washington, D. C.:*

The Columbia and Snake River Waterways Association, composed of commercial bodies and citizens of the States of Oregon, Washington, Idaho, and Montana, in convention assembled at the city of Spokane, Wash., on this date unanimously request the Senators and Representatives of the States mentioned to urge the passage of the pending river and harbor bill without material reduction so far as Pacific coast projects are concerned, and generally, so far as practicable, inclusive of all projects recommended by the United States engineers. The convention also voices its protest against the obstructive tactics of United States Senators in opposition to the pending bill, believing that these tactics, if successful in the defeat of the pending bill, will cast discredit upon the entire system of internal waterways improvement in the United States.

THE COLUMBIA AND SNAKE RIVER WATERWAYS ASSN.,
WALLACE R. STRUBLE, *Secretary.*

Mr. SMITH of Georgia. I have received two short telegrams, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

JACKSON, GA., *September 13, 1914.*

Hon. HOKE SMITH,
*Washington, D. C.:*

If our southern representatives will take the initiative and pass a law cutting 1915 cotton crop 50 per cent, the price of cotton will immediately advance to 12½ cents per pound.

S. O. HAM.

COLUMBIA, S. C., *September 17, 1914.*

Hon. HOKE SMITH,
*United States Senate, Washington, D. C.:*

Everywhere in South leading men feel that action by Congress either prohibiting entirely planting cotton in 1915 or limiting planting to 5 acres to the mule is absolutely vital to any effort to care for situation. If prompt action on this line can be taken, condition will rapidly improve. We feel constrained to urge you to give this matter your most careful consideration.

E. J. WATSON, *President.*

Mr. THOMPSON presented a memorial of the Woman's Home Missionary Society of the Methodist Episcopal Church of Wilsey, Kans., remonstrating against the enactment of legislation to allow the bringing of railroad tracks directly opposite Sibley Hospital and Rust Hall, in Washington, D. C., which was referred to the Committee on the District of Columbia.

Mr. POINDEXTER presented a petition of the Local Socialist Party of Bangor, Wash., praying for the enactment of legislation to prohibit the shipment of foodstuffs from the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Local Socialist Party of Pogue Prairie, Wash., praying for strict neutrality by the United States during the present war in Europe, and for the prohibition of the shipment of foodstuffs from the United States; which was referred to the Committee on Foreign Relations.

Mr. BRANDEGEE presented a memorial of the Local Socialist Party of Mystic, Conn., remonstrating against the removal of the Federal troops from the strike region of Colorado prior to a settlement of the strike, which was referred to the Committee on Education and Labor.

## REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 888) for the relief of H. C. Hodges, H. A. Powell, John Smith, and Joseph Ridley, reported it without amendment and submitted a report (No. 794) thereon.

Mr. REED. Mr. President, I think it would be proper under this order to call up Senate bill 6505, and to ask unanimous consent for its consideration at this time.

Mr. SMOOT. I will say to the Senator that that is not a part of the morning business, and the morning business is not yet closed.

Mr. REED. This is a report from a committee.

Mr. SMOOT. The committee has made its report, and the bill is now on the calendar.

Mr. REED. I do not desire to press it at this moment if other reports are to come in.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

Mr. SMOOT. Certainly, before morning business is concluded.

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (S. 6072) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy, reported it without amendment and submitted a report (No. 795) thereon.

Mr. JOHNSON, from the Committee on Naval Affairs, to which was referred the bill (S. 6138) for the relief of Frank Kinsey Hill, captain on the retired list of the United States Navy, reported it without amendment (S. Rept. 796).

## MISSISSIPPI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 6440) to authorize the Chicago, Milwaukee & St. Paul Railway Co. and the Chicago, St. Paul, Minneapolis & Omaha Railway Co. to construct a bridge across the Mississippi River at St. Paul, Minn., and I submit a report (No. 793) thereon. I call the attention of the Senator from Minnesota [Mr. NELSON] to the bill.

Mr. NELSON. This is a bridge bill, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DU PONT:

A bill (S. 6506) for the relief of the heirs of Benjamin S. Roberts; to the Committee on Claims.

By Mr. JONES:

A bill (S. 6507) granting an increase of pension to Mark E. Messenger; and

A bill (S. 6508) granting an increase of pension to Robert J. Martin; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6509) granting an increase of pension to John M. Herder (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 6510) to authorize the appointment of Duncan Grant Richart to the grade of second lieutenant in the Army (with accompanying paper); to the Committee on Military Affairs.

## SALT LAKE AND OGDEN GATEWAYS.

The PRESIDING OFFICER. The Chair lays before the Senate Senate resolution 446, coming over from a previous day. The Secretary will read the title of the resolution.

The SECRETARY. Senate resolution 446, by Mr. THOMAS, directing the Interstate Commerce Commission to inquire into the alleged closing of the Salt Lake and Ogden gateways.

Mr. THOMAS. I am not prepared to discuss that resolution yet. I ask that it may lie on the table.

The PRESIDING OFFICER. Will the Senator from Colorado object to having it placed on the Table Calendar, subject to call?

Mr. SMOOT That would be the proper course.

Mr. THOMAS. Very well.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

## STANDARD BOX FOR APPLES.

Mr. JONES. I think this is probably the proper time to bring before the Senate Senate bill 4517, known as the standard apple box bill. A day or two ago the Senator from Minnesota [Mr. CLAPP] entered a motion to reconsider the vote by which the Senate passed the bill (S. 4517) to establish a standard box for apples, and for other purposes. If this is the proper time, I should like to have that matter disposed of.

Mr. SMOOT. The bill has been returned from the House?

Mr. JONES. The bill is back from the House. I understand that the Senator from Minnesota is perfectly willing to have what he desires to present passed upon upon the motion to reconsider, and I am perfectly willing that that action shall be taken.

Mr. CLAPP. If the bill is to come up at this time, I desire to present the matter to the Senate.

The PRESIDING OFFICER. Does the Senator from Washington ask unanimous consent for the present consideration of the motion to reconsider?

Mr. JONES. I do not want to interfere with any other matter. I thought probably the motion to reconsider might not require unanimous consent and that this would be a proper time to bring it up. I simply inquired whether this is the proper time.

The PRESIDING OFFICER. Will the Senator suspend for a moment? The morning business is closed.

## CALLING OF THE ROLL.

Mr. REED. Mr. President——

Mr. DU PONT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Delaware suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hitchcock | Page | Sterling |
| Bankhead | Hollis | Perkins | Stone |
| Brady | Hughes | Pittman | Swanson |
| Brandegee | Johnson | Poindexter | Thomas |
| Bryan | Jones | Pomerene | Thompson |
| Burton | Kenyon | Reed | Thornton |
| Camden | Kern | Robinson | Townsend |
| Chamberlain | Lane | Shafroth | Vardaman |
| Chilton | McCumber | Sheppard | Walsh |
| Clapp | Martine, N. J. | Smith, Ga. | Weeks |
| Crawford | Myers | Smith, Mich. | West |
| du Pont | Nelson | Smith, S. C. | White |
| Fletcher | Overman | Smoot | Williams |

Mr. CLAPP. I desire to state that the senior Senator from Kansas [Mr. BRISTOW] is unavoidably detained at his residence by an accident which renders it impossible for him to be present. I will let this statement stand for the day.

Mr. PAGE. I desire to announce that my colleague [Mr. DILLINGHAM] is necessarily detained from the Senate. He is paired with the senior Senator from Maryland [Mr. SMITH]. I will allow this announcement to stand for the day.

Mr. SWANSON. My colleague [Mr. MARTIN] is detained from the Senate on account of sickness in his family. I will let this announcement stand for the day.

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I will ask that this announcement may stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired. This announcement may stand for the day.

Mr. STONE. I desire to state that the senior Senator from Wyoming [Mr. CLARK], with whom I have a general pair, is absent from the city on important business. I should like to have this announcement stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

The PRESIDING OFFICER. Fifty-two Senators have answered. A quorum is present.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on September 18, 1914, approved and signed the following act:

S. 4976. An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a bridge across the Chippewa River at Chippewa Falls, Wis.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. REED. Mr. President, in accordance with the notice which I gave yesterday, I ask unanimous consent for the present consideration of the bill (S. 6505) to amend sections 11 and 16 of an act to provide for the establishment of Federal reserve banks, and so forth, approved December 23, 1913, and commonly known as the Federal reserve act. In making the request I desire to say, so that the Senate may understand the matter, that this is a little bill that was reported by a unanimous vote of the Committee on Banking and Currency and at the unanimous request of the Federal Reserve Board. It only contains two short provisions. Both of them relate merely to the administrative functions of the board and to the administration of the financial system. It makes no radical changes. There was a bill here, reported by the committee, which made rather radical changes, but after consultation it was agreed not to ask consideration of that measure at this time. The present bill has been reported as a substitute. I think it ought to go through without any debate.

Mr. SMOOT. Mr. President, may I ask the Senator from Missouri whether it is the intention to indefinitely postpone Senate bill 6439?

Mr. REED. Yes. This bill is reported as a substitute for that measure.

Mr. SMOOT. And that bill will be indefinitely postponed if the bill for which the Senator from Missouri now asks consideration is passed?

Mr. REED. That is the intention. The propositions contained in that bill will be brought up in a new measure.

Mr. SMOOT. Then I have no objection to the present consideration of this bill.

Mr. REED. Mr. President, just a word on this bill. I think the bill is so plain and simple that we shall not be involved in any debate—if I have unanimous consent that it be now taken up?

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. REED. The first section of the bill provides as follows——

Mr. SMOOT. Mr. President, will the Senator yield to me for a suggestion?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I do.

Mr. SMOOT. Will not the Senator from Missouri allow the bill to be read in the regular way before he proceeds to discuss it?

Mr. REED. I was going to read the bill, but let it be read in the regular way.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That section 11 of the Federal reserve act is hereby amended by adding at the end thereof the following paragraph:

"The Federal Reserve Board shall have power to permit member banks to carry in the Federal reserve banks of their respective districts any portion of their reserves now required by section 19 of this act to be held in their own vaults."

That section 16 of the Federal reserve act is hereby amended by adding at the end thereof the following paragraph:

"The Secretary of the Treasury is hereby authorized to devise and put into operation a system of clearances of national-bank notes between the Treasury, the Federal reserve banks, and the member banks, and for that purpose to designate Federal reserve banks as agents of the United States."

Mr. REED. Mr. President, just one word. The Federal reserve act requires a certain percentage of the reserves to be kept in the reserve banks and a certain percentage to be kept in the vaults of the member banks. It is thought by the Federal Reserve Board that it is wholly unnecessary to require a bank to keep a particular amount of money in its own vaults, provided it has the correct amount as a reserve, and that it is as well that it should be held in the vaults of the reserve bank as in the vaults of the member bank. As a matter of fact, it is thought it would be a very great convenience to the bank and an additional element of safety.

Besides, it has the merit of to that much greater extent mobilizing reserves. The reserves will be the same, but it is just a question of where they are to be kept. This gives the banks the permission to keep them with the Federal reserve banks instead of in their own vaults.

The other proposition relates merely to the clearance of national-bank notes. At the present time bank notes are sent into the Federal Treasury for redemption, and it generally happens that any national bank getting hold of the notes of another will send them into the Treasury. On the very day that the Treasury is redeeming notes that are sent in by that bank the notes of that bank may be in the Treasury also for redemption, having been sent in by some other bank. The proposition involved here is simply to permit the Federal reserve banks to act as clearing houses, so that when the notes of bank A are sent there by bank B to be redeemed the Federal reserve bank may take the notes of bank B and offset them against the notes of bank A, and simply settle the difference. It is a mere matter of clearance, and it will probably save a great deal of work and inconvenience at the Treasury Department—for instance, the expense of expressage, and so forth.

In 1911 we redeemed—in fact every year we practically redeem all of the national-bank notes; yet they immediately go out into circulation again, and all that expense and trouble is gone through without any good cause. In 1911 we redeemed $551,500,000 of these notes; in 1912, $649,550,000; in 1913, $655,836,000; and in 1914—I refer to the fiscal years, of course, ending June 30, of each year—$706,750,000. During these years the amount redeemed almost equaled the amount of the currency which was outstanding.

I think that the bill in its present form ought to be without objection, and ought not to occasion very much debate.

Mr. WEST. Mr. President, before the Senator from Missouri takes his seat, I desire to ask him a question. As I understand from reading the bill, it is entirely optional with the member banks whether or not they shall keep their reserves in the Federal reserve banks?

Mr. REED. It is optional with them whether they keep in their own vaults the amount which the law now requires them to have in their own vaults or in a Federal reserve bank; but the amount they are now required to keep in a Federal reserve bank must still be kept there.

Mr. SMOOT. Mr. President, I was very glad to hear the Senator from Missouri make the statement that this bill is presented as a substitute for Senate bill 6439, a bill which I criticised a week or ten days ago.

I fully agree with all that the Senator from Missouri has said in relation to the amendment of section 16 of the Federal reserve act. I believe the amendment proposed by this bill to that section of the act is a very wise one, and I have often wondered in the past why such an amendment has not been made to the national banking act. I know that I have suggested such a change many times. I have been able to see no reason why such a burden should be placed upon the banks of the country and upon the Government itself in connection with the exchange of our currency. Therefore, Mr. President, I am heartily in accord with that amendment of section 16 of the Federal reserve act.

I intend, however, to offer an amendment to the proposed amendment to section 11 as provided in the pending bill. Before suggesting the amendment and asking the Senator from

Missouri if he will not, on behalf of the committee, accept it, I merely wish to say a word in relation to the reserves to be held in the member banks. Under the present law—

A bank not in a reserve or central reserve city as now or hereafter defined shall hold and maintain reserves equal to 12 per cent of the aggregate amount of its demand deposits and 5 per cent of its time deposits, as follows:

In its vaults, for a period of 36 months after said date, five-twelfths thereof, and permanently thereafter four-twelfths.

In the Federal reserve bank of its district, for a period of 12 months after said date, two-twelfths, and for each succeeding six months an additional one-twelfth, until five-twelfths have been so deposited, which shall be the amount permanently required.

Again:

For a period of 36 months after said date the balance of the reserves may be held in its own vaults or in the Federal reserve bank, or in national banks in reserve or central reserve cities as now defined by law.

After said 36 months' period said reserves, other than those hereinbefore required to be held in the vaults of the member bank and in the Federal reserve bank, shall be held in the vaults of the member bank or in the Federal reserve bank, or in both, at the option of the member bank.

Mr. President, I believe that provision of the present law is a very wise one, and I do not believe that the question of granting to member banks the right of decreasing the reserves required to be held in their vaults by the present law would ever have been asked if it were not for conditions existing to-day. I believe that the reserves required by the present law to be held in the vaults of the member banks are low enough, and I believe that those reserves ought to be kept in the cities in which the member banks are located; in fact, as a banker, I would never think of allowing the reserve of a bank to run lower than is required by the Federal reserve act to be held in the vaults of the bank, and if I were president of a bank or director of a bank, even if this bill should pass, I would never think of asking the option of transferring to the reserve bank the amount of reserve required under the present law to be held in the vaults of the member bank. That amount is small enough, Mr. President, in my opinion.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. Certainly.

Mr. SHAFROTH. Does not the Senator recognize, for instance, that in the city of Richmond, Va., where there is to be a Federal reserve bank, with all the safety of vaults that human ingenuity can devise, there may be a bank across the street which is required by the present law to keep the amount of reserve required in its own vaults? It is not as safe as it would be in the vaults of the reserve bank across the street. The local bank does not assume the responsibility when the money is in the Federal reserve bank, but whenever they have a demand for it all that they have got to do is to walk across the street and get their money.

I believe that the country banks, which are some distance from the Federal reserve banks, of course, are going to keep their full amount of reserves, but it ought to be left to them. They are the ones to determine how much of a demand is going to be made upon their reserves. They are more interested in the success of their bank than anyone else can be; and inasmuch as this is also guarded by the fact that the Federal Reserve Board can permit this or not, it seems to me that it is a perfectly safe provision.

Mr. SMOOT. Mr. President, the Senator is pointing to a situation which can not possibly exist except in 12 cities in the United States. It does not apply to any of the banks in the thousands of other cities where Federal reserve banks are not located.

Mr. SHAFROTH. Does not the Senator think that every bank between New York and Washington can safely afford to keep its reserve either at Philadelphia or at New York, and may prefer to do it?

Mr. SMOOT. It is not a question of safety; and, so far as the safekeeping of the money is concerned, if that was all there was involved, the safest place to keep money is right here in the Treasury of the United States.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Certainly.

Mr. WILLIAMS. I want to call the attention of the Senator to the language of the proposed amendment. It is not that the member banks shall be permitted; it is that—

The Federal Reserve Board shall have power to permit member banks.

Mr. SMOOT. That is true.

Mr. WILLIAMS. So that we could trust to the Federal Reserve Board to make a distinction between a bank that was very distant from a reserve bank, and a bank that was very close to one.

Mr. SMOOT. Mr. President, I shall suggest an amendment to show the Senator from Mississippi that I have at least confidence in the board, and I think it will be accepted, but I am speaking upon this question here from purely a business point of view. The people of the United States of late at least have begun to study the published statements of banks. They notice whether or not the banks have the required reserve on hand, and they conclude from such published reports whether the bank is safe from the amount of reserves it carries, daily or monthly, as the case may be. I do not believe it is a good thing to pass a bill that gives the Federal board authority to say that all the banks outside of the Federal reserve cities shall carry nothing in their vaults but till money, the same as the usual practice in many of the European countries, but under this amendment the reserve that is required now under the present law to be held in the vault of the member bank can be transferred to the vaults of some reserve city bank.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I do.

Mr. HITCHCOCK. The Senator from Utah rather assumes that all banks would avail themselves of this privilege of keeping their reserves in the reserve banks instead of in their own vaults. Now, there might be some danger of that, of course, if they were permitted to keep these reserves in banks which paid interest; but a deposit in a reserve bank earns no interest at all for the individual bank, and the experience of Europe has been that banks keep practically all of their reserves in the central reserve banks only when their proximity to the reserve bank makes it a matter of economy and convenience.

Mr. SMOOT. The Senator ought to go further than that, and say that even in the case of the banks of England, outside of London, many of the strong banks carry only till money, as they call it, in their vaults.

Mr. HITCHCOCK. That is true, and that is a matter of experience for the bank.

Mr. SMOOT. That is a matter of education with the people in England under their system of banking.

Mr. HITCHCOCK. While it is true that this privilege probably will be availed of only by banks in reserve cities, yet it is true that those banks are the banks which have the great deposits, and if those deposits are mobilized by placing them in the reserve bank it strengthens the reserve bank to that extent in making its advances and in making its discounts to banks which need money. In other words, it will tend to produce a greater mobilization of our reserves. It will also tend to greater economy, because the banks in these cities are not required to keep this large amount of money. It is a mere matter of bookkeeping day by day and not a matter of actually handling the cash unnecessarily.

Mr. SMOOT. I wish to say to the Senator that I have listened to days and days of discussion in the past claiming that under the national-bank act the money of the country was drawn to the city of New York. It was in New York that great schemes of high finance were carried through by reason of this concentration. What the critics wanted was a law to prevent this and compel the keeping of the money in local banks. Now, this amendment gives the Federal board absolute power to say that the reserve heretofore required to be carried in their vaults can be transferred to a reserve city bank.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. Yes.

Mr. HITCHCOCK. The Senator is mistaken in that statement. This only permits the bank to deposit as much of its vault reserve as it pleases in the reserve bank of its own district, of which there are 12.

Mr. SMOOT. Yes; that is what I said.

Mr. HITCHCOCK. So there is no danger of the concentration in New York which the Senator has in mind, which only occurred to get the interest which the New York banks paid.

Mr. SMOOT. I referred to the great money centers; and New York is one of them, and the greatest. Of course the member banks of the New York division will be larger by far than those of any other district in the United States.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. Certainly.

Mr. BURTON. I should like to ask a question in this connection, from either the Senator from Nebraska or the Senator from Missouri having charge of this bill.

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In the execution of this proposed amendment, what is contemplated—that the Federal Reserve Board shall grant permission to Federal reserve banks to carry with the reserve banks of their districts any portion of their reserves now required by section 19 by general order, so that all the banks can send to the reserve banks of their respective districts portions of their reserves, or is it contemplated that permission shall be given in the case of each individual bank and that there shall be a restriction in each individual case, to be judged upon its merits?

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I yield to the Senator from Missouri to answer the question asked by the Senator from Ohio.

Mr. REED. I can only say what is contemplated by the discussion which took place, but I suppose that discussion is of no value except as it might throw light upon the purposes at present in mind. The bill, of course, ought to be considered upon its face.

The purport of the discussion was that there were many instances where banks would prefer, both as a matter of convenience and as a matter of safety, to keep their reserves in Federal reserve banks, and the law ought to be so arranged that when a bank made application for that privilege it could be granted the privilege by the board; and, of course, if the conditions were such that the money ought to be kept in the vaults of the bank, the board, in the exercise of its discretion, would refuse the permission.

Taking the bill upon its face, of course, the Federal Reserve Board is given the right to grant this permission in any way it may see fit; but we have to put in a board some powers, and we have invested this board with powers very much greater than this. This is purely an administrative matter; and when the Senator from Utah has concluded I shall undertake to show that the money is a good deal safer in the vaults of the Federal reserve banks than it is in the vaults of the individual banks. I shall undertake, further, to show that the money kept in the vaults of the member bank is money which, under the law, can not be used by that bank. Therefore any argument that the Senator may make, based upon the idea that he is keeping the money in local communities for the use of the local communities, is fallacious.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Alabama?

Mr. SMOOT. Just a moment, and then I will gladly yield to the Senator.

The Senator assumes that when this extra money is deposited in the reserve city banks it is going to lie in the vaults and not be used. Mr. President, the money will not lie idle in the vaults. The money will be loaned, and it is only another step toward building up a pyramid of credits. Here is a member bank holding a reserve that ought to be in its own vaults in a reserve city bank. That money can not be used by the member bank. It is a reserve; but as soon as it is allowed to be placed in a reserve city bank the reserve city bank can lend the money; it becomes a part of its deposits, the same as all other deposits. Of course the reserve city bank is required to hold a percentage of such deposits, the same as it does of all other deposits, but the greater part of it can be loaned. If a crash ever came, if the member banks should call for their money, the business of the country would be in just that much greater distress if these reserves are loaned instead of held as reserves in the vaults of the member banks.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Alabama?

Mr. SMOOT. I yield to the Senator from Alabama.

Mr. WHITE. Mr. President, the Senator from Utah has made the point to which I wanted to call attention, and that is that the character of this money is completely changed when it leaves the member bank and goes into the reserve bank. It is no longer a reserve.

Mr. SMOOT. It is a deposit then.

Mr. WHITE. It is a deposit then; it becomes a deposit, and its character as a reserve is destroyed.

Mr. SMOOT. Absolutely.

Mr. NELSON. Mr. President——

Mr. WHITE. It results in taking the money from the community where the money was deposited, depriving the community to some extent of that money, and concentrating it in the central reserve bank, there to be used in such manner as that bank sees fit to use it.

I desire to ask the Senator from Utah this question: Is there any power—I do not mean legal power, but any other power—that these reserve banks can exercise on the member banks to induce them to send the money?

Mr. SMOOT. That would fall under the law. There is no inducement.

Mr. WHITE. I do not say under the law, but is there any other power that they can exercise by virtue of the scheme under which this system is to be operated?

Mr. SMOOT. Of course they can not offer any direct inducement by way of paying interest on their deposits, but they perhaps could offer an inducement in other ways, as promising that if the bank got into a strait of any kind they would assist them.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I do.

Mr. REED. Is it not an unthinkable proposition that the Federal Reserve Board would adopt any such means as that? If they would do a thing of that kind, we had better abolish the board and abolish the system.

Mr. SMOOT. No; the Senator did not ask about the Federal board. He asked about the bank in which this money was deposited, and I answered him as to the bank itself.

Mr. REED. This does not give the bank any power. It gives the Federal Reserve Board power to grant the permission.

Mr. SMOOT. Why, Mr. President, this is the situation: The member bank has a right to ask the Federal board if it can deposit in the reserve city bank the reserves that are required to be held in its vaults. That is its right. Now, as soon as that right is granted it can make the deposit in the bank, and the reserve city bank can then make whatever promise it wishes to the bank making the deposit. Now, that is the situation, although I want to say to the Senator from Alabama that I do not think that would be a practice on the part of the banks.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. SHAFROTH. The Senator evidently is laboring under a misapprehension as to where this money is to be loaned. It is not to banks in Federal reserve cities, but it is to the Federal reserve bank, and that alone. Consequently, it can not make any agreement with them, such as an agreement to pay interest, or anything of that kind.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. NELSON. I think this would be a good time to enforce the rule that was adopted yesterday. It seems to me the Senator from Utah is going to hold the floor here——

Mr. SMOOT. I object to that, Mr. President. I have not asked a Senator to interrupt me, nor have I yielded——

Mr. NELSON. I want to say to the Senator from Utah that the Committee on Banking and Currency were unanimous on this subject. Every Republican member concurred in recommending this measure.

Mr. SMOOT. That may be.

Mr. NELSON. And I think the members of the committee ought to be heard on this matter.

Mr. SMOOT. Why, certainly; and they will be. I have no question about that. I would have been through long before this if I had not been interrupted.

The PRESIDING OFFICER. The Senator from Utah will proceed.

Mr. SMOOT. Mr. President, I notice in Senate bill 6439—

That section 11 of the aforesaid reserve act is hereby amended by adding an additional paragraph (m), as follows.

Part of this amendment is the same as the amendment offered in the bill which we have under discussion; but I want to call the attention of the Senate to the words in the first line of this amendment:

Upon unanimous affirmative vote of all of its members, the Federal Reserve Board shall have power—

That has been omitted from this amendment. I do not see why that should not appear in the bill that we have under consideration just the same as it did appear in the bill which was reported to the Senate on August 25, 1914, Senate bill 6439.

I offer that amendment now to this bill, to come in between lines 5 and 6 on page 1 of the bill under consideration, so that it will read:

Upon unanimous affirmative vote of all of its members, the Federal Reserve Board shall have power to permit member banks to carry in

the Federal reserve banks of their respective districts any portion of their reserves now required by section 19 of this act to be held in their own vaults.

In other words, that was what was reported on August 25; and I do not see why it should not be a unanimous vote of the members of the board, in case this permission is granted to a member bank. Therefore I offer the amendment.

The PRESIDING OFFICER. The Senator from Utah offers an amendment which will be stated.

The SECRETARY. On page 1 of the bill, line 6, before the word "The," the first word in the paragraph, it is proposed to insert the words:

Upon unanimous affirmative vote of all of its members.

Mr. WEEKS. Mr. President, as the Senator from Minnesota has stated, this bill comes with a unanimous report from the Committee on Banking and Currency; not only that, it has the unanimous recommendation of the Federal Reserve Board, and the unanimous recommendation of about 40 of the leading bankers of the country, who have recently been in consultation with the Federal Reserve Board.

The Senator from Utah has suggested that the reason it comes up now is because of the emergency which exists. I want to say to him that I was in favor of this proposition when the bill was under consideration last year, and strenuously contended in the committee that this first provision should be included in the original bill. My experience and my conception of the powers of the Federal reserve banks led me to the conclusion that there was every reason why it should be done, and no reason why it should not be done.

The truth of the matter is that banks located in or near Federal reserve banks will naturally keep a larger percentage of their reserves with the Federal reserve banks than will banks in a remoter section of the country. The bankers themselves must be given credit for having some judgment about how they shall handle their business and how much reserve they shall keep in their vaults. If a bank is remote from other banks, its reserve agents, it very naturally will keep very much more reserve in its own vaults than it would if near its reserve agents where it could recoup itself promptly.

The truth of the matter is that reserves are transitory at best. Frequently country banks have to renew, in exchange processes, their reserves with reserve agents as often as two or three times a week. This question is being discussed as if the reserve would stay in the same place all the time. That is not true at all. A bank may use its reserve in the reserve centers under present conditions at least twice a week and sometimes even oftener than that. It is all the time forwarding money or forwarding something to make up its reserve with its reserve agent.

I contend that if a bank in New York or in the vicinity of New York wishes to take advantage of the superior facilities for depositing its reserves with the Federal reserve bank there is absolutely no reason why it should not be done. If a bank in Salt Lake City wishes to keep its reserve in its own vaults we must trust the banker to have sense enough to know what is required in any particular locality and settle the question for himself. This bill leaves it optional with the bankers. It simply gives the reserve board the power to allow the banker to do something which he can not do under the present law.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. WEEKS. I yield.

Mr. WEST. Do I understand that under this bill the board would have the power to permit the member banks to transfer all their reserves to the vaults of the reserve banks if they wished that reserve?

Mr. WEEKS. Yes; it would have the power to do it, and the bank would do it if it wished, but, of course, it would not do it if it needed its reserve in its own vaults for its own purposes.

Mr. WEST. As the Senator from Utah said, would the bank have the power to lend that reserve to 85 per cent?

Mr. WEEKS. Reserve in the Federal reserve bank is a basis for credit. If member banks have large deposits in Federal reserve bank it permits the latter to make larger loans if they are required, but the amount of loan made to any bank is limited both by law and the judgment of the reserve board.

I am frank to say, Mr. President, that I have never heard the Senator from Utah, who is usually most logical, make an argument on a proposition which seemed to me to have so little reason as his argument on this question. I do not believe there is a financial or business reason or that any banker of any experience would not say that this is a wise provision to put into the law.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. WEEKS. I yield.

Mr. STONE. I desire to ask the Senator from Massachusetts a question. I understood him to say that when the reserve of the banks would be transferred to the reserve bank of the district, pyramiding the reserve in that way, it would not be the purpose or intention of the reserve bank to put that money out, but it would hold it in its vaults?

Mr. WEEKS. Undoubtedly; using it as a basis for credit.

Mr. STONE. Then the advantage of transferring the money held by a bank across the street or any distance away to the vaults of the reserve bank would be merely to increase the credit of the reserve bank?

Mr. WEEKS. It would be merely a convenience to the member bank, which would mean to require the reserve bank really to be a storehouse for its reserves.

Mr. STONE. What I am trying to get at is to ascertain from the Senator, whom I regard as being especially well equipped to give the information I am seeking, just what good is accomplished by this transfer. I do not refer now to the question of harm that may result from it theoretically or practically, but what good is accomplished to the banking world or the business world by taking the reserves the law requires to be held in member banks in a district and concentrating them in the vaults of a reserve bank if the reserve bank can not take the money out of its vaults for commercial uses?

Mr. WEEKS. I think the real benefit would practically amount to furnishing a storehouse for the reserves of the member banks and to preventing the necessity of shifting the funds back and forth to keep the reserves in accordance with the law when the bank would have more than its requirements in one place or another.

As the law now stands, it is obligatory on the bank to keep a certain amount of its reserve in two different places, and as a practical proposition there will occur this condition: That the reserve will be excessive in one place and insufficient in another, and there will be constant moving back and forth of funds in order to comply with the law.

Now, if the member bank has the right to keep all of its reserve, if it desires to do so, with the reserve bank, the transfer of funds back and forth in order to maintain the reserve in the same particular place will be minimized. I should think that would be the greater benefit to be obtained by this legislation.

Mr. SHAFROTH. Mr. President, the suggestion which has been made by the Senator from Utah [Mr. SMOOT] with regard to clustering moneys in the Federal reserve banks by what he thinks are pyramid credits forms, in my judgment, one of the very measures by which we can utilize moneys that are in the United States for commercial purposes. There is no question but that the time will come when new money will have to be issued under this system, and the more money you have in the Federal reserve bank the less money we are going to issue, and consequently it is a safeguard against the issuance of money unnecessarily. The Federal reserve banks are not going to have the United States issue a dollar of this currency until the amount of money deposited in the Federal reserve banks is nearly exhausted. Then they will have reached a point where they will regard it as necessary to apply for money and get United States notes issued and turned over to them. Of course, that is not going to occur until there is a want of money in the Federal reserve bank. As long as you can supply money to the Federal reserve banks by permitting these member banks to keep their reserves there, so much less necessity there will be for issuing new money by the United States.

No matter what we may think about the policy of issuing money, money is essential in times of emergency and for crop-moving purposes, and we can avoid the issuance of new money only by having a bountiful supply, as we would have by member banks shifting these reserves from their own vaults to the Federal reserve bank.

It seems to me, therefore, it is a wholesome measure, even from the very point which the Senator from Utah made.

Mr. STONE. May I interrupt the Senator?

Mr. SHAFROTH. Certainly.

Mr. STONE. Listening to what the Senator has just said, it seems to me that his interpretation of the previous statute differs from that which was just given by the Senator from Massachusetts.

Mr. SHAFROTH. I think so. I do not agree with that Senator.

Mr. STONE. In other words, the Senator from Colorado thinks that the reserve bank can use the reserve concentrated

in its vaults for any legitimate purpose it sees proper, loaning it out to whomsoever comes to borrow.

Mr. SHAFROTH. Yes, sir; to member banks.

Mr. STONE. The Senator from Massachusetts took a different view.

Mr. SHAFROTH. I think the view of the question I take with relation to the matter is in accordance with the Federal reserve act. During the discussion of that bill we were continually talking about the $400,000,000 of reserves concentrated in the Federal reserve banks and the great benefit of such a mobilization of reserves. It can not be possible that we can not touch a dollar of them. It seems to me that would be absurd. In other words, we would then simply lock up the circulating medium of the United States and not let it serve any purpose whatever. For that reason it seems to me that the Federal reserve bank has the power, when the reserves of banks are deposited, to lend them.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. SHAFROTH. Certainly.

Mr. WEEKS. Let me call to the attention of the Senator the fact that keeping reserves at all means to lock up money. The Senator knows perfectly well that it is not the practice of European banks to keep reserves, but the practice there is simply to carry sufficient money to carry the bank through its day's operations. Requiring an arbitrary amount of reserve is assuming that on account of the distance between business operations in the United States and the remote location of many banks they should be required to keep in their own vaults or somewhere a definite amount of reserve. My own judgment is that the amount of reserve which banks will need to keep under the Federal reserve law will be greatly reduced and that an additional amount of money should be available for commercial purposes.

That is one of the strong arguments in favor of this legislation, in my judgment. I look to see the day when the reserves, instead of being kept at what we provided in the law, will be substantially cut in two, and even the possibility, if we had a central bank with sufficient branches, of not requiring a bank to keep any own reserve at all. Of course every banker knows what the requirements of his particular business are. If he has any elements of business sanity in his make-up, he is going to keep in his own vaults all the money he needs to conduct his business, and fundamentally, technically, he ought not to be obliged to keep another cent; but fearing, on account of our numerous banks and the inexperience of many bankers, that they would not keep sufficient reserves and might precipitate trouble as a result, we have adopted the plan of requiring a definite reserve, and a large one. Keeping a reserve means to keep it, and means to keep it somewhere, either in its own vaults or in the reserve bank. It does not mean that it shall be used to loan, except in an emergency, but it does mean that it shall be used as an anchor to windward.

Mr. SHAFROTH. Mr. President, I agree with the last part of what the Senator has said, and that is that that reserve is used as a basis of credit. It is proper that it should be used as a basis of credit, and it should be paid out, and, as he has said, it is not for the purpose of locking it up.

The requirement of reserves by the national banking act of 1862 was something that was regarded as contrary to all the systems in the world. The Bank of England is not required to keep a reserve of any kind. It can permit it to be drawn down to $1. The Bank of Germany and the Bank of France can do exactly the same way. There is no requirement, except in the United States, for a bank to keep any percentage reserve. The theory has been to let the banker determine that for himself, knowing that he alone is vitally interested in the matter. When our national banking act was passed it was thought that, inasmuch as there would be so many banks dependent on themselves, and that many would not be such large institutions as the Bank of England and the Bank of France, a percentage of their deposits should be held as reserves.

Now, that has been found to be cumbersome; that enormous amounts of money are locked up so that the people can not get them in certain seasons of the year when most needed. One of the main reasons why this Federal reserve system was thought out and devised was for the purpose of relieving that situation.

Mr. President, when this money is taken by the national banks and deposited in the Federal reserve bank it is no longer a reserve fund, but a deposit. When the Federal reserve bank lends nearly all the moneys in its vaults, it can take the paper it has discounted, together with 40 per cent of its gold reserve, hypothecate them with the Government agent, and get new currency issued by the United States; consequently you can readily see that the reserves will surely be safe. The idea was that that system would mobilize the reserves and permit the use of them throughout the country and thereby relieve the stringency of crop-moving times.

The additional power which has been granted to issue currency was given so that in times of stringency or in large crop-moving periods, when great quantities of money were needed, they could issue a circulating medium upon the credit of the Federal reserve bank, together with the paper which has been hypothecated, with all the safeguards created in the Federal reserve act.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I yield.

Mr. WEST. Suppose the Federal Reserve Board were to give permission to the member banks of a Federal reserve bank to carry their reserves to that bank, would that central reserve bank then have the right under this law to lend out 85 per cent of the reserve of each one of these banks?

Mr. SHAFROTH. It is supposed that the moneys of the Federal reserve bank will be very carefully guarded. In the first place, it is inconceivable that the Federal Reserve Board will issue an order permitting every bank to do that. I apprehend there will be some such order as this, that all member banks situated within five hours' run by means of the quickest mode of travel of a Federal reserve bank shall be permitted to keep there a certain quantity. They probably will not permit all of it to be kept there. They will probably permit down to a small percentage. In that way I think the order will be made, and it will be a convenience to them.

Now, I want to impress upon the Senate, if I can, the relief and the benefit that will arise from this measure. We are desiring to make a great system. We want to get as much reserve money or any other kind of money in the Federal reserve banks as possible. They perhaps will not have to issue for a long time any circulating medium whatever in the shape of new money, because if they have sufficient money to meet all the demands that are made they would not be so foolish as to go out and make the demand upon the Federal Government to stamp new money. Consequently this very provision is, as it seems to me, a safeguard against any excessive issuance of money. Money will be issued only when it is required and when a member bank is willing to pay the rate of interest fixed.

That being the case, the very fact that these moneys can be used by the Federal reserve bank as deposits and loaned out it seems to me is a direct advantage to make the system workable and profitable and to at least curb, to some extent, the issuance of money by the Government until needed.

Now, the Senator from Utah has objected to this measure on the ground that we have not the words "upon unanimous affirmative vote of all the members of the Federal Reserve Board" before the first amendment. I will tell you why those words were not placed in the bill.

The power contained in this amendment was considered to be sufficiently guarded by the interest of the banks themselves as to what is to their own advantage, they having the power to determine it. But this unanimous affirmative vote, as required in the other bill of September 3, 1914, contained many other permissions that were to be given. Let me read what they are and why they should have been curbed by unanimous vote in the other bill:

(m) Upon unanimous affirmative vote of all its members the Federal Reserve Board shall have power: First, to postpone or otherwise change the times of payment of the second and subsequent installments of subscriptions to the capital stock of the several Federal reserve banks for a period or periods not exceeding four months in all.

It ought to take a unanimous vote to determine that, so as not to cripple the organization of the Federal reserve bank.

Second, to postpone for a period or periods not exceeding four months in all as to any date when any reserve requirement prescribed for member banks in section 19 of this act shall become effective.

Such a large power should only be exercised by unanimous affirmative vote of the Federal Reserve Board.

Third, to permit member banks to carry in the Federal reserve banks of their respective districts any portion of their reserves now required by section 19 of this act to be held in their own vaults.

That is the only clause of the old bill that we are inserting in the new bill. Consequently, inasmuch as that policy should be controlled by the interests of the member banks, there is no necessity for requiring a unanimous affirmative vote of all the members of the Federal Reserve Board to grant that permission. Some members may be out of town, some may be sick, some may be doing important things elsewhere. It is only on

extraordinary occasions that unanimous action should be required.

To say that every single member of the Federal Reserve Board should give his consent to this permission which should be controlled very largely by the interest of the member bank itself seemed to us very absurd.

Under this unanimous vote of all the members of the board it was proposed in the prior bill to limit the following:

Fourth, to permit member banks to count as part of their lawful reserves Federal reserve notes to an amount not exceeding 5 per cent of their net demand deposits.

I understood that provision was going to be objected to most strenuously, even giving the power by unanimous consent of all the members of the board. It is a somewhat serious question. I have always believed in permitting Federal reserve notes to be made reserve money in any national bank in the system, but members of the Committee on Banking and Currency differed upon that, and we had considerable discussion upon it during the framing of the Federal reserve act. The bill further provides:

*Provided, however,* That on and after the expiration of 36 months from the date of the official announcement of the Secretary of the Treasury of the establishment of a Federal reserve bank, no member bank shall count as part of its lawful reserve any balance kept with any other bank except the Federal reserve bank of its district.

Mr. President, when you come to the question as to a unanimous vote of the board, which was provided in the bill introduced here on September 3, you can readily see that that unanimous consent was a curbing of four distinct practices, and the most insignificant of the things sought to be curbed and controlled is covered by this very provision which we have inserted here.

Considering the fact, Mr. President, that there were momentous questions of this nature, and that this is a power which is curbed sufficiently by the interest of the bank itself, it seems to me that it would be foolish to say that this action should be by affirmative unanimous vote of the board, considering that men have business in other places, that they get sick, and that they are sometimes absent from Washington for good and sufficient reasons.

Mr. President, I wish to say just a word about the fact that there is going to be no drift of these reserves to the Federal reserve bank, unless it is to the interest of the member bank that there should be, because no interest is paid thereon. That of itself is going to make the member bank hold to its money if it feels that it would be safer and better for it to have it in its own vaults. It seems to me, Mr. President, that the amendment proposed by the Senator from Utah ought to be voted down.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. SMOOT].

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. REED. I move that the bill (S. 6439) to amend sections 9, 11, 13, and 16 of an act approved December 23, 1913, and known as the Federal reserve act, and for other purposes, be taken from the calendar and postponed indefinitely.

The motion was agreed to.

## ALLEYS IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 13219) to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia, which was read twice by its title.

Mr. POMERENE. Mr. President, on August 6 the Senate passed Senate bill 1624, known as the alley bill, and it went to the other House. A few days ago the House passed a bill identical with that as passed by the Senate, which has just been read twice by its title. The only difference in the two bills is in the title. I therefore ask unanimous consent for the present consideration of the House bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. SHAFROTH. I should like to inquire what is the bill? I did not catch its reading.

Mr. POMERENE. It is what is known as the alley bill.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## STANDARD BOX FOR APPLES.

Mr. JONES. Mr. President, I desire to call up the motion heretofore entered by the Senator from Minnesota [Mr. CLAPP] to reconsider the votes by which the bill (S. 4517) to establish a standard box for apples, and for other purposes, was ordered to be engrossed for a third reading, read the third time, and passed. The bill has been returned from the House, and I should like to have the motion to reconsider disposed of.

Mr. SIMMONS. Does the Senator from Minnesota think there will be any debate?

Mr. CLAPP. I do not think it will take very long. I asked the Senate to recall the bill from the House, and it is now in the Senate. I presume the proponents of the bill have a right to have the matter decided one way or the other.

Mr. CRAWFORD. What is the bill?

Mr. CLAPP. It is a bill to standardize apple boxes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota [Mr. CLAPP] to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CLAPP. Mr. President, I should like the attention of the Senate for a moment. I shall be very brief in this matter.

In July last the Senate passed the bill which, as chairman of the Committee on Standards, Weights, and Measures, I had reported for establishing a standard box for apples, and for other purposes. The bill went to the other House. After the bill had gone to the House, certain constituents of mine wrote me, pointing out what they considered some very serious objections to the bill. Thereupon I asked the Senate to recall the bill from the other House. The Senate recalled the bill, and I entered a motion to reconsider the vote by which the bill was passed.

It is only proper to say that in the motion to reconsider the vote by which the bill was passed would be involved subsequently a request of mine to amend the bill, and then let it be returned to the House of Representatives.

The provisions of the bill, while they do not in terms make the use of the standard apple box mandatory, yet, in effect, the bill is mandatory, because it provides that any apple box that is not up to the standard provided for by the bill shall be labeled "Short box," and, of course, no one shipping apples would care to have a box labeled "Short box." So, practically, the bill is mandatory.

The objection which the apple growers of my section make to the bill is that it provides, after prescribing the size of the box—they do not seriously object to that—that the box shall be marked "Standard"—and there is no objection to that. But, then, it provides that the box "shall bear upon one or both ends in plain figures the number of apples contained in the box; also in plain letters the style of pack used."

If the motion to reconsider prevails—and I hope it will—I shall then ask to amend the bill by striking out the requirement as to the number of apples and the style of pack; and therefore I may as well at this time submit to the Senate the argument urged by those who oppose these features of the bill. Their objection, both to the requirement as to the number of apples and the style of the pack being marked upon the box, rests upon the fact that many of the apple growers of the Middle West are, comparatively speaking, small growers, and they claim—and I think properly so—that the requirement as to the style of pack will necessitate the employment of expert packers. The expense of such employment, of course, could easily be borne by the larger producers of apples in what we call the coast country, but the people who write me claim that the average apple grower in the Middle West, especially in the State which I have the honor in part to represent, can not, on account of the comparatively small proportions of their business, afford expert packers, and such a requirement will place them at a decided disadvantage in competition with the large growers of the West who can afford to employ expert packers.

They also insist that it would be detrimental to them as against the growers of the large apples of the coast to mark on the box the number of apples contained therein. They do not seriously object to standardizing the size of the apple box, as we have already standardized barrels, but they do object to the number of apples being indicated on the box and especially to the requirement that the style of pack shall be indicated.

So, if the motion to reconsider prevails, I shall ask the Senate, then, to amend the bill by striking out the requirement as to the number of apples being marked and also the style of

pack. That is the objection which those who have communicated with me make to the bill.

Mr. JONES. Mr. President, I will take just a moment to explain the reasons why I hope the motion will not be agreed to.

Mr. CLAPP. Mr. President, if the Senator will pardon me a moment, I desire to suggest that my own judgment is that the Senate is the place where the amendments I have suggested should be made to the bill, because, with our limited number, we could probably perfect the amendment, pass the bill, and get it over to the House with much less difficulty than the amendment could be put on over there. I should think the proponents of the bill would prefer that it be disposed of here, rather than to meet that question in the House, where it is much more difficult to dispose of a matter of this kind and insure the prompt passage of the bill after amendment.

Mr. JONES. Mr. President, I will say to the Senator from Minnesota that if the amendment which he proposes should be adopted it will destroy the efficiency of the bill. I would not want the bill to pass with any such amendment, so that his suggestion does not appeal to me at all.

The Senator gave an impression which I do not think he intended to give, and that was that if the box used does not comply with the provisions requiring the box to come up to the standard it is marked "Short box." Under the terms of this bill that is hardly correct. It is marked a short box only when its capacity is less than the capacity required for a standard box.

Mr. CLAPP. That is what I had in mind.

Mr. JONES. If its capacity is equal to the standard, although the pack does conform to the requirements, it can still be sent out. It can not be marked "Standard," but it does not have to be marked "Short box."

Mr. CLAPP. Mr. President, the truth about that is that if the box is marked "Standard," then the other requirement must be complied with.

Mr. JONES. Certainly.

Mr. CLAPP. So that it is a mandatory provision so far as the practical effect of it is concerned.

Mr. JONES. Not to the extent that it must be marked "Short box."

Mr. CLAPP. It must be marked "Short box" if it does not contain the cubic contents prescribed for the standard box.

Mr. JONES. That is all.

Mr. CLAPP. It can not be marked "Standard" even though it has the required cubic contents, unless the other qualifications are complied with.

Mr. JONES. It can not be marked "Standard" if it simply has the cubic contents, unless the other qualifications go with it. It must comply with the requirement as to style of pack; it must contain a certain number of apples, and all that, even though it is of the standard size, before it can be marked "Standard box."

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Certainly.

Mr. SHAFROTH. I should like to ask the Senator to explain the exact difference between himself and the Senator from Minnesota. We have heard about standard boxes, short boxes, and matters of that kind, and I wish the Senator would explain exactly the difference between himself and the Senator from Minnesota.

Mr. JONES. It is this: Growers who have framed this bill and agreed upon it think that it is very important that there shall be marked in connection with the standard box on each end of the box the number of apples in the box. They are doing that now in my section of the country, and I judge in the section of the country from which the Senator from Colorado comes, where they are boxing apples. There is no special trouble about that, because the apples are laid in tiers, and it is known how many apples are in a tier and how many tiers are in a box, so that it is merely a matter of multiplication to determine the number of apples in the box; but they consider the matter of essential importance. It is important to the consumer when he sees a box marked "Standard" to know the number of apples in it. If you permit the number and the style of pack to be left off of a box marked "Standard," it is impossible to know how many apples are in the box. Even though it is marked "Standard," the consumer has no idea what he is getting when those markings are left off; so that it seems to me that it is very essential. That is one difference. The Senator from Minnesota and his constituents want the number left off, while we want the number put on, so that the consumer may know just how many apples he is getting.

Further, the Senator from Minnesota wants the style of the pack left off. As I understand, the style of the pack is an indication as to the number of tiers of apples. There may be 3 tiers or 4 tiers or 5 tiers, the number of tiers indicating plainly the size of the apple. I think that such a marking is very important for the benefit of the consumer, to assist in enabling him to understand just what he is getting. If you mark a box "Standard," without indicating the number of apples in it, without indicating the style of the pack, about all the consumer is assured of is that the apples contained in the box are of the quality mentioned or of the variety mentioned; but nothing is indicated as to their size or anything of that kind. Those are the two provisions the Senator from Minnesota wants stricken out of the bill.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES. Certainly.

Mr. CLAPP. I think in the law standardizing barrels, both for cranberries and apples, there is certainly no requirement as to the number of apples being marked upon the barrel.

Mr. JONES. I think that is probably true.

Mr. CLAPP. They must have the prescribed cubic contents. The consumer gets a barrel of the standard size.

Mr. TOWNSEND. Are they required to count the cranberries in the barrels?

Mr. CLAPP. Oh, no; that is not required at all.

Mr. JONES. The packing of apples in boxes is entirely different from the packing of apples in barrels. As I understand, you can merely pour apples into barrels, but you can not pour apples into a box, and no one should be permitted to do so, especially if it is a standard box. The apple growers of Colorado, of Montana, and especially of the Western and Northwestern States, have been trying to develop a system of boxing their apples that will bring the apples to the consumer in the very best shape and will enable the consumer to know just what he is getting, not only as to the quality but also as to the quantity. The purpose of this bill is to establish a standard that every man can follow, and thus the consumer will know what he is getting when he purchases a box marked "Standard." The bill does not compel a man to pack his apples in a standard box; he can pack them in any kind of box he may desire to use, but he can not mark them "Standard" unless he complies with all the requirements.

Mr. President, this bill has been prepared very carefully after consultation with the apple growers of the Northwest, and I can not see how it will work any hardship upon anybody. It certainly protects the consumer and it tends to the development of a systematic, standardized packing of apples. I trust the Senate will not reconsider the vote by which this bill was passed, but I shall not take more of the time of the Senate.

Mr. CLAPP. Mr. President, I shall not review what I have said. I ask leave to have printed in the RECORD, in connection with my remarks on this motion, a letter from one of my constituents, Mr. Highby.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent to have printed in the RECORD a letter in connection with his remarks. The Chair hears no objection, and it is so ordered.

The letter referred to is as follows:

BOARD OF PARK COMMISSIONERS,
*Albert Lea, Minn.*

Hon. MOSES CLAPP,
*United States Senate, Washington, D. C.*

DEAR SIR: Your telegram received this evening; also letter. I very much appreciate your efforts in regard to this matter, and I should certainly have answered you before this except for the fact that I have had a vacation and cut myself off from mail service for some time.

I have not the bill in question before me, having sent same to Mr. H. F. Hansen, the leading orchardist of this section. We do not object to the establishing of a standard-sized box. The box we use at the present is larger than the one prescribed by this bill. We object to the requirement that it shall be stated on the box the number of apples it contains, and also the style of pack. I believe that any man acquainted with the business will inform you that such packing can only be done by a professional man, such as they have in the orchard regions of the West. You can not pack apples so that you can state the style of pack unless the fruit is assorted to great perfection; nor can you give the number of apples contained unless the same is the case.

Now, our natural market would be the States to the west of us, the Dakotas especially. The consumers would be the farmers, principally, and they would not be looking for high-priced apples, packed any certain style, but would be looking for fruit at a fair rate. We could not ship our fruit to the market, even though it was of a very desirable quality, unless we first imported professional packers from some other section of the country to pack the fruit for us, and would be greatly handicapped in competition with the sections of the country where they have experienced packers and a complete machine to handle their product. Nor is there any relief in sight, as chances are that there will be a number of orchardists scattered here and there over the State, but

in no one locality enough to enable us to build up such organizations as they have in other sections of the country. Hence each man will have to do his own packing, employing ordinary workingmen to do the packing.

Although not present at the last horticultural meeting in Minneapolis, I understand that this bill was discussed considerably by horticulturists and severely criticized. I regret that there is not time left to get the opinion of the apple growers of the State, as I am confident that the growers of this State would be unanimously against this bill. If it could be done, I should like to see it go over to the next Congress, in order that people of this section might be given a chance to enter their objections.

Again thanking you for your attention, I remain,

Respectfully, yours, L. P. H. HIGHBY.

Mr. THOMAS. Mr. President, I represent in part a constituency which is directly interested in this bill. Indeed, my attention was called to it from correspondence before it passed the Senate at the last consideration of the calendar. There was so much objection to its application to my State that I offered an amendment—and the Senate accepted it—which exempted the State of Colorado from the operation of the law; and it was only because of that exemption that I withdrew any objection to the measure.

I may say that, naturally, I want to act in harmony with the desires and interests of my very good friend the Senator from Washington as to all these matters of detail wherever I can consistently do so. This measure, however, seems, even in its present form, to be somewhat unsatisfactory to some of our people, and I have reason to believe that it will not pass the House with the exemption to which I refer incorporated in it. Of course, if that should be so, I should be compelled to object to any conference report or agreement which eliminated that amendment. Hence I was somewhat relieved when the bill was recalled and brought back to the Senate.

I have received some correspondence of similar import to that to which the Senator from Minnesota has called attention and making the same criticisms of the operations of the measure. Of course, those criticisms would not be important as affecting my State so long as the exemption proviso remains in the bill, and therefore it would be a matter of indifference to my colleague and myself as to the ultimate fate of the measure.

But, Mr. President, my attention has also been called to what may be the result of the enactment of this measure, as to its enforcement. The law does not enforce itself; and, as I recall, there is no penalty of any considerable consequence attached to the measure beyond subjecting those who disregard its provisions to a penalty of $1 for each box improperly marked and sold, the penalty being limited in any one shipment to a maximum of $100. It is easily to be perceived that such a small penalty upon a large shipment would not operate as much of a restriction if any great pecuniary inducement existed to disregard its provisions. That would naturally suggest the enforcement of the measure by provision for apple-box inspectors, or inspectors of apple boxes carrying on their business and vocation under some other name.

I do not wish to be a party, at least at this session of Congress, to the enactment of any measure which may result in needlessly increasing the number of Government employees, and consequently increasing the burdens at present upon the Treasury. I shrink at no appropriations which involve necessary expenditures, or those which are deemed expedient in the public welfare; but inevitably this measure, if it becomes a law, is going to result in the creation of a new swarm of Government employees spread throughout the country wherever there is an apple orchard and an apple grower, and charged with the duty of inspecting and marking boxes in which apples are shipped. Do we want anything of that kind?

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to his colleague?

Mr. THOMAS. With pleasure.

Mr. SHAFROTH. I should like to ask the Senator whether or not the size of this box is measured by any of the standards of measurement that we have? Is it a bushel box?

Mr. THOMAS. That question should be directed to the Senator from Washington. I have paid no particular attention to that feature of the matter.

Mr. SHAFROTH. I should like to ask the Senator from Washington whether the box he has prescribed here takes in any uniform measure that is recognized in the United States, such as a bushel or a third of a barrel or something of that kind?

Mr. JONES. It takes in a box that is in general use throughout the Northwest.

Mr. SHAFROTH. How much is contained in that box, measured in bushels or pecks or otherwise?

Mr. JONES. It has been quite a while since I have looked up my arithmetic, and I have really forgotten how many cubic inches there are in a bushel. If it were not so many years ago, I could easily tell the Senator.

Mr. SHAFROTH. If we are establishing a standard box, does not the Senator think we ought to take a box of a bushel or half a bushel size, so that the people who bought a box would know how much they were getting?

Mr. JONES. A box of apples is very nearly a bushel; I do not know just how close, but it is very nearly a bushel in cubic contents.

Mr. SHAFROTH. But inasmuch as probably nine-tenths of the product of apples is sold by absolutely measuring it by the bushel, it seems to me the box ought to contain a bushel.

Mr. JONES. That is true with reference to the apples of a certain section of the country. It is not true with reference to our section. In our section of the country, and I think in the Senator's section, they are sold entirely by the box.

Mr. SHAFROTH. Oh, that is true; but where they just simply measure them and bring them into town, the farmer has no box measure. He goes and brings them into town and sells them by the bushel.

Mr. JONES. Certainly. Then he is not selling them by the standard box. Our apples are purchased in this market by the box, not by the bushel or by the peck. You do not go down into the market here and find our apples sold by the peck or the bushel.

Mr. SHAFROTH. No; they are sold by the box, and the purchaser naturally wants to know how much he is getting.

Mr. JONES. I know as much about what I am getting when I get a box of a certain size as I do when somebody says, "I am giving you a bushel."

Mr. SHAFROTH. Yes; but you generally make a comparison with some standard, and that is usually a bushel. Consequently, you would like to know how much is in the box, compared with that standard.

Mr. JONES. I have been away from bushels so long that I have not any conception of anybody telling me that he is selling me a bushel of a given product.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to his colleague?

Mr. JONES. I believe the Senator from Colorado has the floor.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. THOMAS. I yield to the Senator from Washington.

Mr. POINDEXTER. I only desire to answer the question of the Senator from Colorado about the size of the standard box. It contains, according to this bill, 2,173¼ cubic inches, which is a bushel.

Mr. THOMAS. Then the box is designed to represent the cubic contents of a bushel. It is doubtless satisfactory in that respect. But, Mr. President, if this bill becomes a law, and is followed by a provision for the appointment of inspectors, it is going to be a very short time when we will have a bill standardizing boxes for peaches, another for pears, another for strawberries, another for raspberries, another for cranberries, and in addition to that we will in all probability have standardized boxes for vegetables, with the result that the Federal Government will have extended its tentacles over another very large domain of local concern, each bringing with it a larger crop of inspectors than of boxes and inflicting a very large additional needless expense upon the Treasury of the United States.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. THOMAS. I yield.

Mr. OVERMAN. The Senator is familiar with this bill, and I am not.

Mr. THOMAS. I am not familiar with the bill, Mr. President.

Mr. OVERMAN. There is nothing in this bill, is there, to prevent a man from shipping apples in any way he pleases—in a barrel, in a box, or in any other way?

Mr. THOMAS. No; except that if he ships them in any box less in size or cubical contents than the official box, he must mark it a short box, which in all probability would diminish the value of its contents in the public estimation.

Mr. OVERMAN. In my State we ship a great many apples, but my recollection is that they are shipped practically altogether in barrels. I have never heard in that section of a box of apples.

Mr. SMOOT. This bill does not apply to that.

Mr. THOMAS. I do not think the law is mandatory except in so far as it refers to containers that are less in size than the established standard; but in order to emphasize that fact I in-

troduced and the Senate accepted an amendment exempting my State from the operation of the law, believing that under the circumstances and in view of the expressed views of some of my constituents that was what they desired with reference to the measure. So, as far as I am concerned, I shall vote for a reconsideration of the measure.

Mr. SHAFROTH. I will ask the Senator whether or not his amendment has been rejected by the House?

Mr. THOMAS. Not formally; but my information is that the House will not agree to the bill with that amendment incorporated in it. Of course that information may or may not be verified by events; but such is the view of the delegation from our State, so far as I have been informed upon the matter.

Mr. MYERS. Mr. President, I regret to differ from the Senator from Minnesota; but, knowing the desires and needs of the apple growers of the Northwest, I am compelled to be in accord with the Senator from Washington, and I hope the motion to reconsider will not prevail.

There are many small growers of apples in Montana, the same as in Minnesota, and I do not believe it will work any hardship on either. I do not believe it will require any more painstaking of the small growers in Minnesota than of the small growers in Montana; and I believe it is to the interest of the public that the small growers as well as the large growers in both States and all States shall be required to have a uniform box, and to state how many apples there are in the box; but if they do not want to mark their boxes, they do not have to.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. MYERS. I do.

Mr. SHAFROTH. I should like to ask the Senator if he knows how much in the measurements we usually recognize, such as bushels or pecks, is contained in one of these boxes?

Mr. MYERS. The bill says the box shall contain 2,173 cubic inches, I think, or something of that kind, but I do not think it is necessary. The buyer knows that as well as the seller. I do not think it makes any difference whether it is a bushel or not, because he knows he is getting a standard box of apples, and it seems to me that is enough for him to know.

Mr. THOMAS. Mr. President, the Senator from Washington [Mr. POINDEXTER] stated—perhaps my colleague did not hear him——

Mr. SHAFROTH. No; I did not.

Mr. THOMAS. That the cubical contents of this box was the equivalent of a bushel.

Mr. SHAFROTH. That is correct, is it?

Mr. POINDEXTER. That is correct. In fact, it is slightly over a bushel. I believe the Winchester bushel is the bushel which is commonly in use in the United States. At least it is so stated in the Century Dictionary, and that authority states that it contains 2,150.42 cubic inches. The standard box specified in this bill contains 2,173½ cubic inches. Of course, as the Senator knows, there is really a larger content of cubic inches in the space occupied by the apples when packed in one of these boxes, because they protrude from the box in order to be packed tightly, and the covering of the box is compressed and bent over the apples in order to hold them in place.

Mr. SHAFROTH. I am glad the measurement is identical with the known measurement recognized by nations.

Mr. TOWNSEND. Mr. President, I should like to ask the Senator from Washington who established the standard which is mentioned in the bill?

Mr. JONES. It is a standard which has grown up by usage and custom in the apple-growing section, particularly on the Pacific coast, in California and in the Northwest Pacific States.

Mr. TOWNSEND. That had been my understanding—that this standard box was established for the benefit of the fruit growers of the Northwest. It is an arbitrary standard. It may have some reference to a bushel, but it is not clear.

Now, I have no objection to standardizing the apple box or barrel. Indeed, I am quite in favor of doing so. I can see no more reason, however, for counting the apples and stamping the count on the box than I can for counting the potatoes in a box or the plums in a box or the peaches in a box.

I believe this is not entirely fair. I think this measure is intended as a sectional bill for the benefit of the growers of apples in a particular section of the United States.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Washington?

Mr. TOWNSEND. Gladly.

Mr. JONES. I want to suggest to the Senator that there is a certain section of this country that uses barrels. We passed a bill here regulating the size, and so forth, of the barrel. We knew that that did not apply to our section. There was no suggestion that it was sectional. As a matter of fact, the apple producers of the country got together quite a while ago—they had been having this controversy with reference to the receptacles which should carry these apples—and agreed with reference to certain legislation respecting the barrel section, and agreed with reference to this legislation respecting the box section. That is all there is to it. It is simply carrying out that proposition.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Utah?

Mr. TOWNSEND. I yield.

Mr. SMOOT. One of the reasons why the number should be placed upon the box is this——

Mr. TOWNSEND. The Senator ought to allow me to tell why it should not be placed there before he answers me. I have no objection, however.

Mr. SMOOT. I thought the Senator was passing from that question.

Mr. TOWNSEND. I have no objection to the Senator going ahead.

Mr. SMOOT. No; I will wait until the Senator gets through.

Mr. TOWNSEND. Mr. President, I do not object to a standard box. I am very much in favor of it. The Northwest does not have a monopoly of the fruit-box business. If it approximates a bushel or if the box mentioned is one that is usually on the market, if it is the usual way of handling apples, I have no objection to that at all. I have favored for some time a standard measure for fruits of all kinds that are sold, either in boxes or barrels; but to stamp on the number of apples, to compel a count of apples in every box, is to my mind unfair and unjust. Quantity, character, and name should be faithfully marked on the receiver.

The PRESIDING OFFICER. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. JONES. I ask the Senator from North Carolina if he will not consent to temporarily lay aside the unfinished business? I do not think it will take very long to dispose of this motion. We can take a vote on it, I think, very soon.

Mr. SIMMONS. Of course I would like very much to accommodate the Senator. If we could have a vote right away I would not object, but I imagine there is going to be further discussion.

Mr. TOWNSEND (in his seat). I do not want a vote on it to-day.

Mr. POINDEXTER. I think the discussion has practically exhausted itself, and we could probably have a vote in five minutes on this matter.

Mr. SIMMONS. If I thought the Senator from Washington was right about it, I would not hesitate, but I am afraid he is not right about it, because I heard the Senator from Michigan [Mr. TOWNSEND] indicate that he intends to discuss the measure further. Under the circumstances I must decline to allow the unfinished business to be laid aside.

## RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The question is, Is the point of order well taken?—on which the Senator from Florida [Mr. BRYAN] has the floor.

Mr. BRYAN. Mr. President, when the Senate, in pursuance of a previous order, went into executive session yesterday I was discussing the point of order as to whether a Senator occupying the floor has any right that any other Senator does not have, except the sole right to be heard.

Mr. President, I raised the point of order upon the authority of the only case reported in Gilfry's Precedents upon the subject. My recollection, however, is that last year some time in a discussion of the tariff bill, when the Senator from Vermont [Mr. PAGE] was discussing the tariff, the Senator from New Jersey [Mr. MARTINE] wanted to interrupt him to ask a question, and the Senator from Wyoming [Mr. WARREN], who has a very long service in the Senate and is quite familiar with the rules, not leaving it to the Senator from Vermont to object himself, objected, and his objection was sustained by the Chair without question.

Some Senators say that I ought not to appeal to the decision upon a similar question when the force bill was under discussion, but I do not know what better opportunity there could have been than to have the decision of the Chair challenged by the able men of the Senate opposed to the passage of that bill; and certainly if there had been any objection it would have been raised. Yet it seemed to meet the judgment of all Senators, and the decision of the Vice President was allowed to stand, and it has stood since that time.

Furthermore, Mr. President, it has stood for a very good reason, as I shall proceed to show.

Mr. SMOOT. Will the Senator state at what date that was?

Mr. BRYAN. January 20, 1891. Senator Aldrich's resolution which he was trying to get the floor to have considered was to adopt a cloture rule.

It is said here, and of course it is entirely true, that neither the force bill came to a vote nor the proposed cloture rule came to a vote; but, sir, that does not lessen the value of the precedent; it rather strengthens it. Now, let us see if those great Senators opposed to the passage of that bill were derelict in their duty in not insisting that the Chair was wrong in his ruling.

Mr. President, there is no doubt of the justice of this proposition. There is no attempt here to force a gag rule on anybody. Some Senators denounced it yesterday on that ground and some of the newspapers have taken it up as if the rule invoked yesterday were a gag rule and was sought to be forced upon the Senate. Sir, is it a gag rule to protect a Senator who has the floor from interruption so that he may speak to his heart's content?

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Georgia?

Mr. BRYAN. I yield.

Mr. WEST. Here is my objection to it: I should like to know, in the case the Senator put, if it is the purpose when a Senator is on the floor and I may want some information or perhaps he is saying something that contradicts what I said and I want to put him right, that one Senator in this body can prevent it? If it is submitted to the Senate to determine whether I can put the question, then a majority could say I did not have the right, the Senator to whom I am addressing my remarks yielding. I would submit to it, but not that just one Senator can get up and say, "I object," when the Senator who occupies the floor is perfectly willing to yield. A Senator who has the floor has the right always to protect himself against anybody who might be addressing interrogatories to him.

Mr. BRYAN. It is the position of the Senator from Georgia that a Senator who has the floor has superior rights to any other Senator. I concede that he has the right in addition to that of any other Senator to speak and to speak ad libitum. That is the only right he has which is not possessed by every other Senator upon the floor.

The Senator says one Senator might stop his questioning of the Senator who had the floor, but is not that true if every Senator remains in his seat and the Senator who is speaking declines to be interrupted? I am coming to that question.

I desire to say that the Senator from New Hampshire [Mr. GALLINGER] yesterday in reading Rule XIX simply providing that a Senator who has the floor need not yield to interruptions, correctly stated that clause 1 of Rule XIX was taken from Jefferson's Manual. If I can establish to the satisfaction of the Senate that Jefferson's Manual, except where overruled by a rule of the Senate, is the law that governs this body, then even the Senator from New Hampshire will be bound to concede that the point of order is well taken.

Mr. LEWIS. Will the Senator from Florida let me call his attention to a matter that I observe was wholly overlooked? When this discussion originated on the floor touching the question as to whether a Senator could be interrupted without the unanimous consent of the Senate, there were precedents cited, and after the conclusion of their presentation the present occupant of the chair made a ruling; but I observe there was an omission, doubtless due to the fact that some Senators may not have been present or else had forgotten it. In a case two weeks ago it will be observed that Vice President Marshall, sitting in the chair, made this exact ruling, but said he would not announce the ruling as binding but merely announced it ex cathedra, as it were, and called the attention of the Senate to the fact that such was the law, and thus invited the attention of the Senate to the fact that if insisted upon by any Senator it would have to be enforced. That was only a couple of weeks ago, and I call the attention of the able Senator from Florida to the fact that there was a good precedent which was overlooked in citation.

Mr. BRYAN. I was wholly in ignorance of that. I thank the Senator from Illinois for his interruption. I think it would shed light on the whole question if he would send and get the RECORD, and let us read it into the RECORD while the question is being discussed.

When Thomas Jefferson became Vice President of the United States there were not many rules of the Senate, and where there were no rules of the Senate other law had to govern. Let us see what Mr. Jefferson says—and I promise Senators not to weary them with this discussion. I take the floor again only because of the unjust charge that has been made and because this attempt to enforce the rule of the Senate to give liberty of debate has been twisted and tortured into a claim that it was undertaken to limit the right of Senators to be heard. President Jefferson said:

> The Constitution of the United States, establishing a legislature for the Union under certain forms, authorizes each branch of it "to determine the rules of its own proceedings." The Senate has accordingly formed some rules for its own government; but these going only to few cases, it has referred to the decision of its President, without debate and without appeal, all questions of order arising either under its own rules or where it has provided none. This places under the discretion of the President a very extensive field of decision, and one which, irregularly exercised, would have a powerful effect on the proceedings and determinations of the House. The President must feel, weightily and seriously, this confidence in his discretion, and the necessity of recurring, for its government, to some known system of rules, that he may neither leave himself free to indulge caprice or passion nor open to the imputation of them. But to what system of rules is he to recur, as supplementary to those of the Senate? To this there can be but one answer. To the system of regulations adopted for the government of some one of the parliamentary bodies within these States or of that which has served as a prototype to most of them. This last is the model which we have all studied, while we are little acquainted with the modifications of it in our several States. It is deposited, too, in publications possessed by many and open to all. Its rules are probably as wisely constructed for governing the debates of a deliberative body and obtaining its true sense as any which can become known to us, and the acquiescence of the Senate hitherto under the references to them has given them the sanction of its approbation.
>
> Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the Constitution, the regulations of the Senate, and, where these are silent, of the rules of Parliament, I have here endeavored to collect and digest so much of these as is called for in ordinary practice, collating the parliamentary with the senatorial rules, both where they agree and where they vary.

I will not read further from that preface, but now I come to the reference made in the rules of the Senate to sections 17 and 39 of Jefferson's Manual. In Rule XVII of Jefferson's Manual there is this language:

> No one is to disturb another in his speech—

I pause to say the sentence might as well have stopped there. It goes on—

> by hissing, coughing, spitting, speaking or whispering to another, nor stand up to interrupt him—

And so forth.

Rule XXXIX of Jefferson's Manual has this provision:

> The question is to be put first on the affirmative and then on the negative side.
>
> After the Speaker has put the affirmative part of the question, any Member who has not spoken before to the question may rise and speak before the negative be put, because it is no full question till the negative part be put.
>
> But in small matters, and which are, of course, such as receiving petitions, reports, withdrawing motions, reading papers, etc., the Speaker most commonly supposes the consent of the House where no objection is expressed, and does not give them the trouble of putting the question formally.

Mr. President, that furnishes an answer to the contention here that it has been the custom of the Senate for the Senator having the floor to yield to interruptions. There are two rights there—the right of the speaker and the right of the other Senators. When a Senator rises to interrupt, the presiding officer puts the question, "Does the Senator yield?" presupposing, according to the language I have just read from Jefferson's Manual, that the silence of the other Senators gives their consent; and inasmuch as clause 1 of Rule XIX goes yet further, and gives the right to the Senator occupying the floor to decline to yield, even if everybody else is willing that he shall be interrupted, the presiding officer puts the question to the Senator having the floor and inquires if he will yield, assuming, in the first place, that nobody else objects, and, in the second place, if everybody else were willing, that the Senator alone could stop it.

Now, Mr. President, following out Jefferson's statement, let us go to the parliamentary law as established and find out whether this is a revolutionary proceeding. I read from Law and Practice of Legislative Assemblies, by Mr. Cushing, section 1572:

> According to the strict rule of order, no individual Member of the House has a right to put a question to any other Member. He may move the House that such a question be put by the Speaker; and, if the

House gives its permission, the question may be put accordingly. But in practice it is found most convenient to dispense with this formality, and questions are ordinarily put by one Member directly to another, being supposed, however, to be put by the House through the Chair, at the suggestion or on the motion of such Member.

Now, let us see if that is substantiated and borne out by the rules governing parliamentary bodies.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Washington?

Mr. BRYAN. I do.

Mr. POINDEXTER. As I understand the rule just read by the Senator, it would not require unanimous consent; the question would be put to the House and carried by a majority.

Mr. BRYAN. I think that might be done.

Mr. POINDEXTER. That is a very different proposition from the one which the Senator is advocating.

Mr. BRYAN. I call the Senator's attention to this, however, that the question which might be put to a Senator might well be considered along with the discussion of putting questions to ministers. The law may have had reference in that particular instance to the question of inquiring of a Member of the House, and that of course is a wholly different proposition from interrupting in debate; and if you could do that you could obviate the rule by asking any question you saw fit to ask.

Mr. POINDEXTER. Of course we have substituted under our entirely different form of government for questions to a minister, who, in the capacity to which the Senator now refers, is nothing but a member of the House, a more formal system of resolutions which we file here in writing, calling upon the departments to furnish information in regard to certain things. As to the ordinary interruptions in debate, it being true, as it seems to me, obviously true, that a majority of the House could control the proceedings, the majority of this House has fixed a rule apparently for it.

Mr. BRYAN. Let me ask the Senator what rule of the Senate?

Mr. POINDEXTER. It is the rule which provides that the consent of the Senator having the floor must be obtained before he can be interrupted by a question and that the Chair must first be addressed. The necessary implication is that if those conditions are complied with the interruption may be made. In other words, it is a recognition of the right to interrupt and the fixing of a procedure by which it can be done.

Mr. BRYAN. The Senator from Washington is too close a reasoner to undertake to argue that by clause 1 of Rule XIX the power is granted to the speaker to be interrupted any more than it is granted to other speakers. The rule says:

No Senator shall interrupt another Senator in debate without his consent.

But it does not say that with his consent, against the will of the Senate, he can be interrupted.

Mr. POINDEXTER. Of course that is a matter of the conclusion of anyone construing the rule. I should say that when the Senate adopts a rule providing how a Senator may be interrupted it is equivalent to saying, by implication, that he may be interrupted in that way.

Mr. BRYAN. I am trying very hard to show that that is not so. I can not see that it is so. This same rule was enforced when the point was raised in 1891. I call the Senator's attention to the fact that Senator Hoar said in that debate that his right to object to interruptions had been passed upon favorably time and time again and nobody disputed it.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Florida yield?

Mr. ROBINSON. Will the Senator from Florida yield to me for a moment?

Mr. BRYAN. I yield to the Senator.

Mr. ROBINSON. I call the attention of the Senator from Washington to the fact that he has—inadvertently, of course—misquoted the rule to which he has referred.

Clause 1 of Rule XIX provides that no Senator shall interrupt a Senator without his consent. That does not relate to an interruption for any specific purpose, but relates to interruptions for all purposes, certainly those not expressly forbidden by the rules of the Senate. It therefore follows that, under that rule, if a Senator can interrupt another to ask a question, he can also interrupt that other to make a statement; and if, under clause 1 of Rule XIX, a Senator having the floor has the unqualified right to yield to another Senator to interrupt him, he has that right to yield for any purpose, and it would follow that he would have the right to yield to that Senator to make a speech or a statement just as much as he would have the right to yield for a question.

I call the attention now of Senators to the fact that the rules and precedents of the Senate, when fairly considered, make no distinction whatever as to interruptions for the purpose of asking questions or to make statements, and that in reason, in logic, and in morals there can be no proper distinction made. The rule of the Senate quoted relates to interruptions for any purpose, and it is only by a misquotation or a misconception of clause 1 of Rule XIX that it can be construed as relating to interruptions for the purpose only of asking a question. That rule relates to interruptions for all purposes. It is that no Senator shall interrupt another without his consent, and he shall first address the Chair. Now, that interruption referred to in the rule is not in reference to a question or to any particular subject, but it is general and relates to an interruption for any purpose in debate. I repeat the statement that if, under that rule, a Senator having the floor has the unqualified right to yield to an interruption, he can yield just as much to an interruption for the purpose of making a statement as for the asking of a question. The rule makes no distinction.

Mr. POINDEXTER and Mr. WEST addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Florida yield?

Mr. BRYAN. I was almost through.

Mr. WEST. I was just going to ask a question of the Senator from Arkansas in reference to the distinction.

Mr. BRYAN. I yield to the Senator from Washington, who wishes to make a statement.

Mr. POINDEXTER. I am not going to make any extended statement. I wanted to reply in a word to what the Senator from Arkansas [Mr. ROBINSON] says in regard to the rule of the Senate. I did not undertake to quote the rule. I only stated the substance of it, and I think I substantially stated what it is. I will read the exact words of the rule:

No Senator shall interrupt another Senator without his consent, and to obtain such consent he shall first address the Presiding Officer.

It seems to me that the distinction which would avoid the point made by the Senator from Arkansas is in the word "interrupt." It does not allow one Senator to take the floor away from the Senator who has the floor by the consent of the Senator who has the floor. It only allows him to interrupt him, and there is quite a distinction between a mere interruption and taking over the floor to make a speech.

Mr. BRYAN. I think there can not be any validity in the distinction sought to be drawn by the Senator from Washington. An interruption must be either for the purpose of asking a question or making a statement. Senators who criticize the decision of the Senate on yesterday all agree that it would not be proper and is against the rule of the Senate to yield for a statement or a speech, and that any Senator on the floor could stop it.

If it be said that it does not apply to questions, how long must a question be? Surely you would not allow a question of an hour's length to be put and contend that was proper and in the sole control of the Senator having the floor. I do not know whether or not it happened, but I see my friend from Missouri [Mr. STONE] here, and in the fight on the ship subsidy bill today's Washington Times says that the Senator from Missouri interrupted the Senator from Tennessee, Mr. Carmack, "to ask a question," and then asked him:

"I desire to ask the Senator, apropos of what he has just said, his opinion of the following article on ship subsidy by an eminent authority on that subject."

Wherewith the eminent Missourian proceeded to read a chapter from the book.

And then he propounded his question.

Mr. President, there can not be any distinction drawn. The Senate has the right to control its affairs. No individual Senator has the right to obtain the floor and hold it day by day, determining in his own mind whether or not he will allow another Senator to interrupt for a question or for a speech or for a question which may be as long as a speech or for any question at all. The only right he has over the right of any other Senator is to speak.

The Senator from Washington interrupted me a few minutes ago when I had read from a paragraph in Cushing's Parliamentary Law. He cites actual occurrences that have taken place to show not only that he was justified in the statement made but that the actual occurrences went further, and not only applied to the questions propounded but applied to debates upon the floor, to the right of the Senate or of the House to stop interruptions whenever it saw fit. It can make little difference for the purposes of this case whether a majority of the Senate may grant the right of interruption or whether it requires unanimous consent. Senator Hoar was authority for the

proposition that it took unanimous consent. No Senator questioned it; they all acceded to that construction.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Washington?

Mr. BRYAN. Yes.

Mr. POINDEXTER. Will the Senator from Florida state upon what principle or theory he bases the proposition that it requires unanimous consent to interrupt; in other words, that any one Senator can control the proceedings of the Senate? Upon what principle is that proposition based? It is very different from the almost universal rule that a majority controls the proceedings.

Mr. BRYAN. Well, Mr. President, the Senator from Washington is taking the other side; he is undertaking to sustain a rule that gives to one Senator who happens to be on the floor the right to control the procedure of the Senate.

Mr. POINDEXTER. Oh, not at all, Mr. President.

Mr. BRYAN. Here is the theory upon which I sustain my proposition. I have stated it often: The Senator speaking has no right that every other Senator in the Chamber has not also, with the sole exception of his right to address the Senate. He has no more right to allow an interruption by another Senator than has any other Senator in the Chamber. If you do not take that position, then you give to one man the right to control the deliberations of this body. Let us see. I will read from the British parliamentary debate which occurred in 1817. Mr. Brougham was addressing the Parliament on the question of the filing of some petitions and, referring to something which had been said by the speaker who had preceded him, he said:

> The right honorable gentleman had thought proper to warn the members of that House, whose duty it might be to present the thousand petitions backed by half a million of their fellow subjects, that as often as they came forward with those petitions he would put a question to them which they must answer. Must! [Hear! Hear!] He, however, would beg leave to tell that right honorable gentleman that no individual member of that House had a right to put any question to another member.

The next speaker who followed conceded that principle.

> It was said that a question to a member was to be put by the order of the House from the chair. In strict formality this was certainly true. But was it absolutely necessary? Was it not one of those forms which might, without the slightest loss of dignity and with much convenience, be dispensed with? Was it any novelty to dispense with it? The novelty was that any gentleman presenting a petition should make it a part of his speech.

So Senators need not alarm themselves about the ordinary procedure of the Senate. The rule is in force to-day, and yet interruptions occur. They occur because nobody objects to them. Every day Senators introduce bills out of order, make reports out of order, have petitions read out of order. That is done by unanimous consent. Any Senator could stop it. But here it is sought to fasten a rule upon the Senate that one Senator may take the floor and hold it and do with it as he pleases.

Mr. WEST. Mr. President——

Mr. BRYAN. Just a moment. I can not agree with my friend from Washington that that is the rule of the majority. It is not the rule even of a minority. It is the rule of only 1 man out of 96.

I may say, without reading it, that even a third member of Parliament arose and agreed to the rule as I have announced it. I ask Senators where in the precedents of the Senate is there a single solitary precedent to the contrary of the rule for which I am contending?

Mr. President, it is absurd to say that any effort to force a gag rule upon the Senate is being attempted when the attempt is merely to give the widest freedom of debate, when the attempt is to force a Senator who has the floor to proceed with the only object that gives him a right to take it, and when he gets through with what he has to say to sit down. It has gone on now this whole week that one man assumes to control the procedure of the Senate and to farm out the right to interrupt him. For one I can not consent to it. I do not say that in any spirit of ill will to the Senator from Iowa. In my opinion, he makes a great mistake. I know——

Mr. WEST. I will not persist in the interruption, Mr. President; but I should like to ask the Senator a question if I may do so.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Georgia?

Mr. BRYAN. I do.

Mr. WEST. Does the Senator from Florida make no distinction in his contention between farming out the time of the Senate and a Senator merely rising and addressing himself to the Senator speaking, and saying, "I desire to ask the Senator a question"?

Mr. BRYAN. Not at all, and for this reason——

Mr. WEST. I think there is a difference.

Mr. BRYAN. That would leave the control of the whole matter in the hands of the Senator who occupied the floor. If you simply limit it to the right to ask questions, it would be of no avail. Who is to determine the length of the question? I might rise, if I wanted to filibuster, and the Senator from Missouri had the floor, and say, "I desire to ask the opinion of the Senator from Missouri upon the following matter, which I will suggest to him," and read this whole book [indicating] and occupy days in doing so. That can not be done.

I had started to say that I know the great interest the Senator from Iowa has taken in this bill and the extreme energy he has displayed in its consideration.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kansas?

Mr. BRYAN. I do.

Mr. THOMPSON. In that connection I should like to ask the Senator from Florida if it is not the practice, and has not it always been so, for the Senator speaking to simply say, "I yield for a question" or "I will yield for a statement"?

Mr. BRYAN. Yes; but that proceeds, and it can only proceed, by unanimous consent, because nobody objects to it.

Mr. President, I have concluded.

Mr. KENYON. Mr President, I think this is such an important matter that I want to go right to the point; and I want to say that when the authority which the Senator from Florida has quoted from the proceedings in January, 1891, is completely examined and understood absolutely refutes the position he has taken. I think it must be true that the Senator did not consult the proceedings of the next day, when this whole matter was again brought up in the Senate, and a clear understanding had with reference to it.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. KENYON. I do.

Mr. BRANDEGEE. As the Senator yields to me, I will say that I agree with him that this matter is of the utmost importance, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | James | Page | Smoot |
| Brady | Johnson | Perkins | Swanson |
| Brandegee | Jones | Poindexter | Thomas |
| Bryan | Kenyon | Pomerene | Thompson |
| Burton | Kern | Ransdell | Thornton |
| Camden | Lane | Robinson | Townsend |
| Chamberlain | Lea, Tenn. | Saulsbury | Vardaman |
| Chilton | Lee, Md. | Shafroth | Walsh |
| Clapp | Lewis | Sheppard | Weeks |
| Culberson | McCumber | Simmons | West |
| du Pont | Martine, N. J. | Smith, Ariz. | White |
| Fletcher | Nelson | Smith, Ga. | Williams |
| Hollis | Overman | Smith, S. C. | |

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum is present.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. The Chair will inform the Senator from South Carolina that the Senator from Iowa has the floor, the call for a quorum having been made in his time.

Mr. SMITH of South Carolina. I merely want to make an announcement.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. KENYON. I do.

Mr. SMITH of South Carolina. The Senator from Nebraska [Mr. NORRIS] has requested me to make the announcement that, on account of illness, he is unable to be present at the roll call.

Mr. KENYON. Mr. President, I wish that on this question the Senators who are present would give their attention. I will promise not to take over 15 minutes. I am going to pass absolutely the irony of our friends from the South insisting on a precedent which was established in order to thrust upon them the infamous force bill; but, even if it were a precedent, it would have little weight now, for, in view of all these years that have gone by, it would be absolutely obsolete. It never before has been suggested in the Senate.

Now, what is the question? The Senator from Florida has stated it clearly. A Senator rises in this Chamber when another Senator has the floor; he desires to ask a question. The presiding officer says: "Does the Senator from Florida," for example, "yield to the Senator from South Carolina?" The determination of that question, according to the Senator from Florida—and I agree with him as to that—in the first in-

stance rests with the Senator from Florida. He can protect himself by saying, "I decline to yield."

The Senator from Florida makes a second point, which is the disputed one, to wit, Can the Senate object to a question being asked; in other words, must there be unanimous consent? The Senator from Florida cites the proceedings at the time of the old force bill on January 20, 1891. Let us get the facts clear as to just what occurred in the Chamber when this question arose and when the objection was made. I will say to the Senator from Florida that he has made a slight error, because in the RECORD the Senator from Florida states that I asked a question of the Senator from Louisiana, which is not the fact, according to the statement of the Senator from Louisiana.

Mr. BRYAN. I think if the Senator will read my statement in the RECORD he will find that what I said was that I did not understand clearly, but that is what I understood, sitting where I am now.

Mr. KENYON. Possibly so. The Senator from Iowa said:

I think that question rests with me. I have been interrupted too frequently in the past to decline now. I am very glad to be interrupted, not for a speech but for a question.

So that the proposition before us is not the farming out of the floor, which we all concede can not be done; not the giving to one Senator the right to make a speech in another Senator's time; we concede that that can not be done; but the line of demarcation is the mere asking of a question or the occupying of such a length of time that in all reasonableness it could be said that, instead of asking a question, one Senator is virtually taking the time of another Senator who really has the floor.

The Senator from Florida takes this one precedent, and the Senator from Arkansas [Mr. ROBINSON], who made the ruling in the chair and has since defended it on the floor, from the proceedings of January 20, 1891, when the force bill was under consideration, and the Senator from Florida said:

The point of order was raised by Senator Hoar, and in a few minutes, after a running discission of four or five minutes, apparently, judging from the RECORD, after the ruling of the Vice President, there was not any question by any Senator, Democratic or Republican, against the rule. They acquiesced in it. They gave it at least their implied approval.

If the Senator from Florida and the Senator from Arkansas had further studied the RECORD, which I assume they did not do, they would have found that on the very next day this question came up, because Democratic Senators were inquiring as to just what this ruling meant. Let us, if we can, as lawyers, get down to the point raised on the 20th of January. Mr. Butler said:

I want the Chair to decide the point of order made by the Senator from Massachusetts, to wit, that one Senator occupying the floor has no right to yield it to another for any purpose—

Notice there the word "it" is used: "to yield it," meaning the floor. It was not a question of simply being permitted to make an interruption. Then there was a short discussion, and the Vice President said:

The VICE PRESIDENT. The Chair is of the opinion that the point of order made by the Senator from Ohio is well taken—

That was that the then Senator from South Carolina should sit down until the point of order was determined—

Mr. BUTLER. Very well, sir. I want that settled.
The VICE PRESIDENT. The Chair is of the opinion that a Senator entitled to the floor can not transfer that right indefinitely to any other Senator.

Mr. Butler was not content with that, but pinned him down to the exact point, and he said:

That is not the point of order.

The Vice President then said—and here is the ruling:

He might transfer it for a question or by courtesy of the Senate or by unanimous consent, but otherwise a Senator on the floor might parcel out the entire time of the session in that way to one Senator after another. The Senator from Mississippi is entitled to the floor.

That ruling was discussed by various Senators, who ascribed a meaning to it in the discussion which I think was erroneous, because the decision seems reasonably clear. I am sure that the distinguished Senator who occupied the chair at the time the decision was made yesterday could not have read the proceedings of January 21 in basing his decision upon this particular precedent. There may be other precedents, but we have not had them, and the decision yesterday was based on that precedent. Now, what occurred on the 21st of January? The debates at that time apparently were very acrimonious; there was a good deal of heat and a good deal of passion over the question of the force bill. I read from the proceedings of January 21, 1891:

Mr. SPOONER. Mr. President, I should like to make an inquiry of the Senator from Maryland.
The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Wisconsin?
Mr. GORMAN. If the Senator can have unanimous consent, I will yield.
Mr. BUTLER. I object, Mr. President.
The VICE PRESIDENT. Objection is made.
Mr. SPOONER. The Senator from Maryland may consider that——
Mr. BUTLER. I rise to a point of order.
The VICE PRESIDENT. The Senator from South Carolina will state his point of order.
Mr. BUTLER. The Senator from Wisconsin has no right to interrupt the Senator from Maryland without his consent and without unanimous consent, and I object.

Mr. Gorman, assuming that that was the decision, said:

Mr. President, that was an unfortunate decision yesterday which destroys deliberation in this body.

He was the leader of the Democratic side, and said—

It ought never to have been made. It ought never to be enforced.

Does that sound in line with the statement of the Senator from Florida that this was acquiesced in generally. "It ought never to be enforced," said Senator Gorman, and it never has been until this particular river and harbor bill came before the Senate. Mr. Gorman continued:

I ask now, sir, with a view to fair dealing and intelligent legislation hereafter, that the Senator from Wisconsin may have unanimous consent to ask me his question.

Senator Gorman was conceding that the rule was as claimed now by the Senator from Florida and by the Senator who occupied the chair at the time of the decision on yesterday.

Mr. Sherman said:

Oh, no; I think the rule is a very good one, and ought to be observed.
Mr. BUTLER. I object to the Senator from Ohio addressing the Chair from his seat.
Mr. CULLOM. I object to the Senator from South Carolina. He should take his seat.
Mr. BUTLER. I rose to a point of order. I have a right to do that at any time, and I call the Senator from Ohio to order. I hope he will observe it hereafter.
Mr. SPOONER. I rose, as I had a right to do, and addressed the Chair for the purpose of ascertaining whether the Senator from Maryland would permit me to ask him a question. The Chair in his decision yesterday announced that that was not in violation of the rule and that it did not require unanimous consent.

There was not a better lawyer in this body, I assume, than Senator Spooner. That was his understanding of the rule. Senator Gorman had accepted the other construction.

Again, a little further down, Mr. Blair, of New Hampshire, said:

I rise to a suggestion of order. As I understood the decision of the Vice President yesterday, it was simply that the right of interrupting for the purpose of asking a question could not be so prolonged and abused as to take permanent possession of the floor, and the Vice President ruled that a question such as is ordinarily propounded in the Senate Chamber might be yielded to and a response made to it. I understood that to be the ruling of the Chair.

There was another Senator who had a different view from the one expressed by the Senator from Florida.

Mr. MITCHELL. The Vice President stated distinctly yesterday, in announcing his decision, that a temporary interruption might be permitted, but not to take a Senator off the floor.
Mr. BUTLER. It might be permitted by the Senator having the floor; that was the decision of the Vice President, and that no Senator had a right to yield the floor indefinitely, and he stated the reason why he made that decision.

Mr. Gorman then went on to deal with other matters that were to some extent involved, but I am not going to spend any time on them.

Mr. Morgan, of Alabama, that great Senator from the Southland, did not agree with the construction which the Senator from Florida places upon this matter, and did dissent from any such theory.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. KENYON. I do.

Mr. BRYAN. Of course I will frankly say to the Senator that I had not read the entire debate.

Mr. KENYON. I am sure the Senator had not, or he could not have taken the position he did.

Mr. BRYAN. But it does not seem to me to be material. What I said was that it went unquestioned.

Mr. KENYON. I am showing that it did not go unquestioned.

Mr. BRYAN. The only way to question it was to appeal from the decision of the Chair, and nobody did that.

Mr. KENYON. Oh, but let me say to my esteemed friend there was not an appeal, as I understand, but the Senators accepted the other view of it, contrary to the theory of the Senator from Florida, as I shall show.

Senator Morgan said:

On yesterday, when we were discussing this question, a matter arose as to whether a Senator might yield to a question without unanimous consent. The Senate virtually decided he could not.

That was Senator Morgan's conclusion. So it shows there was some confusion.

The point was made that he could not yield without unanimous consent, and the Vice President, in delivering his opinion upon that question, avoided the precise point that was raised by the objection that was stated, and went on to say, and to say properly, that a Senator could not yield the floor permanently in favor of another Senator, because, as I suppose the reasoning was, the rules provide that every Senator in this body shall have the right to rise and be recognized by the Chair, if he is the first to address the Chair upon the occasion.

Mr. Cockrell, of Missouri, said this—and I hope the Senator will listen to this statement of Mr. Cockrell if there is any real desire to get at the facts in this matter.

Mr. Cockrell said:

Mr. President, there is another question that was raised yesterday evening and raised this morning. I hope we shall have no misunderstanding about that. The idea of unanimous consent of the Senate for one Senator to interrupt another is a farce. There is no such rule in parliamentary law or in the rules of the Senate. In parliamentary law and by the rules of the Senate the method of procedure is perfectly plain. In the very nature of things, in common sense and common honesty and common decency, no one entitled to the floor and speaking can be interrupted except by his permission or consent. Now, the rule of the Senate and parliamentary law are based upon that principle of decency and honesty; and the rule of the Senate is:

"1. When a Senator desires to speak he shall rise and address the presiding officer, and shall not proceed until he is recognized, and the presiding officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent—

Not the consent of the Senate, but "his consent," the consent of the Senator who is speaking—

"and to obtain such consent he shall first address the presiding officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate."

Then Senator Cockrell and Senator Edmunds had some little talk as to the phraseology in a pamphlet of the Senate, which I think the Senator from Florida or the Senator from New Hampshire possibly referred to yesterday.

Mr. BUTLER. Inasmuch as that question has been decided by the Chair, I shall object to the Senator from Vermont proceeding. I raise the question of order.

Mr. COCKRELL. Having the floor, I yield to the Senator from Vermont.

Mr. EDMUNDS. I am not asking leave to proceed; I was communicating information.

Mr. BUTLER. Then I call the Senator from Vermont to order. I rise to a question of order, and I call him to order.

Mr. EDMUNDS. Now I sit down, and the Senator will state his point of order.

Mr. Butler persisted in the very point that the Senator is now persisting in.

Mr. BUTLER. My point of order is that the Senator has no right to interrupt the Senator from Missouri except by unanimous consent, and I object to his interruption of the Senator from Missouri.

The VICE PRESIDENT. The Chair understood the Senator from Missouri to yield to the Senator from Vermont for a question or suggestion.

Mr. COCKRELL. I did.

Mr. BUTLER. Yes, sir; and I object, notwithstanding the consent of the Senator from Missouri. I should like to have the Chair rule on that point of order again.

Evidently it was not clear as to just what the Chair had ruled.

The Chair ruled on it yesterday evening. I make the point of order that the Senator from Vermont has no right to interrupt the Senator from Missouri except by unanimous consent.

Mr. EDMUNDS. The point of order must be decided without debate, and the Senator from South Carolina has the floor.

Mr. BUTLER. The Chair appealed to me for a remark, and I was making it to the Chair and not to the Senator from Vermont.

Mr. EDMUNDS. The Senator is out of order all the same.

Now, here is some basis for the position of the Senator, which will be swept aside in a moment or two on the explanation of the Vice President.

The VICE PRESIDENT. The Chair sustains the point of order made by the Senator yesterday, which is of the same character as the one made by the Senator from South Carolina to-day.

And in that the Chair was in error, because it was not the identical point. The Vice President then read Rule XIX.

The VICE PRESIDENT. The Chair was evidently in error in his ruling on the point of order made by the Senator from Massachusetts yesterday to this extent, that the rule clearly states that no Senator shall interrupt another in debate without his consent. He modifies his ruling to that extent.

Mr. BUTLER. I did not catch what the Chair said.

The VICE PRESIDENT. The Chair modifies the ruling which he made last evening on the point of order raised by the Senator from Massachusetts to this extent, that it is only necessary to obtain the consent of the Senator who has the floor.

I concede that is not as clear as it might be, but I think he makes it clearer a little later.

Mr. BUTLER. Then the Chair, as I understand, admits that the Chair committed an error in taking me off the floor on the objection of the Senator from Massachusetts.

Then there is some debate that seems to be a little acrimonious; and then Mr. Cockrell says:

There is no question about the decision; and I confess very frankly that in reading in the RECORD what was stated yesterday evening I do not understand that it was the intention, at least, of the Chair to go as far as it was construed.

The VICE PRESIDENT. It was not the intention of the Chair.

Mr. COCKRELL. That is the reason why I call up the question now, because it would be a great outrage on parliamentary discussion if one Senator should not be permitted to ask another Senator a question. That did not have any reference to farming out the floor of the Senate indefinitely. The two propositions are entirely different from each other.

That is the nub of this whole matter.

Mr. Butler was persistent about it. He was not in the chair to decide the question, but he was arguing on the floor.

Mr. HOAR. I was going to ask the Senator if he claimed that one Senator could assign the floor to another.

Mr. BUTLER. I call the Senator from Massachusetts to order, and I ask the Senator to take his seat while the point of order is being decided.

The Chair at that time evidently decided to have this matter settled beyond any question as to what he had held.

The VICE PRESIDENT. The Chair will have his ruling of yesterday read from the RECORD.

The Chief Clerk read as follows:

"The VICE PRESIDENT. He might transfer it for a question or by courtesy of the Senate, or by unanimous consent; but otherwise a Senator on the floor might parcel out the entire time of the session in that way to one Senator after another. The Senator from Mississippi is entitled to the floor."

Mr. HOAR. Does the Chair recede from that ruling?

The VICE PRESIDENT. The Chair does not.

Mr. GORMAN. How is that?

The VICE PRESIDENT. The Chair does not recede from the ruling as stated in the RECORD, which has just been read by the Chief Clerk.

Then the last word that I find here on the subject is this, uttered by Mr. Cockrell, which is a summing up of what the decision of the Chair means, and was apparently accepted by the Senate without question. It is as follows:

Mr. COCKRELL. Mr. President, one word in regard to the rule in regard to questions while a Senator is on the floor. The practice has frequently grown into an abuse by Senators interrogating each other back and forth without permission of the Chair. That has frequently been done. There has been a great deal of latitude allowed in that respect, but still it is not right; and that practice does not make it a rule of the Senate or a precedent which should be followed. The true course is for the Senator wishing to interrupt a Senator on the floor to address the presiding officer, and the presiding officer addresses the Senator having the floor, and, if the Senator on the floor yields, the question can be put.

Now, as to farming out the privileges of the floor indefinitely, it is just precisely like the enrolling of the names of the Senators as those who are to be entitled to the floor. I do not conceive that Senators can go to the Vice President's desk and enroll their names and by that means exclude all other Senators from getting the floor, and I do not hold that any one Senator can take the floor of the Senate and indefinitely hold the floor by yielding it out to other Senators. Extremes are not correct. It has been a universal custom here, and there is no rule against it, that a Senator could yield for a question, and he does yield.

It is the rule for a Senator to yield for a question, or if a Senator wants to make an explanation during the remarks of another Senator. That is always allowed, and it has never required the unanimous consent of the Senate. I know the Senator from Vermont has made explanations while I was speaking, and I have made them while he was speaking. All this is in the interest of the transaction of the public business. I was very glad to find that the presiding officer this morning had made out a statement, without any consultation with Senators, stating exactly the occurrences as they did take place yesterday evening. I am glad that we have the rule in regard to interruptions settled, for it is settled correctly and orderly, that a Senator has a right to rise and address the Chair and ask of the Chair to inquire of the Senator addressing the Senate whether he will yield to a question, and it is only for that Senator to determine whether he will yield or not.

Mr. President, I have hurriedly and briefly read from the RECORD on this matter. I have tried to go straight to the point. There is the decision of the Vice President that a Senator may transfer the floor for a question. There is then the confusion arising because certain Senators construed that in one way and certain Senators in another way. There are the protests against it by the Democratic Senators, that if it were to be construed in the way certain Republicans were contending it would work an extreme hardship. Then there is the Chair restating his proposition. Then there is the distinguished Senator from Missouri summing the matter all up just as I have been contending here; and that ended it, and I think it is safe to say there is no more debate.

When this matter was voted on yesterday, the Senate did not have that information. They only had the information as to the first day's proceedings.

Mr. STONE. Mr. President, I regard this, as I think all Members should, as a very important matter, because of its bearing on the parliamentary procedure of the Senate. I shall have to vote upon it, and therefore I ask the indulgence of the Senate for a short time that I may state the view I entertain with respect to it.

When the question was first raised on yesterday, on the objection made by the Senator from Florida [Mr. BRYAN] to the Senator from Louisiana [Mr. RANSDELL] asking a question of the Senator from Iowa who was then addressing the Senate, I felt, as a matter of first impression, that the Senator from Florida was attempting to carry the rule he was invoking too far. I thought then, as a matter of first impression, that ob-

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jection would lie only when a Senator interrupting another Senator who held the floor attempted, on that interruption, to inject a speech in the time of the Senator entitled to the floor. I was sure that it had been ruled more than once that such a proceeding as injecting a speech in the manner indicated was not in order. After listening to the discussion, and particularly to the very clear presentation made by the Senator from Florida, I am now inclined to the belief that his position as announced on yesterday and which he has so ably supported by his speech is correct.

Mr. President, I desire to read three or four lines of Rule XIX, which are applicable to the present consideration, that they may precede what I intend to read afterwards and shall have to say with respect to this matter. I read from Rule XIX:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

It is the first paragraph of what I have read that relates especially to the immediate question at issue.

I have looked through the very valuable collection of precedents made by Mr. Gilfry as to rulings made by presiding officers, and by the Senate itself, on questions similar to the one now before us, and I will read such of them as seem to be applicable at this juncture.

In the Sixty-second Congress, July 14, 1911, when the bill to promote reciprocal trade relations with the Dominion of Canada was under consideration, the following proceedings were had:

The Presiding Officer (Mr. OLIVER in the chair) ruled that, objection being made, the Senator having the floor can yield only for a question.

The same point was decided the same way by Mr. REED, presiding officer, in the chair July 19, 1911.

On January 20, 1891, I read the following as occurring on that date:

The Vice President (Mr. Morton) decided that a Senator having possession of the floor could not yield it to another unless by unanimous consent.

Here I pause to remark that from what the Senator from Iowa has just read from some pages of the CONGRESSIONAL RECORD of 1891 it appears that at the very last of what he has read from the RECORD the Vice President announced that he did not recede from his position or revoke his ruling. My predecessor, Senator Cockrell, summed up, as the Senator from Iowa said, what had been said in the debate, and stated what had been ruled by the Chair as he interpreted it. That was merely the construction of the then Senator from Missouri as to what had been said by the Vice President, by other Senators, and as to what conclusion had been reached. It was his interpretation and nothing more. But, Mr. President, because that summing up was not further questioned at the moment, it has the effect only, whatever that may be—it is all it is entitled to—of an expression of opinion of that Senator. The Vice President himself said that he had not changed his position or his ruling. The ruling was as I have read it.

Recurring to the Book of Precedents, I find the following entry as of June 3, 1909:

The Vice President (Mr. Sherman) ruled that under the unbroken precedents of the Senate a Senator can not yield the floor to another Senator, except he may yield for an inquiry, but he can not yield to another Senator for a speech, except by unanimous consent.

Mr. TILLMAN. In other words, you take a Senator off the floor if one man objects?

The VICE PRESIDENT. Certainly.

Mr. President, I think that ruling is correct and entirely consistent with the position of the Senator from Florida. In other words, I happen to hold the floor at this moment. No Senator here has a right to interrupt me under the rules except for one purpose. I am speaking now of my own rights as the occupant of the floor. I can not consent; I have no parliamentary right to yield the floor except for one purpose, and that is, if any Senator desires to interrupt me, I may yield to him for the sole purpose of propounding a question to me. I can do that, and that is the only purpose for which I can yield the floor. But, Mr. President, that is a right purely personal to me as the Senator on the floor at this time. I can not yield it to anybody for any other purpose. I can, if I wish, yield it for that purpose. That is the limitation set upon my right as the occupant of the floor by the very terms of this ruling of Vice President Sherman.

But, Mr. President, there are other Senators here; and, as the Senator from Oregon [Mr. CHAMBERLAIN] remarks to me, each Senator present has just as much right, just as high privilege, as any other Senator, whether he is on the floor or not; and while I may, if I wish, submit to an interruption for the sole purpose of asking a question, it does not follow that the Senator from Florida, who has all the rights that I have and is clothed with all the privileges that I am, can not object to the interruption. I think he has clearly shown, in the authorities he has read, not only that there is no rule to the contrary, but that when he makes the objection he is acting absolutely within his rights, just as much as I would be acting within my rights if I should decline to yield. It is a purely personal privilege conferred upon the Senator holding the floor. He may decline to be interrupted in order that a question may be asked him, or he may consent to it; but if he consents, that does not close the mouths of all the other Senators present.

True, a Senator holding the floor may consent that an interruption may be made and a question propounded, for the rule clothes him with the power to decline to yield or to consent to yield. But a Senator holds the floor under the rules and the parliamentary law governing the Senate, and while he can not be interrupted without his consent for any purpose, and can not be interrupted with his consent except for one purpose, he is not the only one having authority to speak. Every other Senator may in the interest of the public business and for the economy of time object to such interruptions, even though the occupant of the floor for the time being may say that he consents. There is no inconsistency——

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON). Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. STONE. In just a second. There is no conflict in the ruling made by Vice President Sherman which I have read with the position taken by the Senator from Florida.

Mr. BRANDEGEE. Right at that point I wanted to ask the Senator, as I was called off the floor for a moment and therefore did not hear his previous statement, for what purpose does the Senator admit that a Senator having the floor may permit an interruption?

Mr. STONE. For the sole purpose of having a question propounded to him

Mr. BRANDEGEE. And that was the purpose of the interruption upon which this discussion is based, as I understand it.

Mr. STONE. As to that I am not informed. That purpose has not been revealed, but for the purposes of this debate I will assume that that was the fact.

Mr. BRANDEGEE. I assumed it was, because a Senator read from the RECORD——

Mr. KENYON. The RECORD states——

Mr. STONE. I do not care to be diverted.

Mr. KENYON. I do not suppose I have any right to interrupt.

Mr. STONE. If the Senator desires to ask me a question, I will yield .

Mr. KENYON. It requires unanimous consent.

Mr. STONE. If it requires unanimous consent, and if any Senator here had objected when the Senator from Connecticut rose to ask me a question, while I could have yielded, as I did, an objection from another Senator would have been well taken. In the absence of objection, there was unanimous consent.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield further to the Senator from Connecticut?

Mr. STONE. I yield.

Mr. BRANDEGEE. I wanted to ask the Senator about that. It is a pure inference, in my opinion, of the Senator's when he says in the absence of objection there is unanimous consent. That is an assumption by the Senator or whoever thinks that it is true. If a Senator can not ask a question of a Senator having the floor except by unanimous consent, how can the Senator who desires to interrupt get unanimous consent? He has not the floor.

Mr. STONE. In the absence of objection, and under the uniform usage and practice of the Senate, it has been permitted always on the presumption of unanimous consent.

Mr. BRANDEGEE. Ah! I agree with the Senator that it has been the universal practice and custom; it was away back in 1891, and from time immemorial had been, as stated by Senators then, that a Senator could ask a question without getting unanimous consent. There is no evidence to show there was any assumption that they proceeded under the rule that the Senator having the floor could give consent.

Mr. STONE. Mr. President——

Mr. BRANDEGEE. I do not care to interrupt the Senator.

Mr. STONE. A Senator having the floor has it for the purpose of debating the question before the Senate. The rule does not say that he may yield solely for the purpose of having a question asked him. The rule says that he shall not be interrupted for any purpose except by his consent. The Chair, however, has more than once decided, and it has become the estab

lished practice of the Senate, or, in other words, the law of the Senate, that the occupant of the floor can not be interrupted except by his consent, and then only that an inquiry may be made of him or a question propounded to him. That is now the settled parliamentary law on that subject so far as the Senate is concerned.

Mr. President, I now read what occurred March 17, 1910, as shown in this same collection of Precedents:

The bill (S. 7242) to protect the seal fisheries of Alaska, and for other purposes, being under consideration.

Mr. DIXON. Mr. President, some years ago the Committee on Territories sent a subcommittee to Alaska, and they made a most exhaustive report on the fur seal. The Senator from Vermont [Mr. DILLINGHAM], the Senator from Minnesota [Mr. NELSON], the Senator from New Hampshire [Mr. Burnham], and one or two other Senators, whose names I do not now recall, composed that committee; and I now want the Senator from Minnesota to make a statement.

Mr. NELSON. Mr. President, in 1903 a subcommittee of the Committee on Territories, consisting of the Senator from Vermont [Mr. DILLINGHAM], the Senator from New Hampshire [Mr. Burnham], the then Senator from Colorado, Mr. Patterson, and myself, were sent to Alaska to investigate the conditions in that country. Among other matters which were investigated was that in relation to fur seals——

Mr. BACON. Mr. President, I rise to a point of order, which is that the Senator from Montana [Mr. DIXON] has no right under any rule or practice of the Senate to hold the floor and farm it out.

The VICE PRESIDENT (Mr. Sherman). The point of order is sustained.

On March 1, 1911, I find that the following occurred:

Mr. Beveridge addressed the Chair.

The VICE PRESIDENT (Mr. Sherman). Will the Senator from Oklahoma yield to the Senator from Indiana?

Mr. OWEN. I yield.

Mr. BEVERIDGE. At this most important——

Mr. HEYBURN. Mr. President, I object to the Senator from Oklahoma yielding.

The VICE PRESIDENT (Mr. Sherman). Objection is made. The Senator from Oklahoma will proceed.

Mr. BEVERIDGE. Mr. President, a point of order.

The VICE PRESIDENT (Mr. Sherman). The Senator will state it.

Mr. BEVERIDGE. I do not want to take up any time at all, but the Chair will find, and I think——

Mr. KEAN. Regular order!

The VICE PRESIDENT (Mr. Sherman). The Senator from Indiana will state his point of order.

Mr. BEVERIDGE. Does not the rule of the Senate provide that a Senator may be interrupted by his own consent?

The VICE PRESIDENT (Mr. Sherman). There is no rule which provides that a Senator can yield the floor to any other Senator in the face of an objection. The Senator from Oklahoma will proceed.

This ruling of Vice President Sherman is directly in point.

Mr. SMOOT. I remember the circumstances very well, indeed.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. I do.

Mr. SMOOT. I also know what was back of it. The Senator from Indiana intended to make a speech at that time. He did not intend to ask a question, and that was not what he had in his mind. Of course the beginning of what he said demonstrated that he had that purpose. It was not a ruling that the Senator from Indiana could not ask a question. That was not the ruling.

Mr. STONE. The close personal intimacy that existed between the Senator from Indiana and the Senator from Utah would no doubt have enabled the Senator from Utah to understand exactly what the Senator from Indiana had in mind to do.

Mr. SMOOT. The RECORD shows what he had in mind to do.

The PRESIDING OFFICER. Does the Senator from Missouri yield further to the Senator from Utah?

Mr. STONE. I have read the RECORD as set out here. The RECORD I have read does not disclose the purpose of Senator Beveridge. I have not looked at the CONGRESSIONAL RECORD itself to ascertain whether Senator Beveridge afterwards put into the RECORD anything disclosing what his purpose was; but anyhow, whether he did that afterwards or not is immaterial. The fact as shown here is that Senator OWEN was on the floor addressing the Senate on the question then pending, and Senator Beveridge rose and addressed the Chair. The Chair said:

The VICE PRESIDENT. Will the Senator from Oklahoma yield to the Senator from Indiana?

Mr. OWEN. I yield.

Mr. BEVERIDGE. At this most important—

Here he was interrupted by Senator Heyburn, who said:

Mr. President, I object to the Senator from Oklahoma yielding.

The VICE PRESIDENT. Objection is made. The Senator from Oklahoma will proceed.

Mr. BEVERIDGE. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BEVERIDGE. I do not want to take up any time at all, but the Chair will find, and I think——

Mr. KEAN. Regular order!

The VICE PRESIDENT. The Senator from Indiana will state his point of order.

Mr. BEVERIDGE. Does not the rule of the Senate provide—

This is the question—

Does not the rule of the Senate provide that a Senator may be interrupted by his own consent?

The VICE PRESIDENT. There is no rule which provides that a Senator can yield the floor to any other Senator in the face of an objection. The Senator from Oklahoma will proceed.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. STONE. I do.

Mr. SMITH of Michigan. The Senator from Indiana did not state the rule. There is, of course, no such rule as the Senator stated. It is the very opposite of that. A Senator may not be interrupted when addressing the Senate except with his consent. The way Senator Beveridge put it was that a Senator may be interrupted.

Mr. STONE. That is splitting hairs.

Mr. SMITH of Michigan. There was not a rule of the kind, in fact.

Mr. STONE. Here is what the rule says:

No Senator shall interrupt another Senator in debate without his consent.

Mr. SMITH of Michigan. That is not what Senator Beveridge said.

Mr. STONE. What Senator Beveridge said is not in the exact words of the rule. The Senator stated the proposition conversely, but he stated the rule in substance and effect.

Mr. SMITH of Michigan. It is conversely.

Mr. STONE. He stated the proposition correctly. Senator Beveridge said:

Does not the rule of the Senate provide that a Senator may be interrupted by his own consent?

Mr. SMITH of Michigan. It does not.

Mr. STONE. Of course, the Senator may be able to differentiate between what the rule says and what Senator Beveridge said, but I confess myself absolutely too obtuse to catch his meaning.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield further to the Senator from Michigan?

Mr. STONE. I do.

Mr. SMITH of Michigan. Does not the Senator think that the proposition as put by the Senator from Indiana was an affirmative right? In the other case he might, with his consent, be interrupted, but no Senator has a right to interrupt him under the rule. That is the point I make.

Mr. STONE. Senator Beveridge did not say that. Senator Beveridge said, Does not the rule of the Senate provide that a Senator may interrupt with the consent of the Senator on the floor? And that is the rule. He may interrupt with the consent of the Senator on the floor, and not without it.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Washington?

Mr. STONE. I do.

Mr. JONES. I ask the Senator from Missouri if he attaches any consequence to the language of the Chair, in which, my recollection is, he stated there is no rule of the Senate which permits a Senator to yield the floor in the face of an objection. I understand it is not a yielding of the floor to consent to a mere interruption to ask a question, but it is a yielding of the floor to yield to another Senator to make a speech.

Mr. STONE. That is not what the Vice President said—that he could not yield for a speech.

Mr. JONES. That he could not yield the floor.

Mr. STONE. I read what the Vice President said formerly. It is the fact that Senator Beveridge had addressed the Chair with a view of interrupting the Senator from Oklahoma. The Chair asked the Senator from Oklahoma if he would yield, and he said he would. Under the rulings of the Chair, before this particular ruling was made the practice or rule had been established that a Senator could interrupt legitimately only to propound a question. I do not know what Senator Beveridge intended to do. This RECORD does not disclose what he intended to do. I can rise at any time when any Senator has the floor and say, "Mr. President." The President can say, "Does the Senator from Utah," for example, "yield to the Senator from Missouri?" The Senator from Utah can say, "I yield." Now, presumptively, since under the law governing the Senate I could interrupt him only to ask a question, the Senator and the Senate would have to assume that that was what I arose for. Is not that correct?

Mr. SMOOT. Certainly; it is correct.

Mr. STONE. Very well. Then it must be presumed that when Senator Beveridge arose and went through that verbal

procedure I have quoted the Senate understood he was going to propound a question to the Senator from Oklahoma.

Mr. SMOOT. That is just what I said. The very first words uttered by the Senator from Indiana disclosed to the Senate immediately that it was not a question.

Mr. STONE. Here is what the Senator from Oklahoma said: "I yield." This is the next entry in the RECORD:

> Mr. BEVERIDGE. At this most important point—

How did the Senate know what was going to follow? When a Senator rises to propound a question he frames it in his own language.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Washington?

Mr. POINDEXTER. Will the Senator read again the ruling of Vice President Sherman at that time?

Mr. STONE. I will. Senator Kean, of New Jersey, demanded the regular order; Mr. Beveridge said that he rose to a point of order and Senator Kean said "Regular order!" Then the Vice President said:

> The Senator from Indiana will state his point of order.
> Mr. BEVERIDGE. Does not the rule of the Senate provide that a Senator may be interrupted by his own consent?

There can be no question as to what was before the Chair.

Now, the Vice President said:

> There is no rule which provides that a Senator can yield the floor to any other Senator in the face of an objection. The Senator from Oklahoma will proceed.

Mr. POINDEXTER. To give a literal interpretation to the language used by the Vice President on that occasion, a Senator could not yield the floor if there is objection. The Senator from Iowa [Mr. KENYON] had the floor—I do not know whether he has it yet or not—on the river and harbor bill. We will assume that he will resume the floor and have the floor. If he can not yield the floor in the presence of an objection there will always be some one here who will object to his yielding the floor. The Senator from Ohio [Mr. BURTON] very likely could keep the Senator from Iowa on the floor for months.

Mr. STONE. Mr. President, I do not want to be diverted by random considerations. I prefer to hold the Senate to the very point. The Senator from Utah said when he was on the floor a moment ago in colloquy with me, and his view was confirmed in a side remark by my friend the senior Senator from Michigan [Mr. SMITH], it was to be presumed that when Mr. Beveridge arose to interrupt the Senator from Oklahoma he was rising to ask him a question in conformity with the rule which forbade him doing anything more than that. At that point Senator Heyburn insisted that he had not any right to interrupt the Senator from Oklahoma, and after some little indifferent colloquy following the Senator from Indiana raised a point of order. The point was whether the Senator from Indiana could proceed to ask his question. I say it was the presumption, and necessarily so, that he was on his feet to ask a question, and when it was put right up to the Chair the Chair held that he could not proceed if objection was made by any Senator on the floor, and directed the Senator from Oklahoma to proceed. I do not see why any Senator would seek to squirm out of this perfectly plain ruling by the Chair, the occupant being a very experienced and able parliamentarian.

Mr. President, my friend from Utah ought to be just as anxious as anybody to have the rules and the law governing the Senate enforced and the precedents of the Senate as established by the rulings of the Chair and of the Senate itself sustained, and this whether they are written in exact words in rules of the Senate or whether the law is established by the ruling of the Chair. They constitute the law governing the body, whether they appear in the one form or the other. I have heard the Senator from Utah declaiming many times in defense of the policy of adhering strictly to the rules of the Senate and the law governing all procedure in the Senate.

Mr. SMOOT. I believe in it.

Mr. STONE. Then the Senator will either have to agree to this ruling or he will have to reverse it at least in his own mind and by his own vote.

Mr. President, I have now read all I care to read in addition to what the Senator from Florida read, and I wish to say that there will be no trouble in practice about this rule if we proceed in an orderly and proper way. Why, this very morning Senators have been interrupted time and again, questions asked, and frequently statements argumentative in character have been made in the time of a Senator on the floor. That has been done always, so far as I know. It will be done in the future, I have no doubt; but, Mr. President, all the time interruptions of that kind, whether for a question or for remarks, are permissible only by the consent of every Senator present, I say by unanimous consent, because under the rights with which every Senator is clothed he could put an end to it by a simple objection, and if no Senator objects interruptions are made and questions are asked and colloquies indulged in.

Mr. President, in the ordinary course of proceeding in the Senate that same practice will be continued. It is the usage by common consent indulged in by consent, but always subject to be terminated any moment by an objection.

Mr. President, there are times when this rule I have been elaborating should be invoked.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. STONE. I do.

Mr. CLAPP. Yesterday the Senator from Iowa was reading a report that included a reference to the harbor at Boston, in which the report went on to refer to the fact that much of the harbor front was owned by corporations, some by private parties, and a certain proportion by the State. The report indicated that that portion owned by the State had not been used.

It happened to be within my knowledge that during the last two or three years the State of Massachusetts had expended $10,000,000 or $11,000,000 in developing the Commonwealth's pier. It was for the purpose of first getting the date of the report to confirm my belief that the report was an early report, and then to put into the RECORD the fact that the State had developed this pier, that the interruption was made. I can not conceive of an interruption that would be more in harmony with the subject under consideration than that, or one more in harmony with what ought to be the object here of debate, namely, to develop information along the line of the subject. I say that in answer to the Senator's suggestion that sometimes this rule ought to be invoked. It was invoked against that inquiry, and it will absolutely destroy debate in this body if it is the rule of the Senate.

Mr. STONE. It may be that at that time and under the circumstances stated by the Senator from Minnesota the objection should not have been made. The Senator from Minnesota says that the interruption was for the purpose of asking a question to draw out facts entirely pertinent to the measure under consideration. It may be that no Senator ought to have interfered with the propounding of that question or the answering of it; but, Mr. President, that is a question that must address itself to the mind of every Senator here. Hence, I do not enter upon the merits or demerits of the objection made at the time referred to. It is outside the record and is not properly in this consideration.

If the law of the Senate is that any Senator here may object to any interruption attempted by another Senator addressed to the Senator holding the floor—if that can be done, why, then, whether it shall be done, whether the objection shall be made, is a question for each Senator to determine for himself. If the contrary rule is to be the rule of the Senate, then I can rise when the Senator from Iowa takes the floor and say, "I wish to ask a question of the Senator." He will say he yields for that purpose—that is the only purpose he could yield for—and then I start in and ask a question; but I preface the question with a great many suggestions and statements, like whereases preceding a resolution, and finally get down to the question. I may say, "I desire to ask a question, and in order that it may be perfectly clear to the mind of the Senator from Iowa I wish to say this or that as preliminary to and as a part of my interrogation," and I may go on at more or less length. Some Senator objects, and I say, as in the case of Senator Beveridge, that the Senator has a right to yield to me to ask a question; that it is his personal privilege to yield to me to ask a question; and, Mr. President, I may say that I am asking my question. But some Senator may say, "You are exceeding the limit of a mere question; you are embarking upon a speech." Well, I can deny that statement; I can join issue upon it. How are you going to settle it? Submit it to the Chair, and let the presiding officer say whether or not I am asking a question or making a speech? When has our presiding officer been clothed with that power? There is not a Senator here who would be willing to clothe the presiding officer with that sort of judicial authority.

But suppose the presiding officer should decide it; that he should take it upon himself to say to me, "The Senator from Missouri is transgressing the rules of the Senate; he can ask a question, but he can not make a speech, and the Senator is making a speech." On such a point of order, if it should be made, we could debate as long as the presiding officer cared to hear from Senators on the point of order, and after he decided it an appeal from his decision to the Senate could be made, and the field again opened to debate—to interminable debate.

Mr. SMOOT. Unless it is moved to lay the motion on the table, as was done in this case.

Mr. STONE. Then you could have a yea-and-nay vote, and if a majority vote "no" on the motion to table, the debate could go on on the appeal, and there would be no limit to it. Mr. President, the position taken on the other side of this question is wholly impracticable from the point of view I have outlined.

Mr. President, I say there are times when these drastic rules—and they are the rules or the law of the Senate—should be invoked. This is one of those occasions. Whenever it becomes perfectly manifest that several Senators have banded themselves together to use dilatory or filibustering tactics to defeat a bill, and carry on that filibuster for days and weeks, I think other Senators on the floor should stand for their rights; and wherever their rights are protected by the rules of the Senate, those rules should be invoked.

Mr. President, here is a bill, the river and harbor bill, carrying very considerable appropriations to improve the rivers and harbors of the country, for the purpose of carrying on projected improvements already in process of construction, and where, if this bill fails, enormous loss will result to the Treasury of the United States and unspeakable damage be done to works the Congress has authorized and projected. The hands of the Government will be tied, and the Government will stand by helplessly looking on at the waste that is going on. Not a dollar can be taken from the Treasury to carry forward improvements which have been authorized, nor even to protect for the time being the work already done.

Mr. President, it has been astonishing to me that three or four Senators should put themselves in this strange attitude of strenuous, persistent, and uncompromising opposition to this great measure of such wide national importance. There is not a State in the Union that is not deeply interested in it; the commerce of the world is deeply concerned about it; yet we find a little coterie of Senators here, whose names can almost be counted on the fingers of one hand, banded together to defeat this measure, to strangle it, to destroy it. I do not think that that is a legitimate procedure. I think Senators have a right to censure it, as I think the country will censure it, for, Mr. President, I believe it to be true, I am confident it is true, that two-thirds or three-fourths of the Members of this body are anxious to have this river and harbor bill enacted into law.

Mr. President, the Committee on Commerce has already agreed, and I think Senators generally have agreed, to reduce these appropriations, and they have been trimmed down some $18,000,000. There were no doubt good reasons for doing that. I think one of the reasons, though a minor one, was to try to induce the filibusterers to withdraw their filibustering and put an end to it, in order that the bill might go through.

Another reason was that the passage of this bill has been so long delayed that the amount of money originally carried can not now be advantageously expended during this fiscal year. Another reason is that since this bill was framed in the House of Representatives international crises have arisen that have laid an unusual stress upon the financial resources not only of this country but of every country in the world; and the honorable and enlightened membership of the Commerce Committee felt that it was well enough, that it was wise, to hold these appropriations down as far as it could be done without absolute detriment to the public service.

Now, what do we face, Mr. President? There is going around in the way of a rumor through the Senate Chamber that word is brought from the conquering heroes who are in the breach making war upon this appropriation bill that if the amount carried by it shall be reduced another $20,000,000 they will consent to its passage. Consent to its passage! Why, Mr. President, suppose we should run up the white flag and surrender, suppose that two-thirds or three-fourths of the membership of the body should lift their chapeaux and salute these conquering heroes and say, "We will take whatever you think the Government and the Nation ought to have, and we do it because a half dozen of you can block the business of the Senate and prevent action upon this important measure." Well, suppose we do run up the white flag and lay down our arms and our rights and surrender, then what? That inadequate appropriation of fifteen or eighteen million dollars would be made subject to the disposal of the Secretary of War and the Board of Army Engineers. They would parcel it out and distribute it. We would, at the dictation of this coterie surrender the legislative right we have long exercised to enact such laws as the majority of the Senate desire enacted, surrender the right to say what money shall be appropriated and how it shall be disbursed and for what purpose used, and turn all this over to an executive department. Mr. President, I can not bring myself to look with favor upon such a proposition.

Furthermore, the fifteen or eighteen million dollars which would be thus appropriated under that surrender would cover simply the work to be done from now until the 1st of next July, the end of the present fiscal year; and at the next session of Congress, which will assemble in December—now only two and a half months away—all the appropriation bills for the next fiscal year will then have to be passed within the three months of that session.

Mr. SMITH of Michigan. Within practically two months.

Mr. STONE. My friend from Michigan says in practically two months, for if we should adjourn for 10 or 12 days during the Christmas holidays, as has been the custom of the Senate, there would be not exceeding two and a half months of actual working time that could be devoted by the Senate to the passage of all the supply bills for the ensuing fiscal year beginning next July. How easy it would be for this same little coterie of patriots to get in the breach again and tell us just what we might or might not do—just how much we might or might not appropriate.

Mr. President, I have great personal respect for these distinguished Senators, but I can not approve of that attitude which they seem to assume of baring and exposing their white and stainless breasts against an onrushing horde of Treasury looters, composed of about three-fourths of their colleagues in the Senate, the Secretary of War, and the Army Corps of Engineers, who have recommended these appropriations. Mr. President, when Senators assume such an indefensible position as that they in effect advise——

Mr. SIMMONS. Mr. President, does the Senator lose sight of the fact that the Senators on the other side, of whom the Senator is speaking, who have been for the last 10 or 15 days assailing the Army engineers, are now proposing to rest all power and put all confidence in the Army engineers?

Mr. STONE. I think that a very pertinent interruption.

Mr. President, I was about to remark that when Senators assume this lofty position to which I have adverted, I can not escape the feeling that they are afflicted with a most exaggerated sense of egotism or else with some other mental abnormality or disease. I can not understand why they alone should assume to stand as the open-mouthed and long-fanged watchdogs at the door of the Treasury to bark at and frighten the remainder of us away. I can not believe that they alone of all Senators have a proper conception of public duty. Perhaps I had better not proceed on this line much further, Mr. President, for fear I might say more than I ought to say; but when we confront a situation of this kind fully developed, as this has been, and when we see Senators pile books on their desks as high as their necks and read volume after volume, taking up days and days of valuable time, I feel that they are engaged in a business that will disappoint them if they think it will appeal to the respect and approval of the American people. It will not so appeal to them, Mr. President, and it should not.

They have devoted themselves here for hours and days at a time picking out an item here and an item there to ridicule and to scorch with their burning sarcasm. Why, Mr. President, I have been a Member of the House of Representatives and of the Senate for nearly 18 years, and I have many times seen some man who suddenly discovered that he had been raised up by the eternal powers, as it were, to occupy a position at the bridge like Horatius, to beat back the oncoming hordes. I have seen that very often, and one or two bills of this kind have been defeated, but nobody ever received any great applause for it. Mr. President, this may be statesmanship, but it is a cheap kind of statesmanship, and it does not appeal to the judgment or the approval of the American people, and so I say that when we confront a well-developed situation like this, I believe that every Senator here should invoke every rule and law governing this body that will facilitate the legislation upon which we are engaged.

Mr. KENYON. Mr. President, it is very delightful to listen to a lecture on filibustering from the distinguished Senator from Missouri. In the year 1908 a well-organized filibuster was being conducted in this Chamber, and, according to the CONGRESSIONAL RECORD, the Senator from Missouri seemed to be one of those heroes who was standing at the bridge and carrying the flag.

The Senator objects to books being piled on the desks of Senators; he seems to object to the speeches we have been trying to make, although he has not been here to listen to them very much—and he has undoubtedly been wise in that respect—he preaches to us about filibustering, about reading documents, about saluting heroes, and about filibustering tactics. I want to refer to the CONGRESSIONAL RECORD of 1908, May 30.

At that time a filibuster was going on against the Vreeland-Aldrich bill, which was claimed to be a Republican child, but which is now hugged to the bosom of our Democratic friends to save the country. It is so easy to criticize men who are trying to do what they think is right and to assume a tremendous superiority in making assertions as to what ought to be done. I assume the Senator from Missouri was doing what he thought was right along in those days of 1908 when he was helping the Senator from Wisconsin [Mr. LA FOLLETTE] in a filibuster, and he has no more right to find fault with us than we have to find fault with him about that matter, unless it is another case of exaggerated egotism.

I am inclined to think—

He said—

that some Senators even have that impression—

That is, as to a filibuster.

They act as if they had, and speak as if they had. So far as I am concerned, I have no desire to engage in methods of that kind or to unduly delay the Senate in the transaction of its business. But I do think that this is a measure which ought to be very deliberately and exhaustively discussed. The attention of the country ought to be fixed upon it and it ought to be thoroughly understood by the people everywhere. It is a piece of vicious legislation, the worst we have had before the Congress for many years.

In this case we think just as the Senator from Missouri then said, and we have the right to think so, too.

Besides reading books, and thus delaying the proceedings of the Senate, the Senator read a long article from the Philadelphia North American, on page 7228, taking up some two columns with it. He read these articles in such a low tone of voice that there was objection in the Chamber, and he invited Senators to come nearer, if they could not hear him. Then he went on with this standing at the bridge against this legislation. He read articles from the Evening Post of New York of the 28th of May, the Philadelphia Record of May 29, delaying the passage of a great measure that a great majority of the Senate wanted; some observations from Alexander Hamilton; some observations from the testimony of Mr. Dawes before the House Committee on Banking and Currency; other observations by Mr. Hopkins, that took up part of a page of the RECORD.

Then, in order to enlighten the people on this matter, he read something concerning the Argentine Republic. How perfect an example of a filibuster such as he says we are conducting! What did the Argentine Republic, and the statistics thereof, have to do with that matter? The Senator placed in the RECORD the gold and the silver and the bronze and the notes of Australia and New Zealand. So he goes on, with tables, as appears in the RECORD; and away down on page 7239, or before that, he takes up China and enlightens the Senate for hours in reading documents about the financial situation in China. The Senator had better practice some of the preaching that he is dealing out here to gentlemen who are trying to do their duty as they see it just as much as he was doing his duty as he saw it.

Mr. BRYAN. Mr. President——

Mr. KENYON. I yield to the Senator from Florida.

Mr. BRYAN. Has the Senator read that speech yet—in connection with the river and harbor bill?

Mr. KENYON. No; I think I have not taken as much time, likely, as that speech would take. I am not certain as to that.

Mr. STONE. If the Senator will permit me, I will say—does the Senator object?

Mr. KENYON. I do not object.

Mr. STONE. Then I will proceed by unanimous consent.

Mr. KENYON. I hope so.

Mr. WILLIAMS. I object. [Laughter.]

Mr. KENYON. I suppose the Senator from Mississippi is trying to get the floor to make a speech; and therein, possibly, is illustrated the value of this new rule.

The Senator from Missouri, who has administered this cutting, cutting lecture to us this afternoon, that almost stops our blood, on filibustering—oh, the farce of it!—he brought in Japan. Now, if I wanted to filibuster here I would read what the Senator said about Japan. There is not a smarter man in the world than the Senator from Missouri, nor a more likable man; and when anybody talks about filibustering he has a right to stand up and say, "I am the original man who stood at the bridge. No white flag."

Next, he brought in Japan—two columns of that in fine print. Then, when there seemed to be a little irritability, he said:

I am endeavoring now to put some matter into the RECORD for the use of the Senate itself a little later on. Presently I will take up the particular features of the bill.

He had not reached the bill, but he had traveled from China and Japan and all around the world. Filibuster! Why, bless your dear old soul, you are the king filibuster of the United States! [Laughter.] Missouri ought to be proud of you. We are proud to live in a State adjoining the State of a man who could filibuster against a bill like this, which the Democratic Party now have had to say is our salvation.

Articles were read denouncing this bill as a Wall Street proposition. Then, after getting around to China and Japan on this filibuster, the distinguished Senator went to Persia, as appears on page 7241 of this RECORD, and here is a sample:

Introductory. For a long series of years the value of the circulating medium in Persia has been on a more or less continuous decline.

Think of this Senate, anxious to pass this bill, with but little knowledge about Persia—how much better a position they were in when they were enlightened by the Senator from Missouri about Persia!

There are some columns of that; and then, on the next page, there is something that has not any head to it. Ah! in this filibuster we come next from Persia to Peru—a little Peruna! [Laughter.] So we are enlightened as to the system of Peru. "Show us, show us"—the motto of the Senator's State!

From Peru we come, in this interesting filibuster against this money bill that now you are adopting, to Portugal; and there we hold the flag of Portugal, and set forth the system of Portugal. I can hardly stand it to see a little coterie of men who think they have all the virtue of the world standing in Portugal and blocking a great financial measure.

I am not going to pursue that further. What I have had to say has not been in any spirit of criticism. The distinguished Senator from Missouri stood with the distinguished Senator from Wisconsin, and he stood for what he thought was a righteous cause. If some one had arisen here and talked about "exaggerated egotism" in the Senator holding the floor and conducting a filibuster, I wonder if he would have thought it was a very kind reference?

In the House of Representatives some years ago a Congressman, I think from the State of Ohio, who was accused of filibustering, said: "Where fraud is law, filibustering is patriotism"; and I doubt not the Senator felt that way about this filibuster as to the money bill.

The Senator is wrong in some things, as he seldom is. We have not tried to destroy this bill. I do not know that I am one of the Senators to whom he refers. I hope not, because I really felt that the speech I was making was interesting. I had prepared matters that I wanted to put in the RECORD. I have not been guilty of taking much of the time of the Senate in the past, and am sorry that my distinguished friend has thus assailed the men who are trying to stop wasteful expenditures. They are not trying to beat this bill; and if he says some message has come of a compromise, possibly that may be so. We want every needed project carried out; but we have a right to protest here, without any egotism about it, against the use of public money in some of the streams and creeks and harbors that are provided for in this bill. I know enough about the efficient public service of the Senator from Missouri and his honesty to know that while he believes in the good projects of this bill, as we do, if he studied them, and if he would get out of his heart the rankling and ill-feeling that I am sorry to see there——

Mr. CLAPP. It is only there accidentally. It does not belong there.

Mr. KENYON. My confidence in him is such that if he studied this bill I do not believe he would denounce us for trying to stop some of the expenditures therein, especially at a time of great national emergency.

Mr. STONE. Mr. President, I have said all that I care to say on the matter immediately before the Senate; but, if I may, I should like to make a remark with reference to the speech the Senator from Iowa has referred to—made by me some years ago—and which he characterizes as a filibuster.

Suppose I should plead guilty to the charge of filibustering; and I am not guiltless in that behalf, I frankly confess. But, Mr. President, without at all attempting to draw any contrast here between that situation and this, without entering upon the merits of the bill then before the Senate and this bill, or what I did at that time and what these Senators are doing now, it is sufficient to say that, if I were filibustering at that time in order to defeat the measure then pending, it was within the province of the Senate or any Senator to put an end to that filibuster. Perhaps I am stating it too strongly when I say "put an end to the filibuster." The Senator from Iowa can hold the floor as long as he has strength to do it, as I could have done, and no one can deny that right to him. I could

hold the floor, if I were filibustering, then or now, as long as I pleased after I obtained it, so long as the rules of the Senate were observed; but that is wholly foreign to the question before the Senate now. The question here is whether a Senator having the floor can yield for an interruption by another Senator, with or without his consent, if any Senator objects.

As to the merits of filibustering, particularly in this case, I have said all I wish to say. If on the occasion referred to I had attempted to yield to any Senator who rose to interrupt me, it was within the right of any other Senator present to have objected, just as has been done here at this time.

Mr. WILLIAMS. Mr. President, although this bill is of the very utmost importance to the commercial and industrial interests of my constituents, I have not hitherto taken any of the time of the Senate to express any opinions of mine in connection with its consideration.

The press of a good part of the country is engaged in the business of denouncing river and harbor bills as "pork-barrel" bills. The river and harbor bill is one of the very few bills ever passed by the national Congress which is not a mere expenditure of the public money. In a majority of the cases the items carried upon rivers and harbors bills are an investment for the people, and not merely an expenditure—an investment which yields rich dividends for all future time.

Mr. President, this being true, and this bill being of especial importance to my section of the country, I am naturally a little impatient when I see that Senators have consumed about two weeks of September now, and threaten to consume later all of October and November. These three months are the part of the year when the weather is good and when work can go on upon the levees and in connection with the other work to improve the Mississippi River. This time has been and will be consumed in talk before the Senate. The Senator from Iowa tells us that his object is merely to amend this bill and make it better. If that statement of the Senator from Iowa could be taken at its face value, then he would have pursued a different course. He would have pursued the ordinary course. This bill would have been read, and then read for amendment, and as each obnoxious item was reached the Senator from Iowa and the Senator from Ohio would have moved to strike out or amend, and made their speeches in opposition to its enactment.

I tell the Senator now that if he or the Senator from Ohio, either one, points out an item upon this bill that ought not to become a law, I for one will vote against it and will vote to put it off of the bill. How many other Senators will do that I do not know, but I know that there is a natural assumption that every Senator who does his duty will do it.

Speaking for myself alone, I think there are items upon this bill, as upon every river and harbor bill I ever saw, which ought not to be upon it, and the right thing to do is to take the bill, item by item, and prune it and make it right. When you come to an item that ought not to be upon it, strike it off. But that does not justify Senators in striking at the items which ought to be left upon it, because they are not only for the immense benefit of the people but in many instances absolutely necessary to be done. The Senator can not stand before the country, after all this long talk in conjunction with about four other Senators, and say that his sole object has been to better this bill, to amend it, to make it right, and to prune it. He has not tried to prune the tree; he has tried to cut the tree down at the roots—a totally different proposition.

Mr. President, what is the present ridiculous attitude of the United States Senate?—because it is nothing short of ridiculous. Here is a Senate, with not only two-thirds, but probably three-fourths and maybe more than that proportion, of its Members in favor, in the main, of this bill—not in favor of every item upon it, but in favor of the bill generally and its main object—and they are being held up by a number of Senators that you can count upon the fingers of your right hand. They are being told, "We propose to fight against this bill, to read books and to speak until you agree to let us mold its provisions to suit ourselves." Senators do not come forward and make propositions to strike out this item, to amend that item, and leave the issue to the good sense of their colleagues; but they come forward virtually with this proposition: "Unless you accept this bill as we would frame it, you shall have no bill at all."

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. Yes.

Mr. POINDEXTER. I should like to ask the Senator if this bill had been made the unfinished business and a recess taken from day to day, as has been done during a considerable period of time, and the managers of the bill had kept it before the Senate to the exclusion of other business, would it not have been passed by this time?

Mr. WILLIAMS. I think so; but I will come to that, too, in a moment.

As I said a moment ago, the Senator from Ohio and the Senator from Iowa are not proposing to appeal to the reason and the common sense and the patriotism and the sense of justice and the sense of economy of their colleagues in the Senate to strike out bad propositions, to amend defective propositions, and to make the bill good and right. They are proposing, upon the contrary—and we might just as well be frank about it—to say, "Unless you let us fashion this bill, you shall not pass it." That is all.

As far as I am concerned, I say to those Senators, "The Senate of the United States has the whip handle, and that if the majority in the Senate have the common sense and the courage to use the whip you will not fashion this bill, but a majority of the Senate will fashion it."

Coming to the point made by the Senator from Washington [Mr. POINDEXTER], I want to say that the majority of the Senate is not going to fashion it if we continue to pursue the methods we have been pursuing.

The Senator from Ohio and the Senator from Iowa, with a little bit of outside help, can talk from now until the next Congress as long as you meet here in the morning at 11 o'clock and adjourn at 6 in the afternoon, or even if at 6 in the afternoon you should take a recess until 8 and come back and go on until 11 at night and then adjourn until the next morning. All they have got to do in the world is to have a little time between 11 o'clock at night and 11 o'clock the next morning to look into the encyclopedia or the dictionary or the CONGRESSIONAL RECORD and find new mental pabulum. They do not care anything about the character of the mental pabulum, just so it is something that will carry them on. The Senate has the whip handle, if the Senate will use it; and, as far as I am concerned, I say, either use it or quit. Go frankly to the two Senators and say: "Here; fashion and mold this bill to suit yourselves, and let us have what you will grant us"; or else, upon the other hand, let these Senators see that the Senate is greater than they.

The Senator from Ohio, in making his speech the other day, in accounting for the war in Europe, said that it was partially due to the fact that there were still some kings and emperors who thought they were the state. There are still some Senators who think they are the Senate; but the Senate can teach them better if the Senate will. The Senate can not teach them any better if the Senate will not, or if the Senate wills not aggressively to do it. The only way under the sun to do it is to pass a resolution in this body to stay in permanent and perpetual session until this bill is passed. Do not give the filibustering Senators from 11 o'clock at night until 11 o'clock the next morning to hunt up new pegs whereupon to hang verbiage, or to rest even. Do not let anybody interrupt them. Let them talk until they drop upon their seats. Let them talk until their mouths are so dry that they can not utter another word.

I said when the banking and currency bill was under consideration, I believe—or maybe it was the tariff bill—that the only way to bring the Senate to an issue was to "wear the talkers out." They can be worn out, and after a Senator once takes his seat that rule of the Senate can be invoked against him which prescribes that he can not speak twice the same day upon the same subject; and if we do not take any recess and do not adjourn we will have the same legislative day all the time, and they can not speak twice on that legislative day. So that when Senators get through with probably a 16-hour speech apiece, which makes only 32 hours, they are done so far as speeches upon that bill are concerned. They have a right to speak upon any amendment when it comes in. Carry the thing through in that way or quit it, one way or the other. The country is getting tired of it. We are becoming ridiculous.

I want the rivers and harbors bill passed. Back of the levees in the lower Mississippi Valley are lives and property and stock, and the beautiful months of September and October and November, which are dry with us, and the months when the work can be done upon the river, are being talked away in the Senate of the United States. That is the reason why hitherto I have not opened my mouth, though I should like to talk about several items in this bill. These months are being talked away. Life is nothing; property is nothing; the commerce that may next spring and summer be interrupted by the flood is nothing, in comparison with the magnificent opportunity which Senators have of showing scant general information upon matters contained in the dictionaries and the encyclopedias and the general current literature of the country, as well as the classical literature peculiar to this race and probably other races later on.

I want to serve notice that you Senators favorable to this bill must meet the issue, if you are going to meet it at all, right, and nothing will meet it except a continuous session of the Senate. Then let Senators who say they want to trim and prune the bill when they get to the obnoxious items of this bill make their attacks upon them. I for one will vote against any item in the bill when the Senator from Ohio, for whose opinion upon river and harbor matters I have much respect, or any other Senator, convinces me that that item ought not to be in the bill. I for one will vote to amend any item which goes too far or does not go far enough; but I am not willing to see the great development of the country in connection with great and much-desired projects defeated because the bill is not a perfect specimen of human infallibility. What bill ever was? There never was a river and harbor bill presented in my twenty-odd years of public service, every item of which I could indorse, and I do not suppose there ever will be one, although, perhaps, some of the items I did not indorse were wise, and I merely thought they were not. But the right thing is to leave each item on its merits to the judgment and sense of the Senate.

Now, Mr. President, upon the point of order, I very much doubt as to whether the existing precedents go so far as to require unanimous consent for a Senator merely to ask a question, but this is a self-governing body, and this body has a right to make a precedent to-day as well as it had a right to make it 10 years ago. In the interest of the dispatch of business I am ready to make the precedent if it does not already exist. The precedent already exists clearly to the effect that one Senator can not interrupt another for an "indefinite" statement without the consent of the Senate. A former President of this body used this language:

> A Senator can not transfer that right indefinitely to any other Senator.

That is, without fixing a definite term or for a definite purpose. That President seemed to think, however, that if a Senator rose to ask a question that that was therefore not an indefinite but a definite interruption; that the unanimous consent of the Senate was not necessary. The argument is now made that asking a question stands upon no different footing from making a statement. I rather think it does stand upon a different footing, but just as that precedent was made that day, I propose also, by the vote of this self-governing body, to make another to-day, and one to be observed in the future, and that is, that there shall be no interruption of a Senator, when it appears clear to a majority of the body that the object of the interruption, or yielding to interruption, rather, is delay, shall be permitted until that spirit and intent disappear.

What I want to impress upon Senators upon this side and Senators in sympathy with this bill is that you can not do a thing in the world to overcome the present attempted obstruction except by a continuous session—no adjournment, no recess—until this bill has been voted upon, either voted up or voted down makes no difference, after considering each item. That is the only way you can put this bill through.

Do that or surrender. Do one or do the other. Do not let us permit ourselves to be made ridiculous.

I remember upon a former similar occasion somebody resented the language which I used, that we were going "to wear Senators out." The only way to bring an issue in the Senate, unless there shall be a change of the rules, is to wear Senators out when they are talking simply to obstruct. There ought to be a rule here that whenever two-thirds of this body or three-fourths or some other fraction shall vote to fix an hour and a day for a vote that that hour and day shall be considered as fixed, provided the requisite number vote for it. I am not in favor of a cloture of debate by a mere majority. As long, however, as the rules are as they are now there is no way of bringing a termination to debate where men do not want to terminate it except the brutal method of "wearing them out." You might as well make up your mind and proceed to wear them out. If not, surrender on the best terms they will give you. Which course do you choose? For my part, I choose rather the former.

Mr. BRANDEGEE. Mr. President, I do not care to discuss the river and harbor bill, and I am only interested in observing what I consider to be the rules of the Senate, and in not allowing myself, by any interest that I may have in the passage of the bill, to create what I think would be a bad precedent, because I know that hard cases make poor laws and poor rules. I do think that it is of some importance that Senators should be consistent in their interpretation of the rules and not make them and break them under excitement or pressure of partisanship or of anxiety to get appropriations. The rules of this body are just as important to the country as the laws of the country, because it is by the observance of the rules that the laws are made; and if you can break the rules with impunity you can make laws that otherwise would not be made.

Mr. President, this question is not entirely without difficulty, in my opinion. I am not at all so absolutely certain of the opinion which I entertain as to attempt to administer any lecture to other Senators who are just as well qualified as I am to construe the rules, but I am inclined to think the construction placed upon this Rule XIX, as evidenced by the actual daily practice and procedure of the Senate, can not fail to be a great value in its determination.

Mr. President, I do not consider the alleged precedent which is referred to in the ruling of the Vice President in 1891, which has been read to the Senate, to be a precedent in this case. I do not think that the Vice President at that time was clear in his own mind upon it, and I think that not only the ruling as made upon the point of order as then raised but his vacillation in explaining it on the succeeding day, when it was again called in question, are clearly indicative of the fact that the Vice President himself was not clear in his opinion.

I infer from what the Senator from Mississippi [Mr. WILLIAMS] has said that he is one of those who, acting under the spur of some resentment at what he regards as the length of time consumed by Senators who are opposing this bill or some features of it, is prepared to create a precedent in this body not based upon his sober judgment and his actual belief. Indeed, he states perfectly flatly that he does not think it requires unanimous consent of the Senate to interrupt a Senator, and yet he says he shall vote the other way on the question.

I am perfectly well convinced that if the Senate, after the debate which it is having to-day and which it did not have yesterday when it laid an appeal from the ruling of the Chair upon the table—if it shall, after this debate to-day, decide to put it within the power of any one Senator to compel the Senator who has the floor to keep on talking continuously and to prevent the slightest interruption by other Senators, even with the consent of the Senator who has the floor, that that rule and that ruling will many times return to plague the Senators who may think now that it is advantageous to put that construction upon the rule.

Everybody knows that if that rule is enforced, and if it is not to be enforced it should not be adopted, the proceedings of this body will consist in the various Senators standing up here single and alone and making their speeches, many times upon false premises and upon mistaken understanding, going on for hours when the slightest correction or calling the attention of the Senator who is making the speech by one of the Senators that he was proceeding under an utterly false impression would save the Senate hours and hours of time. Yet, under the precedent which was established yesterday, if it was established definitely, and which some Senators propose to establish to-day, it puts it within the power of any Senator who is bent upon making trouble or who thinks that he can get an advantage by using that method to sit here and object every time any Senator in good faith stands up and desires to ask a simple and a harmless and, possibly, an informing question, as the Senator from Minnesota [Mr. CLAPP] asked yesterday simply for the purpose of identifying a document which had been quoted by the Senator who had the floor. I say the Senator from Mississippi admits that, even if the Senate establishes this precedent, it will not prevent any filibuster.

The Senator admits that any and all Senators can take the floor one after the other and hold it as long as their physical strength endures. Then how does it serve to stop a filibuster to deny a Senator the right or the privilege of asking a question when the Senator who is making the speech is perfectly willing to have him ask it, and he might get information from him? It would not stop any filibuster.

Of course I do not defend and I never have exercised or employed that method. I do not defend Senators taking the floor and allowing, call it by what name you may, some other Senator to get up and talk half an hour in his time. I do not think he has any right to do it, and I think there is great confusion of thought as to what the ruling of the Vice President was, not only in his own mind and as has been sought to be interpreted here now. In the first place, what does the rule of the Senate provide?

The PRESIDING OFFICER (Mr. LEWIS in the chair). Will the Senator from Connecticut permit the Chair to ask who was the Vice President at that time?

Mr. BRANDEGEE. The ruling was made in 1891, and I assume it was Vice President Morton, who was elected with President Harrison.

In the first place, I wish to call attention to the fact that in 1881 the rule was different from what it is now and what it was when the ruling was made in 1891.

The rule in 1881 was Rule XXXVIII, and provided:

The presiding officer shall name the Senator who is to speak, and in all cases the Senator who shall first rise and address the Chair shall speak first. No Senator shall speak to or interrupt another Senator in debate without his consent; and to obtain such consent he shall first address the Chair.

Before that rule or any rule which preceded it on that subject was adopted, one can easily picture what the practice was. The Senate was a very small body, and the procedure was much more informal. No doubt the Senator who had the floor and was talking was addressed personally many times by Senators who without addressing the Chair and without addressing the Senator who had the right to the floor and the sole right to speak rose and interjected remarks and talked to the Senator, and the rule was adopted to prevent a Senator even from speaking to a Senator, and he could not be interrupted without his consent.

Now, having passed a rule that a Senator should not be interrupted without his consent, and then having proceeded to provide how his consent shall be obtained, it can not be said that, having pursued the method provided and obtained the consent of the Senator, even then he could not interrupt him to ask him a question unless he got the consent of every other Senator. That construction would seem to me to be absurd. If the Senate intended or if the rule had intended that no Senator should interrupt another Senator without getting the unanimous consent of the Senate, it would have said so. The man who drafted the rule knew perfectly well what unanimous consent was, but instead of prescribing that unanimous consent was the process necessary to get the right to interrupt a Senator it is claimed that they provided that the Senator holding the floor must consent, and then left something else to the imagination or provided that even after the method laid down had been pursued successfully, then it could be rendered abortive by something not stated in the rule.

What was the ruling of Vice President Morton? Vice President Morton ruled, on page 1567 of the CONGRESSIONAL RECORD of January 20, 1891:

The Chair is of the opinion that a Senator entitled to the floor can not transfer that right indefinitely to another Senator.

What right? The right to interrupt anybody? Why, no. The right to have the floor. The other rules of the Senate provide how a Senator shall obtain the floor. Senator Butler said, "That is not the point of order," and the Vice President then said, "He might transfer it for a question or by courtesy of the Senate or by unanimous consent; but otherwise a Senator on the floor might parcel out the entire time of the session in that way to one Senator after another. The Senator from Mississippi is entitled to the floor."

He says he might transfer it. What? The floor? I do not think the Senator can transfer the floor to anybody, and I think the Vice President was clearly wrong in that. I do not think he can do it by the courtesy of the Senate. The Senator "having the floor," if that means anything, has the right himself to speak, and I do not think he can transfer the floor to anybody else and still hold it himself. If he has transferred it, he has lost it. If I have got the floor I can not transfer it to another Senator by courtesy of the Senate or in any other way. A Senator must obtain the floor himself by addressing the Chair and being recognized according to the rule; the floor can not be passed or "yielded" by one Senator to the Senator of his selection.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. Certainly.

Mr. REED. Does not a fair reading of the RECORD in the case the Senator is now discussing disclose the fact that Senator George had the floor, that Senator Morgan desired to get the floor to make a speech, that Senator Butler also desired to get the floor to make a speech, and that Senator George actually endeavored to turn the floor over to one or the other of these gentlemen, and the controversy at that time arose squarely over the right of the Senator having the floor to recognize another Senator, in effect, and permit that Senator to take the floor, instead of the Senator getting recognition from the Chair? Is not that what the RECORD discloses?

Mr. BRANDEGEE. I think that is substantially correct. It extends over quite a number of pages here. My recollection of it is, to be precise, that Senator Butler got the consent of the Senator who had the floor and had had the reading clerk read into the RECORD certain sections of the statute as to the apportionment and election of Representatives, and several sections had been read in, as appears on page 1566 of the RECORD, to which I have alluded; and then, after the clerk had read it, Mr. Butler wanted to read in another section, and the objection was made.

Now, of course, that is not the case which is before us at all. I do not think that when a Senator interrupts another Senator that he has got a right, if the Senator permits the interruption, to go on and make a speech, or to insert things in the RECORD, or to read documents, or any such thing as that. The Senator interrupting has no right at all, except so far as the Senator having the floor by courtesy may allow it to him. It is always within the power of the Senator who has the floor to cut short the interrupting Senator at any time. There is a great deal of confusion introduced into this subject by the use of the word "yielding." There is nothing in the rule about yielding—yielding anything, either the floor or anything else.

The language of Rule XIX is:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer.

There is nothing there about yielding anything. What is an interruption? An interruption may not involve the making of any speech at all. The dictionary says to interrupt is "to break in upon or disturb the action of; to stop or hinder in doing something."

When a Senator stands up and says "Mr. President," when another Senator is on the floor, he is interrupting.

The forms in Gilfry's Parliamentary Precedents show what then shall happen. On page 496 it gives the form prescribed when interruptions occur in debate. I will put it in the RECORD for the information of the curious:

A SENATOR. Mr. President, may I interrupt the Senator to ask a question?

Or—

Mr. President, I desire the consent of the Senator from ——— to make a statement, or to ask a question.

The PRESIDING OFFICER. Does the Senator from ——— yield for a question, or consent to be interrupted for a question?

There is no authority for the Presiding Officer to say "yield"; that it is simply a custom; it is his way of asking if the Senator will permit the interruption. So the only question here is, Will the Senate establish a precedent which shall prevent a Senator being interrupted by his own consent? I know perfectly well, if they do, that it will stop the debates in the Senate if they live up to it; but I know perfectly well, if they adopt it, they do not propose to live up to it. They merely propose to enforce it in this particular case, which is the simplest and most innocent case that could possibly arise—the inquiry of a Senator in good faith as to the date of a document.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Minnesota?

Mr. BRANDEGEE. I do.

Mr. CLAPP. If the rule—and that is what I desired to say when the Senator from Missouri was on his feet—contended for by the Senator from Missouri is the rule, that rule has been violated with unvarying regularity about every 15 minutes since this point of order was made yesterday afternoon.

Mr. BRANDEGEE. Of course it has. We are violating it now.

Mr. CLAPP. We could not have a debate with that rule in existence.

Mr. BRANDEGEE. The Senator from Minnesota who is now interrogating me, and to whom I have yielded, and I have both violated the rule according to this construction. Such a rule would absolutely bring to a standstill the business of the Senate, and if enforced it would reduce the whole procedure to a series of soliloquies delivered here by individual Senators. If nobody could take part in the debate there would never be any Senators here to listen to them; it would be a funereal proceeding, and would result in a farce; but it is utterly idle to think that the enforcement of that rule would stop any filibuster. All that it has done here to date is to produce what to-day is a very informing discussion upon a very important question involving the whole future procedure of the Senate, but if intended to stop any alleged filibuster or discussion of the river and harbor bill, it has simply added another day before it shall be voted upon. If the Senator who raised the point of order had allowed the Senator having the floor to say what the date of the document was, we would have avoided here a day and a half's discussion upon this question.

I do not think I exaggerate it or make a misstatement when I say that Senators do not intend to have the vote that they took yesterday as to the construction of this rule stand; they do not intend to enforce it. If they do not, it is an absurdity to make



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the rule; it is undignified; it is wrong. It would bring the Senate into disrepute, I think—it would in my opinion at least, and I think it would in the opinion of the country—in a fit of aggravation to make now a construction of a rule in which Senators themselves do not believe in order to have their way in a particular case and spend the remainder of their lives explaining it and trying to get out of it, and when it is quoted as a precedent everybody will say, "Oh, well; that is one of those rulings which was made when we were all mad—in a filibuster—and we will pay no attention to it." It will be put in as a precedent just to be violated; and everybody now knows that it will be violated, and will not bind anybody.

It is inconceivable that the Senate, when it was in command of its feelings and intelligence, wrote into its rules a method by which a Senator having the floor could submit to an interruption unless they intended that he could submit to an interruption upon the terms provided in the rule. As to the suggestion of the Senator from Florida [Mr. BRYAN] that if the Senator having the floor can submit to an interruption, there is no way of terminating the length of the interruption; that it might result in what is called parceling out the floor for hours, I do not agree to that at all. It is not necessary to go to an extreme like that. I agree that after the interruption has been submitted to, if the Senator interrupting does not ask his question, the length of his interruption is in the control of the Senate. I agree that, under the pretext of a mere interruption, a brief interruption, during which the Senator who is interrupted still retains the floor, and is simply asked will he submit to an interruption, if he does so, and if any Senator thinks the interruption becomes more than an interruption—if it amounts to an attempt to parcel out the floor or to let some Senator assume the right of having the floor and of making speeches—a single objection by any Senator will stop it. All rules must be applied with reason. I do not think the Chair could stop it, because I do not think the Senate has vested the Chair with any such authority; but I think that a Senator could not make an extended speech with another Senator having the floor except by unanimous consent.

To say, however, that a Senator desiring to interrupt has got to get unanimous consent before he can say a word to the Senator who has the floor puts upon him an impossible task. How is he to get unanimous consent? I am standing now in possession of the floor. Some Senator wants to ask me a question. It is stated that he can not do it until he gets unanimous consent. How is he to get unanimous consent when I am talking unless he is allowed to interrupt me for the purpose? The rule says that he has got to get up and say, "Mr. President," and then it is my duty to stop talking, and the presiding officer asks me if I will permit the Senator to interrupt me. It is said, however, that he can not ask to interrupt me until he has obtained unanimous consent. I repeat, a Senator has to get the floor to get unanimous consent. I think such a construction of the rule would be an absurdity.

I do not suppose that anything I have said will have any weight with Senators who really have convinced themselves that they are performing a public duty or a patriotic service in putting what I consider to be a harsh and unfounded construction upon a rule which I admit has been much abused. I have fretted under it. I think the interrupting goes altogether too far. The sense of courtesy is such that a Senator having the floor frequently lets other Senators who do not have the floor occupy most of his time; but that is easy to remedy by Senators objecting. Here, however, it is to be held that when a Senator rises for the purpose of asking a question, or to interrupt at all, he is to be compelled to sit down without having a chance to say what he wants to say. The Senator having the floor shall not be allowed to be interrupted except by unanimous consent. It may be a matter of the utmost moment to interrupt him.

The old rule in the Manual of 1881, which I have read, was that one Senator could not speak to the Senator having the floor; but that has been stricken out. Of course, the literal enforcement of that rule would have prevented my friend the Senator from Michigan from coming to me now while I am speaking and whispering in my ear or calling my attention to anything; it would be out of order for him to speak to me while I had the floor. As I have said, that was stricken out.

I did not vote on this question yesterday, Mr. President. I was not on the floor at the moment the question was raised, and when I came in it was near the vote, and I did not understand the question sufficiently to vote upon it. At first blush I was inclined to think the Senator from Florida was right about it, because I have always thought that lengthy speeches by Senators who have interrupted the Senator who had the floor were only allowed by unanimous consent. I still think so; and at first I thought that the interruption must be by unanimous consent, but on thinking it over I have reached a different conclusion.

I withheld my vote; I would not vote either way on the question, because I knew it was a vitally important question, and there was no chance to discuss it or consider it at all. The motion to lay the appeal upon the table cut off all debate and we were driven to a vote upon this vitally important question.

Shortly afterwards, the question coming up again with a different occupant of the chair, who felt that it was improper for him to rule upon it, having taken a position previously, it was submitted to the Senate, and now it is here submitted to the Senate and can not be laid upon the table without consideration as long as any Senator wants to talk upon it. I am glad of that. It has given me a chance to examine the matter. I can not vote that it is necessary before I can ask whether or not a Senator will allow me to ask him a question to get unanimous consent of all the Senators, and I do not know how I could do it, not having the floor, even if I thought that the rule provided that it was necessary.

Mr. SHEPPARD. Mr. President, before the discussion closes I think it proper to say that I objected to the question propounded by the Senator from Minnesota [Mr. CLAPP] to the Senator from Iowa [Mr. KENYON], because the speech of the Senator from Iowa had evidently degenerated into an inexcusable filibuster and because, as a member of the Committee on Commerce, having at heart the success of this great measure, I felt justified in employing every weapon at my command to compel my good friend from Iowa to use every moment of his time.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Ohio?

Mr. SHEPPARD. Certainly.

Mr. BURTON. I submit it is hardly fair to make a statement like that in the absence of the Senator from Iowa. The Senator from Iowa was reading in regard to a very important subject, the utilization of the harbors of the United States and of the necessary wharfage facilities in order to render Government appropriations available and useful. It seems to me it was absolutely pertinent to the discussion; and, further than that, I do not think such accusations should be made in the absence of the Senator from Iowa.

Mr. SHEPPARD. I will ask the Senator from Ohio if he himself has not been deliberately consuming time?

Mr. BURTON. By no means. I challenge the Senator from Texas to pick out a portion of my remarks which is not pertinent to this discussion and which it would not be well for the constituents of the Senator from Texas to consider and for other Members of the Senate to consider. In connection with such a bill as this I think we should have a thorough discussion, and I insist on my right as a Senator to point out my objections to the bill.

Mr. SHEPPARD. Does the Senator consider his references to the war in Europe as pertinent to this bill?

Mr. BURTON. Mr. President, we always desire to avoid certain rudeness of transition, and after I had been silent on the subject for six weeks—I made no remarks on this bill between the 22d of July and two weeks ago to-day, the 4th of September—I called attention very briefly—it did not take me three minutes—to the change in the condition which had occurred between the date of my former remarks and the date of my remarks at that time I called attention also to the proposition to raise additional revenue.

Mr. SHEPPARD. Mr. President, I submit that to any reasonable man who will examine the speeches of the Senator from Ohio and the Senator from Iowa it is apparent that their purpose has been to talk this bill to death. I am perfectly willing to leave that to the judgment of anybody who will examine their speeches from any fair standpoint.

When I objected to the interruption by the Senator from Minnesota yesterday the Senate had only a few minutes before ruled that one Senator might not interrupt another except by unanimous consent, and the members of the Commerce Committee deemed it proper thereafter to apply that rule to the filibusterers in the Senate. I would not under ordinary circumstances have made an objection of that character. The Senator from Minnesota came to my seat shortly after I objected and said that if he had known that that ruling had been adopted he would not have made the interruption.

Mr. President, the course of the Senator from Iowa and the Senator from Ohio demonstrates beyond question the necessity of some form of cloture in the United States Senate. I believe in the utmost liberality of debate, but I do not believe that a minority should have the power to use the right of debate to such an extent as to defeat the will of the majority.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. SHEPPARD. Certainly.

Mr. CLAPP. The Senator, of course, means to be correct. I think I did know of the ruling made yesterday. I think I was here and voted against the ruling, but at the time I made the inquiry it had passed from my mind and I never thought of it. The Senator meant to be accurate, but I think he used the expression a little thoughtlessly when he said that had I known of the ruling I would not have made the interruption.

Mr. SHEPPARD. I am glad to have the Senator's explanation. I was under the impression that what he said to me was as I stated it.

Mr. President, I do not believe in gag rule; but when two Members of the Senate assume to gag 94 Members of the Senate, then it is time for the 94 Members to take some steps for their own protection.

A majority of the Senate is in favor of this bill; a majority of the Senate wants a vote on the bill, and wants it now. There has been ample debate; every possible objection that could be urged against the bill has been thoroughly aired; but the majority can not act; the majority can not translate its will into law on account of the conditions and the rules which now prevail in the United States Senate. It is not even an oligarchy which dominates the Senate; it is a "duarchy," a "duumvirate," with KENYON and BURTON as the "duarchs" or the "duumvirs," and I think the whole country ought to now hail them as such.

Mr. REED. Mr. President, I am in favor of passing a river and harbor bill. I am in favor of passing the present river and harbor bill in substantially its present form. I presume there may be items in the bill which can be justly eliminated. I do not believe there are more of such items in this bill than could have been found in any of the river and harbor bills passed during the last decade. I am as earnestly in favor of the passage of this bill, with the qualification I have indicated, as any man in the Senate can be. But, Mr. President, the Democratic Party is in hard straits when, in order to pass a bill, it must appeal to a decision rendered when the attempt was being made to impose the infamous force bill upon this country. When we must go to a time like that and to a precedent established under such conditions for the authority for our action we are engaged in a business so contemptible that I refuse to participate in it. Even if there were such a precedent it would in no respect appeal to my judgment as in any respect binding. But as I shall show later the precedent does not sustain the action now sought to be taken. Before discussing the ruling so often quoted in this debate I desire to say as to the binding effect of any precedent that I have seen enough in the Senate of the United States in the last three days, if I had never seen anything before, to understand that Senators in voting upon questions of this kind more frequently are governed by the exigencies of the moment and the desire of the hour than they are by their sound judgment as to the true construction of the rules.

I have not during this debate so much heard arguments in favor of the true construction of the rule as I have heard denunciations of two Senators for an alleged filibuster. The question we are settling here to-day is not whether two Senators are engaged in a filibuster, but whether a Senator has the right to ask a question of a Senator occupying the floor as a speaker with the speaker's consent. We are not settling the merits of this filibuster. If the Senator from Ohio and the Senator from Iowa see fit to engage in a filibuster, and if they are within the rules of the Senate in all they do while engaging in that filibuster, then we have no right to interfere with them except in one way, and that is to change the rules of the Senate; to change them, not by an arbitrary decree, or by a vote which is cast for that special occasion, but to change them in the due and proper manner laid down by the rules themselves.

I propose to vote upon this question as I believe the law to be, not as I might wish it to be for this particular and special occasion.

It has been said here that 2 men are holding 94 men. I deny that. No 2 men can for long hold the other 94 Members of this Senate. If there were 94 Members of this Senate who wanted to end this filibuster, as it has been termed—and I do not use the term offensively to my friends upon the other side, both of whom are most excellent gentlemen and patriotic Members of this body—it would be ended by this time to-morrow, for the simple reason that we would have enough Members to keep a quorum, and we would remain in session all night, and the two Senators referred to would fall from exhaustion. That is all there would be to it. The difficulty is that we have about two-thirds of our Democrats here, and the Republican brethren on the other side are not willing to sit up all night in order to end the filibuster, and the two-thirds of the Democrats who are here are not willing to sit up all night to end the filibuster. We have two or three times tried to keep a quorum after half past 6 o'clock in the evening, and when the roll was called we found that these patriots who are now so willing to ride roughshod over the rules were not in their seats, and therefore an adjournment had to come because we lacked a quorum.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Washington?

Mr. REED. I do, at the risk of violating the new rule. [Laughter.]

Mr. POINDEXTER. Well, I suppose we have unanimous consent. Does not the Senator from Missouri believe, even though it were impossible to maintain a quorum here for night sessions, that, if during the day sessions, taking a recess from day to day, this bill was kept before the Senate to the exclusion of anything else, it could have been disposed of by this time?

Mr. REED. Oh, possibly.

Mr. POINDEXTER. I have observed that since the time it was first presented to the Senate it has been laid aside, I suppose, at least two dozen different times for the consideration of other measures. Some of those other measures have taken up a number of days' time; and, after an interval of two days or a week, to take up the river and harbor bill again is exactly like starting over again where we began in the first place. So long as that method of procedure is continued you can not expect to make any very substantial progress; and I think, without any violation of the rules, even though we are unable to hold night sessions, we could dispose of this bill under the practice of the Senate if its consideration was not interrupted by other measures.

Mr. REED. Mr. President, I come now to an analysis of the alleged precedent. I have no difficulty, first, in asserting that the precedent so often appealed to is not a precedent at all for the action proposed to be taken here. Even though it was a decision rendered in the heat of that acrimonious debate, when the force bill was before the Senate, it does not establish the principle which it is contended has been established. It has been discussed here; but I want to call sharp attention, if possible, to what I think was the controlling feature in the controversy.

Senator George was occupying the floor. Mr. Butler rose and said:

> I merely want to get permission to present this view of the case before the Senator takes his seat; that is to say, to read the election law as it now is in order to show one reason why there is no need for the passage of the pending bill, if the Senator will permit me to interrupt him.
>
> Mr. GEORGE. I have very little more to say, anyhow, and I will say it after a while. I am willing to be interrupted; I am a little tired now.

I pause there to call attention to the fact that it was manifest that Mr. George practically intended to turn the floor over to Mr. Butler and to finish his own speech at a later time.

I continue reading:

> Mr. BUTLER. Mr. President, by the permission of the Senator from Mississippi, I ask to have read chapter 2 and chapter 3 of the Revised Statutes of the United States. The Clerk will please begin to read at chapter 2.

Then follows the reading by the Clerk of a part of the statute. Thereupon Senator Hoar interrupted as follows:

> Mr. HOAR. I should like to inquire what the Secretary is engaged in reading. I do not understand.
>
> Mr. BUTLER. I have tried to get hold of the chapter of the Revised Statutes which regulates the election of Members of Congress. I believe it is the next chapter or the next section.
>
> Mr. HOAR. Does the Senator desire to have read a list of the 44 States with the number of Representatives allowed?
>
> Mr. BUTLER. No, sir; I do not care about having that read. I think it is the section following that I want read.

The Secretary then proceeded to read further from the statute. Now, it is perfectly manifest that Mr. Butler had practically taken the floor, and Mr. Butler, not Mr. George, was permitting interruptions by Senator Hoar. Then Mr. Butler proceeded:

> Mr. BUTLER. I will not ask the Secretary to read further. What I want now to get hold of is the section which relates to the appointment of supervisors, if the Secretary will hand me the book.

Manifestly he was holding the floor, and at the same time Senator George was claiming to be entitled to it. I continue to read:

> Mr. MORGAN. If the Senator from South Carolina wishes to have that provision read, and if the Senator from Mississippi [Mr. George] is through with his argument I should like to take the floor upon this bill. As I propose to discuss that matter I can have that provision read.

Mr. ALDRICH. We on this side of the Chamber can not hear the Senator from Alabama at all.

Mr. MORGAN. I said I would take the floor upon the pending bill.

Mr. ALDRICH. I object to that.

The VICE PRESIDENT. The Chair has the name of the Senator from Rhode Island [Mr. Aldrich] next on the list.

Mr. MORGAN. How is that, Mr. President?

Mr. HOAR. The Senator from Mississippi has not yielded the floor.

Mr. ALDRICH. Do I understand that the Senator from Mississippi has yielded the floor?

Mr. GEORGE. Oh, no, sir; I have the floor yet. I have been so much in the habit of having the floor of late that I may not know how to yield it.

Mr. HOAR. Then let the Senator from Mississippi go on.

Mr. MORGAN. Mr. President, I do not wish to violate any usage of the Senate in clearing the floor.

Mr. ALDRICH. I do not understand how one Senator can take the floor before another Senator concludes.

Mr. MORGAN. But at the same time I understand that it is a violation of the rule of the Senate, when a Senator rises and is recognized by the Chair, or if the Chair first sees him he is bound to recognize him, to make an agreement beforehand to parcel out the floor to one Senator or another.

Mr. SHERMAN. I should like to say that a Senator can hardly arrange to parcel out the floor either.

Mr. EDMUNDS. I insist on the regular order.

Mr. GEORGE. I am entitled to the floor.

The VICE PRESIDENT. The Senator from Mississippi will proceed.

Mr. GEORGE. I will yield to the Senator from South Carolina [Mr. Butler].

Mr. President, it is perfectly plain what was going on. Mr. Aldrich wanted the floor. He had arranged to be recognized as soon as Mr. George had concluded his remarks; but Mr. Butler wanted to make a speech, and Mr. George undertook to give Mr. Butler the opportunity to make that speech. The controversy really was as to whether Mr. George could farm out the time of the Senate to Mr. Butler and thus defeat the desire of the Vice President to recognize the man he had agreed to recognize. In other words, the question was whether Mr. George could give the floor to Mr. Butler or the Vice President could give it to Mr. Aldrich. It was upon that very question that the Vice President ruled, and his ruling was absolutely correct. Here it is:

The VICE PRESIDENT. The Chair is of opinion that the point of order made by the Senator from Ohio is well taken; and that the Senator from South Carolina should resume his seat until the point of order is decided by the Chair.

Mr. BUTLER. Very well, sir; I want that settled.

The VICE PRESIDENT. The Chair is of the opinion that a Senator entitled to the floor can not transfer that right indefinitely to any other Senator.

Mr. BUTLER. That is not the point of order.

The VICE PRESIDENT. He might transfer it for a question or by courtesy of the Senate, or by unanimous consent; but otherwise a Senator on the floor might parcel out the entire time of the session in that way to one Senator after another.

It is perfectly plain what was going on. Senator George was trying to give the floor to Senator Butler and to keep the Vice President from giving it to Mr. Aldrich.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. In a moment.

I repeat, Mr. George had the floor. Mr. George wanted to yield the floor to Mr. Butler, so that Mr. Butler could make a speech. Mr. Butler really wanted the floor in his own right; but when it was found that the Vice President intended to recognize Mr. Aldrich, Mr. Butler insisted that he could make his speech in the right and time of Mr. George, thus cutting off the right to make a speech of Mr. Aldrich, who had an agreement to be recognized. It was upon that question that the Vice President ruled, and upon nothing else.

I now yield to the Senator from Connecticut.

Mr. BRANDEGEE. It was with relation to the language the Senator just used that I desired to interrupt him. I hardly think that upon consideration, when he comes to review his remarks, he will allow his statement to stand as he just made it, I think, inadvertently. The Senator does not claim, does he, that the Senator occupying the floor can transfer it?

Mr. REED. No; no; I did not say so.

Mr. BRANDEGEE. I think the Senator will see that he did when he comes to review his remarks.

Mr. REED. No; I said that was the attempt. At least, I meant to so say. If I said otherwise, I misspoke. I thank the Senator.

Mr. BRANDEGEE. But the Senator has approved of the ruling of the Vice President, and the Vice President's ruling was that the Senator could transfer the floor for a question.

Mr. REED. Well, I do not mean——

Mr. BRANDEGEE. He can submit to an interruption.

Mr. REED. I did not mean to say that, technically, the term "transfer the floor" was correctly employed. He could "transfer the floor." He held the floor and, in his own time, permitted another man to interject a question or a remark.

Mr. President, let us see what evil will result from the rule thus construed. Of course, the right to interrupt a Senator does not imply the right to take the floor indefinitely. A moment's consideration will show anyone that that would be a mere abuse of a rule, and not a use of it.

It is perfectly plain that if a man should undertake to farm out the floor, first to one and then to another, thus holding the floor himself while in fact yielding it, that such a performance could be easily stopped. It could be reached by a point of order insisting that, in fact, the Senator had yielded the floor by permitting another to take it. A Senator can hold the floor himself, but he can not yield it to another; and when he has permitted another Senator to stand up, not merely to interrupt but make a long speech, he has in fact yielded the floor. On the other hand, the person so gaining the floor can not hold it, because he did not get it by recognition from the Chair, but by the mere permission of a Senator.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. But how long would the speech have to be in order to make a yielding?

Mr. REED. That is always a practical question of fact. Whenever it becomes manifest that a Senator is not pursuing his own speech and merely submitting to an interruption, which is a part of his speech, but is in fact abusing his privilege by permitting another Senator to take the floor and occupy it for himself, the Chair will have no difficulty in ruling upon the fact.

Now, let me illustrate it. The other day the Senator from Iowa furnished a splendid example of the point I am just now discussing. A Senator would rise and request permission to ask a question. The question would thereupon be asked and answered. That was entirely proper. Another Senator would interrupt, by permission, to call attention to some fact pertinent to the discussion; the interruption was short and was a mere contribution to the speech of the Senator from Iowa. During these colloquies the Senator from Iowa remained standing at his desk. There had been a mere interruption of his speech. But there came a time when a Senator would rise and inquire, "Will the Senator submit to an interruption?" The Senator from Iowa would consent and take his seat, whereupon the interrupting Senator would proceed to make a speech. It was as manifest as anything in the world could be that the Senator from Iowa lost the floor when he took his seat. It is just as manifest as anything in the world that when the Senator permitted another to go on and make an extended argument he had yielded the floor himself and the other Senator was speaking in his own right, if, indeed, he had any right to thus gain the floor. That has always been the rule here. I maintain that a Senator can not thus turn over the possession of the floor. To use Vice President Morton's language, if that is ever done, "it is by courtesy of the Senate." It is often allowed to be done, but it can not be done as a matter of right.

Mr. President, I want to see this question settled right. There is a good deal of talk about cloture here in the Senate. I am going to wander from the immediate subject far enough to say that I am opposed to any rule of cloture in the United States Senate. This is the one tribunal left on this earth where a representative of the people can not be throttled in the right to express his opinion. It is one place where absolute freedom of speech yet remains. The privilege is abused time and again. All of us perhaps talk more than we should. I know that I talk a great deal more than I should. But there come times—they have come in the past and they will come in the future—when the right of a tribune of the people to stand upon the floor of the Senate and make himself heard "by his much speaking," by his long and persistent speaking, has been and will be of inestimable value to the country.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield further to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. I would like to inquire of the Senator how this ruling prevents a man from talking all he wants to talk?

Mr. REED. The point I am discussing, I said, was a little aside from the question. I am referring to it because I believe most of the Senators who are in favor of this new construction are in favor of it because they think it is an indirect way of accomplishing cloture.

One of the rules by which you determine the meaning of any statute is the construction put upon the statute for a long period of time. It has been the universal custom in the Senate since I have been a Member of the body, and certainly for

many years before that, that a Senator having the floor could do exactly what I did at the present moment with my friend from Montana. I yielded for a question. He asked me a very pertinent one. He had the right to ask it if I permitted him to, and that right of mine to permit myself to be asked a question can not be cut off under the rules and custom of the Senate by the objection of one Senator.

Now, it is proposed that we shall establish a rule that we all know will not be observed five minutes if it is established, that will never be used except for the purpose of allowing some man to gratify his personal malice for the moment or his anger for the moment, or else for the purpose of trying to interfere with a right which other Senators are ordinarily accorded. In the very discussion that has gone on in the Senate of this measure interruption after interruption has come, and it will continue to come. The most enlightening thing about the debates in the Senate probably results from the freedom of interruption during discussion.

What will be gained by wrenching and distorting our rules as now proposed? How much will you gain if you establish this rule? Will you gain five minutes of time? I assert that you will not gain a fraction of five minutes of time. Why? Because a Senator can stand here and talk and talk and talk until he is exhausted, and when he sits down another Senator can take the floor. I can take one ordinarily well-developed Senator and by exchanging time with him can occupy this floor for the next 90 days, and so also can plenty of the other Senators.

But you say a Senator can not speak twice on the same legislative day. That, however, is not all of the rule. The rule is that a Senator can not speak more than twice on the same day on the same question. All that is necessary is to offer an amendment to a bill and a new question is raised. The period is bound to arise when amendments are in order. When that time comes I can take the Senator from Montana, if he be ready to enter into that sort of a conspiracy, and we can offer an amendment every morning to the bill. I could then talk on the amendment half a day and he could talk on it the other half of the day. As there can be no limit to the right to offer amendments, there can be no limit to the right of speech unless cloture is adopted.

Now, what will we gain by the proposed forced construction of our rules? If we are going to have cloture in the Senate, let us front it like men by adopting a cloture rule. When you attempt to adopt cloture I shall oppose it; but until you do adopt cloture you can not get it by the method now proposed. If you are not going to adopt cloture by a rule to that effect, then let the Senate stay here in session until the two Senators who are most active in opposition to this bill shall have tired themselves out and tired their constituents out—until they cease talking of their own volition or from exhaustion.

The right of free and unlimited speech in the Senate is of inestimable value. It kept us from having the force bill fastened upon the country. It kept us from having the Territory of Arizona and the Territory of New Mexico admitted to statehood as one State instead of two States. It has been a valuable privilege that has been exercised but rarely, and I have never known it to be exercised successfully unless there was a great and meritorious proposition back of the filibuster.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I do. I was ready to yield the floor.

Mr. SMOOT. I just wanted to call the attention of the Senate to one fact. I do not believe that the charge which has been very freely made here of a filibuster is warranted when you look at the situation as it is.

The bill was reported to the Senate on June 18. The Senate has been in session about 440 hours since that time. The Senator from New Hampshire [Mr. GALLINGER] has taken about 5 hours with interruptions, the Senator from Ohio [Mr. BURTON] about 18 hours with interruptions, and the Senator from Iowa about 14 hours with interruptions, making 37 hours with interruptions that have been spent upon this bill since the reporting of it on June 18. Out of 440 hours consumed in the discussion in this body there has been consumed on this bill 37 hours, with all the interruptions, from beginning to end.

Mr. REED. Mr. President, I have just this word to say in conclusion. I want to see the river and harbor bill passed. I am ready to stay here night and day to see it passed. I do not say that there may not be some items that ought to be cut out of it, but I do say that as far as I have been able to examine the bill it is certainly as free from such items as the ordinary appropriation bill.

I am willing to stay here and "not pull down the flag." I am willing to stay here until exhaustion shall come to my very good friend on the other side, much as I dislike to see him exhausted. I am willing to go with my party to any extent under the rules. But for the sake of gaining temporary advantage which will amount to nothing I am not willing to vote for a construction of the rule, which I believe is unjust, which I believe is unfair, which I believe is strained and forced, and which I believe will hereafter rise to plague us.

Mr. MARTINE of New Jersey. Mr. President, I am utterly in sympathy with the views presented by the Senator from Missouri [Mr. REED]. I am in favor of the passage of the river and harbor bill, and I shall vote for some sort of a bill. I believe, in the main, that this bill is honest. I believe, too, that the Senator from Iowa [Mr. KENYON] is honest. He has pledged himself many times to vote for a number of features in this bill. I am and I have always been opposed to a gag rule, and I will never vote for any sort of a cloture in the Senate or elsewhere. Long before it was my privilege to occupy any place in a legislative hall I had condemned it in unmeasured terms as being un-American and unfair. I feel that almost universally the best consideration of a bill is brought out by interruptions and questions. I shall never vote to abridge or block out this right, though I believe I voted "yea" yesterday, sustaining the Chair in the ruling which took the Senator from Iowa off the floor. I had been engaged in committee work outside and responded to the bell call, and coming in I asked what is my vote, and some one said "yea," and I voted "yea." I am to be censured and condemned for having not known exactly what was the question. I voted "yea," and after it was recorded I found my vote was against my judgment, and I disapprove it. I was wrong. I was recorded right, but was wrong in my own voice, and I take this opportunity to have it corrected, not in the tabulation that the clerks have made, but that I may be right before my countrymen and my people. I believe the promptings of the Senator from Iowa were as honest as I believe mine are, and, God knows, in my heart I am prompted by no other motive than to do that which, in my honest and humble judgment, may best advance the well-being and welfare of my country.

I am in favor of this bill because I believe in waterways. I believe these great channels, devised by the God of creation as a great means not only of draining but of transportation, are a great blessing to our country, which is fortunate enough to possess them. We have been blessed beyond parallel in many ways, but we can aid nature in a thousand ways through clearing and strengthening of many of these streams.

In the case of the Mississippi, where inundation and floods yearly occur, I feel it is our duty to correct that.

I believe in my own State; and if I may be pardoned for being a little vain, mayhap, I believe the New Jersey features referred to in the bill—Raritan Harbor, Staten Island Sound, the Hudson River improvement—are the most meritorious; but the Committee on Commerce saw fit to strike out $19,000,000. I do not think it would have been too much to have left it in, but it may be that there was something in the unfortunate time at which this levy shall occur, and it may be wise that this cut should be made. I find no fault. You cut $150,000 from the Raritan River improvement. You cut $100,000 from the Kill von Kull, and you cut some other thousands from somewhere else and left one or two places out.

I do not say this with a desire to be mean, but I find in North Carolina, clear up to old Cape Fear—which I know so well—clear up to old Wilmington, the figures stand the same. There was no cut there, but it may be in the wisdom and judgment, probably the patriotism, of that committee it was deemed wise that they should remain in this way.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from North Carolina?

Mr. MARTINE of New Jersey. Certainly.

Mr. SIMMONS. The Senator is incorrect. On the contrary, there is a cut in the North Carolina appropriations carried in the original bill of $1,200,000.

Mr. MARTINE of New Jersey. I do not know how it is. I find right along in this tabulated statement of the House bill and the substitute bill what I said verified. But I do not desire to enter into a controversy on that point. We are here for broader purposes than that.

Mr. SIMMONS. The Senator must not misrepresent me.

Mr. MARTINE of New Jersey. Oh, no; I would not misrepresent my friend from North Carolina for worlds, but I say, at the same time, I think we might well be fair about this matter.

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Mr. SIMMONS. But the Senator has misstated the fact.

Mr. MARTINE of New Jersey. It does not look so here.

Mr. SIMMONS. The Senator has the columns of our substitute bill, but has not the columns of the bill as originally reported.

Mr. MARTINE of New Jersey. I do not know whether I have or not, but I am quoting from this print which was laid on my desk.

Mr. SIMMONS. The Senator overlooks the fact that cuts were made from the original bill as reported by the Senate committee.

Mr. MARTINE of New Jersey. All right. I accept that.

Mr. SIMMONS. Cape Lookout Harbor of Refuge, N. C., $1,826,000, cut down $1,126,000, leaving only $700,000 authorization in the bill; and then we cut another hundred thousand from the inland-waterway appropriation—a total cut of $1,226,000.

Mr. MARTINE of New Jersey. All right; it does not so appear here.

But I am here for broader and bigger things than that. I am not here to cavil with the Senator from North Carolina. Still I love him and every mother's son that comes from North Carolina. Some of the loveliest, brightest days of my life were spent in the old Tar State. I have no controversy with him on that, but I do say we are pursuing a course that, to my mind, is unjust and un-American in trying to cut off and gag this debate. Let the debate go on. Great heavens, if the Senator from Iowa can not see the evil of it, if he is wrong, the public will, and they will so decree.

As I said, I am going to vote for some sort of a bill. I would not pledge myself to vote for every feature of the bill as it stands, and while I believe that we should improve a waterway when recommended by the Corps of Engineers of the United States Army, and I believe they are very capable men, I think, perhaps, in deference to a great public sentiment, a great public feeling that has been aroused; and an unfortunate position in which we find ourselves the country over, the world over, it is better perhaps that this should be pruned down in some respects; but whatever we may prune down in that respect, in heaven's name do not shut off the opportunity of a gentleman who may be on the other side of this question, who is honestly and conscientiously and courageously advocating that which, in his own judgment and his own honest purpose, he believes to be right.

Mr. TOWNSEND. Mr. President, it seems to me that the Senate is in rather an anomolous position at the present time. I have heard much discussion of the bill—and I think the discussion has been mostly on the bill—but every Senator who has spoken has expressed himself as being in favor of a river and harbor bill; every Senator has said that there are many things in this bill which he would support. I think every Senator has maintained that it is absolutely necessary for the welfare of the country that many of the projects contained in the bill should be carried on. And yet the Senate can not get a consideration of even the unobjected portions. There has been much illuminating discussion—and I am not finding fault with the Senator from Ohio [Mr. BURTON] or the Senator from Iowa [Mr. KENYON] for they have shown wonderful diligence and great study in presenting this case to the country, and I am in hearty sympathy with their fight on whatever projects are in the bill that are improper and unworthy. I think their efforts have been worth while; and yet I must confess, Mr. President, that it seems to me that much of this argument has been misplaced.

I am as interested as any Senator can be in getting a good bill, but I am pledged to no item. There is nothing in Michigan that I would not vote against if it were shown to me that it is an unworthy proposition; there is nothing in any other State that I would not vote against, and would not be glad to vote against, if I found that it did not correspond with my notions of what is right; but I should like to have the item discussed when it is before the Senate, when the Members of the Senate were in their seats.

This discussion has been going on for weeks with a quorum at no time in the Senate; there has not been half of a quorum here during any half hour since this debate began; yet if we had this bill before us, if we could take it up item by item, we would have a quorum. When a disputed and a debated item was before the Senate, Senators would be here to pass judgment upon it. If it is the intention—and I am not finding any fault if it is—if it is the intention of Senators to defeat the bill on principle, believing that it is constructed upon a wrong plan and that it would be better to defeat the bill entirely, hoping that next time a better constructed bill will be presented, that is another proposition; but Senators have not claimed that. Their claim has been that a majority of the items in the pending bill should be passed. I submit that we ought to have an opportunity to vote on such items.

What we are discussing here to-day is born of the emergency of the hour. I do not believe there are a dozen Senators in the Senate who would support the proposition that either the rules or the best interests of legislative consideration forbid interruptions for the purpose of asking a question if it were not for the fact that we are confronted at the present time with an emergency which we think, somehow or other, we can meet in this way. We can not meet it in this way, and we had better vote on the point of order, as we know we ought to do and as we would vote were the river and harbor bill not before the Senate, for we shall make no progress by repealing one of the most useful rules or customs of the Senate.

I agree with Senators who have spoken that there is a way to pass this bill, or, rather, to get consideration of it. I do not say that I shall vote for the bill as it is; indeed, I know I shall not do so. I am convinced that it carries much which should be dropped; but I have forgotten much that Senators have said. I do not know its relevancy to the particular items of the bill. I should like to have had those items debated just before I was going to vote upon them, instead of having 25 or 30 items all jumbled together and arguments made against them in a shotgun manner. If we could have had those items discussed separately, we could have reached a proper conclusion.

As for myself, Mr. President, I think too much of the Senate of the United States, I hold too highly my colleagues in this body, I value my official commission to this body too greatly to speak disparagingly or contemptuously either of the Senate or Senators. Patriotic, intelligent men differ honestly, and no one Senator or few Senators possess all wisdom or all patriotism. Some of us have complained because we have been held up to ridicule by certain of the press of the United States. That has been largely due to the fact that we have been befouling our own nests. I myself do not like that. I believe that we can honestly consider these questions. We do not need any trick rules to do it, either. It is not becoming to us. If Senators are willing to devote themselves to the business of the Senate, if they are willing to come here nights, if need be, and work and go on with this business, we can accomplish something. For myself, sir, I do not like the idea of two or three men, however good, however high-minded they may be, controlling the legislation of the Senate. I want full and free discussion and I want to hear it. I do not impeach the action of Senators who indulged in much discussion on the pending measure, but I would like to have an opportunity to vote upon the items and not be confined to some scheduled items which a few Senators may have agreed upon.

Sir, after you have agreed upon a bill in secret, what is to prevent another set of Senators from getting up a sort of rebellion and determining that the new bill shall not be considered? I am simply asking that the bill be considered intelligently and orderly.

Mr. President, I believe the way to proceed with this bill is to take it up for consideration and to discuss the items as they come to us. Then if any Senators feel that under their conscience they can not allow the bill to pass, there will be time enough to talk it to death if that is their determination after we have had a chance to pass upon the items about which there is no possible dispute.

So I say, Mr. President, I have been hoping almost against hope that the time might come when we could take this bill up and consider it upon its merits and allow these Senators, patriotic as I am willing to concede they are, intelligent as we all know they are, to throw the light upon the spots which need illuminating. I have enough faith in the patriotism of the Senate to believe it will reject the unworthy items and adopt those that ought to be adopted.

The PRESIDING OFFICER. The question is, Is the point of order well taken?

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BRYAN. Will the Chair state the question in the form in which it is to be submitted to the Senate?

The PRESIDING OFFICER. The Senator from Iowa was occupying the floor in debate——

Mr. BRYAN. I did not mean that. I mean will the Chair state the question upon which we are to vote?

The PRESIDING OFFICER. The question is, Is the point of order well taken?

Mr. TOWNSEND. Mr. President, in order to get a quorum here——

The PRESIDING OFFICER. Those who believe the point of order is well taken will vote "yea."

Mr. CHILTON. What is the point of order, Mr. President?

The PRESIDING OFFICER. The Chair was just about to state it a moment ago.

The Senator from Iowa [Mr. KENYON] was occupying the floor in debate; the Senator from Minnesota [Mr. CLAPP] interrupted him for the purpose, as he stated, of asking him a question, whereupon the Senator from Texas [Mr. SHEPPARD] made the point of order that it was not in order to interrupt the Senator having the floor if objection were made. The then occupant of the chair, the Senator from Ohio [Mr. POMERENE], stated that he would submit the question to the Senate; and the question is, Is the point of order well taken?

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Kenyon | Poindexter | Stone |
| Bankhead | Kern | Pomerene | Swanson |
| Brandegee | Lane | Reed | Thompson |
| Bryan | Lea, Tenn. | Robinson | Thornton |
| Burton | Lee, Md. | Shafroth | Townsend |
| Camden | Lewis | Sheppard | Vardaman |
| Chamberlain | McCumber | Shields | Walsh |
| Chilton | Martine, N. J. | Simmons | Weeks |
| Clapp | Myers | Smith, Ariz. | West |
| Fletcher | Nelson | Smith, Ga. | White |
| Hughes | Overman | Smith, Mich. | Williams |
| Johnson | Page | Smoot | |
| Jones | Perkins | Sterling | |

The PRESIDING OFFICER. Forty-nine Senators have answered. A quorum is present. The question is, Is the point of order well taken? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Wyoming [Mr. WARREN]. I transfer that to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN of Virginia] is detained from the Chamber on account of sickness. He is paired. If my colleague were present, he would vote "nay."

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote.

Mr. KERN (when Mr. SHIVELY's name was called). I desire again to announce the unavoidable absence of my colleague [Mr. SHIVELY].

Mr. STONE (when his name was called). I transfer the general pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Indiana [Mr. SHIVELY] and will vote. I vote "yea."

Mr. WALSH (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I have been unable thus far to get a transfer, and therefore withhold my vote. If at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. LEA of Tennessee. I have a general pair with the senior Senator from South Dakota [Mr. CRAWFORD]. In his absence I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. SHEPPARD. I wish to announce that the Senator from Oklahoma [Mr. GORE] is unavoidably absent. He is paired with the Senator from Wisconsin [Mr. STEPHENSON].

Mr. JOHNSON. I wish to announce my pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. WEEKS. I wish to announce that my colleague [Mr. LODGE] is absent. He has a general pair with the senior Senator from Georgia [Mr. SMITH].

Mr. SMITH of Maryland (after having voted in the negative). I desire to say that when I voted I did not make a transfer of my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Virginia [Mr. MARTIN]. I wish to announce the transfer.

Mr. SMOOT. I have been requested to announce the following pairs:

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from New York [Mr. ROOT] with the Senator from Colorado [Mr. THOMAS]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

Mr. POMERENE. I desire to announce the unavoidable absence of the junior Senator from Delaware [Mr. SAULSBURY]. He is paired with the Senator from Rhode Island [Mr. COLT].

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the Senator from Pennsylvania [Mr. OLIVER]. I am informed that if he were present he would vote as I do, and I will therefore allow my vote to stand.

Mr. MYERS. I transfer my pair with the junior Senator from Connecticut [Mr. MCLEAN] to the senior Senator from Arizona [Mr. ASHURST] and will vote. I vote "nay."

The result was announced—yeas 15, nays 35, as follows:

YEAS—15.

| | | | |
|---|---|---|---|
| Bryan | Lee, Md. | Sheppard | Thompson |
| Fletcher | Pittman | Simmons | Thornton |
| Hughes | Ransdell | Smith, Ariz. | Walsh |
| James | Robinson | Stone | |

NAYS—35.

| | | | |
|---|---|---|---|
| Bankhead | Kern | Perkins | Smoot |
| Brady | Lane | Poindexter | Sterling |
| Brandegee | Lewis | Pomerene | Swanson |
| Burton | McCumber | Reed | Townsend |
| Camden | Martine, N. J. | Shafroth | Vardaman |
| Chamberlain | Myers | Shields | Weeks |
| Clapp | Nelson | Smith, Md. | West |
| Jones | Overman | Smith, Mich. | White |
| Kenyon | Page | Smith, S. C. | |

NOT VOTING—46.

| | | | |
|---|---|---|---|
| Ashurst | Dillingham | Lippitt | Sherman |
| Borah | du Pont | Lodge | Shively |
| Bristow | Fall | McLean | Smith, Ga. |
| Burleigh | Gallinger | Martin, Va. | Stephenson |
| Catron | Goff | Newlands | Sutherland |
| Chilton | Gore | Norris | Thomas |
| Clark, Wyo. | Gronna | O'Gorman | Tillman |
| Clarke, Ark. | Hitchcock | Oliver | Warren |
| Colt | Hollis | Owen | Williams |
| Crawford | Johnson | Penrose | Works |
| Culberson | La Follette | Root | |
| Cummins | Lea, Tenn. | Saulsbury | |

So the Senate decided the point of order to be not well taken.

The PRESIDING OFFICER. The Senator from Iowa will proceed.

Mr. KENYON. Mr. President, while I have not concluded all I had to say, I yield the floor.

Mr. BURTON. Mr. President, very much has been said this afternoon in regard to the opposition to the river and harbor bill and to the methods pursued by its opponents. I shall avoid recrimination upon the attacks that have been made and endeavor to pursue the argument in which I was engaged in a dispassionate manner, with a view to showing the defects in our river and harbor system.

The PRESIDING OFFICER. Senators will kindly resume their seats and suspend conversation in the Chamber.

Mr. BURTON. On the 22d day of July, and on numerous days previous to that time, I addressed the Senate on this subject. There is a good deal of exaggeration as to the time in which I have claimed attention. Necessarily, in view of the transaction of other business, my remarks have been somewhat fragmentary; but I have endeavored to point out as best I might the objectious to the methods of this bill—the objections to the general principles upon which it is framed. I have referred at times to specific projects, but rather as illustrations of the general features of the bill. It has been my desire to treat—Mr. President, I should like to have order.

The PRESIDING OFFICER. The Senator will suspend until order is restored in the Chamber. Senators will kindly take their seats and cease conversation. The Chair will be under the painful necessity of calling attention to individual Senators if they persist in disorder.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Just a moment, until order has been restored.

Mr. FLETCHER. I wish to suggest the absence of a quorum.

Mr. BURTON. Mr. President, I trust the Senator from Florida will not do that. I would prefer, in view of the numerous criticisms because of interruptions, to proceed with my remarks without interruption; and I am not dissatisfied——

The PRESIDING OFFICER. The Senator from Florida has suggested the absence of a quorum.

Mr. HUGHES. Mr President, if there are any rules which govern this body, I submit that the Senator from Ohio ought to conform to them.

The PRESIDING OFFICER. The Senator from Florida suggests the absence of a quorum. The Secretary will call the roll.

Mr. BURTON. Mr. President, one moment.

Mr. LEA of Tennessee. I call for the regular order.

Mr. BURTON. Is it not in my power to refuse to yield to anyone?

Mr. LEA of Tennessee. Mr. President, I make the point of order that the question is not debatable.

The PRESIDING OFFICER. The question is not debatable, and, furthermore, any Senator can suggest the absence of a quroum under the rules of the Senate. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Johnson | Pomerene | Smoot |
| Bankhead | Jones | Ransdell | Stone |
| Brady | Kern | Reed | Swanson |
| Bryan | Lane | Robinson | Thornton |
| Burton | Lea, Tenn. | Shafroth | Townsend |
| Camden | Lee, Md. | Sheppard | Vardaman |
| Chamberlain | Lewis | Shields | West |
| Chilton | Martine, N. J. | Simmons | White |
| Clapp | Myers | Smith, Ariz. | Williams |
| Fletcher | Page | Smith, Md. | |
| Hughes | Perkins | Smith, Mich. | |
| James | Pittman | Smith, S. C. | |

The PRESIDING OFFICER. Forty-five Senators have answered to the roll call. A quorum is not present. The Secretary will call the names of absentees.

The Secretary called the names of the absent Senators, and Mr. POINDEXTER and Mr. THOMPSON answered to their names when called.

The PRESIDING OFFICER. Forty-seven Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. OVERMAN, Mr. SMITH of Georgia, Mr. KENYON, and Mr. WEEKS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, it was my intention to treat this subject with the thoroughness which should characterize a treatise on rivers and harbors. I still desire to suggest to the Senate the facts and principles which should govern the making of river and harbor appropriations. I have given this subject months of study and years of attention.

I am thoroughly convinced that the methods of the last four years have been radically wrong. Of course I may be in error but I desire to set my arguments before the Senate first along general lines and then to take up some specific projects.

I find in this bill and in some prior bills the projects for improvement which were considered with the utmost care by the Rivers and Harbors Committee during the 13 years I was a Member of the House and rejected by it, in some instances with the almost unanimous approval of the House and later with the acquiescence of the Senate. But those projects abandoned 12, 10, and 8 years ago are now brought back in the list and that, too, under circumstances far less favorable for their utilization than when they were abandoned, and in some instances instead of the modest sums which were proposed in those years when we abandoned them, very large amounts are now requested.

In addition to this, Mr. President, I shall try to show—and I crave the kind indulgence of the Senate on this subject, for I am now about to reach a line of argument which to my mind is vital and goes to the very substance of this whole controversy—that conditions have radically changed in the last 10 or 15 years and that the reasons for the improvement of our inland waterways are far less potent than they have been before.

I will ask the pages to pass around to the different Senators who are here a copy of the RECORD for July 23, 1914, showing instances of the decadence of waterway traffic on certain rivers. I ask the kind attention of Senators to these tables, given on pages 12523, 12524, and 12525. I really do not think that any Member of the Senate is competent to approach this question dispassionately without examining those figures. They prove a tendency which can not be denied; and in the further discussion of this subject I shall ask Members who are advocating this bill in its entirety to explain those figures. I especially request Senators, whether they listen to me or not, to examine those tables and see for themselves the decadence in waterway traffic on most of our rivers in the last 10 or 12 years.

Mr. President, I say at first that the whole subject of improvement of inland waterways should be reviewed and a definite policy adopted under which those projects which can not be permanently approved should be eliminated. It is necessary to consider in the first place the revolution in methods of transportation. Very briefly I can go over the whole history of this subject.

Transportation was first accomplished by human beings carrying loads on their backs, then with beasts of burden—the ox, the horse, and in some instances the camel. In due time there was resort to the assistance of small vehicles drawn by human beings, and later to those drawn by animals. At an early date there appeared the rowboat, the barge, and the sailboat. Up to the beginning of the last century these were practically the only methods available for the transportation of commodities or persons from one place to another.

In the year 1807 the steamboat was first devised by Mr. Fulton. In 1814 Mr. Stephenson developed his invention of the locomotive and with it the railway. In 1830 began a rapid development in railways. Since then there has been a revolution in transportation conditions. Mr. Mulhall, the famous statistician, says that in the 50 years from 1846 to 1896 the development of transportation was three times greater than production proper—that is, the growth in the activities of the railway and steamboat and other methods of transportation was three times as great as the growth in agriculture and manufacturing production.

The fact is, Mr. President, that year by year the operations of trade are being extended over a wider area. The merchant who now desires a commodity is not satisfied with that which is near at hand. He sends to the remotest part of the earth, if he can obtain a better article. It goes without saying that the States are nearer together than the counties were at the beginning of the last century and that all the civilized nations are now in closer touch than were even our own States in the days of the colonies. This gives peculiar importance to the growth of transportation.

It looks as though we have absolutely failed to recognize changed conditions. There has been no better illustration of this fact than the bill now pending before the Senate. Many rivers and a still larger number of canals, even of considerable size, at one time extremely useful for the purposes of transportation and the development of industry and commerce, are now entirely out of date as methods for the carriage of freight. The shallow-draft canal, which at one time determined the routes of trade and the growth of cities, has now, save in exceptional instances, become almost obsolete. In my own State of Ohio the canal system was commenced in the year 1825. Canals were constructed connecting the Ohio River with Lake Erie and reaching the principal towns in the State. The great city of Cleveland, now having a population of more than 600,000, obtained its start from the construction of one of these canals in the last half of the decade ending in 1830. Its position had been doubtful in comparison with the other towns on Lake Erie; but it grew, with the opening of this canal, and assumed the position of the metropolis of the northern part of the State and later that of the largest city and the metropolis of the State. But it owes its beginning to the construction of that canal, which was so much used in the decades ending in 1830, 1840, 1850, and even as late as 1870. This canal was an excellent method of transportation at that time. All the products of the State—wheat, corn, wool, coal—were carried to market, at least a part of the way, on this and the other canals.

But now, while they are for much of the way in better condition and afford more ample and more generous facilities for transportation than in the highest period of their prosperity, the freight carried upon them is measured in pounds rather than in tons. The decadence began perhaps in the year 1850, and while there are still appropriations for the improvement and maintenance of these canals, the freight on them is not only diminishing but has practically disappeared.

I read briefly from the report of the Inland Waterways Commission, from page 204, on the subject of abandoned canals. This work was published in the year 1908 and contains the most complete list of waterway projects and expenditures of any publication then in existence. It is to be regretted that its tables can not be brought down to date.

ABANDONED CANALS.

The extent to which State and private canals have been abandoned is strikingly shown by the census reports of 1880 and 1890. The report of 1880 shows that out of 4,468.60 miles of canals, costing approximately $214,041,802, 1,953.56 miles, representing a cost esti-

mated at $44,013,166, had up to that time been abandoned. By 1889 the mileage so abandoned, as given in the census report, had increased to 2,215.25 miles, or about half the total mileage originally built, representing a cost estimated at $51,171,016.

Among the causes assigned for this wholesale abandonment of canals are the crisis of 1837, which put a stop to speculative canal building, the inability of some canals to compete with modern railroads and the mismanagement of other canals, together with a popular impression that such systems of public works had done more harm than good, and, finally, a belief that the chief means of internal communication was not to be water but rail.

Since 1889 other important canals and sections of canals, both private and State, have fallen into disuse, including the Delaware and Hudson, in Pennsylvania and New York, important portions of the Pennsylvania system of public works, operated for some years by their purchaser, the Pennsylvania Railroad; the Santa Fe in Florida, and the Socoln Canal in Louisiana in 1906. Assuming that the census figures approximately reflect this tendency toward abandonment the total mileage abandoned brought down to date, as shown in the accompanying table, is 2,444.26 miles, representing a cost approximated at $81,171,374.

The location of these canals, together with other facts connected with their construction and operation, are generally indicated in the accompanying table, entitled "Important abandoned canals in the United States."

This table is divided into eight columns.

I do not think it is worth while for me to read that statement in full or to give the table referred to, but anyone who desires to examine the statistics on this subject will find them in this report at the place to which I have referred.

I will read now from pages 4 and 5 of a report which I filed in the Senate in June last on the general subject of the abandonment of canals. I wish that I could have a larger attendance here, Mr. President. Indeed, I see little use of going into a discussion of specific items if the attendance is to be no larger than that at this time, and furthermore I do not see that we are having any real discussion of this bill at all. I am perfectly frank to admit the lack of attractiveness in my presentation of the subject, but it seems to me this is a subject of importance enough to demand the attention of the Senate. I shall now read from pages 4 and 5 of my report:

While waterways of shallow draft have shown decadence, the carrying capacity of railroads has been constantly on the increase. In the case of some waterways existing facilities are adequate for present demands and the benefit to be derived from further expenditure upon them will not be at all commensurate with the cost. This emphasizes the necessity for a reexamination of all projects according to their respective merits, and the omission of those not worthy of improvement.

In the memorandum submitted by President Taft on June 25, 1910, he said:

"Congress should refer the old projects to the Board of Army Engineers for further consideration and recommendation. This would enable us to know what old works ought to be abandoned. Gen. Marshall's (Chief of Engineers) plain intimation is that a number of old projects call for action of this kind."

Except for short distances and that, too, in diminished quantity, there has been a marked decline in the carrying of grain, package freight, and general merchandise on all rivers. In some instances, as in the case of the Mississippi, the line of traffic has changed from that which formerly existed. While grain formerly moved on the Mississippi from north to south, now the more general movement is by railroad from west to east or to the Gulf. Many commodities which formerly constituted an important source of river traffic are now almost entirely handled in other ways. In Europe, as well as in the United States, the profitable utilization of inland waterways is now generally limited to routes upon which large quantities of coarse material can be carried, such as coal, iron ore, and building material. The Rhine is the most notable exception to this statement, though its traffic consists mostly of coal and ore. Even upon the Great Lakes, with all the possibilities for navigation, the carriage of package freight is a much smaller share of the traffic than formerly, and on many routes connecting large cities this species of traffic scarcely appears at all.

A careful analysis of statistics relating to rivers and canals will show a very marked decadence in inland waterway transportation, except, of course, in bodies of water like the Great Lakes, which are comparable rather with the sea than with rivers.

The decadence of inland waterway transportation is especially noticeable in the case of artificial canals and canalized rivers.

Beginning with the opening of the Erie Canal, in 1825, an impetus was given to the development of the country surpassing any previous influence in our commercial life. This waterway gave to the city of New York its assured supremacy among the commercial cities of this country. The construction of canals continued without abatement until about the year 1840, but many of these have been entirely abandoned and others are used for only a very limited traffic.

The Erie Canal reached its maximum of traffic in the year 1880 and the other canals in the State of New York at a somewhat earlier date.

Now, here are some figures that are very impressive:

In the year 1850 the canals of New York carried 81.1 per cent of the total traffic handled in the State; in 1873 this percentage had fallen to 34.9 per cent; in 1908 it had fallen to 3.9 per cent. The canal system of the State of Ohio, commenced in 1825, reached its maximum of importance in the forties. Since that time the traffic has practically disappeared, and the freight carried may now be counted in pounds rather than in tons.

I now wish to read from a document prepared with extreme care by a board of engineers. This is the survey of the so-called 14-foot waterway from Chicago to the Gulf. It points out not merely the decadence of traffic on the Mississippi River, but indicates the reason, as I think, why there has been a decline on both the Mississippi and its tributaries. This is House Document No. 50, Sixty-first Congress, first session, a report of a special board of engineers on the Mississippi River. I read first from page 21:

This commerce of the river—

That is, the Mississippi River—

This commerce of the river has been rapidly diminishing in recent years. The total river tonnage of St. Louis was, in 1886, 1,332,885 tons; in 1896, 1,244,175 tons—

There was no very great decline in those 10 years, although it was quite considerable—

in 1906, 416,855 tons; and in 1908, 365,920 tons, of which not over 49,530 tons was with towns on the Mississippi below Cairo. The entire commerce of the Mississippi River system, including all tributaries except the Ohio, was reported in 1889 as 12,402,535 tons, while in 1906 it was only 4,304,288 tons, showing a loss of two-thirds. The 1908 river commerce of the system, so far as reported, shows a slight decrease as compared with that of 1906, except as to a few of the minor tributaries.

If Senators have before them the copy of the RECORD for July 23, 1914, I will compare this tonnage at St. Louis, which in 1908 was 365,920 tons, with that of 1913, when it had fallen to 258,709 tons.

There is no dissenting note, there is no set of statistics which run counter to this practically universal tendency. There are certain rivers on which there has been some gain, or where there has been a maintenance of traffic. I think those fall within well-defined classifications, and at a later time I shall endeavor to take them up.

Turning again in this report to page 25, I wish to read some extracts which show conclusively that the decadence of the traffic on the Mississippi River has not been caused by any failure to properly improve the river:

The existing improved waterway of the Mississippi River below St. Louis fully equals, and over the greater part of its extent far excels, in depth and duration of unobstructed use, the existing river systems of Europe, where the nontidal sections are usually given depths of only 3 to 9 feet, 9 feet being exceptional and 10.5 feet a maximum.

The immense commerce of the Rhine could be carried more readily and cheaply on the Mississippi to-day than on the Rhine if such commerce were available for transportation by water and demanded such transportation.

The decline in the commerce of the river has not arisen from its lack of navigability but from the reduction in amount of material available for shipment. When a large proportion of the grain was raised east of the river, St. Louis was a natural outlet to grain and other farm products seeking Gulf ports, and a flourishing commerce existed between St. Louis and New Orleans by water, but at the present day 70 per cent of the wheat and 50 per cent of the corn of the country are raised west of the Mississippi. Kansas City, Omaha, and Minneapolis have become the great grain centers. Grain and other farm products seeking Gulf ports find a rail line from Kansas City to Galveston which is cheaper than a rail transportation to St. Louis increased by the cost of river transportation from St. Louis to New Orleans, and the only grain that can move down the river is that locally consumed along its banks.

The Mississippi River from St. Louis to New Orleans flows through a sparsely settled country. According to the census of 1900 there was between these points but one town on its banks of over 15,000 inhabitants (Memphis), and but six others with a population exceeding 5,000. The manufacturing industries, or demands for manufactured articles, in so thinly a settled region are slight. There are no mineral deposits along its banks, and its agricultural products are principally corn, cotton, sugar cane, and rice. The alluvial soil of the Mississippi Valley, with the heavy rainfall of this region, renders its common roads almost impassable, so that a long haul to or from the river bank becomes very expensive and confines the commerce of the river to those products raised or expended on its immediate banks.

Then it gives a reference a little further on on that page—

Ninety-seven and one-half per cent of the commerce which passed through the canals at Sault Ste. Marie in 1907 consisted of iron, coal, lumber, and grain. In a thickly settled community, such as is found along the Hudson River, a heavy water-borne commerce may develop in building material, such as stone, brick, lime, and cement, but with the small population in the Mississippi Valley below St. Louis the transportation of these items would be insignificant.

The first point that should be impressed upon the mind of everyone who wishes to make a study of this subject is the decadence of this water-borne traffic. The next is that where that decadence is most marked there are facilities better than those of Europe, ample for everything, and yet right in this section of this river we are asked in this bill, with an available balance of $300,000 on hand, to pour in a million dollars more.

Mr. President, so long as my strength lasts I shall protest against it. The people of this country are not long going to be misled in this regard. If this Congress passes a river and harbor bill so full of wasteful items, it is inconceivable that some one, possibly a political party, will not be called to account for it.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. For a question.

Mr. BRANDEGEE. I know how cautious the Senator is, but I wanted to ask the Senator if he thinks that we ought to abandon the development of our internal waterways?

Mr. BURTON. No; but we ought not to invest money in them by millions where a hundred thousand would answer.

Mr. BRANDEGEE. No; but I see that possibly I misunderstood the Senator. If with facilities in certain reaches of a river superior to those in Europe which bear a large commerce,

our water-borne commerce is in a state of decadence, if I understood the Senator correctly, and is decreasing——

Mr. BURTON. Yes.

Mr. BRANDEGEE. What inference does the Senator draw from that? Why is it wise to go on furnishing better facilities?

Mr. BURTON. There is a certain class of waterway improvement which I do not think should be undertaken at all, that which is bound to be an absolute waste.

Mr. President, I have listened to a great deal of criticism this afternoon—criticism of myself and of my colleague the Senator from Iowa—but if I can not prove to any man who will take up this subject with me and give it dispassionate attention that my conclusions are right, I shall be, to say the least, greatly disappointed. Why is it that I object to coming hastily to a vote here in the Senate? It is because the bill has not been maturely discussed.

Mr. President, I think I might as well say, in what may be called the privacy of this Chamber, that there are many Members of the Senate who have told me they hoped this bill would be defeated, but said they must vote for it. What is my duty under those circumstances? Is it not to oppose it to the end, to insist that it ought to be re-formed and the wasteful items eliminated? Am I doing my duty if I keep silent here in the midst of this waste? Am I doing my duty if I allow a bill to be hurried to a vote without discussion when I do not really believe if it had careful consideration and was voted upon according to the individual judgment of the respective Senators it would have a dozen votes in the Senate? That is the fact about it.

I am speaking freely, but in view of the attacks that have been made upon me this afternoon I think that I am justified in so speaking. I do not believe you are going to pass this bill in its present shape. I am going to prevent it if I can; I will tell you that.

Mr. BRANDEGEE. Mr. President, the Senator from Ohio knows that I have not intended to criticize him for speaking on this bill; he knows that we all admit his great knowledge, perhaps greater than that of any other man in the country, on the subject which he is discussing; but I for one am willing to have every proposition in the bill discussed and explained. I do not think the Senator is filibustering myself; the bill has not been discussed very much. I think so long as the Senator talks on the bill and furnishes information he can not be said to be filibustering; but I understand the Senator does not want to defeat the whole bill.

Mr. BURTON. By no means.

Mr. BRANDEGEE. The last phrase that the Senator used was that he did not want the bill to pass in its present form. The inference is that some modifications of it could be made, under which conditions he would be willing to have it passed; but what I want to know is, when the Senator says that our water-borne commerce is decreasing to such a great extent, although the facilities are so good, is it because that wherever the two facilities are furnished to the shippers, the railroad and the water, that they take the railroad in preference to the water?

Mr. BURTON. Generally speaking, yes.

Mr. BRANDEGEE. Even at the higher rates?

Mr. BURTON. Yes. I will come to that. I think I should say that my thought in this whole matter has been first to work out general principles, and I think I ought to have the right to address the Senate. Is there anything of this material that I am reading here that is not useful information?

Mr. BRANDEGEE. The Senator ought to have the right to address the Senate, but the only right he is accorded is the right to address the Chamber.

Mr. BURTON. Is this a filibuster? It is useful information about the Mississippi River that I am giving. Are not the Members of the Senate and the country entitled to this class of information?

Further on this subject, on pages 319 and 320 of House Document No. 50, Sixty-first Congress, first session:

> The Mississippi River, including its tributaries, drains about half the United States, and it has a total of about 16,000 miles of river (Census Bureau reports) susceptible of navigation. As every one knows, it is not many years since this river was noted for its large steamboat commerce, very large in proportion to the commerce of the entire country; and it, in fact, was the great highway for not only freights but passengers passing into and through the Middle West. For many years, however, its water commerce has been steadily diminishing, while the inland water commerce of the entire country has been as rapidly increasing, so that to-day its water supremacy is gone; and such condition of affairs is well known not only to the Mississippi Valley but to the United States public in general, who are wondering why the river is not more utilized and how it can be made more useful. But it is also well known to the engineering public of the country that the present river conditions of the Mississippi Valley are many times better than in the days of the greatest commerce—

The present river conditions are many times better than they were in the days of its greatest commerce—

> the river from St. Paul to deep water above New Orleans having now a navigable depth nearly twice as great everywhere as in former days—

I wonder if Senators understand, when we are asked to appropriate a million dollars for that stretch of the river from the mouth of the Missouri to the mouth of the Ohio, where they have had 8 feet for years, that the river now has a navigable depth nearly twice as great everywhere as in former days?—

> and its obstruction by snags and wrecks being at present so slight as to be rarely mentioned. The marked diminution of commerce under such circumstances can not be due to questions of navigation and river engineering and must be due to other conditions, such as those of demand and supply, water and rail competition, and of business management in general.
>
> This situation on the Mississippi River (and its tributaries) is not the only similar case in the United States. Even Chicago, Ill., in spite of its size, its increasing population and factories, its direct frontage on deep water of the Great Lakes, and its excellent inner harbor (Chicago River) of the olden type, has recently found itself in the same predicament and has been obliged to make special search for the reasons thereof.

Then there is a great deal of material on this subject which I wish every Member of the Senate could read, on pages 329 and 321 of this report, but I do not wish to encumber my remarks with all of this matter.

I quote next from page 336. It gives, here at the top of the page, the traffic on the Rhine. It says that at this time, 1907, it was over 16,000,000 tons, but in fact it is between 30,000,000 and 40,000,000 tons; it mentions the Volga, with a traffic of over 14,000,000 tons, of which three-fourths is upstream; and it goes on to refer to the decadence in the traffic on the Mississippi.

A comparison is then given which has often been made:

> The Great Lakes have been often referred to as an illustration of the enormous development of freights by reason of the existence of deep draft and as an argument for deep drafts in rivers. The experience of the Great Lakes navigation development is, however, not properly applicable to that of waterways in the other parts of the United States, as the Great Lakes, for the greater part of their distance, have broad, deep channels, more like the ocean than like any rivers of North America except the lower St. Lawrence. The movement of deep-draft boats in broad, open channels can not be properly quoted as an illustration of what would happen to similar boats in narrow, winding river channels.
>
> Large, deep-draft, heavily loaded boats are unwieldy, especially when trying to back against the current; and when coming downstream such boats can not be handled safely except in wide, deep channels, such as are far greater than ever can be expected in the Mississippi River above the mouth of Red River. While an ocean steamer might safely go slowly up the Mississippi against the current with a draft somewhat less than the channel depth over its bars, it is very doubtful whether it could ever get down the river with safety except during high freshets when all bars were deeply submerged.
>
> In order to put the Mississippi River Valley waterways, as regards facilities of transportation, on a par with the railroad systems of the valley, which have branches or sidetracks to every city or town within easy reach, it would be necessary that the box cars of railroads should be represented on the river by barges of uniform draft for the entire river system, so that one or more barges could be loaded at factories and freighted along the river in large tows, to be later collected at depots at the mouth of each tributary, where new tows could be assembled for through towage to their final destination, each barge, at the end of its route, delivering an unbroken cargo to the consumer. Such condition is practically achieved in Europe by the great number of its light-draft barges and the great number of small harbors or havens scattered along its rivers and canals.

I may say in this connection that on the Rhine River there are single towns that probably have expended more in the way of terminals than all the towns on the Mississippi River together, if we except New Orleans with its ocean terminals.

On page 344 of this report there is a table showing the traffic, I believe, in the year 1907, giving the reaches in the river in which the traffic occurs and tending to show the extent to which the traffic is local. I think that may be more properly taken up at a later time in connection with that diagram, Mr. President.

On page 349 it is said—and this is a striking fact in this connection—

> The tables of freight shipments for the entire Mississippi River system, showing a comparison from 1889 to 1908, while bringing out very plainly the great and almost uniform loss in boat commerce since 1889 (the only gain being that of the Yazoo River), shows that the least loss has been in the Ohio River system, where the low-water depths are the least and where only from one-fourth to one-half of the year is available for boats of 8 to 9 feet draft. At the same time it shows that while on the tributaries a large proportion of the freights are carried by packet boats, the lower Mississippi carries over two-thirds and the Ohio River carries as much as 92 per cent of its freights in barges and tows.
>
> The table of Mississippi River commerce, as compared with that of the rest of the United States, shows how rapidly the Mississippi River system has been falling behind the United States as a whole, the Mississippi having lost while the whole United States has doubled.
>
> The table of freights of important harbors on the lower river brings out plainly the large amount of local work in the river as compared with through freights. In order to reconcile this table with the previous table, it must be borne in mind that all freights are counted twice, once for shipment and again for delivery.
>
> As bridges are built across the Mississippi the importance of ferry traffic diminishes. The river below St. Louis is at present crossed only by two bridges, one at Thebes and the other at Memphis.

Here is something about the grain traffic, on page 350, which is interesting:

The grain traffic of the Mississippi River has for several years decreased very heavily, having lost about 78 per cent since 1889, the decrease on the upper Mississippi being about 60 per cent and that on the lower Mississippi about 96 per cent. The latter decrease is due to the fact that the cost of the boat transportation from St. Louis to New Orleans, added to the extra cost of ocean transportation from New Orleans to Europe, is to-day (1907-8) greater than the rail charges from St. Louis to New York, plus ocean carriage New York to Europe.

Coal, sand, stone, etc., constituted in 1906 about 87 per cent of all barge freight, being about 86 per cent on the upper Mississippi, 92 per cent on the Ohio, and 47 per cent on the lower Mississippi. Next to coal, the chief commodity is sand in short hauls, often entirely within a single harbor.

Mr. President, while I regret that there are not a larger number present, I think it is perhaps desirable here to take up some very striking figures, and I ask my colleagues to consider these figures in regard to the Mississippi and other rivers. I feel that these are so important that at some time, if attention is not paid to them, I shall feel compelled to take them up again. It is my duty to discuss them, because the public and, I believe, the Senate do not understand their importance.

I turn to page 12523 of the CONGRESSIONAL RECORD for July 23, 1914. The traffic on the Mississippi is given in four sections—from 1901 to 1910, inclusive. Those four sections are, first, St. Louis to Cairo; second, Cairo to Memphis; third, Memphis to Vicksburg; fourth, Vicksburg to New Orleans. Now, let us see how striking this is.

The quantity of grain and its products carried in that reach, from St. Louis to Cairo, in the year 1901 was 137,954 tons. What was it in 1910? Sixteen thousand nine hundred and eighty-one tons. In other words, it had fallen from 137,954 tons to less than one-eighth of that amount—16,981 tons. The quantity of live stock—passing over cotton and cotton seed, which are practically insignificant and show in general a slight increase—in 1901 was 31,981 tons. What was it in 1910? Six thousand five hundred and eighty-one tons—a little more than a fifth of what it was in 1901. Coal and coke showed an increase of from 80,950 tons in 1901 to 113,673 tons in 1910. I have several times in the discussion of this subject shown the reason for that, namely, that there is one concern in St. Louis which uses a certain kind of gas coal, which has been found to be the best for its purpose. It is derived from Pittsburgh. The cost, irrespective of interest on about $16,000,000 that has been poured into this stretch of the river, is $4 for every ton carried, while that coal could be carried by rail from the mine in Pittsburgh to the gas furnace in St. Louis for two dollars and a half.

What were the facts? In the early part of the century, in anticipation of the St. Louis fair, we were appropriating $650,000 a year for this part of the river. We thought it was desirable to put in considerable amounts to help them out at the time of the fair; but the commerce dropped and dropped, and along about 1905 we concluded it was not worth while to seek to pour money into a rat hole.

We did not believe in absolutely abandoning the river, but we put down the amount to $250,000, and we restricted the work to dredging. What has been the result of that? The traffic was two-thirds more during that time than it is now. In 1910 Congress increased the appropriations, and began to appropriate, first, $750,000; then in 1911, 1912, and 1913, $1,000,000 per annum; and there is $1,000,000 in this bill.

Mr. President, just as long as I have a voice I intend to protest against that project. All the while there was a depth of 8 feet from St. Louis clear down to the Gulf, and the project as explained is to get 8 feet from St. Louis down. For 8 or 10 years they have had 8 feet right along, barring a few days, and only a few days in exceptional seasons. Does the Senate understand that? Are they going to vote that item under such circumstances as that?

Mr. President, I almost ask pardon of the Senate for having digressed so long on a single project, but this one is typical. In 1881 it was estimated that it would cost about $16,000,000. Let me get the exact figures. It was estimated that it would cost $16,397,500 to obtain a channel 8 feet in depth. To June 30, 1913, the amount expended in seeking to obtain this 8-foot channel was $15,974,425. Nearly all of this was expended under the estimate of 1881. Sixteen million dollars was estimated in 1881 and $15,000,000 expended to date. The estimated cost of obtaining this 8-foot channel from St. Louis to Cairo, June 13, 1913, what was it?—$18,570,574, $2,000,000 more than it was estimated it would cost in 1881 for securing an 8-foot channel, when an 8-foot channel has been in existence and readily available save for a few days each year for 10 years past. That is an illustration. That is a typical case of what is in this bill.

I now turn to the other traffic on that section of the river between St. Louis and Cairo. In logs there has been a slight increase between 1901 and 1910, from 37,600 to 44,555 tons. Let us take up iron and steel. Let us see for what our beneficent Government has been expending money. In 1901 the number of tons of iron, steel, and metals carried on the stretch from St. Louis to Cairo was 29,122 tons and in 1910, 188 tons. It had almost disappeared. It is true that the 29,122 tons in 1901, I should say in fairness, was rather above the average for those years.

Groceries and provisions, in 1901, 83,656 tons; in 1910, 10,604 tons, a decrease to about one-eighth, and it took only 10 years to do it. The year 1913 will show a still further decline.

Here is one thing to be noticed. In some parts of the country they make a specialty of statistics, and include sand and gravel that is dug out of the bed of the river and carried 1 or 2 miles to some town near by. There was no sand or gravel in the statistics for 1901, but in 1910 there were 45,314 tons, and that helped to buoy up the aggregate. If it were not for that, the showing would have been a great deal worse.

The fall in miscellaneous freight is not so great. The decrease is from 67,573 tons in 1901 to 43,998 tons in 1910.

Now, what are you going to do, Senators? Are you going to ignore these facts? Are you willing, whatever the information may be to-day, superficial no doubt, to have the country know these facts in the future. The most just judge of all our actions is not the robed judiciary on the bench; it is the judgment of the future. Do you believe that these facts and figures are going to be ignored? Do you believe that the future will not consider this in the light of waste? It may be they will call it worse than waste. Then, will there not be a change of opinion? It is not merely a change of opinion in the future; it has already begun. If ever there was a time in all the 25 years I have been in public life where the press of the country were unanimous on any subject, it has been in condemnation of the river and harbor bill which is here before us. They may not have spoken in the thunder tones of the orator; they may not have spoken with the pleading of the man who wants to carry home something that he can tell his constituents about; but they have expressed an opinion about this bill which is like a great movement begun in confidence of its righteousness, and this criticism will still further increase.

Well, let us pass on to some more comparisons. Let us pass to the section between Cairo and Memphis. That is not quite so bad. In 1901 the traffic in grain and its products was 103,599 tons; in 1910, 15,669 tons. It has fallen to less than a sixth.

Cotton held its own, 13,647 tons in 1901 and 13,815 tons in 1910. But this is not through cotton. It does not go down to New Orleans or to the Gulf by this route. It is picked up at these respective landings and carried to Memphis or some other market. They did that in far greater quantities before the days of the Civil War than they are doing it now. It does not need an expensive or extensive improvement.

In order that I may not be misunderstood, do not let me be interpreted as being against this appropriation for the lower Mississippi River. No; I think it is one main reason why this bill ought to pass. It is true that the amount recommended by the engineers—$6,000,000—is not for navigation, although the original project contemplates improvement in the interest of navigation. It is because those people have been suffering from the floods of 1912 and because of the desirability of repairing levees and revetting the banks of the river.

I very much regret that those who are most interested in these improvements or that improvement on the Mississippi seem to be most insistent on the passage of this bill. What an irony of fate it would be if the whole bill should fail simply because other projects are advocated by those who are so interested in the improvement of the lower Mississippi River.

I now come to cotton seed and its products. Cotton seed is a commodity that has developed very much in the last 10 years. I presume there was a time in the memory of those around me when it was not considered as of any special value. In 1901 the traffic in this commodity between Cairo and Memphis was 21,750 tons; in 1910, 8,276 tons.

Live stock varies from year to year; in 1910 there was more than in 1901, but in the former year it was only 3,780 tons.

The traffic in coal and coke in 1901 was 1,359,462 tons; in 1910, 508,696 tons, a decrease of very much more than half.

In lumber—though I do not regard that as much of a test—there was a decrease from 228,493 tons in 1901 to 72,880 tons in 1910. Floating logs held their own. They hold their own sometimes on a decadent stream. There were 309,395 tons in 1901 and 335,662 tons in 1910.

Now, as to iron, steel, and metals, the traffic was 55,572 tons in 1901 and 20,828 tons in 1910, a decrease of considerably more than half. Groceries and provisions in 1901, 83,656 tons;

in 1910 it was 10,694 tons. But there has been an increase in sand, gravel, and stone, none in 1901, and 21,481 tons in 1910. At least the navigation is vindicated, because the quantity of sand and gravel is increased. Yet everyone knows just how short a distance it is hauled and the circumstances under which it is handled are well known. It is drawn on barges. It does not need any improved navigable channel at all.

Let us turn to miscellaneous and unclassified freight. Look at this: A decrease from 175,141 tons in 1901 to 20,897 tons in 1910.

Now let us give a few illustrations of the decadence of traffic on the lower stretch of the river from Memphis to Vicksburg. In 1901 the traffic in grain and its products was 143,791 tons; in 1910 it had decreased to 20,295 tons; just about a seventh. Cotton, 49,553 tons in 1901 and 20,770 in 1910. Right in the midst of that splendid cotton country the shipments between 1901 and 1910 have fallen off from about 50,000 to about 20,000 tons. Then cotton seed, 39,855 tons in 1901 to 26,743 in 1910.

Live stock shows an increase, but the total quantity is small. Look at coal and coke. It shows a decline of from 1,281,391 tons in 1901 to 392,561 tons in 1910, a decrease of less than a third. Lumber slightly increased; logs slightly increased, but they were largely floated without boats.

Then, again, the traffic in iron, steel, and metals was 32,851 tons in 1901; in 1910, 15,421 tons—less than half. Groceries and provisions in 1901, 74,221 tons; 34,560 in 1910. Yet in sand and gravel the traffic has grown from nothing in 1901 to 186,516 tons in 1910. In the published statistics it will be very frequently said, no doubt, that the tonnage is increasing or holding its own because of sand and gravel.

From 1901 to 1910 miscellaneous and unclassified fell from 44,442 to 22,179.

The traffic on the section from Vicksburg to New Orleans has held up rather better than that on the section just considered, but even there the decline has been very marked. For example, the traffic in grain and its products was 112,314 tons in 1901; 28,470 tons in 1910. Cotton—just think of it, right in the heart of the cotton country, between Vicksburg and New Orleans, with this magnificent river 30 feet deep part of the way—cotton fell from 71,925 tons in 1901 to 6,578 tons in 1910. In a stream that is big enough for ocean steamships much of the way less than a tenth was carried in 1910 than in 1901. Yet Congress with solemnity, with no manifestation of humor, is considering the canalization of the Brazos and the Trinity to carry cotton down to the Gulf when right on the Mississippi River, the Father of Waters, a magnificent waterway, the quantity of cotton that is being carried in one of the finest cotton-growing sections of the world has fallen off in 1910 to one-tenth of what it was in 1901.

Mr. President, one of the most amazing things in the world, to my mind, is the absence of a sense of humor in some persons. Yet you must not attack this bill; you must not criticize it; if you do, you are filibustering. It takes more than an hour to set forth the defects of this bill. What we need to know is the great tendencies that prevail in regard to river transportation. If we know and understand those tendencies we are not going to pass any such bill as this here before us.

Let us examine the traffic in cotton seed and its products. In 1901 it was 60,936 tons; in 1910, 10,339 tons. Live stock shows a slight decrease, but that is not very important. Coal and coke in 1901 was 1,225,970 tons; in 1910, 364,559 tons. On this great waterway, connecting the Ohio with the coal fields of the Kanawha and the Monongahela, where they can ship down fleets of boats, lashing them together, carrying 50,000 tons at one time, the quantity of coal that is carried down to New Orleans has fallen from 1,225,970 tons to 364,559 tons between 1901 and 1910.

Mr. TOWNSEND. May I ask the Senator a question? Has the Senator anywhere explained his theory why that has taken place?

Mr. BURTON. It is the greater resort to railway transportation, for the most part.

Mr. TOWNSEND. Why was that additional railway transportation provided? What induced it?

Mr. BURTON. Because of the greater demand for carriage of products by rail, no doubt; and another thing I shall try to go into—I do not want to go into it at any very great length now, because I am not sure that I shall have any very ardent listeners, although I see there are some who are paying very close attention—is the transporting by the railroads of a heavier quality of freight in recent years. That is one of the explanations of this tendency, and I will try to show how that comes about. Of course in this case, in regard to coal, there is a very considerable development in the coal fields in Alabama. I sincerely hope that the locks and dams system on the Black Warrior River may aid very materially in the shipment of coal to New Orleans by barges. Of that, however, I am somewhat doubtful.

The decrease in lumber on the Mississippi between Vicksburg and New Orleans was from 37,359 tons in 1901 to 14,903 tons in 1910. The figures for logs are not given for 1901. In 1910 there were 71,538 tons shipped.

Now, look at iron, steel, and metals. There were 31,272 tons in 1901 and 9,707 tons in 1910; groceries and provisions, 154,877 tons in 1901 and 58,941 tons in 1910.

One thing has shown very great increase—gravel, sand, and stone, of which there were no statistics in 1901, while in 1910 there were 657,656 tons. That, of course, makes a favorable impression in any showing of aggregate statistics, but it really means nothing.

In oil, also, there has been some development below Baton Rouge, where there is a great oil refinery, and I am glad to know that there has been a traffic there reaching 223,984 tons in 1910. Miscellaneous and unclassified tonnage in 1901 was 137,557 tons; in 1910 it had fallen to 81,709 tons.

Now, let us look at the totals:

St. Louis to Cairo, 563,848 tons in 1901; 289,759 tons in 1910.
Cairo to Memphis, 2,306,302 tons in 1901; 1,039,195 tons in 1910.
Memphis to Vicksburg, 1,856,339 tons in 1901; 980,386 tons in 1910.
The decrease has not been so large between Vicksburg and New Orleans—from 1,835,174 tons in 1901 to 1,530,230 tons in 1910.

It should be borne in mind, however, that in those figures for the section between Vicksburg and New Orleans for the year 1910 there is included a quantity of gravel, sand, and so forth, of 657,656 tons. If those were taken out, it would leave less than 900,000 tons for the total, or a decrease of more than one-half.

Mr. President, I wish the Members of the Senate would look over these tables. They were printed on the 23d of July, 1914, in the hope that some attention would be given to them. These figures that I have given are taken verbatim from the Statistical Abstract of 1911 or 1912—I have forgotten which year it is—and are entirely accurate. They were originally taken from the report of the Chief of Engineers—the best source available.

Now, let us look at another section of the Mississippi River—from the mouth of the Missouri to St. Paul. That is about 638 miles in length. The tonnage on that section of the stream in 1885 was 5,607,196 tons; in 1912 it was 1,830,294 tons—a decrease of two-thirds.

Another interesting fact that I want to give in this connection in a few minutes is the ton-mileage on that stretch of the stream. These statistics are the most convincing of all. They are compiled by the St. Louis Merchants' Exchange. That commercial body collects its statistics as carefully as any organization in the country and they have them extending back for many years. The Cincinnati Chamber of Commerce also does very good work, but for the Central West and the Mississippi Valley I think the St. Louis Merchants' Exchange furnishes reports unsurpassed by any. Just look at a few of these figures relating to the upper Mississippi River. In 1890, 22,547 tons were shipped from St. Louis to the upper Mississippi. In 1913 the quantity was 8,830 tons.

Here are some figures which will interest Senators: In 1890 the shipments from St. Louis to the lower Mississippi River were 543,805 tons. In 1913 they were 20,000 tons, or about one twenty-seventh as much in that year as they were in 1890. That is not a very long time—23 years, from 1890 to 1913—but it is long enough to show that while the channel in 1890 was not much more than half as deep as it now is and as it has been for 10 years; and after 10 years of 8-foot navigation down to Cairo, and 9 feet below Cairo, the amount shipped out of St. Louis to the Mississippi River below Cairo has dropped in 1913 to less than one twenty-seventh of what it was in 1890.

The quantity of freight shipped from St. Louis to the Missouri River has fallen from 10,035 tons in 1890 to 7,284 tons in 1913. The total shipments from St. Louis by river in 1890 were 601,862 tons. They had fallen in 1913 to 47,584 tons—about one-thirteenth. The total shipments——

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. BURTON. Certainly.

Mr. REED. During what period was that?

Mr. BURTON. That was from 1890 to 1913.

Mr. REED. Will the Senator not state to the Senate, as a matter of fairness, that the traffic on that river has begun to

increase in the last three or four years? It is greater this year than it has been for several years.

Mr. BURTON. The figures do not seem to show that. I have here the figures furnished by the Merchants' Exchange.

Mr. REED. Of St. Louis?

Mr. BURTON. Yes.

Mr. REED. Oh, St. Louis does not know there is a Missouri River; they are on the Mississippi River.

Mr. BURTON. Well, these are the figures for the Missouri. The shipments out of the Missouri were more in 1913 than they were in prior years, because another boat line has been put on.

Mr. REED. I think the Senator ought to say now, in all fairness, that not only is there another boat line on, but they are building and acquiring more boats. They have also a very large unexpended fund that lies there to be used for more boats as soon as they have determined the best type of boat. I think also he ought to add that they have been acquiring docks and terminal facilities of the most modern character, at least at Kansas City; and then I think he ought further to add that the difficulty lies in the fact that there are bars in that river which make it difficult to navigate and at the very purpose of the present appropriation is to remove those bars and to restore navigation.

Mr. BURTON. Mr. President, I have never opposed a reasonable appropriation for the maintenance of the Missouri River, but the present project contemplates an expenditure of about $20,000,000. The total amount of freight coming to St. Louis from that river was only 7,284 tons in 1913. Just think of it; about half of an ocean boatload or two-thirds of a boatload on the Lakes. Those were the shipments in 1913—7,284 tons—and the receipts for the same year were 5,380 tons.

Another thing: You never can develop a traffic on that river, because it flows counter to the lines of transportation. You have a bend at right angles at Kansas City. Again and again boat lines have been put on for a year or so. For a while they have had patronage, and then they have been abandoned; but here we are proposing to spend 20 times as much as all your terminals and your boats are worth.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. BURTON. Yes.

Mr. REED. Mr. President, there are two fallacies in the Senator's statement, and while there are only a few Members of the Senate here, I do not want the record which the Senator is making now upon the Missouri River further to go unchallenged. If he will pardon the interruption, I should like right at this time to point out those two fallacies.

Mr. BURTON. Mr. President, I understand it is a rule that interruptions are in order.

Mr. REED. Mr. President, the first one is that because there is not at the present time traffic upon a river therefore the river can never be made fit for traffic. That logic amounts to no more than to say that if a bar forms across a river which absolutely prohibits traffic you can prove that that bar should never be removed by providing that there is no traffic, when there can be no traffic because of the existence of the bar. Of course, when a river has been allowed to have bars form in it, it is easy enough to prove that there is no traffic, because the traffic can not be there. The argument is on an exact parallel with that of the old lady who told her boy that he must learn to swim before he went into the water. Of course, you can not run boats upon a stream, however much water there is in the stream, if there is a single bar across that river which prohibits traffic at that point; but if you remove the bar you may have the traffic. That is the whole trouble with traffic upon the Missouri River.

There is enough water in the Missouri River to float the navies of the world, but it is a rapid stream; it cuts into the banks; erosion takes place; deposits are made in the beds of the stream, and accordingly a boat proceeding up it will meet with disaster upon these bars. The very purpose is to make it so that you can put traffic upon it, and you can not disprove that by proving that the traffic has run down. With all of the difficulties that now exist and have for years existed, nevertheless traffic is being restored in the face and teeth of these difficulties.

It has been necessary to experiment to determine what is the best kind of boat for that stream under these adverse conditions, and, as the result of that, several boats have been placed upon the river, and others are being built, and there is a large fund, sufficient to build several more good boats, simply awaiting the use that it can be put to as soon as the best type of boat has been fully settled upon.

The last year has witnessed a large increase in traffic upon the river. Boats now run with considerable regularity, although all of the obstructions in the stream exist that have been accumulating for years, except at a few points where the Government has improved the river.

There is a stretch of that river that was properly improved some years ago. My recollection is not exactly accurate at this moment, but I think 15 years ago there was one stretch of that river that was improved systematically. It was improved to give a 6-foot channel, but instead of giving a 6-foot channel it gave a 9-foot channel. It was the worst stretch of the river. That 9-foot channel has been there ever since. If all the river had been improved in the same way, there would be an immense traffic to-day upon the bosom of that river, and I protest that it is not fair for any man to argue that an appropriation should not be made for a stream and to prove that by the fact that traffic is not there now, when the very purpose of the appropriation is to permit traffic. I thank the Senator.

Mr. BURTON. Mr. President, first of all, let us examine into this proposition. We have spent large sums of money in improvement and now have an excellent channel from the mouth of the Missouri down by St. Louis clear to the Gulf. The traffic there has almost entirely disappeared. Does anybody suppose that if you improve this stream, at right angles to the Mississippi River, a longer distance, a less favorable field for the promotion of traffic, that you are going to have a larger traffic on the Missouri than you have on the Mississippi between the mouth of the Missouri and the mouth of the Ohio?

Then let us take the other portion. You may compare the Mississippi above the mouth of the Missouri with the Missouri. The traffic on the Mississippi above the mouth of the Missouri has shown the same rapid, steady decadence as that below.

The argument is made that notwithstanding the rapid decline of traffic on the Mississippi below the mouth of the Missouri, notwithstanding it is falling off on the Mississippi above the Missouri, you can improve a tributary, for that is what the Missouri is—the Mississippi constitutes a straight, direct route—and that by such an improvement you can develop a larger commerce on that than you can on either of the two sections of the Mississippi.

As to the first fallacy, the Missouri is easily capable of being navigated by boats of 4 feet draft, or would be with very slight improvement. Back in 1857 there were boats running on that river, and for years thereafter, before the Government had spent any material sums upon it. There is a proposition in one of the reports to improve it, and secure 6 feet at a cost of three or four millions. I would not object even to that; but what is this plan that you have here? Why, it is to spend $20,000,000, and $500,000 per annum for maintenance, for a permanent 6-foot channel from Kansas City to the mouth.

Let us look at the absurdity of that. Above the proposed improvement on up toward Sioux City, there is practically no channel at all, while below it, that is, below the mouth of the Missouri, the existing project is for 6 feet. And here is this lower portion of the Missouri River, in between, where according to the present project you are seeking to spend twenty millions on a 6-foot project.

That shows how our whole system of public works needs overhauling. We ought to get rid of this patch-work policy which is much like the plan for a dam in the Tennessee River, where they were going to have a channel from Knoxville to Chattanooga 3 or 4 feet deep, and build a great dam in between, giving for 22 miles of the total length of 188 miles 6 feet in depth. What good does that 6 feet of depth do right in there, with 80 miles on both sides having but 3 feet at extreme low water and 4 feet at ordinary low water? How perfectly absurd that all is. But our system is getting to be so full of shreds, patches, and irregularities that we are seeking to improve the ungovernable Missouri to the extent of providing a permanent 6-foot channel, at an enormous expense.

I now come to the receipts at St. Louis. Those from the upper Mississippi in 1890 were 128,960 tons; in 1913, 27,735 tons. From the lower Mississippi the receipts were 222,075 tons in 1890 and 11,275 tons in 1913—a decrease of nearly nineteen-twentieths. The receipts from the Missouri River were 21,350 tons in 1890 and 5,380 tons in 1913, the latter figure showing a considerable increase over the previous four years.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. I do.

Mr. SIMMONS. May I inquire of the Senator what he is reading from?

Mr. BURTON. The reports published in the CONGRESSIONAL RECORD—I myself had them inserted at pages 12523 and 12524—showing shipments and receipts of freight at St. Louis, furnished by the St. Louis Merchants' Exchange.

Mr. SIMMONS. In other words, the Senator is repeating his speech heretofore made?

Mr. BURTON. No, sir; I beg the pardon of the Senator from North Carolina.

Mr. SIMMONS. The Senator is reading something that he has already put in the CONGRESSIONAL RECORD as a part of his speech.

Mr. BURTON. No; I put these in as a table, hoping that the Senator from North Carolina or others would give some attention to them.

Mr. SIMMONS. The Senator does not know but that they have done so.

Mr. BURTON. If they have, I am very glad of it, and I shall be glad to call the attention of the Senate to them; but I do not quite think the Senator from North Carolina—who will excuse my answering with some heat—is justified in saying that I am reading from a speech that I had delivered before.

Mr. SIMMONS. The Senator is reading from the CONGRESSIONAL RECORD an extract from a speech that he made before.

Mr. BURTON. No; this is the history of that: I delivered some remarks on the 22d of July, and then was silent for a considerable time. I think I did not resume the floor again until the 4th of September. It was not my own fault; it was due to the course of business. On the morning of the 23d of July I requested that these tables, which I had prepared with a great deal of care—they have required my own labor and that of secretaries with me in the work of classification and checking up for days—should be printed in the RECORD of that day's proceedings.

Mr. KENYON. Mr. President——

Mr. BURTON. They were not read at all.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. That is the question I was going to ask. These tables have not been read in the Senator's speech in any way?

Mr. BURTON. No; but I want to say to the Senator from North Carolina, in view of the comparatively light attendance to-night and the supreme importance of the facts and tendencies that are shown by that table, that I should feel perfectly justified in repeating them at a later time when there are more Senators present, though not in just the form that I am doing to-night, for a bill can not be framed intelligently without an understanding of the facts and tendencies which are set forth by that table.

Mr. SIMMONS. The Senator would not consider himself justified in doing that because there is a smaller attendance of the Senate to-night, when he is repeating it, than there was when he originally inserted it in the RECORD?

Mr. BURTON. As far as the attendance in the Senate when it was originally inserted is concerned, I suppose the full Senate was here. It was during the morning hour, but it was not read at all.

Mr. SIMMONS. Was it not inserted as part of the Senator's speech?

Mr. BURTON. No. After I had finished my remarks, and on a day when I made no remarks, I asked leave to have this printed in the RECORD.

This is the phraseology of it:

On the 23d day of July, after the presentation of petitions and memorials and a number of things of that kind, the passage of several bridge bills, and the insertion by the Senator from California [Mr. WORKS] of an analysis or synopsis of the provisions of the three trust bills, I made this request:

> I ask unanimous consent to have printed in the RECORD certain facts and figures pertinent to the pending river and harbor bill.
>
> The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.
>
> The matter referred to follows.

It was not read or anything of that kind.

The receipts and shipments at St. Louis from the Ohio, Mississippi, and Missouri are all given, the total for 1880 being 1,831,385 tons, while in 1913 they had decreased to 258,709 tons, and that, too, when the latter figure includes the tonnage from the Illinois, Cumberland, and Tennessee Rivers also. If anyone will take up this table here at page 12524, in the middle of the second column, he will find what the tendencies are. In the meantime the railway traffic from 1880 to 1913 had increased from 8,852,204 tons to 54,350,851 tons. That is, while the waterborne traffic had gone down to a seventh of what it was, the rail traffic had been multiplied by six; and the proportion of traffic carried by water in 1880 was 44 times as great as it was in 1913.

I will touch briefly here on a comparison of the decrease in traffic on some other rivers.

The Penobscot River: The average yearly traffic in 1890–1895 was 840,000 tons. In 1912 it was 549,476 tons.

The Kennebec River: The average yearly traffic in 1890–1895 was 1,140,000 tons. In 1912 it was 281,700 tons—about one-fourth of what it was in 1890–1895.

The Connecticut River to Hartford: 1,041,000 tons in 1890–1895; in 1912, 617,981 tons.

The Hudson River fell off from 5,000,000 to 3,045,136 tons and the James River from 699,000 to 507,023 tons in the same period.

The Oconee from 109,000 to 7,451, though to those figures should be added rafted lumber. I am giving the figures showing a comparison of the average yearly traffic in 1890–1895 with that in 1912.

The Ocmulgee showed a similar decrease, from a yearly average of 115,000 tons in 1890–1895 to a yearly average of 74,000 tons in 1906–1908 and 9,528 in 1912. I think, however, these figures would be less glaring if a certain amount of rafted lumber carried on this river was included in the list.

There is a further list here: The Pawcatuck, in Rhode Island and Connecticut; the Rappahannock, in Virginia; Occoquan Creek, in Virginia; the Neuse River, in North Carolina; the Trent River, in North Carolina; the Savannah River below Augusta; the Withlacoochee River, in Florida; the Leaf River, in Mississippi; the Big Kanawha, in West Virginia. The last is rather striking and deserves some attention; and, if I can get the attention of the Senate, I want to point out a very important tendency in those rivers that have a large traffic in coarse material.

The Monongahela River carries an immense quantity of coal. Indeed, its traffic is perhaps the largest in that of any river in the country which is strictly a river, aggregating more than 10,000,000 tons a year. The traffic is diminishing slightly, but if you make the comparison year by year the proportion of coarse freight increases, and that of the finer grades of freight diminishes. That is the almost universal tendency on all our rivers, and it should be borne in mind to show that a river that does not have a promise of coarse traffic is not promising for improvement. This is true of the Kanawha and of the Monongahela, both of which show similar tendencies.

The next point I want to make in this connection, showing the decrease in river traffic, is the comparatively insignificant average haul on streams at the present time. The Mississippi River, between the mouth of the Missouri and St. Paul, is 658 miles long. We have divers reports of the total amount of tonnage on that stream, and it is supposed by the careless reader that it is carried a good share of the length of the river. But on that river, 658 miles, the average haul is 31.6 miles. On the Arkansas, which is 416 miles in length, the average haul is 34 miles. On the Red, below Fulton, a length of haul 475.4 miles, the average haul is 61.3 miles. On the upper section of the Tennessee, a distance of 188 miles, the average haul is 19 miles. On the middle section of the Tennessee, 238 miles in length, the average haul is 33 miles. Tennessee, lower section, 226 miles, the average haul is 147 miles. Big Kanawha, 90 miles in length, average haul is 53.8 miles. Fox, 163 miles in length, average haul is 27 miles. Snake, 216 miles in length, average haul is 80 miles. The White—that is, down in Arkansas, the Arkansas White—301 miles in length, average haul is 42 miles. The Missouri, mouth to Kansas City, 392 miles in length, average haul is 13.9 miles. Then, one is given that I do not think is perhaps quite fair—the Missouri, Kansas City to Fort Benton, 1,894 miles in length, average haul is 16.4 miles. Yet it is fair, too. These figures show that in all these great streams that are of such considerable length there is a very short average haul. The Mississippi above the mouth of the Missouri, 658 miles in length, perhaps is one of the best illustrations of all, for it has only 31.6 miles average haul.

Mr. President, this short average haul on some of our longest rivers is also very emphatically shown by the contrast with the commerce passing through the canal at Sault St. Marie. The traffic through the Sault St. Marie Canal in 1887 had an average haul of 811 miles, and in 1912 of 831 miles, showing that there where the distances are short they have an average haul of over 800 miles.

In this connection I wish to give the average size of vessels on the Mississippi River and its tributaries. In 1888 the average gross tonnage of ships on the Mississippi River and tributaries was 190 tons. In 1898 it had fallen to 157 tons, in 1907 to 102 tons, in 1910 to 83 tons, in 1912 to 79 tons, and in 1913 to 76 tons. To anyone who is a student of this subject these figures are as expressive as any which are afforded.

Mr. President, I desire to go on with a further part of my remarks, but I am inclined just at this time to introduce a motion which I desire to have passed upon by the Senate.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Ohio proposes the following motion.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. It is a motion I wish to introduce.

Mr. SIMMONS. How can the Senator introduce a motion in the midst of his speech.

Mr. BURTON. I take it so.

Mr. SIMMONS. I think not. It is not proper for a Senator who has the floor to make a motion.

Mr. BURTON. I think my remarks have led up to something of this kind.

Mr. SIMMONS. I make the point of order that the pending question before the Senate is the adoption of the first amendment of the committee, and that no motion can be made until that is disposed of.

Mr. SMOOT. Mr. President——

Mr. BURTON. If the Senator from Utah will excuse me, the motion to agree to the amendment of the committee is merely a matter of procedure.

Mr. SIMMONS. It is the matter before the Senate.

Mr. BURTON. This is the consideration of the bill.

Mr. SIMMONS. The question is upon the amendment reported by the Committee on Commerce; and a motion and that question can not be pending at the same time.

Mr. STONE. May I interrupt the Senator?

Mr. BURTON. I yield merely for a discussion of that which I present.

Mr. STONE. Mr. President, I make a point of order supplemental to the point made by the Senator from North Carolina, that pending this discussion, and while this bill is pending and the Senator from Ohio is in process of debating it, he can not rise here and offer a resolution about anything. It is different business from that which the Senate is considering.

Mr. BURTON. But it is a resolution about this bill.

Mr. SMOOT. The Senator from Missouri can not take that position in relation to a matter that has reference particularly to this bill. The Senator is absolutely right as to introducing a resolution upon any other subject or asking unanimous consent for the consideration of any other matter, but, as I understood the Senator from Ohio, this is a motion to be offered relating to the bill.

Mr. BURTON. It is a motion to recommit with instructions.

Mr. SMOOT. It is a motion to recommit.

Mr. STONE. It is a resolution that he offers.

Mr. BURTON. It is a motion. I am inclined to think that the word "*Resolved*" is given at the beginning. If so, it should be removed. I ask that it be changed into a motion.

Mr. SIMMONS. I insist upon the point of order made by myself, and also by the Senator from Missouri.

Mr. BURTON. Mr. President, this is a most unprecedented situation. Here we are considering a certain bill and I make a motion with reference to the disposition to be made of that bill, and without even having it read these points of order are made. It is in line with what was done earlier in the evening. Let me say to my friends on the other side I am not at all misled by the object of this session. Does the Senator from North Carolina mean to say, does the Senator from Missouri mean to say, that while we have a bill under consideration I can not make a motion to recommit it to the committee with instructions?

Mr. SIMMONS. I mean to say that we can not supersede the question before the Senate by another question.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. BURTON. I yield for the moment. I desire to retain the floor.

Mr. SMOOT. I have no desire whatever to delay the consideration of this bill. I have no desire in my heart except that the Senate shall comply with the rules of this body. I do not believe that a Senator here can point to any precedent or any occasion that ever arose, where, when a bill was under consideration, it was held that a Senator has not a right to move that it be recommitted to the committee for further consideration.

Mr. SIMMONS. Is it a motion to recommit the whole bill?

Mr. SMOOT. That is what I understood the Senator from Ohio to say.

Mr. BURTON. I think it would throw light on this situation if we had it read.

Mr. SMOOT. I think so.

Mr. SIMMONS. I ask that the motion be read.

The PRESIDING OFFICER. The Secretary will read the motion.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. BURTON. I yield.

Mr. FLETCHER. I suggest that it would be a most unheard-of proceeding if in the midst of the Senator's speech—at the close of it would be the time if it would be in order at all—to offer a motion, and that he can not expect to offer a motion or resolution and have action taken upon it without losing the floor.

Mr. BURTON. I expect when the motion comes up, if it comes up, to be heard. It is one on which we can argue, but I do not propose to yield the floor until the question is decided whether the motion is in order.

Mr. SMOOT. Let the motion be read.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

That the pending river and harbor bill, H. R. 13811, be recommitted to the Committee on Commerce, with instructions to report the same to the Senate for consideration not more than 10 days from date, with the following modifications:

1. The omission of new projects unless upon consideration it should appear that the benefit derived therefrom at this time and under present conditions will be commensurate with the cost.

2. With provision for the readjustment of the balances appropriated for river and harbor improvements, amounting to $45,338,653 on June 30, 1914, and $6,588,500 in the sundry civil bill of July, 1914.

In such readjustment provision shall be made for probable expenditures and for reasonable contract obligations upon projects to the credit of which there are balances not necessary for improvement on or before June 30, 1915. The balances remaining shall be applied upon other projects included in the said river and harbor bill for the prosecution of necessary work authorized therein.

Mr. SIMMONS. I would concede that it is in order to make a general motion to recommit, but I do not think that necessarily implies that it is in order under these circumstances to move to commit with express instructions as to what sort of a bill the committee shall bring here.

Mr. SMOOT. Mr. President——

Mr. SIMMONS. I submit that to the Senate and I withdraw the point of order I made.

Mr. SMOOT. If the Senator from Ohio will yield——

Mr. BURTON. I yield.

Mr. SMOOT. I do not think there ought to be any position taken here that can not absolutely be sustained by every Senator.

Mr. SIMMONS. Nobody is taking any such position.

Mr. SMOOT. A Senator making a motion to recommit a bill can also at the same time in that motion move to recommit it with instructions. The Senate can vote the motion down; the Senate can amend the motion by striking out the instructions, but there can be no doubt as to its being in order. It is in the power of the Senate to do as it pleases with the motion, but it is well within the right of the Senator from Ohio to offer the motion either with or without instructions. It is in the power of the Senate not only to amend the motion by striking out the provision for instructions, but it is in the power of the Senate to vote the whole motion down. I think the position taken by the Senator from North Carolina——

Mr. SIMMONS. I did not yield for the purpose of an argument.

Mr. SMOOT. I did not ask the Senator to yield. I asked the Senator from Ohio to yield.

Mr. SIMMONS. The Senator from Ohio is not on the floor. I have the floor. I ask the Chair if I am not entitled to the floor?

The PRESIDING OFFICER. The Senator from Ohio yielded to the Senator from North Carolina.

Mr. BURTON. Yes; I would be glad to yield.

Mr. SMOOT. Then the Senator from Ohio yielded to me.

Mr. SIMMONS. The Senator took his seat. I move to lay the motion on the table.

The PRESIDING OFFICER. The Senator from North Carolina moves to lay the motion of the Senator from Ohio on the table.

Mr. BURTON. Mr. President, one minute.

Mr. SIMMONS. That motion is not debatable.

The PRESIDING OFFICER. That is true.

Mr. BURTON. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The roll will be called.

Mr. BRYAN. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Florida will state the point of order.

Mr. BRYAN. The Chair announced there were eight who seconded the demand for the yeas and nays. My proposition is that it takes one-fifth under the Constitution to demand the yeas and nays and that the presiding officer must assume that a quorum of the Senate is present, and a fifth of a quorum is obliged to be as many as 10. Under the last count of the Chair there were not 10 Senators who demanded the yeas and nays.

Mr. SMOOT. I hope the Senator will not try to invoke that rule now. It is one-fifth of the Senators present. It is always so held in this body on a call for the yeas and nays.

Mr. BRYAN. I raise a point of order that not a sufficient number have seconded the demand for the yeas and nays.

The PRESIDING OFFICER. With due deference to the distinguished Senator from Florida, the Chair decides that a sufficient number ordered the yeas and nays, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN], which I transfer to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. HOLLIS (when his name was called). I have a general pair with the junior Senator from Maine [Mr. BURLEIGH] and will withhold my vote unless it is necessary to make a quorum.

Mr. JOHNSON (when his name was called). I transfer my general pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. LEA of Tennessee (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. CRAWFORD]. In his absence I withhold my vote unless it be necessary to make a quorum.

Mr. SIMMONS (when his name was called). I have a pair with the junior Senator from Minnesota [Mr. CLAPP]. I will withhold my vote unless it is necessary to make a quorum.

Mr. SMITH of Maryland (when his name was called). I have a pair with the Senator from Vermont [Mr. DILLINGHAM], which I transfer to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. STONE (when his name was called.) I transfer my general pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. WALSH (when his name was called). Transferring my pair as announced upon a vote heretofore, I vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Kentucky [Mr. CAMDEN] and vote "yea."

The roll call was concluded.

Mr. MYERS I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Alabama [Mr. WHITE] and vote "yea."

Mr. GORE. I transfer my pair with the junior Senator from Wisconsin [Mr. STEPHENSON] to the junior Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Georgia [Mr. WEST] and vote "yea."

Mr. LEA of Tennessee. I transfer my pair with the senior Senator from South Dakota [Mr. CRAWFORD] to the junior Senator from Colorado [Mr. SHAFROTH] and vote "yea."

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Kansas [Mr. THOMPSON] and vote "yea."

Mr. JAMES. I transfer the general pair which I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Illinois [Mr. LEWIS] and vote. I vote "yea."

Mr. CHILTON (after having voted in the affirmative). I have a general pair with the senior Senator from New Mexico [Mr. FALL], who is necessarily absent, but under the terms of my pair I have a right to vote, and I will let my vote stand.

Mr. SIMMONS (after having voted in the affirmative). I will let my vote stand, notwithstanding the fact that the Senator from Kansas [Mr. THOMPSON], to whom I transferred my pair with the Senator from Minnesota [Mr. CLAPP], has come into the Chamber and voted, provided that my vote is necessary to make a quorum, and I understand that it is.

Mr. HOLLIS. Mr. President, may I inquire how many Senators have voted?

The PRESIDING OFFICER. Not a sufficient number to constitute a quorum.

Mr. HOLLIS. Then, notwithstanding my pair, I will vote. I vote "yea."

The result was announced—yeas 34, nays 4, as follows:

YEAS—34.

| | | | |
|---|---|---|---|
| Ashurst | Lane | Reed | Swanson |
| Bankhead | Lea, Tenn. | Robinson | Thompson |
| Bryan | Lee, Md. | Saulsbury | Thornton |
| Chilton | Martine, N. J. | Sheppard | Townsend |
| Fletcher | Myers | Shields | Vardaman |
| Hollis | Overman | Simmons | Walsh |
| James | Perkins | Smith, Ariz. | Williams |
| Johnson | Pittman | Smith, Md. | |
| Kern | Ransdell | Stone | |

NAYS—4.

| | | | |
|---|---|---|---|
| Burton | Gore | Page | Smoot |

NOT VOTING—58.

| | | | |
|---|---|---|---|
| Borah | Dillingham | McLean | Smith, Ga. |
| Brady | du Pont | Martin, Va. | Smith, Mich. |
| Brandegee | Fall | Nelson | Smith, S. C. |
| Bristow | Gallinger | Newlands | Stephenson |
| Burleigh | Goff | Norris | Sterling |
| Camden | Gronna | O'Gorman | Sutherland |
| Catron | Hitchcock | Oliver | Thomas |
| Chamberlain | Hughes | Owen | Tillman |
| Clapp | Jones | Penrose | Warren |
| Clark, Wyo. | Kenyon | Poindexter | Weeks |
| Clarke, Ark. | La Follette | Pomerene | West |
| Colt | Lewis | Root | White |
| Crawford | Lippitt | Shafroth | Works |
| Culberson | Lodge | Sherman | |
| Cummins | McCumber | Shively | |

The PRESIDING OFFICER. Not a sufficient number of Senators have voted to constitute a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Kern | Ransdell | Stone |
| Bankhead | Lane | Reed | Swanson |
| Bryan | Len, Tenn. | Robinson | Thompson |
| Burton | Lee, Md. | Saulsbury | Thornton |
| Chilton | Martine, N. J. | Sheppard | Townsend |
| Fletcher | Myers | Shields | Vardaman |
| Gore | Overman | Simmons | Walsh |
| Hollis | Page | Smith, Ariz. | Williams |
| James | Perkins | Smith, Md | |
| Johnson | Pittman | Smoot | |

The PRESIDING OFFICER. Thirty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. SMITH of Georgia, Mr. SMITH of South Carolina, and Mr. WEST answered to their names when called.

The PRESIDING OFFICER. Forty-one Senators have answered to their names. There is not a quorum present.

Mr. SIMMONS. I inquire if there is a standing order with reference to requesting the attendance of Senators by the Sergeant at Arms?

The PRESIDING OFFICER. The Senate decided recently that it would be necessary to make an order in each case.

Mr. SIMMONS. Then I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will immediately carry out the order of the Senate.

Mr. WHITE, Mr. JONES, Mr. CAMDEN, Mr. SHAFROTH, and Mr. KENYON entered the Chamber and answered to their names.

Mr. SIMMONS. Mr. President, I am satisfied there is a sufficient number of Senators in the city to make a quorum, and I move that the Sergeant at Arms be directed to compel the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. BRANDEGEE and Mr. CHAMBERLAIN entered the Chamber and answered to their names.

After a little further delay Mr. CLAPP entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question re-

curs on the motion of the Senator from North Carolina [Mr. SIMMONS] to lay on the table the motion of the Senator from Ohio [Mr. BURTON], on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. FLETCHER (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. HOLLIS (when his name was called). I announce my pair with the Senator from Maine [Mr. BURLEIGH].

Mr. JAMES (when his name was called). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Illinois [Mr. LEWIS], and I vote "yea."

Mr. JOHNSON (when his name was called). I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from New Jersey [Mr. HUGHES] and vote. I vote "yea."

Mr. LEA of Tennessee (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. CRAWFORD]; but previous roll calls show it is necessary for me to vote in order to make a quorum, and I have an understanding with him whereby I can vote to constitute a quorum. Therefore I vote. I vote "yea."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT] and therefore at this time withhold my vote. If necessary to make a quorum, I shall vote.

Mr. SMITH of Maryland (when his name was called). I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. STONE (when his name was called). Announcing the same transfer of pairs as on the last vote, I vote "yea."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the absence of my colleague [Mr. THOMAS] under leave of the Senate and to state he is paired with the senior Senator from New York [Mr. ROOT].

Mr. WALSH (when his name was called). I transfer my pair as heretofore and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]; but believing, from what I have heard, that if he were present the Senator from Pennsylvania would vote as I am about to vote, I take the liberty of voting. I vote "yea."

The roll call was concluded.

Mr. CHILTON. I have a general pair with the senior Senator from New Mexico [Mr. FALL], but under its terms I have the right to vote in order to make a quorum. I vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], as I have heretofore announced; but I understand if he were present the Senator from Pennsylvania would vote as I am about to vote. Therefore I vote. I vote "yea."

Mr. SAULSBURY. The understanding I have with the junior Senator from Rhode Island [Mr. COLT], with whom I am paired, permits me to vote to make a quorum. I therefore vote. I vote "yea."

Mr. HOLLIS. Under the terms of my pair I am allowed to vote in order to make a quorum. I therefore vote. I vote "yea."

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. SMOOT. I desire to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator form Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 43, nays 5, as follows:

YEAS—43.

| | | | |
|---|---|---|---|
| Ashurst | Jones | Reed | Stone |
| Bankhead | Kern | Robinson | Swanson |
| Brandegee | Lane | Saulsbury | Thompson |
| Bryan | Lea, Tenn. | Shafroth | Thornton |
| Camden | Lee, Md. | Sheppard | Townsend |
| Chamberlain | Martine, N. J. | Shields | Vardaman |
| Chilton | Myers | Simmons | Walsh |
| Fletcher | Overman | Smith, Ariz. | West |
| Hollis | Perkins | Smith, Ga. | White |
| James | Pittmann | Smith, Md. | Williams |
| Johnson | Ransdell | Smith, S. C. | |

NAYS—5.

| | | | |
|---|---|---|---|
| Burton | Gore | Page | Smoot |
| Clapp | | | |

NOT VOTING—48.

| | | | |
|---|---|---|---|
| Borah | du Pont | McCumber | Root |
| Brady | Fall | McLean | Sherman |
| Bristow | Gallinger | Martin, Va. | Shively |
| Burleigh | Goff | Nelson | Smith, Mich. |
| Catron | Gronna | Newlands | Stephenson |
| Clark, Wyo. | Hitchcock | Norris | Sterling |
| Clarke, Ark. | Hughes | O'Gorman | Sutherland |
| Colt | Kenyon | Oliver | Thomas |
| Crawford | La Follette | Owen | Tillman |
| Culberson | Lewis | Penrose | Warren |
| Cummins | Lippitt | Poindexter | Weeks |
| Dillingham | Lodge | Pomerene | Works |

The PRESIDING OFFICER (Mr. ROBINSON). A quorum has not voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hollis | Perkins | Smoot |
| Bankhead | James | Pittman | Stone |
| Brady | Johnson | Ransdell | Swanson |
| Brandegee | Jones | Reed | Thompson |
| Bryan | Kern | Robinson | Thornton |
| Burton | Lane | Saulsbury | Townsend |
| Camden | Lea, Tenn. | Shafroth | Vardaman |
| Chamberlain | Lee, Md. | Sheppard | Walsh |
| Chilton | Martine, N. J. | Shields | West |
| Clapp | Myers | Simmons | White |
| Fletcher | Overman | Smith, Ariz. | Williams |
| Gore | Page | Smith, Md. | |

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators.

Mr. CRAWFORD entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is not present. The Sergeant at Arms, under the order heretofore issued, is directed to compel the attendance of absent Senators.

Mr. SIMMONS. Mr. President, I hope the Chair will instruct the Sergeant at Arms that this order means that the Sergeant at Arms is to send taxicabs and to send officers with the taxicabs in order to compel the attendance of Senators, and not simply ask them to come here.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to compel the attendance of absent Senators. The Sergeant at Arms will perform that duty promptly.

After a little further delay, Mr. SMITH of Michigan entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The Secretary will call the roll on the motion of the Senator from North Carolina [Mr. SIMMONS] to lay on the table the motion of the Senator from Ohio [Mr. BURTON].

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], but I am permitted to vote to make a quorum. I vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], but under the terms of it I have a right to vote. I vote "yea."

Mr. FLETCHER (when his name was called). I make the same announcement of my general pair and its transfer as before and vote "yea."

Mr GORE (when his name was called). As my vote will b necessary to make a quorum, I shall vote. I vote "nay."

Mr. JAMES (when his name was called). I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. JOHNSON (when his name was called). I transfer my pair to the junior Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. MYERS (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. MCLEAN]

to the junior Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. SAULSBURY (when his name was called). I desire to state that under the terms of my pair I am permitted to vote, and will vote upon this and all other roll calls this evening. I vote "yea."

Mr. SMITH of Maryland (when his name was called). I make the same transfer of my pair as before and vote "yea."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK], which in his absence I transfer to the Senator from Indiana [Mr. SHIVELY], he being unavoidably absent also. I wish this transfer to stand for the evening in the event other votes are taken. I vote "yea."

Mr. WALSH (when his name was called). Transferring my pair as heretofore, I vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the explanation made upon the last vote, I vote "yea."

The roll call was concluded.

Mr. CLAPP. I desire to state that the junior Senator from North Dakota [Mr. GRONNA] is unavoidably detained from the Chamber. He has a general pair with the senior Senator from Maine [Mr. JOHNSON]. I will let this announcement stand for the evening.

Mr. NELSON entered the Chamber and answered to his name.

The roll call resulted—yeas 41, nays 7, as follows:

YEAS—41.

| | | | |
|---|---|---|---|
| Asburst | Kern | Robinson | Thompson |
| Bankhead | Lane | Saulsbury | Thornton |
| Bryan | Lea, Tenn. | Shafroth | Townsend |
| Camden | Lee, Md. | Sheppard | Vardaman |
| Chamberlain | Martine, N. J. | Shields | Walsh |
| Chilton | Myers | Simmons | West |
| Fletcher | Overman | Smith, Ariz. | White |
| Hollis | Perkins | Smith, Md. | Williams |
| James | Pittman | Smith, Mich. | |
| Johnson | Ransdell | Stone | |
| Jones | Reed | Swanson | |

NAYS—7.

| | | | |
|---|---|---|---|
| Brady | Clapp | Gore | Smoot |
| Burton | Crawford | Page | |

NOT VOTING—48.

| | | | |
|---|---|---|---|
| Borah | Fall | McLean | Sherman |
| Brandegee | Gallinger | Martin, Va. | Shively |
| Bristow | Goff | Nelson | Smith, Ga. |
| Burleigh | Gronna | Newlands | Smith, S. C. |
| Catron | Hitchcock | Norris | Stephenson |
| Clark, Wyo. | Hughes | O'Gorman | Sterling |
| Clarke, Ark. | Kenyon | Oliver | Sutherland |
| Colt | La Follette | Owen | Thomas |
| Culberson | Lewis | Penrose | Tillman |
| Cummins | Lippitt | Poindexter | Warren |
| Dillingham | Lodge | Pomerene | Weeks |
| du Pont | McCumber | Root | Works |

The PRESIDING OFFICER. On this vote the yeas are 41 and the nays are 7. The Senator from Minnesota [Mr. NELSON] announcing his presence, a quorum is present. The ayes have it, and the motion of the Senator from Ohio [Mr. BURTON] is laid on the table.

Mr. BURTON. Mr. President, at the time when the vote was taken upon the motion I made I was speaking of the decadence of water-borne traffic on rivers and canals. I wish to call attention briefly to the fact that this same decrease, strange as it may seem, appears not only in higher grade freight but in freight of a general nature, upon waterways like the Great Lakes.

On the east shore of Lake Michigan, in the westerly part of the State of Michigan, there are 12 cities each of which has improved harbors. On each a considerable amount of money has been expended. I give with them Michigan City, in Indiana, because that is on the same lake, and conditions are much the same, making in all 13 harbors on the east shore of this lake. They are, respectively, Michigan City, St. Joseph, South Haven, Saugatuck, Holland, Grand Haven, Muskegon, Pentwater, Ludington, Manistee, Arcadia, Frankfort, and Charlevoix. The Senators of Michigan are present. These are to them very familiar names. They are growing towns. In every one of them the census reports of 1910 would show a very material increase in population over 1900. Every one of these has a harbor, and I may say a harbor well improved, when you take into account the size of the towns. They are near Chicago, their great market. Grand Haven, perhaps, has more dealings with Milwaukee than with Chicago. There are car ferries from Milwaukee across the lake to Grand Haven; also to Ludington and Frankfort, and the production of these localities is of great interest. It has come to be a great fruit region and manufacturing is increasing. In fact, I think the Senator from Michigan would say that every one of these towns was exceedingly prosperous, perhaps in a somewhat unequal degree, but nevertheless they are growing in population, in wealth, in industry, and the country surrounding them is growing in productiveness.

Yet with all this prosperity what is the fact with respect to the water-borne commerce of these harbors? In 8 out of the 13 there was a very material decrease in 1912 from the yearly average in 1902 to 1904. This is a most singular phenomenon. If our theories that have been so long entertained are correct—the alleged greater cheapness of waterway transportation, with the best of facilities, with the splendid emporium to which to send their products and from which to receive their supplies—the water-borne commerce certainly should have increased. But what is the fact? In 8 out of the 13 there has been a decrease. The decreases have been more marked than have the increases. In the remaining 5 there is a ready explanation of the reasons for the increase. The first which shows an increase is Holland Harbor. Here the increase in 1912 over the yearly average for 1902–1904 was 15,452 tons. I dwelt on this town very briefly the other day. It is a settlement which obtains its name from the country of Holland, and has an exceedingly energetic and progressive population. They have a steamboat line to Chicago. Here during this period there has been an increase in the traffic, due to the exceptional growth of the town and the maintenance of an excellent boat line, conditions that are readily explained.

Grand Haven shows a very considerable increase; but the reason for that is a car ferry from Milwaukee across the lake. On that car ferry loaded cars are transferred from the tracks at Milwaukee, then carried across the lake to Grand Haven, where they again join the railroad, and much the greater share of this traffic, nine-tenths of it, perhaps, though that may be slightly exaggerated, is through traffic, which does not stop at Grand Haven at all.

Ludington shows a slight increase. It is now the leading port on the east shore of Lake Michigan. The commerce was 1,341,712 tons in 1902, which increased to 1,657,492 tons in 1912. Here also there is a car ferry.

Arcadia shows an increase in 1912 of about 2,000 tons over that in 1901. There are no statistics for the year 1902. The traffic in 1901 was 24,121 tons, in 1912 it was 26,650, making in all an increase of 2,529 tons, or a trifle over 10 per cent.

The town of Charlevoix, for reasons which I am hardly able to understand, shows an increase from 245,977 tons in the year 1902 to 251,798 in 1912, an increase of about 2 per cent over 1902 and a somewhat larger increase over yearly average for the period of 1902, 1903, and 1904.

I ask, Mr. President, unanimous consent to have this table printed with my remarks. It includes not only this general statement giving the change of the traffic in the respective harbors, but a detailed statement of the variety of traffic in the harbors named.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is agreed to.

The table referred to is as follows:

*Total receipts and shipments, in tons.*

| | 1902 | 1903 | 1904 | Average 1902–1904. | 1912 | Decrease 1902–1904 in 1912. |
|---|---|---|---|---|---|---|
| St. Joseph Harbor | 188,545 | 127,872 | 97,036 | 137,817 | 84,735 | 53,082 |
| South Haven | 103,620 | 76,646 | 198,804 | 126,356 | 24,452 | 101,905 |
| Saugatuck | 11,843 | 12,591 | 10,558 | 11,664 | 6,250 | 5,414 |
| Holland | ..... | 16,430 | 21,450 | 18,940 | 34,392 | + 15,452 |
| Grand Haven | 224,633 | 215,184 | 471,349 | 303,722 | 802,356 | +498,634 |
| Muskegon | 227,013 | 174,353 | 157,109 | 186,158 | 91,659 | 94,499 |
| Pentwater | ..... | 22,230 | 15,423 | 18,826 | 1,619 | 17,207 |
| Ludington | 1,341,712 | 1,362,858 | 1,631,741 | 1,445,433 | 1,657,492 | +212,059 |
| Manistee | 812,259 | 570,361 | 793,823 | 725,481 | 355,740 | 369,741 |
| Arcadia | [1] 24,121 | ..... | [2] 18,455 | ..... | 26,650 | + 2,529 |
| Frankfort | 948,647 | 948,887 | 891,857 | 930,463 | 656,927 | 273,536 |
| Charlevoix | 245,977 | 117,586 | 113,376 | 158,979 | 251,798 | + 92,819 |
| Michigan City | 139,115 | 117,329 | 67,888 | 108,110 | 33,170 | 74,940 |

[1] For the year 1901. [2] For the year 1911.

The following table gives receipts and shipments of freight, by classes, on commodities for the years named, and for the harbors of St. Joseph, South Haven, Holland, Grand Haven, and Muskegon.

ST. JOSEPH HARBOR.

| | 1902 | | 1903 | | 1904 | | 1912 | |
|---|---|---|---|---|---|---|---|---|
| | Receipts. | Shipments. | Receipts. | Shipments. | Receipts. | Shipments. | Receipts. | Shipments. |
| | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* |
| Lumber | 45,000 | 48 | 5,652 | 1,172 | 4,915 | 3,587 | 2,476 | |
| Laths | 120 | | 81 | | 90 | | 258 | |
| Shingles | 1,592 | | 1,475 | | 2,093 | | 41 | |
| Salt | 2,477 | | 1,588 | | 572 | | 3,037 | |
| Stone | 41,542 | | 17,681 | | 7,200 | | 19,025 | |
| Wood, etc | 897 | | | | | | 86 | |
| Flour | 1,300 | | 355 | | 160 | 135 | 980 | |
| Vinegar | 60 | 100 | 25 | 75 | | 55 | | 205 |
| Coal | 160 | 75 | 110 | | 2,600 | | | |
| Paper | 2,200 | 242 | | 50 | | 375 | | |
| Iron | 20 | 12 | | | | | | |
| Miscellaneous merchandise | 30,000 | 29,000 | 20,028 | 39,864 | 24,545 | 17,799 | 15,182 | 8,503 |
| Fruit | | 33,000 | | 28,651 | | 28,080 | | 30,482 |
| Pickles | | 25 | | | | | | 3,647 |
| Sugar | | 125 | 585 | | | | | |
| Canned goods | | 30 | | | | | | |
| Hides | | 20 | | | | | | |
| Ties | | 500 | | | | | 282 | |
| Bottles, empty | | | 15 | | | | | |
| Bran | | | 150 | | 25 | | 120 | |
| Cedar posts | | | 10,230 | | 4,517 | | 308 | |
| Lamp chimneys | | | | 50 | | | | |
| Peanuts | | | | 15 | | | | |
| Soap | | | | 20 | | | | |
| Barrels, empty | | | | | 11 | | 8 | |
| Horses | | | | | 10 | | | |
| Asphalt | | | | | | 175 | | |
| Baskets, empty | | | | | | 2 | | |
| Flour and feed | | | | | | | 20 | |
| Vegetables | | | | | | | | 17 |
| Total | 125,368 | 63,177 | 57,975 | 69,897 | 46,828 | 50,208 | 41,821 | 42,911 |

Total receipts and shipments, in tons:

| | |
|---|---|
| 1902 | 188,545 |
| 1903 | 127,872 |
| 1904 | |
| | 97,036 |
| Average, 1902–1904 | 137,817 |
| 1912 | 84,735 |
| Decrease from 1902–1904 to 1912 | 53,082 |

SOUTH HAVEN HARBOR.

| | 1902 | | 1903 | | 1904 | | 1912 | |
|---|---|---|---|---|---|---|---|---|
| | Receipts. | Shipments. | Receipts. | Shipments. | Receipts. | Shipments. | Receipts. | Shipments. |
| | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* |
| Flour | 13,142 | | | | | | | |
| Lumber | 66,825 | | 6,728 | | 123,211 | | 160 | |
| Fruit | | 45,140 | | 36,282 | | 37,538 | 2,194 | 7,298 |
| Miscellaneous | 18,400 | 20,113 | 19,237 | 14,309 | 19,840 | 17,754 | 2,953 | 2,294 |
| Bark | | | | 90 | | | | |
| Posts | | | | | 161 | | 53 | |
| Wood | | | | | | | 40 | |
| Stone | | | | | | | 8,480 | |
| Veal, dressed | | | | | | | 3 | |
| Fish | | | | | | | 43 | |
| Poultry | | | | | | | 4 | |
| Piano finishing material | | | | | | | 200 | |
| Vegetables | | | | | | | 10 | |
| Pianos | | | | | | | | 720 |
| Total | 99,792 | 65,253 | 25,965 | 50,681 | 143,212 | 55,592 | 14,140 | 10,312 |

Total receipts and shipments, in tons:

| | |
|---|---|
| 1902 | 103,620 |
| 1903 | 76,646 |
| 1904 | 198,804 |
| Average 1902–1904 | 126,356 |
| 1912 | 24,452 |
| Decrease from 1902–1904 to 1912 | 101,904 |

HOLLAND HARBOR.

(Note: Not given for 1902.)

| | 1903 | | 1904 | | 1912 | |
|---|---|---|---|---|---|---|
| | Receipts. | Shipments. | Receipts. | Shipments. | Receipts. | Shipments. |
| | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* |
| Felt roofing | 49 | | | | | |
| Flour | 55 | | 167 | | | |
| Hides | 98 | 44 | | | | |
| Leather | 17 | 601 | | 430 | | 597 |
| Live stock | 32 | 9 | 91 | 17 | | |
| Lumber | 130 | | 2,090 | | | |
| Miscellaneous merchandise | 6,156 | 4,068 | 9,181 | 3,940 | 13,202 | 11,159 |
| Soap | 33 | | 57 | | | |
| Sugar | 53 | 590 | | 1,902 | | |

HOLLAND HARBOR—continued.

| | 1903 | | 1904 | | 1912 | |
|---|---|---|---|---|---|---|
| | Receipts. | Shipments. | Receipts. | Shipments | Receipts. | Shipments. |
| | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* |
| Fruit | | 2,227 | | 740 | 1,799 | 1,000 |
| Furniture | | 703 | | 637 | 41 | 525 |
| Potatoes | | 142 | | 140 | | |
| Vinegar | | 1,420 | | 1,949 | | |
| Automobiles | | | 43 | 66 | | |
| Basket-factory supplies | | | | | 8 | |
| Built-up veneer | | | | | 100 | |
| Cedar ties | | | | | 43 | |
| Crushed stone | | | | | 3,806 | |
| Dressed veal and poultry | | | | | 10 | |
| Fresh fish | | | | | 3 | |
| Tanning supplies | | | | | 38 | |
| Hardware, etc | | | | | 139 | |
| Vegetables | | | | | 10 | |
| Cement blocks | | | | | | 70 |
| Coal, soft | | | | | | 137 |
| Feed products | | | | | | 883 |
| Manufactured wood products | | | | | | 107 |
| Pianos | | | | | | 715 |
| Total | 6,[illegible] | 4,807 | 11,629 | 9,821 | 13,190 | 15,193 |

| | |
|---|---|
| Total receipts and shipments, in tons: | |
| 1903 | 16,410 |
| 1904 | 21,450 |
| Average 1903–4 | 18,943 |
| 1912 | 34,392 |
| Increase from 1903–4 to 1912 | 15,452 |

GRAND HAVEN HARBOR.

| | 1902 | | 1903 | | 1904 | | 1912 | |
|---|---|---|---|---|---|---|---|---|
| | Receipts. | Shipments. | Receipts. | Shipments. | Receipts. | Shipments. | Receipts. | Shipments. |
| | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* |
| Flour | 45,941 | 326 | 50,753 | 108 | 46,042 | | [1] 27,609 | [1] 1,712 |
| Feed | 31,246 | | 21,705 | | 174,345 | | | |
| Salt | 1,300 | 498 | 98 | 727 | | 1,098 | | |
| Sugar | | 682 | | | | 2,049 | | 2,411 |
| Vinegar | 50 | | | | | | | |
| Soda ash | | 371 | | | | | | |
| Wool | 258 | 65 | 350 | 30 | | | | |
| Rags | 225 | 24 | 418 | | | | | |
| Leaf tobacco | 163 | | 191 | | | | 523 | 379 |
| Clover seed | 53 | | | | | | | |
| Paper | 55 | 569 | | | | | 10,735 | 5,155 |
| Wheat | 300 | | 280 | | | | | |
| Barley | 2,713 | | | | | | | |
| Iron ore | 43,123 | 30 | 34,497 | | 38,861 | | 4,458 | |
| Lumber | 6,350 | | 855 | | [2] 111,205 | | 155,198 | |
| Leather | 13 | 363 | | 10 | | 1,590 | 4,949 | 4,520 |
| Fish | 444 | 188 | | 640 | | | | |
| Wood and pulp | 78 | 287 | 384 | | | 4,564 | 34 | 23,949 |
| Lime and cement | 548 | 555 | 554 | 2,255 | | 3,793 | 347 | 532 |
| Miscellaneous merchandise | 33,599 | 45,746 | 16,298 | 26,517 | 35,016 | 29,353 | 141,501 | 76,719 |
| Beans | | 85 | | | | | | |
| Plaster | | 1,104 | | | | | | 3,658 |
| Hay | | 223 | | | | | 85 | 90 |
| Ties | | 3,500 | | | | | | |
| Burlaps | | 692 | | | | | | |
| Lard | | 50 | | | | | | |
| Stone and gravel | | 2,248 | 26,507 | | | | 1,641 | 3,360 |
| Cider | | 168 | | | | | | |
| Fruit | | 340 | | 301 | | | 451 | 257 |
| Asphaltum | | | 2 | | | | | |
| Brick | | | 1,450 | | | | 141 | 3,661 |
| Buckwheat | | | 666 | | | | | |
| Cedar posts | | | 104 | 21 | | | | |
| Grass seed | | | 29 | | | | | |
| Hides | | | 60 | | | | | |
| Iron and steel | | | 45 | 63 | | | 2,456 | 6,883 |
| Lath | | | 56 | | | | | |
| Shingles | | | 3 | | | | | |
| Wagons | | | 8 | | | | 143 | |
| Refrigerators | | | | 122 | | | | |
| Agricultural implements | | | | | | | 616 | 764 |
| Beer and liquors | | | | | | | 12,941 | 892 |
| Dressed beef | | | | | | | 8,819 | 54 |
| Furniture | | | | | | | 971 | 1,128 |
| Grain | | | | | | | 48,159 | 62 |
| Live stock | | | | | | | 10 | 10 |
| Machinery and castings | | | | | | | 7,838 | 4,953 |
| Veneer | | | | | | | 100 | |
| Asbestos fiber | | | | | | | | 8,172 |
| Automobiles | | | | | | | | 1,023 |
| Market baskets | | | | | | | | 33 |
| Pig iron | | | | | | | | 71,334 |
| Other mineral products | | | | | | | | 637 |
| Total | 166,519 | 58,114 | 182,966 | 32,218 | 419,395 | 51,954 | 433,331 | 372,328 |

[1] Classed flour and feed.

[2] Classed building material.

MUSKEGON HARBOR.

| | 1902 | | 1903 | | 1904 | | 1912 | |
|---|---|---|---|---|---|---|---|---|
| | Receipts. | Shipments. | Receipts. | Shipments. | Receipts. | Shipments. | Receipts. | Shipments. |
| | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* | *Tons.* |
| Grain | 2,500 | | 1,325 | 28 | | | | |
| Flour | 56 | 300 | | 4 | 60 | | | |
| Lumber, shingles | 27,755 | 40,300 | 30,095 | 40,331 | 23,201 | 20,540 | 12,867 | |
| Miscellaneous merchandise | 81,072 | 75,000 | 43,006 | 44,139 | 41,374 | 51,906 | 7,832 | 7,899 |
| Apples | | 30 | | [1] 104 | | [1] 253 | | |
| Coal | | | 7,853 | 5,345 | 5,796 | 3,154 | | |
| Salt | | | 42 | | | | | |
| Stone | | | 1,080 | | 7,125 | | | |
| Beans | | | | 1 | | | | |
| Iron | | | | | 10 | 413 | | |
| Laths | | | | | 607 | | 864 | |
| Malt | | | | | 81 | | | |
| Piles | | | | | 234 | | | |
| Sawdust | | | | | | 78 | | |
| Slabs | | | | | | 1,625 | 348 | |
| Bark | | | | | | | 238 | |
| Billiard table | | | | | | | 4,800 | 4,000 |
| Bolts of wood | | | | | | | 3,615 | |
| Castings and machinery | | | | | | | 138 | |
| Doors, etc | | | | | | | 30 | |
| Gravel | | | | | | | 2,853 | |
| Groceries | | | | | | | 225 | 80 |
| Hardware, etc | | | | | | | 107 | 15 |
| Wood | | | | | | | 11,200 | |
| Pickets | | | | | | | 1,307 | |
| Steel plates, etc | | | | | | | 75 | |
| Varnish | | | | | | | 8 | |
| Wines, etc | | | | | | | 17 | |
| Leather | | | | | | | | 24 |
| Refrigerators | | | | | | | | 372 |
| Shade rollers | | | | | | | | 1,007 |
| Vegetables | | | | | | | | 175 |
| Total | 111,383 | 115,630 | 84,601 | 89,752 | 78,630 | 78,479 | 78,055 | 13,604 |

[1] Classed fruit.

Mr. BURTON. Mr. President, I think this one of the most valuable studies in inland waterways that can be found. It has been worked out in very considerable detail. As against the five cities which show an increase there are eight showing a decrease. St. Joseph Harbor, having frequent connection by boat with Chicago, shows a decrease from 188,545 tons in 1902 to 84,735 tons in 1912, and a decrease over the yearly average for the three years of 1902, 1903, and 1904 to 1912 of 53,082 tons.

In the case of South Haven the traffic of 103,620 tons in 1902 fell to 24,452 tons in 1912, or a decrease of nearly three-fourths.

Saugatuck is rather a small town with a traffic of 11,843 tons in 1902 and 6,250 tons in 1912, a decrease of very nearly half.

Muskegon, with a traffic of 227,013 tons in 1902, showed 91,659 tons in 1912, a decrease of more than one-half.

Pentwater shows the largest decrease of all. The traffic in 1903 was 22,230 tons, and in 1912 it was only 1,619 tons. That for 1902 is not given.

Manistee had a traffic of 812,259 tons in 1902 and fell to 355,740 tons in 1912, considerably more than half.

Frankfort, with a traffic of 948,647 tons in 1902—I will ask the Senator from Michigan, has Frankfort a car ferry?

Mr. TOWNSEND. Yes.

Mr. BURTON. Even with a car ferry Frankfort fell from 948,647 tons in 1902 to 656,927 tons in 1912, a decrease of nearly one-third.

The traffic at Michigan City, a thriving town in Indiana, fell from 139,115 tons in 1902 to 33,170 tons in 1912.

I am obliged to Senators for the attention they have given me in regard to these statistics, which I know are not interesting but they are impressive, and for an understanding of this subject it is requisite that we take up these object lessons.

What do they show? Broadly, with plenty of depth in the harbor, plenty of boats, with boat lines running from most of them, the people have found better means of communication, and notwithstanding the growth of the town the water-borne traffic has been diminishing year by year, until in some instances it was less than half in 1912 what it was in 1902.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. BURTON. Yes.

Mr. TOWNSEND. I realize that it is absolutely useless to enter into a discussion of this item when the item is not before the Senate, and could not be considered with an idea of either adopting or rejecting it. I agree with the Senator from Ohio that his statement on this subject is undoubtedly interesting. It would also be very interesting if we could have the figures for a list of years as we go along instead of comparing the figures for a certain year—sometimes with 1900 and sometimes with 1901 and sometimes with 1902 and sometimes with 1903. It would also be interesting to note undoubtedly, as a matter of information, the extra facilities which have been furnished to those cities. Because of the waterways the railroads have been stimulated; because of the improvement of these harbors at these points they have put on better facilities, better trains, and have furnished better accommodations, all of which is brought to pass, or largely so, because of the improvement of the waterways.

It is also interesting to note, Mr. President—at least if I have not been incorrectly informed, and I think I have not been—that as yet I have never found a case where the Interstate Commerce Commission has been called upon to reduce a rate or require better facilities on the railroads where there has existed water competition; where there has been a possibility to get a market over the water. So that I have regarded water improvements not so much by the amount of tonnage floated over the waterways as I have by the influence they have brought upon railroad transportation, furnishing an inducement for the railroads to bid for the freight. They bid for it in better rates; they bid for it in better facilities, in quicker transportation. It is the transportation which we are after, and, whether it is over the rails or over the water, the money invested in it, it seems to me, is well invested if it brings to pass the thing which we are working for. As I have said, I would like very much to discuss this question briefly when the matter is before the Senate for consideration, in order that the Senate may pass upon these items and see whether the appropriations are proper or otherwise.

Mr. BURTON. Mr. President, answering the Senator from Michigan, I will say, in the first place, that it is not, I think, contemplated that any of the appropriations for those respective harbors should be diminished. I read them merely as an object lesson.

Answering his second point, in regard to the suggestion that he should like to have the figures for several years instead of for two years, if the Senator from Michigan had listened to me, he would have found that the figures in the table to which I referred compared the yearly average of the three years 1902, 1903, and 1904 with that in 1912. They are compiled after careful examination as illustrative of the tendency which is for the most part downward. It is not a mere picking out of figures for one year and comparing them with those of another year, but the figures are derived from the whole table.

Mr. TOWNSEND. I have not given the matter any attention at all, although I know in a general way that there have been

peculiar conditions existing locally in the Michigan ports which have created an abnormal condition one way or the other in some particular year in certain localities.

Mr. BURTON. Nineteen hundred and twelve is not one of those years, for it was an exceedingly prosperous year. So much on the first point.

Now, as to the next point, we have very often heard the argument here that it is best to improve waterways in order to control railroad rates. When you run that down, it seems to me, it is utterly without foundation; it is almost an absurdity. It virtually means that you can waste the resources of the country, you can tax the people to an unlimited amount for doing an utterly useless thing, namely, the reduction of rates, which, if they are unjust or too large, can be reduced by the Interstate Commerce Commission, if the rates affect interstate shipments, or by the local State railroad commissions which now are to be found in almost every State. So much for that.

What does that mean? Everyone will recognize that the cost of transportation facilities by whomsoever provided is a drain on the resources of the country. If railroads are built, capital is required. Suppose, for instance, that the Government were to acquire the railroads—a proposition which has some advocates here—the Government would have to pay the cost of those railroads if it treated the owners of them justly. The argument that waterways control railways leads to just this conclusion, that it is a good policy to spend, say, a billion dollars to build railroads to carry the freight, which they can carry most economically and conveniently, and when you have spent the billion dollars the Government would then proceed to spend, say, $500,000,000 to make those railroads reduce their rates. It is a sheer waste of the $500,000,000. The armory of the law is abundant in its weapons to solve this problem without resorting to this indirect, roundabout, wasteful method of requiring that you waste the resources of the country; that you tax the people to make useless or unnecessary improvements.

That does not apply altogether in the Michigan cases, because there is a certain amount of traffic that will be carried by water, but the legitimate outcome is that you must waste this money to accomplish what by the courts and commissions can readily be accomplished in another way.

Let us take up another phase of this question. Suppose there was a certain amount of money invested in the railroads of this country—fifteen or sixteen billion dollars. The capital so invested must have an income commensurate with that received on other investments of the same general character. If not, the railroads will be allowed to deteriorate, their equipment will suffer, and no new railroads will be constructed. If you take off the income in one place where there is water competition you must increase income in another place where there is not waterway competition, and, in the long run, the localities where there are railways competing with the waterways obtain by this policy the benefit which the other localities lose.

If, Mr. President, the question of whether you shall compel by waterway competition railroads to lower their rates and put the burden on others were placed before the people and were not confused by arguments based upon misinformation or superficiality or prejudice, the people of the United States would not look upon it with favor for a minute.

I called attention a few days ago to an illustration in the case of Germany, which, in view of the fact that there are some Senators present who were not here then, I will repeat. The Senator from New Jersey [Mr. MARTINE] was here and some other Senators. The German Government proposed to improve the river Rhine. A very large share of the heavy manufacturing of Germany is in the Rhine Valley—at least 75 per cent, and possibly 90 per cent. It is a great avenue of traffic, but the people of other districts said: "Why, you have the advantage over us already in your fertile valley and your great facility for handling coal, iron ore, and raw materials for manufacturing." "Again," they said, "you are bringing up the river here to Mannheim some millions of bushels of wheat, and every ton of coal and every bushel of wheat you bring in here competes with our products, and it is not fair that you should tax us to help you, when you are diminishing the value of our wheat and our coal and seeking to drive us out of business"—not always seeking to drive them out of business, but very much to their disadvantage.

That is just the problem in this country. We must come to the sensible view of it. Improve a waterway if it is a useful avenue of transportation, but do not resort to this absurdity of improving it because it has some tendency to make a railroad lower its rates.

I think the time is coming when these discriminations in favor of railroad routes that compete with waterways will cease. I do not believe the people will stand that permanently. They will say: "Why, every railroad rate must be fixed according to its merits, according to the length of the haul, the difficulty, and such other facts and circumstances as enter into the problem of rate making." Then the discriminations which are now allowed will not be suffered to continue, because it will be said that every agency of transportation must take its chances, to use a familiar term. If a railroad can not compete with a waterway, it must go out of business. If a waterway can not compete with a railway, it must go out of business. The method which is best adapted to serve the purpose in view must be followed. The choice between waterway and railway must be made and the better of the two adopted.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. BURTON. I do.

Mr. MARTINE of New Jersey. I should like to ask the Senator if there is not, in his judgment, a place for them both?

Mr. BURTON. Oh, I think so.

Mr. MARTINE of New Jersey. For certain classes of traffic, the slower method, the waterway, will answer all purposes.

Mr. BURTON. Certainly.

Mr. MARTINE of New Jersey. While hundreds of other products need the more rapid railroad transportation. I think there is a place for both of them.

Further, the Senator remarked with reference to Germany, I recall very well his statement a day or two ago on that subject. But it seems to me that is entirely too narrow a view for a statesmanlike proposition. I understand that on the Rhine, if you choose, or some great arm of the sea putting in from the ocean in our land, there may be great benefits accruing very directly and positively to the land on either side of this great arm of the sea, but that is but a distributing point for ramifications like fingers or spokes running out to other parts of the country; so that all derive at least a benefit—perhaps not all equally, but all in a general sense will receive a benefit—from the general progress and prosperity of the country.

I could not take the narrow view that simply because along the Mississippi they may derive benefit from a diking process nothing would accrue to them a hundred miles back. I do not believe any great step of progress in a community can be made selfishly. I believe it touches all in its blessings and its ramifications from State to State, though perhaps not to the same great degree. We are all touched and blessed, however, by the munificence of good government, the blessings of liberal, cheap transportation.

I want to see transportation so cheap that mankind may readily communicate with each other freely along passenger routes. I believe that had transportation been cheaper and more free, almost to the degree of entire freedom, in this country before the Confederate War we would have understood each other better and the strife would have been spared. I insist that the greatest civilizer, the greatest thing to advance the general well-being of man and to aid us in understanding each other, is free and ready intercourse. I am better by coming to Ohio, and you, in turn, are better by coming to Pennsylvania and New Jersey occasionally; and so, I say, with the products of our people. Let us sell freely, and let us have the opportunity to spread our products the land over cheaply and freely. I believe it will be the grandest, most blessed thing that ever happened to our land. A new era, a brighter dawn, and a happier prosperity will be that of the Nation.

I am a believer in improved waterways. As I said to-day, I believe they were designed by the Divine Providence not only as methods of draining our lands, but also as means of transportation; and by all legitimate, honorable, and fair means I want to see them improved and generally advanced.

Mr. BURTON. Mr. President, the views of the Senator from New Jersey are no doubt generally correct, in that he dwells on the benefit not being confined to any particular location, but extending to all, and also in his civilizing and humanitarian view that means of communication aid a nation and in fact the race. The question is, however, What is the best agency for transportation? We must consider the problem as one of economics and of fact.

I will say, in regard to the first statement of the Senator from New Jersey, that he is undoubtedly right; that means of transportation which parallel each other, a river or canal and a railway, may both be used—the river or canal for the coarser, slower freight and the railroad for the higher grade freight, which requires greater promptness in delivery. Neither of those conclusions, however, is altogether to be accepted. Sometimes a waterway carries freight more quickly than a railway, as, for instance, from the lower portion of New York City

to the towns on Long Island, up the Connecticut River to Hartford, and from New York City as a distributing center to Rhode Island and some portions of Massachusetts. On the other hand, in a great number of instances railways carry the coarse freight more cheaply than the waterways.

You must look at it from two standpoints. You must take into account, as part of the profit or loss of a waterway, not merely the expense of running boats, but a reasonable rate of interest on the capital invested. That is, when a waterway has cost $10,000,000, and the use of it is given free, it is hardly fair to say that the cost of carrying freight on it is exactly what is paid to the boatmen, because some provision should be made from the standpoint of national interest for a return on the great amount of capital invested. Thus, sometimes you may find a railway paying interest on its bonds, and expected to pay interest on its stock, where the total cost of carrying freight if there were no interest on bonds and no dividends on stock, would be very much less than the waterway's charge; and thus it would be better for the Government to build a railway than it would be to improve a waterway. There are numerous instances in the United States where that is the case—and some in which it would have been much cheaper to have built a railroad, and maintain the trains and the whole service, than to improve and maintain the waterways.

I shall give at somewhat greater length and in detail—but as the Senator from Michigan is now here, I should like his attention to these figures showing the classes of freight in the different harbors on Lake Michigan.

Take St. Joseph Harbor. In 1902—and I will not give 1903 and 1904, because that would take an unnecessary amount of time—there was shipped and received at this harbor 45,048 tons of lumber. In 1912 this had decreased to 2,476 tons. Now, this does not mean that lumber is not consumed in that town; indeed, 2,476 tons is but a very small share of the quantity of lumber used in St. Joseph in a year. It is carried in another way.

The quantity of salt received has increased. The quantity of stone has diminished. In 1902 coal, paper, and iron—the latter in a very small quantity—were received at St. Joseph, and a small quantity was shipped. But in 1912 not a ton of coal or paper or iron was either received or shipped at St. Joseph, showing that with these commodities some other method of transportation had taken the place of the waterways. In 1902 sugar and canned goods were shipped from St. Joseph, but in 1912 neither.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. BURTON. I do.

Mr. MARTINE of New Jersey. Might it not be that the railroads, as has been done in other instances, became the controllers of the majority interest in the water transportation and stifled it? They have done that in the State of New Jersey. They have allowed to go into decay the Delaware & Raritan Canal, owned by the Lehigh Valley Railroad, purchased primarily for the purpose of allowing the canal to go into decay and to multiply their freights and revenues on the railroads.

Mr. BURTON. I presume the Senator from New Jersey comes from the very worst State for illustrations of this kind. I question, however, when he inquires into the facts and studies the cheapness or costliness of carrying freight in New Jersey, whether he will find that any canal that ever was there, or perhaps any canal that ever will be there, would carry the freight cheaper than the railroads carry it.

Suppose, for instance—and here is a problem that often arises—there is a railway between two towns and somebody comes along and builds a canal. The canal will divide the freight with the other means of transportation. Or suppose the other way; there is a canal between two towns and along comes a railroad. There is not enough freight for both of them. What is the result? Sharp as your competition may be, both of them must do business at a loss, because neither of them has the full amount of traffic that it would have if there were but one.

There is a project in this bill where that is illustrated in a very marked degree, it being proposed to canalize a river. It is hardly expected that any considerable quantity of freight will be carried on that river, but it is thought that it will reduce the rates on a railroad. There are two conditions that might arise. The first is that the waterway might carry some freight. That would diminish the quantity of freight carried on the railway and compel them to charge a higher price in order to pay an adequate return. Let us suppose the railway must have, in order to pay interest and expenses, or at least to pay expenses, an income of $20,000, and a total of 40,000 tons of traffic are presented. It could then carry that traffic for 50 cents a ton. Suppose, by reason of some competition, 20,000 tons of that traffic are taken away and it has only 20,000 tons to carry. The result is that it must charge a dollar a ton or else go into bankruptcy.

So it is not always a good thing when you have a natural monopoly of this kind, which you can regulate and should regulate, to seek to influence its rates by the building of a competing canal or improving a waterway.

Resuming my discussion of the traffic at St. Joseph Harbor, it will be noticed that of miscellaneous merchandise, which is really, perhaps, the best test, there was received in 1902 30,000 tons, and shipped 29,000 tons. In 1912 there was received 15,182 tons, and shipped 8,503 tons. That means a total of receipts and shipments of miscellaneous merchandise in 1902 of 59,000 tons. In 1912, however, there were only between twenty-three and twenty-four thousand tons, considerably less than half.

Mr. President, I should be gratified if the conversation in the other portion of the Chamber would cease.

The PRESIDING OFFICER. The Senator from Ohio will suspend a moment. The Chair again respectfully requests Senators on the floor to refrain from conversation. The Senator from Ohio will proceed.

Mr. BURTON. Fruit keeps more nearly uniform. There were 33,000 tons shipped in 1902 and 30,482 tons in 1912.

I do not wish to go into all of these harbors in detail, but I will glance over a few of them.

Take the port of South Haven—13,142 tons of flour were received in 1902, and not a ton was received in 1912. That shows that the traffic was shifted elsewhere. Miscellaneous merchandise—18,400 tons were received in 1902 and 20,113 tons shipped; 38,513 tons in all. Now, in 1912, the receipts and shipments fell to a little over 5,000 tons.

At Holland Harbor one considerable increase in 1912 is in crushed stone. That, however, does not explain that general increase, because there is a wholesome advance in miscellaneous merchandise, which really better than any other article, I think, indicates the usefulness or decadence of one of these minor ports or minor waterways.

Grand Haven Harbor shows a large increase in 1912 over 1902 in miscellaneous merchandise. Flour has something of a decrease, lumber an increase, grain an increase, but, as I have said, there is a car ferry from Milwaukee to Grand Haven, which is a part of a through system of transportation, and the shipments over this car ferry are included in the totals.

Muskegon Harbor shows the greatest decrease of any. Total receipts of miscellaneous merchandise in 1902, 81,072 tons; shipments, 75,000 tons; total, 156,072 tons, while in 1912 the amount had fallen to 15,731 tons, or barely one-tenth.

This is not a development very difficult to understand. In treating of this subject the National Waterways Commission, in their report of 1912, set forth their views at length, and I want to read some views expressed in my minority report, which was virtually a concise statement of what is contained in that report.

> It is impossible to frame judicious and comprehensive plans for the improvement of rivers and inland waterways in the United States without a careful review of the whole subject of transportation as governed by present conditions, and with a fuller consideration of changes which have occurred in recent years. Both railways and waterways should be considered as agencies for the carrying of traffic. In a considerable number of instances the economical carriage of freight from the point of origin to its destination involves the use of both railways and waterways, and without cooperation between them the most salutary results can not be secured. This is particularly true of the carriage of iron ore from the mines of Minnesota, Michigan, and Wisconsin to the furnaces of Indiana, Ohio, and Pennsylvania. Transfers between rivers of the interior and railways exist only in a very slight degree.
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> Reference will be made to the provision compelling common terminals and prorating of charges in the Panama Canal act of 1912. The reasons why such transfers are so restricted are partly the unfavorable attitude of railways to waterways, though in some cases they have sought to utilize water routes for a portion of the haul where it was profitable.

Mr. President, no doubt it is true in many instances that there is manipulation—the occasional purchase of boats by railways, and sending them to the junk heap, or off on another route where they do not compete; the lowering of rates until boats are driven off, and then the raising of rates. Fortunately in a bill recommended by the National Waterways Commission, which I had the honor to introduce myself, this method of reducing rates and then raising them again was abolished, because it was enacted that if a railroad lowered its rates in competition with a waterway, it could not thereafter raise them unless it was shown that the reason of the successive lowering and proposed raising of the rates was for a purpose other than the elimination of competition. The fact is, though, Mr. President, there are more substantial reasons than all these artificial arrangements. Why? The railways are more and more

gaining control of the great bulk of the freight of the country. I quote again from my minority report:

There are, however, more substantial reasons why the transfer from one to the other has diminished. The cost of hauling freight on a railroad and by boat, as compared with the handling or delivery at terminal points, has experienced a great change in the last 40 years. The cost of hauling has very materially decreased, while that of handling and the expenses connected with terminal facilities, though diminished in many ways, have not decreased accordingly. The transfer usually involves a degree of delay and inconvenience which renders it more desirable to continue the carriage of freight on the vehicle or vessel upon which it is first loaded. The variation in the level of rivers increases the difficulty of providing an adequate equipment for loading and unloading on many streams; in fact, on most of them. The variation in the Ohio River at Cincinnati is over 60 feet; that of the Mississippi at Grafton, Ill., is 29.6; at St. Louis, 43.92; below Cairo and the mouth of the Ohio, 45.6; between Memphis and Helena, Ark., 54.75; at Vicksburg, 58.98; and at New Orleans, 21.02 feet. As compared with these very large variations the rise and fall of the water level on the Great Lakes is practically nothing, and on the Rhine River, the greatest navigable stream in the world, it is not more than 9 feet.

Inland waterways must always be confronted with these disadvantages. As pointed out in the preliminary report of the National Waterways Commission, filed with the Senate in January, 1910, there are certain advantages belonging to railways which are permanent and inevitable. They have a wider area of distribution. They can be constructed in any direction; they are more readily adaptable to the newly arising and ever shifting demands of producing areas and of markets. In the handling of freight they have greater advantages, because in providing for the receipt and delivery of freight at factories or warehouses branch lines or switches can be constructed. Railroads can reach all cities and towns alike, whether located on the water or not. A number of inland cities have grown up where there is no dependence upon waterways, such as Columbus, Ohio, Indianapolis, Ind., and Denver, Colo.

And Atlanta, Ga., and Birmingham, Ala., might be added.

This was formerly not the case, as the growth of cities without exception was manifestly dependent upon waterways. Obviously boats or barges can not be used except for the receipt and delivery of freight or passengers from or to localities upon waterways.

Railroads have a further advantage in the increasing importance of terminals and facilities necessary for the prompt and economic loading and unloading of freight. Usually bills of lading are given upon which drafts can be issued, so that the shipper may immediately obtain payment for his commodities when delivered to the railroad. The same is not true of boats upon inland waterways. The carrying capacity of railroads has enormously increased by reason of more perfect roadbeds and the greater hauling capacity of locomotives and cars. Freight carried by railways is more perfectly protected from storm and the elements, and the railroads insure the goods carried in its cars or handled at its terminals against loss. The transfer by rail is usually more prompt, though that is not always the case.

The Panama Canal act of 1912 sought to remedy the lack of cooperation between railways and waterways by compelling prorating of charges for the carriage of freight when conveyed partly by river and partly by rail, and the physical connection between railway lines and docks of water carriers, when such connection is reasonably practicable and can be made with safety to the public and where the amount of business to be handled is sufficient to justify the outlay. It is doubtful, however, whether this will accomplish any very salutary result, because the expense of transfer from boat to rail or from rail to boat is now so considerable and the change causes such inconvenience that it is more profitable to carry freight in bulk without transfer to its destination.

Now, Mr. President, I hazard without fear of contradiction that these factors have been so powerfully at work, especially during the last 10 or 12 years, that waterways which would have been profitably improved in 1900 or soon thereafter now afford no promise for the future. No blame attaches itself to those who advocated this class of improvements in past years, but they have been working not with the general tendency of things, but against it.

What are some of the reasons for the advantages of railways in carrying traffic and shipping grain in the last 10 or 12 years? First of all, there was a great industrial revival in the administration of President McKinley. Some things that have happened as the result of it I do not think have been altogether salutary—the enormous combinations, trust formations, the high fees of promoters of watered stock—but unquestionably there was a greatly increased demand upon the natural resources of the country, the mines of coal and of iron ore, and a corresponding increase in the demand for many other products. The immediate result of that was a greater demand upon the railroads. Beginning about the year 1900, or a little earlier, very great improvements were made in the way of double tracking, the elimination of gradients and curves, and the strengthening of bridges. The block-signal system has been a very great improvement. In the year 1904 the Government had as its guests the members of the Interparliamentary Union. They were provided with transportation to St. Louis and beyond in two great trains with 9 or 10 sleepers each. These two trains were running on the New York Central Railroad from Buffalo through to the East in two divisions. When the first pulled in at one platform at Syracuse, stopping for a change of locomotives, the second within less than a minute afterwards came in on the other side of the platform, both having run at a high rate of speed, and the foreign visitors, especially those from the Continent of Europe, were very much impressed with the fact that these trains came in so near each other without accident. That was due to a block-signal system of a high standard of efficiency.

Of course, along with these improvements there is an increase in the size, capacity, and number of the cars which can be carried. Instead of the comparatively small freight cars of Europe, having a carrying capacity of some 5 tons even in the carriage of coarse material, our cars carry, in many instances, over 50 tons of coal and iron ore, and there are trains of some 100 cars that have carried 5,000 tons in one load. There has been no such improvement on our shallow waterways.

Now, it is possible that some time some new type of boat may be devised, but the reason for the present decadence is that the other method of carriage is more convenient, more safe, more prompt, and is getting to be more economical.

Here is a factor in railroad transportation that is seldom fully realized. The revolution in the carriage of coarse material I have repeatedly pointed out. No waterway can succeed unless there is a large amount of coarse material to be carried upon it. Now, what happened beginning about 1900? The railways were being raised to a higher stage of equipment with double tracks. They were carrying the better class of freight, such as grain, package freight, merchandise, and stock, which requires prompt transmission. Of course, that has to be carried on a comparatively level roadway. They found they had certain fixed expenses, the cost of their right of way, the cost of grading their lines, building tracks and bridges, all of which entailed the payment of interest on their bonds. Suppose a railroad cost $10,000,000 and must pay $600,000 for its operating expenses besides interest on its bonds; suppose it must earn a net income of $3,000,000 and has a gross income of $8,000,000; it could carry 10,000,000 tons of freight at 80 cents a ton, but it must pay the station men, signal or track men, telegraph officers, interest on bonds, the expense of roundhouses, whether it carried 10,000,000 tons at 80 cents or a much larger quantity. Of course, if it carried a larger quantity of freight, it must have more cars, more locomotives, and exercise a greater degree of care in running its trains. Having that great fixed expense, it was found that coal, iron ore, and articles of that kind could be carried at a very much cheaper rate than would have been the case had they not had the nucleus, I may call it, of this general traffic of grain, merchandise, and package freights. Hence the railroads began to carry these coarser freights in larger quantity and for longer distances, and the result has been more and more that they have impinged upon the field formerly occupied by waterways.

Sometimes it is thought when a person points out these plain facts that he is acting in the interest of the railroads. Mr. President, there could not be anything more absurd than that. We have got to study this transportation problem just as it is to-day. We have got to recognize that, just as the wagon gave place to the canal boat and later to the freight car, so waterway transportation must progress if it is not to be outdistanced in the race.

I am inclined to think both of them will suffer considerably in the future from methods which are now just in their infancy—the use of vehicles propelled by gasoline or by steam, the autotruck—which is likely in a very few years to take a considerable quantity of the freight now carried by railways and by canals. Of course the electric railway has taken a good deal of freight which formerly went to the steam railway and to the canal, because it is operated with less grading, and ordinarily it costs much less for a right of way than that for a steam road, although the construction of a well-equipped electric railway is sometimes almost as much as that of a steam road.

But all of these things are coming into the field of transportation, and they must be taken into account. In saying this I do not mean that there has not been an increase in ocean-borne or deep-water navigation. Improvements there, cheapening processes, have kept pace with the improvements on railways, but shallow-water transportation has not done so.

There has probably been no place in the country where the improvement, the cheapening processes, the economies, have been more marked than on the Great Lakes. They have there a depth of 20 feet or more; 20 feet, however, being well up to the maximum draft of any boats that are used.

I can not emphasize too strongly this disadvantage which comes from the transfer of freight from rail to water or from water to rail, and the fact, as stated in this report of the Board of Engineers which reported upon the proposed 14-foot waterway from St. Louis to the mouth of the Mississippi, that the route of water-borne traffic is confined to the border of the river or waterway. It is true freight may be unloaded and loaded from or upon trains, but by the time you have paid the

expense of that transfer you have nullified the advantage that has come by the cheaper waterway transportation for a part of the way.

In making our calculations in this regard we do not take into account the capitalization account of the constructing of waterways and canals. If we were to count interest upon this as it is counted on railways the cost would not actually be cheaper. We do not take into account that they have a much more limited field in which to operate; we do not take into account the greater danger of destruction by the elements. When all this is said there is a very large field for waterway improvement in this country, and there may in the future be even a greater field.

Nobody believes in abandoning the improvement of the Mississippi River or the Ohio River. The trouble is that before such a system as the Ohio has been improved to a high standard there is an effort made to canalize every stream that runs into it, some of them having a longer navigable period than has the Ohio, and all of us recognize that so expensive an improvement as that of the Ohio has in it a certain element of experiment.

Mr. President, I have gone over this in a somewhat fragmentary way, but I have the greatest confidence in the conclusions that I have reached. There is always a certain amount of doubt in any conclusion on a matter of this kind. Some invention is likely to be made that will change conditions very materially. Centers of production are likely to shift. The probability is that in the future there will be a great shifting of centers of manufacturing into localities where water power is readily available; the northwestern part of the country and California are going to gain by reason of that; but with all that we can see at present these tendencies that are at work which raise an interrogation point, a mark of caution, warning us against expenditures for improvements of inland waterways.

With a great deal of labor, Mr. President, I have drawn up a statement which seems to me to lay down the facts and tendencies relating to rivers. I am not yet altogether pleased with the phraseology of this statement, but I ask the kind attention of the Senate to it. It is only about a page and a quarter in length. I have sought to jot down here with considerable care some statements of facts that are applicable at the present time.

FACTS AND TENDENCIES RELATING TO RIVERS.

As regards the rivers of the country, save in exceptional cases, which can be readily recognized and will be pointed out, the following facts and tendencies appear:

1. There is a considerable number of small streams which are not expensive to improve and on which money can still be profitably expended. This is also true of large rivers when they are near to large cities or afford a channel from the sea to a town of importance.

2. There are several uses for rivers, such as relief from congestion in time of unusual traffic, the prevention of excessive charges for moving freight, and the furnishing of facilities to localities not otherwise provided with means for transportation, which are worthy of careful consideration. None of these uses in itself or combined with the others justifies improvements on any expensive scale.

3. There has been a diminishing traffic in recent years—that is, on rivers—and there is every indication that this tendency will continue.

4. Even on rivers of very considerable size and length short hauls have become the rule rather than the exception. Through traffic does not exist in any considerable quantity save in the case of a few commodities, such as coal and floated logs. Even this traffic is decreasing.

These are hard facts. I do not like to welcome them. Some of the most strenuous efforts of my life have been put forth in the cause of the improvement of rivers and harbors. I have been over the rivers of this country and of the old country clear to the Volga and to the Danube. One thing, you will find the conditions in Europe altogether different from those in our own country, because they have a railway system inferior to ours. That is one of the main reasons, though there are a multitude of others. All my efforts in this direction are bound up with successive policies along these lines, but I am not going to indulge in any rainbow chasing. I have found that it is useless to spend immense sums in the canalization of rivers or canals like the Illinois and Mississippi River Canal, like the Kentucky River, the Big Sandy, and a number of other streams that have been wasting the Government's money. I am opposed to the continuance of that policy.

I do not believe that any Senator here can stand up and justify many of the improvements contained in this bill. For every one that you will produce there is a possibility of showing a precedent in the shape of one more favorably located which has proved a failure.

In this bill there are plans of that kind, involving the expenditure ultimately of a very indefinite sum, from perhaps $20,000,000 to $40,000,000. I have, for instance, in my possession a map of the upper Tennessee River, where it is proposed to construct 11 locks and dams. Shall I repeat what I have said, that there are already two essays—I use the term in the way of the efforts that we have made on that river—one at Colbert and Bee Tree Shoals and the other at Muscle Shoals, one at an expense of something over $2,000,000 and the other four million dollars and a half, and that we could better afford to buy every ton of freight that is offered there than to pay the interest on the expense of those canals and the expense of upkeep? Possibly I am exaggerating just a little on the Muscle Shoals Canal, but if it escapes my statement it is by a very narrow margin.

Of course I do not mean to refer here to such commerce as logs and other articles that float down. They go more readily where there is no lock and dam than where there is one, and yet I want to say to you that the two locks and dams that are here proposed, to which this bill commits the Government of the United States, have less promising locations than those where there has been such a frightful result. Are you going to do it, Senators?

At a later time in my argument I will show how those two proposed locks and dams were started. They slipped in. Nothing was said about locks and dams at all, but there was a reference to an Executive document. I want to call attention to another thing, and I might as well take it up now, perhaps, as at any time.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. I should like to ask the Senator if there has been in this Chamber since he discussed the question of the Muscle Shoals Canal any defense of that project from anybody?

Mr. BURTON. Not one word.

Mr. KENYON. No one has risen to defend that proposition?

Mr. BURTON. Here is another thing I want somebody to defend, too, in that locality. Gen. Bixby is a splendid man, though I think he has gone astray on some kinds of river improvement. We had a few days ago here a pronunciamiento from him on the wall over there, which was to the effect that transportation did not have anything to do with the improvement of rivers and harbors; if we could get money appropriated for them and could regulate freight rates, it was not necessary that any boats should run at all. Why, it was a guide and exemplar, a pattern for this bill; it was a philosophy in transportation; it was a literary gem; a beautiful thought along the line of waterway improvement. I regret that it has been taken down. It was here a week or two, and I was going to copy it in my commonplace book to have it there for permanent use, but before I could get it somebody took it away. Why has that been done? It was there to guide to the end of their journey those who are favoring this bill.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. I rose to ask the Senator if he knows where that pronunciamiento is?

Mr. BURTON. I do not.

Mr. KENYON. Why has it gone? Does the Senator know?

Mr. BURTON. I do not know.

Mr. KENYON. It was a most remarkable statement, and it hung on the wall for some weeks. I have been trying to find out where it was. I wanted also to have a copy of it.

Mr. BURTON. There were all sorts of reports about the Tennessee River. They were very confusing, and I had to give my leisure time for a week to reading about the matter. I am perfectly frank to say that I did not know, and I do not believe half a dozen Members of the Senate knew, that there was a committal in our legislation to those locks and dams, to cost $1,600,000 at Caney Creek Shoals and $1,000,000 in the middle section of the Tennessee. There has been no defense of that here on this floor; there has been no explanation of the running down of the traffic there at Colbert and Bee Tree; there is nothing to give us any hope that these new projects will even be as successful as that for which we incurred the frightful expense at the Muscle Shoals and Bee Tree. But here is one thing Gen. Bixby did do when he recommended the building of this dam:

XUM

The lock and dam below Caney Creek Shoals will create a pool which will cover some of the worst shoals above Chattanooga—

And so forth.

Its direct value to all the property within reach of the pool will be so great that it is suggested that the property holders affected be required to secure and furnish to the United States free of cost all the flowage rights necessary for this pool prior to any work in actual dam construction by the United States.

Now, two estimates have been given here, one of them to the effect that the cost would be $306,000. Then, on further examination, it was stated that it would cost $450,000. It is 22 miles long, and it is very likely to cost a million dollars. Why do those who always observe the recommendations of the engineers, who, whenever we criticize any items, say that the engineers recommend it, leave that provision out? Why must the Government of the United States be subjected to an expense here very likely of a million dollars? If those farmers down there find what an extravagant scheme this is, they will think that Uncle Sam is an almoner, flowing with millions, and that they can well afford to put up the price in the condemnation proceedings. There is a case where you did not adopt the recommendation of the engineers. Why not? The bill is here before us in which an appropriation has been made for it.

At a later time in my argument I will show not only these features in regard to that improvement, but that a petition has come in here signed by every farmer, it is claimed, along that river near the proposed Caney Creek Dam, and signed, as it was distinctly stated, by every vessel owner on the river down so far as Decatur anyway, protesting against the form of improvement that is suggested here, saying they do not want that dam. I will either have this petition read into the RECORD or I will read it myself. I think some explaining is well to be done here; and yet you are trying to jam this bill through at 12 o'clock at night. Would it not be a good plan to stop and explain the Tennessee River? You are asking the Senate to be detained here perhaps all night to pass this bill. The country will let you hear from them if you try anything of the kind without explaining some of these items.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. KERN in the chair). Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. I desire to ask the Senator what the reasons are that are given by the people who have signed this petition?

Mr. BURTON. That it floods out their lands. I did not wish to take up the Tennessee River at this time, but I perhaps will do so later.

Mr. KENYON. At a later hour?

Mr. BURTON. At a later hour.

Mr. KENYON. At an earlier hour in the morning?

Mr. BURTON. Yes. I have the material all here.

It happens that this is a digression. I engaged in this digression, Mr. President, and sometimes our digressions serve us well when our well-laid plan for consecutive remarks would come tardy off. I will repeat what I have written down on this leaf and a quarter:

5. There is no promise of traffic in such a volume as to justify large expenditures, except on rivers the channels of which can be made available for the convenient handling of boats and the freight thereon, and which connect distributing and consuming centers between which there is a large interchange of coarse materials, such as coal, iron ore, or building supplies. The quantity of such materials carried upon rivers and canals is decreasing and the length of the haul is diminishing.

6. The predominant function of many rivers and canals has been to provide transportation for sparsely settled or undeveloped areas. With increased population and more complete development the requirements of transportation are more and more provided in other ways and the use of rivers for general traffic diminishes or disappears. A principal use of streams during this period has been, and will continue to be, the bringing of timber to the market.

Mr. President, you yourself may know of a river in your State, the Wabash, in which there is an expensive lock and dam constructed at Grand Rapids. It is possibly within your memory that a very considerable amount of freight was carried down that river; but it has all disappeared now, or it has decreased to less than a thousand tons, so that the cost of maintenance of the lock there is very considerable in proportion to the value of the freight that is carried through. Until roads are built, until railroads are built, the rivers afford the best means of transportation, perhaps permanently the best way of floating logs; but in time, unless they are good-sized rivers with good channels, they are superseded by other means of transportation.

7. The statements above made do not apply to short canals connecting large bodies of water, such as the canal in St. Marys River between Lake Superior and Huron, nor to waterways, such as the Great Lakes, which are exceptional in their nature.

8. Transportation facilities other than by water, present and prospective, are not limited to steam railways. Other means are, or will be, available, such as the use of electric railways, the cost of which is very much less than that of steam railways.

I do not know but that I ought to correct that statement a little. It is less when made in the form in which they are ordinarily equipped; but I drew that some months ago, and my study of electric railways does not altogether confirm that, except that I assume it is understood what I mean—that the general equipment of a steam railway, when it is raised to a high condition of perfection, with the terminals, and so forth, around it, costs a great deal more than an ordinary electric road.

Autotrucks also provide a method of transporting traffic which will be more and more utilized as highways are improved. It is certain that one of the most important developments of the near future will be the improvement of highways. There can be no expenditure for transportation which will have a more salutary effect.

It will appear that electric roads and highways will furnish more economical means for transportation than that afforded by many rivers for which large appropriations have been made, or are now being made, by the Federal Government.

Oh, I suppose some will say, "Regulating freight rates! regulating freight rates!" and so will they ask us to go on with this expense, with this extravagance and waste, which appears in this bill. We ought to have some song in favor of the wasting of the funds of our genial Uncle Sam that has as a chorus and refrain, "Regulating freight rates! regulating freight rates!" [Laughter.]

Mr. President, that form of conduct has continued just about long enough. The trouble is, you never can argue with a man who maintains that note. While he will admit that it is all waste, that it does not do any good, that there are no boats, the full extent of what was said in the placard, the handwriting on the wall, whatever you call it—that has so unfortunately been removed—is a text for those who believe in this kind of extravagant improvement.

Mr. President, what are some of the rivers which might profitably be improved? I think it is very important to trace this down, because a great deal of confusion exists in the popular thought in regard to what are rivers, those that are so termed in the books. Sometimes the term "river" is applied to bodies of water that are not in fact rivers at all; and when the term "river" is applied to them, and when an effort is made to bolster up arguments for river improvement by including them, altogether erroneous conclusions are reached, because they should be omitted. We should omit, in the first place, those which are essentially harbors.

The best illustration of this is the Hudson River between New York City and New Jersey. Then there is another stream that goes in the catalogue as a river—the East River. Essentially it is not a river at all. True, it is a connecting link between New York Bay and the Hudson River at one end and Long Island Sound at the other, but everyone knows that for the greater share of the distance between New York and Brooklyn it is lined with docks. Steamboats pass there; and so its tonnage, estimated at 45,000,000 tons annually, does not belong to the rivers of the country, although many boats pass through from the Hudson, around the Battery, out through East River into Long Island Sound.

Then there is the Harlem River, in or near New York City, that is 8 miles long, but that is essentially a harbor rather than a river.

Then there is the Providence River, to Providence, R. I., extending from Providence Bay, which is 7 miles in length.

Then there is Newtown Creek, between Brooklyn and Queenstown. That has a large traffic—4,921,843 tons in 1912. I have heard persons say, "That shows it is a good thing to improve our rivers and harbors. Newtown Creek has a big traffic." But it is not a creek at all. It is an estuary, a stream in the city of Brooklyn, between two counties, which is a part of New York Harbor.

Then there is the Mystic River, below Island End River, in Boston. This river above Chelsea Bridge, including Mystic Upper and Malden Rivers, had a traffic of 3,671,242 tons in 1912. That goes into the list as a river. It is only a mile and a half long, and is essentially a part of Boston Harbor.

Again, there is the Rouge River. I see my friend from Detroit here. I come around to Michigan an unusual number of times, because I am so very well acquainted with the State, and have such an admiration for it and for its citizens.

Mr. TOWNSEND. It is purely accidental.

Mr. BURTON. The Rouge River runs into the Detroit River at the southerly limits of the city of Detroit. That is called a river, but it is virtually a harbor. It is a point on which there are factories and rolling mills, and so forth, but it only extends in from the main Detroit River 4 or 5 miles.

Further, I want to call attention to a stream in the State of my friend from Washington that I happen to have here in the list, the Snohomish River, in Washington. That is called a river, but it is actually an estuary. That by no means disciples it from getting an appropriation, however, and it very likely deserves one.

Mr. JONES. I am sure it does.

Mr. BURTON. But it is not a river in the ordinary sense in which we use that term as relating to a navigable stream.

Mr. JONES. The Senator means the part which is improved?

Mr. BURTON. Yes. Some persons in giving superficial attention to this subject pass over those figures in regard to the Mississippi River and other streams where it appears the traffic has decreased one-half, three-fourths, or nine-tenths in some commodities, and say that traffic on the rivers of the country is increasing. I would it were so, because I have been identified with the cause of improving rivers so long, and I have recommended appropriations for them that are now enough to make me blush; but if you carefully analyze those rivers where there is an increase in traffic it will be found that in practically every case they belong to certain well-defined classes.

The first class consists of rivers connecting cities of considerable size with the sea. These are all tidal streams, and enable ships of a draft of 15 feet or more to come from the sea to the cities located on them. On that portion of these rivers extending to the ports practically all the traffic is from or to the ocean.

You hear of the Delaware River. It is said we ought to improve rivers because the Delaware is such a splendid stream. Why, Mr. President, it is merely a tidal passage from the Delaware Bay and the ocean up to the city of Philadelphia, 101 miles in length. It had a traffic of over 26,000,000 tons in 1912. I do not know how the appropriation that it receives in this bill, with its 26,000,000 tons, compares with some rather minor rivers which any Senator in this Chamber, unless he lived in the neighborhood, would be put to the stumps to tell where they were, though I presume some make a pretty favorable showing in comparison with the appropriation for the Delaware. There is a portion of that river, extending from Philadelphia up to Trenton, which is more nearly adapted to classification as a river, although even there the stream is tidal. There the traffic is very much less and mostly of raw material.

The next illustration of this class of rivers, connecting cities of considerable size with the sea, is the Patapsco to Baltimore. There the total traffic in 1912 was 8,618,856 tons on a navigable length of 20 miles. That is not a river in the ordinary sense of the word. Both of these two last mentioned are as much estuaries as they are rivers.

Then there is the Mississippi to New Orleans. That is somewhat more of a river, because it maintains its width more nearly below the city of New Orleans, and the tidal flow is not so large as in the case of the Delaware at Philadelphia; indeed, not larger than it is in the case of the Patapsco at Baltimore; but the river above New Orleans, where there is not this communication with the sea, shows a decadent traffic, while the portion of the river below New Orleans, connected with the ocean, making a great port accessible to the Gulf of Mexico, has an increasing traffic all the while. Again, I say that is no river in the ordinary sense of the word.

Further, there is the Savannah River to Savannah. I regret that the Senator from Georgia is not here, because his river and his city, in this little memorandum I have prepared, have very honorable mention. There was here a traffic of over 3,000,000 tons in 1912. The total amount appropriated to date for this improvement somewhat exceeds $10,000,000. Savannah is 17 miles from the sea. That also is no river in the ordinary sense of the term.

Again, there is the Passaic River to Newark and Passaic. This stream, on this distance of 16 miles, had in 1912 a traffic of 2,266,291 tons. A part of that 16 miles is through Newark Bay. That also is not a river in the ordinary sense of the word. The Senator from New Jersey [Mr. MARTINE] was here a few minutes ago. He no doubt would be very familiar with this river. I do not see him just at present.

Then there is the St. Johns River to Jacksonville, 27.5 miles in length. That looks very much like a river as you travel on it, but what is the use to which it is placed? It furnishes communication from the ocean to the city of Jacksonville. The other traffic is nil.

Further, there is the Cape Fear River to Wilmington, N. C. I do not even see the Senator from North Carolina [Mr. SIMMONS] in the Chamber just at present. That is one of the apples of his eye. Then there is an inland waterway in North Carolina that accommodates about 100,000 people or less and is estimated to cost $5,400,000. It is somewhat more expensive than the proposed project for the Cape Lookout harbor of refuge that is in this bill—six or eight hundred thousand dollars cash and a continuing contract authorization for $1,800,000; yet Gen. Kingman, now Chief of Engineers, said in a report a few years ago that it was neither fit for a harbor of refuge nor for a harbor of commerce.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON). Does the Senator from Ohio yield to the Senator from Florida?

Mr. BURTON. Yes.

Mr. BRYAN. Does the Senator from Ohio say that the St. Johns River is not a river?

Mr. BURTON. Not in the ordinary sense. I have been using that phraseology so many times that I did not want to repeat it again.

Mr. BRYAN. What does the Senator say of the St. Johns River and the Savannah River and the Mississippi River?

Mr. BURTON. They are not rivers in the ordinary sense.

Mr. BRYAN. They are not rivers?

Mr. BURTON. With the uses made of them they are tidal streams connecting ports with the sea.

This Cape Fear River to Wilmington has not cost any small amount—to date $5,881,168 has been appropriated. I will just notice the expense on that. In 1912 it had a traffic of 1,072,205 tons. I should be very glad if my own harbor of Cleveland, in proportion to its tonnage and the population of the city, had received a like appropriation.

For the express benefit of the Senator from New Jersey [Mr. MARTINE], who has just returned, I will state that I referred a few minutes ago to the Passaic River up to Newark and Passaic, and that in the ordinary sense of the term I would not call it a river. The use that is made of it and of the traffic on it, especially up to Newark, is for boats that go out into the sea. The local traffic by boats between the different ports on the river proper is comparatively insignificant.

The Potomac River to Alexandria and Washington is a little less typical of the kind that I am now considering, because it is 113 miles up to Washington, and in some portions has much the appearance of a river. But that is broad. It is like an estuary. It is tidal. Going down the Potomac River from Washington 15 or 20 miles you come to a place where it would seem as if you were out of sight of land. It is not a river in the ordinary sense of the term.

Then, there is the Pawtucket River to Pawtucket, R. I., a distance of 4.5 miles. In 1912 it had a traffic of 622,166 tons. That is really a line of communication to the city of Pawtucket. In a less degree the James River to Richmond comes under that same classification.

Now, then, the enthusiastic advocates of river and canal improvement err when they include rivers of this type in their general classification. They are not inland waterways. One terminus is at the sea and the other but a short distance inland.

Here is one exceptional class. First, I took up the harbors, then the rivers which connect those which are essentially harbors—like the East River, the Harlem, the Mystic, the Rouge, the Snohomish—and those rivers which connect towns and the sea. I will recapitulate them: The Delaware to Philadelphia, the Patapsco to Baltimore, the Mississippi to New Orleans, the Savannah to Savannah, the Passaic to Newark and Passaic, the St. Johns to Jacksonville, the Cape Fear to Wilmington, the Potomac to Alexandria and Washington, the Pawtucket to Pawtucket, and the James to Richmond.

There is a third class of rivers similar to the preceding, but affording passage for boats of smaller size and of less draft than 15 feet. These streams are all tidal. The local or inland traffic between towns located upon them is not large.

The best illustrations are the following:

The Raritan to New Brunswick, N. J.

I am again in the State of New Jersey. It would require a mariner sailing by the compass and keeping careful track of his distance to make a journey of about 12 miles from the bay up to New Brunswick. But it is not an inland waterway in the ordinary sense of the word.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. BURTON. Yes.

Mr. MARTINE of New Jersey. The Senator realizes that we have the Delaware and Raritan Canal, which reaches up to the front of New Brunswick and carries an immense tonnage there which would relieve the necessity very largely, I confess, of the river improvement of the Raritan, but it would be a crime to annihilate the canal. It is true the railroads have done all that they could to abolish the use of the Delaware and Raritan Canal.

Mr. BURTON. Then there is the Hackensack to Milford in the same neighborhood, a distance of 20.2 miles; the Connecticut to Hartford, a distance of 50 miles; the Thames to Norwich, a distance of 15 miles; and the Penobscot to Bangor, a distance of 27 miles. There was a time when this last-named river had more than a million tons of traffic annually. According to the latest report it has fallen to 549,476 tons.

The Napa River, in California, is 16 miles long. As the Senator from California [Mr. PERKINS] knows, that is just over the bay from San Francisco, and it is used as a means of transportation to carry the products of Napa and that locality to the markets at San Francisco and Oakland. That is not an inland waterway. The traffic goes across the San Pablo Bay.

Then there is the Maurice River in New Jersey. Just at this moment, possibly on account of the lateness of the hour, I have forgotten where that is.

Mr. MARTINE of New Jersey. The Maurice, I will say, runs into the Raritan, and it is in Middlesex County. It is in the bailiwick of Congressman SCULLY.

Mr. BURTON. Oh, yes. He is a member of the Committee on Rivers and Harbors?

Mr. MARTINE of New Jersey. I can not answer as to that.

Mr. BURTON. I had an impression that he was.

Mr. MARTINE of New Jersey. The Senator will recall that we talk about Maurice Cove oysters, I think.

Mr. BURTON. Oh, yes; that gives it a distinguishing feature.

Mr. MARTINE of New Jersey. That gives it a very distinguished flavor.

Mr. BURTON. Then there is the Wicomico River, in Maryland, and Cooper River, N. J. Some people put this last-named stream down in their list of rivers as having a large traffic, and as showing a reason why we ought to go into regulating freight rates on rivers in a general way. It is a short stream opposite Philadelphia at Camden. There is no traffic between internal points. On the Bronx, in New York City, there is considerable traffic. It is 3 miles long and is used to bring freight from points around New York into this growing suburb.

Mr. MARTINE of New Jersey. There is a very distinguishing flavor to the Bronx.

Mr. BURTON. Yes; it is used in a number of senses. The Bronx, I want to say, is growing rapidly. In 1903 I went up the Bronx and told them I was in the most rapidly growing residence community in the world, and in 1906 I went over to the east part of Brooklyn and told them the same thing, and I told the truth both times. The growth of the Bronx—the amount of building material that is being used—is something almost phenomenal.

Mr. MARTINE of New Jersey. The Senator realizes that those are both Democratic communities, in Brooklyn and in the Bronx?

Mr. BURTON. I am not so sure about that.

Mr. MARTINE of New Jersey. I am quite sure of it.

Mr. BURTON. They are liable to go Republican this fall.

Mr. JAMES. Was not the Senator speaking of the Bronx cocktail?

Mr. BURTON. That gives an association that was entirely unknown until the Senator mentioned it. I thought when the Senator from New Jersey spoke of it that it had some mysterious meaning, and I now understand what the meaning is.

Mr. MARTINE of New Jersey. The Senator's education has been seriously neglected.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. BURTON. I am glad to yield.

Next there is the Kennebec River to Augusta. There was a time when this had quite a large traffic, but it has now dropped to 281,700 tons. It seems to me the distance given here—45 miles from the mouth to Augusta—is a little large, but that is the figure I have.

Then there is the Brazos River to Velasco. There is not, however, very much in this Brazos to Velasco. In 1912 it had a traffic of only 123,750 tons, and the amount appropriated to date has been about $721,000. But that is only a beginning. The Brazos is to be canalized above there somewhere. There is a stretch of about 245 miles, and above that a portion of about 171 miles where locks and dams are being constructed. How they will fill the gap between this magnificent emporium of Velasco, a beautiful Spanish name and a name to be remembered always for everything except its commerce, and this upper portion I do not know. I once was informed that there was a falls up there called Hidalgo Falls, and if we got over that we would go from northern Texas clear down to the Gulf, but I learn now I was misinformed.

Then there is the Merrimac to Haverhill; the Housatonic to Derby, the latter being in Connecticut and having a traffic in 1912 of about 86,000 tons.

It will be noticed that none of these last mentioned has a length greater than 50 miles from the sea, and that the commerce of each depends upon the freight brought from or sent out to deep water; and clearly none of these has the quality of an inland waterway. It is also to be noticed that the traffic upon all these three classes of so-called rivers last named is dependent upon their nearness to deep water and ready means of communication to cities of large size.

Passing from the above lists, we come to rivers which are used for traffic between inland points located upon them or for carrying freight for reshipment to harbors located upon or near to the sea. The largest appropriations which have been made by Congress has been for this class of rivers.

Now, Mr. President, there are other rivers having traffic between inland localities or cities which deserve the name of inland waterways. It may be interesting to Members of the Senate to have a classification of these according to their importance—according to the amount of traffic on them.

The Monongahela River, it will be a surprise to some, has the largest traffic of any inland waterway in the country. I do not include in this classification the Great Lakes or their connecting waters. Of course, St. Marys has a much larger traffic. The Monongahela in the last year for which statistics are available had a traffic of 11,575,329 tons in a navigable length of 87.5 miles. Much the larger share of this is coal. To date we have appropriated over $10,000,000 for this improvement, although if we had it to do over again I do not believe we would have even paid the old Monongahela Navigation Co. for their franchise.

I pause a minute to state two tendencies of this river, which will appear from careful study. The one is a decrease in the aggregate amount of traffic. This decrease is apparent as they mine coal near the river. They carry it by boats for a time, but when they get past a certain point then it goes by rail. That will be the case in the Kanawha, too, although they will probably hold the traffic on the Kanawha for a longer time. Those rivers are alike; the aggregate traffic is not increasing, but the general classes of freight—the package freight, the merchandise, aside from coal and coarse freight—are diminishing year by year.

The next river in this classification is the Ohio River. That is second to the Monongahela in the aggregate amount of traffic. It had a tonnage of 8,618,369 tons in 1912 on a length of approximately a thousand miles.

The next is the Hudson River from Waterford to New York Harbor. That is the stretch which the barge canal will use in reaching New York City. In 1912 it had a traffic of 3,045,136 tons. The Hudson has sometimes been referred to as the greatest navigable stream in the country, and with respect to the variety of its traffic and in the amount of passengers carried that is true, but the aggregate amount of freight carried is by no means equal to others, and in fact it is diminishing, due partly to the uncertainty as to the time the barge canal will open and partly to the decline of shipments of ice on this river. With the opening of the barge canal it undoubtedly will revive.

I want to say in this connection what I have said several times before, for I see some who have not been present when I have said it. There are two inland waterways in this country that ought to be tried out. One is the barge canal and the other is the Ohio River. It goes without saying those waterways are the most favorably located for traffic. The barge canal connects the Great Lake region with the Hudson River and then down the Hudson to New York City. The Erie Canal, in a very important sense, made New York City. It was opened in 1825. But how different it is now!

From 81 per cent of the traffic which it had along about 1850 or 1860, perhaps about 5 per cent of the total traffic remains. It is almost out of use. I hope the barge canal may have a considerable traffic; but it will not fulfill the expectation of its enthusiastic advocates. It will be found that persons will say the spending of $103,000,000 on this canal is a waste of money; but in view of the agitation for canals, let us try it. Do not go all over the country, however, from Maine to Texas and up into California and Oregon and continue improving

on an extensive scale every river and building locks and dams on them, when everybody knows it is experimental, with every probability against their success.

I repeat, that does not mean we are not going to improve our rivers; it does not mean that we shall not spend money as we did on the Kennebec and the Penobscot—open rivers—where you can improve them more readily, but it does mean—I regret to mention the State of my good friend from Kentucky—such streams as the Big Sandy, the Kentucky, and the Green Rivers. We can not longer afford to improve that class of rivers; if we do it will be a waste. Before I get through I shall read an editorial from the Louisville Courier Journal, which I understand is a paper of very high standing in the State of Kentucky, in which in mentioning these remarks of mine, which have been called a filibuster, it is said that I have been right in reference to the Kentucky River. A leading paper in the State, as I understand, instead of condemning what I have said about this class of improvements says that it is correct.

Then there is the Allegheny. Well, they handle a lot of old stuff there and some coal; but it does not amount to so very much.

Again, there is the Delaware from Philadelphia to Trenton, of which I have already made mention. That, strangely, is about the fifth river in the country in point of traffic, though that little stretch from Philadelphia to Trenton is only about 30 miles long. Then there is the Kanawha, and then the Mississippi between New Orleans and Vicksburg, the Mississippi between Vicksburg and Memphis, the Mississippi between Vicksburg and Cairo, and the Mississippi between the Missouri River and St. Paul.

The Missouri River does not come into this list, and, according to present rate of progress, it is safe to predict that it will be a thousand years before it will ever come into a list like this from which I have read, a list of rivers that carry a million tons of commerce or more annually. It may furnish a great deal of gravel and sand, which abound along its course, but in traffic, in valuable articles, it is safe to predict that at no time will it ever come into the same class with the Delaware in the 30 miles above Trenton. It will do well if it holds its own with Raccoon Creek and possibly the Scuppernong River.

Mr. MARTINE of New Jersey. The Scuppernong is a North Carolina stream.

The PRESIDING OFFICER. The Senator from New Jersey will address the Chair.

Mr. MARTINE of New Jersey. Mr. President, with the permission of the Senator from Ohio——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. BURTON. I do.

Mr. MARTINE of New Jersey. I want to take issue with the Senator from Ohio and to say that the Scuppernong is entirely and eminently a North Carolina affair. We have in New Jersey Cheesequake Creek, and Raccoon Creek, and Copper River, and God knows what, but we have not the Scuppernong. I would that we might have the Scuppernong.

I want to say to the Senator as to his classification a moment ago of two rivers in Kentucky, that it would be cruel to very many men whom I know, who are genial and loving friends, to find Green River classified with—what was it, the Big Sandy and the Kentucky? Green River is not only green and glorious and sweet of itself, but for the elixir that comes from the locality. It may be that the Senator from Ohio has never been initiated and inducted into the merits or the delights that come from Green River, and I hold it out to him as an inducement to change his trend of thought and God will bless him in the future.

Mr. BURTON. While I have referred to it, and I see some attention was given to it, I will read an editorial from the Louisville Courier Journal. There are two, one of September 4 and the other of September 5, 1914. This is from the issue of September 4:

In opposing appropriations for improving certain small streams, Senator BURTON yesterday cited the Kentucky River as one where money had been spent to no purpose.

The following is from the Courier Journal of September 5:

MONEY WASTE ON RIVERS.

Senator BURTON refers to the Kentucky River as an example of the manner in which Federal money is thrown away on waterway improvements.

The Kentucky River has a system of locks and dams—

Which cost nearly $5,000,000, by the way—

It is navigable for a long distance, but the freight business is negligible, and the passenger business is mostly restricted to excursions. Repeated efforts to operate a regular line of steamers have been unsuccessful. There seems to be little prospect of a revival of traffic. The money that was spent in improvements was poorly invested, so far as any present use of the river is concerned.

There is no doubt that much money has been wasted on internal waterway improvements. The aggregate that has been expended on small streams and on waterways where no appreciable benefit resulted would have made the Ohio and Mississippi Rivers navigable all the year around from Pittsburgh to the Gulf. In addition, it probably would have been sufficient to have inaugurated some comprehensive system of flood control.

Senator BURTON's assertions with regard to money wasted can not be denied. At the same time the real rivers of the country ought to be improved.

This, Mr. President, is not an isolated case. It is in line with editorial references from the ablest journals all over the country. I do not know but that if I am going on to-night I might as well read a considerable number of them. To use a slang expression, if we are going to make a night of it—and I certainly am ready for it if the others are, though I might perhaps prefer a little sleep—Mr. President, I should like to know what is the intention? Is it to remain here all night?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. BURTON. Yes; if I know what the purpose is.

Mr. SMOOT. Mr. President, it is now half past 12 o'clock, and I suggest the absence of a quorum.

Mr. JAMES. There has been no business transacted since the last call.

Mr. SMOOT. Oh, yes; we voted to lay the motion of the Senator from Ohio upon the table.

Mr. SIMMONS. Yes; there has been business.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Asburst | Johnson | Pittman | Smith, S. C. |
| Brady | Jones | Poindexter | Smoot |
| Bryan | Kenyon | Ransdell | Stone |
| Burton | Kern | Reed | Swanson |
| Camden | Lane | Robinson | Thornton |
| Chamberlain | Lea, Tenn. | Saulsbury | Townsend |
| Chilton | Lee, Md. | Shafroth | Vardaman |
| Clapp | Martine, N. J. | Sheppard | Walsh |
| Fletcher | Myers | Shields | White |
| Gore | Overman | Simmons | Williams |
| Hollis | Page | Smith, Ariz. | |
| James | Perkins | Smith, Md. | |

Mr. BRYAN. I have been requested to state that the senior Senator from Georgia [Mr. SMITH] has been compelled to leave because of sickness in his family.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is not present.

Mr. SIMMONS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. CHAMBERLAIN. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon will state his parliamentary inquiry.

Mr. CHAMBERLAIN. I understood from the ruling of the Presiding Officer the other day that as a basis for issuing compulsory process against Senators it is necessary for the record of the Senate to show that a request had first been made for the absent Senators to attend the sessions of the Senate.

The PRESIDING OFFICER. That is the order which has been made.

Mr. CHAMBERLAIN. So that as soon as that request has been made, then it will be in order to move to bring in the Senators by compulsory process.

The PRESIDING OFFICER. It will, if the Senate sees fit to make that order.

Mr. CHAMBERLAIN. That is what I desired to know.

Mr. KERN. Mr. President, I move the adoption of the order which I send to the desk.

The PRESIDING OFFICER. The Senator from Indiana moves the adoption of an order, which the Secretary will state.

Mr. SMOOT. Mr. President, that is plainly out of order. Until a quorum is developed no business can be done.

The PRESIDING OFFICER. The Secretary will state the order.

The Secretary read as follows:

*Ordered*, That the Sergeant at Arms be directed to compel the attendance of all absent Senators now in the city of Washington, except those detained on account of sickness, and is instructed to procure without delay such conveyances and employ all necessary means to compel such attendance.

The PRESIDING OFFICER. The Chair thinks the order is in order. The question is upon the adoption of the order proposed by the Senator from Indiana.

The order was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to enforce the order.

Mr. BRYAN. Mr. President, I ask unanimous consent that the Senator from Georgia [Mr. SMITH] be excused from attendance, upon the ground of illness in his family. He was in the Senate until about a quarter after 11, and was called home on account of illness.

Mr. SMOOT. Mr. President, the order excuses the Senator.

Mr. BRYAN. I was under the impression——

The PRESIDING OFFICER. The Chair will state that the order excuses the Senator.

Mr. BRYAN. I did not want to have any doubt about it.

Mr. CLAPP. I think the order should excuse the senior Senator from Wisconsin [Mr. LA FOLLETTE] and the senior Senator from Kansas [Mr. BRISTOW], who is confined to his house by an accident.

Mr. BRYAN. Mr. President, I am under the impression that the order as drawn does that.

Mr. CLAPP. That is all right, if it does.

Mr. BRYAN. But some Senators said it did not, and they suggested to me that I make the request.

The PRESIDING OFFICER. The Chair will suggest that all Senators who have been granted leave of absence or have been excused should be excepted from the order.

Mr. CLAPP. There are some who have not been formally granted leave of absence; for instance, the Senator from Kansas. There has been no leave of absence granted to him.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the Senator from Kansas [Mr. BRISTOW] be excused on account of illness. Is there objection? The Chair hears none, and the Senator from Kansas is excused.

Mr. SHEPPARD. I ask unanimous consent that the Senator from California [Mr. PERKINS] and the Senator from Texas [Mr. CULBERSON] be excused on account of illness.

Mr. SMOOT. Mr. President, the order excuses any Senator who is sick. Under the rules this discussion is out of order until a quorum is developed, and I object.

The PRESIDING OFFICER. The Chair is informed that the order which has been adopted by the Senate excuses all Senators who are ill. The Chair will further suggest that no requests of this kind can be acted on now, as there is no quorum present.

Mr. CRAWFORD entered the Chamber and answered to his name.

Mr. CHAMBERLAIN. I think the resolution itself excuses those who are sick themselves or who have illness in their families; but I understand, without mentioning any names, that there were some Senators who were in their offices when the last attempt to secure a quorum was made, and that they declined to come to the Chamber for the purpose of transacting the business of the Senate.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. KERN. Copies are being made of the order, which has to be signed and certified by the Secretary of the Senate and signed by the Presiding Officer.

Mr. KENYON. Mr. President, I should like to ask that the Senator from Nebraska [Mr. NORRIS], who is confined to his home by sickness, be excused under the order. Does the order cover that?

The PRESIDING OFFICER. The Chair is informed that the order covers all Senators who are ill.

Mr. KENYON. But there has been no formal notice given of the illness of the Senator from Nebraska.

The PRESIDING OFFICER. The Chair will state that no business is in order now. There is no quorum present. The Chair, however, will state, with the permission of the Senate, that the order excuses all Senators who are detained on account of sickness.

At 1 o'clock and 55 minutes a. m. Mr. LEWIS entered the Chamber and answered to his name.

At 2 o'clock a. m. Mr. STERLING entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, just before the untoward interruption which occurred some time ago, I was speaking of the different varieties of rivers. I first thought to segregate the rivers so called, such as the Delaware and Patapsco, which afford access to ports from the sea; next those of smaller size in which there is access to some city of considerable size from a bay, a sound, or the sea, such as the Connecticut, the Penobscot, and the Kennebec. The traffic on these rivers is considerable, for illustration, from New York to Hartford, from Boston by way of the ocean and the Kennebec to Augusta, and also from Boston by way of the Penobscot to Bangor.

In those cases, as in the case of other rivers, there has been a very material decrease of traffic. Save in the exceptional instance in which there is a very large quantity of coarse freight to be carried between points upon rivers, there are no considerable streams in the United States which justify any considerable appropriation under present conditions.

I do not say that was the case 30 years ago; I do not say that was the case 15 years ago; but, with the great increase in efficiency in railway transportation, it is the case now, and we have been going on for the last four or five years, at least, ignoring the vital change in conditions relating to transportation. What is needed is a careful, businesslike survey of the whole situation, and this bill is as far as possible from anything of that kind.

In some remarks made as long ago as July I pointed out that in most instances the improvement of our harbors had been profitable and that in some instances the improvement of our rivers had been profitable. But, with the present outlook, such improvements, if made on an elaborate scale and at large expense, are pure, unmitigated waste.

Look at that Tennessee River [indicating on the map upon the wall] and the Mississippi River, not far away. Think of it a minute. The traffic on the Mississippi River is dropping out of sight, although there is a depth of 8 feet from St. Louis down to Cairo, 9 feet down to Memphis and below, and some of the distance on to New Orleans, I think, 30 feet. Do you believe that we can improve that smaller stream, the Tennessee, which is full of rapids and bars and flows over a rocky bed, and have a larger traffic than on the Mississippi? To state the proposition is to refute it. Yet there is a report that advises or at least submits an estimate for an improvement of the Tennessee River from Knoxville to the mouth at a cost of over $30,000,000, and there is an absurd report that advises the immediate expenditure of over $10,000,000.

I can not keep silent, Mr. President, when confronted with so absurd a proposition. The whole map is covered with indications of waste on rivers which have no traffic. Yet the proposition is to take other rivers far less profitable, far more expensive to improve, and expend unlimited amounts upon them, amounts so great that even the expense of maintenance would be such that it would be cheaper to take auto trucks and carry the freight than to carry it on these rivers. This is the kind of a bill that it is proposed to pass by night sessions. When it is shown that there is no chance for any development of traffic upon them, immediately the advocates of the improvements fall back to the argument that it is for regulating freight rates. Why do you not regulate freight rates in a judicial and fair, sensible way, by presenting cases to commissions and have them fix the rates instead of resorting to this absurdity of spending millions of dollars—perhaps hundreds of millions of dollars—with the idea that in that way you are going to force railroads to charge lower rates, when the commissions on a three days' hearing would accomplish just the same result? I am not exaggerating one iota, Mr. President, the absurdity of this proposition.

At this late hour of the night, and under disadvantages, I am going to stand here and denounce the conditions; and then if the Senate wants to pass the bill, let them pass it, but it will be a monument to the carelessness and the injudicious action of this great legislative body, the reproach of which we can ill afford to bear.

Mr. President, this bill has been discussed and these incongruities, absurdities, and wastes have been pointed out, and I am frank to say that we have a better attendance right now at 2 o'clock in the morning than there has been at almost any time since the discussion commenced. I am glad, and maybe it was a good idea to have a night session; but if my strength does not fail this discussion is going to continue in the daytime, and it is going to continue on specific projects.

Let me just briefly read a few figures on this subject. I know how lacking figures are in attraction, but the only way to arrive at correct conclusions in such a matter as this is to study the facts.

I am compelled to say with some reluctance that until about the 1st of June last, when for the first time since 1907 I gave elaborate attention to these figures, I had not discovered the injudicious improvements we are prosecuting. It was not so discouraging along in 1900 to 1905. Then there was some prospect, some possible future, for this river traffic, but since then it has dropped almost out of sight.

I say this with the reservation again that there are rivers it is worth while to improve. Take that river there [indicating], the Tennessee, which has seemed to me a fascinating study. I think it illustrates better than any other stream the follies, the erroneous opinions of those who are advocating river improvement. I should favor a generous provision, according to the estimate, for improving that stretch of the river [indicating] from Riverton, Ala., to its mouth, about 206 miles. In the first place, it is a watercourse that follows a comparatively straight line, and it carries products from here [indicating] through Alabama, Tennessee, and Kentucky. Then it is not far to markets at Cairo, St. Louis, Louisville, and Cincinnati. Again, it is not full of shoals. It is not necessary to construct locks and dams.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I am glad to yield.

Mr. CLAPP. I am very much interested in the remarks of the Senator just now. But when the Panama Canal is completed will not the products of the country drained by that river naturally seek a southern outlet?

Mr. BURTON. There will be a certain impetus in that direction in that whole region.

Mr. CLAPP. Then the river runs north. And can it be possible that you can carry the products up the river and then down the Mississippi?

Mr. BURTON. Not profitably.

Mr. CLAPP. As cheaply as you can carry them across or more directly south?

Mr. BURTON. Certainly not; there are railroads all through here [indicating railways southwest of the river].

Mr. CLAPP. It strikes me that the completion of that canal is going to make a very material difference with what previously have been regarded as very favorable projects.

Mr. BURTON. I do not believe the opening of the Panama Canal is going to change the direction of traffic to the degree that many believe. For instance, take this region in here [indicating]. The demand for their products would still be largely to the north and the west.

Mr. CLAPP. I call the attention of the Senator to the fact that in the RECORD the expression "in here" would be very lacking as illuminating the reader. The section indicated means the southern part of Tennessee.

Mr. BURTON. It is this southwestern or the central western part.

Mr. CLAPP. It is a mistake that counsel in trial cases often make when using a diagram, saying "here" and "there" without anything to designate where "here" and "there" mean.

Mr. BURTON. Indeed, I would favor for that portion of the river—the lower portion—the increased figure designated in the Senate bill. But when you take that part [indicating the central portion] and the 180 miles from Chattanooga to Knoxville, the bill provides over $200,000 for both sections, far and away more than used to be appropriated year by year in the halcyon days of real traffic on that river. It is a waste against which I vigorously protest to appropriate for those portions of the river the large amounts proposed in this bill.

Mr. CLAPP. I feel that this discussion should be as fair and frank as possible, and my suggestion, I confess, is somewhat weakened by a suggestion made by the Senator from Mississippi, that the section drained by that river is a cotton section, and the cotton will still continue to seek a northwestern market for the mills.

Mr. BURTON. Very little cotton goes up that river.

Mr. CLAPP. Then, the Senator from Mississippi is mistaken.

Mr. BURTON. I have forgotten the exact figures. The most of the traffic upon that river is made up of logs and ties and a certain amount of grain in all three of its sections, though that is diminishing. The traffic on the Tennessee, as well as on many other rivers, reached its maximum about the year 1900 and a few years later. It was due to conditions to which I have already referred in my argument—the industrial impetus given to manufacturing and to other branches of enterprise just prior to and somewhat later than 1900. But when the new boats were built with larger draft and the railroads began to handle freight more rapidly and economically the water-borne traffic fell off.

While I am on this subject I want to refer briefly to the Big Sandy River, between West Virginia and Kentucky.

When I was first connected with the Rivers and Harbors Committee of the House delegations came here from that country and told of the enormous fields of coal in the Big Sandy River and its two forks or branches. It was claimed that there was the finest coal in the United States in that locality, including varieties of cannel coal. They declared the shipments down this river and its two forks to the Ohio River, and thence to the cities of Cincinnati and Louisville, would be enormous. They said no one could build a railroad there because of the contour of the country. We spent close to $2,000,000 on locks and dams in that locality. How many tons of coal were carried out there by those waterways in the year 1913? We had been told of the magnificent coal fields there. Yet how many tons do you think were carried out? Twelve tons, and that by the Government. How much coal was carried out of there that same year by the Chesapeake & Ohio Railroad, after it had been said that no railroad could be built through that section? Twelve tons by the river, and that for Government uses, and by this railroad 2,250,000 tons.

Mr. KENYON. In what length of time?

Mr. BURTON. The last year.

Mr. KENYON. Within a year?

Mr. BURTON. Within a year.

Mr. KENYON. Twelve tons a year.

Mr. BURTON. Twelve tons by river, with the forks canalized at an expense of nearly $2,000,000, and 2,250,000 tons by one railroad. I believe there are two railroads traversing that region.

Mr. KENYON. I should like to ask the Senator how much this bill carries for the Big Sandy?

Mr. BURTON. A sum of $25,000. I will come to that later. At last, after some of the most glowing reports that have ever been filed on river projects, the Government engineers have reported against it. I mention that because it is typical of them all.

Mr. President, there is another class of rivers that I think may be profitably improved—those that are comparatively small, flowing through a level country where the soil is not of such an alluvial character as to create bars and numerous drift obstructions, and where also the cost of improvement is reasonably modest. There are some such rivers in North Carolina, Florida, and Louisiana. For instance, the Tar and Pamlico, in North Carolina; the Neuse and Trent, in the same State; portions of the St. Johns, in Florida; the Bayou Teche and a number of other smaller streams in Louisiana. It is not a great undertaking to improve those rivers. They have a fairly regular bed; they do not fill with silt; and they can be taken care of by a comparatively small amount of dredging. Those rivers are a survival of the olden days; we look upon them as a pleasant reminiscence of an earlier age; they can still be used, but usually for comparatively short distances.

Through traffic on the rivers has almost disappeared, unless it be made up of logs or coal. Let me refer to that table on the wall. It is a table prepared with great elaboration by the Corps of Engineers, following the year 1907, or at least by a board of that corps of which Gen. Bixby was a member. When you hear a statement of those statistics of the traffic of the Mississippi River, you will think, of course, it is through traffic by boats from Cincinnati to New Orleans and St. Louis to New Orleans. Study the chart for a moment. It states:

Received at St. Louis, down the stream passengers, 21,251; received between St. Louis and Cairo, 2,981; discharged between St. Louis and Cairo, 12,387; discharged at Cairo, 3,363; received at Cairo, 4,324; received between Cairo and Memphis, 8,756; discharged between Cairo and Memphis, 3,576; discharged at Memphis, 17,686.

Yet that is the most favorable showing that can be made by any of that traffic, excepting coal and logs.

Now, note again. Grain and its products received at St. Louis, 2,782 tons; received between St. Louis and Cairo, 10,392 tons; discharged between St. Louis and Cairo, 1,576 tons; discharged at Cairo, 11,598 tons.

Do you notice that by the time you have reached Cairo you have unloaded every ton of grain that you picked up anywhere along the river? None of it goes any farther.

Received between Cairo and Memphis, 1,000 tons; discharged between Cairo and Memphis, 1,000 tons; that is received and discharged.

Received at Memphis, 13,094 tons; received between Memphis and Vicksburg, 3,594 tons; discharged between Memphis and Vicksburg, 16,688 tons.

Senators will notice that that 16,688 tons is the exact total of those amounts received between Memphis and Vicksburg,

and there is no freight apparently above that between St. Louis and Memphis but what seems to have been discharged before.

Now, received between Vicksburg and New Orleans, 19,254 tons; discharged between Vicksburg and New Orleans, 770 tons; discharged in New Orleans, 18,894 tons.

The sum total of those two [indicating] is equal to the sum total of those two amounts [indicating]. So it is all local. People have an idea that grain is carried through from St. Louis to New Orleans to be shipped abroad, and it is true that grain was carried from St. Louis to New Orleans by water up to the year 1904, but not a bushel of it is now carried through from St. Louis to New Orleans, although they have one of the best waterways in the world. It does not go that way.

Now, here is something that does go through—the coal that is received from the Ohio, amounting to 1,670,154 tons. And there is a small quantity received between Cairo and Memphis. I do not quite understand where it comes from, but it is probably for local distribution. It goes down and is unloaded at different points along the river, and 747,500 tons are finally discharged at New Orleans. I fancy the reason why there is some received between Cairo and New Orleans, which is certainly not a coal-producing region, is that the coal is brought down from the Ohio in very large fleets of barges—the barges being bound together—and when they get below Cairo a few of those barges are taken out for delivery at points along the Mississippi. But compare that item of 747,500 tons with the 30,000,000 or 40,000,000 tons traffic up the Rhine, or even with the 11,000,000 tons on the Monongahela in our own country. The quantity of coal shipped is diminishing year by year. It goes in some other way; it is derived from some other source.

Look at this item: Groceries and provisions received at St. Louis, 3,485 tons; discharged between St. Louis and Cairo, 2,730 tons; at Cairo discharged 755 tons; 3,485 tons is the sum of those two. It stops at Cairo, which is as far as it goes.

Here is another item of through traffic. Look at the figures as to oil. Received at St. Louis, 83 tons; discharged between St. Louis and Cairo, the insignificant quantity of 78 tons, the other 5 tons being discharged at Cairo.

I commend this table to the careful study of Members of the Senate. It shows the commerce on a river where naturally there would be the largest and most prosperous traffic; and just see what an insignificant amount it is.

If there is any river in the world that has been improved for navigation, it is the Mississippi from St. Louis south. No expense has been spared; fleets of dredges have been employed; and the utmost care has been given it year by year. See what is the result. And yet we are told that you can take these inferior streams, streams that are full of rapids and shoals, and spend money on them and thus develop a great amount of traffic. That is the philosophy, that is the method, under which we are working, and that is the method that we ought to renounce.

I wish to call attention next to some features of the minor rivers of the country, although some of them are not minor when you consider the amounts which have been expended on them.

The existing condition of inland water-borne traffic is such that there is often a greater quantity of freight carried upon short rivers and creeks than upon long rivers which traverse several States. Nothing can more emphatically show the decrease in water-borne traffic on inland waterways than the statistics of tonnage on the following rivers, many of which were at one time important arteries of commerce:

| | Tons. |
|---|---|
| Pearl, below Rockport, Miss | 191,173 |
| Kentucky | 186,300 |

And yet we have improved the Kentucky River at a cost of $4,196,000. I am not at all surprised that the Louisville Courier-Journal, which would certainly stand up for any judicious improvement in Kentucky, speaks of the opposition to that appropriation as well founded and dwells upon the impossibility of reaching results on that river.

On the Missouri from Kansas City to the mouth the traffic amounts to 185,110 tons. Why, there are creeks in New Jersey and around New York with more traffic than that; and of this 185,000 tons about 155,000 tons is of sand and gravel, which is hauled 1 mile, and yet they say the traffic is increasing. Well, it will have to multiply many times before it would be profitable to improve that river at an expense of even a million dollars. But we are asked to spend $20,000,000 on that stream, with $500,000 every year for maintenance. What is the use of continuing legislation on any such basis as this?

Then there is the Illinois River below Copperas Creek, which has 167,698 tons of traffic, and the Fox River in Wisconsin, on which we have spent $4,000,000 and on which there is 145,000 tons of traffic.

I might go through the whole list and take up the Santee, the Wateree, the Congaree, the Roanoke, the Arkansas, the Red River below Fulton, the Snake, and numerous others. They are all of the same type.

There is a very interesting comparison that I wish to make of the unequal cost of different rivers. Here is the Arkansas, with a traffic last year of 71,516 tons, valued at $1,170,900. Appropriations have been made for it to date of $3,108,008.44. Of the 71,516 tons, 56,208 were saw logs floated loose or in rafts in the river, leaving about 15,000 tons of other traffic, and yet this bill as at first reported to the Senate carried an appropriation of $164,700 for that stream, or, leaving out the floating logs, between $10 and $11 for every ton carried on the river, and if you add to that 4 per cent on the cost, making about $8 per ton more, bringing the cost of carrying every ton on the river to nearly $20.

Now, let us compare that with the little Petaluma Creek in California, on which there was carried last year a tonnage of 231,725, valued at $12,719,747, three times as much tonnage and eleven times as much value as on the Arkansas River. Against the $3,108,000 appropriated to date on the Arkansas River $144,000 has been appropriated on the Petaluma. Petaluma is one of the streams emptying into the bay north of San Francisco, on which freight is carried to the city of San Franciso. Counting all classes of tonnage, including logs, the cost of commerce per ton on the Arkansas is $4.04; on the Petaluma Creek, 6 cents. That is a very interesting illustration of how we have been spending money and of how it is proposed to spend money in this bill. I think it is stated in the report that the improvement has had no effect on freight rates. Indeed, they have a very well-established railway commission in Arkansas, and if the railroad rates were exorbitant they would immediately be ordered changed. It is said of the Arkansas:

It does not appear that the improvements in late years have had any marked effect on intrastate rates either by water or by rail.

Now, compare with that the Cohansey River, in New Jersey. I ask the attention of the Senator from New Jersey. There are so many Senators interested in this paragraph that I almost regret that there is not a larger attendance. I shall not be able to say anything about New Hampshire, except a great decline on the Lamprey and the Cocheco, which formerly had a considerable amount of traffic.

Take the Cohansey, where there was a commerce of 186,960 tons, of a value of $3,759,924. The appropriations to date are $101,300.

For the Red River this bill, as it was reported to the Senate, carried an appropriation of $100,000, with a traffic of 44,967 tons; and bear in mind that of that 44,967 tons 42,640 tons consisted of saw logs, with only about 2,000 tons of freight that required boats and barges. "Regulating freight rates" again—"regulating freight rates," and looting the Public Treasury! I have not used so strong a word before, but I think I am justified in employing it. When you are paying $50, $60, $70, $80 for every ton of freight carried, claiming that it is for the good of the people in some way, what is that short of looting the Public Treasury?

I have another illustration—the Missouri River, from Kansas City to the mouth, where the cost, if you count in all the sand and the gravel, is $13.31 a ton, and the Bayou Teche, in Louisiana, where the cost is 24 cents a ton. You see in this way the gross inequality, the injustice, of our present system of making appropriations. The Red, the Missouri, the Arkansas might well be left out, and our appropriations devoted to other streams which yield more readily to treatment, and can be dredged and put in condition for navigation without enormous expense.

But the worst fraud in the whole system is that of the canalization of rivers by locks and dams. I do not believe there is one, outside of the Ohio and the Monongahela, that will begin to succeed or that will be anything but a monstrous extravagance and loss of money.

I have several times before called to the attention of the Senate some of these projects, but I think it is well to bring them up again. The Kanawha, and perhaps the Black Warrior, will be successful instances of canalization; but the indications of decadence on the Kanawha and even the Monongahela are already manifest, due to the fact that as the mining of coal is conducted farther away from the stream, as the mines that are near to the channel are exhausted, the coal is carried in another way. There is just as much coal mined in those valleys, and there will be for some years, but it will not be carried out in so large a degree by the river or on boats. It will go by railroads. It is simply inevitable, because if you get 2 miles or 3 miles away from the channel it can be so much more easily handled

in cars. Then, in most instances, there are railways running along on one or both sides of those rivers, which are securing an increasing share of the traffic.

I do not mean in all this to advocate by any means the abandonment of those streams. They have been useful arteries of commerce. They will continue to be so for some decades to come; but they will have their day and cease to be agencies of transportation just as surely as the wheels of progress revolve. In the statistics already gathered you can see how it will come about. They are reaching their maximum and already declining, and traffic upon them in other than coarse freight is diminishing in quantity.

I have referred several times to the Mississippi and Illinois Canal, but I think a little iteration will be useful. I do not know that it is the worst illustration of locks and dams, but it is the one that occupies the most prominent place in the history of this class of improvements.

This Illinois and Mississippi Canal is a historic waterway. Probably there never was a proposed Government improvement which had a larger support than this in the immediate locality in question. Men were elected to Congress because they shouted more loudly for the Hennepin Canal, for that was its familiar name. If a candidate wanted to get a big vote or to be nominated or elected, he told the people, "Oh, I will get for you the Hennepin Canal." Men were elected to Congress from eastern Iowa and from western Illinois and through a part of north-central Illinois because they were for the Hennepin Canal. After we had spent some six millions and more on it we found that it would cost another million to finish it, and we doubted whether it was worth it; but after hesitation we completed it.

I have already mentioned this in the Senate, but I think I will refer to it again. What have we gotten for those seven millions?

Bear in mind that this canal runs through one of the richest farming countries in the world. How they did tell us of the amount of grain that would be carried through this canal, of the merchandise from the jobbing houses of Chicago that would go to the farmers of Illinois and Iowa, of the manner in which the Middle West would be enriched by this waterway. The total cost of the construction to June 30, 1913, was $7,576,000; the operation and care to June 30, 1913, was $1,166,000; or a total of $8,742,000.

What is there to show for the expenditure of that $8,700,000?

Mr. President, I would like a little order. What I am most anxious for is the attention of the Senators; there are some facts I want to tell them.

Eight million seven hundred thousand dollars! The commercial freight on this canal for the year 1913 was 11,962 tons and the number of ton-miles 473,448. Now, if you allow interest on the cost of that canal, and it cost for operation and maintenance in 1913 $204,000 for 11,000 tons of freight, the cost of carrying every ton was $46.33! The cost per ton-mile was $1.16.

Do you realize how an autotruck could beat that; how even an old oxcart could beat it? An oxcart could haul a ton a mile for $1.16 and make a good profit out of it. Indeed, it could do it for a fourth or an eighth of that. "Regulating freight rates"—and it did not regulate freight rates at all, for the fact is that long before it was finished freights on lines competing with this canal were put down to figures of which nobody is complaining.

I remember noticing some years ago an editorial note in the New York Evening Post attacking this contention, and showing that the reduction in rates had been accomplished before this canal was put in operation. The canal has 37 locks, operated under the most favorable circumstances at an annual expense of five or six thousand dollars apiece, for 11,962 tons of freight.

Mr. RANSDELL. Mr. President, will the Senator yield for a question?

Mr. BURTON. Certainly.

Mr. RANSDELL. I simply wish to ask the Senator if he will tell us when that canal was begun and when it was completed, if he has the figures, and whether or not we are making any appropriation for it in the pending bill?

Mr. BURTON. No; we are not. It was commenced in the year 1890 and finished in the year 1908. However—and I want to call the attention of the Senate to this, for it may be new to some of you—under what are called continuing appropriations there is paid out of the Treasury, without specific appropriation or any action by Congress, an amount sufficient for the care and maintenance of all these locks and dams. Congress has nothing to say about it. The total amount expended here—over $200,000—is paid out of the Treasury on warrants, without any check of our own.

Mr. RANSDELL. Mr. President, does the Senator mean to say that the maintenance of the Illinois and Mississippi Canal is over $200,000 a year?

Mr. BURTON. For the last year—1913—the cost of operation and maintenance was $204,499.13. There are two sections of it, you should notice. There is what they call the Milan section, as well as the other. It costs about five or six thousand dollars for the locks, including repairs. The fact is, you could build a lock new, if it were washed out or torn down or burned or otherwise destroyed, and charge it to this indefinite appropriation from the Treasury, without any action at all by Congress. I have sometimes thought that method of making appropriations ought to be revised.

I have dwelt at very considerable length on the Muscle Shoals Canal. That is not, perhaps, the worst, though it is bad enough. This canal is divided into two sections—the one on the left bank of the Tennessee, 3.5 miles long, and the other on the right bank, 14.5 miles long, and having 9 locks.

A survey was made for the canal and locks under a project adopted in 1868. The canal was finished before the year 1890 at a cost of $3,191,726.50. The cost of operation and care from 1890 to June 30, 1913, was $1,363,929.03, a total of $4,555,000.

Considering this as an investment and capitalizing it at 4 per cent would mean an interest charge of $182,226.22. The cost of operating and care for the year ending June 30, 1913, was $48,292.09. The total amount of freight carried through this canal in the year 1912 was 5,520 tons. This would make the cost of the freight carried through the canal $41.76 a ton, for which figure you could carry it to the remotest part of the globe.

A noticeable feature of this canal is the steady decadence in its traffic. In 1906 the commerce was 26,878 tons; in 1909, 17,353 tons; in 1911, 8,962 tons; in 1912, 5,520 tons.

I come now to the Big Sandy. On this stream, located on the boundary line between Kentucky and West Virginia, there have been constructed three locks, with one lock on each of its two forks, the Tug and the Levisa. The project calls for seven additional locks on the Tug and nine on the Levisa. I have already mentioned this. Beginning about the year 1809 the most sanguine expectations were entertained for the development and the shipment of coal upon this river and its two forks. A favorable report was made, in which the quantity and quality of coal were both alike asserted. It was maintained by numerous committees appearing before Congress that there was no opportunity in the United States for the shipment of coal by water equal to that which would be afforded by the construction of these locks. For the construction of the five locks and dams mentioned there had been appropriated the sum of $1,700,000. The cost for maintenance has been approximately $260,000.

In view of the fact that the recent shipments of coal have been much less than before the time when any of these locks and dams were finished, and that the traffic has very materially declined during the same period, this project attracted attention four years ago. I called attention to it myself, Mr. President, notwithstanding the opposition which it aroused. On April 19, 1910, here in the Senate, I said:

> I think it will appear upon investigation that there is no great variety of ownership there. Why should the United States improve that stream? Why should a tax be imposed upon the people of the whole country to make those coal fields available? There is a great abundance of coal in the Kanawha and the Monongahela already available to go down the Ohio and the Mississippi. There is no scarcity of coal in the Ohio Valley.

I then gave the statistics, a little worse in 1909 or 1910 than this year. This coal field, the most magnificent in the world, where there was the finest opportunity to transport by water, shipped 6 tons in the year 1909, and 12 tons in the year 1913. They had pretty fair traffic before, but, however, to parody an old expression, "I was doing well. I had a fair traffic. I desired to have a better traffic. I took the lock and dam treatment, and here I am." [Laughter.]

Six tons of coal in 1909, and 12 tons in 1913; $2,000,000 expended on it. I can remember being in this Capitol later than it is to-night fighting against this item forced upon us in a conference committee against the Senate conferees, and the first time I had an opportunity in the Senate in April, 1910, I raised my voice against it.

Mr. RANSDELL. May I ask the Senator from Ohio a question?

Mr. BURTON. Certainly.

Mr. RANSDELL. I should like to ask if this was not effected while the Senator was chairman of the Rivers and Harbors Committee?

Mr. BURTON. No; the lock at Louisa was before I was chairman of the Rivers and Harbors Committee. Our committee consented, I believe, to the construction of one lock and dam.

Mr. RANSDELL. The report here says the act of March 3, 1899. That was for a project for locks and dams below Louisa.

Mr. BURTON. You will find that at least the second is by reason of a Senate amendment.

Mr. RANSDELL. It may be, but the Senator was chairman in 1899, I believe.

Mr. BURTON. Yes; I was never oversanguine concerning many of those improvements.

Mr. RANSDELL. Will the Senator state what is the appropriation in this bill for the Big Sandy?

Mr. BURTON. Twenty-five thousand dollars, I believe, though I do not know that that is for any new lock and dam. In 1910 I opposed any further extension and pointed out the defects in the plan, and here just within a few days a report has come in from the engineers advising the abandonment of the whole scheme.

Mr. RANSDELL. I may say that this $25,000 is for completing the guide wall below Lock No. 1.

Mr. BURTON. Yes; it is not for a lock and dam.

Let me run over the report to see. The first report is in House Document 75, Forty-third Congress, second session, by Maj. Merrill, February 24, 1875. He states that the only way to secure sufficient depth is to canalize the river. Two methods have been suggested: (1) Movable dams and (2) permanent dams. The second is recommended, and the river "at least at present is decidedly a river of small navigation." It is also recommended that snags, bowlders, and so forth, be removed; submits estimates for 22 locks and dams, estimated to cost $1,922,536, and $15,000 for removing obstructions.

Next is the report of Mr. Bell, assistant engineer:

> The Big Sandy River is the only outlet for a very productive country, rich in both agricultural and mineral wealth.

The exports from the Big Sandy Valley for the year ending July 1, 1870, $1,219,000.

The next report is found in Executive Document 91, Forty-fourth Congress, first session: Maj. Merrill reports in favor of spending $3,000 for the work on the worst place on the Levisa Fork and for an additional amount of $5,750 in that locality.

Mr. Venable, assistant engineer, reports against the improvement, owing to the rapidity of the stream. That was in 1887.

I wish that Mr. Venable's advice had been followed.

House Document 25, Fifty-second Congress, first session, report on dam near Louisa, Ky., Chief of Engineers, on November 20, 1891, concurred with the special board and recommended that the dam of the fixed type at this point be removed and a movable type be substituted. That is, they started in on the fixed type and then wanted to change to the movable type. The estimated cost of the movable type was $93,000, and as $17,000 was on hand $76,000 was asked for.

The board, November 10, 1891, in a rather extended report, recommended the above substitution.

House Document 29, Fifty-first Congress, second session: They report on Russels Fork against any improvement. It is a mountain torrent. That is the branch of the Levisa Fork.

House Document 66, Fifty-second Congress, second session: Maj. Lockwood reports against the advisability of attempting to remove the bar from the mouth, for the bar must be removed by the action of the Ohio.

Next comes the report by Maj. Bixby, since Chief of Engineers, a most excellent man personally and skilled in branches of engineering, though I am not so sure about his judgment as to locks and dams. Maj. Bixby said, May 5, 1898:

> Permanent and satisfactory improvement can only be effected by the construction of locks and movable dams.
>
> * * * * * * *
>
> In my opinion, as well as that of my predecessors, Majs. Lockwood and Gregory, the natural wealth of this river basin, with its enormous coal deposits as yet undeveloped through lack of proper transportation facilities, will thoroughly justify the thorough improvement of this river.

This report is concurred in by Mr. Thomas, assistant engineer, and by the Chief of Engineers. This is his recommendation for that torrential stream, of which an engineer later says:

> The extreme variations in depth of water, as shown by the report mentioned above and the one forwarded herewith, and the further fact that the pools in the river have already practically filled with sand, and that it is feared in this office that the river will soon fill with sand to a greater elevation than the present miter sills. It is stated by Assistant Engineer Campbell that already the pools have been filled to such an extent that there is a depth only of 3 feet when the dams are up and the pools full.
>
> Furthermore, the greatest percentage of shipments has been timber, including logs and crossties. This product is being exhausted rapidly, and after a short time but little lumber will come out by this route.

This engineer says somewhere, as I recall it, that the dip in the mines was such that they could not use the waterway, anyway. Nevertheless there was recommended in 1898 for this the sum of $4,725,000.

At a later date, in the Fifty-sixth Congress, second session, a final report on the detailed survey called for by Congress was submitted by Capt. Hodges, a most excellent engineer, who did fine work down at Panama, was recently promoted, I think, to colonel, and was one of the most painstaking men in the service. He was not quite as sanguine as Gen. Bixby about it, but he recommended $150,000, and $2,080,000 additional, as I recollect, and said that that would carry the system far enough to open extensive coal fields and finish about half the projected work. Now, here is Maj. Warren, who appears occasionally in these reports as having a larger degree of conservatism:

> The improvement is not recommended.

He says, June 15, 1907:

> The headwaters of the Big Sandy River are all small, torrential mountain streams, flowing through a sparsely populated country whose chief resources are timber and probably coal. It is a poor agricultural country and there are practically no manufactories.

Mr. WEEKS. Mr. President, I suppose it is my duty to say that in obedience to the summons of the Sergeant at Arms I report my presence in the Senate. I am under a doctor's care, and think I would have a reasonable excuse for not obeying the summons; but I do not wish to be in the position of disobeying the order of the Senate.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON). Does the Senator from Ohio yield to the Senator from Utah?

Mr. BURTON. I yield.

Mr. SMOOT. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Utah moves that the Senate do now adjourn. The question is on the motion of the Senator from Utah. [Putting the question.] The noes seem to have it.

Mr. SMOOT. Upon that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. SMOOT. More than one-fifth of the Senators present seconded the demand.

The PRESIDING OFFICER. The Chair assumes that a quorum is present, the last roll call having developed a quorum, and the Chair holds that the call is not sustained.

Mr. SMOOT. From that decision I shall appeal.

The PRESIDING OFFICER. From the decision of the Chair that the call for the yeas and nays is not sustained the Senator from Utah appeals. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SMOOT. Upon that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. SMOOT. Of course the Chair can put a steam roller——

Mr. LEA of Tennessee. Mr. President, I rise to a point of order, that debate is not in order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. WILLIAMS. I make the point of order that neither a motion to adjourn nor an appeal from the decision of the Chair is debatable.

The PRESIDING OFFICER. The point of order is sustained.

Mr. SMOOT. Eight Senators seconded the call for the yeas and nays, and the Constitution says one-fifth of the Senators present.

Mr. LEA of Tennessee. I rise to a point of order.

The PRESIDING OFFICER. The question is, Will the Senate sustain the point of order that the demand for the yeas and nays was not seconded? [Putting the question.] The ayes seem to have it. The ayes have it, and the decision of the Chair is sustained. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, who was right in this matter—the opposition that I made or this elaborate list of reports? Here within a week a report has come from the Secretary of War and the Chief of Engineers, a special board having been appointed. Let me read from it the following:

> The special board reaches the conclusion that the physical conditions on the river are so unfavorable as to prevent the development of any large commerce after the completion of the proposed improvement, and that the cost of such improvement would be excessive when compared with the resulting benefits. It therefore recommends that the slack-water improvement of the Tug and Levisa Forks of the Big Sandy River be discontinued.

The Chief of Engineers says:

> After due consideration of the above-mentioned reports, I concur with the views of the special board and the Board of Engineers for Rivers and Harbors, and therefore report that the further improvement by the United States of Tug and Levisa Forks of the Big Sandy River, Ky. and W. Va., is not deemed advisable at the present time, and it is recommended that the slack-water improvement of these streams be discontinued.

Mr. President, I wish that conclusion had been reached before the $2,000,000 had been expended. It is evident it was a wild scheme from the start, that Congress was misled by these favorable reports into the expenditure of a couple of millions of dollars, with the magnificent result that the coal which it was said would give warmth and life and impetus to the whole Ohio Valley amounted to 6 tons in 1909 and 12 tons in 1913.

Mr. RANSDELL. I understood from the Senator's statement that the commerce of that river was 12 tons of coal one year and 6 tons in the other. Am I correct?

Mr. BURTON. Those are the figures that are given in the final report. That is not all the tonnage, but that is the total of coal.

Mr. RANSDELL. But the Senator did not state there was other tonnage.

Mr. BURTON. I can state what the other tonnage is very readily.

Mr. RANSDELL. Is it a fact that in the calendar year of 1912 there were 188,743 tons, valued at $1,799,000?

Mr. BURTON. Let us see what the amount was. It was less than before we put in the locks and dams. My statement is perfectly clear, if the Senator from Louisiana had paid attention to the argument advanced by the advocates of these locks and dams, that they would give a splendid opportunity for the shipment of coal.

Mr. RANSDELL. I understood the argument.

Mr. BURTON. The total tonnage from this canalized waterway of the Big Sandy and branches in the year 1912, excluding railroad ties, timber, telegraph and telephone poles, and staves, was about 500 tons, including cement, 3 tons; live stock (small), 1 ton; of miscellaneous merchandise, 250 tons; produce, 1 ton; coal, 12 tons.

Mr. RANSDELL. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I read from the report of the Chief of Engineers for 1913 on the operating and care of locks and dams on the Big Sandy, and so forth, and this shows that for the calendar year 1912 the total commerce was 188,745 short tons, valued at $1,799,634, principally logs and ties and similar forest products. That gives the commerce——

Mr. BURTON. But the Senator from Louisiana knows perfectly well that, as repeatedly stated by the engineers, in the shipment of logs and timber locks and dams are an obstacle rather than a help.

Then, on page 2649, it is stated that the freight traffic was as follows:

> Cement, 3 tons; coal, 12 tons; eggs, 6 tons; flour, 22 tons; grain, 6 tons; hay and straw, 20 tons; live stock, large, 27 tons; small, 1 ton; lumber, 31 tons; merchandise, miscellaneous, 250 tons; oil, 5 tons; poultry, 2 tons; telephone poles, 328 tons; produce, 1 ton; salt, 10 tons; staves, 48 tons; sand and stone, 90 tons—

Now you reach the items that make it up—

> railroad ties, which do not need any elaborate system of locks and dams, 38,301 tons; timber, 149,580 tons.

I recall very distinctly that in a statement, back in 1890 or thereabouts, when there was a little lock up there at Louisa, the traffic was greater than in the year 1912 or 1913.

A lumber wagon, occupied the year around, could have carried the larger share of the class of traffic that was affected by this improvement of locks and dams. The traffic in all of these articles, probably coal, but certainly timber, was less last year than it was in the days before there were any locks and dams. There may have been an exceptional year now and then, but that is the general showing.

What do we have in this bill? Locks and dams in the Trinity, locks and dams in the Brazos, locks and dams in the Ouachita, locks and dams in the Tennessee, locks and dams in the upper Cumberland, every one of which will be a waste of public moneys. Not one of them can be made to pay.

There is the direction in which I have felt most like criticizing the Engineer Corps. I think the Senator from Iowa [Mr. KENYON] expressed it fairly well a few days ago when he stated that they were sometimes attracted by excellent designs in the way of masonry, or, as one of them, a most excellent man, once said to me in regard to a proposed improvement in the Connecticut River, "After all is said, I do not know but I was mistaken about that improvement. I recommended it, though when I first began to examine it I did not think it was feasible as an engineering proposition, but I found on examination it was, and I was so charmed with the plans that I do not know but my judgment was affected, and I reported in favor of it when I ought not to have done so."

You can go over the whole list of locks and dams. Take the Osage, take the Galena River, the Wabash River, and all those minor streams, and where is there one that is now profitable? There is considerable traffic in some places, but when you come to measure it, it does not pay for the improvement which has been made.

Yet I have not given altogether the worst. Take that little lock and dam in the Wabash River, which makes a worse showing than the majority of those that I have set forth. Then there is a lock in the Galena River, and one in the Kentucky River. This, Mr. President, is the most extravagant feature of this bill. This bill contains another project that I hesitate to dwell upon because of the absence of the Senator from California [Mr. PERKINS], who for a man of his years certainly remained here very courageously this evening, and that is the project for the Sacramento and Feather Rivers, $200,000. I wish Senators would examine that. They will find it stated in the distinctest terms that it is not necessary in the interest of navigation; they will find in the distinctest terms other projects recommended that cost a mere bagatelle in comparison with this $5,860,000; they will find, also, that that is but one of those projects adopted in response to a resolution of the Committee on Rivers and Harbors.

I think the Committee on Rivers and Harbors have acted under pressure, though in the utmost good faith, in passing such resolutions, but it has come to be the established order that if they adopt a resolution for anything, the board of review and the engineers will think special attention must be given to it. Two or three of the worst projects now on the list are improvements against which the engineers reported, but which, after such a resolution as this, they turned around and indorsed. The Senator from Iowa here a couple of days ago called attention to an item, that of the Crystal River. It is rank. A local engineer reported against it; the board of review reported against it; it went back under a resolution to the local engineer, who said that he would not favor either a new project or continuing the old project. There is no traffic on the river. Just look at what it is—a stream 9 miles long, that has no harbor at the mouth, running to a village of, say, 800 inhabitants. I presume that village has a board of trade, and a "booster club," and all that sort of thing, to get appropriations from Congress for rivers and harbors.

Mr. President, that does not afford a transportation problem. They can not ship anything outside the mouth of the river or, at least, they can not load anything at the mouth of the river. Moreover, a railroad running through there carries their freight. It was alleged here a few days ago—and the Senator from Iowa overlooked the fact—that a certain factory for the manufacture of lead pencils had been erected there. What does the report show about it? First, that that factory has not been opened; next, that at a former time when it was in operation they shipped all their product by rail to some place in New Jersey; and yet that factory, the wheels of which are still and which when it was in operation shipped all its freight by rail to a distant State, is named as a reason why we should improve that stream. The Chief Engineer looked over the reports of his subordinates and he worked out a recommendation that a certain amount of money be spent upon the stream.

That is not a large item, Mr. President, but we do condemn, as stewards of the public purse, the method by which we allow even $10,000 to slip in here in that way. I shall be very much surprised if the Senate votes to retain it.

Mr. CLAPP. Mr. President, I note there are only about 17 Senators in the Chamber. I suggest the absence of a quorum.

Mr. RANSDELL. I make the point of order that there has been no business transacted since we had the last quorum called.

Mr. CLAPP. I understand that there has been a motion to adjourn, and that the motion was acted on. I understand that from those who were present.

The PRESIDING OFFICER. If the Chair remembers correctly, since the last roll call there has been a motion to adjourn, and, if the Chair recalls the precedents correctly, that constitutes intervening business in the meaning of the rule. The Senator from Minnesota suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Chilton | Hughes | Lea, Tenn. |
| Brady | Clapp | James | Lee, Md. |
| Bryan | Crawford | Johnson | Lewis |
| Burton | Fletcher | Kenyon | Martine, N. J. |
| Camden | Gore | Kern | Overman |
| Chamberlain | Hollis | Lane | Page |

| | | | |
|---|---|---|---|
| Pittman | Sheppard | Smoot | Walsh |
| Poindexter | Shields | Sterling | Weeks |
| Ransdell | Simmons | Stone | White |
| Reed | Smith, Ariz. | Swanson | Williams |
| Robinson | Smith, Md. | Thornton | |
| Saulsbury | Smith, S. C. | Vardaman | |

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. MYERS and Mr. SHAFROTH responded to their names when called.

Mr. JONES entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. The Senator from Ohio.

Mr. SIMMONS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SIMMONS. The Senator from Utah interrupted the Senator from Ohio, and, with his consent, made a motion to adjourn. I desire to inquire if that was not a yielding of the floor by the Senator from Ohio, as that was business, and as that motion could not be made without his consent?

Mr. BURTON. What is the claim on that?

The PRESIDING OFFICER. The Senator from North Carolina makes the point of order that the Senator from Ohio yielded to the Senator from Utah to make a motion to adjourn, and that in doing so he lost the floor——

Mr. SIMMONS. That is the character of my inquiry.

The PRESIDING OFFICER. And that the Senator from Ohio, the Chair assumes, is not entitled to the floor now.

Mr. BURTON. I am entitled to the floor twice on the same day, am I not, at any rate?

The PRESIDING OFFICER. The Senator has already spoken twice, if he has yielded the floor this time.

Mr. SMOOT. What is the decision of the Chair?

The PRESIDING OFFICER. The Chair has not decided.

Mr. SMOOT. That is what I thought. I should like to have the decision of the Chair.

Mr. BURTON. I think, Mr. President, that there was no claim that there was any second speech——

Mr. STONE. Mr. President——

Mr. SMOOT. This question is not debatable.

Mr. SIMMONS. Surely the Senator yielded the floor, once when he made a motion——

Mr. SMOOT. Mr. President, this is not a debatable question.

Mr. STONE. It is debatable, Mr. President, with the consent of the Chair.

Mr. SMOOT. A point of order?

Mr. HUGHES. There is no point of order pending. There is a parliamentary inquiry, which has been propounded by the Senator from North Carolina.

Mr. SMOOT. That was on a point of order.

Mr. HUGHES. No point of order has been made.

Mr. SMOOT. I will ask the Chair if there has not been a point of order made?

Mr. SIMMONS. My inquiry was made on a point of order, and the Chair so stated regarding it.

Mr. SMOOT. That is exactly what I said.

Mr. STONE. Why, Mr. President, it has been the uniform practice of the Senate, the established practice of the Senate, when a point of order has been made, that the Chair can hear debate.

Mr. SMOOT. Yes, Mr. President; but that is not the situation now. The Chair has not submitted the matter to the Senate.

The PRESIDING OFFICER. The Chair will hear debate for the present.

Mr. STONE. It is not necessary for the Chair to submit it to the Senate. The Chair himself can hear debate and can close it whenever he says the Chair is ready to decide.

The PRESIDING OFFICER. The Chair will state that he will hear debate upon this point of order.

Mr. HUGHES. What is the point of order? The Senator from Ohio is not claiming the floor. What is the point of order?

The PRESIDING OFFICER. The point of order made by the Senator from North Carolina is that the Senator from Ohio is not entitled to the floor.

Mr. HUGHES. How can that possibly come up until the Senator from Ohio claims the floor?

The PRESIDING OFFICER. The Senator from Ohio has the floor. The Senator from Ohio addressed the Chair.

Mr. HUGHES. He had not addressed the Chair at all.

Mr. BURTON. I will state that I did address the Chair.

The PRESIDING OFFICER. The Chair asks Senators to speak one at a time. What was the statement of the Senator from Ohio?

Mr. BURTON. That I addressed the Chair after the call was completed and it was reported that there was a quorum present.

The PRESIDING OFFICER. That was the understanding of the Chair—that the Senator from Ohio addressed the Chair for the purpose of resuming the floor, and thereupon the Senator from North Carolina made the point of order that it is not in order for the Senator from Ohio to proceed with debate, because he has already spoken twice during the present day. Upon that point of order the Chair has indicated that he will hear the Senator from Missouri.

Mr. STONE. Mr. President, preliminary to the particular matter to which I wish to call attention, I desire to call the attention of Senators to the fact that the Senator from Ohio could not have yielded the floor for any purpose—to make the motion to adjourn, for example—if an objection had been made to his yielding the floor. I base that statement upon the ruling of the Senator from New Hampshire [Mr. GALLINGER] while temporarily occupying the chair.

The matter then before the Senate for consideration was the river and harbor bill for 1913. Pending the debate, the Senator from Arkansas [Mr. CLARKE] submitted a parliamentary inquiry. Mr. NEWLANDS, who had the floor in his own right at that time, made this observation:

Mr. President, I do not yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. He is trespassing upon the courtesy of those interested in the passage of the bill, and I think the time has arrived——

Mr. NEWLANDS. Mr. President, I decline to yield.

Mr. CLARKE of Arkansas. It is not a question of the Senator yielding to me. I am on my feet in my own right to make a perfectly proper point and to call attention to the fact that the Senator from Nevada is not addressing the Senate otherwise than by courtesy. There is no proposition pending which can be made at this time. His amendment never was referred to the Committee on Commerce.

Mr. NEWLANDS. I deny the right of the Senator to take me off the floor.

Mr. CLARKE of Arkansas. Except for parliamentary purposes and within the rules of the Senate.

Mr. NEWLANDS. I am discussing the bill in its general aspects.

Now I come to the particular part:

The PRESIDENT pro tempore (Mr. GALLINGER). The Senator from Nevada will suspend for a moment. The Senator from Arkansas has made the point of order that the amendment is obnoxious to the rule. The Chair, without expressing an opinion on that point at present, will suggest that the Senator from Nevada can not be taken from the floor in the midst of a speech on a point of order.

Mr. SMOOT. On a point of order.

Mr. STONE. Yes.

Mr. SMOOT. That is not the rule.

Mr. STONE. But the Senator took him from his feet on the proposition that there was no quorum here.

Mr. SMOOT. That is a different question. The rule provides for one and it does not provide for the other.

Mr. STONE. That is a point of order—that there is none. Now, Mr. President——

Mr. SIMMONS. Mr. President, the Senator from Missouri is mistaken in saying that the Senator from Utah took him from the floor to make a suggestion that there was no quorum present. It was for the purpose of making a motion to adjourn; and he did make the motion to adjourn, and we voted upon that motion.

Mr. SMOOT. Yes. I agree with the Senator from North Carolina on that.

Mr. SWANSON. If the Senator will permit me, the contention is that the Senator from Ohio himself made a motion to recommit, and concluded his speech and lost possession of the floor. That is his first speech. Then he was recognized a second time——

Mr. SMOOT. That is true.

Mr. SWANSON. To make his speech, which is a second speech on this legislative day. Then he yielded to the Senator from Utah, and yielded the floor, and a motion was made to adjourn. The Senator from Ohio took his seat and concluded his second speech. Now, the point of order made by the Senator from North Carolina is that the Senator from Ohio is out of order, because he is contravening the rule which says that no man can speak twice on the same subject on the same day, which is to-day.

Now, it seems to me that is clear. The Senator from Ohio can not have the floor and then yield it himself with a yea-and-nay vote on a motion to recommit. Then he was recognized the second time for a second speech. Then he yielded the floor to the Senator from Utah; and the point of order made by the Senator from North Carolina is that this is a third speech, and he calls him to order.

Mr. SMOOT. In answer to the Senator——

Mr. STONE. Mr. Pres dent, I had the floor.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. STONE. But the Senator has stated what I had in mind and was about to say I think better than I could do it myself, and I do not care to proceed. The Senator from Ohio yielded the floor to the Senator from Utah, and took his seat; and the Senator from Utah made a motion. Business of some kind was transacted here.

The PRESIDING OFFICER. The Chair has already held, just a moment ago, with the approval of the different Senators present, as he understood it, that the motion to adjourn constituted intervening business; and the Chair is of the impression that it exhausted the right of the Senator from Ohio to speak on this day when he yielded to the Senator from Utah.

Mr. SMOOT. Now, Mr. President, just a word.

I agree with everything the Senator from Virginia has stated, with the exception of his conclusion. He stated the case exactly, but his contention is not the question before the Senate, and for this reason: If the point of order had been made immediately after the question of adjourning had been voted upon, there would have been no doubt but that the Chair would have been right in holding——

Mr. SWANSON. If the Senator will permit me——

Mr. SMOOT. Not now; just wait until I get through.

Mr. SWANSON. The Senator has that right.

Mr. SMOOT. Now, Mr. President, after the motion to adjourn had been acted upon, the Chair recognized the Senator from Ohio and no Senator objected. The suggesting of the absence of a quorum is not business. That is the decision of the Chair.

Mr. SIMMONS. That was not the business. It was a motion to adjourn.

Mr. SMOOT. If the Senator will wait a moment, I will state the exact situation as it is. After the Chair decided that the Senate was not adjourned, and the yeas and nays were refused, that was business transacted by the Senate. Then was the time the Senator should have objected to the Senator from Ohio proceeding; but no one objected and the Senator from Ohio was recognized by the Chair. The Senator spoke for 35 or 40 minutes—or, I can not say as to just the number of minutes, but he spoke for some time—and then the Senator from Minnesota suggested the absence of a quorum.

Now, the suggestion of the absence of a quorum does not take the Senator from Ohio off his feet. He still has the floor; and, Mr. President, the proper thing under the rules, when a quorum was developed, was to recognize the Senator from Ohio. The Senator from Ohio did not yield to the Senator from North Carolina. The Senator from Ohio was not asked to yield to him, and rightfully he held the floor.

Mr. SWANSON. Will the Senator permit me there?

Mr. SMOOT. Mr. President, there is not a question in my mind if a point of order had been made at the time the Senator from Ohio was recognized immediately after the motion to adjourn had been decided, the Chair would have been perfectly right in ruling that the Senator from Ohio had exhausted his two speeches within the day.

Mr. SWANSON. Now, if the Senator will permit me——

Mr. SMOOT. But, Mr. President, that did not happen. The Senator from Ohio is entitled to the floor, and he has not yielded to the Senator from North Carolina. That is the situation exactly as it is.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Virginia?

Mr. SWANSON. I thought the Senator had finished.

Mr. SMOOT. Yes; I am through.

Mr. SWANSON. The Senator seems to give up this case entirely. The question at issue is whether or not the Senator from Ohio was proceeding in order. He certainly was proceeding, from the concession made by the Senator from Utah, not in order if the point of order was made. Now, the point of order can be made at any time when a Senator is proceeding out of order, as he was. He was proceeding out of order, as the Senator from Utah concedes; and if he was proceeding out of order any Senator at any time could make the point of order, which was done in this case. Consequently, it seems to me, he was clearly proceeding out of order, as the Senator from Utah says; and if he was proceeding out of order, the point of order could be made at any time.

Mr. SMOOT. Mr. President, that was not the point of order that was raised by the Senator from North Carolina. The Senator from North Carolina claimed the floor in his own right. He had not that right, under the rules. The Senator from Ohio had the floor, was recognized, and had been speaking for some time.

Mr. JAMES. The Senator's position is that because he proceeded out of order he is in order now.

The PRESIDING OFFICER. The Chair understood the Senator from North Carolina to make the point of order that the Senator from Ohio was not entitled to the floor because he had already spoken twice upon this day upon this subject. The Chair thinks it was competent for the Senator from North Carolina to make the point of order.

For illustration, suppose the Senator from Ohio had been proceeding out of order; suppose it is conceded, as the Senator from Utah seems to concede, that he was proceeding out of order; suppose the Senator from North Carolina had asked the Senator from Ohio to yield to him for the purpose of making the point of order, and suppose the Senator from Ohio had refused, still the Senator from North Carolina would be entitled to make the point of order that the Senator from Ohio was proceeding out of order.

The Chair thinks the point of order should be sustained.

Mr. KENYON. Mr. President, may I offer just one suggestion?

The PRESIDING OFFICER. The Chair will hear the Senator from Iowa.

Mr. KENYON. I think it is conceded by everyone that the question should have been raised at once, when the motion to adjourn was made, that the Senator from Ohio had lost the floor. He had yielded, but proceeded with a third speech—if it be a third speech—with the consent of the Senate, and, as he proceeded with the consent of the Senate, he could not have been out of order. He proceeded for 15 or 20 minutes without objection from anyone, and that was a part of his speech.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. SIMMONS. The Senator from Iowa has the facts confused.

Mr. KENYON. I think not.

Mr. SIMMONS. The Senator from Ohio had not proceeded after the vote on the motion for an adjournment was taken.

Mr. KENYON. Oh, yes; I beg the Senator's pardon. I take it the Senator desires to be correct.

Mr. WILLIAMS. A Senator had as much right to make the point of order after the Senator from Ohio had talked two hours.

The PRESIDING OFFICER. The Chair is ready to rule, but the Chair will hear the Senator from Iowa further if he desires.

Mr. KENYON. I want the Senator from North Carolina and myself to agree about the fact.

Mr. WILLIAMS. I make the point of order that the Chair has ruled, and having ruled the point of order is no longer debatable.

Mr. KENYON. The Chair said he would hear me.

The PRESIDING OFFICER. The Chair announced to the Senator from Iowa that he would hear him.

Mr. WILLIAMS. The only debate in order is for the purpose of satisfying the mind of the Chair.

Mr. KENYON. I did not yield, but I suppose that makes no difference.

Mr. WILLIAMS. It is never in order to seek to satisfy the mind of the Senate.

The PRESIDING OFFICER. The Chair is ready to rule.

Mr. KENYON. May I finish my suggestion? If the Chair objects, I will sit down.

The PRESIDING OFFICER. The Chair will hear the Senator.

Mr. KENYON. I should like to say for the RECORD that the Senator from Ohio had proceeded for 15 or 20 minutes, and the only point I make about it is that after having proceeded with the consent of the Senate, and having entered into a speech, it is too late to raise the question.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken. Therefore the point of order is sustained.

Mr. BURTON. Mr. President, I desire to introduce a motion.

The PRESIDING OFFICER. The Senator from Ohio will present his motion.

Mr. BRYAN. Mr. President, before the Senator from Ohio does that I should like the Senator to yield to me a moment.

I believe, Mr. President, the Senator from Ohio would have a right to proceed in the absence of an objection. No objection was made. A point of order was made as to whether he could proceed. Of course, he can proceed without objection, and the

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RECORD, so far as I understand, has not shown an objection. So that the RECORD may be straight, therefore, I make a formal objection to his proceeding.

Mr. SMOOT. Of course, that is out of order now, because the Chair has already decided it.

Mr. JAMES. A point of order made against his right to proceed is an objection, of course.

The PRESIDING OFFICER. The Chair thinks that the point of order made against the Senator from Ohio proceeding is equivalent to an objection. The Secretary will report the motion of the Senator from Ohio.

The Secretary read as follows:

Moved that the pending bill, H. R. 13811, be recommitted to the Committee on Commerce with instructions to again report the same with provision in such aggregate amount as may be necessary for the maintenance of existing river and harbor works and for their prosecution so far as in the judgment of the Chief of Engineers and the Secretary of War may be essentially necessary, and the said committee shall report the amount of such provision which, in their judgment, may be required: *Provided*, That in ascertaining such amount unexpended balances on hand to the credit of river and harbor improvements shall be taken into account.

Mr. BURTON. Mr. President, I ask for the adoption of that motion, and I want to be heard upon it.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BRYAN. Mr. President, I rise to a point of order upon that.

The PRESIDING OFFICER. The Senator from Florida will state his point of order.

Mr. BRYAN. Mr. President, Rule XIX, which has been quoted so often, provides in the third subdivision of section 1:

And no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

It will be noticed the language is "upon any one question." In Jefferson's Manual, which is referred to in a footnote to section 1, reference is made to sections 17 and 39. At the bottom of page 92 it is stated:

No man may speak more than once on the same bill on the same day.

Rule XIX therefore changes the rule in Jefferson's Manual in two respects. It allows two speeches upon one question, whereas in Jefferson's Manual only two speeches were allowed upon one bill.

Mr. President, my point of order is that while the Senator has the right to speak upon any one question twice, in the sense the word "question" is used in Rule XIX, a motion to commit is not a question. Section 35 of Jefferson's Manual referred to by Rule XIX of the rules of the Senate has this provision:

On an amendment being moved, a Member who has spoken to the main question may speak again to the amendment.

In Hinds' Precedents, the rules of the House, it is held the rule provides that a man may speak once upon a question, using the same language as Rule XIX of the Senate rules. Upon the authority of Jefferson's Manual, from which I just quoted on page 120, it has been ruled in the House that the provision allowing one speech upon a question includes an amendment. My point of order is that the Senator from Ohio has not offered an amendment and therefore is not entitled to speak upon a mere motion to recommit the bill.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. The Chair is ready to rule. The Chair, fully sustaining the precedent cited by the Senator from Florida, thinks that the question now before the Senate and to which the Senator from Ohio proposes to speak is not the same question upon which he has spoken. While it is not an amendment it is a different question, and the Chair is of the opinion that he is entitled to the floor upon the motion to recommit. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, it is very evident—and I think it is the opinion of the Members of the Senate—that the bill should be radically changed. I have offered the motion in good faith with that end in view. My colleagues who have served with me on the Commerce Committee will understand a special reason for my offering it. It seems to me that they must concur in this motion. It proposes that the bill shall go back to the committee and that the committee shall ascertain the amount necessary for the maintenance and prosecution of public works within the limits of what is absolutely required and that an aggregate or lump sum be reported by them.

I can not too strongly voice my objection to the bill in the form in which it now stands.

In this connection, Mr. President, I should like a copy of the resolution introduced here a short time ago. I trust the Senate will not act hastily upon this question. Let me call attention to the resolution which the Senate tabled three or four hours ago, and now, with the atmosphere here more calm, I should like to inquire what objection can be raised to this:

That the pending river and harbor bill (H. R. 13811) be recommitted to the Committee on Commerce, with instructions to report the same to the Senate for consideration not more than 10 days from date, with the following modifications:

1. The omission of new projects, unless, upon consideration, it should appear that the benefit derived therefrom at this time and under present conditions will be commensurate with the cost.

Does the Senate wish to make appropriations for new projects where it appears that the benefit to be derived at this time and under present conditions will not be commensurate with the cost?

2. With provision for the readjustment of the balance appropriated for river and harbor improvements, amounting to $45,338,653 on June 30, 1914, and $6,988,500 in the sundry civil bill of July, 1914.

In such readjustment provision shall be made for probable expenditures and for reasonable contract obligations upon projects to the credit of which there are balances not necessary for improvement on or before June 30, 1915. The balances remaining shall be applied upon other projects included in the said river and harbor bill for the prosecution of necessary work authorized therein.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. BURTON. In a minute. Does the Senate wish to announce to the country that they will not utilize those balances on hand at the beginning of the present fiscal year, which exceed by nearly $14,000,000 the amount expended in the fiscal year ending in 1913?

Does the Senate wish to proclaim that they will ignore those very large balances on hand, or will it go ahead and appropriate the amounts contained in this bill? But, Mr. President, this motion was peremptorily laid upon the table, and hence I introduce the other motion which I have sent to the desk. The first was to take out new projects in which there was no prospect of benefit commensurate with the cost. The Senate has seen fit to vote that down. Since the Senate is not satisfied to reconsider these projects and omit those which are unprofitable, I have introduced this motion looking to the appropriation of an aggregate sum. I shall now be pleased to yield to the Senator from Mississippi.

Mr. WILLIAMS. I wanted to ask the Senator whether he had offered the motion or merely sent it up to be read and give notice that he would offer it.

Mr. BURTON. I have offered that motion.

Mr. WILLIAMS. Very well; proceed

Mr. BURTON. Now, Mr. President, I again resume my criticism of this bill as it now stands. The two motions which I have presented raised the question of whether we should adopt the present bill. I maintain that we should not.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. SWANSON. I desire to submit a privileged motion. It seems to me that it has precedence over the right of a Senator to speak, and that is to lay——

Mr. BURTON. I do not yield for a privileged motion unless I am compelled to do so.

Mr. SWANSON. I desire to submit a privileged motion. My motion is——

Mr. BURTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia may state the motion. The Chair can not determine whether it is a question of privilege until it has been stated.

Mr. BURTON. I raise my objection to the——

The PRESIDING OFFICER. The Senator from Virginia will state the motion.

Mr. SWANSON. My motion is to lay the motion of the Senator from Ohio on the table.

The PRESIDING OFFICER. The Chair thinks that the Senator from Virginia can not take the Senator from Ohio from the floor without his consent.

Mr. SWANSON. I have not examined the precedents, but the usual course is not to make such a motion until after the speech is made. I understand the general precedent of the Senate is that when a motion is made to lay on the table it is privileged, and the usual course to pursue is to make a speech and then submit the motion to lay on the table.

Mr. BURTON. A very simple answer to that is I have not yet made my speech.

The PRESIDING OFFICER. The Chair is clear upon the proposition that it is not in order for one Senator when another has the floor to make a motion of the character indicated by the Senator from Virginia. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, I have dwelt upon some general objection to this bill. I have selected certain projects, typical in their nature, which I have discussed. I have pointed

out the waste that has resulted from appropriations for certain rivers, some of them improved for open-channel navigation and some having locks and dams.

I have mentioned already the project for the Tennessee River. The amount in the bill is very large. The balance of over $200,000 on hand for both the upper and middle sections is larger than the amounts until recently appropriated for the upper section and for open-channel work outside of that for the Colbert and Beetree Shoals. There is an aggregate appropriation here of something like $900,000. As part of that plan it is suggested that the expense of the flowage rights and the right of way in the upper portion shall be paid by the abutting owners, to which I have already called attention. There is an elaborate plan for the improvement of that river, to which I may have to refer in extenso.

I wish to show the Senate what the people in the locality think of this. I ask the Secretary to read a communication which was received by me last Sunday from persons living in that locality.

The PRESIDING OFFICER. The Senator from Ohio asks to have a communication read by the Secretary. Is there objection?

Mr. LEA of Tennessee. I object, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee objects. The question is, Shall the paper be read by the Secretary? [Putting the question.] The noes seem to have it. The noes have it.

Mr. BURTON. I can read it myself, Mr. President. I thought it would be heard a little more distinctly if read by the Secretary, and I want the attention of Senators to it.

The Senator from Tennessee seems to object to hearing it:

CHAMBERLAIN, TENN.,
*September 9, 1914.*

Senator BURTON,
*United States Senate, Washington, D. C.*

MY DEAR SIR: I am inclosing to you two petitions, one from the farmers and licensed steamboat men who would be affected by the proposed lock and dam at Caney Creek Shoals, on the Tennessee River, which is some 8 or 10 miles below the mouth of the Clinch River, one from all the steamboat owners on the Tennessee River and all tributaries above Decatur, Ala.

The above petitions were published in the Chattanooga Times, as you will see; we also sent copies to our Congressman, Mr. AUSTIN, but for some unknown reason he failed to give the people who are affected by this 30-foot dam any consideration. The landowners and steamboat owners, all of whom would be affected by this 30-foot power dam, are all opposed to it, and do not want it for reasons expressed in these petitions. If the Government wishes to improve the Tennessee River, the people are in favor of open or deep channel work.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Yes.

Mr. KENYON. I think there should be a larger attendance to hear this paper read, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | James | Pittman | Smith, S. C. |
| Brady | Johnson | Poindexter | Smoot |
| Bryan | Jones | Ransdell | Sterling |
| Burton | Kenyon | Reed | Stone |
| Camden | Kern | Robinson | Swanson |
| Chamberlain | Lane | Saulsbury | Thornton |
| Chilton | Lea, Tenn. | Shafroth | Vardaman |
| Clapp | Lee, Md | Sheppard | Walsh |
| Fletcher | Lewis | Shields | White |
| Gore | Martine, N. J. | Simmons | Williams |
| Hollis | Myers | Smith, Ariz. | |
| Hughes | Page | Smith, Md. | |

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is not present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators.

Mr. OVERMAN entered the Chamber and answered to his name.

Mr. CHAMBERLAIN. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state it.

Mr. CHAMBERLAIN. It is now 4.30 o'clock in the morning, and I should like to know what is the question before the Senate.

The PRESIDING OFFICER. The roll is being called on the suggestion of the Senator from Iowa of the absence of a quorum. Forty-seven Senators have answered to their names. A quorum is not present. The Sergeant at Arms, under the order heretofore entered, will compel the attendance of absent Senators.

At 5 o'clock and 40 minutes a. m. Mr. WEST entered the Chamber and answered to his name.

At 5 o'clock and 41 minutes a. m. Mr. THOMPSON entered the Chamber and answered to his name.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. SMOOT. Mr. President, I ask that the names of the Senators present be read.

The PRESIDING OFFICER. The Chair has already made the announcement that a quorum is present. Forty-nine Senators have answered to their names.

Mr. SMOOT. I do not dispute that. I simply ask that the Secretary read the names of those that are present.

The PRESIDING OFFICER. The Chair does not think that is in order after the announcement has been made.

Mr. BURTON. Mr. President, it is announced that a quorum is present. I am unable to see it here, but it has been announced by the Chair, and I will proceed upon that theory.

I call attention to the two motions to recommit which I have already filed, one providing for the exclusion of projects where the benefit is not commensurate with the cost, and the other, that now pending, for an appropriation of a lump amount. The first was peremptorily laid upon the table. That evidently shows there are some projects in here upon which this body does not desire to face the question of whether they are proper objects for appropriation.

I pick out as one of them the Tennessee River. There is appropriated in this bill——

Improving Tennessee River, Tenn., Ala., and Ky.: Continuing improvement and for maintenance as follows: Above Chattanooga, Tenn.—

The House made it $150,000. The Senate doubles that to $300,000—

between Chattanooga, Tenn., and Browns Island, Ala., $250,000; between Florence and Riverton, Ala., $130,000; below Riverton, Ala., $250,000; in all, $930,000.

In addition to that $150,000 is appropriated for an alleged survey between Browns Island and the railroad bridge below the city of Florence, Ala.—alleged to be for the purposes of navigation, but said to be confined to the development of water power by the United States alone or in cooperation with private interests; in all, $1,080,000.

Mr. President, the object of that very large appropriation above Chattanoogn, Tenn., is to commit the Government to building a lock and dam. Already the sum of $34,000 has been appropriated on this lock and dam and expended by the Engineer Corps. How much does Congress know in regard to that lock and dam?

Here are the two provisions: They are contained in the bills from 1910 to 1913, inclusive. In this connection I may say that the usual appropriation for that stretch of the river between 1890 and 1910 was very much smaller. In 1890 it was $30,000; in 1892, $25,000; in 1894, $50,000; in 1896, $15,000; in 1899, $30,000; in 1902, $50,000; in 1905, $50,000; in 1907, $105,000; in 1910, after a lapse of three years, $120,000; in 1911, $65,000; in 1912, $105,000; in 1913, $510,000.

There is a survey for a lock and dam in that upper portion to cost $1,600,000. I want to read to the Senate the manner in which that was included. Not a word is said about a lock and dam; not the slightest hint of any locality; but it is said:

For maintenance and continuing improvement in accordance with the report submitted in House Document No. 360, Sixty-second Congress, second session, above Chattanooga, $105,000.

And in the next, the provision for $510,000, there is the same reference to a document.

That document contains some 198 pages. There are four different projects in it. The one redeeming feature in the whole report is that it recommends that if this lock and dam is constructed those in the locality who will receive very considerable benefits from it shall pay the flowage rights, which, as I have already explained, will cost at least $400,000. There is not a word of reference to those flowage rights in any of the legislation; nowhere is anything said on the subject.

Why was that omitted? Why was there not frank mention made that out of a project costing up into the millions money should be expended for this lock and dam? And now let us see what the people in that locality say in regard to it:

CHAMBERLAIN, TENN., *September 9, 1914.*

Senator BURTON,
*United States Senate, Washington, D. C.*

MY DEAR SIR: I am inclosing to you two petitions, one from the farmers and licensed steamboatmen who would be affected by the proposed lock and dam at Caney Creek Shoals, on the Tennessee River, which is some 8 or 10 miles below the mouth of the Clinch River; one from all the steamboat owners on the Tennessee River and all tributaries above Decatur, Ala.

The above petitions were published in the Chattanooga Times, as you will see. We also sent copies to our Congressman, Mr. AUSTIN, but for some unknown reason he failed to give the people who are affected by this 30-foot dam any consideration. The landowners and steamboat

owners, all of whom would be affected by this 30-foot power dam, are all opposed to it, and do not want it for reasons expressed in these petitions. If the Government wishes to improve the Tennessee River, the people are in favor of open or deep channel work. The writer has spent his life on the upper Tennessee River and tributaries; is a steamboat owner and licensed officer; was in the Government employ for five years improving the Tennessee River.

I was the man in charge of the steamer who carried Senator BURTON, with his River and Harbor Committee, from Knoxville by water to Chattanooga, Tenn., some years ago. I write this to you that you may know the true sentiment of the people along the Tennessee River, and we do hope you will be kind enough to use your influence to help the common good of our people and country from political jobbery.

Editorial, Chattanooga Sunday Times, January 30, 1914.

Evidently this is not regarded as an irresponsible communication.

We published yesterday morning a protest, signed by the steamboat owners and operators on the upper Tennessee River, against the building of a 30-foot dam near the head of the Caney Creek shoals, about which we have heard so much, a bill authorizing which is now pending in Congress. The signers of this protest declare that every farmer, landowner, and tenant of the region affected is opposed to the proposition; that it will destroy boating on the river between Knoxville and Chattanooga and that it will benefit only a few people and those interested now only in a small way at best in the navigation of the river.

The Chattanooga Times is an impartial observer of this dispute, but it submits that these protestants have made out so strong a case that an investigation by the Washington authorities, as a matter of justice and fair dealing, is demanded. If, as these gentlemen declare, the free navigation of the upper Tennessee River and its affluents will be seriously impaired, thereby destroying or even injuring a most promising industry, it would not only be a gross injustice, but a positive and indefensible wrong, to permit the erection of this dam.

But whether it does, the protestants have made so impressive a showing that to deny them the right of a hearing would be tantamount to a scandal in all the circumstances. The Chattanooga Times stands for progress, and if this dam can be shown to be needed in opening up and developing the resources and industry of this rich region, it would interpose not the slightest objection to its erection, but in all the circumstances, as brought to public attention by the responsible and enterprising men whose names are affixed to the protest mentioned, we can see no reason why the grant of power rights at this point should be given without first having heard all the objections and the reasons therefor.

Whatever the merits on either side of this contention, the grant should not be permitted to be railroaded through without a thorough investigation of all the questions involved.

Here is the petition; and I should like to know if these parties were ever heard before the Rivers and Harbors Committee of the House?

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. I do.

Mr. RANSDELL. On behalf of the Senate Commerce Committee, I will say that I do not know of any hearing that was held by the Commerce Committee. There may have been one by the House.

Mr. BURTON (reading):

We, as farmers and citizens of Roane and adjoining counties of Tennessee, and steamboat owners and licensed steamboat men on the Tennessee River, wish to make a request or petition in reference to improvements on the Tennessee River.

We desire to say, from our lifelong experience and knowledge of the Tennessee River and familiarity with the different shoal obstructions, we are fully convinced that the proposed lock and dam at Caney Creek Shoal is not to the best interest of river navigation or a judicious expenditure on the part of the Government.

We are reliably informed that the United States engineers have stated that a dam located at the foot of Half Moon Island, at much less height than the one suggested at Caney Creek, would completely flood the shoals between that point and the Long Pool above Caney Creek. This pool is some 10 miles or more long and has a depth of 20 to 80 feet, and the largest and heaviest boats on the Tennessee River, with a displacement of 5 feet, are run daily the year around over these waters, so there could be no good reason for making the water 30 feet deeper and flooding a great deal of valuable land. With the open-channel work below Half Moon Island to Chattanooga there would be satisfactory navigation from Chattanooga to above Kingston for many years to come. The open or deep water channel would be much better, and would satisfy all concerned.

The proposed dam at Caney Creek would leave seven of the worst shoals on the Tennessee River between the proposed site at Caney Creek and the lower end of Half Moon Island, namely: Caney Creek shoal, approximately 6 miles long; Shields Dam, 1 mile; Kings Bar, half mile; Bracketts Bar, 1 mile; head of Half Moon Island, 1 mile.

Mr. President, I will omit part of this detail if, by unanimous consent, it may all be published in the RECORD. Is there objection?

Mr. LEA of Tennessee. Mr. President, what was the request of the Senator from Ohio?

Mr. BURTON. I say, I do not care to read all of this detail about the shoals, and so forth. I want to read only a portion of it.

The PRESIDING OFFICER (Mr. ROBINSON). The Senator from Ohio asks that certain matters referred to by him may be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Caney Creek, half mile, and lower end of Half Moon Island, 1 mile, unprovided for and navigation on the Tennessee River from Chattanooga to Kingston would be no better than now. Besides, the high dam would interfere seriously, if not permanently, with the farmers and timber people floating out their logs, lumber, ties, etc., of which there are many millions of feet floated to Chattanooga annually by the Tennessee River. A low dam or deep-water channel above Half Moon Island would not only make river navigation over Caney Creek Shoal, but to the proposed open channel work below Half Moon Island, and would allow the timber and logs to be floated over in ordinary tides.

For navigation from Kingston to Harriman a dam in the Clinch River would be advisable, where the Government engineers have found good bottom, and it is estimated that both dams, the one below Half Moon Island on the Tennessee River, and the Clinch River Dam at Kingston could be built for less money than the one high dam at Caney Creek. Maj. Kingman in his report of March 18, 1897, shows that the Clinch River Dam 12 feet high can be built complete for $260,000. This no doubt would be less than one-third of the cost of land and other property flooded and drowned out by the one high dam.

Mr. BURTON. There is their estimate, Mr. President. One-third of the cost of the property flooded out by this one high dam that the engineers said ought to be paid for by the locality, that one engineer has said would cost $306,000, that they said would probably cost $450,000, and that these people living in the vicinity say would cost more than three times $260,000—that is the recommendation about which this bill has nothing to say. I think before we are through some explanation should be made of that fact. Why was this burden imposed upon the Government against the advice of the engineer, and when the expense is so uncertain, the estimates ranging from $306,000 to more than $780,000? Is that a bagatelle down there in a river where the appropriation used to be twenty-five or fifty or seventy-five thousand dollars a year, and that, too, at a time when the navigation was more than it is now?

We understand there is some doubt as to a good bottom at Caney Creek. With the proposed location, it fixes very little of the Caney Creek Shoal, besides flooding a very large area of valuable land, which at the present time the people need badly for bread purposes, and to take these Tennessee bottom lands and islands from the people would be an irreparable damage for all time to come.

* * * * * * *

While we earnestly favor locks and dams, deep water channel being preferable, or any other improvements necessary to river navigation, we can not live on water alone.

We firmly believe that it would be a great mistake on the part of the Government to proceed with the work they are now doing at Caney Creek Shoals. Understand we are for the improvement of the river and do not wish to try to interfere in any way with the appropriation, but could not you amend your bill and give us two low dams or deep channel work instead of this high dam, and at the same time make it a business proposition and for the good of navigation on the Tennessee River?

We do sincerely hope you will fairly consider this matter, and on further investigation you will find what is best for the people locally is also best for the Government and the navigation of the Tennessee River, the Clinch and Emory Rivers to Harriman, Tenn.

This is signed by several hundred people, including farmers, boat owners, the vice president of a national bank, firemen, merchants, shippers, hotel men, people from all walks of life. In fact, I think there must be some 500 persons from Kingston, from Loudon, from Lenoir, and from a number of places in Tennessee.

In addition to that there is a petition signed by W. C. Wilkey, general manager Tennessee River & Navigation Co.; Bruce Davis, general manager Knoxville Sand & Transportation Co.; C. D. Wilkey, owner and manager; E. C. Allison, owner and manager; J. A. Covington, owner and manager; J. L. Dyke, owner and manager; and T. L. Brown, owner and manager. This communication is somewhat lengthy and I do not wish to take the time of the Senate to read it all. In referring to the prior petition, which I have read, it is stated that—

it was sent by the landowners, farmers, steamboat owners, licensed steamboat men, and wholesale people who are constantly shipping over the portion of the Tennessee River that would be affected by this 30-foot dam.

This petition was not merely a list of names, but names of farmers who each own from 50 to 2,000 acres of Tennessee River land that would be damaged by this high dam located near the head of Caney Creek Shoals; also the names of all the steamboat owners and licensed steamboat men on the upper Tennessee who own, control, and run boats over this part of the river affected by this high dam and are the only people who operate boats over this portion of the river, and the shippers who signed this paper, and many others would have signed if they had had an opportunity and many others from both Knoxville and Chattanooga who ship merchandise of all kinds and machinery of all kinds to the farmers and merchants on this section of the Tennessee River.

It is not necessary for me to read the whole of this. It is sufficient to say that it is a scorching arraignment of this proposed dam that appeared here so queerly without any mention and which, if it did have any status, should have a condition affixed thereto that the flowage rights should be paid for by the locality.

I should like to know what the explanation of that is. I should like an explanation of why these expensive improvements were adopted in the face of diminishing traffic on the river—these two expensive locks and dams; this mere bagatelle of $2,600,000—when anyone who examines the traffic can see that it can not have as favorable an effect upon the prop-

erty in that locality as two series of locks and dams already completed, where, as I have said, the interest on the money and the cost of maintenance is substantially equal to the value of all the freight carried, and where you have the pitiable showing of less than 6,000 tons going through a great system of locks and dams upon two sides of the river upon which the Government has expended four and a half million dollars.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON). Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I yield. What is the purpose?

Mr. KENYON. The Senator from Ohio has occupied the floor for 12 hours——

Mr. LEA of Tennessee. Mr. President, I rise to a parliamentary inquiry. Does the Senator from Ohio yield the floor?

Mr. KENYON. I move——

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. KENYON. I rose to make a motion. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa. [Putting the question.] The noes seem to have it.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were not ordered.

So the Senate refused to adjourn.

Mr. LEA of Tennessee. I move to lay on the table the motion of the Senator from Ohio to recommit the bill with certain instructions.

The PRESIDING OFFICER. The Senator from Tennessee moves to lay on the table the motion of the Senator from Ohio to recommit the bill.

Mr. CLAPP. I call for the yeas and nays.

Mr. KENYON. I suggest the absence of a quorum.

Mr. WILLIAMS. I make the point that this is not a debatable question.

The PRESIDING OFFICER. The Senator from Iowa suggests the absence of a quorum.

Mr. STONE. I ask what business has intervened.

Mr. BRYAN. No business has intervened since the preceding roll call.

Mr. SMOOT. A motion was made by the Senator from Tennessee to lay the motion of the Senator from Ohio on the table.

Mr. BURTON. A motion to adjourn was made also.

Mr. SMOOT. And a motion to adjourn was made and voted on. That is business.

The PRESIDING OFFICER. The Chair suggests that a motion to adjourn is intervening business, and therefore the suggestion of a want of a quorum is in order. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Johnson | Robinson | Swanson |
| Brady | Jones | Saulsbury | Thompson |
| Bryan | Kenyon | Sheppard | Thornton |
| Camden | Lea, Tenn. | Shields | Vardaman |
| Chamberlain | Lee, Md. | Simmons | Walsh |
| Chilton | Lewis | Smith, Ariz. | West |
| Clapp | Martine, N. J. | Smith, Md. | White |
| Fletcher | Page | Smith, S. C. | Williams |
| Hollis | Pittman | Smoot | |
| Hughes | Ransdell | Sterling | |
| James | Reed | Stone | |

The PRESIDING OFFICER. Forty-one Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of absent Senators, and Mr. LANE and Mr. OVERMAN answered to their names when called.

Mr. STONE. I should like to inquire whether the Sergeant at Arms' special deputy has reported what action he has taken on the order of the Senate.

The PRESIDING OFFICER. The Chair will state that he has not. The Sergeant at Arms is directed to report his action under the order of the Senate heretofore issued to compel the attendance of absent Senators.

Mr. STONE. I should like to have the Sergeant at Arms report what action he has so far taken.

The PRESIDING OFFICER. The Chair has directed the Sergeant at Arms to report, and he is preparing to report.

Mr. BURTON and Mr. SHAFROTH entered the Chamber and answered to their names.

Mr. CHAMBERLAIN. Mr. President, I am wondering why we do not get a report from the Sergeant at Arms.

The PRESIDING OFFICER. The Sergeant at Arms has been directed to report, and the Chair is informed that he is preparing his report.

Mr. CHAMBERLAIN. There seems to be some delicacy about the feelings of Senators who are absent and who ought to be brought before the bar of the Senate, but there does not seem to be so much consideration about Senators who have been here all night and show a disposition to be here all the time.

The PRESIDING OFFICER. Debate is not in order. The Chair has directed the Sergeant at Arms to report, and he is informed that he is preparing to report proceedings under the order of the Senate.

After a little delay Mr. KERN entered the Chamber and answered to his name.

The SPECIAL DEPUTY SERGEANT AT ARMS (John J. McGrain). I have the honor to make the following report.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read as follows:

SENATE OF THE UNITED STATES,
SERGEANT AT ARMS,
*September 19, 1914—6.30 a. m.*

SIR: In obedience to the following order, received by me at 12.45 a. m.—

"*Ordered*, That the Sergeant at Arms be directed to compel the attendance of all absent Senators now in the city of Washington except those detained on account of sickness, and is instructed to procure without delay such conveyances and employ all necessary means to compel such attendance."—

I have the honor to report that I executed the same by serving, by deputies, the above order upon Senators LEWIS, STERLING, HUGHES, THOMPSON, WEST, and WEEKS, who responded to the same by appearing in the Senate Chamber. Senators NELSON, MCCUMBER, and POMERENE reported sick. Could not gain entrance at residences of Senators BRANDEGEE and DU PONT.

At residence of Senator WILLIAM ALDEN SMITH deputy read the order to the Senator, who refused to come, as he ascertained that a quorum was present. Senator BANKHEAD could not be located.

Since appearing in the Senate Chamber in response to this order Senator WEEKS has left.

The order is still being executed by Deputy Sergeant at Arms.

Very respectfully,

JOHN J. MCGRAIN,
*Special Deputy Sergeant at Arms.*

Mr. THOMPSON. Mr. President, this proceeding seems to me very unusual——

Mr. SMOOT. Mr. President, I rise to a point of order.

Mr. THOMPSON. I desire, Mr. President——

The PRESIDING OFFICER. The Senator from Utah will state his point of order.

Mr. SMOOT. My point of order is that debate is not in order.

Mr. THOMPSON. I desire to speak on a question of privilege.

The PRESIDING OFFICER. The Senator from Utah makes the point of order that debate is not in order, and the Chair sustains the point of order.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. I understand the Sergeant at Arms is still executing the order of the Senate?

The PRESIDING OFFICER. That is the report of the Scrgeant at Arms.

Mr. WILLIAMS. And that in addition to this return he is again to serve the Senators who have already been served, but have failed to come—that he will continue to do so?

The PRESIDING OFFICER. The Chair did not understand the last statement of the Senator from Mississippi.

Mr. WILLIAMS. Where a Senator has been served with notice to come and has failed to attend, a question arises as to whether or not that order has ceased to exist. If the Sergeant at Arms is going to resume the service again, it is all right, but if not, it may be necessary to issue another order. That is my parliamentary inquiry.

The PRESIDING OFFICER. The Chair thinks it is not necessary to issue another order——

Mr. WILLIAMS. Very well.

The PRESIDING OFFICER. But that the order is specific to compel the attendance of absent Senators and remains in force until their attendance is procured. The Sergeant at Arms is directed to compel the attendance of absent Senators.

Mr. CHAMBERLAIN. But where a Senator appears at the door and refuses to come, why does not the Sergeant at Arms bring him here forcibly?

The PRESIDING OFFICER. The Chair is not able to answer that question.

Mr. WILLIAMS. That was the parliamentary inquiry I was about to make. In one or two of these cases it appears that Senators have refused to come.

Mr. KENYON. And a Senator who is very much in favor of this bill seems to be the one who has refused to come, and he should be compelled to come.

The PRESIDING OFFICER. The Sergeant at Arms requests the instruction of the Senate.

XUM

Mr. SMOOT. I think the Sergeant at Arms has already received instructions of the Senate. I do not think there is any need of further instructions.

The PRESIDING OFFICER. The Sergeant at Arms inquires of the Chair and of the Senate for instructions in the particular case of the Senator from Michigan [Mr. SMITH].

Mr. WILLIAMS. I merely made the parliamentary inquiry—I do not care to follow it any further—because I wanted to emphasize the fact that where a Senator has been served and refuses to come he has committed a contempt of the Senate and has rendered himself liable when he does present himself at the bar of the Senate to such penalty as the Senate shall choose to visit upon him.

Mr. SMOOT. The report of the Sergeant at Arms shows that the Senator from Michigan was asked to come, and refused on the ground that he had ascertained that there had been a quorum of the Senate obtained.

Mr. SIMMONS. How did he ascertain that?

Mr. SMOOT. The Sergeant at Arms stated that that was the fact.

The PRESIDING OFFICER. The Chair does not know that it is important to pass upon the question at this time; but the fact that the Senator from Michigan may have ascertained, or some other Senator may have ascertained, that a quorum is present is irrelevant. There is an inherent right in this body to compel the attendance of absent Senators in order to have a quorum present. The Chair therefore instructs the Sergeant at Arms to compel the attendance of absent Senators.

Mr. THOMPSON. I should like to make a parliamentary inquiry. It is whether this is a proceeding against all absent Senators. I know there are many Senators——

The PRESIDING OFFICER. The Chair will state to the Senator from Kansas that the order adopted by the Senate is limited to Senators within the city, and who are not excused on account of sickness or who are not ill. With the permission of the Senate, the Chair will read the order. It is as follows:

*Ordered*, That the Sergeant at Arms be directed to compel the attendance of all absent Senators now in the city of Washington, except those detained on account of sickness, and is instructed to procure without delay such conveyances and employ all necessary means to compel such attendance.

Upon that order the Sergeant at Arms is proceeding to compel the attendance of absent Senators.

Mr. THOMPSON. That order was issued after the request was made for attendance of Senators.

The PRESIDING OFFICER. That is true.

Mr. THOMPSON. In justice to myself, I wish to say that I remained in the Chamber until nearly 12 o'clock, and no request was made of me to return to the Chamber until I received the notice of the Sergeant at Arms.

Mr. RANSDELL. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. RANSDELL. I wish to know why we are making a distinction between Senators who think enough of their public duties to come here to Washington and attend the sessions of the Senate and those who do not.

The PRESIDING OFFICER. The Chair will state that is not a parliamentary inquiry. The order of the Senate governs the proceedings of the Sergeant at Arms. In this case the order is limited to such Senators as are in the city of Washington.

Mr. RANSDELL. Then, if it is in order, I move that we extend the order to the Senators who are out of the city and bring them here to transact the public business. Of course, I do not include Senators who are sick; but those who are in the United States, subject to the jurisdiction of the Senate, and who will not come here, I think ought to be brought. That is my motion.

The PRESIDING OFFICER. The Chair would state to the Senator from Louisiana that as to those Senators there perhaps should be made a request for their attendance, as the Chair understands the order was limited to Senators now in the city of Washington.

Mr. RANSDELL. I accept the suggestion of the Chair, and ask that the Sergeant at Arms telegraph each one of the Senators to come at once, and if they do not come, then we can take further action.

Mr. KENYON. May I suggest to the Senator from Louisiana that I think that is right, except in one respect. It seems to me that where Senators are engaged in campaigns they ought to be excused. There are plenty of other Senators who are not engaged in campaigns who ought to be here attending to the business of the Senate; but certainly where a Senator has a campaign on his hands there is a great element of justice in permitting him to pursue that campaign. That is the customary course, and I wish the Senator would except those on both sides who are engaged in campaigns.

Mr. RANSDELL. I do not want to be hard on any Senator, but it seems to me that the public business is really more important to us right now than the conduct of campaigns.

Mr. KENYON. The Senator knows there are plenty of Senators who have no campaigns on their hands who could come here.

Mr. SMOOT. Mr. President, if this question is debatable, of course I should like to say something myself upon it, but I do not believe it is debatable.

The PRESIDING OFFICER. The Chair clearly thinks it is not debatable. If the Senator from Louisiana makes the motion——

Mr. RANSDELL. I make the motion that the absent Senators be notified to return.

The PRESIDING OFFICER. The Senator from Louisiana moves that Senators absent from the Senate and not in the city of Washington be requested to return to attend the sessions of the Senate.

Mr. CLAPP. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. CLAPP. Would an amendment to the motion of the Senator from Louisiana be in order?

The PRESIDING OFFICER. The Chair thinks so.

Mr. CLAPP. Since the direct election of Senators has come about, a Senator is placed at a great disadvantage if he can not mingle with his constituents when his own campaign is on, and I move to amend the motion of the Senator from Louisiana by excepting those Senators who have campaigns on at this time.

The PRESIDING OFFICER. The Chair requests the Senator from Louisiana to put his motion in writing, and the Senator from Minnesota to put his amendment to the motion in writing.

Mr. CLAPP. I would not make the suggestion were it not that there is a sufficient number of Senators to constitute a quorum without those who are thus engaged.

Mr. KENYON. Mr. President, I should like to ask the Senator from Louisiana if he will not accept the amendment?

Mr. LEA of Tennessee. Mr. President, I make the point of order that this question is not debatable.

Mr. KENYON. I am not debating it, Mr. President.

The PRESIDING OFFICER. The point of order is well taken. The Chair will have to hold that the question is not debatable.

Mr. LANE. Mr. President, I should like to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state it.

Mr. LANE. In order to ascertain in what method this is to be conducted, how else are we to do it except by asking questions? They are trying, as I understand, to map out a plan to get these Senators here. Why would not that be perfectly competent for them to do, without——

The PRESIDING OFFICER. It is competent if there is no objection.

Mr. LANE. Without argument, I mean. It seems to me that is reasonable.

The PRESIDING OFFICER. Of course, the Chair thinks the Senator from Oregon understands that the Chair is without power to extend the rules of the Senate. This subject is not debatable.

Mr. LANE. Well, the point of order which I wish to make is this: There seems to have been an exception made in this order by which it is only to pertain to Senators in this city, and any man who goes over into Maryland, 2 miles away, is out from under the jurisdiction of the Senate. It strikes me it should apply to all alike. Why not make the order so, and let them fix it up so that it will apply to all?

Mr. SHAFROTH. Mr. President, I suggest to the Senator that there are enough Senators in the city of Washington to constitute a quorum. I do not believe in bringing back Senators who have gone home to enter into the campaigns. Every one is vitally interested in his election.

Mr. KENYON. The Senator from Colorado [Mr. THOMAS] has just been excused for two weeks.

Mr. SHAFROTH. Yes, sir; my own colleague has been excused for two weeks, and I do not believe in sending for him.

The PRESIDING OFFICER. The Chair will state that Senators who have been excused from attendance upon the Senate by the order of the Senate would not, and could not, be embraced within this order.

Mr. SHAFROTH. That may be; but the other Senators who are attending to the same thing ought to have the same privilege if they want it.

Mr. KENYON. Mr. President, I just want to cite the instance of my colleague. He has been here, as every Senator in this body knows——

Mr. SIMMONS. The Senator can ask that he be excused.

Mr. KENYON. Well, I do not think there should be an exception made in one case; but many Democratic Senators have said to me, in reference to his case, that he had been here all summer and had performed a full Senator's work. That is conceded. Now, he has a campaign and is out there engaged in the campaign. He has made his appointments. I do not think it is fair to bring Senators back who have campaigns on their hands. As the Senator from Colorado says, there are plenty of Senators in this city to make a quorum; and, if not, there are plenty of other Senators basking around the country who are not candidates at the coming election.

Mr. SWANSON. Mr. President, if the Senator will permit me, he can very easily eliminate the necessity of sending for his colleague if he will stop this filibuster. He occasions the necessity for sending for him. I think his colleague, of all the Senators, ought to be sent for. The Senator seems to think this is more important than that he be not brought back.

Mr. KENYON. I did not hear the reflection of the Senator.

Mr. SWANSON. I said the Senator can very easily eliminate any necessity for sending for his colleague by stopping this filibuster. The responsibility of sending for the Senator is with the Senator from Iowa himself.

Mr. KENYON. I am glad I do not have to be judged by the distinguished Senator from Virginia.

Mr. SWANSON. I wish the Senator would measure up to the suggestions I am making in connection with this filibuster. I think the time has come when a majority of this Senate, representing the majority of the country, ought to rule.

Mr. KENYON. The Senator can do whatever he pleases about my colleague. I am not asking any favors for him.

Mr. CLAPP. Mr. President, I understand the Senator from Louisiana to have sent up his amendment.

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Louisiana.

The Secretary read as follows:

*Ordered*, That the Sergeant at Arms be instructed to request the attendance of all Senators now absent from the city of Washington except those who are sick or excused.

The PRESIDING OFFICER. The Senator from Minnesota offers an amendment, which the Secretary will state.

The Secretary read as follows:

And excepting Senators who are engaged in their own campaigns.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota. [Putting the question.] By the sound, the noes seem to have it. The noes have it, and the amendment is rejected.

Mr. SMOOT. Mr. President, I ask for a division. I will not ask for the yeas and nays.

Mr. RANSDELL. Mr. President, I suggest that the amendment be again stated, as several Senators are not familiar with it.

The PRESIDING OFFICER. Without objection, the Secretary will again state the amendment.

The Secretary again stated the proposed order and amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Minnesota, on which the Senator from Utah asks for a division.

There were on a division—ayes 10, noes 15.

The PRESIDING OFFICER. The amendment is rejected.

Mr. KENYON. Mr. President, a parliamentary inquiry. Can this matter be voted on in the absence of a quorum?

The PRESIDING OFFICER. The Chair thinks so; otherwise it would be impossible for a minority of the Senate to compel the attendance of a quorum.

The question is on the motion of the Senator from Louisiana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to request the attendance of all absent Senators.

Mr. SMOOT. Mr. President, in that connection I desire to ask unanimous consent that Senators DILLINGHAM, GALLINGER, GRONNA, PENROSE, SHERMAN, and CUMMINS be excused.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that the Senators named by him be excused. Is there objection?

Mr. THOMPSON. I object.

The PRESIDING OFFICER. Objection is made.

Mr. STONE. Mr. President, does the order just agreed to excuse Senators who are sick?

The PRESIDING OFFICER. The Chair is informed that the order excused all Senators who are sick or who have been excused by order of the Senate.

Mr. STONE. I desire to state to the Senate and to the Sergeant at Arms that the senior Senator from Indiana [Mr. SHIVELY] is absent, and he is in a condition of health for which he ought to be excused.

The PRESIDING OFFICER. Does the Senator ask that the Senator from Indiana be excused?

Mr. STONE. I do.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the senior Senator from Indiana is excused.

Mr. KENYON. Mr. President, I should simply like to inquire if that is on the ground that he is engaged in his campaign?

The PRESIDING OFFICER. It is on the ground of sickness.

At 6 o'clock and 50 minutes a. m. Mr. CRAWFORD entered the Chamber and answered to his name.

Mr. CRAWFORD. I desire to say to the Senate that I did not have very much rest, but I enjoyed what little I did have. [Laughter.]

Mr. CLAPP. Mr. President, I desire the attention of the Senate for a moment.

Yesterday I advised the senior Senator from North Carolina [Mr. SIMMONS], having the bill in charge, that I felt that I should be absent to-day. I have remained to make a quorum during the night, and one Senator will not make a quorum under these circumstances, and I am going to ask to be excused for the day.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent to be excused for to-day. Is there objection? The Chair hears none, and the Senator from Minnesota is excused from attendance upon the Senate to-day.

Mr. SIMMONS. I move that the Presiding Officer appoint not more than four Assistant Sergeants at Arms for the purpose of securing the attendance of absent Senators upon the sessions of the Senate.

The motion was agreed to.

The PRESIDING OFFICER. Under the order recently adopted by the Senate, the Chair appoints as Special Assistant Deputy Sergeants at Arms C. C. Wilson, Edwin Halsey, Joseph E. O'Toole, and D. C. Thornton, to procure the attendance of absent Senators.

Mr. STONE. And to execute the order of the Senate.

The PRESIDING OFFICER. And to execute the order of the Senate heretofore adopted to compel the attendance of absent Senators.

At 7 o'clock and 10 minutes a. m. Mr. SMITH of Georgia entered the Chamber and answered to his name.

At 7 o'clock and 30 minutes a. m. Mr. NELSON entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The Senator from Iowa.

Mr. LEA of Tennessee. I have moved to lay the motion of the Senator from Ohio [Mr. BURTON] on the table, and the question is on that motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee to lay on the table the motion of the Senator from Ohio. [Putting the question.] The ayes seem to have it.

Mr. KENYON. I ask for a division, Mr. President.

The question being put, there were on a division—ayes 14, noes 4.

Mr. KENYON. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The motion of the Senator from Tennessee to lay on the table the motion of the Senator from Ohio is agreed to.

Mr. STONE. Let us proceed with the bill.

Mr. KENYON. Mr. President, I am going to take——

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I yield to the Senator for a question.

Mr. SIMMONS. I desire to inquire whether or not the Senator from Iowa has spoken more than once?

Mr. KENYON. The truth is I have not spoken at all to-day.

Mr. SIMMONS. This is the same day. We have been in session quite a while.

The PRESIDING OFFICER. The Chair will say to the Senator from North Carolina that the recollection of the Chair

is that the Senator from Iowa [Mr. KENYON] has not yet spoken during this day. This day began on the 18th.

Mr. SIMMONS. I think upon reflection I am wrong, and that the Senator from Iowa has not spoken.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. KENYON. Mr. President, I think the Record is incorrect, in that it shows that I have once spoken on this day. I do not care anything about that, because I am not going to speak more than this once. I think the Chair will remember, however, that yesterday morning at some time the Chair said, "The Senator from Iowa," when I had not asked for the floor. I do not, however, care anything about that. I am going to say what I have to say in one speech.

There is not any reason that I can see, Mr. President, why this bill should not be reached and taken up item by item within the space of two or three hours. The Senator from Ohio [Mr. BURTON] has had the floor, as everyone knows, for 12 hours in a remarkable speech, and he is, of course, weary.

I am frank to say that I propose to give him an opportunity to rest and at the same time serve the purpose of placing in the RECORD some matters which I had not an opportunity to complete at the time I made some remarks a few days ago. So, I feel that I am not delaying the Senate; and the Senator from Ohio in that way will have an opportunity to rest and to be here when items of the bill are taken up.

Now, Mr. President, of course, after this delightful night we are all refreshed, and I trust can approach these questions without any irritation and with a single purpose to try to get out of this bill as good a measure as possible. I have believed it was a bad bill. Nothing has happened to change my mind; much has happened to strengthen my conviction.

I also believe that this is a Government in which it is the right of Members of Congress to vote on every question. There may be occasions, when great constitutional questions are involved, where a prolonged filibuster would be commendable. We have been accused of filibustering, and I am willing to assume, for the purpose of the argument, that that may be considered true to a limited extent. It seems to be thought that if speeches of any length are made on any bill that they are for the purpose of delaying action. Our purpose, so far as I am concerned, has been to have such debate that the people of the country could thoroughly understand just what this bill was. We have accomplished that purpose.

I realize the superior force of great numbers; I realize it more this morning, perhaps, than I did heretofore. I also realize that my enthusiasm for a cloture rule is a little dimmed, and I am not altogether certain that such a rule is necessary, because if a majority of this body is determined to pass any measure nobody can stop it. If they can hold a quorum they can wear out any man who is not a man of iron, or any two men, to which our ranks seem now to be reduced, and our reserves are perhaps too far away to reach here before the final guns are opened up on our fort. But I am satisfied.

I do not believe many Senators upon the other side have been very desirous of making this a party measure; but the logic of events has driven the Democratic Party in the Senate to stand almost as one man for this measure. That is a question that they can settle with the people of this country. I make no appeals to the Senate; I know it is useless. This bill is, apparently, to pass. I think there have been many things during the night that are subject to just criticism in the treatment that has been accorded to those who are fighting this measure; but let that pass. Your party can go out to the country and we will go out to the country, and the country can judge of the hypocrisy of your pledges of economy.

While we are compelled now, or possibly will be in a short time, to submit this case to the jury of the Senate, we will appeal this case to the people of this country everywhere, and if the editorials that are pouring in from papers all over this country—Democratic, Republican, and Progressive—are any indication, I believe I know what their verdict will be.

In trying a lawsuit where a lawyer knows that the case is being tried to a hostile jury, if he is a lawyer of even a little sagacity he makes his record for the higher court. With that idea in my mind, and the appeal of this case, with what seems to me the unfair tactics that have been pursued, I am going to put a few more observations in the RECORD for that court of higher resort some time possibly to consider.

The people of this country are a pretty long-suffering kind of people, but they know what is going on. They are watching proceedings at Washington. They know that there is a tax bill coming into the Senate in a few days. They realize that night sessions must be held to get rid of this bill before the tax bill comes. They will observe that attempts at what we believe to be gag rule have been made, successful once; but upon calmer consideration, aided by the independence of certain fair-minded men on the other side of this Chamber as to the great privilege and right and sanctity of free debate and free discussion, the Senate reversed that action. They may observe that in the summer months, when the great trade commission bill was before this body, and when the Clayton anti-trust bill was before this body, no night sessions were necessary, though it was rather difficult to get a quorum; but that when a bill was under consideration carrying a great appropriation and contracts for future authorizations spread over plans that will run on for years and years, stretching into the millions of dollars and spread all over this country, it was not so difficult to keep a quorum, and that Senators who had been taking life rather easy through those months were present to help in administering the dose of the wearing out process.

I am not blaming the gentlemen for this wearing-out process. That is all right. If the majority of the Senate believe the measure should pass, a few men ought not to prevent its passing. Wear us out! I do not believe in standing up here until I drop in order to defeat this appropriation bill. I can conceive that there might be great questions that went to the fundamentals of our Government where it would be a man's duty, and he might consider it a great privilege to stand at his desk and argue the matter as long as he had a spark of life left in him; if this were a question of that character, I would be willing to do it. I think you have succeeded in tiring, mildly, the Senator from Ohio. I know you have succeeded in tiring me. I am very frank to say so. But the wonderful constitution of a man who can stand here from 6 o'clock in the evening until 6 o'clock in the morning and make the address that the Senator from Ohio has made, however you feel toward him, must challenge your admiration; and you must be satisfied, however much you criticize him, that there is an honesty of purpose, that there is the zeal of a crusader, in a man who will do a thing of that kind and almost wreck his health.

It may be that there is some gratification for you in wearing him out. I am not certain that he is entirely worn out as yet. I think possibly he is good for several more volleys. But you are going to answer to the people of this country. When you have appropriated a billion and eighty-nine millions of dollars at this session of Congress for the year ending June 30, 1915, and you add to that whatever sum you propose to put in this bill—I do not know what it will be—you then will have appropriated $100,000,000 more than the Republican Congress which you so severely condemned. Possibly you think the people will pay no attention to that.

I know you have a great leader, a great President, strong in the affections of the people of this country. I pay my tribute to him. I am glad he is President of the United States in these troublous times, and that with such steady hand he is guiding this old ship of State through the rocks and the shoals that are besetting it. I glory in his manhood. You have a right to feel that that is a leadership to be proud of. You know that Woodrow Wilson is stronger than your party by far. So you have a right perhaps to feel that such matters as the breaking of platform pledges on economy are not going to control elections. You have a right to feel that you can blot it all out and in the next campaign simply say, "The President is the issue."

Maybe you can. I wish the President in his message had said something about this old fetich—a good fetich, if a fetich can be good—of economy in Democratic platforms. But he did not do it. He said we should not borrow, but that the thing to do was to levy taxes; and so before this Congress ends you are going to levy a war tax.

I contended some days ago that there would be no need of a war tax if this bill were defeated or reduced to a considerable extent and other economies were practiced. It seems to me that the public-building work in this country might be delayed for a period of a year; that this bill, in view of the $45,000,000 that was available in the Treasury on the 30th day of June last, might carry on the necessary works, many of which we have always conceded were necessary and proper, and then, by cutting here and there, we could escape putting this burden of taxation on the people.

That is not any party question. It ought not to be. I read in the paper last night that the Republicans were going to filibuster against that tax measure. I do not believe it. If you had followed your original program as announced of a tax on transportation, we certainly should have fought that. But calmer and wiser judgments have prevailed, and that, to your credit, is to be eliminated.

But, Mr. President, we all in our lives have had to economize. In view of the splendid character and magnificent success of the Senator who sits in the chair, while I do not know his past history, I do believe that he, like many of the rest of us,

has had to struggle in his early boyhood days with questions of poverty. I know I have—and in later years too, for that matter—but I know that it did not hurt me any. I know, with a large family, that the pinch of poverty came at times to us; that we had to cut down and economize. Oh, as you look back at that now, it does not seem to be a hardship; and it is the poor boy in this country that comes up to success.

My predecessor used to say that this is a poor man's Government and a poor boy's country. It is the boys who come up out of these homes where they feel the pinch of poverty once in a while who make the best men. The greatest handicap that can come to any boy in this land is to be born of rich parents. As we have had to do that in our lives, and I imagine my dear friend who stands by my side [Mr. THORNTON] has had some experience as a boy in that line, too, so we have got to do that in families.

Mr. THORNTON. I will surely agree with the Senator's proposition so far as poverty is concerned.

Mr. KENYON. I thank the Senator. So, also, in city government, and so, also, in Federal Government. It does not hurt a nation to economize along wise lines. It is not a good thing to economize so as to cripple the Government. It is not a good thing to cripple great works of improvement that are for the benefit of all the people; but the little extravagances that might be called habits of governmental extravagance we could cut down.

We can set an example to the country of economy in these times when our national revenues are depleted. We could commence on ourselves. The Senator from Texas [Mr. SHEPPARD], whom I tried to say some nice things about the other day, and who, I understood—I have not read it—said some mean things about me in return, has a bill to cut the mileage in two. I know it is almost treason to mention that. Why could we not do that and economize a little on ourselves? Why could we not get along with less clerks in these times of emergency?

So I know that these sensible Democrats and Republicans could sit down and trim things in this Government so that the Government could be conducted, possibly not as Senator Aldrich said, on $300,000,000 less, though I believe that, but on at least $100,000,000 to $150,000,000 less, and so avoid this taxation.

I have felt, and felt from the bottom of my heart, that one of the best places to begin with that economy was on this river and harbor bill; and when the public-buildings bill comes here next winter, if there is one, that is another place to commence and do some cutting and some economizing.

Mr. President, we seem to have the notion that there is a great fund somewhere from some invisible source and, like Providence, never ending—some golden stream that is flowing into the Treasury of this country and that comes from somewhere to the people—and I do not know that we are ever going to get that notion out of the people's minds until a system of taxation may be devised that will cause them to walk up to the captain's office and pay the tax.

I intended in the discussion of this river and harbor bill not only to discuss the question of economy but, in view of the fact that statements have been made here that the press of the country had been in some way improperly influenced, to refer to some of the influences that have been at work as to river and harbor bills. I want to refer to that just a little while, and then return to the question of subsidy and finish that, and possibly by that time the Senator from Ohio [Mr. BURTON] may be here.

There are so many of these waterway associations that it is hard to tell their relationship and just what their business is. The National Rivers and Harbors Congress seems to be a very energetic institution, a congress which has an office in Washington. It has sent out literature all over the country to arouse an interest in this river and harbor bill.

I think before I take up some of the newspapers bearing on this subject I will refer to some proceedings which it seems to me are interesting in connection with the influences that are at work for river and harbor bills and river and harbor appropriations. I want to read the report of the board of directors of the Atlantic and Gulf Coast Dredge Owners' Association, March 3, 1901, which is as follows:

*To the Atlantic and Gulf Coast Dredge Owners' Association.*

GENTLEMEN: In accordance with the constitution, rules, and by-laws of this association, your board of directors, through your president, present for your consideration herewith their report for the year ending Febuary 13, 1901, adding thereto such recommendations and suggestions as your board have cosidered during the past year.

The year just closing, the eighteenth year of the association, and the years since its organization have been marked by constant and faithful effort to promote, through the means of general work and enterprise, everything that will make for the good of every operator enrolled in its membership. Measures have been constantly brought to our attention and every effort made to uplift our business and protect it in all proper and legitimate channels.

These efforts have been more or less successful, but always along the line of an earnest endeavor to conserve the real interests of our business.

During the past year your board have especially taken up for consideration the question of its department for fixing prices on work and the allotment of work through the commissioners of that department, and have carefully studied the problems which present themselves in connection with that line of work.

I read this to show the interest of the dredgers and the dredgers' association to promote the river and harbor legislation in order that their business may be especially prosperous.

The department in question was not originally contemplated by the founders of this association, nor was it intended as any part of the work for which the association was formed.

The organization had its origin in the recognized desire of many operators in the dredging business for effective cooperation in many important fields of work, where the general interests of their business had long been neglected. It was felt by the progressive men who had invested large amounts of capital in this business that an organization of operators could be effected by the Atlantic coast, whose duty and object would be the closer affiliation of operators, and the combination of the talent and energy in the business for the promotion by all lawful means for the advancement of their business, and to present a united front, supported by united resources, to meet and overcome any and all obstacles then existing or thereafter appearing.

IN UNION THERE IS STRENGTH.

It was the old and tried principle, to wit, "In union there is strength" and "A house divided against itself falls," and the keynote of all successful organizations must be that very same principle. Following this rule, the effort of this association should have been confined entirely to meeting and overcoming obstacles which come from without—fighting the common enemy, so to speak. This would mean the promotion of all measures for urging public bodies to undertake public improvements in submarine work, compelling the enactment of reasonable laws governing our work, and the repeal of obnoxious and vexatious laws; experiments in all branches of machinery and devices used in our business, and a general department for furnishing to each member information desired by him regarding any particular work, or concerning which other members may have knowledge, giving in every way to each member the fullest possible data regarding dredging operations on the coast and the history of each piece of work.

So many measures of general interest and value are included in the work that could be successfully performed by an association to the advantage of its members, and so much can be done in the way of promoting good fellowship amongst them by means of this organization, and also by entertaining prominent and influential men at its banquets—

The dredgers' association knows the power of the social lobby. Mind you, this is the address that they themselves issued—

and through special committees that enumeration here of all these different and important measures is unnecessary.

* * * * * * *

QUARRELING OVER SPOILS.

Some years after the organization was effected an element entered into its work which has almost crowded out all features of general work and has practically turned the association, which was originally formed for general benefits only, into a special organization for the distribution of work and apportionment of contracts. Starting, as it did, in the desire to combine against outsiders, it has ended in combining against itself; and instead of its members standing together to promote the business of dredging in all its general and important details, as above mentioned, we behold a spectacle of members quarreling one with another over the division of work, and each one complaining that the association is a failure because it does not give to each one all the work that he feels is his due, each member forgetting that the association simply undertook this duty because it was forced upon it, and because other agencies to do that work had failed, and because the operators on the Atlantic coast refused to enter into proper arrangements for dividing work amongst them and preferred to load this work upon the association, a work for which the latter was unfitted, for which it was never intended or formed, and the only excuse for foisting this measure upon it was apparently the dredging operators failed to appreciate that this kind of work was done in other lines of business by special pools organized for no other purpose and specially organized for that purpose alone.

It is time that all thoughtful men in this association pause and consider whether the association is to blame for failing to perform a task entirely beyond its powers or resources, and also whether it would be well for the association to reject this burden and relegate it to proper agencies and take up the duties for which it was organized.

We think it is time that this be done and this bone of contention removed from the midst of our association and the members once more united and working along the lines of common interest. Little of the real value of this association has been demonstrated or developed of recent years and much disagreement and bitterness has come between the members in that time, and all because the association has neglected its real duties and buried itself with false ones. The former would bind its members more firmly together, whereas the latter simply disintegrates our ranks.

It is certainly time that this "Jonah" be thrown overboard and left to the tender mercies of some sufficient "whale" or "pool" and the association be permitted to again bend to its task and resume its long interrupted voyage—

Which contemplated the entertainment of prominent and influential men at its banquets.

In presenting these views to the members, your board feel that they are simply pointing out the pitfall into which this association has become entangled, and which has retarded its growth and usefulness for some years and has brought upon it an immense amount of work foreign to its proper duties. Much of the dissatisfaction has been due to this very cause, and members have been alienated whose assistance was of the greatest value to us. We have seen the camel crowd into our tent and force out everything else, and it is time that this fruitless and

thankless task, which was put upon the association, be now put off, and the department created for the allotment and apportionment of dredging work and contracts be abandoned and all rules pertaining thereto be repealed.

* * * * * * *

The lack of association methods and the failure to use the means in our hands for the general good was forcibly illustrated recently in the river and harbor bill, where absolutely no effort was made by the association to procure any amendment to the bill or any provision inserted therein for its benefit.

So here is the brazen confession of the board of directors of the Atlantic and Gulf Coast Dredge Owners' Association, that they had failed to use the means in their hands for the general good of the dredgers' association, and that was forcibly illustrated in the river and harbor bill.

Your board feels regret that the river and harbor bill has failed of passage, and considers it all the more important that the association should be organized for the purpose of adding its influence to urging work by municipal organizations and bodies, and doing all in their power to create offerings of work in the various ports of entry and harbors. It is only by persistent effort that the loss entailed upon us by the failure of the harbor bill can in any way be compensated for. Your board further wishes to emphasize their regret that the annual banquet of the association has been allowed to go by default for two or three years. These entertainments do not entail any serious expense upon the association, but they do create the greatest possible prestige for our business in the estimation of those whose favor it is to our advantage to gain. Influential public men and men of business affairs having to do with transportation companies and steamship lines are entertained by us on these occasions with the greatest possible benefit to our business. Municipal officers, heads of departments, Members of Congress and of legislatures, and their favor and interest is legitimately gained and has been found to be of the greatest value when circumstances required it. The expense of our entertainment is wisely expended, and brings an adequate return for every dollar so spent.

So that these banquets this brazen association speaks of to influential public men bring an adequate return for every dollar so spent. That is one of the influences continually working unconsciously to bring about a booming of river and harbor works because it is of great benefit to them.

Now, there is another thing that I have been trying to satisfy my mind about. The Senator from Louisiana [Mr. RANSDELL] had a good deal to say about railroad influence. I have been trying to figure out just what caused the railroads to contribute to the Mississippi Levee Association if the navigation which was the purpose of the association, I assume in part at least, was to be so injurious to the railroads. Mr. Fox, who was secretary and manager of the Mississippi Levee Association, has not denied the authenticity, and I think it has been practically conceded in this body, of an insertion in the New Orleans Item of October 21, 1913, setting forth the amount of those subscriptions.

In what purported to be a statement made by him and which, I assume, is true, it is stated:

It has been estimated that a minimum fund of $30,000 per annum is necessary for this organization to do its work in a complete and thorough manner, and already a considerable portion of this sum has been pledged annually for five years (of $150,000 in all). The subscriptions are as follows:

| | |
|---|---|
| Southern Railway Co | $1,000 |
| Mobile & Ohio R. R | 1,000 |
| Frisco R. R | 1,000 |
| Missouri Pacific R. R | 1,000 |
| Chicago, Rock Island & Pacific R. R | 1,000 |
| St. Louis & Southwestern Ry | 1,000 |
| Illinois Central | 1,000 |
| Yazoo & Mississippi Valley | 1,000 |
| Chicago Mill & Lumber Co | 1,000 |
| Caldwell & Smith, Memphis | 1,000 |
| International Harvester Co | 1,000 |

Assurance has been given of other substantial amounts.

Mr. SHEPPARD. From what document is the Senator from Iowa reading?

Mr. KENYON. I am reading from a photographic copy of a statement made by Mr. Fox, secretary and manager of the Mississippi Levee Association.

I am going to talk slowly, Mr. President, out of consideration for our faithful reporters. I think we do not sufficiently appreciate the tremendous amount of work they do, they now having worked entirely through the night.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Iowa yield to the Senator from Kansas?

Mr. KENYON. I do.

Mr. THOMPSON. Mr. President, I arose this morning upon a question of personal privilege relative to the matter of securing my attendance in the Senate, but was denied the right to speak because of the absence of a quorum. I simply wish to say that I remained in the Senate until nearly 12 o'clock last night, and I had no notice that the Senate was going to continue in session all night. My idea was that the Senate would adjourn soon, and perhaps before I could reach home. So I went home and went to bed at about 1.30 o'clock a. m., where I remained until I answered the alarm at my door at about 5 o'clock a. m. I had missed only one roll call during the night when a quorum was secured without me.

A short time ago there was a petition circulated asking various Senators if they would agree to remain to keep a quorum until 11 o'clock in the evening. I signed that petition and lived up to that agreement, and I presumed we were proceeding under it. I did not know the session was to continue throughout the night, and was not informed that my attendance was needed until the deputy sergeant at arms knocked at my door at about 5 o'clock this morning. I think the RECORD will show that I have been about as constant in my attendance upon the Senate as has any other Senator. If I had had notice that my attendance was necessary, I would have been here without the assistant sergeant at arms coming after me, although I had only a few hours' rest. Under the circumstances, therefore, I feel that this extraordinary procedure was entirely unnecessary and unjustifiable.

In this connection, Mr. President, I wish to say that I have ascertained that there will be no trouble about maintaining a quorum during the day, and I have made arrangements to go to Berryville, Va., leaving here at 9 o'clock, to attend an important farmers' meeting and to address them on the subject of "dry farming." I should like to have unanimous consent from the Senate to be absent for the balance of the day.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to be excused from attendance upon the Senate to-day. Is there objection?

Mr. SIMMONS. What was the request, Mr. President?

The PRESIDING OFFICER. The Senator from Kansas asks permission to be excused from attendance upon the Senate to-day. Is there objection? The Chair hears none. The request is granted, and the Senator from Kansas is excused from attendance upon the Senate to-day.

Mr. KENYON. Mr. President, I have been trying to satisfy my mind concerning the Mississippi River proposition as to what was the wise thing to do. It is pretty hard for those of us in the Northern States who firmly believe that work should be done on the Mississippi River to protect the people to know how to vote when these different projects and different bills are arraigned by some and supported by others most interested. I hold in my hand an article from the New Orleans Item, of October 31, 1913. There seems to be a contest as to the Mississippi River whether what is known as the Newlands-Broussard bill is for the best interest of the people in that section of the country as a means of protection against the unfortunate floods that may come or whether what is known as the Humphreys-Ransdell bill is best.

The New Orleans Item, a paper in which I have the greatest confidence because of a long acquaintance and close personal friendship with the editor, seems to feel that what is known as the Humphreys-Ransdell bill is not the wisest bill. When the Senator from Louisiana [Mr. RANSDELL] some months ago was on the floor with relation to this bill, I was not familiar with it and am not now, but I said to him that I wanted to vote for the best measure for the protection of those people and their lands involving some plan of cooperation between the land owners, the State, and the Government. I wish the good people of Louisiana and Mississippi would get together on the proposition, because they know what is best for that section. If they are divided, how are we going to know what is the proper thing for us to do? I do hope the Mississippi River proposition is going to be divorced from these other river propositions.

Outside of the military question as to the Panama Canal, we had better have spent that money on the Mississippi River. We would not have had to spend so much, of course; but that is a great national problem. The waters that flow in my home State into the Des Moines and from the Des Moines into the Mississippi on down work havoc and destruction to as good a people as ever lived on the face of this earth. The Ohio River has not that same claim. That is a commercial proposition. I do not understand that it is so destructive. But if the Ohio is destructive and the Missouri is destructive, that simply trebles the destructiveness that comes in that section of our country below the union of those rivers.

The influence of dredgers' associations, to which I have referred, and reclamation associations and river and harbor congresses is potent. We can not pass them by; we know they exist; and, if the newspapers which have assailed this river and harbor bill so vigorously are to be criticized, it seems to me that these influences are vastly more entitled to criticism.

The Legislature of Louisiana passed an act some time ago which I desire to read into the RECORD. It is as follows:

[Louisiana State Legislature—House bill No. 514. By Mr. Leopold.]

An act authorizing the boards of levee commissioners to appropriate funds for the purpose of developing public sentiment favorable to increased appropriations by the National Government for our levee system.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That it is hereby declared to be within the powers and duties of the various boards of commissioners for the several levee districts of our State to develop and encourage the growth of public sentiment favoring increased national appropriations for the construction and maintenance of the system of Mississippi River levees, and to this end that they be, and are hereby, authorized, in the discretion of each individual levee board, to send delegates to conferences held for the above purposes, or to subscribe funds to national and interstate organizations created for the purpose of developing such public sentiment: *Provided*, The annual appropriation of any individual levee board for these purposes shall not exceed the sum of $1,000.

That is rather a remarkable statute. I do not mean to criticize it; I merely wonder that a State legislature should appropriate money for the purpose of developing public sentiment to help secure funds from the National Government. There is not very much State rights about that proposition.

The National Rivers and Harbors Congress has been a pretty busy institution in creating the same kind of sentiment; and it does seem to me that associations that are trying to create sentiment to influence Members of Congress are coming very near the lobby proposition. Some time ago, on July 27, 1914, they sent out a letter from Washington which I shall ask to insert in the RECORD and only read portions of it at this time.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Without objection, permission is granted.

Mr. KENYON. I thank the Chair. The letter is as follows:

NATIONAL RIVERS AND HARBORS CONGRESS,
*Washington Office, July 27, 1914.*

CENTRAL LUMBER CO., *Hudson, Wis.*

GENTLEMEN: One of the most violent attacks, if not the most violent, that has ever been made upon the policy of improving our national waterways has for some time been in progress in the Senate of the United States, supported by a portion of the daily press and certain periodicals of wide circulation.

Since 1910, when the policy of annual, instead of triennial, river and harbor bills was adopted, the estimates submitted by the Army engineers call only for the amount which can probably be expended during the succeeding fiscal year. To provide for continuous work on projects already under way, the pending bill should have been passed before July 1; and already, because of exhaustion of funds, work has been suspended on a number of improvements, and with every day of delay in the passage of the bill the number of suspensions will increase.

But that is not the worst of the situation. For many reasons Senators are anxious to get away from Washington; other legislation of great importance, and concerning which there is a wide difference of opinion, is yet to be considered. The river and harbor bill has had no right of way; it has received only brief and occasional consideration, and has now been definitely displaced by the trust-regulation bills, and can receive no further consideration until these have been finally disposed of. The rules of the Senate allow any Senator to speak on any subject to the limit of his endurance. In 1901 Senator Carter, unaided, talked a river and harbor bill to death. Several Senators are cooperating in the present attack. Some of them have stated directly that they consider the bill so bad that it ought to be defeated, and the tactics which have been pursued thus far look very much like a filibuster.

Out of about 350 waterway projects, only 15 are under the continuing-contract system. On all the rest, if the pending bill fails of passage, work must be stopped for at least a year; costly machinery will rust in idleness; efficient working forces built up during the past four years will be disorganized and scattered; uncompleted work will be damaged or destroyed; investments in terminals will be rendered unproductive; the movement, well under way in many parts of the country, for the restoration of navigation on our inland waterways will receive a serious check; the deepening of our ocean harbors will be delayed, while our foreign competitors take the cream of the benefits of the Panama Canal, and the railways will retain their monopoly of transportation for at least another year, meantime redoubling their efforts to retain it for all time by preventing the completion of a national system of connected waterways and harbors.

Along with the charge that this bill is "the most vicious and vulnerable" that has ever been framed must be considered the statement of Gen. Kingman, the Chief of Engineers, "My judgment is that there is less than one-half of 1 per cent of 'pork' in the river and harbor bill now pending in the Senate," and the assertions of Senators SIMMONS, SMITH of Michigan, and RANSDELL—all members of the Commerce Committee and of the subcommittee which devoted weeks of conscientious study to the framing of the bill—who have stated on the floor of the Senate that it does not include a single item which is not fully justified and that there is not one cent's worth of "pork" in it.

One of the enemies of the bill has intimated that it is highly improper for the people of a community to seek to promote the improvement of the waterways or harbors in which they are particularly interested or for a national organization with an office in Washington to request that any letters or telegrams shall be sent to Senators or Representatives regarding pending legislation.

Nevertheless I consider it my duty to inform you that unless the friends of waterways bestir themselves the bill is likely to fail, because after a month or more of debate on the trust-regulation bills through the heat of a Washington summer Senators will be so worn out that it will be very hard to keep a quorum present to consider other legislation, no matter how important it may be.

In the opinion of the writer the failure of the river and harbor bill would be nothing short of a national disaster. Whether you will take any steps to avert this threatened disaster is a matter which must be left for you to decide.

Very truly, yours, S. A. THOMPSON, *Secretary.*

This is sent to a lumber company in Wisconsin.

From my own State I am in receipt of a newspaper setting forth some of the correspondence received by the mayor of this city on the river from Mr. Thompson, secretary of the National Rivers and Harbors Congress. In that letter—

The mayor is urged to use his influence in keeping the Iowa Congressmen and Senators at Washington in order that a quorum may be had up to the final hour of adjournment. If a quorum of the Members of Congress can be maintained, it is contended that the bill can readily be enacted into law. With Muscatine on the Mississippi River, the following appeal addressed to Mayor Kern should be of interest locally.

This very interesting document refers to the question of Senator PENROSE to the Democratic leader, Senator KERN, as to the passage of a river and harbor bill; and the answer of the Senator from Indiana apparently did not satisfy this distinguished secretary of the National Rivers and Harbors Congress, because he says in this letter:

You will note that the agreement was not that the bill should be passed, but that it should be disposed of, which is a very different matter. It is very evident that the group of Senators who have been conducting the filibuster against the bill intend to continue their opposition. And in private conversation Senator KERN strongly emphasized the statement that has already been repeatedly made from this office, viz:

The passage of the river and harbor bill depends absolutely upon the maintenance of a quorum both in the Senate and the House.

I do not assume that this gentleman had any authority to speak for the Senator from Indiana. He says:

Do not make the mistake of supposing that the House has nothing more to do with the matter. Many amendments have been made to the bill as passed by the House, which makes it necessary that the bill, when passed by the Senate, shall be sent to conference, and the report of the conference committee must receive an affirmative vote, both in the House and the Senate, before the bill will be finally passed.

Weariness from the almost continuous sessions during the past two years—

No reference is made here to the weariness of night sessions—the near approach of the fall campaign—

That was in July—

and many other reasons make it entirely natural that Senators and Members should be anxious to leave Washington as soon as the trust bills and emergency legislation made necessary by the war in Europe shall be disposed of. Nothing but the pressure of public opinion will insure the maintenance of a quorum until the river and harbor bill is passed.

We are going to bring a pressure now, not of public opinion but against public opinion, to bring the Senators here under the order by means of special sergeants at arms, under reasonable compensation. I assume.

That pressure must be exerted and the quorum maintained, for the failure of the bill would be nothing short of a national disaster.

* * * * * * *

Thus far those who have conducted the filibuster have made only general charges instead of specific criticisms. They and certain newspapers and periodicals which have approved their course seem to want not to eliminate objectionable items, but to defeat the bill as a whole. It should be remembered that it is ten times as easy to defeat a bill at the short session of Congress as at the long session. If the bill of 1914 is defeated, there is little hope for one next year.

Petitions, memorials, and resolutions adopted by commercial organizations are all effective means of influencing Senators and Representatives, but the most effective method is a flood of genuinely personal letters and telegrams from their constituents. Duplicated letters and telegrams in identical language will not answer—in fact, do harm rather than good—but no Member of either the House or the Senate will fail to heed hundreds or thousands of letters and telegrams which are evidently written by those whose names are signed thereto.

This is one of the wisest diplomats that this association has in its service that it ever has been my pleasure to observe.

Now, that is not all; and I want to make my case against this method of affecting public sentiment, in view of this criticism here.

Out in Astoria their paper, the Daily Budget, of September 1, 1914—which has been blue-penciled and sent, I suppose, to most Members of Congress—contains "the pleasing language with which Capt. Wilson I. Davenny, field secretary of the National Rivers and Harbors Congress, described his impressions at the rooms of the Port of Columbia Commercial Club. The meeting was under the auspices of the Columbia and Snake River Waterways Association, which was joined by every commercial organization in the city."

This distinguished representative, who was engaged in the business of creating public sentiment, said to these people, among other things, this—and I will read only a very short portion of it:

You people have a laudable ambition. Everywhere I have been today I hear your demand for nothing less than 40 f et in the channel across the shoal at the mouth of the river. Such an object is a commendable one, and when accomplished will place you on the great international highway of commerce. It is an ambition that looks big for a little community like this, when one considers that New York, with all her wealth and influence, has been working for years on a similar project, and to-day there is only that amount of water in the Ambrose Channel. But you can attain your goal if you but persist and the Rivers and Harbors Congress will help you, as it is through that body you have a means of reaching the legislative branch of the Government, with the backing of the representative interests of the entire Nation.

The improvement of river channels—

Says this field agent—

and of harbors does not come by accident, but in accordance with a well-defined and studied plan. The Rivers and Harbors Congress is the center around which that plan is worked out. It is an organization of the live ones of the country, who realize the importance of improving our means of transportation and lowering its cost.

And in the letters which they send out they have as a motto, "Second only in importance to the Congress of the United States."

The result thus far has been the passing of four annual appropriation bills, not including the one which is now pending. It is strange how few people understand the problem of transportation and the portion of its cost which each must pay, as well as the bearing which our waterways have upon it. Transportation cost is a concealed tax, and every commodity must stand its portion. Search the world over and you find the cities which are the centers of activities are those located adjacent to bodies of navigable waters. With due deference to the Interstate Commerce Commission, it may be fairly said that improved waterways are the best regulators of transportation rates.

Then the distinguished gentleman proceeds to consider that to some extent, and says:

The passage of the rivers and harbors measure is one which concerns the commercial welfare of the entire country. It is not one based on selfish motives, but for fostering the industrial development of the land. Any Congressman, any Senator, or any newspaper which opposes it is an enemy to your advancement.

Here was the great argument that this gentleman presented, but that kind of argument does not always carry weight with some Oregonians:

The bill gives to Oregon in cash and commitments one-eighth of the full sum to be appropriated. Why, then, should anyone here oppose it?

True; why should they? Why should anyone in any State, receiving any part of the money for use in that State, oppose great appropriation measures? That is the vice of the whole thing. That is the kind of public sentiment that this particular institution seems to be unconsciously building up.

Now, where does the money come from to carry on this great propaganda throughout this country? Why should it be necessary for large sums of money to be collected and spent in giving dredgers' association banquets to influential citizens, as I have read here from their statements? I do not want to neglect to read the condemnation of that from the New York Waterway Association, which seems to have a different conception of affairs. I want to use and get into the record in this case, which I am trying to preserve for appeal to what I consider a higher court—the court of the people of this country, who are going to pass on this question eventually—a letter which I am authorized to use, to Congressman FREAR, of Wisconsin, who fought this river and harbor bill in the House almost unassisted and alone, actuated by a public spirit that seldom has been witnessed in the Halls of the American Congress. This letter is from Mr. Richard M. McCann, the publisher of Waterways and Commerce, a monthly magazine devoted to restoration of the American merchant marine and the establishment of world peace. In it he says:

I inclose herewith original subscription lists obtained from a canvasser named Mr. John M. Williams, of the National Rivers and Harbors Congress, who received 50 per cent for obtaining the amounts set opposite each name. As you will see, the subscriptions cover 1908, 1909, 1910, 1911, and 1912.

Here is a canvasser—if this authority is correct, and I assume it is—who is collecting money to be used in creating public sentiment, and receiving 50 per cent of what he collects; and these letters are going out, criticizing Members of Congress for the stand they may take as to this river and harbor bill, and paying the expenses of field representatives who go out and make their speeches and urge the passage of the measure.

We find that in 1910 the subscribers were the following:

*List of 1910 subscribers from State of New Jersey to National Rivers and Harbors Congress.*

| | |
|---|---|
| A. B. Ayers, Newark, N. J., 358 Ogden Street, paid Sept. 6 | $25 |
| Builders' Material Supply Co., Henry W. Sayre, president, Newark, N. J. paid Sept. 6 | 25 |
| Balbach Smelting & Refining Co., Edward Randolph, secretary, Newark, N. J., paid Aug. 17 | 50 |
| Dr. M. R. Brinkman, Hackensack, N. J., paid Feb. 15 | 5 |
| P. Ballantine & Sons, Newark, N. J., paid Feb. 12 | 10 |
| James Crowell, 364 Ogden Street, Newark, N. J., paid Aug. 29 | 50 |
| John J. Cone, 532 Bergen Avenue, Jersey City, N. J., paid June 22 | 5 |
| Columbia Insurance Co., Jersey City, N. J., paid Feb. 12 | 10 |
| Eastwood Wire Manufacturing Co., John H. Eastwood, treasurer, Bellville, N. J., paid Sept. 10 | 25 |
| James S. Higbie, care of James R. Sayre, jr., & Co., Newark, N. J., paid Mar. 9 (for 1910 and 1911) | 5 |
| William A. Jones & Son, Newark, N. J., paid Sept. 10 | 25 |
| Lister's Agricultural Chemical Works, Newark, N. J., paid Aug. 18 | 50 |
| Marshall & Co., Newark, N. J., paid Sept. 10 | 50 |
| Board of Trade, Newark, N. J., paid Oct. 3 | 100 |
| Newark Express & Transportation Co., J. H. Wood, president, Newark, N. J., paid Sept. 24 | 25 |
| The Nairn Linoleum Co., Kearney, N. J., paid Feb. 7 | 10 |
| Philadelphia-Trenton-New York Deeper Waterways Association, C. Arthur Metzger, secretary, Trenton, N. J., paid June 14 | 100 |
| Passaic River Protective Association, William A. Jones, jr., secretary, Newark, N. J., paid Dec. 16 | 25 |
| Mitchell B. Perkins, Beverly N. J., paid Jan. 24 | $5 |
| George F. Reeve, 88 Front Street, Newark, N. J., paid May 23 | 5 |
| Standard Oil Co., C. E. Young, manager, Newark, N. J., paid Sept. 12 | 25 |
| J. C. Smith & Wallace Co., Newark, N. J., paid Sept. 6 | 25 |
| James R. Sayre, jr., & Co., Newark, N. J., paid Sept. 6 | 25 |
| Peter Shields, Cape May, N. J., paid Jan. 27 | 5 |
| Trenton Chamber of Commerce, Trenton, N. J., paid Nov. 16 | 25 |
| Tomkins Bros., Newark, N. J., paid Aug. 3 | 30 |
| Van Kuren & Sons, Newark, N. J., paid Aug. 29 | 10 |
| Walsh & Sons Co., Newark, N. J., paid Sept. 10 | 10 |
| George W. Tomkins, Newark, N. J., paid Aug. 3 | 20 |

I have also a list for other years, which possibly it will not be necessary to insert in the RECORD.

Then I want to call attention to a letter along this same line of influence, and it is one of threats with relation to this river and harbor bill. This is a letter to Senator BURTON from the G. H. Williams Co., E. P. Lord, secretary, of Cleveland, Ohio, and I am going to read it because I want it in the RECORD:

CLEVELAND, OHIO, *September 10, 1914.*

Hon. THEODORE E. BURTON,
*United States Senate, Washington, D. C.*

DEAR SIR: As manufacturers of special machinery used very largely by river and harbor contractors and United States engineers doing that class of work, we desire to express the wish that the opposition to the passage of the rivers and harbors bill now before the Senate be so modified or withdrawn that the full passage of the bill may be assured at the earliest moment.

It seems to us that the manufacturers of the country at large are suffering sufficiently through the general depression and lack of business of all kinds and that there should be nothing done by the Government that would add to the troubles we already have.

A very large volume of our business comes from the contractors who are working on dam contracts along the rivers, and also by United States engineers on river and harbor work in all sections of the country. We have quite recently been following up our previous orders from these various sources to obtain some expression as to when we might anticipate further business, and in every case thus far we have received one and the same reply, and that is that all construction work in their district has been suspended on account of the failure of Congress to pass the rivers and harbors bill and that they would not be in the market for clam-shell buckets or other material in our line until this bill passed; and from the extreme South, where we do considerable business, they go so far as to say that all field operations have practically ceased in that section for lack of funds; thousands of men are lying idle, and the contractors express their determination that they will never buy anything made in Ohio owing to the fact that our Senators are strenuously opposing the rivers and harbors bill.

So here comes this insidious influence working around through boycott channels to try to stop Senators who may be honest from opposing this measure:

From this particular class of business we have been receiving a very large bulk and volume of our trade and which now is absolutely flat. We do not have one order on our books, and the necessity of closing down our plant stares us in the face; and if this harbors and rivers bill is not passed and all the vast amount of work of this kind is cut off, and the large contractors, who are our best customers, are obliged to suspend operations, there will be no further business for us until a change takes place. We therefore ask your aid in seeing that this bill is passed, and that at as early a date as possible.

Respectfully submitted.

THE G. H. WILLIAMS CO.,
E. P. LORD, *Secretary.*

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I do.

Mr. POMERENE. The Senator from Iowa has just read a letter which was written to the Senator from Ohio [Mr. BURTON] by the G. H. Williams Co., of which E. P. Lord is secretary. I received, perhaps about the same day, identically the same letter. Here is an Ohio firm, I am ashamed to confess it, that writes to the Senators of that State asking them to stop all opposition to this bill, which involves the expenditure of about $53,000,000, for what reason? Because the bill is right? No. Because the items therein provided for are proper items of expenditure by the Government? No. But the single reason urged is that this firm of manufacturers, out of the $53,000,000 of expenditure from the Public Treasury, may be able to get orders for a few clam-shell buckets, and they are inspired to write this letter because, they say, there are some contractors in the South who are interested in this measure.

I am not holding the South responsible for this. I am not going to question the high purposes that lie back of the authorship of most of the items in this bill. Most of these items, so far as I am familiar with them, have my most hearty concurrence. But when we have certain manufacturers and contractors attempting to influence public servants in the performance of their duty, and, in substance, asking them to disregard their sworn oaths, language fails me in my effort to either describe the letter or the writer of it, even if he is from my State, or the southern contractors whose correspondence seems to have inspired it. Judging their moral and civic character by this letter, they must, to say the least, be lacking in a proper conception of public duty.

Mr. KENYON. The letter the Senator has is identical, I assume, with the one I read.

Mr. POMERENE. I understood from my colleague that he had such a letter, and while the Senator from Iowa was reading it I compared the one I have in my hand with it. It is identically the same.

I am not going to be deterred in the position I shall hereafter take with reference to this bill by the contents of this letter. It is so contemptible in its spirit that it deserves to be treated with silence. There have been other matters that have come to my attention. I have been waited upon and told that this bill was right in all respects, and that I should vote for it as it is. I am not in the habit of accepting dictation from men who come to me in that spirit. I recognize that it is a very great honor to represent the great State of Ohio on the floor of this Chamber, but I am more honored by the opposition of men who can write a letter of this kind than I can be honored by a seat in this Chamber.

Mr. MYERS. Mr. President, I rise to a question of personal privilege. I have an engagement at 9.30 o'clock. I ask leave to be excused until I can return, in about an hour or an hour and a half from now.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent to be excused from attendance in the Senate for an hour or an hour and a half. Is there objection?

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa object?

Mr. KENYON. I was going to ask if this was a breakfast engagement.

Mr. MYERS. No; I have had my breakfast.

Mr. KENYON. I tender my congratulations to the Senator.

Mr. SMOOT. Mr. President, I ask the Chair whether, if unanimous consent is given, it will be considered as business of the Senate, because I do not want to give consent if it is going to jeopardize in any way the right of the Senator from Iowa.

The PRESIDING OFFICER. The present occupant of the Chair would rule on that question when it is presented. The Chair understands that it is not presented at this time.

Mr. KENYON. I can not think that anyone would raise a question where a Senator rises to a question of personal privilege.

Mr. SMOOT. I do not believe they would. I only rose so that the Senate may know that the question did arise, and I wanted the Senate to know that if it were to be considered business I would object. But I am not going to object, Mr. President, with that statement.

The PRESIDING OFFICER. There being no objection, the Senator from Montana is excused.

Mr. POMERENE. Mr. President, the great State of Ohio is washed on its southern boundary by the Ohio River. The people who live in that great valley are very much interested in this appropriation bill. It carries large amounts for the building of locks, which constitute a part of a great scheme of improvement which is meant to make that river navigable a greater part, if not the whole, of the year. It goes through the heart of one of the richest sections of this great country in natural resources. Perhaps the State of Pennsylvania and the State of West Virginia and the eastern part of Kentucky send more coal down this river and thence to the Mississippi River than goes to the South from any other section of the country. Kentucky, Indiana, Illinois are all interested among the Northern States. Some of these States——

Mr. LEA of Tennessee. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. ROBINSON). The Senator will state his point of order.

Mr. LEA of Tennessee. The Senator from Iowa yielded to the Senator from Ohio. It is evident that the Senator from Ohio is not desiring merely to ask a question. If the Senator from Iowa intends to retain the floor, then I must object to his yielding.

Mr. POMERENE. Nothing was further from my thought when I entered the Chamber this morning than to have anything to say during this day's session. The Senator from Iowa——

The PRESIDING OFFICER. The Senator from Ohio will realize that the Senator from Tennessee, having made the point of order that the Senator from Iowa can not yield to the Senator from Ohio to make a speech, the Chair is compelled to sustain the point of order.

Mr. POMERENE. I was only going——

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. POMERENE. Very well.

The PRESIDING OFFICER. The Senator from Iowa will proceed.

Mr. KENYON. I am sure there will be no charge of any conspiracy between the Senator from Ohio and myself.

The PRESIDING OFFICER. The Chair is unable to hear what the Senator from Iowa is saying if he is addressing his remark to the Chair.

Mr. KENYON. No; I am addressing it to the Senate.

The New York Board of Trade and Transportation gave out a very interesting document in response to the invitation to consider the attitude they should adopt toward this National Rivers and Harbors Congress. Some parts of it I am desirous of placing in the RECORD, but some parts which perhaps might be offensive to Members of Congress I do not want to place there. They say:

> The National Rivers and Harbors Congress is an alliance of individuals, firms and corporations, waterway associations, and other organizations. It has a president, an executive committee, and a secretary-treasurer. The members of the association pay annual dues. Its object, as stated in its circulars, is "to arouse public interest to such an extent that a united demand, coming fom all sections of the country for regular and adequate rivers and harbors appropriations, will induce Congress to provide an annual river and harbor bill of $50,000,000."
>
> The New York Board of Trade and Transportation is invited and urged to become a member of the National Rivers and Harbors Congress.
>
> The chairman of your committee personally conferred with a representative of the organization and has been fully informed of its purposes and methods. Its whole work, as stated in the objects quoted, is to be directed toward making an effective demand upon Congress for appropriations. Its policy is that no specific projects of public improvement shall be individually indorsed by the organization. A general indorsement is given to all projects heretofore approved by the United States engineers, and the completion of which would require from $320,000,000 to $350,000,000; but no effort is made to ascertain or verify the necessity of such projects and plans.

The next paragraph I shall exclude.

It is manifest—

Speaking of the plan—

> It is manifest that such a plan should appeal strongly to many localities whose natural conditions are forbidding and unattractive to commerce and whose commerce is consequently small. It is quite within reasonable expectation that the people of such localities would be encouraged to hope or believe that by uniting to swell the demand for larger appropriations enough might be drawn from the Treasury to satisfy the demands of more necessitous projects and leave them a little by way of reward for their help and to encourage them to continue their "interest and cooperation." Every congressional district thus enlisted would deliver one additional vote in Congress for the blanket proposition.
>
> * * * * * * *
>
> The policy of the National Rivers and Harbors Congress would make the task no easier for the chairman of the Rivers and Harbors Committee. There would be more money to go around, but if the Rivers and Harbors Congress should succeed in their plan "to arouse public interest—they should have said 'cupidity'—to such an extent that a united demand, coming from all sections of the country," would develop new schemes of improvement before unheard of, the demands upon him for unworthy projects would be increased far out of proportion to the worthy ones, and so the difficulties would be aggravated.

In conclusion they say:

> In conclusion, we desire to make our position clear. As an organization we have done much for the improvement of the water transportation. We may stand upon our record as to that and will not swerve from our faith in the future; but we are opposed to the plans of the National Rivers and Harbors Congress, and urge the business interests of the country to consider carefully the evils of the system which would result from its success.
>
> It is the duty and should be the care of the exponent organizations throughout the country to guard at all times the public interests of the city, State, and Nation with unswerving integrity of purpose, and to encourage by every means at their command the highest possible standard of action in all the affairs of our public life. They can not, without doing an injury to the body politic, shift from their own shoulders to others any responsibility which they themselves should assume. They can not, without giving conscientious and painstaking study and consideration, indorse important projects and measures or general and vaguely defined policies, and to leave to others the working of them out to a conclusion without danger of harm. The conditions inherent in our public life are such that the gravest dangers attend and menace the interests of the people at each step from the initiation and promotion to the consummation of all public measures and works under every branch of our Government. These conditions make easier the evasion of individual responsibility and discourage the expression of opposition to measures which appeal to the individual conscience as wrong. They foster cupidity and encourage duplicity and fraud, and where the objects in view depend for success upon access to the Public Treasury the moral resistance is relaxed.
>
> We therefore view with apprehension this systematic propaganda by influential men and organizations, which our experience and judgment tells us, unless checked by the more conservative elements of the people, will ultimately lead to the wildest extravagance and waste of the public moneys which has ever marked our history.
>
> Your committee therefore recommends that the New York Board of Transportation and Trade decline the request to become a member of the National Rivers and Harbors Congress.
>
> While expressing our disapproval of the methods of the National Rivers and Harbors Congress we have great pleasure in commending the action of President Roosevelt in appointing on the 14th of the present month the Inland Waterways Commission, whose duty will be to report a comprehensive plan for the improvement and control of the river systems of the United States. The President in his letter of appointment to the members of the commission, who have been manifestly selected for their eminent qualifications and fitness for the duty imposed, outlines at length his views, which are patriotic, broad, and comprehensive. The appointment of the Inland Waterways Commission is, to our

minds, a first important step in the right direction, which gives promise of the development of a national plan, taking knowledge of all river improvements which should properly be nationalized, and eliminating the elements of danger to which we have hereinbefore referred.

Upon such a plan, which will indicate in advance what the improvements are contemplated, what they will accomplish for the welfare of the country, and what they will cost, all the organizations of the country should unite.

Respectfully submitted.

S. V. V. HUNTINGTON, *Chairman*,
W. S. ARMSTRONG,
CHAS. H. PATRICK,
EUGENE H. CONKLIN,
THOS. F. MAIN,
*Special Committee.*

The foregoing report was unanimously adopted by the New York Board of Trade and Transportation March 27, 1907.

A true copy.

Attest:

FRANK S. GARDNER, *Secretary.*

Mr. President, on this general Mississippi proposition I want to insert in the RECORD, if I may, without taking time to read it, an article from the New Orleans Item. It is not in any way critical of any person or any thing, but is a highly eulogistic article on the possibilities of the country lying along the lower Mississippi River when some plan is adopted to stop the loss and waste by overflow, a plan which I hope will be evolved before long, and a plan which will receive my enthusiastic support.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent to insert in the RECORD the article indicated. Is there objection? The Chair hears none, and permission to do so is granted.

The article referred to is as follows:

[From the New Orleans Item, May 23, 1913.]

WHEN THE VALLEY IS REDEEMED.

Let us draw breath a moment in the strife, stop to tighten belts and lean upon our weapons, scan with placid and contented eye the molting fragments of the scattered, frothing enemy, and then glance beyond the batle lines to the certain victory.

The space of peace is pardonable. We stand entrenched in truth. The cause is just—God knows none other touches nearer our hearts and homes. The foe is really ignorance, and for the fighters under that banner we can feel pity while we smite them hip and thigh.

Picture the valley, 10 years hence, with the flood menace long since lifted, with the resource, the purse and mind and conscience of the great Republic, busy completing the task of redeeming and conserving against the waste of future ages the uncounted boundless wealth that fate and nature have given to us here between the Rockies and the Alleghenies:

In the Appalachians the new forests on the watersheds will have begun to grow anew. On the mountain slopes of upland America the agents of a beneficent Government will have shown the natives how to terrace their hillside farms. In the gorges and valleys of the Allegheny and Monongahela, the Kentucky, the Cumberland, the reservoirs will be finished On the watersheds of the Ohio to the northward science will have worked out plans to prevent the recurrence of the disaster to come from such floods as 1913. Along the Ohio the locks and dams whose construction has dragged for years will be finished. From out the harbors of Pittsburgh, Louisville, Indianapolis, and Cincinnati will be moving vast fleets of barges and modern river craft, bearing to the markets of the South the product of the greatest freight-producing region on this earth—bearing it at the cheapest freight rate the world knows, by the easiest, surest route, to the greatest market in the history of mankind.

Far up the upper Mississippi the canals through to the Great Lakes will be built. Boats will be loading in Minneapolis, in Chicago, in Duluth, Cleveland, Milwaukee, Rock Island, with all the myriad articles their factories and their fields and mines produce that folk to the southward need. Reservoirs above Minneapolis will have lifted danger of flood from a vast area there. From great water-power plants established on the dams hydroelectric power will keep the busy factories humming through the nights and days, the charge therefor maintaining the works for flood prevention and stream control.

Away in the far Northwest, on millions of acres of land now lying barren to the suns of summer and the winter winds, the quiet farms will guard their fertile acres, where the water is kept on the "land that wants it" and off the land that doesn't. From out the prairies the tide of corn and wheat will move toward the river towns on the Missouri, there by barge to seek the route that nature marked thousands of years ago, down to the southern sea. The Missouri, no longer the sullen, vengeful, reckless stream of disorder and disaster, will carry again the argosies of commerce. On the distant mountain sides the new sapling forests will begin anew to catch and hold the humus and the moisture. Cared for, handled, guarded, controlled, the "blessed rain," no longer an agent of destruction everywhere, will be man's best instrument of plenty and prosperity.

So to the southward may we picture the change—Memphis no longer a promontory in a springtime inland sea, with busied Army officers sending out relief expeditions into the flooded area, but instead a great "port of call" on the river route to the markets beyond the Gulf and beyond the canal; with warehouses, wharves, elevators, lining its river front; the new-style river steamers replacing the ancient boats of the "Lee Line" and the old *Kate Adams;* the harbor busy as that of Hamburg or any city on the Rhine or Elbe; and the whole mind of the people turned away from the dread of disaster to busy thinking of how best to turn to use the tremendous instrument which nature gave and man retained for a Nation's use.

Imagine the significance of that altered frame of mind on down the valley! Vision the dwellers on the rich lands of the Mississippi Delta, of the Arkansas lowlands, no longer dreading floods! Think of their initiative, freed from the numbing weight of the "flood menace"! Picture the stream flow regulated, levees strong enough to stand the height beyond which the people know the waters can not go and banks assured against all caving! Picture Helena, Arkansas City, Greenville, absolutely safe for themselves and for the region around about them!

Vision that security in upper Louisiana, in the country facing Vicksburg and Natchez; imagine it in the lowlands along the Red, the Ouachita, the Black. Picture the change in the waste land about the junction of the Red, the Mississippi, and the Atchafayala—with the swamps reclaimed, with a great controlled sluiceway across Old River, with adequate levees on both sides the Atchafalaya to the Gulf, with locks that will continue navigation while the gated dam controls the stream flow to Red and Mississippi alike.

In Pointe Coupee and West Baton Rouge, in Iberville and Ascension, the current would have ceased to gnaw, the herald of alarm would no longer call the countryside to battle against the water as against a living, vengeful enemy. The banks would be fixed, the levees would be strong and broad and built for the ages.

At Bayou Plaquemine, at Manchac, at Lafourche, perhaps at other places, there would be regulated, guarded, absolutely controlled spillways, themselves leveed and guarded out to the lakes, to take off the surplus water, insurance against any greater height than the levees would be built to sustain.

In all the region men would go about their business absolutely sure. No longer would the winds of March bring fear and the April rains disaster.

And in all the valley the new measure of activity, of commerce, of business, would converge toward the valley's outlet to the southward.

To the empty acres of Louisiana and Mississippi the flocking land-hungry emigrants from the Middle West would have rushed the moment the "flood menace" had been made sure of extinction. Already the millions of acres of reclaimed and reclaimable land about the mouth of the Mississippi would have been taken up. The swamps would have been cleared and drained; the great estates cut up into busy farms. Good roads, good schools, quickened life and trade, already would have remade the life of all. In the towns and villages a new era would have come, a new point of view been opened, a new hope and a new confidence creating a new activity.

And sitting at the valley's gate, New Orleans, redeemed, and safe and whole, would sit the beneficiary of all the change from far-off watersheds in the mountains of the East and West down to the very Gulf. To her merchants would come the trade of the new dwellers on the safe lands of the South; to her banks would center the surplus capital of the region relieved from danger; to her docks and wharves would come the river craft from the Ohio, the Missouri, the Great Lakes, the upper Mississippi, the Red, the Cumberland, the Kentucky, the Tennessee; and to her harbor would assemble the ships of all the seven seas to barter cargoes with the craft from the inland waters.

A "dream"?

"Too good to be true?" in the poetic language of the facile "Pic."

So men sneered at the suggestion that the Great American Desert would ever be smiling farm land. So elder statesmen as wise and weird as RANSDELL laughed to scorn the suggestion that Oregon and Washington were worth fighting for. So the reclamation act was laughed at and the Appalachian bill said to be a "joke." So men scoffed at Edison when he explained his incandescent lamp. So railroad-owned newspapers and their blind followers prodded old John B. Morgan, when through the harassed years he took the part of modern Cato, and ever thundered that "The canal must be dug." So learned engineers told Goethals and Roosevelt that the Panama Canal never could be completed in the exact way, shape, and form in which it is being completed.

So our own fossils of many years ago told Eads the jetties wouldn't work. So our own Supreme Court wisely asserted that no human power could ever filter enough Mississippi River water for New Orleans to drink and bathe in. Yet the jetties are built and working, and the filtered water is at hand for anyone who will turn the faucet.

A dream?

No. A plain picture in the large of the exact changes that have been wrought on smaller scale by these exact means in other regions; a picture of what we can get for the Mississippi Valley.

It is this which the Newlands bill has in view. Mr. RANSDELL has said that the Newlands bill furnishes "ample means to build levees on the Mississippi and protect us from floods." His bill proposes no more than that. Isn't the bare possibility that this "dream" might be made true in its other particulars enough to make it worth working for?

Mr. KENYON. Mr. President, I am going to take a little more time, but not a great deal, to complete the line of thought and the illustrations which were occupying my attention at the time of the unfortunate attempt to apply what the Senator from Missouri [Mr. REED] termed a gag rule. I had been trying to make the point, which seemed a good one to me, if it did not to anyone else, that where harbors were entirely controlled as to the lands necessary for docks by the railroads, simply to vote a large sum of money for improving that harbor was in the nature of voting a subsidy to the railroads, and that there ought to be some plan in this bill, and I shall offer amendments to this bill, providing that where the railroads have absolutely acquired all the facilities in these harbors, as I have shown they have in some harbors and shall show they have done in others; that the railroad or railroads constituting a local interest ought to be compelled to pay some part of the expense; it ought to be proportioned in some way, and the Government ought not to be compelled to pay it all. There may be some flaw in that somewhere; I have not as yet been able to see just where it is, and I do not see why we should go on year after year in harbor after harbor in this country where no one has any rights except they acquire them from the railroad companies who have gobbled up all the available land around and spent a great lot of money there. Of course it helps commerce. There is the broader question that vessels sailing in there are bringing people and bringing goods and developing prosperity, but they would do it just as much if the railroads were compelled to contribute some part; and I shall place in the RECORD some illustrations.

The Boston water front does not seem to be subject to that complaint. The State there has quite a large undeveloped tract with large possibilities for terminal use. The report of the Commissioner of Corporations on transportation by water in the

United States, part 3, sets out the facts with relation to these different harbors.

I shall not read these extracts simply to take up time, but in order to have in my remarks for future reference by myself at least, because they will not be read by anyone else probably, facts in relation to the different harbors and a compilation of the information as to the ownership of the terminal facilities throughout the harbors in our country by the railroad companies. The commissioner says as to Philadelphia:

This is a river harbor, readily accessible by ocean-going vessels. Both the commercial and the industrial uses are important, the former predominating. The harbor is not well organized. A considerable proportion of the most active water front is controlled and occupied by railroads, to the extent that such commercial use for through traffic unduly hampers the proper local and industrial use.

* * * * * * *

Ownership: The striking fact about Philadelphia is the ownership of the frontage. The city owns less than 8 per cent of the developed Delaware River frontage, and its holdings are mainly narrow and practically unavailable street ends. The city has 10 general piers on the Delaware, which is the important frontage. Out of over 3,500 feet owned by the city on that river, only 1,400 are not leased. It also owns five ferry piers on the Delaware. On the Schuylkill it owns about 6,300 feet out of about 78,000.

The railroad holdings are very large. Of nearly 7 miles of the most highly developed part of the Delaware River frontage, railroads own over 45 per cent and occupy still more. On the Schuylkill they own about 9,500 feet.

* * * * * * *

The attitude of the railroads—

Says the commissioner who made this investigation—

as to their frontage holdings has been highly exclusive and adverse to general water traffic. Railroads as a rule refuse any use of their piers for freight not going over their particular lines, and oppose independent lighterage. Thus lighters can not come to a railroad pier to get freight for independent water or rail lines. The results are important, in view of the extensive railroad control of water terminals. Most of the intraharbor transfers, therefore, are by railway switching or by drayage, thus reducing the coordination by water. Another result is that there is almost no pier room for independent or tramp vessels.

The Philadelphia situation has long been one of almost complete absence of public control of the water terminals, and of dominance of water terminals by railroads, affecting unfavorably general water traffic as distinguished from exclusive water lines affiliated with railroads.

Now, that is an illustration as to the manner in which the Government is appropriating large sums of money for the Delaware River. I suppose the people may get some good out of it in increased commerce and some good, possibly, in the regulation of railroad rates; but the direct benefit is to the railroads, and they ought to be compelled to pay some part of the expense. I do not see why they should not do so; perhaps some one else does. If so, I should like to hear an explanation of it. I now quote from page 11:

The total water front of the harbor is about 18 miles. The most active frontage is about 6 miles. There is a considerable number of piers, some of them excellent but others in rather poor condition. There is a large amount of warehouse space and a number of grain elevators and coal-handling machinery, mostly railroad owned. The railroad water terminals are large and, as a rule, very well equipped.

Ownership: Of the entire harbor frontage, the city now owns 9 per cent—

That is a better showing than most of these harbors; in fact, that is a very good showing. That harbor is not subject to the criticism I am making, I think—

the railroads 17 per cent, and other private interests 74 per cent. In the last division there is a considerable frontage occupied by industrial concerns, notably chemical, ice, and fertilizer companies. There are two or three large dock companies with considerable holdings and with a number of wharves, some of them with rail connections.

After the great fire of 1904 the city entered upon an active municipal-wharf policy under the direction of the harbor commission, aided by the burnt-district commission.

* * * * * * *

NORFOLK, PORTSMOUTH, AND NEWPORT NEWS.

The harbor of Norfolk and Portsmouth and the adjacent harbor of Newport News are of considerable importance, with large railroad coal terminals. The harbor organization is only partial. Certain of the large through terminals, indeed, are distributed in outlying parts, but there is still much of the central frontage devoted to through terminals, thus absorbing for commercial use space that is more properly local and industrial. There results in Norfolk a frequent congestion of local traffic. The shape of the harbors would allow of much better organization.

Ownership: Much of the Norfolk city-owned frontage is under practically perpetual leases at low rates to railroads, water lines, and industrials. Railroads and steamship lines control a very large proportion of the Norfolk frontage; the Seaboard Air Line owns the greater part of the wharf frontage at Portsmouth. There is a marked insufficiency of independent wharf front. There is no open public pier at Norfolk.

OTHER ATLANTIC PORTS.

At the other Atlantic ports traffic conditions are less complex, and the question of harbor organization is of less immediate importance. But their harbor organization may be of serious concern in the future.

* * * * * * *

Ownership: As a rule, there is very little municipal ownership of water front in these ports. At Portland, Me., the water front is all private, about one-half of it owned by railroads. At Bangor the frontage is nine-tenths private, and much of it railroad holdings. At Providence the developed frontage is practically all private, with a very large railroad frontage, and many of the wharves occupied by industrial concerns. There are no "open" piers. A large proportion of the best harbor frontage of the ports of Long Island Sound is owned or controlled by the New York, New Haven & Hartford Railroad Co., largely through its subsidiary rail and water lines.

At New London, Conn., there is practically no city frontage, most of it being under railroad control. Most of the important New Haven frontage is railroad owned, and this is even more true of Bridgeport, Conn. On the Hudson River the Albany frontage is chiefly private, much of it railroad. At Troy, N. Y., the city owns only narrow street ends. The rest is mainly industrial. The Hudson River frontage in general, at the chief cities, is mainly private, being largely held by steamship lines, railroads, and industrials. The frontage of Burlington, on Lake Champlain, is nearly all railroad. At Wilmington, Del., as above noted, the city owns and has improved an important part of the frontage. At Trenton, N. J., the city owns none of the frontage on tidewater.

Mr. MARTINE of New Jersey. Mr. President, I will say, if I may be permitted——

Mr. KENYON. I shall be very glad to yield to the Senator.

Mr. MARTINE of New Jersey. That statement about the city of Trenton is too largely true. Along our whole——

Mr. SMITH of Georgia. Mr. President, I make the point of order that nothing but a question can be asked under the rule, and that a Senator can not interrupt a Senator to make a statement.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). The point of order is sustained.

Mr. MARTINE of New Jersey. I do not know that I can add to the enlightenment of the Senate particularly—and I readily acquiesce in the point of order—but I think it rather a monstrous proposition.

Mr. KENYON. I continue reading from this document:

Richmond, Va., is exceptional in that none of its frontage is owned by railroads. The city owns about 11 per cent of the frontage. At Wilmington, N. C., there is considerable frontage occupied by railroads. At Charleston, S. C., practically all the best frontage is controlled by the Charleston Terminal Co., which concern is controlled jointly by the Atlantic Coast Line and the Southern Railway. At Savannah, Ga., the frontage is mostly private, the best of it being owned by railroads. At Augusta, Ga., the city owns all of the Georgia frontage. Jacksonville, Fla., is an important port, and at present is considerably congested. The city owns only street ends, and there are important railroad terminals and holdings here.

It thus appears that a very large proportion of the active terminal frontage along the Atlantic coast is held by railroads. In many cases this control is used to hinder the development of the rival water system. The legal status of such control has not been developed as far as might be expected.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. SMOOT. Mr. President, there are very, very few Senators in the Chamber, and I——

Mr. SMITH of Georgia. Mr. President, I object to the Senator yielding, except for a question.

Mr. SMOOT. Oh, well, Mr. President, I suggest the absence of a quorum.

Mr. SMITH of Georgia. I object to the Senator yielding. The Senator has not a right to yield for any purpose except for a question, under the rules of the Senate.

Mr. SMOOT. The rules plainly say that a Senator has the right to suggest the absence of a quorum at any time.

Mr. SMITH of Georgia. The Senator from Utah has not the floor.

Mr. KENYON. Neither has the Senator from Georgia the floor.

Mr. SMITH of Georgia. I rose to a point of order.

Mr. SMOOT. Any Senator can rise to a point of order.

Mr. KENYON. I yielded to the Senator from Utah.

Mr. SMITH of Georgia. My point of order is that under the rules the Senator from Iowa can not yield to the Senator from Utah except for a question.

Mr. KENYON. We are having so many new rules now——

Mr. SMOOT. Mr. President, I rise to a point of order. The point of order is this: A Senator can suggest the absence of a quorum at any time, provided business has intervened since a quorum was last called. That has been the ruling of the Chair right along. I suggest the absence of a quorum.

Mr. FLETCHER. Mr. President, may I ask whether new business has intervened? I am not clear about that myself.

Mr. SMOOT. Yes; the business that has intervened was the laying on the table of the motion of the Senator from Ohio.

Mr. FLETCHER. There has been no roll call since then?

Mr. SMOOT. There has been no roll call since then.

Mr. FLETCHER. I am not sure about that.

Mr. KENYON. That is true.

Mr. SMOOT. I will ask the Senator from Iowa—he has been on the floor all the time—if that statement is not true?

Mr. KENYON. Yes; that is true. There has been no roll call. There was a motion to lay on the table, and it was acted on.

The PRESIDING OFFICER. The Chair will state that the record shows that the motion to lay on the table was made since the last roll call.

Mr. SMITH of Georgia. Mr. President, I desire to state my point of order a little more fully.

I concede that under the rules the Senator who is entitled to the floor can make a point of no quorum, but a Senator who is not entitled to the floor can not make the point; and that under the rules, as we have construed them, the Senator from Iowa can not yield the floor except to have a question asked. The Senator from Iowa could make the point of no quorum himself. I concede that.

Mr. SMOOT. I am so positive of the rule, Mr. President, that I will say nothing more about it. I know that if the position taken by the Senator from Georgia were correct he could not now make the statement he has made or bring the point of order before the Senate.

The PRESIDING OFFICER. The present occupant of the chair rules that the roll call is in order. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hollis | Martine, N. J. | Smith, Md. |
| Brady | Hughes | Overman | Smith, Mich. |
| Brandegee | James | Page | Smoot |
| Bryan | Johnson | Perkins | Stone |
| Burton | Jones | Pomerene | Swanson |
| Chamberlain | Lane | Shafroth | Thornton |
| Chilton | Lea, Tenn. | Sheppard | White |
| Crawford | Lee, Md. | Simmons | Williams |
| Fletcher | Lewis | Smith, Ga. | |

Mr. PAGE. If I may be permitted, I should like to say that my colleague [Mr. DILLINGHAM] is unavoidably detained. He is paired with the senior Senator from Maryland [Mr. SMITH]. I wish to have this announcement stand for the day.

The PRESIDING OFFICER. Thirty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of absent Senators, and Mr. NELSON, Mr. SHIELDS, Mr. SMITH of South Carolina, Mr. STERLING, Mr. TOWNSEND, and Mr. WEST answered to their names when called.

Mr. FLETCHER. The junior Senator from Louisiana [Mr. RANSDELL] had an appointment for 10 o'clock this morning at the Department of Commerce. He has gone there to fill that engagement. He is absent, therefore, attending to public duties, and will return probably within the next 15 minutes.

Mr. CAMDEN, Mr. ROBINSON, Mr. WALSH, and Mr. CULBERSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. There is not a quorum present.

Mr. PITTMAN entered the Chamber and answered to his name.

Mr. SIMMONS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators. Is that a standing order?

The PRESIDING OFFICER. The Chair is informed that there is a standing order to that effect.

Mr. SIMMONS. I think it was decided the other day that that order had to be made every time in order to compel their attendance.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. MCCUMBER, Mr. SAULSBURY, Mr. VARDAMAN, and Mr. REED entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present.

Mr. BURTON. Mr. President, I desire to offer a substitute for section 1. I ask that it be read.

Mr. SIMMONS. What is it?

Mr. BURTON. A substitute for section 1 of the bill.

Mr. SIMMONS. There is a substitute already pending.

Mr. BURTON. The fact is, however, that that is merely lying on the table. It has not been formally offered and this has been formally offered.

Mr. SIMMONS. I move to lay it on the table.

Mr. BURTON. That can not be done until it has been read. It is for the Senate to know what it is.

Mr. SIMMONS. That is true. It has not been read.

Mr. BURTON. I ask that it be read in full.

The PRESIDING OFFICER. It will be read.

The Secretary proceeded to read Mr. BURTON's amendment, which was, in lieu of section 1 as it appears in the print to insert a substitute, and after having read for some time,

Mr. WALSH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WALSH. Under what rule are we obliged to listen to the reading of this document at this time?

The PRESIDING OFFICER. All amendments must be read by the Secretary for the information of the Senate.

Mr. WALSH. I assume that it would be read for consideration. I understand that the state of the record is this: Some days since the Senator from North Carolina [Mr. SIMMONS] offered a substitute.

The PRESIDING OFFICER. The Chair is informed that it was not offered.

Mr. BURTON. It was presented.

The PRESIDING OFFICER. Not offered.

Mr. BURTON. Whatever name you may use is immaterial, it was presented to lie on the table.

Mr. WALSH. Let me understand what is being done now.

Mr. BURTON. This is formally offered. It does not lie on the table. It is formally offered to the bill.

The PRESIDING OFFICER. The substitute offered by the Senator from North Carolina was reported and ordered to be printed and lie on the table, and it has not been formally offered.

Mr. WALSH. I understood when the Senator from Ohio offered it he said he would ask that it lie on the table.

Mr. BURTON. By no means. I offered it to the bill and asked that it be made a substitute for section 1.

Mr. WALSH. I thought I was quite accurate in my recollection that the Senator from Ohio said he offered it and asked that it lie on the table.

Mr. BURTON. Oh, no.

Mr. WALSH. Then a further parliamentary inquiry. There are certain amendments pending, I understand, to section 1 offered by the committee. This substitute will not be in order for consideration by the Senate until those amendments have been considered.

Mr. BURTON. I take it that that depends upon the agreement of the Senate. The usual form of agreement is that the committee amendments shall be taken up and read first. No such agreement has yet been made. So my amendment is in order.

Mr. WALSH. I have been consulting the precedents, and they quite clearly declare that in the absence of any other order the committee amendments are in order without any necessity for a former order of the Senate that the committee amendments be taken up, and that has been the uniform practice.

So I take it, Mr. President, that there is something before the Senate at this time or has been all night. I can not conceive what question has been before the Senate except it be the first amendment to section 1 offered by the committee.

Mr. BURTON. The ordinary question is, Shall the bill pass? It has been before the Senate and our discussion has been directed to the bill as a whole.

Mr. WALSH. I think the Senator will agree with me that that is not the question before the Senate. When amendments have been offered by the committee, those amendments having been offered I submit there is no such question before the Senate as, Shall the bill pass? That question would not be in order at all until after the amendments are disposed of and the bill is perfected.

So, Mr. President, I take it that we have been discussing, or it is presumed that we have been discussing, the first amendment to the bill. If that is correct, and I can not conceive how it can be otherwise, the amendment now offered by the Senator, while entirely proper to be received, is not before the Senate for consideration, and therefore there is no reason why it should be read. I know of no rule which will permit it to be read at this time except by the unanimous consent of the Senate.

Mr. BURTON. This amendment was offered as a substitute for section 1. Even if other amendments have been offered, and I do not think they have been, this amendment would be in order for offering and for reading at this time.

Mr. WALSH. Then I raise the point of order that the committee amendments are first to be considered; and that, particularly the first committee amendment, is the question before the Senate; and that a motion to substitute something in lieu of section 1 will not be in order until the committee amendments are disposed of, and the motion to substitute for section 1 being out of order at this time, there is no right to have the same read except by the unanimous consent of the Senate.

Mr. BURTON. This is the only amendment that has been offered and called up for consideration, and it is in order now.

The PRESIDING OFFICER. The present occupant of the chair has heard it stated from the chair several times that the usage of the Senate is that the Senate shall first act upon the committee amendments. The committee reported the bill with

certain amendments, but before the Senator in charge of the bill laid any of his amendments before the Senate for action the Senator from Ohio addressed the Chair and was recognized. The Chair does not understand that there is any rule of the Senate which requires under that usage the consideration of the committee amendments first.

Mr. SIMMONS. The bill has been before the Senate all the time with the committee amendments, and it is the constant practice, the daily and hourly practice, of the Chair to announce that the question before the Senate is the amendment of the committee.

The PRESIDING OFFICER. But before any of the amendments were laid before the Senate, or the attention of the Senate called to them, the Senator from Ohio addressed the Chair and was recognized and offered an amendment in the nature of a substitute, and no——

Mr. SIMMONS. I think this——

The PRESIDING OFFICER. Excuse me a moment. And no objection was made by any Member of the Senate at that time, and the Secretary was directed to read the amendment offered in the nature of a substitute by the Senator from Ohio.

Mr. SIMMONS. I raise the——

The PRESIDING OFFICER. If an objection is made it comes too late now.

Mr. SIMMONS. I do not catch the point of the Chair. The Senate has had under consideration for quite a long while the House bill with the amendments thereto made by the Senate Committee on Commerce. During all that time the question before the Senate has been the first amendment offered by the committee, and that is still the question before the Senate.

Mr. SMITH of Georgia. Mr. President, I think the confusion has perhaps grown out of the fact that the Secretary has called the attention of the Chair to a substitute prepared by the committee for the entire bill and the amendments submitted which had not been formally offered. The Senate has before it the House bill with the report of the committee with a number of amendments suggested by the committee to the House bill. They were formally presented to the Senate and are formally before the Senate now, and a substitute for the whole measure was prepared but not formally presented by the committee or by the acting chairman of the committee. Before that was formally presented the Senator from Ohio offered formally a substitute which is now being read.

Granted that this substitute can be read and is properly now laid before the Senate, still the question then would be to perfect the original bill with the amendments presented by the committee. That would be the first question before the Senate, and under Rule VIII it is expressly declared that the first consideration would come upon the amendments to the original proposition, the House bill.

Mr. BURTON. Mr. President, I think we are taking time unnecessarily. There is no denying that the committee ordinarily brings up its amendment and obtains unanimous consent for the offering of such amendment or amendments as it proposes. The bill was originally filed here with numerous amendments proposed by the committee. So far as any action has been taken by the committee those were impliedly withdrawn by the filing of the substitute for the whole first section, which was presented and laid on the table.

Now, this comes up as an amendment to section 1. It is offered and it is asked that it be read, and before anyone raises the point or insists on any right of the committee, 12 pages of that substitute were read, and I submit that even if there were, and I do not think there is any, irregularity, it is now too late to object.

Mr. SMITH of Georgia. I had not finished what I wanted to say.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. SMITH of Georgia. If the presentation of the substitute amounted to a withdrawal of the original amendments, it was because they were actually withdrawn and the substitute of the committee was actually presented. If it was actually presented, then the substitute presented by the Senator from Ohio would be out of order, except simply that it might be read for information.

Mr. SIMMONS. Mr. President——

Mr. SMITH of Georgia. One moment. I suggest, Mr. President, that we turn to the RECORD and see exactly what the RECORD shows on that subject. If those amendments have been withdrawn and the substitute has been formally offered by the committee, then the substitute offered by the Senator from Ohio is out of order. It could only be read for information. If those amendments have not been withdrawn, then they are still pending as the amendments of the committee, and under Rule XVIII those amendments by the committee will be first for consideration.

Mr. SIMMONS. Mr. President, I have the RECORD here, and the RECORD shows:

Mr. SHEPPARD obtained the floor.
Mr. SIMMONS. Mr. President——
Mr. SHEPPARD. I yield to the Senator from North Carolina.
Mr. SIMMONS. On behalf of the Committee on Commerce I offer a substitute for section 1 of House bill 13811.

That was offered on the 14th day of September, when the bill was under consideration; the substitute on behalf of the committee has heretofore been offered; therefore the substitute which the Senator from Ohio offers is not in order at this time.

The PRESIDING OFFICER. The Chair will state to the Senator from North Carolina that the Chair was guided simply by the entry upon the bill itself and not by the RECORD. The entry on the bill says that it was "reported by Mr. SIMMONS, from the Committee on Commerce, to the bill making appropriations," and so forth. "Ordered to lie on the table and to be printed."

That is the memorandum on the bill itself.

Mr. SIMMONS. That is the memorandum on the bill; but when I presented the substitute to the Senate I offered it as a substitute for section 1, and not as a proposed amendment or a proposed substitute. I offered it as a substitute, and the RECORD so shows.

Mr. SMITH of Georgia. Then, Mr. President, the record of the Senate would control and not the mere entry of the Secretary on the bill, the entry evidently being incorrect.

Mr. TOWNSEND. Do I understand the Senator from North Carolina to say that he did not ask at any time to have the proposed substitute placed on the table?

Mr. SIMMONS. I will read the whole record, if the Senator thinks there is anything in that.

Mr. TOWNSEND. My understanding was very clearly that when the substitute was presented, or at some time at least, the Senator from North Carolina asked that it be tabled.

Mr. SIMMONS. I will read the entire record. It is as follows:

Mr. SIMMONS. On behalf of the Committee on Commerce I offer a substitute for section 1 of House bill 13811.
The PRESIDING OFFICER. The Senator from North Carolina offers a substitute for section 1 of the bill named by him.
Mr. BURTON. It is not an amendment, as I understand, but it is in the form as if it had been reported originally by the committee?
Mr. SIMMONS. Yes.
Mr. BURTON. It is not an amendment, but it is to take the place of the section heretofore reported.
Mr. SIMMONS. It is to take the place of section 1 of the House bill.
Mr. BURTON. As if it had been originally filed?
Mr. SIMMONS. As if it had been originally filed by the committee. I do not ask for the reading of the substitute now, but I ask that it may be printed and lie on the table.

Mr. TOWNSEND. That is what I had reference to.

Mr. SIMMONS. It is offered as a substitute; it is printed and lies on the table until it is called up.

The PRESIDING OFFICER (Mr. ROBINSON). The Chair is ready to rule. This record discloses that the Senator from North Carolina offered a substitute for section 1 of the bill. That substitute is pending. It is not in order to offer another substitute, and the Chair sustains the point of order.

Mr. McCUMBER. May I ask the Chair a question, for information, as to whether an amendment can be pending and at the same time be lying on the table?

Mr. KENYON. It can if it be a river and harbor bill.

The PRESIDING OFFICER. The Chair does not think that question pertinent. The record discloses that the Senator from North Carolina offered a substitute for section 1 of the bill.

Mr. BURTON. And that was laid on the table, and remained there. With the utmost respect, I appeal from the decision of the Chair.

Mr. SMITH of Georgia. Was there any formal action by the Senate approving the placing of the amendment on the table?

The PRESIDING OFFICER. There does not appear to have been. The record of the proceedings of the Senate governs, as the Chair understands.

Mr. McCUMBER. May I ask a question, if the proceedings just read by the Senator from North Carolina did not show that the proposed substitute presented by the Senator from North Carolina was laid on the table?

Mr. SIMMONS and Mr. SMITH of Georgia. Oh, no.

Mr. TOWNSEND. I hope the Chair will look it over a little further.

Mr. McCUMBER. I will say that if the Chair will follow it he will find that it was.

The PRESIDING OFFICER. The Chair will read:

Mr. SIMMONS. On behalf of the Committee on Commerce I offer a substitute for section 1 of House bill 13811.

The PRESIDING OFFICER. The Senator from North Carolina offers a substitute for section 1 of the bill named by him.

Mr. BURTON. It is not an amendment, as I understand, but it is in the form as if it had been reported originally by the committee?

Mr. SIMMONS. Yes.

Mr. BURTON. It is not an amendment, but it is to take the place of the section heretofore reported.

Mr. SIMMONS. It is to take the place of section 1 of the House bill.

Mr. BURTON. As if it had been originally filed?

Mr. SIMMONS. As if it had been originally filed by the committee. I do not ask for the reading of the substitute now, but I ask that it may be printed and lie on the table.

The PRESIDING OFFICER. Without objection, the substitute for section 1 reported by the Senator from North Carolina will be printed.

The Chair sustains the point of order and holds that the question is upon the substitute for section 1 offered by the Senator from North Carolina [Mr. SIMMONS].

Mr. BURTON. Mr. President, from that decision I most respectfully appeal.

The PRESIDING OFFICER. The Senator from Ohio appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SIMMONS. I move to lay the appeal on the table.

Mr. McCUMBER. I suggest the absence of a quorum.

Mr. SIMMONS. I move to lay the appeal on the table.

Mr. McCUMBER. Until a roll call has been had on a request for a quorum no other motion can be made.

Mr. SIMMONS. I made my motion before a quorum was called.

The PRESIDING OFFICER. The Senator from Ohio appeals from the decision of the Chair. The Senator from North Carolina moves to lay that appeal on the table. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Johnson | Perkins | Smith, S. C. |
| Brady | Jones | Pittman | Sterling |
| Brandegee | Kenyon | Pomerene | Swanson |
| Bryan | Kern | Ransdell | Thornton |
| Burton | Lane | Robinson | Townsend |
| Camden | Lea, Tenn. | Saulsbury | Walsh |
| Chamberlain | Lewis | Shafroth | West |
| Chilton | McCumber | Sheppard | White |
| Culberson | Martine, N. J. | Shields | Williams |
| Fletcher | Nelson | Simmons | |
| Hollis | Overman | Smith, Ga. | |
| James | Page | Smith, Mich. | |

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is not present. The Secretary will call the roll of the absentees.

The Secretary called the names of absent Senators, and Mr. LEE of Maryland, Mr. SMITH of Arizona, and Mr. SMITH of Maryland responded to their names when called.

Mr. STONE and Mr. POINDEXTER entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. BURTON. Mr. President, I ask unanimous consent that the substitute offered by the minority may be read.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the——

Mr. BURTON. Mr. President, I think we are entitled to have the proposed substitute read. It has been prepared with a good deal of care, and while it does not include all the items as to which we might make motions, I think we are entitled to have it read.

The PRESIDING OFFICER. The Secretary will read the substitute offered by the minority, if there be no objection.

Mr. SIMMONS. Mr. President, I did not catch the request.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the substitute offered by the minority be read. Is there objection? The Chair hears none. The Secretary states that he has read the substitute down to——

Mr. BURTON. Page 12; and I should like to have him continue from that point.

The PRESIDING OFFICER. The Secretary will read.

The SECRETARY. Continuing the reading of the proposed substitute at page 12, line 8:

Improving Raccoon Creek, N. J., for maintenance, $8,000——

Mr. FLETCHER. Mr. President, I ask the Secretary to begin with the item for Shoal Harbor and Compton Creek, N. J. It was at that point, I think, where he left off.

Mr. SIMMONS. Mr. President, what became of the appeal from the decision of the Chair?

The PRESIDING OFFICER. Pending that, the Senator from Ohio asked unanimous consent for the reading of the substitute offered by the minority, and unanimous consent was granted.

Mr. BURTON. That is virtually a withdrawal of the appeal.

The PRESIDING OFFICER. The Chair so understood; that it operated as a withdrawal of the appeal.

The Secretary had commenced to read the proposed substitute, when the Senator from Florida [Mr. FLETCHER] submitted a request that the Chair was unable to hear. Will the Senator from Florida repeat his request?

Mr. FLETCHER. As the Secretary was reading I could not quite understand him, but the point at which he stopped, I think, was at the item for improving Shoal Harbor and Compton Creek, N. J., and I ask that he begin there with the further reading.

The PRESIDING OFFICER. The Secretary will read.

The Secretary resumed the reading of the substitute.

Mr. JONES. Mr. President, I should like to know whether the Secretary is reading the text of section 1 of H. R. 13811 as changed by the Senator from Ohio?

The PRESIDING OFFICER. The Secretary informs the Chair that he is.

Mr. JONES. That is the substitute.

The PRESIDING OFFICER. The Secretary will proceed.

Mr. FLETCHER. I want the Secretary to begin at "Improving Shoal Harbor," and read on from that point.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent that the Secretary may again read, commencing on page 11, at line 21. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary resumed the reading of the substitute.

Mr. CHILTON. Mr. President, I have been in attendance on the Senate continuously for about 24 hours, without any sleep. I do not plead that, but I ask permission of the Senate to be absent from the session for about 2 hours upon official engagements that I can not well put off. I ask unanimous consent that I may be excused for about that length of time.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent to be excused from attendance upon the session of the Senate for two hours. Is there objection? The Chair hears none, and the Senator is excused from attendance upon the session of the Senate for two hours—that is, until 1 o'clock and 5 minutes p. m.

The reading of Mr. BURTON's amendment was continued.

Mr. BURTON. In following the reading, I beg pardon for asking a question. Of course it was drawn with some degree of haste. I should like to inquire if the lines in italics, from line 18 to line 22 on page 50, are stricken out of the amendment as filed.

The PRESIDING OFFICER. The Chair is informed that they are not.

Mr. BURTON. I ask unanimous consent that they be stricken out.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that lines 18 to 22 be stricken out. Is there objection? The Chair hears none, and it is so ordered.

Mr. FLETCHER. What item does that cover. Does it follow just where the Clerk was reading?

The PRESIDING OFFICER. The Chair will state to the Senator from Florida that the following is stricken out on request of the Senator from Ohio: On page 50, lines 18 to 22, inclusive. The words will be read by the Secretary.

The Secretary read as follows:

For making a cut-off across Princess Point, in accordance with the report submitted in House Document No. 835, Sixty-third Congress, second session, $138,000; in all, $213,000.

The PRESIDING OFFICER. The reading of the amendment will be continued.

The Secretary resumed the reading of the amendment.

Mr. SMITH of Michigan. Mr. President, what has been read indicates very clearly that this bill is framed along appropriate and proper lines, at least so far as the Michigan items are concerned. I notice that even the scrutinizing eye of the Senator from Ohio has failed to detect a single item appropriated for in the bill for Michigan improvements that is not appropriate and proper. That indicates very clearly that a Senator may support this bill for purely patriotic reasons, without a single expectation of favor at the hands of his colleagues. I am asking nothing from my colleague. All the items relating to Michigan have been approved, and yet I see great merit in this bill.

I think the point I have made illustrates the haphazard and reckless manner in which the items of this bill have been generally criticized. When you take them up one at a time you will find that all of them have merit, and the wastefulness and reck-

lessness and utter disregard which have been charged in framing this bill lack substantial facts.

I simply wish to emphasize this.

Mr. BURTON. In order that the statement of the Senator from Michigan may be altogether correct, I think he overlooked one item—that for Princess Point—which, by my own request, was stricken out. It is a new project; it is late in the season, and I do not believe the work could be done upon it this autumn.

In order to be entirely fair, I also propose to reduce the item for my own harbor, Cleveland Harbor, from $200,000 to $150,000. While the full amount is needed, I think we can worry along with $150,000. Such is my anxiety to have a bill that is thoroughly fair to all portions of the country, it seemed to me that it was well to begin with a cut of my own harbor.

Mr. SMITH of Michigan. Mr. President, just one word. The Senator from Ohio says that the item of Princess Point has been reduced. Princess Point relates to a harbor of refuge where life upon the lakes is very seriously jeopardized, where our safety has become a matter of the greatest solicitude by all captains who navigate those waters. It seems to me that economy has been carried to almost a ridiculous point when such an item, regularly estimated for and favorably reported by all the boards which have given it consideration, should meet even this fate.

Now, whoever desires to take the responsibility for delaying the cut-off at Princess Point may do so. They have that right, but it does not appertain to my State any more than it does to Minnesota, the State of Senator NELSON, and the shipping of Ohio is vitally concerned in the safety of this particular point on Lake Superior.

But the point I desire to emphasize—and I challenge contradiction—is that there has been no trade. Neither the Senators from Delaware or Tennessee or North Carolina or Texas or any other State has sought the support of the Senator from Michigan in favor of any item in this bill in order that the Senator from Michigan might have appropriations for his rivers and harbors. The harbor work and the river work in Michigan is so important, some of it international in its character, that it stands absolutely upon its merits.

I desire to especially emphasize the consideration of my honored friend from Ohio and his just judgment of a situation on the east shore of Michigan when I call attention to a little item of $25 000 for the harbor at Arcadia. Now that the poetic effulgence of the Senator from New Hampshire [Mr. GALLINGER] has lost its charm in this Chamber, the common sense of the Senator from Ohio reconfirms the item for Arcadia, the one item in the bill which defied the Board of Engineers and the recommendations of the War Department—$25,000 to complete an improvement which will cost altogether but $50,000, when the Engineer Corps said it would cost $140,000. Therefore by our economy we have saved $90,000 to the Government, and we give to those people all they ask.

Now, Senators, to say that this is a pork-barrel bill is a slander.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH of Michigan. Certainly.

Mr. LEWIS. Will the Senator from Michigan while he is on his feet give some demonstration, at least some amplification, in the way in which the commerce on the lake at my home and the home of the able Senator from Ohio is really benefited, both at Chicago and Cleveland, by the improvement of these very Michigan streams? If it be true that it would aid commerce and aid navigation to such an extent as to contribute to both localities along the lake just as much as to the State of Michigan?

Mr. SMITH of Michigan. Oh, yes; you take this very case of Princess Point.

Mr. LEA of Tennessee. Mr. President, I simply rise to give notice of my intention, as this debate is out of order, after the Senator from Michigan concludes—I have no desire to take him off the floor—to make the point of order and object to anything otherwise than the reading of the substitute.

Mr. SMITH of Michigan. Well, Mr. President, I am through.

Mr. LEA of Tennessee. I have no desire to take the Senator from Michigan off his feet. I merely desire that the reading of the substitute shall proceed.

Mr. SMITH of Michigan. I am through; but it is very pertinent to say that if we can get to the specific items in the bill Senators will see how unjust and unfair most of these criticisms are.

Mr. LEWIS. Mr. President, I wish to draw to the attention of the able Senator from Michigan my real purpose. A very able newspaper published in the city where I live, which commands respect for any position it takes, which paper is circulated in the jurisdiction of the Senator from Michigan, has been for some time laboring under what I feel has been a wholly wrong impression as to the facts of this bill. The Tribune condemns those who may support the bill, all under the apprehension that it was a mere bill of exchange courtesies and reciprocities, and that therefore these improvements along such ports and streams like those referred to in Michigan in no wise contribute to the general commerce. I ask the able Senator from Michigan if he will amplify as to the matter, so that it would clearly demonstrate the importance of those rivers to serve the general commerce upon the Lakes, if such be true, particularly for small craft entering Chicago?

Mr. SMITH of Michigan. I do not think that the paper referred to means to be unfair. The Chicago papers are recognized as great journals and marvelous vehicles of public thought, and I have no criticism to make upon their policy; they are strictly within their rights; but Chicago and all Lake Michigan ports are interested in the safety of navigation on Lake Superior. Of course the Senator from Illinois understands that the Government has performed a marvelous engineering feat at St. Marys River, making it a useful avenue of commerce. I do not know that the shipping from Chicago into Lake Superior would necessarily go through Princess Point cut-off, but all vesselmen recognize the importance of this improvement, and the Chief of Engineers strongly urges it upon the attention of Senators, while the importance of the improvement to navigation can best be stated in the language of the Copper Country Commercial Club, from which I quote:

COPPER COUNTRY COMMERCIAL CLUB,
*Houghton, Mich., November 26, 1913.*

Hon. WILLIAM ALDEN SMITH,
*United States Senate, Washington, D. C.*

DEAR SIR: Inasmuch as you have always displayed a sincere interest in the welfare of Michigan and her institutions, I am taking the liberty of writing you upon a subject of supreme importance to the copper country and to vessel owners throughout the Great Lakes.

As you will note by a chart which I am mailing you under separate cover, Princess Point forms a sharp projection into Portage Lake or River, narrowing the channel and causing a sharp bend, which is a source of danger to the larger boats navigating the local canals. This condition may be remedied by a cut-off across the point, which will reduce the distance, straighten and broaden the channel, and result in a general improvement. This cut-off has been sought for years by the marine interests of the Great Lakes. It has been indorsed by the local engineer in charge, and the rivers and harbors act of 1913 contained a provision for a preliminary examination, with a view to making this cut-off. The examination was made by the district officer and the improvement approved. It was recommended that a curved channel three-fourths mile long, 200 feet wide, and 20 feet deep be cut across the point, at an estimated cost of $138,000. When these recommendations were presented to the Board of Engineers for Rivers and Harbors an unfavorable report was made by the latter, on the grounds that the improvement would be an added convenience but not a necessity. This opinion seems to be based upon the conclusion that only the smaller vessels make use of the Keweenaw waterways.

As a matter of fact, the largest boats plying the Great Lakes are engaged in delivering coal to local docks and carrying away copper for lower ports. These boats, 600 feet over all, and with a tonnage of 11,000 to 14,000, are the principal sufferers from the present conditions. It is almost impossible for them to make this tortuous passage without accident. Delay and serious inconvenience is suffered on every trip, and our local commerce is sadly handicapped as a result.

In addition to the boats engaged in local commerce, other large vessels plying between the head of the lakes and lower ports regularly make use of the Keweenaw waterways in rough weather, when it is extremely dangerous to round Keweenaw Point, as a long list of disastrous wrecks, accompanied by great loss of life and property, will attest. Since Keweenaw Point is the danger center, boats bound up or down the lake may continue their voyage uninterrupted by taking the safe passage through the Portage Lake Canals, thus effecting a great saving in time and minimizing the danger associated with the navigation of Lake Superior.

* * * * * * *

Yours, very truly,

G. L. PRICE, *Corresponding Secretary.*

The Government engineer says that the preliminary examination report shows that a million tons of freight pass through this point. It is for this traffic, carried on by fairly large lake vessels, that the improvement is sought; but it would not, as a rule, divert the large class of vessels from the course in the lake for the distance between Duluth and Sault Ste. Marie around the outside of Keweenaw Point, although it would be somewhat shorter through this waterway and much safer than it now is. I am not quoting the engineer literally.

The local traffic through this point to which I refer amounts to $1,400,000 of freight and is very extensive, and covers shipments from Illinois and through Lake Michigan ports. Safety, however, and expedition are the most important results to be obtained. The Commercial Club of Duluth says, regarding the Princess Point cut-off, that the public affairs committee at a meeting unanimously approved the recommendation of the subcommittee. The project has been pending for several years and ought to be completed.

"The distance between Duluth and the Soo through the waterway is slightly greater than around the outside of Keweenaw Point, and it is not probable that many of the larger vessels would be diverted from

the outside route." It is true the larger boats would prefer to run outside of Keweenaw Point during fair weather, but during the rough weather, provided there would be a good inside passage, they would save time by using it, as the difference is only 5 miles. When you consider that the sharp turn at Princess Point will interfere with the navigating of vessels 350 feet in length, you must consider that a large part of lake traffic is compelled to take the outside route.

* * * * * * *

The estimated cost of this work, $138,000, is small when taking into consideration the great benefits which would result to vessels passing to and from the west end of Lake Superior, together with water traffic to Houghton, Hancock, and vicinity.

* * * * * * *

The improvement of the Canadian canals will bring increased Lake traffic in moderate-sized vessels and barges, making a greater necessity for a harbor of refuge on the south shore of Lake Superior.

The Princess Point cut-off is intended to make shipping safer, and you can not economize in this item without taking the chances of wrecks in that vicinity. The whole item is but $138,000, and the Senator from Ohio has asked that $60,000 be stricken off that item.

It is not a Michigan item solely, as I said a few moments ago; it is as much to the interest of all the Lake States as it is to the interest of Michigan.

Mr. BURTON. Will the Senator from Michigan yield to me?

Mr. SMITH of Michigan. Certainly.

Mr. BURTON. Is it not true, whatever the Senator's State pride may be, that he must admit that the harbors of Michigan are but stopping places, way stations, for the traffic between Minnesota and Illinois, on the one hand, and Ohio and New York on the other? Is it not true that that is one of the distinctions of the State of Michigan; that it affords places where boats that are bound for Cleveland and Ashtabula and Buffalo can stop and raise their pennants, showing where they are going and that the people of another State are coming into their harbors and becoming acquainted with Michigan?

Mr. SMITH of Michigan. I am quite willing that the Senator from Ohio should make that statement, but I would hardly want to say that these Michigan harbors are mere way stations. The truth is that they are very important, and while we frequently receive visits from the ships of other waters, we still regard ourselves as very important from the commercial and the shipping point of view.

But once again—and then I am through—I wish to say that I have no appropriations in this bill, the Senator from Minnesota has no appropriations in this bill, that amount to anything scarcely. If you take out the items of Princess Point cut-off, we would have scarcely anything in this bill. It is not fair or just to say that there has been any trafficking for appropriations by the Senators of other States or by Representatives in the other House of Congress, for there was not a single item put in that bill for Michigan in the House of Representatives that was not properly estimated for by the engineers and affirmatively recommended.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Ohio?

Mr. SMITH of Michigan. I yield to the Senator.

Mr. BURTON. I do not want to indulge in any badinage, but I do want to bring out the facts. Is it not true that you could put all the traffic in the harbors on the west shore of Lake Michigan, including Alpena and Port Huron and the others, inside of Cleveland and have about half the traffic of Cleveland and Ashtabula left after it was all put in there?

Mr. SIMMONS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from North Carolina rises to a point of order. The Senator will state his point of order.

Mr. SIMMONS. I intended to make the point of order that debate was out of order, but I will not interfere with the Senator from Michigan.

Mr. SMITH of Michigan. I am not going to take any further time. The Senator from Ohio just propounded a question to me with reference to the importance of Cleveland Harbor, which I am perfectly will that he shall make unchallenged. I have a pride in Cleveland Harbor and am very glad to see the commerce of that section develop and grow. I recognize it is important, but we have these waterways; they are natural to Michigan; the Government is exercising jurisdiction over them; the State has no power over them; the Government has taken them as wards and the Government proceeds to improve them in its way. Now, we have not had any trafficking of any kind or character to secure an item in this bill, and I rejoice that in the entire list of Michigan items there is not a criticism from the Senator from Ohio and there is not a criticism from the Senator from Iowa. It shows that they appreciate real commercial advantages when they see them for the Government and for the States that are to be materially benefited.

The PRESIDING OFFICER. The Secretary will read.

The Secretary resumed the reading of the proposed substitute presented by Mr. BURTON.

Mr. CHAMBERLAIN. Mr. President, I note in going over the proposed Oregon appropriations that the continuing contract was left out at the mouth of the Columbia River. I will ask the Senator whether that was intentionally done, or whether it is an oversight?

Mr. BURTON. I will say frankly that it is not, altogether. My idea was to put in the same amount that the Committee on Commerce recommended a week ago Friday. In drawing so large a bill it is manifest that some omissions would be made. The engineers reported that that would enable them to make a very favorable contract. I have forgotten what the amount was.

Mr. SMITH of Michigan. One million five hundred thousand dollars.

Mr. CHAMBERLAIN. Yes; $1,500,000. That is what the amended proposition of the committee is—to place it on the continuing-contract system for the prosecution of the work and provide $1,500,000; but I notice the Senator left out the continuing contract.

Mr. BURTON. I am inclined to think that was an error in copying.

Mr. CHAMBERLAIN. I am glad to know that.

Mr. JONES. Mr. President, I should like to ask the Senator a question with reference to Willapa Harbor.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. BURTON. I do.

Mr. JONES. It was put in in the House and stricken out in the committee, I think; and I notice the Senator has stricken it from his substitute. I want to ask the Senator if he left it out unintentionally or not?

Mr. BURTON. Oh, I think not. In framing this substitute the idea was that the recommendation of the Senate Committee on Commerce, made at the meeting a week ago Friday night, should be the high-water mark. Personally I believe in that improvement at Willapa Harbor.

Mr. JONES. Yes; I think it is one of the most meritorious items in the bill.

Mr. BURTON. I was personally inclined to agree to it. I would prefer to see the whole thing taken care of by continuing contract or else left out entirely. That is the way to do business.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. BURTON. I do.

Mr. CHAMBERLAIN. May I suggest to the Senator, as it is in line with his present views, that that continuing contract may be added to the substitute of the Senator?

Mr. BURTON. One million five hundred thousand dollars?

Mr. CHAMBERLAIN. Yes.

Mr. BURTON. I should not object.

Mr. CHAMBERLAIN. I will ask that that be done.

Mr. BURTON. But it adds to the authorizations in the bill. It is useless, when we are committed to an improvement, to pare down amounts. That is my objection to the substitute offered by the Senator from North Carolina—that the reductions made in particular bills do not in any large amount diminish the ultimate cost.

Mr. JONES. I wish to say to the Senator, with reference to the Willapa Harbor item, that in talking with several members of the committee they admitted that it was a sort of oversight to have stricken that item out, and that they would be willing to have it inserted in the substitute that has been proposed. I take it that the Senator would not seriously object to having it inserted.

Mr. BURTON. I should not like to object, but this is true: In the substitute proposed by the Senate Committee on Commerce we left out certain new projects, and my fear would be that there would be just grounds of complaint on the part of others where there were omissions. Of course the Senator from Washington knows that that item is in the House bill, and that in conference the matter can be adjusted.

Mr. JONES. Yes, I know that; but there is absolutely no reason in the world for striking it out of the bill. If any item is justified, that item is justified.

Mr. BURTON. I want to say further in regard to the whole bill—and I might as well say it now, and I should like the attention of Senators—that this substitute contains many items that do not appeal to my judgment at all, or to that of others who have been opposing this bill; but it was drawn in a spirit of concession and compromise. It was drawn in contemplation

of the fact that beginning in 1910 we have wandered far, as I think, from salutary methods of making appropriations. We have readopted the old plan of making small appropriations in separate bills. I recognize, however, that the judgment of the opponents of this bill can not be accepted in its entirety. If the bill should come up for discussion, it is possible that I shall myself move to strike out some of the smaller items in this substitute.

I do not think the $250,000 for the Missouri River ought to be in there at all, because there is a considerable balance on hand; but what did we want to do? Obtain the passage of the bill if we could; get it through. There are very substantial cuts in that substitute. It takes out the Delaware & Chesapeake Canal; it takes out the Oklawaha River; it takes out the Sacramento and Feather Rivers; it takes out a number of minor projects, and means an ultimate saving, I think I am safe in saying, of twenty or thirty million dollars, anyway; perhaps more.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. I do.

Mr. SIMMONS. With the permission of the Senator from Ohio, I should like to get the matter before the Senate, and then of course the Senator can proceed with his argument; but if it does not inconvenience him, I would rather if he would let me——

Mr. BURTON. The substitute should be read through. It is not quite finished.

Mr. SIMMONS. The substitute has been read.

Mr. BURTON. It has not been finished yet.

Mr. SIMMONS. Oh, I thought it had been finished.

Mr. BURTON. Not entirely.

The PRESIDING OFFICER. The Secretary will conclude the reading of the substitute.

Mr. JONES. Mr. President, I should like to ask the Senator from Ohio a question. He is familiar with the situation in reference to the Willapa Harbor item. I think it is an unusually meritorious one. The engineers make a statement with reference to it that I think I have not seen made with reference to any other project. They state that the people of the locality have taken full advantage of what the Government has heretofore done. I should like to ask the Senator if he would have any objection to adopting that as a part of his amendment?

Mr. BURTON. I would hardly wish to express myself upon that matter at this time; it is so bound up with the general plan to get through a bill. I recognize that there is merit in it, and if it were not that it is a new project I would answer immediately yes; but there are altogether too many new projects in this bill already.

Mr. SIMMONS. Mr. President, I rise to a point of order. The reading of the substitute is going on.

The PRESIDING OFFICER. The Secretary will resume the reading of the substitute.

The reading of Mr. BURTON's amendment was concluded. It is as follows:

*Be it enacted, etc.*, That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the construction, completion, repair, and preservation of the public works hereinafter named:

Improving harbor at Portland, Me.: Continuing improvement, $105,000.

Improving Wills Strait, Casco Bay, Me.: Completing improvement in accordance with the report submitted in House Document No. 1416, Sixty-second Congress, third session, $16,500.

Improving St. Croix River, Me.: Completing improvement, $84,000.

Improving harbor at Burlington, Vt.: For maintenance and repair of breakwater, $2,000.

Improving Narrows of Lake Champlain, N. Y. and Vt., in accordance with the report submitted in House Document No. 1387, Sixty-second Congress, third session, and subject to the conditions set forth in said document, $200,000.

Improving harbor at Beverly, Mass., in accordance with the report submitted in House Document No. 220, Sixty-third Congress, first session, and subject to the conditions set forth in said document, as modified in the report in Rivers and Harbors Committee Document No. 8, Sixty-third Congress, second session, $123,000.

Improving harbor at Salem, Mass.: For maintenance, $7,500.

Improving harbor at Boston, Mass.: For maintenance, $200,000.

Improving Malden River, Mass.: The amount appropriated for this improvement by the river and harbor act approved July 25, 1912, is hereby made available for expenditure on the modified project recommended in the report submitted in House Document No. 878, Sixty-third Congress second session, subject to the conditions set forth in said document.

Improving Weymouth Fore River, Mass.: Of the balance remaining available from the appropriation made for this improvement by the river and harbor act approved February 27, 1911, so much as shall be necessary is hereby authorized to be expended in increasing the width of the existing 18-foot channel to approximately 400 feet, as recommended in the report submitted in House Document No. 803, Sixty-third Congress, second session.

Improving Pollock Rip Channel, Mass.: Continuing improvement, $125,000.

Improving harbor at New Bedford and Fairhaven, Mass.: Completing improvement and for maintenance, $67,000. The paragraph providing for the improvement of harbor at New Bedford and Fairhaven, Mass., in the river and harbor act approved July 25, 1912, is hereby amended in accordance with recommendation in the report in Rivers and Harbors Committee Document No. 13, Sixty-third Congress, second session, to read as follows: "Improving harbor at New Bedford and Fairhaven, Mass., in accordance with the report submitted in House Document No. 442, Sixty-second Congress, second session, $56,610: *Provided*, That no work shall be undertaken on the project herein adopted until the local authorities shall provide a draw opening in the bridge at Coggeshall Street affording at least 80 feet horizontal clearance and the city shall construct a substantial wharf upon its property at Belleville."

Improving harbor at Fall River, Mass.: For maintenance, $12,000.

Improving Providence River and Harbor, R. I.: That the second proviso in the paragraph of the river and harbor act approved March 4, 1913, providing for the improvement of Providence River and Harbor, R. I., be modified in accordance with recommendation in the report in Rivers and Harbors Committee Document No. 9, Sixty-third Congress, second session, to read as follows: "*Provided further*, That no work in the harbor proper north of Fields Point shall be done until the Secretary of War is satisfied that the State and the city have completed their proposed expenditures in the combined Providence and Pawtucket Harbors up to at least $2,000,000 for public terminals or other permanent harbor improvements, or shall have given to the Secretary of War assurance satisfactory to him that the expenditure of the $2,000,000 aforesaid will be completed within a time satisfactory to him and not later than three years from the passage of this amendment."

Improving harbor at Stonington, Conn.: For maintenance, $6,000.

Improving harbor at New London, Conn., in accordance with the report submitted in House Document No. 613, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $70,000.

Improving harbor at New Haven, Conn.: Continuing improvement and for maintenance, $30,000.

Improving harbor at Milford, Conn.: Completing improvement in accordance with the report submitted in House Document No. 232, Sixty-third Congress, first session, $6,700.

Improving harbor at Greenwich, Conn.: Completing improvement in accordance with the report submitted in House Document No. 289, Sixty-third Congress, first session, $35,000.

Improving Thames River, Conn.: For maintenance, $10,000.

Improving Connecticut River, Conn.: For maintenance of improvement below Hartford, $15,000.

Improving harbor at Bridgeport, Conn.: Completing improvement in accordance with the report submitted in House Document No. 898, Sixty-third Congress, second session, $50,000. The unexpended balance of appropriations heretofore made for improvement of the harbor at Bridgeport, Conn., is hereby made available for continuing improvement of said harbor in accordance with the report submitted in said House Document No. 898, Sixty-third Congress, second session.

Improving harbor at Port Chester, N. Y.: Continuing improvement, $15,000.

Improving harbor at Mattituck, N. Y.: Completing improvement and for maintenance, $14,350.

Improving harbor at Huntington, N. Y.: For maintenance, $5,000.

Improving Hempstead Harbor, N. Y.: For maintenance, $5,000.

Improving harbor at Saugerties, N. Y.: Continuing improvement and for maintenance, $2,500.

Improving harbor at Rondout, N. Y.: For maintenance, $5,000.

Improving harbor at Tarrytown, N. Y.: Completing improvement and for maintenance, $8,000.

Improving Sheepshead Bay, N. Y.: For maintenance, $3,000.

Improving New York Harbor, N. Y.: Improving channel in upper bay in accordance with the report submitted in House Document No. 518, Sixty-third Congress, second session, $150,000.

Improving channel in Gowanus Bay, N. Y.: Continuing improvement of Bay Ridge and Red Hook Channels, $200,000.

Improving Hudson River Channel of New York Harbor, N. Y.: Continuing improvement, $125,000.

Improving harbor at Buffalo, N. Y.: Completing improvement, $167,375.

Improving Black Rock Harbor, N. Y.: The unexpended balances of appropriations heretofore made and authorized for the improvement of Black Rock Harbor and Channel, N. Y., and Tonawanda Harbor and Niagara River, N. Y., are hereby consolidated and made available for completing improvement of Black Rock Harbor and Channel and Tonawanda Harbor in accordance with the report submitted in House Document No. 658, Sixty-third Congress, second session, and subject to the conditions set forth in said document.

Improving harbor at Charlotte, N. Y.: For maintenance, $24,000.

Improving harbor at Oswego, N. Y.: Continuing improvement in accordance with plan A and for maintenance, $100,000.

Improving harbor at Plattsburg, N. Y.: Completing improvement and for maintenance, $2,868.

Improving Bronx River, N. Y.: Continuing improvement, $100,000.

Improving East Chester Creek, N. Y.: Continuing improvement, $20,000.

Improving Westchester Creek, N. Y.: Completing improvement, $36,500.

Improving East River and Hell Gate, N. Y., in accordance with the report submitted in House Document No. 188, Sixty-third Congress, first session, $400,000: *Provided*, That so much as may be necessary of this and any other appropriations made for specific portions of New York Harbor and its immediate tributaries may be allotted by the Secretary of War for the maintenance of these waterways by the collection and removal of drift.

Improving Harlem River, N. Y.: Continuing improvement, $100,000; and the Secretary of War is authorized and directed to cede to the State of New York all the lands heretofore acquired by the United States in the bed of that part of the Harlem River lying outside of the channel lines proposed for the Harlem River improvement in project No. 3, printed in House Document No. 557, Sixty-second Congress, second session, to a new bulkhead line to be established by the Secretary of War along the lines of said channel according to the project: *Provided*, That the cession hereby authorized and made shall take effect only upon the cession to the United States by the State of New York of the land and land under water, with any improvements thereon, lying between the channel lines proposed in said project: *Provided further*, That possession of the land hereby authorized to be ceded

by the United States to the State of New York shall not be surrendered to said State until and only when the Chief of Engineers of the United States Army shall have certified that the new channel is open for navigation and that the land ceded is no longer necessary for the right of way of the Harlem River Ship Canal.

Improving Newtown Creek, N. Y.: For maintenance, $30,000.

Improving Hudson River, N. Y.: Continuing improvement and for maintenance, $750,000.

Improving Staten Island Sound, N. Y. and N. J.: Continuing improvement, $400,000.

Improving Raritan Bay, N. J.: For maintenance, $20,000.

Improving Newark Bay and Passaic River, N. J.: Continuing improvement, $150,000.

Improving Woodbridge Creek, N. J.: For maintenance, $6,000.

Improving Keyport Harbor, Matawan Creek, Raritan, South, and Elizabeth Rivers, Shoal Harbor and Compton Creek, and Cheesequake Creek, N. J.: For maintenance, $8,000.

Improving Shoal Harbor and Compton Creek, N. J.: Completing improvement in accordance with the report submitted in House Document No. 40, Sixty-third Congress, first session, $56,800.

Improving Shrewsbury River, N. J.: For maintenance, $10,000.

Improving Cooper River, N. J.: For maintenance, $5,000.

Improving Raccon Creek, N. J.: For maintenance, $8,000.

Improving Salem River, N. J.: For maintenance, $10,000.

Improving Alloway Creek, N. J.: For maintenance, $3,000.

Improving Maurice River, N. J.: Continuing improvement and for maintenance, $30,000.

Improving Toms River, N. J.: For maintenance, $1,000.

Improving harbor at Pittsburgh, Pa.: For maintenance, $5,000.

Improving Monongahela River, Pa., by the reconstruction of Lock and Dam No. 6: Completing improvement, $178,200.

Improving Chester River, Pa.: Completing improvement in accordance with the report submitted in House Document No. 677, Sixty-second Congress, second session, $3,600.

Improving Delaware River, Pa., N. J., and Del.: Continuing improvement and for maintenance from Allegheny Avenue, Philadelphia, to the sea, $1,000,000.

Improving harbor at Wilmington, Del.: For maintenance, $40,000, of which amount $5,000, or so much thereof as shall be necessary, may be expended in the completion of the dredging plant and appurtenances heretofore authorized.

Improving Appoquinimink, Murderkill, and Mispillion Rivers, Del.: Continuing improvement and for maintenance, $22,000.

Improving Appoquinimink River, Del.: Completing improvement in accordance with the report submitted in House Document No. 149, Sixty-third Congress, first session, $11,000.

Improving Murderkill River, Del., in accordance with the report submitted in House Document No. 1058, Sixty-second Congress, third session, $12,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

Improving Mispillion River, Del., in accordance with the report submitted in House Document No. 678, Sixty-second Congress, second session, $35,200: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

Improving St. Jones River, Del.: The provisos attached to the items making appropriation for the improvement of St. Jones River, Del., in the river and harbor acts of June 25, 1910, and February 27, 1911, are hereby modified to read as follows: "*Provided*, That no part of said amount shall be expended for the excavation of any cut-off until a satisfactory title to the land required for that cut-off shall have been transferred to the United States, free of cost, and the United States shall have been released from all claims for damages arising from the proposed diversion of the stream."

Improving Little River, Del.: For maintenance, $1,000.

Improving Leipsic River, Del.: For maintenance, $5,000.

Improving inland waterway between Rehoboth Bay and Delaware Bay, Del.: Continuing improvement, $109,000: *Provided*, That the Secretary of War is hereby authorized to condemn a right of way through the tracks of the Delaware, Maryland & Virginia Railroad Co. where the line of said waterway intersects said railroad tracks, the basis of condemnation to be the building, maintenance, and operation of a proper drawbridge by the United States, or the payment by the United States to the railroad company of such sum of money as may be awarded in the condemnation proceedings, as full compensation for such right of way, including actual cost of constructing such bridge and the capitalized cost of its maintenance and operation, whichever method may, in the judgment of the Secretary of War, be deemed most advantageous and economical to the United States; and any funds appropriated for improving said waterway are hereby made available for paying the award that may be made in said proceedings: *Provided further*, That of the appropriation herein made the sum of $12,300, or so much thereof as shall be necessary, may be applied to the restoration of the channel between Assawaman Bay and Indian River Bay and for the repair and alteration of existing bridges built by the United States across said channel.

Improving Curtis Bay Channel, Baltimore Harbor, Md.: Completing improvement in accordance with the report submitted in House Document No. 7, Sixty-third Congress, first session, $123,700.

Improving harbors at Rockhall, Queenstown, Claiborne, and Cambridge, and Chester, Choptank, Warwick, Wicomico, Pocomoke, La Trappe, and Manokin Rivers, and Tyaskin Creek, Md.: For maintenance, $30,500.

Improving Breton Bay, Md.: Completing improvement in accordance with the report submitted in House Document No. 127, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $3,000.

Improving Elk and Little Elk Rivers, Md.: For maintenance, $2,500.

Improving Corsica River, Md.: Completing improvement, $4,800.

Improving Tuckahoe River, Md.: For maintenance, $1,500.

Improving Chester River, Md.: Completing improvement in accordance with the report submitted in House Document No. 797, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $12,000.

Improving Tred Avon River, Md.: Completing improvement of the North Fork of Tred Avon River in accordance with the report submitted in House Document No. 27, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $19,600.

Improving Potomac River: For maintenance of improvement at Washington, D. C., $20,000.

Improving Anacostia River, D. C.: Continuing improvement, $75,000.

Improving harbor at Norfolk, Va., and vicinity, in accordance with the report submitted in House Document No. 605, Sixty-third Congress, second session, $170,000. The unexpended balance of appropriations heretofore made for improvement of channel to Norfolk, Va., is hereby made available for continuing improvement of said channel in accordance with the report submitted in said House Document No. 605, Sixty-third Congress, second session.

Improving Mattaponi and Pamunkey Rivers, Va.: For maintenance, $7,000.

Improving Rappahannock River, Va.: For maintenance, $10,000.

Improving Nansemond River, Va.: For maintenance, $3,000; completing improvement in accordance with the report submitted in House Document No. 1246, Sixty-second Congress, third session, $4,500; in all, $7,500.

Improving James River, Va.: Continuing improvement and for maintenance, $100,000.

Improving Appomattox River, Va.: For maintenance, $5,000.

Improving Blackwater River, Va.: For maintenance, $2,000.

Improving waterway on the coast of Virginia: For maintenance, $1,000.

Improving Hampton Creek, Va.: Completing improvement in accordance with the report submitted in House Document No. 29, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $27,000.

Improving Locklies Creek, Va.: Completing improvement in accordance with the report submitted in House Document No. 612, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $4,100.

Improving Occoquan Creek, Va.: Completing improvement in accordance with the report submitted in House Document No. 661, Sixty-third Congress, second session, $43,000.

Improving waterway from Norfolk, Va., to sounds of North Carolina: For maintenance, $3,000.

Improving harbor of refuge at Cape Lookout, N. C.: Continuing improvement, $300,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $700,000, exclusive of the amounts herein and heretofore appropriated or authorized.

Improving harbor at Beaufort, N. C.: For maintenance, $5,000.

Improving Beaufort Inlet, N. C.: For maintenance, $10,000.

Improving harbor at Morehead City, N. C.: For maintenance, $2,000.

Improving Meherrin River, N. C.: For maintenance, $1,000.

Improving Roanoke River, N. C.: For maintenance, $2,000.

Improving Pembroke Creek, N. C.: Completing improvement in accordance with the report submitted in House Document No. 630, Sixty-third Congress, second session, $10,000.

Improving Scuppernong River, N. C.: For maintenance, $2,000; completing improvement in accordance with the report submitted in House Document No. 1196, Sixty-second Congress, third session, $31,800; in all, $33,800.

Improving Fishing Creek, N. C.: For maintenance, $1,000.

Improving Pamlico and Tar Rivers, N. C.: Completing improvement up to Greenville and for maintenance of improvement above Greenville, $18,500.

Improving Bay River, N. C.: For maintenance, $1,000.

Improving Contentnia Creek, N. C.: For maintenance, $2,000.

Improving Smiths Creek, N. C.: For maintenance, $2,000.

Improving Neuse and Trent Rivers, N. C.: Completing improvement and for maintenance, $64,500.

Improving Swift Creek, N. C.: For maintenance, $500.

Improving waterway from Pamlico Sound to Beaufort Inlet, N. C.: For maintenance, $4,000.

Improving New River and waterways to Beaufort, N. C.: Continuing improvement and for maintenance of New River and of inland waterways between Beaufort Harbor and New River and between New River and Swansboro, $28,500.

Improving Northeast, Black, and Cape Fear Rivers, N. C.: For maintenance of improvement of Northeast and Black Rivers and of Cape Fear River above Wilmington, N. C., $13,000; completing improvement of Northeast River, in accordance with the report submitted in House Document No. 1356, Sixty-second Congress, third session, and subject to the conditions set forth in said document, $25,375; in all, $38,375.

Improving Cape Fear River above Wilmington, N. C.: Continuing improvement, with a view to securing a navigable depth of 8 feet up to Fayetteville, $91,000.

Improving Cape Fear River at and below Wilmington, N. C.: Completing improvement and for maintenance, $115,000: *Provided*, That not exceeding $5,000 thereof may be used for clearing to a depth of 10 feet and a width of 150 feet the channel or cut between the main channel of the river and the Carolina Beach Pier.

Improving Shallotte River, N. C.: For maintenance, $1,000.

Improving Bennett River, N. C.: Completing improvement in accordance with the report submitted in House Document No. 1262, Sixty-second Congress, third session, $6,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

Improving harbor at Charleston, S. C.: For maintenance of Ashley River channel, $15,000.

Improving waterway between Charleston and Winyah Bay, S. C.: Completing improvement of Jeremy Creek, S. C., in accordance with the report submitted in House Document No. 660, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $5,000. The unexpended balance of appropriations heretofore made for improvement of waterway between Charleston Harbor and McClellanville, S. C., or so much thereof as may be necessary, is hereby made available for completing improvement of waterway between McClellanville and Winyah Bay, in accordance with the report submitted in House Document No. 178, Sixty-third Congress, first session.

Improving Great Peedee River, S. C.: For maintenance, $10,000.

Improving Santee, Wateree, and Congaree Rivers, S. C.: For maintenance of improvement of Wateree and Congaree Rivers, $30,000; completing improvement of Santee River in accordance with the report submitted in House Document No. 603, Sixty-third Congress, second session, $10,000; in all, $40,000.

Improving waterway from Charleston, S. C., to Savannah, Ga., in accordance with the report submitted in House Document No. 627, Sixty-third Congress, second session, $50,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

Improving Savannah Harbor, Ga.: For maintenance, $250,000; completing improvement in accordance with the report submitted in House Document No. 290, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $154,000; in all, $404,000.

Improving harbor at Brunswick, Ga.: For maintenance, $33,250.

Improving Savannah River, Ga.: For maintennnce below Augusta, $25,000.

Improving Altamaha, Oconee, and Ocmulgee Rivers, Ga.: Continuing improvement, $40,000.

Improving waterway between Savannah, Ga., and Fernandina, Fla: Completing improvement of Generals Cut, Ga., in accordance with the report submitted in House Document No. 581, Sixty-third Congress, second session, $1,000; completing improvement of Back River, Ga., in accordance with the report submitted in House Document No. 1391, Sixty-second Congress, third session, $5,000; in all, $6,000.

Improving Flint River, Ga.: Continuing improvement and for maintenance, $25,000.

Improving Chattahoochee River, Ga. and Ala.: Continuing improvement below Columbus, Ga., and for maintenance, $90,000.

Improving Coosa River, Ga. and Ala.: Continuing improvement and for maintenance between Rome, Ga., and Dam No. 4, Ala., $30,000.

Improving harbor at Fernandina, Fla.: For maintenance, including the entrance channel through Cumberland Sound, Ga. and Fla., $25,000.

Improving Tampa Bay, Fla.: For maintenance, $6,000.

Improving harbor at St. Petersburg, Fla.: For maintenance, $1,500.

Improving Apalachicola Bay, Fla.: Continuing improvement and for maintenance, including Link Channel and West Pass, $25,000.

Improving St. Andrews Bay, Fla.: Continuing improvement and for maintenance, $60,000.

Improving the Narrows in Santa Rosa Sound, Fla.: For maintenance, $5,000.

Improving St. Johns River, Fla.: Continuing improvement from Jacksonville to the ocean, $175,000.

Improving Lake Crescent and Duns Creek, Fla.: For maintenance, $1,000.

Improving Deep Creek, Fla., in accordance with the report submitted in House Document No. 690, Sixty-third Congress, second session, $9,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

Improving Caloosahatchee River, Fla.: For maintenance, $2,000.

Improving Anclote River, Fla., in accordance with the report submitted in House Document No. 18, Sixty-third Congress, first session, $22,000.

Improving Withlacoochee River, Fla.: For maintenance, $1,000.

Improving Apalachicola River, Fla.: Continuing improvement and for maintenance, including the cut-off, Lee Slough, lower Chipola River, and upper Chipola River from Marianna to its mouth, $15,000.

Improving Holmes River, Fla.: For maintenance of improvement from Vernon to the mouth, $3,000.

Improving Blackwater River, Fla.: For maintenance, $5,000.

Improving channel from Clearwater Harbor, through Boca Ceiga Bay to Tampa Bay, Fla.: Completing improvement and for maintenance, $12,000; channel from Tampa Bay to Boca Ceiga Bay, in accordance with the report submitted in House Document No. 135, Sixty-third Congress, first session, $10,700; in all, $22,700.

The Secretary of War is authorized to appoint a board of three officers of the Engineer Corps of the United States Army to examine and appraise the value of the work and franchises of the East Coast Canal, from the St. Johns River to Key West, Fla., with reference to the desirability of purchasing said canal by the United States and the construction over the route of said canal of a free and open waterway having a depth and capacity sufficient for inland navigation. Said board, to the extent that the same can be done from surveys heretofore made under the direction of the War Department, and within the limits of the appropriation herein made, shall also examine and investigate the feasibility, for the purpose of such a waterway, of any parallel route between said points. The said board shall make a report of its work, together with its conclusions upon the probable cost and commercial advantages and military and naval uses of said route or routes, to the Secretary of War, who shall transmit the same to Congress as soon as practicable. The sum of $10,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of said board, including such clerical and other assistance as may be deemed necessary by said board.

Improving Choctawhatchee River, Fla. and Ala.: Continuing improvement and for maintenance, including Cypress Top outlet, $25,000.

Improving Escambia and Conecuh Rivers, Fla. and Ala.: For maintenance, $15,000.

Removing the water hyacinth, Florida, Alabama, Mississippi, Louisiana, and Texas: For the removal of the water hyacinth from the navigable waters in the States of Florida, Alabama, Mississippi, Louisiana, and Texas, so far as it is or may become an obstruction to navigation, $25,000.

Improving harbor at Mobile, Ala.: For maintenance, $125,000, of which amount $5,000 may be used in the removal of sunken logs, deadheads, and other obstructions.

Improving Mobile Bar, Ala.: For maintenance, $20,000.

Improving Alabama River, Ala.: Continuing improvement and for maintenance, including the Alabama and Coosa Rivers between Montgomery and Wetumpka, $75,000.

Improving Black Warrior, Warrior, and Tombigbee Rivers, Ala.: Completing improvement from Mobile to Sanders Shoals on the Mulberry Fork and to Nichol Shoals on the Locust Fork of Black Warrior River by the construction of locks and dams, including the 63-foot dam at Lock No. 17 authorized by act of Congress approved August 22, 1911, $750,000.

Improving Tombigbee River, Ala. and Miss.: For maintenance of improvement from the mouth to Demopolis, Ala., $12,500, and from Demopolis, Ala., to Walkers Bridge, Miss., $18,000; in all, $30,500.

Improving channel connecting Mobile Bay and Mississippi Sound: For maintenance, $10,000.

Improving harbor at Pascagoula, Miss.: The paragraph in the river and harbor act approved March 4, 1913, providing for the improvement of harbor at Pascagoula, Miss., is hereby amended to read as follows: "Improving harbor at Pascagoula, Miss.: For maintenance of improvement of channel at the mouths of Pascagoula and Dog Rivers, and improving channel through Horn Island Pass, Mississippi Sound, Pascagoula River, and Dog River, in accordance with the recommendation of the Chief of Engineers and the Board of Engineers for Rivers and Harbors in report dated February 10, 1914, and printed in Rivers and Harbors Committee Document No. 12, Sixty-third Congress, second session, $110,000: *Provided*, That local interests shall furnish space for public wharves both at Moss Point and at Pascagoula, 800 feet in length and of such width as may be satisfactory to the Secretary of War."

Improving harbor at Gulfport, Miss.: Continuing improvement and for maintenance of anchorage basin at Gulfport and channel therefrom to the anchorage or roadstead at Ship Island, and for the improvement and maintenance of channel at Ship Island Pass, $50,000.

Improving Pascagoula and Leaf Rivers, Miss.: For maintenance, $14,000.

Improving Pearl River, Miss.: Continuing improvement and for maintenance below Rockport, $16,000.

Improving Yazoo River, Miss.: For maintenance of improvement of mouth of Yazoo River, $10,000. The sums herein and hereafter appropriated for such maintenance, together with any unexpended balance of appropriations heretofore made, shall be expended under the direction of the Secretary of War.

Improving Yazoo River and tributaries, Miss.: For maintenance of improvement, including Yazoo, Tallahatchie, Big Sunflower, and Coldwater Rivers, Tallahatchie River above the mouth of Coldwater River, Tchula Lake, Steele and Washington Bayous, Lake Washington, and Bear Creek, $40,000.

Improving Big Sunflower River, Miss.: Continuing improvement, $90,000.

Improving Southwest Pass, Mississippi River: Continuing improvement and for maintenance, $300,000.

Improving Bayou Teche, La.: Continuing improvement and for maintenance, $30,000; for improvement in accordance with the report submitted in House Document No. 1329, Sixty-second Congress, third session, $50,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement; in all, $80,000.

Improving waterway from Bayou Teche to Mermentau River, La.: The unexpended balance of amounts heretofore appropriated for the waterway from Franklin to Mermentau, La., is hereby made available for expenditure in accordance with the plan for improving the waterway from Bayou Teche to Mermentau River submitted in House Document No. 610, Sixty-third Congress, second session, which plan of improvement is hereby adopted: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

Improving Bayou Vermilion and Mermentau River, La.: For maintenance of improvement of channel, bay, and passes of Bayou Vermilion and Mermentau River and tributaries, and continuing improvement and maintenance of Bayou Plaquemine Brule, $12,000.

Improving Vermilion River, La., and channel to connect Vermilion River with the inland waterway at Schooner Bayou, in accordance with the report submitted in House Document No. 1336, Sixty-second Congress, third session, $37,500: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

Improving Bayou Terrebonne, La.: Completing improvement, $25,000.

Improving Atchafalaya River, La.: For maintenance, $10,000.

Improving Lake Pontchartrain, La.: Completing improvement in accordance with the report submitted in House Document No. 176, Sixty-third Congress, first session, $32,000.

Improving Bayou Grossetete, La.: Completing improvement and for maintenance, $9,000.

Improving Johnsons Bayou, La.: For maintenance, $5,000.

Improving Bayous Bartholomew, Macon, D'Arbonne, and Corney, and Boeuf and Tensas Rivers, La.: For maintenance, $16,000.

Improving Galveston Channel, Tex.: Continuing improvement by construction of sea wall extension in accordance with the report submitted in House Document No. 1390, Sixty-second Congress, third session, which is hereby adopted under the conditions therein named $100,000: *Provided*, That no part of the amount herein appropriated shall be expended, except for surveys and other preliminary work, and no contract shall be entered into under this appropriation until the county or city of Galveston and other local interests shall have donated the necessary lands to the United States, and shall have quieted all claims to the present San Jacinto Reservation, nor until the said county or city of Galveston shall have obtained a right of way and made provision in a manner satisfactory to the Secretary of War for paying the cost of constructing at least 3,300 feet of sea wall extension in addition to that herein appropriated for: *Provided further*, That the entire work of construction shall be done under the direction of the Secretary of War, and the funds appropriated by Congress and those furnished by the county or city of Galveston shall be expended by him: *And provided also*, That the pavement of the roadway and sidewalk along the new sea wall shall conform in with to that heretofore constructed by the county of Galveston.

Improving Galveston Channel, Tex.: Continuing improvement and for maintenance under the existing project, which contemplates the excavation of a channel 30 feet deep and 1,200 feet wide from the inner bar to Fifty-first Street, and 700 feet wide from Fifty-first to Fifty-sixth Streets, $100,000: *Provided*, That at such time as in the discretion of the Secretary of War the same may be required in the interests of navigation and commerce the western terminus of said channel may be extended to Fifty-seventh Street with a width of 1,000 feet between Fifty-first and Fifty-seventh Streets, as recommended in the report submitted in House Document No. 328, Sixty-first Congress, second session.

Improving channel to Port Bolivar, Tex.: For maintenance, $25,000.

Improving Port Aransas, Tex.: Continuing improvement, $800,000.

Improving Sabine Pass, Tex.: Continuing improvement and for maintenance of Sabine Pass and Port Arthur Canal, $550,000.

Improving the Sabine-Neches Canal, Tex., from the Port Arthur Ship Canal to the mouth of Sabine River, the Neches River up to the town of Beaumont, and the Sabine River up to the town of Orange, as provided for in the river and harbor act of February 27, 1911.

That the channels which the Beaumont navigation district, or other local interests, and the Orange navigation district, or other local interests, are required, by the aforesaid act to maintain for a term of three years, free of cost to the United States, are hereby defined as, respectively, the channel from the mouth of the Neches River up to Beaumont, Tex., and the channel from the mouth of the Neches River up to Orange, Tex.: *Provided*, That nothing herein shall be construed as relieving said Beaumont navigation district of its obligation to provide for the operation and maintenance of the guard lock without cost to the United States as required by said river and harbor act of February 27, 1911.

Improving Houston Ship Channel, Tex.: For maintenance, $200,000.

Improving Anahuac Channel, Trinity River, Oyster Creek, and Cedar, Chocolate, Turtle, Bastrop, Dickinson, Double, and East Bay Bayous: For maintenance, $25,000.

Improving inland waterway on coast of Texas: For maintenance of the West Galveston Bay-Brazos River section, $15,000; for mainte-

nance of the Brazos River-Matagorda Bay section, $25,000; for maintenance of the Aransas Pass-Pass Cavallo section, $30,000; for completing improvement and for maintenance of Guadalupe River up to Victoria, $15,000; in all, $85,000.

Improving mouth of Brazos River, Tex.: For maintenance, $25,000.

Improving Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000; continuing improvement and for maintenance by open-channel work from Velasco to Old Washington, $25,000; in all, $225,000.

Improving channel from Pass Cavallo to Port Lavaca, Tex.: For maintenance, $5,000.

Improving channel from Aransas Pass to Corpus Christi, Tex.: For maintenance, $15,000.

Improving Trinity River, Tex.: Continuing improvement with a view to obtaining a depth of 6 feet between the mouth and Dallas by the construction of locks and dams heretofore authorized, $140,000; for maintenance of improvement by open-channel work, $15,000; in all, $155,000.

Improving Cypress Bayou, Tex. and La.: For maintenance, $5,000.

Improving Colorado River, Tex.: Completing improvement in accordance with the report submitted in Rivers and Harbors Committee Document No. 3, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $5,000.

Improving Saline River Ark.: For maintenance, $3,000.

Improving Arkansas River, Ark. and Okla.: Continuing improvement and for maintenance, including works at Pine Bluff and the completion and operation of dredging plant, $64,700.

Improving White River, Ark.: For maintenance, $31,800.

Improving Cache River, Ark.: For maintenance, $3,000.

Improving Black and Current Rivers, Ark. and Mo.: For maintenance, $33,150.

Improving St. Francis River, Ark.: For maintenance of improvement of St. Francis and L'Anguille Rivers and Blackfish Bayou, $6,000.

Improving French Broad River, Tenn.: Completing improvement and for maintenance of French Broad and Little Pigeon Rivers, $23,515.

Improving Tennessee River, Tenn., Ala., and Ky.: Continuing improvement and for maintenance, as follows: Below Riverton, Ala., $120,000: *Provided*, That no further amount shall be expended on locks or dams in this river until further and express action of Congress.

Improving Cumberland River below Nashville, Tenn.: Continuing improvement by the construction of Locks and Dams B, C, and D, $250,000.

Improving Big Sandy River, W. Va. and Ky.: For completing guide wall below Lock No. 1, $25,000.

Improving harbor at Toledo, Ohio: Completing improvement and for maintenance, $135,000.

Improving harbor at Port Clinton, Ohio: For maintenance, $500.

Improving harbor at Huron, Ohio: For maintenance, $2,500; completing improvement in accordance with the report submitted in House Document No. 5, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $34,500: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement; in all, $37,000.

Improving harbor at Vermilion, Ohio: For maintenance, $7,000.

Improving harbor at Cleveland, Ohio: For maintenance by dredging and repair of breakwaters, $150,000.

Cuyahoga River, Ohio: The sum of $5,000 is hereby appropriated to enable the Secretary of War to prepare, in cooperation with local interests, a complete and definite plan of improvement, as recommended in House Document No. 707, Sixty-third Congress, second session: *Provided*, That the Government shall not be deemed to have entered upon such project until funds for the commencement of work under the plan to be submitted to Congress in accordance with this authority shall have been actually appropriated by law.

Improving harbor at Fairport, Ohio, in accordance with the report submitted in House Document No. 206, Sixty-third Congress, first session, $158,000.

Improving harbor at Conneaut, Ohio: Continuing improvement, $243,530.

Improving Ohio River: Continuing improvement and for maintenance by open-channel work, $350,000.

Improving Ohio River: Continuing improvement by the construction of locks and dams with a view to securing a navigable depth of 9 feet, $2,000,000.

Improving harbor at Ontonagon, Mich.: For maintenance, $10,000.

Improving harbor at Marquette, Mich.: For maintenance, $2,000.

Improving Menominee Harbor and River, Mich. and Wis.: For maintenance, $7,500; completing improvement in accordance with the report submitted in House Document No. 228, Sixty-third Congress, first session, $3,400; in all, $10,900.

Improving harbor at South Haven, Mich.: For maintenance, $17,000.

Improving harbor at Muskegon, Mich.: For maintenance, $5,000.

Improving harbor at Ludington, Mich.: For maintenance, $21,000.

Improving harbor at Frankfort, Mich.: For maintenance, $3,000.

Improving harbor at Charlevoix and entrance to Pine Lake, Mich.: For maintenance, $4,000.

Improving harbor at Alpena, Mich.: For maintenance, $5,000.

Improving harbor of refuge at Harbor Beach, Mich.: For repairs to piers and maintenance of improvement, $362,380.

Waterway across Keweenaw Point, Mich.: Continuing improvement by the construction of harbor of refuge at the eastern entrance, $75,000.

Improving harbor at Arcadia, Mich.: Completing repairs to the north and south piers from the shore line of Lake Michigan to the shore line of the inner harbor, $25,000.

Improving St. Marys River at the falls, Mich.: Continuing improvement by the construction of a fourth lock, $250,000: *Provided*, That so much as may be necessary of the unexpended balance of appropriations heretofore made for the construction of the new third lock may, in the discretion of the Secretary of War, be applied to the deepening and enlargement of the tailrace of the United States power plant, in order to increase the capacity of said plant.

Improving Black River at Port Huron, Mich.: Continuing improvement and for maintenance, $30,000.

Improving Clinton River, Mich.: For maintenance, $2,000.

Improving harbor at Ashland, Wis.: Continuing improvement and for maintenance, $10,000.

Improving Sturgeon Bay and Lake Michigan Ship Canal, Wis.: Completing improvement in accordance with the report submitted in House Document No. 1382, Sixty-second Congress, third session, $33,000.

Improving harbor at Two Rivers, Wis.: For maintenance, $25,000.

Improving harbor at Port Washington, Wis.: For maintenance, $2,500.

Improving harbor at Racine, Wis.: For maintenance and continuing improvement in accordance with the reports submitted in House Document No. 62, Fifty-ninth Congress, first session, and in the Annual Report of the Chief of Engineers, United States Army, for the fiscal year ending June 30, 1909, $182,400.

Improving harbor at Kenosha, Wis.: For maintenance, $7,500.

Improving Fox River, Wis.: Continuing improvement from Depere up to Portage, including maintenance of improvement of Wolf River and of the harbors heretofore improved on Lake Winnebago, $25,000. And the Secretary of War is hereby authorized to convey, by quitclaim deed, to the State of Wisconsin, or to the city of Portage, free of cost, all the right, title, and interest of the United States in and to the "Portage Levee," including the right of way on which it is built, whenever the proper authorities of said State, or of said city, shall satisfy the Secretary of War that they are empowered by law to accept the same.

Improving Warroad Harbor, Minn.: For maintenance, $2,000.

Improving Zippel Bay, Lake of the Woods, Minn.: For maintenance, $1,000.

Improving harbor at Agate Bay, Minn.: For maintenance, $5,000.

Improving Baudette Harbor and River, Minn.: Completing improvement in accordance with the report submitted in House Document No. 109, Sixty-third Congress, first session, $2,750.

Improving Red River of the North, Minn. and N. Dak.: Continuing improvement and for maintenance, $7,500.

Improving Indiana Harbor, Ind.: For maintenance, $25,000.

Improving harbor at Michigan City, Ind.: Completing improvement and for maintenance in accordance with the report submitted in House Document No. 659, Sixty third Congress, second session, $48,600.

Grand Calumet River, Ind.: That a change in the location of the channel of the Grand Calumet River through the lands of the Gary Land Co. and the Indiana Steel Co., corporations organized under the laws of the State of Indiana, in sections 34, 35, and 36, township 37 north, range 8 west, and in sections 2 and 3, township 36 north, range 8 west, Lake County, Ind., from the original location of such channel to a new location within the strip of land hereinafter described and the construction of a new channel within said strip of land, as the same has been done by said companies, is hereby authorized and approved: *Provided*, That the said Gary Land Co. and the said Indiana Steel Co. shall convey to the United States, free of cost, the right and easement to use said new channel and said strip of land as and for a free public waterway of the United States, and upon the acceptance of such conveyance by the Secretary of War the old channel of the river through the said lands shall be abandoned as a navigable waterway, and in its stead the aforesaid new channel, and any enlargement thereof which Congress may hereafter authorize, shall become and forever remain a free public waterway of the United States and shall be subject to the laws heretofore and hereafter enacted by Congress for the improvement, preservation, and protection of navigable waters: *Provided further*, That the said companies or corporations shall have the right to occupy and use so much of the said strip of land as lies outside the high-water limits of the said new channel until such time as Congress shall authorize and make provision for the enlargement, widening, or other improvement of said channel, it being understood that such occupation and use shall be for temporary purposes only and that the said companies or corporations shall place no structures or works of any kind on said strip or do anything that will tend to obstruct said channel or interfere with its free navigation by the public: *And provided further*, That nothing herein contained shall be construed as conferring any right, power, or privilege in conflict with any law or statute of the State of Indiana, in which said river is located.

The said strip of land above referred to is described as follows: Beginning at a point on the west line of section 3, township 36 north, range 8 west, Lake County, Ind., which is 323.3 feet south of the northwest corner of said section; thence running easterly 3,430 feet, more or less, along a straight line which, if continued, would intersect the east line of said section 3 at a point which is 319. feet south of the northeast corner of said section 3; thence along a curve convex to the south 1,017.45 feet, said curve having a radius of 5,829.6 feet; thence northeasterly 1,580 feet, more or less, along a straight line, said straight line making an angle of 10° with the first-described straight line; thence along a curve convex to the north 900 feet, more or less, said curve having a radius of 5,629.6 feet, to a point which is 100 feet, more or less, north of the south line of section 35 and also 1,170 feet, more or less, west of the middle line of said section 35; thence along a curve convex to the north 1,171.5 feet, more or less, said curve having a radius of 11,563.2 feet, to a point on the middle line of section 35, which is 154 feet north of the south line of said section 35; thence easterly 1,612.5 feet, more or less, along a straight line which, if continued, would intersect the east line of said section 35 at a point which is 176 feet north of the southeast corner of said section 35; thence along a curve convex to the southeast 413.06 feet, said curve having a radius of 623.7 feet; thence northeasterly along a straight line 1,150 feet, more or less, to the south shore of the old river bed of the Grand Calumet River, said straight line making an angle of 38° with the last described straight line; thence westerly 450 feet, more or less, along the south shore of the said old river bed of the Grand Calumet River; thence southwesterly 700 feet, more or less, along a straight line which is parallel to the aforementioned 1,150-foot line and 150 feet distant from same (measured at right angles); thence along a curve convex to the southeast 313.88 feet, said curve having a radius of 473.7 feet and being parallel to the aforementioned 413.06-foot curve and 150 feet distant from same (measured at right angles); thence westerly 2,700 feet, more or less, along a straight line which is paralel to the aforementioned 1,612.5-foot line and 150 feet distant from same (measured at right angles); thence along a curve convex to the north 1,017.45 feet, said curve having a radius of 5,829.6 feet and being parallel to the aforementioned 900-foot curve and 200 feet distant from same (measured at right angles); thence southwesterly along a straight line 1,580 feet, more or less, said line being parallel to the aforementioned 1,580-foot line and 200 feet distant from same (measured at right angles); thence along a curve convex to the south 982.54 feet, said curve having a radius of 5,629.6 feet and being parallel to the aforementioned 1,017.45-foot curve and 200 feet distant from same (measured at right angles); thence westerly 3,430 feet, more or less, along a straight line which is parallel to the aforementioned 3,430-foot line and 200 feet distant from same (measured at right angles) to a point on the west line of section 3; thence southerly along said line of said section 3 200 feet, more or less, to the point of beginning, containing approximately 46,209 acres.

Improving harbor at Waukegan, Ill.: For maintenance, $10,000.

Improving harbor at Calumet, Ill.: Completing improvement in accordance with the report submitted in House Document No. 237, Sixty-third Congress, first session, $38,170.

Improving Chicago River, Ill.: For maintenance, $10,000.

Improving Calumet River, Ill. and Ind.: For maintenance, $10,000.

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement with a view to securing a permanent channel depth of 9 feet, $6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees, and which may be done, in the discretion of the Secretary of War, by hired labor, or otherwise, between Head of Passes and Cape Girardeau, Mo., and for surveys, including the survey from Head of Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That of the money hereby appropriated so much as may be necessary shall be expended in the construction of suitable and necessary dredge boats and other devices and appliances and in the maintenance and operation of the same: *Provided further*, That the watercourses connected with said river and the harbors upon it, now under the control of the Mississippi River Commission and under improvement, may, in the discretion of said commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amount herein appropriated: *Provided further*, That a survey with report shall be made by the Mississippi River Commission of the Atchafalaya River in accordance with the general plan of said commission for the improvement of the Mississippi River, and in making such survey and report, if in their opinion the improvement of the Atchafalaya is desirable, consideration shall be given and recommendation made as to any plans for cooperation on the part of local interests: *Provided further*, That the salary of the civilian members of the Mississippi River Commission shall hereafter be $5,000 per annum.

Any funds which are herein, or may hereafter be, appropriated by Congress for improving the Mississippi River between Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between Head of Passes and Rock Island, Ill., in such manner as in their opinion shall best improve navigation and promote the interest of commerce at all stages of the river.

Improving Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement and for maintenance, $250,000.

Improving Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement and for maintenance, $800,000.

Improving Mississippi River from St. Paul to Minneapolis, Minn.: Continuing improvement, $70,000.

Improving Mississippi River in Minnesota, between Brainerd and Grand Rapids: Continuing improvement, $8,000.

Improving the Mississippi River between Winnibigoshish and Pokegama Reservoirs, and the Leech River from its mouth to Leech Lake Dam, Minn.: Continuing improvement, $30,000.

Improving Osage River, Mo.: Continuing improvement and for maintenance, $15,000.

Improving Gasconade River, Mo.: Continuing improvement and for maintenance, $15,000; completing improvement in accordance with the report submitted in House Document No. 190, Sixty-third Congress, first session, $6,500; in all, $21,500.

Improving Kansas River, Kans.: In accordance with the report submitted in House Document No. 584, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $6,000; and the sum of $4,000 appropriated by the river and harbor act approved July 25, 1912, for improvement of Kansas River, Kans., up to Argentine, in accordance with the report submitted in House Document No. 94, Sixty-second Congress, first session, is hereby made available for completing the project herein adopted.

Improving Missouri River: For improvement and maintenance from Kansas City to Sioux City, $50,000; continuing improvement and for maintenance from Sioux City to Fort Benton, $50,000; in all, $100,000.

Improving Los Angeles Harbor, Cal.: For maintenance of improvement by dredging in the inner harbor, east and west basins, and entrance channel, $75,000.

Improving Los Angeles Harbor, Cal., in accordance with the report submitted in House Document No. 896, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $200,000.

Improving harbor at San Francisco, Cal.: For maintenance, $9,000.

Improving harbor at Oakland, Cal.: Continuing improvement and for maintenance, $98,000: *Provided*, That if in the judgment of the Secretary of War the prices received in response to advertisement for bids for dredging are not reasonable, so much of the amount herein appropriated as shall be necessary may be expended for the purchase or construction of a suitable dredging plant.

Improving harbor at Richmond, Cal., in accordance with the report submitted in House Document No. 515, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $50,000.

Improving San Pablo Bay, Cal.: For maintenance of channel through Pinole Shoal, $40,000.

Improving Humboldt Harbor and Bay, Cal.: For completion and repair of the jetties at the entrance, $525,000.

Improving San Rafael Creek, Cal.: Completing improvement in accordance with the report submitted in House Document No. 801, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $27,300.

Improving Napa River, Cal., in accordance with the report submitted in House Document No. 795, Sixty-third Congress, second session, $20,000: *Provided*, That no expense shall be incurred by the United States for acquiring any land required for the purpose of this improvement.

Improving Petaluma Creek, Cal., in accordance with the report submitted in House Document No. 118, Sixty-third Congress, first session, $7,500.

Improving Sacramento and Feather Rivers, Cal.: Continuing improvement and for maintenance, $25,000.

Improving harbor at Coos Bay, Oreg.: For maintenance of the completed channels in Coos Bay and operating the bar dredge, $50,000.

Improving Nehalem Bay, Oreg.: Completing improvement, $116,175.

Improving Coquille River, Oreg.: Continuing improvement and for maintenance and connecting north jetty with the shore, $90,000.

Improving Coos River, Oreg.: For maintenance, $3,000.

Improving Siuslaw River, Oreg.: For maintenance, $5,000.

Improving Siuslaw River, Oreg.: Continuing improvement, $112,500: *Provided*, That an equal amount be provided for the purpose by the port of Siuslaw or other agency, to be expended by the Secretary of War upon the same terms and conditions as those prescribed in connection with the work authorized by the river and harbor act, approved February 27, 1911.

Improving Snake River, Oreg., Wash., and Idaho: Continuing improvement and for maintenance up to Pittsburg Landing, Oreg., $10,000.

Improving Columbia River and tributaries above Celilo Falls to the mouth of Snake River, Oreg. and Wash.: Continuing improvement, $20,000.

Improving Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash.: Completing improvement, $525,000.

Improving Columbia River at Cascades, Oreg.: Continuing improvement, $10,000.

Improving Willamette and Yamhill Rivers, Oreg., in accordance with the report submitted in House Document No. 13, Sixty-second Congress, first session, $40,000.

Improving Willamette River, Oreg.: For the purchase of the existing canal and locks around the Willamette Falls at Oregon City, Oreg., and completing improvement in accordance with the report submitted in House Document No. 1060, Sixty-second Congress, third session, $80,000.

Improving Columbia and Lower Willamette Rivers below Portland, Oreg.: Continuing improvement and for maintenance, $300,000: *Provided*, That of the funds herein appropriated, $6,000, or so much thereof as may be necessary, may be expended in completing improvement at Cathlamet, Wash., in accordance with the report submitted in House Document No. 120, Sixty-third Congress, first session.

Improving mouth of Columbia River, Oreg. and Wash.: Continuing improvement and for maintenance, including repairs and operation of dredge, $1,000,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,500,000, exclusive of the amount herein and heretofore appropriated.

Improving Clatskanie River, Oreg.: For maintenance, $1,000.

Improving Grays Harbor and Chehalis River, Wash.: For maintenance of improvement of inner portion of Grays Harbor and of Chehalis River up to Montesano, $50,000.

Improving Grays Harbor and bar entrance, Wash.: For maintenance, $110,000.

Improving Cowlitz and Lewis Rivers, Wash.: Continuing improvement and for maintenance, including North and East Forks of Lewis River, $16,000.

Improving Grays River, Wash.: For maintenance, $500.

Improving Skamokawa Creek, Wash.: Completing improvement in accordance with the report submitted in House Document No. 111, Sixty-third Congress, first session, $1,800.

Improving Puget Sound, Wash.: For maintenance of improvement of Puget Sound and its tributary waters, $25,000.

Improving Swinomish Slough, Wash.: That for the purpose of aiding in the improvement and maintenance of the channel across Padilla Bay, and securing the cooperation of local interests therein, the Secretary of War may authorize said local interests to construct a system of dikes and dredge along the said channel, and in connection therewith to close the adjacent streams known as Indian Slough and Telegraph Slough, all in accordance with such plans as may be approved by him on the recommendation of the Chief of Engineers: *Provided*, That no expense shall be incurred by the United States on account of said improvement.

Improving Skagit River, Wash.: For maintenance, $10,000.

Improving Skagit River, Wash.: Completing improvement at Skagit City Bar, in accordance with the recommendation of the Chief of Engineers, contained in House Document No. 935, Sixty-third Congress, second session, $30,000.

Improving Columbia River between Bridgeport and Kettle Falls, Wash.: Completing improvement, $25,000.

Improving Apoon mouth of Yukon River, Alaska: Completing improvement in accordance with the report submitted in House Document No. 991, Sixty-third Congress, second session, $45,000.

Improving Harbor at Honolulu, Hawaii: Continuing improvement and for maintenance, $125,000: *Provided*, That if in the judgment of the Secretary of War the prices received in response to advertisement for bids for dredging are not reasonable, so much of the amounts herein and heretofore appropriated as shall be necessary may be expended for the purchase or construction of a suitable dredging plant.

Improving harbor at Hilo, Hawaii: Continuing improvement, $100,000.

Improving harbor at San Juan, P. R., in cooperation with the local government, in accordance with the report submitted in House Document No. 865, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $200,000.

Appropriations made for the respective works herein named, or so much thereof as shall be necessary, may, in the discretion of the Secretary of War, be used for maintenance and for the repair and restoration of said works whenever from any cause they have become seriously impaired, as well as for the further improvement of said works.

Surveys and examinations provided for in this section shall, unless otherwise expressed, be paid for from the appropriations made for the respective improvements or projects to which they pertain or in connection with which they are mentioned.

Mr. SIMMONS. Mr. President, I ask that the Senate now proceed to the consideration of the bill for amendment, and I ask unanimous consent that the committee amendments be first considered.

The PRESIDING OFFICER. The Senator from North Carolina asks that the Senate proceed to the consideration of the bill for amendment, and asks unanimous consent that the committee amendments be first considered. Is there objection?

Mr. BURTON. I want to ask several questions before that is agreed to.

Mr. SHEPPARD rose.

Mr. BURTON. I understand the Senator from Texas desires to make a request of the Senator from North Carolina?

Mr. SHEPPARD. Yes; I wish to request that 200 copies of the substitute prepared by the Senator from Ohio be printed.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that 200 copies of the substitute offered to section 1 by the Senator from Ohio be printed. Is there objection?

Mr. LEA of Tennessee. I ask the Senator from Texas to withhold that request for the time being. I may not object, but I will object if the request is insisted on now.

Mr. SHEPPARD. Very well, I will withhold it for the present. I shall renew it shortly, and I hope that I can have it adopted.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the committee amendments be first considered. Is there objection?

Mr. BURTON. I wish to ask several questions about that. In the first place, as I understand it, the Senator from North Carolina proposes to introduce one omnibus amendment to section 1.

Mr. SIMMONS. Yes; a substitute for section 1.

Mr. BURTON. The other amendments that have been proposed by the committee are wiped out?

Mr. SIMMONS. Yes; to that section.

Mr. BURTON. As far as section 1 is concerned.

Mr. SIMMONS. I wish——

Mr. BURTON. I wish to ask the Senator from North Carolina, and it is in part a parliamentary inquiry, Does there exist the free right to propose amendments to any paragraph or portion of this section 1?

Mr. SIMMONS. I so understand.

Mr. SMOOT. I will ask the Senator if under the rule it is not permissible to offer any amendment to the substitute or to the original House bill before the vote is taken?

Mr. SIMMONS. I suppose that would be true.

Mr. SMOOT. I understand that to be the case.

Mr. NORRIS. Mr. President——

Mr. BURTON. If the Senator from Nebraska will kindly yield to me for a parliamentary inquiry, I do not wish to have any uncertainty about this question. Is it the opinion of the Chair that if this substitute for section 1 be offered the right exists to offer an amendment to any paragraph or portion of it after it is introduced? I say that in no disparagement to——

The PRESIDING OFFICER. The Chair does not understand that it would be proper for him to undertake at this time to bind the Senate upon any ruling upon a parliamentary inquiry of that character. The Chair has no hesitancy in stating, however, that it is the opinion of the present occupant of the chair that the substitute for section 1 offered by the Senator from North Carolina is subject to amendment.

Mr. BURTON. Any paragraph, any portion of it. The only confusion I would suggest that might arise is from the fact that originally this bill was filed in a somewhat different form with amendments here and there in section 1. Now, those are withdrawn and there is one general amendment presented as a substitute for section 1.

Now, I wish to ask another question.

Mr. SIMMONS. Will the Senator pardon me a moment? I wish to assure the Senator that we have no disposition to foreclose the right of amendment, and, so far as we can, the committee would be perfectly willing to agree that it should be open to amendment.

The PRESIDING OFFICER. The Chair will ask the Senator from North Carolina to speak so that he can be heard by the Chair.

Mr. SIMMONS. I said that we have no desire on this side to foreclose amendments to the first section of the bill, and so far as we could control it we would agree that it should be open to amendment. If that does not suit the Senators present, I hope they will state their objections.

Mr. BURTON. The practice is sometimes adopted, when amendments are proposed, to move to lay them on the table. I will put the direct question to the Senator from North Carolina, Is there any intention, if we move amendments to that section, of interjecting motions to lay them on the table?

Mr. SIMMONS. I will say frankly to the Senator that we not only desire that there should be freedom of discussion, but there is no disposition to invoke the rule he has referred to unless we should think there was a disposition to filibuster or unreasonably to take up time.

Mr. BURTON. May I ask the Senator from North Carolina what he would regard as an unreasonable filibuster?

Mr. SIMMONS. That is a term which has always been regarded by lawyers as exceedingly difficult to define. We can only tell by the environment and the conditions which may surround the discussion.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. SIMMONS. I want to be frank, and I will say that it is not our purpose to move to lay amendments on the table unless it is clear that the object of the filibuster or discussion is to kill time.

Mr. BURTON. Of course, the judgment of the Senator from North Carolina might differ from my own as to what would be killing time. There is a good deal of important discussion which would yet occur on this section 1.

Mr. SIMMONS. The Senator understands——

Mr. BURTON. The opponents of the bill desire an orderly discussion of the subject, but nevertheless they request time. Some of these provisions will require a good deal of time to discuss. There is not any disposition to protract the discussion unduly.

Mr. SIMMONS. The Senator would not expect me to agree that under any and all circumstances I would not move to lay an amendment on the table. That has been rather unusual in this body. It has not been very often resorted to, and I shall not desire in any way to prevent a fair discussion. I will ask the Senator would he be willing to agree to a time for the discussion?

Mr. BURTON. I do not think the time is ripe for that. In the first place, a proposition for a settlement by a conference of this whole matter has been pending. I attended a meeting yesterday which I thought virtually had reached a conclusion, and I was somewhat surprised that I was compelled to make a night of it last night after that meeting. In view of the fact that a postponed meeting was called for to-day at 10 o'clock at which it was hoped we would reach an agreement I have no desire to unduly postpone the consideration of this bill. I will be perfectly outspoken. If it appears when some of these items are being discussed that Senators have an open mind upon the subject and they are not going to cling together and vote for what we call objectionable items, if they will vote according to their individual judgment, we can make good progress on the bill. But if there is any indication of a combination, that the cohesive influence of common interests in the provisions of the bill are exercising an influence, it will take more time to discuss it.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. BURTON. I yield.

Mr. SIMMONS. I suppose——

Mr. CHAMBERLAIN. I think I have the floor.

The PRESIDING OFFICER. The Senator from Ohio has yielded to the Senator from Oregon.

Mr. CHAMBERLAIN. I desire to suggest to the Senator from Ohio that he have his proposed substitute printed along with the substitute of the committee in parallel columns, so that we may see the changes. I tried to keep up with the amendment of the Senator from Ohio as it was being read, but I may have overlooked some items.

Mr. BURTON. I should like to have that done, but I understand the Senator from Tennessee [Mr. LEA] objects.

Mr. LEA of Tennessee. No; I did not object. I said I did not want the request made at that time because I wanted to find out the attitude of the Senator from Ohio toward the bill. If from this time on the Senator is not going to permit any unanimous-consent agreements proposed by the advocates of the bill, I think this request should not be granted by the advocates of the bill to the opponents of the bill.

Mr. BURTON. Those subjects are entirely disconnected. Here is a bill read in the Senate at the desk. The Members followed it, but it was impossible to follow all the provisions. That is one factor in the situation, and it is a concrete proposition, and when it is asked that we shall agree to that, the other has not any connection with it.

Mr. LEA of Tennessee. I am not asking you to agree to a definite time, but the Senator from North Carolina made what I think is a very fair and reasonable request, and I want to see the attitude of the opponents of the bill.

Mr. JONES. Will the Senator from Ohio let me suggest to the Senator from Tennessee that the request of the Senator from Oregon [Mr. CHAMBERLAIN] is one made in the interest of the convenience of Senators, to enable them to pass upon these various propositions, and it seems to me it ought to be granted in order that Senators may have every facility to acquaint themselves with the different propositions that are before us. I tried to follow the reading of the substitute and to note the changes, but I could not do it entirely. I marked a good many of them, but I could not keep up with all the reading. I should

like very much, indeed, to have these various propositions printed, so that I may acquaint myself with them.

Mr. BRANDEGEE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Connecticut rises to a point of order. The Senator will state his point of order.

Mr. BRANDEGEE. I simply make it because I want to stick to one thing at a time. The Senator from North Carolina has submitted a request for unanimous consent, and I do not see how another request for unanimous consent can be submitted.

Mr. SIMMONS. I simply interrogated the Senator from Ohio and asked him if he would not be willing to agree upon the discussion upon this measure.

Mr. BURTON. I do not think it is time to agree on it. I do not anticipate that we are going to have trouble. I will say frankly that, after having remained in session here all night, I do not like to remain in session another night and into Sunday. I feel prepared to do that if it is the order of the day, but I do not think it is a good way to transact the business of the Senate. I think it would be well to have these two bills printed side by side, to give some consideration to the subject to-day, and at a reasonable hour, perhaps rather early this Saturday afternoon, adjourn. I do not think any plan to keep us here over the night will hasten action upon the bill. It is very trying to stay here all night and talk most of the night, but it is not beyond the possibilities of physical endurance.

Mr. SMITH of Michigan. Mr. President, I do not understand that there is any special difference of opinion between the Senator from Ohio and the Senator from North Carolina. The members of the committee have indicated their intention to allow the widest possible latitude in moving amendments. I do not understand that there is any disposition to change that position.

Mr. SIMMONS. No; I have stated frankly that there was no disposition to curtail that right unless we thought the freedom of debate was being abused. I think a committee always reserves that right.

Mr. SMITH of Michigan. That is all that is asked for, the widest latitude and no attempt to curtail it. It would not be good faith to abuse it. Of course, the Senator can correct an abuse of it.

Mr. BRANDEGEE. I rise to a question of order. What is the question before the Senate?

The PRESIDING OFFICER. The Chair will state that the Chair understood the Senator from North Carolina to ask unanimous consent that the Senate proceed to the consideration of the bill for amendment, and that the Senate committee amendments be first considered. The Chair stated the request, and upon that the discussion has been going on. The Chair understood that to be the question before the Senate. If the Senator from North Carolina states that he did not desire to submit a request, there is nothing before the Senate.

Mr. SIMMONS. I simply got into a colloquy with the Senator from Ohio in response to a question. I did not withdraw the request.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the Senate proceed to the consideration of the bill, and that the Senate committee amendments be first considered. Is there objection?

Mr. BRANDEGEE. We had arrived at that point before. Then the colloquy commenced. It is upon that that I wish to ask the Senator from North Carolina a question. If we give unanimous consent that the substitute of the Senator from North Carolina be taken up, I would like to have coupled with that unanimous consent the right of any Senator to offer an amendment to any part of the proposed substitute of the committee.

Mr. SIMMONS. There is no question about it.

Mr. BRANDEGEE. The Senator said, so far as he can control it, it would be allowed. I do not know why it can not be reasonably made a part of the unanimous consent. That would settle it.

Mr. SMOOT. That is all right.

Mr. SIMMONS. I am perfectly willing that it should be a part of the unanimous consent.

The PRESIDING OFFICER. Then the Senator from North Carolina asks unanimous consent that the Senate proceed to the consideration of the bill, and that the substitute committee amendment be first considered, and that the same be subject to amendment. Is there objection? The Chair hears none. It is so ordered.

The Secretary will read the amendment.

Mr. CHAMBERLAIN. Before the reading is commenced I should like to renew my request to have these bills printed in parallel columns.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent that the amendment offered by the Senator from Ohio and the substitute for section 1 reported by the committee be printed in parallel columns. Is there objection?

Mr. LEA of Tennessee. Before I agree to that I should like to ask the Senator from Oregon if he has any idea when that can be done. When can we get it?

Mr. CHAMBERLAIN. I want it granted so that we can have a new print at the earliest possible day. I presume it can be done by to-morrow morning, while the discussion is going on just the same. This amendment will not be disposed of, and the Senate will not be delayed in reaching a conclusion upon it.

Mr. SIMMONS. With the understanding that the order to print shall not interfere with the proceeding with the consideration of the bill I would have no objection.

Mr. LEA of Tennessee. As to its being used as an argument for delay, I am very frank to say I hope the Senate will stay in continuous session until the bill is acted upon. After the statement made, I will not object.

Mr. BURTON. I did not understand the remark as to the desire to remain in continuous session. I think we would like to know as far as we can what is intended in that regard.

Mr. LEA of Tennessee. I merely voice the hope of an individual Senator. I was not speaking by any authority at all for the committee, because I am not a member of it.

The PRESIDING OFFICER. The Chair will suggest that this proceeding and debate is out of order. The Senator from Oregon has submitted a request for unanimous consent. The request is that the amendment offered by the Senator from Ohio and the substitute for section 1 reported by the committee be printed in parallel columns. Is there objection?

Mr. SIMMONS. I shall not object to that provided it is understood that it will not delay the consideration of the bill.

Mr. SMOOT. I understand the unanimous consent has already been agreed to that we will proceed with the bill.

Mr. SIMMONS. But the request now is for unanimous consent to print the substitute, and I say I shall not object to granting that unanimous consent provided it is not to delay the action of the Senate upon the bill. I do not see that it will cause delay, because I am told that it can be printed in two hours.

Mr. CHAMBERLAIN. The Senator ought to have known that I have no desire to delay the consideration of the bill. I sat here all night to help to hasten it. The discussion will go on just the same. It will not delay the consideration of the bill.

Mr. BRANDEGEE. I demand the regular order.

Mr. JONES. I ask the Senator from Connecticut if he does not——

The PRESIDING OFFICER. The Senator from Connecticut demands the regular order.

Mr. JONES. This is the regular order. I want to ask about the proposed unanimous consent before it is put to the Senate.

The PRESIDING OFFICER. The Chair would be glad to have the Senator from Washington ask his question, but a demand for the regular order is equivalent to an objection. The debate is proceeding by unanimous consent.

Mr. JONES. Excuse me.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Oregon?

Mr. JONES. That is the regular order; and that is the very matter I want to make a suggestion about. Does not the Senator think that we should print also the text of the House bill along with the two substitutes?

Mr. CHAMBERLAIN. I have no objection.

Mr. JONES. I make that amendment to the request—that the text of the House bill and the two substitutes be printed in parallel columns.

The PRESIDING OFFICER. Does the Senator from Oregon agree to the request of the Senator from Washington?

Mr. CHAMBERLAIN. I am satisfied to have the order in that form.

The PRESIDING OFFICER. The Senator from Oregon modifies his request as follows: That the text of the House bill and the amendment offered by the Senator from Ohio and the substitute for section 1 as reported by the committee be printed in parallel columns. Is there objection? The Chair hears none, and it is so ordered. (S. Doc. No. 582.)

The Secretary will read the committee amendment.

Mr. FLETCHER. The substitute has been on the desks of Senators ever since the 5th of the month. I ask unanimous consent to dispense with its reading.

Mr. BURTON. Mr. President, I dislike to interpose on some accounts, because of the possible intimation that it is for delay, but I think the substitute ought to be read, I am frank to say.

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Mr. FLETCHER. It is practically a rereading of what we have just finished reading once, with a few omissions. It seems to me that it is an unnecessary consumption of time. It has been printed.

The PRESIDING OFFICER. The Senator from Florida submits a request for unanimous consent that the reading of the substitute for section 1, reported by the committee, be dispensed with, to which request the Senator from Ohio objects.

Mr. BURTON. I feel compelled to object.

The PRESIDING OFFICER. The Secretary will proceed with the reading.

The Secretary proceeded to read the amendment in the nature of a substitute reported by Mr. SIMMONS from the Committee on Commerce on the calendar day of September 14, 1914.

Mr. SMOOT. May I inquire from what bill the Secretary is reading?

The PRESIDING OFFICER. The Secretary informs the Chair that he is reading from the print of the bill of the calendar day of September 14, 1914, the amendment in the nature of a substitute reported by Mr. SIMMONS, from the Committee on Commerce, to the river and harbor bill. The Secretary will continue the reading.

The Secretary resumed the reading of the amendment, and read to the end of the clause from line 18 to line 22, on page 5.

Mr. BRANDEGEE. I should like the attention of the chairman of the committee, who has offered this substitute.

Mr. SIMMONS. I will ask the Senator from Connecticut if he will not address the Senator from Louisiana [Mr. RANSDELL] with reference to the matter, as I have asked him to relieve me.

Mr. BRANDEGEE. Very well, Mr. President, I will call the attention of the Senator in charge of the proposed amendment which we are now considering to the item on page 5, which has just been read by the Secretary. It is as follows:

Improving harbor at New London, Conn., in accordance with the report submitted in House Document No. 613, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $70,000.

I notice, Mr. President, in the bill as it came to the Senate committee from the other House this item was carried at $170,000. I want to ask the Senator in charge of the bill to explain what the view of the committee is in reducing this item from $170,000 down to $70,000? Of course, all I know about what the committee did is the fact that this appears here suggested by the committee as an amendment. I have before me the document referred to in the appropriation recommending the improvement, and I take it that $170,000 had been estimated for by the Engineer Corps as necessary for the work. I think the Senator will comprehend what I should like to have him explain.

Mr. RANSDELL. Mr. President, I will state that the committee was guided in that reduction by the advice of the Engineer officers. We felt that a very large portion of the working year had already elapsed; that there would be another river and harbor bill at the short session of Congress, which would be passed; we hoped that money would be available before the 4th of March next; and in our attempt to reduce the bill somewhat, so much of the year having elapsed and there being a necessity owing to the war situation for raising additional revenue, we asked the Chief of Engineers whether or not this work and many others could be carried on satisfactorily. He assured us that it could; that if we gave the sum of $70,000 the work would not be injured and that his corps could carry it on satisfactorily with that amount. It was under his advice that the reduction was made—the advice of Col. Taylor, of the Engineer Corps.

Mr. BRANDEGEE. I will say to the Senator that my particular interest in this appropriation arises from the fact that New London is my home city, and I am familiar with the situation there. It is a magnificent harbor, and there is need of the appropriation for this improvement going through. I will state to Senators that this is one of the instances where we believe that when we ask help from others we should show as a guaranty of good faith a disposition to first help ourselves. The then energetic mayor of the city of New London, Mr. Mahan, who is a Member of the other House at present, went to our legislature in the capitol of the State, at Hartford, as a State senator, and through the able presentation that he made to the general assembly of the State of the advantages of that harbor for a great ocean seaport the legislature of the State of Connecticut appropriated $1,000,000 for the erection of wharves and warehouses for ocean steamship traffic and appointed a commission to preside over the development and to prepare the plans. That improvement is now in actual course of construction, and there is no doubt whatever that the commerce of the place will be tremendously developed by the overflow crowded out from the very greatly congested city of New York and other cities which are overwhelmed with ocean steamship traffic that can not be accommodated. So that the Senator will appreciate, I am sure, the interest I take in this matter, and I want to be assured that if this appropriation, as suggested by him, should, in the judgment of the Senate, be sufficient to start this work, it will continue it until such time as the project can be further provided for to insure its fulfillment.

Mr. RANSDELL. Mr. President, I will say to the Senator that just as far as the members of the present Committee on Commerce can commit the Senate to future action he need have no fear. We are all very much in favor of that project. We realize that New London is now carrying on a big work on its terminals, to cost, as the Senator has stated, $1,000,000. We wish a great many cities of this country would follow the example of New London, which, we think, is certainly very much to be praised.

We would not have reduced that appropriation one dollar had not Col. Taylor, the engineer in charge and our adviser, said that it could be reduced to $70,000 without any serious detriment to the work. We treated New London as we treated nearly every other project in the bill; we cut nearly every one in the bill; and I again assure the Senator that he need have no fear on that score when the next bill is framed if the present members of the committee can carry out their views.

Mr. BRANDEGEE. Mr. President, I thank the Senator for his statement, because I know he is a man of his word; and if he occupies the same position in the next Congress as he now occupies, I know that he will recommend the further appropriation. I see the report of the engineer is signed by Maj. G. B. Pillsbury, of the Corps of Engineers. I assume he is the local engineer. Col. Taylor, to whom the Senator refers, was formerly the United States engineer in charge of the district in which New London is located, and is perfectly familiar with the situation. If Col. Taylor makes the statement attributed to him by the Senator, I have faith in it and I will say that, while I regret that the committee could not see its way clear to concur with the House in the appropriation of the full amount, I shall not at this time make a motion to increase that amount, unless other Senators are going to attempt to raise the amounts appropriated by the substitute for projects in which they are interested.

I am willing to submit to a scale down in good faith in the interests of economy and to attempt by a fair compromise to secure the passage of some bill that will not stop the very important waterway improvements in this country. It is only my great interest that something shall be gotten through here; that the matter shall not wind up in a fizzle after all the labor that has been expended upon the items of this bill by the very industrious committees of the two branches of Congress that induces me to consent to this reduction.

Mr. RANSDELL. Mr. President, I assure the Senator that we have tried to be fair in every case; and knowing that the Chief of Engineers understood the proposition very much better than ourselves, we had him prepare a list of the reductions which could be made in the bill without serious detriment to the various projects. I hold that list in my hand. The reductions amount to $18,426,734. I believe we followed him in every instance, except perhaps in regard to one very small item of less than $15,000. We took his advice; we did not try to let any one of the Senators influence us in that matter; and I hope there will be no attempt to raise the amounts which have been allotted to the various projects.

Mr. BRANDEGEE. Mr. President, I understand the Senator perfectly. I did not intend to intimate that he was going to make any attempt to "play favorites" or to make any discrimination between projects, or that his committee would do so, either; but I meant that if a certain Senator more eloquent and of greater influence than I might make a successful appeal here to his colleagues and obtain an increase in an appropriation against the wish of the committee, I should feel that I would be entitled to the same privilege, and I would brush up my eloquence and my influence to the highest point in that endeavor.

Mr. RANSDELL. Of course the Senator can do that, but we will have to resist all attempts to increase the items. I will say that.

Mr. BRANDEGEE. If I am treated in that way, I will join with the Senator and his committee to stave off the others who may be more eager.

Mr. SMITH of Michigan. I hope the Senator from Connecticut will not discount his own eloquence.

Mr. BRANDEGEE. I shall not make any unreasonable demands. I believe in fair play.

Mr. SMITH of Michigan. I know the Senator would not.

Mr. WEEKS obtained the floor.

Mr. BRANDEGEE. I should like to say, if I may be allowed——

The PRESIDING OFFICER. The Senator from Massachusetts has been recognized. Does the Senator from Massachusetts yield to the Senator from Connecticut?

Mr. WEEKS. I yield.

Mr. BRANDEGEE. The very next line of the bill concerns a similar appropriation, and I infer, from what the Senator from Louisiana has just said, that in the case of the item in the bill in relation to New Haven the reduction from $70,000 to $30,000 is made for the same reason.

Mr. RANSDELL. It is done for the same reason. The engineer says that—

It is an old project, the work on which is ordinary dredging, and the reduced amount will permit contracts to be advantageously let.

That is the memorandum furnished to us by Col. Taylor.

Mr. BRANDEGEE. As to the item on page 6, providing for improving the harbor at Bridgeport, Conn., I presume the reduction from $111,000 to $50,000 is in accordance with the same plan and scheme?

Mr. RANSDELL. Yes, sir; I understand that it is in accordance with the same plan.

Mr. BRANDEGEE. Very well, Mr. President, I understand it.

Mr. BRANDEGEE subsequently said:

Mr. President, I ask unanimous consent that the report of the Government engineer in relation to New London Harbor, which is very brief, may be printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Without objection, that may be done.

The matter referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
*Washington, January 16, 1914.*

From: The Chief of Engineers, United States Army.
To: The Secretary of War.
Subject: Preliminary examination and survey of New London Harbor, Conn.

1. There are submitted herewith, for transmission to Congress, reports dated November 22, 1912, and December 10, 1913, with maps, by Maj. G. B. Pillsbury, Corps of Engineers, on preliminary examination and survey, respectively, authorized by the following item contained in the river and harbor act approved July 25, 1912:

"New London Harbor, Conn., with a view to securing increased depth of channel and for report upon the question of cooperation on the part of the State of Connecticut in the improvement of said harbor and its approaches."

2. The existing project for the improvement of New London Harbor provides for a ship channel 400 feet or more in width, 23 feet deep, and about 6,000 feet long in the main harbor, skirting the water front of the city, and for a depth of 15 feet in Shaws Cove. The district officer reports that the least depth in the main channel is 26 feet at mean low water. The commerce of this locality is large and important, but, being mainly coastwise, has not in the past required great depth. In anticipation of the development of a substantial foreign commerce, it appears that the State of Connecticut has purchased lands, prepared designs, and is about to enter into the first contract for the construction of a pier and terminal in the harbor, at a cost of about $1,000,000. The pier is to be 1,000 feet long and of most modern construction, and the slips alongside will be excavated to a depth of 35 feet at mean low water. The district officer is of opinion that these facilities will be taken advantage of by commerce, and to afford the necessary means of approach he believes that it is advisable for the United States to provide a straight channel 600 feet wide and 33 feet deep at mean low water, located as shown on the accompanying maps, at an estimated cost of $330,000. He recommends, however, that the entering into contracts by the proper agencies of the State of Connecticut, covering the essential portions of the proposed terminal construction, be made a condition precedent to the expenditure of funds by the General Government for the channel improvement. The division engineer concurs with the views of the district officer.

3. These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its accompanying report, dated December 30, 1913, concurring with the views of the district officer and the division engineer.

4. After due consideration of the above-mentioned reports, I concur with the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore report that the further improvement by the United States of New London Harbor, Conn., is deemed advisable so far as to provide a channel 33 feet deep at mean low water and 600 feet wide, at an estimated first cost of $330,000, and $2,000 annually for maintenance, the work to be begun only after assurance satisfactory to the Secretary of War has been given that the State will carry out its project of terminal development practically as now proposed and described in the report of the district officer. The first appropriation should be $170,000 and the second $160,000, so as to complete the work in two years.

EDW. BURR,
*Colonel, Corps of Engineers, Acting Chief of Engineers.*

Mr. WEEKS. Mr. President, I should like the attention of either the chairman of the committee or the Senator from Louisiana to the item which has been reached, relating to the development of a 40-foot channel in Boston Harbor. I ask unanimous consent to return to that item, so that I may discuss it briefly at this time with the possibility of taking it up later.

Mr. RANSDELL. Does the Senator ask for an explanation?

Mr. WEEKS. I should like an explanation; then I wish to discuss it somewhat.

Mr. RANSDELL. Mr. President, the memorandum furnished in that matter by Col. Taylor reads as follows:

*Boston Harbor, Mass.*—This is a new project. It provides for a channel 40 feet in depth to the outer or Broad Sound section of the channel. The channel now provided from the sea to Charlestown Navy Yard is 35 feet in depth. The outer portion is subject to the action of heavy seas, and in order to make this section available in all weathers and all stages of the tide and for ships of as great draft as can use the inner channel it is necessary that greater depth be provided than is provided in the still waters of the inner harbor. However, as there is an average tide of about 9 feet, should a deep-draft vessel arrive at the entrance at a stage of the tide when, on account of the condition of the sea, it would be unsafe for her to enter, she could wait until the tide has risen sufficiently to permit her to pass with safety through the channel. The project is, therefore, one which, while it adds greatly to the convenience of the harbor, is not absolutely necessary at the present time. The amount carried in the bill, $400,000, is as small as can be advantageously used, and, as the work must be done by contract, and it is only by letting a large contract that reasonable prices can be obtained, the bill should therefore carry the full $400,000 or nothing, and, as stated above, as the project is not absolutely essential at this time, the omission of the full amount of $400,000 at this time is suggested, with the idea that the project can be adopted at some later time.

Mr. President, just a word more. You will note from this that Col. Taylor suggested that this amount be left out of the bill; and we followed his advice in this particular, as in every other, in making what seemed to us to be the necessary reductions in the bill.

Mr. WEEKS. Mr. President, I assume that I will not be foreclosed from offering an amendment to the bill to restore that item if I do not do it at this time. I am not going to do so until after the bill has progressed sufficiently to determine the character of the items that are going in it; but I do desire to call the attention of the committee, in a brief statement, to this improvement.

Personally, if I were conducting this Government, I should follow the same course that I would in a business or personal enterprise when conditions arose which made it desirable to restrict expenditures. I think at this time the Government should restrict all expenditures to the lowest possible point. I am in favor, as far as possible, of curtailing all appropriations which are made; and if it is the purpose of the committee or of Congress to strike out of this bill all items relating to new developments, simply appropriating to continue the work which has been authorized and is now under way, I do not intend to insist, or attempt to insist, that the appropriation of $400,000 for the new development in Boston shall be undertaken. If, however, the creeks and rivers in various parts of the country, where there is substantially no business now and only an indefinite prospect of business in the future, are to be provided for in this bill in the form of new appropriations, then I insist that the appropriation for the further development of Boston Harbor shall be included in the bill; and at the proper time, unless all new enterprises are cut out of the bill, I shall offer an amendment to restore the item which I am now discussing.

I wish to call the attention of the committee to this fact: Boston is the second largest harbor, in the amount of business conducted, in the United States. For more than 50 years the average revenues collected in Boston have been something like $20,000,000 a year. In other words, a billion dollars has been collected there. Under the present law there is a differential in favor of ports south of New York which makes it desirable that the ports of Boston and New York shall be equipped to do the great general commercial business which accompanies the passenger trans-Atlantic transportation. Therefore, New York Harbor having been developed to a 40-foot channel, it seems to me only fair and right that a 40-foot channel should be provided for Boston as well.

I do not undertake to say that under the immediate, present conditions a 40-foot channel is absolutely essential to Boston; but with the development of larger ships, which is going on from year to year, it is essential if Boston is to get its share of that business.

The State of Massachusetts has not been entirely selfish in the development of its rivers and harbors. For many years it has had a commission which has been dealing with this subject, and the State has made liberal appropriations for the development of channels and harbors along its coast. In the case of Boston Harbor alone there has been appropriated since 1870 by the State $10,787,662.12, of which $5,406,000 was spent under the jurisdiction of the State commission to which I have referred, and the balance, or $5,381,000, by the directors of the port of Boston.

This expenditure by the directors of the port of Boston has been for the development of docks and other facilities which would enable the harbor of Boston to take care of the business

which I have very briefly described. That is a separate and distinct item in its purposes from the one to which I referred as having been spent by our harbor commission. That is money which in most places would have been appropriated for and expended by the National Government. That applies not only to Boston Harbor, but a very large amount of money has been appropriated by the State of Massachusetts in the improvement of its harbors which in other instances, in other States, have been appropriated for by the National Government. Therefore I think Boston and Massachusetts are particularly entitled to the consideration of Congress in this instance.

That is all I wish to say at this time, except to notify the committee that unless all new enterprises are cut out of this bill and appropriations are made simply for the purpose of continuing the improvements which are now under way, I propose to introduce an amendment to reinstate in the bill this item of $400,000 for Boston, and to discuss it at length.

The Secretary resumed the reading of the amendment of the committee, beginning on page 5, line 18, and read to line 22, on page 6.

Mr. BRANDEGEE. I want to ask the same privilege I asked a while ago in relation to Bridgeport, as to the engineer's report being printed in the RECORD.

Mr. RANSDELL. The committee has no objection to that.

The PRESIDING OFFICER. Without objection, that will be done.

The matter referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
*Washington, April 8, 1914.*

From: The Chief of Engineers, United States Army.
To: The Secretary of War.
Subject: Preliminary examination and survey of Bridgeport Harbor, Conn.

1. There are submitted herewith, for transmission to Congress, reports dated November 25, 1912, and March 19, 1914, with maps, by Maj. G. B. Pillsbury, Corps of Engineers, on preliminary examination and survey, respectively, of Bridgeport Harbor, Conn., authorized by the river and harbor act approved July 25, 1912. These reports also fully cover the improvement of Johnsons Creek, Bridgeport, Conn., of which a preliminary examination was called for by the act of March 4, 1913, and therefore no separate report on that subject will be submitted.

2. Bridgeport Harbor comprises two physically distinct waterways with separate entrances into Long Island Sound. These are designated as the main harbor and as Black Rock Harbor. The main harbor has three improved branches, the Pequonock River, Yellow Mill Pond, and Johnsons Creek. Black Rock Harbor has two improved branches, Cedar Creek and Burr Creek. Briefly stated, the existing project provides for a main channel 22 feet deep and 300 feet wide from Long Island Sound to the 22-foot anchorage basin, thence 18 feet deep and 200 feet wide to the Stratford Avenue Bridge across Pequonock River; five anchorage basins, one 22 feet deep, one 18 feet deep, and three 12 feet deep; Pequonock River Channel 18 feet deep and 100 to 230 feet wide from the Stratford Avenue Bridge to Black's coal dock, thence 12 feet deep and 100 feet wide for 750 feet farther to the head of navigation; Yellow Mill Channel 12 feet deep and 100 feet wide from the main channel to the head of Yellow Mill Pond; Johnsons River Channel 9 feet deep and 100 feet wide from the main channel to the head of navigation; Black Rock and Cedar Creek Channel 12 feet deep and 100 feet wide from Black Rock Harbor to the head of navigation in both branches of Cedar Creek; Burr Creek Channel 9 feet deep and 100 feet wide from Cedar Creek Channel to the head of navigation in Burr Creek; and for extension of the east breakwater, construction of the west breakwater, repair and maintenance of existing breakwaters, and construction and maintenance of shore protection on Faverweather Island.

3. The investigations of the district officer lead him to the conclusion that with the exception of the lower part of Johnsons River Channel, the channel depths authorized by the existing project are sufficient to meet the present and reasonably prospective requirements of commerce. The main harbor, besides serving the needs of the water-borne traffic of the adjacent portion of the city, is extensively used as a refuge and in certain seasons is frequented by a large number of oyster boats, and at times it is difficult or impossible to keep the channel clear for the use of passing vessels. In Yellow Mill Channel and Black Rock and Cedar Creek Channels there has been a progressive commercial development and, in the opinion of the district officer, it is advisable to provide increased facilities in these channels. The improvements proposed by him are as follows:

| | |
|---|---|
| Main Channel: | |
| Widening turn at inner breakwater | $58,100 |
| Rectification of upper channel | 28,400 |
| Extension of 12-foot anchorage area | 11,600 |
| Yellow Mill Channel: Shifting lower portion of channel 50 feet to the westward | 3,100 |
| Johnsons River Channel: To provide depths of 12 feet and width of 125 to 175 feet to the first turn at the entrance to the river, thence 9 feet deep and 100 feet wide, increased to 150 and 175 feet at the turns, to a point 350 feet below the dam at the head of navigation | 19,800 |
| Black Rock Harbor and Cedar Creek Channel: Widening and straightening channel, so as to afford a width of 200 feet in Black Rock Harbor proper, 150 feet through the gorge at the entrance to Cedar Creek, 200 feet in the lower reach of Cedar Creek, 150 feet in the upper reach | 54,300 |
| Total | 175,300 |

To this extent the district officer believes the locality worthy of further improvement by the United States, and he recommends the modification of the existing project to provide for this work, and also to authorize a reduction of depth to 7 feet, on account of ledge rock in Burr Creek Channel, with a width of 75 to 100 feet from Cedar Creek Channel to the head of navigation in this creek, and the omission of the upper ends of the Yellow Mill and Johnsons River Channels, where ledge rock was encountered in the course of dredging, above the limits now recommended. If these curtailments of the existing project are authorized, the sum of $64,000, now on hand, will be available for the new work proposed, leaving a balance of $111,300 to be appropriated. The division engineer concurs in the views and recommendations of the district officer.

4. These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its report herewith dated April 8, 1914, concurring with the views of the district officer and the division engineer.

5. After due consideration of the above-mentioned reports, I concur with the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore report that it is advisable to modify the existing project for improvement of Bridgeport Harbor to the extent and in the manner proposed by the district officer, as described in the reports herewith and indicated on the accompanying maps, at an estimated cost of $175,300 for first construction and $10,000 per annum for maintenance. It is recommended that the sum of $64,000, now on hand, be made available for the new work contemplated, and that the balance of the estimate, $111,300, be provided in one appropriation.

DAN C. KINGMAN,
*Chief of Engineers, United States Army.*

The Secretary resumed the reading of the amendment of the committee, and read to line 9, on page 25.

Mr. WEST. I should like to ask the Senator who has the bill in charge a question right there. Was it contemplated by the committee when they made the amendment to the bill reported out from the Senate committee that $40,000 was sufficient until the next appropriation, at the next session of Congress, was made?

Mr. RANSDELL. That is my understanding.

Mr. WEST. I refer to the Altamaha, Oconee, and Ocmulgee Rivers, Ga.

Mr. RANSDELL. I have a memorandum which Col. Taylor furnished us. It reads thus:

Work on this project is carried on entirely with Government plant, and the reduced amount will fully provide for the operation of the plant until March 1, 1915.

I will state to the Senator that these cuts were made on the supposition that there would be another river and harbor bill at the coming short session of Congress.

Mr. WEST. I do not want to introduce any amendment if this amount will be abundantly sufficient to carry on the work until the next appropriation bill is passed.

Mr. RANSDELL. It is my understanding that it will be sufficient.

The PRESIDING OFFICER (Mr. ROBINSON). The Secretary will continue the reading.

The Secretary resumed the reading of the amendment of the committee and read to line 3 on page 26.

Mr. KENYON. I should like to ask the Senator from Louisiana [Mr. RANSDELL] for information as to the appropriation for Coosa River. How much of a deduction is that?

Mr. RANSDELL. Coosa River was originally $65,000 for deep open-channel work between Rome, Ga., and Dam 4, Ala. We reduced that to $30,000. Then there was another item for the Coosa River, Lock 4 and Dam 5, for which the House allowed $16,000, and it was stricken from the bill.

Mr. KENYON. Has the Senator from Louisiana Col. Taylor's remarks as to that?

Mr. RANSDELL. I was just going to add that.

Mr. KENYON. I wish the Senator would.

Mr. RANSDELL. The total amount which was carried in the House bill was $65,000 for the open-channel work, and the Senate committee added $16,000, making a total of $81,000. Here is what Col. Taylor suggests:

Coosa River, Ga. and Ala., between Rome and Dam 4: Work on the section of the river carried on by Government plan and the reduced amount will provide for the continuation of this work until March 1, 1915.

Mr. KENYON. But the additional lock and dam are eliminated.

Mr. RANSDELL. Yes; they are eliminated.

The PRESIDING OFFICER. The Secretary will continue the reading.

The Secretary continued the reading to line 7, on page 27, the last item read being for improving Oklawaha River, Fla.

Mr. KENYON. I should like to ask the Senator from Louisiana if that proposition originally as it came from the House was not stricken out by the committee?

Mr. RANSDELL. It was.

Mr. KENYON. And it is now reinserted?

Mr. RANSDELL. Yes. In the House it was $175,000 to complete the project, and it was reinstated with an appropriation of $100,000 to prosecute the project.

Mr. KENYON. What does the project involve eventually?

Mr. RANSDELL. I will ask the Senator from Florida, who is more familiar with the item than I am, to explain it.

Mr. FLETCHER. I should like at some time to go into this matter quite extensively if the amendment is offered to the sub-

stitute. Before we take it up I will be willing to go into this much of it: The Senate subcommittee subsequently reported to the full committee, and the full committee reported the bill with that provision stricken out, which had been inserted in the House. Upon a further consideration of the matter the full committee reconsidered its action and made a supplemental report, restoring the item.

Mr. KENYON. It was reconsidered after the first report to the Senate.

Mr. FLETCHER. After the report to the Senator. When it reached the Senate the committee agreed to restore it as the House had it. Then, when the substitute was prepared, some time after the former action, the substitute carried it as the committee had agreed before that it should be inserted.

Mr. KENYON. I should like to ask if the sum is reduced?

Mr. FLETCHER. We reduced the amount.

Mr. KENYON. The same applies to the items following that?

Mr. FLETCHER. Yes.

Mr. KENYON. That was stricken out by the committee and then restored.

Mr. FLETCHER. The other one also. If the Oklawaha project is brought into question at all, I desire to deal with it at some length, because it has been a much misrepresented and maligned project.

Mr. KENYON. It will be objected to, of course, and I hope the Senator will at a later time explain it. He has a better knowledge of it than anyone else.

Mr. FLETCHER. I will be glad to do so.

Mr. RANSDELL. I ask the Secretary to continue the reading.

The PRESIDING OFFICER. The Secretary will continue reading the amendment.

The Secretary resumed the reading of the amendment of the committee, and it was continued to line 5, page 45.

Mr. KENYON. Mr. President, may I ask the Senator from Louisiana as to the Ohio River item, for which there is an appropriation of $2,000,000 in the substitute now being read. What change is that from the original bill?

Mr. RANSDELL. That item is found on page 45 of the substitute, lines 3, 4, and 5, and is the same as in the original bill, except that the amount is reduced from $5,000,000 to $2,000,000.

Mr. KENYON. It is a reduction of $3,000,000?

Mr. RANSDELL. Yes.

Mr. KENYON. And does the open-channel work remain the same?

Mr. RANSDELL. The open-channel work remains the same.

Mr. KENYON. So that altogether that makes a reduction of $3,000,000 on the Ohio River?

Mr. RANSDELL. That is correct.

The Secretary resumed and concluded the reading of the proposed substitute, which, entire, is as follows:

Strike out all after the enacting clause in section 1 of the bill and insert the following:

"That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the construction, completion, repair, and preservation of the public works hereinafter named:

"Improving Tenants Harbor, Me.: Completing improvement in accordance with the report submitted in Rivers and Harbors Committee Document No. 12, Sixty-second Congress, third session, $12,500.

"Improving harbor at Portland, Me.: Continuing improvement, $105,000.

"Improving Wills Strait, Casco Bay, Me.: Completing improvement in accordance with the report submitted in House Document No. 1416, Sixty-second Congress, third session, $16,500.

"Improving St. Croix River, Me.: Completing improvement, $84,000.

"Improving harbor at Burlington, Vt.: For maintenance and repair of breakwater, $2,000.

"Improving Narrows of Lake Champlain, N. Y. and Vt., in accordance with the report submitted in House Document No. 1387, Sixty-second Congress, third session, and subject to the conditions set forth in said document, $200,000.

"Improving harbor at Beverly, Mass., in accordance with the report submitted in House Document No. 220, Sixty-third Congress, first session, and subject to the conditions set forth in said document, as modified in the report in Rivers and Harbors Committee Document No. 8, Sixty-third Congress, second session, $123,000.

"Improving harbor at Salem, Mass.: For maintenance, $7,500.

"Improving harbor at Boston, Mass.: For maintenance, $200,000.

"Improving Maiden River, Mass.: The amount appropriated for this improvement by the river and harbor act approved July 25, 1912, is hereby made available for expenditure on the modified project recommended in the report submitted in House Document No. 878, Sixty-third Congress, second session, subject to the conditions set forth in said document.

"Improving Weymouth Fore River, Mass.: Of the balance remaining available from the appropriation made for this improvement by the river and harbor act approved February 27, 1911, so much as shall be necessary is hereby authorized to be expended in increasing the width of the existing 18-foot channel to approximately 400 feet, as recommended in the report submitted in House Document No. 803, Sixty-third Congress, second session.

"Improving Pollock Rip Channel, Mass.: Continuing improvement, $125,000.

"Improving harbor at New Bedford and Fairhaven, Mass.: Completing improvement and for maintenance, $67,000. The paragraph providing for the improvement of harbor at New Bedford and Fairhaven, Mass., in the river and harbor act approved July 25, 1912, is hereby amended in accordance with recommendation in the report in Rivers and Harbors Committee Document No. 13, Sixty-third Congress, second session, to read as follows: 'Improving harbor at New Bedford and Fairhaven, Mass., in accordance with the report submitted in House Document No. 442, Sixty-second Congress, second session, $56,610: *Provided*, That no work shall be undertaken on the project herein adopted until the local authorities shall provide a draw opening in the bridge at Coggeshall Street affording at least 80 feet horizontal clearance and the city shall construct a substantial wharf upon its property at Belleville.'

"Improving harbor at Fall River, Mass.: For maintenance, $12,000.

"Improving Providence River and Harbor, R. I.: That the second proviso in the paragraph of the river and harbor act approved March 4, 1913, providing for the improvement of Providence River and Harbor, R. I., be modified in accordance with recommendation in the report in Rivers and Harbors Committee Document No. 9, Sixty-third Congress, second session, to read as follows: '*Provided further*, That no work in the harbor proper north of Fields Point shall be done until the Secretary of War is satisfied that the State and the city have completed their proposed expenditures in the combined Providence and Pawtucket Harbors up to at least $2,000,000 for public terminals or other permanent public harbor improvements, or shall have given to the Secretary of War assurance satisfactory to him that the expenditure of the $2,000,000 aforesaid will be completed within a time satisfactory to him and not later than three years from the passage of this amendment.'

"Improving harbor at Stonington, Conn.: For maintenance, $6,000.

"Improving harbor at New London, Conn., in accordance with the report submitted in House Document No. 613, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $70,000.

"Improving harbor at New Haven, Conn.: Continuing improvement and for maintenance, $30,000.

"Improving harbor at Milford, Conn.: Completing improvement in accordance with the report submitted in House Document No. 232, Sixty-third Congress, first session, $6,700.

"Improving harbor at Greenwich, Conn.: Completing improvement in accordance with the report submitted in House Document No. 289, Sixty-third Congress, first session, $35,000.

"Improving Thames River, Conn.: For maintenance, $10,000.

"Improving Connecticut River, Conn.: For maintenance of improvement below Hartford, $15,000.

"Improving harbor at Bridgeport, Conn.: Completing improvement in accordance with the report submitted in House Document No. 898, Sixty-third Congress, second session, $50,000. The unexpended balance of appropriations heretofore made for improvement of the harbor at Bridgeport, Conn., is hereby made available for continuing improvement of said harbor in accordance with the report submitted in said House Document No. 898, Sixty-third Congress, second session.

"Improving harbor at Port Chester, N. Y.: Continuing improvement, $15,000.

"Improving harbor at Mattituck, N. Y.: Continuing improvement and for maintenance, $10,000.

"Improving harbor at Huntington, N. Y.: For maintenance, $5,000.

"Improving Hempstead Harbor, N. Y.: For maintenance, $5,000.

"Improving harbor at Saugerties, N. Y.: Continuing improvement and for maintenance, $2,500.

"Improving harbor at Rondout, N. Y.: For maintenance, $5,000.

"Improving harbor at Tarrytown, N. Y.: Completing improvement and for maintenance, $8,000.

"Improving Sheepshead Bay, N. Y.: For maintenance, $3,000.

"Improving New York Harbor, N. Y.: Improving channel in upper bay in accordance with the report submitted in House Document No. 518, Sixty-third Congress, second session, $150,000.

"Improving channel in Gowanus Bay, N. Y.: Continuing improvement of Bay Ridge and Red Hook Channels, $200,000.

"Improving Hudson River Channel of New York Harbor, N. Y.: Continuing improvement, $125,000: *Provided*, That of the amount heretofore appropriated or authorized the unused balance of the estimate for removing the shoal off Hamburg Avenue, Hoboken, to a depth of 40 feet may be applied to such further dredging to that depth as may be required for the safe maneuvering of the deep-draft vessels using that part of the harbor.

"Improving harbor at Buffalo, N. Y.: Completing improvement, $167,375.

"Improving Black Rock Harbor, N. Y.: The unexpended balances of appropriations heretofore made and authorized for the improvement of Black Rock Harbor and Channel, N. Y., and Tonawanda Harbor and Niagara River, N. Y., are hereby consolidated and made available for completing improvement of Black Rock Harbor and Channel and Tonawanda Harbor in accordance with the report submitted in House Document No. 658, Sixty-third Congress, second session, and subject to the conditions set forth in said document.

"Improving harbor at Charlotte, N. Y.: For maintenance, $24,000.

"Improving harbor at Oswego, N. Y.: Continuing improvement in accordance with plan A and for maintenance, $100,000.

"Improving harbor at Plattsburg, N. Y.: For maintenance, $2,000.

"Improving Bronx River, N. Y.: Continuing improvement, $100,000.

"Improving East Chester Creek, N. Y.: Continuing improvement, $20,000.

"Improving Westchester Creek, N. Y.: Completing improvement, $36,500.

"Improving East River and Hell Gate, N. Y., in accordance with the report submitted in House Document No. 188, Sixty-third Congress, first session, $400,000: *Provided*, That so much as may be necessary of this and any other appropriations made for specific portions of New York Harbor and its immediate tributaries may be allotted by the Secretary of War for the maintenance of these waterways by the collection and removal of drift.

"Improving Harlem River, N. Y.: Continuing improvement, $100,000; and the Secretary of War is authorized and directed to cede to the State of New York all the lands heretofore acquired by the United States in the bed of that part of the Harlem River lying outside of the channel lines proposed for the Harlem River improvement in project No. 3, printed in House Document No. 557, Sixty-second Congress, second session, to a new bulkhead line to be established by the Secretary of War along the lines of said channel according to the project: *Provided*, That the cession hereby authorized and made shall take effect only upon the cession to the United States by the State of New York

of the land and land under water with any improvements thereon lying between the channel lines proposed in said project: *Provided further*, That possession of the land hereby authorized to be ceded by the United States to the State of New York shall not be surrendered to said State until and only when the Chief of Engineers of the United States Army shall have certified that the new channel is open for navigation and that the land ceded is no longer necessary for the right of way of the Harlem River Ship Canal.

"Improving Newtown Creek, New York: For maintenance, $30,000.

"Improving Hudson River, N. Y.: Continuing improvement and for maintenance, $750,000.

"Improving Hudson River at Ossining, N. Y., in accordance with the report submitted in House Document No. 350, Sixty-third Congress, second session, $35,000.

"Improving Staten Island Sound, N. Y. and N. J.: Continuing improvement, $400,000.

"Improving Raritan Bay, N. J.: For maintenance, $20,000.

"Improving Newark Bay and Passaic River, N. J.: Continuing improvement, $150,000.

"Improving Woodbridge Creek, N. J.: For maintenance, $6,000.

"Improving Keyport Harbor, Matawan Creek, Raritan, South, and Elizabeth Rivers, Shoal Harbor and Compton Creek, and Chesequake Creek, N. J.: For maintenance, $8,000.

"Improving Raritan River, N. J., in accordance with the report submitted in House Document No. 1341, Sixty-second Congress, third session, $150,000.

"Improving Shoal Harbor and Compton Creek, N. J.: Completing improvement in accordance with the report submitted in House Document No. 40, Sixty-third Congress, first session, $58,800.

"Improving Shrewsbury River, N. J.: For maintenance, $10,000.

"Improving Cooper River, N. J.: For maintenance, $5,000.

"Improving Raccoon Creek, N. J.: For maintenance, $8,000.

"Improving Salem River, N. J.: For maintenance, $10,000.

"Improving Alloway Creek, N. J.: For maintenance, $3,000.

"Improving Maurice River, N. J.: Continuing improvement and for maintenance, $30,000.

"Improving Toms River, N. J.: For maintenance, $1,000.

"Improving Absecon Inlet, N. J.: The appropriation conditionally made by the river and harbor act of March 4, 1913, for the purpose of dredging to keep an open channel until the completion of the dredge previously authorized is hereby made available for the maintenance and operation of said dredge after completion.

"Improving harbor at Pittsburgh, Pa.: For maintenance, $5,000.

"Improving Monongahela River, Pa., by the reconstruction of Lock and Dam No 6: Completing improvement, $178,200.

"Improving Chester River, Pa.: Completing improvement in accordance with the report submitted in House Document No. 677, Sixty-second Congress, second session, $3,600.

"Improving Delaware River, Pa., N. J., and Del.: Continuing improvement and for maintenance from Allegheny Avenue, Philadelphia, to the sea, $1,000,000.

"Improving harbor at Wilmington, Del.: For maintenance, $40,000, of which amount $5,000, or so much thereof as shall be necessary, may be expended in the completion of the dredging plant and appurtenances heretofore authorized.

"Improving Appoquinimink, Murderkill, and Mispillion Rivers, Del.: Continuing improvement and for maintenance, $22,000.

"Improving Appoquinimink River, Del.: Completing improvement in accordance with the report submitted in House Document No. 149, Sixty-third Congress, first session, $11,000.

"Improving Murderkill River, Del., in accordance with the report submitted in House Document No. 1058, Sixty-second Congress, third session, $12,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

"Improving Mispillion River, Del., in accordance with the report submitted in House Document No. 678, Sixty-second Congress, second session, $35,200: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

"Improving St. Jones River, Del.: The provison attached to the items making appropriation for the improvement of St. Jones River, Del., in the river and harbor acts of June 25, 1910, and February 27, 1911, are hereby modified to read as follows: '*Provided*, That no part of said amount shall be expended for the excavation of any cut-off until a satisfactory title to the land required for that cut-off shall have been transferred to the United States, free of cost, and the United States shall have been released from all claims for damages arising from the proposed diversion of the stream.'

"Improving Little River, Del.: For maintenance, $1,000.

"Improving Leipsic River, Del.: For maintenance, $5,000.

"Improving inland waterway between Rehoboth Bay and Delaware Bay, Del.: Continuing improvement, $100,000: *Provided*, That the Secretary of War is hereby authorized to condemn a right of way through the tracks of the Delaware, Maryland & Virginia Railroad Co. where the line of said waterway intersects said railroad tracks, the basis of condemnation to be the building, maintenance, and operation of a proper drawbridge by the United States, or the payment by the United States to the railroad company of such sum of money as may be awarded in the condemnation proceedings, as full compensation for such right of way, including actual cost of constructing such bridge and the capitalized cost of its maintenance and operation, whichever method may, in the judgment of the Secretary of War, be deemed most advantageous and economical to the United States; and any funds appropriated for improving said waterway are hereby made available for paying the award that may be made in said proceedings: *Provided further*, That of the appropriation herein made the sum of $12,300, or so much thereof as shall be necessary, may be applied to the restoration of the channel between Assawaman Bay and Indian River Bay, and for the repair and alteration of existing bridges built by the United States across said channel.

"Improving inland waterway from Delaware River to Chesapeake Bay, Del. and Md., in accordance with the project recommended by the Chief of Engineers in paragraph 3 of his report, dated August 9, 1913, as published in House Document No. 196, Sixty-third Congress, first session: The Secretary of War is hereby authorized to enter into negotiations for the purchase of the existing Chesapeake & Delaware Canal, and all the property, rights of property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto, and he is further authorized, if in his judgment the price is reasonable and satisfactory, to make a contract for the purchase of the same subject to future ratification and appropriation by the Congress.

"In the event of the inability of the Secretary of War to make a satisfactory contract for the voluntary purchase of said canal and its appurtenances, he is hereby authorized and directed, through the Attorney General, to institute and carry to completion proceedings for the condemnation of said canal and its appurtenances, the acceptance of the award in said proceedings to be subject to the future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to, the District Court of the United States for the District of Delaware substantially as provided in 'An act to authorize condemnation of land for sites for public buildings, and for other purposes,' approved August 1, 1888, and the sum of $5,000 is hereby appropriated to pay the necessary costs thereof and expenses in connection therewith.

"Improving Curtis Bay Channel, Baltimore Harbor, Md.: Completing improvement in accordance with the report submitted in House Document No. 7, Sixty-third Congress, first session, $123,700.

"Improving harbors at Rockhall, Queenstown, Claiborne, and Cambridge, and Chester, Choptank, Warwick, Wicomico, Pocomoke, La Trappe, and Manokin Rivers, and Tyaskin Creek, Md.: For maintenance, $30,500.

"Improving Breton Bay, Md.: Completing improvement in accordance with the report submitted in House Document No. 127, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $3,000.

"Improving Elk and Little Elk Rivers, Md.: For maintenance, $2,500.

"Improving Corsica River, Md.: Completing improvement, $4,800.

"Improving Tuckahoe River, Md.: For maintenance, $1,500.

"Improving Chester River, Md.: Completing improvement in accordance with the report submitted in House Document No. 797, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $12,000.

"Improving Tred Avon River, Md.: Completing improvement of the North Fork of Tred Avon River in accordance with the report submitted in House Document No. 27, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $19,600.

"Improving Potomac River: For maintenance of improvement at Washington, D. C., $20,000.

"Improving Anacostia River, D. C.: Continuing improvement, $75,000.

"Improving harbor at Norfolk, Va., and vicinity, in accordance with the report submitted in House Document No. 605, Sixty-third Congress, second session, $170,000. The unexpended balance of appropriations heretofore made for improvement of channel to Norfolk, Va., is hereby made available for continuing improvement of said channel in accordance with the report submitted in said House Document No. 605, Sixty-third Congress, second session.

"Improving Mattaponi and Pamunky Rivers, Va.: For maintenance, $7,000.

"Improving Rappahannock River, Va.: For maintenance, $10,000.

"Improving Nansemond River, Va.: For maintenance, $3,000; completing improvement in accordance with the report submitted in House Document No. 1,246, Sixty-second Congress, third session, $4,500: in all, $7,500.

"Improving James River, Va.: Continuing improvement and for maintenance, $100,000.

"Improving Appomattox River, Va.: For maintenance, $5,000.

"Improving Blackwater River, Va.: For maintenance, $2,000.

"Improving waterway on the coast of Virginia: For maintenance, $1,000.

"Improving Hampton Creek, Va.: Completing improvement in accordance with the report submitted in House Document No. 29, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $27,000.

"Improving Oyster Channel, Va.: Completing improvement 50 feet wide and 5 feet deep in accordance with the report submitted in House Document No. 209, Sixty-third Congress, first session, $11,500.

"Improving Lockles Creek, Va.: Completing improvement in accordance with the report submitted in House Document No. 612, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $4,100.

"Improving Occoquan Creek, Va.: Completing improvement in accordance with the report submitted in House Document No. 661, Sixty-third Congress, second session, $43,000.

"Improving inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.: Continuing improvement, $500,000.

"Improving waterway from Norfolk, Va., to sounds of North Carolina: For maintenance, $3,000.

"Improving harbor of refuge at Cape Lookout, N. C.: Continuing improvement, $300,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $700,000, exclusive of the amounts herein and heretofore appropriated or authorized.

"Improving harbor at Beaufort, N. C.: For maintenance, $5,000.

"Improving Beaufort Inlet, N. C.: For maintenance, $10,000.

"Improving harbor at Morehead City, N. C.: For maintenance, $2,000.

"Improving Meherrin River, N. C.: For maintenance, $1,000.

"Improving Roanoke River, N. C.: For maintenance, $2,000.

"Improving Pembroke Creek, N. C.: Completing improvement in accordance with the report submitted in House Document No. 630, Sixty-third Congress, second session, $10,000.

"Improving Scuppernong River, N. C.: For maintenance, $2,000; completing improvement in accordance with the report submitted in House Document No. 1196, Sixty-second Congress, third session, $31,800; in all, $33,800.

"Improving Fishing Creek, N. C.: For maintenance, $1,000.

"Improving Pamlico and Tar Rivers, N. C.: Completing improvement up to Greenville and for maintenance of improvement above Greenville, $18,500.

"Improving Bay River, N. C.: For maintenance, $1,000.

"Improving Contentnia Creek, N. C.: For maintenance, $2,000.

"Improving Smiths Creek, N. C.: For maintenance, $2,000

"Improving Neuse and Trent Rivers, N. C.: Continuing improvement and for maintenance, $37,000.

"Improving Swift Creek, N. C.: For maintenance, $500.

"Improving waterway from Pamlico Sound to Beaufort Inlet, N. C.: For maintenance, $4,000.

"Improving New River and waterways to Beaufort, N. C.: Continuing improvement and for maintenance of New River and of inland

waterways between Beaufort Harbor and New River and between New River and Swansboro, $28,500.

"Improving Northeast, Black, and Cape Fear Rivers, N. C.: For maintenance of improvement of Northeast and Black Rivers and of Cape Fear River above Wilmington, N. C., $13,000; completing improvement of Northeast River, in accordance with the report submitted in House Document No. 1356, Sixty-second Congress, third session, and subject to the conditions set forth in said document, $25,375; in all, $38,375.

"Improving Cape Fear River above Wilmington, N. C.: Continuing improvement, with a view to securing a navigable depth of 8 feet up to Fayetteville, $91,000.

"Improving Cape Fear River at and below Wilmington, N. C.: Completing improvement and for maintenance, $115,000: *Provided*, That not exceeding $5,000 thereof may be used for clearing to a depth of 10 feet and a width of 150 feet the channel or cut between the main channel of the river and the Carolina Beach Pier.

"Improving Shallotte River, N. C.: For maintenance, $1,000.

"Improving Bennett River, N. C.: Completing improvement in accordance with the report submitted in House Document No. 1362, Sixty-second Congress, third session, $6,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

"Improving Newbegun Creek, N. C.: Completing improvement in accordance with the report submitted in House Document No. 24, Sixty-third Congress, first session, $5,000.

"Improving harbor at Charleston, S. C.: For maintenance of Ashley River Channel, $15,000; completing improvement of the Cooper River Channel in accordance with the report submitted in Rivers and Harbors Committee Document No. 19, Sixty-third Congress, second session, $14,000; in all, $29,000.

"Improving waterway between Charleston and Winyah Bay, S. C.: Completing improvement of Jeremy Creek, S. C., in accordance with the report submitted in House Document No. 660, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $5,000. The unexpended balance of appropriations heretofore made for improvement of waterway between Charleston Harbor and McClellanville, S. C., or so much thereof as may be necessary, is hereby made available for completing improvement of waterway between McClellanville and Winyah Bay, in accordance with the report submitted in House Document No. 178, Sixty-third Congress, first session.

"Improving Great Peedee River, S. C.: For maintenance, $10,000.

"Improving Santee, Wateree, and Congaree Rivers, S. C.: For maintenance of improvement of Wateree and Congaree Rivers, $30,000; completing improvement of Santee River in accordance with the report submitted in House Document No. 603, Sixty-third Congress, second session, $10,000; in all, $40,000.

"Improving waterway from Charleston, S. C., to Savannah, Ga., in accordance with the report submitted in House Document No. 627, Sixty-third Congress, second session, $50,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

"Improving Savannah Harbor, Ga.: For maintenance, $250,000; completing improvement in accordance with the report submitted in House Document No. 290, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $154,000; in all, $404,000.

"Improving harbor at Brunswick, Ga.: For maintenance, $33,250.

"Improving Savannah River, Ga.: For maintenance below Augusta, $25,000.

"Improving Altamaha, Oconee, and Ocmulgee Rivers, Ga.: Continuing improvement, $40,000.

"Improving waterway between Savannah, Ga., and Fernandina, Fla.: Completing improvement of Generals Cut, Ga., in accordance with the report submitted in House Document No. 581, Sixty-third Congress, second session, $1,000; completing improvement of Back River, Ga., in accordance with the report submitted in House Document No. 1391, Sixty-second Congress, third session, $5,000; in all, $6,000.

"Improving Flint River, Ga.: Continuing improvement and for maintenance, $25,000.

"Improving Chattahoochee River, Ga. and Ala.: Continuing improvement below Columbus, Ga., and for maintenance, $90,000.

"Improving Coosa River, Ga. and Ala.: Continuing improvement and for maintenance between Rome, Ga., and Dam No. 4, Ala., $30,000.

"Improving harbor at Fernandina, Fla.: For maintenance, including the entrance channel through Cumberland Sound, Ga. and Fla., $25,000.

"Improving Tampa Bay, Fla.: For maintenance, $6,000.

"Improving harbor at St. Petersburg, Fla.: For maintenance, $1,500.

"Improving Apalachicola Bay, Fla.: Continuing improvement and for maintenance, including Link Channel and West Pass, $25,000.

"Improving St. Andrews Bay, Fla.: Continuing improvement and for maintenance, $60,000.

"Improving the Narrows in Santa Rosa Sound, Fla.: For maintenance, $5,000.

"Improving St. Johns River, Fla.: Continuing improvement from Jacksonville to the ocean, $175,000.

"Improving Lake Crescent and Dunns Creek, Fla.: For maintenance, $1,000.

"Improving Deep Creek, Fla., in accordance with the report submitted in House Document No. 699, Sixty-third Congress, second session, $9,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

"Improving Oklawaha River, Fla., in accordance with the report submitted in House Document No. 514, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $100,000.

"Improving Kissimmee River, Fla., in accordance with the report submitted in House Document No. 137, Sixty-third Congress, first session, $47,000.

"Improving Caloosahatchee River, Fla.: For maintenance, $2,000; completing improvement in accordance with the report submitted in House Document No. 137, Sixty-third Congress, first session, $25,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement; in all, $27,000.

"Improving Crystal River, Fla., in accordance with the report submitted in Rivers and Harbors Committee Document No. 4, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $10,000.

"Improving Anclote River, Fla., in accordance with the report submitted in House Document No. 18, Sixty-third Congress, first session, $22,000.

"Improving Withlacoochee River, Fla.: For maintenance, $1,000.

"Improving Apalachicola River, Fla.: Continuing improvement and for maintenance, including the cut-off, Lee Slough, lower Chipola River, and upper Chipola River from Marianna to its mouth, $15,000.

"Improving Holmes River, Fla.: For maintenance of improvement from Vernon to the mouth, $3,000.

"Improving Blackwater River, Fla.: For maintenance, $5,000.

"Improving channel from Clearwater Harbor through Boca Ceiga Bay to Tampa Bay, Fla.: Completing improvement and for maintenance, $12,000; channel from Tampa Bay to Boca Ceiga Bay, in accordance with the report submitted in House Document No. 135, Sixty-third Congress, first session, $10,700; in all, $22,700.

"Improving channel from Apalachicola River to St. Andrews Bay, Fla.: Completing improvement, $65,000; and the Secretary of War is hereby authorized to pay to the treasurer of Calhoun County, Fla., out of any funds heretofore appropriated for improving channel from Apalachicola River to St. Andrews Bay, the sum of $400 as full compensation for damage done public highways of said county at points where the adopted line of said channel intersects said highways.

"The Secretary of War is authorized to appoint a board of three officers of the Engineer Corps of the United States Army, to examine and appraise the value of the work and franchises of the East Coast Canal, from the St. Johns River to Key West, Fla., with reference to the desirability of purchasing said canal by the United States and the construction over the route of the said canal of a free and open waterway, having a depth and capacity sufficient for inland navigation. Said board, to the extent that the same can be done from surveys heretofore made under the direction of the War Department and within the limits of the appropriation herein made, shall also examine and investigate the feasibility, for the purpose of such a waterway, of any parallel route between said points. The said board shall make a report of its work, together with its conclusions upon the probable cost and commercial advantages and military and naval uses of said route or routes, to the Secretary of War, who shall transmit the same to Congress as soon as practicable. The sum of $10,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of said board, including such clerical and other assistance as may be deemed necessary by said board.

"Improving Choctawhatchee River, Fla. and Ala.: Continuing improvement and for maintenance, including Cypress Top outlet, $25,000.

"Improving channel from Pensacola Bay, Fla., to Mobile Bay, Ala., in accordance with the report of the special Board of Engineers, as recommended on pages 26 and 27 of said report submitted in House Document No. 610, Sixty-third Congress, second session, to the extent of providing a channel 7 feet deep and 75 feet wide on bottom, $25,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

"Improving Escambia and Conecuh Rivers, Fla. and Ala.: For maintenance, $15,000.

"Removing the water hyacinth, Florida, Alabama, Mississippi, Louisiana, and Texas: For the removal of the water hyacinth from the navigable waters in the States of Florida, Alabama, Mississippi, Louisiana, and Texas, so far as it is or may become an obstruction to navigation, $25,000.

"Improving harbor at Mobile, Ala.: For maintenance, $125,000, of which amount $5,000 may be used in the removal of sunken logs, deadheads, and other obstructions.

"Improving Mobile Bar, Ala.: For maintenance, $20,000.

"Improving Alabama River, Ala.: Continuing improvement and for maintenance, including the Alabama and Coosa Rivers between Montgomery and Wetumpka, $75,000.

"Improving Black Warrior, Warrior, and Tombigbee Rivers, Ala.: Completing improvement from Mobile to Sanders Shoals on the Mulberry Fork and to Nichols Shoals on the Locust Fork of Black Warrior River by the construction of locks and dams, including the 63-foot dam at Lock No. 17, authorized by act of Congress approved August 22, 1911, $750,000.

"Improving Tombigbee River, Ala. and Miss.: For maintenance of improvement from the mouth to Demopolis, Ala., $12,500, and from Demopolis, Ala., to Walkers Bridge, Miss., $18,000; in all, $30,500.

"Improving channel connecting Mobile Bay and Mississippi Sound: For maintenance, $10,000.

"Improving inland waterway from Mobile Bay, Ala., to Mississippi River, with a view to securing a channel 7 feet deep and 75 feet wide on the bottom, in accordance with the report submitted in House Document No. 610, Sixty-third Congress, second session, $25,000: *Provided*, That the Secretary of War shall submit a further report as to the most desirable route, all things considered, for the said 7-foot channel from Mobile Bay to the Mississippi River with an estimate of cost of the same.

"Improving harbor at Pascagoula, Miss.: The paragraph in the river and harbor act, approved March 4, 1913, providing for the improvement of harbor at Pascagoula, Miss., is hereby amended to read as follows: 'Improving harbor at Pascagoula, Miss.: For maintenance of improvement of channel at the mouths of Pascagoula and Dog Rivers, and improving channel through Horn Island Pass, Mississippi Sound, Pascagoula River, and Dog River, in accordance with the recommendation of the Chief of Engineers and the Board of Engineers for Rivers and Harbors in report dated February 10, 1914, and printed in Rivers and Harbors Committee Document No. 12, Sixty-third Congress, second session, $110,000: *Provided*, That local interests shall furnish space for public wharves, both at Moss Point and at Pascagoula, 800 feet in length and of such width as may be satisfactory to the Secretary of War.'

"Improving harbor at Gulfport, Miss.: Continuing improvement and for maintenance of anchorage basin at Gulfport and channel therefrom to the anchorage or roadstead at Ship Island, and for the improvement and maintenance of channel at Ship Island Pass, $50,000.

"Improving Pascagoula and Leaf Rivers, Miss.: For maintenance, $14,000.

"Improving Pearl River, Miss.: Continuing improvement and for maintenance below Rockport, $16,000.

"Improving Yazoo River, Miss.: For maintenance of improvement of mouth of Yazoo River, $10,000. The sums herein and hereafter appropriated for such maintenance, together with any unexpended balance of appropriations heretofore made, shall be expended under the direction of the Secretary of War.

"Improving harbor at Vicksburg, Miss., in accordance with the report submitted in House Document No. 667, Sixty-third Congress, second session, and subject to the conditions therein stated, $125,000.

"Improving Yazoo River and tributaries, Miss.: For maintenance of improvement, including Yazoo, Tallahatchie, Big Sunflower, and Coldwater Rivers, Tallahatchie River above the mouth of Coldwater River, Tchula Lake, Steele and Washington Bayous, Lake Washington, and Bear Creek, $40,000.

"Improving Big Sunflower River, Miss.: Continuing improvement, $90,000.

"Improving Southwest Pass, Mississippi River: Continuing improvement and for maintenance, $300,000.

"Improving Bayou Teche, La.: Continuing improvement and for maintenance, $30,000; for improvement in accordance with the report submitted in House Document No. 1329, Sixty-second Congress, third session, $50,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement; in all, $80,000.

"Improving waterway from Mississippi River to Bayou Teche, La., in accordance with the report submitted in House Document No. 610, Sixty-third Congress, second session, $50,000, and in constructing said waterway the Secretary of War may use such portion or portions of any private canals as may be suitable for the purpose and can be acquired upon satisfactory terms.

"Improving waterway from Bayou Teche to Mermentau River, La.: The unexpended balance of amounts heretofore appropriated for the waterway from Franklin to Mermentau, La., is hereby made available for expenditure in accordance with the plan for improving the waterway from Bayou Teche to Mermentau River submitted in House Document No. 610, Sixty-third Congress, second session, which plan of improvement is hereby adopted: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

"Improving Bayou Vermilion and Mermentau River, La.: For maintenance of improvement of channel, bay, and passes of Bayou Vermilion and Mermentau River and tributaries, and continuing improvement and maintenance of Bayou Plaquemine Brule, $12,000.

"Improving Vermilion River, La., and channel to connect Vermilion River with the inland waterway at Schooner Bayou, in accordance with the report submitted in House Document No. 1336, Sixty-second Congress, third session, $37,500: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

"Improving Bayou Terrebonne, La.: Completing improvement, $25,000.

"Improving Atchafalaya River, La.: For maintenance, $10,000.

"Improving Lake Pontchartrain, La.: Completing improvement in accordance with the report submitted in House Document No. 176, Sixty-third Congress, first session, $32,000.

"Improving Bayou Grossetete, La.: Completing improvement and for maintenance, $9,000.

"Improving Johnsons Bayou, La.: For maintenance, $5,000.

"Improving Bayous Bartholomew, Macon, D'Arbonne, and Corney, and Boeuf and Tensas Rivers, La.: For maintenance, $16,000.

"Improving Galveston Channel, Tex.: Continuing improvement by construction of sea-wall extension in accordance with the report submitted in House Document No. 1390, Sixty-second Congress, third session, which is hereby adopted under the conditions therein named, $100,000: *Provided*, That no part of the amount herein appropriated shall be expended, except for surveys and other preliminary work, and no contract shall be entered into under this appropriation until the county or city of Galveston and other local interests shall have donated the necessary lands to the United States and shall have quieted all claims to the present San Jacinto Reservation, nor until the said county or city of Galveston shall have obtained a right of way and made provision in a manner satisfactory to the Secretary of War for paying the cost of constructing at least 3,300 feet of sea-wall extension in addition to that herein appropriated for: *Provided further*, That the entire work of construction shall be done under the direction of the Secretary of War, and the funds appropriated by Congress and those furnished by the county or city of Galveston shall be expended by him: *And provided also*, That the pavement of the roadway and sidewalk along the new sea wall shall conform in width to that heretofore constructed by the county of Galveston.

"Improving Galveston Channel, Tex.: Continuing improvement and for maintenance under the existing project, which contemplates the excavation of a channel 30 feet deep and 1,200 feet wide from the inner bar to Fifty-first Street and 700 feet wide from Fifty-first to Fifty-sixth Streets, $100,000: *Provided*, That at such time as in the discretion of the Secretary of War the same may be required in the interests of navigation and commerce the western terminus of said channel may be extended to Fifty-seventh Street with a width of 1,000 feet between Fifty-first and Fifty-seventh Streets, as recommended in the report submitted in House Document No. 328, Sixty-first Congress, second session.

"Improving channel to Port Bolivar, Tex.: For maintenance, $25,000.

"Improving Port Aransas, Tex.: Continuing improvement, $800,000.

"Improving Sabine Pass, Tex.: Continuing improvement and for maintenance of Sabine Pass and Port Arthur Canal, $550,000.

"Improving the Sabine-Neches Canal, Tex., from the Port Arthur Ship Canal to the mouth of Sabine River, the Neches River up to the town of Beaumont, and the Sabine River up to the town of Orange, as provided for in the river and harbor act of February 27, 1911.

"That the channels which the Beaumont navigation district, or other local interests, and the Orange navigation district, or other local interests, are required by the aforesaid act to maintain for a term of three years, free of cost to the United States, are hereby defined as, respectively, the channel from the mouth of the Neches River up to Beaumont, Tex., and the channel from the mouth of the Neches River up to Orange, Tex.: *Provided*, That nothing herein shall be construed as relieving said Beaumont navigation district of its obligation to provide for the operation and maintenance of the guard lock without cost to the United States as required by said river and harbor act of February 27, 1911.

"Improving Houston Ship Channel, Tex.: For maintenance, $200,000.

"Improving Anahuac Channel, Trinity River, Oyster Creek, and Cedar, Chocolate, Turtle, Bastrop, Dickinson, Double, and East Bay Bayous: For maintenance, $25,000.

"Improving inland waterway on coast of Texas: For maintenance of the West Galveston Bay-Brazos River section, $15,000; for maintenance of the Brazos River-Matagorda Bay section, $25,000; for maintenance of the Aransas Pass-Pass Cavallo section $30,000; for completing improvement and for maintenance of Guadalupe River up to Victoria, $15,000; for improvement of the Galveston-Sabine River section in accordance with the report printed in Rivers and Harbors Committee Document No. 7, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $25,000: *Provided*, That the Secretary of War may, on the recommendation of the Chief of Engineers, make such changes in the location of said channel as may be considered desirable, and can be made without increased cost; for improvement of that section between Aransas Pass and Brazos Santiago in accordance with the report submitted in House Document No. 610, Sixty-third Congress, second session, $80,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement; in all, $190,000.

"Improving mouth of Brazos River, Tex.: For maintenance, $25,000.

"Improving Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000; continuing improvement and for maintenance by open-channel work from Velasco to Old Washington, $25,000; in all, $225,000.

"Improving channel from Pass Cavallo to Port Lavaca, Tex.: For maintenance, $5,000.

"Improving channel from Aransas Pass to Corpus Christi, Tex.: For maintenance, $15,000.

"Improving Trinity River, Tex.: Continuing improvement with a view to obtaining a depth of 6 feet between the mouth and Dallas by the construction of locks and dams heretofore authorized, $140,000; for the construction of Locks and Dams Nos. 3 and 5, $50,000; for maintenance of improvement by open-channel work, $15,000; in all, $205,000.

"Improving Cypress Bayou, Tex. and La.: For maintenance, $5,000.

"Improving Red River, La., Ark., Tex., and Okla.: Continuing improvement and for maintenance below Fulton, Ark., $50,000; continuing improvement and for maintenance between Fulton, Ark., and the mouth of the Washita River, $25,000; in all, $75,000.

"Improving Colorado River, Tex.: Completing improvement in accordance with the report submitted in Rivers and Harbors Committee Document No. 3, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $5,000.

"Improving Ouachita River, Ark. and La.: Continuing improvement by the construction of Locks and Dams Nos. 2, 3, 4, 5, 6, 7, 8, and 9, $300,000; for maintenance of improvement by open-channel work up to Camden, $25,000, and from Camden to Arkadelphia, $2,500; in all, $327,500.

"Improving Saline River, Ark.: For maintenance, $3,000.

"Improving Arkansas River, Ark. and Okla.: Continuing improvement and for maintenance, including works at Pine Bluff and the completion and operation of dredging plant, $110,000.

"Improving White River, Ark.: For maintenance, $31,800.

"Improving White River at Du Valls Bluff, Ark.: Completing improvement in accordance with the report submitted in House Document No. 1259, Sixty-second Congress, third session, $14,000.

"Improving Cache River, Ark.: For maintenance, $3,000.

"Improving Black and Current Rivers, Ark. and Mo.: For maintenance, $33,150.

"Improving St. Francis River, Ark.: For maintenance of improvement of St. Francis and L'Anguille Rivers and Blackfish Bayou, $6,000.

"Improving French Broad River, Tenn.: Completing improvement and for maintenance of French Broad and Little Pigeon Rivers, $23,515.

"Improving Tennessee River, Tenn., Ala., and Ky.: Continuing improvement and for maintenance, as follows: Above Chattanooga, Tenn., $150,000; between Chattanooga, Tenn., and Browns Island, Ala., $150,000; between Florence and Riverton, Ala., $130,000; below Riverton, Ala., $120,000; in all, $550,000.

"Improving Tennessee River between Browns Island and the railroad bridge below the city of Florence, Ala.: For the completion of the detailed surveys, foundation borings, and preparation of plans for the improvement of this section of the river for the purposes of navigation, combined with the development of water power by the United States alone, or in cooperation with private interests, $150,000: *Provided*, That the work hereby authorized is understood to be of a preliminary nature only and in extension of investigations heretofore authorized, and that the United States is in no wise committed to the execution of any plan of improvement which may be contemplated or proposed without the further and express action of Congress.

"Improving Cumberland River below Nashville, Tenn.: Continuing improvement by the construction of Locks and Dams B, C, and D, $250,000.

"Improving Cumberland River above Nashville, Tenn., in accordance with the recommendation of the Chief of Engineers and the Board of Engineers for Rivers and Harbors, printed in Rivers and Harbors Committee Document No. 10, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $340,000.

"Improving Big Sandy River, W. Va. and Ky.: For completing guide wall below Lock No. 1, $25,000.

"Improving harbor at Toledo, Ohio: Completing improvement and for maintenance, $135,000.

"Improving harbor at Port Clinton, Ohio: For maintenance, $500.

"Improving harbor at Huron, Ohio: For maintenance, $2,500; completing improvement in accordance with the report submitted in House Document No. 5, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $34,500: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement; in all, $37,000.

"Improving harbor at Vermilion, Ohio: For maintenance, $7,000.

"Improving harbor at Cleveland, Ohio: For maintenance by dredging and repair of breakwaters, $200,000.

"Cuyahoga River, Ohio: The sum of $5,000 is hereby appropriated to enable the Secretary of War to prepare, in cooperation with local interests, a complete and definite plan of improvement, as recommended in House Document No. 707, Sixty-third Congress, second session: *Provided*, That the Government shall not be deemed to have entered upon such project until funds for the commencement of work under the plan to be submitted to Congress in accordance with this authority shall have been actually appropriated by law.

"Improving harbor at Fairport, Ohio, in accordance with the report submitted in House Document No. 206, Sixty-third Congress, first session, $158,000.

"Improving harbor at Conneaut, Ohio: Continuing improvement, $243,530.

"Improving Ohio River: Continuing improvement and for maintenance by open-channel work, $350,900.

"Improving Ohio River: Continuing improvement by the construction of locks and dams with a view to securing a navigable depth of 9 feet, $2,000,000.

"Improving harbor at Ontonagon, Mich.: For maintenance, $10,000.

"Improving harbor at Marquette, Mich.: For maintenance, $2,000.

"Improving Menominee Harbor and River, Mich. and Wis.: For maintenance, $7,500; completing improvement in accordance with the report submitted in House Document No 228, Sixty-third Congress, first session, $3,400; in all, $10,900.

"Improving harbor at South Haven, Mich.: For maintenance, $17,000.

"Improving harbor at Muskegon, Mich.: For maintenance, $5,000.

"Improving harbor at Ludington, Mich.: For maintenance, $21,000.

"Improving harbor at Frankfort, Mich.: For maintenance, $3,000.

"Improving harbor at Charlevoix and entrance to Pine Lake, Mich.: For maintenance, $4,000.

"Improving harbor at Alpena, Mich.: For maintenance, $5,000.

"Improving harbor of refuge at Harbor Beach, Mich.: For repairs to piers and maintenance of improvement, $362,380.

"Waterway across Keweenaw Point, Mich.: Continuing improvement by the construction of harbor of refuge at the eastern entrance, $75,000; for making a cut-off across Princess Point in accordance with the report submitted in House Document No. 835, Sixty-third Congress, second session, $138,000; in all, $213,000.

"Improving harbor at Arcadia, Mich.: Completing repairs to the north and south piers from the shore line of Lake Michigan to the shore line of the inner harbor, $25,000.

"Improving St. Marys River at the falls, Mich.: Continuing improvement by the construction of a fourth lock, $250,000: *Provided*, That so much as may be necessary of the unexpended balance of appropriations heretofore made for the construction of the new third lock may, in the discretion of the Secretary of War, be applied to the deepening and enlargement of the tailrace of the United States power plant, in order to increase the capacity of said plant.

"Improving Black River at Port Huron, Mich.: Continuing improvement and for maintenance, $30,000.

"Improving Clinton River, Mich.: For maintenance, $2,000.

"Improving harbor at Ashland, Wis.: Continuing improvement and for maintenance, $10,000.

"Improving Sturgeon Bay and Lake Michigan Ship Canal, Wis.: Completing improvement in accordance with the report submitted in House Document No. 1382, Sixty-second Congress, third session, $33,000.

"Improving harbor at Two Rivers, Wis.: For maintenance, $25,000.

"Improving harbor at Port Washington, Wis.: For maintenance, $2,500.

"Improving harbor at Racine, Wis.: For maintenance and continuing improvement in accordance with the reports submitted in House Document No. 62, Fifty-ninth Congress, first session, and in the Annual Report of the Chief of Engineers, United States Army, for the fiscal year ending June 30, 1909, $182,400.

"Improving harbor at Kenosha, Wis.: For maintenance, $7,500.

"Improving Fox River, Wis.: Continuing improvement from Depere up to Portage, including maintenance of improvement of Wolf River and of the harbors heretofore improved on Lake Winnebago, $25,000. And the Secretary of War is hereby authorized to convey, by quitclaim deed, to the State of Wisconsin, or to the city of Portage, free of cost, all the right, title, and interest of the United States in and to the 'Portage Levee,' including the right of way on which it is built, whenever the proper authorities of said State, or of said city, shall satisfy the Secretary of War that they are empowered by law to accept the same.

"Improving Warroad Harbor, Minn.: For maintenance, $2,000.

"Improving Lippel Bay, Lake of the Woods, Minn.: For maintenance, $1,000.

"Improving harbor at Agate Bay, Minn.: For maintenance, $5,000.

"Improving Baudette Harbor and River, Minn.: Completing improvement in accordance with the report submitted in House Document No. 109, Sixty-third Congress, first session, $2,750.

"Improving Red River of the North, Minn. and N. Dak.: Continuing improvement and for maintenance, $7,500.

"Improving Indiana Harbor, Ind.: For maintenance, $25,000.

"Improving harbor at Michigan City, Ind.: Completing improvement and for maintenance in accordance with the report submitted in House Document No. 659, Sixty-third Congress, second session, $48,600.

"Grand Calumet River, Ind.: That a change in the location of the channel of the Grand Calumet River through the lands of the Gary Land Co. and the Indiana Steel Co., corporations organized under the laws of the State of Indiana, in sections 34, 35, and 36, township 37 north, range 8 west, and in sections 2 and 3, township 36 north, range 8 west, Lake County, Ind., from the original location of such channel to a new location within the strip of land hereinafter described and the construction of a new channel within said strip of land, as the same has been done by said companies, is hereby authorized and approved: *Provided*, That the said Gary Land Co. and the said Indiana Steel Co. shall convey to the United States, free of cost, the right and easement to use said new channel and said strip of land as and for a free public waterway of the United States, and upon the acceptance of such conveyance by the Secretary of War the old channel of the river through the said lands shall be abandoned as a navigable waterway, and in its stead the aforesaid new channel, and any enlargement thereof which Congress my hereafter authorize, shall become and forever remain a free public waterway of the United States and shall be subject to the laws heretofore and hereafter enacted by Congress for the improvement, preservation, and protection of navigable waters: *Provided further*, That the said companies or corporations shall have the right to occupy and use so much of the said strip of land as lies outside the high-water limits of the said new channel until such time as Congress shall authorize and make provision for the enlargement, widening, or other improvement of said channel, it being understood that such occupation and use shall be for temporary purposes only and that the said companies or corporations shall place no structures or works of any kind on said strip or do anything that will tend to obstruct said channel or interfere with its free navigation by the public: *And provided further*, That nothing herein contained shall be construed as conferring any right, power, or privilege in conflict with any law or statute of the State of Indiana, in which said river is located.

"The said strip of land above referred to is described as follows: Beginning at a point on the west line of section 3, township 36 north, range 8 west, Lake County, Ind., which is 323.5 feet south of the northwest corner of said section; thence running easterly 3,430 feet, more or less, along a straight line which, if continued, would intersect the east line of said section 3 at a point which is 315.6 feet south of the northeast corner of said section 3; thence along a curve convex to the south 1,017.45 feet, said curve having a radius of 5,829.6 feet; thence northeasterly 1,580 feet, more or less, along a straight line, said straight line making an angle of 10° with the first-described straight line; thence along a curve convex to the north 900 feet, more or less, said curve having a radius of 5,629.6 feet, to a point which is 100 feet, more or less, north of the south line of section 35 and also 1,170 feet, more or less, west of the middle line of said section 35; thence along a curve convex to the north 1,171.5 feet, more or less, said curve having a radius of 11,563.2 feet, to a point on the middle line of section 35 which is 154 feet north of the south line of said section 35; thence easterly 1,612.5 feet, more or less, along a straight line which, if continued, would intersect the east line of said section 35 at a point which is 176 feet north of the southeast corner of said section 35; thence along a curve convex to the southeast 413.06 feet, said curve having a radius of 623.7 feet; thence northeasterly along a straight line 1,150 feet, more or less, to the south shore of the old river bed of the Grand Calumet River, said straight line making an angle of 38° with the last-described straight line; thence westerly 450 feet, more or less, along the south shore of the said old river bed of the Grand Calumet River; thence southwesterly 700 feet, more or less, along a straight line which is parallel to the aforementioned 1,150-foot line and 150 feet distant from same (measured at right angles); thence along a curve convex to the southeast 313.88 feet, said curve having a radius of 473.7 feet and being parallel to the aforementioned 413.06-foot curve and 150 feet distant from same (measured at right angles); thence westerly 2,700 feet, more or less, along a straight line which is parallel to the aforementioned 1,612.5-foot line and 150 feet distant from same (measured at right angles); thence along a curve convex to the north 1,017.45 feet, said curve having a radius of 5,829.6 feet and being parallel to the aforementioned 900-foot curve and 200 feet distant from same (measured at right angles); thence southwesterly along a straight line 1,580 feet, more or less, said line being parallel to the aforementioned 1,580-foot line, and 200 feet distant from same (measured at right angles); thence along a curve convex to the south 982.54 feet, said curve having a radius of 5,629.6 feet and being parallel to the aforementioned 1,017.45-foot curve and 200 feet distant from same (measured at right angles); thence westerly 3,430 feet, more or less, along a straight line which is parallel to the aforementioned 3,430-foot line and 200 feet distant from same (measured at right angles) to a point on the west line of section 3; thence southerly along said line of said section 3,200 feet, more or less, to the point of beginning, containing approximately 46.209 acres.

"Improving harbor at Waukegan, Ill.: For maintenance, $10,000.

"Improving harbor at Calumet, Ill.: Completing improvements in accordance with the report submitted in House Document No. 237, Sixty-third Congress, first session, $38,170.

"Improving Chicago River, Ill.: For maintenance, $10,000.

"Improving Calumet River, Ill. and Ind.: For maintenance, $10,000.

"Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement with a view to securing a permanent channel depth of 9 feet, $6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees, and which may be done, in the discretion of the Secretary of War, by hired labor or otherwise, between Head of Passes and Cape Girardeau, Mo., and for surveys, including the survey from Head of Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interest of commerce at all stages of the river: *Provided*, That of the money hereby appropriated so much as may be necessary shall be expended in the construction of suitable and necessary dredge boats and other devices and appliances and in the maintenance and operation of the same: *Provided further*, That the watercourses connected with said river and the harbors upon it, now under the control of the Mississippi River Commission and under improvement may, in the discretion of said commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amount herein appropriated: *Provided further*, That a survey with report shall be made by the Mississippi River Commission of the Atchafalaya River in accordance with the general plan of said commission for the improvement of the Mississippi River, and in making such survey and report, if in their opinion the improvement of the Atchafalaya is desirable, consideration shall be given and recommendation made as to any plans for cooperation on the part of local interests: *Provided further*, That the salary of the civilian members of the Mississippi River Commission shall hereafter be $5,000 per annum.

"Any funds which are herein or may hereafter be appropriated by Congress for improving the Mississippi River between Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between Head of Passes and Rock Island, Ill., in such manner as in their opinion shall best improve navigation and promote the interest of commerce at all stages of the river.

"Improving Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement and for maintenance, $300,000.

"Improving Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement and for maintenance, $750,000.

"Improving Mississippi River from St. Paul to Minneapolis, Minn.: Continuing improvement, $70,000.

"Improving Mississippi River in Minnesota between Brainerd and Grand Rapids: Continuing improvement, $8,000.

"Improving the Mississippi River between Winnibigoshish and Pokegama Reservoirs, and the Leech River from its mouth to Leech Lake Dam, Minn.: Continuing improvement, $30,000.

"Improving Osage River, Mo.: Continuing improvement and for maintenance, $15,000

"Improving Gasconade River, Mo.: Continuing improvement and for maintenance, $15,000; completing improvement in accordance with the report submitted in House Document No. 190, Sixty-third Congress, first session, $6,500; in all, $21,500.

"Improving Kansas River, Kans.: In accordance with the report submitted in House Document No. 584, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $6,000; and the sum of $4,000, appropriated by the river and harbor act approved July 25, 1912, for improvement of Kansas River, Kans., up to Argentine, in accordance with the report submitted in House Document No. 94, Sixty-second Congress, first session, is hereby made available for completing the project herein adopted.

"Improving Missouri River: Continuing improvement and for maintenance, with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, $1,000,000.

"Improving Missouri River: For improvement and maintenance from Kansas City to Sioux City, $50,000, of which amount at least $25,000 may be expended for such bank revetment as in the judgment of the Chief of Engineers may be in the interest of navigation; continuing improvement and for maintenance from Sioux City to Fort Benton, $50,000, of which amount at least $25,000 may be expended for such bank revetment as in the judgment of the Chief of Engineers may be in the interest of navigation; in all, $100,000.

"Improving Los Angeles Harbor, Cal.: For maintenance of improvement by dredging in the inner harbor, East and West Basins, and entrance channel, $75,000.

"Improving Los Angeles Harbor, Cal., in accordance with the report submitted in House Document No. 896, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $200,000.

"Improving harbor at San Francisco, Cal.: For maintenance, $9,000.

"Improving harbor at Oakland, Cal.: Continuing improvement and for maintenance, $98,000: *Provided*, That if in the judgment of the Secretary of War the prices received in response to advertisement for bids for dredging are not reasonable, so much of the amount herein appropriated as shall be necessary may be expended for the purchase or construction of a suitable dredging plant.

"Improving harbor at Richmond, Cal., in accordance with the report submitted in House Document No. 515, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $50,000.

"Improving San Pablo Bay, Cal.: For maintenance of channel through Pinole Shoal, $40,000.

"Improving Humboldt Harbor and Bay, Cal.: For completion and repair of the jetties at the entrance, $525,000.

"Improving San Rafael Creek, Cal.: Completing improvement in accordance with the report submitted in House Document No. 801, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $27,300.

"Improving Napa River, Cal., in accordance with the report submitted in House Document No. 795, Sixty-third Congress, second session, $20,000: *Provided*, That no expense shall be incurred by the United States for acquiring any land required for the purpose of this improvement.

"Improving Petaluma Creek, Cal., in accordance with the report submitted in House Document No. 118, Sixty-third Congress, first session, $7,500.

"Improving Sacramento and Feather Rivers, Cal.: Continuing improvement and for maintenance, including improvement above Sacramento to Red Bluff, in accordance with the report submitted in House Document No. 76, Sixty-second Congress, first session, $25,000.

"Improving Sacramento and Feather Rivers, Cal., in accordance with the report submitted in Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $200,000.

"Improving harbor at Coos Bay, Oreg.: For maintenance of the completed channels in Coos Bay and operating the bar dredge, $50 000.

"Improving Nehalem Bay, Oreg.: Completing improvement, $116,175.

"Improving Coquille River, Oreg.: Continuing improvement and for maintenance and connecting north jetty with the shore, $90,000.

"Improving Coos River, Oreg.: For maintenance, $3,000.

"Improving Siuslaw River, Oreg.: For maintenance, $5,000.

"Improving Siuslaw River, Oreg.: Continuing improvement, $112,500: *Provided*, That an equal amount be provided for the purpose by the port of Siuslaw or other agency, to be expended by the Secretary of War upon the same terms and conditions as those prescribed in connection with the work authorized by the river and harbor act approved February 27, 1911.

"Improving Snake River, Oreg., Wash., and Idaho: Continuing improvement and for maintenance up to Pittsburg Landing, Oreg., $10,000.

"Improving Columbia River and tributaries above Celilo Falls to the mouth of Snake River, Oreg. and Wash.: Continuing improvement, $20,000.

"Improving Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash.: Completing improvement, $525,000.

"Improving Columbia River at Cascades, Oreg.: Continuing improvement, $10,000.

"Improving Willamette and Yamhill Rivers, Oreg., in accordance with the report submitted in House Document No. 13, Sixty-second Congress, first session, $40,000.

"Improving Willamette River, Oreg.: For the purchase of the existing canal and locks around the Willamette Falls at Oregon City, Oreg., and completing improvement in accordance with the report submitted in House Document No. 1060, Sixty-second Congress, third session, $80,000.

"Improving Columbia and Lower Willamette Rivers below Portland, Oreg.: Continuing improvement and for maintenance, $300,000: *Provided*, That of the funds herein appropriated $6,000, or so much thereof as may be necessary, may be expended in completing improvement at Cathlamet, Wash., in accordance with the report submitted in House Document No. 120, Sixty-third Congress, first session.

"Improving mouth of Columbia River, Oreg. and Wash.: Continuing improvement and for maintenance, including repairs and operation of dredge, $1,000,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,500,000, exclusive of the amount herein and heretofore appropriated.

"Improving Clatskanie River, Oreg.: For maintenance, $1,000.

"Improving Grays Harbor and Chehalis River, Wash.: For maintenance of improvement of inner portion of Grays Harbor and of Chehalis River up to Montesano, $30,000.

"Improving Grays Harbor and bar entrance, Wash.: For maintenance, $110,000.

"Improving Cowlitz and Lewis Rivers, Wash.: Continuing improvement and for maintenance, including North and East Forks of Lewis River, $16,000.

"Improving Grays River, Wash.: For maintenance, $500.

"Improving Skamokawa Creek, Wash.: Completing improvement in accordance with the report submitted in House Document No. 111, Sixty-third Congress, first session, $1,800.

"Improving Puget Sound, Wash.: For maintenance of improvement of Puget Sound and its tributary waters, $25,000.

"Improving Swinomish Slough, Wash.: That for the purpose of aiding in the improvement and maintenance of the channel across Padilla Bay, and securing the cooperation of local interests therein, the Secretary of War may authorize said local interests to construct a system of dikes and dredge along the said channel, and in connection therewith to close the adjacent streams known as Indian Slough and Telegraph Slough all in accordance with such plans as may be approved by him on the recommendation of the Chief of Engineers: *Provided*, That no expense shall be incurred by the United States on account of said improvement.

"Improving Skagit River, Wash.: For maintenance, $10,000.

"Improving Skagit River, Wash.: Completing improvement at Skagit City bar, in accordance with the recommendation of the Chief of Engineers, contained in House Document No. 935, Sixty-third Congress, second session, $30,000.

"Improving Columbia River between Bridgeport and Kettle Falls, Wash: Completing improvement, $25,000.

"Improving Apoon mouth of Yukon River, Alaska: Completing improvement in accordance with the report submitted in House Document No. 991, Sixty-third Congress, second session, $45,000.

"Improving harbor at Honolulu, Hawaii: Continuing improvement and for maintenance, $125,000: *Provided*, That if in the judgment of the Secretary of War the prices received in response to advertisement for bids for dredging are not reasonable, so much of the amounts herein and heretofore appropriated as shall be necessary may be expended for the purchase or construction of a suitable dredging plant.

"Improving Harbor at Hilo, Hawaii: Continuing improvement, $100,000.

"Improving harbor at San Juan, P. R., in cooperation with the local government, in accordance with the report submitted in House Document No. 865, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $200,000

"Appropriations made for the respective works herein named, or so much thereof as shall be necessary, may, in the discretion of the Secretary of War, be used for maintenance and for the repair and restoration of said works whenever from any cause they have become seriously impaired, as well as for the further improvement of said works.

"Surveys and examinations provided for in this section shall, unless otherwise expressed, be paid for from the appropriations made for the respective improvements or projects to which they pertain or in connection with which they are mentioned."

Mr. RANSDELL. Mr. President, I will ask to return to page 42 of the bill, and introduce on behalf of the committee an amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Louisiana offers an amendment to the committee amendment, which will be stated by the Secretary.

The SECRETARY. At the end of line 19, on page 42, after the numerals and before the period, it is proposed to insert a colon and the following:

*Provided*, That no contract shall be entered into nor any money spent for the construction of lock and dam at the foot of Caney Creek Shoals in accordance with project therefor submitted in House Document No. 360, Sixty-second Congress, second session, except upon conditions set forth on page 3 of said report, to the effect that the property holders affected by such improvement be required to secure and furnish the United States, free of cost, all the flowage rights necessary for this pool prior to any work of actual dam construction by the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Louisiana to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. WEEKS. Mr. President——

Mr. RANSDELL. Let me go back to two or three committee amendments, and then I shall be glad to yield.

Mr. WEEKS. I think the Senator will have an opportunity after we get a quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Jones | Perkins | Smith, S. C. |
| Bankhead | Kern | Pittman | Smoot |
| Brady | Lane | Pomerene | Sterling |
| Bryan | Lea, Tenn. | Ransdell | Stone |
| Burton | Lee, Md. | Reed | Thornton |
| Camden | Lewis | Robinson | Townsend |
| Chamberlain | McCumber | Shafroth | Weeks |
| Culberson | Martine, N. J. | Sheppard | West |
| Fletcher | Myers | Shields | White |
| Gore | Nelson | Simmons | Williams |
| Hollis | Norris | Smith, Ariz. | |
| Hughes | Overman | Smith, Ga. | |
| James | Page | Smith, Md. | |

Mr. SMITH of Maryland. I desire to say, in regard to the junior Senator from Virginia [Mr. SWANSON], that he has been suddenly called home on account of the illness of his father; and in that connection I ask that he may be excused.

The PRESIDING OFFICER. The Senator from Maryland asks that the junior Senator from Virginia [Mr. SWANSON] may be excused on account of the illness of his father. Is there objection? The Chair hears none.

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] by leave of the Senate, and to state that he is paired with the Senator from New York [Mr. ROOT].

Mr. SMITH of Maryland. I also wish to include in my announcement the senior Senator from Virginia [Mr MARTIN], who is also absent on account of sickness in his family. I ask that he may be excused..

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent that the senior Senator from Virginia [Mr. MARTIN] may be excused on account of illness in his family. Is there objection? The Chair hears none, and it is so ordered.

Mr. LEA of Tennessee. I desire to announce the absence of the junior Senator from Kansas [Mr. THOMPSON], who was excused from attendance to-day by the Senate.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present.

Mr. BURTON. Mr. President, I desire to offer as a substitute for section 1 which has just been read as a substitute for section 1 the substitute which I offered and which was read this morning.

The PRESIDING OFFICER. The Senator from Louisiana announced his desire to offer some amendments to the amendment.

Mr. RANSDELL. Just to improve the committee amendment. I hope the Senator from Ohio will withdraw his request until I can offer these to perfect the amendment.

Mr. BURTON. It is understood that I will have the floor as soon as that is done?

The PRESIDING OFFICER. The Chair will state that by the unanimous-consent agreement heretofore entered into the Senator from Louisiana is entitled to offer committee amendments, and the Chair recognizes the Senator from Louisiana to submit his amendments.

Mr. RANSDELL. On page 48, line 11, there is a mistake in the spelling of the word "Lippel." It should be "Zippel." I ask that that change be made.

The PRESIDING OFFICER. The Senator from Louisiana offers an amendment to the amendment, which the Secretary will state.

The SECRETARY. On page 48, line 8, change the spelling of the word "Lippel" to read "Zippel," so as to read:

Improving Zippel Bay, Lake of the Woods, Minn.

Mr. RANSDELL. I ask for the adoption of the amendment to the amendment.

Mr. NELSON. It should be "Zippel." It is Zippel Bay.

Mr. RANSDELL. That is what I have asked to have it changed to.

Mr. NELSON. That is right.

The amendment to the amendment was agreed to.

Mr. RANSDELL. On page 63 of the substitute, between lines 9 and 10, I ask to insert what I send to the desk.

The PRESIDING OFFICER. The Secretary will read it.

The SECRETARY. On page 63, after line 9, insert the following:

Improving Willapa Harbor and River, Wash., in accordance with the report submitted in House Document No. 706, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $50,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. RANSDELL. I now move the adoption of the substitute as amended.

The PRESIDING OFFICER. Pending that motion, the Sergeant at Arms is directed to report the proceedings and action under the order of the Senate heretofore issued to compel the attendance of absent Senators.

Mr. JOHN J. MCGRAIN (Special Deputy Sergeant at Arms) appeared and said:

Mr. President, I have the honor to make the following report.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read as follows:

SENATE OF THE UNITED STATES,
SERGEANT AT ARMS,
*September 9, 1914—1 p. m.*

To the PRESIDENT OF THE SENATE:

SIR: I have the honor to further report that Senators CULBERSON and PERKINS, who were excused last evening on account of illness, have appeared in the Senate Chamber. Senators BANKHEAD, BRANDEGEE, GORE, MCCUMBER, NELSON, NORRIS, POMERENE, SMITH of Georgia, and SMITH of Michigan have responded to the order of the Senate by appearing in the Senate Chamber.

Every Senator now in the city of Washington, except Senators BRISTOW and LA FOLLETTE, who are reported sick, has appeared in the Senate Chamber.

Also, in obedience to the following order received by me—

*"Ordered*, That the Sergeant at Arms be instructed to request the attendance of all Senators now absent from the city of Washington except those who are sick or excused"—

I beg leave to report that I have complied with these instructions by telegraphing to all Senators now absent from the city of Washington, with the exception of Senators BURLEIGH, SHIVELY, and THOMAS, excused, and one Senator who is abroad.

Very respectfully,
JOHN J. MCGRAIN,
*Special Deputy Sergeant at Arms.*

Mr. SMITH of Georgia. Mr. President, the report is incorrect in so far as it applies to myself. I was excused, I understood last night, and I reported this morning by 7 o'clock. I was excused for the night for confidential reasons.

The PRESIDING OFFICER. The Chair thinks the statement of the Senator from Georgia is correct.

Mr. BURTON. I move to amend the amendment proposed by the committee as a substitute by inserting in lieu of it the substitute offered by myself and read this morning.

The PRESIDING OFFICER. The Senator from Ohio offers as an amendment, in the nature of a substitute for the amendment proposed by the committee, the amendment which was read this morning.

Mr. BURTON. It is but proper that I should address the Senate on behalf of that amendment.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. Yes.

Mr. SHEPPARD. I wish to ask the Senator from Ohio whether his substitute has yet been printed.

Mr. BURTON. I do not think it has yet been printed.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the print will be here in a few minutes.

Mr. BURTON. I think I can explain it so that it will not be necessary to wait for the print.

Mr. FLETCHER. Mr. President, I make this point: The unanimous consent was that all amendments by the committee to the entire bill were to be considered first.

Mr. BURTON. This, however, is the perfecting of an amendment proposed by the committee.

Mr. FLETCHER. I understand; but there are other sections of the bill, and this is an amendment to only one section, and it seems to me that, under the agreement, the committee would have the right to propose amendments to the entire bill.

Mr. SMOOT. If the Senator will allow me——

Mr. FLETCHER. If it is agreed otherwise, of course, I have no objection; but, under the order, if we take up the matter of offering amendments to the amendments proposed by the committee, we are not precluded, under the unanimous-consent agreement, from a preference in offering amendments to the remainder of the bill.

Mr. SMOOT. The Senator is right as to the unanimous-consent agreement. I take it the Senator from Ohio thought that the amendments of the committee were completed.

Mr. RANSDELL. As I understood the matter, we were going to perfect the substitute section 1 and to permit any Senator to offer amendments to that substitute and then take up the remainder of the bill. That was my understanding, though I may have misunderstood it. That is the basis on which I have acted.

Mr. FLETCHER. I have no objection to that order.

Mr. BURTON. The amendment which I have proposed is an amendment to the amendment proposed by the committee, and, it seems to me, that under the unanimous-consent agreement it is proper here, because it is a perfecting agreement.

As I understand the unanimous-consent agreement, the amendment as a substitute to section 1 was to be offered and then any amendment to that might be offered. That would include not only an amendment but a specific paragraph to an amendment to the whole section. It is on that theory that I have proposed a substitute for the whole of it.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Florida and the Senator from Louisiana to the fact that if the committee amendment be agreed to it would not be subject to amendment thereafter except by further unanimous consent. The Chair thinks that the amendment of the Senator from Ohio is in order under the unanimous-consent agreement.

Mr. RANSDELL. That is my opinion. As I understood the unanimous-consent agreement, we would attempt to perfect the substitute for section 1, and then it would be open to the Senator from Ohio, and any other Senator, to move amendments thereto. That was my understanding.

Mr. SMOOT. I ask that the unanimous-consent agreement be read, because I do not understand the unanimous-consent agreement in that way.

The PRESIDING OFFICER. The Chair can state from memory the unanimous-consent agreement. It was that the Senate proceed to the consideration of the bill, and that the committee amendments be first considered.

Mr. SMOOT. And then amendments to the bill should be offered thereafter or any amendment could be offered to the bill thereafter.

The PRESIDING OFFICER. Yes; and that the bill should be subject to amendment.

Mr. NELSON. I desire to say in reference to the question which has just been raised that the amendment of the committee to section 1 is the same amendment; it is an entirety, and the question is on the adoption of that amendment, but before we act upon it it is subject to amendment, and it does not depend at all upon the unanimous-consent agreement. The amendment to the amendment would be in order without unanimous consent.

The PRESIDING OFFICER. That is the ruling of the Chair.

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Mr. BURTON. Mr. President, I desire to set forth at some length the differences between the substitute which I have proposed and the bill recommended by the Committee on Commerce.

In the first place, it eliminates certain large new projects. Perhaps most prominent among these is the Chesapeake & Delaware Canal. Concerning this proposed waterway there are two reports—one the report on the intercoastal waterway from Boston, Mass., to Beaufort, N. C., Document No. 391, Sixty-second Congress, second session. This sets forth the project on page 4, as follows:

The immediate purchase of the existing Chesapeake & Delaware Canal, which connects Chesapeake Bay with the Delaware River, at an estimated cost of $2,514,290, and its progressive change to a tide-level canal of 25 feet depth at mean low water at a further cost of $9,910,210, making a total initial cost of $12,424,500, of which $3,000,000 should be made available immediately, and the rest be covered by authorizations with a view to final completion, following the general line of improvement outlined by the special board. This canal forms an essential part of a through inland waterway connecting New York and Philadelphia with the South. Its purchase and the abolishment of tolls will produce at once a considerable saving in transportation expenses and should result in an early and substantial increase of traffic with advantage to the commerce of several States. This canal is at present 10 feet deep and of the lock type, the locks being 24 feet wide by 220 feet long. The change should be made gradually and in such way as to interfere as little as possible with existing traffic; and 12 feet depth or thereabout should be secured throughout the canal before the deepening is carried to 25 feet. While the above recommendation for immediate purchase of this canal and the enlargement of this section to about 12 feet depth is a definite recommendation, the method of deepening to 25 feet and the rapidity of work for the first and subsequent deepening must depend considerably upon the cost of the intermediate steps, and further estimates for such portions of the work will therefore be called for and submitted later with final recommendation for this section.

Then follows a recommendation by the special board:

The special board recommended the construction of a sea-level canal 25 feet deep across the State of New Jersey between the Delaware River and Raritan Bay at a cost estimated at $45,000,000. To aid in carrying out this project the State of New Jersey has undertaken to provide not to exceed $500,000 for purchase of right of way for the canal. The special board stated, however, that the construction of the canal recommended should be deferred until after the construction of the two more southerly sections (Delaware-Chesapeake and Norfolk-Beaufort sections), and until the necessary plant now at work on the Panama Canal shall be made available.

The Board of Engineers for Rivers and Harbors states that it is not convinced that a canal of much less depth than 25 feet would not adequately meet the demands of commerce, and believes that estimates of cost of a canal 12 feet deep should be made.

This is a part of an elaborate scheme for the improvement of inland waterways along the Atlantic coast, to be followed by similar waterways along the Gulf, the object of which is to provide sheltered routes and avoid the open sea. In some instances the distance is thereby materially shortened. There was little prospect for any such waterway until the year 1909. The total expense reaches enormous figures, according to some estimates $25,000,000 for the Chesapeake & Delaware Canal and $45,000,000 for the Raritan & Delaware Canal between New York and Philadelphia, together with an expenditure of $5,400,000 for an inland waterway 12 feet deep from Norfolk, Va., to Beaufort, N. C. To those should be added a project for an inland waterway from Boston to Providence Bay and from Providence Bay along Long Island Sound. The aggregate expense of all these projects totals approximately $100,000,000—that is only as far as Beaufort, N. C.—together with a very large additional sum on the south Atlantic coast and on the Gulf.

I wish to sound a note of caution against this enormous expense. It is not the time, when we are contemplating extraordinary taxes aggregating $100,000,000, to start upon any experiments or even upon improvements of this nature the expense of which is so colossal in amount.

Let us intelligently face the present situation. There are scores of river and harbor improvements under way, some of which have been prosecuted for 30 years and more, and many for 10 years and more, still altogether incomplete, the aggregate expense of which will be between $300,000,000 and $400,000,000. Our estimates are not so definite as to enable us to state the figures exactly, but we may be reasonably certain that the amount will nearly reach $400,000,000. Many of these improvements are of the utmost worthiness, and many have been provokingly delayed because of the slowness of Congress in making appropriations for them. A considerable number have been started in a blundering, unscientific manner, in that, however large the total cost, but small fractions of the amount required have been provided. For instance, in some cases one-tenth, in others one-twentieth, in others one-thirtieth of the total amount has been appropriated without any provision for the ultimate completion of the projects in question.

The most crying demand in our river and harbor improvement is for a reform in this regard, under which we shall not begin any of those projects, either large or small, unless at the date when provision is made for beginning them legislation is also enacted for their completion.

I have this first objection to this project—for the Chesapeake & Delaware Canal. It is an entering wedge for other improvements of vast expense and requiring many years for completion.

And yet before any of them have been tried, before any of them are completed, we have an agitation here for beginning all of them.

What is the sensible course to pursue regarding waterways of this nature which have a distinctive quality? Why, Mr. President, the answer is very clear. We should try out a few of the most promising and ascertain whether such projects are feasible and desirable.

I have repeatedly called attention to the waste in the canalization of rivers, and to the fact that we have now under way plans for the improvement of inland waterways, some 20 or 30 in number, of which not a single one is entirely complete. We can not ascertain whether any of the 20 or 30 proposed will be a success until we have tried one of them and by experience have demonstrated its efficiency.

It is true an inland waterway has been constructed by private enterprise, known as the Cape Cod Canal, shortening very much the route from New York to Boston and having a channel some 7½ or 8 miles in length. Tolls are charged, but the canal will enable us to draw inferences as to whether these waterways are to be successful. I especially disapprove this most injudicious, this absurd policy under which, with a multitude of similar improvements, the Federal Government proceeds to do a trivial portion of the work on all of them without completing a single one.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. BURTON. In just a moment I shall yield. If this canal is to be undertaken, let us face the proposition at the beginning and say we shall appropriate enough money, or, in any event, authorize it, to carry it through to the end. Now I yield to the Senator from Washington.

Mr. JONES. As I understand, the Senator is discussing the general project of an intercoastal waterway canal to go from New York around to Texas.

Mr. BURTON. Indeed, from Boston around to Texas.

Mr. JONES. Can the Senator tell me how many sections, as distinct sections, or units of that canal there are?

Mr. BURTON. It would be more or less of a guess, but I would say between 40 and 60.

Mr. JONES. Between 40 and 60 distinct units.

Mr. BURTON. They are, however, not all of the same class. Some are shallow waterways; some are deep; and, as in this case, you will note, doubt is expressed as to whether there should be a depth of 12 feet or of 25 feet.

Mr. JONES. Does any one of the units depend especially upon any other unit for its efficiency?

Mr. BURTON. That is too strong a question to answer categorically, but there is no necessary connection between the greatest number of them. Each has a problem to be worked out by itself; yet each is constructed under conditions which measurably pertain to them all.

Mr. JONES. It would be impossible, then, if there be through traffic—that is, from one end of the canal to the other?

Mr. BURTON. It would be for many years.

Mr. JONES. Therefore, when you take up one unit it is practically just like taking up an independent project?

Mr. BURTON. Certainly.

Mr. JONES. If one of the units is a success, is that an indication that all of the other units may also be successful?

Mr. BURTON. Pro tanto. No two are exactly alike, and it is only by careful study of the situation and comparison that you could frame inferences from one which would be decisive as to another. Any one would, however, throw very great light upon all of the rest.

Mr. JONES. How many of these units have we actually under way now?

Mr. BURTON. Well, there are a number of the smaller ones in Texas and in Louisiana, and some minor ones in South Carolina, Georgia, and Florida.

Mr. JONES. Would the completion of any of those which are under way be a good indication as to what might happen?

Mr. BURTON. In a measure. Of course, for the first year the traffic might be slight. The Boston-New York Canal, the proposed inland waterway from Providence on Long Island Sound, the waterway from Raritan Bay to Delaware River, the proposed waterway from the Delaware to the Chesapeake, and the one under consideration are similar. The one from

Norfolk to Beaufort, now under way, I do not regard as in the same class with the others, because the traffic on the Norfolk-Beaufort waterway unquestionably will be local, while that on the Delaware and Chesapeake will be almost entirely through traffic.

Mr. JONES. Is there any one of these units not yet commenced which, in the judgment of the Senator, it would be well to begin and continue to completion?

Mr. BURTON. There are quite a number about on a par. Probably the Boston-New York Canal, constructed by private enterprise, affords the greatest promise of any of them.

Mr. JONES. That is already constructed?

Mr. BURTON. It is already constructed.

Mr. JONES. Should the Government take it over?

Mr. BURTON. That question can not be answered in an offhand way. Private enterprise controls it now and charges tolls. I do not know the rate of tolls, but it shortens the distance materially and saves the boats from rounding the dangerous Cape Cod.

Mr. JONES. How long has that canal been in operation?

Mr. BURTON. Not more than about a month or so.

Mr. WEEKS. Since July.

Mr. BURTON. Since July—about two months.

Mr. JONES. So that it would be the Senator's opinion that it would be wise action on the part of the Government to withhold taking up any similar units of this great interconstal canal until we see what the success of this particular unit might be?

Mr. BURTON. Decidedly. Candidly, I should say there is one argument in favor of this canal, that it now has a channel of 10 feet; and, although it is not in very good order, it has some considerable traffic. You raise a perplexing question when you buy canals where tolls are charged with the intention of making them free. We have had a long and very earnest controversy in regard to the Panama Canal. After a very extended discussion Congress concluded that it was fair that all classes of traffic should pay tolls. If there is a canal in existence with small tolls, as in this case, averaging perhaps 20 or 25 cents, that affords the public a waterway, must we establish the principle that the United States Government must take it over? Is it not a good plan to leave it for a while, until it is an essential link, at any rate, in a longer route?

I may state in this connection that I have never known a case in which the Government took over a private improvement where the result was not unfavorable. In the first place, you find that the standards of the Government engineers are altogether different from those of the engineers of the concern which built and managed the canal. The Government will usually rebuild the canal, in the interest of greater efficiency, greater depth, greater width, and greater ease of passage. I could repeat half a dozen instances, such as the improvements in the Kentucky River, the Muskingum River, the Monongahela River, the harbor at the mouth of the Brazos, where taking over private improvements has been unsatisfactory.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. BURTON. Certainly.

Mr. WEEKS. I desire to ask the Senator from Ohio if there has been an instance in this country where any considerable canal has been constructed with private capital in which there has been a fair return earned on the capital based on the tolls charged?

Mr. BURTON. In the olden days there were shallow canals which paid very large returns. For instance, the Erie Canal paid for its construction and for great enlargements. For a number of years the canals of Ohio afforded a very large revenue to the State, but in recent years——

Mr. WEEKS. Was not that before the construction of railroads?

Mr. BURTON. Yes. I was about to say that I do not recall an instance in recent years in which either a shallow canal or a deep-water canal has been constructed in this country by private enterprise or by a private corporation which has proven profitable. Of course, few have been constructed recently.

Mr. WEEKS. I suppose the Senator from Ohio would give some weight to the claim, which I think is a fair one, that the construction of a coastwise canal system would be of some military value.

Mr. BURTON. Yes, Mr. President; but with a naval appropriation a multiple of the river and harbor bill, and a military appropriation bill considerably larger, if any particular attention should be given to military considerations I think they should be worked out by another committee and in another bill. I do not mean to say by that that naval considerations should be altogether ignored; but let us decide first whether it is a military enterprise or a commercial enterprise.

Mr. WEEKS. Mr. President, very naturally a canal which might be used by the naval service would be a military enterprise, not primarily, but secondarily. I think one of the strongest reasons, the most potent reason, for building the Panama Canal was its military value. In my judgment, if it had not been constructed, there would have been great pressure on Congress to construct two battleship fleets, instead of maintaining one as we are doing to-day; but, having the canal, we can move the fleet from one ocean to the other quickly and use it as effectively as could be done if we had two fleets. It would be impossible to give a military value to that in dollars and cents. It depends entirely on the contingency which may arise, and that would be the case with the intercoastal canals which the Senator is discussing. They might be of great value at any time and they might never be of military value.

Mr. BURTON. Oh, I suppose a certain naval value does exist there. Persons say that a fleet could move from the Delaware River or Bay to the Chesapeake Bay. After all, there is not a very large area involved between those two bays. Of course, the most prominent example, the most notable in the world, of a canal which is of great strategic value, is the Kiel Canal, which gives access to boats from the North Sea to the Baltic Sea. It is a long way around north of Denmark, and the two seas are bordered by different nations, which have their large fortified cities. It would be necessary to go around to the north of Denmark, through the Skagerrack and the Cattegat and some channels which are under foreign control from shore if that canal were not constructed.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question there.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. Certainly.

Mr. SHAFROTH. Do any of the plans for the construction of these canals along the eastern coast require a depth that would permit battleships to enter them?

Mr. BURTON. The plans do not contemplate a sufficient depth for battleships, and I am glad the Senator from Colorado called my attention to that. The draft of a battleship, as I recall it, is 26 feet or more. I think the Senator from Colorado has served on the committee, so that he is more familiar with those drafts than I am.

Mr. SHAFROTH. I think they draw about 30 feet. That is my judgment.

Mr. BURTON. That may be true now. My information is derived from the size in vogue perhaps five years ago. Another thing: The captains or commanders of battleships are very careful not to take them through channels unless they have ample width and depth. They demand safety, both in depth and in width; and that is an important fact in regard to the plan for this canal, where they propose to begin with 12 feet and gradually work it up to 25 feet. It is questionable whether it would be of very great strategic value, except for the transfer of torpedo boats and such smaller craft and lighter-draft cruisers.

Mr. SHAFROTH. If it were contemplated to make these canals of a sufficient depth to admit battleships, what, in the Senator's judgment, would be the total cost of constructing canals of that depth?

Mr. BURTON. I do not recall that estimates have been made for a greater depth. As the depth was increased, the cost would be very much larger. The probability is that if it was of ample size for a battleship it would be double the estimates now made. Indeed, Mr. President, I never believed in mixing commercial with military enterprises. If it is preeminently for the use of the Navy, let the officers of the Navy figure it out and determine what kind of a canal they want, and let the expense be carried as part of the Naval Establishment of the United States. If it is a commercial enterprise, let it be carried in the river and harbor bill.

I now wish to call attention to another phase of this proposed improvement. As the bill came to us from the House, the appropriation was $1,300,000 for the purchase of the existing Chesapeake & Delaware Canal and appurtenant property. The Senate has raised that amount first to $2,250,000, on the theory that the bonds of the company, approximating, I believe, $2,500,000—will the Senator from Delaware correct me if I am wrong in the amount of the bonds?

Mr. SAULSBURY. The amount of the bonds is something over $2,600,000.

Mr. BURTON. Yes. It is to be observed that this is not up to the par value of the bonds. The House thus proposed $1,300,000, probably on the theory that the canal could be

obtained at a great bargain, and the Senate decided to raise that amount to $2,250,000, neither of which is probably adequate for the original acquisition of the rights of the canal company; and that in any event would have to be supplemented with the cost of rebuilding and deepening. So the aggregate cost of a 12-foot canal would be, as I recall, about $8,000,000. I am correct in that, am I not?

Mr. SAULSBURY. The estimate is something over $7,000,000—between seven and eight million, I think—based on that purchase price.

Mr. BURTON. The purchase price of $2,250,000?

Mr. SAULSBURY. Yes. They estimate the purchase price at $2,500,000. They estimate a total of about $7,900,000.

Mr. BURTON. Yes; approximately $8,000,000. Now, what does the substitute, as reported by the committee, provide?

Improving inland waterway from Delaware River to Chesapeake Bay, Del. and Md., in accordance with the project recommended by the Chief of Engineers in paragraph 3 of his report—

Then it stops rather abruptly. It starts out by saying:

Improving inland waterway from Delaware River to Chesapeake Bay, Del. and Md.—

Referring to the document; and then, rather disjointedly, the paragraph proceeds with this language:

The Secretary of War is hereby authorized to enter into negotiations for the purchase of the existing Chesapeake & Delaware Canal, and all the property, rights of property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto, and he is further authorized, if in his judgment the price is reasonable and satisfactory, to make a contract for the purchase of the same, subject to future ratification and appropriation by the Congress.

That is the first part of it. He is authorized to make a contract, if the price is reasonable and satisfactory, for the purchase of the property, subject to future ratification and to appropriation by the Congress.

The second part of the paragraph advances a step further—

In the event of the inability of the Secretary of War to make a satisfactory contract for the voluntary purchase of said canal and its appurtenances, he is hereby authorized and directed, through the Attorney General, to institute and carry to completion proceedings for the condemnation of said canal and its appurtenances, the acceptance of the award in said proceedings to be subject to the future ratification and appropriation by Congress.

Then it goes on to say that the proceedings shall be according to the laws of the State of Delaware, which is one of the termini of the canal, and it winds up with an appropriation. What is the amount of the appropriation?—

And the sum of $5,000 is hereby appropriated to pay the necessary costs thereof and expenses in connection therewith.

Senators, if you are going to acquire that canal, why not decide the question and set apart the total amount necessary, either by appropriation or by authorization? Why mortgage future generations? Why postpone until the future provision for a purchase which we are virtually deciding upon, but for which, instead of $8,000,000, we only appropriate the infinitesimal sum of $5,000?

Why, Mr. President, look at that! Five thousand dollars appropriated and directions to make a contract if the terms are satisfactory; and if the company can not make a satisfactory contract with the Secretary of War, he is to call the company into court and condemn its property.

Does anybody here suppose that when you have taken those steps there is not going to be sufficient agitation behind this to compel Congress to make the necessary appropriations, at least for the expense of acquiring the canal?

I sometimes think that we Senators and the Members of the House of Representatives are not such free agents as we think we are. We are subject to all-powerful currents of public opinion or popular demand, especially if there is anything that interests a locality in the country; and more especially if there is anything with a waterways association behind it, our Congress is bound to buy it. We might just as well say now: "We are deciding to buy that canal, whatever it costs." And if we buy it, common sense and prudence would demand that we go on and deepen it and improve it, and yet we are appropriating only $5,000 for it.

Suppose this had come up a year ago, and it had been proposed to appropriate $5,000 on an $8,000,000 project. Congress did not do anything quite so foolish as that in the river and harbor bill of a year ago, although they did things similar in kind but different in degree. Appropriate the $5,000; commit yourselves to spend first $2,500,000 and then the balance up to $8,000,000, and how do you know what will happen in the future? Who could have foreseen, when the last river and harbor act was passed in March, 1913, that when millions of dollars were left unprovided for in 1914 the people of the United States, when the next appropriation bill was pending, would be confronted by conditions such as now exist?

We are imposing an obligation upon ourselves to pay $8,000,000 at some time in the future. We do not know what the condition of the Treasury will be; we do not know what the condition of the people will be; but we will take our chances upon it. At this time, when we are about to receive a revenue bill to raise $100,000,000, it does not seem to me wise to purchase such an improvement as this.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Delaware?

Mr. BURTON. I do.

Mr. SAULSBURY. I desire to ask the Senator from Ohio whether he would prefer to have the matters of which I may have some knowledge discussed in a debate, or whether he would prefer that I should not interrupt him as he proceeds with his argument?

Mr. BURTON. While I do not like to refuse interruptions, I think I should prefer, if the Senator from Delaware goes beyond just an ordinary question or inquiry, to have him reply in his own time, if that is agreeable to the Senator.

Mr. SAULSBURY. I simply desired to know the Senator's preference. I can appreciate that for several hours the Senator has been laboring under a considerable disadvantage.

Mr. BURTON. When I have talked a little longer, I shall be able to speak more easily. My principal fear is that I do not make myself perfectly heard. I think interruptions, at least for any extended argument, would perhaps add somewhat to the difficulty under which I am laboring. I do not, however, wish to be understood as refusing to answer questions.

Mr. President, in view of the conditions which confront us, I think the presumption should be strongly against any new projects. Unless there is urgency, we ought not to undertake them. There is no urgency here, because instead of appropriating the amount required it is only proposed to put up $5,000; but the vice of all this is that upon an appropriation of $5,000 you have authorized your Secretary of War to make a contract with these people, and if he can not make a satisfactory contract with them, to go into the courts and condemn their property.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Ohio yield to the Senator from Michigan?

Mr. BURTON. I do.

Mr. TOWNSEND. As I understood it, this provision was intended as a preliminary step to determine whether we ought to purchase it or not. Am I incorrect about that?

Mr. BURTON. It may have been intended that way. The intention may have been for that purpose, but it goes a great deal further than that. It provides for making a contract for purchase; and, if that contract can not be made, there is another distinctively solemn step—the bringing of condemnation proceedings.

Mr. TOWNSEND. Is that before Congress can act upon it?

Mr. BURTON. That is before Congress can act. But the Senator from Michigan, who, with his long experience, varied and in many respects much more extended than my own, can hardly realize the clamor that would be raised in this country if, after taking those steps, Congress should not appropriate the money. I can imagine there would be a force here, in comparison with which all the insidious lobbies rolled into one would be but a whisper, to influence the moral judgment of men.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Delaware?

Mr. BURTON. Yes.

Mr. SAULSBURY. I feel it necessary to interrupt the Senator while he is speaking on that particular point to ask him to suggest any way he could conceive by which the Government can buy and at what price it may purchase this canal except in the method suggested in the bill.

Mr. BURTON. I think there are two or three ways. In the first place, to have a valuation carefully and accurately made. There seems to have been some dissatisfaction with the valuation already made by the engineers. It ought not to be a difficult problem to find out what a piece of property represented by stocks and bonds is worth. The bonds amount to a certain figure and pay a certain rate of interest. The stock, I understand, pays no dividends. That is one way. Another way is the valuation of the physical property, with the franchise added. Another way still is to enter into a treaty with the owners or managers of this canal to have a valuation fixed by some arbitral method. There are those three, and it seems to me it is a most unusual thing to take the steps named merely to ascertain values. I never heard of a State or the Federal

Government, while they frequently bring condemnation suits for property and occasionally abandon them, going quite this far merely for the sake of a valuation.

Mr. SAULSBURY. May I ask the Senator whether he is not aware that reports on both the methods he suggests of estimating the value of this property—namely, an estimate of the tangible property of the company, and an estimate of the value of the stocks and bonds of the company—have already been made by official boards of the Government?

Mr. BURTON. In the first place, I would say that it was far better to have that valuation made again if there is so large a difference between the House and Senate as $1,300,000 and $2,250,000. If that is not effective, there is a way of obtaining that property, and there is a time when we wish to obtain it, namely, when we have done what any great business organization ought to do—made up our minds that we will buy it and take the necessary steps to go ahead and acquire it. I do not believe in this idea of feeling the way, in this semblance of buying a thing without the reality, in clothing the Secretary of War with such broad comprehensive power that looked toward acquisition and then tying a string to it and saying that Congress shall have the right to approve or reject the whole project. I do not believe that will work well.

Mr. SAULSBURY. I hope the Senator does not intentionally evade the question which I asked, because I assume with his great knowledge in regard to all our waterway matters he is aware that boards of Government engineers have estimated the physical property of this canal at its replacement value at something like three million seven hundred and odd thousand dollars and three million nine hundred thousand dollars.

Mr. BURTON. I was not aware of the figure.

Mr. SAULSBURY. There are official reports to that effect also, in the form of other estimates, where special boards and chiefs of engineers have come to the conclusion that this canal is worth to the Government about the value of this property and the value of this security at two million five hundred and odd thousand dollars, and, of course, in making that statement I can furnish the distinguished Senator with the reports. I have them on my desk. I presumed the Senator had read them.

Mr. BURTON. If there are three estimates, one of $3,900,000, one of $2,500,000, and then another one made by the House of Representatives of $1,300,000, it looks like a most excellent place for a review and a further consideration of the question; that is, one of them fixes the figures three times as great as the other.

Mr. SAULSBURY. May I ask the Senator upon which authority he would prefer to rely—the estimates of Government engineers in the War Department or of the mere item in an appropriation which was passed by the House of Representatives and which comes here to us in this form?

Mr. BURTON. I take it the House committee consulted the engineers and had before it the engineers' reports.

Mr. SAULSBURY. I may say to the Senator that the House committee undertook to have some investigation, but none of the engineers were before the House committee. I may also say to him that the Senate Committee on Insular and Coast Survey did investigate this matter, that the Government engineers were before us, and the reports of the committees of the House and of the Senate are, of course, accessible to the Senator. I supposed, of course, in opposing or criticizing this measure so forcibly the Senator had read them.

Mr. BURTON. I have not read them.

Mr. SAULSBURY. I desire to say to the Senator that this investigation was made under a resolution of the Senate; that the Senator from South Dakota [Mr. STERLING] is well aware of the situation, and I should be glad to have him enlighten the Senator from Ohio. I have already occupied a great deal of time on this subject. If the Senator from South Dakota will do so, I should be glad to have him give the Senator from Ohio his impression of that investigation.

Mr. BURTON. I yield to the Senator from South Dakota.

Mr. STERLING. Mr. President, I will simply say that in regard to this proposed purchase I was very favorably impressed with the knowledge and information I obtained through being a member of the committee to which the Senator from Delaware refers. I thought the Chesapeake & Delaware Canal a project that might be made a part of a great intracoastal waterway system, in the first place, but independently of that I thought, because of its situation, because of the shortening of distance between important points on the Atlantic seaboard, it would be a most desirable acquisition on the part of the Federal Government.

Let me say further, Mr. President, that as to the value put upon this property, it seemed to me from the estimates of the Board of Army Engineers, the three different estimates, I think, which were before the committee, that $2,500,000 was not in excess of its value. It appeared that there were over $2,000,000 worth of bonds, as I remember.

Mr. SAULSBURY. Two million six hundred thousand dollars' worth.

Mr. STERLING. Two million six hundred thousand dollars' worth. There was no evidence to show that the owners of these bonds were anxious to dispose of the property, but the evidence I think shows that now they are obtaining an income on those bonds of about 5 per cent, and that they are willing to continue to hold this property as it is and collect their interest on these bonds.

They, however, will not be able to extend this into a waterway that will admit of the passage of the larger vessels, such as I think ought to be done, from its present situation. In order that that may be done, it will be necessary for the Government to purchase and widen and deepen this canal. It would then, Mr. President, instead of being a toll-paying canal, be like other waterways, as it should be—not monopolistic, but a free waterway for the use of the commerce of the United States.

Of all the projects involved in this bill, save one in which I am particularly interested because it is in my own State, this is the one to which I gave some attention and in which I have felt great interest. I confess it appealed somewhat to my imagination as being a proper part of a great intracoastal system which, developed, would be of great advantage to our commerce.

Mr. SAULSBURY. If I may——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Delaware?

Mr. BURTON. Yes; certainly.

Mr. SAULSBURY. I desire before the Senator from South Dakota resumes his seat to ask him if, after having heard all the testimony taken by our committee, he can conceive of any way in which the price at which the Government can take this canal can be obtained otherwise than by a board of condemnation?

Mr. STERLING. I do not.

Mr. BURTON. Mr. President, I commend the Senator from South Dakota for this appeal to sentiment and imagination. Possibly he has not been seasoned by long experience in listening to booster clubs and boomers who come around either with canals for sale or to advocate the purchase of such canals. I have learned to be a wiser man in my relations with that class of people. They are among the most captivating, the most plausible, the most convincing of any class of our citizens.

I would like to ask the Senator from South Dakota if it was brought to his attention that some of these bonds were selling for 49 cents, or did at one time sell for 49 cents on the dollar?

Mr. STERLING. Yes; it was brought to my attention that at one time and under particular circumstances a few of the bonds sold at 49 cents on the dollar, but the evidence showed that their value was in excess, and largely in excess, of that—as I recall it, at least 68 cents on the dollar.

Mr. BURTON. Only 68 cents on the dollar, $2,600,000 worth of bonds; how is the valuation of $2,600,000 fixed?

Mr. STERLING. The Senator from Delaware will correct me if I have not made a correct statement in that regard, but it is largely in excess of 49 cents on the dollar.

Mr. BURTON. If it is 68 cents and there are $2,600,000 of bonds, that would amount to about $1,768,000.

Mr. STERLING. If the Senator will pardon me, I have not made any computation recently, but my recollection is that the value of the bonds was such as to have made a capital of two million five hundred or six hundred thousand dollars; that interest at 5 per cent was being realized by the bondholders on the amount.

Mr. BURTON. That could hardly be so, however, if the bonds were worth only 68 cents.

Mr. STERLING. I did not say positively they were worth 68 cents, and I modified the statement I did make as to the value of the bonds.

Mr. BURTON. How long did those bonds sell for 49 cents?

Mr. STERLING. I do not recall the date when some bonds were sold at that price, but it was a good while ago.

Mr. SAULSBURY. I think if the Senator from Ohio had done the Senate Committee on Coast and Insular Survey, which had the investigation of the matter, the honor of reading the report on the valuation of this canal, the report having been made within only a few months, he would be quite able to find that the estimate of the value of those bonds given by that Senate committee was 80 cents on the dollar, which would make upward of $2,000,000, and that would place the bonds on a 6 per cent basis, as I remember. The Senator will find all those facts stated in that report. It is much to my chagrin, as doubtless

that of the Senator from South Dakota, that the very laborious work we did in investigating the value of this canal had not met with sufficient interest on the part of the Senator from Ohio to cause him to read that report before so severely criticizing the subject.

Mr. BURTON. I fancy the reason is that the words "coast and insular survey" have a very definite and well-defined meaning, and it is expected that that committee will occupy itself with our seacoasts and the islands near them, and possibly Members of the Senate did not anticipate this very accurate and painstaking valuation of the bonds of a company in their report. They thought probably that would go to the Committee on Finance or some similar committee. I do not see yet where that valuation of two million and a half comes from. There is one thing I want to ask—Did the committee listen to any persons aside from the officers of this company and the owners of these bonds?

Mr. SAULSBURY. I can only say in regard to the Senator from Ohio being unaware of this investigation, I recall that when the resolution of investigation was introduced by me the distinguished Senator himself interrogated me—and the RECORD will show that he did—as to what the scope of this investigation would be and how long it would probably take.

Mr. BURTON. Where was that—before the Committee on Commerce?

Mr. SAULSBURY. The resolution was before the Coast and Insular Survey Committee about the time the river and harbor bill came over from the House, as I recall it.

Mr. BURTON. Not in the Coast and Insular Survey Committee.

Mr. SAULSBURY. Yes; and in the Senate the Senator interrogated me as to the value of this canal when the resolution of inquiry was introduced as to how long it would take us to make a report and the extent of the investigation. So he must have forgotten the fact.

Mr. BURTON. For the time I had forgotten it.

Mr. SAULSBURY. The Senator addressed some inquiry to me just now as to whether we examined witnesses other than the officers of the company—and who else, may I inquire?

Mr. BURTON. The stockholders or bondholders of the company.

Mr. SAULSBURY. I may say in reply that I interrogated all the officers of this company, and if the Senator will do us the honor to read the testimony which we took he will find that it was rather an unfriendly examination which we made. In addition to that, we had the Chief of Engineers, who had investigated this matter. We had the former United States Engineer in charge of that district before us, who himself had made an investigation of this particular matter, and every person we could find. We had before us the shippers through the canal, the men who run boats through the canal, and inquired of them as to the condition of the canal. The Senator I am sure will find that we made a most enlightening report in regard to all those conditions if he will do us the honor to peruse it.

Mr. BURTON. Really if I had the time I would be glad to read it; but it seems to me there are certain general principles that go a long way in suggesting the proper disposition of this matter. In the first place——

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. BURTON. I do.

Mr. JONES. I have quotations here on the bonds. If the Senator would like to have me do so, I will read them.

Mr. BURTON. Very well.

Mr. JONES. This is a hearing before the subcommittee of the Committee on Coast and Insular Survey. In 1903 the lowest quotation had fallen to 43; in 1905 they were quoted at 48; in 1906, at 50; in 1910, at 63; in 1911, at 65; in 1912, at 66; and in 1913 they were quoted at 68.

Mr. BURTON. I can hardly understand that. The amount of the bonds was $2,600,000?

Mr. JONES. Two million six hundred and two thousand nine hundred and fifty dollars.

Mr. BURTON. Approximately $2,600,000.

Mr. JONES. Yes.

Mr. BURTON. Sixty-eight cents on the dollar. Really, Mr. President, I can not see how a concern of that kind, having bonds at 68 cents on the dollar, could be worth as much as two millions and a half.

Mr. STERLING. Mr. President——

Mr. BURTON. I do not altogether care to go into that matter of valuation.

Mr. STERLING. The Senator insists that the bonds were worth only 68 cents on the dollar, because I thought I named that figure. I modified my statement, my recollection not being clear on that point. I take the statement of the Senator from Delaware [Mr. SAULSBURY], chairman of the subcommittee, who has given the subject more personal attention than I myself have been able to do. I do not say that the bonds were worth 68 cents on the dollar. Now, if the Senator will permit me just a moment——

Mr. BURTON. Certainly.

Mr. STERLING. I call his attention to just a little of the testimony of Gen. Bixby in regard to the valuation of this property. He says:

So that while the cost per unit might differ a little bit to-day—

He had given us the results of a previous appraisement, made, I think, in 1907—

the total cost, if we were making a new appraisement, based on the figures of quantities that the commission verified, would go over $3,000,000 all the same, which is a price that is greater than the price which has been previously recommended for payment to the canal company. In other words, the price at which the Agnus Board and the other boards have concluded was best to stand by, as a payment to the canal company, was a price based upon its value as a going concern, which is less than what it would cost to reproduce the properties. And therefore they have all concurred, and the Chief of Engineers has concurred with them, that the recommendation which has been made for $2,500,000 was not too high and, if it erred anywhere, it was perhaps too low, because we know that to do the same work to-day in that locality we can not get it for any less money; and if we go to the next locality, which is the Sassafras route, it would cost us from $2,000,000 to $4,000,000 more to get a less satisfactory canal.

Mr. BURTON. There was no district attorney or anyone representing the Government, except the engineers who appeared before the committee. Can the Senator from Delaware explain how it could be that the engineers, with these bonds, to the extent of $2,600,000, quoted at 68 cents on the dollar—that seems to be the highest quotation—fix the valuation of the property at $3,900,000, while the committee of the House of Representatives fixed it at $1,300,000? The variation is very great.

Mr. SAULSBURY. Mr. President——

Mr. BURTON. I yield to the Senator from Delaware.

Mr. SAULSBURY. Mr. President, again I might say that if the distinguished Senator from Ohio had simply referred to the reports of several commissions appointed by the Government under authority of Congress to make estimates on the values of this property, he would have found that in making those estimates of nearly $4,000,000—I can recall that it was over $3,700,000—they took the items of construction, the masonry, the various works that they found on the canal, and made an exact and accurate estimate of their value. The conclusion those engineers drew from the amount of excavation and from the works on the canal was that their replacement value, as I have already said, was about $3,700,000.

I do not undertake to say what the House of Representatives did through their committee in making an appropriation of $1,300,000. That would be utterly futile, of course, because this canal, as I have heretofore said in the Senate, is actually earning net each year now about $118,000, which at 6 per cent would be something under $2,000,000, and at 5 per cent would be something in excess of the amount suggested in the first amendment to this bill by the Commerce Committee.

Mr. BURTON. Mr. President, the Senator from Delaware is slightly in error in his figures. The capitalization of $118,000 at 6 per cent would be about $1,970,000.

Mr. SAULSBURY. At 5 per cent it would be about $2,000,000. The Senator is quite correct in that.

Mr. BURTON. I do not want to go into these figures to any considerable extent, although it does seem very strange that there should be three estimates varying so widely and with bonds only at 68 per cent, which, of course, means that the stock is worthless; and with those bonds only aggregating $2,600,000 this property should be worth $3,900,000 or even $2,500,000. The total value of the property on that basis would be between $1,700,000 and $1,800,000.

However that may be, let that pass. If we want that canal, let us decide to go ahead and take the steps to secure it. The range could not be very great, it seems to me, on the price on condemnation; but instead of continuing this policy, under which there have been such objectionable instances, under which we have a tenth of the amount necessary to be appropriated, do not let us have another where but one one-hundred-and-sixtieth part of the total expense is provided for. Let us in one bill, by appropriation or authorization, make provision for this canal if we want it. If we do that, we shall then have a due sense of the magnitude of the undertaking; we will consider carefully what we are doing, and we will be able to decide this question wisely. A $5,000 appropriation attracts no attention; it goes almost unnoticed through the Senate or the House, but when there is an $8,000,000 appropriation the eyes of Senators

and of Representatives, however much they may be accustomed to large figures, are sure to be opened.

Indeed, Mr. President, in enumerating the objections to this proposition, about the strongest that I can bring to mind is this very one, that it proposes to do an absurd thing—to appropriate $5,000, with a practically assured expenditure within a few years of $8,000,000.

If you were to read this provision, you would think it was for some little insignificant ditch somewhere up on the borders of Delaware. Five thousand dollars is a small sum, but it seems a very much larger amount than that is involved.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. BURTON. Yes.

Mr. JONES. Does the Senator from Ohio think that any part of that $5,000 can be used for any purpose except for condemnation proceedings?

Mr. BURTON. Possibly it was intended for an investigation; and that is what it must mean—sufficient money to conduct the lawsuit or the proceedings for condemnation.

Mr. JONES. It was my understanding that they could not use any part of that money for any other purpose.

Mr. BURTON. No.

Mr. JONES. Therefore it is not to apply on the project itself, or the acquirement of any interest in the project, but it is simply to be expended in connection with the preliminary purpose of ascertaining for what the project can be secured.

Mr. BURTON. It is nevertheless a committal, not absolute, but if we may trust to the teachings of past experience, virtually it is a committal to that project. There is a very large and influential waterway association, which holds great meetings and issues bulletins. I have myself received the benefit of their attack within the last few days in a circular sent out under a Congressman's frank. That zest, that importunity, the ability to accomplish anything, is never better illustrated in this country than in the case of a waterway association after an appropriation. I think that this provision here would mean the acquisition of the property; that Congress would be sure to appropriate for it.

There are several ways, Mr. President, in which we might provide for our river and harbor improvements under present conditions. We might pass this bill purged of extravagant items. It is unthinkable to me that, in view of the approaching deficiency in our revenues, we should pass the bill in the form in which it now appears.

I may say, in this connection, that I wish to give full credit to the Committee on Commerce for their labors in eliminating some $18,000,000 from the bill; but their painstaking work, in which they obtained the advice of engineers, saves a very small sum to the United States Government. If, for example, there was an appropriation of a million dollars in the bill, as reported to the Senate, and it was cut down to $600,000, it was because of the lateness of the season, and the belief that between now and the 4th of March next, instead of a million dollars being required $600,000 would be ample. Thus, while there are a few objectionable projects eliminated, while the appropriation of $400,000 for Boston Harbor and the million-dollar continuing contract for Delaware River from Philadelphia to the sea are left out, there is no saving in this bill which justifies any claim of economy. If we have cut down appropriations in this bill, by just that amount the appropriations in the bill to be passed next winter must be increased; and so I think the claim that $18,000,000 has been saved here is entirely without foundation. The ultimate cost of the improvements will be just as much, and hence this shaving in anticipation of a bill next February or March is keeping the word of promise "to the ear and breaking it to the hope."

There is another course that might be pursued—indeed, last night I introduced a motion to that end—which is that an aggregate sum of not more than $20,000,000 might be appropriated for the maintenance of public works and the continuance by the Government of worthy improvements and projects. Could we supply the funds? We have something of a guide as to what that would require in a document filed with us by the War Department some months ago, in which it was said that the amount required for the maintenance of existing river and harbor works would be $2,750,000 and the amount for the continuation of work by Government equipment and plants would be some $10,000,000; in all, $12,750,000. That would leave out of account a very important category of expenses, namely, work done for the Government by corporations and individual contractors. Twenty million dollars would certainly seem to be ample to carry on the work done by the Government plants, the work of maintenance, and make a reasonable allowance for work done by contractors. Besides, no new projects would be adopted; but all these amounts would be apportioned by the Chief of Engineers under the direction of the Secretary of War.

We have a precedent for this in the emergency provision which appears in many of our bills. In the act of 1909 an aggregate amount was appropriated for apportionment in a similar manner, though I believe that bill did not make allowance for payments upon contracts for the continuance of work.

Last night I introduced a motion to recommit this bill to the Committee on Commerce with instructions to report an amount that will be sufficient to carry on Government work; but the motion was laid on the table. Perhaps in the partisan spirit which prevailed at that time this proposition was not treated with the attention which it deserved.

Another plan would be to reduce the amount appropriated in this bill, and that is what I am seeking to do.

As regards new projects, if they are to be eliminated, I do not see how any can remain. You can not discriminate between the projects of South Dakota and those of Georgia, nor between those of Massachusetts and those of Louisiana. If there are new projects in all four States, those in the vicinage would, of course, think theirs the most important and pressing, and any judgment which we may express here will be sure to lead to criticism. In my own judgment, there are three which stand out rather prominently among the new projects.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. BURTON. I do.

Mr. STERLING. I should like to ask the Senator from Ohio, with his permission, if he will not make a distinction between a project or an improvement that is for the purpose of protecting land from erosion by a river and a new improvement that is for the purpose of navigation and where it is not necessary in order to protect the people in the possession and ownership of what they now have, as it is in the case where farms have been eroded and washed into the river? Would not the Senator make a distinction between an appropriation for an improvement that would prevent that great loss and destruction and an improvement that is for the purpose of commerce and where the people would be in no worse condition without the improvement than they were before?

Mr. BURTON. Of course danger to property or to life appeals very strongly to our sympathies. Without expressing any opinion with regard to any project in which the Senator from South Dakota may be interested, I would say that river and harbor bills have usually been confined very closely to the expenditure of money for the promotion of navigation; indeed, this formula or condition was almost invariably attached in past years when an appropriation was made providing for revetting the bank at a given place: "Provided it is required in the interest of navigation."

There is in the improvement of practically every alluvial stream a certain remote connection with navigation. If you do not have a channel and if the banks are not thoroughly protected, it is not possible to have a free passageway for boats. I will concede to the Senator from South Dakota that, so far as any sympathies I might have are concerned, they would be strongly enlisted where there was a threat to human life or to property.

Mr. STERLING. Mr. President, if the Senator will permit me again——

Mr. BURTON. Certainly.

Mr. STERLING. Will not the Senator agree that much of the appropriations for the rivers in the South, and especially for the lower Mississippi River and for levee work along the Mississippi River, are not particularly in the interest of navigation? The stream is not improved for the purposes of navigation, but it is improved for the protection of the lands adjacent to the stream. Is not that true?

Mr. BURTON. Mr. President, I have always said in the House and in the Senate that the provision for levees on the lower Mississippi was exceptional in its nature. The original idea, however, under which the provision was first made was that it was in the interest of navigation, and it does have a certain effect on navigation. It tends to restrict the scour of the river and tear out a more uniform channel than would otherwise be the case; but it is useless for us to deny that the great bulk of the amounts expended on the lower Mississippi are for the protection of property. The leveed districts are now extended up to Cape Girardeau; and, indeed, there is a provision in this bill that looks like spending the money clear up to Rock Island, although I do not believe much will be spent there.

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The Senator from South Dakota, however, will recognize, in addition, that in a peculiar sense this great portion of the Southland, with its enormous floods and periodical loss of life and property caused by billions of cubic feet of water and enormous quantities of silt from the rivers above, has been regarded as one especially deserving the attention of the Federal Government.

Mr. President, I had intended to take up three other large new projects. I have already spoken of the Chesapeake & Delaware Canal, which involves the largest amount of money. I had on my list the Cumberland River above Nashville, where the appropriation in this bill is $840,000 and the ultimate expense $4,500,000; the Sacramento and Feather Rivers, where the appropriation in this bill is $200,000 and the ultimate expense $5,860,000; the Oklawaha, where the appropriation in this bill is $100,000 and the ultimate expense $733,000. However, after an all-night session, I do not wish to take the time of the Senate this afternoon to go into these projects as thoroughly as I think I should. To explain fully the reasons why these projects should not be adopted would require very considerable detail. I have here in one envelope a mass of material that, properly classified, and if a proper synopsis were made, would take a very considerable time; and it is my hope that if I go over it again I can summarize it and not occupy the time of the Senate for such a large number of hours.

The same is true of the Cumberland River as of the Tennessee, of the Sacramento and Feather, and of the Oklawaha. The total ultimate saving to the Treasury by the omission of these projects would be $19,000,000.

Of the four, I have no hesitancy in saying that the one which is the most promising is the largest one—the Chesapeake & Delaware Canal—but I appeal to those who are favoring these projects so doubtful in their nature: Do you think we ought to include them in this bill in this day when we are devising additional means of taxation? Do you think, when we are so many hundreds of millions in arrears, that projects ought to be adopted by the Government the completion of which may require appropriations of thirty or forty million dollars in future years? It seems to me they are very extravagant and, again, that they have not the merit as propositions for navigation which should entitle them to any standing in this bill.

There is another class of projects that ought to be taken out of this measure. Some of them are new. In this connection I dwelt at considerable extent on the Tennessee River last night. We ought to adopt a provision in unequivocal language which will forbid the building of locks and dams on that river without the further order of Congress.

Mr. President, it is absurd, it is ridiculous, when we now have two systems of locks and dams there that have proven so utterly futile that the cost of them each year, counting the interest on the investment, is nearly equal to the value of all the freight that is carried through. Just think of what that means. Suppose a farmer had a wagon and a pair of mules and in a year he paid out as much in managing those mules and the wagon as the value of all the freight he took to market. It would not be very long before that farmer would be forced into bankruptcy. No one knows what would become of his mules; they probably would be sold. That is just what our genial Uncle Samuel is doing on the Tennessee River—maintaining improvements where the interest on the money he has invested and the amount that he expends each year is practically equal to the value of all the freight carried. I refer to all the freight whose transportation in any respect depends upon the improvement.

So I raise my voice in protest against these locks and dams—$1,600,000 in one place and $1,000,000 in another. I read last night a protest from people living in the community against this improvement. I also read a protest against it from those who own every boat that plows the waters within 250 miles of this improvement. How the Senate can disregard that, I do not know. This is certainly the time to overhaul the whole proceeding and find out what ought to be done.

I have called attention also to the fact that the engineer in charge recommended that the flowage rights be paid for by those living in the locality. I am glad to see that the speech which I made, occupying a considerable portion of last night, has not been without effect, because to-day the very first amendment proposed to this substitute was one by the Senator from Louisiana, in which he proposed a limitation that this dam should not be built unless those in the locality paid for the flowage rights. We have already gone ahead there and spent $34,000, I suppose mostly for borings; but eleventh-hour action is better than no action at all, and I am glad to know that whatever opposition may have been awakened by other remarks of mine the pointing out of this palpable neglect by Congress—palpable when the proclamation is made here every day that a river and harbor bill is under consideration that all the provisions in it follow the engineers' report—has corrected it, at least as far as pertains to this proposed improvement.

I do not believe in that location for that lock and dam. I want to read a letter from the owner of a furnace in the near neighborhood which I regard as rather significant. This is like the letter written from Crystal River, in Florida, read by the Senator from Iowa a few days ago. The owner of this furnace has a plant near this proposed lock and dam.

*The United States Board of Engineers for Rivers and Harbors, in session at Chattanooga, Tenn.*

GENTLEMEN: For many reasons this company and its 800 employees are vitally interested in the question of the improvement of the Tennessee River, a few of which reasons are:

First. Our towing steamer *Luis E. Warren*, 90 tons, plies between the mouth of Richland Creek, near Dayton, and our iron-ore mining camp of Knott, Tenn., near Euchee, Tenn. We use seven 250-ton ore barges in the trade, bringing down approximately 40,000 gross tons of hard red fossil ore per year. We are preparing to increase this tonnage to 60,000 tons per year. At present we can operate the towboat profitably only about eight months in the year, due to low water. During the other three or four months the depth of the water over the various bars and shoals, of which there are seven between Dayton and Knott, is about 30 inches and under, making it unprofitable to operate the boat and barges. The latter draw 4 feet and slightly over when loaded. Of course, we sometimes load them to draw only 30 inches and less, but this does not pay.

Now, Mr. President, just consider that a minute. It seems to me surprising that an engineer or board of engineers should be influenced by such a letter as that in recommending an improvement to cost $1,600,000. This man, it will appear from the statistics, has practically all the freight on this part of the river; not all, but by far the larger share; and he says that he can operate profitably eight months of the year and he would like to operate the remaining three or four months. On the Great Lakes, where a great quantity of ore is carried, they are very lucky if they can operate seven months of the year, and here this man, under present conditions, has eight months and he puts up to the Federal Government the argument that enormous expenses should be incurred so that he may increase the period of navigation from 8 to 12 months. Of course he favors it. Every man would like some special privilege for himself if it came at the expense of somebody else, but is that a reason why the Government ought to do it?

He says:

If we could get the proper depth of water the year round, we would probably get a larger steamer and barges and largely increase the output of our present mine, and would also draw ore from other points along the river. It should be mentioned that our plan is ultimately to get practically all of our ore, about 200,000 tons per year, from along the river, and we now have a new, modern 250-ton blast furnace under construction with this idea in view, although we expect to have rough siedding until after the river is improved.

Now, of course, in a sense, you can not blame this man for setting forth his personal interest so clearly; but should the Federal Government, at the expense of all the taxpayers, deepen that river, and especially build a dam to cost $1,600,000, for his benefit?

There is always a tendency for these officers to listen too much to those who have large property interests. Here is a list solemnly embodied in the report on the Mulberry and Locust Forks. After making recommendations the engineer—I want to say, however, that this was not a military engineer, but one of his subordinates—the engineer gravely reports the persons with whom he consulted. Let us listen to this.

PERSONS INTERESTED WHO WERE CONSULTED.

A list of persons who consider the Locust and Mulberry Forks worthy of improvement by the General Government, giving their occupations or business addresses:

Eugene A. Smith, State geologist of Alabama, University, Ala.

Frank Nelson, jr., president Empire Coal Co., Birmingham, Ala. Company owns 15,000 acres of land in vicinity of river and operates mines.

Of course he is in favor of the improvement of the river. You can not make it too deep or too wide to suit him.

John H. Adams, vice president Sayre Mining & Manufacturing Co., Birmingham, Ala. Company owns land and operates mines in vicinity of rivers.

Tracy W. Guthrie, president Republic Iron & Steel Co., Pittsburgh, Pa.

T. H. Aldrich, mining engineer, Birmingham, Ala.

L. B. Musgrove, president Jasper Trust Co., Jasper, Ala. Owns coal land and is president of Walker County Coal Co.

P. M. Long, Cordova, Ala. Executor for estate owning large amount of coal and timber land along Mulberry Fork.

J. J. and T. L. Long, merchants, Jasper, Ala. Own 8,000 acres of coal and timber land near Mulberry Fork.

Of course they want the river improved.

Rufus A. O'Rear, Jasper, Ala. Owns land and operates coal mine near Mulberry Fork.

W. L. Martin, Dora, Ala., superintendent of Dora mines No. 10 and No. 8.

George G. Crawford, president Tennessee Coal, Iron & Railroad Co.

The local superintendents at all mines visited expressed themselves as favorable to the proposed improvements.

Naturally they were in favor of it. It helps them and their mines. It seems to me this engineer was simple-hearted to an exaggerated degree to seek his information concerning the improvement of a river from that kind of an environment.

The only person consulted who was opposed to the improvement of these rivers was J. C. Maben, president Sloss-Sheffield Steel & Iron Co., Birmingham, Ala.

Mr. President, I can not help having a certain sense of admiration, mingled with sympathy, for the nature of a man who can get together a list of that kind and send it here to Washington as a reason why a river ought to be improved. The owners of hundreds of acres of land in the neighborhood, superintendents of all the mines, the president of the Republic Iron & Steel Co., are all included in the list. He does not tell of consulting any small farmer; he does not tell of consulting any man who would ask, Is this a judicious improvement? His associations were with large landowners in the neighborhood who will be greatly benefited by the improvement.

I have mentioned the Sacramento and Feather Rivers and probably at a later time will discuss them at considerable length. My objection to that item is that it is a reclamation project rather than one for navigation. That navigation could be provided for at the expense of $40,000 or $50,000 a year on both the stretches of the Sacramento—from the mouth to Sacramento and from Sacramento to the mouth of the Feather River—while this improvement is ultimately to cost $5,860,000.

I wish next to refer to certain smaller new projects, Mr. President, which I think ought to be eliminated. Among them is the Senate committee amendment found on page 34:

Improving channel from Pensacola Bay, Fla., to Mobile Bay, Ala., in accordance with the report of the special Board of Engineers, as recommended on pages 26 and 27 of said report submitted in House Document No. 610, Sixty-third Congress, second session, to the extent of providing a channel 7 feet deep and 75 feet wide on bottom, $50,000.

This has been very recently reported upon. There is some difference of opinion as to the depth of this project, and I think it ought to wait. For one thing, it ought to wait until we appropriate the whole amount required for that channel, and, again, it ought to wait until some other projects which we have had under way for these many years can be completed.

Then there is another item on the following page:

Improving inland waterway from Mobile Bay, Ala., to Mississippi River, with a view to securing a channel 7 feet deep and 75 feet wide on the bottom, in accordance with the report submitted in House Document No. 610, Sixty-third Congress, second session, $25,000: *Provided*, That the Secretary of War shall submit a further report as to the most desirable route, all things considered, for the said 7-foot channel from Mobile Bay to the Mississippi River with an estimate of cost of the same.

Mr. President, this is also a new project. Twenty-five thousand dollars is a mere committal; it contains this very singular provision, "that the Secretary of War shall submit a further report as to the most desirable route, all things considered"; that is, until the Secretary of War or the engineers have made up their minds where it is best to locate this route. I do not think Congress ought to make any appropriation for it, for if there is any one thing, in the very first instance, that is absolutely essential for the proper maintenance of our public works and for their proper construction, it is that the plans be thoroughly matured and the estimate of cost be determined before the work is done.

I next call attention to the harbor at Vicksburg. It is on page 37 of the bill, and is in the form in which it was first introduced in the Senate. It reads:

Improving harbor at Vicksburg, Miss., in accordance with the report submitted in House Document No. 667, Sixty-third Congress, second session, and subject to the conditions therein stated, $125,000.

Mr. President, this did not appear in the bill as reported by the House Committee on Rivers and Harbors to the House. It was inserted in pursuance of an amendment proposed on the floor of the House and adopted contrary to the recommendation of the House committee. It is altogether probable that it has merit, but it is so integral a portion of the work to be done by the Mississippi River Commission that it seems to me that commission should pass on the kinds of improvement to be made and, indeed, upon the primary question whether this improvement is to be made at all. In this case the amount—$125,000—would, I assume, be deducted from the appropriations made on this branch of our river and harbor improvements.

I next call attention to a waterway added by a Senate committee amendment. It is found on page 38:

Improving waterway from Mississippi River to Bayou Teche, La., in accordance with the report submitted in House Document No. 610, Sixty-third Congress, second session, $100,000.

This is based on a very recent survey. The Government has made provision for an unusual number of waterways and improvements in that locality. The House, after full consideration of the subject, included other waterways; and while this may not have been reported until after the bill passed the House, it can well afford to wait. Indeed, it would be an excellent rule if we should pass a law or adopt a regulation to the effect that reports recommending river and harbor improvements should not be acted upon unless they are filed with the committee a certain number of months or at a certain fixed time before the bill is reported. It has been too frequently the custom, while a report is still fresh from the press and before the maps and diagrams are printed, to include the project to which it relates in a river and harbor bill.

There is also another of these numberless river and harbor inland waterways, the Galveston and Sabine section of the inland waterway referred to on page 43 of the bill. There is an almost unlimited number of these inland waterways on the coast of Texas—Galveston Bay-Brazos, Brazos River-Matagorda, Aransas Pass-Pass Cavallo, Galveston-Sabine, and so forth.

Mr. President, we had better wait and see whether a few of these which are already finished bring any desirable results before we intersperse that whole country near the Gulf with waterways. We have gone far enough already. Some have just been finished within a year or two, and the proper thing to do is to wait until we try them out.

The very first item in this bill, while not especially objectionable, is small and might well be omitted. That is Tenants Harbor, in Maine. The report was filed on the 11th of January, 1913, and acted upon this year. On a prior occasion, while Thomas Lincoln Casey was Chief of Engineers, Col. Peter C. Hain reported upon this project. Speaking of the arguments in favor of its use as a harbor of refuge and the idea that a breakwater would be desirable, he says of the breakwater, "I am of the opinion that it is not needed," and he states something which may not have been examined by the later officer:

It is claimed that the undertow in southeasters would be much reduced and the area of good anchorage increased, but an increased area for anchorage is not needed at the present time, and the slight undertow in the harbor is a trifling matter, dangerous neither to life nor property, and can easily be avoided altogether by anchoring well to the westward or going into Long Cove.

* * * * * * *

In view of the above, I am of the opinion that Tenants Harbor, Me., is not worthy of improvement by the General Government.

It seems that a later survey was obtained in which a favorable report was made. I sometimes think opponents of river and harbor bills give too much attention to small projects. But, after all, in them there is the greatest opportunity for carelessness and for the worst kind of waste. So I especially commend the painstaking efforts of the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Iowa [Mr. KENYON] in having unearthed a number of these smaller creeks and rivers the appropriations for which are utterly unjustified.

I have spoken of the Tennessee River and the Mississippi River between the Ohio and the Missouri. The balance on hand for the latter river is ample. There is a balance of over $300,000, which is more than the amount usually appropriated in the last half of the decade, when commerce was greater. This amount is certainly sufficient to take proper care of that river. I do not know, Mr. President, what unusual pull that locality can have with this Congress. I remember having some of the slings and arrows of outrageous misrepresentation aimed at me some years ago because I held these appropriations down to $250,000 a year. It seemed to afford a great deal of pleasure to those who indulged in these fusillades, and probably did no harm to me, but there has been an unintelligent demand for the appropriation of money on that stream hardly equaled in any other part of the United States.

Again, there is no need for any more money on the Missouri River. They already have over a million dollars on hand there—I am not sure but $1,720,000—and it is time we stopped to reconsider this proposition which, according to the Engineer's Report, contemplates a depth of 12 feet, at one end connecting with a waterway 4 feet in depth and at the other end connecting with one where they hope some time in the dim distant future to have 6 feet.

In the discussion of this subject in the year 1910, when Senators Warner and STONE were Members of the Senate, a dialogue will be found in the RECORD in which doubt was expressed what was really meant by the project. One of the two Senators clearly expressed the opinion that the total expense would not be more than about four or five million dollars, and he approved that project. The other did not altogether disagree with him, though he favored whatever was necessary for the improvement

of the river, in pursuance of the plan of always following the line of greatest resistance in appropriations. Congress and the engineers have been going on with a $20,000,000 project with $500,000 a year for its maintenance—more than the cost for three or four of the biggest harbors on the Atlantic coast; yet they propose such enormous expenditures on this river, with a commerce that is not sufficient to give distinction to a creek 40 feet wide. I can not understand how this could continue.

After a long discussion in 1902 we dropped this improvement. The House and Senate acquiesced in that action and agreed that it was useless to spend more money on the Missouri River. The communities also agreed to it; but back again it came in 1910, and it is now going on at a clipping pace of $2,000,000 a year.

Mr. President, can anyone find fault with opponents of this bill under such circumstances as those? No interest of importance was jeopardized or injured by discontinuing the old Missouri River Commission and the practical abandonment of improvements on that stream; but here, at last, it comes again, with its committal to the expenditure of this unlimited amount of money.

Mr. President, I think the bill should be overhauled and a readjustment made of balances. In some cases there is altogether more than is needed for the coming year—even for two years or, in some cases, for five or six years to come; in other cases the amounts are too small. My fear is that in the congestion of this session Congress could not give to this phase of the subject the attention it deserves; but certainly at no distant day there should be a marshaling of these balances, and if undue or unnecessary amounts appear, the money should either be paid back into the Treasury or transferred to other projects.

I have said there were several forms in which this bill might be drawn. There is still another method—a lump-sum appropriation for maintenance, another for the operation of Government plants, and another for contracts. Here we have in this bill between 100 and 200 pages devoted to maintenance. Let me show some of its provisions, for example, in the State of Michigan, the home of the distinguished Senator [Mr. SMITH] who has so often spoken of the projects in that region, and see how they read:

Improving harbor at Ontonagon, Mich.: For maintenance, $10,000.
Improving harbor at Marquette, Mich.: For maintenance, $2,000.
Improving Menominee Harbor and River, Mich. and Wis.: For maintenance, $7,500; completing improvement in accordance with the report submitted in House Document No. 228, Sixty-third Congress, first session, $3,400; in all, $10,900.
Improving harbor at South Haven, Mich.: For maintenance, $17,000.
Improving harbor at Muskegon, Mich.: for maintenance, $5,000.
Improving harbor at Ludington, Mich.: For maintenance, $21,000.
Improving harbor at Frankfort, Mich.: For maintenance, $3,000.
Improving harbor at Charlevoix and entrance to Pine Lake, Mich.: For maintenance, $4,000.
Improving harbor at Alpena, Mich.: For maintenance, $5,000.

There is an aggregate of $74,500 scattered over nine items.

Mr. President, every one of those figures is exactly the amount estimated, for the purpose of maintenance, at the War Department by the Engineer Corps. How much more businesslike it would be if, instead of scattering these items all through the bill, we should appropriate one general sum for maintenance and let the engineer who makes the estimate under the direction of the Secretary of War make these apportionments in the proper localities. It is true some Congressmen might be disappointed, but I do not think it would cause them very much trouble.

A commission should be created, preferably made up of the Secretaries of War, of the Interior, and of Commerce, with or without other persons, to make recommendations with regard to the proper policy for inland waterway and harbor projects.

We ought, Mr President, to have this whole matter reviewed. The National Waterways Commission made recommendations in 1909 and in 1912 which, if they had been adopted, would have gone far to remodel and reform the whole system, but a certain amount of prejudice developed against that commission. Much of its attention was given to the matter of water power, and very salutary results were accomplished by its work. But I am satisfied that we must, in the language of the street, "shake up" this whole system and eliminate that which is not up to date; that we must revise our policies, especially in regard to inland waterways, and arrive at conclusions which square with the tendencies of the times and which will in their operation protect the Treasury from waste and extravagance.

Possibly the time is not far distant when these appropriations will be made at the behest of a commission, appointed perhaps by the President, and the making of river and harbor appropriations will cease to be a legislative function. I can not look with entire complacency upon such a consummation; but if we are to prevent it, if we are to maintain our position as competent to perform this work, we must stop the inroads on the Treasury, and recommend or make no appropriations except those which promote the general welfare and conserve the great work of transportation and better communication between different portions of the country, which this bill is supposed to foster and promote.

Mr. President, at a later time I shall probably resume the floor, but I yield for the present.

Mr. STERLING. Mr. President, I have listened with a great deal of interest and, I think, with profit, too, to what has been said by the senior Senator from Ohio [Mr. BURTON], not only during the last few days of this discussion, but during the earlier stages of the debate on the river and harbor bill when the bill was first reported to the Senate. I wish to be understood, too, Mr. President, as one who appreciates the valuable services rendered not only the Senate but the country by the Senator from Ohio. I appreciate the valuable contributions he has made to this very important subject during his distinguished service in the House and Senate, and while I can not agree with the method of procedure adopted in opposing this bill, yet I know the Senator from Ohio has acted in entire good faith and that what he has done and what he has said have been, in his belief, in the interest of the great public.

Mr. President, I shall not attempt to discuss the merits of this bill as a whole. Undoubtedly it is far from being perfect; I know it is alleged that it contains many items that serve no real need in either promoting or protecting commerce and navigation. The discussion of these I leave to those who advocate such items and to those who are opposed to them. Among the disputants are those having special knowledge and those who have been long identified with river and harbor legislation.

I am frank to say at the outset that while I trust the bill will be put in such shape as to authorize no foolish or unjustifiable expenditure of the people's money, the interests for which I shall in the main speak are primarily local and pertain to a single community, or at most to a very few communities.

There are many items of appropriation in the bill the benefits of which must necessarily be limited to a comparatively small section.

The project, for example, is to improve a stream wholly within a State, and the benefits will accrue almost entirely to the citizens of the particular community in which the improvement is to be made.

But many belong to that class of benefits which arise out of the promotion of some new enterprise. If many of the appropriations asked for in this bill are denied, the communities to be affected by them are no worse off than they were. It is quite natural that in a time when there is need for retrenchment such proposals should be closely scrutinized.

But there is all the difference in the world between the promotion of a new enterprise or even the development of some project already begun and the conservation or protection of vital interests we now have.

In the item of the bill to which I shall call attention we are not asking Congress to furnish the means for our enrichment or to enable us to accumulate of property more than we now have, but we are asking relief from a most distressing situation, from conditions which have already impoverished many and which daily threaten the impoverishment of many more.

So it is not a question of an appropriation that will provide work for an army of men out of employment. It is not for the benefit of contractors looking for a Government job, nor for the improvement of a single harbor without a single yard of wharfage, as one Senator expressed it in his discussion the other day. As to the unemployed, happily there are none, or at least there need be none in that community of farmers where the demand for farm help at living wages (for the farmer who hires) exceeds the supply. Further, in their urgent need of relief they have never had a thought of the contractors who might be benefited, and it is safe to say that no possible contractors are known to the people seeking this relief.

But the interest of these farmers is in securing the Government aid that will prevent their property and their homes from being washed away and utterly destroyed by the ravages of a great, turbulent, and treacherous but navigable river that has its source in extreme southwestern Montana; that traverses many States; that throughout much of its course is a national highway of commerce; is under the jurisdiction of the Federal Government, and that for a distance of nearly 150 miles, covering the localities of which I shall speak, forms the boundary line between States—my own State and the State of Nebraska.

If this be "pork barrel" make the most of it. But I think few, if any, Senators will put this claim in that unsavory category. I was glad to note the disposition on the part of several Senators when this point was raised the other day to discriminate between the nature of this claim and other items to which

they were objecting, and I believe before I have finished my statement that they will agree with me that the emergency is such that irrespective of any river and harbor bill at all Congress ought to provide relief.

Let me read the item; it is found on page 62 of the bill, the bill as first reported by the Senate committee:

Improving Missouri River: Continuing improvement and for maintenance, with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, $2,000,000.

Further, and more particularly, the next paragraph:

Improving Missouri River: For improvement and maintenance from Kansas City to Sioux City, $150,000, of which amount at least $100,000 may be expended for such bank revetment as, in the judgment of the Chief of Engineers, may be in the interest of navigation; continuing improvement and for maintenance from Sioux City to Fort Benton, $200,000, of which amount at least $150,000 may be expended for such bank revetment as, in the judgment of the Chief of Engineers, may be in the interest of navigation; in all, $350,000.

It is that last clause, relating to the improvement from Sioux City to Fort Benton, to which I want to call your attention during the course of my remarks; but, Mr. President, I want first to speak briefly of the general improvement of the Missouri River and the benefit which will flow therefrom; and, in the beginning, I might call attention to what may be called a conservative estimate or statement of the Board of Army Engineers.

Referring first to a report made July 19, 1909, which refers to other reports that had been made, on page 3 of this report there is the following statement:

The general recommendations of these reports were that the river was worthy of improvement.

Further on in this same report, and relating particularly to commerce, I find this statement:

It is recognized that the lack of proper facilities has been a factor in the decline of general river commerce in recent years.

Then, again, the following:

The question of floods is always a serious one for the Missouri River, and any improvement tending to regulation and rectification will ameliorate conditions to some extent, and especially assist in preventing the erosion of bottom lands.

It is to the last clause of that statement that I wish to call particular attention.

I refer now to the conclusions of the Chief of the Board of Army Engineers, as found in his report for 1913. These are his conclusions, in my language, not following the report verbatim:

First, that they demonstrate the possibility of regulating the river in such manner as to make it navigable for a channel of commerce; second, that the cost of such regulation is great; third, that no permanent good to through navigation can be accomplished by appropriation for specific localities not so connected as to form a part of the systematically improved regions; fourth, the result of the expenditures in separate localities has been beneficial locally by protecting the banks and forming good navigable water fronts, and incidentally preserving private property from the ravages of the river; fifth, that the effect of the improvement has been to equalize and keep down the freight rates, the actual river rates being about 66⅔ per cent of the railway rates; sixth, that the river formerly carried an active commerce, which had been entirely diverted to other channels; seventh, that increased commerce and the use of the river is observed in the upper river in the vicinity of Chamberlain, S. Dak.; Bismarck, Washburn, and Williston, N. Dak.

So, even from the report of the Chief of Engineers, we ought not to despair of the Missouri River and its possibilities as a highway of commerce.

Mr. President, while it may seem that the Missouri River at present is more enemy than friend, and that what it destroys more than balances its benefits to commerce, yet it is within the power of man to regulate and control it and to make it an agency to help and serve the needs of a population of many thousands, rather than leaving it uncontrolled to menace and destroy. We may not be able to accomplish it now, but in time the Missouri will be harnessed to serve the three great purposes, namely, water power, irrigation, and navigation.

Consider the possibilities as they exist in my own State simply. Taking the course of the river through South Dakota, it flows down a slope of about 1 foot to the mile, and this gives it a 500-foot fall in the State, which, as I am informed, is almost as great a fall as has the Mississippi from the Falls of St. Anthony to the Gulf. It has been estimated that more than three-fifths of this fall can be brought under control, and that would mean the development of 2,000,000 horsepower. It is easy to see what that would mean in the way of material wealth and the comfort and prosperity of a people within reach of such advantages. It is easy to conceive of what it means from the standpoint of the development of national resources. It will mean the occupancy of the public domain, the settlement of what is now a vast semiarid, but most healthful region, with a multitude of thrifty and prosperous home builders.

It would be impracticable, of course, to attempt to dam the Missouri just anywhere along its course. The width of the first bottom lands, from the mouth well up into South Dakota, would preclude that. But there are at least 12 points in South Dakota, beginning with Fort Randall on the boundary line between that State and Nebraska, where the walls of the river trough contract until they are much less than a mile apart, where dams could be built, where an available water head of 25 feet could be had, and where the resulting horsepower at each dam would be from 20,000 to 41,000; as estimated there would be a total fall of 317 feet and a total low-water horsepower of 281,000. It is estimated further that the average higher water will produce an excess above this of over 5,000,000 actual horsepower, making a maximum average of more than 2,000,000 horsepower throughout the year.

These estimates and figures I have summarized from the report of an address delivered by Mr. Doane Robinson, now and for many years secretary of our State historical society, before the State educational association last November. I personally know Mr. Robinson to be a most reliable man, and that he has given the subject most careful study. Permit me to read a few excerpts from this address. They are important as bearing upon the three results of proper Missouri River improvement mentioned a moment ago, namely, water power, irrigation, and navigation.

In the course of this address Mr. Robinson says:

You ask what use can be made of this great resource? The low-water power can always be delivered at any moment of the year, may be transmitted to every city, very hamlet, and every farm in the State, providing electricity—the white coal of the twentieth century—at nominal cost for power, for heat, and for lighting, and for other comforts such as have never before been realized.

Aberdeen, Brookings, Huron, Madison, Mitchell, Redfield, Sioux Falls, Watertown, and Yankton will be as much benefited as will be Chamberlain, Mobridge, and Pierre.

The three last-named towns being right on the river.

It is but slightly more than 100 miles from Sioux Falls to the nearest power site.

Sioux Falls being over in the southeastern part of the State and being the largest town in the State.

The excess or higher water power which can be delivered for only a portion of the year may be used for pumping water for irrigation.

As stated, much of the region west of the Missouri River is semiarid, where they can not depend upon the natural rainfall for the successful raising of crops. But, he continues:

Five million horse-power pumping against a 400-foot head and counting but 65 per cent efficiency of the pumps can lift 1 foot of water upon 4,335,000 acres of land in 30 days. It will not be necessary to lift much of the water so high as 400 feet, and it is safe to say that we can irrigate more than 5,000,000 acres of our fertile prairies from this source. Can you imagine what 5,000,000 acres of South Dakota's prairies, when relieved of all danger of drouth, will do toward solving the food problem?

Again, he says:

The cost will be but a bagatelle compared with the advantages permanently established. There is no novel engineering principles involved; nothing to do but to repeat what has been done hundreds of times. Chiefly it is a matter of putting concrete in the bedrock of the Missouri. At Plattsmouth, Omaha, Blair, Sioux City, Pierre, Mobridge, Bismarck, and elsewhere this has been successfully done, and the cost of doing it is well determined. Each of the suggested dams on the Missouri will require from 300,000 to 400,000 cubic yards of concrete, which, in place, will cost about $15 per cubic yard. At each of the points named the dam and lock will cost from $5,000,000 to $7,000,000, and the 12 developments, with dams as solid and immovable as the everlasting hills, with locks, power plants, pumps, ditches, reservoirs, and everything complete for the use and transmission of power and the pumping, conveyance, and use of the water for irrigation will cost in the average less than $15,000,000 to the plant, or a total of $180,000,000 for the entire development, being less than $40 per acre of the land placed under water. Does that statement impress you? Forty dollars per acre of the land benefited will develop these 12 great water powers, and, in addition, give to the people of South Dakota 843,000 commercial horsepower at cost of operation.

He has already, in a part of his address which I have not read, named the specific places at which these dams could be successfully built.

What does 843,000 horsepower mean? What can it do? To-day there are not more than 18,000 horsepower operating in all of South Dakota. Recently 60,000 commercial horsepower were sold from Keokuk Dam to the city of St. Louis for the sum of $1,000,000 per year. South Dakota power plants at low water will develop more than 14 times as much power as Keokuk is furnishing St. Louis.

Now, as to one other problem, and a question involved in this river and harbor bill, Mr. Robinson says:

We are all deeply interested in improving the navigation of the Missouri. The development of these water powers will settle navigation through this State. Instead of climbing the slope of the river through shallow water, hanging up on sand bars and dodging snags, steamboats will navigate flat, deep water for practically the entire distance. The passage of the locks will scarcely be an impediment. Vessels are put

through the Keokuk Lock in 14 minutes, and it is expected to reduce the delay to 10 minutes. A stop of 10 or 15 minutes once in 25 miles will scarcely be noticed in steamboating.

So much for the three great things, namely, water power, irrigation, and commerce itself, all of which would be served by the proper improvement and development of the Missouri River.

So, Mr. President, if I thought the time ripe or opportune for the introduction of a measure that would provide for just the beginning of improvements like these, the cry of "pork barrel" from all the newspapers and magazines in the country would not deter me. My advocacy of such a measure would not rest solely on the ground that it would benefit the people living along the Missouri River or on the plains west of that stream; nor on the ground that it would be of incalculable benefit to the whole State, but on the ground that it would be a national boon as well. In these days of rapid transit and quick communication between the remotest parts of our country, that which greatly benefits the people of a State is on the instant a national affair, a benefit in which all in greater or less degree may participate.

Mr. President, I make bold to say that with all our waterways commissions, with all our learned, always consulted and almost always heeded boards of Army engineers, there has not been the attention given to the improvement of the Missouri River for the purposes named that the subject deserves. Even now, in the consideration of this subject as it appears in this bill, we are without the expert and official information we ought to have. We know how much has been appropriated for improvement of the river from Kansas City to Sioux City, and from Sioux City to Fort Benton. It has usually been in a lump sum without any reference to the kind of improvement or the place of improvement, save in a rare case when because of an emergency revetment work for the protection of the banks at a particular place was specified in the bill.

Thus, in the river and harbor bill passed March 4, 1913, there was appropriated $175,000 for continuing improvements and for maintenance from Sioux City to Fort Benton—

Of which amount—

And here I quote—

because of present emergency, an amount not exceeding $75,000 may be expended for such bank revetment above Elk Point as in the judgment of the Chief of Engineers may be necessary to protect existing revetments and regulate channel flow in the interests of navigation.

I wish to say here, and before I forget it, that Elk Point is just 15 miles down the river southeast from Vermilion, my home town. I have lived at Vermilion since 1901, and think I know something of conditions and the ravages of the river there. It is impossible to believe, from what I have seen with my own eyes of the conditions at Vermilion, and from what I have heard and know in a general way of conditions at Elk Point, that they are worse or ever have been worse than at Vermilion for the last four or five years. And yet in 1913 Elk Point had an appropriation of $75,000 in addition to appropriations which had been made before that time. The only specific appropriation that I can find in any of the reports for the improvement of the river at Vermilion, S. Dak., is an appropriation made away back in 1879, and that for improvements costing less than $2,000.

But recurring to the want of knowledge and specifications in bills and in reports, the present river and harbor bill as it came from the House, so far as improvements above Sioux City were concerned, comprehended everything in the one clause, and I would like to have Senators note this, because it is important to the amendment I expect to propose. I quote:

Continuing improvement and for maintenance from Sioux City to Fort Benton, $150,000.

There is a distance of 1,474 miles without any further specification in this bill than that it should be for improvements and maintenance for all that long distance.

On first seeing this item I remembered my experiences with the Army engineers under the act of March 4, 1913, which gave $75,000 for continuing improvement above Elk Point. Realizing our dire condition at Vermilion and having in mind the broad language of the act, it being for continuing improvement above Elk Point, and as the town of Vermilion is above Elk Point, along the river, I thought the War Department might see its way clear to use some part of the $75,000 for revetment work at Vermilion. To this end I made many visits to the office of the Chief of Army Engineers and submitted many letters and documents in proof of our need, but all without avail. It was not seen by the Board of Army Engineers how any relief could be afforded.

They were having an anxious time of it just then out at Vermilion—the farmers whose lands were being swept into the river, the citizens of the town who felt their business interests would suffer, the county commissioners who had sent in their statement showing the destruction being caused by the river, but there was imperturbable calm in the office of the Chief of Engineers.

With this as my experience I thought it well for Congress to make some distinct allotment on which we might rely of at least a portion of the fund to be devoted to improvements above Sioux City. The people of the town of Jefferson, some 10 or 12 miles below Elk Point, had suffered from the erosion of their lands and were being further menaced, and so on the 20th of April last I presented an amendment intended to be proposed to the river and harbor bill, thus following the act of 1913. This is the way the amendment reads:

For new improvement, continuing improvement, and for maintenance from Sioux City to Fort Benton, $200,000, of which amount, because of present emergency, not exceeding $75,000 may be expended for such improvement or bank revetment work at or near the town of Jefferson and the city of Vermilion, S. Dak., as in the judgment of the Chief of Engineers may be necessary to regulate the channel flow in the interest of navigation.

I appeared before the Senate committee in behalf of the amendment. I think the committee recognized the justice of the claim. They increased the item of $150,000 for improvement above Sioux City to $200,000, but they leave it in general terms, namely, for "continuing improvement and for maintenance from Sioux City to Fort Benton," without mentioning the towns of Vermilion and Jefferson, or either of them.

Mr. President, under this plan what may happen? Under this plan the allotment of this large sum is left absolutely to the discretion of the Board of Army Engineers. That board designates the places to be improved, the character of the improvement, the amount to be expended thereon.

Under this plan, and even with an increase of $50,000 procured for this most laudable purpose, on the representations of one familiar with the conditions, there is no assurance that a hand will be lifted or a dollar spent in making improvements that will aid the people of either of these stricken communities which I have named in the amendment. It is just as the Army board shall say, and they will take their time to say it.

Mr. President, if I am to be a suppliant at all, I would rather be so in the open and before Congress, with the world looking on and knowing exactly the foundation for my claim, with liberty to criticize or condemn it, than to be obliged to supplicate or "work" the Board of Army Engineers for anything. And that is what I would be obliged to do if this bill passed in the general terms I have noted. Although I had appeared before the committee and procured that increase of $50,000 for these special purposes, I would still have to importune the Board of Army Engineers in order to get anything there. It would be absolutely in their discretion as to whether any part of that sum should be devoted to improvements at Vermilion or Jefferson.

Mr. SMITH of Michigan. Mr. President, that resolves itself into a question of public policy. Congress can as well pass upon a question of public policy as a board of engineers. We have not abdicated our entire functions under the Constitution. I think the Senator from South Dakota will find himself in a most awkward predicament if he expects to get anything from such a source. He has a right to make his claim here, and it ought to be listened to.

Mr. STERLING. I thank the Senator from Michigan; and it seems to me that this is the proper attitude for all of us. If a committee of either House, on hearing, adds an item or increases an appropriation for a specific purpose that purpose should be named in the bill, so that in the fulfillment of the purpose the Board of Army Engineers shall be under the orders of Congress, instead of being given, as in this case, carte blanche by Congress to do anything it pleased in all that 1,500-mile stretch of river from Sioux City to Fort Benton, and that, too, without further or more specific statement or estimate submitted by the board, so far as I am able to learn, than the general estimate for all improvements which may be made along the entire distance; and I mean no reflection on the general high character and ability of our Board of Army Engineers.

But I would like to have assurances. Having secured an increase at the will of the committee and, as I shall hope, at the will of Congress, I want to be relieved from the necessity of applying to any other body or board. At the proper time I shall, with due deference to the Committee on Commerce, submit my amendment making a part of this appropriation specific.

And now, Mr. President, let me be a little more specific as to the need of this appropriation. Prior to March 30, 1881, the Missouri River came in right near the town of Vermilion, which was then entirely situated on the bottom lands of the Missouri and Vermilion Rivers. But on that date there was a flood, from which pretty nearly everything since dates—a great over-

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flow caused by an ice gorge, which sent the people to the hills or to the plateau above the bottom lands. The town was at once built there, and it is there to-day, save that elevators and warehouses and the station of the Chicago, Milwaukee & St. Paul Railroad, with a few scattered dwellings, are built on the bottom land. One of the results of the flood was that the channel of the Missouri River after the flood had subsided was found to be from 3 to 3½ miles away from Vermillion. It made that great change in the channel of the river. Since then the erosion of the river has been back toward the old channel, which previously had been so near the town, then entirely situated on bottom land. The soil is a rich alluvium, and the land for miles up and down the river from Vermillion, where not menaced, is worth from $100 to $150 per acre.

Let me give one or two personal experiences. About five years ago I was retained to defend in an action for the foreclosure of a mortgage given for a part of the purchase money of 40 acres of this bottom land a few miles out from Vermillion. The parties who had given the mortgage were not residents. One of them was not a resident of the State and the other was a resident of the State, but lived in a remote part of the State. They did not know much about what had been going on there, but having been served with a summons in that action they made their appearance. I told them that, perhaps, it would be a good idea to have the land surveyed. They agreed with me. The land was surveyed, and it was found there were left 14 of the 40 acres they supposed they had bought a few years before. A proper answer was made to the complaint, and the suit was compromised by the payment of a couple hundred dollars. Whether the vendor knew about how much land he had when he gave the deed I do not pretend to say.

Last September I was back at Vermillion. I was talking to a man who owns considerable bottom land. I told him of my experience in the lawsuit, and he said: "I know it very well. Why, the river has taken in the 14 acres and is 40 rods beyond. There is no question about it." This shows the rapidity of the erosion of that river.

When at home for a few days last September, just a year ago now, I was taken by a farmer who had land down on the Missouri bottom to look over the situation. I stood on the banks of that stream. It did not look like a river. As I stood there near where it had been sweeping away the land so rapidly, and but recently, it looked more like an arm of the sea than a flowing river, and that, too, was when the river was at low-water mark in September. He pointed out a small tract of land and said: "There are just 15 acres there now; I measured it the other day." He said: "A year ago I rented 160 acres, and that is what is left of what I rented." He pointed out the schoolhouse. We went by it. It was situated, as I should estimate it now, about 80 rods away from the river—from the new river bank. They have since had to move the schoolhouse, and that farmer, who lived just about the same distance from the river, had to move to another place. I think it is within the last two months that they moved the schoolhouse in order to keep it from going into the river, which must now be within 40 or 50 rods of that old channel which was deserted away back in 1881. With that vast scope of country, the distance having been three and a half miles from Vermillion to the new channel, you can imagine the wholesale destruction which may be caused there when the river through erosion has cut its way back to the old channel.

Armed with these facts, or a part of them, and seeing the situation in regard to the schoolhouse at that time, soon after I came here I visited the office of the Chief of Engineers. I submitted documents, the affidavits of farmers, the letters of farmers, the certificates of the county commissioners in regard to the situation, with a map. Those documents and this map have been lost or mislaid. I took them with me before the Senate Committee on Commerce, and I have not been able to find them since, although I have made search and inquiry at the committee rooms some three or four times.

Now, I produce a statement here showing the disposition made of the $175,000 appropriated in 1913 for the stretch of river between Sioux City and Fort Benton. After several visits to the office they furnished this paper. I think they procured the statement itself directly from the engineer in charge at Kansas City, under whose jurisdiction that part of the river comes. I was all the time wondering whether a part of the $75,000 might not be used in making some improvement at Vermillion, a part of the $75,000 appropriated for improvements above Elk Point. Here is the letter I received from Gen. Bixby. He said, under date of April 13, 1913:

> Referring to the matter as to how the money appropriated in the last river and harbor act for the improvement of the Missouri River has been allotted in the State of North Dakota—

I think that is a clerical error, and that he means in the States of North and South Dakota—

> I have to inform you that a letter has just been received from the district officer in which he recommends that the funds appropriated be allotted in accordance with report submitted in House Document No. 91, Sixty-second Congress, first session, as follows:

Here are the items:

| | |
|---|---|
| (1) Snagging and plant: Operation of snagboats *McPherson* and *Mandan*, repairs to old plant and construction of new plant, and maintenance of boat yard | $47,000 |
| (2) Revetment: Elk Point, S. Dak.; extension of revetment in accordance with conditions of the act | 75,000 |
| (3) Revetment: Washburn, N. Dak.; construction of about 1,800 feet of new work in the vicinity of the ways and landing | 20,000 |
| (4) Improvements at Government harbor at Rockhaven, N. Dak.: For completion of ways, building fences, and miscellaneous repairs | 3,000 |

Now, note this item:

| | |
|---|---|
| (5) Emergency and miscellaneous works: Repairs to existing works, extension of same, and construction of new works, as conditions may require | 20,000 |
| (6) Superintendence and office: Office expenses, surveys, superintendence, and miscellaneous items | 10,000 |
| Total | 175,000 |

When I saw that item, No. 5, devoting $20,000 to the repair of existing works, extension of same, and noted the expression "construction of new works," I thought surely there is a chance to get a part, perhaps all, of the $20,000 for Vermillion in improving conditions there. With that object in view I visited again the Board of Army Engineers. I did not see Gen. Bixby on that occasion, but Col. Taylor and another member of the board were there, and I was told they did not see why Vermillion could not get, perhaps, the whole $20,000, but they must submit it to the district officer at Kansas City. I was hopeful and waited. After a while there came from the district officer at Kansas City the information to the effect that $20,000 was not sufficient, that it would be money thrown away on that improvement. In view of a statement like that as to our condition and our needs and the cost of any reasonable improvements, do you not think the appropriation asked for in this bill is in excess of what it ought to be?

Mr. President, I want to recur for just a moment to the larger question of the general improvement that should be brought to the attention of Congress in regard to the upper Missouri River, and I may be pardoned, I think, if I call attention to Senate joint resolution No. 25. I was new in the Senate when that joint resolution was introduced on April 21, 1913, but I had vividly in mind the terrible conditions caused by the great Ohio flood; I had in mind the conditions in South Dakota; and, while I remembered that there was a very comprehensive bill—the Newlands bill—involving the expenditure of many millions, but with small chance of early enactment, pending, also that a commission had done valuable service in investigating these subjects, yet I was impressed with the idea that a commission might be appointed that within a comparatively short time could investigate these great streams and their tributaries and make a report. I can not help but think if we had had before the Senate during the consideration of the river and harbor bill such a report as that contemplated by the joint resolution to which I have referred it would have given us many of the facts about which we have been in grave doubt.

The joint resolution provided for the appointment by the President of "a commission consisting of seven men, at least four of whom shall be skilled engineers of high repute, which commission shall be known as the National Waterways Commission."

They were to investigate, first, levees, dams, and locks and improvements designed as a protection against overflow; they were to investigate the question of water power furnished by the tributaries of the greater streams as well as the main streams themselves; then they were to investigate further as to the erosion which destroys farm lands and forest lands along the courses of these rivers. But the currency question, the tariff, and a number of other matters absorbed the attention of everyone, and, under such conditions, attention to the proposition by the Commerce Committee was hardly to be expected. It contemplated that this commission would be a temporary commission, to make report to the President and to Congress, and that it would be supplanted or succeeded by a permanent waterways commission. It has been a year and a half since that joint resolution was introduced. Had it received early consideration and been adopted a report might have been submitted before this time that would have given us most valuable information, and the conclusions of such a board, composed of competent engineers and others, would have been a safe guide as to what we should do in regard to many items in the river and harbor bill.

Still, Mr. President, the larger question, the improvement of the Missouri River, is not an idle dream. It would be to our lasting shame to leave it unharnessed and uncontrolled, a demon of destruction, when we have it in our power to make it minister in such large ways to the needs of men. I hope before time sufficient has elapsed to call it a "dream" the belief as to what may be accomplished will be transformed into action. The historian Motley, in the "Rise of the Dutch Republic," after speaking of the spongy land, its frequent overflow, caused by the currents of the rivers forced back by the stormy sea, and the character of the race which inhabited such an inhospitable soil, says:

Here at a later day the same race chained the tyrant ocean and his mighty streams into subserviency, forcing them to fertilize, to render commodious, to cover with a beneficent network of veins and arteries and to bind by watery highways with the farthest ends of the world a country disinherited by nature of its rights. A region, outcast of ocean and earth, wrested at last from both domains their richest treasures.

The situations are not parallel in this, that the region west of and tributary to the Missouri in South Dakota and beyond is a dry region. It has the sunshine and the quick, rich soil. But in the matter of rainfall it has been "disinherited by nature of its rights." But by the same token and in the same conquering spirit which guided the early Hollanders we will approach this problem, and as a result of a comprehensive and systematic plan to be yet worked out by Federal authority alone or in cooperation with States and communities we shall come to regard the Missouri River as, next to the Mississippi, the greatest national treasure of its kind, a great navigable inland waterway, obedient to the service of that trinity of interests—agriculture, manufactures, and commerce.

Mr. President, I do not think we should take the position that the river and harbor bill should be killed. Expenditures for rivers and harbors are necessary, and time out of mind we have had river and harbor bills. While many of them, not excluding the present one, may have provided for unwarranted expenditures, that fact does not justify wholesale condemnation of the bill. I can not bring myself to yield to the undiscriminating attack made by the newspapers and magazines, who, taking "pork barrel" as a term to conjure with, have denounced the bill and those who favor it. Many of them are like people who join in a "hue and cry"; they do not know the cause or who is pursued; and I venture the assertion that many of those who, through the newspapers, are condemning the bill wholesale could not speak from knowledge or information as to the merits or demerits of one out of forty of the three hundred or more items of appropriation contained in the bill.

I have not formed an opinion yet as to most of the items contained in the pending bill. I am ready to give all objections to any item and all amendments striking out or reducing the amount called for by any item the most careful consideration. If satisfied that a particular appropriation is not just, that it is a waste of money, I shall, notwithstanding my vital interest in any item to which I have called attention, gladly join with others in helping to defeat it. Under all the circumstances this, it seems to me, is the better method of procedure: it will lead to more profitable discussion and will tend to expedite rather than delay our work here.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 4274) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Presiding Officer:

H. R. 6433. An act to relocate the headquarters of the customs district of Florida;

H. R. 9318. An act to amend an act approved June 25, 1910, entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes"; and

H. R. 13219. An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia.

### RECESS.

Mr. SIMMONS. I move that the Senate take a recess until 11 o'clock on Monday morning.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m., Saturday, September 19, 1914) the Senate took a recess until Monday, September 21, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

### FRIDAY, *September 18, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for our great Nation, with its vast and varied resources, its peculiar form of government, unparalleled in all history for its civil, political, and religious rights. Realizing that eternal vigilance is the price not only of liberty but of everything worthy, increase, we beseech Thee, our vigilance, quicken our patriotism, and make us zealous in every good work, that peace and prosperity may continue to smile upon us and good government obtain now and always; in the spirit of Jesus Christ our Lord. Amen.

The SPEAKER. The Clerk will read the Journal.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order there is no quorum present, and evidently there is not.

### CALL OF THE HOUSE.

Mr. RUSSELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] moves a call of the House.

The question was taken, and the motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Aiken | Gardner | L'Engle | Rainey |
| Austin | George | Levy | Reilly, Conn. |
| Barchfeld | Gillett | Lewis, Pa. | Riordan |
| Barthoidt | Goldfogle | Lindquist | Roberts, Mass. |
| Bartlett | Good | Linthicum | Roberts, Nev. |
| Beall, Tex. | Gorman | Lobeck | Rothermel |
| Bell, Cal. | Graham, Pa. | Loft | Saunders |
| Brodbeck | Gregg | McAndrews | Scully |
| Brown, N. Y. | Griest | McClellan | Sells |
| Browning | Guernsey | Mahan | Smith, Md. |
| Brumbaugh | Hamill | Maher | Smith, N. Y. |
| Burke, Pa. | Hamilton, N. Y. | Manahan | Steenerson |
| Calder | Hensley | Martin | Stevens, N. H. |
| Cantrill | Hinds | Merritt | Stout |
| Carlin | Hobson | Metz | Stringer |
| Coady | Howard | Morin | Talbott, Md. |
| Connolly, Iowa | Hoxworth | Murdock | Thacher |
| Conry | Hughes, W. Va. | Norton | Townsend |
| Covington | Humphreys, Miss. | Oglesby | Tuttle |
| Crisp | Jones | O'Hair | Vare |
| Dale | Kennedy, Conn. | Paige, Mass. | Volstead |
| Driscoll | Kent | Palmer | Wallin |
| Elder | Kless, Pa. | Parker | Watkins |
| Evans | Kindel | Payne | Webb |
| Faison | Kinkead, N. J. | Peters | Wilson, Fla. |
| Fitzgerald | Knowland, J. R. | Powers | Wilson, N. Y. |
| Floyd, Ark. | Korbly | Prouty | Woodruff |

The SPEAKER. On this roll call 323 Members, a quorum, answered to their names.

Mr. RUSSELL. Mr. Speaker, I move that further proceedings under the call of the House be dispensed with.

The SPEAKER. The gentleman from Missouri moves that further proceedings under the call be dispensed with.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

Mr. HEFLIN. Mr. Speaker, I make the point of order that the gentleman's motion is dilatory.

The SPEAKER. The demand for the yeas and nays is a constitutional right, and while it has been held once it is dilatory the Chair does not feel like holding that way, because he does not believe it is right. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Sixty-seven gentlemen have risen—a sufficient number—and the Clerk will call the roll.

The question was taken, and there were—yeas 250, nays 76, answered "present" 8, not voting 97, as follows:

YEAS—250.

| | | | |
|---|---|---|---|
| Abercrombie | Borchers | Candler, Miss. | Copley |
| Adair | Borland | Cantor | Cox |
| Adamson | Bowdle | Caraway | Crosser |
| Allen | Brockson | Carew | Cullop |
| Anderson | Broussard | Carlin | Curry |
| Ansberry | Brown, W. Va. | Carr | Davenport |
| Ashbrook | Bruckner | Carter | Decker |
| Aswell | Bryan | Cary | Deitrick |
| Bailey | Buchanan, Ill. | Casey | Dent |
| Baker | Buchanan, Tex. | Church | Dershem |
| Baltz | Bulkley | Clark, Fla. | Dickinson |
| Barkley | Burgess | Claypool | Dies |
| Barnhart | Burke, Wis. | Cline | Difenderfer |
| Beakes | Burnett | Coady | Dillon |
| Bell, Ga. | Byrnes, S. C. | Collier | Dixon |
| Blackmon | Byrns, Tenn. | Connelly, Kans. | Donohoe |
| Booher | Callaway | Cooper | Donovan |

| | | | |
|---|---|---|---|
| Dooling | Harrison | McKellar | Slayden |
| Doolittle | Hart | MacDonald | Slemp |
| Doughton | Hay | Madden | Small |
| Eagan | Hayden | Maguire, Nebr. | Smith, Tex. |
| Eagle | Heflin | Mitchell | Sparkman |
| Edmonds | Helgesen | Montague | Stafford |
| Edwards | Helm | Moon | Stedman |
| Esch | Helvering | Morgan, La. | Stephens, Cal. |
| Evans | Henry | Morrison | Stephens, Miss. |
| Faleoner | Hill | Moss, Ind. | Stephens, Nebr. |
| Farr | Hinebaugh | Mulkey | Stephens, Tex. |
| Fergusson | Hobson | Murray, Mass. | Stone |
| Ferris | Holland | Murray, Okla. | Sumners |
| Fields | Houston | Neely, W. Va. | Taggart |
| Finley | Hughes, Ga. | Norton | Talcott, N. Y. |
| Fitzgerald | Hull | O'Brien | Tavenner |
| FitzHenry | Igoe | Oldfield | Taylor, Ala. |
| Flood, Va. | Jacoway | O'Leary | Taylor, Ark. |
| Floyd, Ark. | Johnson, Ky. | O'Shaunessy | Taylor, Colo. |
| Foster | Johnson, S. C. | Padgett | Taylor, N. Y. |
| Francis | Jones | Page, N. C. | Temple |
| Gallagher | Keating | Park | Ten Eyck |
| Gallivan | Keister | Patten, N. Y. | Thomas |
| Gard | Kelly, Pa. | Peterson | Thompson, Okla. |
| Garner | Kettner | Phelan | Thomson, Ill. |
| Garrett, Tenn. | Key, Ohio | Post | Tribble |
| Garrett, Tex. | Kinkead, N. J. | Pou | Tuttle |
| Gerry | Kirkpatrick | Quin | Underwood |
| Gill | Kitchin | Ragsdale | Vaughan |
| Gillmore | Konop | Raker | Vollmer |
| Glittins | La Follette | Rauch | Walker |
| Godwin, N. C. | Langley | Rayburn | Walsh |
| Goeke | Lazaro | Reed | Walters |
| Goodwin, Ark. | Lee, Ga. | Reilly, Wis. | Watson |
| Gordon | Lee, Pa. | Rouse | Weaver |
| Gorman | Lesher | Rubey | Webb |
| Goulden | Lever | Rucker | Whaley |
| Graham, Ill. | Lewis, Md. | Rupley | Whitacre |
| Gray | Lieb | Russell | White |
| Griffin | Lloyd | Sabath | Williams |
| Gudger | Lobeck | Saunders | Wilson, Fla. |
| Hamlin | Logue | Seldomridge | Wingo |
| Hammond | Lonergan | Shackleford | Witherspoon |
| Hardwick | McAndrews | Sherley | Young, Tex. |
| Hardy | McCoy | Sherwood | |
| Harris | McGillicuddy | Sims | |

NAYS—76.

| | | | |
|---|---|---|---|
| Ainey | French | Langham | Roberts, Mass. |
| Anthony | Gillett | McGuire, Okla. | Roberts, Nev. |
| Avis | Green, Iowa | McKenzie | Rogers |
| Barton | Greene, Mass. | McLaughlin | Scott |
| Bathrick | Greene, Vt. | Mann | Shreve |
| Britten | Hamilton, Mich. | Mapes | Sloan |
| Browne, Wis. | Haugen | Miller | Smith, Idaho |
| Burke, S. Dak. | Hawley | Mondell | Smith, J. M. C. |
| Butler | Hinds | Moore | Smith, Minn. |
| Campbell | Howell | Morgan, Okla. | Smith, Saml. W. |
| Cramton | Humphrey, Wash. | Moss, W. Va. | Stevens, Minn. |
| Danforth | Johnson, Utah | Mott | Sutherland |
| Davis | Johnson, Wash. | Nelson | Switzer |
| Drukker | Kahn | Patton, Pa. | Towner |
| Dunn | Kelley, Mich. | Payne | Treadway |
| Fairchild | Kennedy, Iowa | Platt | Willis |
| Fess | Kennedy, R. I. | Plumley | Winslow |
| Fordney | Kinkaid, Nebr. | Porter | Woods |
| Frear | Kreider | Prouty | Young, N. Dak. |

ANSWERED "PRESENT"—8.

| | | | |
|---|---|---|---|
| Clancy | Hulings | Lindbergh | Sisson |
| Glass | Lenroot | Nolan, J. I. | Underhill |

NOT VOTING—97.

| | | | |
|---|---|---|---|
| Aiken | Estopinal | Lafferty | Reilly, Conn. |
| Alexander | Faison | L'Engle | Riordan |
| Austin | Fowler | Levy | Rothermel |
| Barchfeld | Gardner | Lewis, Pa. | Scully |
| Bartholdt | George | Lindquist | Sells |
| Bartlett | Goldfogle | Linthicum | Sinnott |
| Beall, Tex. | Good | Loft | Smith, Md. |
| Bell, Cal. | Graham, Pa. | McClellan | Smith, N. Y. |
| Brodbeck | Gregg | Mahan | Stanley |
| Brown, N. Y. | Griest | Maher | Steenerson |
| Browning | Guernsey | Manahan | Stevens, N. H. |
| Brumbaugh | Hamill | Martin | Stout |
| Burke, Pa. | Hamilton, N. Y. | Merritt | Stringer |
| Calder | Hayes | Metz | Talbott, Md. |
| Cantrill | Hensley | Morin | Thacher |
| Chandler, N. Y. | Howard | Murdock | Townsend |
| Connolly, Iowa | Hoxworth | Neeley, Kans. | Vare |
| Conry | Hughes, W. Va. | Oglesby | Volstead |
| Covington | Humphreys, Miss. | O'Hair | Wallin |
| Crisp | Kennedy, Conn. | Paige, Mass. | Watkins |
| Dale | Kent | Palmer | Wilson, N. Y. |
| Doremus | Kiess, Pa. | Parker | Woodruff |
| Driscoll | Kindel | Peters | |
| Dupré | Knowland, J. R. | Powers | |
| Elder | Korbly | Rainey | |

So the motion to dispense with further proceedings under the call was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Until further notice:

Mr. BROWN of New York with Mr. AUSTIN.

Mr. PALMER with Mr. MARTIN.

Mr. CONNOLLY of Iowa with Mr. MERRITT.

Mr. AIKEN with Mr. BARCHFELD.

Mr. ALEXANDER with Mr. BARTHOLDT.

Mr. BRODBECK with Mr. CALDER.

Mr. CANTRILL with Mr. BELL of California.

Mr. CANDLER of Mississippi with Mr. BURKE of Pennsylvania.

Mr. CONRY with Mr. GOOD.

Mr. DOREMUS with Mr. GRAHAM of Pennsylvania.

Mr. DUPRÉ with Mr. GRIEST.

Mr. ESTOPINAL with Mr. GUERNSEY.

Mr. FAISON with Mr. HAYES.

Mr. GOLDFOGLE with Mr. HUGHES of West Virginia.

Mr. GREGG with Mr. KIESS of Pennsylvania.

Mr. HOWARD with Mr. LAFFERTY.

Mr. HUMPHREYS of Mississippi with Mr. LEWIS of Pennsylvania.

Mr. FOWLER with Mr. LINDQUIST.

Mr. NEELEY of Kansas with Mr. MANAHAN.

Mr. RAINEY with Mr. MORIN.

Mr. REILLY of Connecticut with Mr. PAIGE of Massachusetts.

Mr. RIORDAN with Mr. POWERS.

Mr. STEPHENS of Nebraska with Mr. PARKER.

Mr. STOUT with Mr. PETERS.

Mr. TALBOTT of Maryland with Mr. VARE.

Mr. THACHER with Mr. SELLS.

Mr. TOWNSEND with Mr. SINNOTT.

Mr. WATKINS with Mr. VOLSTEAD.

Mr. LINTHICUM with Mr. WOODRUFF.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. HENSLEY with Mr. J. R. KNOWLAND.

Mr. UNDERHILL with Mr. STEENERSON.

Mr. BARTLETT with Mr. BUTLER.

The result of the vote was announced as above recorded.

The SPEAKER. Further proceedings under the call are dispensed with. A quorum is present. The Doorkeeper will open the doors, and the Clerk will read the Journal.

THE JOURNAL.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

During the reading,

Mr. MANN. Mr. Speaker, I ask that the Journal be read in full.

The SPEAKER. The Clerk will read the Journal.

The Clerk resumed and concluded the reading of the Journal.

The SPEAKER. Without objection, the Journal as read will stand approved.

Mr. MANN. I object, Mr. Speaker.

The SPEAKER. The question is on the approval of the Journal.

Mr. MANN. No motion has been made yet to that effect, Mr. Speaker.

Mr. FITZGERALD. A motion is pending. That is the understanding.

Mr. UNDERWOOD. Mr. Speaker, I move the approval of the Journal.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves the approval of the Journal. The Chair does not think it requires a motion.

Mr. MANN. Oh, yes; it does. It is always understood.

The SPEAKER. It is like a conference report; nobody ever moves to adopt a conference report.

Mr. MANN. Oh, yes; they do.

The SPEAKER. Anyhow, the motion has been made, and that relieves the difficulty. The question is on the approval of the Journal.

Mr. MANN. Mr. Speaker, am I not entitled to be recognized to move to amend the Journal?

The SPEAKER. Certainly.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the motion to approve the Journal.

The SPEAKER. The gentleman from Alabama moves the previous question on the motion to approve the Journal. Those in favor of ordering the previous question will say "aye"; those opposed "no." The ayes seem to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks for the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Fifty-nine gentlemen have risen—not a sufficient number.

Mr. MANN. I ask for the other side.

The SPEAKER. The gentleman from Illinois demands the other side. Those opposed will rise and stand until they are counted. [After counting.] One hundred and thirty-seven gentlemen have risen in the negative and 59 in the affirmative—a sufficient number. The Clerk will call the roll. Those in

favor of ordering the previous question will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 224, nays 80, answered "present" 6, not voting 121, as follows:

YEAS—224.

| | | | |
|---|---|---|---|
| Abercrombie | Dickinson | Houston | Rayburn |
| Adair | Difenderfer | Hughes, Ga. | Reed |
| Aiken | Dixon | Hull | Reilly, Wis. |
| Allen | Donohoe | Igoe | Rouse |
| Anderson | Donovan | Jacoway | Rubey |
| Ansberry | Dooling | Johnson, Ky. | Rucker |
| Ashbrook | Doolittle | Keating | Rupley |
| Aswell | Doughton | Kelly, Pa. | Russell |
| Bailey | Eagan | Kirkpatrick | Sabath |
| Baker | Eagle | Kitchin | Saunders |
| Baltz | Edwards | Konop | Seldomridge |
| Barkley | Evans | Lafferty | Shackleford |
| Barnhart | Fergusson | La Follette | Sherley |
| Bathrick | Ferris | Langley | Sherwood |
| Beakes | Fields | Lazaro | Sims |
| Bell, Ga. | Finley | Lee, Ga. | Sisson |
| Blackmon | Fitzgerald | Lee, Pa. | Slayden |
| Booher | FitzHenry | Lenroot | Slemp |
| Borchers | Flood, Va. | Lesher | Small |
| Bowdle | Floyd, Ark. | Lewis, Md. | Smith, Tex. |
| Brockson | Foster | Lieb | Sparkman |
| Broussard | Francis | Lindbergh | Stanley |
| Brown, W. Va. | French | Lloyd | Stedman |
| Bruckner | Gallagher | Lobeck | Stephens, Cal. |
| Buchanan, Ill. | Gallivan | Logue | Stephens, Miss. |
| Buchanan, Tex. | Gard | Lonergan | Stephens, Nebr. |
| Bulkley | Garner | McAndrews | Stephens, Tex. |
| Burgess | Garrett, Tenn. | McCoy | Stone |
| Burke, Wis. | Garrett, Tex. | McGillicuddy | Sumners |
| Burnett | Gerry | McKellar | Taggart |
| Byrnes, S. C. | Gill | MacDonald | Talcott, N. Y. |
| Bryns, Tenn. | Gilmore | Maguire, Nebr. | Tavenner |
| Callaway | Gittings | Mitchell | Taylor, Ala. |
| Cantor | Godwin, N. C. | Montague | Taylor, Ark. |
| Cantrill | Goeke | Moon | Taylor, Colo. |
| Caraway | Goodwin, Ark. | Morrison | Taylor, N. Y. |
| Carew | Gordon | Moss, Ind. | Ten Eyck |
| Carlin | Gorman | Mulkey | Thomas |
| Carr | Goulden | Murray, Mass. | Thompson, Okla. |
| Carter | Graham, Ill. | Murray, Okla. | Thomson, Ill. |
| Cary | Gray | Neeley, Kans. | Townsend |
| Casey | Griffin | Neely, W. Va. | Tribble |
| Church | Gudger | O'Brien | Tuttle |
| Cline | Hammond | Oldfield | Underwood |
| Coady | Hardy | O'Leary | Vaughan |
| Collier | Harris | Padgett | Walsh |
| Connelly, Kans. | Harrison | Page, N. C. | Walters |
| Cox | Hart | Park | Watson |
| Crosser | Hay | Patten, N. Y. | Webb |
| Cullop | Hayden | Phelan | Whaley |
| Davenport | Heflin | Pou | Whitacre |
| Davis | Helm | Prouty | White |
| Decker | Helvering | Quin | Williams |
| Deitrick | Henry | Ragsdale | Wingo |
| Dent | Hill | Raker | Witherspoon |
| Dershem | Holland | Rauch | Young, Tex. |

NAYS—80.

| | | | |
|---|---|---|---|
| Alney | Gillett | Kreider | Roberts, Nev. |
| Anthony | Good | Langham | Rogers |
| Avis | Greene, Mass. | McKenzie | Scott |
| Barton | Greene, Vt. | McLaughlin | Shreve |
| Britten | Hamilton, Mich. | Madden | S'oan |
| Burke, S. Dak. | Hawley | Mann | Smith, Idaho |
| Cooper | Hayes | Mapes | Smith, J. M. C. |
| Cramton | Hinds | Miller | Smith, Saml. W. |
| Curry | Hinebaugh | Mondell | Stafford |
| Danforth | Howell | Moore | Stevens, Minn. |
| Dillon | Hughes, W. Va. | Morgan, Okla. | Sutherland |
| Drukker | Humphrey, Wash. | Moss, W. Va. | Switzer |
| Dunn | Johnson, Utah | Mott | Temple |
| Edmonds | Johnson, Wash. | Nelson | Towner |
| Esch | Kahn | Norton | Treadway |
| Fairchild | Keister | Patton, Pa. | Volstead |
| Farr | Kelley, Mich. | Payne | Willis |
| Fess | Kennedy, Iowa | Platt | Winslow |
| Fordney | Kennedy, R. I. | Porter | Woods |
| Frear | Kinkaid, Nebr. | Roberts, Mass. | Young, N. Dak. |

ANSWERED "PRESENT"—6.

| | | | |
|---|---|---|---|
| Butler | Copley | Hulings | Nolan, J. I. |
| Clancy | Glass | | |

NOT VOTING—121.

| | | | |
|---|---|---|---|
| Adamson | Conry | Hamlin | Lewis, Pa. |
| Alexander | Covington | Hardwick | Lindquist |
| Austin | Crisp | Haugen | Linthicum |
| Barchfeld | Dale | Helgesen | Loft |
| Bartholdt | Dies | Hensley | McClellan |
| Bartlett | Doremus | Hobson | McGuire, Okla. |
| Beall, Tex. | Driscoll | Howard | Mahan |
| Bell, Cal. | Dupré | Hoxworth | Maher |
| Borland | Elder | Humphreys, Miss. | Manahan |
| Brodbeck | Estopinal | Johnson, S. C. | Martin |
| Brown, N. Y. | Faison | Jones | Merritt |
| Browne, Wis. | Falconer | Kennedy, Conn. | Metz |
| Browning | Fowler | Kent | Morgan, La. |
| Brumbaugh | Gardner | Kettner | Morin |
| Bryan | George | Key, Ohio | Murdock |
| Burke, Pa. | Goldfogle | Kiess, Pa. | Oglesby |
| Calder | Graham, Pa. | Kindel | O'Hair |
| Campbell | Green, Iowa | Kinkead, N. J. | O'Shaunessy |
| Candler, Miss. | Gregg | Knowland, J. R. | Paige, Mass. |
| Chandler, N. Y. | Griest | Korbly | Palmer |
| Clark, Fla. | Guernsey | L'Engle | Parker |
| Claypool | Hamill | Lever | Peters |
| Connolly, Iowa | Hamilton, N. Y. | Levy | Peterson |
| Plumley | Sells | Stringer | Watkins |
| Post | Sinnott | Talbott, Md. | Weaver |
| Powers | Smith, Md. | Thacher | Wilson, Fla. |
| Rainey | Smith, Minn. | Underhill | Wilson, N. Y. |
| Reilly, Conn. | Smith, N. Y. | Vare | Woodruff |
| Riordan | Steenerson | Vollmer | |
| Rothermel | Stevens, N. H. | Walker | |
| Scully | Stout | Wallin | |

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. WILSON of Florida with Mr. SMITH of Minnesota.

Mr. WALKER with Mr. MCGUIRE of Oklahoma.

Mr. MORGAN of Louisiana with Mr. HELGESEN.

Mr. LEVER with Mr. HAUGEN.

Mr. HARDWICK with Mr. PLUMLEY.

Mr. CLAYPOOL with Mr. GREEN of Iowa.

Mr. CLARK of Florida with Mr. CAMPBELL.

Mr. ADAMSON with Mr. BROWNE of Wisconsin.

The result of the vote was announced as above recorded.

The SPEAKER. The previous question is ordered. The question is on the approval of the Journal.

Mr. MANN. I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Fifty-one Members have risen—not a sufficient number.

Mr. MANN. I ask for the other side.

The SPEAKER. The gentleman from Illinois demands the other side. Those opposed to ordering the yeas and nays will rise and stand until they are counted. [After counting.] One hundred and thirty Members in the negative. More than one-fifth—a sufficient number—have seconded the demand for the yeas and nays. The yeas and nays are ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 291, nays 1, answered "present" 4, not voting 135, as follows:

YEAS—291.

| | | | |
|---|---|---|---|
| Abercrombie | Dent | Hay | Moss, W. Va. |
| Adair | Dershem | Hayden | Mott |
| Aiken | Dickinson | Heflin | Mulkey |
| Ainey | Difenderfer | Helvering | Murray, Mass. |
| Alexander | Dillon | Henry | Murray, Okla. |
| Allen | Dixon | Hill | Neeley, Kans. |
| Anderson | Donohoe | Hinds | Neely, W. Va. |
| Ansberry | Donovan | Hinebaugh | Nelson |
| Ashbrook | Dooling | Holland | Nolan, J. I. |
| Aswell | Doolittle | Houston | O'Brien |
| Avis | Doughton | Howell | Oldfield |
| Bailey | Drukker | Hughes, Ga. | O'Leary |
| Baker | Dunn | Hughes, W. Va. | O'Shaunessy |
| Baltz | Eagan | Hull | Padgett |
| Barchfeld | Eagle | Humphrey, Wash. | Page, N. C. |
| Barkley | Edmonds | Igoe | Park |
| Barnhart | Edwards | Jacoway | Patten, N. Y. |
| Barton | Esch | Johnson, Ky. | Payne |
| Bathrick | Evans | Johnson, S. C. | Peterson |
| Beakes | Fairchild | Johnson, Utah | Phelan |
| Bell, Ga. | Falconer | Johnson, Wash. | Platt |
| Blackmon | Farr | Kahn | Plumley |
| Booher | Fergusson | Kelly, Pa. | Porter |
| Borchers | Ferris | Kennedy, Iowa | Pou |
| Borland | Fess | Kennedy, R. I. | Prouty |
| Britten | Fields | Kinkaid, Nebr. | Quin |
| Brockson | Finley | Kirkpatrick | Ragsdale |
| Broussard | Fitzgerald | Kitchin | Raker |
| Bruckner | FitzHenry | Konop | Rauch |
| Bryan | Flood, Va. | Kreider | Rayburn |
| Buchanan, Ill. | Floyd, Ark. | Lafferty | Reed |
| Buchanan, Tex. | Foster | La Follette | Reilly, Wis. |
| Bulkley | Fowler | Langham | Roberts, Mass. |
| Burgess | Francis | Langley | Roberts, Nev. |
| Burke, S. Dak. | Gallagher | Lazaro | Rogers |
| Burke, Wis. | Gallivan | Lee, Ga. | Rouse |
| Burnett | Gard | Lee, Pa. | Rubey |
| Byrnes, S. C. | Garner | Lenroot | Rucker |
| Byrns, Tenn. | Garrett, Tenn. | Lesher | Rupley |
| Callaway | Garrett, Tex. | Lewis, Md. | Russell |
| Cantor | Gerry | Lieb | Sabath |
| Cantrill | Gill | Lindbergh | Saunders |
| Caraway | Gilmore | Lloyd | Scott |
| Carew | Gittins | Lobeck | Seldomridge |
| Carlin | Glass | Logue | Shackleford |
| Carr | Goeke | Lonergan | Sherley |
| Carter | Good | McAndrews | Sherwood |
| Cary | Goodwin, Ark. | McGillicuddy | Shreve |
| Casey | Gordon | McKellar | Sims |
| Church | Goulden | McKenzie | Sisson |
| Cline | Graham, Ill. | MacDonald | Slayden |
| Coady | Gray | Madden | Slemp |
| Collier | Green, Iowa | Maguire, Nebr. | Sloan |
| Connelly, Kans. | Greene, Mass. | Mann | Small |
| Cooper | Greene, Vt. | Mapes | Smith, J. M. C. |
| Cox | Griffin | Miller | Smith, Minn. |
| Cramton | Gudger | Mitchell | Smith, Saml. W. |
| Crosser | Hammond | Mondell | Smith, Tex. |
| Cullop | Hardwick | Montague | Sparkman |
| Curry | Hardy | Moon | Stafford |
| Davenport | Harrison | Morgan, La. | Stedman |
| Davis | Hart | Morgan, Okla. | Stephens, Cal. |
| Decker | Haugen | Morrison | Stephens, Miss. |
| Deitrick | Hawley | Moss, Ind. | Stephens, Tex. |

| | | | |
|---|---|---|---|
| Stone | Taylor, Colo. | Tribble | Whaley |
| Sumners | Taylor, N. Y. | Tuttle | White |
| Sutherland | Temple | Underwood | Williams |
| Switzer | Ten Eyck | Vollmer | Willis |
| Taggart | Thomas | Walker | Wingo |
| Talcott, N. Y. | Thompson, Okla. | Walters | Witherspoon |
| Tavenner | Thomson, Ill. | Watson | Young, N. Dak. |
| Taylor, Ala. | Towner | Weaver | Young, Tex. |
| Taylor, Ark. | Treadway | Webb | |

NAYS—1.

Stevens, Minn.

ANSWERED "PRESENT"—4.

| | | | |
|---|---|---|---|
| Butler | Hulings | Moore | Underhill |

NOT VOTING—135.

| | | | |
|---|---|---|---|
| Adamson | Estopinal | Kettner | Post |
| Anthony | Faison | Key, Ohio | Powers |
| Austin | Fordney | Kiess, Pa. | Rainey |
| Bartholdt | Frear | Kindel | Reilly, Conn. |
| Bartlett | French | Kinkead, N. J. | Riordan |
| Beall, Tex. | Gardner | Knowland, J. R. | Rothermel |
| Bell, Cal. | George | Korbly | Scully |
| Bowdle | Gillett | L'Engle | Sells |
| Brodbeck | Godwin, N. C. | Lever | Sinnott |
| Brown, N. Y. | Goldfogle | Levy | Smith, Idaho |
| Brown, W. Va. | Gorman | Lewis, Pa. | Smith, Md. |
| Browne, Wis. | Graham, Pa. | Lindquist | Smith, N. Y. |
| Browning | Gregg | Linthicum | Stanley |
| Brumbaugh | Griest | Loft | Steenerson |
| Burke, Pa. | Guernsey | McClellan | Stephens, Nebr. |
| Calder | Hamill | McCoy | Stevens, N. H. |
| Campbell | Hamilton, Mich. | McGuire, Okla. | Stout |
| Candler, Miss. | Hamilton, N. Y. | McLaughlin | Stringer |
| Chandler, N. Y. | Hamlin | Mahan | Talbott, Md. |
| Clancy | Harris | Maher | Thacher |
| Clark, Fla. | Hayes | Mannahan | Townsend |
| Claypool | Helgesen | Martin | Vare |
| Connolly, Iowa | Helm | Merritt | Vaughan |
| Conry | Hensley | Metz | Volstead |
| Copley | Hobson | Morin | Wallin |
| Covington | Howard | Murdock | Walsh |
| Crisp | Hoxworth | Norton | Watkins |
| Dale | Humphreys, Miss | Oglesby | Whitacre |
| Danforth | Jones | O'Hair | Wilson, Fla. |
| Dies | Keating | Paige, Mass. | Wilson, N. Y. |
| Doremus | Keister | Palmer | Winslow |
| Driscoll | Kelley, Mich. | Parker | Woodruff |
| Dupré | Kennedy, Conn. | Patton, Pa. | Woods |
| Elder | Kent | Peters | |

So the Journal was approved.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BROWN of West Virginia with Mr. COPLEY.

Mr. GODWIN of North Carolina with Mr. FREAR.

Mr. CONRY with Mr. FRENCH.

Mr. DIES with Mr. FORDNEY.

Mr. HELM with Mr. GILLETT.

Mr. KEATING with Mr. HAMILTON of Michigan.

Mr. KEY of Ohio with Mr. NORTON.

Mr. MCCOY with Mr. KEISTER.

Mr. O'HAIR with Mr. KELLY of Michigan.

Mr. HAMLIN with Mr. PATTON of Pennsylvania.

Mr. POST with Mr. MCLAUGHLIN.

Mr. KENNEDY of Connecticut with Mr. SMITH of Idaho.

Mr. CLANCY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. CLANCY. No; I was down in the restaurant.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

An act (H. R. 13219) to provide in the interest of public health, comfort, morals, and safety for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia.

### ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6433. An act to relocate the headquarters of the customs district of Florida; and

H. R. 9318. An act to amend the act approved June 25, 1910, entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes."

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ROTHERMEL, for one week, on account of illness.

### ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 4 minutes p. m.) the House adjourned until Saturday, September 19, 1914, at 12 o'clock noon.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10228) granting an increase of pension to Edward F. Soule; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17866) granting a pension to William H. Culler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,

Mr. SABATH introduced a bill (H. R. 18851) to prohibit the sale or gift of intoxicating liquors to minors within the admiralty and maritime jurisdiction of the United States, which was referred to the Committee on Alcoholic Liquor Traffic.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWDLE: A bill (H. R. 18852) granting a pension to R. M. Wheeler; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 18853) for the relief of the estate of William King, deceased; to the Committee on War Claims.

By Mr. DONOVAN: A bill (H. R. 18854) granting an increase of pension to Jane A. Dickinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18855) granting an increase of pension to Agnes M. Kesler; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 18856) for the relief of Luther L. Martin; to the Committee on Naval Affairs.

By Mr. EDWARDS: A bill (H. R. 18857) for the relief of the heirs at law of the late Joseph S. Claghorn and John Cunningham, both now deceased; to the Committee on War Claims.

By Mr. FERGUSSON: A bill (H. R. 18858) for the relief of the heirs of Manuel Madril; to the Committee on Claims.

By Mr. GALLAGHER: A bill (H. R. 18859) for the relief of John M. Dimmick; to the Committee on Claims.

By Mr. J. R. KNOWLAND: A bill (H. R. 18860) granting a pension to Martha Bartl; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 18861) granting a pension to Mary J. Adams; to the Committee on Pensions.

Also, a bill (H. R. 18862) granting an increase of pension to Elizabeth J. Milliken; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 18863) granting a pension to Eva Kern; to the Committee on Pensions.

Also, a bill (H. R. 18864) granting an increase of pension to Raphael C. Loupe; to the Committee on Pensions.

Also, a bill (H. R. 18865) granting an increase of pension to John A. Brindle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18866) granting an increase of pension to Franklin M. Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18867) granting an increase of pension to Delancey S. Drake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18868) granting a pension to John O'Hagan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18869) granting an increase of pension to Adelaide E. Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18870) granting an increase of pension to John M. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18871) granting an increase of pension to Matthew Rowland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18872) granting an increase of pension to Jane Williams; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Commercial Exchange of Philadelphia, Pa., against House bill 18666, for Government ownership of vessels engaged in the foreign trade; to the Committee on the Merchant Marine and Fisheries.

XUM

By Mr. BYRNS of Tennessee: Papers to accompany a bill for relief of estate of William King, deceased; to the Committee on War Claims.

By Mr. J. I. NOLAN: Protest of the Allied Printing Trades Council of Greater New York, against the passage of House bill 16238, to amend the copyright laws; to the Committee on Patents.

Also, protest of the American Publishers' Association, of New York City, against favorable report on House bill 16238, to amend the copyright law; to the Committee on Patents.

Also, communication from the International Typographical Union, favoring the amendment of section 85, House bill 15902, to prohibit the printing of "return cards" on Government stamped envelopes; to the Committee on Printing.

Also, resolutions of the Socialist Party of California, favoring the passage of the Hamill bill (H. R. 5139), for the retirement of superannuated Federal civil-service employees; to the Committee on Reform in the Civil Service.

Also, protest of the Milwaukee-Waukesha Brewing Co., against any additional revenue tax on beer; to the Committee on Ways and Means.

By Mr. VOLLMER: Petition of A. M. Hall, jr., and others, in favor of the Stevens bill (H. R. 13305), against price cutting and other dishonest trade abuses; to the Committee on Interstate and Foreign Commerce.

## HOUSE OF REPRESENTATIVES.

SATURDAY, *September 19, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Thou Grace Divine, encircling all,
A shoreless, soundless sea,
Wherein at last our souls must fall—
O love of God most free!

Impart unto us, we pray Thee, plenteously of Thy grace, that we may with all diligence fulfill the obligations devolving upon us to-day and be the better prepared for the duties of to-morrow, adding wisdom to wisdom, knowledge to knowledge, strength to strength, purity to purity, love to love.

Count that day lost whose low-descending sun
Sees at thy hand no worthy action done.

Thus may we reach the purest aspirations of our souls and prove ourselves worthy sons of the living God. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

### RESTORATION OF A PAIR.

Mr. BUTLER. Mr. Speaker, for many years I have had an arrangement for a pair with the gentleman from Georgia, Mr. BARTLETT. I can not understand why on yesterday I forgot that arrangement and voted. I should not have done so, because the division was largely of a partisan nature. I ask unanimous consent of the House to have the RECORD changed to show that I answered "present," and keep my pair with the gentleman from Georgia. Mr. BARTLETT.

The SPEAKER. The gentleman from Pennsylvania says that he has a general pair with the gentleman from Georgia, Mr. BARTLETT, and on yesterday on what was practically a political question he inadvertently voted. He now asks unanimous consent of the House to have that changed, to withdraw his vote, and answer "present." It will not change the result. Is there objection? [After a pause.] The Chair hears none.

### EXTENSION OF THE LINES OF THE WASHINGTON RAILWAY & ELECTRIC CO.

Mr. CARAWAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4274) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

The SPEAKER. Is there a similar bill reported and on the calendar?

Mr. CARAWAY. Yes; the bill H. R. 12592, an identical bill.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to take from the Speaker's table and consider the bill S. 4274, a similar House bill being reported and on the calendar. The Clerk will report the bill.

The Clerk read as follows:

An act to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

*Be it enacted, etc.*, That the Washington Railway & Electric Co., of the District of Columbia, be, and it is hereby, authorized and required to construct an electric railway, beginning where its present tracks on Nichols Avenue intersect Portland Street SE., thence along Portland Street in a westerly direction to Fourth Street SW.: *Provided*, That said railway shall be constructed and operated by overhead electric system and may cross the tracks of the Baltimore & Ohio Railroad on grade, on condition only that before any of the cars of the said Washington Railway & Electric Co. shall cross such tracks said last-named company shall, at its own expense, install at such crossing an automatic safety device of such style and pattern as will make travel over said crossing safe, and which before being operated shall be inspected and approved by the Commissioners of the District of Columbia.

SEC. 2. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia, within 30 days after the passage of this act, in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Laws for the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the opening of Portland Street as laid down on the permanent system of highways of the District of Columbia contained in an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in the part of the District of Columbia lying outside of cities," as amended by an act of Congress approved June 28, 1898, and other acts amendatory thereof: *Provided*, That the entire amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be condemned for said extension, plus the cost and expenses of said proceedings, shall be assessed by the jury as benefits; and that there is hereby appropriated out of the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the said condemnation proceedings taken pursuant hereto and for the payment of the amount awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

SEC. 3. That the street railway extension provided for in section 1 hereof shall be begun within three months after the judgment has been made final in the condemnation proceedings provided for in section 2, and shall be completed, with cars running thereon, within a period of one year from said date; and the said Washington Railway & Electric Co. shall, within 30 days from the date of the final judgment in the said condemnation proceedings, deposit with the collector of taxes of the District of Columbia the sum of $1,000 to guarantee the construction of said extension within the prescribed time, and if said extension is not completed, with cars running thereon, within the prescribed time, said $1,000 shall be forfeited to the District of Columbia.

SEC. 4. That, in addition to the deposit hereinbefore referred to, the said company shall deposit such further sum or sums as the commissioners may require to cover the cost of inspection and the cost of changes to public constructions or appurtenances in public highways caused by the construction of said extension.

SEC. 5. That all plans of location and construction of said extension shall be subject to the approval of the Commissioners of the District of Columbia, and all excavations in public highways shall be made under permits from said commissioners and subject to regulations prescribed by them. That said extension shall be constructed in a substantial and durable manner, subject to the inspection of said commissioners, and all changes to existing construction and appurtenances in public space shall be made at the expense of said railway.

SEC. 6. That the said Washington Railway & Electric Co. shall have, over and respecting the extension of its lines herein provided for, the same rights, powers, and privileges that it has by its charter and amendments or by law over and respecting its routes, and shall be subject, in respect thereto, to all the other provisions and requirements, duties and obligations of its charter and amendments and of law. That in addition to the obligation placed upon said company by its charter and law regarding the maintenance of the space between its rails and tracks and 2 feet adjacent thereto on each side thereof the said company shall, in connection with its track construction and simultaneously therewith, grade the highways through which its tracks shall be extended, under the provisions of this act, for a distance of 2 feet outside the outer rails of its tracks to such section and profile as may be approved by the Commissioners of the District of Columbia, and shall bear and defray all of the costs of such grading, which shall be done to the entire satisfaction of said commissioners.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I see that this bill provides that there shall be an overhead trolley to operate these street cars. I do not know how many miles of streets this extension is to run over. I would not like to see the policy adopted of putting overhead trolleys now in the thickly settled portions of the District of Columbia, although we have overhead-trolley lines in some places. I believe that all of these lines ought to be put under ground as fast as possible. I am rather inclined to think that no consideration ought to be given to any new legislation for the operation of street cars within the District by the overhead-trolley system.

Mr. CARAWAY. Will the gentleman let me tell him where this is?

Mr. MADDEN. Yes.

Mr. CARAWAY. This is a line being extended on Congress Heights, outside of the built-up district, to a steel plant where there are 600 men employed. It is 6,000 feet from the mill to the nearest car line. This is being extended for their exclusive benefit. It is outside of any built-up section of the District, and it is under an agreement between the steel plant and the railway company for the benefit of the employees of the mill. It saves these men one fare.

Mr. MADDEN. I do not care to do anything to inconvenience the men employed in the steel plant. On the other hand, I would be glad to do everything for their convenience. But while enacting a law of this kind, should not we provide proper safeguards against possible loss of life by overhead trolleys, like the breaking of a wire or something of that sort?

Mr. CARAWAY. This runs through an open country. It connects the steel plant with the line of the railroad.

Mr. MADDEN. If it is in an open country, that would be all right. I understand the gentleman to say that it does not cross any paved streets or run through any thickly settled portion?

Mr. CARAWAY. No; it runs through forest and fields.

Mr. MADDEN. Is there any provision in the bill for the introduction of the underground system at any future time when it should become necessary?

Mr. CARAWAY. No; there is not; but it provides for amendment at any future time by Congress.

Mr. MADDEN. Very well; Mr. Speaker, I will not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARAWAY. Is it open to amendment, Mr. Speaker?

Mr. SPEAKER. It would depend entirely upon what the amendment is. The only way that the gentleman got his bill up was that it was an identical bill with the House bill.

Mr. CARAWAY. Very well.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CARAWAY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill—H. R. 12592—was laid on the table.

### APPROPRIATIONS.

Mr. POU. Mr. Speaker, I ask unanimous consent to address the House for 12 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for 12 minutes. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, on the 12th of this month the gentleman from Massachusetts [Mr. GILLETT] delivered in this Chamber a speech charging the Democratic majority in this Congress, and particularly in this Chamber, with incompetence, inefficiency, and prodigious extravagance. At some length, encouraged by applause on his side of the Chamber, the gentleman from Massachusetts hurled at the Democratic majority charges of wastefulness of the public moneys and criminal extravagance.

It is easy to make charges. Talk is very cheap. I ask a few moments of the time of the House to see how far these charges of our friend are sustained by facts. I ask a few moments to ascertain what protest, if any, the record shows on the part of our Republican friends against this "prodigious" Democratic extravagance.

In the first place, I deny the charge. This great Government, as the years pass, will require increasing expenditures. Every sane man knows this is true. The record of this Congress is without parallel in the Nation's history—a record of achievement so splendid that every great administration measure save one has not only been supported by the Democratic majority but by many votes on the other side as well.

But the gentleman from Massachusetts has sounded the Republican battle cry. When he finds so many of his party supporting Democratic measures that he can not attack us without attacking his own party as well, he falls back upon the time-worn charge of extravagance.

Now, Mr. Speaker, let us see how far the party of the gentleman himself is responsible for appropriations which have been made. If the great supply measures which have passed carried unnecessary items, if any of them were "prodigious" in extravagance, we would at least expect to find some sort of Republican protest. But the exact contrary is true. Not only has there been no protest until the gentleman from Massachusetts made his speech, but the RECORD shows that every one of 22 great supply bills passed by the Sixty-third Congress were put through by the solid vote of the Republican side of this Chamber except one, and against that one measure exactly 20 Republican votes are recorded. There was not even a roll call demanded on any one of these 22 measures, excepting H. R. 10523, which was, as I recollect, a District of Columbia bill, and against that bill just 20 Republicans voted on a roll call.

Here is the list:

H. R. 1917. Indian appropriation bill; passed House April 22, 1913, page 321. No yea-and-nay vote.
H. R. 7893. Urgent deficiency appropriation bill; passed House September 9, page 4622. No yea-and-nay vote.
H. R. 2441. Sundry civil appropriation bill; passed House April 22, page 319. No yea-and-nay vote.
H. R. 2973. Making appropriation for certain expenses incident to the first session Sixty-third Congress; passed House April 21, page 289. No yea-and-nay vote.
H. J. Res. 80. Urgent deficiency appropriation bill; passed House May 10, page 1464. No yea-and-nay vote.
H. J. Res. 118. Making appropriation for certain expenses incident to the first session Sixty-third Congress; passed House August 8, page 3201. No yea-and-nay vote.
H. R. 10523. District of Columbia appropriation bill; passed House January 12, page 1542. See yea-and-nay vote.
H. R. 11338. Post Office appropriation bill; passed House January 24, page 2266. No yea-and-nay vote.
H. R. 12235. Fortification appropriation bill; passed House January 29, page 2555. No yea-and-nay vote.
H. R. 12579. Indian appropriation bill; passed House February 20, page 3726. No yea-and-nay vote.
H. R. 13453. Army appropriation bill; passed House February 28, page 4122. No yea-and-nay vote.
H. R. 13612. Urgent deficiency appropriation bill; passed House February 26, page 3960. No yea-and-nay vote.
H. R. 13679. Agriculture appropriation bill; passed House March 14, page 4883. No yea-and-nay vote.
H. R. 13765. Military Academy appropriation bill; passed House February 28, page 4123. No yea-and-nay vote.
H. R. 13811. Rivers and harbors appropriation bill; passed House March 26, page 5554. No yea-and-nay vote.
H. R. 14034. Naval appropriation bill; passed House May 7, page 8267. No yea-and-nay vote.
H. R. 15280. Pension appropriation bill; passed House May 9, page 8392. No yea-and-nay vote.
H. R. 15279. Legislative appropriation bill; passed House April 17, page 6848. No yea-and-nay vote.
H. R. 15762. Diplomatic and Consular appropriation bill; passed House May 16, page 8724. No yea-and-nay vote.
H. R. 16508. Second urgent deficiency appropriation bill; passed House May 21, page 8973. No yea-and-nay vote.
H. R. 17041. Sundry civil appropriation bill; passed House June 25, page 11125. No yea-and-nay vote.
H. R. 17824. General deficiency appropriation bill; passed House July 15, page 12192. No yea-and-nay vote.

Now, Mr. Speaker, what does this signify? It means one of two things. If this Congress has been guilty of wasting the public money, you Republicans consented. If a crime against the Treasury of the people has been committed, it was done with your knowledge and consent. If the charge is not true, any man who makes it, knowing it is not true, is, to say the least, indulging in demagogy. [Applause on the Democratic side.] There are several ways by which you could have manifested your opposition. You could have demanded a roll call on the final passage of each of these measures. That is the usual way a party puts itself on record in this House. But you did not. You allowed every one of these 22 measures to go through without even demanding a roll call, except the single one I have mentioned, and against that just an even 20 Republicans voted. Take the great committee of which the gentleman from Massachusetts is the ranking minority member. What has been his course of action? Did he file a minority report? Not one. If there was prodigious extravagance in any one of these measures, he should at least have sounded the alarm by a minority report. That is the duty of the minority. That is what the country expects of the minority, and yet in but a single instance did Mr. GILLETT and his colleagues of the minority of the Appropriations Committee file a protest in the form of a minority report. Now he charges us with extravagance. If the charge is true, he is himself guilty. If the charge is not true, then some one is trying to take unfair advantage for party purposes.

It has been suggested, Mr. Speaker, that the place to fight extravagance is in the Committee of the Whole, while the bill is being discussed and amended paragraph by paragraph. That is the plea our Republican friends make since the record shows no roll call on these great measures. But what was the attitude of the minority while these measures were being considered in the Committee of the Whole House on the state of the Union? Did the Republican minority in the Committee of the Whole endeavor to cut down appropriations? I make this charge, and I say the record will sustain it: Excepting a very few unimportant items, our Republican friends strove to increase items of expenditure rather than to decrease them. It is a matter of common knowledge on both sides of this Chamber that the efforts of the minority were to make appropriations larger rather than smaller. Whether they did this to lay the basis for such speeches as we heard from the gentleman from Massachusetts, I do not know; but the truth of this statement of the attitude of the minority can not be successfully disputed by anyone.

Did they want to load down the ship? There is no record vote in the Committee of the Whole. In the light of after events it looks as if our Republican friends purposely tried to take on as heavy a load as possible. And yet they say they made their fight for economy in the Committee of the Whole; made it where they knew there would be no record of it. They say men are ignorant of parliamentary procedure if they do not know that the Committee of the Whole is the place where bills are made good bills or bad bills. For one, I think I may say, I have known this for some time, but I also know that if a party is opposed to a measure it manifests that opposition by voting against its passage. With this record against them, our Republican friends will have a tough job on their hands to convince the voters of the Nation that they tried to cut down appropriations in the Committee of the Whole, where no record vote is had.

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There is yet another way they could have manifested their opposition to prodigious expenditures. If there were bad items in any of these measures, the gentleman from Massachusetts could have made a motion to recommit to the Committee on Appropriations with instructions to cut out the unnecessary items. Did he do it? Did the Republican leader do it? I do not recollect. It may have been done once, but we all know they did not use the motion to recommit in any effort to reduce expenditures.

Mr. Speaker, I think I can not do better in closing these remarks than quote from the speech of the gentleman from Massachusetts. Here is the quotation:

Our opinion of a man or a party is determined not only by his conduct but by a comparison of his conduct with his professions. Conduct which we might excuse in one because justified by his beliefs we condemn in another because at variance with his declared principles. To do yourself what you denounce others for doing proves you either a weakling or a hypocrite.

Yes, Mr. Speaker, that is fine. To do yourself what you denounce others for doing proves you either a weakling or a hypocrite. I have shown that 21 great measures passed this House with the consent of our Republican friends. They were just as strong for those measures as we were. Against one only 20 Republicans voted. From the minority members of the Appropriations Committee comes no minority report. In the Committee of the Whole your efforts were to increase rather than decrease expenditures. You did not move to recommit. Never once did you show organized opposition to these great measures. Yes, Mr. Speaker, to do yourself what you denounce others for doing proves you either a weakling or a hypocrite.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, the gentleman from North Carolina [Mr. POU], who is the only Democrat so far who has had the courage to come before the House on the question of the extravagant appropriations made by the Democrats, admits the extravagances, admits the unnecessary appropriations made, and answers that——

Mr. POU. Mr. Speaker——

Mr. MANN. I do not yield to the gentleman.

Mr. POU. Certainly the gentleman does not——

Mr. MANN. Oh, that is what his speech is—an admission.

Mr. POU. Mr. Speaker, it was nothing of the kind.

The SPEAKER. The gentleman declines to yield.

Mr. MANN. Mr. Speaker, that is what the speech is—an admission; and in addition to that, he charges that the Democratic majority, a two-thirds majority, ought not to be held responsible, because the minority did not prevent the passage of the appropriation bills. [Applause and laughter on the Republican side.] How utterly ridiculous! In addition to that, the gentleman from North Carolina shows his ignorance of the procedure of the House. The appropriation bills are fought out in the Committee of the Whole, where there is no roll call, and the Republicans and Progressives in the House during all these months have fought in the Committee of the Whole against these wild and extravagant appropriations upon the Democratic side. [Applause on the Republican side.] The gentlemen on that side of the aisle have frequently complained because we took up so much time in fighting these extravagant appropriations. It is one thing to fight an extravagant proposition in Committee of the Whole, and it is quite another thing to vote against an appropriation bill the failure to pass which would stop the wheels of the Government. We may oppose a proposition as extravagant and yet not feel that we are warranted in stopping the Government itself. Mr. Speaker, if gentlemen on the other side of the aisle expect to deceive the people by saying that we are responsible for the extravagant appropriations which have been made by them, they are welcome to that consoling thought. [Applause on the Republican side.]

### ORDER OF BUSINESS.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that immediately after the approval of the Journal on Monday next I be permitted to address the House for one hour in answer to criticisms of the pending river and harbor appropriation bill.

The SPEAKER. The gentleman from Florida asks unanimous consent that immediately after the reading of the Journal on Monday next he shall have an hour in which to address the House in answer to certain criticisms leveled against the pending river and harbor appropriation bill. Is there objection?

Mr. BURNETT. Mr. Speaker, I would like to ask the gentleman if Tuesday would not do just as well, because Monday is unanimous-consent day. I have not a single bill on the Unanimous Consent Calendar, but many gentlemen are interested in them, and they get in so seldom with opportunities for consideration of this Calendar for Unanimous Consent that I would ask him if Tuesday would not do as well?

Mr. SPARKMAN. Mr. Speaker, the trouble about Tuesday, as I understand it, is that another very important measure will be before the House on that day. I wanted to get in before that occasion arises.

Mr. BURNETT. Mr. Speaker, I shall be constrained to object.

The SPEAKER. The gentleman from Alabama objects.

Mr. SPARKMAN. Then, Mr. Speaker, I ask unanimous consent to address the House upon the same subject on Tuesday next.

The SPEAKER. The gentleman from Florida asks unanimous consent that immediately after the reading of the Journal on Tuesday next he shall be permitted to address the House for one hour in answer to some criticisms leveled against the pending river and harbor appropriation bill. Is there objection?

Mr. BURKE of Wisconsin. Mr. Speaker, I object.

Mr. ADAMSON. Mr. Speaker, I suggest that the gentleman from Florida speak now.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that I be permitted to address the House for one hour at this time upon the same subject.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for one hour upon the subject just stated by the Speaker. Is there objection?

Mr. LENROOT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Oregon asks unanimous consent to proceed for five minutes. Is there objection?

Mr. CLARK of Florida. Mr. Speaker, I object.

### PROPOSED TAX ON LIFE INSURANCE POLICY.

Mr. GOULDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a telegram from the president of the National Association of Life Underwriters, now in convention at Cincinnati, Ohio, protesting against including life insurance policies in the proposed emergency revenue measure.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

Mr. BARNHART. Mr. Speaker, I object.

### EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the special rule the House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16136) to authorize the exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16136, with Mr. FITZGERALD in the chair.

Mr. FERRIS. Mr. Chairman, I offer the following amendment to the pending Mondell amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend the Mondell amendment by striking out, after the word "Interior," the word "shall" and inserting in lieu thereof the words "may, within his discretion."

Mr. FERRIS. Mr. Chairman, I offer that amendment so that the Secretary of the Interior will have discretion in granting the right to take leases in lieu of claims for patent, and that is just as the committee reported it. In each instance—and this has been before the Committee on Public Lands several times—they have stricken out the word "shall" and inserted the words "may, within his discretion," so as to leave a greater latitude to the Secretary.

Mr. LENROOT. Has the gentleman another amendment immediately following the word "lease"?

Mr. FERRIS. I am going to strike out "2,560" and insert 640 acres.

Mr. LENROOT. Does the gentleman consider this amendment will conform to the bill and carry out——

Mr. FERRIS. I think it is sufficient to carry out the thought the committee had in mind.

Mr. LENROOT. I think there is another provision that should be inserted.

Mr. FERRIS. If the gentleman will offer an amendment, I have no objection to his making it conform, although I thought I did all that was necessary.

Mr. LENROOT. Mr. Chairman, will the gentleman consent, also, to striking out the word "lease"? However, let the gentleman dispose of his amendment first.

Mr. FERRIS. Mr. Chairman, I ask for a vote. I think there is no objection.

Mr. MANN. Mr. Chairman, there has been so much confusion that no one could hear what the amendment was, except the gentleman who fixed it up. I have not been consulted, to know what the amendment was.

Mr. FERRIS. My amendment, in a word, was to strike out of the Mondell amendment the word "shall," which makes it obligatory on the Secretary to make the substitution of leaseholds for application to patent, and insert "may, within his discretion," so that it will be in conformity with what the Committee on Public Lands did several times in reporting bills. The gentleman from Wisconsin calls attention to another point; and if he has an amendment prepared I shall have no objection. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, immediately following the word "lease," after the amendment just adopted, I offer this amendment—to insert the words "on such reasonable terms and conditions as he may prescribe."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "lease," insert "on such reasonable terms and conditions as he may prescribe."

The question was taken, and the amendment was agreed to.

Mr. FERRIS. Mr. Chairman, I offer the following amendment to the pending Mondell amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the Mondell amendment "2,560" and insert in lieu thereof "640."

Mr. FERRIS. Mr. Chairman, the purport of the pending amendment is to allow those who are now clamoring to get patents under the placer-mining laws to be substituted and have a leasehold estate therefor. The committee has twice reported bills on this identical proposition. The Interior Department has likewise reported favorably about it. A bill has passed the Senate by unanimous consent. It is true the Senate passed a bill providing for a lease of 2,560 acres, but it was my very earnest thought, and the committee finally agreed with me, or rather it did agree with me, that that was too much of known oil land and that 640 acres was all they ought to have the right to lease. Of course there might be a difference of opinion, and there is some difference of opinion among oil men, but this amendment makes the pending amendment conform to the views of the committee and the department, and I really hope the change will be made.

Mr. MONDELL. Mr. Chairman, the two amendments which have been adopted and the amendment which is pending change the amendment which I offered so as to conform to the action of the Committee on Public Lands in regard to this matter. As to the first amendments I do not think they essentially modify the provisions of the amendment as I offered it. This does vitally modify it. In California, where there is a developed field in which these lands in controversy lie, it is perhaps true that the area of land leased should not exceed 640 acres. That is not true, however, in some parts of the intermountain oil fields, where the lands in controversy are not heavy oil-bearing lands. Some of them are but partially developed. I assume, however, the committee will not be disposed to be more liberal in the matter than the Committee on Public Lands was. I regret the reduction, so far as it affects the fields in my State. It will work a hardship on some of the locators in my State who have spent a good deal of money and not gotten a very great deal of oil.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. STEPHENS of Texas. I desire to ask the gentleman whether or not these lands would be in squares of 2,560 and 640 acres, or can be taken at option by lease or provision, so as to string them out over the country for a long distance?

Mr. MONDELL. It must be the land which the party claims.

Mr. STEPHENS of Texas. If they can be taken in 40-acre blocks and then put together, the 640 acres may extend over miles. The gentleman knows that in these oil fields we usually find the oil in that condition, and I desire to know in what shape these lands will be taken, whether the amount be fixed at 640 acres or 2,560?

Mr. MONDELL. Well, the Secretary would lease the land that the claimant was claiming, and ordinarily, I presume, these lands would be in a reasonably compact area.

Mr. KAHN. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] has spoken of conditions in the oil fields in the intermountain region. The conditions in California are not unlike those in the intermountain region. I know of one case where there are something like 500 stockholders in a single oil company. That oil company has 2,560 acres. That is an average of about 5 acres to the individual. I know that cutting the area down to 640 acres will prove a material hardship in the case of that one company. Now, there may be other companies, and doubtless there are other companies, that are similarly situated. It seems to me that as the Senate provision of 2,560 acres is also the amount suggested by the Department of the Interior, the amendment ought not to pass.

Mr. LENROOT. Mr. Chairman, there are only three or four companies that will be affected by this amendment cutting down the area from 2,560 to 640 acres, and one of those companies is the Standard Oil Co., which, I believe, has the largest area of any of them.

Mr. KAHN. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. KAHN. As I understand it, the Standard Oil Co. in California has no wells at all. It does not drill for oil. That, at any rate, is my understanding. It simply buys the oil that is drilled for by the other companies, the companies that are in the business of drilling for oil. So far as I have heard, the Standard Oil Co. does not drill for oil in California.

Mr. LENROOT. I have not the testimony before the committee so that I can refer to it, but I believe that my recollection is correct that either the Standard Oil Co. has acquired some of these claims or that some of its subsidiary corporations have done so.

Mr. KAHN. Not that I have heard of.

Mr. LENROOT. And, Mr. Chairman, all the representatives of these oil fields that appeared before our committee, so far as I now recollect, admitted that it was a reasonable proposition to give them 640 acres, and, indeed, it is dealing liberally with them, and I hope that the amendment will be adopted.

Mr. RAKER. While this matter had considerable consideration before the committee, there was originally some idea that it should be 2,560 acres. The representatives of the California oil fields appeared before the committee and their testimony was taken. They appeared again, and reappeared. Some appeared on the ground afterwards, and some are here now. They practically consented, as I understand it, that, with this kind of legislation, to release 640 acres would be fairly equitable. And it only leaves a couple of companies, as I understand it, of which the Standard Oil Co. is one, and another large company, that would be directly affected; that it would really be not carrying out what the representatives who were here stood for.

Mr. KAHN. Will my colleague yield?

Mr. RAKER. I will.

Mr. KAHN. Was there a representative of the Honolulu Oil Co. before the committee?

Mr. RAKER. I think there was.

Mr. KAHN. That company is not affiliated with the Standard Oil Co. I have my information from that company, to the effect that cutting the area down leaves about 5 acres to each of the individual stockholders in the company.

Mr. LENROOT. A moment ago I did not have before me the table of the ownership of the oil fields or the claimants. I now have it. I find here the Standard Oil Co. giving a description, on which they have invested $200,000 in one case; another, giving a description where they have invested $202,000; and another, $835,000, and so on, and there are a very large number of claims under their name.

Mr. KAHN. Does the list contain the name of the Honolulu Oil Co.? It is from the president of that company that I received my information.

Mr. LENROOT. Yes; the Honolulu Oil Co. is here.

Mr. KAHN. That is the company that claims this legislation will only give 5 acres to each of its stockholders.

Mr. LENROOT. The gentleman said the Standard was not interested, and I wished to correct that statement.

Mr. KAHN. I simply said the Standard does not drill for oil in California. That was my information. I do not know from personal knowledge.

Mr. MANN. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. MANN. No one of these companies is required to accept anything under this provision?

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Mr. LENROOT. No.

Mr. MANN. And we do not take any rights away that they have?

Mr. RAKER. We do not.

Mr. MANN. I do not see how any of them can complain, then. We offered to give them something, and if they think it is not worth taking they do not have to take it.

Mr. RAKER. That is about it. They have claims there and are trying to perfect them, but are held up by contests and litigation.

Mr. FERRIS. They get four times as much as they contemplated getting under the placer law.

Mr. RAKER. As one member of the committee I feel it is my duty to stand by the action of the committee and the representations before the committee, and we ought not to go back of that, and therefore I believe the amendment of the gentleman from Oklahoma ought to be adopted.

Mr. CHURCH. I would like to ask the gentleman if it was not like this, that the people who came on from California found the tenor of the Public Lands Committee was entirely against them, and, in order to get anything, they agreed to the 640 acres?

Mr. RAKER. I was in favor of the 2,560-acre tract, and when I found the representatives here, and found they would take the 640 acres, we thought it was the best thing that could be done, because it would bring relief to them; and, having once voted that way, I believe in standing by it. They do not need to take it unless they want it. While the statement of the gentleman from California [Mr. CHURCH] and the gentleman from Wisconsin is true, I do not believe we ought to give the larger territory at this time.

Mr. HULINGS. I would like to ask if the bill provides if the pioneer in a new field can get more than 640 acres?

Mr. RAKER. Yes; if he goes beyond the 20-mile limit of a known oil field. Twenty-five hundred and sixty acres will get his permit, and if he discovers his oil he can get 640 acres and a title in fee to it.

Mr. HULINGS. I have been "wildcatting" all my life, in most places where land is in private ownership, and to go in and drill a wildcat well on a 640-acre lease at a tenth or an eighth royalty would never be the slightest inducement in the world, nor would a 2,560-acre lease.

Mr. RAKER. You do not want to give it all to them, do you?

Mr. HULINGS. If 2,560 acres are all that there are, it would not be much of a field. The man will not go in as a pioneer if he has but 640 acres in prospect. If he has gotten a very remote field to go into on 2,560 acres, he will not go, and you will not have the land developed.

Mr. RAKER. Does the gentleman understand that the amendment now under consideration applies to a known, developed oil field and to oil wells actually in operation?

Mr. HULINGS. That is what I asked, whether this applied to a pioneer in a new field?

Mr. RAKER. No; the amendment under consideration now applies to developed, known oil fields, developed wells, and he may obtain a lease for 640 acres by waiving all claims that he has to the particular tract of land or part of it up to 640 acres.

Mr. HULINGS. Does the bill provide for what a pioneer may have?

Mr. RAKER. Yes. Another provision of the bill provides that if he goes 20 miles from a known oil field he gets 2,560 to bore on, and if he gets oil he gets 640 acres. Again, if he goes 10 miles from a known field he gets 640 acres on which to bore, and if he gets oil on it he gets 160 acres and a patent therefor.

Mr. HULINGS. Well, if in a new field he can get only 2,560 acres, and if he can not by connivance get somebody else to take up more land and join with him, then the 2,560-acre field will never be developed. That, however, would not be of much harm now, because we are producing about 50,000 barrels of oil every day for which there is no use, and it must go into tankage.

Mr. RAKER. One of the troubles heretofore has been where a number of people—eight in number—go out and take 160 acres under a placer claim and do not use real people to hold the claims. That has brought about the contests and the trouble that is now confronting all these California oil people. It has caused so much trouble, indeed, that many of them, in order to get out of this endless litigation and expense, are in favor of this provision. It is a sort of compulsion, but they would rather have the lease than a lawsuit and not know when the trouble would ever end.

Mr. HULINGS. Doing the same as they did with the coal claims?

Mr. RAKER. Yes.

Mr. STAFFORD. Mr. Chairman, I would like to get an answer from the gentleman to one question in order to make it clear in my mind.

Mr. RAKER. I will try to answer the question, if I can.

Mr. STAFFORD. I notice that the Standard Oil Co. and others have disjointed tracts. Under the Church amendment it is proposed that the Standard Oil Co. must necessarily, if they wish to avail themselves of this privilege, surrender their rights to other tracts, distinct and separate. Or would they or their subsidiary companies in distinct fields have the right to claim under this provision?

Mr. RAKER. It is my interpretation of the provision and the interpretation brought out in the hearings had before the committee that, for instance, in a known field in California he would get but one lease and waive the balance.

Mr. STAFFORD. To my knowledge the Standard Oil Co., under subsidiary companies, have pending claims contested by the Government in Wyoming. According to this statement, they have claims also in California.

Mr. RAKER. I think it would apply only to known fields in California or Wyoming, as the case might be.

Mr. STAFFORD. These fields in Wyoming are known oil fields, and the department is contesting them. I would like to have the chairman of the committee or some other member of the committee make it clear whether they surrender the right to all their claims by availing of this privilege.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. RAKER. As I understand it—and I will leave it to the gentleman from Oklahoma [Mr. FERRIS] and the gentleman from Wisconsin [Mr. LENROOT] to give their views—if they have 2,560 acres of land in California now under claim in one tract or other tracts, they would get but one lease.

Mr. STAFFORD. Whether those tracts are disjointed or conjointed?

Mr. RAKER. Yes. That is my view of it. I leave it to the other gentlemen to express their views.

Mr. LENROOT. They would get one lease, but they would only be called upon to surrender 640 acres and not the 2,560 acres.

Mr. STAFFORD. They would surrender only the 640 acres?

Mr. LENROOT. Yes; only the portion they had a lease on.

Mr. STAFFORD. And still retain their claim on the balance of the land? I understood this was a sort of compromise. I understood that in return for the relinquishment of their right to all their locations they could have a clear title to 640 acres upon their surrendering their title to the balance. Otherwise they are receiving everything and the Government is not obtaining anything.

Mr. LENROOT. If they will relinquish their right to that specific claim, the bill will give the Secretary of the Interior the right to lease to them, under the terms of this bill, that specific claim.

Mr. STAFFORD. Supposing their claim is an aggregate claim of 2,560 acres?

Mr. LENROOT. If it is in one claim, they must release it all. If it is in several claims, they need not do so.

Mr. STAFFORD. Then, if they are in several claims—and there is no case, as I read this statement, where there is any excess of 640 acres—then they are relinquishing nothing.

Mr. LENROOT. They are relinquishing land upon which they secure the lease.

Mr. RAKER. Mr. Chairman, supplementing what the gentleman from Wisconsin [Mr. LENROOT] says, if they want to continue the fight, it is up to them to do it; but if they want to get the benefit of peace and quiet, so as to dispose of their oil, they can get a lease of 640 acres, but not more.

Mr. STAFFORD. Then they do not relinquish anything except their right as a fee owner on their excess claim as fee owner, which they are seeking now to include?

Mr. RAKER. They are giving up a claim under contest, with litigation unlimited, for a quiet, peaceable lease, so that they can go on and do business. I think that is about the substance of that provision. They want to do it. They want to get out of litigation and trouble.

Mr. STAFFORD. I had the impression that they were relinquishing a claim to some land. Now I find that they are not surrendering anything but certain rights in a distinct tract.

Mr. FERRIS. Mr. Chairman, I think I can clear the matter up a little. I have in my hand a letter from Secretary Lane explaining the situation. Under the old placer law eight men could go out and take each 160 acres, and the frailty of the law was that they could go on and do that indefinitely. Sometimes they took 160-acre tracts together and sometimes not, so much so that some of the companies whose representatives appeared before our committee have more than 3,000 acres of oil land taken up under this plan. The Department of the Interior is holding them up on their patents. In some instances there are charges against them of having made dummy entries. In other words, an oil man who had eight people in his family could get eight claims among them, and the department is holding them up on these patents and will not issue the patents. These parties are still clamoring for their patents, and they are still contending that they are entitled to them. Here comes a lease law which will lease the land instead of letting it go to them in fee.

The thought of Secretary Lane and the thought of the committee was that if we could reduce these troublesome, annoying applicants for patents to the status of lessees, in harmony with this legislation, paying a royalty to the Government for the oil, so that the oil could be used for the Navy or the money placed in the reclamation fund, or whatever fund it goes to, it would be a solution of this troublesome problem. The Senate thought that, and unanimously passed the bill. The House committee reported such a bill. The Senate bill doing this very thing is on the Speaker's table, and the committee thought we ought to give them a chance to relinquish their claims to patents and take leases in lieu of them. Now, to the specific question of the gentleman from Wisconsin—if a man owns a dozen tracts in different localities, what does he surrender in order to get a lease for a 640-acre tract?—of course the gentleman knows that the Secretary does not have to enter into negotiations with these applicants at all. He may say, "I refuse to have anything to do with you. Your proceedings are so irregular that you must proceed under your application for a patent and stand or fall by it." On the other hand, he may allow as much as 640 acres of that land, either in detached areas or in compact areas, to go to an applicant in the event that he surrenders his claim for patents to that land. Now, I do not think the amendment is very clear as to whether he must surrender all of these parcels or whether he must surrender the identical area for which he accepts the lease, but my thought is that the gentleman from Wisconsin [Mr. LENROOT] has adopted the right theory about it. I think he is only required to surrender his claim for a patent to the area for which he receives a lease, and I think he may proceed to try to get patents for other areas.

Mr. STAFFORD. The gentleman is willing to concede that the language is ambiguous and will warrant the interpretation that if he has a claim for, say, 2,560 acres, he must surrender his rights to the excess in order to get the privilege of a lease on the 640 acres.

Mr. FERRIS. I think there is no doubt that he has to surrender his application for a patent to that area. Whether he has to surrender as to the excess or not, I am not sure that the bill is clear. The gentleman from Wisconsin [Mr. LENROOT] thinks he should surrender the exact area for which he gets the lease.

Mr. LENROOT. No; I think he must surrender all of the area embraced within his claim; but if it be more than one claim, he need not surrender the additional claim in order to get a lease upon that area.

Mr. FERRIS. The thought is that each claim should rest upon its own axis and be an entity in itself, so that if one claim embodied 2,500 acres, he would have to surrender the whole of that in order to get a lease of 640 acres.

Mr. STAFFORD. He would have to surrender the excess. That is my idea.

Mr. HULINGS. Mr. Chairman, as I look over this bill I see that if you go "wildcatting" more than 20 miles away from a known field you can get a permit for 2,560 acres. If you find oil on it, you can get a lease or patent for 640 acres. If it is within 10 miles, you can get 160 acres.

Mr. FERRIS. A patent or lease.

Mr. HULINGS. In my opinion you can not find oil men who would go into the States of Pennsylvania or West Virginia or Ohio and drill a wildcat well on the terms which are set out here. Why, they would not even be permitted to use the timber for the necessary derricks and rig stuff. I am not in favor of giving away the public domain, but when you are legislating I should like to see it done in a reasonable way.

Mr. RAKER. Will the gentleman yield for a question?

Mr. HULINGS. Yes.

Mr. RAKER. Take it in Pennsylvania. The gentleman says a man will not proceed unless he gets a lease for 2,560 acres or more. How does he get it when the land is in private ownership?

Mr. HULINGS. He goes with his leases and a smile on his face and gets the landholders to sign the lease, and he may take leases of a large area, all of the leases containing a clause requiring him to begin operations within a certain time, or that he must begin operations on a named tract within a certain time.

Mr. RAKER. And your view is that unless he gets such a contract as that there is no reliance whatever that he will proceed at all?

Mr. HULINGS. I know mighty well that I would not go and drill a wildcat well anywhere for a lease of 640 acres on which I had to pay one-eighth royalty. I would not have to. In a section remote from production, where the land is held under private ownership, the owners are always anxious to have their lands tested and are always ready to club in and furnish the pioneer with holdings large enough to make the risk of drilling a "wild cat" 20 miles distant from any known production attractive.

Mr. RAKER. Does the gentleman realize that under the law now they would only get 20 acres apiece? And now we have extended it beyond the 160 acres and we think it will get rid of these troubles. We want the country to develop and we want to find more oil fields.

Mr. HULINGS. I do not think you want that so much when you come to think that we are now getting more oil than we know what to do with. There are 143,000 barrels in the United States exclusive of that imported from Mexico going into storage every day. We are getting too much oil. There is no great rush to get this bill through and get more oil out. I do not believe when you are legislating for a country like Wyoming, for instance, that a man will go into a new field at the present price of oil, or that he would find any inducement to take up a lease under this bill. He would far rather go into a country where the lands are in private ownership and get five, six, or ten thousand acres held under a lease. That is the way they do. Perhaps the concern that already has its holdings is favorable to this bill, but I do not believe any experienced oil operator will favor it. Perhaps it will work satisfactorily if a score of persons, more or less, will make filings in the same neighborhood with the understanding that they will all convey to a big company. Or if the design is to prevent the accumulation of titles in a single owner, what is to prevent the lessee after oil is discovered, and he has his lease, from selling out to the big concern. I do not see anything in the bill to prevent this. This plan has worked in irrigable lands, and in coal fields—not always, but frequently.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma to the amendment of the gentleman from Wyoming.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Wyoming as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment to follow the amendment that has just been adopted, as a new sentence.

Mr. MONDELL. Will the gentleman from California yield?

Mr. RAKER. I will.

Mr. MONDELL. I have two amendments that I want to offer to this section.

Mr. RAKER. My amendment is to the same section; it only adds a new sentence after the amendment that has just been adopted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, at the end of the amendment just adopted, the following:

"The Secretary of the Interior in the award of leases upon competitive bids shall in the case of equal bids give preference to the applicant, or, if more than one, proportionally to the applicants, if any, by whom oil and gas has been developed upon adjacent lands under the provisions of sections 13 and 14 of this act."

Mr. RAKER. Mr. Chairman, just one word. This is only to give the men who have gone out and taken a claim, say of 640 acres, within the 10-mile limit, who have discovered oil, a preference.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. STEPHENS of Texas. What length of time does the gentleman propose to give the applicant to comply with this law?

Mr. RAKER. This is under the lease. It applies to sections 13 and 14. If he has obtained his patent, and there are three

tracts of 160 acres each open for leasing, the bids are put in for the leasing of 160 acres. The man who has obtained and discovered this will, if his bid is equal to the others, have the preference right to obtain a lease upon the remainder. The department suggests that this might be equitable and just. It is only a preference right when there is equal bidding.

Mr. LENROOT. Mr. Chairman, I hope this amendment will not be adopted. One of the principal reasons is that as far as the oil discovery is concerned, if he makes the discovery after the permit he has been given his reward by being given title to one-fourth. He ought not to have any further preference. Second, it would be most unwise to impose upon the Secretary of the Interior the burden and duty, in the case of a number of bids being received, to determine who was the first discoverer. There might be a large number of them claiming to be the first discoverer. Again, the language of the amendment provides that if the discovery of oil has been made on adjacent lands, that preference shall be given. If I understand correctly, the courts have held that the term "adjacent lands" means or may mean lands within 20 miles.

Mr. RAKER. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. RAKER. The only purpose of this is that where the land is a part of the original discovery tract and is offered for lease and the parties have put in equal bids that it applies.

The gentleman will remember that in the committee we had a discussion whether or not the man who discovered oil should have a preference right to leasing the remaining 480-acre tract. This only applies in case where the bidders are equal.

Mr. LENROOT. In any case, where a prospecting permit has been granted, the man gets one-fourth of the land, and under the gentleman's amendment he would be entitled to the preference on the remainder.

Mr. RAKER. No; only in case the bids are alike.

Mr. LENROOT. He would be entitled to a preference over those others who bid equally with himself. Now, we have already given him his reward when we have given him a title to one-fourth.

Mr. RAKER. But that is a small reward. He has put in lots of time and expense and trouble, and how are you going to determine?

Mr. LENROOT. Determine what?

Mr. RAKER. Suppose the two bids are the same?

Mr. LENROOT. Then it rests within the discretion of the Secretary of the Interior.

Mr. RAKER. He would have to readvertise. Suppose they are equal, that the bid of the discoverer is the same as that of the highest bidder, why should not the Secretary say to the discoverer "You have been a good, faithful servant, and therefore we will award you the contract"?

Mr. LENROOT. My objection is that we have already given him his reward in the title to one-fourth of the land. In a field where there are hundreds of men discovering oil in a new field, to impose upon the Secretary the duty of determining who is the first discoverer is to impose a duty that we ought not to impose.

Mr. STAFFORD. Is not the person who has the fee right by reason of discovery in a better position to give a higher bid?

Mr. LENROOT. Yes.

Mr. STAFFORD. And would you not be really burdening the person who has not the fee by giving the latter preferential rights?

Mr. RAKER. But this does not give him all preferential rights.

Mr. STAFFORD. You do when the bids are equal.

Mr. RAKER. The gentleman was complaining the other day because we give one man a title and charge royalty as to the other three parts.

Mr. LENROOT. This would give him a still further privilege.

Mr. RAKER. Is it not only fair if the bids are the same to give the man who has been the actual pioneer the chance to obtain the lease?

Mr. LENROOT. Not when we have paid that man in giving him a fee title. We have closed the obligation.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. NORTON. I desire to ask the gentleman from California a question. Would not his amendment open the way to a great deal of fraud between the adjacent property owner and some one who might desire to bid in good faith for this lease, if he stood on an equal footing with the adjacent property owners? As it is in the West now in the sale of public lands a great deal of fraud takes place.

Mr. RAKER. Oh, no.

Mr. NORTON. I think so.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MONDELL. Mr. Chairman, I shall support the amendment of the gentleman from California [Mr. RAKER], although it would be of very little value to anyone. There might be cases where it would give a preference to the man who was entitled to the preference, and that being true, I shall support it. If the gentleman from California had really wanted to assist in giving the man who made the development the right that he is entitled to, he would have supported my amendment, offered when the bill was under consideration the last time, at the end of section 14, to the effect that the permittee shall have the preference right to lease all of the lands covered by his permit. That would be a preference worth while, but the provision offered by the gentleman that where there are two identical bids the man who has developed the oil adjacent shall have the preference, probably would not help one case out of a thousand. I assume that is just what the Secretary would do anyway. Where two bids are identical the Secretary must decide in view of the equity in the case, and the equities in the case would naturally be with the man who had developed oil in the locality. While I do not think his amendment will do much good, and I regret that he did not support mine, which would have done good, I shall support the gentleman's amendment.

Mr. RAKER. Mr. Chairman, I do not feel very keen about this, and if there is any question about its giving the man who is actually the pioneer an opportunity, I shall withdraw it.

The CHAIRMAN. The gentleman from California asks unanimous consent to withdraw his amendment. Is there objection?

Mr. MONDELL. Mr. Chairman, I object.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to amend the amendment by striking out the word "adjacent" and substituting the word "contiguous."

Mr. RAKER. I would be very glad to accept that.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend the amendment by striking out the word "adjacent" and inserting the word "contiguous."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois to the amendment of the gentleman from California.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment of the gentleman from California as amended.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 12, noes 17.

So the amendment was rejected.

Mr. MONDELL. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, strike out all of line 3 after the numeral "16," all of lines 4, 5, 6, 7, 8, and line 9 down to and including the word "leased," and insert in lieu thereof the words "that oil and gas leases may be issued."

Mr. MONDELL. Mr. Chairman, I offer this amendment in order to avoid confusion. If the gentlemen of the committee will turn to the beginning of section 1, they will see there a description of the lands to be leased or disposed of under the bill. Then, if they will turn to section 13, particularly to lines 3 and 4, page 10, they will find the description of the lands brought under the provisions of the bill as it applies to oil lands. When we reach this section we have another and a different description of the lands, and, taking the three together, there would be a good deal of confusion as to just what we mean. As a matter of fact, this section is not intended to be descriptive of the lands that can be leased, but is simply intended to authorize the Secretary to issue leases, and that is all that should be said.

I want to call particular attention, on page 14, line 5, to the words "or proven to contain such deposits." Some gentlemen may be misinformed as to the situation with regard to oil on the public lands. Some may have an idea that the Geological Survey has gotten all of the oil lands on the public domain outlined. That is not true at all. The Geological Survey never found an oil field. The Geological Survey has seldom, if ever, withdrawn any lands as oil lands until somebody has found oil or drilled for it or prepared to do so. So far as anybody knows anything about it, there is probably ten times as much land in the State that I have the honor to represent that

contains oil in greater or less quantity than has ever been withdrawn. I am sure it was not the intent of the committee when it comes to the question of leases to limit the lands as to which leases could be made to those that have been withdrawn. So far as the Government is concerned, if anyone were foolish enough to ask for a lease of land that did not contain any oil at all, with a view of prospecting for oil, there is no reason why he should not get his lease.

The committee has inserted a description of the land to be leased by providing, first, "that all deposits of oil or gas and the unentered lands containing the same." Now, that is a definition differing from the definitions to which I have referred. Then, second, "lands that are classified as oil or gas lands." I do not think any lands are classified as oil or gas lands. I do not know; I will not be positive, but I think not. This is new language. There are lands withdrawn as oil and gas lands, but there are no lands so classified, so far as I know, and in that respect our oil withdrawals differ from our coal withdrawals. I do not know what the committee meant when it said "lands classified as oil lands." Then, when you add to that the words "proven to contain such deposits," you still further restrict the land that can be leased.

Now, I do not think it was the intent of the committee to have any restrictive language in this section, but merely to provide that the Secretary might lease lands for oil and gas. It is true that you have an exception here which is not found in my amendment, but that exception is unnecessary, because clearly from the other sections of the bill the Secretary could not lease land that was embraced in a prospecting permit during the life of the same, and surely he could not lease patented land, and surely he could not lease land for which application for patent was pending unless we directly authorize him to do it, and we do not do that anywhere in the bill. So these exceptions are not necessary, and this language is confusing and would restrict the leasing of land to certain classes. My amendment strikes out this new description and simply provides that the Secretary may issue oil and gas leases, leaving the other language as it is in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chairman announced the noes appeared to have it.

Upon a division (demanded by Mr. MONDELL) there were—ayes 6, noes 27.

So the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following two amendments, and ask they may be considered together in order to expedite business.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Page 14, lines 9 and 10, strike out the words "through competitive bidding."

Page 14, line 14, after the word "lease," insert the following: "but not to exceed one-tenth of the value of the oil or gas at the well."

The CHAIRMAN. Without objection, the two amendments will be considered together. [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, this is a provision, following the theory of the other sections of the bill, to provide for leasing through competitive bidding and on such a basis of royalty as may be fixed by the lease. My amendment strikes out the provision as regards competitive bidding and establishes a royalty of not to exceed one-tenth. My opinion is that the system of competitive bidding proposed by the section will not be workable. I think it will be very doubtful if we can secure any considerable development under its provisions, and if we are to proceed on this theory of competitive bidding there ought to be, as there is in all the other leasing legislation, a minimum. We leave the whole thing to the Secretary in this case to do as he pleases—turn over all gas and oil lands of the United States and allow him to lease them through competitive bidding under general regulations. If a bid is only one-twentieth, I suppose the Secretary would feel called upon to lease the tract. One objection to the system of competitive bidding, from the standpoint of the people, is that its tendency will be toward high royalties, thus increasing the cost of oil and gas. It also leaves the door open to favoritism, so that in some localities the royalty might be infinitesimal. It will not work well, in my opinion, at either end or in either direction.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. Is the gentleman aware that in the California fields the minimum royalty now is 10 per cent, which the gentleman would make the maximum?

Mr. MONDELL. I think that is a very good maximum. I believe that is about what they are paying out there. I do not think the Government——

Mr. LENROOT. I said that was the minimum.

Mr. MONDELL. I do not think the Government ought to go into the oil-leasing business with the idea of getting a lot of revenue out of it. In taking 10 per cent of a man's production we are taking quite a lot of it. In placing a royalty on oil and gas we should remember we are adding to the price of them. That may not always be the case with coal, but it inevitably will be the case with oil and gas unless the man who is producing under a lease is competing with some one who owns his land and therefore could afford to sell cheaper by reason of his ownership, in which case a higher royalty might not raise the price of either oil or gas, but it would prevent development. I believe that the system of a preferential prospecting permit followed by lease after discovery is made at a royalty prescribed by law, or between a minimum and maximum prescribed by law, is a better plan than the plan proposed in this bill. It would be more in the public interest and would not be so likely to lead to scandal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The CHAIRMAN (Mr. GARNER). The Clerk informs the Chair that there are two amendments pending.

Mr. MANN. The gentleman offered the two amendments together.

Mr. MONDELL. I offered the two amendments as one.

The CHAIRMAN. Without objection, the two amendments will be considered together.

There was no objection.

Mr. MONDELL. Mr. Chairman, I offer another amendment. Page 14, line 17, after the word "of," insert "not less than."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 17, after the word "of," insert the words "not less than."

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 24, after the word "lease," insert "which shall be not less than one-eighth in amount or value of the production."

Mr. MANN. Is there any objection to that?

Mr. FERRIS. Not at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. STAFFORD. I would like to have the opinion of the gentleman who offered the amendment whether the insertion of that stated amount will not be taken by the Secretary as a guide in fixing the amount of the royalty in each respective case?

Mr. MANN. This is precisely the same amount as far as the percentage is concerned that we fixed in bills relating to the California oil lands.

Mr. STAFFORD. But those bills were predicated upon the idea that the claimants had some substantial right to those lands, and that the minimum that should be paid would be one-eighth.

Mr. MANN. I think the minimum of one-eighth is high enough so far as that is concerned.

Mr. STAFFORD. My colleague from Wisconsin [Mr. LENROOT] only a little while ago referred to the present royalties that are paid.

Mr. MANN. As one-tenth; but this is higher than that.

Mr. STAFFORD. But what is the average royalty?

Mr. MANN. One-eighth.

Mr. LENROOT. Mr. Chairman, I believe the amendment ought to be adopted, because I do not think it can work any real hardship, but it is perhaps proper to state what was in the mind of the committee in not fixing a minimum so far as oil is concerned. In the making of an oil lease, unlike leases for coal or phosphates, there is no way of determining in advance what the production may be. If an oil well is discovered and the production is 10 barrels per day, the royalty ought not to be so high, probably, as if the production was 1,000 barrels per day.

Mr. MANN. But under the terms of this bill the royalty has to be fixed in advance.

Mr. LENROOT. I am coming to that. The committee discussed this, that the Secretary might provide under the general rules and regulations if the production was a certain number of barrels the royalty should be so much, and if a higher number, so much, leaving that discretion or leeway on the part of the

Secretary. But the average rate is one-eighth, paid in the California field, and if it is a very small production it certainly is not a very great hardship upon the discoverer.

Mr. MANN. So far as I am concerned, I would be perfectly willing to see one-tenth as the minimum, but I think there ought to be a minimum fixed.

Mr. LENROOT. I think, in view of not knowing the production possible, a minimum of 10 per cent might be preferred.

Mr. MANN. I ask unanimous consent to amend my amendment by inserting "one-tenth" where "one-eighth" now is.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to amend his amendment in the manner which the Clerk will report.

The Clerk read as follows:

Strike out the word "one-eighth" in the amendment and insert "one-tenth."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, the amendment now offered by the gentleman from Illinois, and which undoubtedly will be adopted, is the amendment which I just offered and which was voted down.

Mr. LENROOT. Oh, no. The gentleman's amendment was not exceeding one-tenth.

Mr. STAFFORD. I am surprised the gentleman can not distinguish between these two amendments.

Mr. MONDELL. The gentleman says it is somewhat different.

Mr. STAFFORD. You are radically different.

Mr. MONDELL. The fact is that the amendment now offered by the gentleman from Illinois [Mr. MANN] is much better than the one he offered a moment ago. But I want to call attention to this fact. I do not think the committee was altogether wrong in leaving out a minimum in this case, and I would like to agree with the committee at least once in the discussion of this bill. We fixed a minimum royalty in the case of Alaskan coal lands, which is practically 1 per cent of the value of the coal at the pit mouth, assuming the value of the coal to be the cost of mining—$2 a ton. We fixed in this bill a minimum for coal of 2 per cent, assuming the average value of coal at the pit mouth is $1. It is a little more than that.

Now, we have fixed the minimum in the case of oil at 10 per cent of the value. I do not quite understand the philosophy of the thing. I do not quite understand why we shall require that in every case an oil lessee shall pay at least one-tenth when we provide that the coal lessee may secure his lease, unless the Secretary fixes a higher royalty, at what amounts to 2 per cent or less than 2 per cent of the value of his product. There is much more of a chance to be taken—and greater chances are taken—in the development of oil than in the mining of coal. After coal has been prospected the character of the vein is known. The market being fairly understood, the coal business is a comparatively safe one. But the oil business is at all times more or less of a gamble, always is in the beginning, and generally is so long as the operation lasts. And it does not seem to be fair to fix a royalty of 2 per cent in the case of a reasonably safe and sane business and then insist upon a minimum of 10 per cent in the case of a business which involves such desperate and gambling chances as the oil business does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 17. That rights of way through the public lands of the United States are hereby granted for pipe-line purposes to any applicant possessing the qualifications provided in section 1 of this act to the extent of the ground occupied by the said pipe line and 10 feet on each side of the same, under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior, and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That no right of way shall hereafter be granted over the public lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section.

Mr. MONDELL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, at the end of line 13, insert the following:

"*Provided*, That nothing herein contained shall be held to repeal the provisions of the act approved May 21, 1896, entitled 'An act to grant right of way over the public domain for pipe line in the States of Colorado or Wyoming,' but all pipe lines built under the provisions of that act shall be common carriers."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, the proviso in this section repeals other acts that have had to do with grants of rights of way over the public lands for the transportation of oil or gas. There is an act which was passed in 1896 which I think the committee must have overlooked. It applies, however, only to Colorado and Wyoming. If this amendment is not adopted, I have another amendment that I propose to offer, making the provisions of that statute general in lieu of this section, but providing, as this section does, that they shall all be common carriers.

Let me call the attention of the chairman of the committee to some facts in reference to this particular situation. There is a general provision in this law for rights of way across public lands necessary for the utilization of the products of the lands leased. Under that general provision the Secretary could take care of all the rights of way of owners for their personal pipe lines leading to points of shipment or to tanks. The section we are now considering, however, seems to be drawn for the purpose of providing for that very class of pipe line.

The pipe lines that are really important, so far as the question of right of way is concerned, are the great carrying lines. There have already been two, over 60 miles long each, constructed in my State under the act that I have referred to. I think one of them cost $600,000. I do not know how much the other cost. Such lines are large. They are very expensive. Ordinarily they require pumping plants. The provisions of this section are not sufficiently liberal to allow the construction of one of these great lines.

Another thing, this is a grant, and as a grant it ought to contain some provision with regard to forfeiture. The law referred to in my amendment, sections 2 and 3, provides for conditions under which rights of way shall be forfeited, and I think some provision of that kind is important in any right of way that we provide in this bill.

I have no disposition to modify this section, if the committee does not desire to do it, but I would like to preserve for our people the very excellent law that we have that applies to those two States, making those pipe lines common carriers, which they ought to be. Those great pipe lines surely ought to be common carriers.

I want to say to the gentlemen of the committee that ultimately in Wyoming we shall have to build some very long pipe lines—probably several hundred miles long.

Mr. HULINGS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Pennsylvania?

Mr. MONDELL. Yes.

Mr. HULINGS. Does the gentleman contemplate making gas pipe lines a common carrier? Does the gentleman think that would be possible?

Mr. MONDELL. I did not have that in mind; but this bill provides for it. What I said applies to oil, and I do not know much about gas-carrying lines.

Mr. HULINGS. I did not know but that a gas line was in contemplation.

Mr. MONDELL. These small lines that the gentleman from Oklahoma is evidently providing for in section 17 should not in all cases be common carriers, because they are likely to be the lines of little fellows who are simply attempting to reach the nearest tank. But surely the big lines ought to be common carriers.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] on yesterday called my attention to the fact that this section 17 as written in the bill did in fact repeal the law of March 1, 1896, which applies to two States only, namely, the States of Colorado and Wyoming. The gentleman was kind enough to hand me a copy of the law, which I now have in my hand, and in addition thereto I went and looked up public act 152, which seems to be the only right-of-way act we ever had. Sections 18, 19, 20, and 21 are parts of that omnibus bill which deals with the right-of-way proposition. Fearful that the committee might have been mistaken about it, and feeling that my own judgment might not be sufficient, I took the copy of the law which was handed to me by the gentleman from Wyoming, and also the old law, and went with them to the department and asked the officials there to make a careful analysis of it in order to determine, first, what we actually did and, second, to determine whether it was advisable to do what we did do.

I hold in my hand a letter in answer to both propositions. With respect to the law affecting the States of Colorado and Wyoming, they say that in the interest of uniformity that law ought to be repealed. Of course it does not have anything to do with the vested rights already acquired, but it does super-

sede that special law, and on that point this is what they say—I am not sure but that I had better read this letter, because it is not very long, and if the House will indulge me I will read it. It is addressed to me, and it says:

DEPARTMENT OF THE INTERIOR,
*Washington, September 18, 1914.*

Hon. SCOTT FERRIS,
*Chairman Committee on the Public Lands,*
*House of Representatives.*

MY DEAR MR. FERRIS: In answer to your inquiry as to whether the provisions of section 17 of H. R. 16136, known as the general leasing bill, will, if enacted, repeal the act of Congress approved May 21, 1896 (29 Stat., 127), entitled "An act to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming," and if so, whether such repeal is desirable, I have to advise you that, in my opinion, said section 17 will, if enacted, preclude the department from in future allowing any pipe-line right-of-way applications under the provisions of the said act of May 21, 1896, supra, because it provides an exclusive method for the granting of rights of way for pipe lines over the public lands of the United States, and further stipulates that no right of way shall be hereafter granted over the public lands for the transportation of oil or gas except under the provisions, limitations, and conditions of the section.

The substitution of a general provision of law governing the granting of pipe-line rights of way over the public lands generally is deemed advisable in the interest of uniformity; and it is, furthermore, deemed important and essential that conditions not contained in the act of May 21, 1896, should be imposed upon any such grants hereafter made, namely, that such pipe lines shall be permitted to use public lands only upon the condition that they shall be constructed, operated, and maintained as common carriers. Without some such provision of law the small producer may be hampered or entirely eliminated from the producing field because unable to construct a pipe line of his own and because he can not compel the pipe-line owner, who may be also an oil producer, to carry his product to the refinery or the market. Congress has already recognized the importance of regulation of such pipe lines by providing for the regulation and control of interstate pipe lines by the Interstate Commerce Commission (34 Stat., 584), but this regulation and control is, of course, applicable only to interstate lines, and affords no protection to the user or would-be user of intrastate pipe lines. As a matter of fact, many of the oil and gas pipe lines are located wholly within the confines of a single State or Territory, and it is believed that the conditions imposed by said section 17 are important and essential for the public welfare, and that it should be enacted.

Very truly, yours,
A. A. JONES,
*First Assistant Secretary.*

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Wyoming?

Mr. FERRIS. I do.

Mr. MONDELL. The gentleman notices that the point which they emphasize in their letter is that these pipe lines should be common carriers. My amendment provides that the pipe lines constructed under the Colorado and Wyoming act shall be common carriers.

Mr. FERRIS. I have not the gentleman's amendment before me, but I heard some such provision as that read. Let me proceed just a moment further and give the committee the benefit of the committee's thought on the subject. In the first place, this section was drafted by the Department of the Interior and in a conference of Senators and House Members who then had the matter in hand, and the thought was that we ought to make the pipe lines common carriers of oil wherever we could.

The gentleman from Wyoming said something to the effect that little oil producers might be forced to become common carriers when they wanted to build a pipe line for themselves. There is an answer to that statement, and it is conclusive. Little fellows, so called, do not build pipe lines. Pipe lines are built usually by big companies like the Standard Oil Co. or some arm of the Standard Oil Co. My State has several pipe lines in it. Several of them claim to be independent lines, but it is generally understood that they are mostly under the Standard Oil. They go under different organizations and names, but when you trace them down you will find that the stockholders are about the same.

Anyway, a little one-horse oil driller does not build pipe lines. Now, it is in the interest of the public, it is in the interest of consumption, it is in the interest of production to have pipe lines wherever it is possible made common carriers. The Supreme Court recently held that where they did an interstate business for the public they were common carriers. To some that Supreme Court decision may seem sufficient, but turning for a moment to this letter, I call attention to the fact that that decision would have no effect upon an intrastate line, and that our section as drafted does effect the pipe lines that do an intrastate business. That is mostly on the Pacific coast. We make them common carriers, and make them carry for one and all at the same price.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more, in order that I may ask him a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Oklahoma be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Suppose a lease is made, and the Government still owns title to the land, and the man who has the lease could not construct a pipe line for even 10 feet on Government land without it being a common carrier.

Mr. FERRIS. That is true.

Mr. MANN. Is it necessary for these people to construct pipe lines for short distances, at least, as a usual thing?

Mr. FERRIS. As a usual thing it is not. I am familiar with that proposition. Now, this is what happens: When an oil field comes in an oil driller makes a find. A big rush follows immediately. I have been through it in our State, and I know how it works. The oil people rush in and get leases, and buy and sell them, and speculate on them, and in some instances pay prices out of proportion to what they are worth. Then they go and appeal to a pipe-line company to put in a lateral. In the meantime they often store their oil in earthen tanks or ponds.

Mr. MANN. Do they not have to build a pipe line themselves to reach the lateral pipe line?

Mr. FERRIS. They do not do it in our State.

Mr. MANN. I think generally they do.

Mr. FOSTER. They do not in Illinois.

Mr. MOSS of West Virginia. They do not in any State.

Mr. FERRIS. No; they go and make an appeal to the pipe-line company to build the lateral.

Mr. MANN. Do they build it right up to the oil well?

Mr. FOSTER. They build it right up to a man's tank.

Mr. FERRIS. Of course they would not do it unless there was an oil field there.

Mr. MANN. Of course, I understand that. Now, does the gentleman think we have the power to say what shall be a common carrier wholly within a State, where it operates under a State charter?

Mr. FERRIS. I think there is no doubt about our ability to do it when they cross our land. In other words, we have the right to lay down the conditions and say to them, "This is our land. You must submit to our conditions if you cross our land."

Mr. MANN. Supposing the State of Wyoming should not permit one of these pipe lines to be a common carrier; it would have to incorporate under the provisions of that State. Could we change that for intrastate business?

Mr. FERRIS. I am not answering the gentleman very intelligently, but let me give him what this whole thing must hinge on. My thought is that the Federal Government can say "This is our territory. If you use it you must submit to our conditions. If you do not want to submit to our conditions, you must build around us." I think in that way we can enforce justice for the people.

Mr. MANN. We could say that no one who is not a common carrier shall build a pipe line, but we say here that anybody may build a pipe line. Then we undertake to say what their duties shall be wholly within the limits of a State, which is entirely without the power of Congress to do.

I should like to ask one more question. You do not limit what pipe lines are to carry?

Mr. FERRIS. I do not quite get the gentleman's question.

Mr. MANN. You say "for all pipe-line purposes." That includes not only oil, but water, and not only natural gas, but artificial gas. Is it not desirable to limit this permission to oil and natural-gas pipe lines?

Mr. FERRIS. The committee did not intend to do any more than that. Nothing more than that was considered.

Mr. MANN. I will offer an amendment to insert, after the words "pipe-line purposes," the words "for the transportation of oil and natural gas."

Mr. FERRIS. The committee did not intend to go any further.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. FERRIS. I yield to the gentleman from Wisconsin for a question.

Mr. STAFFORD. As to the pipe lines that would cross the national forests, has the committee considered whether the consent of the Secretary of Agriculture should be obtained, as under the existing practice? Of course this provision provides for rights of way over the public lands. At present the department always submits to the Secretary of Agriculture for his approval an application for a pipe-line privilege through a national forest, because the national forests are under the jurisdiction of the Secretary of Agriculture.

Mr. FERRIS. Of course the Secretary of the Interior has always had to do with the disposition of Government land, and in both the right-of-way acts that we have passed the Secretary of the Interior, who has the disposition of all the public

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lands, has been left to deal with it. I take it that the two departments are in harmony.

Mr. STAFFORD. In the administration of that law the Secretary of the Interior always consults with the Secretary of Agriculture when a pipe line traverses the national forests.

Mr. FERRIS. He would in this case, and properly so.

Mr. FALCONER. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. FALCONER. Is it mandatory on a company like the Standard Oil Co. to run a lateral pipe line to particular oil wells if it does not want to do it?

Mr. FERRIS. If they once became common carriers and get under the jurisdiction of the Interstate Commerce Commission they come under the extensive powers of that commission, as the gentleman knows, which is something like that of the utility companies in States.

Mr. BORLAND. Mr. Chairman, is there an amendment pending?

The CHAIRMAN. There is pending an amendment offered by the gentleman from Wyoming.

Mr. LENROOT. Mr. Chairman, I wish to say a word in relation to the matter of common carriers. The amendments proposed by the gentleman from Wyoming provide that pipe lines constructed under the provisions of this act shall be common carriers. That, as the gentleman from Illinois suggests, is unquestionably beyond the power of Congress. We can not compel an intrastate corporation with its pipe line wholly within the State to become a common carrier within the State.

Mr. MONDELL. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONDELL. The gentleman evidently understands this as a retroactive provision compelling lines that heretofore have been built to become common carriers.

Mr. LENROOT. That would be so construed.

Mr. MONDELL. Not at all. We are amending the law, and my amendment is that all pipe lines built hereafter under this act shall be common carriers, and that is exactly what you provide in section 17. If you can not do it in my amendment, you can not do it in section 17.

Mr. LENROOT. The distinction I wish to make is that in the text there is no attempt affirmatively to make them common carriers; but here is a grant, and the grant is upon the condition that they become common carriers, even though they be within the State. If, as the gentleman from Illinois suggests, the State of Wyoming should prohibit them from becoming common carriers, then the grant over the public land fails; that is all; while with the gentleman's amendment it is an affirmative provision of law attempting to make them common carriers.

Mr. MONDELL. That is, those that are built hereafter.

Mr. LENROOT. Oh, no.

Mr. MONDELL. Well, I will move to modify it. I do not want my amendment to be defeated because it is tweedledum instead of tweedledee by an objection that does not go to the heart of the proposition.

Mr. LENROOT. It goes to the heart of the proposition that we are acting under the powers of Congress.

Mr. BORLAND. Will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. BORLAND. I want to ask whether the gentleman says that Congress can not make it a condition of a grant over the public domain that the grantee shall become a common carrier.

Mr. LENROOT. Oh, no; that is the point exactly.

Mr. BORLAND. The gentleman concedes that?

Mr. LENROOT. Yes; and the grant will fail unless they do become common carriers. The gentleman from Wyoming has made some criticism of this section, and has stated that the present law relating to Colorado and Wyoming is very much to be preferred. I think there is one omission in the bill as reported by the committee that ought to be guarded, and it is my purpose at the proper time to offer an amendment. This bill later on does make provision for forfeiture of leases for violation of the act and violation of the regulations made by the Secretary, but it does not in any way apply to this section, and I believe there should be a provision for forfeiture of the grant upon failure to comply with any provisions of the act or any regulations that the Secretary of the Interior may make under it. Otherwise, regardless of all the regulations he may make, an applicant gets on the land and gets his permit and his right becomes vested at once; and, no matter how he may violate the regulations, there is no provision made for the forfeiture of the grant, and it ought not to be an irrevocable grant. As I say, at the proper time I shall offer an amendment providing for the forfeiture of the grant upon failure to comply with the provisions of the section.

Mr. MONDELL. Mr. Chairman, it is rather surprising to those of us who have heretofore listened to gentlemen who have been claiming the most extraordinary powers on the part of the Federal Government as a condition for the use of the public lands to hear them now say that Congress can not make it a condition of the use of public lands for a pipe line, that it shall be a common carrier.

Mr. LENROOT. I did not say that.

Mr. MONDELL. If it is in the bill it is so, but if it is in the amendment I offer it is not so. Certainly, Congress has the right in granting a right of way to say that that right of way shall be a right of way for a common carrier. I am surprised at these extreme federalists balking at that sort of mild proposition, simply because they did not offer it themselves, particularly when we have a section in the bill that does exactly the same thing. My amendment was intended to keep in operation a good law, one that is useful and necessary, with a provision that all of the grants made under it hereafter shall be on condition that the line shall be a common carrier. Certainly we have the right to do that or we would not have the right to do what is done in section 17.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MANN. Is it possible by the gentleman's amendment to provide any more liberal terms for the people to construct the pipe lines than is granted in section 17?

Mr. MONDELL. Most certainly. In the first place, it gives 25 feet on each side of the line instead of 10. In the second place, it has a provision under which those constructing the pipe line may use the material from the public land adjacent, and that is very important. Section 17 contains no such provision. Now, that is from the standpoint of the contracting parties.

From the standpoint of the public, it provides that this construction—and if you do not put it in in this bill you will have tangles of claims on the public domain that you can never get rid of—it provides an orderly method under which these rights are to be asserted, under which they are to be exercised, and under which they can be forfeited; and this section does not contain anything of the sort.

Mr. MANN. There is no provision here, except the matter of making regulations, so far as the public is concerned. I do not see how the other people are any worse off under it.

Mr. MONDELL. They are worse off as to the difference between 50 feet and 10 feet—between getting material and not getting it.

Mr. MANN. They will get the timber on 50 feet. Of course, 20 feet is wide enough to construct a pipe line.

Mr. MONDELL. No; it is not wide enough to construct one of these great lines over a rough country. The width is not great enough, and there is no opportunity to get the necessary material from the adjacent lands. On the other hand, unless you amend this section 17, it will not be long until you have a lot of rights asserted with no attempt to utilize them, which will block actual construction. You are simply opening the way for a lot of conflict. This provision in section 17 is not in the interest of the pipe-line man or of the general public.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to say that in the main I believe the amendment offered by the gentleman from Wyoming [Mr. MONDELL] is good, and I regret to see this law, which is applicable to the States of Colorado and Wyoming alone, thus wiped off the statute books, because it has been a good law and nobody has ever complained of it. It is a better law than this one. But, at the same time, I do not feel that there ought to be isolated legislation for one or two States; and I feel that if this proposed law works all right we can operate under it in our State, and if it does not, then we hope to come back here some time and amend it.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. BORLAND. Do I understand that there is a law on the statute books applying only to the States of Colorado and Wyoming?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. BORLAND. How does that happen?

Mr. TAYLOR of Colorado. The enterprising gentleman from Wyoming [Mr. MONDELL] secured the passage of that law several years ago.

Mr. BORLAND. Is not that special legislation of rather a peculiar type?

Mr. TAYLOR of Colorado. Not necessarily. It applies only to oil and gas rights of way over the public domain in those two States.

Mr. BORLAND. If that is good, why can it not be made general?

Mr. TAYLOR of Colorado. It ought to be made general and put into this bill.

Mr. BORLAND. I regret very much to see legislation applying only to two States.

Mr. TAYLOR of Colorado. That has been the condition for a good many years, and, as I say, I think that law ought to be inserted in this bill in lieu of section 17, but at the same time the committee has taken a different view, and I am not disposed to quarrel with the committee about the matter. I think Colorado can operate under this bill if any of the States can. I think the provisions of this section in the bill, the same as some other sections, should be more liberal. But I have expressed myself on this bill at great length in my minority report and in my speech on the bill, and I will therefore not offer any special opposition to this section at this time.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, line 2, after the word "purposes," insert the words "for the transportation of oil and natural gas."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last word. I submit the following as a study in government, which I think will be of interest to the Members of the House and to others. It is also an estimate of the chance for passage through the House any bill may have, and the proportion of bills introduced by a Member he may expect to have passed under the existing parliamentary procedure.

There have been introduced in the House during this Congress to September 15, 1914, during which time the House has been in session some 17 months, bills and resolutions as follows:

| | |
|---|---|
| Bills | 18,819 |
| House joint resolutions | 346 |
| House resolutions | 620 |
| Total | 19,785 |

Of these 12,535 were pension bills and referred to the—

| | |
|---|---|
| Committee on Invalid Pensions | 9,824 |
| Committee on Pensions | 2,711 |
| Total | 12,535 |

Deducting the pension bills from the total number introduced, there remain 7,250 bills and resolutions relating to other matters. From this number and from Senate bills and resolutions passed by the Senate and sent to the House the committees of the House have reported—

| | |
|---|---|
| To the Union Calendar | 330 |
| To the House Calendar | 199 |
| To the Private Calendar | 432 |
| Total | 961 |
| Deducting from this total the Senate bills and resolutions which have been reported | 215 |
| There remains a net total of House bills and resolutions reported | 746 |

That is 10 out of every 100 such bills have been reported, or 10 per cent.

Of the numbers so reported the House has taken action on bills and resolutions—

| | |
|---|---|
| On the Union Calendar | 203 |
| On the House Calendar | 131 |
| On the Private Calendar | 301 |
| Total | 635 |
| Deducting from this total the Senate bills and resolutions passed by the House | 155 |
| There remains a net total of House bills and resolutions acted on by the House | 480 |

That is, 6.6 out of every 100, or not quite 7 per cent, of the bills and resolutions other than pension bills have so far been acted on by the House.

Thus a Member of the House may expect on the principle of averages to have the House act on some 7 out of every 100 bills he introduces, exclusive of pension bills. There is necessarily the possibility of an element of error arising out of the combining of several bills into one by committees in reporting bills, or on account of Senate bills reported in lieu of House bills, but this would not materially affect the percentage given above. And as this Congress has now been in session some 17 months, the percentage may be greater on that account than it usually is.

Of the 2,711 bills referred to the Committee on Pensions some 360 were reported by that committee and acted on by the House; that is, 13 out of every 100, or 13 per cent.

Of the 9,824 bills referred to the Committee on Invalid Pensions some 1,670 were reported by that committee and acted on by the House; or 17 out of every 100, or 17 per cent.

Or, taking the two pension committees together the percentage thus obtained would be 16 out of every 100, or 16 per cent.

On the basis of 435 Members of the House and of 480 House bills, other than pension bills, acted on by the House, each Member should have had passed one bill and a small fraction over during this Congress so far to have had his average share; that is, 1 bill in 17 months; and in addition to this less than 5 pension bills during the same time. Since the committees of the House at times combine several bills into one, or report Senate bills in lieu of House bills on the same subject or incorporate bills as items in appropriation bills, the bills introduced by any particular Member may have had action taken upon them other than by reporting the bills as introduced by him.

The work done by a Member of the House in securing the passage of bills introduced by him is usually but a small proportion of his service to his constituents and to the country. His work as a member of the committees to which he is assigned; upon bills not introduced by him, pending before other committees and which usually include all general legislation; upon appropriation bills; before the executive departments; in taking care of his correspondence and complying with the requests of his constituents; his attendance upon the sessions of the House—these comprise by far the greater proportion of his work. Some Members have a correspondence—that is, send out—of from 30,000 to 35,000 personal letters in the course of a Congress in connection with their public duties.

I have not attempted to give any estimate as to the numbers or percentages of House bills that will finally become laws during the Sixty-third Congress, as this Congress will not terminate until March 4, 1915, and all bills will live until that date. But it is safe to say that many of the bills passed by the House thus far will not be passed by the Senate during the Sixty-third Congress and that some will be vetoed.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In lieu of section 17, page 15, insert the following:

"That the right of way through the public lands of the United States is hereby granted to any applicant qualified under this act, any pipe-line company or corporation formed for the purpose of transporting oils, crude or refined, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of the ground occupied by said pipe line and 25 feet on each side of the center of line of the same; also the right to take from the public lands adjacent to the line of said pipe line, material, earth, and stone necessary for the construction of said pipe line.

"That any company or corporation desiring to secure the benefits of this act shall within 12 months after the location of 10 miles of the pipe line if the same be upon surveyed lands, and if the same be upon unsurveyed lands, within 12 months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its line, and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way.

"That if any section of said pipe line shall not be completed within five years after the location of said section the right herein granted shall be forfeited, as to any incomplete section of said pipe line, to the extent that the same is not completed at the date of the forfeiture.

"That nothing in this act shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care.

"That all pipe lines built under the provisions of said act shall be common carriers."

Mr. MONDELL. Mr. Chairman, the amendment as I sent it up is the so-called Colorado and Wyoming pipe-line law, with a provision making all pipe lines constructed under it common carriers. I offer that as a substitute for this section, for various reasons. First, the provisions of this section are not liberal enough to enable people desiring to do so to construct the great carrying pipe lines which we are attempting to provide for. Gentlemen seem to think it is not necessary to make any special provision for the small lines of the operator, and that all that is necessary is to make provision for the great carrying lines. Those lines are most of them of considerable length. The two that have been constructed in my State so far are each some sixty-odd miles in length. A line is now under contemplation which will be much longer than either of those lines. Eventually, we will have to cross the State, and probably cross a large portion of the State of Colorado with a main pipe line. At least 50 feet right of way is needed, and opportunity to use material on either side is needed to make the construction of these pipe lines practicable. Of course the right which is secured is only the right to use the land for pipe-line purposes and does not interfere with the use of the land otherwise by the owner in any way.

XUM

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BORLAND. Mr. Chairman, as I heard the gentleman's amendment read, it applied only to oil. Was that the intention?

Mr. MONDELL. Oil and gas.

Mr. BORLAND. I did not hear the word "gas."

Mr. MONDELL. I think the original law applied to oil and gas. The gentleman from Wisconsin [Mr. LENROOT] has a copy of that law. I intended that it should, and if it does not, I would want it to apply to gas.

Mr. BORLAND. I supposed the gentleman would.

Mr. MONDELL. My recollection is that the old law applied to oil and gas, but possibly not. If it did not, I would ask to amend my amendment in that respect. So much for the provisions that it seems to me are essential for the interests of the pipe lines themselves.

Now as to the provisions which are necessary for the protection of the public. The present section 17 has no provision whatever with regard to forfeitures under the law. The committee evidently believe that regulations could be drawn that would cover the subject. Well, we should bear this in mind, that where we make a grant, as we do in this case, that grant is not subject to overmuch regulation by the Secretary of the Interior, except as we expressly provide. If we give the Secretary authority to do a certain thing, we give authority to do it under general regulations; but if we give to a citizen of the United States a grant, that grant is not conditioned on anything except such conditions as would be necessary to make the grant effective. The section contains no provision under which the Secretary could insist upon speedy construction, under which he could insist upon completion within a certain time, and, more important than that, it contains no provision under which these rights should be forfeited. Without provisions of this kind the public domain would soon be strewn and covered with these asserted easements, which would, each and every one, affect the title of the owner of the land and, to a certain extent, reduce the value of his property; and yet if not used they would serve no useful purpose. A man's estate might be hairlined with these claimed rights of way, none of them forfeited, and in the course of time that all might be so burdened with these asserted rights that it would be practically of no value. That condition arose even under a fairly well-guarded law some years ago in regard to railroads; of course not to the extent I have suggested it might under this pipe-line provision, but to such an extent that it was necessary to introduce an act of Congress for the cancellation of these asserted rights, which were clouding titles, rights where no attempt had been made to construct the roads on behalf of which the right had been asserted. The section as it stands will not do at all. That is clear in the first place, and it does not give the intending builder of pipe lines the space that he needs and the material that he needs. The section does not protect the public at all; it simply gives a chance to cover the public domain with claims for pipe lines which never can be removed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. BORLAND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of line 13 the following:

"*Provided*, That all pipe lines for the transportation of oil or natural gas, now or hereafter constructed, are hereby declared to be common carriers and included within the provisions of the act to regulate commerce, as amended by the act approved June 18, 1910."

Mr. TAYLOR of Colorado. Mr. Chairman, the chairman of the committee day before yesterday made a point of order against a similar amendment to this bill offered by the gentleman from Kansas [Mr. ANTHONY] and the Chair sustained it as not being germane to this measure. It seems to me this is the same in substance, and the Public Lands Committee never having considered this matter, I do not feel that it is proper to put that provision in this bill at this time or in this way.

Mr. MONDELL. Can the gentleman reserve the point of order?

Mr. TAYLOR of Colorado. I make the point of order on behalf of the committee.

Mr. BORLAND. I hope the gentleman will withdraw his point of order.

Mr. TAYLOR of Colorado. I will withhold it for the present.

Mr. BORLAND. The amendment to which the gentleman refers was not the same as this.

Mr. TAYLOR of Colorado. This bill pertains to the public domain of the public-land States only. It does not cover the whole of the United States nor the question of common carriers in the Eastern States. This is solely a public-land measure for our extreme western public-domain States.

Mr. BORLAND. That was not the point of order on which the gentleman from Kansas was ruled out the other day. This is entirely different. Will the gentleman withdraw the point of order?

Mr. TAYLOR of Colorado. No; I do not withdraw it. I have not any objection to this class of legislation. As a proposition of law I am in favor of the provision offered by the gentleman from Missouri, but I do not feel that it ought to go in this bill. The object of this bill is to encourage the development of the Government's natural resources on the public lands—for prospecting on the public domain. My thought is that the proposed amendment is entirely foreign to and in no way germane to any of the objects or purposes of this bill. This bill has nothing to do with existing pipe lines in the older States.

Mr. BORLAND. There is no reason that it is not germane, except that it affects existing pipe lines. That is the difference.

Mr. TAYLOR of Colorado I do not feel that in a bill affecting only the public lands we should take up a subject of interstate commerce, as this proposed amendment is. Our committee never had this subject presented to us or considered it. In fact, we had no jurisdiction to consider such a subject. This is a matter which ought to go before the Committee on Interstate and Foreign Commerce. The committee can not permit this bill to be loaded down with all sorts of provisions that have no proper place in this bill and that should be and are covered by separate bills. I am simply voicing the sentiment of the Public Lands Committee.

Mr. BORLAND. Nobody raises that particular objection.

Mr. TAYLOR of Colorado. I feel, and the members of our committee feel, that this offered amendment has no place on this bill. On behalf of the committee I must object to the bill being encumbered with irrelevant material that necessarily provokes discussion and jeopardizes the passage of this measure.

Mr. BORLAND. I hope the gentleman will withdraw his point of order. I would like to discuss the bill.

Mr. TAYLOR of Colorado. I will reserve it.

Mr. BORLAND. I will discuss the point of order, although I would rather discuss the merits of the bill. If this proposition to make these pipe lines common carriers is a good proposition—and evidently it is, as it seems to be the consensus of opinion on both sides of the House—there is as much reason for it to apply to existing pipe lines as to future pipe lines.

Mr. LENROOT. But the gentleman does not contend it is germane to this bill?

Mr. BORLAND. Yes, I do; in some degree.

Mr. LENROOT. I do not think so.

Mr. BORLAND. This bill says it is a bill to authorize explorations for and disposition of coal, phosphate, oil, gas, potassium, or sodium——

Mr. LENROOT. On public lands of the United States.

Mr. BORLAND. And the disposition of oil and gas. That is what the purpose of this bill is——

Mr. LENROOT. Upon the public lands of the United States.

Mr. BORLAND. Not necessarily; it does not say so.

Mr. LENROOT. That is the subject to which it relates.

Mr. BORLAND. It does not say so. Of course the body of the bill refers to the disposition of oil, gas, and so forth, upon lands that are owned by the United States, but the purpose of the bill provides for the disposition of these natural products. That is the only thing that can be said on the question of germaneness, that the bill might cover oil and gas produced on land that is not the property of the United States.

Mr. LENROOT. It does not now.

Mr. BORLAND. That is the only objection I can see to this present amendment, that it might embrace oil and gas not produced on lands belonging to the United States.

But the bill evidently seems to be broad enough to provide for the disposition of these natural products. Now, here is the point about the matter, Mr. Chairman. This bill is a conservation bill. It is intended to preserve and utilize these great natural products. There is a large amount of this natural gas that is now going to waste and is not being utilized at all because of this very lack of transportation facilities. If the oil and gas and pipe lines were common carriers it would be a distinct step in the conservation movement of the United States. Large quantities of this oil and gas are produced on public lands or on Indian reservations. There is hardly any of it now produced on strictly private land, and it is a little bit technical to say that because this might overlap on some private

lands that it does not belong in this bill. In the main it belongs in this bill, because 95 per cent of it will affect oil and gas upon the public domain.

The CHAIRMAN. Does the gentleman from Colorado insist on his point of order?

Mr. TAYLOR of Colorado. Yes. I feel it my duty to the Public Lands Committee to object; and if I do not, there are several other members here who would, because that provision is not proper on this bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BORLAND. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Missouri offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, line 11, after the word "lands," insert "including Indian reservations."

Mr. BORLAND. Mr. Chairman, I expect there is no opposition to that proposition. I ask for a vote on it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

Mr. LENROOT. Mr. Chairman, I do not think this amendment should be adopted at this point. It seems to me if we are going to take care of the Indian reservations it should be done in one proposition. The gentleman from Texas [Mr. STEPHENS], I understand, will have such a proposition to offer later on. I do not believe it should be done by piecemeal now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BORLAND. Division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 14.

So the amendment was rejected.

FORTY-FOOT CHANNEL—BOSTON HARBOR.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the directors of the port of Boston.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing the paper referred to. Is there objection?

There was no objection.

The following is the letter referred to:

THE COMMONWEALTH OF MASSACHUSETTS,
*Boston, September 17, 1914.*

Hon. ALLEN T. TREADWAY, M. C.,
*Washington, D. C.*

DEAR CONGRESSMAN TREADWAY: The directors of the port of Boston respectfully request the Massachusetts Representatives to bring to the attention of Congress as emphatically as possible the necessity of favorable action on the project for a 40-foot channel for Boston Harbor.

The 40-foot channel at New York and the 35-foot channel at Boston each took about 15 years to complete, and a 40-foot channel at Boston started in 1914 would not be ready until 1929 or 1930, at which time it would undoubtedly then be none too large to handle the big ships coming into service every year.

The original recommendation of the United States engineer at Boston, duly approved by the division engineer at New York, for $3,845,000 was cut, we understand, by the Board of Engineers to $1,545,000 and forwarded approved by the Chief of Engineers to Congress, where it now appears in the rivers and harbors bill still further reduced to $400,000, which is 10 per cent of the original recommendation and only 25 per cent of the amount approved by the Board of Engineers and by the Chief of Engineers.

Massachusetts is not asking the National Government to improve Boston Harbor unaided and alone, but is cooperating in a most substantial manner, having actually expended from 1870 to September 1, 1914, the sum of $10,787,262.12, of which $5,406,138.79 was spent under the jurisdiction of the State harbor and land commission and $5,381,123.33 by the directors of the port of Boston.

Each port should have a channel suitable to the kind of vessels which are naturally attracted to it.

On account of the Interstate Commerce Commission allowing a "differential freight rate" to more southern ports than Boston and New York, these two cities must secure the big express, combination freight and passenger boats, using the passenger business as the inducement to offset the "differential," and thereby compensate the steamship lines for their loss of freight.

These boats, carrying from several hundred to several thousand passengers, should not be forced to wait for the tide in order to enter or leave port. At New York they are not so prevented, for there they have a 40-foot channel. At Boston they are prevented, for here they have not.

The directors will be in Washington on Thursday next (September 24) and would like to arrange a conference with the Massachusetts delegation to take action in the matter.

May we hear from you at your earliest convenience?

Very truly, yours,

EDW. F. MCSWEENEY, *Chairman.*

Copies of this letter are being sent to all Massachusetts Congressmen.

EXPLORATION FOR COAL, ETC.

Mr. LENROOT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, line 13, at the end of the section insert:

"That failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the interior shall be ground for forfeiture of the grant by a court of competent jurisdiction in an appropriate proceeding."

Mr. LENROOT. Mr. Chairman, just a word. I think the point of the gentleman from Wyoming was well taken, that in the language as it stands in the bill there is no provision for forfeiture or enforcing the rules and regulations made by the Secretary, and this amendment I have offered seeks to cure that defect in the section.

Mr. MONDELL. Mr. Chairman, if the gentleman from Wisconsin had said that the amendment which he offered was intended to cure——

Mr. LENROOT. That is what the gentleman did say.

Mr. MONDELL. I understood the gentleman to say that it did cure. I have no doubt it was intended to cure, but I doubt if it does cure, because it is not sufficiently definite. It simply turns over to the Secretary of the interior authority to make rules and regulations, and the probability would be that the first time you attempted to clear a piece of land of one of these claimed rights the court would hold that the rules and regulations laid down by the Secretary were not in harmony with the spirit of the law, and therefore the grant could not be forfeited. We have not a right-of-way act, so far as I now recall, that does not contain as a part of the statute clear provisions as to what the claimant must do in order to establish his right.

It may be that we can legislate to give the Secretary the right to establish rules under which these matters can be provided for, but I very greatly doubt it. I think that the probability is that the rules and regulations which the Secretary might make would be held by the courts not in accordance with the provisions of the law or the spirit of the law—in excess of his authority—and so you would be right back where you started, without any provision, except as Congress itself might step in some time in the future and wipe out these rights. I do not suppose it is possible to secure the adoption at this time of the sort of legislation that we ought to have, and the amendment of the gentleman from Wisconsin is better than none.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6505. An act to amend sections 11 and 16 of an act to provide for the establishment of Federal reserve banks, etc., approved December 23, 1913, and commonly known as the Federal reserve act;

S. 6440. An act to authorize the Chicago, Milwaukee & St. Paul Railway Co. and the Chicago, St. Paul, Minneapolis & Omaha Railway Co. to construct a bridge across the Mississippi River at St. Paul, Minn.

The message also announced that the President had approved and signed joint resolutions and bills of the following titles:

September 10, 1914:

S. J. Res. 151. Joint resolution authorizing the President to accept an invitation to participate in an international exposition of sea-fishery industries.

September 15, 1914:

S. J. Res. 121. Joint resolution authorizing the Secretary of War to furnish one United States garrison flag to William B. Cushing Camp, No. 30, Sons of Veterans;

S. 1171. An act for the relief of Samuel Henson;

S. 1270. An act for the relief of Edward William Bailey;

S. 13969. An act for the relief of the Smre & Triest Co.; and

S. 4182. An act to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor.

EXPLORATION FOR COAL, ETC.

The committee resumed its session.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to return to page 9, just before the oil and gas heading, for the consideration of a separate section that pertains to the phosphate division instead of to the oil and gas.

Mr. FERRIS. Reserving the right to object, the gentleman's amendment is the substance of a bill that the committee has reported out for the phosphate claimants similar to the relief that we gave to the oil claimants.

Mr. FRENCH. Yes. These are rights that have already been vested; some patents have been issued, and others would have

been issued if it had not been for the court decision about two years ago that entries should have been made under the lode instead of the placer act.

Mr. FERRIS. I think it ought to be done. I have no objection to it.

Mr. LENROOT. Is the amendment offered a bill that has passed the House?

Mr. FRENCH. It is a bill as it was reported to the House. It is on the calendar.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to return to page 9 and to offer an amendment, which the Clerk will report.

The Clerk read as follows:

SEC. 13. That where public lands containing deposits of phosphate rock have heretofore been located in good faith under the placer-mining laws of the United States and upon which assessment work has been annually performed, such locations shall be valid and may be perfected under the provisions of said placer-mining laws, and patents whether heretofore or hereafter issued thereon shall give title to and possession of such deposits: *Provided*, That this act shall not apply to any locations made subsequent to the withdrawal of such lands from location, nor shall it apply to lands included in an adverse or conflicting lode location unless such adverse or conflicting location is abandoned.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

Mr. STAFFORD. Reserving the right to object, I think there should be some explanation of it before consent is given.

Mr. FRENCH. I would be very glad to explain. The situation is this: Prior to December 12, 1912, it was uncertain whether or not entries of phosphate land should be made under the placer or lode mining laws. So late as June 3, 1909, the very parties concerned in this bill were interested in the southern part of Idaho and were in a dilemma in the matter of whether or not they should make their entries under the placer or lode mining laws. The attorney for the group of entrymen wrote to the Secretary's office a letter of inquiry and received a letter from the First Assistant Secretary, Mr. Frank Pierce, dated Washington, June 3, 1909, as follows:

DEPARTMENT OF THE INTERIOR,
*Washington, D. C., June 3, 1909.*

Hon. E. B. CRITCHLOW,
*Salt Lake City, Utah.*

MY DEAR CRITCHLOW: I have yours of the 28th ultimo with reference to placer locations made by R. J. Shields on phosphate lands in southern Idaho, and note the dilemma of the situation. Scientific men differ upon the character and formation of these phosphate deposits. On account of this difference of opinion I have announced that the claims could be patented under either act and the patents will be valid. If the first locations of the ground are under the placer act, placer patents will be issued. If, however, the first are under the lode act, lode patents will be issued. This is on the assumption that the record in each case is free from fraud and shows that the work required by the Government was fairly done. My point is that the first locator, whether his location be made as a placer or as a lode, ought to and will be protected.

Very respectfully, yours, FRANK PIERCE,
*First Assistant Secretary.*

On December 12, 1912, in the Harry lode mining claim, the Federal court decided that entries of phosphate lands should be made under the lode laws, and in harmony with that decision the department from that date on has declined to issue patents under the placer law, notwithstanding the letter of the department to these very people indicating that the department would issue patents under either law, assuming that the law had been complied with, and that patents would go to the one whose entry was made first. Several entries were made under both of these laws, many under the lode laws, and several under the placer laws. Quite a number of patents were issued under the placer law, and there are something like 57 entrymen whose claims had not passed to patent at the time of the decision, and consequently those entrymen are not entitled to receive patents under the holding of the department.

This amendment would give the Interior Department authority to issue patents and to issue new patents in lieu of those that were issued under the placer-mining law. The department is heartily in favor of this legislation and has recommended it, and the equities are all with this little group of entrymen under the placer-mining law, who in fact made their entries, not knowing which ultimately would be decided as the correct way in which to make them, but under the distinct advice of the department that entry either under the lode or placer mining laws would be regarded as sufficient.

Now, there is a question with regard to the reissue of patents in the several cases where patents have already been issued. It happens very peculiarly that if the entryman knew that the land that he was applying for contained phosphate, notwithstanding his patent under the placer-mining law, a contestant might contest his right of entry and win it over him by filing under the lode-mining law, simply because the entryman knew that there was phosphate there. Of course it is impossible for these placer entrymen to acquire their entries without knowing that there was phosphate there, and as the result these entrymen who have their patents are not protected, and therefore it is necessary for the measure to protect them, as well as to authorize relief to be granted to the entrymen whose claims have not already passed to patent.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Idaho yield to the gentleman from Wisconsin?

Mr. FRENCH. I will be glad to yield.

Mr. STAFFORD. How many claims would this provision apply to?

Mr. FRENCH. To about 57.

Mr. STAFFORD. Is it so framed that it can not apply to any subsequent claimants?

Mr. FRENCH. Undoubtedly. It applies to the 57 claimants whose claims are now pending, where patents have not been issued, and to 4 or 5 where patents were issued before the court's decision.

Mr. FOSTER. How many acres are involved—can the gentleman tell us—in each one of these 57 claims?

Mr. FRENCH. Not the same amount in each case. The entire acreage would be approximately 122,000 acres.

Mr. STAFFORD. What is the estimated value of the lands under these claims?

Mr. FRENCH. Well, the lands are located for the most part in a section of country that is not being farmed and that is not desirable for agricultural purposes.

Mr. STAFFORD. The mineral deposits, I assume, are very valuable?

Mr. FRENCH. I have no idea what these mineral deposits are worth. These entrymen could perfect their entries under the lode laws. These lands have already been withdrawn and placed within a phosphate reserve, and if they could be eliminated, as the department officials suggest in their report, and these men allowed to begin at the beginning and prove up again under the lode-mining laws, they could win out in that way. But the department realizes that that is not right with respect to these entrymen who followed the advice of the department as nearly as they could and relied upon the judgment of the department that their patents would be issued whether their entries were made under the lode law or under the placer-mining law, and who have complied with the law, doing assessment work, and all that, under the placer-mining law.

Mr. STAFFORD. When I read the letter of the Assistant Secretary the query arose in my mind as to why they did not avail themselves under the lode law if they could not under the placer law?

Mr. FRENCH. As a matter of fact, the unreasonable thing in the whole matter to me is that any decision should have been made that regarded that land as available for entry under the lode law instead of the placer law. It seems to me there is every reason why the opinion of those urging the placer-law entries should have prevailed. That would have been my judgment.

Mr. STAFFORD. What additional acreage do they receive under the placer law rather than under the lode law?

Mr. FRENCH. It would not make any difference as to that.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield.

The CHAIRMAN. Does the gentleman from Idaho yield to the gentleman from Colorado?

Mr. FRENCH. Yes.

Mr. TAYLOR of Colorado. Is not the gentleman mistaken in his figures there? How can 57 claims make 122,000 acres?

Mr. MONDELL. Nine thousand one hundred and eighty acres is the most it could be.

Mr. TAYLOR of Colorado. The gentleman from Idaho is clearly in error to the extent of about 100,000 acres.

Mr. MONDELL. My understanding is that it is about 5,000 acres, really.

Mr. TAYLOR of Colorado. How could the gentleman from Idaho figure that amount? Each claim would have to be 2,140 acres.

Mr. FRENCH. I was quoting from memory. I do not have the figures here.

Mr. TAYLOR of Colorado. The total of it would be 160 acres each.

Mr. FRENCH. When my attention is called to it I realize that I overstated it, and it is a smaller amount rather than a larger amount. It is less than 10,000 acres.

Mr. STAFFORD. Are these claims based on the expenditure of money in development, like the case represented by the gentleman from California [Mr. CHURCH] in connection with the oil wells in California?

Mr. FRENCH. Absolutely. They have done their work right along; and the amendment provides that unless it has been established that they have complied with the law the patent does not issue.

Mr. STAFFORD. Of course, they get an absolute fee to this land, whereas under the existing law they would receive only a lease, except for that limited portion which they obtain by virtue of discovery?

Mr. FRENCH. Yes.

Mr. FERRIS. Mr. Chairman, will the gentleman yield to me?

Mr. FRENCH. Yes.

Mr. FERRIS. Mr. Chairman, inasmuch as there seems to be a little discrepancy about the acreage, would the gentleman from Idaho have any objection to giving the gentleman from Illinois [Mr. FOSTER] and the gentleman from Wisconsin [Mr. LENROOT] a little time in which to look up the acreage? I hope later on the gentlemen will be satisfied to let us go back, but in the meantime will the gentleman allow us to proceed with the bill?

Mr. FRENCH. I do not think there is any question about the acreage, since my attention has been called to it.

Mr. FERRIS. I thought the gentleman was mistaken when he said 120,000 acres were involved. I thought it was five or six thousand acres, and that makes a discrepancy that startles the House.

Mr. MONDELL. Does the gentleman know how many claims there are?

Mr. FRENCH. Yes. There are 57, and then there are four or five on which patents have already issued.

Mr. MONDELL. In the maximum it would be 9,420 acres; that is, if they were all maximum claims. My understanding is that not half of them are maximum.

Mr. FOSTER. Mr. Chairman, I will ask the gentleman to withdraw his amendment and we will take it up later.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH. I withdraw it at this time, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

POTASSIUM OR SODIUM.

SEC. 18. That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any applicant qualified under this act a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates or nitrates of potassium or sodium, or associated similar salts concentrated in desert basins on public lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such permit shall not exceed 2,560 acres of land in reasonably compact form.

Mr. MONDELL. Mr. Chairman, on page 15, in line 21, I move to strike out the words "concentrated in desert basins."

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, line 21, strike out the words "concentrated in desert basins."

Mr. MONDELL. Mr. Chairman, this language is merely descriptive, and might in some case defeat the purpose of the law. Wherever these salts are found on public lands, I assume it is the intent of the committee that that law shall apply. These particular salts are frequently and perhaps generally concentrated in desert basins, but we are likely to find these same salts far beneath the surface, where at the present time there is no desert basin, and the question would be, Was this description intended to apply to present conditions or to the conditions at the time the deposit was laid down? The language is superfluous, at least. I should like to call the attention of the gentleman from California [Mr. RAKER], who criticized an amendment that I offered the other day using the words "reasonably compact form," to the fact that the words "reasonably compact form" as used here are without any qualification. The language seems to have been entirely satisfactory to the committee in this case.

Mr. RAKER. Will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. RAKER. Most of those basins or lakes are in all kinds of shapes—circular, rectangular, and every other shape. If you get the deposit in the bed of an old lake, you will take it just as you find it.

Mr. MONDELL. Oh, no; you will not.

Mr. RAKER. And around the sides there may be hills and mountains in every shape.

Mr. MONDELL. You will not do anything of the kind with any of these lands. They will be in rectangular form, all of them, and they will be in reasonably compact form. No man will be allowed to take a strip of forties 4 or 5 miles long or to take his lands in the shape of an oval. But that is aside. The question is on the elimination of these words, which seem to me to be superfluous. The question is whether they apply to the conditions when the salt was deposited or whether they are intended to apply to the conditions as they now exist. In the latter case it might defeat the taking of certain lands where the salts were deposited in desert basins, but where the deposits now are not below desert basins.

Mr. GRAHAM of Illinois. Is not the phrase "concentrated in desert basins" intended to limit exploration to areas where the product is usually found, whereas in other areas where the ground is broken or uneven the exploration may have to be carried on in a different way?

Mr. MONDELL. I did not suppose that was the intent of the committee; perhaps it is.

Mr. GRAHAM of Illinois. My understanding is that when these salts are found in desert basins they are readily found. They have simply gathered there in a natural way and are easily and cheaply found; but they may be found elsewhere under very different conditions, making it more difficult to find them and more expensive to get them out.

Mr. MONDELL. If the gentleman will allow me, we have in the State of Wyoming a valuable sodium deposit. It is not in a desert basin. It is not the most fertile land in the world, but it is far from being a desert basin. It is up on a reasonably fertile plateau that is being irrigated. They penetrate into what was once a desert basin, and there secure these sodium salts. They pour water down, dissolve the salts, and pump up the salts in solution. Of course these salts were originally deposited in desert basins, but they will be found now in all sorts of localities, covering what were desert basins. I assume the committee did not intend to limit explorations or leases under the law, but intended to allow this to be done wherever these deposits are found on the public lands. There is no reason why it should not apply everywhere to the public lands. I presume there are other conditions under which these salts, some of them, are found, but why not leave them also?

Mr. FERRIS. Mr. Chairman, the gentleman may be correct. I am not ready to say he is not. The committee do not know very much about potassium or sodium; at least I do not, and I do not think the committee do. We were fortunate enough to have sitting right at our elbows Dr. Smith, the head of the Geological Survey, and a representative of the Bureau of Mines, who helped to draw the section. There is no use in trying to tell the House that we know all about potassium and sodium, because we do not; and there is no use in the Members of the House trying to think that we understand these geological terms, for we do not; but if the House will permit, I should like to present two short justifications, one by the Interior Department and one by the Geological Survey, so that we may have at least some idea of what we are doing. The Geological Survey in support of section 18 has the following to say:

POTASSIUM OR SODIUM.

SEC. 18 (a) The areas in which valuable soluble salts may be found are by no means sufficiently known to obviate the necessity of a temporary prospecting permit. The Government is at the present time conducting expensive drilling operations in an endeavor to locate potassium salts. The War and Navy Departments are intensely anxious to discover nitrate supplies which may be used in the manufacture of ammunition, and there remains much exploratory work to be done before the soluble-salt resources of the country are known and located.

(b) The acreage granted should be sufficient in every case to warrant the installation of an adequate plant for the mining and treatment of the material to be produced. Many of these salts occur as rather superficial deposits, of no great thickness, but of wide extent. In such cases 2,560 acres will be by no means too great an area for the establishment of an industry. In case of richer deposits the Secretary is authorized under this bill to restrict the leasehold to appropriate smaller areas.

Now I will proceed to read what the Bureau of Mines have to say in support of section 18:

SEC. 18. (a) While a number of areas of salts, chlorides, etc., have already been located and are known to exist in, perhaps, can hardly be said that all such areas in existence in the desert or arid regions of the West have been located. Where the salts occur in the form of brine, they unquestionably are visible from the surface, but in desert basins where the drainage carries such salts underground, it requires the same character of prospecting operations as is required to locate oil and gas deposits. Under these circumstances the prospector for these potassium salts should be given the same protection that is given the prospectors for oil and gas.

(b) Two thousand five hundred and sixty acres may seem large as one deposit, but when it is considered that the potassium salts represent but a very small percentage, probably from 2 to 5 per cent of the total deposit, it will be realized that a very large area is necessary in order to assure the continued production of such salts for a reasonable period of time. The low percentage of these salts in the deposits requires the working of a large area in order to extract any great quantity of the mineral, and plants necessary for the treatment of the salts must necessarily be located in inaccessible regions where transportation costs are high and where nature imposes all sorts of natural obstacles and difficulties in the way of procuring supplies and the installation of equipment. Under such circumstances no one would feel justified in attempt-

ing the expenditure unless he were assured that there would be a sufficient supply to justify such expenditure and to insure a reasonable life to the plant. Again, this is a permissible maximum which does not by any means mean that the maximum will be allowed in all cases.

Those two justifications, of course, do not quite answer the gentleman from Wyoming, and I have nothing more to add. If the committee think the amendment ought to be agreed to, I have no objection to it.

Mr. MANN. Will the gentleman yield for a question?

Mr. FERRIS. I yield.

Mr. MANN. Is there any other law now which would permit the entry of any of these deposits?

Mr. FERRIS. I do not think there is. They are all withdrawn. As I recall, several hundred thousand acres have been withdrawn.

Mr. MANN. That is where they know there may be some deposits.

Mr. FERRIS. They think there are; yes.

Mr. MANN. But as long as we are very much in need of finding deposits of both nitrates and potash, is it not desirable to permit anyone to search for them on any of the public domain?

Mr. FERRIS. They can be leased under this bill anywhere on the public domain.

Mr. MANN. No; only where they are concentrated in desert basins.

Mr. FERRIS. As I say, I am not going to contend about that.

Mr. MANN. The amendment offered by the gentleman from Wyoming would make it possible to get permits for the search for any of these salts on any of the public domain.

Mr. FERRIS. In many places in the West, in fact, on a farm that I own, the salt, or alkali, as we call it, comes up through the ground and appears on the top. Now, whether or not some one without the proper intention could go upon the land and take up land that had coal and oil or something else, I do not know, but it might confuse them in the administration of the law. That is the only hesitation I have about accepting the gentleman's amendment.

I thought that the Interior Department or the Geological Survey might have put that in so that they might not use this as a vehicle to get coal, oil, and gas.

Mr. MANN. Of course it would not give them control of the coal, oil, or gas. I want to make this suggestion: We made an appropriation in the Agricultural appropriation bill to see if they could find some deposit of potash or some method for extracting potash. I do not know but that they may have some establishment in operation for the production of potash from kelp. We made also an appropriation in the sundry civil bill for the purpose of seeking potash. We are now absolutely dependent for our supply on Germany. We have discovered no place in this country where there is a deposit of potash. All I want to do is to have anybody that will do it see if they can find a supply of potash in this country. If they can find one of any size it is worth more than we can contemplate. But this language limits these explorations to desert lands. It is possible that these deposits are in desert basins, although in Germany they find it below the surface of the soil.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. LENROOT. Mr. Chairman, possibly I can add a little information to what the gentleman has stated, for I have here the reference to the hearings which the gentleman has referred to. The gentleman from Oklahoma was mistaken in giving the amount of withdrawals. The withdrawals in reference to potash amount to 250,000 acres, and they are found in Nevada and California. Dr. Smith states that so far they have only been found in the dry beds of lakes; that nowhere has there been discovered or found any place where potash is found as it is found in Germany. At one place in California, in Searles Lake, an English corporation is manufacturing potash under a patent process.

Mr. MANN. They are getting potash there from a deposit?

Mr. LENROOT. From a deposit in the dry bed.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONDELL. The gentleman understands that it is not intended to confine the operation of this law to lands that may have been withdrawn and designated; it is intended to give an opportunity to prospect for these minerals wherever anyone feels there is a probability of finding them. For instance, take the case of Green River, in my State, where sodium deposits have been developed. It is up on the high bench, and by a happy chance deep drilling developed the presence of this deposit. Of course, you do not want to limit that sort of a thing or prevent that sort of development. The withdrawals, I think, are all basin withdrawals. Except for that sodium development in my State, all the other sodium developments are in basins. Some people are more hopeful—I am speaking more of sodium than potash—of these areas where they can penetrate old basins than they are of the basins that now exist.

Mr. LENROOT. I would like to ask the gentleman—for under the language of this bill I think there is much to be said—but in any case, would any person have any difficulty in obtaining a prospecting permit, which would certainly protect him rather than otherwise?

Mr. MONDELL. I do not think this is the most important thing in the bill. I offered it to help perfect the bill, and more particularly to call attention to the situation. I think the bill would be better with the language out. I think it might be possible, under a liberal construction, for the Secretary to allow leases anywhere with this language in, but a narrow-minded Secretary might hold that he did not have the wide authority that he ought to have.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in section 18 hereof have been discovered by the permittee within the area covered by his permit, the permittee shall be entitled to a patent for 640 acres of the land embraced in the prospecting permit, to be taken and described by legal subdivisions of the public-land surveys, or, if the land be not surveyed, by survey executed at the cost of the permittee in accordance with the laws, rules, and regulations governing the survey of placer-mining claims. All other lands described and embraced in such a prospecting permit, from and after the exercise of the right to patent accorded to the discoverer, and all other lands known to contain such valuable deposits as are enumerated in section 18 hereof and not covered by permits or leases, may be leased by the Secretary of the Interior, through advertisement, competitive bidding, or such other methods as he may by general regulations adopt and in such areas as he shall fix, not exceeding 2,560 acres, all leases to be conditioned upon the payment by the lessee of such royalty as may be specified in the lease and which shall be fixed by the Secretary of the Interior in advance of offering the same and which shall not be less than 2 per cent on the gross value of the output at the point of shipment and the payment in advance of a rental, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition that at the end of each 20-year period succeeding the date of any lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I do that for the purpose of calling the attention of the committee to the words in lines 10 and 11, page 16:

In accordance with the laws, rules, and regulations governing the survey of placer-mining claims.

The law on the subject of mining surveys applies not to placer but to lode claims. The provisions which bring the placer under the lode regulations is section 2329, which provides that claims usually called placers, and so forth, may be entered and patented under like circumstances and conditions and under similar proceedings as are provided for lode claims.

The reference, therefore, would have been more accurate if it had been to the law providing for the survey of lode claims. I want to make this suggestion: If there is any one thing on earth in connection with mining experience that is aggravating to the last degree, and can scarcely be discussed in good temper, it is our laws and regulations relative to the survey of lode claims, particularly as we apply them to placer claims. It requires 29 different and distinct affidavits of considerable length, and no end of trouble besides, to enter a placer-mining claim. A lawyer must be well versed in the practice of mining law who can get up a set of papers that will pass muster. Ordinarily I am not particularly in favor of leaving matters to the discretion of the Secretary, but when it is simply a matter of the survey of a piece of land I do not know why we should not leave it to his discretion. The Secretary could not invent anything as bad as the present practice in regard to placer claims if he tried. I think the Secretary can work out a surveying system for these unsurveyed leased lands much better than the practice under the placer acts.

If we left it with him to provide how these surveys should be made, I am confident he would work out a plan that would be infinitely more satisfactory than the plan which we, in this left-handed way, by reference to the law, invoke. The Secretary, if we left it to him, would be likely to outline a simple plan in harmony with our rectangular survey.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I have been trying to confer with some of the members of the committee who sit near me here. It is the thought of some of them that, inasmuch as the placer-mining and the lode-mining laws still prevail, as to precious metals and as to all minerals, in fact, not specifically mentioned in this bill, a reference to those mining laws might put in vogue usages and rules and regulations and practices that have been of long standing, and might be clearer and bring less confusion than some new rules and regulations that the department might make; but my second thought is almost identical with that of the gentleman from Wyoming, if not quite so—that we might have something in this bill that would be out of joint with a law framed for another purpose entirely. As I understand the gentleman, it is his thought that all reference to the placer-mining laws should be stricken out and that in lieu thereof we insert "such rules and regulations as the Secretary may prescribe."

Mr. MONDELL. Yes. Quite a number of years ago I proved up on a piece of land which I thought contained something of value, but which afterwards developed not to contain any considerable value. It was surveyed land, and yet I was compelled, or I considered it safer and better under the practice, to hire a deputy mineral-land surveyor to go out and go around those lines and set the posts and go through the form of making numerous affidavits. I think I paid $50 for it. Those mining-survey laws as they are applied to placers are not very happy, even in that application, particularly now that we are dealing mostly with surveyed lands, and the original law did not contemplate surveyed land at all. It contemplated lands up in the mountains that were unsurveyed, and when we come to apply them to the placer act they did not fit very well, and if the committee made some provision under which the Secretary should prescribe rules and regulations for these surveys, I think it would be better.

Mr. RAKER. Mr. Chairman, the only question here is on the unsurveyed lands. Surveyed land is provided for by extension of the public survey in 40-acre tracts.

Mr. MONDELL. If the gentleman will yield a moment, that is true; and yet this is also true, as the gentleman knows, that if you take a placer claim on surveyed land it generally has been the rule to have a deputy mineral surveyor, and follow the rigmarole of the mining law. Query: When we apply that law to these lands, do not we modify that provision with regard to surveyed lands as well as unsurveyed lands?

Mr. RAKER. No; and I want to make the distinction, if I can. Under the surveyed lands, if it is a placer claim, it is marked out by the original survey; and on practically all of the public domain, if you want to get your corners located, you have to resurvey. There is no possible trouble about the placer-mining law as to the surveyed land. The only question is as to the unsurveyed land; and I do not believe the gentleman or anyone else could suggest a cheaper method than is now in vogue relative to the placer-mining claims location on unsurveyed lands.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. MANN. Why would it not be perfectly safe to say "in accordance with rules and regulations prescribed by the Secretary of the Interior"?

Mr. RAKER. It would; but——

Mr. MANN. If the placer regulations fit, he would prescribe them.

Mr. RAKER. I concede it would; but I want to call the gentleman's attention to this fact: You have a set of laws and rules and regulations that the miners and the surveyors and everybody now understands.

Mr. MANN. And the department understands them also.

Mr. RAKER. Yes; I know that is true. They ought to, and I am satisfied they do. That being the case, the lode law and the placer law are still in force and effect, and are not affected by this bill at all. It is only a question of convenience of saying it shall apply; in other words, that the unsurveyed land shall be taken up the same as in the placer-claim law. That is definite, because we have rules and regulations and practices that everybody understands.

Mr. MANN. Of course this relates only to the survey of lands.

Mr. RAKER. Yes; the unsurveyed lands.

Mr. MANN. I do not know anything about it, but I should imagine that the ordinary placer regulations might not always be what they want for this investigation.

Mr. RAKER. There comes the question. Let me call the gentleman's attention to this fact: We should dispose of the public domain as near as possible in accordance with the public surveys, extended or protracted. That is what we are trying to do all of the time. Under these claims they ought not to be permitted to take pieces here and there. They ought to take their chances with the 640-acre extended survey, protracted under the same conditions as in the placer-mining laws, or 2,560 acres.

Mr. MANN. I will say to the gentleman that, as far as I am concerned, I want to encourage anybody to find potash or nitrates.

Mr. RAKER. So do I. It is immaterial which way this goes, except that you have the law and the practice now already understood. Why take it and make it uncertain? That is all there is to it. The same result will be accomplished by either method.

Mr. MONDELL. Mr. Chairman, I offer the following amendment: Page 16, line 10, strike out the words "the laws."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 10, strike out the words "the laws."

Mr. MONDELL. And, lines 10 and 11, strike out the words "governing the survey of placer-mining claims."

The Clerk read as follows:

Amend, on page 16, lines 10 and 11, by striking out the words "governing the survey of placer-mining claims."

Mr. MONDELL. And insert, in lieu of the last, "prescribed by the Secretary of the Interior."

The Clerk read as follows:

And insert, in lieu of the last words stricken out, the words "prescribed by the Secretary of the Interior."

The question was taken, and the amendment was agreed to.

Mr. GRAHAM of Illinois. Mr. Chairman, on page 17, line 2, after the word "thereafter," I move to insert "not less than."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 17, line 2, by inserting, after the word "thereafter," the words "not less than."

The question was taken, and the amendment was agreed to.

Mr. GRAHAM of Illinois. And, in line 4, Mr. Chairman, after the first "and" in that line, I move to insert the same words.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 4, after the first "and," before "$1," insert the words "not less than."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 22. That no person, association, or corporation, except as herein provided, shall take or hold more than one lease of each of the classes of deposits herein named and described during the life of such lease; no corporation shall hold any interest as a stockholder of another corporation in more than one such lease; and no person shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof which, together with the area embraced in any direct holding of a lease under this act, exceeds in the aggregate an amount equivalent to the maximum number of acres allowed to any one lessee under this act; and the interests held in violation of this provision shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any such ownership or interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition.

Mr. GRAHAM of Illinois and Mr. MONDELL rose.

Mr. GRAHAM of Illinois. Mr. Chairman, I yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, in line 8, after the word "hold," insert the following: "in the same local field or in directly competitive fields."

Mr. MONDELL. Mr. Chairman, the provision contained in this section which prohibits any person from having an interest in more than one lease or having more than one lease was also contained in the Alaska law. I said at the time that the bill was under consideration I thought perhaps that provision was a wise one in Alaska, particularly in view of the fact that at this time the real problem is the question of a few leases in two fields along the seacoast. I doubt if that provision will be workable in Alaska in the long run, but it may be a good provision to begin with. Now we are dealing with a very much wider territory. We are dealing with oil fields and coal fields extending from the east boundary of the Dakotas to the Pacific Ocean, from Canada to the Gulf, or to the Rio Grande. I think that anyone familiar with the conditions under which coal is mined and oil is developed will understand that any plan which seeks to prevent an individual from having more than one interest in all that vast territory under a Government lease is

not a plan that will encourage development. The business of prospecting for oil or developing oil is a profession. Men follow it for a lifetime. They go from one field to another and lose in one field what they make in another quite frequently, more frequently, I regret to say, than otherwise. So it is with coal development to a considerable extent. A man is in the coal business for life. He has a coal interest in one part of the country and a coal interest in another and a coal interest somewhere else. Now, we do not want to encourage monopoly. One of the important objects of leasing legislation is to prevent monopoly, to increase the number of ownerships so far as it is practical so to do, but to say that a man who has an oil operation in California may not have one in Wyoming, that one who has a coal operation in the northern field of New Mexico may not have one in the southern field of Wyoming, that if he has one in the northern field of Montana he may not have one in the southern field of that State, is to attempt to create a condition which is not in the public interest and which will tend to restrict development.

I do not know that the amendment which I have offered is perfect. If any gentleman will offer something better, I will accept it. It leaves, or would leave, to the discretion of the Secretary to determine the limit of local fields and decide as to whether the fields are directly competitive or not; and if we may trust the Secretary in all the numerous, divers, and important ways in which we trust him otherwise in the bill, we certainly can trust him in this respect. I have had more or less to do with men, and I have known many men who were oil prospectors and developers, men who were in the coal-mining business, all my life. They are generally very energetic, hustling folks. The same operator or the same operating company has operations, one here and one there, generally or frequently far distant from each other. We can not hope and we should not try to limit interest to one operation in the entire country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more. I wish to ask one or two questions.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Wyoming may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LENROOT. I would like to ask the gentleman one or two questions with reference to his amendment. So far as the mining of coal is concerned, it is quite an undertaking to raise the capital to open a coal mine, is it not?

Mr. MONDELL. Yes.

Mr. LENROOT. So they are very anxious about there being no question as to the validity of their lease. Now, the gentleman's amendment contains the term "not directly competitive." That goes to the very authority of the Secretary to lease, and if they should be directly competitive the Secretary would have no right to make a lease to that party, and if he did so, in all probability the lease would not be valid.

Do you think that would tend to security upon the part of one who desired to open a mine?

Mr. MONDELL. The gentleman's query or criticism is rather to the form of the amendment. I admit the difficulty of drawing just the kind of an amendment that one should to fit the conditions. But this is true: That if a man had an interest in one operation, say a coal or an oil operation in Wyoming, and he sought an interest or a lease elsewhere, he would secure a decision in advance as to whether or no those two were the same local field or whether they were directly competitive. If the Secretary determined they were not, then that question would be disposed of, I assume, and thereafter it would not arise to make the lessee any difficulty.

Mr. TAYLOR of Colorado. I would like to ask the gentleman if it would not improve his amendment if he would add to it that not more than one lease should be obtained in any one State?

Mr. MONDELL. I suggest to my friend that you can scarcely adjust these things on State lines. For instance, we have in my State two entirely different coal fields. We have a number of separate and independent coal fields, but our northern field and our southern field are as essentially separated one from the other as though one were in Illinois and the other in Utah.

Mr. TAYLOR of Colorado. If you should have coal fields in between those or in other States, that division might not be so distinctive. Might it not be questionable as to what would be competitive?

Mr. MONDELL. Of course if it were necessary to establish a hard-and-fast rule, a rule that we should not have more than one in any one State might be better than no rule at all, because we would allow a man then, one of these hustling fellows, the sort of men that my friend is acquainted with and that I am acquainted with, that like to develop new fields, an opportunity at least in these widely separated districts.

Mr. GRAHAM of Illinois. I was going to suggest to the gentleman from Wyoming that limiting to a State might be added to his amendment, agreeing not to hold in any one State or in the same local field or in any competitive field.

Mr. MONDELL. I think that would make the amendment more definite. It would also restrict it.

Mr. GRAHAM of Illinois. The last statement, "in directly competitive fields," with reference to oil is so indefinite, so indeterminate, it is hard to tell just what it does affect.

Mr. MANN. Will the gentleman yield? If that language should be inserted in the bill at all, you would have to put in the provision that in the opinion of the Secretary it was competitive in order to have it worth anything at all.

Mr. MONDELL. That is my thought. It is not a thing that could be left until after the leases had been made.

Mr. LENROOT. The gentleman understands, of course, that under the bill a person may hold one lease, but there is nothing to prevent him from holding an interest, or, rather, being a stockholder of a corporation holding another lease, provided his aggregate interests do not exceed the maximum amount?

Mr. MONDELL. Well, I think that is true. That is a rather involved situation which the bill creates. While seeming to be intended to absolutely prevent more than one interest, it provides a way to "beat the devil around the stump" and secure and hold many interests. I think there should be a provision in the bill under which, clearly and aboveboard, and without question, the same person or corporation could be interested in more than one lease under proper conditions.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. I think, to meet the conditions I have suggested, there should be an amendment making it clearly lawful for persons or corporations to hold leases in essentially noncompeting fields; it should be sufficiently guarded to prevent combination or monopoly.

Mr. AVIS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. AVIS. There is just one criticism I wanted to make of the gentleman's amendment. I am referring to competitive bids. We have in our State of West Virginia several competitive fields, not in the sense of the producing end, but in the selling market, and I do not think the language would cover the point you are aiming at.

Mr. MONDELL. I think it would. If I were the Secretary of the Interior and were to interpret that, I would interpret it on the selling end. There is where the competition really comes. A field that directly competes in the market with another field—in other words, a field that ships to the same primary market or ships the bulk of its product to the same market—is a competing field.

Mr. AVIS. My criticism of the gentleman's amendment is coupled with what has been said on the other side, where they wanted to confine it in one State. The competition might not be in the State at all where the producing was, but altogether in another State.

Mr. MONDELL. When you get fields widely separated, although the products of two fields might reach the same market, the amount of product which reaches a distant market is ordinarily so small that they are not actively competitive.

Mr. COOPER. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. COOPER. I wish to say that what might be a market in which they compete to-day might not be a market in which they would compete two years from now, because of transportation charges.

Mr. MONDELL. I realize that.

Mr. COOPER. And therefore there is absolutely no certainty whatever. It is not possible to make a certainty out of that language, "noncompetitive," because, while they might not be competitive to-day, if transportation conditions change a year from now they would be competitive.

Mr. MONDELL. My language is "directly competitive," and not "noncompetitive," because all mining in the United States is, in a way, competitive.

Mr. COOPER. Whether it is directly competitive or not, the result you are looking for depends on transportation conditions

absolutely and nothing else, and all transportation conditions change, and what is directly competitive to-day would not be directly competitive later on.

Mr. MONDELL. I realize the difficulties, but in drawing a law covering half of the Union it is not a reasonable thing to say that an individual shall only have one interest in all that territory. As a matter of fact, the bill itself allows more than one interest in an indirect way It seems to me it would be better to allow it in a direct way and aboveboard. I am interested in this matter from the standpoint of the people who are to buy the product, from the standpoint of the communities that need the development, and from the standpoint of the virile and courageous man who is willing to take a chance with his time and his money. All those classes are interested in giving the widest opportunity for development, safeguarded against combination and monopoly. I confess I have no interest whatever from the standpoint of the man who wants to speculate in stock and sell shares. The bill as it now stands shortens the opportunities of those who desire to develop; in fact, so restricts as to drive men out of business; but it leaves the way wide open for all sorts and kinds of combinations, harmful and otherwise, through stock ownership.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I do.

Mr. GRAHAM of Illinois. I suggest to the gentleman from Wyoming that his amendment be modified to read thus: After the word "hold," at the point he suggests, add "in any one State, or in the same local field, or in any field which in the opinion of the Secretary of the Interior is directly competitive," adopting the suggestion of my colleague from Illinois.

Mr. MONDELL. Well, Mr. Chairman, the gentleman's amendment somewhat limits my amendment, because it would not allow more than one operation in the same State in any event, as I understand it; but it would be better than the bill as it is now. It would give a man an opportunity to have an operation in Colorado, for example, and one in Wyoming. Also, providing they are not competitive and providing they are not in the same field, he can have one in each public coal-land State. It would be better than the present provision, or lack of provision, and I would be willing to accept that as at least better than what we have in the bill.

Mr. GRAHAM of Illinois. Does the gentleman desire to offer a substitute or does the gentleman desire that I offer it as a substitute?

Mr. MONDELL. The gentleman can offer it as a substitute. I will support it.

Mr. GRAHAM of Illinois. Mr. Chairman, I offer an amendment as a substitute to the amendment of the gentleman from Wyoming; a substitute in the nature of an amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Substitute for the amendment of Mr. MONDELL:
"Insert, after the word 'hold,' in line 8, the following: 'in any one State, or in the same local field, or in any field which in the opinion of the Secretary of the Interior is directly competitive.'"

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LENROOT. Mr. Chairman, I would like to have the attention of the gentleman from Illinois [Mr. GRAHAM] and that of the gentleman from Wyoming [Mr. MONDELL]. The amendment reaches the question, so far as the taking of the lease is concerned. But here a lease is issued by the Secretary, and the conditions are afterwards changed. Your language is, "which in the opinion of the Secretary is directly competitive." How are you going to reach it? The condition changes after the lease is made and the field becomes competitive.

Mr. MONDELL. It only provides for one in a State in any event. It can not be very dangerous.

Mr. LENROOT. It is "take or hold a lease in any one State, or in the same local field, or in any field which in the opinion of the Secretary of the Interior is directly competitive." That would call for the judgment of the Secretary of the Interior during the entire life of the lease, and under the other provisions of the bill it would call for a forfeiture of that lease when conditions might become competitive through no fault of the lessee but through conditions over which he had no control. It certainly would be very unjust to the lessee.

Mr. MONDELL. Well, the gentleman realizes that the conditions created by the bill as it stands are not very satisfactory. In view of the conditions under which oil and coal operations are carried on, a man ordinarily makes operations of this class a business for life. Sometimes a man has an operation in Pennsylvania, and he will have one possibly in Illinois, and he may have one in Wyoming. Wyoming is indebted for some of her best operations to the energy of men who have come to us from Illinois. For instance, one big mine in the northern part of my State was started by a man who had a little mine in Illinois, who took what little he was making in the Illinois mine to start a mine in Wyoming. There is another case where an operator—not a big operator—came there and opened some property. You can not get men to do this sort of thing in a new country unless they are men who are accustomed to it and who understand the business and who are of the kind of men who are willing to take the chances; and those men have operations, if they are at all successful, widely scattered, generally, in various parts of the country. We do not want to lose the benefit of that kind of development.

Mr. LENROOT. I wish the gentleman would address himself to the point I make upon the amendment.

Mr. MONDELL. Well, I think if the lessee is willing to take that chance, that is his affair. At any rate he ought to have some provision in the bill that will give him a chance. Of course I realize that the conditions may not be the most satisfactory in the world for various reasons.

Mr. LENROOT. I did not suppose the gentleman would offer any proposition that would make it less satisfactory to the lessee.

Mr. MONDELL. I do not think it would make it less satisfactory, because unless a man knew it was not a competitive field and that it was not going to become one he would not go on with his enterprise. I wish we could make it clear without a doubt.

Mr. LENROOT. Let me give the gentleman an illustration of what might readily occur. Here are two fields. The Secretary executes a lease to one man in each field, and later another person comes along and asks for another lease in each of the fields. Conditions have changed and the fields have become competitive. The Secretary is then compelled to find that, the fields being competitive, he can not issue the lease, and under the terms of this bill the original leases then become forfeited.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONDELL. If I had gone through this bill raising all the ghosts that could possibly be raised, as the gentleman has raised them against my amendment, I would have had every hair on the gentleman's head standing on end [laughter], because there is not a section of the bill that does not contain provisions under which a man would be in mortal terror during all of his lease for fear he would lose his property. Now, if he could stand those, I submit to my friend, he could stand the chance that he would be taking under this amendment.

Mr. LENROOT. Mr. Chairman, in reply to what the gentleman has said, and notwithstanding what he has said, if he will read the bill as reported from the committee with that care which I supposed he had read it, he would find that from the beginning to the end of that bill it was the purpose—and it is found in the bill—that any lessee, before he becomes a lessee and before he avails himself of the terms of the bill, knows all of the conditions which he will have to meet during the life of the lease.

That is why I raise the question I do concerning the gentleman's amendment, because he throws an uncertainty into a bill the provisions of which are definite and certain.

Mr. MONDELL. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONDELL. The gentleman and I do not read the bill alike, for there are certainly many provisions in the bill, as I read them, that would allow a modification of the conditions after the lease was made; and unquestionably many conditions might arise under which the Secretary might require something to be done that could not have been contemplated by the lease except in a general way.

Mr. STAFFORD. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. STAFFORD. I assume that the objection of my colleague lies against the last part of the proposed amendment.

Mr. LENROOT. Certainly.

Mr. STAFFORD. And that he has no objection to the other two proposals?

Mr. LENROOT. That is correct.

Mr. MANN. Mr. Chairman, if this amendment should be adopted, it seems to me that it would be necessary to rewrite this section all the way through. I confess I do not feel quite sure just what this language means:

No corporation shall hold any interest, as a stockholder of another corporation, in more than one such lease.

But it undoubtedly means that you can only be a stockholder in one corporation or a stockholder in two corporations. You can not go beyond that. Now, the whole purpose of the provision is to prevent possible monopoly. If an occasion arises

where some one who holds one of these leases and is operating successfully desires to get another lease, it may be covered by subsequent legislation. I am a little afraid of this provision.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. GRAHAM] to the amendment of the gentleman from Wyoming [Mr. MONDELL].

The question being taken, on a division (demanded by Mr. LENROOT) there were—ayes 13, noes 14.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

The amendment was rejected.

Mr. FERRIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 18, in line 17, after the word "act," by inserting the following: "or which, together with any other interest or interests, as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof."

Mr. FERRIS. Mr. Chairman, I think the amendment I have just offered needs a word of explanation. It was drafted by the department, in consultation with some practical oil men, and, in effect, it renders it impossible for one person or corporation, though not a lessee, to buy and hold an interest in different leases indeterminately. The department, in a letter on this amendment, has the following to say:

DEPARTMENT OF THE INTERIOR,
*Washington, September 16, 1914.*

Hon. SCOTT FERRIS,
*Chairman Committee on Public Lands,*
*House of Representatives.*

MY DEAR MR. FERRIS: Col. Wheeler, a friend of the Secretary, who is representing some of the oil people and following the general leasing bill quite closely, suggested to me yesterday that we ought to insert in line 14, page 13, after the words "adjoining lands," the words "under this act," as the language of the clause beginning in line 13 and ending in line 15 evidently relates to lands leased or patented under the pending bill, and not to lands theretofore patented under other laws.

In discussing with him another matter in section 22 my attention is directed to an apparent omission. The bill attempts to restrict the aggregate amount of oil land or any land held under lease by a single individual or corporation at any one time, and it is provided in lines 12 to 19 that no person may hold any interest as a member of an association or stockholder of a corporation which interest, together with the area "embraced in any direct holding of a lease under this act, exceeds in the aggregate an amount equivalent to the maximum number of acres allowed to any one lessee." In other words, an individual who has an interest as a stockholder in a company having a lease, which interest would equal, say, 40 acres, could only get a direct lease himself for 600 acres, aggregating 640 acres, or if he already had a lease himself for 640 acres, he could not take stock in a corporation applying for a lease under this act.

This is as the committee intended it, but the way the bill is worded it would seem that there is nothing to prevent a man from holding an unlimited amount of stock in any number of corporations having oil leases. In other words, the prohibition is against an interest in a corporation which, together with any direct holding, exceeds the maximum amount, and there is no prohibition against his acquiring an unlimited stock interest in any number of leases. Should not the bill be amended by inserting in line 17, page 18, after the word "act," the following clause: "or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof"?

If I am right about this, the last-mentioned matter is very important and should be remedied, and I would be glad if you would give it very careful consideration before the said section 22 is reached on the floor.

Very respectfully,

_____.

The amendment mentioned in this letter is the one I have offered. Pursuant to that suggestion I held a little conference with the gentleman from Wisconsin [Mr. LENROOT] about it, and I have spoken hurriedly to other members of the committee about it, and it was the thought of the committee that we should heed the suggestion of the department and offer that amendment for the action of the committee. We think section 22 as it stands, and the other limitations, perhaps throw all the necessary safeguards around the lessees themselves; but we thought we ought, if we could, to try to prevent even corporations outside of a lessee from buying or at least holding large areas and being large stockholders in leaseholds indiscriminately. For instance, as the section stands now, in the judgment of the department, we have nothing there that keeps an outside party who is not a lessee at all from buying stock in all the leaseholds he wants to buy, and the department thought it was an oversight on our part, and asked what we intended. The gentleman from Wisconsin [Mr. LENROOT], who had a chance to talk with the department law officer about it, feels as I do, and I should be very glad if, as an abundant safeguard, the amendment may be agreed to.

Mr. MADDEN. Suppose the lessee organized a company, which he would probably have the right to do, to operate the property, and he offered stock for sale to the public, should there be any prohibition on the part of the public from buying his stock?

Mr. FERRIS. The prohibition would come in the leasehold contracts between the Federal Government and the lessee, and would be a prohibition against selling to a party who held another lease.

Mr. MADDEN. How would they be able to find that out? Every time you have stock for sale you would have to make a search of the records of the courts to ascertain whether or not a man who was willing to buy held stock in another company.

Mr. FERRIS. All that would be necessary would be to apply the law of caveat emptor—let the buyer beware—and the buyer would know that he would not be permitted to hold those leases. So, I take it, he would discover in the recorded leases or in the abstract the prohibition to him.

Mr. MADDEN. If any such law as the one described by the gentleman from Oklahoma should happen to be passed, good-by to development. You are acting on the theory that men are clamorous to invest their money in every kind of an enterprise, and that it is the easiest thing in the world to get capital to develop enterprises. On the other hand, the man who has an enterprise that he wants to organize and develop must show a good case to the man who has the money to invest before he will invest.

Mr. FERRIS. Let me reply to the gentleman on that point. I always listen to the gentleman with a great deal of interest, because I know he has good business judgment and is a successful business man, and he knows what he is talking about. But in the San Joaquin Valley a pool of oil 125 miles long and from 2 to 5 miles wide has been discovered. It is the richest oil field in the world so far discovered. A great deal of this is on the public land. The bill provides for the leasing of that land. I call the attention of the gentleman to the fact that no less than 25 oil operators who have gone out there and who are producing oil are clamoring to have this bill passed so they may have their rights made certain, so they may pay to the Government a reasonable rental or royalty for the oil and go ahead. Of course, they would much prefer to have their patent in fee so that they would not pay any royalty, but they are held up by the Land Office and can not get their patents, and they are very solicitous of having this law passed. It is true we should not sell a razor that will not shave, but this razor will shave.

We had 25 or 30 oil men appear before us, and while they do not agree on all of these propositions, they, like the rest of us, are selfish and want to get all they can out of it, but we are trying to put up a bill that will develop the lands and let the public get all the return they can. While these provisions may be sufficiently drastic not to develop the whole country, not to develop the entire field at once, yet I call attention to the fact that there is more oil being produced in the country to-day than can be sold or used. Oil is selling in my State at 65 cents a barrel, and the oil producers are crying aloud to "lay on, Macduff," and stop Mexican oil from coming into the country, and for pipe lines to be made common carriers, and crying aloud for relief from overproduction and most all the ills that go with the oil business.

Mr. MADDEN. Well, if you want to stop the investment of money in these projects, the theory on which the gentleman is going is correct.

Mr. LENROOT. Mr. Chairman, I doubt if the gentleman from Illinois has a correct understanding of what this proposed amendment will accomplish, and unless one followed the language closely and applied it to the text he could not have a correct understanding. All this amendment will do is that if there is a purchaser of stock in an oil company, and he has a total amount of stock in two or more oil companies amounting in the aggregate to more than the equivalent of the number of acres that the oil company would be entitled to lease in a direct leasing, he shall forfeit his stock. So that there is no uncertainty on the part of the purchaser of the stock. He knows what stock he holds in other companies. It is not a forfeiture of the property of the company if there is a violation, but only a forfeiture of the interest that the violator himself holds.

Mr. MANN. Mr. Chairman, I have some doubt whether it is possible to say that the stockholder in a company which owns 2,500 acres owns the equivalent of any number of acres himself. The bill may be so construed. But I do not understand that the bill—unless it is the amendment offered—prevents a man acquiring stock without hesitation as to its ownership. Suppose some one owns stock in two companies contrary to the law, he may still sell that stock on the market and convey a good title to the certificate, as I understand it, unless the Attorney General has commenced proceedings of forfeiture. The language is not that a man may not acquire more; the language

is, "and interests held in violation of this provision shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General." If the Attorney General institutes proceedings against some one who has acquired this stock contrary to law, you may have a decision or decree forfeiting the stocks; but if the man before those proceedings have been commenced offers his stock in the stock market and sells it, he conveys a good title to it, as I understand the provisions of this bill. There is no attempt to cloud the title of a man collaterally; you have to begin direct proceedings against him to acquire his stock. If in the meantime he has parted with it, in the ordinary course of trade, the title he has conveyed is good unless the purchaser is up against the same proposition.

Mr. RAKER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. RAKER. Taking the view of the gentleman from Illinois, could it not be accomplished by the Attorney General at at the same time instituting proceedings for an injunction?

Mr. MANN. Oh, yes; if the Attorney General has commenced proceedings; but I was speaking of the feasibility of the transfer of stock before proceedings had been instituted. The purchaser of stock does not know, and could not know, whether his assignor of the stock owned stock in two companies. If this bill provided for an absolute forfeiture of stock the moment it was acquired, you could not sell any stock on the market and you could not get any purchasers. That was the question properly raised by my colleague, Mr. MADDEN.

Mr. MONDELL. Mr. Chairman, I offer a substitute for the amendment.

The Clerk read as follows:

Page 18, line 8, after the word "hold," insert the words "directly or indirectly."

The CHAIRMAN (interrupting the reading). That is not a substitute.

Mr. MONDELL. The balance of it is.

The Clerk continued the reading:

Line 12, strike out all after the word "lease" down to the word "except," in line 23.

The CHAIRMAN. That is not a substitute. The gentleman from Oklahoma has a right to perfect the text first.

Mr. MONDELL. Mr. Chairman, the gentleman from Oklahoma has offered an amendment to this provision relative to the holding of stock. As a substitute I offer an amendment which strikes out all of this provision.

The CHAIRMAN. But the gentleman from Oklahoma has a right to perfect first the words to be stricken out. The gentleman from Wyoming can not deprive him of that opportunity by offering a preferential motion in the guise of a substitute. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Now, Mr. Chairman, I offer my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 18, after the word "hold," in line 8, insert the words "directly or indirectly."

In line 12, strike out all after the word "lease" down to the word "except," in line 23.

Mr. MONDELL. Mr. Chairman, a moment ago I offered an amendment intended to give honest men an opportunity to do business provided their operations were far separated and noncompetitive. That was voted down. Now, an amendment has just been offered intended to perfect the part of the bill that can have no other object or purpose than to allow men to evade what ought to be the plain purpose of this statute. No one here now really understands what the situation would be after that amendment was adopted. No one was brave enough to answer directly the inquiry of the gentleman from Illinois as to just what it meant after all was said and done. If the object were to give an opportunity to sell bogus oil stocks over the country, to peddle them out hither and yon and far and near, without subjecting the party that sold them nor the party who bought them to punishment for violation of the law—if that were what was intended, it has been accomplished in the language which has been adopted, taken with the language already in the bill. We should do one of two things in this leasing legislation—we should either clearly allow an interest in more than one lease or we should not allow it, and we should not have any provisions in the bill that are questionable. If only one lease or direct interest is to be allowed in the entire country, I propose to make the section clear and definite, that no one can indirectly have any interest in more than one operation. If that is what the committee wants to do, it ought to be done in clear and definite language, and not first put in provisions under which men are to be thrown into jail if they have a direct interest in more than one operation, and then other provisions under which they may, under certain conditions not clearly understood by anyone here or elsewhere, hold interests in a dozen different oil or coal operations. We at least ought to have this bill, when we get through with it, understandable. We ought to either allow an ownership or an interest in more than one operation, clearly and definitely, or we should just as clearly and definitely prohibit it. There are many conditions under which the same person or persons or corporation should be allowed to have leases, or interests in them, in at least each separate and noncompetitive field if they so desire. If that is not to be allowed, I desire to make it clear that the committee is allowing and encouraging indirectly what it prohibits directly; that in the interest of stock speculation that is allowed which if attempted in the interest of development is prohibited.

Mr. LENROOT. Mr. Chairman, just a word. The gentleman from Wyoming [Mr. MONDELL] is the best layman lawyer, I think, that I ever knew; but he does not claim to be anything else. What the gentleman has been so vigorously and bitterly denouncing he would permit by the amendment that he proposes.

Mr. MONDELL. Not at all, if the gentleman will allow me. I would, open and aboveboard, after the Secretary of the Interior had passed upon it, allow a man who had an operation in Colorado, for instance, to have one in Wyoming.

Mr. LENROOT. Yes.

Mr. MONDELL. But I would not allow him, through devious ways and contracts, to own an interest in a dozen different enterprises by stock ownership after I denied him the opportunity to secure the interest openly.

Mr. LENROOT. But that very thing the gentleman would permit by his amendment.

Mr. MONDELL. Not at all.

Mr. LENROOT. Because, while the gentleman said what he proposed to do was to prevent any interest by stock ownership or otherwise, the language of his amendment is such that no one shall hold more than one lease, directly or indirectly.

Mr. MONDELL. My idea is that if the committee is going to insist that there shall be but one lease in all the country, I think the committee should also insist that there shall be but one interest.

Mr. LENROOT. What is the language of the gentleman's amendment? He uses the words "directly or indirectly"?

Mr. MONDELL. I provide that he shall not have any interest in more than one lease, directly or indirectly, and then I strike out all of these provisions which allow him to have interest indirectly through stock ownership.

Mr. LENROOT. Then, under the gentleman's amendment, there might be a corporation. That corporation could only have an interest, either directly or indirectly, or could not have an interest, directly or indirectly, in more than one lease, but there is nothing in the amendment that would prohibit stock ownership all over the United States in all of the leases that anyone chose to offer—just exactly what the gentleman is criticizing.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONDELL. The gentleman is a good lawyer and I am not a lawyer, but does the gentleman intend to say that the word "indirectly," would not prohibit a man from owning an interest indirectly through stock ownership? If it would not, I am willing to write any words the gentleman would suggest that would prevent it.

Mr. LENROOT. All the gentleman stated was that the language which the gentleman used would not apply or would not prohibit a man from owning stock in more than one corporation.

Mr. MONDELL. The gentleman has not answered my question. He generally is very frank and direct, but he has not been in this case. Under a law prohibiting me or prohibiting anyone from having any interest indirectly, could I have an interest as a stockholder without violating that law?

Mr. LENROOT. I think you could.

Mr. MONDELL. Then, where in the English language is there any word that would prevent it? If the gentleman knows of any, I would like to know it. I see my friend, the very excellent lawyer from Kentucky, Mr. SHERLEY, smiling. Perhaps he can suggest some word that will cover it. I would like to have the word.

Mr. LENROOT. I think if the gentlemen went on and stated "through stock ownership or otherwise," he might possibly reach it, but I submit the language the gentleman has used does not reach it.

Mr. MONDELL. Oh, very well; Mr. Chairman, I ask unanimous consent to amend my amendment by inserting, after the

word "indirectly," the words "by stock ownership or otherwise."

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to amend his amendment in the manner stated. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, the gentleman's amendment, if amended, would throw a doubt upon the ownership of every certificate of stock in any of these corporations, and I am sure that he does not wish to do that.

Mr. MONDELL. Of course I do not; but, Mr. Chairman, you can not write anything that these lawyers do not insist throws doubts except the things that they draw themselves.

Mr. MANN. The proposition in the bill is not my proposition. The gentleman's proposition would throw doubt upon the ownership of the stock of every man now selling stock in the country.

Mr. MONDELL. Is it not true under the provisions in the bill as amended one individual could have interest in any number of oil companies until the Attorney General proceeded against him?

Mr. MANN. I think that is true.

Mr. MONDELL. So as a matter of fact the only security we would have would be the activity of the officers of the Government in preventing combinations?

Mr. MANN. Oh, well, that is not the only security, because ordinarily the man would not acquire stock when it was subject to be taken away from him by forfeiture; but if he does acquire stock, he ought to be permitted to sell it, because certainly the man who buys stock in the market can not tell whether the seller has a clear title or not. Under the gentleman's amendment no one would be at liberty to buy stock.

Mr. MONDELL. That is exactly the intent—that if a man is interested in one of these leases he shall not acquire interest in another. If that is what we are going to do, we ought to do it.

Mr. MANN. That is all very well; but the man who wishes to buy stock may not be able to acquire title to it, and he can not search the records to know whether the seller is interested in two corporations or not, until the Attorney General commences proceedings. His stock ought to be salable, and unless that be the case no one could acquire or retain or sell stock in one of these corporations in safety.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 23. That no person, association, or corporation holding a lease under the provisions of this act shall hold more than a tenth interest, direct or indirect, in any agency, corporate or otherwise, engaged in the resale of coal, phosphate, oil, gas, potassium, or sodium purchased from such lessee; and any violation of the provisions of this section or of the antitrust laws of the United States shall be ground for the forfeiture of the lease or interest so held.

Mr. MANN. Mr. Chairman, I move to amend by inserting, in line 6, after the word "the," the words "sale or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 6, after the word "the," insert the words "sale or."

Mr. MANN. Mr. Chairman, I do not know whether that is necessary or not, but a resale of coal is one thing. It is for the purpose of preventing people engaged in the sale. Of course it may be technical; and then I was going to suggest, it says below, "purchased from such lessee." It seems to me that ought to be "obtained from such lessee." There are a great many ways of beating the devil around the stump. They might make an agreement to transfer coal to a selling agency where the agency was not purchasing the coal at all, but as I understand what you want to do is to prevent the lessee from engaging with some other company in disposing of coal which that other company obtained from the lessee. Now, if you say "engaged in the sale or resale of coal" and then say "obtained from such lessee," I think that would cover the cases.

Mr. LENROOT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. LENROOT. Of course the original corporation engages in the sale of its product.

Mr. MANN. That does not prevent that, because that is coal obtained from the lessee.

Mr. LENROOT. That is true; that is right.

Mr. MANN. That covers the case. There might be a question as to what "resale" meant and what "purchased" was.

Mr. RAKER. Will the gentleman state what his second amendment was? We could not hear it over here.

Mr. MANN. To change the word "purchased" to the word "obtained."

Mr. RAKER. Line 7?

Mr. MANN. Line 7.

Mr. RAKER. That will be all right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to amend, line 7, by striking out the word "purchased" and inserting in lieu thereof the word "obtained."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 7, strike out the word "purchased" and insert the word "obtained."

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, if there is any real good reason for leasing legislation, any valid excuse for it, and I think there is, it lies in the fact that the communities where the mineral is to be developed may secure larger returns than they do under private ownership, and that the public may be better served in quality and in price in the matter of the product produced. The committee started out with the idea apparently that in order to accomplish this purpose it was necessary to limit leases, to limit interest under the leases, and so they do. No honest man, aboveboard and on the square, can have a direct interest in more than one lease, or secure more than one lease, though one of the tracts may be 3,000 miles from the other, but by language adroitly drawn—intelligible, I hope, to somebody—provision is made under which that which you have seemingly attempted to prevent can be accomplished in the worst possible way.

Under these provisions there will be no limit to the number and extent of interests that a single individual may have through stock ownership. When these ownerships have been concentrated in that way the equities will have to be recognized and the courts or Congress will say that we attempted an impossible or an improper thing; that these rights have been acquired under this law and they must be recognized. If we are going to encourage development, let us encourage it on the square and openly and aboveboard.

I have no interest in the stock sellers in the eastern cities who sell stock, often in bogus companies, to widows and orphans and servant girls. It may be that some of the stock-ownership provisions are wise; evidently they are not clear or it would not have been necessary to amend them; but I want to emphasize the fact that while the committee is as bold as a lion and as fierce as a pack of wolves in limiting and restricting the legitimate, honest, open and aboveboard opportunities of those who are capable and willing to carry on development, and by so doing restricts and discourages needed development, everything is perfectly lamblike, placid, and complacent when the interests of stock speculators or stock jobbers are involved. The open and legitimate opportunities to take more than one lease are denied, but the indirect, secret, but infinitely more potent methods of control are allowed and encouraged. In fact, no harm could come to the public from giving an individual or a corporation an opportunity to have a lease in each State, for instance. That is denied. But all sorts of combinations are allowed through stock ownership. I do not, of course, desire to make it difficult to sell stock. I do want to make it attractive to develop our country.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order of no quorum.

The CHAIRMAN. Evidently there is no quorum present.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

Mr. MONDELL. Mr. Chairman, I insist I can not be taken off my feet.

Mr. FERRIS. I did not intend to do that.

Mr. MONDELL. My five minutes have not expired.

The CHAIRMAN. The gentleman has two minutes remaining.

The question is on the motion of the gentleman from Oklahoma that the committee do now rise.

Mr. MONDELL. The gentleman can not take me off my feet to make that motion.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] made the point that there was no quorum present, and the Chair sustained the point. In the absense of a quorum, there would be nothing in order except to call the roll.

Mr. MONDELL. Under the circumstances, I yield the balance of my time.

The CHAIRMAN. The question is on the motion of the gentleman from Oklahoma [Mr. FERRIS] that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16130) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CARTER, for to-day, on account of illness.

To Mr. DRUKKER, indefinitely, on account of illness in his family.

EXTENSION OF REMARKS.

Mr. MONDELL. Mr. Speaker, my time in the committee having been limited, I ask unanimous consent to extend my remarks in the RECORD.

Mr. FITZGERALD. The gentleman has that right under the rule.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CASEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 17855) to provide an industrial alcohol commission, under the direction of the Secretary of Agriculture, for the purpose of aiding the development of denatured-alcohol production by farm distilleries; and its uses for light, heat, and power, and other industrial purposes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 13219. An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated:

S. 6505. An act to amend sections 11 and 16 of an act to provide for the establishment of Federal reserve banks, etc., approved December 23, 1913, and commonly known as the Federal reserve act; to the Committee on Banking and Currency.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until Monday, September 21, 1914, at 12 o'clock noon.

## EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of Commerce, suggesting amendments to the bill (H. R. 9017) transferring the control and jurisdiction of Alcatraz Island, and its buildings thereon, from the Department of War to Department of Labor (H. Doc. No. 1164), was taken from the Speaker's table, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SABATH, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill (H. R. 18851) to prohibit the sale or gift of intoxicating liquors to minors within the admiralty and maritime jurisdiction of the United States, reported the same without amendment, accompanied by a report (No. 1157), which said bill and report were referred to the House Calendar.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4920) to increase the cost of construction of Federal building at Pocatello, Idaho, reported the same without amendment, accompanied by a report (No. 1159), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 18783) to increase the limit of cost of the United States post-office building and site at St. Petersburg, Fla., reported the same with amendment, accompanied by a report (No. 1160), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERHILL, from the Committee on Industrial Arts and Expositions, to which was referred the bill (S. 6454) to authorize the Government exhibit board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exposition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition, reported the same without amendment, accompanied by a report (No. 1161), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARAWAY, from the Committee on the District of Columbia, to which was referred the bill (S. 2415) relating to the exclusion of traffic from the streets and avenues of the District of Columbia during parades, reported the same without amendment, accompanied by a report (No. 1162), which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 12486) for the relief of Templin Morris Potts, captain on the retired list of the United States Navy, reported the same without amendment, accompanied by a report (No. 1158), which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOSS of West Virginia: A bill (H. R. 18873) to establish and maintain a publicity bureau of the Government to ascertain and distribute information concerning the products of the United States for the purpose of cultivating more extensive trade relations with foreign countries; to the Committee on Appropriations.

By Mr. ANDERSON: A bill (H. R. 18874) to authorize the erection and completion of a public hotel on the grounds of the Military Academy at West Point, N. Y.; to the Committee on Military Affairs.

By Mr. LINDBERGH: A bill (H. R. 18875) to provide ways and means for the operating expenses of the Government; to the Committee on Banking and Currency.

By Mr. ADAMSON: A bill (H. R. 18876) to provide for the construction of two revenue cutters; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HAIR: Joint resolution (H. J. Res. 348) for the appointment of a commission of nine members for the purpose of investigating and reporting a complete system of national defense; to the Committee on Military Affairs.

By Mr. ADAMSON: Resolution (H. Res. 623) for the consideration of S. 2876; to the Committee on Rules.

By Mr. STEPHENS of Texas: Memorial of the Legislature of the State of Texas, relating to the method of relieving the cotton situation in the South; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWDLE: A bill (H. R. 18877) granting an increase of pension to Mary Schneider; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 18878) granting a pension to Nancy A. Trout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18879) for the relief of Clara S. Ryans; to the Committee on War Claims.

By Mr. DONOVAN: A bill (H. R. 18880) granting an increase of pension to Mary Ann Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18881) for the relief of John D. Butlery; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 18882) granting an increase of pension to James Rogers; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 18883) granting an increase of pension to Shadrach Waters; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 18884) for the relief of Daniel Jordan; to the Committee on Military Affairs.

By Mr. SELDOMRIDGE: A bill (H. R. 18885) granting an increase of pension to Mary E. Walker; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 18886) granting a pension to Winfield P. Coursen; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 18887) for the relief of Martha Hazelwood; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 18888) granting a pension to James H. Layne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18889) granting a pension to William H. Martin; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 18890) granting an increase of pension to Albert W. Mateer; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the National Association of Vicksburg Veterans, favoring proposed celebration of the semicentennial of the close of the Civil War; to the Committee on Military Affairs.

Also, petition of the Central Trades and Labor Union of St. Louis, Mo., calling upon the United States to enforce strict neutrality in the European war; to the Committee on Foreign Affairs.

By Mr. ANSBERRY: Petition of the New Orleans Association of Commerce, relative to liberalizing American navigation laws; to the Committee on the Merchant Marine and Fisheries.

By Mr. BRITTEN: Petition of the National Association of Vicksburg Veterans, favoring proposed celebration of semicentennial of close of Civil War; to the Committee on Military Affairs.

By Mr. CARR: Petition of 22 citizens of Greene County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. CURRY: Petition of sundry citizens of California, favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. FINLEY: Petition of Mrs. B. N. Craig and members of Perihelion Club, Rock Hill, S. C., favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of Edward G. Seibels, of Columbia, S. C., favoring Johnson bill to regulate use of mails by insurance companies; to the Committee on the Post Office and Post Roads.

By Mr. GERRY: Petitions of 300 people of Narragansett Pier; Russel Potter, Ray B. Kenyon, Elizabeth A. Thomson, Mrs. Alex Thomson, Anna Williams, Laura G. Bosworth, Margaret McL. Colman, Etta P. Field, Julia A. Manchester, Frank A. Bliven, and Edith H. Bliven, of Bradford; Rev. J. H. Roberts, Irving Winsor, Franklin Perry, Henry F. Perry, and Russell Perry, of Greenville; Mrs. Lydia A. Armstrong, of Pawtuxet Valley; Bertley Willey, of Johnston; 127 members of Warwick Baptist Sunday School, of Apponaug; Ednah B. Hale, Mrs. Joseph H. Kendrick, W. B. Shepard, Agnes Mackerman, and 55 residents of Allenton and vicinity, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petition of the Woman's Political Union and others, of Providence, R. I., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. GORDON: Petition of Charles Gruender, of Cleveland, Ohio, relative to House bill 17363, regulating use of mails by insurance companies; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Connecticut: Petition of the National Association of Vicksburg Veterans, favoring proposed celebration of the semicentennial of the close of the Civil War; to the Committee on Military Affairs.

By Mr. LIEB: Petition of Cigar Makers' Union No. 54, of Evansville, Ind., by Ed. A. Scheurer, president, and Ernst A. Schellhase, secretary, protesting against any increase of revenue tax on cigars; to the Committee on Ways and Means.

Also, petition of Evansville Journeymen Horseshoers' Local No. 110, and the United Brewery Workmen, Fred Hohenberger, secretary, protesting against national prohibition; to the Committee on Rules.

By Mr. MORIN (by request): Petition of sundry citizens of Pittsburgh, Pa., and the State of Indiana favoring amendment to section 85 of House bill 15902; to the Committee on Printing.

Also (by request), petition of sundry citizens of Pennsylvania favoring Senate bill 3590, relative to status of paymasters' clerks; to the Committee on Naval Affairs.

Also (by request), petition of sundry citizens of Allegheny County, Pa., against increased tax on wines and liquors; to the Committee on Ways and Means.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., against additional tax on cigars; to the Committee on Ways and Means.

Also (by request), petition of Harbor 25, Masters, Mates, and Pilots, of Pittsburgh, Pa., favoring rivers and harbors bill; to the Committee on Rivers and Harbors.

Also (by request), petition of A. J. McKelway, of National Child Labor Committee, relative to House bill 12292, the child-labor bill; to the Committee on Labor.

Also (by request), petition of the bishop of Pittsburgh, Pa., against Jones-Carter bill, relative to use of mails by insurance companies; to the Committee on the Post Office and Post Roads.

Also (by request), petition of Johnston, Holloway & Co., of Philadelphia, Pa., against high tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. PORTER: Petition of the Cigar and Stogie Manufacturing Association, of Pittsburgh, Pa., against additional tax on cigars; to the Committee on Ways and Means.

By Mr. REED: Protest of Cigar Makers' Union No. 192, of Manchester, N. H., against increasing the internal revenue on cigars; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition of the State executive board of the Socialist Party of California, favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the Chamber of Commerce and Stock Exchange of Los Angeles, Cal., against proposed tax on stock brokers; to the Committee on Ways and Means.

By Mr. TEMPLE: Memorial of the New Castle (Pa.) Box Co., concerning certain relations between common carriers and their patrons; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: Petition of the First National Bank of Wayland, N. Y., and the National Bank of Bath, N. Y., against stamp tax on checks; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Canisteo, N. Y., favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. WILLIS: Petition of Col. James Kilbourne and other members of the Association of Vicksburg Veterans, in favor of Federal appropriation for national peace jubilee at Vicksburg; to the Committee on Appropriations.

# SENATE.

## MONDAY, *September 21, 1914.*

*(Legislative day of Friday, September 18, 1914.)*

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT resumed the chair and said:

The Senate resumes consideration of the unfinished business, House bill 13811.

### RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. FLETCHER. Mr. President, I desire to submit some observations on the pending bill.

Mr. SMOOT. Will the Senator from Florida yield to me for just a moment?

Mr. FLETCHER. I will.

Mr. SMOOT. I ask unanimous consent that the senior Senator from New Hampshire [Mr. GALLINGER] be excused for the remainder of the session. He is not feeling at all well, and he has been here constantly. I wish that unanimous consent might be given that he be excused for the rest of the session.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the senior Senator from New Hampshire [Mr. GALLINGER] is excused from further attendance at the present session of the Senate of the United States.

Mr. KERN. I desire to ask an indefinite leave of absence for the senior Senator from South Carolina [Mr. TILLMAN] on account of ill health.

The VICE PRESIDENT. Is there objection? The Chair hears none, and leave of absence is granted.

Mr. FLETCHER. Mr. President, what is known as the rivers and harbors bill, H. R. 13811, passed the House of Representatives March 26, 1914. It was laid before the Senate March 28, 1914, read twice, and referred to the Committee on Commerce. That committee took it up and, through a subcommittee, went into the details of all matters embraced in the bill, gave hearings, and, after carefully considering the merits of each item embraced and such other items as were brought to the attention of the committee, made report to the full committee, which reported the bill, with certain amendments, to the Senate, June 18, 1914.

The bill as it came from the House carried appropriations aggregating $39,408,004 and authorizations of contracts to be provided for by future appropriations amounting to $4,000,000; total, $43,408,004. The bill as reported to the Senate carries appropriations aggregating $43,330,404 and authorizations of continuing contracts amounting to $10,352,600, a total of $53,683,004. A list of increases and decreases by committee amendments of the Senate are given in the report. The committee subsequently met and determined to restore certain items which it had previously decided to strike out, but no formal report of the committee's conclusions was made to the Senate. Action was to be taken as committee amendments were reached in the consideration of the bill, in accordance with the conclusions of the committee.

It has been charged that the Democrats were pressing and urging with undue haste the rivers and harbors bill. As a matter of fact, the bill has been frequently laid aside since the 18th of June last and displaced by other measures with the consent of the friends of the bill. Instead of unduly urging the passage of the bill, the claim could be more justly made that it should have been passed months ago, and that it was a mistake to permit matters, except, possibly, those of a most urgent nature, to interfere with its continuous and orderly consideration. Since the bill was reported to the Senate by the committee conditions world-wide in extent have materially changed. Of course our rivers and harbors are here and are needing the care and attention of the Government, but the shock of a war without a parallel in history, involving directly the greatest powers of Europe and indirectly the civilized world, meaning unprecedented sacrifice of life and treasure, where the stake is the very existence of certain character forms of governmental authority, it is not to be wondered that the situation called for steps not theretofore contemplated, wherein the executive and legislative branches of our Government were obliged to take necessary and prompt action. Instead of having this bill go into operation by the 30th of June, as was reasonably contemplated, and the appropriations provided originally take effect at the beginning of the fiscal year, these conditions have caused delays, and opposition to the bill as first introduced and since have likewise contributed, until practically three months of the fiscal year have passed, and it would be impossible to make use of funds which could very profitably and properly have been used in these great public works before we may reasonably expect another bill will be enacted. Under these circumstances the Commerce Committee has felt called upon to recast section 1 of the bill and propose changes, principally eliminations, which conditions have seemed to make justifiable without neglecting or seriously harming the harbors and waterways of the country. Accordingly the committee has reported an amendment in the nature of a substitute for section 1 of the bill, and to this the Senator from Ohio offers an amendment in the nature of a substitute, which, if agreed to, would strike down a number of projects heretofore adopted and eliminate quite a few highly meritorious new projects, and which would mean a sudden check if not an abandonment of the policy of the Government deliberately and wisely adopted toward its waterways.

Attacks have been made in the Senate and through the press upon this bill with such emphasis and persistency and, I believe, in many instances, with such bitterness and unfairness as to create a sentiment prejudicial to the bill, mislead many people and publications regarding it, and establish a false impression that the bill is intended to loot the Treasury rather than to provide for the improvement and maintenance of these great highways of commerce, which it has been the obligation and the wise policy of the Government to care for ever since the pronouncement by Chief Justice Marshall, in the case of Ogden against Gibbons, that commerce includes navigation, and that these harbors and navigable waterways of the country belong to the United States for the purposes of navigation and could not be interfered with by individuals, municipalities, or even the States. These attacks began months ago, before there was any apprehension of European war, and have been sweeping, broadside in their nature, systematically conducted.

The bill has been bitterly denounced as a "pork-barrel" proposition, and, without specifications, in the most general terms, it has been exploited before the people of the country as a bill to reward individuals, private enterprises, officials, and the like at the expense of the Government. There is no sort of warrant for this kind of denunciation. There is no excuse whatever for this effort to poison the public mind regarding this great public measure. Surely these opponents of the measure should have been able before now to specify where these elements could be found in the bill. Surely they should have been able to point out before to-day what items of the bill should be condemned. In equal fairness, it would seem to me, they might have been willing to name what items in the bill are proper; what projects ought to be provided for. Otherwise, although they assert they are not opposed to legislation which will improve and maintain the rivers and harbors of the country, their whole course is in relentless conflict with that position, and they have been, all along, in the attitude of opposing before the country legislation which would carry on this great public work, prevent the waste of money heretofore appropriated, and take care of these free highways of the people. I contend it is not only a wise policy but sound in principle and a patriotic duty to go forward with improvement of the navigable waterways and the useful harbors throughout the country. Opponents of this bill are in the attitude of antagonizing that policy and that principle. They can not escape that attitude by professions to the contrary when their acts and their conduct and their procedure mean nothing less than the defeat, if it is in their power, of this entire bill. Has any one of them pointed out the items in this bill that should be conceded to be satisfactory and proper until driven to vote upon the bill, at the twelfth hour, this substitute of the Senator from Ohio practically concedes four-fifths of the items in the original bill are praiseworthy and desirable? On the contrary, the denunciation, beginning months ago and continuing throughout the arguments until the last minute, has been of the entire bill. We have asked for specifications, time after time, and to have the discussions confined to the items complained of and a vote taken on those items, but the effort has been to prevent any vote on any item, and inevitably that would mean, purposely, to defeat the entire bill. That would mean that the work now under way on important projects heretofore approved must be stopped; that projects that have been under consideration for years, have been thoroughly examined and reported on favorably and ought to be undertaken, must be delayed or abandoned; that the policy adopted by the Government in the past must be reversed and these properties of the Government, highways of commerce, under the control of the United States alone, must be discarded and the rights and interests of the people everywhere who are affected by transportation—and that means all the people—must be disregarded and must all go down because, forsooth, some items in the bill are objectionable and the cry of "pork barrel" has been raised.

I believe in the policy heretofore adopted. I believe in the principle heretofore approved with respect to these governmental properties. I believe it is the obligation and the bounden duty of the Government to take care of these free highways of commerce and trade, make and maintain them usable and serviceable for the people, and I know it would be a calamity greater than that which has befallen us without our will through a foreign war of colossal dimensions should these great works be abandoned or discontinued or seriously neglected, and it would be a monstrous disaster deliberately inflicted upon the country by those who happen to have the power to do it if this bill should fail. It seems to me those who would defeat this bill entirely deliberately take a position consistent only with that of enemies of the country opposed to its progress and prosperity and against the welfare of the people. It would be saying too much to claim, perhaps, that the bill is absolutely perfect. I do not make that claim. It may have defects. There is room for argument as to a few items, I grant, but even as to them the weight of argument is in their favor. That there are some items which it would be advisable to postpone or modify or eliminate may be urged without suspicion as to the sincerity of such contention, but they are of no great consequence and have sincere and well-founded support. I do claim firmly that the bill is as near perfect as measures ordinarily are when they are presented for action as it came to us. We have sought to modify disputed items and treat justly the essential features of the whole bill. The committee substitute leaves no ground for criticism and is framed with due regard to existing conditions. If those who oppose the bill would only confine themselves to what they point out as objectionable items in the bill they would occupy a different position and perform quite a different service from that undertaken when they seek to defeat the whole bill. I am too desirous of closing this discussion and getting to a vote on

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these various amendments to enter upon a justification of the course of the committee respecting every item in the bill. Already those matters which have been mentioned as objectionable in any serious way have been discussed by members of the committee, and others may be discussed by those particularly familiar with them. It may be fairly assumed that I am rather better informed respecting the items in my own State than others, and it may be equally assumed that I feel somewhat greater concern regarding them than others. I hasten, therefore, to refer to them by way of answering some criticisms, in certain instances more facetious than serious, but nevertheless intended to cast doubt upon their merits.

The only proposed improvements which have been singled out, so far as I have observed, either in the Senate or in the press or elsewhere, in Florida, are St. Lucie Inlet, Choctawhatchee River, Kissimmee River, Oklawaha River, Crystal River, and the Pensacola to Mobile canal. The Senator from New Hampshire a few days ago, page 15030 of the RECORD, took occasion to criticize the first two projects mentioned. Before his speech, the clearness and fairness and force of which I must believe was seriously interfered with by the interruptions which he permitted and which took the direction of ridicule and sarcasm rather than argument, it had been determined by the committee to eliminate the Senate amendment providing for an appropriation of $50,000 for St. Lucie Inlet. Consequently there is really no occasion to answer the objections raised to that appropriation. The committee substitute, as will be noted, omits it, and the Senate will not be asked to consider it. I refer to the Senator's remarks, however, in that connection as illustrating the unfairness with which he dealt with the subject and as characteristic of the opposition generally. He quotes from the report of the district engineer, which concluded with the statement, "I am therefore of the opinion that St. Lucie Inlet is not worthy of improvement," but he did not state, what was the fact, that the district engineer was referring to a project of merely 12 or 14 feet depth, whereas he was not adverse to a project calling for a depth of 18 feet, which is to be ultimately attained and which the Chief of Engineers recommended.

But why found his objections on the report of the district engineer and ignore the report of the division engineer and the Board of Engineers for Rivers and Harbors and further ignore the report of the Chief of Engineers? By reference to House Document No. 675 it will be seen that the Chief of Engineers, under date of January 7, 1909 (H. Doc. No. 1312, 60th Cong., 2d sess.), reported favorably upon an improvement of this inlet to an 18-foot depth at mean low water, and the report of the Board of Engineers for Rivers and Harbors, January 22, 1912, refers to the fact that, after a careful and full investigation of the needs of the locality, the report, House Document No. 1312, Sixtieth Congress, second session, was submitted favoring the improvement of this inlet to the depth of 18 feet. The report of January 22, 1912, shows, "The commerce of the locality for 1910 is reported as amounting to 169,000 tons, valued at $13,700,000." The report of the Chief of Engineers, March 30, 1912, referring to the report of the district engineer, quoted by the Senator, says:

> The district engineer in his report explains the urgent need of better transportation facilities for this neighborhood, but being limited by Congress to a consideration of merely 12 or 14 feet depth, he states his opinion that such depth over the ocean bar would not give the desired relief and a coastal canal would be preferable. The board of review under date of January 22, 1912, concurs with the district engineer officer, and refers to its prior reports (H. Docs. No. 1312, 60th Cong., 2d sess., and No. 471, 62d Cong., 2d sess.) in favor of an improvement to 18 feet depth.
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> After due consideration of the above-mentioned reports, I concur in general with the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors as stated in all the above-named reports, and I specially concur in the views of the division engineer as given in the report of January 7, 1909 (H. Doc. No. 1312, 60th Cong., 2d sess.), that it is quite possible that the cost of rock removal may be greatly reduced. No new facts are likely to be developed by further hearings or surveys, and so new estimates appear unnecessary. In view of the possibilities of securing a cut of 18 feet across the bar at much reduced cost by suitable dredging plant, using explosives only where actually necessary, and of the possibilities that such cut, even if of reduced width, may produce decided changes in the adjoining channels, it is considered worth while to experiment on this bar to the extent of about $300,000 for purchase or hire of plant and for dredging and rock removal, with a view to securing partial results which may be useful later here and elsewhere along this coast; and this much is recommended at present even if Congress does not desire at the present time to adopt the entire project.
>
> I have therefore, in carrying out the instructions of Congress under the act of February 27, 1911, to report that in my opinion the improvement of St. Lucie Inlet, Fla., to 12 or 14 feet depth is not advisable at the present time except as a first step to a fuller development to an 18-foot improvement, as already recommended in House Document No. 1312, Sixtieth Congress, second session, and House Document No. 471, Sixty-second Congress, second session; but that an immediate expenditure of about $300,000 for excavating a cut of 18 feet center depth across the obstructing rock and the ocean bar is now advisable as a preliminary step to securing later the full project channel of 18 feet depth over at least 200 feet width from the ocean to Sewalls Point as described in House Document No. 1312, Sixtieth Congress, second session, at a cost possibly much less than the original estimate of $1,460,000.
>
> Very respectfully, W. H. BIXBY,
> *Chief of Engineers, United States Army.*
>
> The SECRETARY OF WAR.

Now, why did the Senator select the part of the report of the district engineer, which had reference to a 12 to 14 foot project, and omit the report of the division engineer, the Board of Engineers, and the report of the Chief of Engineers on the pending project of 18 feet, for which the item of $50,000 was proposed to apply? This simply illustrates the unfairness with which critics of this bill are treating it and the various items in it. The Senator not only omits reference to the highest and best authority on the subject, but also to the act of Congress adopting the recommendation of the Chief of Engineers, March 30, 1912, and appropriating heretofore $100,000 for beginning that work. It transpires that the $50,000 additional proposed in the Senate amendment will not be needed, because so much time has elapsed since the bill was prepared that it can not be used before another bill will be reached, and therefore the item is eliminated in the substitute, but it is not by reason of any alleged report of the district engineer or by reason of any opposition urged in good faith or otherwise to the project. The project has heretofore been approved by the highest authorities and by Congress, and is in every way meritorious, and it is unjust and unfair to single it out for criticism and base that criticism on an excerpt from the report of the district engineer having reference to a 12 or 14 foot channel instead of to the one approved and recommended and partially provided for heretofore of 18 feet.

CHOCTAWHATCHEE RIVER.

The Senator from New Hampshire is equally unhappy and unfair in his reference to the Choctawhatchee River. Here he begins by referring to the amount of money heretofore expended on that river, which he gives at $235,300, and says has evidently been practically thrown away. As a matter of fact, the report shows (vol. 2, p. 2113) that the amount expended has been $233,176.62, and it must be borne in mind that this extends over a period of 81 years. Work was begun on this river in 1833, so that less than $3,000 per annum has been expended on the river for improvement and maintenance a distance of 162 miles. There is no warrant for the statement that "it has been practically thrown away," because the river has a depth of 7 feet at its mouth where it empties into the Gulf of Mexico. It has been navigable for 152 miles. Various surveys and examinations and reports have been made on it, calling for small appropriations, mainly for maintenance and removing obstructions. While a portion of the upper river has an available depth at low water of about 20 inches, the lower section of the river from the mouth of Holmes River to the Gulf, a distance of about 40 miles, the report shows, gives a good navigable channel 4 feet deep at mean low water.

The Senator makes no reference to this portion of the river, but condemns the whole because of the upper portion being shallow and carrying but small commerce; but the lower portion, of 40 miles in length, 4 feet deep at mean low water throughout, having a channel leading to the Gulf 75 feet wide and 6 feet deep at mean low water, is an important waterway. Forty miles from the Gulf the Holmes River empties into the Choctawhatchee, and the Holmes River is navigable for 25 miles to Vernon, the county seat of Washington County. The report says below this point—that is, where the Holmes River empties into the Choctawhatchee—"there is a large commerce of logs and hewn timber, and several steamers ply between Pensacola and Vernon on the Holmes River"; that is, they use the Holmes River, Choctawhatchee River in question, and the Gulf. The commerce on this stream is mainly saw logs, timber, naval stores, and general merchandise, and for the calendar year 1912 is reported at 68,184 short tons, valued at $1,732,292. Now, it surely is unjust and unfair and absurd to refer to the amount of money which has been spent on this river without mentioning that it covers a period of 81 years, mainly maintenance, and to refer to the report of the engineers with reference to the upper reaches of the river, which may not be worthy of improvement, and ignore the real important portion of the river, which undoubtedly is quite an important stream, reaching from the Gulf, and therefore connecting with Gulf ports west and south and east, navigable for 40 miles, where it connects with another river—Holmes River—navigable for 25 miles farther, used by boats from Gulf ports like Pensacola and having a large commerce, valued as stated. This portion of the river is entirely overlooked in the argument. Is it fair or reasonable or just to mention only a portion of the river, and then to give the commerce on that portion of the river as "the commerce on the river"? The whole argument of the Senator has reference

to the upper reaches of the river and utterly ignores the principal portion, and his mention of the commerce is that given for the upper, unimportant portion, while he ignores the commerce on the real stream. We can well omit entirely from this discussion that portion of the river extending 122 miles from the mouth of the Holmes River to Newton, Ala. We surely have no right to call that the Choctawhatchee River, and stop there. The appropriation mentioned in the bill has reference to the Choctawhatchee River, which means, of course, the entire river beginning at the Gulf. The effort is made to condemn the entire appropriation, based on data which refers to only a portion of the river, utterly ignoring the important and main portion.

KISSIMMEE RIVER.

There has been some effort to belittle this project. Some people have called it "Kissimmee Creek" and criticized the proposed improvement as a land-speculation scheme. They simply display their ignorance and manifest their disposition to generally discredit what they do not originate. This river flows through three good-sized lakes and empties into Lake Okechobee, which itself is about 40 miles across. The Kissimmee is 137 miles long. Through Lake Okechobee a boat can pass to the Gulf of Mexico on one side or to the Atlantic Ocean on the other. The original project for the improvement of this river was adopted June 13, 1902 (H. Doc. No. 176, 57th Cong., 1st sess.). It provides for a channel 30 to 60 feet wide and 3 feet deep at ordinary low water. The commerce for the year 1912 consisted of fruit, fish, fertilizer, feed, groceries, general merchandise, logs, lumber, naval stores, vegetables, and wood. The amount for the year was 71,950 short tons, valued at $2,930,500, being an increase in tonnage of 55 per cent over the preceding year. The report shows that the increase is due to general prosperity and a particular increase in the fruit and vegetable output. The report further says that the river is the only means of communication, other than roads, between some 3,000 square miles of territory along the river and Kissimmee, the nearest point touched by a railroad. This river, together with Lake Okechobee and the Caloosahatchee River, affords a navigable waterway from the Gulf of Mexico to Kissimmee, a distance of 300 miles. I would like to know if it is reasonable to call this a "creek" and belittle it as a stream of no consequence or importance. The engineer's report shows that the number of regular steamers in trade on it is five; that the probable increase of trade, with the improvement completed, is 100 per cent; that two boats have been added to the transportation business during 1912, and since the improvement was begun the commerce has increased 50 per cent, and now amounts to some $3,000,000 per annum on the river alone. From the way slurs and insinuations have been uttered regarding this item, you would infer that this stream was a small creek a few miles in length, serving no useful purpose, and you would also infer that the appropriation asked for ran into hundreds of thousands of dollars. After what I have said about the river, its length, its connection with great lakes and with the Atlantic Ocean, and the Gulf of Mexico, you would be surprised to know that the appropriation provided in this bill and asked for to complete the project is only $47,000. To what desperation are the opponents of the bill driven when they resort to criticisms of this kind?

A party in the House criticizes the small commerce on the Kissimmee River, as shown by the report upon the project involved. This report, however, was made in 1909, which showed only 10,000 tons, but the commerce has grown from year to year, and is reported by the Chief of Engineers, in his report for 1913, as being 71,950 tons, valued at $2,935,000, in 1912, being an increase of more than 700 per cent in three years. Few streams in the country can make such a showing. This showing is especially good when it is considered that on account of low water navigation has been permissible for only seven or eight months in the year. The present project is to give a low-water depth of 3 feet the year round for navigation purposes. If the commerce should increase so wonderfully when the stream is used only seven or eight months in the year, what might we expect with navigation the year round? It is absurd, parsimonious, and unjust to propose to strike this project from the bill. I will refer again to it in another connection.

OKLAWAHA RIVER.

In some quarters the statement has been given out that the basis for the improvement of the Oklawaha River as contemplated in the report of the engineers and by this bill is land speculation, to serve some private interest. There is absolutely no foundation whatever for that statement or insinuation. There is no warrant for it either in fact or in the report of the engineers. On the contrary, all of the records of matters covered by the investigation and the reports show conclusively that it is a navigation proposition pure and simple. The engineers were requested to consider, when they visited the locality, the question of devising a plan which would drain and make available for cultivation large areas of land in addition to giving navigation facilities. The report of the engineers (H. Doc. 514, 63d Cong., 2d sess., p. 3) shows as follows:

> This phase of the subject was investigated and the conclusion was arrived at that the additional cost of any plan which would coordinate land drainage and reclamation with a navigation project was greater than was warranted by the amount of land which would be beneficially affected. Should the owners of the land to be benefited, however, be willing to contribute any additional sum that a project providing for the reclamation and drainage of the land would cost over the project which provides for navigation alone, such project should preferably be adopted—

Upon conditions therein named. That question is entirely outside and independent of the project provided for in the bill, as it came from the House and is retained here. Drainage is not involved in this appropriation, which is based upon the report of the Chief of Engineers and the Board of Engineers for Rivers and Harbors. This report says (secs. 4 and 5):

> These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to its accompanying report, dated December 3, 1913. In connection with its consideration of the subject, the board visited the locality on April 13, 1913, held a public hearing near Leesburg, and made a personal inspection of the stream. The board is in general accord with the views of the district officer and the division engineer regarding the advisability of the proposed improvement, but it believes that the lock chamber dimensions proposed should be increased from 30 feet wide by 125 feet long to 36 feet wide by 160 feet usable length. The estimated cost of the project, as thus modified, is $733,000 and $12,000 per annum for maintenance. The board expresses the opinion that the present and prospective commerce is sufficient to justify the United States in undertaking this improvement—
>
> "*Provided*, That any land necessary for the construction of the waterway shall be given to the United States without charge; that interested property owners shall agree to protect the United States against claims for damages on account of any land that may be flooded; that local interests give satisfactory assurance that they will provide for the use of the public suitable wharf and terminal facilities in the vicinity of Leesburg; and that they will establish and operate a boat line over this waterway which will be competitive with the railroads and not subject to control or purchase by railroad and other corporate interests."

When the Congress approves this report and adopts this project upon the basis of this report it writes into the law that provision and that condition.

The Chief of Engineers continues:

> After due consideration of the above-mentioned reports, I concur in general with the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore report that the improvement by the United States of Oklawaha River from its mouth to Lake Dora is deemed advisable to the extent of obtaining a channel 6 feet deep and 60 feet wide, in the manner contemplated by the district officer, and with locks of dimensions as proposed by the Board of Engineers for Rivers and Harbors, at an estimated cost of $733,000 for original construction and $12,000 per annum for maintenance, subject to the conditions of local cooperation recommended by the board and quoted above. The first appropriation should be $175,000, with subsequent appropriations sufficient to complete the work in four years.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to his colleague?

Mr. FLETCHER. I do.

Mr. BRYAN. I ask my colleague if he has included in his remarks the finding of the Board of Engineers in their report in which it is stated that the estimate of the district engineer is that there will be a saving of $600,000 annually to the commerce on this river?

Mr. FLETCHER. I have not included that portion of the report in my remarks. I have simply referred to the whole report, but I will be very glad to recite that.

Mr. BRYAN. I will read it to the Senator. It is in one sentence:

> The district officer believes that a conservative estimate of the saving that would result from the improvement on a basis of 200,000 tons of commerce would be about $600,000 annually.

The district engineer's report says that that amount of commerce—200,000 tons—is a very conservative estimate.

Mr. KENYON. May I ask the Senator from what page of the report he is reading?

Mr. BRYAN. Page 4 of House Document No. 514, Sixty-third Congress, second session, in regard to the Oklawaha River.

Mr. FLETCHER. I think that ought to be specifically included in my remarks, Mr. President. I will say that the Board of Engineers, after going to the locality and after personal investigation on the ground along this waterway, approved the finding of the district engineer.

Mr. KENYON. May I ask the Senator a question?

Mr. FLETCHER. Certainly.

Mr. KENYON. The Senator referred to the question of reclamation of land. I do not know that he discussed it at any

length or that he explained it, as my attention was diverted for a moment. Will not the Senator explain whether there is any reclamation of lands involved in this project? It has been charged that a man named Young owns about 4,000 acres of land that would be benefited by the project.

Mr. BRYAN. The report shows that has not been taken into consideration at all.

Mr. FLETCHER. This matter is entirely independent of any question of reclamation. The board simply says that if land can be reclaimed, or if an auxiliary or supplementary improvement can be added to this which would result in reclaiming land, the cost of it must be borne by the people benefited. That is a separate and distinct matter.

Mr. KENYON. The Senator, of course, is familiar with the geography of that situation?

Mr. FLETCHER. I have been all over the route, and all through the river in a boat, from one end to the other.

Mr. KENYON. Can the present project of the Government, if it be carried out, be used as a basis in any way for the reclamation of lands? Can any plan be carried out of cooperation between the owners of the lands and the Government, and an apportionment of cost that might be made by virtue of any reclamation be arranged in some scheme between the owners of the land and the Government? Is that feasible?

Mr. FLETCHER. That is all a matter for subsequent investigation and study. It is a matter that is left open. It is not included here. If it can be done, provided the Government is not put to any expense in that connection, it may be done.

Mr. KENYON. Does this improvement in itself, with nothing more, reclaim any of this land?

Mr. FLETCHER. I presume that the improvement in itself does not result in reclaiming land, any more than any improvement which increases the depth of a river in any locality might tend to afford more complete drainage in that locality.

Mr. KENYON. I thought the Senator was so familiar with it that he would know whether that fact in itself did result.

Mr. FLETCHER. It is entirely outside of any consideration of this project at all. That is a matter that is subject to further investigation and study in connection with the Government authorities, to determine whether or not that sort of thing might be undertaken; but, in any event, it must be undertaken without any cost to the Government.

Mr. BRYAN. Mr. President, I suggest to the Senator that he place in the RECORD at this point the concluding paragraph, numbered 6, of the report of Col. Burr, Acting Chief of Engineers, because a great deal has been said in the newspapers to the effect that this was a real estate scheme, and the concluding paragraph shows that the drainage of lands is not contemplated in this appropriation, but that if those who have lands afterwards see fit to cooperate the Chief of Engineers ought to be permitted to require them to contribute to the expense of the work.

Mr. KENYON. That is on page 3 of the report?

Mr. BRYAN. Yes.

Mr. FLETCHER. I will ask permission to add to my remarks section 6 of the report, found on page 3 of House Document No. 514, as suggested.

The VICE PRESIDENT. Without objection, that may be done.

Mr. FLETCHER. My effort has been to be as brief as possible in this connection, and I did not want to quote from the report any more than seemed to be necessary to present the facts and refer to the report, so that if anyone who felt an interest in the matter wished to examine it for himself he could do so.

The matter just referred to is as follows:

> While this project was under consideration it was stated by interested parties that a plan of improvement might be devised which would drain and make available for cultivation large areas of land in addition to giving navigation facilities. This phase of the subject was investigated and the conclusion was arrived at that the additional cost of any plan which would coordinate land drainage and reclamation with a navigation project was greater than was warranted by the amount of land which would be beneficially affected. Should the owners of the land to be benefited, however, be willing to contribute any additional sum that a project providing for the reclamation and drainage of the land would cost over the project which provides for navigation alone, such project should preferably be adopted; and it is therefore recommended that the Secretary of War be given authority to make such modifications of the project above recommended for adoption as may be approved by the Chief of Engineers and as may be necessary to provide for land drainage and reclamation, as well as for navigation, provided that no work of construction shall be undertaken on such modified project until local interests shall have deposited with the Secretary of War an amount equal to the estimated cost of such modification of the project.

It will be remembered that the first appropriation for the Oklawaha was made in 1891—23 years ago. Just to-day it has been discovered to be a "pork" proposition. This is no newly discovered stream, nor is it any "River of Doubt." It has been always navigable, but the stretch from the main branch leading from Silver Springs to Lake Griffin is very tortuous and only small, light-draft boats can navigate it. At low-water stage the available depth from the St. Johns River to Silver Springs was 4 feet, and from Silver Springs Run to Lake Griffin 2 feet. It rises in Lake Griffin and flows in a northerly direction and empties into the St. Johns River, about 20 miles above Palatka. This is about 110 miles from the mouth of the St. Johns River. The total length of the Oklawaha is 86 miles. The original project was adopted in 1891 to give a navigable channel 4 feet deep at mean low water from the mouth to Leesburg, a distance of 94 miles, at an estimated cost of $26,000. The city of Leesburg is on the southern border of Lake Griffin. As a result of the work heretofore done, there is a well-cleared channel 6 feet deep from the St. Johns River for 32 miles, a practical channel 4 feet deep at ordinary low stages of the water to Leesburg, 94 miles from the mouth. The commerce consists of logs, general merchandise, naval stores, and fruit, and for the fiscal year 1912 amounted to 102,647 short tons, valued at $1,179,466. The report of the engineers says:

> There exists a large amount of produce that would without much doubt be shipped over the river if a better and more certain channel existed. A better channel would result in the establishment of a regular boat line, which would probably materialy lower freight rates. During the winter months excursion steamers ply between Palatka and Silver Springs. * * * Two steamers and five power boats ply the river the entire year, carrying passengers and general freight. There are over 75 launches on the river engaged in towing lighters and rafts and in general traffic.

The improvement proposed means a connection with the Atlantic through the St. Johns River and the joining of Lakes Griffin, Harris, Eustis, and Dora, and making available increased transportation facilities for all the valuable orange groves, truck farms, as well as for the cities and towns and settlements on these lakes and in the regions which would be reached by this improvement. It would give water transportation for all that productive and beautiful section of the State to Jacksonville, the distributing point, where railroads and ships compete for business. There is no more meritorious project, no improvement more needed anywhere in the country than this one. The item in this bill is based upon the favorable report of the district engineer, the Board of Engineers for Rivers and Harbors and the Chief of Engineers. (See H. Doc. 514, 63d Cong., 2d sess.)

The report of the Board of Engineers was made after a visit to the locality in April, 1913, and a thorough examination of all the conditions and public hearings upon the facts. Is it possible that people will be prejudiced against this most worthy project because some man in Wisconsin or Iowa or Connecticut, who was never within a thousand miles of it and knows practically nothing about it, chooses to call the stream a creek and the project a land-speculation scheme? If the objections to this bill are as miserably founded in the other cases as in this, the opposition is absolutely inexcusable. Gross misrepresentations have been made regarding this project, and some sinister reason must exist for them. I must believe Senators who do not like this item have been influenced by what they have read and heard in the way of criticism rather than by a study of the reports and conditions. I will illustrate what I mean directly. Neither the Oklawaha River nor the Kissimmee River project is in the interest of real estate speculation. Nor is any drainage or reclamation scheme involved. The reports will show that the project is for navigation purposes alone. If either benefits private parties in the way of furnishing transportation for products, as it should, it is only an incident to the improvement. Kyle & Young, or some such company, appear to own land on the Oklawaha River, and may likely be benefited to some extent, as it is hoped the people not only up and down the river but all over the State will be benefited by the improvement. The same is no doubt true with regard to the owners of land along the Kissimmee River, who will be incidentally benefited by the improvement; but while they are being benefited there is no doubt that the commerce of that section, as also general commerce, will likewise be benefited. Show me a project which, worked out, will not increase land values, will not increase productive acreage, which will not add to creation and distribution, and I will be able to point to a project which should not have been undertaken at all, a project where waste takes the place of conservation. Show me a project the completion of which means increase in land values, increase in productive acreage, a rich addition to creation and distribution, and I will point to a project it would be a short-sighted policy to overlook, almost criminal neglect to ignore.

The committee substitute reduces the recommended appropriation to $100,000, because it is believed it will supply the needs

of the work for a few months, when further provision will be made. This appropriation should have been made in time to take effect June 30 last, but, unfortunately, there has been determined effort to defeat this bill, even though it meant the sacrifice of our waterways, reversal of our policies, and violation of the pledges to the people.

CRYSTAL RIVER.

Severe criticism is made of this item:

Improving Crystal River in accordance with the report submitted in Document No. 4, Sixty-third Congress, first session, subject to the conditions set forth in said document, $10,000.

What conditions are referred to? They are:

*Provided*, That the town of Crystal River or other local parties interested shall expend an equal amount in public wharf and other public terminal development opposite the proposed turning basin, the $10,000 to be appropriated in a single sum.

In other words, the town or other local parties shall expend as much as the Government to make this improvement for the benefit of the public.

The Chief of Engineers recommended that the channel of the river which flows into the Gulf and brings the region into connection with the Gulf ports be redredged and the basin provided and the terminals constructed, the cost to the Government being only $10,000, the people of the locality to expend a like sum for the public use. Less than one-fifth of 1 per cent of the proposed bill is involved in this item, and it is made to do service in an effort to destroy the whole bill. This little project was adopted in 1902. The 6-foot channel has deteriorated, and to put that in condition and provide a small basin for the assemblage of boats the appropriation of $10,000 is recommended by the Chief of Engineers on the conditions named. The Chief of Engineers and the enterprising communities reached by the river never imagined the ridicule, sarcasm, and disgust of the Senator from Iowa would be hurled at them or that he would assume superior knowledge of this modest stream and still more modest improvement which becomes only important in his sight as a "horrible example." The Missouri River, which comes nearer home to the Senator—from Kansas City to Sioux City—has had $2,678,298, resulting in a navigable depth of 3 feet, and $150,000 is provided for it in this bill; and while the commerce carried over that reach during 1912 is reported as only 64,489 tons, the Senator is not shocked by the waste or extravagance there. Perhaps if Crystal River had been given $100,000 it would have escaped the Senator's attention entirely. I am sure if the good people served by Crystal River felt that item would endanger this bill, they would unanimously petition Congress to eliminate it, and they would if the Government, which owns and controls it for purposes of navigation, would permit, at their own expense, do the work the Government ought to do and make that contribution out of their own pockets to relieve a depleted Treasury.

Let me say that every one of these Florida items I mention and so justly criticized are items found in the bill when it came to the Senate.

CHANNEL FROM PENSACOLA BAY TO MOBILE BAY.

With reference to the proposal to strike this project from the bill by the substitute offered by the Senator from Ohio, I can offer no more convincing argument as to the unwisdom and injustice of such a proposal than to show you what the special board of engineers reported in House Document 610, Sixty-third Congress, second session. The report of the committee, on page 164, says:

The distance from Pensacola Bay to Bon Secours Bay, as the southeasterly arm of Mobile Bay is named, is almost exactly 30 miles in a straight line. The country between the two bays is low near the coast and is cut up by various bodies of water only partly connected with each other. Many different routes could be located through these stretches of water, differing from each other according as one or the other natural body of water is selected for the following link.

Then they describe what route is considered most feasible; and then they say, on page 165—referring now to the committee's report, No. 599:

The board is unable to see, at the present time, any necessity for a 9-foot canal between Pensacola and Mobile Bays. At Pensacola, however, there is considerable Government work being carried on and at Government military posts at Forts McRee, Pickens, Barrancas, and the United States navy yard at Warrington.

Warrington is practically in the suburbs of Pensacola.

A large quantity of coal is used by these various Government organizations as well as by the inhabitants of the country adjacent to Pensacola Bay and by steamships entering Pensacola Harbor. The Black Warrior River entering Mobile Bay is under improvement to provide a 6-foot navigation and at the present time some coal comes out of this river in barges drawing approximately 6 feet. If this section of the canal were opened with sufficient depth and width to allow the passage of these barges from Mobile Bay to Pensacola, a large saving to the Government in the cost of coal would be obtained and also to the people in general. This canal might be used for the transportation of various other commodities, particularly in the completion of loads of ships at either Pensacola or Mobile, where a partial cargo was to be obtained at each of these two ports and the cost of moving the ship would be greater than the cost of moving the partial loads by barges or where time would be saved by loading from both barge and wharf simultaneously. The board believes, therefore, that this section is worthy of improvement to the extent of providing a channel 7 feet deep and 75 feet wide on bottom at an estimated cost of $432,435, and so recommends.

That is the report of the special board appointed for the purpose of making an investigation and study of the conditions here and for the purpose of making their recommendations.

This improvement would give a waterway 30 miles long, 7 feet deep, and 75 feet wide, passing through a fertile country, not accessible to any railroads and only needing transportation facilities to experience rapid and permanent development. It would connect Mobile Bay with its commerce with Pensacola Bay and its commerce. It would be the connecting link in a continuous waterway between the coal fields of Alabama and Pensacola, the deep-water port of the Gulf.

That is the improvement recommended by the special board of engineers. I may say that the work on this channel is an inexpensive proposition. There are no engineering difficulties in the way. There is no rock, and the material, consisting of sand, can be easily disposed of. There are natural waterways along the entire route—lakes, bayous, and so forth—and it needs a small quantity of work to connect them up and make this a continuous waterway along the coast from Pensacola west, a link opening up the coal and iron fields of Alabama, bringing them to the Gulf and connecting with the waterway from Mobile to New Orleans, making a continuous waterway along that entire Gulf coast of immense value to that section. The cost is comparatively small, as you will see, and the recommendation is the result of the work of a special board appointed to make that study.

These river improvements come under the head of those which may be profitably provided for, as defined by the Senator from Ohio [Mr. BURTON] in his Views of a minority (S. Rept. No. 599, pt. 2.) The distinguished Senator from Ohio [Mr. BURTON] describes "improvements which may be profitably provided for in a river and harbor bill." Under the sixth head he names:

6. Shallow streams of considerable length in the interior flowing through level areas which can be made available or improved for navigation at comparatively small cost by snagging, removal of obstructions, and dredging of bars.

The Senator says:

Although it is contrary to a prevalent impression, rivers and creeks of the last two classes, the improvement of which has evoked very severe criticism, have been among the most profitable objects of expenditure by the Federal Government.

These rivers come also under the second head mentioned by the Senator from Ohio, as, for instance:

2. Rivers which offer access to cities or centers of consumption located at no great distance from the sea, upon which the haul by river can be combined with the movement by sea.

Under every rule laid down by the Senator from Ohio these improvements are justified. They are regularly before Congress upon surveys, examinations, and reports through all of the stages up to the Chief of Engineers, and from him, recommending their adoption and provision for the work.

REGULATION OF FREIGHT RATES.

In the minority views above mentioned, the Senator from Ohio says:

Notwithstanding the great advantages belonging to railway transportation, it is desirable that waterways which can be profitably improved be utilized. They have advantages in the greater freedom from competition and the possibility of establishing boat lines at a much less cost than the construction of an ordinary railroad.

I cordially agree with those views.

The National Waterways Commission, pages 9 and 10, said:

The tendency of waterways improvements to lower freight rates is an important element to be considered.

Again I agree. I think there can be no doubt about that. I think there can be no doubt, too, that the improvement of a waterway such as the Oklawaha River will not only afford means of transportation to thousands of tons of produce which otherwise could not get to market, but will lower the freight rates in all the region accessible to the waterway. An excellent illustration of that result is shown by House Document No. 514, Sixty-third Congress, second session. The rate of freight from Sanford, about the same distance as Leesburg, to Jacksonville, is nearly one-half that from Leesburg to Jacksonville. Sanford is on the St. Johns River, and while it has several railroad lines it has water competition. Leesburg is practically without water competition. That would be afforded by the improvement of the Oklawaha River.

The following is from the report made by J. W. Sackett, chief assistant engineer:

Sanford is on the St Johns River and at about the same distance from Jacksonville as Leesburg. The existing freight rates per hundred pounds between the two places and Jacksonville are as follows:

| Class. | Leesburg. | Sanford. | Class. | Leesburg. | Sanford. |
|---|---|---|---|---|---|
| | *Cents.* | *Cents.* | | *Cents.* | *Cents.* |
| First | 68 | 37 | Fourth | 45 | 24 |
| Second | 62 | 32 | Fifth | 38 | 19 |
| Third | 57 | 29 | Sixth | 33 | 16 |

Thus it will be seen that the freight rates on all classes from Leesburg averages nearly twice the rate from Sanford.

The rate on freight from Leesburg, now without water competition, to Jacksonville is nearly twice as great as that from Sanford, where they have water competition. The report shows (H. Doc. No. 514, 63d Cong., 2d sess.) Ocala and vicinity would likewise derive great benefits by the improvement. Referring to the improvement of the St. Johns River, the engineers state in their report (pt. 1, p. 581, H. Doc. No. 402, 63d Cong., 2d sess.):

Were it not for the improvement (of the St. Johns River) freight rates from Florida to northern points would be 50 per cent greater than they are.

It is ridiculous to argue that improvements of this kind have no material effect on freight rates. Is it reasonable to suppose that New York is deliberately throwing away $128,000,000 on the Erie Canal? While I would not venture upon an improvement of a waterway merely for the purpose and solely with the idea of lowering freight rates, that is a matter which is worthy of consideration and it is a result which will in a large majority of cases follow. It is no doubt true that often it would be advisable to improve a waterway—make it navigable, usable, and serviceable, and it will have a wholesome, beneficial effect as to freight rates, whether a boat plies it or not. We can not afford because of any foreign war, by reason of any disturbed conditions, and in response to any false alarm or hue and cry for political or other reasons to fail to provide for all the needful improvements and care and maintenance of our rivers and harbors and waterways by this legislative action. That official or individual who stands in the way of that public call will feel and ought to feel the emphatic disapproval of the people of the whole country, for whose benefit these great national public works are undertaken and maintained. We have not been hearing on this floor or reading in the press very much against the large expenditures in Ohio. Out of the $750,000,000, approximately, the Federal Government has spent on rivers and harbors the Ohio River and the harbors in the State of Ohio have already had about $90,000,000. Waterways in other portions of the country have waited and hoped and pleaded, and now, when it is a matter of spending a few thousand dollars to effect a needed improvement, we are charged with extravagance and reckless waste of public funds. After your waterways are developed to their utmost by the Government, you tell me I am raiding the Treasury when I ask the Government to make small provisions for the Government's waterways in another portion of the country.

The upper Mississippi River, which approaches the region from which some opponents of this bill come, although calling for millions of dollars, escapes criticism, while worthy projects requiring only a few thousand dollars come in for ridicule, sarcasm, and suspicion. For instance:

1. Between Brainerd and Grand Rapids, Minn., the effort is to get 3½ feet at a cost of $39,555.

2. Between Winnibigoshish and Pokegama and Leech Lakes the effort is to get 6 feet at a cost $296,000.

3. Between St. Paul and Minneapolis the effort is to get 6 feet, 11.4 miles, at a cost of $1,162,592.97.

4. Between Missouri River and Minneapolis the effort is to get 4½ feet at a cost of $20,000,000, on which, up to June 30, 1914, there had been expended $12,108,965.40.

We do not hear any very long and loud blasts against this project. If the expenditure was to be $20,000 instead of $20,000,000 very likely it would meet with suspicion and condemnation. When an appropriation reaches above a million dollars there seems to be something sacred about it. The length of time to consider it decreases as the number of millions increases. If the item does not extend in dignity above a few thousand it will call for unlimited discussion and unrelenting opposition.

5. Between Ohio and Missouri Rivers, to get 6 feet above St. Louis and 8 feet below, already appropriated, $16,895,000, and it is about 30 per cent completed.

The estimated cost of these five stretches is $38,980,871.17. These are not new items. If these improvements have been wrongfully undertaken, why have they been continued for years in the rivers and harbors bill? They increase the size of the appropriations very considerably. There does not seem to be any great complaint about them. Do they lead in the direction of low and diminishing opposition? Take the Missouri River. If there is a single item in this bill that is lacking in sound defense it is the item of development and maintenance from Kansas City to Sioux City, $150,000, and also the item of completing improvement and maintenance from Sioux City to Fort Benton, $350,000. There is practically no navigation to be accomplished, and the main use of the money is for shore protection. Where were the Senators opposing this bill when this project was adopted by Congress in 1910? Why do we not hear vigorous protests against this appropriation? Is it because it goes close to Iowa?

PIECEMEAL POLICY.

The Senator from Ohio [Mr. BURTON] claims there are glaring defects in the present methods of making appropriations. He claims the plan now in existence and pursued in the pending bill is based upon what he calls a "piecemeal policy." The strictures by President Taft in 1910 regarding "inadequate provision for too many projects" do not apply when there is an annual bill. The policy of an annual bill is founded on a purpose to continue without interruption an improvement once begun to completion. This is accomplished by providing each year for the work which can be done the ensuing year. The "piecemeal policy" obtained when there was a bill once in two or three years, but it can not obtain when there is an annual bill. The Senator gives, in the "Views of a minority," page 3, illustrations of this piecemeal policy he disapproves.

He mentions 22 improvements now under way. One of these, the Ohio River, he discussed and gives the cost for completion $51,057,000. Would he have that taken care of in one bill and the whole country wait until the improvement as planned was completed? Would he add to that East River and Hell Gate, the cost for completion of which is $13,400,000, and say until these two projects are completed no work shall go on elsewhere? Would he add to these the Mississippi River between Ohio and Missouri Rivers, the cost of which for completing will be $17,250,000, and stop all work elsewhere? Is this what is meant by a change of policy from "piecemeal" to "making provision for an entire project in our rivers and harbors bill"? I fail to see the advantage or wisdom in such a change or the justice of the criticism of the present policy. Take the three projects just mentioned. Would it be advisable to appropriate $86,000,000 in the bill for their completion and delay all other improvements until they were finished? Suppose that were done, and after these projects were completed we should take up the Mississippi River between Missouri River and St. Paul, requiring to complete $13,500,000, and Missouri River, Kansas City to mouth, needed to complete $15,600,000, and, say, Chesapeake & Delaware Canal, $10,000,000, you would have a bill providing for $39,000,000. Should all other rivers and harbors and waterways throughout the country wait for the completion of these three projects?

It seems to me quite out of the question, and that our present policy is the feasible and advisable one.

The statement that this is a "pork-barrel" bill, meaning to include all that elegant term implies, is absolutely untrue. Let that be sounded from boundary to boundary of this country. I repeat the allegation, carrying with it the implication which attaches to the expression, is not true. Again and again I would have that answer ring throughout the land—the charge is not true. Not only that, but the people who make it give evidence, more or less persuasive, that they do so through ignorance or to serve some ulterior purpose. For proof I refer to the recorded facts regarding the various projects embraced in the bill. A detailed examination of each item is not practicable here. It would necessitate a repetition largely of what the hearings and reports which are printed show. But for further proof and for irresistible justification of the answer to this charge, let it be known everywhere that the Board of Engineers for Rivers and Harbors or the Chief of Engineers, and generally both, have reported favorably upon 348 of the 350 items in the bill. Only two items—Arcadia Harbor, Mich., and Lake Contrary, the appropriation proposed for the former being $25,000 and the latter $75,000, a total of $100,000—are not supported by such favorable reports of the engineers. The rule holds good. Those who charge that this bill is full of "pork" are thereby charging that the Army engineers are either corrupt or incompetent. My judgment is the country has more confidence in the Army engineers than in such detractors. I take my stand with the

Army engineers, and whether my estimate of the situation is accurate or not I know that it should be the actual condition.

I know the Army engineers have no purpose other than the highest; have no motive other than the most upright; have no sentiment but a sense of patriotic, public duty; they have no occasion to "play to the galleries"; they have no need to manufacture political capital; they have no temptation to advertise and boost for a reputation for superior virtues by attacking the honesty and good faith of others; they are not desirous of airing their learning at the expense of accurate information, scientific research, and mathematical calculations; they are not tempted to pose as guardians of the safety and well-being of the country and profess a public interest they deny to others; they proceed by getting accurate data, by the exercise of inexorable logic and strict integrity and good sense; they do not act without correct and full information and conscientious consideration. That action ought to have weight. It is not to be brushed aside in response to some theory or guess or misinformation. Wish it or desire it, as you may, it will not be rejected or discredited to any material or permanent extent in the estimation of the public.

The Senator from Iowa has characterized this bill as "pork barrel." He assumes to know more about projects he never saw, knows personally nothing about, thousands of miles from his State, than the engineers who have personally examined every detail of the projects and reported favorably upon them. After so denouncing the bill, he submits his demand that certain items be eliminated, and from the extent, violence, and repetition of his denunciation you would imagine those items would approximate at least half the bill. Astonished must stand his waiting countrymen when they know he only specifies for elimination this far 10 minor items, altogether carrying $271,275 of the $53,683,000 carried by the bill as reported to the Senate. Three of these are Florida items, for $175,000, $47,000, and $10,000, respectively, each one of which is approved by the Chief of Engineers and is in every way meritorious. These, according to the Senator, should contribute to defeat the whole bill. I would be willing to leave the decision as to their merit to any reasonable man or set of men anywhere. Instead of condemning a great measure for such petty reasons as are given, it seems not to have occurred to opponents of the bill that they have the undisputed privilege of attacking any item of the bill separately as it comes up for consideration, and instead of delaying and defeating the whole measure they have the absolute right to discuss and dispute and test each separate item when it is reached. This would be the fair, just course; but the preference plainly is to defeat the whole bill, less than 5 per cent of which are they able to even criticize. The Senator from Iowa wants a compromise, he says. He wants to dictate what shall and what shall not go in the bill. If this is not conceded to him, he proposes to keep up his filibuster. This, too, in the face of his profession that he would like to "save the situation for the people along the lower Mississippi River, many of whom will lose their lives and their property if something is not done." In the face of that acknowledged situation, what awful responsibility gentlemen are taking upon themselves in striving to defeat, in even delaying, this bill! The Senator from Ohio knows, if the Senator from Iowa does not, that the Board of Engineers for Rivers and Harbors was created in 1902 and was charged with functions which were intended to and did put an end to practices which under the former system inevitably gave rise to what got to be termed "pork-barrel" bills.

Are we ready to abandon our policy with respect to improvement of our rivers and harbors?

Great stress is laid on the amount of the appropriations, on the fact that our revenues for carrying on the affairs of the Government must be replenished by additional taxation; that general expenses are increasing and it is essential to economize. With great solemnity and profound reasoning and tiresome reiteration the most undisputed propositions are laid down. If they are intended to serve as arguments against this bill, they fall flat because totally irrelevant. If they are not, they simply serve to consume time.

Surely, because we must raise some revenue by reason of a temporary and extraordinary situation not heretofore contemplated, is no sufficient reason for neglecting our needed internal improvements or for permitting those under way to be abandoned and a large portion of the previous expenditures to be wasted. Because—deplorable though it is to the last degree—grim peril runs riot among the bravest and strongest on European battle fields, we need not let our harbors fill and our rivers choke. Because—sad and dreadful though it is—ravenous death leaps and laughs among the very flower of Europe, where horrible war works havoc, destruction, and distress, we should not fail to put our navigable streams in order, make our rivers serviceable to the people, and open our harbors for the commerce seeking them. While Valkyries fill the air from the Channel to the Mediterranean and their calls echo to the heavens as they escort the souls of heroes to the peace that is lasting, it would be a shortsighted policy to overlook the obligation of the National Government respecting the free highways of trade and roads to market places and means of distribution and facilities for transportation in our own country, happily spared the disaster and suffering experienced across the ocean.

Out of every dollar received by the Government not over 5 cents now go to improve our rivers and harbors. It would be a false economy to reduce this, especially when, as to many of our people, they "will lose their lives and their property if something is not done." I appeal to the Senate not to permit this bill to be emasculated or defeated. Do not permit the prejudice growing out of such misinformation and misrepresentation as I will show you now influence you to reject meritorious enterprises the Government should undertake or to abandon improvements the public good requires should be accomplished.

The Senator from Iowa felicitates himself that his efforts will cause the people to be enlightened regarding this bill. Here is a sample of the information published to the country. I am sure the friends of the measure will be glad if the truth could be known and the real facts given.

I received on the 18th the following letter from Mr. Herman J. Zeuch:

DAVENPORT, IOWA, *September 17, 1914.*

Senator FLETCHER,
*United States Senate, Washington, D. C.*

DEAR MR. FLETCHER: Inclosed find a clipping from the Chicago Tribune of even date, to which I have replied as per copy of letter inclosed.

I am sending you this simply for information.

Yours, very truly,

HERMAN J. ZEUCH.

I telegraphed immediately to Mr. Zeuch, on September 18, to this effect:

Thanks for yours of 7th. May I use letters and inclosures in discussing bill in Senate?

To which he replied on September 18, as follows:

DAVENPORT, IOWA, *September 18, 1914.*

Senator DUNCAN U. FLETCHER,
*Washington, D. C.:*

Only facts are given in my letter to Chicago Tribune, consequently see no reason why you should not use this information.

H. J. ZEUCH.

The clipping to which Mr. Zeuch refers appears in the Chicago Tribune of Monday, September 7. The headlines are:

PLAN TO FORCE SENATE TO ACT ON "PORK BARREL"—BACKERS OF MEASURE ASK THAT IT BE CONIDERED ITEM BY ITEM—OPPONENTS SEEK DELAY—WHAT THE PORK-BARREL GRAB MEANS.

* * * * * * *

[By a staff correspondent.]

I will not read the whole article, but will refer to that which concerns the two items mentioned in Florida:

Senators FLETCHER and BRYAN, of Florida, are also anxious to have the measure approved as soon as possible.

FLORIDA RIVERS ARE CITED.

Kissimmee River, in Florida, dry eight months in the year, is given $47,000. Representative FREAR, of Wisconsin, in his fight on the bill in the House, suggested that instead of appropriating money to pump water into this alleged river the Florida delegation should take out a fire insurance policy to prevent it from burning up.

The Oklawaha River, in Florida, also comes in for a tidy sum—$733,000. It was a winding stream of no particular benefit to anyone except a man named Young, who owns 4,000 acres along its banks. If it is improved at Government expense, Young's land will increase in value $200 or $300 per acre.

A somewhat similar article appears in another paper, which I might as well at this point read into the RECORD, dated Meriden, Conn., September 10, 1914, and headed "The pork-barrel steal":

In the face of a war tax in time of peace, which confronts the country, the "pork-barrel" bunch in the Congress of the United States are working might and main to push through a notorious "grab" of $93,000,000.

Of course, where the $93,000,000 comes in no one can understand. There never has been any such proposition involved in this bill during its pendency in either branch of Congress.

If the committee's amendment proposed to section 1 is adopted the bill would carry, cash and authorizations, a total of about $35,000,000.

Considering that the war tax is to be laid to make up an estimated deficiency in revenue of $100,000,000, it is nothing less than highway robbery to insist upon taking $93,000,000, practically enough to make the war tax unnecessary, out of the United States Treasury for the purpose of dredging creeks in the South and West.

Senator SIMMONS is particularly anxious to rush the passage of the measure, for 25 creeks in North Carolina draw down over $1,000,000 in Government money under its terms, while a harbor of refuge near Cape Fear will get more than $500,000. The practical value of every one

of these alleged improvements has been questioned by the opposing Senators.

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Mr. Zeuch sent a letter to the Chicago Tribune, dated September 7, 1914. I have no information whether it was published or not; but I desire to read it, because it comes from an entirely disinterested source and from a citizen of a State which is opposing this measure with great zeal. It reads as follows:

SEPTEMBER 7, 1914.

EDITOR CHICAGO TRIBUNE, *Chicago, Ill.*

DEAR SIR: In to-day's issue of your paper, on page 16, column 1, appears an article, "What the pork-bill grab means." Under the head "Vicious items," you refer to some creeks in North Carolina, after which you assail the items pertaining to Florida. It is the latter that has induced me to offer this protest against your ill-advised stand.

Your staff correspondent expresses the most profound ignorance in reference to Florida and Florida's streams. In this article he states that the Kissimmee River is dry eight months in the year, when, as a matter of fact, he should have stated that it overflows its banks in many places over four months in the year.

The Oklawaha River he mentions as a winding stream of no particular benefit to anyone except a man named Young, who owns 4,000 acres along its banks, and if improved at the Government's expense Young's land will increase in value $200 to $300 per acre. The dense ignorance of such a statement is nothing short of criminal. I do not know Mr. Young, have never seen him, have no interest in his project, but I have been on the tract of land referred to, which is owned by a Florida corporation and not by Mr. Young personally.

In the first place, the tract is only a speck on the banks of the Oklawaha River; the owners have diked the river at their own expense, cut a channel of several miles' length, and, so far as their own lands are concerned, would reap no direct benefit from this contemplated improvement, aside from the fact that it would furnish water transportation to Jacksonville for the farmers from an exceedingly fertile region and also result in the reclamation of many other tracts equally as valuable as the Young tract now owned by men who have not the private means to accomplish what has been accomplished in the case of the Young tract.

Florida has the soil and climate to grow enough vegetables and fruit for the entire Nation if a systematic business course is pursued in reclaiming her overflowed lands; but if Congress persists in playing politics rather than adopting constructive business methods, the cost of living, instead of receding, will be going higher and higher and the masses of consumers will be paying the price for sending politicians rather than conservative, hard-headed business men to represent them in the halls of Congress. Nor is Congress altogether to blame when such publications as yours take such an unwarranted position as you have taken in the Oklawaha River improvement project.

I am not a Democrat, have been out of sympathy with much that the Wilson administration stands for, but I do believe in giving credit where credit is due, irrespective of politics or other considerations. If the present administration carries through the Oklawaha River project, it will mean a distinct service to the American consumer.

Inasmuch as you have published your staff correspondent's letter, I will ask that you give this answer the same publicity.

Very truly, yours,

_____.

The Kissimmee River was never dry eight weeks or eight hours or eight minutes since Florida came up out of the ocean.

The suggestion about an insurance policy I have no idea originated as stated, because it is a display of that character of wit which shows a lamentable absence of both veracity and brains.

The statement or insinuation that the Board of Engineers for Rivers and Harbors, after personal examination and study of conditions, recommended the improvement of the Oklawaha, a river 86 miles long, because some individual owned 4,000 acres of land which would be enhanced in value by it I presume would not be believed by any man in Iowa or any other State unless he possessed the credulity that would prompt him to buy hair restorer from a baldheaded barber.

This sort of thing is the basis for the alleged popular approval of opposition to this bill. Such claim, as to newspapers and magazines at least, has been made. No wonder, when systematic publicity is given to falsehoods like this.

The Senator from Iowa quoted from a document as to terminals, and claimed that Jacksonville was in the hands of railroads as to her terminals and owned only the ends of streets for municipal docks. The Senator should have brought his data down to date. If he had done so, he would have stated that Jacksonville is at this very time investing a million and a half dollars of her own money in municipal terminals and docks.

GENERAL DEPRESSION AND ECONOMY ARGUMENTS.

There have been gloomy predictions of a general depression. The argument is we must cut down appropriations in this bill because there is apprehension of hard times they say, when money will be scarce and people will be out of employment. This argument strengthens my belief that the bill as it came to us was not too large; neither would it be, amended as the Commerce Committee has proposed, although in the circumstances so much delay has occurred that I favor the committee substitute. Broadly speaking, when the "times are hard" those are the very times when our Government should be most liberal in its appropriations for public work. In no better or more effective way can it put into circulation needed money or properly furnish employment to those who are without.

Much preachment about economy has been indulged in, as if that constituted an argument against this bill. It has the same, and no more, to do with this as with every measure calling for expenditures, such, for instance, as authorizing the purchase of land and erecting thereon a building for the use of the Department of Justice. No one disputes or questions the advisability of observing due economy in all our governmental affairs. No one advocates waste or extravagance; no more in respect to rivers and harbors than in respect to any other governmental function.

Of course we could reduce the appropriations in this bill by striking out items, discontinuing projects, neglecting work that should be done, and, more still, by not passing any bill at all. This would not be wise or economical in the long run. Anyone not biased beyond redemption will admit that. Sometimes a government, like an individual, may be compelled to do what would not be done without such compulsion. No necessity operates to force the Federal Government to sacrifice its rivers and harbors or abandon the needed improvement of its rivers.

The bill as reported to the Senate carries appropriations and authorizations for continuing contracts amounting in all to $53,683,004. If the committee substitute is adopted, this total will be reduced to about $35,000,000. To reduce it more is unasked for and would mean unwise, unjust, and discriminatory treatment of worthy projects having well-founded claims on speedy action by the Government in various portions of the country.

Comparing this bill with others which have preceded it—and, to make the comparison more compelling, I would call attention to the appropriations in bills which the distinguished Senator from Ohio, then chairman of the Rivers and Harbors Committee of the House, had active part in passing—take the years 1899 to 1907, inclusive. We find that the cash appropriations for those years amounted to $110,898,991, and the contracts authorized amounted to $127,909,365, making a total, say, for the 10 years, until the bill of 1909, of $238,808,356. They were as follows, appearing on page 3 of the report on the rivers and harbors bill No. 599:

| | |
|---|---|
| 1899—Appropriations | $15,841,841 |
| Contracts authorized | 21,548,324 |
| | 37,390,165 |

The distinguished Senator from Ohio was then chairman of the Rivers and Harbors Committee of the House and reported that bill, carrying $37,390,165—

| | |
|---|---|
| 1900—Appropriations (emergency) | $560,000 |
| 1902—Appropriations | 26,771,442 |
| Contracts authorized | 38,586,160 |
| Total | $65,357,602 |

And now we are told about waste and extravagance respecting a bill carrying $35,000,000—

| | |
|---|---|
| 1904—Appropriation (emergency) | $3,000,000 |

It seems to have been rather a favorite performance in those days to make emergency appropriations—

| | |
|---|---|
| 1905—Appropriations | $18,181,875 |
| Contracts authorized | 17,184,657 |
| Total | $35,366,532 |
| 1907—Appropriations | $37,108,083 |
| Contracts authorized | 49,954,349 |
| Total | $87,062,432 |

Making a total with which the Senator from Ohio rounded out his distinguished career in the House as chairman of the Rivers and Harbors Committee of $87,062,432.

In 1900 and 1904, as I have stated, there were emergency appropriations. It is generally supposed that the country has grown and necessities have increased along with our industries, production, and consumption, yet the cry of "economy" and the alarm about taxes are made to serve the purpose of defeating a measure now calling for only $35,000,000, over $2,000,000 less than the bill of 1899. It will be noted that the bill of 1907, framed, presumably, under the supervision of the chairman of the House committee, now the Senator from Ohio, carried appropriations amounting, as I have said, to $87,062,432. I do not remember those days as being particularly "flush times," either.

No, Mr. President, none of the reasons given, none of the arguments employed, even remotely justify the opposition to this bill. I trust those Members of the Senate who know what will be willing to do a little extra work and submit to discom-

fort and inconvenience if necessary to make the overwhelming judgment of this body effective as expressed in the enactment into law of the pending measure.

Mr. SHIELDS. Mr. President, as a Member of the Commerce Committee, I have taken a great deal of interest in the pending bill and have considered the report of the Chief of Engineers upon which it is predicated with great care. In my opinion there is not a project in it that is not meritorious and deserving of the support of the Federal Government. I have never known a record distorted and misrepresented as grossly as has been done in this case. No impartial man can read the report of the Chief of Engineers and fail to come to this conclusion.

The Senator from Ohio [Mr. BURTON] has led the assault upon the bill. He is a member of the Committee on Commerce. Many of the projects he has here assaulted in his wild and mad career through the bill were not mentioned by him while they were being considered by the committee, but were passed over with at least his implied approval. Upon this floor he has attacked many that were not there objected to and that are now included in the substitute he has offered for the committee bill, thereby impliedly pledging his support to them. His course has been so inconsistent that no Senator should follow him without a personal examination of the record.

Mr. President, the best way to show the absolute unreliability of the charges made against this bill is to take up certain items that have been attacked by those opposing the bill and consider them.

Among the items that have been assaulted by the Senator from Ohio is the Upper Cumberland River in Tennessee and Kentucky. It is true that he objected to this item when the bill was before the committee, but he did so in a perfunctory manner. He made no statement of facts and offered no argument to show why it should be excluded. Upon this floor, however, over a period of several days in which he has addressed the Senate, he has again and again referred to it as a new project, utterly without merit, and one that should be stricken out.

The best way to show the injustice of this attack is to give a plain statement of the history of the project and of the facts upon which the Board of Engineers acted in recommending its adoption.

Mr. President, the Cumberland River is not an insignificant stream, and the project for its improvement is not a new one, as might be inferred from the attack made upon it. On the contrary, it is one of the most important waterways of the country, and the advantages to be derived from its improvement have challenged the attention of the States through which it flows and of the Congress for nearly a century. It has its source in the Appalachian Mountains, on the borders of West Virginia, and flows southward and westward through the States of Kentucky and Tennessee, and finally northward to its junction with the Ohio River near Paducah, Ky., only a short distance from the Mississippi River. Its entire length is about 700 miles, and its navigable length, from Burnside, Ky., to its mouth, 518 miles. The valley through which it flows and the hill and mountain country adjacent to it are comparable in agricultural and mineral resources and forest products to any in the United States, and are inhabited by a people as intelligent, energetic, and courageous as any section of the Union.

The value of the Cumberland River as a commercial highway was recognized by Kentucky and Tennessee as early as 1820, and appropriations were then and subsequently made by both of these States for its improvement. Its importance was recognized by Congress about the same time, and in 1832 and 1838 appropriations were made by Congress for it. A more thorough survey of the river was made under the direction of Congress in 1871, and a more systematic scheme of improvement was adopted and commenced and appropriations made from time to time to accomplish it. It is not a project to furnish competition with railroads but to furnish transportation where none exists.

For convenience the river was divided into two sections—that below Nashville, Tenn., being designated the lower Cumberland, and that above the city the upper Cumberland. The lower Cumberland was improved first, and by the construction of four or five locks and dams the river has been made navigable to Nashville for nearly the entire year, greatly to the commercial advantage of the country through which it flows. The appropriations which Congress has made for this part of the river to the present aggregate $1,893,000. The project under consideration, however, does not relate to this part of the river, and I will not further refer to it.

The upper Cumberland, from Nashville, Tenn., to Burnside, Ky., is 325 miles long and varies in width from 400 to 500 feet in low water. For five months out of the year, from the latter part of December to the 1st of June, previous to the improvements made, it afforded navigation for boats drawing 6 feet of water for about one-half of the distance, and for boats drawing 2½ feet of water the entire distance. The watershed drained by it covers the most of 15 counties in Kentucky and Tennessee and has an area equal to that of the whole State of Connecticut, twice that of Delaware, and three times that of Rhode Island. The Louisville & Nashville Railroad crosses the river at Nashville, Tenn., and the Cincinnati Southern Railroad crosses it at Burnside, Ky. The Tennessee Central Railroad runs parallel with the river from Nashville to a point near Carthage, Tenn., which is 66 miles by rail above Nashville. The country along and tributary to the river between Carthage and Burnside, the extent of which I have stated, has no other transportation facilities than those afforded by the river. There are no railroads penetrating this section, and on account of the mountains hemming it in and the location of the present competing lines, it is not probable that any will ever be constructed, and if the proposed improvement is not made, the people of this large territory will practically be forever barred of access to the markets of the country.

In 1882 Congress directed a survey to be made of the upper Cumberland to more accurately determine the feasibility and cost of improving it from Nashville, Tenn., to Burnside, Ky., by the construction of locks and dams. The result of this survey, made in 1882–83, was a report that by the construction of 21 locks and dams a minimum depth of 6 feet to Burnside could be secured, and by the construction of 7 other locks and dams a like depth could be secured to Smith Shoals, a point 32 miles above Burnside, and the cost of the entire improvement was estimated to be eight and a half million dollars. The project was adopted in 1886 and the construction began in 1888, and has been continued, save one temporary suspension, to the present time. Congress has appropriated in all for the canalization of the upper Cumberland $3,317,500, and Locks and Dams Nos. 1, 2, 3, 4, 5, 6, and 7, located consecutively above Nashville, and No. 21, located 20 miles below Burnside, have been completed and placed in operation. Some work has been done on Lock No. 8, but it is incomplete.

The result of these improvements is that at the present time, from Nashville to Sand Shoals, the upper part of the pool of Lock No. 7, a distance of 127 miles, and from Lock No. 21 to a point 5 miles below Burnside, the site of Lock No. 22, a distance of 24 miles, there is slack-water navigation with a minimum depth of 6 feet, and from the site of Lock No. 22 to Burnside, a distance of 5 miles, a minimum depth of 3½ feet. The intermediate section between Sand Shoals and Lock No. 21, which it is proposed to improve by the construction of 10 locks and dams, now has a depth of 3 feet for 6 months of the year, between the months of December and June, but during the remainder of the year it is not navigable. The fall in this stretch of the river is about 223 feet, or about 8 inches a mile, and its banks are high and firm, conditions which make slack-water navigation cheaply accomplished by locks and dams. This stretch of the river is 172 miles long, and it is evident that this improvement is necessary in order that the benefits of the money already expended below and above it may be fully obtained.

The Board of Engineers visited Nashville in February, 1906, almost without notice, and after a very brief and limited hearing of the case, reported that the commerce on the river did not justify further improvements at that time. I quote from their report:

> The board is of the opinion that the regulation of the river and * * * the completion of Locks and Dams Nos. 3, 4, 5, 6, and 7, above Nashville * * * is worthy of being continued by the United States, but that the construction of the locks and dams proposed between Carthage and Burnside, except No. 21, now under contract, is not at present justified by the commerce involved.

The board did not condemn the project. They merely stated that the completion of the locks projected between No. 7 and No. 21 was not at that time justified by the commerce involved. At no time has any district engineer, division engineer, the Board of Engineers, or the Chief of Engineers condemned the ultimate completion of the project, the work for which the present appropriation is made; but, on the contrary, all these officers have found it to be a worthy project and one that should be at some time completed.

Maj. Harts made a report upon this project in 1910, from which it seems he felt at least constrained by the report of the Board of Engineers, and made no recommendation for a renewal of the work on the locks and dams at that time, but does in substance state that the project is meritorious and contemplates the construction of locks and dams as now proposed. He says:

> If Congress should decide that improvement projects are not to be restricted to such work as will meet the actual demands of existing

water-borne commerce, but that expenditures may also be properly made for the development of localities whose commercial importance is mainly prospective; then this region would probably be a good field for the trial of the new policy.

He further says:

The earlier project of the improvement of the river in this section involved open-channel work, the closure of side channels, and the development of navigable depths by dikes, spurs, and training walls. This project later gave way to the more comprehensive one of locks and dams. * * *

It seems undesirable to do any extensive work now under the older of these plans, as it is only a question of time until the second and more comprehensive project must be again adopted. The wisest course at present would therefore be to maintain the present conditions until the worthiness of the stream for a complete slack-water system is more plainly demonstrated by increased use.

This report is to be found in House Document No. 632, Sixty-first Congress.

After this, March 2, 1912, complying with a resolution of the House Committee on Rivers and Harbors, passed February 15, 1912, the Board of Engineers directed Maj. Harry Burgess, the district engineer, to make a further report for the purpose of determining whether or not the contemplated improvements between Locks Nos. 7 and 21 should be completed, which he did, and filed his report October 29, 1912. This report was based upon the data obtained by the survey made in 1883, and upon meager and incorrect statistics of the commerce on the river. It was favorable to the project, but recommended a division of the cost of the improvements between the United States and the States of Tennessee and Kentucky. I read from this report, pages 50–51, House Document No. 10, Sixty-third Congress:

It is undoubtedly true, as stated before, that this large section in Tennessee and Kentucky is being retarded in development by the lack of efficient and convenient transportation facilities, and that uninterrupted river navigation would be of great benefit to the entire section. It is also true that an increase in river navigation would follow the completion of the improvement. Even the shippers who now use the river would be considerably benefited, since their shipments could be made at any time of the year, permitting the farmers to hold their products for more favorable prices.

After quoting from Maj. Harts he continues:

In the above quotation Maj. Harts suggests that "this region would probably be a good field for the trial of the new policy" (of developing localities whose commercial importance is mainly prospective). I agree with Maj. Harts and invite especial attention to this suggestion. I might add here, however, that under conditions like the present, where the local benefits appear to clearly outweigh the national or general benefit, it would seem to be an especially meritorious case for dividing the cost of the improvement between the United States and the two States interested in the work. The opening up to free and full development of the large areas in Tennessee and Kentucky by giving this section year-round navigation would necessarily be of great benefit to those States by the resulting increase in population, in assessable value of property, in value of farm products, in numbers of live stock, and in the consumption of articles manufactured in the larger cities of those States; and would result in the local benefits to those States outweighing the national or general benefit arising from a small increase in the movement of water-borne freight.

The Cumberland River Improvement Association, an organization of citizens and business men of Tennessee and Kentucky interested in the improvement of the river, then for the first time made a careful investigation of the commerce of the river and compiled the facts collected, which demonstrated that all previous estimates were grossly erroneous and did not show more than one-half of the actual commerce and traffic. These facts were submitted to the Board of Engineers, and Maj. Burgess was then directed to resurvey the river and make a further investigation and report, which he did in a most thorough manner. This report was favorable to the project, Maj. Burgess being of the opinion that it was well worthy of completion, which could be done by the construction of 10 locks and dams instead of 13, as provided in all former reports, between Lock No. 7 and Lock No. 21, already constructed and in operation, the estimated cost being $4,500,000. His findings and conclusions are stated in sections 6, 7, 8, and 35 of this report. I will read them:

Assuming that the lower pool at Lock No. 21 must be at such elevation as to give a depth of 6½ feet on the lower miter sill of that lock, the total difference in level to be overcome between the pool of Dam No. 7 and the lower pool at Lock No. 21 is about 127.5 feet; and since locks and dams of 12½ feet average lift can be constructed in this part of the river without extensive flowage damage it was determined to attempt to locate 10 locks and dams of the average lift of 12¾ feet for the purpose of canalizing the unimproved section. Detailed study of the large scale map showed that satisfactory sites can be found for the 10 locks and dams, and that the canalization can be more easily and economically effected by 10 new locks and dams than by the 13 proposed in 1883. In the table below are given data referring to the proposed additional locks and dams, together with estimated cost thereof. In preparing estimates it was assumed that the locks would follow the design of Lock D, now under construction on the lower river, and would have the chamber dimensions used for all of the Cumberland River locks, with a guard of 15 feet. The dams are assumed to be of timber of the type of Dams Nos. 1 to 7.

If this work of improvement is undertaken by Congress, the first appropriation should be sufficient to cover the cost of completion of Lock and Dam No. 8, and an amount of approximately $90,000 for the purpose of purchasing the land necessary for the locks and abutments of the remaining nine locks and dams; or a cash appropriation of about $250,000 may be made, with authorization for contracts for the remaining $201,000 necessary to complete No. 8. Part of the land required for No. 8 has already been purchased, and while that lock is under way the necessary examination of titles for land at the other sites can be made and the land can be purchased. In order to complete the work as rapidly as practicable, there should be appropriated each year a sufficient amount, plus the contract authorization, to permit contracts to be let for two locks and dams complete. (See par. 34.) The cost of operation and maintenance of the 10 additional locks and dams is estimated at approximately $5,000 annually for each, or $50,000 per year for the 10.

Commercial features: Since my report of October 29, 1912, Mr. W. H. Myer, president of the Cumberland River Improvement Association, has devoted considerable time to the collection of commercial statistics and other information bearing on the probable use to be made of the improved river in case the slack-water system is completed between Nashville, Tenn., and Burnside, Ky. He has not only collected statistics which appear to me to be much more reliable than any heretofore secured by the district engineer office, but he has put me into communication with some of the leading men engaged in various industries in the upper Cumberland Valley, from whom I obtained valuable information as to the effect which improved transportation facilities would have on their particular lines of business. When I made my preliminary report the information made available for my use by Mr. Myer was not at hand, otherwise my recommendation would have been favorable to the proposed completion of the improvement of the upper Cumberland.

His conclusion is in these words:

My conclusion is that, in view of the extent of the present traffic and the likelihood of a considerable increase therein following the completion of the improvement, the early completion of the canalization of the Cumberland River between Nashville and Burnside by the construction of 10 additional locks and dams, at an estimated cost of $4,492,000, is advisable, subject to the conditions suggested above in paragraph 33.

The conditions referred to in section 35 are that the local authorities indemnify the Government against all damages accruing from overflowing adjacent lands, which are small and will be provided for and paid as therein suggested. This report does not recommend that Kentucky and Tennessee be required to pay one-half of the cost of this improvement, as the former one did.

The survey of the river made by Maj. Burgess was the first made since 1883, and he was the only engineer who personally made a physical examination of the river after that time. He is also the only engineer who traveled through the country and personally investigated its resources and commerce. The report made by him covers some 15 pages of the report of the Board of Engineers for Rivers and Harbors on the Cumberland River above Nashville, made to the House Committee on Rivers and Harbors of the Sixty-third Congress and published in Document No. 10 of the committee. It is the result of a careful personal inspection of the river between Burnside and Nashville, and investigation of the resources and commerce, present and prospective, of the country tributary to the river and to be benefited by the proposed improvement, all of which are therein elaborately stated and fully sustain the conclusion reached.

Col. C. H. Newcomer, division engineer, in a report to the Chief of Engineers filed January 3, 1914, was of the opinion that the project should not be adopted unless the States of Kentucky and Tennessee would contribute one-half of the estimated cost of construction, thus concurring with the district engineer in the advisability of the improvement, but disagreeing with him as to who should bear the expense, seemingly because of the great local advantages that would accrue to these States on account of the increased value of property caused by the opening of the river for navigation during the entire year.

This requirement of a division of the expense was, as I understand the history of the improvement of the rivers and harbors of the country, an innovation and a discrimination against this project, and radically unfair and unjust. The fact that the Members of Congress named in the report of Col. Black, which I will read later, went before the Board of Engineers in behalf of this project has been referred to as evidence of political influence exerted to procure favorable action by the board. There is not the slightest foundation for such a statement, as abundantly appears from the arguments made by the Senators and Representatives before the board appearing in full in the hearings. The project had been reported worthy of completion, and the only open question was whether the United States should bear all the cost of construction, or only one half of it, the other half to be borne by the States of Kentucky and Tennessee. It was to protest against the injustice of this discrimination, and to insist that the people of the upper Cumberland be given the same aid and assistance in the development of this country as done in other sections. I say the hearings in which the statements of all those present are given in full, show that this is true.

Col. W. M. Black, senior member of the Board of Engineers, in a report made by him to the Chief of Engineers, concurred in all things with Maj. Burgess. I read his report from pages 2, 3, and 4 of Document No. 10:

The question of improving the Cumberland River above Lock and Dam No. 7 has been considered a number of times, and the general physical

and commercial conditions have been covered in reports now before Congress. The more recent of these, which bear directly upon the improvement now under consideration, are published in House Documents No. 690, Fifty-ninth Congress, first session, and No. 632, Sixty-first Congress, second session.

Upon receipt of the resolution quoted above the board requested and later obtained a preliminary report from the district officer, dated October 29, 1912, covering the questions to be considered at the present time. That report contains an exhaustive discussion of the historical, physical, and commercial data available up to that time. A hearing was given in the office of the board on December 5, 1912, which was followed by a recommendation for a survey, the report of which bears date of December 30, 1913. These reports are full and comprehensive, and it is not considered necessary to go into details at this time. The essential facts obtained are as follows:

The distance covered by the survey from Locks Nos. 7 to 21 is about 171 miles, the fall being 127.5 feet. The original slack-water project for this reach provided for the construction of 13 locks and dams, while the present survey indicates that the number may be reduced to 10 without undue flooding of the banks. The estimated cost of the improvement is, in round numbers, $4,500,000 for first construction and $50,000 per year for operation.

It appeared from information furnished by parties in interest that the commercial statistics heretofore reported for this section of river were incomplete and more or less unreliable. This led to a more thorough investigation of the subject, in which the district officer was assisted by the Cumberland River Improvement Association. Data now available indicate that there is a commerce on the upper Cumberland amounting to about 300,000 tons, which is considerably more than heretofore reported.

The district officer goes into considerable detail regarding the difficulties and hardships experienced by the people living adjacent to this section of the river, due to the entire lack of rail transportation, the uncertain and intermittent facilities afforded by the river, and the large annual flood losses of timber and farm products stored on the banks awaiting a favorable stage for shipment. He also outlines the advantages and benefits that would result from better water transportation. He is now of opinion that the extent of the present traffic and the likelihood of a considerable increase following the completion of the slack-water system justify the construction of the additional 10 locks and dams required, provided, however, that the States of Kentucky and Tennessee shall bind themselves to pay all damages arising from flowage, as well as the cost of ascertaining the same.

The division engineer does not think that the work is justified by the commercial benefits to the general public, but he states that the present inquiry discloses important benefits to the locality that indicate the propriety of requiring local cooperation such as is often obtained from a community where it is furnished an effective transportation line. He is of opinion that the additional work should not be undertaken except on the condition that the States of Kentucky and Tennessee, or the local communities affected, shall contribute one-half of the estimated cost of construction. Otherwise he concurs with the district officer.

In addition to the information contained in the reports of the district officer and in those heretofore submitted, the board has given consideration to statements and arguments made at a hearing given at its office on January 28, 1914, which was attended by Hon. OLLIE M. JAMES, United States Senator; Hon. JOHN K. SHIELDS, United States Senator, Hon. CORDELL HULL, Hon. SWAGAR SHERLEY, Hon. HARVEY HELM, Hon. A. O. STANLEY, Hon A. W. BARKLEY, Hon. J. W. BYRNS, Hon. J. A. MOON, and Hon. CALEB POWERS, Members of Congress; Mr. W. E. Myer, and Mr. B. L. Quarles, all of whom addressed the board. Attention is invited to the record of the hearing forwarded herewith.

The section of the country tributary to the Cumberland River between Locks 7 and 21 covering a very large area, is practically without any economical transportation facilities, and it appears from statements made at the hearing that there is no prospect of any railroad entering this section, not, however, on account of any lack of freight. A large part of this area is covered with timber of high value within hauling distance of the river, but under the existing uncertainties of navigation it can not be economically marketed. Much of the land in the valley and back in the hills is fertile but can not be cultivated to advantage for the same reason. There are also extensive coal lands that can be made tributary to the upper reaches of the river by short rail connections, and it is claimed that these lands will be developed and that coal will be shipped out in large quantities. Much stress has been laid upon the fact that the United States has undertaken the improvement of both the upper and lower Cumberland by locks and dams, where the country has the benefit of rail transportation, leaving unimproved the section now under consideration, which is without rail facilities or the prospect of having any.

The amount of commerce at present is not extensive when considered in connection with an expensive slackwater improvement, and the amount that may be expected in the future is only conjectural, and it is believed, that measured by the usual standards applied in considering the question of advisability in such cases, it would hardly be sufficient to warrant a favorable recommendation. It is believed, however, that the present case is exceptional by reason of the vast territory affected, with no means of transportation, present or prospective, except by the river, and particularly because of the fact that Congress has undertaken the improvement of the river both above and below, leaving unimproved this section, the commerce of which must be largely looked to for justification of work already undertaken.

In view of the circumstances, the board concurs with the district officer and reports that in its opinion it is advisable for the United States to undertake the improvement of the Cumberland River from Lock 7 to Lock 21, as proposed by the district officer, at an estimated cost of $4,500,000 for construction and about $50,000 annually for maintenance, provided, however, that the States, counties, or other local agencies shall bind themselves to protect the United States against any and all claims for damages due to overflow. The project should be subject to such minor modification from time to time by the Chief of Engineers as experience with the work indicates to be advisable.

This was approved by Col. Edwin Burr, Acting Chief of Engineers, in his report to the House Committee on Rivers and Harbors, February 4, 1914, to be found in Document No. 10, in which he says:

After due consideration of all the facts available I concur with the views of the district officer and the Board of Engineers for Rivers and Harbors. The first appropriation should be $340,000 for securing all lock and dam sites and for beginning construction of Lock and Dam No. 8, with contract authorization for $201,000, covering the completion of this lock and dam. Subsequent appropriations should be sufficient to permit the beginning of construction of two additional locks and dams each year.

Thus there is a favorable report of the worthiness of this project by the district engineer, the division engineer, the Board of Engineers, and the Chief of Engineers, and all recommend its adoption and completion.

These several reports all bear evidence of the most painstaking and careful investigation and consideration of the project. The evidence upon which the reports are based covers statistics of every conceivable kind bearing upon the subject, carefully collected and compiled by reliable and trustworthy citizens of Tennessee and Kentucky, the accuracy of which was thoroughly tested by Maj. Burgess in his personal inspection of the river and the country through which it flows.

It seems to me that the conclusions of these officers, all of them agreeing upon the advisability of the improvement at the estimated cost, Col. Newcomer only disagreeing as to who should bear the expense, ought to be accepted by the Senate, as they were by the House, without further question, but since they are challenged I will go somewhat into the statistics and evidence filed with the report of the Board of Engineers.

The counties in Tennessee directly interested in the improvement of the river are Smith, Putnam, Jackson, Clay, Pickett, and Overton, and those in Kentucky are Monroe, Cumberland, Metcalf, Adair, Russell, Clinton, Wayne, and Pulaski. The aggregate area of these counties in acreage is 3,561,048, and the aggregate population 221,099.

There are 12 of these counties which have no railroads in any part of them, or near them, and are absolutely and wholly dependent upon the upper Cumberland River for transportation facilities. These are Jackson, Clay, Macon, and Pickett, in Tennessee, and Monroe, Cumberland, Metcalf, Adair, Russell, Clinton, Wayne, and Casey, in Kentucky, which contain in the aggregate 4,224 square miles; a territory, I repeat, not only equal but greater than some of the States of the Union. It is the largest area in the United States east of the Mississippi River untraversed by railroads.

The agricultural, mineral, and forest resources of this section are very large and valuable. The bottoms along the river and its tributaries are loamy and of great fertility. The hills, mountains, and uplands are largely of limestone formation, much of it containing phosphate, and are very productive. While wheat, corn, and other grains are grown extensively, and large quantities of live stock of all kinds are raised, yet this business is confined chiefly to the necessities of the inhabitants, because the expense of marketing the same practically consumes the profits, as the produce must be hauled in wagons over rough and unimproved roads for from 30 to 60 miles through a mountainous country to reach railway transportation. The country is suitable for growing potatoes, tomatoes, and all other similar crops with great profit, but this can not be done because it is impossible to get them to the market with the present slow transportation facilities on account of their perishable nature.

There are in these counties 1,192,553 acres of standing timber of all varieties and of the highest quality. It is the largest area of valuable hardwood timber east of the Mississippi River. It can never be marketed and its value fully realized without the improvement of the river. It is true that large quantities of it have been floated and rafted down the river in the form of staves, crossties, and saw logs, but greatly to its depreciation in value while lying upon the banks of the river through the summer and fall months, awaiting the tides which occur during the first six months of the year, and by submergence in the water, and much of it is lost in the great floods that pour down this stream two or three times each year. It is estimated that in the flood which occurred in February, 1913, forest products to the value of $240,000 stored on the bank and in the river ready for shipment were totally lost and destroyed.

The territory also contains valuable deposits of asphalt, oil, ores, and bituminous coal, which are now lying in the mountains unmined and worthless to the owners. Hon. W. E. Myer, president of the Cumberland River Improvement Association, in a letter to Maj. Burgess, March 13, 1912, regarding the coal fields tributary to the river, said:

This river drains the great undeveloped coal fields of the Cumberland Mountains. These fields are nearly as large as those of Alabama or those of Pennsylvania, and have a great advantage over those of Pennsylvania in being 400 miles nearer the great markets of the Mississippi Valley below Cairo, and have a river that is free from ice the year round, the Pennsylvania coal fields being cut off by ice in the Ohio for from one to two months of the best coal-selling season. The total flood and ice waste each year in the Ohio River, according to the statistics, is over $5,000,000. Of this destruction by flood at least $200,000 is on coal. With a canalized river our coal can be put every month in the year in New Orleans at least 25 cents per ton less than any competitor.

This coal will be greatly benefited by opening of Panama Canal. Ask the Louisville & Nashville Railroad why she is spending $5,000,000 double-tracking and improving her north and south line; ask the Illinois Central Railroad why she is spending millions on her north and south line and her New Orleans terminals; ask every other north and south line running into New Orleans. They will tell you it is to accommodate the trade movement via New Orleans through the Panama Canal, soon to be opened to traffic. Think of being able to sell coal in New Orleans, as good as any on earth, at 25 cents per ton cheaper than anyone else. It means supplying the great Mississippi Valley, the hundreds of steam vessels out of New Orleans, the great undeveloped markets of western South American coasts, and the markets of California and Oregon and Washington. The railroads see it. Give your great river and its immense resources an opportunity to reap its just share in this great field.

While some of these resources do not lie immediately upon the river, but back in the hills and mountains, they can and will be developed and the products brought to the river for transportation if this improvement is made.

Mr. President, the present commerce upon the river under the existing difficult, dangerous, and embarrassing conditions furnishes no evidence whatever of what it will be when slackwater navigation is available during the entire year, but it is now considerable. The statistics show that in 1912, 308,085 tons, of the value of $7,750,730, and 11,785 passengers were carried and transported on this part of the river. The agricultural and live-stock interests hardly figure in this, because these interests, as above stated, are undeveloped on account of the present unseasonable, precarious, and expensive facilities of transportation. Maj. Burgess, in his first report on the meager information he could obtain, found that this traffic amounted to only $4,087,748, which materially influenced his conclusions stated in that report.

Coal does not constitute any part of the present traffic, because this industry demands regular and certain transportation facilities for every month in the year. The coal operator must organize, keep, and pay his miners during the entire year, and, as there is no such thing as storing coal, he must be able to ship it as fast as it is mined. The forest products are also comparatively small to the amount that would be shipped if regular, certain, and safe transportation was afforded.

When this country is opened up by the improvement of this river its population will double and treble, as has been done in every county in the Appalachian country that has been entered by railroads. This increased population will develop more industries and create a greater demand for all articles of commerce usually sold in the markets of the country but excluded largely from this section by the want of transportation at reasonable rates. There is no doubt but that the commerce of this section will be increased manyfold by this improvement if made. The facts developed and shown in the record fully sustain this assertion.

Improvements of this character are not made merely upon the basis of the present commerce of the country, but the future prospects are considered. The resources of this country are locked up as are those of Alaska, to open which Congress appropriated $40,000,000. The Government should develop this country, which already has a population to be taken care of, an attractive climate and fertile soil equal to any, before expending such vast sums upon an uninhabited and unknown land.

Judge HULL, the able Representative of the congressional district in which lie the Tennessee counties affected, in a letter to Maj. Burgess, giving a full account of the resources of this particular portion of the country and the necessities of this means of transportation, said:

> The public necessity and convenience subserved by the radical improvement of the lower Cumberland would be the opening up of the vast and varied mineral and forest resources of the Cumberland Valley to navigation. * * * The commerce of the Cumberland River extends to the most important points of the Mississippi system, as it is thought that this commerce will continue to largely increase as the river above Nashville is improved, by reason of heavy shipments seeking the western waterways.
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> My judgment, based upon knowledge gained from a lifetime residence in the Cumberland Valley, is that the lower and the upper river as far as the Kentucky line at least should be improved by locks and dams at the same time as speedily as possible. When Locks B, C, and D shall be completed, the lower river will have virtually 11 months' navigation, and should the projected lock and dam on the Ohio just below the mouth of the Cumberland be constructed in the meantime, it is not certain, according to my information, that the construction of Locks E and F would be necessary. Under these circumstances, the lower river work now being so well and permanently under way, I know of no satisfactory business, transportation, or commercial reason why Congress should not immediately commence the work of gradually constructing Locks 8, 9, 10, and 11 on the upper river. Lock 7 barely reaches the edge of the great undeveloped forest and mineral region of the upper Cumberland country. The fact should not be overlooked also that the railroads stop at Lock No. 7. This immense stretch of country from Carthage to Burnside, a distance of more than 200 miles, and from Glasgow, Ky., to Cockeville, a distance of 80 miles, to say nothing of the Cumberland Mountain forest and mineral region on the east side of the river, is entirely without transportation facilities save the brief and uncertain navigation of the upper Cumberland of from four to six months. It is obvious that to postpone the further improvement of the upper river until the entire completion of the lower river work would mean a virtual delay until the next generation.
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> In view of the policy of Congress with respect to improving other rivers by sections at the same time, and with whose relative commercial importance the upper Cumberland River will compare most favorably, there is the strongest ground for the immediate resumption of work above Lock 7. Virtually three-fourths of the commerce of the upper river has always been and always will be above Lock 7, and in its unimproved condition the value of the commerce of the river above Nashville during periods at all navigable has been in the neighborhood of $8,000,000. However, the figures showed a marked decline for the year 1910, chiefly on account of severe droughts and temporary local business handicaps and the failure on the part of those in possession of them to furnish to the engineer full and accurate statistics relative to the river's commerce. The construction of Locks 8, 9, 10, and 11 would immediately result in an enormous and permanent increase of commerce on the river. Land in this entire valley is worth around $100 per acre. Property values in this section are but partially revealed by assessment returns. According to custom and the effect of the loose administration of our tax laws, land is assessed on the average of about 40 per cent of its real value and personalty at about 25 per cent throughout the entire region drained by the upper Cumberland River.

Mr. President, the Congress has appropriated hundreds of millions of dollars for the improvement of waterways in order to reduce and control the transportation rates of railroad companies paralleling rivers with great advantage and success. This is illustrated in the part of the upper Cumberland that has been improved. I refer to that section between Nashville and Carthage. Since the locks and dams were built in this portion of the river the freight rates charged by the Tennessee Central Railroad Co. upon the part of its line competing with river transportation have been reduced about one-half and in some instances more than that.

This project, however, is not one for furnishing competing transportation. It is a case where an intelligent, energetic, patriotic people inhabiting a large section of country containing magnificent natural resources are wholly without and destitute of transportation, and unless this project is adopted and completed in all probability will always be in that condition. The river, when improved, will not only contribute greatly to the commerce and wealth of Tennessee and Kentucky, but of other States. It will add greatly to the commerce of the Mississippi Valley.

That the commerce of the river is not now as large as that of some other rivers should not bar these people from relief. There can be no commerce without transportation. Commerce includes commodities and transportation. Both are necessary for commerce. Give this country reasonable transportation facilities and the commerce and traffic of the river will grow and increase commensurate with the cost of the improvement, if it is not already so, and far beyond it. The facts shown in this record prove this beyond all controversy.

This is a case that appeals strongly not only to the generosity but to the sense of justice of the Congress. I do not believe that a stronger or more meritorious case for Federal aid is presented by this bill. I hope that the action of the House and the Committee on Commerce of the Senate, in approving the project and allowing the present appropriation, will be allowed to stand and the appropriation recommended be made.

The appropriation made for this project is $390,000. This is needed, as stated in the report, for the purpose of maintenance, purchasing sites for the additional locks recommended, and for the completion of Lock No. 8, above Nashville.

Mr. KENYON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I do.

Mr. KENYON. I have been following the argument of the Senator with interest, and I desire to ask him how many counties does he say are actually dependent upon this project for transportation?

Mr. SHIELDS. Twelve are absolutely so dependent, and the greater part of three other counties is dependent, making 15 in all.

Mr. KENYON. About what is the population of those counties?

Mr. SHIELDS. Something over 200,000.

Mr. KENYON. And is there any opportunity for any railroad transportation out of those counties? Are they absolutely dependent upon this river for transportation?

Mr. SHIELDS. Twelve of those counties and the larger portion of three others are absolutely dependent upon the Cumberland River for transportation of their products.

Mr. KENYON. That is an argument which I have not heretofore heard.

Mr. SHIELDS. There are railroads to the south and north of this section of country, as may be readily seen by examining the map upon the wall of the Chamber there [indicating]; but the mountains surrounding this section and the topography of

the country generally is such that there have never been any railroads projected into it, and there is now no probability whatever of any ever being built. These people feel, and upon good grounds, that they are absolutely cut off from the entire world unless this river is improved.

Mr. KENYON. I want to say that that is the strongest argument I have heard advanced for this proposition; there is a great deal of force in it, and I am glad that the Senator from Tennessee has at least made that particular point, because I think it is new in the discussion of this question.

Mr. SHIELDS. We invite the fullest investigation of this project. We do not believe that any Member of the Senate after reading the report upon it and seeing the vast resources and the isolated condition of that section of the country would object to this appropriation. Indeed, it is a case of common justice long delayed. Why the Senator from Ohio opposes it so bitterly I can not conceive. His opposition is groundless and absolutely without merit and does neither his heart nor judgment credit. I can not understand why he should wish to do the brave and noble people of this country such injustice.

The Senator from Ohio [Mr. BURTON] during the several days that he has discussed this bill has also attacked the Tennessee River projects. They are not Tennessee projects altogether. This river flows through three great States—Tennessee, Alabama, and Kentucky. I am going to refer briefly to these projects and give some description of the river and its commerce, of the improvements that have already been made, and, at a later day, I want to go further into the details. The Board of Engineers, in their report, say:

> The Tennessee River is 652 miles long. It is formed by the junction of the French Broad and Holston Rivers, 4.5 miles above Knoxville and 188 miles above Chattanooga, and flows into the Ohio at Paducah, 464 miles below Chattanooga. Together with its principal tributaries it forms a system of internal waterways capable of being navigated more than 1,300 miles by steamboats. In addition to this, its tributaries are still farther navigable by rafts and flatboats for a distance of more than 1,000 miles, thus making a system of navigable waters about 2,350 miles in length, with a drainage area of about 44,000 square miles.
>
> The draft from the Gulf of Mexico to the mouth of the Tennessee which is available at low water is 9 feet in the Mississippi to the mouth of the Ohio at Cairo, Ill., above which it is limited by the 1.5 feet minimum depth on the shoal at Grand Chain, in the Ohio River, 22.5 miles below the mouth of the Tennessee.
>
> The river is navigable from the mouth to Hamburg, Tenn., 200 miles, for the entire year for a draft of 4 to 5 feet, and for the 26 miles between Hamburg and Riverton, Ala., for a 2-foot draft. Just above Riverton is the Colbert Shoals Canal, a lateral canal about 7.9 miles long surmounting the obstructions of Colbert and Bee Tree Shoals, and with a minimum depth of 7 feet. Between the Colbert Shoals Canal and the lower lock of the Muscle Shoals Canal the draft possible at low water is not more than 1.5 feet. The Muscle Shoals Canal is a lateral canal 14.5 miles long surmounting the obstruction of Big Muscle Shoals, the draft possible in this canal being 5 feet. The Elk River Shoals Canal begins a few miles above the Muscle Shoals Canal, and is a lateral canal with depth sufficient for 5-foot draft. At extreme low water the draft possible to be carried from the head of the Colbert Shoals Canal to Chattanooga, a distance of 230 miles, is only 1.5 feet, which is also the maximum possible at extreme low water in the 188 miles above Chattanooga, or to the head of the river.

The part of this river proposed to be improved is from its mouth, at Paducah, to Knoxville, a distance of 652 miles. The distance from Paducah to Riverton, the first section of this river, is 226 miles; that from Riverton to Chattanooga is 238 miles; and from Chattanooga to Knoxville the distance is 188 miles, making 652 miles for the entire length. Of this there is in Tennessee about 350 miles, in Alabama about 200 miles, and in Kentucky about 100 miles.

The project for the improvement of this river has been in existence something like three-quarters of a century, and during that time there has been spent upon it by the Congress $9,897,622.11. Included in this expenditure is the cost of the canals around the Muscle Shoals and Colbert and Bee Tree Shoals, in Alabama, concerning which I have just read from the report of the Chief of Engineers.

In addition to this, a private corporation has spent about $9,000,000 at Hales Bar, 33 miles below Chattanooga, furnishing slack-water navigation for 37 miles, running some distance above Chattanooga. The object of this dam was for the purpose of securing power, but a lock and dam were constructed by the corporation for navigation purposes.

Thus, upon this river by the Congress and by individuals there has been expended about $19,000,000, and now it is proposed by the Senator from Ohio to abandon it all, why God only knows.

It has been said that the river has no commerce. I find in the report of the Chief of Engineers that in 1912, between Paducah and Florence, there were 373,625 short tons of merchandise transported, of a value of $6,261,650; between Florence and Chattanooga, 226,467 short tons, of a value of $4,204,236. The Nashville & Chattanooga Railway along a portion of this river connecting two of its lines transported 89,751 tons of freight, of a value of $7,983,259. The commerce between Chattanooga and Knoxville for that year on the river was 474,953 tons of merchandise, valued at $4,424,446. Thus the record shows that during the year 1912 there were transported upon this river 1,164,796 short tons, of a value of $22,873,681, or, deducting that transported by the railroad on its boats, the commerce of the river was 1,075,045 tons, of a value of $14,890,422.

There were engaged in the traffic upon the river between Paducah and Florence 26 registered vessels; between Florence and Chattanooga, 18 registered vessels; and between Chattanooga and Knoxville, 18 registered vessels, or 62 in all.

The Senator from Ohio at one time seemed to take great interest in this river, and while he was chairman of the Rivers and Harbors Committee of the House of Representatives appropriations to the amount of $1,500,000 were recommended and allowed for the improvement of Colbert and Bee Tree Shoals alone, now the subject of his condemnation.

These figures do not lie. For three-quarters of a century this river has been the object of improvement. Navigable in itself and in its tributaries for 2,300 miles for steamboats, with a thousand miles of navigable tributaries for rafts and flatboats in addition, with a commerce on it valued at $22,000,000 in 1912, it certainly deserves consideration at the hands of this Government and deserves a continuance of the support it has had for all this time. These facts show the worthiness of the project and the absolute injustice of the criticism of the Senator from Ohio.

Mr. President, I want to go more into detail on the merits of the Tennessee River when this subject is reached on further consideration of the bill. I now ask to include as part of my remarks a table showing the appropriations made for this river.

The PRESIDING OFFICER (Mr. ASHURST in the chair). In the absence of objection, permission is granted.

The table referred to is as follows:

*Colbert and Bee Tree Shoals.*

| | |
|---|---|
| Total of appropriations | $2,313,000.00 |
| Amount appropriated, 1899 to 1909, inclusive, during which Mr. BURTON was chairman of the Rivers and Harbors Committee of the House | 1,513,000.00 |
| | 800,000.00 |

*Total of appropriations for Tennessee River.*

| | |
|---|---|
| Above Chattanooga | $1,481,930.37 |
| Hales Bar Lock and Dam | 220,720.00 |
| Chattanooga to Riverton | 5,018,990.11 |
| Colbert and Bee Tree Shoals | 2,313,000.00 |
| Below Riverton | 854,181.63 |
| Total | 9,897,622.11 |

Mr. BORAH obtained the floor.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I yield.

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hollis | Norris | Simmons |
| Bankhead | James | Oliver | Smith, Ariz. |
| Borah | Johnson | Page | Smith, Ga. |
| Brady | Jones | Perkins | Smith, Md. |
| Bryan | Kenyon | Poindexter | Smoot |
| Burton | Kern | Pomerene | Stone |
| Camden | Lane | Ransdell | Thornton |
| Chamberlain | Lea, Tenn. | Robinson | West |
| Chilton | Lee, Md. | Root | White |
| Crawford | Lewis | Saulsbury | Williams |
| Culberson | McCumber | Shafroth | |
| Fletcher | Myers | Sheppard | |
| Gore | Nelson | Shields | |

Mr. McCUMBER. I wish to announce the absence of my colleague [Mr. GRONNA] and to say that it will be impossible for him to return before the end of the week. I make this announcement for the entire week.

Mr. WHITE. I wish to state that the Senator from Mississippi [Mr. VARDAMAN] is necessarily absent from the Chamber.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired. This announcement may stand for the day.

Mr. SHAFROTH. I wish to announce the absence of my colleague [Mr. THOMAS] by leave of the Senate, and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. PAGE. I desire to announce the absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I ask that this announcement may stand for the day.

Mr. THORNTON. I am requested to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN]

and to state that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement may stand for the day.

Mr. POMERENE. I desire to announce the necessary absence of the Senator from South Carolina [Mr. SMITH] because of departmental business.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. BORAH. Mr. President, I am not going, at this time at least, to discuss this bill to any great extent. I have already expressed my view in a brief way, but I want to say that I should dislike to see the bill fail in its entirety. I am sure there are some projects in the bill which it would be a misfortune to discontinue, and I am sure it would be an injury to the public welfare to have the work upon them discontinued. I should like, therefore, so far as I am concerned, to see some kind of river and harbor bill passed. In my judgment, there is no need of this bill failing and no need of the valid projects being injured.

I entertain no doubt, however, that rather than to have the bill pass as it is now written it would be better that the entire measure should be defeated. I do not know that it can be, but I entertain no doubt that it would be a greater good than to have it passed in its present form, notwithstanding the fact that undoubtedly there would be some injury to the public welfare by reason of its defeat.

It is with that spirit that I make the suggestions I am going to make, because if it were within my power to defeat the bill or pass it, I would not defeat it, but I would change it.

Mr. President, there is no doubt that the country, from a business standpoint, is somewhat worried. There is no need at this time to stop to discuss the reasons or the causes which have brought on this worriment; but that it is here I think is pretty well conceded by all parties who are at all familiar with the situation throughout the country. Within the last few days I have been in a very important part of the country from a business standpoint, meeting all classes of people, of all political beliefs, and I am sure I do not misstate the facts when I say that, in a general way, the business of the country is distressed. That is evident in more ways than one; and, whether it was brought on by the conflict in Europe or otherwise, it is here.

For instance, at the present time the railroads of the country are asking for more freight rates and higher passenger rates, and if I remember the figures correctly they stated in the petition which they filed the other day with the Interstate Commerce Commission that the revenues of the railroads had fallen off some $44,700,000 during the last fiscal year. Of course, if that is true—and I assume it is or it would not be stated in the way it has been stated and affirmed by the railroads—it is perhaps the best index of the business situation that we could have from any single source. There is nothing that indicates business depression more quickly, and nothing that indicates business prosperity more quickly, than the condition of the revenues of the railroads. They also reported some time ago, as I understand—at least, I read this in the newspapers as the report coming from the White House—that there had been a default in their securities to the amount of about $583,000,000 on the 1st of August last. That is not all, however. The other lines of business are in the same situation; and while the unfortunate conflict in Europe has brought about a better condition with reference to particular lines of industry or particular vocations, so far as the general prosperity is concerned it has not affected it favorably to any considerable extent, and perhaps not at all.

Mr. President, the business world is curtailing expenses everywhere and in all ways. Men are being either laid off from their work entirely or else cut down to half time in a great many instances. I was informed by one of the leading business men of one of the large cities of the United States a few days ago that their charitable organizations and kindred organizatons are making arrangements for the most distressing winter they have had for many years.

I repeat, it is wholly immaterial, so far as this argument is concerned, what has brought about that condition of affairs. The only place where expenses are not being curtailed and extravagances cut down is with the Government of the United States. We are going ahead as if we were in the midst of an era of unbounded and unlimited prosperity. We are proceeding here as though the business world were anxious to pay taxes and worried to know what to do with its surplus. The only place in the United States where retrenchment is not now in vogue is in the Government's expenses, and we are piling up our expenses here to a figure which we have never heretofore known in the history of this Government.

While people may differ as to the reasons and the inferences and conclusions to be drawn, they can not, in my judgment, deny the facts. That being true, the Congress of the United States is thoughtless indeed if it does not take out of this bill everything that is not absolutely necessary within the next two years. The Congress will not know, unless it has an opportunity to go out and find out by coming in contact with the situation the injury and the injustice that will be done to the business situation of this country unless it gives evidence in a substantial way of relieving the country from any additional burdens or taxes.

I know how strong the local sentiment is, where a particular project is involved, for that particular project; and we get the idea here that that represents the entire country, and that the entire country is represented by a manifestation of interest in some particular project—canal, river, harbor, and so forth. Taking the country as a whole, however, they are thoroughly aroused to the fact that while they are being called upon by the necessities of the situation to curtail expenses, while they are being called upon to raise taxes under very adverse circumstances, the Congress of the United States expresses no sympathy with the situation, because of our continued piling up of extravagances and taxes which they believe to be unnecessary.

Mr. President, I suppose almost every Senator in this Chamber is situated so that some particular feature of this bill is of what may be called immediate personal concern to him. I know that even in my State, situated as it is, supposedly not very much interested in the proposition a large portion of the people are nevertheless greatly interested and greatly concerned over the fate of this bill, and I should very much dislike to see it fail. I want to say to the friends of the measure now, however, that if the bill is not changed so as to cut out and cut down and pare down what I deem to be unnecessary at this time, I shall not hesitate to add whatever influence I have to the defeat of the bill.

Mr. LEA of Tennessee. Mr. President, may I ask the Senator what amount he thinks is absolutely necessary?

Mr. BORAH. I could suggest an amount which I believe would cover the situation. I believe that if we had a lump sum of $20,000,000 appropriated it would carry everything along successfully.

Mr. LEA of Tennessee. Does the Senator mean merely to delegate to the Board of Engineers the power to expend $20,000,000 as they saw fit, or to continue it pro rata on the projects already under way?

Mr. BORAH. That might give rise to a discussion as to how it should be disposed of. There are some projects upon which I never would want to spend a dollar in the world, and I believe I would be violating my conscience if I consented to spending a dollar on them.

Mr. LEA of Tennessee. Would the Senator advocate leaving with the Board of Engineers the power to determine what projects we should go forward with? Some of the projects which the Senator condemns have been favored by the Board of Engineers and the Chief of Engineers.

Mr. BORAH. I will say that the report of the Engineers upon this bill does not commend them to me as being an entirely safe commission to dispose of this money. It may be the only practical way to deal with the matter; but I should want to take advice upon that subject and consider it before I would leave the matter entirely to their discretion. That, however, is a matter of detail. There are some projects here and some matters which it seems to me every one concedes ought to be taken care of. There are some conditions on the lower Mississippi River which no one would want to leave unprotected. There are situations which no one would desire to see left without some appropriation in order to protect the situation until another Congress shall have passed upon it.

It seems to me, sincerely, that the Congress ought to be able, in the spirit of the situation which we have and the conditions which confront us, to do as the business men of this country are doing now, and that is, to take care of those things about which there can be no debate, and take care of those things which necessarily must be taken care of unless great loss shall ensue by reason of a failure to do so.

I repeat that if Congress passes this bill as it is written, it will do an injustice to the situation in this country, of which now, in my judgment, Congress has no conception. The mere fact that we are called upon to raise $100,000,000 of extra taxes and the very fact that this bill carries obligations and cash reaching up into that amount, presenting the two questions side by side, stirs the business men of this country and leads them to the belief that while Congress is calling for more taxes it is utterly unmindful of the situation of those whom it is calling upon to pay them.

Mr. President, I am informed that the securities of the insurance companies and of savings banks in this country have shrunk in value in the last 18 months to the extent of $500,000,000. The things which we are here doing constitute one of the reasons for the shrinkage of those values. When we think of the fact that this great conflict in Europe may continue for a year or two years, and if so, there must be additional taxes; and when we consider the evils of the conflict that are to come to us from the conflict, along with some small benefits in the way of commercial advantage, ought we not at this time to put the knife upon every proposition which is not absolutely essential until the situation shall have worked and ironed itself out, both in the countries abroad and in this country?

We seem to think it is an easy thing for the business men of this country and for the laboring men of this country to deal with this situation There has not been a single act nor a single step taken by this Congress which would indicate to the public that we are in sympathy with the situation which exists so far as curtailing expenses is concerned.

I rose to say this much preliminarily to what I shall say hereafter in case this bill is not reformed and put on a proper basis.

Mr. BURTON. Mr. President, I desire to read a brief statement prepared by the opponents of this bill, explaining their position regarding it:

The opponents of the river and harbor bill favor the appropriation of an aggregate sum, not exceeding $20,000,000, for the maintenance of river and harbor works and for the further prosecution of the improvements under way, the amounts to be apportioned by the Chief of Engineers and the Secretary of War. Such provision was made in the river and harbor act of 1909.

A motion to recommit the bill to the Committee on Commerce, with instructions to report such a plan, was made on Friday night, but was tabled on motion of the advocates of the bill. In view of the temporary failure of this course, which nevertheless seems to have the approval of a large majority of the members of the Committee on Commerce, a compromise was suggested. In this compromise large concessions were made to the advocates of the bill for the purpose of bringing the contest to a speedy conclusion. In this proposed compromise many items were included which were regarded as objectionable, but to which opposition has been abandoned for the present for the sake of an amicable settlement.

Should this compromise—that is, the pending amendment—be rejected, it is hoped that the proposition for an aggregate amount of not more than $20,000,000 will be accepted. However, should neither this nor the proposed compromise be accepted, it is intended to discuss the bill thoroughly, item by item, and, if possible, defeat the measure as it now stands.

Mr. President, I wish to present and have read at the desk——

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from Ohio yield to his colleague?

Mr. BURTON. I yield.

Mr. POMERENE. I did not understand what the statement was that my colleague was reading.

Mr. BURTON. It is, as far as I may express it, the attitude of those who are now opposing this bill. The preference is for an aggregate sum not exceeding $20,000,000, the exact amount to be determined by the Committee on Commerce.

I will say that while there is a very rational basis for the position of the Senator from Idaho [Mr. BORAH], who has just addressed the Senate, in criticizing the action of the engineers in their recommendations realting to many items in this bill, nevertheless the task of apportionment would not be a serious or a difficult one. A statement has been forwarded here showing that the cost of maintenance of existing river and harbor work adopted by Congress would be about $2,750,000. That estimate was made for the year ending June 30, 1915. The cost of continuing work until the same date on the projects on which the work is being performed by hired labor with equipment belonging to the Government was estimated at $10,000,000. In the substitute proposed by the committee and presented by the Senator from North Carolina [Mr. SIMMONS] provision was made only until about the 4th of March next, including a season of the year in which work can not so readily be prosecuted as during the longer days of the earlier autumn or even of the spring, nor can it be prosecuted with the same speed and efficiency as in the two or three months preceding the 30th of June next. So these estimates of $2,750,000 for maintenance and $10,000,000 for the operation of Government equipment could be reduced very materially.

As to the apportionment, the Chief of Engineers has presented to us the estimates both for maintenance and for the prosecution of public works. As regards maintenance, those estimates have been strictly followed in practically every case, and the same has been done as regards prosecution of the work. Thus all that would be required would be distribution of the estimates, taking carefully into account the urgency and worthiness of the projects and such changed conditions as may have occurred during the last year. Thus, I for one am entirely willing to leave this distribution to the Chief of Engineers, under the approval and direction of the Secretary of War.

I desire to have read at the desk a motion which I shall bring up if the pending amendment, which is the substitute offered by myself, should be rejected.

The PRESIDING OFFICER. The Senator from Ohio proposes a motion which the Secretary will read, in the absence of objection.

Mr. SIMMONS. Mr. President, I do not understand that the Senator from Ohio is offering that motion now.

Mr. BURTON. No; not now. I am merely having it read for the information of the Senate.

Mr. SIMMONS. It is a proposed motion?

Mr. BURTON. Well, it is hardly that. It is merely read for the information of the Senate.

The PRESIDING OFFICER. Is there objection to the motion being read? The Chair hears none, and the Secretary will read as requested.

The SECRETARY. The motion referred to reads as follows:

That the pending bill (H. R. 13811) be recommitted to the Committee on Commerce with instructions to report a substitute therefor appropriating an amount not in excess of $20,000,000 for the maintenance of river and harbor projects adopted by Congress and now under improvement and for the further prosecution of work on rivers and harbors heretofore adopted by Congress: *Provided*, The amounts for such maintenance and prosecution shall be apportioned by the Chief of Engineers under the direction of the Secretary of War.

Mr. BURTON. Mr. President, on Saturday I introduced a substitute for the pending bill. My reason for doing so was that during the discussion the preceding night I introduced a motion of the same nature as that just read at the desk, which was promptly tabled by a very substantial majority. I do not know that I can say it was promptly tabled, but if not, it was because of some difficulty in obtaining a quorum. I do not believe, however, that the action of the Senate at that time was prompted by the reflection and dispassionate consideration which would have prevailed if this proposition had been pending in the daytime.

As I understand it, the preference of a decided majority of the Committee on Commerce, as expressed on Friday, was in favor of such a proposition as this which has just been read, but a motion to that effect having failed, I offered the substitute which was read at the desk and is now pending as an amendment to the amendment proposed by the Senator from North Carolina.

I am not altogether proud of that substitute, Mr. President. It does not eliminate much that should be dropped from this bill. It does not cause the immediate reductions which I think should be made, but it omits from the measure projects the ultimate cost of which would amount to more than $30,000,000, and what is more than that, it tends to stop the most injudicious expenditures that are contained in the bill.

I discussed on Saturday at considerable length the Chesapeake & Delaware Canal. Mr. President, the country was a stranger a few years ago to any definite plan for that system of inland waterways which is now attracting such attention and which has gained such considerable support. I verily believe that the prosecution of such a plan on so large a scale is altogether premature. No other country in the world, so far as I know, has attempted anything of the kind. It is true the advocates of the measure may say, "We have a system of inland channels that places us in an entirely different position from any other country on the globe," but it is certainly very doubtful whether we should supplement our system of harbors, to which the broad ocean and gulf and the seas furnish abundant access, by an interior waterway which for the most part can be utilized only by boats of smaller size. While such a waterway might be used with a larger degree of safety, nevertheless it would afford a greatly diminished carrying capacity and very considerable inconvenience for the traffic of large boats which, most of all, require deep channels and an abundance of sea room. These requisites can not be furnished by an interior waterway.

Be that as it may, we should enter upon any such colossal scheme with the utmost caution. We should first try out a few of these proposed channels and ascertain whether they meet with success. Especially we should not adopt the policy of

taking over every old canal that the owners are anxious to dispose of. I have often found that the strongest praise for one of these interior waterways did not come from the maritime interests of the country nor from those in the locality, but from the owners of some system of canals who are anxious to unload their property on the United States Government.

Still further objection was made to this proposed Chesapeake & Delaware Canal because its ultimate expense would be enormous. Indeed, the expense in providing a 12-foot channel is estimated at $8,000,000, and in this bill we are providing the almost infinitesimal sum of $5,000. If we conclude to take that canal, let us appropriate a sum sufficient to carry the project at least as far as a depth of 12 feet. If the proposition for $8,000,000 were now before us, I have no idea that Congress would adopt it. The conditions detailed by the Senator from Idaho [Mr. BORAH] are too plainly in evidence throughout the country to justify extravagance in appropriations, and it is well for us before we enter upon so great an improvement carefully to discuss the ultimate cost and decide the question as judiciously and carefully as possible.

Mr. President, I may have talked in vain, but I have been able to cite instances in divers parts of the country where many millions have been expended and the amount has been almost absolutely wasted. Indeed, it is not improbable that in some of these cases where magnificent masonry has been constructed dynamite will be resorted to to blow it out in 10 or 20 years from now, on the ground that the works are useless and the annual cost of maintenance is an undue burden upon the people. I have referred to the Illinois and Mississippi Canal, with its cost of $8,000,000 or more; I have referred to the Muscle Shoals Canal, with its cost of $4,500,000; to the Colbert and Bee Tree Shoals, with its cost of $2,100,000; to the Kentucky River, improved at a cost of $4,100,000; to the Big Sandy, improved at a cost of nearly $2,000,000, recommended in glowing reports by the engineers, one project to cost $4,500,000 and another $2,080,000; and yet within a week a report has been filed here condemning the whole plan on the Big Sandy and recommending its abandonment.

No project of the kind ever had stronger support in the Senate or the House than that Big Sandy improvement, but now it has been proved utterly futile, indeed ridiculous. The anticipation of the millions of tons of coal which would be carried down that river has been utterly disappointing. In the last two years less than 50 tons of coal were carried on that expensive waterway, while one railway has carried out from the river basin 2,250,000 tons, showing that the mineral is there.

On Friday I read an editorial from the Louisville Courier-Journal pointing out in the most distinct language the failure of the Kentucky River improvement, which likewise has had the same stalwart support. Indeed, Mr. President, I have felt that I was regarded as almost a public enemy when in past years I strenuously opposed those two improvements. I remember that in this end of the Capitol the conference committee sat twice until 3 o'clock in the morning, the House conferees opposing the plan for the Big Sandy and the Senate conferees favoring it; and a great majority of that $2,000,000, or nearly that amount, which has been expended, is by reason of amendments added in the Senate. Who is the friend of it now? Even the engineers who recommended it so highly because they thought it would afford an unlimited supply of coal have now given it the seal of their condemnation.

The undoubted tendency of commerce shows how futile, how absolutely useless, is this plan for canalizing our rivers. Other methods of transportation have taken their place. In the first place, the boatmen of this country do not like to carry their boats through a multitude of locks; they do not like to take the risk that one of the locks or dams may be out of repair. If there is any line of expense that we should avoid it is this method of improving our waterways.

There is in this bill an appropriation of $340,000 for the construction of 10 locks and dams on the Cumberland River above Nashville at an ultimate cost of $4,500,000. Mr. President, I can not too strongly express my opposition to that appropriation. This is not a bill in which each locality is to have what it wants or each representative of a locality is to have what he wants; it is a bill in which we should make appropriations for improvements which will be of general benefit and on which the freight carried, the facilities afforded, may be commensurate with the cost.

I want to call attention to some very singular features of this improvement. In the year 1906 a report was made by a board of engineers in which, while recommending locks and dams in the lower portion of the river and a stretch above Nashville, they condemned this portion here recommended. In the month of October, 1912, a report was made by the local engineer condemning this improvement, which unfavorable report seems to have been approved by his superiors. However, one of those very effective methods——

Mr. LEA of Tennessee. Mr. President, do I understand the Senator from Ohio to say that the entire project now provided for in this bill was condemned? Was it not limited so that a small part of it was condemned for the present on the ground that it was not comprehensive and was not contemplated?

Mr. BURTON. I can not see how the Senator from Tennessee could derive that idea from the report. The greater includes the less, and if the less is out of place, then certainly the whole is undesirable.

Mr. LEA of Tennessee. The report I will ask to have put in the RECORD later. I do not think it is a fair characterization of it that the Senator has made.

Mr. BURTON. Here is another singular feature.

Mr. LEA of Tennessee. Let me ask the Senator what he understands to be the amount of tonnage carried over the Cumberland in 1912?

Mr. BURTON. Between 300,000 and 400,000 tons. That is in the portion above Nashville. There is a very considerable duplication.

Mr. LEA of Tennessee. Did not the Senator when he was chairman of the committee of the House establish 100,000 tons as the standard?

Mr. BURTON. Oh, never.

Mr. LEA of Tennessee. The Senator never made any statement of that kind?

Mr. BURTON. No. One hundred thousand tons was in a list that I gave in 1902, but instead of an appropriation of millions being recommended a comparatively small sum was then involved.

Mr. LEA of Tennessee. I read what the Senator said at that time. I understood he said wherever the tonnage was 100,000 that was carried the river was worthy of improvement and of receiving aid from the Government.

Mr. BURTON. Yes; to the amount of $100,000 or $200,000, or something like that, but not to the extent of four and a half million dollars.

One of these singular events occurred in connection with this proposed improvement of the Cumberland above Nashville. A motion was passed by the Committee on Rivers and Harbors of the House asking the engineers to reexamine that project. Most unfortunately the Engineer Corps seems to take such a request as an intimation that they must report in favor of any project in question. I want to call attention to the relatively small amount of traffic on this river in comparison with the cost, and I think I shall be able to show that the high-grade traffic could be carried more cheaply by auto truck than by this proposed improvement.

I wish to call attention to another very singular fact in this connection. The tonnage at the present time, with some seven locks and dams, is less than it was eight years ago when there were fewer locks and dams. I wish to call attention to the further fact that this river is already navigable six months of the year for boats of sufficient size to carry the products along the river to the market.

I will read a brief summary of the reports of the engineers on this project:

October 29, 1912, Maj. Burgess, the district engineer officer, made an extended and adverse report on canalization between Locks 7 and 21 on the Cumberland River, which he concluded in the following language:

> By way of a summary, my conclusions are: (a) That in view of the fact that this part of the river is already in fair navigable condition for nearly six months per year, and of the great cost of completing the slack-water system, as well as for the other reasons cited above, it is advisable to defer the completion of the system until an increased use of the present facilities shows more plainly that the expense of the completion will be justified by the probable use which will be made of the improved river; (b) that it is not present advisable to construct one or more locks and dams above Lock No. 7; and (c) that whenever provision is made for one or more locks and dams it be with a view toward the early completion of the entire system.

From Burnside, Ky., to Nashville is 325 miles; from Nashville to the Ohio River is 193 miles. In its upper portions the river bed is rocky and steep, and it has many of the characteristics of a mountain stream. From Burnside to the Ohio River the Cumberland River was, even before any locks and dams were constructed on the river, navigable for boats drawing less than 3 feet for about five months per year.

On page 44 Maj. Burgess speaks of "the numerous and exorbitant claims made by riparian owners for alleged as well as actual damages to their property following the construction of the different dams on the Cumberland." He therefore suggests that if the work be undertaken it be with the express

condition that the counties, States, and so forth, protect the United States from all claims for damages.

In all Congress has provided $2,944,000 for the project of canalization from Nashville to Burnside. Under these appropriations Locks and Dams 1, 2, 3, 4, 5, 6, 7, and 21 have been completed and placed in operation.

On February 26, 1906, the Board of Engineers for Rivers and Harbors, after visiting the river and holding hearings to obtain full information, submitted a report (H. Doc. No. 699, 59th Cong., 1st sess.), from which Maj. Burgess quotes:

The board is of the opinion that the regulations of the river and the completion of Locks and Dams Nos. 3, 4, 5, 6, and 7 above Nashville is worthy of being continued by the United States, but that the construction of the locks and dams proposed between Carthage and Burnside, except No. 21, now under contract, is not at present justified by the commerce involved.

I want to read briefly from the report just referred to. It is House Document No. 699, Fifty-ninth Congress, first session. On page 3 the board says:

The commerce of the river for the calendar year 1904, as derived from the statements of parties engaged therein, is 517,483 tons.

Mr. President, that has decreased to a little over 300,000 tons since 1904, notwithstanding the construction of an additional number of locks and dams. That is, the river in its natural state had a commerce nearly 200,000 tons greater in 1904 than it now has, and during that time five additional dams have been built. Who can argue against figures like these, a river in which there was a commerce of over 500,000 tons, and then, after five locks and dams were added, it decreased to three-fifths of that amount? I want to compare the statistics for 1904 with those for 1913:

The value of the forest products was $1,094,796, and the value of the coal output in 1904, $248,278.

Later on the board says:

The Cumberland River basin in 1903 produced 5,526,139 tons of coal, valued at $6,095,862, and one of the principal arguments advanced for the improvement proposed is to afford this coal an outlet by river.

That is the old argument. Great coal fields and a great development in coal. The board then goes on to say:

Of the 24 counties of Tennessee and Kentucky within the Cumberland basin in which coal is found only three—Clinton, Wayne, and Pulaski, in Kentucky—abut on the river below Burnside. Their output of coal in 1903 was only 196,287 tons. The coal produced in the other counties will have to be shipped to the river by rail and in many cases for long distances. The board is of the opinion that but little of the coal loaded on cars will ever be transshipped by water, but considers it probable that the river improvement would afford to a limited area a river outlet for the coal product.

The amount of coal carried on the seven locks already constructed is shown by the statistics for the calendar year 1913. The total quantity was 226 tons, valued at $904.

Let us see how many people will be accommodated by this improvement. This is shown on page 4 of this report of the Board of Engineers in 1906.

If the locks and dams of the system below Nashville were built, and the locks and dams Nos. 3, 4, 5, 6, and 7 above Nashville already begun were completed, the river would be improved to Carthage, Tenn., a distance of 311 miles, at an estimated additional cost of $2,950,000. An analysis of the data submitted to the board indicates that such an improvement would benefit 62 per cent of the area of the counties abutting on the river, 75 per cent of their population, 75 per cent of their farm products not fed to live stock, 66 per cent of their forest products, 94 per cent of their products of manufacture, and a large proportion of all their mineral products except coal—

That is, if the locks and dams below Nashville were built and those above Nashville, already begun, were completed and put into operation—

The construction of Dam No. 7 will also extend all-the-year navigation from 25 to 30 miles above Carthage for such boats as now use the river, and the completion of Dam 21, now under contract, will give similar navigation for from 30 to 40 miles below Burnside, at which place an outlet for the products of this region is provided by the Queen & Crescent Railroad. This will afford some relief to one-half the remaining counties abutting on the Cumberland River and to over 60 per cent of their population and farm products. From data before the board it appears that in 1902—

That is the point to which I wish to call special attention—the figures so carefully compiled by this board as to the number of people and the assessed value of the property that would be benefited by the improvement proposed in this bill—

From data before the board it appears that in 1902 the true valuation of the real estate and improvements of the counties unaffected by the improvement suggested above was $5,048,114, and the assessed valuation of personal property $1,133,789. Their population in 1900 was 30,807, of which about 1,000 lived near post offices along the river.

Four millions and a half to be appropriated for a population of 30,807, according to the census of 1900, of whom about 1,000 live near post offices along the river.

Mr. WEEKS. Will the Senator from Ohio yield while I offer an amendment to the pending bill?

Mr. BURTON. I shall be glad to yield.

Mr. WEEKS. I offer an amendment to the pending bill and ask that it be printed, to be taken up for consideration later on during the consideration of the bill.

Mr. BURTON. Do I understand that the Senator from Massachusetts desires to have the amendment read?

Mr. WEEKS. I should like to have it read.

Mr. RANSDELL. May I ask the Senator if it is the amendment relating to Boston Harbor of which he spoke to me on Saturday morning?

Mr. WEEKS. It is the amendment which I discussed with the Senator from Louisiana.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. In the committee amendment, after line 7, page 3, insert the following:

Improving Boston Harbor, Mass., in accordance with the report submitted in House Document No. 931, Sixty-third Congress, second session, $200,000: *Provided*, That no part of this appropriation shall be used for the purchase of a dredge.

Mr. WEEKS. Mr. President——

Mr. BURTON. I do not wish to yield the floor to a general discussion, but I am willing to yield to the Senator from Massachusetts if there is unanimous consent, as I hope there will be.

Mr. WEEKS. I offer the amendment because I consider it is an extremely important project, to which I hope the Senate will give favorable consideration later during the discussion of the bill. I am offering it now because the formation, which must be given first consideration in this development, is a rock formation, which it will be extremely difficult to remove, and it will take many years before the project can be completed.

Mr. President, I ask unanimous consent that I may be given leave of absence for the rest of the week.

Mr. RANSDELL. I wish to say, on behalf of the Committee on Commerce, that we shall not oppose this amendment.

Mr. BURTON. I do not wish to yield the floor for the discussion of any other project. I am, however, willing to yield to the Senator from Massachusetts, who, I understand, desires to leave the city.

Mr RANSDELL. I understood that, Mr. President; but I desire to say——

Mr. BURTON. I should prefer not to give way any further.

Mr. RANSDELL. I do not think we ought to act upon the matter now, but I simply wish to assure the Senator from Massachusetts that, so far as I can speak, I think I may say, on behalf of the majority of the Commerce Committee, that we do not intend to oppose the amendment when it is presented.

Mr. SMITH of Michigan. If the Senator from Ohio will permit me, I desire to say that informally the Committee on Commerce has given some thought to the suggestion of the Senator from Massachusetts. This amendment now offered carries about 50 per cent of the appropriation as originally intended. Anyone at all familiar with Boston Harbor recognizes its importance from a commercial point of view. So I hope it will be given consideration.

Mr. BURTON. I prefer not to yield, but I recognize how much more fortunate is the position of those who are seeking to increase the appropriations in this bill than is that of those who are seeking to restrain them. I am, however, pointing out some defects in the bill, and I think later there will be plenty of time to argue in favor of increasing appropriations.

Mr. WEEKS. Mr. President——

Mr. BURTON. I am willing, however, in view of the prospective absence of the Senator from Massachusetts, to yield to him for so long a time as the Senate will permit, provided I do not lose the floor.

Mr. WEEKS. Mr. President, I thank the Senator from Ohio for yielding to me; but I think he is hardly justified in the suggestion that I am seeking to increase this bill or the amount appropriated by it. I am simply asking that one-half the amount which was originally reported by the Senate Committee on Commerce be included in the bill. I do not ask that that be done unless other new enterprises are included in the bill; but if other new enterprises are to be considered, then I maintain that that for Boston Harbor, which is the second harbor in commercial importance in the world to-day, should be given the first consideration instead of the last.

The VICE PRESIDENT. Does the Chair understand that the Senator from Massachusetts requests consent to absent himself from the Senate for the rest of the week?

Mr. WEEKS I do.

The VICE PRESIDENT. Is there objection? The Chair hears none, and that permission is granted to the Senator from Massachusetts.

Mr. BURTON. The Board of Engineers, in speaking of the upper Cumberland River, goes on to say:

The board does not consider their existing commerce sufficient to justify the expenditure of $4,200,000, which will be required to canalize the river from Carthage to Burnside, nor that a large development of commerce in coal or other mineral resources over this section of the river is reasonably prospective.

At the time that report was made it was thought that the construction of these 10 locks and dams would cost $4,200,000. The present estimate under this project is $4,500,000, and that, too, for the benefit of a population of 30,807 in 1900. This is nearly $150 apiece for the persons to be benefited. I presume the census of 1910 shows some increase in the population, but it can scarcely show enough to destroy the effect of these figures.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. BURTON. Certainly.

Mr. SHIELDS. Mr. President, the Senator from Ohio is reading from a report made in 1906.

Mr. BURTON. Yes.

Mr. SHIELDS. He stated it was a result of a visit to the river. That is simply stating a part of the truth. It was a visit to Nashville, 100 miles below the part of the river proposed to be improved. The Board of Engineers was never on the 172 miles to which this project relates. The board visited Nashville on short notice to the people interested there and held a very brief hearing. Their report was made upon the survey that was ordered in 1880 and made in 1882, and without any facts having been obtained since.

The Senator from Ohio knows that the last census, that the report of the district engineer, and of the Chief of Engineers now show that there are over 200,000 people inhabiting this territory, and that the commerce is now twice what it was when the last report was made previous to that, and that it now amounts to $7,750,000 annually.

It is simply garbling this record to go back years ago and apply the facts that then existed to a project recommended by a personal survey made by Maj. Burgess not more than a year ago, which was the first survey where the engineer personally went through the country, gave it close attention, examined the river and its tributaries, examined the country around it, and got all the facts for himself, personally testing all the reports that had been made by those interested in the improvement, and made his report here favoring this project. The division engineer favored the worthiness of it, the Board of Engineers favored it, and the Chief of Engineers favored it. There has been no difference between them as to the necessity and worthiness of this improvement, except that one of the engineers thought the expense should be divided between the two States interested and the United States Government. There has never been, I repeat, and it can not be found in this record, a report that this was not a worthy project. The Board of Engineers said that the commerce did not then justify the continuance of this improvement. That is the only thing to be found in any record which militates against it; and the Senator from Ohio can not read anything from this record to the Senate contrary to this statement.

Mr. BURTON. Mr. President, the Senator from Tennessee, in his intense interest in this project, says that I have been garbling the record, and he attempts to refute my statement by saying that the engineers never went near the project and knew nothing about it. As a judge, I do not think he would be in very good standing if he sought to impeach a record in that way. Has it come to this, that when a report comes to us from the Board of Engineers, if it suits those who are seeking an improvement, they shall say, "The engineers went on the ground and carefully examined it"; but, if it does not suit them, they shall say, "Oh, they did not examine it; they did not go near it"? Shall we go behind these reports in every case?

I want to say to the Senator from Tennessee that the figures prepared in this report of 1906, the information contained in it, shows just as careful study as any later report. It was not derived from the arguments of numerous Representatives, or Senators either. They gave fair hearing to the people of Nashville or to anyone who wanted to appear.

Mr. SHIELDS. There is no report that is derived from the arguments of counsel, or of Senators or Representatives.

Mr. BURTON. Well, when a board of engineers or an engineer officer reports one way and then within 14 months thereafter reports in another way, and in filing their later report they take pains to put in some 20 or 30 pages of the arguments of Representatives, Senators, and others, it at least has a very remarkable significance.

In October, 1912, there was a report against this project, but I note in River and Harbor Document No. 10, Sixty-third Congress, second session, the following:

HEARING BEFORE THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS IN REFERENCE TO CUMBERLAND RIVER, LOCK 7 TO LOCK 21 (RESOLUTION)—REVIEW OF PREVIOUS REPORTS ON CUMBERLAND RIVER ABOVE NASHVILLE, JANUARY 28, 1914, FROM 10 A. M. TO 1.10 P. M.

Col. Black, Col. Abbott, Col. Langfitt, Col. Newcomer, Col. Beach, and Col. Winslow, of the board, were present.

Senator JOHN K. SHIELDS, Congressmen CORDELL HULL, JOSEPH W. BYRNS, KENNETH D. MCKELLAR, and JOHN A. MOON, of Tennessee, and Senator OLLIE M. JAMES, Congressmen ALBEN W. BARKLEY, HARVEY HELM, SWAGAR SHERLEY, AUGUSTUS O. STANLEY, and CALEB POWERS, of Kentucky, together with W. E. Myer, president, and Byrd L. Quarles, vice president, of the Cumberland River Improvement Association, were present.

Congressman HULL opened the discussion. His remarks are reported in about three pages. Then the remarks of others interested in the project—most of them Senators and Representatives—continue for some 30 pages. Very soon thereafter we find a favorable report.

Mr. SHIELDS. Mr. President——

Mr. BURTON. Mr. President, can we rely on this Engineer Corps or not?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. BURTON. I do.

Mr. SHIELDS. I submit the Senator is not now making a fair statement of the record. He claims that I said it was garbled. Previous to that hearing, at which Members of Congress did appear, Maj. Burgess had made a report favorable to this project. Maj. Burgess is the district engineer. Maj. Newcomer, the division engineer, favored the project, but said that the expense should be divided between the Federal Government and the two States interested, Kentucky and Tennessee. The hearing was upon this last report as to the division of the expense. The fact that it was a worthy project was then uncontroverted.

The sole object of that hearing was as to whether the Federal Government should bear all the expense, as is the case in 95 per cent of all projects of this kind, or whether part of it should be borne by the two States. The hearing was to develop the facts and to show to the engineers that to require the States to pay one-half of the expense would be a denial to those people of an improvement of the river, because Kentucky and Tennessee could never be induced to make an appropriation of $2,000,000 for this improvement, located, as it is, down in a corner of each State. Kentucky, I think, has 127 counties, while there are only about 7 counties in the State interested in this particular project. Tennessee has 96 counties, and about the same number are interested in the Cumberland River. Therefore the Representatives from both States knew that we could not get the States to make this appropriation, and that it was a case where the Federal Government ought to bear it. It was, as I have said, recognized as a meritorious project; and so we went there to protest against a division of expense and to insist upon the board following the usual course of an appropriation by the Federal Government for the whole cost of the work, and the record so shows.

Mr. BURTON. Everyone knew perfectly well that if the condition which the engineer imposed was to be carried into the bill the project would be defeated; everyone knew that it was very exceptional for the engineer to recommend the payment of one-half of the expense by the locality interested.

Mr. President, this change in the judgment of the local engineer was most remarkable. Beginning on page 38 of this Rivers and Harbors Committee document, he points out at great length the advantages and disadvantages of the improvement and expresses the unfavorable conclusion to which I have already alluded. After constant pressure by an improvement association, after it had bombarded him with arguments and statistics and a "booster club" had done its work, then he brings in a favorable report.

It is certainly a very singular feature of our system of recommending public works if within the brief space of 14 months, during which no marked changes could have occurred, an engineer officer, whose judgment is supposed to be reliable and accurate, can change his opinion from one of condemnation to one of approval of an improvement of this kind. The influence was the passing of a resolution by the Committee on Rivers and Harbors of the House of Representatives, which that engineer evidently considered a direction to change his mind.

Mr. LEA of Tennessee. Mr. President, may I ask the Senator when that resolution asking for the second investigation was passed by the Rivers and Harbors Committee?

Mr. BURTON. I think I have it here, and will find it in a moment. There is one singular feature about it; it was passed on the 15th of February, 1912. I think there must also have been a later resolution upon this project, for the first report of Maj. Burgess, as I understand, was after that date. There must certainly have been some further request, because a later report would not have been made in the absence of another request.

Mr. LEA of Tennessee. That is the only date which the Senator has at hand?

Mr. BURTON. The only one I see here.

This recommendation resulted in a modification of the project, limiting the scope of the work originally contemplated, and the present approved project provides, therefore, for continuing open river or regulation work from the head of the pool formed by Dam No. 7 to Lock No. 21; but the only work now being done under this project, or contemplated, is the removal of snags and the cutting of overhanging timber.

PRESENT AND PROSPECTIVE COMMERCE.

By communication with different owners and masters of vessels navigating the upper Cumberland River the district engineer office has collected each year since 1907 as complete statistics as practicable for the commerce on this section of the river. From the data so collected the following table has been prepared:

| Classification. | Tons. | | | |
|---|---|---|---|---|
| | 1908 | 1909 | 1910 | 1911 |
| Forest products | 152,600 | 105,813 | 83,549 | 64,511 |
| Farm products | 15,553 | 18,019 | 14,997 | 24,314 |
| Merchandise | 19,075 | 32,992 | 30,579 | 16,495 |
| Sand, gravel, etc | 59,032 | 68,250 | 58,942 | 75,709 |
| Total | 246,260 | 225,074 | 188,067 | 181,029 |

Then, still further, it is stated:

Since the completion of Lock No. 2 (the nearest lock above Nashville) a complete record has been kept of all traffic through that lock or over the dam. This record gives a very fair statement of the total tonnage brought from the upper river to Nashville and carried from Nashville to the upper river; and from this record the following table was prepared:

| Classification. | Tons. | | | |
|---|---|---|---|---|
| | 1908 | 1909 | 1910 | 1911 |
| Forest products | 157,806 | 101,649 | 82,839 | 63,944 |
| Farm products | 7,478 | 8,757 | 3,941 | 12,076 |
| Merchandise | 9,837 | 12,917 | 11,529 | 15,741 |
| Sand and gravel | 12,254 | 14,597 | 14,220 | 15,750 |
| Miscellaneous | 178 | 1,055 | 1,271 | 3,135 |
| Total | 187,553 | 138,985 | 113,800 | 110,646 |

The totals in the two tables do not agree because the former includes not only the traffic reaching Nashville but also the local traffic, as well as that reaching Burnside, Ky., where the Queen & Crescent Railroad taps the river territory. Both tables, however, show a slight progressive falling off in the tonnage moved on the upper Cumberland, in spite of the fact that the slack-water system has been extended 62 miles since 1908. The falling off is chiefly in the item of "forest products," in which the progressive diminution of the supply makes probable a falling off in the freight movement of its products. On the other hand, it is an undoubted fact that the country bordering on the 170 miles of noncanalized river is retarded in development by lack of convenient transportation facilities.

A little later the report states:

It is believed to be certain that an increase in traffic in farm produce and supplies would follow the completion of the slack-water improvement, but whether such probable increase would be sufficient to justify the large expenditures necessary to complete the work is the question on which the entire matter seems to rest. Not one of the counties in Kentucky and Tennessee bordering on the noncanalized portion of the river has within its borders one mile of railroad, and other counties adjoining these are also very deficient in railroad facilities. The area between the Louisville & Nashville Railroad on the north and west, the Queen & Crescent Railroad on the east, and the Tennessee Central on the south is nearly the largest area east of the Mississippi River without railroad transportation, and a large part of this area is entirely or partially dependent for transportation on the upper Cumberland River. The counties of Tennessee which appear to be dependent on the river for transportation are Jackson and Clay, and the Kentucky counties are Monroe, Cumberland, Clinton, and Russell. The counties which are very largely dependent on the river are, in Tennessee, Overton, Macon, Smith, and Pickett, and in Kentucky, Adair, Metcalf, and Wayne.

In this report Maj. Burgess gives the population of the counties bordering on this improvement, but it is manifestly unfair to give the total population in each county, as not all of their area is immediately accessible to the river. The report made by the board in 1906 more nearly conforms to the facts.

Mr. LEA of Tennessee. Mr. President, that report stated that 75 per cent of the population would be benefited by the improvement, did it not?

Mr. BURTON. Yes; I have stated the number.

Mr. LEA of Tennessee. So it is very easy, assuming the population to be as given by Maj. Burgess, to take 75 per cent of it and then, even according to the old report, to ascertain the number of people who would fairly be benefited by it according to the viewpoint of the old report.

Mr. BURTON. I take it so.

Mr. LEA of Tennessee. What is the total population given by Maj. Burgess that will be benefited by it?

Mr. BURTON. That is given somewhere in this document.

Mr. LEA of Tennessee. I thought the Senator had it there.

Mr. BURTON. I think I can turn to it in a moment. That is stated separately—221,099 is the population given on page 67 of this report; the figures are taken from the Twelfth Census.

Mr. LEA of Tennessee. Then, according to the basis on which the old report is calculated there would be about 150,000 people benefited by it instead of 30,000?

Mr. BURTON. Well, perhaps so.

Mr. LEA of Tennessee. Is not that a fair deduction?

Mr. BURTON. I do not see how this discrepancy could have occurred.

Mr. LEA of Tennessee. Then, if the old report is correct, there was a gain in population in less than 10 years of from 30,000 to 150,000; or, in other words, the old report is clearly shown to be erroneous. Is not that a fair deduction?

Mr. BURTON. I am not sure that is the case. It is possible that the figures were erroneous; but I do not think so.

Mr. LEA of Tennessee. Then, if they were correct, there has been an increase in population of from 30,000 to 150,000.

Mr. BURTON. There has been no such increase as that in the population.

Mr. LEA of Tennessee. Of course there has not been.

Mr. BURTON. And no such percentage of increase.

Mr. LEA of Tennessee. Of course not; and the conclusion therefore is irresistible that the other report was erroneous.

Mr. BURTON. Now, reading further from the report, Maj. Burgess goes on to say:

Other than the probable increase to be expected in the quantity of merchandise and farm products carried on an improved river, there does not appear to be a great likelihood of any considerable increase in the handling by water of any other classes of freight. There seems to be little prospect of any extensive increase in the shipments of either forest or mineral products or the output of factories established along the section of the river under discussion. The towns along this section of the river are quite small, and there are no factories of any consequence in any of them, nor is there much probability of there being such for many years to come. The forest products are fairly well handled by the river in its present condition, and the greater ease of transportation for this class of commerce on an improved river over the movement on the river in its present condition is not sufficient to justify the large expenditure necessary for completing the canalization.

Here is an argument that was very strongly pressed. On page 50 Maj. Burgess presents the argument, which was advanced, that it would be advantageous for the farmers to sell their hogs and cattle in October rather than in December, when navigation now generally opens, as a result of which their profits are diminished by feeding those two months. The long drives to the railroad lines now cause them to lose weight before they are shipped.

That is a weighty thing to be mentioned in a report, but the idea of spending $4,500,000 in order that the farmers may ship a limited amount of hogs one or two months earlier in the season does not appeal very strongly to me.

Then Maj. Burgess, the engineer who in 14 months changed an unfavorable report to a favorable one, continues:

It does not follow that because nearly $3,000,000 have already been expended by the United States on the partial canalization of the river without any great use being made of the improvement that it is advisable to expend a much larger sum on the very uncertain prospect of securing by completion of the work an adequate return on the whole investment.

In spite of my belief that the proposed improvement will be of much benefit to the territory tributary to the river, and that some increase in river commerce may be expected to follow the completion of the improvement, I do not believe that the amount of present and prospective commerce is sufficient to justify the very large cost of the proposed work. Maj. Hart, in his report of 1910, made the following statement, which appears to me to be still true and apt—

Here is another report, Mr. President and Senators, that was made on this project in 1910—

It is doubtless true that the commerce of the river would be more evenly distributed over the year, that farmers could hold their products for the most favorable prices, and that the completion of the system of locks and dams would enhance the value of all property within hauling distance of the stream; but it is likewise plain that the original estimate of cost would be found too low, in view of increasing prices for labor and supplies, and that for many years, or until the contiguous territory is more developed in population and wealth, the use of the river would fall far below what could be properly considered as paying a fair dividend on the money invested—

Here is something right in point—

If Congress should ever decide that improvement projects are not to be restricted to such work as will meet the actual demands of existing water-borne commerce, but that expenditures may also be properly made

for the development of localities whose commercial importance is mainly prospective, then this region would probably be a good field for the trial of the new policy. It should be understood, however, that conditions have changed in no material respect since the report of the Board of Engineers for Rivers and Harbors was submitted in 1906—

That is the report from which I have read—

and that the conclusions of the board are as applicable now as they were at that time.

Maj. Burgess then goes on to say that if the work is to be undertaken at all the cost should be divided between the United States and the two States interested therein, since it "would result in the local benefits to those States outweighing the national or general benefit arising from a small increase in the movement of water-borne freight."

Of the proposal to improve only as far as Celina, he says that the entire population of the Tennessee counties affected is not over 80,000, and probably less than half of that number would be directly benefited. I am frank to say these figures are confusing. Maj. Burgess seems to come back here to the figures given by the board in 1906.

Mr. LEA of Tennessee. Mr. President, did not Maj. Burgess earlier in the report give the figures as 200,000 in 1909? I understood the Senator so to read them.

Mr. BURTON. I so understand it; but it states here—this is not in Kentucky, however; this is in Tennessee—that the entire population of the Tennessee counties affected is not over 80,000.

Mr. LEA of Tennessee. I asked the Senator that question. I understood him to answer that 200,000 in 1909 was the population of the counties.

Mr. BURTON. That is the way he gives it on page 67 of this document, naming the counties bordering upon the river. I think it will be found, however, that two or three of those counties, or one, at least—Smith County, is it not—borders on the improvement to Carthage, which is already finished.

Mr. LEA of Tennessee. Smith County is in the central part, and I think is not one of those counties.

Mr. BURTON. That does not border on this new improvement, does it?

Mr. LEA of Tennessee. No; I think not.

Mr. BURTON. That, however, with a population of 18,548, is included in this enumeration. Does Putnam County border on the new improvement?

Mr. SHIELDS. Yes; it is tributary to it.

Mr. LEA of Tennessee. I did not understand the Senator's first statement with regard to the population of 18,000 of Smith County.

Mr. BURTON. It is given here as 18,548.

Mr. LEA of Tennessee. What pertinency does that have to the statement of the Senator?

Mr BURTON. It is included in this list as making up the population of the counties bordering on the proposed improvement.

Mr. LEA of Tennessee. Which list—the 80,000 or the 200,000?

Mr. BURTON. The 221,000.

Mr. LEA of Tennessee. The 200,000 list or the 80,000 list?

Mr. BURTON. I have already answered the Senator from Tennessee to the effect that it was a part of the 221,000 list. Is Jackson County included? Does that border on the river?

Mr. SHIELDS. Yes.

Mr. BURTON. Is there not a county there that just touches it for a few miles?

Mr. SHIELDS. Smith County contains Lock No. 7——

Mr. BURTON. It is already provided for.

Mr. SHIELDS. And is in part dependent upon this project now for transportation. I suppose that is the one the Senator has in mind.

Mr. BURTON. Is not the pool created by Lock No. 7 carried to the upper limit of Smith County?

Mr. SHIELDS. I should say not, though I am not certain as to that. My impression is that Lock 8, uncompleted yet, is in Smith County.

Mr. BURTON. It was never commenced.

One very singular thing about this matter is that a Congressman from Tennessee, the Hon. CORDELL HULL, in a letter addressed to Maj. Burgess under date of April 20, 1912, urged only the construction of Locks 8, 9, 10, and 11—four out of the ten. It seems to me that this report, in view of that fact, is rather singular—that there should have been a request for only 4 locks and here a recommendation for 10 locks.

Speaking of what is desired, Mr. HULL says, on page 72 of this river and harbor document:

The fact should not be overlooked that Locks 2 to 7 are in an exclusively agricultural section of the river valley and only reach to the edge of the undeveloped forest and mineral region above, so that through their operation, while it will increase considerably, it can not be expected to secure the great and permanent development of commerce in the upper river valley that would be secured by extending the locks to the heart of the mineral, forest, and agricultural section that is now without railroads. The construction of Locks 8, 9, 10, and 11 would effect this result.

This is what Mr. HULL says at the close:

I can give it as my understanding that the Committee on Rivers and Harbors, when passing the resolution in question, had in mind either three or four locks, commencing above No. 7.

Here we have the report advocating 10 locks. This whole transaction is, I may say, not shrouded in but surrounded by a kind of mystery. First, a report against it, then a report in its favor, the leading advocate only asking 3 or 4 dams, and the report in favor of constructing 10.

Mr. SHIELDS. Mr. President——

Mr. BURTON. The letter states distinctly:

I can give it as my understanding that the Committee on Rivers and Harbors, when passing the resolution in question, had in mind either three or four locks, commencing above No. 7.

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. BURTON. Yes; I yield to the Senator.

Mr. SHIELDS. Mr. President, the mystery that the Senator sees in this improvement results from his own confusion in not understanding this record. That was evident a while ago when he was referring to the resolution of the Committee on Rivers and Harbors of the House directing a further report to be made. The Senator was in doubt whether that was made before the first report of Maj. Burgess. All he had to do was to turn to the record that he had in his hand and see, in the beginning of Maj. Burgess's first report, that that order was made on February 15, 1912, directing Maj. Burgess to make a report, and that he did make a report upon the data ascertained by the survey of 1882–83, which was unfavorable to the extent that it recommended that the expense be divided between the Federal Government and the State governments. That report, as stated, was made on old data, without any personal investigation of his own. He was directed, then, to make a personal survey of the whole river and report; and on that survey he recommended a reduction of the number of locks and dams from 13 to 10 and filed a favorable report on December 30, 1913.

So the action of the Committee on Rivers and Harbors, so confusing to the Senator, occurred before this first unfavorable report, and there is no inference to be drawn from it here adverse to the action of Maj. Burgess and his good faith in the matter.

Mr. BURTON. Mr. President, the report is set forth very fully here, beginning on page 38 of this river and harbor document. Maj. Burgess gives a far greater amount of detail in the first report than in the second, so that his examination must have been made some time prior to his first report. I really do not think the Senate should look favorably upon the argument that whenever an unfavorable report is made it is the result of a superficial examination. There must have been some other request from the Committee on Rivers and Harbors, or something occurring between the first and the second reports; otherwise there would have been no authority whatever to make it.

I am frank to say that it is rather unusual that there should be given in the report only the date of the first resolution, which was some time in the year 1912. For instance, the Nashville Booster Club wrote a letter to Maj. Burgess in October, 1912. His first report was made on October 29, 1912. It is elaborate and thorough, and it is evident that he had made a careful examination of the project at that time.

Mr. SHIELDS. In his own report he says he made it on the data of the survey of 1882–83. In the first paragraph of his second report, made in response to a departmental letter, he says that it was based on a survey made by himself and upon new information obtained.

Mr. BURTON. Mr. President, it is evident that the first report was made after a very thorough consideration of the subject; that he had received these arguments from the persons interested, and that he was thoroughly familiar with the situation. I must say that to me it seems still more strange that, after that kind of a report was made on a request of the Committee on Rivers and Harbors, the department, without any action by Congress or by a committee of Congress, should have made a request of the kind stated. If it is true that the department, after a solemn report has been made, asks another, there is no certainty as to what the final result will be on any report.

Mr. TOWNSEND. Mr. President, I am a little bit confused about that proposition myself. I understood the Senator to say that the engineer made a report which was unfavorable; and then he said that the Congress passed a resolution, or a com-

mittee did, and that after that was passed the engineer made a favorable report.

Mr. BURTON. I am not sure that statement is correct, but it is the natural inference. It would seem from the date given here, if there is not a misprint, that the first request was after the first and before the second report. I have never known an instance where it happened in any other order.

Mr. TOWNSEND. Then do I understand the Senator to criticize the Congress, or the committee of Congress, for passing a resolution such as it did pass?

Mr. BURTON. If it passed one before this first report, which was unfavorable, was made, it disarms the criticism, except that, in a general way, I do not think it is a very good policy.

Mr. TOWNSEND. I understood the Senator to say that it was strange that a report of this kind should be made without congressional action, or some authority or some request from some source.

Mr. BURTON. It is certainly unprecedented. I never knew a case where an unfavorable report was made and then there was a reversal without ordering a resurvey or reexamination, either by resolution of Congress or by a resolution of one of the committees—the Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House. This is absolutely exceptional. That being the case, I acted on the theory that the resolution of the House of Representatives must have been made between the first and the second reports.

Mr. TOWNSEND. I can see where the Senator got that idea; but I was wondering if the Senator condemned the action of a committee of Congress in recommending that another survey be made of a project, even though it had been unfavorably reported on at one time.

Mr. BURTON. I do not think it is a very good policy to pursue. The law formerly left the exclusive right in this matter with Congress, which could act by a concurrent resolution, joint resolution, or a bill. In that way every Member of the House or Senate had an equal chance in river and harbor legislation.

Mr. SHIELDS. Mr. President, if the Senator will allow me, I will clear up the confusion about that by reading from the record. You will find in document No. 10, on page 38, the first report of Maj. Burgess, dated October 29, 1912. The first paragraphs are in these words:

1. In compliance with your instructions of March 2, 1912, contained in the letter of Hon. S. M. SPARKMAN, M. C., chairman of the Committee on Rivers and Harbors (E. D. 8101/233), I have to report as follows:
2. On February 15, 1912, the Committee on Rivers and Harbors of the House of Representatives passed the following resolution:
*"Resolved by the Committee on Rivers and Harbors of the House of Representatives, United States,* That the Board of Engineers for Rivers and Harbors created under section 3 of the river and harbor act approved June 13, 1902, be requested to consider its previous reports on Cumberland River above Nashville, Tenn., and to make a further report with recommendation as to the desirability at the present time of constructing one or more locks and dams above Lock and Dam No. 7."

That was the first report, and the one that is considered unfavorable because it recommended a division of the expenses. It was made upon the old data of 1882–83.

Mr. BURTON. It was more than that; it was distinctly against it.

Mr. SHIELDS. If the Senator will read the report, he will find the contrary is the case.

The second report was filed December 30, 1913, and I will read from it:

1. In compliance with instructions contained in department letter of December 12, 1912 (E. D. 8101/233), I submit the following report:
2. The original project for the canalization of the upper Cumberland River was based on data obtained by a survey made in 1883.

Then he proceeds to show that his former report was made upon that data, but that under this last instruction he went upon the river personally with a corps of assistants and made a personal survey from Carthage to Burnside, and then made a favorable report.

Mr. LEA of Tennessee. I will ask my colleague if the last letter of instructions was not from the Engineers' Office, instead of being the result of a resolution by the committee?

Mr. SHIELDS. It says, "In compliance with instructions contained in department letter of December 12, 1912"; and I take it the letter was from the Board of Engineers, and not from the Rivers and Harbors Committee.

Mr. LEA of Tennessee. And I take it that completely rebuts the idea of the insidious effect of Congressional influence having brought about this report.

Mr. BURTON. It is certainly very remarkable. The statute is perfectly clear:

In all cases where preliminary examinations and surveys are herein or may be hereafter authorized, a preliminary examination of the river, harbor, or other proposed improvement mentioned shall first be made, and a report as to the advisability of its improvement shall be submitted, unless a survey or estimate is expressly directed. If upon such preliminary examination the proposed improvement is not deemed advisable, no further action shall be taken thereon without the further direction of Congress.

What right has the department to order a survey here? It is utterly unprecedented.

Mr. LEA of Tennessee. The department, I take it, thought that the resolution of February 15, 1912, ordered a survey; and when the engineer made his report and showed there had been no survey since 1882 it saw that the resolution had not been complied with.

Mr. BURTON. All that the resolution had a right to do was to order a reexamination. There had been a survey in 1906.

Mr. LEA of Tennessee. But the whole of one of the Senator's arguments has been based upon the fact of a second authorization by Congress, and then that this favorable report was brought in; in other words, that the engineer construed that as an instruction and order to bring in a favorable report. So I think in fairness the Senator ought to withdraw that entire argument, because the fact upon which it was founded has been shown not to exist.

Mr. BURTON. It is evident that there was some intermediate influence, because it is wholly without precedent. I never knew of anything of the kind before, and I do not see how it can be done in accordance with the law. I am familiar with the law and the operation of that statute, which is to the effect that when an examination has been made by resolution or action of Congress the Committee on Rivers and Harbors of the House or the Committee on Commerce of the Senate may ask an examination and review of—

the report of any examination or survey made pursuant to any act or resolution of Congress, and report thereon through the Chief of Engineers, United States Army, who shall submit his conclusions thereon as in other cases: *Provided*, That in no case shall the board, in its report thus called for by committee resolution, extend the scope of the project contained in the original report upon which its examination and review has been requested, or in the provision of law authorizing the original examination or survey.

Mr. LEA of Tennessee. But I understood the Senator to explain the second favorable report as being due to the Engineer Department construing the request for another report, after the first report was adverse, as tantamount to instructions to bring in that kind of report. Was I not correct?

Mr. BURTON. Under any orderly——

Mr. LEA of Tennessee. Was not that construction of the Senator's remarks correct?

Mr. BURTON. If the Senator will kindly allow me in my own time to proceed for a minute——

Mr. LEA of Tennessee. I merely asked the Senator a question. Of course if he declines to yield I will not insist, but I should like to have the question answered.

Mr. BURTON. The resolution was evidently passed before the first report; but to make a second report on this after first making an unfavorable report was even more irregular than would be the action of having asked for a second report after a first unfavorable report, because I can see no authority under the statute or under any legislation for a second report here. That, however, is far from the point.

Mr. LEA of Tennessee. Mr. President will the Senator yield to me for just one question?

Mr. BURTON. In a moment. The point is this: A report was made by an engineer in October, 1912, and in December, 1913, he reversed himself and made another kind of a report. Now, a resolution by Congress was passed. It is immaterial whether it was before the first report or before the second report. The inference that I gained from it and the statement that I made were both incorrect if the resolution was passed prior to the first report; but first a report was made one way, and then another report another way. That is the substance of the matter. In the meantime it appears that a great many persons appeared before the board of review and argued very strongly for the change in the report.

I wish now to pass to the statistics in regard to this stretch of the river. As appears from the reports of Maj. Burgess, to which I have already referred, that there was a marked decline from about 1906 to 1911, the original board of review which examined it showing that the tonnage in the calendar year 1904 was 517,483 tons. The report of the Chief of Engineers for 1913, page 2484, gives the total as 308,085 tons for 1912, but it is probable that there is a very considerable duplication here. As I remarked early in the discussion of this bill, it is evident that the art of compiling statistics has not become an exact one. I have regarded Maj. Burgess as one of the most painstaking men in the Engineer Corps in gathering figures, but in this case there is certainly a duplication, as will appear by turning to page 2487, where the tonnage is given by locks.

For instance, the logs passing through Lock 2, Lock 3, Lock 4, Lock 5, and Lock 6 are approximately equal, ranging from about 32,007 tons to 36,093 tons. It is evident that that is the same traffic passing through a number of locks and that it is hardly accurate to say that there is so considerable a quantity of tonnage as is stated in the general table. At least that is the inference I am compelled to derive because of the length of haul and the similarity in the amounts passing through the respective locks.

Now let us see what this tonnage, aggregating 308,085 tons, consists of. Turning to page 2484: Sand and gravel, 74,054 tons; logs, 70,029 tons; lumber, 25,568 tons; railroad ties, 52,148 tons; cedar logs, 10,908 tons; spokes, 3,367 tons; staves, 15,343 tons. These articles aggregate more than 250,000 of the 308,000 tons, and they could readily be floated without any improvement. It is to be noted that, though sand and gravel show a large tonnage, it is carried an average distance of only 4 miles. The whole of the traffic in general merchandise, corn, and similar commodities is barely over 50,000 tons. Yet we are asked to improve this river, which, after the expenditure of some $3,000,000, has 50,000 tons of traffic, and that amount diminished from what it was some years ago. Four per cent on $3,000,000 would be $120,000. That is $2.40 a ton, and then the annual cost of maintenance would very materially raise that figure.

Now, let us see how the traffic compares year by year. The quantity of logs increased in 1913 over 1912 from 70,029 tons to 96,069 tons. The quantity of lumber decreased slightly; railroad ties diminished slightly, from 52,148 to 50,813 tons.

Let us see what the total traffic on this stream, with its seven locks and dams already completed, was for the year 1913: Ninety-six thousand and ninety-six tons of logs, 19,335 tons of lumber, 50,813 tons of railroad ties, 11,547 tons of staves, 3,034 tons of spokes, 9,341 tons of posts, and 103,206 tons of sand and gravel, or a total of over 291,000 tons of this kind of material, leaving some 46,000 tons of other material. It is for that, Mr. President, that we are asked to spend four millions and a half upon this river.

Now, let us look at the cost per ton-mile. Those figures are given on page 2484 of the Report of the Chief of Engineers for 1913. Logs that are floated, of course, are very cheap; lumber is cheap. Machinery costs 6.58 cents per ton-mile; general merchandise, 4.12 cents; cattle, 4.04 cents; sheep, 6.66 cents; eggs, 4.71 cents. There is not a single item in the whole list, except cedar posts, the transportation of which costs less than a cent per ton-mile, notwithstanding a good share of it is floated.

Let us see what would be the cost of transporting this same class of freight by auto trucks, a method which would save the enormous interest charge on the $3,000,000 already expended on this improvement, the $4,500,000 recommended by Maj. Burgess for the construction of 10 additional locks and dams, and the large annual cost of maintenance. I have had a statement prepared with a great deal of care by one of the leading auto-truck companies of the country. In substance it is as follows:

The Willys utility three-fourth ton auto truck, with a capacity of 1,500 pounds, with express body, top, and all equipment, costs $1,500. This truck will carry a load of 1,500 pounds from 60 to 80 miles a day, or three or four loads of 1,500 pounds each 20 miles a day. The speed limit is 18 miles per hour.

The following table shows initial cost of this truck and cost for first year:

| | |
|---|---|
| Cost of Willys utility truck | $1,500 |
| Interest at 6 per cent | 90 |
| Driver, $15 per week | 780 |
| Depreciation, 20 per cent | 300 |
| Insurance | 50 |
| Garage charges, $10 per month | 120 |
| Upkeep cost of $20 per month | 240 |
| Tires, 3 sets front, 2 sets rear | 577 |
| Oil and gasoline, 75 cents per day | 225 |
| Total | 2,382 |

On an average of 50 miles per day for 300 days—that is, 15,000 miles—the average cost is 15.9 cents per mile. This is a reasonable estimate, although of course it is difficult to give actual figures of general application for such transportation because of the difference in loads, mileage, roads, weather, and so forth.

These figures are based on the 1,500-pound load and from fair to good highways, with reasonably long hauls. Overloads are not considered, because they constitute a strain on the mechanism of the car.

GARFORD TRUCKS.

The Garford 2-ton truck estimates an average run, loaded, over fair roads, at 70 miles per day. Based on fixed charges, including driver, garaging, insurance, interest, gasoline, repairs, and depreciation, the company estimates that the cost of operation is 18 cents per mile, or a cost for each day, at 70 miles per day, of $12.60. These figures show the cost under average conditions and cover every possible item of ordinary expense.

For a 3-ton truck the cost per mile of operation is 22.45 cents per mile; and the cost of operating for each day, at 60 miles per day, is $13.47. In these figures it is assumed that in a 10-hour day it is possible for the truck to be in operation half of the time, which allows five hours for loading and unloading operations and other unavoidable delays.

For a 4-ton truck the cost per mile of operation is 24.8 cents per mile, and the cost of operating for each day, at 55 miles a day, is $13.64.

For a 6-ton truck the cost per mile of operation is 31.6 cents per mile, and the cost of operating for each day, at 45 miles per day, is $14.22. That is a little less than 5.3 cents per mile. The charges of the boatmen are in some instances, or on some classes of freight, as given above, more than that without counting either the cost of the maintenance of the improvement or interest upon it.

From photographs it is apparent that these heavy trucks, loaded to capacity, can be used on roads which are in bad condition and which have steep grades, such as in and about lumber camps in the Northwest, where the country is very hilly and the roads are generally in miserable shape.

The tax of 2 cents a gallon on gasoline, I suppose, will not increase that cost very materially, but the annual allowance for gasoline for an autotruck which carries only 1,500 pounds is $225. Then there are the 2, 3, 4, and 6 ton trucks.

Considering the cost of maintaining this expensive improvement, even before any account is taken of the interest charge on the original cost, the expense of transporting many grades of freight by autotrucks would be less than by boat.

Then, too, there were six months' navigation before any locks and dams were constructed, and with the present expensive improvement the traffic in the stretch above Nashville has fallen to less than 50,000 tons, when sand, gravel, logs, and other coarse material are excluded. I ask the Senator from Tennessee what is the distance from Nashville to Carthage?

Mr. LEA of Tennessee. It is about 110 miles.

Mr. BURTON. And that stretch had six months' navigation before this expensive system of locks and dams was ever inaugurated. Is this Congress going to make an appropriation which will continue this waste? Is this Senate going to commit itself to the extent of four million and a half dollars?

Mr. President, this change in opinion by Maj. Burgess from an unfavorable to a favorable report seems very strange. It is possible that my inference, indeed, it seems to be true that my inference, that the change was made before a resolution asking for a reexamination was passed by the Committee on Rivers and Harbors of the House, must have been incorrect, though to me the transaction as it now stands is simply inexplicable. I have never known before a case of this kind. There is no desire to make any reflection upon the committee of the House of Representatives. They probably did what they thought was their duty in asking a reexamination, whether it was before or after this first report, but in some way the judgment of the engineers in regard to it was changed.

It must be noted that not very long before this final and favorable report was made numerous men of influence appeared at a hearing and advocated the improvement. This is a significant fact.

Mr. LEA of Tennessee. I should like to ask the Senator what is the date of that hearing?

Mr. BURTON. January 28, 1914.

Mr. LEA of Tennessee. Is it not a fact that the report of the local engineer, Maj. Burgess, was filed December 30, 1913?

Mr. BURTON. That is immaterial. The report of the board of review is what finally determines the matter. Their report was made after this hearing.

Mr. KENYON. What is the date of the report of the board of review?

Mr. BURTON. On January 28 these men appeared before the board, and on February 4, just a week later, the board made their report. Mr. President, this is a typical case of locks and dams. It is like the Big Sandy, on which we have spent nearly $2,000,000. The engineers have very recently made a report in which they advise that the whole plan be discontinued. On it, as on a multitude of other inland waterways, the traffic is dropping out of sight.

The same tendency is true in regard to the Tennessee. I do not now wish to take the time of the Senate to repeat what I have said so many times, that the two locks and dams proposed on that river are in a less favorable situation than the two completed, one at Muscle Shoals Canal and the other at Colbert and Bee Tree Shoals, and yet, as was first pointed out by the

Senator from Nebraska [Mr. NORRIS], if you exclude the material that floats without any improvement in the river, the interest on the amount invested there and the annual cost of maintenance is such that it would probably be cheaper to buy every pound of freight carried through them than to have ever made that improvement. It amounts to less than 6,000 tons, and yet work has already been begun on two more locks and dams in that river, one at Caney Creek Shoals and another in the middle section.

On Friday night I read a lengthy communication alleged to have been signed by every boat owner on the river above Decatur protesting against that method of improvement; also a petition signed by at least some 500, and it is claimed signed by every farmer in the neighborhood, protesting against the proposed lock and dam at Caney Creek Shoals.

I also called attention to the fact that the engineers' report was in favor of compelling those in the neighborhood of the Caney Creek Shoals to pay the expense of the flowage rights at that point, and that that recommendation had never been adopted. Indeed the form of the act providing for this improvement makes no mention of locks and dams whatever. Although the bill of 1912 seems to have made the authorization, I never knew until this year that there was any provision for locks and dams lurking in that statute.

In the substitute which I have introduced there is what I consider a very reasonable requirement that no further locks or dams shall be constructed there without the express approval of Congress. It is very likely that the amendment presented by the Senator from Louisiana [Mr. RANSDELL] on Saturday to the effect that this recommendation of the engineers should be carried out will prevent the building of the lock and dam at Caney Creek Shoals, but it is better to make it certain by a formal enactment that we are not in favor of further waste in that river; that we want nothing more like Muscle Shoals Canal, nothing more like Colbert and Beetree Canal in that stream.

Mr. President, if once we begin we will find there is no limit to their expense. As I recall it, one map issued by the engineers' office lays down 10 dams in the upper portion of the river to cost over $10,000,000. Traffic is diminishing year by year. I shall ask unanimous consent to have printed in the RECORD as part of my remarks the figures giving the amount of traffic on the three sections of this Tennessee River for a series of years.

COMMERCIAL STATISTICS—TENNESSEE RIVER ABOVE CHATTANOOGA (188 MILES).

[Engineers' Report, 1910, vol. 2, p. 1861.]

Season of navigation, 1909: Closed August 28; opened December 8.

*Vessel classification.*

| | |
|---|---|
| Registered steamers (American) | 18 |
| Net registered tonnage | 872 |
| Passengers | 11,289 |

*Freight traffic.*

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried.[1] | Average rate per ton-mile.[2] |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Grain | 460,325 bushels | 12,880 | $330,790 | 60 | 4.0 |
| Hay | 138,000 bales | 6,900 | 138,000 | 40 | 5.0 |
| Live stock, large | 290 head | 145 | 17,400 | 80 | 5.0 |
| Live stock, small | 2,630 head | 330 | 28,930 | 50 | 8.0 |
| Straw | 9,300 bales | 465 | 4,650 | 60 | 4.0 |
| Other farm products | | 720 | 57,600 | 60 | 10.0 |
| Logs | 18,528,000 feet b.m. | 55,590 | 333,540 | 150 | (3) |
| Lumber | 3,082,000 feet b.m. | 6,780 | 77,050 | 50 | 4.2 |
| Railroad ties | 20,000 | 1,820 | 9,000 | 50 | 4.2 |
| Other timber products | | 200 | 1,600 | 20 | 10.5 |
| Coal | 5,300 tons | 5,300 | 10,600 | 30 | (4) |
| Fertilizer | 160 tons | 160 | 4,000 | 75 | 2.0 |
| Flour | 5,600 barrels | 560 | 38,000 | 60 | 4.2 |
| Iron ore | 80,165 long tons | 89,785 | 110,225 | 25 | (4) |
| Marble | 332,000 cubic feet | 26,975 | 404,625 | 4 | |
| Merchandise | | 5,310 | 668,750 | 40 | 12.5 |
| Miscellaneous | | 510 | 20,400 | 25 | 10.0 |
| Sand and gravel | 117,000 cubic yards | 156,000 | 70,200 | 2 | (4) |
| Total | | 370,430 | 2,320,360 | 40 | 6.0 |

[1] The figures given are based on conjecture only, no information being obtainable from the steamboat lines.

[2] Steamboat companies take no account of distance in fixing freight charges. The results given in this column are based on the average rates of a single line, divided by the assumed average haul as given in the preceding column, and are therefore merely rough approximations.

[3] Located down in rafts.

[4] Transported by owner of commodity.

NAVIGATION SEASON OF 1910.

COMMERCIAL STATISTICS—TENNESSEE RIVER ABOVE CHATTANOOGA.

[Engineers' Report, 1911, vol. 2, p. 2041.]

Season of navigation, year 1910: Closed, October 15, 1910; opened, December 1, 1910.

*Vessel classification.*

| | |
|---|---|
| American registered steamers | 16 |
| Net registered tonnage | 789 |
| Rafts | Not reported. |

About 76 barges, of a total capacity estimated at 6,550 tons, were employed by the steamboats operating in this section.

*Freight traffic.*

| Articles. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton-mile |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Grain | 569,740 bushels | 15,422 | $397,520 | 38 | 2.4 |
| Hay | 127,700 bales | 6,385 | 140,740 | 30 | 4.4 |
| Live stock, large | 900 head | 450 | 49,550 | 24 | 6.7 |
| Live stock, small | 2,875 head | 255 | 24,500 | 25 | 7.8 |
| Straw | 17,250 bales | 518 | 3,885 | 57 | 2.7 |
| Other farm products | | 276 | 40,440 | 28 | 11.6 |
| Logs (towed in barges) | 1,840,000 feet b.m. | 4,350 | 29,440 | 13 | 6.0 |
| Logs (rafted) | 7,352,000 feet b.m. | 18,380 | 110,280 | | |
| Lumber | 4,145,000 feet b.m. | 9,211 | 111,915 | 48 | 1.7 |
| Railroad ties | 59,000 | 5,900 | 26,550 | 42 | 2.3 |
| Coal | 8,220 tons | 8,220 | 14,385 | 22 | 2.6 |
| Fertilizer | 425 tons | 425 | 10,625 | 38 | 2.5 |
| Flour | 3,430 barrels | 343 | 17,150 | 43 | 6.6 |
| Iron ore | 95,000 long tons | 106,400 | 123,500 | 17 | (1) |
| Marble | 368,000 cubic feet | 29,440 | 441,600 | 5 | 5.3 |
| Merchandise | | 8,220 | 566,950 | 45 | 7.2 |
| Miscellaneous | | 970 | 11,300 | 30 | 4.1 |
| Sand and gravel | 84,250 cubic yards | 126,375 | 50,550 | 9 | 1.2 |
| Total | | 341,540 | 2,570,880 | 15 | 4.2 |

[1] Transported by the owners.

COMMERCIAL STATISTICS—TENNESSEE RIVER ABOVE CHATTANOOGA.

[Engineers' Report for 1912, vol. 2, p. 2242.]

Season of navigation, year 1911: Closed August 8, 1911; opened November 18, 1911.

*Vessel classification.*

| | |
|---|---|
| American registered steamers | 15 |
| Net registered tonnage | 743 |
| Unregistered rafts | Not reported. |

About 34 barges, of a total capacity estimated at 3,974 tons, were employed by the steamboats operating in this section.

*Freight traffic.*

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton-mile. |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Grain | 523,410 bushels | 14,564 | $435,608 | 46 | 1.9 |
| Hay | 77,564 bales | 3,883 | 97,075 | 60 | 2.0 |
| Live stock, large | 248 head | 124 | 25,060 | 61 | 5.1 |
| Live stock, small | 534 head | 47 | 6,538 | 32 | 8.6 |
| Straw | 5,359 bales | 461 | 8,298 | 40 | 3.1 |
| Other farm products | | 322 | 49,300 | 48 | 10.2 |
| Logs (towed in barges) | 2,150,000 feet b.m. | 5,375 | 34,400 | 25 | 2.9 |
| Logs (rafted) | 11,323,840 feet b.m. | 28,310 | 181,184 | | |
| Lumber (towed in barges) | 3,396,131 feet b.m. | 6,792 | 84,900 | 43 | 1.6 |
| Lumber (rafted) | 215,000 feet b.m. | 430 | 5,375 | | |
| Railroad ties: | | | | | |
| Towed in barges | 103,222 | 10,322 | 46,449 | 38 | 1.8 |
| Rafted | 50,000 | 5,000 | 22,500 | | |
| Other timber products | | 2,018 | 31,279 | 12 | 6.4 |
| Coal | 7,210 tons | 7,210 | 14,420 | 29 | 1.3 |
| Fertilizer | 478 tons | 478 | 11,950 | 37 | 3.2 |
| Flour | 3,685 barrels | 428 | 18,425 | 38 | 5.8 |
| Iron ore | 109,249 long tons | 122,359 | 142,024 | 15 | (1) |
| Marble | 515,241 cubic feet | 42,936 | 644,040 | 7 | 5.4 |
| Merchandise | | 7,607 | 950,875 | 44 | 10.0 |
| Miscellaneous | | 453 | 1,418 | 31 | 3.2 |
| Sand and gravel | 89,138 cubic yards | 135,057 | 45,019 | 7 | (2) |
| Total | | 394,176 | 2,856,227 | 15 | 4.1 |

[1] Transported by the owners.

[2] Part transported by the owners.

NAVIGATION SEASON OF 1912.

COMMERCIAL STATISTICS—TENNESSEE RIVER ABOVE CHATTANOOGA.

[Engineers' Report for 1913, vol. 2, p. 2493.]

Season of navigation, year 1912: Closed October 22, 1912; opened December 7.

*Vessel classification.*

| | |
|---|---|
| American registered steamers | 18 |
| Net registered tonnage | 809 |
| Unregistered rafts | Not reported. |

About 56 barges of a total capacity estimated at 5,495 tons, were employed by the steamboats operating in this section.

*Freight traffic.*

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton-mile. |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Grain | 544,879 bushels | 15,365 | $460,950 | 35 | 3.0 |
| Hay | 153,326 bales | 7,666 | 191,650 | 33 | 3.6 |
| Live stock, large | 223 head | 112 | 15,120 | 59 | 6.8 |
| Live stock, small | 448 head | 45 | 6,300 | 49 | 8.5 |
| Other farm products | | 851 | 148,925 | 46 | 8.3 |
| Logs (towed in barges) | 2,435,898 feet b. m. | 7,308 | 51,156 | 16 | 5.4 |
| Logs (rafted) | 13,248,385 feet b. m. | 39,747 | 278,229 | | |
| Lumber (towed in barges) | 3,945,715 feet b. m. | 7,891 | 98,637 | 36 | 2.3 |
| Lumber (rafted) | 54,147 feet b. m. | 108 | 1,350 | | |
| Railroad ties | 239,300 | 20,938 | 94,221 | 22 | 3.8 |
| Other timber products | | 6,254 | 96,937 | 9 | [1]5.2 |
| Fertilizer | | 445 | 11,125 | 36 | 3.0 |
| Flour | 6,765 barrels | 677 | 33,850 | 35 | 4.7 |
| Iron ore | | 151,490 | 174,213 | 16 | 1.2 |
| Marble | 902,153 cubic feet | 79,372 | 1,190,580 | 12 | 5.4 |
| Merchandise | | 10,732 | 1,341,500 | 37 | 11.9 |
| Miscellaneous | | 6,558 | 98,370 | 32 | 1.6 |
| Sand and gravel | 59,596 cubic yards | 119,394 | 131,333 | 4 | [1]2.9 |
| Total | | 474,953 | 4,424,446 | 19 | 3.5 |

[1] Part transported by the owners.

COMMERCIAL STATISTICS—TENNESSEE RIVER ABOVE CHATTANOOGA.

Season of navigation, year 1913: Closed July 10, 1913; opened December 5, 1913.

*Vessel classification.*

| | |
|---|---|
| American registered steamers | 17 |
| Net registered tonnage | 664 |
| Unregistered rafts | Not reported. |

About 78 barges, of a total capacity estimated at 6,391 tons, were employed by the steamboats operating in this section.

*Freight traffic.*

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton-mile. |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Grain | 285,194 bushels | 10,579 | $296,291 | 53 | 2.2 |
| Hay | 112,320 bales | 5,616 | 112,320 | 52 | 2.7 |
| Live stock, large | 216 head | 109 | 20,665 | 35 | 5.1 |
| Live stock, small | 411 head | 42 | 5,754 | 53 | 7.8 |
| Other farm products | | 1,268 | 171,064 | 62 | 6.8 |
| Logs: | | | | | |
| Towed in barges | 644,000 feet b. m. | 1,932 | 14,490 | 46 | 1.4 |
| Rafted | 9,585,845 feet b. m. | 33,103 | 248,273 | | |
| Lumber: | | | | | |
| Towed in barges | 3,573,000 feet b. m. | 7,146 | 114,336 | 56 | 1.9 |
| Rafted | 547,450 feet b. m. | 1,095 | 17,400 | | |
| Railroad ties | 81,674 | 7,148 | 35,740 | 37 | 2.7 |
| Other timber products | | 372 | 1,860 | 11 | 6.8 |
| Fertilizer | | 1,058 | 79,350 | 32 | 6.2 |
| Flour | 4,422 barrels | 442 | 22,100 | 49 | 4.9 |
| Merchandise | | 5,820 | 873,000 | 54 | 7.2 |
| Miscellaneous | | 8,968 | 26,567 | 19 | 2.4 |
| Sand | 130,639 cubic yards | 209,458 | 104,729 | 3 | [1]6.7 |
| Gravel | 10,000 cubic yards | 15,000 | 7,500 | 3 | [2] |
| Marble | 4,320 cubic yards | 10,195 | 152,925 | 5 | 5.1 |
| Iron ore | | 149,564 | 171,999 | 15 | 2.5 |
| Machinery | | 770 | 231,000 | | |
| Total | | 469,635 | 2,707,363 | 12 | 3.2 |

[1] Part transported by owners. [2] Transported by owners.

Number of passengers carried, 2,010.

COMMERCIAL STATISTICS—TENNESSEE RIVER BETWEEN CHATTANOOGA AND FLORENCE.

[Engineers' Report for 1910, vol. 2, p. 1868.]

Season of navigation, 1909: Closed September 1; opened December 10.

*Vessel classification.*

| | |
|---|---|
| Registered steamers (American) | 20 |
| Net registered tonnage | 1,801 |
| Passengers | 20,103 |

*Freight traffic.*

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried.[1] | Average rate per ton-mile.[2] |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Cotton | 58,840 bales | 13,460 | $3,635,200 | 25 | 10.0 |
| Cotton seed | 208,070 bushels | 3,470 | 86,750 | 25 | 10.0 |
| Grain | 426,500 bushels | 11,915 | 309,790 | 125 | 2.0 |
| Hay | 24,100 bales | 1,205 | 24,100 | 50 | 4.0 |
| Live stock: | | | | | |
| Large | 5,850 head | 2,925 | 365,875 | 125 | 4.2 |
| Small | 4,140 head | 400 | 73,600 | 125 | 4.0 |
| Other farm products | | 5,615 | 336,900 | 60 | 10.0 |
| Logs | 14,490,000 feet b. m. | 36,225 | 260,820 | 40 | [3] |
| Lumber | 10,950,000 feet b. m. | 24,090 | 308,600 | 80 | 2.5 |
| Railroad ties | 50,000 | 4,545 | 22,500 | 60 | 3.3 |
| Other timber products | | 2,500 | 27,500 | 60 | 4.0 |
| Cement | 30,400 barrels | 6,080 | 38,000 | 15 | [3] |
| Coal and coke | 32,745 tons | 32,745 | 74,780 | 20 | |
| Fertilizer | 5,515 tons | 5,515 | 110,300 | 55 | 3.0 |
| Flour | 64,300 barrels | 6,430 | 353,650 | 55 | 4.5 |
| Merchandise | | 25,055 | 3,131,875 | 80 | 6.2 |
| Miscellaneous | | 16,515 | 825,750 | 25 | 10.0 |
| Sand and gravel | 72,000 cubic yards | 90,000 | 36,000 | 4 | [4] |
| Total | | 288,750 | 10,020,990 | 40 | 6.0 |

[1] Based on conjecture only. The steamboat companies have no definite information to offer in this connection.

[2] The figures given are based on what are understood to be the average rates charged by the principal boat lines, divided by the assumed average haul as given in the preceding column. No approach to accuracy is possible, owing to the numerous complications involved. In most cases the figures would be lower if it were not for the fact that the average haul is much reduced by the large quantities of freight carried only 22 miles by the Nashville, Chattanooga & St. Louis Railroad on transfer boats (without unloading from cars).

[3] Length of haul is not considered by the steamboat companies in fixing their rates.

[4] About one-third floated down in rafts.

[5] Transported by owners of commodity.

*Comparative statement of commerce for the past 10 years.*

| Year. | Amount. | Estimated value. | Year. | Amount. | Estimated value. |
|---|---|---|---|---|---|
| | *Tons.* | | | *Tons.* | |
| 1900 | 229,160 | $5,490,779 | 1905 | 175,800 | $9,475,632 |
| 1901 | 129,160 | 4,584,322 | 1906 | 413,751 | 10,146,386 |
| 1902 | 137,861 | 5,567,464 | 1907 | 267,929 | 10,567,000 |
| 1903 | 297,851 | 7,439,914 | 1908 | 202,450 | 8,115,735 |
| 1904 | 173,406 | 7,204,682 | 1909 | 288,750 | 10,020,990 |

COMMERCIAL STATISTICS—TENNESSEE RIVER BETWEEN CHATTANOOGA AND FLORENCE.

[Engineers' Report for 1911, vol. 2, pp. 2050–2051.]

Season of navigation, year 1910: Closed, October 15, 1910; opened, December 1, 1910. (Open all the year between Bridgeport and Decatur.)

*Vessel classification.*

| | |
|---|---|
| American registered steamers | 18 |
| Net registered tonnage | 1,620 |
| Unregistered rafts | Not reported. |

About 41 barges, of a total capacity estimated at 9,450 tons, were employed by the steamboat lines operating in this section.

*Freight traffic.*

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton-mile. |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Cotton | 29,674 bales | 7,419 | $2,077,320 | 86 | 3.4 |
| Cotton seed | 123,000 bushels | 2,050 | 36,900 | 89 | 1.7 |
| Grain | 188,960 bushels | 5,210 | 131,900 | 91 | 2.1 |
| Hay | 356 | 1,115 | 8,010 | 65 | 2.9 |
| Live stock, large | 3,745 head | 1,873 | 161,880 | 80 | 3.9 |
| Live stock, small | 1,194 head | 104 | 11,940 | 80 | 7.1 |
| Other farm products | | 148 | 27,150 | 84 | 5.5 |
| Logs (towed in barges) | 10,220,000 feet b. m. | 25,500 | 163,520 | 66 | 1.4 |
| Logs (rafted) | 1,680,000 feet b. m. | 4,200 | 26,880 | | |
| Lumber | 2,985,000 feet b. m. | 6,633 | 83,580 | 65 | 1.8 |
| Railroad ties | 94,200 | 9,420 | 42,390 | 70 | 1.0 |
| Other timber products | | 13,432 | 66,220 | 43 | 1.8 |
| Fertilizer | 8,095 tons | 8,095 | 202,375 | 60 | 3.4 |
| Flour | 14,427 barrels | 1,443 | 72,135 | 136 | 2.1 |
| Merchandise | | 18,926 | 2,365,750 | 80 | 4.8 |
| Miscellaneous | | 826 | 5,270 | 34 | 4.0 |
| Sand and gravel | 17,860 cubic yards | 26,790 | 8,930 | 29 | .5 |
| Total | | 132,425 | 5,492,150 | 62 | 2.5 |

The foregoing tabulation does not include the freight transferred between the Nashville, Chattanooga & St. Louis Railway Co.'s terminals at Hobbs Island and Guntersville, Ala. Two towboats, handling large transfer barges that accommodate from 8 to 10 freight cars each, are employed by the railway company as a connecting link between its lines on the north and south bank of the river. Freight is not unloaded from the cars, and the railroad keeps no separate traffic records pertaining to this car ferry, but regards it in the same light as any ordinary crossing, although the terminals are 22 miles apart. It is considered that this business is not altogether in the nature of actual river traffic, but inasmuch as the statistics heretofore compiled for this section have included the commerce thus handled a condensation of the railroad company's report for the last calendar year is given below.

*Traffic handled in 1910 by railway transfer boats between Hobbs Island and Guntersville, Ala. (22 miles).*

| Class of commodities. | Quantity. | Estimated value. |
|---|---|---|
| | *Tons.* | |
| Farm products | 18,670 | $1,686,000 |
| Timber products | 8,860 | 100,300 |
| Merchandise | 18,775 | 1,784,700 |
| Miscellaneous | 28,370 | 304,500 |
| Total | 74,675 | 3,875,500 |

With the addition of this business the total traffic for the year 1910 amounts to 207,100 tons, valued at $9,367,650. These totals should be employed in any comparison of the commerce of this section for 1910 with that reported for previous years.

NAVIGATION SEASON OF 1911.

[Engineers' Report for 1912, pp. 2249–2250.]

About 67 barges, with a total capacity estimated at 8,798 tons, were employed by steamboats operating in this section.

*Freight traffic.*

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton-mile. |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Cotton | 34,193 bales | 8,548 | $2,051,520 | 83 | 3.6 |
| Cotton seed | | 4,576 | 81,368 | 80 | 1.8 |
| Grain | 191,739 bushels | 4,248 | 121,651 | 74 | 1.6 |
| Hay | 4,275 bales | 214 | 5,350 | 64 | 1.9 |
| Live stock: | | | | | |
| Large | 2,280 head | 1,140 | 150,600 | 50 | 5.4 |
| Small | 1,500 head | 131 | 18,340 | 48 | 11.7 |
| Other farm products | | 119 | 20,802 | 74 | 8.9 |
| Logs (towed in barges) | 8,929,964 feet b. m. | 22,325 | 142,880 | 42 | [1]2.2 |
| Logs (rafted) | 2,547,000 feet b. m. | 6,368 | 40,755 | | |
| Lumber | 2,945,100 feet b. m. | 5,890 | 73,625 | 41 | [1]1.6 |
| Railroad ties | 233,383 | 23,338 | 105,021 | 80 | 1.1 |
| Other timber products | | 2,439 | 37,805 | 59 | 1.2 |
| Fertilizer | 6,602 tons | 6,602 | 165,050 | 49 | 3.1 |
| Flour | 20,627 barrels | 2,063 | 10,315 | 63 | [1]2.2 |
| Merchandise | | 5,678 | 709,750 | 66 | [1]6.3 |
| Miscellaneous | | 6,497 | 84,166 | 25 | [1]2.5 |
| Sand | 38,590 cubic yards. | 57,884 | 19,295 | 21 | [1]3.9 |
| Stone | 25,180 cubic yards. | 50,360 | 37,770 | 25 | (2) |
| Total | | 208,429 | 3,876,063 | 42 | 2.1 |

[1] Part transported by the owners.
[2] Transported by the owners.

The foregoing tabulation does not include the freight transferred between the Nashville, Chattanooga & St. Louis Railway Co.'s terminals at Hobbs Island and Guntersville, Ala. Two towboats, handling large transfer barges that accommodate from 8 to 10 freight cars each, are employed by the railway company as a connecting link between its lines on the north and south banks of the river. Freight is not unloaded from the cars, and the railroad keeps no separate traffic records pertaining to this car ferry, but regards it in the same light as any ordinary crossing, although the terminals are 22 miles apart. It is considered that this business is not altogether in the nature of actual river traffic, but inasmuch as the statistics heretofore compiled for this section have included the commerce thus handled a condensation of the railroad company's report for the last calendar year is given below.

*Traffic handled in 1911 by railway transfer boats between Hobbs Island and Guntersville, Ala. (22 miles).*

| Class of commodities. | Quantity. | Estimated value. |
|---|---|---|
| | *Tons.* | |
| Farm products | 15,317 | $1,673,740 |
| Timber products | 5,340 | 57,385 |
| Merchandise | 50,054 | 5,478,756 |
| Miscellaneous | 12,889 | 65,527 |
| Total | 83,600 | 7,275,408 |

With the addition of this business the total traffic for the year 1911 amounts to 292,020 tons, valued at $11,151,571. These totals should be employed in any comparison of the commerce of this section for 1911 with that reported for previous years.

NAVIGATION SEASON, 1912.

[Engineers' Report, vol. 2, p. 2500, of 1913.]

*Freight traffic.*

| Articles. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton-mile. |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Cotton | 14,279 bales | 3,597 | $863,280 | 40 | 7.4 |
| Cotton seed | | 568 | 14,768 | 30 | 5.0 |
| Cottonseed meal | | 1,310 | 36,680 | 28 | 3.3 |
| Grain | 648,450 bushels | 18,120 | 543,600 | 48 | 2.5 |
| Hay | 6,742 bales | 337 | 8,425 | 40 | 1.8 |
| Live stock, large | 2,114 head | 678 | 132,030 | 42 | 5.5 |
| Live stock, small | 1,190 head | 119 | 16,660 | 78 | 8.8 |
| Other farm products | | 362 | 63,350 | 66 | 8.3 |
| Logs (towed in barges) | 14,265,833 feet b. m. | 42,797 | 299,579 | 25 | [1]2.8 |
| Logs (rafted) | 2,763,749 feet b. m. | 8,291 | 58,037 | | |
| Lumber | 4,201,218 feet b. m. | 8,402 | 105,025 | 39 | 2.0 |
| Railroad ties | 14,877 | 1,302 | 5,859 | 59 | 1.2 |
| Other timber products | | 1,476 | 22,878 | 11 | 4.4 |
| Fertilizer | | 8,548 | 213,700 | 67 | 2.2 |
| Flour | 21,431 barrels | 2,144 | 107,200 | 72 | 3.1 |
| Merchandise | | 9,435 | 1,179,375 | 56 | 6.0 |
| Miscellaneous | | 32,831 | 492,465 | 25 | [1]2.8 |
| Sand and gravel | 152,400 cubic yards | 85,850 | 41,425 | 17 | [1]2.8 |
| Total | | 226,467 | 4,204,336 | 33 | 3.1 |

[1] Part transported by the owners.

The foregoing tabulation does not include the freight transferred between the Nashville, Chattanooga & St. Louis Railway Co.'s terminals at Hobbs Island and Guntersville, Ala. Two towboats, handling large transfer barges that accommodate from 8 to 10 freight cars each, are employed by the railway company as a connecting link between its lines on the north and south banks of the river. Freight is not unloaded from the cars, and the railroad keeps no separate traffic records pertaining to this car ferry, but regards it in the same light as any ordinary crossing, although the terminals are 22 miles apart. It is considered that this business is not altogether in the nature of actual river traffic, but inasmuch as the statistics heretofore compiled for this section have included the commerce thus handled, a condensation of the railroad company's report for the last calendar year is given below.

*Traffic handled in 1912 by railway transfer boats between Hobbs Island and Guntersville, Ala. (22 miles).*

| Class of commodities. | Quantity. | Estimated value. |
|---|---|---|
| | *Tons.* | |
| Farm products | 12,810 | $1,409,100 |
| Timber products | 6,545 | 70,359 |
| Merchandise | 49,526 | 6,190,750 |
| Miscellaneous | 20,870 | 313,050 |
| Total | 89,751 | 7,983,259 |

With the addition of this business the total traffic for the year 1912 amounts to 316,218 tons, valued at $12,187,595. These totals should be employed in any comparison of the commerce of this section for 1912 with that reported for previous years.

COMMERCIAL STATISTICS—TENNESSEE RIVER BETWEEN CHATTANOOGA AND FLORENCE.

Season of navigation, 1913: Open all the year between Bridgeport and Decatur. Between Decatur and Florence navigation was suspended during the low-water season.

*Vessel classification.*

| | |
|---|---|
| American registered steamers | 13 |
| Net registered tonnage | 855 |
| Unregistered rafts | Not reported. |

About 20 barges, with a total capacity estimated at 3,515 tons, were employed by the steamboats operating in this section.

*Freight traffic.*

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton-mile. |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Cotton | 4,956 bales | 1,239 | $297,360 | 30 | 10.0 |
| Cotton seed | | 500 | 13,156 | 30 | 2.9 |
| Grain | 255,103 bushels | 7,077 | 199,796 | 70 | 1.8 |
| Hay | 5,867 bales | 293 | 5,860 | 48 | 2.6 |
| Live stock, large | 555 head | 278 | 75,675 | 59 | 9.0 |
| Live stock, small | 600 head | 60 | 8,400 | 63 | 8.0 |
| Other farm products | | 955 | 106,080 | 64 | 7.4 |

*Freight traffic*—Continued.

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton mile. |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Logs: | | | | | |
| Towed in barges | 7,377,543 feet b. m. | 22,132 | 165,990 | 27 | 4.3 |
| Rafted | 184,929 feet b. m. | 555 | 4,163 | | |
| Lumber | 1,903,375 feet b. m. | 3,806 | 60,896 | 26 | 2.9 |
| Railroad ties | 39,395 | 3,448 | 17,240 | 41 | 1.2 |
| Other timber products | | 1,156 | 4,545 | 18 | 3.9 |
| Fertilizer | | 9,453 | 236,325 | 47 | 3.2 |
| Flour | 3,915 barrels | 392 | 19,600 | 54 | 4.6 |
| Merchandise | | 20,482 | 3,072,300 | 49 | 7.3 |
| Miscellaneous | | 801 | 3,668 | 80 | 1.8 |
| Sand | 14,700 cubic yards | 22,050 | 11,025 | 15 | [1]3.0 |
| Sand and gravel | 6,000 cubic yards | 9,000 | 4,500 | 17 | 2.3 |
| Machinery | | 450 | 135,100 | | |
| Total | | 104,133 | 4,431,588 | 38 | 4.5 |
| N. C. & St. L. R. R. boats between Hobbs Island and Guntersville | | 88,748 | 9,434,736 | | |
| Total | | 192,881 | 13,865,924 | | |

[1] Part transported by owner. Number of passengers carried, 7,010.

COMMERCIAL STATISTICS—TENNESSEE RIVER, BETWEEN FLORENCE AND PADUCAH.

[Engineers' Report of 1910, vol. 2, pp. 1871, 1872.]

Season of navigation, year 1909: From Hamburg to the mouth (200 miles) navigation was uninterrupted throughout the calendar year 1909. Between Florence and Hamburg navigation was suspended between October 28 and December 9.

*Vessel classification.*

| | |
|---|---|
| Registered steamers (American) | 22 |
| Net registered tonnage | 3,136 |
| Passengers | 23,360 |

*Freight traffic.*

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried.[1] | Average rate per ton-mile.[2] |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Cotton | 11,740 bales | 2,935 | $880,500 | 200 | 2.0 |
| Cotton seed | 134,400 bushels | 2,240 | 50,400 | 200 | 1.0 |
| Grain | 1,046,400 bushels | 30,885 | 960,575 | 150 | 1.1 |
| Hay | 23,000 bales | 1,150 | 23,000 | 150 | 1.6 |
| Live stock: | | | | | |
| Large | 3,400 head | 1,700 | 210,250 | 150 | 4.0 |
| Small | 19,300 head | 2,895 | 347,400 | 150 | 4.5 |
| Peanuts | 116,870 bags | 8,765 | 1,051,800 | 150 | 2.7 |
| Tobacco | 1,456 hogsheads | 1,020 | 153,000 | 100 | 2.0 |
| Other farm products | | 650 | 26,000 | 150 | 1.6 |
| Logs | 12,845,000 feet b. m. | 38,535 | 231,810 | 40 | [3] |
| Lumber | 15,100,000 feet b. m. | 33,220 | 407,700 | 150 | 1.2 |
| Railroad ties | 2,174,500 | 217,450 | 978,525 | 150 | [4] |
| Other timber products | | 700 | 1,400 | 40 | |
| Cement | 1,450 barrels | 290 | 2,610 | 200 | 1.0 |
| Coal | 1,370 tons | 1,370 | 2,740 | 200 | 1.0 |
| Fertilizer | 1,630 tons | 1,630 | 35,860 | 150 | 1.3 |
| Flour | 45,200 barrels | 4,520 | 248,600 | 225 | 1.3 |
| Merchandise | | 22,435 | 3,365,250 | 200 | 3.5 |
| Miscellaneous | | 1,565 | 31,300 | 100 | 2.5 |
| Salt | 1,515 tons | 1,515 | 12,120 | 225 | 1.0 |
| Total | | 375,570 | 9,020,840 | 150 | 2.6 |

[1] Wholly conjectural, the steamboat lines having no reliable data to offer. The distances hauled on the Ohio and Mississippi Rivers have been disregarded.

[2] The tariff ordinarily charged by the principal transportation company has been divided by the conjectured average haul. Length of haul is not considered by boat companies in connection with freight rates. In many instances the figures given would be materially reduced if the distances carried on the Ohio and Mississippi were taken into consideration.

[3] Largely floated down in rafts.

[4] Transported by owners of commodity.

*Comparative statement of commerce for the past 10 years.*[1]

| Year. | Amount. | Estimated value. | Year. | Amount. | Estimated value. |
|---|---|---|---|---|---|
| | *Tons.* | | | *Tons.* | |
| 1900 | 1,237,009 | $6,105,127 | 1905 | 663,606 | $11,091,978 |
| 1901 | 658,102 | 6,322,450 | 1906 | 766,118 | 10,930,000 |
| 1902 | 1,056,270 | 15,370,604 | 1907 | 643,077 | 10,921,250 |
| 1903 | 848,758 | 8,720,215 | 1908 | 552,560 | 10,636,445 |
| 1904 | 871,380 | 18,325,005 | 1909 | 375,570 | 9,020,840 |

[1] These figures do not entirely agree with those given by years in the annual reports. It is probable that they are more accurate. Note the decrease in the tonnage from 1900 and 1902 to 1909. Increases in later years are principally explained by the larger shipments of railroad ties.

COMMERCIAL STATISTICS—TENNESSEE RIVER BETWEEN FLORENCE AND PADUCAH.

[Engineers' Report for 1911, vol. 2, p. 2054.]

Season of navigation, year 1910: From the mouth to Hamburg (200 miles) navigation was uninterrupted throughout the calendar year 1910. Between Hamburg and Florence navigation was suspended from about September 15 to December 10.

*Vessel classification.*

| | |
|---|---|
| American registered steamers | 27 |
| Net registered tonnage | 3,611 |
| Unregistered rafts | Not reported. |

About 87 barges, of a total capacity estimated at 31,620 tons, were employed by the steamboat lines operating in this section.

*Freight traffic.*

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton-mile. |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Cotton | 9,274 bales | 2,319 | $649,320 | 187 | 1.6 |
| Cotton seed | 327,000 bushels | 5,450 | 98,100 | 164 | .9 |
| Grain | 358,220 bushels | 9,980 | 292,350 | 185 | .9 |
| Hay | 15,160 bales | 758 | 17,055 | 180 | 1.7 |
| Live stock: | | | | | |
| Large | 2,823 head | 1,412 | 317,700 | 185 | 1.6 |
| Small | 6,180 head | 539 | 52,530 | 122 | 2.5 |
| Peanuts | 106,011 bags | 5,300 | 636,000 | 152 | 2.1 |
| Other farm products | | 1,650 | 237,930 | 135 | 3.3 |
| Logs (towed in barges) | 588,000 feet b. m. | 1,470 | 9,560 | 85 | 1.5 |
| Logs (rafted) | 5,920,000 feet b. m. | 14,800 | 96,200 | | |
| Lumber | 17,366,000 feet b. m. | 38,590 | 455,850 | 167 | 1.1 |
| Railroad ties | 3,337,666 | 333,767 | 1,501,950 | 151 | .5 |
| Other timber products | | 3,970 | 61,600 | 146 | .7 |
| Cement | 20,675 barrels | 3,101 | 37,215 | 35 | 5.7 |
| Coal | 765 tons | 765 | 1,530 | 103 | 1.2 |
| Fertilizer | 1,426 tons | 1,426 | 35,650 | 109 | 1.8 |
| Flour | 61,754 barrels | 6,175 | 308,770 | 153 | 1.3 |
| Merchandise | | 29,116 | 3,639,500 | 186 | 2.3 |
| Miscellaneous | | 1,642 | 17,200 | 161 | 1.0 |
| Salt | 1,800 tons | 1,800 | 14,400 | 195 | .8 |
| Total | | 464,030 | 8,480,400 | 156 | [1]8 |

[1] Excluding the traffic in railroad ties, the average ton-mile rate on all other commodities becomes approximately 1.5 cents.

NAVIGATION SEASON OF 1911.

COMMERCIAL STATISTICS—TENNESSEE RIVER BETWEEN FLORENCE AND PADUCAH.

[Engineers' Report for 1912, vol. 2, pp. 2251–2252.]

Season of navigation, year 1911: From the mouth to Hamburg (200 miles) navigation was uninterrupted throughout the calendar year 1911. Between Hamburg and Florence navigation was suspended from about June 27 to November 15.

*Vessel classification.*

| | |
|---|---|
| American registered steamers | 24 |
| Net registered tonnage | 2,680 |
| Unregistered rafts | Not reported. |

About 99 barges, with a total capacity estimated at 46,450 tons, were employed by the steamboats operating in this section.

*Freight traffic.*

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton-mile. |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Cotton | 17,767 bales | 4,442 | $1,066,080 | 137 | 2.2 |
| Cotton seed | | 4,897 | 88,146 | 168 | .9 |
| Grain | 196,015 bushels | 5,321 | 162,939 | 151 | .9 |
| Hay | 7,470 bales | 374 | 9,350 | 133 | 2.5 |
| Live stock: | | | | | |
| Large | 4,606 head | 2,003 | 459,385 | 125 | 2.2 |
| Small | 9,443 head | 826 | 115,682 | 146 | 1.9 |
| Peanuts | 56,468 bags | 2,823 | 338,760 | 155 | 1.9 |
| Other farm products | | 2,807 | 163,002 | 147 | 1.9 |
| Logs: | | | | | |
| Towed in barges | 2,641,272 feet b. m. | 6,603 | 42,260 | 81 | .7 |
| Rafted | 6,742,517 feet b. m. | 16,856 | 107,878 | | |
| Lumber | 138,05,470 feet b. m | 27,611 | 345,138 | 136 | [1]1.9 |
| Poles, telegraph (rafted) | 25,000 | 10,000 | 37,500 | | |
| Railroad ties: | | | | | |
| Towed in barges | 2,693,516 | 269,353 | 1,212,089 | 153 | [1].6 |
| Rafted | 298,917 | 29,892 | 134,514 | | |
| Other timber products | | 6,696 | 103,788 | 134 | .6 |
| Coal | 958 tons | 958 | 1,916 | 86 | 2.6 |
| Fertilizer | 2,662 tons | 2,662 | 66,550 | 112 | 1.9 |
| Flour | 46,428 barrels | 4,643 | 232,140 | 185 | 1.1 |
| Marble | | 173 | 2,505 | 186 | 2.7 |
| Merchandise | | 21,213 | 2,651,625 | 128 | 2.2 |
| Miscellaneous | | 3,423 | 50,503 | 189 | 1.1 |
| Sand | 5,025 cubic yards | 7,537 | 2,512 | 45 | 1.3 |
| Total | | 431,113 | 7,394,412 | 134 | .9 |

[1] Part transported by the owners.

COMMERCIAL STATISTICS—TENNESSEE RIVER BETWEEN FLORENCE AND PADUCAH.

[Engineers' Report for 1913, vol. 2, pp. 2501–2502.]

Season of navigation, year 1912: Navigation in this section was carried on continuously throughout the calendar year 1912 by transferring freight at Hamburg for about two months during the low-water season.

*Vessel classification.*

| | |
|---|---|
| American registered steamers | 26 |
| Net registered tonnage | 2,661 |
| Unregistered rafts | Not reported. |

About 94 barges, with a total capacity estimated at 48,290 tons, were employed by the steamboats operating in this section.

*Freight traffic.*

| Articles. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton-mile. |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Cotton | 12,145 bales | 3,037 | $726,880 | 186 | 1.8 |
| Cotton seed | | 2,655 | 68,430 | 130 | 1.1 |
| Cotton sheeting | | 164 | 75,440 | 32 | 6.9 |
| Grain | 148,378 bushels | 3,728 | 111,840 | 139 | 1.3 |
| Hay | 7,251 bales | 343 | 8,575 | 149 | 1.7 |
| Live stock, large | 4,290 head | 1,247 | 108,345 | 115 | 2.9 |
| Live stock, small | 27,342 head | 1,728 | 241,920 | 105 | 2.9 |
| Peanuts | 143,454 bags | 8,316 | 997,920 | 163 | 1.7 |
| Other farm products | | 1,229 | 215,075 | 154 | 1.8 |
| Logs (towed in barges) | 3,300,000 feet b. m. | 9,900 | 69,300 | 143 | .5 |
| Logs (rafted) | 7,869,816 feet b. m. | 23,429 | 164,003 | | |
| Lumber | 8,978,050 feet b. m. | 17,140 | 214,250 | 184 | [1]1.1 |
| Railroad ties | 2,802,611 | 254,249 | 1,358,370 | 170 | .6 |
| Railroad ties (rafted) | 212,008 | 18,556 | 83,502 | | |
| Other timber products | | 6,201 | 96,115 | 82 | 1.3 |
| Fertilizer | | 1,719 | 42,975 | 123 | 1.5 |
| Flour | 47,114 barrels | 4,712 | 235,600 | 170 | 1.3 |
| Merchandise | | 10,473 | 1,309,125 | 158 | 2.5 |
| Miscellaneous | | 4,799 | 71,985 | 127 | 1.4 |
| Total | | 373,625 | 6,261,650 | 147 | .8 |

[1] Part transported by the owners.

COMMERCIAL STATISTICS—TENNESSEE RIVER BETWEEN FLORENCE AND PADUCAH.

Season of navigation, year 1913: Navigation was continuous throughout the year from Paducah to Hamburg. From Hamburg to Riverton navigation was interrupted for about three months during the low-water season, though vessels drawing less than 24 inches could pass over the shoalest sections above Hamburg at all times during the year.

*Vessel classification.*

| | |
|---|---|
| American-registered steamers | 21 |
| Net registered tonnage | 2,524 |
| Unregistered rafts | Not reported. |

About 94 barges, with a total capacity estimated at 45,020 tons, were employed by the steamboats operating in this section.

*Freight traffic.*

| Article. | Amount. | | Valuation. | Average haul or distance freight was carried. | Average rate per ton-mile. |
|---|---|---|---|---|---|
| | Customary units. | Short tons. | | | |
| | | | | *Miles.* | *Cents.* |
| Cotton | 7,607 bales | 1,875 | $450,000 | 168 | 2.8 |
| Cotton seed | | 1,940 | 50,440 | 175 | 1.0 |
| Grain | 245,097 bushels | 6,463 | 183,905 | 174 | 1.1 |
| Hay | 7,665 bales | 383 | 7,660 | 159 | 2.0 |
| Live stock, large | 4,512 head | 2,325 | 293,455 | 129 | 2.9 |
| Live stock, small | 8,854 head | 973 | 124,718 | 165 | 3.0 |
| Other farm products | | 4,928 | 555,071 | 156 | 2.6 |
| Logs: | | | | | |
| Towed in barges | 1,417,927 feet b. m. | 4,254 | 31,905 | 122 | .7 |
| Rafted | 11,920,907 feet b. m. | 35,792 | 268,440 | | |
| Lumber | 8,190,370 feet b. m. | 17,440 | 279,040 | 152 | 1.3 |
| Railroad ties [1] | 4,174,165 | 302,950 | 1,514,750 | 179 | .5 |
| Railroad ties (rafted) | 44,885 | 3,928 | 19,640 | | |
| Piling (rafted) [1] | 50,000 | 12,500 | 62,580 | | |
| Other timber products | | 4,815 | 17,115 | 155 | .5 |
| Fertilizer | | 1,794 | 134,550 | 149 | 1.7 |
| Flour | 47,639 barrels | 4,764 | 238,200 | 161 | 1.9 |
| Merchandise | | 10,512 | 1,576,800 | 164 | 3.9 |
| Miscellaneous | | 2,343 | 20,795 | 146 | 1.3 |
| Marble | | 126 | 1,890 | 150 | 6.6 |
| Total | | 480,105 | 6,130,874 | 174 | .8 |

[1] Part transported by owners. Number of passengers carried, 15,875.

*Tennessee River, Florence to Paducah.*

| | Grain. | Cotton. | Hay. | Tobacco. | Merchandise. | Railroad ties. | Flour. |
|---|---|---|---|---|---|---|---|
| 1909 | 30,885 | 2,935 | 1,150 | 1,020 | 22,435 | 217,450 | 4,320 |
| 1910 | 9,980 | 2,319 | 758 | ..... | 29,116 | 333,767 | 6,175 |
| 1911 | 5,321 | 4,442 | 374 | ..... | 21,213 | 299,245 | 4,643 |
| 1912 | 3,728 | 3,037 | 343 | ..... | 10,473 | 272,805 | 4,712 |

Those figures are exceedingly illuminating. They show that, notwithstanding the constant increase of appropriations, the large amount of work and the opening of this Colbert & Beetree Canal and lock a couple of years ago, the traffic, at least in the better grades of freight, is diminishing year by year. We ought to look forward and not backward in our plans for improvement. I do not mean to say that there should be no open channel improvement in the Tennessee River. According to the report of the engineers the upper section is closed only some 90 days of the year. On page 9 of the document in which this improvement is recommended—

It may therefore be assumed that navigation is suspended on account of low water in the section between Chattanooga and Knoxville for about 90 days per year, and for about 100 days per year in the middle section.

On the Great Lakes year after year navigation is suspended for an altogether longer period than either on the upper section or the middle section of the Tennessee. On the Great Lakes through traffic is suspended for virtually 150 days each year. The lower section of the Tennessee is open practically the entire year.

Now, on June 30 last there was a balance of over $200,000 on hand for the upper and middle sections of the river. The exact figures are:

Tennessee River above Chattanooga, on hand, $206,416.

Between Chattanooga and Browns Island, $208,669.

Between Florence and Riverton $28,495.

Of that $266,416 there are outstanding liabilities of only $9,986. Of the $208,669 there are outstanding liabilities of only $2,420, much more than was formerly appropriated annually for either of these sections. The fact is, if you study the river you will note its disadvantages as a means of transportation. Here [indicating on the map] is the head at Knoxville. There are certain markets toward Nashville, toward Louisville, toward Cincinnati, toward all this great area out here [indicating]. Suppose a person desires to make a shipment from Knoxville. The question is whether to ship by railroad or by boat. Suppose he chooses the boat. By the time he gets down to Chattanooga, 188 miles, he is rather farther away from the destination he desires to reach than when he started. Suppose he carries it still farther, 238 miles around here [indicating] to Riverton. The great markets for the products in that neighborhood lie off in that direction [indicating], and he is at Riverton farther off than when he started. The only portion of that river which gives even fair promise of paying for improvement is that part there [indicating], the 206 miles from Riverton to the mouth.

Mr. President, so far as that lower section is concerned, I should favor leaving the full amount provided by the House, or even possibly retaining the addition in the Senate, because there we have some possibility of accomplishing results. In the first place, the river bed is not filled with rocks. It is not a mountainous region, but is a level country. Beginning 15 years ago, appropriations have been made rather generously, but the traffic is falling off, all the same. With all the money that has been spent on it, with all the improvements, with practically all-the-year-around navigation, the traffic is not so great as it was 10 years ago, showing that it, too, shares the general tendency of river navigation.

I have noted that the amount on hand for the section above Chattanooga is $206,416. In the old days of modest things, when traffic was greater than it now is, these are the appropriations we used to make:

In the act of 1892—that was passed by a Democratic Congress—the appropriation was $25,000; in the act of 1894—that, too, was a Democratic Congress—$50,000; in the act of 1896, $15,000; act of 1899, $30,000; act of 1902, $50,000; act of 1905, $50,000.

You may take the sum of all the appropriations from 1892 to 1905 and they amount to about $30,000 less than the balance that is now on hand; and during those years the traffic on this section of the river reached a maximum which it has not since equalled. The act of 1907 appropriated a somewhat larger amount—$105,000. In those days results were obtained with much smaller figures.

The appropriation in the act of 1902 for the part of the river below Riverton was $19,000; the appropriation in the act of 1905 was $30,000; in the act of 1907 it was $40,000. It is perfectly evident what the large appropriations made in recent years are intended for. It is to start these two locks and dams. The open channel work does not require any considerable amount. The only way to prevent it, Mr. President, is to insert a provision in this bill that without the further order of Congress provision shall not be made for any lock or dam in that river.

The fact is that during eight or nine months of the year the river is navigable and is in fairly good shape with the supply of water that now exists; but this craze for canalizing, for filling streams with dams and with locks, has gained such a foothold in the country that it is almost impossible to withstand it.

With the consent of the Senate, I shall file the figures showing appropriations for the Tennessee River.

TENNESSEE RIVER APPROPRIATIONS.

Act of 1890 (above Chattanooga), $30,000, of which $15,000 is for survey.
Act of 1892, $25,000.
Act of 1894, $50,000.
Act of 1896, $15,000.
Act of 1899, $30,000.
Act of 1902, $50,000.
Act of 1905, $50,000.
Act of 1907, $105,000.

TENNESSEE RIVER BETWEEN CHATTANOOGA AND RIVERTON.

Act of 1890: Including Colbert and Bee Tree Shoals, continuing improvement, $475,000, of which $25,000 may be used at mouth of river.

Act of 1892: Improving Tennessee River below Chattanooga, Tenn.: Continuing improvement, $500,000, of which $25,000 may be used in continuing the work at Livingston Point, Ky.

Act of 1894: Improving Tennessee River below Chattanooga: Continuing improvement, $400,000, of which $25,000 may be used at Livingston Point, Ky., and $100,000 below Riverton.

Act of 1896: Below Chattanooga, without specification, $50,000.

Act of 1899: Between Chattanooga and Riverton, $35,000; at Colbert and Bee Tree Shoals, $100,000.

Act of 1902: At Colbert and Bee Tree Shoals, $200,000, with continuing contract authorized for $400,000.

Act of 1905: At Colbert and Bee Tree Shoals, $200,000, with continuing contract for $200,000; at Hobbs Island, $15,000; at Scotts Point, $10,000, with continuing contract for $40,000.

Act of 1907: Open channel, Chattanooga to Riverton, $205,000; at Hales Bar, $62,970; at Colbert and Bee Tree Shoals, $200,000, and continuing contract authorized for $213,000.

TENNESSEE RIVER BELOW RIVERTON.

No mention of this section as a separate item until act of 1894, when it was stated that of the $400,000 appropriated for work below Chattanooga $100,000 should be for the portion below Riverton.

Nothing again until act of 1899, when $100,000 was appropriated.

Act of 1902, $19,000.
Act of 1905, $30,000.
Act of 1907, $40,000.

Mr. President, there is one other project here which I oppose with the greatest hesitancy because of my acquaintance with and friendship for the Senator from California [Mr. PERKINS], than whom there is no one in the Senate I more esteem; but the provision for the Sacramento and the Feather Rivers is not one which should be adopted until we have established a system of carrying the reclamation of land along with navigation projects in our river and harbor bills. This is also a report made on a resolution of the Committee on Rivers and Harbors. I will make sure that it was not a reexamination requested by the department.

There are two navigable portions of the Sacramento River which are under improvement—one from its mouth in Suisun Bay, 61 miles to the city of Sacramento; the other above Sacramento, extending beyond the mouth of the Feather River up to Colusa and Red Bluff. There have been fairly extensive projects for each of those portions, but I believe not amounting to more than a million dollars for the two. The report on those contains the following clause. In its former report on this matter, printed in House Document No. 81, Sixty-second Congress, first session, to which attention is invited, the board calls attention to the law under which the California Débris Commission submitted its report, and reviewed briefly the project prepared by the commission for the control of floods—

and expressed the opinion that the plan proposed was well adapted to accomplish the object intended, but that other projects had been reported upon purely for the improvement of navigation, which were more economical, and that the larger plan was not, therefore, necessary in the interests of navigation.

A comparatively inexpensive project takes care of the navigation, and this board finally makes its report. This is on a parity with some other reports they present. I read from page 4 of the report:

In this connection it seems proper to call attention to the growing demand on the part of the public for participation by the United States in works of flood control where these can be properly coordinated with the improvement necessary for commerce and navigation. In the case under consideration the execution of the plan proposed would greatly increase the productiveness and prosperity of the adjacent country—

That is not what we are after in this bill; we are here interested in the improvement of navigation—

and lead to a large increase in commerce on the Sacramento River and its tributaries. The board therefore reports that, if Congress desires to participate in this work, the plan of cooperation now proposed is equitable and advantageous to the United States, and recommends its adoption, at an estimated cost of $5,860,000, on condition that the State of California contribute a like sum.

In this connection it seems proper to call attention to the growing demand on the part of the public for participation by the United States in works of flood control. Who constitute "the public"? A special locality where they are very largely interested? Landowners whose property is reclaimed and made five or ten times more valuable? Booster clubs? I think that is a misuse of the term "public," Mr. President. As used in this report the word "public" does not refer to that great body made up of citizens owing allegiance to the United States who pay the taxes, who bear the burdens, and who are seeking no special privileges.

It is almost a stretch of the imagination to ascribe to the great general public any such opinion as that expressed here.

Mr. JONES. Mr. President, I should like to ask the Senator a question. As I understood from his reading of the report, with reference to the Sacramento and Feather Rivers, the board recommended this project on condition that the State of California or the people benefited should contribute about $5,000,000?

Mr. BURTON. The board says:

If Congress desires to participate in this work, the plan of cooperation now proposed is equitable and advantageous to the United States, and recommends its adoption.

Mr. JONES. Then, the Senator does not think that the United States should take that up, even if the locality or State should contribute $5,000,000?

Mr. BURTON. I would be very glad and, too, the State of Ohio would be very glad if localities bordering on navigable streams where there has been not only enormous loss of life, but loss of property, such, for instance, as the locality in Ohio where I saw corpses strewn around and people mourning the loss of their possessions and of their friends—and they would have been very glad to contribute half, could they have secured Federal relief, but they have never asked for it.

Mr. PERKINS. Mr. President, will the Senator yield for a question?

Mr. BURTON. Certainly.

Mr. PERKINS. I trust, in justice to the appropriation of $200,000, which is asked for in this bill for the Sacramento and Feather River project, the Senator will state that the navigation has been impeded by the débris from hydraulic mining operations. In 1850 the river was navigable for vessels drawing as much as 14 feet of water, and the steamship *Senator* and the steamship *New World* went out to California, around Cape Horn or through the Straits of Magellan, and up that river to Sacramento. In those days that was the only means of transportation between San Francisco and the mining section of the State and the capital city of Sacramento.

I hope that the Senator will be fair about this matter and state that the Legislature of California proposes to put up one dollar for every one that the General Government puts up.

Mr. BURTON. There is no doubt of that. The State of California is always very enterprising in matters of this kind.

Mr. PERKINS. We want you to appreciate our enterprise.

Mr. BURTON. I can assure the Senator that I do, but that does not justify an appropriation of the people's money for a purpose of this kind.

Mr. PERKINS. There were about half a million tons of freight transported over this river last year.

Mr. BURTON. How much?

Mr. PERKINS. The amount, as I recall, was 476,000 tons.

Mr. BURTON. Yes; and the San Joaquin carried just about the same commerce, the figures for each stream being in the neighborhood of half a million, although the San Joaquin carried rather more than the Sacramento.

Mr. PERKINS. The commerce carried was valued at $30,000,000.

Mr. BURTON. It was valuable freight, and it was of a large variety; there can be no doubt about that. In regard to that point, I would answer that the débris mining ceased, as I understand it, by a statute of California in 1886, or thereabouts.

Mr. PERKINS. Yes; I think it ceased about that date.

Mr. BURTON. My recollection is that a statute was passed in 1886 abolishing débris mining, and that a decision was rendered in the United States circuit court at about that time absolutely enjoining it.

Mr. PERKINS. During my term as governor of California I sent, on my own motion, for Capt. J. B. Eads to come out and make an examination, which he did, and the decision was based in great measure upon the report made by him—that it was impossible to improve the river whilst the hydraulic mining continued.

Mr. BURTON. I will inquire of the Senator in what year was he governor of California?

Mr. PERKINS. I was elected governor in 1879 and continued in office until January 1, 1883.

Mr. BURTON. And the Senator says the statute was passed largely in pursuance of that report of Capt. Eads?

Mr. PERKINS. Yes. The item to which the Senator is referring is one of the most meritorious appropriations contained in this bill.

Mr. BURTON. This proposition means an expenditure of a large sum of money for an improvement which does not belong with the appropriations in this bill. It throws the door wide open for the appropriation of hundreds of millions of dollars. If you make this kind of appropriation for the Sacramento River, how are you going to say "no" to the people of Pittsburgh when they cry out, "We want you to save us"——

Mr. PERKINS. Mr. President, no such conditions exist in any other rivers in the Union.

Mr. BURTON. Why, Mr. President, they even are worse than here.

Mr. PERKINS. Because of the hydraulic mining operations whole hills were washed away and filled up the channels of the Feather, the Yuba, the America, and the Sacramento Rivers.

Mr. BURTON. But it was in the power of the State of California in any year to prevent that hydraulic mining, and they did prevent it in 1886.

Mr. PERKINS. The Government owned the land, and how could the State of California prevent it?

Mr. BURTON. According to the statutes the State has control over that question, and such mining operations have been abandoned for a long time. So that it is not the detritus, it is not the débris, that is causing the trouble now. Some of it remains, but, as shown by the reports, they find it easy to provide a reasonable channel of 9 feet below Sacramento and of 4 feet above. It is not this débris; it is the constantly recurring floods; and those occur, too, in the Ohio Valley, from the Monongahela and the Allegheny, where they are a constant menace, and where the condition is even worse than it is here at Sacramento. We are trying, however, to work out the problem there, though suffering much, but we have not called on the Federal Government. If such a project as this is adopted, however, we who are representatives here and our successors, because we do not believe in discrimination, simply must appeal to the Federal Government for aid.

Mr. PERKINS. There is no such mining débris as this in any other river of the country.

Mr. BURTON. I really must say to the Senator from California that I can see no special destructive force in mining débris as compared with any other condition producing overflows.

Mr. PERKINS. It has filled up the channel of the river and caused it to overflow its banks and ruin the property near it. The State does not ask any compensation for that. It proposes to adjust that properly itself.

Mr. BURTON. But that happened a long while ago—nearly 30 years ago, and in the meantime the channel has been correcting itself, and now a navigable channel is readily maintained both below and above.

Mr. President, there are a number of other items in this substitute to which I might refer, but I have explained the principal ones. Its adoption would mean a permanent saving, while the amendment offered by the Senator from North Carolina merely postpones the expense. This is aimed at extravagant, wasteful, and unjustifiable items. It is aimed at continuing the waste in the construction of locks and dams, which to my mind is the most serious of all the tendencies in our river and harbor legislation. It was perfectly easy in 1910 to show how absurd it was; but when I talked in April, 1910, against the Big Sandy River improvement my voice did not seem to evoke any response. It fell on deaf ears. Now, four years later, the engineers come in with a report condemning the whole thing and asking that it be abandoned, and admitting that it was a waste of public moneys from the start, although they had recommended that $4,500,000 should be expended on it.

I apply that lesson to this Cumberland River improvement above Nashville, where, in a river with about 50,000 tons of freight, exclusive of logs and sand and gravel, we are asked to appropriate ultimately four millions and a half. I can not withhold my protest. I have just as much confidence, Mr. President, that my judgment will be vindicated about the Cumberland River in this year 1914 as I had about the Big Sandy in 1910, and I do not think it will require even four years to vindicate it. I trust I am not talking to ears as unresponsive in 1914 as I did in 1910.

The same is true of the Tennessee River. Why, the opponents of this bill, if all they wished were vindication, might look with complacency on the adoption of some of these items which are sure to demonstrate in the future how utterly injudicious and wasteful they are. But some of us have been associated with river and harbor legislation for a long time. The Senator from Washington [Mr. JONES], for example, was with me for a long while in the House. It is true we made our mistakes once in a while, but we sought to look to the future and shape our policy in accordance with great tendencies in modern transportation. It is plainer in this year 1914 than it ever was before that a large share of the items of the recent river and harbor bills are for improvements which might have been worth while 20 or 30 years ago, but which now are a waste of public moneys.

What are the Members of the Senate going to do? Are they going to indorse this immense ultimate appropriation for the Cumberland? Are they going to appropriate also for the Tennessee? Are they going to appropriate a million dollars for the Missouri when there is $1,700,000 on hand and, no matter how much money they spend for terminals or for boats, a probability of traffic for the whole length that will compare unfavorably with the traffic on some of the creeks of New Jersey and Delaware?

Too many times we have been told that boat lines were being put on, and that wharves were being built. That continues for a while, until Congress appropriates these huge sums; and then the boats suddenly disappear, the wharves are abandoned, and other agencies carry the freight.

I recall in the House some years ago a Member from Kansas City, speaking with the same glowing enthusiasm of a boat line that was inaugurated then. It disappeared in about a year. When we were considering the river and harbor bill in 1910 a new barge line was being organized to carry freight on the Mississippi from St. Louis to New Orleans. They were sending out one of the most attractive prospectuses ever prepared by a promoter. They began by comparing the Mississippi with the Rhine and the Elbe, and said that even with the present depth they could pay the most enticing dividends—20 or 30 per cent was promised. They ran their boats a while, but soon they stopped. In the meantime, they had been cited as a conclusive argument for appropriations on the river. Frequently the suspicion is aroused that the object of all this sort of thing is merely to secure appropriations; and when they are obtained, the boats leave the stream, and the pretext that navigation is benefited is no longer heard.

Mr. JONES. Mr. President, before the Senator from Ohio sits down I should like to ask him a question or two.

I desire to say that I am in harmony with many of the views expressed by the Senator from Ohio. I think the main difference between him and me with reference to the present situation is as to the method he is pursuing to get rid of objectionable items. I should like to have an opportunity to vote on these particular items separately, one at a time, to hear the arguments pro and con on the item, and then vote upon it.

If the Senator brings his substitute to a vote, we must vote for the entire substitute or against the entire substitute, or else try to strike out particular items of it. I should like to have the Senator adopt the course, before we are called upon to vote upon his substitute, of attempting to strike out of the committee substitute certain items, so that we would get separate votes on those items.

I find in examining the two substitutes in a hurried way and as correctly as I could that there are only about 29 items differentiating between the two substitutes, and one of those items

is an increase made in the substitute of the Senator from Ohio over an item in the substitute of the Senator from North Carolina.

Mr. BURTON. I think there are two where that is the case.

Mr. JONES. And one is a new item. The Senator proposes a new item of $12,000.

Mr. BURTON. What is that?

Mr. JONES. I can tell in just a moment.

Mr. BURTON. If that is the case, I think it is an error.

Mr. JONES. It is Chester Creek, Md.

Mr. BURTON. Oh, well, that is an error.

Mr. JONES. That is an error, is it?

Mr. BURTON. That is a fact.

I want to say to the Senator from Washington that I fully appreciate his situation and embarrassment, I may say, in this connection. It had been my supposition on Friday that this whole matter would be settled by the appropriation of an aggregate sum of $20,000,000. As I understood, the very large majority of the Committee on Commerce favored that, but for some reason that plan was abandoned. That would have cut out all new projects and continued the work of maintenance and some work in the prosecution of old projects until we could have another bill. That seems to me, in view of the lateness of the season, the best way. I was notified Friday afternoon that that plan was to be abandoned; that we were to have an all-night session; and that the advocates of the bill were demanding the passage of the bill I set myself to work to frame a substitute. Some of the items were very maturely considered; others were not. I was compelled to decide some questions right here at my desk and I see there are two or three errors. I see there are a considerable number of items—and some were left in with my full knowledge—which I do not believe in. I wanted, if possible, to harmonize, to make concessions, and compromise. My colleague here from Iowa [Mr. KENYON], and I believe my colleague from Washington [Mr. JONES], join with me in disbelieving in some items in this bill that are also in this substitute of mine.

Mr. JONES. That is correct.

Mr. BURTON. I do not think they ought to be in the bill; but I may say to the Senator from Washington and to the Senate that the offering of that substitute, though it did not carry out all the ideas which I should like to have seen in force, was due to a supreme desire to finish this bill and make all possible concessions to those who differed with me.

Mr. JONES. What I wanted to suggest was this: There seem to be four or five items that the Senator, I think, believes to be especially objectionable. While there are some other items that he has left out of his bill, if these items were left out and those inserted they might not be ground for opposition to the committee substitute. There are probably half a dozen items, however, that would eventually result in the expenditure of a large sum of money, and to which the Senator is very much opposed.

Now, what objection would the Senator have to bringing those items up separately in the way of moving to strike them out of the committee substitute and let us vote on one at a time? I might not be with the Senator upon all of those items, but on a careful examination I might differ with him on some and I might agree with him on the others; but with his substitute pending here, and voting on all of them, I have got to vote either for or against all of them. I should like to have it, and I think it would be better for the Senator's position to have it, so that we could reach a separate vote on each of these items. It seems to me that we could do it just about as quickly in that way as upon the Senator's substitute.

The Senator has discussed all of these items more or less extensively, and I suppose the friends of those items will want to discuss them. It seems to me we could make just about as good time by taking them up one at a time and discussing the one item and having its friends give the views of those who are defending it and those against it giving the views of those opposing it and then reach a vote on it. I think in that way we would get a much fairer expression of the views of the Senate upon those important items, at any rate, than if we are called upon to vote upon the substitute of the Senator as a whole; and I should like it very much if that course could be pursued.

Mr. BURTON. That is a matter of procedure, of course, to be determined in the future.

Mr. JONES. Yes; that is a matter of procedure.

Mr. BURTON. It was earnestly desired by the opponents of the bill that a concrete proposition covering all of section 1 might be put up to the Senate. I am perfectly free to say that if that should be voted down, or if it should not be voted upon, I should feel free to oppose a considerable number of the items that are included in my substitute. It was drawn in this form to reach a settlement.

Mr. JONES. Of course, while section 1 is a section complete in itself, it is made up of a large number of items that are complete in themselves.

Mr. BURTON. Yes.

Mr. JONES. Of course the river and harbor bill is framed in that way for convenience; but practically each item is just as much a section, as far as that is concerned, as the whole section is now. It seems to me we could make even better time by considering them in that way than we could by considering them as a whole, and that we will get a fairer expression upon the matters in which the Senator is very much interested than we will by having to vote upon them in a lump.

Mr. BURTON. I appreciate the suggestions of the Senator from Washington.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. BURTON. Unless the Senator from Florida desires to ask a question, I am ready to yield the floor.

Mr. FLETCHER. I simply want to call the Senator's attention to this matter: In the substitute which the Senator has offered he omits, on page 21, the item for "improving channel from Apalachicola River to St. Andrews Bay, Fla., completing improvement, $65,000," and so forth. Now, I heard the Senator say that he was compelled to frame his substitute with some considerable haste and without a thorough investigation of the various items. The fact about that item, which the Senator omits from the substitute, is that it is a project which was approved some three years ago, and the work was then gotten under way by the Government, involving altogether something like $350,000, and it is almost completed. All that is required is this $65,000. Unless this amount is appropriated the work must stop, and we do not know when that channel will be completed.

Mr. BURTON. Was that included in the House bill, or was it a Senate amendment?

Mr. FLETCHER. It was included in the House bill and included in the substitute offered by the Senate committee and omitted in the substitute of the Senator from Ohio, on page 21. It is an item which I am sure the Senator could not have looked at carefully, because the engineers say that unless they have this money they must take away the plant and abandon the work, when they only require $65,000 to complete it.

Mr. BURTON. I will say to the Senator from Florida that I will give further careful attention to that. It is possible that in copying there was something else right next to it which was intended to be erased, which stays in the bill, and this, by an error, was stricken out, when the intention was the other way.

Mr. FLETCHER. It may be that the Senator was a little confused in this way: The Commerce Committee of the Senate first struck it out of the House bill; and then, when they reconsidered it, and this matter was brought to their attention a little further, they restored it.

Mr. BURTON. Can not the Senator from Florida tell me of something in the State of Florida next to that to which attention would be very naturally attracted, and which there might have been a disposition to strike out, which is still in the substitute, and for which this might have been mistaken?

Mr. FLETCHER. The next to it is an item which simply calls on the Board of Engineers to make an investigation and report.

Mr. JONES. I wish to offer an amendment to the substitute of the Senator from Ohio at the proper place under the Washington items. I do not know the page of the substitute, but in the committee print it is on page 43. Right after the item for improving Grays River, Wash., I want to insert the item found in the bill as it passed the House relating to Willapa Harbor:

Improving Willapa Harbor and River, Wash., in accordance with the report submitted in House Document No. 706, Sixty-third Congress, second session, and subject to the conditions set forth in said document—

Fifty thousand dollars instead of $100,000, as it was in the bill as passed by the House. I want to place it in the substitute of the Senator from Ohio right after the item for improving Grays Harbor, Wash. I take it the Senator from Ohio will have no objection to it.

Mr. BURTON. I really think that is a deserving project. The great question is whether we ought to have any new projects in this bill, in view of the present financial situation. We are waiting here for a tax bill to come over from the House, and taxation has its burdens always. Ought we to put in new projects? I do not think of more than three new projects in

this bill which are really urgent. To my mind the item for improving the Narrows of Lake Champlain stands out in a class by itself. It is on the second page of the bill. That is urgent, because the faith of the United States is pledged, as far as it can be by implication, that it will join with the State of New York in making available the channels of the Barge Canal. I think that ought to be rushed to completion. There is also an item at New London, Conn., and one at Bridgeport.

Mr. JONES. Are those the only new items in the substitute now?

Mr. BURTON. No; they are not.

Mr. JONES. That is what I thought. This item was put on in the House. It is not a new item. It was really stricken out inadvertently by the Senate Committee. My amendment limits the amount to $50,000. The people of the locality are to put up $143,000. I agree entirely with the Senator from Ohio that when we start a proposition of this kind—in fact, in regard to all the propositions we have provided for—we ought to provide for the completion; yet in a case where the people must arrange for raising $143,000 of contributions I think nothing would be lost by making this initial appropriation. This amendment will give them an opportunity to make their arrangements for their contribution, and then in a subsequent river and harbor bill we can make provision, as we ought to make it, for a completion of the project. I think that would be very wise.

Mr. SMITH of Michigan. Mr. President, I call for the regular order. I think the regular order is a vote on the substitute of the Senator from Ohio.

Mr. BORAH. I thought the Senator from Washington offered an amendment to the substitute proposed by the Senator from Ohio.

The VICE PRESIDENT. He did. It is about to be stated by the Secretary.

The SECRETARY. In the proposed substitute of the senior Senator from Ohio [Mr. BURTON], on page 68, after line 7, insert:

Improving Willapa Harbor and River, Wash., in accordance with the report submitted in House Document No. 706, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $50,000.

Mr. BURTON. I do not believe I will object to that.

Mr. NORRIS. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nebraska will state it.

Mr. NORRIS. The substitute offered by the Senator from Ohio being an amendment to an amendment, is it now subject to amendment? Is it in order for the Senator from Washington to offer an amendment to it?

The VICE PRESIDENT. The Chair, of course, was not here during the last week, but the Chair believes that this is the state of the record: There was an amendment reported by the committee. It was in the nature of a substitute, and that takes the place of the original bill as reported. Then the Senator from Ohio [Mr. BURTON] moved a substitute, which is the same as to strike out and insert. The Senator from Washington [Mr. JONES] moves an amendment to the substitute of the Senator from Ohio, and the Chair is of opinion that under Rule——

Mr. SMITH of Michigan. If the Chair will permit an inquiry, the author of the substitute accepted the amendment of the Senator from Washington, which practically makes it a part of his substitute. The question, then, would be upon agreeing to the substitute as modified.

Mr. BURTON. I ask unanimous consent that it may be incorporated in the substitute.

The VICE PRESIDENT. The Senator from Ohio has a right to do that.

Mr. NORRIS. I still want to have my parliamentary inquiry settled, just as a matter of procedure. I will have no objection whichever way it may be determined. I was under the impression, however, that the Senator from North Carolina [Mr. SIMMONS] offered his amendment formally as a motion to amend. It was read at the Secretary's desk. Then the Senator from Ohio [Mr. BURTON] offered his amendment to that. It seems to me that the amendment of the Senator from Washington would be in the third degree, although I am perfectly willing it should be entertained. However, I would also like to offer some amendments to the substitute of the Senator from Ohio.

The VICE PRESIDENT. The Chair does not think so. The substitute is simply a motion to strike out and insert. That is all it can possibly be. Under the last clause of Rule XVIII it is provided:

But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question, and motions to amend the part to be stricken out shall have precedence.

In other words, if there was an amendment offered to what I am pleased to call the committee substitute it would have precedence over an amendment which is offered to the substitute proposed by the Senator from Ohio. But as there is no amendment pending to the substitute proposed by the committee the Chair is of opinion that the Senator from Washington is clearly within his rights and that his amendment is not an amendment in the third degree.

Mr. NORRIS. Then, Mr. President, I wish to say just a word on the substitute. I expect to vote for the substitute offered by the Senator from Ohio, and I do it with the belief on my part that it contains quite a number of items that ought to be stricken out.

Mr. JONES. Will the Senator permit me?

Mr. NORRIS. In just a moment. I will not hold the floor very long.

Mr. JONES. I merely wanted to find out if it is understood that my amendment is made a part of the substitute of the Senator from Ohio?

Mr. NORRIS. Yes. I do not believe the substitute offered by the Senator from Ohio strikes deep enough. It contains quite a number of items that ought to be omitted, as he himself says, and that were put in for the purpose of a compromise. As long as the compromise was not agreed to, personally I feel as though those items ought to be taken out. If motions are made to strike out some parts of the substitute I expect of course to vote for them, but if they are not made and the substitute must be voted on as it stands, I shall vote for it on the theory that it is an improvement over the section reported by the Senator from North Carolina on behalf of the committee, and therefore is not as objectionable as the part the Senator from Ohio proposes to strike out would be, although if adopted I think I would still vote against the bill itself.

Mr. KENYON. Mr. President, I want to take just one minute to state why I shall vote for this substitute. I am not infatuated with the substitute at all, and I do not think it is a great deal better than what is known as the Simmons substitute, but it reduces the amount, as I understand it, from the Simmons substitute some six or seven million dollars. It has many projects in it which we have been fighting, and I can hardly bring myself to a point of voting for projects which we have been claiming are bad projects. But I realize that it has cut out some of the bad projects and that it is offered in a spirit of compromise, and possibly we are justified in trying to reach that spirit of compromise and save the good projects in voting for this substitute. I shall do it on that theory.

Again, I think the substitute strikes out possibly one or two items that ought not to be stricken out. I believe the harbor at Vicksburg, Miss., is a worthy project. I am somewhat familiar with that situation and I do not think it ought to be out of the bill. If there is any amendment moved to insert that project, I shall vote for it.

Mr. VARDAMAN. Will the Senator from Iowa yield to me for a moment?

Mr. KENYON. I will finish what I have to say in just a second.

Mr. VARDAMAN. I want to offer an amendment to the substitute of the Senator from Ohio [Mr. BURTON], to cure the defect mentioned by the Senator from Iowa.

Mr. KENYON. I shall be very glad to support it. For the reasons I have stated I shall vote for the Burton substitute.

Mr. VARDAMAN. Mr. President, if I am in order, I wish to propose an amendment to the substitute offered by the Senator from Ohio [Mr. BURTON]. It is to come in on page 24 of the bills published in parallel columns, and is to insert an independent paragraph.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Following the item pertaining to Yazoo River insert:

Improving harbor at Vicksburg, Miss., in accordance with the report submitted in House Document No. 667, Sixty-third Congress, second session, and subject to the conditions therein stated, $125,000.

Mr. VARDAMAN. I wish the Senator from Ohio would accept that amendment.

Mr. BURTON. The point in regard to that is, first, it is a new item. In the next place, it is a part of the general improvement of the Mississippi River below Cairo. Some years ago the Rivers and Harbors Committee of the House found that there were numerous towns, like Helena, Ark., and so forth, provided for by appropriations which were additional to the general appropriations of the bill. We concluded we would resist those cases, and we proceeded on the theory that the

improvement of the Mississippi was one proposition, that it should all be under the control of the Mississippi River Commission, and that they should apportion the amount according to the need in each respective locality. It seemed to us that it promoted favoritism to provide a separate appropriation for any locality; that any town where there was any considerable influence would succeed in gaining an appropriation for improvements in its locality, and we thought the tendency was bad. This item was not recommended by the House committee. I do not know the reason why they objected to the item.

Mr. VARDAMAN. I will say to the Senator that it was inserted by a very large vote in the House. The matter has the approval of the Board of Engineers, and this appropriation, I understand, is to be supplemented by a sum of money to be—or maybe has been—voted by the city of Vicksburg. The banks of the river are caving very much. Property is being destroyed. The caving is taking place at a point where the Alabama & Vicksburg crosses the river. It has occasioned a great deal of delay in commerce and the destruction of a great deal of property. The work must be done now if it is to be done at all. I submit that no measure has been presented to this Congress which has more merit in it than this.

Mr. BURTON. Why can not this be attended to by the Mississippi River Commission out of their appropriation? The bill carries $6,000,000 for that commission.

Mr. VARDAMAN. That might be done, but I would very much rather that this item should go in as it came from the House. The work is to be done and the money disbursed under the direction of the Mississippi River Commission. The city of Vicksburg is to supplement it, I am advised, with an appropriation of $35,000.

Mr. BURTON. Does not the Senator from Mississippi concede that this picking out of a locality along the river leads to increases in the size of the bill and leads to the selection of improvements which are influenced by favoritism? This may be all right for Vicksburg, but in some other case there would not be the same ground for it. I have a measure of objection to it because of the long effort made in the last decade when chairman of the Rivers and Harbors Committee of the House to have that class of items eliminated. It took a great deal of effort to succeed, and I fear that this would be a retrograde step.

Mr. VARDAMAN. I do not think the Senator need entertain any apprehension along that line. Does not the Senator realize that if this matter is defeated it may possibly be taken as a suggestion to the Mississippi River Commission not to make this improvement?

Mr. BURTON. How much money is the city of Vicksburg putting up against it?

Mr. VARDAMAN. I think the amount is about $35,000. I submit that it must be done now if it is going to be done at all, because the erosion there is very great, and property of large value is being washed into the river. I hope the Senator will not oppose my amendment.

Mr. BURTON. So far as I may, Mr. President, I will consent to this item, but it is the last one, with the exception of that suggested by the Senator from Florida, which I wish to examine further.

Mr. VARDAMAN. Mr. President, I thank the Senator very much, and I assure him that I shall not insist upon another item of this character going into his amendment. I am deeply interested in this matter, because I know of its importance to the people of the city of Vicksburg.

The VICE PRESIDENT. The substitute proposed by the Senator from Ohio will be modified as suggested by the Senator from Mississippi.

Mr. BORAH. Has the amendment been disposed of?

The VICE PRESIDENT. Yes; it is a part of the substitute by the consent of the mover of the substitute.

Mr. BORAH. Mr. President, I wish to make a parliamentary inquiry. I understood the Vice President ruled a few moments ago with reference to offering amendments to the substitute of the committee that that would take precedence over amendments to the substitute proposed by the Senator from Ohio.

The VICE PRESIDENT. Yes; that is the matter which it is moved to strike out.

Mr. BORAH. Mr. President, I desire to make a parliamentary inquiry, and that is, whether or not a motion to strike out of the Burton substitute is in order at this time.

The VICE PRESIDENT. The Chair is of the opinion, and has heretofore stated, that under Rule XVIII the amendment proposed by the Senator from Ohio is in the nature of a motion to strike out and to insert; that amendments may be proposed either to the original or to a substitute; that those to the original are first in order if proposed, because the text is entitled to be perfected before the question is put on the motion to strike out, but that amendments are in order to either.

Mr. BORAH. Well, Mr. President, I desire to offer an amendment to strike out, on page 28 in the substitute offered by the Senator from Ohio, the following words:

> Improving Trinity River, Tex.: Continuing improvement with a view to obtaining a depth of 6 feet between the mouth and Dallas by the construction of locks and dams heretofore authorized, $140,000; for maintenance of improvement by open-channel work, $15,000; in all, $155,000.

Upon that I ask for the yeas and nays.

Mr. SMITH of Michigan. Mr. President, a parliamentary inquiry. Is the amendment suggested by the Senator from Idaho an amendment to the substitute of the Senator from Ohio?

Mr. BORAH. It is.

Mr. SMITH of Michigan. Then the vote will first come on the amendment of the Senator from Idaho?

The VICE PRESIDENT. The Senator from Idaho is now proposing an amendment to the substitute offered by the Senator from Ohio. As there is no amendment pending to the committee amendment, the Chair rules that the motion of the Senator from Idaho is in order.

Mr. BORAH. Upon that I ask for the yeas and nays.

Mr. SHEPPARD. Mr. President, I trust this amendment will not be adopted. The Burton substitute reduces the appropriation which was originally granted by the House for the Trinity to a very material extent. The Commerce Committee has already struck out the amount added by that committee when the bill reached the Senate. The effect of the Burton substitute is merely to carry on the work that is already in progress—the prosecution of work on locks and dams which secure the navigable depth of the river from Dallas to a point about 50 miles below Dallas. There are only two locks and dams in course of construction below this 50-mile point. The completion of the locks and dams already authorized will cover the most difficult section of the river and will settle all doubt as to navigability. Inasmuch as five locks and dams are already practically completed and two more partially constructed, certainly it ought to be the part of wisdom to complete the two that have already been authorized, but on which not much work has yet been done, making nine in all. The two last referred to are in the middle of section 1, with completed locks and dams above and below them.

It seemed advisable and fair to the Senator from Ohio [Mr. BURTON] to include this work. I trust that Senators will let the item stand.

Mr. BORAH. I am not going to discuss in detail this Trinity River proposition, because it has already been discussed to a very large extent and as fully, I presume, as the facts will permit, but I would not vote for the substitute of the Senator from Ohio upon its final passage unless some of these items were taken out. I think this project, with all due respect to those who are favoring it, is an indefensible proposition. I do not believe that we are justified in appropriating this amount of money, and I am not willing, for the sake of compromise, to make the appropriation. I therefore again call for the yeas and nays upon this motion.

The VICE PRESIDENT. Is the request for the yeas and nays seconded? [A pause.] There does not seem to be one-fifth of the number present demanding it.

Mr. BORAH. Well, Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bankhead | Kenyon | Pittman | Smith, S. C. |
| Borah | Kern | Poindexter | Smoot |
| Brady | Lane | Pomerene | Sterling |
| Bryan | Lea, Tenn. | Ransdell | Stone |
| Burton | Lee, Md. | Robinson | Thompson |
| Chamberlain | Martine, N. J. | Saulsbury | Thornton |
| Chilton | Myers | Shafroth | Townsend |
| Clapp | Nelson | Sheppard | Vardaman |
| Crawford | Norris | Shields | West |
| Fletcher | Oliver | Simmons | White |
| Goff | Overman | Smith, Ariz. | Williams |
| Hollis | Page | Smith, Ga. | |
| James | Penrose | Smith, Md. | |
| Jones | Perkins | Smith, Mich. | |

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present.

Mr. BORAH. Mr. President, we have a quorum now, as disclosed by the roll call, and I hope the Senate will give us a yea-and-nay vote upon this proposition. Certainly after all the discussion upon this subject no Senator will hesitate to go upon record as to how he feels in regard to it. I therefore call for a yea-and-nay vote and ask that the Chair resubmit the question to the Senate.

Mr. SHEPPARD. Mr. President, I have no objection to a yea-and-nay vote.

The VICE PRESIDENT. Is the request seconded?

The yeas and nays were ordered.

Mr. MARTINE of New Jersey. I should like to know first what we are going to vote on?

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In the proposed amendment of Mr. BURTON it is moved to strike out the following:

Improving Trinity River, Tex.: Continuing improvement with a view to obtaining a depth of 6 feet between the mouth and Dallas by the construction of locks and dams heretofore authorized, $140,000; for maintenance of improvement by open-channel work, $15,000; in all, $155,000.

Mr. SHEPPARD. Mr. President, I simply want the Senate to understand that the provision proposed to be stricken out is contained in the substitute prepared by the Senator from Ohio [Mr. BURTON].

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when Mr. FALL's name was called). The Senator from New Mexico [Mr. FALL] is necessarily absent. He has a pair with me, which is waived, so that I may vote on this ballot.

Mr. FLETCHER (when his name was called). I wish to announce that I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote "nay." I ask that this announcement of my pair and its transfer stand for the day.

Mr. GOFF (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], and therefore withhold my vote.

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH].

Mr. JAMES (when his name was called). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Virginia [Mr. SWANSON] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. Unless I can obtain a transfer, I shall withhold my vote.

Mr. SMITH of Maryland (when his name was called). Transferring my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Virginia [Mr. MARTIN], I vote "nay."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK], who is necessarily absent. I transfer that pair to the senior Senator from Indiana [Mr. SHIVELY], who is also unavoidably detained from the Senate, and vote "nay."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the absence of my colleague [Mr. THOMAS] by leave of the Senate, and to state that he is paired with the senior Senator from New York [Mr. ROOT].

The roll call was concluded.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Kentucky [Mr. CAMDEN] and vote "nay." I ask that the announcement of this transfer remain during the absence of the junior Senator from Kentucky.

Mr. KERN. I desire again to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired. This announcement may stand for the day.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Arizona [Mr. ASHURST] and vote "nay."

I desire also to announce the necessary absence of my colleague [Mr. WALSH] on official business.

Mr. JOHNSON. I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. GORE. I am released from my pair in so far as the river and harbor bill is concerned, and am at liberty to vote. I vote "yea."

Mr. SMOOT. I am requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

The Secretary recapitulated the vote.

Mr. SMITH of Michigan (after having voted in the negative). I did not hear the Secretary read the name of the Senator from Missouri [Mr. REED]. I inquire whether that Senator has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. SMITH of Michigan. As I am paired with the Senator from Missouri, I withdraw my vote.

The result was announced—yeas 11, nays 39, as follows:

YEAS—11.

| | | | |
|---|---|---|---|
| Borah | Gore | Norris | Smoot |
| Brady | Kenyon | Oliver | Townsend |
| Crawford | Lane | Page | |

NAYS—39.

| | | | |
|---|---|---|---|
| Bankhead | Lea, Tenn. | Pomerene | Smith, Md. |
| Bryan | Lee, Md. | Ransdell | Smith, S. C. |
| Chamberlain | Martine, N. J. | Robinson | Sterling |
| Chilton | Myers | Saulsbury | Stone |
| Clapp | Nelson | Shafroth | Thompson |
| Fletcher | Overman | Sheppard | Thornton |
| James | Penrose | Shields | Vardaman |
| Johnson | Perkins | Simmons | White |
| Jones | Pittman | Smith, Ariz. | Williams. |
| Kern | Poindexter | Smith, Ga. | |

NOT VOTING—46.

| | | | |
|---|---|---|---|
| Ashurst | Dillingham | Lodge | Stephenson |
| Brandegee | du Pont | McCumber | Sutherland |
| Bristow | Fall | McLean | Swanson |
| Burleigh | Gallinger | Martin, Va. | Thomas |
| Burton | Goff | Newlands | Tillman |
| Camden | Gronna | O'Gorman | Walsh |
| Catron | Hitchcock | Owen | Warren |
| Clark, Wyo. | Hollis | Reed | Weeks |
| Clarke, Ark. | Hughes | Root | West |
| Colt | La Follette | Sherman | Works |
| Culberson | Lewis | Shively | |
| Cummins | Lippitt | Smith, Mich. | |

So Mr. BORAH's amendment to the substitute proposed by Mr. BURTON was rejected.

Mr. BANKHEAD. Mr. President, I believe it is always in order to move to recommit a bill with instructions, and at this point I desire to offer such a motion.

I do not yield to any Senator in my anxiety for and interest in the passage of a river and harbor bill. I do not believe this is the time nor the occasion when the Congress of the United States should appropriate for rivers and harbors more money than can be properly expended between now and the time when another river and harbor bill is due. I believe $20,000,000 should be appropriated in a lump sum, with authority and direction to the Secretary of War to appropriate that sum, under the advice of the Chief of Engineers, to such projects as are now authorized by law and are in course of construction.

After a very thorough investigation, I am satisfied that the sum I have named is entirely ample to carry on all projects in the United States that are in course of construction and that have been authorized by the Congress. Why should we, under the circumstances that surround us, seek to appropriate more money than is necessary for the work we have on hand and the work we have in view?

Some Senators insist that they are not willing to intrust this appropriation to the Secretary of War and the Chief of Engineers; that they want to keep control of its distribution themselves. Mr. President, I understand the reason for that, and with it I am largely in sympathy; but, sir, I do not overlook the fact that a condition and not a theory confronts us.

If the proposed sum of $20,000,000 is ample, is all sufficient, and if we are told by the Chief of Engineers that he can successfully carry on every project on the books in course of construction, including both those that are being conducted by Government plants with day labor and those that are under contract, why should we insist upon a larger sum?

Mr. President, I believe it is the duty of the Senate to have some regard for the condition of the Treasury. It is no fault of Congress that we are confronted with the conditions that now surround us. We are now preparing to go out in the highways and byways and levy additional taxes. We are now engaged in the selection of items upon which we can raise additional revenue to the amount of $100,000,000. No man who does me the honor to listen on this occasion can tell how long it will be before there will be another emergency that will require an additional levy.

With these things in our view, why should we insist upon taxing the Treasury with $30 000,000 more than we can possibly expend? Why should we tie up that amount and put it beyond the control of the Treasury while we are out, as I have said, looking in every direction for additional revenue?

If I were not satisfied from the investigations I have made that this amount is ample, I should not advocate it. I do not know that it would be entirely out of place if I were to say, in this connection, that I have had the honor to serve on the Rivers and Harbors Committee of the House and the Commerce Committee of the Senate for the last 20 consecutive years, and I think I know something about the needs of commerce in this country with reference to river and harbor improvements. The time has never been, and I trust the time will never come, when I shall be unable to declare that I am in favor of proper appropriations for rivers and harbors.

I do not mean to say that there are improper appropriations in this bill. I do not mean that. All I mean, and the only thought I hope to convey to Senators, is that there is much more in it than the present needs of river and harbor improvements require. That is all. Then why should we insist that we must pass a bill here carrying $35,000 000 or $40,000,000 when we are told by those best informed, when we are told by those who have made a life work of investigating this question, that we can not spend more than $20,000,000 between now and the 1st of April next?

I beg Senators to remember, Mr. President, that not more than two months remain suitable for work on rivers and harbors in a large portion of the country. No new contracts can now be let and put into operation before the cold, rainy, and wet season arrives and all work will be stopped. For that reason, partly, is it necessary, I repeat, that we shall insist upon the appropriation carried in the pending bill under the conditions that confront us? Why should we insist upon it if we are willing to take the word of the engineering board—we have taken it as to every item in this bill; we have trusted them all through the preparation of this bill—and they tell us that they can not expend more than the sum I have named before the passage of another river and harbor bill, assuming that we will pass such a bill during the short session of Congress, thereby maintaining our annual river and harbor appropriation status?

But, Mr. President, suppose we pass a bill now carrying $40,000.000. I want to say that it is my judgment—and I speak from some experience—that if this bill, under the circumstances, shall pass the Senate carrying $31,000.000 or $32,000 000, as provided in the substitute of the Senator from Ohio, it will never see daylight until it has been increased to $35,000,000 or $40,000,000.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. BANKHEAD. I do.

Mr. BORAH. It has been stated upon the floor here that there is an unexpended sum of so much now available for this river and harbor work. What is that amount?

Mr. BANKHEAD. Nearly $20,000,000.

Mr. BORAH. And we have appropriated already in other bills about six or seven million dollars, have we not?

Mr. BANKHEAD. Well, a very large amount, Mr. President. I do not at this time, in the absence of figures, recall the exact amount. I think that is about correct; perhaps something less than that.

Mr. BORAH. I think the exact amount which is on hand at this time is about $22,000,000. I am so informed by the Senator from Minnesota. Then we have appropriated six or seven million dollars in other bills, and if this resolution should prevail we would have a total of about $50,000,000 available for this work, would we not?

Mr. BANKHEAD. Practically, Mr. President. My information is that there is a balance on hand of about $20,000,000, exclusive of the balance provided for continuing contracts.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. BANKHEAD. I do.

Mr. SIMMONS. The Senator from Alabama is in error, I think.

Mr. BANKHEAD. I should be glad if the Senator from North Carolina would correct me.

Mr. SIMMONS. There is an unexpended balance in the Treasury of somewhere around $20,000,000, but only $10,000,000 of that amount is appropriated for projects carried in this bill. The other $10,000,000 is for projects that are not in this bill, and that will be completed by the expenditure of that sum of money.

Mr. BANKHEAD. They are projects known as continuing contracts?

Mr. SIMMONS. Not altogether continuing contracts; no. That work is upon a different basis. They are projects that have been appropriated for by Congress and the work has not been finished, but no appropriation is made for those projects in this bill. Ten million dollars of that amount will be sufficient to complete those projects. That leaves $10,000,000 unexpended appropriated for projects in this bill.

With reference to the suggestion of the Senator from Idaho [Mr. BORAH], that there was some appropriation carried in the sundry civil bill, that amount is to pay authorizations that have been made in past bills. The process is this: A contract is authorized, not to exceed a certain sum. The work is completed, but there is still no appropriation to pay the amount of the authorization, and the appropriation has to be made through the sundry civil appropriation bill. The $7,000,000 to which the Senator from Idaho refers is $7,000.000 to pay on authorizations where the work has been already completed, and the money is due upon those authorizations.

Mr. BANKHEAD. Mr. President, I stated that I did not have the figures before me, but I am willing to accept the figures of the Senator from North Carolina. He says that there is $10.000,000 appropriated, unexpended, subject to contracts now under execution, and besides that $10.000.000 already appropriated and $20.000,000 to be appropriated, which makes $30,000,000, to be expended in practically two months in most of the country. There are large projects, large authorizations, perhaps, in this bill or intended to be in this bill, where not a dollar can be expended after the middle of October or the 1st day of November before next April or May. Everybody knows that. Then why tie up this money in the Treasury, put it beyond the reach of other appropriations, and go out in mad haste everywhere to levy additional taxes to the amount of $100,000.000, when we do not need the appropriation for present work that we are undertaking in this bill?

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. BANKHEAD. I do.

Mr. SMITH of Georgia. I desire to ask the Senator if he is on the committee?

Mr. BANKHEAD. I am.

Mr. SMITH of Georgia. Then, I wish to ask the Senator this question: If there are $10.000,000 still on hand to continue some of these projects, why could we not cut the appropriations for those projects so that they could be continued by the money on hand, and leave the appropriations for the other projects, so that we may know that the projects we desire to have conducted will be carried on?

Mr. BANKHEAD. That is exactly the policy indicated by the Corps of Engineers.

Mr. SMITH of Georgia. Then, why could we not put that in the bill, so that when we vote for it we will know what is to be done?

Mr. BANKHEAD. The only objection I know of to putting such a provision in the bill is that it would raise a row with every Senator interested in a project which would be in any manner affected. If the project had money to prosecute it and complete it without any of the proposed appropriation, what Senator is there here who would sit down and say, "Yes, you may take the appropriation that is already made and assigned to my project"? It would be utterly impossible to make such a provision.

Now, one more thought and I am through. I hope the substitute offered by the Senator from Ohio will not be adopted. It ought not to be adopted. If it shall be rejected, as I hope it will be, then we will have an opportunity to adopt such a suggestion as I offer in my resolution.

Mr. BORAH. Mr. President——

Mr. BANKHEAD. I will yield in one minute. I propose to offer a resolution and let the Senate decide whether it will pursue that policy or not.

We have adopted the policy, and it is a wise one, of passing annual river and harbor bills. I do not want to see that policy abandoned. I want to see it kept alive. I want to see every Congress that meets here pass a river and harbor bill sufficiently large to properly carry on the improvement of the rivers and harbors of the country.

I wish to make this suggestion to my friends on this side of the Chamber and on the other side. If the substitute offered by the Senator from Ohio is adopted and after it shall have run the gantlet of the conference and come back and is finally passed, in whatever form it may come, is there a Senator who believes that at the short session of Congress, to meet the first Monday

in December, or rather which may be a continuation of this session of Congress; it will consider for a moment seriously the passage of a river and harbor bill unless it shall be one to supplement and provide for emergencies? It is furthest from my thought in my mind that that would be done. I do not believe it would be possible to do it.

Mr. SMITH of Georgia. I wish to ask the Senator one more question.

Mr. BANKHEAD. Very well.

Mr. SMITH of Georgia. Could not the Senator's proposed motion be so modified as to provide that the $10,000,000 unexpended as to certain existing projects should be deducted, project by project, without naming them, from the projects which carry appropriations in this bill?

Mr. BANKHEAD. Mr. President, I would not like to undertake that. I do not know what the conferees may do when this bill goes to conference. They may do that. They may have plenty of time to consider and to investigate the question, but I certainly would object to agreeing to it now.

Mr. SMITH of Georgia. I wish to ask the Senator if this difficulty does not confront the Senators upon the floor in voting for the proposition he suggests: We know the appropriations connected with matters in our respective States. We believe that they are proper. Some of us have not consulted with the engineers and ascertained what is going to be done about these appropriations if it is left in that general way to the engineers.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Pennsylvania?

Mr. BANKHEAD. I do.

Mr. OLIVER. I suggest to the Senator from Georgia that if the bill is recommitted the committee can take cognizance of such suggestions as he may make, and if it is necessary to make those provisions, they can report them as amendments.

Mr. SMITH of Georgia. But the Senator from Pennsylvania will bear in mind that the proposed motion of the Senator from Alabama is that the committee shall be instructed to report a bill giving a gross sum of $20,000,000, to be distributed by the Engineer Corps, and without any knowledge at all on the part of the Senate as to where the money shall go.

Mr. OLIVER. I understand that.

Mr. SMITH of Georgia. It was to that that I was objecting, and I was seeking to suggest if this $10,000,000 surplus was on hand it would be better to deduct from the $31,000,000 of the bill of the Senator from Ohio, for which I expect to vote, the $10,000,000 from these various appropriations, according to the amount still to the credit of each, and let us know when we vote for the bill where the money is going.

Mr. OLIVER. I still think that the committee in reporting those instructions could incorporate such a provision as is suggested by the Senator from Georgia.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. BANKHEAD. I yield to the Senator from Minnesota.

Mr. NELSON. The $10,000,000 referred to as still available was appropriated, item by item, for various river and harbor work that was pending. A certain proportion of the $10,000,000 has been set aside for every improvement covered by it, and we could not undertake to redistribute that money. Congress has already made the distribution and the appropriation.

Mr. SMITH of Michigan. And the work has begun.

Mr. NELSON. And the work has begun. It would break up all those contracts and arrangements and it would be utterly impracticable.

It is the proposition of the Senator from Alabama, as I understand it, that Congress shall appropriate a gross sum of $20,000,000 to be expended by the Secretary of War and the Chief of Engineers on all work in such proportion as they may deem best upon projects that have been adopted by Congress and which are pending as existing projects. In other words, it covers everything except new projects that are in this bill. It covers all existing projects. We simply leave it to the department to distribute that money in the proportion and in places where they deem it most important. That is all, I understand, there is in the proposition of the Senator from Alabama, and we could not do anything with the $10,000,000 that has heretofore been appropriated, because that money has been set aside to fill arrangements already made and pending.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. BANKHEAD. I do.

Mr. SMITH of Georgia. I merely wish to say to the Senator from Minnesota that I think he has hardly caught my suggestion. It was not that we should interfere with the ten millions already appropriated that is still in the Treasury for certain projects, but if we are to reduce the appropriation from thirty-odd million dollars by the substitute of the Senator from Ohio to $20,000,000, then we are to take $10,000,000 practically off the sum that would be appropriated by the substitute of the Senator from Ohio. My suggestion was that that reduction of ten millions from his substitute should be made on those projects contained in this bill that already have $10,000,000 of surplus to their credit for their continued construction; not that we would interfere with that sum of $10,000,000—we would leave it where it was—but we could cut the appropriation for those places that much as they have that fund with which to continue work.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. BANKHEAD. I do.

Mr. SIMMONS. I made a statement a little while ago in reference to the $10,000,000 in the Treasury unexpended on projects appropriated for in this bill. My information since I made that statement is that that was correct up to the 30th day of June; that there was on the 30th of June that much unexpended balance; but the work has been going on, now, since June, and how much of the $10,000,000 has been expended since that time I do not know. I have not the figures before me, but I do know that whenever we have passed a river and harbor bill, ever since I have been a member of the Committee on Commerce, there was always nominally a very considerable balance in hand June 30, but that that balance disappeared very rapidly during the months of July, August, and September, because they are the best working months that we have. More work is done upon our rivers and harbors during those months than probably in any other three months in the year. I would imagine that after two and one-half months of work the amount of $10,000,000 has been greatly reduced.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. BANKHEAD. I now offer the resolution I suggested, and it will be open to discussion.

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. BANKHEAD. Let my resolution be read.

The VICE PRESIDENT. The Secretary will read the resolution submitted by the Senator from Alabama.

The SECRETARY. The Senator from Alabama [Mr. BANKHEAD] submits the following:

Moved, that the pending bill, H. R. 13811, be recommitted to the Committee on Commerce with instruction to report a substitute therefor appropriating an amount not in excess of $20,000,000 for the maintenance of the river and harbor projects adopted by Congress and now under improvement and for the further prosecution of work on rivers and harbors heretofore adopted by Congress: *Provided*, That the amounts for such maintenance and prosecution shall be apportioned by the Chief of Engineers under the direction of the Secretary of War.

Mr. BANKHEAD. I now yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. I desire to say, Mr. President, that I am fully and heartily in accord with the proposition. I feel that the words from the Senator from Alabama [Mr. BANKHEAD] are not only sound and wise but very patriotic at this time. I am thoroughly satisfied that I could not pick out an item in the bill that is wrong. I believe that in the main the bill is right. I believe we might expend the money to the advantage of our country. I know that for my own State the appropriations made in the bill are fit and, I believe, wise and proper. I believe, generally, that is true the country over, but I realize we are in a peculiar financial situation at this time. It is not of our making, but it is upon us, and I say that to pursue the policy which was planned out in this bill at this particular time would be unfortunate, unjust to many, and exceedingly unpopular with our countrymen.

I believe this is the opportunity now to check an excessive outlay of money when we will in the very near future dig into the pockets of the people for further sums of money to carry on the Government in this crisis.

I feel that in taking this position I do not believe my own State will criticize me, and I do not believe in my own State the people have felt that I should stand stiff and steadfast for the bill as it has been brought into the Senate. I have believed for a long time that it would be wise to adopt some different system, I do not know just what. I leave it to wiser heads to devise some system that is aloof and above the influence of a Representative or a Senator in these appropriations.

I urge as a matter of wisdom politically, as a matter of patriotism, and as a sound business system that the resolution

of my friend from Alabama may be adopted, and I trust overwhelmingly.

Mr. POMERENE. Mr. President, for many weeks I have felt that it was very unwise for the Congress of the United States to pass a bill providing for the very large appropriations which were originally contemplated. I was glad to see that the Committee on Commerce concluded of their own accord to reduce this bill by eighteen and a half million dollars, but I do not believe that Congress at the present time is justified in passing the bill with even that reduction, and I am in hearty accord with the spirit and purpose of the resolution introduced by the distinguished Senator from Alabama [Mr. BANKHEAD].

The Senator from Alabama has served his State and has served the people of the United States for more than 20 years upon the Rivers and Harbors Committee, and he, out of the abundance of his own experience upon that committee, says to the Senate that with $20,000,000 every pending project which has been authorized can be cared for.

After this bill was reported to the Senate changes occurred and events happened which that committee could not be expected to anticipate. Within a period of a few hours a war cloud spread over Europe and a situation arose which has resulted in materially reducing the revenues which we expected to derive from customs duties. They were almost cut in twain. No man at this hour can tell what the amount of that reduction is going to be. No man can tell how long the awful crisis in Europe is going to continue, and no man can say what this year's revenue is going to amount to.

Under these conditions the business world is expected to do the best it can in the conservation of its resources and in entering upon new enterprises. I dare say that if any business firm had in mind the building of an addition to a factory, or any man of putting up a new residence, basing the plans largely upon the revenue which the business firm or man expected to receive from different investments during the current year, and it became known before the structure of the new plant was begun or the ground for his new residence was broken that the income was to be cut in two, the first thing he would do would be to call his associates together if it were a business plant, or his family together if it were the construction of a new residence, and lay before them the situation and say "this improvement must be postponed until my income can be restored." Every business man who would be associated with him in the business enterprise, every member of his family, would say "Amen" to his amended proposition. Let me say to you that the greatest firm on this continent is the firm of the United States of America; but the business principles which must control the Government are not materially different from those which control every firm in the management of its own private affairs. Let me say that the American people are not looking with complacency on the proposition now to continue these increased appropriations with decreased revenues. No man and no party can afford to go before this country and say to the people, "Notwithstanding the fact that this crisis is impending over your affairs, the Congress of the United States expects to continue with its appropriations as if nothing had happened," and, in order to meet the decreased revenues, say to the people that we are going to increase the taxes.

Out in my own State, where the usual activities of business have been somewhat lessened, where some laboring men are perhaps only being employed part of the time, what are they going to say when they are to be confronted with an internal-revenue tax upon some of their necessaries of life?

I dare say that if the committee were now framing this bill—and I say it with all due respect to that committee—it would not be framed upon the plan which is contained in the pending measure.

It may be said that perhaps we can cut the appropriations for other departments of the Government; but let me remind the Senate that nearly all of the appropriation bills have already been passed and expenses have been incurred in accordance with the provisions of those acts. Now, we have this one large measure before us. Many Senators are interested in it locally in their own States. They are no more interested locally in improvements which are provided in this bill for their States than I am in mine. I know that my position here is going to be criticized by some business men, and particularly will it be criticized by some of the contractors who expect to do this work; and I thank them for their criticism, for it is the best asset that any man can have in a contingency such as confronts the Nation. I dare say that the sober, thinking people, whether they are in the State of Ohio, in the State of North Carolina, in the State of Texas, in the State of Florida, in the State of Alabama, or elsewhere, will say "Amen" to any effort that is made on behalf of this Senate to cut down these appropriations consistently with improvements already authorized and under way, so that we may not be required to unduly increase the taxes upon an already tax-burdened people.

I am not condemning any of these projects; I do not know enough of the details of this new work to determine whether they are appropriate or not; it is not necessary that I should know that in order to determine what is my duty as I see it at the present moment. I am willing to say, for the sake of argument, that every project which is contained in this bill could be defended under ordinary circumstances; but the fact is that a proposition may be defended when we have a revenue of a thousand million dollars which can not be defended when it is cut perhaps to $800,000,000. If I am justified in making an expenditure of $1,000 for my family with my present income, it does not necessarily follow that I ought to make that same expenditure if my revenues were cut in two.

Senators, I am not going to stop to discuss the merits of the pending bill. I am impressed, deeply impressed, with the propriety, the statesmanship, which suggested to the Senator from Alabama [Mr. BANKHEAD] the pending resolution, and I hope it may pass.

Mr. THOMPSON. Mr. President, it is not my purpose to discuss this resolution at length, but I can not refrain from giving my hearty approval to the suggestion made by the Senator from Alabama [Mr. BANKHEAD]. We have listened to discussion for weeks upon the pending bill, but it remained for the Senator from Alabama to hit the nail squarely upon the head in a few minutes' speech.

As has been suggested, we are facing a condition and not a theory. In view of the strenuous financial situation of this country and of the world, we should not spend a single cent except what may be absolutely necessary. I am in favor of appropriating a sufficient amount to carry forward the pending river and harbor projects, but we should hesitate at this critical time to enter upon extensive new improvements which we can get along without, at least for the present.

Mr. President, I have here an editorial, clipped from the Baltimore Sun, which expresses my sentiments on this question, and I believe expresses the sentiments of 99 per cent of the people of the United States. I send it to the desk, and ask that it may be read and made a part of my remarks in this connection.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I am perfectly willing that the editorial shall be put in the RECORD, but I do not want to take the time of the Senate to have it read.

Mr. BORAH. Regular order, Mr. President.

The VICE PRESIDENT. The question is, Shall the editorial be read? [Putting the question.] The Chair is unable to determine, and will again put the question.

Mr. THOMPSON. I will read the editorial myself if there is any objection to the Clerk reading it.

Mr. TOWNSEND. The question is not one of printing the editorial, but, as I understand, it is a question of reading it. There is no objection to it being printed.

Mr. SMOOT. I have no objection to having the editorial printed in the RECORD.

Mr. THOMPSON. Mr. President, I desire to have the editorial read at this time. If the Senate will not permit the Secretary to read it, I will read it myself, if the Senate will bear with me.

Mr. OVERMAN. Let the Secretary read it.

The VICE PRESIDENT. The editorial will be returned to the Senator from Kansas, who desires to read it.

Mr. THOMPSON. I thought the Secretary, being a better reader than I, should read it.

The VICE PRESIDENT. There is objection to the Secretary reading the editorial.

Mr. SMOOT. Though I do not agree to the statement of the Senator from Kansas that the Secretary is a better reader than he, if the Senator from Kansas insists upon taking the time of the Senate to read the editorial, I shall not object to allowing the Secretary to read it.

Mr. THOMPSON. I insist on the editorial being read in connection with my remarks.

Mr. CLAPP. My recollection is that the Senator from Iowa [Mr. KENYON] inserted that editorial in the RECORD on Saturday morning last.

Mr. KENYON. It is very good reading, and can stand being read again.

Mr. SMITH of Michigan. But in the interest of saving time we do not want it repeated.

The VICE PRESIDENT. The Chair now hears no objection to the reading of the editorial, and the Secretary will read it.

The Secretary read as follows:

THE PRESIDENT'S ECONOMY PROGRAM SHOULD BE REFLECTED IN THE SENATE.

The President's announcement of his determination to secure the utmost economy in the make-up of the departmental estimates for the fiscal year beginning July 1, 1915, makes it certain that, so far as his influence goes—and it goes a long way—Government appropriations for that year will be reduced to the lowest point consistent with efficiency. This announcement does not come as a surprise, because we all knew the President could be counted on to do the right and the sensible thing in this matter. But we have an idea that he did not mean his talk with the newspaper correspondents on this subject to be taken wholly as a reference to the future. We imagine he intended it as a hint, and a broad hint, as to the necessity of practicing immediate economy wherever it is practicable. The long contest over the rivers and harbors bill in the Senate can not have failed to attract his attention, and he is reported in Washington dispatches to have "little sympathy with the extravagant items in it, though sensible that some of the proposed improvements under the bill are deserving of support."

We earnestly hope the Democratic leaders in Congress will take the President's hint and assume a different attitude toward this bill. The party has been placed in an unfortunate light by the long and persistent fight which has been made to put this measure through without modification or revision. It was no answer, even before the present financial crisis developed, to say that the Republicans had always passed the same sort of bill. If the Democratic Party proposes to sink to the Republican level of practice, it has no excuse for asking a continuance of power. "You are another" is not the kind of answer that will impress the country. There are a good many items in the bill which are of genuine importance and which can not wait; there doubtless are others that might possibly be meritorious under ordinary circumstances, such as the Chesapeake & Delaware Canal purchase, which could be deferred for a few months without public injury; there are still others which unquestionably represent political jobbery, graft, and extravagance and which ought to be cut out, even if we had millions to "burn."

There can be no plea of ignorance as to these items nor as to the seriousness of the financial situation. Senator BURTON and other Republicans have been at great pains to furnish a bill of particulars with regard to them. Owing to the Republican filibuster some ten or fifteen millions in reductions have been made, but it is pretty certain that all the "pork" has not yet been squeezed out. Why should Democratic Senators, in the face of a situation that forces the imposition of a war tax of over $100,000,000, hang on like hungry wolves to items which would be questionable at any time? Apart from considerations of patriotism and public spirit, they are causing a party scandal and furnishing the Republicans with about the only campaign issue they have. Democrats outside of Washington are becoming tired of having the Republican Senators throw this rivers and harbors bill in the teeth of the party. The Democratic Party is strong enough to do its own reforming. It ought to take the bill in its own hands and voluntarily cut out of it doubtful and improper appropriations. If its leaders in Congress approach the work in the right spirit they can set themselves straight before the country, save their own faces, and spike the Republican guns. How much can be saved without delaying constructive work essential to commercial development and Government service we do not undertake to say, but we should think a good many things could be lopped off in a measure carrying in cash and obligations appropriations of $93,000,000, almost as much as the sum which is to be raised by the war tax. We hope the Senate Democrats will take a sober second thought about this bill. It should not be killed, but it can and should be cured.

Mr. SIMMONS. Mr. President, I can not understand why the Senator from Kansas——

Mr. MARTINE of New Jersey. Mr. President, may I interrupt the Senator for a moment? I have just received a telegram——

Mr. SIMMONS. The Senator can put that in after I get through.

Mr. MARTINE of New Jersey. It is only a line.

Mr. SIMMONS. Well, read it, then.

Mr. MARTINE of New Jersey. I will read it. It is as follows:

EAST ORANGE, N. J., *September 21, 1914.*

Senator MARTINE,
*United States Senate, Washington, D. C.:*

Hope you fight for lowest possible expenditure river-harbor bill.

A CITIZEN.

The only criticism I have to make is that the name is not signed to the telegram; but I have received it in that way and have presented it as it is.

Mr. SIMMONS. Mr. President, I am somewhat surprised that the Senator from Kansas, who holds his commission upon this floor as a Democrat, should have had read at the Secretary's desk the article which he has presented.

This bill, Mr. President, has been more misrepresented than any other bill that has ever been presented to the United States Senate since I have been a Member of it. It has been misrepresented upon the floor of the Senate and it has been misrepresented by the press. One thing is noticeable in the press comments about this bill, and that is the fact that they do not pretend to give facts with respect to the bill, and when they do pretend to give facts they misstate those facts, just as the editorial which the Senator from Kansas has sent to the desk and had read misstates the fact with reference to the amount the bill carries, alleging that it appropriates some $90,000,000, when, as a matter of fact, it ought to be known, especially to men who undertake to criticize it and who undertake to write editorials against it and to stir up passion and prejudice against it in editorials and in reportorial articles, that it has never carried anywhere near that sum, and as at present before the Senate it involves only a little over $30,000,000.

I undertake to say, Mr. President, that there is not a single item in this bill which can not be defended and which is not a just and proper appropriation of the public moneys of the Treasury. I assert that it has been framed by the committee in the way pursued in framing river and harbor bills of the past. It follows the lines established by the Senator from Ohio when he was chairman of the House Committee on Rivers and Harbors.

Every safeguard which the law of Congress has thrown around these appropriations, every safeguard which the custom and practice of the Congress has thrown around them, has been observed; and there is not an item in this bill which has not had the approval of the officers whom the law and the Congress have said should first investigate, consider, and pass upon it.

There is a law upon the statute books to-day forbidding any appropriations for river and harbor work unless the item has been approved by the Board of Engineers and by the Chief of Engineers, and unless there has been an estimate by the department as to how much money can properly be expended with reference to that item. It is exactly the same rule that we apply to all of the great appropriation bills of the Congress. Take the appropriation bills for the Army, for the Navy, and for the Agricultural Department. Congress enacts those bills largely upon the recommendation of the head of the particular department, who gets his recommendation from the chief of the bureau having a given subject in charge. The individual members of the Senate and of the House know practically little about those items; they take the recommendation of the department. The department says, after having consulted with the chief of the bureau having a given expenditure in charge, "We will need so much money for the purpose of carrying on the work of this bureau." That is reported to the House and to the Senate, and we make our bill upon that basis.

Here we have not only the report of a bureau chief, but we have an investigation, first by a district engineer; then a review of that by the division engineer; then an investigation and review by a board of seven Army engineers, not a single member of which can be below the rank of lieutenant colonel. It is a board of the highest character; it is a board of absolute impartiality, because it is composed of men who are Army engineers, who have no connection with civil life, and who are independent of political influence. After it has had the approval of these gentlemen it goes to the Chief of Engineers, and then the reports and estimates are sent to Congress, and we act upon those reports and estimates. Now, Mr. President, it is proposed by the Senator from Alabama that the Congress of the United States, which up to this time has exercised the right to select from these items, to cull them, to approve of them or to disapprove of them, to say whether it wants a particular work carried on by the Government or to say that it does not want that work carried on, shall surrender that power and turn over this business of appropriating for our rivers and harbors to an executive board of the Government.

Where will this lead to, Mr. President? Adopt this resolution and you enter upon a policy by which Congress will lose control of this appropriation bill and by which an executive board of the Government will determine, primarily and finally, which projects shall be approved and which projects shall not be approved. It is the beginning of a proposition to turn this whole business over to a commission. I do not think the Congress of the United States desires to do that.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

Mr. SIMMONS. Yes.

Mr. CHAMBERLAIN. The Congress of the United States, just a little while ago, adopted the policy of taking control of the appropriation of money and taking it entirely out of the hands of bureaus; and this resolution now proposes to reverse that policy.

Mr. SIMMONS. To reverse that policy. I do not believe, myself, in government by commission. I think we have gone entirely far enough, and I do not think we ought to go further in that direction.

The Senator from Alabama says that $20,000,000, in his judgment, will be amply sufficient to carry on the river and harbor projects that have already been undertaken by the Government. I do not know where the Senator from Alabama gets that information. As acting chairman of the committee, I am in possession of no such information as that. I think, Mr. President, that possibly by pursuing a niggardly policy, by doling out this money in little bits, just enough to keep the work going, just enough to prevent a disorganization of the force that is now employed upon these works, possibly they might get along

with $20,000,000; but I am entirely satisfied that $20,000,000 is not sufficient to carry on the work in the way in which it ought to be carried on; in the way in which it can be most economically carried on; in the way in which the people have a right to expect that it shall be carried on.

The committee itself has some information about this matter. The committee, recognizing that since the bill was originally reported to the Senate there has been a change in the situation of the country, that the European war has begun, has made substantial reductions in it. The Senator from Ohio [Mr. POMERENE] is wrong when he says that these reductions were made by the committee before we knew of the European war. They were made after we knew of the European war.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Ohio?

Mr. SIMMONS. I do.

Mr. POMERENE. The Senator certainly misunderstood me.

Mr. SIMMONS. If I did, I withdraw that statement.

Mr. POMERENE. What I intended to say was that the bill itself had been prepared before the European war broke out. It was in that connection that I made the statement.

Mr. SIMMONS. I misunderstood the Senator, then. Recognizing the changed conditions, recognizing the further fact that a part of the year had already expired—a part of the year in which a good deal of the work would have to be done because of weather conditions—the committee was called together and we summoned before us the representative of the Chief of Engineers. Col. Taylor, a man whose profound knowledge of this great subject, whose familiarity with every detail, whose knowledge of what it requires to complete the work is acknowledged by all, came before us; and we stated to Col. Taylor that, in view of the situation, we wanted to prune this bill down just as much as it could be safely cut. We said, "We do not wish, however, to cripple the service. We wish to leave in the bill an abundant sum of money to carry on the work properly from now until another river and harbor bill is enacted."

Col. Taylor thoroughly understood and thoroughly appreciated the position of the committee in that regard. After considering the matter thoroughly, he came back and reported to us certain reductions. We asked him before we made those reductions, in practically every instance, "Will the amount that is still retained be more than is necessary to carry on this work for the balance of the year?" He answered, "It will not be more than sufficient." We let him understand distinctly that we did not desire to appropriate one dollar more than was necessary to carry on this work until next March, when the appropriation of the next bill will be available, and after hearing his testimony we cut out of the original bill $18,500,000. Shall it be said that the Senator from Alabama, simply because he has been upon the committee for many years, knows better than Col. Taylor how much money is necessary to carry on this great work?

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Alabama?

Mr. SIMMONS. I do.

Mr. BANKHEAD. May I ask the Senator from North Carolina a question?

Mr. SIMMONS. Yes.

Mr. BANKHEAD. The Senator from North Carolina says that Col. Taylor stated before the committee that the estimates he had offered were sufficient to carry on the work during the next fiscal year. That means until the 30th day of next June.

Mr. SIMMONS. No; he said all the time until another river and harbor bill was available, and that would be the 4th day of March.

Mr. BANKHEAD. No; he said to the 30th day of June.

Mr. SIMMONS. No; I beg the Senator's pardon. The Senator is mistaken.

Mr. BANKHEAD. I am not mistaken.

Mr. SIMMONS. I can not myself be mistaken, because I asked Col. Taylor several times——

Mr. BANKHEAD. The Senator is mistaken.

Mr. SIMMONS. I asked Col. Taylor several times what time he referred to, and he said until the appropriation made in the next river and harbor bill shall be available; and that will be available on the 4th day of March, provided the next Congress, carrying out the annual-appropriation policy, shall pass another bill.

But, Mr. President, we have stronger authority than the Senator from Alabama, if we are to take the statements of the Senator because he has served upon the River and Harbor Committee of the House and the Commerce Committee of the Senate. We have the substitute offered here by the Senator from Ohio [Mr. BURTON]. Nobody can say that the Senator from Ohio is not an authority upon the details of a river and harbor bill. Nobody will deny that for a minute.

Mr. President, in order to straighten out the question between the Senator from Alabama and myself, the Senator from Florida [Mr. BRYAN] has called my attention to a memorandum prepared for the committee by Col. Taylor himself, and here is what he says in the beginning:

> In making the following suggestions for reductions in the amounts carried in the river and harbor bill, now pending before the Senate, the fact that another bill will become law not later than March 4, 1915, is a controlling feature. The reductions suggested are made possible only by the lateness of the season, making it practical to reduce the amounts heretofore estimated as necessary to be carried in this bill.

The Senator from Ohio [Mr. BURTON], who has studied this bill carefully, whose familiarity with the subject is equal, I say, to that of any man who ever served in the National Congress, who for 12 years was the chairman of the House committee, who during the five years he has been a Member of this body has been a member of the Commerce Committee, who has studied every item in this bill, and who is thoroughly familiar with the needs of the work, has criticized this bill. He has argued that it contains larger amounts than are necessary in order to carry on these works. He has insisted that it should be cut to the bone. He has insisted that certain items should come out altogether; he has insisted that nothing should be retained which was not of an emergency nature, and that no amount should be carried in this bill that was not absolutely necessary to carry on this work during the balance of this year; that is, up to March 4 of next year.

What was the conclusion of the Senator from Ohio? The Senator from Ohio took the substitute that had been prepared by the committee, which had reduced the original appropriations by $18,500,000, and followed his policy of cutting those appropriations to the bone, of leaving no greater amount than was absolutely necessary to carry on this work, to save the Government from the great waste and loss of disorganizing and reorganizing the forces that are engaged upon it, to save the Government from being crippled in this mighty work of internal improvement. Applying that test, the Senator from Ohio has brought in his amendment as a substitute for the substitute of the committee. That substitute must be supposed to carry the amount that the Senator from Ohio thinks is necessary, and it carries over $31,000,000.

Mr. BURTON. Mr. President, will the Senator from North Carolina yield to me for a question?

Mr. SIMMONS. Certainly.

Mr. BURTON. I think I should call his attention to the fact that I have said, two or three times before, that the substitute which I offered was not satisfactory to me; that it was presented in the spirit of concession and compromise; and I do not wish him to consider it as by any means an ideal bill.

Mr. SIMMONS. Well, Mr. President, I assume that the Senator, after what he has said upon the floor of this Chamber, has not likely included in that bill anything that does not meet the approval of his judgment, and I assume he has not provided for any particular item more than he thinks necessary.

Mr. SMITH of Michigan. Mr. President, if the Senator will permit me, every critic that I have heard who has spoken against the bill—and I have heard most of them—has put himself squarely on record as in favor of the bill of the Senator from Ohio.

Mr. SIMMONS. That is what I understand—that the gentlemen who have been conducting this so-called filibuster, the gentlemen who have been standing up here for days and weeks attacking and criticizing this bill, now approve the Burton substitute as a proper appropriation, and as not being an excessive nor an extravagant appropriation for the Government to make for this work under the conditions that exist—the conditions of the country and the conditions of the Treasury. Moreover, the Senator from Ohio has proposed this evening two additional amendments adding a quarter of a million of dollars, so the Senator from Florida [Mr. BRYAN] advises me.

Mr. President, let me say this: It is said that the appropriation bills this year carry a billion dollars. They carry something over a billion dollars. During the last four years the appropriations for Government expenditures have increased something over $70,000,000; but, Mr. President, during the four years that immediately preceded that time the appropriations for the support of the Government had increased $250,000,000. Do you tell me that because you make increased appropriations your appropriations are necessarily extravagant?

Why, for 20 years the appropriations of this Government have been rapidly increasing, because during that time the Government has been rapidly expanding and enlarging its jurisdiction and its works of public improvement and of public impor-

tance. During the past few years the Congress has greatly enlarged the scope of its work. I do not care now to stop to enumerate. We have created out of a labor bureau a Labor Department, and instead of appropriating for a bureau we appropriate for a department. We have entered upon the great work of making a physical valuation of the 260,000 miles of railroad in this country. That costs money. We have passed an income tax calling for a new force of men, both in the field and in the department, calling for an increase in the force of the appropriate department of 150 men, I think. In every direction the Government is expanding and enlarging its activities; and as long as people come up here demanding a liberal construction of the Constitution, demanding that the Government shall enter upon new fields of work never before undertaken, and calling for large expenditures, you can not avoid increases in Government expenditures.

I failed to enumerate just now the new Federal Reserve Board, establishing a new system of banking and currency under the control of the Federal Government, the Trade Commission, and so forth.

Mr. President, it is said that we are confronted with a new and exceptional situation growing out of the war in Europe. Oh, Mr. President, that is true. Temporary embarrassment has been caused. For a time the ships of the sea were under an embargo. For a time there was panic in this country and business was disturbed; but business is gradually assuming normal conditions. Outside of the South, where there is an abnormal condition on account of our cotton and our tobacco, large portions of which are sold in Europe and for which there will be no demand, I know nothing in the war situation to lessen in any way the ability of our people to pay what is necessary to run their Government. They tell us that wheat and meat and foodstuffs generally never brought such prices before. They tell us that all food products, which are in great demand in Europe, are bringing the best prices they have brought for many, many long years. They tell us that this war opens to us the greatest opportunity for the expansion of our manufacturing industries that ever has been opened to us. It is said that we will not have another opportunity such as this in a hundred years; that we are not only to supply our own markets without much interference from Europe, but we are to supply largely the demand of South America and Central America and all the other neutral markets of the world that have heretofore relied upon Europe for their manufactured goods; and that an opportunity is opening to our manufacturers which means great activity and expansion in their business. Mr. President, this country is not so poor, this country is not so financially enfeebled by the war in Europe, that it can not afford to pay the reasonable expenses of every public work required for the public welfare.

I want to call the attention of Senators to the fact that out of the billion dollars that we are appropriating this year for the expenses of the Government this appropriation of which we are now talking, this river and harbor bill, is the only one of those bills that can be called a development bill. It is the only bill that appropriates anything looking toward the development of our great natural resources and assets, and in making them responsive to the needs of men.

Think about what the counties are doing; think about what the States of this Union are doing toward the development of their resources, building roads, drainage of lands, enlarging their school facilities, adopting all sorts of methods for more intense and more modern farming, appropriating large sums for this internal improvement; in addition to that, the necessary expenses of maintaining the States and the counties, amounts running into millions and into billions, while this great Government, with its vast jurisdiction, its tremendous resources, is appropriating for internal improvement within its jurisdiction the pitiable sum that is carried in this river and harbor bill. We appropriate vast sums to pay the current expenses of the Government, for pensions, the Army and Navy, and so forth, but this little measures the National Government's appropriations to help develop our great national resources.

What are you going to do about your rivers and your harbors? The States have no right to improve them. The States have no right to enter upon them for the purpose of improving their physical condition. The United States Government has assumed control over all our navigable waterways, and the United States owes it to the States of this Union, it owes it to the people of this Union who are deeply and profoundly interested in the improvement of their rivers and harbors, to see that that work is not stopped because there is a war in Europe.

Mr. President, it is said that this is an unpopular bill. I do not believe it. You can not judge of its popularity by what you read in the newspapers. We have expelled the lobby from the Capitol; we have made lobbying criminal; but we have not suppressed the lobbyist. He has left the Capitol; he no longer importunes Senators for this measure and against that measure around the corridors of the Capitol, but he has found a more effectual way of doing his work; first, a way by which he manufactures and perverts public opinion of the country, and then seeks to frighten the Members of Congress. It is through the press. I do not say all the press. The greater part of the newspapers of this country are above that sort of business, but there is a class of newspapers in this country that have recently been strangely and mysteriously agitating with respect to certain measures, not simply publishing the facts, not simply chronicling what is going on here in the Senate, but agitating after the manner of the special pleader in favor of certain projects in which certain special interests in this country are deeply concerned.

There is nothing that is of greater concern to railroads in this country than this river and harbor bill. The railroads have always been opposed to river and harbor work, but they never specially exerted themselves against it until in recent years, because they could until recently easily devise methods by which they could nullify our work. I will not recount these methods; they are familiar to Senators. They put on their own boats and drove out the independent carrier. In other instances they bought the boats of competitors and tied them up or removed them. They reduced rail rates at points of competition so low as to destroy water competition. You know their methods. They were effective. They continued this policy until they drove off the independent boats, and then they abandoned the waterways to their fate.

Thus, Mr. President, for years the railroads by these methods managed to make of no effect a large part of our work upon rivers and harbors. But in 1912 under the leadership partly of the Senator from Ohio [Mr. BURTON] and partly that of other Senators, in the Panama Canal act, we inserted a provision that divorced the railroads of this country from water transportation; that put them out of the business of competition with private companies and required them to provide ample terminals and dock facilities for their steamboat connections at their water points. Since that time the railroads have found it necessary to resort to other methods by which to nullify the will of the people with reference to the improvement of rivers and harbors, and from that day to this there has been a fierce assault on the part of a large number of newspapers in this country of a character and kind that give color or the suspicion that they are inspired by this interest. With a strange and keen alertness they have been making a systematic effort to poison the public mind by all sorts of appeals to passion and prejudice against waterway improvements and against the bills that are prepared and introduced into Congress by the committees of the two Houses for that purpose, and all with careless and reckless disregard of the known facts of the case.

Mr. President, the Senator from Ohio has offered a substitute which reduces the amount proposed in the Senate committee substitute $4,000,000. If that measure shall pass, it will be no reflection upon anybody, it will be the expression of the opinion of the Senate in favor of that reduction. But, Mr. President, if this measure passes, it might be thought to signify that Congress has lost confidence in its committees and itself, and that neither can be intrusted to appropriate wisely and fairly for the needs of our rivers and harbors, and for that reason must have recourse to an executive branch of the Government to safeguard the interest of the public.

Mr. THOMPSON. Mr. President, I do not know why the Senator from North Carolina made the personal reference he did to me, questioning my Democracy——

Mr. SIMMONS. I did not question the Senator's Democracy——

Mr. THOMPSON. I so understood it—when I simply sent to the desk an article from a Democratic newspaper, one of the strongest in the country in the support of President Wilson, which pleaded to the Congress of the United States for economy under the strenuous financial condition existing in the country to-day.

I want to say to the Senator that I did it because I am a Democrat and want the Democrats to remain in power, and because I stand upon a platform of economy in public expenditures—a platform made not only in my own State but at Baltimore—which has the sanction of the President as well as the people of my State, who have commissioned me to help carry out this policy.

If to follow the Democratic platform and the wishes of a Democratic President and the people of the whole country subjects me to criticism by the Senator, I am perfectly willing to

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accept it. If carrying out the will of the people is not democracy, then I do not understand the meaning of the word.

Mr. TOWNSEND. Mr. President, for nearly two months the river and harbor bill has been before the Senate and it has been discussed not generally by Senators, but by a few men very extensively. It has been conceded on all sides, I believe, by the critics of the bill and those who favor it, that some measure is necessary and that this one contains projects which ought to receive the favorable consideration of the Senate.

I am not going to take any time at present to answer any of the arguments or statements that have been put forth here for political reasons, but I shall take advantage of that opportunity when the revenue bill comes before the Senate. It is sufficient for me now to say that the present condition of our revenues and our existing deplorable financial condition are not due wholly or largely to the European war. Under our new fiscal policy, with the unequaled extravagance of this Congress, either a bond issue or a tax levy would have been necessary, but I shall hope to discuss that later. Our present business is the pending river and harbor bill.

I admit that there is an emergency before the American people and that an unusual condition confronts us. I am not quite willing, however, to admit that we are ready to file a petition in bankruptcy, nor am I willing to admit that our country can not meet its necessary expenditures, those that are for the good of the people. Nor will I argue for a moment in favor of anything that looks like extravagance. Economy both in normal and abnormal times is a virtue too little practiced.

I realize that some political advantage might be taken by Republicans of the conditions at present. I do not care to improve that opportunity in what I shall say on this resolution. I am interested in a proper river and harbor bill. I have been hoping that an opportunity would come when I with other Senators might be permitted to express ourselves upon the particular items contained in it, but thus far there has been but one item upon which the Senate has had an opportunity to vote.

Now, after all this discussion the Senator from Alabama [Mr. BANKHEAD] comes forward with a proposition which has been combated by the Congress of the United States practically since he has been a Member of it; certainly since I have been a Member. A lump-sum appropriation is one of the vices of legislation. There is not a Member of Congress who has ever had any experience in either House who does not realize that that is the most vicious form of appropriation. It is subject to the most flagrant abuses, and almost invariably has resulted in misuse and misapplication of the appropriation. It is now proposed that we shall limit this appropriation to $20,000,000 and allow an executive officer to spend it as he shall see fit. If that is all the money which is needed, it is all that should be appropriated; but I submit, sir, that there should be a bill of particulars filed and we should know for what we are appropriating this money and for what projects it shall be used. I think I am not begging the question when I say that it has not been proven that $20,000,000 is all that is necessary for the proper work now in process in the United States. The Army engineers, the distinguished river and harbor expert, the senior Senator from Ohio, nor any other person, save alone the senior Senator from Alabama, has stated that $20,000,000 is sufficient to meet the actual needs of existing projects. Some will necessarily be neglected. It is the duty of the Senate to know which are to be continued and which abandoned. If the senior Senator from Ohio has made any point more clearly than any other it has been his statement that the Board of Engineers, the administrative power, has been subject to influence, and yet after this resolution passes there will come a struggle between influences to get this money which Congress turns over to the Chief of Engineers. It is known that in a certain portion of the country the working season is open all the year round and work there can be prosecuted in winter as well as in summer, while in other sections the working season is short. I, sir, have seen enough of political influence in government to make me fearful of the ability which certain States of this country will have to get any portion of this appropriation after it is made. Send it back to the committee, if you wish, with instructions that they pare the bill down to not to exceed $20,000,000 if they can, and let them come in here with those particular projects specified, so that I may know what is going to Michigan and other Senators may know what is going to their States, and we can pass it. I have witnessed quite enough sectional legislation.

I repeat, sir, that we are embarking upon a proposition which the House killed, namely, the proposition to appropriate lump sums to be distributed by an administrative agent.

Mr. SIMMONS. Will the Senator permit me to interrupt him there? Did we not vote that very proposition down here a few nights ago by a large majority?

Mr. TOWNSEND. The Senator from North Carolina states a fact. I am not pleading for a large bill. I am prepared to vote against any proposition, as I have voted against every proposition that has come here, that seemed extravagant or unwise, but I want an opportunity to do it. I do not want to delegate to the Secretary of War or to the Board of Engineers the right to spend $20,000,000 under such influences as can be brought to bear upon him. Congress should not invite Congressmen, business organizations, or special interests to participate in an unseemly and improper struggle for favors from an administrative officer.

I have pleaded on this floor for the rights and dignity of the Senate. I have been pained by the criticism that has come upon this body and have felt that much of it was undeserved. Yet here to-day we have a proposition before us whereby if we adopt it we will abdicate a legislative power and thereby acknowledge that we are incapable of legislating on a great matter of public improvement. I can account for this humiliating conduct on the part of the Senate only on the theory that it is tired out, it is anxious to adjourn, and thus it is consenting to take a false and dangerous step in legislation. We had better never adjourn than do this thing.

Oh, I have heard Senators rise to-day and voice their patriotism. They have remained quiet for weeks, but now, when there is a chance to evade responsibility, they wax eloquent in its favor. This proposition affords an opportunity for those Senators who do not dare to vote against a proposition in the pending bill to turn the responsibility over to the Secretary of War, while they will take the chances of getting what is needed in their States through secret influence. If this bill is wrong, sir, or if the Board of Engineers is corrupt or subject to influence, do we lessen the evil any by adopting this resolution? On the contrary, we will multiply it and render Congress powerless to prevent it.

Mr. President, this bill should be defeated if it can not be properly amended. I would prefer no river and harbor bill than one under the proposed conditions, because I know that under this resolution many projects will be neglected, will be abandoned, although quite as worthy as those which favoritism will select for benefits. I therefore would prefer to have no appropriation bill this year. Is the Senate so deficient in patriotism, in ability, and self-respect that it can not even consider the river and harbor bill item by item in order to pass upon its merits? I repeat, we have passed upon but one item. In all these two months of discussion we have had but one vote, and that one was this evening. I do not like this proposition. I do not like to have the United States Senate admit its inability to deal with the great subject of internal improvements. This will be but another instance where the Sixty-third Congress has surrendered its high legislative function to the executive branch of the Government. I fear that it will be regretted.

Mr. STONE. Mr. President, I should like to make a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BRADY in the chair). The Senator from Missouri will state it.

Mr. STONE. If the substitute offered by the Senator from Ohio [Mr. BURTON] should be agreed to, or if it should be voted down and then the substitute offered by the Senator from North Carolina should be taken up, I should like to know whether the one substitute or the other adopted would then be subject to amendment?

The PRESIDING OFFICER. In Committee of the Whole it would not be open to amendment.

Mr. BURTON. I should like to understand about that. Do I understand it is ruled that if the substitute offered by myself is voted down there is then not an opportunity to amend the substitute proposed by the Senator from North Carolina?

The PRESIDING OFFICER. That is not the question raised by the Senator from Missouri, the Chair understands.

Mr. STONE. I will put the question in this form: If the substitute proposed by the Senator from Ohio [Mr. BURTON] should be adopted, would it not then be subject to amendment?

The PRESIDING OFFICER. If it were desired to amend the substitute, it would have to be amended before being adopted.

Mr. SMOOT. Mr. President, I was going to call the Senator's attention to Rule XVIII, under which both the original amendment of the Senator from North Carolina and the substitute offered by the Senator from Ohio must be perfected before the vote is taken upon either one of them. After the vote is taken upon the original or upon the substitute, when it is perfected,

an amendment can not then be offered to it as in Committee of the Whole.

Mr. STONE. Will the Senator from Utah read the rule?

Mr. SMOOT. Rule XVIII provides that:

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert.

Then it provides:

But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

Mr. STONE. Well, if the motion made by the Senator from Ohio or the motion made by the Senator from North Carolina should, in due course, be agreed to by the Senate, then it would be pending as an amendment to the original bill. The motion now before the Senate is—and I had best confine myself to that—on the substitute offered by the Senator from Ohio to the substitute offered by the Senator from North Carolina.

Mr. OLIVER. The question now pending is on the motion by the Senator from Alabama to recommit the bill.

Mr. STONE. I did not so understand it; but that does not affect my parliamentary inquiry. The present proposition is offered by the Senator from Ohio as a substitute for the substitute offered by the Senator from North Carolina. Suppose the Senate agrees to the substitute proposed by the Senator from Ohio, and it is substituted for the proposition of the Senator from North Carolina, then, in a parliamentary way, it seems to me that the next question would be, Shall the substitute be agreed to as an amendment to the bill itself?

Mr. SMOOT. Mr. President, it would already be agreed to as soon as the Senate had voted to substitute it. I want now to say to the Senator from Missouri that the substitute offered by the Senator from Ohio can be amended while it is before the Senate as in Committee of the Whole.

Mr. STONE. I understand it can be.

Mr. SMOOT. But if adopted and agreed to by the Senate, then no amendment can be offered to it until it gets into the Senate.

Mr. STONE. But, Mr. President, may I call the Senator's attention to the fact that the question is, Shall the substitute offered by the Senator from Ohio be substituted for the proposition offered by the Senator from North Carolina? Now, I may prefer the substitute offered by the Senator from Ohio to that offered by the Senator from North Carolina, and may vote for it. Then, if agreed to, it takes the place of the pending proposition as presented by the Senator from North Carolina; but the Senate then has a right to determine whether it will accept it as a substitute for the bill. It is a substitute for the proposition offered by the Senator from North Carolina, but it is still open to the Senate to say whether or not it shall be accepted as a substitute for the original bill.

Mr. SMOOT. No; it is still open to amendment after it gets into the Senate.

Mr. STONE. It is still open to amendment here as in Committee of the Whole.

Mr. SMOOT. It is not open to amendment so long as it is in Committee of the Whole.

Mr. STONE. Why not?

Mr. SMOOT. Because the Senate has, by affirmative action, substituted it for the perfected amendment offered by the Senator from North Carolina.

Mr. STONE. Perfected for what purpose?

Mr. OLIVER. I rise to a point of order, Mr. President.

Mr. STONE. I trust the Senator will not press that. I should like to have this matter settled properly.

Mr. OLIVER. I think, perhaps, the Senate is ready to settle the whole question by recommitting the bill, and that is the question that is now before the Senate. My point of order is that that question should first be decided. If it is decided in the negative, then the point of the Senator from Missouri will be in order.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The point of order is well taken.

Mr. SMOOT. I desire——

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. SMOOT. Just a moment, Mr. President. I want to say to the Senator from Missouri that this is a substitute for the bill; it is not a substitute for the substitute. It is an amendment to the bill, and must be treated just the same as an amendment in Committee of the Whole.

The PRESIDING OFFICER. The point of order has been raised and has been sustained by the Chair. The question is on the motion of the Senator from Alabama [Mr. BANKHEAD].

Mr. BORAH. Mr. President, has the Senator from Missouri yielded the floor?

Mr. STONE. I understood the Chair to rule that the substitute would not be subject to future amendment?

Mr. SMOOT. As in Committee of the Whole.

Mr. PENROSE. Let us vote. It is purely an academic question.

Mr. BORAH. The question before the Senate, then, is upon the motion of the Senator from Alabama [Mr. BANKHEAD]?

Mr. PENROSE. Certainly.

The PRESIDING OFFICER. It is. The pending question is to recommit the bill to the Committee on Commerce, with instructions.

Mr. BORAH. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL]. Under the terms of that pair I have a right to vote upon this question. I vote "yea."

Mr. HOLLIS (when his name was called). I announce my pair with the Senator from Maine [Mr. BURLEIGH].

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote.

Mr. SAULSBURY (when his name was called). Repeating my previous announcement as to my pair and its transfer, I vote "nay."

Mr. SMITH of Maryland (when his name was called). Transferring my pair as previously announced, I vote "nay."

The roll call was concluded.

Mr. HOLLIS. I transfer my pair with the Senator from Maine [Mr. BURLEIGH] to the Senator from Indiana [Mr. KERN] and vote "yea."

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], and therefore withhold my vote.

Mr. JOHNSON. I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. GORE. By arrangement with my pair, I am at liberty to vote on this bill, and I vote "yea."

Mr. GOFF. I have a general pair with the Senator from South Carolina [Mr. TILLMAN]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote "yea."

Mr. STONE. I wish to announce that my colleague [Mr. REED] is unavoidably detained from the Senate to-day.

I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Indiana [Mr. SHIVELY] and vote "nay."

Mr. TOWNSEND. My colleague [Mr. SMITH of Michigan] is necessarily absent, and is paired with the Senator from Missouri [Mr. REED].

The result was announced—yeas 27, nays 22, as follows:

YEAS—27.

| | | | |
|---|---|---|---|
| Ashurst | Goff | Lewis | Pomerene |
| Bankhead | Gore | Martine, N. J. | Shafroth |
| Borah | Hollis | Nelson | Smith, Ariz. |
| Burton | Johnson | Norris | Smoot |
| Chilton | Kenyon | Oliver | Thompson |
| Clapp | Lane | Page | White |
| Crawford | Lee, Md. | Pittman | |

NAYS—22.

| | | | |
|---|---|---|---|
| Brady | Overman | Saulsbury | Stone |
| Bryan | Penrose | Sheppard | Thornton |
| Chamberlain | Perkins | Shields | Townsend |
| Fletcher | Poindexter | Simmons | Williams |
| Jones | Ransdell | Smith, Md. | |
| Lea, Tenn. | Robinson | Smith, S. C. | |

NOT VOTING—47.

| | | | |
|---|---|---|---|
| Brandegee | Fall | Martin, Va. | Sterling |
| Bristow | Gallinger | Myers | Sutherland |
| Burleigh | Gronna | Newlands | Swanson |
| Camden | Hitchcock | O'Gorman | Thomas |
| Catron | Hughes | Owen | Tillman |
| Clark, Wyo. | James | Reed | Vardaman |
| Clarke, Ark. | Kern | Root | Walsh |
| Colt | La Follette | Sherman | Warren |
| Culberson | Lippitt | Shively | Weeks |
| Cummins | Lodge | Smith, Ga. | West |
| Dillingham | McCumber | Smith, Mich. | Works |
| du Pont | McLean | Stephenson | |

So the motion of Mr. BANKHEAD to recommit the bill to the Committee on Commerce with instructions was agreed to.

DEATH OF MRS. WOODROW WILSON.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the President of the United States, which will be read:

The Secretary read as follows:

THE WHITE HOUSE,
*September 21, 1914.*

*Gentlemen of the Senate:*

I have received at the hands of the Secretary of the Senate the resolutions of sympathy passed upon the occasion of the death of Mrs. Wilson. It was very gracious of you to think of me in my hour of deep affliction, and I thank you with sincere gratitude. It is comforting to me to think that we are comrades in the conduct of life as in the conduct of the Nation's business and that we are bound together in human sympathy as men as well as in duty as servants of the people. Your courtesy and thoughtfulness I deeply appreciate.

WOODROW WILSON.

The VICE PRESIDENT. The communication will be placed on the files of the Senate.

TRADE WITH SOUTH AMERICA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of the 2d instant, certain information relative to the probable cost of sending at least six vessels now in the military or naval service to the principal ports of South America to carry suitable samples of manufactures and products of this country, together with a reasonable number of representatives of business and trade organizations, and to adopt such other means as may be deemed advisable to the end that our manufacturers and producers may be put in direct contact with the markets of South America, etc., which was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (S. 4274) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes, and it was thereupon signed by the Vice President.

PETITION.

Mr. NORRIS presented a petition of the Nebraska Conference of the Methodist Episcopal Church, held at Fremont, Nebr., praying for national prohibition, which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 6511) granting an increase of pension to George W. Killin (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 6512) granting an increase of pension to Minnie Wadsworth Wood; to the Committee on Pensions.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on September 19, 1914, approved and signed the following acts:

S. 725. An act to correct the military record of Aaron S. Winner;

S. 4741. An act for the protection of the water supply of the city of Salt Lake City, Utah;

S. 754. An act for the relief of Jacob M. Cooper;

S. 1063. An act for the relief of Philip Cook;

S. 2472. An act for the relief of Herman von Werthern; and

S. 5065. An act for the relief of Mirick Burgess.

RECESS.

Mr. STONE obtained the floor.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. BRADY in the chair). The Senator from Missouri has been recognized.

Mr. STONE. I yield to the Senator from North Carolina.

Mr. SIMMONS. I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. SMOOT. I suggest to the Senator that we adjourn until 11 o'clock to-morrow.

Mr. SIMMONS. We want to take up the river and harbor bill and get through with it.

Mr. SMOOT. By adjourning we can have a morning hour, and this bill can be taken up immediately after the close of the morning business.

Mr. SIMMONS. I hope the Senator will let us take the action I have suggested.

Mr. SMOOT. I have no objection whatever to the suggestion of the Senator.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 7 o'clock and 35 minutes p. m., Monday, September 21, 1914) the Senate took a recess until Tuesday, September 22, 1914, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

### MONDAY, *September 21, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast ever been our refuge and our strength, a very present help in trouble, we come to Thee at the beginning of this, another congressional week, to thank Thee for all past favors and pray for the continuation of the same. We confess our ignorance, realize our weakness and our shortcomings, and pray for light to guide us, strength to sustain us, in all our undertakings which are in accordance with the eternal principles which Thou hast ordained. In the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, September 19, 1914, was read and approved.

EXTENSION OF REMARKS.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the river and harbor bill.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent to extend his remarks in the RECORD on the river and harbor bill. Is there objection?

There was no objection.

UNANIMOUS-CONSENT CALENDAR.

The SPEAKER. This is unanimous-consent day, and the Clerk will report the first bill.

EXCHANGE OF SCHOOL LANDS, STATE OF OREGON.

The first business on the Calendar for Unanimous Consent was the bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest land.

Mr. SINNOTT. Mr. Speaker, I ask that this first bill be passed over without prejudice.

The SPEAKER. The gentleman from Oregon [Mr. SINNOTT] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next one.

RESERVATION OF LANDS IN NEW MEXICO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12050) reserving from entry, location, or sale lots 1 and 2, section 33, township 13 south, range 4 west, New Mexico prime meridian, in Sierra County, N. Mex., and for other purposes.

The bill was read.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I do not see the gentleman from New Mexico [Mr. FERGUSSON] here.

Mr. FERGUSSON. Yes; here I am.

Mr. FOSTER. This bill provides that this money shall go into the Treasury for a special fund to be disbursed by the Secretary of the Interior for the protection, maintenance, and improvement of the reservation referred to. Does the gentleman intend to offer an amendment that this shall go into the Treasury of the United States, to be deposited to the credit of miscellaneous receipts?

Mr. FERGUSSON. Yes; that is at the suggestion of the gentleman from Illinois [Mr. MANN].

The SPEAKER. Is there objection? This bill is on the Union Calendar.

Mr. FERGUSSON. Mr. Speaker, I want to ask a question as to procedure. The gentleman from Wisconsin [Mr. STAFFORD] is not here. I spoke to him Saturday about the objection he had to the bill. His objection was that we ought to donate this land to the State of New Mexico. Now, I am afraid that I am under obligation to the gentleman from Wisconsin to hold this open until he finally decides about that. I want to ask the Chair how I shall proceed, as a matter of ethics?

The SPEAKER. The gentleman can ask to have the bill passed over temporarily without prejudice.

Mr. FERGUSSON. Yes; I will do that, Mr. Speaker.

The SPEAKER. The gentleman from New Mexico asks unanimous consent that the bill be passed over temporarily until the gentleman from Wisconsin [Mr. STAFFORD] gets here. Is there objection?

There was no objection.

The SPEAKER. The Chair desires now to make the same request that he made three or four months ago about these bills. If any gentleman has made up his mind absolutely to object to the consideration of a bill, when the title is read I wish he would do it, because that saves time. And if he has made up his mind to ask that it be passed over without prejudice I hope he will do so promptly. The Clerk does not need any elocutionary exercise. [Laughter.] The Clerk will report the next one.

CONTRACTS UNDER RECLAMATION ACTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 124) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts under the reclamation acts, and for other purposes.

The bill was read with a committee amendment.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from California [Mr. RAKER] if he has been over this bill with a view to offering any amendments to it? Has the gentleman prepared any amendments to this bill?

Mr. RAKER. I have been working on it, and I am inclined to think this meets the situation and could hardly be improved, unless the gentleman has some suggestion to that effect.

Mr. MANN. Take this case: Supposing the Government has let a contract for $100,000 and has paid the contractor $50,000 on account of the contract. The contractor has not used that in paying any of his bills. The Government cancels the contract. Under the terms of this bill it must pay that money over again to the people who have furnished the supplies and labor, and finish the work besides.

Mr. RAKER. I would take it from the provision here that they would have $50,000 yet on the bond and they would be able to collect it.

Mr. MANN. Under the law now they can sue on the bond. This is intended to go beyond the bond. That is the purpose of the bill.

Mr. RAKER. There might be some imperfection in the bill as to that. Has the gentleman any suggestion to make to cover that?

Mr. MANN. I have not prepared any amendment, but it seems to me that while the Government ought to protect the material men and the labor, it should also require some notice to be given the Government so that the Government may protect itself, because under the terms of this bill, as I read it, unless I am mistaken, if the contractor gets a part of his money and does not apply it in payment of his bills the Government will have to pay those bills and finish the work besides.

Mr. RAKER. This is not intended to do that. It is intended to work the other way. The suggestion that the gentleman makes is a wise one, and possibly it ought to be incorporated in the bill. I will take that up especially with the department the next time it comes up, and I think I shall have it submitted to the gentleman in advance.

Mr. MANN. I do not ask the gentleman to submit it to me in advance. I do not pretend to know. I think we ought to guard the material men and laborers, but we ought to require them to give some kind of notice to the Government, so that the Government will not have to pay the bills twice. If the department will guard that feature of it——

Mr. RAKER. I will endeavor to provide for it, and under that statement I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

ALCATRAZ ISLAND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9017) transferring the control and jurisdiction of Alcatraz Island, and its buildings thereon, from the Department of War to the Department of Labor.

The bill was read with the following committee amendment:

Strike out all after the enacting clause and insert:

"That Alcatraz Island and all buildings, machinery, and improvements thereon, now under the control and jurisdiction of the Department of War, and used for and known as the Pacific branch, United States military prison, on Alcatraz Island, Cal., be, and the same hereby is, except as herein otherwise provided, transferred to the Department of Labor to be used by the Bureau of Immigration as an immigration station or for such other uses as may be provided for by law. The said Alcatraz Island, together with all buildings, machinery, and improvements thereon, shall be hereafter under the exclusive control and jurisdiction of the Department of Labor, subject to the provisions of the act of Congress approved September 28, 1850, providing for a lighthouse at Alcatraz Island."

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object——

Mr. FITZGERALD. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] objects, and the bill will be stricken from the calendar.

Mr. RAKER. Mr. Speaker, will the gentleman yield for just a moment? There has been a letter submitted by the Department of Commerce and also one by the Department of Labor on this bill——

Mr. FITZGERALD. I have no objection to the letters being printed in the RECORD.

The SPEAKER. Does the gentleman from New York object?

Mr. RAKER. I ask unanimous consent for one minute.

The SPEAKER. The gentleman from California asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, the Secretary of Commerce and the Secretary of Labor have both joined again in the request that this bill be passed, suggesting two amendments which we are perfectly willing to have placed upon the bill. I will ask to have those amendments placed on the bill, if he can see his way clear to let the bill go through to-day.

Mr. FITZGERALD. I suggest that the gentleman print the letters in the RECORD. There will be time to examine them hereafter, and the bill can be placed upon the calendar again.

Mr. RAKER. The letters referred to are as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
*Washington, September 17, 1914.*

MY DEAR MR. SPEAKER: Referring to House bill 9017, Sixty-third Congress, second session, for "transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor," as reported with amendments on June 24, 1914, and referred to the House Calendar (No. 153) and ordered to be printed.

This department recommends, in order more specifically to provide for its interests in the island, the following amendments to the bill:

Page 2, line 12, after the word "thereon," insert the words "except as herein otherwise provided."

Lines 14, 15, and 16, strike out everything after the word "Labor" in line 14 and insert in lieu thereof the following:

"*Provided, however*, That all that portion of said island now utilized by the Lighthouse Service, with the necessary rights of way thereto, shall be under the exclusive jurisdiction of the Department of Commerce: *And provided further*, That should there be any portions of the said island transferred by the provisions of this act to the Department of Labor for the uses and purposes aforesaid not used nor required by the latter department, such unused portions, if required for the establishment of aids to navigation, may be used therefor by the Department of Commerce under its exclusive control and jurisdiction."

The proposed amendments are concurred in by the Acting Secretary of Labor, as indicated by his letter dated September 10, 1914, to this department in response to letter dated September 4, 1914, from this department to the Secretary of Labor. A copy of each of these letters is inclosed herewith.

Very truly, yours, WILLIAM C. REDFIELD, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
*Washington, D. C.*

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
*Washington, September 4, 1914.*

SIR: Referring to the bill (H. R. 9017, 63d Cong., 2d sess.) for "transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor," as reported with amendments on June 24, 1914, and referred to the House Calendar (No. 153) and ordered to be printed:

This department has to suggest, in order more specifically to provide for its interests in the island, the following amendments to the bill:

Page 2, line 12, after the word "thereon," insert the words "except as herein otherwise provided."

Lines 14, 15, and 16, strike out everything after the word "Labor," in line 14, and insert in lieu thereof the following:

"*Provided, however*, That all that portion of said island now utilized by the Lighthouse Service, with the necessary rights of way thereto, shall be under the exclusive jurisdiction of the Department of Commerce: *And provided further*, That should there be any portions of the said island transferred by the provisions of this act to the Department of Labor for the uses and purposes aforesaid, not used by the latter department, such unused portions, if required for the establishment of aids to navigation, may be used therefor by the Department of Commerce under its exclusive control and jurisdiction."

The above amendments are in accordance with the informal understanding arrived at in conference with the Commissioner General of Immigration, and are submitted for your approval or further suggestions. It is stated for your information that the Lighthouse Service at present has the following structures, together with the necessary appurtenant lands, on Alcatraz Island: Light tower and dwelling at the military prison, connected with electric fog signal at the shore at the southeast part of the island; there is also electric fog signal at the northwest part of the island.

An early reply in this matter will be appreciated, in order that the proposed amendments may be communicated to Congress by this department, unless it is preferred that your department make such communication.

Respectfully, E. F. SWEET, *Acting Secretary.*

The SECRETARY OF LABOR,
*Washington, D. C.*

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
*Washington, September 10, 1914.*

MY DEAR MR. SECRETARY: Your letter of the 4th instant in re the bill (H. R. 9017, 63d Cong., 2d sess.) for "Transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor," has received consideration.

This department, after consultation with the Bureau of Immigration, suggests that there be added in the second proviso of the amendment proposed to the said bill, after the words "not used," line 8, page 1, of your letter, the following, "nor required," so that the second proviso affected by this change will read:

"*And provided further*, That should there be any portions of the said island transferred by the provisions of this act to the Department of Labor, for the purposes and uses aforesaid not used nor required by the latter department, such unused portions, if required for the establishment of aids to navigation, may be used therefor by the Department of Commerce under its exclusive control and jurisdiction."

Of course it is within the province of Congress to make any assignment of the lands which are placed under the exclusive control of the Department of Labor that it may consider necessary for the public welfare, even though the bill in its present form should become a law.

The purpose of the amendment suggested by this department is not to prevent the Department of Commerce from making a showing that there is any land now assigned by the bill that is unusued, but also to accord the Department of Labor the opportunity to show that even if not in immediate use that it may be and actually is necessary for immigration purposes.

This department does not apprehend that any difficulty will ever arise between the two departments in the way of an agreement, should the Department of Commerce at any time believe that lands or privileges other than those now possessed by it should be necessary.

Respectfully,

J. B. DENSMORE, *Acting Secretary.*

HON. WILLIAM C. REDFIELD,
*Secretary of Commerce.*

Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be passed without prejudice. Is there objection?

Mr. FITZGERALD. I object. This bill has been passed without prejudice before, and a number of these bills are clogging this calendar by remaining at the top. If they are taken off, they can be put on again and other bills will have a chance in the meantime.

The SPEAKER. Objection is made. The bill is stricken from the calendar and the Clerk will report the next bill.

UNITED STATES BUILDING, PLYMOUTH, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16829) to provide for enlarging the site for the United States building at Plymouth, Mass.

The Clerk read the title of the bill.

Mr. GILMORE. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

BRANCH HYDROGRAPHIC OFFICE, LOS ANGELES, CAL.

The next business on the Calendar for Unanimous Consent was the bill (S. 494) to establish a branch hydrographic office at Los Angeles, Cal.

The bill was read.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

The SPEAKER. The gentleman from Illinois objects. The bill will be stricken from the calendar. The Clerk will report the next bill.

BRIDGE ACROSS MISSISSIPPI RIVER, MUSCATINE, IOWA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17907) granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River.

The bill was read, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation at or near Muscatine, in the county of Muscatine, in the State of Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, it has not been customary to grant permits to build bridges across the Mississippi River at any point where it is largely navigated unless some special showing is made. The War Department has made a formal report in this case, but there is no information. Will the gentleman from Iowa give us some information on the subject?

Mr. VOLLMER. Mr. Speaker, I have written for the evidence on the points that the gentleman requested when I talked to him before about this case, and under the circumstances I ask unanimous consent that the bill be passed without prejudice, to see if I can get that evidence.

The SPEAKER. The gentleman from Iowa asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection.

POST-OFFICE BUILDING AT HANOVER, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12464) providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to expend so much of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency act of October 22, 1913, for the completion of the post-office building at Hanover, Pa., as he may deem proper for enlarging the site of said building, for incidental grading in connection with such enlarged site, and for miscellaneous items necessary in connection with the completion of said building.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, as I understand this bill, it is for the purpose of acquiring additional property adjoining an existing site, which additional property is not presently needed. Am I right about that?

Mr. BRODBECK. If the gentleman will reserve his objection for a moment, I will make a statement.

This bill was before the House upon two previous Unanimous Consent Calendar days, and was objected to. I believe if the facts underlying this bill are more fully explained that there will be no objection to the passage of this bill.

In the first place, by the act of June 25, 1910, Congress appropriated $100,000 for the purchase of a site and the erection of a building to be used as a post-office building in my town, Hanover, Pa.

In due course of time a site was purchased at the corner of Abbottstown and Locust Streets. After the buildings were removed to clear the lot for the new building, it became apparent that the plat of ground was rather small and would not supply a foot of available space for future extensions if the service required greater facilities.

The then Congressman, Mr. Lafean, was appealed to to acquire an additional lot in the rear of 88.1 feet in width and 112 feet in depth. By so doing the Government would then own the entire depth of the block on Locust Street to an 18-foot alley adjoining property of one of the largest public-school buildings in Hanover, which has an open park surrounding it, covering about one-quarter of the block.

When the time was at hand to begin excavating for the foundation walls, a public "ground-breaking" ceremony was held on September 6, 1912, when Mr. Lafean in his address publicly announced that he would introduce a bill in Congress for $10,000 to acquire this additional ground. An account of his remarks appeared in the Hanover Herald, a local paper, dated September 14.

The following spring, April, 1913, the Supervising Architect, Hon. Oscar Wenderoth, visited Hanover. An account of his visit appears in the local paper of April 8, 1913; a part of same reads as follows:

The Supervising Architect informed Dr. C. A. Keagy that the additional plat of ground at the rear of building would be taken over by the Treasury Department shortly. This they intend to grade and inclose with coping walls and sow with grass seed.

By the assurance of the promise of Mr. Lafean and the foregoing public utterances of both Mr. Lafean and Supervising Architect Wenderoth, the citizens of Hanover were led to believe and understood that when said bill was passed the Government would acquire the ground in question.

Prior to the passage of this bill I called upon Hon. Sherman Allen, then Assistant Secretary of the Treasury, also on Supervising Architect Wenderoth, both of whom assured me that the ground would be bought as soon as the bill had passed.

On October 30, 1913, the urgent deficiency bill passed the House, which included this bill, providing for the $10,000 appropriation as heretofore referred to.

After the passage of this bill I called on the Hon. Byron Newton, Assistant Secretary of the Treasury, in reference to the purchase of this property. He declined to act, for the reason that the bill as introduced by Mr. Lafean inadvertently did not stipulate any authority empowering the Secretary of the Treasury to purchase any additional property; that while the note to the item of $10,000 appropriated clearly indicated what a part of this appropriation was to be used for, it carried no authority

with it, and that a bill should be introduced giving that authorization to the Secretary of the Treasury. A draft of the bill for this purpose was submitted, which I introduced on January 27, 1914, and was favorably acted upon and reported out by the Committee on Public Buildings and Grounds, with the recommendation that the bill should pass.

I trust I succeeded in making my statement clear to you; that this bill is not presenting a new proposition, nor is it a move simply to get at the money that remains unexpended for anything not originally intended, but that this bill is to clear up an unfinished proposition of my predecessor.

The wisdom of the original proposition is manifesting itself already. The new building is not more than large enough for present requirements. The original design made no provisions for a parcel-post department; that part of the business is increasing, and it is only a matter of several years until larger room must be provided to facilitate the business. At the present time there is not sufficient room for all the teams of the rural carriers to be stationed at one time in the rear of the building.

The accompanying report shows that the unexpended balance of the appropriation is about $7,142, out of which the Secretary of the Treasury can appropriate such amount for the land as in his judgment may seem right and just, reserving a sufficient amount for the grading, coping, and pavement.

Mr. STAFFORD. Will the gentleman yield?

Mr. BRODBECK. I will.

Mr. STAFFORD. Can the gentleman point out any reason why the Government should acquire this property at the present time? Is there any urgent need?

Mr. BRODBECK. Yes; the building, although completed, is hardly large enough for the present requirements. The original design for the building made no provision for a parcel-post department. This branch of the Postal Service has so increased that they will soon need additional facilities. In the rear of the building the available ground does not afford sufficient accommodation for the rural carriers' teams at this time. If this additional land could be acquired it would furnish that much-needed space for the accommodation of the teams as well as for the future enlargement of the building. I hope the gentleman will not object.

Mr. STAFFORD. Mr. Speaker, I am advised by my colleague, the gentleman from Illinois, that he objected to this bill two weeks ago, but since that time he has given personal consideration to the facts of the case, and he assures me that it is an urgent matter. I shall therefore not object.

The SPEAKER. This bill is on the Union Calendar.

Mr. BRODBECK. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. STAFFORD. I shall object to that, Mr. Speaker.

Mr. BRODBECK. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12464.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12464.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Cox in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12464) providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to expend so much of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency act of October 22, 1913, for the completion of the post-office building at Hanover, Pa., as he may deem proper for enlarging the site of said building, for incidental grading in connection with such enlarged site, and for miscellaneous items necessary in connection with the completion of said building.

Mr. BRODBECK. Mr. Chairman, this bill is to finish up the unfinished proposition of my predecessor. The building has been completed and additional ground desired, and it was understood by the citizens of our borough that in order to afford proper accommodations for the extension of the building this bill should be passed. I understand that the impression has been created that since there is a balance remaining over, the citizens of my town want to get hold of this money now for the purposes of acquiring this land. That is erroneous. Originally, before a bill was introduced, it was clearly understood that $10,000, or as much thereof as was necessary, and as the Secretary of the Treasury in his judgment saw proper to be used, should be used for the acquiring of this land. Our people so understood that and expected it would be carried out. However, in the bill introduced by my predecessor, Mr. Lafean, no especial authorization was given for acquiring the land. The object of my bill is simply to get that authorization for the Secretary of the Treasury to carry out the original understanding.

Mr. FORDNEY. Will the gentleman yield?

Mr. BRODBECK. Yes.

Mr. FORDNEY. Where is the money coming from—out of the war tax, or have you got it in the Treasury?

Mr. BRODBECK. The money is appropriated and set aside for this purpose.

Mr. FORDNEY. And now in the Treasury?

Mr. BRODBECK. And now in the Treasury.

Mr. FORDNEY. You do not expect to collect it from the war tax?

Mr. BRODBECK. I am advised that there is an unexpended balance in the Treasury of about $7,100. Mr. Chairman, I reserve the balance of my time.

Mr. MANN. Will the gentleman yield 30 minutes to the gentleman from Pennsylvania [Mr. MOORE]?

Mr. BRODBECK. I have no objection. I will yield 30 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, on September 4 the President asked Congress to raise $100,000,000 by taxation "as additional revenue for the Government." Since then the Democratic members of the Ways and Means Committee have sought to locate the objects upon which to levy the tax, and their conclusions have been embodied in a bill which we are told will be presented to the House to-day and be rushed through to final passage as speedily as may be.

It is evident the Democratic members of the Ways and Means Committee have been reluctant to place the tax where it would fall upon "the people," about whom they have always been gravely solicitous, or in such manner as to reverse their attitude on the broad questions of taxation and economy, as to which their public professions of sincerity have been abundantly devout.

In his address to Congress the President referred to none of these professions, but declared an emergency had arisen and that "it must be faced and dealt with." The President said we needed an additional revenue of $100,000,000, but he added:

We ought not to borrow. We ought to resort to taxation, however we may regret the necessity of putting additional temporary burdens on our people. To sell bonds would be to make a most untimely and unjustifiable demand on the money market; untimely, because this is manifestly not the time to withdraw working capital from other uses to pay the Government's bills; unjustifiable, because unnecessary. The country is able to pay any just and reasonable taxes without distress.

MONEY IN BANK, BUT TAXES PREFERRED.

Such was the President's message. He said there was approximately $75,000,000 of a Treasury balance, but it was "now on deposit with national banks distributed throughout the country" and could not readily be withdrawn without "consequences of inconvenience and distress and confusion." A tax upon the people would be the easiest method of raising the money.

The President's reason for coming to Congress with his request was this:

During the month of August there was, as compared with the corresponding month of last year, a falling off of $10,629,538 in the revenues collected from customs. A continuation of this decrease in the same proportion throughout the current fiscal year would probably mean a loss of customs revenues of from sixty to one hundred millions. I need not tell you to what this falling off is due. It is due, in chief part, not to the reductions recently made in the customs duties, but to the great decrease in importations; and that is due to the extraordinary extent of the industrial area affected by the present war in Europe. Conditions have arisen which no man foresaw; they affect the whole world of commerce and economic production; and they must be faced and dealt with.

Like the President, the majority members of the Ways and Means Committee, though they would gladly have been spared it, have found themselves facing "a clear duty" which, it is said, they "must perform without hesitation or apology."

DR. DEMOCRACY A GOOD SURGEON.

It is reckoned that if this new and "clear duty," including as it does the disagreeable task of further increasing the living cost of the people, is to be done at all, it were well done if done quickly. Long speeches and tearful explanations do not help in an emergency like that to which the President called attention, and the majority view of it appears to be that the sooner the tax is saddled on the people the better it will be for all concerned. "Old Dr. Democracy" is experienced in surgical operations, whether he cuts the tariff to a frazzle or otherwise separates the people from their purse. The doctor has diagnosed the present case as a "state of war," and although the Demo-

cratic Party is in full power, and the country is at peace with all the world, the doctor says he intends to operate for "war," and that because of "war" he intends to get the money. It is a cold-blooded job, requiring the skill of a surgeon who can use the knife or the hammer with equal facility. [Applause on the Republican side.]

To those of us who listened to the Democrats when they were a minority in the House, complaining, as they did, of the imaginary burdens of a Republican tariff and swearing dire vengeance upon extravagance in any form, their present predicament over the President's announcement of a $100,000,000 deficit in 17 short months of Democratic efficiency (?) is little short of a shock. We had so accustomed ourselves to denunciations of the "special interests" and the "money power" that we never again expected to find the shadow of a millionaire darkening the White House door. Never again, after the Democratic tariff got to work, were we to hear of "Wall Street" or the "malefactors of great wealth" meddling in the affairs of the Nation. Never again were "the money kings" to show their hideous faces in the Treasury Department, for the people, the plain people, relieved of their burdens, freed of the taxes that the barbarous (?) system of protection had fastened upon them were to come into their own.

A WAR MEASURE IN TIMES OF PEACE.

With these recollections of Democratic oratory ringing in our ears it is hard to grasp the full meaning of the message from the President indicating that bonds should not be issued, that banks should not be drawn upon, but that the people themselves should be taxed to pay the deficit facing the administration. The Democratic Party imposing taxes on the people? Perish the thought! It was the last thing in the world to which our erstwhile champions of the people would ever resort. Well we remember the burden of their song. For 16 long years of patient waiting for political pap and power, they would lessen "the burdens of the people." A reduction rather than an increase of the taxes which the people were supposed to pay was the very essence of every Democratic speech. The mighty chieftains in the councils of Democracy declaimed against taxation even for the purposes of war. When the United States was actually involved in a conflict with Spain they stood against a taxing of the people; witness the absurdity, then, of imposing such taxes upon the people when the United States is at peace with all the world. Even so recently as the Baltimore convention the Democratic Party admitted to its platform declarations of undying love for the people. It promised, if placed in power, to practice economy, to give an efficient government, and to reduce the cost of living of the people rather than to increase it. And these declarations, as historians may recall, were made to be kept. "They were not molasses with which to catch flies." [Applause on the Republican side.]

UNLOADING THE INEVITABLE CRISIS.

But, after all, history and experience have proven that the Democratic Party once in power and charged with responsibility is never able to make good its professions. Its great value has always been in keeping the majority party in check, serving the rôle of minority regulator of Government affairs. Its inability to manage finances or to practice economy was demonstrated in the test administrations of James Buchanan and Grover Cleveland. In each instance the expedient of issuing Government bonds to avoid financial disaster was resorted to. Therefore, to be brutally frank, Republicans were not completely surprised in this instance, when the last of our Democratic Presidents, in the height of the most extravagant and most extended Congress of all history and with a Democratic tariff law in full swing, announced that the present Democratic administration was facing a deficit and needed money and that it must resort to taxation to avoid an issue of bonds.

The financial record the party was making and the dead certainty that its tariff policy was leading to the rocks gave the war in Europe an exaggerated significance. It afforded a welcome pretense for unloading the responsibility of a crisis that was inevitable.

REVENUE CUTTING WAS DELIBERATE.

Is the deficiency pointed out by the President due to the war in Europe? The President concedes that a lessening of tariff duties had something to do with the emergency. Some of us believe that the dangerous and destructive tariff policy of the Democratic Party had most to do with it. When the Underwood bill was being considered in Congress, the leader of the Democratic Party made no concealment of the intent of his party to deny protection to profits in business. He disregarded the difference between foreign and domestic labor cost, and insisted that the obligation of his party was to establish a revenue tariff only. No man ever before his time stood up so firmly for the tariff-for-revenue principles of his party as did the gentleman from Alabama [Mr. UNDERWOOD]. Like other leaders of the House supporting the bill, he said "there is no protection in it." His committee went so far as to say the future of our industries lay "beyond the seas." The result of it all was consternation in the business world. Republicans asserted and believed that business disorganization and industrial distress would follow. They were called calamity howlers for their pains, and yet it is readily conceded now that in many of the great industrial centers their predictions have been borne out by the painful and solemn facts.

Business was disturbed, financial confidence was shaken, and labor suffered tremendous loss. The effect of the Underwood law was to increase the imports which Republicans feared would displace American products, and to decrease the exports which the Democrats seemed to desire. None but the importers and the speculators profited by this unfortunate turn of affairs. The cost of living to the people was not reduced, but mounted higher and higher. The products of foreign labor obtained a greater foothold in the American market than ever, and the products of American labor were sold in smaller quantities abroad. There was a consequent loss of American prestige, a yielding up of the balance of trade we had formerly enjoyed in the United States, and a loss of revenue to the Treasury, which was promptly pocketed by the importer and the foreign manufacturer, until now we are finally told that the loss must be recovered from the American taxpayer.

TERRIFIC LOSSES TO AMERICANS.

From January 1, 1914, to the end of July, 1914, the loss of revenue under the Underwood law, as compared with the Republican Payne law, was upward of $23,000,000. In the same seven months the damage done to the country by the same Democratic law was pointedly shown in relation to articles manufactured for consumption and crude materials entering into their manufacture. Nothing could better illustrate the effect of a low tariff upon American labor, perhaps, than these particular statistics. Of manufactured articles made by foreign labor and sent over to the United States ready for consumption there was a gain in imports under the Democratic law of more than $39,000,000. In imports of materials for further use in manufacturing such as workmen might have made in the United States there was a decrease of approximately $27,000,000. In other words, the low tariff in these respects gave the work to the foreigner and took it away from the workmen in the United States. Carrying the illustration further, it developed that the balance of export trade in our favor under the Payne law in 1913 was $308,000,000, while under the Democratic law in 1914 it was $60,000,000, or a falling off of more than $248,000,000. While we were buying from the foreigner and giving him additional work to do for us we were selling him less of our goods and depriving ourselves of work that American workmen would have enjoyed, and all this in the very few months the Democratic law was on trial.

Figures like these do not sustain the Democratic contention that the war in Europe is the basic cause of the disarrangement of our Government finances. Nor do they entertain this view who have experienced the disturbance of business and the loss of labor from month to month as the Democratic tariff proceeded along its deadly course.

DOES NOT LOOK LIKE A WAR BURDEN.

The accident of the war does not explain the continued increase of imports in certain of our ports, for the month of August during the war, nor the continued decrease of exports upon which under Republican conditions we would now be deriving a return of foreign gold.

Figures quoted by the Public Ledger, of Philadelphia, indicate that the imports at that port in August were practically "the same in value as in the corresponding month last year, and that the duties collected decreased $959,000; also that while Boston imports increased $3,700,000 in August the duties collected decreased $682 000. Here is a falling off in revenue of $1,641,000 in two cities notwithstanding an increase in imports. The business done at the customhouse in New York gives only slight justification to the claim that the total August decrease of $10,000,000 in revenues is due to the war, for the value of imports fell off $15,000,000 and the amount of duty collected decreased $7,000,000. But the average rate of duty in New York in August last year was 25 per cent and this year it was 19.8 per cent. If the same rate of duty had been collected this year as last the decrease would have been less than $4,000,000 instead of $7,000,000, and if the same rate of duties had been collected in Philadelphia and in Boston the decrease in revenues at the

customhouses in these three cities would have been only $3,800,000 instead of $8,641,000.

"Nearly $5,000,000 of the decrease in revenues at the three ports is traceable directly to the changes made in the tariff by the Underwood law. The present Congress is responsible for this deficit, and the country will be persuaded of that fact before the congressional campaign is many weeks older."

THE DEMOCRATIC LAW IN OPERATION.

Figures showing duties collected from customs, with increases and decreases under the Payne and Underwood laws, respectively, as I have been able to get them from the Department of Commerce, are as follows:

*Duties collected from customs.*

| | Payne law, 1912-13. | Underwood law, 1913-14. | Increase (+) or decrease (—). |
|---|---|---|---|
| October | $30,216,824.02 | $50,138,049.37 | +$19,921,225.35 |
| November | 25,666,353.25 | 21,173,627.85 | — 4,492,725.40 |
| December | 24,248,161.30 | 21,510,139.99 | — 2,738,021.31 |
| January | 29,334,124.09 | 23,528,079.83 | — 5,806,044.26 |
| February | 27,005,115.83 | 17,009,603.70 | — 9,995,512.13 |
| March | 27,457,489.20 | 25,927,212.90 | — 1,530,276.30 |
| April | 23,693,966.76 | 22,232,766.57 | — 1,461,200.19 |
| May | 20,434,749.21 | 20,800,573.25 | + 365,824.04 |
| June | 23,668,598.63 | 23,553,447.58 | — 115,151.05 |
| July | 27,806,654.54 | 22,988,465.04 | — 4,818,189.50 |
| August | 30,934,952.44 | 19,431,362.52 | — 11,503,589.92 |
| Total | 291,066,989.27 | 268,893,328.60 | — 22,173,660.67 |

REVENUE LOSSES WERE STEADY.

The October, 1913, receipts were exceptionally heavy. That was due to the rush of imports held in bond before the low tariff became effective. The clever importers were waiting to take advantage of the lower rates. Losses set in immediately, however, and continued steadily, until July, 1914, with the single exception of the month of May, when there was a slight increase. The war losses came along in August, and although they were not so very much in excess of the losses in February, six months previous, they were sufficiently large to afford the excuse for coming to Congress for relief. In many respects, in view of the extravagance of Congress in other directions and the approaching heavy losses that will be incurred on sugar when ultimately free, the accident of the European war has enabled the Democratic Party to excuse itself from the inevitable issue of bonds, and to put the burden of its blundering upon the backs of the people, whom it has ever and always professed to relieve. [Applause on the Republican side.]

ECONOMY OR BONDS—WHICH?

In the light of these facts it goes against the grain to support the bill we are advised the majority members of the Ways and Means Committee have presented. The President is not without power to raise funds for such an emergency as he has pointed out. The $75,000,000 which he mentioned as being deposited in the banks is available for Government uses. Congress has had the power to check enormous appropriations that have been made and for which there was no crying need. We have embarked upon a $35,000,000 railroad building enterprise in Alaska which the President could have vetoed. We propose to enter the shipping business at an expense of $30,000,000. The President himself has indorsed this project. Already $5,000,000 has been set aside for the governmental direction of war risks on shipping; the President approved this enterprise while the war was on. Numerous other extravagant expenditures of this Congress could readily be cited, but such as have been mentioned are sufficient to show that the party which has resolved "so many times and oft," to maintain economy should find some other means than taxing the people to raise the emergency funds desired. Nor are we unmindful that the President has the power to issue bonds, just as Mr. Cleveland did. He also has the power, under the law, to issue emergency certificates up to the very $100,000,000 limit that he himself has fixed. Why, therefore, could not the money he desires be borrowed in the usual way, and paid in the usual way when the so-called war emergency is over? If economy were practiced in the matter of appropriations, even such economy as the Republicans exercised, and the expenditures were far less under President Taft than they have been under this administration, taxation of the people need not ensue.

WHAT WOULD REPUBLICANS DO?

But there is still another matter that should be considered in this connection. Democrats will doubtless ask, "What would Republicans have done if such an emergency as the European war had arisen while they were in power?" In addition to what I have already said, there is another answer to that question. War or no war in Europe, the Republicans would not have put upon the statute books such a deficiency-creating tariff measure as now prevails. If the Republican Party had been in power when such an emergency arose, all the conditions affecting finance and trade would have been vastly different. The financial institutions, the business houses, the manufactories, the farmers—all men engaged in gainful pursuits—would not be suffering from the effects of such a Democratic panic as we have been going through the past 18 months. [Applause.]

Mr. GORDON. Will the gentleman yield?

Mr. MOORE. I can not now. I have not the time.

It is probably true that Republican plans for subsidizing ships as other nations have done would still be halted by those who are now suffering from their own neglect in this regard, and that cotton exports would be held up very much as they have been during the month of August, but it is a safe guess that the American mills would have been in better shape to buy the southern product and pay the southern price than they are to-day. The mills in America would now be running and their business confidence would have been stimulated even to go after the trade of the world. The distress of the southern cotton planter comes at a time when, due to his overconfident reliance on a never-failing flow of European gold, he finds the northern manufacturer is also in distress. The American mill owner now would be buying southern cotton at southern prices if cotton itself had not denied protection to the American cotton manufacturers against the competition of European cheap labor. [Applause on the Republican side.]

THE COTTON GROWER'S DILEMMA.

The dilemma of the southern cotton producer is apparently as much responsible for the Democratic anxiety to raise and distribute public revenue as any other factor of the so-called emergency. Congress has been legislating freely for cotton. It has changed the system of American registry of ships largely to benefit cotton. It has gone into the war-risk insurance business to aid cotton. It proposes to put the Government in the ship purchasing business for cotton. It has changed our system of finance in the interest of cotton, and all this to enable the producer of raw cotton to keep his European market, where cheaper labor is employed and where the garments made at the expense of American labor are sent back to the United States under a tariff for revenue that knocks the American manufacturer on the head.

If the European war has aroused the administration upon the cotton question in other respects, it can do no greater service than to direct the attention of the cotton planter to his customer in the United States and urge him to cooperate in securing protection for American manufacturers, who may thus become the safest and steadiest customers for the product of the Southern States.

AMERICAN MARKET WORTH CULTIVATING.

The American market for raw materials and manufactured goods is the greatest in the world. It is said our own people consume 90 per cent of all that we produce. The southern planter has not cultivated this American market. He has preferred to send his raw material abroad. If, instead of depending upon Europe to take the more than the 60 per cent of raw cotton that is now exported, he would help to develop the manufactures of the United States, the war in Europe might go on forever and neither the planter nor the manufacturer in the United States would suffer a particle. [Applause.] If we practiced interdependence in America and made the most of our home market no foreign war could create in the United States an emergency such as the President indicates has arisen. Being producers and manufacturers of cotton or any other staple, we could maintain the American standard of prices and wages upon the farms and in the factories, and we could sell our surplus to the world, instead of being dependent upon the world for our supplies. If such an emergency as the European war should arise while the Republican Party was in power and the protective policy was fully in force, it is inconceivable that any such financial stringency as now afflicts the cotton grower could occur. We are big enough to make more cotton goods than we do now. We could do it now if the tariff law that causes distress to American manufacturers and workingmen could be repealed, and if the planter and the fabricator could agree to a union of forces on the basis of protection to American industry. [Applause.]

TOO MUCH DEPENDENCE ON FOREIGN GOLD.

If the future of cotton depends upon foreign gold, another foreign war may create another panic in the cotton States, and so on forever. So that if the encouragement of American manufactures will establish a permanent American market for cotton as well as for cotton manufactures, it would seem that the

effort to get together for a better understanding would be worth while. The restoration of confidence is the greatest desideratum in the United States to-day—the restoration of confidence in our ownselves and in our own institutions. The "buy-a-bale" movement may help the cotton grower for a day, but only for a day. Some good may come of the happy suggestion of Miss Clark, the distinguished Speaker's daughter, to establish "a bargain-sales day" in cotton manufactures. These and similar plans of relief, however, are but temporary expedients at best. The cotton grower demands a bigger and broader and more enduring remedy. He has learned his lesson of overconfidence in the school of practical experience. But what is now coming to him in the way of hard knocks is only the experience that many others have undergone.

NORTHERN INDUSTRIES HAVE SUFFERED, TOO.

The northern mills and industries have suffered time and again, and they have recovered. They have been knocked down and dragged out until at times they have closed up in despair, but after each great struggle with false economics and legislative error, they have come back. They have had no special censuses; no special funds have been diverted to their banks to move their stocks; no public-spirited movements have been started for their relief. They have just groaned and suffered and stood for misrepresentations and abuse, while their hundreds and thousands of workmen have listlessly waited. Waited for what? Waited only for that restoration of confidence which sane legislation can guarantee. The problem of the cotton grower is largely the same sort of a problem which, in the end, can only be solved by a return of the foreign buyer or a restoration of domestic business confidence.

REPEAL THE LAW AND RESTORE CONFIDENCE.

If old King Cotton, monopolist that he is, will forget his political environment for the moment and get down to business with the American manufacturers and consumers, the best buyers on earth, and aid them to a restoration of business confidence through sane and reasonable protective legislation, the war in Europe will not have stopped his exports in vain. The way out for the cotton planter and his party is to repeal the low tariff law of October 3, 1913. The way must be paved for such a protective measure as will give to the business men of America assurance that if they again engage in business enterprises, if they again undertake the purchase of raw material and the employment of labor to manipulate it, they will not be struck down and sandbagged the very moment they assume the risk and the responsibility. It will take courage for the cotton planter to stand squarely for American mills and American labor, but it is the one way out of the dilemma into which he has been plunged, through no fault of the Republican Party. [Applause on the Republican side.]

COTTON MILLS HAVE NOT BEEN PROSPEROUS.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Certainly.

Mr. GORDON. Is it not a fact that cotton and woolen mills have been running overtime the past year generally throughout the United States?

Mr. MOORE. No; that is not the fact. I learned of one of the largest mills this morning even in these times of Democratic revival, that has been giving employment to its men only four days a week, and thousands are waiting for the balance of the time.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Certainly.

Mr. GARRETT of Tennessee. The gentleman has urged that the policy of protection on cotton manufactures would prevent the disturbance in the cotton market among the planters of the South at this time. Does not the gentleman know that from the time of the Morrill tariff bill on, for a period of more than 40 years, there was a high protective tariff upon cotton manufactures?

Mr. MOORE. Were mills in existence as there are to-day, waiting for work, seeking raw material, during any one of the years in the period the gentleman mentions?

Mr. GARRETT of Tennessee. Also, all of the time the cotton factories have been growing, and does not the gentleman know that the production of raw cotton has been gradually increasing and that the protection to the cotton manufactures has not in any way affected the price of raw cotton?

Mr. MOORE. Mr. Chairman, will the gentleman allow me to answer his question in my own way? I think it would be better for the cotton planter to cultivate the American manufacturer, and not rely, almost entirely as he does to-day, upon his foreign purchaser.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. I am sorry I can not complete my answer to the inquiry of the gentleman from Tennessee.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to expend so much of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency act of October 22, 1913, for the completion of the post-office building at Hanover, Pa., as he may deem proper for enlarging the site of said building, for incidental grading in connection with such enlarged site, and for miscellaneous items necessary in connection with the completion of said building.

Mr. BRODBECK. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Cox, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12464, and had directed him to report the same back to the House with the recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXPATRIATION OF CITIZENS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1991) to amend section 3 of an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907.

The Clerk reported the bill by title.

Mr. STEENERSON. Mr. Speaker, I object.

Mr. HARRISON. Mr. Speaker, I hope the gentleman will reserve the right to object for a moment.

Mr. STEENERSON. I reserve the right to object, Mr. Speaker.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to have the bill passed over without prejudice.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to have the bill passed over without prejudice. Is there objection?

There was no objection.

POST-OFFICE BUILDING AT GRAND JUNCTION, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16056) to increase the limit of cost of the United States post-office building at Grand Junction, Colo.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to make this statement to the gentleman. I rather think that they have made out a good case for this increase in appropriation, but the rent now paid at this place is only $1,000 a year.

Mr. TAYLOR of Colorado. That is for the post office. That is not for the other Federal buildings there.

Mr. MANN. I do not know what other Federal buildings are used there.

Mr. TAYLOR of Colorado. That $1,000 rent is only for the present post-office building. Besides that, the Government is now paying, as I understand the report, $750 a year for the offices of the Reclamation Service, $300 a year for the Forest Service, and $480 a year for the Weather Bureau. There are a half-dozen functions of the Government in that city. I do not know how much they all pay, but probably upward of $3,000 a year.

Mr. MANN. Whatever the rent is, it is not very considerable. This building, in all probability, could not be erected and finished inside of three or four years, at best, like many other buildings proposed, and it seems to me that just now, with the stress there is upon the Treasury, it is not a very good time to increase expenditures, regardless of the appropriations, and unless the gentleman asks to have this bill and these others passed over until later, I shall object to each one of the bills that proposes to increase the authorization for public buildings.

Mr. TAYLOR of Colorado. Mr. Speaker, I heartily coincide with what the gentleman has said, that now is an inopportune time to make appropriations that are not absolutely necessary, and I feel that where construction of a public building has not been already begun, the House would be justified under existing financial conditions in refusing at this session to make any more appropriations; and if my bill is to be treated the same as all others similarly situated, I shall make no objection to its going over, and for the time being I shall not press it, but

ask unanimous consent to have it passed over without prejudice and retain its place on the calendar. I am just as much in favor of economy as the gentleman from Illinois, only I want it equitably distributed. All I ask is that this bill shall be taken up whenever the other bills of like character are considered.

The SPEAKER. The gentleman from Colorado asks unanimous consent to have the bill passed over without prejudice. Is there objection?

There was no objection.

RIGHT OF WAY THROUGH FORT WINGATE MILITARY RESERVATION, N. MEX.

The next business on the Calendar for Unanimous Consent was the bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. the right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Atchison, Topeka & Santa Fe Railway Co. of Kansas, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, granted a revocable license to survey, locate, construct, and maintain a railway, telegraph, and telephone line into and upon Fort Wingate Military Reservation, N. Mex., to connect with its present right of way, as may be determined and approved by the Secretary of War or the chief officer of the department under whose supervision such reservation may otherwise fall.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 200 feet in width through said Fort Wingate Reservation, with the right to use other additional ground when cuts and fills may be necessary for the construction and maintenance of said roadbed, not exceeding 100 feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill, excepting, however, from said right of way hereby granted that strip or portion thereof which would be included within the limits of the present 200-foot right of way heretofore granted to said Atchison, Topeka & Santa Fe Railway Co. and used by it as its main-line right of way: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines and the use and enjoyment of the rights and privileges herein granted; and when any portion thereof shall cease to be so used such portion shall revert to the United States, from which the same shall be taken: *Provided further*, That any other person or duly organized corporation constructing a railroad along a line necessitating the crossing of said reservation may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation by the said Atchison, Topeka & Santa Fe Railway Co. upon paying just compensation; and, if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War: *Provided further*, That before this act shall become operative a description by metes and bounds of the lands herein authorized to be taken shall be approved by the Secretary of War: *And provided further*, That the said Atchison, Topeka & Santa Fe Railway Co. of Kansas, and other parties obtaining license from the Secretary of War as hereinbefore provided, shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War.

SEC. 3. That the powers herein granted are limited to a period of 50 years unless sooner altered, amended, or repealed by Congress.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the gentleman from New Mexico [Mr. FERGUSSON] informs me that he has some additional information in respect to this.

Mr. FERGUSSON. Mr. Speaker, I will state that the gentleman from Alabama [Mr. DENT] has requested me to represent him in this matter, inasmuch as I come from New Mexico. I will state to the gentleman from Wisconsin that, in response to his suggestion, I have conferred with the Secretary of Agriculture and have here his letter indorsing the bill with two amendments. I would like to state further that the amendments suggested by the gentleman from Illinois [Mr. MANN] when this bill was up before the House not long since have also, upon conference, been accepted. I have prepared a bill embodying these amendments as the bill would read if so amended, and if there be no objection I shall move to substitute that bill after striking out all after the enacting clause in the Senate bill. The bill embraces the amendments suggested by the Secretary of Agriculture and by the gentleman from Illinois.

Mr. STAFFORD. Ask unanimous consent that the bill be read for information.

Mr. FERGUSSON. Yes; and I will then offer it as an amendment. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman has not got the permission to consider it yet.

Mr. MANN. Ask unanimous consent to have the substitute read for information.

Mr. FERGUSSON. I will do so. Mr. Speaker, I would like to ask unanimous consent to have this bill read for information, and then I will offer it as a substitute.

The SPEAKER. The intended substitute will be read for information.

The Clerk read as follows:

A bill granting to The Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes.

*Be it enacted, etc.*, That The Atchison, Topeka & Santa Fe Railway Co. of Kansas, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, granted authority, subject to the limitations and conditions hereinafter set forth, to survey, locate, construct, and maintain a railway, telegraph, and telephone line into and upon Fort Wingate Military Reservation, N. Mex., to connect with its present right of way, as may be determined and approved by the Secretary of War or the chief officer of the department under whose supervision such reservation may otherwise fail.

SEC. 2. That said corporation is authorized to use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 200 feet in width through said Fort Wingate Reservation, with the right to use other additional ground when cuts and fills may be necessary for the construction and maintenance of said roadbed, not exceeding 100 feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill, excepting, however, from said right of way hereby granted that strip or portion thereof which would be included within the limits of the present 200-foot right of way heretofore granted to said The Atchison, Topeka & Santa Fe Railway Co. and used by it as its main-line right of way: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines, and the use and enjoyment of the rights and privileges herein granted; and when any portion thereof shall cease to be so used, such portion shall revert to the United States, from which the same shall be taken: *Provided further*, That any other person or duly organized corporation constructing a railroad along a line necessitating the crossing of said reservation may, upon obtaining a license from the Secretary of War or from the chief officer of the department under whose supervision such reservation may otherwise fail, use the track and other constructions herein authorized to be placed upon the reservation by the said The Atchison, Topeka & Santa Fe Railway Co. upon paying just compensation; and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War or by the chief officer of the department under whose supervision such reservation may otherwise fail: *Provided further*, That before this act shall become operative a description by metes and bounds of the lands herein authorized to be taken shall be approved by the Secretary of War or by the chief officer of the department under whose supervision such reservation may otherwise fail: *And provided further*, That The said The Atchison, Topeka & Santa Fe Railway Co. of Kansas and other parties obtaining license from the Secretary of War or chief officer of the department under whose supervision such reservation may otherwise fail, as hereinbefore provided, shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War or by the chief officer of the department under whose supervision such reservation may otherwise fail.

SEC. 3. That the powers herein granted are limited to a period of 50 years, unless sooner altered, amended, or repealed by Congress.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The gentleman from New Mexico gives notice that he intends to offer that as a substitute.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman explain in brief what is covered by the proposed amendments included in the substitute?

Mr. FERGUSSON. I think I can.

Mr. STAFFORD. In what respect is the bill now presented different from the proposed substitute?

Mr. FERGUSSON. The amendments I think were offered by the gentleman from Illinois, but first I will read a letter from the Secretary of Agriculture to Mr. HAY, chairman of this committee:

SEPTEMBER 16, 1914.

HON. JAMES HAY,
*Chairman Committee on Military Affairs,*
*House of Representatives.*

DEAR MR. HAY: In accordance with the promise made in my letter of September 12, I take this opportunity to submit a formal report on the bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes.

In addition to the Executive Order of May 31, 1911, which was called to your attention in the report of the Secretary of War, wherein the reservation was to be protected and administered by this department, I also cite the act of August 10, 1912 (37 Stat., 286), which contains the following:

"*Provided*, That all of the military reservation of Fort Wingate, N. Mex., as described in Executive Order of May 31, 1911 (No. 1367), shall become a part of the Zuni National Forest and shall so remain until said order shall be revoked, modified, or suspended by the President, but that the said lands shall remain subject to the unhampered use of the War Department for military purposes, and to insure such use the lands shall not be subject to any form of appropriation or disposal under the land laws of the United States."

This department has no objection to the passage of the bill, provided the following be added at each place in the bill where the words "Secretary of War" occur: "or from the chief officer of the department under whose supervision such reservation may otherwise fail."

Very truly, yours,

D. F. HOUSTON, *Secretary.*

In the substitute bill the amendment suggested by Secretary Houston has been carried out, the words "or from the chief officer of the department under whose supervision such reservation may otherwise fail" having been inserted after the words "Secretary of War" wherever those words occur. One other change was also made at the instance of the Secretary of Agri-

culture. The other amendments are generally of a minor character and were suggested, I think, by the gentleman from Illinois [Mr. MANN]. For instance, it was ascertained that the legal title of the railroad company is "The Atchison, Topeka & Santa Fe Railway Co.," and therefore wherever that name occurs the small "t" in the word "the" has been changed to a capital "T."

Mr. STAFFORD. Will the gentleman yield?

Mr. FERGUSSON. Yes, sir.

Mr. STAFFORD. Can the gentleman inform the committee as to the extent of this proposed right of way of 200 feet?

Mr. FERGUSSON. Just simply for the purpose of double-tracking the road. I do not know whether that will be 60 or 600 feet. But the Atchison, Topeka & Santa Fe Railroad between the coast and the east was constructed before this military reservation was created. It was created for the convenience of shipping of the troops, for the convenience of the road itself in loading and unloading freight, and the reservation was extended as a sort of a terminal from where the military part was established—a mile or more, as I remember. I have traveled over it. It was extended so as to cross the railroad a little distance. Now, in the prosecution of the great work of double-tracking that system from Chicago to the coast they simply want the right of way to double the track, pursuing the course where they have come up to the reservation and gone on to the other side, making the new line parallel with the old line.

Mr. STAFFORD. For what distance will this cut run?

Mr. FERGUSSON. I have not a map of it, but I have been there frequently. As I remember, the main body of the reservation is something like a mile from the depot on this strip, the strip being narrow. Then, for the convenience of shipping, from the reservation proper the strip extends to the depot. The extent of the right of way is across this strip as the old line crosses it now.

Mr. STAFFORD. Can the gentleman give us some information as to the extent of this new short cut?

Mr. FERGUSSON. I do not know exactly.

Mr. STAFFORD. Is it a mile, 2 miles, or 5 miles, or what?

Mr. FERGUSSON. It is nothing like a mile, I should think. It is possibly a quarter of a mile, and perhaps not that wide.

Mr. STAFFORD. As I understand it, the Atchison, Topeka & Santa Fe Railway is reconstructing its line?

Mr. FERGUSSON. It is not reconstructing it.

Mr. STAFFORD. And is taking out its sharp curves?

Mr. FERGUSSON. No. I was mistaken the other day when I said that. It is doing nothing but doubling the track across th strip, of course, only as the old track crosses it, or doubling the concession which the Government of the United States originally gave the railroad.

Mr. STAFFORD. What is the width of their present right of way? If it is merely for the purpose of doubling their track——

Mr. FERGUSSON. That is a matter of record in their charter.

Mr. STAFFORD. Here you are granting to the Santa Fe Railroad an additional right of way of 200 feet, and in addition thereto a further 100 feet on each side thereof when it is needed for cuts or filling in. With their present right of way they would have something like 500 feet. It is hard for me to conceive that 400 feet is necessary merely for the purpose of doubling the track, and I ask the gentleman whether he has any objection to striking out lines 7 to 11, which grant to this corporation, which is not paying anything at all for this right of way, the additional 100 feet on either side of the 200 feet?

Mr. FERGUSSON. I confess I am not authorized to do that. I do not think it is of such weight or importance as to call for the defeat of a bill of this kind.

Mr. COX. What is that land worth? Is it valuable?

Mr. FERGUSSON. Not at all. It is desert land.

Mr. STAFFORD. If that is true, then there should not be that strict scrutiny in regard to this bill as if it were valuable land.

Mr. FERGUSSON. It is 6,000 feet or more above sea level, and there are no farms on it at all.

Mr. STEPHENS of Texas. It is entirely worthless. The land is nothing but sand.

Mr. STAFFORD. I have no objection, then, to the present consideration of the bill, except to make this further inquiry. I direct the gentleman's attention to this language, in lines 23 and 24, on page 2: "from which the same shall be taken." Is not that language superfluous? I see the gentleman from Alabama [Mr. DENT] here who reported the bill, and I would like to have his opinion.

Mr. DENT. Is the gentleman reading from the original bill or the one that has been read as a substitute?

Mr. STAFFORD. The original bill. In lines 23 and 24, on page 2, are the following words: "from which the same shall be taken." As I read it, that language is superfluous, although I may be in error about that.

Mr. FERGUSSON. The words "from which" refer to the United States.

Mr. STAFFORD. Well, the purpose of the provisos is accomplished without it, but I do not think it will do any harm.

Mr. DENT. I do not think it does any harm.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERGUSSON. Mr. Speaker, I ask unanimous consent to consider it in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. FERGUSSON. I make the motion to strike out all after the enacting clause and insert the substitute that has been read.

The SPEAKER. The gentleman from New Mexico moves to strike out everything in the bill after the enacting clause, and then strike out the enacting clause of the substitute and offer the substitute in lieu of the bill.

Mr. MANN. Now, I would like to ask a question of the gentleman. The language referred to by the gentleman from Wisconsin, if it is in the substitute, ought to be out.

Mr. STAFFORD. It is in the substitute, I will say to the gentleman.

Mr. FERGUSSON. You mean the words "from which the same shall be taken"?

Mr. MANN. Yes.

Mr. FERGUSSON. I will not object to the amendment.

The SPEAKER. The Clerk will report it.

Mr. STAFFORD. The last words in the first proviso of section 2.

The SPEAKER. Is the gentleman dealing with the original bill or the substitute?

Mr. STAFFORD. It is in the substitute. It is the same proviso in the substitute—the last words in the first proviso.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In the seventh line of page 2 of the substitute strike out the words "from which the same shall be taken."

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken, and the substitute was agreed to.

The bill as amended was ordered to a third reading, was read a third time, and passed.

On motion of Mr. FERGUSSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

### LOCATIONS OF DEPOSITS OF PHOSPHATE ROCK.

The next business on the Calendar for Unanimous Consent was the bill (S. 6106) validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States.

The title of the bill was read.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will call the next one.

### USE OF NATIONAL FORESTS FOR RECREATION PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17780) providing for the use of certain portions or spaces of ground within the national forests for recreation purposes.

The bill was read.

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, I wish to say that there are two matters pending concerning the subject matter of this bill. I will ask the gentleman from Oregon [Mr. HAWLEY] if he will not consent to pass over this bill to-day without prejudice? I believe we can get together and harmonize on this matter.

Mr. HAWLEY. Will the gentleman yield?

Mr. RAKER. Surely.

Mr. HAWLEY. I understand the gentleman has a bill, introduced April 25, 1914, pending before the Committee on

Public Lands, providing for summer homesteads, and that the bill has not yet been reported by the Committee on Public Lands.

Mr. RAKER. It has been considered.

Mr. HAWLEY. But it has not been reported?

Mr. RAKER. The Secretary of the Interior reported favorably upon it.

Mr. HAWLEY. And the Secretary of Agriculture unfavorably?

Mr. RAKER. Not necessarily unfavorably. Let me call the gentleman's attention to this: This matter is important, as it turns over for perpetual leasing—because it practically means that—it turns over for perpetual leasing in the forest reserves all the lands they desire to lease. In other words, the idea that these forests are put in for actual use changes now, and they are to be handled for another and different purpose entirely. Let us see if we can not get the matter into amicable shape, so as not to tie up the western country and so as to open it to practical ownership and use.

Mr. HAWLEY. All this bill does, as reported by the Committee on Agriculture, is to give the Secretary of Agriculture the right to make leases for a period of years not exceeding 20, in place of the revocable leases that now exist, and limit it to 5 acres to any one person or association. That will enable people who want to spend a little time in the summer in the forests to build little cottages for themselves and their friends, so that they can use them, or to build a little hotel here and there for the accommodation of tourists. They can not build them on a revocable license. They will build roads in all of these places, and there will be colonies of people there, and in case fires breaks out, as they always do, they will help the rangers extinguish the fires and furnish them with food and help.

After the bill was up the other day, Mr. Graves, the Chief of the Forest Service, wrote me a letter in answer to a question I propounded to him by telephone, in which he very strongly urges the passage of this bill.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

Mr. HAWLEY. Yes.

Mr. RAKER. The Department of the Interior likewise is in favor of the passage of the bill H. R. 16021, and the same argument that the gentleman has made in regard to leasing applies to the homesteads. The argument the gentleman has made is applicable to the homesteads and applicable to the question of putting people in there to help to protect the forests. It puts in thousands and tens of thousands of people in these reserves, to utilize them, where they can spend their money and where they can know that they are going to get some returns, and it does not change the purpose of the forest reserves, as they have been created, to another purpose entirely. Now, let us put it over for two weeks and see if we can not adjust the matter.

Mr. HAWLEY. I say let this bill, which applies to one particular idea and purpose, come up on its merits, and let the Committee on the Public Lands consider the gentleman's bill, report it, and have it considered here on its merits.

Mr. SHERLEY. Mr. Speaker, I am not willing to permit this bill to be considered on the Unanimous Consent Calendar. I am very much opposed to leases that are not properly safeguarded. There has been a great abuse of the leasing privilege, as I know in dealing with the subject matter in the Committee on Appropriations.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] objects.

Hr. HAWLEY. Will the gentleman allow the bill to go over without prejudice?

Mr. SHERLEY. I object to the consideration of the bill. I do not want to be discourteous to the gentleman, but I am opposed to the bill, and I do not want to permit it to go through in its present form if I can help it.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. SHERLEY. I object.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] objects, and the bill is stricken from the calendar. The Clerk will call the next one.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may insert in the RECORD as a part of my remarks the bill H. R. 16021 and the report of the Secretary of the Interior thereon.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD by the insertion of the bill named. Is there objection?

The SPEAKER. Is there objection to either one of these requests? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Speaker, I also ask leave to extend my remarks on the same bill and on the bill H. R. 10072.

Mr. MANN. How?

Mr. TAYLOR of Colorado. I have a similar bill on this same subject. It is a short bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, in putting my request the Chair stated that I asked unanimous consent to insert my bill. May I insert the report of the Secretary of the Interior and a few remarks on it? Is that permissible?

The SPEAKER. The Chair supposes so.

Mr. MANN. Reserving the right to object, Mr. Speaker, does the gentleman want the RECORD to show that he has made a long speech on this bill by unanimous consent when he has not made a speech?

Mr. RAKER. No. A courteous reply is due to the gentleman always, and my purpose is to print the bill and the letters from both departments and some remarks thereon.

Mr. DONOVAN. Regular order, Mr. Speaker.

The SPEAKER. The regular order is the request of the gentleman from California [Mr. RAKER] to insert his remarks on the bill. Is there objection?

There was no objection.

Mr. RAKER. House bill 16021, with the suggested amendments that have been presented and considered by the Department of the Interior, and also by the Department of Agriculture, is as follows:

A bill (H. R. 16021) to provide for summer residence homesteads, and for other purposes.

*Be it enacted, etc.*, That from and after the passage of this act it shall be lawful for any person who is the head of a family, or who has arrived at the age of 21 years, and is a citizen of the United States, or who has filed his declaration of intentions to become such, as required by the naturalization laws, to make a summer residence homestead entry for not exceeding 10 acres of vacant public lands within or without national forests, subject to the terms and conditions hereafter set forth: *Provided*, That no lands within any national forest shall be subject to entry under the provisions of this act until such lands have been designated by the Secretary of Agriculture as not being, in his opinion, necessary for public use: *And provided further*, That no lands within any national forest shall be subject to entry under the provisions of this act that has been designated as a watershed for any city: *And provided further*, That no area shall have a frontage of more than 20 rods on any lake or running stream when within any national forest.

SEC. 2. That where the lands entered have been surveyed, the entries shall conform to legal subdivisions, but where the lands have not been surveyed, they shall be surveyed by the Commissioner of the General Land Office at the expense of the homestead applicant, in square or rectangular tracts, conforming, as nearly as practicable, with the United States system of public land surveys. That after filing a homestead entry under the provisions of this act, in the proper United States land office, the entryman may have six months within which to commence the improvements upon the lands so entered.

SEC. 3. That no patents shall issue upon such an entry until the expiration of three years from the date thereof, and if at the expiration of such time or at any time within three years thereafter the person making the entry or, if he be dead, his widow, or in case of her death, his heirs or devisees, proves by himself and two creditable witnesses that he, she, or they have placed upon the land a habitable summer dwelling and other improvements to the value of $300, and have resided upon and improved the land for a period of not less than two months during each of the summers preceding the offer of final proof, for not less than three consecutive seasons, and that no part of such land has been alienated except as provided in section 2288 of the Revised Statutes, and upon payment to the United States of $1.25 per acre, then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law, subject, however, to the following conditions, which shall be expressed therein: That all minerals and mineral deposits within any such land are reserved to the United States, together with the right to prospect for, mine, and remove the same, upon securing the written consent or waiver of the homestead entryman or patentee, or upon payment of the damages to crops or other tangible improvements to the owner, where agreement may be had as to amount thereof, or in lieu of the foregoing provisions upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land to secure the payment for such damages to the crops or tangible improvements of the entryman or owner as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction against the principal and securities thereon, such bond to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior, and upon the further condition that if any lands so entered and patented are valuable as water-power sites or for purposes in connection with water-power development or electrical transmission, entries shall be made and patents issued subject to the sole right of the United States and its authorized grantees to enter upon, occupy, and use any part or all of such lands reasonably necessary for the accomplishment of all purposes connected with the development, generation, transmission, or utilization of power or energy, and all lands acquired hereunder shall be subject to a reservation of such sole right to the United States, or its grantees, and upon the further condition that if merchantable timber exists in commercial quantities upon any lands so entered or patented, there shall be reserved in the entry and patent the right of the United States, under general rules and regulations to be issued by the Secretary of the Interior if upon public lands or by the Secretary of Agriculture if within a national forest, to cut and dispose of or to authorize the cutting and disposition of such timber.

SEC. 4. That this act shall not modify, change, or affect in any way, shape, or manner any of the present existing homestead laws.

The bill was submitted to the Department of the Interior, and on May 27, 1914, Hon. A. A. Jones, First Assistant Secretary, Department of the Interior, made report on bill H. R. 16021, recommending the passage of the bill, which report is as follows:

DEPARTMENT OF THE INTERIOR,
*Washington, May 27, 1914.*

Hon. SCOTT FERRIS,
*Chairman Committee on Public Lands,*
*House of Representatives.*

MY DEAR MR. FERRIS: I am in receipt of your requests for report upon H. R. 10072 and 16021, both of which propose to authorize the making of summer-residence homestead entries upon public lands within or without national forests, upon condition that residence be maintained thereupon for not less than two months during each of three summers succeeding date of entry, and that improvements to the value of $1,000 or $300 be placed thereon. H. R. 10072 provides that lands chiefly valuable for mineral or timber shall not be subject to entry. H. R. 16021 provides that lands of this character may be entered, but that $5 per acre shall be paid for the timberland and that all mineral deposits and the right to mine the same shall be reserved to the United States.

Upon consideration of the matter, I am inclined to the view that the provisions of H. R. 16021 are preferable to the other bill in that they provide in more detail for the manner of entry and final proof, and that bill reserves, as stated, all mineral deposits in the land; also the right of use thereof in connection with the development and transmission of hydroelectric power, while H. R. 10072 provided for the entry of not exceeding 40 acres and that improvements must be not less than $1,000. A letter since received from the author of the bill indicates his willingness to reduce the area which may be entered, as well as the sum required to be expended in improvements.

It is suggested that line 8, page 1, should be amended by inserting after the word "for" the words "not exceeding," so that clause will read, "for not exceeding 10 acres." In order to obviate the possibility of effort to obtain under this law lands heavily timbered, and perhaps chiefly valuable therefor, I think the bill should be amended by striking from lines 23 and 24, page 2, the following clause: "if timberland, at $5 per acre; if not timberland," and inserting in lieu thereof the word "of," and by adding to line 6, page 4, after the word "grantee," a comma and the following clause: "and upon the further condition that if merchantable timber exists in commercial quantities upon any lands so entered or patented there shall be reserved in the entry and patent the right of the United States under general rules and regulations to be issued by the Secretary of the Interior if upon public lands, or by the Secretary of Agriculture if within a national forest, to cut and dispose of or to authorize the cutting and disposition of such timber."

A measure of this kind, combining the salient features of H. R. 10072 and 16021, is, in my opinion, likely to meet an existing demand for summer homes, and I recommend its enactment.

A duplicate of the report is transmitted, to be filed with each of the bills.

Very truly, yours,

A. A. JONES,
*First Assistant Secretary.*

In regard to this bill the Associate Forester, Mr. A. F. Potter, presented the following memoranda:

JUNE 8, 1914.

In response to a request from the Committee on the Public Lands the Secretary of Agriculture, on May 9, 1914, submitted a report on H. R. 16021, in which he called attention to the desirability of holding in Government ownership many choice places for the location of summer camps which were within the national forests, many of which were on the shores of lakes and along mountain streams, so that they might continue to be enjoyed as camp grounds by the public. In the event of the passage of this bill many of these places would immediately pass into private ownership and the public might thereafter be excluded from them without the consent of the persons securing title to them. At the present time the privilege of erecting summer residences within national forests is allowed under permit by the Secretary of Agriculture, but there is no provision of law for a term lease. The other objection to the bill made by the Secretary was that it proposes to sell timberlands at a flat rate of $5 per acre, which might result in heavily timbered land worth from $50 to $100 per acre being acquired for this small amount.

The Secretary of the Interior, in reporting upon this bill, called attention to this point and suggested that the bill be amended to provide that if merchantable timber in commercial quantities existed upon any tract of land it should be reserved to be sold under rules and regulations to be issued either by the Secretary of the Interior or the Secretary of Agriculture, under whose jurisdiction the lands might be. While this would remove the objection that valuable timberlands might be acquired for a nominal sum, there still remains the objection raised by the Secretary of Agriculture—that the bill would permit many areas to pass into private ownership which should be held by the Government for public use. Judge RAKER has signified a willingness to further amend the bill so that only such lands within national forests as might be designated by the Secretary of Agriculture as not needed for public purposes and has informed me that he wishes to discuss this feature of the bill with the Secretary at an early date.

It has been found from experience that many people hesitate to construct summer residences of considerable value upon national forests under permits which the Secretary of Agriculture has authority to issue, and it has appeared extremely desirable that authority be granted to issue leases for small tracts of land to be used for this purpose for a period of years. Upon the recommendation of the department an item was included in the Agriculture appropriation bill by the House committee which provided that the Secretary of Agriculture might rent or lease for periods not to exceed 20 years suitable pieces of ground within the national forests for the construction of summer residences, hotels, stores, or any other construction needed for recreation or convenience. Unfortunately this was stricken out on a point of order while the bill was under consideration in the House. Afterwards, while the Agricultural bill was under consideration in the Senate, this amendment was again introduced by Senator JONES, and unfortunately was again stricken out on a point of order.

Very truly, yours,

A. F. POTTER, *Associate Forester.*

Congressman TAYLOR of Colorado has a bill pending, known as H. R. 10072, which provides for authorizing summer homestead entries. He has also collaborated and has been working in behalf of this legislation. There are millions of acres of land that could be used for the purpose of summer-resident homesteads. The Government is protected in minerals and in timber. It would be a benefit instead of a disadvantage. The farmer, the merchant, the blacksmith, the clerk, and others could have an opportunity of securing a summer home at a reasonable expense, where they could go for a summer outing and take their families, which would materially improve the health and strength of all. Thousands of these homes would be established. It would add to the improvement of the country, and material and beneficial results would be obtained thereby.

Mr. HAWLEY. Mr. Speaker, I ask leave to extend my remarks by printing the report of the Secretary of Agriculture on the bill, and the letter of Forester Graves, and the report of the committee.

The matter referred to above is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
*Washington, September 9, 1914.*

Hon. W. C. HAWLEY,
*House of Representatives.*

DEAR MR. HAWLEY: In response to your telephone request for my views as to the need for the legislation proposed in your bill (H. R. 17780) authorizing the use of certain portions or spaces of ground within the national forests for recreation purposes:

You are familiar with the urgent need for the development of the Oregon Caves, in the Siskiyou National Forest. If there were authority for the Secretary of Agriculture to grant a term permit or lease of certain lands for the construction of a hotel near the caves this would be built by private capital. A road would be constructed at the same time to the caves, and they would then be made available to the general public.

Throughout the national forests there are thousands of lakes, ponds, streams, and other points of special scenic beauty. There is no reason why all of these lakes and other points of special interest in the national forests should not be just as efficiently protected as if they were in a national park. As a matter of fact, we are doing exactly this thing, and, in effect, there are in the forests a large number of miniature parks which are open to the public and enjoyed by them for recreation purposes. I think that I told the committee in my last hearings that every year about one and one-half million persons go into the national forests for camping and recreation purposes. We have just one handicap in providing for this important use of the national forests, and that is the lack of authority to grant term permits or leases, as would be provided in the bill which you have introduced. We have issued revocable permits for a very large number of summer residences and hotels. A revocable permit is, however, very unsatisfactory, and a great many persons hesitate to build a very substantial structure under such a system. I anticipate that on every accessible lake there will be in the near future a demand for the use of all of the land for recreation purposes. We are, of course, reserving in every such locality a substantial area for a camp ground for the general public. It would be exceedingly valuable if in the administration of these areas we could encourage the construction of summer homes and hotels through the granting of term leases.

You spoke to me about the proposal for summer-homestead entries, as provided in H. R. 16021. This bill was referred to the department for report. The Secretary reported adversely and recommended against its passage.

I inclose a copy of his report.

Very sincerely, yours,

H. S. GRAVES, *Forester.*

MAY 9, 1914.

Hon. SCOTT FERRIS,
*Chairman Committee on Public Lands,*
*House of Representatives.*

DEAR SIR: I wish to acknowledge receipt of a copy of the bill (H. R. 16021) to provide for summer-residence homesteads, and for other purposes, with the request that this department submit a report thereon, together with such suggestions and recommendations as it may see fit to offer.

The proposed act will authorize the sale of public and national forest lands to persons who wish to maintain summer residences away from the places where they habitually reside and make a livelihood. The places where such residences are likely to be established are in the mountains, where the climate and scenic features are such as to attract people during the summer months for recreation. It may, therefore, be said that, in case this bill becomes a law, it will be restricted in its practical operations to lands of the United States within the boundaries of national forests, since the high mountain regions of the public-land States are within the boundaries of the national forests.

While the bill purposes to provide for homesteads, it does not, however, contemplate homesteads in the sense that the word is generally used with respect to the public lands, i. e., places of fixed abode, where the residents maintain agricultural homes. On the contrary, it looks to the sale of national forest land to those who are in such fortunate circumstances that they can afford to maintain two homes, one at the place where they make a living and the other at some place in the mountains where they can afford to spend a part of the year.

Since the national forests have been under the jurisdiction of this department an effort has been made to make them more accessible through the construction of roads and trails. In so far as funds have been available for such construction roads and trails have been built, and consequently the forest regions are now much more accessible than ever before. As a further result the forests are being increasingly visited by citizens from all parts of the country for recreation purposes. They come and go at their will and pitch their temporary camps at any convenient and suitable place found available.

While the national forests are extensive in area, nevertheless the choice places for the location of summer camps and residences are very much restricted. The shores of many of the small lakes, as well as the small level tracts which may be found here and there along

the mountain streams, have already to a large extent been appropriated under the various public-land laws. These titles were initiated or perfected prior to the establishment of the national forests. Should this proposed sales act become a law I have no doubt that under it the various sites still in public ownership, which are in some instances being visited each season by thousands of people, would rapidly pass into private ownership. Thereafter the right to pitch a camp for a few days could be secured only by paying a substantial fee to the owner.

It may be interesting to know that in a good many instances title to lands within the national forests has been acquired under the existing homestead laws and that the owners have done nothing toward establishing an agricultural home. They have, however, in some cases divided the land into lots and are either leasing or selling lots to persons who go into the mountains for recreation.

A great many permits have been issued by this department authorizing the occupancy of national forest lands for the purpose contemplated by this act, where such uses will not prevent the public from camping or indulging in other forms of recreation. While it is true that these permits are revocable in the discretion of the department, nevertheless it is expected they will remain in effect as long as the permittee observes the department regulations and the land is not needed for some higher public purpose. Permittees are getting, therefore, every substantial right necessary to the enjoyment of summer homes. This practice seems to have met the public demands. At any rate the department has received no complaint from users of the national forests to indicate that such legislation as contemplated in this bill is necessary.

This bill proposes to sell national forest lands at a flat rate of $5 per acre. There is nothing to prevent a purchaser from acquiring the most heavily timbered land if he so desires, worth from $50 to $100 per acre. In my opinion the bill would unintentionally open a way to those desirous of securing valuable timber lands at a nominal price, since title could be acquired upon compliance with such slight requirements.

In this connection your attention is called to the report of this department made January 12, 1914, on the bill H. R. 10072, in which a substitute was suggested authorizing term leases to those desiring to construct summer homes in the national forests.

For the reasons given above I must report that the bill now before me does not meet with the approval of this department.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

[House Report No. 1023, Sixty-third Congress, second session.]

USE OF CERTAIN PORTIONS OF NATIONAL FORESTS FOR RECREATION PURPOSES.

Mr. HAWLEY, from the Committee on Agriculture, submitted the following report, to accompany H. R. 17780:

The Committee on Agriculture, to whom was referred the bill (H. R. 17780) providing for the use of certain portions or spaces of ground within the national forests for recreation purposes, having considered the same, report thereon with a recommendation that it do pass.

The purpose of the bill is to permit the Secretary of Agriculture, upon such terms as he may deem proper, to rent or lease parcels of ground, not exceeding 5 acres in area to any one person or association, for a period not exceeding 20 years, for recreation purposes.

There are within the national forests places of great scenic beauty and interest which tourists desire to visit. Such places are very frequently remote from towns where food and lodging may be obtained. The construction of summer hotels will provide visitors with necessary accommodations for persons and animals, and summer stores will also supply the needs of those traveling by automobile or who intend camping out. There is also a growing wish among our people to construct summer cottages in the forests where they may spend periods of time and which they can furnish with necessary articles and leave to be used in succeeding seasons. This is especially necessary where the places visited are somewhat remote or difficult of access.

The bill is as follows:

[H. R. 17780, Sixty-third Congress, second session.]

"A bill providing for the use of certain portions or spaces of ground within the national forests for recreation purposes.

"*Be it enacted etc.*, That the Secretary of Agriculture may, upon such terms as he may deem proper and for periods not exceeding 20 years, permit responsible persons or associations to use and occupy suitable spaces or portions of ground in the national forests for the construction of summer homes, hotels, stores, or other structures needed for recreation or public convenience, not exceeding five acres in area to any one person or association."

The Department of Agriculture is favorable to the passage of the bill, as the following letter indicates:

JULY 22, 1914.

Hon. A. F. LEVER,
*Chairman Committee on Agriculture,*
*House of Representatives.*

DEAR MR. LEVER: I wish to acknowledge receipt of your letter of July 11, inclosing a copy of the bill (H. R. 17780) introduced by Mr. HAWLEY, providing for the use of certain portions or spaces of ground within the national forests for recreation purposes.

You will probably recall that in the hearings (p. 302) on the bill (H. R. 13679) making appropriations for the Department of Agriculture, Mr. Graves testified at some length on the need for just such legislation, requiring summer-residence leases, as is proposed in the bill. As a result of his testimony, your committee added an amendment to the Agriculture appropriation bill, which was substantially the language used in Mr. HAWLEY's bill, now referred here for report. The amendment to the Agriculture appropriation bill went out, however, on a point of order made by one of the Members.

There is at the present time some hesitancy on the part of persons who want to use national-forest land upon which to construct summer residences, hotels, stores, and other structures involving a large expenditure, because of the indefinite tenure of the permits to them which the present law provides for. At the present time, however, there are several thousand such permits in use, upon which structures have been erected. In justice to those who desire to construct more substantial improvements, it is believed that the present law should be amended to give persons a better right than the revocable permit now authorized.

For the reasons given above this department would approve of the passage of the bill.

Very truly, yours, D. F. HOUSTON, *Secretary.*

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4274. An act to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 9318. An act to amend the act approved June 25, 1910, entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes";

H. R. 6433. An act to relocate the headquarters of the customs district of Florida; and

H. R. 13219. An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia.

JUDICIAL DISTRICTS OF NORTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16244) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I understand the gentleman from North Carolina [Mr. PAGE] wishes to substitute another bill. I am sure he does not care to have this bill read.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent to substitute in lieu of the bill the title of which has just been read by the Clerk the bill H. R. 18732. This bill was introduced in duplicate by both Mr. KITCHIN and myself, as a substitute for bills establishing terms of court at Wilson and Laurinburg, N. C.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] asks leave to substitute a bill, which the Clerk will read, for the one that he began to read. The Clerk will report the bill.

The Clerk read the bill H. R. 18732, as follows:

*Be it enacted, etc.*, That section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 98. The State of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Showan, Carteret, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnson, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson. Terms of the district court for the eastern district shall be held at Laurinburg on the last Mondays in March and September; at Wilson on the first Mondays in April and October; at Elizabeth City on the second Mondays in April and October; at Washington on the third Mondays in April and October; at Newbern on the fourth Mondays in April and October; at Wilmington on the second Monday after the fourth Mondays in April and October; and at Raleigh on the fourth Monday after the fourth Mondays in April and October: *Provided*, That the city of Washington, the city of Laurinburg, and the city of Wilson shall each provide and furnish at its own expense a suitable and convenient place for holding the district court at Washington, at Laurinburg, and at Wilson until a courthouse shall be constructed by the United States. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City, at Washington, at Laurinburg, and at Wilson, which shall be kept open at all times for the transaction of the business of the court.

"The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alamance, Alexander, Ashe, Alleghany, Anson, Buncombe, Burke, Caswell, Cabarrus, Catawba, Cleveland, Caldwell, Clay, Cherokee, Davidson, Davie, Forsyth, Guilford, Gaston, Graham, Henderson, Haywood, Iredell, Jackson, Lincoln, Montgomery, Mecklenburg, Mitchell, McDowell, Madison, Macon, Orange, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Wilkes, Watauga, Yadkin, and Yancey. Terms of the district court for the western district shall be held in Greensboro on the first Mondays in June and December; at Statesville on the third Mondays in April and October; at Salisbury on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; at Charlotte on the first Mondays in April and October; and at Wilkesboro on the fourth Mondays in May and November. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Greensboro, at Asheville, at Statesville, and at Wilkesboro, which shall be kept open at all times for the transaction of the business of the court."

The SPEAKER. Is there objection?

There was no objection.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent to amend the bill, in line 4, page 2, by spelling the name "Johnston" instead of "Johnson," as it is spelled in the bill.

The SPEAKER. If there be no objection, this amendment will be agreed to.

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. PAGE of North Carolina, a motion to reconsider the last vote was laid on the table.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that H. R. 16244, introduced by Mr. KITCHIN, be laid on the table. The purpose for which it was introduced has been accomplished by the bill which has just been passed.

Mr. MANN. And also H. R. 13041.

Mr. PAGE of North Carolina. Yes, Mr. Speaker; I ask unanimous consent that both of these bills be laid on the table.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bill H. R. 13041 and the bill H. R. 16244 be laid on the table. Is there objection?

There was no objection.

NAVEL-ORANGE INDUSTRY.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 302) authorizing and directing the President of the United States to invite foreign Governments to participate in the celebration of the fortieth anniversary of the founding of the Washington navel-orange industry.

The Clerk read the title of the joint resolution.

Mr. RAKER. Mr. Speaker, at the request of the gentleman from California [Mr. KETTNER], to save time, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from California asks unanimous consent that the joint resolution be passed without prejudice. Is there objection?

There was no objection.

KAOLIN, ETC., ON INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2651) providing for the purchase and disposal of certain lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay, within portions of Indian reservations heretofore opened to settlement and entry.

The bill was read, as follows:

*Be it enacted, etc.*, That all lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay, within such parts of Indian reservations as have heretofore been opened to settlement and entry under acts of Congress which did not authorize the disposal of such mineral lands, shall be open to exploration and purchase and be disposed of under the general provisions of the mining laws of the United States, and the proceeds arising therefrom shall be deposited in the Treasury for the same purpose for which the proceeds arising from the disposal of other lands within the reservation in which such mineral-bearing lands are located were deposited: *Provided*, That the same person, association, or corporation shall not locate or enter more than one claim, not exceeding 160 acres in area, hereunder: *Provided further*, That none of the lands or mineral deposits, the disposal of which is herein provided for, shall be disposed of at less price than that fixed by the applicable mining or coal-land laws, and in no instance at less than their appraised value for agricultural purposes.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this bill provides for the outright disposition of certain lands which were withdrawn from disposition when the Indian reservations were opened to settlement, whereas we are contemplating the leasing system for all our mineral deposits.

Mr. BURKE of South Dakota. If the gentleman had been here the other day when objection to the consideration of this bill was made he would have gotten some information which was brought out in the discussion that was had at that time.

Mr. STAFFORD. I wish to assure the gentleman that I was here.

Mr. BURKE of South Dakota. I did not know the gentleman was present. Under the general law lands a part of the public domain containing kaolin or fuller's earth, if more valuable for mineral than for agricultural purposes, may be acquired under the placer-mining laws at $2.50 an acre. Within the last few years, in legislating to dispose of surplus lands in Indian reservations, the laws have provided that the lands should be disposed of under the homestead and town-site laws only, making no provision for disposing of lands containing minerals of any kind. I will say to the gentleman that I think that was an oversight, probably due to the fact that the lands that were opened to settlement were not supposed to contain any minerals. They were supposed to be entirely agricultural in character. Now, it happens that Tripp County, in my State, which was formerly a part of the Rosebud Reservation, was opened to settlement under the homestead and town-site laws, and a provision was made that after the lands had been opened to settlement for seven years all remaining land undisposed of should be sold for cash, and I may say that all of the lands that were not taken under the homestead law have been sold for cash. There happens to be a tract of not exceeding 100 acres, covered by a homestead entry, that is supposed to contain kaolin or fuller's earth in such quantities as to make it more valuable for mineral purposes than for agricultural purposes, which precludes acquiring title under the homestead law; in other words, there is no law by which it may be acquired. A bill was introduced, limited to Tripp County, S. Dak. That bill was referred to the department, and it resulted in this bill being drafted and submitted by the department, and its enactment is recommended. I will say to the gentleman that it provides that the lands can not be disposed of for less than their appraised value for agricultural purposes, which, I think, is $6 an acre in Tripp County. No land, though, can be acquired under the terms of this bill, except under the coal-mining laws, which fix the price at $10 per acre.

Mr. STAFFORD. When this bill was last under consideration, as I recall, the gentleman from Illinois [Mr. MANN] asked the gentleman from South Dakota [Mr. BURKE] as to the extent to which it would apply. He did not have the information at that time, but perhaps he can give that information at the present time.

Mr. BURKE of South Dakota. I will say to the gentleman that I referred the matter to the Geological Survey, and they advised me that kaolin deposits are located principally on the eastern seaboard, that the deposits that are supposed to exist in South Dakota are very small, and it is very doubtful whether they exist to the extent of making the lands more valuable for mineral than for agricultural purposes, and that is true generally in the West. Furthermore, in any event it can apply only to such lands as were formerly in Indian reservations and disposed of under the homestead law.

Mr. STAFFORD. Will the gentleman inform the committee as to the extent of these deposits on western lands, on Indian reservations?

Mr. BURKE of South Dakota. This does not apply to Indian reservations.

Mr. STAFFORD. I mean on those lands that were formerly Indian reservations that have been opened to settlement.

Mr. BURKE of South Dakota. I will say to the gentleman that as far as I am able to ascertain the only place where there is a suggestion that any of this clay exists upon lands that were formerly Indian reservations, and that this bill would apply to, are in Tripp County, S. Dak., which was formerly a part of the Rosebud Reservation, and that the entire area that is supposed to contain this deposit and that would be affected if this bill should become a law is not to exceed 100 acres.

Mr. STAFFORD. Is that the report of the Geological Survey or the Bureau of Indian Affairs?

Mr. BURKE of South Dakota. I have no report from the department to that effect, but it is from information that I have been able to gather.

Mr. STAFFORD. Has the gentleman inquired of the Bureau of Indian Affairs as to the extent that this would apply?

Mr. BURKE of South Dakota. I have had the matter up with the Director of the Geological Survey and he has furnished me with a number of publications. One is the "Statistics of the pottery industry in the United States in 1913," by Jefferson Middleton. Another is from the Bureau of Mines on "Fullers earth," by Charles L. Parsons. Another is "Statistics in the clay-work industry of the United States in 1912," by Jefferson Middleton.

I can say after examining these documents and the statistics that I believe I am justified in expressing the opinion that there is not any portion of the country where this bill will apply, where there is known to be kaolin deposits of any value, except in Tripp County, S. Dak.

Mr. STAFFORD. Does not the gentleman believe that we ought to have some information from the Bureau of Indian Affairs as to whether there are other deposits than those suggested?

Mr. BURKE of South Dakota. I will say that the bill was referred to the Department of the Interior, of which the Bureau of Mines, the General Land Office, and the Indian Office are a part, and I assume that it was referred to these bureaus, including the Geological Survey, which is also a bureau in the Interior Department. It is not customary for bills to be referred to bureaus, but always to the department that is interested in the proposed legislation.

Mr. STAFFORD. I am well aware of that fact, but I also know that many times a report from an Acting Secretary does not emanate from him, but from some subordinate who does not scrutinize as to the interests of the Government as closely as he might.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. I yield.

Mr. STEPHENS of Texas. This bill was referred to the Committee on Indian Affairs, and it is not clear to my mind that the title of the Indians to the land has been extinguished.

Mr. BURKE of South Dakota. The bill applies to lands open to settlement under laws that provide for disposing of surplus lands in Indian reservations under the homestead laws. Such lands are generally regarded as public lands, and the bill therefore went to the Public Lands Committee. I would have preferred to have had it go to the Committee on Indian Affairs, of which the gentleman and myself are members, but it probably more properly belonged to the Public Lands Committee.

Mr. STEPHENS of Texas. If the Indian-lands title has been extinguished, the money should go into the Treasury of the public-land fund, and if it has not been extinguished the money should go to the Indians.

Mr. BURKE of South Dakota. Whatever money is received would, of course, go to the credit of the Indian fund, because the original law provides that the proceeds go to the credit of the Indians. In our State such moneys are subject to appropriations by Congress for the support of the Indians.

Mr. STEPHENS of Texas. Why is it limited to 160 acres? You have changed the United States mining laws.

Mr. BURKE of South Dakota. I will say that the Department of the Interior made that recommendation.

Mr. STEPHENS of Texas. Under the present mining laws they could take as many claims as they could pay for and do assessment work.

Mr. BURKE of South Dakota. I understand not. Only one claim may be taken by one person, association, or corporation, not to exceed 160 acres.

Mr. STEPHENS of Texas. Does not this extend the mining laws?

Mr. TAYLOR of Colorado. No; it restricts it. It says that no person, association, or corporation shall have exceeding 160 acres.

Mr. BURKE of South Dakota. That was the recommendation made by the department.

The SPEAKER. Is there objection?

Mr. TALCOTT of New York. I object, Mr. Speaker.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

### POST-OFFICE BUILDING AT WALTHAM, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13489) increasing the limit of cost for the purchase of a site and the construction thereon of a post-office building at Waltham, Mass.

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

### ADDITIONAL DISTRICT JUDGE SOUTHERN DISTRICT OF GEORGIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of Georgia.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. HARDWICK. Mr. Speaker, in the absence of the gentleman from North Carolina [Mr. WEBB], I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

### UNCOMPAHGRE NATIONAL FOREST, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17263) to reserve certain lands, to incorporate the same, and make them a part of the Uncompahgre National Forest in Colorado.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. HAWLEY. I object.

The SPEAKER. The gentleman from Oregon objects, and the bill will be stricken from the calendar.

### PETER LASSEN NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 52) to establish the Peter Lassen National Park in the Sierra Nevada Mountains in the State of California, and for other purposes.

Mr. RAKER. Mr. Speaker, owing to the peculiar conditions now surrounding the House, I ask that the bill H. R. 52 and the bill H. R. 16129 be passed without prejudice.

Mr. MADDEN. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. MADDEN. What are the peculiar conditions that surround the House that the gentleman refers to?

Mr. RAKER. Well, courtesy and good nature on my part, which I hope to maintain, compel me to refrain from any comment.

Mr. MADDEN. I think the House is entitled to know what the gentleman means.

Mr. DONOVAN. Mr. Speaker, the regular order.

The SPEAKER. The regular order is demanded, and the regular order is, Is there objection to the request of the gentleman from California?

Mr. HAWLEY. I object.

The SPEAKER. The Clerk will report the bill.

Mr. STAFFORD. But the gentleman from Oregon objects.

The SPEAKER. The gentleman from Oregon objected to passing the bill without prejudice.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

### NATIONAL SANITARIUMS FOR FRATERNAL ORGANIZATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16029) to authorize the Secretary of the Interior to set aside certain public lands to be used as national sanitariums for fraternal organizations, and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and empowered upon application to set aside and reserve tracts of land commensurate with the desired use, but in no case exceeding four sections of any surveyed, unoccupied, nonmineral, arid, semiarid, or mountainous public land, to be used by any duly organized and incorporated fraternal organization or society for sanitarium purposes, such withdrawal or reservation to in no case exceed two years.

SEC. 2. That if on or before the expiration of two years from the date of reservation of any such tract substantial improvements have been placed upon the land conducive to the purposes of the reservation, the Secretary of the Interior shall issue patent to the fraternal organization for which the land was reserved and set aside, each patent so issued to be subject to and contain the condition that the lands shall be exclusively used for the purposes herein set forth, and that the patent issued and all claim, right, and title thereunder and thereto shall cease and end and be null and void, the lands to revert to the United States without further action or proceedings if the land is ever used for purposes of gain or profit, if the use thereof as a sanitarium shall be discontinued or abandoned for a period of more than two years, or if any attempt shall be made to alienate the land or destroy the value thereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 6, strike out the word "surveyed."

Page 2, lines 15 and 16, strike out the words "or destroy the value thereof."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this would cover forest reserves, would it not?

Mr. RAKER. Yes.

Mr. MANN. If it is to cover forest reserves, ought not the application to be made to the Secretary of Agriculture rather than to the Secretary of the Interior?

Mr. RAKER. Or the Secretary of Agriculture, as the case may be.

Mr. MANN. I do not think we ought to give the Secretary of the Interior power to locate something in a forest reserve without at least the consent of the Secretary of Agriculture.

Mr. RAKER. I am perfectly willing to have the bill so amended.

Mr. MANN. The gentleman from Wyoming [Mr. MONDELL] privately suggests that this would not cover forest reserves. It reads, with the committee amendments:

Unoccupied, nonmineral, arid, semiarid, or mountainous public lands.

I should suppose that would cover forest reserves, though I do not pretend to be an expert.

Mr. MONDELL. Mr. Speaker, a forest reserve is not public land in the sense that that term is used here. Forest reserves are not under the jurisdiction of the Secretary of the Interior. It would not cover forest reserves, I think.

Mr. MANN. Forest reserves are plainly under the jurisdiction of Congress, and we could say the Secretary of War might issue a patent, if he desired to.

Mr. MONDELL. I understand that the gentleman from California desires to include forest reserves in the bill.

Mr. RAKER. I do not care which way, for this reason: There are plenty of lands not in the forest reserves at all, open desert lands, where these organizations have been trying for years to get a place where they can take care of their sick and afflicted members, and they are willing to expend many hundreds of thousands of dollars for that purpose. The Members of the House recognize the fact that many members go west and are cared for by the various organizations.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MADDEN. Has the gentleman any figures showing how many hundreds of thousands of dollars these people are willing to expend?

Mr. RAKER. The Sovereign Grand Lodge, Independent Order of Odd Fellows, is willing, as I understand it, to expend in the neighborhood of $500,000, if not more, if they can get a suitable location for the purpose of establishing a national sanitarium for the care of afflicted members of that order.

Mr. MADDEN. Has anybody any figures to show the exact amount?

Mr. RAKER. Oh, you could never get any figures, because there has never been any right granted.

Mr. MADDEN. There must have been applications made for the grant.

Mr. RAKER. There have been many bills introduced by the Order of Owls.

Mr. MADDEN. Were the bills based upon a statement made by any organization?

Mr. RAKER. No.

Mr. MADDEN. So that nobody knows what amount of money any organization proposes to expend. No statement has been made indicating that?

Mr. RAKER. No organization would go to work and prepare what they were going to do until they had the right to do it.

Mr. MADDEN. Will the gentleman yield further?

Mr. RAKER. I will.

Mr. MADDEN. It seems to me if an organization of any kind wanted to get a right from the Government free, it would be glad to make some kind of a prospectus as to what it intended to do if it got the right.

Mr. RAKER. Oh, no; for many reasons.

Mr. MADDEN. That is putting the cart before the horse—asking the Government to give them something, and then letting them do what they please.

Mr. RAKER. Let us see what the Government gives. I have been a member of the Independent Order of Odd Fellows for some 28 years.

Mr. MADDEN. That is what makes the order so popular.

Mr. RAKER. That is very nice; thanks for the compliment. The grand lodges of the various States have been attempting to work on this, and the sovereign grand lodge has endeavored several times, but they could not get the location where they desired it. I have taken this matter up with the grand secretary and others, and I believe there is no question but that this organization will expend over $500,000.

The same may be said of the Order of Owls and of the Masonic Order and of the Knights of Pythias, and others. I desire to call the gentleman's attention to the Woodmen of the World. They have a tract of land in a good place. They were able to buy it. They have one of the best sanitariums in the world, where thousands of their afflicted members go and are cured and sent back home. The purpose of this bill is that these orders may have two years in which to prospect, so that they may go out in the desert in this dry climate that makes men well and drill and find water, and if they can find water, then they are safe, and they can procure a patent and build up their homes and send their afflicted members there and take care of them instead of leaving them scattered all over the West, where they are provided for by each particular lodge.

Mr. HULINGS. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. HULINGS. After two years of exploration, having found a place, then does the Secretary of the Interior have any other right than simply to issue the grant, or may he put limitations and conditions in the grant?

Mr. RAKER. The grant is issued under certain conditions.

Mr. HULINGS. What conditions?

Mr. RAKER. Under the condition that they must build and use the property for that purpose and no other, and that ceasing to use it for that purpose or using it for any other purpose, they shall forfeit title.

Mr. HULINGS. There is nothing in the bill giving the Secretary discretion to say whether their proposed expenditure is large enough.

Mr. RAKER. But if they use it for a sanitarium, just suppose they cured one man.

Mr. MADDEN. Mr. Speaker, will the gentleman yield further?

Mr. RAKER. Yes.

Mr. MADDEN. The bill does not place any limitations at all, but it just authorizes the issuance of a patent.

Mr. RAKER. Now, let me call attention to this: The only possible objection that has been made to this bill is that it does not grant enough land. Now, if gentlemen had had experience in the West where there is no vegetation upon the land and if these organizations would take the 2,560 acres by boring for water and obtaining it and spending money and securing water, and thus build up a tented city or large buildings for the purpose of sending their afflicted members to that locality and curing them, it would be a godsend to this country, because I want to say this to the gentleman—and I have given the matter some thought—that I did not put in the report the figures. As to the question of tuberculosis, I desire to say that there is no disease that has so ravishing effect upon the American people as that dread disease, and every doctor I have seen and every man I have seen says that this country, in the West, unusable in the way it is now, would be in splendid shape to give these people an opportunity to build up their shattered health, and I trust the Members will let it pass.

Mr. MADDEN. I will not object, but I thought the gentleman ought to have been able to give some information about it; that is all.

Mr. STAFFORD. Reserving the right to object, does not the gentleman believe that the Secretary of the Interior should have some discretion in granting these permits? I have prepared an amendment which I wish to suggest to the gentleman. After the word "empowered" insert the words "in his discretion."

Mr. RAKER. What line?

Mr. STAFFORD. Line 4 of the first page.

Mr. MANN. I have the same amendment to offer.

Mr. RAKER. I think that would improve the bill.

Mr. STAFFORD. Of course I am in full sympathy with the purpose of the bill, but I wish to make this further observation. There is no provision in this bill providing that these fraternal societies can not obtain more than one reservation or grant. I would like to know whether the gentleman would have any objection to a new section along this line; that not more than one reservation or grant shall be made to any such organization or society. Under the terms of this bill any society can go ahead and locate on any number of successive reservations after they had completed the conditions in the pending case.

Mr. RAKER. Personally I would see no objection to it, but it appeals to me so strongly, and I know it does to every man here, that if they have got the money and could occupy and use that country, it will just relieve the public of that much expense.

Mr. MANN. The bill does not grant more than one reservation to a society.

Mr. STAFFORD. One at a time.

Mr. MANN. Only one.

Mr. STAFFORD. Where is that reservation?

Mr. MANN. It is in the bill. It says, "but in no case exceeding four sections to be used by any duly organized and incorporated fraternal organization or society," and so forth.

Mr. RAKER. That would give but one.

Mr. STAFFORD. I assumed that language referred to only the application that was pending.

Mr. RAKER. I want to make a further suggestion. The gentleman from Illinois awhile ago directed attention on page 2, that the words "gain or profit" should be stricken out, and I think that would be a good idea to add to it before the word "purposes," "other than a sanitarium or in connection with maintaining such sanitarium purposes."

Mr. STAFFORD. Will the gentleman yield.

Mr. RAKER. I do.

Mr. STAFFORD. In reply to the query propounded as to whether this bill would not grant more than one right to one society, I would direct my colleague's attention to the fact that the words of the limitation, "in no case exceeding four sections to be used by any duly organized and incorporated fraternal organization or society," does not prevent them from having another grant of four sections.

Mr. MANN. It says not more than four sections to be used by anyone.

Mr. STAFFORD. The limitation is that in no case exceeding four sections to be used by any duly organized and incorporated fraternal organization or society, and I would say after they had located under this provision and had this reservation and complied with that one they could go ahead and get another four sections.

Mr. MANN. Plainly, that could not be; in that case they could take 400 sections.

Mr. STAFFORD. That is what I thought they might do.

Mr. TALCOTT of New York. Will the gentleman yield?

Mr. RAKER. I do.

Mr. TALCOTT of New York. This does not refer to merely National and State organizations, does it?

Mr. RAKER. No, sir.

Mr. TALCOTT of New York. It would refer to a duly incorporated local lodge or local chapter?

Mr. RAKER. It would, absolutely.

Mr. JOHNSON of Washington. Would a side organization of the Salvation Army, for instance, be considered a fraternal organization?

Mr. RAKER. If it organizes under this provision, it will be a godsend and ought to be applauded. If the Salvation Army would organize and send out 50 or 100 of their afflicted tuberculous men or women who are almost dying on their feet, and they could be brought back from this western country cured men and women, then it would be a godsend.

Mr. JOHNSON of Washington. If the Salvation Army did that very thing, and the men who were not too ill or decrepit undertook to raise crops or live stock, or something like that, would that be gain or profit?

Mr. RAKER. No; and on that line——

Mr. JOHNSON of Washington. The Typographical Union might want to establish a camp, and they might sell——

Mr. RAKER. One of the best unions to-day doing such a thing.

Mr. JOHNSON of Washington. Is the gentleman's bill broad enough to take care of these organizations?

Mr. RAKER. I think it is.

The SPEAKER pro tempore (Mr. JOHNSON of Kentucky). Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore. It is on the Union Calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendments. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "surveyed."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, lines 15 and 16, strike out the words "or destroy the value thereof."

The amendment was agreed to.

Mr. RAKER. Did the gentleman from Illinois [Mr. MANN] offer the amendment he suggested?

Mr. STAFFORD. The amendment is to insert after the word "empowered," in line 4, page 1, "in his discretion."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, after the word "empowered," insert the words "in his discretion."

The SPEAKER pro tempore. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Speaker, on lines 12 and 13, page 2, I move to strike out the following words:

Of gain or profit.

The SPEAKER pro tempore. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 2, lines 12 and 13, strike out the words, "of gain or profit."

Mr. STAFFORD. I thought the purpose was to grant this land to these fraternal associations which would be in aid solely of their members.

Mr. RAKER. It is. I am going to offer another amendment. Insert before the word "purposes," in line 12, "other than sanitarium." I was discussing the matter with the gentleman from Illinois [Mr. MANN], and his suggestion, to my mind, is a wise one. I offered to strike out the words, so as to make it clear in lines 12 and 13, "of gain or profit," and insert after the word "purposes," in line 12, "other than sanitarium."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 12 and 13, strike out the words "of gain or profit," and before the word "purposes," in line 12, insert the words "other than sanitarium."

Mr. CRAMTON. Does the gentleman think he should have both the terms "sanitarium" and "sanatorium" in the bill?

Mr. RAKER. It was a wrong pronunciation; that is all.

The SPEAKER pro tempore. The question is on agreeing to the two amendments proposed by the gentleman from California [Mr. RAKER].

The amendments were agreed to.

Mr. RAKER. Further discussing this with the gentleman from Illinois, I think this ought to go out of the bill in order to avoid any conflict, namely, in lines 11 and 12, "without further action or proceedings." That leaves a fair determination to say whether they are complying with the law or not.

Mr. STAFFORD. If the gentleman is acquainted with the decisions of the Supreme Court construing the forfeiture clauses in the railroad land-grant cases, he will know that the mere statement of a forfeiture does not carry a forfeiture, but it requires some definitive act on the part of the Government to have the land revert to the Government. Why should we not restrict it so that these lands will revert, if they are not used for humanitarian purposes?

Mr. RAKER. The gentleman's statement is evidently correct as to construction on these grants, but the gentleman from Illinois [Mr. MANN] suggested that some one might complain when, as a matter of fact, it was legitimate, and that then this language in here would cause trouble, and would it not be better to make the bill plain in order to avoid complications?

Mr. STAFFORD. There would not be any reversion unless it was complained of by department officials.

Mr. RAKER. This is for the purpose of avoiding complications; that is all.

Mr. MANN. I think the gentleman from Wisconsin is mistaken. Under the terms of this bill there is a reversion without any proceeding at all. That is what the bill says. It might be no one would go and assist them, but their title would be gone, because the bill as it stands does not contemplate any proceedings, and says:

And title thereunder and thereto shall cease and end and be null and void, the lands to revert to the United States without further action or proceedings.

The gentleman has moved to strike out the words "without further action or proceedings," so that the title would revert only when the United States should institute proceedings.

Mr. RAKER. That is the view I had.

Mr. MANN. These people may have had difficulty in raising money. There is no necessity of putting something in that may place such a cloud on the title that they can not raise a dollar.

Mr. RAKER. I offer that amendment, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 11 and 12, strike out the words "without further action or proceedings."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONDELL. Mr. Speaker, at the end of line 7, page 1, I move to insert the words "or lands in forest reserves."

The SPEAKER pro tempore. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 7, after the word "land," at the end of the line, insert the words "or lands in forest reserves."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Speaker, I have an amendment that I wish to offer.

The SPEAKER pro tempore. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 8, after the word "fraternal," insert the words "or benevolent."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Speaker, I have another amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Washington [Mr. JOHNSON].

The Clerk read as follows:

Page 2, line 5, after the word "fraternal," insert the words "or beneficial."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, were the committee amendments agreed to yet?

The SPEAKER pro tempore. They were.

Mr. MANN. I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I understand we just adopted an amendment inserting "forest reserves."

Mr. MONDELL. Yes.

Mr. MANN. It seems to me we ought not to have the Secretary of the Interior determine with reference to granting this permit in a forest reserve.

Mr. RAKER. I agree with the gentleman on that. I think the language ought to be amended.

Mr. MANN. Would it do to insert after the word "Interior," where it occurs twice, the words "or the Secretary of Agriculture, respectively"?

Mr. RAKER. I think that would cover it.

Mr. MANN. I was not sure if that would cover it.

Mr. RAKER. Then it would read, "the Secretary of the Interior or the Secretary of Agriculture, respectively"?

Mr. MANN. Yes; so that it would read "the Secretary of the Interior or the Secretary of Agriculture, respectively."

Mr. RAKER. What I was trying to get at is this: The gentleman's amendment is correct, but there ought to be another qualifying clause, such as "having jurisdiction of the land."

Mr. MANN. That is all right.

Mr. MONDELL. I suggest the words "the Secretary having jurisdiction."

Mr. RAKER. Yes; "the Secretary having jurisdiction."

Mr. MANN. Would it read then, "the Secretary having jurisdiction of the same," in place of "the Secretary of the Interior"?

Mr. RAKER. Yes. Then, if it is in a forest reserve, it is the Secretary of Agriculture, and if not, the Secretary of the Interior. Let it read, "that the Secretary having jurisdiction of the same be, and he is hereby, authorized," and so forth. I submit to the gentleman from Wyoming [Mr. MONDELL] if he does not believe that would make it sufficient?

Mr. MONDELL. I think it would, if in place of the words "Secretary of the Interior" you insert the words "the Secretary having jurisdiction of the same." You then include the two Secretaries. I think then the language would be clear.

Mr. RAKER. If the gentleman will offer that amendment I think it will cover it.

Mr. MANN. Well, I will offer the amendment. On line 3 of page 1 and on line 4 of page 2 strike out the words "of the Interior" and insert in lieu thereof the words "having jurisdiction of the same."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 3, and on page 2, line 4, strike out the words "of the Interior" and insert the words "having jurisdiction of the same."

Mr. RAKER. Just a moment. The first, on line 3, page 1, is all right, but on line 4, page 2, it would not apply. It ought to be "Secretary of the Interior" there.

Mr. MANN. Very well; I have no objection.

Mr. RAKER. The Secretary of the Interior would issue the patent.

Mr. MONDELL. The Secretary of the Interior issues the patents in all cases, in any event.

Mr. MANN. Then that amendment should not go in on page 2. It should just go in on page 1.

The SPEAKER pro tempore. The Clerk will again report the amendment as modified.

The Clerk read as follows:

Page 1, line 3, strike out the words "of the Interior" and insert the words "having jurisdiction of the same."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I ask to have the title amended so as to read "to authorize the Secretary having jurisdiction of the same," and so forth, and to insert also, after the word "fraternal," the words "or beneficial."

The SPEAKER pro tempore. Without objection, the title will be so amended.

There was no objection.

On motion of Mr. RAKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill, particularly with relation to the difficulties of control by the Secretary of the Interior and the Secretary of Agriculture of portions of the public lands.

The SPEAKER pro tempore. The gentleman from Washington [Mr. JOHNSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, the consideration of this bill, which provides for the giving by the Government, free of charge, to benevolent or fraternal orders tracts of the public domain as sites for sanitariums, has called attention once more to the confusion which arises from the fact that the public domain is in part controlled by the Department of the Interior and in part by the Department of Agriculture. Here was a wise and beneficial bill under consideration, which had to go through a considerable debate and discussion in order to take care of this peculiar situation. In order to make the bill effective it had to provide for a sort of hydra-headed control, just as do so many bills effecting the public domain. How to get that part of the public lands which lie within the forest reserves back under control of the Department of the Interior is a question.

To secure consideration of a bill authorizing the transfer—and I desire to say that I have such a bill, H. R. 6923, introduced July 18, 1913, before the Committee on the Public Lands—it will be necessary for the chairman to secure favorable reports from both the Secretary of the Interior and the Secretary of Agriculture. Neither Secretary desires to encroach on the rights of the other, and therefore these reports are not forthcoming. The leasing bills, which have recently been discussed at great length in the House, will, if finally made into laws, still further show the necessity for a single-headed management of the entire public domain.

For fear that some one will secure some advantage or some lands, minerals, or other products they should not receive the West is being so loaded down with public-domain laws that it is doubtful if a corps of Philadelphia lawyers will be able to unravel them. From the discussion necessary to perfect this bill one can imagine the amount of letter writing and argument all westerners are obliged to carry on whenever they handle affairs concerning settlers on parts of the public domain. Double work is required. This is unnecessary, useless, and productive of waste—an expense not only to the citizens particularly concerned, but to the Government, which results in an unnecessary force of clerks in both departments.

But, Mr. Speaker, if the Forest Service should be put back into the Interior Department, then the House Committee on the Public Lands, which is already overburdened, would have still more work to do. We have a Committee on Irrigation of Arid Lands, which has taken some of the work off of the shoulders of the Public Lands Committee. Why should we not have a committee on forest reserves? Surely the work ahead in connection with the great western forest areas is enough to warrant the organization of a special committee. In fact, Mr. Speaker, the best solution of the whole matter, very likely, would be the creation of a new department, with a secretary, to look after the forest reserves, the national monuments, the power sites, and the coal and mineral lands which are to be leased after the passage of the several conservation bills lately under consideration. If we had such a department now, with so earnest and able a man as the present Chief Forester, Hon. H. S. Graves, as secretary, the West could look hopefully forward to the unraveling of the tangle. Before the leasing bills have been in operation very long it is likely that the necessity for such a secretaryship will be seen. The Secretary of the Interior now has more than enough to do.

The SPEAKER pro tempore. The Clerk will report the next bill.

### SECOND HOMESTEAD AND DESERT ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 2068) to authorize the allowance of second homestead and desert entries.

The title of the bill was read.

Mr. RAKER. Mr. Speaker, I move that the bill be laid on the table. It has answered its purpose, and the bill has become a law.

The SPEAKER pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The SPEAKER pro tempore. The bill is laid upon the table. The Clerk will report the next one.

BOUNDARY LINE BETWEEN CONNECTICUT AND MASSACHUSETTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3550) ratifying the establishment of the boundary line between the States of Connecticut and Massachusetts.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the reading of the preamble be dispensed with, and that the committee substitute be read.

The SPEAKER pro tempore. Without objection, the reading of the preamble will be dispensed with and the substitute will be read.

There was no objection.

*Be it enacted, etc.*, That Congress hereby consents to the establishment of a boundary line between the States of Massachusetts and Connecticut, heretofore agreed upon by said States, which boundary line is shown by duplicate maps, one copy of which has been deposited with the secretary of state of Massachusetts and another copy in the library of the State of Connecticut, and which boundary line has been fixed and determined according to the terms of an act in the Legislature of the State of Connecticut, entitled "An act establishing the boundary line between Connecticut and Massachusetts," approved June 6, 1913, which act has been sent to and received by the State of Massachusetts, and an act of the Legislature of the Commonwealth of Massachusetts, entitled "An act to establish the boundary line between the Commonwealth of Massachusetts and the State of Connecticut," approved March 19, 1908, which act has been sent to and received by the State of Connecticut, each of which acts contains a full description of said boundary line.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. I move, Mr. Speaker, to amend the substitute by striking out the word "contain," in line 2 of page 3, and inserting in lieu thereof the word "contains," so as to make it grammatically correct.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 2, by striking out the word "contain" and inserting in lieu thereof the word "contains."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill as amended.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

SHIPMENTS TO PORTO RICO OR THE PHILIPPINE ISLANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12674) to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands.

The bill was read, as follows:

*Be it enacted, etc.*, That all provisions of existing laws for the allowance of drawback of internal-revenue tax on articles exported from the United States are, so far as applicable, hereby extended to like articles upon which an internal-revenue tax has been paid when shipped from the United States to the island of Porto Rico or to the Philippine Islands.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. If there be no objection, it will be so considered.

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

THE PATENT OFFICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18031) amending sections 476, 477, and 440 of the Revised Statutes of the United States.

The bill was read as follows:

*Be it enacted, etc.*, That section 476 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 476. There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, one assistant commissioner, and five examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioner shall perform such duties pertaining to the office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of the Interior upon the nomination of the Commissioner of Patents."

SEC. 2. That section 477 of the Revised Statutes be amended to read as follows:

"SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

"The Commissioner of Patents, $5,000 a year.

"The First Assistant Commissioner of Patents, $4,500 a year.

"The Assistant Commissioner of Patents, $3,500 a year.

"Five examiners in chief, $3,500 a year each."

SEC. 3. That so much of section 440 of the Revised Statutes as follows the words "In the Patent Office," and refers to said office only, be amended to read as follows:

"One chief clerk, who shall be qualified to act as a principal examiner.

"One librarian, who shall be qualified to act as an assistant examiner.

"Five law examiners.

"One examiner of classification.

"One examiner of interferences.

"One examiner of trade-marks and designs.

"One first assistant examiner of trade-marks and designs.

"Six assistant examiners of trade-marks and designs.

"Forty-three principal examiners.

"Eighty-six first assistant examiners.

"Eighty-six second assistant examiners.

"Eighty-six third assistant examiners.

"Eighty-six fourth assistant examiners; and such other examiners and assistant examiners in the various grades as the Congress shall from time to time provide for."

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, does this bill create any new offices?

Mr. OLDFIELD. It increases the number of examiners in chief from three to five and the number of law examiners from two to five, creating in all five additional positions, which are very essential to the proper conduct of the Patent Office.

Mr. FOSTER. It increases the expense about how much?

Mr. OLDFIELD. After it gets to working it will probably increase the expense of the Patent Office something like $60,000 a year.

Mr. FOSTER. Does the gentleman think that we ought to pass a bill of this kind at this time?

Mr. OLDFIELD. I certainly do. It can not go into operation before the first of the year. The situation is just this: The inventors of the country are not getting thorough searches. The business of the Patent Office has grown so rapidly in the last 10 years that they are not getting proper searches because the force is not sufficient. The Patent Office will have a surplus this year of more than $200,000. It has a surplus now, since the office was established, of $7,000,000, and the inventors of the country are certainly entitled to as thorough searches as can be made. This equalizes the examining force. It makes each of the four grades of examiners 86 in number, whereas now in the fourth grade there are 110, in the third grade 88, in the second grade 73, and in the first grade 63. The chief object of the bill is to equalize this force.

Mr. GREENE of Massachusetts. Mr. Speaker, this seems to be a private conversation. Other Members can not hear what is going on.

Mr. OLDFIELD. The principal purpose of the bill is to equalize this examining force. It ought to be done by all means. We had this bill before the House in a different form a month or six weeks ago. It was objected to. We cut out what we thought to be the objectionable features and reintroduced the bill, and it was unanimously reported by the Committee on Patents in its present form. I hope the gentleman will not object.

Mr. FOSTER. Reserving the right to object, it seems to me that this bill might possibly wait for a little time. It increases the expenses of this office some $60,000 a year. While I do not know that I shall object, yet I shall not vote for such a bill at this time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

XUM

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. OLDFIELD. I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. If there be no objection, it will be so considered.

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. OLDFIELD, a motion to reconsider the last vote was laid on the table.

AUDITOR OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17097) to fix the salary of the auditor of the Supreme Court of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

Mr. MANN. I suggest to the gentleman that he ask unanimous consent that the substitute be read in lieu of the original bill.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the original bill.

The SPEAKER pro tempore (Mr. BOWDLE). The gentleman from Kentucky asks unanimous consent to read the substitute instead of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause, and insert the following:

"That the auditor of the Supreme Court of the District of Columbia shall hereafter receive a salary of $5,000 per annum, which shall be in lieu of any and all fees. It shall be unlawful for the auditor, his assistant, or stenographer to exercise the profession or employment of counsel or attorney at law, or to engage in the practice of the law, under penalty of immediate removal from office.

"SEC. 2. That the said auditor shall appoint an assistant auditor and also a stenographer, whose appointments shall not be effective until approved by a majority of the justices of said court. Before entering upon the discharge of their duties the auditor, the assistant auditor, and the stenographer shall each take and subscribe an oath to faithfully and impartially discharge the duties imposed on them by law, which oath shall be spread upon the order book of said court. The said assistant auditor and stenographer shall, under his administrative control, assist the auditor in performing the duties of the office, and shall be subject to removal at any time by the auditor. Vacancies in said offices shall be filled by the same method of appointment. The said assistant auditor shall receive a salary of $1,500 per annum, and the stenographer a salary of $1,000 per annum. Other official expenses of the auditor's office, not exceeding $400 per annum, shall be paid out of public funds upon the approval of the chief justice of said court. Such expenses, when so approved, and all salaries provided by this act shall be paid as are the salaries of the justices of said court and charged accordingly. The auditor shall continue to be an officer of the District of Columbia. It shall be the duty of the auditor, the assistant auditor, and the stenographer to devote their entire time to the discharge of their official duties. The office hours of the said auditor and of the subordinates of the office shall be the same as the office hours of the clerk of said court. The said auditor shall be subject to removal at any time by a majority of the justices of said court for any cause deemed by them to be sufficient.

"SEC. 3. That the fees of the auditor and of the subordinates of the office shall, in each case, for services performed therein, be taxed as part of the costs. The following, and no other, shall be the fees of the auditor's office:

"For services of the auditor, at the rate of $10 per day.

"For services of the assistant auditor, at the rate of $6 per day.

"For services of the stenographer, at the rate of $5 per day, except when engaged in taking or transcribing testimony, in which event the fee charged shall be at the rate of 40 cents for each page of not less than 250 words and 5 cents per page for each carbon copy thereof.

"For issuing a writ of subpœna, 25 cents.

"For filing any paper or exhibit, 25 cents.

"For administering an oath or affirmation, 25 cents.

"Each report of the auditor shall contain an itemized statement of the fees charged and collected, which shall be subject to exception in court by any party in interest. It shall be the duty of the auditor to collect the fees of the office in each case before his report is filed, unless otherwise directed by the court; and such fees shall monthly, on or before the 10th day of each month, be paid by the auditor into the United States Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia. The auditor shall file with each remittance a statement addressed to the Secretary of the Treasury, verified by the oath or affirmation of the auditor, showing the fees collected in each case during the preceding month.

"It shall be the duty of the said stenographer, when not otherwise engaged in the work of said office, to take and transcribe the testimony given before the said auditor; but when such testimony is taken and transcribed by other stenographers or examiners the charges therefor shall be at the rate herein fixed.

"SEC. 4. That all acts to the extent they are in contict herewith are hereby repealed."

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, which I do not intend to do, as I seldom or never object to bills introduced by the gentleman from Kentucky [Mr. JOHNSON], I want to offer this suggestion, not so much on account of this bill as for the future: Under the rules of the House the District Committee has two days in each month. Those days are seldom denied to the committee when asked for in the regular way. I simply suggest that it does not seem entirely fair for that committee, which has that privilege under the general rules of the House, to take up the time of the Unanimous Consent Calendar, which is so crowded with other bills.

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT] is somewhat mistaken in saying that the District Committee gets every day that the rules allow it. A number of days have recently been taken away from the District Committee. But whether that be so or not, I would not knowingly place a bill upon the Unanimous Consent Calendar and ask for its consideration if I thought it would cause any debate.

Mr. GARRETT of Tennessee. I do not object, Mr. Speaker.

The SPEAKER pro tempore. Is there objection?.

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the last vote was laid on the table.

PUBLIC SCHOOL BUILDINGS IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13222) to regulate the use of public-school buildings and grounds in the District of Columbia.

The bill was read as follows:

*Be it enacted, etc.*, That the control of the public schools in the District of Columbia by the board of education shall extend to, include, and comprise the use of the public school buildings and grounds by pupils of the public schools, other children, and adults, for supplementary educational purposes, civic meetings for the free discussion of public questions, social centers, centers of recreation, playgrounds, and for free Public Library branches, as well during the school year as during vacation. The privilege of using said buildings and grounds for any of said purposes may be granted by the board upon such terms and conditions and under such rules and regulations as the board may prescribe.

SEC. 2. That the board of education is authorized to accept, upon written recommendation of the superintendent of schools, free and voluntary services of the teachers of the public schools, other educators, lecturers, and social workers and public officers of the United States and the District of Columbia, and voluntary gifts of money in aid of supplementary education, civic meetings, social centers, or centers of recreation and playgrounds: *Provided*, That teachers of the public schools shall not be required or compelled to perform any such services or solicited to make any contribution for such purposes: *Provided further*, That the public school buildings and grounds of the District of Columbia shall be used for no purpose whatsoever other than those directly connected with the public school system and as further provided for in this act.

SEC. 3. That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, there seems to be no information at all contained in the report on this bill.

Mr. JOHNSON of Kentucky. Mr. Speaker, in explanation I will say that this bill has passed the Senate; but I now discover that the House bill, instead of the Senate bill, has gotten upon the Unanimous Consent Calendar. The Senate bill was amended so as to strike out the provision on the first page applying to libraries, and if there is no objection to the consideration of this bill I shall at the proper time offer an amendment to strike that out.

Mr. MANN. This bill permits the board of education to accept voluntary gifts of money in aid of supplementary education, and so forth. It may be quite a proper thing to do, but it is only recently that we passed a provision in the Agricultural appropriation bill forbidding the Secretary of Agriculture to accept money where the Rockefeller Foundation or the Carnegie Institute was contributing large sums of money to aid in demonstration work for the benefit of the farmer, something which everybody deemed to be a good thing to do as far as demonstration work was concerned, but Congress took exception to it. It seems to me that this is a bill that should come up where we could have a chance to consider it. Of course it can be reached on District day.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MONDELL. What would be the effect if the words "voluntary gifts of money in aid of supplementary education" were stricken out? Does the gentleman believe that the teachers could still accept little contributions that might be made in connection with one of these entertainments upon their own responsibility? I assume that is about all that is desired in a case of this kind.

Mr. MANN. We had that up on the District appropriation bill.

Mr. MONDELL. We prohibited them from soliciting gifts.

Mr. MANN. I think we prohibited them from receiving gifts. How the bill went through I do not exactly remember. I know that it was proposed to amend it so as to permit them to have entertainments which I think everybody interested thought they ought to have. But whether the superintendent of schools ought to have permission to go out and solicit some one to make a large contribution for the purpose of running social centers I am not sure about. I do not know whether the school board wants this authority or not. I hope the gentleman will ask to have it passed over and report the Senate bill and have some information in the report.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

### TAXES IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17309) to amend section 3 of the act of Congress approved February 28, 1898, entitled "An act in relation to taxes and tax sales in the District of Columbia."

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 3 of the act of Congress approved February 28, 1898, entitled "An act in relation to taxes and tax sales in the District of Columbia," be, and the same hereby is, amended so that the first proviso therein shall read as follows:

"*Provided*, That no deed shall be issued until all taxes and assessments appearing upon the tax books against the property are paid, with penalties, interests, and costs, including taxes for the years for which the District purchased the property at the tax sale; and that no deed shall issue after 15 years from the expiration of the period during which the certificate is redeemable."

The following committee amendment was read:

Strike out the word "fifteen," appearing in line 2, page 2, of said bill, and insert in lieu thereof the word "three."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

### TO REGULATE PLASTERING IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7771) to regulate plastering in the District of Columbia

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the District of Columbia all plastering in dwellings, tenements, apartments, hospitals, schools, and other buildings, when on lath, shall be known as three-coat work, namely, scratch coat, brown coat, and finish.

SEC. 2. Key space.—That all ceilings, stud partitions, and furred walls in tenements, apartments, hospitals, schools, and other buildings, where plastered with lime on wood lath, shall have not less than three-eighths inch space between the laths. All grounds and laths shall be not less than seven-eighths inch from the stud.

SEC. 3. First coat or scratch coat.—That first or scratch coat shall be of first quality, to be scratched thoroughly to make a key for the second coat, and shall be thoroughly dry or set before applying second coat.

SEC. 4. Second coat.—That second coat or brown mortar shall be of first quality. All browning must be straight true, with no unevenness or irregularity of surface.

SEC. 5. Finishing.—That when white mortar or any other coat it shall be laid on regular and troweled to a smooth surface, showing neither deficiencies nor brush marks.

SEC. 6. Cornices or coves.—That all cornices or coves shall be run straight, true, and smooth.

SEC. 7. Patent plasters.—That when patent plasters are used, if on wood lath, shall not be less than one-quarter inch key space. First coat shall be thoroughly scratched to make key to retain second coat, shall be set before second coat is applied.

SEC. 8. That it shall be the duty of the inspector of building construction to enforce the provisions of this act. It shall be the duty of the Commissioners of the District of Columbia to enact such ordinances as may be necessary for the enforcement of this act, and to prescribe reasonable penalties for noncompliance therewith. Any inspector appointed in pursuance of this act or in pursuance with the provisions of any such ordinances shall be a competent plasterer of at least five years' practical experience.

SEC. 9. That this act shall take effect 90 days after passage.

The following committee amendments were read:

Amend, page 1, line 3, by striking out the word "all" and inserting in lieu thereof the following: "when three-coat work is used."

Amend, page 2, lines 4 and 5, by striking out the words "mortar or any other coat" and inserting in lieu thereof the following: "lime mortar or plaster of Paris is used as a finishing."

Amend, page 2, line 6, by striking out the period at the end of said line and inserting the following: "any other coat shall be laid on regular and brought to an even surface without deficiencies."

Amend, page 2, line 12, by striking out the semicolon and inserting in lieu thereof the following: "and"; and further amend same line by inserting, after the word "be," the words "allowed to."

Amend, page 2, by beginning with the word "Any," in line 19, and striking out all of said line after said word, all of lines 20, 21, and 22.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I reserve the right to object.

Mr. BUCHANAN of Illinois. Mr. Speaker, the purpose of this bill is to provide for the standard of plaster work to prevent the shabby and no-account work being done and sold to those who do not understand what plastering is. In regard to the details, I am not a plasterer and can not explain them, but my information is that builders and plasterers and about everybody interested in the matter have agreed upon it. I think it is a good bill and ought to pass without objection.

Mr. MADDEN. Mr. Speaker, I see no reason on earth why, if I want to put up a building, I should not be allowed to put on one coat or two coats of plastering, or no coat at all, just as I pleased. I never have heard of any case where they undertook to regulate by law how a building should be plastered.

Mr. COX. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. COX. Is not there just as much sense in trying to fix the color of the coats of paint that are to be put on as there is in trying to fix the method of plastering?

Mr. MADDEN. There is no reason on earth why we should legislate on just how a building should be plastered. The building department of the District of Columbia has complete jurisdiction over the method of constructing buildings, and they can regulate the kind of material that goes into every part of the building as it is being constructed, and they can regulate the materials that are used and the manner of putting them together. They have inspectors whose duty it is to see that the buildings are put up in a workmanlike and sufficient manner. To say that a building shall be plastered with three coats—a scratch coat and a brown coat and a finishing coat—and that each one shall be put on in a particular way is something that I never heard of. It ought not to be permitted and we ought not to legislate upon it.

Mr. FALCONER. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. FALCONER. That was my idea, but from the bill I understand that a man may put on one or two coats. If he chooses, but if he does use two or three coats he must do it in the manner provided by the bill.

Mr. BUCHANAN of Illinois. The bill does not provide that he shall put on three coats.

Mr. MADDEN. The best way is to let the building department regulate it. It ought not to be regulated by law. It is unheard of, it is unjust, it is unreasonable, and it is indefensible, and I object.

Mr. BUCHANAN of Illinois. The gentleman may not have heard of it, but there are laws of this kind; it is a common thing in different cities of the country to provide for a certain construction of work for fire safety, and so forth.

Mr. MADDEN. That is true, but this is not for that purpose.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

### PUBLIC UTILITIES COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8847) amending paragraph 81 of the act creating a public utilities commission.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That paragraph 81 of section 8 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes," approved March 4, 1913, be, and the same hereby is, amended to read as follows:

"*Provided*, That all street railroads in the District of Columbia be, and are hereby, authorized and required to grant free transportation to members of the fire department of the District of Columbia, members of the Metropolitan police department, and special officers of said department when said members and officers are in uniform."

The following committee amendments were read:

Page 2, line 3, strike out the words "special officers" and insert the words "crossing policemen."

Page 2, line 4, insert after the word "department" the words "and members of the park police force."

At the end of the bill add the following: "However, before any of said officers herein mentioned shall receive free transportation as herein provided for he shall file with the Commissioners of the District of Columbia an affidavit to the effect that he has not, since the date of this report (July 11, 1914), and will not thereafter pay to any person anything for services in the preparation or passage of this bill."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. DONOVAN. I object.

XUM

KING THEOLOGICAL HALL.

The next business on the Calendar for Unanimous Consent was the bill (S. 5168) for the relief of the King Theological Hall and authorizing the conveyance of real estate to the Howard University and other grantees.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, will some one please give an explanation of the bill?

Mr. JOHNSON of Kentucky. Mr. Speaker, I am very frank to say that I do not know anything more about the bill than the reading of it. The bill was in charge of the gentleman from Ohio [Mr. CLAYPOOL], whose subcommittee handled it and reported it to the full committee, and it was reported out and put upon this calendar. I do not see the gentleman present at this time.

Mr. MANN. I think this bill is one that could be called up and passed in five minutes on District day.

Mr. JOHNSON of Kentucky. Mr. Speaker, in view of the probability of objection, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

NATIONAL SOCIETY, DAUGHTERS OF AMERICAN REVOLUTION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2504) to amend section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution."

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution," approved February 20, 1896, be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That the said society is authorized to hold real and personal estate in the United States, so far only as may be necessary to its lawful ends, to an amount not exceeding $750,000, and may adopt a constitution and make by-laws not inconsistent with law and may adopt a seal.

"The said society shall have its headquarters or principal office at Washington, in the District of Columbia."

With the following committee amendment:

Page 2, line 1, strike out "$750,000" and insert "$1,000,000."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DISCLOSURE OF NATIONAL-DEFENSE SECRETS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8734) to amend an act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 3 of the act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911, be amended so that the said section will read as follows:

"SEC. 3. That offenses against the provisions of this act committed upon the high seas or elsewhere outside of a judicial district shall be cognizable in the district where the offender is found or into which he is first brought; but offenses hereunder committed within the Philippine Islands shall be cognizable in any court of said islands having original jurisdiction of criminal cases, and offenses committed within the Canal Zone shall be cognizable in any court therein with jurisdiction to impose the punishment prescribed by section 1 of this act, with the same right of appeal as is given in other criminal cases where imprisonment exceeding one year forms a part of the penalty; and jurisdiction is hereby conferred upon such courts for such purpose."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PRICE OF WHEAT IN KANSAS.

The next business on the Calendar for Unanimous Consent was House resolution 571.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that the preamble be omitted from the reading.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the preamble be omitted. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

*Resolved*, That the Secretary of the Department of Commerce report to this body all facts and information in his possession concerning the prices paid for wheat to the producer thereof in the State of Kansas and the prices at which said wheat is sold for export by dealers, concerns, and exporters at Kansas City, Mo., and how such prices are fixed and determined.

The SPEAKER. Is there objection?

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, what is the purpose of the resolution? It does not seem to ask for information that is not available in market reports and newspapers and wherever else men go for information about markets.

Mr. DOOLITTLE. Mr. Speaker, the preamble to the resolution, which was stricken out, as is the custom, states the reason why this information is asked. It is included also in the report. It is alleged that there is a combination at Kansas City between the exporters and brokers to depress the price paid to the producer in the State of Kansas and to increase the selling price.

Mr. SLAYDEN. Is that allegation made as to the markets of Chicago and Omaha and St. Louis and other places as well?

Mr. DOOLITTLE. Only as to Kansas City. That was the only market complained of to me at the time the resolution was introduced.

Mr. SLAYDEN. Mr. Speaker, it seems to me that is manifestly absurd, because a comparison of the prices obtained, with just a little knowledge of freight rates and the cost of delivery to the market of consumption, will show whether there is any such conspiracy. The information is easily accessible to anybody who wants it.

Mr. DOOLITTLE. That statement is made in the resolution.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. DOOLITTLE. Yes.

Mr. MADDEN. How does the gentleman suppose the Secretary of Commerce can get the information that he desires?

Mr. DOOLITTLE. The Secretary of Commerce has told me and has written a letter to the committee that he could do it, and would do so.

Mr. MADDEN. How does he get it? From the market reports? Anybody can get it as well as he can, and a statement made by the Secretary of Commerce would not be worth any more than a statement made by the gentleman from Kansas.

Mr. DOOLITTLE. The Secretary of Commerce has told me and, as I say, has written to the committee that he can furnish this information, in so far as the machinery of his office will permit; and he says that he has two men that he is ready to send immediately upon the passage of this resolution.

Mr. MADDEN. The resolution asks for information in the possession of the Secretary of Commerce, not information that he can obtain.

Mr. DOOLITTLE. The gentleman understands that this is the customary form, and that information which he may obtain is covered by this resolution.

Mr. MADDEN. I should think the gentleman would ask for an investigation by the Secretary of Commerce instead of asking for information already in his possession.

Mr. DOOLITTLE. I did not care to ask for an unnecessary appropriation when the Secretary of Commerce was ready to get the information in due course and has assured me that he could get this information without an appropriation. This will answer the purpose fully.

Mr. MADDEN. I think I shall have to object to it, because I do not think the report will amount to the paper it is written on after we have it.

Mr. DOOLITTLE. Will not the gentleman permit the Secretary to make the report to the House?

Mr. MADDEN. He has not any information, according to the gentleman's statement. He would have to send investigators to get it.

Mr. DOOLITTLE. The gentleman does not mean he would object to getting this information before the House?

Mr. MADDEN. If there was any information in the possession of the Secretary of Commerce I should be glad to have it.

Mr. MANN. I think the Secretary of Commerce could get the information very easily by sending over to the Secretary of Agriculture and get a copy of the pamphlet which they have issued on wheat and flour prices from the producer to the consumer, and he can send that to Congress.

Mr. MADDEN. We can get that.

Mr. MANN. Exactly.

Mr. DOOLITTLE. But that does not cover the peculiar situation in reference to Kansas City.

Mr. MANN. Those peculiar conditions which were raised, if they ever did exist, do not exist now. What is wheat selling for out there now?

Mr. DOOLITTLE. At the time this resolution was introduced and favorably acted upon by the committee they were paying the producer from 63 to 65 and 66 cents, and they were exporting it at about 82½ cents, according to the complaints that came to me.

Mr. MANN. It is perfectly safe to say that anyone who knows anything at all about the wheat business knows that wheat for export never sold above the Kansas City price at Kansas City, and that there is not a margin of over 1 cent a bushel in any case. People are not so foolish as to pay a large price over what grain sells for in the grain elevators in order to export it. The exporters have some sense.

The SPEAKER. Is there objection?

Mr. SLAYDEN. Will the gentleman yield for one question?

Mr. MANN. Unless the gentleman should make it "the Secretary of Agriculture," who has the facilities and the information.

Mr. DOOLITTLE. But he says to me he has not, and if the gentleman will permit——

Mr. MANN. Then he is not posted about his department. They have made an investigation of this subject already.

Mr. SLAYDEN. If the Secretary of Commerce has that information, has not he the authority now, and is it not his duty to communicate it in his report?

Mr. DOOLITTLE. He says he has not that information now, but that he can get it.

Mr. MADDEN. I object.

Mr. SLAYDEN. I understood the gentleman to say he had it.

Mr. DOOLITTLE. No.

The SPEAKER. The gentleman from Illinois objects, and the resolution is stricken from the calendar.

Mr. ADAMSON. Mr. Speaker, before this matter is passed over, I understand the gentleman from Illinois will not object if the resolution be amended so as to provide for the Secretary of Agriculture.

The SPEAKER. That is the gentleman from Illinois [Mr. MANN], but he never objected at all.

Mr. MADDEN. I am willing to have it changed to the Secretary of Agriculture.

Mr. ADAMSON. I would ask the gentleman from Kansas if he does not think it better to make the amendment.

Mr. DOOLITTLE. Mr. Speaker, I will ask unanimous consent to offer that amendment, rather than have the resolution fail, of course. I will ask that "the Secretary of Commerce" be changed to "the Secretary of Agriculture."

Mr. ADAMSON. I understand there will be no objection if that amendment is made.

Mr. MADDEN. None from me.

The SPEAKER. The gentleman from Kansas proposes to substitute the Secretary of Agriculture for the Secretary of Commerce, and without objection that amendment is agreed to.

There was no objection.

The question was taken, and the resolution as amended was agreed to.

### HONOLULU GOVERNMENT BUILDING BILL.

The next business on the Calendar for Unanimous Consent was the bill (S. 5295) to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes.

The amendments were read.

The SPEAKER. Is there objection?

Mr. DONOVAN. I object, Mr. Speaker.

Mr. BURNETT. I hope the gentleman will withhold his objection.

Mr. DONOVAN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Connecticut objects.

Mr. BURNETT. Will the gentleman withhold his objection for a moment?

Mr. DONOVAN. I have refused; I have objected.

Mr. BURNETT. All right.

The SPEAKER. The gentleman objects, and the bill is stricken from the calendar.

Mr. BURNETT. This puts $150,000 into the Treasury instead of taking anything out of it.

### INCREASING LIMIT OF COST, POST-OFFICE BUILDING, SEYMOUR, IND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18172) to increase the limit of cost of the United States post-office building at Seymour, Ind.

The Clerk read the title of the bill.

Mr. DIXON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

### PANAMA EXPOSITION, CITY OF PANAMA.

The next business on the Calendar for Unanimous Consent was House joint resolution (H. J. Res. 292) authorizing the President to accept an invitation to participate in an exposition to be held in the city of Panama, and for other purposes.

The bill was read.

The SPEAKER. Is there objection?

Mr. FOSTER. I object.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] objects, and the bill will be stricken from the calendar.

### MALAMBO FIRE CLAIMANTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12060) to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama.

The bill was read.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I notice in the report it is stated by the Secretary of War that there is grave doubt as to the origin of the fire in the city of Panama, for which the Government is asked to reimburse the local municipality. I think we ought to have some explanation of this bill before it is passed under unanimous consent. However, Mr. Speaker, as nobody seems to offer a statement, I shall object.

The SPEAKER. The bill will be stricken from the calendar. The Clerk will report the next bill.

### STANDARD BOX FOR APPLES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11178) to establish a standard box for apples, and for other purposes.

Mr. DILLON. Mr. Speaker, I object to the consideration of the bill.

Mr. RAKER. Will the distinguished gentleman withhold his objection?

Mr. DILLON. I will say to the gentleman from California that I objected to this bill on the 17th of August. There is a minority report on the bill, and there are a dozen men in the Hall who will object if I do not. Therefore I object.

Mr. RAKER. Will the gentleman withhold his objection?

Mr. DILLON. No.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent that the bill be passed without prejudice. Is there objection?

Mr. DILLON. I object to that, Mr. Speaker.

The SPEAKER. The gentleman objects to the bill going over without prejudice, and also objects to the consideration of the bill.

Mr. RAKER. I do not understand the gentleman to object to passing it without prejudice.

Mr. DILLON. I withhold my objection temporarily.

Mr. RAKER. You do not object to passing it without prejudice?

Mr. DILLON. Oh, yes; I do. I objected on the 17th of August.

Mr. RAKER. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER. The gentleman from California asks unanimous consent for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, all I want is, if we can not consider it to-day, that the gentleman will permit it to remain on the calendar as it is, hoping that at the next time the calendar is called something may have occurred so that we can have the bill considered. All I ask is that it be left on the calendar.

Mr. DILLON. I will say to the gentleman that I objected before in good faith. There is a report here from the committee which is opposed to this bill.

Mr. RAKER. I know that the gentleman's objection is in good faith. I do not question that for an instant, but I would like to have him leave it on the calendar. Telegrams are coming in all the time in relation to its consideration——

Mr. DILLON. Mr. Speaker, I object.

The SPEAKER. The gentleman from South Dakota objects to passing the bill without prejudice, and that is the end of it.

Mr. RAKER. Mr. Speaker——

Mr. SLAYDEN. Regular order, Mr. Speaker.
The SPEAKER. The Clerk will report the next bill.

FIRE-ALARM SYSTEM, GOVERNMENT HOSPITAL FOR INSANE.

The next business on the Calendar for Unanimous Consent was House joint resolution (H. J. Res. 205) to enable the Secretary of the Interior to legally fix and determine the ownership of and title to the fire-alarm system and appliances, apparatus, and connections heretofore placed and installed in the Government buildings of the Government Hospital for the Insane, and to determine such other questions as are provided for in the following resolution:

Whereas by formal contract entered into by and between the United States of America, by the Acting Secretary of the Department of the Interior and the National Automatic Fire Alarm Co., of Washington, D. C., under date of December 17, 1903, the said National Automatic Fire Alarm Co., of Washington, hereinafter called the contractor, did undertake, contract, and agree to install and place in the various buildings of the Government Hospital for the Insane an automatic thermostatic fire-alarm system, plant, apparatus, and the connections therefor; and

Whereas it is claimed by the said contractor that the said system, plant, and apparatus has been placed, constructed, and installed in strict accordance and compliance with the terms and requirements and provisions of the said contract and the specifications forming a part thereof, and that the Department of the Interior, having charge and supervision of said Government Hospital for the Insane, has legally accepted the said work and plant by a letter dated November 25, 1908, but subsequently thereto refused to recognize the same as a binding and valid acceptance, and to put the said plant in service; and

Whereas question has arisen as to the ownership and future control of the plant, under the terms of the contract; and

Whereas it is most important to the interests of the Government for the protection of the unfortunate inmates confined at and in said Government Hospital for the Insane that the said differences and difficulties both of law and of fact as between the United States and the said contractor should be immediately adjudicated by a court of competent jurisdiction, in order that the said system may at once be put into operation; and

Whereas it is especially desirable that the said system, plant, apparatus, and connections, as now and heretofore installed and placed in the said buildings at the said Government Hospital for the Insane should be exclusively owned, controlled, operated, and maintained by the Government and its employees rather than by an outside contractor: Now, therefore, be it

*Resolved, etc.*, That full jurisdiction be, and the same is hereby, conferred upon the Court of Claims of the United States to inquire into, hear, and forthwith determine the following issues and matters between the National Automatic Fire Alarm Co., of Washington, D. C., and the Government of the United States, relating to and arising under a certain contract entered into by and between said parties on the 17th day of December, 1903, for the equipment of the buildings of the Government Hospital for the Insane with an electrical fire-alarm system, to wit:

First. Whether or not the United States, under and by virtue of the terms of said contract of December 17, 1903, became and is the absolute owner of said system, as installed and placed, and of the right to use and operate the same without further right of compensation to the contractor.

Second. To define the respective rights, legal or equitable, under and by virtue of said contract, of the Government and of said company in and to said plant, as installed and placed thereunder in the buildings of said Government Hospital for the Insane, and to determine and find the just measure of value, and fix the value thereof to the United States.

Third. To determine and find whether a certain letter signed by the Secretary of the Interior, dated November 25, 1908, as complied with by said company, constituted in law or equity such a final acceptance as is contemplated by said contract or by law; and if the court shall find it was not such an acceptance, it shall be the duty of the court to find therefrom and designate what further work remains to be done, and the cost thereof, to constitute a compliance therewith.

The said Court of Claims shall, after considering and determining the questions hereby submitted, report and certify its findings and opinions to Congress at the earliest practicable date; and full authority is hereby conferred upon said court to call upon the several departments of the Government and upon the Supreme Court of the District of Columbia for such papers as may be material and necessary to effect the purposes hereof.

The SPEAKER. Is there objection to consideration of the resolution?

Mr. MANN. Reserving the right to object, who has charge of this resolution?

The SPEAKER. The gentleman from Kentucky [Mr. CANTRILL] is marked on the resolution as having introduced it.

Mr. MANN. Would the gentleman be willing to amend this so as simply to have the court determine what rights these people have now under the contract, without attempting to go any further than that?

Mr. CANTRILL. I will state to the gentleman that the chief purpose I am trying to get at is to determine what their rights are under the contract.

Mr. MANN. I would make a specific proposition to the gentleman as to what he thinks in reference to the resolution on page 3, line 17, as follows, namely, to strike out the words "legal and equitable"; line 21, strike out "and to determine and find the just measure of value, and fix the value thereof to the United States"; page 4, line 2, strike out "in law or equity"; line 3, strike out "or by law"; line 4, strike out "and if the court shall find it was not such an acceptance it shall be the duty of the court to find therefrom and designate what further work remains to be done, and the cost thereof, to constitute a compliance therewith."

I do not see how it is possible for the court to do those things. Certainly, in my opinion, it is not proper.

Mr. CANTRILL. I desire to state to the gentleman that the main thing I am trying to reach is to get the matter before the Court of Claims so that these differences between this company and the Government can be adjudicated in some fair way. They have never been able to come to an agreement about the payment of it. The plant has been installed, and at the time of the examination it was in perfect working order.

Mr. MANN. I am perfectly willing, so far as I am concerned, to let these people go into the Court of Claims under their contract.

Mr. CANTRILL. That is the main thing I am driving at. Of course I am not asking any rights for them that they have not under the contract.

Mr. MANN. This resolution gives them far greater rights than under the contract. For instance, if the court should determine they have any rights under the contract, the bill directs that the court shall find the just measure of value, fix the value thereof to the United States, and also what work remains to be done and the costs thereof. That is not a thing for the court to do. If they have any rights I think they could do that anyhow; but if they have lost that right they might submit their right to the Court of Claims. I think they could do that anyhow, probably; but if they have lost that right, submit their rights to the Court of Claims. I do not think we ought to be asked to adjudicate the rights in the resolution here on the pretense that we are simply referring it to the Court of Claims.

Mr. CANTRILL. I will state to the gentleman that if he would be willing to go that far, it will be all right with me. The only thing I want to do is to get it in the Court of Claims, so that they can adjust the differences.

Mr. SHERLEY. If the gentleman will permit, I am not so sure whether this matter ought to go to the Court of Claims or not. My memory is not clear about it, but they have had it two or three times before the Committee on Appropriations, and, as I remember, this company failed totally to do what they undertook to do, and as the result of that failure the Government has been put to a good deal of expense that would not have occurred if the company had kept their agreement.

We would be infinitely better off, as I remember it, if they had never put the system in there. I do not think we ought to have submitted simply the question whether they should be paid for the value of the property installed or the question whether there was a contract of a certain character or not entered into. If you are going to go into the matter, the question of what the Government has suffered by their failure ought to be inquired into.

Mr. CANTRILL. If my friend will read the report that accompanies this bill, he will find that a subcommittee, of which I am chairman, made a special investigation of this plant and found that the contracting parties had done exactly what they had agreed to do.

Mr. SHERLEY. That is a disputed point, and we have had hearings several times before our committee on the matter.

Mr. MANN. This really refers the matter to the Court of Claims to determine whether these people had rights under this contract for the installation which they had made.

Mr. SHERLEY. What I want to be sure of is that if it goes there, it goes with the Government free to present all its defenses and counterclaims, and not simply for the purpose of construing a contract, because there is something more than that in it.

Mr. MANN. It says:

To define the respective rights, legal or equitable, under and by virtue of said contract, of the Government and the owners of said plant, as installed and placed thereunder in the buildings of said Government Hospital for the Insane.

Mr. CANTRILL. I will say to the gentleman that my personal investigation of this matter convinces me that the contracting party had carried out exactly the terms of their agreement; and, furthermore, as to the safety of the inmates of that asylum, so far as their personal safety is concerned, Congress ought to demand that that plant be kept in operation. Otherwise every inmate of that asylum is absolutely helpless, and it is a deplorable condition.

Mr. MANN. If they carried out their contract, I will say to the gentleman, then they ought to be paid according to the provisions of payment under the contract, and that question, I think, is proper to submit to the Court of Claims; but if they did not carry out their contract, I do not think this gives them any right.

Mr. SHERLEY. I will say frankly that I would object to the consideration of a bill of this kind on the Calendar for

Unanimous Consent except that, knowing my colleague [Mr. CANTRILL] as I do, I realize that he does not make a report without investigation.

Mr. CANTRILL. We spent a whole day in testing this apparatus.

Mr. SHERLEY. I went into the matter on one or two occasions, as I recall, and there was a good deal of testimony to show that the system was bad, primarily and fundamentally, and that the men had not attempted in good faith to carry out their agreement. I do not want now to go into the merits, because we can not discuss them fully on the floor; but all I want to be assured of is that when the matter is referred to the Court of Claims it will go there with the Government free to present any and all of its defenses.

Mr. MADDEN. Will this bill do that?

Mr. SHERLEY. I have not had a chance to examine in detail as to that. I do not want the language submitting it to be of such a character as to assume a contract. I want the whole matter of the contract and the question whether there is a breach of it and whether the Government has been damaged to be open for the Government to show.

Mr. MANN. I think the bill had better go over, so that the gentleman from Kentucky can examine into it further.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next one.

### COMMISSION TO AMEND GENERAL MINING LAWS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15288) to provide for a commission to codify and suggest amendments to the general mining laws.

The bill was read, as follows:

*Be it enacted, etc.*, That the President shall appoint a commission of five members, who shall be selected because of their recognized experience in or knowledge of the mining industry and mining law, and who shall serve without compensation.

SEC. 2. That it shall be the duty of the commission so appointed to prepare for the information and use of the President and Congress a tentative code of laws providing for the location, development, and disposition of mineral lands and mining rights in the lands of the United States, including the Territory of Alaska, as in the opinion of the commission are best adapted to existing conditions and will correct defects or supply deficiencies in existing general mining laws.

SEC. 3. That the commission shall hold public hearings in the principal mining centers in the western United States and Alaska; invite and receive suggestions and opinions bearing upon or relating to existing mining laws or desirable amendments thereof; and may also consider the laws and experience of other countries with respect to disposition and development of mines and minerals.

SEC. 4. That within one year after the passage of this act, at which time the said commission shall expire, it shall submit to the President full report as to its operations, conclusions, and recommendations, including in or transmitting with said report a tentative code of mineral laws, as provided in section 2 hereof, and as soon thereafter as may be practicable the President shall transmit the same to Congress with his recommendations.

SEC. 5. For the payment of the actual and necessary expenses of the commission, including traveling expenses, and the services of a secretary and other necessary employees, the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

With a committee amendment, as follows:

Page 2, line 3, after the word "laws," insert a colon and the following: "*Provided*, That such code shall not deal with lands containing deposits of coal, oil, gas, phosphates, or soluble potassium salts."

The SPEAKER. Is there objection?

Mr. COOPER. I would like to ask the gentleman a question.

Mr. MANN. I reserve the right to object.

Mr. COOPER. Yes; reserving the right to object, I desire to ask the gentleman from Colorado [Mr. TAYLOR] if, according to the proviso on page 2, this proposed code is not to deal with coal, oil, gas, phosphates, or soluble potassium salts, to what will it relate except to gold, silver, and copper?

Mr. TAYLOR of Colorado. The bill applies only to gold and silver and other precious mining metals rather than to coal mines. It is intended to apply to metalliferous mining, as distinguished from coal mining or mining for oil or gas or phosphates or salts or substances of that kind.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. MONDELL. What the gentleman had in mind, I assume, is all the metalliferous minerals. It seems to me the intent of the bill would be clearer if you used the term "laws relating to metalliferous minerals," because when you get beyond that you become involved in this other legislation.

Mr. TAYLOR of Colorado. I will say to the gentleman from Wisconsin [Mr. COOPER] that the thought of the Committee on Mines and Mining in suggesting that amendment was that with the Public Land Committee bills pending pertaining to coal, oil, and gas would be sufficient and that this commission would not need to investigate those. The object is to have this investigation apply only to metalliferous mining laws for the public domain.

Mr. COOPER. Well, Mr. Speaker, the bill could very easily have been drawn with that specific phraseology, but, excepting the proviso to which I referred, it is in the broadest general language. Unquestionably the complaints specified in the report relate to the general mining laws as applicable to coal, gas, oil, and everything else. I do not think that there is any such necessity for new legislation concerning the mining of metalliferous ores as to require us to appropriate $25,000 at this time to make a tentative code for metalliferous minerals, and I object.

Mr. TAYLOR of Colorado. Will the gentleman withhold his objection for a moment while I make a brief statement?

Mr. COOPER. Yes; I will withhold it.

Mr. TAYLOR of Colorado. I would like to call the gentleman's attention and the attention of the House to the fact that the mining industry of this country, which is one of the most important industries to this Republic, has been earnestly appealing to Congress for this legislation for a great many years; and when we consider that the mining business is at a very low ebb throughout the country at the present time, I feel that Congress can well afford to make this appropriation and encourage the mining development of the West. I wish I had time to say more on the subject, and I will when this bill is formally considered by the House.

Mr. COOPER. I have taken occasion, when complaints and memorials relating to mining laws have been sent to me, to observe that 98 per cent of them are not at all confined to the mining of metalliferous ores, nor to the present laws applicable to such ores.

Mr. TAYLOR of Colorado. I think the gentleman is correct; that most of the complaints that came to us are not from the metalliferous mining industry.

Mr. COOPER. Exactly. Ninety-eight per cent or at least 95 per cent——

Mr. TAYLOR of Colorado. I do not know about that per cent.

Mr. COOPER. Ninety-five per cent of such complaints have related to coal, oil, and gas, and the mining laws applicable to them. But these products and laws are expressly excluded from the terms of the present bill.

Mr. TAYLOR of Colorado. Because——

Mr. COOPER. And in view of the fact that it is already proposed to tax the American people $100,000,000 to meet deficiencies in the revenues, this matter is not of such an urgent character that we ought to appropriate $25,000, and I object.

The SPEAKER. The gentleman from Wisconsin objects. The bill will be stricken from the calendar.

Mr. TAYLOR of Colorado. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

### THE STANDARD BARREL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4899) to fix the standard barrel for fruits, vegetables, and other dry commodities.

The bill was read as follows:

*Be it enacted, etc.*, That the standard barrel for fruits, vegetables, and other dry commodities, other than cranberries, shall be of the following dimensions when measured without distention of its parts: Length of stave, 28½ inches; diameter of heads, 17½ inches; distance between heads, 26 inches; circumference of bulge, 64 inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having a capacity of 7,056 cubic inches shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, 28½ inches; diameter of head, 16½ inches; distance between heads, 25½ inches; circumference of bulge, 58½ inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch.

SEC. 2. That it shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia or to a foreign country, a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels defined in the first section of this act, or subdivision thereof known as the half barrel, and any person guilty of a violation of any of the provisions of this act shall be liable to a penalty of $1 and costs for each barrel so unlawfully sold or offered for sale or shipped, as the case may be, to be recovered at the suit of the United States in any court of the United States having jurisdiction: *Provided, however*, That no barrel shall be deemed below standard within the meaning of this act when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped.

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SEC. 3. That reasonable variations shall be permitted and tolerance shall be established by rules and regulations made by the Director of the Bureau of Standards and approved by the Secretary of Commerce. Prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures or other officers of the several States and Territories appointed to enforce the laws of the said States or Territories, respectively, relating to weights and measures: *Provided, however,* That nothing in this act shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count.

SEC. 4. That this act shall be in force and effect from and after the 1st day of July, 1915.

With the following committee amendments:

Page 2, strike out the word "subdivision" in line 18 and insert "subdivisions." After the word "the" insert "third," and after the word "half" insert "and three-quarters."

In lines 20, 21, 22, and 23 strike out the words "penalty of $1 and costs for each barrel so unlawfully sold, or offered for sale, or shipped, as the case may be, to be recovered at the suit of the United States in any court" and insert in lieu thereof the words "deemed guilty of a misdemeanor and liable to a fine not to exceed $500 or imprisonment not to exceed six months, in the discretion of the district court."

Page 3, line 1, after the word "jurisdiction," strike out the remainder of the section.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Michigan objects, and the bill will be stricken from the calendar.

Mr. STAFFORD. Will the gentleman withhold his objection just a minute?

Mr. CRAMTON. I withhold it.

Mr. STAFFORD. I assume the gentleman is fully acquainted with the provisions of this bill.

Mr. CRAMTON. I think so.

Mr. STAFFORD. This is the bill which was under consideration by the Committee on Coinage, Weights, and Measures for a long time. I believe not only the apple growers throughout the country who use barrels, but all fruit growers engaged in the dispatch of fruits, were favorable to this bill. The objections that were raised to it originally were by the cranberry growers, but this bill excepts cranberry barrels from its provisions.

Mr. CRAMTON. I will say to the gentleman that as a member of the committee I am opposed to the bill in its mandatory form.

Mr. FALCONER. Will the gentleman reserve his objection?

Mr. CRAMTON. I will reserve it.

Mr. FALCONER. Mr. Speaker, objection was made to a previous bill fixing the standard apple box because it was not mandatory, and here we have a gentleman who objects to the standard barrel because it is mandatory.

Mr. PETERSON. That is the difference between a barrel and a box. [Laughter.]

The SPEAKER. Is there objection?

Mr. FLOYD of Arkansas. I object.

The SPEAKER. The gentleman from Arkansas objects.

Mr. HARDWICK. I hope the gentleman will withhold his objection for a moment, unless he has positively made up his mind to object.

Mr. FLOYD of Arkansas. I have.

Mr. STAFFORD. Will the gentleman reserve his objection while the gentleman from Washington makes a statement?

Mr. FLOYD of Arkansas. I will withhold it for a statement.

Mr. RAKER. Mr. Speaker——

The SPEAKER. The gentleman from Arkansas objects.

Mr. RAKER. He reserved his objection for a moment. This bill may remain on the calendar. I think the matter may be put in some shape later, and I ask unanimous consent that H. R. 11178, which is the apple-box bill, be passed over without prejudice.

Mr. MANN. That has nothing at all to do with this.

Mr. RAKER. I know; but I should like to get in right here.

The SPEAKER. But the gentleman can not break in in that way.

Mr. FLOYD of Arkansas. I object to the consideration of the bill under consideration.

The SPEAKER. The gentleman from Arkansas objects to the consideration of the bill H. R. 4890, and it will be stricken from the calendar.

Mr. DILLON. I ask unanimous consent that this bill may remain upon the calendar in the absence of the gentleman who introduced it [Mr. TUTTLE]. I believe in a mandatory bill.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent——

Mr. SLAYDEN. I ask for the regular order.

The SPEAKER. The gentleman from Texas demands the regular order. The regular order is the next bill on this calendar.

FORT ASSINNIBOINE MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to immediately cause to be surveyed all of the lands embraced within the limits of the abandoned Fort Assinniboine Military Reservation, in the State of Montana.

SEC. 2. That before said lands are opened to entry the Secretary of the Interior shall have said lands classified by an inspector or special agent of the Department of the Interior into four classes—first, agricultural lands; second, timber lands; third, coal lands; and fourth, mineral lands—and in making such classification all lands susceptible of cultivation that do not contain in excess of 50,000 feet of merchantable timber to the 40-acre tract shall be classified as agricultural lands, and all lands containing in excess of 50,000 feet of merchantable timber to the 40-acre tract shall be classified as timber lands.

SEC. 3. That when so classified, all of said lands classed as agricultural land shall be opened to settlement and entry under the homestead laws of the United States, but not to entry or location under sections 2306 and 2307 of the Revised Statutes: *Provided, however,* That the enlarged homestead act, approved February 19, 1909, shall not apply until six months after said land has been opened to settlement and entry as aforesaid: *And provided further,* That any rights which may have attached to any of said lands under any of the public-land laws of the United States prior to the passage of this act may be perfected and the lands so affected may be patented upon proof of compliance with the laws under which such rights so attached: *Provided further,* That lands classified as timber lands shall be disposed of under rules and regulations to be provided by the Secretary of the Interior with the authority to dispose of the timber and land separately when deemed advisable: *Provided further,* That the lands classified as coal lands shall be subject to disposition under the homestead laws, as herein provided for lands classified as agricultural, but those making entry of such lands must agree to a reservation to the United States of the coal deposits therein and of the right in the United States, or those claiming through the United States, to prospect for, mine, and remove the same, and such coal deposits shall be disposed of as provided by section 3 of the act of June 22, 1910 (36 Stat., p. 583), but no purchase of the coal deposits shall confer any right to the surface of the lands excepting such as is necessary to the mining and removal of the coal deposits: *Provided further,* That lands classified as mineral shall be disposed of under the mining laws.

SEC. 4. That entrymen upon said lands shall, in addition to the regular land-office fees, pay the sum of $1.25 per acre for said land, such payments to be made as follows: Twenty-five cents per acre at the time of making entry and 25 cents per acre each and every year thereafter until the full sum of $1.25 per acre shall have been paid: *Provided,* That for a period of six months subsequent to the date on which the lands are opened to settlement entrymen upon said lands shall, in addition to the regular land-office fees, pay the sum of $2.50 per acre for said land, such payments to be made as follows: Fifty cents per acre at the time of making entry and 50 cents per acre each and every year thereafter until the full sum of $2.50 per acre shall have been paid. In case any entryman fails to make annual payments, or any of them when due, all right in and to the lands covered by his entry shall cease; and any payments theretofore made shall be forfeited and the entry canceled, and the land shall be again subject to entry under the provisions of the homestead law at the price fixed therefor by the former entry; but in all cases the full amount of purchase money must be paid on or before the offer of final proof: *Provided, however,* That the commutation provision of the general homestead law shall be applicable to all persons making homestead entry on said land under the provisions of this act, save and excepting entries made hereunder in accordance with the provisions of the enlarged homestead act, approved February 19, 1909, which shall not be subject to commutation, but in instances where commutation is permissible hereunder, the entryman shall pay, in addition to the price fixed for entry, the sum of $1.25 per acre, as consideration for the privilege.

SEC. 5. That this act shall not apply to an area of 2,000 acres embracing the Government buildings at Fort Assinniboine.

SEC. 6. That the Thirteenth Legislative Assembly of the State of Montana having enacted a law for the purpose of establishing an agricultural, manual training, or other educational or public institution upon the present site of Fort Assinniboine, Mont., duly approved by the governor of Montana and to be in full force and effect after the 4th day of July, 1913, and upon the transfer to the State of Montana by the President of the United States of 2,000 acres of land, situate in said abandoned Fort Assinniboine Reservation and embracing the military buildings at said abandoned fort, except the guardhouse at said post; the President of the United States is hereby authorized and directed to transfer, grant, and set over to the State of Montana all right, title, and interest of, in, and to the said 2,000 acres of land hereby reserved, embracing the buildings at Fort Assinniboine, except the guardhouse at said post, upon payment therefor by the State of Montana to the United States of the sum of $2.50 per acre: *Provided,* That the State of Montana shall be required to make its selection of 2,000 acres within one year from the date of the passage of this act.

SEC. 7. That sections 16 and 36 of the land in each township within said abandoned Fort Assinniboine Military Reservation, except those portions thereof classified as coal or mineral lands, shall be reserved for the use of the common schools of the State of Montana, and are hereby granted to the State of Montana: *Provided,* That the State may, if it so elects, within one year from the date of the passage of this act, accept subject to the reservation in the United States of the coal deposits therein the portion of said sections 16 and 36 classified as coal lands, in full satisfaction of the grant herein made for common schools: *Provided,* That for all lands lost to the State because classified as coal or mineral indemnity may be taken as provided for in sections 2275 and 2276 of the Revised Statutes: *And provided,* That there is hereby reserved for homestead entry by Mary A. Herron, or her heirs, subject to the terms of this act, the following-described

land upon said reservations: Northwest quarter of northeast quarter of section 28; west half of southeast quarter, northeast quarter of southeast quarter, section 21, township 32, range 15 east: *Provided further*, That in case of failure of Mary A. Herron, or her heirs, to make entry within six months from the date of the passage of this act, the lands will become subject to settlement and entry in accordance with the provisions of section 4 of this act, the price to be fixed by the period of entry reckoned from the date of the expiration of the reservation in favor of Mary A. Herron and her heirs.

SEC. 8. That the land shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereon; and no person shall be permitted to settle upon, occupy, or enter any of said land except as prescribed in said proclamation.

SEC. 9. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, or so much thereof as may be necessary, for the survey and classification of said lands and for the expenses incident to their opening to settlement and entry, and for the care of said buildings.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, this is quite an important bill, providing for the opening of nearly 100,000 acres of a military reservation, and there should be some explanation before passing it by unanimous consent.

Mr. STOUT. Mr. Speaker, this reservation has been abandoned for three or four years. The buildings are all old buildings; the land is just ordinary bench lands lying out in the northeastern part of the State. There are no improvements there other than the old military buildings. This bill follows the usual procedure for opening up all military reservations. The usual reservations have been made as to coal, oil, and mineral land. The usual price has been fixed.

The State Legislature of Montana, the thirteenth assembly, passed a resolution agreeing to take over 2,000 acres on which the buildings are located, with the intention, if this measure is passed, of establishing some sort of an industrial school. Just what sort of a school that will be is not definitely decided, but that is about the only purpose to which the buildings can be put.

Mr. STAFFORD. There is one provision which designates as agricultural any timberland that contains less than 50,000 feet to a 40-acre tract. I notice that Secretary Lane, commenting upon it in his letter to the chairman of the Committee on Public Lands of the Senate, says that merchantable timber has become more valuable, and that any tract that contained 50,000 feet in a tract of 40 acres would be reckoned as possessing a positive value for its timber. Here you are authorizing 40-acre tracts that contain 50,000 feet or less to be classified as agricultural land, and yet you have the statement of the Secretary of the Interior that that is valuable timberland.

Mr. STOUT. I think the gentleman has lived in a timber country long enough——

Mr. STAFFORD. I have not lived in a timber country.

Mr. STOUT (continuing). To know that it would not be valuable timberland if it did not contain more than 50,000 feet in 40 acres.

Mr. STAFFORD. But here is the statement of the Secretary who says that it would be valuable for timber purposes, and yet you have classified it as agricultural.

Mr. STOUT. I think the Secretary meant that anything above 50,000 feet might be classified as valuable for timber.

Mr. STAFFORD. Of course, it is not hard to conceive that the language, if prepared by one of the subordinates, might mean just the opposite of what it says.

Mr. STOUT. We had to fix the limit at some figure, and 40-acre tracts containing no more than 50,000 feet are recognized in the timber countries as land not worth much for its timber.

Mr. STAFFORD. I believe that coal deposits on that land are of a low average?

Mr. STOUT. Yes; lignite altogether.

Mr. STAFFORD. So that it would not be necessary to bring the coal lands contained in this reservation under the provisions of the leasing bill?

Mr. STOUT. Oh, no; they could not possibly be developed as coal mines.

Mr. STAFFORD. What is the character of the agricultural land?

Mr. STOUT. It is just bench lands, such lands as they are irrigating out there when they can get water; otherwise, they have to dry farm it and take their chances.

Mr. STAFFORD. My attention was directed to the provision which provides that the enlarged-homestead act shall apply after the expiration of six months from the time the land has been opened for settlement.

Mr. STOUT. That is for the purpose of permitting those who think they can take up 160 acres and make a "go" of it to exhaust that; and then there will be some odds and ends left.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I do not think there is much information contained in the report on the bill. There will have to be more in the report before it can be passed by unanimous consent.

Mr. STOUT. I will be glad to give the gentleman such information as I may happen to possess.

Mr. MANN. I doubt if the gentleman has the information. There should be more information. The report of the Secretary of the Interior is scant in that particular. This is quite a large tract of land. We have already given 2,000 acres of it to the State of Montana, and no one knows what it is going to be used for; no one knows how valuable it is going to be.

Mr. STOUT. If the gentleman will permit me, it is for the purpose of enabling the State of Montana, as indicated by a resolution which has been passed, to establish an industrial school.

Mr. MANN. I am aware of that. That information is in the report, but no one knows what is going to be done.

Mr. STOUT. They are going to establish an industrial school on it.

Mr. MANN. The gentleman stated a while ago that he did not know what kind of a school they were going to establish.

Mr. STOUT. Except that it is an industrial school, with the working of which the gentleman is familiar.

Mr. MANN. Yes; but I think the gentleman had better ask to have this go over.

Mr. STOUT. I would like to get through with this this afternoon. I can not conceive of very much more complete information than is contained in the report and the letter of the Secretary of the Interior. I endeavored to inform myself thoroughly about it, and I have not a great deal more information on it than is contained in the report of the Secretary. I have given the gentleman the personal knowledge I have as to the character of the land. It is just ordinary bench land that they have out in the western plains, with a little scraggly timber that runs down into the mountains, where there is rough, mountainous land. There is a little very low-grade coal of no commercial value; but in case it is found to be good coal, provision is made in the bill to safeguard the Government.

Mr. MANN. As far as the gentleman states, I do not see that there is occasion for any great hurry to survey the land. It seems to be a worthless tract that nobody will take. What is the object of going ahead and surveying land and being at that expense when it is not worth having after it is surveyed?

Mr. STOUT. Mr. Speaker, I trust the gentleman will not put statements of that kind in my mouth—about any land in Montana being worthless. It is all pretty good land.

Mr. MANN. Unless the gentleman corrects his speech, the two parts of it will not fit with one another.

Mr. STOUT. I will state to the gentleman that, of course, it is not the kind of land that he has in the river bottoms in Illinois, but raw, undeveloped prairie or bench land, capable of producing abundant crops after it has been subjugated. But bringing it under cultivation is rather an arduous task, yet one which a homesteader with no other chance to secure a farm is justified in undertaking.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. STOUT. Would the gentleman permit this to go over without prejudice?

Mr. MANN. Oh, I offered to make that agreement with the gentleman and he would not do it. Therefore, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CONRY, indefinitely, on account of sickness.

To Mr. GRIFFIN, indefinitely, on account of death in family.

The SPEAKER. The Chair lays before the House the following personal request, which the Clerk will report.

The Clerk read as follows:

I desire to ask leave of absence for one day to go home and vote in primary election September 22.

CARTER GLASS.

The SPEAKER. Is there objection?

Mr. DONOVAN. Mr. Speaker, I object.

### WITHDRAWAL OF PAPERS—CONRAD KLINGE.

By unanimous consent, leave was granted to Mr. CLARK of Missouri to withdraw from the files of the House, without leaving copies, the papers in the case of Conrad Klinge, Sixty-second Congress, no adverse report having been made thereon.

MAJORS IN ORDNANCE DEPARTMENT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17765) to regulate details of majors in the Ordnance Department.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That majors may be detailed in the Ordnance Department, under section 26 of the act approved February 2, 1901, and acts amendatory thereof, without a compulsory period of service out of that department.

The SPEAKER. Is there objection?

Mr. DIFENDERFER. Mr. Speaker, I object.

CORBETT TUNNEL.

Mr. STOUT. Mr. Speaker, I move to suspend the rules and pass Senate joint resolution 74, appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel, as amended, which I send to the desk, and ask to have read.

The Clerk read as follows:

*Resolved, etc.*, That there be and is hereby, appropriated, out of any moneys in the reclamation fund in the Treasury supplemental and additional to the appropriation made in Public Resolution No. 56, Sixty-second Congress, the sum of $15,750, or so much thereof as may be necessary, for the payment of and to be paid to those persons who have presented claims remaining unpaid on account of labor, supplies, materials, or cash furnished to the contractor or the subcontractor and used in the construction of the Corbett Tunnel, including the spillway connected therewith, as a part of the Shoshone irrigation project, in the State of Wyoming, under any contract or contracts let for that purpose by the Government of the United States; and the Secretary of the Interior is hereby authorized and directed to forthwith, and as soon as may be, investigate, hear evidence about, determine, and declare the several amounts due and remaining unpaid, if any, on account thereof, and to whom so due, and to certify the amounts due to the Secretary of the Treasury, who is hereby authorized to pay the several amounts so ascertained to the persons entitled to the same: *Provided*, That no such claim not now filed shall be considered.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. STOUT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Montana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Montana is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. STOUT. Mr. Speaker, this is a bill with which very many Members here are familiar. As is set out in the report, a contract was entered into between the Government and certain parties for the construction of a tunnel in a big reclamation project in the State of Wyoming. The contractors met with some unexpected difficulties in pursuing their work, running into some hard rock that they were not expecting to encounter, and the result of that was that they failed and were unable to complete their contract. At the time of their failure there were held against the contractors or the subcontractors several thousand dollars in accounts for wages, and for material and goods furnished to the contractors by different people in that part of the country, particularly in Montana and Wyoming. The Government then took over the contract and completed the tunnel at a cost of something like $200,000 in excess of the amount for which the contractors had undertaken to do the work, thus indicating very clearly the reason why the contractors failed to live up to their agreement with the Government. Thereupon those persons to whom those contractors were indebted made an effort to get their money, and it was discovered that about their only chance was to sue on the contractors' bond, but they were estopped from that because of the fact that the amount of the bond was only $75,000, whereas the contract price was nearly $600,000. In the Sixty-second Congress a resolution was passed providing for the appropriation of something like $42,000 to pay these people who had claims against these subcontractors, but before that money was paid other claims came in, were presented, and were found to be correct in every detail. These claims amounted to $15,750, and that is the amount of money which this resolution proposes to appropriate.

Mr. STAFFORD. Will the gentleman yield?

Mr. STOUT. Yes, sir.

Mr. STAFFORD. I suppose this bill is only one of many instances where the Government has taken over reclamation projects by reason of the failure on the part of the Government contractor to perform the work?

Mr. STOUT. Yes, sir.

Mr. STAFFORD. Can the gentleman recall a number of such instances out in his country where private contractors have gone broke in the performance of work under these private contracts?

Mr. STOUT. No; I can not recall a specific case.

Mr. STAFFORD. There have been a number of cases—the Huntley project——

Mr. STOUT. There have been a number of such cases, but I do not recall all such cases. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman reserves 16 minutes. The gentleman from Illinois [Mr. MANN] is recognized for 20 minutes.

Mr. MANN. Mr. Speaker, this resolution as it passed the Senate contained this provision:

*And provided further*, That the Secretary of the Interior shall deduct from the amounts to be certified for payment hereunder and under the said resolution No. 56, Sixty-second Congress, to each claimant a proportionate sum to cover the expense of and fair compensation for the person or persons through whose time and services this matter has been laid before Congress, except such claimants as have agreed with such person or persons for compensation; and such deductions shall be certified for payment to such person or persons in like manner as other claims.

The motion was made once before, if I recall correctly, to suspend the rules and pass this resolution then containing that provision. That was defeated after I had explained what it was to the House. I understand the motion the gentleman makes is to pass the resolution with an amendment striking out that language. Of course, that goes back to the Senate. Now, I will ask the gentleman frankly—I do not want to embarrass him at all—if he is prepared to state to the House whether, if this provision goes out as an amendment and we pass the Senate resolution as so amended, that will be reinserted in conference?

Mr. STOUT. I will state to the gentleman with frankness equal to his own that I am not going to be a member of that conference committee. I am not a member of the committee having the bill in charge, and what the conference will do I do not know. I would have no hesitancy in telling the gentleman, if I were a member of that committee, what I would be in favor of, and I really think that a matter concerning——

Mr. MANN. I think it is just as easy to beat this motion as it was before, unless the House knows what is going to happen.

Mr. STOUT. It would give me the utmost pleasure to inform the gentleman in advance what is going to be done if I possessed that clairvoyant power of foretelling.

Mr. MANN. I will say to the gentleman he possesses that clairvoyant power, because this is the position: If we pass this Senate resolution with this amendment and it goes to the Senate, the Senate can agree to the House amendment or it can disagree and ask for a conference, but no conference will be granted by the House unless the gentleman in charge of the bill asks for a conference. If he does, it is the courtesy to grant the conference, and if a conference is granted and it does not come early and the gentleman finally agrees to what Mrs. McDonald wants—the gentleman and I both know pressure will be brought to bear upon him to agree to what the lady wants—and some day or in the wee hours of the morning or some other time the conference report will be called up and passed that quickly. Now, I think candidly, and the gentleman has had this matter before the House before and the House voted against suspending the rules with that proposition in, if he desires it to pass and become a law without the provision, all he needs to do is to say so.

Mr. STOUT. I will say candidly to the gentleman it is my judgment if the bill passes at all it will pass without this provision. If the bill comes back here, it will come back without that provision. That is as far as I feel at liberty to advise the gentleman.

Mr. MANN. Will the gentleman say he will use his influence to that effect?

Mr. STOUT. Yes; I will make that statement.

Mr. MANN. Then I would like to inquire of the gentleman from Wyoming [Mr. MONDELL], who is also interested in this bill, what his position would be upon this proposition?

Mr. MONDELL. Well, as the gentleman from Illinois knows, I have never been in favor of this proviso, which it is now proposed to strike out, and I am no more in favor of it now than I have been in the past. I am very glad, indeed, it is proposed to take it out of the bill. I will say to the gentleman that my understanding is, so far as it is possible to get an understanding, that the bill will pass as it passes the House.

Mr. MANN. I will yield 10 minutes to the gentleman from Wyoming. I think the rest of the bill deserves an explanation before it passes. It is the second bite of the cherry, and the cherry was pretty green on the first bite.

Mr. MONDELL. Mr. Speaker, this claim provided for by this resolution and by legislation in the last Congress arose out of the fact that a certain firm of contractors in the State of Montana imagined they could make a gigantic post auger with which

they could successfully cut a tunnel 11 feet in diameter through the mountains for 8 miles. This gigantic post auger, or boring machine, is on exhibition at the mouth of the Corbett Tunnel. It failed, and with its failure came the failure of the contractors. Unfortunately, the Reclamation Service in letting the contract had not secured a sufficiently large bond to compensate the Government for its additional cost in completing the work and at the same time pay all the claims of those who had furnished labor and material to the contractors; and Congress very properly appropriated some two years ago to pay these claims what we understood to be the full amount of them, namely, $46,000. It came out, however, that the claims amounted to about $15,000 more than the sum appropriated, and the Secretary of the Interior, assuming that he had no right to apportion the funds, made no payments, and none of the payments will be made until this resolution becomes a law. All of the sums will then be paid. The $61,000 is owing very largely to laborers, and a part of it to men who furnished hay and grain and other supplies to the contractors. The bill should have passed some time ago and would have passed except for a provision which it contains, which is now to be stricken from it, for the payment of certain sums to parties who have been instrumental or helpful in securing the passage of the legislation. The gentleman from California [Mr. RAKER] has been working for some time on a bill intended to meet conditions such as those which arose in connection with the Corbett Tunnel failure, but the gentleman has not gone far enough in his legislation, it seems to me, to embrace all of the contingencies that may arise under reclamation work.

Some years ago, as will be remembered, we passed a law, at the suggestion of the Chief of Engineers, because of some difficulties that the Government had had in connection with river and harbor work, the effect of which was to take from laborers and those who furnished materials all claim that they might have on the Government under Government contract. The inequity and inadvisability of that kind of law as applied to all classes of Government work was not apparent until we came to this Corbett Tunnel claim and to a case in South Dakota that was somewhat similar. It seems to me that my friend from California ought to broaden his bill, which is on the Unanimous Consent Calendar, and which I believe was passed over to-day without prejudice. Am I correct as to that?

Mr. RAKER. The gentleman from Wyoming is correct.

Mr. MONDELL. He ought to broaden his bill so as to provide a lien for all claims for labor. The bill I refer to would only become effective in case a contractor failed. But what would happen in case a contractor finished and completed his contract and did not pay his men, did not pay for the material, did not pay for the corn and oats with which he fed his stock, for the gasoline that the engine used—and which is soon to be taxed 2 cents, as I understand—the coal, and the material of one sort and another? And I submit to my friend, who is an adept at drawing legislation, that he broaden his legislation in such a way that we can all support it, so that in the future we will not only provide for these difficulties that we are trying to meet now in this belated way in the Corbett Tunnel claim, but we will also have provisions made for conditions that may arise where the contractor does not fail, but where he does not pay his labor.

Mr. STAFFORD. Will my colleague yield?

Mr. MONDELL. With great pleasure.

Mr. STAFFORD. Does the gentleman presuppose that the contractor in default in the cases instanced by him, where he owes for material and owes for the labor that has been performed on the work, will have any money owing him by the Government?

Mr. MONDELL. The gentleman understands that it might occur; that a contractor who is dishonest, or one who lost money on the contract and did not have resources, might finish his contract and still not pay all of his labor claims.

Mr. STAFFORD. But would the gentleman favor having the Government reimburse the subcontractors or the artisans in case the Government was not indebted to the contractor?

Mr. MONDELL. No. But if we had such a law as I have suggested, the Reclamation Service would then require a bond sufficiently large to cover all the contingencies I have named. One difficulty in this case was that the bond was small, as compared with the magnitude of the work; and one reason for having a small bond was that they knew or realized or understood that the Government could not be held responsible for the failure of the contractor to pay his labor, so that the Government was only protecting itself against the danger of the contractor defaulting in the completion of his work, while, as a matter of fact, the bond was not large enough to cover that in the case of these gentlemen who started to bore through the hill with a post auger. But if we had a lien law, which we should have, relating to Government work, then it would be necessary to have bonds large enough to cover such contingencies. I do not expect the Government to pay it. I expect the Government to compel the contractor to pay it.

Mr. STAFFORD. Would not the Government incidentally be obliged to pay for the extra expenses incident to the additional premium charged for the bond?

Mr. MONDELL. I know that my kind-hearted friend from Wisconsin does not want laboring men and small business men who furnish these materials, and farmers, to be deprived of recourse simply because the people they are dealing with are doing work for the Government. If the work was being done in the State for a private individual they would be fully protected by the mechanics-lien laws of the State.

Mr. STAFFORD. They would be protected only to the extent of the amount owing the contractor by the person for whom the work was done.

Mr. MONDELL. That is as far as I would go; but I would make it clear, and there is no law on the subject now.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended 10 minutes.

Mr. STAFFORD. That is not necessary.

Mr. MONDELL. Mr. Chairman, I have had sufficient time. I thank the gentleman from Washington [Mr. FALCONER].

The SPEAKER. Under the rule the time has expired, and if by unanimous consent the gentleman does not want more time, all right.

Mr. STOUT. Mr. Speaker, I yield to the gentleman from New York [Mr. GITTINS].

The SPEAKER. The gentleman from New York is recognized.

Mr. GITTINS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD with reference to a bill on the calendar which I expected would be reached.

The SPEAKER. The gentleman from New York [Mr. GITTINS] asks unanimous consent to extend his remarks in the RECORD in reference to a bill on the calendar which he expected would be reached. Is there objection?

Mr. MANN. What is the bill?

The SPEAKER. What is the bill?

Mr. GITTINS. A bill to authorize the construction of a bridge across the Niagara River.

The SPEAKER. Is there objection?

There was no objection.

Mr. GITTINS. Mr. Speaker, by chapter 420 of the Laws of New York of 1914 the Ontario-Niagara Connecting Bridge Co. was authorized to construct, maintain, and operate a bridge and the necessary approaches thereto, on the east bank of the Niagara River, at or from a point in the town of Lewiston, N. Y., to some point on the west bank of the said river in the Province of Ontario, Canada. The intended location of the bridge is about 5 miles below the Niagara Falls and about 2 miles above the village of Lewiston.

The pending bill, H. R. 16640, seeks the consent of the Federal Government to such construction, maintenance, and operation "at a point suitable to public interests" in said town, in accordance with the provisions of the general bridge act, and provides "that the offices of the Fine Arts Commission shall be obtained in connection with the consideration of the plans of said bridge" by the Secretary of War, who, according to the general bridge act, must also approve the plans and specifications of all such bridges.

The War Department reports that the pending bill "is unobjectionable so far as concerns the interests of navigation," and the bill itself follows the form suggested by the Secretary of War.

In the War Department's report on this bill, however, it is remarked that—

> the proposed structure may have a more or less objectionable effect on the scenic appearance of the Niagara Gorge—

And that—

> while it is unusual to express views concerning scenic matters in reporting upon bridge bills, it is thought proper in this instance for the reason that the department took action for the preservation of the scenery of the Niagara Gorge in connection with the supervisions of the operation of electric transmission companies, under the provisions of the Burton Act, and reported the facts to Congress.

It will be seen from the language of its report that the War Department makes no objection to the effect of the bridge on the scenic appearance of the Niagara Gorge. It merely calls attention to a bare possibility, and then only because it adopted a like course when certain electrical transmission cables were carried across the gorge some years ago. The Burton Act, which occasioned this observation of the department, expired by its own limitations March 4, 1913.

Notwithstanding the fact, as I have just shown, that no real objection was advanced against this legislation, nevertheless the Interstate and Foreign Commerce Committee, by its subcommittee of five, caused a personal inspection to be made of the location, conditions, and scenic surroundings of the proposed bridge. The decision of the committee is unanimous that the bridge, far from being objectionable in any respect, will not only serve a very useful purpose but contribute greatly to the general beauty of that region.

The electrical transmission cables referred to, and which are supported on either side of the river by lofty towers, are by no means an ornament to the landscape. The pending bill itself provides, in the following language, for the carrying of these cables, to wit:

All power cables shall be permitted to cross said bridge under equal rates for the privilege.

Mr. Speaker, I think it is fitting here to advert to a comic-opera performance, staged 8 or 10 years ago, to set the public mind against further commercial developments in connection with the Niagara region. I refer here to a publicity campaign launched after the pioneer company in Niagara's electrical development felt secure in its own franchises and had gotten well under way. This campaign apparently had for its purpose the prevention of competition in the company's field of operations. The services of a publicity agent, posing as the representative of æsthetic individuals and organizations, were employed in the work of advertising to all the country that the great cataract was threatened by "commercialism" and stood in danger of being denuded of water, its scenic grandeur despoiled, and its glory ruined by the rapacious hand of the "power baron." Sunday papers and magazines everywhere pictured bare cliffs projected in unsightly view where once existed Niagara's thunder pour. Immediately hostility appeared in places where the utilization for the good of mankind of Niagara's surplus waters should have been applauded as a triumph of the genius and courage of man. Humorously enough the Frankenstein thus created has repeatedly risen up to confront its creators. But the far more important consideration arises that it is also impeding and retarding the commercial and industrial future of a region capable of almost illimitable useful enterprise.

The five Niagara power companies which are at present developing about 450,000 continuous horsepower from surplus waters which would run idly to the sea are now saving to the country 2,700,000 tons of coal per annum, or 300 tons per hour. This is an unrivaled example of the conservation of natural resources.

The Aluminum Co. of America, the largest power user in the world, produces at Niagara Falls most of the world's supply of aluminum. The original price of aluminum was $12 per pound, which would make this company's annual production of 12,000 tons worth $168,000,000, but at its present market price of 20 cents per pound it is actually worth less than $5,000,000, and is to-day largely used in the manufacture of household and cooking utensils.

Carborundum was originally worth $432 per pound, which would make the carborundum company's annual production of 12,000,000 pounds at Niagara Falls worth over $5,000,000,000, although the same is actually worth but $722,000.

Carbide, from which acetylene gas is made, is furnishing light for over 200,000 buildings and for numerous mines, lighthouses, and so forth. The Union Carbide Co. at Niagara Falls is the second largest power user in the world.

Niagara Falls is also the largest chemical manufacturing center of America.

As to the power developments which have made these economies possible, a War Department report states:

The power houses for the most part are architecturally excellent, harmonizing with the scenic surroundings, and the mechanical wonders wrought in solving the engineering problems of the utilization of this great head and volume of water rival as a spectacle the scenic grandeur of the falls and add to the attractiveness of the region.

Mr. Speaker, I only refer to these wonderful productive, constructive, and conserving works of man, which give daily employment to thousands, in order to point out that any objection to the construction of the proposed bridge, which is, as the War Department says, unobjectionable so far as concerns the interests of navigation, is based upon a false sentimentality and should not stand in the way of a worthy enterprise which will enhance rather than detract from the scenic beauty of the Niagara region.

The SPEAKER. The gentleman from Montana [Mr. STOUT] has 15 minutes.

Mr. STOUT. We are going to complete our statement in one more speech if the gentleman from Illinois will consume his time.

Mr. MANN. Well, unless you give us some information I do not want to take any more time. If you did, I might want to take a moment.

Mr. STOUT. Well, I yield to the gentleman from California [Mr. RAKER].

The SPEAKER. How much?

Mr. STOUT. Ten minutes.

The SPEAKER. The gentleman from California [Mr. RAKER] is recognized for 10 minutes.

Mr. RAKER. Mr. Speaker, when the resolution, No. 56, in the Sixty-second Congress, was passed the matter was gone into fully. That grew out of the failure of this company to comply with the contract, and upon its discussion it was shown that a like failure had occurred at the Bellefourche project, in which some banking people—in other words, one banking institution—had furnished money to the men on time checks, and an appropriation was made of some twenty-odd thousand dollars for that banking firm to pay them for the money that they had expended for materials and other things furnished upon the failure of the original contract. When this resolution came up it was shown, or it was so thought, that there would be about $42,000 due all the claimants, and that they were material men, laborers, and others who had actually furnished lumber and material for the construction of this tunnel.

Part of that material was on the ground when the Government took over the contract, and the Government used it. A precedent has been set by the Government in paying a claim to a banking institution for money advanced by them, and upon the statement that these claims were claims of laborers, small storekeepers, and those who had furnished lumber as well as provisions, the Congress in its wisdom passed the resolution, finally appropriating $42,000. The bill did not contain a provision that claims filed up to that date should be considered and none other, but this resolution does provide that claims not now filed shall not be considered. In other words, since the passing of the resolution about $15,000 worth of claims of material men, laborers, and others who actually furnished materials to the contractor have been placed on file and sworn to by the various claimants, and the whole aggregate amounts to about $57,000.

The Secretary of the Interior, under the bill and under the resolution as passed in the Sixty-second Congress, does not feel like paying those whose later claims are on file unless directed to do so, because that would result in a pro rata disposition of the funds. This bill then provides, in addition to the appropriation of $15,700, that only those claims that are now on file shall be considered and paid out of this fund, because they have had two years in which to file their claims, knowing that there was $42,000 appropriated. Everybody has been provided for, and it will wind up the entire transaction. And it ought to be worthy of consideration that the contract price for this entire work was some $594,000, that the bond taken from this company was but $75,000, that after completing 16 per cent of the work the company failed, and the Government took over the work and completed it at an excess of $200,000 over and above the contract price, and that the 16 per cent of the work actually done by the contractors, although they failed, was in the neighborhood of $40,000 less for the same amount of work done by the Government under the same contract; so, as a matter of fact, the Government would not lose by virtue of the payment here provided. Now, when these people took this contract they believed that the act of August 13, 1894, was the law in force, which gave laborers and material men a preference right to collect the debts due them on the bond. The record taken before the Committee on Irrigation of Arid Lands of the House and the Committee on Irrigation of Arid Lands of the Senate when the original resolution was considered showed that the department officials notified these laboring men and material men, when the question was first raised about it, that they would stand under the provisions of the act of August 13, 1894, which gave them a preference right, and that therefore they would be able to collect upon the bond. But as a matter of fact some 16 days or thereabouts before the awarding of the contract there was an act passed which gave the Government the priority of claim.

The Government therefore had a claim in this instance of $200,000. The individuals had a claim of about $57,000. The bond being for $75,000, of course after the Government claim was satisfied out of the bond there would be nothing left for the material men and laborers. An action was commenced on the bond by the Government, and has been pending for some time, which, of course, would only give to the Government the priority for what it might actually collect under that bond. The act of August 13, 1894, provided:

That hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or

the prosecution and completion of any public work or for repairs upon any public building or public work, shall be required before commencing such work to execute the usual penal (1) bond, with good and sufficient sureties, with the additional obligations that such contractor or contractors shall promptly make payments to all persons supplying him or them (2) labor and materials in the prosecution of the work provided for in such contract.

This act gave any person who had furnished labor or material the right to bring suit in the name of the United States, for his use and benefit, as against the contractor and his sureties. In February, 1905, just a few months prior to the letting of this contract, the act of 1894 was amended so as to give such persons the right to intervene and be made a party to any action instituted by the United States on the bond of the contractor, and to have his rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States.

That put the United States ahead. The material man, the laboring man, and those who paid their time checks would lose if the contractor failed, and a sufficiently large bond was not obtained in the first instance under which the laboring man or the contractor had no possible remedy, because the Government agent fixed the amount of the bond, and they approved the bond and then had the right to commence the suit and obtain the first payment. In this instance the record shows that but one of the bondsmen was solvent, and that the amount could be collected from him. This was but $75,000, while the Government claim was $200,000. This would leave nothing for the laborers and material men. I hope the resolution will pass.

The SPEAKER. The time of the gentleman from California has expired. The question is on suspending the rules and passing the bill, including the amendment read out of it.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

Mr. MADDEN. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Illinois makes the point that no quorum is present. Evidently there is no quorum present.

Mr. LEVER. Mr. Speaker, I move a call of the House. I do that because we have one important bill here which ought to pass, and I do not think it will take 10 minutes to pass it.

Mr. LENROOT. I will say to the gentleman that it will take more than 10 minutes to pass it.

Mr. LEVER. I hope the gentleman from Illinois will withdraw his point of no quorum and let this bill come up. The Speaker has agreed to recognize me, and, as far as this side of the House is concerned, it will not take over five minutes.

Mr. ADAMSON. The gentleman's bill will not come up next. I have a bill that comes in ahead of his.

Mr. LENROOT. This is a bill that ought not to pass under a suspension of the rules.

Mr. LEVER. It is the unanimous report from the committee.

Mr. ADAMSON. Mr. Speaker, I want the gentleman from South Carolina to hear my remark, and I think he failed to.

Mr. MADDEN. I understand, Mr. Speaker, that the Speaker has announced that there is no quorum present.

The SPEAKER. The Chair has done that identical thing. The Chair desires to know if the gentleman from South Carolina insists on his motion.

Mr. ADAMSON. Mr. Speaker, I do not think the gentleman from South Carolina will insist on his motion if he knows that I am to be recognized ahead of him.

Mr. LEVER. I do not think the gentleman from Georgia is to be recognized ahead of me.

Mr. ADAMSON. I think he is, and I think the Speaker will tell the gentleman so if he asks him.

Mr. FOSTER. The regular order, Mr. Speaker.

Mr. LEVER. Mr. Speaker, I withdraw my demand for a call of the House.

Mr. UNDERWOOD. Mr. Speaker, if I may be allowed by unanimous consent, I want to say that I hope we can get a rule that will provide for suspension day some time in the near future and dispose of these bills. I think, however, that it is too late to-night for a call of the House, and I therefore move that the House do now adjourn.

The SPEAKER. Will the gentleman from Alabama withhold that motion for a moment?

Mr. UNDERWOOD. I will withhold it.

The SPEAKER. The Chair desires to state that he tries to take these applications in the order in which they come, and that there are now 30 or 35 applications for motions to suspend the rules.

Mr. MANN. If the Chair will pardon me, out of order, I want to say that I do not think the Chair ought to go on the theory of taking these motions to suspend the rules in the order of their application, because the very purpose and object of suspending the rules is sometimes to take care of an emergency matter which comes up suddenly.

The SPEAKER. The Chair ought to have finished his statement. Some months ago the Chair entered on this plan, that at half past 4 o'clock on suspension days he would recognize one, two, or three gentlemen to move to suspend the rules, and in such cases picked out what he thought were the important bills, which is in harmony with the statement of the gentleman from Illinois.

Mr. LEVER. Mr. Speaker, if the gentleman from Illinois and the gentleman from Wisconsin and the gentleman from Minnesota will not object, I ask unanimous consent to consider this bill in the morning.

Mr. DONOVAN. The regular order, Mr. Speaker.

The SPEAKER. The gentleman from Connecticut insists on the regular order, and the regular order is the motion of the gentleman from Alabama.

ADJOURNMENT.

The motion of Mr. UNDERWOOD that the House do now adjourn was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Tuesday, September 22, 1914, at 12 o'clock noon.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERWOOD: A bill (H. R. 18891) to increase the internal revenue, and for other purposes; to the Committee on Ways and Means.

By Mr. McKELLAR: A bill (H. R. 18892) authorizing the President of the United States to purchase cotton under certain circumstances, and for other purposes; to the Committee on Appropriations.

By Mr. GARNER: A bill (H. R. 18893) to amend sections 2804 and 3402 of the Revised Statutes; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: A bill (H. R. 18894) to provide for the erection of a public building at Warren, R. I.; to the Committee on Public Buildings and Grounds.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18895) authorizing the Secretary of War to donate two condemned cannon to the town of Seymour, Conn.; to the Committee on Military Affairs.

By Mr. REILLY of Wisconsin: Joint resolution (H. J. Res. 349) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CASEY: Joint resolution (H. J. Res. 350) to purchase Mount Vernon; to the Committee on the Library.

By Mr. FREAR: Concurrent resolution (H. Con. Res. 50) requiring approval of plans for control of the Mississippi River below Cairo by an advisory board of consulting engineers; to the Committee on Rivers and Harbors.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATHRICK: A bill (H. R. 18896) granting a pension to Lewis Draper; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 18897) granting an increase of pension to Mary A. Peckens; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 18898) granting an increase of pension to John S. Prior; to the Committee on Invalid Pensions.

By Mr. DONOVAN: A bill (H. R. 18899) for the relief of John D. Buttery; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 18900) for the relief of James M. Griner; to the Committee on Claims.

By Mr. McGILLICUDDY: A bill (H. R. 18901) granting an increase of pension to Corcilda J. Babcock; to the Committee on Invalid pensions.

Also, a bill (H. R. 18902) granting an increase of pension to Mary E. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18903) granting an increase of pension to Almeda Goodwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18904) granting an increase of pension to Mary E. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18905) granting an increase of pension to Edward H. Keniston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18906) granting an increase of pension to Almira Linscott; to the Committee on Invalid Pensions.

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By Mr. O'HAIR: A bill (H. R. 18907) for the relief of Edward Byrne; to the Committee on Military Affairs.

Also, a bill (H. R. 18908) for the relief of S. A. Russel; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 18909) granting a pension to Sallie A. Martin; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 18910) granting an increase of pension to Isaac Stapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18911) granting an increase of pension to Ann Stockton; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 18912) to remove the charge of desertion and grant an honorable discharge to Oliver Stein; to the Committee on Naval Affairs.

By Mr. SMITH of New York: A bill (H. R. 18913) granting a pension to Joseph Schmitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18914) granting an increase of pension to James Ford; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 18915) for the relief of Jennie Belle Cox, Robert Isaac Clegg, and Thomas Neel Clegg, children and only heirs of Thomas Watts Clegg, deceased; to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of William J. Young, of Brooklyn, N. Y., relative to certain information concerning the origin, production, manufacture, disposition, and use of medicine, drugs, and chemicals; to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Memorial of Central Trades and Labor Union of St. Louis, Mo., asking that the United States Government enforce strict neutrality against all nations of Europe at war and place an embargo on all foodstuffs; to the Committee on Ways and Means.

Also, petition of St. Louis Cooperage Co. and St. Louis Trades and Labor Union, protesting against a tax on freight rates; to the Committee on Ways and Means.

Also, petition of citizens of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

Also, petition of Liquor Dealers' Benevolent Association of Missouri, protesting against an additional tax on liquor; to the Committee on Ways and Means.

By Mr. CARY: Petition of eighth ward branch, Socialist Party, of Milwaukee, Wis., protesting against the exportation of all foodstuffs to warring nations; to the Committee on the Judiciary.

Also, petition of the National Association of Vicksburg Veterans, relative to appropriation for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

Also, petition of Woman's Home Missionary Society of the Methodist Episcopal Church, protesting against railroad tracks opposite Sibley Hospital in Washington, D. C.; to the Committee on the District of Columbia.

Also, petition of Allied Printing Trades Council of Milwaukee, Wis., protesting against passage of House bill 15902, to amend law relating to the public printing; to the Committee on Printing.

By Mr. DONOHOE: Memorial of Philadelphia Board of Trade, protesting against the passage of House bill 18666, providing for Government ownership and operation of ships engaged in foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: Petition of Wisconsin State Bottlers' Association, protesting against extra tax on beer; to the Committee on Ways and Means.

Also, petition of citizens of Genoa, Wis., favoring river and harbor bill; to the Committee on Rivers and Harbors.

By Mr. GILMORE: Petition of the National Association of Vicksburg Veterans, favoring an appropriation for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. GOOD: Petitions of business men of Stanwood, Clarence, Lowden, Durant, and Mount Vernon, Iowa, favoring passage of House bill 13305, Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Pennsylvania: Petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring passage of House bill 6060, for literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of National Association of Vicksburg Veterans, for appropriation by Congress for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. KENNEDY of Connecticut: Memorial of sundry citizens of Waterbury, Conn., urging the United States to use its best efforts to end the war in Europe; to the Committee on Foreign Affairs.

By Mr. LEE of Pennsylvania: Petition of National Association of Vicksburg Veterans, favoring celebration of semicentennial anniversary of end of Civil War; to the Committee on Military Affairs.

By Mr. LONERGAN: Petition of Bureau of the National Association of Vicksburg Veterans, in favor of an appropriation for the proposed national celebration and peace jubilee at Vicksburg; to the Committee on Appropriations.

Also, petition of the Baker Extract Co., Springfield, Mass., protesting against additional tax upon alcohol; to the Committee on Ways and Means.

Also, petition of the International Typographical Union, Indianapolis, Ind., favoring amendment to H. R. 15902, relating to public printing; to the Committee on Printing.

By Mr. MADDEN: Petition of volunteer officers of the Union Army in the Civil War and the National Association of Vicksburg Veterans, favoring appropriation by Congress for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

Also, petition of citizens of Chicago, Ill., protesting against national prohibition; to the Committee on Rules.

By J. I. NOLAN: Protest of the Los Angeles Stock Exchange against proposed special revenue tax on stockbrokers; to the Committee on Ways and Means.

Also, protest of the D. De Barnardi Co., San Francisco, Cal., against a special revenue tax being levied on California dry wines; to the Committee on Ways and Means.

By Mr. O'LEARY: Petition of Joseph Wittmann, Woodhaven, N. Y., protesting against war tax on soft drinks; to the Committee on Ways and Means.

By Mr. PAIGE of Massachusetts: Evidence in support of H. R. 18808, special pension bill in behalf of Joseph W. Abbott; to the Committee on Invalid Pensions.

By Mr. RAKER: Petition of Marie B. Weldon, requesting that supply depots be established for the necessaries of life, and sundry citizens of California, protesting against exporting food from the United States; to the Committee on the Judiciary.

By Mr. REED: Protest of the Baker Extract Co., of Springfield, Mass., against the placing of an additional tax upon alcohol; to the Committee on Ways and Means.

By Mr. VOLSTEAD: Petitions of sundry citizens of Minnesota, protesting against national prohibition; to the Committee on Rules.

Also, petition of District 10, Woman's Christian Temperance Union, Nelson, Minn., favoring national prohibition; to the Committee on Rules.

Also, petition of 30 citizens of the seventh Minnesota district, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Dawson, Minn., favoring national prohibition; to the Committee on Rules.

## SENATE.

TUESDAY, *September 22, 1914.*

(*Legislative day of Friday, September 18, 1914.*)

The Senate reassembled at 12 o'clock meridian on the expiration of the recess.

### COAL LANDS IN ALASKA.

Mr. PITTMAN. Mr. President, I should like to ask the Senator from North Carolina [Mr. SIMMONS] if the report is ready on the river and harbor bill.

Mr. SIMMONS. Yes; the committee is ready to report.

Mr. PITTMAN. I desire to make a motion, but of course I do not wish to interfere with any action upon that bill.

Mr. SIMMONS. Is it in relation to the river and harbor bill?

Mr. PITTMAN. No; it is not.

Mr. SIMMONS. I will not insist upon the regular order right at this minute.

Mr. PITTMAN. For the purpose of bringing the matter before the Senate——

Mr. TOWNSEND. Will the Senator yield for one moment? I do not quite understand the situation. I supposed this morning the river and harbor bill was coming up. Do I understand that it is not?

Mr. SIMMONS. If the Senator from Nevada will pardon me, I stated that I would yield for a few minutes, and I would not insist on the regular order for a short time. I am not quite ready at this minute to report, but I will be ready in a very short time.

Mr. TOWNSEND. I do not understand that the river and harbor bill is the unfinished business, but I have no objection to its being taken up.

Mr. SIMMONS. The river and harbor bill is the unfinished business.

Mr. SMOOT. Oh, no.

Mr. TOWNSEND. I do not think it can be.

The VICE PRESIDENT. There is no unfinished business of the Senate of the United States.

Mr. SIMMONS. How was the river and harbor bill displaced?

The VICE PRESIDENT. It was sent back to the committee.

Mr. SIMMONS. The Chair is correct about that. That would displace it. In that situation I move that the Senate proceed to the consideration of the river and harbor bill.

Mr. PITTMAN. I object. I have the floor.

The VICE PRESIDENT. The Senator from Nevada has the floor.

Mr. PITTMAN. I do not yield for any such purpose.

Mr. SIMMONS. I beg the Senator's pardon.

Mr. PITTMAN. I desire to call the Senator's attention to my motion.

The VICE PRESIDENT. Let the Senate understand the status of the matter. There is no river and harbor bill on the calendar. No one can move to take it up. It is not here. The Senator from Nevada has the floor and is recognized.

Mr. PITTMAN. I move that the Senate proceed to the consideration of the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

Mr. SMOOT. I wish to say to the Senator from Nevada that I had no idea this bill would come up this morning and I have not the papers with me that I wish to use in its consideration. I want to offer an amendment or two to the bill. I hope the Senator will not press his motion at this time, but he can do so, of course, and the balance of the day no doubt will be used in the discussion of the bill. I thought it would be better to allow this bill to go over until we finish the river and harbor bill and then take it up after the disposal of that measure and keep it before the Senate as the unfinished business until it is disposed of.

Mr. PITTMAN. I will say that it is my intention to temporarily lay the bill aside at any time the river and harbor bill is brought in and until the river and harbor bill has been completed. I have no idea of asking that the river and harbor bill shall be in any way interfered with when it is reported.

Mr. SHAFROTH. I will further say that there will be some speeches upon the Alaska bill. I shall speak an hour, at least. For that reason the Senator from Utah will have time to prepare his amendments.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. PITTMAN. I do.

Mr. SIMMONS. I should like to suggest to the Senator from Nevada that I think it will take but a very short time this morning to dispose of the river and harbor bill. I think there is a general feeling among Senators that we ought to get rid of that measure before we take up any other bill. I will say to the Senator from Nevada as soon as the river and harbor bill is disposed of I will join with him in asking that the Alaska coal bill be made the unfinished business.

Mr. PITTMAN. I will say to the Senator I am willing to lay it aside whenever he is ready to report the river and harbor bill.

Mr. SIMMONS. I will make the report right now if the Senator will permit me.

Mr. PITTMAN. And is the Senator ready to go on with the debate?

Mr. SIMMONS. I am ready to go on with it. I presume it will take but a little while.

Mr. PITTMAN. If my motion is put and carried, I will agree to lay the bill aside until the river and harbor bill is disposed of.

Mr. SIMMONS. I have no objection to that with the understanding that the Senator will agree to lay it aside.

Mr. PITTMAN. That is the understanding.

The VICE PRESIDENT. Again, we are having Senators on the floor assuming the prerogative of the Senate. It will be within the power of the Senate to lay the bill aside if it chooses. It will also be within the power of the Senate to keep the measure before the Senate if it chooses to do so. There seems to have grown up on the floor of the Senate the idea that a single Senator can displace a bill if he desires to do so. That is not the rule of the Senate.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. PITTMAN. I do.

Mr. TOWNSEND. I have no objection to the consideration of the bill proposed by the Senator from Nevada, but I have been asking for months for the consideration of another bill which will not take a great deal of time. As far as I am concerned, I shall object to the Alaska bill being made the unfinished business until the bill that is entitled to preference shall be given an opportunity to be heard, unless the former can be disposed of promptly. It would take only a very short time to dispose of Senate bill No. 392, and I should like to have it considered.

Therefore I would prefer that the river and harbor bill should be considered and that the motion of the Senator from Nevada should not be put now, although I realize that the Senate has the right to do as it pleases about the matter. If the Senate sees proper, that bill might be taken up when some of these other measures are out of the way, because all of us are very anxious to consider the Senator's bill; and it can be considered and made the unfinished business under those circumstances.

Mr. PITTMAN. I would be very glad to accommodate the Senator from Michigan if I thought the conditions warranted, but it does seem to me that this bill should be considered first after the river and harbor bill. I do not desire to make any speech on the bill, and I do not intend to make a speech on it to-day. The Senate understands the conditions thoroughly. There is an emergency existing in Alaska. The people there are being faced to-day with a long Arctic winter, and there is no coal open in that country. All the coal they are getting is from British Columbia to-day at an enormous price, and its exportation to Alaska is being jeopardized by the European war.

Mr. TOWNSEND. Do I understand the Senator to say he does not understand that it will take any considerable length of time to dispose of the bill?

Mr. PITTMAN. I do not think so. I do not think it will take any time except the speech of the Senator from Colorado. I do not intend to even speak in favor of it.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada if he does not withdraw his motion.

Mr. PITTMAN. I will lay the bill aside for the consideration of the river and harbor bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada to proceed to the consideration of House bill 14233.

The motion was agreed to.

Mr. SIMMONS. I ask the Senator from Nevada to temporarily lay the bill aside to permit me to make a report on the river and harbor bill.

Mr. PITTMAN. I am willing to temporarily lay it aside for such purpose.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent that House bill 14233 be temporarily laid aside. Is there objection?

Mr. SMOOT. We are on the legislative day of September 18 and the calendar day of September 22. We have had no adjournment. It is after the morning hour, and I do not believe that the bill before the Senate now can be made the unfinished business until after we adjourn. If we adjourn to-day, then it would be the unfinished business; but if we take a recess it would not.

The VICE PRESIDENT. That is not the question before the Senate. The question is whether any Senator objects to temporarily laying aside the consideration of House bill 14233. What the status of it may be hereafter is another question.

Mr. PITTMAN. That is, to lay it aside until after the consideration of the river and harbor bill. That is the request of the Senator from North Carolina?

Mr. SIMMONS. That is the request.

Mr. SMOOT. I do not object.

The VICE PRESIDENT. Is there objection? The Chair hears none, and House bill 14233 is temporarily laid aside.

### RIVER AND HARBORS APPROPRIATIONS.

Mr. SIMMONS. Mr. President, from the Committee on Commerce I report back the following bill and ask unanimous consent for its consideration.

The VICE PRESIDENT. The report will be read.

The SECRETARY. A bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Strike out all after the enacting clause and insert:

That the sum of $20,000,000 be, and the same hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the

preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, and most economical and advantageous in the execution of the work: *Provided*, That allotments from the amount hereby appropriated shall be made by the Secretary of War upon the recommendation of the Chief of Engineers: *Provided further*, That allotments for the Mississippi River from the Head of Passes to the mouth of the Ohio River shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission as approved by the Chief of Engineers: *And provided further*, That at the beginning of the next session of Congress a special report shall be made to Congress by the Secretary of War showing the amount allotted under this appropriation to each work of improvement.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent for the present consideration of the bill.

Mr. STONE. Is this from the committee?

Mr. SIMMONS. It is the report of the committee in response to the action of the Senate on yesterday.

The VICE PRESIDENT. Is there objection? The Chair hears none. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. STERLING. I offer the following amendment.

The VICE PRESIDENT. The Senator from South Dakota offers an amendment, which will be read.

The SECRETARY. Add, at the end of the bill the following additional proviso:

*And provided further*, That of the amount hereby appropriated, and because of present emergency, not exceeding the sum of $75,000 may be expended for such improvement or bank-revetment work of the Missouri River at or near the town of Jefferson and the city of Vermillion, S. Dak., as in the judgment of the Chief of Engineers may be necessary to protect the banks of the river and regulate the channel flow in the interest of navigation.

Mr. STERLING. Mr. President, just a word in regard to this proposed amendment. I shall not occupy the time of the Senate in the discussion of the amendment, and that largely for the reason that I spoke at length upon this particular subject last Saturday.

I appreciate the situation and the exigencies under which this report of the committee has been brought before the Senate. Were this for some new improvement such as is found for the most part in the bill reported in the first place by the committee or even if it was for the completion of some improvement that had already been begun, the ordinary river and harbor improvement, I should be the last one to ask for the adoption of this amendment to the report of the committee.

But, Mr. President, ours is a desperate situation. Within the last two years farm after farm of rich alluvial lands of value have been washed into the river, worth from $100 to $150 per acre, and others are now menaced. No appropriation has ever been made for the improvement of the Missouri River in this respect at Vermillion that I can find since the appropriation of less than $2,000 made back in 1879. I trust that the Senate will consider the great emergency and will authorize the expenditure of $75,000 at these two places in my State, where there is such great need.

Mr. BURTON. Mr. President, I hope this amendment will not be adopted. I have a great deal of sympathy with the Senator's contention although it is strictly not a navigation improvement. But if we amend the bill by putting in this project we open up a perfect Pandora's box. There are scores of other amendments that ought to be adopted if this should pass.

Mr. SIMMONS. Mr. President, I want to say that I do not at all minimize the importance of the project referred to in the amendment of the Senator from South Dakota. There are many other matters connected with our river and harbor work that will get nothing under this bill that are of equal importance. If we should begin to amend by adding the meritorious projects for which much can be said, we do not know how far we would go. I think it is far better after the action of the Senate on yesterday that we should adhere rigidly to the proposition that $20,000,000 shall be appropriated in a lump sum and divided up by the Engineer Department of the Government with the approval of the Secretary of War as in their discretion may seem just and equitable, and in the interest of economy and the public work.

I trust, therefore, the amendment will not be adopted, not because I am opposed to it per se, but because I think it will open the door here to longer discussion; and probably we might in the end find that we had made a bill different from that contemplated by the action of the Senate on yesterday.

Mr. STERLING. Mr. President, I hardly see how the adoption of this amendment will open the door to other proposed amendments, for I think I am safe in saying that there is no situation like the one which my amendment is intended to cover. Nowhere along the course of that river from Sioux City to Fort Benton is there any such situation as exists at these two towns, where farmers are being impoverished from time to time by the ravages of the river. And nowhere along the Mississippi or along any other stream, I think, does a like situation exist.

The amendment is offered not to promote some new improvement in order that men may be employed or contractors secure a Government job; it is not for the promotion of some new enterprise; but it is for an improvement meant solely for our protection as against the ravages of the river.

Mr. SMITH of Arizona. Mr. President, I have sympathy with the amendment offered by the Senator from South Dakota [Mr. STERLING], but I wish to say that there is another case equally as bad as the one presented by him. I refer to the Colorado River south of Yuma, between Arizona and California, where there has been taken from the farmers of that district enough money to build a levee 20 or 30 miles down that river, money which certainly ought to have been taken out of the Treasury of the United States instead of out of the pockets of those farmers who are struggling for existence there. The Colorado River at that point, like the Mississippi River at the point to which the Senator from South Dakota alludes, is exactly the same, leaving its banks, overflowing the whole country, going whithersoever it pleases on its destructive course. An amendment to meet that situation ought to be adopted, and I had intended before the bill passed to see that such an amendment was at least voted on in this Chamber, but, realizing what the Senate did on yesterday, and appreciating the condition in which the committee finds itself, I know that it would be useless for me now to offer such an amendment. I wish, however, to say to the Senator from South Dakota that at the proper time, at the next session, I think we can get together and see that relief is afforded in both these cases.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota [Mr. STERLING].

The amendment was rejected.

Mr. STONE. Mr. President, I ask the attention of the Senator in charge of the bill to the second proviso of the substitute as reported, which reads:

*Provided further*, That allotments for the Mississippi River from the Head of Passes to the mouth of the Ohio River shall be expended—

And so forth.

Mr. President, the plans of the Mississippi River Commission in improving what is called the lower Mississippi from Passes to the mouth of the Ohio have extended to and included the stretch from Cape Girardeau, on the Missouri side, some 50 or 60 miles above the mouth of the Ohio River. The banks or bluffs lining the river above Cape Girardeau protect the outlying country from inundation and guard the currents of the river, so as to keep them within the bank limits. Below Cape Girardeau the country falls and the level is low. If the improvement referred to does not extend up to Cape Girardeau the floods coming down from the Mississippi and the Missouri Rivers will pour in upon and across a vast section of country in both Missouri and Arkansas, greatly imperiling the work done by the commission below the mouth of the Ohio on that side of the river.

I am apprehensive that this language might so limit the commission and limit the Secretary of War in making distributions for the purpose designated in the bill from the Passes to the mouth of the Ohio as to cut out the stretch from the mouth of the Ohio to Cape Girardeau. It seems to me the bill should read "from Passes to Cape Girardeau" instead of to the mouth of the Ohio.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. STONE. I yield.

Mr. SIMMONS. I assure the Senator from Missouri that it was not the purpose to leave out that part of the river from the Ohio up to Cape Girardeau. Col. Taylor, representing the Engineer Corps, drew this proviso in the committee room this morning. When it was presented the objection which the Senator now makes was made; it was suggested that it might leave out that stretch from the mouth of the Ohio River to Cape Girardeau. The Engineer officer expressed the opinion that that could not be the case; that the law extended the jurisdiction of the Mississippi River Commission to Cape Girardeau, and that this is the language in which we have generally passed these measures. After conference with the Senator from Louisiana [Mr. RANSDELL], who is a member of the committee, I do not myself see the slightest objection to changing the wording so as to let it read "from the Head of Passes to Cape Girardeau," instead of "from the Head of Passes to the mouth of the Ohio River." I do not think it is necessary after the statement made by Col. Taylor; but if the Senator from Missouri has any apprehension about that—I assure him that the committee did

not intend to cut that strip off—there can not be any possible objection to making it certain by adopting the amendment.

Mr. STONE. Mr. President——

Mr. BURTON. Mr. President, if the Senator from Missouri will yield to me, I will say that when this substitute was read this morning I called attention to the fact that under the law the jurisdiction of the Mississippi River Commission extended to Cape Girardeau, and suggested that such an amendment be made; but, as the Senator from North Carolina has already stated, the Engineer officer, Col. Taylor, stated that it was unnecessary. That was due to the fact that for years the phraseology has been from the "Passes to the mouth of the Ohio." By statute passed in 1906 that portion from the mouth of the Ohio to Cape Girardeau was placed under the jurisdiction of the commission, and the expenditures for levees made available in that additional stretch, so that the wording "to the mouth of the Ohio" includes the portion of the river extending up to Cape Girardeau, and the bill since then has carried that phraseology.

Mr. STONE. "To the mouth of the Ohio"?

Mr. BURTON. The language "to the mouth of the Ohio" includes the river to Cape Girardeau. I should be inclined to think under those circumstances it would not be best to change it.

Mr. STONE. Mr. President, I do not care to press the matter under the statements made by the acting chairman of the committee and by the Senator from Ohio. I have the same opinion just expressed by the Senator from Ohio, but I desired to have it made clear in the RECORD that there was no intention on the part of the committee in reporting this bill to change what had been the rule in that respect.

Mr. BURTON. Certainly not, because the attention of the Engineer officer was called to that very fact, and he stated that it included that portion.

Mr. STONE. Very well; I have not offered an amendment and will not do so.

Mr. JONES. Mr. President, I wish to say to the chairman of the committee that my impression yesterday was that it was the intention of the Senator from Alabama [Mr. BANKHEAD] to offer the provision with reference to the lump-sum appropriation of $20,000,000 simply as a substitute for section 1 of this bill, without interfering with the provision of the bill in regard to surveys. I see that the language of his resolution covers the entire bill; but in speaking to him this morning I find that he had the same impression that I had, and that it was not his intention to interfere with the survey provision; so that, unless the chairman of the committee would be disposed to think it best not to put on the bill the provision with regard to surveys, I feel disposed to offer the sections of the bill as reported by the committee relating to surveys as an amendment to the pending measure, except to provide that the $250,000 shall come out of the $20,000,000 appropriated, thereby avoiding any increase of the amount. I should like to ask the chairman of the committee whether he would have any objection to a proposition of that kind?

Mr. SIMMONS. Mr. President, the committee discussed very thoroughly the proposition which the Senator now advances. The committee was clearly of the opinion that the resolution passed recommitting the bill with instructions restricted the committee and directed it to report as a substitute for the whole bill an amendment carrying a lump-sum appropriation of $20,000,000, to be expended under the direction of the Secretary of War. The Senator from Alabama who offered the motion is a member of the committee, and stated that that was not his purpose, but the language, I think, is very clear to that effect.

Again, the committee thought that if we reported this as a substitute only for section 1 and left the remainder of the bill open to the action of the Senate, we would probably have a prolonged discussion over the section with reference to surveys. The Senator from Ohio expressed the opinion that we might have considerable discussion.

Col. Taylor, the Engineer officer who is advising the committee, stated that the work which would devolve upon the engineer officers of the Government during the next few months in connection with the expenditure of this $20,000,000 would be so great and the weather conditions would be such that they would not be able to make many surveys. I think once or twice he stated that probably they would not be able to make more than a dozen or so surveys during that time, and he thought that very little headway would be made by including in the bill those provisions so far as the survey work is concerned. After consideration of all the matters and questions connected with that proposition, the committee decided, I think by unanimous vote, that the survey provision be stricken out.

Mr. JONES. Mr. President, as I said a moment ago, I think the committee acted clearly in accordance with the instructions of the Senate on yesterday, or at least within the letter of those instructions. In view of the statement made by the chairman of the committee, the conditions as stated by him, and the suggestions coming from the Army officers, I do not feel disposed to offer the amendment.

I do want to say that I have very serious doubt about the passage of any river and harbor bill at the next session of Congress. While the Senator from Alabama on yesterday stated that he hoped an annual river and harbor bill would become a prominent part of the program and that we would have a bill at the next session, I think that the action of the Senate at this session will lead to a situation where we will not have any river and harbor bill at the next session of Congress. It will be a very easy matter to defeat any such bill with the session ending by limitation.

As the bill now stands no new items are provided for. As the Senate knows, I had the Willapa item inserted in both the substitutes which were presented, although that was not entirely a new item, because it was put on in the House. I had another proposition which I intended to offer, to which I merely want to refer, so that my people will know that it has not been forgotten. I had presented and had printed an amendment to provide for the construction of a dredge to be used in the Portland district, and making it available for use in connection with the improvement of the Columbia River at Vancouver, Wash. Such a dredge is urgently needed there. The necessity for it is insisted upon by the engineer officers, and it is desired that that dredge be made available for the port of Vancouver, to be used in improving the Columbia River. That proposition was recommended and urged by the engineers, and I had intended to offer that as an amendment to the bill; but, in view of the fact that all new items have been excluded, and in view of the action of the Senate on yesterday in directing the bill that the committee has reported, I feel that it would not only be useless to offer that amendment at this time, but that it would hardly be right to do so. When we do have another river and harbor bill I shall press this item as strongly as possible, and I am sure its merits will appeal to all.

Mr. McCUMBER. Mr. President, I offer the following amendment, to be inserted after the word "works" and before the word "*Provided*," which appears, I think, in the tenth line, counting from the top, before the first proviso:

*Provided*, That of this sum $200,000 shall be used for continuing improvement and for maintenance from Sioux City to Fort Benton, of which amount at least $150,000 may be expended for such bank revetment as in the judgment of the Chief of Engineers may be in the interest of navigation.

Mr. President, I suppose, with the understanding that has been arrived at in the committee, the purpose is to vote down any amendment, no matter how much merit there may be in it or how much demerit there may be in the bill without the amendments which are proposed. I should like, however, just to call the attention of Senators to one stretch of the upper Missouri River.

We are throwing millions upon millions of dollars into the channel of the Missouri River at Kansas City and other lower Missouri points. If you will take the time to look up the navigation in the lower Missouri, you will find that there is absolutely no commerce whatever, except in a little sand that is dug out of the river, loaded into flatboats, and then sold for building purposes. That constitutes the great bulk of the commerce on the lower stretches of the Missouri River, and for which we are appropriating a great many millions of dollars.

Mr. REED. Mr. President——

Mr. McCUMBER. I appreciate the fact that it is hoped when we get the Missouri River in good order that it will open up a channel for a considerable river commerce; but that is doubtful. As has been clearly shown by the Senator from Ohio [Mr. BURTON] in his long discussion here, it is rather questionable whether river transportation will be of material importance in the United States, notwithstanding the great hopes of controlling all kinds of rates by river transportation.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I yield, Mr. President.

Mr. REED. I am as much a friend of the upper Missouri as the Senator from North Dakota can be. I have always favored the improvement of the upper stretches and all other parts of that river; and were it not for the particular condition now confronting us I would earnestly support the amendment offered by the Senator. I shall give to that proposition a very earnest support when the opportune time is presented on further consideration of a river and harbor bill.

XUM

I simply rose to interrupt the Senator in order that the statement might not go unchallenged that the only business on the lower Missouri River, or its chief business, is "hauling a little sand." I do not believe the Senator from North Dakota will make anything for the upper Missouri River by declaring that the lower Missouri River is a useless stream. If it is, then manifestly the upper Missouri River is in the same category; and I do not want such a statement to go uncorrected.

So far as the showing made by the Senator from Ohio is concerned, I have not seen fit to reply to it, because a reply would have been in the nature of an aid to a filibuster; but at the proper time I shall undertake to show that with all his vast learning and knowledge with reference to the streams of this country the Senator from Ohio has made such statements with reference to the lower Missouri River that if the river were a person instead of a mere stream of water it could sue him for libel and slander in every court of the United States where service could be had and recover punitive damages. That is a matter for the future, and I hope the Senator from North Dakota will not see fit to assail the lower part of the stream in order to get aid for the upper part.

Mr. McCUMBER. If the Senator had waited until I had finished the suggestion I was about to make, I think he would have found little cause for interjecting the suggestions that have been made by him.

Whatever there may be in the future for transportation on the lower Missouri I know nothing about. I simply know about what is there now. I appreciate the fact that the wonderful waterway has not been completed. I appreciate the fact that we are spending millions of dollars in a great project that is to be of wonderful benefit in the future. What I am trying to call the attention of the Senator from Missouri to is the fact that while under this bill you can continue your work, which is already under way in that section, under its provisions, as I read it, we can not use one dollar where we have absolutely got a good little river commerce and where we decidedly need a few dollars for that purpose.

I have had to struggle year after year to get $150,000 expended in revetments and in pulling snags on the upper Missouri above Sioux City. After I have succeeded, year after year, in getting on an average $150,000 appropriated for that purpose where we actually have commerce, it has generally been cut down to about $75,000, most of that being used in paying for a snag boat or an excursion boat to run up the river during the summer to see where the snags were, and by the time they got back in the fall there were very few of them pulled out and no revetment done, and practically no help given to commerce.

I heard the Senator from Iowa [Mr. KENYON] say the other day that there was practically no commerce on the upper Missouri. Why, the only commerce there is on the Missouri at all that is worth anything at the present time, without discounting the future, is on the upper Missouri. Here is a telegram I have received from Capt. Baker, and I want to read a portion of it. Capt. Baker is operating a dozen boats on the upper Missouri stretch. This is the message:

> The Missouri River is navigable from the Milk River south to its mouth at all times except when closed by ice, usually between November 15 and April 1. It is navigable above the Milk River to Fort Benton during the same period, provided the channel rocks are removed. The upper Missouri River is the safest low-water stream in existence. Last year over 700 carloads of grain, farm products, and merchandise were transferred at Washburn, N. Dak., by the boats of this company.

Washburn is a little place of about 600 inhabitants on the Missouri, and that is only one of the stations, at which over 700 carloads of merchandise were transferred from the river to the railway companies.

> And there are at present six boats and several barges operating from Washburn and Bismarck. While the stage of water is 1 foot 2 inches below low-water mark, the business will continue to increase. You are familiar with the requirements of the upper Missouri River. Kindly explain this matter.

Mr. President, we ought to have $150,000 to assist, not in the future to build up a system that may be used 10 years from to-day, but to carry on the present actual commerce upon the river, and the only real commerce, as I say, that is upon the river at the present time.

When should this be done? It has been suggested by the Senator that we will have another river and harbor bill during the next session. I am doubtful of that; but if we were to have one, it would not be the proper time to do the work on the upper Missouri stretch. That work ought to be done in the wintertime, because it must consist in the revetment of the banks at places where they are cutting in.

I think it is proper for me to say right here, so that Senators will understand it, that the Missouri River banks are such, as explained by the Senator from South Dakota a few moments ago, that the least turn of the current toward the bank begins to undercut, and great portions of the bank will break off, cave off, and go into the river. That will fill up that side, and will immediately turn the current in another direction. The current will then turn in again and cut on the other side of the river. So you can not have commerce upon the river unless the banks are so revetted that you can build warehouses upon the line and protect those warehouses from the current swinging around and destroying the banks. This can be done only by revetting.

How is revetting done? It is done in the wintertime, properly, by first placing great patches of willows upon the ice, covering those over with boulders, tying them together, cutting the ice around, and then allowing them to sink to the bottom of the river. Then, when the river rises in the spring and the ice goes out, the sand and mud from the upper portions of the river are washed in thoroughly between these, and they become a solid embankment that protects the shores, and allows those who are operating vessels to build warehouses.

This can not properly and well be done in and during the summer months. It is estimated that it will not cost more than half as much to do this work in the winter as it will in the summer.

Mr. FLETCHER. Mr. President——

Mr. McCUMBER. In the summer time the only proper method is to send boats up, find out where the shores need revetting locate the stumps and snags in the river bottom, and then in the wintertime do the revetting, as I have explained it; and, at the same time, with a little dynamite, you can blow out the snags and stumps that fill up the channel. Mr. President, this is wasted now, and under the provisions of this bill nothing whatever can be done except upon projects that are unfinished; and I am seriously afraid the engineers will say that we have no unfinished projects there. We have not started a new revetment that must be completed.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I yield, Mr. President.

Mr. FLETCHER. I wish to call the Senator's attention to the fact that all his argument might very well have been made on yesterday, but at this hour it is entirely irrelevant.

When this matter was up for discussion on yesterday the Senator did not vote at all on the proposition to recommit this bill with instructions. The argument he is now making might well have been made at that time; but the Senate has already recommitted this bill with instructions to the committee to report, as a substitute for the whole bill, a bill carrying an appropriation of $20,000,000 for the purposes of preservation and maintenance of existing river and harbor works and for the prosecution of such projects heretofore authorized.

In accordance with those instructions, the committee met and reported this substitute for the entire bill now under consideration. It is quite out of the question now to bring in new projects in different portions of the country by amendment to the bill which has been reported in pursuance of the directions of the Senate on yesterday.

For one, I will say that I was not in favor of that recommital, nor was I in favor of the substitute as reported by the committee; but, in pursuance of the action of the committee, I am obliged to support the substitute that has been reported this morning, carrying this amount of money to be expended under the direction of the Secretary of War, with the advice of the Chief of Engineers, for the purpose named.

To open up this matter to various amendments respecting various improvements in various portions of the country, all of which, I fully grant, are meritorious and ought to be attended to, would simply amount to a reconsideration of the vote and the instructions given to the committee yesterday.

I therefore feel that I ought to urge Senators not to propose amendments of this kind. It simply means delay. We are obliged, under the instructions heretofore given, in pursuance of the action of the Senate taken yesterday, to vote down every amendment to this substitute as submitted to the Senate.

Mr. VARDAMAN and Mr. REED addressed the Chair.

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I will yield to the Senator in one moment. I am somewhat astonished that the Senator should criticize me because I did not make this argument yesterday, when the bill that we had before the Senate yesterday appropriated $200,000 for the very purpose that I am now talking about. I would not suppose that the Senator from Florida, who was waiting and attempting to keep a quorum for the purpose of getting a vote upon the bill, would have been satisfied if I had

spoken yesterday upon the matter and tried to keep in something that was already in the bill. That was my excuse for not speaking at all on the subject before.

Now, however, under your new system, after the bill was sent back, you have taken care of certain projects. You have not taken care of all of the places that ought to be cared for in proportion to their importance. If the report of the committee had done that—if, in cutting down the total appropriation from $43,000,000 to $20,000,000, it had been provided that half of the amount which was appropriated might be used for continuing revetment work, I would have been perfectly satisfied to have seen a reduction of that amount; but under the provisions of your substitute you will only take care of those projects where work has already been commenced and will need completion.

I yield to the Senator from Mississippi.

Mr. VARDAMAN. I was about to observe, Mr. President, that the action of the Senate on yesterday does not in any way preclude an amendment to this bill, and I agree with the Senator from North Dakota that if there are projects of merit and the interests of the American people demand immediate attention to them, it is the duty of the Senate and of Congress to make provision for them. I am entirely in accord with the idea expressed by the Senator from North Dakota. I believe that governments are established for the protection of the rights of men rather than the man being the servant of the government. And the highest end to be attained by all legislative enactments is the preservation of perfect justice, the protection of the citizen in the enjoyment of life, liberty, the pursuit of happiness, and the products of his own toil.

Mr. McCUMBER. I yield to the Senator from Missouri.

Mr. REED. I wish to ask the Senator if his amendment simply covers that portion of the river from Sioux City to Fort Benton, or whether it covers the portion from Kansas City to Sioux City as well?

Mr. McCUMBER. It was from Sioux City to Fort Benton, for this reason: I assume that under the provisions of the bill just reported the work will continue upon the Kansas City project, and that under it as it reads—there being no uncompleted structure upon the upper Missouri—we could not call for an appropriation under the bill, or for work to be done in the revetting which has not been commenced. Therefore I simply provided for the upper stretch of the Missouri.

Mr. REED. I understand the Senator's point is that from Sioux City to Fort Benton there could be no money expended under this bill, because that project has not been an adopted project.

Mr. McCUMBER. I will not say it has not been a certain project, but there is no incomplete work.

Mr. REED. The language of the bill is this:

> For the preservation and maintenance of existing river and harbor works and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, and most economical and advantageous in the execution of the work.

Clearly that language would give the Board of Engineers the right to spend money on any project which had been heretofore authorized. I think the Senator will agree with me on that.

I call the Senator's attention to the fact that the improvement of the river from Sioux City north is a project which has been heretofore authorized. I call the Senator's attention most respectfully to part 1, pages 931 and 932, of the 1913 report of the Chief of Engineers of the Army under existing contracts. I find this:

> Mouth to Kansas City: Permanent 6-foot channel, etc.
> Kansas City to Sioux City: No project has been adopted. Work is carried on under appropriations made from time to time for improvement and maintenance.
> Sioux City to Fort Benton: The project for this portion of the river, adopted July 25, 1912, and published as House Document No. 91, Sixty-second Congress, first session, provides for the expenditure of from $75,000 to $150,000 yearly for five years in removal of snags and rocks and in bank protection at points within easy boat reach of landings, towns, and railroad crossings. For details and other reports on examinations, see (c).

Now, I call the attention of the Senator to the river and harbor act approved July 25, 1912, and to this clause, which is found on page 21:

> Improving Missouri River: For improvement and maintenance from Kansas City to Sioux City, $75,000.
> For improvement and maintenance from Sioux City to Fort Benton in accordance with the report submitted in House Document No. 91, Sixty-first Congress, first session, $150,000.

The language "in accordance with the report submitted in House Document No. 91" is the usual formula for the approval of a project and is in the set phrase always employed. So there is a project for the improvement of the Missouri River from Sioux City to Fort Benton already approved, and all that is necessary is an appropriation from time to time to carry on the project. Under the language of the bill which we are now considering that can be done, because the bill provides:

> For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation.

So I think the Senator is in error in thinking that the upper stretch of the Missouri River can not be taken care of under this appropriation.

Mr. McCUMBER. I think, Mr. President, that it will not be taken care of under the provisions of this bill. Now, what is the first thing that is to be taken care of? "For the preservation and maintenance of existing river and harbor works." Only $20,000,000 has been appropriated for this purpose, and I think the Senator will find that every dollar of the $20,000,000 will be exhausted upon those works and for the completion of the unfinished work and there will not be a dollar of it in all probability for the other projects where works have not already been commenced. While there is a project approved on the upper Missouri, having the experience that I have had in 15 years in attempting to get the little appropriations and to get the recommendations of the Engineering Department for the only stretch of the river where there is real commerce, I certainly have not much faith in my ability to secure a proper proportion of the expenditure of this money in that region.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Dakota [Mr. McCUMBER].

The amendment was rejected.

Mr. VARDAMAN. Mr. President, I wish to propose an amendment to the bill, to add as a new section what I ask to have read.

The VICE PRESIDENT. It will be read.

The SECRETARY. Add a new section to the bill, as follows:

> SEC. —. That the President of the United States is hereby authorized to appoint a commission of three persons, two of whom shall be from civil life, and the third an engineer of the United States Army, one of whom shall be designated as chairman, to investigate the question of damage to lands on the Mississippi River below Cape Girardeau, Mo., resulting from the construction of levees and the improvement of said river in the interest of navigation since 1890. Said commission shall examine and report upon all such damages caused by floods resulting from levees and shall report the facts to Congress with suggestions of a basis of equitable adjustment of the liability, if any, for such damages, and what part the National Government, the State and local authorities shall respectively contribute in the settlement of such liability. Said commissioners shall have power to subpœna witnesses and to administer oaths: *Provided*, That no fee shall be paid to any witness except those subpœnaed on the part of the Government. The commissioners appointed from civil life shall receive a salary of $5,000 a year each, payable monthly, on the warrant of their chairman, and the commission shall be entitled to necessary clerical and expert assistance, stationery, etc., together with traveling expenses. The term of office of this commission shall expire when its final report is made to Congress, which shall not be later than July 1, 1916. In order to carry out the purposes of this section the sum of $60,000 is hereby appropriated. All expenditures herein authorized shall be paid out of this appropriation upon the warrant of the chairman.

Mr. VARDAMAN. Mr. President, this is a measure which has been before the Congress for a number of years. I deem it unnecessary for me to go into any extended discussion as to the merits of the proposition. Suffice it to say that the leveeing of the Mississippi River has caused the overflow of the land lying on the east bank at certain sections, which has practically destroyed the value of those lands. There is no question of that fact.

This matter has had the attention of the Mississippi River Commission, and I want to read a short extract from the report of the commission on this question. In its report of 1910 the commission says, on page 253:

> The situation (of these east bank citizens) is pathetic and distressing in the highest degree. That these people should be condemned to perpetual inundation without possibility of relief or redress for the sake of an improvement from which their fellow citizens are enjoying great benefits is intolerable to any man's sense of justice. The lives of the landowners are passing away and hope deferred is making their hearts sick.

There is quite a large area of this land in the southern part of the State of Mississippi. The hills come within from 1 mile to 10 miles of the river. It was thought more economical by the Government to condemn those lands to the public use and permit the water to overflow them than it was to build a levee for their protection. The result has been that every spring those lands are overflowed, and plantations that were once the seat of refinement, culture, and affluence are to-day abandoned waste. It is not fair, I submit, that this property should be taken and destroyed, as the Mississippi River Commission has stated, that the balance of the adjoining territory might prosper.

The purpose of this amendment is to appoint a commission to investigate this matter and ascertain the extent of the damage and the number of acres destroyed, to the end that the Government may be induced to compensate the owners thereof for the loss sustained by them.

XUM

I want to say in this connection that there are lands in the States of Kentucky, Tennessee, Arkansas, and Louisiana in the same condition that I described a moment ago situated in the State of Mississippi. I hope the Senate will see the wisdom and the justice of the adoption of this amendment and the appointment of this commission. It only involves the outlay of something like $60,000; and as this land has been taken and condemned for the public use, the United States and the States, if they are jointly liable, ought to pay for it. It is not fair, it is not just, for the land of a private individual to be destroyed, especially when the whole of the country profits thereby, without some compensation to the owner.

Mr. BURTON. Mr. President, I recognize a certain hardship and a serious one for those people arising from the construction of levees on one side of the river, which inundate the lowlands on the other side. These lowlands are so narrow that the construction of levees would be unprofitable, because there is but a short distance from the hills to the river. But we are not without reports about this. We have the reports; we have decisions of the court; we have recommendations galore, and I do not think there is any pressing need of any such commission as this to cost $60,000.

But, more than that, under the motion passed yesterday, this bill was confined to a very limited compass—the appropriation of $20,000,000 for the maintenance and continuance of public works in rivers and harbors, and we ought to leave it in that form. The moment you adopt one amendment, no matter how deserving, it creates a precedent for the adoption of others.

I think I may say to the Senator from Mississippi, if this came up in a river and harbor bill of the ordinary type, I would have it written in some form, perhaps not in the phraseology of the amendment proposed, but I do not think it ought to go on this bill.

Mr. VARDAMAN. The Senator will understand that this in no way commits the Government to payment for this land.

Mr. BURTON. Only impliedly. I think there are other places in the United States where there ought to be investigations as well, if they are made here. The main point is that this bill is intended to be a very brief one, with one central purpose, and any incidental feature like this should be omitted from it.

Mr. VARDAMAN. I hope the Senator will not sacrifice justice to brevity.

Mr. BURTON. We are compelled always by postponement to lay ourselves open to the sacrifice of justice. The Senator from Mississippi has a multitude of documents in the line of that, from which he has read, which give views on this subject.

Mr. SIMMONS. Mr. President, I recognize the force of the appeal the Senator from Mississippi makes. I think there has been a great hardship down there, and probably the people who have suffered the loss which the Senator has mentioned ought to be reimbursed by somebody. I was in favor of the proposition as it went in the original bill, but I feel that that proposition can wait just as a great many other meritorious items connected with the bill that have been dropped can wait. It will be only a short time before we pass another bill. Meritorious projects of all kinds that have been already proposed but not adopted have been stricken out of this bill. There were, I believe, in the bill about 89 new projects. Many of them were of very great urgency. I recall now one in the State of New York which I felt was of a great urgency.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Tennessee?

Mr. SIMMONS. I do.

Mr. SHIELDS. Mr. President, I wish to direct the attention of the Senator from North Carolina to the fact that this is no project for public improvement; it does not come within the class of which he is speaking.

Mr. SIMMONS. I understand that perfectly, Mr. President.

Mr. SHIELDS. It relates to the cases of thousands and tens of thousands of people who have been rendered homeless, who have had all the property in the world which they owned destroyed.

Mr. SIMMONS. I understand all of that.

Mr. SHIELDS. It is for the purpose of making an investigation to ascertain the facts. Not only has their property been destroyed, but it has been destroyed as the result of levees built, of public improvements made, by the United States. It is a case that appeals as strongly to justice as any case which could possibly be imagined. So I ask that it be not classed along with projects for public improvement. It is a case of doing common justice to people who have been impoverished as the result of the effect of levees built upon the river by the United States. There could not be a stronger case. No appropriation of money is now proposed. It is simply asking a commission to examine into the facts and make a report at some future day of the condition of those people, of the equities they have in regard to the manner in which the injuries have been inflicted upon them, and whether or not they have a case which this Congress should recognize and indemnify them for the losses suffered.

Mr. SIMMONS. Mr. President, there are other hardships in connection with discontinuing the further adoption of projects or the further adoption of schemes or the further adoption of things that ought probably to have been looked after at the present time; but we have proceeded upon the idea that they could wait; that there was no emergency that made it necessary for us to spend additional money for these new objects.

I am not calling in question the justice of this proposition; I am not opposed to it; I am in favor of it, just as I am in favor of many other things which are left out of the bill, but the point I am making, and the only point I am making, is that this matter can wait for future action just as other objects in the bill will have to wait for future action.

It is perfectly satisfactory to me if the Senate desires to make this amendment to the bill, but the chief reason why I am opposing any amendment is that I feel, if we once open the door and begin to amend the bill, we shall find ourselves in a short time in the attitude of making the bill here upon the floor of the Senate, because we shall find Senators who think they have good propositions moving to amend the bill by adding such propositions to it upon the ground that they are exceptional and are entitled to exceptional consideration.

Mr. VARDAMAN. Mr. President, I realize the necessity at all times for economy in the administration of the affairs of the Government.

I am very much in favor of economy. If I may be permitted to digress for a moment, I would say that instead of levying any more tax I should reduce every appropriation that has been made by this Congress and which has not been expended 10 per cent, and I would withhold from the officers and employees of the Government a percentage of their salaries sufficient to make it unnecessary to levy any additional burden upon the already overloaded taxpayers of the Republic. I am also very desirous of getting away from Washington and having Congress conclude its deliberations, but my understanding is that Congress sits for the purpose of legislating in the interests of the people.

This proposition is going to consume but little time of the Senate; it involves the outlay of a very small amount of money; its adoption will be but the recognition of a right that has long existed and been most shamefully neglected. These people have been robbed of their homes; the beautiful plantations and splendid country places have been laid waste; comfort and contentment have given way to worry and want, and what was once the home of culture and luxury is to-day a wilderness, and for what purpose? That the balance of that section of the country protected by the levees of the Mississippi River might prosper. They are bereft of all the comforts of life, and many of the people who were driven from this section by the inundation are to-day in poverty; and the United States Government, the richest Government on earth, has taken its citizens' property, devoted it to a public use, and when we ask the Senate to pass a law by which we can ascertain the extent of the damages sustained by them we are met with the objection that it takes a little time. Justice must be sacrificed to brevity in the writing of the law; injustice is to continue because we have had an agreement here that we are going to make a short bill. If a private citizen should act in that way toward his fellow man, he would be regarded as an outlaw. I insist, Mr. President, that it is but simple justice that something of the kind as proposed in this amendment be done. The matter has been waiting for 20 years, and, as the river commission said: "Hope deferred maketh the heart sick."

The Nation's honor should be most zealously guarded and the Nation's obligations to its citizen should be sacredly observed. Robbery by the Government of its humblest citizen is a form of intolerable despotism and the common sense of justice of the American people will not tolerate the thought.

Mr. WILLIAMS. Mr. President, I have been for several years at work trying to get justice for these people. I have made a long argument, indeed several long arguments, before the Committee on Commerce in their behalf. This year, for the first time, the door of the temple of justice was left a little bit open for them. While no substantially beneficial legislation was placed upon the bill, a commission was provided for in accordance with the terms of a bill introduced by me, which was offered as an amendment to the pending river and harbor bill. This commission was to determine and recommend compensatory relief.

I, for one, did not deceive myself last night. I knew that if the resolution to recommit with instructions, offered by the Senator from Alabama [Mr. BANKHEAD], was passed, it meant that, not only this, but many other very deserving projects were to be stricken from the bill, not because they were not good investments for the people, nor because they were not just and right in themselves, but merely because they were new. I therefore voted against that motion. I now recognize that unless the policy declared by the Senate in adopting that motion shall be departed from, what little good I have been able to obtain for those people goes by the board for at least another session of Congress.

Mr. President, I ask unanimous consent, without taking up the time of the Senate, that I may insert in the RECORD as a part of my present remarks the argument upon this subject which I made before the committee.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and permission to do so is granted.

The argument referred to is as follows:

"CLAIMS FOR DESTRUCTION OF PROPERTY, MISSISSIPPI RIVER.

"STATEMENT OF HON. JOHN SHARP WILLIAMS, A SENATOR FROM THE STATE OF MISSISSIPPI.

"The ACTING CHAIRMAN. Which particular amendment will you address yourself to, Senator?

"Senator WILLIAMS. The one introduced by me on March 31. I introduced it first as a separate bill, and then as an amendment, and I urge it now as further amended by the suggestions of Mr. Jenkins and the gentlemen who were here.

"The ACTING CHAIRMAN. That is, conferring jurisdiction on the Court of Claims?

"Senator WILLIAMS. Yes. You will remember that when Mr. Jenkins and the members of the Riparian Landowners' Association were here they suggested a couple of amendments to my amendment, and they informed you of the fact that I had been consulted about them and was willing to accept them. The first amendment includes all the riparian land in the parish of West Feliciana in the State of Louisiana. My original amendment included only a part of them. The second amendment is a proviso that in adjudicating the claims the court shall permit any party who in the meanwhile has lost his land by foreclosure to intervene, and that in proportioning the damages the court shall give such proportion as they think right and proper to the present owner and the foreclosed owner, but in no event shall the damages exceed the limit fixed in the bill, which is the value of the lands when they were taken.

"Senator RANSDELL. The amendment you are considering is the one that was offered on March 31?

"Senator WILLIAMS. March 31; yes.

"Mr. Chairman, this matter very naturally divides itself into a logical sequence of discussion. First, the evil complained of; second, the cause of it; third, the several possible and sometime suggested means of redress; and, fourth, why the particular means of redress selected by me is to be preferred. Then a notice of the objections that have been made to it, and then a notice of the legislative precedents for the proposed redress.

"It is not necessary for me to dwell at any great length upon the evil. The United States Government has adopted the policy of aiding the local authorities in building a continuous line of levees. Of course as far as these riparian landowners were concerned a continuous line of levees was never necessary for the protection of the land. The Mississippi Delta, for example, can be protected just as well without any levees in Arkansas or Louisiana, even on the east bank of the river, and the Louisiana east or west bank could be protected just as well if there were no levees along the banks of the Mississippi Delta. Thus formerly there were a lot of detached levees. This Federal policy of continuous levees was originally determined upon because the object was to keep the river at high flood within its banks, so that there should not be a gradual filling up of the bed of the river, and while the effect of it would be to increase the height of the flood at high water; the ultimate effect of it would be to increase the capacity of the river itself.

"In order to answer this navigation purpose, I thought, and I think still, that regardless of the riparian owners behind, the levees on the east bank of the Mississippi below Vicksburg, and between there and Baton Rouge, ought to have been built in order that there might have been a continuous and uninterrupted line of levees approximately equidistant from levee to levee along the whole course of the river. I do not believe now that that continuous line of levees would have been for the benefit of the riparian landowners from Vicksburg to Baton Rouge, because there are so many little streams that run out from the hills there with such a volume of water during freshets that there would have had to have been erected a pumping station in order to get the water off of them after it came down. But as far as the national purpose is concerned, it remains that without a continuous line of levees on both sides approximately equidistant shoaling and sand bars have been caused and will continue to be caused by the fact that instead of adopting as the bank of the river for high water a line of levees running down approximately equidistant, they have adopted an irregular line of hills, sometimes jutting into the river and sometimes as far back as 10 miles from the river, causing an eddying in and out of the stream, which at each point where spreading and eddying forms a sand bar.

"The result to these people for whom I am now pleading has been this: That their land and their homes have been dedicated to the bed of the river. The hills back of them have become the Government levee.

"The hills being the levees on the east side below Vicksburg to Baton Rouge, these lands are thus within the high-water banks, the hills constituting the high-water river bank on the east side; they are between the hills and the river. The river commission has adopted the hills as a levee from Vicksburg down to Baton Rouge. The consequence is that whereas even if there had been the old system of levees, they would have suffered from high water some harm at infrequent times later, when the levees were completed on both sides of the river, thereby raising the level of the water at times of high flood, they have now been subjected to annual and permanent overflow. And when I use that language, that is not originally my language, that is the language of the Mississippi River Commission, and of the engineers, as well as of these suffering people.

"So that, as I said a moment ago, the lands and property of these people have been dedicated by the levee system, taken as a whole, to the bed of the river at every annual high water.

"Now, prior to this, this country at rare intervals suffered from high water, as every bit of the Mississippi Valley that is alluvial has at times suffered. All the alluvial lands were built up by the river, and could not have been built up by the river except for the fact that the river at some time was higher than the banks, overflowing them and leaving a deposit of sediment. In 1862, in 1882, and in 1828 these lands went under, but they did not go under once in a quarter of a century. When lands in the Yazoo Delta and upon the west bank of the Mississippi River opposite these lands were under water, many times, indeed, nearly all the time, these people were raising magnificent crops, from a half a bale to a bale of cotton to the acre, and there was no more prosperous part of Mississippi, as you know, Mr. Chairman, of your own personal knowledge.

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"Senator WILLIAMS. You will find from the hearings the number of people that have been run out of this country. Somebody asked the question if they could not use those lands now for grazing purposes. I need not tell you, who know the configuration of that country between Walnut Ridge and the Mississippi River, that this is absolutely impossible. It is impossible to get the cattle out when the water comes, owing to the local topography. They are cut off by sluices, sloughs, bayous, and morasses, and the water is deeper back form the river just before you enter upon the rise of the ridge than it is at the river itself, because there, as all along the Mississippi River, the bank nearest the river is the highest because it received the first and heaviest and deepest deposit of sediment. So that there the cattle and stock are isolated in case of high water and it is impossible to get them out except with rafts or other floating things. They can not be driven out once the ordinary river bank is overflowed.

"Thus the evil complained of is that by this great course of public improvement, which has inured so much to the benefit of the valley at large and of the commerce of the whole country, these people have incidentally suffered a total loss of their property. Well, not a total loss, either, because they can make something out of the timber upon it. But most of the timber left is the sort that grows in water, of course, and most of the valuable hardwood timber is killed by the annual overflow. It will kill hardwood timber of most descriptions that are really valuable. The evil is undenied. So much for the evils.

"The Mississippi River Commission says it is 'a most distressing' condition, and it has not once but several times recommended that Congress 'take some steps' to give these people relief. Of course, there are several steps that might be taken, and the commission has suggested each in the alternative. In the first place, you might stop the whole levee system, tear down the levees elsewhere to prevent these people from being hurt, thus restoring them to their former status. That would

be absolutely ridiculous and wicked, because the good of the greatest number must prevail, and where it is absolutely necessary that a minority should be sacrificed in carrying out that principle they should be sacrificed.

"But the English-speaking race has always compensated those whose interests have been sacrificed for a public purpose, and this has been uniformly done, both in England and here, not because it was an enforceable legal right, but because the magnificent civilization of the race has been built upon the rock of justice.

"Building levees is naturally the next remedy to suggest itself. It was to me. Hence I introduced a bill at one time, as the Senator from Louisiana [Mr. RANSDELL] will remember, to appropriate $350,000 for building the levees along the Mississippi east bank below Vicksburg.

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"The ACTING CHAIRMAN. You mean so as to protect these people you now speak of, and put them behind the levees?

"Senator WILLIAMS. Yes; but pending that bill this committee put on at my request a provision on the river and harbor bill for a survey and a report. That survey and report settled the question that that method of redress will do these riparian landowners no good, however much benefit it might be to the navigation of the Mississippi River. So that as a redress for this particular evil, I have abandoned that, because when the engineers reported they convinced me, as they doubtless convinced you, that that was impracticable, not only because it would not protect the lands without pumping stations, but because the expense of building the levees would be a great deal more than the entire property behind the levees, at its present value, at any rate, comes to.

"Now, I have outlined the evil, and I have indicated while I was outlining it the cause of it, and suggested remedies which will not answer. There is no dispute about either of those things.

"The next redress that suggested itself was a suggestion on the part of Judge Taylor, followed up by the Mississippi River Commission, and by the engineer adopting it in his recommendation after this last survey, that these lands might be taken by the United States Government—condemned and taken—because of the fact that they would be useful in furnishing various materials—gravel, willows—for revetment work, and all that sort of thing. Of course, my constituents would be perfectly satisfied with that course if the committee chose to pursue it. I hardly dare ask that. I thought I had better confine myself to a method of redress which had behind it precedents; hence the amendment now urged.

"Now, I want to say this before I go any further: I deplored these lawsuits which have been resorted to, and advised every man in Mississippi who consulted me not to become a partner to them; that they were no good; and that, so far from helping the cause in view, they would prejudice it. I saw, as I thought every good lawyer ought to have seen, that there was no enforceable legal right for these people. A man goes out to war for his country, and loses his arm, and the country gives him a pension, but he would have no right to come in and sue the Government to give him a pension. A man goes up here on the Capitol to do some work, in the employ of the United States Government, and in the course of his employment is seriously injured. We make him an appropriation, but he could not go into any court and sue the Government for that appropriation. Judge White's decisions in the Jackson case and in the Hughes case are undoubtedly correct. The United States Government, in exercising its power to improve navigation, can not be held legally liable for consequential damages. So that I do not plant my case upon any legal basis, and never have planted it upon that. I plant it upon the basis of justice and ethics and right, upon precedents that our race on both sides of the water has always furnished and respected. I say that if you organize an army to go and accomplish a great purpose for the Nation, and in the course of the accomplishment of that purpose a soldier's leg or arm is shot off, that there is just as much an obligation on the part of the Government to see that that man does not suffer because of the consequential or incidental damage which he sustained in doing that great work which the Government had a right to make him do for the benefit of the public at large—that there is just as much a moral obligation as if the man did have a legal right enforceable in a court of law, which of course he has not. These people have none, either. I want to make that clear, because I believe that the fact that a suit was brought, and that the suit was decided adversely, has, in the minds of the lawyers of the Senate, prejudiced this case.

"I suppose that is enough to say upon that point. Of course each one of you will see how that might be dwelt upon in extenso.

"There is one other thing before I go into the remedy and the precedents. There are lands in the same situation as these in Tennessee for which Mr. SHIELDS has introduced an amendment, lands in Louisiana to which attention was called by the Senator from Louisiana [Mr. RANSDELL], and there may be others. The question was asked, Why should not a provision of law, if made applicable to these people between Vicksburg and Bayou Sara, apply to all people who were similarly situated? There is no rational negative reply to that, of course. If you are going to give relief to one, it ought to be given to all that are identically situated. But I have an objection to putting those amendments in the same paragraph with this amendment, but no objection to taking care of them in a succeeding and independent paragraph, and that objection I will now state. The point of order will not lie to my amendment, because there was a survey made by the engineers and a recommendation made by the commission, and a foundation was thus laid for putting my amendment in compliance with them upon the bill. But if, for example, the lands suggested by the Senator from Tennessee [Mr. SHIELDS] were put in the same paragraph, that would vitiate the entire paragraph and render it all subject to the point of order. If provided for by another and separate section, including those lands and including those which the Senator from Louisiana [Mr. RANSDELL] has suggested, then if the point of order should be successfully made to that paragraph containing the portion where no survey had been made and no recommendation had been made, it would not carry my provision with it. That will be better for me and it will be better for the other people for whom relief is sought, because if my amendment passes, then the precedent for all identically situated is established. Then even, all you will have to do is to put on this bill surveys for your section, Senator RANSDELL, and surveys for yours, Senator SHIELDS, and include them in the next bill.

"Senator RANSDELL. Will you not please elucidate what you mean by saying that a survey and recommendation have been made?

"Senator WILLIAMS. On the last rivers and harbors bill I obtained an appropriation—this committee gave it to me—for a survey and a report to determine whether it was feasible to levee, and if not, what was the feasible thing to be done, as well as to ascertain the actual situation.

"Senator RANSDELL. You refer to the reports made by the Mississippi River Commission under that provision of the act?

"Senator WILLIAMS. Yes; and of the engineer who did the surveying.

"Senator RANSDELL. Did that provide any recommendation for damages, or simply a suggestion as to how the levees might be built?

"Senator WILLIAMS. Their report, you mean?

"Senator RANSDELL. Yes.

"Senator WILLIAMS. Or my survey proposition?

"Senator RANSDELL. The report made in accordance with your request.

"Senator WILLIAMS. The report of the engineer is to the effect that he advises against erecting levees, first, because of the number of watercourses coming out which will require pumping stations to complete the drainage, and secondly, because the value of land protected by levees is less than what the levees would cost, and the river commission makes the recommendation to send to a commission or to the Court of Claims the whole subject matter for the ascertainment of the damage in forwarding the result of that survey. In the first place, the engineer called attention to the previous recommendations of the commission, and the previous recommendations of the commission were either to let these people go into some court—in one of their reports they suggest that there might be a special tribunal created to determine it—a commission—or else that the people be sent into some court, which it thinks could more adequately ascertain and determine what the actual damages were than the Mississippi River Commission itself could.

"I at one time introduced a bill here organizing a special commission, but upon second thought it seemed to me that the Court of Claims was already organized with its officials of every description, and that there was no use putting the country to the expense of organizing new and untried special machinery to do that which the existing machinery was perhaps even better adapted to accomplish. Therefore the amendment as I offer it now sends the matter to the Court of Claims for investigation and a finding, conferring jurisdiction for the purpose——

"Senator RANSDELL. Senator, perhaps I am a little confused, and I wish you would help me out. Do you refer now to the report made by the Mississippi River Commission in 1910, the one which Mr. Jenkins embodied in his report, or a subsequent one?

"Senator WILLIAMS. No; to the last one, chiefly. That was made before this, but I had to refer to that of 1910 in a certain sense, because in their last recommendation the Mississippi River Commission refer back to that, and say that they repeat what they had to say then, and reenforce it by its repetition now. I am referring to the last report which was made subsequent to the report of the engineers upon the last survey for which $30,000 was appropriated in the last river and harbor bill. I think from about 1888—I am not sure of the year—down to now this Mississippi River Commission has been constantly recommending to Congress that something be done for the relief of these people, and referring, to use their own language, to the 'distressful' condition in which they have been left, and admitting and asserting that the cause of that distressful condition was the raising of the flood level by the erection of a continuous set of levees, restraining the river within its banks at flood times, while building no levee in front of their property, and because of this the commission in their last report and in the previous one, and the engineer, too, in his last report, acquaint you with the fact that these people are 'permanently inundated.' That is, they have an overflow every year, and must have it, and the height of the flood will continue to increase as the levees are perfected, and consequently so far from expecting any relief from present ills, they may expect to have a worse time from year to year.

"I want to dwell upon one other thing a moment. It has been alleged as one of the objections to the redress sought that the United States Government is expected to pay these damages, whereas the cause of the damage, to wit, the erection of the levees, was not only the act of the United States, but was the act of the State of Louisiana, and of the various levee districts along the river; and that therefore there ought to be an apportionment of the damages between all the contributing parties. My answer to that in the first place is that apportionment is absolutely impracticable, and there is no way of making it. There is no such thing as a joint suit against a State, a levee board, and the United States Government. And in the second place, and this I want to impress upon you, by the very nature of the case, the levee districts must pay a part of these damages if the damages are assessed and paid by the United States. Now, follow me. Already the levee districts have gotten the advantage of the nonerection of levees on this front. These levees, if they had been built from Vicksburg down to Baton Rouge, would have cost a half a million dollars in round numbers—about that, or somewhat less. What would have been the result? Either that half million dollars would have been subtracted from the work which has been done elsewhere, and the levees elsewhere could not have been carried to the present height, or else if they had been, the amount appropriated by Congress would have been increased a half a million dollars. If the amount appropriated by Congress had been increased a half million dollars, then the contributions of the levee districts, which must maintain a certain proportion to the national appropriation, would have had to be increased proportionately. If the Government continues to avoid the expense of building the levees down there, the people on other parts of the river in levee districts will continue to enjoy the benefit of this saving of half a million dollars, plus the annual upkeep. If you make an appropriation for damages to these people of mine, the others will all continue to enjoy the difference between the sum assessed and paid to my constituents as damages, and the half million dollars needful for first construction on levees besides the large amount for annual upkeep and some revetment work. If those levees on the river from Vicksburg to Baton Rouge were built to-morrow and were added to the appropriation in this bill, or if, without increasing the amount of the appropriation, the amount of their cost of construction were taken from the amount appropriated for levees elsewhere, you see at once that these people elsewhere—I, in the Yazoo Delta, others in Arkansas, and you, Senator RANSDELL, in lower Louisiana—would have to do one of two things; either increase our proportionate contributions to the common levee construction fund or else suffer by not having the work done which we expect to be done. If you pay these damages, the Yazoo levee district, the Mississippi levee districts, the Louisiana levee districts, and the Arkansas levee districts, will have to pay their share of it, because the United States Government is pursuing the policy of helping those who help themselves, and helping them in proportion as they help themselves, requires their appropriations to increase with its own. And if this amount is increased to a given amount ultimately through the judgments of the Court of Claims, say, a quarter of a million dollars, those people now protected by levees must pay their share of that quarter of a million dollars.

"The ACTING CHAIRMAN. This bill does not provide for a proportionate contribution by the levee districts.

"Senator WILLIAMS. I know that; but the Mississippi River Commission insists upon that policy, and it has been the uniform course and will, I assume, continue to be the practice. So far as I know, the Federal Government never built a levee for anybody where there was nobody helping. Where the people never would tax themselves, the Government has refused uniformly to build for them. I understand that to be the hitherto fixed policy of the Mississippi River Commission.

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"Senator WILLIAMS. Proportionate payment by protected parts of the river would follow with practical necessity, as I see it, because the appropriations to pay the amount for which the Court of Claims found judgment would be made upon the rivers and harbors appropriation bill.

"The ACTING CHAIRMAN. Yes; but would we not be confronted then by the suggestion that this bill authorizes a suit for the ascertainment of damages against the United States, and that, therefore, the Court of Claims having found against the Government, the Government itself ought to appropriate all the money?

"Senator WILLIAMS. There is no doubt about that, in the first instance; but when the Government had appropriated the money, it would have appropriated it as a part of a rivers and harbors bill, and it would thereby have added that much to the bill of that year, and that practically and necessarily would force these various levee districts to raise their proportionate share of the addition that had been thus made. I am speaking of the practical and even necessary consequences of the increased appropriations.

"So much for that. Another answer to the objection that there is a double construction of the levees is that, while that is true, there is a single ownership, management, and control, and that is in the United States Government now. If the Mississippi levee district, for example, Mr. Chairman, chose to cut the levees on its front—were to come to the absurd conclusion that it was better for the people there not to have a levee—of course the United States Government would not permit them to do so. The United States Government would say, 'You may conclude that doing away with these levees from Greenville to Vicksburg is for your benefit as landowners, but we are improving the navigation and commerce of the Mississippi River. What we are doing is done with two purposes: First, to improve the navigation, and, secondly, to unhamper, unshackle, and free the commerce of the valley and the commerce crossing the valley, from the destructive interruptions by floods,' which, by the way, is a very much greater reason for what the United States are doing with regard to the levees than the mere improvement of navigation itself by the deepening of the channel. I say this because when these great destructive overflows come they go over the railroads; they go over the dirt roads; they go over the towns and factories and freight yards and everything else; and they just put a stop to all interstate commerce within and across the valley of the Mississippi within the area of the flood.

"So much for that. The control, the ownership, and management of the levees is now single and is the control and management of the Federal Government. Something has been said, and a suggestion has been made, that perhaps this committee might report out a separate bill instead of making this a provision upon the rivers and harbors bill.

"Mr. Chairman, I want to protest against that course for a very patent reason that any man who ever served in the House of Representatives understands, and I want especially to call your attention, Senator RANSDELL, because you have served there, to this: If this is reported as a separate bill, it goes in the House upon the Union Calendar, and there is practically no way of ever getting it off except by unanimous consent. The Union Calendar in the House is just like Rule IX in the Senate. When a bill goes on the calendar under Rule IX in the Senate, you might just as well bid farewell to it, as a usual thing. This sort of a separate bill will go on the Union Calendar in the House as a mere claim and could not come up there except at certain periods, and then by unanimous consent. So much for my objection to a separate bill.

"The ACTING CHAIRMAN. Let me ask you, Senator, if it will not interrupt you, Was this matter submitted at length to the committee of the House?

"Senator WILLIAMS. Yes; I know it was. It was submitted at the last session, the last time they had a rivers and harbors bill up.

"Representative QUIN. Not at this time. It was at a previous conference.

"Senator WILLIAMS. My colleague in the other House, Mr. QUIN, tells me it was not at this session. I know it was submitted once, because I was there.

"My colleague, Senator VARDAMAN, the other day regretted my absence upon the occasion when these riparian landowners were here and were addressing you. I had no idea of addressing you on that occasion, because, of course, I am well enough acquainted with the practical course of things legislative to know that the presentation of a case which follows five or six other presentations of it goes with very little force, and I preferred to wait until I had their presentation before me for such aid as it might give me, and then to sum the whole matter up separately.

"Now, gentlemen, I come to the amendment itself. I shall take the trouble to read it, although it will take a little time. I read it now as amended. Leaving out the title, it reads:

"The claims of the landowners for the destruction of private property located along the Mississippi River, in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and the parish of West Feliciana, in the State of Louisiana, and damage thereto by flowage or otherwise, as a result of the construction of levees along and other improvements of said river, are hereby referred to the Court of Claims, with jurisdiction to hear and determine the same to judgment: *Provided*, That the landowner files a petition in said court within one year from the date of the approval of this act, and said suits, on motion of either party, may be advanced for hearing in either the Court of Claims or the Supreme Court.

"In adjudicating said claims the Court of Claims is hereby authorized to take into consideration the evidence already taken in behalf of either landowner or the Government in cases heretofore instituted in said court, where the claimant and the United States have been represented by counsel present at the taking of such evidence, and the said Court of Claims shall ascertain and find to what extent and amount any property has been damaged or injured as a result of such river improvement, and to enter judgment therefor: *Provided, however*, That if said Court of Claims finds that such damage or injury amounts to a destruction of such property, said court, before payment of its judgment, shall require the proper party to execute a deed of conveyance for the title to said property to the United States, and such judgments, if any, shall be paid as other judgments of said court are now paid under existing law.

"The reason for putting that last clause in, Mr. Chairman, was because of the suggestion made at the last session to this committee by Judge Taylor, the president of the Mississippi River Commission, with which the engineer in his recent report agrees, that this land would furnish a good deal of useful material for the improvement of the river. Nearly every little stream that comes down there from the hills is loaded with gravel, and that whole country has a good deal of willow and a good deal of cottonwood, the willow especially being very highly useful in revetment work. If it is left in the present condition, the land will run still more to willow and gravel, and it was the opinion of Judge Taylor that it would pay the United States Government to own it; certainly it would pay it better than to levee it. Certainly it would pay it better than to give us any other redress which has been suggested. All of them would be more expensive to the United States Government and without any return to it.

"Then follows in my amendment this proviso:

"*Provided further, however*, That in adjudicating said claims the Court of Claims shall permit any party who, at any time since 1890, owned or held title to said lands, or any part thereof, or interest therein, involved in the respective cases, or who, since 1890, has parted with title thereto, or become dispossessed of said lands or any part thereof, or interest therein, by reason of foreclosure proceedings for the enforcement of mortgages, tax delinquencies, or otherwise compelled to sacrifice title thereto, as a result of said injuries, to appear as a party claimant by filing an intervening petition therein, or may be made a party or parties claimant by either the original claimant or the defendant within six months after the approval of this act, setting up their right, title, or interest in and to said land, and said court shall consider the claims of all of said parties and render judgment for whatever amount said court considers equitably or justly due the respective parties, but in no case shall the total of said judgment or judgments exceed the value of the land involved in the respective cases before being so injured or destroyed, and the payment of said judgment or judgments shall thereafter forever release the United States from further liability or responsibility for any damage to said lands as a result of constructing improvements along or adjacent to said river for any purpose whatever.

"Then there follows the proviso that in no event, however, shall the total damages assessed as between the present holder and the parties formerly holding and foreclosed amount to more than the damage of a total destruction, which would be the value of the land.

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"Now, let us see about the precedents in the case.

"Senator RANSDELL. Senator, before you pass away from that, would it be satisfactory for us to limit the amount of damages that could be claimed under your amendment to $200,000?

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"Senator WILLIAMS. It would be satisfactory to me, Senator, if that is the right amount, except this, that I do not see how you would practically do it, because landowner A comes in and makes his claim, and B, C, D, and E do, and so on down the alphabet, and if it should turn out that the claims amounted to more than the $200,000, A, B, C, and D might get paid and E might be left with nothing. That is the trouble. But certainly the United States Government can well afford to leave to its own courts, where it is represented by the Department of Justice, the determination of what the actual damage has been. I would not object to some limitation if it were practically possible to make it, but I am satisfied that the real damages properly adjudicated would not go above a proper amount; but that is merely my opinion. A limitation might be made of so much per acre—say $30 for improved and $5 for unimproved lands. That is about what land was worth there when 'permanent inundation' took effect; maybe something less.

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"Senator WILLIAMS. This matter may not be of importance to the people of the United States at large, but to the people of this district it is a matter of life and death, because they have been simply bankrupted. Many of them have been foreclosed—have lost all. Their sole hope for restoration in part is here. As to the precedents for this action, Mr. Chairman, the river and harbor act of 1907 (34 Stat. L., p. 1073, and vol. 2, Laws of the U. S., Imp. R. and H., p. 1255), contained legislation similar to that set out in these amendments, and also carried an appropriation of $1,200,000, out of which any judgment rendered thereunder could be paid.

"That is not only a precedent for this legislation, but is a precedent for your suggestion. In that case they appropriated a certain amount of money and then gave authority to the Court of Claims to hear these cases, and provided that the claims should be satisfied out of this amount appropriated beforehand. The further provision then made I will read, as follows:

"Any person or corporation having any estate or interest in the premises, who shall for any reason not have been tendered payment therefor as above provided, or shall decline to accept the amount tendered therefor, may, at any time within one year from the publication of notice by the Attorney General as above provided, file a petition in the Court of Claims of the United States setting forth his right or title and the amount claimed by him as damages for the property taken; and the court shall hear and adjudicate such claims in the same manner as other claims against the United States are now by law directed to be heard and adjudicated therein: *Provided*, That the court shall make such special rules in respect to such cases as shall secure their hearing and adjudication with the least possible delay.

"Senator RANSDELL. When was this act that you are reading from passed—that first one?

"Senator WILLIAMS. 1907.

"Senator RANSDELL. Was that a river and harbor act or a special act?

"Senator WILLIAMS. It was on a river and harbor act. Then, the river and harbor act of 1881 (21 Stat. L., p. 468, and p. 33, vol. 1, U. S. Laws, Improvement of Rivers and Harbors) also contains legislation similar to that proposed in my amendments. This legislation had reference to the construction of a dam at Lake Winnibigoshish, on the headwaters of the Mississippi River, and is as follows:

"*And it is provided*, That compensation for any private property taken or appropriated for any of said improvements, and of damages to private property caused by the construction of any of said dams, by flowage or otherwise, shall be ascertained and determined under and in accordance with the laws of the State in which such private property is situated.

"That legislation, the chairman and members will notice, went further than the others and left the damages to be adjudicated by the State courts, the United States pledging themselves to pay their judgments.

"By the way, here is the language to which I referred, which the river commission used in connection with the utility of these lands, and to which I referred a moment ago, when I was unable immediately to lay my hands on it:

"The land embraced in these basins is in places covered with willow, a material that would be valuable for use in the work of river improvement, and in such cases it is desirable that the ownership should be in the United States. In fact, the earlier reports of the commission recommend that such lands be acquired for that purpose.

"They go on to say:

"The lands are capable of growing many kinds of valuable timber. They could be made to produce much material for revetment and other works of improvement in the river. If the fields were abandoned to natural growth, the land would be gradually built up by deposit and they might become highly valuable for cultivation.

"That is, in the course of time.

"But returning from this discussion to the question of precedents for my amendment, I want to call your attention to another precedent. This was the legislation giving relief to the landowners along the Fox and Wisconsin Rivers which was enacted in March, 1897, and is to be found at Eighteenth Statutes at Large, page 506. This was the subject of a House bill, No. 4573, of the Forty-third Congress, second session, which passed the House by a unanimous vote on February 24, 1875, as shown by the CONGRESSIONAL RECORD for that date. This bill was reported to the Senate the following day, February 25, and referred to the Committee on Commerce. The bill came from the Committee on Commerce with a favorable report and passed the Senate by a unanimous vote on March 3, 1875.

"The Fox and Wisconsin Rivers are farther up north. They received a unanimous report. When the bill was being considered by the Senate Mr. Howe—Senator Howe at that time—said:

"The precedent for this bill is one under which damages were adjusted for the Des Moines River improvement.

"This precedent referred to by Mr. Howe—the Des Moines River precedent—will be found in Fifteenth Statutes at Large, page 124, and became a law on July 20, 1868.

"So there are precedents of 1868, 1875, 1881, and 1887.

"The legislation giving relief to the landowners along the Fox and Wisconsin Rivers remained in force from March 3, 1875, to February 1, 1888, when it was repealed (25 Stat. L., p. 4, U. S. Laws, Imp. R. and H., vol. 1, p. 476), and as a result of the enactment of this legislation approximately 400 landowners along the Fox and Wisconsin Rivers were compensated for damage to or destruction of their lands as a result of improving the rivers. The names of these landowners will be found in the various acts of Congress making appropriations to compensate them after judgment was rendered. For instance, by the act of February 1, 1888, 127 of such cases were settled (25 Stat. L., p. 4; U. S. R. and H. Laws, vol. 1, pp. 472–476).

"These people, like my people, Mr. Chairman, had no right enforceable in any court of law. That is clearly admitted. Congress gave them a right. They had and we have only a permissible right in the forum of justice and fair dealing and ethics and common honesty. Yet this is the way Congress dealt with them, and there is no reason why, simply because they were a few degrees of latitude farther north than we, that a different course should be pursued toward my people. I repeat, the names of these landowners will be found in the various acts of Congress making appropriations to compensate them after judgment was rendered. For instance, by the act of February 1, 1888, 127 of these cases were settled. That is to be found in Twenty-fifth Statutes at Large.

"The ACTING CHAIRMAN. Can you say whether in any of those cases where appropriations were made that the Government imposed upon the districts a proportionate part of the damages assessed?

"Senator WILLIAMS. None.

"The ACTING CHAIRMAN. The Government paid them all?

"Senator WILLIAMS. The Government paid them.

"In addition to the above precedents it should be noted that the Government has in other cases compensated landowners for damage done to their land by flowage resulting from works constructed by the Government.

"Of course, that is on a slightly different footing, but by analogy it is persuasive at any rate. Of course, a dam is not quite the same thing as a dike along the banks—a dam for the purpose of giving slack-water navigation. And I, for my part, can see no difference *in principle* between a case where the Government in giving slack-water navigation to a river, puts in 10 or 12 dams, causing a great deal of property up above the dams to be constantly overflowed, and paying for the destruction, because it was virtually an actual taking, although 'consequential,' and the case of the Government building a dike along the bank of the river resulting in its turn necessarily in annual inundation, as it was anticipated to result, and known beforehand to result. The result was a deliberate and purposed act of the Government when it raised the flood level from 3 to 4 feet.

"The ACTING CHAIRMAN. I think you will find a precedent, Senator, in the case of the dam constructed by the Government at the headwaters of the Yellowstone, where they backed the water up and covered 6 acres of land.

"Senator WILLIAMS. Yes, sir; I do not know how many precedents there are for that; but it has been contended that erecting a dam for slack-water navigation and permanently overflowing land in that way was somehow a different proposition from permanent overflowing from the erection of a continuous course of levees, which are mere parallel dikes or dams, resulting in the same practical damage to the landowner.

"Senator SHIELDS. Are they not both in the exercise of the governmental power to improve these rivers for navigation?

"Senator WILLIAMS. Both of them. When the Kanawha River was given slack-water navigation by Government constructions it was expressly for the purpose of improving navigation and also increasing facilities for interstate commerce, just precisely the reasons that underlie this continuous levee work, and I can see no difference in principle between the two things. One is a perpendicular dike or dam against water and the other is a parallel dike, and both dammings of the water result in flooding, and in this particular case of mine has resulted in permanent and annual inundation. I do not mean that the water is on all the land all the year; but it is on them every year and goes off too late to make a crop. And so the result has been that by accepting the hills as a levee and as the practical bank of the river in high water we have condemned the lands to public use consequentially, it is true, and not directly, but none the less really. It was because it was done consequentially that there was no enforceable legal right in a court, but the result to the landowner and the public both is the same as if you had directly condemned the property and had bodily taken it for public use. It was practically a condemning for public use, for a public purpose beneficial to the country as a whole.

"In addition to the above precedents it should also be noted that the Government has compensated landowners for damage done to their lands by flowage resulting from other works constructed by the Government. For instance, in building what is known as the Illinois & Mississippi Canal, which connects the Illinois River with the Mississippi River at or above the mouth of Rock River, the Government not only paid the landowner for the land occupied by the canal right of way but compensated him for flowage damage to that part of his land not taken for the canal right of way, and the act of Congress provided that such compensation would be assessed and determined as provided by the laws of the State of Illinois. (26 Stat. L., 449; Ill. Const. 1870, art. 2, sec. 13; 2 Star and Curtis Annotated Ill. Stat., pp. 1763, 1770, 1790, 1793; 3 Star and Curtis Annotated Ill. Stat., pp. 3965, 3967.)

"The act of Congress authorizing the construction of the Illinois & Mississippi Canal authorized the Secretary of War to institute condemnation proceedings in the Circuit or District Court of the United States for the Northern District of Illinois sitting at Chicago. Condemnation proceedings were instituted and the decree of the court showed that the landowners along the canal right of way were paid for the land actually taken, and also for damage by flowage to the land not taken. A copy of said condemnation proceedings is on file in the office of the Judge Advocate General, War Department, Washington, D. C.

"Here is the decision of the Supreme Court of the United States in the Jackson and Hughes cases. I think you have already had it published in your hearings, but if not it ought to appear somewhere—not, however, as a part of my testimony.

* * * * * * *

"Senator WILLIAMS. The House Committee on Claims has reported a bill to give us relief, but it has undertaken to give us the relief by a separate bill, and I have told you why I do not want any separate bill. There is a report here from the House Committee on Claims, a favorable report accompanying the bill H. R. 13581, and if my memory be not at fault it was a unanimous report of the House committee. Am I correct about that or not?

"Representative QUIN. Yes, sir; that is true.

"The ACTING CHAIRMAN. Is that on the Calendar of the House?

"Senator WILLIAMS. Yes; but under the rules of the House bills of this sort go to the Union Calendar, and it is worse than Rule IX in the Senate. One can not get it up except by unanimous consent, and of course in a matter of this sort there would be somebody to object, I suppose.

"This committee report uses some language which I desire to read and insert:

"The Committee on Claims, to whom was referred the bill (H. R. 13851) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the parish of West Feliciana, State of Louisiana, having considered the same, report thereon with a recommendation that it do pass.

"The bill under consideration carries no appropriation, but as recommended by the river commission and officers of the War Department refers the claims of the landowners in these counties to a court for adjudication.

"The relief sought by this bill is the legislation prayed for by joint resolution No. 14, which passed the Legislature of the State of Mississippi and was approved by Gov. Noel on February 15, 1910 (see Laws of Mississippi, 1910, p. 109, ch. 363), and by another joint resolution which passed the legislature of that State by a unanimous vote last June. Both of these resolutions memorialized Congress, and especially the Representatives in Congress from Mississippi, to enact legislation similar to that set out in the bill under consideration.

"In the first session of the Sixty-first Congress a similar bill (H. R. 6467) was referred to this committee, and by the committee referred to the War Department, and by that department to the Mississippi River Commission for report. That commission, on April 1, 1910, in returning said bill to the War Department, reported as follows:

"'There is no doubt that the lands and other property referred to in the bill have been more or less damaged by the construction of the levees along the lower Mississippi River which have been built in recent years under the direction of the Mississippi River Commission. * * * At the same time the United States has been benefited by the general improvement of the river for navigation.'

"That reminds me that some time last session Senator GALLINGER, of New Hampshire, said that we people coming here for largess from the Government to get appropriations to build levees wanted to come back and get damages after having built them. That is the old logical fallacy, Mr. Chairman, of a double middle. The people getting the benefit from the levee system are one set of people, and the people who are receiving the damage from the levee of which I complain are another set of people. The people who are being benefited by the levees are not coming here to solicit compensation for damages, but the people who have been damaged by the construction which inured to the welfare of others and to the public welfare are the ones who are coming.

"Prior to this continuous levee system these lands on this east bank, between Vicksburg and Baton Rouge, have been from 4 to 10 feet higher—in some cases as much as 10 feet higher—than they were on the opposite bank of the river, and were never damaged except in epochal overflows, like 1828 and 1882, and probably 1862. So that the fact that the balance of the United States is benefited by the general improvement of the river is regarded by the Mississippi River Commission, differing from Senator GALLINGER, or from what seems to be his opinion, not as a reason why these people should not be paid for the damages, but as a reason why they should be paid. The Mississippi River Commission is right in that, and not he.

"After further stating the facts as to the damage to the east-bank lands in these counties, on the question of the relief provided in said bill for the landowners, the commission said:

"'It would be desirable to have some court or special commission do this, if possible, as a matter of justice to everybody; and if such court is to act at all, it seems just and equitable that it should consider the cases of all landowners affected, without reference to any time limitation.'

"The recommendation made by the Mississippi River Commission to the Chief of Engineers, and by the Chief of Engineers to the Secretary of War, as above referred to, is in all respects similar to the recommendations made by the river commission in its annual reports whenever reporting on the subject of the damage done to these lands. Particular attention is called to the commission's report for 1910, pages 2937–2939, and to House Document 1010, Sixty-second Congress, third session, and especially to paragraph 84, page 12, where it is stated that it was desirable that the title to these east-bank lands should be in the Government, and that the early reports of the commission recommended that said lands be purchased by the Government for use in its work for river improvement. Said House Document 1010 is a report made by the Mississippi River Commission in accordance with a provision of the river and harbor act approved July 25, 1912, which appropriated $30,000 for the purpose of investigating the claims of these landowners and to survey said lands.

"The relief provided for in this bill is, in all respects, similar to the relief granted to the citizens along the Fox and Wisconsin Rivers by the act of March 3, 1875 (18 Stat. L., pt. 3, p. 506, chap. 166, and 25 Stat. L., p. 24).

"Skipping a part of this report, I now read from page 3, as follows:

"From Delta Point, opposite Vicksburg, to West Baton Rouge the flow of the high waters is obstructed by that part of the levee system on the west side of the river, and they are now compelled to flow over the space between that part of the levee system west of the river and the foothills east of the river in Mississippi, and which space does not have an average width of over 3 miles. This stretch of territory on the east side of the river from Vicksburg to Baton Rouge is very irregular in its width, for the foothills at several places abut on the river, as at Vicksburg, Grand Gulf, Rodney, Natchez, Ellis Cliff, Fort Adams, Tunica, and Bayou Sara or St. Francisville, making six small V or U shaped basins.

"From Baton Rouge south, instead of flowing over a territory 60 or 70 miles wide to the Gulf as formerly, the high waters of the river are now compelled to flow over the space between that part of the levee system constructed east and north of the river and that part of the said levee system constructed west and south of the river, which does not have a width of more than 2 or 3 miles at any point, and in this way the free flow of the high waters in their course to the Gulf is obstructed on both sides of the river. The Mississippi River Commission has established a grade and height for levee construction along the river which is from 3 to 5 feet above the highest known water, and the levee system as now constructed is, in the opinion of Col. Townsend, president of the Mississippi River Commission, sufficient to withstand all ordinary high waters. (P. 96, Hearings on H. R. 1749, before House Committee on Rivers and Harbors, Dec. 3 and 4, 1913.)

"In addition to these obstructions to the free flow of the high waters of the river south of Vicksburg, the high waters are brought from Cairo south, diverted from their natural course, and confined between two lines of levees, as before stated, to the mouth of the Yazoo River, over a territory only about one-twelfth as wide as that over which the high waters flowed before levee construction, and at Brunswick, just north of the mouth of the Yazoo River, these diverted and confined waters are turned loose in volume much greater and with a current more forceful and destructive than before levee construction, on the land in these counties lying between the foothills east of the river and the line of levees west of the river, with the result that said lands on the east bank of the river between the foothills——

"The ACTING CHAIRMAN. As far back as 10 miles from the river sometimes, did you not say?

"Senator WILLIAMS. Yes; in some places, and generally varies from 2 to 6 miles, but in some places it is as much as 10. The United States have connected the levees with the foothills at Baton Rouge and connected them with the foothills at Vicksburg.

"I call this to your attention because some gentlemen have said that while this was admitted to be a consequential damage that it was also an unintentional damage. Every man and every government is presumed to intend the natural and necessary consequences of his or its own acts. You gentlemen upon this committee knew—you were too well informed not to know—that while it was contended that confining a great river would not increase its average level or its low-water level, that it must necessarily always increase its high-water level.

"In the Mississippi River Commission's annual report for 1894 the river commission states very fully the injuries done the east-bank lands, and gives as a reason therefor the following:

"The subject has been thus fully presented in order that Congress, with the facts before it, will take such action in respect thereto as shall in its wisdom seem best and with a request that it may receive the early attention which its importance merits.

"Then in the report for 1895 the commission renews that recommendation. This is its language. It says:

"Renews the recommendation there made that some provision be made by Congress for the adjustment of the equitable claims in such cases.

"Third. In the annual report of 1896 reference is made to the same subject again, and the recommendation again repeated. Then, for the fourth time, in their annual report for 1910 they call attention to it and reenforce the previous representation. The river commission's report for 1910 states that the east-bank lands in these counties are 'permanently inundated'—mark you, Mr. Chairman, this is the language of the commission—'permanently inundated,' as a result of the construction of the levee system.

"Here is another thing that is brought out splendidly in this House report and I want to call it to your attention, because it is such a graphic statement of the actual situation of things. It reads:

"The area of this basin is 1,240,050 square miles, or about 41 per cent of the entire area of the United States, exclusive of Alaska and outlying possessions. That this is also a national question is further shown by the fact that the accumulated waters which the Government's levee system brings down the improved channel of the river and turns loose and diverts upon the lands of the east-bank citizens of these counties comes from 31 States of the Union, which makes the Mississippi River confined within the Government's levee system the drainage ditch of said 31 States, comprising, as heretofore stated, almost half of the territory of continental United States.

"It is a fact admitted in reports by the officers and agents of the United States charged by acts of Congress with the construction of the Government's levee system that the confinement and diverting of the waters from these 31 States has resulted in the destruction of the east-bank lands in these counties, and has driven the landowners from their homes and caused the abandonment of said lands for cultivation, and said lands before the inauguration and construction of the levee system by the Government had been successfully and profitably cultivated by the owners thereof for generations; i. e., ever since the settlement of the State of Mississippi along that section of the river, and the city of Natchez (Fort Rosalie), in Adams County, is one of the oldest settlements in the State.

"The east-bank lands in these counties were, before the construction of the Government's levee system, in their natural location, much higher than the lands along and on the west side of the river in the State of Louisiana and of considerable value, while the lands in the State of Louisiana on the west side of the river were not so valuable as agricultural lands, and since the inauguration and construction of the Government's levee system the lands protected by and behind the levee system have become much more valuable and are to-day being successfully and profitably cultivated and are valuable sugar and cotton plantations, while the east-bank lands in these counties have been destroyed and abandoned and have no agricultural value.

"Gentlemen, this is a right serious thing. I need not tell you, Mr. Chairman—because you spent your early days in that neighborhood—that perhaps the very flower of the wealth, culture, and civilization of the State of Mississippi was in and around the town of Natchez, and was illustrated by the planters who lived in this very section. They had the handsomest homes, they had the best cultivated lands, and they had the best system of agriculture of any people in all that country, and that has been totally destroyed for the public benefit, and the public which is benefited by the destruction ought to pay for it.

"I do not know how I could make that situation appear in language as strong and as distressful as is the actual fact.

* * * * * * *

"Here is still another part of this House report that I recommend to you. It reads:

"Notwithstanding the fact that Congress made appropriation to improve the river and to 'prevent destructive floods' the work done in accordance with the plans of the river commission to improve the river caused the east-bank lands in these counties to be subject to 'destructive floods,' and as foretold by the river commission in its annual reports

"I will not read all of this report, which, however, I recommend to the perusal of the members of the committee, and I shall ask the stenographer to have such parts of it as I have lead-penciled on the side put in the hearing as having been referred to by me immediately after what I have read.

"The matter lead-pencilled and desired to be inserted is as follows:

"For the last several years the acts of Congress making appropriations for the improvement of the river each year provided for the construction of levees forming the levee system in accordance with the plans of the river commission which was to construct a connected and continuous levee system, the first act of Congress providing for the construction of levees being that of September 19, 1890. Later acts of Congress, however, made appropriations not only for the construction of levees and to improve and give safety and ease to the navigation of the river, but also provided for the improvement of the river in accordance with the plans of the Mississippi River Commission as approved by the Secretary of War, to prevent destructive floods and promote and facilitate trade, commerce, and the Postal Service (see river commission's report, 1905, p. 3). Notwithstanding the fact that the Congress made appropriations to improve the river and to 'prevent destructive floods' the work was done in accordance with the plans of the river commission to improve the river caused the east-bank lands in these counties to be subject to 'destructive floods,' and as foretold by the river commission in its annual reports.

"The flood of 1912, the bulk of which came from north of Cairo, Ill., being confined between the levees on both sides of the river composing the levee system, was too large to be contained within this limited space and overtopped the levees in places, causing great damage and suffering to the landowners and their tenants behind and protected by said levees and owning and living on land which the construction of the levee system had made very valuable. The Congress came to the relief of these flood sufferers of 1912 and appropriated $1,500,000 to care for and protect them and their property. Not one foot of land in these counties along this section of the river on the east bank has in any way been benefited by the construction of the levee system, but, on the other hand, has been destroyed. The appropriation of $1,500,000 for the relief of the flood sufferers of 1912 was not for the benefit of those east-bank citizens, but was for the benefit and relief of citizens owning and living on land behind the levees. Maj. Normoyle, of the United States Army, in his report of the disbursement of this relief fund appropriated by Congress, refers to these east-bank lands as 'abandoned lands.' Maj. Normoyle's report is published as House Document 1453, Sixty-second Congress, third session, and the map accompanying it shows the overflowed territory in the locality of the east-bank lands in which he operated for the relief of the 1912 flood sufferers to be west of the river, and behind the levees on that side of the river, and this notwithstanding the fact that all east-bank lands west of the foothills were overflowed. The reason for this is easily explained. The landowners and the tenants of the east-bank lands had been theretofore driven from their lands and homes, and said lands abandoned by them as a result of the construction of the levee system.

"Another view of this matter and the change effected by the construction of the levee system can be obtained by referring to the fact that before the construction of the levee system the high waters of the river periodically flowed over 29,790 square miles and had a free flow from Cairo without continuous obstruction on either side of the river to the Gulf of Mexico. Since the construction of the levee system 26,569 square miles are protected by the levees composing said levee system. In other words, before the construction of the levee system the high waters flowed over 29,790 square miles of territory, and since the construction of said levee system the high waters are obstructed and compelled to flow over a territory of only 3,221 square miles, showing that the high waters are now compelled to flow over a territory approximately one-tenth as large as that over which it flowed before being obstructed and diverted by levee construction. Instead of flowing as formerly over this large territory in a thin sheet, the high waters are now compelled to flow over a smaller territory in a much thicker sheet, or to a greater depth, and the space being only one-tenth as large the lands lying adjacent to the river where no levees have been constructed are flooded much more frequently than before levee construction, for the reason that it requires less water to flow them, and the construction of levees on both sides of the river—north of their lands and on the west side of the river in front of their lands—brings more water down the main channel than flowed there formerly.

"In order to secure relief at the hands of Congress numerous citizens in these counties owning east-bank lands organized the 'Association for relief to riparian owners of eastern bank of Mississippi River,' of which J. D. Frazier, of Rodney, is president; John F. Jenkins, of Natchez, Miss., secretary; and A. B. Learned, of Natchez, Miss., treasurer. The executive committee of said association consists of two members from each of the five counties, and is as follows: Dr. C. S. Highland and H. C. McCabe for the county of Warren, R. L. Hamilton and J. C. McMartin for the county of Claiborne; Hon. Jeff Truly, a former president of the Supreme Court of the State of Mississippi, and J. D. Frazier for the county of Jefferson; A. B. Learned and J. S. Chambliss for the county of Adams, and John F. Jenkins and C. Striker for the county of Wilkinson. Said association prepared a 'memorial and petition to the President and Congress of the United States,' which was presented to Congress on the 11th day of January, 1912, and published at page 893 of the CONGRESSIONAL RECORD for that day.

"As far back as 1894 the Mississippi River Commission, in its annual reports for that year, reported to Congress the damage done to the east-bank lands in these counties by the then partial construction of the levee system, and also informed Congress that 'it is not to be doubted that an immediate effect of the confinement of the flood discharge of the Mississippi River by levees is to raise the high-water plane' and that it 'will have the effect in increasing degree as the system approaches completion,' and in the same report further stated that 'it must be recognized that the result will be to inflict some, and perhaps great, hardships upon the owners of lands in the unprotected areas described'; that is, on the east bank in these counties, and said commission in the same report for 1894, after submitting the facts fully to Congress, made 'request that it may receive the early attention which its importance merits' at the hands of Congress, all of which is set out in the commission's report for that year, pages 2713–2715, and printed on page 9 of said House Document 1010, Sixty-second Congress, third session.

"As stated by the Mississippi River Commission in its report for 1910, 'the situation (of these east-bank citizens) is pathetic and distressing in the highest degree. That these people should be condemned to perpetual inundation without possibility of relief or redress for the sake of an improvement from which their fellow citizens are enjoying great benefits is intolerable to any man's sense of justice,' and 'the lives of the landowners are passing away and hope deferred is making their hearts sick.'

"The Mississippi River Commission has recommended that the Government take title to said east bank lands in these counties, and if the relief which these east-bank citizens seek is given to them by Congress as set forth in said bill, the Government, under recent court decisions, becomes the riparian owner of the east-bank lands when the east-bank citizens are compensated for them. These east-bank citizens are not seeking a gratuity at the hands of Congress, but the Government will, when compensating said landowners for their property destroyed, receive in return the title to said lands, and, in fact, has had the use of said lands for several years. The construction of the levee system, as said by Senator WILLIAMS on the floor of the Senate February 21, 1913, 'virtually made their lands a part of the channel of the Mississippi River' and 'virtually condemned for public purpose without compensation some of the fairest plantations which ever existed in that country.'

"The claims of the landowners in these counties are those referred to by Senator GALLINGER on the floor of the Senate January 16, 1914, when he said, 'I am inclined to think those people have a pretty good claim.' (CONGRESSIONAL RECORD, Jan. 16, 1914.)

"The lands in these counties are the same lands referred to by Senator CHAMBERLAIN on the floor of the Senate January 22, 1914, when he said:

"'Ruined, Mr. President, if you please, because Congress had appropriated money to improve the navigation of the Mississippi River, and these improvements resulted in changing the channel of the river and washing out the lands on the opposite side.

* * * * * * *

"'I happen to know something about it. I was born in Mississippi. * * * I have walked along the levees, if you please, and seen that those levees have changed the channel of the Mississippi River and washed out the lands on the other side.' (CONGRESSIONAL RECORD for that day, p. 2176.)

"The United States Court of Claims was created and given certain general jurisdiction for the relief of citizens and 'to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government,' and ever since it was created Congress has from time to time frequently given it additional jurisdiction in special cases to further relieve Congress or an executive department and at the same time give relief to citizens who had grievances against the Government and who under the first amendment to the Constitution are guaranteed the right to petition the Congress for the redress of their grievances.

"Precedents for giving the Court of Claims additional jurisdiction in special cases are numerous, and some of them will be found in the Statutes at Large, as follows: 18 Statutes at Large, pages 506, 507; 25 Statutes at Large, page 1010.

"I notice that my colleague, Senator VARDAMAN, said that the 'question before the committee is an amendment to this bill introduced by Mr. WILLIAMS, which provides that the Federal Government shall reimburse, take over, pay to the people owning land on the east bank of the Mississippi River from Brunswick, Miss., to Bayou Sara, La.' That is not quite an accurate statement of it. It provides only for taking over and paying the full value of the land in cases where the entire tract has been totally destroyed and subjected to annual overflow and where the court shall determine that there has been such a total destruction. It is only in such cases that the land is taken over and the title given to the Government. In cases where there has been partial damage, of course the court will find only partial damage and there will be only a partial payment.

"I want to call to your attention, to refresh your memories, to what Capt. Jenkins told you—that most of these lands were lands that came to these people by inheritance. They were not sold and bought recently with the idea of speculating upon the Government. There is nothing of that sort in this. These lands are inherited lands. When that part of Mississippi was first settled it was settled by people coming up the river from Louisiana, from New Orleans, and by people coming down the river from French settlements near St. Louis, and then some people trekking across the wilderness about the time of the Revolution. Some of these lands that have been thus destroyed, Mr. Chairman, have been in the ownership of the same family and in constant cultivation 100 years and more; some of them have been in the ownership of the present families since before the Spanish cloud upon the title of that Natchez district was dissipated and before it became indisputably United States territory. These people, their lares and penates, and all that, have been sacrificed for the public good, and the public has received benefits—I have received benefits; you, Mr. RANSDELL, have received the benefits of that sacrifice; not only your and my constituents, but in our two cases we ourselves personally—and yet we are to be told that merely because those who were sacrificed for our benefit have no legal right enforceable in a court, because of the technical point of its being 'consequential damages' against the Government exercising its sovereign power of improvement of navigation, that therefore they are to receive no redress at all.

"What would a man say about an argument of that sort used in connection with a man who had been damaged in the public service, crippled by machinery belonging to the Government, if it had been used about that woman down here in the Census Office who had her scalp torn off by the Government machinery? She had no enforceable legal right. Nobody was absurd enough to suppose she had, and yet Congress very properly took the position that, being engaged in work for the benefit of the public and being injured as a consequence of that performance of

work, she was entitled to damages in the court of justice and ethics and fair play. Now, of course, nobody is permitted to sue a Government except upon conditions set forth and prescribed by the Government itself—upon an express grant by the Government of the right to sue. There is no statute of the United States which gives my left-bank people in this distressful condition a right to sue the Government. Do not let that bother you. If you will read the decision of Judge White in the Jackson and Hughes cases, you will see it went off merely upon the point that there was no enforceable right in a court of justice. There could not be any except by a statute. That is all that these cases decide, and they ought not to prejudice this case in the slightest degree. The relief ought to go as a provision upon the rivers and harbors bill, so that the same bill which metes out the benefit to the inhabitants of the valley in the shape of improvement and protection of their lands shall be charged with the payments to those who incidentally were damaged by the benefits thus conferred upon all.

"That is about all I wanted to say, and if there are any questions that Senators want to ask me, I shall try to answer them, if I know how. If there is any difficulty in any of your minds further than those I have mentioned, which I have tried to obviate, I shall be glad to address myself to that.

"The ACTING CHAIRMAN. I think you have gone into it quite fully, Senator, with what we had before.

"Senator WILLIAMS. I am much obliged to you. I wish you would do me the personal favor of calling the attention of each of the absent members of the committee to this and ask them to please read it; that it is a matter of a good deal of importance to these people."

Mr. WILLIAMS. Here follows a letter written by me to Senator BURTON to clear up certain further points:

UNITED STATES SENATE,
COMMITTEE TO AUDIT AND CONTROL THE
CONTINGENT EXPENSES OF THE SENATE,
*May 25, 1914.*

Hon. THEODORE E. BURTON,
*United States Senate.*

MY DEAR SENATOR: You requested me to get a memorandum showing possible amounts that might be given by the court in compensation for damages under my bill, and I inclose the same herewith. (See "A.")

There seems to be in your mind and in the minds of some of the other committeemen an idea that all these areas, including the whole 884,000 acres of land, are to be paid for as totally destroyed; also an idea that $30 an acre for cleared land, which I fix as the maximum, would be a fair or the expected price for all the cleared lands within the area; also that $5 an acre for woodland or unimproved land, as I have fixed as the maximum for it, would be a guide for all lands of that character and area.

This is very far from being the fact. In many places only a fourth, in some places only a half, and in some places only two-thirds of a holding has gone to permanent inundation. In some few cases the whole place has gone that way. The lands between the Mississippi River and the Walnut Ridge down below Vicksburg, just like the lands between the Yazoo River and the Walnut Ridge, north of the mouth, vary very much in value, more than in any other part of the Delta. They run from the very highest character of rich alluvium—6, 7, 10 feet deep—to lands which have had sand and gravel from the hills washed over them by the freshets. While $30 would be a maximum for the best of these lands, some of them would not be worth over $8 and never were worth over $8, and no court would find that they were. In between these two figures they would vary.

Many of these places were composed, and while the planter could get the land they were preferably composed of part rich valley land and part foothill land, upon the former of which cotton or corn were raised and upon the latter of which cabins and gins were built and pastures held.

The same variation takes place as regards the wooded lands, some of them being in cottonwood and willow and commercially, therefore, worth very little; some are in hardwood, which constant overflow destroys. These lands were worth varying sums at the time this unfortunate condition came into full play.

I am the owner of land up about Satartia, on the east bank of the Yazoo River and between the river and the hills, and I know this sort of country intimately. Some of it is worth nothing, except to let Bermuda grass grow on it for pasture, though some of the land is worth much more now than it was when this injury took place, because the people in that country are going much more into cattle raising. But the greater part of the lands like those have not been touched by the water, and not only would there be no reimbursement for their value but no damage to them at all.

Of course no man can see in advance what would be the sum total of the judgments of courts in case this jurisdiction were conferred; but any man with any experience with matters of this sort knows that when a limited time is fixed wherein suit must be brought a great many landowners for very many reasons, some of a set purpose partially because they have other things in view, and some through carelessness, never file any claims at all. It has been suggested to me that in some cases of this sort only 25 per cent of possible claims have been filed. But, of course, all that is mere guesswork, though it be guesswork founded upon observation of past happenings of like character.

I fix those maximum prices because that was what I would have sold my lands between the Yazoo and the foot ridges at about the time that I would apply the valuation; that is, in the early nineties. Land is worth more now, but I value its taking it then. The levee question has had no bearing upon my land to which I referred. I am not a claimant in any sense, and have not any lands on the Mississippi River. I can not even assume that all the cleared land of the Natchez area has been totally destroyed, nor absolutely all of it has been damaged even, and very much of the uncleared land is worth just as much as it was ever worth for the cottonwoods and willows upon it, and this is the part which the Government would want for use and would pay what it could buy other like lands for elsewhere. It is to be also kept in mind that the judgments of the courts would be paid as rendered, and not all at once.

The rule of assessment of land in my immediate section is three-fourths of the actual value, although, of course, their assessment laws will not be always strictly carried out. If every acre, therefore, of the cleared land was counted as highly improved land and $30 compensation paid for it, and every acre of woodland or unimproved land was paid for in the maximum of $5 an acre, by adding one-fourth to the sum of $2,974,114 you can get the total possible judgments for taking and damage—this upon the assumption that everybody brought suit and every acre was paid for at the maximum. I do not suppose if the court did its duty properly it would render judgment for one-third of the cleared lands at the maximum as being totally destroyed and worth full value, and not for over one-half of the other lands at their maximum.

However, I repeat, this is only guessing and your guess is as good as mine. It is hardly what a southerner would "reckon" on; I would have to do like the people north of the line and just "guess."

I am sorry I can not give you any more definite data, but I know you will see readily that it is impossible for me to do it with any degree of intellectual integrity. I am, with every expression of regard,

Very truly, yours,

JOHN SHARP WILLIAMS.

P. S.—There is another matter to which I wish you would likewise call Senator RANSDELL'S attention: In reading over my bearing in the argument in which I sought to show that the local districts and the United States Government had already been paid according to their savings on levee construction, I referred to levees costing half a million dollars.

I must have had in my mind the computation which I made at the time I introduced the bill for building levees in a certain restricted area. In that bill I named $350,000, and then I roughly calculated in my mind at the hearing that a subsequent extension of the line in that immediate neighborhood would bring it up to half a million.

It seems evident now from reading it that Senator RANSDELL had in his mind the construction of levees all down the whole stretch, including the lands to which Senator SHIELDS refers, and the lands to which he himself referred, and the lands in my original bill, and the lands in my extended line. I am informed, though I have not time to look into it, that Document 1010, referred to above, states that all those levees would cost $5,000,000. That, even, is rather a maximum statement, but I want to take the maximum statement so that my argument will be fair. In other words, the United States Government and the different levee districts have saved $5,000,000 by adopting the Walnut Ridge as a levee instead of erecting levees, and my argument holds good that the levee districts if those levees had been erected would have been compelled to pay their proportionate share, and that they have therefore already received their proportionate benefit and will hereafter, no matter what amount is paid out as compensation for these lands, be compelled to bear their proportionate share of the expense automatically, not by law, but because they pay their proportionate share of every rivers and harbors bill.

My answer to Senator RANSDELL'S question was a weakening of my own argument.

Very truly, yours,

JOHN SHARP WILLIAMS.

A.

*Memorandum showing acreage and land values as given by House Document 1010, Sixty-second Congress, third session.*

| | Cleared. | Swamp or wood. | Assessed valuation. |
|---|---|---|---|
| | *Acres.* | *Acres.* | |
| Brunswick-Vicksburg | 142,104 | 537,211 | $2,306,246 |
| Vicksburg-Grand Gulf | 2,930 | 18,024 | 56,009 |
| Grand Gulf-Rodney | 2,163 | 12,337 | 16,325 |
| Rodney-Coles Creek | 4,294 | 12,345 | 57,900 |
| Coles Creek-Natchez | ..... | 13,048 | 44,848 |
| Natchez-Ellis Cliffs | 3,800 | 12,737 | 86,365 |
| Ellis Cliffs-Fort Adams | 9,731 | 49,631 | 204,739 |
| Fort Adams-Tunica | 12,838 | 1,103 | 56,822 |
| Tunica-Bayou Sara | 3,000 | 30,143 | 112,687 |
| Bayou Sara-Baton Rouge | 1,920 | 16,320 | 31,632 |
| | 182,830 | 702,899 | 2,974,114 |

House Document 1010 fixes the assessed value of this land at $2,974,114. The general rule of assessing land throughout the country is to assess it at three-fourths its actual or market value.

Mr. WILLIAMS. Before I take my seat I express the hope that the amendment offered will be accepted.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi [Mr. VARDAMAN].

Mr. VARDAMAN. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN], which I transfer to the Senator from Nevada [Mr. NEWLANDS], and vote "nay."

Mr. GOFF (when his name was called). Transferring my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Wisconsin [Mr. STEPHENSON], I vote "nay."

Mr. JOHNSON (when his name was called). I wish to announce my pair with the junior Senator from North Dakota [Mr. GRONNA] and the transfer of that pair to the junior Senator from New Jersey [Mr. HUGHES]. I vote "nay."

Mr. ROOT (when his name was called). I have a general pair with the Senator from Colorado [Mr. THOMAS]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE], and vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]; but I understand that if he were present he would vote with me upon this proposition. That being the case, I will take the liberty of voting. I vote "yea."

The roll call was concluded.

Mr. LEA of Tennessee. I desire to announce the necessary absence of the junior Senator from Kentucky [Mr. CAMDEN], on account of illness.

Mr. PAGE. I desire to announce the necessary absence of my colleague [Mr. DILLINGHAM], and to state that he is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withdraw my vote.

Mr. SMITH of Maryland (after having voted in the negative). I failed to state that I have a pair with the Senator from Vermont [Mr. DILLINGHAM]. However, I transfer that pair to the Senator from Virginia [Mr. MARTIN], and will let my vote stand.

Mr. STONE. I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. SMOOT. I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New York [Mr. O'GORMAN];

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS], by leave of the Senate, and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. PERKINS (after having voted in the negative). I inquire if the Senator from North Carolina [Mr. OVERMAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. PERKINS. I have a general pair with that Senator, which I transfer to my colleague [Mr. WORKS] and will permit my vote to stand.

The result was announced—yeas 17, nays 32, as follows:

YEAS—17.

| | | | |
|---|---|---|---|
| Clapp | McCumber | Reed | Vardaman |
| Kenyon | Myers | Sheppard | Williams |
| Lea, Tenn. | Pittman | Shields | |
| Lee, Md. | Poindexter | Stone | |
| Lewis | Ransdell | Townsend | |

NAYS—32.

| | | | |
|---|---|---|---|
| Ashurst | Goff | Page | Smith, Md. |
| Bankhead | Gore | Perkins | Smith, S. C. |
| Borah | Johnson | Pomerene | Smoot |
| Brady | Jones | Root | Sterling |
| Bryan | Kern | Shafroth | Thompson |
| Burton | Lane | Simmons | Thornton |
| Crawford | McLean | Smith, Ariz. | West |
| Fletcher | Norris | Smith, Ga. | White |

NOT VOTING—47.

| | | | |
|---|---|---|---|
| Brandegee | Dillingham | Martin, Va. | Shively |
| Bristow | du Pont | Martine, N. J. | Smith, Mich. |
| Burleigh | Fall | Nelson | Stephenson |
| Camden | Gallinger | Newlands | Sutherland |
| Catron | Gronna | O'Gorman | Swanson |
| Chamberlain | Hitchcock | Oliver | Thomas |
| Chilton | Hollis | Overman | Tillman |
| Clark, Wyo. | Hughes | Owen | Walsh |
| Clarke, Ark. | James | Penrose | Warren |
| Colt | La Follette | Robinson | Weeks |
| Culberson | Lippitt | Saulsbury | Works |
| Cummins | Lodge | Sherman | |

So Mr. VARDAMAN's amendment was rejected.

Mr. LEA of Tennessee. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert, after the word "authorized," in line 8, the following:

Or heretofore favorably recommended by the Chief of Engineers and included in H. R. 13811 as said bill passed the House of Representatives.

Mr. LEA of Tennessee. Mr. President, I have but little hope that the amendment which I have offered will be adopted. The temper of the Senate is such that I feel sure it will not be adopted. The Senate has not yet recovered from the fright of the filibuster. I want, however, to make complete the record of yesterday of delegating to a board the powers conferred upon Congress by the Constitution, a power which we ought to exercise ourselves, and to complete the record of our confession of being unable to legislate intelligently upon this subject.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee.

Mr. SIMMONS. Mr. President, I simply want to say that the effect of this amendment would be to adopt all of the new projects which were contained in the substitute reported to the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. The question now is on the adoption of the amendment in the nature of a substitute for the bill as recommended by the committee.

The amendment was agreed to.

Mr. SIMMONS. Mr. President, there are a few matters that I want to read into the RECORD before the final vote is taken upon the bill.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole.

Mr. SIMMONS. Very well. I will wait until the bill shall have been reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. SIMMONS. Mr. President. I am one of those who believe that the Government of the United State should pursue a more liberal and a broader policy with reference to the improvement of our waterways than it has heretofore pursued, and I wish before this debate closes briefly to give my reasons for believing that the policy heretofore pursued has been both narrow and shortsighted.

Of the three methods of transportation, namely, roads, waterways, and railways, it goes without saying that water transportation is by far the cheapest, and with respect to a certain class of products is nearly, if not quite, as expeditious.

I have in my hand a pamphlet prepared by Mr. S. A. Thompson, who has given much study to the subject of transportation, showing the relative cost in this country of transportation by rail and by water. It is stated in this pamphlet—and I think the figures given are reliable—that the average rate received by the railroads of the United States in 1907 was 7.82 mills per ton-mile, while the average rate per ton-mile on goods carried into and out of Lake Superior in that year was eight-tenths of 1 mill. This pamphlet says:

We have yet no completely improved rivers, but the Army Engineers say that when the work now under way on the Ohio River is finished transportation can be conducted thereon for one-half of 1 mill per ton-mile.

It is evident from these figures that the failure to utilize our waterways to the fullest extent as mediums of transportation in the assembling and distribution of the products of the farm, the factory, the mines, and the forest is a fearful economic waste, and puts the American producer, whether farmer or manufacturer, at a disadvantage in the sale of his products in competition with foreign producers both at home and abroad.

To my mind there is nothing of more vital importance in connection with our industrial situation and our future progress and prosperity than the improvement and development of our magnificent system of inland waterways and the adoption of a national policy which will lead to their utilization.

It is said that we have already spent large sums of money on our rivers and that there has been no increase, but a falling off, of river-borne commerce.

Mr. President, it is true that, compared with the amount of business done upon our rivers before the development of our splendid railway system, there has been a falling off in that commerce. A part of it has been absorbed by the railroads, as was natural, and another part, as I shall show later, has been deliberately stifled by the railroads. But it is not true that, compared with the magnitude of the work, compared with the

total mileage of our interior waterways which have been and are now under Government improvement, the sum expended in the aggregate has been large. On the contrary, if you will take the average amount annually expended upon these rivers, its smallness and insufficiency, considering the magnitude of the undertaking, is apparent.

We do not have to go far to find the reason why our river commerce has not developed along with our commerce by rail. It is due to two facts: First, because we have not put our rivers in suitable condition by properly improving their channels and by requiring the railroads with which they connect to provide physical connection with them and to accord to them the use of their terminal and dock facilities. Secondly, because under the law as interpreted the railroads have been given a free hand to destroy water commerce, and they have not failed to take advantage of the opportunity thus afforded.

Now, with respect to the manner in which we have improved our rivers and harbors, in the first place, under the policy which has heretofore obtained, the amount expended for this purpose has been too small for effective work. Take the period when the Senator from Ohio [Mr. BURTON] was chairman of the Committee on Rivers and Harbors of the House, beginning with 1899, up to 1909, inclusive, when the average annual appropriation for maintenance and construction work for both rivers and harbors was only about $21,000,000. Deduct from this the amount necessary for maintenance and for work upon harbors and it will be seen what a small amount was left for constructive river improvement work. When you consider the fact that during this period there was something around 25,000 miles of inland waterway under Government improvement, the sum seems pitiably inadequate.

I have not the figures to show how much of this $21,000,000 was spent for maintenance of rivers and harbors. It is certain that a very considerable amount was used for this purpose; but if the whole of it had been used on our rivers, it was less than a million dollars to a thousand miles of waterway.

We have spent more upon our rivers since we have adopted the policy of annual appropriations, and if this policy is adhered to and the amount appropriated is sufficient to do the work expeditiously, to save the waste of disorganization, reorganization, and deterioration, when work is suspended even for a short time on account of lack of funds, we will in a reasonable lapse of time be able to put the channels of our rivers in fairly good condition.

In connection with the improvement of our rivers so as to make them serviceable as means of transportation in competition with rail transportation, we must consider the fact that the conditions of successful water transportation have radically changed from what they formerly were. The river steamboat of olden times has, except in purely local traffic, become obsolete. It is not sufficiently economical to meet the requirements of competition. Modern conditions require, in water transportation as in rail transportation, the adoption of the most economic methods, and the most economic vehicle of river commerce is the barge—not one barge, but a train of barges—pulled by one powerful tug.

Germany, probably, of all countries of the world has developed its water transportation to the highest state of perfection. Her rivers are not deep, but their channels are in good condition. Her terminal facilities and physical railroad connection at stopping points are of the best. If you will go to that country and visit the Rhine you will see that stream full of barges, from ten to twelve hundred tons capacity each, six, eight, and even more of them linked together and drawn up and down the river with one powerful tug, with perfect arrangements for loading and unloading, and with economic physical connection with the railroads which receive their cargoes and distribute them into the interior. If our waterways are to become as efficient for the needs of cheap transportation as they have become in Germany, we have got to put the channels of our rivers in condition for this kind of traffic, and in addition there must be adequate terminal facilities and rail connection.

Our failure to take thought of these things and to provide for them accounts in part for the backwardness of water transportation in this country.

I repeat, Mr. President, that one of the reasons why our efforts in the direction of waterway improvement has met with so little success, why our river improvement work has advanced so slowly, why our water commerce has not increased but has actually decreased, notwithstanding the large aggregate sums we have appropriated for our rivers, is the dribbling policy which we have adopted in appropriating money for this purpose; and I repeat that nobody is more responsible for this dribbling policy than the Senator from Ohio, who, during the 11 years that he was chairman of the Rivers and Harbors Committee of the House and, as everybody knows, was the dominant influence upon that committee, adopted a policy by which there was appropriated for this great work, including the harbors upon our enormous coast line, including our great lake system, sound system, and river system stretching over a country generally well watered, 3,000 miles in width and nearly 2,000 miles in length, the pitiable sum of $21,000,000 per year, and who has, ever since he ceased to be chairman of that committee, opposed the annual bill system under which we have in recent years appropriated on an average probably double that amount, basing his criticism upon the amount expended and fortifying his argument with suggestions and intimations that the day of inland water transportation in competition with railroads was passed.

Mr. BURTON. Mr. President, will the Senator from North Carolina yield to me for a question?

Mr. SIMMONS. Yes.

Mr. BURTON. As I understand, the Senator criticizes the policy pursued at a time when I was a member of the House Committee on Rivers and Harbors, and maintains that the appropriations made for the rivers were too meager.

Mr. SIMMONS. When the Senator was chairman of the committee.

Mr. BURTON. When I was chairman, from 1899 or 1898.

Mr. STONE. The Senator means when the Senator from Ohio *was* the Committee on Rivers and Harbors.

Mr. BURTON. The Senator from Missouri compliments me overmuch.

I should like to ask the Senator from North Carolina if it is not true that in those days of moderate appropriations—too small appropriations, he says—the traffic on practically every river in the country, including the Mississippi, the Ohio, the Monongahela, the Penobscot, the Kennebec, the Connecticut, and the rivers in the South and West, was not very materially larger than it is now, after the large appropriations that were made beginning in 1910?

Mr. SIMMONS. That is another question. I am not discussing that at this time. I will get to that a little bit later.

Mr. BURTON. Now, if it is true that the traffic was twice as great in the period stated, from 1899 to 1907, as it has been from 1910, when larger appropriations commenced, to 1914, is it not a very significant fact and does it not tend to show that the causes for the decadence in river traffic were something else than paucity of appropriations?

Mr. SIMMONS. I will say to the Senator that I intend a little later to discuss somewhat in detail the phase of the subject raised by his question. I shall then attempt to answer his question fully. In a general way I will say to the Senator now that the reason that there was more traffic upon some of our rivers during the period he mentions than there is now was in a large part because the railroads had not at that time succeeded in stifling water transportation to the extent that they have in recent years. If our waterways were improved even to a higher standard than they are, if they were in every way fitted for the employment of the most economic methods of water transportation, it would still be in the power of the railroads, if unrestricted by legislation, to make them of comparatively little value by the same methods by which they were able to accomplish that result in the past. I will later undertake to point out the remedy—or at least a remedy—for that condition.

Mr. WILLIAMS. Mr. President, will the Senator from North Carolina permit an interruption just there for one moment?

Mr. SIMMONS. Yes.

Mr. WILLIAMS. I want to suggest to him this idea: The reason why our streams have not carried the tonnage and the commerce of this country is because of two or three little words in the legislation of the country.

Mr. SIMMONS. I shall get to that a little bit later, if the Senator will permit me.

Mr. WILLIAMS. Those little words are "under similar circumstances." Does the Senator prefer that I shall not interrupt him?

Mr. SIMMONS. No, not at all; but I said I expected to get to that in a few minutes. I have not been inadvertent to the point the Senator was making, and I merely meant to indicate to him that I would prefer to discuss it later in my remarks.

Mr. WILLIAMS. I have interrupted the Senator just far enough to leave myself unintelligible either to the Senator or to the country.

Mr. SIMMONS. I shall be very glad to have the Senator proceed.

Mr. WILLIAMS. The Senator a moment ago dwelt upon what is taking place upon the Rhine. The Rhine is carrying all the heavy commerce—iron ore, coal, lumber, and things of

that sort—but that is because the German law does not permit a railroad to charge any more for a short haul than for a long one, whether under similar circumstances or not. Now, our courts have construed those three little words to mean that the railroads have a right to meet water competition without reducing their intermediate freight rates at all, and the consequence is that we have congested the railway transportation of the country, and instead of the railroads carrying the things that they ought to carry and leaving the streams to carry the things which they can carry most cheaply and best, the railroads are carrying them all. The railroad makes a cotton rate from Memphis to New Orleans which makes it impossible for the steamboat to carry cotton, and yet on the entire route, through the town of Jackson and all the other towns, it charges a rate absolutely higher than the one from Memphis to New Orleans.

I simply wanted to illustrate that, and I thank the Senator for permitting me to do it. That is all the trouble. If you will repeal those three little words, you will have the commerce upon the Mississippi River and everywhere else just as it used to be, only multiplied tenfold. Do not permit a railroad to recoup, at the expense of intermediate freighters, its reduction in competition with water below the cost of carriage.

Mr. SHAFROTH. Mr. President, I will state to the Senator that I have a bill which prevents a railroad from charging under any circumstances a greater amount for a short haul than for a long haul, and I hope he will assist me in getting it through.

Mr. SIMMONS. Mr. President, I thank the Senator from Mississippi for his interruption. What he suggests is very pertinent.

I had intended to take up the question raised by the Senator a little later as another branch of my argument, but perhaps it is just as well to discuss it now in view of the fact that the Senator has so forcibly and pointedly called this phase of this general subject to the attention of the Senate. I will therefore invite the attention of the Senate now to the second reason why we have not obtained expected results from expenditures we have heretofore made upon our inland waterways and why the commerce upon these rivers has decreased with the development of our railroad system.

I am not an enemy of the railroads. They have been among the chief agencies through which we have developed our wonderful resources and attained in a comparatively short time our condition of material greatness, prosperity, and power. They have prospered, and the country has prospered with them. But undoubtedly they have been allowed in this country a license which they have not enjoyed anywhere else in the world; in many respects they have been given a free hand, and in many respects they have abused the privileges and licenses accorded them, greatly to the detriment of the general public, and in no particular more so than in the methods and devices by which they have largely stifled the commerce of our inland waterways.

I do not think it necessary to take the time of the Senate to elaborate the proposition that the chief reason why our water commerce has not developed alongside of our rail commerce has been the ability of the railroads to stifle competition through methods and devices so familiar to the public that it is not necessary for me to recite them.

Of course the railroads of this country, being privately owned institutions, are in the business of transportation for the purpose of making money, and it is perfectly natural, if allowed to do so under the law, they should seek by such methods as are available and not illegal to suppress cheaper methods of transportation as far as possible.

Unfortunately under the laws as construed until recently they have been to a large extent unrestrained in this particular. They were permitted to operate water carriers which if operated by others would be in competition with them. They have been permitted to make lower rates at points of water competition than at other points along their routes, although the haul might be greater. This has enabled them to largely control transportation by water as well as by rail and to establish such conditions as have made the use of our waterways by competitors too risky to be an inviting field of investment to private capital.

Mr. President, if we had not found a partial remedy, for it is only a partial remedy, to put an end to these methods of nullifying to so large an extent our efforts to rehabilitate our inland water commerce and make it an effective and profitable vehicle for the transportation of the heavier and bulkier products of the farm, the factory, the mine, and the forest, in the interest of cheaper cost of production, I would, as it seems the Senator from Ohio [Mr. BURTON] has done, entertain strong misgivings of our ultimate success in this behalf. But we have discovered what I believe will accomplish much in remedying this condition, and we have applied it in the amendments made in conference to the Panama Canal act. Through these amendments Congress provided for the divorcement of the railroads from water transportation, and provided for terminal and dock facilities and physical connection with the railroads at water points. This in itself will not release the grip of the railroads upon water commerce, because, as the Senator from Mississippi has said, there still remains the right of the railroads, under the law as construed by the courts, in order to meet water competition to charge a lesser rate at water points for a longer than for a shorter haul, and this has given the railroads the right to meet water competition without reducing their intermediate rates at all, with the result, as the Senator correctly says, instead of the railroads carrying the things they ought to carry, and leaving to the streams the things which they can most generally and best carry, the railroads are carrying nearly everything. At these points of water competition the railroads make their rates as low as possible, and where the rate is a losing one or does not allow adequate profits they recoup the losses thus sustained by a higher rate in the interior. The result is water competition is suppressed and the people at large pay the cost.

Senators sometimes say, "There are no rivers in my State; my constituents therefore are not directly interested in river improvement." That is a mistake, as the situation which I have just pointed out shows; because it is clear that as long as the railroads are permitted to charge lesser rates at water points and recoup themselves by higher rates at interior points the burden falls largely upon those who do not live on or even near the water.

I can not better illustrate than by quoting the situation given by the report prepared by the Inland Waterways Commission. It says:

> The opening in 1883 of the Louisville, New Orleans & Texas Railroad, now known as the Yazoo & Mississippi Valley Railroad, an Illinois Central property, went far toward accomplishing the downfall of steamboat traffic on the lower Mississippi. The railroad paralleled the river from Memphis to New Orleans, reaching all the important towns on the east bank of the river. * * * From river competitive points, such as Vicksburg, the rail rate dropped as low as 45 or 50 cents per bale—

Speaking of cotton—

> to New Orleans, while from points back from the river, such as Rolling Fork, Miss., about 40 miles from Vicksburg and 10 from the river, the railroad recouped itself by charging $1 to $2 per bale.

This condition is intolerable. It ought not to be allowed to continue. The remedy, to my mind, is easy. The Interstate Commerce Commission should have control of water transportation as well as rail transportation, and if necessary it should be allowed to regulate the minimum railroad rates at points of water competition as well as the maximum charge at other points.

Mr. President, we hear a great deal of talk about economic wastefulness. To my mind the greatest economic waste that is going on in this country to-day grows out of our failure to provide by legislation for the improvement and utilization of our waterways for the transportation of the heavier and bulkier products of the forest, the field, the mine, and the factory, just as Germany has done, just as certain other great industrial nations have done. The dearer method of transportation, where the cheaper method of transportation is equally available, is an economic waste which affects not only the price of production and distribution but increases the cost of living and diminishes our ability as a nation to compete with the outside world, not only in the markets of the world but in those of our own country.

Mr. President, no country in this world has appreciated the relative advantages of water transportation to the extent that Germany has, and what she has done in this behalf is the very foundation stone of the marvelous prosperity and ascendancy which Germany has acquired in recent years in the industrial and commercial world. I want to read a short extract showing what Germany has done for its commerce during recent years—I am reading now, Mr. President, from the New International Encyclopedia:

> The rivers of Germany are naturally navigable for nearly 6,000 miles—

About one-fourth as much as we have—

> are canalized for nearly 1,400 miles—

That is, by a process of canalization the German people have extended their navigable rivers from 6,000 to 7,400 miles—

> and there are nearly 1,500 miles of canals.

That little country, not larger than the State of Texas, not so large in area, not any better watered than this country, canalized at public expense 1,400 miles of its rivers, connecting

those rivers with one another by canals 1,500 miles in the aggregate in length.

Among the most important of the canals are the Ludwigskanal in Bavaria, uniting the Danube with the Main, and thus supplying continuous waterway from the North Sea to the Black Sea.

Running through Germany in one direction is the Rhine, emptying into the North Sea. Running through Germany in another direction is the Danube, emptying into the Black Sea. They do not come together, but Germany wanted an inland water route through the whole of its Empire and it built a canal connecting the upper reaches of the Danube with the upper reaches of the Rhine, so as to afford a channel of commerce from the Black Sea on the one side of that great country to the North Sea on the other side. But that is not all:

The system connecting the Memel with the Pregel, that joining the Oder with the Elbe, the Plauen Canal, connecting the Elbe with the Havel—

Just as soon as they had connected by a canal their rivers flowing east and west from the North Sea to the Black Sea, they connected the Oder and the Elbe, the one emptying into the North Sea and the other emptying into the Baltic Sea.

The Eider Canal, connecting the Eider with Kiel; the Rhine-Rhone and the Rhine-Marne, in Alsace-Lorraine; the great Baltic Sea, or Kaiser Wilhelm Canal, begun in 1887 and opened for traffic in 1895, saving two days' time by steamer between Hamburg and all the Baltic ports of Germany; and several canals in process of construction, notably the Rhine-Weser Canal, which is to cost over $60,000,000.

Not satisfied with connecting the Elbe with the Oder, flowing into different seas; not satisfied with connecting the Rhine with the Danube, flowing into different seas, they have connected the Rhine with the Weser, both flowing into the same sea. If you examine her work, Mr. President, you will find that Germany has not only linked her rivers together so as to connect all of them with the different seas, but by this process you will see the Rhine by canalization was first connected with the Black Sea and then by canalization connected with the Baltic Sea. So Germany by these large expenditures has established a network of waterways throughout that Empire connected by artificial channels the one with the other.

Why this? Let me call attention to the fact that Germany began this great work shortly after the war of 1870. Germany had dreams of a greater Empire. Germany had dreams of ascendency upon land and upon sea. Germany wanted to dominate the trade not only of the continent but of the world. How was she to do it? The mind of no race of the human family is more acute or keener in its practical concepts, more analytical or more philosophical than the German mind. This great analytical, philosophical, practical people set to work to prepare for the race that they had set for themselves, a race for empire, a race for trade and industrial ascendency, a race it has run so fast and so successful as to excite and arouse the jealousies of many of the other commercial nations of the world.

How did she start? What was the first fundamental thing that she saw was necessary? She saw that lying at the very foundation as the basis of cheap production and distribution was transportation; transportation in assembling and transportation in distribution. She saw what was a well-recognized fact, that water transportation was infinitely less costly than rail transportation, and she determined to give her people and especially her manufacturers the cheapest transportation that was possible. Hence she entered upon those large projects that have linked the waterways of that country, from sea to sea, with each other in one connected and harmonious system.

But she did not stop there. She did not leave it there, because if she had, with the railroads privately owned as they are in this country, it would have been of no effect. The railroads would have made cheap water transportation impossible by the very same methods by which they have throttled and stifled and smothered waterway competition in this country.

What did Germany do? She not only put her waterways in a condition to give the country the benefit of cheap transportation, but she assumed the ownership of all the railroads, so that she might work out this transportation problem in the way that would bring the best results in behalf of economy in production and distribution.

Now what do you see? You see that the heavier and weightier products of its fields and forests and factories, both raw materials and finished products, are hauled over her waterways. You go to the Rhine—the Senator from Mississippi has referred to that—and you will see railroads paralleling that river on either bank. You will see great freight trains passing hour after hour, some going one way and some going the other way; and if you will look down upon the bosom of the Rhine you will see hundreds of barges, great trains of barges drawn by powerful tugboats, going up the stream and going down the stream—the railroads loaded with commodities they are especially suited to carry, requiring quick transportation, commodities that can be most economically transported by rail, and the barges loaded with the heavy and bulky products, products which can be most economically carried by water.

To effectuate this economical division of traffic Germany adopted a policy which coerced the railroads to confine themselves to the carrying of certain lines of commodities and to leave certain other lines of commodities to be carried by water.

That arrangement in present conditions is not possible in this country without Government ownership of railroads, and I am opposed to that. If we could solve the transportation problem like Germany has solved it, and bring about an economical division between water and rail carriers, it would undoubtedly stop an enormous waste in the cost of production and distribution. But, as I said, we can not solve it in that way without Government ownership, and I do not think the people favor Government ownership. But, Mr. President, let me inquire what is there to prevent us from adopting a legislative policy which would protect water carriers against the unfair and selfish methods by which the railroads have been able to so handicap, harass, and embarrass them that they have been either forced out of business or to continue it under conditions of great disadvantage?

Sir, we prescribe the maximum rate that a railroad may charge for carrying freight, but we allow the railroads to discriminate in rates to meet water competition. The practical effect of the court's construction of that law is to permit, as I said before, a rate at water points that stifles water competition and allows the railroads to recoup their losses from this reduced rate at these points by charging a higher rate at interior points. Viewed from any angle, the people are the losers. Such a system, Mr. President, is absurd, and is an intolerable wrong.

Mr. SHAFROTH. Mr. President, will the Senator yield for an observation?

The PRESIDING OFFICER (Mr. GOFF in the chair). Will the Senator from North Carolina yield to the Senator from Colorado?

Mr. SIMMONS. Yes.

Mr. SHAFROTH. I will state to the Senator that we have had the same condition as between freight from the East to the California seaboard; that we have had a higher rate in parts of our State—for instance, at Grand Junction—so that freight has been shipped to Salt Lake City and from Salt Lake City shipped back. There was a time when it was shipped to San Francisco and shipped back from San Francisco in order to get the benefit of the through rate.

Mr. SIMMONS. I thank the Senator from Colorado for the illustration he has given. Similar illustrations may be found in different parts of the country. The man at the point of water competition gets a lower railroad rate, but as an offset somebody else has to pay a higher railroad rate, and, in addition to this, water transportation is handicapped, demoralized, and its value as a means of transportation either destroyed or greatly minimized.

We have a law permitting the Interstate Commerce Commission to prescribe the maximum rate chargeable by the railroads. Why should they not have the power to prescribe a minimum rate, especially at water points? Certainly if the railroads are to be permitted to establish a different rate where there is water competition, are not the water carriers entitled to at least that protection against predatory methods?

Why not say to the railroads: "You shall not charge less than a certain rate; at water points you shall not prescribe a rate there that will destroy water competition; you shall not reduce your rate at the water points below the cost of transportation, because if you do you will not only destroy competition but you will certainly recoup that loss in the rates charged elsewhere, and the people will not gain." I ask, Why not fix a minimum at the water points as well as a maximum at other points? To my mind it is clear that the commission should be given a discretion in this matter which will enable it to protect water carriers against unfair methods and practices of competition which injuriously affect the general public as well as themselves.

Mr. President, I was talking about Germany. What has Germany accomplished as a result of building her waterways and linking them together, and thus securing the cheapest possible freight rates for her manufacturers? I do not undertake to say what she has accomplished in the way of reducing the cost of living in the German Empire; I have not looked into that; but I imagine the German consumers have seen to it that they have got the benefits of this lower cost of production and distribution.

What has been the effect of this policy upon German commerce? Germany, starting from a position of inferiority, with

a comparatively small foreign trade in the markets of the non-manufacturing countries, largely preempted and monopolized by other nations, has gone forward with such strides, with such rapid, unparalleled strides, in the struggle for trade that in less than 50 years she has become probably the most dangerous competitor for world's trade among the industrial nations of the world. She has successfully met the competition of England, for years recognized as the mistress of the sea and the monarch of world commerce. She has successfully met the competition of France, of Belgium, and of our own country. Against all opposition she has acquired a foothold here and there and everywhere and expanded and grown until she has forced herself to the front ranks of the great industrial nations who in modern times have waged war in all the ports of the world for industrial supremacy. She is to-day probably the sharpest competitor—no, not to-day, for Providence has brought a misfortune upon her that has disabled her for the time being—but until that came of all our foreign competitors she was probably the sharpest and most formidable.

For years when we were considering tariff legislation the competition of England was constantly dinged into our ears. We were told that we could not compete in our own markets with English products in the absence of high protective duties. England was the country held up to us as the country of greatest efficiency in production, the country where things could be made cheaper than anywhere else, and the country whose competition we had most to fear, both at home and abroad. In recent years when we have been making tariff bills we have heard less of England and more of Germany. Germany, we are now told, is the country of greatest efficiency in production; the country of cheapest production; the country whose competition was most to be feared, both at home and abroad. My colleague who sits before me, the honored and distinguished and able Senator from Missouri [Mr. STONE], is a member of the Committee on Finance, and I am sure he will confirm my statement that the German menace was constantly held up before us when framing the last tariff act, and that she was pointed out as the one nation, on account of her efficiency and economy in production, whose competition we had most to fear.

Why has Germany in these few years taken the place of England as the nation of cheaper production? I answer, Mr. President, because she has recognized, as the other nations have not, the importance of cheap transportation, the effect of cheap transportation upon the cost of production; recognized the frightful economic waste in using rail transportation where water transportation was equally as available in the assembling and distribution of heavy and bulky products of commerce, and by reducing the cost of transportation to a minimum has been enabled to produce and distribute her products at a lesser cost than her competitors, especially her European competitors.

Mr. President, the English are a very conservative race of people. They are slow to adopt innovations and to change their old methods and ways of doing things, but the English people could not shut their eyes to the effect upon Great Britain's trade of what was happening in Germany and in certain other countries that had in part adopted German methods, with respect to water transportation, and some years ago she appointed a royal commission to study the question of inland navigation with respect to its effect upon the cost of production and to make suitable recommendations in regard to the improvement of the waterways of Great Britain and Ireland.

I wish at this point to read a few short extracts of the article I have heretofore referred to, prepared by Mr. S. A. Thompson, who is, as I have said before, an authority upon waterways and their improvement, with respect to this commission, its studies, findings of fact, recommendations, and the things which led to its creation. This pamphlet says:

A British royal commission has recently been studying the question of canals and inland navigation. Mr. W. H. Lindley, the distinguished engineer who made a comprehensive report to this commission on the waterways of the Continent, gives, among other things, statements showing the charge per ton-mile borne by the State on the traffic carried by water. A number of writers have made these statements the basis of elaborate arguments against waterways. Mr. Lindley also made some other statements, which, if they have seen, these writers have certainly not quoted. In his opening summary he says:

"The opinion on the Continent as to the value of waterways is best shown by the steps proposed and the moneys granted by the Governments for their future improvement and development."

In the portion of his report devoted to Germany he says:

"The opinion existing in Germany on the value of waterways for handling the traffic in conjunction with the railways is given by the fact that the Prussian Landtag on April 1, 1905, sanctioned a law for new works for a total amount of £16,728,750 ($81,469,012.50), or for a sum equivalent to over 60 per cent of the total sum hitherto spent on the waterways in Prussia."

In the fourth and final report of the royal commission there are repeated statements of a similar character. Referring to the Belgian waterways, it is said:

"The State expects no return or profit upon the money spent upon construction or large improvement. It is considered in Belgium, as in France, that these works will increase the commerce and wealth of the nation, and that the increase of commerce and wealth will strengthen the national public revenue."

The commission says further:

"That the use of the improved natural and artificial waterways in cheapening the transport of coal and other low-value traffic has increased the trade, industry, and wealth of Germany, and so, indirectly, the revenue derived by the railways from passenger traffic and higher class goods; * * * and the State revenue at the same time benefits indirectly through the increased real income and spending power of the population consequent on the augmented industrial prosperity produced by a cheap water transport."

The conclusions reached and the recommendations made by the Royal Commission of Great Britain and Ireland are not without interest and significance to the people and the Government of the United States. That commission was appointed to seek a remedy for the depression in British trade and industry, which is especially evident in the Midlands, once the greatest manufacturing region in the world. One great factory after another has left its former location, which at most was only 85 miles from a harbor, and sought a new location on the seacoast. This was not a matter of choice, but of compulsion, for the owners found themselves not only beaten in the markets of the world, which they once had dominated, but even shut out of the market of London, only 100 miles away, by manufacturers in the heart of Germany, 500 miles farther away, but with water transportation available all the way.

The royal commission studied the canals and inland navigations of the Continent and found a great connected waterway system, with channels, which have been continually deepened, widened, and improved so that they could accommodate larger and larger boats and carry an ever-increasing traffic. They found the valleys of these streams sown thick with thriving industries and filled with prosperous cities, some of which, as Frankfort did, grew more in one brief score of years after the coming of the waterway than in a thousand years before. And as a natural, inevitable, and invariable result they found, in every country visited, that the busiest and most profitable railways were those which lay closest to, and cooperated most fully with, the waterways.

They studied the canals and inland navigations of Great Britain and Ireland and found, not a system but a jumbled collection of odds and ends of waterways—

Just exactly what we have in this country—

no two sections having the same width and depth, all of them too narrow and too shallow for modern needs; most of them unimproved since 1830; all of them strangled by obstructions; some emasculated by adverse railway control of strategic sections; some lying derelict and abandoned, crushed by unfair railway competition.

Why, Mr. President, you can not draw a truer picture of the conditions that exist in this country with respect to our waterways than that.

They found, not growth of trade—

That is, in Great Britain and Ireland—

They found, not growth of trade and industry as on the Continent, but decay, as told in a preceding paragraph, and, as a natural and unavoidable consequence, a steadily decreasing rate of dividends on railway capital.

But there was one striking exception to the general rule, one bright spot in the gloomy picture, and that was in the vicinity of the Manchester ship canal. A brief and imperfect outline of the effect on Manchester has already been given, but it should be said that the six or seven million tons of traffic which have been developed at this new-made port were not stolen from Liverpool. That city, with the object of holding the trade built up through centuries of effort, made repeated reductions in its dock and harbor dues. In spite of these reductions—possibly in part because of them—her traffic grew faster than ever, so that in the 13 years immediately following the opening of the Manchester Canal the revenue of the port of Liverpool increased more than five times as much as during the same length of time preceding that event.

The British Royal Commission learned from their studies that the influence of no other one thing penetrates so deeply into the very heart of industry and trade as does that of transportation. They learned that in the great race for commercial supremacy the position held by any nation depends chiefly upon the character, the efficiency, and the economy of the transportation facilities with which it is provided, and that in the last analysis national existence depends largely thereon. They learned, beyond all doubt or question, that waterways are creators of prosperity for cities, States, nations—and railways.

They recommend—

That a permanent "waterway board" be created, which shall be made up, not of legislators with countless other calls upon their time, but of experts who shall give exclusive and continuous attention to its work.

That this board be empowered to issue bonds to provide the needed capital.

That all the inland waterways of the United Kingdom be acquired as speedily as possible and placed under the control of the board.

That the first step should be the construction, at an estimated cost of about $100,000,000, of two great waterways extending from the Mersey to the Thames and from the Severn to the Humber, lying across the Midlands like a gigantic letter X, with branches which would shorten the routes from north to south and from east to west.

That a comprehensive plan be formed, and carried to completion as fast as funds become available, which shall extend a connected system of modern waterways to every part of Great Britain and Ireland, so that the manufacturers of the United Kingdom may be able to compete on even terms with the manufacturers of the Continent in the markets of the world.

Details differ in our own country, but the same principles apply. Theirs is chiefly a problem of canals, ours chiefly a problem of rivers. It goes without saying that in both countries there will be continued development of ocean harbors—with the addition in this country of the channels and harbors of the

Lakes. Theirs is a problem of arresting decay, ours a problem of hastening development.

The growth of the United States has been wonderful. But that growth is not finished; it is scarcely begun. If we shall have the wisdom and the courage to supplement our magnificent railway system with a splendid system of inland waterways, all the growth of the past will be but as a prologue to the mightiest drama of national development which the world has ever seen. If by the improvement of our waterways we shall make possible the utilization of all the multitudinous resources with which a bountiful Providence has endowed us, it needs no gift of prophecy to foresee the speedy coming of a day when America shall be so dowered with illimitable wealth, so girded with resistless might, that she may stretch forth the right hand of her power and say to all the warring tribes of earth, "Henceforth there shall be peace."

That is what England determined; that is what her royal commission recommended after they had investigated the causes which were crippling English industry, the causes which were handicapping her in her efforts to meet the competition of the countries of continental Europe not only in the neutral markets of the world but in her own markets.

Mr. President, the same problem which confronted Germany when she entered upon her ambitious career of commercial and industrial expansion, to which I have referred, confronts this country to-day. The same situation which confronted England when she appointed the royal commission to investigate the inland water systems of the countries of the Continent confronts this country to-day. It is the problem of reducing the cost of production and of distribution, to the end that the cost of living of our people may be reduced and to enable us to meet more effectively the competition of the world.

The time when we can live within ourselves has passed. Our industrial expansion depends upon our success in selling our surplus products in the markets of the world. When the products of our industries leave our shores they are met everywhere with the fiercest competition—competition of nations who recognize that economic production is essential to successful competition. If we are to successfully meet this competition, we must eliminate every possible economic waste. I do not know where we can better begin than where Germany began, because one of the chief elements in cost of production is the cost of transportation. There can be no greater waste with reference to the heavy and bulky products, such as coal, ores, cotton, grain, and lumber, and other building materials, than that involved in their transportation by rail instead of water, where both are available for that purpose.

We have a magnificent system of railways, but we have also a magnificent system of waterways. The great business of this country, present and prospective, justifies the fullest use of both as mediums of transportation. The legitimate development of the one will not impede the other. On the contrary, if they should be brought to work as handmaidens, the one to the other, in conditions of equitable distribution, a distribution based upon a greater adaptability of the one than the other for transportation of different classes of commodities, each would be benefited by the development of the other, and the effect would be to give a tremendous impetus to our trade and commerce, both domestic and foreign. To my mind, the Government can not make a more profitable investment than by improving up to modern standards and economic usefulness and linking together in one harmonious system its 25,000 miles of present, and probably between 40,000 and 50,000 miles of prospective, navigable inland waterway. I confidently believe that the effect of this improvement and development upon our commerce at home and abroad would be as striking as it has been upon that of Germany.

I think the trouble is we have not expended enough money on them; that we have been too niggardly, not too extravagant. The thinking people of this country, the people who have no special interest to subserve, the people who are not representing special interests, the people who are not considering the interests of the railroads as against those of the waterways, the people who are looking upon this matter from a fair and unbiased standpoint, who are considering their own interest and the country's interest, are to-day more overwhelmingly in favor of liberal appropriations to provide for the development of our rivers and harbors than they are for any other of the appropriations this Government is making.

Mr. President, it is said that on account of the war in Europe the people of this country are not able to bear the expense necessary to continue our river and harbor work, even at the slow pace we have heretofore set; that for this reason it is necessary to curtail the appropriations for this work, though it may result in loss to the Government from disorganization, reorganization, and deterioration. I deny that there is anything in the present situation that calls for a suspension of this work; that calls for the withholding of money reasonably necessary to carry it on. No man would contend that on account of the war in Europe we should reduce the amount appropriated for pensions. No man will contend that on account of the war we should withhold needed appropriations for the executive departments of the Government—the Agriculture Department, the Interior Department, the legislative and judicial branches of the Government, for the Navy or the Army. Nobody doubts our ability, even in present conditions, to provide for these great governmental functions; nor do the people believe that we should be niggardly in making appropriations for them. All of these appropriations, Mr. President, are in the nature of maintenance appropriations; they are not for development purposes; they do not provide for the development, construction, or utilization of the great natural resources of this country.

The only one of our appropriation bills that has these objects in view is the river and harbor bill. It represents practically all this great Government, with its hundred millions of people, with its vast area of varied and fabulous resources, is doing to help the people develop those resources. The jurisdiction of the Government over navigable rivers and harbors is plenary. It alone has the right to direct their improvement and development. The States and individual citizens can do nothing in this direction except with the consent of the Government. In assuming the power to regulate and control, the Government incurs the duty to put and maintain the rivers and harbors in proper condition for the use of the people in such way as may be most advantageous to the public welfare. It is a duty it can not shirk, and there is no function of the Government in the proper performance of which the people are more interested from a material standpoint than their improvement and development.

I have been surprised to find Senators stressing the necessity of improving our harbors and ocean outlets as of the utmost importance to the commerce of the country, but criticizing the improvement of our rivers. Those who take this view would spend all the money necessary to put in the highest state of usefulness the terminals of our great railroad systems, but they would deny like improvement to the streams that run into the interior, by the small town and by the farm, according cheap transportation, sometimes the only transportation, to the farmer and the comparatively small manufacturer and merchant. No one will minimize the importance of our harbors. They bring us in touch with the rest of the world. The duty of the Government to improve its navigable waters, whether they be rivers or creeks, whether they flow by big cities or through broad stretches of farms, is just as imperative and obligatory as the improvement of the harbors, although the aggregate interest affected is not as great.

It is said that the river and harbor bill is an unpopular bill; that it is a "pork-barrel" measure. That is not true. If it is a "pork-barrel" measure, every harbor bill we have passed in the last 25 years is a "pork-barrel" measure. Items are not put in this bill at the request of Senators or Representatives. They are put in there because they are recommended as worthy of Government improvement by the engineers who the law directs shall make thorough investigation and report to Congress. It is an unpopular measure with certain interests in this country, but it is not an unpopular measure with the people. The people of this country believe in the improvement of our waterways. They believe that the Government should spend whatever money is necessary to bring these waterways to a high standard of usefulness. This Government is not spending a dollar to-day for any purpose which meets with heartier approval on the part of the masses. It is engaged in no work which the people are more ready to applaud than that of river and harbor improvement.

In recent years we have had much evidence of this sentiment among the people. It has been expressed in a way leaving no room for doubt. It has been voiced in the meetings of annual conventions of associations and organizations earnestly agitating and resolving in favor of a more liberal policy on the part of the Government in its treatment of this subject. Are we to say to these people who attend these great conventions—the National Rivers and Harbors Congress, the Deeper Waterways Congress, and various subsidiary meetings, attended by bankers, merchants, farmers, manufacturers, governors, Cabinet officers—from all parts of the country, at great cost and inconvenience, that they do not know what they want, do not represent the sentiment of the people, and that they are engaged in an unpatriotic effort to loot the Treasury and squander the money of the people? The charge is absurd, and it is a base slander. The demand of the people of the country is not that there should be a curtailment of this work, but that it should

be conducted upon larger and broader and more constructive and more progressive lines. I grant that there has been some sentiment worked up against this bill, but it has been caused by misstatements, misrepresentations, falsifications, and slander. The prejudice that has been so worked up has been a manufactured sentiment. It does not represent the feeling of the people. In recent years there has been a class of newspapers in this country that have agitated for and against certain lines of legislation in such a way as to at least arouse the suspicion that they are speaking not for the people but for certain special interests. They suppress facts, and they employ in their agitation all the arts and devices of the special pleader. This class of newspapers have assailed the river and harbor bill. They have worked up some sentiment against it, but they have not changed the attitude of the people toward it. The people of this country are intelligent; they understand their interest, what is in their interest and what is against their interest, and I firmly believe that they intend to see to it that the rivers of this country, which a gracious Providence has bestowed upon them, shall not be made useless because their use will interfere with the selfish and avaricious purposes of any interest in this country.

Mr. President, I want to see a more liberal policy pursued by the Government toward these waterways. I want to see them brought to a high standard of usefulness as a vehicle of transportation; and I want Congress to pass such legislation as will make it impossible hereafter for the railroads of this country, either by cunning methods and practices or by an evasion of the law, to take away from the people the benefits which God has so bountifully bestowed upon them in giving them the most superb system of waterways upon the earth.

Mr. STONE. Mr. President, before the vote is taken I desire to say that I had intended to offer an amendment to the substitute bill now before the Senate to increase the salary of the civilian members of the Mississippi River Commission from $3,000 to $5,000 per year; but on reflection, and particularly after observing the votes the Senate has taken on other amendments, indicative of a manifest sentiment against amending this bill in any respect, I shall not now propose the amendment I had in mind to offer. I do wish to say, however, that I regard the salary now paid the civilian members of the Mississippi River Commission as being so inadequate as to be almost niggardly. It is in no sense commensurate with the importance of the position or the importance of the labor to be performed by the commissioners. This commission has charge of one of the greatest internal improvements of the country—yes; the very greatest of all. Its members are to devise, suggest, and execute the ways and means for carrying on this gigantic improvement, of such great importance to the commerce of the country; and in carrying forward this work they are charged with the duty of handling, dividing, and distributing many millions of dollars. This kind of work should command a high order of executive ability; and the small, almost niggardly salary paid is out of all proportion to the work done and the responsibilities of the position. Moreover, the salary paid to these commissioners is far below that paid to any other board of commissioners or any other single commissioner that I know of, and yet this is, I say, perhaps the most important of them all.

Merely to preserve for future use the data that I have collected on this subject, I ask leave to insert in the RECORD as a part of my remarks the paper I send to the desk, showing the salaries paid to other commissioners for the performance of various kinds of public service.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Three commissioners of the District of Columbia, at $5,000 each.
Secretary of the International Waterways Commission, $4,000.
Chickamauga and Chattanooga National Military Park Commission: Three commissioners, at $3,600 each.
Gettysburg National Military Park Commission: Two commissioners, at $3,600 each.
Vicksburg National Military Park Commission: Three commissioners, at $3,600 each.
One civilian member Ordnance Board, at $5,000.
Lincoln Memorial Commission: One resident commissioner, at $5,000.
Two resident commissioners from the Philippines, at $7,500 each, plus mileage at $2,000 each.
One resident commissioner from Porto Rico, at $7,500.
St. Johns River Commission: Three commissioners for the United States, at $5,000 each.
One member Joint Claims Commission, at $7,500.
Two civilian members International Boundary Commission, at $4,800 each.
International Joint Commission: Three commissioners, at $7,500 each; one secretary, at $4,000.
Board of Mediation and Conciliation: One commissioner, at $7,500; one assistant commissioner, at $5,000.
Civil Service Commission: One commissioner, at $4,500; two commissioners, at $4,000.
Interstate Commerce Commission: Seven commissioners, at $10,000 each; one secretary, at $5,000.
Panama Canal Commission: One chairman, at $15,000; six commissioners, at $14,000 each; one secretary, at $5,000.
Philippine Commission: Four commissioners, at $15,000 each; one governor, at $20,000; four commissioners, at $7,500; one executive secretary, at $9,000.
Mississippi River Commission: Four civilian commissioners, at $3,000.
The original bill as reported by the Committee on Commerce provided for raising these salaries from $3,000 to $5,000; but as that bill is lost this provision will have to go with it for the present, and await the future action of Congress.

Mr. STONE. Mr. President, following this statement I wish to add a word or two.

I have listened with interest and hearty approval to the speech just delivered by the Senator from North Carolina [Mr. SIMMONS]. His speech was a most timely utterance. I believe, with him, that the success of the filibuster against the passage of this rivers and harbors bill—for so far it is a success—will not stand in the future as expressive of the policy and purpose of the American Congress or the American people. With some degree of humiliation, I frankly confess that the Senate of the United States has been practically driven, compelled, coerced into adopting this $20,000,000 bill just reported by the Committee on Commerce as a substitute for the bill we have been considering for several weeks. This substitute is now before the Senate. It is wholly inadequate to meet the needs of the public service in carrying on the internal scheme of waterway improvements which the country has been prosecuting for a long time in the interest of commerce and cheaper transportation. But we have been compelled to accept this bill or nothing, and the Senators who have forced this upon us have won a triumph. They are entitled to wear a laurel crown of victory, while four-fifths of their colleagues in the Senate, sorely disappointed, must wear a crown of thorns. The various works which have been inaugurated and which are in course of construction may suffer and, I think, will suffer, and other works which ought to be inaugurated in the public interest will be halted; but the honorable Senators who have forced this situation are entitled to be congratulated on the success of their efforts. Mr. President, I agree with the Senator from North Carolina in the opinion he expressed that the public sentiment of the country will not approve of this act. It has been said, and repeated over and again, that the rivers and harbors bill is an unpopular measure. I do not believe that is true. On the contrary, I believe that it is, above all other appropriation bills, the one in which the great body of the people feel the most direct individual interest. Of course, if the people do not want these improvements, they should not be made. But how are we to determine what the public sentiment is with respect to this question? We can not determine it by reading carping criticisms based on invented or garbled facts and printed in newspapers. Such criticisms express only what the writers may think, and nothing more. If we give to the authors of these criticisms credit for sincerity, they express only their several individual views. But if they are not sincere, or if they are merely expressing the opinions of others, then what they write is not even entitled to respectful consideration.

Mr. President, we have at least one way of finding out what public opinion really is on this subject. There is no question upon which the people of the various States have more frequently or generally or emphatically expressed themselves than upon this question of improving our waterways. State conventions have been held and State organizations formed; national conventions have been held and national organizations formed. There have been a great many conventions, State and National, and there are a great many organizations, State and National, and in all these conventions and organizations all classes of our people have been represented, from learned scientists to the toilers of the land. There has been a great movement throughout the country, running through years, to create and make effective a public sentiment in favor of waterway improvements. There is scarcely a State whose legislature has not adopted resolutions—strong resolutions—in favor of these improvements, and they have usually been adopted by a unanimous vote. I repeat, there should be no doubt about what the people think with respect to this matter; but the filibuster led by the Senator from Ohio [Mr. BURTON] has for the time being halted the progress of this great movement for waterway improvement. It has been checked, but it is only for the time being. I warn these filibusterers that this movement will go on and on just the same.

Mr. President, I can not but regret that the distinguished and able Senator from Ohio has taken the course he has followed throughout the consideration of this measure. The Senator has traveled into every nook and corner of the world surveying the rivers and harbors of the earth and inspecting the work done thereon by the various Governments to improve them; he has

gone abroad on this business as the representative of this Government, authorized by Congress to go, with his expenses paid; and here, in the closing years of his long public career, he rises to put himself against the proper improvement of the rivers and harbors of his own country; he would use all he has learned at the public expense to break up the lines the Congress of the United States, largely under his leadership, has been following for a long time in performing this great work of internal improvement. When I saw my distinguished friend from Ohio stand here, day after day and night after night, talking, talking, talking, as a river flows on forever, to prevent the enactment of this important measure, first reported from the House Committee on Rivers and Harbors and then reported by the Senate Committee on Commerce, of which the honorable Senator is a member, I could not but reflect that it was a strange ending of a great career. When I saw him stand at his desk through all the hours of the night, wearying himself and wearying his colleagues, forced by fatigue to walk back and forth in slippers and a slouch coat, frequently leaning or sitting on the arm of his chair, with his voice grown weak and husky, still talking, reading and talking, I could not but be astonished at the performance. And when at last I read in some of the newspapers of Washington that championed this filibuster that he had brought his pajamas and bath robe to the cloak room, that he might don them for a little rest while some associate filibuster relieved him, I could not help feeling amazed nor escape the reflection that it was indeed a strange ending of a distinguished public career.

Mr. BURTON. Mr. President, if the Senator will yield to me, I hope he will not place too much confidence in this pleasing little gossip about the wearing of slippers, for that is not at all correct. I could not have done that with respect to the Senate. It is possible that in anticipation of night sessions of the Senate a dress-suit case was brought to the Capitol, but the story in regard to the bath gown, and so forth, is equally incorrect.

Mr. STONE. The Senator, then, admits the pajamas, but denies the slippers? [Laughter.]

Mr. BURTON. No; I deny both.

Mr. STONE. Well, I read it in the Washington Times and perhaps in one or two other Washington papers that have daily lent their aid to uphold the faltering physical strength of the Senator and who urged him on as Marmion in his last hour urged Stanley and Chester to charge on a fateful field. I could not believe it possible that these journals would malign the Senator from Ohio. Of course, if he denies that he wore slippers [laughter], then he must have worn shoes or been in his socks or barefooted. As to the exact facts I would be glad if the Senator would inform us, for I do not know. I do know that he trod back and forth behind his desk so softly that he might have been wearing slippers, even slippers feather padded.

Mr. President, this performance will last just through this session of Congress, and no longer. The American people will not indorse this action nor permit it to stand. I had the personal satisfaction of voting against the resolution to recommit the bill with instructions to report a bill for only $20,000,000, but I do not blame or criticize any Senator who voted for it, because the situation was such that there seemed to be no escape for us. I know that this bill now reported in obedience to the resolution of the Senate is not satisfactory to many Senators who voted for the resolution of recommittal and who will support the substitute measure immediately before us. It is no more satisfactory to them than it is to me. I am not going longer to oppose this $20,000,000 proposition. I am going to quit and take what I can get, for I recognize that the filibusterers have licked us. I want it understood that if I do not run up the white flag I must retreat, even though it be a disorderly retreat. [Laughter.] But a little later on we will find more favorable grounds upon which we can make a better stand. We will find the ground and make the stand, and with the American people behind us heart and soul we will supplement this legislation, for the Congress and the people will unquestionably carry on the great and important work of improving the rivers and harbors of the country. The work is halted, and great harm may ensue; but it will be taken up again in a broad and liberal spirit and carried on as long as the tide moves and rivers flow.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 3550) ratifying the establishment of the boundary line between the States of Connecticut and Massachusetts, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (S. J. Res. 74) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2504. An act to amend section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution";

H. R. 8734. An act to amend an act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911;

H. R. 12464. An act providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.;

H. R. 12674. An act to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands;

H. R. 16029. An act to authorize the Secretary having jurisdiction of the same to set aside certain public lands to be used as national sanitariums by fraternal or benevolent organizations, and for other purposes;

H. R. 17097. An act to fix the salary of the auditor of the Supreme Court of the District of Columbia, and for other purposes;

H. R. 17309. An act to amend section 3 of the act of Congress approved February 28, 1898, entitled "An act in relation to taxes and tax sales in the District of Columbia";

H. R. 18031. An act amending sections 476, 477, and 440 of the Revised Statutes of the United States; and

H. R. 18732. An act to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 6513) granting a pension to Joseph G. Winkler (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6514) granting an increase of pension to Clark E. Messenger; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6515) granting a pension to Richard M. Longfellow; to the Committee on Pensions.

### HOUSE BILLS REFERRED.

H. R. 2504. An act to amend section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution" was read twice by its title and referred to the Committee on Corporations Organized in the District of Columbia.

H. R. 8734. An act to amend an act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 12464. An act providing for the expenditure of part of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 12674. An act to provide for the allowance of drawback of tax on articles shipped to the island of Porto Rico or to the Philippine Islands was read twice by its title and referred to the Committee on Finance.

H. R. 16029. An act to authorize the Secretary having jurisdiction of the same to set aside certain public lands to be used as national sanitariums by fraternal or benevolent organizations, and for other purposes, was read twice by its title and referred to the Committee on Public Lands.

H. R. 18031. An act amending sections 476, 477, and 440 of the Revised Statutes of the United States was read twice by its title and referred to the Committee on Patents.

H. R. 17309. An act to amend section 3 of the act of Congress approved February 28, 1898, entitled "An act in relation to

taxes and tax sales in the District of Columbia," was read twice by its title and referred to the Committee on the District of Columbia.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 17097. An act to fix the salary of the auditor of the Supreme Court of the District of Columbia, and for other purposes; and

H. R. 18732. An act to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

### THE CORBETT TUNNEL.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 74) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

Mr. MYERS. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MYERS, Mr. JONES, and Mr. LEA of Tennessee conferees on the part of the Senate.

### COAL LANDS IN ALASKA.

Mr. PITTMAN. I believe that under the unanimous-consent agreement House bill 14233 is to be taken up following the consideration of the river and harbor bill, and it is now the regular order.

The VICE PRESIDENT. Is there objection to taking up the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert a substitute.

Mr. CLAPP. There are certain Senators who desire to be here when the bill is brought up. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Hollis | Norris | Simmons |
| Bankhead | Johnson | Overman | Smith, Ariz. |
| Brady | Jones | Page | Smith, Md. |
| Bryan | Kenyon | Perkins | Smith, Mich. |
| Burton | Kern | Pittman | Sterling |
| Chamberlain | Lane | Poindexter | Stone |
| Chilton | Lea, Tenn. | Pomerene | Thompson |
| Clapp | Lee, Md. | Reed | Thornton |
| Culberson | Lewis | Robinson | Vardaman |
| Fletcher | McCumber | Root | Wet |
| Goff | Martin, Va. | Shafroth | White |
| Gore | Nelson | Sheppard | Williams |

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. CRAWFORD and Mr. RANSDELL answered to their names when called.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The amendment of the Committee on Public Lands will be read.

The SECRETARY. The Committee on Public Lands recommends striking out all the House text and inserting the following words, which begin on page 12, line 16:

That the Secretary of the Interior be, and hereby is, authorized and directed to survey the lands of the United States in the Territory of Alaska known to be valuable for their deposits of coal, preference to be given first in favor of surveying lands within those areas commonly known as the Bering River and Matanuska coal fields, and thereafter to such areas or coal fields as lie tributary to established settlements or existing or proposed rail or water transportation lines: *Provided*, That such surveys shall be executed in accordance with existing laws and rules and regulations governing the survey of public lands.

SEC. 2. That after the execution of the surveys provided for in this act the President of the United States shall designate and reserve from use, location, sale, lease, or disposition not exceeding 5,120 acres of coal-bearing land in the Bering River field and not exceeding 7,680 acres of coal-bearing land in the Matanuska field: *Provided*, That the coal deposits in such reserved areas may be mined under the direction of the President when, in his opinion, the mining of such coal in such reserved areas, under the direction of the President, becomes necessary, by reason of an insufficient supply of coal at a reasonable price for the requirements of Government works, construction and operation of Government railroads, for the Navy, for national protection, and for relief from oppressive conditions.

SEC. 3. That the unreserved coal lands shall be divided by the Secretary of the Interior into leasing blocks or tracts of 40 acres each, or multiples thereof, and in such form as in the opinion of the Secretary will permit the most economical mining of the coal in such blocks, but in no case exceeding 2,560 acres in any one leasing block or tract; and thereafter, subject to any prior valid existing rights, which said rights may be perfected under the laws in force at the time the same were initiated, the Secretary shall offer such blocks or tracts and the coal, lignite, and associated minerals therein for leasing, and shall award leases thereof through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, to any person above the age of 21 years who is a citizen of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States or of any State or Territory thereof: *Provided*, That no more than one of said blocks shall be included in any lease: *And provided further*, That no railroad or common carrier shall be permitted to take or acquire through lease or permit under this act any coal or coal lands in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder: *And provided further*, That any person, association, or corporation qualified to become a lessee under this act and owning any pending claim under the public-land laws to any coal lands in Alaska may, within one year from the passage of this act, enter into an arrangement with the Secretary of the Interior by which such claim shall be fully relinquished to the United States; and if in the judgment of the Secretary of the Interior the circumstances connected with such claim justify so doing, the moneys paid by the claimant or claimants to the United States on account of such claim may, by direction of the Secretary of the Interior, be returned and paid over to such person, association, or corporation as a consideration for such relinquishment, or in lieu of such repayment the Secretary of the Interior may execute and deliver to said person, association, or corporation, in preference to any other lessee, a lease under this act of the land so claimed or any part thereof within the limitations of area and location fixed by section 2 hereof, and the said moneys may be credited upon the royalties to become due under such lease: *Provided*, That if the land so claimed be within a reservation made in pursuance of section 7 of this act, other coal lands in Alaska of substantially equal value may be substituted in said lease for the lands so relinquished.

SEC. 4. That a person, association, or corporation holding a lease of coal lands under this act may, with the approval of the Secretary of the Interior and through the same procedure and upon the same terms and conditions as in the case of an original lease under this act, secure a further or new lease covering additional lands contiguous to those embraced in the original lease, but in no event shall the total area embraced in such original and new leases exceed in the aggregate 2,560 acres.

SEC. 5. That, subject to the approval of the Secretary of the Interior, lessees holding under leases small blocks or areas may consolidate their said leases or holdings so as to include in a single holding not to exceed 2,560 acres of contiguous lands.

SEC. 6. That each lease shall be for such block or tract of land as may be applied for, not exceeding in area 2,560 acres of land, to be described by the subdivisions of the survey, and no person, association, or corporation, except as hereinafter provided, shall be permitted to take or hold any interest as a stockholder or otherwise in more than one such lease under this act, and any interest held in violation of this proviso shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any such ownership and interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for one year, and not longer, after its acquisition.

SEC. 7. That any person who shall purchase, acquire, or hold any interest in two or more such leases, and any person who shall knowingly sell or transfer to one disqualified to purchase, or, except as in this act specifically provided, acquire any such interest, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $1,000. For all the purposes of this act stock in a corporation owning or holding such a lease shall be deemed an interest in the same.

SEC. 8. That any director, trustee, officer, or agent of any corporation holding any interest in such a lease who shall, on behalf of such corporation, act in the purchase of any interest in another lease, or who shall knowingly act on behalf of such corporation in the sale or transfer of any such interest in any lease held by such corporation to any corporation or individual holding any interest in any such a lease, except as herein provided, shall be guilty of a felony and shall be subject to imprisonment for a term of not exceeding three years and a fine of not exceeding $1,000.

SEC. 9. That for the privilege of mining and extracting and disposing of the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall not be less than 2 cents nor more than 5 cents per ton, due and payable at the end of each month succeeding that of the shipment of the coal from the mine, and an annual rental, payable at the beginning of each year, on the lands covered by such lease, at the rate of 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases may be for periods of not more than 50 years each, subject to renewal on such terms and conditions as may be authorized by law at the time of such renewal.

SEC. 10. That in order to provide for the supply of strictly local and domestic needs for fuel the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified under section 3 of this act a limited license or permit granting the right to prospect for, mine, and dispose of coal belonging ing to the United States on specified tracts not to exceed 10 acres to any one person or association of persons in any one coal field for a period of not exceeding 10 years, on such conditions not inconsistent with this act as in his opinion will safeguard the public interest, without payment of royalty for the coal mined or for the land occupied: *Provided*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the acquisition, holding, or operating under the limited license in this section permitted. And the holding of such a license shall be no bar to the acquisition or holding of such a lease or interest therein.

SEC. 11. That any lease, entry, location, occupation, or use permitted under this act shall reserve to the Government of the United States the right to grant or use such easements in, over, through, or upon the land leased, entered, located, occupied, or used as may be necessary or appropriate to the working of the same or other coal lands

by or under authority of the Government and for other purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted in so far as said surface is not necessary for use by the lessee in extracting and removing the deposits of coal therein. If such reservation is made, it shall be so determined before the offering of such lease.

That the said Secretary during the life of the lease is authorized to issue such permits for easements herein provided to be reserved, and to permit the use of such other public lands in the Territory of Alaska as may be necessary for the construction and maintenance of coal washeries or other works incident to the mining or treatment of coal, which lands may be occupied and used jointly or severally by lessees or permittees, as may be determined by said Secretary.

SEC. 12. That no lease issued under authority of this act shall be assigned except with the consent of the Secretary of the Interior. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed shall be observed, and such other provisions as are needed for the protection of the interests of the United States.

SEC. 13. That the possession of any lessee of the land or coal deposits leased under this act for all purposes involving adverse claims to the leased property shall be deemed the possession of the United States, and for such purposes the lessee shall occupy the same relation to the property leased as if operated directly by the United States.

SEC. 14. That any such lease may be forfeited and canceled by appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any provision of the lease or of general regulations promulgated under this act; and the lease may provide for the enforcement of other appropriate remedies for breach of specified conditions thereof.

SEC. 15. That the jurisdiction of the district court of Alaska shall extend to and over any forfeiture or cancellation proceedings instituted under the provisions of section 9 of this act and to any and all controversies which may arise between the United States and any lessee or other person, association, or corporation growing out of any disputed controversies or proceedings arising under this act or under leases issued hereunder. All cases against the United States brought under the provisions of this act shall be tried in the same manner and under the same rules as controversies between citizens.

SEC. 16. That all statements, representations, or reports required, unless otherwise specified, by the Secretary of the Interior under this act shall be upon oath and in such form and upon such blanks as the Secretary of the Interior may require, and any person making false oath, representation, or report shall be subject to punishment as for perjury.

SEC. 17. That the Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

SEC. 18. That all acts and parts of acts in conflict herewith are hereby repealed.

Mr. SMOOT. Mr. President, I want to call the attention of the Senator having the bill in charge to an error, on page 15, line 11, where it reads "by section two hereof." The words "two hereof" should be stricken out and the word "this" inserted before the word "section," so that it will read:

Area and location fixed by this section.

I want to say to the Senator that I believe the error was caused in committee by incorporating section 8 of the bill, which was introduced by myself on January 12, 1914, in this paragraph, the section having been copied just as it appeared in my bill. In that bill it properly referred to section 2, but in this bill it is included in section 3, which covers the part that was section 2 in my bill. I suppose the Senator from Nevada can readily see the error now that his attention is called to it.

Mr. PITTMAN. I have no doubt that that statement is correct, and I ask that the amendment suggested by the Senator from Utah be made.

The VICE PRESIDENT. The amendment to the amendment suggested by the Senator from Utah will be stated.

The SECRETARY. On page 15, line 11, after the word "section," it is proposed to strike out the words "two hereof," and before the word "section" to insert the word "this."

The amendment to the amendment was agreed to.

Mr. PITTMAN. On page 12, line 21, after the word "Matanuska," I move to insert the words "and Nenana."

The amendment to the amendment was agreed to.

Mr. SMOOT. Mr. President, I wish to ask the Senator from Nevada a question before suggesting an amendment to section 2. Does the Senator wish that the President shall have the right to make reservations in the Nenana coal field?

Mr. PITTMAN. I do not think the committee conceived that to be of any particular importance by reason of the great distance of this coal field from the coast and the character of the coal.

Mr. SMOOT. Then there is no necessity to amend section 2 by inserting Nenana coal field.

Mr. PITTMAN. I think not.

I also offer as an amendment, on page 13, line 3, to strike out all after the word "That" down to and including the word "act," in line 4, on the same page.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In section 2, page 13, line 3, in the committee amendment, after the word "That," it is proposed to strike out the words "after the execution of the surveys provided for in this act," so that if amended it will read:

SEC. 2. That the President of the United States shall designate and reserve from use—

And so forth.

Mr. PITTMAN. Mr. President, my only reason for offering that amendment is that this land may be surveyed in blocks before it can be leased. According to the whole tenor of the act and the interpretation placed on the words it contains, they might lead to the belief that the President could not begin leasing any of these lands until it was all surveyed.

Mr. SMOOT. Mr. President, section 2 only applies to the authority granted to the President to "reserve from use, location, sale, lease, or disposition" certain lands for the use of the Government. I do not see what necessity there is for striking out those words in that section, for I believe the land ought to be surveyed before the President reserves them or withdraws them for that purpose.

Mr. PITTMAN. I have no disposition to press the amendment at all. If the Senator from Utah believes that it adds to it, and does not correct any abuse about having these reservations made until after the entire survey, it is all right.

Mr. SMOOT. I think the bill is exactly right as it is.

Mr. PITTMAN. Then I withdraw the amendment.

Mr. SMOOT. I do not think those words ought to be stricken out.

Mr. PITTMAN. I simply attempted to make the language more definite. I withdraw the amendment.

In section 3, page 13, line 18, after the word "lands," I move to insert the words "and coal deposits."

Mr. SMOOT. Mr. President, are not "coal deposits" coal lands?

Mr. PITTMAN. I think there is no doubt that the presence of coal constitutes coal lands, but this bill contains another provision, which the Senator from Utah will recollect authorizes the reservation of the surface of this land from lease. So it may be leased for other purposes or disposed of for agricultural purposes. I simply wanted the distinction drawn there as between the land itself and the coal deposits.

Mr. SMOOT. I do not think it will hurt, and therefore I do not object; but I do not think it will do any good.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. PITTMAN. On page 15, line 14, after the word "section," I move to strike out "7" and to insert "2." That is merely to give the correct number of the section.

Mr. SMOOT. That is correct.

The amendment to the amendment was agreed to.

Mr. PITTMAN. In section 12, page 20, line 1, after the word "property," I move to strike out to and including the word "rules," in line 2.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. In section 12, page 20, line 1, after the word "property," it is proposed to strike out the words "a provision that such rules."

The amendment to the amendment was agreed to.

Mr. PITTMAN. In section 12, page 20, line 1, after the word "property," I move to insert the word "and."

The amendment to the amendment was agreed to.

Mr. PITTMAN. On page 20, section 12, line 3, I move to strike out the words commencing after the word "waste" and including the word "observed," in line 4.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. In section 12, page 20, line 4, after the word "waste," it is proposed to strike out the words "as may be prescribed shall be observed."

The amendment to the amendment was agreed to.

Mr. PITTMAN. Mr. President, as I have stated, I do not intend to discuss this bill. I believe it will be discussed extensively by some of those who are opposed to it. All I desire to say is that this matter has been under consideration by Congress for a great many years; that there has been an experiment in Alaska with the disposal of coal lands under the old law by sale, which has not proven entirely satisfactory; at least it has not resulted or did not tend to result in the opening up of Alaska.

The Committee on Public Lands of the other House have unanimously reported a bill similar to this. The Committee on Public Lands of the Senate had this bill under consideration for three or four weeks, if not longer. It was most carefully considered by every member of the Public Lands Committee and it had been considered for three or four years before that

by present members of the Public Lands Committee. Various bills were compared, and those provisions which seemed best adapted to the conditions in Alaska were adopted. The Committee on Public Lands has reported this bill unanimously, with the exception of the vote of the Senator from Wyoming [Mr. CLARK]. I think that that entitles it to very favorable consideration by this body.

The natural question that is asked by all Senators who have not studied this question is, Why not sell the coal lands in Alaska instead of leasing them? Why should we adopt a leasing system? That question will be asked by the Senator from Colorado [Mr. SHAFROTH]. I simply want to say that very few of us are entirely satisfied with the leasing system. We realize its objections; but we do believe that it is the only system that can be put in operation in Alaska to-day or for many years to come. We do believe that it will operate very successfully there, and we know that there is a crying need for legislation now with regard to Alaska that will throw open those fields to use. It is an emergency that touches the people of Alaska most closely. They are in an Arctic climate, surrounded by coal that they can not use. All the coal that they use in the Territory to-day comes from British Columbia. We have received numerous reports from Alaska indicating to us that the conditions in Europe to-day may at any moment prevent the shipment of the coal of British Columbia to Alaska. So the matter is urgent.

There can be no objection to this bill except that it provides for a leasing system. The bill itself is the best the committee could work out along that particular line; and let me say to you that there is this advantage in the leasing system: It requires considerable capital to purchase coal mines. History has shown us that in the purchase of coal mines almost invariably the capital has been furnished by a monopoly. History has shown us that the poor man, the ordinary miner, does not purchase coal lands as a general thing, and that when such men do purchase coal lands, they generally act as dummies for some great coal corporation. The leasing system allows a poor man, an ordinary miner, to acquire a tract of coal land without the advancement of any money, with the ability to work it with his hands in the event that it is favorably located.

There is not any doubt in the world that there will be much more coal mined in Alaska where the miner only has to pay a part of the coal extracted from the ground than there would be if the miner was compelled to pay the Government from $10 to $20 an acre cash for the coal lands before he could start to work. What difference does it make, so far as the Government is concerned, whether it receives the money in a lump sum at the rate of from $10 to $20 an acre or whether it receives it in the form of royalties? It does, however, make a big difference to the poor man, because under the leasing system the poor man can start mining operations without capital.

As a matter of fact, all over the United States the leasing system is pursued in coal mining. The only difference is that to-day large companies own the coal and lease it to the miners instead of the Government doing so. The provisions of this bill are such that the Government, instead of the large coal companies, will lease the coal to the miners. The method of operation will be largely the same.

Those are some of the objections which are raised to the bill. It is said that it will create a bureaucracy; but we have already authorized the building of a railroad in Alaska by the Government of the United States; we have shown that conditions in Alaska are exceptional; we have already shown that nearly all of the land in Alaska is to-day Government property; that there is little inducement for the individual to build railroads into that country and that there would be little incentive to coal mining in that country for commercial purposes if it were not that we are going to have Government transportation instead of individual transportation.

The matter simply comes down to the bare question as to whether this body is willing to turn down the recommendation of the House of Representatives and turn down the recommendations and report of the Committee on Public Lands of this body merely because they are in theory opposed, as they term it, to a general Government leasing policy.

I am indulging the hope that the Senator from Colorado, with the sympathy for the development of Alaska which I know he has, with the sympathy which he has for all western development projects, will try to draw a distinction between conditions existing in Alaska to-day and conditions existing in his own State and throughout the other Western States. There is quite a difference in the argument he may make when it comes down to the general leasing bill as affecting his State and the argument that he will have to make with regard to the District of Alaska. I regret exceedingly that he has found it necessary to fight this bill, which to-day is needed so badly by the people up in that cold country, merely on the ground that he is opposed to that principle and that policy.

Mr. SHAFROTH obtained the floor.

Mr. JONES. Mr. President, I should like to ask the Senator from Nevada a question or two before he takes his seat.

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. Certainly.

Mr. JONES. Mr. President, I simply want to say at this time that I shall vote for this legislation, because I think it is the only thing that we can now get to relieve a situation in Alaska which ought to be relieved. Now I want to ask the Senator from Nevada a question.

My recollection is that the House bill provides that there shall be a royalty of not less, I think, than 2 cents per ton and then a certain rate per acre, not less than a certain amount. The committee appear to have changed that provision so as to require that the royalty shall be not less than 2 nor more than 5 cents per ton, and there is a fixed rate per acre. Why did the committee make that change? With those limitations, why have a provision in the bill that the Secretary of the Interior may lease Alaska coal lands by competitive bids? It does not seem to me that there is very much room for competition when the royalty ranges only from 2 to 5 cents a ton and the price per acre is definitely fixed. It strikes me that the House provision would be much better than the Senate provision, and I should like to know why the committee made that change.

Mr. PITTMAN. Mr. President, the reason why the Senate committee placed the limit of 5 cents a ton was simply to restrict the arbitrary power of a governmental department. Under the House bill the Secretary of the Interior might have charged 20 cents a ton as royalty for coal mined. We know from experience in connection with leasing in this country that that would be exorbitant, if not prohibitive. The Secretary might not know that—not the present Secretary, however, but in the course of time some Secretary of the Interior might not know that—and even some man who wanted to engage in coal mining might not know it, because such things have happened frequently in the leasing business. We simply threw a protection around the lessee and a protection around the people of Alaska. We believed that 5 cents a ton was a high enough price to charge as a royalty and that 2 cents a ton was a low enough price to charge.

Mr. JONES. Does not the Senator think that those desiring leases will look into the situation pretty closely and will be careful in making their bids, so that they can keep their bids as low as the conditions warrant, and that by retaining the House provision you would be more likely to get a recompense for the Government which would be more commensurate with the advantages which the lessee might have? I take it that, unless you have some governmental system of regulating the price at which the coal shall be sold, the royalty will not always come out of the consumer, but it will simply come out of the market price at which the coal can be sold. If the royalty is 5 cents and the market price is $5 a ton, the lessee will sell his coal at that rate, while if the royalty were 20 cents a ton and the market price $5 per ton, he would still sell at $5 a ton, and the Government would get a better royalty; in other words, it looks to me as if this provision will work to the disadvantage, at least, of the Treasury of the United States and may give to the lessee a very great advantage and benefit.

Mr. PITTMAN. Mr. President, this provision might work a harm on the Treasury of the United States.

Mr. JONES. Without any corresponding benefit to the consumer; that is what I meant.

Mr. PITTMAN. No; it is bound to have a corresponding benefit. The object of this legislation is chiefly for the relief of the people of that country, the development of Alaska, and the reduction to the consumer of the price of coal. We have conceived that 5 cents a ton is a big enough profit to the National Government. We believe that if the royalty is higher it will very probably come out of the consumer in the long run, and we would rather have the consumer have the benefit than the Government.

There is one other consideration to which I desire to call attention. The evidence that was presented to the committee tended to prove to us that 5 cents a ton was a reasonable rate in that country. Nearly all of the leasing throughout the Western States is upon a tonnage basis; and we find that the rates there range from 5 to 15 cents a ton, rarely over 12 cents a ton, however. The conditions undoubtedly out in the Western States are much more advantageous for mining than they are in Alaska. We therefore considered that 5 cents a ton was a good limit to fix.

The Senator states that a man will investigate these propositions carefully and will govern his bid accordingly. Some men will, but, strange to say, a great many men will not. The history of leasing throughout the West has taught us that it is a mistake to assume that a man will protect himself. We of the mining section of the country know that very frequently mining companies demand exorbitant royalties and that men accept leases on exorbitant royalties, with the result that there is an utter failure of the lease, the lessee fails, and the mining company derives no benefit from that character of lease, because the lessee in his attempt to make expenses mines in such a manner that the ultimate destruction of the property and the waste attending that character of mining more than offset the high royalty. It is the part of wisdom to fix those things within reasonable limits.

The Senator from Colorado will tell us now that this bill grants too much authority to a bureau; that there is too much authority granted to the Secretary of the Interior. Certainly this does not grant him any more, but confines him within closer lines. That is the object of the committee. I do not know whether the committee is right or wrong.

Mr. JONES. Mr. President, I do not care especially to take up any time in the discussion of this matter now. I merely wanted to get the views of the committee, and probably at a later time in the consideration of the bill this matter will be brought up further.

I will say that my impression now is that this is not as good a provision as that contained in the House bill; but I want to give it some consideration, so I will not interfere with the time of the Senator from Colorado further.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. Certainly.

Mr. SMOOT. I want to say to the Senator from Washington [Mr. JONES] that the sentiment as expressed in the committee was that the Government of the United States ought not to make any money out of the leasing of the coal lands of Alaska. It was figured about what it would cost the Government of the United States to administer the leasing of coal lands in Alaska and the rate of 2 to 5 cents per ton royalty agreed upon. So far as I am concerned, I do not want the Government to make as much as a 5-cent piece out of the leasing of coal lands in Alaska.

Mr. LANE. Mr. President, I should like——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. SHAFROTH. Certainly.

Mr. LANE. I should like to say that the Senator may be relieved of any fear in that respect; the Government will not make a cent from the leasing of these lands.

Mr. SMOOT. I quite agree with the Senator that with the amount of royalty provided for in the bill the Government will not make one cent from the leasing, and if it pays expenses it will do very well. I want to say to the Senator, however, that if the rate of royalty was double what it is I believe there would be additional employees appointed to require every cent collected to pay.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. SHAFROTH. I do.

Mr. POMERENE. I desire to put a question to the Senator from Utah. The Senator has indicated that he thought 5 cents per ton was a reasonable royalty to be charged. I take it that that is taking into consideration the fact that this is now an undeveloped territory; but if this territory should develop as we hope it may, does not the Senator think that under those circumstances the Government would be justified in charging a greater royalty?

Mr. SMOOT. I do not. I do not believe the Government ought to charge a cent more than the actual expenses incurred in directing the mining and collecting the royalties under the leasing system in Alaska. I do not believe the Government ought to speculate in its public lands. In the past no such policy has maintained. I hope there never will be such a policy. I want to say to the Senator that I hope we never will have a leasing system of our public domain in the United States. I do not want to live to see the day when American citizens are tenants and not owners of their homes or the lands they may operate.

Mr. POMERENE. Assuming that to be the correct theory—and I am not prepared to take either one view or the other of it—what reason is there for making any charge, then?

Mr. SMOOT. The reason is that we do not believe the Government ought to be put to expense in this connection. The only reason given for a lease law, and about all that can be said for it, is that the Government of the United States retains control over the lands and can prevent them from going into the hands of a monopoly. Outside of that one feature there is no more need for this bill or any other lease bill for Alaska than there would be for having the laws of the Medes and Persians apply to any State in the Union.

Mr. POMERENE. Assuming that it would be good policy not to make any charge, why not give to these lessees the title in fee, or at least a qualified fee of some character?

Mr. SMOOT. Mr. President, if they had a fee-simple title, a direct ownership of the land, then, of course, the Government could not control the mining operations nor the transportation of the coal. There are a number of reasons why the leasing system would keep the coal in the absolute control of the Government.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SHAFROTH. I do, but I should like to begin this talk if I may be permitted to do so.

Mr. WHITE. I just want to ask the Senator from Utah, if the Government is not going to make anything out of the leasing system, why would it not be a better scheme to let these people enter these lands and become the owners of them?

Mr. SMOOT. The only reason is this: If they did that, of course it would not be many years before all the coal lands in Alaska would be held in few hands. Entrymen could immediately sell the coal lands to any company that might undertake to build a railroad to them or any company that desired to control the coal lands of Alaska.

Mr. SHAFROTH. Oh, no, Mr. President. Under the law——

Mr. WHITE. Would not that be denying to these entrymen that dominion over property which every other man exercises and ought to exercise?

Mr. SMOOT. I will say to the Senator that about 1,162 entries have been made on coal lands in Alaska. The Government of the United States has in its Treasury to-day about $400,000 of the entrymen's money, and they have been for nearly 10 years trying to have their titles adjudicated and passed upon, and up to the present time not a single entry has passed to patent. Not only that, but I want to say to the Senator that the officials of the Land Office told the committee plainly that they did not propose that there should be any patents issued, and that no matter whether they were entered in good faith and the law complied with or not, they were not going to be passed upon for the present.

Mr. WHITE. Do they propose to defy the Government and its laws?

Mr. SMOOT. That is about what has been done in the past.

Mr. WHITE. It seems to me if we could get rid of those officers and agents it would be better than to lease the lands.

Mr. SMOOT. I want to say to the Senator now——

Mr. SHAFROTH. Mr. President, before the Senator leaves that subject I wish to call his attention to the fact that the laws of Alaska right now are an absolute guaranty against monopoly. I want to read this section of the United States Statutes for Alaska, and put it in the RECORD right now, because the Senator has referred to it:

> If any of the lands or deposits purchased under the provisions of this act shall be owned, leased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of or in any way effect any combination or are in any wise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal or of any holding of such land by any individual, partnership, association, corporation, mortgage, stock ownership, or control in excess of 2,560 acres in the District of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney General of the United States in the courts for that purpose.

The United States Government has not any such law upon its statute books applicable to the public domain in the States. This talk about making a monopoly in Alaska is absolutely an impossibility in view of that legislation, which was passed some four or five years ago.

I just wanted to interrupt the Senator to read that law. He can now finish his query.

Mr. SMOOT. I was simply going to refer to another matter; and I do not want to take the time of the Senator now, because if I entered upon that matter it would take some little time to discuss it. I prefer to do it after the Senator is through.

Mr. SHAFROTH. Very well. Then I will begin my talk now.

Mr. President, I am glad, indeed, that the Senator from Nevada [Mr. PITTMAN] has stated that he is not satisfied with the leasing system, either for Alaska or for the States, and that he is urging this legislation very largely as, perhaps it might be termed, an experiment. If there were no principle involved in this legislation I would feel differently about it; but there is a fundamental principle of government that is affected here—as to whether we are going to have that individuality and ownership that has existed in this country from the foundation of the Government or whether we are going to have our people become tenants.

This is not the only bill of the kind. This bill has been followed by the passage in the House of Representatives of other bills providing for the leasing of various kinds of lands within the borders of States. Consequently, when I discuss this question I am going to discuss all the bills, because it must be recognized not only that the passage of this bill has an influence in the passage of the others but that the same principle is involved.

IS A LEASING SYSTEM FOR THE PUBLIC DOMAIN RIGHT, EXPEDIENT, OR PRACTICABLE?

Mr. President, numerous bills have been introduced in Congress providing for a leasing system for the grazing, coal, oil, asphaltum, phosphate, gas, potassium, and sodium lands of the public domain, as well as for the power generated by falling water thereon. Some of them have passed the House of Representatives and are now pending in the Senate. The principle is the same in all of them, and hence the presentation of any one makes proper a discussion of the whole subject. The bill now presented is one of them.

As the area of the remaining public lands within the States, including forest and other reserves, comprises 343,000,000 acres, a domain equal in extent to the area of nearly two-thirds of the territory east of the Mississippi River, it can readily be seen how seriously a land policy affects that portion of the Republic where these lands are situate.

I want to discuss the proposition of a leasing system for the public domain from the standpoint—

First. Is it right?

Second. Is it expedient?

Third. Is it practicable?

I. IS A FEDERAL LEASING SYSTEM RIGHT?

The greatest objection to a leasing system for the public domain is that it establishes the principle of perpetual ownership in the Federal Government, and, I think, is almost destructive of the development of a State. Such a policy was never intended by the framers of our Federal Constitution or by the States ratifying that instrument. There is no mention in the Constitution of the power or intention of the Government to lease or to hold in perpetuity the public lands, but there is reference in the Constitution, and repeatedly in the acts of Congress, to the manner of the disposition of those lands. Section 3 of Article IV of the United States Constitution reads as follows:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be construed as to prejudice any claims of the United States or of any particular State.

It must be remembered that the Federal Constitution is a grant of enumerated delegated powers; that all powers not expressly or by necessary implication granted are reserved to the States, whether they were original States or were admitted into the Union afterwards. The fact that the Constitution and early acts of Congress provided for the holding of lands for military, naval, and post-office purposes upon the States ceding jurisdiction over them, and the acts then provided for the disposition of the public lands not needed for governmental purposes by entry, location, and patent of agricultural, grazing, mineral, and coal lands upon the payment of the Government price for all but homestead entries, and when commuted, even as to them, shows that it was never intended that the public domain should be held in perpetuity by the National Government or that Federal jurisdiction should ever be exercised with relation to it. The only exception to this course was an act of Congress of 1807, afterwards repealed, which provided for the leasing of lead mines, and that legislation was claimed to be justified on the ground that as lead was a munition of war the leasing system might produce a more certain supply for the Government.

STATES ADMITTED INTO THE UNION UPON EQUAL FOOTING.

Sir, it must be remembered that in the enabling act of Congress admitting each State into the Union it is provided that "the State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever." The people of the original States obtained title to their lands in consideration of settlement upon them, the price named being a peppercorn or a penny.

This policy of disposing of the public lands instead of perpetually owning them was adhered to in the settlement of all the new States from the foundation of the Government until the Rocky Mountain region was reached. Settlement and development have been very difficult there. Daniel Webster described the country as "that vast and worthless area, that region of savages and wild beasts, of deserts, of shifting sands and whirling winds, of dust, of cactus, and of prairie dogs."

Gov. Spry, of Utah, in his speech at the conference of governors of the Western States, held at Denver on April 8, 1914, recited an instance where a company of 600 settlers—men, women, and children—in the early days started from Council Bluffs, Iowa, for a journey across the American desert. He said:

> They pulled their handcarts across the plains, and when they landed in Salt Lake City there were not more than 286 left of the original party. The rest, through hardship, privation, and starvation, had died and were buried along the route.

The percentage of loss was greater than that at the Battle of Gettysburg, yet a great Commonwealth there has been developed by a people who endured such dangers, struggles, and privations which has added untold wealth and power to the Nation.

Ever since settlement the people there have been handicapped by the great expense of getting their lands irrigated, by high rates of interest and by long railroad hauls, with consequent high traffic charges which they must pay in order to compete in the sale of their products in the eastern markets. If any part of the Union should be favored by a liberal land policy it is that far western country. Yet it is now proposed to change that policy and fasten upon the people of that section a system of tenantry, with its payment of rents and royalties. It is absurd to contend that one disposes of a piece of land, in the popular sense, when he leases it for a yearly rental. It is regarded as the surest kind of permanent retention and investment to own property bringing a good rental.

Mr. President, Ohio, Indiana, Illinois, Missouri, Kansas, and other States of the Mississippi Valley had the advantage of their natural resources without the payment of rents, and to withhold the same privilege from the Rocky Mountain States seems a clear violation of the enabling acts of these States. At the time these far Western States were admitted into the Union, each with the clause above quoted, it was and had been for almost a century the settled policy of the Government to dispose of by sale and not to hold in perpetuity the public domain in carrying out what was supposed to be the powers granted to the Federal Government. At that time and ever since no power existed in the President, or any other officer, permanently to withdraw from entry agricultural, grazing, mineral, or coal lands. The Rocky Mountain States had, therefore, the right to rely upon the same treatment as had been extended to the other public-land States; in fact, such fixed policy of equal treatment constituted an implied contract between the States and the Nation, which can not in good faith be violated. Is it right to abrogate it now?

The United States Supreme Court in Pollard's Lessee *v.* Hogan (15 U. S., 391; 3 How., 212), approved many times since, clearly shows the distinction between the sovereignty and jurisdiction of the Nation and the State with respect to the public domain and the temporary trust of the Government to dispose of the same.

The court says:

> We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed, except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia Legislatures, and the deeds of cession executed by them to the United States, and the trust created by the treaty with the French Republic of the 30th of April, 1803, ceding Louisiana.
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> * * * * * * *
>
> When Alabama was admitted into the Union on an equal footing with the original States she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States for the temporary purposes provided for in the deed of cession and the legislati... acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

In the case of Kansas *v.* Colorado (206 U. S., 46) the United States Supreme Court approved the foregoing decision and held:

> That the Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumer-

ation of the powers granted is to be found in the Constitution of the United States, and in that alone; that all powers not granted are reserved to the people. While Congress has general legislative jurisdiction over the Territories, and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream; that the full control over those waters is vested in the State.

From this and other decisions it is clear that the Government never held title to these lands for its own use, such as a fee-simple title in an individual, but that it held them only in trust for the use and benefit of the citizens of the United States—not necessarily of the State—who might wish to locate, settle, and develop them. Not even residence in a State is required in order to locate and acquire patent to a gold, silver, copper, or lead mine, or a claim under the coal, timber, or stone acts, nor to obtain right of way for power plants. The right of a citizen of the United States to so locate claims constitutes the interest which every citizen of this country has in the public domain. It is truly a domain for the public. Is it right to change it?

PERPETUAL OWNERSHIP BY GOVERNMENT MEANS EXEMPTION FROM TAXATION FOREVER.

Mr. President, the act admitting each State into the Union provides that the public lands shall not be taxed. Perpetual ownership of lands by the Federal Government means exemption from taxation forever for State, county, and school purposes. It prevents a State from exercising that peculiar indicia of her sovereignty—the right to tax the lands within her borders to maintain her existence. Taxation for these purposes is the very agency by which a government, republican in form, as required of a State by the Federal Constitution, is maintained.

In this country we have a dual form of government, one for national and the other for local affairs. It is a partnership, with a division of duties as to government. Each is supreme in its own sphere. The cost of maintaining the State, county, and school governments in all of the 48 States is much greater than the expense of maintaining the National Government. It was never contemplated that either the Nation or the State should use its powers to the detriment of the other. The cost to the State of the public-school system is much more than that for State and county administration combined. The State educates its children for the purpose of making good citizens not only for the Commonwealth, but for the Republic. To be deprived of the necessary revenue on account of exemption of public lands from taxation defeats that very command of the Federal Constitution. It is therefore very essential to the existence of the State that the Government should hold these lands only in trust and only temporarily. It is true that by reason of the grants of lands by the Nation to all the States on admission into the Union, and the sale of those lands by the States, they get an income for school purposes; but it is insignificant—about $1.38 per annum for each child attending school in Colorado—compared to the enormous expenditures of the States for teachers and school buildings. If our Government were unital, instead of dual, the Nation would have to meet all the expenses of both, including that for a school system.

In the Rocky Mountain region the payment of taxes upon property for 30 years, together with reasonable interest on each yearly payment, equals the value of the property taxed. Consequently, when the lands privately owned must pay all the taxes for maintaining government over all the public domain, it is equivalent to the people there paying, in addition to their just taxes, a sum equal to the value of the public lands every 30 years. Thus the people of the public-land States, in carrying out the requirements of the Federal Constitution to maintain governments republican in form, indirectly pay for these lands every 30 years. Yet never do they thereby come into the ownership of a foot of them. Less than one-third of the lands in the State of Colorado and less than one-eighth of the lands in the State of Wyoming are in private ownership and subject to taxation, and in most of the other public-land States a similar condition exists.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. In one moment.

The Geological Survey at Washington has estimated that there are 371,000,000,000 tons of coal in the State of Colorado, enough to supply the world at the present rate of consumption for 300 years. More than nine-tenths of it is on the public domain, which the Government has estimated as of the value of more than $500,000,000. To deprive a young State like Colorado of the right to tax that and other lands held by the Government is to deprive the Commonwealth of the means of maintaining efficient State, county, and school government.

Sir, the State of Colorado pays into the Federal Treasury $5,000,000 a year, which is three times as much as it raises for its own State government. "Unto everyone that hath shall be given and he shall have abundance." A large part of that money is expended for battleships, which are not necessary to the defense of Colorado; for seashore fortifications upon coasts from 1,200 to 2,000 miles from our mountains; for river and harbor improvements, when there is no navigable stream in the State. The Colorado people do not complain of these expenditures, but they do contend that if in this partnership between the Nation and the State in maintaining a Republic the State pays its share, the Nation should not deprive the State of the means of maintaining government by exempting perpetually its public lands from taxation. If the United States is going into the leasing business, it should place itself upon the same basis as private citizens engaged in the same business. It should subject its lands to taxation.

I now yield to the Senator from Washington.

Mr. POINDEXTER. I would not have interrupted the Senator, but I was struck by his remark that Colorado is not interested in the building of naval vessels by the Government. I was particularly struck with it because I have heard the Senator make the same remark——

Mr. SHAFROTH. Mr. President, I believe in these expenditures, but I do say if we are to get comparatively no benefit, surely the Government ought not to deprive us of the means of maintaining our State government by exempting the public lands from taxation.

Mr. POINDEXTER. If we had no Navy, it would be very easy for a hostile force, if unfortunately we were ever attacked by one, to land on the soil of the United States and then Colorado would be called upon to aid in ejecting it.

Mr. SHAFROTH. I am not arguing against a navy. The only thing I am saying is that we have a dual form of government, and that in the formation of our Republic we have questions of national affairs and we have questions of State affairs, and when a State does its full share the Government of the United States ought not to cripple the States by exempting from taxation in Wyoming pretty nearly nine-tenths and in the State of Colorado two-thirds of its area.

Mr. SMITH of Arizona. And in Arizona one-half.

Mr SHAFROTH. In Arizona about one-half. I think it is more than that. And poor Alaska has simply one-fiftieth of 1 per cent of its area in private ownership, which throws onto those people who have private property taxation with which to maintain their schools and their local government over all the lands within its borders, and they can not do it if a leasing system prevails.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. Yes, sir.

Mr. WALSH. The State of Minnesota owns a large quantity of land containing valuable deposits of iron ore. It does not sell any of those iron-ore lands at all; it simply leases them. That State, so far as my information is concerned, and I shall be very glad to be corrected if the Senator has other information, is not complaining particularly because of the tenantry system of which he now speaks. Neither does it find any particular embarrassment in its power of taxation. The fact of the matter is, as my information is, that a very large portion of the revenues of the State are derived from the royalties received from those lands. Can the Senator tell us how, if the system is a good one in Minnesota, it is a bad one in Colorado?

Mr. SHAFROTH. It seems to me that that is in line with my argument. The State gets the revenue and for that reason it seems to me there is something in the position which the Senator has taken, but here——

Mr. WALSH. If the Senator will pardon me just one remark, what I desire to impress upon the Senator about Alaska is the fact that every dollar which comes out of this land——

Mr. SHAFROTH. Oh, in Alaska every dollar of it goes into the Treasury of the United States.

Mr. WALSH. Excuse me, it is for the payment of the expenses of constructing the railroads of Alaska.

Mr. SHAFROTH. I do not know what it may be applied to, but you can not be generous until you are just. You can not give railroads or anything else, and expect exactions, until you are just to the people, because the men who get the benefit of the railroads would not be always the same men who have to pay the tax.

Mr. WALSH. The act for the construction of railroads was passed in consequence of the eloquent pleading of the people of Alaska.

Mr. SHAFROTH. I have no doubt some of them did.

Mr. WALSH. And we are using the revenues derived from those lands to reimburse the expenditures from the Treasury.

Mr. SHAFROTH. Mr. President, I should like to enter into a controversy with the Senator, but I want to get through with this formal part of my speech, and then I will be willing to take up any question that he may want to present, because I propose to show you that every leasing system that has been undertaken by this Government has been a failure.

ROYALTIES WILL IMPOSE A GREAT BURDEN UPON OUR PEOPLE AND INDUSTRIES.

Mr. President, not only is it proposed to exempt forever natural resources from State, county, and school taxes, but it is proposed to subject our public lands and resources to the payment of rents and royalties, thereby increasing the burden upon our people—a burden which the National Government never imposed upon the people of any other State. "But from him that hath not shall be taken away even that which he hath."

Take the royalty on coal alone; if it is to be 10 cents a ton and the system a success, the people of Colorado will ultimately have to pay as royalty upon the 334,000,000,000 tons of coal upon the public domain within its borders $33,400,000,000, an amount equal to more than ten times the national debt at the close of the Civil War. Is that right, when none of the Middle or Eastern States have paid a cent in the way of royalty on their coal?

Sir, it is no answer to say that, as proposed in the leasing bills applicable to the States, the rentals will go into the reclamation fund and after that fund is reimbursed by the people of the West, 20 years after the completion of the reclamation projects—which usually take 10 years—that one-half of it will be paid to the State for school and road purposes, the State in the meantime exercising government over all these lands at its own expense.

That is a fine proposition—that the Nation shall tax a young and struggling State for that which it has never taxed any other State, and then after 20 or 30 years offer to return one-half of the amount so wrongfully extracted! Is that the equal treatment guaranteed by our enabling act?

Great Britain attempted to palliate her tyranny upon the Colonies by providing that all the duties imposed should be expended in America for its protection and defense; but our forefathers were not satisfied with such a transparent deception.

The amount of royalty for coal will be added to the price of that product several times before it reaches the consumer. Does that constitute "an equal footing with the original States in all respects whatsoever"? As the consumer pays the tax, it is practically a consumption tax. With what horror would the people of the East resent the imposition of such a tax on the coal consumed here.

The difference of 10 or 20 cents a ton on coal will often determine whether a manufacturing enterprise will be a success or a failure. Persons desiring to establish a factory will therefore often refuse to consider a location in a State that is handicapped by such exactions. Is it right to place any State at such a disadvantage in the struggle for industrial supremacy?

Mr. President, these considerations, it seems to me, condemn as wrong any governmental leasing system. The lands should be sold in order to carry out the objects of our dual form of government. In equity all of the sums realized above the minimum price fixed in the law should go to the States which have and must maintain government over the lands. It has been settlement and development by the people of those States that have given value to the resources. The lands had no value whatever from the time of the discovery of America until the people there created value by settlement and development. But if the Government is to refuse to recognize this equitable claim and contend that all of the people should share in the benefit of this trust, whether they help develop it or not, rather than have a leasing system forced upon us, let the Government sell the lands for what they are worth for its own Treasury, so that the State, county, and school governments can have the ordinary means contemplated by our Constitution for raising revenue by taxation upon all the lands within the borders of the State.

I therefore contend that it is not right for the Federal Government to impose upon a State or Territory a leasing system for the public domain.

II. IS A FEDERAL LEASING SYSTEM EXPEDIENT?

Mr. President, the chief object to be attained by a nation is the happiness of its citizens. In order to establish a leasing system for the public domain, it will be necessary to create and maintain a large bureau in Washington, with innumerable agents radiating therefrom. The people out West are thoroughly imbued with the idea, gathered from the Supreme Court decisions and the uniform policy of administration, that the public lands are held temporarily in trust by the Federal Government for all its citizens who will develop and improve them, and also with the idea that national sovereignty does not extend to lands within the limits of a State. They therefore look with jealousy upon any seeming infringement of those rights. These agents, like the Federal foresters, will nearly all be selected from other States. They will be regarded by the inhabitants as carpetbaggers, just as the foresters have always been so regarded. This feeling is bound to produce irritation between the agents and citizens, and hence destroy the chief aim of government in the localities affected. The most civilized country in the world can not give satisfactory government to a distant people, because their interests and aims are not identical. No satisfactory administration of a leasing system can ever be made by a bureau located 2,000 miles away. What seems to be justice to the agent appears to be tyranny to the citizen. A bureau obsessed with the importance of its work is always endeavoring to extend its field of operation and to enlarge its force. It is continually grasping for more power. I have heard it said that the former Chief of the Forestry Bureau stated that when the forest reserves were scientifically managed it would require 100,000 employees.

The Government is a much more exacting landlord than an individual. Its officers are not as liberal to tenants, because of the fear of criticism if they should waive provisions of a lease, which an individual landlord would concede without hesitation. There has always been an antagonism between landlords and tenants, and it is magnified when the Government is the landlord and the administration of the lands is conducted by a distant bureau.

DISTANT BUREAUS GENERALLY AGAINST THE PEOPLE WITH WHOM THEY DEAL.

No better illustrations of bureaucratic activity can be found than the efforts which the Forestry Bureau has made in the past to defeat the will of the people of the public-land States, and even the will of Congress itself. The law for the establishment of forest reserves by proclamation was enacted in 1891, at the instance of western Senators and Representatives, for the purpose of conserving the snow at the headwaters of streams in the mountains until summer, when the water would be needed for irrigation in the valleys below. No one ever dreamed that under that law the bureau would reserve mineral lands. Without regard to the original purpose, the bureau immediately began to urge the establishment under this law of enormous reserves, until now there are 186,616,648 acres included in forest reserves in the States, an area equal to that of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and Ohio combined.

On June 4, 1897, early in the establishment of forest reserves, Congress, in order to limit the tendency then being manifested by the Forestry Bureau toward embracing great and unsuited areas in such reserves, passed the following law:

No public forest reservation shall be established except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flow and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes.

Yet this bureau caused to be established in the State of Colorado forest reserves to the extent of 16,000,000 acres—recently reduced to 14,560,480 acres—an area equal to that of Massachusetts, Connecticut, and New Hampshire combined. Of that large area 40 per cent lies above timber line, where nature has decreed no timber can grow, and 30 per cent lies at that altitude where only scrub timber can grow. Thus in the forest reserves of Colorado only 30 per cent of the total area is suited for timber reserves. There was included within those reserves 65 per cent of the known mineral area of Colorado. Reforestation there is out of the question, as, according to a report of the Agricultural Department, it takes 200 years to grow a pine tree in Colorado 19.6 inches in diameter at an altitude of 7,500 feet above sea level, and three-fourths of our forest reserves are above that altitude.

Such abuses of power could only be found when exercised by a distant bureau. If the Government desires to plant trees let it do so on the plains, where under irrigation a growth of 1 inch in diameter per annum can be obtained. There is no danger of extinction of timber when such rapid replenishment can be made.

XUM

Sir, the western people protested most vigorously against such large reserves, and the Senate on February 25, 1907, passed a bill containing a clause—

That hereafter no forest reserve shall be created nor shall any additions be made to one hereafter created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, and Wyoming, except by act of Congress.

The House concurred in the measure on March 3, 1907. It was well known for some days in advance that the bill would pass, yet the Forestry Bureau, contrary to the expressed policy of Congress, circumvented the operation of the law by inducing the President, on March 1 and 2, 1907, to create and enlarge in those States by proclamation 32 immense forest reserves, embracing millions and millions of acres of the public domain.

The Forestry Bureau was fully aware of the antagonism of the people of the West to these large reserves, and yet while that bill, guarding the interests of the Rocky Mountain region, was about to become a law it mapped out and described gigantic forest reserves and had them established by proclamation of the President two and three days before the President signed the act. That is the kind of government the people will always get from a distant bureau. It was the seizure of more power.

Mr. SMITH of Arizona. If the Senator will permit me——

Mr. SHAFROTH. I yield.

Mr. SMITH of Arizona. Is it not a fact that when Congress had the very bill to which the Senator refers under consideration, protecting those States from the Federal Government, after the passage of the bill by both Houses of Congress and while it was awaiting the signature of the President, before signing it the President made these reservations at the instance of the Forestry Bureau?

Mr. SHAFROTH. I have looked up the record, and I find they were very close together, but the withdrawal order was not signed after the bill reached the table of the President.

AS WATERS OF NONNAVIGABLE STREAMS BELONG TO THE STATES, GREAT WRONG FOR FEDERAL GOVERNMENT TO IMPOSE ROYALTIES FOR POWER GENERATED THEREFROM.

Mr. President, the Supreme Court of the United States has determined time and again that the National Government has no ownership of or jurisdiction over nonnavigable streams of a State, and that it only has a negative power as to the navigable rivers, which may be exercised only to prevent obstruction to navigation. In the arid West the law is that the man who first applies the water of a stream to beneficial uses, either for irrigation or for the generation of power, is entitled to priority of right to the use of that water, irrespective of State lines. The members of the Forestry Bureau contended for a long time that the National Government owned the waters in the streams upon the public domain, but when driven from that position by a citation of numerous decisions of the Supreme Court of the United States to the contrary they then sought to do indirectly what they could not do directly; that is, refuse to grant rights of way over public lands for the construction of canals and reservoirs for the generation of power without the payment of a royalty on the power created by the falling water. This policy is as unjust as it would be for the owner of land to demand an agreement for a percentage of the receipts of a railroad company before permitting the construction of the road through his land. It was by that indirect method that they in effect annulled the inherent power of sovereignty in a State called eminent domain by which rights of way can be condemned for great public enterprises. The distressing feature of it is that their decision is effective because a citizen can not sue his sovereign.

Sir, it was Secretary Garfield who, at the instance of this Forestry Bureau, two days before he retired from office, revoked 40 permits of power plants to transmit their water and electricity across public lands. In several instances the electric plants had cost millions of dollars and were then being operated. He, no doubt, thought he was doing right, but we believe he was doing a great wrong to our States.

The owners of water-power plants are simply public carriers to transmit the power generated to be used for commercial purposes. They are expressly declared by statute in Colorado to be common carriers; they are identically in the same position as railroads. That the rates of railroads or of power companies can be made reasonable by the States had been settled too many times to need citation of authorities. In Colorado water rates for irrigation have always been regulated under statute by county commissioners, and they never have permitted excessive rates. It is absurd to say that the legislatures of the States will not curb and prevent excessive prices for the transmission of electrical power. They are nearer to the people and respond more readily to their will than does Congress. If they fail to do so, it is the right of the people in most of the Rocky Mountain States, without action of the legislature, to initiate and enact statutes which will compel reasonable rates and the right to recall officers who fail or refuse to do their duty. In most of the Rocky Mountain States we have public-utility commissions for the purpose of regulating rates of common carriers. These laws constitute the guaranty that no excessive charges for electricity could possibly become permanent in those States. The people of our States are the only ones affected, and their wishes, and not that of a distant Federal bureau, should determine such a momentous question.

The withdrawal of water-power sites from entry for the past eight years has produced a paralysis in the development of that resource. In Colorado we have 4½ per cent of our water power developed. An active development was stopped by the order of withdrawal. It must be remembered that each horsepower generated by falling water saves the burning of 15 tons of coal each year. This resource has been locked up for eight years. That is conservation with a vim! But what further does it mean? According to the United States Geological Survey, the streams of Colorado are capable of generating continuously from 1,000,000 to 2,117,000 horsepower. By dividing the value of the products manufactured from power by the number of horsepower generated from all sources in the United States, according to the census reports, it is found that each horsepower produces products to the value of $1,148 each year, of which labor gets $524. Multiply those amounts by 1,000,000 horsepower, which is the lowest estimate of what can be generated by falling water in Colorado, and we have a possible product of the value of $1,148,000,000 a year and a pay roll of $524,000,000 a year. These results would be upon the basis that Colorado would use its power to the same advantage as the average of that used in the United States as a whole.

What a wrong has the Forestry Bureau perpetrated upon such a promising manufacturing State by causing the withdrawal of water-power sites entered under the law that is still upon our statute books!

DISTANT BUREAUS FOR ADMINISTRATIVE OFFICERS USUALLY APPOINT NONRESIDENTS.

Answering the appeal of the people of the West to be freed from "carpetbaggers' rule" in the administration of the forest reserves, the Congress of the United States on February 1, 1905, passed an act which contains the following:

SEC. 3. That forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the said reserves, respectively, are situated.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. Yes.

Mr. WEST. I noticed that the Senator from Colorado a few moments ago used the expression "carpetbagger."

Mr. SHAFROTH. Yes, sir.

Mr. WEST. I thought that was a term that the South had appropriated long years ago.

Mr. SHAFROTH. No; I do not think so.

It can readily be seen how startling to the West was the Associated Press dispatch announcing the appointment of the supervisors of the Forestry Bureau upon its reorganization, which read as follows:

WASHINGTON, *October 7, 1908.*

The district foresters who will be in charge of the six field districts of the Forest Service beginning January 1 next have been selected by United States Forester Gifford Pinchot.

They and their headquarters are as follows:

District 1. Missoula, Mont., W. B. Greeley, California.
District 2. Denver, Colo., Smith Riley, of Maryland.
District 3. Albuquerque, N. Mex., A. C. Ringland, of New York.
District 4. Ogden, Utah, Clyde Leavitt, of Michigan.
District 5. San Francisco, Cal., F. E. Olmstead, of Connecticut.
District 6. Portland, Oreg., E. A. Allen, formerly State forester of California.

Why is it that in the great State of Colorado, with its four-fifths of a million of population, with thousands of citizens familiar with our forests and mines, the Federal bureau should have to go to Maryland to find the district forester to administer the reserves of that Commonwealth? Why is it that Mr. A. C. Ringland, of New York, 2,000 miles away, must be brought to Albuquerque, N. Mex., to control the administration of forests, with which he could not have been one-tenth as familiar as many of the inhabitants of that locality? For what reason should Mr. Cyde Leavitt, of Michigan, be imported into Utah for the administration of forest affairs there, when there are thousands with better knowledge as to their preservation and care living in that State? And why should Mr. F. B. Olmstead, of Connecticut, be taken clear across the continent to California to control the reservations of that Commonwealth? Of the six district foresters not a single one appointed was from the State in which the forest reserves under his jurisdiction are situated. Furthermore, the bureau

appointed more than three-fourths of the foresters and rangers from States other than those in which the reserves are located. All of which was in plain violation of the act of Congress. That is the kind of rule which generally follows from bureaucratic government administered from afar.

It would take hours to tell of the individual wrongs which have been perpetrated upon the people of the Rocky Mountain States by the employees of the Forestry Bureau.

RULES OF DISTANT BUREAUS ARE OFTEN UNREASONABLE AND RETARD DEVELOPMENT.

Mr. President, the rules of the Forestry Bureau contain requirements which produce such hardships upon the prospector and miner as to make prospecting difficult and harassing. We who live in Colorado and know its great wealth in precious metals are confident that it was the extension of forest reserves over so much of our mineral region, and these unjust rules, that reduced our metalliferous miners, according to the United States Census reports, from 40,111 in 1900 to 19,568 in 1910. Gov. Ammons, of Colorado, before the Committee on the Public Lands of the House of Representatives, on April 21, 1914, said:

Since the blanket of forest reserves was thrown over the entire mountainous and mineralized district of Colorado, new development has practically ceased. Not a single new valuable mining camp has been opened since that time.

Before patent can be obtained a forester inspects the mine to see if the passing of title to the claim will interfere with the forest reserves. After the miner has completed the required $500 worth of work on his claim, a so-called expert is sent there by the Government to determine whether the development indicates that it will make a paying mine, and if he reports that it will not, then patent will not issue. If there is one thing which, above all others, insults and outrages a miner it is a determination by a so-called scientific man that the prospector's judgment is wrong—that the mine which contains the hope and aspiration of his life can not be made a paying producer. It has been the miners and not the scientific experts who have made the discovery of mines on the public domain. They are the ones who have risked their money, and if they are willing then to pay the Government price for the land, their judgment as to its becoming a paying mine should be conclusive. Geologists determined that it was impossible to find gold in the formations at Cripple Creek, Colo., and yet the working prospectors discovered and developed a district which has produced more than $300,000,000 in gold. The great Portland mine of that district had not sufficient indication to determine it would become a paying mine until its prospectors, discouraged by results, concluded to end the season's work by one great blast of all their dynamite. That blast revealed a vein which has produced many millions of dollars in gold. It is this rule which has made it unsafe to lend money on a mining claim until patent is obtained, and thus the ability of the prospector to develop his mine has been destroyed.

It was claimed that these rules were made severe so as to prevent occupation of forest reserves; that it was impossible to preserve forests if the reserves were occupied by miners or settlers. When forest reserves were first created no miner or homesteader was allowed to make a location or entry upon them. It was only by the action of Congress, on June 4, 1897, that mineral entries upon them were allowed. But even after that, and until the passage of the act of Congress of March 4, 1907, each of the proclamations ended with this clause:

Warning is hereby given to all persons not to make settlement upon the lands reserved by this proclamation.

These proclamations were posted around the borders of the reserves. What a kind invitation it was to the prospector and miner to stay out! No wonder our metalliferous miners in Colorado have decreased more than one-half.

COAL LANDS ILLEGALLY WITHDRAWN IN ORDER TO FORCE LEASING SYSTEM.

This is one of the bills which will produce that result. About 1906 the President, at the instance of the Forestry Bureau, in order to force a leasing system upon the coal lands, withdrew from entry all the coal lands upon the public domain. In his annual message to Congress in December, 1906, he says:

It is not wise that the Nation should alienate its remaining coal lands. I have temporarily withdrawn from settlement all the lands which the Geological Survey has indicated as containing, or in all probability containing, coal—

Mr. SMITH of Arizona. That was done without the slightest right.

Mr. SHAFROTH. There was not the slightest right of permanent withdrawal. There was no law which provided for it; but it remained that way, and there is now no clause or statute on the books except that which gives a temporary right—

The question can be properly settled only by legislation which, in my judgment, should provide for the withdrawal of these lands from sale or entry save in certain exceptional circumstances. The ownership could then remain in the United States, which should not, however, attempt to work them but permit them to be worked by private individuals under a royalty system, the Government keeping such control as to permit it to see that no excessive price was charged consumers.

The United States statutes at that time provided, and still provide, for the entry and sale of coal lands and not for leasing them. A withdrawal of such lands was, therefore, directly in violation of the law.

The bureau in Washington, knowing that a temporary order would not look fair if it continued long in effect, concluded to accomplish the result by a classification system for valuation and by placing such high values upon the coal lands—in some instances as high as $400 per acre—as would lock up the coal resources of the public domain and thereby force the people of the West to consent to a leasing system. The effect of that policy has been to give to the companies in Colorado that had patented coal lands the control of the market, which resulted in increased price of coal. On account of the high price placed upon coal lands by the Government only 1,240 acres were entered in Colorado last year. At that rate it would take 7,000 years to locate for development all of the public coal lands in that State.

These abuses arise not from the fact that officers were dishonest, for they were not, but because distance presents a different viewpoint; and, as the officers were in no manner dependent for their positions upon the people affected, their differences developed into antagonism and resentment. The West is practically solid against the policy that has been pursued by the Forestry Bureau and against the forcing of a leasing system upon the people.

PUBLIC-LAND STATES AGAINST FEDERAL LEASING SYSTEM.

Mr. President, in nearly every platform of the Democratic and Republican Parties of the States of the West for years there have been strong positions taken upon this question.

The State platform of the Democratic Party in Colorado in 1912 contained the following:

We denounce the policy of the Republican administration, which, having retarded our development, now proposes to withdraw all the remaining agricultural, grazing, and mineral public lands from all forms of entry, with the expressed determination of imposing upon the West a permanent bureaucratic rule and Federal leasing system of all the Government resources within our borders, and thereby disastrously retarding the development of our State and depriving our Commonwealth of its just and constitutional rights.

The State platform of the Republican Party of Colorado in 1912 contained the following:

We condemn the policy of extreme conservation inaugurated by President Roosevelt, James A. Garfield, Gifford Pinchot, and other extremists, and we insist that the public lands and resources of this State should be so administered as to place them in the hands of actual settlers and those who would develop them at the earliest possible moment and without undue and unreasonable restrictions. We are unalterably opposed to the petty and annoying interference by vast numbers of Government employees, operating under bureaus at Washington, as such conduct prevents and has prevented the development of the mining resources of the country, has retarded the utilization of its water powers, and has driven settlers to seek homes in Canada and elsewhere.

We affirm that the water of every natural stream within this State is the property of her people and that the right to use the same within the State for beneficial purposes is unlimited, and we condemn the efforts of the Reclamation Service and the Interior Department to prevent the utilization of the waters of our streams by the people of this State as unwarranted, unjust, and unauthorized by law.

Not a word about a leasing system is mentioned in the Democratic national platform of 1912, but there is a declaration therein as to disposing of the public domain. The platform says:

The public domain should be administered and disposed of with due regard to the general welfare. Reservations should be limited to the purposes which they purport to serve and not extended to include land wholly unsuited therefor. The unnecessary withdrawal from sale and settlement of enormous tracts of public land, upon which tree growth never existed and can not be promoted, tends only to retard development, create discontent, and bring reproach upon the policy of conservation.

Mr. WALSH. Mr. President, are we to understand that the Senator takes the position that leasing is not included in the expression "disposed of"?

Mr. SHAFROTH. Who ever heard of lands that are leased being disposed of? It is the best form of permanent investment a man can have.

Mr. WALSH. So that the Senator says that leasing is not included in that expression?

Mr. SHAFROTH. You can put that construction upon it, but I do not think it is a fair one. It may be that a judicial construction has placed that interpretation upon it; but when it comes down to an ordinary person to whom you might present the matter, he will not look upon it in that light.

Mr. WALSH. Let me inquire of the Senator from Colorado if the Supreme Court of the United States has not decided that leasing is a disposition of the public domain?

XUM

Mr. SHAFROTH. I do not know that it has used that word. There is generally a tendency upon the part of the courts, when a case arises as between the Government and an individual, to extend the power of the Government, and it can readily be seen that although leasing is not a final disposition it is a disposition for a short time, and they can easily say that, and thereby uphold the Government; so that technically that meaning might be attached to it; but here we are entering upon a policy which, it must be admitted, is going to be a permanent policy upon the part of the Government, to withdraw its lands forever and keep them in public ownership. That, it seems to me, is not right. I am not discussing the constitutional question; I am discussing the question of whether it is right.

Mr. WALSH. I would not have interrupted the Senator at all, except that I understood the course of his argument to be that not only was this legislation not sanctioned by the Democratic platform, but that the use of the words "disposed of" negatived the idea of a leasing system.

Mr. SHAFROTH. I believe that question came up where there was a lease of five years, and the court held that that was not a disposition, because the Government could, as a matter of fact, after the five years dispose of it again. While it is perhaps true technically, I submit that if you are going to have a permanent policy of holding these lands, it is not in my belief a compliance with the terms of the Democratic platform.

Does disposing of the public domain mean holding it for yearly rentals? Is a leasing policy a compliance with that platform declaration?

In the Republican national platform of 1912 we search in vain for an indorsement of a leasing policy, but we do find therein an indorsement of a policy of disposition of the public lands in the following:

> We favor such fair and reasonable rules and regulations as will not discourage or interfere with actual bona fide homeseekers, prospectors, and miners in the acquisition of public lands under existing laws.

Does acquisition mean leasing? Is not a change from acquisition under existing law to a leasing system under a new law a violation of the party pledge?

The legislatures of most of the Rocky Mountain States have protested by resolutions against a leasing system for the resources of the public domain.

The last General Assembly of the State of Colorado on March 8, 1913, addressed a joint memorial to Congress, reciting the wrong that had been perpetrated by the officials at Washington in attempting to control the public-land policy of the West. In the resolution we find the following:

> We deny that it is right or advisable for the Federal Government to retain the title to and lease the public lands for any purpose.
>
> * * * * * * *
>
> Nearly all of our metalliferous lands have been included in the forest reserves, since which time not a single important mining camp has been opened. The unwarranted interference by the Forest Service is largely responsible for the falling off of millions of dollars in the annual metal output. The man who is willing to put his labor and money into the development of a mining claim is the person best fitted to classify the land and should be permitted to acquire it.
>
> We venture the assurance that if 40 years ago the forest reserves had been established neither Leadville nor Cripple Creek nor a score of other mining camps would have been discovered and developed.
>
> * * * * * * *
>
> The private-owned land in the State is scattered promiscuously among the Federal-owned land, and there can be no hope of harmonious action or good feeling through the intermingled double jurisdiction over our territory.
>
> The Government purposes, as a landlord, to go into almost every kind of a business within the State on untaxed property in competition with private-owned and taxed property. The public business does not need to pay expenses, but the owner of the private property must pay taxes to make up the loss of his Federal competitor. The Federal Government engaging in business as a proprietor must necessarily occupy a contractual relation with the citizen, under which the Government may enforce its contract against the citizen, whereas the citizen may not enforce his contract against the Government.

Mr. President, the governors of nine of the Rocky Mountain States assembled in Salt Lake City in June, 1913, and declared against a leasing system by the Federal Government. Again, the same governors met in Denver in April, 1914, and declared in favor of entry and sale of the public lands, so they could become the subject of taxation by the State. They appointed two governors to present their objections to the Public Land Committees of the Senate and House. Gov. Ammons, of Colorado, before the House committee, condemned for four hours the proposed policy, and Gov. Spry, of Utah, made a strong and vigorous protest before the Senate committee.

To show the intense feeling that exists in the West against a leasing system, I quote a paragraph from an article in Mining Science for July, 1914, by Mr. Chester T. Kennan, an engineer, who lives in a mining locality surrounded by forest reserves, which reads as follows:

> During the sinister progress of this long-drawn-out campaign for bureaucratic autocracy the musty air of mediæval tyranny has become ever thicker and more suffocating to western nostrils. Consistently with their purpose, the most strenuous efforts of the bureaucrats have been exerted to retain the public domain in a state of nature, to prevent development, and to prevent the public lands from passing to private ownership until such time as they could prevail upon Congress to have the Central Government seize the public domain and make the bureaucrats administrators of the vast estate.

Is it expedient in view of this intense feeling to force upon the Rocky Mountain region a system of leasing the resources of the public domain within the limits of their own States contrary to what they believe is best for their prosperity and happiness? Will it not destroy the chief end of government—the happiness of its citizens in the localities affected?

NO DANGER OF WASTE OR MONOPOLY OF THE NATURAL RESOURCES OF THE WEST.

It is said that the leasing system is necessary to prevent waste and monopoly. It is absurd to contend that the owner, whose interest is to conserve, will waste more than a Federal agent, who has no interest in the property. Why do the conservationists assume that the National Government will prevent and that the State, whose citizens will be the victims, will permit monopoly? Experience does not sustain their theory. The National Government has voted 43 railroad grants, donating 155,504,994 acres of the public lands, an area greater than that of all the 13 original States as now constituted. If any Rocky Mountain State had acted in such reckless manner, it would have been contended that its people were incapable of self-government. But even these extraordinary grants did not produce monopoly. The quantity of these natural resources is so large that it is almost impossible, even without any limiting legislation, for any holding monopoly to be created. Only $2\frac{5}{10}$ per cent of the public coal lands in Colorado were taken up in 50 years under the liberal laws which prevailed previous to the withdrawal orders of a few years ago. There never has been any effective monopoly in the location and development of the natural resources of the West. Whatever tendency in that direction exists is in the acquisition, transportation, and treatment of the products, and thereafter in combinations in restraint of trade. The American Smelting & Refining Co. does not own or work mines to any appreciable extent. The Standard Oil Co. does not acquire or operate oil wells in any great number; they buy and control the products and the treatment and transportation thereof. A leasing system by the Government would not in any way prevent those conditions.

Mr. WALSH. Mr. President, if the Senator will pardon me, there is an impression abroad that the Colorado Fuel & Iron Co. is something of a monopoly in the Senator's State.

Mr. SHAFROTH. I will say as to that that I have been opposed by the Colorado Fuel & Iron Co. perhaps as much as any person in public life in Colorado, and I want to say that they have participated in politics. They have cast their votes against me almost unanimously, and yet I must say that there are 30 competing companies in the State of Colorado to-day. While they are the largest one, there are others that are large. I can not find any agreement to control prices. It may be that prices are a little higher than they ought to be, but it is nothing more than we say against every large company. You have simply to point to them and say, "It is a monopoly," and some of the people will say, "Yes; it is."

Mr. WALSH. Can the Senator tell us about how many acres of coal land they own in his State?

Mr. SHAFROTH. Yes, sir.

Mr. WALSH. About how many?

Mr. SHAFROTH. They own in the neighborhood, I think, of 45,000 acres.

Mr. WALSH. Does the Senator think that is a good condition of affairs?

Mr. SHAFROTH. No; I do not think it is best; but it was done under the Federal Government itself. That is how it was done. It is the negligence of your own officers that has produced it. In another phase of this matter I will show that the coal of the United States is the cheapest in the world, and that as compared with the coal-producing countries that have a leasing system our prices are nearly one-half. But I want to finish this particular phase of the question.

The antitrust legislation just passed by Congress, we hope, will put an end to all forms of monopoly; but even if there is danger of monopoly as to the acquisition of the natural resources, the Government can prevent it by restricting the quantity of the remaining coal lands or other public lands which can at any time be held directly or indirectly by any corporation or person, and by providing forfeiture and penalties in case of violation.

I have introduced bills applicable to coal lands and water-power plants which I believe provide a complete remedy against holding monopolies or combinations. If a maximum holding

of the remaining public coal lands were fixed at 2,560 acres, as it is in Alaska, there is sufficient of such lands in Colorado alone to provide for 3,000 competing companies. How absurd it is, then, to assume that monopoly could exist under such statutes!

Mr. President, under our laws providing for the disposition of our natural resources the incentive of private ownership has produced a development unequaled in the history of the world. Mr. Horace W. Winchell, a distinguished mining engineer, in the Engineering Magazine of February 19, 1914, commenting upon the result to the United States of the liberal policy for the acquisition of our natural resources, said, with relation to our mineral products:

> It thus appears that a nation occupying less than 6 per cent of the continental area of the globe, and containing a little over 6 per cent of the inhabitants, produces approximately one-third of the mining products of the entire world.

Is it expedient, then, in view of the wonderful success of the policy of disposition of the public lands, to try a leasing system, which will produce among our people irritation and discontent, and which many confidently believe will cause stagnation and depression? I submit it is not expedient.

Mr. President, I have still to discuss the third phase of this question—is a Federal leasing system practicable? If the Senator desires me not to finish to-night, however, I shall be glad to yield for a motion to adjourn.

Mr. KERN. It is not desired to have an executive session.

Mr. SHAFROTH. What I have to say will take about half an hour.

Mr. SMITH of Arizona. There are a number of speeches yet to be made. Why not adjourn?

Mr. SHAFROTH. I prefer to finish my remarks to-morrow.

Mr. KERN. Mr. President, I move that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m., Tuesday, September 22, 1914) the Senate adjourned until to-morrow, Wednesday, September 23, 1914, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, *September 22, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, how long, O how long wilt Thou suffer Thy children to brutally slay and mangle each other, wrecking happy homes, breaking hearts, robbing the world of its young men, filling it with widows and orphans? Is it to teach us wisdom and how to apply it; common sense and how to use it; justice, mercy, brotherly love; the futility of war in this enlightened age; the wiser, saner, methods of settling national disputes by arbitration? May we be apt scholars. Arouse. O we beseech Thee, the higher, nobler in the minds and hearts of those who are responsible, that the effusion of blood, the demolition of the rich treasures which have come down to us out of the past may cease, and unholy strife give way to peace and concord; and everlasting praise we will ever give to Thee, in the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### ORDER OF BUSINESS.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent that I may address the House for about 35 minutes on next Friday immediately following the reading of the Journal.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] asks unanimous consent that on next Friday, immediately after the reading of the Journal, he be permitted to address the House not to exceed 35 minutes. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, of course I do not desire to object to the request of the gentleman from Indiana, but as it has not been decided finally just what the procedure will be in reference to the consideration of the revenue bill, and fearing it might interfere with that, I will ask the gentleman not to make his request at this time.

Mr. ADAIR. I was going to suggest that if it is found it will I would ask that the request be set aside.

Mr. UNDERWOOD. Well, with the understanding that it shall not interfere with any order made in reference to the revenue bill, I have no objection.

Mr. ADAIR. If it should, I shall ask that it be set aside.

Mr. UNDERWOOD. Very well, then, with the understanding it shall not interfere with the revenue bill.

The SPEAKER. The addendum of the request of the gentleman from Indiana is that it shall not interfere with anything pertaining to the emergency revenue bill. Is there objection?

Mr. MANN. Mr. Speaker, for the present I object.

The SPEAKER. The gentleman from Illinois objects.

#### RE-REFERENCE OF LETTER (H. R. 9017).

Mr. RAKER. Mr. Speaker, I ask unanimous consent that a letter from the Secretary of Commerce in reference to House bill 9017 be re-referred to the Committee on Military Affairs. By mistake it was sent to the Committee on Interstate and Foreign Commerce. This bill comes from the Committee on Military Affairs. I have seen the chairman of the Committee on Interstate and Foreign Commerce, Mr. ADAMSON, and he agrees with me that it should go to the Committee on Military Affairs. It is in reference to Alcatraz Island, and that committee reported the bill and an amendment is suggested by the Department of Commerce.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent that a letter of the Secretary of Commerce be referred to the Committee on Military Affairs. Is there objection?

Mr. MANN. Will that mean a reprint of this letter?

Mr. RAKER. It is the original letter.

Mr. MANN. I do not know; I imagine that has gone to the Committee on Interstate and Foreign Commerce. It has been printed and referred and the bill is now in the possession of the House and not the committee.

Mr. RAKER. All I ask is that the original letter go to the Committee on Military Affairs without reprinting. That committee has jurisdiction; that is all.

The SPEAKER. The gentleman from California asks unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the consideration of this letter and that the same be referred to the Committee on Military Affairs.

Mr. TALCOTT of New York. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California if he has spoken to the chairman of the Committee on Interstate and Foreign Commerce in regard to this matter?

Mr. RAKER. I saw the chairman of the committee, Mr. ADAMSON, yesterday evening and talked over the matter, and he says that unquestionably it should have been referred to the Committee on Military Affairs.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### HOUSING OF WORKING PEOPLE IN FOREIGN COUNTRIES.

Mr. LEWIS of Maryland. Mr. Speaker, I desire to call up House resolution 604, which has been favorably reported by the Committee on Labor.

The SPEAKER. The gentleman from Maryland asks to call up privileged resolution 604.

Mr. MANN. Mr. Speaker, I shall not object if the gentleman will ask unanimous consent, but this is not a privileged resolution, because it is reported by the committee through the basket and not on the floor.

The SPEAKER. The gentleman from Maryland asks unanimous consent to call up House resolution 604. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to hear the resolution read for information.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 604.

*Resolved*, That the Secretary of Labor be, and he is hereby, requested to transmit to the House of Representatives any information now available in the possession of the Bureau of Labor Statistics concerning public aid for home owning and housing of working people in foreign countries.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object. I notice it requests the Secretary of Labor to furnish this information. If the gentleman will strike out that and make it "direct" the Secretary of Labor to furnish the information, I shall not object, otherwise I shall.

Mr. LEWIS of Maryland. I will accept that.

The SPEAKER. The gentleman from New York is entirely correct. The gentleman from Maryland, as far as he can, accepts that. Is there objection to the present consideration with that understanding?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to inquire what is the purpose of this resolution?

Mr. LEWIS of Maryland. I will say to the gentleman from New York it is on the subject of home owning and housing of laboring and poor people in other countries, and under the superintendence and by the aid of the Government in many in-

stances, a subject which has received special study at the hands of the Department of Labor, and this resolution is intended to have published the investigation that has been made.

Mr. FITZGERALD. Why does not the Department publish the information?

Mr. LEWIS of Maryland. I will yield to the gentleman from Illinois [Mr. BUCHANAN].

Mr. FITZGERALD. And is not the purpose of this resolution to have this information published at the expense of the congressional allotment for printing and not at the expense of the allotment for the Department of Labor?

Mr. LEWIS of Maryland. I yield to the gentleman from Illinois [Mr. BUCHANAN], whose report it is, to answer the question.

Mr. BUCHANAN of Illinois. Mr. Speaker, I introduced the resolution for the purpose of securing this information for Members of the House.

I am of the opinion that this is a privileged resolution. I do not understand why it is necessary to have unanimous consent. Owing to the fact that the Department of Labor, on account of the urgent deficiency bill becoming a law so late that the bureau had not time to have this printing done, had to turn back some seven or eight thousand dollars of the money that was appropriated in the urgent deficiency law; therefore it is necessary to ask for this information. At this time the Department of Labor and the Bureau of Labor Statistics are short of funds, and therefore I do not know whether we can get the printing through them or not. They have a great deal of matter there to print, and this is information of such a character that it seems to me it is worth while to have it printed by the House.

I will say that this is a matter that will cost probably seven or eight hundred dollars. There are about 200 pages of it, but it is very important information for the benefit of the working people of the country. It seems that we ought to be able to obtain this information without objection. I do not understand, though, why it is necessary to have unanimous consent. It is a privileged resolution.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, it seems to be the practice of some of the departments of the Government to have resolutions of this character introduced so that the printing which should be paid for out of the appropriations made for the departments shall be paid for out of the appropriations made for the congressional printing. So far as I am concerned, I am going to object to every such resolution, and I object to this one.

Mr. LEWIS of Maryland. Now, Mr. Speaker——

The SPEAKER. Is there objection?

Mr. FITZGERALD. I object.

Mr. LEWIS of Maryland. Mr. Speaker, I call the resolution up as a matter of privileged character.

The SPEAKER. The House is operating under a special rule, and it takes unanimous consent to do it. If they ever get through with the conservation bill——

Mr. LEWIS of Maryland. Do I understand the matter is not privileged to-day because of the special rule?

The SPEAKER. Yes.

Mr. GARNER. Mr. Speaker, if the Chair will permit me, I wish to say that I doubt the correctness of that ruling. A resolution that is privileged can be called up at any time, or else by adopting a rule in the House you would cut out all the privileges of the House with reference to resolutions and other matters that are of the highest privilege. Now, as I understand, a point of order can be made against the resolution on another account, and that is that the committee has not reported the bill.

Mr. LEWIS of Maryland. It has.

Mr. GARNER. Just a moment. It was a report that was put in the basket rather than coming from the committee room. I will ask the gentleman from Maryland if that is correct?

Mr. LEWIS of Maryland. It is not necessary to answer that.

Mr. GARNER. I want the Speaker to consider the question of ruling that, as long as there is a special rule from the Committee on Rules directing that certain legislation may be privileged, if he is going to hold that during the existence of that rule no legislation of the highest privilege, for instance, a resolution of this character that might be privileged under the rules, can not come up? This legislation, to which the Speaker refers now, is of no higher character than other legislation might be that is privileged under the rules of the House.

Mr. BUCHANAN of Illinois. Mr. Speaker, if the gentleman will yield——

Mr. GARNER. For instance, if the Speaker will permit me, this special rule gives the legislation in charge of the gentleman from Oklahoma [Mr. FERRIS] no higher standing than a bill reported from the Ways and Means Committee or a bill reported from the Appropriations Committee, or any other committee of the House having the right to report at any time, and it does occur to me that a resolution having a privilege can be called up at any time that a gentleman can get recognition to call it up.

The SPEAKER. Now, here are the words of this resolution:

*Resolved*, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration in the order named of the following bills, to wit—

And it goes on and names them. At last it says:

The order of business provided by this resolution shall be the continuing order of business of the House until concluded, except that it shall not interfere with Calendar Wednesday, Unanimous Consent, or District days—

And Friday was put in—

nor with the consideration of appropriation bills, or bills relating to the revenue and the bonded debt of the United States, nor with the consideration of conference reports on bills, nor the sending of bills to conference.

Mr. GARNER. In other words, this rule, as the Speaker construes it, excludes from consideration by the House the privileged matters to which I have referred?

The SPEAKER. The House deliberately tied its own hands, and the Speaker can do nothing except to construe it as the English language is ordinarily construed. And this is out of order for two reasons—that reason, and the one suggested by the gentleman from Illinois and repeated by the gentleman from Texas.

### WITHDRAWAL OF PAPERS.

Mr. ROBERTS of Massachusetts, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Henry D. Moulton, House bill 17605, Sixty-third Congress, no adverse report having been made thereon.

### EXTENSION OF REMARKS.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the resolution just presented by the gentleman from Maryland [Mr. LEWIS].

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the resolution presented by the gentleman from Maryland. Is there objection? [After a pause.] The Chair hears none.

### EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the special rule the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16136.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16136, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16136) to authorize the exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] has two minutes remaining.

Mr. MONDELL. Mr. Chairman, I desire to be recognized to offer an amendment. I move to strike out section 23.

The CHAIRMAN. The gentleman from Wyoming is recognized to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, pages 19 and 20, by striking out section 23.

Mr. MONDELL. Mr. Chairman, the section I have proposed to strike out refers to the ownership, by those who may come within the provisions of this act, of interest in selling agencies. I do not propose to discuss directly that section, but to discuss some features of sections 13 and 14. This bill has been referred to as a "leasing bill." Gentlemen have from time to time referred to this as a "leasing bill." I want to call attention to the fact that so far as it affects oil it is not, to any considerable extent, a leasing bill, and nine-tenths of the operations under it might easily be not operations looking to or in the way of a lease, but operations looking to and resulting in the securing of title in fee simple.

I would like to have the attention of my good friend from Wisconsin [Mr. STAFFORD], who yesterday talked about our passing leasing legislation. I hope that some day in the future he will not be charged with having supported a bill that contains more "jokers," and more dangerous "jokers," than any legislation placed upon the statute books since the notorious lieu-land law. I have been thankful many times that I was not in Congress when that act was passed. Had I been here I think I could have seen the "joker" in it, a "joker" under which millions of acres of the finest timberland in the country belonging to the Government were exchanged for lands that were largely worthless.

That act passed Congress at the suggestion of men who wanted to do the right thing, but who did not know what they were doing.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I can not yield now.

Mr. STAFFORD. It is incumbent upon the gentleman to point out the joker.

Mr. MONDELL. I will in the brief time at my command point to some of them. I want to call attention to the fact that, so far as this bill affects oil, it is not a leasing bill to any extent. [Applause.] It is, in some respects, the most wide-open bill for absolute fee-simple ownership that ever was considered on the floor of this House. [Applause.] If I had brought this bill before the House, I would have expected my motives to be impugned. I am not impugning anyone's motives; but, knowing what I know about public lands, I believe I would have been subject to the charge that I was attempting to give an opportunity to loot the public domain if I had brought in legislation of this kind.

What does the bill do? It provides, on page 9, section 13, that the Secretary is authorized to issue prospecting permits, and it provides that these prospecting permits shall include, if within 10 miles of a producing well, 640 acres or less; if beyond, 2,560 acres or less. The right given to the Secretary is one in regard to which he can exercise no discretion. The gentleman from Oklahoma [Mr. FERRIS] and the gentleman from Wisconsin [Mr. LENROOT] are laying the flattering unction to their souls, apparently, that when you give the Secretary the right to issue permits covering so much land within a certain distance of a developed well and so much beyond, the Secretary can withhold or grant, as he sees fit. He can not do it except under general rules. If eight men found a promising anticlinal more than 10 miles from a producing well, those eight men could cover that anticlinal for 16 miles along its axis. There are few anticlinals in any oil region that are valuable oil bearing more than a mile or so from the apex. Those eight men could get a patent to a mile wide along such an apex for 8 miles by drilling eight wells, and would pay nothing for the land. It takes eight men under the placer act to secure 160 acres. One man can locate four sections under this bill, and eight men, the number that would be required to locate one claim under the placer act of 160 acres, could cover an anticlinal, as I say, for 16 miles and secure patent for lands half a mile wide for that distance, or a mile wide for half that distance. You could cover under three or four of these 2,560-acre propositions all the valuable oil lands in any field.

And then what must be done? Drill one well on four sections of land, find some oil somewhere on one of the four sections, and get a fee title without paying a cent on a section, which need not be the section on which the well was drilled. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. FERRIS. Reserving the right to object, Mr. Chairman, I ask that debate on the amendment be closed at the expiration of 10 minutes, 5 mintues to be used by the gentleman from Wyoming and 5 by some member of the committee opposed to the amendment.

Mr. MANN. I want to offer an amendment to the paragraph.

Mr. FERRIS. On this amendment?

Mr. MANN. Yes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending motion be closed in 10 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, under the present law, that has been denounced on this floor, it requires eight men to locate a 160-acre oil claim. Eight men must have an active interest to get 160 acres. They must discover oil on that particular 160 acres. They must pay $2.50 an acre to get it. They must continually prospect or develop to discovery, otherwise their claim is liable at any time to be taken from them. But under this proposed law one man can take 16 times as much as eight men can take under the placer law.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. I regret I can not. I have only five minutes. I want to have the House understand this situation. Some gentlemen have thought that I was too liberal in my views in regard to land legislation. I am liberal when liberality means settlement and development. [Applause.] But I am not in favor of passing public lands into the hands of men without requiring development and without insistence upon development, and these provisions of this law can not be defended by anyone who understands what they mean. These provisions are an outrage. [Applause on the Republican side.]

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I did not appear before the committee on this matter. I did not have an opportunity to, although I requested several times the opportunity to appear. Gentlemen complain because I am taking time. If I had had a little time before the committee I would not have taken so much time on the floor. Gentlemen seem to think that the Secretary can say how many prospecting permits he can allow within a given territory. He can not do it unless he attempts to use the strong arm of his authority to make nugatory every provision in the bill. I can go beside a well gushing a thousand barrels in 24 hours, or 10,000 barrels, and with three others I can surround it with four 640-acre claims, and without doing anything but drilling one well on each—all in developed territory, possibly—we can get a section in fee of that land; and yet gentlemen tell us that this is an improvement on the placer act, which California operators did not like because it kept them busy, because under it they had to drill, because under it if they did not develop somebody would come along and develop it.

There never was—I repeat it, and I repeat it measuring my words—there never was a bill brought into this House that gave the wide-open opportunity for easily securing enormous grants of valuable lands that this bill does under those provisions under which the permittee may secure a patent to a section of land on which he may never have dropped a drill. The Secretary can not limit the number of permits granted in a given territory; he should not. Every man who wants a permit or a lease in good faith should have it. The evil follows under the patenting provisions of the bill; they should be modified or taken out. The bill should be made a leasing bill in fact as well as name.

I am not so tremendously tender about men securing rights to land on the public domain that I am disposed to shy at any reasonable legislation that gives men a right in fee simple, provided they settle, provided they develop. But this law gives these privileges without any requirement whatever except that somewhere on four sections of land a man shall have dropped one drill to oil. Under the present law in order to hold 2,560 acres there must be 16 claims. It is true that the same people may be interested in all the 16, but to hold it prior to patent 16 drills would have to be dropping if competition were lively. Every one of the quarter sections would have to be under constant development. Then the $2.50 an acre must be paid, and the long and tedious process of obtaining patents under the mineral laws gone through. Under this act you can go anywhere on the public domain within 10 miles of a developed well and secure your 160-acre patent and your 640-acre preference rights. Ten miles away you can get your four sections, and your section patented, and any gentleman who imagines that the Secretary has any discretion under that provision had better read the bill again. If he has any discretion, how shall he exercise it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I should like to have that question answered. [Applause.] The provisions for prospecting permits are not too liberal; the provisions in regard to leases are not liberal enough. The permittee should have a preference right to lease his land—all of it. This provision for patents has no place in a leasing bill, and in invoking it the rights of the lessee have been overlooked or curtailed.

Mr. LENROOT. Mr. Chairman, I am glad the gentleman from Wyoming [Mr. MONDELL] has relieved himself in the speech that he has just made. There is one thing that the gentleman from Wyoming lays no claim to, I think, and that is to being consistent. He has attempted to make the House believe that this bill as reported from the committee permits the looting of the public domain. If it does, the gentleman from Wyoming, from the time we commenced the consideration of this bill until we adjourned last Saturday night, was constantly offering amendments permitting greater looting of it than the bill itself permits.

Mr. MONDELL. Will the gentleman permit?

Mr. LENROOT. No; I have but five minutes, and the gentleman did not yield to me. The gentleman for the last five minutes has been trying to show that to permit a man to get a patent to 160 acres of oil land is a gross outrage, and yet when these provisions were under consideration by the Committee of the Whole the gentleman from Wyoming offered an amendment to give a man, not a quarter, but a half.

XUM

Mr. MONDELL. Oh, no; a lease.

Mr. LENROOT. No; I beg the gentleman's pardon.

Mr. MONDELL. The gentleman is entirely wrong. I have offered no such amendment.

Mr. LENROOT. I have the amendment; to strike out one-fourth and insert one-half.

Mr. MONDELL. I did offer that.

Mr. LENROOT. Mr. Chairman, the gentleman went on to say:

I do not entirely approve the provision contained in the bill, but if it is to remain in the bill it should remain in the bill in a form that will be workable. I do not believe that under the conditions which exist in the intermountain fields of Colorado, Utah, or Wyoming it will be possible to get men to go into the undeveloped regions or on the borders of regions already partly developed, with no hope of reward for their prospecting, their drilling, and their expenditure other than a patent for one-quarter section within 10 miles of a producing well or 640 acres elsewhere.

And then he went on here for five minutes arguing that 160 acres is not enough to give a man in fee and that he ought to have 320 acres. Mr. Chairman, as a member of this committee, I have had a good deal of patience with the gentleman from Wyoming, but when he makes the speech he has just made, in direct contradiction to the position that he has taken throughout this debate, I have very little patience, indeed, with the argument that he makes. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I move to amend, on page 19, in lines 8 and 9, by striking out the words "or of the antitrust laws of the United States."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 19, lines 8 and 9, strike out the words "or of the antitrust laws of the United States."

Mr. MANN. Mr. Chairman, this bill provides for leases on the public domain for various purposes, and this section contains a provision prohibiting a lessee practically from being interested in a selling agent of the lessee's product, and makes a violation of the section a cause for forfeiture of the lease. In addition to that it says that a violation of the antitrust laws of the United States shall be ground for forfeiture. Well, the antitrust laws ought to stand for themselves. There is no more reason that I can see why you should threaten a proposed lessor by saying that if he violates the antitrust laws—and no one can tell in advance in many cases whether he is violating the antitrust laws—he shall forfeit his lease. Now, the antitrust laws are or, I take it, will be quite complete, in the opinion of the majority, when the Clayton antitrust bill becomes a law. Remember, you must get people to make this development if you want the country developed, if you want the coal mined or the gas or oil produced, and you must not threaten a man in advance by saying that if he unintentionally violates the antitrust laws he shall lose his property. I think that is too drastic, and the effect of it probably would be to retard development, while the antitrust laws of the United States will be sufficient to protect the interests of the people.

Mr. FERRIS. Mr. Chairman, I think the gentleman from Illinois is eminently correct in his position. I hope the committee will adopt the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. Debate was limited upon the Mondell amendment, and I desire to say a little more upon the merits of the contention made by the gentleman from Wyoming.

The purpose of this bill in permitting a patent to 160 acres in fee is to induce discovery of oil, and it is granted upon the theory that that discovery should be rewarded, and with the provision that the remaining lands in a prospecting permit shall be leased is ample protection to the Government. The committee were confronted with this proposition: What is necessary to induce development? And in placing the amount at 160 acres it placed it at the smallest amount that the evidence before the committee showed would induce development; and the arguments made before the committee were exactly those used by the gentleman from Wyoming himself the other day in discussing this very proposition. He then said:

I do not believe it will be possible in many fields to secure development when the only hope that the driller has is that he may secure a patent, in the majority of cases, to the small area of 160 acres. One hundred and sixty acres, if it were a bonanza field, would be all right. There is not an oil field in one thousand that is a bonanza.

So he goes on making the argument that in order to induce development the reward must be ample. The committee recognized that and believed that the award of 160 acres was sufficient to induce development.

In reference to the gentleman's criticism of the bill as a whole, if any Member who has not already done so will take the bill from beginning to end he will see that the public interest has been safeguarded. True, broad discretion has been placed in the Secretary of the Interior, and it is also true that that discretion is necessary, but the committee will bear in mind that if, perchance, we should have a Secretary of the Interior in the future who should not have the public welfare in view, he could not give away the public domain so far as leasing is concerned. The most he can do is to make a lease for 20 years, and the title remains in the Government.

And so, Mr. Chairman, upon the merits of the proposition, as well as the argument made by the gentleman from Wyoming against his own contention made to-day, this bill, while it is not perfect, is as perfect a measure as the committee could devise.

I want to say one more word. The gentleman from Wyoming has a number of times referred to bills that he has introduced in the past relating to the public domain, and he has referred to the fact that some of us fought the bills he introduced. We did, and in every bill that was introduced you can find jokers enough that would give to private interests the public domain. The gentleman referred to the Alaskan leasing bill a number of times, and yet under the gentleman's bill that he tried to press through this House at that time it would have opened up every one of the Cunningham claims.

Mr. MONDELL. Mr. Chairman, the gentleman from Wisconsin [Mr. LENROOT] has absolutely misstated the Alaskan bill I reported. There was not a line or a syllable or a word in it, and I challenge the gentleman to find one, that would have thrown any claim in Alaska into the courts. All that the bill did was to leave these cases as they are, to be decided by the officials of the Interior Department, just as the bill you passed the other day did. When the gentleman makes a statement of that kind he ought to know what he is talking about, and he certainly does not in this instance.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. Did not the gentleman's bill make all leases subject to vested rights?

Mr. MONDELL. It did not. My bill contained a provision under which a claimant occupying in good faith land, with a view of securing a coal title, to the amount of land he was occupying would have a preference right of lease. That meant if the man was in good faith, and that was to be determined by the Secretary, holding 160 acres of coal land—and that is all anybody could hold—he could get a lease of 160 acres. The bill which you passed the other day would allow the Secretary of the Interior to lease to Clarence Cunningham one-half of the lands of his original consolidated claim and to some other claimant the other half, and that is about what I expect will be done.

Coming back to our chestnuts, the gentleman says that the other day I claimed that the right to secure title in fee was not broad enough. The gentleman remembers this was the argument. I challenged that whole proposition. I said I did not believe in mixing a leasing bill with the granting of a title in fee. The bill I introduced did not grant a title in fee; it was purely a leasing bill. I then voiced some of the fears in regard to that provision I have now expressed.

The gentleman then said that the Secretary of the Interior could, in his opinion, exercise his discretion in such a way that only one of these permit rights could be acquired in a given territory. It was not my understanding of the bill; it struck me by surprise. If that were true, the bill did not give a discoverer enough, and so I offered an amendment to give him half. If one man only could get a permit within 10 miles—and that was the gentleman's argument—if the Secretary could say that only one man could get a permit within 10 miles of a well, and only one man beyond 10 miles, the grant of title in fee was not enough. But the fact is that this bill has no such limitation; in fact, such a limitation is ridiculous and absurd on its face; it would be unworkable.

If this law was in force and 10 men came along and asked for permits alongside of each other, the Secretary would be compelled to grant a permit to every one of them. The gentleman from Wisconsin shakes his head. How would you decide between them? By the color of their hair? By the fact that some wore false teeth? What rule could there be invoked under

which you could deny any one of 10 men, coming on an equal basis, making the same sort of application, a permit to prospect adjacent undeveloped territory? They would all have to be denied or none. In fact, none should be denied. The more drills that we can have dropping out in that country, in reason, the better. The fault lies in what follows under your bill.

So within the 10-mile limit there is no rule in the bill which contemplates the allowance of a permit to one, the denial to another. That is an imaginative theory that gentlemen have invoked here since we began the discussion of the bill. There is nothing in the bill that warrants it. The Secretary must grant to all who come under like circumstances and conditions, or he must deny all. You have given him no rule under which he can differentiate. There can be no such rule.

What people will do and are warranted and guaranteed in doing under the bill is to go into promising new territory and take it all up; divide it up among applicants; go into old territory and take all there is that anybody wants. It is true that there is one provision under which it would seem, reading that provision alone, that after land had been included in a permit it could not thereafter be included in another permit, but there is another provision of the leasing section that nullifies that provision, in my opinion; so I doubt if there is an acre over which the Secretary could not grant these permits that lead to patents. Now, this whole difficulty arises out of the effort to combine legislation granting a title in fee with legislation with regard to leasing. If we are going to lease, let us lease. That is what we have been talking about; that is what we have been proposing to legislate about; that is what we have, some of us, reluctantly accepted. If we are going to do it, let us do it. It is a simple thing. Give the Secretary the right to issue permits and let the permits ripen into leases if the operator is successful in getting outside districts. There can not be favoritism under that kind of a law. There must and will be development.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 24. That any permit, lease, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit for joint or several use such easements or rights of way upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 3, after the word "lease," insert:
"That the said Secretary during the life of the lease is authorized to issue such permit for easements herein provided to be reserved."

Mr. LENROOT. Mr. Chairman, this amendment possibly is not necessary, but it was thought wise to insert it in the Alaska bill, and I think it ought to be inserted here. The section provides that there may be a reservation in the lease reserving to the Secretary the right to permit an easement to pass through this land, but it does not affirmatively give the Secretary the right to issue such permit, and this makes it affirmative.

Mr. RAKER. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. RAKER. The reserved right does not definitely give the Secretary the power. We did that in the Alaska bill.

Mr. LENROOT. Yes; we did that in that bill, and this gives him the power.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the proviso beginning in line 20, page 19, down to the end of the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 20, strike out the proviso beginning in line 20 down to the end of the section.

Mr. MONDELL. Mr. Chairman, I do not intend to take up the time of the committee but a moment on this. I think the wisdom of this provision is doubtful. We have a lease under which, prior to the taking of the land for mining, the development of coal, oil lands, phosphate lands, the surface rights may be acquired, and I doubt if it is wise to have a provision of that sort after the operation begins. Of course, it is true that on one of these larger areas there may be more land than the operator needs, and yet after the operation actually begins I think in a majority of cases there would be likely a good deal of friction between the party who, after the operation, got the title and the original owner.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. LENROOT. The last proviso provides that a reservation must be made before the lease is made.

Mr. MONDELL. My objection is giving the Secretary authority to do it. I have doubt of the wisdom of it. There might be cases where it would be wise for the Secretary to withhold some of the surface, but they would be so few that it is not necessary or wise to grant the Secretary this authority.

Mr. MANN. Mr. Chairman, suppose a man under this gets a lease for 640 acres for oil, what is to become of the surface? Assuming it is good agricultural land, what is to become of the surface?

Mr. FERRIS. A reservation can be incorporated in the lease, under the provisions of this section, so it can be used for agricultural purposes and passed to the tax rolls and used as other agricultural lands are.

Mr. MANN. The gentleman from Wyoming says it would not ordinarily be agricultural land; I do not know what the facts may be; I have not been in much oil territory, except passing through Ohio, where I know it is very good agricultural land, and down in Illinois it is better agricultural land than is found in the State of Wyoming. I notice this is only in the discretion of the Secretary.

Mr. FERRIS. Yes.

Mr. MANN. Suppose he does not exercise his discretion, then what is to become of the surface?

Mr. FERRIS. The thought of the committee and the thought of the department was that if it were hilly, broken, worthless land no one would want to use it for agricultural purposes, and there was no use to cumber the lease with the provision reserving the surface and the friction that might arise and go with it. You can not lay down a fixed rule and say in all cases where you find oil it is not agricultural land, because on the bald territory of my State, where lands are good agricultural lands, we often find the very best oil.

Mr. MANN. What I want to get at is this: Suppose you make a lease, is this a lease of the land or a lease of the privilege of taking the oil?

Mr. FERRIS. It can be either one or both. You can lease for deposits where the surface is of value, and where the surface is of no value you can lease for both.

Mr. MANN. Why not provide under this bill you only can lease the right to take the deposits? You do not provide even on coal lands that the man would have the right to farm the surface.

Mr. FERRIS. We did that in both the Alaska bill and the power bill, and in this bill we have reserved the right for the Government to reserve the surface for agriculture or lease all as it deems advisable.

Mr. MANN. He could not secure the right to lease the surface?

Mr. FERRIS. No——

Mr. LENROOT. That is, with the deposits.

Mr. FERRIS. Yes; with the deposits; that is true. In all three of these bills that right is preserved.

Mr. MANN. I doubt very much whether the gentleman is correct about that. Here is a piece of land, a section, and you charge so much royalty for whatever you mine from it, and charge so much rent per acre. Now, that charge is the same whether you lease the surface or do not lease the surface.

Mr. FERRIS. That is true.

Mr. MANN. My recollection is that you only allow the use of the surface to such an extent as would be necessary for the operation of the business.

Mr. FERRIS. That is in the event that the surface is retained for agricultural purposes, and the fact that we charge a rental per acre would not make any difference whether the surface was retained or not. You might as well say——

Mr. MANN. What I wanted to get at is this: It is perfectly patent that if the surface can be used to any advantage somebody should be permitted to make use of it.

Mr. FERRIS. Precisely.

Mr. MANN. Either it should be given to the lessee, who can make use of it for any purpose he pleases, or else the right should be reserved to the Government to let anybody else make use of it. While you say the land is not valuable, there is very little land of that kind that will not be valuable for agricultural purposes, or grazing purposes, or the raising of timber, or something of that kind. There ought to be no question about it.

Mr. LENROOT. Will the gentleman yield?

XUM

Mr. MANN. Certainly.

Mr. LENROOT. In the case of coal or oil, the option is expressly given to the Secretary to lease the lands or the deposits. In the case of phosphates it is the deposit only.

Mr. TAYLOR of Colorado. It provides for it being taken by legal subdivision. They would not lease it by metes and bounds.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. If I understand the provisions of the bill rightly—and I would like to inquire of the chairman of the committee concerning his interpretation of this feature of the bill—it is this, that if a permittee makes application for a permit for 2,560 acres, and sinks a well of 500 feet on the 2,560 acres, and discovers even a small amount of oil, then under his permit he is entitled to a patent to 640 acres of land? Is that right?

Mr. LENROOT. That is, outside of the 10-mile limit.

Mr. NORTON. Now, what is the character of the patent? Is it an unlimited and unqualified patent in fee simple to the land?

Mr. FERRIS. Yes.

Mr. NORTON. I want to say to the committee that if such is the provision of this bill, from my experience in the West I am inclined to believe that large tracts of this land will be gobbled up fraudulently and through mere pretensions of explorations for oil. Thousands of acres of Government land in California, Wyoming, Colorado, and in my own State, under cover of such provisions of this bill, will be taken up and title acquired thereto solely for their value as grazing lands.

Mr. RAKER. Will the gentleman yield right there?

Mr. NORTON. Not just now; in a moment. I can see, then, in this bill the widest latitude for fraud in acquiring title to Government land for grazing purposes in the West, and these lands to-day are worth from $4 to $10 an acre, not for actual farming, but for grazing purposes. And I trust that the bill will not be passed in its present form. I see no reason why title to the surface should be given to one who in good faith desires to use the land for exploring it for oil or for gas.

Mr. FERRIS. Will the gentleman yield right there?

Mr. NORTON. Yes; certainly.

Mr. FERRIS. Of course, the gentleman knows that the great bulk of the 700,000,000 acres of land that yet remains unentered in Alaska and the western part of the United States has not any great value unless something of that sort is discovered. Now, if we offer an inducement, which is 640 acres in fee outside of the 10-mile limit, and 160 acres within the 10-mile limit, and if the Government receives back three-fourths of the area prospected and developed so it becomes known oil territory of value, does not the gentleman think that in converting of land that is not worth more than $1.25 an acre for grazing or pasturage purposes into known oil land the Government will be ahead?

Mr. NORTON. If it all came true as the gentleman pictures it, it would. Will the gentleman tell me what there is in this bill to protect the Government against a case of this kind? A man takes out a permit for 2,560 acres; he sinks a well 500 feet deep on it. In that territory there is some oil, but not oil of any considerable commercial value. He immediately gets title to 640 acres. He abandons his permit or lease to the balance of the land when he has secured title in fee simple to 640 acres. Another man joins him, and they proceed to acquire title to this land, as I predicate, for grazing purposes. This man also takes out an oil permit for 2,560 acres, the three sections that were abandoned by the first permittee and an additional section. He sinks a 500-foot well and proceeds to acquire title to 640 acres in the way the first permittee did.

Mr. FERRIS. It becomes known territory, and that in the immediate range of production, and it is only leased, and no patent given for those areas. It is only for operating under the permit in unknown territory where you get any patent at all.

Mr. NORTON. Such land reverts to the Government, does it not, when it is abandoned, and it is then land within 10 miles of a known oil well and subject to all the provisions of this bill?

Mr. FERRIS. But the Secretary is not going to include any prospector's permit for lands to be known as oil territory.

Mr. NORTON. I am not a prophet nor the seventh son of a prophet, but I predict that is what will take place under the provisions of this bill if title for 160 or 640 acres of the surface is given to any permittee who may drill an oil or gas well to a depth of not less than 500 feet.

Mr. LENROOT. Assuming that is true, does the gentleman know how much it would cost to drill a 500-foot well?

Mr. NORTON. Yes; I think I have a fair idea of such cost.

Mr. LENROOT. About how much?

Mr. NORTON. It would cost in an ordinary section of the country less than $1,000.

The CHAIRMAN. The time of the gentleman from North Dakota [Mr. NORTON] has expired.

Mr. RAKER. Mr. Chairman, I do not really believe any explanation of this provision is necessary, but every idea of my friend who has just left the floor [Mr. NORTON] is refuted by the bill itself.

In the first place, as stated, after a well has been discovered it becomes known territory. In the next place, the bill permits the Secretary to reserve all the surface of the land if he so desires, even in the permit, so that, as a matter of fact, this bill, instead of throwing it open, as suggested by the gentleman, gives the Secretary of the Interior power to reserve every foot of the surface, so that it can be used for homestead and grazing purposes.

Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I hope the committee will accept.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, line 1, after the word "therein," insert the following: "and in carrying on the operations necessary or convenient in connection therewith."

Mr. MONDELL. Mr. Chairman, the provision which is contained in the proviso authorizes the Secretary to dispose of such portion of the surface as is not necessary for the use of the lessee in constructing and removing the deposits therein.

I assume that the Secretary, exercising that discretion, could exercise it as he saw fit, and that he could exercise it in the broadest way. But in addition to the lands needed for the purpose of mining and removing the deposits, lands will be needed in connection with all these operations for purposes convenient and necessary in connection with the operations, in addition to the lands needed for the actual operations of mining or drilling. It is generally necessary to provide houses and offices and buildings of one sort and another in connection with the operation, in addition to the structures actually necessary for the removing of the mineral product; and my amendment proposes to add these words as a guide to the Secretary in the exercise of his discretion. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 25. That no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, and such other provisions as he may deem necessary for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which has been considered by the members of the committee.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amend by adding, on page 20, line 11, after the word "observed," the following: "including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency, provisions securing the workers complete freedom of purchase, requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to secure fair and just weighing or measurement of the coal mined by each miner."

Mr. RAKER. Mr. Chairman, I will not take up any of the time of the committee, except to say that this is the amendment prepared by the gentleman from Maryland [Mr. LEWIS], which was put upon the Alaska coal bill. Everyone seems to be in favor of this legislation, and the members of the committee, practically all of them, have gone over it and believe it ought to be adopted. It carries the same provisions as the Alaska coal bill. I am heartily in favor of this amendment. I ask for a vote on the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I have another amendment which the committee has considered.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 6, after the words "Secretary of the Interior," insert the following: "the lessee may, in the discretion of the Secretary of the Interior, and upon a finding by the Secretary that such action will not be incompatible with the public interest, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligation under said lease."

Mr. RAKER. Mr. Chairman, the members of the committee have gone over this amendment and have submitted it to the Secretary of the Interior, and he is in favor of it. Many of the miners or oil people have telegraphed in regard to it, and the object of it is that when a lease has been obtained, say, for 20 years, and the party desires to quit and surrender the land to the Government, when in the discretion of the Secretary of the Interior it is not incompatible with the public interest, and no damage or injury to the public will be done, the Secretary may accept it and the party be released, and the land is then opened for redisposition without any claims against it. That is practically the purpose of this amendment.

Mr. MONDELL. Mr. Chairman, I want to be recognized to support the amendment of the gentleman. I thought the gentleman was through.

Mr. RAKER. I think that is all I have to say in presenting the matter. It certainly should be adopted.

Mr. MONDELL. Mr. Chairman, I am glad that after a time the virtue of the suggestions that I have offered one after another soaks in. I called attention the other day, when another bill was under consideration, to the fact that there was no provision under which a lease could be surrendered, but little heed was given then to the amendment I offered. I am glad to support the provision now offered, although it is a lame, halting, and altogether inadequate proposition, because it does not provide specifically what the lessee must do, as my amendment did, and what he may not do—that he may not remove structures the removal of which would endanger the property; that he may remove all other improvements that are put upon the land that would not affect its value, and otherwise make provisions that are necessary.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. This amendment would not permit the man to close up the well he had bored, and would not permit him to do any of the things that would be disadvantageous to the releasing of the land; but the Government's interests are protected in every instance. But if a man believes that he can not proceed in his own interest and presents the case to the Government, in the discretion of the Secretary of the Interior, where the interests of the Government will not be jeopardized, the Secretary can say to him, "All right, old boy, move off, without disadvantage to anyone, and we will permit somebody else to go on."

Mr. MONDELL. As a matter of fact, a man ought to be allowed to relinquish the lease at any time, if he leaves the property in good condition.

Mr. RAKER. There ought to be some restriction placed upon him.

Mr. MONDELL. While the gentleman's amendment is of such a character that under it the Secretary might make rules and regulations that would be satisfactory, yet it seems to me it would be better if we should definitely provide what may and what may not be done by the lessee. I propose to offer an amendment a little later to cover this matter of surrender of the lease. In the meantime I support the amendment now offered as a halting step toward remedying the defect I pointed out in another bill of this character—the Alaska bill.

Mr. MANN. Mr. Chairman, I should like to get a little information. This section provides that no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior. How is that consent to be given?

Mr. RAKER. If I may be permitted to answer, from going over it in the committee, and as thorough an investigation of this subject as one could well make, I think it must be evidenced by a document in writing.

Mr. MANN. Well, here is a man who wants to take a lease, or he has taken a lease, and he wants to open a mine. He probably will want to borrow money. He must give a mortgage upon his leasehold interest. Every time he wants to do that has he got to go to the Secretary and get a special permit?

Mr. RAKER. If he desires to encumber the lease in any way, I think so. That was the intention of the committee.

Mr. MANN. Then, the committee did not intend to have the Secretary make general regulations under this law, but every time that the lease is to be assigned or mortgaged he has to get the consent of the Secretary of the Interior for that special application?

Mr. RAKER. No; I will say to the gentleman that it is my view, and I believe the committee are with me in that view, that under section 31 general rules and regulations would be made in relation to encumbering the lease and the claim for specified purposes, namely, to obtain money for well material and other things that would assist in developing.

Mr. MANN. Evidently the gentleman does not have a well-settled opinion upon that, because when I first asked him he said it would be evidenced by a paper, a special permit. Now he says it is by general regulations. Which is it?

Mr. RAKER. When I answered the gentleman first I meant in relation to the work, which would have to be evidenced in writing, but my mind is clear upon the second question as presented by the gentleman.

Mr. MANN. I have asked only one question. Here is the provision—that the lease can not be assigned or sublet except with the consent of the Secretary of the Interior.

Mr. RAKER. I will answer that.

Mr. MANN. Let me ask it first. Is that consent to be given on a special application in each case where the lessor desires to borrow money, to make a mortgage upon his leasehold interest, as he will have to do in every case, probably, or is it to be a general regulation, where the Secretary gives consent in all cases for the borrowing of money?

Mr. RAKER. My view of the matter is that, as the question is propounded by the gentleman, there would be general rules and regulations covering all cases where the loan or subletting was for the purpose of developing the mine.

Mr. MANN. You could not have that. No one knows what the money is intended for. It seems to me it would be desirable to allow the lessor to exercise his own judgment as to whether he wanted to execute a mortgage upon the lease, giving some control to the Secretary if the mortgage is foreclosed, perhaps. I think that would cover it, anyhow. But to say that every lessor who wants to execute a chattel mortgage upon his interest must apply to the Secretary of the Interior, and, as we all know, go through a long rigmarole to have the application acted upon, may prove a denial of justice.

Mr. RAKER. As it appears to me—I am not speaking for the other members of the committee—it is provided in some of the other bills that the Secretary of the Interior would not permit general subletting or leasing for general purposes unless it was for the purpose of developing the claim. That is as it appears to me, and I believe that is the purpose of it. It would be a wrong thing to permit subleasing generally.

Mr. MANN. Then the gentleman's position, reduced to plain terms, is that if the lessor wants to borrow money and execute a mortgage upon his lease, he has not only got to show the Secretary how much money he wants to get, and the condition of the property, but he has got to demonstrate to the Secretary in advance what he is going to do with the money when he obtains it.

Mr. RAKER. No; I believe——

Mr. MANN. That is the position the gentleman stated.

Mr. RAKER. I believe the first statement is eminently correct, because those who desire to borrow money, where there is a public-utilities commission for such purposes, must show what they are borrowing it for, and what their plan is. Now, this is a Government concern, and a man ought not to be borrowing money generally upon his permit for outside purposes. But if it is, after he has permanently located his well, and it is a going well, and his finances are in proper shape, regular general rules and regulations ought to be adopted, and undoubtedly will be under this bill, so that he may do as the gentleman says.

The CHAIRMAN (Mr. PAGE of North Carolina). The time of the gentleman from Illinois has expired.

Mr. FERRIS. Mr. Chairman, the amendment offered by the gentleman from California [Mr. RAKER] is quite a far-reaching amendment, and I take it the House would like to know where it came from and how it came to be offered, and all those facts. I think I can give those facts, and then the House can determine for itself what it wants to do.

Several practical oil men came to me. Some of them were from California, and one or two, I think, were from Oklahoma. They called my attention to the fact that leases for oil lands, both Indian-land leases and private-land leases, contain a provision known to oil men as the right of surrender. In other

words, in the practical workings of oil development, as men go on the land and drill and try to discover oil, some of them go broke and have to quit and let loose of what they have done. In other instances they find little oil, not in paying quantities, and they are unable to carry it on. There are numerous reasons that may make it impossible for the lessee to go on with the contract. Now, they had an amendment which authorized the lessee to quit summarily whenever he wanted to, without any arrangement whatever. I told them that that looked unfair to me; that in a contract between the Federal Government and the lessee for oil, to allow the lessee to quit at any time, whether it was for the best interest of the Government or not, I thought was unfair. I sent the delegation to the Interior Department to see what they could do, and they had a conference. The Interior Department drafted the amendment which has been offered by the gentleman from California [Mr. RAKER] and just as he offered it. On that subject they go on to say that they do not think that they ought to have the right to relinquish the lease summarily and walk away, but they do say that if drafted in this language—that upon a finding by the Secretary of the Interior that his retirement or his relinquishment or surrender of the lease will not jeopardize the public interest in any way—he ought to have that right.

I do not feel keenly about it at all, but the House can see that after a man is broke and can not go any further with his drilling, or after the oil is exhausted, after the mineral is exhausted, he ought not to be required to pay an acreage rental on the land after it is all over; and if you do so, you make a man stand back at the initial point, and it serves as a barrier to development.

Mr. MANN. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. MANN. I take it that no one will relinquish a lease as long as he thinks it is worth anything.

Mr. FERRIS. Not unless he goes broke.

Mr. MANN. He will not release it then unless he is denied the right of assigning it, and that probably would not be done. How long are these leases for?

Mr. FERRIS. Twenty years, with the privilege of 10 more.

Mr. MANN. During that time a man is required to pay, first, a royalty and then a rental.

Mr. FERRIS. Transpose it—first a rental, and then, if he gets oil, he pays a royalty.

Mr. MANN. He pays a rental and a royalty?

Mr. FERRIS. Yes.

Mr. MANN. If the oil or coal is exhausted during the period of the lease, he will not pay any more royalty, and this permits him to escape the payment of further rental?

Mr. FERRIS. It does. It is a question whether the House wants to do it or not. I have no feeling about it.

Mr. MANN. I am not saying that it ought not to be done. If he relinquishes, he loses any further rights in the land itself?

Mr. FERRIS. He does.

Mr. MANN. So that the Government can rent or otherwise dispose of the land.

Mr. FERRIS. It can make any other disposition it chooses. The lessee can only relinquish it after the Secretary finds that it is for the best interest of the Government to do it.

I called upon the Indian Office to see if they were right, and they told me that in leasing the lands in my State every one has a provision that the lessee can get out and surrender upon certain terms. Some of the leases differ as to certain provisions, but every one of them has a provision allowing the lessee to quit when the oil is gone.

Mr. MANN. Suppose the oil well is exhausted in 10 years' time——

Mr. FERRIS. That sometimes happens.

Mr. MANN. Suppose it fails and he has a lease requiring him to pay rental for another 10 years on land that is worthless. He is required to pay $1 a year rental, and that is on a basis pay of $20 an acre of the value of the property. Should the Government require him to pay that rental when he is making no use of the land? And yet it would not be for the best interest of the Government to permit the man to relinquish.

Mr. FERRIS. True; it is a concession to the lessee to allow him to surrender; and the Government runs the risk of being defeated and beaten out of a part of the rental.

Mr. MANN. The other man runs the risk. I do not see why it would not be perfectly fair for the man who is trying to get something out from under the surface of the soil upon which he pays a royalty, when he has finished and abandoned all there was, to say that it is all off. But this does not go that far.

Mr. FERRIS. They had an amendment that went that far.

Mr. MANN. I would go that far.

Mr. FERRIS. On the face of the proposition as it came to me, to say in a contract between the Government and the lessee that the lessee could drop everything and run looked like a one-sided proposition. I thought, and the Interior Department thought, that we ought to let the Secretary of the Interior make a finding that the interest of the Government would not be jeopardized. There might be a case where the operator would lose the control or where he failed to get money to operate.

Mr. MANN. I think it ought to be left to the discretion of the department, but to say that the Secretary must find that the relinquishment is for the best interest of the Government would forbid him to relinquish where the mineral was all exhausted and the surface of the land was not worth as much as $20 an acre.

Mr. FERRIS. That is true, too; that may be too drastic.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for one minute.

The CHAIRMAN. The gentleman from California asks unanimous consent that the time of the gentleman from Oklahoma be extended one minute. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I want to say to the gentleman from Illinois that a number of people have telegraphed me in regard to this matter. I have some of the telegrams here, which I will insert in the RECORD:

LOS ANGELES, CAL., *September 17, 1914.*

Hon. JOHN E. RAKER,
*House of Representatives, Washington, D. C.:*

Referring to Ferris bill, House bill 16136, we earnestly request the assistance of yourself and other California Representatives on the addition of the following amendment, on page 14, line 25:

"And also with the right in the lessee to at any time make written relinquishment of all or any part of the lands held under lease, and thereby abate the rental pro tanto: *Provided*, That more than one lease may be granted to the same person, association, or corporation if the aggregate area does not exceed 640 acres."

JOHN BARNEBOR,
OPHIR OIL CO.
COALINGA NATIONAL PETROLEUM CO.
KERN RIVER DRILLERS OIL CO.
PETROLEUM NORTH MIDWAY OIL CO.
BANKLINE OIL CO.
ELLIOTT OIL CO.
MINORU OIL CO.
MURIEL OIL CO.

LOS ANGELES, CAL., *September 15, 1914.*

Hon. JOHN E. RAKER,
*House of Representatives, Washington, D. C.:*

Referring to Ferris bill, now on passage House, No. 16136, we urgently request the assistance of yourself and other California Representatives in adding the following amendment, or the substance thereof, on page 14, line 25, to wit: "And also with the right in the lessee to at any time make written relinquishment of all or any part of the lands held under lease and thereby abate the rental pro tanto: *Provided*, That more than one lease may be granted to the same person, association, or corporation if the aggregate area does not exceed 640 acres."

THE PETROLEUM CO.
THE YORKA OIL CO.
BRAND & STEVENS (LTD.).
C. L. WALLIS.

LOS ANGELES, CAL., *September 16, 1914.*

Hon. JOHN E. RAKER,
*House of Representatives, Washington, D. C.:*

Referring to Ferris bill, now on passage House, No. 16136, we urgently request the assistance of yourself and other California Representatives in adding the following amendment, or the substance thereof, on page 14, line 25, to wit: "And also with the right in the lessee to at any time make written relinquishment of all or any part of the lands held under lease and thereby abate the rental pro tanto: *Provided*, That more than one lease may be granted to the same person, association, or corporation if the aggregate area does not exceed 640 acres."

T. SPELLACY.

LOS ANGELES, CAL., *September 16, 1914.*

Hon. JOHN E. RAKER,
*House of Representatives, Washington, D. C.:*

Referring to Ferris bill, now on passage House, No. 16136, we urgently request the assistance of yourself and other California Representatives in adding the following amendment, or the substance thereof, on page 14, line 25, to wit: "And also with the right in the lessee to at any time make written relinquishment of all or any part of the lands held under lease and thereby abate the rental pro tanto: *Provided*, That more than one lease may be granted to the same person, association, or corporation if the aggregate area does not exceed 640 acres."

MIDWAY NORTHERN OIL CO.,
W. S. MCGIFFERT, *President.*
MARICOPA NORTHERN OIL CO.,
RUDOLF MAUSARD, *President.*

Mr. MANN. I think that would be going too far, but I do not see any objection to permitting the Secretary in his discretion to permit the relinquishment.

Mr. RAKER. But I suppose the amendment as it is now protects both about as well as we could.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. A moment ago there was some controversy between the gentleman from Illinois [Mr. MANN] and the gentleman from

California [Mr. RAKER] as to the construction of the first sentence of this section, as to whether the language "assigned or sublet" would permit the Secretary of the Interior by general rules and regulations to permit the assigning or subletting of leases. I understand the gentleman from California took the position that the Secretary might under such general rules and regulations give such permit. Of course what we say here about the provisions of the bill do not affect its legal construction, and yet whenever the Department of the Interior comes to administer this law they may probably be affected by what the understanding of the House was, and I want to say that I do not believe that that was the idea of the committee, nor do I think the proper construction of the language itself permits the construction given by the gentleman from California. I think under the language, and I think that was the thought of the committee, that in each case before a lease could be assigned or sublet there must be express permission for so doing, upon the theory that before the Government accepts a new lessee the Government should have something to say in the individual case as to who the lessee might be, because the Government would be interested in knowing whether the proposed new lessee was financially able to carry on the operation and comply with the terms of the lease. I merely wanted to say that because I did not wish by silence to let the record stand with the construction that I understand the gentleman from California gave to it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. JOHNSON of Washington. Dropping back to page 10 for a moment, I wish to ask the gentleman, who is a member of the committee, regarding proposed oil leases on forest reserves and the final patent in case of the discovery of oil. If a man secures such a patent for 640 acres of land, will he be entitled to the other minerals which the land might contain, outside of those named in this bill—for instance, gold, copper, manganese, and other minerals that he knows to exist in the Olympic Forest Reserve, in western Washington?

Mr. LENROOT. I think he would.

Mr. JOHNSON of Washington. Does not the gentleman think that confirms the statement made by the gentleman from Wyoming [Mr. MONDELL], that this is giving away right here, without intending to do it, an enormous privilege, if oil is found?

Mr. LENROOT. That is probably true; and yet under our general land laws the same situation prevails. If a man makes an agricultural entry upon a forest reserve, he gets all the minerals.

Mr. JOHNSON of Washington. I think he gets only the surface rights. Now, then, we have amended this bill to permit leasing in one particular monument—the Mount Olympus monument—consisting of more than 600,000 acres, which has not so much forest as it has minerals. It is a broken, mountainous country, and at the time we made that exemption I did not quite realize the amount of land a man could patent in case oil is found. The geological experts here say that the oil indications and seepages we have discovered down toward the ocean indicate that the oil lakes are back in the mountains, or, in other words, within the lines of the monument, where also lie minerals. I want to call attention to that fact, which is bearing out what the gentleman from Wyoming has said—that we may be giving away, unintentionally, some great rights.

Mr. LENROOT. I will say very frankly the attention of the committee was not brought to that particular proposition, and I think there is merit in the suggestion which the gentleman makes. However, this is true, that in agricultural entries, as in every other form of entry which is now made, it applies in the same way.

Mr. JOHNSON of Washington. There is this feature about it, however: When the monument was made it absolutely cut out and ruined any number of prospectors; but in this bill, if it passes, some of these men who tried to make mineral claims can go back into the monument. Then, if oil is discovered, they will come into the mineral rights that they originally expected to receive.

Mr. MANN. Mr. Chairman, I move to amend the amendment by striking out of it, beginning in line 3, "and upon a finding by the Secretary that such action will not be incompatible with the public interest."

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out, beginning with line 3, the following words: "and upon a finding of the Secretary that such action will not be incompatible with the public interest."

Mr. LENROOT. Mr. Chairman, may we have the amendment reported as it would read?

The CHAIRMAN. Without objection, the Clerk will report the amendment as it would read.

The Clerk read as follows:

After the words "Secretary of the Interior" insert: "and also may, in the discretion of the Secretary of the Interior, be permitted at any time to make certain relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all obligations under the said lease.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

The question was taken, and the amendment as amended was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out section 25 and insert the following.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 25, on page 20, and insert the following:

"SEC. 25. That all leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence and with adequate equipment to develop the oil or gas in said lands and to produce oil or gas therefrom during the life of the lease in such quantity as the condition of the market and the producing capacity of the land shall justify. That the lessee shall not monopolize, in whole or in part, the trade in oil or gas. That he will at all times sell the oil or gas extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks and without discrimination in price or otherwise as between persons or places for a like product delivered under similar terms and conditions. That the producing operations shall be carried on in a workmanlike manner, without undue waste and with especial reference to the safety of all employees. That the leased premises and wells drilled thereon and all maps and records of production shall at all times be subject to inspection and examination by such officers as may be provided by law or designated by the Secretary of the Interior for such purpose. That the lessee shall observe, abide by, and conform to all of the provisions and limitations of this act, and that he shall pay promptly all rents and royalties when due; and the Secretary of the Interior, or any person in interest, may institute in the United States district court for the district in which the lands are located appropriate proceedings for the enforcement of the terms of the lease or for its cancellation for violation of the terms thereof or of the provisions of this act. Said leases shall also be upon the condition that the United States shall at all times have a preference right to take so much of the product of any well or wells drilled upon the leased land as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President; but the owner of the product so taken who may be dissatisfied with the price so fixed shall have the right to prosecute suits against the United States, in the United States district court for the district in which the lands are located, for the recovery of any additional sum or sums claimed to be justly due upon the oil or gas so taken.

"That no lease shall be granted or issued until the applicant shall have given a bond to the United States, in such sum and with such security as the Secretary of the Interior may prescribe, for the payment of the rents and royalties, for the due and faithful compliance with all the terms and conditions of the lease, and for the protection of the owner, as provided by law, in all cases in which the lands covered by the lease are in whole or in part lands located, selected, entered, purchased, or patented with a reservation to the United States of the oil and gas contained therein. The existence of such bond shall be no bar to the institution of a suit for the enforcement of the terms of the lease or for its cancellation for the violation of the terms thereof or of the provisions of this act, and a judgment of forfeiture of the lease shall be no bar to the enforcement by legal proceedings of the bond given in behalf of the lease.

"That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property and such reasonable provision shall have been made to prevent the waste or loss of oil or gas through the wells which have been drilled by the lessees as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all the machinery, buildings, or structures upon the leased premises: *Provided*, That the lessee shall have made such reasonable provision as the said Secretary may require to prevent the waste of oil or gas by reason of the wells that have been drilled by the lessee."

Mr. MONDELL. Mr. Chairman, the amendment which I have offered for the section under consideration contains certain conditions which I admit the Secretary of the Interior might require in a lease without specific provision of law, but I believe that in passing legislation of this kind Congress should outline clearly what is to be required of the lessee—at least lay down general rules under which the Secretary is to operate and by which he shall be guided.

My amendment does not contain the first two or three lines of the section—"That no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior." I do not clearly understand what is intended by that provision. There are certain conditions in this bill limiting to ownerships and interests. Whether or not this language following those conditions is intended to give the Secretary of the Interior authority to waive any or all of them I do not know, but I should say that it might be subject to the interpretation that while in a former portion of the

bill we say that no one person shall be interested in more than one lease, under this provision he might become interested in a dozen or twenty or forty, if a kind-hearted Secretary sees fit to give him permission so to do. Therefore, not clearly understanding what was intended, I have left that provision out of my amendment.

I do, however, insert in my amendment a very much needed provision with regard to continuous operations. There is not in the bill any clear provision as to what the operator must do and what the Secretary may require him to do in the matter of continuous operations. There is nothing in the bill which strengthens the present laws to prevent the establishment of monopoly. There is nothing in the bill which makes it obligatory upon the lessee to deal fairly with the people that may desire to purchase this product. Of course, the general laws governing other business operations will govern in this case. But when we are making a lease and have authority to make it a condition of that lease that the lessee shall not monopolize in whole or in part the trades in his product, that he shall not discriminate as between persons and places, that he shall not give drawbacks, that he shall treat all comers fairly, I think we ought to do it. We ought to strengthen the common law, and we ought to strengthen the antitrust statutes in that respect. The bill does nothing of the sort. As I have heard our conservation friends discuss measures of this kind in the past, I have understood that, in their opinion, the prime object in leasing legislation was to increase the control of the public over the operation. We do not increase the control of the public over these operations in the important regards to which I have referred in any way, shape, or form in the legislation which has been presented. It is in that respect anything but progressive. It might be termed reactionary. At any rate, it is essentially standpat.

I also have in my amendment a provision under which the Government may secure these products for the use of the Army and Navy, and thus do away with the necessity or the excuse for the Government going into the oil or coal producing business by giving the Government the first call in peace as well as in war on the products of these properties.

The Secretary of War or the Secretary of the Navy could call for a certain part of this product. If the owner objected to the price named, a suit could be instituted, and there would be opportunity to judicially determine what was a fair price for the product at that place, under the conditions of delivery that existed in the case in hand. There is nothing in this bill directly protecting those who have taken a limited title to lands which may be covered by a lease.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

Mr. FERRIS. Reserving the right to object, I ask unanimous consent that at the expiration of four minutes debate on this paragraph and amendment close.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that debate on this amendment and paragraph close in four minutes. Is there objection? [After a pause.] The Chair hears none. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, it is barely possible that the legislation to which I have referred, the acts of June 22, 1910, I think it is, and of August 17, 1914, may in themselves fully protect entrymen under these acts. But it seemed to me that it would be well to have a provision in this bill under which the Secretary would be compelled to call on the lessees of said lands, to put up a bond for the protection of the owners of the land. The latter part of my amendment provides for the termination of licenses or leases.

I think gentlemen will find that they will not get very far with a leasing system under the provision which has been adopted relative to the cancellation and termination of leases. No wise man will bind himself to pay a large surface rent running for 20 years, with no opportunity to terminate the lease, when conditions may arise, and are likely to, under which within a year or two or three or four after the lease is made it becomes utterly impossible for him to continue to carry on operations except at a loss. Conditions of that sort are likely to arise, owing to the loss of markets, the development of conditions, if it be a coal mine, under which the mine can no longer be advantageously operated. No one will desire to forfeit and close out a lease if it pays to operate. If it does not pay to operate, Uncle Sam can not compel anyone to operate any more than one individual could compel another to operate, and he should not try to. We are not exercising very much wisdom when we legislate upon the theory that we can trap a man into carrying on a business that does not pay, and that he can not make pay, no matter how well and wisely he may conduct his business.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 26. That any lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any of the provisions of this act, of the lease, or of the general regulations promulgated under this act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the end of section 26, on page 20, the following:

"That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property, and such reasonable provision shall have been made to prevent the waste or loss of oil or gas through the wells which have been drilled by the lessees as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all the machinery, buildings, or structures upon the leased premises: *Provided*, That the lessee shall have made such reasonable provision as the said Secretary may require to prevent the waste of oil or gas by reason of the wells that have been drilled by the lessee."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MONDELL. Mr. Chairman, just a moment. This is a part of the amendment I offered a moment ago. It is intended to complete section 26. That section as it appears in the bill is the part of the bill which provides the method whereby the Secretary of the Interior may forfeit or cancel a lease. And the amendment which I have offered provides the conditions under which the lessee may relinquish and surrender his lease.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. FRENCH. Mr. Chairman, I now renew the request for unanimous consent that I made the other day to consider a separate section on page 9 that would probably very properly and appropriately bear the number "Section 13." We discussed it briefly on that day, but in view of some misunderstanding it was withdrawn by myself.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent to return to page 9 of the bill to consider an amendment now offered in that connection. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, add a new section, as follows, to be known as "Section 13":

"SEC. 13. That where public lands containing deposits of phosphate rock have heretofore been located in good faith under the placer-mining laws of the United States and upon which assessment work has been annually performed, such locations shall be valid and may be perfected under the provisions of said placer-mining laws, and patents whether heretofore or hereafter issued thereon shall give title to and possession of such deposits: *Provided*, That this act shall not apply to any locations made subsequent to the withdrawal of such lands from location, nor shall it apply to lands included in an adverse or conflicting lode location unless such adverse or conflicting location is abandoned."

Mr. FERRIS. Will the gentleman yield for just a minute?

Mr. FRENCH. I will be glad to do so.

Mr. FERRIS. The amendment offered is just as the committee reported the bill, is it not?

Mr. FRENCH. It is in the same language as reported from the committee; yes.

Mr. FERRIS. And as the department reported upon it?

Mr. FRENCH. It includes the amendment that the department reported.

Mr. FERRIS. It is as the department desires to have it?

Mr. FRENCH. Yes.

Mr. FERRIS. And only applies to 57 claims?

Mr. FRENCH. Fifty-seven claims pending and four or five where patents have been issued.

Mr. FERRIS. They can only proceed where procedure for patent took place, and only when they were proceeding regularly under the law in full force and effect at that time?

Mr. MANN. Under the construction of the law.

Mr. FRENCH. I perhaps ought to say it is a general law. It does not specify any number of claims.

Mr. FERRIS. As I understand, that is all that comes under it.

Mr. STAFFORD. When this amendment was under consideration last there was some difference as to the extent of area that it would apply to, and has the gentleman been able to ascertain positively the land that would be involved in this amendment?

Mr. FRENCH. I inadvertently made a statement myself of the area involved, and even while I was on the floor and my attention called to it, I saw that my statement was erroneous. Assuming each claim to be the maximum, there would be only 9,100 acres included in those pending and only 800 acres in those that are patented. Now, the department advises me through the Commissioner of the General Land Office that in those cases that are pending, where entries have been made, it can not from data here determine the number of acres in the entries. Manifestly such would be the case unless proof had been offered. But in any case it could not be in excess of 160 acres per entry.

The CHAIRMAN. The Chair would suggest to the gentleman from Idaho that the numbering of this section as "13" would cause the renumbering of other sections.

Mr. MANN. As a matter of fact, without any order of the House, it is the duty of the engrossing clerk to properly number the sections.

The CHAIRMAN. The Chair thinks that is true, and, of course, it would be unnecessary.

Mr. FRENCH. I would then ask in connection with it that all the numbers be advanced where following this section, if the section be adopted as "section 13."

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that the numbers of the sections following this section be advanced one in the bill if his amendment be adopted.

Mr. FERRIS. I think that ought to be done, but at the end of the bill we might put in another section.

The CHAIRMAN. Why not number this section "12a"?

Mr. MANN. Why not ask unanimous consent that the sections be correctly numbered? That will be done, anyhow, by the engrossing clerk.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that the sections be correctly numbered. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I think before this amendment is adopted there should be a brief statement of the situation necessitating this legislation. Some of the limestone deposits of the western country contain phosphate salts in quantity to make them valuable as a fertilizer. Those deposits, like all limestone deposits, were laid down at the bottom of lakes or other bodies of water. In the course of time the territory covered by these deposits was disturbed; sometimes the uplift was rather sharp. The first phosphate deposits which were located under the mining laws were deposits that had not been greatly disturbed, but the territory had been eroded and cut by canyons, exposing the limestone on the edge of the canyons, but practically or approximately level.

The natural, proper, and only location for that sort of a deposit is under the placer law, and so the first of these locations were all made under the placer law and patented. But later some deposits were found where there had been a very sharp uplift, where there had been a break in the limestone and a very sharp uplift, and in addition to a placer location a lode location was made on the upturned edge of the deposit and a controversy arose between the rival claimants. The United States district court decided that in that particular case the deposit was a lode. It was, indeed, a lode, in the sense that it stood, as most lode claims stand, nearly perpendicular, but if the learned judge could have followed that deposit down a certain distance he would have found that it spread out flat lower down. In another case a Federal court held that the lands in that particular case were properly located as a lode, and thereafter the department hesitated about patenting these lands as placers.

Now, as a matter of fact, it is very much in the public interest—and this is what I want to emphasize—to have these claims patented as placers rather than as lodes, for this reason: The Secretary's office, as I understand, agreed to allow these people to relocate under the lode law. It would not be in the public interest to have them do that, for this reason, that under the placer act they secure title to nothing except the territory within the perpendicular boundaries of their claims, while under the lode law through the extralateral rights under that law they can follow the deposit as far as it runs, and some of these deposits extend down into these slopes, across the valley, and away nobody knows how far. It follows that if these claims were to be patented under the lode law, with the extralateral right, they may grant a right to several hundred acres of deposit in one claim, whereas by patenting them under this law title is secured only to the land within the perpendicular boundaries of their claim.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho [Mr. FRENCH].

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers the following amendment, which the Clerk will report.

Mr. FERRIS. To what section?

Mr. STAFFORD. To section 26.

The Clerk read as follows:

Page 20, line 18, after the word "jurisdiction," insert the words "at the instance of any party in interest."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MONDELL. Mr. Chairman, I asked one of the best lawyers on this side of the House a few moments ago what his view was, with regard to this section, as to the authority to bring proceedings under it, and his answer was that he thought that no one but the Department of Justice or the United States attorney could bring proceedings for the forfeiture or cancellation of an entry.

In my opinion, any party in interest ought to have the right to do that. I will not insist that the language that I have offered is just the sort of an amendment that ought to be adopted, but it is very clear to me that if the public is to be protected and operations under the leases are to be at all times in accordance with their provisions, we must have some provision other than the possible activity of the officials representing the Department of Justice. In other words, anyone having an interest who was in any way seriously aggrieved by the acts of the lessee ought to have an opportunity to begin a proceeding which would raise the question as to whether the lessee was complying with the provisions of his lease or not.

I realize that an amendment of this kind is not as essential in this bill as it would have been if the amendments prohibiting monopoly, the amendments prohibiting unfair treatment of consumers, and the amendments for the protection of the purchaser and the public generally, which I offered, had been adopted. In that case it certainly would have been necessary to have given any party in interest the right to institute a suit in order to determine whether or not those provisions of the lease had been violated. But while the bill as it stands lacks many of the provisions that will or should be contained in the lease, every member of the committee must realize that these leases should contain prohibitions the violation of which would work great harm and injury to individuals or the public, and there ought to be an opportunity on the part of people who may be injured or injuriously affected to bring suit for the purpose of testing the question as to whether the parties had lived up to the provisions of the lease.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 27. That all statements, representations, or reports required by the Secretary of the Interior under this act shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require, and any person making any false statement, representation, or report, under oath, shall be subject to punishment as for perjury.

Mr. MANN. Mr. Chairman, in order to get it before the committee, I move to strike out the language beginning on page 21, line 5, "and any person making any false statement, representation, or report, under oath, shall be subject to punishment as for perjury."

The CHAIRMAN (Mr. FITZGERALD). The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 5, strike out the following language: "and any person making any false statement, representation, or report, under oath, shall be subject to punishment as for perjury."

Mr. MANN. Mr. Chairman, the bill makes it obligatory that all these statements, representations, or reports shall be upon oath, and the language of the criminal code is:

Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States

authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than $2,000, and by imprisonment at hard labor not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

That seems to cover what is provided for in this bill.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield at that point?

Mr. MANN. Yes; I yield.

Mr. STEPHENS of Texas. It seems that this first part of section 27 applies to statements, representations, or reports required of the Secretary of the Interior, and provides that they shall be made upon oath. Now, as I understand, the section of the criminal law that the gentleman has just read specifies how these statements and reports are to be made. Does the gentleman think the same law applies when the statements, reports, and representations are required by the Secretary under the rules and regulations he prescribes?

Mr. MANN. There is no question of rules and regulations about it at all. This provision of the bill is that all statements, representations, or reports required by the Secretary shall be upon oath. That is a requirement of law—that they shall be upon oath.

Mr. STEPHENS of Texas. But if the gentleman will remember, the requirements under this bill are for the rules and regulations, and he requires the oath.

Mr. MANN. The provision of this bill is that these statements shall be under oath, and the law in reference to perjury says that whenever anything of the sort is required to be under oath if a man falsely testifies in a material matter, and does it willfully, he shall be guilty of perjury. Of course if this is to stand, I think the word "as" ought to go out, so that it will read "subject to punishment for perjury" and not "subject to punishment as for perjury." But there is some distinction. Of course this bill attempts to make any false statement under oath perjury, although it might not be material and although the man who made it might think it was true. But the law in reference to perjury covers these statements clearly, because in making up the form the Secretary requires a certificate that the statements are true, and that is to be under oath.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FERRIS. If it is the thought of the gentleman to give the Secretary power to require a written report under oath, that is as far as we ought to go, and then let the general law step in when it ought to.

Mr. MANN. This law says the statement shall be under oath. The law provides that when an oath is made in pursuance of the law, the man who falsely makes oath to a material matter shall be guilty of perjury. It covers the matter precisely, so that there is no new definition of perjury.

Mr. FERRIS. I confess that the gentleman is right. The gentleman from New York [Mr. PAYNE] made a similar complaint about the same provision in the Alaska bill.

Mr. MANN. I do not remember about that.

Mr. FERRIS. And I promised him that I would go down to the Department of Justice and see what they thought ought to be done; but I have not had time to do that, and I am perfectly willing to accept the amendment suggested by the gentleman from Illinois, and strike out that clause, so that all the legislation will do will be to require a written report under oath; then, if a man falsifies, let the general statute cover it.

Mr. MANN. Then, the perjury section will cover his case.

Mr. FERRIS. As in other cases.

Mr. MANN. As in other cases.

Mr. FERRIS. I think the gentleman is right about it.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The Clerk read as follows:

SEC. 28. That any of the public lands of the United States withdrawn, covered by permits, or leased as coal, phosphate, oil, gas, potassium, or sodium lands, or valuable for any of said deposits, except as provided in section 2 hereof, shall be subject to appropriate entry under the homestead laws or under the desert-land law, and shall be subject to selections by the State wherein the lands are situated under grants made by Congress and under section 4 of the act approved August 18, 1894, known as the Carey Act, and acts amendatory thereof and supplemental thereto, and subject to withdrawal under the act approved June 17, 1902, known as the reclamation act, and acts amendatory thereof and supplemental thereto, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or acquiring title, with a reservation to the United States of the coal, phosphate, oil, gas, potassium, and sodium in such lands, and the right of the United States, its permittees, lessees, or grantees to prospect for, mine, and remove the same, together with the right to use so much of the surface as may be reasonably necessary for the conduct of mining operations upon rendering compensation therefor as provided in this act, and for all damage caused to crops and tangible improvements: *Provided*, That all applications or selections made under the provisions of this section shall state that the same are made in accordance with and subject to the provisions and reservations of this act: *Provided further*, That upon satisfactory proof of full compliance with the provisions of the laws under which the entry or selection is made and of this section, the entryman or selector shall be entitled to a patent to the land entered or selected, which patent shall contain a reservation to the United States of all the coal, phosphate, oil, gas, potassium, or sodium in the lands so patented, together with the right of the United States, its grantees, permittees, or lessees, to prospect for, mine, and remove the same upon rendering compensation to the patentee for all damages that may be caused to the crops or tangible improvements of the entryman, selector, or owner by prospecting for or removing said minerals.

Mr. MONDELL. Mr. Chairman, I move to strike out section 28.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 8, strike out all of section 28, down to and including line 21 on page 22.

Mr. MONDELL. Mr. Chairman, I make this motion in order to avoid confusion. This section is in the main a repetition of the provisions of the act of June 22, 1910, an act for the agricultural entry of coal lands; the act of April 30, 1912, amendatory thereof, and the act of July 17, 1914, which applies the same procedure as the acts above referred to to the agricultural entry of gas, oil, phosphate, and potash. It does not in all respects follow exactly the language of those acts, so that I imagine confusion would arise.

The gentleman will recall that the act of June 22, 1910, was the act which made the first provision of this sort with regard to coal lands; that the act of April 30, 1912, was the act which extended the coal act to certain other classes of entries; that the act of July 17, 1914, a very recent act, was the one that applied the same form of law to oil, gas, phosphates, nitrates, potash, and asphaltic minerals. In other words, these three laws cover nearly everything that is covered in section 28; and so far as section 28 would have any effect at all, it would be in those respects in which its provisions are not essentially those of the bills in question. It may be the provisions of this section are intended to be the same, in the main, in effect as the laws I have referred to; but, as a matter of fact, they do not follow the language of those acts exactly, and I fear that it does not so well protect the entryman; in fact, I am confident they do not. Those bills were carefully drawn, and I think it would be a mistake to modify their provisions; and if we do not intend to do that, there is no reason for legislating on the subject.

Now, one thing more. This section does contain one provision that is new and which is to a certain extent at least in conflict with a former section of the bill. That former section allows the Secretary of the Interior to reserve certain portions of the surface of leased lands as may not be needed by the lessee, but limits his right to do so prior to the execution of the lease. Under this section a lessee might have all his leasehold entered at any time his entire plant might be homesteaded or entered under any one of half a dozen laws. No one would take a lease under such conditions.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. I ask for information. I do not recollect whether the laws the gentleman refers to cover all withdrawn lands or only the lands when they are classified.

Mr. MONDELL. They cover them all, just as this does. This does not include anything that those laws do not include, except this would allow the entry of the leased lands. Other than for that feature of it my objection to it is that it is a repetition of those statutes to which I have referred in a slightly different phraseology, and I think is not so fair to the entryman. This section was adopted by the committee before the passage of the act of July 17, 1914. That is the act which extended the old coal provisions to phosphate, gas, and asphaltum. At the time the committee put this in the bill it was necessary because the only law we had on the subject was the law relating to coal lands. Since that time we have passed a bill which covers the whole subject in addition to coal. There is, however, some little difference in the language used, and a difference that I think might lead to confusion. Query, How far would this act modify those other acts? Does it leave the provisions of those acts protective to the entryman still in force? I think there would be a question about it, and as the whole subject, except as to the leased lands, is covered by the other acts, as it was not at the time you adopted this section, it seems to me it would not be wise to adopt another law on the subject, a law not so complete or satisfactory. As to the leased lands, it will

not do to leave them open to all these classes of entry. The lessee would not be safe or secure for a day.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

Mr. MANN. Mr. Chairman, I want to be heard for a moment upon that.

Mr. UNDERWOOD. Mr. Chairman, is the gentleman willing that the committee rise for a moment?

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16136) to provide for exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and had come to no resolution thereon.

### BILL TO INCREASE THE INTERNAL REVENUE.

Mr. UNDERWOOD, chairman of the Committee on Ways and Means, by direction of that committee, reported the bill (H. R. 18891) to increase the internal revenue, and for other purposes, which, with accompanying papers, was referred to the Committee of the Whole House on the state of the Union and ordered printed. (H. Rept. 1163.)

Mr. UNDERWWOD. Mr. Speaker, I desire to let the House know that I expect to take the bill up for consideration next Thursday morning.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. MANN. Does the gentleman expect to press the bill to passage on Thursday?

Mr. UNDERWOOD. The gentleman from New York [Mr. PAYNE] made a suggestion this morning about the length of debate. If I can enter into an agreement with him on that subject, I might not; otherwise I expect to press the bill to final conclusion on Thursday, if I can do so.

Mr. PAYNE. I will say frankly to the gentleman from Alabama that I am satisfied that we can not come to any agreement as to debate.

Mr. MANN. We can not come to any agreement that will cut out the right of amendment.

Mr. UNDERWOOD. Mr Speaker, this being an emergency bill, and the revenue being needed by the Government at once, I feel that we should put it through without delay, and I will say to the House that, so far as I am able, I shall endeavor to get a final vote on Thursday at some time.

Mr. PAYNE. And we feel as if there was no emergency, and there is no reason why this bill should not be discussed and both sides of the House enlightened by debate. We would like to have as much debate as we did when we passed a real emergency bill during the Spanish War in 1898, when we had two days' general debate and another day for amendment. That was by mutual agreement.

Mr. Speaker, I ask leave to file the views of the minority, which I will do at once, so that they can be printed with the majority report.

The SPEAKER. The gentleman from New York asks leave to file the views of the minority on this bill. Is there objection?

There was no objection.

### EXPLORATION FOR COAL, ETC.

Mr. FERRIS. Mr. Speaker, I ask for the regular order under the special rule.

The SPEAKER. The regular order is for the House automatically to resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, with Mr. FITZGERALD in the chair.

Mr. MANN. Mr. Chairman, I would like the attention of the members of the committee in regard to section 28. A while ago I asked who would have control of the surface of the ground where one of these leases was made. It was stated that the Secretary might lease the surface of the ground within his discretion, and that if he leased the surface of the ground the lessor would have the right to make use of that surface of the ground.

Now, section 28 does not give him that right at all. If the lessor has a lease of 640 acres with the right to make use of the surface of the ground, section 28 comes along and permits anyone to take that right away from him. He may have a lease of the ground; he may be using it for other purposes than a mining operation, but under this section it permits anybody who has a homestead right to make a homestead entry upon the ground and take away from the lessor all of the surface rights except what is necessary for the conduct of the mining operation.

Now, plainly, I should say that it was not desirable in anybody's opinion to have an apparent conflict about that. I was going to ask whether it would be advisable to strike out of this provision in reference to homestead entry the words "or leased as coal, phosphate, oil, gas, potassium, or sodium lands." So that if the lands had been leased, that while the lease stands they shall not be subject to homestead entry or desert-land entry. That would give the right for a homesteader to take lands that have been withdrawn, or even upon which a permit has been granted or which are valuable for deposits, but it would not give the right to the homestead entryman to take away from the lessor land that he had leased and of which he was making use.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MONDELL. I did not in the brief time I had in discussing my amendment refer to this feature of the section to which the gentleman from Illinois has referred. The words "covered by permit or leased as coal," and so forth, clearly that provision is contradictory, as the gentleman from Illinois has called attention, to the provision in section 23. The balance of the section is a repetition of law now on the statute books, so that both features of the section ought to go out.

Mr. LENROOT. Will the gentleman from Illinois yield?

Mr. MANN. I yield to the gentleman from Wisconsin.

Mr. LENROOT. In reference to the gentleman's suggestion that none of the leased lands are subject to entry, that would be in conflict with section 24.

Mr. MANN. What section does the gentleman have reference to?

Mr. LENROOT. Section 24.

Mr. MANN. That gives the Secretary the right to reserve the surface. In that case he only leases practically the deposits.

Mr. LENROOT. The right to the soil or otherwise to dispose of that under existing law, or laws hereafter enacted.

Mr. MONDELL. That is all before the leasing.

Mr. LENROOT. I understand; but the gentleman from Illinois says——

Mr. MANN. The Secretary may lease the deposits or he may lease the lands. If he leases the lands, it seems to me somebody ought not to be able to come in and take the lands away from him right away.

Mr. LENROOT. I agree with the gentleman.

Mr. MANN. I thought possibly if we struck out the words "leased as coal," which refers to the public lands leased as coal and would not refer to the deposits which may be leased, the matter might be remedied. I am not sure that it would cover the case where the Secretary had reserved the surface rights.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Mr. Chairman, under the law at the present time these forest reserves can all be leased for grazing purposes, and many of them are leased for grazing purposes, and those leases run for a specific term. Under section 28 of the bill could they take that land leased under that law away from the man who has leased it?

Mr. MANN. They could not take it away from him under section 28, but they could take it away from him under the terms of this bill if they found coal or any of these other mineral deposits on the ground; but I assume that would not be done, because those leases are for a short period of time, usually for a year, and I do not think there would be any practical difficulty there. But there would be about this.

Mr. KEATING. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. KEATING. Mr. Chairman, I have had some little experience on these lands that might shed some light on the subject. The State of Colorado leases coal lands under practically the terms set forth in the bill. In leasing coal lands the State reserves the right to lease or sell the surface, with the exception of so much as may be needed by the operator to conduct his mining operations. We have found that that law has operated to our full satisfaction. We lease to the coal man the coal and so much of the surface as may be needed for his operations.

Mr. MANN. That is perfectly satisfactory; but here is a provision in this bill which authorizes the Secretary to lease—in fact, requires him to lease under certain cases—640 acres of

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the land, including the surface, reserving certain rights over the surface; but he leases the entire land, as suggested a while ago; at least that is the understanding. I myself am not sure about it, but that is what the gentlemen of the committee stated, and that is what the bill seems to carry out. If you do lease a man the surface, you do not want to turn around a few minutes later and give somebody the right to take it away from him.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FERRIS. Mr. Chairman, I think it would be worth while to let the committee have the benefit of the justification for section 28 from the Bureau of Mines and the Department of the Interior. Of course, this section has to do with the surface entries and the preservation of the surface lands so that they may be utilized for their highest purpose and that the mineral deposits, whether coal, oil, gas, or phosphate, may be utilized for their highest purpose. The Interior Department, in support of section 28, says:

Section 28 provides appropriate disposition of the agricultural surface of lands containing any of the minerals named, reserving to the United States the minerals and the right of the United States, its permittees or lessees, to prospect for, mine, or remove minerals therefrom. It is not believed that any of these provisions will frighten away or preclude the honest miner from taking a lease and extracting the minerals from the land. The provisions are liberal and the restrictions only such as are believed to be in the interest of the general public. The rights of a lessee who complies with the law are not restricted, and they are so safeguarded that he can not arbitrarily be deprived of them. Many of these provisions are found in the laws of the Eastern States which have within their borders coal mines or oil wells, and in the laws of Canada and Australia. Details as to these laws will doubtless be furnished by the Geological Survey, as I have not them in hand.

That is from the Interior Department. Let me present what the Bureau of Mines says in support of section 28:

This section is merely a reiteration of the policy of existing law with reference to coal and oil and gas lands, and an extension of same to cover the other minerals named. The existing law permits locations to be made of the surface of coal and oil and gas lands, with a reservation of the coal or other mineral to the United States, whereas this provision will permit the location and working of the mineral under ground with a reservation of the surface.

The surface estate has nothing in common with the mineral estate, and the two can exist in harmony without interference one with the other. This section is beneficial in that it prevents the withdrawal from use and occupation of large areas of surface ground that could be utilized advantageously without detriment to the mineral estate. It is quite common for such separate estates to be created, and no inconvenience or hardship results therefrom. The net result is to permit the fullest possible use and the development of the public domain, a feature which is manifestly in the public interest. It will not be objectionable to the lessees, since it only applies to lands which are not required for mining purposes.

Of course that does not quite answer the question raised by the gentleman from Illinois [Mr. MANN] and the gentleman from Wyoming [Mr. MONDELL], and it is their thought that we may have conflict, and if we do have, undoubtedly we ought to correct it, which the committee would be glad to do. It was our intention to have the surface and every foot of it used for the highest known purpose, and it was the committee's purpose to have the mineral deposits used for the best purpose and to keep them from conflicting with one another.

And if we have not accomplished that, and if there is any other impediment in the way of accomplishing that, I think we ought to try to reach it. The committee itself gave quite extended consideration to this section, and we had the benefit of the members of the committee who were familiar with these acts and finally to safeguard it in every way possible I sent this bill a week or 10 days ago and asked the department to go over it again and search if there were any holes, defects, complications, or conflicts that might arise. Of course the department may have had their vision clouded the same as the committee and the gentleman from Illinois may be correct about it, and if he has any amendment that he thinks will make it clearer, or if he thinks there will be a conflict, I think the committee ought to take action on that and such an amendment ought to prevail. I want to suggest to the gentleman from Illinois what I think will probably meet the trouble he anticipates. On page 21, line 9, after the word "leased," might we not incorporate these words, "or leased with proper reservation of the surface," so that we would not be in the attitude of which the gentleman speaks, of first leasing the surface of a tract to a man and then in turn taking it away from him? But surely if we lease the right to the deposits only and retain the surface in the Federal Government, surely there will be no conflict, surely there can be no hardship, surely there can be no injustice, and if the gentleman thinks that will meet the objection by incorporating those words I think it is desirable we should do so and not do something we do not intend to do.

Mr. MANN. I think that will improve it.

Mr. LENROOT. Mr. Chairman, I would like to call the attention of the chairman of the committee to some other considerations in reference to the language of this section which have not occurred to me before. Now, the language as it stands covers all withdrawn lands regardless of the purpose for which they were withdrawn. It makes them all subject to entry. Now, the laws to which the gentleman from Wyoming has referred cover only lands withdrawn or classified.

Mr. FERRIS. What other lands might there be?

Mr. LENROOT. They might be withdrawn for other purposes.

Mr. FERRIS. If they are valuable for these minerals.

Mr. LENROOT. I think the laws the gentleman spoke of cover the situation fully; but I think this language goes further than the laws to which he referred, and this not only applies to homestead entry, but any State is entitled to make selection of any of these withdrawn lands. Under the law as it stands, a State could go in a forest reserve and make selection of any land to which they are entitled under acts of Congress. They could go into a national monument and make selection there of lands to which they are entitled under acts of Congress. Any kind of entry can be made on a forest reservation, it seems to me, under the language of this section, and it does seem to me with the provision in section 24, giving the Secretary of the Interior the right to make a reservation of the surface, coupled with it as it is in section 24, that they shall be subject to disposition under existing laws or laws hereinafter enacted. I really fail to see the necessity for this section at all.

Mr. MANN. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. Suppose, under this bill—and I would like to call the attention of the gentleman from Oklahoma to this—suppose, under this bill, a man gets 640 acres of land in one forest reserve where he finds coal or oil and where the timber is of the highest quality. That might happen under the bill. Then under this section would not anybody be entitled to make a homestead entry?

Mr. LENROOT. That is exactly the point I am making.

Mr. JOHNSON of Washington. That is the point I was trying to make a few moments ago.

Mr. MANN. I very much think so.

Mr. JOHNSON of Washington. Except in one place it reserves to the Government the timber. That is in one section of the bill.

Mr. MONDELL. That is only in the case of the lease as proposed in that particular case.

Mr. MANN. We reserve the timber against the lessee.

Mr. JOHNSON of Washington. As it is now in that country no homesteader can find out whether he could get a patent or not. First, a man is held up by the question of the possible discovery of minerals, next he is held up in regard to the possible timber on it, and next in regard to the possible water power until he and his children are absolutely starving to death.

Mr. LENROOT. I would like to call attention in reference to the three laws to which the gentleman from Wyoming has referred that they are not nearly so broad in their scope as this section because in those laws in each instance entry is permitted only if the land is otherwise available. That is, they will be subject to entry if they would otherwise be subject to entry, while under the language of this section it seems to me that all lands withdrawn will be subject to every kind of entry and all lands covered by its terms will be subject to every kind of entry.

Mr. FERRIS. Of course, as the gentleman knows, forest reserves are now subject to homestead entry and are now subject to the mineral laws under the existing law.

Mr. LENROOT. That is true but not all timber lands. It is only those particularly valuable for agricultural purposes.

Mr. FERRIS. Let me ask the gentleman if he has gone far enough so he will be able to say what hardship would be entailed by striking this section out?

Mr. LENROOT. Let me read the proviso, which is to this effect:

That said Secretary, in his discretion, in making any lease under this act shall reserve to the United States——

Mr. FERRIS. Where is the gentleman reading from?

Mr. LENROOT. Page 19.

Shall reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the land embraced within such lease under existing law or laws hereafter enacted.

Then, it seems to me, that with the laws that the gentleman from Wyoming has referred to, unless the surface is leased they would be subject to disposition, and, if that is true, I fail to see the necessity for this section.

Mr. FERRIS. If the committee has any fears that there is anything wrong with the section, I prefer to have it go out, and then we can deal with the surface matter later. I under-

stand that the gentleman from Wyoming [Mr. MONDELL] moves to strike out the section

Mr. MONDELL. If the gentleman has no objection, I do not want to discuss it further.

Mr. FERRIS. I think it ought to go out. There seems to be some doubt as to what we could accomplish by section 28. Under the bill as it stands we are not left helpless, and what surface lands are necessary to utilize can be utilized, and if we do not accomplish all that is necessary with this section out, we can again put our hands to the plow and correct it. I therefore ask that the gentleman's amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The amendment was agreed to.

The Clerk read as follows:

SEC. 30. That all moneys received from royalties and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State for the support of public schools or other educational institutions or for the construction of public improvements, as the legislature of the State may direct.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment.

Mr. LENROOT. Mr. Chairman——

Mr. MANN. Mr. Chairman, I offer an amendment to strike out the section and insert a substitute.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MANN as substitute for section 30:

"That all moneys received from royalties and rentals under the provisions of this act, except those from Alaska, shall be deposited in the Treasury as a special fund, to be known as the 'National good-roads fund,' which fund shall be applied as Congress may from time to time direct, by appropriation or otherwise, for the building of good roads."

Mr. FERRIS. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. The gentleman from Wisconsin [Mr. LENROOT] desires to offer a preferential motion, but he can not do it while a point of order is reserved. The gentleman ought to fish or cut bait.

Mr. FERRIS. I make the point of order it is not germane. It is a good-roads scheme, and is not compatible with this bill.

Mr. MANN. It simply relates to the disposition of the funds derived from the royalties and rentals.

Mr. LENROOT. I would like to be heard if there is any doubt as to this ruling. Section 30, relating to the proceeds of this land, provides they shall go into the reclamation fund. It does not seem to me that there can be any question but we have a right to make such disposition of these proceeds as the committee may direct. This is not an appropriation bill. It is not subject to the point that it is new legislation. We have an absolute right to deal with the moneys. The moneys are one of the subjects matter of this bill, and it seems to me entirely clear that we have a right to make such disposition of them as we choose. In fact, I do not see how the gentleman, on his theory of the point of order, can make any justification for their going into the reclamation fund. I am not in favor of the amendment, so I am not speaking for that. It does not provide or attempt to legislate with reference to the building of good roads, but it says that these proceeds shall go into a fund to be known as the "good-roads fund," to be disposed of as Congress may thereafter direct, and Congress may thereafter take them out of the good-roads fund and do anything else with the moneys it chooses to do. The effect of it only is, in fact, to take them out of the reclamation fund and put them into the Treasury of the United States. It certainly is competent for the House to do that.

Mr. MONDELL. Mr. Chairman, I think the gentleman from Wisconsin is correct in his argument up to a certain point. It is true that we can legislate with regard to the disposition of these funds, provided we do not in so doing legislate on a subject entirely foreign to this bill. This bill provides for the leasing of public lands. We can provide that the proceeds of the public lands shall go into the Treasury, or we can provide that the proceeds shall go into a fund which has been created heretofore from the proceeds of the disposition of public lands, and is now existent, and being used for a certain specific purpose heretofore provided for. We can not when we reach this section of this bill depart entirely from the proposition of leasing public lands and enter upon legislation for the building of good roads throughout the country. The amendment necessarily involves legislation on a subject entirely foreign to the provisions of the bill, to wit, the creation of a new fund to be used for a purpose not now contemplated by law and not in any way connected with the provisions of this legislation.

The CHAIRMAN. The Chair is prepared to rule. A few days since, while this bill was under consideration, notice was given that amendments would be offered to this section to provide for the disposition of the receipts from various leases authorized in the bill, in a manner different from that provided in the bill. As a result of the intimation then given, the Chair has given considerable attention to the questions that might arise under this section.

The rule of the House—Rule XVI, paragraph 7—is that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. That is the rule which generally is mentioned as requiring amendments to be germane to a bill or to the particular part of the bill to which an amendment is offered. Under general parliamentary law amendments need not be germane. Mr. Jefferson states in section 460 in his Manual that—

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves.

In a decision by Mr. Carlisle in 1880 the history of the adoption of the rule by the House requiring amendments to be germane is set forth in great detail. Ever since 1822 the rule in the House has been as it is at present. Mr. Carlisle in his decision, which is found in volume 5, section 5825, of Hinds' Precedents, said:

When therefore it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

It is not always easy to determine whether or not a proposed amendment relates to a subject different from that under consideration, within the meaning of the rule, and it is especially difficult to do so when, as in the present instance, the amendment may, by reason of the terms it employs, appear to have a remote relation to the original subject.

That an amendment be germane means that it must be akin to, or relevant to, the subject matter of the bill. It must be an amendment that would appropriately be considered in connection with the bill. The object of the rule requiring amendments to be germane—and such a rule has been adopted in practically every legislative body in the United States—is in the interest of orderly legislation. Its purpose is to prevent hasty and ill-considered legislation, to prevent propositions being presented for the consideration of the body which might not reasonably be anticipated and for which the body might not be properly prepared.

The provision in this bill to which the amendment is offered provides:

That all moneys received from royalties and rentals under the provisions of this act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act and acts amendatory thereof and supplemental thereto, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State for the support of public schools or other educational institutions, or for the construction of public improvements, as the legislature of the State may direct.

Any amendment to a section which is relevant to the subject matter, and which may be said to be properly and logically suggested in the perfecting of the section in the carrying out of the intent of the bill, would be germane to the bill and thus in order. To determine whether an amendment is relevant and germane, while not always easy, can best be done by applying certain simple tests. If it be apparent that the amendment proposes some modification of the bill, or of any part of it, which from the declared purposes of the bill could not reasonably have been anticipated and which can not be said to be a logical sequence of the matter contained in the bill, and is not such a modification as would naturally suggest itself to the legislative body considering the bill, the amendment can not be said to be germane.

It seems to the Chair that applying these tests to the amendment of the gentleman from Illinois [Mr. MANN] to determine whether it is germane, the question to be answered is whether

the amendment is relevant, appropriate, and a natural and logical sequence to the subject matter of the bill. It is quite clear to the Chair that the amendment can not be so characterized, and that the committee could not have anticipated or reasonably expected that to a proposition that the money to be derived from the royalties of the leases, authorized to be made under this legislation, should be put in the reclamation fund, a well-established fund created for specific and definite purposes; that a proposition to create a new fund, to be known as the "national good-roads fund," could be considered as a natural, appropriate, relevant, and logical sequence to the proposal in the bill; and therefore the Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee? Those in favor of the decision of the Chair standing as the judgment of the committee will rise and stand until they are counted. [After counting.] Fifty-nine gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After a pause.] No one has risen. The ayes are 59 and the noes are none, and the opinion of the Chair stands as the judgment of the committee.

Mr. LENROOT. Mr. Chairman, I have an amendment which I wish to offer.

Mr. STEPHENS of Texas. I have an amendment, Mr. Chairman.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin [Mr. LENROOT], a member of the committee.

Mr. LENROOT. I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 23, after the word "direct," in line 21, insert "*Provided*, That any moneys which may accrue to the United States under the provisions of the act from lands within the naval petroleum reserves shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of a fund to be known as the 'Navy petroleum fund,' which fund shall be applied to the needs of the Navy as Congress may from time to time direct by appropriation or otherwise."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the amendment.

Mr. MANN. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the amendment.

Mr. LENROOT. Mr. Chairman, I desire to call the attention of the Chair to the distinction between this amendment and the one that the Chair has just ruled upon.

The Chair stated, with reference to the other amendment, that it could not fairly be said that it was so related to the subject matter of the bill that the committee could have had in mind the possibility of such an amendment as was proposed; but now the Chair will bear in mind that these very lands include petroleum naval reserved lands, and that being so, it presents a different question entirely as to whether the proceeds of lands that come within the terms of this bill, that are not ordinary public lands, should not be treated differently from those which are; and therefore it seems to me that the Chair can well hold that, inasmuch as the committee knew that some of these proceeds would come from petroleum naval reserves, there might well be a different disposition of the money arising out of those reserves than would otherwise appear.

And, again, these petroleum naval reserves now exist. When they are leased the Government itself can not operate them. If they are leased, the Government ought to be at least in the same position, so far as the germaneness of the amendment is concerned, as if they had been expressly excepted from the bill. Being included within the bill, it is entirely proper to make such disposition of the proceeds as we choose, and the disposition proposed in the amendment, Mr. Chairman, only carries out the theory of the reserves themselves.

Mr. FERRIS. Mr. Chairman, will the Chair hear me just a moment? I take it that in determining the question of germaneness the Chair would like to have the facts fully before him. As the Chair is aware, and likewise the House, the act of June 25, 1910, was the Pickett bill, a bill which authorized the President of the United States to make withdrawals of any of the public lands for public purposes. Pursuant to that act of June 25, 1910, and the authority vested in him by the act, the President did withdraw in California two areas of land, did designate them "naval reserves" for naval purposes and oil reserves.

Now, here comes this bill, providing for the leasing not alone of the public lands but of those two naval reserves, lands that were properly segregated, lands that were properly withdrawn wholly within the authority of law, to wit, the act of June 25, 1910. Now, the authority being first vested in the President to withdraw, and then his withdrawal pursuant to that act make these two naval reserves come within the purview of this bill. Surely it would not be the disposition of the House to put the proceeds from those two withdrawn naval reserves into the reclamation fund or into any general fund, but surely they ought to be used for the purpose for which they were intended, to wit, the supplying of oil for the Navy.

I think with that in mind that would bring it within the Chair's own decision just rendered on the Mann amendment, and that the committee might well expect, because it would be a logical determination of things, to have an amendment of this sort offered, to do with the money what ought to be done with the money under the act of June 25, 1910, and the President's withdrawal. I very much hope the Chair will find that this is a case in which it is, first, germane and a proper amendment to this bill. The committee have gone over this at great length. The House has passed one bill carrying this identical provision on a temporary oil bill. As I understand, it has become a law. Am I right about that?

Mr. RAKER. Yes.

Mr. FERRIS. That law does this precise thing temporarily. Now, to do this permanently is only to complete what we have done temporarily, and I think it ought to be first held in order and later adopted. The Navy Department wants it; our committee has agreed to it.

Mr. MANN. I do not think the becoming a law of that temporary provision affects the question of order here in the House, although it might be well to recall the fact that that provision went into the temporary bill because the House was held up on a unanimous-consent proposition until it agreed to that. It was a question of no bill at all or of yielding to the holdup of the Navy Department. That is not the situation now. This bill is not before the House asking unanimous consent for its consideration, and the matter should be considered now upon its merits, or upon the point of order.

The Navy Department has no more interest in this land, set aside for naval purposes, than the people of the United States have in the rest of the land. The Navy Department has no greater interest in the oil produced on the naval reserve lands than the country has in the oil produced on the other lands; and the Navy Department is no more interested in getting oil for the Navy than we are in getting good roads for the people. The two propositions stand on all fours. If we can not divert this money from the proposed reclamation fund and constitute it a good roads fund, then we can not divert a portion of the money from the reclamation fund and constitute it a naval reserve fund. Now, for the life of me I have never been able to understand why the Navy wanted this. We make appropriations for the Navy. We appropriate millions of dollars for fuel purposes, for coal and oil for the Navy. What is the object which they have in seeking a special fund in the Treasury Department? What do they want it for? What would they do with it? It is almost an unheard-of proposition, in a bill relating to revenue for the Government, to provide that certain funds shall be created as special funds in the Treasury Department, subject to appropriation by Congress. Of course Congress has the same power over the general fund that it would have over the special fund. I did not argue the point of order at any length in reference to the amendment which I offered. I was inclined to believe that that amendment was in order, but the Chair ruled it out of order. The committee, by a unanimous vote, sustained the decision of the Chair. I confess I can not make any distinction between the two propositions.

Mr. STAFFORD. Mr. Chairman, just a word. Following the logic of the ruling of the Chair just made, I think the Chair must necessarily rule the amendment now offered out of order. There is nothing in this bill, on the face of it, that gives any intimation whatsoever that there is anything that relates to the Navy or any naval reserve fund. The public lands that this bill relates to are for the benefit of the people as a whole. Congress has a right to legislate as to their disposition as it sees fit. The committee has brought in a provision here directing the diversion of some of these funds to the Reclamation Service. It has not seen fit to apply them in any other manner. The question before the committee is whether the proposed amendment is germane to the pending section. To apply the resultant funds for naval purposes, it appears to me, would be extraneous to the provisions of the bill as reported. If you could set aside a portion of this fund for naval purposes, it would then be in order to provide for building a battleship,

Such an amendment would be acknowledged not germane to the purpose of the section. I can not see where there is any difference to the former amendment, except that the good-roads provision applied to all the fund. This is applicable to only a portion, but it is for an extraneous purpose to that suggested by the bill.

The CHAIRMAN. The Chair intended, in making his former ruling, to call attention to a decision of Mr. Speaker CLARK, made on June 23, 1914. On that occasion there was under consideration a Senate amendment in which it was proposed to provide that the proceeds of the sale of certain ships should be appropriated to build an additional battleship. To that amendment there was proposed an amendment providing that the money should be available for the construction of good roads. Mr. Speaker CLARK held that that amendment was not in order, because it was not germane.

Very frequently the difficulty in reaching a conclusion as to whether an amendment is germane arises from the fact that while the proposed amendment is somewhat similar to the subject matter of the bill, the particular predilection of Members favorable to the amendment makes them reason themselves into a frame of mind to believe the amendment to be germane without careful analysis of its relation to the matter proposed to be amended. Under the act of June, 1910, the President is authorized to withdraw public lands for any public purposes. While it does not appear on the face of this bill that certain lands have been withdrawn for the purpose of providing oil for the Navy, it is a matter well within the knowledge of the Chair and of Members generally that such action has been taken. Suppose the President had also withdrawn public lands and set them aside to be utilized as military reservations or as forest reserves or for park or some other purpose. Would amendments be in order to this provision which would provide that the royalties of any leases of such lands should be segregated in the Treasury and dedicated to the development of military reservations or of public parks or for some other public purpose assigned as the reason in the order of withdrawal made by the President? It seems to the Chair that such proposals could not reasonably be anticipated, nor could they be held as logical sequences to the provision in the bill.

The meaning of the word "germane" is akin to, or near to, or appropriate to, or relevant to, and "germane" amendments must bear such relationship to the provisions of the bill as well as meet the other tests; that is, that they be a natural and logical sequence to the subject matter, and propose such modifications as would naturally, properly, and reasonably be anticipated. The Chair has been unable to find any comprehensive definition of the term "germane" as used in a parliamentary sense. It is not easy to define, and it is difficult to state concisely, yet comprehensively, the rule to be applied to determine unerringly whether amendments are germane. The Chair believes that the true rule, and the tests to be used in applying it, have been here epitomized.

The fundamental purpose of this bill is not to provide revenue and to dedicate or segregate it in the Treasury. The fundamental purpose of the bill is "to authorize exploration for and disposition of coal, phosphates, oil, gas, potassium, or sodium," and the segregation of the proceeds of the leases authorized is merely incidental to the general scheme of the legislation.

The amendment of the gentleman from Wisconsin provides that—

> any moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserve shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of the fund to be known as the Navy petroleum fund, which fund shall be applied to the needs of the Navy as Congress may from time to time direct by appropriation or otherwise.

To simplify determining whether this amendment is in order, without changing its fundamental purpose, let it be assumed that instead of designating this fund as a "Navy petroleum fund" it were to be designated as a "Navy battleship fund," and to be applied by appropriation or otherwise by Congress to the needs of the Navy. The Chair does not believe that it would be seriously argued that the creation of such a fund as an amendment to this provision would be considered germane. The mere designation of the fund as a Navy petroleum fund, because this bill applies to oil leases, while perhaps confusing, does not change the character of the amendment. It would be no different if it were proposed that royalties from leases made of parts of public lands reserved for military purposes be placed in the Treasury for the support of the Army, or of lands reserved for health purposes be applied for the support of the Public Health Service. The very suggestion of such amendments clarifies the situation and, in the opinion of the Chair, obviates any difficulty in determining the question of order. In the opinion of the Chair the amendment is not germane, and the Chair sustains the point of order.

Mr. LENROOT. Mr. Chairman, I have another amendment on the same subject.

The Clerk read as follows:

> Page 23, after the word "direct," line 21, insert the following: "*Provided* That any moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserve, shall be deposited in the Treasury as miscellaneous receipts."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

> Page 23, at the end of line 21, strike out the period and insert in lieu thereof a colon, and add the following:
> "*Provided*, That the proceeds from the leasing of any unallotted lands included in the Indian reservation shall be covered into the Treasury to the credit of the tribe on whose reservation the leased land is located; and the proceeds derived from leases of lands allotted to any Indian shall be paid to such Indian under such regulations as the Secretary of the Interior may prescribe."

Mr. STEPHENS of Texas. Mr. Chairman, this is to perfect an amendment already in the bill which was adopted in the first section, line 5, after the word "forest." The committee has adopted this language:

> That deposits of coal, phosphate, oil, gas, potassium, or sodium owned by the United States, including those in national forests, and unallotted lands in Indian reservations, but excluding those in national parks, military or other reservations, wherever the purpose or usefulness of which would, in the opinion of the Secretary of the Interior, be destroyed by occupation, use, or development.

The amendment is to unallotted lands in Indian reservations. The bill already contains that provision, and the bill applies throughout to Indian lands, and this amendment is offered to section 30 for the reason that there is no appropriation of the funds arising from the sale or disposition of these lands under this bill. This amendment provides that unallotted lands belonging to the Indians shall become a common fund belonging to that tribe of Indians.

Mr. FERRIS. Will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. FERRIS. Let me suggest to the gentleman that his amendment should be offered to come in following the adoption of the amendment offered by the gentleman from Wisconsin, which has just been agreed to, by offering it at the end of the amendment which has just been adopted.

Mr. STEPHENS of Texas. Mr. Chairman, I ask to modify my amendment by offering it to come in immediately following the amendment just adopted.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment as to the place where it is offered. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman from Texas yield?

Mr. STEPHENS of Texas. Yes.

Mr. STAFFORD. In the second portion of the gentleman's amendment he provides for the payment of the fund arising from allotted Indian lands to the Indians. I would like to inquire whether he ought not to incorporate "the Indian or his heirs."

Mr. STEPHENS of Texas. This is to be under such rules and regulations as the Secretary of the Interior may prepare.

Mr. STAFFORD. The special language limits it to payment to the Indian.

Mr. STEPHENS of Texas. I would have no objection to the amendment.

Mr. STAFFORD. But ought it not to be included?

Mr. MANN. Would not the heirs be Indians who owned the land? Will the gentleman from Texas yield for a question?

Mr. STEPHENS of Texas. I will.

Mr. MANN. I notice that the gentleman's amendment referring to the disposition of the funds includes not only unallotted lands but allotted lands.

Mr. STEPHENS of Texas. Yes.

Mr. MANN. But this leasing is only authorized on unallotted lands.

Mr. STEPHENS of Texas. There are many leases on lands and reservations belonging to the Indians.

Mr. MANN. Yes; but this bill does not authorize the leasing of allotted lands belonging to the Indians.

Mr. STEPHENS of Texas. There is no law authorizing the leasing of allotted lands belonging to the Indians.

Mr. MANN. There is nothing in this bill authorizing the leasing of such lands.

Mr. STEPHENS of Texas. No.

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Mr. MANN. Why, then, does the gentleman make disposition of funds arising from allotted lands when the bill only authorizes the lease of unallotted lands?

Mr. STEPHENS of Texas. This was drafted by the department, and it is the same provision that was in the Alaskan bill.

Mr. MANN. I do not want to make any reflections on the department. I suppose we have been told 20 or 30 times during this debate that the department thinks so and so.

Mr. MONDELL. A hundred times.

Mr. MANN. I have a great regard for the department, but this is the legislative body where the bright minds come together and produce legislation under conditions that it is not possible for one man to have in a department, however brilliant he may be.

Mr. STEPHENS of Texas. But the gentleman is aware that for many years it has been the custom of the various departments when a bill has been submitted to them to submit a statement as to whether it is desirable legislation.

Mr. MANN. Oh, we always want their opinion. That is proper.

Mr. STEPHENS of Texas. It is rather too late now to disclaim the right of the department to give such an opinion.

Mr. MANN. Oh, I am not disclaiming any right of any department.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. MONDELL. I understood the gentleman to say that there was no law under which allotted lands could be leased for minerals.

Mr. STEPHENS of Texas. I know of none.

Mr. MONDELL. They have been leasing allotted lands on the Shoshone Indian Reservation in my State for coal and oil for, lo, these many years.

Mr. STEPHENS of Texas. There may be some special act authorizing it.

Mr. MONDELL. Can not that be done in every case and in any case where the allottee consents to it?

Mr. STEPHENS of Texas. I think not.

Mr. MONDELL. There is a general law that gives the Secretary authority to do that for the allottee where he desires to have it done.

Mr. STEPHENS of Texas. One passed the House and is now pending in the Senate. In fact, I think I have passed the bill three times through the House, a bill that I have been nursing very tenderly for years, but it has always failed in the Senate.

Mr. MONDELL. There must be some such law applying to the reservation to which I refer.

Mr. STEPHENS of Texas. If there is, I think it is a special law.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. LENROOT. Has the gentleman other amendments that he proposes to offer?

Mr. STEPHENS of Texas. This is the last. The first amendment was to the first section.

Mr. LENROOT. I would like to state to the gentleman that with these two amendments I feel very certain that unless there are other amendments offered, the interests of the Indians would be most seriously jeopardized. There must be further amendments if the rights of the Indians are to be protected. For instance, we certainly do not want the oil provision to apply to Indian lands as we have it in this bill. You certainly do not want to give a fee title on Indian lands to one quarter on a prospecting permit.

Mr. STEPHENS of Texas. I will state to the gentleman that that is not in contemplation at all, and the language of the amendment would not give the right the gentleman suggests, but it would be under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. LENROOT. The point I make is that if the Indians are to have the benefit of the oil provisions of this bill at all, the bill must apply to them as a whole, as it stands; and there has been so far no exception made in regard to Indian lands, so far as fee titles are concerned, and you certainly will be in the position, if this is all the amendment the gentleman has, of providing for a fee title upon Indian lands.

Mr. CARTER. Mr. Chairman, will the gentleman from Texas yield to me?

Mr. STEPHENS of Texas. I yield.

Mr. CARTER. I do not remember just what the other amendment of the gentleman from Texas was, but this amendment only provides for the proper placing of the proceeds of the leases.

Mr. LENROOT. I am raising no question about the amendment itself accomplishing the particular purpose that it desires. My query is, If these are all the amendments the gentleman suggests, to adopt this will require further material amendments to properly protect the Indians.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. Unless the original amendment of the gentleman from Texas would in some wise affect or change the law with relation to leasing these lands, I do not see that the present amendment makes any change in them, any further than a provision for the proper placing of the proceeds.

Mr. LENROOT. Unless other and further material amendments are made, I think the Indians will not be properly protected. We ought to go back and strike out the one amendment we have adopted making it apply to Indian lands, because we must adopt other material amendments if we desire to properly protect the Indians.

Mr. CARTER. Not having in mind what the other amendments of the gentleman from Texas were, I can not intelligently discuss them.

Mr. STAFFORD. The other amendment I strenuously opposed because it extended the provisions of this bill to Indian lands. I opposed it upon the ground that it was depriving the Indians of their rights and the fruits of their own lands. The provisions of this bill would give the right to a grant of fee title to 160 acres, and in some cases 640 acres, to an outsider on Indian reservations. This provision would appropriate all of the property rights of the Indians, so far as the land that might be granted by fee title is concerned.

Mr. CARTER. I have before me now the original amendment of the gentleman from Texas, and I see that it provides to include unallotted lands on Indian reservations.

Mr. STAFFORD. At the time of the adoption of that amendment the gentleman from Texas stated that he had another amendment that would safeguard the rights of the Indians by limiting the profits to the Indians themselves; but here, by other provisions of the bill, you are surrendering their rights away.

Mr. FERRIS. Is the gentleman trying to say that some of the Indian lands would be patented to the lessee?

Mr. STAFFORD. Yes.

Mr. LENROOT. Under the oil section.

Mr. FERRIS. Oh, no; because there would not be any prospector's permit. The Secretary only issues them within his discretion; and of course he would not issue one on an Indian reservation, but would only issue a lease.

Mr. STAFFORD. What authority has the gentleman for saying that he would not? It is within his discretion. Why could he not under the provisions of this bill?

Mr. FERRIS. It would be unheard of, that any Secretary would think of issuing a prospector's permit on land that belonged to Indians.

Mr. STAFFORD. That is mere assumption.

Mr. FERRIS. He would not think of such a thing.

Mr. JOHNSON of Washington. Will the gentleman yield at that point? In a case which I have in mind the Indian Office has already made a lease based on 15 cents an acre for the first year, 30 cents an acre for the second year, 50 cents for the third, and 75 cents thereafter, and $1 an acre rental on top of that. Under these leases men have put their money in there. Where do they get off and where do the Indians get off if the oil prospectors go on the adjoining public domain?

Mr. FERRIS. The answer is it is not mandatory on the Secretary to issue a lease to anybody or a permit to anybody, but of course the Secretary who authorized the issuance of a permit on the terms indicated by the gentleman would not issue subsequent leases which would interfere with them.

Mr. JOHNSON of Washington. On the contrary, the prospector going on the adjoining open territory would have a very liberal rate under this oil section, whereas the investigator already on the ground on the Indian lands would find the figures prohibitive, and in that case the Indians would suffer.

Mr. FERRIS. That would depend upon the original contract. If the Secretary has made a contract with the Indians in the past on some disadvantageous terms, of course that frailty is on the part of the department. But this law would in no manner conflict with existing leases, and only upon the abandonment or the expiration of such leases would this law be applicable.

Mr. JOHNSON of Washington. It would have to be abandoned. That is just what is going to happen on one of the largest Indian reservations in Washington.

Mr. FERRIS. Then it would be a frailty of the past rather than the present.

Mr. JOHNSON of Washington. And stop the men who were trying to put their money into the development.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to add one word to the amendment. After the words "lease of lands" add the words "restricted lands." I desire to change my amendment, and I ask unanimous consent to modify the amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his admendment. The Clerk will report it.

Mr. FERRIS. The gentleman does not think that we should lease allotted lands at all?

Mr. STEPHENS of Texas. No; I am willing to strike that out.

Mr. CARTER. If the gentleman from Oklahoma will yield. I will call attention to the fact that the amendment itself applied to allotted lands.

Mr. FERRIS. Then, I think the word "allotted" ought to be stricken out. I do not think we ought to lease allotted lands. I think that might get us into trouble.

Mr. RAKER. Let me ask the gentleman from Oklahoma is the word "allotted" understood to mean 160 acres that is allotted?

Mr. FERRIS. Yes.

Mr. RAKER. That is all right. All over the West, particularly in California, there are many hundreds of thousands of acres of this kind of land. These people can not use them nor make a living on them. Ought not their lands to be used for them instead of selling them? I want to call attention further. Now, if they have lands on which oil or gas or coal can be leased by which we could make a safe provision for the Indian and his family, does not the gentleman think that would be better?

Mr. FERRIS. I think it would be unsafe and unwise with 330,000 Indians, some of which are allotted and some not, after the land has proceeded to allotment and each Indian has his individual share, I doubt whether it comes within the province of a public-lands bill to do more than lease the unallotted lands.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to modify the amendment I have offered in this way: Strike out all after the word "located" in the amendment I have offered and sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment by striking out all after the word "located."

Mr. LENROOT. May we have that reported?

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

*Provided*, That the proceeds from the lease of any unallotted lands included in an Indian reservation shall be covered into the Treasury to the credit of the tribe on whose reservation the leased land is located.

Mr. STEPHENS of Texas. And add, "under such rules and regulations as the Secretary of the Interior may prescribe."

The Clerk read as follows:

Under such rules and regulations as the Secretary of the Interior may prescribe.

The CHAIRMAN. Is there objection to the modification of the amendment as suggested?

Mr. MANN. Reserving the right to object, I would not object if I can have it reported as it is now modified.

The CHAIRMAN. The Clerk will report the amendment as now modified.

The Clerk read as follows:

*Provided further*, That the proceeds of the lease of any unallotted lands included in an Indian reservation shall be covered into the Treasury to the credit of the tribe on whose reservation the leased land is located under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. LENROOT. Mr. Chairman, I have no objection to this amendment whatever; but I do want, if I can, to make my position clear to the gentleman from Texas. The position taken by him seems to be that the first section of this bill, to which an amendment has been adopted including Indian reservations, is sufficient to carry Indian lands throughout the bill. Now, one of two things is true—it either is not sufficient or, if it is, the provisions of the bill with reference to oil lands should be changed. Now, I do not believe the amendment to the first section does carry authority to the Secretary of the Interior to lease any Indian lands at all. The purpose of this first section is not to designate what lands shall be leased but to whom the lands may be leased. That is the purpose of this section. It provides that these lands designated may be leased to citizens of the United States, and so forth, and then, as we go on in the bill, taking up the subjects separately, coal, phosphates, oil, and so forth, we expressly name the lands that may be leased.

To illustrate, section 3 provides that coal lands or deposits of coal belonging to the United States may be leased, and so on throughout the entire bill. And I submit that without amendment, the language being specific as to each character of mineral, fuel, or fertilizer, in order to carry out the gentleman's object amendments must be made either upon each of those subjects or Indian lands must be brought within the terms of the bill later on under a general section

Mr. STEPHENS of Texas. Does not the gentleman think the language is sufficient here in the first part?—

That deposits of coal, phosphate, oil, gas, potassium, or sodium owned by the United States, including those in national forests, but excluding those in national parks, etc., shall be subject to disposition in the form and manner provided in this act.

Mr. LENROOT. Does not the gentleman see that the purpose of that section is to define who may acquire the benefits of the bill?

Mr. FERRIS. I believe the gentleman is mistaken. I believe it does a good deal more. This refers to the disposition of what? Indian lands, unallotted, national forests, and all public lands. How? As this act provides. Then we go right along and make the provision.

Mr. LENROOT. It says, "Shall be subject to disposition in the form and manner provided by this act," and then, if we were not specific in each case, naming the lands that can be leased, then I would agree with the gentleman, but having been specific in each case in naming the lands the Secretary may lease, I contend the special provision is superior to the general provision and will prevail. But if this were not true and taking the other theory, namely, that it is broad enough to include Indian lands, I sincerely hope before the bill goes from this House that the Secretary of the Interior will not be permitted under the terms of the bill, as he is permitted, to grant a title in fee upon Indian lands for anything. I have as much confidence in the Secretary of the Interior as any man in this House, but we ought not to legislate in a way that would permit a Secretary of the Interior to issue a prospecting permit for oil upon Indian reservations and pass title to a part of the Indian lands in fee to the prospector.

Mr. MANN. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. As I understand the gentleman's position, it is that under the amendment to the first section we either do or we do not make all Indian lands subject to the provisions of the bill; that if we do not, it does not amount to anything, but if we do we provide for the issuance of a patent for 640 acres to a permittee who has discovered anything upon the Indian lands. If that is so, who will have to pay for the land?

Mr. LENROOT. The Indians will have a claim against the Government.

Mr. MANN. Of course the United States gets nothing out of that lease except the pleasure of paying for the land.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. LENROOT] has expired.

Mr. LENROOT. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LENROOT. In view of the fact that I have held this position throughout the bill, I wish to say, in explanation of why I did not offer amendments as the bill was considered section by section, that early in the consideration of the bill I asked the gentleman from Texas [Mr. STEPHENS] whether later on he proposed to offer a general section that would take care of all these matters, and I understood him to reply that he would. And that is the reason why I have heretofore said nothing in reference to this matter.

Mr. STEPHENS of Texas. I think I have done so. I think the first section is sufficient.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate on this amendment at the expiration of two minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to close debate on this amendment at the expiration of two minutes. Is there objection?

Mr. BURKE of South Dakota. I may want five minutes, Mr. Chairman.

Mr. FERRIS. Then I will say at the expiration of seven minutes.

Mr. CURRY. Before the debate is closed, I would like to ask the chairman of the committee a question, and it will take him about two minutes to answer it.

Mr. FERRIS. Then I ask for nine minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the debate on this amendment close in nine minutes. Is there objection?

XUM

There was no objection.

Mr. MONDELL. Mr. Chairman, I simply rise to call attention to the fact that if we remain in session long enough the various suggestions I have made will be adopted or their wisdom be clearly demonstrated. I said, when the amendment was offered adding Indian reservations to this bill, that there were a score of provisions in the bill that such an amendment would put out of joint and that therefore such an amendment should not be adopted. The gentleman from Wisconsin [Mr. LENROOT] has just called attention to a few of them. This bill was drafted with a view of applying it to the public domain, and it does not fit the conditions of Indian reservations. There are numerous provisions in the bill which, if applied to Indian reservations, will work hardship on the Indians, will take from the rights of the Indians. It is unwise to adopt that kind of an amendment after a bill has been drawn and perfected with reference to entirely different conditions. The unwisdom which some of us pointed out of including Indian reservations is now made clear.

Mr. BURKE of South Dakota. Mr. Chairman, I want to say to the gentleman from Oklahoma [Mr. FERRIS] that in my opinion, while I have not had an opportunity to examine the bill with much care, I am satisfied if it is intended that it will apply to unallotted lands in Indian reservations, it ought to be amended as suggested by the gentleman from Wisconsin [Mr. LENROOT].

Further, I want to ask the gentleman from Oklahoma if under the terms of this bill a person, company, or corporation who may secure a permit to prospect may not ultimately acquire title to a certain number of acres of land?

Mr. FERRIS. Well, this is the language of the act, in section 3, page 2:

That the Secretary of the Interior is authorized to, and upon the petition of any applicant qualified under this act—

The act says "shall." That was stricken out and made "within his discretion." He does not have to issue a permit to anyone unless he wants to do so. The committee could not conceive of a Secretary who would issue a prospect permit to anyone that would give a patent in fee on the Indian land.

Mr. BURKE of South Dakota. Suppose some Secretary of the Interior should grant a permit; then what?

Mr. FERRIS. Oh, I suppose he could get a patent in fee. You can suppose anything.

Mr. BURKE of South Dakota. I will say to the gentleman that unless there is some amendment such as has been suggested, I think it very dangerous to pass it in the form in which it is at present.

Mr. FERRIS. We can return and put that in.

Mr. CURRY rose.

The CHAIRMAN. The gentleman from California [Mr. CURRY] is recognized.

Mr. CURRY. Mr. Chairman, United States property, real and personal, is exempt from local and State taxation. Under the provisions of this bill would the leased land, the improvements, and the products of the mines be taxable? Possibly the products on the leased land may be after it has been removed. But will the leased land and improvements be subject to local taxation for county, municipal, and State purposes?

Mr. FERRIS. I will say to the gentleman that we have had that identical question up in our State, and there is no doubt but that your legislature has the authority to impose an excise tax that will catch every pound of coal and every gallon of oil that may be produced. There is no doubt also that they can tax the machinery and improvements which go as personal property on the leased lands. It is so done in our State. So that the western people under this bill get, first, the right to have the surface of the ground entered and passed to patent, which, of course, places it on the tax roll; and also, second, get a chance of imposing an excise tax on the products from the mines; and, third, the taxing as personalty the improvements on the land; and not only that, but, fourth, the West gets the revenues that come from the leases, for they go into the reclamation fund to irrigate the West. Therefore I think, while I do not want to set off any bombs on the western people, that they are very well treated in this bill, and I think when they realize what has been done for them they will be highly pleased with it.

Mr. CURRY. I do not agree with the gentleman's opinion as to my State. If you wish to subject this property to county, municipal, and State taxation, what reason is there for not doing it directly in the bill, and providing specifically that it is not exempt? In our State we have two systems of taxation. Property subject to State taxation is segregated from that subject to local taxation. The State taxes are paid by the corporations, and the county and municipal taxes are paid from taxing other classes of property. This leased property, real and personal, amounting to hundreds of millions of dollars in value, would not be subject to State tax and would not be subject to county or municipal tax.

Mr. FERRIS. Of course, the gentleman knows that Government property is not subject to taxation anywhere, and I would not be in favor of subjecting Government property to taxation at any time or in any place. That might permit the local governments to confiscate Government property.

Mr. CURRY. Then would the gentleman contend that the hundreds of millions of dollars' worth of property on these lands should be exempted from taxation?

Mr. FERRIS. All that has been gone over many times, I will say to the gentleman from California. We are not imposing on the western people. We are dealing generously with the West. We are developing the West, and it will not take very long to demonstrate it.

Mr. MANN. Would not the leasehold, the value of the lease, be subject to taxation?

Mr. FERRIS. I am inclined to think the Government lease would not be. The machinery and improvements are taxed as personal property, and the surface of the land goes to patent as fast as entered. I may call to the attention of the gentleman that the surface may pass into private ownership under the homestead provisions and pass on to the tax list regularly, so that all the Federal Government is doing is protecting leasing the deposits. They are for the benefit of the West. It is a new era in the West. There all may share the resources.

Mr. MANN. The value of the lease is personal property.

Mr. FERRIS. There might be a way to reach that; I am not sure about that. Of course, I am not in favor of having the Government property taxed, and I am not in favor of turning the local communities loose to confiscate Government property by taxation.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CURRY. Mr. Chairman, I would like to have one more minute.

The CHAIRMAN. The gentleman from California [Mr. CURRY] asks unanimous consent to proceed for one more minute. Is there objection?

There was no objection.

Mr. CURRY. This product of the mines would not be subject to taxation. The other people would have to pay all the road taxes and the school taxes and all other taxes, while this property, worth hundreds of millions of dollars, would be exempted from taxation.

Mr. FERRIS. The gentleman from California is in error about that. As soon as the oil or the coal is brought up from the earth it becomes subject to taxation as personal property.

Mr. CURRY. Why not put it in the bill specifically and not leave the question one to be adjudicated?

Mr. FERRIS. You do not need it in the bill. That is a proper matter for the local legislature of the State.

I repeat, Congress has and is in this bill generous with the West. Much has been said by those who are unfriendly, but I feel as sure as that one day follows another we are rendering a great service for the West and for the Nation.

The CHAIRMAN. The time of the gentleman from California has expired. The question is on agreeing to the amendment of the gentleman from Texas [Mr. STEPHENS].

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman from Wyoming withhold his amendment for the present?

Mr. MONDELL. Yes.

Mr. BURKE of South Dakota. I desire, Mr. Chairman, to ask the gentleman from Oklahoma a question. As I understand it, one or more amendments have been agreed to by which the bill will apply to unallotted lands in Indian reservations.

Mr. FERRIS. It was so intended.

Mr. BURKE of South Dakota. What I wanted to ask is whether it will not create confusion if this bill is passed without excepting the Osage Reservation and possibly the Five Civilized Tribes in Oklahoma? I am not clear about it, but I would like to have the opinion of the gentleman.

Mr. FERRIS. My thought is that the Osage lands are all leased already, and I think most of the surface of the land under the allotments has been sold. The gentleman from South Dakota [Mr. BURKE] knows that there emanated from his Committee on Indian Affairs years ago a bill providing for the disposition of the unallotted lands of the Indian nations.

Mr. BURKE of South Dakota. If they have not been disposed of, would not this repeal that law, and would not the land be subject to the provisions of this act?

Mr. FERRIS. As the gentleman knows, the lands have been subject to lease for 20 years and have been leased, and there is an energetic movement on the part of the lessees to get the leases renewed now.

Mr. BURKE of South Dakota. I would suggest to the gentleman from Oklahoma, the chairman, and to the other gentlemen from Oklahoma that they had better look out or they will be consenting to the passage of an act that will affect the Osage Reservation, and perhaps the Five Civilized Tribes, in a way that would be undesirable.

Mr. FERRIS. The unallotted lands of the Five Civilized Tribes are all sold now except the timberlands.

Mr. BURKE of South Dakota. The segregated mineral lands have not yet been disposed of.

Mr. DAVENPORT. I want to call the attention of my colleague [Mr. FERRIS] to the fact that the blanket leases do not cover all the Osage lands. I think the suggestion of the gentleman from South Dakota [Mr. BURKE] is a wise one, that there ought to be an exemption there, excepting the Five Civilized Tribes and the Osage Indians from the provisions of this bill. I think the gentleman from South Dakota is absolutely right about that.

Mr. FERRIS. The Secretary already has the authority that this gives to him, and I can not fathom what the objection would be to letting the law apply which already applies.

Mr. BURKE of South Dakota. I will say to the gentleman that I do not care to propose any amendment. I merely call it to his attention. I will also mention that the New York Indians own their lands in common and have a reservation. I do not think it is the intention of the committee to legislate with reference to minerals upon the reservation of the New York Indians in the State of New York or other similar reservations.

Mr. FERRIS. It will be within the discretion of the department in each case.

Mr. STEPHENS of Texas. There never has been any claim that there was any mineral on the Indian reservation in the State of New York.

Mr. BURKE of South Dakota. There are a great many localities where nothing was known as to the existence of mineral, but subsequently very valuable mineral has been discovered.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 23, strike out all of section 30 after the numerals "30," in line 4, and insert the following: "That 50 per cent of all moneys received from royalties and rentals under the provisions of this act, except those from Alaska, shall be paid by the Secretary of the Treasury, after the expiration of each fiscal year, to the State within the boundaries of which the leased lands are located, for the support of public schools, the construction of roads, and other proper public purposes, as the legislature of the State may direct; and 50 per cent of said royalties and rents shall be paid into the reclamation fund."

Mr. MONDELL. Mr. Chairman, there are two important respects in which this legislation will affect western communities. One has to do with the changed political and industrial conditions that will arise upon the departure from a system of private ownership and the adoption of a system of Government leasing and Government permanent control. The abandonment of a system of private ownership in extensive properties over vast areas and the adoption of a system of permanent Federal landlordism will profoundly affect the industrial and political situation in all of these States. In addition to that the communities will be very greatly affected in their power to produce revenue. Our western people have become more or less reconciled to the inauguration of a system of leasing, because we have hoped that thereby the community at large would receive larger returns from the development of natural resources; that the community would receive a larger share of benefits than now as mineral wealth is depleted. We have hoped and expected that if a system of this kind was adopted we would receive from it benefits through royalties, taking the place of taxes to a certain extent, of mine-output taxes, perhaps, to help us in maintaining our schools, in building roads, and in sustaining our system of civil government. The reporting of the bill dashed that hope; for while nine-tenths of the mineral lands of my State are now Government property, under the provisions of this bill there is no assurance to any community in the State that it will ever receive a dollar of the hundreds of millions of dollars that may be taken from these lands in the way of royalties. It is true there is a provision in the bill that 50 per cent of the fund, after it has gone into the reclamation fund and been used in the completing of projects, and is paid back, shall go to the States for the benefit of the communities. But I pause to give some astute gentleman the opportunity to tell us how you can tag any dollar paid into the reclamation fund and follow it through the processes of construction and repayment and ever determine when that dollar comes back. I have asked some pretty brilliant men that question—how it was to be done. Part of the reclamation fund will be going on practically forever, and may never come back. Query: Will it be the dollar that shall come from a mining lease in Fremont County, Wyo., that is not paid back in a lifetime, or a dollar paid into the fund from an Idaho or Colorado lease?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask unanimous consent to proceed for five minutes.

Mr. FERRIS. Reserving the right to object, I ask unanimous consent that at the end of the five minutes which the gentleman desires debate shall be closed on this section and on all amendments thereto.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending section and all amendments thereto be closed in five minutes. Is there objection?

Mr. MANN. I have an amendment that probably will not take more than a minute or two.

Mr. FERRIS. Then, I ask unanimous consent to make it 10 minutes, 5 minutes to be controlled by the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman asks unanimous consent that at the end of 10 minutes debate on this section and all amendments thereto be closed. Is there objection?

There was no objection.

Mr. MADDEN. Does the gentleman think any dollar that goes into the reclamation fund will ever come back?

Mr. MONDELL. Oh, yes; several million dollars have already come back. But I yield to any gentleman on the floor who will point out any way whereby any of this money can be so tagged, designated, and identified that anyone can ever tell when it comes back or whether it ever comes back; and in the ordinary procedure under the reclamation fund moneys could not be expected back into the State inside of 30 years. It might be 10 years after it is placed in the fund before the project is completed. The period for its repayment is 20 years. Thirty years from now these States may secure some return, provided it is possible to identify any of the money which the bill seems to contemplate they shall at some time receive.

In the meantime you have established a system of absentee landlordism, the Government being the absentee landlord, under which you take from the State at least 10 per cent of the value of all of its oil production and perhaps the same proportion of the value of its coal production. It goes into the reclamation fund; that is a fund which we of the West approve of. But it goes into reclamation projects, however; and what consolation is it to a community having coal lands and oil fields, and not within hundreds of miles of a reclamation project, that some settlers somewhere on a reclamation project may be benefited by the use of the money taken from the development in their region? We want the reclamation fund sustained, but we do not think it needs all the proceeds of these leases.

There is some question as to whether we can tax improvements on these lands. Some gentlemen are confident that we can, while others, very good lawyers, say it is very questionable. Can we apply our mine-output tax law, such as we have in my State, to this product? In the opinion of many it is doubtful. The cream of all values is taken from us. We are left stripped of our opportunities to secure the necessary and needful funds for the building of our roads, for the education of our children, and for the maintenance of our local and State governments. We have been willing to accept the uncertainties and known disadvantages of Federalism, of bureaucracy through Federal leases, for a time at least, in the hope that through it the localities should have a considerable return as the mineral products of their country are used, in order that permanent roads and good schoolhouses might show the beneficial results of the extraction of minerals on a public lease.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. What is the source of the school fund in public-land States?

Mr. MONDELL. From ordinary taxation and partly from the 5 per cent of the sale of public lands which is now paid us, but that is wiped out by leasing legislation. In other words,

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this legislation leaves us worse off than we are now. I am glad the gentleman called my attention to this matter. Now when the lands are sold we get 5 per cent of the returns, but under this bill the lands are never sold and we do not get that. Under this bill when lands are patented they do not pay anything for them, there is no 5 per cent to give us, and so we are robbed at both ends—no return from leased lands, none from lands patented.

Mr. FESS. Does the gentleman know the cost of education in the State of Wyoming compared with that of Ohio?

Mr. MONDELL. My recollection is that the last census placed Wyoming among the very first of the States in her expenditure for education per capita.

Mr. FESS. Then there ought to be some increased source of revenue.

Mr. MONDELL. We need it and must have it, instead of having it taken away from us.

Mr. METZ. Why does not the State of Wyoming raise the money by taxation of its citizens, the same as we do?

Mr. MONDELL. My State does, and does it so well that only one-half of 1 per cent of the inhabitants can not read or write.

Mr. METZ. Why do not you raise the money by taxation?

Mr. MONDELL. We do; but the gentleman must realize that 80 per cent of all the real estate of Wyoming is owned by the Federal Government. If the good State of New York should have 80 per cent of its real estate taken from the tax roll, does the gentleman think they would have much left to support schools? If the system of the sale of these mineral lands were to be continued, we would get 5 per cent of the money for our school fund, and then we would have the opportunity to tax the lands. This act provides for no sales. Some lands are to be given away, the balance leased. Our 5 per cent is gone and we are to get no part of the royalties. Nothing could be more unjust.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were 20 ayes and 52 noes.

So the amendment was lost.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 23, line 20, amend by striking out the words "or for the construction of public improvements."

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. I yield.

Mr. FERRIS. After consultation with the members of the committee we think that amendment is all right, and we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 13811. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

EXPLORATION FOR COAL, ETC.

The committee resumed its session.

The Clerk read as follows:

SEC. 32. That all laws or portions of laws in conflict herewith are hereby repealed, except as to valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 1, after the word "That," insert the following: "the deposits of coal, phosphate, oil, gas, potassium, and sodium herein referred to shall be subject to disposition only in the form and manner provided in this act, and."

Mr. LENROOT. Mr. Chairman, at the beginning of the consideration of this bill the gentleman from Wyoming argued that under the bill as it stood it did not repeal the placer-mining laws and perhaps other acts, so far as they related to oil lands, and so forth; that as the bill stood these acts would apply to oil and other deposits referred in the bill. The amendment I have proposed makes it clear that lands containing the deposits shall be disposed of only in the manner and form prescribed by this act, so as to meet the objection made by the gentleman from Wyoming.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to return to section 2 for the purpose of offering an amendment excluding Indian lands from the operation of the section.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to section 2 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 14, after the word "*Provided*," insert: "The provisions of this section shall not apply to unallotted lands on Indian reservations."

Th CHAIRMAN. Is there objection?

Mr. CARTER. Mr. Chairman, reserving the right to object, I would like to make that request also include a return to section 1 for the purpose of offering the following amendment.

Mr. LENROOT. Let us have one at a time.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none. The question is on agreeing to the amendment of the gentleman from Wisconsin.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I now ask unanimous consent to return to section 14 for the purpose of offering a similar amendment.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to section 14 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 5, after the word "hereof," insert: "*Provided further*, The provisions of this and the preceding section shall not apply to unallotted lands upon Indian reservations."

The CHAIRMAN. Is there objection?

Mr. BURKE of South Dakota. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Wisconsin to explain just what is proposed by his amendment.

Mr. LENROOT. Mr. Chairman, section 13 provides for the issuing of a prospecting permit, for prospecting for oil. Section 14 provides that upon the discovery of oil by a prospector he shall be given fee title to one-fourth of the land covered by his permit. The purpose of my amendment is to provide that the provisions of neither of these sections shall apply to unallotted lands on Indian reservations.

Mr. BURKE of South Dakota. I would like to ask the gentleman, if his amendment prevails, and the bill should become a law in the form in which it now is, whether under the terms of it the unallotted lands of the Indians can be leased by the Secretary of the Interior?

Mr. LENROOT. Mr. Chairman, in reply to the gentleman, I will state that before these amendments I have suggested are adopted, it was my opinion they could not, but if these amendments are adopted, excepting Indian lands from coal lands and oil lands, I am inclined to think that the intention of the law would be clear to include Indian lands throughout.

Mr. BURKE of South Dakota. Would that be without any consideration of what the Indians might desire themselves?

Mr. LENROOT. It would.

Mr. MANN. Not necessarily, because it is discretionary.

Mr. LENROOT. Oh, yes; it is discretionary.

Mr. BURKE of South Dakota. Mr. Chairman, I want to call the attention of the gentleman and also of the committee to the fact that under the only law that there is now on the statute books which recognizes the right to lease lands for mining purposes it can only be done by the consent of the council of the tribe, and I was wondering whether it was the intention by this bill now to leave the matter entirely with the Secretary of the Interior to lease unallotted lands for mining purposes, regardless of the title that the Indians may have in their reservation, regardless of the status of the Indians as to intelligence, and without any regard as to whether they are willing to lease their lands or not.

Mr. LENROOT. Mr. Chairman, in reply to the gentleman, he, of course, understands that the amendment relating to Indian lands did not come from the committee. It came from the gentleman from Texas [Mr. STEPHENS]. As I have heretofore stated, I had understood that before the consideration of this bill should be concluded there would be a general section offered that I supposed would give to the Indians the same protection that they have now, and all that I am seeking to do in the amendments that I have proposed is to give to the Indians such protection in those particulars, at least, that they are clearly entitled to. I do not for a moment contend that there ought not to be other provisions in the bill so long as Indian lands are included, further protecting them.

Mr. BURKE of South Dakota. Mr. Chairman, still further reserving the right to object, I want to say to the gentleman and to the committee that I think it is unfortunate that it is proposed to make this law apply to Indian reservations at all without the matter having been considered by the committee that reports the bill, to say nothing of the Committee on Indian Affairs, which is the proper committee that ought to report legislation of this kind. I am in accord with the amendment suggested by the gentleman from Wisconsin, and I am not going to object to returning for the purpose of having that amendment adopted, and I think, as the gentleman from Wisconsin [Mr. STAFFORD] suggests, it is a safeguard that ought to be in the bill if it is going to pass, but it ought not to be amended at all to include Indian reservations, unallotted or allotted or in any other form, in this way when that matter has had no consideration by any committee of the House. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none. The Chair wishes to call the attention of the gentleman to the fact that the Clerk suggests that the word "That" should follow the words "*Provided further.*"

Mr. LENROOT. I ask unanimous consent that it be so modified.

The CHAIRMAN. Without objection, the amendment will be modified in that respect.

There was no objection.

The question was taken, and the amendment as modified was agreed to.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to return to section 1 for the purpose of offering an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, at the end of the Stephens amendment, after the word "reservation," insert "except the Five Civilized Tribes and the Osage Nation in Oklahoma."

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, the gentleman from Texas and the distinguished chairman of the Committee on Public Lands, from Oklahoma, having one sought and the other permitted an insertion in this bill which never ought to have gone in, the other gentleman from Oklahoma [Mr. CARTER] now seeks to relieve his State from its application. That is a very generous spirit which my friend from Oklahoma has. We in a moment of temporary aberration of mind inserted in this bill an amendment offered by the gentleman from Texas covering Indian reservations. Everyone in the House who paid any attention to the bill knows that the provisions of the bill on that subject are so that no one can tell what it means. No one knows to what reservation it applies or on what terms.

The gentleman from Wisconsin [Mr. LENROOT] has offered an amendment which he hopes, by negative form, will get somebody to construe the bill to mean that it covers certain Indian reservations in certain cases and does not cover them in other cases. But that is negative at the best. The gentleman himself does not think that it ought properly to affect the construction of the bill. What we ought to have done is to strike the whole Indian business out of the bill. If the Committee on Indian Affairs wants to bring in a bill to the House in reference to mining upon Indian reservations and copy this bill, with proper changes, very well and good; I would be willing to accept it.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. Does not the gentleman know that throughout the States and throughout all Indian legislation the Five Civilized Tribes have not been considered to be Indians on reservations and that there has been special legislation in reference to them? I did not believe and I do not believe now that this bill will apply to those Indians, but the gentleman from Oklahoma desired to make it perfectly clear that these Indians do not come under the requirements of this bill.

Mr. MANN. Well, that only shows the gentleman from Texas in offering his amendment did not carefully consider the matter. I am not criticizing him for it. He found this bill here, called up, and there was a question raised as to whether it covered Indian reservations or did not. Some one stated—the department stated or some one else—why, if it is good for the white man's land, why is it not good for the red man's land? Therefore he offered an amendment, but plainly the conditions are not the same. Now, what object was there in seeking to cover Indian lands? We dispose of the public lands. We authorize patents to be issued. We authorize leases to be issued that give a man the right to go on the land and make investigation and discovery, and under the provisions of this bill, if applied to the Indian lands, a settler can obtain a permit to go and make investigation right in the middle of an Indian village, dig a well, or sink a shaft.

Mr. STEPHENS of Texas. Does the gentleman believe a Secretary of the Interior would do anything of that kind? Does the gentleman believe that any Secretary, now or any time in the history of this country, would violate the rights of the Indians in that way? I assume the contrary.

Mr. MANN. I apprehend, even where we have conferred discretionary power upon the Secretary of the Interior, that he would grant a permit in identically that case.

It ought to be protected by proper legislation; and, hoping it will have that effect, I am going to object to this. It is sauce for the goose; let it be sauce for the gander.

Mr. CARTER. Will not the gentleman withhold his objection for a moment?

Mr. MANN. Certainly.

Mr. CARTER. I think there is a good deal of virtue in what the gentleman from Illinois has said. I do not think we should legislate in this haphazard manner. I believe the matter ought to have gone to the committee and been thoroughly thrashed out by the committee, so that we would have understood exactly what we were doing. But the gentleman from Illinois has explained the situation quite plainly. The bill came up on the spur of the moment, having amendments suggested by the Secretary of the Interior. The gentleman from Texas [Mr. STEPHENS] has offered them, and they have been adopted. Now, I want to say for the benefit of the gentleman from Illinois——

Mr. STAFFORD. I hardly think the gentleman is within bounds when he says that the Secretary of the Interior suggested this amendment that was offered by the gentleman from Texas. It was a motion of the gentleman from Texas himself that was opposed by gentlemen on this side, and strenuously opposed. The gentleman from Texas did say that the Secretary of the Interior did not have any objection to including Indian reservations within the scope of this bill.

Mr. CARTER. As I understand it, the amendment was prepared by the office of the Secretary of the Interior.

Mr. STAFFORD. Not as I understand it.

Mr. CARTER. I saw a letter here from the commissioner to the gentleman from Texas [Mr. STEPHENS] presenting the amendments. This is in the hands of the gentleman from Texas now, and I am sure he would not mislead the House about it.

Mr. STAFFORD. That is very likely prepared by some clerk in the Indian Office.

Mr. CARTER. I do not care about that. I think it has the signature of the Commissioner of Indian Affairs to it.

Mr. STAFFORD. Very likely a rubber-stamp signature.

Mr. CARTER. I think if the gentleman will look at the letter he will not perhaps be so reckless in his statements. Now, I want to say this to the gentleman from Illinois: I do not want him to object to this amendment until he has heard my explanation.

Mr. MANN. I am going to do so. I will say to the gentleman that I will not object because of lack of merit in the amendment at all. I understand what the situation is. I hope we may have a separate vote on these amendments in the House relating to the Indian reservations and disagree to them, and if the department wants them to go in let them fix them up properly and present them to the Senate committee, and if they adopt them let them come to the House for action later.

Mr. CARTER. This seeks to do exactly what the amendments of the gentleman from Wisconsin seek to do; that is, to perfect the pending bill in accordance with the existing law. The Five Civilized Tribes have never been subjected to the general Indian law, but have always been legislated for separately. At the present time there is in the course of sale and disposition the unallotted lands among the Five Civilized Tribes—the timberlands, the coal lands, and the segregated mineral lands. If this bill should become a law before those lands are disposed of and this provision should apply to them, it might prevent the sale of those lands, and I am sure the gentleman from Illinois does not desire to do that.

I do not believe that the law would apply to the Five Civilized Tribes, anyway, but I simply offer this amendment out of abundant precaution, in order that the present law with reference to those matters, which has been so carefully worked out by the committees and by the House, with the ever-vigilant eye of the gentleman from Illinois always on them, might not be changed; and I hope the gentleman from Illinois will not

object to this amendment. It is just in line with what the gentleman from Wisconsin was trying to do. There was no objection made to the amendments of the gentleman from Wisconsin.

Mr. MANN. I am sorry I did not object to those.

Mr. LENROOT. Will the gentleman yield?

Mr. CARTER. I will.

Mr. LENROOT. May I suggest to the gentleman that he now submit a request for unanimous consent to reconsider all amendments relating to Indian reservations en bloc and have a vote upon them?

Mr. FERRIS. I really hope the gentleman will not do that. I do not want to get consent myself to go back and rehash all of this matter.

Mr. MANN. The amendment will be offered in the House.

Mr. CARTER. Will not the gentleman permit me to put my amendment on the same plane as the amendment of the gentleman from Wisconsin?

Mr. MANN. No; not at this time.

Mr. CARTER. Let me explain the situation here a little further. The gentleman from Wisconsin offered his two amendments, and I reserved the right to object. I think the gentleman from Illinois said they could not all come at once. It was a unanimous-consent proposition, and almost anything can be done by unanimous consent. If I had insisted at that time, the amendments of the gentleman from Wisconsin [Mr. LENROOT] would have been denied consideration. We were kind enough on this side not to do that, and I do not think this amendment should be discriminated against in that way.

Mr. LENROOT. The amendments I offered protected the gentleman's reservations as much as other reservations. They are not in the same line.

Mr. CARTER. I understand that; but they both sought to perfect the bill.

Mr. LENROOT. They are not in the same line at all.

Mr. MANN. We are not trying to take any advantage of the gentleman from Oklahoma. For the present I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. MONDELL. Mr. Chairman, I wish to offer an amendment.

Mr. FERRIS. We have passed all the sections, and even have returned to certain ones by unanimous consent.

The CHAIRMAN. An amendment to the last section was offered.

Mr. FERRIS. I thought we were through with that.

The CHAIRMAN. The Chair will state to the gentleman from Wyoming [Mr. MONDELL] that the Clerk informs the Chair that his amendment does not state to what portion of the bill it is intended to be offered. Unless the gentleman indicates it, the Chair will hold that his amendment is not in order.

Mr. MONDELL. The amendment is to come in after line 5, page 24.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

At the end of the bill, page 24, after line 5, insert: "*Provided*, That before the sums received from leases under this bill are paid into the reclamation fund 25 per cent of the sum shall be paid by the Secretary of the Treasury to the proper authorities of the State in which the lessees are situated for the maintenance of schools and the building of roads."

Mr. FERRIS. Mr. Chairman, I make the point of order on that amendment that it is not in the proper place in the bill.

The CHAIRMAN. The amendment is not germane to the section to which it is offered. It would be germane to section 30.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to return to section 30 and that I be permitted to offer my amendment to that section.

Mr. FERRIS. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma objects.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] moves that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, had directed him to report the bill to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. MANN. Mr. Speaker, I ask for a separate vote on the four amendments relating to Indian lands and the disposition of the proceeds—to sections 1, 2, 14, and 30, I believe. Those amendments are well known. The Clerk knows what they are. I am perfectly willing to have one vote on the four.

The SPEAKER. The gentleman from Illinois demands a separate vote on the four amendments——

Mr. MANN. The four Indian amendments——

The SPEAKER. On the four Indian amendments. Is a separate vote demanded on any other amendment? If not, the Chair will put the rest of them in gross. The question is on agreeing to the other amendments.

The amendments, exclusive of the so-called Indian amendments, were agreed to.

The SPEAKER. The Clerk will report the four Indian amendments.

Mr. MANN. Mr. Speaker, that is not necessary. I ask that the reading of the amendments be dispensed with.

The SPEAKER. Without objection, the reading of the amendments will be dispensed with.

There was no objection.

The SPEAKER. The question is on agreeing to the four Indian amendments.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. FERRIS. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] demands a division.

The House divided; and there were—ayes 43, noes 51.

So the Indian amendments were rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time.

Mr. MANN. Mr. Speaker, has the vote been determined?

Mr. GARRETT of Tennessee. Will the gentleman permit me a moment?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. The gentleman's demand for a separate vote was on "the four Indian amendments." Of course, when it comes to the enrollment of the bill those amendments must be more accurately defined.

Mr. MANN. Yes; I was going to call for the reading of the engrossed bill. The previous question, as I understand, is ordered on the bill?

Mr. GARRETT of Tennessee. Yes; under the rule.

Mr. MANN. After the bill is engrossed, so far as I am concerned, I will withdraw the demand for the reading of the engrossed bill, so that if there is a mistake made it will be within the power of the gentlemen in charge of the bill to correct it.

Mr. GARRETT of Tennessee. The particular amendments which have just been defeated by the House were the four Indian amendments.

Mr. MANN. Yes.

Mr. GARRETT of Tennessee. They are not designated by number in any way.

Mr. MANN. The Clerk knows what they are. The Clerk will make a note of them.

Mr. GARRETT of Tennessee. There ought to be some sort of an arrangement by which accuracy shall be insured.

Mr. MANN. I stated that they were the Indian amendments to sections 1, 2, 14, and 30. The Clerk knows what those amendments are.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MANN. I did not object to the vote on that. That was taken.

The SPEAKER. What was it the gentleman rose to say?

Mr. MANN. The Chair put the question on the engrossment and third reading.

The SPEAKER. Yes; that is true.

Mr. MANN. So I will ask for the reading of the engrossed bill. It will not really delay it at all.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the engrossed bill is here to-morrow morning, will the matter then be considered under the previous question?

The SPEAKER. No; because to-morrow will be Calendar Wednesday. The gentleman from Illinois demands the reading of the engrossed bill. The engrossed bill is not here, so the matter goes over until Thursday morning.

Mr. CHURCH. The House can wait for the engrossed bill.

The SPEAKER. Yes; the House can do that, if it wants to stay here until the bill is engrossed.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Will the gentleman wait until we get this other matter settled?

Mr. MANN. It goes over, Mr. Speaker?

The SPEAKER. It goes over if the House does not want to stay here until we get the engrossed bill, and the Chair takes it for granted that the House does not want to stay here until it gets the engrossed bill, and that this will go over until Thursday morning. The gentleman from California [Mr. CHURCH] asks unanimous consent to address the House for five minutes.

Mr. MANN. I will state to gentlemen that as far as we are concerned I do not think there will be any opposition to taking the vote to-morrow morning, if the bill is engrossed at that time.

Mr. FERRIS. Then I will ask unanimous consent to take the vote on this bill to-morrow.

Mr. MANN. The gentleman can make that request to-morrow.

Mr. FERRIS. I will withdraw the request now.

The SPEAKER. Of course it can be done by unanimous consent or by Calendar Wednesday being postponed until after the vote.

Mr. MANN. There will not be any delay about it.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. CHURCH] to address the House for five minutes?

Mr. MANN. On what subject, Mr. Speaker? It is 5 o'clock.

Mr. CHURCH. On the taxing of California wines.

Mr. MANN. Yes; I object.

Mr. CHURCH. Will the gentleman withhold that for one minute?

Mr. MANN. I will let the gentleman in on it Thursday. I will not withhold the objection to-night.

The SPEAKER. The gentleman from Illinois objects, and that is the end of it.

Mr. CHURCH. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. On what subject?

Mr. CHURCH. On the tax on California wines. Owing to the fact that one-fourth——

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of the internal-revenue tax on California wines.

Mr. MANN. Reserving the right to object, I assume that under some procedure the gentleman will have that authority later, and for the present I shall object.

The SPEAKER. The gentleman from Illinois objects.

ADJOURNMENT.

Mr. FERRIS. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until Wednesday, September 23, 1914, at 12 o'clock noon.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 18778) granting a pension to Robert Leigh Morris and the same was referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HENRY: A bill (H. R. 18916) for the temporary relief of cotton growers in the United States; to the Committee on Banking and Currency.

By Mr. BUCHANAN of Illinois: Resolution (H. Res. 624) directing the Secretary of Labor to transmit to the House of Representatives information concerning public aid for home owning and housing of working people in foreign countries; to the Committee on Labor.

By Mr. UNDERWOOD: Resolution (H. Res. 625) for the consideration of H. R. 18891; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 18917) granting an increase of pension to Thomas E. Stallard; to the Committee on Invalid Pensions.

By Mr. DONOVAN: A bill (H. R. 18918) granting a pension to Agnes M. Kesler; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 18919) for the relief of Sarah A. McDuff; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 18920) for the relief of the heirs of John H. Waters, deceased; to the Committee on War Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18921) granting an increase of pension to Lucy S. Trescott; to the Committee on Invalid Pensions.

By Mr. J. R. KNOWLAND: A bill (H. R. 18922) granting an increase of pension to Jeanette E. Sweet; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 18923) granting an increase of pension to Wealthy F. Paul; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 18924) granting an increase of pension to Ellen E. Howes; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 18925) granting an increase of pension to John F. M. Burk; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 18926) granting an increase of pension to Andrew J. Peters; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Socialists of Uniontown, Pa., protesting against the high cost of living; to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of sundry citizens of Carroll County, Ga., for relief for the cotton growers; to the Committee on Ways and Means.

By Mr. CLANCY: Petition of Retail Liquor Dealers of the city of Cortland, N. Y., protesting against an increased tax on beer and whisky, etc.; to the Committee on Ways and Means.

By Mr. GORDON: Petition of 240 citizens of Cleveland, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of the United Master Butchers of America, Chicago, Ill., in favor of subsidizing land for farming and for the purpose of raising live stock; to the Committee on the Public Lands.

By Mr. MAGUIRE of Nebraska: Petitions of business men of Alvo, Palmyra, and Bennett, all in the State of Nebraska, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. MAPES: Petition of Glass Workers' Union, Local No. 10, of Grand Rapids, Mich., protesting against the high cost of living; to the Committee on the Judiciary.

By Mr. MERRITT: Petition of Rev. E. E. Barrett for 90 citizens of Hermon, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of Rev. M. A. Bartlett for 102 citizens of Hermon and West Hermon, N. Y., urging national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of the Masters, Mates, and Pilots of the Pacific, and the Marine Engineers' Beneficial Association, of San Francisco, Cal., against the recent legislation suspending the United States navigation laws; to the Committee on the Merchant Marine and Fisheries.

By Mr. O'SHAUNESSY: Petition of William M. Harris, jr., protesting against tax on freight rates; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Petition of citizens of New Haven, Conn., favoring bill forbidding exportation of food products to any European country during present war; to the Committee on Interstate and Foreign Commerce.

By Mr. SELDOMRIDGE: Petition of 230 citizens of Colorado Springs, Colo., favoring national prohibition; to the Committee on Rules.

Also, petition of Morgan County (Colo.) Socialist Party, demanding observance of strict neutrality by United States during present war; to the Committee on Foreign Affairs.

XUM

By Mr. UNDERHILL: Petition of Local Elmira Heights (N. Y.) Socialist Party, favoring maintaining strict neutrality by United States Government in European war; to the Committee on Foreign Affairs.

Also, petition of the National Association of Vicksburg Veterans, relative to appropriation by Congress for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. YOUNG of North Dakota: Petition of citizens of Chaffee, N. Dak., protesting against war tax on gasoline; to the Committee on Ways and Means.

## SENATE.

WEDNESDAY, *September 23, 1914.*

The Senate met at 12 o'clock meridian.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee, we trust, in a spirit of worship and of obedience and of true reverence for Thy holy name. If we have been enabled to think in the terms of truth, it is because of the revelation Thou hast made to us. If we abide in the spirit of brotherhood, it is by the inspiration of Thy own spirit. If we are able to discern the right from the wrong, it is because Thou hast made known unto us Thine own eternal and changeless will. From Thee cometh every good and perfect gift. Thou art the author of all truth and of all life. We worship Thee. We pray that Thy holy presence may be with us and that Thou wilt guide us in the performance of every duty of life. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, September 18, 1914, when, on request of Mr. LEA of Tennessee and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### THE POTTERY INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting a copy of a summary of results in the inquiry into the cost of production in the pottery industry, etc., together with a copy of a letter sent by him to the President of the United States explanatory thereof, which, with the accompanying papers, was referred to the Committee on Finance.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, in which it requested the concurrence of the Senate.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Commercial Exchange of Philadelphia, Pa., remonstrating against legislation providing for Government ownership and operation of merchant vessels in the foreign trade of the United States, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Erie and Valencia, in the State of Pennsylvania; of New Concord, Ohio; of Boyden, Iowa; of Decatur, Ill.; of Fond du Lac, Wis.; of Walton, N. Y.; and of Albuquerque, N. Mex., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. JONES. I present a telegram, in the nature of a memorial, from 80 theater and moving-picture owners in session September 22 in Seattle, Wash., vigorously remonstrating against the passage of the bill licensing theaters $100 yearly under the new emergency tax bill. I move that the telegram be referred to the Committee on Finance.

The motion was agreed to.

Mr. JONES presented a petition of sundry citizens of the District of Columbia, praying for the passage of the omnibus claims bill, which was ordered to lie on the table.

Mr. PERKINS presented memorials of sundry wine growers of San Jose, Napa, Healdsburg, and Sacramento, all in the State of California, remonstrating against the proposed tax on wines, which were referred to the Committee on Finance.

He also presented a petition of the Chamber of Mines and Oil of Los Angeles, Cal., praying for the enactment of legislation to suspend the operation of the mining laws requiring annual labor for 1914, which was referred to the Committee on Mines and Mining.

He also presented a telegram in the nature of a petition from V. S. McClatchy, president of the California Reclamation Board, of Sacramento, Cal., praying for the retention of the Sacramento River project in the river and harbor bill, which was ordered to lie on the table.

He also presented a memorial of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., remonstrating against the enactment of legislation to suspend the navigation laws, which was referred to the Committee on Commerce.

He also presented petitions of Tent No. 26, Knights of Maccabees, of San Diego; of Street Car Men, of Oakland; of Local Lodge No. 18, Fraternal Brotherhood, of San Diego; and of the West Side Literary Society, of Los Angeles, all in the State of California, praying for the enactment of legislation to provide pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. NELSON presented memorials of sundry citizens of Pine, Carlton, Washington, and Hennepin Counties, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to provide for the retirement of civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of St. Paul and Minneapolis, in the State of Minnesota, remonstrating against the proposed increase in revenue tax on cigars, which was referred to the Committee on Finance.

He also presented a memorial of the International Bowling Association, of St. Paul, Minn., remonstrating against an internal-revenue tax on bowling alleys, which was referred to the Committee on Finance.

He also presented a petition of the officers of the Philippine Scouts, praying for the enactment of legislation providing for their retirement the same as officers of the Regular Army, which was referred to the Committee on Military Affairs.

### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 6517) granting an increase of pension to Daniel W. Smith (with accompanying papers); and

A bill (S. 6518) granting an increase of pension to Charlotte A. Crowell (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A bill (S. 6519) to amend an act entitled "An act to amend section 27 of an act approved December 23, 1913, and known as the Federal reserve act"; to the Committee on Banking and Currency.

By Mr. SHEPPARD:

A bill (S. 6520) temporarily reducing salaries of persons in Federal service.

The VICE PRESIDENT. To what committee will the Senator from Texas have the bill sent?

Mr. SHEPPARD. I have made the notation on the bill that it go to the Committee on the Judiciary.

The VICE PRESIDENT. Why ought it not to go to the Committee on Civil Service and Retrenchment?

Mr. SHEPPARD. That reference is entirely satisfactory to me.

The VICE PRESIDENT. The bill will be referred to the Committee on Civil Service and Retrenchment.

By Mr. McLEAN:

A bill (S. 6521) granting an increase of pension to Ellen Garlick (with accompanying papers);

A bill (S. 6522) granting an increase of pension to Carrie M. Case (with accompanying papers); and

A bill (S. 6523) granting an increase of pension to Sarah E. H. Bartlett (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6524) granting an increase of pension to Amanda Baxter (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 6525) for the relief of Randall H. Trotter; to the Committee on Military Affairs.

A bill (S. 6526) for the relief of the heirs of James Newman (with accompanying papers); to the Committee on Claims.

### UNITED STATES RAILWAY CO.

Mr. JONES. I have the draft of a bill which seems to have been prepared with considerable care. It was sent to me by a gentleman whom I know. It relates to a very important matter. I desire to introduce the bill by request, in order that it may

have such consideration as it merits before the Committee on Interstate Commerce.

The bill (S. 6516) to merge all railroads of the United States, to become the property of a railroad corporation to be known as the United States Railway Co., was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. JONES. In connection with the bill I ask leave to print in the RECORD the letter transmitting it to me.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

NEW YORK, *September 21, 1914.*

Hon. WESLEY L. JONES,
*United States Senate, Washington, D. C.*

SIR: The European war is an issue to determine the supremacy of navalism in a struggle for the supreme mastery of the commerce of the seas versus militarism of continental Europe. We as a Nation are commanded to pay tribute and abide the pleasure of their wars.

In the first instance, this Nation is essentially, directly, and vitally interested; in the second, this Nation's interest is remote, resting wholly in the general good for humanity.

Ever mindful of our Anglo-Saxon identity, we are, withal, free-born men, and hold within our keeping the sacred obligation—each man—to safeguard the heritage vouchsafed us by our ancestors. It is with some misgiving we stand aloof and look upon our public officials, intrusted with the care and preservation of our Nation's property, who, to smooth and palliate the irritated state of foreign power, give gratuitously the grandest engineering achievement of this period, that which was designed and destined to be a heritage to millions of your countrymen yet unborn, the Panama Canal.

Again, you have been recently petitioned, the Executive and, in part, the Senate, to cede to Great Britain that little tongue of land running coastwise from Alaska south, in order to remove the cause of irritation to Great Britain. And now we find, alas, the Nation's patriots play with and grow fat upon the Nation's currency, conceiving and designing plans wherewith to uphold and protect the national securities.

This country was but recently introduced to a scheme whereby $5,000,000,000 in United States Treasury notes should be issued and utilized by the financiers to maintain the credit of these national or American securities, which are chiefly held in England, France, and Belgium. The only practical service to which these Treasury notes could have been put would have been to deplete the National Treasury of its gold reserve, compelling the Government to float Federal bonds, and this indefinitely. This scheme having been blocked, we find the Treasury approached from a different angle, although by the same wolf; that is, by means of debenture bonds. Also, is the Nation encroached upon through the representatives of our railway presidents, who are now before the altar of authority pleading their cause for an advance in the tariffs, which act is concurred in by our honorable President, offering in their prayer the argument that it is essential that the credits of American securities should be maintained, alleging that their difficulties rest with them by reason of this European war.

The argument that the war in Europe is sufficient cause to justify the rearrangement of the tariffs whereby the interest and dividends on the foreign-held American securities may be maintained is not valid, thoroughly unpatriotic, and ought not for a moment to be tolerated.

Legislation is a sacred trust. Its purpose is for the common good; then may you permit me to present the accompanying proposed railway merger bill that the same may be presented to the Senate, and through its service relieve the conscience of our patriotic financiers.

This proposed bill has, as its essential feature, the specific narcotic for the irritation with which the foreign power is afflicted as well as for our patriotic financial operators. It readjusts the financial basis of the railway systems; reducing the total bonded and stock indebtedness of approximately $30,000,000,000 to $8,000,000,000; it causes, by a system of tax, an equitable distribution of the total stock issued of the proposed United States Railway Co. to Americans or those sojourning in this country; it imposes the adjustment of labor disputes by arbitration; it provides a uniform tariff throughout the country, the minimum rate in the most densely populated to be the maximum in the thinly settled sections; it will reduce the tariff in general, approximately saving to the general public $1,000,000,000 annually; it provides the development of new territory at the rate of 5,000 miles of railroad yearly if justified; it provides a means whereby the employees may acquire from their earnings the stock control of the system they operate; it establishes the agency of the American merchant marine to operate in conjunction with the railway service.

In the liquidation of the bond and stock securities of the railways, referred to in section 1 of the proposed bill, a period of 10 years is provided in which the holders of said securities may readjust their investments in lands and in developing the national resources of our country, essentially enforcing prosperity on every hand and at the same time incurring no loss to the investors.

Sincerely,

EDWARD BUCKLEY.

## RURAL CREDITS.

Mr. HOLLIS. I desire to give notice that to-morrow morning, after the close of routine business, I shall make some brief remarks on the subject of rural credits.

## INTERNATIONAL CONGRESS ON EDUCATION.

Mr. PERKINS. I introduce a joint resolution, and ask that it may be printed in the RECORD and referred to the Committee on Foreign Relations.

The joint resolution (S. J. Res. 187) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education, was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

*Resolved, etc.*, That the President of the United States is hereby authorized and requested to invite foreign Governments to appoint honorary vice presidents and otherwise participate in the International Congress on Education, to be held at Oakland, Cal., August 16 to 27, 1915, in connection with the Panama-Pacific International Exposition: *Provided*, That no appropriation shall be granted at any time hereafter in connection with said congress.

## TIME-MEASURING DEVICES, ETC., IN GOVERNMENT EMPLOY.

The VICE PRESIDENT. The morning business is closed.

Mr. BORAH. Mr. President, before the close of morning business I desire to ask the indulgence of the Senate for a few moments with reference to some petitions which I want to present.

There is pending before the Senate the bill (S. 5826) to prevent the use of the stop watch or other time-measuring devices on Government works and the payment of premium or bonus to Government employees, and for other purposes.

In this bill a great many employees of the Government are interested one way or the other, and they have assumed to petition concerning the bill. I ask leave to have printed in the RECORD the bill in connection with my remarks.

The VICE PRESIDENT. Is there objection. The Chair hears none, and it is so ordered.

The bill, introduced by Mr. BORAH June 12, 1914, is as follows:

A bill (S. 5826) to prevent the use of the stop watch or other time-measuring device on Government work and the payment of premium or bonus to Government employees, and for other purposes.

*Be it enacted, etc.*, That it shall be unlawful for any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government to make or cause to be made with a stop watch or other time-measuring device a time study of the movements of any such employee.

SEC. 2. That it shall be unlawful for any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government to use the results or records obtained by a stop watch or other time-measuring device in determining what amount of work or labor is to be done in a given time by such employee.

SEC. 3. That it shall be unlawful for any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government to pay or cause or allow to be paid to any employee of the United States Government any premium or bonus as wages or otherwise: *Provided*, That the terms "premium" or "bonus" as herein used shall not be construed to include any cash reward paid any employee under authority of law for suggestions, patents, or devices resulting in improvement or economy in the operation of the plant in which he is employed.

SEC. 4. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than $500 or by imprisonment for not more than six months, or by both such fine and imprisonment.

SEC. 5. That this act shall take effect upon its passage.

Mr. BORAH. Preliminary to the suggestions which I desire to make, I wish to read a provision from the Constitution of the United States which some of those connected with this matter seem to have overlooked:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

No man, whether in the employ of the Government or in private life, should ever be denied the right of petition. The right of petition is a foundation stone in free government. But it is even worse to deny an employee of the Government the right of petition, for he is in a place of even less freedom than the private citizen.

I am informed by a number of letters and by newspaper reports that Mr. Alexander H. Stephens, general superintendent of the Railway Mail Service, has stated publicly that he will discharge every employee of the Government who assumes to put his name upon this petition. I do not know Mr. Stephens, neither do I desire to do any man an injustice, but the evidence is accumulating so fast that this statement has been made that it has become interesting to know whether or not it is true.

Mr. Stephens is reported to have said at a banquet in Indianapolis on the Thursday evening prior to September 14:

Petitions are now being circulated to be sent to Congressmen and Senators saying that the efficiency system is for the purpose of keeping men from being promoted. This is absolute falsehood, and every man who signs such a petition will be brought up before me for removal. We will punish every clerk who lies about the service.

Since the statement or the purported statement of Mr. Stephens I have received a great many letters, all of which I am going to file with the Committee on Education and Labor, in order that it may be advised fully as to the facts. These letters state or leave the stone of inference that while the writers are in favor of this bill and believe that it is a good measure, by reason of the danger in which they have been placed of losing their positions they desire to have their names erased from the petitions. I have one letter here, sent from Richmond, Ind., which says:

SIR: Owing that there might be some delay in your receiving my letter of the 5th instant, I again address you in regard to your bill now pending in the committee relative to the speed test of all Government employees.

In my letter of the 5th I gave you my reasons for withdrawing my name from the list of indorsements, and hereby make my second request, so as to be sure you will receive it before it is too late. The department does not wish for us to indorse such a law, and I wish to give it

further consideration at present. Please have my name erased from the list.

I have also a letter which I received this morning—I do not know that I am able to put my hand upon it, but I will have it filed with the committee—in which the party leaves me to infer that he was present and heard the statement of Mr. Stephens, threatening to dismiss any employee who attached his name to this petition.

Now, with this statement I desire to have these petitions go to the Committee on Education and Labor and along with them these letters. I do not desire to say anything more in regard to it at this time, because it might be possible that Mr. Stephens has been misunderstood. In fact it has been conveyed to me that he has denied the statement which has been published in regard to it. I do not want to assail his conduct until the fact of his statement is placed beyond doubt.

Mr. CHAMBERLAIN. May I interrupt the Senator just a moment? Are not all these employees within the civil-service rules and could they be dismissed summarily, as has been suggested, or in any other way than by a complaint filed and an investigation of the charges made?

Mr. BORAH. They are all under the civil service, I understand, and can not be dismissed without a disregard of the civil-service law, but that law does not amount to much under such circumstances.

Mr. CHAMBERLAIN. I understand that Mr. Stephens is reported to have said that he would summarily dismiss any man who would sign the petition. The question in my mind was whether he would have the power to do that, even if he had the disposition to do it, without stirring up a hornet's nest all over the country among these particular employees.

Mr. BORAH. That is perhaps true, but I am now calling attention to a supposed situation that no one may act without an intimation of the future.

Mr. CHAMBERLAIN. It ought to be done.

Mr. BORAH. I think if that statement was made it is very unfortunate. That the employees should be denied the right to express their views with reference to a bill pending before the Senate of the United States is inconceivable to me. While I realize that Mr. Stephens could not of his own motion, simply out of hand, dismiss these men from the service, yet we all know that if the disposition was to get rid of them the civil-service law has never been quite sufficient to protect a man under those conditions, and they would ultimately go if they were undesirable employees.

Mr. JONES. Does not the Senator think it would be well to call upon the Post Office Department to ascertain whether Mr. Stephens did make any such statement?

Mr. BORAH. I thought of that, but I felt that with the filing of these petitions and letters and newspaper clippings with the committee that undoubtedly the Postmaster General would take cognizance of the fact, and that these men would be protected in their rights. I do not assume that the Postmaster General would indorse any such proposition, and it was for that reason that I called it to the attention of the Senate and the country. If I felt that the evidence was conclusive as to the position of Mr. Stephens, I would take an entirely different course from that which I do take, and perhaps express myself in a different way from what I do express myself; but I am willing that the matter shall go before the committee and that Mr. Stephens and the Postmaster General shall deal with it according to the facts.

The VICE PRESIDENT. The petitions and accompanying papers will be referred to the Committee on Education and Labor.

### VOLUNTEER OFFICERS' RETIRED LIST.

Mr. TOWNSEND. Mr. President, if the morning business is closed, I move to take up Senate bill 392, Order of Business No. 209.

Mr. LEWIS. Is the morning business closed?

The VICE PRESIDENT. The morning business is closed.

Mr. WALSH. When we adjourned yesterday the Alaska coal bill was pending before the Senate, and by reason of the extreme character of the emergency which it is intended to remedy——

Mr. TOWNSEND. I realize that that is the unfinished business, and it will come up at 2 o'clock.

The VICE PRESIDENT. The Senator from Michigan asks unanimous consent for the present consideration of the following bill.

The SECRETARY. A bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

The VICE PRESIDENT. Is there objection?

Mr. BRYAN. I object.

Mr. TOWNSEND. I move that the bill be taken up.

The VICE PRESIDENT. The Chair will have to call the attention of the Senator from Michigan to the rule.

Mr. LEWIS. In the meantime I ask the Senator from Michigan if the bill to which he alludes has passed through the committee on a favorable report and is on the calendar?

Mr. TOWNSEND. Yes, sir.

Mr. LEWIS. I confess ignorance myself. I am interested in the sentiment of the bill and am anxious to have it proceeded with.

Mr. TOWNSEND. It has been on the calendar for a long time and has been noted for a special hearing a good many times.

The VICE PRESIDENT. The Chair is in error about the rule. The rule is that—

> Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the presiding officer, unless by unanimous consent.

So, the morning business having been concluded, the motion of the Senator from Michigan is in order, to proceed to the consideration of the bill. [Putting the question.] The ayes seem to have it.

Mr. BRYAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I am advised, however, that, if present, the Senator from Pennsylvania would vote as I am about to vote. I therefore vote. I vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN], which I transfer to the Senator from Nevada [Mr. NEWLANDS], and vote "nay." I make this announcement relative to my pair and its transfer to stand for the day.

Mr. JOHNSON (when his name was called). I transfer my general pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from New Jersey [Mr. HUGHES] and vote "yea."

I also wish to announce the unavoidable absence of the senior Senator from Kentucky [Mr. JAMES], and that he is paired with the junior Senator from Massachusetts [Mr. WEEKS]. I make this announcement for the day.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], which I transfer to my colleague [Mr. WORKS], and vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Virginia [Mr. SWANSON] and vote "nay."

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. If he were present, he would vote "yea."

The roll call was concluded.

Mr. ROOT (after having voted in the negative). I voted, forgetting my pair with the Senator from Colorado [Mr. THOMAS]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and will allow my vote to stand.

Mr. GORE. I desire to announce my pair with the junior Senator from Wisconsin [Mr. STEPHENSON], but if it be necessary to make a quorum, I will vote "nay."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the junior Senator from Kentucky [Mr. CAMDEN] and vote "yea."

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will let my vote stand.

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Indiana [Mr. SHIVELY] and vote "nay."

Mr. PAGE. I desire to announce the necessary absence of my colleague [Mr. DILLINGHAM] and to state that he is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. MARTIN of Virginia. I desire to announce that my colleague [Mr. SWANSON] is detained from the city by the illness of his father.

Mr. WALSH. I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. SMOOT. I desire to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Has he voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. WILLIAMS. Then I shall be compelled to withhold my vote. If the Senator from Pennsylvania were present and I were at liberty to vote, I should vote "nay."

The result was announced—yeas 29, nays 20, as follows:

YEAS—29.

| | | | |
|---|---|---|---|
| Ashurst | Jones | McLean | Smoot |
| Borah | Kenyon | Martine, N. J. | Sterling |
| Brady | Kern | O'Gorman | Thompson |
| Burton | Lane | Page | Townsend |
| Chamberlain | Lea, Tenn. | Perkins | Walsh |
| Clapp | Lee, Md. | Poindexter | |
| Crawford | Lewis | Pomerene | |
| Johnson | McCumber | Smith, Ariz. | |

NAYS—20.

| | | | |
|---|---|---|---|
| Bankhead | Myers | Saulsbury | Smith, S. C. |
| Bryan | Pittman | Shafroth | Stone |
| Fletcher | Ransdell | Sheppard | Thornton |
| Gore | Robinson | Simmons | Vardaman |
| Martin, Va. | Root | Smith, Ga. | White |

NOT VOTING—47.

| | | | |
|---|---|---|---|
| Brandegee | du Pont | Nelson | Smith, Mich. |
| Bristow | Fall | Newlands | Stephenson |
| Burleigh | Gallinger | Norris | Sutherland |
| Camden | Goff | Oliver | Swanson |
| Catron | Gronna | Overman | Thomas |
| Chilton | Hitchcock | Owen | Tillman |
| Clark, Wyo. | Hollis | Penrose | Warren |
| Clarke, Ark. | Hughes | Reed | Weeks |
| Colt | James | Sherman | West |
| Culberson | La Follette | Shields | Williams |
| Cummins | Lippitt | Shively | Works |
| Dillingham | Lodge | Smith, Md. | |

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. TOWNSEND. Mr. President, there are some amendments which have been reported by the committee to which I do not agree. I do not care, however, to take up the time of the Senate in discussing the bill unless there is to be a discussion in opposition to it.

I think the bill is thoroughly understood. It has been before Congress for a number of years; it has been on the calendar for a long time, and, as I have frequently stated, I do not care to occupy any of the time of the Senate unless it is necessary to answer arguments which may be made against it. There are two or three amendments which have been reported by the committee to which I wish to make some objection, and unless there is to be discussion I am very willing to proceed with the first amendment.

Mr. LEWIS. Mr. President, may I ask the Senator from Michigan what is the amount which this bill would carry and what would he say is approximately the number of men who would be affected or benefited by it?

Mr. TOWNSEND. I can only make an approximation of the amount. An estimate has been made by the department and also by the committee of volunteer officers, which has had charge of the measure. They do not agree, and at the present time there is no possibility of giving a correct statement up to date. There was an estimate made by the department in 1910, stating that something like $10,000,000 would be carried by the bill. We showed at that time that it could not possibly then have exceeded $8,000,000. Since then the death rate among the volunteer officers has been more than 12 per cent a year, and, deducting the pensions which these officers are now drawing, the expenditures under the bill would, in my judgment—and I think I am correct about that—amount to less than $6,000,000. The Washington Post, in presenting an estimate the other day from an official source, as it claimed, stated it would be less than $5,000,000.

It is very difficult to determine this, because the death rate has been something frightful. It has been stated on the floor here about what that rate has been, but that was not taken into consideration in the estimate by the department when it presented the figures to Congress. In fact, it stated that it was merely making an estimate; that they could not tell exactly and could hardly approximate what it would cost. I will, however, say to the Senator that we know that it can not possibly exceed during the first year $6,000,000.

Mr. LEWIS. Then, the estimates made in different parts of the country and sometimes in the press that $12,000,000 would be carried by this bill, in the judgment of the Senator from Michigan, have no foundation?

Mr. TOWNSEND. Not the slightest foundation. Similar unreliable statements were made when the age-limit bill for the soldiers of the Civil War was passed a few years ago. It was stated then that that bill would cost the country $71,000,000. The fact is that it cost less than $26,000,000. So with this bill it can not for the first year cost to exceed $6,000,000.

Mr. LEWIS. Now, if the Senator will pardon me—and I thank him for this privilege—most of the officers, as I understand, are aged men at best, and as the years multiply, after 4, 5, or 6 years, the proportion of decrease under this bill by death will be accentuated to such a degree that, with the passing of years the proportion will become much less because of natural loss.

Mr. TOWNSEND. The Senator is absolutely correct.

Mr. KENYON. Mr. President, will the Senator from Michigan allow me to interrupt him?

Mr. TOWNSEND. I will be very glad to yield to the Senator.

Mr. KENYON. The average age of these men now is over 81 years.

Mr. VARDAMAN. What is the average age?

Mr. KENYON. Over 81.

Mr. SMITH of Georgia. Will the Senator state how he obtains that accurate information?

Mr. KENYON. The figures were placed in the RECORD by myself some weeks ago, having been compiled, I think, by Col. Glasgow.

Mr. VARDAMAN. Did I understand the Senator to say that the average age of the proposed beneficiaries of this bill is 81?

Mr. KENYON. Over 81.

Mr. SMITH of Georgia. Can the Senator cite me to the RECORD in which he gives those figures, and can he tell me by whom and how they were prepared?

Mr. KENYON. They were prepared by Col. Glasgow and those operating with him, and I had them placed in the RECORD. I will find it and hand it to the Senator.

Mr. SMITH of Georgia. Who is Col. Glasgow?

Mr. KENYON. Col. Glasgow is a retired Army officer who has had charge of this matter here and has been representing the Volunteer officers of the Civil War.

Mr. SMITH of Georgia. Where did he obtain his figures?

Mr. KENYON. I assume he obtained them from the records in the department.

Mr. SMITH of Georgia. Is there any official report from any one of the departments giving the figures?

Mr. KENYON. No. These figures were compiled by him from the statistics which he secured at the department.

Mr. SMITH of Georgia. Could the figures not be furnished us by the department, so that we could get the real information?

Mr. KENYON. I suppose that could be done.

Mr. SMITH of Georgia. What department would have jurisdiction of the matter?

Mr. KENYON. I think the figures could be obtained from the Pension Bureau.

Mr. SMITH of Georgia. They would have the records that would give us the exact facts?

Mr. KENYON. They would have the figures, so they could compile a statement on the subject.

Mr. KERN. Mr. President, if the Senator will allow me——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Indiana?

Mr. TOWNSEND. Very gladly.

Mr. KERN. It is understood by everybody that while there were a good many soldiers 16, 17, and 18 years old, there were no officers of that age. The officers were more mature men. I

speak from observation as well as from history. The war commenced 53 years ago. If the average age of the officers then was 28 years, they would be 81 years old now. The war closed 49 years ago. By a very little calculation it will be readily seen that if the officers were mature men, as most of them were—a very large number of them past middle age; a very great number of them having been in the Mexican War, in 1846—the estimate that the average age at present is 80 or 81 years can not be far out of the way.

Mr. SMITH of Georgia. That would make the average age of service 32, if they average 81 now.

Mr. SMOOT. At the close of the war.

Mr. KERN. Yes; 28 at the commencement of the war.

Mr. SMOOT. And 32 at the close of the war.

Mr. KERN. Yes. If I may be permitted further, when I was a boy I saw a great many soldiers from the North during the war. My recollection is that a very large majority of the officers in command of companies, to say nothing of regiments, were middle-aged men at that time.

Mr. TOWNSEND. Now, Mr. President, if we may take up the first amendment——

Mr. FLETCHER. Mr. President, may I inquire in that connection what will become of this provision after the death of the officer?

Mr. KERN. It ends absolutely with the death of the soldier.

Mr. FLETCHER. It does not pass on to the widow or children?

Mr. KERN. Oh, no. The bill specifically so provides.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Michigan a question. What is estimated to be the annual charge upon the Treasury growing out of the passage of this bill?

Mr. TOWNSEND. Estimates have been prepared, I think, by the committee that has had it in charge of something like $5,000,000. The committee first estimated it at about $6,000,000 the first year. I want to say that they estimated upon the proposition that this bill will become a law at this session of Congress. I am fearful that it can not be considered by the House before December. Every year this bill is postponed the charge is materially reduced.

As I stated here before, of the committee of four which a few months ago came before the committee in charge of the bill three have already died. The death list is simply appalling, so that we have no figures up to date. I can say to the Senator, however, that from the best information which has come to me in looking over the reports from the Pension Department and from the committee of officers who have it in charge I am satisfied that the first year it can not exceed $6,000,000. In other words, it can not equal the saving that will come to the country from the deaths that occurred in the ranks of the ordinary soldiers during the last year. That death rate has been something over 7 per cent—7¼ per cent—for the whole army of pensioners. Therefore the extra amount that will be paid out under this bill will not equal the saving to the country by the lessening of the pension charges for Civil War soldiers.

Mr. WILLIAMS. Of course that is based upon the supposition that the pension laws will not be changed so as to increase the rate of pension or to increase the number of pensioners and soldiers. The Senator thinks that the first year the additional expense would be about $6,000,000?

Mr. TOWNSEND. Yes, sir.

Mr. WILLIAMS. How much does the Senator think would be added to it in the second year?

Mr. TOWNSEND. I think it would be lessened at least 12 per cent, and probably more.

Mr. WILLIAMS. Does the Senator think that all entitled to come in under this bill would enter the first year?

Mr. TOWNSEND. I do.

Mr. WILLIAMS. And that there would be no accretions after that year?

Mr. TOWNSEND. Absolutely none.

Mr. WILLIAMS. And after that it would be subjected to the ordinary death-rate decrease?

Mr. TOWNSEND. Yes; and no one estimates that more than five years will elapse before they will all be out, because they average over 80 years of age to-day.

Mr. WILLIAMS. Mr. President, I notice in line 16, et seq., page 3, that—

> Surviving officers who served as officers in the Regular Army, Navy, or Marine Corps of the United States during the Civil War, and who were honorably discharged from service by muster out, or for disability, and have not been reinstated in said service nor retired with continuing retired pay, shall, upon application duly made, be entered on said list and receive the same retired pay and other benefits, according to former rank and service, that are herein provided for surviving volunteer officers.

Now, how far does that extend? Does that take in men who served as officers of the Regular Army, Navy, or Marine Corps before the war?

Mr. TOWNSEND. During the Civil War.

Mr. WILLIAMS. Oh, yes; I see that now. That was put in there to be absolutely fair with the Regular Army officers who had been honorably discharged before retirement.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. TOWNSEND. I do.

Mr. WHITE. Does this include noncommissioned officers?

Mr. TOWNSEND. No, sir.

Mr. WHITE. Why not?

Mr. TOWNSEND. Because we were trying to carry out what we regarded as a duty which the Government owed to these men, a pledge which was made by the President of the United States in 1861 and thereafter, to meet a condition which had been established as a precedent after the Revolutionary War; in other words, I repeat, to carry out an obligation or a duty which we owed to these men.

Mr. WHITE. Does not the country owe just as much to the noncommissioned officer? Did not he suffer just as much and endure as many harships?

Mr. TOWNSEND. That is probably true.

Mr. WHITE. Did he not have less compensation? It seems to me he ought to be included in this bill.

Mr. TOWNSEND. The bill has been framed along these lines, as I say, on a precedent that had been established, and in the belief that this was carrying out our obligations to the soldiers.

Mr. WHITE. It occurs to me that we are under just as great an obligation to the noncommissioned officers as we are to the commissioned officers.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator a question. Can he tell me, without any trouble, about what pension the beneficiaries of this bill receive now?

Mr. TOWNSEND. The beneficiary of this bill now receives the same pension that the enlisted man receives. If he has reached the proper age for receiving it he gets $30, for instance; if not, he gets the lower rate. The pensions received by the officers under the general pension laws are the same as those received by the enlisted men.

Mr. SMITH of Arizona. Except in the case of special acts.

Mr. TOWNSEND. Except in the case of special acts.

Mr. SMITH of Arizona. How many of these officers' pensions does the Senator estimate have been increased by special acts of Congress?

Mr. TOWNSEND. I do not know; but I should say a very small number, comparatively. Present pensions are all deducted anyway. Officers will not receive their present pensions in addition to what will be paid under this bill. This is to take the place of all pensions which they are now drawing.

Mr. THOMPSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Kansas?

Mr. TOWNSEND. I yield.

Mr. THOMPSON. I should like to ask the Senator a question. I understand he has placed the Volunteer officers in exactly the same position as the Regular Army officers.

Mr. TOWNSEND. Oh, no; the officer of the Regular Army is retired at the age of 62 at full pay, and if he served a day in the Civil War he is retired at an advanced rank over that which he held at the time of retirement. In this bill the officer is retired as of the highest rank he held while he was in the service, but under no circumstances shall he get more than three-fourths of the pay of a captain.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. TOWNSEND. I yield.

Mr. SMITH of Georgia. I find on page 28 of the report of the hearings an estimate of the expenditure which would follow Senate bill 392. That is this bill, is it not?

Mr. TOWNSEND. Senate bill 392; yes, sir.

Mr. SMITH of Georgia. I find that apparently placed at $10,466,268.

Mr. TOWNSEND. Yes, sir.

Mr. SMITH of Georgia. Was that based upon figures presented by the Secretary of the Interior on August 20, 1912?

Mr. TOWNSEND. Yes; and practically of 1910, when the statistics were compiled—dating back to 1910.

Mr. SMITH of Georgia. So those figures were based upon an accurate investigation by him in 1910?

Mr. TOWNSEND. As accurate as he could make, as he stated at the time. There were a great many estimates that he had put in as to which he could not quite be accurate; but if the Senator has read the hearings he has also discovered what the committee put in there, which I think was based upon better information. It had all that was obtained at the department, together with the reports of the officers' associations throughout the United States, they knowing exactly what number of men there were, what pensions they were drawing, and what should be deducted, and having an accurate estimate of the death rate of officers and not of ordinary soldiers, who were of younger age.

Mr. SMITH of Georgia. And that is their estimate, on page 29, following the other one?

Mr. TOWNSEND. No; that is all part of one estimate. One table is of two years or over, one is of one year and less than two years, and one is of over six months. That is the department's statement.

Mr. SMITH of Georgia. I have not read it all carefully. I did not observe the detailed estimate.

Mr. TOWNSEND. I have not looked that over, although I was present at the hearings and know something about what was presented at that time.

Mr. SMITH of Georgia. I will say to the Senator that just in running through it I caught these figures and I did not see any others except these figures. That is why I was asking about it.

Mr. TOWNSEND. I mentioned that in the first place, in answer to a question from the Senator from Illinois [Mr. LEWIS].

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from North Dakota?

Mr. TOWNSEND. I yield.

Mr. McCUMBER. The Senator has just stated, if I understood him correctly, that the pay allowed shall not exceed one-half of a captain's pay.

Mr. TOWNSEND. Three-fourths, the bill provides.

Mr. McCUMBER. But the amendment that is proposed is to make it one-half of a captain's pay?

Mr. TOWNSEND. That is the maximum.

Mr. McCUMBER. I want to ask the Senator here a straight question, because I know he believes in justice in these cases. Let me give a little illustration, and my question will follow the illustration.

Here are two boys, both anxious to get into the Army as officers. They both apply to the Senator for positions at Annapolis or at the Military Academy. The Senator has a place for but one of them, and one of them is recommended. The other is just as good a boy, just as capable, but the Government has not places for two of them. One of them, then, is educated at Government expense for five years. He is given the very best of an education. The other young man, not having the Government at his back, proceeds to labor to obtain an education for himself. He joins the Army with the other boy when the war is on. He goes in as a private; but with his determination, with the energy that is in him, without any assistance such as has been given the other boy, he works himself up through his own industry and valor and becomes an officer.

Now, if we are to discriminate as between the Government-made officer and the self-made officer, in whose favor should the discrimination be made? Should it be made in favor of the officer who has been made so by the Government, or the officer who has made himself such through his own energy and without any assistance from the Government? If we are to discriminate at all, in whose favor should the discrimination be made?

I am in favor of a bill of this kind; but I want to say now, Mr. President, that I believe in giving the retired officer who has won his spurs through his own endeavors just exactly as much, dollar for dollar, as we give the one who is educated at the expense of the Government. I can not understand how a recommendation can come in here that shall make a discrimination as against the man who has shown his own mettle and his patriotism and his ability to put himself upon a position equal to the one whose position has been obtained for him by the Government. Why should we not now, at least, at this late day, do entire justice to these Civil War officers who became such through duty which they owed to their Government, and through their own honest and earnest endeavors?

Mr. WILLIAMS. Mr. President, before the Senator from Michigan answers the Senator from North Dakota, I should like to ask him a further question.

Mr. TOWNSEND. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Some of us would like to know in what respect and to what extent the discrimination alleged by the Senator from North Dakota exists, or will exist, if this bill becomes a law?

Mr. TOWNSEND. The discrimination is that in this bill we propose to retire the volunteer officer on three-quarters of the pay of a captain. That is the highest amount he is to receive; while in the Regular Army a man is retired at full pay, and as of his highest rank, and if he served a day in the Civil War he is retired at full pay with an advanced rank over that which he held in the Civil War.

Mr. CRAWFORD. Will the Senator permit me?

Mr. TOWNSEND. In just a moment. The Senator from North Dakota asked why there should be that discrimination. I agree that there ought not to be any as a matter of justice. But I am confronted with the fact that we have to meet conditions as we find them. We know that some years after the Revolutionary War all the volunteer officers were retired at the full pay; provided, however, that no officer should receive more than the full pay of a captain. That was the highest that anyone could get, and those below that rank got the full pay of their highest rank.

Mr. WILLIAMS. This bill does that, too?

Mr. TOWNSEND. It does not. This bill retires the man who has served two years or more at the highest rank he held in the Army, but under no case shall he receive more than three-quarters the pay of a captain in the Army. That is this bill. The amendment reduces the amount from three-fourths to one-half, which I do not think——

Mr. WILLIAMS. As far as the pension itself is concerned, it is substantially the Revolutionary War bill to which the Senator refers?

Mr. TOWNSEND. Yes, sir; the same principle.

Mr. SMITH of Georgia. Will the Senator call our attention to that Revolutionary War act? Has it been made a public document? Is it printed?

Mr. TOWNSEND. It has been called attention to a good many times.

Mr. SMITH of Georgia. I just did not have it.

Mr. TOWNSEND. By the act of Congress of May 25, 1828, United States Statutes at Large, volume 4, pages 269 and 270, and June 7, 1832, United States Statutes at Large, volume 4, page 529: "All officers who served in the Continental line, State troops, volunteers, or militia were retired on full pay, but not exceeding in any case the pay of a captain of the line." That is the reference the Senator wishes.

Mr. President, the amendment in line 19, page 3——

Mr. SMITH of Georgia. Can the Senator tell us the amount which was carried in consequence of that Revolutionary statute? It was applicable to how many soldiers?

Mr. TOWNSEND. I can not. I can say generally, however, that it was greater in proportion to the wealth of the country than this bill carries now. I can not give the figures, although I went into that subject some time ago.

The VICE PRESIDENT. The first amendment is on page 2, line 18.

Mr. TOWNSEND. Yes. That is in a case where an officer lost an arm, an eye, or a leg, he shall get the highest benefit carried by the bill. It is as though he served two years.

The committee has seen fit to strike out the words "resignation or otherwise." I am opposed to that amendment. I do not want to occupy any great length of time, but I wish to discuss it briefly.

If honorably discharged from service because of a wound or other bodily injury received in line of duty or having been incarcerated in prison which resulted in their sickness, I have felt that officers ought to be entitled to the same pay as though they had served two full years. The committee has stricken out the words "resignation or otherwise." There were many cases at the close of the war where officers who had been wounded were sent home and they afterwards resigned. It was necessary that they should separate from the service; that was recognized, and they did not go back to be mustered out. There are a few such examples. There are not many such cases among the living soldiers, but I have felt that the surviving cases should be included in the bill, and that where officers were honorably discharged from the service for disability because of wounds they should receive the highest benefits of the act. I am willing you should strike those words out if you also strike out the words "by muster out." Then it seems to me that we will have covered, and I think we want to cover, those honorably discharged for disability because of a wound. They are considered honorably discharged under the rules, and so recorded, even though they were not mustered out.

So, Mr. President, if it is in order I should like, in addition to the amendment that has been made on line 17——

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. The Senator means the amendment proposed by the committee, does he not?

Mr. TOWNSEND. By the committee.

Mr. WILLIAMS. He does not mean an amendment which has been made. The Senate has not acted upon the question yet.

Mr. TOWNSEND. No; it has not acted upon it, and I wanted to move this additional amendment, to strike out, in lines 17 and 18, the words "by muster out or," so that it will read: "Who was honorably discharged from service for disability, because of a wound or other bodily injury" received in the service.

Mr. WILLIAMS. I suggest that that subject had better come up for the action of the Senate when the amendment of the committee to which it virtually is an amendment shall be before the Senate.

Mr. TOWNSEND. I realize that.

Mr. WILLIAMS. The Senator gives notice of that amendment to the amendment.

Mr. TOWNSEND. I am willing to agree to the amendment of the committee if the other amendment can be made afterwards. Otherwise I should like to have the amendment disagreed to.

Mr. WILLIAMS. That will come up when we come to the consideration of the amendments in their proper order.

Mr. TOWNSEND. Very well.

Mr. SMITH of Georgia. I should like to ask the Senator——

Mr. WILLIAMS. I am making the point that the regular order must be followed and that this amendment can not be considered now until the bill itself has been discussed.

Mr. SMITH of Georgia. I wish to ask the Senator from Michigan a question for information. How did the pensions paid prior to 1832 compare with the pensions that have been paid since the war? Have any figures been prepared upon that subject that will throw any light upon it?

Mr. TOWNSEND. I have them not at hand, but the officers of the Revolutionary War received much greater pay proportionately, everything considered, than these officers are receiving or than officers have received since retirement. Revolutionary officers received grants of land and they received various emoluments at that time. As to the pension I am not clear as to what the amount was, but I do not imagine that it varied greatly from what has been paid since.

Mr. SMITH of Georgia. But the Senator can not give us any accurate information on that subject?

Mr. TOWNSEND. I can not.

Mr. McCUMBER. Mr. President, as I have to leave the Chamber in just a moment, I want the opinion of the Senator from Michigan upon the provision on page 5:

*Provided further*, That the payments provided for in this act shall not be made to inure to the benefit of anyone whose income, together with that of his wife, exceeds $2,400 per annum, and the Secretary of War shall make such regulations as may be appropriate to make this proviso effective.

The Senator has stated that the average age of these officers is about 81 years. If I understand this provision correctly, when after 81 years of hard labor their services as officers has not been recognized at all, such a man and his wife have saved enough so that they have an income of $2,400 a year, they shall receive no benefits under this act.

I wanted to ask the Senator whether under our present law, if, with the aid of the glitter of gold braid and the sheen of brass buttons, an officer has succeeded in marrying a few million dollars and has an income of $100,000 or so a year, he is prevented from receiving full retired pay after retirement at 62 years of age, and if he is not, what justice there is in saying that these old men, who have served their country and obtained their spurs through their own labors and efforts, shall not receive a recognition which is due them simply because they have saved enough to have an income of $2,400 a year?

I want to vote for the bill and I will vote for it in whatever shape you may make it, but I confess I dislike to vote for a bill that will upon the face of it show such a rank and unjust discrimination against the volunteer officers of the Civil War.

Mr. TOWNSEND. I agree with the Senator fully. Of course I did not make the provision to which he refers. The bill introduced by me did not contain it; it was put in by the committee; and I hope the Senator will be here to assist in eliminating that amendment from the measure.

Mr. WHITE. Mr. President——

Mr. TOWNSEND. In just a moment, please.

Mr. WHITE. Very well.

Mr. TOWNSEND. I am working for this bill as a matter of principle. I think it is a violation of principle to recognize income in a measure of this kind. There are only a very few men whom the provision would strike, anyway. It is the recognition of the rank on retirement, the treatment accorded to the Regular Army officers, that I am after more than the money. I am opposed to that amendment, and I shall ask the Senate to vote it out.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. TOWNSEND. I yield.

Mr. WHITE. Before the Senator leaves that point, I want to ask him if the limitation objected to by the Senator from North Dakota is not a penalty imposed upon diligence and thrift?

Mr. TOWNSEND. I think so.

Mr. LEWIS. Mr. President, I desire to invite the attention of the able Senator from Michigan to apparently what was in the mind of the senior Senator from Mississippi [Mr. WILLIAMS]. What addition does the Senator from Michigan assume is added to the list by striking out those words after the words "by muster out or" in the amendment proposed by himself? What extra burden is imposed upon the measure different from that as now reported by the committee?

Mr. TOWNSEND. The amendment adopted by the committee provides that an officer must be mustered out in order to receive the benefits under this particular section. My statement was that there are a number of volunteer officers who were not regularly mustered out, but were wounded and taken to hospital, and from there taken home. They never went through the formal proceeding of being mustered out; their resignation was accepted and it was counted as an honorable discharge.

So if we strike out the words "by muster out" and simply count those who were honorably discharged from service, whatever the department of the Government considers an honorable discharge shall entitle them, if they were wounded in service or endured hardship in prison which resulted in broken health, to be counted as having served two years.

Mr. LEWIS. But the limitation suggested by the Senator from Michigan would not add numerically?

Mr. TOWNSEND. Not at all.

Mr. LEWIS. It would not add to the volume, to what the bill comprehended in the original shape.

Mr. TOWNSEND. No, indeed; not a name.

The VICE PRESIDENT. The amendment of the committee will be read.

The SECRETARY. On page 2, line 18, the Committee on Military Affairs proposes to strike out the words "resignation, or otherwise" and the comma and insert the words "or for disability" and a comma. To that amendment the Senator from Michigan offers to strike out the words, beginning in line 17, "by muster out, resignation, or otherwise or" and to insert the words "for disability."

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Has the bill been read for amendment?

The VICE PRESIDENT. It was read, and is now being read for amendment.

Mr. WILLIAMS. I have not heard the Secretary read any of it.

The VICE PRESIDENT. The Secretary read the bill as it originally went to the committee.

Mr. WILLIAMS. But I had not heard him read any of it for amendment.

Mr. President, in connection with this bill I notice that the author of the bill is the junior Senator from Iowa [Mr. KENYON], who very recently has been reading the Senate a somewhat sustained——

Mr. KENYON. The Senator probably does not want to state the matter erroneously. It was reported by me from the Committee on Military Affairs. It is the bill of the Senator from Michigan [Mr. TOWNSEND].

Mr. WILLIAMS. Ah, Mr. President, I acknowledge the error. I will therefore amend what I said by saying that I notice the bill was reported by the junior Senator from Iowa [Mr. KENYON]. Of course, when he reported it it received his approval as fully as if he had written it. There is only a difference of form in the two expressions and none in substance.

Now, this is the Senator from whom we have very recently received a somewhat sustained, a somewhat extended, and a very ingenious lecture, or I will reform my verbiage and say lectures, because they certainly were in the plural—just how many of them I do not now remember—upon the subject of the present straitened condition of the Treasury of the Nation, the necessity for economical administration, the necessity of watching the outgo of every dollar from the Treasury. It looks as if there had come about a strange change.

Mr. BRYAN. Mr. President, I dislike to shock the sensibilities of my friend from Mississippi, but the Senator from Ohio [Mr. BURTON] also joined the Senator from Iowa in taking up the bill.

Mr. WILLIAMS. Well, Mr. President, my astonishment grows not by the hour, but by the minute as the clock records the time. That both Senators who have but lately engaged in this ingenious enterprise, and who proved themselves to be more than equal to all the other 94 Members of the Senate when they came off from the field of battle with drums beating and standards glaring and flying after the Senate surrendered to them, only conditioning a retention of its side arms, should now be willing to bring in a bill which will increase the expenditures of the Government by something between $6,000,000 and $10,000,000 per year, depending whichever of these various estimates you choose to accept, and which, moreover, will, if our past experience with pension bills be a guide for our conclusions, probably increase the expenditures $12,000,000 or $15,000,000 per annum, is a matter of grave wonderment to me, if not of amazement.

Were anybody prepared to imitate their example, one or two men might get together and prepare themselves with encyclopedias and the past literature of this proposed legislation, and even the reports in this case, and this bill might be made by two men to go on forever, and the Senate having acknowledged that 94 Senators ought to surrender to 2, I suppose the Senate would be fair about it and permit 94 to surrender to 2 once more. However, the precedent set by them is one to be more honored in the breach than in the observance, and I shall not imitate it.

Now, what is the necessity of the passage of this bill at this moment, Mr. President? I have not heard anybody place it upon any ground of emergency. In arguing against the river and harbor bill the Senators said, "Oh, well, this may be a good project; it may be sound; it may be an investment returning dividends to the commerce of the country, but we are now in the strain not of war precisely but of the effect of war in Europe upon American industrial and commercial life, and therefore we ought not to take on any new projects." Now, why should this new project be taken on at this time, confronted as we are with all these dire conditions?

If we can not afford to spend money out of the Treasury in order to give the commerce of the people the facilities which that commerce ought to have, why ought we to pass a bill to give somewhere between six and twelve million dollars in discrimination as a special favor to men who happened to be lucky enough to be promoted to positions of commissioned officers in the Army, while other men who did their duty equally well and perhaps better—it being impossible that all men in the Army should be officers—were held in the line as privates or as noncommissioned officers? If we are going to capitalize our patriotism, why not capitalize it for all, privates and noncommissioned officers as well as for commissioned officers?

The Senator from Michigan [Mr. TOWNSEND] tells us that the death rate will reduce the amount necessary to be expended, if the bill be enacted, very rapidly. That has not been our experience with pension bills. The Civil War concluded in 1865, and this is 1914, and the pension payments have been growing regularly all the time, now and then with a sag downward, but with a permanent upward tendency. Then, immediately that that sag downward is recognized, in come these legislative patriots who desire the "old soldier vote," and they change the conditions under which pensions are being drawn so that the rate of pension is increased or the area over which the pension legislation shall extend itself is increased. I have no idea that, having gotten a taste of this, future legislation will not see to it that the same total is kept up until pretty nearly everyone benefited by it is dead.

I sometimes wonder whether the present war in Europe is not a blessing in disguise, because it may result in a decrease of the burdens of preparation for war, which, extending over a very much longer period and being chronic in their character and not merely acute, are a greater burden upon the people and a greater punishment to commerce than a war quickly fought out and concluded. Perhaps at the end of it it may be that there will be some agreement for disarmament which may lighten the burden now resting upon the backs of the toiling peasants of Europe and of the toiling mechanics of the warring nations. Not only does it rest upon their backs, but it rests upon the backs of the people of neutral, and not only of neutral but of neutralized, nations. It seems from what we have lately learned that these last have made no mistake in preparing themselves with armies, because they concluded that their neutrality, no matter how solemnly asseverated by grave treaties, would not be respected if it was not to the interest of any great warring nation to respect it. Such has been the burden in Europe. Has our burden been much less, so far as taxes for a peace footing of the Army and Navy are concerned and for war to come or wars past are concerned? No; it has not been much less. We are now paying about 50 per cent of our annual expenditures in the shape of war payments, either for soldiers, sailors, and ships now furnishing a part of our equipment as preparation for war or for those who, volunteering to go out and defend their country without price, without recompense, have come back since the war and insisted upon taking a slice of from something like $140,000,000 to $150,000,000 per annum out of the Treasury in the shape of pensions.

Mr. President, I am not fighting that. I am not fighting reasonable pensions. The man who has been crippled in the cause of his country, whose avenue for securing employment has been closed because of his services to his country, the man who for any reason has suffered because he has devoted himself to the public good, ought to be recompensed liberally, not scantily. He ought to be receiving more than he is now receiving under the pension laws, and he would be receiving more if men who are in good circumstances were not also taking pensions which they ought to be ashamed to accept. The average earnings of the head of a family in the United States are not $600, including hard-working blacksmiths, carpenters, mechanics, farm laborers, and all the balance of them, and yet men worth hundreds of thousands of dollars are drawing pensions every day out of the common Treasury, raised by taxation levied upon the backs and the bellies of the consuming poor. So far has that gone that a provision in this bill that those who have an annual income of $2,400 a year should not receive the benefits of this legislation is objected to. Objection after objection to similar provisions has been made upon the ground that you "wanted to make an honor roll of the pension list, and not a pauper roll." When it was once before proposed to fix $1,200—double the average annual income of the American father of a family—as the income which should fix the point of demarcation for the pensionable man and the nonpensionable man, it was objected to upon the ground that we wanted to fix "a pauper roll instead of an honor roll"—a pauper roll of $1,200 a year, double the receipts of the average American citizen.

I once knew an old gray-haired lady, whose husband had been a captain in the Federal Army in the War with Mexico. A neighbor who had been in that war came to her one day and said, "Madam, you are entitled to a pension under the law recently passed by Congress." She turned to him with a great deal of indignation, her face flushing with surprise and anger, and said, "I will have you to know, sir, that my husband did not fight for money." It is a pity that spirit is not somewhat more abroad in the land. I have very little confidence in the idea that the ordinary death rate is going to reduce the pension roll of this country. If the future experience is to be like the past experience, just as soon as officeholders and office seekers find that it is being reduced, they will bring in and pass a new pension bill to prevent its being done. Of course some day a reduction will begin to operate, but not in our lifetime. I suppose when you get down to about 12 men you will not give them the whole $140,000,000; you will manage somehow not to do that, I hope, indeed almost expect, but it will be a long time yet before it begins to operate practically.

Mr. President, why is it that Senators insist that a commissioned officer in the Volunteer Army during the Civil War should receive a recognition not accorded to the noncommissioned officer in the same ranks and doing his duty equally well? Is it because you want to put the commissioned officer on an honor roll? If so, why put him upon a roll of higher honor than the man who was a noncommissioned officer or the man who was a private, presupposing in all three cases that each man, of course, did his duty and was loyal and true and brave in his service?

My father, for example, was an officer in the Confederate Army. Was it because he was better or more patriotic than the other members of the Twenty-seventh Tennessee Confederate Volunteers? I think not. It was not even because he was better prepared for the military business, because, like most of them, he had had no training in that direction at all. At the beginning of the war the commissioned officers were, as a rule, elected. When they were elected they were elected because they were popular, just like you and I were elected to the Senate or to the House of Representatives or like a man is elected sheriff or clerk of a court at home. Then later on if that officer "made good" he was appointed when the army was regularly organized and taken from the control of the State and put in the control of the Confederate Government or of the Federal Government. Of course he had to "make good"; but there are numbers of men

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who went out and wore the gray or wore the blue who never failed in their duty, some of whom became noncommissioned officers and some of whom found no vacancies to fill, who never had an opportunity to "make good" as officers, only the chance to "make good" as privates or rank officers. Why should we at this late date make a distinction between them which we have never made before?

Hitherto we have put every Union soldier upon the same pensionable basis, regardless of his rank; hitherto in the Southern States every Confederate soldier—it is true in Mississippi, at any rate, and I think it is true in every other Southern State—has been placed upon the same pensionable basis, regardless of his rank, whether private, sergeant, captain, colonel, or general. Of course there is a distinction between the two pension systems. The Southern States pension nobody except those who need the pension; but, of course, the United States here have pensioned men regardless of their needs. I had the happiness once to know——

Mr. WHITE. Mr. President——

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair). Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. WILLIAMS. In a moment. I had the happiness once to know a most estimable gentleman who was a Member of the House of Representatives and afterwards a high official under the Federal Government. As a Member of the House of Representatives he was at that time drawing $5,000 a year and he was at the same time drawing a pension—the highest paid, I believe—and he was master of an independent fortune of a million and a half dollars. If this bill passes, he will be entitled to this additional allowance. Now I yield to the Senator from Alabama.

Mr. WHITE. Mr. President, I want to say to the Senator from Mississippi that the pittance that is given to the Confederate soldiers in Alabama is not distributed according to rank.

Mr. WILLIAMS. Oh, no; I have just said so.

Mr. WHITE. They all draw upon the same basis.

Mr. WILLIAMS. Of course.

Mr. WHITE. The officer gets no more than the private soldier, and he does not get it then unless he is in want.

Mr. WILLIAMS. That is the case in Mississippi, too.

Mr. WHITE. And that, sir, has made the Confederate soldier the grandest man on earth. He has learned to take care of himself, and he does it. The one-legged Confederate soldier or the one-armed Confederate soldier is not a burden upon anybody; he is a useful citizen, earning a livelihood for himself and his family. He is fighting the battles of peace as courageously as he fought the battles of war.

Mr. WILLIAMS. Mr. President, that is true of the Confederate soldier, and it is also true, for the most part, of the Federal soldier. In spite of this pauperizing system of pensions, as a rule he has held his own in civil life, as he did in military life; but what I am talking about now is that where he has held it so well that he has got to be wealthy and has a million dollars or a million five hundred thousand dollars, still he stoops to take the pittance from the Treasury of his country; he is still willing to take $12 or $30 or $50 a month out of the Treasury of the United States, paid into mainly by the poor on consumption taxes. I dare say if you would bring up every man who would be entitled to a pension under this bill, from Maj. Beers, who advocated it before the committee, down—I do not know the names of all of them—you would find that the majority of them to-day are in conditions of easy affluence.

Then, if that be the case, while exchange is dislocated, while the cotton crop can not be marketed, while transportation across the seas is being threatened by German cruisers, while maritime insurance is sky high, while we ourselves are being subjected to the disastrous influences of war, although under the management of a magnificent chief we have managed to keep nominally at peace, why now give this largess to men who do not need it? Why make another "honor roll" superior in character and kind and degree to the "honor roll" you say you have made for the privates and for the noncommissioned officers? Why violate the precedent that the South and the North have both established of treating their soldiers alike so far as their pensionability is concerned?

Here is a man who went into the ranks from a clerk's desk, unaccustomed to fatigue, did his duty, and did it splendidly, served for three or four years, came out with Grant at Appomattox, a private soldier, never thrusting himself forward unnecessarily to the front for the glory in it or keeping himself in the rear for safety. Perhaps he got to be a corporal, perhaps he got to be a sergeant, but he did not have any political influence at Washington, so he could not enter the Army as an officer. Another man by his side fought perhaps equally bravely, but did have influence; he may have known a Senator. You know how the volunteer officers were promoted during the war as well as I do. In the beginning of the war especially, on both sides, there were "political generals," as Grant contemptuously called them. During the course of four years many of them were weeded out and eliminated on both sides, but a great many of them made good and remained. Though their method of appointment was questionable, they showed that they were fit for it, just as a majority of the men appointed under the old spoils system used to show it here in the civil service again and again and again. Why should the man who had that influence be preferred to the man who did not have the influence in district or State and who, not having the influence, was not appointed as nor promoted to be an officer, and hence had no opportunity to show that he could make good as the holder of a commission?

Mr. President, I notice that Senators have almost been running over one another to introduce bills of this sort. I notice that the chairman announces that there were before the committee Senate bill 392, introduced by the Senator from Michigan [Mr. TOWNSEND]; Senate bill 1359, introduced by the Senator from New Jersey [Mr. MARTINE]; Senate bill 2222, introduced by the Senator from Iowa [Mr. KENYON], and all that. I have not time now, Mr. President, to read each one of these bills and compare each with the other for the purpose of determining which one the committee ought to have reported, nor have I time to run through the hearings in any thorough manner, especially as the hearings are rather new to me just at this moment, as I had not seen them until this morning.

Here is a proposition to put upon the retired list, with high pensions, solely the commissioned officers of the Federal Army serving in the War between the States. There is not even any pretense that it is done because of disability incurred by them in war; there is no pretense that it is done because of the necessities which they have in peace; it is done simply as an open-handed piece of liberality by a great and wealthy country. But this country was not wealthy enough to do anything for the improvement of rivers and harbors, unless the improvement was already under way.

The Senators who reported this bill could find no excuse at all for that. On the contrary, a great feeling has been cultivated to the effect that giving improved transportation by water to any part of the country was a division of "pork" of some sort between Senators and Representatives.

Such a bill could not be even considered item by item, each item upon its merits or its demerits, as the case might be, to be voted up or to be voted down. The Senate was forced, under the plea of "economy," under the plea, too, of "present conditions," which, by the way, are still "present," to surrender to a handful of men and to take what they chose to give our commerce. The Senate, however, has been so niggardly, so ungrateful, and so neglectful of its opportunities that it has not yet passed a resolution of thanks to the two Senators from Ohio and Iowa. It ought to do it at once. It ought, moreover, to pass another resolution asking them please to consider the next session's river and harbor bill in vacation and get it whipped into whatever shape they desire and let the balance of us know beforehand, so that we may surrender beforehand and not be losing time. Of course we know that without their approbation it could not be passed at a short session. It could not even be passed at a long one, one of the longest the country ever indulged in. These very gentlemen who are so careful about using the money in the Treasury, not for expenditures, but for investments, as all rightful waterway improvements are, are not at all careful when you come to the military expenditures of the country, which are not investments, but mere waste. They are not at all careful when you come to mere largess to be given to one class of brave soldiers and not to others.

Why, think of it. A great many officers during the Civil War on both sides got their commands because they happened to be, when the war broke out, members of the militia—holiday soldiers—who used to meet on muster day, beating drums and flying flags. I remember that when they first went out a good many of them were dressed in Zouave uniforms. I remember one command with red stripes and green blouses, breeches, and a sort of black jacket. Solomon in all his glory was not arrayed like one of them. In that particular case the man who happened to be in command of that company went to the rear pretty soon because he could not stand the smell of gunpowder, but if he had been a man who could have stood the smell of gunpowder he might have come out of the war as a colonel or a general, purely because he had a good start. Why? Because of the accident of having joined a body of young fellows and drilled on muster day.

I can not for the life of me understand why this discrimination should be made at this late day. The Senator from Michigan tells us the same discrimination was made in 1828 in a bill which was passed in connection with officers who had served in the Revolutionary Army; but Senators must not forget that this country has grown a great deal more democratic since then. The Father of his Country, perhaps the greatest character the world ever knew—not the greatest general nor the greatest statesman, but, taking him up and down and all around, the greatest character—was a good deal of an aristocrat. He was one of the men who formed the Association of the Cincinnati. People at that time thought that of course an officer ought to receive higher consideration than a private, even though the private had done his work equally well, and even though the officers, while they were doing their work, had received higher pay. In fact, it was not unusual to flog privates, and the Father of his Country was said to doubt whether they could be effectively disciplined without it.

Why, Mr. President, I sometimes think all armies in war times ought to be organized upon the basis of the Confederacy after its first year or two years of service. What was the basis of pay of the Confederate soldier after his first year and a half or two years of service? What was it? Why, they got no real pay at all; and in a great many cases they got no "provant," to use an expression used by Sir Walter Scott in connection with Capt. Dalgetty, except such "provant" as they themselves could collect by foraging. I sometimes think we ought to take the position that the Confederate soldier occupied to a part of its extent. The soldier ought to be given "provant"; he ought to be clothed; he ought to be fed; but we would stop a great many wars if we made the soldier's business totally without pay.

The Confederate soldier for over two years did not get anything. He got $13 a month, I believe, in Confederate money, but that would not buy a stick of candy, even if there had been any candy to buy, and there was not. He laughed at his pay. He would put it with others in a pile and throw quoits or jump for who should have it all. He did not fight any the less well for it, and he has not been any the less a good citizen since the war closed, because the sole pension he has received has been a pension for his necessities, if he has had any. I am sorry to say that the South has been so poor that in some of the States they have simply appropriated a lump sum and let it go as far as it could amongst those who were necessitous, so that none received enough; but no Confederate man has ever asked to be given a pension when he had received no wound and when he needed no support. On the contrary, he takes a pride in contributing to help those of his comrades who need his assistance, or who have received wounds, while he himself asks nothing. I say he takes a pride in helping them; I do not mean in helping them merely by paying their share of the taxes. There is many an old Confederate soldier, as every southern Senator here knows, who has a private pensioner. The surviving officers and comrades, because they have made good in the world and have prospered, have given a part of what they prospered upon to those not so lucky.

I see here, Mr. President, that Maj. Beers, before this committee, said:

> We make our claim to being placed upon the retired list as volunteer officers largely upon the action of Congress in 1861. I call your attention in that connection to the call into the service, July 22, 1861, when the call for the 300,000 volunteers was made by the President, and the legislation in relation to which reads as follows:
>
> "That officers, noncommissioned officers, and privates organized as above"—
>
> That is, as provided in the law—
>
> "shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army."

Now, from that Maj. Beers drew this inference, which seems to me to be not entirely warranted, to wit: That if commissioned officers of the Regular Army—the standing Army—owing to certain military regulations, received certain retirement allowance, these men who happen to be commissioned officers in this war Army, not upon a peace footing at all, should receive the same allowance.

The reason why I say that position is not well taken is this: There are certain rules and laws governing the organization and management of a peace establishment of a regular or standing army that are in no manner at all applicable to a volunteer army for war. In order to have a peace establishment of a regular standing army you must have provision to take care of the officers in their old age, and you must have provision for taking care of the privates under certain circumstances. The Regular Army soldiers' home is that provision for the privates, with certain other provisions that are made. The retired officers' roll is that provision for the officers. These are for the purposes of a heavy standing army in time of peace. In times of peace men's patriotism and pride do not appeal to them to join the Army. It is only in times of war, when the country is in danger, when the independence and the civilization of the country is imperiled, that men gather to the flag as a matter of self-respect and of pride—as a matter of patriotism. When you want to train men at West Point or at Annapolis—and to a certain extent, outside of the Engineer Corps, unfit them for private pursuits—you have to have an old-age pension for them, and that old-age pension is the retirement list at three-fourths' pay.

Even if Maj. Beers were right, however, this bill does not logically carry out his contention, because, if he were right, then these commissioned officers have a right to be put precisely upon an equality with the commissioned officers of the Regular Army. That is not done in this bill, because whereas in the Regular Army they are retired at one grade higher than that which they held at the time of retirement, and at three-fourths of the regular pay, under this bill, under no circumstances can a man, no matter what his rank was in the Federal Volunteer Army during the war, whether it was colonel or general, get over three-fourths of the pay of a captain. So that this bill, in addition to being unnecessary and discriminatory, is illogical, and I know that the illogicality of it will appeal to some of the Senators who reported the bill and who were so strenuously and aggressively logical in their several speeches upon the rivers and harbors bill. I know if there is anything in the world that they do love it is logic.

Now, Mr. President, I am not filibustering. I am weakly and remotely reminding the Senate of a recent "patriotic stand" against those of different views which the enemies of the movement, not I, "designated" as a filibuster. A man sent me this morning a little piece of poetry that I think I will take the liberty of reading. I see my friend the Senator from Iowa smiling, because this was submitted by me to him this morning and, as I understood, met with his approbation.

Mr. KENYON. Mr. President, the Senator had no objection to my smiling about this poetry, had he?

Mr. WILLIAMS. Oh, not a particle. I love to see the Senator from Iowa smile.

Mr. KENYON. Was the Senator from Mississippi the author of the poem? He did not state.

Mr. WILLIAMS. Mr. President, I have never been the author of any poem. I have been the purveyor of a great many of them to other people. I love doggerel for its own sake, for the mere jingle that is in it.

Now, I do not want to take up the time of the Senate; but returning to the suggested and pregnant subject of the smile of the junior Senator from Iowa, there is hardly a smile that ever appears upon the face of any Senator in this body, no matter how old or how young he may be, no matter how experienced or inexperienced, that is as sweet and as bland and as childlike as the smile of the Senator from Iowa. Next to the smile of a child in its crib, dreaming of its mother or of something else, perhaps of the angels, and smiling while it is asleep, when we do not know what the child is even thinking of, except that it must be something pure and holy and innocent, I think I prefer to see the smile of the junior Senator from Iowa. There used to be in the House of Representatives an old gentleman by the name of Nick Cox, from Tennessee, who had a yet sweeter smile; but with that exception the Senator from Iowa stands preeminent in the legislative smile arena, and so of course I could not object to the Senator's smile.

Why, even when he was carrying on this great "patriotic movement in behalf of economy," so ruthlessly dubbed by some a "filibuster," to prevent our investing any of our money in the productive enterprise of bettering transportation, every now and then he would smile; and the moment he did, what little impatience I had over the fact of his performance ceased to exist, and I said to myself, "Oh, pshaw, I might feel in a bad humor with anybody else, but any man capable of that smile at this time is such a miracle that I must thank Providence for his creation." [Laughter.]

Mr. KENYON. Mr. President, I ask unanimous consent that the Senator proceed to read the poem.

Mr. WILLIAMS. Mr. President, I hope the Senator will recognize the fact that I was about to read the poem when he interrupted me and brought out this still more interesting subject of his smile—a subject from which I can no more keep my tongue than I can keep my eye; no more keep my tongue from reminiscence of it than take away my eye from its actual performance.

This poem reads in this manner: If the Senate will excuse me, the feet do not seem to be just exactly right. You have to read it peculiarly in order that the feet may appear to be

right. That is one of the characteristics of great poets, who have never tried their hands at this sort of thing before:

> We once thought it brilliant honor to be seated in our Senate,
> And have envied all the men it
> Used to hold—

I hope the Presiding Officer will excuse making the word "Senate" rhyme with the two words "men it"; but the author did it, and I am not responsible—

> We once thought it brilliant honor to be seated in our Senate,
> And have envied all the men it
> Used to hold;
> But, when they filibuster, poor honor's lost her luster,
> While the business of the Nation grows so cold,
> That, to re-sus-citate it, when they insistently belate it,
> Is a feat would test the prowess of the bravest knight of old!

Now, the second verse requires a more strenuous modulation, in order to make a pretense of keeping its feet, than even the first does; but I will attempt to purvey it:

> Why not keep the Senate seated, till they grow so overheated,
> They may not know their craniums from their heels,
> But will know how it feels,
> To be obstructing legislation, 'gainst the interests of the Nation,
> A job-lot school of quacking, talking teals?

Now, I disapprove of the last line, but I suppose the author had to put it in in order to make a rhyme. I would be the last man in the world who would consider the Senator from Ohio or the Senator from Iowa a "quackling, talking teal." On the contrary, I recognize fully their eloquence in every possible respect, and recognize it even while I was being punished by it—that is, to the limited extent to which I consented to be punished by it. I frankly confess that for some 16 hours of that joint effort I felt as if I needed recuperation, and sought it elsewhere, and twice with the permission of the Senator from Iowa; because I had, I think, a more or less fast and binding arrangement with him that he would talk until I could get through dictating my letters. At any rate, whether the arrangement was to be considered binding or not, he did talk until I got through with my letters. With the exception of the time that I was otherwise occupied, which I really regretted, I listened with much pleasure to the eloquence of the two Senators, especially when they were reading. They both read so well, and they both read without any air of the actor or any demonstration. They read slowly, calmly, sedately, deliberatively, and senatorially, and I enjoyed it very much—the very drowsiness of it was refreshing.

Mr. KENYON. Mr. President, I should like to ask the Senator if he has completed the poem?

Mr. WILLIAMS. No; the balance of the poem I do not approve of.

Mr. KENYON. It is nearly 2 o'clock, and I thought——

Mr. WILLIAMS. The balance of the poem I do not approve of. That is all I am going to read; but the balance of it I will show to the Senator privately, because I know he will not mind it. It is a comparison between the two Senators and Kaiser Wilhelm. I thought that in the present delicate situation of foreign affairs, with the demand upon the part of the President that we shall observe neutrality in language as well as in feeling, it would be well not to bring the Kaiser in. Besides that, I doubt if he deserved the comparison. I am the last man in the world even to purvey anything which mentions a great official of any foreign country in a light manner, and I thought perhaps bringing him into this discussion might be lightness.

Mr. President, it seems to me that we might well let this bill "go over until after the present emergency in the Treasury has passed," as the late patriots phrased their objection to the rivers and harbors appropriations. I might imitate the Senator from Iowa and the Senator from Ohio when they said: "Here you are about to levy $100,000,000 upon the American people for emergency taxes. Why not cut off so many millions that you are now devoting to rivers and harbors?" I might say, "You are about to levy $100,000,000 of additional taxation. Why not just levy $90,000,000, and let $10,000,000 of it be saved by not giving it as a gratuity to these commissioned officers, a majority of whom are in affluent circumstances, none of whom are urging it because of disabilities incurred during the war, though perhaps some of them have disabilities; none of whom are urging it because of any financial necessities or financial straits, though perhaps some of them may be subjected to both; I do not know?" Why not let it go over?

By the way, while talking about economy, Mr. President, running the risk of incurring your disapprobation——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. WILLIAMS. Very well, then, I shall not incur your disapprobation. I was just saved in time.

The PRESIDING OFFICER. The unfinished business will be stated.

The SECRETARY. A bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

The PRESIDING OFFICER. The Senator from Colorado [Mr. SHAFROTH] is entitled to the floor.

Mr. TOWNSEND. Will the Senator from Colorado yield to me?

Mr. SHAFROTH. I want to finish my speech of yesterday. I will be through with it in half an hour probably, or in three-quarters of an hour.

Mr. TOWNSEND. I do not care to make a motion at this time; I merely wish to make a statement.

Mr. SHAFROTH. Very well; I yield for that purpose only.

The PRESIDING OFFICER. The Senator from Colorado yields to the Senator from Michigan to make a statement.

Mr. TOWNSEND. I was going to ask that the unfinished business be laid temporarily aside, but I do not wish to be put in the position of trying to retard the consideration of the Alaska coal bill. I am informed that it will be acted on promptly. I feel that inasmuch as the Senator from Mississippi has disclaimed any intention to filibuster that he is entirely serious in his discussion of the volunteer officers' bill, and we might continue its consideration and dispose of it. I desire to state, however, that I shall at to-morrow's session, or at the close of the consideration of the bill which is the unfinished business, if I can get the floor, move to consider Senate bill 392. I have only asked that it be considered on its merits and that a vote be taken upon it. I believe we are entitled to a vote upon it. I have never resisted consideration of any proposition the Senate has seriously wished to consider. I am not a believer in a filibuster simply for the sake of filibustering. I want to have this retirement bill thoroughly considered by the Senate. Already it has been disclosed that a majority is in favor of considering it.

So I repeat, Mr. President, I shall continue to present this measure to the Senate, and if there is no disposition on the part of the Senator from Mississippi to filibuster, we shall in a short time get a vote upon it.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. SHAFROTH. I yield.

Mr. WILLIAMS. Of course the Senator from Michigan has a right to bring up the bill whenever he chooses or whenever he can get the permission of the Senate to bring it up. I hope the principle laid down by the Senator will hereafter be obeyed as it heretofore very recently has not been obeyed, to wit, that a measure can be considered item by item, clause by clause, amendment by amendment, upon its merits or its demerits.

Mr. TOWNSEND. I hope the Senator will agree to that, because I am inclined to believe the Senator has offended against that principle about as much as any Senator here.

Mr. WILLIAMS. Now, Mr. President, in that respect the Senator is about as egregiously wrong as even he could be, and I think when he goes to examine the RECORD he will find my statement to be true. I do remember in the other House at one time conducting for some weeks what was called a filibuster, but it was not to prevent the consideration of public measures; it was to force the consideration of recommendations made by a Republican President, and finally we did get some of them considered. Now, riveting the attention of the country in order that public measures may be considered is one thing; riveting its attention in order that they may be kept from being submitted to a vote is a totally different thing.

The PRESIDING OFFICER. The unfinished business will be proceeded with.

## ALASKA COAL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

Mr. SHAFROTH. Mr. President, yesterday I attempted to show that a leasing system for Alaska or for the States is not right, that it was not contemplated by our forefathers in framing the Constitution, and that it is inconsistent with our form of government. A leasing system means perpetuation of title in the Government, which means exemption from taxation forever. You can not have a State or Territory perform its functions of maintaining a Government republican in form which the Constitution of the United States guarantees unless it has the power to levy taxes upon all the lands within its territory except those used for governmental purposes, such as naval and military reservations and post offices. I said that under the enabling acts of the various States we were admitted into the

Union upon an equal footing with the original States in all respects whatsoever; and as the original States and all States east of the Rocky Mountains had the benefit of their natural resources, an equality of footing requires that we should have the same privilege. To impose a royalty upon a people of a State is imposing a tax which has never been imposed upon any other State or upon any other Territory, and it is a tax on the consumer. It is a tax which when it reaches the consumer will be many more times than the royalty which is imposed by the Government. So I said it is inconsistent with our form of government that the great public domain of the United States or the natural resources thereof should remain perpetually in the hands and ownership of the National Government.

I undertook yesterday to show that a leasing proposition or system is inexpedient; that it necessarily creates a great bureau; that the presence of Federal officers in States when they are exercising duties, at least with respect to which the States believe they have special interests, has never been received by the people anywhere with welcome.

I attempted to show, Mr. President, that the Forestry Bureau not only defied the people of the West time and time again, but, further, that they defied even Congress itself; that their actions produce a feeling of discontent and irritation among our people; that as the chief end of government is the happiness of its people any Federal bureau attempting to control local affairs defeats the chief end of government among the citizens affected.

Mr. President, to-day I wish to take up the subject as to whether a leasing system is practicable, and I shall examine it in the same manner that I did the other questions.

III. IS A FEDERAL LEASING SYSTEM PRACTICABLE?

Mr. President, a leasing system by the Nation, creating the relation of landlord and tenant with the citizens of a State or Territory, is inconsistent with our form of government and generates conditions that will make it a failure. The Government can sue the lessee for a breach of the contract, but the citizen can not sue the Government—his sovereign—on the old theory that "the king can do no wrong." What a travesty on justice. They do not stand upon an equal footing as landlord and tenant between citizens of the same country. The Government is not only the landlord, but the lawmaker and practically the determiner of all disputes. Years ago a great wrong was perpetrated on the citizens of the San Luis Valley, Colo., by the Secretary of the Interior refusing them rights of way for canals and reservoirs for irrigation projects under the general law. A rich valley of more than 1,000,000 acres ever since has remained a barren waste. For years we have pleaded with the Government to bring suit in the United States courts against the claimants of water to test the rights claimed, but without avail. Senator THOMAS is now trying to have a bill passed authorizing the persons injured to sue the Government, in its own courts, to determine their rights.

The purpose of our Republic is to control national, and not local, affairs; to govern its citizens and not to go into a leasing business, which must produce disputes between the sovereign and the citizen. The object of the Government has always been to aid settlement and development in order to produce loyal citizens who, not only by their lives but by their resources in times of distress, will support the Republic. A man will fight and die for his own home and property, but not for that of his landlord. Who ever heard of a country that was made great by tenants? To produce the best conditions the freest opportunity must be given for that development. Anything that imposes restrictions or difficulties hinders and impedes them. In order that a leasing system may be self-supporting there must be that selfish interest on the part of the landlord which exacts a sufficient rental to make the property pay, irrespective of development. If the rental is low, the system will not be self-supporting; if the rental is high, it produces an increased tax on production which causes an increased price of many times the royalty to the ultimate consumer.

DOUBLE JURISDICTION MAKES FEDERAL LEASING SYSTEM IMPRACTICABLE.

Mr. President, there will always be a conflict of jurisdiction between the officers of the Nation and of the State as to the police powers to be exercised relative to the properties which are the subject of the leases. These conflicts will surely produce dissatisfaction, irritation, and litigation.

We have in Colorado and in most of the Western States coal-mining bureaus, with the necessary inspectors. They are and have for years been exercising police powers which belong exclusively to the State. They can compel large and costly improvements to be made in order to prevent gas explosions, such as the construction of air flumes extending hundreds and hundreds of feet. They can require daily sprinkling of the coal dust. They can order timbering and propping on a large scale to prevent cave-ins. They can seize a mine and shut it down if they believe it dangerous. In fact, it is within their power to make a coal-mining enterprise a success or failure. All of this power is necessary to prevent the sacrifice of human lives. When the State attempts to exercise its police powers as to the working of a mine leased by the Nation, it is certain that conflicts between the officers of the Federal Government and of the State will arise, producing not only irritation and discontent but a limitation of the jurisdiction of the Federal Government over its leased lands. The bills all provide for the Secretary of the Interior prescribing the rules as to diligence, skill, care in operation of the property, and as to the safety and welfare of the miners.

We have also in Colorado and most of the mining States metalliferous mining bureaus and inspectors with the same powers as to safety and sanitation.

We have in the arid West full corps of water commissioners—70 in my State—with numerous deputies. They have power under State laws to distribute the waters of their districts according to the decrees of the State courts for domestic, agricultural, mining, and power purposes. If for power purposes large reservoirs are constructed by lessees of the Government, the use of the water therefrom will supplement the flow of the stream at times when it may not be needed for irrigation. To withhold that water from irrigation until winter, when it will be most needed for the generation of power, will be unbearable. To place the disposition of those waters under two jurisdictions, each having a different interest to serve, can not fail to produce confusion, chaos, disputes, and sometimes personal conflicts. If there is one thing above another for which a farmer will fight, it is water with which to save his burning crop. Will not these conditions make a leasing system by the Federal Government impracticable? Does not all of this demonstrate that the advice of the late Justice John M. Harlan, of the United States Supreme Court, is sound when he said:

> A National Government for national affairs and State governments for State affairs is the foundation rock upon which our institutions rest. Any serious departure from that principle would bring disaster upon the American system of free government.

DISASTROUS EXPERIENCE IN LEASING LEAD MINES OF MISSISSIPPI VALLEY.

Mr. President, the country has had an experience which should teach us a lesson. In 1807, in order to stimulate the production of lead, a munition of war essential to the defense of the Nation, Congress authorized the Secretary of War to lease the lead mines upon public lands in certain Territories of the Union at a royalty of one-sixth of the production. It never attempted to impose such a system upon public lands within the limits of a State. The law was in force when Missouri, Arkansas, Iowa, Illinois, Wisconsin, and Indiana were admitted into the Union. It was then that citizens, legislators, and governors began to protest against the leasing of any natural resource within the limits of a sovereign State. It was then that Senator Thomas H. Benton, of Missouri, began his fight, which lasted for years, against the legislation. After the admission of Illinois into the Union its governor openly advised that the citizens of that Commonwealth absolutely refuse to pay any royalty to the Federal Government for the ores extracted, on the ground that, in equity, the ores belonged to the citizens of the United States, people who had located and mined the ground, and the Government could not appropriate to its own use resources which it held only as a trustee.

President Polk, in a message to Congress in 1845, said:

> The system of granting leases has proved to be not only unprofitable to the Government, but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty.

The cost of maintaining the system had been four times as great as the royalties collected. The Secretary of War approved the report of a military examiner, who declared that the benefit to the Government bore "no just proportion to the injury done to the mineral region of the country, first by retarding the settlement of the country, and, second, by the demoralizing influence of the system."

Committees of Congress reported time and again in favor of the repeal of the leasing statute. One of the reports contained the following:

> Your committee believes that it is bad policy to introduce or continue in any State or Territory in which the public lands are any system the effect of which shall be to establish the relation of landlord and tenant between the Federal Government and our citizens. * * * * * * *
>
> When the United States accepted the cession of the Northwestern Territory, the acceptance was on the express condition and under a pledge to form it into distinct republican States and to admit them as members of the Federal Union, having the same rights of freedom, sovereignty, and independence as the other States. This pledge your committee believes would not be redeemed by merely dividing the surface into States and giving them names, but it includes a pledge to sell the

lands, so that they may be settled, and thus form States. No other mode of disposing of them can be regarded as a compliance with that pledge.

In another report we find the following:

Now, no interest is felt by the tenant in the improvement of the property itself; he does not become fixed in his employment to any spot, is sparing of his outlays, erects no permanent works, nor does he call in the aid of science and practical skill to overcome the obstacles which meet him in his enterprise. Make them private property, capital, science, and skill would be employed in erecting machinery and the deepest bowels of the earth explored with eagerness and profit for their hidden treasures. Subject them to the unimpeded action of individual energy, new and rich developments would be continually made, and the whole country benefited by the augmented supply at a cheaper rate which such investments would certainly produce.

At last, in 1847, after retarding the development of the country for 40 years, the law was repealed.

President Fillmore, in a message to Congress, on December 2, 1849, referring to the policy to be pursued as to the mineral lands of California, said:

I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the Government and to afford the best security against monopolies; but further reflection and our experience in leasing the lead mines and selling lands upon credit have brought my mind to the conclusion that there would be great difficulty in collecting the rents, and that the relation of debtor and creditor between the citizens and the Government would be attended with many mischievous consequences.

The Supreme Court of the United States in Mining Co. *v.* Consolidated Mining Co. (102 U. S., 167) decided in 1880, in reviewing the history of the systems of royalty as applied to the precious metals, and the careful consideration given by Congress, and the conclusion of our Government as to the best policy to be applied to the mines of California, said:

Matters remained in this condition with slight exception until July 26, 1866, when Congress passed a law by which title to mineral land might be acquired from the Government at nominal prices, and by which the idea of a royalty upon the product of the mines was forever relinquished. (14 Stat., 251.)

What a glorious result followed from that policy. Millions and millions of dollars in precious metals, mined, perhaps, at a cost in labor on the average equal to the value of the ores produced, but which furnished an indestructible circulating medium as basic money that relieved commerce and produced an era of prosperity throughout the entire world.

Is it practicable, after such a signal failure of the Federal leasing system, to resurrect that tried and condemned policy and make it a success? Are not human interests and passions the same now as then? The legislatures of the Western States are protesting now just as those affected in the same way protested then. The legislature of California has demanded that the public lands be taxed if they are to be held in perpetuity by the Federal Government.

It has been said that times have changed since 1847 and that now a leasing system by the Federal Government would be a success. What is there to sustain such a contention? Has there been any experience that would justify such an assumption? No; but there has been, and is now taking place, a vexing experience which demonstrates the contrary.

LEASING UNDER FORESTRY BUREAU HAS PROVEN A FAILURE.

Mr. President, under the law setting aside forest reserves, which was enacted to conserve, by the shade of trees and brush, the snow from melting at the sources of streams until midsummer when the waters would be needed for irrigation in the valleys below, the Forestry Bureau, without any direction in the law, proceeded to charge for the grazing of cattle and sheep upon those forest reserves. It first started with a low charge, and has increased the rates in some reserves more than 700 per cent, in an effort to make the system pay. Yet the result has been that the collections from the grazing taxes and timber sales have amounted to only about one-half of the expenses of the administration.

The following table shows the expenditures and receipts for the last two years:

| Fiscal year. | Expenditures. | Receipts. | Net loss. |
|---|---|---|---|
| 1912 | $5,217,827.41 | $2,109,256.91 | $3,108,570.50 |
| 1913 | 5,092,111.41 | 2,391,920.85 | 2,700,190.56 |

The appropriation for the year 1914 is $5,299,679.

Do these figures indicate that a leasing system of the Federal Government is practicable? Do they indicate that the change in the times has been favorable to the existence of the system of landlord and tenant, between the sovereign and its citizens? The difficulty is that in order to make a leasing system a success it is necessary to increase royalties, and that is one of the very causes that produce irritation between the officials and citizens. It is the same feeling of resentment that always follows when the landlord raises the rent. It is very much magnified by governmental action, because our citizens, knowing that all the Middle Western States received the benefit of their own resources and that we are entitled by our respective enabling acts to the same treatment, feel that such action upon the part of the Federal Government is oppressive. Our people can never get over the feeling that wrong is being perpetrated upon them.

Is a leasing system by the Federal Government under such circumstances practicable? How long will the Government be willing to expend $3,000,000 a year in excess of receipts for the purpose of maintaining a Federal leasing system when the people most interested abominate it and believe that it is against their interest?

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I do.

Mr. WALSH. That the argument of the Senator may be made more clear, the Forestry Service is annually falling behind, as the Senator indicates; that is to say, the expenditure for keeping it up very largely exceeds the revenue. But there will not be any expenditure attendant upon a system of leasing coal lands, will there?

Mr. SHAFROTH. Mr. President, you must have another bureau. They are not in the same department of the Government and consequently you must have a different bureau; but I would advise——

Mr. WALSH. That is to say, I understand the Senator contends that it will cost more to collect it than the amount of the collections.

Mr. SHAFROTH. That is the experience under the act of 1807. Four dollars was spent by the Government in collecting those royalties for every one that was collected. That is the experience under the act of 1807.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I yield to the Senator.

Mr. WEST. Would dispensing with this leasing system do away with the expenditure of this $3,000,000 that is accumulating on the Government every year?

Mr. SHAFROTH. Mr. President, we did not have it before this service was created. The Forestry Service, as a matter of fact, has too many men in it, and yet the former Chief of the Forestry Bureau, I understand, has said that when the forests were scientifically managed the service would require 100,000 employees. Every one of those bureaus is trying to become great, trying to have a great number of employees, to enlarge their influence, and to enlarge their power. It is something that grows by what it feeds upon.

Mr. WEST. It is now managed at a net loss annually of $3,000,000.

Mr. SHAFROTH. Yes, sir. In the receipts is also included the sale of timber. If the Government can make a leasing system pay it should succeed at least once before fastening the system again upon our people.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I yield.

Mr. WALSH. Mr. President, of course all of the Senators here who are from the West sympathize very keenly with the strictures being made by the Senator from Colorado; we have all felt very keenly, as he expresses it, the burdens attendant upon this system; but it is scarcely fair, it seems to me, to speak about this as a loss of $3,000,000 annually. I suppose the Senator from Colorado would not want to have the forestry system entirely abolished?

Mr. SHAFROTH. Oh, Mr. President, I would have so many changes in it that you would not recognize the system. In the first place, I would not take a man from Maryland and make him superintendent of the district at Denver, Colo.; I would not take a man from New York and send him to Albuquerque, N. Mex.

Mr. WALSH. Of course the Senator and I would not disagree about that.

Mr. SHAFROTH. I would not take a man from Connecticut, send him clear across the continent, and land him as a supervisor in California.

Mr. WALSH. Of course the Senator from Colorado and I could not possibly get into a dispute about that, nor about many other abuses.

Mr. SHAFROTH. That is what they did. Every one of the supervisors was selected from States in which the forest reserves they were to manage were not located.

Mr. WALSH. I desire to ask the Senator if the State of Colorado pays any money to protect the forests on its lands from destruction by fire?

Mr. SHAFROTH. Mr. President, I think there is a fund for that purpose, though it is not a very large one.

Mr. WALSH. We are obliged to maintain a forestry bureau in our State and to keep in the field a large force to protect the forests upon our State lands. Really, the Senator from Colorado does not want to indicate to us that he does not desire to protect the national lands from destruction by fire?

Mr. SHAFROTH. We have various officers in our State; I think there are 30 or 40 officers called game wardens, who are supposed to be also fire protectors. I think there are probably more than 30; there are probably 50. Then there are also water commissioners.

Mr. WALSH. The Senator from Colorado ought to say that a large portion of this expenditure of $3,000,000 is for the protection and preservation of the forests.

Mr. SHAFROTH. It is for the payment of the Federal officers who go out there and patrol the forests. Mr. President, I must say that we could dispense with a great deal of that. I believe if it were left to the people of the West they would wipe out nine-tenths of it.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. SHAFROTH. I yield to the Senator from Tennessee.

Mr. SHIELDS. I desire to ask the Senator from Colorado, when were those men sent from New York and Connecticut to the West?

Mr. SHAFROTH. In 1908. They were sent there after Congress passed a law that, so far as possible—or some language of that kind—men should be appointed to those positions who resided in the States where the forests are situate.

Mr. SHIELDS. Are those men there now in violation of that law?

Mr. SHAFROTH. They are still there. I do not think there has been the change of a single one from that time until this, and they were appointed within three years after the passage of the law.

LEASING SYSTEM BY THE STATE A FAILURE.

Mr. President, there might be some excuse for a State leasing system as to its own lands, because, if successful, it creates a fund which takes the place of taxes for the support of the government among the very people who pay the royalties. But a leasing system by a State is impracticable. Colorado has a sale and leasing system under which it leases considerable of its grazing lands, but it is able to obtain only nominal rentals—5 cents an acre per year for such lands without water. Such lands sell for $5 to $10 per acre. A 5 per cent return would yield 25 to 50 cents per acre per annum, but 5 cents an acre is only from 1 per cent to one-half of 1 per cent on the value, or less than the taxes that would be paid upon the same were they in private ownership. In other words, rather than maintain a perpetual leasing system, it would be more remunerative to the State to give its lands away, so they could become the subject of taxation. So it is selling as fast as applied for. The receipts of the National Government from grazing taxes and sales of timber from the forest reserves are only 1½ cents per acre per annum. Of those receipts 25 per cent and 10 per cent are paid to the State for school and road purposes, but that is only a little over one-third of a cent per acre per annum, which is not one-fifth of what the taxes would be if the land were in private ownership.

LEASING SYSTEM FOR COAL LANDS WILL PROVE A FAILURE.

A leasing system is still less practicable as to coal lands. Competition is so sharp in the production of coal that no operator can hope to succeed unless he has the most improved machinery and the best facilities for mining and marketing his product. Enormous capital, therefore, must be invested in nearly every instance, and a railroad must be built to the mine from the nearest operated line. Men will not make such large investments when they can obtain only a lease, subject to forfeiture for failure to perform any of its provisions.

No better illustration of this fact exists than that found in the testimony of Gov. Spry, of Utah, before the House Committee on the Public Lands. He said:

> We have the Utah Copper Co. out there in Salt Lake Valley, operating at Bingham Canyon, about 20 miles from the city. There is a company that went in there, and solely because of confidence in that dirt they spent $50,000,000 before they had $1 returned to them from profits. * * *
>
> If we had put that proposition (referring to a leasing system) up to the Utah Copper Co., they would have laughed at it. * * *

Gov. Spry further testified that the company employs 3,000 men and is responsible for a population of 25,000 people in the Salt Lake Valley. Under a leasing system capitalists would not have developed this great property. Consequently the Nation would not have received the benefit of its large product, with its influence in lowering prices, and Utah would not have received the additional 25,000 inhabitants.

Is it not plain that a governmental leasing system is impracticable, especially as to large enterprises, and is it not equally plain that the States affected would thereby be retarded both in development and population?

Capitalists will not lend money to open up, develop, and buy expensive machinery for coal mines held under leases, subject to forfeiture. Who ever heard of a bond issue secured by mortgage upon a leasehold mining estate? There is no market for such bonds. Hence the enterprising business men, unless they are very rich, will practically be excluded.

Now, nearly all of the large coal companies are organized by men of small means, who interest the capitalists in the enterprise. Lessees usually work the mine to their own advantage and not for its permanent improvement, as do proprietors.

The State of Colorado owns enough coal land to supply the inhabitants of that State for 300 years, yet it is able to lease only 3 per cent of its coal lands at 10 cents per ton royalty, and less than one-half of those leased lands are being worked. Although there are leasing laws for coal on State lands in Wyoming, Utah, Idaho, Oregon, New Mexico, and North Dakota, yet no one has found it sufficiently attractive to take out a lease in any of those States. If a leasing system backed by the good object of obtaining money for school purposes in the lessees' own State is a failure, how much more certain must be the failure of a system by the Federal Government, the royalties of which the people feel are wrongful exactions?

A most inconsistent position of the Government in connection with the leasing of its coal lands to its citizens arises from the fact that in order to make the system a success it must encourage the high price for coal, so as to tempt the operators by profits to enter into leases. On the other hand, the Government owes a duty to the people to curb the price of coal, and hence discourage high prices.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I yield to the Senator from Georgia.

Mr. WEST. In the pending Alaska bill what is it proposed to charge per ton for leasing land for the digging of coal?

Mr. SHAFROTH. Under the Senate amendment it is proposed to lease it from 2 to 5 cents a ton, while in the House bill it is not less than 2 cents. There is no maximum limit as to the price in the House bill.

Mr. WEST. It would take quite a time to pay for the proposed railroad, would it not?

Mr. SHAFROTH. I think it would.

COST OF COAL UNDER OWNERSHIP AND LEASING SYSTEMS.

Mr. President, while a leasing system by the Government has been a success in some countries from the standpoint of the lessee, it has been a failure in those same countries from the standpoint of the consumer and to the industries dependent upon cheap coal. Under its system of mining the coal by proprietors the United States has produced the cheapest coal in the world and yet paid the highest wages to the miners. It is this cheap coal that has stimulated our production of iron, steel, and many other industries.

In Senate Document No. 482, by Thomas P. McDonald, there is given a table, compiled from official reports, which shows that under the system now in force in the United States the price of coal at the mouth of the mine is not much over one-half as high as in those countries which have a leasing system. Mr. McDonald's table, referring to bituminous coal, is reproduced, as follows:

| | Year. | Tons. | Value per ton at mine. |
|---|---|---|---|
| United States | 1911 | [1] 405,757,101 | $1.11 |
| Nova Scotia | 1911 | [2] 6,208,444 | 2.01 |
| New South Wales | 1911 | [3] 8,691,604 | 1.82 |
| New Zealand | 1912 | [4] 2,066,073 | [5] |
| New Zealand (State mine) | 1912 | [6] 371,628 | 2.00 |
| Victoria (State mine) | 1912 | [7] 396,042 | 2.28 |
| West Australia | | [8] 249,890 | 2.22 |

[1] Coal production in 1911. By E. W. Parker, of the U. S. Geological Survey.
[2] Report of department of mines for year ending Sept. 30, 1911.
[3] Annual report minister of mines, New South Wales.
[4] Official reports relating to mines and minerals.
[5] Not given.
[6] Report of manager State coal mine, Nov. 30, 1912.
[7] Report of manager State coal mine, 1912.
[8] Report of mines for 1911.

The following, taken from the same Senate document, shows the price of bituminous coal per ton at the mine for 1911, according to the United States Geological Survey, to be even lower than that given above:

| States. | Tons. | Price at mine. |
|---|---|---|
| Illinois | 53,679,118 | $1.11 |
| Indiana | 14,201,355 | 1.08 |
| Pennsylvania | 144,754,163 | 1.01 |
| Ohio | 30,759,986 | 1.03 |
| West Virginia | 59,531,580 | .90 |

These figures demonstrate that in the production of bituminous coal there is no monopoly in the United States. Nor can there ever be, since there is enough coal in the public lands to supply the world for 5,000 years, and the lands can be disposed of under restrictions against large holdings, which will follow the title.

In view of these figures, can it be said to be practicable to change from the tried policy of the disposition by sale of the coal lands to a leasing system?

In the statement of Mr. McDonald before the Senate Committee on Territories, on May 7, 1913, at page 117 of the hearings, is the following:

> The keen competition in the production and sale of coal in the United States under our system of private ownership of the coal land is saving the industries that consume our coal, as compared with those countries operating under the leasing system, hundreds of millions of dollars annually. Our present consumption is about 400,000,000 tons per year. Now compute the annual saving to the industries of the United States on this annual coal bill of 400,000,000 tons as against New South Wales, a saving of $0.64 per ton, $256,000,000; Nova Scotia and New Zealand, a saving of $0.89 per ton, $356,000,000; West Australia, a saving of $1.11 per ton, $444,000,000; Victoria (State mine), a saving of $1.17 per ton, $468,000,000.
>
> This indicates a saving to the industries of the United States of approximately a million dollars per day—no mean advantage when we are seeking a world's market for the products of our mills and factories.

Mr. WEST. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Georgia.

Mr. WEST. What troubles me is the great difference in the cost. Why is it? How do you account for it?

Mr. SHAFROTH. Well, in one case you have the keen, sharp business interest of the man who owns the mine, as against that of the Government inspectors, who have no direct personal interest in the result. Then, of course, there is the addition of rents and royalties. Under a leasing system you have not that private incentive and enterprise that is always evident in a mine operated on a large scale by its owners. The very fact that under a leasing system the operators will not get the best machinery, and can not afford to get it, is a potent argument against that system. What man is going to lend money for the purpose of equipping a mine when the mine may be forfeited absolutely for noncompliance with some provision of the lease? Men are not going to lend money under such circumstances; they can get their interest through other investments; and thus the man who attempts to operate a mine under a lease is acting at a disadvantage, because he has not the equipment. Can he build railroads? No; because he can not get the money.

Mr. WALSH. Mr President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I yield.

Mr. WALSH. The Senator from West Virginia [Mr. CHILTON] advises me that a very high proportion of the coal produced in his State, which is one of the leading coal-producing States, is produced by lessees, and that the leasing system is prevalent in that State. The same difficulty would arise about financing the operations there, would it not?

Mr. SHAFROTH. Well, the Government does not own any of that coal land; that is one thing; and they do not have Federal inspectors to inspect it. I want to say to the Senator now that that statement has been made before, and I looked the matter up for the purpose of ascertaining what proportion of the coal of the United States is mined under lease.

Mr. WALSH. I can furnish the Senator the figures for West Virginia.

Mr. SHAFROTH. Very well.

Mr. WALSH. In 1909 there were mined from lands held in private ownership 17,000,000 tons of coal, from lands held by lessees 26,000,000 tons, and by the owners and lessees 8,000,000 tons; so that it appears that about two-thirds of all the coal mined in the State of West Virginia is mined under lease.

Mr. SHAFROTH. Mr. President, those figures correspond with the ones I have; but no doubt you will find that the mines are equipped by the owner and all of the machinery is paid for, probably, by a large investment company. The owner, knowing that he can secure possession and operate the mine if the tenant fails, can afford to lease on such terms that the tenant probably can work to some advantage. He does not suffer the disadvantage which a man experiences when he deals with the Government. Invariably in the case of Government leases the provisions of the lease are never waived, because the officers of the Government are afraid of criticism if they waive the provisions of a lease. The Government is more exacting, and consequently men do not take to the idea of acquiring by lease a raw mine, unequipped in any way, without any advantages whatever, and being obliged to put in expensive machinery. The conditions in West Virginia, to which the Senator from Montana has referred, are not applicable to the mines proposed to be opened up in Alaska or upon the public lands elsewhere.

Mr. President, I want to go a little further and show what proportion of coal in the United States is mined by proprietors and how much by lessees. Here is a table taken from one of the Government reports. I do not know which report, and no statement is given as to that. It shows the number of tons of coal mined in the United States under private ownership and lease, as follows:

> Mined by the owners, 334,669,298 tons.

One of the Senators has referred to the fact that there is more coal mined under lease than under private ownership, but, Mr. President, there are 334,000,000 tons mined by the proprietors:

> Mined by lessees, 82,943,651 tons; and by owners and lessees, 42,929,000 tons.

Thus three-fourths of the coal mines of the United States are operated by the owners, and not by lessees. I venture the assertion that, if you will look into the question of leasing, you will find that the owner equips the mine ready for the miner to go in, and thereby the hazard he will have to incur if he has Government leasing does not prevail.

Mr. WEST. Mr. President, I did not understand whether the Senator, in the enumeration which he just gave, referred to acres or tons.

Mr. SHAFROTH. To tons.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SHAFROTH. I do.

Mr. WHITE. Along the line the Senator from Colorado was just discussing, the coal operators very often adopt what is called the leasing system as a means of paying for the output of coal. It is done to take from the operator the danger of loss of life or injury to individuals employed and to put it on the lessee. The lessee does not have anything to do with the mine except to dig or blast the coal, load it on the cars, and send it out to the haulage way, where it is taken charge of; he does not supply any of the equipment, except the mere tools he works with; and he is paid so much a ton. Instead of leasing the mine, he simply leases so many rooms in an entry or an entry; and he is paid by the ton to get that out; but he does not assume any responsibility with reference to the conduct of the mine. He does not supply the air; he does not supply the water; he does not supply the machinery; he does not supply the haulage; he does not supply anything except the mere labor of taking the coal out of the mine and loading it on the tramcar.

Mr. SHAFROTH. Mr. President, I thank the Senator very much for that information.

Mr. WALSH. Mr. President, before the Senator passes from that subject——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I yield to the Senator.

Mr. WALSH. I observe that one-half as much coal is mined in the State of Colorado under the leasing system as under the ownership system. Will the Senator kindly tell us if these difficulties about financing the proposition are experienced in his State?

Mr. SHAFROTH. Mr. President, I hardly suppose the Senator would count that a leasing proposition. The miner does not put up a dollar, just as the Senator from Alabama [Mr. WHITE] has said.

Mr. WALSH. Mr. President, the Senator from Colorado is too familiar with the coal-mining business to be misled by that. The Senator from Colorado knows that that is not the leasing system at all.

Mr. SHAFROTH. I do not know; I can not say. I should like information.

Mr. WALSH. I know enough about the coal-mining business, from the experience I have had in my State, to know that that is not a leasing system at all.

Mr. SHAFROTH. Mr. President, I will warrant that if you go into the question of these leasing propositions you will ascertain that there is no comparison between a leasing system by the Government and a leasing system between private parties. In the case of private parties you will find that the mine is a developed mine; that the railroad is there; that the lines of railroad run to the mine; and that the mine itself is fully equipped and ready, and may be turned over to the lessee and operated to advantage with very little outlay to the lessee.

Mr. WALSH. Can the Senator tell us is that the case in his State?

Mr. SHAFROTH. I would not be certain, but my impression is——

Mr. WALSH. Does not the Senator know?

Mr. SHAFROTH. I know of no mines that are leased, except some of the State mines.

Mr. WALSH. I can tell the Senator about many more——

Mr. SHAFROTH. All right.

Mr. WALSH. But I should like to ask the Senator if the fact is not that all the equipment in his State is owned by the lessee and not by the lessor?

Mr. SHAFROTH. Not that I know of. Does the Colorado Fuel & Iron Co. own its own equipment?

Mr. WALSH. It does; and it leases a vast area of land.

Mr. SHAFROTH. It leases simply some coal land from the State. That is all that I know of. It owns a great quantity of land; there is no doubt about that.

Mr. President, the proposition of going to a country like Alaska or elsewhere upon the public domain and attempting to operate coal mines under lease from the Government is inconsistent with business principles. The very fact that the man's title to that leasehold estate may vanish in a night would prevent him, even if he has the money, from putting it into the enterprise, and would prevent capitalists from lending him money. We would have the same experience that we had in the lead-mining districts for a period of 40 years following 1807.

Mr. President, because of these facts we contend that it is utterly impracticable for the Government to establish a leasing system under which operators paying royalties can meet the sharp competition now existing among companies which own their own mines and use the most modern machinery for the extraction and transportation of coal. Hence the proposed change will result only in locking up the resources of the West and retarding their development. By continuing the unlawful permanent orders of withdrawals or by accomplishing the same thing by excessive valuations, communities and industries may in a few instances be driven to take leases, but for a general policy of development it will prove a failure.

For these reasons I contend that the establishment by the Government of a leasing system for the natural resources of the public domain within the boundaries of a State—

First. Would not be right.

Second. Would not be expedient.

Third. Would not be practicable.

I contend that the true policy of the Government is, as the founders contemplated, the disposition of the public domain by selling it under such restrictions as to the holding of large areas or properties, directly or indirectly, as will prevent monopoly.

It must be remembered that it was Thomas Jefferson who said:

> Agriculture, manufacture, commerce, and navigation, the four pillars of prosperity, are the most thriving when left most free to individual enterprises.

Senators, do not force this un-American servile policy upon us. Mountain States have ever been characterized by poets as the birthplace of liberty and freedom. Jealous of the rights of their citizens, they can not fail to regard such legislation as tyrannical and oppressive. Let us continue the policy of selling, with limitations as to holdings, which has produced a development and prosperity that has been the wonder and admiration of the world.

Mr. President, I want to take up now just a few things in answer to what has been said.

It was said that this is an emergency measure. Why is it an emergency measure? Who is at fault as to the emergency? Who made the emergency, as suggested by the Senator from Arizona [Mr. SMITH]?

Mr. President, eight years ago there was an order issued, which came from the influence of the Forestry Bureau, that all coal lands in Alaska should be withdrawn, and a similar order was issued as to the coal lands upon the public domain in the States. That order to-day can be revoked in 10 minutes, and entries under existing laws can be made immediately thereafter. Where is the emergency?

They say that there has been a policy established years back and that the departments have continued that policy, and felt that they ought to recognize what has been done and be very chary about changing matters. Mr. President, those withdrawals were contrary to law at that time, and they are contrary to law now. They are asking us to wait, to wait, to wait, until legislation is had in Congress which will force a leasing system upon the people of this country.

Mr. President, can departments, can forestry bureaus, absolutely defy the law? The law is that you can make entry now except for the temporary order—and it is called by the department a "temporary order." Eight years it has existed, and there is no relief. They say now, because they do not want to change the orders in some way, that therefore we must yield; we must give up our decision; we must absolutely bow to the will of Federal bureaus, which we have created, and have our lands sacrificed to a system which will produce, in my judgment, a very retarding effect in the development of our country.

Is that an emergency? Is it possible that they can urge that as an emergency—that because they themselves do not revoke unlawful orders, therefore we should yield to them and grant them a policy which, in my judgment, contains the seeds of almost destruction to the industries of our State?

O, Mr. President, this can not be upheld on the theory of an emergency. It can be upheld only upon the theory that they do not want any more public lands sold; that they do not want these coal lands in private ownership; that they want to force a leasing system upon us. You will hear the cry that something must be done; and if something must be done, it seems that the deliberate judgment of the Senate ought not to be overruled by any bureau on earth.

Mr. SMITH of Arizona. Mr. President, will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Arizona?

Mr. SHAFROTH. I yield.

Mr. SMITH of Arizona. In the face of this illegal order of which the Senator speaks—and I myself think it utterly without any authority—what prevents anyone to-day from going upon the coal lands of the United States, in spite of the order, and making a location?

Mr. SHAFROTH. He will never get his title, and nobody will advance money for the development of it until he gets his title.

Mr. SMITH of Arizona. Then it is simply a dog-in-the-manger proposition—nothing more or less.

Mr. SHAFROTH. Mr. President, on yesterday the Senator from Utah [Mr. SMOOT] called attention to the fact that there had been entries of coal lands made in Alaska and $400,000 collected for the land eight years ago; that not a charge of any kind had been preferred against the owners of that property, no protest made, no adverse claim whatever, and yet no patent has been issued. The fact that one bureau or one department has taken certain action is no reason why one that succeeds it should follow it from courtesy. The law never was that there should be any withdrawal except for temporary purposes. In the States they have gotten around that by simply putting such exorbitant prices on coal lands that it is the same thing as withdrawal. In some instances $400 an acre has been placed as the appraised value of these Government coal lands in my State.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. I yield to the Senator.

Mr. POINDEXTER. The Senator, as I understand, states that these orders with reference to the coal lands in Alaska were illegal.

Mr. SHAFROTH. Why, certainly.

Mr. POINDEXTER. That they were without authority. They were made, many of them, during Mr. Taft's administration.

Mr. SHAFROTH. That may be.

Mr. POINDEXTER. And some of them were made during the preceding administration.

Mr. SHAFROTH. Yes, sir.

Mr. POINDEXTER. And they are being sustained during the present administration.

Mr. SHAFROTH. I presume the present administration has a delicacy about overturning a policy that has come to it.

Mr. POINDEXTER. Does the Senator think that a great Democratic administration would have any delicacy about set-

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ting aside illegal and unlawful orders that were made by its predecessors?

Mr. SHAFROTH. I will ask the Senator whether he thinks they are legal?

Mr. POINDEXTER. I have not the slightest doubt about their legality.

Mr. SHAFROTH. Can the Senator show me any law that says so?

Mr. POINDEXTER. I do not want to make a speech in the midst of the Senator's speech. Everything the Senator has advanced here has been fought out not only in the courts but elsewhere. Many of the people in Alaska that the Senator speaks of no doubt have acted in good faith; but others have acted criminally, and some of them have been convicted in the courts of fraud in connection with the mining claims upon which they have filed.

Mr. SHAFROTH. Yes; and if they are guilty of fraud, they ought to be sent to the penitentiary.

Mr. POINDEXTER. The whole policy that the Senator is attacking is not simply the fiat of some bureau, as he says, but it is a policy which has been the subject of a good many political campaigns. It has been argued before the people; it has been decided in elections; it has been sustained by two Republican administrations, and is now being sustained by a Democratic administration. The Senator is apparently somewhat in conflict with the executive department of his own party.

Mr. SHAFROTH. Mr. President, I want to call the attention of the Senator to the fact that it has not been sustained in my State, and I want to read to him just what the Democratic platform was in my State.

Mr. POINDEXTER. This bill does not relate to the Senator's State.

Mr. SHAFROTH. Oh, well, it is based on the same principle as another bill that is to come here, and will reach here by Saturday.

Mr. WALSH. Mr. President, before the Senator passes from that subject——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. Let me answer this, and then I will yield to the Senator from Montana. I want to say to the Senator that this was the Democratic platform declaration in Colorado as showing whether or not it was sustained by the people of this country:

> We denounce the policy of the Republican administration, which, having retarded our development, now proposes to withdraw all the remaining agricultural, grazing, and mineral public lands from all forms of entry, with the express determination of imposing upon the West a permanent bureaucratic rule, a Federal leasing system of all the Government resources within our borders, thereby disastrously retarding the development of our State, and depriving our Commonwealth of its just constitutional rights.

Is that a nice indorsement of a policy?

Now let us see what the Republican Party of Colorado says:

> We condemn the policy of extreme conservation inaugurated by President Roosevelt, James R. Garfield, Gifford Pinchot, and other extremists, and we insist that the public lands and resources of this State should be so administered as to place them in the hands of actual settlers and without undue and unreasonable restrictions. We are unalterably opposed to the petty and annoying interference by vast numbers of Government employees operating under bureaus at Washington, as such conduct prevents and has prevented the development of the mining resources of the country, has retarded the utilization of its water powers, and has driven settlers to seek homes in Canada and elsewhere.

O, Mr. President, that is a fine indorsement of Mr. Taft's administration from the Republican Party of the State of Colorado in 1912

Mr. POINDEXTER. Mr. President, I admit that in 1912 the only States that indorsed Mr. Taft's administration were the States of Utah and Vermont.

Mr. SHAFROTH. But how can the Senator say, then, that the policy of Mr. Taft was approved so unanimously by the people?

Mr. POINDEXTER. The policy of Mr. Taft was repudiated. The withdrawal of coal lands was a temporary measure to save them from monopoly. Mr. Taft opposed this policy, but it was forced upon his administration by public opinion. But the Senator is denouncing the administration of his own party, which has been in power for pretty nearly two years, and has maintained these withdrawals pending the adoption of some such measure as this bill.

Mr. SHAFROTH. I am denouncing the conditions that brought on this policy, which probably has not been overturned as yet, but which we hope to overturn.

Mr. POINDEXTER. My prediction is that it never will be overturned.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. Yes; I yield to the Senator from Utah.

Mr. SMOOT. I agree with the Senator from Washington that some of the 1,162 coal entries in Alaska were fraudulent; but there are many of those entries that are not fraudulent, that were made in good faith, and the law complied with.

While we are discussing the question, I think we ought to be perfectly frank and admit the situation just as it is. Patents have not been issued to the entrymen who have made their entries in good faith and complied with the law and paid their money into the United States Treasury because of a policy that has been agreed to that no coal shall be mined in Alaska unless it is under the leasing system. Mr. President, I have heard officials of this Government say that there never shall be a pound of coal mined or the title to a piece of coal land granted to a single entryman until Congress yields and passes a leasing law.

That is the situation as it is and has been for a great many years. I want to say this: Knowing that to be true, and knowing the frightful condition of the people in Alaska, knowing that they have been compelled to pay $18 and $20 a ton for coal when they had unlimited quantities right at their very doors, I introduced a bill some four years ago, and again some two years ago, for the leasing of coal lands in Alaska. The reason why I did that was not because I believed in the leasing system, Mr. President; but as the title to the great bulk—in fact, I might say over 99 per cent—of the coal lands in Alaska was still in the Government, I thought perhaps it would be better to accept a leasing system for Alaska than to compel those people to suffer the injustice they have been suffering for so many years past. I want to say that when I vote for this bill—and I am going to vote for it—it will be with that distinct understanding, and it will be because the people of Alaska are appealing for assistance from Congress, even if it be nothing more than a leasing system.

Mr. MARTINE of New Jersey. Mr. President, will the Senator from Colorado yield to me?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New Jersey?

Mr. SHAFROTH. I do.

Mr. MARTINE of New Jersey. I feel very keenly on this subject. I am opposed to this measure. Whether it be a Republican or a Democratic measure, I care not. I am stoutly opposed to the thought of the Government leasing these or any other coal lands or mines. I want the Government to work them. Why, Mr. President, to lease these mines is but to invite again a similar condition to that which we have had already in West Virginia and in Colorado, with all the uncanny methods and with the bloodshed and tumult that appeared in those sections. I feel that it is inviting calamity, trouble, and disaster.

Coal is a prime necessity, and in wisdom I believe it should be mined and worked by the Government for the people. I beg you, Senators, do not take this step, which has cursed West Virginia and Colorado and will curse any land that it touches.

The evils of the leasing system came to me while I was commissioned as one of a committee from this body to make an investigation in West Virginia. I then made up my mind never again to vote to lease a foot of land of this God-given wealth to a private party. I then so declared, and in the report which I had the honor to present to the Senate I still insisted upon it.

Absentee ownership—and that is what your leasing system amounts to, for a term of 99 years or thereabouts—is the curse of the State of West Virginia. It has brought the men who work those mines to slavery and beggary and has not advanced the well-being of our land.

I plead with all the earnestness there is within me that the Senate may never take the step of leasing further this prime necessity that touches us in our manufactures, touches us in our daily life, touches us in the matter of cooking the food we eat and providing warmth for our bodies against the rigors of winter. There is nothing in it. I can see no reason in the world for adopting it.

Men I know tell me that this is a sort of Utopian ideal that can never come about; but you have never tried to bring it about. The history of Government ownership, the history of Government control, management, and operation in almost every instance and in every condition, no matter whether it be in manufacture or whether it be in mining, has produced the world over cheaper material to the people, better wage to the man who works, and better conditions socially and financially to the man who must earn his bread by the sweat of his brow.

I believe my friends the Senators from Montana [Mr. WALSH and Mr. MYERS] are prompted by lofty aims and ambitions; but

I say this would be a step backward. I plead with you as men and as patriots—not descending to the mean level of a partisan policy, but as men and as patriots—to turn your faces against this system. Let us come out flat-footedly for Government ownership of these mines.

After the report which I had the honor, in common with the other Senators who were with me, to present, I received scores and scores of letters from all over this land, and many personal communications from men of large interests and prominence, indorsing the thought to the end and to the extreme.

Mr. SHAFROTH. Mr. President, I want to state that I am satisfied that nothing but the highest motives have prompted the two Senators from Montana and the other members of the Public Lands Committee in reporting this bill, and I have no doubt but that the highest motives of beneficial results to the people themselves prompt the Senator from Washington [Mr. POINDEXTER] in the position he has taken. But, Mr. President, in endeavoring to determine what legislation should be enacted, we will differ and must differ. It is best that we should differ in order to get at the best results in legislation.

Mr. MYERS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Montana?

Mr. MYERS. I should like to ask the Senator a question.

Mr. SHAFROTH. Yes; I yield.

Mr. MYERS. Did the Senator vote for the Alaskan railway bill?

Mr. SHAFROTH. I did.

Mr. MYERS. The Senator would not vote for Government ownership of railroads in States would he?

Mr. SHAFROTH. No.

Mr. MYERS. Then does not the Senator see that the conditions are so different in Alaska from those in the States that what may be applicable in the States is absolutely necessary in Alaska?

Mr. SHAFROTH. Why, there are possibilities; but when you go into the question of leasing the fundamental principles of right and economic administration are not lacking in Alaska any more than they are lacking in the United States proper.

I will say to the Senator from Washington that in regard to the legality of these entries I want to read the declaration made by President Roosevelt when he withdrew these lands:

> It is not wise that the Nation should alienate its remaining coal lands. I have temporarily withdrawn from settlement all the lands which the Geological Survey has indicated as containing, or in all probability containing, coal. The question can be properly settled only by legislation.

Where is there any authority to keep people away for eight years from the benefits of the laws that the Congress of the United States has passed, and which laws would be self-operating to-day were it not for the fact that patents will not be issued because of that temporary order?

Mr. President, it seems to me from all points that it is unwise for the people to enter upon a leasing system as to the public domain, either within the boundaries of States or within the boundaries of Territories.

Mr. WALSH. Mr. President, I have no purpose or desire to answer at length the able and exhaustive discussion of this subject to which we have listened from the Senator from Colorado. I feel, however, that something is due from those who are urging the passage of this bill in the way of brief reference to some of the suggestions made by him.

The general laws of the United States in relation to the disposition of coal lands were extended by act of Congress over the Territory of Alaska in the year 1901. Very rich deposits of coal in that Territory had been discovered, and there was an immediate rush to that region to secure coal lands under the provisions of the law which authorized the appropriation of lands of that character in fee. It was recognized and generally understood that many of the entries which had been made were fraudulent in character, accomplished by means which at one time were more or less resorted to. The result was that to prevent the wholesale appropriation of these very valuable lands, in violation of the real purpose of the law, an order was put out withdrawing from appropriation all coal lands in the Territory of Alaska. That was in the year 1906, and despite subsequent legislation that order still remains in force and effect; so that under existing law there is no method by which anyone can to-day acquire title to any coal land in the Territory of Alaska.

The department was then called upon to determine the validity of the entries of coal lands which had been made up to the time of the withdrawal order issued in the year 1906. Something like 1,100 entries had been made. Over 500 of those have been passed upon by the Interior Department and held to be fraudulent. Patents have been issued to two small tracts of coal land in the Territory of Alaska; and all of the remaining entries, some five hundred odd in number, still remain undetermined in the General Land Office. So it is impossible to work the lands to which title has heretofore been asserted, and it is impossible to initiate title to the remaining lands in the existing state of the law.

That has been the condition of things now for a period of eight years. With millions and millions of tons of coal at the very doors of the residents of Alaska, they are obliged to obtain fuel to protect themselves from the rigors of their hard winter climate by coal imported from British Columbia, Australia, and other British possessions.

Now, let us not endeavor to evade the responsibility. The distinguished Senator from the State of Colorado has told you that this order of withdrawal was made at the instigation and under the suggestion of the head of the Forestry Bureau. Mr. Pinchot was the head of the bureau at that time. However that may be, the right to make the withdrawal is in the President of the United States. It is he who makes the withdrawal, and the same officer has the power at any time to revoke the order. So let us put the responsibility just exactly where it belongs. On the 4th of March, 1913, and for four years prior thereto, it was with William H. Taft, the President of the United States. From that time down to this date it rests with the present Executive of the Nation. Let us not try to throw it off on any subordinate.

The head of the Nation has deemed it wise, both in a Republican and in a Democratic administration, to adhere to the policy of withholding from entry the Alaska coal lands until the country has reached the conclusion that no more coal lands will ever be disposed of in the Territory of Alaska under the alienation in fee system. Indeed, the Alaska people themselves recognize that and accept the situation, and they are here asking you to pass any kind of a bill that will receive the sanction of the President and the Congress of the United States so that these lands may be opened.

The Senator from Colorado referred in the course of his interesting address to a very illuminating article which is found in the record contributed by Mr. T. P. McDonald, formerly of my own State, who has extensive coal interests in Alaska, a man eminently well informed upon this whole subject. Mr. McDonald said in the course of this article:

> Public sentiment seems to demand that the title to coal lands on the public domain in Alaska be retained in the Government, and the bill now pending for the leasing of the coal lands in Alaska is an effort to crystallize the sentiment into law.

Mr. McDonald speaks the sentiment of the Alaska people.

Mr. SMOOT. I take it for granted that the Senator knows that Mr. McDonald was not in favor of a leasing system. He appeared before the Public Lands Committee I presume half a dozen times when I was chairman of it. Mr. McDonald now prefers the passage of this bill rather than to let the situation remain as it has been in the past. He thinks it is better to even accept this leasing system than to have Alaska tied up as it has been for the last 8 or 10 years.

Mr. WALSH. That is the idea I endeavored to convey to the Senate, that the people in Alaska, like the people in the West generally, have been wedded to the system of the disposition of all public land in fee; but they recognize, as is here stated by Mr. McDonald, that the people of this country have determined that that policy shall no longer obtain, necessitating a law for the leasing of coal lands in Alaska that its people may escape from an unbearable situation.

Mr. SHAFROTH. Can the Senator cite any declarations made by political parties which have ever indorsed the leasing system?

Mr. WALSH. It is not necessary.

Mr. SHAFROTH. Then why does the Senator say that it has been determined by the people of the United States? There is no legislation which has taken place and no political platform has said so.

Mr. WALSH. It is not necessary to say a word more than that the Senator, with all his power, being a member of the political party of the present Executive, has not been able to get him to revoke the order withdrawing these lands.

Mr. SHAFROTH. I have not applied to him to get him to revoke it; but when the Senator says it has been decreed, it must be either by an act of Congress or else it must be by sentiments expressed in political platforms, and there is not one syllable in either the Democratic national platform or the Republican national platform that sanctions a leasing system.

Mr. WALSH. In speaking as I do about this matter I give my opinion as to what is the public sentiment of the country on this particular question. As with the constituents of the Senator from Colorado, this has been a matter of deep concern to the people of my State for many years.

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Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH. I do.

Mr. WEST. If it costs in excess of $3,000,000 over the cost of production as to these lands annually, why is it not the policy of the Government to sell the land rather than to have this horde of leeches, who are a drain on the Government every year to that extent? I refer to those in the Forest Service.

Mr. WALSH. Mr. President, the Senator is in error about the facts. There is no leasing system applicable to mining lands at all at the present time except in respect to one particular mine in the State of Wyoming. The $3,000,000 item the Senator is speaking about was referred to by the Senator from Colorado. It is the expense of maintaining the national forests. The National Government owns vast areas of land covered with forests. It has a great army of officials in the field guarding those forests, protecting them from fires, protecting them from depredations, protecting them from trespassers, and it has a large number of men engaged in various lines of activity in connection with those forests. It has certain revenues from the forests derived from grazing fees as well as from timber sold, and the expense annually of keeping them up and protecting them is $3,000,000 in excess of the revenue.

Mr. WEST. Here is the point: If the Government is to continue the Forest Service and sustain this horde of people at a large expense every year, and it is to continue, had we not better do without the forests and sell them off entirely?

Mr. WALSH. The Senator from Georgia will kindly excuse me from discussing at this time the wisdom of the general policy of forest preservation. It would take a very long time. I trust the Senator will see that the question of determining whether we shall sell coal lands or lease coal lands is quite a different proposition from the question as to whether we shall allow our forests to be burnt up by forest fires and cut down by trespassers. I trust the Senator will see that the two questions are very distantly related if they have any relation at all to each other.

Mr. WEST. I see that, Mr. President, but it presents itself this way to my mind: If the Government is never to get out of the forests what it puts into them, why does not the Government dispose of the forests to people who will make something out of them?

Mr. WALSH. As I said, I do not want to be diverted at this time into a defense of the policy of the Forestry Bureau. Like the Senator from Colorado, I have many, many causes of complaint against the forestry system, but I conceive that it is entirely unrelated to the question before the Senate at this time.

Mr. BORAH. Mr. President——

Mr. WALSH. That question is as to whether we shall dispose of the coal lands of Alaska in fee or whether we shall hold the title in the Government of the United States and give leases of the land for limited periods.

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH. I do.

Mr. BORAH. If the Senator is going forward to make a connected argument, I do not desire to interrupt him at this time, but there are two subjects matter upon which I should like to hear the Senator, knowing that the Senator from Montana has given a great deal of time to this subject. First, under the leasing system proposed in the bill which we are now considering what means has the Government of preventing what we might call a monopoly of the coal lands—that is, the output of the coal lands—and what means will the Government have of protecting the ultimate consumer in the price the lessee shall charge for this coal?

Mr. WALSH. Mr. President, those questions will come up, I take it, in the discussion of the details of the bill. An amendment was offered in the other branch of Congress which left with the Secretary of the Interior the power to fix a price at which the output of the mine could be sold. If I may, I can speak briefly about the matter, though it takes me away from the line of thought that I desired to pursue. I merely desire to say that probably an amendment will be offered and there will be an opportunity given to discuss it; but I think the provisions of the bill, as it stands, are ample to protect the people against the exactions of monopoly, and I am not able to give my assent to an amendment on the line proposed. I feel certain that it will be the subject of discussion before the bill is disposed of.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH. I do.

Mr. POINDEXTER. I think the inquiry of the Senator from Idaho is a very pertinent one, and if the Senator from Montana will allow me to do so in just a word, I desire to say that, in my judgment, the only effective regulation of the price of coal to the people of Alaska and all other parts of the country who will buy this coal when mined will be Government competition. Instead of the 5,120 acres and 7,680 acres of land that are reserved in the bill—and, of course, I expect to support the bill, but I should like to see it amended somewhat, if possible—there ought to be reserved at least one-half of the minable coal in Alaska, and the administration ought to be authorized and instructed to operate the mines, and when the Government puts its coal on the market that would operate as a regulator of the price.

Mr. BORAH. Mr. President, may I interrupt further to ask the Senator from Washington, Does he conceive that there is any provision in the bill now which would enable the Government to control the question of price?

Mr. POINDEXTER. Does the Senator mean to enable the Government to control it in the way of competition?

Mr. BORAH. Yes; by competition or in any other way.

Mr. POINDEXTER. There is no provision in the bill which would allow the Government to control it in any other way. There might be by implication, in my judgment, a power vested in the Government by the bill to mine coal and sell it to the public, although it is only an implication, and whether the department would so construe it is a very doubtful question.

Mr. WALSH. I will say to the Senator from Idaho that there is a provision in the bill reserving 5,120 acres of land in the Bering River field and 7,680 acres or thereabouts in the Matanuska field. That is reserved for any purpose to which the United States may care to devote it, including the mining of the same by the Government of the United States to relieve from the exactions of monopoly or other oppressive conditions.

Mr. POINDEXTER. The Senator will see that the language of the bill is not very clear as to giving the Government authority to mine coal and sell it to the public. It is as follows, after reserving the number of acres the Senator has just stated—not exceeding 5,120 acres of coal-bearing land in the Bering River field and not exceeding 7,680 acres of coal-bearing land in the Matanuska field:

*Provided*, That the coal deposits in such reserved areas may be mined under the direction of the President when, in his opinion, the mining of such coal in such reserved areas under the direction of the President becomes necessary by reason of an insufficient supply of coal at a reasonable price for the requirements of Government works, construction and operation of Government railroads, for the Navy—

There is nothing in the language up to that point which would even authorize the President to sell to the public. The following words are the only ones that by implication even give any such authority:

For national protection and for relief from oppressive conditions.

Just what that means might be a subject of very different conclusions.

Mr. WALSH. Let me remark, I trust we may postpone a further discussion of that section until we take it up.

Mr. POINDEXTER. If the Senator will pardon me, I should like to repeat that in connection with this section I should like to see a proposition submitted, and I think I will offer an amendment to that effect, that instead of preserving the limited area specified in the section there shall be reserved for Government operation one-half the coal area.

Mr. BORAH. I was reading section 2, and I wondered if there was anything further in the bill covering the subject.

Mr. FLETCHER. As long as the Senator from Montana has been interrupted, may I at this point make one or two inquiries? First, I ask the Senator whether as a result of his investigation he does not find that the leasing system is largely practiced in this country for mining coal; that is, for instance, in many of the States—perhaps as many as half—the coal is mined under a leasing system?

Mr. WALSH. I will say to the Senator that in the State of West Virginia the proportion is just the other way; there is twice as much mined under the leasing system as under the ownership system, and in the country at large between one-fourth and one-third of the coal is mined under a leasing system.

Mr. FLETCHER. I had that impression, which I gained as a member of the committee that investigated the Interior Department and the Forestry Service, known as the Ballinger-Pinchot investigation. I recall that people who were very much in favor of conservation advocated the leasing system as a method of handling these lands in Alaska. Am I correct in that?

Mr. WALSH. That is my understanding.

Mr. SHAFROTH. I should like to state to the Senator, if he was not here when that part of my speech was made, that the number of tons mined by owners in the United States is 334,669,298, as against 82,000,000 mined by lessees, and by owners and lessees, without a division, 42,000,000 tons. So nearly three-fourths—at least two-thirds—is mined by private owners.

Mr. WALSH. Mr. President, the greater portion of the argument of the Senator from Colorado outside of his discussion of the evils of the forestry system—which are quite disassociated, as it seems to me, from the merits of the question before us—was addressed to objections to the leasing system as applied to lands belonging to the United States within the States as distinguished from the lands in Alaska, a Territory of the United States, and for that reason only remotely applicable, if at all, to the condition which presents itself here. The Senator very stoutly contended that to lease the coal lands of the United States for an indefinite period of time, retaining the title in the Government of the United States and parting only with a leasehold interest, in some way or other trenched upon the right of the States, in some way or other put the State within which there was such land in an attitude of inferiority as compared with the other States of the Union, and that therefore it was contrary to the spirit of the compact between the various States. Although the Senator did not say it, the conclusion must be that in his judgment such an act would be void so far as the law was made applicable to the various States, his presentation of the question being only anticipatory of the consideration by this body of another bill which applies the leasing system to the coal lands within the States.

Mr. SHAFROTH. I will say to the Senator that, of course, I said in opening my speech that I wanted to discuss all the bills that were recently considered by the House, some of which are now pending in the Senate and some of which are coming soon to the Senate; but I want to say to the Senator I have never taken that position as to the constitutionality of the act. I have discussed the question as to whether it is immoral for the United States to do it.

Mr. WALSH. Mr. President, the Senator insists it is morally wrong because it is in violation of the compact between the various States; that because the principle of the leasing system was not applied to other States it is now putting the States within which there are public lands in a position of inferiority to adopt the leasing system with respect to public lands within their borders. The entire argument made by the Senator from Colorado with reference to that matter is quite old. The question of the right to lease the public lands was the subject of very serious discussion by the statesmen of this country during the first half of the last century, but for 75 years the whole matter has been entirely foreclosed by the decision of the Supreme Court of the United States. The matter came before that court upon the question of the right of the Government to lease its lands containing deposits of lead ore pursuant to the act of 1807, to which the Senator has referred in the course of his argument. It was not until 1840, however, that the question reached the Supreme Court of the United States, and the matter having been repeatedly discussed before the people upon the stump, in the legislature, and in the Senate of the United States by Thomas H. Benton, he represented before the court of last resort those then making the contention to which you have now listened from the Senator from Colorado. The argument of Senator Benton, as it appears in the report of the case in the Fifteenth Peters, very succinctly states the idea so elaborately presented in your hearing to-day by the Senator from Colorado. I read from page 532 of Fourteenth Peters' Reports from the case of United States against Gratiot:

> Mr. Benton, for the defendants:
> The position has been assumed by the Attorney General that the United States may enter into the broad business of leasing the public lands, and by consequence that the President may have as many tenants on the public lands of the United States as he shall desire; that he may lease in perpetuity, and have those tenants to the extent of time. Such a power is solemnly protested against. No authority in the cession of the public lands to the United States is given but to dispose of them and to make rules and regulations respecting the preparation of them for sale, for their preservation and their sale.
> As to the power to lease, which is claimed for the United States, what would the States have said when the cession of these lands was made and accepted if it had been declared that the President could lease the lands, and that 60 years afterwards this court would be engaged in enforcing a lease given by the United States of part of the lands then to be ceded? Would the lands have been granted if Congress were to have the power to establish a tenantry to the United States upon them? The State-rights principles would have resisted this; no lands would have been ceded.
> The clause in the Constitution of the United States relative to the public lands will govern this question, and the deeds of cession go with the provisions of the Constitution. The lands are "to be disposed of" by Congress, not "held by the United States."
> No question can be raised on the construction of the provision of the Constitution relative to the public lands. The Constitution gives the power of disposal, and disposal is not letting or leasing.

That was the view you heard expressed by the Senator from Colorado here to-day. That was Mr. Benton's argument.

> The power to make rules and regulations applies to the power to dispose of the lands. The rules are to carry the disposal into effect to protect them; to explore them; to survey them. Congress has always treated the public lands on these principles.

Now, he goes on:

> Formerly the lead mines in the now State of Missouri were leased. This was while a Territorial government existed there; when Missouri became a State opposition was made to the system and to the practice under it. They were successfully resisted, and the whole system was driven out of the State of Missouri. In that State there is no longer a body of tenantry holding under leases from the United States.

What answer did the Supreme Court of the United States make to that argument? Let me read you briefly from the opinion.

Mr. SHAFROTH. Will the Senator read the statement of the case?

Mr. WALSH. I shall be glad to do so. The statement is as follows:

> The United States instituted an action on a bond given by the defendants, conditioned that certain of the obligors who had taken from the agent of the United States, under the authority of the President of the United States, a license for smelting lead ore, bearing date September 1, 1834, should fully execute and comply with the terms and conditions of a license for purchasing and smelting lead ore at the United States' lead mines on the upper Mississippi River in the State of Illinois for the period of one year. The defendants demurred to the declaration, and the question was presented to the circuit court of Illinois, whether the President of the United States had power, under the act of Congress of 3d of March, 1807, to make a contract for purchasing and smelting lead ore at the lead mines of the United States on the upper Mississippi. This question was certified from the circuit to the Supreme Court of the United States. Held, that the President of the United States has power, under the act of Congress of 3d of March, 1807, to make the contract on which this suit was instituted.
> The power over the public lands is vested in Congress by the Constitution, without limitation, and has been considered the foundation on which the territorial governments rest.
> The cases of McCulloch v. The State of Maryland (4 Wheat., 422) and the American Insurance Co. v. Canter (1 Peters, 542) cited.
> The words "dispose of" the public lands, used in the Constitution of the United States, can not, under the decisions of the Supreme Court, receive any other construction than that Congress has the power, in its discretion, to authorize the leasing of the lead mines on the public lands in the territories of the United States. There can be no apprehensions of any encroachments upon State rights by the creation of a numerous tenantry within the borders of the States from the adoption of such measures.

Now I read from the body of the opinion. After citing the provisions of the Constitution which declare that Congress shall have power to dispose of and make all needful rules and regulations concerning the territory and other property of the United States, the court goes on to say:

> If such are the powers of Congress over the lands belonging to the United States, the words "dispose of" can not receive the construction contended for at the bar; that they vest in Congress the power only to sell and not to lease such lands. The disposal must be left to the discretion of Congress. And there can be no apprehensions of any encroachments upon State rights by the creation of a numerous tenantry within their borders, as has been so strenuously urged in the argument.

Mr. President, the power of the Government of the United States over the public lands, notwithstanding the original grant from Virginia and the other States was made in trust, is just as absolute, just as unqualified, as is the ownership of any private owner in the land which he acquires. It has so been declared by the Supreme Court of the United States. I refer you to Canfield against The United States, and read from the opinion in that case, One hundred and sixty-seventh United States, page 524. Referring to lands in the State of Colorado, the court says:

> While the lands in question are all within the State of Colorado, the Government has, with respect to its own lands, the rights of an ordinary proprietor, to maintain its possession and to prosecute trespassers. It may deal with such lands precisely as a private individual may deal with his farming property. It may sell or withhold them from sale. It may grant them in aid of railways or other public enterprises. It may open them to preemption or homestead settlement.

Thus far the quotation. The Government may dispose of them just exactly as a private owner may dispose of his land.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH. I do.

Mr. WEST. Before the Senator proceeds further I should like to ask a hypothetical question.

Mr. WALSH. I will be glad to answer it if I can.

Mr. WEST. Would it not work a great hardship upon a State if the Government owned, say, three-fourths of the acreage of the State when the difference between the National

Government and an ordinary citizen is that the citizen pays a tax and the National Government pays no tax?

Mr. WALSH. That would be an extreme hardship. That is the complaint that we make, because of large areas of our lands being included within forest reservations. Our people have long labored to reduce them to the very lowest limit consistent with the best interests of the Government. But the Senator will remember that the great body of the public lands are agricultural in character. These coal lands, although extensive, in fact, by relation to the whole body are inconsequential in area. Nobody has ever proposed a system which signifies the leasing of three-fourths of a State. Nobody has ever suggested that the leasing system is the appropriate one to apply to agricultural lands.

Mr. SHAFROTH. Mr. President, bills have been introduced here permitting the leasing of grazing lands.

Mr. WALSH. Oh, yes.

Mr. SHAFROTH. The grazing lands in the Senator's State and in my State constitute probably one-half of the area of the State.

Mr. WALSH. And, Mr. President, at the same time, while I am as resolutely opposed to that kind of a measure as the Senator from Colorado may be, it should be borne in mind that every one of those bills provided that the lease should in no manner interfere with the appropriation of the land by any homesteader.

Mr. SMITH of Arizona. The Senator knows that practically it will do it all the same.

Mr. WALSH. I agree with the Senator.

Mr. SHAFROTH. Mr. President——

Mr. WALSH. Just one minute. I desire to have the Senator understand—I refer to the Senator from Georgia, for the Senator from Colorado does understand it—I desire the Senator from Georgia not to be misled into the idea that anybody ever proposed that even the grazing lands should be leased out for indefinite periods as a substitute for the system of disposition in fee.

Mr. SHAFROTH. But, Mr. President, the very leasing of large tracts of grazing land makes it practically impossible for a settler to go within the inclosure and locate any kind of a claim.

Mr. WALSH. I agree with the Senator; but that is aside from the question. The question which the Senator from Georgia asked me was whether it would not be a bad thing to have the Government of the United States own three-fourths of the land and pay no taxes.

Mr. SHAFROTH. I want to ask the Senator if it is not a fact that, notwithstanding Senator Benton lost his case in the Supreme Court upon his theory, his appeal to the Senate in less than four years thereafter upon the moral point of the right, won, did it not?

Mr. WALSH. There was no moral proposition involved in the repeal at all. The Supreme Court of the United States determined that it was entirely appropriate for Congress to pass a leasing law. The leasing law was found to be economically unwise. President Polk recommended in his message to Congress in the strongest possible terms the repeal of the law of 1807; and it was repealed. Indeed, it had been repealed as to the State of Missouri in the year 1829, a long time before; but that it was a matter of policy, not of moral right or wrong. So far as the fact of repeal affords any argument, it supports the contention of the Senator from Colorado in that we once tried the leasing system, and it was not found satisfactory; that is all there is to it.

Mr. President, let us now assume for the present discussion that it is entirely competent for Congress to pass a leasing law, if in its wisdom it deems it best to do so, applicable to the public lands within the various States, and that there is not any right of any State, moral or otherwise, that is violated by the action of Congress in doing so. No State can claim that it is wronged by the exercise of a legitimate power of Congress to legislate, for the States gave to Congress that power to legislate. The original thirteen States gave it freely, and the new States came into the Union in recognition of that right of Congress so to legislate. Colorado did not come into the Union until nearly 40 years after the Supreme Court had declared that it was within the power of Congress, if it saw fit to do so, to lease the public lands.

Mr. SHAFROTH. Mr. President, under the position of the Senator from Montana, namely, that no matter what may be the expediency of the matter, it would not be morally wrong, I would ask him if the United States Government, which has the power to do so under that decision, should withdraw from entry in his State all kinds of land—agricultural, mining, grazing, coal, and others—does he think it would be morally right for the United States to do so?

Mr. WALSH. Mr. President, that is scarcely supposable. If the President of the United States should do anything of that kind, as a matter of course public sentiment would not uphold him in it. If he persisted in it he would be retired from office. The only redress to be had is to elect a President of the United States who would cancel the order or to impeach the President who so plainly violated the law.

Mr. President, as I have indicated before, there are none of us from the West who are particularly enamored of the system of leasing any portion of the public lands. The sentiment, however, that it is desirable to do so is undoubtedly growing in this country, and, in my humble judgment, will continue to grow. Let me say that that sentiment was born in this country by reason very largely of the efforts to monopolize these valuable coal lands in Alaska through fraudulent practices committed under the existing law.

But, Mr. President, the evils of the present system, so highly extolled by the Senator from Colorado [Mr. SHAFROTH] are not confined by any means to the Territory of Alaska. Indeed, Mr. President, it seems a rather remarkable thing that the existing method of disposing of the public coal lands should find its advocate and defender in a Senator from the State of Colorado, for the evils of which it is the parent are probably nowhere so glaringly evident as in that State. Prominently and offensively before the public, by reason of its enormous holdings of coal lands, is the Colorado Fuel & Iron Co., which has recently come into some notoriety on account of the labor troubles and domestic strife within the State in which it does business.

The Senator from Colorado told us yesterday that that great corporation, with a capital stock of $46,000,000, and handling properties in value upward of a hundred million dollars, was the owner of 45,000 acres of coal land in his State. That is what has bred in the people of the United States the determination to abolish the system. Such great holdings of lands yielding this essential element of power, which is at the foundation of all modern industry, are justly regarded as a public menace. The Senator's figures, however, are not very accurate. Let me give you a little of the history of the Colorado Fuel & Iron Co. as it is detailed in Poor's Manual of Industrials:

The Colorado Fuel & Iron Co.: Incorporated in Colorado October 21, 1892. On October 21, 1912, the charter was renewed, and the corporate life of the company extended for 20 years. Consolidation, October, 1892, of the Colorado Fuel Co. and the Colorado Coal & Iron Co. The company also acquired the property of the Grand River Coal & Coke Co. The consolidated company also assumed the Colorado Coal & Iron Co.'s guaranty of the Colorado Coal & Iron Development Co. bonds for $700,000. On August 20, 1896, the coal properties of the Atchison, Topeka & Santa Fe Railway Co., in Colorado, were leased. These properties consist of mines at Starkville (steam and coking coal), Brookside and Rockvale (domestic coal), and Vulcan (steam coal), 129 coke ovens at Starkville, 19,200 acres of coal lands, and coal yards at Denver and Pueblo. A contract was made to furnish coal to the Atchison, Topeka & Santa Fe Railway Co. for the operation of its lines. The fixed rental is comparatively small, with a royalty on the tonnage of coal actually mined.

The Colorado Fuel & Iron Co. owns and operates steel works at Pueblo, Colo., 3 iron mines in Colorado, Wyoming, and New Mexico, 28 coal mines, 2,969 coke ovens, undeveloped coal, iron, agricultural, timber, and fire-clay lands. Total annual capacity of finished steel products, 550,000 tons.

But, Mr. President, that is not all of the coal land they have; they have a mortgage outstanding which recites all of the lands owned by the company. The same work states as follows about the bonds secured by this mortgage:

These bonds are secured by mortgages to the Central Trust Co., New York, N. Y., as trustee, on all the property and assets of the company, subject to prior liens. The property securing the mortgage consists principally on the coal lands owned, 69,265 acres; coal lands leased, 3,670 acres—total, 72,935 acres. Iron lands owned, 2,452 acres; iron and steel plant, water supply, reservoirs, etc., lands owned, 1,045 acres; unclassified lands owned, 600 acres—total, 77,032 acres.

Thus it appears that 72,935 acres are owned or leased by the Colorado Fuel & Iron Co., and that the tenantry system, against which the distinguished Senator from Colorado so eloquently inveighs, already invaded his State, for the Colorado Fuel & Iron Co. is the lessee of something over 3,000 acres therein. But, Mr. President, that is not all——

Mr. SHAFROTH. Will the Senator permit me to make a suggestion?

Mr. WALSH. Yes.

Mr. SHAFROTH. I will suggest that the total amount of land which the Senator has quoted as being owned by the Colorado Fuel & Iron Co. is less than 1 per cent of what is now owned on the public domain.

Mr. WALSH. That seems to be quite irrelevant.

Mr. SHAFROTH. It shows that there can not be a monopoly.

Mr. WALSH. It discloses that under the present system the Colorado Fuel & Iron Co. has been able to get a very large slice

of the coal lands of the State of Colorado; and, let me remark, that the State of Colorado produces annually something like 10,000,000 tons of coal, of which the Colorado Fuel & Iron Co. and its related company, the Rocky Mountain Fuel Co., produce practically one-half—5,000,000 tons. I will now refer to the Rocky Mountain Fuel Co. It, too, has holdings of more than moderate extent. From the same volume I read the following:

Rocky Mountain Fuel Co.: Incorporated 1911 in Wyoming. The company acquired all the holdings of the Rocky Mountain Fuel Co. of Colorado, as well as all the holdings of the Northern Coal & Coke Co., including 18 operating mines and over 30,000 acres of coal lands.

So, Mr. President, it will appear that the Colorado Fuel & Iron Co. controls practically 100,000 acres of coal lands in the State of Colorado, acquired under the system which the Senator so very eloquently extols.

Mr. SHAFROTH. Mr. President, the fact of the matter is that the Rocky Mountain Fuel Co. was organized just recently, and that it bought out a lot of coal claims that were taken up 20 or 30 years ago. If you want to prevent that, you ought to do so by general legislation, such as we passed here the other day to prevent combinations.

Mr. WALSH. I do not care how recently it was organized, it is controlled by the Colorado Fuel & Iron Co.

Mr. SHAFROTH. It has been controlled only recently by that company.

Mr. WALSH. It has exactly the same directors as has the Colorado Fuel & Iron Co.

Mr. SHAFROTH. That may be so.

Mr. WALSH. It is a case of interlocking directorates, such as we are endeavoring to prevent by the Clayton bill.

Mr. SHAFROTH. That ought to be prevented; there is no doubt about that; but that does not relate to the initiation of the coal claims.

Mr. WALSH. But it does demonstrate that the same people control over 100,000 acres of coal land.

Mr. SHAFROTH. Yes; but the lands were not obtained unlawfully from the Government in every instance.

Mr. WALSH. I would not undertake to say that they were obtained unlawfully.

Mr. SHAFROTH. Of course everybody wants to prevent monopoly. What you ought to do is what you have done in the Territory of Alaska, namely, pass a stringent law against any company taking up more than a certain quantity of land, and under no circumstances to permit it, directly or indirectly, to control any other lands of the same kind.

Mr. WALSH. Now, Mr. President, I do not want to occupy the floor consuming time in the discussion of the general aspects of this matter, because the whole subject will receive the consideration of the Senate when the bill which has just now come over from the House is up for debate. I regard all of these matters as bearing but very remotely upon the question as to whether the pending bill ought to be passed in the condition which we find ourselves.

The Senator from Colorado, of course, may declaim against the iniquity of the order withdrawing the Alaska coal lands from appropriation, but the fact is that that order is in force, and the Senator must recognize that it is not going to be revoked; it is going to stand; and that situation of affairs prevents the people of Alaska from getting coal except from British Columbia and from Australia. Now, Mr. President, it has been shown by letters and telegrams received from the governor of Alaska, and read into the RECORD, that the people of that section of the country are very much concerned, that deep anxiety prevails, lest the exigencies of war should compel the English Government at any time to prevent the exportation of coal from the Province of British Columbia, and thus absolutely shut off the people of that region from any fuel supply whatever. It is that condition which gives rise to the emergency, in consequence of which we ask the speedy passage of this bill.

Mr. SHAFROTH. Mr. President, does not the Senator recognize that that order of withdrawal of the coal lands in Alaska was unlawful?

Mr. WALSH. That matter is now before the Supreme Court of the United States, I understand.

Mr. SHAFROTH. Does not the Senator recognize that there is no law on the statute books permitting the withdrawal of such lands from entry permanently?

Mr. WALSH. All that seems to me entirely irrelevant, Mr. President. The order is there, and the Senator recognizes that no one can get title to any land while it is there. The Senator might go before the President and convince him that it is an illegal order, that there was no authority to issue it, and that therefore it ought to be revoked; but I apprehend he would not succeed, while the case is pending before the Supreme Court of the United States, in persuading the Executive that he ought to take that course.

Mr. SHAFROTH. Does the Senator think that the Senate of the United States ought to yield because a bureau of the Government has taken a stand with relation to this matter wrongfully and in violation of the law, and that we should waive what is on the statute books right now?

Mr. WALSH. I have tried to make it clear that criticism of the bureau is beside the question. It is the President who has the right to restore these lands.

Mr. SHAFROTH. The President perhaps is waiting to see what the Legislature of this country desires with relation to the matter.

Mr. WALSH. We are trying to show him.

Mr. SHAFROTH. I am satisfied that the President wants to do what is right; but it seems to me that, instead of asking us to withdraw from this contest and enact a law legalizing wrongful withdrawals in order to prevent an emergency, they ought to appeal to the bureau; and if the bureau recommends it, the chances are that it will be recommended all the way down the line.

Mr. WALSH. Mr. President, there is another idea which I desire to convey to the Senate in connection with this matter. The Senator has expressed very grave apprehension about the predicament of a State in the matter of revenue for the purpose of carrying on its government if a leasing system shall be pursued rather than the system of alienation in fee. If the revenues derived from the royalties from coal lands were to go into the General Treasury, there to be used for general purposes, there would be much force to the argument made by the Senator on that line. Coal can be transported for very limited distances only. Freight rates are so high that most of the coal mined in the State of Montana must perforce be used in the State of Montana. Therefore, whatever tax is paid in the way of a royalty on the coal mined upon the public lands of the State of Montana will be added to the price charged the consumer for the coal within our State. Thus it operates as a tax upon him for the benefit of the General Treasury. Furthermore, as pointed out by the Senator from Colorado, the land the title to which remains in the United States will not be subject to taxation. But, Mr. President, all of those objections utterly fail under a law which provides that the royalties derived from the property shall be utilized, not for the benefit of the General Treasury, but for the benefit of the communities from which they come and by which they are contributed.

This bill provides that every dollar that is derived from royalties on leases of coal lands in the Territory of Alaska shall be applied to the establishment of a fund to pay for the construction of railroads therein. We have appropriated $35,000,000 for the construction of railroads in Alaska, and the act provides that all royalties or rentals and all moneys derived from the sale of public lands in Alaska shall be applied to the liquidation of the debt.

So, likewise, Mr. President, in the general leasing bill, to which reference has been made, it is provided that all royalties derived from leases of any of the lands referred to in the act shall be turned into the irrigation fund. So that, should it become a law, all moneys derived from leases of lands in the Western States will go into the reclamation fund for the purpose of paying for great works of irrigation constructed within those States. The bill further provides that when the money is returned by the settlers under the reclamation project one half of it goes to the State from which it was originally derived and the other half goes back into the reclamation fund for the purpose of meeting the cost of other reclamation projects. So that every dollar of the money goes back to the community from which it was derived, and the Government of the United States does not even retain one cent to pay for the administration of the law.

Now, Mr. President, just a word more——

Mr. SHAFROTH. Mr. President——

Mr. WALSH. If the Senator will pardon me, I should like to follow this thought a little further, and then I will be glad to yield to him.

The Senator pointed out that under the operation of such a law his State, by which he meant operators in his State, would eventually be required to pay a fabulous sum to the General Government on account of royalties upon coal lands in that State. Thus, he said:

Take the royalty on coal alone; if it is to be 10 cents a ton and the system a success, the people of Colorado will ultimately have to pay as royalty upon the 334,000,000,000 tons of coal upon the public domain within its borders $33,400,000,000, an amount equal to more than ten times the national debt at the close of the Civil War. Is that right, when none of the Middle or Eastern States have paid a cent in the way of royalty on their coal?

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But, Mr. President, you will bear in mind that under this law whatever the State of Colorado pays will all go into the reclamation fund, and one-half of it will come right back to the State of Colorado.

Mr. SHAFROTH. Mr. President——

Mr. WALSH. Let me finish. Suppose, now, that this system is in operation—I am going to appeal to the Senator from Colorado to dismiss whatever a priori ideas he has about this matter and to think about the matter a little and to reflect and see whether this is not the greatest gift that a government ever gave to one of its constituent municipalities or a federated republic to a member State. Why, Mr. President, the Government of the United States is offering by the bill assailed to give us one-half of every dollar it receives as royalty on its coal lands in the States of Colorado and Montana, respectively.

Mr. President, that would, in the course of time, amount to an enormous revenue to nearly every western State. It outshines in splendor any grant ever made by the Government of the United States to any State, and has no counterpart, I venture to say, even—

> * * * Where the gorgeous East with richest hand
> Showers on her kings barbaric pearl and gold.

Mr. SHAFROTH. Mr. President, to my mind the statement of the Senator is queer, to say the least, when we are confronted with the fact that all the older States of the Union have been given every ton of coal within their borders.

Mr. WALSH. Mr. President——

Mr. SHAFROTH. West Virginia has been given hers; Illinois, Indiana, Missouri, and Kansas have been given theirs; and yet the Senator talks about a "princely gift" to us because the Government offers to turn into the reclamation fund the money which our people have got to return after 20 years, or within 10 years after the completion of the project, while in the meantime we are compelled to maintain a government at our expense over the broad domain of the Republic. Talk about "a gift" when it is absolutely depriving us of the means of maintaining good government! Then, the assumption is that after the Government has extracted from us that which it never has taken from any other State it comes and offers to turn over to us after 30 years one-half of what it has wrongfully extracted from us. The Senator may think that is liberality; I think it is liberality with a vengeance.

Mr. WALSH. Mr. President, the Senator can not possibly confuse his own mind by any such argument as that. The great Government of the United States did not give to the State of Kansas the coal lands within the State of Kansas; it allowed those lands to be appropriated by private appropriators, who practically paid nothing for them.

Mr. SHAFROTH. Yes; and those very people began to pay taxes, and those taxes helped to maintain the Government. When you withdraw the lands from entry forever, as is now sought to be done, the result will be that the State will have to maintain a government over all of these lands without getting the means of supporting that government.

Now, I want to call attention to the other point about which the Senator appealed to me. I refer to his statement as to the money derived from leases of coal lands in Alaska going back to pay for the railroads in Alaska. Mr. President, the Senator knows full well that the Territory of Alaska is an enormous territory, stretching a thousand miles from one end to the other. What benefit can a man in a distant part of the Territory secure from a railroad that ends at Cordova Bay? Why, Mr. President, he will not get his coal any cheaper; he will not get any benefit from it whatever; and yet this money has got to be paid for railroads, although there may be no resulting benefit to the people in general. If, however, the money goes into the treasury of the State, then it becomes a direct benefit to every citizen of the State, whether he lives in one portion of the State or another.

The Senator is a great lawyer, and knows the principle of equity which has prevailed ever since Blackstone's time—that you must be just before you are generous. This Congress ought not to appropriate money for a railroad in Alaska and then turn around and say to the people of that Territory: "I will make you pay for this in a certain way." If you want to do that, the proposition ought to be in such form that the people up there can accept or reject it; but when you say, "We will make you a present of a railroad up there," and in a subsequent bill, passed a year afterwards, say, "We will make certain portions of the Territory pay for that railroad"——

Mr. WALSH. Just a moment.

Mr. SHAFROTH. It violates the principle of equity to which I have referred.

Mr. WALSH. Mr. President, that is in the railroad bill.

Mr. SHAFROTH. Oh, no; it is not in the railroad bill.

Mr. WALSH. I beg the Senator's pardon.

Mr. SHAFROTH. Well, it may be. It may be that they say that; but even under those circumstances you do not give the people of Alaska any opportunity or any option to vote on any of this bill.

Mr. WALSH. What does the Senator mean—that that is not a valid provision?

Mr. SHAFROTH. I do not know the exact provisions. There may be something to that effect. I do not think it went in, but it may be that it did.

Mr. SMOOT. In the railroad bill?

Mr. SHAFROTH. In the railroad bill.

Mr. WALSH. I read section 3:

> That all moneys derived from the lease, sale, or disposal of any of the public lands, including town sites, in Alaska, or the coal or mineral therein contained, or the timber thereon, and the earnings of said railroad or railroads, together with the earnings of the telegraph and telephone lines constructed under this act, above maintenance charges and operating expenses, shall be paid into the Treasury of the United States as other miscellaneous receipts are paid, and a separate account thereof shall be kept and annually reported to Congress.

Mr. SHAFROTH. That does not say it is on the railroad. It is a tax the people generally are paying into the Federal Treasury.

Mr. President, I am willing to have these lands sold for what they are worth. I do not want them to be given away. I believe that the States are the ones that are entitled to the equity in the lands above the minimum price, because it is their settlement that produces value in the lands; but when you sell the lands, then a different status takes place as to them, and that status is the right of taxation to maintain State government or, in a Territory, Territorial government.

I want to say to the Senator that only one-fiftieth of 1 per cent of the lands in Alaska are in private ownership. How can you maintain a government there by taxing one-fiftieth of 1 per cent to support Territorial administration, county administration, and school administration over the entire area of Alaska?

Mr. WALSH. Mr. President, will the Senator let me answer him?

Mr. SHAFROTH. Yes, sir.

Mr. WALSH. Let me say that I insist that the Territory of Alaska will derive more revenue from the leasing of the lands than she ever could expect to get by taxation upon the lands if they were sold.

Mr. SHAFROTH. Mr. President, that is the Senator's opinion; but I do not see how he can have that opinion when he has just said that it goes to pay for this railroad. How is that going to bring money into the treasury for the purpose of paying for schools and for county government? I do not see that the Senator is logical with relation to that matter.

Why, Mr. President, if we take poor Alaska and absolutely foist upon her a leasing policy, not only as to this but as to the other bills which apply to Alaska also, I want to know where she is going to get the revenue to maintain the government which the Constitution of the United States requires her to maintain—namely, a government republican in form—thereby requiring her to educate children for the purpose of making good citizens not only of Alaska but of the United States? These dual duties rest upon States and rest upon the Nation and rest upon the Territories, and you can not and should not attempt to deprive a State or a Territory of the means of maintaining good government.

Mr. WALSH. Mr. President, I did not yield for the purpose of having the Senator make his speech over again in my time. I was going to remark that in my estimation, even in our States—and I am confident about that—under the general leasing bill, if it should become a law, the States will get infinitely more revenue out of the royalties paid on these lands than they ever would get in the way of taxes upon the lands should they sell them and should they pass into private ownership.

Mr. SHAFROTH. Mr. President, I will ask the Senator whether——

Mr. WALSH. If the Senator will pardon me a moment, I should like to tell him why I think so.

Mr. SHAFROTH. All right.

Mr. WALSH. I think so because that is the policy that all of those States have pursued with reference to their own coal lands. In the State of the Senator from Colorado, in my State, in the State of Wyoming, in the State of North Dakota, and in the State of Nevada they refuse absolutely to sell any lands owned by the State containing coal deposits. In every one of these States they refuse to sell the coal lands at all. They do not sell them in Colorado. The State of Colorado, which owns large quantities of such lands, has no law by which any of its

officers are authorized to sell an acre of them. They have heard, with reference to their own lands, all of the arguments which the Senator is now advancing with reference to the public lands. In my State we have adopted the policy of leasing as to the State lands. We refuse to sell those lands. We believe we will get more for the State by holding the title to them and leasing them than we could possibly hope to get if we should sell them and they should pass into private ownership and thus become subject to taxation.

Mr. JONES. Mr. President, may I ask the Senator if it is not the policy of the States to lease their lands for the highest price they can get?

Mr. WALSH. Yes; certainly.

Mr. JONES. It seems to me the argument the Senator is making along that line is a very strong argument against a provision in this bill changing the House provision, fixing the rate at a definite sum, so that the United States will not get all that it might possibly get out of the leasing of these lands, and therefore the fund to which this money goes will be smaller than possibly it otherwise would be.

Mr. WALSH. The Senator is quite right. There is another element entering into the matter, however. The Government of the United States should dispose of its lands upon a slightly different principle than that which governs a State in the disposition of its lands. In other words, the Government of the United States ought to utilize them, as a first consideration, not for the revenue it derives from them, but for the general development of the country. The State wants to get every dollar it can out of the lands granted to it by the General Government.

The point I am making, however, is this: The Senator tells you that under a leasing system the lands will not be subject to taxation, and the Government will derive no revenue from them, that it will be impoverished, though the lands are producing wealth abundantly. I say to you that under a leasing system by which the royalties do not pass into the General Treasury for the benefit of the whole country at large, but are used for local purposes and turned back to the local communities from which they come, those communities will derive much more revenue from the royalties than they would from taxes upon the land if they passed into private ownership. I say so because the States themselves have recognized it in their desire to get the very last dollar they can out of their lands which contain deposits of coal. They refuse to sell them. If they sold them, those lands would be subject to taxation; but they rather choose to hold them, and get the royalty.

Mr. SHAFROTH. Mr. President, I am astonished that the Senator should say that more money would be derived from a leasing system than would be derived by allowing the lands to be taxed.

Mr. WALSH. Is not that why the Senator's State passed that law?

Mr. SHAFROTH. Why, no, sir. I believe you can sell coal lands in the State of Colorado; but I want to hew to the very proposition the Senator has advanced, because he has cited his own State, and I have here a report on his own State:

> Montana has a leasing law for State lands. Acreage, no limit; term, five years, with provision for renewal; royalty, 10 cents per ton. Eight leases have been taken. The total production from these eight leased mines for 1912 was 25,000 tons. All little mines of no commercial importance. Montana produces annually 3,000,000 tons of coal.

Think of 25,000 tons as against 3,000,000 tons, and think of 10 cents royalty, making $2,500, as being more than all of the leased lands would bring if they were taxed! Why, Mr. President, the experience of the United States was not that way in the lead-mining leases. The facts showed that the royalties collected were simply one-fourth of what it cost the Government to maintain the system. It was a dead loss to the extent of three-fourths. You will find that the people will not take out leases. They will not take out leases in the Senator's State; they do not take out leases in my State. They will not put in expensive machinery where their title may be forfeited.

Colorado has enough coal to last its own people 300 years. Only 3 per cent of that has been leased and only one-half of that is being worked. Mr. President, compare the revenue derived in this way with the amount of taxation that would be imposed upon it. It is almost insignificant.

I want to read further from this report:

> North Dakota, Oregon, Utah, Idaho, New Mexico, and Wyoming have laws for leasing coal on State lands, but no lands are leased for coal mines under the laws enacted by these States.

Mr. President, it seems to me that that of itself is sufficient to condemn a leasing policy. It shows that people will not take out leases, because it takes an enormous amount of money to prospect and develop and get to market the coal that would result therefrom, and they are not going to those enormous expenses. How would you issue a bond upon a lease? Who ever heard of bonds being issued for the development of coal mines upon a lease that might be forfeited in 24 hours? Men are not so foolish as to put large sums of money into propositions of that kind; and that means stagnation and depression to the Senator's State and to mine.

Mr. CLAPP. Mr. President, will the Senator from Montana pardon a suggestion?

Mr. WALSH. I shall be very glad to do so.

Mr. CLAPP. Of course in those States where there is opportunity for private ownership men will not take leases, which is one of the most convincing arguments that the public would be bettered by the leasing system. In those States where there is a large amount of mineral land subject to lease, and not so large an amount subject to private ownership, they do take leases. The State of Minnesota last year derived over $600,000 royalty on its iron mines. The very fact, however, that the individual prefers private ownership is a strong argument why the public would be better served by public ownership. At least, it so appeals to me.

Mr. SHAFROTH. Why, Mr. President, the very illustration the Senator makes, that the State of Minnesota derived money from leasing certain of its lands, shows that it is a different proposition from a Federal leasing system. When money comes into the treasury of a State it supplies the place of taxes. It is a fund that the State can use for expenditure for the very people that are there, in maintaining schools, in maintaining county government, in maintaining everything. It may be that the very revenue that is derived from this State land goes to pay the State expenses. If it does, it is a different proposition than that the Federal Government should take it from the States, put it into a reclamation fund that must not and can not be paid back until 20 years have elapsed, and then 10 years more before the completion of the project, and then turn back to us one-half of what was wrongfully extracted from us.

Mr. WALSH. Why does the Senator say "wrongfully"?

Mr. SHAFROTH. Because you have never done it with any other State. That is the reason. Because the very relation of the National Government to the State is such that we know that it can not hold lands in perpetuity, or should not hold them in perpetuity, thereby depriving a State of means of taxation. To have poor Alaska, up here, with one-fiftieth of 1 per cent of all of its lands in private ownership that is to be taxed to pay to maintain government over all of it, when it is under the jurisdiction and control and power of the United States Government, is simply depriving it of the means of supporting government.

Mr. CLAPP. Mr. President, will the Senator pardon me further?

Mr. WALSH. I yield to the Senator.

Mr. CLAPP. The Senator from Colorado was citing figures, not on the question whether the Federal Government should lease or whether the State should lease, but as a criticism of the leasing system in States where the State would get the benefit of whatever came from the lease. I cited this instance in support of the advantage of the leasing system, which is one of the questions involved in this discussion. Now, whether that leasing should be done by the Federal Government or by the State government is an absolutely separate question; but the Senator was directing his criticisms, prior to my interruption, to the system of leasing as a system.

Mr. SHAFROTH. Mr. President, I do not know that I can state what the value of those iron mines was. It may be that they will yield more, when they are subject to taxation and assessment, than the royalties which are imposed.

Mr. CLAPP. Why, the leasing of mines does not exempt property from taxation. I have been surprised, sitting here and listening to the argument of the Senator from Colorado, as though the charging of a fixed amount for the sale of a ton of iron ore released from taxation the property from which it was taken, or the property itself which was taken. It still remains subject to taxation just precisely as it was before. The royalty is not the tax. The royalty is the value per ton of the ore that is taken as the property of the State that grants the lease.

Mr. SHAFROTH. Mr. President, there is in the enabling act of Congress admitting every State into the Union a provision that the State can not tax Federal lands, and consequently the broad area of two-thirds of our State now is not yielding State or county or school taxes.

Mr. SMITH of Arizona. And, if the Senator will permit me, not only that, but it applies to railroad grants which have not patents from the Government.

Mr. WALSH. I trust the Senator from Colorado will recognize that I have the floor.

Mr. SHAFROTH. Very well.

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Mr. WALSH I was addressing myself—and I am practically through—to the contention that the States will secure more revenue if they get the revenue from the royalties than they ever could hope to get from taxation of property which passes into private ownership; and I was arguing that that must necessarily follow, because there is not a State in the West that prefers to sell its own coal lands so that they may pass into private ownership and be subject to taxation rather than to take the royalty which it will get upon such lands.

It is true that in my State there have not been very many leases of coal lands yet issued by the State, but that is not important. Our State has solemnly considered the question as to whether it is for its best interest to sell the lands, so that they will be subject to taxation, or whether it is to its best interest to keep the lands and get a royalty upon them. The legislature has determined—and they are pretty good business men out in my State—that it is wiser to hold on to the lands and take the royalty.

In the State of Colorado they have been confronted with exactly the same question. They have canvassed the proposition as to whether they had better sell their State lands and let them pass into private ownership, subject to taxation, or whether they had better keep them as they are, not subject to taxation, and take a royalty upon them. They have some pretty good men of business in the State of Colorado, and in that State they have reached the conclusion that it is a better proposition for them not to sell their coal mines, but to keep them. The distinguished Senator from Colorado was the governor of that State, and filled the office with very high distinction and credit; but he was not able to convince the people of the State of Colorado that they would get more out of the land if they would let it pass into private ownership and tax it. Indeed, the conviction is so profound in the State of Colorado that it would be unwise to sell its lands rather than to keep them and lease them that the Senator, when he was governor of the State, did not even propose that the leasing law be repealed and the State coal lands be disposed of in fee.

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. WALSH. Certainly.

Mr. SMOOT. In the enabling act of Montana, did the Government reserve all mineral lands, or not?

Mr. WALSH. No. Well, it reserved them just because it simply made certain grants to the State, and the grants did not include any mineral lands.

Mr. SMOOT. That is as I understood. If I remember rightly, the reservation in the Montana enabling act is the same as it is in the State of Utah, the State of Colorado, and the other Western States, that a reservation was made by the Government of all mineral lands.

Mr. WALSH. Yes.

Mr. SMOOT. What I was going to ask the Senator was this: How did the State of Montana become possessed of her coal lands?

Mr. WALSH. That is easy, Mr. President.

Mr. SMOOT. I know what the Senator will say, but I want to follow it up with another question.

Mr. WALSH. That comes about in this way: If at the time of the passage of the act of admission, in 1889, the lands were not known to be mineral lands, if they had been returned by the public surveyor as agricultural in character, they passed to the State. In many instances lands which were then believed to be agricultural lands, which had been returned by the public surveyor as agricultural lands, have been found to contain coal, and those are the lands now owned by the State.

Mr. SMOOT. I was quite sure that that was exactly what the Senator would say, and that is exactly what I have always held should be the case. I wish to call the Senator's attention to the fact that there are in my State, at least, lands of the character of which the Senator has spoken that have passed to the State, and within the last few years action has been taken by the Government to set aside the title of the State to those lands, notwithstanding the fact that when the title passed to the State they were not known as mineral lands. Now, I do not know what the decision will be, but it seems to me that if that decision is against the State of Utah the Government of the United States will take the coal lands of Montana and the coal lands of Colorado away from them under just such proceedings.

As I say, I do not know what the final decision will be, but there is an effort now on the part of the department to take those coal lands away from the State of Utah.

Mr. WALSH. I am not familiar with the details of the case, but I can very readily understand how a controversy might arise, because there is no provision in the granting act for the giving of patent to the State at all. It simply gets sections 16 and 36, and the act authorizes selections to make up the other grants; so the question as to whether the lands were in fact known to be mineral or known to be nonmineral at the time the State was admitted into the Union is an open question of fact that is often very doubtful and difficult of solution.

Mr. SMOOT. I will say to the Senator that the Government is undertaking to deprive the State of Utah of the title to coal lands which nobody living, as I understand, knew were coal lands at the time of the admission of the State of Utah into the Union.

Mr. WALSH. I think the Senator can very confidently rely upon the expectation that the Supreme Court of the United States will confirm the title of the State to lands of that character.

Mr. SMOOT. I will say to the Senator that so far the decisions have been against the State.

Mr. WALSH. Now, Mr. President, to conclude, I was going to say that I find no objection whatever to the leasing system so long as the royalties derived from it are turned back for use in the very communities from which those royalties are derived; and I am entirely satisfied in my own mind that those communities will derive infinitely more from the royalties upon those lands than they ever could hope to secure from taxation of those lands if they passed into private ownership.

However others may be impelled to act, I have not the hardihood to insist on this floor that the Federal Government ought to give title in fee to its lands valuable for coal, oil, and gas when my State declines to part with the fee to its lands of precisely the same character.

The bill before us does not expressly provide that the royalties from these lands shall go to the purpose I have indicated. However, the bill as it came from the House contained a provision of that character, and my understanding is that the committee did not include it in the amendment proposed because it was understood that ample provision had been made by the Alaska coal-land bill, and that was my own understanding of it. I doubt, however, whether the provision is altogether adequate, and it is my purpose to offer an amendment which will put it beyond question that the revenues derived from the leases shall be applied to the satisfaction of the bonds issued for the construction of the railroad.

Mr. JONES. Mr. President, will the Senator yield to me for a question?

Mr. WALSH. I will.

Mr. JONES. I have not examined this bill very carefully in this particular, but perhaps the Senator can inform me. Does the bill provide that any of the expenses of administration shall come out of this royalty?

Mr. WALSH. Not a thing.

Mr. JONES. My recollection is that the railroad bill, however, provides that the amount of money that goes into this fund shall be the amount left after the expenses are deducted. Assuming that to be correct, the point I want to get at is this: On yesterday the Senator from Utah [Mr. SMOOT] contended that the amount of royalty provided in this bill was considered by the committee as just about enough to pay the expenses; that there would not be a cent or a dollar over and above that. If that is correct, then there would be really nothing to go into this fund.

Mr. WALSH. I will say to the Senator from Washington that the Alaska bill does not provide for any deduction at all.

Mr. SMOOT. Yes; and I want to say to the Senator that I made that statement upon the fact that the amendment offered by the Senate committee in the way of a substitute does not provide that this money shall be paid for the construction of the railroad in Alaska. Nothing whatever is said about it. I will say, however, that I believe in the bill as it passed the House there was a provision of that kind.

Mr. WALSH. In my judgment, that should be incorporated in the bill; and I propose to offer it as an amendment.

PROPOSED ANTITRUST LEGISLATION (S. DOC. NO. 583).

Mr. CULBERSON. Mr. President, I present a conference report on House bill 15657, and give notice that at the earliest practicable moment I shall call it up for disposition. I merely present it at this time.

Mr. NELSON. When does the Senator intend to call it up for consideration?

Mr. CULBERSON. At the earliest practicable moment; not this afternoon, of course.

Mr. NELSON. Not to-day?

Mr. CULBERSON. Not to-day; certainly not.

Mr. NELSON. Not before it is printed? There were some amendments.

Mr. CULBERSON. No; I simply present the report at this time.

Mr. NELSON. I ask that it may be printed.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The conference report will be printed and lie on the table.

Mr. JONES. I want to suggest to the Senator that it ought to be printed in comparative form.

Mr. CULBERSON. As soon as it is acted upon—that is, as soon as it is received—I will ask that there be a comparative print showing the bill as passed by the House, the bill as passed by the Senate, and the bill as agreed to in conference. (S. Doc. No. 584.)

The VICE PRESIDENT. It has already been received.

Mr. CULBERSON. I ask that the report may be printed in the RECORD.

The VICE PRESIDENT. The motion of the Senator from Texas is that the House text of the bill, the Senate text of the bill, and the conference report may be printed in parallel columns?

Mr. CULBERSON. In parallel columns.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

Mr. CULBERSON. So that there may be no misunderstanding, the report will appear in the RECORD without reading.

The VICE PRESIDENT. Certainly; it will appear in the RECORD without reading.

Mr. CULBERSON. That is the purpose, of course.

The VICE PRESIDENT. The Chair states to the Senator from Texas that the Chair deems it unnecessary to have it read, because it is not to be taken up and it is to be printed in parallel columns.

Mr. CULBERSON. I want to have it printed in the RECORD so as to appear to-morrow morning.

The VICE PRESIDENT. It will be printed in the RECORD. The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 25, 35, 38, 42, 45, 46, 47, 53, 56, 59, 63, 80, 93, and 94.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 40, 44, 48, 65, 66, 67, 68, 69, 70, 75, 79, 81, 82, 83, 85, 87, and 88, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 2. That it shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly to discriminate in price between different purchasers of commodities, which commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of selling or transportation, or discrimination in price in the same or different communities made in good faith to meet competition: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 3. That it shall be unlawful for any person engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies or other commodities, whether patented or unpatented, for use, consumption or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies or other commodities of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale or such condition, agreement or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the figure "3" inserted by said amendment insert the figure "4"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 5. That a final judgment or decree hereafter rendered in any criminal prosecution or in any suit or proceeding in equity brought by or on behalf of the United States under the antitrust laws to the effect that a defendant has violated said laws shall be prima facie evidence against such defendant in any suit or proceeding brought by any other party against such defendant under said laws as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto: *Provided*, This section shall not apply to consent judgments or decrees entered before any testimony has been taken: *Provided further*, This section shall not apply to consent judgment or decrees rendered in criminal proceedings or suits in equity, now pending, in which the taking of testimony has been commenced but has not been concluded, provided such judgments or decrees are rendered before any further testimony is taken.

"Whenever any suit or proceeding in equity or criminal prosecution is instituted by the United States to prevent, restrain or punish violations of any of the antitrust laws, the running of the statute of limitations in respect of each and every private right of action arising under said laws and based in whole or in part on any matter complained of in said suit or proceeding shall be suspended during the pendency thereof."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the figure "5" inserted by said amendment insert the figure "6"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the figure "6" inserted by said amendment insert the figure "7"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the words striken out by said amendment strike out therein the words "eliminate or"; after the word "acquisition" and the comma thereafter, in line 12, page 9, insert "or to restrain such commerce in any section or community," and after the word "or," in line 12, page 9, insert the word "tend"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the words stricken out by said amendment strike out therein the words "eliminate or"; after the word "acquired" and the comma thereafter, in line 22, page 9, insert "or to restrain such commerce in any section or community"; and after the word "or," in line 22, page 9, insert the word "tend"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the words stricken out by said amendment strike out therein the words "eliminate or"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: After the word "thereof," at the end of said amendment, in line 17, page 11, add the words "or the civil remedies therein provided"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41,

and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment strike out only the matter contained in lines 22 to 25, inclusive, page 11, and lines 1 to 22, inclusive, page 12; at the beginning of line 23, page 12, insert "Sec. 8"; after the word "association," in line 1, page 13, strike out the comma, and after the word "company," in the same line, insert a comma; after the words "United States," in line 2, page 13, insert a comma; strike out the figures "$2,500,000," in line 4 and in line 8, page 13, and insert in lieu thereof in each instance the figures "$5,000,000"; in line 21, page 13, after the word "association," strike out the comma, and in the same line, after the word "company," insert a comma; in line 22, page 13, after the words "United States," insert a comma; strike out the word "one," in line 23, page 13, and insert in lieu thereof the word "two"; and after the word "association," in line 3, page 14, strike out the comma; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In line 21, page 14, after the word "than," insert the following: "banks, banking associations, trust companies and"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 4, page 16, change "Sec. 8" to "Sec. 9"; and in line 10, page 16, after the word "from," insert the following: ", or used in," ; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 11. That authority to enforce compliance with sections 2, 3, 7, and 8 of this act by the persons respectively subject thereto is hereby vested: in the Interstate Commerce Commission where applicable to common carriers, in the Federal Reserve Board where applicable to banks, banking associations and trust companies, and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows:

"Whenever the commission or board vested with jurisdiction thereof shall have reason to believe that any person is violating or has violated any of the provisions of sections 2, 3, 7, and 8 of this act, it shall issue and serve upon such person a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The person so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission or board requiring such person to cease and desist from the violation of the law so charged in said complaint. Any person may make application, and upon good cause shown may be allowed by the commission or board, to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission or board. If upon such hearing the commission or board, as the case may be, shall be of the opinion that any of the provisions of said sections have been or are being violated, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such person an order requiring such person to cease and desist from such violations, and divest itself of the stock held or rid itself of the directors chosen contrary to the provisions of sections 7 and 8 of this act, if any there be, in the manner and within the time fixed by said order. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission or board may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section."

"If such person fails or neglects to obey such order of the commission or board while the same is in effect, the commission or board may apply to the circuit court of appeals of the United States, within any circuit where the violation complained of was or is being committed or where such person resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the commission or board. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such person and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the commission or board. The findings of the commission or board as to the facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission or board, the court may order such additional evidence to be taken before the commission or board and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commission or board may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by testimony, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 240 of the Judicial Code.

"Any party required by such order of the commission or board to cease and desist from a violation charged may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission or board be set aside. A copy of such petition shall be forthwith served upon the commission or board, and thereupon the commission or board forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission or board as in the case of an application by the commission or board for the enforcement of its order, and the findings of the commission or board as to the facts, if supported by testimony, shall in like manner be conclusive.

"The jurisdiction of the circuit court of appeals of the United States to enforce, set aside, or modify orders of the commission or board shall be exclusive."

"Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the commission or board or the judgment of the court to enforce the same shall in anywise relieve or absolve any person from any liability under the antitrust acts.

"Complaints, orders, and other processes of the commission or board under this section may be served by anyone duly authorized by the commission or board, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person; or (c) by registering and mailing a copy thereof addressed to such person at his principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same."

And transpose the same to precede line 20, on page 21.

And the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 10. That after two years from the approval of this act no common carrier engaged in commerce shall have any dealings in securities, supplies or other articles of commerce, or shall make or have any contracts for construction or maintenance of any kind, to the amount of more than $50,000, in the aggregate, in any one year, with another corporation, firm, partnership or association when the said common carrier shall have upon its board of directors or as its president, manager or as its purchasing or selling officer, or agent in the particular transaction, any person who is at the same time a director, manager, or purchasing or selling officer of, or who has any substantial interest in, such other corporation, firm, partnership or association, unless and except such purchases shall be made from, or such dealings shall be with, the bidder whose bid is the most favorable to such common carrier, to be ascertained by competitive bidding under regulations to be prescribed by rule or otherwise by the Interstate Commerce Commission. No bid shall be received unless the name and address of the bidder or the names and addresses of the officers, directors and gen-

eral managers thereof, if the bidder be a corporation, or of the members, if it be a partnership or firm, be given with the bid.

"Any person who shall, directly or indirectly, do or attempt to do anything to prevent anyone from bidding or shall do any act to prevent free and fair competition among the bidders or those desiring to bid shall be punished as prescribed in this section in the case of an officer or director.

"Every such common carrier having any such transactions or making any such purchases shall within 30 days after making the same file with the Interstate Commerce Commission a full and detailed statement of the transaction showing the manner of the competitive bidding, who were the bidders, and the names and addresses of the directors and officers of the corporations and the members of the firm or partnership bidding; and whenever the said commission shall, after investigation or hearing, have reason to believe that the law has been violated in and about the said purchases or transactions it shall transmit all papers and documents and its own views or findings regarding the transaction to the Attorney General.

"If any common carrier shall violate this section it shall be fined not exceeding $25,000; and every such director, agent, manager or officer thereof who shall have knowingly voted for or directed the act constituting such violation or who shall have aided or abetted in such violation shall be deemed guilty of a misdemeanor and shall be fined not exceeding $5,000, or confined in jail not exceeding one year, or both, in the discretion of the court."

And transpose the same to follow after line 23, on page 16.

And the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the figure "11" inserted by said amendment insert the figure "12"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "transacts business; and all process in such cases may be served in the district of which it is an inhabitant, or wherever it may be found"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the figure "12" inserted by said amendment insert the figure "13"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the figure "13" inserted by said amendment insert the figure "14"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: Reinsert the matter stricken out by said amendment, with the insertion of the word "penal" after the words "any of the" and before the word "provisions," in line 20, page 22; and omit the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the figure "14" inserted by said amendment insert the figure "15"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the figure "15" inserted by said amendment insert the figure "16"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of "six, and seven," in line 9, page 24, insert the following: "three, seven and eight"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the figure "16" inserted by said amendment insert the figure "17"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the figure "17" inserted by said amendment insert the figure "18"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Reinsert the matter stricken out by said amendment, inserting the word "sixteen" in lieu of the word "fourteen," in line 19, page 26; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the figure "18" inserted by said amendment insert the figure "19"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: Strike out the comma after the word "employees," in line 7, page 27; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the figure "19" inserted by said amendment insert the figure "20"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Reinsert the words stricken out by said amendment, and in lieu of the matter inserted by said amendment insert the following: ", whether singly or in concert," and strike out the comma after the word "advising," in line 3, page 28; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Add a comma after the word "information," in line 10, page 28; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the figure "20" inserted by said amendment insert the figure "21"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the figure "21" inserted by said amendment insert the figure "22"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the figure "22" inserted by said amendment insert the figure "23"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the figure "23" inserted by said amendment insert the figure "24"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the word "twenty" inserted by said amendment insert the word "twenty-one"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the figure "24" inserted by said amendment insert the figure "25"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In line 19, page 33, change "Sec. 27" to "Sec. 26"; and the Senate agree to the same.

C. A. CULBERSON,
LEE S. OVERMAN,
W. E. CHILTON,
*Managers on the part of the Senate.*

E. Y. WEBB,
C. C. CARLIN,
J. C. FLOYD,
*Managers on the part of the House.*

## ALASKA COAL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

Mr. JONES. I desire to present two amendments to the pending bill. I ask to have them printed and lie on the table.

The VICE PRESIDENT. The amendments will be printed and lie on the table.

Mr. MYERS. Mr. President, I wish to say a few words upon the pending measure. I listened with a great deal of interest to the argument of the Senator from Colorado [Mr. SHAFROTH] in opposition to the bill. What he says is most interesting and highly plausible, but I will say out of place as an argument against the bill. It is a very plausible argument, and there is very much in it worthy of consideration in connection with the bill that has just reached this body from the House, which is a general leasing bill, and other bills that may come up here, but I can not see that his argument has any application whatever to this bill. If the Senator from Colorado wishes to oppose a general leasing bill, I think it ought to be done when such a bill is before the body, and I do not think any argument in opposition to such bill is an argument in opposition to the pending bill, which is peculiar to itself and applies only to the Territory of Alaska.

The remarks of the Senator from Colorado show that he claims a general leasing system would be unwise and unjust to the rights of the several States as States. But there are no rights of statehood in Alaska. It is a mere territorial possession of the United States for which Congress may legislate as it may see fit for the best interests of the inhabitants of that territorial possession and the inhabitants of all the people of the United States.

The clash of interest to which the Senator refers and about which he says much can not exist under the present measure in the Territory of Alaska. There can be no clash of dual interests in Alaska. There is no dual form of government there. It is all unital. There is no county form of government there. There is no organization of counties in Alaska that I know. The United States pays for all the expenses of the administration of justice in Alaska, and in appropriating revenues derived from the resources of Alaska the people of Alaska are being deprived of nothing, because it is in the power of Congress to reappropriate those funds and much more for the people of the Territory of Alaska.

I do not think that the argument of the Senator, able and plausible and interesting as it is, has any application to the pending measure or to existing conditions in the Territory of Alaska. When we come to the general leasing bill his argument may be worthy of great consideration; there may be merit in some of it; I know there is plausibility in it; but it is recognized, I believe, by the Senator from Colorado and everyone on this floor who has given any attention to the subject that there is a great and urgent necessity for developing the coal deposits of the Territory of Alaska. The conditions there are peculiar. Congress has appropriated the sum of $35,000,000 for building a railroad for the development of the Territory of Alaska and its resources. A large majority of Senators voted for that measure, and yet I feel safe in saying that a very small proportion of the Senators here would vote for the Government ownership or construction of railroads within the States. The Senator from Colorado himself says he voted for the Alaskan railway bill, and he would not vote for the Government ownership or construction of railroads in the States. He has taken that position because the conditions are different. The conditions are different in Alaska from what they are in the States. There are no State rights there to be interfered with by any legislation of Congress, and the only question to be considered in regard to legislation for the Territory of Alaska is whether it is advisable and just and beneficial and wise for the development of the resources of that Territory, for the benefit of the people of that Territory and the people of the entire country.

Congress has embarked upon a policy here of developing the resources of the Territory of Alaska. We all recognize that Alaska is a great storehouse of untold wealth, that it is a magnificent asset of this country, and yet at present it is doing us very little good. Its resources are being developed very slowly and imperfectly. We have embarked upon a policy of national legislation which will develop those resources. We have begun by appropriating $35,000,000 for the building of a railroad there. I am told by people who are familiar with Alaskan conditions that the building of that railroad is going to give the growth and development of Alaska a wonderful impetus if followed by other reasonable legislation for the development of the resources of Alaska.

A few days ago I had a most interesting talk with a gentleman, Mr. Peabody, who has been a resident and a business man of the Territory of Alaska for 17 years, and who is thoroughly acquainted with conditions there. He informs me that he expects to see within two or three years after the completion of this Government railroad in Alaska 200,000 or 300,000 people in that Territory. Now, how are those people going to get coal? How are they going to get fuel? What is the use of their going there and developing the resources of that Territory and engaging in business and contributing to our general prosperity unless they can get coal? Even the 30,000 people resident there can not get coal in Alaska for their own use, and it has to be imported from foreign countries.

Mr. SMITH of Arizona. Why can they not get it there?

Mr. MYERS. Because the present laws are not applicable to the mining of coal in Alaska. There is no feasible provision under which they can operate. Let me ask, how much coal is mined in Alaska?

Mr. SMITH of Arizona. There is no law in the way.

Mr. MYERS. They need a law which will remedy existing conditions.

Mr. SMITH of Arizona. Are 200,000 people going up there hunting for leases?

Mr. MYERS. I do not suppose all the people who will go there will go there to mine coal, but they will engage in other business. There is practically no coal being mined to-day in Alaska, I understand.

Mr. SHAFROTH. The reason is because there was a withdrawal made unlawfully, without any regard to the law, and for eight years the land has been withheld under that unlawful order. Must we bow to it, and can we not protect ourselves against that unlawful order?

Mr. MYERS. My colleague has very forcibly shown that it is a condition and not a theory which confronts us, and you can not get around it.

Mr. SHAFROTH. You are responsible for opening this land under the general laws, and it is your duty to do it. It is only the upholding of an unlawful order that prevents it.

Mr. MYERS. As my colleague has said, it is a condition which confronts us for which there appears to be no remedy except to enact legislation along lines which will develop the resources of that Territory. The order has been in force for years, and there has been no successful effort made yet to obtain a withdrawal of the order. Those are the conditions which have been in existence, and as long as they are in existence they will continue to tie up the resources of that Territory.

Mr. SHAFROTH. The order was made for the purpose of temporarily withdrawing these lands, and now eight years have passed and they have not been able to convince the Congress of the United States that there should be a leasing system. If we are to absolutely bow to the will of the bureau, then we might as well adjourn as an independent branch of the Government.

Mr. MYERS. This question has already been determined by the House of Representatives, the other branch of Congress.

Mr. SHAFROTH. But they have done it very largely on just the same theory as that on which the Senator has acted, because somebody has made an illegal order and will not revoke it.

Mr. MYERS. I believe the most practical way to overcome adverse conditions is along lines where it can be effective and not in sitting down and trying to do something that it may take years and years to accomplish and which may not be accomplished at all. In this way we can open up the coal resources of Alaska and contribute to the prosperity and development of that section of the country and to the advantage of the entire people of the United States.

This measure has been framed by representatives of both branches of Congress and by the Interior Department. It has the sanction of the administration through the Interior Department, and it appears to be the most feasible way which can be devised and the most practicable way of opening up the coal deposits of the Territory of Alaska. If we would adopt some other method, as selling the lands there to private owners, then the measure would be attacked by people who are violently opposed to the sale of public lands and mineral deposits, to pass into private ownership, where they may go into a monopoly at the expense of the people. If a measure were introduced here for private ownership, it would be just as violently attacked from the other side as this bill has been attacked by the Senator from Colorado.

I have had a little experience in that line. I introduced a joint resolution here some months ago for the leasing of a small body of coal land in the State of Montana. Those who were opposed to leasing wanted it changed to a sale, and it was so amended as to provide for the sale of the land. Then those who were opposed to the sale of it suggested that it be a sale or lease, and it was amended that way. Then it was attacked from both sides, both by those who are opposed to selling and those who are opposed to leasing. No matter what sort of a measure you bring in here for coal mining in the Territory of Alaska, either to sell the land to private ownership or to lease it, it is going to be violently attacked.

This plan has been wrought out after much thought and study by those familiar with conditions there, who have made a study of it, and it has the approval of the administration. I believe it is the most feasible and practicable way for the development of the coal deposits of that Territory and that the bill should be passed.

I do not believe any of the objections which the Senator from Colorado has so ably and learnedly made to a general leasing system apply to this bill, which is confined in its operations entirely to the Territory of Alaska, where the conditions are peculiar, so much so that a large majority of this body voted for Government construction of a railroad there when they would not have voted for it in any other section of the country. I think the mining conditions there justify peculiar legislation for the development of the Territory of Alaska just as much as they justified and called for the Alaska railway bill.

Mr. WHITE. I wish to ask the Senator from Montana a question. Can he tell us what area will be covered by the leasing system under the bill?

Mr. MYERS. No, I can not; because I do not know how much of it is coal land and how much of it may be mineral land.

Mr. PITTMAN rose.

Mr. MYERS. The Senator from Nevada may be able to answer.

Mr. PITTMAN. I do not desire to take the Senator off the floor.

Mr. MYERS. I yield to the Senator.

Mr. WHITE. I simply want the information.

Mr. PITTMAN. I can give the Senator an approximate idea. The bill reserves for the Government 5,120 acres in one field, which is about half of that field, and 7,680 acres in another field, which is estimated to be somewhere near a half of the good coal of that field. Then there is still another field, known as the Nenana field, which has probably as much as the other two fields put together. So, roughly speaking, we might say it does not cover as much as 50,000 acres. Fifty thousand acres, of course, in a great Territory like Alaska, which is a thousand miles each way, do not involve much land, comparatively.

Mr. WHITE. Does that comprise the coal fields of Alaska?

Mr. PITTMAN. It comprises the known area of what we might term coal land that has a value.

Mr. WEST. I should like to ask the Senator what is the estimated amount of coal in Alaska? Has there ever been any estimate put upon it?

Mr. PITTMAN. It has never been estimated as to tonnage. It has only been estimated, I may say, in mileage, or, rather, in acreage.

Mr. POINDEXTER. Mr. President, the Senator will find the estimate of the Geological Survey in the bulletin issued by the survey. In fact, quite a number of bulletins have estimated the tonnage of coal in the several coal fields of Alaska. They estimate the quantity of low-grade and high-grade coal in the surveyed fields at 15,104,000,000 tons.

Mr. WHITE. Does that estimate give the acreage?

Mr. POINDEXTER. Yes; they estimate that there are in the two fields denominated the Matanuska and Bering River fields 400 square miles. Of course, there are other coal areas in Alaska, but they are unsurveyed and the coal is not supposed to be of as high quality as that in these two fields.

The Senator can get some idea as to the extent of the coal fields there by a comparison with the anthracite coal fields of Pennsylvania, which are estimated at 100 square miles. There are four times as many square miles in these two coal fields in Alaska as there are in the anthracite fields of Pennsylvania.

Mr. President, is it in order to offer an amendment to the bill at this time?

The VICE PRESIDENT. It is in order to offer an amendment to the amendment. The entire bill pending before the Senate is an amendment of the committee.

Mr. KERN rose.

Mr. POINDEXTER. I assume that the Senator from Indiana wishes to move an executive session.

Mr. KERN. I desire to move an executive session, if it will not inconvenience the Senator from Washington.

Mr. POINDEXTER. I will be glad to yield for that purpose. I ask to submit for printing, to be offered at a later date, an amendment to the bill.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Thursday, September 24, 1914, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate September 23, 1914.*

CHIEF OF BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Edward Ewing Pratt, of New York, to be Chief of Bureau of Foreign and Domestic Commerce in the Department of Commerce, vice Albertus H. Baldwin.

COLLECTOR OF INTERNAL REVENUE.

Martin F. Dillon, of Skaneateles, N. Y., to be collector of internal revenue for the twenty-first district of New York, in place of Charles C. Cole, superseded.

UNITED STATES ATTORNEY.

Rhinehart F. Roth, of Fairbanks, Alaska, to be United States attorney, District of Alaska, division No. 4, vice James J. Crossley, resigned.

PROMOTIONS IN THE ARMY.

*To be chaplains with rank of captain from September 12, 1914, after seven years' service.*

Chaplain John F. Chenoweth, Fourth Infantry.
Chaplain Horace A. Chouinard, Fifth Infantry.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate September 23, 1914.*

POSTMASTERS.

ALABAMA.

Samuel F. Clabaugh, Tuscaloosa.

MINNESOTA.

Jacob J. Folsom, Hinckley.
Joseph Haggett, Bird Island.
John Morgan, Thief River Falls.

NEW YORK.

John J. Heneber, Cornwall.
John H. Hurley, Rushville.
John T. Kopp, Martinsville.
Charles R. McCann, Salamanca.
Henry H. Tripp, Millbrook.

OHIO.

F. F. Taylor, Seville.

PENNSYLVANIA.

Jacob L. Hershey, Youngwood.
Milton J. Porter, Wayne.
Stephen B. Ryder, Renova.

RHODE ISLAND.

James Mangan, Greystone.

WISCONSIN.

John F. Samson, Cameron.

## WITHDRAWAL.

*Executive nomination withdrawn September 23, 1914.*

J. V. Walker to be postmaster at Tracy City, Tenn.

# HOUSE OF REPRESENTATIVES.

## WEDNESDAY, *September 23, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Creator and dispenser of every good, our Father in heaven, help us to prove ourselves worthy recipients by conforming our lives to what we know to be right in the eternal fitness of things, confirmed by the still small voice, by the revelation in the heart of the Christ, in His teachings, incomparable character, and sublime death on Calvary, that we may hallow Thy name and grow day by day into the likeness of our Maker. In spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXPLORATION FOR COAL, ETC.

Mr. FERRIS. Mr. Speaker, notwithstanding this is Calendar Wednesday, I ask unanimous consent for the present considera-

tion of the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and so forth.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent, notwithstanding this is Calendar Wednesday, to finish up House bill 16136. Is there objection?

Mr. BARNHART. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman from Oklahoma if there is a prospect that this will take any considerable time?

Mr. FERRIS. I feel quite sure that it will take but a few moments. I understand the gentleman from Illinois has had time to look at the engrossed bill and is not going to demand that it be read. I also understand that the gentleman from Wyoming [Mr. MONDELL] is going to move to recommit, but is not going to ask for the yeas and nays.

Mr. MONDELL. Mr. Speaker, my motion to recommit is rather long and will take five or six minutes to read it, but I do not intend to demand the yeas and nays.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MANN. Mr. Speaker, I withdraw the demand for the reading of the engrossed bill.

Mr. FERRIS. Mr. Speaker, there are two small corrections that ought to be made in the bill, by inserting in one place the article "an" and in another place the conjunction "and."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, after the word "monument," insert the word "and."

The amendment was agreed to.

The Clerk read as follows:

Page 10 line 25, after the word "be," insert the word "an."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. MONDELL. Mr. Speaker, I offer the following motion to recommit, which I send to the desk.

The SPEAKER. Is there any member of the minority of the committee who desires to make a motion to recommit? There being none, the Clerk will report the motion.

The Clerk read as follows:

Motion to recommit H. R. 16136, by Mr. MONDELL.

Recommit the bill to the Committee on the Public Lands with instructions to report the bill forthwith amended as follows:

Strike out all after the enacting clause, except sections 9, 10, 11, and 1[illegible], relating to the leasing of phosphate lands and deposits; sections 18, 19, 20, and 21, relating to the lease of potassium or sodium lands and deposits; and the proviso at the end of section 16 authorizing the Secretary of the Interior to grant leases to claimants of oil and gas lands who may elect to surrender their claims to a patent on condition of receiving a lease covering their land; and section 13, authorizing and validating the patenting under the placer act of certain phosphate lands, and insert in lieu of the part stricken out the following:

"That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting the holders thereof the exclusive right to prospect and explore for coal on the vacant public lands and forest reserves of the United States and on lands located, selected, entered, purchased, or patented with a reservation to the United States of the coal contained therein, and to execute leases authorizing the lessee to mine and remove coal from such lands. No license shall pertain to an area of more than 3,200 acres, and no lease shall pertain to an area of more than 2,560 acres, and all such areas shall be in reasonably compact form and conform to the public-land surveys in all cases in which said surveys have been extended over the lands. No prospecting permit shall be issued for a longer period than two years. Lessees shall pay in advance a rental of 25 cents per acre for the first calendar year, or fraction thereof, 50 cents per acre for the second year, and not less than $1 and not more than $4 per acre for each succeeding year. The sums paid for rent by a lessee shall in every case be a credit upon the royalties that may be due for the same year. All lessees shall pay a royalty on each ton of 2,000 pounds of coal mined, as follows: For the first 10 years covered by the lease, not less than 2 cents nor more than 6 cents per ton; for the succeeding 10 years, not less than 3 cents nor more than 8 cents per ton; for the succeeding 10 years, not less than 4 cents nor more than 10 cents per ton; and thereafter as Congress may provide. All leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years, but all lessees who have complied with the terms of their leases shall have a preferential right to an extension of their lease for a period not to exceed 20 years upon such conditions and the payment of such rents and royalties as Congress may prescribe.

"That any person over the age of 21 years who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a permit to prospect for, or a lease to mine, coal on the lands herein described, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder shall be granted a license or lease as provided herein, but no person, association, or corporation, or stockholder therein shall be permitted to hold, directly or indirectly, more than one coal license or lease under this act, or any interest therein, in the same local coal field, or to hold or have an interest in at the same time licenses or leases in directly competitive fields.

"That applications for prospecting licenses and mining leases and all payments on same shall be made to such officer and in such manner as the Secretary of the Interior may designate, and in all cases where more than one application shall be received for a license or lease covering the same area, in whole or in part, preference shall be given to the qualified applicant who shall show prior possession in good faith with a view of acquiring title to coal lands or prospecting for or mining coal, and reasonable diligence in applying for such license or lease, but the holder of a prospecting license shall have a preference right, during the period of his license, to apply for and obtain a mining lease to the lands covered by his license: *Provided*, That the Secretary of the Interior may adjust the boundaries of conflicting applications in such manner as will best promote the public interest.

"That all applications for licenses or leases shall describe the lands applied for according to the public-land surveys, or if on unsurveyed land by description by metes and bounds and reference to natural objects or permanent monuments as will readily identify the same. No license or lease shall be issued until after publication of the application therefor at least 30 days in some newspaper of general circulation in the land district in which the land is located and an opportunity has been given for the hearing of any protests which may be made during the period of publication against the issuance of such license or lease, and no lease containing unsurveyed land shall be issued until a survey shall have been executed, at the expense of the lessee, by or under the authority of the Secretary of the Interior, permanently marking the outboundaries thereof and subdividing the same, according to the rectangular system of surveys. No license shall be issued covering, in whole or in part, lands which have been located, selected, entered, purchased, or patented with a reservation to the United States of the coal retained therein until the applicant for such license shall have secured consent of the owner or executed a bond as security for and payment of all damages to such owner by reason of the operations under the said license, as provided in the acts approved March 3, 1909, entitled "An act for the protection of surface rights of entrymen," and June 22, 1910, entitled "An act to provide for agricultural entries on coal lands." Licenses shall be subject to cancellation by the Secretary of the Interior for failure to begin the work of prospecting within six months after the approval of the license or to continue to prosecute the same diligently or for failure to pay rent when due.

"That all leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence to open a coal mine or mines on the leased premises and to produce coal therefrom during the life of the lease in such quantity as the condition of the market shall justify. That the lessee shall not during the lifetime of the lease receive or hold, directly or indirectly, except as provided in section 3 of this act, any other lease under the provisions of this act or interest therein. That he shall not monopolize, in whole or in part, the trade in coal. That he will at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates without the giving of rebates or drawbacks and without discrimination in price or otherwise as between persons or places for a like product delivered under similar terms and conditions. That the mining operations shall be carried on in a workmanlike manner with due regard to the permanence of the mine, without undue waste, and with especial reference to the safety and welfare of the miners. That the leased premises and all mines opened thereon and all maps and records of coal production shall at all times be subject to inspection and examination by such officers as may be provided by law or designated by the Secretary of the Interior for such purpose. That the lessee shall observe, abide by, and conform to all of the provisions and limitations of this act, and that he shall pay promptly all rents and royalties when due; and the Secretary of the Interior or any person in interest may institute in the United States district court for the district in which the lands are located appropriate proceedings for the enforcement of the terms of the lease or for its cancellation for violation of the terms thereof or of the provisions of this act. Said leases shall also be upon the condition that the United States shall at all times have a preference right to take so much of the product of any mine or mines opened upon the leased land as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President, but the owner of the coal so taken who may be dissatisfied with the price so fixed shall have the right to prosecute suits against the United States in the United States district court for the district in which the lands are located for the recovery of any additional sum or sums claimed to be justly due upon the coal so taken.

"That no lease shall be granted or issued until the applicant shall have given a bond to the United States in such sum and with such security as the Secretary of the Interior may prescribe, for the payment of the rents and royalties, for the due and faithful compliance with all the terms and conditions of the lease, and for the protection of the owner, as provided in the act of March 3, 1909, entitled 'An act for the protection of surface rights of entrymen,' and the act of June 22, 1910, entitled 'An act to provide for agricultural entries on coal lands,' in all cases in which the lands covered by the lease are in whole or in part lands located, selected, entered, purchased, or patented under the provisions of said acts. The existence of such bond shall be no bar to the institution of a suit for the enforcement of the terms of the lease or for its cancellation for the violation of the terms thereof or of the provisions of this act, and a judgment of forfeiture of the lease shall be no bar to the enforcement by legal proceedings of the bond given in behalf of the lease.

"That no license or lease shall be assigned, mortgaged, or sublet, except to a person, association, or corporation qualified to receive and hold an original license or lease under the provisions of this act, and with the written permission and approval of the Secretary of the Interior; and whosoever succeeds to the interest of the licensee or lessee by foreclosure, purchase, or assignment shall be subject to all the limitations and obligations contained in the license or lease or in this act.

"That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property and such reasonable provision shall have been made for the preservation of any mine or mines which may have been opened on same, as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all of the machinery, buildings, or structures upon the leased premises, except such structures as may be necessary for the preservation of the mines.

"That no prospecting license issued under the provisions of this act shall give the licensee the exclusive use of any of the lands covered by his license, except for the purpose of prospecting and exploring the same, but all lessees, under the provisions of this act, shall enjoy the exclusive use of the surface, providing that this exclusive use shall in no wise interfere with the establishment and use of all necessary roads and highways and the granting by the Secretary of the Interior of rights of way across such lands for purposes contemplated by the right of way

acts of the United States, so located as not to interfere with mining operations: *Provided*, That lessees of coal lands which have been located, selected, entered, purchased, or patented, with a reservation to the United States of the coal therein, shall not be entitled to the use of the surface of such land, except to the extent and under the conditions provided in section 3 of the act approved June 22, 1910, entitled 'An act to provide for agricultural entries on coal lands.'

"That one-half per cent of all the moneys derived from licenses and leases granted under the provisions of this act shall be paid to the State within which the lands are located for the construction and maintenance of roads, the establishment and maintenance of schools, and other purposes as the legislature of the State may provide, and one-half shall be paid into the reclamation fund.

"That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting to holders thereof the exclusive right to prospect for oil and gas on the vacant public lands and forest reserves of the United States and on lands located, selected, entered, purchased, or patented with a reservation to the United States of the oil and gas contained therein, and to execute leases authorizing the lessee to produce and remove oil and gas from such lands No license shall pertain to an area of more than 2,560 acres, and no lease shall pertain to an area of more than 1,280 acres, and all such areas shall be in reasonably compact form, and not more than 3 miles in extreme length in the case of a prospecting license and not more than 2 miles in the case of a lease, and conform to the public-land surveys in all cases in which said surveys have been extended over the lands. No prospecting license shall be issued for a longer period than two years. Lessees shall pay in advance a rental of 10 cents per acre for the first calendar year or fraction therof, 25 cents per acre for the second year, and not less than $1 and not more than $4 per acre for each succeeding year. The sums paid for rent by a lessee shall in every case be a credit upon the royalties that may be due for the same year. All lessees shall pay a royalty of not more than one-tenth of the value, at the well, of all oil and gas produced. All leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years; but all lessees who have complied with the terms of their leases shall have a preferential right to an extension of their lease for a period not to exceed 20 years, upon such conditions and the payment of such rents and royalties as Congress may prescribe.

"That any person over the age of 21 years who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a license to prospect for, or a lease to produce and remove oil and gas from the lands herein described, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder, shall be granted a license or lease as provided herein.

"That applications for oil and gas prospecting licenses and oil and gas leases and all payments on same shall be made to such officer and in such manner as the Secretary of the Interior may designate, and in all cases where more than one application shall be received for a license or lease covering the same area, in whole or in part, preference shall be given to the qualified applicant who shall show prior possession in good faith with a view of prospecting for or producing oil or gas and reasonable diligence in applying for such license or lease; but the holder of a prospecting license shall have a preference right, during the period of his license, to apply for and obtain a lease on lands covered by his license: *Provided*, That the Secretary of the Interior may adjust the boundaries of conflicting applications in such manner as will best promote the public interest.

"That all applications for licenses or leases shall describe the lands applied for according to the public-land surveys, or if on unsurveyed land, by description by metes and bounds and reference to natural objects or permanent monuments as will readily identify the same. No license or lease shall be issued until after publication of the application therefor at least 30 days in some newspaper of general circulation in the land district in which the land is located and an opportunity has been given for the hearing of any protest which may be made during the period of publication against the issuance of such license or lease, and no lease containing unsurveyed land shall be issued until a survey shall have been executed, at the expense of the lessee, by or under the authority of the Secretary of the Interior, permanently marking the outboundaries thereof and subdividing the same according to the rectangular system of surveys. No license shall be issued covering, in whole or in part, lands which have been located, selected, entered, purchased, or patented with a reservation to the United States of the oil and gas retained therein until the applicant for such license shall have secured consent of the owner or executed a bond as security for and payment of all damages to such owner by reason of the operations under the said license, as provided by law. Every prospecting license shall be conditioned upon the beginning of actual drilling operations with adequate equipment within six months after the date of filing of notice of the approval of the license in the local land office, upon the diligent prosecution of drilling operations, and upon the exercise of reasonable care and diligence to avoid waste of oil and gas, and shall be subject to cancellation for failure to comply with any of such conditions.

"That all leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence and with adequate equipment to develop the oil or gas in said lands and to produce oil or gas therefrom during the life of the lease in such quantity as the condition of the market and the producing capacity of the land shall justify. That the lessee shall not monopolize, in whole or in part, the trade in oil or gas. That he will at all times sell the oil or gas extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks and without discrimination in price or otherwise as between persons or places for a like product delivered under similar terms and conditions. That the producing operations shall be carried on in a workmanlike manner, without undue waste and with especial reference to the safety of all employees. That the leased premises and wells drilled thereon and all maps and records of production shall at all times be subject to inspection and examination by such officers as may be provided by law or designated by the Secretary of the Interior for such purpose. That the lessee shall observe, abide by, and conform to all of the provisions and limitations of this act, and that he shall pay promptly all rents and royalties when due; and the Secretary of the Interior, or any person in interest, may institute in the United States district court for the district in which the lands are located appropriate proceedings for the enforcement of the terms of the lease or for its cancellation for violation of the terms thereof or of the provisions of this act. Said leases shall also be upon the condition that the United States shall at all times have a preference right to take so much of the product of any well or wells drilled upon the leased land as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President; but the owner of the product so taken who may be dissatisfied with the price so fixed shall have the right to prosecute suits against the United States, in the United States district court for the district in which the lands are located, for the recovery of any additional sum or sums claimed to be justly due upon the oil or gas so taken.

"That no lease shall be granted or issued until the applicant shall have given a bond to the United States, in such sum and with such security as the Secretary of the Interior may prescribe, for the payment of the rents and royalties, for the due and faithful compliance with all the terms and conditions of the lease, and for the protection of the owner, as provided by law, in all cases in which the lands covered by the lease are in whole or in part lands located, selected, entered, purchased, or patented with a reservation to the United States of the oil and gas contained therein. The existence of such bond shall be no bar to the institution of a suit for the enforcement of the terms of the lease or for its cancellation for the violation of the terms thereof or of the provisions of this act, and a judgment of forfeiture of the lease shall be no bar to the enforcement by legal proceedings of the bond given in behalf of the lease.

"That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property, and such reasonable provision shall have been made to prevent the waste or loss of oil or gas through the wells which have been drilled by the lessees as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all the machinery, buildings, or structures upon the leased premises: *Provided*, That the lessee shall have made such reasonable provision as the said Secretary may require to prevent the waste of oil or gas by reason of the wells that have been drilled by the lessee.

"That no prospecting license issued under the provisions of this act shall give the licensee the exclusive use of any of the lands covered by his license, except for the purpose of prospecting and exploring the same, but all lessees, under the provisions of this act, shall enjoy the exclusive use of the surface, providing that this exclusive use shall in nowise interfere with the establishment and use of all necessary roads and highways and the granting by the Secretary of the Interior of rights of way across such lands for purposes contemplated by the right-of-way acts of the United States, so located as not to interfere with drilling operations: *Provided*, That lessees of lands which have been located, selected, entered, purchased, or patented, with a reservation to the United States of the oil and gas therein, shall not be entitled to the use of the surface of the land, except to the extent and under the conditions provided by the laws under which the said reservation was made.

"That one-half of all the moneys derived from licenses and leases granted under the provisions of this act shall be paid to the State within which the lands are located for the construction and maintenance of roads, the establishment and maintenance of schools, and other purposes as the legislature of the State may provide, and one-half shall be paid into the reclamation fund.

"That the Secretary of the Interior is hereby authorized and directed to make all necessary rules and regulations in harmony with the provisions of this act needful and necessary for the administration of the same.

"That the act approved February 11, 1897, entitled 'An act to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States,' be, and the same is hereby, repealed: *Provided*, That rights initiated under the act hereby repealed, prior to the passage of this act, shall not be affected by said repeal, but may be perfected without regard to the provisions of this act."

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to joint resolution (S. J. Res. 74) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of Corbett Tunnel, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. MYERS, Mr. JONES, and Mr. LEA of Tennessee as the conferees on the part of the Senate.

## RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following letter.

The Clerk read as follows:

WASHINGTON, D. C., *September 22, 1914.*

Hon. CHAMP CLARK,
*Speaker of the House of Representatives, Washington, D. C.*

DEAR SIR: I have the honor to announce that I have to-day forwarded to his excellency the governor of Georgia my resignation as a Member of the House of Representatives, to take effect on the 2d day of November, 1914.

Very respectfully, THOMAS W. HARDWICK.

## CODIFICATION OF THE PRINTING LAWS.

The SPEAKER. This being Calendar Wednesday, the House automatically resolves itself into Committee of the Whole House

on the state of the Union for the further consideration of the bill 15902, the codification of the printing laws.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The Chair will state that when the committee rose last Wednesday an amendment was pending, offered by the gentleman from Illinois [Mr. MANN], to strike out a proviso with an amendment to the amendment offered by the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to withdraw my amendment to the amendment, and ask that a substitute for it which I have sent to the desk be adopted.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to withdraw his amendment and to offer for it a substitute. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the proviso beginning in line 16, page 59, so as to read as follows:

"*Provided further*, That all publications allotted to a Member in his respective folding room which are not taken by him prior to the expiration of his service in Congress shall be placed to the credit of his successor: *Provided further*, That the superintendent of documents at the Government Printing Office is hereby authorized and directed to exchange publications which he may have available for those of equal value which a Member may have to his credit in his respective folding room, and, for the purpose of facilitating such exchanges, the superintendent of each folding room shall advise the superintendent of documents, on request, as to the number of any documents that a Member may have to his credit therein: *Provided further*, That the superintendent of each folding room shall report annually the accumulation of obsolete or useless documents therein to his respective House, which shall authorize the same to be delivered to the superintendent of documents, to be sold or disposed of by him as provided for by law."

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may withdraw the amendment offered by me to strike out the proviso.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment offered to this section, which was to strike out the proviso. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Indiana, which has just been reported.

The amendment was agreed to.

The Clerk read as follows:

SEC. 58. PAR. 1. The superintendent of documents is hereby authorized to sell for cost any Government publication in his charge the distribution of which is not otherwise directed by law or withheld by order of the head of the department, independent office, or establishment of the Government in which it originated, or of the Joint Committee on Printing if a congressional publication. The selling price of such publications shall be determined by the Public Printer and sufficient to cover the cost of paper, handling, and printing from plates, unless the price thereof is fixed by law: *Provided*, That the superintendent of documents shall not mail under the Government frank any publication sold to or on the order of any person, firm, or corporation engaged in the sale of such publications for profit, but shall charge, in addition to the regular price therefor, the cost of wrapping, mailing, or otherwise dispatching the same; nor shall he permit such sales to interfere with or delay the regular work of his office or to deplete the stock of publications required for other purposes: *Provided further*, That hereafter every Government publication offered for sale by the superintendent of documents shall have printed thereon the prepaid price at which a copy of the same may be obtained from him by any person.

Mr. BARNHART. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 61, line 3, after the word "and," at the beginning of the line, insert the word "be."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 58. PAR. 2. The work of addressing, wrapping, mailing, and otherwise dispatching all Government publications for public distribution, except charts, maps, and weather reports, which are issued by any executive department, independent office, or establishment of the Government at Washington, D. C., shall be performed by the superintendent of documents at the Government Printing Office, and each executive department, independent office, or establishment of the Government at Washington, D. C., shall, from time to time, supply the superintendent of documents with mailing lists, in convenient form, and changes therein, or addressed penalty labels for use in the distribution herein provided for; the Public Printer shall furnish the superintendent of documents the publications required for such distribution from the number of copies to which the executive department, independent office, or establishment of the Government supplying the mailing lists or labels may be entitled, and the superintendent of documents shall distribute such copies only in accordance with the provisions of law or the instructions of the head of the department, independent office, or establishment of the Government issuing the publication: *Provided*, That the superintendent of documents shall, from time to time, furnish each executive department, independent office, and establishment of the Government with copies of any of its publications to which it may be entitled, for official use or for supplying such individual requests as are received subsequent to the regular distribution thereof; but no such publications shall be allowed to accumulate in any department, independent office, or establishment of the Government, which shall return all surplus copies to the superintendent of documents on or before the 1st day of July of each year: *Provided further*, That nothing in this paragraph shall be construed to apply to orders, regulations, instructions, directions, notices, manuals, or circulars of information printed for official use and issued by any executive department, independent office, or establishment of the Government, unless the same shall be issued on regular mailing lists, or to the distribution of Government publications by the document or folding room of either House, or by Members or officers of Congress.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The proviso on page 62 provides that the superintendent of documents shall from time to time furnish each executive department, independent office, and establishment of the Government copies of any of its publications, and so forth, for official use or for supplying such individual requests as are received subsequent to the regular distribution thereof. Then it goes on, after providing that these documents shall not accumulate in the department, and provides that the department shall return all surplus copies to the superintendent of documents on or before the 1st day of July of each year. Those documents may have been furnished to the department on the 25th of June of the year.

Mr. BARNHART. Mr. Chairman, that is entirely in the discretion of the department—as to whether it is surplus or not. That would be entirely within the decision of the department.

Mr. MANN. "Surplus copies" means copies which have not been used. If it does not mean that, it does not mean anything.

Mr. BARNHART. I hardly agree with the gentleman from Illinois in that. I think this means the copies which they may not need. They must decide for themselves. It would not necessarily imply, if they have a large number of documents on hand, that they have a surplus. They might have use for them. The ones for which they have no use may or must be considered surplus by the department.

Mr. MANN. Plainly that is not what it means. Here is an authority for the superintendent of documents to furnish certain copies of a publication issued by one of the executive departments to the executive department, first, for official use, and, second, for supplying such individual requests as are received subsequent to the regular distribution thereof. Then it says that all surplus copies shall be returned to the superintendent of documents on the 1st day of July. If that does not mean that all copies which they have there for distribution shall be returned, it does not mean anything. They are not supposed to be furnished with more copies than they want, but this is a mandatory provision to return on the 1st of July. It seems to me it ought to be left so that it is discretionary with the department, so that if they have more copies than they want to keep they can return them, and that we should not insert a mandatory provision that they must return all surplus copies, which must mean copies which have not been distributed, but which are held for that purpose.

Mr. BARNHART. Mr. Chairman, I like to agree with the gentleman from Illinois whenever I can, but it seems to me that the language could not be any plainer than to require of the head of a department that on the 1st of each July he may return surplus copies that he may have of any documents. A department head may have in his office now 500 documents. He can see no possible use for above 100 of them, yet he may need that number, and he may want to hold them in case of emergency, not now foreseen, but he could surely say that 400 of them would be surplus, and under this provision he would send them back to the superintendent of documents.

Mr. MANN. But here you only send from the superintendent of documents to the department such number as the department thinks it needs, to use for its own use and distribution. There is no surplus in the sense that the gentleman uses that term.

Mr. BARNHART. No department can surely estimate a year in advance what requirements may come to it. Sometimes we here print a document in very large numbers, and after we have it a short time we discover that there is really no demand for it, or something occurs that takes it entirely out of interest, and under such circumstances no head of a department could estimate a year or a year and a half in advance when he makes his requisition just how many of such documents he may need; but if he finds at the end of the year he has a large number on hand that he surely will not need, then it becomes his duty to send them back and get them out of the way.

Mr. MANN. Oh, this does not mean anything under that construction. He can do that now.

Mr. BARNHART. He does not get the documents now.

Mr. MANN. Certainly he does. For instance, we print every day nearly, or every few days, a report of the Chief of Engineers on some river and harbor project. Some of those reports

go to the document room of the House and some of them go to the War Department. As a rule, if the gentleman wants one six months from now, instead of going to the document room for it he would probably write to the War Department for a copy. They have those copies there, and they have them for years back. I think under this provision they would have to send them back to the superintendent of documents.

Mr. BARNHART. This provision is intended to cover such publications as come within the valuation plan of this bill.

Mr. MANN. This does not come within the valuation plan. That has nothing to do with the valuation plan.

Mr. BARNHART. Under an enactment of 1912 it was provided that the superintendent of documents should supply all of these to the departments.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. As I understand there has been a new rule established whereby the superintendent of documents, so far as certain departments and bureaus are concerned, is to distribute the documents direct from the Government Printing Office upon requisition of the department. Is it proposed under the existing paragraph to continue that practice or change it in any particular? The provision under consideration to which the gentleman from Illinois [Mr. MANN] adverted would seem to convey the idea that the Government Printing Office is to send publications to the departments themselves for distribution. Has the gentleman's committee considered the feasibility of having the work of distribution done entirely through the superintendent of documents of the Government Printing Office?

Mr. BARNHART. Yes, it has; and in this connection I might say that this refers to the documents which have been printed for some departments under the appropriations authorizing them to have a printing allowance, and they have seen fit to call on the Public Printer for such allowance. Now these documents are taken by the departments, and if we should want one in case of an emergency the printing might not be on hand. That is, the department gets these publications for the purpose of distributing them, and it does not make any difference whether they are distributed directly or on request of Members of Congress; but in any event this provision, as framed, is intended to authorize these departments when they have a surplus of documents to send them to the superintendent of documents, so as to get the benefit of them under the valuation plan.

Mr. STAFFORD. I am directing my inquiry under the plan proposed by the committee, whether the committee seeks to maintain the plan which was initiated here a couple of years ago for the superintendent of documents to send documents out direct upon the requisitions of the bureaus or departments, or whether it seeks to continue the old plan of having the departments themselves send them out. We know when we write to some departments for a public document some of the replies state that requisition has been made on the superintendent of documents and the documents would be furnished through him.

Mr. BARNHART. Yes; the intent of the committee is to continue the present plan, with a further simplification of letting them make application hereafter direct to the superintendent of documents and not through some department for these publications to which we are entitled as Members of Congress.

Mr. STAFFORD. I am directing my inquiry to the documents which are controlled by the departments themselves as to which we have none to our credit, as they are not congressional publications, and I wish to inquire if the committee has considered the feasibility of having the distribution of all Government publications sent out through the superintendent of documents, as some of the bureaus have inaugurated it?

Mr. BARNHART. Oh, yes; the committee fully considered that, and it found it would be impracticable in many instances to do that, so it has readopted what might be called the folding-room list of publications to be included in the valuation plan, and hereafter the documents which the gentleman secures from the department he will get just as he does now. For instance, if you need a publication that has been issued by the Secretary of War, printed through an appropriation that had been given him for printing purposes, you will get such publication of the Secretary of War just as you do now.

Mr. STAFFORD. But will the Secretary of War in turn send that requisition to the superintendent of documents, or will the Secretary of War have the documents in his own possession for distribution direct?

Mr. BARNHART. If it is an individual request, of course he will send it direct. If it is a request to send it out, he will probably send it to the superintendent of documents from the quota which he has not yet ordered to his office.

Mr. STAFFORD. Why would it not be feasible to have all of the work of distributing public documents under one department of the Government Printing Office, rather than having them distributed by various adjuncts in the departments?

Mr. BARNHART. Well, it is supposed that is what is done under this provision, except as to the individual requests, in which we thought it might expedite matters as proposed and the Members could get these documents sooner by going direct to the department and getting them there rather than for their order to go through the superintendent of documents.

The Clerk read as follows:

SEC. 58. PAR. 3. The superintendent of documents is hereby authorized to order printed or reprinted from time to time additional copies of any Government publications, not confidential in character, as may be required for sale, such orders for congressional publications to be subject to the approval of the Joint Committee on Printing, and for other publications, to the approval of the head of the executive department, independent office, or establishment of the Government in which the same shall have originated: *Provided*, That no Government publication, except charts, maps, patent specifications and drawings, or publications not printed at the Government Printing Office, shall be sold by any executive departments, independent office, or establishment of the Government, unless the sale thereof shall be specifically authorized by law, and all other publications, which any executive department, independent office, or establishment of the Government may have on hand for sale, shall be transferred to the superintendent of documents at the Government Printing Office to be sold by him as provided by this act: *Provided further*, That whenever any executive department, independent office, or establishment of the Government desires to discontinue permanently its free distribution of any publication issued by it, the superintendent of documents shall be so notified, and thereafter he shall sell the same as provided for by law, and the Public Printer shall supply such department or establishment, from the copies authorized for it by law, with only a sufficient number for its official use.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, this last proviso which authorizes any department of the Government to suspend the free distribution of publications issued by it—is that a new proposition here?

Mr. BARNHART. Well, it is a new proposition, but it merely does by authorization of law what the departments are now doing.

Mr. MANN. Oh, well, let us see. We provide by law now for the publication of certain documents and reports. The law requires that publication. The departments have no authority of law to sell those publications. Now the gentleman proposes to give to any department the authority to entirely suspend the free distribution of these publications which were required by law to be published. Does the gentleman think it entirely safe to do that?

Mr. BARNHART. Well, this provision was incorporated at the suggestion, I think, of the Secretary of Commerce, and I can give one instance in point. The Daily Consular and Trade Reports were printed, and accumulated, from year to year in large numbers. We provided enough for each Member to have some, but in the recent past the Secretary of Commerce has discontinued the publication of the Daily Consular and Trade Reports except for sale to those who wanted to buy them, and the superintendent of documents no longer circulates those through the Department of Commerce, because it was thought to be a great waste to undertake to continue that printing.

Mr. MANN. But the Daily Consular Reports were never required to be printed. There is no law requiring their printing. They were not printed for many years. We inaugurated the policy of printing the Daily Consular Reports after the creation of the Department of Commerce and Labor and printed them out of that departmental printing fund.

They were distributed free, but it was wholly within the power of the department to furnish them or not to furnish them. As to the annual reports of the Department of Commerce, the law requires them to be printed, and they are distributed free, and the department has no authority to suspend the printing of them.

Mr. BARNHART. Under the present law it is provided:

That the Secretary of Commerce and Labor be, and he is hereby, authorized to have printed, for distribution by the Department of Commerce and Labor, an edition of Daily Consular Reports not to exceed 20,000 copies in any one issue: *Provided*, That the usual number shall not be printed.

SEC. 2. That that part of section 73 of an act approved January 12, 1895, providing for the public printing and binding and the distribution of public documents, which reads, "Of the reports of consular officers, 1,500 copies; 500 for the Senate, 1,000 for the House," and that part of an act approved February 9, 1899, making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1900, which reads, "Each issue of diplomatic, consular, and other commercial reports shall not exceed 10,000 copies," are hereby repealed. (Public No. 270, Sixty-first Congress, approved June 25, 1910.)

So we simply give authority of law to clear it up. In other words, try to clear up the provision that enables the head of a department to discontinue a publication he finds to be unnecessary, because uncalled for.

Mr. MANN. He may continue the publication, but here are Members of Congress who want the Daily Consular Report.

I think they are entitled to it; but you think they ought to pay for it. The Secretary may make an annual report, and then conclude there ought to be no free distribution of it. You write for it and you are told: "Very well, put up your money for it and buy it." You may want it for your official use, but you must pay for it. I do not believe in requiring the officers of the Government who want these publications for proper consideration to pay for them to the department. We have to do that now with some publications.

Mr. BARNHART. The Member, for his own use, under the bill, would be given two copies each year of any one of these publications. The balance would be distributed by the department. He may distribute them to Members of Congress, if he sees fit, or he may give them direct to those who ask for them. But I want to explain in this connection that I recall at least three Members who live in communities where evidently there is a large demand for these consular trade reports, and they could not get enough to supply one in ten where they did want them, and so they agreed that it would be best to have those who want them pay for them.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired. The Clerk will read.

The Clerk read as follows:

SEC. 58. PAR. 4. All moneys received by the superintendent of documents from the sale of Government publications shall be returned to the Public Printer on the first day of each month and by him covered into the Treasury monthly to the credit of miscellaneous receipts: *Provided*, That the appropriation for the public printing and binding shall be reimbursed for the cost of prints and reprints ordered under paragraph 3 of this section from moneys received by the superintendent of documents from the sale of such publications.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask what change there is in this paragraph 4, section 58, in reference to the reimbursement of the cost of printing from the existing law?

Mr. BARNHART. It is the present law.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 60. PAR. 2. The superintendent of documents shall also prepare and publish in one volume an index to the documents and reports ordered printed by Congress, or either House thereof, at each session, and at any special session, unless the documents and reports are too few in number, in which case the superintendent of documents may combine in one index the documents and reports of any special session with those of the preceding or following regular session of Congress, and shall index such documents as the Joint Committee on Printing shall direct: *Provided*, That the superintendent of documents is authorized to print and bind for distribution by his office not to exceed 1,000 copies each of the catalogues and indexes authorized by this section.

Mr. BARNHART. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 66, line 15, after the word "the," insert the words "Congress and session."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I believe we now print a session index or catalogue and term index or catalogue? Is not that correct?

Mr. BARNHART. Yes, sir.

Mr. MANN. Does anybody make any use of them? Has the gentleman ever made any use of the session catalogue or index?

Mr. BARNHART. I do not know that I have; but I do recall that we inquired of the superintendent of documents, and he said he has requests for them frequently? Librarians use them, too.

Mr. MANN. He may have requests for them from people who have never seen them; but does he ever have any requests for them from anybody who has examined one of them?

Mr. BARNHART. I am afraid the gentleman from Illinois is trying to get me to say something I do not wish to put in the RECORD.

Mr. MANN. It may be that somebody makes use of this. I have been here a long time, and keep pretty close track of the documents, but I have never been able to get any satisfaction, information, or benefit from this catalogue or index.

Mr. BARNHART. To be frank with the gentleman, what little information I have is to the effect that, very largely, these publications are taken by Members of Congress, together with a good many others that they can secure from the superintendent of documents, who send them out in envelopes carrying the frank of the Representative, in order to show people at home that they are not forgotten.

Mr. MANN. We used to get a quota, I think, of two copies of these catalogues or indexes. I do not recall ever having had an inquiry for one of them. When we used to get the quota—and the quota was delivered to us as coming through the folding room, or was delivered to us in the old days—I think I used to mail one of those to the Chicago University Library, and maybe both of them. I do not recall that I ever did get any information from them.

Mr. BARNHART. Well, Mr. Chairman, there is this about it, however, that the depository libraries must have this information. That is required. They can not conveniently know what Government publications have been issued unless they have an index of this sort.

Mr. MANN. A library that is any good keeps a card index. Now, we issue a monthly catalogue of all the Government publications that are received. I do not know whether other gentlemen do or not, but I always read it over.

Mr. BARNHART. Even that is made up from the report of the Printer, no doubt.

Mr. MANN. Then, we issue a session catalogue and index, and then we use a term catalogue and index.

Mr. BARNHART. No, Mr. Chairman; the gentleman is mistaken. We issue only two, namely, for the session and the Congress.

Mr. MANN. We issue one for the session—that is, each session—and then, at the end of the Congress, we issue one for the Congress, and then during each Congress we issue one every month.

Mr. BARNHART. Mr. Chairman, I do not see how that could be changed without interfering with the requirements of these libraries.

Mr. MANN. Personally I think we can cut one of these out without any difficulty.

Mr. BARNHART. I will say to the gentleman that the committee, in its proceedings, when it found an official charged with the important duty of being a superintendent of documents or superintendent of a folding room, or the head of a department, having in charge publications, and he gave us information that there was demand for these publications, we continued them.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 61. All official correspondence of the office of the superintendent of documents and all replies to the same shall be entitled to free transmission by mail. The superintendent of documents shall be entitled to frank Government publications: *Provided*, That in the transmission of such mail matter envelopes, labels, or postal cards are used on which the name of the office and the penalty clause are printed.

Mr. MANN. Mr. Chairman, I move to strike out, in line 2, page 67, the words "and all replies to the same."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

On page 67, line 2, strike out the words "and all replies to the same."

Mr. MANN. Mr. Chairman, I suppose that is a privilege that they now enjoy. There are many Members of Congress who at times thought they not only had the franking privilege on letters which they sent, but also the franking privilege on letters which they received. That is not the fact, and that apparently grows out of this, probably, where we give the franking privilege to people who are corresponding with the superintendent of documents about the purchase of documents. But why should they not pay the postage on their correspondence?

Mr. BARNHART. This is intended to apply to that phase of the franking law wherein the superintendent of documents could send to libraries publications which might be useful to the superintendent of documents for other disposition in case the libraries do not desire them, and the library to which they are sent would like to send them back, but probably would not do so unless it had the franking privilege. That is the purpose of this provision. It is an economy to the Government to get these books back if they go out to those who do not want them, and this provision is carried here in order that they may be remailed back.

Mr. MANN. Would the gentleman say those books constituted correspondence?

Mr. BARNHART. No; they are not correspondence.

Mr. MANN. All that this relates to is correspondence. In other words, if under this provision a man writes to the superintendent of documents in reply to a circular letter from the superintendent of documents, he is entitled to send his reply free.

Mr. FINLEY. Mr. Chairman, will the gentleman from Illinois yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. MANN. Yes; I yield.

Mr. FINLEY. The purpose of this, amongst other things, is to place the superintendent of documents on the same footing as the Director of the Census and the Secretary of the Treasury and other people who write to individuals on official business, and write letters of such a character as demands a reply.

Mr. MANN. Well, the Bureau of the Census is asking for information for the benefit of the Government and furnishes the franking privilege in order to get the information. But here a man is applying for something for his own benefit. It is of no benefit to the Government. Now, why should he be given the franking privilege?

Mr. FINLEY. I understand section 61 is the one that the gentleman has reference to?

Mr. MANN. Yes.

Mr. FINLEY. It says:

All official correspondence of the office of the superintendent of documents and all replies to the same shall be entitled to free transmission by mail. The superintendent of documents shall be entitled to frank Government publications.

That clearly applies to official correspondence initiated by the superintendent of documents. The language is added, "The superintendent of documents shall be entitled to frank Government publications."

Mr. MANN. I am only referring to the replies to the correspondence.

Mr. FINLEY. I call the attention of the gentleman from Illinois to the fact that the superintendent of documents initiates the correspondence, and in that he writes a letter that calls for a reply, and it only places him in the same position as other Government officials initiating correspondence for the same purpose and receiving a reply to that correspondence.

Mr. MANN. There is no occasion for the Government, where people are corresponding about documents or anything else for their own benefit, to have the Government furnish them the free mailing privilege.

Mr. FINLEY. Then if the gentleman will permit me, the section proceeds—

In the transmission of such mail matter envelopes, labels, or postal cards are used on which the name of the office and the penalty clause are printed.

It is to be under the penalty clause, and it is placed on a parity with other correspondence of a like character and purport, so that I can see no objection to section 61, considered in that view.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. BARNHART. Mr. Chairman, in further explanation of what the gentleman from South Carolina [Mr. FINLEY] has said, I might explain that in the case of many of the more valuable publications there are established mailing lists by the different departments, and each annual publication is sent out through this mailing list. I recall that before I was a Member of Congress I frequently received Government publications, and inclosed with them were return postal cards, setting forth the request that I acknowledge their receipt, and also asking whether or not I cared to retain the volumes. Many times I have had requests, together with a frank slip, in which it was stated that if I did not care for the volume, the department sending it would be glad to have it returned. But if the Government had sent to me that volume, together with a letter simply saying that it had been sent and asking me to say whether or not I was going to return it, I would not have felt disposed to spend 2 cents for postage to tell the Government that I did not want the publication. I do not believe it would be right to cut out the words "and replies to the same," because in such a case the letter would be sent out in the interest of Government economy, so that if a publication was not needed by the person to whom it was sent the department would be notified, and then they would have it for distribution somewhere else, where it was needed.

Mr. STAFFORD. Mr. Chairman, the case suggested by the chairman of the committee might have merit, but the amendment proposed by the gentleman from Illinois [Mr. MANN] embodies a different status entirely. When a department sends out gratis Government publications, such as the reports of the Interstate Commerce Commission and various reports of other departments, it generally incloses a franked card asking an acknowledgment of receipt. But here you are giving to one official of the Government something that only a limited number of officials have, such as the Director of the Census or the Secretary of the Treasury when he is writing for official information for the benefit of the Government.

The proposition before the committee is whether we should give to the superintendent of documents the privilege to have all persons who correspond with him about publications, to be purchased at cost, to send their reply without postage charge to the transmitter. There are some of us who have been in Congress a long time who know of instances—although those instances are rare—where Members of Congress have abused the franking privilege by inclosing in letters to their constituents a franked envelope for reply. It is a grave abuse, and it is not supported by law or regulation. Why should you single out one official of the Government, who is virtually doing a commercial business, selling Government publications at cost, and vest in him a privilege not enjoyed by other officials of the Government, of saying to those who correspond with him that their replies may be sent without payment of any postage?

Mr. FINLEY. Mr. Chairman——

Mr. STAFFORD. I yield to my colleague on the Post Office Committee.

Mr. FINLEY. I am sure the gentleman must realize his error when he says that no other Government official has this privilege. This is the official correspondence of the superintendent of documents, and the replies to the same are in reply to official correspondence, when he asks for information or wants some data, or perhaps he wants to know whether or not a library wants certain publications. Many Government officials have this same right under the law.

Mr. STAFFORD. I can say without fear of successful contradiction that there is no other Government official who has the authority to inclose a franked penalty envelope to any person who writes to that official for information in connection with his department for the purpose of having the reply inclosed in that franked envelope. I have already excepted the cases where the Director of the Census, or the Treasury Department, or the Agricultural Department——

Mr. FINLEY. Or the Post Office Department.

Mr. STAFFORD. Sends out letters for official information; but here we have the superintendent of documents, who is virtually going to be the distributing agency for the sale of Government publications at cost. He is going to receive thousands and hundreds of thousands of letters from people throughout the country, and it is proposed that when he writes a letter he is to be privileged to inclose a franked penalty envelope, addressed to himself, for a reply, thereby saving the correspondent the little cost of putting a postage stamp on the reply. Under this bill we are providing that all public documents shall be furnished to any person who may apply for them, at the bare cost of paper and printing, without even 10 per cent added to allow for the depreciation of plant or administration expense. We are doing that for the benefit of the public; but here we have a provision that may be abused so greatly as to curtail the postal revenues. I think every Member can see the propriety of adopting the amendment.

Mr. MANN. Will the gentleman yield for a question?

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. I gathered from the statements made by the gentleman from Indiana [Mr. BARNHART] and the gentleman from South Carolina [Mr. FINLEY] that the main purpose of this was, where somebody applied to purchase a document and the superintendent of documents mailed the documents to the purchaser, he mailed an inclosed card to show that the purchaser had received the document. I understand that is the real purpose of this.

Mr. FINLEY. I will say that is one purpose; but that is not all of it.

Mr. MANN. I confess that looks like a legitimate reason. The man himself might have no incentive to pay postage to send a card to say that he had received a document, while the superintendent of documents might desire to know whether it had been received or not.

Mr. FINLEY. If the gentleman from Illinois will permit me——

Mr. MANN. I ask unanimous consent to withdraw my amendment.

Mr. STAFFORD. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin objects. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

SEC. 63. PAR. 1. The press gallery of the Senate, the press gallery of the House of Representatives, and each newspaper correspondent whose name appears in the Congressional Directory shall be entitled to one copy of every numbered document ordered printed by either House of Congress, provided that the press gallery superintendent or correspondent files a request for such document with the superintendent of documents at the Government Printing Office within 10 days after the order to print has been made; and shall also be entitled to the Monthly Army List and Directory, the Monthly Navy and Marine Corps List and Directory, the Diplomatic and Consular List of the State Department, the Official Register of the United States, and the Statistical Abstract published by the Department of Commerce.

XUM

Mr. MANN. Mr. Chairman, I move to strike out lines 20, 21, 22, and 23, on page 67.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 67, strike out lines 20, 21, 22, and 23.

Mr. MANN. Mr. Chairman, this paragraph purports to give to the press correspondents one copy each of every numbered document printed by either House of Congress. I think it is proper to do that, but the proviso takes away that gift. It is an Indian gift. You hold it out in your hand and when the man goes to take it you pull it back, by saying that in order to get these documents they must make a requisition within 10 days after the order to print has been made. There is not a correspondent who knows when the order to print is made, and often he does not know what the document is when the order to print is made. The Members of the House do not know one time in ten. There is a proposition which offers to give to the press correspondents documents which they ought to have, but which says that they can not have that right unless they make a requisition for the documents at a time when they do not know what the documents are and probably do not even know when the time is within 10 days after the order to print has been made. The document may be printed a year after. Certainly, a considerable length of time elapses before the document is printed. I think the press correspondents are entitled to receive these documents when they are printed, and while it may be a little more convenient for the Printing Office to know exactly the number of documents which will be demanded, still, that is not possible under the valuation plan, anyhow.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. STAFFORD. The gentleman has a right to oppose the amendment.

The CHAIRMAN. There is an amendment pending, and the gentleman has the right to speak in opposition to it.

Mr. STAFFORD. If the gentleman should ask unanimous consent to proceed for half an hour, I would not object, but I do object to the request for five minutes when the gentleman has that right.

Mr. BARNHART. Mr. Chairman, the argument set forth by the gentleman from Illinois [Mr. MANN] has some consistency in it, and yet, being a newspaper man myself, I am quite sure that the press gallery is alert. I know that it has a man in charge who is continually on the lookout for news that may be of importance, and I also know that if we should undertake to establish a storeroom in the press headquarters for all the documents that are issued we would furnish an enormous supply, and we would soon have a request from the newspaper men not to send such a superfluous number of documents to them. They would need a library to take care of them. In many instances these documents are very valuable. The newspaper men have access to these reports, and they are Johnny-on-the-Spot fellows always. They have access to these reports when they are printed, and if they want to make reference to them they have the privilege of doing so. At least they may have an early print. There are many publications which would amount to a great many volumes in the aggregate, too many for the newspaper men to use in their business.

In conversation with the representatives of the press it was thought best that unless they asked for these documents that there be sent to them only such as they might require.

Mr. MANN. I do not understand that they send them or would be required to send them unless asked for.

Mr. BARNHART. That is the intention of the bill.

Mr. MANN. No; the intention of the bill is that they must make a request for the document before it is printed. All I want to do is to have them make the request after the document is printed.

Mr. BARNHART. If they do not make the request until after the document is printed, as a matter of course their copy might as well be sent to the press gallery. On the other hand, most newspaper men would prefer instead of having all sorts of stuff sent to them that it be taken down and thrown into the Potomac River. If they want the documents they will ask for them, and if they do not want them the Government should not force them upon them.

Mr. MANN. I am not undertaking to force them upon them. The documents will not be sent to the press gallery, and they will not be sent to press correspondents under my amendment unless they ask for them. No press correspondent knows what a document is until after it is printed. There is no chance for a press correspondent to examine the manuscript copy in the office of one of the Secretaries of a department to see whether he wants it or not. There is no chance to examine a copy of the document that is printed by order of the House to see whether they want a copy or not. Why not let them make the request on the superintendent of documents when the document is printed?

Mr. BARNHART. The reason is that there will be no economy in that whatever. The purpose of this is to try and conserve as much economy as possible. We learned that it would not be acceptable to send all these documents to the press gallery. The newspaper men will not use all the reports. It would enforce the obligation upon the superintendent of documents to supply the press gallery with a copy of every publication, or else hold it in his storehouse.

Mr. MANN. The superintendent has plenty of documents on hand under this bill to supply newspaper correspondents and the public and Members of Congress; that is the theory of the bill. The gentleman talks about sending them to the press gallery. There is nothing here that contemplates sending them to the press gallery, and the gentleman from Indiana knows that as well as I do. There is no intention to force these copies on the newspaper correspondents. The gentleman holds out a promise to these press correspondents, but there is no substance to it, it is pure shadow.

Mr. BARNHART. The gentleman from Illinois does not stop to consider that if we leave it open, according to his proposition, if there are 350 Members, they might exhaust a good many publications, take them all, when one would answer the purpose, and they might have it in common by requesting it for the press gallery.

The CHAIRMAN. The time of the gentleman from Indiana has expired. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 24, noes 28.

So the amendment was rejected.

The Clerk read as follows:

SEC. 63. PAR. 2. The superintendent of documents is hereby authorized to make requisitions upon the Public Printer for the necessary number of copies, bound in paper or cloth, as directed by the Joint Committee on Printing, to enable him to make the distribution provided in paragraph 1 of this section: *Provided*, That only one correspondent of any newspaper office, bureau, or press association having more than one correspondent or representative whose names appear in the Congressional Directory shall be supplied by the superintendent of documents with documents and publications provided under this section.

Mr. MANN. Mr. Chairman, I move to strike out the proviso.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Page 68, strike out the proviso of section 63 reading as follows:
"*Provided*, That only one correspondent of any newspaper office, bureau, or press association having more than one correspondent or representative whose names appear in the Congressional Directory shall be supplied by the superintendent of documents with documents and publications provided under this section."

Mr. BARNHART. Mr. Chairman, I want to briefly oppose the amendment. Take, for instance, the United Press or the Associated Press. If they have 6 men or 12 men in the city, it would be utter folly to send copies to all of them when one copy is all they want. I submit that it would be a waste of public printing and an imposition upon the press bureaus to inflict that many copies upon them by sending one to each member of their staff. I trust that the amendment will not prevail.

Mr. MANN. Mr. Chairman, I am surprised that the gentleman from Indiana did not say if they had 50 or 75 correspondents; he might just as well. The names printed in the directory do not amount in number to anywhere near the number stated by the gentleman from Indiana. The press correspondents want some of these documents for their own personal use for examination. Why should we decline to give them to them? The cost is unimportant.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. BARNHART) there were—25 ayes and 24 noes.

Mr. BARNHART. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Indiana [Mr. BARNHART] and the gentleman from Illinois [Mr. MANN].

The committee again divided; and the tellers reported that there were 42 ayes and 44 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 64. PAR. 1. The libraries of each executive department in Washington, D. C., the United States Military Academy, the United States Naval Academy, each State and Territory, the District of Columbia, the Government of the Philippine Islands at Manila, the Government of Porto Rico at San Juan, the Pan American Union, each land-grant college, the office of the superintendent of documents, the Historical Library and Museum of Alaska, the American Antiquarian Society of Worcester, Mass., and in addition thereto not to exceed one library for

each congressional district and Territory and two libraries at large for each State, to be designated by the superintendent of documents under such rules and regulations as are approved by the Joint Committee on Printing, are hereby constituted depositories of Government publications, and all designations now existing shall be permanent, except as otherwise provided in this section.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word for the purpose of obtaining information on certain provisions in this paragraph. I first direct attention to the provision which states that all designations now existing shall be permanent. Does that include the present list of each library for each congressional district, and of two for the State at large, as is provided in this paragraph?

Mr. BARNHART. Yes.

Mr. STAFFORD. Or does it provide for a larger number to those that are now receiving these publications?

Mr. BARNHART. Mr. Chairman, it is existing law, and it provides for three. We went over that the other day at some length.

Mr. STAFFORD. It provides for one only to each congressional district.

Mr. BARNHART. Yes; and two for the State at large. That is existing law.

Mr. STAFFORD. So the report states. I thought perhaps there should be some greater liberality than to one library in each congressional district, because in nearly every congressional district there is more than one library. There should be depository libraries in each large city that should be privileged to receive these documents if they wish to.

Mr. BARNHART. The difficulty about that is, as the committee has ascertained, that it is many times difficult to find a library in a congressional district that will accept all of these public documents for lack of space, and there has been no request, so far as the committee knows, that the number be increased, and until such time we felt it was not incumbent upon us to change existing law.

If there was a demand coming from libraries generally, of course the committee would have answered that demand; but inasmuch as there is none, we thought it well to leave it just as it is.

Mr. STAFFORD. As to those designated institutions, may I ask whether any of them are privileged to reject the documents? For instance, take the American Antiquarian Society of Worcester, Mass. I suppose that is a very ancient and honorable institution of the Bay State.

Mr. BARNHART. Mr. Chairman, there are 166 congressional districts in the United States in which there have not been designations as to where these publications shall be sent. I know how it is in my district. I have had publications sent to my libraries, and have afterwards been notified that they did not have shelf room for so many documents.

Mr. STAFFORD. Are any of these specially designated institutions privileged to reject some of these publications if they do not wish to receive them? Are they privileged to select such as they desire?

Mr. BARNHART. Oh, yes. I take it they would be given that privilege.

The Clerk read as follows:

SEC. 64. PAR. 2. The superintendent of documents shall advise all depositories of Government publications as to the number and character of the annual, serial, or periodical publications that will probably be issued by Congress, the executive departments, independent offices, and establishments of the Government during the ensuing calendar year. Each of the said depositories shall be entitled to designate which of the annual, serial, and periodical publications are desired for its use during the ensuing year, and one copy of each of the publications thus selected shall, if published, be regularly supplied thereto: *Provided*, That if any depository subsequently desires to revise its selections during the year, such changes may be made as in the opinion of the superintendent of documents are reasonable. The superintendent of documents shall give the depositories as early notice and information as practicable concerning the issue of Government publications which are not included in any numbered or dated series, and shall give them reasonable opportunity to make selection of such publications. Any designated depository which desires to receive a copy of every Government publication available for library distribution shall be supplied therewith as provided for in this act, if, in the opinion of the superintendent of documents, it is prepared to make all such publications accessible to the public.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN (Mr. GARNER). The gentleman from Washington asks unanimous consent to proceed for five minutes out of order. Is there objection?

Mr. BARNHART. Mr. Chairman, reserving the right to object, I do not like to object to any request of my friend, but I do not like to put myself in the attitude of submitting to general debate in the midst of the consideration of this bill. So I am going to now give notice that if there are any other requests like this I shall object.

Mr. BUTLER. Mr. Chairman, I would like to inquire the nature of the gentleman's disorder?

Mr. HUMPHREY of Washington. I am not going to speak on the subject of the bill.

Mr. SHERLEY. What is the gentleman going to talk about?

Mr. HUMPHREY of Washington. I am going to talk about the tariff if I can get a chance. I thought I would ask 10 minutes, but out of consideration for the gentleman from Indiana I have asked only five.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for five minutes out of order. Is there objection?

Mr. DONOVAN. Mr. Chairman, the chairman of the committee has just stated that if anyone else makes a similar request he is going to object. That is true, is it?

Mr. BARNHART. That is what I said.

Mr. DONOVAN. Well, another similar request is going to be made, and of course if you want to be fair the gentleman should object.

Mr. BARNHART. Under such conditions, Mr. Chairman, I object.

Mr. HUMPHREY of Washington. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-seven Members present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Adair | George | Lieb | Scully |
| Austin | Gerry | Lindquist | Sells |
| Barchfeld | Gillett | Linthicum | Slemp |
| Bartlett | Godwin, N. C. | Loft | Small |
| Bell, Cal. | Goldfogle | McClellan | Smith, Md. |
| Blackmon | Gorman | McGuire, Okla. | Smith, N. Y. |
| Bowdle | Graham, Pa. | Maher | Sparkman |
| Brown, N. Y. | Gregg | Martin | Stout |
| Brown, W. Va. | Griest | Merritt | Stringer |
| Browning | Griffin | Moore | Sumners |
| Burke, Pa. | Guernsey | Morin | Switzer |
| Calder | Hamill | Moss, Ind. | Taggart |
| Carr | Hamilton, N. Y. | Mulkey | Talbott, Md. |
| Clancy | Harris | Murdock | Ten Eyck |
| Coady | Heflin | Murray, Okla. | Thacher |
| Connolly, Iowa | Hensley | Neely, W. Va. | Thompson, Okla. |
| Conry | Hobson | O'Leary | Townsend |
| Covington | Hoxworth | O'Shaunessy | Treadway |
| Crisp | Humphreys, Miss. | Palmer | Tribble |
| Decker | Johnson, Utah | Parker | Tuttle |
| Dooling | Keister | Patten, N. Y. | Underwood |
| Driscoll | Kennedy, Conn. | Peters | Vollmer |
| Drukker | Kent | Porter | Walsh |
| Edmonds | Kindel | Powers | Watkins |
| Elder | Kinkead, N. J. | Prouty | Webb |
| Fairchild | Knowland, J. R. | Ragsdale | Whaley |
| Faison | Konop | Riordan | Williams |
| FitzHenry | Korbly | Rothermel | Wilson, N. Y. |
| Flood, Va. | L'Engle | Rucker | Woodruff |
| Gardner | Lewis, Pa. | Sabath | Woods |

The committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15902, and finding itself without a quorum, under the rule he caused the roll to be called, whereupon 313 Members, a quorum, answered to their names, and he reported the list of absentees to be entered on the Journal.

The SPEAKER. The committee will resume its sitting.

The Clerk read as follows:

SEC. 65. PAR. 1. There shall be printed and supplied by the Public Printer a sufficient number of copies of all publications printed at the Government Printing Office, not bearing a congressional number, which originate in and are printed for Congress, or either House thereof, or any executive department, independent office, establishment, or officer of the Government, except confidential matter, blank forms, and circulars not of a public character, and all publications of congressional committees and commissions not of a confidential character and not withheld by order of such committees or commissions; and there shall be supplied by the executive department, independent office, establishment, or officer of the Government ordering the same, a sufficient number of copies of all publications printed at the Government's expense elsewhere than at the Government Printing Office, except confidential matter, blank forms, and circulars not of a public character, for the following distribution, unless otherwise specifically provided for or expressly prohibited: To the Executive Office, 2 copies; to the Senate and House Libraries, respectively, 2 copies each; to the Library of Congress, not to exceed 110 copies for its own use and for distribution to international exchanges through the Smithsonian Institution, bound or unbound, as requested by the Librarian of Congress; to the superintendent of documents, 1 copy for official use and a sufficient number of copies to enable him to make distribution to depository libraries: *Provided*, That if any of these publications are bound they shall be distributed in that form under the provisions of this section, and if unbound copies are distributed in advance of the bound editions they shall be supplied immediately upon publication in addition to the foregoing, as follows: Executive Office, 1 copy; Senate and House Libraries, respectively, 1 copy each; Senate and House document rooms, respectively, 1 copy each for reference; Librarian of Congress, 3 copies; superintendent of documents, 2 copies: *Provided further*, That the bind-

ing required by this section shall be done in the manner directed by the Joint Committee on Printing.

Mr. BARNHART. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 71, line 22, after the word "office," strike out "establishment or officer" and insert in lieu thereof the words "or establishment."

The question was taken, and the amendment was agreed to.

Mr. BARNHART. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 72, lines 3 and 4, after the word "office" in line 3, strike out "establishment or" and insert in lieu thereof the words "or establishment."

Mr. MANN. Mr. Chairman, I do not know whether the Clerk reported the amendment correctly. Will he report the amendment again?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 72, lines 3 and 4, after the word "office," in line 3, strike out "establishment or" and insert in lieu thereof "or establishment."

Mr. BARNHART. Mr. Chairman, I ask that the amendment be amended by inserting the word "officer" after "establishment."

Mr. MANN. After "or."

Mr. BARNHART. After "or."

Mr. MANN. Where it is to be stricken out.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to amend his amendment in the manner indicated. The Clerk will report the modified amendment.

The Clerk read as follows:

Amend the amendment by inserting the word "officer" after the word "or" in the words proposed to be stricken out.

The question was taken, and the amendment as modified was agreed to.

The Clerk read as follows:

SEC. 67. The Vice President, each Senator, Representative, Delegate, and Resident Commissioner, the Secretary of the Senate, and the Clerk of the House of Representatives may send and receive free through the mail any Government publication, extracts from the CONGRESSIONAL RECORD, and frank slips, if the name of such person is written or printed as a frank therefor on the wrapper with the proper designation of his office or official title; and the provisions of this section shall apply to each of the persons named herein until the 1st day of December following the expiration of his respective term of office. The Vice President, each Senator, Senator elect, Representative, Representative elect, Delegate, Delegate elect, and Resident Commissioner, the Secretary of the Senate, and the Clerk of the House of Representatives shall have the privilege of sending free through the mails, under his respective frank, any mail matter to any Government official, and correspondence not exceeding 4 ounces in weight to any person, upon official or departmental business.

Mr. BARNHART. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 74, line 3, after the figures "67," insert "Par. 1."

Mr. MANN. Is that to be another paragraph?

Mr. BARNHART. Well, there should be two paragraphs, and the purpose is this, if I may be permitted to explain it very briefly. The purpose of this is to limit the Member's privilege of sending documents after his term of office expires, but giving him the franking privilege for correspondence up until the following December.

Mr. MANN. That is the purpose of the amendment the gentleman proposes to offer afterwards?

Mr. BARNHART. Yes.

The question was taken, and the amendment was agreed to.

Mr. BARNHART. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 74, line 10, after the word "title," strike out all down to and including the word "office," in line 13.

Mr. MANN. Mr. Chairman, as far as I am personally concerned, I am not interested in the subject, because if I ever have the good luck to be defeated for election to Congress, I am out forever, and I will not be sorry for it. But ever since I have been a Member of the House—and I want to call the attention of the Members here, especially those on the Democratic side who are going out, and are going to stay out, to this proposition—we have always given to the Member of Congress who is defeated the franking privilege until the December following, and in addition to that, unless there was a special session of Congress, we have permitted him to control the documents to his credit until the regular session of Congress convenes and his successor was sworn in.

Gentlemen who were here in the last Congress will remember that the Sixty-first Congress passed a resolution, in view of the special session of Congress which was to come, giving to the retiring Members the control of the documents until the next regular session of Congress. I remember that resolution very well. I opposed it when it passed, and immediately in the Sixty-second Congress I introduced a resolution, or aided in one, I have forgotten which now, rescinding the former resolution so that the Members who came in should have the documents; but where a new Member has not been sworn in I am inclined to think that the retiring Member is still entitled to control the documents to his credit in the folding room. Of course there is no way that you can provide by which the successor of a Member shall have those documents, because it is easy enough as long as the transfer system exists for the retiring Member during his term to transfer the documents which are to his credit in the folding room to some other Member who has been reelected. Now, I think the principle of charity should first begin at home. I am always in favor of the Members who are here, though I hope that there will be enough new Members in the next House to change the political complexion of the next House. [Applause on the Republican side.] Yet there is not a single Member, even on the Democratic side, whom I would not be glad if he should be returned. [Applause on the Democratic side.] I can not understand why we should deliberately say that these documents which we have to our credit in the folding room shall be taken away from us at the end of the term of office, while under existing law we have control of them until our successors are sworn in. Why should not we retain control of them? Most of the Members of the Congress who are defeated are prospective candidates in the future, and they will do just as much justice to the people in their districts in the distribution of documents as their successors will. They understand the plan, are familiar with the ropes; they may be here for some time closing up business, and their successors do not come in until the following December. Why should these documents be taken away from the retiring Member and given to the Member who has never in all probability seen Washington, knows nothing about the folding room, and who is not familiar with the practice of the House? I am in favor of taking care of the Member who is retiring and letting him do as he now does, have the right to distribute documents to his credit until his successor appears in Washington and takes his seat. [Applause.]

Mr. BARNHART. Mr. Chairman, the argument made by the gentleman from Illinois [Mr. MANN] was really all destroyed by the adoption this morning of an amendment to a previous section providing that the documents belonging to the district of a Member and that are not sent out at the expiration of his term of office shall revert to the superintendent of documents.

Now, under those conditions, and if the provision in the bill which is contained in section 68 prevails, that hereafter the distribution of documents shall be by a valuation plan, there would not be a single document available for a man whose term of office had expired. Then, why continue the franking privilege of a Member of the House if he has no documents to send out? It simply makes the law clear, if we are going to adopt it—and I take it that we are, because the gentleman from Illinois himself agreed to an amendment this morning without protest when we withdrew the amendment offered by him to my substitute and which was unanimously adopted by the House, providing that the documents belonging to a district shall cease to be controlled by a Member of Congress after his term of office has expired. And therefore, gentlemen, the argument of the gentleman from Illinois that this privilege ought to prevail seems to me far-fetched. But this language will provide, when the section is perfected, that a Member of Congress may have the franking privilege for correspondence until the following 1st day of December, but not for documents.

Mr. GOOD. Will the gentleman yield?

Mr. BARNHART. I yield.

Mr. GOOD. There would be nothing to prevent a Member from withdrawing the documents he may want to send out just before his term of office expires and then send them out during the next few weeks if this amendment should prevail, would there?

Mr. BARNHART. What amendment?

Mr. GOOD. The amendment to which the gentleman is talking.

Mr. BARNHART. He has not offered an amendment, as I understand it. He simply talked to a pro forma amendment.

Mr. MANN. Under the gentleman's amendment, as I understand it, if a Member of Congress who is retiring draws docu-

ments out of the folding room on the 3d of March, he will not be permitted on the 5th of March to frank them out to anyone.

Mr. BARNHART. That is the present understanding, for the reason that we have already adopted a provision that these documents are not for the Member of Congress. I do not agree with the gentleman from Illinois that when my term of office expires that the privilege should be continued to me of distributing documents in a district for which another Representative has been elected. But I may be mistaken about it. However, if this valuation plan prevails, then the Member of Congress will have nothing to distribute and will have no use for the franking privilege, because we have already provided that all documents to the credit of his district at the expiration of his term shall revert to the superintendent of documents.

Mr. MANN. Mr. Chairman, just a word. The argument of the gentleman from Indiana falls to the ground when it is understood. Under the valuation plan, if that be adopted, a Member of the House will be entitled to a certain credit under the bill, viz, $1,800, which he may draw out in public documents, but he can not draw out any document after his term has expired. If he has a credit balance on the 3d of March, as he is going out of office, he may draw out those documents, but under the amendment of the gentleman from Indiana now proposed, he can not mail them out under a frank after the 3d of March. Now, I take it, that Members of Congress often have a considerable credit balance as they are retiring, which their successor will not get the benefit of, and which the district will not get the benefit of, unless they draw the documents out from the superintendent of documents and mail them to their districts.

Mr. BARNHART. Just by word of explanation, as it might clear the situation, by a slip of the tongue I said the documents would revert at the expiration of the Member's term to the superintendent of documents. I should have said the amendment provides that they shall go to a Member's successor and be to his credit.

Mr. MANN. And that does not apply to the valuation scheme at all, does it?

Mr. BARNHART. No; not to the valuation scheme.

Mr. MANN. The gentleman did not answer the argument I made a while ago, but undertook to say that this proposition was affected by the valuation scheme. I am now answering him. Under the valuation scheme a credit to a Member on his retirement does not inure to the benefit of his successor, and if the valuation scheme be adopted a Member of Congress should have the right, as he is going out of office, to exhaust his credit in the taking of Government publications of value to his district and sending them out under his frank, which you can not do if this amendment be agreed to.

Mr. BARNHART. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BARNHART. Does not the gentleman from Illinois think that four months from the date of election, when a Member has been defeated or when he knows he is going to retire from Congress, is sufficient time for him to get these documents all out, if he sees fit to do so?

Mr. MANN. It might be sufficient for the gentleman from Indiana, although I would not class him with the lazy Members of Congress; but for those of us who are really busy we have enough to do at the short session of Congress without putting in the time sending out public documents. And if we are to have the opportunity of drawing them out just before the term expires and sending them out during the next few weeks, we will have plenty of time after we are retired and our successors are sworn in. [Applause.]

The CHAIRMAN. The question is on the amendment.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to have the amendment reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Division, Mr. Chairman.

The committee divided; and there were—ayes 17, noes 54.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 74, line 13, at the beginning of the line insert the words "Sec. 67. Par. 2."

Mr. BARNHART. Mr. Chairman, I would have that inserted after the word "office," in line 13, instead of at the beginning.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 74, line 13, after the word "office," insert "Sec. 67. Par. 2."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARNHART. Now, Mr. Chairman, I withdraw the other amendment that I sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to withdraw the amendment sent to the Clerk's desk. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 68. PAR. 1. The Vice President and each Senator shall be entitled to order of the superintendent of documents such Government publications for free public distribution as are authorized by this section to the value of not to exceed $2,200 annually, and each Representative, Delegate, and Resident Commissioner shall be entitled to likewise order Government publications to the value of not to exceed $1,800 annually: *Provided*, That the superintendent of documents shall, on the 1st day of July, 1914, credit the Vice President and each Senator with Government publications, as provided in this section, to the value of not to exceed $1,470, and shall likewise credit each Representative, Delegate, and Resident Commissioner with such publications to the value of not to exceed $1,200, and, on the 4th day of March of each succeeding year the superintendent of documents shall credit the valuation account of each person entitled thereto with the annual amount as herein authorized; but no such valuation accounts or credits shall be available or used for any other publication, purpose, or person than as authorized by this section, and they shall not be subject to transfer or assignment from one person to another, or in any wise held to be a personal asset of the individual in whose name such accounts or credits may be recorded: *Provided further*, That the unused balance of every valuation account shall lapse on the 3d day of March of each year and shall not be available for any purpose thereafter: *Provided further*, That, in event of a vacancy in any position designated in this act as entitled to a valuation account or quota of Government publications, the valuation amount of documents remaining to the credit of the person who held such position shall go to the credit of his successor, as provided for herein: *Provided further*, That the superintendent of documents shall distribute on the order of the Secretary and the Sergeant at Arms of the Senate, and the Clerk, the Sergeant at Arms, and the Doorkeeper of the House of Representatives, not to exceed 10 copies each of any publication printed for congressional valuation distribution: *Provided further*, That any person credited with a valuation account or quota of Government publications, as provided for in this act, or any employee or agent of such person, or any officer or employee of Congress or either House thereof, who shall sell or dispose of for gain or profit and publications obtained either directly or indirectly under the provisions of this section, shall be fined not more than $1,000: *Provided further*, That the superintendent of documents shall not supply publications on any valuation account in excess of the amount lawfully credited to the person having such an account with him; the superintendent of documents shall not sell, charge to any valuation account, or otherwise dispose of any publication in his charge, except as authorized by law, at less than the price fixed therefor by the Public Printer; and if the Public Printer, the superintendent of documents, or any other officer or employee of the Government Printing Office shall permit or knowingly be party to any evasion or violation of this act, whereby the Government shall suffer any loss or damage therefrom, he shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Mr. BARNHART. Mr. Chairman, I desire to offer some amendments to perfect the provision as to dates.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 75, line 3, after the word "publications," insert "for free public distribution, as authorized by this section."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. What is the effect of that? A Member can not get a document at all unless it is printed for free distribution?

Mr. BARNHART. Oh, no.

Mr. MANN. Is not that the effect?

Mr. BARNHART. The language here simply harmonizes with that on the previous page, relating to Senators and the Vice President. The gentleman will see that, beginning with section 68, paragraph 1, "The Vice President and each Senator shall be entitled to order of the superintendent of documents such Government publications for free public distribution," and so forth, and on page 75, line 2, we have used the word "likewise." To make it perfectly clear, after the word "publications," we have inserted the same qualification that is inserted on the previous page.

Mr. MANN. Very well.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 75, line 4, after the word "that," strike out the language down to and including the word "and," in line 11, which is as follows: "That the superintendent of documents shall, on the 1st day of July, 1914, credit the Vice President and each Senator with Government publications, as provided in this section, to the value of not to exceed

$1,470, and shall likewise credit each Representative, Delegate, and Resident Commissioner with such publications to the value of not to exceed $1,200, and."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. How will that make the section read?

Mr. BARNHART. The section will read then, "*Provided*, That on the 4th day of March of each succeeding year."

By way of explanation I may say that when the bill was first introduced it was thought it might be possible to enact it in time for it to take effect on the 1st of last July. This simply corrects the date so as to make it at the expiration of the Member's term, whereas the provision of the bill as drafted would have carried it from the 1st of July to the 4th of next March, and that being unnecessary we propose to strike it out.

Mr. MANN. Why not make it read "1915"? It is certain this bill will not become a law much in advance of July 1, 1915. It ought to commence with the fiscal year.

Mr. BARNHART. I submit, Mr. Chairman, it ought to commence with the term of Congress. It has nothing to do with the fiscal year.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 75, line 11, after the word "March," insert a comma and the words "1915 and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, I offer an amendment to strike out the proviso commencing on line 20 of page 75.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 75, line 20, strike out the following: "*Provided further*, That the unused balance of every valuation account shall lapse on the 3d day of March of each year and shall not be available for any purpose thereafter."

Mr. MANN. Mr. Chairman, if the valuation plan is to be adopted, it ought to be adopted in such a way as that the rights of Members of Congress are fairly conserved. I suppose there should be some restriction as to the length of time it is allowed to stand. But it seems to me very harsh, indeed, to say that if the valuation plan is to be adopted the Member of Congress with a credit of $1,800 the first year he is here can not allow that credit to run for the second year he is here. Of course, the result of this proposition, if it goes into law, is to make the House Office Building a storage warehouse for documents. A Member of Congress, before he gets "dry behind the ears" in Congress, if we do not have an extra session, will be called upon to draw out all his public documents to the value of $1,800 or lose credit for them. What will he do? He will draw them out and store them in his office, and it will make a demand on the Government to rent more room or build more buildings or give him more office room, so that he can store these documents. Ordinarily a Member of Congress, newly elected, does not take his seat until December, more than a year after his election. He commences to draw his pay from the 4th day of March. He does not have the same facilities during that time, during the vacation period, for sending out documents that he will have after he comes here; and yet it is proposed to require him to draw out all of his documents for that year before the 3d of March following his taking his seat on the first Monday in December. The credit can not run over during his second year. At the very time, to speak plainly, when he has a campaign on for renomination or reelection he is not permitted to use these documents which are to his credit unless he has drawn them out and stored them somewhere.

Now, I do not see any excuse for such a proposition. There is no sense in it. There is no reason for it. It will add to the expense of the Government. It will add to the annoyance of Members of Congress. It will add to the demands for more room, and it will not accomplish a single good thing. So I have moved to strike that out.

Mr. BARNHART. Mr. Chairman, I want to speak in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] is recognized.

Mr. BARNHART. First of all, Mr. Chairman, I want to offer a substitute for the amendment.

The CHAIRMAN. The gentleman from Indiana offers a substitute, which the Clerk will report.

The Clerk read as follows:

Page 75, line 21, after the word "lapse," strike out "on the 1st day of March of each year" and insert "at the end of each Congress."

Mr. BARNHART. Mr. Chairman, this, in substance, was the position of the House members of the Joint Committee on Printing; but inasmuch as the terms of the Senators expire only once in six years, it was thought best and it was agreed that it would be well to terminate this allotment each year. The same argument was made to the committee by myself that the gentleman from Illinois [Mr. MANN] has just made, of the possibility of a Member not getting in. But the fact is, now that the gentleman from Illinois [Mr. MANN] has shot a hole in the proposition of having the privilege of Members to send out documents terminated when their term of office expires, it is very important that an amendment of this kind be adopted, I think, because under the provision that has already been adopted as to the documents that are now accredited to Members, and will be accredited to them—but not under the valuation plan—it will be necessary that this terminate at the end of a term, rather than at the end of the year, and I hope that my amendment to the gentleman's amendment will prevail.

Mr. STAFFORD. Mr. Chairman, I am in sympathy with the proposed valuation scheme, but I am not in sympathy with this proposed punishment of Members, to compel them to utilize their publications either within a year or within one term of Congress. All of us who have had any experience here know that the demand for publications varies; and if you are going to establish a certain unit of standard to which every Member shall be entitled in the matter of publications, he ought, so long as he remains in Congress, to have the privilege of utilizing that amount of publications, whether he sees fit to distribute them in one year, two years, or four years.

I further agree with the chairman of the Committee on Printing [Mr. BARNHART] that this privilege ought to terminate when the Member goes out of Congress, and that it should not be continued beyond that time; that it should not continue until the December following his retirement. I can speak personally on that question, because I was out of Congress for one term, and when I was out I was giving my attention to the practice of law, and I did not wish to be bothered with requests for documents. Fortunately for me, there was an extra session called within a few days after my retirement, which resulted in my successor receiving all such inquiries.

But I can not see any reason, except you wish to punish Members, in compelling them to utilize their allowance within the term of a Congress. For instance, suppose just a month or two before the close of a term of Congress a certain publication is issued—for instance, the Agricultural Yearbook. It does not so happen, but you can not tell when that publication may be issued and be available to the Members. Supposing 1,800 Agricultural Yearbooks should be credited to a Member in February, 1915. He would then necessarily be compelled right then and there to withdraw those publications by March 4 or else lose the right.

Mr. TAVENNER. I am afraid the gentleman misunderstands this bill, because there will not be any of those documents credited to the Member at all unless he asks that they be.

Mr. STAFFORD. Oh, I do not misunderstand the bill, I will say to the gentleman. I gave some consideration to this bill when it was under consideration in the Senate two years ago. Now, suppose we are holding back our allowance for the purpose of getting Agricultural Yearbooks and they are published in February, 1915.

Mr. LOBECK. As a matter of fact, they are published in June.

Mr. STAFFORD. It is a suppositious case; but it is applicable to any other case. We would be obliged to exercise our allowance entirely within that one month, or within two weeks, in order to get those Agricultural Yearbooks, and in order to do that we would have to store them in our offices or in our attics.

Mr. BARNHART. I am sure the gentleman is not clear in his statement to the House, for this reason: There will not be any possibility for an allowance of 1,800 yearbooks in February of any year, because under this plan the Member, immediately when he comes to Congress——

Mr. STAFFORD. There is an allowance of $1,800, and he can have an allowance of 2,100 copies of the yearbook if he wishes to use his allowance for that purpose exclusively.

Mr. BARNHART. He can have them at any time after he comes into Congress.

Mr. STAFFORD. He will not be able to utilize his $1,800 allowance for agricultural yearbooks, which he may wish especially for his district if they are published late in February, 1915, unless he utilizes his allowance then and there; and if he

does not do it his allowance of $1,800, or so much of that allowance as he wishes to use for agricultural yearbooks, will lapse. It is unreasonable. It is only making it inconvenient for Members of Congress. It is all right to limit this allowance and make a Member exercise it before the expiration of his service in Congress, but it is not right to compel a Member to lose his allowance every two years unless he exercises it at that term.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. HUMPHREY of Washington. I object.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The gentleman from Indiana [Mr. BARNHART] is entitled to recognition on that.

Mr. HUMPHREY of Washington. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Washington makes the point of order that there is no quorum present, and the Chair will count. [After counting.] Eighty-seven Members—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Adamson | Fordney | Konop | Rucker |
| Allen | Frear | Korbly | Sabath |
| Anthony | French | Lazaro | Scully |
| Aswell | Gardner | L'Engle | Sells |
| Austin | Garrett, Tex. | Lewis, Md. | Sherley |
| Baker | George | Lewis, Pa. | Sims |
| Bartlett | Gerry | Lindquist | Sisson |
| Bathrick | Gillett | Linthicum | Slemp |
| Bell, Cal. | Godwin, N. C. | Loft | Small |
| Blackmon | Goldfogle | McClellan | Smith, Md. |
| Borland | Goodwin, Ark. | McGuire, Okla. | Smith, Saml. W. |
| Broussard | Graham, Pa. | McKellar | Smith, Minn. |
| Brown, N. Y. | Gregg | Maher | Smith, N. Y. |
| Brown, W. Va. | Griest | Martin | Smith, Tex. |
| Browning | Griffin | Merritt | Stephens, Miss. |
| Buchanan, Tex. | Guernsey | Metz | Stephens, Tex. |
| Burke, Pa. | Hamill | Moore | Stevens, N. H. |
| Calder | Hamilton, N. Y. | Morin | Stringer |
| Candler, Miss. | Hardwick | Mott | Sumners |
| Carlin | Harris | Mulkey | Sutherland |
| Carr | Hayes | Murdock | Taggart |
| Church | Heflin | Murray, Okla. | Talbott, Md. |
| Clancy | Henry | Neely, W. Va. | Taylor, Ark. |
| Clark, Fla. | Hensley | Nelson | Ten Eyck |
| Coady | Hinebaugh | Oglesby | Thacher |
| Connolly, Iowa | Hobson | O'Hair | Thompson, Okla. |
| Coury | Houston | Oldfield | Towner |
| Covington | Howard | O'Leary | Townsend |
| Crisp | Hoxworth | O'Shaunessy | Treadway |
| Davis | Hughes, Ga. | Palmer | Tribble |
| Dooling | Hughes, W. Va. | Parker | Tuttle |
| Doughton | Humphreys, Miss. | Patten, N. Y. | Vare |
| Driscoll | Jacoway | Payne | Vaughan |
| Drukker | Johnson, S. C. | Peters | Walker |
| Dunn | Johnson, Utah | Plumley | Walsh |
| Eagle | Jones | Porter | Watkins |
| Edmonds | Keister | Pou | Whaley |
| Elder | Kennedy, Conn. | Powers | Whitacre |
| Estopinal | Kent | Prouty | Wilson, N. Y. |
| Fairchild | Key, Ohio | Quin | Woodruff |
| Faison | Kindel | Rainey | Woods |
| Finley | Kinkead, N. J. | Rauch | |
| Fitzgerald | Kitchin | Riordan | |
| Flood, Va. | Knowland, J. R. | Rothermel | |

The committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 15902, the codification of the printing laws, finding itself without a quorum, had caused the roll to be called, and 258 Members answered to their names, and he presented a list of the absentees.

The committee resumed its sitting.

Mr. BARNHART. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I want to seriously call your attention to the mistake you will make if you vote for an amendment to this bill providing that credit to a Member of Congress under the valuation plan shall continue to him after his term of office has expired, for this reason: Under the valuation plan a Member is entitled to $1,800 worth of documents a year. If that Member should serve 10 years and should be a designing Member he could accumulate $1,000 worth of these documents each year by not distributing them, and at the end of 10 years, with the credit cumulative, he could draw out those documents, $10,000 worth, and use them for his own personal distribution after his term of office expired. It may be right, but I doubt seriously if such a plan is fair to the American people. They are entitled to these documents as they are published, and it is not fair that a Member of Congress should have the privilege of denying to his district the use of those documents until he goes out and then draw out the enormous amount of them and broadcast them for his own purpose.

Mr. GOOD. How much would documents be worth at the end of 10 years?

Mr. BARNHART. Oh, he could draw out documents that are of current publication; he would not have to take old documents.

Mr. BUTLER. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. BUTLER. Is it possible that a Member of Congress would be so low and mean as to sell public documents? Has the gentleman every heard of such a case?

Mr. BARNHART. I did not say that he would sell them.

Mr. BUTLER. Or turn them into profit for himself.

Mr. BARNHART. I said he could let them accumulate to the extent of $10,000 if he served for 10 years and failed to draw out $1,000 worth each year, and then under the resolution that was put through a while ago distribute them after his term of office expired, and that would not be right.

Mr. BUTLER. No; that would not be right.

Mr. MANN. The gentleman from Indiana knows that he is mistaken about that proposition. He could not use them after the term of office expired.

Mr. BARNHART. Why not, under the amendment that the gentleman from Illinois had adopted, providing that he should have the franking privilege after the expiration of his term until the following December? He would have from the expiration of his term of office to the following December to distribute the books, if he saw fit.

Mr. MANN. Unless he saw fit to draw them out before, and he could do that under the gentleman's scheme.

Mr. BARNHART. If it is provided at the end of two years that his right to those documents shall lapse, then he would not have any privilege of accumulating such an enormous amount of documents and denying his district the use of them.

Mr. TALCOTT of New York. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. TALCOTT of New York. Under your rule is it not probable that one district might get its full share and another district not get its full share?

Mr. BARNHART. Why, not at all. Each district will get the same allotment.

Mr. TALCOTT of New York. It will get the same allotment, but if they are not drawn they will not get the same measure.

Mr. BARNHART. On that theory I would say that nobody should be responsible for a Member of Congress not attending to his duty.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. CLINE. I want to inquire the theory on which this valuation proceeds—if it is that the documents shall return to the document room at the end of the term of a Member?

Mr. BARNHART. Not the documents. Under this provision under consideration now they will continue to his successor. However, we are talking now about the documents that will be on hand credited to Members under the present plan on the 4th of March next.

Mr. CLINE. If they are credited to me, suppose I do not draw them out the 4th of March next, then they go back to the general stock, do they not?

Mr. BARNHART. No; at the end of your term of service.

Mr. CLINE. If they belong to the district, why do you not provide that my successor shall have these documents?

Mr. BARNHART. Because the gentleman's successor will have an allotment of $1,800 the moment he comes to Congress.

Mr. CLINE. But the district ought to have these that I have not drawn out.

Mr. BARNHART. I do not know whether Congress ought to provide against inactivity of Members or not.

Mr. CLINE. Congress ought to provide for the district and not for the Member.

Mr. TALCOTT of New York. That is the point.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. GOULDEN. Is it not a fact that the Members draw pretty close up to the full quota of their documents?

Mr. BARNHART. Mr. Chairman, I will answer that by saying that these carbarns at the foot of the hill are rented each year at a cost to the Government of $4,000, and how many car loads of documents are in there credited to Members of Congress I do not know. I do know that in addition to that storehouse there are other storehouses about here and in the terraces of the Capitol that are filled to overflowing with documents credited to Members that are yellow with age. They are obsolete as to date, and the Government has paid for them. It has paid as much as 8 cents a pound in addition to the printing and binding for the paper, and they are to be taken out of there from time to time now, cut up, and sold as junk at about eight-tenths of a

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cent a pound, and that is the waste that we are trying to avoid.

Mr. GOULDEN. Does not the gentleman believe that much of that truck was useless when it was published originally?

Mr. BARNHART. Yes.

Mr. GOULDEN. And that the gentleman's committee should guard against such publication?

Mr. BARNHART. I want to submit that we are now seeking authorization of law to stop that very thing.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. STAFFORD. In the gentleman's prefatory remarks he stated that this would result in a Member accumulating his allowances and thereby sending out obsolete documents.

Mr. BARNHART. I did not say that. I said that he might.

Mr. STAFFORD. He might send out obsolete documents, conveying the impression that the Members would be privileged to send out old documents. I want to ask whether in a subsequent section of the bill there is not a provision which forbids the printing of any public document after two years of its publication except upon approval of the Joint Committee on Printing?

Mr. BARNHART. That was corrected all right.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MANN. Mr. Chairman, this is a matter which is wholly nonpolitical and affects in the main only the convenience of the Members of Congress and the rights of constituents. I do not know whether all Members are familiar with what is called the valuation scheme that is carried in this bill. It is proposed to change the existing law under which documents which are printed are printed in a fixed number and a certain quota allotted to each Member of Congress going into the folding rooms of the two Houses. The proposition is that each Member of the House shall have a credit with what is called the superintendent of documents at the Government Printing Office of $1,800 each year, and that he may draw against that credit any documents which are printed under this congressional distribution plan. You could draw $1.800 worth of Yearbooks or $1,800 worth of horse books or $1,800 in one publication, or any such number as you please, the total not to exceed $1,800 worth. I am neither advocating nor opposing that proposition at the present time, but endeavoring to perfect it, so that if the valuation scheme shall be agreed to as proposed by this section it shall be agreed to on terms which are reasonably convenient for Members of the House. It should be borne in mind, first, that this credit is not assignable; it can not be transferred; it can not be sold. It can only be used by the Member himself officially. The bill provides that the unused balance of every valuation account shall lapse on the 3d day of March of each year and shall not be available for any purpose thereafter. I have moved to strike out that provision, and the gentleman from Indiana [Mr. BARNHART] has offered an amendment which I think ought to be agreed to, making the ending of the valuation once in two years instead of once a year. I shall vote for the amendment of the gentleman from Indiana to perfect the text, and then vote to strike out the proviso entirely. I shall vote to perfect the text because, if it is to stay in, it is much better with the amendment than without; but I think it ought to go out entirely, and I will admit that there ought to be some limitation upon the length of time or the amount of money, if the scheme is to be adopted, which a single Member of Congress may have to his credit. But what will be the result of adopting even the proposition of the gentleman from Indiana? I have to my credit $1,800 a year, and in two years I have $3,600.

The law provides under this proposition that at the end of two years that credit ceases. What do I do on the 3d of March, just before the credit ends? If I am reelected to Congress, what will I do? Lose the credit? Why, not unless I am a foolish man. If you had money to your credit in bank, and you could not check against it after the 3d of March, what would you do on the 3d of March? Why draw it all out. But if you had the money you could use it very handily; but if you buy the public documents, what would you do with them? Store them over in your office building. There is no escape from the proposition, and then you have these old documents stored away there instead of having——

Mr. BARNHART. Will the gentleman yield?

Mr. MANN. I will yield, although I would like to make an intelligible statement to the House.

Mr. BARNHART. I know the gentleman would not intentionally misrepresent the facts.

Mr. MANN. I do not either intentionally or unintentionally misrepresent the facts.

Mr. BARNHART. The fact is the folding rooms in the Capitol are continued for that very purpose of not depriving Members of what are due them at the expiration of their terms or compelling them to take the publications to their offices. That is one of the purposes of continuing these folding rooms.

Mr. MANN. Well, Mr. Chairman, I am glad to hear the gentleman make that statement. He has been urging all the time that the folding rooms should be abolished, and the whole valuation scheme contemplated the abolishment of the folding rooms of the House and the Senate. If the folding rooms be continued, then what will the Member do if his valuation must end at the end of two years? He will draw them from the superintendent of documents and transfer them to the folding rooms. That is what he will do. How does the Government gain anything by that? What difference does it make to the Government whether documents have been printed and placed in the folding room or whether the Member is entitled to them for printing in the future as he asks for them? Certainly the Government does not gain anything in the requirement that the Member shall ask the printing be done and transfer his documents to the folding room. The whole valuation scheme is upon the theory that Members will choose the documents as they come out which are most demanded in their districts down to date and use their credit in the sending of documents into their districts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes additional.

Mr. MANN. I do not think I shall use that much.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Illinois may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Now, I represent a city district——

Mr. BARNHART. Would the gentleman yield once more?

Mr. MANN. Certainly.

Mr. BARNHART. I know the gentleman does not want to misrepresent——

Mr. MANN. I do not misrepresent.

Mr. BARNHART. Well, when the gentleman says I have favored the abolishment of these folding rooms I want to submit that the bill as it came from the Senate contained that provision, and I stood up for the present provision of the bill going in.

Mr. MANN. I never repeat a private conversation, and hence I will not repeat any I have had with the gentleman. The whole theory of this bill contemplates the abolishment of the folding room, but that is a matter purely of argument. If it be true that the folding room is to be continued, then my argument is that much stronger, because there is no reason for taking the credit away from a member of the office of the superintendent of documents in order to compel him to order documents and transfer them to the folding room of the House.

Mr. BUTLER. Will the gentleman yield?

Mr. MANN. I do.

Mr. BUTLER. I would like very much to have the privilege of selecting the publications which my constituents would like to have, and I would not like to lose credit at the end of two years, and I would like to leave that to my successor the same as to leave documents to my successor. If that plan could be worked out, I think it would be convenient and useful to my constituents if I can have a credit of $1,800 to obtain documents instead of being put to the trouble of trading around continually with Members of the House.

Mr. MANN. Under this scheme you can not.

Mr. BUTLER. I understand so.

Mr. MANN. I represent a city district that is wholly within the limits of the city of Chicago, although a portion of it is in a way agricultural. I get my quota of books and send them out in the main; sometimes I give some Member a few and sometimes get some transferred to me, but I use my documents in the main; but the greatest demand in my district for documents is for publications of the Smithsonian Institution or the National Museum or the American Historical Society or the National Academy of Sciences, or something of that sort, such publications constantly being demanded, especially by people connected with the University of Chicago, which is in my district. Now, I will not let those lapse. The Smithsonian Institution may issue a publication just after the 3d of March. Why should I not be permitted to draw out my quota of that, even if I have held it over for six months for that purpose? Who is hurt by it? The Government does not gain anything by it. Now, instead of leaving my quota with the superintendent of documents I will draw out, and any other Member will, documents sufficient to use up my quota or my credit there and keep them on deposit. The

Democrats of this House have been very kind to me as minority leader, the officials, and have provided me with a storeroom in the Capitol, apart from my office, where I have a good many things stored. Well, I do not know how long I will be minority leader or a Member of the House, but I would find some place to store those documents in justice to my district rather than let my credit lapse. Now, it may be proper to provide in some way so a man does not accumulate a credit of $10,000 or anything like that, but you get these documents in the main for the benefit of the constituents of your district, and there is no reason, there is no economy in taking away the right which we have now and letting this credit balance lapse at the end of our term of office.

If Members desire to cut off their own noses, they have that privilege, though I do not think it will add anything to their beauty.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

Mr. BUCHANAN of Illinois. Mr. Chairman, I move to strike out the last two words in order to ask the chairman of the committee a question. I would like to ask if in the distribution of the allowance for publications to be circulated whether there is any difference in the various districts in regard to the population, or whether each district gets the same amount?

Mr. BARNHART. Each district under the plan would get the same amount.

Mr. BUCHANAN of Illinois. That does not seem to me like a fair proposition. For instance, I have probably 400,000 population in my district, and there are other districts that probably have not 200,000 population. The distribution of publications of this kind ought to have some consideration for the population.

Mr. STAFFORD. Will the gentleman yield?

Mr. BUTLER. The documents are always distributed equally, I think.

Mr. BARNHART. If the chairman of the committee were selfish, he would report according to the idea of the gentleman from Illinois, from the fact that he has a quarter of a million people in his own district, but the plan has always been to issue for the use of each Member of Congress an equal number of public documents. If the legislatures of the several States make mistakes in giving to a Congressman a population greater than the number ought to be, it should be no fault of the committee nor the Congress.

Mr. BUCHANAN of Illinois. It would not be the fault of the people of those districts, would it, to have one district, a small one, have more than they need, and a district having a large population not have enough?

Mr. BARNHART. The law would have to be revised then every time there was an increase or decrease of population in the district.

Mr. BUCHANAN of Illinois. It seems to me as if it ought to be framed so that there would be so much per capita.

Mr. BARNHART. It is not the way now, and to do that would probably precipitate a great controversy.

Mr. BUCHANAN of Illinois. What we should try to determine is to distribute these to the best interests of the people and not to the interest of the Members of Congress.

Mr. BARNHART. Certainly.

Mr. BUCHANAN of Illinois. They ought to be put in the hands of the people who would be interested in them, and who would be profited by them, and not merely sent out to satisfy the Members of Congress.

Mr. BARNHART. After all, this duty is in the keeping of the Congressman or Senator. If he neglects to comply with the people's wants and their interests in the matter of documents, it is the fault of this people's servant and not of the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN], as amended by the amendment of the gentleman from Indiana [Mr. BARNHART].

Mr. MANN. Not as amended. My amendment is to strike out.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to strike out the proviso.

Mr. BARNHART. Mr. Chairman, is the time for debate on this amendment exhausted?

The CHAIRMAN. The time for debate is exhausted. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BARNHART. Division, Mr. Chairman.

The committee divided; and there were—ayes 44, noes 42.

Mr. BARNHART. Mr. Chairman, I demand tellers. This is a most important feature of this bill.

Tellers were ordered, and Mr. BARNHART and Mr. MANN took their places as tellers.

The committee again divided; and the tellers reported—ayes 55, noes 29.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. GOOD. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] moves to strike out the paragraph.

Mr. GOOD. Mr. Chairman, I recognize that the present arrangement in regard to the distribution of public documents is not satisfactory, and yet an examination of the publication which is circulated in support of this provision convinces me that this valuation scheme is largely of a tempest in a teapot after all. The large item of expense in the printing of all public documents is the $470,000 expended for the publication of Agricultural Yearbooks. That comprises over one-half of the total expense, as computed in this publication for all the publications that are placed to the Members' credit. During this Congress and in the last Congress, too, we debated day after day with regard to the question of mileage of Members. That question became a campaign issue in many of the congressional districts throughout the country. The question of the allowance to Members for clerk hire was another item that required considerable discussion, and it has become an issue in certain campaigns throughout the country. We have also an allowance for stationery, and that question comes up for discussion.

Mr. GOULDEN. Will the gentleman yield?

Mr. GOOD. I will.

Mr. GOULDEN. What was the cost figured by the Government for these Yearbooks?

Mr. GOOD. The total cost as I get it here is $1 each.

Mr. GOULDEN. Thank you.

Mr. GOOD. And now we have proposed that there shall be given to each Member of Congress $1,800 worth of publications annually, and in every appropriation bill that comes before Congress appropriating money for these publications there will be Members asking to raise the limit and Members asking to lower the limit, and the fact that an allowance of $1,800 worth of publications is allowed each Member annually will become an issue in many campaigns.

Again, suppose a Member living in an agricultural district takes his entire quota in agricultural books and sends them to the farmers throughout his district. He exhausts his quota, but farmers keep writing to him for more agricultural yearbooks, and what is he going to do? He can not say his quota is exhausted very well, because the farmers will come back and say, "You have an allowance of $1,800. All I am asking for is one book." The Member will have to buy the book and send it to him. And so on all down the line. I know there are a good many publications that Members do not use, but there are but few of them published and the cost to the Government is not a very considerable item. Take these reports on water surveys, and things of that kind, and a great many of them should not be published at all. They should not be placed to the credit of Members. The Government should save that money and not publish them at all, or if published distributed by the department publishing them. But, after all, when you consider the total cost it is inconsequential compared with the cost of publishing Agricultural Yearbooks and things of that kind. The publications that are valuable cost money; the valuable publications are sent out, and every district wants them.

Now, I agree that there is some cause for complaint about the present system.

At first blush I was inclined to think that this method of valuation was a good solution of the question, but the more I study this proposition, the more strongly I become convinced that we are adopting something here that will rise up and plague every Member of Congress in the future. It is a serious proposition. It is a great departure from the present method, and we ought not to be adopting these measures that are going to commercialize the seats of Members of Congress without Members knowing what they are doing. I do not believe that Members of Congress ought to be simply distributing public documents and be errand boys for the respective district, anyway. These documents ought to be largely distributed by some one else. Some other Government agency or officer ought to send out these publications. But when you put them to the credit of Members it is the Member's duty to send them out to his con-

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stituents. In my opinion, the adoption of this plan will increase the expense to the Government.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TAVENNER and Mr. LEVY rose.

The CHAIRMAN. The Chair will first recognize the gentleman from Illinois [Mr. TAVENNER], a member of the committee.

Mr. TAVENNER. Mr. Chairman, I desire to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois [Mr. TAVENNER] moves to strike out the last two words.

Mr. TAVENNER. In answer to the point that if a Member of Congress went ahead at the beginning of his term and completely exhausted his credit by sending out $1,800 worth of Yearbooks under this valuation system that some of his constituents who had not received copies might write in and complain because they had not received one of the books, and would say that the Member had $1,800 worth of books to his credit and that they were not being treated fairly; it is only fair to say that the same condition might arise under the present system. A member now gets about 800 copies of the Yearbook, and if as soon as they are placed to his credit he should send them all out, without waiting for legitimate requests, constituents could write in to their Member and make the same complaint.

Under this valuation system the proposition is to place to the credit of each Member for his constituents $1,800 worth of documents each year. I can not see why any Member of Congress should oppose this proposition, because it is in the interest of Members of Congress and in the interest of their constituents. Under the present system about one-third of the documents that go to the credit of each Member are of no value whatever to him or his constituents, and they are ultimately sold as junk.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Washington?

Mr. TAVENNER. Yes.

Mr. JOHNSON of Washington. Does not the gentleman believe that the agricultural papers and the school journals will publish the fact that a Congressman has $1,800 to his credit per year, and that the people will at once write in, and it will be impossible for the Representative to say that his quota is exhausted, and if he does send out all the books that are first called for he can not comply with later demands, nor will he be able to hold a reserve, whereas one may truthfully and correctly say that his quota of this or that particular document is exhausted?

Mr. TAVENNER. If persons desiring to actually use Government publications write in to their Members for these documents and we send them to them, it is the best possible use we can make of them. As it is now, we send them out to anybody, indiscriminately, because we do not know exactly who desires them. If this provision results in supplying Government publications to the people who want them and will really make use of them, then the plan will have worked out as it was hoped it might work out.

Mr. PADGETT. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. TAVENNER. Yes.

Mr. PADGETT. Suppose you are credited with $1,800 worth of documents, and your quota is exhausted, and then suppose a man in your district sends you a list of books, comprising almost an entire library, that he wants you to send to him, what would you do?

Mr. TAVENNER. I will ask the gentleman what he would do under the present circumstances?

Mr. PADGETT. I would say they are not included in my quota. But if this provision is enacted, my constituent would say, "You have $1,800 to your credit, and I want you to send me those books." Some fellow would simply want you to furnish him with a library, and you would have either to refuse him or to say, "I have got 10 counties in my district, and that is $180 to a county," and the other man comes along and says, "That does not satisfy me. You have got $1,800 to your credit. Buy me those books and charge them up to that credit."

Mr. TAVENNER. I would simply reply, in a case of that kind, that I have a great many other constituents and can not give too large a proportion of the documents accredited to my district to any one individual. I doubt whether that situation would arise very often. It does not now. I can not understand why 800 Yearbooks should be credited to a Member of Congress unless he wants them, or unless his constituents desire them, as it is the custom to do under the existing system. Under the valuation plan provided in this bill a Member can get maps or Congressional Directories or books of interest to his particular district, and if he desires he can obtain for his constituents all of the documents he is receiving now and about $100 worth in addition thereto. Therefore it seems to me that the proposed plan is better than the system now in vogue, to say nothing of the advantage that the Member will have of obtaining documents of use to his district and the economy that will result to the taxpayers.

Mr. CARY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. TAVENNER. I yield to the gentleman.

Mr. CARY. Will the gentleman explain to me how each and every Congressman is going to know how many of these different documents he can use, or how many will be used?

Mr. TAVENNER. We are "up against" the same proposition now with reference to the superintendent of documents.

Mr. CARY. There are thousands of them there, and we can not know how many we shall need.

Mr. TAVENNER. We now print a certain number of documents. As more are needed from time to time, reprints are ordered. The fact that a Member of Congress is going to make requests does not change the situation with regard to these documents at all, because the superintendent of documents himself does not know how many sales he will make, any more than he will know how many requests are going to come in from Members of Congress under this plan. This plan does not affect that proposition at all.

Mr. CARY. Suppose I get a certain request for a document, and I write to the department, and they say they have not got it, but they will make a reprint of it. They may ask, "How many do you want?" Does that save Government expense?

Mr. TAVENNER. It is the same as if a man would buy additional documents from the superintendent of documents now. It would not change that proposition at all. Not only can the Member of Congress under this valuation system get the particular documents he may desire for his particular district, but he can obtain two copies of any document that is printed and that the superintendent of public documents has in stock, the value of the same being charged to his account.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Oklahoma?

Mr. TAVENNER. I do.

Mr. CARTER. Under this plan that you have in this bill, if I wanted $1,800 worth of Yearbooks or horse books, I could take them?

Mr. TAVENNER. Yes.

Mr. CARTER. And any other Member could do the same thing?

Mr. TAVENNER. Yes.

Mr. CARTER. When they are exhausted, what will be done? Are reprints made?

Mr. TAVENNER. Yes; just the same as now. The superintendent of documents has to order reprints now when there is a sufficient demand.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LEVY. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from New York [Mr. LEVY] moves to strike out the last three words.

Mr. LEVY. Mr. Chairman, I am opposed to this section. It is difficult for me to conceive how you can convince your constituents that you receive $1,800 worth of books and not $1,800 in money. They will certainly credit you with receiving an additional $1,800, and that, added on to your present salary, would make $9,300. You will be unable to convince your constituents that you do not receive this value in actual money. And not alone that. While there is no doubt that our present system can be corrected to a great extent, it is of benefit to the people of the United States to distribute these, in many cases, valuable documents. We do not want to limit ourselves to the issue of any one publication. Suppose you devote the $1,800 to one publication, how about the others, when your constituents write to you? You will have to go and buy them or trade for them, or something of that sort. It is a great mistake to insist upon this policy. I believe in striking out this section, because I imagine that the Members of Congress will have a great deal of trouble under this section. They will be harassed and blamed and charged with receiving the $1,800 in money, and you can not convince some people but that this $1,800 goes toward your salaries. [Applause.]

Mr. MADDEN. Mr. Chairman, I desire to be recognized.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] moves to strike out the last four words.

Mr. MADDEN. I am afraid the Committee on Printing are starting a campaign issue that they will regret, if this section of the bill is adopted. It is said that Members can get any kind of a document they want, and that Members will call for only such documents as may be required by the people of their districts. Now, the people of the various districts usually want almost every document that is published. There is no district whose people are confined to a desire for any particular list of documents, and I take it that the adoption of this section of the bill will restrict the distribution of documents among the people of the United States. Suppose that every man here should request a sufficient number of Yearbooks to consume his allowance under this section, what would become of the other documents printed? Will it be said that the other documents would not be printed, and that the Government would save the cost of that printing because of the issue of Yearbooks? What would become of the agricultural bulletins, for example, about 22,000 of which are allowed to each Member every year?

Mr. BARNHART. The gentleman does not want to make a misstatement?

Mr. MADDEN. Under the present plan that is what we were allowed this year.

Mr. BARNHART. The number allotted to each Member is 12,500.

Mr. MADDEN. Well, then, 12,500, or whatever the number is. I will say to the gentleman that I usually send out more than 22,000. A Member would not be able to accommodate the people who want these bulletins, and the information contained in the agricultural bulletins is of such vast importance to the American people that their use ought not by any legislation to be restricted.

Mr. GOOD. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Iowa.

Mr. GOOD. This bill is bottomed on the supposition that publications like the Yearbook are not in demand by people living in the cities. The gentleman represents a city district, and I should like to know what his experience has been along that line?

Mr. MADDEN. My experience is that men and women living in the cities read with as much avidity as the men and women who live in the country, and that they are just as much interested in the activities of the Government as people who live on farms. The men and women in the cities are just as much interested in the development of agriculture as the farmers are, and every man living in a city who came from the country in the first instance hopes for the time when he can go back to the farm, and he wants to keep up his farm education, so that he may not be out of touch with the farm when the time comes that he can go there. [Applause.] Every man wants a Yearbook. Every man wants the bulletins. Every woman who keeps house wants a bulletin to tell her how to make bread, how to kill cockroaches, how to destroy rats, how to dispose of bedbugs, how to raise mushrooms, how to make a flower garden in a place where there is no grass, how to beautify the home, and how to economize in the conduct of housekeeping. These bulletins are of vast importance to the people of America, and particularly to the people who live in the great cities.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for two minutes. Is there objection?

There was no objection.

Mr. MADDEN. And above and beyond all in importance, the Agricultural Department prints a bulletin on how to feed and rear babies, and every man and woman in America is interested in that bulletin. [Applause.] Much information on how to bring up children and thereby produce a better citizenship for the future is to be obtained from the reading of these bulletins, and such information ought not to be restricted by the desire of any man who happens for the time being to occupy a place as chairman of a committee, wishing to place themselves in control of the issuance of documents beneficial to the people, but, on the contrary, every opportunity should be afforded Members to furnish the people of America with the information published by the departments of the Government. This Government belongs to the people. It is theirs. They are the Government. The Government is organized to do the will of the people. The people are not organized to do the will of the Government. And we, as the spokesmen for the people, ought to insist upon preserving every right the people have, and one of the most important rights of the people is to be informed on the activities of the Government. There is only one way in which they can be truthfully informed, and that is by sending the Government documents that relate to the transactions of the Government, and thus furnish the information in connection with every one of those activities. I am in favor of striking out the section in the bill that limits by any degree the right of Members of the House to send information to the people, by means of which they can be kept posted on what is being done by their Government. [Applause.]

Mr. BARNHART. Mr. Chairman, I move to strike out enough words to obtain recognition. I do not know how many that will be.

The CHAIRMAN. The gentleman moves to strike out the last five words.

Mr. BARNHART. Mr. Chairman, the remarks just made by the gentleman from Illinois [Mr. MADDEN] corroborate the efforts of the committee in every particular to give the people of the districts the reading matter that they want, and not, as the present law provides, crowd upon them allotments that are of no use to them whatever. The gentleman from Illinois [Mr. MADDEN] says he receives more than 12,500 agricultural bulletins per year. If he has received more than that number per year for each year since he has been in Congress, he has violated the law.

Mr. MADDEN. I will continue to violate it if I get the chance, if that is what I do in sending out these bulletins.

Mr. BARNHART. If the valuation system be adopted, the gentleman from Illinois can have as many agricultural bulletins as he chooses to send out, so long as he keeps within $1,800 per year; but under the present provisions the difficulty about the allotment of printing is that I have on my memorandum, given to me by the superintendent of the folding room from time to time, a vast accumulation of documents of no use to my district; for instance, bulletins from the Geological Survey, in which nobody scarcely in my district can possibly be interested. They are interested in other publications, and I would like to have the valuation plan, by which I may secure for my district the greatest number possible of those publications which the people desire, and not have a whole lot of publications which they can not possibly use.

Mr. CLINE. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. CLINE. Suppose on the 4th of March, when you are required to make a selection, you select $1,800 worth from the list. The next day or the next week you get a letter from a constituent asking for documents which inadvertently, perhaps, you had omitted to include in your list.

Mr. BARNHART. Oh, the gentleman misunderstands. He does not have to take the allotment on the 4th of March. He has the entire year. When he has an order from a constituent he will send it to the superintendent of documents, and it will be filled and be charged up against his allotment.

Mr. CARTER. You have until the 3d of March, at the end of the Member's term?

Mr. BARNHART. Yes; he will have until the end of his term.

Mr. PLATT. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. PLATT. Will a Member have to make return of this $1,800 to the collector of internal revenue and pay an income tax on it? [Laughter.]

Mr. BARNHART. Mr. Chairman, I am perfectly willing to answer all intelligent questions, but there is nothing in the bill that provides that a dollar of this goes into the Member's pocket by which he can use it in any other way except in documents. A question of that kind could not possibly apply.

Mr. Chairman, the purpose of this provision in the bill is to save money to the Government. The Government, under the present plan, is wasting nearly a million dollars a year. It is wasting more than that in abuses other than Government printing, which I will not enumerate and with which a good many Members are familiar. We do a good many things as a matter of practice in the matter of the distribution of public documents that are not right. I do not know that it is anybody's fault, because when I first came to Congress I was notified that certain practices which were wrong were all right. For instance, I was told that I could have a set of farmers' bulletins bound for each farmers' institute in my district. I went to the Clerk, and he O. K'd my order. It was a violation of the law. I was only entitled to one binding per year. But it is a practice that has grown up until, as I said, a whole lot of things are being done that is precipitating waste on the taxpayers and dis-



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commoding the people. The present system of distributing public documents is such that the people pay the money, but they do not get what they want, because the Members of Congress can not supply the district.

Mr. SHERLEY. Will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. SHERLEY. Why not do the practical and sensible thing and let the documents be distributed by the department that publishes them instead of using them as a means of reelecting ourselves, as is the practice now?

Mr. BARNHART. That is a pertinent question.

Mr. BARKLEY. Will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. BARKLEY. Is it not possible under this for a Member to select valuable books and use them for his library and his constituents never get the benefit of them?

Mr. BARNHART. I do not know how to answer that, but I think that the Congressman who took them from his constituents and appropriated them to his own use ought to be banished from Congress.

Mr. BARKLEY. Under the present system Members of Congress are entitled to a certain book, like the Indian Hand Book——

Mr. BARNHART. Each Congressman, by this bill, is entitled to two copies each year.

Mr. BARKLEY. And other books that his constituents might be interested in if he had copies of them.

Mr. BARNHART. This bill provides that he shall have two copies for his own use, and no more.

Mr. BARKLEY. I was asking for information. I would not look with approval or approbation on a provision that gave a Member an unlimited right to appropriate to his own use and build up his own library with publications of the Government that might work an injustice to his constituents.

Mr. BARNHART. I fully agree with the gentleman about that. The question at issue here is the allotment of documents for distribution.

Mr. BARKLEY. What is the value fixed on a Yearbook?

Mr. BARNHART. The committee does not fix the valuation.

Mr. BARKLEY. What may be estimated as its value?

Mr. BARNHART. This bill provides for the elimination of the annual report of the Secretary of Agriculture from the Yearbook. That will lessen the cost some. The cost of printing the Yearbook in such quantities and editions as it has heretofore been published has been from 60 cents to 92 cents. The committee believes that under the present plan, printing them in such editions as the Government Printer may provide for this distribution, if the plan prevails, that the edition will be large enough so that they can be printed for 50 cents a copy.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Indiana be extended five minutes. Is there objection?

There was no objection.

Mr. BARNHART. Mr. Chairman, this is one of the most important features of this bill. The membership of the House ought to know about it. I would like to have the committee get the facts as clearly in mind as it is possible to do. Every Member of the House ought to have the benefit of all the information that is possible before he is asked to vote for the bill. Therefore I ask unanimous consent that we have, if so much time is required, 30 minutes on this proposition to discuss this matter, and the committee will try and answer all questions that may be asked. I think the Members ought to have ample time to determine this question and not be called upon to vote until they have had all the information possible.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on this paragraph be concluded in 30 minutes. Is there objection?

Mr. HUMPHREY of Washington. Mr. Chairman, I object; and I make the point of order that there is no quorum present.

Mr. BARNHART. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15902, the codification of the printing laws, and had come to no resolution thereon.

EXTENSION OF REMARKS IN THE RECORD.

Mr. CLINE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of labor legislation in this Congress

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, and I do not wish to object, is there any objection to the gentleman from Washington [Mr. HUMPHREY] having 10 minutes in which to address the House at this time? Well, I shall not object.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. BARNHART. Mr. Speaker, reserving the right to object, I think I am entitled to a slight explanation for the antics of the gentleman from Washington [Mr. HUMPHREY] to-day.

Mr. MANN. Oh, I have not made any requests on behalf of the gentleman from Washington.

Mr. HUMPHREY of Washington. Nobody has a right to make a request for me.

Mr. MANN. And no one has made any request.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. TAVENNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of labor legislation.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

Mr. SAUNDERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of legislation in the present session of Congress.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD on the subject of the legislation of this Congress. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand that it is expected to prevent this side of the House from discussing the iniquitous internal-revenue tax bill to-morrow, and all of the gentlemen on the Democratic side of the House are going to gag this side of the House upon that subject. In view of that fact, do gentlemen really think that it is modest on their part, in the light of their expected votes, to now ask permission to extend their remarks in the RECORD when this side of the House will not have any chance to extend its remarks in the RECORD?

Mr. BARNHART. Mr. Speaker——

Mr. MANN. Oh, I was not asking the gentleman from Indiana a question. He has not made any request.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. SAUNDERS]?

There was no objection.

ADJOURNMENT.

Mr. BARNHART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 38 minutes p. m.) the House adjourned until to-morrow, Thursday, September 24, 1914, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting report of Quartermaster General of the Army of all receipts and expenditures of contingent funds collected from nonmilitary residents at Fort Monroe, Va., for fiscal year ended June 30, 1914 (H. Doc. No. 1165); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting draft of joint resolution to exempt the office of the Comptroller of the Currency from the provisions of the sundry civil act approved August 1, 1914, limiting the period within which copy for department reports shall be furnished the Public Printer (H. Doc. No. 1166); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting detailed estimate of an appropriation to cover the employment of additional counters and other employees necessary for temporary service in the offices of the Comptroller of the Currency, Treasurer of the United States, and the Division of Loans and Currency in connection with the issuance and redemption of additional currency (H. Doc. No. 1167); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARK: A bill (H. R. 18927) to authorize State banks to form clearing-house associations and exempt them from the 10 per cent penalty; to the Committee on Ways and Means.

By Mr. MERRITT: A bill (H. R. 18928) for the purchase of a site and the erection thereon of a public building at Ticonderoga, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. REILLY of Connecticut: A bill (H. R. 18929) prohibiting the selling or shipping of foodstuffs to Europe; to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS of Maryland: Joint resolution (H. J. Res. 351) relating to railway rates; to the Committee on Interstate and Foreign Commerce.

By Mr. POST: Joint resolution (H. J. Res. 352) providing for a commission to complete the acquisition of lands for the extension of the Capitol Grounds, and providing for the payment thereof; to the Committee on Public Buildings and Grounds.

By Mr. HARDY: Joint resolution (H. J. Res. 353) authorizing the Secretary of the Treasury and the Federal Reserve Board to prescribe rules, etc., upon issuance of emergency currency; to the Committee on Banking and Currency.

By Mr. UNDERWOOD: Resolution (H. Res. 626) for the consideration of H. R. 18891; to the Committee on Rules.

By Mr. KAHN: Resolution (H. Res. 627) directing the Secretary of State to transmit to the House copies of all documentary information in connection with the transfer of the steamship *Robert Dollar* from Canadian or British registry to American registry; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 18930) granting an increase of pension to Isaac W. Worrell; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 18932) granting a pension to Patrick O'Donohue; to the Committee on Invalid Pensions.

By Mr. NEELEY of Kansas: A bill (H. R. 18933) granting an increase of pension to John M. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18934) for the relief of James Farrell; to the Committee on Claims.

By Mr. REED: A bill (H. R. 18935) granting a pension to Mary Ella Hoyt; to the Committee on Pensions.

Also, a bill (H. R. 18936) granting an increase of pension to George Dallison; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 18937) granting an increase of pension to John Schultz; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 18938) for the relief of Alfred W. Bjornstad, United States Army; to the Committee on Claims.

Also, a bill (H. R. 18939) for the relief of John A. O'Keefe, administrator of estate of William M. O'Keefe; to the Committee on Claims.

By Mr. TAVENNER: A bill (H. R. 18940) granting an increase of pension to William McGee; to the Committee on Invalid Pensions.

By Mr. WINSLOW: A bill (H. R. 18941) granting a pension to Arthur J. Paradis; to the Committee on Pensions.

By Mr. BROUSSARD: Resolution (H. Res. 628) for the relief of Grace N. Hunt, widow of John T. Hunt, late an employee of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Papers to accompany bill granting increase of pension to Isaac W. Worrell, first sergeant Troop I, Sixth Regiment United States Volunteer Cavalry; to the Committee on Pensions.

By Mr. CARY: Petition of United Master Butchers of America, favoring subsidizing of land by the Government for farming and raising stock; to the Committee on the Public Lands.

Also, petition of the transportation committee of the Merchants and Manufacturers' Association, protesting against tax on freight and express receipts; to the Committee on Ways and Means.

Also, petition of American Bowling Co., of Milwaukee, Wis., protesting against tax on bowling alleys, etc.; to the Committee on Ways and Means.

Also, petition of Milwaukee Clearing House Association and Merchants and Manufacturers' Bank, of Milwaukee, Wis., protesting against tax on bank capital; to the Committee on Ways and Means.

Also, memorial of Philadelphia Board of Trade, protesting against House bill 18666, providing for the ownership, etc., of vessels in the foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: Memorial of the National Association of Vicksburg Veterans, relative to appropriation for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

Also, memorial of Philadelphia Board of Trade, protesting against H. R. 18666, providing for Government ownership, etc., of vessels in the foreign trade; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the United Master Butchers of America, relative to the Government subsidizing land for farming and raising live stock; to the Committee on Interstate and Foreign Commerce.

By Mr. FINLEY: Petition of Robert Sage and R. B. Caldwell, of the Commercial Bank, Chester, S. C., against stamp tax on checks; to the Committee on Ways and Means.

By Mr. KENNEDY of Connecticut: Memorial of the Socialist Party of Waterbury, Conn., protesting against the actions of the Colorado National Guard in regard to Federal troops stationed in Colorado; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Petition of Woonsocket Lodge, No. 199, International Association of Machinists, of Woonsocket, R. I., favoring passage of H. R. 17830, relative to stop watch for Government employees; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of Miss Grace Fraser and Miss Catherine Millspaugh, of Howell, Ind, in behalf of the Christian Endeavor Society and Epworth League, respectively, and the Indiana Sunday School Association, favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of Cynthia Hitchcock, president of the Woman's Christian Temperance Union, in behalf of 51 citizens of Hermon, N. Y., urging national prohibition; to the Committee on Rules.

By Mr. NORTON: Petition of citizens of Chaffee, N. Dak., protesting against a special tax on gasoline; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Memorial of W. S. Dunbar Literary Society, of Los Angeles, Cal., favoring passage of House bill 5139, relative to retirement of aged Government clerks; to the Committee on Reform in the Civil Service.

Also, petition of licensed officers of the Pacific against suspension of navigation laws of the United States; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Roosevelt Camp, No. 9, Department of California, United Spanish War Veterans, Los Angeles, Cal., relative to discharge of Spanish War veterans employed in civil service of the United States Government in Philippine Islands; to the Committee on Reform in the Civil Service.

Also, petition of sundry citizens of Los Angeles, Cal., favoring amendment to section 85 of H. R. 15902; to the Committee on Printing.

By Mr. WATSON: Petition of sundry citizens of Amelia County, Va., respecting personal rural-credit legislation; to the Committee on Banking and Currency.

## SENATE.

THURSDAY, *September 24, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee day by day not to seek blessings from Thy hands for our Nation which Thou dost not freely give to all the nations of the earth, for Thou art not a respecter of persons. Thou hast made of one blood all nations that dwell upon the face of the earth. Thou hast fixed the bounds of their habitation and said, Thus far shalt thou go and no farther. But we come to Thee to get from Thee the inspiration of life. Thou art the sole center of truth and of righteousness and of life itself. We pray that we may be found in harmony with the divine will in carrying out Thy purposes among men. May our messages be of peace, and the influence that we exert weld together the great brotherhood of mankind. Let our ministries be for the welfare of the world. We ask Thy blessing and

guidance upon us in the duties of this day. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

H. R. 16136. An act to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium was read twice by its title and referred to the Committee on Public Lands.

PETITIONS AND MEMORIALS.

Mr. FLETCHER presented a telegram in the nature of a memorial from the Clearing House Association of Tampa, Fla., remonstrating against the proposed taxing of banks $2 a thousand on their capital and surplus, which was referred to the Committee on Finance.

He also presented the petition of W. H. Cassady, of Leesburg, Fla., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. VARDAMAN. I present a telegram in the nature of a memorial from sundry banks of Meridian, Miss., remonstrating against the imposition of the proposed tax of $2 a thousand on the capital stock and surplus of banks. It is characteristic of a number I have received, and I ask that the telegram be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

[Telegram.]

MERIDIAN, MISS., *September 23, 1914.*

Senator JAMES K. VARDAMAN,
*Washington, D. C.:*

We protest most vigorously against the imposition of the proposed tax of $2 per thousand on capital stock and surplus of banks in the proposed war-revenue bill. Banks are nothing more nor less than an aggregation of citizen stockholders, and the imposition of such tax on bank corporations alone seems to us very arbitrary and unjust. It seems to us that the tax should be distributed among all corporations, and we fail to see why banks should be singled out. We urge your efforts to prevent the imposition of this unjust discrimination.

FIRST NATIONAL BANK.
CITIZENS' NATIONAL BANK.
MERCHANTS & FARMERS' BANK.
GUARANTY LOAN, TRUST & BANKING CO.
E. CAHN, *Banker.*

Mr. SHIVELY presented a petition of the central committee of the Socialist Party of Allen County, Ind., favoring the taking over of packing plants, cold-storage warehouses, granaries, flour mills, etc., and prohibiting the exportation of foodstuffs, money, and munitions of war or the purchase in this country of any new issues of European bonds and other measures that will tend to bring to an end the war now raging in Europe, which was referred to the Committee on Finance.

COURTS IN NORTH CAROLINA.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably with an amendment the bill (H. R. 18732) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and I submit a report (No. 797) thereon. I ask unanimous consent for the present consideration of the bill. It is a local matter, affecting a change in the meeting of the district court in one of the towns in my State.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 1, line 13, to strike out "Showan" and insert "Chowan," so as to make the bill read:

*Be it enacted, etc.*, That section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 98. The State of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Chowan, Carteret, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson. Terms of the district court for the eastern district shall be held at Laurinburg on the last Mondays in March and September; at Wilson on the first Mondays in April and October; at Elizabeth City on the second Mondays in April and October; at Washington on the third Mondays in April and October; at Newbern on the fourth Mondays in April and October; at Wilmington on the second Monday after the fourth Mondays in April and October; and at Raleigh on the fourth Monday after the fourth Mondays in April and October; *Provided*, That the city of Washington, the city of Laurinburg, and the city of Wilson shall each provide and furnish at its own expense a suitable and convenient place for holding the district court at Washington, at Laurinburg, and at Wilson until a courthouse shall be constructed by the United States. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City, at Washington, at Laurinburg, and at Wilson, which shall be kept open at all times for the transaction of the business of the court.

"The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alamance, Alexander, Ashe, Alleghany, Anson, Buncombe, Burke, Caswell, Cabarrus, Catawba, Cleveland, Caldwell, Clay, Cherokee, Davidson, Davie, Forsyth, Guilford, Gaston, Graham, Henderson, Haywood, Iredell, Jackson, Lincoln, Montgomery, Mecklenburg, Mitchell, McDowell, Madison, Macon, Orange, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Wilkes, Watauga, Yadkin, and Yancey. Terms of the district court for the western district shall be held in Greensboro on the first Mondays in June and December; at Statesville on the third Mondays in April and October; at Salisbury on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; at Charlotte on the first Mondays in April and October; and at Wilkesboro on the fourth Mondays in May and November. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Greensboro, at Asheville, at Statesville, and at Wilkesboro, which shall be kept open at all times for the transaction of the business of the court."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

REGINA F. PALMER.

Mr. SHIVELY. From the Committee on Pensions I report back favorably without amendment the joint resolution (H. J. Res. 342) to correct an error in H. R. 12914, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Whereas by an error in printing the report of the Committee on Invalid Pensions upon H. R. 12914, approved July 21, 1914 (Private, No. 86), the designation of the military service of one Wilson P. Palmer, late captain Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, was changed to read "late Lieut. Col. Letzinger's emergency battalion"; and

Whereas there is also an error in the soldier's name, which changed it to read "William P. Palmer": Therefore be it

*Resolved, etc.*, That the paragraph in H. R. 12914, approved July 21, 1914, granting a pension to Regina F. Palmer, as widow of William P. Palmer, Lieut. Col. Letzinger's battalion, Pennsylvania Infantry, be amended to read as follows:

"The name of Regina F. Palmer, widow of Wilson P. Palmer, late captain Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

JESSE T. BRADDY.

Mr. SHIVELY. From the Committee on Pensions I report back favorably without amendment a similar joint resolution, being a joint resolution (H. J. Res. 335) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Whereas by clerical error in H. R. 12914, approved July 21, 1914, the given name of the soldier was changed from Jasper to Joseph: Therefore be it

*Resolved, etc.*, That the paragraph in H. R. 12914, approved July 21, 1914 (Private, No. 86, 63d Cong.), granting a pension to one Jesse T. Braddy, helpless child of Joseph Braddy, be corrected and amended so as to read as follows:

"The name of Jesse T. Braddy, helpless and dependent child of Jasper Braddy, late of Company K, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

WILLIAM ARMON.

Mr. SHIVELY. I am directed by the Committee on Pensions, to which was referred the joint resolution (H. J. Res. 339) to correct an error in H. R. 12914, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Whereas by an error in printing the report of the House Committee on Invalid Pensions upon H. R. 12914, approved July 21, 1914 (Private, No. 86), the designation of the military service of one William Armon, late of Company D, Fiftieth Regiment Wisconsin Volunteer Infantry, was changed to read "William Armon, Company D, Fifth Wisconsin Volunteer Infantry": Therefore be it

*Resolved, etc.*, That the paragraph in H. R. 12914, approved July 21, 1914 (Private, No. 86), granting an increase of pension to one William Armon, be corrected to read as follows:

"The name of William Armon, late of Company D, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 6527) granting an increase of pension to Joseph P. Kridelbaugh; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 6528) to make Nyando, N. Y., a port through which merchandise may be imported for transportation without appraisement; to the Committee on Commerce.

By Mr. SHIVELY:

A bill (S. 6529) granting an increase of pension to Charles M. Milligan;

A bill (S. 6530) granting an increase of pension to Mack Carr;

A bill (S. 6531) granting an increase of pension to Charles H. Lewis (with accompanying papers);

A bill (S. 6532) granting an increase of pension to Frank Varney (with accompanying papers);

A bill (S. 6533) granting an increase of pension to Frederick Hutton (with accompanying papers); and

A bill (S. 6534) granting an increase of pension to John W. Grubb (with accompanying papers); to the Committee on Pensions.

WITHDRAWAL OF PAPERS—CAROLINE B. SLOAN.

On motion of Mr. SHIVELY, it was

*Ordered*, That the papers accompanying the bill (S. 4861) granting a pension to Caroline B. Sloan, Sixty-third Congress, second session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

THE STANDARD OIL CO.

Mr. GORE. I offer a resolution and ask for its present consideration.

The resolution (S. Res. 457) was read, as follows:

*Resolved by the Senate*, That the Federal trade commission be requested, as soon as organized, to investigate the following matters and report its findings to the Senate:

First. The relation now existing among the several branches or companies into which the Standard Oil Co. was resolved after its dissolution in pursuance of the decision of the Supreme Court.

Second. The relation between the producing, purchasing, transporting, and refining agencies of the Standard Oil Co. or its branches, and the methods and practices on the part of such agencies toward the independent producers, transporters, and refiners of oil.

Third. The efforts of the Standard Oil Co. or the companies into which it was divided to control the price of crude oil and the price of its refined products, as well as the results of such efforts.

Fourth. The capital and declared dividends of the Standard Oil Co. for three years prior to dissolution, and as to the capital and declared dividends of the several companies into which it was resolved since the date of its dissolution, together with a comparison of such earnings with the earnings of independent oil-refining companies.

The VICE PRESIDENT. The Senator from Oklahoma asks for the present consideration of the resolution.

Mr. SMOOT. Mr. President, the resolution may be all right; it appears to be so from the reading of it, but I think resolutions of that kind ought to be printed, so we may see just what they contain. For that reason I ask that the resolution may go over until to-morrow.

The VICE PRESIDENT. There being objection, the resolution will lie over for a day.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE PEPPER.

Mr. KENYON. Mr. President, I desire to give notice that on Saturday, December 12, at the conclusion of the routine morning business, I shall submit resolutions commemorative of the life and services of Hon. IRVIN S. PEPPER, late a Representative from the State of Iowa.

ATCHISON, TOPEKA & SANTA FE RAILWAY CO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes, which was to strike out all after the enacting clause and insert a substitute.

Mr. MYERS. I move that the Senate concur in the amendment of the House.

Mr. SMOOT. I should like to ask the Senator from Montana, before that action is taken, whether it will be agreeable to the Senators from New Mexico.

Mr. MYERS. I am told that it is. The bill was introduced by the Senator from New Mexico [Mr. CATRON], and he spoke to me a time or two about getting it through the Senate Committee on Public Lands. It went through the committee as he introduced it and was passed by the Senate. It then went to the House, and these changes were made there. It is a bill, as the Senator will see, granting——

Mr. SMOOT. I will say to the Senator that I am aware of the object of the bill.

Mr. MYERS. It is necessary for me to state, in order to make my explanation clear, that it is a bill in favor of the Atchison, Topeka & Santa Fe Railway Co. The Senator from New Mexico [Mr. CATRON] is out of the city, and the attorneys for that road have sent word that the amendment is entirely agreeable to them, and they wish to have it concurred in by the Senate. I only act on their representation. I have examined the amendment, and the changes restrict and safeguard the license lower than the original bill; that is, they make it less liberal to the railroad. The changes were made in the House to guard and restrict the license a little more than the original bill, and the representatives of the road having stated that the changes are agreeable to them, I simply make the motion in the interest of the Senator from New Mexico [Mr. CATRON], supposing that if it is agreeable to them it will be to him. That is all the information I have on the subject. I have no interest whatever in it except that I am simply doing it as a matter of accommodation.

Mr. SMOOT. On the statement made by the Senator from Montana I am perfectly willing that the amendment of the House shall be agreed to.

Mr. MYERS. The representation was made to me by the attorneys in this city for the road that the amendment is agreeable to them.

Mr. SMOOT. I knew that both Senators from New Mexico were deeply interested in the bill, and as the amendment struck out all of the provisions of the Senate bill as introduced by the Senator from New Mexico [Mr. CATRON], making an entirely new bill, and not having heard the amendment of the House read, I thought it was my duty to ask the Senator from Montana if it was agreeable to the Senators from New Mexico.

Mr. MYERS. I am glad the Senator did so. I wish to say that striking out all the bill and inserting a substitute was really unnecessary, because the changes made are very few and slight, and it could have been done just as well by interlineations.

Mr. JONES. I wish to ask the Senator from Montana whether the substitute has been submitted to the department in any way, and whether its judgment in reference to it has been received.

Mr. MYERS. I suppose the report of the House committee would throw light on that subject. I ask for the reading of the House report.

Mr. JONES. I do not care to insist on that of course. In view of the statement of the Senator a moment ago, I think it is probably all right. As it is a more restrictive bill than was passed by the Senate I will not delay it further.

Mr. MYERS. Some Senators around me want to have the amendment of the House read, and therefore in their behalf I ask for its reading.

The VICE PRESIDENT. It will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That the Atchison, Topeka & Santa Fe Railway Co., of Kansas, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, granted authority, subject to the limitations and conditions hereinafter set forth, to survey, locate, construct, and maintain a railway, telegraph, and telephone line into and upon Fort Wingate Military Reservation, N. Mex., to connect with its present right of way, as may be determined and approved by the Secretary of War or the chief officer of the department under whose supervision such reservation may otherwise fall.

SEC. 2. That said corporation is authorized to use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 200 feet in width through said Fort Wingate Reservation, with the right to use other additional ground when cuts and fills may be necessary for the construction and maintenance of said roadbed, not exceeding 100 feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill, excepting, however, from said right of way hereby granted that strip or portion thereof which would be included within the limits of the present 200-foot right of way heretofore granted to said The Atchison, Topeka & Santa Fe Railway Co. and used by it as its main-line right of way: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for

the construction and convenient operation of said railway, telegraph, and telephone lines and the use and enjoyment of the rights and privileges herein granted; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further*, That any other person or duly organized corporation constructing a railroad along a line necessitating the crossing of said reservation may, upon obtaining a license from the Secretary of War, or from the chief officer of the department under whose supervision such reservation may otherwise fall, use the track and other constructions herein authorized to be placed upon the reservation by the said The Atchison, Topeka & Santa Fe Railway Co. upon paying just compensation; and, if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War or by the chief officer of the department under whose supervision such reservation may otherwise fall: *Provided further*, That before this act shall become operative a description by metes and bounds of the lands herein authorized to be taken shall be approved by the Secretary of War, or by the chief officer of the department under whose supervision such reservation may otherwise fall: *And provided further*, That the said The Atchison, Topeka & Santa Fe Railway Co., of Kansas, and other parties obtaining license from the Secretary of War or chief officer of the department under whose supervision such reservation may otherwise fall as hereinbefore provided, shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War, or by the chief officer of the department under whose supervision such reservation may otherwise fall.

SEC. 3. That the powers herein granted are limited to a period of 50 years unless sooner altered, amended, or repealed by Congress.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MYERS. Understanding that it is agreeable to the Senator from New Mexico [Mr. CATRON], the author of the bill, and at request of the parties interested, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on September 23, 1914, approved and signed the following joint resolution:

S. J. Res. 166. Joint resolution authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States, to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes.

FRANCHISES FOR PORTO RICO (H. DOC. NO. 1168).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico:

*To the Senate and House of Representatives:*

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat., 715).

WOODROW WILSON.

THE WHITE HOUSE, *September 24, 1914.*

RURAL CREDITS.

Mr. HOLLIS. Mr. President, I have been asked by several Senators for information regarding the rural-credits legislation that is now pending, and it has seemed to me best to make a short speech on the subject, so that that information may be in the RECORD and available to all who are interested. I have boiled down my remarks to five or six typewritten pages, and in order that the speech may appear in the RECORD in compact and consecutive form I ask that I be not interrupted until I have finished. Then I shall be glad to answer any questions.

Mr. President, farm-mortgage loans in the United States aggregate over two billion dollars. Farmers are paying annually for the use of this vast sum from 5 per cent to 25 per cent, largely in the guise of commissions, lawyers' fees, and renewal charges.

It is the object of the rural-credits bill to make money available on good farm loans anywhere in the United States, at a low interest rate, cutting out the middleman with his commissions and fees.

Subcommittees of the Senate and the House Committees on Banking and Currency have held joint hearings on this subject, beginning in February, 1914, and working steadily for three months. The results are a volume of testimony containing over 900 pages, and a rural-credits bill of 48 pages.

This bill was introduced simultaneously in the Senate and in the House May 12, 1914. It is Senate bill 5542. Several thousand copies are available for distribution.

The bill is in no sense a partisan measure. It is the joint work of Democrats and Republicans, and its main features have the substantially unanimous approval of the two subcommittees. It is a fair compromise of the various views of students of the rural-credits problem.

There are two main schools of thought on this subject, the radical and the conservative. The radical would have the Federal Government borrow money on its bonds, and make loans directly to the farmer at 4 per cent, or even less. This is the extreme of so-called Government aid. The conservative would provide a system of land banks, bringing the farmer and the investor together for their mutual profit and advantage, but providing no Government aid.

Senate bill 5542 takes a middle ground between these two views, avoiding Government loans, but exercising strict supervision of the system, and giving indirect aid of a substantial character. The bill borrows from the European system such features as are adaptable to American conditions, adds certain provisions which are believed to be new, strikes a fair medium between the radical and the conservative, and brings the whole into harmonious relations with the Federal Reserve Board and the Federal reserve act.

The Federal Reserve Board is already a powerful agency in Government control of commercial banking. In order to secure for farm loans the benefit of this great agency, the rural credits system is placed under the general control of the Federal Reserve Board. The many advantages of this relation are at once apparent.

The executive officer of the system is called the farm loan commissioner. The loans are confined to first mortgages and first liens on farm lands.

There are associations of two sorts—local and district: One to make loans to farmers, the other to float bonds which will be a safe and attractive investment. It is conceded that the success of the system depends upon the attractiveness of the bonds as a gilt-edge investment.

The local units are called national farm loan associations, whose sole function shall be to make loans on farm lands within a specified district. They are to receive a charter from the national farm loan commissioner. To avoid speculation and undue inflation, loans are limited to $4,000 to any one person, and are not to exceed 50 per cent of the appraised value of the property.

These local associations will approximate the size and functions of the ordinary building and loan association. The office may be in a country store, or with a local insurance agent. They will never have a large amount of money on hand. A single executive officer will care for their simple routine. They will not receive deposits subject to check, or loan money on anything but first mortgages.

Under this plan their charges will be very light. They will command the inexpensive services of public-spirited men who wish to serve the community. Their activities will not be diverted to commercial channels, nor will they run the risks of business loans. Every loan should be absolutely safe, though on long time. All loans will be on the "amortization plan," a small sum being paid in on the principal with every interest payment, so that the principal will be paid with the last interest payment at the end of 10, 15, 20, or even 30 years.

The capital of the local association will be not less than $10,000, with shares of $25 each. Provision is made for taking shares by making partial payments, in accordance with the building and loan plan.

There should be one of these farm loan associations in every community of the United States. They are so easy to organize, so easy to run, and so beneficial that every community will want one.

The other form of association provided by the bill is the Federal land bank. Each farm loan association will be required to contribute not less than 10 per cent of its capital to the capital of the Federal land bank of its district. There will be one land bank for each Federal reserve district, probably, but not necessarily, located in the same city as the Federal reserve bank.

When the farm loan association has loaned all or nearly all of its capital, it may sell its mortgages to the land bank of its district, in the same way a member bank may sell or "rediscount" its commercial notes in its dealings with a Federal reserve bank. The land bank thus obtains good mortgages, indorsed by the loan association, and the loan association obtains

more funds to loan to borrowers in its locality. This operation may be repeated until the loan association has made loans equal to twenty times its capital. As its capital is increased it may increase its loans twentyfold.

The farm loan associations and the land banks will divide equally between them 1 per cent annually from each loan for the payment of expenses and dividends. Judging from the experience under similar systems in Europe, this amount will be sufficient to pay a good profit on the capital invested.

The Federal land banks, having purchased mortgages from the loan associations, will be permitted to issue investment bonds based upon the security of the mortgages thus acquired. The issue of these bonds will be carefully supervised and will be under the direct control of the Federal Reserve Board. It is believed that these bonds will find a ready market on a 4 per cent basis, so that loans may be made to farmers at 5 per cent in most sections.

In States where the prevailing rate of interest is high a rate will be charged somewhat in excess of the rate charged in other States, in order to compensate for possible losses, just as life insurance companies sometimes charge on participating policies more than is ordinarily necessary. But the excess charged above the regular rate will be kept in a special reserve fund, and after the losses have been ascertained and liquidated over a period of years the surplus will be returned to the borrowers in the same way dividends are paid to members under a participating life insurance policy. In this way it is expected that interest rates throughout the country will be brought closer together, resulting in substantial reductions in the South and West.

Every precaution will be taken to make the loans absolutely safe. Each loan association will have an appraisal committee of three members, one to be appointed by the directors of the Federal land bank of the district. When the loan association wishes to sell, or "rediscount," some of its mortgages, the land bank will make a further appraisal before it accepts the securities. Any loans made by the loan association which do not come up to the test of the land bank will be left on the hands of the loan association. They will not necessarily mean a direct loss to the loan association, but they will curtail its operations.

The experience of the great life insurance companies, as well as of the European banks, leads to the belief that bad loans will be practically unknown. Appraisals will be on the basis of the earning power of the land, not of the supposed market value.

In order further to discourage land speculation and inflation of values, the purposes for which loans may be made are limited to four:

1. To liquidate prior indebtedness of the owner.
2. To provide for the improvement of the land.
3. To provide for the purchase of equipment and live stock.
4. To provide for the purchase of a farm home.

The Federal land banks will have a subscribed capital of not less than $500,000. The farm-loan bonds will be backed (a) by the security of the mortgaged lands, (b) by the indorsement and capital of the farm-loan association, (c) by the indorsement and capital of the Federal land bank, and (d) by the double liability of the stockholders of the land bank. They will prove one of the safest forms of investment ever offered to the public. Their issue will be closely supervised by the Government, and they should sell on nearly the same basis as the Landschaften bonds in Germany, which bring a higher price on the market than bonds of the German Government.

The land banks and farm-loan associations and their capital stock, reserves, surplus, and income, the mortgages and farm-loan bonds and their income, are all exempt from Federal, State, and local taxation. There is a provision permitting postal savings funds to be invested in farm-loan bonds.

In order to give evidence of the Government's faith in the bonds and of its proper supervision of their security and issue, it is provided that the Federal Reserve Board may require the Treasury of the United States to purchase not exceeding $50,000,000 of farm-loan bonds in any one year. The Government would not be called upon to purchase these bonds in times of financial stress, and in ordinary times it could doubtless borrow money at 3 per cent or 3½ per cent. The farm-loan bonds purchased by the Government would yield 4 per cent. The purchase, therefore, would in no sense be an expenditure or a loss to the Government, but would prove a remunerative investment, at the same time assuring private investors of the soundness and desirableness of the securities.

It is further provided that the Secretary of the Treasury may, on 30 days' notice, require the land banks to cease making further investments and devote their total available receipts above maturing liabilities to the redemption of bonds held by the Government. By this process the Government, having borrowed at low rates in times of financial ease, would have large sums available for immediate use in times of stress. Instead of a liability these bonds would thus prove a most valuable asset.

We feel that a purchase of a limited amount of farm-loan bonds by the Government is the best possible compromise of the conflicting views regarding Government aid. Direct loans by the Government are thus avoided, and the benefits of private energy and initiative are retained. We secure an official indorsement of the bonds and thus insure their ready sale on the market. This feature of the bill has been accepted by the legislative committee of the National Grange and by most of the advocates of Government aid. It is fair to say that the radical group, favoring direct loans by the Government, have been more disposed to accept a reasonable compromise than the conservatives.

The tendency to abandon agriculture and seek the larger centers of population has become a national menace in this country and in Europe. It increases the cost of living and causes a one-sided development. Most civilized nations are already offering direct aid and other inducements to persuade the people back to the land. The subcommittees on rural credits believe that the United States can well afford the moderate encouragement afforded by this bill.

Speaking generally, the pending rural-credits bill follows the general lines of the Federal reserve act, and it is intended to supplement that measure. The Federal reserve act was for the particular benefit of commercial banks, and for the better handling and greater ease of short-time loans; it was intended to satisfy commercial needs. The pending bill is for the benefit of farmers, so that they may work with better and more effective instrumentalities in their vocation; it is intended to provide facilities for long-term loans, with small yearly payments, at a low rate of interest.

The bill is now pending before the Committees on Banking and Currency in the two branches of Congress, where it will doubtless be further improved. The pending trust legislation has consumed so much time that it has not seemed wise to press the bill at the present session, but it is hoped that final action may be taken some time next winter.

In the meantime we desire the most widespread publicity for the bill, so that farmers and people generally may become familiar with its provisions and forward to their Senators and Representatives in Congress their suggestions and criticisms.

Mr. President, the work on this bill has been done in a most efficient and economical way. The subcommittees of the Senate and of the House held joint hearings, continuing from February for two months; and the expenses of printing, the expenses of witnesses, and all other expenses were thus shared between the two Houses.

After we had obtained the information, we reached a unanimous agreement on the main features of the bill, and it then became necessary to have the bill properly drafted. The joint subcommittees unanimously voted to employ Dr. H. Parker Willis to draft the bill—not to furnish the ideas in the bill, but to make sure that things were harmonious in the bill and harmonious with the Federal reserve act. Dr. Willis did not ask for employment. He was selected by the subcommittees. He drafted the Federal reserve act, and I took occasion a year ago to call attention to the fact that the main structure of the Federal reserve act was not changed. Many details were changed, but the bill stood with the framework that was originally given to it.

We employed Dr. Willis. Since that time he has been employed as the secretary of the Federal Reserve Board, which is another guarantee of his fitness for this task. There was no appropriation by the Senate for the purpose of employing an expert. There was an appropriation made in the House, so that the subcommittee there was not hampered. I therefore brought this matter to the attention of the full Banking and Currency Committee, and they authorized a resolution to employ an expert at not to exceed $25 a day and not to exceed a total of $500. That resolution was introduced and was referred to the proper committee, the Committee to Audit and Control the Contingent Expenses of the Senate, and it was favorably reported March 28, 1914, and is now on the calendar.

I never have been able to get that resolution up. As a coincidence, after I had given notice that I should address the Senate on this subject on yesterday, before it appeared in public, I received a bill from Dr. Willis, through Mr. BULKLEY, the chairman of the House subcommittee. His whole bill amounts to $2,000, with expenses for traveling and hotel bills amounting to $288.50. That included nine trips from New York to Washington.

Mr. BULKLEY, of the House subcommittee, is willing to pay the larger part of that bill. He already has his appropriation

and I am trying to get mine. We are already authorized to pay these expenses from a fund at the disposal of the Banking and Currency Committee. They are traveling expenses, and Dr. Willis appeared before the committee.

I wish to call up by unanimous consent from the calendar at this time this resolution, which is Senate resolution 318, Order of Business No. 327. I ask unanimous consent to do that.

The VICE PRESIDENT. Is there any objection?

Mr. REED. Mr. President, I should like to have the resolution read, so that we may know what it is.

The resolution (S. Res. 318), submitted by Mr. OWEN on March 26, 1914, was read, as follows:

*Resolved*, That the Committee on Banking and Currency, in preparing a bill relating to rural credits, is hereby authorized to employ the assistance of a financial expert to advise on technical points involved, at a salary not to exceed $25 per day while so employed, the total amount to be paid for such purpose not to exceed $500, to be paid from the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. REED. Mr. President, I understood the Senator to say that a man had been employed already, and that he was doing the work.

Mr. HOLLIS. The work has been completed. The bill has been drafted and introduced in the Senate and is now before the committee.

Mr. REED. I may have misheard the Senator, but I thought he said something about the House committee having authority to employ him. This is all this man is to get? That is what I want to know.

Mr. HOLLIS. What I have stated is the full amount he is to have for the service employed.

Mr. REED. Not to exceed $500?

Mr. HOLLIS. No; when I have the resolution up I am going to ask that we be allowed to pay $750 of the amount, plus the expenses, which will make the total amount on the Senate side $1,038.50, while the House side will pay $1,250.

Mr. REED. Is this gentleman now employed?

Mr. HOLLIS. No; he has finished his service. He is now secretary of the Federal Reserve Board.

Mr. REED. Did any part of this salary run during the time he was drawing a compensation from the Government otherwise?

Mr. HOLLIS. No; not at all. It was all before that.

Mr. REED. Who is the gentleman?

Mr. HOLLIS. H. Parker Willis.

Mr. REED. H. Parker Willis?

Mr. HOLLIS. Yes.

Mr. REED. What did he know about rural credits?

Mr. HOLLIS. He drafted the Federal reserve act, and he merely took the ideas that were given him by the subcommittee on rural credits and put them into proper shape as he was directed to do.

Mr. NELSON. Mr. President, this gentleman, H. Parker Willis, is the father of the Federal reserve law, the author of it in the first instance. He appeared before our committee, as the Senator will remember.

Mr. REED. I remember that, but this is the first time I have ever heard the statement made flatly that he was the author of that law. I remember, when we had the hearings, trying to get him to say he was the author of it, and coming to the conclusion that it was rather hard to get him to say whether he was or not.

Mr. HOLLIS. If the Senator will permit me, I have never heard it claimed that he was the author of the act. It is a fact that after the principles that were to go into the act were decided upon, as has been done in this case, he was asked to draft the measure, and I have always understood that he did so.

Mr. REED. I am going to make this statement: I am not going to object to the consideration of this resolution, but in my opinion H. Parker Willis is no financial expert. Neither is he, in my opinion, a lawyer qualified to put proper phraseology in the bill. I think perhaps it was his work that made it necessary to amend the banking and currency bill some 600 times, when probably, if it had been drawn by a man qualified to draw it, it would not have had to be amended so often.

Mr. HOLLIS. Mr. President, this whole matter was brought before the Senate Banking and Currency Committee before Mr. Willis was employed at all. There was a meeting of the committee, with a large attendance, and I stated frankly that the subcommittee had voted to employ Mr. Willis. It was done with the full knowledge of the committee. It has been done, and he has done the work. It seems to the subcommittee that his bill is reasonable, and for that reason I should like to bring up the resolution and dispose of it.

Mr. REED. Mr. President, I have been in pretty constant attendance upon the committee. Of course, this action was taken at a committee meeting, because the Senator says so; but the first time I knew Mr. Willis was employed was during the last 10 minutes. I am not objecting, however, to considering the resolution and shall not object to the payment of the bill, because my experience has been that these bills have always been paid; but I am getting a little tired of the posing as experts of a lot of inexperienced men drawing high salaries.

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. HOLLIS. I yield.

Mr. SHAFROTH. I will state, as a member of the Banking and Currency Committee, that this matter was brought by the Senator from New Hampshire to the attention of the committee, and we discussed it. I have been in the habit of kicking on these experts, and it was at my suggestion that the amount was limited to $25 a day and the total amount was limited to $500. I had had experience in employing some experts who had brought in bills for all the way from $50 to $100 a day, and I objected to it most strenuously. I believe that in the drafting of this bill, however, there has been a great deal of work done. The compensation which the Senator from New Hampshire is asking, it seems to me, is not unreasonable, and I hope the resolution will be agreed to.

Mr. SMOOT. Mr. President, I should like to ask the Senator how many days Mr. H. Parker Willis served. Has he rendered a bill to the committee?

Mr. HOLLIS. He has. He has rendered a bill to the committee for 30 days' services at $25 a day, $750. He has divided his total charge between the Senate committee and the House committee. I have agreed with Mr. BULKLEY, of the House committee, that it is a fair amount, and that the time has been actually consumed.

Mr. SMOOT. In other words, the $2,300 that the Senator would pay him would represent about 92 days' service at $25 a day?

Mr. HOLLIS. Yes.

Mr. SMOOT. Does the Senator think it took that number of days to draft this bill?

Mr. HOLLIS. Yes; I know it did, because he came down here on nine different trips to confer with us. This covers not only the drafting of the bill, but the work on the report that the subcommittee wishes to use for the full committee when the bill is reported.

Mr. SMOOT. Mr. President, I am not going to object to the consideration of this resolution; but I want to say to the Senator and to the Senate that the best way to proceed in a case like this is for the Senate to authorize it before the work is done. Then there is no question about it at all, and if the person is not satisfactory to the Senate it can say so. If it wants the Senators to draw their own bills, the Senate has it in its power to say so. Now, however, the work is done, and the bill is rendered, and the Senator says the service was given by this man. Whether it has been rendered in whole or only in part, I can not see anything else for the Senate to do but to pay it.

Mr. CRAWFORD. Mr. President, with the Senator's permission I wish to say, in justice to Mr. Willis, that I was a member of the subcommittee that met with the joint committee of the House, and I know that extending over many weeks the committee met and considered this subject. It was a matter of pioneer legislation, with all sorts of suggestions, from all kinds of people, conservative propositions and very radical propositions, some practicable and some impracticable. While I am not passing on the qualifications of Mr. Willis, it seemed to me it was wise for the subcommittee to have the services of some one who had been through the entire work of drafting the Federal reserve act, who was familiar with all of its details, and who was able, in framing this bill, to bring it into harmony with that new system.

I know Mr. Willis attended faithfully to this work, and did it in pursuance of some agreement and understanding. It seems to me that now, after it has been done, the committee having worked faithfully and spent a good deal of time on this draft which it is placing before the Senate and the country, as long as the bill rendered is a reasonable one and within the per diem contemplated, we are not in a position to question the propriety of paying it.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. HOLLIS. I yield.

Mr. ROOT. I have been very much impressed by the indications of faithful work on the part of the committee in the

remarks of the Senator from New Hampshire. While it may be, as the Senator from Utah has just said, that it is the better practice to ask the Senate beforehand for specific authority to employ an expert, nevertheless we must have confidence in our committees in such a matter as the selection of a person to do this kind of work. We can not pass on it ourselves from the floor of the Senate. Good administration, the necessities of effective legislation, require that we shall stand by our committees in matters of detail of that kind, and I for one am ready to follow the committee which is doing our work with apparent effectiveness and sincerity of purpose. I am ready to stand by the committee in the exercise of their judgment as to who was the proper person to employ and what was the proper compensation. It is all within narrow limits. This is a pioneer subject and one of the greatest importance, which ought to have our sympathy. We have expended great amounts of money in the employment of experts hitherto for commercial purposes, for tariff purposes, for purposes of investigation. Counsel after counsel has been employed to do work which perhaps could have been done by members of committees. Upon this very important new subject, a matter requiring original research in order to have the work done properly, I do not think we ought to hesitate at all to stand by the committee in the request they make.

Mr. HOLLIS. Mr. President, I do not want the Senate to get the impression that I have committed the Senate to this matter at all. I well knew that it was better to get authority in advance. I therefore brought this matter before the attention of the Banking and Currency Committee on March 26. I explained fully my program, told them whom we had agreed to employ, and obtained their unanimous approval. The resolution was reported favorably by the Committee on Contingent Expenses on March 28, and went on the calendar. I never have been able to get it up since then.

Now, this was the situation: If we had waited until now, until I could get it up, this bill could not have been drafted in time for use at the next session. The Committee on Banking and Currency in the House was authorized to employ an expert, and they would have employed him alone, and I so understood that if the Senate committee would not authorize this bill the House committee would have to pay all of it. I did not believe the Senate wanted the House committee to pay the full bill, however. I therefore brought it to the attention of the Senate at the first opportunity, and I should be glad now if it could be considered.

Mr. FLETCHER. Mr. President, I know something of the work of the subcommittee on Banking and Currency of the Senate and of the House and something of their joint labors, and I know perfectly well that they have given a great deal of attention and study to this most important subject, which is not only a new one, but one of vast concern to all our people, and especially to the agricultural interests of the country. I know that Senate Document 214, comprising some 900 pages of printed matter, said to be the most full and complete of anything on this subject, is the result of the work of the commission which our Government sent abroad for the purpose of collecting data on this question. I know that these committees have faithfully devoted their time to this work. It seems to me, although I do not know Mr. Willis, but trusting to the judgment of the committee as to the character of the man they would select for this work, that his charges are exceedingly small and that the bill ought to be paid without any question whatever. As the Senator has said, it would have been impracticable to wait until the Senate authorized this expenditure before these committees proceeded.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HOLLIS. I wish to offer an amendment to the resolution.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Strike out all after the resolving clause and insert:

That the claim of H. Parker Willis, amounting to $1,038.50, for services and expenses in drafting and preparing a rural credits bill, incurred at the request of the subcommittee of the Senate Committee on Banking and Currency, charged with the investigation of rural credits, be paid from the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HOLLIS. I ask for the adoption of the amendment.

The VICE PRESIDENT (after a pause.) The question is on the substitute. Is there any objection? The Chair hears none. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

Mr. FLETCHER. Before the Senator from New Hampshire takes his seat I wish to ask him if he will state in a broad and general way what especial features in the bill which he has discussed this morning as the work of the Joint Committees on Rural Credits from the Committees on Banking and Currency of the Senate and House as S. 5542 differs from the bill which is the work of the United States commission introduced by me January 29, 1914, which is Senate bill 4246?

Mr. HOLLIS. There have been several bills on the subject introduced. I have not read any of the other bills for some weeks, but as I recall the Fletcher-Moss bill the present bill is similar in all respects, but the framework of the Fletcher-Moss bill was used and numerous improvements, we think, were added to it. However, the work of the commission was really the basis for the work the subcommittees have done.

Mr. SMOOT. Mr. President, so that the record may be straight, I want to call attention to the fact that the resolution which has just passed the Senate is in direct violation of the law. I did not want to object to it because I thought perhaps the Senator from New Hampshire would think I did so in opposition to the resolution.

Mr. LANE. I should like to ask the Senator, if he understood it was in direct violation of the law, why he did not call attention to it?

Mr. SMOOT. It was done by the unanimous consent of the Senate, and I rise now for the purpose of making the above statement for the RECORD. The resolution which had been reported by the Committee to Audit and Control the Contingent Expenses of the Senate was for the purpose of employing an expert at a sum not to exceed $500. The resolution the Senator from New Hampshire offered as a substitute was an entirely different resolution. It was to pay a party one thousand and some odd dollars. Before that could rightfully be passed upon by the Senate it should have been referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I simply call it to the attention of the Senate so that if the same question should come up in the future to-day's action could not be pointed to as a precedent.

The VICE PRESIDENT. The Chair paused on this matter when it was presented. The Chair does not believe that ordinarily it is the business of the Chair to enforce the law or the rules of the Senate without suggestion from the floor. The only duty is to put the question.

Mr. HOLLIS. I desire to state that the matter was before the Committee to Audit and Control the Contingent Expenses of the Senate and was reported upon, and I know of no rule of the Senate that could prohibit the Senate from amending a resolution of this kind at its pleasure. There are rules applying to general appropriation bills, it is true, but this is not such a measure. I looked at the rules very carefully, and in Jefferson's Manual, to see if there could be any objection to such an amendment, and I could not find it. If there were such a rule, I think the Senate ought to follow it.

Mr. SMOOT. I would be perfectly willing to have the Chair rule upon it; and if the Senator feels sure about it and does not object to it, I will ask for a reconsideration of the vote by which the resolution was agreed to, and then let it be decided by the Chair.

Mr. HOLLIS. I think that would be an entirely useless proceeding. Everyone seems to be in favor of the resolution, and I can see no need of going through a useless motion to reach the same result.

Mr. SMOOT. It would have been a useless motion if the Senator had not made the statement he did.

Mr. OVERMAN. Mr. President, I should like to know what rule the Senator from Utah insists on. Does the Senator from Utah contend that when a resolution is offered and goes before the Committee to Audit and Control the Contingent Expenses of the Senate, and that resolution comes back here, the Senate can not increase the amount if it chooses to do so?

Mr. SMOOT. A Senator can not offer another resolution by way of amendment entirely different from the resolution passed upon by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. OVERMAN. It is not another resolution; it is simply carrying out the same purpose. The resolution went before the committee and it was reported favorably by the committee. The substitute is a matter pertaining to the same subject and increasing the amount; that is all.

Mr. SMOOT. Under the law I feel positive that the amendment which was offered in the shape of a substitute resolution should have been referred to the committee.

Mr. JONES. Mr. President, I think the Senator from Utah is wrong about the law. This matter has been the subject of discussion in the Senate many times. The law requires that payment shall be made upon vouchers, and so forth, passed on and approved by the Committee to Audit and Control the Con-

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tingent Expenses of the Senate. The Senate can pass the resolution and the parties to be paid will have to depend upon having their vouchers approved by the committee afterwards. The only advantage given is that if the Senate acts on it first, of course there can not be any question about it before the committee.

Mr. SMOOT. Does the Senator from Washington claim that a resolution can be offered in the Senate appropriating $100 and be passed upon by the Senate without referring it to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. JONES. I do. It can be passed, but it may never be paid.

Mr. SMOOT. That is not what the law says.

Mr. JONES. That is just the difference between the Senator and myself on the construction of the law.

Mr. SMOOT. The law says it shall be referred to the committee.

Mr. CRAWFORD. The Senator from Utah has taken a position several times which would indicate that he believes the committee of the Senate has more power than the Senate. I never can agree to such a proposition.

Mr. OVERMAN. The Senator is highly technical, at least.

Mr. SMOOT. I should like very much to have the Chair rule on the question and let us see whether the Senator from Utah is highly technical.

Mr. TOWNSEND. Mr. President, is there anything before the Senate now?

The VICE PRESIDENT. There is nothing before the Senate at the present time; but, as the question has arisen, the Chair believes that the law is that a bill can not be paid out of the contingent fund of the Senate without the matter having been referred to the Committee to Audit and Control the Contingent Expenses of the Senate and favorably reported upon. But that is not the real question. The Chair has a recollection of changes in the amount reported by the committee heretofore. The committee reported $500 to employ a financial expert. The amendment adopted does not strike out $500 and insert $1,038 50, but is an entirely different resolution. The Chair cares nothing about it beyond the fact that the Chair does not want this to be taken as a precedent established by the Chair.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. TOWNSEND. I move to take up Senate bill 392.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan to proceed to the consideration of Senate bill 392.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Jones | Overman | Smoot |
| Bankhead | Kern | Page | Sterling |
| Bryan | Lane | Perkins | Stone |
| Burton | Lewis | Poindexter | Townsend |
| Chamberlain | Lippitt | Pomerene | Vardaman |
| Chilton | McCumber | Reed | Walsh |
| Crawford | McLean | Root | West |
| Culberson | Martin, Va. | Shafroth | White |
| Fletcher | Martine, N. J. | Sheppard | Williams |
| Gore | Myers | Shively | |
| Hollis | Nelson | Smith, Ariz. | |
| Johnson | O'Gorman | Smith, Ga. | |

Mr. PAGE. I wish to announce the unavoidable absence of my colleague [Mr. DILLINGHAM] and to state that he is paired with the senior Senator from Maryland [Mr. SMITH]. I will let this announcement stand for the day.

Mr. MARTIN of Virginia. I was requested to state that the junior Senator from Kentucky [Mr. CAMDEN] is detained from the Senate by sickness.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. DU PONT, Mr. RANSDELL, Mr. SAULSBURY, Mr. THOMPSON, and Mr. THORNTON answered to their names when called.

Mr. LEWIS. I desire to announce the absence of the Senator from Tennessee, caused by illness in his family.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent, and is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for all votes to be taken to-day.

Mr. BORAH and Mr. BRADY entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present. The question is on the amendment of the Senator from Michigan [Mr. TOWNSEND] to the amendment of the committee. The Secretary will state the amendment and the amendment to the amendment.

The SECRETARY. On page 2, line 18, the committee proposes to strike out "resignation, or otherwise" and insert "or for disability." The Senator from Michigan [Mr. TOWNSEND] proposes a substitute for the amendment by striking out the words, in lines 17 and 18, "by muster out, resignation, or otherwise, or" and inserting the words "for disability."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. SMITH of Georgia. May the amendment be stated once more? I did not catch it fully.

The VICE PRESIDENT. The Secretary will restate the amendment and the amendment to the amendment.

Mr. SMITH of Georgia. Let the whole clause be read in full, so as to show the connection.

The SECRETARY. On page 2, line 18, the committee proposes to strike out the words "resignation, or otherwise" and insert "or for disability," so as to read:

*Provided*, That a surviving officer who lost an eye, an arm, or a leg in the line of duty, or who was honorably discharged from service by muster out or for disability, because of a wound or other bodily injury received or incurred in the line of duty, or because of disability incurred in the line of duty while a prisoner of war, shall, if otherwise eligible under the terms hereof, be entitled to be placed on said list and to receive the maximum retired pay herein provided for officers of his former rank, without regard to the length of his said service.

The Senator from Michigan [Mr. TOWNSEND] moves as a substitute, in line 17, after the word "service," to strike out the words "by muster out, resignation, or otherwise, or," so as to read:

*Provided*, That a surviving officer who lost an eye, an arm, or a leg in the line of duty, or who was honorably discharged from service for disability because of a wound or other bodily injury received—

And so forth.

Mr. SMITH of Georgia. Will the Senator state just what the effect of the change is?

Mr. TOWNSEND. I explained that yesterday, but I am very willing to go over it again.

This is like another amendment later on, which applies to officers of the Regular Army. With the amendment adopted by the committee striking out the words "resignation or otherwise," an officer who resigned—who was not mustered out, but who resigned—because of disability or wounds received in the service would not be included in the benefits covered by the bill. A man would be honorably discharged even though he resigned for such causes as I have stated. I want that class of soldiers included. The man who was wounded and resigned, and therefore is honorably discharged, under Army regulations is entitled to the same benefits that he would have been entitled to under the same circumstances if he had been mustered out. Those who went to the trouble of being mustered out after they were wounded would receive the benefits, but the soldier who was wounded, who resigned, and was allowed to go home would not if those three words were stricken out and if the words "mustered out" were not also stricken out.

Mr. SMITH of Georgia. Would it necessarily be true that the officer who was wounded and resigned because he was unable to continue duty——

Mr. TOWNSEND. Such an officer could not be honorably discharged in any other way.

Mr. SMITH of Georgia. He could not be honorably discharged unless wounds compelled him to retire from the service?

Mr. TOWNSEND. That is right.

Mr. SMITH of Georgia. And in each case he would be compelled to retire from the service. The only difference would be, though both would be compelled to retire, one would be mustered out and the other would not.

Mr. TOWNSEND. Exactly. I think the amendment was intended to cover that when it said "or for disability"; but I felt as though it ought to be made clear, and that if we were to strike out in one place we ought to strike out in the other.

The VICE PRESIDENT. The question is on the amendment of the Senator from Michigan [Mr. TOWNSEND] to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Military Affairs was, on page 3, line 19, after the words "muster out," to strike out "resignation, or otherwise," and to insert "or for disability."

Mr. TOWNSEND. That is the same amendment.

Mr. DU PONT. Mr. President, I think the bill is defective, because it refers to the muster out of regular officers of the Army, Navy, or Marine Corps, and they are not mustered out.

Mr. TOWNSEND. I move the same amendment I suggested a moment ago—that those words be stricken out, because they are simply confusing and mean nothing.

Mr. DU PONT. They mean nothing.

The VICE PRESIDENT. The amendment to the amendment suggested by the Senator from Michigan will be stated.

The SECRETARY. On page 3, line 19, after the word "service," it is proposed to strike out the words "by muster out, resignation, or otherwise, or," and to insert "for disability."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 4, line 24, after the word "officer," to strike out "three-fourths" and to insert "one-half," so as to read:

> The retired pay provided for by this act shall begin upon the date of the passage of this act and continue during the natural life of the beneficiary; it shall be payable quarterly, and shall not exceed, in the case of any surviving officer, one-half of the initial active pay now received by a captain in the United States Army.

Mr. TOWNSEND. Mr. President, I am not going to detain the Senate by a discussion of that amendment, except to state why I hope it will not be agreed to.

Three-fourths of a captain's pay is $1,800; one-half of a captain's pay is $1,200. I had felt that three-fourths was none too much as a maximum. The law for the retirement of officers of the Revolutionary War provided that the maximum of any officer should not exceed the full pay for a captain. This amendment will make a difference with all officers above the rank of captain, but will not change the compensation of those below captain. It would, however, affect lieutenant generals if there were any officers of that rank living. The last one has died while this bill has been pending. So there is no officer of that rank. It will affect major generals.

I do not know just how many major generals there now are, but I do know that on the 12th of August, 1912, there were but two, and there were 12 brigadier generals and 150 colonels. I think it is perfectly safe to say that one-third or more of those men are now dead. If there is a major general now living, under the bill as proposed to be amended by the committee he would receive $1,200; as introduced by me, carrying three-fourths pay, he would receive $1,800. That is true of a major general and a colonel. With those men it would make a difference of $600 a year each. I feel that $1,800 is not too great a sum for these grand old officers to receive.

Without further discussion I am very willing to submit the question to a vote.

Mr. SMITH of Georgia. Have we not already adopted the committee amendments to the bill?

Mr. TOWNSEND. We have not.

Mr. SMITH of Georgia. Have we not voted upon the committee amendments?

Mr. TOWNSEND. We have not voted upon them all. I will ask that the pending committee amendment be not agreed to.

The VICE PRESIDENT. The question is on the amendment proposed by the committee.

Mr. BRYAN. Mr. President, I desire to ask the Senator from Michigan if the amounts estimated in the committee hearings by representatives of the Department of the Interior were based upon one-half or three-fourths of a captain's pay?

Mr. TOWNSEND. The last report was based on one-half and the former report was based on the provision contained in the bill.

Mr. BRYAN. On page 29 of the hearings the department estimates that this bill, without the deduction, would involve an expenditure of $8,993,568. That amount ought to be increased by one-half if the Senate disagrees to the Senate committee amendment. Is that correct?

Mr. TOWNSEND. No. The estimate in August, 1914, based upon the report of 1912, however, on the supposition at that time that there were the number of officers of high rank——

Mr. BRYAN. I do not care to get into the number of officers, if the Senator please; but these figures were based upon either half of a captain's pay or three-fourths of a captain's pay, and I ask the Senator which was the basis?

Mr. SMITH of Georgia. The Senator from Michigan said it was one-half.

Mr. BRYAN. The Senator said it was based on three-fourths of a captain's pay.

Mr. TOWNSEND. The last report was based on the proposition that the maximum was one-half of a captain's pay.

Mr. BRYAN. Then, whatever amount they arrived at should have 50 per cent added to it. That would be the result if the Senate should disagree to this amendment.

Mr. TOWNSEND. I can answer that very clearly.

Mr. DU PONT. Mr. President——

Mr. TOWNSEND. I yield to the Senator from Delaware.

Mr. DU PONT. I think the Senator from Florida is wrong. I think the increase is one-fourth. The original bill was three-fourths. Now it has been reduced to one-half, which is two-fourths. So that the only question at issue is one-fourth, and not one-half, as the Senator from Florida says.

Mr. BRYAN. Is not one-fourth one-half of 50 per cent?

Mr. DU PONT. I thought the Senator meant the total estimate provided for.

Mr. TOWNSEND. The detailed estimate of the department—which is absolutely erroneous, as I can demonstrate—but assuming for this question that it was correct, is that the committee amendment, as to maximum pay; that is, the reduction from three-fourths of a captain's pay to one-half of such pay, and the last committee amendment, excluding officers whose income is $2,400 or more per annum, would reduce the amount carried by the bill by $800,000.

Mr. BRYAN. How is that?

Mr. TOWNSEND. It would make a difference of $800,000 in their estimate.

Mr. BRYAN. How much does the Senator think would be saved if the proviso on page 5, precluding officers who have an annual income of $2,400, were adopted?

Mr. TOWNSEND. There was an estimate, I repeat, made by the department that that, with the other item, namely, reducing the amount from three-quarters the pay of a captain to one-half the pay of a captain, would make a difference of $800,000.

Mr. BRYAN. Now, can the Senator divide those items—

Mr. TOWNSEND. I can not without taking some time to determine it.

Mr. BRYAN. And state how much would be saved if we do not allow officers who have an annual income of $2,400 to share in the benefits of this act?

Mr. TOWNSEND. I can not. I can simply say that the statement that a great majority of the officers who would be benefited by the bill are very wealthy is very erroneous; it is not true.

Mr. WHITE. Mr. President, what evidence have we as to the financial circumstances of the proposed beneficiaries of this act?

Mr. TOWNSEND. We have none. We have no testimony on that subject.

Mr. WHITE. Then, pensions under this bill may be granted to men who are worth hundreds of thousands of dollars.

Mr. TOWNSEND. It is possible that some officers may receive payments under this bill who are in that class, but they are very, very rare. I have had my attention called to hundreds of cases where the officers are poverty stricken. I have letters in my possession showing that some of these officers who held high rank in the Army are in soldiers' homes, receiving the benefits of such institutions.

Mr. WHITE. Then, may I inquire what would be the objection to limiting pensions under this bill to men whose incomes do not exceed, say, $1,000 or $1,200 annually?

Mr. TOWNSEND. The committee has prepared an amendment limiting the beneficiaries under the act to those whose income is less than $2,400. I do not like that amendment. If, however, the Senate believes that is a proper way to legislate on a question of this character, I shall not argue with the Senate about it; but I do not believe it is the right policy to pursue. I believe it would be unwise and unjust to adopt a rule for the distribution of benefits and the recognition of merit which uses income as a standard. It has never been done in any other case. It is not done in the matter of pensions. It should not be done in this case.

Mr. WHITE. Does the Senator think that pensions should be granted to men who are worth hundreds of thousands of dollars?

Mr. TOWNSEND. I doubt if I myself would accept a pension under those circumstances. But this is more than a pension that we are proposing to grant now. It is a proposition to confer a badge of honor. It is a recognition of the volunteer officers of the United States, and it should be a recognition of all of them. I want to have them all treated in the same way.

Mr. WHITE. Then, Mr. President, why not put the noncommissioned officers and the privates in the same class by including them in this bill?

XUM

Mr. TOWNSEND. I do not care to go into that subject with the Senator, as it was discussed fully yesterday, and is not pertinent to the matter under consideration.

Mr. WHITE. It is a question that I would like to have the Senator answer if he can give any good reason for it. I am not opposed to giving needy Federal soldiers pensions; on the contrary, I am heartily in favor of it; but I do not think that a soldier who is worth hundreds of thousands of dollars should be permitted to deplete the fund that should go to help needy soldiers who performed just as arduous service and made just as many sacrifices as did the men of wealth and rank.

Mr. TOWNSEND. I have been ready at all times to vote any pension for the soldier of whatever rank. I am glad the Senator is so generous when such a measure as he suggests is not before the Senate. I hope if a real opportunity comes he will still feel as he now does. But this is a bill framed in accordance with the provisions of a law which has heretofore been enacted by the American Congress, and in this case it seems to me the recognition of their services has been neglected. That is the whole of this bill. It is not intended to adjust differences in pensions; it is not intended to reach any other class than the ones specifically provided for. The Senator must know that it could not cover all the volunteer soldiers. It takes nothing away from any other soldier. Any bill that may be presented here upon its merits to provide for any class of soldiers will receive my hearty support.

Mr. WHITE. Mr. President, the Senator says it does not take anything away from any other soldier. Does not that other soldier have to contribute by payment of taxes to the payment of the amount proposed to be given to these retired volunteer officers?

Mr. TOWNSEND. Possibly, in some cases, but he does not object.

Mr. WHITE. How do we know? Are we the ones to determine for him that question?

Mr. TOWNSEND. I can only answer from my own experience and my own knowledge of the situation. I know that the officers have been foremost in all efforts in the past to secure pensions for the common soldiers. I know that is true, and I do not believe that the soldiers who served in the ranks and followed their officers in war are now finding fault with the provisions which at a belated date keep at least partially the Nation's faith with those officers.

Mr. WHITE. That may be, Mr. President, but we are here as the representatives of all—private soldiers and of the noncommissioned officers, as well as of the officers of higher rank. Some of us know that the private soldiers did not in many ways fare so well during that struggle as did the officers of higher rank. Some of us know that private soldiers suffered even more hardships, and encountered quite as many dangers, and that they received vastly less pay. As a rule they were poorer men, and did not have the influence such as money gives to elect them to offices. They went to war not for the purpose of elevating themselves in rank, or with a view of obtaining distinction, but they gathered around the flag for the sake of their country; they defended the flag because it was the flag of their country, and I do not think those men ought to be taxed now for the benefit of others who are already provided for. I do not feel that it is quite right to put still further burdens upon them to further enrich men in the higher ranks who may be, and so far as we know are, in possession of vast fortunes.

Mr. DU PONT. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Delaware?

Mr. WHITE. Certainly.

Mr. DU PONT. Mr. President, I should like to say to the Senator from Alabama that the distinction between officers and enlisted men, which includes noncommissioned officers, of course, in regard to their service, is based not on their record as soldiers and on their personal bravery, but on the simple fact that the officer has a largely increased responsibility which the enlisted man has not. That increased responsibility is not only pecuniary in its character, for the officers are responsible to the Government for a great deal of property, some of them for enormous amounts, but it includes personal responsibility in battle. He is responsible for the lives of his men, for their safety, and their direction, and in that point of view he is on an entirely different plane from the enlisted men. That has been the basis, in my opinion, for the differentiation that has always been made, in preceding legislation, between officers and enlisted men.

Mr. WHITE. Yes, Mr. President; but I thought this was a roll of honor, nothing sordid about it; that we were not compensating men at all; that they had already obtained their compensation in the greater pay they received while in the service; that this bill only conferred distinction by placing these officers on a roll of honor.

Mr. President, I do not think this is the place for us to compensate for responsibilities that were paid for during the war by the increased salaries of those men over the salaries of the privates. I understood, while the generals were receiving thousands of dollars annually as compensation, and the privates were receiving a mere pittance and were facing the enemy in the trenches, or perhaps without trenches, that they too were sharing the responsibilities imposed upon soldiers. About the gravest responsibility that rests upon generals or private soldiers in battle is the responsibility of standing up in the face of the enemy and meeting the cold steel as it is pressed against their breasts or taking the deadly grape and canister as they tear their way down the line of battle. The responsibility of the private soldier, sir, is greater than that of the general who stood back in the rear and moved him as a pawn on the chessboard of war. I think the time has come at last, Mr. President, when Congress should take some interest in the men who staked all they had in that war and who showed their patriotism for their country by serving it as privates.

Why, even in my own section of the country, where we do not grant pensions and where we did not draw pay while in service—the section which was on the other side of that unfortunate struggle—the officers fared better than the men, while they were not in fact paid much more. They promised them more. They did not, however, get much more. [Laughter.] They got better quarters and had a better time.

My friend at my left [Mr. BRYAN] asks whether I was an officer or a private. Why, Mr. President, it has taken even my State 50 years to send a private soldier to the United States Senate. [Laughter.] He has just arrived. We have been rewarding our generals and our colonels with offices, but have not given them pensions. We gave them seats in Congress. Our country has at last arisen from its lethargy, its sleep over the rights of the private soldier, and has said that one of them at least should occupy a seat in the Senate for a very short time [laughter]; that he should enjoy the honor for a limited period before he died.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. WHITE. I do.

Mr. WILLIAMS. If the Senator will pardon me for an interruption in the interest of history, I do not want Alabama to take any of the garlands to which Mississippi is entitled. Mississippi sent a private to the National Legislature some 18 years ago.

Mr. WHITE. I said to the Senate.

Mr. WILLIAMS. Well, he never reached the Senate, although he ran for it; but Mississippi recognized the private soldier.

Mr. WHITE. I am talking about the Senate and I am talking about a private soldier from Mississippi. It is one of them that has the honor to stand before you now.

Mr. WILLIAMS. I understand; but the two Houses are upon an equal plane of dignity—the Senate and the House.

Mr. WHITE. I did not think so when I became a candidate for the office. [Laughter.] I preferred the Senate.

Mr. WILLIAMS. Well, they are——

Mr. WHITE. I do not see how my friend from Mississippi thinks so when he accepted a commission in this body and laid down one in the other. [Laughter.]

Mr. WILLIAMS. Mr. President, if the Senator will permit me to finish the sentence before he so eloquently counterinterrupts——

Mr. WHITE. Certainly.

Mr. WILLIAMS. I do not want history to record the fact without the explanation that Mississippi had long, long years ago sent a private to the National Legislature, both Houses of which are of equal dignity, and that that was a fact so well known that he became known all over the country as "Private John Allen." There was for a little time an impression that John was the only private that had been left in the Confederate Army. That turned out to be an error later on.

Now, I see that even when Alabama sent a private to the Senate she picked out an ex-Mississippian for that purpose; so that Mississippi claims credit all along the line.

Mr. WHITE. I thank the Senator from Mississippi.

Mr. LEWIS. Mr. President, may I be permitted to add——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. WHITE. In just one moment. I want to say to the Senator from Mississippi that I was present in the convention when the private from Mississippi got his name. His name

came in response to a speech that I was making in favor of a brigadier general. I was trying to get him in Congress then. I knew they had to come before the privates got here, and I was appealing to the convention in behalf of this brigadier general. When I got through another man arose in the convention and said that his man did not sleep in the tent at night but that he paced to and fro in front of it with a storm of snow and sleet falling upon him, and that it was the crack of Private John Allen's rifle that rang out on the clear, crisp, frosty morning and spread terror in the camp of the enemy. It was then and there he got his name. I helped give it to him, and I honor him.

Now I yield to the Senator from Illinois.

Mr. LEWIS. It was not my desire to interrupt this felicitous exchange between Mississippi and Alabama; but desiring to have the bill reach a vote, if possible, I desired merely to interject that which will be generally understood by the Senate—that this private matter between Mississippi and Alabama has resulted in a public compliment both to the Senate and to the House.

Mr. WHITE. I thank the Senator from Illinois.

Mr. President, I have been somewhat diverted from the thought I was trying to give expression to, and that was that this bill, instead of being an honor roll, is a roll of discrimination, a rank discrimination in favor of commissioned officers who held the higher rank, who received the greater pay, who endured fewer of the hardships and encountered less of the perils as against noncommissioned officers and privates. I am speaking, sir, for the private Union soldiers. I know what they were. I met them on the line. I faced them on the field. I saw a great deal more of them than I saw of the officers. It was their line of cold, deadly steel our side dreaded to meet. It was not the flash of the general's sword that made us hesitate. We saw it gleam in the sunshine, we saw the stars as they glittered upon his collar; but they had no terrors for us; we knew when real danger approached it was when privates faced privates, one holding aloft the Stars and Stripes, the other waving over his head the Stars and Bars.

Yes, Mr. President; they are the men we fought; they are the men who died with us on the field; they are the men we honor; they are the men, while once our enemies, we Confederates really love. I had no quarrel with the private soldier. He and I were both placed there in response to the call from our sections. Our sections called both of us. His section called him; my section called me. We went there in response to duty's call. We went there not expecting honors or pay, and up to date we have gotten neither as others have. We were not paid on our side. I never drew a dollar in my life for service; and really, Mr. President, I was far removed from the commissary. [Laughter.] If it had not been for the colored men who accompanied us and served with us in the war and did our foraging we doubtless would have starved. I never will forget them. They were good foragers, and they foraged for good fighters. How can I forget them now? Why, they enabled us, sir, for three long years to continue that struggle. They did that, too, when it was apparent to everyone that remaining with us meant their continued slavery, while their desertion would have been rewarded with freedom; and yet they stayed with us, and by their labor supplied our armies in the field; they went with us to the field and continued by our sides in battle; they carried the bodies of our dead heroes back to the homes, mingled their tears with the tears of their mothers, their wives, and their children at their graves, for they wept as sincerely and as truly as did the families over these matchless soldiers as they were laid to rest.

Mr. President, I do not and will not oppose a measure that will give pensions to deserving Union soldiers in need—yea, I will even go further and pension them whenever their circumstances are such that they can not obtain not only the necessaries but some of the comforts of life. I will vote to give them liberal pensions; but, Mr. President, I am not here to make men richer who are rich already. I am not here to pile up wealth in the hands of some men when it means merely an increase of wealth for them, when their circumstances are such as do not make it necessary to furnish them with the comforts of life. I think the time has come at last, Mr. President, when we should pay every Union soldier for all that he did, and then go further and give him a pension when in fact he needs it; but I do not believe it is right to tax all of the Union soldiers of the Nation and all the noncommissioned officers of the Civil War in order to pile up wealth in the hands of a few when the Senator in charge of the bill can not inform us whether they are millionaires or not. He says he is without information, that he has no knowledge on the subject. I think it is time that we should stop and inquire as to the circumstances of the officers who are now drawing pensions before granting more.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator a question, and I was just trying to do so when another matter was injected into the debate.

On page 29 of the report of the hearing I find this estimate given under this bill:

Net retired pay, $8,993,568.

Now, that is based, according to the estimate, on 50 per cent of the salary, the captain's salary being the highest; is it not?

Mr. TOWNSEND. I think it is so based.

Mr. SMITH of Georgia. The amendment the Senator is offering will change it from one-half to three-fourths?

Mr. TOWNSEND. Yes. I want to retain the provision of the bill which is three-fourths.

Mr. SMITH of Georgia. As one-half is two-fourths, of course it would add just one-half as much as the bill already carries?

Mr. TOWNSEND. Yes.

Mr. SMITH of Georgia. And if this estimate of $8,993,568 were right, it would change the appropriation to $13,490,352. It would add $4,496,784.

Mr. TOWNSEND. The Senator is wrong, very wrong, about that. As I said a moment ago, the provision relating to one-half pay and three-quarters pay could only affect those officers above the grade of captain, because under the bill, whether you have the one-half provision or the three-quarters provision, they get one-half of the pay of their highest rank unless in one case that one-half is greater than one-half of a captain's pay and in the other case it is greater than three-quarters of a captain's pay. Now, the great majority of the officers are those below the higher grades. The Secretary of the Interior makes the estimates that that reduction from three-quarters to one-half, plus the saving that would come if we adopt the last amendment cutting out those officers who have an income of $2,400 or more a year, amounts, all told, or did at that time, to $800,000. That would be the reduction, he said, from the amount carried by the original bill.

Mr. SMITH of Georgia. His estimate is that limiting the compensation to those who have not an income of $2,400 would make a reduction of $800,000?

Mr. TOWNSEND. No, sir; that the reduction from three-quarters of the pay of a captain, on the part of those who would receive benefit under the bill as originally introduced, to one-half the pay of a captain, plus the saving in the last amendment, would amount to $800,000.

Mr. SMITH of Georgia. Have those two figures been separated, so that we could consider them separately?

Mr. TOWNSEND. He did not separate them. He put them in a lump sum.

Mr. SMITH of Georgia. Eliminating for the time being the suggested amendment, which will cut off from pensions those who have incomes of over $2,400——

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

Mr. TOWNSEND. I desire to answer the Senator from Georgia.

Mr. SMITH of Georgia. I had not finished my question.

Mr. TOWNSEND. I would be glad to have the Senator do it, if he wishes.

Mr. SMITH of Georgia. I suppose the bill will be up tomorrow.

Mr. TOWNSEND. I propose to discuss that feature now.

Mr. SMITH of Georgia. I appreciate the Senator's doing so. This is what I wanted to ask the Senator. Eliminating the consideration of those who have an income of $2,400 or more, then the inaccuracy of my suggestion that it would add four million and odd dollars is that as to quite a number of officers one-half their pay—I was just considering it while I was talking—would be more than three-fourths of the pay of a captain.

Mr. TOWNSEND. It would be less than three-fourths of a captain's pay.

Mr. SMITH of Georgia. No.

Mr. TOWNSEND. Yes.

Mr. SMITH of Georgia. For an officer who is above a captain one-half of his pay would be more than three-fourths that of a captain.

Mr. TOWNSEND. That is right.

Mr. SMITH of Georgia. Therefore increasing it to three-fourths that of a captain would increase it beyond one-half the pay of his present rank.

XUM

Mr. TOWNSEND. I do not think the Senator yet understands just the difference.

Mr. SMITH of Georgia. I really do not. I am just trying to understand it.

Mr. TOWNSEND. I think the Senator has absolutely reversed the situation, but I think I can make it clear to him.

In the first place, allow me to state that when the report was made to which the Senator refers, it was based upon the condition that existed August 20, 1912. At that time there were 2 major generals, 12 brigadier generals, and 150 colonels. Those officers would each receive $600 more per annum under the maximum of three-fourths of a captain's pay than they would receive were the maximum one-half of a captain's pay.

There are a very limited number of those among the present 14,000 officers. Less than 500 officers would be affected by this difference in the maximum pay. If we knew the number who have died since August, 1912, we could tell exactly how many men would receive the additional $600 a year, and therefore could determine the total amount. Not knowing this, it is impossible to state accurately, but I believe it is safe to say that the larger maximum would not increase the total benefits in excess of $20,000. It might amount to $60,000. I state this rather at random. I can not say very positively that I am even approximately correct, but knowing the number of surviving officers and their rank the amount can be determined accurately.

Now, Mr. President, I want to say just a word, because I recognize that whenever I get the bill up it is going to be delayed, and I do not want to be a party to such delay. I have not felt like answering the poor arguments which have been made against the measure, for by so doing I should delay the vote upon it. Now that it has been laid aside for the day I wish briefly to refer to some statements which have been made against it.

I quite agree with the Senator from Alabama [Mr. WHITE]——

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Michigan yield to the Senator from Montana?

Mr. TOWNSEND. I do.

Mr. WALSH. I understand the measure before the Senate is the unfinished business—the Alaska coal-leasing bill.

Mr. TOWNSEND. I understand that.

Mr. WALSH. I rose to inquire of the Senator from Michigan about how long he intends to address himself to the measure which was before the Senate when the hour of 2 o'clock arrived?

Mr. TOWNSEND. Very briefly, if not interrupted. I simply wish to refer to the question——

Mr. WALSH. The Senator will recall that the friends of the other bill gave him whatever support they could—at least some of them did—to get his bill before the Senate, upon the assumption—at least, I speak personally—that the morning hour would be consumed on that subject and then the Alaska coal-leasing bill would receive the consideration of the Senate.

Mr. TOWNSEND. The Senator is absolutely correct about that, and I think I have demonstrated that I do not wish to interfere with his measure. I have not moved, as I could have moved, to take up the volunteer officers' retirement bill and proceed with it to the delay of the Alaska bill. I know that a majority of the Senate are in favor of my bill, but when I have gotten it up, as Senators know, the floor has been occupied until the morning hour has expired. I have occupied no time in discussing it; and now, in order to save time, I desire briefly to answer a few things that have been said this morning and that were said yesterday in reference to the bill, which I had no opportunity to answer, hoping it will save time to-morrow. I shall not delay action on the coal-leasing bill unduly.

Mr. WALSH. I thought possibly the Senator, in view of the support we gave him to get his bill up, might be prompted to defer the further consideration of the measure until to-morrow.

Mr. TOWNSEND. I prefer to proceed briefly in reference to the matter now.

I was discussing the question of cost. I do not believe that a fair determination of all the facts in the case will show that this bill will cost to exceed $6,000,000. I do not believe it will cost that amount. I have considered it as an emergency measure because it has occurred to me that we are under obligations to these officers to do something for them, and if we put it off the beneficiaries will be so few that no practical benefit can come to them.

It is economy, or at least justice, for the Government to keep its faith with the men who mustered, drilled, and led the Union forces in the Civil War. A majority of this Senate is, I believe, ready to do this. Every month that this duty is deferred hundreds of those who have waited so long pass beyond the possibility of benefit. Some Government projects of merit can wait for attention. They can be attended to later as well as now; but if we are to recognize the volunteer officers, we must do it before they die. Most of them have already died, and the balance are passing at the rate of 12 per cent a year, and that per cent is constantly increasing.

I rose, however, to say in answer to the Senator from Alabama [Mr. WHITE] that I join with him in whatever he has said in commendation and praise of the common soldier. He has my admiration and my gratitude. I have favored every attempt to increase his benefits in the past, and shall gladly aid him in the future. If I thought this bill in any manner detracted from his benefit or from what he is entitled to receive, I would not press it for a moment; but it does not. He will get no more or less if this bill passes.

I shall endeavor to keep this bill before the Senate until it is acted upon. I will not, however, delay the unfinished business at this time.

## ALASKA COAL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

Mr. BORAH. Mr. President, I have a very great respect for the present Secretary of the Interior and for his judgment. I understand that this bill has met in a large measure, if not entirely, with his approval, and that is the strongest argument, to my mind, in favor of it. But I am unable to support the bill in its present form and I am going to state briefly the reasons why.

I do not believe, in the first place, that any benefit will be derived from this bill, so far as the ultimate consumer of this product is concerned. There are two great objects in the conservation proposition to be attained; first, the prevention of waste and the prevention of the destruction of our natural resources; and second, to so conserve those natural resources that the benefits coming from the natural resources will inure to the public generally.

One of the great things to be accomplished in dealing with the development of our coal fields is to secure cheaper coal to the man who buys the coal for his personal use, the ultimate consumer as we are prone to say.

No one contends, I understand, that the leasing system has ever resulted in any benefit in the way of cheapening the product to the ultimate consumer. In the very nature of things, Mr. President, it would not likely be any cheaper when mined under a lease than when mined by private ownership. But the experience of such countries as have the leasing system is all to the effect that while it may result in a revenue to the Government and has in those respects some things to commend it to those who believe in deriving a revenue in this way, it has never resulted in any benefit whatever to those who must purchase coal and use it. Indeed, the experience has been that it has resulted in a higher price being charged for the product, especially coal, than when owned and mined by private corporations.

Certainly, Mr. President, if it has not resulted in cheaper coal to the consumer it will also have to be conceded that it does not result in the more economical development of the coal mines or the more economical working of the coal mines.

The greatest waste of our natural resources has been under the leasing system wherever it has obtained. It results, in the first place, almost invariably in what is called the gutting of the mine, the digging it out and working the best portion of it and leaving it untimbered or unprotected, making the most that can be made during the life of the lease. That has been universally proved so far as my reading goes with reference to the experience of those countries which have had leasing systems. In the time when we had a leasing system in this country our experience with reference to leasing mines was very thoroughly covered by the Senator from Colorado [Mr. SHAFROTH]. I am not about to enter upon a discussion of it again, because he seems to have said all that there is to be said upon the subject.

But this point is well established by the facts that, instead of preventing waste, instead of preventing the destruction of our natural resources, the leasing system has invariably resulted in the greater waste of our natural resources.

I think everyone's individual experience would lead to that conclusion, for who ever rented a house and went back to look at it a year afterwards and recognized it from its appearance? It is not according to the ordinary principles of human conduct and human action to take as much care of that which you are working solely for the purpose of getting something out of, and then leaving it, as there is when you are working some-

thing which belongs to you, and by wasting you thereby deplete your own estate.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. MYERS in the chair). Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I do.

Mr. WILLIAMS. I should like to ask the Senator from Idaho a question. I know very little about the subject matter dealt with by the bill, and I have been seeking information more by talking to Senators privately than by listening to public speaking. I learned long ago that frequently you get more information in that way.

The Senator just said what appeared to be a truism, of course, that a man takes better care of what is his own than he does of a thing which he has leased; that in the latter case he is more apt to dig out the rich part and spoil it and leave the problematical part of it in the ground. But in talking about that with Senators yesterday I was informed that in the State of Tennessee there is hardly a man who operates a mine who is a mine owner, that they all work upon the leasing system, and that a majority of the coal mines in Alabama are worked by lessees; that the landlord prevents the evils to which the Senator has referred, and which undoubtedly in the natural course of affairs would take place, by the stipulations of the lease; and that under this bill the Government would do that. What about that?

Mr. BORAH. I think the waste which naturally arises from the working of a mine under the leasing system can be in a measure prevented by these regulations, but only in a measure, and, in my judgment, a small measure.

Mr. WILLIAMS. Now, one word before the Senator answers fully, because this is a part of it. I am informed that it is not unusual to reserve the rights of the landlord to state where the shaft shall be sunk and when the vein shall be left before a new one is struck. Does not that seem to the Senator to be a provision which would be fully preventive of the trouble that otherwise might be apprehended?

Mr. BORAH. Of course I do not know how successfully the leasing system has been in Tennessee and Alabama. I do know that during my practice as an attorney for 15 or 20 years in the mining region I was attorney for mine owners and for men who leased mines, and I know it was almost the invariable experience of those who leased the mines to be thoroughly dissatisfied with the way the mine was worked, not only with reference to the fact that they dug out the rich pockets in spite of anything that could be done, but that the timbering is bad and done in a negligent way.

Mr. WILLIAMS. Where?

Mr. BORAH. In all parts of the West.

Mr. SHAFROTH. Mr. President, I have always felt that if Senators heard the arguments upon this side of the question there would be no question about the defeat of the coal-leasing bill.

The PRESIDING OFFICER. The Senator from Idaho has the floor. Does the Senator from Colorado ask the Senator from Idaho to yield?

Mr. SHAFROTH. He yields. I want to say that I know the Senator from Idaho has some elegant arguments, and there are very few Senators to hear him. I think every Senator ought to hear him, and I suggest the absence of a quorum.

Mr. BORAH. I hope the Senator will not suggest the absence of a quorum, as I am going to speak only briefly.

Mr. SHAFROTH. I think they will hear the Senator. They might not hear everyone, but I think they will hear him. If it is not objectionable to the Senator from Idaho, I should like to call for a quorum, because I should like them to hear his argument.

The PRESIDING OFFICER. The Senator from Colorado suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bankhead | Jones | Overman | Smith, Ariz. |
| Borah | Kenyon | Page | Smith, Ga. |
| Brady | Kern | Perkins | Smoot |
| Bryan | Lane | Pittman | Thompson |
| Burton | Lewis | Poindexter | Thornton |
| Chamberlain | McCumber | Reed | Vardaman |
| Chilton | Martin, Va. | Sanisbury | Walsh |
| Culberson | Martine, N. J. | Shafroth | West |
| Fletcher | Myers | Sheppard | White |
| Hollis | Nelson | Shively | Williams |
| Johnson | O'Gorman | Simmons | |

Mr. PITTMAN. I wish to announce the unavoidable absence of the Senator from Kentucky [Mr. JAMES]. He is paired with the junior Senator from Massachusetts [Mr. WEEKS]. This announcement may stand for the day.

Mr. LEWIS. I desire to make again the announcement, and that it may remain for the day that the Senator from Tennessee [Mr. LEA] is absent from the Chamber, his absence being required by sickness in his family.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE].

I also desire to announce the unavoidable absence of the Senator from Wyoming [Mr. WARREN] on account of illness. I am informed that he will be in the city and attend the Senate the coming week.

I also wish to announce the necessary absence of the senior Senator from New Hampshire [Mr. GALLINGER], who is paired with the junior Senator from New York [Mr. O'GORMAN].

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. RANSDELL, Mr. ROBINSON, Mr. STERLING, and Mr. TOWNSEND answered to their names when called.

Mr. SHAFROTH. I wish to announce the absence of my colleague [Mr. THOMAS] by leave of the Senate, and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. STONE and Mr. GORE entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Forty-nine Senators have answered to their names. A quorum is present. The Senator from Idaho.

Mr. BORAH. Mr. President, I was saying that the leasing system had never resulted in any cheaper commodity for the user. I have made some investigation with reference to the matter where other countries have invoked this system, and in no instance have I been able to ascertain any advantage arising to the individual who was a user of the commodity which was covered by the lease. If we are not going to get any cheaper coal by reason of a leasing system, if there is no method or means in this system by which to protect the ultimate consumer in the price of coal, the great object of the entire system of conservation, it seems to me, will inevitably be defeated by this measure. If the people along the Pacific coast or the people who are to be the users of the Alaskan coal, if it shall be developed to be a useful and a desirable coal, are still to be at the mercy of the lessees with reference to price, what possible advantage will be derived from inaugurating a leasing system? It does not make very much difference to me who charges the price if the price is just the same regardless of who fixes it. In my opinion, instead of this bill taking the power to charge away from those who are now supposed to be desirous of creating a monopoly and fixing the price, it will leave it within their hands and under their control as completely as it would be under the private ownership system.

The second proposition, to which I had called attention, was that of the prevention of waste. One of the fundamental principles of conservation is that of preserving our natural resources, of making them go as far as it is possible for them to go, to utilize them for the best purposes and to the fullest extent possible. Of all of the systems of which I have any knowledge with reference to operating mines, the leasing system is the most wasteful, the most destructive of the material in the mines, and the most calculated to destroy the mines as a whole. I do not believe that that proposition will be disputed by anyone who is familiar with mining in the mining regions. Whether it is gold, silver, iron, or whatever it may be, the leasing system is a wasteful one and destructive of the very resources which it is our intense desire to preserve. So, Mr. President, if the price-fixing power is the same, if the ultimate consumer is left unprotected, if the waste is not prevented, and if economy is not enforced, what possible advantage can be derived from the leasing system?

It may be said that it will prevent these mines from going into the hands of individual owners who may form combinations, create monopolies, and thereby fix prices, but if I understand this bill correctly, in my judgment the evils which will flow from this system will be no less than under private ownership.

But there is one other feature, Mr. President, which may to some people seem a seductive proposition, so far as this bill and the leasing system are concerned; that is, the question of establishing a basis ultimately for securing a large revenue from the users of these natural products in the West. That was the reason for the establishment of a leasing system in this

country, which was tried many years ago and abandoned. While it is not true with reference to all who advocate the leasing system, it has had a vast amount to do with the propaganda of starting the leasing system in this country, and that is to muster a revenue upon these resources and turn it into the Treasury of the United States.

Well, Mr. President, that must inevitably result in the end in passing the payment of that revenue, whatever may be the amount of it, over to the man who purchases the coal. No one need believe for a moment that whatever duty is placed upon it or whatever rental is paid or whatever revenue is collected will not be visited in nine-tenths of its amount, at least, upon the man who purchases the coal. That will go also as a burden upon the ultimate consumer or the man who purchases it. It is simply another form of tax upon the public.

I want to quote a single paragraph, which has already been quoted in this debate, but for the purpose of commenting on it briefly I quote it again—President Polk said:

> The system of granting leases has proved to be not only unprofitable to the Government but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty.

President Polk did not in specific terms mention one of the difficulties, perhaps because it was a presidential message; but one of the things which undermined and destroyed the leasing system of President Polk's time was the almost incalculable amount of corruption which was connected with the letting of those leases, the securing of them, and so forth. Of course that could have no reference to any particular individual or to any particular time; but it is one of the things which grow up in connection with a leasing system, where parties must go to the Government to secure desirable leases and advantageous stipulations and those things which will make his lease a success. It was one of the things which led to the abandonment of the leasing system at that time; and in time it would come to have its effect upon any leasing system.

President Fillmore said:

> I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the Government and to afford the best security against monopolies.

Mr. President, it neither afforded a desirable revenue to the Government nor prevented monopoly. It accomplished neither one of the purposes for which it was inaugurated. The price which was paid by those who used the article was not diminished, and the control of the product through the lessees was as complete in the end as it would have been through and by a private individual.

I do not understand, Mr. President, how it is possible for the Congress of the United States to more effectually control a lessee than to control an owner of a property. If we can dictate to a lessee what he may do or what he may not do, we have the power, through congressional legislation and administrative officers, to dictate to the owner in the Territories what he may do and what he may not do. We can fix the price for one just as effectually, if we desire to do so, as for the other.

It is a false view, to my way of thinking and viewing it, to suppose that a lessee is more nearly under our control than the owner would be. But, Mr. President, let us assume that it does result in a good revenue-paying proposition, what is the result? Who pays the revenue? Who must in the end meet the extra charge which is placed upon it? Mr. President, when this leasing system is completely developed it will be an extra and a special tax upon those States where those natural resources are located as against no tax in the States where they are not located. Of course that would not be so completely true with reference to coal, because it will be shipped possibly into other States; but if the leasing system is started, and we cover the question of power development, of coal, of timber, and of all other natural resources in those particular States where the public lands now exist, as well as in the Territories, it will result in an extra burden and an extra tax upon those States, which the other States have passed from under by reason of the fact that they have passed their natural resources to private ownership.

Mr. President, we appropriated here a while ago quite a sum of money for the building of a railroad in Alaska. It is my opinion that if this leasing system works at all, if it is effective and produces any result, if men go in there and develop those mines under a leasing system, it will not be the pioneer developer of mines, as we know him and have known him in the western country; it will not be, as is supposed by some, the man of small means or the man of limited means, but it will be the man of vast wealth against whom we are supposed to be legislating.

A vast amount has been said with reference to the Guggenheims in Alaska, and yet, in my judgment, under this leasing system, if anybody operates at all, it will have to be some people with wealth such as those men are supposed to possess. Think of a man, Mr. President, with a limited amount of means going into Alaska to undertake to develop a mine under a leasing system, where he could neither secure capital nor support from financiers nor, in any way, cooperation by reason of the fact that he was under a lease. If a man discovers a mine and spends the long dreary winters in developing it, endures hardships and suffering, as the pioneers have done; if he owns the mine, he can secure aid from those who will assist him in developing it, and in the end may make a success of his mine; but no man of limited means can secure any such cooperation or aid under a leasing system under which his lease or his rights thereunder may be terminated at any time because of a violation of rules and regulations which may be established by the department. If we adopt a leasing system, when we have built the Alaskan railroad we shall have built it not for the benefit of those whom we supposed we were building it for—the pioneer, the individual discoverer of the mine, the prospector—but we will have built it for those who will come to Washington to pioneer and prospect, not in Alaska, but in a department in Washington for an advantageous contract under which to work coal mines in Alaska.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. I yield.

Mr. SHEPPARD. Do I understand the Senator to say that under this bill the lease may be terminated at any time?

Mr. BORAH. I assume that under this bill a lease could be terminated at any time for a violation of any of the rules and regulations of the department with reference to it.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield.

Mr. PITTMAN. I think the Senator from Idaho is slightly mistaken as to the terms of the bill. This bill provides that certain conditions may be incorporated in the lease. Of course, if those conditions are violated, the lease may be forfeited; but I do not understand that the bill provides that any subsequent regulation or any regulation in conflict with the terms of the lease may be used as a ground of forfeiture. If so, the bill should certainly be amended, because as a member of the committee I tried to avoid that very defect. The House bill had that defect in it, but the Senate bill has not.

Mr. BORAH. Mr. President, the Senator's statement is no doubt correct, as he is a member of the committee which reported the bill, but his statement would not change the force and effect of my argument, because if there was a failure to comply with the conditions imposed in the original lease a forfeiture would be worked, the same as a forfeiture would be worked by a failure to comply with the rules and regulations prescribed by the Department of the Interior.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. JONES. I will call the Senator's attention and also the attention of the Senator from Nevada, although he is probably familiar with it, to a clause in section 14 which to me seems rather peculiar. The first part of the section provides for a forfeiture by court proceedings, and then there is this provision:

> And the lease may provide for the enforcement of other appropriate remedies for breach of specified conditions thereof.

I take it that the Secretary of the Interior, if he should insist upon it, might put conditions in the lease by which forfeiture could be enforced without any court proceedings or anything of the sort.

Mr. BORAH. I would suspect that that might be done under the capacity of the department here to construe statutes.

But, I might be asked, what would you do with the coal lands of Alaska? Well, Mr. President, if we have arrived at the time where we have not the capacity to discriminate between the fraudulent and the valid and the bona fide prospector, if we are prepared to concede as a people that we can not discriminate and distinguish between the man who has gone into Alaska in good faith to secure and develop a mine and the man who has gone there fraudulently, perhaps it is well that we abandon the old system which has prevailed in this country so long, and under which the whole United States has been developed, and adopt some other system. In my judgment, it would be perfectly practicable to determine what mines are located under the law in a valid and legal way and to permit people to develop those mines. If it were necessary to guard

against combinations of mine owners or understandings or agreements concerning prices, that situation could be cared for as effectually by legislation as by imposing conditions in the body of a lease.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I yield.

Mr. FLETCHER. While the Senator is on this subject, I desire to call his attention to a provision of the act of May 28, 1908, which reads as follows:

> That all persons, their heirs or assigns, who have in good faith personally or by an attorney in fact made locations of coal land in the Territory of Alaska in their own interest, prior to November 12, 1906, or in accordance with circular of instructions issued by the Secretary of the Interior May 16, 1907, may consolidate their said claims or locations by including in a single claim, location, or purchase not to exceed 2,560 acres of contiguous lands.

That is the extent of the consolidation now allowed by law, as I understand.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. SHAFROTH. I think it might be well to remind the Senator from Florida that under that law people who have made valid locations upon coal lands and whose claims are not contested have been trying for five years to get patents upon them, but have not been able to do so.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield.

Mr. PITTMAN. I do not like to interrupt the Senator any more than I can help, but this bill protects existing rights, or at least it attempts to do so. There has been offered or will be offered by the Senator from Washington an amendment which will greatly strengthen that. His amendment is to the effect that existing claims of right must be adjudicated by the Land Department within one year after the passage of this bill.

Mr. SHAFROTH. That is not in the bill now, is it?

Mr. PITTMAN. Such an amendment will be offered, as I understand, by the Senator from Washington and will be accepted by the committee.

Mr. SHAFROTH. I am very glad of that.

Mr. PITTMAN. It is such an excellent provision that it should apply to all the land laws of the United States.

Mr. BORAH. Mr. President, in view of the fact that we are to build a railroad in Alaska, as I have said, if we are not prepared to let coal mines there be developed by private owners who have acquired valid claims and control the product and output of the mines, I do not hesitate to say that, rather than see a leasing system, I should prefer to see the Government of the United States itself enter upon the development of those mines. I should prefer to see the Government undertake to develop those coal fields and to work the coal mines, so as to ascertain whether or not the Government can control the price of coal and advantageously develop our natural resources, particularly coal mines.

There is no difference, in my judgment, between building a railroad for the purpose of opening up a way to the mines and affording an outlet to the mines and operating the mines themselves. Of course the disadvantage of Government operation would perhaps be that the revenue which it is proposed to get from the mines would not be forthcoming; but my desire, as I suppose is the desire of everyone interested in the bill, is to see the great natural resources put down to the people at a reasonable price so that they can have the advantage of this great natural product. But I have not a particle of doubt that the people, under the leasing system, will pay more for coal than they have ever paid to private individuals. If that is not true, it will be the first time in the history of the leasing system, so far as I know, when it has not been true. Pray, what is the advantage of leaving the consumer to the mercy of the lessee, of leaving him where he may be charged with whatever the lessee may see fit to charge him, and building a railroad for the aid of the lessor and the lessee?

Mr. President, I would not oppose this particular measure with any degre of persistence if it were not for the fact that, of course, we all realize that it is but the beginning; that the leasing system is to be spread out over all the States where any natural resources lie undeveloped and where there are any public lands or mineral lands yet to be occupied. This is the first step in the direction of a complete leasing system for all the public-land States, including power and timber and gold, silver, coal, and other mines; and likewise all that vast system of natural resources, including grazing lands, are to be placed under a leasing system by which there will be derived a revenue to the Treasury, which revenue will be paid by the parties using the land for grazing purposes or using the mines for mining purposes, or those who purchase the article; and it will be a tax upon the public-land States which the other States of the Union do not now have to bear. For that reason we may well prepare to meet the issue at the threshold.

Mr. President, it has been said here that the people of Alaska are very desirous of this legislation because of the unfortunate conditions which prevail in Alaska. I do not believe that the people of Alaska want this bill. I think that some people who have interests in Alaska want the bill, but I do not think the people who live in Alaska, who are there bona fide for the development of Alaska, who have pioneered that forbidden region, are desirous of this measure. I have never had any message from Alaska from any private citizen in favor of this bill. As much as the people there deplore the situation and the condition of affairs which confronts them, so far as I am advised—and my correspondence with Alaska has been rather large for the last few years upon this subject—I do not believe that, with one single exception—and in that case the letter was not written in Alaska, although the party had interests in Alaska—they were in favor of this measure. They do not believe that it will result in benefiting the man who is a bona fide citizen of Alaska; they do not believe that it will result in aiding the honest development of Alaska; they believe it will result in an absentee-landlord system, by which people who live in Washington or in New York on in other places may secure advantageous leases, or as advantageous as possible, and work them without ever seeing Alaska or having anything to do with Alaska. All they will be concerned about and all they will be interested in will be to secure a lease, to get the most they can out of the mine, and then depart from the country when their mine is gutted. There never was a country in the world, whether old or new, that was developed in a bona fide way under an absentee-landlord system.

Mr. SHAFROTH. Mr. President, if the Senator will yield to me——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. SHAFROTH. I should like read a resolution that was presented to Secretary Fisher, of the last administration, when he went to Alaska to look into the affairs of that Territory. This is the resolution:

> Primarily, Alaska demands and needs the same right of untrammeled development that has been accorded to every other Territory of the United States pioneered by Americans. Alaskans ask that American citizens and all other industrious men be permitted to create property for themselves out of the limitless resources of this vast Territory, unhampered by bureaucratic dictation and interference. The people of Alaska are a unit in opposition to Federal landlordism over its mines, forests, and water power.
>
> The doctrine that the Federal Government, 5,000 miles away, knows better what is good for Alaska than the pioneers who have spent years within its boundaries is a political heresy that can not long stand before the enlightened sense of justice which characterizes the American people. If left to herself, Alaska would enact laws for her government and development with the same intelligence and regard for natural right that was shown by the early immigrants into the Pacific and Mountain States, of whom Justice Field said in a judicial opinion:
>
> "Wherever they went they carried with them that love of order and system and of fair dealing which are the prominent characteristics of our people."

And here follows this declaration:

> This just and generous Government has been succeeded by one that seeks to create a distant landlordism over Alaska. This policy, if continued, will forever stunt the development of the Territory. Men born under republican institutions will not long remain where they have to get permission of a Government agent to transact business. The garroting of Alaska by the last two national administrations has stopped its growth, decreased its population, and financially ruined many men who had not anticipated that the great National Government would make Alaska the dumping ground of eastern political fads.

Mr. President, that was a declaration presented by the citizens of Valdez to Secretary Fisher when he went there for the purpose of determining what should be done in Alaska, and this report says that it was unanimously adopted by those people.

Mr. BORAH. Mr. President, we may get a suggestion as to how this system will operate, and the extent to which it will build up an absentee landlord system, by what has already happened in Alaska with reference to these fraudulent claims about which much has been said, and as to some of them justly said, undoubtedly; but the men who worked that proposition did not themselves go to Alaska. If they went, it was upon a summer's vacation. They were never seeking to acquire homes or resi-



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dences or permanent habitations in Alaska, to build up civil government, to build up schools and churches and communities. They simply employed some dummy, some one to go there and represent them, locate the mine, acquire title if possible, and enable them from a distance—New York or Chicago, or some other point—to develop the mine. Why should we encourage and make easier the absentee system, as a leasing system will?

Mr. President, unwittingly, not designedly, of course—because I know that the people who are urging this bill are acting in as good faith with reference to the development of Alaska as those who are opposed to it—unwittingly it will result in just that kind of an operation but upon a different plan. The man who wants to operate a mine in Alaska will never have to go to Alaska at all. He will take no part in the local and civil affairs of the Government. He will not be interested at all in building up the community, in erecting churches and courthouses, and those things which are incidental to modern civilization. He will simply have one thing in view, and that is the advantageous working for a year, or 10 years, or 25 years, of a valuable mine.

When you put the power capacity of Alaska, and the timber of Alaska, and the coal mines of Alaska, and the gold and silver mines of Alaska under a leasing system you have no one in Alaska except the poor fellow who goes into the mines, at a forced wage, to work them out; and the profits will inure to those who take no part in exploiting, exploring, developing, and building up a great new State.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield.

Mr. WALSH. I desire to inquire of the Senator what period he conceives to be the ordinary life of a coal mine.

Mr. BORAH. Why, it is immaterial. I do not know what the ordinary life of a coal mine is; but it is immaterial. It might be, if it was a good mine, 50 years or 100 years.

Mr. WALSH. The Senator was speaking about something in the nature of a very temporary occupancy.

Mr. BORAH. No; I was not speaking of a temporary occupancy. I was speaking of nonoccupancy. The lessor never goes there at all. I said that he would be anxious to work out his mine, and if he could work it out in 10 or 15 or 25 years he would do it. It might take him a hundred years; but if it was a thousand he would never go there.

Mr. WALSH. Would it make any difference whether he had a leasehold interest or an interest in fee?

Mr. BORAH. I think it makes a vast amount of difference in the development of the country whether it has a landlord-and-tenant system or whether it is owned by the people who are interested in it.

Mr. WALSH. That is the general question, but I was speaking about the matter of the man going to Alaska. Would he be more likely to go if he had the fee or if he had a 50 years' leasehold interest?

Mr. BORAH. How often do the landlords of England go to Ireland?

Mr. WALSH. Oh, well, Mr. President, that inquiry seems to me quite irrelevant.

Mr. BORAH. It may be, but rather suggestive.

Mr. WALSH. The landlord who goes to Ireland or does not go to Ireland owns the fee. He owns the property absolutely. The man we are speaking about, the landlord, is not that man. It is the lessee that you are speaking about now. He is the man who, you say, will not go to Alaska.

Mr. BORAH. Exactly; because we make it wholly unnecessary for him to go at any time.

Mr. WALSH. So the inquiry as to how often the landlord goes to Ireland does not seem to be very relevant to the inquiry. The point I wanted to direct the attention of the Senator to was this: He is endeavoring to establish the proposition that under a limited leasehold interest the lessee would not go to Alaska, and thus constitute himself an essential integer in the life of the community. I inquire of him simply if he would be more likely to do so if he had the fee than if he had a 50 years' leasehold interest?

Mr. BORAH. I have no doubt about it myself, judging from observation. Why, there is nothing to take the lessee there. If he comes to Washington, he gets his lease. He is not concerned about the property as a man would be if he owned it—wanted to look it over and wanted to see that it was properly cared for. He is interested in just one proposition, and that is getting as good a lease as he can at Washington and getting the internals out of the mine as quickly as he can. The Senator from Montana knows that one of the things against which we have had to contend in the western country is these great mine operators who come out and gut our mines and go to Europe or New York or somewhere else to live just as soon as it is over.

Mr. WALSH. Yes; and on yesterday I called the attention of the Senate to the fact that the Colorado Fuel & Iron Co. owned a hundred thousand acres of coal land in the State of Colorado. The principal owners of that property live in the city of New York. Mr. John D. Rockefeller, jr., is one of the directors of the corporation.

Mr. BORAH. Does the Senator think that if Mr. Rockefeller can come to New York or come to Washington and get a lease he will spend as much time in Alaska as Mr. Rockefeller now, according to the newspapers, spends in Colorado? Mr. Rockefeller has his home in New York, but I notice that for the last few months he has been personally present a good deal in Colorado.

Mr. WALSH. The Senator from Montana takes the position that Mr. Rockefeller will spend just exactly as much time in Colorado if he is a lessee as if he is the owner in fee; no more and no less.

Mr. BORAH. The Senator from Montana draws that conclusion. I entertain a different opinion. Does the Senator from Montana think that a man who is a mere leaseholder has the same ties connecting him with the country that a man has who owns a piece of property?

Mr. WALSH. Mr. President, the Senator from Montana takes this view:

The vast extent of lands in this or any other country are agricultural in character. I want every man to own the piece of land that he cultivates. No one has ever suggested the application of a leasing system to agricultural lands.

The Senator a moment ago referred to the leasing of the gold and silver mines of Alaska. No one, so far as I have ever heard, has even suggested the leasing of metallic mines. The principle is applicable chiefly to coal, oil, and gas, which are the sources of power that is at the foundation of all modern industry.

I say to the Senator that I do not see any reason on earth why a man should not take just as much interest in a piece of property on which he holds a leasehold for 30 years or for 50 years as if he owned it in fee. Indeed, in my own judgment, nine-tenths of the coal mines will be worked out in less time than that.

Mr. SHAFROTH. Mr. President, if the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. SHAFROTH. The Senator from Montana said that he had never heard it suggested that there should be a leasing proposition as to mines of the precious metals. I want to state to him that if he will read the proceedings of what are called "conservation conventions" he will find to the contrary. The resolution adopted at Kansas City was directly in favor of that; and not only that, but the Senator will find that at the Minneapolis convention the Chief Forester at that time said that that was the ultimate result of the policy.

Mr. BORAH. Not only that, but the Socialist Party declared in favor of that in the last campaign; and in view of the rapid strides which both of the old parties are making toward socialism, we have no reason to suppose they will not take it up at the next campaign.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield.

Mr. WALSH. Let me inquire whether that was not a principle that they sought to apply to all of the mines of the country, regardless of public ownership? Did it not have special reference to the mines of Pennsylvania, which are now held in private ownership?

Mr. BORAH. No; I understood that, of course, they believed in the ownership of all those mines, but I understood that they distinguished at the present time with reference to those which now belong to the Government, because the step is so much more easily taken.

Mr. WALSH. If so, my attention has not been called to it. I have a very distinct recollection about some resolutions adopted by some such political organization having special reference to the ownership of mines in the State of Pennsylvania.

Mr. BORAH. Oh, I am sure they did not limit it to Pennsylvania. I am quite sure I am correct; but that is immaterial. As the Senator from Colorado says, "That has been the doctrine of the advanced conservationists for some time." Not only that,

but there is a report on file in the office of the Secretary of the Interior, if I remember correctly, or Agriculture, which deplores the granting of title to these agricultural lands, and says that when a piece of land passes over to an individual it is lost to the people forever. That is practically the language which is used.

Mr. WALSH. A report from where?

Mr. BORAH. It was a report which was filed in the Interior Department, I think, or Agriculture Department, by Mr. Pinchot. It might have been an address, but I think not.

Mr. WALSH. I thought I had followed the literature of the subject quite accurately, but I had never heard such an idea heretofore advanced from any source. I shall be glad, indeed, if the Senator from Colorado will call my attention to the resolutions of even the ultraconservationists upon the proposition of the leasing of metallic mines.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I do.

Mr. WEST. Was that an expression coming from Senator Pinchot with reference to agricultural lands?

Mr. BORAH. Senator Pinchot?

Mr. WEST. Yes, sir—Mr. Pinchot, I should have said.

Mr. BORAH. The Senator seems to be anticipating.

Mr. WEST. Did not the Senator say it was in a report which was filed by him?

Mr. BORAH. Yes. I think it was either a speech or a report made by him upon the subject. It was debated here at one time, and attention called to it upon the floor of the Senate by my late colleague, Mr. Heyburn, who seldom overlooked anything of that kind.

Mr. President, as I said a moment ago, I would prefer to see the Government enter upon the development of these mines itself. I would prefer to see the Government undertake to do what it is doing with reference to the railroads in Alaska rather than to see it enter upon the leasing system. If I thought the people of Alaska desired, owing to their present conditions, this particular leasing system, I would feel like standing out of the way and letting them experiment; I would be willing to risk the judgment of those who are on the ground and who know most about the situation. However much I might disapprove of their view or their judgment, I would be willing to let them experiment with it, so far as Alaska is concerned. As I said a moment ago, however, I doubt very much if it is the desire of the people of Alaska to have this system at this time. My information has been to the contrary. When we come to apply it to the States, however, the public-land States, the leasing of our grazing lands and of our power sites and of our timberlands, and so forth, the matter will undoubtedly receive further hearing at the hands of the western people.

Mr. POINDEXTER. Mr. President, I am interested in the adoption of this measure in some form. I favor some changes in it; but if it is not practicable to make those changes, I expect to vote for and urge the adoption of the measure as an improvement over present conditions.

It is quite an enlightening commentary on the conflict of views and diversity of interests represented in this body to consider the reasons which have been stated here by different Senators with reference to their attitude toward this bill. The Senator from Colorado [Mr. SHAFROTH] made a very learned and comprehensive speech on the general question of the policy of the United States with reference to its lands and resources in general, and particularly in opposition to what has come to be called, in a rather loose and inaccurate sense at times, "conservation." He is opposed to this bill, as I infer from his remarks, because of his opposition to what is called conservation, because of his opposition to the "continued interference," as he calls it, by the Government with private ownership.

Mr. SHAFROTH. That is only partially my objection to it.

Mr. POINDEXTER. That is one of the Senator's objections to it. On the other hand, the Senator from Idaho [Mr. BORAH], whose position in regard to the bill as it stands I do not know, except from what he has just said, very severely criticizes the bill, entertaining the same views that the Senator from Colorado does on the subject of conservation, and yet he is of the opinion that it would be better for the Government to operate these mines itself—the very extreme of the policy which the Senator from Colorado opposes.

The Senator from New Jersey [Mr. MARTINE] opposes the bill because it does not provide exclusively for Government ownership and operation. The Senator from Colorado [Mr. SHAFROTH] opposes the bill because the Government has anything whatever to do with it as a lessor, and would oppose it still more strongly if it provided exclusively for Government operation. There are other Senators who are opposed to the bill because it contains any measure of private operation or private control of coal lands and coal mining, and still others who are opposed to it because it contains any measure whatever of Government control over the operation of coal mines. So we are confronted by two groups of Senators opposing the bill upon opposite and extreme grounds.

The argument which the Senator from Colorado has made in regard to the reservation of the public lands by the Government is nothing more or less than a recrudescence of Ballingerism, as it was called during the campaign when that matter was a current question before the country; and the same propositions which the Senator from Colorado advances here were advanced in every public-land State, and debated upon the hustings, and decided one way or the other by the people at the polls, in so far as they have an opportunity of deciding any issue which is involved in an election.

The peculiar result of the Senator's attitude is that while he is attacking the orders of the Government reserving "temporarily"—as he quoted himself from the order—the coal lands of Alaska and the forest lands of the States, in some instances, so far as the practical question before the Senate is concerned, he stands here and fights against the adoption of a bill which is intended to relieve the country from the consequences of the withdrawal of these coal lands. They were withdrawn temporarily, pending the adoption of some policy for their use and operation.

A measure is now presented, after careful consideration by a committee, providing for a policy for the use and operation of these lands, so that the people can get the benefit of them, and which, in so far as the objects with which it deals are concerned, amounts to a canceling of the orders of withdrawal which the Senator from Colorado attacked with so much vehemence. Yet we see the strange spectacle of the Senator opposing the very bill which is intended to relieve us from the conditions which he has criticized on this and some other occasions. I fail to see, Mr. President, the logic of his position.

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. POINDEXTER. I yield to the Senator.

Mr. SHAFROTH. I will state to the Senator the reason why I oppose this bill. I think it fastens upon the people a system which is so much worse than anything that can be conceived in the way of the handling of the public lands that I feel it is to the interest of my people, and my duty as a Senator, to oppose it.

Mr. POINDEXTER. The Senator, then, would prefer that this withdrawal of the public lands from any entry whatever should continue, depriving the people of any benefit from these resources of coal, however great their needs for them may be, rather than to establish a leasing system?

Mr. SHAFROTH. Why, Mr. President, when you consider that the proclamations withdrawing these lands were in violation of law, how can you expect the Senate to pass a bill to relieve that situation?

Mr. POINDEXTER. Mr. President, whether or not these orders were in violation of law, they are now, if we pass this bill, so far as the subject matter with which it deals is concerned, functus officio. They have accomplished their purpose, and what is the use of occupying the time of the Senate with discussing the proposition whether the orders of withdrawal made some 10 years ago, and which it is now proposed in effect to repeal by the passage of this bill, were lawful at the time they were passed? There are more practical questions to occupy the time of the Senate.

Mr. SHAFROTH. Of course the authority exists right now to repeal them in 10 minutes by Executive order or by order of the Interior Department.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Washington yield to his colleague?

Mr. POINDEXTER. I yield to my colleague.

Mr. JONES. I just wanted to suggest, in connection with that matter, that my understanding is that these orders—conceding that they were illegal in the first instance—were practically ratified afterwards by an act passed by Congress, under which the President was expressly authorized to make these withdrawals.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. POINDEXTER. I do.

Mr. SHAFROTH. And the word "temporary" is in that law.

Mr. JONES. Oh, yes. The question is, What is temporary?

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Mr. SHAFROTH. Yes; what is temporary?

Mr. JONES. In the life of a nation, 8 or 10 years is a very short period.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER. I yield to the Senator.

Mr. WALSH. Now that this subject is before the Senate, I am reminded that on yesterday I was interrogated by the Senator from Colorado as to whether I did not believe these orders were void. I fear that I did not give a direct answer to the question.

I wish to say now that I should not like to have it assumed, by reason of the course of this debate, that it is the general conviction of the Members of this body that those orders were void. I do not think the President of the United States has any power to withdraw lands in order that Congress may pass different legislation; but the President has the authority to withdraw lands from entry, and having the unquestioned right under the law to make withdrawals I do not concede that the orders of withdrawal were void because he put them on the wrong ground.

Mr. SHAFROTH. They are not void unquestionably, because they are in force.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. POINDEXTER. Mr. President, I stated yesterday that I had no doubt about the validity of these Executive withdrawals. My colleague has just stated that they have at least been confirmed by Congress. In my judgment they were valid before they were confirmed. They were subject to this consideration at all times, however, that the lands contained in them could be eliminated by an act of Congress. The Executive could not in any way assume to dispose permanently of the public lands upon any policy or system devised by him. They were subject at all times to whatever policy should be adopted by the people as they expressed themselves in the ordinary channels of Government, and Congress at any time that it was of the opinion that the withdrawals made by the President were operating against the public interest, could, if it saw fit, have canceled the withdrawals and thrown the land by act of Congress open to settlement. But it did not do that, and we have now come to a time when it proposes to do it. That is the effect and purpose of this bill.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I will yield after adding this word. That being the case, the burden of the argument of the Senator from Colorado being an attack upon these Executive withdrawals, it is utterly inconsistent for him, so far as that is concerned, to stand up and oppose a bill which proposes to relieve the lands from those withdrawals. I yield to the Senator from Idaho.

Mr. BORAH. As the Senator from Washington has perhaps well said, we are discussing a proposition which has passed into history—that is, as to whether or not these withdrawals are valid—but it might very easily arise again, because at the time these lands were withdrawn the policy of the Government had been defined by Congress under the public-land laws of the United States. They were subject to entry. Congress had determined how they should be entered and under what terms and conditions title might be acquired, but those laws with reference to the manner and method of acquiring title were suspended by the withdrawal.

Mr. POINDEXTER. As near as I can ascertain the objection, at least on the part of some to this bill, it is that it changes the former policy of the Government with reference to our public lands. Some of the Senators who are opposing it have stated that the laws which were in force at the time the withdrawals were made were sufficient for all the needs of the occasion. Now, what was the result of that state of affairs? The result was that so far as the State of Colorado is concerned we are confronted here with what I think is a humiliating spectacle, of a State which makes the proud boast that it is a sovereign State of the American Union begging the Government of the United States to send its Army into her borders to protect her people and to preserve order in controversies which are arising on account of the power of companies which have monopolized her coal lands and on account of absentee landlordism. The Senator delivered a good many eloquent strictures upon absentee landlordism. He seems to draw the conclusion that the policy with reference to the public lands which leaves in the hands of the people, operating through their Government, some lever by which they can control the use of those lands in the interest of the public rather than their hoarding or their waste in the interest of private aggrandizement is absentee landlordism. He said that would be avoided if the public resources of the country are thrown open practically without restriction to the taking of whoever might have power or whoever might have the shrewdness—in all the ways which are exploited in the courts under criminal charges—to acquire monopoly of our public land, our timberlands, and our coal lands, with the result which I have just stated in the State of Colorado which the Senator so ably represents.

Now, what was the result in Alaska of the operation of these laws which the Senator said were sufficient for all purposes? The result was that these withdrawals were made as an emergency matter to protect these vast resources belonging to all the people, for the benefit of the people, and for the use of this and other generations, because there is enough there, if the control of them is preserved in the hands of the Government, for many generations. Then what was the condition? That this great Territory of Alaska was being developed, it is true. It was being developed by a process of assimilation. It was being developed in exactly the same way that a fawn is developed as it takes its slow course through the alimentary canal of an anaconda.

The coal lands of Alaska were on the point of being secured by what was known as the Alaska Syndicate. The transportation of that Territory was already controlled by that syndicate. All the water fronts of its harbors were owned by that syndicate. The entire business of the country was operated by that syndicate. Its fisheries were exploited by it; its copper mines were controlled by it. The only people who derived benefit from that state of affairs were its beneficiaries and its agents, to whom it doled out so much as it chose of reward or benefits to its attorneys, its gunmen, and others, whom it used as agents for the oppression, sometimes by violence, of those who undertook in any way to oppose them.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. BORAH. If the Senator be correct in his conclusion as to the fact that that Territory was being exploited in a fraudulent way and through the connivance and manipulation of the department here at Washington, you have to come back to that same question upon this leasing proposition. There could not have been a single foot of that territory acquired in Alaska through fraud, through corruption, except through either the connivance or neglect and mismanagement of the department in Washington. The Senator will remember that the fraud was being consummated, if at all, in the department at Washington; and the Senator will remember that the Oregon land frauds were all consummated by open corruption in the department at Washington, if at all. Why will the department at Washington be any less corrupt in granting leases and the advantages of leases and in forbidding men to gut the mines and to leave the Territory without taking care of the mines? Why should they be any less careful in protecting leases than in protecting the title to the land? Will a department officer feel the exhilaration of an uncommon virtue when a lease lies before him which virtue he never felt when a patent lay before him?

Mr. POINDEXTER. Mr. President, in my judgment, there are a number of answers to that proposition. One of them brings me into agreement with the Senator from Idaho as to the proper disposition of this matter. But, first, I will say that the holding of the title to the land by the Government, with a clear and simple provision that any restraint of trade, any combination forming a monopoly, or any condition of transportation which results in a monopoly will be punished by the forfeiture of the lease, will enable the department at Washington to prevent that sort of a condition which they would be unable to prevent after the title had passed out of their hands—not a lease, such as I understand the conference report which has already been made upon the antitrust bill, containing no penalty, but a mere empty fulmination against combinations and restraints of trade as being all that the Government has to rely upon. But if a private company owns the land it is the master of the situation.

Mr. BORAH. I agree with the Senator that that would be true if we knew that the man who was executing that lease would not be afflicted with the same tendency to favor somebody as it is supposed somebody was favored who was getting the title. But the Senator must realize that we are finally putting this whole thing through all the course of the years in the department at Washington. We always pass over the present incumbent of the office when we are discussing the integrity of an officer, and I pass him over now, not as a mat-

ter of courtesy but because I know and everybody knows that under the present Secretary of the Interior in all probability no such thing would happen. But we are establishing a system which is to grow up and form a part of our departmental system and our bureaucratic system, and I can not understand why we are to suppose that a Secretary of the Interior will be more vigilant and faithful in executing a lease than in protecting the title to a mine.

Mr. POINDEXTER. Mr. President, the ingenuity of man never devised a scheme of government that was not subject to abuse, and there is no probability——

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Florida?

Mr. POINDEXTER. In just a moment. There is no probability of solving the Alaska coal problem in any such way as will remove all possibility of abuse or of injustice. Furthermore, any system which may be devised under a corrupt administration of any one of these bureaus which the Senators have criticized—and in many of their criticisms I agree so far as the administrative features are concerned—will be unsatisfactory.

The question, however, must resolve itself into one of two systems, either the Government must let go of these lands entirely without any attempt to curb the avarice of private operators who would use these great resources to oppress instead of to benefit the people, or, upon the other hand, private ownership and operation should be excluded and the Government itself representing the people should operate the mines. If the Government does that, then we are confronted by the same possibility of inefficiency and dishonesty in Government that we are confronted with under any system. I yield to the Senator from Florida.

Mr. FLETCHER. Mr. President, at this point I was going to suggest something somewhat in line with what the Senator from Washington has just uttered. I will call attention first to the fact that we pursued the policy of allowing entries of coal lands for Alaska to the extent of 40 or 80 or 160 acres for a great many years. In other words, the land laws of the United States applicable to coal lands were extended to Alaska. That did not open up the country. The resources remained there just as they had remained for centuries, and there was no prospect of any development in Alaska. The argument was made then that no man would put his money into a coal field located somewhere on 40 acres of land; that the area was not large enough. Subsequently Congress amended the law and extended the provisions so that it permitted the entries to be combined to the amount of 2,560 acres. The Senator from Colorado properly stated when I mentioned that a few minutes ago that under that system there has been no development of these resources in Alaska, and I quite agree——

Mr. SHAFROTH. Because, Mr. President——

The PRESIDING OFFICER. Will the Senator from Washington yield to the Senator from Colorado?

Mr. POINDEXTER. I have yielded to the Senator from Florida, who is making a statement.

Mr. SHAFROTH. It is simply because the orders of withdrawal are still in force, and you can not take up claims when there is a withdrawal order on the land.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. FLETCHER. Under that policy there was no real development of these coal lands. Speculators came in after a while and we found Mr. Cunningham making 33 entries in Alaska and gathering 5,300 acres of land, I believe. Those entries created contests, and they were set aside.

I believe we will concede that the great natural resources of Alaska ought to be developed and not stored up forever undeveloped. They ought to be developed for the people who are here, who are now living on earth, and not be retained for generations that may come a thousand years from now in Alaska. They ought to be developed for the benefit of people generally and not for the benefit of the few who might be able under any system, it seems to me, but the leasing system to get in there and monopolize those great coal fields. That was the danger under the system that existed heretofore. It was the whole tendency under the law before the lands were withdrawn that these great resources were being centered into the hands of a few people, and a monopoly was created not only with reference to the coal lands, but with reference to transportation in Alaska, just as the Senator from Washington has said. It has been the effort to prevent that sort of thing, and you can not prevent it if you are going to open these lands for sale, or if you are going to allow entries to be made and combined and manipulated as they were being combined and manipulated under the old system.

I suggest that to the Senator from Washington as another argument why we ought to give a fair trial to this leasing system as a possible method of developing these resources for the benefit of all the people and not for the benefit of the few and as a possible method of preventing monopolistic control of these resources in Alaska.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. SHAFROTH. I should like——

Mr. POINDEXTER. I will yield a little later.

Mr. SHAFROTH. All right.

Mr. POINDEXTER. The purpose of this bill, of course, is to allow these resources which are so urgently needed by those people to be used, and in that respect it is entirely in harmony with the purpose for which the lands were originally withdrawn. They were not withdrawn for the purpose of depriving the people of the use of them; they were withdrawn so as to insure that the people of Alaska and other people who are within reach of these coal mines, when they should come to be operated, should get the benefit of them. How can they get the benefit of them? They will not get the benefit of them by operating the mines. The ordinary man in Alaska or on the Pacific coast can not operate a coal mine. The ordinary man there will not have a factory or a smelter for which he will want to buy coal to operate his factory. How are the people going to be benefited? A few of them—a handful—might be benefited by hiring themselves out as laborers in the operation of the mines. But that is not the great interest. The great interest to be considered is the great public—the masses of the people. What good will the opening of these mines do them? What benefit will come to them from throwing open, as the Senator from Colorado would have done, these great resources? There is only one way in which benefit could come to them, and that way is the opportunity to purchase coal at a lower price. The consumers, whether they are large consumers or small consumers, if they are enabled to get this article for the purposes for which they need it cheaper than they can get it now, will be benefited by the opening of coal mines in Alaska, and if they can not get it cheaper it is of no concern to the great masses of them whether the mines are operated or whether they remain locked in the embrace of nature, as they have been from immemorial ages.

Mr. NELSON. Will the Senator yield to me for a question?

The VICE PRESIDENT. Will the Senator from Washington yield to the Senator from Minnesota?

Mr. POINDEXTER. I yield.

Mr. NELSON. I have not kept track of this discussion, nor am I very familiar with the bill. I simply want to inquire whether the bill makes any provision for regulating the price of coal to the consumer? Is there any provision made in that respect?

Mr. POINDEXTER. There is no provision. There is no attempt to fix prices.

Mr. NELSON. But whether the Government should lease or sell, could it not put in a condition providing for the regulation of the price to the consumer? Could not Congress give, for example, the Interstate Commerce Commission jurisdiction over that subject, for, after all, one of the chief things we ought to look after is to protect the consumers of the coal.

Mr. POINDEXTER. I think that would be possible, Mr. President. Whether or not it would be effective, is a subject of great difference of opinion. For instance, the Government has the power now, through the Interstate Commerce Commission, to regulate railroad rates, but it is far from being effective in many cases.

Mr. NELSON. I want to say to the Senator that when I was chairman of the Committee on Public Lands we had leasing bills before us, and I was always impressed with the fact that in any leasing bill, or in any bill providing for the disposal of coal lands, unless some protection was made for the consumer, as to the price of coal, the legislation was deficient and abortive. I think that merely to dispose of these lands for the interest of the Government in order to have the Government get a revenue from them, without protecting the consumer, would fall far short of doing what we ought to do. I speak by the permission of the Senator from Washington. I do not want to take up too much of his time; but I think when we open these natural resources to exploitation, whether by sale or lease, we ought to make it a paramount principle to protect the American consumers.

Mr. POINDEXTER. That is undoubtedly the purpose of this bill.

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Mr. NELSON. Unless we do that, we reach only one side of the question. While we may perhaps prevent the men who operate the mines, and who handle them, from securing a monopoly in their holdings, we do not prevent a monopoly or trust in the matter of prices to the consumer, and in that respect I think that such legislation is deficient.

Mr. SHAFROTH. Mr. President——

Mr. POINDEXTER. Mr. President, I have been interrupted so much I hesitate to yield again.

Mr. SHAFROTH. I want to say something in reply——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. POINDEXTER. I will yield a little later, if the Senator will pardon me.

Mr. SHAFROTH. I should like to answer something that the Senator from Florida [Mr. FLETCHER] said, and I see he is going out of the Chamber.

Mr. POINDEXTER. I will yield for that purpose, if it does not take too long.

Mr. SHAFROTH. The Senator from Florida has suggested that if the system which is now on prevails we will have a monopolization in Alaska of large areas of land. The Senator overlooks a very important provision of the law that has been enacted since the exposure of land entries there, and I want to read it to him, because it is an absolute prevention of any monopoly of coal lands in Alaska. They have far better laws than we have with respect to lands in the United States.

Section 3 of the act of 1908 provides as follows:

> If any of the lands or deposits purchased under the provisions of this act shall be owned, leased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of or in any way effect any combination or are in any wise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal or of any holding of such land by any individual, partnership, association, corporation, mortgage, stock ownership, or control in excess of 2,560 acres in the District of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney General of the United States in the courts for that purpose.

I should like to know how any combination can be made in view of that drastic statute that would give to any person who might want to acquire a monopoly up there the means of doing so. And I want to say to the Senator that the President in 1906, when he withdrew these lands, said that it was for the purpose of legislation, to enact a royalty system. This is a change in the policy of the Government from ownership to a leasing system.

Mr. President, I say this law is absolutely a prevention of monopoly, and it seems to me that when we are going to discard the policy which has made us the greatest Nation on earth in minerals and in coal we are going to do something that will retard development instead of accelerating the same.

Mr. POINDEXTER. Mr. President, it is all very well for the Senator from Colorado to hark back to the free and easy method of acquiring public lands of our early days, but the people of this country will never return to that system. Those people who fail to make a distinction between the necessities of the present conditions and those which existed when we had a virgin continent and a small population overlook the essential issue involved in this discussion. What was wise 40 or 50 years ago may not be wise, and in this case is not wise, under the conditions which exist to-day.

Now, the Senator says that under the law which he has just quoted there can not be any monopoly. You might read the Sherman Antitrust Act, which has been upon the statute books for 20 years or more, I believe, and say that under that there could not be any monopoly in transportation, trade, or industries in this country. It is a good deal like the Irish lawyer's advice to his client that he could not be put in jail. The poor fellow was in jail. Nothwithstanding that law, there was a monopoly of the resources of Alaska, an incipient one, which was stopped by a great political campaign, which found that this syndicate had secured the appointment of its attorney as Secretary of the Interior of the United States. The withdrawals were made and they have remained in force ever since in response to that awakened public opinion.

This bill, in its essential principles and in the advance which it makes over the old conditions, is a credit to this Democratic administration, of which the Senator from Colorado is a member, and it is another response to the public conscience which was aroused by the extent to which private interests had monopolized this greatest of all of the territorial possessions of the United States.

The Senator, I know, on this occasion and on many other occasions has denounced the forest reservations and the policy of the reservation of public lands in general. That is rather aside from the question now. But I fail to see the pertinency of the Senator's objection to the withdrawal of land which he described as above timber line in the Colorado forest reserve. That is nothing but barren rock and glaciers, and I do not understand his vehement denunciation of the Government for including that in a forest reserve, depriving the people of the benefit of it.

Mr. SHAFROTH. I will state that what is the wrong consists in the fact that our best mines are located above timber line.

Mr. POINDEXTER. Mr. President, has the Senator from Colorado ever tried to locate a mine there?

Mr. SHAFROTH. I do not know that you can say the best mines are found there, but numerous mines are found there. When I went to Colorado the declaration was considered s true that no good mine existed below the timber line. I do not think, however, that is true.

Mr. POINDEXTER. Every one of them is subject to entry.

Mr. SHAFROTH. That is true; but I have explained the hardships of getting title of an inspector coming around, and if he does not think the mine is a pay mine, no patent is obtained. No development will take place under such circumstances.

Mr. POINDEXTER. That is a matter of Democratic administration. You have charge of the Land Office, and the Secretary of the Interior is a Democrat.

Mr. SHAFROTH. But the administration of that office has been under rules which have been established by a Republican administration, and the same men are now in the bureau.

Mr. POINDEXTER. What I am discussing is the law. You can not condemn a law on account of some unreasonable inspector who comes around; and you can not condemn it when the law provides that the officials in the forest reserves shall be appointed from the States where the reserve is located, though the Senator from Colorado denounces it because they appointed a Maryland man superintendent of forest reserves in Colorado. I am not interested in that phase of the question. The law, of course, ought to be enforced; and it has been discussed and demonstrated on many other occasions that the law provides for the use of every resource that there is on forest reserves.

The Senator from Colorado says the Government has no title to these lands. That is just as academic, so far as practical questions are concerned, as is his argument in regard to the validity of these withdrawals. When the Senator contends that the Government has no title to these lands, I ask did not the Government convey to the State of Colorado the title to vast areas of land for educational purposes? If the Government had no title to the land, the State of Colorado has no title to it. The title which the State of Colorado acquired came from the Government of the United States; the State of Colorado did not acquire it. The United States of America owned the Territory, and it allowed people to go and settle and to finally form a State, which was admitted into this Union upon the same terms and conditions as was every other State.

The public lands, the title to which has not passed out of the United States Government, remain the property of the United States Government as they were before the State of Colorado was created. They are in a quite different status from that vast area of still more fertile lands which went to constitute the great States of Indiana and Illinois and Kentucky, which never were owned by the Government of the United States until they were granted to it by the State of Virginia upon conditions which were stated in the grant.

Mr. SHAFROTH. Mr. President, the Senator from Washington does not apprehend what I said with respect to the title. I have never said that the United States did not have title.

Mr. POINDEXTER. The Senator said the United States had a conditional title.

Mr. SHAFROTH. I said it had title in trust. I want to call the attention of the Senator to the Supreme Court decision in Pollard's Lessee against Hogan, which says:

> We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed, except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia Legislatures, and the deeds of cession executed by them to the United States, and the trust created by the treaty with the French Republic of the 30th of April, 1803, ceding Louisiana.

Mr. POINDEXTER. Mr. President, that Territory was in an entirely different status from the Territory of Alaska and from the territory of much of Colorado.

Mr. SHAFROTH. No; Colorado is in——

Mr. POINDEXTER. If the Senator will pardon me for a moment, I want to say, in response to what he has stated, that

it is not so much a question of a general declaration that the Government of the United States held the lands in trust; of course we all know that; but the controversy is as to the trust, as to what the trust is, and the manner of the execution of the trust. Every State that owns lands, owns them in trust for its people, with all of their varying relations as citizens of the United States and as citizens of the State; and every Government that owns lands, owns them in trust for the people who constitute that Government. The Senator construes the trust which is fastened upon the title of the public lands of the United States to incapacitate the United States from retaining even the legal title to those lands, the equitable title being for the benefit of the people. There is the difference between us. I hold that the Government of the United States can retain the legal title which it has always had.

The Senator from Colorado argues, upon some basis that I fail to understand, that the Government of the United States must part with that legal title; that it can not reserve those lands. Upon what does the Senator base that contention?

Mr. SHAFROTH. Why, Mr. President, I base it upon our form of Government; I base it upon the fact that we have a National Government and States governments and that the National Government has declared that the States shall maintain a republican form of government. They can not maintain a republican form of government unless they have the power of taxation upon the lands within their boundaries. Inasmuch as the enabling act of every State has exempted the United States lands from taxation, it puts the State absolutely at the mercy of the National Government. As taxation may be the instrument of annihilation, so exemption from taxation may be the means of annihilation. There was never an intention upon the part of the National Government, the framers of the Constitution, in my judgment, that these lands should be exempted from taxation forever, because you would thereby deprive the State of the very means of existence, of having a public-school system, of having a county system, and of having a State system of government.

Mr. POINDEXTER. If the Senator will pardon me, he fails to discriminate, in my judgment, between a rule of law and a public policy. What he argues may or may not be good public policy, but it is not a rule of law. There is not any law which requires the Government of the United States to deed all of the public lands to the States in which they are situated.

Mr. SHAFROTH. No; but——

Mr. POINDEXTER. There is a public policy which ought to induce a just Government to so control and to so dispose of its public lands as to promote the best interests of the public.

Mr. SMITH of Arizona. For the best interests of the public and of the State.

Mr. POINDEXTER. The public; not simply the State, but for the people of the United States. Of course, however, as to the suggestion of the Senator from Arizona, the State would be the chief beneficiary of any wise public policy in regard to the lands situated within its borders.

If the preservation of a forest, which some avaricious lumber company are rapidly destroying, as they have done in so many States, is a wise governmental policy, the benefits of it would accrue to the people who live where the forest is, and that is especially true in those great States of the Rocky Mountain region, which depend for their prosperity upon the conservation of the meager rainfall, which in turn depends upon the preservation of the forests. When the Senator from Colorado concedes it is wise to preserve those forests, and this great and benign Government—for at least it is benign in its Constitution and in the principles which underlie it, whether it always is or is not in its administration—when this great Government uses its power to preserve those essentials of the prosperity of those people, and the Senator says that that is not for the benefit of that State, he is illogical and unconvincing.

The people of the Eastern States, who have not been imposed upon by having the Government foist upon them a policy of governmental preservation of their forests—at least not until recently—where there were no public lands to speak of, went into their own treasuries and took the money which the people had paid in taxes to buy forest lands and to establish at their own expense the very system which the State of Colorado and the other Western States get from the largess of a wealthy Government with its vast resources of public lands.

Now, Mr. President, as to absentee landlordism, what is the result if the control and the regulation of the Government is entirely relinquished? It is that instead of the landlordism, if you choose to call it that, of a Government that is responsive to public opinion and to public interest, you have a landlordism that is responsive to nothing whatever except the ring of money and the accumulation of the most enormous riches from resources which belonged to the public and which the holders have acquired for a mere song.

In some of the counties in the State of Washington, under this policy of easy acquirement of public lands which the Senator from Colorado advocates, instead of the counties being benefited, as he says they would be by that easy policy, from taxes upon these lands, we have in one particular county that I recall at this moment—and I am making this statement upon an examination of the record of that county—three-fourths of the area of the county owned by a combination of lumber companies; it is not open to settlement; it can not be purchased; it escapes to a large extent the payment of taxes. The influence and the corrupting power of those great interests prevent those lands from being assessed at their true value. Even the small taxes that accumulate from year to year they refuse to pay until, through the course of years and the accumulation of annual taxes, a large sum is accumulated, and they then make a compromise of 50 cents on the dollar, or something of that kind.

Mr. SHAFROTH. Mr. President, I know that there have been abuses of the land law; and if the Senator thinks that I am in favor of the easy acquisition of these lands, he is mistaken; but I want to say to him that in the very illustration he has given the difficulty was caused by the action of the Forestry Bureau. It was because it advocated the theory, when it started, that you can not have good administration of a forest reserve unless all of the people in the forest reserve were sent out; that the very presence of people would destroy the object of forestry there. Consequently there was a bill put through Congress to the effect that any person owning land in a forest reserve could take scrip for his land and locate that scrip upon any other lands of the United States that were open to entry. Mr. President, owners of lands which were located in forest reserves throughout the Union, after denuding them of timber, petitioned to have scrip issued to them, so that the forest reserve could be kept intact. The result was that they went up to the timberlands of Washington and located that scrip upon those lands.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, I will show how that was done. It was more easily done than he has suggested. For instance, a railroad company had a grant of land, part of it being located in my State, containing a great amount of timber. The department at Washington established a forest reserve there, and in order to make the reserve a compact body, in order to eliminate the checkerboard feature from the reserve, the Government brought all the contiguous land into one forest reserve and issued scrip for the railroad lands. Under that scrip the railroads have located some of the very best and most valuable lands in Washington, Oregon, and California. I may say, also, that that was done in absolute violation of every principle of the old law, and not as a result of that law. A leasing system would not have prevented it.

Mr. SHAFROTH. Mr. President, I want to say that this very policy was advanced by the Forestry Bureau. I do not think the Forestry Bureau intended any such result. I have no word of criticism against their honesty or good intentions; I believe that they intend well and that they have meant in every action they have taken to bring about benefit; but, instead of being of benefit, their action in this instance was a curse to the State of Washington. They did not foresee that the course which was pursued enabled those who owned large tracts of land in the forests of Colorado and other States to secure scrip, and then to file that scrip and locate there on timberland in Washington and Oregon.

It simply shows that all of this legislation has been experimental; and instead of its turning out good, it has turned out bad. So when you attempt to do away with the principle that has guided the settlement and development of the western country for a century you are undertaking something which may produce, and, in my judgment, will produce, the absolute destruction of the development of our resources.

Mr. POINDEXTER. Mr. President, the very purpose of this bill is to end those conditions. The Senator has described the abuses arising from the indiscriminate and wholesale issue of land scrip to railroads. In many instances those things occurred under laws which were passed in a way that could be denominated by the word "surreptitious," I think.

Mr. SHAFROTH. Oh, no; I think not.

Mr. POINDEXTER. I do not mean to say that they were fraudulently passed, but I mean to say they were passed without the notice of Congress or any considerable number of the Members of Congress.

Mr. SHAFROTH. I think they were discussed, but they were not understood, just as in the case of the system which it is now

proposed to fasten on Alaska we do not understand what is going to be the result. I say that the result will be destruction, while the Senator from Washington says it will be great development. Whichever judgment is right is the proper one to follow.

Mr. President, after the law to which reference has been made was passed, men who had cut the timber off their land not in a forest reserve petitioned the Interior Department to include that land in a forest reserve in their State—and in some instances that action was taken—in order to get scrip and in order to take that scrip out to Washington or Oregon, for the purpose of locating it upon timber lands. This was all done under the administration of a bureau called the Forestry Bureau, composed of good men, composed of men with good intentions, but nevertheless they could not foresee that the change of the policy of the Government would be destructive of the very objects which they intended to accomplish.

Mr. POINDEXTER. Mr. President, I have denounced fully as vigorously as the Senator is denouncing now the conditions of which he is speaking, and it strikes me as being one of the inconsistent features of the situation here now that he should be opposing this bill and advocating going back to the old system. We are not in favor of those things which resulted in a monopoly of the timber and other kinds of public land.

The manner in which some of those bills were passed—I do not want to delay a vote on this measure unduly, and I have spoken much longer than I had intended to speak, but I want to say a word further on this subject and then to call attention to an amendment which I propose to offer directed to another feature of the bill—is illustrated by an incident in a previous Congress. On one occasion a Member of this body, a perfectly honorable man—I have not the slightest doubt that he thought he was acting in accordance with a policy which he believed to be wise and beneficial, but it shows the manner in which some of these results were obtained—when there was a great appropriation bill pending, addressed the Chair and said: "I have a little amendment here that affects my State locally; it does not amount to anything"—it was in the concluding days of the session—"and I should like to secure its adoption." The chairman of the committee, with whom he had talked about it, accepted it; it was adopted, and went into conference and was adopted there. That was all that was said about it on the floor of the Senate and there was nothing said about it at all on the floor of the House. The result of that was to allow the Northern Pacific Railroad to surrender its holding—the very thing about which the Senator has been speaking—in a forest reserve, the Rainier Forest Reserve, receive scrip for it, and locate other lands. They surrendered some 450,000 acres of practically worthless land and located probably the most valuable timberlands in the world, much of it white-pine land in the State of the Senator from Idaho.

That is the way a good deal of that legislation was put through. It was a survival in a way of the indifference of the people to public-land legislation. At that time there was more land than there were people to occupy it; there was land to be had on every side, and the idea that any person or corporation could acquire too much of it never occurred to anybody. But, Mr. President, we have come to the frontier of our public-land area; we have reached the Pacific Ocean; there are no more great areas of public land which we can throw open for homesteading or for other acquirement by our people. What we have left, a small remnant of a once princely domain, valuable, however, in places for minerals and for timber, although very little of it is valuable for agricultural purposes, it behoves us to conserve and to use for the benefit of the public rather than to continue the policy which the Senator himself denounces.

Mr. CRAWFORD. Mr. President, will the Senator permit me to ask him a question just at that point?

Mr. POINDEXTER. I yield to the Senator.

Mr. CRAWFORD. It has occurred to me—I am not especially familiar with the situation in Alaska—that in the very nature of things there is a very wide difference between the environment which exists there and that in a State like Colorado, in the heart of the great West. Alaska is in part, at least, in the Arctic Zone, in a far-distant region, where the inhospitable character of the climate and the lack of food production make a condition which will exist through all time, perhaps, and because of which the population will be scant and shifting, and not, so far as the great mass is concerned, of a permanent character. Now, in a community of that kind, here is a vast storehouse of coal, far beyond the needs of the present population of that Territory or the needs of any population that ever in all the future will reside in that country. Therefore it becomes in a peculiar manner a storehouse in regard to which the Government stands in the position of a trustee for all the people. Do not those elements make the situation there very different from the situation in Arizona or in Colorado?

Now, the question I want to ask the Senator, because of his familiarity with that country, is whether or not the distance of Alaska from the markets of continental United States and the necessary cost of transportation for long distances will not stand as a permanent obstruction or barrier to the wide consumption of the coal of that country by the people who live within the borders of continental United States? Can we mine coal there, transport it to our western shores and then for considerable distance inland, and market it at a price which will make it a practical proposition for the people within the borders of continental United States? I should like to have the opinion of the Senator upon that subject.

Mr. POINDEXTER. Mr. President, I am very glad the Senator has asked that question, and I will answer it briefly as best I can. In the first place, I think the Senator is correct in calling attention to the essential differences in the condition of the Territory of Alaska and the State of Colorado or any other State.

Now, as for the physical features of the coal problem of Alaska, I will say to the Senator that there is not to my knowledge anywhere in continental United States a large deposit of coal so favorably situated, so far as transportation is concerned, as the coal in Alaska. Both the great Bering River fields and the great Matanuska fields are practically on the coast and can be reached by water grade. One is only about 25 miles from Controller Bay. I will not stop to discuss the nature of that harbor, because it has been the bone of contention for a great many years, but I will say that it is a good harbor, well protected, with deep water; and if as much as has been spent on Raccoon Creek and other creeks in some States were spent in dredging that harbor, or even without spending a dol- the coal is once on board ship of course the entire Pacific coast lar on it, it is capable of accommodating coal ships, and when is available as a market.

How far inland this coal can be carried profitably is a question of railroad transportation in the United States and is subject to all of the conditions that apply to it in the eastern part of the United States.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

Mr. POINDEXTER. I yield to the Senator.

Mr. CHAMBERLAIN. Speaking of distances with reference to the transportation of coal, if I am not very much mistaken, the coal used at the Mare Island Navy Yard in San Francisco and the coal used at Pearl Harbor in the Sandwich Islands comes all the way from Norfolk and other eastern ports, having been shipped to such ports on the Atlantic seaboard from Pennsylvania.

Mr. POINDEXTER. The Senator might add that it comes originally from the mountains of West Virginia and is transported first to Norfolk.

Mr. CHAMBERLAIN. Not only that, but I desire to call the attention of the Senator to the fact that that very coal from the Atlantic seaboard has been coming around Cape Horn, and in order to reach the Sandwich Islands goes practically to a point which is almost due west of the Alaska coal fields; in other words, the vessels that go up the Pacific coast sail in a northerly direction before they start across the Pacific Ocean.

Mr. CRAWFORD. Mr. President, if the Senator will permit me there, I can see that for use at military posts and for war ships and purposes of that kind Alaskan coal might be transported long distances, perhaps; but would it be practicable as a commercial proposition to transport it long distances in such amounts and over the wide area necessary if it were to become a commercial commodity consumed by the people? That is the point I had in mind, and I wanted information upon it; that is all.

Mr. CHAMBERLAIN. I do not know why it can not be so used. The coal which is used now on the Pacific coast generally, I think, is brought from Wyoming, and there has been a time in the not very distant past when the coal used at Portland, Oreg., was brought from Australia to the United States and taken inland 100 miles.

Mr. SMOOT. In that connection I wish to say to the Senator from South Dakota that the Navy refuse to use the coal mined in Wyoming or Utah, upon the ground that it is not of a quality required by the Government for battleships. I received a letter from the Navy Department within the last week giving the results of tests of some 22 samples of coal taken from the mines of 22 different sections in the West. They claim that the construction of the boilers of the battleships is such that they have to have at least 2 feet of coal burning upon the

grates all the time, and that it takes a certain quality of coal to produce the steam required to develop the necessary power to drive the battleship at its fullest speed.

I will say now that there is enough coal in the State of Utah alone for domestic purposes, not only for the State of Utah, but for Idaho and California and Washington and all the cities on the Pacific coast, to last for 300 years or more. I think there is even more than that in the State of Wyoming and the State of Colorado.

I expect a further examination of some of the coals that are produced in Utah, with the anticipation that those that have been developed of late would be of sufficient quality to be used in the Navy of the United States. I might also say, in this connection, that my information is that the coals of the Bering field in Alaska are not fitted for the Navy. The last test that was made showed that they were not nearly equal to the coals of the intermountain country. The tests that were made—and they were only made in a small way—of the coals of the Matanuska field also showed that they were not considered by the Navy Department of sufficient quality to be used by the Navy.

I believe the Senator will remember that I had a report upon the Bering coal fields, and had it printed in the RECORD when this question was up before; and I think there is no doubt as to that being the report made by our Navy officials.

Mr. POINDEXTER. There may be no doubt as to that being the report made by the Navy officials, Mr. President, but there is a great deal of doubt as to whether or not it is the correct conclusion. On the contrary, there is no doubt, in the opinion of a great many competent men who have examined the fields and tested the coal, that it is fully equal to the best coal on the Atlantic seaboard. In fact, it is so stated in writing in the reports of the Geological Survey. They say that it is as good as the Pocahontas coal and the Maryland coal, which latter is considered to be equal to the Pocahontas coal.

As to the test that the Senator from Utah speaks of, in the first place they made only one steaming test of this coal. They fired up once and steamed a few miles with the coal. Of course it is perfectly obvious that that is no real test. They did not have very much coal there, and the manner in which the coal was mined and gotten out was really a scandal.

I have in my hand a description in part of that manner from the Chief of the Bureau of Mines, under whose authority and jurisdiction the mining of the coal was conducted, although not actually under his direction. I have heard that there was a medical doctor who had charge of the mining, and they mined rocks as well as coal and sledded it in the wintertime down to the Swift Water River, as it is called—one of the tributaries of the Bering River—and left it there until the following spring. Then they sorted it over, and there are affidavits which have been filed and printed in the RECORD from people who took part in these operations, with one of whom I am personally acquainted—a man who has lived in Alaska some 30 years, and who bears an excellent reputation for character and truthfulness. He says that there are now, at the point on this river where they piled this coal waiting for transportation to the seaboard, several tons of large rocks that they picked out of it after it had been sledded down there from the mine. Then they took what remained of the coal down to the tidal mud flats and put it there on what they thought was dry land, and whenever there was an unusually high tide it came over this coal and submerged it. It lay there for a long time, and then they took it and made a test.

The coal has been tested a great number of times by experts of the Government. They report, as I said before, that it is not only a good steaming coal, but it is a good coking coal. The practical judgment of such business men as the Guggenheims is a very good evidence of the character of the coal, as shown by their willingness to acquire and operate this property, as they were about to do when a halt was called upon that policy and these land entries were suspended.

I will say that I agree with all the Senators who argue that those men who entered coal claims in good faith and complied with the law ought to have their title. Your administration is just as much responsible for their not getting it as the last administration was. There is not any delicacy about it such as the Senator spoke of yesterday.

In one or two cases particularly which I remember I have gone so far as, probably, to verge upon impropriety in urging the Secretary of the Interior to give his very careful attention to the merits of certain of these claims. That, however, does not involve the proposition of leaving the condition as it was when the issue in regard to Mr. Ballinger arose, when it was perfectly evident, and had been demonstrated a hundred times over, that if that condition continued there would be a monopoly of the coal lands of Alaska. It makes no difference how vast they are. There may be, as the Geological Survey reports, 150,000,000,000 tons of coal in the surveyed and unsurveyed coal lands of Alaska; but they would still have been under the control of a single syndicate, and the operation or development of them would have been of no general benefit so far as reducing the price of coal was concerned.

The Senator from Utah says he has in his State sufficient coal to supply the needs of the entire country. That may be true. Why, Mr. President, to-day there is coal for sale in Alaska, and a man can get 10,000,000 tons of coal in Alaska if he is willing to pay the price for it. The question is not of the supply of coal, but it is of the supply of coal at a reasonable price.

Mr. SMOOT. Not altogether, Mr. President, because the western demand for coal is promptly filled. There is no shortage whatever, and the mines in Wyoming and the mines in Utah to-day are not running over half-time. It is not a question of price with the Navy Department. The mines of Utah will furnish coal a great deal cheaper than the mines of West Virginia, and will furnish coal delivered at Mare Island for a number of dollars less per ton; I do not remember just how many, but a great deal less in price. So far as the commercial requirements of coal are concerned, however, they are all filled, and filled promptly, and will be filled if they increase three or four times over what they are at present.

Mr. POINDEXTER. Yes, Mr. President; there are two men serving terms in the penitentiary now, unless they have completed their terms, for supplying the Government with coal at $26 a ton in Alaska. They entered into a combination among all the companies that were selling coal there. Of course the Government got the coal, but it is perfectly absurd that it should pay $26 a ton for it. There is not any other country in the world having modern, efficient, free government, in my judgment, that ever would have allowed the conditions which exist here in regard to the purchase of coal by the Government of the United States to have lasted as long as they have already lasted in this country.

Mr. NELSON. Mr. President——

Mr. POINDEXTER. Just one minute. They never would have been content to spend $400,000 a year buying coal in the mountains of West Virginia, and pay an enormous freight rate to the railroads to haul it to tidewater, and then convey it around Cape Horn for the use of their Navy on the north Pacific coast, when there is lying there within 25 miles of a good harbor an unlimited quantity of coal equally as good. The Senator can not convince me that the price of coal is not an important consideration when I have to pay $8 or $9 a ton for an inferior quality of coal.

Mr. SMOOT. Mr. President, I may have misunderstood what the Senator said. I understood that he was referring to the production of coal in this country for sale to purchasers in California, Washington, and Oregon. I had no idea that he was referring to the purchase of coal in Alaska. I do not think there ever was a pound of western coal sent to Alaska. I never heard of it if there has been; and I do not believe any coal producer in the West has ever attempted to ship coal into Alaska.

Mr. POINDEXTER. It is derived from British Columbia.

Mr. SMOOT. That is, as I understand, that they get most of their coal from British Columbia. I do know, however, that in all the far Western States—that is, California, and Oregon, and Washington, and Idaho—there is no trouble whatever in getting all the coal they want, and there has been no increase in the price of coal for many, many years.

Mr. POINDEXTER. Why, Mr. President, there could not well be any increase in it. It was put right up to the topnotch many years ago; and the complaint we are making is that it has not come down.

Mr. SMOOT. If the coal companies can get $1.50 a ton for the coal at the mines they think they are doing well. As far as railroad rates are concerned, I have nothing to say. If they are high, however, do not charge that to the firm that is producing the coal. Every shipment that leaves the coal mine shows exactly what the coal is sold for, and if they can get $1.25 a ton or $1.50 for the very best of it, they think they are doing very well, indeed. So the Senator can not charge up the high prices to the producers of the coal. If there are extreme prices, it is due to railroad rates, and not to the charge for the coal itself.

Mr. POINDEXTER. Well, it is due to a monopoly of coal that these men have.

Mr. SMOOT. Oh, no.

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Mr. SMITH of Arizona. It is a matter of transportation.

Mr. SMOOT. It costs about 87 cents to mine a ton of coal, and all of the other expenses attached to the mining of coal must be paid out of the 38 to 60 cents that the company gets above the cost of immediate mining.

Mr. SMITH of Arizona. They have to do that to sell the coal.

Mr. POINDEXTER. Yes; and that would have been the condition in Alaska if these people had acquired the coal claims that they entered. It would have been the very condition which the Senator is now describing. They would have gotten barely enough to pay operating expenses, and the monopoly would have raked off the profit.

I now yield to the Senator from Minnesota, who desired to make an inquiry.

Mr. NELSON. I rose a while ago to inquire of the Senator whether any provision was made to protect the consumers. I desire to call his attention to the fact that in 1911 I reported from the Committee on Public Lands a bill to provide for the leasing of coal and coal lands in the Territory of Alaska, and in that bill was this provision, to which I desire to call his attention:

> Every such lease granted under the provisions of this act shall be upon the conditions that the lessee will not monopolize, or attempt to monopolize, in whole or in part, the trade in coal; that the lessee will at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates, and without any discrimination in price or otherwise, as to persons or places; that the Interstate Commerce Commission shall, upon its own initiative, or upon the complaint of an aggrieved party, have the same power to pass upon, determine, and prescribe the present and future rates at which the coal shall be sold by the lessee as is given the said commission by the provisions of an act entitled "An act to regulate commerce"—

And so forth. I do not read quite all of it, but I desire to call his attention to the fact that I had this matter in mind when this bill was drawn. I think I drew the bill myself, or the most of it, at any rate, in consultation with the Chief of the Bureau of Mines at the time. It was a leasing bill, and both the Chief of the Bureau of Mines and I were impressed with the idea that something ought to be done to regulate the price to the consumers; and we could not think of any better plan than this. I would suggest that such an amendment be incorporated in this bill.

Mr. POINDEXTER. I am very glad the Senator has read it.

Mr. NELSON. This bill, I might say, was reported favorably by the Committee on Public Lands.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, this is quite interesting. I would suggest, though, as far as the real issue here is concerned—the question of the power of the Government to fix a price on a product like coal—if it can do it under a lease, why could it not do it under a limited deed?

Mr. NELSON. There is no doubt about it. The Government could sell the land upon similar conditions.

Mr. SMITH of Arizona. Then it would apply equally. My idea has been all the time, in order to avoid the leasing proposition, suppose we should sell these lands in limited quantities. Then, if you have the power—though I doubt the efficacy of using it—of fixing the price to the consumer, the consumer is so far away and so many agencies intervene that the coal will only go to the places that it can go to cheapest, or else the cheaper coal will drive it out.

Mr. POINDEXTER. Undoubtedly there would be those difficulties.

Mr. SMITH of Arizona. So it seems to me we are working in the dark, largely, for how can we fix the price at which a man shall sell Alaska coal? Shall we fix it at the mine?

Mr. POINDEXTER. Mr. President, it will not do for us just to throw up our hands.

Mr. SMITH of Arizona. I know; but I am asking in earnest. I am not combating the Senator's position. I am trying to get information. Where would we fix the price, now, as logical men, attempting to do something for that country? How would we fix the price, under a lease or under a deed, at which Alaskan coal should be sold?

Mr. POINDEXTER. Undoubtedly, so far as the owners of the coal lands were concerned, you would have to fix it at the point where they sold the coal.

Mr. SMITH of Arizona. Well, that might differ without relieving the ultimate consumer of the coal at all.

Mr. POINDEXTER. That might be. It might be monopolized by those who controlled the means of transportation, or something of that kind. That is perfectly true. But it will not do for us simply to abandon the proposition and say that because there are difficulties in the way we will do nothing.

Mr. SMITH of Arizona. I know; but we have difficulties in the way that might be so permanent that nothing would be done. That is what I am trying to get at. Now, suppose we do put a limitation on the coal at the shaft and say what the operator shall get for it and put it under a lease, subject to being set aside at any time by the department or under the conditions you draw there; then the question is, Are you going to develop it, as suggested by the Senator from Idaho? It struck me as the strongest part of his statement, that it meant monopoly on the part of the rich men to handle coal under a leasing system, for they are the only ones that could comply with the conditions and develop the mine. As to fixing the price, the Guggenheims could fix a price at which they would sell. You and I could not. Under a leasing system you and I could not. So, instead of bringing in competition by leasing, it seems to me there is danger of absolutely ruining competition.

We are both aiming at the same result, and I am in sympathy with the Senator.

Mr. POINDEXTER. I think the Senator is.

Mr. SMITH of Arizona. But I see the difficulties confronting us.

Mr. POINDEXTER. There are difficulties. Under any system there are difficulties of administration. There are different elements coming into it. You can not foresee many things. We are groping more or less in the dark, as the Senator says; but we are compelled to take some action, or else leave these riches locked up, which the Senator does not want to see done and I do not want to see done.

Mr. SMITH of Arizona. Let me suggest to the Senator, since we are both aiming at the same thing—that is, developing Alaska to the best interests of Alaska and of the balance of the country—does the leasing system offer any greater solution, or does it offer probably as good a solution, of the question, as a limitation on the holdings, as read by the Senator?

Mr. POINDEXTER. In my judgment, it does.

Mr. SMITH of Arizona. Does the Senator think it would do it better? Now, the leasing system is an increased burden on the consumer, without a doubt, if there is any royalty paid.

Mr. POINDEXTER. Why, this little royalty of 2 or 5 cents a ton is no burden on the consumer.

Mr. SMITH of Arizona. It accomplishes nothing, then.

Mr. POINDEXTER. The royalty does not accomplish anything, of course. It is not intended to accomplish anything. It is the retention of the title in the Government, and the expiration of the lease in 50 years, that is supposed to accomplish something.

Mr. SMITH of Arizona. I am talking about the development of the country. How are you going to develop competition in Alaska if you put it under a leasing system under this bill? In my judgment, without going into the merits of the leasing system, it is conducive to monopoly in that nobody will attempt it except the man eminently able to do it.

Mr. POINDEXTER. I will speak of that later on, if the Senator will pardon me.

Mr. SMITH of Arizona. But I will suggest further to the Senator this point: How, under the leasing system, is the man without money ever to develop a mine? He can not do anything with it. He can not raise money on it as long as it is under a lease, and the bigger, stronger, abler people, if they are not already there, will go there and immediately do what we attempted to prevent the Guggenheims from doing. That is what I am afraid of.

Mr. POINDEXTER. Mr. President, you have got to take the bill as a whole. The most important feature of the bill, from my standpoint, is that it authorizes the Government to supply itself with its own coal from its own mines, and by implication, perhaps—and I hope the bill will be made a little clearer upon that point—also to supply the public. Of course, the Government is not compelled to mine to any certain extent. It might mine to a limited extent, so far as the public were concerned; but a supply of coal at a reasonable cost from the Government mines would do more to secure a reasonable price to the consumers of coal than all the laws that could be passed by Congress in restraint of monopoly.

Mr. SMITH of Arizona. Does the Senator think there would be sharp competition?

Mr. POINDEXTER. There would be sharp competition.

Mr. SMITH of Arizona. Honest, individual competition?

Mr. POINDEXTER. Well, of course not in all cases. If the President were a god and could wave his wand and say, "There shall be sharp competition," that would solve the whole question. But there would be competition between the Government mines and private mines. That is what we are trying to get.

Mr. SMITH of Arizona. I know you are; but in trying to get it you monopolize by putting in something that nobody else can do. The Government must charge enough to do the work.

Mr. POINDEXTER. If the Senator will allow me to conclude——

Mr. SMITH of Arizona. I shall not interrupt the Senator any more.

Mr. POINDEXTER. I do not object to the Senator's interrupting. I will yield the floor to him very soon. The Senator's suggestions are eminently pertinent, and I am very glad indeed that he has made them; but that is a reiteration of the statement made time and time again, that a leasing system will result in a monopoly.

Mr. SMITH of Arizona. The Senator's statement is the same thing—a reiteration of the other side of the question.

Mr. POINDEXTER. Mr. President, the monopoly existed when these lands were withdrawn; and we are attempting to get a different system, which could not possibly have any worse effect than the condition which existed at that time.

As to the statement that it will require means to operate a mine, we are not going to be relieved from that condition by the absence of a leasing system. It requires the same money to operate a mine if the land is owned by the operator as it does if it is leased by the operator. So far as the operation is concerned, poor men can not carry it on, though under a fair system poor men can acquire claims and through that secure an interest in the operation.

Mr. SHAFROTH. I will ask the Senator there, if he will yield, whether or not capitalists will lend money upon a leasehold estate, especially in the case of a mining proposition?

Mr. POINDEXTER. Why, Mr. President, they do lend money upon it.

Mr. WALSH. Mr. President, I should like to have the Senator from Colorado address that inquiry to the Senator from West Virginia [Mr. CHILTON], who can tell him definitely about it.

Mr. SHAFROTH. I do not know. That may be.

Mr. WALSH. He will tell him that a vast number of large coal companies operating under leases in the State of West Virginia are financed upon the leasehold interest.

Mr. SHAFROTH. Mr. President, I do not know what the condition is in West Virginia or that part of the country. I never heard of a leasehold estate being mortgaged with bonds on it for its development in my State, either as a precious-metal mine or as a coal mine. You can readily see that no man will undertake to buy bonds so secured, because he has to watch a thing that may produce a forfeiture at any time. Capitalists are not so reckless in lending their money as that. It may be that under peculiar conditions and in States such as West Virginia, that condition prevails. I do not dispute it, because I do not know; but I must say that I never heard of it in my part of the country.

Mr. POINDEXTER. Why, Mr. President, the coal that is being sold in Alaska now is mined in British Columbia, and much of the coal land in that Province is held under lease. The Senator can not blind himself to obvious facts.

Mr. SHAFROTH. Does the Senator refer to the coal that comes from British Columbia?

Mr. POINDEXTER. Yes.

Mr. SHAFROTH. Why, the leasing system which, I understand, exists there is an entirely different leasing system from what we have here. I just want to read, Mr. President——

Mr. WALSH. I understand the Senator from Colorado is combating any kind of a leasing system.

Mr. SHAFROTH. Oh, yes; I do not believe in a leasing system. I want to read this expression——

Mr. POINDEXTER. I will allow the Senator to print it. I should like to go on.

Mr. SHAFROTH. I should like to have the Senator's statement with relation to it.

Mr. POINDEXTER. My statement was that the coal which is being sold in Alaska, the very place we are seeking to relieve by opening up its own mines, is mined in a Province which has adopted a leasing system.

Mr. SHAFROTH. If the Senator will yield right there, I will show what kind of a leasing system it is.

Mr. POINDEXTER. How much is the Senator going to read?

Mr. SHAFROTH. Oh, just a few lines. This is from an address on "Coal and Transportation in Alaska," by Maurice D. Leehey, of Seattle, Wash., at the fourteenth annual session of the American Mining Congress, held at Chicago, Ill., October 24–28, 1911:

LEASING SYSTEM IN OTHER COUNTRIES.

It has been said that the leasing system works well in British Columbia, Yukon Territory, and in Australia and New Zealand. We can only repeat the statement that a half truth is frequently the most dangerous and misleading falsehood. The system in British Columbia is in no sense a leasing system such as is proposed in the United States. The lessee in British Columbia may obtain a lease of 6,400 acres for five years, with a renewal for three years, but is privileged at any time during the lease, or within three months thereafter, to purchase the lands at $20 per acre. It is a significant fact, too, that no mines are operated in British Columbia under the leasing system. All are operating upon granted lands. There is a law for leasing the coal lands in the Yukon Territory. The only attempts ever made to operate under that law resulted in failures. There is not a single coal mine operated in the Yukon Territory upon a lease from the Government.

That is a statement which I find in a book sent out on the Alaskan problem.

Mr. POINDEXTER. The Senator will find on an investigation that many coal mines in British Columbia are operated on the leasing system, and it is from British Columbia that a large part of the coal consumed in Alaska is obtained. Many of their oldest coal operations are upon ground which was patented under the old laws, when railroads and other interests acquired large tracts, just as in the United States. But a leasing system has been adopted, and the Province derives an income of $70,000 a year from 450 000 acres of leased coal lands.

The test of this Alaska coal as to its steaming qualities, referred to by the Senator from Utah, is spoken of by the Director of the Mining Bureau as follows:

The result of these tests should not be considered as a basis for condemning the Bering River coal field, for the reason that the black shale and other material could have been removed easily by washing; and the fact that while the site from which this sample was selected was chosen with care the coal field is undeveloped, very few excavations into the beds of coal have been made, and therefore there is not only the possibility but the probability that many other beds of coal in this field, if opened up to any extent, would prove to be as promising or more promising than was this particular opening.

The introduction of screens and washing equipment would provide an easy and cheap method of separating the slate and dirt from the coal in ordinary commercial operations. The fact that this particular sample of coal, even after washing, produced in the furnaces a slag on the grate bars which stopped the draft and reduced the efficiency of the coal can not be considered as evidence that the ash in the coals from other beds, even near-by beds, in this field would behave in a similar manner. I have known of a number of cases in other coal fields where of two beds of coal located near each other, one could not be used in certain furnaces because the ash formed a slag on the grate bars and the other could be used as a high-grade coal in furnaces with a forced draft and high temperatures, because its ash did not form a slag on the grate bars.

For these reasons the fact that the tests on board the cruiser *Maryland* did not show the coal from this particular claim to be satisfactory for the purposes of the Navy can not be considered as indicating that all the coals in the Bering River region are unsuited for use on board the ships of the Navy or ordinary commercial ships.

Mr. President, not only the Bering River field but the Matanuska field, which contains a higher grade of coal than the Bering River field, is located near the seaboard. The Matanuska coal veins are something like 75 miles from the head of Cook Inlet, and some hundred miles farther from Resurrection Bay, from which bay there is already partly constructed a railroad, and under the act which was passed by Congress some time ago it is expected that the railroad will be completed or one built in that vicinity.

This bill is not only important because of the general provisions relating to the entire coal fields, but there are other provisions of it which would relieve the necessities of the people of that Territory, some of which are accentuated by the conditions flowing from the European war, among which is the stoppage of the shipment of coal in British Columbia vessels to Alaska.

Among those other provisions of the bill is that which would allow actual residents in the Territory—I am speaking now only in general terms of the substance of the bill in that regard—to take possession of small areas of coal lands and mine coal for their domestic or other local use. That will relieve some of the necessities of those people. It is a most meritorious provision.

I agree with the critics of the administration of the land laws as to those harsh measures which have been taken against actual settlers and residents—measures which deprive them of every particle of use for their immediate necessities of the resources of the country in which they have settled. The conditions under which they live are hard enough anyhow. They could have been given that use even under existing laws under a liberal administration of them. It certainly can be given them under the provisions of this bill for their domestic and for their local uses without in any way whatever impinging upon the general policy of the Government as to the disposition of its coal lands. That, however, is aside from the question which we have been discussing, and yet it is one of the important features of the bill.

Mr. President, the question of the regulation of the price will come, in my judgment, as I have already stated, from Government operation of the mines, and particularly through the fact that the transportation will not be controlled by a private monopoly if the full use and benefit is made by the Government of its opportunities under the Alaska railroad law which was passed by this Congress.

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The bill here provides for the reservation of a very limited area in the Bering River and the Matanuska coal fields. I hope that the Senators in charge of the bill will agree to an amendment providing that one-half, approximately, of the coal area of Alaska shall be reserved by the Government and one-half of it opened up for entry under the terms of the bill. There are 400 square miles of coal-bearing lands in the two fields, the Bering River and Matanuska, and in the great unsurveyed fields of Alaska there is said to be, upon a rough approximate estimate by experts of the Government, enough coal to run the total up to 150,000,000,000 tons. One-half of these two fields and one-half of the unsurveyed areas will surely be enough to satisfy the needs of private operation and all the needs of commerce that can possibly be supplied from Alaska.

If one-half of it is reserved, then whatever policy may be deemed to be wise in the future can be adopted with reference to it. In the meantime, the Government will have that one-half in which to select its own field of operation. It is true, more or less, that we can not possibly tell the actual results that are going to flow as to the acquirement of this land under this law any more than we could tell under any other law. So it is all the more important that we should withhold a sufficient area of these valuable resources upon which to apply some wiser policy if experience should demonstrate that there is one.

There is another proposition which I hope will be adopted that I believe should be made more explicit.

Mr. WALSH. Before the Senator passes from the matter he has been discussing——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER. I yield to the Senator.

Mr. WALSH. I think the estimate is that the Bering River field covers about 50 square miles.

Mr. POINDEXTER. Yes.

Mr. WALSH. The bill authorizes the lease of 4 square miles, 2,560 acres.

Mr. POINDEXTER. The bill authorizes the lease of 4 square miles?

Mr. WALSH. It authorizes the lease to one corporation or association of 4 square miles.

Mr. POINDEXTER. I understand. What I was speaking of was the lease to any corporation.

Mr. WALSH. The matter of reservation the Senator was discussing. If leases to the limit were granted and every foot of the 50 square miles were productive areas, the Senator will observe that no more than 12 leases could be given, and you would have to take that off the 5,160 acres. That would be 8 square miles, leaving only 42 square miles.

Mr. POINDEXTER. I have not estimated the square miles comprised in the number of acres to be reserved by the Government. How many are altogether provided for?

Mr. WALSH. There are 8 square miles in the Bering field and 12 square miles in the Matanuska field.

Mr. POINDEXTER. Twenty square miles then?

Mr. WALSH. Yes.

Mr. POINDEXTER. That would be 20 square miles out of 400 square miles.

Mr. WALSH. Let us talk about the Bering field for a moment. Take that 8 square miles off and you have 42 square miles left in the Bering field. One lease may embrace 4 square miles. So if every foot of the 50 square miles is coal bearing and available there, you have just 10 leases in the Bering field. But if the Senator will examine the map of the Bering field he will observe, as I have done, that no more than one-half of that total area of 50 square miles can be said to be coal bearing. So I estimate that you can not figure on more than five leases in the Bering field. The Senator would not like to have that cut down to two?

Mr. POINDEXTER. The Bering field is the most valuable field in Alaska, because of its strategical situation and its proximity to navigable water. I would deem it wise that the Government should retain for future disposition or present operation at least one-half of it. It does not make any great general difference, as far as the public is concerned, whether two, three, four, or five different operations are carried on in the Bering River field. The results will come from the combined output of the several fields.

Mr. WALSH. I will say for the information of the Senator from Washington that in the preparation of the bill the map was before those who were concerned in its preparation. We likewise had before us, with a very favorable disposition upon the part of most of them, the bill introduced by the Senator from Nevada [Mr. PITTMAN], which provided for the survey of the field into blocks and the reservation of each alternate block; but upon an examination of the map, I think the Senator from Nevada will say that the conclusion was reached that that was not a very feasible method of making the reservation. It was determined, I think he will tell you, that it would be impracticable.

Mr. PITTMAN. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Nevada.

Mr. PITTMAN. I had originally the same idea the Senator from Washington has, that it should be one-half, and, as has been stated by the Senator from Montana [Mr. WALSH], my bill provided for that. But at a meeting of a number of Senators who were framing this bill with members of the Department of the Interior and the Geological Survey, it was shown to be impracticable, and also it was shown from the map of the survey of that field that not to exceed 13,000 acres were available coal lands, and that 5,120 acres would take up more than half of the best of the available 13,000 acres. The representatives of the Government conceded that they were getting the best of it in taking 5,120 acres. So far as that particular field is concerned, I believe the Government really has the best of the half in that 5,120 acres.

Mr. POINDEXTER. That may be true, Mr. President. I have not right at hand the separate figures for the Bering River field. I have the figures here—400 square miles for the Matanuska and the Bering River fields combined. Of course this reservation applies to all Alaska, and I should deem it wise that a portion of the unsurveyed field be withheld. Of course we can not with mathematical accuracy reserve one-half; it would be only an approximation; but if you make a general rule, which is applicable to any condition, it seems to me that it is a great deal better than fixing a specific amount when the actual area of coal underlying this land is more or less unknown. We can not look under the ground and see how far these veins extend, but as the information is acquired, if you have a general rule such as the one-half proposition, which is applicable everywhere, it seems to me it would be more workable and lead to better results.

Mr. WALSH. Let me say to the Senator from Washington, as he will probably recognize, that the Secretary of the Interior would be authorized in his discretion to withdraw at any time for the purposes of the Navy or for other governmental uses any portion of the land.

Mr. POINDEXTER. That provision is not contained in this bill.

Mr. WALSH. No; but it is under the general power to withdraw.

Mr. POINDEXTER. I am inclined to think on the spur of the moment as a legal proposition that that power would be removed by this bill, that where it expresses the amount which the Government may reserve it would exclude any other power to reserve. I am very glad that the Senator called attention to that view of the bill. It seems to me it makes it more evident that consideration ought to be given to extending by the bill itself the power of the Government to make reservations, which could be done without injury to any interest whatever, if one-half everywhere is subject to entry under the terms of the bill. I would be very glad if the Senator would give that matter some consideration before we come to vote on the amendment.

There are vast areas of coal in the Yukon Valley, and it seems to me the Government ought to reserve one-half of those, as well as portions of the Bering River and the Matanuska fields.

The importance of this reservation is increasing day by day, population is increasing, the demand for the consumption of coal is increasing, and as the monopoly of coal extends to other portions of the possessions of the United States it will become more and more important that there should be such a reservation on the part of the Government, subject to future legislation, if necessary, and to any powers, such as the power of governmental operation, vested in the Government under this bill.

Furthermore, Mr. President, it seems to me that the bill should not only authorize the Government to operate mines, but it should direct it to do so. The need for the supply of coal by the Government itself, at least for its own agencies, its own service, at cost, is so obvious that, it seems to me, it ought to be put into effect at once. It ought not to be left in the discretion of one of the bureaus that have been so severely criticized, which bureaus very frequently control the policy of the department, on account of the vast amount of work and the tremendous number of interests with which the heads of the departments have to deal. It seems to me that Congress, having recognized, as it evidently does recognize, and as the framers

of this bill and those who reported it recognize, the wisdom of the policy of a Government mine to supply its own needs, at least, that it ought to fix it by the command of law, and not leave it to the discretion of any administrative official.

Mr. President, further, it seems to me, that so long as the Government is going to operate a mine, we assume that it will do away with this waste and extravagance with the people's money of carrying coal for its cruisers and its battleships all the way around the continent; that, having the equipment of a mine, having the transportation facilities, having its own railroad, having its own ships, as it undoubtedly will have when the people are confronted, as they may be, and as they are now, not only in the East here but in the West, with oppressive and unreasonable prices for coal, the Government could relieve that situation by putting upon the market Government-mined coal.

Mr. SHAFROTH. Does the Senator remember that the average price of coal in the United States at the mouth of the mine is $1.11 a ton; and does he say that that is oppressive?

Mr. POINDEXTER. I say that, when you consider the price the people have to pay for their coal, there is too much profit between $1.11 at the mouth of the mine and the $8 or $9 in the homes of the people.

Mr. SHAFROTH. That arises from various conditions, which ought to be regulated and controlled; but this bill would not affect that.

Mr. POINDEXTER. It would affect it, Mr. President, if all the powers that are granted in this bill should be exercised. What I am advocating is that the bill should be so framed that those powers must be exercised; that the Government should be directed to open that large area of these lands which are now owned by the people, without impinging in any unreasonable way upon the opportunities of private operators or the commercial interests which may want the opportunity to make money by developing these resources. They will have one-half of these vast areas; but the Government should keep the other half; and the possibilities of oppression and monopoly would be forever done away with by Government ship lines, Government railroads, Government coal mines, Government bunkers, and Government coal markets in the great seaports of the Pacific coast. That is not socialism, because there would still be private mines.

It is said that the Government can not operate a mine economically. If that is true, if the Government can not operate a mine economically, then the private operator will not be injured. The advocates of private ownership and private operation will find no menace in a Government mine if, as they claim, it costs the Government more to operate it than it costs them.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Georgia?

Mr. POINDEXTER. Certainly.

Mr. WEST. But the people own the Government, and will not the people be hurt if the money is spent without getting anything out of it in the way of proceeds?

Mr. POINDEXTER. Why, Mr. President, does the Senator say the people will not get anything out of it if they get one of the great necessities of life which comes from the public lands at a reasonable price?

Mr. WEST. That will only be confined to a section, but the whole people will own the Government mine, and if the Government goes into the business and makes it a losing business, then the people lose, just as would be the case with a corporation.

Mr. MARTINE of New Jersey. Mr. President, I can not imagine that the Senator from Georgia expects that the Government should go into the business for the sake of making money out of the people. Whether it pays or not, there is such a thing as paying that does not directly bring any money stipend, but does bring blessings that would pay you fivefold better, mayhap, than the money that might come in through profit. I think this profit idea is a very great mistake.

Mr. WEST. Mr. President, I take the position, and I hold to it unalterably, that the Government has no right to squander the people's money.

Mr. MARTINE of New Jersey. They would not squander it if they were to relieve the stern necessities of human life; they would be advancing the public interest.

Mr. POINDEXTER. Mr. President, I voted with a very good conscience, although I have been criticized for doing so, for large appropriations of public moneys for which the people of my State will get no return unless it be in a very indirect and remote way, but of which the people of the State of the Senator from Georgia will reap almost the entire benefit. We can not run this Government upon the theory, Mr. President, that it must not do anything in the improvement of our lands and the control of our industries which does not universally affect every citizen in the country. There are a great many public uses which only affect certain sections; but in the combination of all of the utilities of the Government—of all the various services which the Government renders to the people, acting and reacting, one section upon another—the benefit has usually in the long run been distributed so that they all receive a fairly equal benefit from these public expenditures and activities.

Mr. WEST. Mr. President, I beg the Senator's pardon. The State of Georgia is not the lone recipient of the appropriations for which he says he has voted and to which he refers.

Mr. POINDEXTER. The Senator need not beg my pardon about that. It was not the Senator's fault. I do not regard it as anybody's fault. I was simply citing that as an illustration of the fact that we very often——

Mr. WEST. The Senator is simply mistaken in reference to the matter; that is all.

Mr. POINDEXTER. Why, Mr. President, does the Senator mean to say that there have been no public improvements in the State of Georgia, such as public buildings, paid for out of the Treasury of the United States? If there have been such improvements, can he point out what benefit the people of other States have obtained because of those improvements?

Mr. WEST. I did not make any such declaration. I merely said that Georgia was not alone the recipient of these benefits.

Mr. POINDEXTER. Georgia was alone the recipient of those particular benefits to which I have referred, just as my State is alone the recipient of other benefits. I am not criticizing the Senator or the Senator's State for that; but I say that such an extensive benefit as would come from making a reasonal price for coal for all the States bordering upon the Pacific Ocean, and those that could be reached from those markets, can not be characterized by any Senator as a private use or as a use which is not justified under the policies which we see put in force every day by the Congress.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. Certainly.

Mr. STONE. I desire to ask the Senator if it will suit his convenience to yield at this time for an executive session?

Mr. POINDEXTER. I yield for that purpose.

PROPOSED ANTITRUST LEGISLATION (S. DOC. NO. 585).

During the delivery of Mr. POINDEXTER's speech,

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Texas?

Mr. CULBERSON. Will the Senator yield to me to make a privileged report? It will take but a moment.

Mr. POINDEXTER. I yield.

Mr. CULBERSON. On yesterday I submitted the report of the committee of conference on the disagreeing votes of the two Houses on House bill 15657. Since then it has been suggested that in certain particulars the report is not sufficiently explicit to give directions to the enrolling clerk. Therefore I withdraw that report and submit a new one, which covers the proposition. I ask that it be printed in the RECORD and as a document. The bill and amendments are not changed, but the report is changed so as to afford sufficiently explicit directions to the enrolling clerk as to what was the intention of the conferees. I ask that the report be printed in the RECORD and as a document in lieu of the report printed this morning.

The VICE PRESIDENT. May the Chair inquire of the Senator from Texas whether the document which came in this morning in parallel columns was incorrect?

Mr. CULBERSON. The bills in parallel columns are correct. It is only the conference report that is changed.

Mr. SMOOT. It is Senate Document No. 583, "Antitrust legislation conference report on House bill 15657."

The VICE PRESIDENT. Is there objection? The Chair hears none, and the request of the Senator from Texas is granted.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 25, 35, 38, 42, 45, 46, 47, 53, 56, 59, 63, 80, 93, and 94.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 40, 44, 48, 65, 66, 67, 68, 69, 70, 75, 79, 81, 82, 83, 85, 87, and 88; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment, insert the following:

"SEC. 2. That it shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly to discriminate in price between different purchasers of commodities, which commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, where the effect of such discrimination may be to substantially lessen competition or tend to create a monopoly in any line of commerce: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of selling or transportation, or discrimination in price in the same or different communities made in good faith to meet competition: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 3. That it shall be unlawful for any person engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies, or other commodities, whether patented or unpatented, for use, consumption or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies or other commodities of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale or such condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the figure "3" inserted by said amendment insert the figure "4"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 5. That a final judgment or decree hereafter rendered in any criminal prosecution or in any suit or proceeding in equity brought by or on behalf of the United States under the antitrust laws to the effect that a defendant has violated said laws shall be prima facie evidence against such defendant in any suit or proceeding brought by any other party against such defendant under said laws as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto: *Provided*, This section shall not apply to consent judgments or decrees entered before any testimony has been taken: *Provided further*, This section shall not apply to consent judgments or decrees rendered in criminal proceedings or suits in equity, now pending, in which the taking of testimony has been commenced but has not been concluded, provided such judgments or decrees are rendered before any further testimony is taken.

"Whenever any suit or proceeding in equity or criminal prosecution is instituted by the United States to prevent, restrain, or punish violations of any of the antitrust laws, the running of the statute of limitations in respect of each and every private right of action arising under said laws and based in whole or in part on any matter complained of in said suit or proceeding shall be suspended during the pendency thereof."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the figure "5" inserted by said amendment insert the figure "6"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the figure "6" inserted by said amendment insert the figure "7"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the words stricken out by said amendment insert the word "substantially"; after the word "acquisition" and the comma thereafter, in line 16, page 7, insert "or to restrain such commerce in any section or community"; and after the word "or," in line 16, page 7, insert the word "tend"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the words stricken out by said amendment insert the word "substantially"; after the word "acquired" and the comma thereafter, in line 24, page 7, insert "or to restrain such commerce in any section or community"; and after the word "or," in line 1, page 8, insert the word "tend"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the words stricken out by said amendment insert the word "substantially"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: After the word "thereof," at the end of said amendment, add the words "or the civil remedies therein provided"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment strike out only the matter contained in lines 16 to 24, inclusive, page 9, and lines 1 to 17, inclusive, page 10; at the beginning of line 18, page 10, insert "Sec. 8"; after the word "association," in line 21, page 10, strike out the comma, and after the word "company," in the same line, insert a comma; after the words "United States," in line 22, page 10, insert a comma; strike out the figures "$2,500,000," in line 24, page 10, and in line 3, page 11, and insert in lieu thereof in each instance the figures "$5,000,000"; in line 16, page 11, after the word "association," strike out the comma, and in the same line, after the word "company," insert a comma; in line 17, page 11, after the words "United States," insert a comma; strike out the word "one," in line 18, page 11, and insert in lieu thereof the word "two"; and after the word "association," in line 23, page 11, strike out the comma; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In line 16, page 12, after the word "than," insert the following: "banks, banking associations, trust companies and"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Change "Sec. 8." to "Sec. 9"; and after the words "accruing from" in said amendment insert the following: ", or used in,"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 11. That authority to enforce compliance with sections 2, 3, 7 and 8 of this act by the persons respectively subject thereto is hereby vested: in the Interstate Commerce Commission where applicable to common carriers, in the Federal Reserve Board where applicable to banks, banking associations and trust companies, and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows:

"Whenever the commission or board vested with jurisdiction thereof shall have reason to believe that any person is violating or has violated any of the provisions of sections 2, 3, 7 and 8 of this act, it shall issue and serve upon such person a complaint stating its charges in that respect, and containing a no-

tice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The person so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission or board requiring such person to cease and desist from the violation of the law so charged in said complaint. Any person may make application, and upon good cause shown may be allowed by the commission or board, to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission or board. If upon such a hearing the commission or board, as the case may be, shall be of the opinion that any of the provisions of said sections have been or are being violated, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such person an order requiring such person to cease and desist from such violations, and divest itself of the stock held or rid itself of the directors chosen contrary to the provisions of sections 7 and 8 of this act, if any there be, in the manner and within the time fixed by said order. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission or board may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

"If such person fails or neglects to obey such order of the commission or board while the same is in effect, the commission or board may apply to the circuit court of appeals of the United States, within any circuit where the violation complained of was or is being committed or where such person resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the commission or board. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such person and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the commission or board. The findings of the commission or board as to the facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission or board, the court may order such additional evidence to be taken before the commission or board and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commission or board may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by testimony, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 240 of the Judicial Code.

"Any party required by such order of the commission or board to cease and desist from a violation charged may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission or board be set aside. A copy of such petition shall be forthwith served upon the commission or board, and thereupon the commission or board forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission or board as in the case of an application by the commission or board for the enforcement of its order, and the findings of the commission or board as to the facts, if supported by testimony, shall in like manner be conclusive."

"The jurisdiction of the circuit court of appeals of the United States to enforce, set aside, or modify orders of the commission or board shall be exclusive.

"Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the commission or board or the judgment of the court to enforce the same shall in any wise relieve or absolve any person from any liability under the antitrust acts.

"Complaints, orders, and other processes of the commission or board under this section may be served by anyone duly authorized by the commission or board, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person; or (c) by registering and mailing a copy thereof addressed to such person at his principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same."

And transpose the same to follow amendment 51.

And the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 10. That after two years from the approval of this act no common carrier engaged in commerce shall have any dealings in securities, supplies or other articles of commerce, or shall make or have any contracts for construction or maintenance of any kind, to the amount of more than $50,000, in the aggregate, in any one year, with another corporation, firm, partnership, or association when the said common carrier shall have upon its board of directors or as its president, manager, or as its purchasing or selling officer, or agent in the particular transaction, any person who is at the same time a director, manager, or purchasing or selling officer of, or who has any substantial interest in, such other corporation, firm, partnership, or association, unless and except such purchases shall be made from, or such dealings shall be with, the bidder whose bid is the most favorable to such common carrier, to be ascertained by competitive bidding under regulations to be prescribed by rule or otherwise by the Interstate Commerce Commission. No bid shall be received unless the name and address of the bidder or the names and addresses of the officers, directors, and general managers thereof, if the bidder be a corporation, or of the members, if it be a partnership or firm, be given with the bid.

"Any person who shall, directly or indirectly, do or attempt to do anything to prevent anyone from bidding or shall do any act to prevent free and fair competition among the bidders or those desiring to bid shall be punished as prescribed in this section in the case of an officer or director.

"Every such common carrier having any such transactions or making any such purchases shall within 30 days after making the same file with the Interstate Commerce Commission a full and detailed statement of the transaction showing the manner of the competitive bidding, who were the bidders, and the names and addresses of the directors and officers of the corporations and the members of the firm or partnership bidding; and whenever the said commission shall, after investigation or hearing have reason to believe that the law has been violated in and about the said purchases or transactions it shall transmit all papers and documents and its own views or findings regarding the transaction to the Attorney General.

"If any common carrier shall violate this section he shall be fined not exceeding $25,000; and every such director, agent, manager or officer thereof who shall have knowingly voted for or directed the act constituting such violation or who shall have aided or abetted in such violation shall be deemed guilty of a misdemeanor and shall be fined not exceeding $5,000, or confined in jail not exceeding one year, or both, in the discretion of the court."

And transpose the same to follow line 23, page 13.

And the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the figure "11" inserted by said amendment insert the figure "12"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "transacts business; and all process in such cases may be served in the district of which it is an inhabitant, or wherever it may be found; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the

figure "12" inserted by said amendment insert the figure "13"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the figure "13" inserted by said amendment insert the figure "14"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: Reinsert the matter stricken out by said amendment and insert the word "penal" after the words "any of the" and before the word "provisions," in line 15, page 14; and omit the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the figure "14" inserted by said amendment insert the figure "15"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the figure "15" inserted by said amendment insert the figure "16"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of "six, and seven," in said amendment insert "three, seven and eight"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the figure "16" inserted by said amendment insert the figure "17"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the figure "17" inserted by said amendment insert the figure "18"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Reinsert the matter stricken out by said amendment, inserting the word "sixteen" in lieu of the word "fourteen," in line 5, page 18; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the figure "18" inserted by said amendment insert the figure "19"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: Strike out the comma after the word "employees," in line 18, page 18; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the figure "19" inserted by said amendment insert the figure "20"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Reinsert the words stricken out by said amendment, and in lieu of the matter inserted by said amendment insert the following: ", whether singly or in concert," and strike out the comma after the word "advising," in line 12, page 19; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Add a comma after the word "information," at the end of said amendment; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the figure "20" inserted by said amendment insert the figure "21"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the figure "21" inserted by said amendment insert the figure "22"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the figure "22" inserted by said amendment insert the figure "23"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the figure "23" inserted by said amendment insert the figure "24"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the word "twenty" inserted by said amendment insert the word "twenty-one"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the figures "24," inserted by said amendment, insert the figures "25"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Change "Sec. 27" to "Sec. 26"; and the Senate agree to the same.

C. A. CULBERSON,
LEE S. OVERMAN,
W. E. CHILTON,
*Managers on the part of the Senate.*

E. Y. WEBB,
C. C. CARLIN,
J. C. FLOYD,
*Managers on the part of the House.*

### EXECUTIVE SESSION.

After Mr. POINDEXTER had yielded the floor,

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened.

### RECESS.

Mr. KERN. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m., Thursday, September 24, 1914) the Senate took a recess until to-morrow, Friday, September 25, 1914, at 11 o'clock a. m.

## NOMINATIONS.

*Executive nominations received by the Senate September 24, 1914.*

### AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARIES.

Frederic Jesup Stimson, of Boston, Mass., to be ambassador extraordinary and plenipotentiary of the United States of America to Argentina, to fill an original vacancy.

Henry P. Fletcher, of Pennsylvania, now envoy extraordinary and minister plenipotentiary to Chile, to be ambassador extraordinary and plenipotentiary of the United States of America to Chile, to fill an original vacancy.

### PROMOTIONS IN THE ARMY.

#### CAVALRY ARM.

First Lieut. Albert E. Phillips, Tenth Cavalry, to be captain from September 18, 1914, vice Capt. Lanning Parsons, Ninth Cavalry, retired from active service September 17, 1914.

Second Lieut. Richard E. Cummins, Tenth Cavalry, to be first lieutenant from September 18, 1914, vice First Lieut. Albert E. Phillips, Tenth Cavalry, promoted.

Second Lieut. Alexander L. James, jr., Fifth Cavalry, to be first lieutenant from September 22, 1914, vice First Lieut. William F. Wheatley, Thirteenth Cavalry, who was dismissed September 21, 1914.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate September 24, 1914.*

### POSTMASTERS.

#### GEORGIA.

T. A. Adkins, Vienna.
John W. Wells, Adel.

MICHIGAN.

Salem F. Kennedy, Lakeview.

OHIO.

Adam E. Schaffer, Wapakoneta.

PENNSYLVANIA.

John A. Hughes, Lyndora.
C. C. Roseborough, Alexandria.
Willard H. Weigel, Elizabeth.

## HOUSE OF REPRESENTATIVES.

THURSDAY, *September 24, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, infinite in all Thine attributes, we realize our limitations, our frailties, our dependence upon Thee, and pray for Thy protection, care, and guidance, that amid the shifting scenes, perplexing problems which confront us through the advancing civilization, we may lean with greater faith and confidence upon Thee and yield to the persuasive call from within, come up higher and yet higher into the realms of purity, for it is writ that the kingdom of God is "as if a man should cast seed into the ground, and should sleep and rise night and day, and the seed should spring and grow up, he knoweth not how. For the earth bringeth forth fruit of herself; first the blade, then the ear; after that, the full corn in the ear," so may we trust, so may we strive, so may we advance to larger life and liberty under the spiritual leadership of the Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes.

The message also announced that the Senate had passed, with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 18732. An act to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 339. Joint resolution to correct an error in H. R. 12914;

H. J. Res. 342. Joint resolution to correct an error in H. R. 12914; and

H. J. Res. 335. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914.

### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States, was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On August 27, 1914:

H. R. 14155. An act to amend an act of Congress approved March 28, 1900 (31 Stats. L., p. 52), entitled "An act granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas State Agricultural College, and a western branch of the State Normal School thereon, and for a public park.

On August 29, 1914:

H. R. 11740. An act to amend an act entitled "An act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August 24, 1912.

On September 2, 1914:

H. J. Res. 246. Joint resolution to authorize the Secretary of War to grant a revocable license for the use of lands adjoining the national cemetery near Nashville, Tenn., for public-road purposes; and

H. J. Res. 327. Joint resolution to correct error in H. R. 12045.

On September 5, 1914:

H. R. 1657. An act providing for second homestead and desert-land entries.

On September 9, 1914:

H. J. Res. 330. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved April 24, 1914;

H. R. 2167. An act to fix the time for holding the term of the district court in the Jonesboro division of the eastern district of Arkansas; and

H. R. 17442. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of Congress approved March 3, 1913, and June 6, 1914.

On September 11, 1914:

H. J. Res. 334. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914; and

H. J. Res. 337. Joint resolution to provide for representation of foreign Governments growing out of existing hostilities in Europe and elsewhere, and for other purposes.

On September 19, 1914:

H. J. Res. 311. Joint resolution instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions.

On September 23, 1914:

H. R. 9318. An act to amend the act approved June 25, 1910, entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes"; and

S. J. Res. 166. Joint resolution authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States, to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes.

On September 24, 1914:

H. R. 6433. An act to relocate the headquarters of the customs district of Florida.

### EMERGENCY REVENUE LEGISLATION.

Mr. HENRY. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 629 (H. Rept. 1164).

*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to the consideration of H. R. 18891, "A bill to increase the internal revenue, and for other purposes"; that said bill shall be considered in the House as in the Committee of the Whole, and the same shall be the continuing order of the House until disposed of; that there shall be not exceeding seven hours of general debate, to be equally divided between those supporting and those opposing the bill, one-half of such time to be controlled by the gentleman from Alabama [Mr. UNDERWOOD] and one-half by the gentleman from New York [Mr. PAYNE]. At the conclusion of such general debate the previous question shall be considered as ordered on the bill to final passage without intervening motion, except one motion to recommit: *Provided*, That the following amendment shall be considered as offered and agreed to, to wit:

First. Line 12, page 3, after the word "gasoline," insert the words "motor spirits."

Second. Lines 12 and 13, strike out the word "similar."

Mr. HENRY. Mr. Speaker, I would like to ask the gentlemen across the aisle whether they wish to debate the rule?

Mr. CAMPBELL. Mr. Speaker, we would like to debate the rule on this side.

Mr. HENRY. How much time does the gentleman think his side would desire?

Mr. CAMPBELL. We should like to have two hours if we can get it.

Mr. HENRY. It seems to me as if that would be a little extravagant.

Mr. MANN. Tell us what you are going to do to us and do not bother us in this way.

Mr. CAMPBELL. I would be glad to have a suggestion from the gentleman.

Mr. HENRY. I assume the rule will be adopted. I have no objection to 1 hour's time, and would yield the gentleman 30 minutes of that time if that is satisfactory.



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The SPEAKER. The gentleman from Texas offers to yield 30 minutes to the gentleman from Kansas.

Mr. CAMPBELL. Small favors are thankfully received.

Mr. HENRY. Mr. Speaker, I do not know how my remarks could make the rule any plainer. It seems to me it is perfectly plain. It has been carefully drawn, and I think most everybody understands the object of the proceedings. Mr. Speaker, this is the first time I find myself at a loss for anything to say by way of elucidation, because everything has been said in the rule. Therefore I reserve the balance of my time.

The SPEAKER. The gentleman from Kansas is recognized for 30 minutes.

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT]. [Applause.]

Mr. HENRY. If the gentleman will pardon me for just a moment, I desire to ask that the gentleman from Georgia [Mr. HARDWICK] control my time during my absence.

Mr. CAMPBELL. All right.

Mr. LENROOT. Mr. Speaker, there is about to be written another chapter in the history of Democratic achievements. Its title will be "The hypocrisy and incompetency of the Democratic Party." [Applause on the Republican side.] It will tell the story of the passage of an indefensible rule for the purpose of passing an indefensible bill increasing the taxes to the American people by $105 000,000. The rule absolutely prohibits the offering of all amendments and limits debate to seven hours. Mr. Speaker, since the Democrats came into power in this House I have repeatedly called attention to the fact that they supported and indorsed the very system which they unanimously condemned when they were in the minority, and their opposition to that system contributed more than any other one thing to their Democratic majority. When the Republicans were in power a small group upon this side of the aisle fought rules of this character, the only distinction being that those rules were far less drastic than the rule the Democrats propose to-day. Then the small group on this side of the aisle had the support of every Democrat in the House. I can see no difference, Mr. Speaker, between a gag rule under what was called "Cannonism" and a gag rule under "Underwoodism." I was against such rules then; I am against such rules now. You were against such rules then; you are for them now. [Applause on the Republican side.]

And there is this, Mr. Speaker, to be said in favor of those Republicans who supported those rules then. They were not hypocrites. They defended them as best they could, and they finally went down to defeat in honorable surrender, and that issue is now settled in the Republican Party. [Applause on the Republican side.] I contributed my mite to the overthrow of what was known as "Cannonism," and I have no regrets. But, Mr. Speaker, I have a great deal more respect for Ex-Speaker Cannon and for Republicans who fought with him than I have for any man to-day on the Democratic side who was a Member of the Sixty-first Congress and will vote for this rule. [Applause on the Republican side.] There will, however, Mr. Speaker, be one honorable exception when the roll is called, and that will be the Speaker of this House himself [applause], for you, sir, have recently publicly announced that you will never vote for rules of this character. I congratulate you upon the fact that you will vote against this rule. And when this roll is called, Mr. Speaker, Democrats on that side of the aisle will determine whether they will follow the leadership of CHAMP CLARK, to keep the promises of the Democratic Party, or follow the leadership of OSCAR UNDERWOOD on this rule. [Applause on the Republican side.]

Mr. Speaker, I would have more respect for the Democratic majority if they would openly and aboveboard say that they are in favor of the things now that they were opposed to four years ago. But they are deliberately and willfully trying to deceive the American people. I hold in my hand a pamphlet gotten out by the Democratic congressional committee, entitled "A Record of Achievement," and upon the first page of this pamphlet there are given certain quotations from the speeches of President Wilson. I shall read just one or two lines from them. They quote first from his speech of acceptance, wherein he says:

> I could not have accepted a nomination which left me bound to any man or any group of men.

Who is there on your side of the aisle to-day who can say he is not bound to any man or group of men? [Applause on the Republican side.]

He says further:

> No man can be just who is not free.

Who is there on your side of the aisle who is free to-day? [Applause on the Republican side.]

A little further on in this document I find this language, under the heading "Change of House rules":

> Keeping its pledges in the campaign of 1910, the Democratic House has so revised its rules that the czarism which characterized the control of the House under Republican rule is a thing of the past.

[Laughter.]

Czarism a thing of the past, and you solidly voting for this gag rule! [Applause on the Republican side.]

One more quotation, Mr. Speaker. I wish I had further time to give more of them. Under the head of "Closer relations with Congress" I find this:

> By his action in appearing at the Capitol and addressing Congress in person on the state of the Union and its needs, the President gave emphasis to his belief in a return to government by public discussion.

What discussion are you giving us here?

I quote further:

> He put an end to government by secret conferences and private arrangement.

[Applause on the Republican side.]

Mr. Speaker, the American people are intelligent, and they are going to judge your action here, not by what this campaign booklet says, but they will form their judgment by the vote that you are to cast within an hour, more than by any other one thing that you will do.

Mr. Speaker, I have spoken strongly and earnestly upon this question, but I have not spoken as a partisan. [Laughter on the Democratic side.] Since I have been a Member of this House no man on either side of this aisle has ever accused me of partisanship. I have supported your President and my President. Upon all matters of foreign policy we have supported him as loyally as you have, even though questioning the wisdom of some of his policies, believing that upon such matters it was more important that he have a united country behind him than any close scrutiny of the particular wisdom of a particular policy. I have supported bills coming from your side time and time again, and in committee and upon the floor I have done what I could to help to perfect them, knowing that the Democratic Party would take the entire credit for them. I am occupying the same position upon this floor to-day, Mr. Speaker, that I occupied when the Republicans were in power. And so I say, and I have a right to say, that I am not speaking from a partisan standpoint, and if I were a Member upon the Democratic side of the aisle to-day—and I am thankful I am not—instead of being on the Republican side, I would make exactly the same kind of a speech that I have made.

Mr. Speaker, I yield back the balance of my time. [Loud applause on the Republican side.]

The SPEAKER. The gentleman from Wisconsin yields back one minute.

Mr. HARDWICK. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause on the Democratic side.]

Mr. GARRETT of Tennessee. Mr. Speaker, a few days ago the President of the United States in the performance of a solemn duty imposed upon him by the Constitution of the country, appearing personally before the Congress, addressed it upon the state of the Union. In that address he informed the Congress that owing to conditions with which we are all more or less familiar it was deemed necessary that provisions should be made for the raising of $100,000,000 of revenue. The bill under which the country has been operating for the last several months from the revenue standpoint has been a satisfactory bill, but a condition arose in Europe for which no one here was responsible, which caused a practical cessation of imports from the great productive areas of that Continent from which we have been accustomed to draw the major portion of our customs duties.

I take it, sir, that before the message of the President all thoughtful men here and elsewhere in the country realized that the time would come, on account of the chaotic conditions produced there, when it would be necessary to increase the revenues here. There were differences of opinion as to how it should be done; there were differences of opinion as to when it should be done; but after the President of the United States, acting upon his responsibility and performing a duty laid upon him by the Constitution, had advised this body of the state of the Union, I think there came a unanimity of sentiment. But, sir, what did we find? Immediately following that address we received notice—it became a matter of common knowledge—that the members of the minority party in this body and in the other coordinate legislative branch, did not intend to arise to the performance of a patriotic duty, but intended to embarrass every movement in order that they might play petty partisan politics. [Applause on the Democratic side.]

The Democratic caucus met, suggested to the members of the Ways and Means Committee, charged with the duty of reporting the revenue bill, certain lines of procedure, leaving them to work out the details. That action was followed, and the bill has been presented. The minority report has been filed, and that minority report declares that no bill is necessary, and that no suggestion of a bill, whatever it may be, will receive support on the minority side. [Applause on the Republican side.] That, sirs, being the case, they declining to participate in these activities except in the line of opposition and of obstruction, the majority party, having the responsibility, must meet it independently of the action of the other side, and we have taken here the plain, simple way of performing that duty.

These gentlemen on the minority side do not wish to amend the bill. According to their minority report, let them write it, and even then they would not vote for it. What, then, is the duty of the responsible party now? The duty is to act quickly and speedily in this emergency; to take the action that has been determined to be necessary.

We have had notice given—it is a matter of common knowledge—that in another body the minority intends to obstruct this bill in every way possible. If it is to become a matter of physical exhaustion, if legislation is to be settled not upon intellectual lines but upon the question of who can stand longer physically, then we had better pass this bill quickly in order that the physical grind may begin. [Applause on the Democratic side.]

This bill has been carefully thought out by the committee charged with that responsibility. It will perhaps not be a popular bill.

Mr. BUTLER. No. [Laughter on the Republican side.]

Mr. GARRETT of Tennessee. No tax is popular. Every man says, "Tax the other man." But it has been worked out thoughtfully and carefully along well-approved lines, following in the main a beaten path. Whatever we might do, whatever concessions might be made to the minority, it has given us official notice that it will not support us, but that it will stand as an obstructor to all this legislation; and for that reason, because of that official notice, because of the fact that even if permitted to amend they would still oppose it, I submit, sir, that we are justified in taking the plain, simple, direct course, exercising that responsibility which rests upon us as the party responsible for the running of this Government. [Applause on the Democratic side.]

I yield back the remainder of my time, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee yields back one minute.

Mr. CAMPBELL. Mr. Speaker, will the gentleman from Georgia [Mr. HARDWICK] use more of his time now?

Mr. HARDWICK. Has the gentleman any more speeches on that side?

Mr. CAMPBELL. One.

Mr. HARDWICK. I yield five minutes to the gentleman from Kentucky [Mr. CANTRILL].

The SPEAKER. The gentleman from Kentucky [Mr. CANTRILL] is recognized for five minutes.

Mr. CANTRILL. Mr. Speaker, the distinguished gentleman——

Mr. CAMPBELL. I beg the gentleman's pardon. Did the gentleman from Georgia [Mr. HARDWICK] understand that there would be only one speech on this side?

Mr. HARDWICK. Yes.

Mr. CAMPBELL. I understood the gentleman from Georgia to say that there would be only one speech on that side.

Mr. HARDWICK. The gentleman had better proceed, then.

Mr. CAMPBELL. Mr. Speaker, another tariff for revenue only has failed to produce enough revenue to meet the extravagant expenditures of a Democratic Congress. [Applause on the Republican side.]

On other occasions, when a Democratic tariff for revenue only has failed to produce enough to meet Democratic demands for appropriations, you have sold bonds or offered them for sale to meet the deficiency. On this occasion you have changed your policy and propose to tax the people directly to make up the deficit.

The President in his address on the 4th day of this month from this rostrum gave as an excuse for his request upon Congress for this additional tax upon the people that our revenues had fallen off in the month of August, making an additional tax upon the people necessary. The President referred only to the falling off in our revenues for the month of August of this year, after the war in Europe began. If he had been disposed to give Congress and the country all the information he had in his possession he could have stated that under the tariff bill passed by this Congress on the 3d day of October last the revenues had been constantly falling off. [Applause on the Republican side.] For the month of January, 1914, the failure of revenue amounted to $5,806,044.26. For the month of February the falling off in revenue amounted to $9,995,512.13, almost as much as in the month of August, to which the President pointed with so much alarm from this rostrum a few days ago. There has been a falling off in the revenues of the Government from customs sources every month since January up to the present time. [Applause on the Republican side.]

The war in Europe is a feeble excuse for the decline in our revenues, even when offered by the President of the United States. The failure in our revenues from customs sources was inevitable. The President says that our imports have decreased. On the contrary, our imports have increased, but our revenues have decreased. [Applause on the Republican side.]

The President says that the Treasury could get along with the money that it has if it were not for the fact that the administration has deposited $75,000,000 in certain national banks in certain portions of the country. This money is subject to the call of the Treasurer of the United States. Let me read from the President's message of September 4:

> Approximately $75,000,000, a large part of the present Treasury balance, is now on deposit with national banks distributed throughout the country. It is deposited, of course, on call. I need not point out to you what the probable consequences of inconvenience and distress and confusion would be if the diminishing income of the Treasury should make it necessary rapidly to withdraw these deposits.

When, I ask in the name of the American people, did it become the policy of this Government to impose burdensome direct taxes upon the people to enable an administration to deposit large sums of money in certain national banks in certain sections of the country? [Applause on the Republican side.] A free people will willingly bear the burden of taxation when necessary to sustain their government in a defensive war, but it is an insult to the intelligence of the American people to assume that they will willingly pay taxes to enable any administration to deposit money out of the Treasury of the United States in national banks in any portion of our country. [Applause on the Republican side.]

The people of the country have been told that this is a war tax. But we are at peace with all the world. Our country is not at war. You proclaim to the world that you have won victories by "watchful waiting" and are at peace with all mankind. [Applause on the Democratic side.] In the face of that fact, how can you justify a war tax upon the American people? [Applause on the Republican side.]

Do you expect to fool the people? Do you think that they can be deceived by the mere pretense that this is a war tax, when we are at peace with all the world? Ah, no; the poor who in the hour of their necessities are compelled to make notes and mortgages, upon which you propose a stamp tax, will not be deceived. Every one of them will know that they are taxed to supply the Treasury, as the President requests in his message, for money to enable the administration to maintain large deposits in national banks. [Applause on the Republican side.]

Can you Populistic Democrats go before your constituents in defense of that sort of taxation? You were elected to Congress because you said you would reduce the burdens of the people. You to-day propose, before two years have passed, to increase their burdens; and for what? The cost of living is as high or higher than ever. Your appropriations are more extravagant and profligate than those of any Congress in our history. [Applause on the Republican side.] And yet you complain because there is opposition to your bill, and that is made the excuse for bringing in a gag rule, the iniquity of which has never been equaled in any Congress. The gentleman from Tennessee [Mr. GARRETT] says the rule is made necessary because it has been announced that the Republicans will oppose this bill. When did it become necessary in the American Congress to prepare and pass gag rules because it was announced that an administration measure like this could not have the unanimous support of the Congress? [Applause on the Republican side.]

When the Underwood bill was under consideration, you boasted that every item was open to amendment and debate. You propose to pass this bill in the House as in the Committee of the Whole, without an opportunity to offer an amendment to a single item or to vote upon any item in the bill. What is your defense? The necessity for raising money by burdensome taxes upon the people to enable the Treasury to deposit money in the national banks? Oh, you Democrats, when was Congress empowered to use the taxing power for such a purpose? Yet that is the excuse upon which the President largely rested his case.

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Mr. Speaker, the fact is that you are driven to this action because of the failure of your new freedom; the failure of your new constitution of peace; the failure of your tariff for revenue to supply the Treasury with sufficient money to meet your extravagant expenditures; the failure of your policies to revive a widespread depression that exists all over the country; the failure of the balance of trade in our favor in our commerce with the world, making it necessary to export the gold of the country to pay our trade balances to the largest extent since you were in power before; in short, the failure of the administration to successfully manage the affairs of the Nation. These are the conditions that have made the deficit in the Treasury. These are the conditions that make it necessary for the administration to bring in this measure for a burdensome tax under this gag rule. [Applause on the Republican side.]

Mr. Speaker, I reserve the remainder of my time.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. HENRY. How much time have I left?

The SPEAKER. Twenty minutes.

Mr. HENRY. I yield five minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Speaker, the distinguished gentleman from Wisconsin [Mr. LENROOT] has made a statement which I can not permit to go unchallenged when he charges that the Democratic Party in this Congress is pursuing the same tactics that were pursued by the Republican Party under the leadership of Speaker Cannon.

Mr. AINEY. Worse.

Mr. CANTRILL. As a matter of fact, there is a very radical difference in the procedure of this House under Democratic rule, and no one knows it better than the distinguished gentleman from Wisconsin. Under Republican rule the Speaker of this House appointed every committee. Each Member upon this floor was a pawn in the hands of the Speaker, to be placed where the Speaker desired to place him for his own selfish interests and for the selfish interests of his party. [Applause on the Democratic side.] Under Democratic control the membership of this House selects its committees. The Speaker of this House does not designate a single Member to a committee place in the House, and under the rules the Speaker under Democratic administration is not permitted to have membership upon the Committee on Rules. Under the Republican system the Speaker of this House was the Czar who absolutely controlled legislation in this House. If any man placed upon a committee did not serve the Speaker's will, he was removed by the Speaker from that committee, and every man knew that in his service on committees he had to bow to the will of the Speaker or lose his committee assignment. But as it stands to-day, as nearly as it is possible to make it, the legislation of this House is in the control of the membership of this House. Aye, more than that, Mr. Speaker, under Republican administration the Speaker of this House appointed the minority membership on the committees. When the Republican Party was in control the Republican Speaker designated every Democrat to serve upon committees. Under Democratic administration the gentlemen upon that side of the aisle in their own caucus select their own committeemen and the Democratic Party in control of this House assign your Members to the committees as you gentlemen of the minority select them.

I want to submit to the membership of this House and to the country that under the control of the Democratic Party to-day, under the rules which are in operation, this House controls the legislation and the Speaker of the House does not control it, as under Republican rule. You gentlemen remember well how it used to be. No individual Member upon the floor of this House could secure recognition from the Speaker unless he first went to the Speaker's room and humbly fell upon his knees and secured the permission of the Speaker in order that, as a Member of this House, he might exercise his constitutional right to stand here in his place and address the membership of this House; and I appeal to you gentlemen on that side, in the spirit of fairness, is there a single one of you on that side of the House who will rise in his place and say that under Democratic administration Speaker Clark has not conceded to every Member upon that side as well as upon this side every right and privilege to which he was entitled? [Applause.] More than that, you gentlemen upon that side have publicly conceded that he gave you every right to which you were entitled. The statement of the distinguished gentleman from Wisconsin [Mr. LENROOT] can not go unchallenged that the Democratic party is pursuing the same gag rule that was in operation when the Republicans were in control of this Congress. [Applause on the Democratic side.]

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY]. [Applause.]

Mr. KELLY of Pennsylvania. Mr. Speaker, I feel sure that the statements made by the gentleman from Kentucky [Mr. CANTRILL] will not in any way deceive the people of this country when they realize that there is such a thing as making a promise and then violating it by refusing its substance. This is a gag rule, with all the powers of the most vicious gag rule. It has been brought out from the Committee on Rules, and to my mind the most important thing to be considered at this time is the fact that the Rules Committee has such absolute power that it can take this bill, without previous consideration even by a caucus, and force its immediate consideration without right of amendment. The gentleman from Kentucky [Mr. CANTRILL] states that the committees are under the control of the House at the present time, and that they were not under the control of the House under Speaker Cannon. The House has absolutely no power over the Rules Committee; it has no power over any committee of this House. There is a shadow rule which provides for a motion to discharge committees. Not one single motion has ever been brought before this House in the Sixty-third Congress to discharge a committee. Motion No. 1 on the calendar, put there on the 1st day of December, the very first day that a motion of that kind could be presented, is still on the calendar, and has never been reached. Not once in the long and strenuous sessions of this Sixty-third Congress has that order of business been reached, and it will not be reached; it was never intended to be reached. By a shadow reform this rule was put in the rules, but it is absolutely useless.

In practice no committee can be discharged from consideration of any bill, however meritorious; it could scarcely be done under this rule, even if such order was reached, which is impossible. Aside from this shadow reform, the Rules Committee can not be reached even under this procedure, and it has a right to report at any time a gag rule of this kind, but the House can not compel it to act. I believe, with the gentleman from Wisconsin [Mr. LENROOT], who gave us such splendid exposition of this system in operation, that no lover of a square deal can possibly vote for the rule under consideration. It is a rule that shuts off any right of amendment, gives no chance whatever for the real expression of the House. I feel that if the gentleman from Kentucky [Mr. CANTRILL] really wants to make a reform in the system, if he really wants to make a change from Cannonism, there should be some provision whereby the House of Representatives would have control over its committees, which it does not have at the present time.

Here is a bill which proposes to levy $1 additional tax upon every man, woman, and child in the Nation. It proposes to add $5 to every family of the 20,000,000 families of this Nation. It is based upon the theory of protection—that the people of the country should pay for expenses of the Government in return for governmental protection. Why not give them the protection for which they are already paying? Since the war has broken out in Europe prices have advanced on the necessaries of life in this country from 10 to 25 per cent. This morning I called on the Department of Commerce and got the actual figures on 15 articles of food used by the average workingman and the average family of this Nation. The average increase from the 15th day of July to the 15th day of August was 20 per cent on those 15 articles in New York City, and other cities show the same condition. Twenty per cent advance in the cost of living in one month's time means tragedy for the average American. The Bureau of Labor Statistics shows the average family spends $326.90 a year for food; and add 20 per cent to that and you have what each of these 20,000,000 families of the Nation is paying in the nature of a war tax already. That is a matter that this Government has not yet undertaken to remedy. I want to know why this Congress does not touch that question, why it refuses to consider a question which means the welfare of every individual. If the House carried out the will of the people, it would effectively end the depredations of food pirates, even if it took possession of food supplies and distributed them to the public.

I am opposed to this rule, and I am opposed to the bill, which lays added and unnecessary burdens upon the people. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CAMPBELL. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I am opposed to this rule for the sole reason that it prevents amendment. The temperance and prohibition forces of America are opposed to the provisions of the bill taxing intoxicating liquors. This rule prevents

any chance of striking these provisions from the bill. Therefore, for that reason, I am opposed to the rule. In general debate I will endeavor to set forth the reasons for the opposition of the prohibition and temperance forces. I yield back the balance of my time, or will yield it to the gentleman from Missouri [Mr. DECKER], with the consent of the gentleman controlling the time.

The SPEAKER. The gentleman can not do that. The gentleman from Alabama yields back one minute of his time.

Mr. CAMPBELL. Mr. Speaker, I yield four minutes to the gentleman from Ohio [Mr. FESS]. [Applause on the Republican side.]

Mr. FESS. Mr. Speaker, the justification for this rule was stated by the able and amiable gentleman from Tennessee [Mr. GARRETT]. I take it that that is the expression of the committee, and it probably will be the expression in the vote of that side of the House. He said that they justified their position in their inconsistent action when compared with their contention in the past upon the ground that this side of the House is opposed to this measure. Certainly that is the reason they are going to cut off debate. Why should there be any cutting off of debate if there is not going to be opposition to the resolution? And you want to prevent the opposition stating their argument against this abominable measure, and you are going to gag this side of the House and prevent anybody being heard in extenso. There is no doubt about the purpose of it. That is one cause of the opposition to it. The gentleman from Tennessee places that opposition upon the basis of unpatriotic attitude on the part of this side of the House. How was it in 1898, when the armies of this Nation were arrayed against a foreign foe of this country and our troops and marines were landing in Cuba? Was it patriotism then to oppose an emergency measure? Is it unpatriotic now to oppose an unnecessary burden of $105,000,000 upon the people of this country in time of peace, and was it patriotic to oppose the imposition of a burden at that time, in time of war? [Applause on the Republican side.] The gentleman from Tennessee [Mr. GARRETT] represents a party which was then in the minority, and we brought in a bill, and at that time gave 17 hours and 5 minutes to debate, with perfect freedom to amend it. In addition, we occupied the whole of the 29th of April to read the bill under the five-minute rule, and gave you on that side an opportunity to offer amendments or a substitute. You did offer a substitute of an income tax, or rather attempted to amend by requiring an income tax to be levied, which you knew would be unconstitutional, for it had been pronounced so by the Supreme Court just shortly before that time. [Applause on the Republican side.] Now you are opposed to putting the income tax in operation because you can. Then you were in favor of putting it in operation because you knew you could not. [Applause and laughter on the Republican side.] One hundred and thirty-one Democrats sat in that Congress, and 129 of them voted against a war measure that was necessary to support the armies in time of war. [Applause on the Republican side.]

Mr. Speaker, I am not charging these men with unpatriotic conduct. They include the Speaker of this House, the gentleman from Missouri [Mr. CLARK]. He voted against the bill at that time. They include the gentleman from Alabama [Mr. UNDERWOOD], the author of this bill, who voted against the war measure at that time. They include 15 other Members who are Members of the Sixty-third Congress and sit on this floor at this time. They all opposed it, and yet you come in now, in a time of peace, so far as this country is concerned, and you are going to saddle this burden upon the people, and you charge us with unpatriotic conduct because we refuse to allow you to do it without a struggle. Mr. Speaker, as a Member of this body, composed of 434 other Members, which body ought to be the greatest legislative body in the world, representing a hundred millions of people, I protest against being denominated unpatriotic when I refuse to saddle a burden upon the people when it is absolutely unnecessary if we would but retrench in our expenditures. Whatever may be the rules of the House, for myself I prefer that it be under the leadership of the Speaker of the House, whoever he may be, to the leadership of the majority leader, whoever he may be. It is better to be ruled by the head of the whole House than by the head of a faction of that House. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. HENRY of Texas. Mr. Speaker, has the gentleman from Kansas exhausted his time?

The SPEAKER. The gentleman from Kansas has one minute remaining.

Mr. CAMPBELL. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, knowing that on this side of the House we are about to be gagged and bound, we still have the liberty of making a protest. Mr. Speaker, it would be unfair for me to exult as a political proposition at these funeral exercises of the Democratic Party. [Applause on the Republican side.] As I look at the doleful faces on the other side of the aisle, conscious now that they are marching to destruction, I feel sorry for them and sorry for the people that they are in power; but when I remember that shortly after the election in November the Republicans will again be in control, I congratulate the country on the relief. [Applause on the Republican side.]

Mr. HENRY. Mr. Speaker, just after the Maine election, I doubt whether the gentleman is much of a prophet.

Mr. ADAMSON. Will the gentleman yield?

Mr. HENRY. Yes.

Mr. ADAMSON. Does not the gentleman think that the gentleman from Illinois can remember a good deal better now than he will be able to after election?

Mr. HENRY. I think that is very likely. Mr. Speaker, I yield 14 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, it is always unfortunate for those who are responsible for the government of a great country to be compelled to levy taxes. But governments must exist for the good of the people and taxes must be levied in order that governments may exist. I do not intend at this time to discuss the necessity for the passage of this bill nor give the reasons why its immediate passage is necessary at this time, for I expect to do that when the bill comes before the House within the next hour. I merely take advantage of this opportunity to discuss the pending rule.

Gentlemen on that side of the House in their debate this morning have said that it was necessary for the Democratic Party to pass this rule. They were never more mistaken in their lives. Since the first hour the Democratic Party came into control of this House, more than three years ago, it has never been necessary for it to pass a rule to do business, because the Democratic Party stands as a militant party, representing the common masses of the American people, and always ready to unite in the case of an emergency and do their duty for the common good. [Applause on the Democratic side.]

This rule is not proposed from a matter of necessity. You have seen since the Democratic Party came into power, but not while you were in power, great tariff bills passed through this House without a rule and without cloture. It would only be a question of days whether we passed this bill under a rule or without a rule, and you know as well as I know that when you attacked this bill, if it was brought in here without a rule, that you could make no more impression on the integrity of the bill by throwing amendments against it than you did on the tariff bill and other great measures which it has been necessary for us to present to this House in the interest of the American people. [Applause on the Democratic side.]

You confess that in your report. Your report says that you do not want to offer any amendments. This talk of your being gagged is mere subterfuge. Your leaders say that they have no amendments to offer; that they merely propose to resist the passage of the measure. Is it gagging you when you have no desire to make a proposal? Here is what you say in your report?

> To suggest a substitute is useless. The absurd and tyrannical rule adopted by the Democratic majority in the Sixty-second Congress, under a ruling made when the Underwood tariff bill was pending, prohibits all amendments introducing new articles for taxation. We quote the rule, page 406, Rules of the House of Representatives, Sixty-second Congress, Rule XXI, paragraph 3:
>
> "No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill; nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed."
>
> This drastic rule was extended by construction, and rendered more drastic by a parliamentary decision.

As a matter of fact, you have always carried in your own rules before the proposition that amendments to a pending bill must be germane, and necessarily so, or the Congress could never complete its labor; necessarily so, that the work of your committees may be protected and that undigested matters may not be thrown before the Congress to divert attention from meritorious bills under consideration in the House. So that you holler "gag rule" and you admit that you do not want an amendment. Why, if my distinguished colleague on the Ways and Means Committee, the leader of the minority on that committee and its former chairman, was called on to-day to offer a

substitute for the pending bill, he could not do so; aye, more, he would not do so. [Applause on the Democratic side.] You have no desire to amend this bill; you want to defeat it.

Mr. PAYNE. If the gentleman will permit me, there is one amendment I would like to offer.

Mr. UNDERWOOD. What is it?

Mr. PAYNE. I would offer an amendment to strike out all after the enacting clause.

Mr. UNDERWOOD. That is exactly what I said. The gentleman concurs with me entirely in that proposition. The only amendment he would make to the bill if opportunity is given is an amendment to defeat the bill, and if he gets votes enough he will have the opportunity to do that without amendment. [Applause on the Democratic side.]

Now, as to the time for general debate fixed in this bill, I was not in the Rules Committee when the time for general debate was agreed upon.

Why, I understand that the limit of seven hours for general debate on this bill was voted for by the minority members of the committee.

Mr. LENROOT. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. LENROOT. I know the gentleman wants to be accurate.

Mr. UNDERWOOD. Certainly.

Mr. LENROOT. Does the gentleman state the minority voted only for seven hours?

Mr. UNDERWOOD. I understood seven hours was placed in the resolution by the votes of the minority of the committee.

Mr. LENROOT. Because that is all the minority could get; they wanted more.

Mr. UNDERWOOD. Evidently the minority had the power to make it seven hours. They evidently had power to make it more if they wanted more. [Applause on the Democratic side.]

Mr. LENROOT. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. LENROOT. By one vote, your chairman, we got the seven, and the rest of your party voted against that.

Mr. UNDERWOOD. Well, you got what you asked for; that is what I am saying. [Applause on the Democratic side.] Now, Mr. Speaker, why is it necessary at this time, or why is it not only necessary but expedient at this time, that this rule should be adopted? The Democratic Party through the history of this Congress and the last one has been more liberal in debate and more liberal to the minority in the consideration of bills than the Republican Party ever was in the number of years I served in this Congress when they were in control, and I have stated a number of times myself, and I have heard the same sentiment voiced by my colleagues on this side of the House, that the minority were entitled to be heard and they were entitled to have a reasonable opportunity to offer their views when they were ready to transact business in a legitimate way; but I have stated many times before, and I am willing to stand for the proposition now, that when the minority in this Congress, or any other Congress, seeks by dilatory tactics, attempts by delay and filibustering methods, to prevent the passage of legislation to protect the Government of the United States, then there is no reason why the majority, those in control of the Government, those responsible to the people of the United States, should temporize with the question one moment. [Applause on the Democratic side.]

When that time has arrived it is not only right but it becomes the duty of the majority to give notice to the unwilling minority that they can not filibuster; that they can not delay measures that are necessary to protect the Government of the United States. [Applause on the Democratic side.] Some days ago, before this measure was even formulated by the majority members of the Committee on Ways and Means, before it had been acted upon by the Democratic caucus, your party in conference or caucus assembled met and resolved to lay across the path of any bill that the majority of this House should bring before the House to protect the Treasury of the United States. [Applause on the Democratic side.] And, more than that, before we had announced our views, before we had proposed this measure, a conference or a caucus of the Republican Members of another body that must act on this, if I may judge from what I read in the papers, gave notice that they proposed by dilatory methods to lay across the track of this bill to its final passage.

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. MANN. I did not hear what the gentleman said. Did the gentleman say the Republican caucus of the House in any way gave an indication of obstruction?

Mr. UNDERWOOD. I stated that the Republican caucus of the House, and I got my information from the newspapers, and I have not seen it denied, stated that they would resist the passage of a bill to raise more revenue before they knew what the bill was or before it was formulated either by the Democratic members of the Committee on Ways and Means or the Democratic caucus.

Mr. MANN. Well, if the gentleman will permit——

Mr. UNDERWOOD. And I understood from the papers—they may have incorrectly represented the gentleman from Illinois, but from the information I gathered from the papers the caucus of the minority took that action on the motion of the distinguished gentleman from Illinois, the leader of his party. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, the Republican caucus was open so that the gentleman's misinformation is not warranted in any way whatever.

Mr. UNDERWOOD. Well, I will be glad for the gentleman to state what his motion was if I incorrectly represented him.

Mr. MANN. I did not make any motion. Now, how the gentleman got any such information from the papers I do not know, but the Republican caucus expressed the opinion that there was no necessity at this time to increase taxation, but there was necessity for administrative economy. [Applause on the Republican side.]

Mr. FITZGERALD. The fact is the Republicans never held a caucus and do not dare to hold a caucus.

Mr. UNDERWOOD. Well, a conference or caucus, whatever it was, I understood from the papers they determined on the question of opposing the bill, and 80 stood up on the request of the gentleman from Illinois as against any measure of this kind.

Mr. MANN. As against any increased taxation.

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I move the previous question.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Evidently a sufficient number of gentlemen have risen, and the yeas and nays are ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 224, nays 132, answered "present" 4, not voting 71, as follows:

YEAS—224.

| | | | |
|---|---|---|---|
| Abercrombie | Decker | Heflin | Post |
| Adair | Dent | Helm | Pou |
| Adamson | Dershem | Helvering | Quin |
| Aiken | Dickinson | Henry | Rainey |
| Alexander | Dies | Hill | Rauch |
| Ansberry | Difenderfer | Hobson | Rayburn |
| Ashbrook | Dixon | Holland | Reed |
| Aswell | Donovan | Houston | Reilly, Conn. |
| Bailey | Dooling | Howard | Reilly, Wis. |
| Baker | Doolittle | Hughes, Ga. | Riordan |
| Baltz | Doremus | Hull | Rouse |
| Barkley | Doughton | Igoe | Rubey |
| Barnhart | Dupré | Jacoway | Rucker |
| Bathrick | Eagan | Johnson, Ky. | Russell |
| Beakes | Eagle | Johnson, S. C. | Sabath |
| Beall, Tex. | Edwards | Jones | Saunders |
| Bell, Ga. | Estopinal | Keating | Seldomridge |
| Blackmon | Evans | Key, Ohio | Shackleford |
| Booher | Fergusson | Kitchin | Sherley |
| Borchers | Ferris | Korbly | Sherwood |
| Borland | Fields | Lazaro | Sisson |
| Bowdle | Fitzgerald | Lee, Ga. | Slayden |
| Brockson | Fitzhenry | Lesher | Smith, Md. |
| Brodbeck | Flood, Va. | Lever | Smith, Tex. |
| Broussard | Floyd, Ark. | Levy | Sparkman |
| Bruckner | Foster | Lewis, Md. | Stanley |
| Brumbaugh | Fowler | Lieb | Stedman |
| Buchanan, Ill. | Gallagher | Linthicum | Stephens, Miss. |
| Buchanan, Tex. | Gallivan | Lloyd | Stephens, Nebr. |
| Bulkley | Gard | Lobeck | Stephens, Tex. |
| Burgess | Garner | Logue | Stone |
| Burnett | Garrett, Tenn. | Lonergan | Taggart |
| Byrnes, S. C. | Garrett, Tex. | McAndrews | Talcott, N. Y. |
| Byrns, Tenn. | Gerry | McCoy | Tavenner |
| Callaway | Gill | McGillicuddy | Taylor, Ala. |
| Candler, Miss. | Gilmore | McKellar | Taylor, Ark. |
| Cantor | Glass | Maguire, Nebr. | Taylor, Colo. |
| Cantrill | Godwin, N. C. | Mahan | Taylor, N. Y. |
| Caraway | Goeke | Mitchell | Thomas |
| Carew | Goldfogle | Montague | Thompson, Okla. |
| Carlin | Goodwin, Ark. | Morgan, La. | Tribble |
| Carr | Gordon | Morrison | Underhill |
| Carter | Gorman | Moss, Ind. | Underwood |
| Casey | Goulden | Mulkey | Vaughan |
| Clancy | Graham, Ill. | Murray, Mass. | Vollmer |
| Clark, Fla. | Gray | Murray, Okla. | Walker |
| Claypool | Griffin | Neeley, Kans. | Watson |
| Cline | Gudger | O'Brien | Weaver |
| Coady | Hamlin | Oglesby | Webb |
| Collier | Hammond | O'Hair | Whaley |
| Connelly, Kans. | Hardwick | Oldfield | Whitacre |
| Cox | Hardy | Padgett | White |
| Crosser | Harrison | Page, N. C. | Williams |
| Cullop | Hart | Park | Wilson, Fla. |
| Dale | Hay | Peterson | Witherspoon |
| Davenport | Hayden | Phelan | Young, Tex. |

NAYS—132.

| | | | |
|---|---|---|---|
| Ainey | Frear | Langley | Rupley |
| Anderson | French | Lee, Pa. | Scott |
| Anthony | Gillett | Lenroot | Sells |
| Avis | Good | Lindbergh | Shreve |
| Barchfeld | Green, Iowa | McGuire, Okla. | Sims |
| Bartholdt | Greene, Mass. | McKenzie | Sinnott |
| Barton | Greene, Vt. | McLaughlin | Slemp |
| Britten | Griest | MacDonald | Sloan |
| Browne, Wis. | Hamilton, Mich. | Madden | Smith, Idaho |
| Bryan | Hamilton, N. Y. | Manahan | Smith, J. M. C. |
| Burke, Pa. | Haugen | Mann | Smith, Minn. |
| Burke, S. Dak. | Hawley | Mapes | Smith, Saml. W. |
| Burke, Wis. | Hayes | Miller | Stafford |
| Butler | Helgesen | Mondell | Steenerson |
| Campbell | Hinds | Morgan, Okla. | Stephens, Cal. |
| Cary | Hinebaugh | Morin | Stevens, Minn. |
| Chandler, N. Y. | Howell | Moss, W. Va. | Stevens, N. H. |
| Church | Hughes, W. Va. | Mott | Stout |
| Cooper | Hulings | Nelson | Sutherland |
| Copley | Humphrey, Wash. | Nolan, J. I. | Switzer |
| Cramton | Johnson, Utah | Norton | Temple |
| Curry | Johnson, Wash. | O'Shaunessy | Thomson, Ill. |
| Danforth | Kahn | Paige, Mass. | Towner |
| Davis | Keister | Patton, Pa. | Treadway |
| Deitrick | Kelley, Mich. | Payne | Vare |
| Dillon | Kelly, Pa. | Peters | Volstead |
| Donohoe | Kennedy, Iowa | Plumley | Wallin |
| Dunn | Kennedy, R. I. | Porter | Walters |
| Esch | Kiess, Pa. | Prouty | Willis |
| Falconer | Kinkaid, Nebr. | Raker | Wingo |
| Farr | Kreider | Roberts, Mass. | Winslow |
| Fess | La Follette | Roberts, Nev. | Woods |
| Fordney | Langham | Rogers | Young, N. Dak. |

ANSWERED "PRESENT"—4.

| | | | |
|---|---|---|---|
| Kettner | Kirkpatrick | Moon | Ragsdale |

NOT VOTING—71.

| | | | |
|---|---|---|---|
| Allen | Finley | Konop | Platt |
| Austin | Francis | Lafferty | Powers |
| Bartlett | Gardner | L'Engle | Rothermel |
| Bell, Cal. | George | Lewis, Pa. | Scully |
| Brown, N. Y. | Gittins | Lindquist | Small |
| Brown, W. Va. | Graham, Pa. | Loft | Smith, N. Y. |
| Browning | Gregg | McClellan | Stringer |
| Calder | Guernsey | Maher | Sumners |
| Connolly, Iowa | Hamill | Martin | Talbott, Md. |
| Conry | Harris | Merritt | Ten Eyck |
| Covington | Hensley | Metz | Thacher |
| Crisp | Hoxworth | Moore | Townsend |
| Driscoll | Humphreys, Miss. | Murdock | Tuttle |
| Drukker | Kennedy, Conn. | Neely, W. Va. | Walsh |
| Edmonds | Kent | O'Leary | Watkins |
| Elder | Kindel | Palmer | Wilson, N. Y. |
| Fairchild | Kinkead, N. J. | Parker | Woodruff |
| Faison | Knowland, J. R. | Patten, N. Y. | |

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. ALLEN with Mr. CALDER.

Mr. CONRY with Mr. BELL of California.

Mr. FRANCIS with Mr. FAIRCHILD.

Mr. FINLEY with Mr. DRUKKER.

Mr. SMALL with Mr. LINDQUIST.

Mr. TOWNSEND with Mr. POWERS.

Mr. WATKINS with Mr. WOODRUFF.

Mr. BROWN of New York with Mr. AUSTIN.

Mr. THACHER with Mr. SELLS.

Mr. HENSLEY with Mr. J. R. KNOWLAND.

Mr. BARTLETT with Mr. GRAHAM of Pennsylvania.

Mr. NEELY of West Virginia with Mr. PARKER.

Mr. KONOP with Mr. LEWIS of Pennsylvania.

Mr. PALMER with Mr. MARTIN.

On this vote:

Mr. GREGG (for previous question) with Mr. PLATT (against).

Mr. HARRIS (for previous question) with Mr. GUERNSEY (against).

Mr. PATTEN of New York (for previous question) with Mr. MOORE (against).

Mr. SUMNERS (for previous question) with Mr. BROWNING (against).

Mr. TALBOTT of Maryland (for previous question) with Mr. MERRITT (against).

Until September 25:

Mr. KENNEDY of Connecticut with Mr. EDMONDS.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 131, noes 92.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 150, answered "present" 3, not voting 76, as follows:

YEAS—202.

| | | | |
|---|---|---|---|
| Abercrombie | Davenport | Harrison | Park |
| Adair | Decker | Hart | Phelan |
| Adamson | Dent | Hay | Post |
| Aiken | Dickinson | Hayden | Pou |
| Alexander | Dies | Heflin | Rainey |
| Ansberry | Dixon | Helm | Rauch |
| Ashbrook | Donovan | Helvering | Rayburn |
| Aswell | Dooling | Henry | Reed |
| Bailey | Doolittle | Hill | Reilly, Conn. |
| Baker | Doremus | Holland | Reilly, Wis. |
| Baltz | Doughton | Houston | Riordan |
| Barkley | Dupré | Howard | Rouse |
| Barnhart | Eagan | Hughes, Ga. | Rubey |
| Bathrick | Eagle | Hull | Rucker |
| Beakes | Edwards | Igoe | Russell |
| Beall, Tex. | Estopinal | Jacoway | Sabath |
| Bell, Ga. | Evans | Johnson, S. C. | Seldomridge |
| Blackmon | Fergusson | Jones | Sherley |
| Booher | Ferris | Kinkead, N. J. | Sherwood |
| Borchers | Fields | Kitchin | Slayden |
| Borland | Fitzgerald | Korbly | Smith, Md. |
| Bowdle | Fitzhenry | Lazaro | Smith, Tex. |
| Brockson | Flood, Va. | Lee, Ga. | Sparkman |
| Brodbeck | Floyd, Ark. | Lesher | Stanley |
| Broussard | Foster | Lever | Stedman |
| Bruckner | Gallagher | Lewis, Md. | Stephens, Nebr. |
| Buchanan, Ill. | Gallivan | Lieb | Stephens, Tex. |
| Buchanan, Tex. | Gard | Linthicum | Taggart |
| Bulkley | Garner | Lloyd | Taylor, Ala. |
| Burgess | Garrett, Tenn. | Lobeck | Taylor, Ark. |
| Burnett | Garrett, Tex. | Lonergan | Taylor, Colo. |
| Byrnes, S. C. | Gerry | McAndrews | Taylor, N. Y. |
| Byrns, Tenn. | Gill | McCoy | Thomas |
| Callaway | Gilmore | McGillicuddy | Thompson, Okla. |
| Cantor | Gittins | McKellar | Tribble |
| Cantrill | Glass | Maguire, Nebr. | Tuttle |
| Caraway | Godwin, N. C. | Mahan | Underhill |
| Carew | Goeke | Mitchell | Underwood |
| Carlin | Goldfogle | Montague | Vollmer |
| Carr | Goodwin, Ark. | Morgan, La. | Walker |
| Carter | Gordon | Morrison | Watson |
| Casey | Gorman | Moss, Ind. | Weaver |
| Clancy | Goulden | Mulkey | Webb |
| Clark, Fla. | Graham, Ill. | Murray, Mass. | Whaley |
| Claypool | Gray | Murray, Okla. | Whitacre |
| Cline | Griffin | O'Brien | Williams |
| Coady | Gudger | Oglesby | Wilson, Fla. |
| Collier | Hamlin | O'Hair | Witherspoon |
| Cox | Hammond | Oldfield | Young, Tex. |
| Cullop | Hardwick | Padgett | |
| Dale | Hardy | Page, N. C. | |

NAYS—150.

| | | | |
|---|---|---|---|
| Ainey | Fowler | Langham | Rupley |
| Anderson | Frear | Langley | Scott |
| Anthony | French | Lee, Pa. | Sells |
| Avis | Gillett | Lenroot | Shackleford |
| Barchfeld | Good | Lindbergh | Shreve |
| Bartholdt | Green, Iowa | Logue | Sims |
| Barton | Greene, Mass. | McGuire, Okla. | Sinnott |
| Britten | Greene, Vt. | McKenzie | Sisson |
| Browne, Wis. | Griest | McLaughlin | Slemp |
| Bryan | Hamilton, Mich. | MacDonald | Sloan |
| Burke, Pa. | Hamilton, N. Y. | Madden | Smith, J. M. C. |
| Burke, S. Dak. | Haugen | Manahan | Smith, Minn. |
| Burke, Wis. | Hawley | Mann | Smith, Saml. W. |
| Butler | Hayes | Mapes | Stafford |
| Campbell | Helgesen | Miller | Steenerson |
| Candler, Miss. | Hinds | Mondell | Stephens, Cal. |
| Cary | Hinebaugh | Morgan, Okla. | Stephens, Miss. |
| Chandler, N. Y. | Hobson | Morin | Stevens, N. H. |
| Church | Howell | Moss, W. Va. | Stone |
| Connelly, Kans. | Hughes, W. Va. | Mott | Stout |
| Cooper | Hulings | Neeley, Kans. | Switzer |
| Copley | Humphrey, Wash. | Nelson | Tavenner |
| Cramton | Johnson, Ky. | Nolan, J. I. | Temple |
| Crosser | Johnson, Utah | Norton | Thomson, Ill. |
| Curry | Johnson, Wash. | O'Shaunessy | Towner |
| Danforth | Kahn | Paige, Mass. | Treadway |
| Davis | Keating | Patton, Pa. | Vare |
| Deitrick | Keister | Payne | Volstead |
| Dershem | Kelley, Mich. | Peters | Wallin |
| Dillon | Kelly, Pa. | Plumley | Walters |
| Donohoe | Kennedy, Iowa | Porter | White |
| Drukker | Kennedy, R. I. | Prouty | Willis |
| Dunn | Kiess, Pa. | Quin | Wingo |
| Esch | Kinkaid, Nebr. | Ragsdale | Winslow |
| Falconer | Kirkpatrick | Raker | Woods |
| Farr | Kreider | Roberts, Mass. | Young, N. Dak. |
| Fess | Lafferty | Roberts, Nev. | |
| Fordney | La Follette | Rogers | |

ANSWERED "PRESENT"—3.

| | | |
|---|---|---|
| Conry | Difenderfer | Moon |

NOT VOTING—76.

| | | | |
|---|---|---|---|
| Allen | Crisp | Gregg | Kindel |
| Austin | Driscoll | Guernsey | Knowland, J. R. |
| Bartlett | Edmonds | Hamill | Konop |
| Bell, Cal. | Elder | Harris | L'Engle |
| Brown, N. Y. | Fairchild | Hensley | Levy |
| Brown, W. Va. | Faison | Hoxworth | Lewis, Pa. |
| Browning | Finley | Humphreys, Miss. | Lindquist |
| Brumbaugh | Francis | Kennedy, Conn. | Loft |
| Calder | Gardner | Kent | McClellan |
| Connolly, Iowa | George | Kettner | Maher |
| Covington | Graham, Pa. | Kay, Ohio | Martin |

| | | | |
|---|---|---|---|
| Merritt | Patten, N. Y. | Smith, Idaho | Ten Eyck |
| Metz | Peterson | Smith, N. Y. | Thacher |
| Moore | Platt | Stevens, Minn. | Townsend |
| Murdock | Powers | Stringer | Vaughan |
| Neely, W. Va. | Rothermel | Sumners | Walsh |
| O'Leary | Saunders | Sutherland | Watkins |
| Palmer | Scully | Talbott, Md. | Wilson, N. Y |
| Parker | Small | Talcott, N. Y. | Woodruff |

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. GREGG (for rule) with Mr. PLATT (against rule).

Mr. PATTEN of New York (for rule) with Mr. MOORE (against rule).

Mr. SUMNERS (for rule) with Mr. BROWNING (against rule).

Mr. TALBOTT of Maryland (for rule) with Mr. MERRITT (against rule).

Mr. HARRIS (for rule) with Mr. GUERNSEY (against rule).

Until further notice:

Mr. BROWN of West Virginia with Mr. SMITH of Idaho.

Mr. CONNOLLY of Iowa with Mr. SUTHERLAND.

Mr. HAMILL with Mr. STEVENS of Minnesota.

The result of the vote was announced as above recorded.

The SPEAKER. The resolution is agreed to, and the Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 18891) to increase the internal revenue, and for other purposes.

*Be it enacted, etc.*, That there shall be levied, collected, and paid in lieu of the tax of $1 now imposed by law, a tax of $1.50 on all beer, lager beer, ale, porter, and other similar fermented liquor, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, for every barrel containing not more than 31 gallons; and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. And section 3339 of the Revised Statutes is hereby amended accordingly: *Provided*, That the additional tax imposed in this section on all fermented liquors stored in warehouse to which a stamp has been affixed shall be assessed and collected in the manner now provided by law for the collection of taxes not paid by stamp: *Provided further*, That until appropriate stamps are prepared and furnished, the stamps heretofore used to denote the payment of the internal-revenue tax on fermented liquor may be stamped or imprinted with a suitable device to denote the new rate of tax herein imposed, and shall be affixed to all packages containing such liquors on which the tax imposed by this act is paid. Any person having possession of unaffixed stamps heretofore issued for the payment of the tax on fermented liquors shall present the same to the collector of the district, who shall receive them at the price paid for such stamps by the purchaser and issue in lieu thereof new or imprinted stamps at the rate provided in this act.

SEC. 2. That upon all wines which shall hereafter be manufactured and sold, or removed for consumption and sale, there shall be levied, collected, and paid by the person so manufacturing such wines the following taxes on each and every wine gallon of wine so manufactured and sold, or so removed for consumption and sale during the preceding month: On domestic sweet wines, containing more than 3 per cent of saccharine matter, 20 cents per gallon; and on other domestic wines, including dry wines, 12 cents per gallon; and the tax ascertained to be so due shall be assessed and collected as other internal-revenue taxes are assessed and collected: *Provided*, That wines sold or delivered by the producer thereof to persons or companies engaged in the business of blending, perfecting, or recasking such wines for sale shall be subject to the tax herein imposed upon their removal for consumption or sale by the person or companies so blending, perfecting, or recasking such wines, and shall be paid by and included in the returns made by all such persons and companies.

SEC. 3. That upon gasoline, motor spirits, naphtha, and other products, obtained from crude, partially refined, or residuum oils, and suitable for motor power, there shall be levied and collected, and paid monthly by the producer thereof, a tax of 2 cents on each and every wine gallon so produced during the preceding month; and the tax ascertained to be so due shall be assessed and collected as other internal-revenue taxes are assessed and collected.

SPECIAL TAXES.

SEC. 4. That from and after November 1, 1914, special taxes shall be, and hereby are, imposed annually as follows, that is to say:

First. Bankers shall pay $2 for each $1,000 of capital used or employed, and in estimating capital surplus and undivided profits shall be included. The amount of such annual tax shall in all cases be computed on the basis of the capital, surplus, and undivided profits for the preceding fiscal year. Every person, firm, or company, and every incorporated or other bank, having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale, shall be a banker under this act: *Provided*, That any savings bank having no capital stock, and whose business is confined to receiving deposits and loaning or investing the same for the benefit of its depositors, and which does no other business of banking, shall not be subject to this tax.

Second. Brokers shall pay $50. Every person, firm, or company, whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coined money, bank notes, promissory notes, or other securities, for themselves or others, shall be regarded as a broker: *Provided*, That any person having paid the special tax as a banker shall not be required to pay the special tax as a broker.

Third. Pawnbrokers shall pay $20. Every person, firm, or company whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon, shall be deemed a pawnbroker.

Fourth. Commercial brokers shall pay $20. Every person, firm, or company whose business it is as a broker to negotiate sales or purchases of goods, wares, produce, or merchandise, or to negotiate freights and other business for the owners of vessels, or for the shippers or consignors or consignees of freight carried by vessels, shall be regarded as a commercial broker under this act.

Fifth. Customhouse brokers shall pay $10. Every person, firm, or company whose occupation it is, as the agent of others, to arrange entries and other customhouse papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded as a customhouse broker.

Sixth. Proprietors of theaters, museums, and concert halls in cities having more than 15,000 population, as shown by the last preceding United States census, shall pay $100. Every edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, for admission to which entrance money is received, not including halls rented or used occasionally for concerts or theatrical representations, shall be regarded as a theater: *Provided*, That whenever any such edifice is under lease at the passage of this act the tax shall be paid by the lessee, unless otherwise stipulated between the parties to said lease.

Seventh. The proprietor or proprietors of circuses shall pay $100. Every building, space, tent, or area where feats of horsemanship or acrobatic sports or theatrical performances not otherwise provided for in this act are exhibited shall be regarded as a circus: *Provided*, That no special tax paid in one State, Territory, or the District of Columbia shall exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be imposed for exhibitions within any one State, Territory, or District.

Eighth. Proprietors or agents of all other public exhibitions or shows for money not enumerated in this section shall pay $10: *Provided*, That a special tax paid in one State, Territory, or the District of Columbia shall not exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be required for exhibitions within any one State, Territory, or the District of Columbia.

Ninth. Proprietors of bowling alleys and billiard rooms shall pay $5 for each alley or table. Every building or place where bowls are thrown or where games of billiards or pool are played, and that are open to the public with or without price, shall be regarded as a bowling alley or a billiard room, respectively.

TOBACCO DEALERS AND MANUFACTURERS.

SEC. 5. That from and after November 1, 1914, special taxes on tobacco dealers and manufacturers shall be and hereby are imposed annually as follows, the amount of such annual taxes to be computed in all cases on the basis of the annual sales for the preceding fiscal year:

Dealers in leaf tobacco whose annual sales do not exceed 50,000 pounds shall each pay $6. Dealers in leaf tobacco whose annual sales exceed 50,000 pounds and do not exceed 100,000 pounds shall pay $12, and if their annual sales exceed 100,000 pounds shall pay $24: *Provided*, That dealers in leaf tobacco whose annual sales do not exceed 1,000 pounds shall be exempt from the tax herein imposed on dealers in leaf tobacco.

Dealers in tobacco, not specially provided for in this section, shall each pay $4.80.

Every person whose business it is to sell, or offer for sale, manufactured tobacco, snuff, cigars, or cigarettes shall be regarded as a dealer in tobacco: *Provided*, That no manufacturer of tobacco, snuff, cigars, or cigarettes shall be required to pay a special tax as a dealer in manufactured tobacco, snuff, cigars, or cigarettes for selling his own products at the place of manufacture.

Manufacturers of tobacco whose annual sales do not exceed 50,000 pounds shall each pay $6.

Manufacturers of tobacco whose annual sales exceed 50,000 pounds and do not exceed 100,000 pounds shall each pay $12.

Manufacturers of tobacco whose annual sales exceed 100,000 pounds shall each pay $24.

Manufacturers of cigars whose annual sales do not exceed 100,000 cigars shall each pay $6.

Manufacturers of cigars whose annual sales exceed 100,000 and do not exceed 200,000 cigars shall each pay $12.

Manufacturers of cigars whose annual sales exceed 200,000 cigars shall each pay $24.

Manufacturers of cigarettes shall each pay $24.

And every person who carries on any business or occupation for which special taxes are imposed by this act, without having paid the special tax herein provided, shall, besides being liable to the payment of such special tax, be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than $500, or be imprisoned not more than six months, or both, at the discretion of the court.

ADHESIVE STAMPS.

SEC. 6. That on and after the 1st day of November, 1914, there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in Schedule A of this act, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, shall be written or printed by any person or persons or party who shall make, sign, or issue the same, or for whose use or benefit the same shall be made, signed, or issued, the several taxes or sums of money set down in figures against the same, respectively, or otherwise specified or set forth in the said schedule.

SEC. 7. That if any person or persons shall make, sign, or issue, or cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, without the same being duly stamped for denoting the tax hereby imposed thereon, or without having thereupon an adhesive stamp to denote said tax, such person or persons shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than $100, at the discretion of the court, and such instrument, document, or paper, as aforesaid, shall not be competent evidence in any court.

SEC. 8. That if any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument, which shall have been provided, or may hereafter be provided, made, or used in pursuance of this act, or shall forge, counterfeit, or resemble, or cause or procure to be forged, counterfeited, or resembled, the impression, or any part of the impression, of any such stamp, die, plate, or other instrument, as aforesaid, upon any vellum, parchment, or paper, or shall stamp or mark, or cause or procure to be stamped or marked, any vellum, parchment, or paper with any such forged or coun-

ferfeited stamp, die, plate, or other instrument, or part of any stamp, die, plate, or other instrument, as aforesaid, with intent to defraud the United States of any of the taxes hereby imposed, or any part thereof; or if any person shall utter, or sell, or expose for sale, any vellum, parchment, paper, article, or thing having thereupon the impression of any such counterfeited stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument, or any such forged, counterfeited, or resembled impression, or part of impression, as aforesaid, knowing the same to be forged, counterfeited, or resembled; or if any person shall knowingly use or permit the use of any stamp, die, plate, or other instrument, which shall have been so provided, made, or used as aforesaid, with intent to defraud the United States; or if any person shall fraudulently cut, tear, or remove, or cause or procure to be cut, torn, or removed, the impression of any stamp, die, plate, or other instrument which shall have been provided, made, or used in pursuance of this act from any vellum, parchment, or paper, or any instrument or writing charged, or chargeable with any of the taxes imposed by law; or if any person shall fraudulently use, join, fix, or place, or cause to be used, joined, fixed, or placed, to, with, or upon any vellum, parchment, paper, or any instrument or writing charged or chargeable with any of the taxes hereby imposed, any adhesive stamp, or the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used in pursuance of law, and which shall have been cut, torn, or removed from any other vellum, parchment, or paper, or any instrument or writing charged or chargeable with any of the taxes imposed by law; or if any person shall willfully remove or cause to be removed, alter or cause to be altered, the canceling or defacing marks of any adhesive stamp with intent to use the same, or to cause the use of the same, after it shall have been once used, or shall knowingly or willfully sell or buy such washed or restored stamp, or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same, or prepare the same with intent for the further use thereof; or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any washed, restored, or altered stamp which has been removed from any vellum, parchment, paper, instrument, or writing, then, and in every such case, every person so offending, and every person knowingly and willfully aiding, abetting, or assisting in committing any such offenses as aforesaid shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall forfeit the said counterfeit stamps and the articles upon which they are placed, and shall be punished by fine not exceeding $1,000, or by imprisonment and confinement at hard labor not exceeding five years, or both, at the discretion of the court.

SEC. 9. That in any and all cases where an adhesive stamp shall be used for denoting any tax imposed by this act, except as hereinafter provided, the person using or affixing the same shall write or stamp thereupon the initials of his name and the date upon which the same shall be attached or used, so that the same may not again be used. And if any person shall fraudulently make use of an adhesive stamp to denote any tax imposed by this act without so effectually canceling and obliterating such stamp, except as before mentioned, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $500, or be imprisoned not more than six months, or both, at the discretion of the court.

SEC. 10. That if any person or persons shall make, sign, or issue, or cause to be made, signed, or issued or shall accept or pay, or cause to be accepted or paid, with design to evade the payment of any stamp tax, any bill of exchange, draft, or order, or promissory note for the payment of money, liable to any of the taxes imposed by this act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax hereby charged thereon, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $200, at the discretion of the court.

SEC. 11. That the acceptor or acceptors of any bill of exchange or order for the payment of any sum of money drawn, or purporting to be drawn, in any foreign country, but payable in the United States, shall, before paying or accepting the same, place thereupon a stamp, indicating the tax upon the same, as the law requires for inland bills of exchange or promissory notes; and no bill of exchange shall be paid or negotiated without such stamp; and if any person shall pay or negotiate, or offer in payment, or receive or take in payment, any such draft or order, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $100, in the discretion of the court.

SEC. 12. That in any collection district where, in the judgment of the Commissioner of Internal Revenue, the facilities for the procurement and distribution of adhesive stamps are or shall be insufficient, the commissioner, as aforesaid, is authorized to furnish, supply, and deliver to the collector of any district, and the said collector is hereby authorized to furnish to any assistant treasurer of the United States or designated depositary thereof, or any postmaster located in his collection district, a suitable quantity of adhesive stamps, without prepayment therefor, and may in advance require of any collector, assistant treasurer of the United States, or postmaster a bond, with sufficient sureties, to an amount equal to the value of the adhesive stamps which may be placed in his hands and remain unaccounted for, conditioned for the faithful return, whenever so required, of all quantities or amounts undisposed of, and for the payment monthly of all quantities or amounts sold or not remaining on hand. And it shall be the duty of such collector to supply his deputies with, or sell to other parties within his district who may make application therefor, adhesive stamps, upon the same terms allowed by law or under the regulations of the Commissioner of Internal Revenue, who is hereby authorized to make such other regulations, not inconsistent herewith, for the security of the United States and the better accommodation of the public, in relation to the matters hereinbefore mentioned, as he may judge necessary and expedient. And the Secretary of the Treasury may from time to time make such regulations as he may find necessary to insure the safe-keeping or prevent the illegal use of all such adhesive stamps.

SEC. 13. That any person or persons who shall register, issue, sell, or transfer, or who shall cause to be issued, registered, sold, or transferred, any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $50, or by imprisonment not exceeding six months, or both, in the discretion of the court; and such instrument, document, or paper, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon at the time of issuing, selling, or transferring the said bonds, debentures, or certificates of stock or of indebtedness, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or, if said instrument be lost, to a copy thereof, he or they shall appear before the collector of internal revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of $10, and, where the whole amount of the tax denoted by the stamp required shall exceed the sum of $50, on payment also of interest, at the rate of 6 per cent, on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such bond, debenture, certificate of stock or of indebtedness or copy, and note upon the margin thereof the date of his so doing, and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid, to all intents and purposes, as if stamped when made or issued: *And provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped, at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded, or otherwise duly proven to the satisfaction of the collector, shall, within 12 calendar months after the making or issuing thereof, be brought to the said collector of internal revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid and to cause such instrument to be duly stamped. And when the original instrument, or a certified or duly proven copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and the original instrument or such certified copy, or the record thereof, may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: *And provided further*, That in all cases where the party has not affixed the stamp required by law upon any such instrument issued, registered, sold, or transferred at a time when and at a place where no collection district was established, it shall be lawful for him or them, or any party having an interest therein, to affix the proper stamp thereto, or, if the original be lost, to a copy thereof. But no right acquired in good faith before the stamping of such instrument, or copy thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid.

SEC. 14. That hereafter no instrument, paper, or document required by law to be stamped which has been signed or issued without being duly stamped or with a deficient stamp, nor any copy thereof, shall be recorded or admitted or used as evidence in any court until a legal stamp or stamps, denoting the amount of tax, shall have been affixed thereto as prescribed by law: *Provided*, That any bond, debenture, certificate of stock, or certificate of indebtedness issued in any foreign country shall pay the same tax as is required by law on similar instruments when issued, sold, or transferred in the United States; and the party to whom the same is issued or by whom it is sold or transferred shall, before selling or transferring the same, affix thereon the stamp or stamps indicating the tax required.

SEC. 15. That it shall not be lawful to record or register any instrument, paper, or document required by law to be stamped unless a stamp or stamps of the proper amount shall have been affixed and canceled in the manner prescribed by law; and the record, registry, or transfer of any such instruments upon which the proper stamp or stamps aforesaid shall not have been affixed and canceled as aforesaid shall not be used in evidence.

SEC. 16. That no instrument, paper, or document required by law to be stamped shall be deemed or held invalid and of no effect for the want of a particular kind or description of stamp designated for and denoting the tax charged on any such instrument, paper, or document, provided a legal documentary stamp or stamps denoting a tax of equal amount shall have been duly affixed and used thereon.

SEC. 17. That all bonds, debentures, or certificates of indebtedness issued by the officers of the United States Government or by the officers of any State, county, town, municipal corporation, or other corporation exercising the taxing power shall be, and hereby are, exempt from the stamp taxes required by this act: *Provided*, That it is the intent hereby to exempt from the stamp taxes imposed by this act such State, county, town, or other municipal corporations in the exercise only of functions strictly belonging to them in their ordinary governmental, taxing, or municipal capacity: *Provided further*, That stock and bonds issued by cooperative building and loan associations whose capital stock does not exceed $10,000 and building and loan associations or companies that make loans only to their shareholders shall be exempt from the tax herein provided.

SEC. 18. That the Commissioner of Internal Revenue shall cause to be prepared for the payment of the taxes prescribed in this act suitable stamps denoting the tax on the document, article, or thing to which the same may be affixed, and he is authorized to prescribe such method for the cancellation of said stamps, as substitute for or in addition to the method provided in this act, as he may deem expedient. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to procure any of the stamps provided for in this act by contract whenever such stamps can not be speedily prepared by the Bureau of Engraving and Printing; but this authority shall expire on the 1st day of November, 1915, except as to imprinted stamps furnished under contract, authorized by the Commissioner of Internal Revenue. That the adhesive stamps used in the payment of the tax levied in Schedule A of this act shall be furnished for sale by the several collectors of internal revenue, who shall sell and deliver them at their face value to all persons applying for the same, except officers or employees of the Internal-Revenue Service: *Provided*, That such collectors may sell and deliver such stamps in quantities of not less than $100 of face value, with a discount of 1 per cent, except as otherwise provided in this act

SCHEDULE A—STAMP TAXES.

Bonds, debentures, or certificates of indebtedness issued after the 1st day of November, A. D. 1914, by any association, company, or corpora-

tion, on each $100 of face value or fraction thereof, 5 cents, and on each original issue, whether on organization or reorganization, of certificates of stock by any such association, company, or corporation, on each $100 of face value or fraction thereof, 5 cents, and on all sales, or agreements to sell, or memoranda of sales or deliveries or transfers of shares or certificates of stock in any association, company, or corporation, whether made upon or shown by the books of the association, company, or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale, whether entitling the holder in any manner to the benefit of such stock, or to secure the future payment of money or for the future transfer of any stock, on each $100 of face value or fraction thereof, 2 cents: *Provided*, That in case of sale where the evidence of transfer is shown only by the books of the company the stamp shall be placed upon such books; and where the change of ownership is by transfer certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. And any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or who shall in pursuance of any such sale deliver any such stock, or evidence of the sale of any such stock or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000, or be imprisoned not more than six months, or both, at the discretion of the court.

Upon each sale, agreement of sale, or agreement to sell, any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each $100 in value of said sale or agreement of sale or agreement to sell, 1 cent, and for each additional $100 or fractional part thereof in excess of $100, 1 cent: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale. And every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale or agreement of sale, or agreement to sell, or who shall, in pursuance of any such sale, agreement of sale, or agreement to sell, deliver any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who shall deliver such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000, or be imprisoned not more than six months, or both, at the discretion of the court.

Promissory notes, except bank notes issued for circulation, and for each renewal of the same, for a sum not exceeding $100, 2 cents; and for each additional $100 or fractional part thereof in excess of $100, 2 cents.

Express and freight: It shall be the duty of every railroad or steamboat company, carrier, express company, or corporation or person whose occupation is to act as such, to issue to the shipper or consignor, or his agent, or person from whom any goods are accepted for transportation, a bill of lading, manifest, or other evidence of receipt and forwarding for each shipment received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included; and such shipper, consignor, agent, or person shall duly attach and cancel, as is in this act provided, to each of said bills of lading, manifests, or other memorandum, a stamp of the value of 1 cent: *Provided*, That but one bill of lading shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment. Any failure to issue such bill of lading, manifest, or other memorandum, as herein provided, shall subject such railroad or steamboat company, carrier, express company, or corporation or person to a penalty of $50 for each offense, and no such bill of lading, manifest, or other memorandum shall be used in evidence unless it shall be duly stamped as aforesaid.

Telegraph and telephone messages: It shall be the duty of every person, firm, or corporation owning or operating any telegraph or telephone line or lines to make within the first 15 days of each month a sworn statement to the collector of internal revenue in each of their respective districts, stating the number of dispatches, messages, or conversations transmitted over their respective lines during the preceding month for which a charge of 15 cents or more was imposed, and for each of such messages or conversations the said person, firm, or corporation shall pay a tax of 1 cent: *Provided*, That only one payment of said tax shall be required, notwithstanding the lines of one or more persons, firms, or corporations shall be used for the transmission of each of said messages or conversations: *Provided further*, That the messages or dispatches of the officers and employees of any telegraph or telephone company concerning the affairs and service of the company, and like messages or dispatches of the officials and employees of railroad companies sent over the wires on their respective railroads shall be exempt from this requirement: *And provided further*, That messages of officers and employees of the Government on official business shall be exempt from the taxes herein imposed upon telegraphic and telephonic messages.

Bond: For indemnifying any person or persons, firm, or corporation who shall have become bound or engaged as surety for the payment of any sum of money, or for the due execution or performance of the duties of any office or position, and to account for money received by virtue thereof, and all other bonds of any description, except such as may be required in legal proceedings, not otherwise provided for in this schedule, 50 cents.

Certificate of profits, or any certificate or memorandum showing an interest in the property or accumulations of any association, company, or corporation, and on all transfers thereof, on each $100 of face value or fraction thereof, 2 cents.

Certificate: Any certificate of damage, or otherwise, and all other certificates or documents issued by any port warden, marine surveyor, or other person acting as such, 25 cents.

Certificate of any description required by law not otherwise specified in this act, 10 cents.

Contract: Broker's note, or memorandum of sale of any goods or merchandise, stocks, bonds, exchange, notes of hand, real estate, or property of any kind or description issued by brokers or persons acting as such, for each note or memorandum of sale, not otherwise provided for in this act, 10 cents.

Conveyance: Deed, instrument, or writing, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value exceeds $100 and does not exceed $500, 50 cents; and for each additional $500 or fractional part thereof in excess of $500, 50 cents.

Entry of any goods, wares, or merchandise at any customhouse, either for consumption or warehousing, not exceeding $100 in value, 25 cents; exceeding $100 and not exceeding $500 in value, 50 cents; exceeding $500 in value, $1.

Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, 50 cents.

Insurance (life): Policy of insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall hereafter be made upon any life or lives, for each $100 or fractional part thereof 8 cents on the amount insured: *Provided*, That on all policies, for life insurance only, issued on the industrial or weekly-payment plan of insurance, the tax shall be 40 per cent of the amount of the first weekly premium. And it shall be the duty of each person, firm, or corporation issuing such policies to make within the first 15 days of every month a sworn statement to the collector of internal revenue in each of their respective districts, of the total amount of first weekly premiums received on such policies issued by the said person, firm, or corporation during the preceding month, and upon the total amount so received the said person, firm, or corporation shall pay the said tax of 40 per cent: *Provided further*, That the provisions of this section shall not apply to any fraternal beneficiary society or order, or farmers' purely local cooperative company or association, or employees' relief associations operated on the lodge system or local cooperation plan, organized and conducted solely by the members thereof for the exclusive benefit of its members and not for profit.

Insurance (marine, inland, fire): Each policy of insurance or other instrument, by whatever name the same shall be called, by which insurance shall be made or renewed upon property of any description (including rents or profits), whether against peril by sea or on inland waters, or by fire or lightning, or other peril, made by any person, association, or corporation, upon the amount of premium charged, one-half of 1 cent on each dollar or fractional part thereof: *Provided*, That purely cooperative or mutual fire insurance companies carried on by the members thereof solely for the protection of their own property and not for profit shall be exempted from the tax herein provided.

Insurance (casualty, fidelity, and guaranty): Each policy of insurance, or bond or obligation of the nature of indemnity for loss, damage, or liability issued, or executed, or renewed by any person, association, company, or corporation, transacting the business of accident, fidelity, employer's liability, plate glass, steam boiler, burglary, elevator, automatic sprinkler, or other branch of insurance (except life, marine, inland, and fire insurance), and each bond, undertaking, or recognizance, conditioned for the performance of the duties of any office or position, or for the doing or not doing of anything therein specified, or other obligation of the nature of indemnity, and each contract or obligation guaranteeing the validity or legality of bonds or other obligations issued by any State, county, municipal, or other public body or organization, or guaranteeing titles to real estate or mercantile credits executed or guaranteed by any fidelity, guaranty, or surety company upon the amount of premium charged, one-half of 1 cent on each dollar or fractional part thereof.

Mortgage or pledge of lands, estate, or property, real or personal, heritable, or movable, whatsoever, where the same shall be made as a security for the payment of any definite and certain sum of money, lent at the time or previously due and owing or forborne to be paid, being payable; also any conveyance of any lands, estate, or property whatsoever, in trust to be sold or otherwise converted into money, which shall be intended only as security, either by express stipulation or otherwise; on any of the foregoing exceeding $1,000 and not exceeding $1,500, 25 cents; and on each $500 or fractional part thereof in excess of $1,500, 25 cents: *Provided*, That upon each and every assignment or transfer of a mortgage, or policy of insurance, or the renewal or continuance of any agreement or contract, a stamp duty shall be required and paid at the same rate as that imposed on the original instrument.

Passage ticket, by any vessel from a port in the United States to a foreign port, if costing not exceeding $30, $1; costing more than $30 and not exceeding $60, $3; costing more than $60, $5.

Power of attorney or proxy for voting at any election for officers of any incorporated company or association, except religious, charitable, or literary societies, or public cemeteries, 10 cents.

Power of attorney to sell and convey real estate, or to rent or lease the same, to receive or collect rent, to sell or transfer any stock, bonds, scrip, or for the collection of any dividends or interest thereon, or to perform any and all other acts not hereinbefore specified, 25 cents: *Provided*, That no stamps shall be required upon any papers necessary to be used for the collection of claims from the United States for pensions, back pay, bounty, or for property lost in the military or naval service.

Protest: Upon the protest of every note, bill of exchange, acceptance, check or draft, or any marine protest, whether protested by a notary public or by any other officer who may be authorized by the law of any State or States to make such protest, 25 cents.

Every seat sold in a palace or parlor car and every berth sold in a sleeping car, 2 cents, to be paid by the company selling the same.

SEC. 19. That all administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, are hereby extended to and made a part of this act; and for the expense connected with the assessment and collection of the taxes provided by this act there is hereby appropriated $130,000, or so much thereof as may be required, out of any money in the Treasury not otherwise appropriated; $100,000 to be added to and made a part of the appropriations for "salaries and expenses of collection of internal revenue, 1915; and $30,000 to the appropriation for paper for internal-revenue stamps, 1915."

SEC. 20. That the provisions of this act shall take effect on the day next succeeding the date of its passage, except where otherwise expressly provided: *Provided*, That on the day after the 31st day of

December, 1915, the taxes levied under Schedule A of this act shall no longer be levied and collected, but all taxes arising or accruing before said date shall continue to be collectible under the terms of this act. All stamps provided for in this act unused after the aforesaid date shall be redeemed from the holder thereof, under such rules as the Secretary of the Treasury may prescribe.

Mr. UNDERWOOD rose.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] is recognized for three hours and a half.

Mr. UNDERWOOD. Mr. Speaker, before the debate starts I desire, for the convenience of the Members of the House, to ask unanimous consent that all gentlemen who speak on the bill may be allowed to revise and extend their remarks in the RECORD and that all Members who do not speak on the bill may have seven legislative days in which to print remarks on the bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen who speak on the bill shall have the right to extend and enlarge their remarks, and those who do not speak may have seven legislative days within which to print their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Alabama is recognized.

Mr. DONOVAN. Mr. Speaker, we had a great struggle here this morning for a great deal of debate. Those people who wanted extended debate are absent. I am going to make a point of no quorum, to see if we can get them here. No quorum, Mr. Speaker.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-seven gentlemen are present—not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Alabama moves a call of the House. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Adamson | Gardner | Lindquist | Rayburn |
| Aiken | George | Lobeck | Rothermel |
| Anthony | Gillett | Loft | Rucker |
| Aswell | Goeke | McClellan | Scully |
| Austin | Good | Maher | Sells |
| Bartholdt | Graham, Pa. | Martin | Small |
| Bartlett | Gregg | Merritt | Smith, N. Y. |
| Bell, Cal. | Guernsey | Metz | Stephens, Nebr. |
| Brown, N. Y. | Hamill | Miller | Stephens, Tex. |
| Brown, W. Va. | Harris | Moore | Stringer |
| Browning | Hensley | Murdock | Sumners |
| Burke, Pa. | Hobson | Neely, W. Va. | Taggart |
| Calder | Howard | Nelson | Talbott, Md. |
| Carr | Hoxworth | Oglesby | Ten Eyck |
| Connolly, Iowa | Humphreys, Miss. | Oldfield | Thacher |
| Conry | Johnson, Utah | O'Leary | Townsend |
| Covington | Kahn | Palmer | Treadway |
| Crisp | Kennedy, Conn. | Parker | Walters |
| Driscoll | Kent | Patten, N. Y. | Watkins |
| Edmonds | Kettner | Patton, Pa. | Whaley |
| Elder | Kindel | Platt | Whitacre |
| Fairchild | Knowland, J. R. | Plumley | Wilson, N. Y. |
| Faison | Konop | Post | Woodruff |
| Finley | Korbly | Powers | Woods |
| Fitzgerald | Lafferty | Prouty | |
| Francis | L'Engle | Ragsdale | |
| French | Lewis, Pa. | Rainey | |

The SPEAKER. On this roll call 324 Members—a quorum—have answered to their names.

Mr. UNDERWOOD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

EMERGENCY REVENUE LEGISLATION.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] is recognized for three hours and a half. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, the legislation that is now pending before the House does not come here on our initiative. One of the greatest calamities that has ever confronted humanity is staring the world in the face to-day. It has not only shattered the temples of peace in the world, but it has disturbed business conditions the world over. In our own country, which to-day is at peace with all the world and will continue to be at peace with all the world [applause], we are suffering in a business way more severely than we have suffered through any period of recent history, since the close of the War between the States.

The President of the United States, exercising that function which the Constitution of the United States has granted to him, has advised the Congress that the revenues that are necessary to support the Government of the United States have been so seriously disturbed by the war conditions in Europe that it is necessary immediately to pass legislation that will furnish sufficient moneys to meet the ordinary expenditures of this Government. It is never pleasant to levy taxes. I recognize the fact that it is most inexpedient to ask our own party to pass a tax bill almost in the face of a pending election. But if the Democratic Party, who have been intrusted with the Government of the United States, has not the patriotism or the courage to face all conditions that may confront them at all times, and patriotically pass the legislation that is necessary to protect the country, regardless of the effect it may have on their personal fortunes, then the great party to which we hold allegiance will be unworthy, not only of the historic record that they have made since the beginning of the Government, but unworthy of the trust that the American people have imposed upon them. [Applause on the Democratic side.]

It is contended that the present condition of our finances does not grow out of war conditions in Europe, but is due to the failure of the present tariff law to raise sufficient funds to meet the ordinary expenses of the Government. Mr. Speaker, it is not difficult to demonstrate the absolute unreliability of the statement that under ordinary circumstances the revenue laws now on the statute books will not meet the expenditures that have been provided for by the Congress. But as to whether or not the present tariff law brings sufficient revenue, and as to whether or not the Treasury conditions are bettered or injured by the enactment of that law, a very few statements of fact must convince any man whose mind is open to conviction.

The total ordinary receipts of the Government, which include taxes collected at the customhouse and internal-revenue taxes, but exclude the revenues derived by the Post Office Department, when the Payne tariff law was in operation, were $691,778,465, for the fiscal year 1912. For the fiscal year 1913 the ordinary receipts, when the Payne tariff law was on the statute books, were $724,111,230. In the fiscal year 1914 the Payne tariff law was in operation for the months of July, August, and September, and the Democratic law for the other nine months. The ordinary receipts for that year were $734,343,700. It is apparent from these figures that last year, with the Payne law in operation for three months and the Democratic law for nine months, the ordinary receipts were over $42,000,000 more than those of 1912, when the Payne law was in operation, and that last year the ordinary receipts exceeded those of 1913 by over $10,000,000. [Applause on the Democratic side.]

It may be contended that the Payne law was on the statute books for three months, and that the Democratic law operated only nine months, and that the Payne law carried it over. As a matter of fact, the customs receipts under the Democratic tariff law exceeded its authors' expectations. The minority say that there has been a falling off in customs revenues and pride themselves on the fact that the Payne law collected more customs revenues than the present law. The gentlemen seem to overlook the fact that when the present Democratic law was brought before this House the country was advised of the fact that we proposed to reduce the receipts collected at the customhouse, and in lieu thereof levy an income tax to make up the difference. [Applause on the Democratic side.] As a matter of fact, the amount of revenue collected at the customhouse during the last year was $22,000,000 in excess of the amount that was estimated by the proponents of the present law when the bill passed and became a law. I will print in the RECORD a table showing the customs and the total ordinary receipts by months for the three years to which I have referred.

The following is the table referred to:

*Customs revenue and total ordinary receipts for the fiscal years 1912, 1913, 1914, and 1915 to date.*

CUSTOMS REVENUE.

| Month. | 1912 | 1913 | 1914 | 1915 |
|---|---|---|---|---|
| July | $23,404,502.50 | $28,136,502.27 | $27,806,654.54 | $22,088,465.04 |
| August | 25,952,466.21 | 30,205,331.96 | 30,934,952.44 | 19,431,302.52 |
| September | 24,746,309.77 | 27,475,127.85 | 28,794,494.25 | |
| October | 25,757,036.40 | 30,216,824.02 | 30,138,049.37 | |
| November | 24,704,345.15 | 25,666,353.25 | 21,173,627.85 | |
| December | 24,587,327.35 | 24,248,161.30 | 21,510,139.99 | |
| January | 24,654,652.30 | 29,334,124.09 | 23,528,079.83 | |
| February | 26,337,528.23 | 27,605,115.83 | 17,609,603.70 | |
| March | 30,408,561.39 | 27,457,489.20 | 25,927,212.90 | |
| April | 26,184,467.79 | 23,693,966.76 | 22,232,766.57 | |
| May | 26,578,973.14 | 20,434,749.21 | 20,800,573.25 | |
| June | 28,005,501.99 | 24,417,650.12 | 23,672,372.94 | |
| Total | 311,321,672.22 | 318,891,395.86 | 292,128,527.63 | 42,419,827.56 |

TOTAL ORDINARY RECEIPTS.

| Month. | 1912 | 1913 | 1914 | 1915 |
|---|---|---|---|---|
| July | $52,085,061.76 | $50,536,333.50 | $60,231,524.12 | $73,224,173.55 |
| August | 54,803,682.82 | 60,205,002.32 | 61,600,197.15 | 51,072,898.30 |
| September | 56,335,353.09 | 55,682,556.08 | 56,073,397.05 | ..... |
| October | 56,054,411.33 | 64,469,504.07 | 64,196,633.15 | ..... |
| November | 57,588,831.93 | 59,069,394.94 | 55,515,132.92 | ..... |
| December | 53,749,605.62 | 55,821,538.86 | 53,152,435.89 | ..... |
| January | 52,461,711.56 | 60,542,363.45 | 53,977,886.39 | ..... |
| February | 53,932,609.01 | 54,803,419.47 | 43,633,857.33 | ..... |
| March | 59,296,026.64 | 56,720,083.57 | 54,801,890.84 | ..... |
| April | 53,305,711.82 | 53,452,556.72 | 50,488,806.53 | ..... |
| May | 58,369,952.26 | 55,370,403.84 | 55,389,211.77 | ..... |
| June | 84,795,507.53 | 58,438,114.00 | 125,280,727.05 | ..... |
| Total | 691,778,465.37 | 724,111,229.84 | 734,345,700.20 | 124,297,071.85 |

Mr. UNDERWOOD. Of course the falling off in revenue is more apparent during certain months than it is on the average, because it falls off at the customhouse, and we collect our income-tax revenue at the end of each fiscal year, in the month of June. But when you come to the average we have produced annually more revenue under this bill than the Payne law produced. The above table shows that during the year 1914 the customs revenue collected amounted to $292,000,000. Of this amount $85,500,000 was collected before the present law went into effect. The customs revenues collected during the first nine months that the law was in effect amounted to $206,500,000, or $22,900,000 per month. The customs revenues collected during the fiscal year 1913, the last year that the Payne law was in operation, amounted to $318,891,396, or $26,600,000 per month. The new tariff law provides an income tax to make up for the reduction in customs revenues because of the lowering of the tariff taxes. For the last 10 months of the calendar year 1913 there accrued from the income tax on individuals $31,344,539.

The amount of the corporation, excise, and income tax accruing for the entire calendar year of 1913 was $45,851,028. The total amount of the excise tax on corporations, derived by the Treasury in the calendar year 1912, was $35,006,299.

The new income-tax law eliminated the corporation exemption of $5,000, added to the tax list many corporations not subject to the excise tax, and also imposed a graduated rate upon corporations holding stock in others. These provisions account for the entire difference between the receipts from corporations for the year 1912 and the year 1913, which is $10,844,729. This sum, added to the amount of the income tax accruing from individuals for the year 1913, namely, $31,344,539, would aggregate $42,189,268, or $4,000,000 per month, during the time in which the new corporation and income tax law has been in effect. Adding the average monthly customs receipts to the average monthly income-tax receipts under the new law gives $26,900,000, as compared with $26,600,000 under the act of 1909. This average monthly comparison only extends to the close of the fiscal year of 1914.

For the present fiscal year, 1915, the comparison is much more favorable to the new tariff and income-tax law, for the reason that the individual income-tax law only covered 10 months of the year 1913, and in reality only reached all semiannual incomes payable in January and July for four months of that year, and all like quarterly incomes payable in January, July, and October for but seven months of that year. Considering the unsettled business conditions during the year 1914, largely on account of the disturbed international commercial and other conditions, the best obtainable figures as to the estimated amount that will accrue from the corporation tax for 1914 is $42,500,000, while the same estimates from individual income tax is $42,500,000, making a total of $85,000,000. Deducting from this amount $35,000,000 that would otherwise have accrued from corporation excise tax under the act of 1909 leaves $50,000,000, or $4,166,000 per month, that would accrue to the Treasury from the income tax for the fiscal year 1915. Adding this average monthly yield to the average monthly yield of the present tariff law gives $27,066,000, as compared with $26,600,000 under the act of 1909.

There can be no doubt, from another standpoint, that we have raised the revenue under the present law to support the Government. At the end of the last fiscal year there was a surplus of over $33,000,000 above ordinary expenditures. [Applause on the Democratic side.] It is true that we expended on the Panama Canal something over $34,000,000, but the Republican administrations in the past have many times before provided for the expenditures on the Panama Canal by the sale of bonds, and the law itself does not contemplate that the ordinary collections of revenue should be sufficient to meet the expenditures on the canal.

The condition of the Treasury remained undisturbed until the unfortunate war in Europe began. Almost immediately we found our custom revenue falling off. The gentlemen may say that there is a difference between the amount of revenue collected under the present law and the Payne bill, something in excess of $4,000,000 a month, and that we should return to a law providing for taxation along the lines of the Payne bill in order to protect the Treasury against a deficit in the present emergency. But I wish to call your attention to the fact that, if we had allowed the Payne bill to stand on the statute books and no income tax had been levied and collected, if we had not removed the exemption under the corporation tax, and that if we had only collected from the corporations the $35,000,000 collected under the Payne bill instead of the $77,000,000 accruing from the corporation and income tax collected under the operation of the present law, we would have had $15,000,000 more revenue to make up to-day for losses at the customhouse, in addition to $100,000,000 we are proposing to levy. [Applause on the Democratic side.]

Again, where do we lose this revenue? A large portion of this revenue that we are losing at the customhouse came from the tax on wool—raw wool—that is needed by our manufacturers in order that they may make cheaper clothes for the American people. I would like to ask the gentlemen on that side of the House whether they propose to go to their constituents in New England and the Eastern States this fall and contend that the tax on raw wool ought to be restored and thus put up the price of clothes to the people?

Mr. MANN. Does the gentleman want an answer?

Mr. UNDERWOOD. Yes.

Mr. MANN. The price of clothing has not gone down at all on account of the removal of the tariff on wool.

Mr. UNDERWOOD. I think the gentleman is mistaken in that respect.

Mr. MANN. Perhaps the gentleman has his clothes given to him.

Mr. UNDERWOOD. I have seen some quotations which indicate clearly that the price of clothing has gone down. I recognize the fact, and I stated more than a year ago that after you relieve the burden it takes time before competition will drive down the price so the American people can get the benefit. And I ask the gentlemen from New England and the East on that side of the House if they propose to contend here that that tax should be rewritten into the law in order to raise the revenue? I would like to ask the gentlemen from New England and the East if they propose to increase this revenue by putting back the tax on raw materials, such as iron ore and other materials of that kind that have been coming in free to their constituents, in order to make up this tax, and go back to the Payne bill?

About $10,000,000 of this falling off in revenue has been upon sugar. The reduction of the tariff tax on sugar accounts for a falling off of the customs revenue between the present law and the Payne bill of something like $10,000,000. Which one of you gentlemen is prepared to say that you want to return to power in order to rewrite that tax and put those $10,000,000 of burden on the consuming people of the United States, instead of levying it on the incomes of those most able to bear the tax burden? [Applause on the Democratic side.] So that when we come down to this cry that the falling off of customs revenue is the fault of the present tariff law there is not a fact that sustains it, and there is not a Republican who will go into the present campaign and propose to put back the tax on the articles that I have mentioned, which have raised the greater portion of this burden of taxation that was taken off. [Applause on the Democratic side.]

But I am surprised to find that in the report of the minority they make two contentions. They are trying to ride two horses going in different directions at the same time, and I think the result of that acrobatic performance, when the November election takes place, will be the same that they have faced in the last four years. [Applause on the Democratic side.] They first contend that it is not necessary to write this bill, because the present law is ample to take care of the situation, and that we do not need the enactment of a new law to take care of the Treasury, and then they take the position that the whole misfortune that we are facing is due to the fact that the present law does not raise enough revenue to support the Government. [Laughter and applause on the Democratic side.] I will say to the gentlemen upon that side of the House that the present law does raise a sufficient revenue to support the ordinary expenses of the Government, if an unforeseen event, such as the war in Europe, had not happened. It has raised enough, but if your

contention is correct, and it does not raise sufficient revenue to support the Government, do you expect us to put back the tax on raw wool and iron ore and sugar, or do you expect us to follow out our own policies, if we have not enough money, and levy the taxes upon the principles that we have always contended for? Therefore if it does not produce sufficient revenue to run the Government it is high time that we should make it up now.

As to the question of whether or not we are facing an exigency that requires the passage of this bill, I shall print in the RECORD a table showing the importations from countries that are now at war in Europe, giving the amount of dutiable imports that came into this country from those countries in 1914, and the amount of revenue derived therefrom. I will only delay you now to state that the dutiable imports coming from Austria-Hungary, Belgium, France, Germany, Russia in Europe, Servia, Montenegro, and the United Kingdom of Great Britain for the year 1914 amounted to $385,989,551, and that the estimated falling off in revenue during the next 12 months will amount to $125,811,000 should all imports from these countries cease. I ask you to bear in mind now that that does not take into consideration the imports that came from the colonies of these countries, nor does it take into consideration the falling off of import duties from other countries in the civilized world that are not at war to-day, due to the fact of the disturbed conditions of business and the disturbed shipping conditions of the world growing out of this war. Of all the countries I have named it is fair to presume that there will practically be no importations, except from Great Britain, until the war is over. From Great Britain the usual revenue derived from imports amounts to about $40,000,000. I think it is safe to assume that our revenues derived from that source next year will not be over $20,000,000, and assuming that we will practically receive no revenues from the countries at war on the Continent of Europe it will leave a falling off of revenue of a little over $100,000,000, which does not take into consideration any falling off of revenue from the colonies of these countries, nor from the balance of the world that is disturbed by war conditions. Therefore, I think the President was conservative in his estimate when he delivered his message to Congress some weeks ago asking us to provide against this falling off in revenues, when he estimated that we needed $100,000,000 more, raised by taxes other than customs taxes, to meet this emergency. [Applause on the Democratic side.]

The following is the table above referred to:

*Estimated falling off in customs revenue during the next 12 months because of the European war.*

| Country. | Dutiable imports, value 1914. | Estimated falling off in revenues during next 12 months. |
|---|---|---|
| Austria-Hungary | $15,232,645 | $5,267,000 |
| Belgium | 21,324,417 | 5,398,000 |
| France | 96,445,062 | 35,566,000 |
| Germany | 119,383,978 | 38,683,000 |
| Russia in Europe | 2,420,602 | 342,000 |
| Servia and Montenegro | 9,627 | 2,000 |
| United Kingdom | 132,173,220 | 40,653,000 |
| Total | 385,989,551 | 125,811,000 |

NOTE.—This estimate is made on the assumption that all imports from the European countries at war will cease during the next 12 months. The import values shown represent the dutiable articles imported during the fiscal year ending June 30, 1914. The estimated falling off in revenue is computed by applying the rates of the act of 1913 to the imports for the fiscal year ending June 30, 1914.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. UNDERWOOD. Yes.

Mr. MANN. Mr. Speaker, has the gentleman the figures to show how much imports have fallen off in August or up to date in September?

Mr. UNDERWOOD. I think I can give them to the gentleman in a moment. I have before me the data that I got this morning from the Department of Commerce.

Mr. MANN. That is the reason I asked, because we can not get that data.

Mr. UNDERWOOD. It came to me only this morning, and I will be very glad to furnish it to the gentleman. The values of dutiable imports for August, 1913, were $67,588,736, and for August, 1914, they were $49,499,747, or a falling off of $18,000,000 for that month.

Mr. MANN. Has the gentleman the total imports for August, 1913 and 1914, and also up to date in September?

Mr. UNDERWOOD. This was for the month of August that I was reading. The total imports, including those free and those dutiable, for August, 1913, amounted to $137,651,553, and for August, 1914, including both dutiable and free, $129,767,890. I wish, however, to call the attention of the House to the fact——

Mr. MANN. Has the gentleman the figures there to show what the difference was in the total imports? How much did the total imports fall off this year during the month of August from what they were last year in the month of August?

Mr. UNDERWOOD. I read the figures to the gentleman, and if he will take his pencil I think he can subtract them. I have not the figures before me.

Mr. MADDEN. It is something less than $8,000,000.

Mr. MANN. I thought possibly the gentleman had it there. I thought I must be mistaken, and it could not be only $8,000,000.

Mr. MADDEN. That is all it is.

Mr. UNDERWOOD. Well, the fact that free imports have not fallen off so much as imports that are taxed is due to the fact that almost all raw material that we bring in free and admit free, other than that allowed by our last tariff bill, comes from countries in Europe that are not at war. For instance, our raw wool comes from Australia, some of it, and much of it from South America. Australia is a colony of one of the nations at war, but its conditions have not been disturbed as much as the mother country up to this time. Then, the iron ore that comes in here comes in from Cuba or comes in from Spain or from Norway, and is not imported from countries at war. In fact, the countries at war furnish us with very little, if any, of the raw material, and this fact accounts largely for the amount of free importation. On the other hand, the dutiable imports that come in from Europe, and about one-half of the imports that are taxed that come into this country, come to us from the countries at war, and show that great falling off in revenue. I want to call attention to another fact, and that is, in the port of Baltimore there has been a very much greater falling off in revenue than at the ports of New York and Philadelphia in proportion to the amount usually received at those ports. And why? Because Baltimore has very small warehouse facilities. Only a small amount of goods is carried in bonded warehouses in Baltimore, and you understand that, as long as goods are in bonded warehouses, they are not imported and not so regarded by the Treasury Department.

On the other hand, the dutiable imports that have come to us from places like New York and Philadelphia, where a very large per cent of the imports are entered, are articles from the large bonded warehouses, and most of those imports which are accounted for in August are goods that had already arrived before hostilities commenced in Europe and have since that time been taken out of the bonded warehouses. In fact, I am advised by the department that a very large proportion of the imports that were admitted at the port of Philadelphia in the month of August were taken out of bonded warehouses and did not come in ships from abroad. So the probabilities are that for many months the conditions shown now at the customhouses are likely to become worse, growing out of this war in Europe, instead of better. More than that, the business conditions, as well as the armies, of the countries at war have been shot to pieces. Their factories and their furnaces, their industrial business, has suffered as materially as their forces in the field. When this war is over—and we all hope it will be over at an early date [applause]—we can not expect, for many years to come, that the imports coming from those countries will reach the amount that has been coming to the United States from those countries. In the first place, when their business is reorganized it will probably be short of capital. In the next place, they will have first to supply the demands of their own people, and hence when they enter the foreign fields it will be much easier for them to contend for the markets of Africa and South America and the Orient than to come in competition with us; and when they push out for new business after the war is over they will push out along the lines of least resistance and send their exports to other countries rather than to ours. So that the condition in the revenue at the customhouses is likely to exist for years after this war is over. Now, with the loss of $100,000,000 or more at the customhouse, whether we are operating under a Republican revenue bill or a Democratic revenue bill, it is necessary to take care of the Government and supply that shortage of revenue from some other source than the customhouse. That is the condition that confronts this country.

Now, you gentlemen are anxious to be returned to power—and that is very natural, gentlemen. I remained in that position many years myself [laughter], and I can appreciate your natural desire to have the country return you to power again.

XUM

It is perfectly legitimate for you to criticize the party in power, and, if we are men, we ought to be willing to stand up and take your criticism in good faith; but if we are right and we are men of courage at the same time, we are going to take care of this Government regardless of your criticisms. [Applause on the Democratic side.] You may say that we should economize, and I have no doubt you will say it [laughter on the Republican side]; and I can only say, in return, that this is simply a case of the pot calling the kettle black. [Laughter on the Republican side.] Personally, I should very gladly see a system of economy inaugurated in this country. Under the present system it is very difficult, if not almost impossible, for the Congress to inaugurate a system of economy without affecting the efficiency of the Government. For many years the Republican Party inaugurated a system of expenditures and appropriations under which the Democratic Party has been operating for the last four years. Commencing some few decades ago, we began to divide our appropriation bills among several committees. We decentralized the control of appropriations and left that control without a head. It has been my opinion for years, and is now, that the only way we can work out economy and efficiency at the same time is for the Government to centralize the control of appropriations, either by putting them in control of one committee in the House and in the Senate or by adopting a budget system that will have control over all committees; and I believe that the day is not far distant when such a system will be inaugurated. Some efforts have already been made on the Democratic side of the House looking to that result, and I think I can predict, although I expect to leave this body before long, I believe I can confidently predict that the next Democratic House will inaugurate a new system of procedure by which the appropriations will be centralized and either placed in the control of one committee or placed in control of a budget committee, and that then we will begin the real work of economy without affecting the efficiency of the Government. [Applause on the Democratic side.]

But the gentlemen on that side of the House who desire to criticize Democratic expenditures do not stop to tell the people that the last Congress that they controlled reduced this expenditure after it realized it was going out of power by making small appropriations and large contracts that its successor had to pay. [Applause on the Democratic side.] The gentlemen on that side of the House know this, and we know it. We know that the expenditures that we have been responsible for in the main have been the inheritance of contracts that we have gotten from the seed that had been planted by the party that is now out of power. Now, as to this bill, we were confronted with this condition when it became necessary to write a new revenue bill to supply the needs of the Government: We not only had to raise the revenue, but we had to raise it at once, or we had to disturb the fiscal conditions of the country by withdrawing Government money from Federal depositories.

Now, I heard gentlemen this morning criticize us for bringing in a bill here while keeping Government money in Federal banks. I want to say to the gentlemen on that side of the House that there is $75,000,000 of Government moneys in national banks of the country to-day, and you put $60,000,000 of it there. When Woodrow Wilson became President of the United States he found $60,000,000 of the $75,000,000 in these banks, placed there by your Presidents and your Secretaries of the Treasury. Recently we have increased that amount to $75,000,000—and why? Because of the closing down of the stock exchanges; the fact that the countries of Europe went to a paper basis and stopped specie payments; the fact that a large amount of foreign-held American securities were dumped on this country and endangered temporarily every financial institution here, because, whether it was a country bank that discounted some of its paper in New York or whether it was a great institution of the East engaged in foreign commerce and foreign exchange, they were all threatened by the same blow.

If the Government of the United States had not gone to the rescue of these institutions whose solvency was jeopardized, not by any fault of their own but by the conditions coming from the war zone of Europe, if we had not gone to the rescue and the great banks had gone down, it would have shaken the banking institutions and the financial institutions of this country from center to circumference. The bank in the far West would have found itself in the same jeopardy that the great banking institution found itself in. I think, gentlemen, you will go to the country with an idle tale if you expect to be returned to power because the Democratic Party, when this great emergency faced the financial life of this Nation, responded to the demands of patriotism and to the needs of the Government. [Applause on the Democratic side.] So far as the bill itself is concerned you pointed the way for this bill when you got into trouble yourself once. You approved of it and stood by it when it was necessary to levy additional taxes by reason of the Spanish War. You levied an additional tax of $1 a barrel on beer at that time. This bill levies an additional tax of 50 cents a barrel on beer. You levied a tax of 8 cents a gallon on wine at that time. This bill levies a tax on sweet wines of 20 cents a gallon and 12 cents a gallon on dry wines. The only tax that is levied in this bill that you did not father in 1898 is a tax on gasoline, and this bill levies a tax on gasoline of 2 cents a gallon. We have reenacted your Spanish War taxes as they were, except that we have excluded some. We have excluded the tax on checks and do not tax bank checks at all. We have excluded the tax on warehouse receipts, and do not tax warehouse receipts at all. And we have excluded some other taxes. The only increase in tax is on tobacco dealers. You provided a tax in 1898 of $12 on all dealers in tobacco, not otherwise provided for, who sold as much as 50,000 pounds. We cut out the limitation and reduced your tax from $12 to $4.80. You provided a tax of 1 cent on each receipt given for a sleeping-car berth or a seat in a parlor car. We have increased that tax and made it 2 cents. These are the only increases in rates that we have made in your revenue bill of 1898.

These taxes will produce a revenue on fermented liquors of $32,500,000; on wines, $6,000,000; gasoline, $20,000,000—and that is probably an underestimate—and special taxes, such as on bankers, brokers, and tobacco manufacturers, and so forth, of $16,500,000; and stamp taxes, $30,000,000. I think that is a conservative estimate of the revenue that this bill will produce, and it will bring to the Treasury about $105,000,000. Of course the man whose beer is taxed may say that we ought to tax something else. The man whose gasoline is taxed may want us to levy the tax in some other way, but it does not lie in your mouths to say if it is necessary to levy this tax that it is not levied along lines of conservatism and along lines that you approve of, because you approved of it in 1898, every bit of it, except the tax on gasoline.

Now, the larger proportion of this tax will fall on luxuries and not on necessities. Thirty-two million five hundred thousand dollars falls on fermented liquors and $6,000,000 on wine. At least half, if not more, of the gasoline tax will fall on automobile owners, even at a conservative estimate.

Mr. HULINGS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. UNDERWOOD. In one moment. Now that half of the tax on gasoline will be paid by automobile owners—paid on a luxury—and $38,000,000 or $39,000,000 of the tax will fall on beer and wine, and $16,500,000 on special taxes, then at least $60,000,000 of the $100,000,000 falls on luxuries and not on the necessities of life.

Mr. HULINGS. Mr. Speaker, will the gentleman yield now?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. UNDERWOOD. I do.

Mr. HULINGS. I would like to ask if the bill contemplates a tax on all gasoline?

Mr. UNDERWOOD. It does.

Mr. HULINGS. As I read the bill, it is only gasoline that is produced from crude or refined petroleum or the residuum of petroleum. There is a very large amount of gasoline that is produced from gas.

Mr. UNDERWOOD. Well, I understand that that gasoline is called "motor spirits." The gentleman may not have a corrected copy of the bill before him, but at the last moment——

Mr. HULINGS. Yes, I have it; but it is known in the trade as gasoline.

Mr. UNDERWOOD. The bill now reads—

That upon gasoline, motor spirits, naphtha, and other products obtained from crude, partially refined, or residuum oils, and suitable for motor power—

A tax of so much shall be levied.

Mr. HULINGS. Now, there is a kind of gasoline that is not produced from either of those things—crude or refined or residuum petroleum.

Mr. UNDERWOOD. I think possibly the gentleman is in doubt. This provision was prepared with care. It was submitted for the Treasury Department to consider, with the very question that the gentleman has raised in view, and they contended that this definition would cover it all. But I will say to the gentleman that the purpose of the committee, and the desire of the committee, is to cover all gasoline, and that if I find that this definition is not sufficiently broad to cover it, I

shall be glad to suggest to the Finance Committee of the Senate that they broaden the definition so that it does cover it, although so far as I am informed and know the present definition will cover all gasoline. It is manifestly fair that if you tax the gasoline made by one man you should tax the gasoline made by another. If not, you might injure somebody's business, and it is the purpose of the committee, and I have no doubt of the House, to tax them all alike. [Applause on the Democratic side.]

Mr. STEENERSON and Mr. LOGUE rose.

The SPEAKER. To whom does the gentleman yield?

Mr. UNDERWOOD. I will yield first to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Has the gentleman any committee figures showing what proportion of gasoline is used for farm purposes, for running thrashing machines or plows or wheat separators, and such machinery as is used on the farm?

Mr. UNDERWOOD. I have no accurate figures, but I think that the gasoline used for such purposes is a very small per cent of the total gasoline used.

Mr. STEENERSON. In my country a very large proportion of it is used in that way.

Mr. UNDERWOOD. Well, the gentleman may think so; but according to my information it is a small percentage of the total gasoline used when you take into consideration the amount used for motor purposes in the industrial lines and that used for motor purposes for automobiles.

Mr. STEENERSON. In North Dakota and Minnesota and the Northwest generally a very large proportion of the work is done by gasoline.

Mr. UNDERWOOD. That is true; but a very small proportion of gasoline does it.

Mr. SMITH of Minnesota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Minnesota?

Mr. UNDERWOOD. Yes.

Mr. SMITH of Minnesota. If it should appear that motor spirits sell for 5 cents a gallon and gasoline sells for 10 cents a gallon, would the gentleman be willing that the Senate committee should take that into consideration, and instead of making a flat tax of 2 cents a gallon, as proposed in the House bill, they should graduate it?

Mr. UNDERWOOD. I should not. I do not think it is necessary. I think if you taxed them the same, you would not hurt motor spirits, and you can not afford to reduce the tax on gasoline, because we need the revenue.

Mr. SMITH of Minnesota. A man who pays 2 cents on 5 cents' worth of motor spirits pays about 40 per cent increase, and a man who pays 2 cents on gasoline pays about 20 per cent increase. It seems an injustice is done in that rule.

Mr. UNDERWOOD. I will say to the gentleman that if I could do so and if I were omnipotent, I would equalize all taxation in proportion to the ability of men to pay it; but I am not omnipotent and I can not do that. [Applause.]

Mr. LOGUE. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. LOGUE. This section states that a tax of 2 cents a gallon shall be placed on gasoline, motor spirits, naphtha, and other products obtained from crude, partially refined, or residuum oils and suitable for motor power. It is contemplated under this section, under the term "suitable for motor power," that that term shall be restrictive, or, if they are used for other purposes going into manufacture, will they be subject to taxation?

Mr. UNDERWOOD. They would be if they are suitable for motor power. Now, gentlemen, I have taken up more time than I intended. I thank you for your kindly consideration. I have no criticism of our friends on the other side of the Chamber who will indulge in criticism of our passing this bill.

The minority in every legislative body occupies a very useful position, and that is to criticize the action of the majority and see that they properly represent the people and faithfully carry out the mission that has been granted them. But to you gentlemen who hold allegiance to the party in power, I say that if we had known of the emergency that now confronts the Treasury, if we had known that our revenues were falling off and that they had to be supplemented at a future date, and had not been candid and fair to the country and courageous to ourselves, but had postponed the action until after the coming election, we might have subjected ourselves to criticism from the country and from our constituents; but to-day, in the face of this election, we have said to the country that we recognize the exigencies of the Treasury, we realize that conditions over which we have no control make this legislation necessary.

Mr. FORDNEY. Will the gentleman yield?

Mr. UNDERWOOD. Not just now. We recognize that to take care of the Government taxes must be levied to make up the loss coming to the country by the falling off of the customs revenue.

We present this bill to the country in the face of an election; we conceal nothing. We say whom we propose to tax and whom we do not propose to tax. We tell the country why it is necessary to levy this tax so far as the war is concerned. We are doing an unpleasant duty, but we are performing a duty that the country and the Government requires of us. I feel, that being the case, that there is no reason for any man who holds allegiance to the party in power for one moment to fear to go to the country and ask that country to approve of the man who has done his full duty in a courageous way. [Loud applause on the Democratic side.]

The SPEAKER. The gentleman from New York [Mr. PAYNE] is recognized for three and a half hours. [Applause on the Republican side.]

Mr. PAYNE. Mr. Speaker, I would like to be notified after I have spoken one hour, if I speak so long. Mr. Speaker, on the 3d day of October, 1913, at 9 o'clock and 10 minutes p. m., there were assembled at the White House a small coterie of congenial souls and prominent Democratic politicians to witness the act of the President in attaching his signature to the Underwood tariff bill. When he did this the President said—I read this from the Washington Post of October 4, 1913—

"I chose 9 o'clock," explained the President slowly, "on the advice of the Attorney General in order that the bill might be signed after business transactions everywhere, including San Francisco, had closed for the day."

If he had glanced at the preceding line, the last paragraph of the bill, he would have read paragraph U, "that, unless herein otherwise especially provided, this act shall take effect the day following its passage." [Applause on the Republican side.] They copied that from a better law which they wiped off the statute books [laughter on the Republican side], as they copied much of that law without giving credit for it. I suppose they copied that without knowing that it was in the law so that this farce was put into play at the White House on this particular evening.

The Post says further that Mr. UNDERWOOD on the same occasion said:

I have the utmost confidence in this new tariff law. Business men should not be alarmed in the least.

Why was he so anxious that business men should not be alarmed about the tariff law? "He doth protest too much."

They should be encouraged to extend their enterprises. I am absolutely confident that this law will reduce the cost of living in the United States, that it will not disturb business, that it will increase our foreign trade, and that it will provide ample revenue for the Government.

[Laughter on the Republican side.]

The gentleman this afternoon seems to be trying to hold the same flattering unction to his soul, but the law failed in every single particular that he was so confident about. [Applause on the Republican side.] Who then thought that in 10 months to a day the President of the United States would be here before Congress asking for legislation to provide additional revenue? When he asked for it, he said why. Let me read his language:

I need not tell to what this falling off is due. It is due in chief part not to the reduction recently made in the customs duty—

He seems to have been afraid that some one would have a suspicion that it was the failure in customs duty under the Underwood bill—

but to the great decrease in importations, and that is due to the extraordinary extent of the industrial area affected by the present war in Europe.

Had there been any decrease in importations under the Underwood bill? Is there a man on either side of the House who does not know that the importations have jumped from month to month, until they have increased under that bill more than $100,000,000? [Applause on the Republican side.] The decrease in revenue is due not to the decrease in importations, but because the rates were not so adjusted as to produce adequate revenue for running the Government.

The gentleman from Alabama [Mr. UNDERWOOD] skims very lightly over the operations of this bill during the first fiscal year. When Secretary McAdoo's letter was presented to the House, I said I believed that a proper analysis of that letter would show that the Underwood bill in its first year would have left a deficit in the Treasury, except that it was carried out on crutches

furnished by the Payne law, which it superseded. [Applause on the Republican side.]

I am prepared anywhere and at all times to prove absolutely that that was the fact. The Underwood bill did not go into effect until the 4th day of October. They had three months and three days to enjoy the superior provisions of the Payne Act, which they were superseding. They had the increased revenue which that act had provided for the three months and three days. Not only that, but they provided that their wool schedule should not go into effect until the 1st day of December, which gave them five months on the Payne wool schedules. Not only that, but they provided that the sugar schedule should not go into effect until the 1st day of March, which gave them eight months to enjoy the Payne sugar schedule. What was the result? Why, I think it appears in the figures presented in the gentleman's report, or, if not, it appears in the figures presented by the minority, and it appears in the figures presented by the gentleman from Alabama [Mr. UNDERWOOD]. There is a statement of the customs revenue from month to month, commencing away back in 1912 and running down to and including the month of August last, which I produce here, as follows:

*Customs revenue and total ordinary receipts for the fiscal years 1912, 1913, 1914, and 1915 to date.*

CUSTOMS REVENUE.

| Month. | 1912 | 1913 | 1914 | 1915 |
|---|---|---|---|---|
| July | $23,404,502.50 | $28,136,502.27 | $27,806,654.54 | $22,988,465.54 |
| August | 25,952,466.21 | 30,205,331.98 | 30,934,952.44 | 19,431,362.20 |
| September | 24,745,309.77 | 27,475,127.85 | 28,794,494.25 | |
| October | 25,757,036.40 | 30,216,824.02 | 30,138,049.37 | |
| November | 24,704,345.15 | 25,066,353.25 | 21,173,627.85 | |
| December | 24,587,327.35 | 24,248,161.30 | 21,510,139.99 | |
| January | 24,654,652.30 | 29,334,124.09 | 23,528,079.83 | |
| February | 26,337,528.23 | 27,605,115.83 | 17,609,603.70 | |
| March | 30,408,561.39 | 27,457,489.20 | 25,927,212.90 | |
| April | 26,184,467.79 | 23,693,966.76 | 22,232,766.57 | |
| May | 26,578,973.14 | 20,434,749.21 | 20,800,573.25 | |
| June | 28,005,501.99 | 24,417,650.12 | 23,672,372.94 | |
| Total | 311,321,672.22 | 318,891,395.88 | 292,128,527.63 | 42,419,827.56 |

Now, the Underwood bill took effect partially on the 4th day of October. Of course everyone knows that goods were held back prior to the 1st of October wherever the duty had been reduced. Of course the Payne Act did not have its full opportunity during those three months to produce revenue. Goods were rushed in in October, and that was the only successful month of the Underwood bill. It produced $30,138,000 in revenue for the month of October. In the next month, November, the revenues came down to $21,173,000. And take that month and the seven months following, the total revenue from customs receipts under the Underwood bill when it had almost full operation was $174,500,000, or at the rate of $21,820,000 a month—at the rate of $261,840,000 per annum.

On the 2d day of July the gentleman from Alabama presented to the House a statement from the Secretary of the operations of the Treasury for the fiscal year 1914, as follows:

JULY 1, 1914.

Subject to revision upon analysis of complete returns, the following is a statement of the ordinary receipts and the ordinary disbursements for the fiscal year ended June 30, 1914:

| | | |
|---|---|---|
| Customs | | $292,128,527.63 |
| Internal revenue, ordinary | | 308,613,843.73 |
| Corporation, excise, and income | $43,079,819.44 | |
| Individual income | 28,306,336.69 | |
| | | 71,386,156.13 |
| Miscellaneous, including $3,800,000 surplus of postal revenues for the fiscal year 1913 | | 62,215,172.71 |
| Total ordinary receipts | | 734,343,700.20 |
| Total ordinary disbursements | | 700,559,248.13 |
| Surplus of ordinary receipts | | 33,784,452.07 |

In concluding this statement the Secretary said:

The department is exceedingly gratified with the results for the first fiscal year of the new tariff and income-tax law.

If we deduct from the amount of customs receipts under both the Payne and Underwood laws, as appear in the above table, the amount we have been receiving under the Underwood law, taking eight months up to July 31 as a basis, or $261,840,000, we find that the Payne law actually earned $30,308,000. If in addition to that we deduct the $3,800,000 post-office surplus for 1913, which Mr. McAdoo says was credited to the revenues in 1914, we would have a total of revenues received from Republican laws of $34,108,000, which more than wipes out the bookkeeping surplus of $33,784,452.07 appearing in the Secretary's statement made July 1, 1914, or an actual deficit.

To this should be added the sum of $6,000,000, general deficiency law, which, owing to Democratic delay, was not passed until July, and not charged in the Secretary's statement of July 1. A clear deficit in the working of the Underwood law, if left to itself, of more than $8,000,000.

If there had been no war, it is not possible that the receipts from customs—$262,000,000 under Underwood rates—and internal-revenue receipts—$308,500,000—would have been greater. There is no indications from the returns of July that the customs receipts would have been greater, and the ordinary internal-revenue receipts were about the same for the two months, July and August, in the fiscal year 1914 and the fiscal year 1915. They have jumped up during the month of September, and most especially since the President gave out that there must be an auxiliary tax law, and attention from the first was focused on the raise in the spirit tax. Holders are taking out their spirits and paying the taxes to anticipate the raise in rates. Experience up to date is in anticipation of a heavier income upon this large item.

The income and corporation taxes were $71,000,000 in the fiscal year 1914. For the year before the corporation tax amounted to $35,000,000, leaving a gain of $36,000,000 this year on account of income taxes. The corporation taxes covered the full 12 months which was credited in 1914, and the added income tax of $36,000,000 covered only 10 months of the 12. Adding one-fifth of this $36,000,000 would increase the taxes $7,200,000, or a total of $78,000,000 and upward. This tax for the year 1914 was levied on the incomes for the calendar year ending December 31, 1913, during which time business was infinitely better than it has been for the calendar year for which the entire income tax is to be levied next June. It is very doubtful whether this item would increase.

Miscellaneous receipts will be increased this year by $12,500,000, received for the sale of two battleships, less the sum of $3,800,000 postal surplus in 1913 and credited to 1914. In other words, there would be a balance of increase of $8,700,000. Adding these items, there would be for the fiscal year 1915—

| | |
|---|---|
| Customs receipts | $261,840,000 |
| Ordinary internal revenue | 308,613,000 |
| Corporation and income taxes (making no deduction for bad business) | 78,000,000 |
| Miscellaneous receipts (with $8,700,000) | 71,000,000 |
| Total | 719,453,000 |

That the expenditures would be largely in excess of this sum there can be no reasonable doubt. They were over $700,000,000 last year, and the appropriations so far reported have increased over 5 per cent for the total appropriations, including the post office and permanent annual appropriations. Adding 5 per cent for this year, we would have $735,000,000 of expenditures. With rigid economy the income, had there been no war, might have equaled the expenditures, but without rigid economy it would not have done so. Clearly Mr. UNDERWOOD was mistaken when he recorded his prophecy that his law would produce sufficient revenue to pay the ordinary expenses of the Government.

The President looked at the revenues, $19,431,000 in August, and then he looked back to $30,934,000 in August, 1914, under the operation of the previous law, and he said, "Our revenues have fallen off $11,000,000 and more." They had simply fallen off on the contrast between the two laws. What was the falling off compared with the average customs duties received under the Underwood law during the last eight months? I said the monthly average was $21,800,000. The August receipts were $19,431,000, and the falling off was $2,400,000 from the average under the Underwood law, and that is all it was. Now, that would not have produced half as much of a scare if those figures had been properly used by the President and had been properly used by the majority of the committee when they brought in this report, because they indicate a falling off of only $28,800,000 if it should continue for the whole year. That would not show any necessity for $105,000,000 taxation, and yet that is the fact that existed. If the President is right, all that can be attributed to the war is $2,400,000 a month of falling revenue. There is no occasion for any great scare about that. There is no occasion to say that you shall not issue certificates and tide that matter over until you see how long the war is going to last and what will be the effect of the war on the revenues of the Government.

If more money were needed at any time the President is amply authorized to raise it under the following provisions of the war revenue act of 1898, which provides for the issue of certificates of indebtedness, as follows:

SEC. 32. That the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding 3 per cent per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of $50 or some

multiple of that sum; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the amount of such certificates shall at no time exceed $100,000,000. * * *

This section was designed to provide for any deficiency which might occur, and intended as permanent law. It was very carefully guarded, and not repealed when other parts of the war-revenue measure were repealed. It was inserted in the law of 1898 in order that whenever necessary the President might issue such certificates on short time to meet just such an emergency as the President thinks exists to-day.

It will not do for the party in power to say that bonds of the United States at 3 per cent could not be floated now, while they are ready to force through Congress an administration bill which proposes to issue 3 per cent bonds for $30,000,000 for the Government to buy ships, and enter upon the perilous business of navigating them. If the Government can borrow money for this purpose, which is contrary to every Democratic principle ever enunciated by that party since its foundation, they certainly can get into the market for the aid of the Treasury and borrow money sufficient to meet the demands upon it. The next jump they take is a still longer one. On page 2 of the report they sum up the revenues received from the countries affected by the war, $125,800,000, not under the Underwood bill, but under the former law when the revenues were greater, according to what appears here in this report, as follows:

*Estimated falling off in customs revenue during the next 12 months because of the European war.*

| County. | Dutiable imports, value 1914. | Estimated falling off in revenues during next 12 months. |
|---|---|---|
| Austria-Hungary | $15,232,645 | $5,267,000 |
| Belgium | 21,324,417 | 5,398,000 |
| France | 95,445,062 | 35,566,000 |
| Germany | 119,383,978 | 38,683,000 |
| Russia in Europe | 2,420,602 | 242,000 |
| Servia and Montenegro | 9,627 | 2,000 |
| United Kingdom | 132,173,220 | 40,653,000 |
| Total | 385,989,551 | 125,811,000 |

NOTE.—This estimate is made on the assumption that all imports from the European countries at war will cease during the next 12 months. The import values shown represent the dutiable articles imported during the fiscal year ending June 30, 1914. The estimated falling off in revenue is computed by applying the rates of the act of 1913 to the imports for the fiscal year ending June 30, 1914.

Forty million six hundred thousand dollars of those revenues are from goods imported from Great Britain. Thirty-five million five hundred thousand dollars are from goods imported from France. Is there any difficulty about communication or the transport of goods from Great Britain or France to the United States, or has there been for a single minute since this war commenced? [Applause on the Republican side.] You can take those $76,000,000 worth of revenue entirely out of the question, because the condition is normal as between the two countries and our own in regard to the transportation of goods, and you then have left $49,000,000 of revenue from the other countries engaged in the war, and of this $38,683,000 are from goods imported from Germany. Well, there has been a little difficulty about getting into Germany. It almost drove my good friend and colleague from New York [Mr. METZ] wild, because he could not establish communications with his factory over there to bring in dyestuffs, but a week or 10 days ago he announced most triumphantly to the House that they had found a new avenue, and that the goods would come, and that the people in our factories would get their dyestuffs fresh from Germany, as they had been getting them in the past, and this morning the German ambassador in Washington gives out an interview in which he says:

It has been said that the export of goods from Germany is not possible and that consequently neutral countries should get goods heretofore imported from Germany from other countries. The passage of goods over German railroads has been resumed, and there is no reason why goods should not be exported, with the exception, of course, of those the export of which has been forbidden because of the war.

He refers there undoubtedly to goods that are contraband of war. He continues:

The export trade of Germany will be resumed in a large measure in the future.

In Germany the women and the children are cultivating their fields and the sugar crop will be cared for this year and planted next. The textile factories will run, and they will be able to furnish the quota of these goods which come into our markets and furnish the revenues, even though the war is prolonged, now that the transportation problem is settled. In all these cases the women and children work in the factories on the looms. France showed a wonderful recuperative energy after the severe war of 1870, and her industrial activity was almost immediately reestablished. Such is the prospect as it now appears.

Why not wait until December before we pass this hasty and ill-considered legislation? Why try to force it through under a rule allowing no chance for amendment, and then with only four hours of debate, as originally proposed, afterwards so generously extended to seven hours. Seven hours' debate on a bill carrying $105,000,000 of burdensome taxes to be placed on the people! Taxes to be wrung from the "peepul's" money, which we hear about so often from Democratic "statesmen" with tears in their voices, their sympathy going no further than empty demagogic phrases. When they come to appropriate there is no tremor in the voice with which they vigorously shout "Aye!"

And yet we have all this scare and panic worked up about importation of goods from foreign countries. Why, you do not know anything about it. It is all guesswork. Why not wait a little while and tide the matter over? Oh, but you have only $122,000,000 in the Treasury, and $75,000,000 of that is loaned out to national banks on call. Is it going to inconvenience or bankrupt any of those banks if the Government should call in two or three million dollars a month for two or three months? [Applause and laughter on the Republican side.] Let them pay their indebtedness to the Government and let us carry on the operations of the country. Yet that is urged as a reason for expedition in the passage of this bill.

Gentlemen on the other side tried to expedite it, and they went up to the source of all their legislation. [Applause and laughter on the Republican side.] Finally we have this bill. First they presented a bill that taxed railroad fares throughout the United States, and some of their friends whispered in their ears that that would not do, because they would drive every commuter away from the party if they had to pay that tax on a ticket every day. They then took the matter before the committee, and the committee had political sense enough to vote it down. They left that out. Then they were going to tax freight, and the papers reported that they had agreed on that, and they took that over to have it censored, and the blue pencil was drawn across that and that went out, and we did not hear any more about taxing freight. Then they agonized for a while on the subject, and the papers said that instead of taxing railroad fares and railroad freight, they were going to put more taxes on incomes. They took that over to the other end of the Avenue to have that reviewed, and the word came back that there was no use taxing incomes, because they would not get any return from that until July, 1915. Then they struggled again for two or three days, according to the newspapers, and the things that dropped out from their struggles. They were going to put on this excise tax and next year take it off, and then substitute an income tax. That would get around quickly enough for next year. That would tide them over, and that seemed to have settled all their difficulties. Why do not you follow that out? Did you find that the real reason for opposition to the increase in the income tax was because it was thought that it might become unpopular with those who paid it and excite them somewhat when an election was coming on in November next? They finally went back to the excise tax. They say they have copied our excise tax. They have, to some extent.

My friend from Alabama [Mr. UNDERWOOD] did not always like that excise tax. He was here in 1898, and he printed a speech in the RECORD on the 28th of April, 1898, and he then voiced his objections to that bill. Mr. Speaker, it was stated in that debate by a prominent Democrat that they had taken the Republican Party by the scruff of the neck and had forced them into the Spanish War, and there was some truth in that, because I had the honor to stand out against the Spanish War to the last day, and I only wish to-day that we had prevailed in it, and if we had you would not have had the Philippine question on your plate now. President McKinley believed that he could accomplish everything without war that has been accomplished with war, so far as freeing the Cubans from the domination of Spain is concerned. And from what I have heard from a source near to the Spanish Government I have not any doubt it was correct, and it was because of your agitation in Congress; it was because of the sinking of the *Maine;* it was because that board found that the sinking was from an outside explosion without any proof on the subject that satisfies. People were excited and we were rushed into a Spanish War and you got enough people on this side of the House, some of whom were almost as cowardly as all of you seem to be now. [Applause



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on the Republican side.] So we had the Spanish War and you did your part toward it, and when we came to pay the bill where were you? It is not a question of patriotism now. We are in no war with the nations of Europe. We have not any cloud of war on the horizon except our good ally, Gen. Villa. [Laughter and applause on the Republican side.] And that has not got to a dangerous point yet, but it looks like it. What did Mr. UNDERWOOD say in 1898:

What is the bill they have brought before the House? Does it allow the wealth of the Nation to pay its share of the taxes to maintain our armies and navies in the field?

The gentleman says he copied our bill, and to-day he says that he taxes the wealthy people and the taxes on the poor people are comparatively light. What new influence has come over the spirit of his dream since 1898? The bill that taxed only the poor people then is now, in 1914, to be a bill that taxes the rich people. [Laughter on the Republican side.] He says:

No; it again lays additional taxes on consumption—

As though you could tax anything in the United States that did not enter into consumption—

It doubles the taxes on beer.

Well, he has added 50 per cent. I do not know whether that is a concession to the rich or the poor. [Laughter on the Republican side.]

In the end the consumer must pay for it by getting a less amount for his money.

Now, his colleague from Alabama would say that would be a benefit to the consumer to get less of it. I am not expressing any opinion on the subject as I go along. I am simply trying to reconcile these brethren—that is, trying to reconcile what the gentleman said in 1898 with what he says to-day.

It increases the tax on tobacco, and already, in advance of the passage of the law, the merchants have put up the price on their goods.

Why, did not you tax tobacco? Who has raised the question about the raising of so much tobacco in the South and the committee; and is there any reason why you did not tax it?

SEVERAL MEMBERS (on the Republican side). No!

Mr. PAYNE. Let some brother answer in his own time in regard to that. Perhaps all the "poor people" live in the South—I do not know—and you are trying to lessen the burden to the people down there.

They have invented innumerable stamp taxes that must annoy and harass the people.

[Laughter on the Republican side.]

What we did in presence of a war you do now by this bill that is brought in here without any reason for its being here and which you propose to enact when it is not necessary to enact it.

This tax will fall almost entirely on the hard working and industrious artisan, merchants, mechanics, farmers, and professional men of the country, but not on idle wealth that is protected but never made to pay for the benefit received.

[Applause on the Republican side.]

This is the bill the gentleman has brought into this House and seeks to pass after working for two or three weeks in trying to find some way to collect a tax that would not hurt anybody. I did not know but what he had come to the question of raising revenue by restoring some of the rates of duty. Why, in our bill in 1898 we put a tax of 10 cents a pound on imported tea. I was surprised to find out that the consumer of the article did not pay a cent of it, but half of that 10 cents was paid by the men who raised the tea either in Japan or on the islands, and the other half was paid by the importers and middle men. You said it would come from the ultimate consumer, but it did not turn out so. The people who consumed paid no more.

The duty on tea was repealed afterwards. But the consumer has paid the same for his tea ever since. Why, we had a tariff 40 years ago on coffee and the Government got a big revenue out of it. Some men came along and talked about a free breakfast table and it was taken off of coffee, and Brazil turned around and placed an export tax on it to the exact amount of the duty, and they have collected that tax for years and we have not had a cent of it.

You reduced certain duties. The gentleman from Alabama was honest when he said, in the presence of the President, that they were going to reduce the cost of living, because he thought it might be some benefit to them to take off these duties. Is there anything that any of you can mention who follow me in this debate that has reduced the cost of living a single dollar? Sugar was a little bit cheaper at wholesale—35 cents a hundred—but what did that have to do with the poor man who took home his 5 pounds, paid his 5 cents a pound for it, just as he has been doing for 29 years? Oh, you simply took it out of the Treasury of the United States, and in this case you paid it over to the sugar refiners, about whom you have howled on the stump these many years. [Applause on the Republican side.] They got the benefit, and they are the only people who got the benefit. And if you read over the Hardwick hearings you will see they are the only people who wanted sugar free of duty. They wanted it, and they told why. They said the sugar-beet people were coming and getting away their custom and pounding down the price of sugar so long as the beet crop was in the market. They wanted to remove that competition. They were the people that were asking. That is the evidence that you had. I do not suppose you ever read a line of it when you went to put sugar on the free list.

The time was when the gentleman from Alabama [Mr. UNDERWOOD] wanted the duty left on sugar. He was in accord with every civilized country in the world; all have a revenue duty on sugar. [Applause on the Republican side.] He wanted to keep about what the duty pays to-day, and he brought a bill in here, and all of you who were in the Sixty-second Congress voted for it and passed it through the House.

I do not know when he had the change of heart, but it was reported that he stood for a sugar duty while the bill was before the House, and one day he took a stroll up Pennsylvania Avenue, and free sugar was put on afterwards. I do not know how it came about. [Applause on the Republican side.] I was not there. You make sugar free on May 1, 1916. If you had kept a duty on sugar after the 1st of May, 1916, you would not be thinking about continuing this infamous tax bill for perhaps many years, as the gentleman from Alabama says. He says he does not know how long. You have got to keep it after 1916 to meet the loss of duty on sugar. You took off the stamp duties—it was a mere bagatelle—on December 31, 1915, by the terms of your bill, but you kept the rest of it on. You have got to have something to replace the $40,000,000 of revenue on sugar that you have surrendered to the foreign growers and the importers and the refiners of the United States—for the benefit of the people who get no benefit from it. We had as cheap sugar as they had in England for years. We had cheaper sugar than any other country in the world for 20 years with the duty on sugar. And coming along and not knowing what you were doing, you tore down the structure. You do not benefit anybody, the ultimate consumer does not save a cent out of it, and we lose the revenue. Why, if that bill had been what Mr. UNDERWOOD had supposed it was, was going to have the effect he supposed it would, there would not be any danger of securities coming in from abroad and absorbing our gold to-day. Look at it! We pay $200,000,000 in gold for freights to foreign nations. Our tourists spend $100,000,000 abroad every year; and that makes $300,000,000. The presidents of the railroads who appeared before the President of the United States the other day testified that there were from three to five billion dollars of railroad securities held abroad. Suppose there was $4,000,000,000 drawing 5 per cent—$200,000,000—in interest on railroad securities? And doubtless it is not more than half of the securities of the United States that are held abroad. And this sum must be met. You say we can not sell where we do not buy. We sold under the Payne Act, and we increased our sales month by month during the life of that act. [Applause on the Republican side.] What have you done? You have reduced the sales. Ever since the Underwood Act went into full effect you have reduced them. Here are the figures:

*Total imports and exports for the 13 months ending July 31, 1913, and 1914.*

| | Amount. | Balance. |
|---|---|---|
| Imports: | | |
| 1913 | $1,952,262,804 | |
| 1914 | 2,054,347,313 | [1] $102,084,509 |
| Exports: | | |
| 1913 | 2,626,874,927 | |
| 1914 | 2,518,708,780 | [2] 108,166,147 |
| Total decrease of foreign commerce | | 210,250,656 |

[1] Increase. [2] Decrease.

You have reduced them $108,126,147—I will put the correct figures in the RECORD—since that act went into effect. And then you have increased the purchases abroad $102,084,509. In 13 months. There is a difference on the wrong side of the ledger in the two sums of $210,000,000, all owing to the disturbance in trade caused by the Underwood law. [Applause on the Republican side.] That was one of the things that was the matter with us. We have $210,000,000 more to meet. It is not alone interest on the securities and the freight and the tourist expenses, but we have $210,000,000 more to meet, and that is what draws the money from the banks. If the banks are suffering

now, that is what is drawing the money out of the country. If you had only framed a tariff bill on the proper lines, that would have kept the balance of trade in our favor instead of against the United States, you would not have this difficulty now. Do not lay it to the war. The war is not to blame for it, but you are to blame for it. You put yourselves in that position by your unwise tariff law. It has done nobody any good. It has not made the cost of living any cheaper.

However, it has done somebody good, namely, the sugar refiners. And there are the importers, and there are the manufacturers abroad. It has helped them, but it has hurt the United States. It has brought woe and misery to millions of our people. I do not know whether it was at the meeting on the 3d of October or not, but the President, in alluding to this bill, talked about the "new freedom," and the plain people of the United States now believe that the "new freedom" was the old free trade that had caused so much disturbance under Democratic administration in years past. This is not a new thing. You had under the Wilson bill the same condition of things. You had under the Walker bill the same condition of things. Gold was discovered in California and helped you out when the Walker bill was passed.

The Mexican War of 1846 to 1848 came on, and that helped out a bit; and then the Crimean War abroad came along, and that helped out; and some of you wise old fellows who read history and who go back to those times are just hoping that this present war abroad is going to help you out this time. But you got too far wrong with your tariff bill. [Applause on the Republican side.] The people of the United States have had time to see how it worked. There was no sign of a war in Europe up to the 1st of August. There was no difficulty in that direction. Nobody thought there would be a war on that side of the ocean except a few wise old owls abroad. It dropped like a thunderbolt from a clear sky. It did not affect trade up to that time. It was your bill, your tariff bill, the workings of your laws, that left this country in that condition.

Now, what are you going to do with this money when you get it? [Laughter on the Republican side.] It is $105,000,000, you say. Well, that will make quite a sizable sum for the boys to go after in the appropriation bills. [Laughter.] I wonder how many of you know about the size of the appropriations for the year 1915, as compared with the year 1914. Thus far there has been no river and harbor bill this year for the fiscal year 1915. There was one for the fiscal year 1914. Taking out the river and harbor bill for 1914, you will find that the appropriations are $31,000,000 and upward more for the fiscal year 1915 than they were for the fiscal year 1914; and yet you pledged the people, if you got in, to rigid economy, did you not? [Laughter on the Republican side.] Why, you can not meet them on that. No special plea will do it. Even the plea of the gentleman from North Carolina [Mr. Pou], who says that one hundred and forty-odd Republicans forced 280 Democrats to be extravagant in their appropriations, will be without avail. [Laughter on the Republican side.] You are bent on deceiving the people, but you can not do it this time. [Renewed laughter on the Republican side.]

What are you going to do with it, I repeat? I wonder if my friend from Florida [Mr. SPARKMAN] is still after that $53,000,000 to aid commerce and irrigate southern rivers with dry bottoms? [Laughter and applause.] You should put your money where it would do the most good.

What are you going to do with the Shackleford good-roads bill? Do you remember how you put that through? I was about the only man who stood up and protested against it—I with a few others. I made a short speech on the subject, and the newspapers took it up and they published it all over the United States. I heard only one criticism of that speech, and that was from a New York paper, to the effect that I had not gone far enough, that I ought to have said that from $40 to $60 a mile, where there was a mile of road for free rural delivery, would hire 20 heelers on the day before election in each congressional district. [Laughter.] Well, it would have done that, and if it would have done any other good in the United States I fail to see it. It was a ridiculous thing. I remember that a week or 10 days after that, out in the lobby here, I was talking to one of the gentlemen who voted for the bill, and he said, with tears in his voice, "That bill has become the most unpopular bill in the United States." Why? Because they had turned the light on; that is all. It went over to the Senate, and I think they were talking about a $500,000,000 issue of bonds—for good roads, you know. [Renewed laughter.]

Perhaps you think that will keep you in Congress, but it will not do it. I have been here about 30 years, and I know something about that. You thought that getting offices would keep you in, and yet every one of you who has gotten an office from the President is in hot water about it—every living soul of you. I have been through that myself. It will not help to keep you in. Do not follow the President around in order to get an office, but look after your constituents, and look after the good of the country, and stand up here with me for economy in the administration of the Government. [Applause on the Republican side.] There is nothing in this situation that can not be met by economy.

Well, one good, brave Republican in the other body stood up there for about a week (assisted by a very small band); an honest man, one of the best men in the country. He exposed the infamy of that river and harbor bill. They did not get much help. It was said they were filibustering, and yet the wonderful thing about it was that that man talked sense that could not be answered, in bringing his arguments against that bill. They tried to tire out that man and his comrades, and dug up old rules that the Senate had regarded as obsolete for years; but, finally, he triumphed, and the committee came in and offered the very amendment that they had voted down when he offered it the day before; and if the House has sense enough to agree to it, that river and harbor bill will be cut down to $20,000,000. [Applause.] You will save $20,000,000 on your expenses.

Not only were your appropriations $31,000,000 more, but your appropriations for pensions were reduced from $180,000,000 to $169,000,000, a reduction of eleven and a half millions from last year. And then on the Panama Canal, from an actual expenditure of $35,000,000 the appropriation was cut down to a little over $20,000,000, a difference of $14,000,000, or $25,500,000 saved on those two items that you did not have to appropriate for; and, yet, notwithstanding that, your appropriations this year amount to over $31,000,000 more than they did last year; and with the $25,000,000, that amounts to $56,000,000 increase this year over last year on the other objects appropriated for.

The gentleman from Alabama [Mr. UNDERWOOD] says there has been a great deal of talk, but not much accomplished, and he blames it to the separating of the appropriation bills and sending them to different committees. I was here when that change was made.

Samuel J. Randall, of Pennsylvania, opposed that change in reference to the appropriation bills. There have never been any arguments brought against it that Randall did not advance in that Congress. He was a great, big man, as well as a Democrat. There were giants in those days on both sides of the House; but still they separated the appropriation bills and sent them to different committees, and that has been done ever since, and probably the House will never get rid of that change. But did you ever think that these departments are not bound to spend all of the money that Congress appropriated? They can economize. There is no law compelling them to spend all the money that Congress appropriates. They do not spend all of it. Some of them are economical and cut off some of it. Why, instead of coming up here and making that speech and asking Congress for this tax of $105,000,000, it was perfectly competent for the President of the United States to call his Cabinet around his table in the Cabinet room and say, "Now, look here, gentlemen, we must economize. There is a war in Europe, and we must economize." Of course, he could not confess the whole truth about it and say, "It is principally on account of the Underwood bill that the revenues have fallen off." He could not say that to his Cabinet, because UNDERWOOD had told them when the bill was signed that the revenues would not fall off. But he could have told them that they must economize. Why not economize? Everybody in the United States is economizing [applause]—the farmers, the laborers, the merchants, the business men are all practicing economy. Why? Well, my friend from Alabama [Mr. UNDERWOOD] came pretty nearly letting the cat out of the bag. He said that the revenues are running a little smaller under the income tax because trade conditions are not good. Well, they are not. It is the first time I have heard an open confession of that kind since I heard about the psychological effect on trade. [Applause on the Republican side.] All confessions are in the same line. Of course, trade conditions are not as good.

The gentleman from Alabama thinks he is going to have an increase on his income tax this coming year. Let us look at that a little. We are going to have $14,000,000 more, he says, because the tax will run for 12 months instead of 10. Can it be possible he does not know what is in his bill? Why, the bill provides that the taxes on incomes of corporations shall be collected for the full year in the first year of the law, as they were collected under the provisions of the Payne bill, which first put this tax on corporations. And so every dollar of that corporation tax was collected—for what year? For the calendar year ending December 31, 1913, not the fiscal year. In-

comes are now being earned to pay an income tax for the next year. Does anybody imagine that incomes are going to be as large as they were last year? Look at the railroads of the country, look at what they presented to the President of the United States about the condition of the railroads, and in such a fashion that the President finally heard them. Look at the railroads that have cut their dividends, look at the railroads complaining all the time and having to cut off trains because of the lack of patronage. They have been paying on incomes, but they can not pay on incomes that they do not get in the calendar year 1914.

Have you thought of it? Have you thought of the fact that the revenue depends on prosperity? [Applause on the Republican side.] The greater the prosperity the greater the revenue under the same rates, all things being equal. There is no revenue that depends so much on prosperity as an income tax. Thirty-six million dollars' increase in incomes and corporation tax over the corporation tax of the year before! If you had good luck you would get one-fifth of $36,000,000 in addition—some $7,000,000. Does anybody imagine that $7,000,000 will equal the loss of revenue to every man that has an income in the United States?

I was talking with a woolen manufacturer a few days ago who had a $700,000 plant. He said he had been operating it to the best of his ability for the last six months in order to keep his force together. He had taken an inventory, and on that $700,000 plant in six months under the blessed Underwood tariff he had a profit of less than $1,000. He said he was going to run it another six months, but what the result would be he did not know. He said that when he came to make the return, they might think that he was wrong, because he would not have any income to pay a tax on unless the next six months were better than the last six months. That is the way all over the country. I went to a town the other day where there is a manufacturers' association, and they have been keeping an account of the number of men employed and the percentage unemployed in the past six or eight months. They have a secretary and an office and they get accurate information. Less than 50 per cent were employed under the Underwood tariff law that were employed continually under the tariff bill that preceded it. The President honestly thinks that he is not to blame for any of this, and that you are not to blame for it, but that it is all on account of the war in Europe; and still you can not show any connection between the war in Europe and the falling off of the revenue.

Why, the loss in importations in the month of August was only a falling off of 6 per cent, and the loss of revenue was a loss of over 37 per cent. That is where this trouble is, and you can not meet it by blaming the war in Europe.

Take a sensible course. We provided for this very thing. We knew that you would get into power some time, and away back in 1898 we provided for $100,000,000 in certificates to run not over a year at 3 per cent to tide over just such an emergency as you think you have. Now, if you wish to strengthen the Treasury, take advantage of that law, issue $2,400,000 worth right off for August, and you will get that quicker than any revenue; and if that is not enough, then issue that much again for the next month. People will take that. Keep your Treasury full and an available balance as full as it is now. It is larger than the average has been during all the time since Woodrow Wilson was inaugurated. There is no special cause for alarm.

The banks reported 10 days ago that they were in good condition, in such good condition that the Secretary of the Treasury, Mr. McAdoo, is going to put the screws on them for keeping so large a surplus. There is no cause for alarm. You are inexcusable in trying to enact this law. Why put this heavy burden on the people? Think about it before you do it. Think of the men that have to pay it; think of the people in their little homes struggling along, working almost down to the bread line, and then you come along with an excise tax. Now, if we were engaged in a war, that would be another thing. Everybody would like to do his share. No one would mind being taxed; but if you put this burden on the people now, a burden most grievous to be borne, it will make you round-shouldered on the 3d day of November next and the people will hold you to account for it.

Oh, and look at this Alexander shipping bill, so-called, coming from the White House, according to reports. I do not know anything about the White House, but that is the report, that it comes from the White House, and it is to do what? To issue $30,000,000 of bonds and sell them to buy ships with. You can not issue bonds to pay your debts or to keep your Treasury sound, but you will issue bonds to go into the sailing business. [Laughter on the Republican side.] What a proposition. There is to be a board appointed, and I do not know whether it is to be called a sailing board or not, but certain positions are to be created, places made for a few deserving Democratic politicians. Fifty-one per cent of the stock is to be owned by the Government and 49 per cent by outside individuals, if anybody is fool enough, outside of the Government, to invest a dollar in the 49 per cent of stock; and if they do not, then there is a provision in the bill that the Government can own the whole stock. What man is going to invest his money, who has any money and who is sane, to be managed by a board appointed and kept in office by a lot of politicians? [Applause and laughter on the Republican side.] That is the bill. And why? Is there any cargo offered for Europe that does not find a quick taker in empty bottoms that are ready to go to Europe? Oh, you have passed one or two shipping bills. You have provided American registry for foreign-built ships. Who has taken advantage of it? Oh, the Steel Trust, and the United Fruit Co., and the Standard Oil Co. They have taken advantage of it, one or more of them.

The Steel Trust has sent one vessel down on the west coast of South America. I do not know whether they have taken advantage of your insurance bill or whether you have insured anybody under your insurance bill. Talk about paternalism. Talk about subsidy. Was there ever anything invented like these bills? Oh, when you get on the stump you can say to all the good and great—close your eyes, as in the form of prayer—you have been Democrats all of your life, and you cherish Democratic principles, and you are all opposed to subsidy in every form. [Laughter and applause on Republican side.] You have voted for these measures. Is it Democracy? They are opposed to every Democratic principle that you have ever professed—I will not say that you have ever had, for I begin to doubt whether you have ever had any. [Laughter and applause on Republican side.] Then see how you go back on your platform. Take the question of economy. Take the question of free tolls; and now you are halloing for a second term, after your solemn profession against it in your platform. Do you think the people are going to be fooled by any such nonsense as that—a platform simply to get in on and not to stand on when you get there? Yet that is what you are doing.

Mr. Speaker, I wish I had some time to talk about this thing. [Laughter.] There are a few things that I would like to say, but I will put them into the RECORD after a while. I will get them all in there, and I invite you to read them, and it will furnish you food for reflection; and if you change your politics between now and election time you can find lots of good, solid, plain truths for the people to use on the platform. [Applause on Republican side.]

Oh, do not pass this bill. Do not pile this burden on the people. Live up to your professions; practice economy. There is no need of passing any such bill as this. You can get along without it. If after a few months you find that you have need for money, you can issue some of these certificates; but there is an abundance of money in the banks belonging to the Treasury of the United States. Do what I say, and see how the war is going to terminate, and when it does terminate then see whether you can not get revenue enough without all of these taxes that you are putting onto the backs of the people, and if you can not, then amend the Underwood bill, and make such a bill as will produce enough revenue to run the Government.

Mr. Speaker, I said I would show that that bill had not in 1914 produced enough revenue to run the Government without the aid of the Payne tariff bill, and I will put that in the RECORD, and the prospects are that it will not produce sufficient revenue and would not have produced enough. You will not produce sufficient revenue to run the Government, war or no war, if you continue to indulge in the wild extravagances that you have set here day after day and voted into the appropriation bills against the protest of such men as Mr. FITZGERALD, of New York, and Mr. SISSON, of Mississippi.

On April 10, 1914, Mr. FITZGERALD, chairman of the Appropriations Committee, said:

> Mr. Chairman, it may seem somewhat strange, but I hope it is not out of place, to remind Members on this side of the House that the Democratic platform pledged us in favor of economy and to the abolishment of useless offices; but it did not declare, Mr. Chairman, that the party favored economy at the expense of the Republicans and the abolition of useless offices in territory represented in this House by Republicans while favoring a different doctrine wherever a Democratic Representative would be affected. In a few months I shall be called upon in the discharge of my official duties to review the record that this Democratic House shall have made in its authorization of the expenditure of the public money. Whenever I think of the horrible mess I shall be called upon to present to the country on behalf of the Democratic Party I am tempted to quit my place. I am looking now at Democrats who seem to take amusement in soliciting votes on the floor of this House to overturn the Committee on Appropriations in its efforts to carry out the pledges of the Democratic platform. They seem to take it to be a huge joke not to obey their platform and to make ridiculous the efforts of the members of our party who do try

to live up to the promises they made to the people. * * * My colleagues upon this floor seem either to be so indifferent to a very perilous situation for our party or else, which I do not wish to believe, have so far forsaken Democratic practices and Democratic principles as not to deserve to continue in control of this Government.

We charged the Republicans for 12 years of my service in the House under Republican administration with being grossly extravagant and reckless in the expenditure of the public money. I believed that charge to be true. I believed that my party, when placed in power, would demonstrate that the charges we had made in good faith were true. We are entitled to the help and to the support of the Members on this side of the House in honest efforts to carry out the pledges of the Democratic Party, and in our attempts to show that what we charged in order to get into power was true. We have not had that support. Our Democratic colleagues have not given that support to us thus far during this session of Congress. They have voted against recommendations they should not have voted against. They have unnecessarily piled up the public expenditures until the Democratic Party is becoming the laughingstock of the country.

I appeal to them now before it is too late; I appeal to them now before we have gone beyond recall to stop the conduct of which they have been guilty. Do not continue to vote for these improper and improvident appropriations. Those who propose to continue to do so should at least have the courage openly to assert upon the floor of this House that they believe the professions of the Democratic Party have not been made in good faith, that they can not be carried out, and that we are not entitled to power because of those professions.

In April, discussing appropriations, Congressman SISSON, Democrat, of Mississippi, said:

This is the most outrageously and criminally extravagant Congress that ever sat on the American Continent. I want to apologize to the Republicans for having called them extravagant when they were in control of the House. They were modest in comparison with the appropriations that we are now making.

[Prolonged applause on the Republican side.]

FRANCHISES IN PORTO RICO (H. DOC. NO. 1168).

The SPEAKER laid before the House the following message from the President of the United States, which was ordered printed and referred, with accompanying documents, not ordered printed, to the Committee on Insular Affairs.

The message is as follows:

*To the Senate and House of Representatives:*

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat., 715).

WOODROW WILSON.

THE WHITE HOUSE, *September 24, 1914.*

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

S. 1930. An act granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2616. An act to promote the efficiency of the Public Health Service; to the Committee on Interstate and Foreign Commerce.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HARRIS was granted leave of absence, indefinitely, on account of illness.

EXTENSION OF REMARKS.

Mr. CASEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article from the Wilkes-Barre Record on the plan to relieve the South from the present situation in regard to the cotton crop.

The SPEAKER. The gentleman from Pennsylvania [Mr. CASEY] asks unanimous consent to extend his remarks in the RECORD by publishing an editorial on the way to relieve the South in reference to the present trouble about cotton. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Speaker, what is the request?

The SPEAKER. The request has been granted, but the gentleman from Pennsylvania asked unanimous consent to extend his remarks by publishing an editorial on the way to relieve the South in reference to the present trouble about cotton.

Mr. GREENE of Massachusetts. All right; I have no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned to meet to-morrow, Friday, September 25, 1914, at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (H. R. 15038) proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes, reported the same with amendment, accompanied by a report (No. 1165), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 6505) to amend sections 11 and 16 of an act to provide for the establishment of Federal reserve banks, etc., approved December 23, 1913, and commonly known as the Federal reserve act, reported the same with amendment, accompanied by a report (No. 1166), which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 346) ceding to the State of California temporary jurisdiction over certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservation, reported the same without amendment, accompanied by a report (No. 1167), which said joint resolution and report were referred to the House Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills and joint resolution, which were referred as follows:

A bill (H. R. 18352) granting a pension to Isaac Kestbaum; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18786) granting an increase of pension to Charles Hoff; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

Joint resolution (H. J. Res. 334) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PORTER: A bill (H. R. 18931) incorporating the Veterans of Foreign Wars of the United States; to the Committee on the District of Columbia.

By Mr. MAHAN: A bill (H. R. 18942) to provide for the purchase of a site and the erection of a public building thereon at Essex, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. BROUSSARD: A bill (H. R. 18943) to define the true intent and meaning of section 48 of the act of August 28, 1894, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD (by request): A bill (H. R. 18944) to provide for the issuance of currency, and for other purposes; to the Committee on Banking and Currency.

By Mr. FOSTER: Resolution (H. Res. 630) to terminate consideration of bills under House resolution 536 and to make privileged H. R. 12741, relating to radium ores; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 18945) granting a pension to Charles Cannon; to the Committee on Invalid Pensions.

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By Mr. ALLEN: A bill (H. R. 18946) granting a pension to Albert L. Daniels; to the Committee on Pensions.

Also, a bill (H. R. 18947) granting an increase of pension to Anna Katharine Frentzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18948) granting an increase of pension to Maria Caroline L. Meyer; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 18949) granting an increase of pension to Jacob A. Thuma; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 18950) granting a pension to Frederick Brinegar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18951) granting an increase of pension to George W. East; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 18952) granting a pension to Charles W. Begien; to the Committee on Pensions.

By Mr. HARRIS: A bill (H. R. 18953) granting an increase of pension to Elizabeth Smith; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 18954) granting an increase of pension to Stephen Reese; to the Committee on Invalid Pensions.

By Mr. LIEB: A bill (H. R. 18955) granting a pension to Jennie Meredith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18956) granting a pension to Hester Stephens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18957) granting an increase of pension to Joseph Corn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18958) granting an increase of pension to Overton L. Dimmett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18959) granting an increase of pension to Alexander D. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18960) granting an increase of pension to Henry Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18961) granting an increase of pension to Isaac M. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18962) granting an increase of pension to Thomas Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18963) granting an increase of pension to Benjamin McClellan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18964) granting an increase of pension to Thomas Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18965) granting an increase of pension to Mathew Pennington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18966) granting an increase of pension to Washington Rider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18967) granting an increase of pension to Henry Schnarr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18968) granting an increase of pension to Jackson Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18969) granting an increase of pension to William L. Stephens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18970) granting an increase of pension to William Walling; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 18971) granting a pension to Eva Saunders; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 18972) granting an increase of pension to William C. Crosswhite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18973) granting an increase of pension to Mary A. McLain; to the Committee on Pensions.

Also, a bill (H. R. 18974) granting an increase of pension to Madison T. Trent; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTON: Petition of 1,000 women of the Woman's Christian Temperance Union, of Nebraska, protesting against the postponement of the Hobson bill; to the Committee on Rules.

By Mr. BORCHERS: Petition of 35 citizens of Charleston, 70 citizens of Tuscola, and 25 citizens of Urbana, all in the State of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. BRITTEN: Petition of Chicago Real Estate Board and Illinois Bankers' Association against special revenue tax bill; to the Committee on Ways and Means.

By Mr. CALDER: Petition of H. F. Stimson, Brooklyn, N. Y., relative to Clayton bill; to the Committee on the Judiciary.

Also, petition of Fash & Co. and A. Habernich & Co., New York, against tax on wines; to the Committee on Ways and Means.

Also, petition of H. Planten & Son, of Brooklyn, N. Y., and the Maltine Co., of New York, against tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. CARY: Petition of S. J. Falk, of Milwaukee, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. DICKINSON: Petition of 101 citizens of the sixth district of Missouri, in support of House bill 5308, to compel concerns selling goods direct to consumers entirely by mail to contribute their portion of funds in the development of the local community, the county, and State; to the Committee on Ways and Means.

By Mr. GORDON: Petition of 140 picture shows in Cleveland, Ohio, protesting against $100 excessive war tax; to the Committee on Ways and Means.

By Mr. HELGESEN: Petition of George J. Fogel and 34 others of Chaffee, N. Dak., protesting against tax on gasoline; to the Committee on Ways and Means.

Also, petitions of 75 citizens of Larotou, 60 citizens of Grand Forks, and 40 citizens of Bathgate, all in the State of North Dakota, favoring national prohibition; to the Committee on Rules.

By Mr. KAHN: Petition of masters, mates, and pilots of the Pacific and Marine Engineers' Beneficial Association No. 35, protesting against the suspension of the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Orange Owners' Protective Association, of San Francisco, Cal., favoring the Stevens bill, H. R. 13305; to the Committee on Interstate and Foreign Commerce.

Also, memorial of State executive board of the Socialist Party of California, favoring the Hamill retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the San Francisco Stock and Bond Exchange, protesting against war tax on stock brokers; to the Committee on Ways and Means.

Also, memorial of United Master Butchers of America, relative to Congress subsidizing land for farming and raising live stock; to the Committee on the Public Lands.

By Mr. KENNEDY of Rhode Island: Petition of Women's Christian Temperance Union of Rhode Island, protesting against war tax on beer and wine; to the Committee on Ways and Means.

Also, petition of solid temperance forces of State of Rhode Island, protesting against war tax on alcoholic liquors; to the Committee on Ways and Means.

By Mr. LEE of Pennsylvania: Memorial of Philadelphia Board of Trade, protesting against H. R. 18666, providing for Government ownership, etc., of vessels in the foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. LIEB: Memorials of Henry Reis, president Old State National Bank; M. S. Sonntag, president Indiana Bankers' Association; the Evansville Clearing House Association, Walter J. Lewis, manager; American Trust & Savings Bank, Marcus S. Sonntag, president; and the West Side Bank, all of Evansville, Ind., against taxing banks $2 per thousand upon capital, surplus, and profits; to the Committee on Ways and Means.

Also, memorial of W. L. Jaus, of the Central Labor Union, of Evansville, Ind., in favor of proposed amendment to section 85 of House bill 15902; to the Committee on Printing.

By Mr. LONERGAN: Petition of citizens of the first district of Connecticut, protesting against House bill 18891; to the Committee on Ways and Means.

By Mr. RAKER: Petition of Los Angeles Stock Exchange, protesting against tax on stockbrokers; to the Committee on Ways and Means.

Also, petition of Philadelphia Board of Trade, protesting against House bill 18666, providing for Government ownership, etc., of vessels in foreign trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. J. M. C. SMITH: Papers to accompany House bill 16662, for relief of John R. Lucas; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: Petition of citizens of Leonard, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. WEBB: Petition of citizens of North Stonington, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of George A. Caskey and other members of the Ohio State Association of Dyers and Cleaners, against the levying of certain additional tax on gasoline; to the Committee on Ways and Means

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